

## POSEY COUNTY COUNCIL TUESDAY JANUARY 12, 2021

The Posey County Council met in regular session at the Hovey House on Tuesday, January 12, 2021 at 9:00 am. The following members were present at the said meeting: Heather Allyn, Tom Schneider, Brandon Deig, Aaron Wilson, Dave Pearce, Stefani Miller, County Attorney Joe Harrison, and Auditor Maegen Greenwell. Councilmember Marilyn Brenton was present via teleconference.

H. Allyn called the Posey County Council meeting to order at 9:00 am with the Pledge of Allegiance, and Pastor Wayne Nall shared a prayer.

H. Allyn stated the County is still working on moving toward live stream capabilities.

### COUNCIL ATTORNEY

H. Allyn made a motion to appoint Joe Harrison as the Posey County Council Attorney, with Ted Ziemer being the alternative in case of a conflict of interest; A. Wilson seconded. The motion carried with a vote of 7-0.

### COUNCIL PRESIDENT/VICE PRESIDENT

Attorney, Joe Harrison, asked for nominations for Council President. S. Miller made a motion to appoint Heather Allyn as the Posey County Council President; A. Wilson seconded. The motion carried with a vote of 7-0.

Mr. Harrison asked for nominations for Council Vice President. M. Brenton made a motion to appoint Stefani Miller as the Posey County Council Vice President; A. Wilson seconded. The motion carried with a vote of 7-0.

### BOARD APPOINTMENTS

- **ABC Board:** A. Wilson made a motion to appoint Greg Reynolds to the ABC for a one year term to expire 12/31/2021; D. Pearce seconded. The motion carried with a vote of 7-0
- **Area Plan:** S. Miller made a motion to appoint Dave Pearce to the Area Plan Commissioner for a one year term to expire 12/31/2021; B. Deig seconded. The motion carried with a vote of 7-0.
- **Board of Review:** T. Schneider made a motion to appoint Ruth Redman to the Board of Review for a one year term to expire 12/31/2021; S. Miller seconded. The motion carried with a vote of 7-0.
- **EMA Advisory:** B. Deig made a motion to appoint Dave Pearce to the EMA Advisory Board for a one-year term to expire 12/31/2021; S. Miller seconded. The motion carried with a vote of 7-0.
- **EMS Advisory:** A. Wilson made a motion to appoint Brandon Deig to the EMS Advisory Board for a one-year term to expire 12/31/2021; S. Miller seconded. The motion carried with a vote of 7-0.
- **Economic Development Coalition of Southwestern Indiana:** D. Pearce made a motion to appoint Aaron Wilson and Marilyn Brenton to the Economic Development Coalition of Southwestern Indiana for a one year term to expire 12/31/2021; B. Deig seconded. The motion carried with a vote of 7-0.
- **Election Board:** H. Allyn stated by virtue of the office, the Posey County Clerk serves as the Election Board representative.
- **Mt. Vernon Economic Board:** A. Wilson made a motion to appoint Bill Newman to the Mt. Vernon Economic Board for a one year term to expire 12/31/2021; S. Miller seconded. The motion carried with a vote of 7-0.
- **Posey County Redevelopment:** T. Schneider made a motion to appoint Matt Nix and Phillip Wells to the Posey County Redevelopment Board for a one year term to expire 12/31/2021; D. Pearce seconded. The motion carried with a vote of 7-0.
- **Posey County Economic Development Partnership:** D. Pearce made a motion to appoint Heather Allyn to the Posey County Economic Development Partnership for a one year term to expire 12/31/2021; S. Miller seconded. The motion carried with a vote of 7-0.
- **Solid Waste:** D. Pearce made a motion to appoint Stefani Miller to the Solid Waste Board for a one year term to expire 12/31/2021; A. Wilson seconded. The motion carried with a vote of 7-0.
- **Visit Posey County Board:** B. Deig made a motion to appoint Shelley Hargrove to the Visit Posey County Board for a term of one year to expire 12/31/2021; A. Wilson seconded. The motion carried with a vote of 7-0.
- **Media Designation:** T. Schneider made a motion to appoint the Posey County News as the Media Designation for the year 2021 for Posey County Council; A. Wilson seconded. The motion carried with a vote of 7-0.

## **MINUTES**

H. Allyn stated the Council has three sets of minutes to approve. Mrs. Allyn stated Council held a December 8<sup>th</sup> regular meeting, a December 22 special meeting, and an Executive Session on January 7. S. Miller made a motion to approve the December 8 and December 22 meeting minutes; D. Pearce seconded. The motion carried with a vote of 6-0.

T. Schneider made a motion to approve the Executive Session minutes; B. Deig seconded. The motion carried with a vote of 6-0, with S. Miller abstaining.

## **CLERK'S REPORT**

A. Wilson made a motion to approve the November 2020 Clerk's report; D. Pearce seconded. The motion carried with a vote of 7-0.

## **TREASURER'S REPORT**

Vicki Peerman, Posey County Treasurer, stated that this report would reflect the change of Community State Bank to Crane Credit Union.

D. Pearce made a motion to approve the December Treasurer's report; S. Miller seconded. The motion carried with a vote of 7-0.

## **JAIL MAINTENANCE AND COMMISSARY REPORTS**

Posey County Sheriff, Tom Latham, presented per IC Code, the 2020 Commissary Report to the Posey County Council President.

Sheriff Latham is requesting to continue resolution 2013-12-10-01 that allows the Sheriff to use the Commissary funds for various reasons. Sheriff Latham stated IC Code gives nine different options for using these funds. Sheriff Latham stated reason nine is allowing a resolution to be signed between the Council and himself to use Commissary funds as he sees fit. H Allyn stated examples listed on the Commissary report are kitchen supplies, maintenance, and uniforms. Mrs. Allyn stated at the end of 2020 the Commissary Fund had \$44,000.00.

