

REGULAR MEETING
CLARK COUNTY BOARD OF COMMISSIONERS
May 9th, 2024

The Board of County Commissioners of Clark County, Indiana met in Regular Session on May 9th, 2024, at 5:00 p.m. in Room 103, Clark County Government Building, in Jeffersonville, Indiana.

Present at the meeting were Commissioners – President Bryan Glover, Connie Sellers and Jack Coffman, County Attorney R. Scott Lewis, Auditor Danny Yost and Commissioners’ Assistant Sabrina Corbin.

The Pledge of Allegiance was led by Trey Brison. Prayer was led by Jack Coffman.

Approval of the Minutes

Commissioner Sellers made a motion to approve the April 25th, 2024 Regular Meeting Minutes. Commissioner Coffman seconded. Motion approved 3-0.

Danny Yost presented the claims and payroll for May 9th, 2024. Commissioner Sellers motioned to approve the claims and payroll. Commissioner Coffman seconded. Motion approved 3-0.

Commissioner Glover asked for any amendments to the agenda. There were no amendments. Motion by Commissioner Coffman to approve the agenda as presented. Commissioner Sellers seconded. Motion approved 3-0.

I. Public Comments:

Sandy Basham – Sandy was here to provide her viewpoint on the UDO. “Congratulations to Commissioner Sellers & Commissioner Coffman for winning their primary election. I ask tonight for you to approve the UDO that was sent from the Planning & Zoning Commission with a unanimous favorable recommendation. There were only two times where the Commissioners voted against the Planning & Zoning’s recommendations in seven years. I gave each of you all some information on how to make up the acreage on the 650-foot setback. In Rush and Henry County, they farm the land of the setback. I’m asking if you have in mind that we

need to setup a committee and a moratorium to work on this further, then you vote yes today so we have some protections while we work on it. We were told at the Planning & Zoning meeting that this is a living document and that we can change it as we go. If we have these today, we aren't going backwards and at least have some protections." Sandy thanked the Commissioners for their time.

David & Anita Tillett – David & Anita were here to provide their viewpoint on the UDO. "I come here today because I would like for you to approve the UDO amendments. I enjoy living out in the Country and we don't want to be close to the Solar Farms so the setbacks would be beneficial." David & Anita thanked the Commissioners for their time.

Kelly Khuri – Kelly was here to provide her viewpoint on the UDO. "I am hoping in the future we can look into the best systems. I hope we can get some research and restrictions of where they can be put. I also would like at the next Plan Commission meeting that there would be consideration of a cap on how much of a property can be used for solar. I would like to see a focus on capping on how much can be solar. I do recognize the need for renewable energy with the companies moving into our County. We need to do what is fair and equitable that protects our agricultural and rural environments." Kelly thanked the Commissioners for their time.

Christine Horsely – Christine was here to provide her viewpoint on the UDO. "Everyone on both sides has invested a lot of time into this. It is important to approve this document tonight. As a living document it can be amended at any time. The approval of this will provide many necessary protections. The next step would be to enact a moratorium and to bring those for and against to put a committee together. I just ask that you approve what is in front of you tonight." Christine thanked the Commissioners for their time.

Donald Millar – Donald was here to provide his viewpoint on the UDO. "I live right up the road from here. I fish and hunt here. I try to get all my food from the farmer markets around the County. I spent many years as a chemist doing EPA methods for pollution, ground water, and soil. If I felt there was any possibility that these solar panels would impact Clark County with the water, animals, soil or people, I would be the first one here trying to stop it. From my understanding with many years in chemistry and environmental work, there is no impact to the ground water or soil from solar. There are no liquid chemicals that are involved that can alter the day-to-day lives of our population. I believe there is no risk to the County

with these projects. I would encourage you all to be pro-development. The County has grown immensely and its best to keep up with the development and I believe renewable energy is a part of that.” Donald thanked the Commissioners for their time.

Sophie Skeens – Sophie was here to provide their viewpoint on the UDO. “I own a substantial chunk of my family’s farm that is here in Clark County. I think this whole thing is about what someone can and can’t do with their land. I believe almost an eighth of a mile is a lot of land for someone to give up. As soon as the project is done, they are going to revert it back to farmland. I know some people don’t like it but how much control can you give to someone when it isn’t their property.” Sophie thanked the Commissioners for their time.

Gerald Brooks – Gerald was here to provide his viewpoint on the UDO. “I am asking you to approve the changes to the UDO. It doesn’t give either side everything that they want but it is a good compromise. Hopefully all of us can start a healing process from the divisiveness in our community.” Gerald thanked the Commissioners for their time.

Kelli Stamper – Kelli Stamper was here to provide her viewpoint on the UDO. “I understand people wanting do what they want with their land but, you have to consider the adjacent land owners surrounding the projects. I am for solar power and you have to consider everyone that it is impacting. I haven’t been approached by anyone and I just want to make sure that you are considering all parties involved. When we moved, the land was agricultural and now it is turning into an industrial area. I ask you to approve the UDO today. There have been no long-term studies on these solar projects. We need to move forward and protect adjacent land owners and to help protect property values. It should be approved tonight and be discussed further down the road.” Kelli thanked the Commissioners for their time.

