City of Bedford

City Council Regular Meeting
November 21st, 2022
7:00 P.M.
Minutes

Prayer: Ryan

Pledge of Allegiance: Dan Bortner

Call to Order: Mayor Samuel J. Craig

The Common Council of the City of Bedford, Indiana met for the Regular City Council Meeting on November 21st, 2022, at 7:00 P M at Stonegate Arts & Education Center, 931 15th Street. Honorable Mayor Samuel J. Craig presided and called the meeting to order.

***Members in attendance*:**

- Judy Carlisle
- Angel Hawkins
- Dan Bortner
- Ryan Griffith
- Brad Bough
- Larry Hardman
- **Absent:**
- Penny May

Reading/Approval of Minutes: October 17th, 2022 - Regular Meeting

- Larry Hardman made the motion to approve the minutes,
- Ryan Griffith seconded the motion,
- ***All votes were in favor of the motion. No One Opposed, Passed***

Old Business:

→ Third & Final Passage of Ordinance 20-2022 – Re-establishing Councilmanic Districts – Mayor Samuel J. Craig, Ashlynne Bender

- Brad Bough made the motion to approve Ordinance 20-2022

- Angel Hawkins seconded the motion,
- ***All votes were in favor, No One Opposed, Ordinance 20-2022 Passed***

→ Third and Final Passage of Ordinance 21-2022-Ordinance Amending 28-2004 Part of Chapter 76 of Traffic Schedule IV Section 1-One-Way Street – 7 ½ Street – From Lincoln Avenue to O Street – East-West – Chief Terry Moore

- Ryan Griffith made the motion to approve Ordinance 21-2022
- Larry Hardman seconded the motion,
- ***All votes were in favor, No One Opposed, Ordinance 21-2022 Passed***

→ Third and Final Passage of Ordinance 22-2022 – Ordinance Amending Part of Chapter 76 of Traffic Schedule III – Stop Signs – 7 ½ Street – North & South Alley Way Between 6 ½ Street & 7 ½ Street – Chief Terry Moore

→ Circumstances have changed since Ordinance 22-2022 was sent for approval. The drive-thru that was planned to be put in for Lincoln Plaza Pharmacy is now being constructed on the end of the building located within the parking lot.

→ **Ordinance 22-2022 was tabled due to lack of motion.**

***New Business*:**

1. **Ordinance 23-2022 – Establishing Solar Energy Installations – Brandon Woodward**

ORDINANCE NO. 23-2022

ORDINANCE ESTABLISHING SOLAR ENERGY INSTALLATIONS

WHEREAS, the City of Bedford desires to encourage and promote the use of renewable energy resources; and

WHEREAS, the Common Council finds that it is in City's best interest to establish procedures and standards for the installation of solar energy systems;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BEDFORD, INDIANA AS FOLLOWS:

I. Scope – The following regulations apply to all solar energy installations in the City of Bedford.

II. Purpose – The City of Bedford has adopted these regulations for the following purposes:

A. Comprehensive Plan Goals – The City of Bedford has goals in its Comprehensive Plan, including preserving the health, safety, and welfare of the community by promoting the safe, effective, and efficient use of solar energy systems. The solar energy standards specifically implement the following goals from the Comprehensive Plan:

1. **Goal** – Encourage the use of local renewable energy resources, including appropriate applications for wind, solar, and biomass energy and energy storage.
2. **Goal** – Promote sustainable building design and management practices to serve current and future generations.
3. **Goal** – Assist local businesses to lower financial and regulatory risks and improve their economic, community, and environmental sustainability.
4. **Goal** – Efficiently invest in and manage public infrastructure systems to support development and growth.

