

POSEY COUNTY COMMISSIONERS TUESDAY, APRIL 20, 2021.

The Board of Commissioners met in a regularly scheduled meeting at the Hovey House, 330 Walnut Street, in Mt. Vernon on Tuesday, April 20, 2021.

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

B. Collins opened the meeting with the Pledge of Allegiance.
Pastor Wayne Nall led the Commissioners in the opening prayer.

MINUTES

C. Schmitz made a motion to approve the March 16, 2021 meeting minutes; R. Thornburg seconded. The motion carried with a vote of 3-0.

CLAIMS

R. Thornburg made a motion to approve the claims as presented; C. Schmitz seconded. The motion carried with a vote of 3-0.

TREASURER'S REPORT

C. Schmitz made a motion to approve the March Treasurer's report; R. Thornburg seconded. The motion carried with a vote of 3-0.

CLERK'S REPORT

R. Thornburg made a motion to approve the March Clerk's report; C. Schmitz seconded. The motion carried with a vote of 3-0.

HIGHWAY BIDS

R. Thornburg made a motion to allow Joe Harrison to open and review the submitted bids; C. Schmitz seconded. The motion carried with a vote of 3-0.

Mr. Harrison listed the received bids as follows:

1. Blankenburger: \$196,125.00
2. Chastain Excavating: \$169,813.00
3. Russel's Excavating: \$149,600.00
4. CivilCon Inc: \$306,999.00

Posey County Highway Superintendent, Steve Schenk, stated he recommends accepting the low bid of Russell's Excavating.

C. Schmitz made a motion to approve the low bid of Russell's for \$149,600.00; R. Thornburg seconded. The motion carried with a vote of 3-0.

SHARED USAGE AGREEMENT

B. Collins stated the Commissioners need to sign the Shared Usage Agreement between Wessler Engineering, Posey County Regional Sewer, and Posey County Commissioners that has previously been discussed. R. Thornburg made a motion to sign the agreement; C. Schmitz seconded. The motion carried with a vote of 3-0.

HIGHWAY REQUEST OR EQUIPMENT PURCHASE

Posey County Highway Superintendent, Steve Schenk, is asking permission to purchase a road widener for the department. Mr. Schenk stated the cost of this piece of equipment would be \$56,000.00. Mr. Schenk stated there is only one local dealer for this equipment, and that is Diamond Equipment. R. Thornburg made a motion to approve this request; C. Schmitz seconded. The motion carried with a vote of 3-0.

Mr. Schenk is also requesting permission to purchase a skid steerer for the department. Mr. Schenk stated the department would rent the equipment for one year at the cost of \$3,300.00 per month, with 80% of that going toward the purchase price after that year. Mr. Schenk stated the

total cost would be \$76,974.00. C. Schmitz asked if the dealer will lock in the price of \$76,974.00 for the year the County is renting. Mr. Schenk stated yes. C. Schmitz made a motion to approve this request; R. Thornburg seconded. The motion carried with a vote of 3-0.

PEST CONTROL

Posey County received the following three proposals for pest control services for the Posey County Courthouse, the Posey County Memorial Coliseum, and the Hovey House:

McMahan: \$1200 per year and waived the initial setup fee.

Arrow Pest Control: \$1500.00 per year.

Action Pest Control: \$1040.00 per year with an initial set up fee of \$650.00

R. Thornburg asked if this is a quarterly service. Mrs. Greenwell stated yes. R. Thornburg made a motion to approve the Action Pest Control proposal; C. Schmitz seconded. The motion carried with a vote of 3-0.

AREA PLAN REZONE REQUEST

Posey County Area Plan Commission Executive Director, Mindy Bourne, presented a rezone request for 1499 State Road 66 New Harmony, Indiana. Mrs. Bourne stated the this is to rezone from agriculture to M1(light manufacturing). Mrs. Bourne stated the proposed use initially for an LP storage tank, and future use will be for fuel storage. Mrs. Bourne stated this request was heard at the April 8 Area Plan meeting and passed with a 9-0 yes vote.

R. Thornburg made a motion to approve this request; C. Schmitz seconded. The motion carried with a vote of 3-0.

AT&T CONTRACT

Posey County Auditor, Maegen Greenwell, informed the Commissioners of the need to update a current landline contract with AT&T for the E911 buildings in St. Phillip and New Harmony.

Mrs. Greenwell stated this was never negotiated as a government entity, and therefore, the bill is higher than it needs to be. Mrs. Greenwell stated renegotiating will save \$1200 per month.

C. Schmitz made a motion to approve this update; R. Thornburg seconded. The motion carried with a vote of 3-0.

AMERICAN RESCUE PLAN

M. Greenwell stated the American Rescue Plan is the latest stimulus package from the government. Mrs. Greenwell stated the County will receive 4.93 million dollars. Mrs. Greenwell stated in compliance with the State Board of Accounts and AIC; the County needs to have an ordinance in place with the plan for utilizing these funds. B. Collins stated the County would not receive the full amount upfront. M. Greenwell stated correct; the County will receive half in May and the other half a year later.

R. Thornburg made a motion to waive the final reading of this ordinance; C. Schmitz seconded. The motion carried with a vote of 3-0.

C. Schmitz made a motion to accept the ordinance 2021-04-20-02; R. Thornburg seconded. The motion carried with a vote of 3-0.

MAINSTREAM FIBER

Zach Stevens, with Mainstream Fiber, addressed the Commissioners regarding the ongoing broadband project. Mr. Stevens reminded the Commissioners that this project is funded by a matching grant in partnership with the Southwest Indiana Economic Development Coalition. Mr. Stevens stated the company will be breaking ground in relation to this project this week in Vanderburgh County, and the engineering and base map are being finalized now. Mr. Stevens stated this is just the beginning of their relationship with Posey County, and the initial focus will be on the areas that the State pointed out for this grant. Mr. Stevens stated this would be a two-year grant timeline from the day it was awarded; however, the average completion time is 18-20 months. Mr. Stevens stated this is a 95-mile long project. Mr. Stevens stated they originally applied for the grant for 2500 residential houses, 770 businesses, and 30 anchor institutes. Mr. Stevens stated this was lowered to 700 passings total to bill to the State for the grant. Posey County Council President, Heather Allyn, asked when residents will have service? Mr. Stevens stated this project would be done in phases, and he doesn't have an exact timeline yet. Mr. Stevens stated they would have live customers before the end of the total project.

DEPARTMENT UPDATES

Posey County Highway Superintendent, Steve Schenk, stated he has not heard about the Community Crossing grant. Mr. Schenk stated the department would begin chip and seal and recycling soon and then move on to paving.

Jenna Richardt, with Posey County Economic Development, stated the County had applied for an INDOT grant for a project on Lamont Road for the year 2026. Mrs. Richardt stated the County did not receive funding via the grant for this project.

Mrs. Richardt stated that Posey County would be awarded a \$250,000.00 OCRA grant for COVID-19 small business relief. Mrs. Richardt stated the application process would be the same as the phase 2 grant the County was able to award previously. Mrs. Richardt stated the applications would open on April 21 at noon and close on April 28 at 3 pm. Mrs. Richardt stated her office could be contacted for questions regarding this grant.

Posey County EMS Director, Chris Neaveill, informed the Commissioners that he has one full-time paramedic position open, and that has been posted.

*the following minutes are typed verbatim

POSEY SOLAR OPPOSITION COMMENTS

Maria Bulkely: Good morning, Commissioners. Maria Bulkley, 501 Main Street with the law office of Kahn, Dees, Donovan & Kahn. I am here this morning with my partner, Mike Shopmeyer, our representative client, Brian Goebel, and our group of landowners. The first thing I am going to do is the first thing I usually do, and that is to renew my request to remain on your agenda each meeting until the solar ordinance is properly amended. Today we are introducing, and I will put it into the record momentarily, an updated petition that contains additional signatures since the last time we have added 182 additional signatures of residents that are in support of our efforts to amend the solar ordinance to address specifically industrial solar. The other thing we are going to do is Kendra Bisesi is here, and since this particular body isn't set up for Zoom, and this room is tiny, and we can not fit everyone in it, and we are not at the 4H, she has her Facebook Live on because of the limitations here, and we have such a large body of people that are interested in this on our client team, and they want to see and here what is going on. So Kendra has the Facebook Live on so everyone can be present in some manner, and maybe if we have multiple meetings on this, we can consider a larger venue.

I want to make one other note before I get into the meat and potatoes. House Bill 1381, very good news, you all probably know it died. That's great news, and what that means for us is outstanding news because we have an opportunity to put into effect a customized ordinance addressing industrial solar in Posey County without having to worry about State law overriding you and telling you what to do. Your home rule stands. That terrible legislation was opposed State wide by county governments, including Posey County, with a resolution that you passed to do that. I am on the agenda, I think sort of twice. I am always on there for solar opposition comments, so I am speaking right now under that bullet point, and there is a separate agenda item for actual ordinance amendments so our group members and myself will be addressing in-depth the more specifics of the ordinance, but for the topics Mike and I will be commenting on I will just list those real quickly. First, we are going to comment on the stay; we always do that and ask for that. I have a little bit of background information I want to talk about regarding our ordinance. I do want to address some of the tensions and questions surrounding the process. I am going to address the public records request that we have outstanding and not yet answered, and the ones we have and what those uncovered. I have some comments on the APC recommendations. Mike and I have some Economic information and related data, and Mike has some updates on the discussions with the developer that we know of. We will try to keep it brief, but we do have a lot of ground to cover, so I will get started.

The first topic being the stay; we are requesting another extension of the stay that you originally issued on March 2, 2021. That stay provided for the staying of receipt and consideration of solar energy conversion applications. We do want to clarify that the amendments we are seeking with the ordinance do not apply to people or business using solar for their own use, so the stay would only apply to tier-one project and tier-two non-personal use projects, so to the extent the stay has held up anyone wishing to put a panel up on their home, and that is not our intention. We do want you to extend the stay, and I think since I have a couple of things I'm asking for, I think toward the end of the presentation, we can see if anyone wants to take that up. The next thing is

