

AREA PLAN COMMISSION

Minutes

Grant County 4-H Fairgrounds

Community Building

1403 IN-18

Marion, IN 46952

January 3, 2022

7:00 PM

1. Call to Order

- 1.1. Mr. Briede called the meeting to order at 7:00 PM with these members present: Myron Brankle, Jerry Caudill, Heath Crouch, Rex Maynard, Vice President Tyson Nuckols, Jim Todd, and President Chuck Briede.

2. Pledge of Allegiance

3. Election of Officers

3.1 President

Jerry Caudill nominated Chuck Briede as President and Myron Brankle seconded. There were no other nominations. Myron Brankle, Jerry Caudill, Heath Crouch, Tyson Nuckols, Jim Todd, and Chuck Briede voted yes. Rex Maynard voted no. Vote was 6-1 and didn't pass since there was not a quorum.

Elections of Officers will be held at next month's meeting if there are enough members present.

4. Approval of Minutes

- 4.1. Rex Maynard moved, and Myron Brankle seconded a motion to approve the minutes of the November 15, 2021 meeting. Myron Brankle, Jerry Caudill, Heath Crouch, Rex Maynard, Tyson Nuckols, Jim Todd, and Chuck Briede voted yes. Motion carried.
- 4.2. Jerry Caudill moved, and Tyson Nuckols seconded a motion to approve the minutes of the December 6, 2021 meeting. Myron Brankle, Jerry Caudill, Heath Crouch, Rex Maynard, Tyson Nuckols, Jim Todd, and Chuck Briede voted yes. Motion carried.
- 4.3. Rex Maynard moved, and Myron Brankle seconded a motion to approve the minutes of the December 14, 2021 meeting. Myron Brankle, Jerry Caudill, Heath Crouch, Rex Maynard, Tyson Nuckols, Jim Todd, and Chuck Briede voted yes. Motion carried.

5. Public Hearings

- 5.1 **Docket #01Z-21 (Public Hearing) In 300 Barclay St Fairmount, LLC requested to rezone from Residential-3 (R3) to Mobile Home (MH)**

Director Ryan Malott introduced & presented the Docket to the APC.

Mr. Andrew Lanoie was present via Webex to represent this petition. The rezoning is to correct the zoning for the mobile home park for it to be purchased. Six Parcels within the Mobile Home Park were incorrectly zoned "R3", "R3" Zoning would not allow the installation of Mobile Homes inside of the Mobile Home Park.

There was no opposition to this petition.

Hearing was closed and a motion for a favorable recommendation was given by Rex Maynard and seconded by Myron Brankle. Myron Brankle, Jerry Caudill, Heath Crouch, Rex Maynard, Tyson Nuckols, Jim Todd, and Chuck Briede voted yes. Motion carried.

6. Reports

6.1. Kyle Persinger- Attorney Report

- Kyle discussed the APC Members taking an "Oath of Office". By law, each Officer should take a standard oath of office prior to assuming APC duties.
 - "Oaths of Office" will be taken at the February Meeting for each member.
 - Examples of Oaths will be in February APC Packets
 - The Area Plan Office will have paperwork ready for the February APC Meeting.

6.2. Ryan Malott- Director's Report

- Update on Dillon Property
 - Written Agreement being put together for Public Hearing at Feb. APC Meeting
 - Director Malott & Staff met with the Dillon's at their property, discussed solutions, and proposed the written agreement.
 - Mr. Brad Dillon spoke to the APC, stating that he was willing to do whatever is needed.
- Update on Liberty Trailer Park
 - Noted, that we have been back out to the park with the Health Departments (local & state)
 - Mobile Home Park has a "New" Owner, they live out of state. They are going to contact us the first week of January to set up a meeting at the park.
 - "New" Owners are planning on either working with Fairmount to connect to their Sewage or putting in a Commercial Type Septic System.
- Discussed "Rules of Procedure" Review. Director Malott recommended putting the APC's review of "Rules of Procedure" on the "back burner" till we have a handle on the Solar Ordinance. APC agreed.
- Update on Katmandu in Jonesboro. Director Malott noted that even after Mr. Puckett's conversation with the state in December, Area Plan is still waiting on a phone call from Mr. Puckett. Director Malott suggested that we move forward with the Code Enforcement Case, he was asking for guidance as this issue has been ongoing for at least five years. Nicole Bailey (Code Enforcement Officer) again stated, No One from the Public is allowed in the Building.
 - Mr. Maynard stated that he has talked to the Jonesboro City Council on the subject
 - President Briede stated that we cannot turn our heads to the public entering into a building that is considered an unsafe structure.
 - Mr. Maynard made a motion to move forward on the Code Enforcement Case.
 - Nicole explained where we are at with the Case & that we will have to go thru Attorney Morris Kelsey as there is a conflict of interest with our Attorney Kyle Persinger.
 - Mr. Nuckols seconded the motion, approved 7-0
- Update on Fees & Fines
 - Director Malott stated that he has done some updates but will hold off on discussion due to time limits at tonight's meeting.