B. Infrastructure – Distributed solar photovoltaic systems will enhance the reliability and power quality of the power grid and make more efficient use of the City of Bedford's electric distribution infrastructure.
C. Local Resource – Solar energy is an underused local energy resource and encouraging its use will diversify the community's energy supply portfolio and reduce exposure to fiscal risks associated with fossil fuels.
D. Consistency with Greenhouse Gas Reduction Plans – The City of Bedford has developed recommendations for greenhouse gas reductions, a purpose served by encouraging local solar development.
E. Improve Competitive Markets – Solar energy systems offer additional energy choices to consumers and will improve competition in the electricity and natural gas supply markets.

III. Definitions
Agrivoltaics – A solar energy system co-located on the same parcel of land as agricultural production, including crop production, grazing, apiaries, or other agricultural products or services.
Building-integrated Solar Energy Systems – A solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building integrated systems include, but are not limited to, photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.
Community-Scale Solar Energy System – A commercial solar energy system that converts sunlight into electricity for the primary purpose of serving electric demands off-site from the facility, either retail or wholesale. Community-scale systems are principal uses and projects typically cover less than 10 acres.
Community Shared Solar – A solar energy system that provides retail electric power (or a financial proxy for retail power) to multiple community members or businesses residing or located off-site from the location of the solar energy system.
Grid-tied Solar Energy System– A photovoltaic solar energy system that is connected to an electric circuit served by an electric utility company.
Ground-Mounted – A solar energy system mounted on a rack or pole that rests or is attached to the ground. Ground-mounted systems can be either accessory or principal uses.
Large-Scale Solar Energy System – A commercial solar energy system that converts sunlight into electricity for the primary purpose of wholesale sales of generated electricity. A large-scale solar energy system will have a project size greater than 10 acres and is the principal land use for the parcel(s) on which it is located. It can include collection and feeder lines, substations, ancillary buildings, solar monitoring stations and accessory equipment or structures thereto, that capture and convert solar energy into electrical energy, primarily for use in locations other than where it is generated.
Off-grid Solar Energy System – A photovoltaic solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility company.
Passive Solar Energy System – A solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.
Photovoltaic System – A solar energy system that converts solar energy directly into electricity.

Pollinator-Friendly Solar Energy – A community- or large-scale solar energy system that meets the requirements of the 2020 Indiana Solar Site Pollinator Habitat Planning Scorecard developed by

Purdue University or another pollinator-friendly checklist developed by a third-party as a solar-pollinator standard designed for Midwestern eco-systems, soils, and habitat.

Renewable Energy Easement, Solar Energy Easement – An easement that limits the height or location, or both, of permissible development on the burdened land in terms of a structure or vegetation, or both, for the purpose of providing access for the benefited land to wind or sunlight passing over the burdened land.

Roof-Mounted – A solar energy system mounted on a rack that is fastened to or ballasted on a structure roof. Roof-mounted systems are accessory to the principal use.

Roof Pitch – The final exterior slope of a roof calculated by the rise over the run, typically but not exclusively expressed in twelfths such as 3/12, 9/12, 12/12.

Solar Access – Unobstructed access to direct sunlight on a lot or building through the entire year, including access across adjacent parcel air rights, for the purpose of capturing direct sunlight to operate a solar energy system.

Solar Carport – A solar energy system of any size that is installed on a carport structure that is accessory to a parking area, and which may include electric vehicle supply equipment or energy storage facilities.

Solar Collector – A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy. The collector does not include frames, supports, or mounting hardware.

Solar Daylighting – Capturing and directing the visible light spectrum for use in illuminating interior building spaces in lieu of artificial lighting, usually by adding a device or design element to the building envelope.

Solar Energy – Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

Solar Energy System – A device, array of devices, or structural design feature, the purpose of which is to provide for generation or storage of electricity from sunlight, or the collection, storage, and distribution of solar energy for space heating or cooling, daylight for interior lighting, or water heating.

Solar Hot Air System – (also referred to as Solar Air Heat or Solar Furnace) A solar energy system that includes a solar collector to provide direct supplemental space heating by heating and re-circulating conditioned building air. The most efficient performance includes a solar collector to preheat air or supplement building space heating, typically using a vertically mounted collector on a south-facing wall.

