

AREA PLAN COMMISSION

Minutes

Grant County Complex 401 South Adams Street Marion,
Indiana 46953
County Council Chambers – First Floor

Note: Meeting held at the 4-H Grant County Fairgrounds

February 7th, 2022

7:00 PM

- **Meeting Note: “Owl” for recording was still set for “Noise Cancellation” by IT Dept. from the Solar Education Workshop, IT Dept. did not reset the sound for the “Owl”, much of the Meeting is difficult to hear due to this issue. Some comments (midrange or less) cannot be heard. Many who spoke did not step up to the podium.**
- 1. Call to Order and Pledge of Allegiance
Mr. Briede called the meeting to order at 7:00 PM
- 2. Roll Call
 - 2.1. Present; President Chuck Briede, Rex Maynard, Heath Crouch, Jerry Caudill, & Myron Brankle. Present thru Webex; Tyson Nuckols, Vice President
 - 2.2. Absent; Robert Couse, Jared Florence, Steve Hedrick, Mark Leming, Ron Mowery, and Jim Todd
 - 2.3. Staff Present; Executive Director Ryan Malott, Executive Assistant Brenda Harrison, Building Inspector Aaron Elsworth, Code Enforcement Office Nicole Bailey, and APC Attorney Kyle Persinger
 - 2.3.1. **President Briede noted that the APC does not have a Quorum, No Official Business can be conducted. Mr. Persinger concurred.**
- 3. Election of Officers
 - 3.1. President
 - 3.2. Vice-President
 - 3.3. Appointment of “County Citizen Member” to BZA
 - 3.4. Oaths of Officers
 - 3.4.1. **No Quorum, Tabled till March 7th, 2022 APC Meeting**
- 4. Approval of Minutes
 - 4.1 **No Quorum, Table till March 7th, 2022 APC Meeting**
- 5. Public Hearings
 - 5.1. **Docket 02Z-22**
Name: Bradley & Amber Dillon

Address: 8113 Wheeling Pike, Jonesboro, IN
Rezoning from AG to GB in one-acre section around business
Legal Description: Being 13.085 acres more or less and located in the Northeast
Quarter of Section 19 in Jefferson Township

**No Quorum. Public Hearing is tabled till March 7th, 2022 APC
Meeting.**

6. Reports

6.1. APC Attorney, Mr. Persinger

6.1.1. No Report

6.2. Executive Director, Ryan Malott

6.2.1. Liberty Trailer Park. We met with the owners; they are working on the Sanitation Issue. They are trying to connect to Fairmount Utilities, or they are going to install Commercial Septic. They have stayed in contact with us.

6.2.2. Katmandu. Mr. Puckett has contacted us; he is going to come in and get Permits with us & set up inspection times for walk & review.

6.2.3. Yoder Farm. Mr. Yoder is building a Horse Track outside of Matthews. He had been working with the Drainage Board on the project, but the DNR got involved. Email updates were sent out to the APC to make them aware of the situation, we are handling it in Office & will keep everyone updated.

6.2.4. Derrick Cameron, Slaughterhouse. Mr. Cameron has contacted the office and is working on adding some temporary structures to appease the USDA. We are working with him on what permits will be required.

6.2.5. Digital Sign Ordinance. This was presented to the APC in October 2021, then set aside due to Solar Ordinance that was presented in November 2021. BZA had a Public Hearing for a variance in Sweetser in which it involved an Animated/Digital Sign that was tabled. BZA thought it should be rezoned?

6.2.6. Demolition Report. Mrs. Bailey stated that the snowstorm has slowed us down a little bit. So far for 2022, we have four structures demo' d. She gave a status update on the Upland Buildings (next to Town Hall) Demo Schedule, will start Feb. 21st. She discussed Demo Contracts; she currently has 10 Demo Contracts. Mr. Malott discussed how well the Demo Contracts are working and the months of time it is saving. Mrs. Bailey stated that she has over 100 Cases currently, she also noted that new hire Grace Simpson was really helping out, especially the more she gets trained. Mrs. Bailey's Goal is to maintain around 200 cases.