- Introducing the “Unsafe Building” Law
 - Director Malott noted that thru discussion & vote with the BZA, that APC would need to review the State’s “Unsafe Building” Law for adoption of an ordinance that would allow the BZA to start having hearings on Code Enforcement Cases.
 - This will reduce Code Enforcement Case times
 - Again, with limited time, this will be brought back at a later time
 - Director Malott noted that we are still waiting on paperwork for some of the “New” APC Members
 - Paperwork is needed from the “New” Members appointees for the Area Plan Office Files.
 - Director Malott noted that everything else he had to discuss could wait till a later time.
7. President Briede noted that we had concluded our Business from the Agenda, and with the large crowd present, he asked the APC if they would entertain listening to some of the Solar Questions & Concerns. (Note, this Meeting is available on “Grant County Government” YouTube Channel)
- 7.1. President Briede noted that the Solar Ordinance was not on the Agenda and briefly went thru the timeline leading up to where the Solar Ordinance is today.
- 7.2. President Briede opened the floor to the Public for Solar Ordinance Discussion
- Resident Jackie Sheets stated she had attended a Delaware County meeting on Solar earlier in the day. She played from her phone a recording of what the “solar panels emit” (actually the invertors), she said this noise is constant. Her concern is location & impact on Food Supply. She stated that her neighbors are not thinking clearly and certainly not thinking of the neighbors around them. She is concerned with “eminent domain”. She stated that none of us have done our homework. She spoke on what if the Panels caught fire. She also stated that the City of Marion should clean up their blighted areas and build Solar Panels there. That the City should use the power instead of sending it to who knows where. People who are making bad choices with their land should make other choices such as growing Hemp. She spoke on different uses for Hemp and that hemp is not going to poison us. She said they should look at building a Hemp Processing Plant. She said, “If they want money in their pockets, then Hemp is the way to go”. She stated that if the Solar Farms are built and her property values go down, then she will file suit. She will check her water supply and if found tainted, she will file suit. She ended with “might as well put your fork down because there is no food on your plate”.
 - President Briede did address the Noise Concern, noting that decibel levels were part of the Ordinance.
 - Resident Don Everett spoke and stated that we need to have better acoustics for our meeting. He stated that Solar is more complex than we just think it is. His first concern is Water Drainage. His next concern was converting Solar Energy into A/C Power, He is concerned with the invertors that change D/C Power into A/C Power. He is worried about his property values. He would be more open to Solar if it created jobs. He sees a possible nemesis on our doorsteps. He spoke that the Energy isn’t going to stay here & the Solar Farms could be sold off. He doesn’t believe we are going to get anything out of Solar Farms, they will take up farmland. He wasn’t sure how he got a letter about the Solar Meeting. Some of Mr. Everett’s comments where inaudible.
 - President Briede did address that the Drainage Board will be involved in the Planning Process. Most of that should be mapped out, as far as file tiles and such. He noted that any Field Tile found or damaged would be required to be repaired.
 - Director Malott noted that the Development Plan will not move forward without Drainage Board Approval or Rule 5 Soil & Erosion Approval thru USDA.
 - Director Malott also noted that if there were concerns out there for certain Developments or Locations, those could also be discussed on a case by case basis thru the Public Hearings.
 - Director Malott noted that Drainage Board is working on a checklist for Developers, that will outline their expectations for Drainage.

