

**POSEY COUNTY COMMISSIONERS TUESDAY, MARCH 16, 2021.**

The Board of Commissioners met in a regularly scheduled meeting at the Hovey House, 330 Walnut Street, in Mt. Vernon on Tuesday, March 16, 2021.

Commissioners Bill Collins and Randy Thornburg, Auditor Maegen Greenwell, and County Attorney Joe Harrison were in attendance. Commissioner Carl Schmitz was absent.

B. Collins opened the meeting with the Pledge of Allegiance.

Mark McDonald led the Commissioners in the opening prayer.

**MINUTES**

R. Thornburg made a motion to approve the March 2, 2021 meeting minutes; B. Collins seconded. The motion carried with a vote of 2-0.

**CLAIMS**

R. Thornburg made a motion to approve the claims as presented; B. Collins seconded. The motion carried with a vote of 2-0.

**REDEVELOPMENT AUTHORITY**

B. Collins stated the Commissioners established a Redevelopment Authority at the last Commissioners meeting and tabled two appointments. B. Collins made a motion to appoint Stan Billman to the Redevelopment Authority; R. Thornburg seconded. The motion carried with a vote of 2-0.

**HIGHWAY BIDS**

Posey County Highway Superintendent, Steve Schenk, recommended the following for the bids opened at the March 2, 2021 Commissioners meeting:

Section 7 Chip and Seal:

Low Bid: J. H Rudolph

Section 7 Patching:

Low Bid: Jerry David

Section 8 Hot Mix/ Asphalt Paving

Low Bid: Jerry David

Alternative: J. H Rudolph

B. Collins made a motion to accept the recommendations from Mr. Schenk regarding the highway bids; R. Thornburg seconded. The motion carried with a vote of 2-0.

**SPRINGFIELD ROAD PROJECT**

Posey County Highway Superintendent, Steve Schenk, is requesting permission to seek bids for placing a box culvert on Springfield Road. R. Thornburg made a motion to approve this request; B. Collins seconded. The motion carried with a vote of 2-0.

**REZONE REQUEST NIX**

Mindy Bourne, Posey County Area Plan Director, addressed the Commissioners regarding a rezoning request from applicant Matthew Nix with Superior Property Holdings LLC. Mrs. Bourne stated this is a request to rezone from R1, residential single-family zone to M2 manufacturing medium zoning.

Mrs. Bourne stated this location is on Frontage Road in Poseyville, and they are proposing to rezone 1.94 acres. Mrs. Bourne stated the current business is located on Frontage Road, and this request will allow Nix to purchase additional land to add to the existing business. Mrs. Bourne stated the Area Plan Commissioner heard this petition and the March 11 meeting and passed with a 9-0 yes vote.

B. Collins opened the public portion of the meeting for comments.

B. Collins closed the public portion of the meeting for comments.

R. Thornburg made a motion to approve this rezoning request; B. Collins seconded. The motion carried with a vote of 2-0.

### REZONE REQUEST COLLINS

Mindy Bourne, Posey County Area Plan Director, addressed the Commissioners regarding a rezoning request from an applicant Justin Collins. Mrs. Bourne stated this property is located at Highway 66 and Downen Road in Wadesville. Mrs. Bourne stated this request is to rezone 44 acres from AG to B3. Mrs. Bourne stated this request would allow the applicant to relocate a body to shop at this location. Mrs. Bourne stated Area Plan heard this petition originally on February 11 and was tabled; it was heard again on March 11, 2021. Mrs. Bourne stated that Area Plan received many phone calls, letters, and emails with various concerns about this project. Mrs. Bourne stated the request failed to pass with a 3-5 vote.

B. Collins opened the public portion of the meeting for comments.

Jeri Neufer: at 19601 Downen Road, addressed the Commissioners with regards to concerns regarding this rezoning request. Mrs. Neufer stated she bought her current property for the location specifically. Mrs. Neufer stated she has concerns over the amount of acreage that is being requested.

