

MINUTES

POSEY COUNTY AREA PLAN COMMISSION REGULAR MEETING

THE HOVEY HOUSE
330 WALNUT STREET
MT. VERNON, INDIANA 47620

JANUARY 14th, 2021
6:00 P.M.

MEMBERS PRESENT: Mr. Mark Seib – President, Mr. Hans Schmitz – Vice President, Mr. Mike Baehl (via Zoom), Mr. Kevin Brown, Mr. Andy Hoehn (via Zoom), Dr. Keith Spurgeon (via Zoom), Mr. Randy Owens, Mr. Randy Thornburg, Mr. Dave Pearce, Mr. Trent Van Haaften – Attorney, Mrs. Mindy Bourne –Executive Director, and Mrs. Becky Wolfe – Administrative Assistant.

MEMBERS ABSENT: None.

APPROVAL OF MINUTES: Kevin Brown made a motion in the affirmative to approve the minutes of the last regular meeting as emailed. Motion seconded by Hans Schmitz. **(9-0) Yes. Motion carried.**

MARK SEIB: For the new members that are here and have been assigned, we have a swearing in that they have to do and sign documents as well.

Attorney Trent Van Haaften swore in Andy Hoehn, Randy Owens, Randy Thornburg, and Dave Pearce.

ELECTION OF OFFICERS 2021: Keith Spurgeon made a motion in the affirmative to nominate Mark Seib as President for 2021. Motion seconded by Kevin Brown. **(9-0) Motion carried.**

Kevin Brown made a motion to nominate Hans Schmitz as Vice President for 2021. Motion seconded by Dave Pearce. **(9-0) Motion carried.**

COMMITTEE APPOINTMENTS FOR 2021:

MARK SEIB: Take a look at the committee assignments. Randy you will be the Mount Vernon Mayor Appointment, as you see on the list. Barry Tanner is no longer with us. With that , I asked Keith Spurgeon if he would consider sitting on the Board of Zoning Appeals and he accepted. That is the big change that we have.

Mindy Bourne read off the Committees for the Zoom members.

Randy Thornburg made a motion in the affirmative to accept Committee Appointments

for 2021. Motion seconded by Kevin Brown. **(9-0) Motion carried.**

MEETING DATES FOR 2021:

MARK SEIB: Those are proposed meeting dates for 2021. The second Thursday of each month at 6:00 p.m. The only date that we have a problem with is the November meeting. That falls on Veteran's Day, which is a County holiday. The BZA moved to the 18th. What is the pleasure of the board to fill that date in November?

Kevin Brown made a motion in the affirmative to move November's meeting date to November 18th. Motion seconded by Mike Baehl. **(9-0) Motion carried.**

ATTORNEY 2021:

MINDY BOURNE: I have a proposal here from Van Haaften and Farrar to represent the Area Plan Commission for the year of 2021. Same rate as last year's rate. We also received another proposal from Terry Hall. She would represent us at the same rate as Van Haaften and Farrar, but she would represent us on Solar Energy and Wind Energy. Terry Hall is who helped us construct the Solar and Wind Ordinance. We would be able to use her as an attorney for those matters.

MARK SEIB: Trent is our attorney in the County that would be here, Terry lives in Indianapolis area and she was the one that helped us draft the ordinance and we felt that we needed to hold onto her for another year. She has agreed to address strictly the wind and solar. Trent would be our primary.

Keith Spurgeon made a motion in the affirmative to accept Trent Van Haaften as primary attorney for 2021 and Terry Hall as Wind and Solar attorney for 2021. Motion seconded by Kevin Brown. **(9-0) Motion carried.**

PROPOSED FEES FOR 2021:

MINDY BOURNE: What I am proposing is that we increase the Land Improvement Permit from \$20 to \$25. For the longest time we did not charge for this permit, then we raised it to \$10, then \$20, and we are way behind other counties.

MARK SEIB: That is for Improvement Location Permits effective February 1st.

MINDY BOURNE: Rezoning Variance and Special Use were at \$100, we have been at that price since 2012. I am proposing \$125. It would be \$25 more dollars for each of those. Effective March 1st, 2021.

MARK SEIB: Are the mobile homes increased or not?

MINDY BOURNE: No, I am leaving the mobile homes the same.

Kevin Brown made a motion to accept the Proposed Fees for 2021. Motion seconded by Dave Pearce. **(9-0) Motion carried.**

RULES OF PROCEDURE: Randy Thornburg made a motion in the affirmative to accept the Rules of Procedure. Motion seconded by Hans Schmitz. **(9-0) Motion carried.**

REPLAT N. PT. LOT 44 KIMBALLS ENLARGEMENT TO THE CITY OF MT. VERNON

DOCKET NO: 20-07-S-APC

APPLICANT: Brett Baker

OWNER: IMI Southwest Inc.