- Resident Randy Atkins noted that he did receive a note in his mailbox asking if he was interested in being part of the Solar Farm that is being planned in his Area (Matthews Area). Mr. Atkins stated he was not sure what the process is of getting a project approved or getting it stopped.
 - Director Malott went thru the proposed orders of approval but noted that we are still trying to decide the best order.
 - Mr. Atkins ask the APC what benefit they feel that putting Solar Farms on prime farmland is going to have especially on every property owner that will be impacted but is not receiving a check from the Utility Company.
 - Mr. Maynard stated that while they are building it, it would put good working jobs in this county.
 - Mr. Atkins stated that those would be subcontracted out by whatever company comes in at the lowest bid that could be from any state.
 - President Briede stated that many of the jobs are at time of construction jobs only.
 - Mr. Atkins said that he heard that goats & sheep will be maintaining the Farms.
 - Director Malott stated that part of the development process would be having a maintenance plan in place prior to development. He also noted the Purdue Scorecard for Vegetation & a Vegetation Management Plan that would identify the Buffers, Grasses, etc...as part of the development.
 - President Briede noted that although Job creation would be minimal, it would reduce property taxes for the entire county.
 - Mr. Atkins asked if it wouldn't be tax abated
 - President Briede noted that it would be the County Council's job to work on & approve any type of tax abatements. He stated that in his discussion with a member of the County Council, they are not looking favorably on tax abatements for Solar Farms.
 - Mr. Atkins asked, who pays the property taxes? What impact is it going to have on our school system? We know that farmers carry school systems in rural communities.
 - President Briede noted that there are some studies that suggest Property Values may go up around these Solar Farms. He stated that his understanding is that the Farmer is leasing the property.
 - Director Malott pointed out with the questions Mr. Atkins is asking, is to remember that currently Solar Farms are allowed by special exception with no regulation thru the BZA. He noted that we currently have four Solar Farms now, two of which (Madison Grant & Oak Hill) that did not go in front of anyone. AEP & Gas City's First Solar Farm went in front of the BZA and were approved with No Regulations.
 - Mr. Atkins asked if they were anywhere near the size of those that are being projected? He noted if you look out from his breakfast table, he enjoys the view, the panels proposed, will shut his view down from his breakfast table. All of this is going to happen due to two landowners that are going to benefit from this.
 - Mr. Atkins is asking the board to weigh the benefits we are anticipating vs. the impact on the rest of the people that are living there.
 - Director Malott pointed out that Mr. Atkins is talking about an individual project for development that we have not seen yet, Area Plan is just trying to get an ordinance together to be able to recommend to the commissioners.
 - Mr. Atkins stated that he is talking about the number of acres that concentrate this community and the people that are sitting in this room.
 - Director Malott pointed out again, that the project that Mr. Atkins is speaking of could be approved today by the BZA, but would have not Decommissioning Plan, Road Agreement, Vegetation Plan, Maintenance Plan, Screening, etc... That is our focus, putting together an ordinance, not an individual project that we have not yet seen.
 - Mr. Atkins asked, "please do something"