Andy Hoehn: President of Mt. Vernon City Council and Area Plan Commission member. Mr. Hoehn stated the Posey County Comprehensive Plan outlines 17 points. Mr. Hoehn stated number five on the plan states the need for growth in the Northern part of the County, and number six states the need for growth incentives for an existing business. Mr. Hoehn stated out of 186 responses from around the County, it was stated that economic development needs to be promoted, incentives are needed to attract new industries to Posey County, and incentives to aid in the growth of existing businesses in Posey County. Mr. Hoehn stated the Collins family has been in Posey County for many generations. Mr. Hoehn stated the current body shop that is located in Poseyville is zoned a B3, which was given by Area Plan, and now they come to Area Plan asking for a B3 zoning and are denied. Mr. Hoehn stated Bartons is on the same highway, and they are also a B3.

Mr. Hoehn stated he believes this follows the comprehensive plan set for Posey County.

B. Collins asked what assurances do the residents have that if the entire 44 acres are not used for the body shop, what else would it be used for.

Mr. Hoehn stated there is a site planning committee that must sign off on any project. Mr. Hoehn stated a site committee could accept, approve or deny anything beyond a body shop.

Nalin Lefler: Resident at Downen Road. Mrs. Lefler stated Bartons Automotive is only zoned a B3 for 3 to 4 acres, and that is more than what they actually use. Mrs. Lefler stated she is concerned with the amount of acreage being requested and the lack of transparency on what the planned use is for.

Steve Helfreich: 10417 Downen Road. Mr. Helfreich informed the Commissioners he is concerned with residential development and drainage issues. Mr. Helfreich stated the State has no plans to current the current drainage situation.

Krista Lockyer: Mrs. Lockyer stated she was speaking to the Commissioners on behalf of Myron Razor and Diane Riddle. Mrs. Lockyer stated the petitioner has the ability to give written commitments to the neighbors to help ensure property values will not be degraded, that their quality of life will not be degraded, and the petitioner has not done that. Mrs. Lockyer stated that, yes, this would have to go through a site-review process, but they have technical requirements that they must meet, and once they meet those requirements, the committee can not deny an application. Mrs. Lockyer stated there had been five hundred petitioners sign the petition.

Justin Collins: Applicant/Petitioner. Mr. Collins stated the petition that was signed did have 500 names on it, but not all were Posey County taxpayers. Mr. Collins stated there are at least one or two properties in this area that are zoned residential but being used as commercial. B. Collins asked what the plans for the remaining acreage was. Mr. Collins stated he did not have plans currently. Mr. Collins stated he is requesting the large amount of acreage because he is unsure at this time how the proposed building will sit on the property.

B. Collins closed the public commenting section of the meeting.

R. Thornburg stated the Collins business reputation is excellent, and he is well respected; however, he would like to see a more concise plan. Mr. Thornburg stated he also recognizes the need for growth in that part of the County.

B. Collins stated he concurs with Mr. Thornburg.

B. Collins made a motion to approve this request; R. Thornburg seconded. B. Collins stated he would like to see a more detailed plan from the applicant. The motion failed to pass with a vote of 0-2.

### **PARK AND RECREATION**

Park and Recreation Board of Director Member Kelly Cox and Park and Recreation Director Michael Harshbarger addressed the Commissioners regarding the request of the Park and Recreation to acquire the current soccer field property from the County. Mr. Cox stated the County acquired the land in a land swap with CountyMark. Mr. Cox stated in the agreement, the County can only use the property for a soccer field; it cannot be developed, and the County must give CountryMark the first right of refusal if it was ever sold. Mr. Cox stated the Park and Recreation department would like to purchase this land in order to do improvements to the soccer complex. Mr. Cox stated his department is unwilling to make improvements that would include permanent structures on land they do not own. Mr. Cox stated they believe improvements to this land could result in a small economic impact for the area. Mr. Cox stated this could include growing the current programs and hosting area tournaments.

B. Collins asked if there would be plans to use for other than soccer. Mr. Cox answered no.

R. Thornburg stated he would be in favor of looking into the process of selling this property. Mr. Harrison stated there is an IC code that would direct this process.