- 6.2.6.1. Mr. Maynard asked how the Unsafe Structure Funds were holding up. Mr. Malott stated that with the additional \$50,000 allotted for this year (2022), Unsafe Structure Funds were around \$88,006.
- 6.2.7. Mr. Malott noted that we had 9 Demolitions in 2021, which is more than any other year in APC history.
 - 6.2.7.1. Mr. Brankle asked about the Highway Department. Mr. Malott explained how much money the Highway Department is saving Grant County.
- 6.2.8. Mr. Malott reminded/made aware to the APC of what is still in front of us, once we get the Solar Ordinance completed.
 - 6.2.8.1. **The Comprehensive Plan.** It has been untouched in the past 25 years, even though it is supposed to be reviewed every 5 years.
 - 6.2.8.2. **The Area Wide Ordinance.** The Ordinance needs reviewed; our current Ordinance is not adopted by the State.
 - 6.2.8.3. **Zoning Maps** review & updates
 - 6.2.8.4. **Rules of Procedure** review & update
 - 6.2.8.5. **Fees & Fines** review & update
 - 6.2.8.6. **Unsafe Building Structure** review & adoption for BZA
 - 6.2.8.7. **Flood Plan Management** review & update, Drainage Board is not included in current Flood Plain Management
 - 6.2.8.8. Much of the **Office Paperwork** needs reviewed & updated, once the Area Wide Ordinance is updated.
 - 6.2.8.9. 2022 Goal is to get **Office Software Updated**
 - 6.2.8.10. Reminder with all of this, we may have a Solar Development (or two) come into our Office possibly within the next year. Mr. Malott noted that there is a good 3-4 years of work to do, once we get beyond the Solar Ordinance.
 - 6.2.8.11. Mr. Maynard asked about Staff and working towards additional Employees, is the County Council helping.
- 6.2.9. Director Malott then went over a Brief Year Ending Report for 2021
 - 6.2.9.1. Director Malott noted that it has been a record year for Area Plan and gave several examples:
 - 6.2.9.2. Area Plan had 9 Demolitions in 2021, which is more than any year on record.
 - 6.2.9.3. Area Plan did 2,896 Building Inspections, which is more than any year on record.
 - 6.2.9.4. Area Plan added a Full Time Building Inspector for the first time since 1997.
 - 6.2.9.5. Area Plan added a Staff Member for the first time since 2001.
 - 6.2.9.6. Area Plan had 890 Permits, the 2nd most ever, since 1997.
 - 6.2.9.7. Area Plan got a “new” Code Enforcement Truck

- 6.2.9.8. Area Plan got a “new” Code Enforcement Tablet for Field Work.
- 6.2.9.9. Area Plan established a Three-Month Probationary Permit, to help eliminate Code Enforcement Cases & time.
- 6.2.9.10. Area Plan established Demolition Contracts, which has eliminated months of court time in Code Enforcement Cases.
- 6.2.9.11. Director Malott noted that the County Council has been tremendously helpful to Area Plan in 2021, we have been given almost everything we asked for.

7. Solar Ordinance- Draft #5, begin review

- 7.1. President Briede noted that without a quorum, we could not make any final decisions on Solar, but opened up the floor for more discussion on the Solar Ordinance.
 - 7.1.1. Mr. Briede asked Mr. Persinger what needed to be done to get the Solar Ordinance to a “Public Hearing”. Mr. Briede noted that we have added much to Draft #4 & we are to begin reviewing in Draft #5. He reminded everyone that we have already spent 4 months, in public, on this Draft and could spend several more months on the Draft only to have the Commissioners change all of it. “We know that they (commissioners) are going to make changes”. President Briede noted that we could go on for months debating the Ordinance only to have it come back from the Commissioners completely changed. He noted that we have received much input from the public but may be just spinning our wheels at this point, until we know what they are going to accept.
 - 7.1.1.1. Mr. Brankle asked why the Commissioners would change what we sent them. President Briede answered, “because that is their ability”. Mr. Maynard stated, “they are not satisfied with a lot of stuff we put in the Ordinance, I think they are going to make some changes”.
 - 7.1.1.2. President Briede went thru the adoption process again, which is the Area Plan sends forth a recommendation, the Commissioners will make changes and send it back, APC will review again and send back, and then the final authority lands with the Commissioners. Mr. Persinger concurred, noting that it would be sent back only if the Commissioners modify what is recommended.
 - 7.1.1.3. President Briede noted that he would hope that the Commissioners would incorporate some of what is recommended, especially with the amount of input we have had. He also noted that the Commissioners have been kept up to date & have watched the recordings of the meetings.