- Mr. Maynard stated, “that’s what we are trying to do, what’s best for the homeowners around it, what’s best if they do come in, we want to regulate it, they could come in right now and we have no say so”. “We want to be able to protect the people of this county”.
- Director Malott stated that we are aware that there are 5 or 6 companies out there right now, in our county. He also noted current development in Henry & Rush County, Development in Madison & Howard County, Delaware County just approved Two, Jay County just approved Two, Gas City is building a 2nd right now. So, we are well aware they are out there & all around us. They’re here, we have to get together and get an ordinance in place.
- Mr. Atkins suggested that these companies are going to target those areas that have no regulation.
- Mr. Ed Hartman, Chairman of the BZA, suggested that we bring in a Consultant to look over the Ordinance, that we don’t want to miss anything that we will regret later.
 - Mr. Hartman noted that we are looking at the property taxes as a big gain for the County, millions of dollars over 30 years, Mr. Hartman does not want to see us lose that. He suggests that we include a “Property Tax Type Guarantee”, to ensure that even if the Solar Farm gets sold off or shuts down early, we get our full taxes.
 - Mr. Hartman suggested that we increase the decommissioning bond to make sure that these Panels are recycled. We need to check the cost of recycling out today & be very careful. He stated there is only one company in the US right now that is actually doing recycling, “First Solar”.
 - Mr. Hartman suggested that we add an annual fee for Inspection.
 - Mr. Hartman referenced the last e-mail that was sent out by Director Malott
 - IC 36-7-4-603 “Zoning Ordinance; preparation and consideration of proposals”, Mr. Hartman read this entire ordinance. He noted these were requirements for a Solar Ordinance.
 - Mr. Hartman read from the Indiana Planning Association, Planners Guide; “Primary objectives of general welfare include protection of property, values, lower public costs, and enhancing the livability of residential neighborhoods”.
 - Mr. Hartman then went thru the Recommended Order of Approval; Rezoning (APC), Then pass it to Commissioners, and then pass it to the BZA.
 - He spoke on Property Value Guarantees. He noted that there are studies that say it won’t hurt property values, but he doesn’t really believe that.
 - He spoke on Decommissioning Plan wording.
 - He spoke on a guarantee of No Slave Labor & the manufacturer of the Solar Panels. He said that he liked Myron Brankle’s suggestion best, to buy American Solar Panels then you don’t have to worry about it.
 - He stated that none of us want to worry about promoting countries like China that have slaves. We all understand that slaves, and weaker Muslims, are all enslaved in China. He noted this is where some of these Solar Panels are built.
 - He spoke on the 1,320 Set Back Example Picture that Director Malott put together to show what the actual Setbacks would look like in a Square Mile. Mr. Hartman explained his view on how the 308 Acres left out of a square mile could still be used for Solar Development. He noted that it might take three square miles to get the project in & then link them together. His point was “there’s ways, there’s possibilities around it”. He stated he believes a 1,320’ setback is not an end of the process; he does not believe it will make

the Solar Companies leave. He noted they could still leave and find elsewhere easier but it's not like it can happen.

- Mr. Malott noted that most of what is being projected are 1000 Acres.
- Mr. Malott noted that there is only one other county with the same 1,320' Setback (Adams County), he stated that he talked to the Adams County Director who informed him that since their ordinance has been passed, there as be No Solar Development in Adams County.
- Mr. Hartman stated that there is a lot of Solar Development not being done in many counties, a lot of wind to.
- Mr. Malott noted again all of the development around us that was already spoken about earlier.
- Mr. Hartman then asked how many Counties have outlawed Wind, he stated it was about 30.
- Mr. Malott noted to remember the State's Ordinance will include Wind also (negating any moratoriums).
- Mr. Hartman stated that just because you put in restrictions they don't like; doesn't mean they are going to go to other counties and cherry pick them first. We still have locations they are after. They might come back. He noted, we do not have to be first.
- Resident Linda Morgan had a couple of questions
 - She noted that the Indy Star said that the proposed Indiana Solar Bill might have died in the Senate
 - Director Malott explained that the Bill died in 2021, our concern is that they bring it back in 2022.
 - Mr. Maynard stated that usually bills like this on an election year will sit dead on the Senate floor. He stated they don't want to touch stuff because it might ruin their re-election.
 - Director Malott stated that is the "Catch 22", there is a pretty good chance the Bill will not happen, but if it does and we don't have an ordinance in place we are in trouble. We would have to follow their ordinance.
- She also noted some of the wording, they are calling some of the properties "Economic Revitalization Areas", her understanding is that is like "Junk" Land. She wonders is there any re-imbursement on "Junk" Land.
 - Director Malott stated that she may falling back on an individual development, that it is hard to throw a blanket over everything, when we do not know exactly what the development is.
 - Director Malott also stated that that wording is not in Grant County's Solar Ordinance, she may be looking at Delaware County's Solar Ordinance.
 - Director Malott also thanked Linda for sending him an e-mail article on the two approved solar farms in Delaware County.
- Resident Jason White asked what the County put together for setbacks & restrictions for a CAFO?
 - President Briede stated he was not for sure, Director Malott stated he would have to get the Zoning Book out.
 - Mr. Hartman noted it's 1,320' for a Dump.
 - Mr. White noted that what we are looking at isn't crazy, that's agricultural related for a Hog Barn.
 - Mr. White stated that "Fair is Fair", a Hog Farm also generates tax revenue, if that is what we are looking to make the County more money, everything just needs to

be treated fair. (he is suggesting the Hog Farms & Solar Farms should be treated the same)