PREMISES: North parts of Lot 44 & Lot 47 of David T. Kimball's Outlot Enlargement to the Town of Bellville and Lots 39-48 of Newell's Subdivision and Lots 45 and 46 in Kimball's Outlot Enlargement and Lot 1 Edson's Subdivision of Lot 48 in Kimball's Additional Enlargement of Mount Vernon of Section Nine (9), Township Seven (7) South, Range Thirteen (13) West, lying in Black Township, Posey County, Indiana. More commonly known as 1210 Sycamore St., Mt. Vernon, Indiana. Containing 1.926 acres more or less. (Complete legal description is on file at the Posey County Area Plan Commission Office).

APPLICANT/OWNER OF THE ABOVE DESCRIBED PROPERTY HAS REQUESTED

Replat North Part of Lot 44 of Kimball's Enlargement to the City of Mt. Vernon submitted by Surveyor: Baumann Land Survey Incorporated; Owner: IMI Southwest Inc. for 15 lots. More commonly known as 1210 Sycamore St., Mt. Vernon, Posey County, Indiana.

Mark Seib confirmed with Mindy Bourne that the applicant met all the requirements for notification per the statute.

BRETT BAKER: I am with IMI Concrete at 1210 Sycamore Street, Mt. Vernon, Indiana. At this time, we currently have a concrete plant at this location that is in need of great repair. We are going to completely remove this concrete plant and put up a new one. The issue at hand is there are 15 lots on this location that we sit on and need to be consolidated into 1. That is the nature of the task.

MARK SEIB: Any questions? Hearing none you may have a seat. At this time, I am going to open the floor for public comment. Is there anyone here that would like to speak for or against the proposed replat? Hearing none, I will close the public portion. I will now open for the board to discuss.

MINDY BOURNE: No phone calls, no emails, no letters. I will add that they went before the BZA for a Variance and Special Use permit and were approved contingent

upon the replat approval.

MARK SEIB: I will add to that, they will not be exiting onto Sycamore Street. They will be using Kimball and Edson. That will be much safer for the properties adjacent to the plant as well.

Randy Thornburg made a motion in the affirmative to approve Replat 20-07-S-APC. Motion was seconded by Kevin Brown. **Roll call vote (9-0) Yes. Motion carried.**

MINDY BOURNE: You have all of the approvals from us. You have the Replat, the Special Use and the Variance. You said you do not have to talk with Carrie and you have talked with the State. We will send you a letter saying that all of these have been approved and you will need to come into our office, or via email, and get the Improvement Location Permit. Once you get the permit you have to start construction within 60 days.

COMPLAINTS: 3401 Saxe Road, Poseyville, IN

MINDY BOURNE: At the last meeting this board did table this complaint and they are hoping the two parties have reached an agreement. I did receive a sound report from Mr. Pharr. He has provided the noise levels. That is the only thing I have to report since last meeting. The other person that filed the complaint was Chris Koester.

MARK SEIB: Is Chris Koester here? No. Is Mr. Pharr here? Please come forward and let us know what has happened since the last meeting.

RICK PHARR: 3401 Saxe Road. I sent the noise report. At the last meeting he started complaining about the noise so I had a test done. The guy that performed the test laughed the entire time he was there.

MARK SEIB: You had a paid company come out and perform the test?

RICK PHARR: It was a favor for a favor. He forwarded me the documentation and I sent it to you guys.

MARK SEIB: Did you guys come to any kind of agreement or anything you could do to alleviate the situation?

RICK PHARR: The last time I talked to Chris Koester, two deputies were escorting him back to his house. He was accusing me of training my dogs to go over and threaten him.

MARK SEIB: Is there anything you would like to add at this time?

RICK PHARR: No, I think we said it all the first time.

MINDY BOURNE: I do have one thing I forgot to report that did happen since the last meeting. I received a phone call from Valerie Workmeister and she said that Chris Koester recorded her conversation without her knowledge and he only shared a portion of the conversation. When he came back to purchase the cutting board, she told him that Rick was not the person that made them and that she would attend the meeting next month if necessary. I think he said it was Paula Alldredge that he spoke with but it was actually Valerie Workmeister.

MARK SEIB: We heard it last month and we have heard what has happened since last month. What is the feeling of the Committee? How do we feel about this?

DAVE PEARCE: I think we have heard the last of this.

MINDY BOURNE: Mr. Pharr applied for a Special Use permit. It will be heard by the BZA next month, February.

MARK SEIB: Mr. Pharr has applied for a Home Occupation Special Use permit.

KEITH SPURGEON: I might suggest that we table this for the application process to complete and see if all of this gets approved.

A motion was made in the affirmative by Keith Spurgeon to table. Motion was seconded by Hans Schmitz. **Roll call vote (6-2) Randy Owens Abstained. Yes. Motion carried.**

DIRECTOR'S REPORT: None

APPROVAL OF PAYROLL & BILLS: A motion was made in the affirmative by Kevin Brown and seconded by Randy Thornburg. **Roll call vote (9-0). Motion carried.**

APPROVAL OF COLLECTIONS: A motion was made in the affirmative by Hans Schmitz and seconded by Kevin Brown. **Roll call vote (9-0). Motion carried.**

CITIZENS CONCERNS:

MARK SEIB: We have a group here that has been outside as well as inside. I apologize that they could not all be inside with us. But because of the Governor's Mandate we cannot do that. We do not have an application on file for any wind or solar at this time, so we don't usually have a public portion. I ask the same thing from when the wind was in play that they can come to this meeting and have a 15-minute presentation on this. There is actually nothing that we have to talk about because there is no application at this time. I want to emphasize that, but we are willing to listen to what everyone has to say.