- 7.1.1.4. Mr. Brankle asked why, noting that “only three people are on the board (commissioners) and we got the whole town here”. Much was inaudible. President Briede again noted that the APC is only an Advisory Board to the Commissioners.
- 7.1.1.5. Director Malott noted that the APC is the recommending body to the Legislative Body. He noted that would be the Commissioners for the unincorporated areas & the town boards for city/towns in our jurisdiction. Mr. Maynard concurred.
- 7.1.1.6. Mr. Brankle asked what if the towns don’t approve it, Director Malott noted that the City/Town would have to have their own Solar Ordinance or follow the State should they adopt a Statewide Ordinance. Mr. Hartman noted that currently it would go thru the BZA by special exception, the BZA can write conditions with the approval. “It’s not nothing”.
- 7.1.1.7. President Briede just wanted to put that thought out there. He asked do we want to just send Draft #5 to the Commissioners and ask their input and then go from there? He used the example of the Setbacks since it is a “Hot Topic”. We have it at 1,320’, they had it at 250’. That is probably not going to fly with the Commissioners. Mr. Brankle asked why? President Briede said, “well they are going to have to tell us why. It could be too restrictive or way out of bounds with the other counties. That’s their decision”. Mr. Maynard noted that when we get it back, we can say “yes or no, we agree with them, but they make the final decision”. Director Malott noted that, “we are the recommending body, we do the work, that is our job, defined by law”. President Briede noted that we have been doing a pretty good job opening this up to the Public, he noted all the meetings (over 4 months) & the educational workshop. He noted we are having an issue with people showing up, although it is all recorded for viewing. He believes that we have done a pretty good job with due diligence in trying to research the ordinance. Again, President Briede believes we need to send them (Commissioners) the Ordinance so that they can respond back.
- 7.1.1.8. Mr. Brankle made a statement that was mostly inaudible. From that statement, President Briede said that he hopes the Commissioners will take it into account, they are the elected officials and were elected to make those decisions. Mr. Maynard noted that he knows that Director Malott wrote the Ordinance, but he felt it should have gone from Director Malott, to the APC, then to the Public. That way we would be sending them the first draft,

instead of them sending it to us and telling us what to do. Mr. Maynard stated that the Public should have a say in it. Mr. Hartman stated that Mr. Maynard is “absolutely correct” stating that the “Area Planners Guide” states that it says to begin an ordinance to have a meeting with the public & the people that are affected. Then you get a committee together, they (public) tell you what they want to see in the ordinance. “That wasn’t done, that should have been done”. Mr. Hartman stated he didn’t know it, he should of knew it. “The Public is involved from the beginning, it is not to be done behind closed doors, it should not have been done without a Solar Company being involved”. He noted that it is “All wrong, all wrong and this ordinance has a lot of problems”.

7.1.1.9. Mr. Hartman noted that he had asked the APC to have the Ordinance looked at by a “Specialist”, that he did not get any support in that request, so he hired his own attorney. His attorney reviewed this ordinance briefly. Much of Mr. Hartman stated was inaudible. Mr. Hartman noted that his Attorney stated the Ordinance has a lot problems (much of what Mr. Hartman stated was inaudible):

7.1.1.9.1. Attorney stated the process is way to convoluted

7.1.1.9.2. Recommended that the BZA recommendation for order of approval be dropped. Stated that “we” needed to get together with the commissioners and decide the topic.

7.1.1.9.3. If it’s wanted to be with the Commission, then we should just rezone. Much is inaudible.
Commissioners not involved.

7.1.1.9.4. With the BZA, does not require a rezone, make it a Special Exception. Establish criteria for approval.
Much Inaudible.