some tension and questions that have arisen in the process. I think all of us can agree that the proposed development and now that we have a lot of activity with industrial solar wanting to come to Posey County, this proposed development, Tanaska is bringing it, and CenterPoint has announced they are buying it, they just happen to be first in line. I think we can agree it's resulted in a lot of stress and high tensions. There was a County Council meeting I attended in regards to a tax abatement request, and I heard it said that an individual that was voting on the matter would vote with whichever side would put less pressure on him. He was really mad; he said if one side upsets me, I am just going to teach them a lesson. There was some discussion, it was outside of the formal hearing, but there were a lot of people from both sides listening to that. So what I am here to say, in response to that, if anyone is feeling like that because of tensions and pressures, we just can't let the actions of a few bad apples derail justice. We have to rise above it, and we have to do our job. I want to give you guys some short information about the things I've endured during this and my client group. All of the clients that are here have endured some sort of harassment during this process. I have personally been called names, I have been followed, I have been threatened, I've had people try to intimidate me, I have been physically body blocked from entering hearings repeatedly to the point where I've had to call the Sheriff's department and let them know I was having a problem, I have been made to stand out in the pouring rain at the 4H, got soaked from head to toe; all my exhibits got wet, and I was not allowed in the building even though I was an hour early, and even though I was representing the person who had an application. So I am just here to tell you I understand, I understand it's been a lot of pressure on all of us, but I am still standing, I am still here, and I am still going to fight my fight, and I hope that in spite of the fact that some of you are having the same kinds of negative things happening to you, it's happening to all of us. I really don't know if the things that are happening to all of us are being done by the people that want the solar or the people that don't want solar, and I have a feeling there are a couple of bad apples in the mixture on both sides, and it could be that people on one side of the issue are doing things and they want you to think it's the people on the other side of the issue so that you'll get angry and do the same thing that I heard that councilmen say, which he didn't end up doing because they withdrew the tax abatement request. Don't get upset and say I'm upset, so I am just going to teach that person a lesson and not do what they want because they did this or that. I am telling you, I am 5 foot 1, I am not bigger than these people, I don't like being followed home, I don't like being insulted and called names, but I still have to get up every morning and say hey, I still have to do my job, we still have to do what's right, we are not going to be intimidated by the acts of a few people. We still have to work through the issues, take our time, and do the right thing for Posey County. In addition to the tensions that I know we've all faced, there have been some questions raised about the process, and I want to share some of those questions with you. Some people have asked, and we have been really embroiled in this process, they don't know if people voting on the process, not just the Commissioners, but the Area Plan Commissioners as well, and earlier on the County Council members, we've been so focused on the issues they don't really know if people voting have taken the time to consider if they have plans to or maybe a future intention to, as it may be because they own a lot of land, to lease to solar. If that happens to be the case, if it turns out that after you've given it some thought, your planning to lease to solar, or you somehow stand to benefit, or maybe your close family is planning to lease to solar, or if you've been offered pet project or anything of value by the solar company, maybe we just give that a little bit of thought and if you feel like that applies to you, maybe don't vote, maybe recuse yourself. These are really uncomfortable things for me to get up here and say. Especially when we are trying to put forth these things that are the ordinance and amendments that we want. But I can't deny that they are fair questions that the citizens have, and they just want everyone to do a little quick search and decide that you don't have any of those conflicts of interest. Usually, I know that sometimes that a specific thing that is discussed when a board is voting on something important, to make sure no one has that. I have been at a lot of meetings, and I haven't heard that discussed, so I obliged to raise that issue on my client's behalfs. They have asked that we actually go through that exercise today and try to figure that out and just make sure everyone feels that they aren't planning to lease to solar in the future, so they are voting with basically a clean heart. Another thing about the process that has been raised is we did a public records request because people were a little bit concerned that the ordinance amendment process is not supposed to be about any particular project; it is supposed to be about getting the right solar ordinance for Posey County as a community, not for company x or no for acme company. Just overall, what is best for us. People became concerned because the current developer that is applying; it seemed like maybe there were some concerns about that process. So we did a public records request, and I was really surprised to get this, but I got a, and it's in your packet, I got a memorandum that was sent from their attorney to the plan commission attorney, and the memorandum said these are the things

that are unacceptable for us and these are the things that are acceptable to us. Mr. Schmitz, you have the letter there, there was an enclosure with that letter, and it literally in all caps says this is acceptable, and this is unacceptable, and it was dated the day before a key hearing. Not the 4H hearing but the next one, it was dated the day before that hearing that we were coming to talk about what we wanted in that ordinance, and the plan commission was going to discuss it. Their attorney didn't come, but we could just hear this voice on the Zoom call advising them, exactly as the memo read, and I'm thinking I thought this was about what is best for Posey County. It sounds like really what is acceptable and unacceptable to a particular developer. I don't know the answers, I am not a mind reader, but I am going to say that it has really concerned the citizens that there is a memo that summarizes what the developer wants and deems acceptable and unacceptable, and that is the direction that the Plan Commission was directed. Now, after that, we did an additional public records request because we wanted to see the rest of the story. What has been going on since January of 2019 to now, what are we missing? Something is funky. We are missing something. So March 29, I sent out a public record request for the rest of the Communications to the Area Plan Commission, to the County Council, and County Commissioners. I don't know what those are going to reveal, but I sent those out three weeks ago, and I don't have a response yet, and I was told I would not going to get a response until after this meeting, maybe at the end of the month. But here is my thought, if there is nothing in there, wouldn't it just take a minute to respond and say there is nothing responsive to your request. Am I going to get a binder full, I mean, so there are concerns about the process, and the reason that it is important is because it relates to the stay. I think we all deserve the opportunity to see how we got the ordinance that we have. I have been here before; I have brought the minutes from when that ordinance passed. The first meeting I was here at in early January, I raised the question of how that happened; there was questionably nothing posted about the meeting, at least no evidence that the meeting was posted. The ordinance that was published in the newspaper had a thousand-foot setback in it, and then in the blink of an eye, in a special meeting, it was dropped down to 100 feet with very little public input, and no one really understands how that happened. Through some communications and conversations with the different voting members, I feel that it has been determined that that was inadvertence. It was not done in the context of big solar projects planned. When we were here at that meeting in January, I believe it is in the minutes; it was Mr. Schmitz that I think said, "really, the solar ordinance was a stepchild of the wind ordinance, and the focus was the wind ordinance." So he said bring forth the changes you want to see made to the ordinance, and we can have this bigger conversation as to what's right for solar. So, I don't really think the ordinance that currently exists was designed for industrial solar; I think we have established that. I think that evidence will come out in a different forum if we end up having to use a different forum to address the stay or other challenges that you might receive to the process that you are trying to undertake. We have heard, from the developer, that they will not respect your desire to work through a full process of analysis and customization of this ordinance. Mr. Collins has said at our past meeting that he is interested in seeing all developers come in under the same set of rules, and I think we are talking about a set of rules that is balanced between non-participating and participating landowners, it has be fair to both sides. I think he even said, can't you just stand down or just let us go through this process. The answer has been no, they will not; they have said they are going to force you to accept their project if you continue the stay past today. I believe they plan to go down to the Area Plan Commission office and demand that Mindy Bourne accept their filling, and I say this is inappropriate. I feel there is no legal authority for that action; you are well within your powers to extend the stay; you are not making zoning laws by doing so; you are simply using the power you have under home rule to examine how your current ordinance came to be, and whether it is right for Posey County. You have every right to do that; you absolutely have every right to do that. You are allowed to study and create an ordinance that is in tune with developments that are pushing their way into Posey County. If we do anything other than extend that stay, we open the flood gates for not just Tenaska but for, we know now, four or five developers that want to come in. If all of them come in and take the position, well we could've used the old ordinance, and now you've changed it, and so now we're going to demand you take our project. This County is not going to look very nice. If you look in your packet, you have in there that picture that I circulate every time I am here. This is ugly. This is not pretty; this is not what we want Posey County to look like, at all. I don't mean to pick on the current developer, they just happen to be first in line, but they are going to sell this to CenterPoint, make their money, and leave, and we are going to be here for 30 years looking at it. So we have to take the time and do it right. Another exhibit in your packet is a picture of solar panels that you can see; this is just a picture from a visibility study from online, from a different project. This is not about Tanaska; this is just an example. This picture shows you what it looks like to have a solar panel

farm 114 feet from the person who took the picture from along the side of the road. This is not good; this is not what we want Posey County to look like. I can't think of anyone I know that would want to see this in a beautiful community such as this. I have put that into the record as well. The point is, you shouldn't be intimidated into not extending the stay to do your jobs; if they push their way in and try to fight you on it, we will stand behind you, and I think what will happen if they do that; unfortunately, we will all end up in litigation and what could happen is a new law in Indiana could be made. This will find its way all the way up to the Indiana Supreme Court, and new law will be made in Indiana to address situations like this. I don't think they want that; I think that will be better for us. I hope we don't have to do that; I hope that they will honor your desire to work through this process with us. And I hope that I don't uncover anything else showing the tainting of the process, but I am not very optimistic at this point. What we hope is that, alongside those things that are of concern, we can continue today before you to talk about the ordinance itself and what is best for Posey County. I did put in your packets the outstanding public records request that I have sent, just so that you can see what they are. I sent those out on March 29, and I do not have any response other than I was told yesterday on a couple of those that I will get a response by the end of the month. Again, in other words, not until after this hearing, so I do not have an opportunity to see what that is and present it to you if it is anything. I just want to point that out because it is very concerning and disheartening to our client group that we can't be made privy to all of that in a timely manner. There are a couple of other things. There is a body of people that say, you can't give these generous setbacks, and you can do this because you can't tell people what to do on their property. I just want to mention that is what the purpose of the zoning code is. Some places don't have a zoning code; some places do have a zoning code. Posey County has a zoning code that is almost 200 pages long. The purpose of the zoning code is to make the rules so that people can live in harmony. Person A can do what it wants on its property, within the confines of a purposeful set of rules, and so can person B. It is not really a new concept that we are creating an ordinance to address a use; this is not a big surprise. I am always a little confused when people say; you can't do what the solar opposition group wants because you can't tell me what to do on my property. Well, then, why do we have a 200-page zoning ordinance code that says exactly what confines what people can and can't do on their property? That is the point of a zoning code. In fact, the current zoning ordinance, which I have presented at a previous meeting, in Section 153.148, has a specific section about utility facilities, and it says if you want to put a utility facility in AG because those are objectionable, you have to get a special use permit. So we already have an ordinance that says utility facilities are objectionable uses, so you have to go through the special use process. Well, somehow, solar panels have squeaked in here, thousands and thousands of acres of them, and they don't have to do that. That is why we asked in our request that you make them abide by the zoning classification just like you would the gentlemen that had his rezoning petition before me that wanted to do something that he needed to do rezoning for. You should need to do a rezoning if you want to do a profitable industrial project. That is the position that we have taken; the Area Plan Commission did not agree with us. Hopefully, you will, but even if you don't, please know that you already have in your zoning code, but it carved out for solar panels; the zoning code here already says utility facilities are objectionable and need a special use in ag, that at least provides another layer of protection for the people. I do find it a stretch that we will now allow thousands of acres of solar panels without a zoning classification or even a special use permit. I just wanted to point that out. The other thing I wanted to say, I guess several things I wanted to say, is there is a concept in the law that says, he who seeks equity must do equity. In my opinion, solar developers and I am not picking on Tansaka because this is a nationwide problem; solar developers are in the business of knowing what's going on with local law. They look for vulnerable rural Counties that don't have ordinance; that is what they look for. Even better, they would love it if they found Counties, just like Posey County, that have inadequate plan ordinances, which ours just happen to be due to, I believe, missteps and oversights. That is a hot ticket for a solar developer because then they can claim they have rights under weak ordinances that are clearly inadequate for the magnitude of what they want to bring, so they quietly come lease-up ground in a County that doesn't have very strong laws, but they have laws so they can say, you have a law, so we can use it. Even though the law was never intended for that. They quietly lease up ground and they come in on the side and offer you money that you need for police radios, and broadband and they give money to the Council on Aging, so we don't have to get it out of the budget, and try to be your friend. But really, what is happening is, they are going to make as much money as they can by doing as little as they have to do, they are going to sell it to CenterPoint, and they are going to leave. They are going to drop it on us and leave. So we have got to stick in here, and we have got to get this right for the people. I know I talk a lot, but there is a lot to say. Ok, we have two other topics that aren't specifically related to the changes

we have asked for, but we have Mike Shopmeyer going to talk a little bit about economics, and Mike Shopmeyer is also going to talk about negotiations with the developer, and I will, after he does that, I have an exhibit in your packet that has my handwriting on it, it is the document that Mindy Bourne, it's her certified, the certified recommendations and I am going to give you the fastest overview you have ever seen me give of the comments that we have on that document that we would ask you to adopt. Back to my comment of he who seeks equity must do equity. You cant come in and say that's not fair if what you did was not fair. If you come in and try to take advantage of something that you know isn't suited for you. That's like going into a store, and you see wrong price tag on something, and you run-up to the cash register and buy it when you know it is priced wrong. You don't get equity if you don't do equity. So you cant take advantage of something that you know wasn't there for you and then pretended you are wounded and need relief. It just doesn't work that way. After Mike goes, I will do my super fast review of what we are asking for, save our bigger discussion and our group members for specifics on the ordinance, and then hopefully, we can take up what we are going to do with the stay. So I am going to step aside and let Mike do that.