A. Wilson made a motion to accept the Commissary Report and allow the continuation of resolution 2013-12-10-01; B. Deig seconded. The motion carried with a vote of 7-0.

## **CORONER FEE ORDINANCE**

Posey County Coroner, Bill Denning, is requesting Council to approve a fee ordinance for the use of the Posey County Coroner's morgue by out of County agencies. Mr. Denning stated that Vanderburgh County Coroner reached out asking if they could store a body at the facility if needed. Mr. Denning stated they ended up not needing to do this, but for future issues, having this ordinance in place would allow him to charge \$100.00 per seven days to store out of County bodies at the facility.

T. Schneider made a motion to approve ordinance number 2021-01-12-01; D. Pearce seconded.

D. Pearce made a motion to wave the second reading of ordinance number 2021-01-12-01; A. Wilson seconded. The motion carried with a vote of 7-0.

1<sup>st</sup> motion to approve ordinance carried with a vote of 7-0.

## **LEGAL SERVICE AGREEMENT**

H. Allyn stated this agreement is with Joe Harrison for the 2021 legal services for Council. Mr. Harrison stated this would allow the Auditor to comply with the State Board of Accounts when paying for his services. D. Pearce stated the fee was \$150.00 per hour.

D. Pearce made a motion to approve this agreement; B. Deig seconded. The motion carried with a vote of 7-0.

## **ABATEMENT APPLICATION DISCUSSION/REVIEW**

H. Allyn introduced representatives joining the meeting, via zoom, from Tanaska, BakeryTilly, and Barns and Thornburg. Mrs. Allyn stated that Councilmember Stefani Miller stepped out of the meeting and would not be participating due to a conflict of interest.

Jerrold Pitts with Tanaska and Arevon addressed the Council regarding the Posey Solar Project.

Jerrold: The project being developed is called Posey Solar. I wanted first to touch on the companies behind the project from a very high level. The Posey Solar project is owned by Capital Dynamics Fund, and the two companies, at this stage of the project, that you will hear most often with the project is Tansaska and

Arevon. Tanaska and Arevon are both on the development side of the project. Tanaska is a privately held company, one of the largest in the U.S, working alongside Arevon to develop the Posey Solar project. I wanted to highlight a few things with the project; we have provided these slides at previous meetings with the Council, but we want to hit on a few points. We are looking at a 300-megawatt project that will be located predominantly in Marrs Township.

I want to make a few points on the project side. There are many solar projects in operation throughout the U.S that are 300-megawatts or larger, so we have plenty of projects to reference that are similar size or larger. There are over thirty similar-sized projects in development within Indiana. There are plenty of projects of this size being planned throughout this region. I want to highlight a few of the key economic benefits of this project. From a job perspective, when considering both direct and indirect jobs during construction, we anticipate over 340 jobs will be created. During construction, we anticipate almost a 48 million dollar increase in local GDP. During operations, considering both direct and indirect jobs, we anticipate roughly fourteen additional jobs to be created with the Posey Solar project. From a GDP perspective, an increase of 1.2 million dollars in local GDP per year. One more item to highlight is the benefit to local landowners. We have over fifty local landowners involved in the project and expect over a year, approximately 2.5 million dollars in lease payments to be made. If you look at that over the project's planned life, we expect almost 150 million dollars in total lease payments to go to local landowners. I would like to take time to talk over the local economic development agreement and the primary purpose for our meeting this morning. We are coming before the County Council seeking to take that first step with the Council on the tax abatement process, or otherwise known as the economic development agreement that would be in place between the project and the County. Solar is a unique investment type that there is a very large upfront initial capital investment. An abatement allows us to make a very large economic development payment to the County. We are anticipating the ability to make six million dollars worth of economic development payments to Posey County through the tax abatement that is up for consideration here today. If you look at the project life of 35 years, we anticipate, because of the Posey Solar project, over 35 million dollars of additional property taxes will come into Posey County that otherwise would not. I also want to highlight a few key components of the economic development agreement, and I will let Rick or Mary expound upon this in follow up discussions. First, an economic revitalization area would be designated as part of the economic development agreement, and we will show a map of the proposed area on another slide. Another key component of the economic development agreement would be an abatement of personal property taxes. So we are seeking 100% abatement for the first ten years of the project. That abatement will enable us to offer back to the County six million dollars in economic development payments. I do want to highlight as well; the ten-year abatement would be a small percentage of the anticipated project life of 35 years. The second component here is real property taxes. We are anticipating a three times increase in real property assessment of the land for this project. Given the fact that real property taxes are not considered in an abatement, that would mean, even with a personal property tax abatement over the first ten years; there would be an increase in taxes coming into the County from day one from this project. Lastly, two other key components involved in the economic development agreement; the first, a decommissioning agreement. We have a decommissioning agreement that will be part of the economic development agreement that provides the project will put up a surety bond to ensure that at the end of the project life, money has been set aside to ensure that the land will be returned to pre-solar conditions. Secondly, I want to highlight there is a road use agreement as part of this economic development agreement as well. That road use agreement will provide for a video of the road before construction starts. A surety bond will be held to ensure that any impacts to roads are fixed, and roads are restored to pre-construction conditions as well.

Mary Solada: I would like to add that Brian Colton, Rick Hall, and myself discussed briefly a few minutes ago a point of clarification. We are seeking an abatement on any installment that is deemed later to be considered real property improvement, which is only roughly 5% of the total investment. The land taxes are not abated. Just to clarify with Council regarding the resolution before them does provide for any investment of equipment, such as a fence, or operations building that might be classified as real property can be abated. Also, I think it is important to emphasize the decommission security remains in place for the entirety of the project. Meaning there will never be a gap in that security and notice to the County before the renewal of that security, so again that there is no legal risk that the security would lapse in that 35 years.

Jerrold: Thank you for those additions and clarifications. I do believe we are going to have Baker Tilly present their summary findings on the tax benefits of the project as well.