Solar Hot Water System (also referred to as Solar Thermal)– A system that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs, including residential domestic hot water and hot water for commercial processes.

Solar Mounting Devices – Racking, frames, or other devices that allow the mounting of a solar collector onto a roof surface or the ground.

Solar Resource – A view of the sun from a specific point on a lot or building that is not obscured by any vegetation, building, or object for a minimum of four hours between the hours of 9:00 AM and 3:00 PM Standard time on all days of the year, and can be measured in annual watts per square meter.

Solar-Ready Design – The design and construction of a building that facilitates and makes feasible the installation of rooftop solar.

IV. Permitted Accessory Use. Solar energy systems are a permitted accessory use in all zoning districts where structures of any sort are allowed, subject to certain requirements as set forth below.

Solar carports and associated electric vehicle charging equipment are a permitted accessory use on surface parking lots in all districts regardless of the existence of another building. Solar energy systems that do not meet the following design standards will require a conditional use permit.
A. **Height** – Solar energy systems must meet the following height requirements:

1. Building or roof-mounted solar energy systems shall not exceed the maximum allowed height in any zoning district. For purposes of height measurement, solar energy systems other than building integrated systems shall be given an equivalent exception to height standards as building-mounted mechanical devices or equipment.

2. Ground or pole-mounted solar energy systems shall not exceed 15 feet in height when oriented at maximum tilt.

3. Solar carports in non-residential districts shall not exceed 20 feet in height.
B. **Setback** – Solar energy systems must meet the accessory structure setback for the zoning district and principal land use associated with the lot on which the system is located, as allowed below.

1. **Roof or Building-mounted Solar Energy Systems** – The collector surface and mounting devices for roof-mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built, unless the collector and mounting system has been explicitly engineered to safely extend beyond the edge, and setback standards are not violated. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side yard exposure. Solar collectors mounted on the sides of buildings and serving as awnings are considered to be building-integrated systems and are regulated as awnings.

2. **Ground-mounted Solar Energy Systems** – Ground-mounted solar energy systems may not extend into the side-yard or rear setback when oriented at minimum design tilt, except as otherwise allowed for building mechanical systems.

C. **Visibility** – Solar energy systems in residential districts shall be designed to minimize visual impacts from the public right-of-way, as described in C.1-3, to the extent that doing so does not affect the cost or efficacy of the system, consistent with Indiana Code § 36-7-2-8. Visibility standards do not apply to systems in non-residential districts, except for historic building or district review as described in E. below.

1. **Building-integrated Photovoltaic Systems –** Building integrated photovoltaic solar energy systems shall be allowed regardless of whether the system is visible from the public right-of-way, provided the building component in which the system is integrated meets all required setback, land use or performance standards for the district in which the building is located.

2. **Aesthetic restrictions** – Roof-mounted or ground-mounted solar energy systems shall not be restricted for aesthetic reasons if the system is not visible from the closest edge of any public right-of-way other than an alley or if the system meets the following standards.
a. Roof-mounted systems on pitched roofs that are visible from the nearest edge of the front right-of-way shall have the same finished pitch as the roof and be no more than ten inches above the roof.
b. Roof-mounted systems on flat roofs that are visible from the nearest edge of the front right-of-way shall not be more than five feet above the finished roof and are exempt from any rooftop equipment or mechanical system screening.

3. **Reflectors** – All solar energy systems using a reflector to enhance solar production shall minimize glare from the reflector affecting adjacent or nearby properties.

D. **Lot Coverage** – Ground-mounted systems shall meet the existing lot coverage restrictions for the zoning district except as defined below.

1. Ground-mounted systems shall be exempt from lot coverage or impervious surface standards if the soil under the collector is maintained in vegetation and not compacted.