B. Collins stated the Commissioners would take this under advisement.

### **SCHOOL APPRECIATION PROCLAMATION**

B. Collins read the following proposed proclamation:

Whereas Coronavirus 2019 (COVID-19) is a severe respiratory illness that was first detected in the City of Wuhan, Hubei Province, China, and has made its way into the United States and the rest of the World, and Whereas, on March 6, 2020, Eric Holcomb, the Governor of the State of Indiana, declared a public health emergency as a result of COVID-19 pursuant to Executive Order 20-02. Whereas the rest of the United States, and Posey County, Indiana, have been severely threatened by COVID-19 during the past year. Whereas, on March 17, 2020, the Board of Commissioners of Posey County, at the request of Dr. Kyle Rapp, the Posey County Health Officer, declared a local state of emergency as a result of the COVID-19 outbreak in order to help flatten the curve of the spread of COVID-19 in Posey County. Whereas the Board of Commissioners of Posey County further extended the local State of emergency on several occasions but has since discontinued it. Whereas Governor Holcomb has continued to extend the Indiana public health state of emergency each month since March 6, 2020. Whereas, for one reason or another, many school districts throughout the United States have not been able to conduct in-person learning during the COVID-19 pandemic. Whereas the Metropolitan School Districts of Mt. Vernon and North Posey, as well as the Parochial schools located in Posey County, were able to stay open and conduct in-person learning during most of the COVID-19 pandemic. Whereas the Board of Commissioners of Posey County wants to thank and express its appreciation to the school's administrators, teacher, employees, students, and parents for all their efforts and sacrifices during this difficult period in order to keep the schools safe, efficient, and moving along in such a great manner.

Now, therefore, be it resolved as follows:

That the Board of Commissioners of Posey County hereby thank and commend the schools, including all administrators, teachers, employees, students, and parents for their amazing efforts and great work during the past year as we have all been burdened by the COVID-19 pandemic.

R. Thornburg made a motion to sign this proclamation; B. Collins seconded. The motion carried with a vote of 2-0.

### **VEI PRESENTATION**

David Holt, with VEI, addressed the Commissioners regarding the ongoing radio issues that emergency responders are having in Posey County.

Mr. Holt stated there was a known issue with the system that was replaced several years ago at the Barter Road site; Mr. Holt stated they did some testing during ride-alongs with the Sheriff's



Deputies recently. Mr. Holt stated during the testing, they shut down the Barter Road site and seemed to have a better signal when the old system was shut down.

Mr. Holt stated the reason the Barter Road system was kept in operation was, so EMS had the ability to communicate once leaving the County. Mr. Holt stated the plan is to shut down the old system on March 22 permanently. Mr. Holt stated this would help the Marrs Township area.

Stefani Miller, with Posey County Council, stated she appreciated what was being done to correct this issue; however, at the conclusion of the recent zoom meeting, it was overheard that VEI representatives stated, "that wasn't too bad" and "we are off the hook" before logging out. Mr. Holt stated he made the comment that was not as bad as it could have been in regards to the fact that everyone seemed to be professional, and it was a productive meeting.

R. Thornburg stated the County was told they were purchasing the equipment needed to remedy the situation two years ago and asked if there was an oversight. Mr. Holt stated once the old system was shut down, it will be better and allow the new system to work as it was designed. Mr. Holt stated there would be maintenance even on the new system.

Posey County Council President, Heather Allyn, stated the County spent \$700,000.00 on a system that is functioning at 90% coverage. Mrs. Allyn asked why it has taken two years to know the old system is the issue. Mrs. Allyn stated Wadesville is having the same issue, so is this an issue with Barter Road or something else?

Mr. Holt stated the proposed fix would correct the current issues.

Posey County Sheriff, Tom Latham, stated his biggest concern is for the first responder's safety. Sheriff Latham stated his concerns have grown over the last year and a half. Sheriff Latham stated he had not had any communication from VEI regarding the results from the ride-along but that his Deputies reported not much improvement.

B. Collins stated the County had an agreement with VEI, and that needs to be fulfilled, and the County will stay on this until it is finished.

J. Harrison asked if the Commissioners would receive a report once that old system was taken offline.

Mr. Holt stated yes, he would.