Jerrold: This is a proposed map of the economic revitalization area for the Posey Solar Project. I do want to highlight that we do not have leases for this entire land, and we are not expecting to have solar facilities covered this entire area; it would be a portion of this area. This is the area that is being proposed within our SB1 today. I want to talk briefly about the project timeline. We are anticipating project construction to start on the project in 2022 and being fully operational in 2023. That is what we are working toward with this project. Early in 2021, our big focus is on working on the local agreements that are necessary for

this project. The first key local agreement with Posey County is this economic development agreement with the County Council. I want to lay out the steps within the economic development agreement; today, what we are seeking with the Council is a preliminary ERA and tax resolution from the County Council, there moving forward, we will have a public hearing for the project at the Council's February meeting. That public meeting will allow anyone with questions or concerns with the project to voice those and have them heard by the project and local leaders. From there, we would be seeking a final tax resolution. That is the timeline we are working toward with the project. Lastly, we want to provide some additional information for the project. We have a website, it is called [poseysolarproject.com](http://poseysolarproject.com), and we encourage everyone to visit the website; it has a lot of information on the project, and we continue to upload more information as we get it. I want to highlight as part of the website, we do have a vendor section. We encourage as many local vendors to submit their information on the website. We are already in the process of having discussions with local vendors on the project and want to work with as many local vendors as we can. Secondly, we have created a Facebook page for the project, which is [facebook.com/poseysolarproject](https://facebook.com/poseysolarproject); we will continue to post useful information about our project on that Facebook page. We also have email and phone numbers for people to reach out to us to learn more about the project or for questions and concerns addressed by the company. We are working to open a local office and will have details on that soon. We also want to let everyone know that Stacy Wagner is going to be the community representative. Stacy's email and phone are provided below. We think Stacy is going to be a great asset to the community for any questions or concerns, or requests. We are happy to have Stacy aboard. I will stop here and turn it back over to the Council.

H. Allyn: Thank you, Jerrod. Brian Colton, with Baker Tilly, is going to share with us some of the background financial information to help us with a decision.

Brian Colton: I have the calculation of the abatement savings; I can share that with you on the screen. This is just a one-page summary we put together to focus on the abatement savings. This is based upon the equipment portion. This is about 95% of the project; there is a small piece, about 5%, that is not included because it could be part of that real property that Mary talked about. That is not on this schedule, and we can work with Jerrod and the company to see if there is an estimate we can come up with as far as what that additional would be. The equipment side of it is assessed as utility property, although it is equipment. That is the way solar panels are currently being assessed. This does show that it is 100% abatement for the first ten years, and full taxes being paid for year 11 and beyond the remaining 35-year life that was discussed earlier. What we show on the schedule further is the breakdown between Township and Mays Township. 97% is expected to be in Mays Township, with the remaining 3% in Black Township. Tax rates are pretty much the same, but we did go ahead and break it out into each township so you can see how that splits out, and you can see most will be in Mays Township. The way the assessment works with the property is a little different than pool two that you might have seen on equipment applications. There is a utility methodology to the abatement, but it does eventually reach that floor, so that is the same methodology as before. That's why you'll see under both scenarios, the with and without abatement, once it reaches a certain point, it is going to flatline. This is when they meet that minimum assessment on equipment, and it holds steady throughout the life of this. We do not have anything built in if there would be any type of new investment or reinvestment. You can see over the life of the abatement, it is about 11.6 million dollar savings for the company, but in exchange for that savings, as Jerrod stated, they are committing 6 million dollars in economic development payments to the County. That is very significant if you look across the State at other Counties and what they have gotten for solar projects. This would be a big benefit for the County. Those would be paid out over the first five years that the project is operational. So about 1.2 million a year for that first five years that they are generating power. This is just a quick summary of how some of that will play out. If there are questions, we can do that now, or we can wait.

H. Allyn: I think we will move on to Rick Hall and ask questions after.

Rick Hall: Thank you. As you know, the County has put into place a solar ordinance that puts in place the conditions under which a property owner can develop a solar project. Part of that ordinance requires that before the land approval process can start, the company must have an economic development agreement with the County. The company has laid out proposed terms of the economic development agreement, and as part of that, they are requesting a tax abatement and providing economic development payments to the County. Wrapped up in that is also the decommissioning agreement and the road use agreement. We have been negotiating with the company to try to arrive at an attractive package for the citizens of the County as a whole and the individual property owners who will receive payments. In doing so, we have come up with the general terms presented today by the developer. This is consistent with how other green energy projects have been handled throughout the State, and in particular, this company has agreements with Knox, Gibson, and Pike Counties with similar terms. Brian, Joe, and myself, as your professionals, feel good about the terms that have been negotiated. This is just the first step, as you know, an abatement requires two meetings for approval, so the resolution on the agenda for today is just the first step in approving the tax abatement, and what it will do is make the statutory findings that are required for

abatements and establishment of the economic development revitalization area, and the establishment of the economic development revitalization of agricultural property is common. It is what all your neighbors to your north have done, and it is what you find when you have other types of economic development manufacturing plants located on agricultural land designated as an ERA because the incentives are needed for development. If Council chooses to move forward today, there would be notice provided to all the taxing units within the County; there will be notice given to the public of a public hearing that will be held at the February Council meeting. At that point, there would be an opportunity for full input from the public. In order to move to that stage, this would be the action you would take; to approve the resolution today. In looking at the timing of the project as a whole, because of the land-use issues that are before the Area Plan Commission that require these agreements. The company has asked the County to move first; then, if the County ultimately approves the abatement, the company would be in a position they could then go to Area Plan and start investing money in the various studies and other informational components that are required by the Area Plan Commission. There would then be two public hearings with the Area Plan Commission on the specific detail of the project in order to get the required permits needed to move forward. So this is just the very initial stage, but one that is important in the project.

H. Allyn: Thank Rick. Just for the record, Rick Hall is an attorney for the Council, not for the solar project, and also Brian Colton is working for the Council, not the solar project. We appreciate Rick and Brian's input on this project and helping Council understand the numbers.