7.1.1.9.5. Attorney stated it is against code for the commissioners to recommend to the BZA, no one can influence the BZA ahead of a Public Hearing.
Much is inaudible.

7.1.1.9.6. Attorney said to make that decision and move forward.

7.1.1.9.7. Attorney stated that there was a least 19 problems within the Ordinance.

7.1.1.9.8. Mr. Hartman said that we could hire his Attorney to come down and go thru the Ordinance and fix it.

- 7.1.1.9.9. Mr. Hartman stated an alternative would be to adopt Adams County's Solar Ordinance. The Attorney Mr. Hartman hired also worked on Adams County's Solar Ordinance.
- 7.1.1.9.10. Mr. Brankle made a statement that was inaudible, Ed responded, "We didn't know what we were doing, none of us has done this before". Someone mentioned the Wind Ordinance, Mr. Maynard said that we did Wind, but they (Wind Company) stopped.
- 7.1.1.9.11. Mr. Brankle stated that he felt we had no choice but to hire legal help. Mr. Hartman stated he thought Mr. Brankle was correct. He noted that is the APC's decision.
- 7.1.1.9.12. Mr. Briede asked Mr. Persinger something about the Commissioners if they have someone looking at it.
- 7.1.1.9.13. Mr. Brankle made a statement but was inaudible. President Briede responded that the proposed Draft was compiled using 32 Counties. He then discussed different areas of input that was put into the Ordinance. Mr. Brankle ask who all is talking to the Commissioners?

7.1.1.10. Director Malott noted that the APC has had every Draft since August 2021 for suggestions & concerns. The way the process went, the Draft Ordinance was put together and then presented to the Public first for public input at the Commissioners Solar Summit Meeting in October 2021, this was publicized. Then it was introduced publicly to the Area Plan Commission at meeting in November 2021. He noted again, every draft of the Solar Ordinance was given to the APC since August 2021. The Commissioners felt that the Solar Ordinance was about 90% completed when it was handed to the APC.

- 7.1.1.10.1. Mr. Brankle ask a question but was inaudible. President Briede responded that they don't know, the Ordinance isn't adopted. Mr. Maynard noted, they already know what they gave us, they are going to pick at it, we know it's going to come back to us. We can send it back and they can make all the changes they want. "we can give them all the suggestions we want,

but they can make all the changes”. Mr. Maynard directed a statement to the Public, that they are going to have to go to the Commissioners, He noted that the Commissioners have a representative on the APC, Ron Mowery, he’s not here. “We have not heard his opinion, but we’ll hear it when it comes to the final draft, why isn’t he giving us an idea..(*inaudible*)..cause we have nothing but their draft that they sent to us”. Mr. Maynard stated again that he felt like it was out of order, that they should have brought it to the public & APC first.

7.1.1.11. Andy Ellis, resident. Mr. Ellis noted that he has heard all the dialogue over the last few months, he noted that the Draft is not correct legally should not come to a surprise to anyone here. He stated that “a hope is not a plan”. Mr. Ellis noted that he believes that everyone involved has put their best foot forward to try and put something out there prior to something being shoved down our throats. Mr. Ellis noted that he is an engineer, not a lawyer, he suggests that knowing that there are issues & that only three people are going to approve (Commissioners), it concerns him that we are trying to centralize the decision making down to only three people (Commissioners). He stated that is not the way that communities are built, they are built together and work together. He understands that not everyone is going to be happy. The idea is trying to get consensus that works for the community. The Commissioners are voted in by the community, they are voted in by us, not the other way around. They are not supposed to be the ones that make decisions for everybody. He noted that the Adams County Draft is probably a good starting point, if we are concerned about time. He believes that getting legal advice is critical.

7.1.1.11.1. Resident from Audience noted that the law gives them the authority of final approval. Mr. Maynard reiterated that our (APC) job is to talk to the public & make a recommendation, but they can “just rip it apart like there is no tomorrow”.

7.1.1.11.2. Mr. Ellis stated that is all the more reason that we should have legal counsel to try and express that concern, what do we do under that circumstance?