2. Ground-mounted systems shall not count toward the maximum number of accessory structures permitted.
3. Solar carports in non-residential districts are exempt from lot coverage limitations.

E. **Historic Buildings** – Solar energy systems on buildings within designated historic districts or on locally designated historic buildings (exclusive of State or Federal historic designation) must receive approval of the local Historic Preservation Commission, or equivalent, consistent with the standards for solar energy systems on historically designated buildings published by the U.S. Department of the Interior.

F. **Plan Approval Required** – All solar energy systems requiring a building permit or other permit from the City of Bedford shall provide a site plan for review.

1. **Plan Applications.** Plan applications for solar energy systems shall be accompanied by to-scale horizontal and vertical (elevation) drawings. The drawings must show the location of the system on the building or on the property for a ground-mounted system, including the property lines.
2. **Plan Approvals.** Applications that meet the design requirements of this ordinance shall be granted administrative approval by the zoning official and shall not require Planning Commission review. Plan approval does not indicate compliance with Building Code or Electric Code.
G. **Approved Solar Components** – Electric solar energy system components must have an Underwriters Laboratory (UL) or equivalent listing and solar hot water systems must have a Solar Rating & Certification Corporation (SRCC) or equivalent rating.

H. **Compliance with Building Code** – All solar energy systems shall meet approval of local building code officials, consistent with the State of Indiana Building Code, and solar thermal systems shall comply with HVAC-related requirements of the Energy Code.

I. **Compliance with State Electric Code** – All photovoltaic systems shall comply with the Indiana State Electric Code.

J. **Compliance with State Plumbing Code** – Solar thermal systems shall comply with applicable Indiana State Plumbing Code requirements.

K. **Utility Notification** – It is recommended that the interconnection application be submitted to the utility prior to applying for required permits. Grid-tied solar energy systems shall comply with interconnection requirements of the electric utility. Off-grid systems are exempt from this requirement.

V. Principal Uses. The City of Bedford encourages the development of commercial or utility scale solar energy systems where such systems present few land use conflicts with current and future development patterns. Community and large-scale systems are either conditional or permitted with site plan review, and are excluded elsewhere.
A. Principal Use General Standards

1. Site Design
a. **Setbacks** – Community- and large-scale solar arrays must meet the following setbacks:
1. Property line setback from a non-participating landowner's property line must meet the established setback for buildings or structures in the district in which the system is located, except as otherwise determined in 1.a.6 below.
2. Property line setbacks between separate parcels both of which are participating in the project may be waived upon agreement of the landowner(s).
3. Roadway setback of 50 feet from the ROW of State highways and County and State Aid Highways (CSAHs), and 40 feet for other roads, except as otherwise determined in 1.a.6 below.
4. Housing unit setback of 150 feet from any existing dwelling unit of a non-participating landowner, except as otherwise determined in 1.a.6 below. Participating landowner housing must meet building setbacks or required yards for the district in which the project is located.
5. Setback distance should be measured from the edge of the solar energy system array, excluding security fencing, screening, or berm.
6. All setbacks can be reduced by 50%, except that unwaived setbacks cannot be less than 30 feet, if the array has a landscape buffer that screens the array at the setback point of measurement.
b. **Screening** – Community- and large-scale solar energy systems shall be screened from existing residential dwellings.
1. A landscape plan shall be submitted that identifies the type and extent of proposed buffer and screening. Vegetation or another type of buffer can be proposed.
2. Screening shall be consistent with the City of Bedford's screening ordinance or standards typically applied for other land uses requiring screening.
3. Screening shall not be required along highways or roadways, except as provided in 4. below, or along property lines within the same zoning district, except where the adjoining lot has an existing residential use.
4. The City of Bedford may require screening where it determines there is a clear community interest in maintaining a viewshed.
c. **Height** – Large- and community-scale solar energy systems shall not exceed 20 feet.
d. **Ground cover and buffer areas (alternative A)** – Community- or large-scale ground-mounted solar energy systems are required to adhere to the following standards. Additional site-specific conditions may apply as required by the City of Bedford.
1. Ground around and under solar panels and in project site buffer areas shall be planted, established, and maintained for the life of the solar project in
perennial vegetated ground cover meeting the definition of Pollinator-Friendly Solar Energy in Section III above.
a) All applicants shall submit a completed pollinator-friendly solar scorecard such as the 2020 Indiana Solar Site Pollinator Habitat Planning Scorecard developed by Purdue University, or a similar third-party solar pollinator standard designed for Midwest eco-systems and conditions.
b) When the scorecard results demonstrate the project does not qualify as pollinator-friendly, the applicant shall submit a landscaping plan detailing site conditions that prevent the site from being qualified and alternative means of meeting the water quality and habitat goals of the pollinator-friendly standard.