H. Allyn: Council, do you have any questions at this point. This is a different abatement than any of us have seen. Typically our requests are of current business in the area and are more specific to creating jobs or retaining jobs. This is more of a capital investment issue than job creation or retention issue. There have been times when Council has approved abatements for various companies, but those projects did not move forward. Council's approval today does not mean this is a done deal by any means. Council, everyone received the application via email yesterday. If you look at our scoring matrix, it is different and doesn't exactly fit the picture. This is the first time that we have had anything in the way of an economic development payment, and part of this abatement is the inclusion of that 6 million dollar economic development payment. That would be 6 million dollars, outside of tax revenue for the County, paid when the project is completed, and electricity is generated for a period of five years.

J. Harrison: Those payments would be designated for economic development purposes for the County. It could be used for broadband expansion, infrastructure, roads, sewer, other projects that would enhance the marketability of other lands within the County to foster other economic development.

H. Allyn: Broadband has been a large issue throughout the County and one we have been trying to address. This would give us dollars for that, as well as sewer, to reach out to help those in our community. These funds are outside of what other tax revenue is. When we talk about the land, it is still owned by the landowners that are leasing that property. That is their decision; there is no one declaring eminent domain on this. This is an individual's decision if they want to participate. Nancy Hoehn, the Posey County Assessor, is on the call. Nancy, can you explain how this will create additional tax revenue upfront. Jerrod touched on it briefly, but can you explain further.

N. Hoehn: You are looking at how the assessment will be used. This will be used as a commercial project, so it will be classified as commercial land. The assessment will go up, but because the project is so large, we will look at primary, secondary, useable, and unuseable classifications. A lot of this ground will not be primary or secondary but will be commercial, and that is how we look at the increase. The increase will change depending on what trending does and what our commercial base rate is doing. So that value is not set in stone, as it is based on trending. It should not be a huge increase at any point.

H. Allyn: My numbers may be off just a little, but agricultural land is assessed at \$1,290. If the land has solar on it, it becomes commercial/utility, which changes that assessment into the \$3,840 range.

N. Hoehn: It will depend on how the land is being used. Some will be assessed at a much higher rate because it will be primary. For example, if the land a commercial building is sitting on is primary, a parking lot could be secondary, and a side yard that is mowed and ready for improvement would be useable, and ground that is not ready for improvement would be unusable. So it will depend on what they are using it for. We don't have an exact breakdown to get exact numbers for this project. But when we divide that out over the vastness of this project, it ends up being about \$3,840.00.

H. Allyn: My point being, that it will be assessed higher, so that changes the total assessed value and will alter individual tax bills. What I am saying is there will be some sort of tax relief immediately because those changes will happen outside of the abatement because that is not abated. It is the equipment that is placed upon the ground that is abated.

N. Hoehn: That is correct.

H. Allyn: Council, you can score this if you want to, but that is not a number we will share publicly. Because we are not having a public hearing today and this is a preliminary discussion, if this were to pass and we would go to a public hearing in February, it would be open to public discussion.

R. Hall: That is correct, Heather. These agreements also have to go to the Board of Commissioners for approval as well. In the presentation, it was mentioned that there would be a decommissioning agreement and a road usage agreement. These are important agreements that often the public has questions about. The decommissioning agreement is an agreement that the project has to be taken down if it doesn't produce electricity in a certain amount of time. That obligation is secured by a third party, so if the decommission does not occur, then there is the ability for the County to decommission it themselves and have those funds recouped. Similarly, on the road use agreement, the conditions of the road are recorded prior to the start of the project, and there is an estimate on the cost to repair the road after the project, and the developer has a commitment to make that happen and is secured by a third party. There are these types of protections built into the entire relationship with the County. All of this will go before the Commissioners prior to the public hearing, so come public hearing, there will be near-final agreements for your review.

H. Allyn: Rick, there has been talk in the community regarding decommissioning and what would happen if the company would go bankrupt; that would leave the solar panels just there as an eyesore not functioning. Can you speak to how that bond works and what that protection is there for?

R. Hall: Sure, this is required under your solar ordinance that there be a decommissioning agreement. If the project fails to produce electricity for a certain time, so now it's deemed ineffective, you wouldn't want those to still be there in the County. So there is an obligation there on the part of the developer to take down those improvements. One of the obvious scenarios that could transpire is the company is not producing electricity because they are no longer operating, they have had financial issues, or whatever the reason might be, in which an obligation for the company to take down the equipment is not worth much. So we go to a third party for a surety bond that says if the company fails to decommission the project, then the County itself can decommission the project and turn those funds into the letter of credit or the surety bond company to have those cost paid for by that third-party entity. That bond is covered by a credit-worthy entity, and you are not dependent solely upon the developer.

H. Allyn: Thank you, that answers that question.

J. Harrison: One other question, Rick, with regards to road repairs. We would contemplate those repairs be made, if there are any damages, to any County road be made within 60 days.

R. Hall: that is correct. They would have an obligation to repair those roads within 60 days. If they didn't do so, it is similar to the way the decommission agreement reads. The County could repair the roads themselves and then receive reimbursement from the surety provider or the letter of credit provider. So the County would not have to come out of pocket for that. And, yes, it is a short period of time that they have to repair the roads. This is a major issue with wind farms in the north because there were massive parts that were brought in, and it really took a toll on those roads. There is not that type of wear and tear on the roads with this type of project just because solar equipment is not nearly as heavy. There is some repair that could be needed, which is why we have this agreement in place.

