

**POSEY COUNTY COMMISSIONERS TUESDAY, JANUARY 7<sup>th</sup>, 2020**

The Posey County Commissioners met in regular session at the Hovey House on Tuesday, January 7<sup>th</sup>, 2020. The following members were present at said meeting: Carl Schmitz; Jay Price; Randy Thornburg; Commissioners Attorney Joe Harrison; and Auditor Maegen Greenwell.

C. Schmitz: This meeting of the Posey County Commissioners meeting will come to order at 9:00am today is January 7; let us open with the Pledge to the flag.

**OFFICER APPOINTMENTS**

C. Schmitz: Ok the first thing on the agenda this morning is the appointment of the Commissioner President. Do we have a nomination?

J. Price: I nominate Carl Schmitz.

R. Thornburg: I seconded.

C. Schmitz: It's been moved and seconded that I be appointed President of the Commissioners. All in favor please state aye.

C. Schmitz: Aye

J. Price: Aye

Randy Thornburg: Aye

C. Schmitz: Ok, appointment of Vice President.

J. Price: Randy Thornburg

C. Schmitz: I'll seconded it.

C. Schmitz: Is there any discussion? If not, all in favor please state aye.

C. Schmitz: Aye

J. Price: Aye

R. Thornburg: Aye

C. Schmitz: Ok, moving on to appoint the Commissioners Attorney. Right now Joe Harrison has been and he has agreed to do it again. Do we have an appointment?

R. Thornburg: I make a motion to appoint Joe Harrison as our attorney.

J. Price: Second

C. Schmitz: Ok its been moved and seconded that we appoint Joe Harrison as our Attorney, is there any discussion, if not all in favor please state aye.

C. Schmitz: Aye

J. Price: Aye

R. Thornburg: Aye

C. Schmitz: Ok, moving on, I believe we all have the minutes in front of us.

J. Price: Make a motion to approve.

R. Thornburg: Second.

C. Schmitz: It's been moved and seconded that we approve the minutes. Is there any discussion on the minutes? If not all in favor please state aye.

C. Schmitz: Aye

J. Price: Aye

R. Thornburg: Aye

C Schmitz: Moving on to the claims.

RT: Motion to approve the claims

JP: Second

CS: its been moved and seconded we approve the claims. Is there any discussion on the claims at this time? If not, all in favor please state aye.

JP: Aye

R. THORNBURG: Aye

C. SCHMITZ Aye

C. SCHMITZ Next is the Clerks report

J. PRICE: Make a motion to approve

R. THORNBURG: Second

C. S: It's been moved and seconded that we approve the Clerk's report. All in favor please state aye.

C. S: Aye

J. P: Aye

R. T: Aye

C. Schmitz: Ok, do we have any unfinished business at this time? Hearing none we will move onto new business and under new business, the first thing will be board appointments. We will start moving through the list now.

C. Schmitz: We have none this year to the Alexandrian Public Library.

C. Schmitz: ABC Board: Our appointment has been Keith Weedman and he has agreed to do it again.

J. PRICE: I'll make a motion to approve that.

R. THORNBURG: Second.

C. S: It has been moved and seconded that we reappoint Keith Weedman. All in favor please state aye.

J. PRICE: Aye

C. SCHMITZ Aye

R. T: Aye

C. SCHMITZ The ADA Compliance Board. We have seven members at the present time and it was felt it was too large. So we are knocking off one member that has not been there and also one office holder has agreed to step off. So right now for nominations would be Carol Redman, Ed Battieger, Vicki Peerman, Judy Heber and Nancy Hoehn.

J. PRICE: I make a nomination to appoint those people.

R. T: Second

C. S: It's been moved and seconded that we approve the following five people on the ADA Board. All in favor please state aye.

C. S: Aye

R. THORNBURG: Aye

J. PRICE: Aye

C. SCHMITZ Moving on to the Area Plan Board. This has been quite discussed over the weekend. I know I received over one hundred emails personal on this one and so I think we need to break it down. I am stepping off and I move that Randy Thornburg be placed in my place on the Area Plan Board.

J. PRICE: Second

C. SCHMITZ Ok, it has been moved and seconded, all those in favor please state aye.

J. PRICE: Aye

C. SCHMITZ Aye

R. THORNBURG: Aye

C.S; Ok, the other Board member up for appointment this year is Mark Seib.

J. PRICE: I make a motion to approve that.

C. SCHMITZ Second

C. S: Is there any discussion. All in favor please state aye.

J. PRICE: Aye

C. S: Aye

R. THORNBURG: 0

C. Schmitz: Moving on to the Board of Zoning Appeals. Actually, we have no one wanting to serve on Zoning Appeals so we are going to leave it blank and appoint it later, because, I will just stop there and go on.

C. SCHMITZ The Board of Review we have Billy Rae Butler.

J. PRICE: Make a motion to approve

R. THORNBURG: Second

C. S: It has been moved and seconded. We appoint Billy Rae Butler all in favor state aye.

C. S: Aye

J. PRICE: Aye

R. THORNBURG: Aye

C. S: The other one would be Don Oeth

J. PRICE: I will make a motion.

**No Second:**

C. S: It's been moved and seconded that we reappoint Don Oeth, all in favor state aye.

C. SCHMITZ Aye

J. PRICE: Aye

R. THORNBURG: Aye

C. SCHMITZ On the Coliseum Board its Jeff Woodford, Ed Battieger, Jeff Greenwell and Mindy Bourne.

R. THORNBURG: Motion to approve

J. PRICE: Second

C. SCHMITZ It's been moved and seconded that these four be reappointed to the Coliseum Board. All in favor please say aye.