2. The site shall be planted and maintained to be free of invasive or noxious species, as listed by the Indiana Invasive Species Council. No insecticide use is permitted on the site. This provision does not apply to insecticide use in on-site buildings, in and around electrical boxes, spot control of noxious weeds, or as otherwise may be deemed necessary to protect public health and safety. 1. Ground around and under solar panels and in project site buffer areas shall be planted, established, and maintained for the life of the solar project in perennial vegetated ground cover.

3. Projects maintained as pollinator-friendly compliant are exempt from landscaping requirements and post-construction stormwater management controls (as stated in Section V. A.2. below) that may be otherwise required under the City of Bedford's development regulations, unless required due to special conditions by the plan commission or the Board of Zoning Appeals.

e. **Ground cover and buffer areas (alternative B)** – Community- or large-scale ground-mounted solar energy systems are required to adhere to the following standards. Additional site-specific conditions may apply as required by the City of Bedford.

2. To the maximum extent feasible for site conditions, perennial vegetation ground cover shall be based on a diverse seed mix of native species consistent with guidance specific to the local area provided by the Soil and Water Conservation District office or the Indiana Native Plant Society.

3. The owner/operator shall demonstrate site maintenance that is intended to remove invasive or noxious species, as listed by the Indiana Invasive Species Council, without harming perennial vegetation.

4. No insecticide use is permitted on the site. This provision does not apply to insecticide use in on-site buildings, in and around electrical boxes, spot control
of noxious weeds, or as otherwise may be deemed necessary to protect public health and safety.

5. Plant material must not have been treated with systemic insecticides, particularly neonicontinoids.

6. Community- or large-scale ground-mounted solar energy systems that propose to install, establish, and maintain pollinator-friendly vegetative cover are to demonstrate the quality of their habitat by using guides such as Purdue University 2020 Indiana Solar Site Pollinator Habitat Planning Scorecard, or other third party solar-pollinator scorecards designed for Midwestern eco-systems, soils, and habitat.

7. Projects certified and maintained as pollinator-friendly compliant are exempt from landscaping requirements and post-construction stormwater management controls (as stated in Section V. A.2. below) that may be otherwise required under the City of Bedford's development regulations, unless required due to special conditions by the plan commission or the Board of Zoning Appeals.

f. **Foundations** – A qualified engineer shall certify, prior to application for building permits, that the foundation and design of the solar panel racking and support is within accepted professional standards, given local soil and climate conditions.

g. **Power and communication lines** –

1. Power and communication lines running between banks of solar panels and to nearby electric substations or interconnections with buildings shall be buried underground. Exemptions may be granted by the City of Bedford in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines, or distance makes undergrounding infeasible, at the discretion of the zoning administrator.

2. Power and communication lines between the project and the point of interconnection with the transmission system can be overhead.

h. **Fencing** – Perimeter fencing for the site shall not include barbed wire or woven wire designs and shall preferably use wildlife-friendly fencing standards that include clearance at the bottom. Alternative fencing can be used if the site is incorporating agrivoltaics.