Mike Shopmeyer: Thank you, I'll be much quicker. I have been working as a dirt lawyer in Southwest Indian for 37 years. I've worked on most of the largest projects in this region, automobile assembly plants, steel plants, all the way up and down the river, up to interstate 70 all around Indianapolis. I have been in this field for a long, long time; I have been on both sides, I have been on your side of it as well in this process. I commend you for your service. A key part when there is a zoning code is to try to work out a peaceful settlement, and that is done through a use development agreement. So our zoning codes in Indiana provide for what we will call a UDA. Tanaska and we met, and they made an offer of some items that included some payments to affected landowners, greenspace, much more than you are aware of. We then put that in writing, and we, of course, asked for more, as anyone would, because the first offer was not adequate, obviously. We sent them a UDA twenty-one days ago. So I would say to you, if there is one thing when I am in other Counties and that I see, and you can do, and you have the authority to do is to send them back and ask them to negotiate in good faith on that agreement. They have canceled us; they canceled us, they strongarmed us, and have not responded in twenty-one days. Now, does that mean that what we proposed is fair? I don't know. What they proposed is fair, I don't know, but I assure you there is somewhere in between almost always that people can peacefully find a way to workout. As the good reverend said, he hopes better angels work with us today, and I would implore you as better angels to work with us to say Tanaska, let's negotiate with these folks on the UDA. That then allows us to come here with an agreement where both parties, not everyone, will be happy, not all of our clients will be happy, not everyone at Tanaska will be happy. But it will allow us to get to something better than where we are now that would bring peace to this County. If you do nothing else, this stay sends that message to them, I have watched savvy officials and planning officials look at a developer when I've been in the seat that they are in now, and say you go work on that agreement, but instead, we have been, from a football analogy, straight-armed, we've been canceled as a group. As you can see, there are thousands of people in this County. Zoning codes are enacted; I learned this three years ago, your adjoining Gibson County, and we benchmarked off of Posey County, we benchmarked off of Posey County, and we passed it 12-0. Not in place now because of election fall out but, we passed it 12-0 after three years of hearings, just like this. Save the Newburgh riverfront, one year of hearings I went through one year to save the riverfront. I think all of us in this region would say the Newburgh riverfront is one of our finest assets. We saved that; we had a similar situation years ago, took a long time. What's the economics, this is not the highest and best use. I have optioned this land; there was a point which I could call the farmers in this region, I could call them up, and they'd say what's the offer for. It was BASF; it was Scott Paper; I could go on and on. This is the highest and best use for our region, all of Southwest Indiana, for development. Beyond that, let's just say status quo. Let's just talk about the economics of status quo; we have hired an expert, they have spent a lot of their money, hiring an economic expert, only to be harassed by a Tanaska representative, with a letter intimidating that person from doing any work for this group of neighbors. That's just not cool. Exactly what Maria was talking about, there is some really untoward stuff going on on both sides, and letters stating their employers are going to hear about this. When they are from one of, you know, the legislation died. Why'd the legislation die? Thirty-five and growing Counties are doing exactly what you are doing. They are saying that Indiana is a farm state and 4000 acres; no one ever envisioned that no one, in all the time we never ever thought that we would take 4000 acres of the bread that feeds our country and take it away from the people. Now from a pollution standpoint, because I have children and they say, dad, I can't believe you are against solar, you know your an old hippie, whats going on.

I say, well daughter, son, here's what's going on, it's not going to improve the air quality for those of us who live here; it might improve the air quality somewhere else, but we're going to take out the carbon eating corn, the soybeans, the wheat, whatever we grow in those areas, that's going to be gone, and in place of it, you're going to have a more hot and polluted area for your County, and that is all you folks represent. One hundred twenty million gross national product that GMP on corn on the life of this project. That's a lot. You forget how much seed, corn, implement deals, and so on that this land takes care of, and you're going to take that away for thirty-five years. I think we have to look at the highest and best use; what's being offered is fools gold; I've said that before. It really is fools gold; you have two things you can do, you can stay, and I think I would need to look at this further; there are three things in the ordinance that we are going to talk about that really need attention; setbacks back to 1000 because 100 is not enough, zonings district I don't know how you can not district something like this 4000 acres and how it's not classified as industrial application is beyond me, and finally, there are issues on the price guarantee that also needs some refinement. You are close, but there just needs to be more done, so if you enact a stay, you can be the better angels so that we can work on the Use and Development Agreement; if you send it back to refine a couple of areas, that too is the work of the better angels in my opinion. That is all I have to say. Maria, is there anything else?

Bill Collins: Before you do, one comment I would like to make, and I appreciate all of your comments. The reason we fought House Bill 1381 was because we wanted the decisions to be made local, not based on anything else.

Mike Shopmeyer: Yes, and that's what the Association and you saw the hearings, it is widespread across the State that people are taking the viewpoint that we're saying, whether you did or not, most of the people are testifying and the reason it died, is most have the viewpoint we have that solar and wind need to have greater restrictions. We aren't saying to ban them, but they need better restrictions and especially on 4000 acres Mr. Collins. That's what renders this one unusual. I don't know what the number is when they are industrial, but I would suggest 500 acres and above, but something needs, as Maria said, it really needs a category. At least a special use, that's what most Counties have done, a special use.

Maria Bulkley: Ok, At the Plan Commission hearing, we had a lady by the name of Dennis Spooner that spoke, and she put together a binder that she gave us and I brought to put into the record. So I wanted to point that out. Dennis Spooner is a real estate agent licensed in Indiana, and a lot of research and data on solar, industrial solar particular to Indiana, and some of her research is nationwide also. I am going to put that into the record; I also am going to put into the record the minutes from the Area Plan meeting where we made our presentations so that you can take the time to study that material and read it. She is not here, but even if she was here, her binder is this big, and I am going to make the assumption that you don't want me to go through this binder today. I trust that if I put it into the record, I don't see how we can get done today, but that you'll take the time to study the information. So I am going to put that into the record, I am going to put the petition with the new signatures into the record, and the reason I haven't done that before is because I was reviewing them, and I only had one copy. Everything that I have my own copies of I already gave you to put into your folders. I am also going to put; I don't have it right here in front of me, some farming statistics, they are in your packets, they are in the last page of your packets. I thought Mike was going to go over it, but he didn't. There are just a few lines there about this township in particular and the amount of ground that is being taken up. Tenaska said their project is only a tiny little percentage of the farmland in Posey County, but it is a very large percentage of the farmland in this township, and it is impossible to reconstruct that once it is lost. So those statistics and their sources are in the last page of your folder Carl. So we want to make sure you have that for your consideration too. Now, the next thing I want to do that I said I would do before we get into the specifics of what the Plan Commission put before you. I am just going to run you through what we are asking for. It is already in the record that we filed an application; you have a copy attached to the certified recommendations from Mindy Bourne; we've talked about it here numerous times. But what I did today, I took the letter from Mindy to you, and I made notes and highlights on it so that you could have an idea of what we would want to do differently to this document; I thought that would make it easier than you having multiple documents, I just took their document and made notes on it. So, number one, it says APC makes an unfavorable recommendation of the request to have a zoning classification. We believe industrial solar should have its own classification or be placed under the M2 classification. I have already spoken to that issues, Mike has spoken to, and I would refer you back to the previous comments on how your ordinance already has a section in it that deals with agricultural zoning,

utility facilities, and special use permits. Something has to be different there, in our opinion. On the next page, under H, there is a section about the tree buffer, the green buffer; I added a few notes here, we would suggest that not only should the trees, should there be a viewshed of trees from any adjacent non-participating residents, but also any non-participating home site. I know there are members of our group that purchased home sites to build on only to find out they will be surrounded by solar. So what I am talking about are existing residents or homesites as opposed to acres of crops. So if someone has a dirt pit or something not buildable, that's not what I am talking about. I included the words homesite or residents is there to cover those people who don't have a home built or are about to build. One thing I also changed is that it shouldn't be scenic areas and roads that get the benefit of trees, but it should be all public roads. I would refer you back to that picture that I included of what it looks like to have those solar panels right up on your roads like that. That picture was taken 114 feet away. The request right now, or what's on the table right now, is that solar panels could be just 50 feet from the road. So more than twice as close as the picture I sent you. So you may want to think about the improvement of the trees there. The next thing I did to that section is I stated that viewshed, I inserted the word not, the viewshed screening shall not be included in the setback buffer. In other words, you have a setback, and then you have the tree requirement; that is how it came forward from the Plan Commission. We think you should have the setback and then the trees; we don't think the trees should be in the setback buffer, and I think our members can explain how that affects them better than I can. I think Brian Gooble can, and I think Jerry can if Bryan doesn't. They are homeowners that have specific concerns about that section can explain it better than I can. Setbacks are a real big issue; currently, the zoning ordinance says solar panels may be located; no solar panel can be located less than 100 feet from a non-participating landowner property line. Originally we started out with a request of 1000 feet; we didn't pull that number out of thin air; it was the number already being circulated; it was the number published in the newspaper as your proposed ordinance. We did not come up with it, I don't know who came up with it, but that is the number that everyone started with; I think it was 2019. They put their head on their pillow at night, thinking that's what was happening. And then, in the blink of an eye and the wave of someone's magic wand, no one seems to know exactly how that happened, but that it was a mistake, and it went down to 100 feet. We've moved off of 1000 feet to 750 feet, from the property line, not from the edge of the residents. That's where we are for the moment, but hopefully, that shows a willingness to work towards something. We have told the developer that most of the people in our group are willing to move towards them. If I remember, they didn't move very much in our direction on their end on that issue, but we moved 250 feet to them. I think I was told every 100 feet is the length of a basketball court, and that is how I like to think of things. So we moved two and a half basketball courts away from our old position. Also, we think the 750 feet should apply from the leading edge of a public building and the property line of a school. We think residents and schools should have the same treatment and have bigger setbacks. We deleted the measurement of measuring from the edge of a resident, a lot of residents are located in different spots on the property, and some have not even been built yet and are just homesites. We think measurement from the property line is the easiest. I think that we will have some discussion on that today. The last thing we did to this document is we had originally asked that a property value guarantee, well we didn't originally ask; we asked it on the floor of the public hearing because we found out that the developer had withdrawn its tax abatement request and therefore it was unclear if they would have an Economic Development Agreement. The way your ordinance currently reads is that the property value guarantee can be requested by the Commissioners if there is a tax abatement or an Economic Development Agreement. Since they withdrew their abatement, we made the request that the property value guarantee, or at a minimum, it should be at the will of the Commissioners depending on the circumstances, but we've asked that it be mandatory. It shouldn't matter if there is a tax abatement or an Economic Development Agreement to the developer. That would just mean that damage to value incurred and you are paying for it by giving a tax abatement; that really doesn't make sense that the County would pay for the damage. The other thing I want to point out about that is that I've heard a lot of kicking and screaming when I bring up the concept of a property value guarantee on the solar developer side. They say we don't want to do that, you're going to make our project too expensive, but by the same token, they have said, what we are doing isn't going to hurt your value, were going to make this so good that your value isn't going to be damaged. Well, in Indiana, there are no studies; I have talked to a multitude of appraisers and real estate agents, there is no study I can bring you that says this is what happens to property value. It remains unknown. What we are saying is property value guarantee should be mandatory. It shouldn't have any impact on the developer whatsoever if what they say is true. If it is true that what they are doing is going to be attractive and distant from us, don't roll your eyes at me, Mr.

Johnson. Yes, I saw it. If it is not going to impact our property values, then they will pay nothing, and so they should be willing to put forth a property value guarantee; if I know that I am going to go damage someone's property, I should pay for it, or if I say I am going to spray paint over in my yard, and paint isn't going to get on your car, and my neighbor says sign this paper that says if you damage my car, you'll pay for it, I should sign that because I know that I'm going to take said measures with my project that I am not going to damage anyone. I should have no problem with a property value guarantee. I am baffled as to why a property value guarantee can't be made mandatory; it only makes sense to me. Like I said, the ordinance you currently have says a property value guarantee isn't mandatory; it is only applicable if there is an Economic Development Agreement or tax abatement. That really doesn't make a lot of sense to me because the County is paying for the damage. If there is not a tax abatement or an Economic Development Agreement, then it doesn't apply. That is my final comment on that. I am going to put these items into the record. With that, I would renew my request for a stay; I don't know if you want to take that up later in the day or now. I am just requesting that it be renewed. I am still speaking. Last time we had this problem where, we have just had some problems where I have been having too close of physical contact from people in the other group, both outside when I am by myself and in here, and it has to stop. It just has to stop.