Mr. Harrison asked when that would be provided. Mr. Holt stated he should have that done in thirty days.

Posey County Auditor, Maegen Greenwell, asked the County has reached out multiple times and have not received great service. Mr. Holt stated that was news to him, and when the Dispatch Director reaches out, they are able to help him within a reasonable timeframe.

Mr. Holt stated he suggests appointing a person from the County to be a contact person for areas that need to be addressed. H. Allyn stated Sheriff Latham would be the contact since that is where the majority of the issues are.

\*The following minutes are type verbatim

### **SOLAR OPPOSITION COMMENTS**

Maria Bulkley: Attorney with Kahn, Dees, Donovan & Kahn.

I am back in front of you today; I would like to continue to stay on the agenda; I would like to be here next time too, and until we get to the end. The last time we were here, we talked about the fact that there is a large-scale industrial solar project that has targeted Posey County for its location. We have been here several times, and in the early stages of being here, we just kind of heard that was an idea and whatever, and we had a concept exhibit. Now what we know is that it is really coming here; they have a more specific plan, some homes will be surrounded on three sides by these panels. So throughout this whole process the last three months, we did some looking into how did our ordinance get this way. I don't want to go into a big long history, my hope today, because I have been here so many times already and I've given you so much information already, my hope today was to come here with my extension to the resolution that we entered into last time I was here. Last time I was here, we talked about the fact that we are working with the Plan Commission for amendments to the solar ordinance to correct and tailor it to the type of industrial-scale project that we now know are targeting Posey County, since the

ordinance we have does not do that. My hope was to come up here and say ok; we had our meeting Thursday night with the Plan Commission. We had a full house; the community came out in droves, wanting the ordinance changes. What we decided last time was to come back today, see where we are at, and decide, based on Area Plans recommendations, what we are going to do going forward on the stay that you issued. I brought a resolution today to extend that stay to let us complete the process. Thursday at the Area Plan Commission, it was determined they need more time to complete the analysis and study. We are meeting again, in this room, on Thursday night for a public meeting, I don't think it is a public commenting meeting, but it is still an open meeting, that that they can complete their work of analysis in making the recommendations to you. At that point, they have ten days to get the recommendations to you; at that point, you would have the opportunity to amend the ordinance as you decide what needs to be done to protect the residents from the fact that we do not have the proper ordinance right now for big-scale solar and to protect the residents. Now my hope was this was going to be really easy; we were just going to come, we weren't going to have to have a big thing today. But every day is a new surprise for me. Just before the meeting started today, I saw that Tanaska has an attorney here; I know who he is, so I walked over there and said hello; he was already talking to your attorney over there. He indicated some displeasure with me wanting to ask you to extend this request today. My intention was to only put into the record one document, and that was my proposed resolution that I have already circulated, but because I have received already some indication that there is going to be some challenge to about what I'm doing, I have gone ahead and brought with me some Indiana law that I want to put into the record. I am going to pass out copies of that. I know the Commissioners have every intention of listening to the recommendations of the Plan Commission and then making ordinance amendments as they see fit to address the concerns. You absolutely have the power to do that under Indiana's home rule act. I am going to pass that out. In the Indiana home rule act, you have land-use control and all the power that you deem necessary or desirable to conduct your affairs. I am going to pass that statute out, and I am also going to pass some case law out. There is case law in Indiana reiterating that you have the power to issue a stay if you have work you need to do to protect your citizens. I am also going to note that both Shelby County and Marshal County, Indiana had to do the exact same thing when they discovered large-scale solar projects were coming into their communities, and they did not have ordinances that were designed for it. I am going to hold up this picture, and this is a picture I bring every time I am here. This is an exhibit one of our group members made. What this exhibit shows you, that under our current ordinance that wasn't intended to cover massive industrial solar projects, we could have 25 foot high, whether or not that's what the people coming to town are proposing or not; as our ordinance currently reads, we can have an industrial solar project come to town, put 25 foot high solar panels on every single side of everyone's property, a basketball court distance away without a single tree. Now, whether they might decide to agree to do it is one thing, but there are no legal obligations for them to provide any buffer or protection the way our ordinance currently reads. That was never the intention behind our current solar ordinance. We just simply don't have one that meets the needs of a project of this scale and size. We all know that now, we have done that work, we have done that investigation, so what we are trying to do as a community is fix that. If you look around, you'll see a sea of faces out there. We had a completely packed 4H center with heartbroken people trying to work together with the Plan Commission and your body to make those changes. I have talked to Tanaska's attorney, and we are never going to stop trying to communicate and work things out and come up with solutions. But that is a different issue than the ordinance. The ordinance needs to be fixed, needs to be tailored and designed to protect the residents from this scale and size of projects, regardless of the project that is coming before you. They mentioned they are covering 1.2% of the farmland in Posey County. That affects a ton of people, but we have to remember that we have to complete the process and not have people sneaking in here under our current ordinance because we have all of that ground to protect, that is, prime agricultural land. It is a bigger picture issue, and we really have the opportunity as a community to keep doing that without the interference of someone trying to come in and shove a project through under an ordinance that we have made clear isn't right for that project. It is disturbing to me that I can't get a commitment from them to wait and let us have an opportunity to do that. If I could get a commitment that they wouldn't try to slip it in under the old ordinance and allow it to be a basketball court away from someone's house without even a tree, I wouldn't have to be here asking for another stay. But unfortunately, I have asked the question, and I keep asking the question; will you agree not to run down to the Area Plan Commission Office and file your project, as we, as a community, work with you and work with our local government to get an ordinance that is healthy for us? I cannot get a commitment. In fact, I was told I could not promise you that we will not come in to try to take advantage of that ordinance. Well, I have no