3. **Stormwater and NPDES** – Large- and community-scale solar projects are subject to the City of Bedford's stormwater management and erosion and sediment control provisions and Nonpoint Pollution Discharge Elimination System (NPDES) permit requirements. Solar collectors shall not be considered impervious surfaces if the
project complies with ground cover standards, as described in A.1.d and e of this ordinance.

4. **Other standards and codes** – All large- and community-scale solar projects shall be in compliance with all applicable local, state and federal regulatory codes, including the State of Indiana Uniform Building Code, as amended; and the National Electric Code, as amended.

5. **Site Plan Required** – The applicant shall submit a detailed site plan for both existing and proposed conditions, showing locations of all solar arrays, other structures, property lines, rights-of-way, service roads, floodplains, wetlands, and other protected natural resources, topography, electric equipment, and all other characteristics requested by the City of Bedford. The site plan should show all zoning districts and overlay districts.

6. **Aviation Protection** – For large- and community-scale solar projects located within 500 feet of an airport or within approach zones of an airport, the applicant must complete and provide the results of a glare analysis through a qualitative analysis of potential impact, field test demonstration, or geometric analysis of ocular impact in consultation with the Federal Aviation Administration (FAA) Office of Airports, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or most recent version adopted by the FAA.

7. **Agricultural Protection** – Large- and community-scale solar projects must comply with the City of Bedford's site assessment standards for identifying agricultural soils. The City of Bedford may require mitigation for use of prime soils for solar array placement, including the following:

a. Demonstrating co-location of agricultural uses (agrivoltaics) on the project site.

b. Using an interim use or time-limited Conditional Use Permit (CUP) that allows the site to be returned to agriculture at the end of life of the solar installation.

c. Locating the project in a wellhead protection area for the purpose of removing agricultural uses from high-risk recharge areas.
d. Using pollinator-friendly ground cover, as defined in Section III.
8. **Decommissioning** – A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life.

a. Decommissioning of the system must occur in the event the project does not produce power for 12 consecutive months. An owner may petition for an extension of this period upon showing of reasonable circumstances that have caused the delay in the start of decommissioning.

b. The plan shall include provisions for removal of all structures and foundations to a depth of 48", restoration of soil and vegetation and assurances that financial resources will be available to fully decommission the site.
c. Disposal of structures and/or foundations shall meet the provisions of the the City of Bedford Solid Waste Ordinance.

d. The City of Bedford may require the posting of a bond, letter of credit, a parent guarantee, or other financial surety to ensure proper decommissioning.
e. The value of the decommission bond or letter of credit should consider the salvage value of the solar equipment.
B. **Community-Scale Solar** – The City of Bedford permits the development of community-scale solar, subject to the following standards and requirements:

1. **Rooftop shared solar systems permitted** – Rooftop systems are permitted in all districts where buildings are permitted.

2. **Community-scale uses** – Ground-mounted community scale solar energy systems must cover no more than ten acres (project boundaries), and are a permitted use in industrial and agricultural districts, and permitted with standards or conditional in all other non-residential districts. Ground-mounted solar developments covering more than ten acres shall be considered large-scale solar.

3. **Dimensional standards** - All structures must comply with setback and height standards for the district in which the system is located.

4. **Other standards** - Ground-mounted systems must comply with all required standards for structures in the district in which the system is located.

C. **Large-Scale Solar** – Ground-mounted solar energy arrays that are the principal use on the lot are permitted under the following standards: 1. **Conditional use permit** – Large- and community-scale solar projects are conditional uses in agricultural districts, industrial districts, shoreland and floodplain overlay districts, airport safety zones subject to V.A.5. of this ordinance, and in the landfill/brownfield overlay district for sites that have completed remediation.