JEFF BASSEMEIER: 5900 St. Charles Drive in the Marris Township area. I am a member at the Marris Township Volunteer Fire Department. I would like to address some of the concerns that the department has over the proposed solar installation in Marris Township. The department is neither for or against the installation of this power plant. We maintain a neutral position as a department. The department would like to see addressed by this board, access to emergencies when they take place within the solar field. The department has many other concerns that will be addressed with the Commissioners and County Council such as funding, training, equipment acquisition, and ongoing financial agreement to make the burden of protecting this plant does not fall on the residents of Marris Township. For this evening's discussion I would like to address the logistics of fire and rescue operations in this setting. It has been pointed out that the risk of fire is low, but it is also true that the risk of fire is real. The materials used and the collectors when burning could create a hazardous situation for first responders. Furthermore, perhaps more likely, a brush fire under the array could spread to the panels. Simply being able to access from all points of the field at multiple angles is very important. This access might just be a "man down" situation that requires immediate medical attention. If the subject is hundreds of yards away from ambulance access, this could become an issue for us. What is the spacing between the panels? What is the surface? Can a rescue or ambulance drive through the field in wet conditions? Would we need a utility vehicle such as a UTV, which we do not already own? The department asks that before any approvals are made that a detailed plan of the layout of the proposed field, including but not limited to, access gates locations and space between panels is provided for our review and input.

MARK SEIB: I will tell you that in the ordinance that we have for the solar, there is a section that the fire departments must be notified and given a manifest of anything that would be a danger, or hazard, or fire or whatever. That would be in the due process of an application that is given.

JEFF BASSEMEIER: That would be submitted to us and verified before anything is approved?

MARK SEIB: That is correct. We have to get the reply from you before that is even discussed.

JEFF BASSEMEIER: Excellent.

MIKE SHOPMEYER: I am here with KDDK. I am here on behalf of hundreds of Marris and Black Township property owners. Many of which are out here. This is an industrial 3,000-acre solar farm that is being planned. It's nothing that was ever contemplated. We had no idea the tax phase-in that was before your County Council was rushed. It referenced an economic development agreement that apparently still hasn't been entered. This is damaging strategical infrastructure that we have spent a lot of time on. It is inappropriate. There is a failure to provide jobs with this. We are blowing that

infrastructure if we put this here. This will have a chilling effect on everything I am talking to you about that I have worked 35 years for to help this region. This complex has giant drainage issues, that we haven't even touched on. Fire safety you have heard about. Just think about this. Things have not been thought out. The Indiana Business Journal wrote an article in 2020 that I think you should read. The setbacks are horribly inadequate. This allows us to negotiate something that could be win-win for the community. If you don't give us that then we could be in a horrible situation for our community and region. This is an industrial solar farm and it needs those steps taken. Solar is less offensive than wind, but there are issues. If this is a county that cares about farming, then you need to step up because this could have a devastating effect on the State of Indiana. We really need to think about this. A lot of people are selling this because it is good for the environment. I don't care how much grass they say they are going to grow under these panels, we are going to create one of the hottest spots in our region. These are things that need to be looked at through a land use ward like this or the BZA at minimum. It starts with the Commissioners and comes to you. I would ask, and I will ask the Commissioners, any applications that are now being rushed, that they be stayed until we have the chance to address these issues. This was originally 2,400 and now they are at 3,000 acres and don't know where it is going to end.

MARK SEIB: Does anyone on the committee have a question? This is where the citizen concern goes in and they have the right to voice that opinion at this point, but like I said we do not have an application yet. We don't have anything from the County Commissioners yet. We don't have anything to start a proceeding yet.

HANS SCHMITZ: Mr. Shopmeyer did reference a model solar ordinance that IU has developed that is online and I have shared that with Mindy. I received an email this evening with some initial Purdue Extension concerns with that model language and I will share that as well.

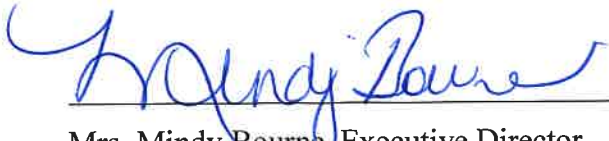
EARL SCHROEDER: I am from Marrs Township and I have a bunch of solar panels on my barn and just keep in mind, I don't know what they are going to tell you the production is going to be, but if I get 2.5 days of the week of good production hours from my panels, I am lucky. I've lived here for 82 years and we have more clouds then we ever have before. I think they are doing something to make it cloudy, but I cannot prove that. Just keep in mind that the production they say that they are going to get, you cannot count on around here. 2.5 days a week I can count on.

MARK SEIB: Any other business that needs to be brought forth?

ADJOURNMENT: Hans Schmitz made a motion to adjourn the meeting at 7:41 p.m.
Kevin Brown seconded the motion.



Mr. Mark Seib – President



Mrs. Mindy Bourne, Executive Director