choice then to come and ask you for another stay. What we are asking is that you extend the stay, that your issues last time, you have the authority to do it. I am going to circulate that to you, I think you already know you do, but just so that I am making a record, I am going to do that again today. We would like you to extend that, not just through this Thursday night when the Area Plan is going to make their recommendations, but all the way through until you get to see those recommendations and implement the ones you think are appropriate. That would protect the residents from someone coming in under the old, unintended ordinance and slipping in a big project like this. We are going to continue talking to them. We hope we can come up with things that work, but I like to think about things like this, if we don't address the ordinance right now, then all the bargaining power of the people here that are victims of the current ordinance are basically negotiating with a gun to their heads. What I would like to do is give you guys an opportunity to see the Area Plan's recommendations; I don't know what those are going to be, maybe they'll be what I want, but maybe they won't be. Let's have a chance to see what those recommendations are. I think that it will level the playing field a little bit. Not with just this particular applicant that is coming in with this project but for all of them. Then the residents can work out what works individually in their areas from the standpoint of not having a gun to their heads, knowing this developer coming in wants to put their really big solar panels a basketball court length away from my house, and they don't even have to put a tree in. That's not a good bargaining position to be in; if we level the playing field, then there can be fair and balanced meaningful conversations about what is right for them and what can work for the developer. We are going to continue to have those conversations, but we do not want the residents to feel powerless in this process. So for the greater good, we do need an ordinance that is designed to handle this scale of projects. I read a memo that was written by Terri Hall, who is the attorney that the Area Plan Commission hired to put the solar ordinance into effect, and that was a memo that was written when she was representing Madison County, and it just had some interesting historical data in that memo, like in the era of 2017 the biggest solar project in Indiana was really little, it was 25 acres, at the time we were looking at a solar ordinance, it wasn't even really a thing to have 2500 acres solar plant coming in here. At that time, we were not prepared nor ready. If you look at the minutes, which I have put into the record before, it wasn't even known at that time that anything was on the horizon. Now we know that now we can address it, and we just have to have the time to do it. We are asking you to extend that stay, and one other thing, I hate to even bring this up, but just to give you a flavor of what the residents are going through, you can see they are all exhausted.