A. Wilson: I think it is important to clarify simplistic terms to residents of Posey County that we are the fiscal body of the County government, so when an abatement comes before us, we look at it from the fiscal point of view, so 6 million dollars in economic development payments to this body is a big deal because we do not have any money to invest into infrastructure yearly with our current budget. This is the declaratory part of the abatement, and as stated, we will move to a public hearing where the people who live within and around that area can be heard. So if we vote yes today, that doesn't necessarily mean that we are in favor of the project actually happening. I want to make sure that the public understands that I have a new fellow Councilmember up here that lives in that part of the community, and if he were to vote yes for that today, that doesn't mean he is saying yes, I want the project. He's just saying, let's move to the public hearing so that we as a community can have a more long, drawn-out discussion about this project and the benefits it brings along with the detractors or negative on the project. We want to hear those things too. Just to clarify, when we walk out of here today, and we all vote yes, that doesn't mean the project is going to happen. Not only does it have to go through the next meeting here, but it also has to go through Area Plan and the Commissioners. So there are three layers of government that will have to say yes to this project before it happens.

H. Allyn: As we have mentioned, this is not a public hearing, and we do not have to take public comments. However, we know that many of you are here, intending to speak. We are going to allow someone from both sides to speak to the Council today with a limited time limit. Hopefully, in February, we are not limited to the constraints of 25 people in the room, and we can have a more open discussion, and I do want to share that I was sitting on the Area Plan when this ordinance was written, and a lot of

time and energy was put into the wind and solar ordinance and meeting after meeting where we did have public commenting for people attending to discuss what they wanted to see in those ordinances. I want to make that aware because I have been told that no one was able to comment on this, and that is untrue. I spent hours in meetings talking about wind and solar, so this not new, it has been discussed. It is always up for discussion, and things can always be changed. I just want to say that year I was on Area Plan; there were multiple discussions and many public meetings about it. With that on the floor, I will allow someone who is in favor and someone who is not in favor to speak, with a limit of 10 minutes. Then we will move forward with our decision today.

Maria Bulkley: For the record, my name is Maria Bulkley; I am an attorney for Kahn, Dees, Donovan, and Kahn in Evansville, Indiana. I am representing a group of several hundred landowners, many of whom are, yes, opposed to the project, but many of who are only opposed to the project if only we can't make some amendments to the ordinance. We are currently scheduled on a couple of upcoming agendas to discuss with both the Area Plan Commission and the Commissioners, so I will address that in a few minutes. The reason I want to speak with you this morning is, I guess before I jump into that, let me also say that Mike Shopmier and Matt Malcolm, both attorneys from my law firm, are here as well as in the back two of our client representatives, Jerry Chastain II and Jerry Chastain III. We do have a lot more people here, but we were told we had a time and limit on who could be here, so a lot of those people are at home waiting to see what happens, and several are in the parking lot. We just found out about this meeting a few days ago; that is why we have not been able to reach out ahead of time. I just found out on Friday, and I got the agenda, and it really didn't have much on it. I haven't really gotten a chance to look at the application because I just got it yesterday at 3, and I don't think it was filed. I am going to try to condense my comments. I don't have a glossy presentation just because I haven't had time to make one. I do have about five pages of notes that I have, and I am going to try to keep my comments directed toward what we are doing here today. The ordinance discussions will take place at a later date. You are right; there were some public hearings about the ordinances, and just to speak to that for a second. The feeling that people that I am talking to is maybe there wasn't a full understanding of the magnitude and scope of the project being put forth. The acreages have changed over time; I have some correspondence between Area Plan Commission members and clients saying the setbacks were going to have 1000 feet, and it turns out it was 100 feet. There was maybe a little disconnect or a need to regroup and figure out how we got from here to there, and based on the size and magnitude, those things should be addressed, and we will do that in those forums. The reason why that is important for this forum is because of a couple of reasons. If you have really small setbacks and the property owners, the non-participant property owners, feel encumbered by those setbacks, I think what could happen is they could appeal their assessment of their property values, and that would actually decrease your tax base. While you may be getting something over here, you'll be losing something over there. Because it sounds like a lot of people feel, and I know there has been some discussion about how we are promising property values won't be harmed, but I think what is going on around the Country is people who are, when these projects are going too close them, they do file property tax appeals. Sometimes they win, and you lose tax revenue that way. So what you may gain over here, you might lose over there. I think that is one of the tax-related things we want to discuss. Another thing we want to discuss is the designation of the ERA. And I wanted to ask; I think it is my understanding you are planning to vote on that piece today whether to designate this several thousand acres area as an ERA. May I ask, is that being voted on today?

J. Harrison: Yes.

Maria Bulkley: So whenever we designate something as an ERA. It has to meet the definition of one. That is something we felt important to bring before you before you vote on this. It does seem like it's coming quite quickly to a vote, and we were hoping you could delay that a little bit. I just want to read into the record. "An economic revitalization area means an area which is within the corporate limits of a city, town or County," ok here is the good part, "which has become undesirable for, or impossible of normal development and occupancy, because of a lack of development, cessation of growth, deterioration of improvements, or character of occupancy age obsolescence or substandard buildings or other factors that have impaired values or prevented normal development of property or use of the property. I don't see, just as a general proposition, that the general area that is being encompassed can meet that definition. So this a problem right out of the gate. If the area doesn't meet the definition of an ERA, it can't have the incentives. That doesn't mean they can't do a project here; it might just mean they aren't eligible for the incentives. I know what their argument is going to be because I can see in the application where it asks if they are an ERA, and it says, well, we aren't not an ERA. This is what the application answer says. I have also listened to their testimony from Madison, Indiana, where they had hearings before their County Council, and that tax abatement petition was denied. And again, their argument for that was, and it was possibly this same group, once again, we can qualify as an ERA because no one has ever said we can't. That is not exactly the same thing as being specifically allowed to. There are instances when things are specifically allowed to be designated as an ERA. I just don't think this gets over the first hurdle. So again, if you were to take a little time to further investigate whether this is an ERA or not. I don't think it would hurt