VI. Renewable Energy Condition for Certain Permits
A. **Condition for Planned Unit Development (PUD) Approval –** The City of Bedford may require on-site renewable energy systems, zeronet-energy (ZNE) or zero-net-carbon (ZNC) building designs, solar-synchronized electric vehicle charging or other clean energy systems as a condition for approval of a PUD permit to mitigate for:

1. Impacts on the performance of the electric distribution system,

2. Increased local emissions of greenhouse gases associated with the proposal,

3. Need for electric vehicle charging infrastructure to offset transportation-related emissions for trips generated by the new development, and

4. Other impacts of the proposed development that are inconsistent with the City of Bedford Comprehensive Plan.

B. Condition for Conditional Use Permit - The City of Bedford may require on-site renewable energy systems or zero net energy construction as a condition for a rezoning or a conditional use permit.

VII. Solar Roof Incentives. The City of Bedford encourages incorporating on-site renewable energy system or zero net energy construction for new construction and redevelopment. The City of Bedford may require on-site renewable energy or zero-net- energy construction when issuing a conditional use permit where the project has access to local energy resources, in order to ensure consistency with the City of Bedford's plan to reduce greenhouse gas emissions.

A. **Density Bonus** - Any application for subdivision of land in the Districts that will allow the development of at least four (4) new lots of record shall be allowed to increase the maximum number of lots by 10% or one lot, whichever is greater, provided all building and wastewater setbacks can be met with the increased density, if the applicant enters into a development agreement guaranteeing at least three (3) kilowatts of PV for each new residence that has a solar resource.

B. **Solar-Ready Buildings** – The City of Bedford encourages builders to use a solar-ready design in buildings. Buildings that submit a completed U.S. EPA Renewable Energy Ready Home Solar Photovoltaic Checklist (or other approved solar- ready standard) and associated documentation will be certified as a City of Bedford solar ready home, and be eligible for low-cost financing through the City of Bedford's Economic Development Authority. The designation will be included in the home's permit history.

C. **Solar Access Variance** – When a developer requests a variance from the City of Bedford's subdivision solar access standards, the zoning administrator may grant an administrative exception from the solar access standards provided the applicant meets the conditions of 1. and 2. below:

1. **Solar Access Lots Identified** - At least 20% of the lots, or a minimum number of lots to be determined by the City of Bedford.

2. **Covenant Assigned** - Solar access lots are assigned a covenant that homes built upon these lots must include a solar energy system. Photovoltaic systems must be at least three (3) KW in capacity.

3. **Additional Fees Waived** - The City of Bedford may waive any additional fees for filing of the covenant.

- Ryan Griffith made the motion for the first passage of Ordinance 23-2022,
- Dan Bortner seconded the motion,
- Judy Carlisle made the motion for the second passage of Ordinance 23-2022,
- Angel Hawkins seconded the motion,
- **The third and final passage of Ordinance 23-2022 will be presented at the December 19th, 2022, meeting.**

2. Ordinance 24-2022- Amending Part of Chapter 90: Abandoned Vehicles – Section 90.02 – Definitions of the City of Bedford Code – Chief Terry Moore

ORDINANCE NO. 24 – 2022

AN ORDINANCE AMENDING CHAPTER 90: ABANDONED VEHICLES OF THE BEDFORD CITY CODE

WHEREAS, there is a need to revise Chapter 90 (Abandoned Vehicles) of the City of Bedford Code, more specifically § 90.02 Definitions;

NOW THEREFORE, BE IT ORDAINED by the Common Council of the City of Bedford as follows:

Section I. That Bedford City Code § 90.02 Definitions shall be and is hereby amended to read as follows:

§ 90.02 DEFINITIONS

ABANDONED VEHICLE

"Abandoned vehicle" means the following:

(1) A vehicle located on public property illegally.

(2) A vehicle left on public property without being moved for twenty-four (24) hours.

(3) A vehicle located on public property in such a manner as to constitute a hazard or obstruction to the movement of pedestrian or vehicular traffic on a public right-of-way.

(4) A vehicle that has remained on private property without the consent of the owner or person in control of that property for more than forty-eight (48) hours.