Bill Collins: So are we

Maria Bulkley: Oh, I imagine. We had our meeting last Thursday night; we were there until after 9:00 pm. Everyone thought we had a few days to rest until today, and then on Sunday, I'm getting calls on Sunday night that Tanaska's Stacy Wagner; I guess she is their agent. She was driving around to each of their houses, standing outside taking pictures of them, our clients, while they are outside with their children and families, just trying to relax a little bit. We can't have that; we need to calm things down, take the time to work through this in these public forums. We do not need to be taking pictures of our clients, we just need peace, and we need you, if you can, extend that stay. Give them a chance to work with you Thursday night, with the Plan Commission, come back to you. Let's see what those recommendations are, and let's go from there. If you have any questions for me I'd be happy to answer them. I know that we had a lot of testimony last time, and we don't necessarily want to do that again today. But we are asking you to adopt the resolution that I have put in front of you today to extend the stay all the way until you can see the recommendations and pick the ones you want. I have passed that out. If Tanaska's attorney decides to make a rebuttal to me, I wouldn't mind having a minute to respond. I don't know if they are going to do that, he is here, but I would like the chance to respond if that is the case.

Bill Collins: I don't know that is necessary; we can judge what he says and whether we chose to believe it or not.

Maria Bulkley: Ok, I am going to go ahead and pass these out for the record. Just again, I would ask you to adopt the resolution that I passed around.

Joe Harrison: Do you have a copy of that resolution you can provide to me.

Maria Bulkley: I put one down here; I thought that was where you would be sitting.

Bill Collins: Would the representative from Tanaska like to make a few comments?

Reed Schmidt: Good morning; my name is Reed Schmidt, and I am an attorney with Dentons, Bingham, and Greenebaum Law. My address is One Main Street, Evansville, Indiana. I represent Tanaska. I will address some of Mrs. Bulkley's comments, and I will try to do that just straight forward. We have had conversations with Mrs. Bulkley and her clients. I think it is disingenuous for Mrs. Bulkley to say that we haven't been providing information to them because we have, we made a very generous offer last week, and we have not heard back from Mrs. Bulkley on that offer, that my understanding would address all of these issues that have been raised and their concerns regarding the ordinance. As it relates to the ordinance, you have an ordinance.

Mrs. Bulkley, in a number of times referred to in front of the APC on Thursday that it was inadvertent, it was mistaken. She introduced the November 2019 special meeting minutes for the APC committee; if you read those minutes, it is clear within those minutes that nothing was inadvertent and nothing was by mistake. There is a clear discussion, back and forth, with nearly every member of the APC referring to the requirements and conditions of the ordinance. There was no mistake and no inadvertence. It is inappropriate for Mrs. Bulkley to provide either this commission or the APC with information that she says was either a mistake or inadvertent. It is clear if you review those minutes that there was clear discussion in regards to the requirements of the ordinance. We have an ordinance; the ordinance is in place. The law, specifically as it relates to the ordinance, is clear; if you want to make a change to the ordinance, that can be done. There is a process that can be done. Mrs. Bulkley has made an appeal to revise the ordinance or amend it. That process is being followed; we had a meeting last Thursday night in front of the APC, it was very well attended and very good discussion, pertaining to both positions, either in favor of the petition to amend the ordinance or not in favor of the petition to amend the ordinance. Presently there is that Mrs. Bulkley's petition was tabled for further discussion and that further discussion is to happen next Thursday at this facility, for the APC to continue their discussion in a public forum related to Mrs. Bulkley's petition to amend. This body has no authority to stay the ordinance. The ordinance is in effect, the ordinance is being, there has been a request to amend the ordinance, and that process needs to take place. This commission will receive a recommendation from the APC after the APC has considered both what Mrs. Bulkley proposition and our opposition. It is this board's only authority to take action after that recommendation. This board has no authority to enter a stay on this ordinance because we have an ordinance that is in place. It is anyone's opportunity to file a development plan based on this ordinance. Any stay of an action that would prohibit my client from filing their application is a denial of their due process. Under the statute, Indiana code 36-7-4-604 sets forth the process by which an ordinance is to be amended, and it set forth, in specificity, the actions that need to be taken. So, as it relates to Mrs. Bulkley's request to stay an action by anyone, in this case, Tanaska, by filing an application, in this case, pursuant to an ordinance that is in effect today, lacks merit. I will answer any questions that I may. Thank you.