With respect to the stay, you have the authority to do it; we need to finish the process; you have every right within your bounds of the law to extend your stay. We are prepared to fight, and the purported authority that they say applies. You can twist around case law and say it applies, but it doesn't, and we are prepared to make those arguments. I don't think here is the place to do them, but if necessary, we are ready to do that. Don't be afraid to protect your people. In a second, I will be done; I am going to put my exhibits into the record.

Reed Schmidt: I am an attorney in Evansville, Partnered with Dentons Bingham Greenebaum at 1 Main Street Evansville, Indiana. I will be brief. I will renew our objections to Maria's request that there be a stay related to the filing of an application. I don't think you have the authority to do that, so I am renewing my objection that I have had at every other meeting. I will briefly address what Mr. Shopmeyer said regarding a use agreement. I believe Mike is being disingenuous when he says that there has not been good faith negotiations; there has been. In fact, we were the ones that initiated the first contact with Mike and Maria. We prepared a proposal, and I believe it was approximately three weeks from the time we prepared our proposal and sent to Mike and Maria, and we received a response from them at about 4 o'clock before one of these meetings. For Mike to say that we have not been in negotiations and we haven't been negotiating in good faith, we have been. That is all I have. Thanks.

Mike Shopmeyer: Let me respond to that; it was us, not them, who made the first request that we work through a UDA. Reed Schmidt has never spoken to me; every conversation I have ever had has been with Mary Solada with his Indianapolis office. So to stand up here and say that somehow what I said was inappropriate or disingenuous, this is wrong. Just plain wrong. In twenty-one days, I have called and asked what the status was, and the response I got was we are not going to negotiate with you; you are canceled. That is the record.

**CONSIDERATION OF ORDINANCE AMENDMENTS TO CHAPTER 153 ZONING
ODE, SECTION 153.120 SOLAR ORDINANCE AND SECTION 153.130 WIND
ORDINANCE**

Bill Collins: Before we open public commenting, we have a recommendation from the Area Plan Commission. Is there any motion to address that?

Carl Schmitz: So that we are in proper parenteral procedures, I move that we consider the amendments to chapter 153 of the zoning code section at this time.

Bill Collins: I will second that, and before we get into a discussion, we will open it up for public comment. Maria, would you like to start?

Maria Bulkley: What I would like to do is call upon our group members to add to what I have already shared. So that we do not have a lot of redundancy, I have gone through the revisions that we want, and I also handed out exactly, if you guys have this paper in front of you, which is the exact recommendations of the Plan Commission with our request on it. I would like to maybe call upon our group members to get started with their specific request of you. If that is ok, and maybe I can reserve at the end if they don't hit anything.

Bill Collins: That is fine, but we are going to go back and forth.

Maria Bulkley: I understand, pro and against. Right. So which one of our group members wants to go first?

Bill Collins: We would like to limit this to two or three minutes per person.

Maria Bulkley: I think that most people are ready for that because that's how it was at the Plan Commission. I will save myself for the end because I will be back about that stay.

Jerry Chastain: Darnell School Road. I want to touch base on something that Maria said about the property value guarantee. Mr. Johnson said that the last meeting, the Area Plan that they were going to take the money from the tax abatement and that was going to pay the property value guarantee. So we are going to pay for it, or are they going to pay for it. It's a no-brainer, but anyway, I want to touch base with that, that they said the money from tax abatement, the 12 million, was going to pay the guarantee of the property value for the record. Permitted use zoning in AG is a really scary classification for Posey County Solar Ordinance. I personally zoned several properties myself; I am a landowner, a homeowner in Posey County. For instance, it is recently zoned thirteen acres of property for a wedding venue with a special use permit. After I sent certified mail out to all adjoining neighbors, I went out and talked to them. I didn't sneak around; I went out and shook hands with them and said, this is what we are trying to do in the neighborhood. I went to the Area Plan meeting, no remonstrations, I was in there, and there is in the file that I have to shut my music off at a certain time because it could potentially affect my neighbors. Thirteen acres, I have to shut my music down at a certain time, that's within my special use permit, which I understand because that protects my neighbor and it allows me to do what I need to do on my land. That's what zoning is; it is here to protect the landowner and the neighbors. Surrounding these peoples homes one, two, three, and four sides, I am asking you guys as Commission; I know this ordinance is kind of new, but have you done any studies in Indiana on what the property value effect is for a two to four thousand acre solar facility is in Indiana? I have searched the internet, and there are a bunch of them on the east coast and the west coast, but how can we make a decision today without the proper paperwork of what's going to happen? Why are we going to let them push us to a decision quickly because they want to get that federal tax credit and were making decisions that will affect our county for 35 years? They aren't the only ones; there are four or five other solar companies within the area leasing ground currently. We have to get this right the first time; it's not going to hurt anything to get this right the first time for everyone. Posey County has the tendency to make decisions fast, and I think on this one, we need to slow down and really think what the repercussions of this will be for all residents of Posey County. That is all I have.

Steve Johnson: I am Senior Vice President with Tenaska, and my team is responsible for the development of the Posey Solar Project. Thank you for letting me speak. With my time, I would like to address a few questions that have come up recently with the project. There are certain Federal tax incentives such as a solar investment tax credit, the ITC as its informally known, tribute to the growth of solar, and this type of federal subsidy has similar objectives to the current agricultural subsidies, jobs since the ITC was enacted back in 2006, the US solar industry has grown over ten thousand percent creating hundreds of thousands of jobs and invested billions of dollars in the US economy over that time period. A solar field is a temporary use that allows the land to heal and return to agricultural production. Participating in the project allows our landowners the flexibility to keep land in the family for future generations to farm. All of the approximately ninety landowners that have leased land to the Posey Solar project own property and pay taxes in Posey County. All of them. The majority of these landowners reside in the region. They care about Posey County and Marris Township as their community, just as they care about and are connected to their family land. They want to see the land and the community prosper for future generations. When a developer looks at a location for a project, not just solar field, but for anything, they look at the applicable local ordinances. In this case, it was a solar zoning ordinance. We have to consider whether our only project in Posey County will meet the standards in that project. We have no plans for a phase two expansion of this project or any other project in Posey County. Local leaders have pointed us to the solar zoning ordinance as a standard that our project needs to meet in order to become part of the community. The Area Plan Commission has recently recommended even more stringent standards to an already thorough ordinance. So while the APC recommendations are owners in the opinion of the participating landowners and my company, the Posey Solar team is willing to accept them and build the solar

field to these standards. We ask that you accept the recommendation of the APC, and we ask that no further changes be made. Please accept the recommendations from the APC as written, and the next proponent to speak will be a representative from CenterPoint Energy. Thank you.

Bill Collins: Someone from the opposition.

Dave Dauseman: My name is Dave Dauseman; I am a lifelong resident of Mt. Vernon, where I have raised my two children, two daughters. I continue to help at the grade school level with wrestling, I am on the United Way Board, and I love this County. I am against the solar project for many reasons, all of which I won't opine with you because you are going to hear that from others. But I have started a business, worked in the construction business for thirty-six years, starting my own business twenty-five years ago with one employee in my garage up to fifty employees with 13 million dollars in revenue. So I have lived a little, I am still young, but I have seen a lot. When I look at the numbers of this project, I can't believe that we are even here. It offers no jobs to speak of; it takes the beauty of this County that people come for away. It harms the very core the very core of what this County stands for in our farmers, and it doesn't raise enough property revenue to justify what it takes away. It benefits a very small portion of the population. But my reasoning for speaking here today is none of those things. What I want to share with you is a trend that I see firsthand with large projects being built in this area under the guidance of local officials. I do not want to offend anyone here today, that's not my purpose, but I want to share some facts. I am going to go back a little bit in history until about 1990, when our dilapidated water treatment plant was replaced. It was replaced through the City Council, it was about a 12 million dollar project, and at the time, I was working for a large contractor who won the contract. They chose me to be the project manager because I grew up in Mt. Vernon, and I knew everyone at the plant, including the water plant superintendent. They were sold a piece of equipment called a Krofta. This is a clarifying unit that was being used very successfully in Northern Indiana. I accompanied the Councilmen in charge, an engineering firm in charge, and a few others from the plant, and we went and watch this Krofta work beautifully. It took a little bit of power, not a lot of people, as far as employees and produced a great product. So they bought it, in one visit, took one day. We installed the Krofta, spent 12 million dollars of taxpayers' money, and it failed. It failed because no one thought about the Ohio River is not Lake Michigan. I don't know who will remember this, but it failed so poorly that in the winter of 1990, they had to shut their plant down, and the National Guard had to bring water to the citizens of Mt. Vernon. I talked to the Mayor of Mt. Vernon yesterday; they spent 12 million dollars over the last 15 years fixing that project. My point for this story is not enough time was taken utilizing the proper personnel engaged to make good quality decisions on a large project that impacted a majority of the people. In all honesty, that is less impactful than what you are looking at now. Project number two, Posey County Jail expansion. I was involved with that; I was asked to set on a board since this was a 16 million bond fund, the State required a board to watch the money flow. I have 35 years of construction business experience; I can smell a disaster. In four weeks, I smelled a disaster. I went to the County Commissioner in charge; the current Sheriff could see it too; the current Sheriff at the time had a commitment that following April he had beds leased to Warrick and Vanderburgh County, which was going to make Posey County a profit. I said, Greg, you aren't going to get there, not with the way the job is going. After many, many, many weeks of watching this job go slow, too slow to make it, I asked to be removed because I did not want to be a part of what was going to be mud on your face, so to speak. We met up here, Carl was the Commissioner at the time, and they asked me what do you recommend. There is another Posey County resident that happened to be involved in the project that saw what I did, and his name is Byron Sanders. I have not asked Byron if I could use his name; I did anyway. They pulled Byron in, and he saved the project. Without him, it would have never made it on time. I am sure Mr. Latham and Mr. Oeth would agree. Project number three; I don't know about this project, I have not had my hand in this project, but I have just heard about it, and that is the dispatch towers. The point is, this project needs to take time; it seems like it is moving too fast. I have been sitting in the background watching, and there have been too many decisions being made, too fast, that are affecting people. Here again, I really don't want to offend anyone, but I don't know that the people that are on this board have the proper background to make the kind of decisions that need to be made for the citizens on this project. This is what I think you should do, pull a team together. Pull a team together, pull an environmentalist in, pull an electrical engineer in, pull a group of six people together. Don't go visit one solar field in Minnesota; go visit three. Talk to the local newspaper, talk to the local Commissioners, talk to the local people, spend time, real time before you make any final decisions, no matter if they lose money or not, this is impactful, and I hope you do that.