anything to take a little more time to do that. I don't think it meets the qualifications necessary for that. So when you're thinking about this ground, it's prime farm ground. You might also think, well, who on earth would put a beautiful new business, other than something like this, on some prime farmland. I can think of someone who did that; my husband, Brian Bulkley, has some car dealerships that that is exactly what they did. They did a very nice auto dealership development that competes strongly with the Evansville market right on some of this ground that we are hoping to call undesirable for development, including some really good restaurants along there and AstraZeneca. I just feel like it is a stretch at this moment to say this land needs to be designated as an ERA, that it needs these incentives, that it's in some desperate desire or need to be redeveloped. I just don't think that is the case. Even if you could get over that hurdle, I think if you go through the elements of the abatement application itself, there are other problems within that. I don't see where all the necessary things and criteria are able to be met. To make this short and sweet today, we went ahead and typed up a letter, and I think you each have a copy of this in your packet, we sent it out this morning, and Joe said he made copies. Just in the time yesterday that we got the application, people generated twenty-three questions that we included in the letter for you to consider. What we are asking is you take a little bit of time to do that and not rush to a decision today to declare this an ERA and give a little bit of time for the process. We know that there are other public hearings that we can come to, but I feel like it's a little dangerous to designate this as an ERA because I just don't think there is one. The other thing is, when you designate this as an ERA, I am not sure I can differentiate it from any other similar land in Posey County. So once you designate something as blighted or ERA, that opens the possibility up for eminent domain on just about anyone's property. To me, that is a concern, if I own property that is prime farm ground, and suddenly the Council is declaring that type of land as needing revitalization, at that point, I think I have the same stuff, and now I'm in a blighted, depressed area and my property can be taken as eminent domain. I just feel like we need to take a step back, take some time and give some attention to making sure the area really meets that initial qualification. If it does, which we don't think it does, we can address that. Then you go onto the next part of the application, and you see if these incentives are really applicable. So what we are really asking for is just a little bit of time, time to look at these questions, time to get through the process with you. I think there is a middle ground to be had overall with the project. And I think the times' you'll recall that I have been up here working on something, our goal is not to stop development and growth, our job is to make things work, both for the business and the industry, both for the budget, both for the business that want to come and grow here. I think our track record shows that we are bound to make things work; we believe that we can work with this project component and our clients and get to something that works. It might need some ordinance amendments. But as a starting point, I don't think we are ready to give out these kinds of tax incentives because I don't think we meet the criteria. And even if we did, I think they can do the project anyway without the need to give away millions of dollars. I know it's hard when you're in a position of look at this money; we really need this money that's being proposed. That's so tempting. Tempting to say, oh yes, we want that money, we could really use it. But, you don't get something for nothing. So we would like to take a little time. Take time to do a little check and balance, see what we're dealing with, slow the process down and see if we can come at this a different way. I did bring something else. There is an article in the Indianapolis Business Journal talking about the solar farm boom hitting Hoosier backlash. This is full of articles about communities fighting about this. In fighting, out fighting, fighting, fighting, fighting. I think we can do a lot better. I think the way we can do a lot better is to slow down, let us have some meetings. Have the next meeting in a larger forum where more people can come in and hear and not made to stand out in 25-degree weather.

H. Allyn: I need you to wrap up your thoughts, just a reminder this was not a public hearing today.

Maria Bulkley: Sure, I can. I just wanted to make the point that I don't think we meet the ERA designation and the dangers of that premature designation. And I think we can do better than the communities in this article. I really do. I want you to know that we are committed to finding solutions that do work. I would also like to put into the record the signatures of the people who are supporting our efforts to resolving these concerns. They did make me a sticker that says "no solar industrial plants," I put it on. I think in the end, more people are saying ok, maybe they just don't like the way we are doing it, maybe we can do it, just maybe not like this. Maybe I'll have a different sticker next time, but this is what I have for the moment. I would also like this put into the record; there was also an attachment to the letter we submitted; I'm not sure if Joe, you have a chance to make copies. But there was a letter, an exhibit A and B. It was a white paper on solar plants. If you don't have it, I have extra copies.

J. Harrison: Yes, from Raleigh, North Carolina?

Maria Bulkley: Yes, I think that is correct. If I can just put this in the record, I will take my seat, and I appreciate you accommodating me.

Mary Solada: Hi, this is Mary Solada, project attorney based out of Indianapolis. Some interesting points were made, and I don't know if you, Rick, from a legal standpoint, want to address them. I am happy to

jump in, particularly on the imminent domain assertion, because that is just incorrect. Rick, do you want to go first.

Rick Hall: Sure. I just want to clarify a few things with respect to the ERA. First of all, the ERA designation is in the preliminary resolution. It is part of the preliminary resolution. So that designation will also be part of the public hearing that will occur in February. It's not as if the adoption of this resolution resolves that this will be an ERA. Secondly, the designation of an ERA in this context has been done over and over throughout the State of Indiana. Literally, billions of dollars have been invested in similar ERA for green energy projects. Finally, the designation of the ERA would not bring with it any right of eminent domain on the part of the County. So I don't want property owners to be confused that in the designation. Should the Council choose to do this ERA, it does not somehow create some right of the County to come and take their property.

Mary Solada: Thank you, Rick, just to amplify briefly, because this project has to make an appearance before the Indiana Utility Regulation Commission, its history with the renewable project, it expressly does not allow eminent domain for projects like this. So just to bolster this, not only would the County not have the right, this project will never gain those rights, and we are not seeking those rights.