Bill Collins: I am not a lawyer, so I have to lean on our attorney. My intention, however, we need to do it; if we can even do it, I would like there to be nothing filed before the Area Plan Commission has a chance to talk about an ordinance change. The law is the law; however that shakes out, maybe as a good neighbor, you could say you would do that. I don't want to give an open-ended time on it, but I would like to hear what the Area Plan Commission has to say. I think because we now have rumored more than one solar company wanting to come in here. I think it is a good idea if we are going to have an ordinance change, that we have something that is consistent for everyone, so we are not negotiating something every time we turn around. This could all turn out to be a moot point if the State passes their bill, and we would have no say. I am going to lay it on Joe and Randy for comments on that.

Randy Thornburg: I have some comments. I serve on the Area Plan Commission, and as the current ordinance stands, it was certainly not meant to handle an industrial solar farm. There are points that need to be addressed, such as green buffers, setbacks, decommissioning insurance. The Area Plan is concerned about it, and we do want to take time to go through this; we don't want to be rushed into it. I can speak from experience; I spent two years going through this with the wind problems we had up here with the commercial wind farm they were going to put in. There were a lot of areas that were not addressed; we ended up doing amendments and stringing it along for a year and a half. If those amendments been addressed, to begin with, we would not have had that problem. I am definitely in favor of, and I do think, we have that authority as County Executives under the Indiana home rule act 36-1-3-1 that we do have the right to extend a stay. I will make a motion that we extend the stay that Maria Bulkley wanted to give the Area



Plan time to deal with these problems. I don't understand why there is a big rush because Area Plan is not comfortable with the current ordinance as it stands for an industrial farm.

Bill Collins: Would you mind amending that to end at our next Commissioners meeting? And if we need to after that, but I don't want to just leave it open-ended.

Randy Thornburg: How long is this going to take? I am not sure we are going to get everything done.

Bill Collins: Then we will come back at the next Commissioners meeting and do it again if we need.

Randy Thornburg: Are we going to make this an every time we have a Commissioners' meeting thing? If we don't get it completed this week, then we have the next APC meeting. It's not going to take months for sure, but it may take some special meetings or whatever is required.

Maria Bulkley: The way I wrote the resolution it would cover the process of the Area Plan Commission finishing up their recommendations, getting them to you, and giving you time to adopt or not adopt them as you see fit. That way the landowners would not have to keep doing their own fundraising to keep me coming back. I am going to donate some of my time as well because this means a lot to me; at this point, I know these people, and I am here to work for them. What I did is give you a resolution that would get you all the way to whatever time you need to make the ordinance amendments; we can do that as quickly as you can do that.

Randy Thornburg: I do not think that is an unreasonable request. I think we can deal with it in a reasonable amount of time. I just want to see that the residents of Posey County get their concerns addressed, and it seems to be that people are trying to rush this situation a little too much and making people uncomfortable. I can understand their position completely.

Reed Schmidt: I haven't seen Maria's resolution; she did not provide me with a copy. I don't think it is unreasonable for Tanaska to request; first, I respectfully disagree with the comment that you have the right under Indiana home rule; I don't think you do; I think the ordinance speaks for itself. I think it is unreasonable to request to have Tanaska hold off filing any application ad infinitum. Next meeting, if that is the way the Commissioners believe it should be, it's not my first choice, but we would be willing to accept a stay until the next meeting as my second choice. As my first choice, you don't have the power to stay. I do think it is unreasonable for this to be continued without any resolutions. That's my point. Thank you.