Brad Ellsworth: Good morning, Commissioners; I think it's still morning. My name is Brad Ellsworth, and I am the director of local government and community affairs for CenterPoint Energy, formally and better known as Vectren and before that Sigeco. I would like to thank you for holding this important meeting and letting us talk for a couple minutes. I am here to speak on behalf of CenterPoint the Company, not the individual employees, as they are allowed to have their own opinions about projects such as this. We as a company support this project and the recommendations Area Plan Commission made to you a few weeks ago. We chose to partner with Tanaska and Capital Dynamics on this; I have Justin Joyner in the back with me; he helped negotiate with the Company should this project go. We put out an IRP, and we put out an RFP and received about sixty responses to that. Projects that wanted to partner with us as we add solar and alternative energy and renewable energy to our portfolio. Our customers are demanding that it is the way the world is going, and it is for economics. I have read somewhere that there were people saying that the only reason we are shutting down coal production at AB Brown was because of this project. I will tell you right now; this project has nothing to do with us closing AB Brown on the coal side; we plan to rework that plant, it will use natural gas, we will use about 500 million tons of Indiana coal when that is done, so it will continue. It will be in Warrick County that coal is used, not AB Brown; we will convert that to gas. So it has absolutely nothing to do with this solar project and shutting down coal production at AB Brown. We acknowledge the concerns of the people of the opposite side of this; we get that. We thought when we started talking, we called you Commissioners months and months ago when this was proposed about this project, and we thought it was important to keep this in our territory. This project, the reason we agreed to work with them, is because they agreed to keep this in our territory, it keeps the tax dollars here, it kept the jobs here, it kept the production and the contractors here. We thought that it was really important to do that, and it was the most economical for our customers, and I assume everyone in this room is CenterPoint customer, myself included. We are also aware of the commitments made by Tanaska to the County. As a CenterPoint representative authorized to speak for the company, I have said this before; we will honor every agreement made with the County when we buy the solar production field. Commissioner Schmitz, I will tell a story just to drive home that point. You and I met several years ago when counsel Harrison said that we have a Vectren, Posey County problem. We came down, and we worked together, and we worked it out. Since that time, you and I have worked on several projects together. That is the kind of commitment I can make to you on behalf of CenterPoint. That when we buy this project, we are right over there. We have people that live in this County; we live here, we work here, we are not going anywhere. So you can claim that Tanaska is leaving, we will take over, and we will honor all the commitments that Tanaska makes and the agreements that are signed in this agreement. With that, I will be brief, and like I said, we appreciate this important hearing, and we enjoy hearing from the constituents, from everybody; we want to work with you, the constituents here, with making this a successful project. Again we would recommend that you approve the APC recommendations. I will stay here in case there is a CenterPoint question by the Commission. Thank you.

Brian Gooble: I live at 8900 Ford Road South. Just to touch on that, I would like to know how many acres of this solar is going on actual CenterPoint property rather than our backyard. I will just leave that up for discussion. I want to start off by saying I am all for landowner rights, just as much as anyone. But when you have something on your property that directly affects your neighbor's property or property value. You can't do that; that's why we have zoning; I know we have talked about this all morning. I have listened to several meetings about this, and one in particular where there was a resident who was simply building birdhouses in his garage, and because one neighbor complained about noises, which is in the ordinance, during normal working hours, he was subject to intense scrutiny and had to have noise studies done to prove that he was within compliance of the County ordinance. This is something that little had to be proved to the ordinance; why are we not taking that same consideration to something this big with the ordinance. Why are we not pushing that much scrutiny on them? That's what I would like to know. The fact is, just because we didn't inherit hundreds of acres of farmland does not mean we have any less rights than big landowners; we are all equal voices in the County. This is why we are asking for greater setbacks to help protect the resident's property and property values. The original 1000 foot setback was asked for in the proposed ordinance; the original ordinance was just to try to get back to what it was originally, but we're not even being negotiated with; they are not working with us. The County officials with the APC has simply been doing. Honestly, what's been fed to them by the current solar company, and what they deem as acceptable, as what we have seen by the multiple emails. This is a County ordinance; they

should not even be talking to you guys. They should not even be in the picture. This is for the people, not them. Tenaska and other solar companies can claim solar panels will not affect property value, but the problem is that there are no other projects that are comparable or even of this magnitude while surrounding residential homes. I don't care what the studies say; it's common sense, people, that is something, even if we could sell our property, even if we could, who the hell would want to buy it? Even for what it's worth? It's just common sense, and common sense seems to be a trait so far that has been lost with people these days. Let me tell you, the people's perspective of the County is not very good right now, which I'm sure you've heard. Time after time, every decision that has been made looks bad. Starting from the original ordinance change and how it was not done correctly, how it was not put out in the proper newspaper, and our County officials had no idea that a project this size was in the works in late 2019, all the while there were thousands of acres being leased up in early 2019. This is a small town; there is no way people didn't know. We talk to farmers every day; it's awful funny how the ordinance was changed in late 2019 after they had already been leasing ground up, making it easier for solar companies to come in. If you chose to go against 2200 plus residents in favor of 90 landowners, it obviously shows what the people have been thinking all along, and that's how some of you could possibly not be personally gaining from this project because it sure isn't what your constituents want. It is time for you to do what's right for the people of Posey County and not for the Company. This is our County, not theirs. I ask that you at least consider negotiating. Thank you.

Terri Ash: I am a landowner and taxpayer here, and I am also pro-solar. I want to thank you for the opportunity to speak, and thanks for your work to assure whatever ordinance you come up with addresses safety and health. I do feel like there is a lot of support for solar that you are not going to hear about because most people who are in favor of it do not want to put themselves in the limelight. Just as Maria has said that she has been intimidated, so have all the landowners who are pro-solar. But here is the thing I want to talk about. I feel like our rights might be being overlooked through even the changes that were sent to you by the APC. Now Maria has given you a whole other document that refutes all of the things that the APC had. So I am not sure why those meetings were even held. I know that at some point in the past, you all have already gone over all of this information on solar, and you developed a good ordinance. But these changes have been referred back to you with a lot of misinformation, a lot of false information, a lot of intentionally false information, and a lot of intimidation. It is my understanding that land law does not guarantee the right of the view to one that does not own the property. I realized the right you have the right as a commission to make zoning laws, but I can't find too many zoning laws that marry fences and screening. If you drive the roads around here, you don't see too many companies that have fences and screening put together. But already, what has been sent to you has increased the setbacks and put in the green space that would include any form of tree or bush having to be planted on ground leased for solar. That impacts my rights as a landowner. It's tantamount to adverse possession. It prevents the use and determination of my property in that setback area. Jason Lesk, who is the Purdue University Agricultural Economics department head, said that farmers have to consider diversification in their income stream because of the unpredictability that we know farming is now and will be in the future. Renewable energy is going a sustainable way for me and my family to diversify the income on our property that we own and pay taxes on. Posey County citizens other than me will benefit. I can't find any precedent in the zoning ordinance, and I've read all the pages that even talk about or even require a mandate of property value guarantee. I feel like if you set that precedent for one business, for the solar business, you would have to extend it to all business just to be fair, and I think people would demand it, looking for a payoff, they'd demand it from CenterPoint, they'd demand it from Sabic, they'd demand it from any other large company that you have. I have been kind of surprised at listening to the number of acres involved in this project that people are talking about. It is 2400 acres, as far as I understand, but we have heard a lot more acres somehow in the comments today. Here is what I know, and Mr. Ellsworth said it, they are going to have solar, they want to have it locally, but if they can't get it locally, they will buy it from somewhere else, and that somewhere else is where they will be paying the taxes, and where that income will be in another County. I think we deserve that; just witnessing today, you can clear this all up today. You passed an ordinance just now; you approved a zoning ordinance right now, it can be done. I don't think there should be another stay. Thank you.

Misty Bishop: Hello Commissioners, my name is Misty Bishop; I live on Lower Mt. Vernon Road. I do not have a speech prepared, but I just wanted to say a couple of things. We are all fair people, I would think. All of the citizens that will be affected see the landowner's perspective and

understand why they are doing what they are doing. I can't say I wouldn't lease if I had land either, but I can tell you one thing that I would do, I would be concerned for my neighbor. I would say, you know what, I'll lease my eighty acres, but I want to mark out one acre to protect the home that would be affected by my decision. So all I am saying is if we can just be fair to each other and come to an agreement, something that would be good for both sides. Just common sense, some to protect the residents and some to make the solar developers happy, just something for everyone. So if you look at that ordinance and make proper decision and give us some more space from our property line and I do believe that trees are a good thing, and the screening is a good thing. I feel like that would give any homeowner affected something to give them peace so they will have something to look at every day. That is really all I have to say; if we can just keep that stay until we get our ordinance the way that it should be for Posey County and then the developers can come in under that ordinance. Thank you for your time.

Paul Herrenbrook: I live on Wolfinger Road in Marrs Township. Lifelong resident of Posey County. Gentlemen, what I would like to say to you is that I trust each and every one of your abilities to fulfill your job. In other words, I trust you. You are elected officials; you have been put into the position to do the job you are doing because people had faith in you; I have faith in you at this moment and will continue to. Solar is a thing that is coming; it is coming to Posey County, whether people like it or not, may not happen in the next month or two, or the next year or two, but it is coming. What I have primarily have to say is you have to consider the; I would like to tell you that I also trust the judgment of the people on the APC. They were likewise put into their positions to fulfill their duties. Beyond that, there is an ordinance in place, a lot of effort was put into it; Terri Hall assisted in developing that ordinance, I think it was a good ordinance to begin with, but some people don't agree with it. It is a workable ordinance; there have been proposals made by the APC to tweak it some; what I am asking you, gentleman, to do, I don't know if you have the ability to do it or not, but leave the ordinance to stand the way it is, the way its been for a period of time. Just leave it be. Because it is a good ordinance, it protects all people and does its job. I would ask you to leave the ordinance in place. Thank you.

Steve Moore: Good morning ladies and gentlemen. I am a lifelong resident of Posey County, and I live in Marrs, and my house is going to be greatly impacted. My property value will be cut in half with the location that it is at. I am adamantly against this for the simple fact that it's easy to be on the side of for if you are in the position to receive money from it. Even if you are paid spokesmen, it's easy to sit up there and speak for it because you are getting paid. This is coming from the people at the heart of Posey County. At my request, I asked Bill Collins to come out and visit and look at my place, and then I took him on a tour back through West Franklin where this great corporate neighbor we have had all these years have destroyed that back there, and the ground is fit for nothing other than solar panels, why are they not utilizing that ground, why are they wanting to take this 4000 acres when they have ample up there that is already cleared, it may be rolling, but it would work. I apologize for telling Bill false information; I say that Vectren does not pay property taxes; they do, but here is the catch on this; these people who are coming in doing this, they didn't just decide to pick on Posey County. They have been working on this for two years. They are two years ahead of us; we are trying to play catch-up now. And we will be two years from now finding out what's been done to us when it is too late. They have come in and made all these, one of the statements they made; they showed the figures of what a property tax Tanaska would pay, what the County was going to get over the years, that would be a figure if they continue to own it. But when the other outfit, which has been a structure hidden but has come to the forefront, it was kind of snuffed out like this was all Tanaska, but no, now it is stated we're going to buy it, Vectren or whatever, CenterPoint is going to absorb it. So they can split that 60 million dollars they are getting from the government to destroy our farm ground. This just does not make sense. I do apologize for giving you false information, Bill. I had not done my homework. I adamantly think this is a major mistake; we will be destroying what could determine Posey County's entire future along this four-lane corridor that would benefit the entire County. I can remember when the Country Club out here West of town was a horse stable when the only industry was the refinery, which, thank God, they were here. Then GE moves in, Charlie Lawrence started building housing subdivisions, all the houses fill up, the tax base has tripled. Then AstraZeneca with probably 150 employees, the majority of them live here in this County, and the ones that don't probably is because they can't find housing right now. But my point being, the industry will build; eventually, it may not be in the next three years, it may not be in the next ten years, but they are going to discover this corridor, and these farmers will make threefold over their money what they are being offered now, to provide with the County with four jobs. My point being is Posey County doesn't gain anything, non what so ever. We don't get

a reduction in taxes because of this; we don't get a reduction in electric rates. We just get hampered with the thought of that for thirty-five years out there. If I was a landowner, I mimic what Misty said, because being the way I grew up and all of us in Posey County, if I was a landowner and there was a house there bordering, and they approached me, I would approach my neighbors and say what would you be comfortable with. I would not allow them to build solar panels up onto my neighbor's house. A lot of these people that are saying if they had their house in the middle of their 100 acres that they are willing to lease, they wouldn't let them do that to their house, they are not going to let them build right up on their house. So I am saying, I am begging you to take it back to the 1000 foot and let this outfit go packing and wait for something more profitable. Thank you for your time.