C. SCHMITZ Child Protective Team. Randy has served and I move that he be reappointed.

J. PRICE: Second

C. SCHMITZ It has been move and seconded. All in favor please state aye.

C. SCHMITZ Aye

J. PRICE: Aye

R. THORNBURG: 0

C. SCHMITZ On the Community Corrections board I visited with Sheriff Latham last night and got his input, since he is half way in charge of it. There are several that need to be changed due to office changes and here is the list:

Tom Latham

Travis Clowers

Craig Goedde

Thomas Clowers

Michelle Fortune

Windy James

Tony Alldredge

Jeff Thompson

Jean Hadley

Walter Burton

Mark Pharr

Beth Baro

Kendra Orr

Monica Evans

Melanie Reising

Dave Pearce

Jonas Wyatt

J. PRICE: Make a motion to approve

R. THORNBURG: Second

C. SCHMITZ It has been moved and seconded. All those in favor please state aye.

J. PRICE: Aye

C. SCHMITZ Aye

R. THORNBURG: 0

C. Schmitz: Compton Ditch Board, Ron Eimer, is up this year. I move he be reappointed.

J. PRICE: Second

C. SCHMITZ It has been moved and seconded that Ron Eimer be placed on the Compton Ditch Board, all those in favor say aye.

C. S: aye

J. PRICE: Aye

R. T: Aye

C. S: The Drainage Board, we have two appointments. Dale Koester and Jay Price.

R. T: Make a motion to approve

C. SCHMITZ Second

C. SCHMITZ All in favor say aye.

J. P: aye

C. SCHMITZ aye

R. THORNBURG: 0

C. S: EMA Advisory, our appointment is Andy Logan.

J. PRICE: I make a motion

R. T: Second.

C. SCHMITZ It has been moved and seconded, all those in favor please state aye.

R. T: aye

J. PRICE: aye

C. SCHMITZ aye

C. SCHMITZ The Economic Coalition of Southwest Indiana, who served this last year is Michelle Hudson and myself. Are there any nominations?

J. PRICE: I make a motion to approve those two.

R. THORNBURG: second

C. SCHMITZ It is moved and seconded that Michelle Hudson and I serve again on the Economic Development Coalition of Southwestern Indiana. All those in favor please state aye.

J. PRICE: aye

R. THORNBURG: aye

C. SCHMITZ aye

C. SCHMITZ Moving on to the EMS Board, weve got five appoitments for this year and one has resigned, so now we have a vacant spot. The ones Melody Oeth, Justin Collins, Mike Clem and Jason Knowels have agreed to serve.

J. PRICE: Make a motion to approve

R. THORNBURG: Second

C. SCHMITZ Its been moved and seconded these four be reappointed, all in favor please state aye.

J. PRICE: aye

C. SCHMITZ 0

R. THORNBURG: 0

C. SCHMITZ We have one member there we need on the EMS Board at a later date.

C. SCHMITZ The 911 Advisory Board our appointments have been Wes Dixon, Tom Latham, Tim Compton, Chuck Carter, Larry Robb, and Stefani Miller. And the other one is whoever takes over as head of the EMS department, which will be appointed here later.

J. PRICE: I make a motion.

R. THORNBURG: Second

C. SCHMITZ It has been moved and seconded that these, can we include the new EMS director?

J. PRICE: I think so

C. SCHMITZ OK, that they be appointed, all those in favor state aye.

J. PRICE: aye

R. THORNBURG: aye

C. SCHMITZ aye

C. SCHMITZ Ok, the Economic Development Board, Aaron Wilson, Jeff Woodford, and Michelle Hudson have been our nominations. Do we have any other nominations or a motion to approve these.

J. PRICE: Make a motion to approve.

R. THORNBURG: Second

C. SCHMITZ It has been moved and seconded we approve these three, all in favor please state aye.

R. THORNBURG: aye

C. SCHMITZ aye

J. PRICE: aye

C. SCHMITZ On the Health Board, we have two appointments coming up, one is Larry Horton, and the other was Dr. Sutton; and he has retired. So we have someone who is willing to serve and that is Kyle Kopatich. He will be coming back to the Deaconess Clinic this Spring, as he finishes up his residency in Chicago. So he will miss one meeting but has agreed to serve.

J. PRICE: Make a motion to approve.

R. THORNBURG: Second.

C. SCHMITZ It has been moved and seconded that these two gentleman serve on the Health Board, all in favor please state aye.

J. PRICE: aye

C. SCHMITZ aye

R. THORNBURG: aye

C. SCHMITZ The Poseyville Carnegie Library Board, Kara Fisher. Do we have any other nominations?

J. PRICE: Make a motion to approve.

R. THORNBURG: Second.

C. SCHMITZ Been moved and seconded we approve her to the Poseyville Library Board, all in favor please state aye.

J. PRICE: aye

C. SCHMITZ aye

R. THORNBURG: 0

C. SCHMITZ The Posey County Redevelopment Board we have Geoff Gentil, who is from the school system; Andy Rudolph, Bill Newman, and Bill Gillenwater. Do we have any discussion on these.

R. THORNBURG: Make a motion to approve.

J. PRICE: Seconded.

C. SCHMITZ It's been moved and seconded we approve these four gentleman to the Posey County Redevelopment Committee. All in favor please state aye.

J. PRICE: aye

C. SCHMITZ aye

R. THORNBURG: 0

C. SCHMITZ Moving on to the Jail Building Board of Directors, which is Hank Hudson, Connor Vogel and Dave Dausman.

J. PRICE: Motion to appoint.

R. THORNBURG: Second

C. SCHMITZ all in favor please state aye.

R. THORNBURG: aye

C. SCHMITZ aye

J. PRICE: aye

C. SCHMITZ The Redevelopment Authority at this time we have no one who is overly interested in serving. So there are three members and we will have to hunt some people for this.

R. THORNBURG: I make a motion to appoint Bob Fisher.

C. SCHMITZ Ok

J. PRICE: Second that.

C. SCHMITZ Clarence Clowers stated he would serve on the board, if someone else would serve, but he was not interested in being the sole person.