(5) A vehicle from which the engine, transmission, or differential has been removed or that is otherwise partially dismantled or inoperable and left on public property.

(6) A vehicle that has been removed by a towing service or public agency upon request of an officer enforcing a statute or an ordinance other than this chapter if the impounded vehicle is not claimed or redeemed by the owner or the owner's agent within twenty (20) days after the vehicle's removal.

(7) A vehicle that is at least three (3) model years old, is mechanically inoperable, and is left on private property continuously in a location visible from public property for more than twenty (20) days. For purposes of this subdivision, a vehicle covered by a tarpaulin or other plastic, vinyl, rubber, cloth, or textile covering is considered to be visible.

(8) A vehicle:

(A) that was repaired or stored at the request of the owner;

(B) that has not been claimed by the owner; and

(C) for which the reasonable value of the charges associated with the repair or storage remain unpaid more than thirty (30) days after the date on which the repair work is completed or the vehicle is first stored.

Section II. Unless specifically modified herein, all other parts of Chapter 90 shall remain in full force and effect, including all other definitions set forth in § 90.02 of the Bedford City Code.

Section III. This ordinance shall be in full force and effect from and after its passage and approval by the Mayor and proper publication as required by law.

Greg Pittman has reviewed Ordinance 24-2022. Ordinance 24-2022 will bring the city up to the State Code, so it was recommended to suspend the rules and pass Ordinance 24-2022.

- Dan Bortner made the motion to approve Ordinance 24-2022
- Brad Bough seconded the motion,
- Larry Hardman made the motion for second passage of Ordinance 24-2022
- Judy Carlisle seconded the motion,
- Brad Bough made the motion to suspend the rules and go to the third and final passage,
- Larry Hardman seconded the motion,
- Angel Hawkins made the motion for the third and final passage,
- Larry Hardman seconded the motion,
- ***All votes were in favor, No One Opposed, Ordinance 24-2022, Passed***

3. **Request Approval of Appointment for White River Humane Society Board – Mayor Samuel J. Craig, Nina Pederson**

- The Council and the Mayor is requesting that a Council member be put on the Board for WRHS. The city is requesting the appointment to the Board before the annual contribution is made to the Humane Society. The Council would like to have a better understanding of the operation and the spending.

- Nina Pederson stated there are certain requirements in order to be a Board Member:
- **Attend three consecutive board meetings**
- **Work 12 hours per month benefiting WRHS relegated by the board**
- **After the three consecutive meetings the board votes on the acceptance of the new member**
- **If a board member misses three consecutive meetings without being excused, they will be deemed by the board to have resigned**
- **Must be an annual paid member of WRHS**

- Council members have concern over the requirement of working 12 hours per month. Angel Hawkins said that most of the Council members have full time jobs and serve on other boards.

- Dan Bortner indicated that the appointed council member would be a non-voting member.

- Ryan Griffith questioned being a paid member since the city will be giving a yearly donation to WRHS.

- Mayor Craig said the approval of the agreement would have to be tabled until both sides can come to an agreement that works for everyone.

4. **Discussion**
    - Mayor Craig informed the council that the Workforce Housing fell through.
    - The city can reapply next year but would like to be well informed on the scoring process before applying.
    - Mayor Craig said the work has started on the new Police Department.
    - Brad Bough wanted to thank the Mayor for supporting the Veterans during the Veterans Day Ceremony.

5. **Adjourn**

- Larry Hardman made the motion to adjourn,
- Judy Carlisle seconded the motion,
- ***All votes were in favor, No One Opposed, Meeting Adjourned***

Bedford City Council 2022

- Judy Carlisle, President _____
- Penny May _____
- Ryan Griffith _____
- Angel Hawkins _____
- Dan Bortner _____
- Larry Hardman _____
- Brad Bough _____

Attest: Marsha Pfeiffer
Clerk-Treasurer _____