Vernon Krammer: I am a landowner in Posey County. I have a couple of questions. One is this ground going to be taxed as commercial when it is being used as commercial, or is it going to be taxed like farmland. The other big issue I have is how they are going to take care of the foliage. Are they going to chemically take care of it or physically take care of it? I hate to see chemicals sprayed two to three times a year when it's not for agricultural use and kills everything. Those are the questions I have. Thank you.

Steve Eberly: Good morning, Commissioners. I am here to represent my organization, Hoosiers for Renewables. Spent thirty-five years in the County government. Actually sat in the exact spot you were today when we considered windmill project up in Warren County about four hours north of here. My address is 2741 East Acres Road in Pineville, Indiana. My grandson that lives with me is a sixth-generation, two-hundred-acre cattle farm. I have no land in any kind of a project; I'm just far enough away from everything that no one wants us. We do have some of the porous ground in Warren County, Indiana; it is hard yellow clay. It hurts me to say that I don't have a way to keep my son on that farm. He will have to do as I did, buy a lot of lights, buy old tractors to do the best he can to keep a few cows there. So when I look at projects like this, part of it is frankly, yes, it does in some ways enable multi-generational things to keep going. But more important today, I really want to talk to you today; as I exited County government I just felt like there needed to be more of a neutral information resource, so yes, we do believe in renewable energy, we do converse with every type of renewable company, and the majority of utility company in this State to talk about what's going on. If you go to our webpage, you'll find that we are not out there bashing coal, we are not out there bashing gas, we are not trying to shove climate change down anyone's throat. We are trying to be neutral out there, so people have somewhere to go, so they can learn about this information. I have always thought it would be fun for every County in the State; let's put forth the question we are going to either opt-in on electricity, or we are going to opt-out. The fact of the matter is, the Country and Indiana are looking to diversify energy; they are looking to provide energy resources that are going to come from a variety of sources. Wind and solar happen to be a couple of those sources right now that are part of the planning. I do not know why coal plants are being shuttered all over this State, I have no relatives that have been employed in it, but like any other industry that went away, it does sting. Talk about preserving our little farm, my dad and I bought twenty sows, he had health issues, mom did, we saved a farm with twenty sows, and today I can't sell a pig if I were to raise the offspring of twenty sows because you have to do it in different size and different scale. This is happening everywhere; change is happening. I just really wanted to impart that information. We right now have an ordinance that we have on file for about thirty Counties by observation, observation in Area APC meetings. The ordinance you have in front of you is a very reasonable ordinance. It is what you worked at painstakingly, does represent on par what we see happening in other Counties. As to the property value information, and this is not a judgment call, but we have on file information from Benton County, Indiana, up where they have 500 to 600-foot windmills, they have ten years of records signed by the Assessor where they have experienced an average growth of their assessed of about 1.6% average over the whole ten years plus. In terms of recent property sales, they have seen no degradation in sales that are out there; I simply offer that as a resource. Thank you very much.

Bill Collins: Before we hear from the next person, we are going to get someone on the phone.

Steve Moore: Can I make a clarification. I didn't finish out my deal about the taxes. This is just a point of clarification on my statement. I didn't finish; Vectren does pay property taxes, I didn't think they did because the entity, but they don't pay the property taxes that we do; the taxes they pay is structured by the State. Our Assessor can not even set foot back here on this property. That

is the reason I am saying that the taxes will be cut in half from the money that they are saying this is going to make over thirty-five years. Thank you.

Maegen Greenwell: I believe the question is how will this ground be assessed.

Nancy Hoehn: The ground will be assessed as commercial, and right now, we are anticipating the State to give us guidance on how to assess that. It will be assessed as industrial on the State guidance or on property sales in that neighborhood for industrial.

Maegen Greenwell: Do you know the numbers this will be over the next thirty-five years?

Nancy Hoehn: No

Audience discussion not audible

Dr. Kathy Drawn: I am a Posey County resident, and I am against the solar project. I would like to ask that the committee take their time in considering the ordinance and considering the whole project. The Posey County News special 2021 Spring Agricultural section really made me realize how many locally owned businesses will be directly impacted by the significant decrease in farmland due to the solar project. In that section that came out two weeks ago in the paper, there was a list of 46 businesses that advertise specifically that support agricultural services for farmers and the agricultural supply chain in Posey County. The negative impact on these businesses and their employees, their families, and the farmers they support far outweighs any benefit the solar project that is not a locally owned business that is five jobs over thirty-five years will bring. I would like to read off the 46 business that was in that advertised that support the agricultural economy. Crane Credit Union, Mark D. Price Insurance Agency, Four Seasons Lodging, Infinity Molding & Assembly Inc., ARM Ag Resource Management, First Bank, Russell's Excavating, Tri County Agronomics, INC, Mulzers, Schultheis Insurance, Herb Curry, Inc, Flammability Services, Pioneer Seed, Martin Farm Drainage, Wabash Valley Co-op, William Wilson Auction & Realty, ADM Milling Works, GAF, NIX Agricultural Services, Kraft Nursery & Farm, Kiesel Enterprises Inc, Jackson Seed Service, Posey County Co-op, DKD Genetics Inc, Hoehn Farms Inc, Scotty's Lawn Equipment, Consolidated Grain & Barge Co, Diversified Services Agency, Clem, Dassel & Co, Accountancy Corp., O'Risky Excavating, Mount Vernon Auto Parts, QualEx Engineering, William H. Bender, Attorney at Law, Warehouse Services Inc, KB Auto Works, Country Mark, Donmario Seeds, Hoehn Concrete Inc., Kiesel Enterprises, Old Mill Mart, Plantolene 500 Express, Farm Credit, Southern Indiana Drainage, JL Farm Equipment Co, Inc (Division of H&R Agri-Power), Hoehn Plastics Incorporated, Citizens National Bank of Albion, Superior Team.

That is just a small number of the business in this County that will be affected if we take this farmland out of commission. How many people these business combined employee in Posey County and the tax revenue they produce to support our schools and infrastructure. We need these local businesses, and they need farmers and farmland. I am a statistician; I can not do the math on the economics on this project, to be honest. Five jobs over thirty-five years, let's just say those are families of five, how is that going to bring economic development to this community. Five families, I mean five jobs. These aren't going to be great-paying jobs. What about this corridor that is ripe for people or housing developments to bring in people that will bring in taxes and job and school teachers to this community? We are putting that off for thirty-five years plus because then you have to decommission this stuff. We are just setting Posey County up for economic hardship, and people aren't going to want to live here; they are not going to want to be here, businesses are not going to stay, they are not going to be supported. Support the business that are here, support the local farmers, support the business that supports the local farmers. Thank you.

Maegen Greenwell: Before the next speaker comes up, can we please keep the side conversations in the audience to a minimum. Everyone has been respectful when everyone else was speaking, so if we could keep the conversations to a minimum so we are not having feedback on the recordings and we are not distracting from the speakers. Thank you.

Susan Wilson: Good morning; my brother and I own property, and we pay taxes in Posey County. Commissioner Collins, Thornburg, and Schmitz, I am not here to insult anybody or

make assumptions on what you have done with your homework of this project. You have been aware of this project for over a year, and no one knows what you have done on your own time at home as far as researching. I am asking that you accept the ordinance as it was approved by the Area Plan Commission. Just another comment personally as far as income, no the farming does not give us income, and that is why we have our farmland per our family, so we were approached and call it greedy, call it what you want, yes we made our decision. Thank you.

Kendra Bisesi: I am a resident of Marrs Township, and I am a mom of three small kiddos who will all three be at Marrs Elementary this year. I also serve as the Vice President of the Marrs Elementary PTO and have served on the board for over four years now. I have dedicated a lot of my time to Posey County, volunteering and working free of charge to make Posey County a better place for my children. I first want to start by saying I don't have anything in front of me, but we chose Posey County. To be honest, we came from Evansville; the west side was the only place we were going to ever be, and to be honest, we saw this fixer-upper house, and we were going to be the next Chip and Joanna, but I didn't know about Posey County. I can tell you I fell in love, not with the house, but with the drive to our house. The drive that will now be covered in solar panels. I toured Marrs Elementary before I decided my children would go there. I fell in love with the fact that Marrs Elementary was surrounded by cornfields or whatever other crops they want to place there that year. I fell in love with that my kids would be on the playground and watch a tractor go by. My kids beg on Sunday afternoons to take a drive in the backroads where these solar panels will be placed so that they can wave at the farmers and watch them work every day. I can tell you watching the farmers this spring has been a new kind of emotional because my children love that about our town. I am asking you to consider placing this stay today, not only for us, the homeowners that are adults here, but I have children who will have to live with this. I want Posey County to not only continue to be my home but also my children's. I want them to have jobs, and I don't want in thirty-five years me to be a grandmother and them be picking up the mess. We chose Posey County; we love our County. I have put my heart and soul, unpaid, to better this County, and I am asking you to please protect the residents. Thank you.

Herb Hollinger: I am a Posey County homeowner, and I am here today because this ad told me to contact you. People tend to resist change. The typical response to change is fear, uncertainty, and doubt. Fud. This ad is a very good example of fud. For instance, fifty percent of the landowners who have leased for solar development do not live in Posey County. I grew up on a farm in Northwest Ohio. Today I manage that farm remotely for my family. It did not take long for me to figure out that it was not managing a farm; I was managing a legacy. The yellow rectangles in this ad represent eighty-five family legacies. Legacies have seen much change in farming in the generations that preceded them. Now it is their job to sustain and grow that legacy. Those legacies are here not matter where the families reside. With consolidation in ag, pragmatically, their options have been very limited. Grow grain or the growing cash rent rate for grain production ground. How wonderful for these families to have a third option. Eighty-five yes decisions for solar in an attempt to provide eighty-five legacies, which is their right. To deny that third option effectively reduces their rights to that of this earth. But point b, Posey County farmers support two bio-fuel plants that employ over one hundred full-time employees, this implication that the loss of 2400 acres, more like 1200 acres when you factor in crop rotation, will impact one hundred jobs. So let's do some math using data from the Valero website. Takes in corn from farmers within a one hundred mile radius, processes thirty-five million bushels of corn per year, employees roughly seventy full time. 1200 acres times the Posey County average of two hundred bushels per acres divided by thirty-five million bushels equals .686%. So half of the project doesn't even really impact one of the plants mentioned. Remember the fud when those plants were being built; don't use food for fuel. That fud didn't pan out so well either. Fud point c; home values decrease. It is very hard to assess a market in such a small area, but here is one data point from Zillow about a house that had no solar signs in the front yard. It adjoins the project on two sides; it went pending the same day it was listed. It brought 46% above the assessor's value. My point d; the red dots. This isn't a very good example of fud at all. Many of the homes identified will have marginal impact from this project, if any at all. I wish I had more time to cover more fud examples, so I will summarize by saying this; this project is going to be built somewhere, so seize the opportunity and let it be built here. I ask that you accept the current APC recommendations. Thank you.

Bill Collins: Thank you; we are going to take about a five or ten-minute recess and then continue.

Bill Collins: Is there anyone else that would like to speak?