Resident from audience noted that they (commissioners) do not have to listen to any legal advice. Resident made another statement, (*inaudible*).

7.1.1.11.3. Director Malott reiterated, that the original template was “down the middle of the road”, then expanded with review of 32 other Counties. Mr. Ellis stated that it still should be looked at by an Attorney, he believes we could be picked apart by a Lawyer down the road.

7.1.1.11.4. Mr. Ellis ended by saying that the BZA does zoning for a reason. This is just another place that needs to be Zoned, it’s a zoning situation. A Lawyer could give us guidance. He stated it wouldn’t matter what the ordinance said as long as it had to be approved by special exception. He then gave reasons for Zoning Laws.

7.1.1.12. Eric Wright, Farm Bureau. Mr. Wright asked why Commissioner Bardsley stated in the Commissioners meeting that they (Commissioners) were going to meet with a lawyer this afternoon (Monday) over the BZA, he thought to bypass the BZA. That was alarming to Mr. Wright, he feels that is a “Red Flag”. He wants to know why the Commissioners are aggressively trying not to involve the BZA?

7.1.1.12.1. Mr. Maynard stated his opinion was so that the Commissioners can have control.

7.1.1.12.2. Mr. Wright stated the Mr. Hartman pointed out that it has to go thru the BZA, why have a BZA? Mr. Wright stated, “We need to follow procedures, we need to talk to the Commissioners, there are results to elections, if they don’t want to follow guidelines, then it is time to vote them out”.

7.1.1.12.3. Mr. Brankle stated that Three Commissioners can do that right now, right now. “If they are trying to eliminate Area Plan and the BZA, then there is something very wrong”.

7.1.1.12.4. Mr. Wright stated, some *inaudible*, why are they trying to eliminate the BZA?

7.1.1.12.5. Mr. Maynard stated again it’s because they want control. Mr. Maynard discussed the

recommendations set forth to the Commissioners from the APC, but they know if it goes thru the BZA they can't change our decisions. He discussed the BZA's authorities, BZA's decision is final unless you want to take us to court. Then we'll settle it in court.

- 7.1.1.12.6.** Mr. Hartman noted that the majority of counties in this state use the BZA for this process.
- 7.1.1.12.7.** Mr. Brankle stated, "Three Guys, the Commissioners, should never be allowed to decide for 30,000 people and overrule our order." He noted that it is a "Red Flag up", thinking they can hire an attorney to overrule the BZA. "There is something very corrupt going on in Grant County right now, I'm telling you all and something needs to be done. I mean, this is our county, it's not three commissioner's county and don't own grant county. This is BS and it's time for people to get active and stop it". Director Malott suggest since Mr. Brankle is a Commissioner Appointee, that he could meet with the Commissioners. Since Mr. Brankle represents them, he could speak to them.
- 7.1.1.12.8.** Mr. Hartman stated that he is also a representative of the County Commissioners and was recently reappointed. Mr. Hartman assumed that they appointed him to speak his mind and make the best decisions he could for this County. Mr. Hartman doesn't believe the point is to check with them every month to see how they want us to vote. Mr. Hartman believes he was put in this position...*(inaudible)*...I think we got to do it. He understands it doesn't always have to be BZA, if the APC wants to go the other way, he will understand. Inaudible, about checks and balances.
- 7.1.1.12.9.** President Briede noted that one of the problems that he has personally was lack of representation on the BZA (no representation on Sweetser). Mr. Hartman began to make a statement...
- 7.1.1.12.10.** Mr. Maynard interjected that the Mayor of Jonesboro could hand him a letter tomorrow that his services on these two boards is done if he doesn't

like Rex. So where does he say that Jonesboro doesn't have representation (pointing to President Briede).

7.1.1.12.11. President Briede reiterated that Sweetser does not have representation on the BZA, not Jonesboro. Mr. Hartman stated there is not representation from every town. President Briede stated that some were excluded. Mr. Hartman noted the ordinance currently has a One Mile Setback from towns that would protect the Town. Mr. Hartman also noted that any town could come to the BZA to be heard. Much inaudible. Mr. Hartman noted that large solar farms would not be going into towns.