C. SCHMITZ I made a motion to appoint Clarence Clowers and there would still be one vacancy.

J. PRICE: Second.

C. SCHMITZ All those in favor of Clarence Clowers please state aye.

J. PRICE: aye

C. SCHMITZ aye

R. THORNBURG: aye

C. SCHMITZ The Regional Workforce Board, Randy has been serving and I move he be reappointed to the Regional Workforce Board.

J. PRICE: Second

C. SCHMITZ All in favor please say aye.

J. PRICE: aye

C. SCHMITZ aye

R. THORNBURG: aye

C. SCHMITZ The next one is the Southwest Mental Health Board which if you were at the Commissioners meeting, you heard that we don't actually have any appointments for this Board. Evansville appoints Posey County people for the board. We just fund them, which amounts to about \$323,000.00 a year.

C. SCHMITZ Solid Waste Board, by mandate all three Commissioners have to be on Solid Waste Board.

C. SCHMITZ The Innkeepers/Tourism Board, we had one appointment but he has not stated if he would serve again, so we have to hunt someone for the Innkeepers/Tourism Board so that one will go blank for right now.

C. SCHMITZ The Regional Sewer District Randy serves on that one.

J. PRICE: Make a motion

C. SCHMITZ Second it. All in favor please state aye.

J. PRICE: aye

R. THORNBURG: aye

C. SCHMITZ aye

C. SCHMITZ The Workforce Investment Board our member has moved, so we need someone for the Workforce Investment Board, that one will be another one we leave blank.

C. SCHMITZ Wabash River Heritage Corridor Board is Ralph Weinzapfel, he has agreed to serve again. Kara Mobley has moved off, so right now we have Ralph and we would like to find another appointment to serve. It oversees the Wabash Corridor, they meet in Fort Wayne where the Wabash starts, we get a lot of funding at this end of the Wabash. The meeting are not very handy.

J. PRICE: Motion to approve

R. THORNBURG: Second.

C. SCHMITZ It has been moved and seconded we appoint Ralph Weinzapfel. All those in favor please state aye.

R. THORNBURG: aye

J. PRICE: aye

C. SCHMITZ aye

C. SCHMITZ My thoughts are all running together.

C. SCHMITZ Moving on to the Visit Posey County Board. Kay Kilgore has been our representative, is there any discussion. I so move.

J. PRICE: Second.

C. SCHMITZ It has been moved and seconded, all those in favor state aye.

J. PRICE: aye

R. THORNBURG: aye



C. SCHMITZ aye

C. SCHMITZ Ok moving on to the Media. Mt. Vernon Democrat and Posey County News.

J. PRICE: Make a motion

R. THORNBURG: Second.

C. SCHMITZ It has been moved and seconded that we accept these two newspapers, all those in favor state aye.

J. PRICE: aye

C. SCHMITZ aye

R. THORNBURG: aye

C. SCHMITZ Ok, moving on, we will get to the Department Heads. The Animal Control Officer, Chuck Mobley.

C. SCHMITZ Make a motion to approve.

R. THORNBURG: Second.

C. SCHMITZ It has been moved and seconded that we re-appoint Chuck Mobley as the Animal Control Officer. While we are right there, the yearly Animal Control report is:

407 Complaints

106 Animals picked up

3 Animals disposed of.

19 Bites

\$96.00 to the Auditor.

C. SCHMITZ All in favor of Chuck state aye.

C. SCHMITZ aye

J. PRICE: aye

R. THORNBURG: aye

C. SCHMITZ County Building Authority, Don Mercer.

J. PRICE: Make a motion to approve

R. THORNBURG: Second.

C. SCHMITZ It has been moved and seconded that we appoint Don Mercer. All in favor please state aye.

J. PRICE: aye

C. SCHMITZ aye

R. THORNBURG: 0

C. SCHMITZ Veterans Service Officer, Dave Sharber

J. PRICE: Make a motion

R. THORNBURG: Second.

C. SCHMITZ All in favor of Dave Sharber please state aye.

J. PRICE: aye

C. SCHMITZ aye

R. THORNBURG: 0

C. SCHMITZ Building Commissioner, Ed Battieger. I so move.

J. PRICE: Second.

C. SCHMITZ It has been moved and seconded that Ed be reappointed Building Commissioner. All in favor please state aye.

J. PRICE: aye

R. THORNBURG: aye

C. SCHMITZ aye

C.S; Highway Superintendent Steve Schenk.

R. THORNBURG: Make a motion to approve.

J. PRICE: Second.

C. SCHMITZ It has been moved and seconded that we reappoint Steve Schenk as Highway Superintendent. All in favor please state aye.

J. PRICE: aye

C. SCHMITZ aye

R. THORNBURG: aye

C. SCHMITZ EMA Director Larry Robb.

J. PRICE: Make a motion to approve.

R. THORNBURG: Second.

C. SCHMITZ It has been moved and seconded Larry Robb be reappointed as EMA Director. All those in favor state aye.

J. PRICE: aye

C. SCHMITZ aye

R. THORNBURG: aye

C. SCHMITZ EMS Director, ok we had interviews two weeks ago.

J. PRICE: I will make a motion to approve interim Director Chris Neaveill.

R. THORNBURG: Second.

C. SCHMITZ So Chris Neaveill has been appointed the new EMS Director. Chris please stand so everyone can see you.

C. SCHMITZ All in favor please state aye.

J. PRICE: aye

C. SCHMITZ aye

R. THORNBURG: aye

C. SCHMITZ Moving onto 911, Jason Knowles.

J. PRICE: Make a motion to approve

R. THORNBURG: Second.

C. SCHMITZ all in favor please state aye.

J. PRICE: aye

C. SCHMITZ aye

R. THORNBURG: aye

C. SCHMITZ District 10 Planning Council. We just had a volunteer this morning of Jeremy Fortune to serve in this capacity. So I so move that we accept him.

J. PRICE: Second.

C. SCHMITZ All in favor please state aye.

R. THORNBURG: Aye

J. PRICE: Aye

C. SCHMITZ Aye

C. SCHMITZ Did I miss anyone? I believe we still have about four or five blanks that we will be trying to fill in the future meetings.

