

MINUTES

ELKHART COUNTY BOARD OF COMMISSIONERS MEETING

September 19, 2022

President Suzie Weirick called the meeting to order at 9:00 a.m. in room 104 in the County Administration Building, 117 North Second Street, Goshen, Indiana. The other Board members, Frank Lucchese and Brad Rogers were also present. Others present were Craig Buche, County Attorney; Tiara Jackson, County Auditor First Deputy; and Anita Mock, Administrative Manager. Patty Pickens, County Auditor and Jeff Taylor, County Administrator, were absent.

***This meeting commenced pursuant to public notice under the Indiana open door law. This meeting was made available for the public and press to attend in person or engage in remote real-time observation and remote electronic participation.

On a motion made by Frank Lucchese, seconded by Brad Rogers and unanimously carried, the Board approved the Minutes of the September 6th & September 12th 2022, meeting and placed them on file.

On a motion made by Brad Rogers, seconded by Suzie Weirick and unanimously carried, the Board approved the Allowance of Claims as presented by the County Auditor's office.

BUSINESS ITEMS:

Commissioner Suzie Weirick requested a motion to change agenda items in order to accommodate for a lengthy agenda item referring to the Solar Project. On motion made by Frank Lucchese, seconded by Brad Rogers and unanimously carried, the Board accepted the agenda items change.

Emergency Management Director, Jen Tobey, requested approval of road closure for an RV Show on County Road 104 from RV Hall of Fame, East to County Road 19, on September 27th from 8am until September 28th, 2022 at 8am. On motion made by Brad Rogers, seconded by Frank Lucchese and unanimously carried, the Board approved this request.

Fiber Department Director, Ben Hudson, requested approval of Segment Agreement between County of Elkhart and Surf Internet with a connection point at Jayco, 903 South Main Street, Middlebury, IN. On motion made by Frank Lucchese, seconded by Brad Rogers and unanimously carried, the Board approved this request.

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County Attorney, Craig Buche, requested approval of Independent Contractor Agreement by and between the Board of Commissioners and Center for Community Justice. On motion made by Frank Lucchese, seconded by Brad Rogers and unanimously carried, the Board approved this request.

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County Attorney, Craig Buche, requested approval of Independent Contractor Agreement by and between the Board of Commissioners and Council on Aging. On motion made by Frank Lucchese, seconded by Brad Rogers and unanimously carried, the Board approved this request.

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County Attorney, Craig Buche, requested approval to Release RFP for Demolition for RDC Real Estate in the Northwest Gateway TIF District. On motion made by Brad Rogers, seconded by Frank Lucchese and unanimously carried, the Board approved this request.

County Attorney, Craig Buche, requested approval of Exchange Agreement with Myers for the access road/real estate at County Road 17 and County Road 20. On motion made by Brad Rogers, seconded by Frank Lucchese and unanimously carried, the Board approved this request.

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County Attorney, Craig Buche, requested approval for License for Elkhart River Queen for Boat Storage on Sunset Avenue. On motion made by Frank Lucchese, seconded by Brad Rogers and unanimously carried, the Board approved this request.

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Planning & Development Zoning Administrator, Jason Auvil, requested approval of Showalter Farms, Inc. & Bruce A. Showalter, Steven G. Showalter, Michael K. Showalter & Robert Moser & Donna Moser Living Trust represented by Jones Petrie Rafinski for a zone map change from A-1 and DPUD A-1 to AE A-1, west side of State Road 13 between Long Ditch and County Road 146; south side of County Road 146 between State Road 13 and County Road 43; west side of County Road 43 between County Road 146 and a point 614 feet south of Dry Run Ditch; east side of State Road 13 between County Road 148 and a point 842 feet south of County Road 148; north side of County Road 148 between State Road 13 and a point 1,258 feet west of State Road 13; south side of County Road 146 between State Road 13 and a point 1,622 feet west of State Road 13; north side of County Road 146 between State Road 13 and County Road 137; south side of County Road 46, 1,402 feet west of State Road 13, in Benton Township. Jones Petrie Rafinski Representative, Kenneth Jones Jr., advised he was representing the Petitioner and explained the Solar Project in detail. He discussed the following points of concern; 1) Change in property value, 2) Emergency Response, and 3) Landscaping/Buffering/Screening. Savion Development Director, Sarah Mills, advised there would be no energy storage facilities on this property and discussed Emergency Response Plans. Emergency Services Response Director with Savion, Tom Bensen, further discussed Emergency Services Response Groups and their role in the project. Brad Rogers voiced his concerns with fire responses from the neighboring volunteer Fire Departments. Let the record show at this time Sarah Mills, Savion Representative, submitted over 500 petitions in support of the Solar Project. Suzie Weirick opened a public hearing.

The following individuals spoke both in favor and against the Solar Project:

- Gary Ergle spoke in favor of the project.
- Amanda Bowling spoke against the project.
- Cynthia Pergrem spoke against the project.
- Jim Finan “Hoosiers for Renewables” spoke in favor of the project.
- Kathryn Fry spoke against the project.
- James Kuhlenschmidt spoke against the project due to possible “TCLP”.
- Elisa Zollinger spoke against the project.
- Nancy Wait spoke against the project.
- Reed Davis for “Indiana Land Coalition” felt the project followed reasonable guidelines.
- Lynn Loucks, President Farm Bureau, spoke against the project.
- Alex McIntyre spoke in favor of the project.
- Brad Hooley, representative for Moser Family, spoke in favor of the project.
- Carol McDowell concerned about “TCLP” Hazardous Leache Chemicals.
- James Gardner spoke in favor of the project.
- Paul Steury spoke as Environmental Educator/Science Teacher.
- Jim Weiber spoke against the project.
- Sara Moser, Director of Farm & Solar, spoke in favor of the project.

MaRous & Company, Mike MaRous, spoke on the market impact analysis which his company conducted. He advised that market data from Indiana, as well as from other states, supports the conclusion that the project will not have a negative impact on rural residential or agricultural property values in the surrounding area.

Kenneth Jones Jr. addressed the concerns which were brought to the Commissioner’s attention during the public hearing.

On motion made by Brad Rogers, seconded by Frank Lucchese and unanimously carried, the Board closed the public hearing. On motion made by Frank Lucchese, seconded by Suzie Weirick, the Board approved this request with the following conditions:

- 1) No onsite battery storage.
- 2) Solar panels of quality no less than Tier 1.
- 3) Abide by setbacks/buffers as proposed by the petitioner in the plans and project narrative.
- 4) Commit to agreements and plans acceptable to the Commissioners for:
 - Emergency Response
 - Decommissioning
 - Road Use and Impact
 - Operations & Management

The zoning approval was given subject to these four conditions as provided in the definitive ordinance to be provided by Planning and approved by the Commissioners. A roll call vote followed: Brad Rogers, NAY; Frank Lucchese, AYE; Suzie Weirick, AYE. The vote passed 2 to 1.

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County Attorney, Craig Buche, requested approval of Agreement for Economic Development between the Elkhart County Council, and the Board of Commissioners, Elkhart County, Indiana and Elkhart County Solar Project, LLC. On motion made by Frank Lucchese, seconded by Suzie Weirick this request was approved. A roll call vote followed: Brad Rogers, NAY; Frank Lucchese, AYE; Suzie Weirick, AYE. The vote passed 2 to 1.

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BOARD ITEMS:

PRIVILEGE OF THE FLOOR:

On a motion made by Brad Rogers, seconded by Frank Lucchese and unanimously carried, the Board adjourned their meeting.

Respectfully submitted,
Anita Mock