Mike Shopmeyer: Gentlemen, I just want to sum a couple of items on the UDA. The agreement that we have in process, which I think is very important to you to consider. Again, I ask that you stay and ask the parties to work on that. The terms that were alluded to by the esteemed accountant from Dentons, Mr. Schmidt, came from them, for we had talked about let's work out an agreement. In that there was a property value, in that agreement from them, there was a property value guarantee, so if you don't want it in your ordinance, there is a way here that we have that if you can force the parties to work on that UDA. In there, there is greenspace questions raised about are they just going to spray herbicides which some of these field do, that is in there. There are setbacks greater than what is in your ordinance; there are setbacks greater than your ordinance if you'll just as Jerry said, just as Paul said, just as Dave has said, give this a little more time by stay, and with a message to work out an agreement. Paul, with the opposition, said trust, and we are likewise saying trust these people to work with the utility. The utility has said to us the one problem you need to be aware of from a legal standpoint, this transfer to utility, and a utility just like you has condemnation authority. Now they tell us Brad is a long friend, long-long time friend, he says we would never use condemnation, but I have to remind Brad that it might not be Brad there next time. It might be Duke; it might be some other utility company that has bought out CenterPoint. We need that in writing; they have said they would agree to the agreements, but that's not worked out until we have UDA. UDA protects the government, but more importantly, it protects these people who have been speaking to you. That is the beauty of the Indiana zoning code. It allows for this UDA that gives us private enforcement rights; it gives you enforcement rights. It is a peace treaty that can be worked out. Please, please, I have to go work on I69; I have to leave, so you won't hear from me again today, but please, please give the stay. Ask Tanaska to work with us, Vectren is willing to work with us to put these things in writing, and were already on the road to working on property value from them. They gave us property value protection in the agreement. We are there with green space, we are there with better setbacks, it is all in the works, but we have just stopped for thirty days, I guess because they think you are going to adopt this ordinance. Don't adopt it, remember what everyone asked you kindly, very kindly. Dave summed it up the best because I remember standing in front of the County Council on the mistake you made on your radio system. Take your time, and if you do, we will work this out, and I think there is a potential compromise here that the parties can live with, but you have to give this time because if you pass this, you have the problem of there is a thousand foot, and it went to one hundred foot, and you have had testimony from all kinds of people on behalf of the proponents for solar who have said, on the record, this has been going on for two years, one year, and that change was made in that period. That is the problem, that is why you've got to stay this. You were changing your ordinance, and you had a thousand, and for some reason, that doesn't look right. It went to one hundred. There is somewhere in there we've today made a concession of 750 feet; they made no concession yet. It is time for us to be forced to work together, but we're not going to get forced to work together unless three of you vote and stay it, and you folks work on that UDA. Thank you.

Steve Moore: Gentlemen, one other point I would like to make is to consider limiting the size of these to the point of CenterPoint takes this over, they can start attaching to peoples property with eminent domain, and all the sudden, this thing could grow to be ten thousand acres out there that is nothing but solar panels. I would suggest that you try to come up with an idea of limiting the size and how far the next one can be close to the next one, or something of that nature. But to just let it spread across this County like Johnson grass did, and it could very well do it without limitations. Thank you again.

Maryann Burris: I am not a speaker, so I will read what I have. I am a Marris Township property owner, and I come before you today to ask you to please see this Posey Solar project implemented in our County. Not only will it benefit me and maximizing my property financially to the fullest extent and be a means for me to be able to keep that farm. It will also be a way to bring much-needed funds to our Community to do projects that need to be done. I think that Tanaska is a wonderful company to work with, and they have shown much compassion to all the opposition. As a property owner, I do not feel that all these people in opposition to this project have the right to tell us, property owners, what we can and can not do with our own property any more than you would want us to tell you what you can and can not do with your property. I am very well aware that change is hard. I lost my husband two years ago, that change is very hard. Before Steve passed away, our financial guy said, which we don't have a lot of money put aside; in a few years, you will run out of money. We would have to sell our property to live on. I am

sure you all know that when you lose a spouse, you also lose that income of their social security. So that was lost as well. Change brings sacrifices and challenges, but in order to move forward, some sacrifices have to be made. So again, Commissioners, I ask that you vote this solar project in before the opportunity for much-needed funds for this County, which will benefit all the citizens, passes us by. Let's face it, folks, if this project, right here and right now, does not go in, yes, it will eventually become here because that is what renewable energy is for. That is what we have to do. I am asking you to accept the recommended changes to the ordinance as written; let's move forward.

Keely Burkhard: I am a lifelong resident of Posey County. I am a former teacher at Marrs Elementary. I have spent the last ten years serving on the Posey County Fair Board promoting agriculture for future generations to come in our County, and finally, I am the proud daughter of a fifth-generation farmer. I have spent my entire life learning the value of hard work as I watch my dad work tirelessly from sun up to sundown; farming is all he has ever wanted to do. After all, it has been in the family for generations. My brother and cousins have become the sixth generation in the family farm, and I am looking forward to watching my young nephews one day take over as the seventh generation. This is why I feel so compelled to share with you what these solar panels will take away from our County. Look around Posey County, and you will see dozens of other family farms with similar stories. If we take away prime farmland that our County is blessed with, you are taking away the opportunity for our future farmers to carry on the legacy of their family farms. You are taking away the opportunity for farmers to wake up and put food on the table for you and me. You are taking away what sets Posey County apart. I appreciate the hard work that you do in serving our County, and I hope that you will listen to the people and help protect the County. Thank you.

Stacy Wagner: For the record, my name is Stacy Wagner, and I live at 6703 Wade Park Drive in Wadesville. My personal residents sit on 2.5 acres in a subdivision and adjoin 75 acres to the rear of our property that my husband and I do not own. The 75 acres is partially wooded, and the rest farm ground. The acreage was owned by a family whom the matriarch of the family once told my husband that the land had been in the family for a very long time and would remain in their family for a very long time. She passed away late summer 2006, and by January of the next year, the ground was sold, as adjoining property owners, my husband, and I realized that anything could happen on that 75 acres, and we also realize that we would not and should not have any say what can and cannot, or should or should not happen back there. Had we been concerned with what might happen back there, we should've stepped up and tried to buy it when it went up for sale less than a year after that matriarch of that family passed away. We also owned 72 acres of farm ground on Carbon Road with my dad; after much deliberation, discussion, and having legal documents reviewed and revised, followed by much more deliberation and discussion, we ultimately made the decision to enter into an option to lease that ground for the Posey Solar Project. It was not an easy decision for us to make, and I have heard the same statement from many of the other landowners who made the same decision that we did. During a Friends of Posey Solar Project call, I learned that the company would be looking to hire a local representative. They wanted someone in the community, in a local office, for people to be able to walk in the door and ask a question and express a concern or get information. I enquired about that position and, after much discussion and deliberation, was offered the position and decided to join the team. I can tell you that I have been spending hours in that local office, two evenings a week and Saturday mornings, and outside of landowners and supporters, no one walks into the door. Not one single concerned citizen has come in to ask questions or get information. In fact, after many newspaper ads and post on the project website and project Facebook page and few direct to every mailbox in Posey County mailing, giving information about the local office, there was a Facebook post recently that showed up that some of the concerned citizens recently discovered the local office even existed. A citizen had concerns about the ordinance and requested changes; the APC heard public comment in favor of and against those proposed changes and made a recommendation to the three of you. You are accepting further public comments in favor and against those changes today to allow the concerns of the citizens to be heard. It looks to me like the citizens of Posey County that should truly be the concerned citizens are the ones that seem to have to stand back and watch as others try to dictate to you what can or cannot happen or what should or should not happen with their ground. Ground that has been in their family for many generations. Going back to that, not one single concerned citizen walking through the door to get information or ask questions or express concerns; are they truly concerned citizens, or are they just citizens saying no, no, no to solar in Posey County. This is one of the direct mailings that I mentioned. It was addressed, stamped, and returned to me with

no, no, no written on it. I don't believe their answer will ever be yes, to anything. As a citizen concerned about my rights as a property owner, I ask that you please approve the changes recommended to you by the APC, with no further changes or requirements.

*inaudible audience discussion

Maegen Greenwell: This is a public meeting; we cannot allow this back and forth in the audience. If you want to speak, go to the podium.

Vince Frasier: I have lived in Posey County for about thirty-five years now; we have raised our family here, we have been very pleased to live out in the Countryside. There are several things I would like to talk about. I own property, with my wife, in two other Counties. The current plan for the solar farm is going to put panels on three sides of my house. I mentioned at the APC meeting out at the fairgrounds that I would take my business elsewhere. My son will also be taking his business elsewhere because we have every intention to sell if this goes through. Just for visual aid, this is the house that I am going to build somewhere; it probably won't be in Posey County if we have solar panels. We will be taking our aviation business elsewhere that will be a loss of three jobs to the County. I don't know who will buy the house, but obviously, it'll probably be sold at a loss. As far as the comments about its my land, I can do what I want with it; I'd like to go ahead and put forth the notion I want to put a strip mine on my land; would that be ok with you guys, big strip mine. I think that is ridiculous; the zoning that we put in place after the landfill was proposed in the 80's I think it was, was to protect everyone. Not just a few, obviously we could have let the landfill come in, there would have been a few people making a lot of money, this is no different. I ask you guys to protect the many, protect our community. Thank you.

Julia Vantlin: I live on Carborn Road, and I am a Posey County resident and have been my entire life. It is hard to know what to talk about here because there is so much going on. I just hope you do take the time to make the best decisions you can for Posey County. These are huge decisions; they are going to affect us for years and years to come. Please take the time to review the ordinance and decided what is best for Posey County. I keep going back to a saying that says sacrificing the quality of life for some to serve the economic interest of others is problematic. I think that speaks volumes. This is so emotional because I do love this County, and I want to see the right things for Posey County. Are we against solar? I know plenty of people with solar on their homes. Do I think it's right to take prime farm ground to install solar panels? To the core of my being, I believe that is wrong. Indiana is blessed; we are one of three States that over half of our farmland is labeled prime. Three States in the US, Indiana is one of them. Over 50% of our land is labeled prime farmland. They keep referencing acreage; no one knows the amount of acreage we are discussing right now, they have over four thousand in Marrs, but we have five companies looking at leasing land in Posey County. How many acres is that going to be? How many dollars out of our County will that be? None of us knows; the trickle-down of this is unknown. It is unnerving to me, I understand; I don't fault anyone for trying to make money and to keep their family farms. That is what everyone is trying to do. But if this project comes to fruition, we are going to have several local farmers, small local farms, that will be out of work, that have farmed their whole lives for generations, and they will be done, and they will never get that land back. You just need to please; please take some time; you have been given a lot of information today, not that you haven't done your homework; I know you guys are overwhelmed, and I apologize that the three of you are sitting in these seats right now, I wouldn't want any of your seats. But this is a huge decision, and I bet you, please, make some changes to the ordinance that will protect our County and allow everyone to enjoy this County to the full extent. Thank you.

Bill Collins: Ok, I think we are going to wrap this up; we will let Maria and then whoever with Tanaka finish up, and then that will be the end of the public discussion.