C. SCHMITZ Ok, now to bring up the next thing on the agenda, which is the Area Wind Plan Solar Ordinance.

R. THORNBURG I make a motion to bring the proposed Ordinance on Renewable Energy Generation Systems to the floor for discussion.

C.T: Ok, its been moved and I will second it.

R. THORNBURG I would like to start off with here with some amendments that I would like to make to this proposal.

R. THORNBURG These fall under public safety. Under setbacks and height restriction on page 19. 153.131; I would like to have that changed to: no wind energy conservation system tower(WECS) may be located less than four times the height of the WECS tower including the blade at its highest point setback to any non-participating landowner line. That would be my first motion.

C. SCHMITZ Do you want to list all your amendments at once?

R. THORNBURG I would rather go line by line.

C. SCHMITZ Do we have a second?

R. THORNBURG No second on that?

C. SCHMITZ Not that we hear of right now.

R. THORNBURG My second amendment would be page 19 153.131-C; No WECS tower or permanent meteorological towers may be located less than four times the height of the WECS tower including the blade at its highest point to any residential structure inside or outside the project boundaries.

C. SCHMITZ Do we have a second?

R. THORNBURG Third Motion, same page -D; No WECS tower may be located less than four times the height of the WECS tower to a dedicated roadway, railroad, right-of-way, overhead electrical transmission or distribution lines. That is motion number three.

C. SCHMITZ Do we have a second?

R. THORNBURG Looks like no one is concerned about safety this morning.

R. THORNBURG Number four under F; Any WECS project proposed shall not have a boundary closer than one mile to any municipal boundary line, unincorporated or incorporated town, recreation area, or church; or two miles from any school (public or private). That's a motion.

C. SCHMITZ Is there a second?

R. THORNBURG Next motion, G; No substation, maintenance structure, storage yard, or solar resource monitoring equipment, and other building that are a direct functional part of the project shall be less than 1,500 feet from any non-participating landowner property line, public building or governmental jurisdiction boundary. New structures built adjacent to the project shall maintain these same minimum setback requirements. That is a motion.

C. SCHMITZ Is there a motion?

R. THORNBURG J; No WECS tower may be located within one mile of any private landing strip or public airport. That is a motion.

C. SCHMITZ Is there a second?

R. THORNBURG No variances can be granted for setback or height restrictions. That's a motion.

C. SCHMITZ Which one was that Randy?

R. THORNBURG K

C. SCHMITZ Mine does not even have a k.

R. THORNBURG I know that was an addition.

C. SCHMITZ Is there a second?

R. THORNBURG Ok, next motion, this is an addition on the same page. No wind energy conversion system tower shall be located within the no build zone, mitigation zone, or consultation zone as defined by NOAA's final project analysis or 22.4 miles from the Owensville NWS weather radar, whichever is greater, as to guarantee protections for the local Doppler radar performance for public safety.

C. SCHMITZ Is there a second.

R. THORNBURG Post construction and continued maintenance page 21 153.132; E; Complaints. If, after construction, the applicant receives a written complaint related to interference with local broadcast residential television, telecommunications including wireless internet, communication or microwave transmission, the applicant shall promptly resolve the complaint within 30 days. If not corrected within 30 days, applicant shall cease operation of nearby WECS installations until interference is fully corrected.

C. SCHMITZ Is there a second.

R. THORNBURG Since no one seems to be too concerned about safety, I would like to read this into the minutes today. This letter is from Posey County Citizens for Property Right's attorney.

I represent PoCO/GibCO Wind ('PoCo Wind'). Concerned Posey County citizens formed PoCO wind, a non-profit organization, after REW Renewables ('RWE'0 (formerly E.ON) announced its intention to begin a wind turbine project in Posey and Gibson Counties. PoCo Wind's purpose is to educate and provide a voice for the thousands of citizen who are concerned about the dangers of wind turbines and the devastating effects the turbines will have on the community.

Over the past year, the members of PoCo Wind have reviewed hundreds of studies and spoken with dozen of national experts regarding the negative impacts the wind turbines have on communities. The members of PoCo Wind have also spoken with lay members of other communities in which wind companies have operated projects and have heard from those people horrific stories about how the wind turbines affected them and their communities. PoCo Wind and the concerned citizens it represents are not merely speculating on the negative impacts that

the wind turbines will have on Posey County. Rather, they are basing their concerns on scientific data, expert opinions, and personal stories of those who have experienced the effects first-hand.

You likely heard by now that the wind turbines pose a very serious threat to the safety of Posey County citizens because of their known interference with Doppler radar. In this case, the NexRad Doppler radar is situated in Owensville, Indiana and provides crucial information to hundreds of thousands of citizens, including those residing in Posey, Gibson, Vanderburgh, and Warrick Counties. Clearly, the efficiency of the Doppler radar is extremely important, especially considering that Posey County and its surrounding area lies within “tornado alley.”

National Weather Service experts have confirmed that in this particular case, the proposed wind turbines in both Posey and Gibson Counties would interfere with the effectiveness of the Doppler. One expert, James Auton from the NWS told Posey County officials of how a tornado in Illinois on December 1, 2018 became lost in a radar’s velocity data when it passed through E.ON’s wind turbines, making it impossible for meteorologist to determine or predict the path or condition of the storm. Obviously, such interference could result in unnecessary deaths and/or serious injury. NOAA experts (the NWS is an agency of NOAA) have stated that the best way to eliminate turbine interference is to avoid erecting the turbines in the radar’s line of sight- here, a distance between approximately 25 to 40 miles from the radar.

The wind turbines also cause shadow flicker, blade throw, significant noise problems, and a substantial decline in property values. Again, all of these effects are well-documented and supported by scientific and/or medical data, as well as testimonials of citizens who have lived near wind turbines.