Maria Bulkley: The reason it is important to extend the stay all the way through until you have the day when you amend the ordinance is because if you leave that crack in the door, and you have someone come in and file that petition, then they do have a legal claim so they can say they filed, and have a vested right and they can sue you. That is why it is important that you not just put a Band-Aid on the problem, but you fix the break, get all the way to the end and give yourselves the time you need, or I am afraid, because I have been told they are going to be filing ASAP, and I would like to work with them, but as you said, they are not the only solar problem we need to deal with, we need to fix the ordinance globally. I don't have a crystal ball to tell me what the Area Plan is going to recommend. They might suggest something that the developer wants; I do not know. We just want to make it through the process and let the landowner's concerns be adopted into it. I'm not asking for an infinite amount of time or ad infinitum, or whatever big words he's using, I guess he's just fancier than I am, but we're not asking for it for forever; we're just asking for the time that it takes, we would've been thrilled if they would have come to a conclusion Thursday night, I am not in control of the time, you guys are in control of the time we're just asking that you need to get the recommendations and implement them.

Bill Collins: You made a motion, and seeing no second.

Reed Schmidt: I'll be short. I'm sorry.

Bill Collins: Last time.

Reed Schmidt: I agree. We do have a vested interest. We have a right under that ordinance today to file that application, so there is nothing that would happen in the future that could happen that



would grant us a vested right. We have a right, as it stands today, under the ordinance, the ordinance that you passed, to file our application. Thank you.

Bill Collins: No, I think we are done. There was no second to your motion, and I would like to make a motion to extend our stay until our next Commissioners meeting, that gives Area Plan a chance to meet and time to make a recommendation to us if we are not happy at that time, we can make another stay, but I don't want to give this thing carte blanche to this forever.

Randy Thornburg: I don't think it is carte blanche, just wanting to do it. I will second your motion just so we can give APC time to do the initial studies that we need to do and get some feedback from the board members.

Bill Collins: So we have a motion and a second to extend the stay until the next Commissioners meeting.

Joe Harrison: Do you like this resolution, or do you want me to prepare one, or do you want to go with what you are stating now.

Randy Thornburg: let's go with what we are stating now.

Bill Collins: let's go with what we are stating, we are extending the stay currently in effect.

Joe Harrison: Again, what you are saying is you are recommending the Area Plan Commission should not consider; that was what your last one said.

Bill Collins: However the last one was written.

Joe Harrison: To not consider accepting applications, nor approving permits. I think that's what you approved last time.

Maria Bulkley: The language that I used

Joe Harrison: No I

Maria Bulkley: It's the same one with just a few changes. It's that they not accept any applications.

Joe Harrison: Right, they request that they not accept any.

Maria Bulkeley: No, no, that is one of the whereases, but if you read it, what's going on here is that I hate it that Joe and I don't agree on things, but he seems to be on the developers side a little bit. The resolution that we are asking for is that you have the Area Plan Commission not accept any applications for solar projects until, well, we asked until the ordinance amendments can be made, and I don't want to play games; that's what we are asking for. Don't accept solar applications right now. That's what we are asking.

Joe Harrison: And that reads a little different than the last one.

Maria Bulkley: I agree to disagree with you. I can submit a new one, but that is what we are asking. We are asking that you not accept any solar applications.

Joe Harrison: I think that is the motion and the second.

Bill Collins: The motion on the floor that has been seconded is that we extend the current stay until the next Commissioners meeting. Any further discussion? All those in favor.

Randy Thornburg: Aye

Bill Collins: Aye

Bill Collins: Motion carries.

### DEPARTMENT UPDATES

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

Vanderburgh County: 29

Posey County: 58

DOC: 7

Total: 96

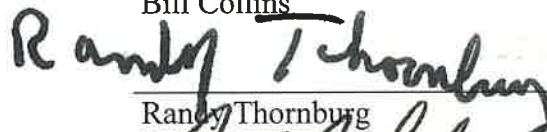
Sheriff Latham stated he would be reaching out to Sheriff Wedding soon to see if they can increase the Vanderburgh population

Posey County EMA Director, Larry Robb, stated the State of Indiana has just lowered the age for the COVID vaccination to 45.

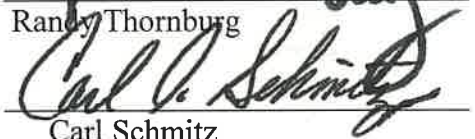
No further business was discussed, and the meeting adjourned.



Bill Collins



Randy Thornburg



Carl Schmitz



Attest: Maegen L. Greenwell