Roger Nurrenburn: Good morning everyone, my name is Roger Nurrenburn, I am a third-generation landowner here in Posey County. I have lived here most of my life. I am for the Posey County Solar project. This is kind of from a macro level to a micro level. The iPhone was born back in 2007, and that was really a catalyst of technology when you think about the past decade on how technology has impacted our lives. This past year through the pandemic, the adoption rate of such technologies have gone through the roof. Now we are using Zoom, we would not have been using that last year, and someday we will wake up, whether it's us or our children, and everything is going to be electric, whether it's automobiles, lawnmowers, tractors, etc. That is the direction this is heading. The President of Toyota in Japan said, "if we were all-electric cars today here in Japan, the grid could not handle it." I would say it's the same way in the U.S. We want these low emission facility to generate electricity; look at the A. B. Brown plant. People talk about eyesores and things like that, but if you want to generate electricity, you have to do it some way in some fashion. We have the technology today to do that. I looked at the oppositions posted, and some people said it could be an eyesore, but anything we do, we put structures to, like mailboxes, but on the drive here, you have utility poles, you have cell towers, oil pumps, tanks, etc. There are all these obstacles out there. That's just part of moving forward. People are utilizing solar panels on their houses, barns; they are already doing that. So you're going to have fields of solar panels or solar panels on homes in a row. Looking at a few of the other oppositions. Some will say we are getting rid of good farm ground, I looked it up, and we have 228,000 acres of tillable land total in Posey County. So we're talking ¼% of tillable land that we've converted to solar fields, so that's a very minor amount of land. On that land, say the property owner is going to get \$200 an acre; that's \$600,000.00 going into the pockets of these landowners. That would be about the 2 ½ to 3 million going into the owners of the land. So that money is either going to be spent, they are either going to renovate homes, invest that money, donate that money. That's a lot of income for the landowners. That money is also taxable, so Posey County will be getting 1% of that, so that's an increase, think over 35 years what kind of increase that is. I know there is some restrictions on the structure of this like, being at least 100 feet away from the nearest building, so they do have things like that. I know one of our conference calls, some people were worried about land erosion if there is just dirt laying under the solar panels. They have indicated that they do plan to plant a native grass, so that does help with that erosion and with animal life. Another opposition is initially, there is a lot of job creation to implement this, but this project is more about producing more green emissions. Another opposition I read about was being a fire hazard. Again going back to Japan, in articles I read, they had 13 solar fires over a decade out of 2 ½ million solar installations, so that is a very minute issue. Again I just wanted to address some of the things commented on Facebook. And like you said before, Heather, Area Plan has gone through this, they have done their homework, and I appreciate all that. As to what Jerod was saying, the abatement request is similar to what other Counties have adopted in the past, so it is not something that is unique to us or is more in favor or less in favor of us. This is kind of a standard abatement request. Thank you for the time; I appreciate it.

H. Allyn: Council, are there any other questions you have of Tanaska, Jerod, Rick, Mary, or Brain. What is your pleasure? The ask is that we move forward with the declaratory resolution, which, as Rick stated this is not the end of it, it will have a public hearing at the next meeting. The ERA designation that Mrs. Bulkley brought up will then be discussed again in February. So this does not make this officially happen until that confirmatory in February. Those issues then have the opportunity to be discussed further.

T. Schneider made a motion to move forward with the preliminary ERA regarding real and personal property abatement resolution number 2021-01-12-02; D. Pearce seconded.

H. Allyn: Is there any discussion before we take it to vote.

T. Schneider: I think it is important to remember our fiscal responsibility as the fiscal body of the County government. We're not here to make a decision on if this project happens or doesn't happen. We're here to look out for what is in the best interest of the taxpayers of our County as a sum total. There are other facets that are in place, such as Area Plan, the executive body; being the Commissioners, that can make a more defined decision on whether a project is right or not a good fit for the area that is being proposed. Our job, again going back to what we do, is to look at things from a fiscal standpoint. Is this a good fit for Posey County from a fiscal standpoint? Is this going to increase or add to our assessed tax valuation, or is this going to promote growth or future industrial development, things of that nature? I am going to bounce around here a little bit because I have a lot of thoughts going through my mind. And there has been a lot of different information that has been disclosed about this project in the preceding week to ten days. So we have had a lot to try to digest. When I think about this type of project from a personal level, from my representative level, of is this something we need to look at with an objective eye, from the perspective of the financial side of what it can do for the County. This absolutely fits into that. So we need to look at this from a discerning eye. There are things that come to mind for me because it deviates itself from what my past experiences have been in regards to tax abatement. When I look at this project, I see a lot of personal property and not a lot of what I am going to say real property. So I get an uneasy feeling about that because I just don't know; I have more work to do to understand the fiscal components of is this a really good fit for Posey County. I will tell you, as far as what I know so far, it is a good fit. This will be a benefit for the people of Posey County; this will be a benefit of the tax base. Now concluding that we look at how this affects a particular neighborhood or area that it's going to be, I think that is all objective to one's contact or one's position with that perspective area. I will conclude my comments that we as a fiscal body have an obligatory responsibility to do what's right for the taxpayers of our County. That's what we are here for. I will say, first of all, we really need to move forward with the declaratory portion of this tax abatement, so it can move onto the second phase, and there can be a more open discussion, and there can be more discovery, and there can be more opportunity for those in support of and those in opposition of, and we can come to, hopefully, a meaningful agreement, when this is all said and done. I can't tell where that is at in the future, but I know if we don't move forward with what we are doing here, our part falls from the vine. There are my thoughts. Thanks, Heather.

Dave Pearce: I would like to echo that sentiment as well. If we were to kill the project today, there would be no more fact-finding, there would be no more seeking, and I think we need, as the financial body, as the one who looks over the money, it is our responsibility to give this due diligence and to make sure we understand what's coming in, and we would not be able to do that if we did not move forward.

A. Wilson: I would like to echo what Tom and Dave said. I'm sure we have all gotten a large amount of phone calls from those for and against this project. As I stated earlier, there are three levels of government that this project will have to go through before it is officially going to happen. Again, I look at our budget every year during budget hearings, and there's no money. It is a very razor-thin amount of money to invest. I think we've done really well as a Council over the last few years in cutting things that need to be cut and doing things that need to be done for the taxpayers so we would have a little bit of money to save and a little bit of money to invest. This would open us up if it were to happen, open us up to be able to do some projects that have needed to happen in the County for forever. I think we need to be open to that; I don't think we need to be the County of no. I think that is our reputation as a whole right now. Again this is the declaratory process; this is not the confirmatory process. The next step is that all you that are opposed and those for this get to come to a meeting, and that's democracy. That is a representative government. We represent you, and we want to hear you. A vote yes on this allows that to happen more so than voting no.