The members of PoCo Wind and thousands of other Posey County citizens expressed their legitimate concerns and the supporting documentation to the Posey County Area Plan Commission. Unfortunately, the citizens’ concerns have gone largely ignored by these officials. During the public hearing for the proposed Solar and Wind Ordinance, PoCo Wind and other community members presented their concerns and studies to the Commission. Despite the overwhelming number of complaints and opposition to the turbines, several members of the Area Plan Commission seemed interested in only RWE’s position. Prior to the second meeting reading the Ordinance, both PoCo Wind and RWE submitted proposed changes to the initial ordinance drafted by the Area Plan Commission. At that obvious biased meeting, however, the Commission spent most of its time conversing with the RWE representative and seeking his input rather than focusing on the concerns of those living within the community. In the end, the Commission accepted an overwhelming majority of RWE’s suggested revisions and made only one significant change suggested by PoCo Wind.

As you now consider the Ordinance recommended by the Area Plan Commission, the members of PoCo Wind implore you to consider the safety, health, and financial well-being of the Posey County citizens. The Ordinance recommended by the Area Plan Commission and before you are consideration does not come close to adequately protecting those citizens. Attached to this letter are the revision to the Ordinance suggested by PoCo Wind. The members of PoCo Wind hope that you will do what is right for the community and amend the proposed Ordinance to incorporate the attached revisions.

R. THORNBURG Which everyone got a copy of.

R. THORNBURG Would you like to comment Jay, since you don’t seem to be interested in safety, I would like to hear your opinion on what was just read from the citizens in northern Posey County.

J.PRICE I appreciate you giving me the opportunity to do that.

R. THORNBURG Well you just got it.

J.PRICE Thank you.

R. THORNBURG You got it.

J.PRICE I think that we’ve heard a lot, we’ve heard a lot from both sides of this. Its not just one side or the other. One guy told me with this ordinance something must be working because we have people on both sides mad at us. So you have got to have something going on there. I think

this is something that is very important issues. I think the ordinance that we have currently doesn't really help any side anyway, you have to have something on the book to contradict whenever one of these wind companies come to ask for permitting. This ordinance doesn't state that wind turbines are coming to Posey County or wind turbines are not coming to Posey County this is something updating the wind ordinance. That is what I have to say about it.

R. THORNBURG Concerning property values, I have a study here that states, the proximity by the inverse distance to the nearest wind turbine indeed causes significant negative impact on the surrounding properties. That study is from E.On 2013 revision. That is E.On, the company that is wanting to come in here, or RWE, that's their own study. I have talked to professor Kent Sheller at USI, physics professor. All the documentation those guys have put together and another physics engineer, these guys, it's all documented. It is not heresy. It's all fact, it's all scientific data. And for us to sit here as a board and ignore that, I personally find it appalling and I'm looking at both of you.

C. SCHMITZ Ok, as you can see right here is a stack of mail I have read so far. The last two weeks I have not even copied them, because why kill another tree. All of us have received that much, and over the weekend I received over one hundred emails and faxes. I think we need an ordinance for solar, because we have to look at the facts. We have one 1200-acre solar farm looking at us right now and two 400 acre solar farms. If we want to put all the regulations in, what Randy has proposed, why should we re-write this and bounce it back and forth? Why not come out with a motion that says there will be no wind turbines in the County, or put it on public ballot for this fall. This is an election year. See what the people in the County think. For us to, both sides are very, we have to face facts, we are going to get sued from both sides. Like I was telling the Council last year, we had \$235,000.00 extra to spend in extra money, for the whole County for wages and whatever, health insurance. This piece of paper right here has already cost the county \$25,000.00. And as we get sued, I look at the county having to fire people, laying off people, and stuff because that \$230,000.00 will not pay the attorney cost. So if we get anything, let have the gumption to vote one way or the other if we want to bring them into the county or not. We need an ordinance, but this ordinance has torn the county completely in half and then some. And I do not think we can get it healed within the next year. We have family members that will not talk to each other. I personally in the last two weeks, probably have not slept over nine or ten hours total, worrying about how to vote. This morning at about 3 o'clock I made up my mind and said I have to stick with my guns and go with it and no matter what happens, happens. We were elected, the three of us, to vote for the people of the county. I know we don't agree, but I would personally, I think we need to start somewhere. I think probably who need to be brought up more than any is Cynthiana. They need to bring these regulations to Area Plan, more than anyone else, because they are right in the middle of it. Cynthiana and Poseyville were both asked how far back they wanted the setbacks and they both said one mile was sufficient. One of them actually said a half of a mile was sufficient. That is from the leaders of those two towns. So we have put a lot of thought, or the Area Plan has put a lot of thought into this. I was not on the committee who wrote this. It was written by attorneys in central Indiana that specialize in this. This has more teeth in it than most other county ordinances have approved wind turbines. I personally have been to four different fields, it's the truth, in Benton County, Rudolph County, Howard County and Tipton County. Benton is on the fence, Tipton and Howard have since moved they are no long allowed to build those. I think we need to be one of them, we just need to decide to say aye or nay and quit trying to regulate and cause more. Putting more regulations on paper isn't going to solve our problem because we're never going to get it right.

R. THORNBURG It is our responsibility to protect the citizens of Posey County. There is eight Counties in the State that have banned them completely. Everything I just mentioned, there is Counties out here that went above and beyond that and I can name them right now; Whitley County, 2,640 foot setbacks; Wabash, 3,960 foot setbacks; Tipton, 2,640; Rush County, 2,300; Noble, 3,960 feet; Kosciusk, 3,960 foot setbacks, they have a limit of 150 feet. They all have ordinance in there to protect their people but I've got two cohorts here that don't want to help out the citizens of Posey County. And I am embarrassed by your performance today, I'll tell you that. And if I am irritated, yes I am. I don't apologize for it. You can put a price on safety. It's all public safety regulations, everything I just mentioned.