- Director Malott noted that we had originally proposed 250' Setbacks, from a 32 County Average of 228' Setbacks, our current proposal is 1,320', State had proposed 150' Setbacks.
- Mr. White said he understands that but doesn't understand why there would be different standards between Hog Farms & Solar Farms, as they both effect agricultural land.
- Mr. Maynard wanted to address something that was said prior on fires in Solar Farms & the reason you can't put them out. He noted that he was told that the Solar Panels are connected thru wiring and the only thing you can do is call an 800 number. He stated that 90% of the time the people who works on these things don't live around here, they are 2-3 hours away.
 - Director Malott reminded Mr. Maynard that we have in the Ordinance an "Emergency Plan" in place at time of development that would include annual training, Knox boxes for entry, etc...this would be paid for by the Solar Company.
 - A resident asked if it was the same if a car ran into the Solar Farm
 - Director Malott noted, they are going to have training, keys to get in, etc...
 - Mr. Maynard stated that that is what "they" (EMA/Fireman) have been asking for. He noted that Director Malott & him had a conversation early on in the process & he suggested getting Bob Jackson (EMA) involved.
- Resident Brian Glass stated that he lives right on the County Line near Gaston. Mr. Glass stated that he had attended, earlier in the day, a Commissioners meeting in Delaware County.
 - Mr. Glass thanked the APC for the opportunity to speak, he stated that Delaware did not give any residents to the opportunity to speak.
 - Mr. Glass asked that we keep in mind that as these developments go thru that everybody, adjacent property owners have to opportunity to have a voice, Delaware County did not give us a voice.
 - Mr. Glass was asked if it was a Public Hearing, he stated that they put a little blurb in the Muncie Paper, which nobody reads. That was their legal notification.
 - Mr. Glass stated that Adjacent Property Owners were not notified and many of them may be surrounded on 3 or 4 sides. Their Property Values will be Zero.
 - Director Malott noted that with the Public Hearing, all Adjacent Property Owners have to be notified by law.
 - Mr. Maynard concurred and stated our rules require it, Director Malott noted it's not our rules, that is the State Law.
 - Mr. Glass continued to speak, but was away from the Podium, some of it was inaudible. They are concerned with taking a whole generation out of farmland, they stated that farm cash rent does not compete with solar cash rent, they hear that it is 3 x's more.
 - Mr. Hartman stated that if the deal is too good to be true, there might be a problem with it later on, he's heard it's \$1,000 an acre to sign up. That's a lot of premium money on farmland, there's got to be something going on.
 - Mr. Glass noted that the Solar Farm in Gas City was sold back to the Power Company.
 - Mr. Maynard said that what Gas City is trying to do is keep their cost low, but there is nothing keep the power local.