Maria Bulkley: Ok, a few things, and then I will get to the asking you to vote on the stay and that conflict question we had asked about. Not sure where to begin, I made a lot of notes. One of the topics that were brought up was fences, and someone made the comment they didn't think we should have fences and green buffers. I want to make clear that we had a phone call with Mary Soloda, with Tenaska, and the fences were not our idea. I think Jerrod Pits from Tenaska was on the call too; it was early on; we had a call and asked some questions. The fences were said to

protect Tenaska's investment. It wasn't for us; it was for them. They said it was to protect their investment. On that call, the other issue that came up was not only did they want that really high fence; they wanted barbed wire. We were concerned that it would like a huge correctional facility. The barbed wire probably isn't necessary; I don't think we have the certain type of people who are going to climb over it and do anything to the extent we need barbed wire. I think through the process, they have agreed that we aren't going to have barbed wire because we do not allow it in this County. I wanted to make it clear that we did not ask for the fences. The fences are for their benefit were to "protect their investment," which is what the residents are likewise trying to do. The setbacks, as Vince pointed out, are affecting him on three sides, you can imagine; I always refer back to that original picture with arrow on it. Imagine being surrounded a basketball courts distance away on multiple sides. That's not what anyone wants, and that leads me back to the property value guarantee. It defies common sense that it could not affect someone's property value. We have to have some buffer; we have to have some better setbacks, particularly for people affected on multiple sides of their homes. We have to address how this is going to look as you move through Posey County. Not just on scenic roads and scenic parks. Again I would refer you back to that picture exhibit with the view from the road that I gave you; it's 114 feet from the person taking the picture, and right now, your ordinance draft in front of you reads at 50 feet, so that is what you are going to be looking at there if you don't make a change. We have heard a lot of the talk that we don't want to be told by the non-participating people what to do. That is human nature; I just want to reiterate we are a community that has a zoning code. It's almost two hundred pages long. We are in the business of zoning and regulation and telling people; this is what you can do with; you can do whatever you want within this set of rules. It's not a big shock that we have zoning in Posey County. I think that argument falls a little bit flat; no one is trying to tell anyone what to do. It's just that we're a County that has zoning, and therefore we make balanced ordinances so that we can meet everyone's needs. It's not a matter of wanting to tell anyone what to do. Leading me to my next point; we have all been focused on these issues. I want to take a moment to point out the dynamics of the situation; here are the dynamics. Everyone is getting along fine, a stranger comes in with a project that makes everybody mad, so these people want it this way, these people want it this way, the stranger comes in, makes its money and leaves, and everyone is left mad at each other, those are the dynamics. To take it one step further, we aren't saying that people can't lease to solar, but it really comes down to money. Here is what happened, Tenaska bid the job to CenterPoint, CenterPoint put out a request for proposals, Tenaska bid the job at a certain dollar amount and got it, and unless they change their budget, and I don't have any other way to say this, not the citizen's problems unless they change their budget to get a little bit more property, they have to be somewhat selfish with these setbacks. The reason why neighbor a and neighbor b are in a difficulty with one another is that Tenaska, or whatever developer, needs to pay a fair lease price that allows the landowner to lease to solar to get the benefit of those rent payments, but still allow enough distance between the neighbors so both parties can live in harmony. It comes down to money, is what it comes to; it's not an issue that Mrs. Jones would rather Mr. Smith didn't lease to solar, but if he's going to, he just needs to do it in a manner that feels comfortable. The person dictating whether it can be done in a manner that feels comfortable is the developer because the reason they don't want, there is so much opposition to these setbacks is because it cost them more money to buy more property to have it spread out a little more. This point is well illustrated from a conversation I had with CenterPoint. I had a conference call with several people at CenterPoint a couple of weeks ago; a couple of those people are in the room; Mr. Ellsworth, his colleague. I talked to them about the project, and I said, you have some specifications that I am curious about; does your project specify, are these CenterPoint specs? Can't you just change the specs of your project so that everyone can be peaceful? And he said; well, the problem is that Tenaska bid the job at a certain price, and so it's their specs, not CenterPoint specs, but in order to win the bid, and Brad can correct me if I'm wrong, I think I'm getting this right, they bid the job at a certain price and to redo the job differently, in other words, to give people more elbow room they would have to get more property and they would have to rebid the job. So it really comes down to money, on the backs of these landowners. So what's happening is it can't be done in a comfortable manner because someone put in a lower bid on a job; that's what's happening. So it isn't that Mrs. Smith and Mr. Jones can't get along; they just aren't getting along because the lessor, the developer, won't pay them the lease rate unless they can cram a lot of panels on that property. I hope I'm making sense, but what I would like to see, and what I have asked CenterPoint, do we know exactly how much more land you'd need to give these people the elbow room they want, and you still pay the landowner the lease price that you said, but let them have less panels, so it's not so uncomfortable for everyone. No one has ever done that work to know; no one even knows what

that would cost. I think again; it's an exercise in doing the math and doing the work. No one wants to do that work because they want to do the job at a low price, sell it to CenterPoint, and in CenterPoint's defense, they put it out for bid, and they got a bid that looks ok, they accept it, but to get that price it has to be done at a cost to these people. The nonparticipating landowners that needs to be reworked. That's not on you, that's on them to rework it, and that's something that could be done if you could issue a stay and find out that information. They can get more property and spread it out a little more, and then we don't have to fight about setbacks; you don't have neighbor a and neighbor b fighting. They are just trying to put too many panels on a property. They need to pay whatever they said they'd pay, put less panels on it, and spread out a little more; then everyone can be comfortable and put the tree buffer in. There have been a lot of Counties who let this happen, let projects come in when they didn't have a satisfactory ordinance. And then what they had to do was call a halt and redo their ordinance. In Posey County, we are lucky enough that this developer wasn't even ready to file when you put a stay on applications into effect. I don't think there is any problem extending the stay for as long as you need to continue to do your work. What Mr. Shopmeyer was saying was that, yes, we need a global ordinance that sets a level playing field for all solar developers that come into Posey County, but meanwhile, while the stay is being continued, we can still work with the developer in front of us and try to work through the issues and come up with solutions with the neighbors, that can be done while we are working on a bigger picture ordinance that will allow everyone else to come in under the same set of rules. As opposed to lifting the stay, letting this thing come in with very light rules, not even a tree is required as the ordinance currently stands, and slide in here, and really damage our community. So we need to extend the stay; we need to continue the discussions with the developer that is here. Mr. Dauseman, I didn't even know he was going to present today, but I was very impressed with his ideas that if there are certain issues that need more study, I thought he had some great ideas about picking out what those specific issues are and making further study of those, I think he said it beautifully, and for something that is going to take up prime ground for thirty-five years and then be decommissioned, I think that is a very valuable use of time. There was a comment made that you should accept what came from APC, and I want to remind you that the reason that is appealing to some people is because as it is written, it reads really close to that memo that you'll find in your file that is the list of what the developer told the Plan Commission attorney who I've never laid eyes on, I don't know that she's ever been to Posey County, no offense to her, I just don't know her. Those recommendations, that meeting if you were there was guided by that voice on the phone, that I guess is that attorney, and it reads a lot like that memo, and that is concerning. We have already covered the tax thing, and I think the other thing that I have heard, and maybe can be clarified if someone knows the answer; I have heard that most of the people who have leased to solar, with the exception of maybe one gentleman, do not live in Posey County and do not live in a home next to their panels. It's my understanding that maybe all but one of the people leasing to solar will be living where they are leasing. So our landowners will have to live with it, but they will not. I digress; there is a way though to come up with a fair and balanced ordinance that doesn't place solar panels on three sides of people's homes with inadequate buffers; we didn't ask for fences so, I have already talked to you about that. We think you should take your time, reissue the stay, and if you don't enter into the stay, I fear you will have is a different fight on your hands where they try to come in and do this anyway and create a big problem like we have around the State. Those are our requests; if you have any questions for me, I can stay up here. Our landowners did ask that we take a moment, kind of like we take our moment of prayer at the beginning, just take a moment and search our mind to make sure you don't have any conflicts of interest, whether you might want to lease to solar in the future, maybe not this developer, but people would really like to know that you have taken that question to heart and you feel like there are no conflicts. Also, we want to get a vote on the stay, and we have already given you our comments on the ordinance itself. That is all I have.

Steve Johnson: Again, on behalf of the Posey Solar Project, we request that you approve the APC recommendations as written with no further changes. Thank you.

Bill Collins: That will be the end of the public comment. Is there any discussion amongst the Commissioners?

Randy Thornburgh: I would like to say a few things; I would like to comment on a few things I have heard today; first of all, I am not anti-solar, but it is a very controversial issue; everyone has their opinions. Personally, I think they are moving way too fast on this situation, and I have expressed that. I didn't know anything about this project until last fall; I understand other people

did. Some of the issues I am really concerned about are farmers and residents being ignored, their opinions in this. Not only in here but Area Plan Commissions. I am concerned about the location; I don't think it's an ideal location. There was an economic study done at Madison, Indiana and that reflected an 82 million dollar loss for the County had they left it in agricultural versus solar. Posey County has had a similar study, and it's even more, 223 million if left in agriculture for 35 years and 114 million contributed if it goes to solar. That is a 109 million dollars in net loss, not to mention giving up your 3000 acres of prime farmland. I just think there are better locations for this. The comprehensive plan that we have, we just built a new sewage plant that way, if we have to give up 100 acres of farmland to get 300 jobs, I don't have a problem with that, and most people probably don't. But we have to look at the macroeconomics versus micro, and I understand people who have vested interest; I understand all of that; it is your financial decision to go that way, I see that. Our decision as a board is to put all that together. We are not going to please everyone in this room; we are not even going to get close. I think we need to do what is right for Posey County and Shelby County, 650-foot setback; Madison County is 500, ours is currently 100. It went from 1000 to 100. Brad Ellsworth eluded to it earlier, the AB Brown jobs; I believe he got that from a letter to the editor that I wrote, but basically what I said was, other considerations would be the loss of jobs at AB Brown. I didn't say the solar project was directly responsible; it's just that there are 90 jobs that when they shut that coal plant down, that's 90 jobs at 5.4 million a year, that's about another 190 million out of the economy around here. My position is, they need to slow down, find a little better location. There are other property around here that is better than taking prime farm ground to use for solar panels. That is all I have to say. The other two can speak for themselves. I do have one other thing; Dave Dauseman made an excellent point, is everyone that is working on this is qualified to vote and do the job. I agree with him because I have listened from an insider's perspective and listened to these boards and sit and shake my head at where they are coming from. Personally I have two college degrees, and I've worked in industrial construction most of my life, I have an excellent background, I can't speak to the other two, but I have read numerous economic studies, and my conclusion are some of the points I just eluded to. I have done my homework. Thank you.

Bill Collins: Before we call for the vote, I just want to say, if anyone doesn't think that all of three of us sitting up here haven't lost a lot of sleep over this and that we aren't taking this serious, you just well leave the room, because I don't want to listen to anything you say. We have taken very much time, listened to everyone's comments, I have been out in the field, I have listened to both sides, you heard one guy say I've been to his house, I've been to others places, I have been on the phone, I have done my homework.

Carl Schmitz: Most of you know me; I am a fifth-generation farmer in Robinson Township. The solar panels will be within a mile and a half of our farm in northern Mays. I have been accused of getting donations, taking bribes, and everything like that. I would open my checkbook to everyone in here, my bank accounts, you can actually see the only wages I get is my pay from here, and I have never charged the County even a mile, not even a mile, in mileage in the nine years I've been in because I believe that comes with the job. Because I would urge everyone out here to run for Commissioner and run for public office so you actually see because it's one of the highest paying jobs you would want to find because last year I figured out I made about .80 per hour. If you didn't love the County, you wouldn't do it. Having been a dairy farmer for 43 years, the whole family being dairy farmers before that, if you want regulations, be a dairy farmer. Because local, State, and Federal can walk into your farm and inspect you. We have had people call IDEM on us that lived ¼ mile away because they didn't want us to spread manure in the field. Where are the property rights? I am going to stop there because I get too carried away if I don't.

Bill Collins: We have a motion on the floor and a second to accept the recommendations of the Area Plan Commission. The discussion is over; let's do a roll call vote.

R. Thornburgh: No

Bill Collins: Yes


Carl Schmitz: Due to property rights and everything else, I am going to have to go yes.


Bill Collins: Motion passes.


Carl Schmitz: I would like to say, since I have been sick, this is all I have been working on, and I have spent a lot of hours coming up with my thing. You should see the list I have at home on

both sides; this is something that I don't take lightly. It is probably the hardest decision I have made in the nine years as commissioner.

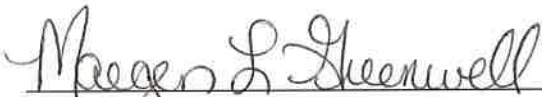
Bill Collins: With nothing else before the Commission, we are adjourned.



Bill Collins


Randy Thornburg


Carl Schmitz



Attest: Maegen L. Greenwell