C. SCHMITZ On page nine, is all the things they have to comply with before they can get permitting to even start building. This is where the BZA, if it does its work, they will have to

report to them. It's a five member board, of all citizens, no elected official on it. One of the big things on there is the study of the weather radar. If they find that the radar will be effected, they can deny any permit for the building of the wind turbines.

R. THORNBURG And it also takes about \$250,000.00 to decommission one of these units they are proposing. One, and they are proposing 60 to 80 of them. They go bankrupt in five years, you guys going to chip in for it. \$250,000.00 a unit. You won't dig those bases up in another hundred years

C. SCHMITZ That is one of the reasons it was put in for the five-foot depth, and the farmers know they are going to have that there forever. There is no reason for them to sign a contract if they didn't know those five hundred yards of concrete would be there for the rest of their lives, and their kids lives, and their grandkids lives. That concrete is never going away.

R. THORNBURG By the way, these things are 600 foot towers, the size of the St. Louis Arch. This is not a chicken coop you are putting here. It's not a pole barn. Totally talking about changing the whole aesthetic look, not to mention all the safety issues I just put on the floor and got zero support for. I hope you guys can live with yourselves in the future is all I can tell you. Hope it doesn't happen.

C. SCHMITZ Any other comments Jay?

J.PRICE No

C. S: ok, by advise of our Attorney, we are going to open it for public input. Please be respectful of our time, we are going to give maximum of three minutes per person. If you have anything new, please bring it forward now. Does anyone want to speak?

Larry Robb: Larry Robb EMA Director for Posey County. I have been looking at the ordinance; I am aware that it will cause interference with the National Weather Service. The closer these windmills are placed to the radar sight, it causes more interference. Granted, ours will be further away but there will be interference. My biggest concern with that is that is the ones that will be or could be built in Gibson County because they do not have an ordinance or have zoning. Two questions, you do not have to answer them now, just for consideration. Without the ordinance, could they build in Posey County? With the ordinance; at least if they could build; or allowed to build, at least they have minimum guidelines. Randy brought up several good points; I wish I had more time to consider them to make a decision one way or the other. I would just like to know would they still be able to these in if we do not adopt, at least a ordinance that can be changed at a later time. Thank you.

C. SCHMITZ Anyone else have anything to say.

Bob Bullard: My name is Bob Bullard and I am a Posey County Resident, and I think there is a lot of merit to bring it up to a countywide vote. We are too divisive as Country right now, and as a County. It is a bad thing to do; we just need an up or down right now and just go on from there.

J.PRICE Thanks Bob

Carsen Rompf: Carsen Rompf RWE Development Manager for this project. I am not trying to repeat anything you guys have probably heard over the course of the last few years. We started this project two years ago, moved into Posey County maybe last September. To date, this ordinance is too restrictive, if not impossible for us to actually build in the County area. We are working on a number of things with the National Weather Service, with NOA and our experts with what our impact to the radar would be. Not to limit that to even a potential curtailment situation in severe weather storms to make them stagnate objects. There is a number of things that we can do to mitigate and consult with the regulatory agencies, which we are in the process of doing. One of the first things we have to do is a layout and we cannot have a layout until we know what our requirements are. What are setbacks are, where we have placement, where we have potential build area locations and so forth. So we have asked some of these things in this ordinance are much more restrictive than what other counties have, and that is why other counties do not have wind farms. Yes, it would have been easier to say throw a 4,000-foot setback in there and call it a day. That would basically be the ordinance and not waste anyone's time trying to put together something that if is the process to set a requirements in place to allow for wind energy production that was our purpose in coming here. We have over 400 plus

landowners, we have given out roughly a lot of payments to those landowners. We have a number of people labor union is support of this project. We still have a lot of work to do but again we do not know our requirements and until that time, it is hard for us to do the additional studies that are required for us. That is all I have, Thank you.

C. SCHMITZ Anyone else want to comment.

Scott Fisher: Scott Fisher, 5701 Poseyville, Stewartsville Road. First of all I want to talk about points related to the radar. So recently in the last few weeks, the local tv news weather have had a couple of segments on weather radar showing other areas. The key point that the mentioned is we have to understand the height of the turbine and the distance from the radar to really understand the effect. In the event of the explanation from the local weather broadcaster they showed interference from a Doppler radar at a distance near 40 miles with turbines that were around 500-feet. In our case with the 600 feet turbine and much closer proximity, this is a worst case scenario for weather radar service. The way the ordinance is written, it basically tells the wind company that they need to mitigate interference which was our issue with it. This is not about mitigating to the extent they believe they need to. It is about mitigating enough to protect the public. That is the reason for the change. The setback in the ordinance is written at 2.5 times setback, there is no basis for that, as Mr. Thornburg mentioned numerous studies with engineering universities including USI that are showing this out to beyond 4 times the height just for blade throw, just at nominal speeds, not over speed conditions. A couple of weeks ago there was one that came apart and crushed in New York City, these failures do happen. There is other data that shows how often it is and it often enough to require a safe setback. This is never about crushing the project; it's about using data to define these. That is what makes it difficult to put it up for an up or down vote, the public, because these projects are so complex, and because the complexity of that, requires a ton of research to be able to shape a decision. An up or down vote doesn't do much good because the public in general isn't going to want to spend the time require, hints the need for the boards and officials to do the research and vote accordingly. One last comment, I was at the Poseyville meeting a few weeks ago where Poseyville voted in the one-mile setback from the Town. I personally happen to fall into that one mile, which is personally good for me, in that perspective. When I walked outside Mr. Rompf, from RWE, said, "Scott, I guess you are safe now." The truth is, I probably am with that one mile, but all my friends who live beyond one mile are not. That is what this ordinance change needs to be about. About safety, not about killing the project. Let us get this right, using the data, and move forward. Just to kick the can down the road does not do any good for public safety. We have to learn from the other counties who have messed this up. Tipton is one of them. Tipton had a 1.1, or so, do not quote me on that, setback; once their first wave of turbines went in and they saw the issues, they came back with the 2640. There is a reason these counties are doing this and there is a reason why we need to do the research at this level to make the right decision for the public. Thank you.