7.1.1.13. Resident ask who set up the Solar Education Workshop. Director Malott noted that several had been to their all-day workshops, Director Malott is the one that called the Center for Energy Education to see if they were available to put on the Education Workshop. Resident found it Ironic that they are funded by the Solar Companies. Director Malott made it clear, that he called them.

7.1.1.14. Mr. Brankle noted that according to Mr. Hartman we are "ass backwards". We need to straighten it out & do it right. He asked why sit here and do this, when it can be changed by three people (Commissioners). He stated that "if it's going to go that way, then I'm out of here. I mean, that is so corrupt, if you've got three Commissioners that's going to take and tell 50,000 out here where we can put solar farms, next to your house, your farms, or what. That needs to be stopped and stopped now. I hope all three of them are listening or they will hear it. I tell you what, these people of Grant County are not going to lay down and let this happen. There is a way to do it and do it right & honorable and we got three Commissioners that are going to strike everything out. Grant County is going to be one of the most corrupt places".

7.1.1.15. Mr. Maynard noted that "They" are worried about July, he stated that any day now we will know if SB 411 is moving forward. Director Malott noted that they had revisions to it on January 28th. Mr. Maynard said unless they attach it to

something else, we should know if it is moving forward by mid-February.

- 7.1.2. President Briede suggested that we take a “Pause” and probably talk to the Commissioners. President Briede noted that we have been discussing this for months without any comments on what the Commissioners might pass, their guidance is needed, and they need our guidance.
- 7.1.2.1. Mr. Brankle asked why the Commissioners don’t think the BZA & APC can do what’s fair for homeowners & farmers? Why? Mr. Brankle asked what the Commissioners have against “Us”, homeowners, and farmers?
- 7.1.2.2. Mr. Hartman noted that right now, it is currently with the BZA.
- 7.1.2.3. Mr. Brankle stated the only two options that we have is adopt Adams County or throw the Draft out. He noted that Mr. Hartman’s Attorney had worked with Solar. Mr. Hartman concurred. Director Malott asked if the Lawyer was the same one that has been speaking in Delaware County. Mr. Hartman stated that it was not.
- 7.1.2.4. Mr. Hartman noted that where Solar has come in, it has caused several issues. He stated he is sure that those areas are thinking that they could have done things differently. Some counties have re-written their ordinances after Solar came in. He noted that until you put a Solar Farm in you don’t know much (*inaudible*).
- 7.1.2.5. Director Malott noted that there are actually 45 Counties with Solar Ordinances today. We only reviewed 32 Counties.
- 7.1.2.6. Mr. Maynard stated that, in his opinion, if they take it away from us (believe he meant BZA although he is speaking as APC), that the Commissioners are looking at the money side of it. They want that money to improve the County. Mr. Maynard just wants it done right. Mr. Maynard concurred with Chuck that we could spend months on this, and it all gets changed. Mr. Maynard noted we do all this work, why do we even do it.
- 7.1.2.7. Mr. Hartman noted that the BZA approved two Solar Farms (Gas City & AEP). Both of them are in operation, we have had no complaints. Mr. Maynard noted that Gas City is putting a second farm right now.
- 7.1.2.8. Resident spoke, it was inaudible. Mr. Brankle was talking to the Resident; it was inaudible also.
- 7.1.3. Linda Morgan, Resident. Mrs. Morgan stated that we do not know that the Commissioners are going to take this apart. She stated that if you have a problem and correctly submit the answer, you’re more likely to get what you want. Bottom line is that Solar Companies are still going to want to

come in the County, the Ordinance needs to protect everyone in the County.

