

**GRANT COUNTY AREA PLAN COMMISSION  
GRANT COUNTY OFFICE COMPLEX  
Minutes**

**October 3, 2022  
Approximately 7:45 PM**

1. Call to Order

President Maynard called the meeting to order. Members present were Randy Atkins, Robert Bothwell, Myron Brankle, Chuck Briede, Jerry Caudill, Rob Couse, Frank Hix, Rex Maynard, Tyson Nuckols, Jim Todd, and Steve Wright. Absent was Steve Hedrick.

2. Pledge of Allegiance

3. Oaths of Office for Mr. Atkins and Mr. Wright.

4. Approval of Minutes

4.1 Mr. Nuckols moved, and Mr. Couse seconded to approve the minutes of August 1, 2022 as submitted. Dr. Bothwell, Mr. Brankle, Mr. Briede, Mr. Caudill, Mr. Couse, Mr. Hix, Mr. Nuckols, Mr. Todd, and Mr. Wright voted yes. Mr. Atkins abstained. Motion carried.

4.2 Mr. Couse moved, and Mr. Brankle seconded to approve the minutes of August 15, 2022 as submitted. Mr. Atkins, Dr. Bothwell, Mr. Brankle, Mr. Briede, Mr. Couse, Mr. Hix, Mr. Todd, and Mr. Wright voted yes. Jerry Caudill & Tyson Nuckols abstained. Motion carried.

5. BZA Appointment

5.1 Mr. Brankle nominated Mr. Atkins as the BZA Appointee. Dr. Bothwell seconded the nomination. Mr. Atkins, Dr. Bothwell, Mr. Brankle, Mr. Briede, Mr. Caudill, Mr. Couse, Mr. Hix, Mr. Nuckols, Mr. Todd, and Mr. Wright voted yes. Motion carried.

- Director Malott explained that the APC has two (2) appointments to the BZA:
  - One (1) Appointment is a Citizen Member who lives inside of Incorporated Area,
  - One (1) Appointment is a Citizen Member who lives outside of Incorporated Area.
    - President Maynard is the current BZA Appointment for Citizen Member who lives inside Incorporated Area.
    - Mr. Brankle & Mr. Atkins are the only two Citizen Members of the APC who live outside of the Incorporated Area. So, they were the only two that could be nominated.

6. Correspondence and Other Business

- 6.1 Mr. Atkins shared that he had concerns that Director Malott was working on Solar Logistics.
- 6.2 President Maynard stated that he had heard concerns from enough members of the APC, that until the APC better understands the Solar Ordinance, the Area Plan Office should not take any Solar Applications.
- 6.3 Director Malott indicated that Mr. Atkins was talking about the Solar Checklist that Director Malott had been working on & the meeting he had with the Auditor's Office over Application & Permitting Fees.
- 6.4 Mr. Atkins stated that he is concerned that the APC has enough information & knowledge to even accept Solar Applications.

6.4.1 It is Mr. Atkins understanding that 153.075 of the Grant County Area Wide Ordinance that the APC has the ability to suspend receiving applications for up to Six (6) Months.

6.4.2 Mr. Atkins moved, Mr. Brankle 2<sup>nd</sup> to approve a Six (6) Month suspension on accepting applications for Solar Projects. There was further discussion.

6.4.3 Mr. Briede stated that he would like to have more discussion on the motion. Mr. Briede stated he doesn't understand why we would do a blanket motion on Solar Applications. He noted that Residential Solar is also governed by State Guidelines. He believes this just opens the APC up for issues. Mr. Atkins asked if the Residential Solar had to get things like Drainage Board approval. Miss Harrison noted that these are mostly One (1) Acre or less.

6.4.4 Mr. Atkins amended his motion to allow for Residential Solar Permits to still be permitted, but to suspend taking applications for the larger solar farms. Mr. Brankle 2<sup>nd</sup> the amendment.

6.4.5 Mr. Wright asked what the Drainage Board did at their last meeting as he had to leave early. Mr. Atkins stated that the Drainage Board voted for a Six (6) month moratoriums on Solar Applications, but the Commissioners voted not to accept it.

6.4.6 President Maynard said to clarify why he put a stop to applications, he stated that our rules read that if he has enough people tell him they don't understand Draft #4 & they don't understand the Indiana Code and how they was going to work together, then he as President has to take action.

6.4.7 Mr. Couse asked what the time frame was on that action per our rules. President Maynard did not think there was a time frame.

6.4.8 Mr. Couse stated that we now have an Ordinance in place that we are not going to allow to be enforced, Mr. Couse believes that opens us up to serious issues down the road. Again, Mr. Couse asked how long. President Maynard stated that he was hoping that could get figured out at this meeting.

6.4.9 Mr. Couse stated that this becomes very murky and an Open-Door Violation where members of the board are speaking together thru chain communication and then took administrative action without the Commission, which again could be looked at as an Open-Door Violation. That alone would open us up to a

lawsuit. Mr. Couse stated that if an Ordinance is in place, if we like it or not, we have to be careful on what we do as we move forward. Again, he stated, the Ordinance is in place. He feels like we are trying to bide time, which opens us up for litigation.

6.4.10 Mr. Wright asked if President Maynard wrote down the names of those board members he talked to and did you have enough of the board to take action. President Maynard said that he had the names but not with him. He noted that he was calling the members for other reasons and this was brought to him, and he decided to suspend Solar Applications till it could be discussed at the APC Meeting. Mr. Wright asked if we could see a show of hands of who voted for this action. Dr. Bothwell stated that there was a motion on the floor, we are not here to indict people, that we need to get past that sort of stuff. Dr. Bothwell stated that internally we need to quit fighting one another.

6.4.11 Roll Call on the Motion; Mr. Atkins, Dr. Bothwell, Mr. Brankle, Mr. Caudill, Mr. Hicks, Mr. Nuckols, and Mr. Todd voted Yes. Mr. Briede, Mr. Couse, and Mr. Wright voted no. Motion Passed.

7 Next Scheduled Meeting - November 7<sup>th</sup>, 2022

8 Public Input

8.1 **David Kratzer.** Mr. Kratzer wanted to be clear that he understood that he would be allowed to get his Permit for Residential Solar.

8.2 **Deborah Cain.** Mrs. Cain noted if your doing Six Months, to Commissioners, why not a year. She appreciates the APC for making the right vote. Mrs. Cain said that she doesn't agree with Mr. Couse's statements but that's ok. She appreciates that the APC is allowing residential solar.

8.3 **Jacque Sheets.** Mrs. Sheets asked if it was possible to go back to Draft #7. President Maynard noted that would up to the Commissioners.

8.4 **Andy Ellis.** Mr. Ellis stated that he is glad the APC has the courage to do the right thing. He noted that he has been at several meetings. He doesn't understand why time after time the Commissioners accept other recommendations, but not for this. He feels the community wasn't heard. He believes the whole Planned Unit Development was to filter people out and to concentrate power. He suggests that we take the time to go back and find common ground and do it right.

8.5 **Ted Oatess.** Mr. Oatess stated that the BZA said that law wasn't followed. He doesn't care who has to be sued, we should follow the law.

(Note, The Plan Commission may tape record the proceedings of each meeting to substantiate and clarify the official minutes, per 6.3.3 of the APC Rules of Procedure)

9 Adjournment

Mr. Maynard adjourned the meeting at 8:15 PM. Executive Session started immediately after regular meeting.

*Rex alan maynard*

Rex Maynard, APC President