R. THORNBURG Thanks Scott.

Sarah Newton: Sarah Newton 10401 Pumpkin Run Rod Poseyville Indiana. Over the last nine months I have been in contact with Paducah Kentucky National Weather Headquarters, Norman Oklahoma Radar Center, and have read every published article I can find by NOAA, the National Weather Service and DOD on how the proposed industrial wind turbine project could effect the utility of the advanced warning system we have in our area for severe weather. I would like to take a second to reflect on the claim that the wind company is looking into signing a curtailment agreement with the National Weather Service to shut down turbines during severe weather. Entreating this theory should not be an option. It is proven that wind turbines in the Doppler's line of sight have caused delayed severe weather warnings and masked a tornado. These facts have been confirmed to us. They are irrefutable. What hasn't been proven is if shutting off turbines during severe weather will allow Doppler's to function at one hundred percent. Please see below the responses from Jessica Schultz, deputy director at the radars operation center. These are some email thread that I had with her. August 28, 2019; It is unknown if shutting down turbines during severe weather will be successful. September 23, 2019, I cannot say for one hundred percent that shutting off turbines will, what we were talking about, if they would decrease interferences. I cannot say for one hundred percent. We have never had an example of turbines curtailed during severe weather. They do believe that it could help, but again, we are not one hundred percent certain. The only proven method to safeguard the Doppler radar is avoiding any wind turbines in the radars line of sight. A curtailment agreement is nothing more than an



theory. One that has not been tested or proven effective. Should we agree to be the wind company's guinea pig with our safety and our families' safety during severe weather? The purpose of these ordinances should be to protect our citizens, protect our Doppler and protect safe development of the County. The loss of advance warning during severe weather or entertaining the options of unproven mitigation theory is not safe. I have attached the curtailment agreement from the Cottonwood Wind Farm with the National Weather Service. Please read it and ask yourself, do you want the wind company how many times per year or what times you want your Doppler to function correctly? Please remember these facts when you make your final decision on the ordinance. So if you guys haven't seen a curtailment agreement between a wind company and the National Weather Service, it says how many months that they are allowed to curtail, or turn off the turbines, for thirty to sixty minutes during severe weather. It says how many times they are allowed to do that in a year. The Cottonwood that I have, I think it is twelve times and I have talked to the meteorologist in Paducah and we have warnings more than twelve times a year. That is unacceptable, we should not allow someone else to tell us when our Doppler is allowed to function. That is not ok, we need to make sure the ordinance states, from the get go, no interference is allowed. That is all that we are asking for, just want to make sure that the Doppler always works and that is the number one comment that you received was, that the people in our county want our Doppler to work, and that is what we are asking for. Thank you.

Earl Schroeder; Earl Schroeder, lifetime Marrs Township resident. I like to fall off my chair when you said the setbacks for private airport is one mile. Is that what you said?

R. THORNBURG That is what I read earlier.

Earl Schroeder: I have a private airport and I will tell you what, there is no way I could land my plane if there were four windmills, one mile on each side. I would have to get a helicopter. I would just be impossible. So on behalf of all pilots in the Community, I would like to say we need to defiantly look at that, if that is a mile. That is not nearly enough.

C. SCHMITZ Any more comments?

R. THORNBURG I have one more. I understand this is a very divisive subject. It is controversial, everyone is passionate about their positons, but to ignore public safety when you are an elected official, I think is in remiss of your duties and I am looking at two here. They are up for election this year and I think everyone needs to keep that in mind. That's all I've got to say.

C. SCHMITZ Well is there any further comments?

C. SCHMITZ Well the ordinance we have in front of us. Do we have a motion that we accept it?

J.PRICE We have a motion on the floor with his amendments. They were motion and seconded.

R. THORNBURG I am a no.

C. SCHMITZ Well I would like to say one more thing before we vote. This here is a living and breathing document. Ok, Randy will be going on the Area Plan, along with four other new members. So the majority of the Area Plan is flipping. What the Area Plan needs to do is review this and bring it back, if they don't like it, and bring it back in a document we can work with. But for us to argue back and forth right now, and not have document, because the solar people are looking at it hard and this is the trouble with the document. They are combined into one document. If the two were separated, we would not have this trouble. That is one thing, as it is written, it is all jumbled together and you have to face facts. Do we hire an attorney to un-jumble it, its going to be another ten thousand dollars.

R. THORNBURG Always comes back to finances.

C. SCHMITZ Well you have to remember we are very limited on our finances here in the county. Yes, I agree completely on public safety but we have to be able to afford, or do we quit building roads and go back to gravel road.

Inaudible audience comments

C. SCHMITZ No, I am not selling you out.

Inaudible audience comments

R. THORNBURG \$250,000.00 per unit to tear down; see someone has to eat their words in a few years from now.

Inaudible audience comments

R. THORNBURG Carl will be out there with his tractor, I guess.

C. SCHMITZ Well

J.PRICE You have to bring his motion to a vote.

C. SCHMITZ His amendments?

J.PRICE Yes

C. SCHMITZ They were never seconded.

J.PRICE You seconded, on the initial.

C. SCHMITZ Ok, we will bring Randy's amendments all to a vote. Is there any discussion on this?

C. SCHMITZ if not, all in favor of Randy's amendments vote aye.

R. THORNBURG aye

C. SCHMITZ All opposed nay.

C. SCHMITZ Nay

J.PRICE Nay

C. SCHMITZ Where do we go from here?

R. THORNBURG Election, that is where we go from here.

C. SCHMITZ Do we lay it on the table until next time to see if we can separate it, but everyone will be just as divided next time as they are today.