- 7.1.4. Mr. Brankle brought up Solar in Gaston, much is inaudible. Resident responded, much is inaudible. More residents are speaking, much is inaudible. Mr. Wright spoke, it was inaudible. Mr. Brankle stated that solar farm could be sold to a utility and turned into an imminent domain. Mr. Wright stated that the farm could be sold before the first panel is put in. He also spoke about Gas City's Solar Farm. Mr. Brankle spoke again, it was inaudible. Mr. Maynard stated that Gas City put their farm in to keep cost down for their residents. Resident spoke but was inaudible.
- 7.1.5. Mr. Brankle stated that if Solar is about just lowering taxes, he would prefer his taxes not be lowered. Mr. Brankle spoke about tax abatement & panels depreciating in eight years, much of what Mr. Brankle said was inaudible.
- 7.1.6. Resident spoke, it was mostly inaudible. Mr. Brankle responded, mostly inaudible, did catch Economic Development.
- 7.1.7. President Briede redirected. He asked how we move forward, suggested having a meeting with the Commissioners. Mr. Hartman stated he should not go talk to the Commissioners, (partially inaudible) but noting that discussion should be public. Mr. Hartman suggested that it may be unlawful. Mr. Persinger stated it is not unlawful to meet one on one with a Commissioner.
- 7.1.8. Mr. Brankle spoke again about the Commissioners meeting with a Lawyer to override the BZA. Mr. Wright noted again that the Commissioners stated that they were going to have a discussion. Mr. Brankle again noted that "there's something going on". Director Malott noted that everyone should be able to watch the Commissioners meeting once it gets posted online.
- 7.1.9. SB 411 was brought up again, Director Malott noted that they did revisions to the Bill less than a week ago, it was proposed January 12th. Mr. Wright was asking a question, but it was inaudible. Mr. Wright noted that more people would be here if they knew about what is happening. Director Malott stated again, this is month Four of being very public, he noted publishing the Education Flyer in the Paper twice, we've been on the Radio three times, we have had several front page articles, it's on our web page...How do we get more public? Several people were talking at once, mostly inaudible. Director Malott noted that for the Education Workshop we blew up the Flyer and published it twice.
- 7.1.10. Mr. Brankle spoke, partially inaudible. Something about the public doesn't know but are trusting us. They don't know there is three Commissioners...(inaudible)...those three Commissioners need to present

themselves front and center for everybody in Grant County. Director Malott noted that we have not even made it to a Public Hearing yet, we haven't forwarded a recommendation. He noted that we don't know how much they are going to change? Director Malott stated that he believes there are a lot of people waiting to get this to a Public Hearing. Mr. Maynard noted they said what they said, they do not like what we have now. They (Commissioners) want it back in their hands and they are going to write what they want or why would they be talking that way? He noted that as a taxpayer in this county, he lives in this county, why would they be asking for the ordinance back, it's because they do not like what is going on. We are going to do it our way, that is Mr. Maynard's feeling on it. Why would they be asking for it back or finding a way to take it back.

7.1.11. Mr. Brankle spoke, but inaudible. Director Malott responded to remember the original people that came together to discuss the need for a Solar Ordinance was Commissioner Mark Bardsley, Council Member Shane Middlesworth, Economic Growth Council Tim Eckerle, Kyle Persinger Attorney, and Area Plan Director Ryan Malott. That discussion led to the Drafting of the Ordinance, which led to the Commissioners Solar Summit Meeting for public introduction, from that meeting it was handed over to the Area Plan Commission. He reminded everyone; Area Plan wrote the Solar Ordinance. He noted that the Commissioners felt that after Four Months of review & redrafting, with every draft given to the APC & following the public Solar Summit Meeting, this solar ordinance was handed to the APC approx. 90% completed with a few loose ends to tie up. That is how they felt. Their hope at that time was to give it to the APC in November 2021, that we would review it & have a special meeting (November Workshop), Area Plan would come back and have Public Hearing in December and send forth a recommendation. The Commissioners were then willing to have a special meeting in December to get the ordinance passed before the beginning of the year. That was their timeline.