- Director Malott noted that he lives in Gas City and knew nothing about the “New” Solar Farm until he talked to the Mayor about another rumored Solar Project. Gas City Residents were not made aware.
- A resident asked if it was possible to put into the Ordinance that “Large” Solar Farms be banned or at least limit the size.
 - President Briede noted that Setbacks would control it to some extent.
 - President Briede again noted that the APC is an Advisory Board, that we are only putting forth a recommendation. The Commissioner will make the final decision.
 - President Briede noted that the Commissioners could make changes to the Ordinance or strike it all together.
 - He used the 1,320’ Setback as an example, if the Commissioners do not agree, they can set the setback at whatever they decide.
 - He noted that the Commissioners do want to see some of this development
 - Mr. Hartman noted that if the Commissioners make changes & send it back, the APC will once again review & make changes to recommend again to the Commissioners, if they disagree, they can strike it and adopt whatever they choose.
 - Kyle Persinger concurred
 - A Resident asked if there would be a representative at the Commissioner’s Meeting from this board, it was noted that is the job of the Area Plan Director to present the Ordinance.
 - President Briede also noted that Ron Mowery, who is one of the Commissioners, is also a member of the APC but is not present tonight.
- Resident (not at the podium) sounded like she said we should put in Property Value Guarantees.
 - President Briede stated that has been recommended by the BZA, Ed Hartman spoke up and said that we agreed to put it in at the last meeting, President Briede noted that it would be considered.
 - Resident (not at the podium) discussed his thoughts on guarantees
 - Director Malott pointed out that HB 1381 from the State considered Property Value Guarantees a “Unreasonable Requirement”.
 - Director Malott noted from a previous question about limiting size, if the State’s Ordinance does come thru, it is not going to allow the Unit (County) to put these types of restriction in place.
 - Mr. Hartman noted that we are trying to get this done before that is even an option. He noted the State’s Bill died, maybe the next one will be better, but we don’t know.
- Resident (not at podium) asked when the Ordinance would be sent to the Commissioners.
 - President Briede noted that we first had to get it to a Public Hearing with the APC prior to making a recommendation to the commissioners.
 - Resident asked what type of advertisement would be had for the Public Hearing, President Briede noted it would be in the paper, Resident stated that no one reads the paper.
 - Director Malott noted that we could put it up on the Area Plan’s Web Site.
- Mrs. Lois Jones, BZA Member, stated that, “We want to make sure, the BZA, that we do what the people want, not what’s good for business. So, if you feel like it’s good for business, if that’s your thing, just think about it. If you own property, have children, this is generational things, so give that a good thought, cause money isn’t always everything.

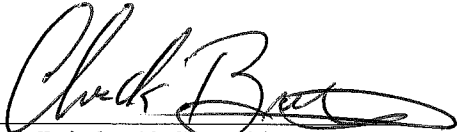
And you can't eat those ...". (Mrs. Jones was not at the podium & wearing a mask, some was difficult to understand).

- Mrs. Jones went on to say that we are going to add as many things as we can think of to make sure this is the right thing to do. We are not going to rush into it, we are not in a big hurry. If business say they don't want to wait, see you next time, you'll be back. There are a lot of Solar places all over the world so don't think these few that they mentioned are the only people, they're not and they are looking for towns like Marion.
 - Mrs. Nicole Bailey, Grant County Code Enforcement Officer, reminded Mrs. Jones that the Ordinance was not for the Town of Marion, it's for the County.
 - Mrs. Jones stated, "either way". Inaudible between Mrs. Bailey & Mrs. Jones, they were talking over one another.
 - Mrs. Jones stated to not give them (the public) the impression that if they don't come there won't be any jobs here, if they were bringing jobs here that would be different but they are not bring anything here to Grant County, it's talk.
- President Briede redirected back to Public Comment
- Mrs. Denise Spooner thanked the APC for discussing the Solar Issues even though it was not on the Agenda.
 - Mrs. Spooner noted that she is a Licensed Real Estate Agent, she is on the Madison County APC, and a former Madison County BZA Member.
 - She noted that Madison County currently has a moratorium on Solar and like Grant County is currently going thru their Solar Ordinance. They will be presenting their Ordinance at the Alexandria Fairgrounds on January 11th, 2022.
 - She wanted to give a disclaimer that she is not an attorney, she is repeating different professional organizations. She has been studying Solar for three years.
 - She spoke on her last visit at the December APC Workshop and stated that some have asked for her information as the video was spotty during her speech. She noted that she e-mailed the Madison County Solar Binder.
 - Director Malott noted that we were able to open the Madison County Solar Draft, but our Software would not allow us to open the Binder.
 - She discussed the lack of attendance at Solar Meetings, she discussed her opinion on how the County should make people aware and how Solar Companies should approach the Planning Departments when coming into the County. She also discussed information meetings.
 - Mrs. Spooner was asked the question if any attorneys have been asked about "imminent domain" when the Utility Company purchases a Solar Farm. From a Madison County APC Meeting, she said that she asked numerous individuals including attorneys involved but has yet to get any response. She read again a report from Terry Paul on projected economic benefits (this can be seen on Video of Record). Report basically says that benefits the Solar Company is suggesting cannot be verified or denied.
 - Mrs. Spooner stated that the Madison County Attorney stated that Counties can do whatever they want with allowing, restricting, etc....on Renewables.
 - Mrs. Spooner stated that she was asked about Property Value Guarantees and that some Planning Directors state that they can't be done. She noted that Two Counties have enacted Property Value Guarantees. She stated that Henry County has "Banned" any further solar farms that connect to transmission lines, but noted they just passed a solar farm in 2021.
 - Mrs. Spooner discussed the Madison County Property Value Guarantee issues. She said that their Ordinance was based on small scale solar. She said their 200' setback was changed by the BZA to 500' for the Invenergy Project. She stated