B. Deig: So I am the Councilman that lives in that area. I think going along with what has been said, I truly think also that moving on to the next step in the process and letting the public come in and hearing from everyone. They can come to talk directly to us. There are pros and cons, and this will give us a month to go out to our constituents and find out what is best for this County. Especially in the area that it impacts. So I'm with the others who have spoken; if we do move forward, it'll allow us more time to find information, whether it's good or bad. I can talk to our neighbors and constituents and move from there. Like it's been said, this is not the end. February would be the final vote, but I think a month would give us a lot of time to find some answers out that everyone has. I know first hand there are concerns and questions that maybe in a month we can find the answers to.

A. Wilson: If there are still unanswered questions in February, we can table that and move to March if needed. Again, we are your representative government. We are the fiscal body; we want to make the right decision so that 25 years from now, what's the project going to affect the County and the people who live here.

H. Allyn: Marilyn, I hope you have been able to hear where you are. I know it can be difficult. Is there anything you would like to say or any questions you have?

M. Brenton: Yes, I do have a few things I want to reiterate. I think it's our responsibility to take this to the next level. We need to hear from those who are for and against. We need to hear from the community. It is our job as County Council to explore any opportunity that we get for any kind of fiscal improvement for the County. I think we would be remised in our job if we didn't at least take this to the next level to gather more information.

H. Allyn: Thank you, Marilyn. Because Marilyn is on Zoom and this is an important vote. Unless there are more discussion Council, I want everyone to have a chance to ask questions. Again this is Brandon's first meeting, and I want people to know that he hasn't been hanging out and just arrived with no prior knowledge of what is going on. He has been kept in the loop for months. We have been sharing information so he would not come in here and be blindsided, not just with this project but with Council in general. It's hard to come in the first meeting, and this lands in your lap. We appreciate the work you have done, Brandon, to dig in and be informed.

We will go ahead and do a roll call vote:

M. Brenton: aye

B. Deig: aye

D. Peace: aye

T. Schneider: aye

A. Wilson: aye

H. Allyn: aye

The motion carried with a vote of 6-0 with S. Miller abstaining.

S. Miller rejoined the meeting in progress.

#### **ADDITIONAL APPROPRIATION REQUEST**

Posey County Auditor, Maegen Greenwell, is requesting the following additional appropriations on behalf of the Posey County Prosecutor in the Federal Forfeiture Fund:

\$1000.00 into training

\$500.00 into communications

\$500.00 supplies

\$2000.00 into taskforce

\$1000.00 into equipment

H. Allyn explained this fund was overlooked by the Auditors office at budget time, and this is just appropriating to these lines from the Prosecutor's fund.

T. Schneider made a motion to approve these requests; A. Wilson seconded. The motion carried with a vote of 7-0.

Posey County Auditor, Maegen Greenwell, is requesting an additional appropriation in the amount of \$146,000.00 to County General Contractual Service. H. Allyn reminded Council this was needed for the ADA compliant ramp at the Coliseum. A. Wilson made a motion to approve this request; D. Pearce seconded. H. Allyn asked if the final invoice had been sent. M. Greenwell stated not yet; they are still finishing a few things. The motion carried with a vote of 7-0.

H. Allyn asked Commissioner Bill Collins what the status on the ramp was. Mr. Collins stated the handrail and new doors are being fabricated and should be finished later this month.

Posey County Auditor, Maegen Greenwell, is requesting an additional appropriation in the amount of \$74,000.00 to County General Ambulance line. H. Allyn stated these are funds that were left in that line at the end of 2020 and are needed to purchase the new ambulance in 2021. D. Pearce made a motion to approve this request; S. Miller seconded. The motion carried with a vote of 7-0.

Posey County Sheriff, Tom Latham, is requesting four of his funds be reallocated for the year 2021. Sheriff Latham explained these are not part of County General and are funds that do not have to be appropriated at budget time. Sheriff Latham explained these funds are reallocated yearly at the first Council meeting.

1. Reserve Deputy Fund: \$10,695.01 to equipment line

\$500.00 to fees line

\$1000.00 to uniform line

\$5000.00 to repairs and maintenance line

Sheriff Latham explained these funds are gained from Reserve Deputies working events.

2. Misdemeanant Fund: \$25,000.00 into equipment line

\$25,000.00 into supply line

3. Jail Maintenance: \$70,000.00 into equipment line

\$2000,000.00 into repairs and maintenance

\$70,000.00 into supplies

4. K9 Fund: \$700.00 into equipment

\$200.00 into uniforms

\$500.00 into training

\$500.00 into supplies

\$ 2465.12 into repairs and maintenance

A. Wilson made a motion to approve these requests; B. Deig seconded. The motion carried with a vote of 7-0.

#### **DEPARTMENT UPDATE**

Posey County Sheriff, Tom Latham, gave the following inmate housing report:

110 total

24 DOC Inmates

24 Vanderburgh Inmates

62 Posey County Inmates

\$33,705.00 was taken in from Vanderburgh County in December of 2020.

Posey County EMS Director, Chris Neaveill, stated the plans for the new ambulance have been approved, and it should take roughly 60 days to be delivered once ordered.

H. Allyn introduced Bill Collins as the Posey County Commissioner President for 2021.

No further business was discussed, and the meeting was adjourned.

Heather Allyn

Heather Allyn, President

Stefani Miller

Stefani Miller, Vice President

Brandon Deig

Brandon Deig

Marilyn Brenton

Marilyn Brenton

David Z. Pearce

Dave Pearce

Thomas L. Schneider

Thomas Schneider

Aaron P. Wilson

Aaron Wilson

ATTEST: Megan L. Sheerwell  
Posey County Auditor