7.1.11.1. Mr. Maynard noted that Director Malott was setting it up & sending out, but the APC was not sitting in a workshop type setting to discuss it. Mr. Maynard believes the Commissioners were out of line. Mr. Maynard again stated that it should have never started with the Commissioners. Director Malott noted again, "We", wrote it. Mr. Maynard stated that Director Malott asked the APC for input but noted that we never sit down like this where we could totally discuss it, it was just emails. Mr. Maynard felt the APC should have been setting down discussing the Solar Ordinance with the Public before it went to the Commissioners. Mr. Maynard

stated that by what Mr. Hartman was reading, “We” were out of line & the Commissioners were out of line. Mr. Maynard stated it should have went to the Public first by law. Director Malott noted that it was presented to the Public in the Summit Meeting and then handed to the APC. Mr. Maynard claimed that the APC should have done that, that the APC should have had a discussion before it ever got to that point. Director Malott again stated that they presented it to the public, the Summit Meeting went thru with little issue. He asked Mr. Hartman if he concurred, Mr. Hartman stated that he was not invited. Mr. Hartman stated that this started all wrong. He noted it should have started with the public, and the public should have telling us what to put into the ordinance, then the APC should have acted upon that.

7.1.11.2. Resident asked a question, mostly inaudible. Director Malott answered by stating if you watch the Solar Summit Meeting, we started at the beginning, what we did, and how we got there. We went thru the Ordinance, took questions, much like we did for the first APC/BZA Workshop. Mr. Chip Long stated that they (BZA) was not aware of the Commissioner’s Solar Summit Meeting, that they found out about Solar on the 1st of November at the APC meeting. Director Malott noted that the BZA is not part of the Recommending Body. The BZA is responsible for an ordinance that is already in place, not the creation of a new ordinance. So, the Body that was responsible for the ordinance, received it. Mr. Maynard stated that he understands that, but he feels the APC should have been having public meetings were the APC discussed it, not the Commissioners. Mr. Maynard said that all Director Malott was doing was sending out emails saying look this over and see how you like it (the ordinance). Mr. Maynard stated I’m just looking at stuff and we weren’t serious yet, it just being in a Draft Form. Some of this is inaudible, he noted that it was done and taken to the Commissioners, should have been taken to the APC.

7.1.12. Mr. Brankle said for you farmers, he was then (*inaudible*) but held up an article or piece of paper. Mr. Brankle said that he was afraid of getting tied in and we lose our freedom and farmland...much inaudible...said something about his grandkids...(*inaudible*)...if we don’t do it right, hire an attorney, we got a big mess. Mr. Wright & Mr. Brankle were speaking but it was mostly inaudible. There is concern about selling to a utility

company and imminent domain, Director Malott again asked has that ever happened. Mr. Wright stated that Solar is long term, it has to be a concern if they did sell it to a utility company. Mr. Brankle said with imminent domain, we are not into Solar that far. Mr. Wright said that they have a history of selling within a year. Resident spoke but was inaudible. Mr. Brankle noted that the Solar Companies are pushing hard, but Grant County is writing the ordinance.

7.1.13. Resident asked a question but was inaudible. Bits & Pieces, he asked about maintenance & types of vegetation. He asked about who is responsible for the Panels? Who is going to check the electrical systems? President Briede noted that all of that was already addressed in the Ordinance as far as decommissioning agreement, vegetation agreement, and maintenance agreement. Another resident spoke but was inaudible.

7.1.14. Director Malott discussed a study that came out of the Education Workshop, that he got a copy of and sent out to everyone. The study was on Health and Safety Impacts from North Carolina State. Question on pesticides. Director Malott noted the study stated that most of the pesticides used are over the counter type pesticides. Resident spoke but inaudible, believe he said that vegetation would grow resistant, but he understood being a farmer.

7.1.15. Mr. Brankle made a statement but was inaudible. Director Malott responded that the NC State study noted that many of these panels were rated at 150 MPH, the study also looked at panels that had been thru hurricanes. There is more inaudible discussion. Mr. Hartman stated that if a tornado hits that thing, it is a pile of glass, he noted a farm in Western Kentucky...(inaudible). Director Malott noted that is covered in the Ordinance.

7.1.16. Mr. Ellis stated that sees it as we have two problems. One is coming up with something that everyone agrees with and it must be legally binding. It's important that it will hold water when we have these issues. Much of this was inaudible. The Legality of the Ordinance is a big issue.

7.1.17. Several people are talking but were inaudible.

8. President Briede closed the meeting 8:49 PM


Chuck V. Briede, APC President