Joe Harrison: One thing I might say is, so the Audience understands, any amendment that is made to the proposed by the Area Plan Commission, goes back to the Area Plan Commission. They have forty-five days within which to act upon any amendment. Thereafter, however they vote, will come back to the Board of Commissioners. So that is how the process works. If the ordinance they proposed is approved by the Commissioners that is final, but that is amended or rejected it goes back to the Area Plan Commission. Just so you know, that is how the process works. And that is by Indiana Statute.

Inaudible audience comments

R. THORNBURG I am defiantly in favor of separating the two. I will be on the Area Plan Commission; I guarantee they will be hearing from me. I am not going to be a silent one.

Inaudible audience comments

Maegen Greenwell: If you want to speak, we need you to go to the microphone so we can get the comments recorded, and state your name.

Dennis Kiessel: Dennis Kiessel 89 West Flethchel Poseyville Indiana. Carl you were on the APC why didn't you separate this before. Why does it come to the bottom of the ninth, two outs and you are now suggesting that. Why isn't safety more of an issue here? There is plenty of science that has been provided here, why is that not taken into consideration?

C. SCHMITZ Actually this proposal was presented to us, four members of the Area Plan met with the attorney and they wrote the whole ordinance and I did not see it until roughly thirty days before, right before it went out to the public.

Dennis Kiessel: Were you involved in the whole process?

C. SCHMITZ No, not at all.

Dennis Kiessel: Not at all? Who was involved with the process, if it is such an issue. Was it Area Plan? Was it this other committee working in the background?

C.S; It was the committee on the Area Plan.

Dennis Kiessel: Gosh, I have to believe that safety would be taken as more of an issue. This Doppler radar, you cant argue with that; the blade throw, you cant argue with that.

R. THORNBURG I make a motion we separate the solar and the wind and send it back to Area Plan. On the floor guys, make a decision.

C. SCHMITZ I will second it.

Joe Harrison: So that is the amendment. The provisions relating to solar and wind be separated and your recommendation is to send it back and reject the proposal as submitted.

R. THORNBURG That is my motion. We have second?

C. SCHMITZ Yes, I seconded that one.

C. SCHMITZ Is there any discussion? Jay you want to discuss.

J.PRICE No, lets vote on it.

C. SCHMITZ All those in favor of the motion to separate and send back to Area Plan and separating turbine and wind please state aye.

J:P: Aye

C. SCHMITZ Aye

R. THORNBURG Aye

C. SCHMITZ All opposed, are you going to abstain?

J.PRICE No, I said aye.

C. SCHMITZ Ok, I did not hear that. So it is unanimous that it gets sent back to Area Plan to separate and at which time we can work on it, or the new Area Plan can work on it.

Inaudible audience comments

C. SCHMITZ Solar and Wind.

C. SCHMITZ Ok, I guess that finishes that up for today. Let's start over here with department heads.

Larry Robb: We are expecting large amounts of rain starting Thursday night into Saturday which will probably cause some local flooding but that should clear very quickly. The rivers are down and dropping but will rise back up.

Steve Schenk: Steve Schenk, Highway Superintendent. I need to get permission from the Commissioner, later today I will receive specs and plans for bridge number 59, that is on Shotgun Lane over Black River. If they are all acceptable, I would like to advertise for bids. I would like to get that ok'd before the next meeting so I can get it advertised.

J.PRICE Make a motion.

C. SCHMITZ Second.

C. SCHMITZ It has been moved and seconded to allow Steve to advertise the bridge 59 over Black River. Is there any discussion.

C. SCHMITZ If not all in favor state aye.

C. SCHMITZ Aye

R. THORNBURG Aye

J.PRICE Aye

Steve Schenk: Ok, and hopefully by the end of the week I will be applying for the Community Crossing Grant. They started accepting applications yesterday; I want to try to get ours in early so we can get up to one million dollars for some road projects. I want to go ahead and get that started.

C. SCHMITZ Great, thank you.

J.PRICE Thank you Steve.

Tom Latham: Posey County Sheriff. I just want to let you guys know that today we are housing 131 inmates; 9 from DOC; 51 from Vanderburgh; and 71 from Posey. We should be getting about 20 more from Vanderburgh within the next few days. Last month we billed Vanderburgh County \$65,905.00 and Sullivan County \$70.00 for a grant totally of \$65,975.00.

J.PRICE Thank you Sheriff.

R. THORNBURG Thank you Tom.

C. SCHMITZ Any office holders in the back row.

C. SCHMITZ We have one resignation from Community Corrections. Matt Schneider has resigned as of January 23<sup>rd</sup>. We will be looking for a new Community Corrections Director.

Hans Schmitz: Hans Schmitz Purdue Extension. Just want to get on the record that the 4H enrolment deadline is January 15<sup>th</sup>. For any parents or youth in the Community who want to sign up, we encourage them to go online and do that before the 15<sup>th</sup>.

Maegen Greenwell: I just have memo that needs to go out to all of Posey County Employees. It is going to be a memo coming out on behalf of the Commissioners that will read as follows: Effective with the February 12th payroll, all employees will be required to have their payroll direct deposited into a bank account of their choice. In order for a smooth transition all direct deposit forms need to be in the Auditor's Office no later than Monday, February 3, 2020 at noon. Posey County has been offering direct deposit for many years and a majority of County employees take advantage of this benefit. This decision was based on reducing the cost of materials, the convenience of the payroll transaction, to increase the efficiency of the bookkeeping process, and for security of the County's bank accounts.

This will be coming out later today to all employees

C. SCHMITZ Thank you, do you have anything else?

Maegen Greenwell: No

C. SCHMITZ Joe, do you have anything else?

Joe Harrison: No

C. SCHMITZ Randy

R. THORNBURG No

C. SCHMITZ Jay

J:P: No, I am good

C. SCHMITZ If not, meeting adjourned.

No further business was discussed and the meeting adjourned.

  
Carl A. Schmitz

  
Jay Price

Randy Thornburg  
Randy Thornburg

ATTEST: Maegen L. Greenwell