their attorney thought that change in setback could end up in a lawsuit (she noted the Solar Company Lawyer was also shaking her head yes). She claimed that one BZA Member told another BZA Member they had to vote "yes", or the county was going to be sued.

- She moved onto HB 1381, she noted she supports "Hoosiers for Home Rule". She stated that HB 1381 was "a love letter to renewables". She stated that after the HB 1381 was "Defeated", the Ohio Government put forth HB 54. After several lawsuits, they gave control back to local governments.
- Mrs. Spooner was asked about the Commissioners taking the power away from the BZA in Grant County. She noted the Indiana Citizen Planner, she noted that the BZA "Quasi-Judicial" Board. She questioned if the Commissioners had to follow the same rules. She has many questions. (which are also in the ICP for APC?)
- She spoke on Tax Abatement, she said that Madison County defeated the tax abate, but it was first unanimously approved. But with all the legal battles that occurred, this was defeated. Mrs. Spooner accused Invenergy of talking out of both sides of their mouth, getting into politics, and running negative campaigns against two council members.
- Mrs. Spooner then showed a poster board of the Invenergy Project which appears to be surrounding many areas.
 - Director Malott asked why during the process didn't someone speak up and say, "hey we are surrounding these people"? Why was this not a bigger issue during development & review?
 - Mrs. Spooner stated a hundred times over she brought it to their attention. She said she showed real estate reports. Her understanding from BZA members that have talked behind the scenes, this is politics and corruption. One of the board members has family signed up for the project, one of the county council members has family members signed up for the project. She stated that she's not trying to make assumptions but explain to her why one BZA member would say that you have to pass this project, or we are going to get sued.
 - Director Malott stated that he talked to Brad Newman, the Madison County Director, at length over many of these issues Mrs. Spooner was discussing. He noted that Director Newman stated that the 500' Setback was put in place to appease their current development but felt that the Commissioners were going to put the setback back to 200'.
 - Mrs. Spooner stated they might, but there is going to be a fight in politics, and they will do the same thing Henry County did.
 - Mrs. Spooner stated that Brad Newman drafted the first revision of Madison Counties Solar Ordinance, at the APC meeting Director Newman said he didn't want this on Prime Farmland.
 - Mrs. Spooner stated that Director Newman told her in a private meeting that he no longer believes that Solar preserves Prime Farmland to match our comprehensive plan.
 - Mrs. Spooner stated that members of the board feared that the "New" Revised Draft would limit projects, but Director Newman stated that is what the Comprehensive Plan calls for.
 - Director Newman has done a good job, but he is only the Planning Director. The APC is going to have to discuss & review.
 - Mrs. Spooner spoke about 5th Amendment Rights, Unfair Taking, Lawsuits, "Pitfalls" chapter from the Citizen Planner.

- Mrs. Spooner went thru several studies that she brought with her.
- Mrs. Spooner went thru some of her Real Estate experiences with Property Value decreases & issues around Solar Development.
- President Briede interjected due to time being almost 9:00 PM
- President Briede asked if another Solar Workshop was needed.
- It was decided to Update the Solar Draft to Draft #5, get it out to the APC for review prior to the next meeting.
- Director Malott reminded the APC that some of the recommendations are going to create a domino effect within the ordinance.
 - Many of the changes will make changes that we have not discussed, which will create many more questions of the February Meeting.
- Additional random discussion was had between APC & Residents
- Mr. Maynard motioned to adjourn, Mr. Knuckles 2nd, all in favor.
- Meeting Adjourned at 9:08 PM



Chuck Briede, APC President