Max Zimmerman – Max was here to provide his viewpoint on the UDO. “I think three out of the four amendments are good. I believe the 650-foot setback is too much. 650 feet is eleven times the size of this meeting room from front to back. I would say to vote no to the setback and to approve everything else.” Max thanked the Commissioners for their time.

Alan Applegate – Alan was here to provide his viewpoint on the UDO. “I came to you before and I believed your ordinance was in good standing how it was. I reiterate that because I think the 650-foot setback diminishes the effectiveness of

your ordinance and may flirt with violation of Indiana statutes that are promoting alternative energy sources. It says that it is public policy for the State to promote and encourage the use of solar and to limit obstacles for their use. It doesn't prohibit reasonable restrictions. Reasonable restrictions are those that do not significantly increase the cost of the system or decreasing its efficiency. I don't think the use is industrial and placing these in an agricultural area is the proper place to place them. Coal plants are intentionally shutting down and the state is saying we want alternative systems. I would ask for you to not impose something that significantly increases the cost of the system or decreasing its efficiency." Alan thanked the Commissioners for their time.

Shelly Blakenbaker – Shelly was here to provide her viewpoint on the UDO. "I am here to ask you to approve the changes to the UDO. With all of these being approved, I still believe there are more restrictions missing. Compared to similar Counties, we are still lacking on the restrictions. I also ask for a moratorium to be put on commercial solar and wind. There are multiples sources that we can move to for energy but you can't replace farmland. Does Clark County have a percentage of farmland the County is willing to keep? Has that been addressed? When I think of farmland, you are talking food supply. I would want to know that our County in the future is able to feed its residents and to help neighboring County's. I own seventy-six acres and I was approached by one of these companies. I told them no because I don't want someone to tell me what to do with my land. I'd like for us to slow this process down, farmland is important. I'm asking you to approve the changes and to enact a moratorium." Shelly thanked the Commissioners for their time.

Robert Norrington – Robert was here to provide his viewpoint on the UDO. "I am with the Indiana Labors Union. These projects are about embracing clean energy and signifies a profound commitment to the local workforce. The construction phase alone will offer a wealth of employment, provide opportunities to a diverse range of skilled local laborers who live in Clark County. This project will also employ electricians and operators. The economic benefits to the community will be substantial. This translates to a steady influx of jobs and providing growth for years to come. Please thank about what you will be doing to the landowners by providing an unreasonable setback." Robert thanked the Commissioners for his time.

Kerri Vaughn – Kerri was here to provide her viewpoint on the UDO. "A 650-foot setback is over two football fields long. Solar doesn't create any noise, toxicity,

smell or dust. I urge you to decrease the setback to 250-feet. I could put a hog farm on my property with no restrictions but I can't put a solar farm on my property without donating 650-feet to surrounding land owners. Property rights are important to all of this and I hope you keep that in mind." Kerri thanked the Commissioners for their time.

Connie Neinger – Connie was here to provide her viewpoint on the UDO. "I am from White County. We have several wind and solar projects in my County. I am here with the Center for Infrastructure and Economic Development which is a national organization that helps County Officials develop balanced policies on renewable energy. Your setback of 650-feet is excessive compared to many other Ordinances in Indiana and other states. You are taking away farmland. There has been comments about farmland and taking away the food. 43% of our corn goes to the ethanol industry. When we put solar or wind in these areas, they can be used for transportation and fuel. It's not taking away the food. These projects rejuvenate the soil by using less chemicals and compaction. The solar panels can be removed easily and at the end it gets returned to farmland. When you are looking at landowner rights, those that own the land are making a business decision. How many acres have been taken up farmland for industrial development or commercial buildings?" Connie left a packet with information and thanked the Commissioners for their time.

Jackson Doughty – Jackson was here to provide his viewpoint on the UDO. "The setback is too much. With a 250-foot setback vs a 650-foot setback, you won't even be able to tell the difference. All it is doing is creating an unnecessary precedent where the landowner can't use land on the other side of the tree line." Jackson provided the Commissioners with a visual comparison of the setback and thanked the Commissioners for their time.

David Gil – David was here to provide his viewpoint on the UDO. "I am with BriteNite representing the landowners with the project we are trying to develop. I think the setback is excessive compared to other Counties in the State. If you've been to a football game and see how large of a difference 250 feet is to 650 feet. If you're sitting in the endzone and watching the other team on the other endzone, it seems pretty far away. 650 feet would be two football fields away and you wouldn't even be able to tell which player is which. We are here working on a project that we believe will bring great economic benefits to the County. Maintaining agricultural land is vital. The land will be returned to agricultural use once we decommission the project. If this land doesn't become solar, it will be

some residential development. We will maintain wide open land. The participants are entering into voluntary agreements with their property. I ask you to reconsider the setback from the Plan Commission and to make it a little bit more reasonable.” David thanked the Commissioners for their time.

Barbara Anderson – Barbara was here to provide her viewpoint on the UDO. “I am here today to. The economic benefits these projects bring to other Counties are immense. Energy costs are going up each day and solar is an alternative form that should’ve been promoted years ago. Solar panels create around a 30%-40% decrease in energy cost. The job impact alone on this project will be profound. The 650-foot setback is excessive.” Barbara thanked the Commissioners for their time.

II. New Business:

A. Commissioner Glover presented the Bid Opening for Salem Noble Road and High Jackson. The first bid is from Temple & Temple in the amount of total of \$1,070,805.00. The alternate bid from Temple & Temple is in the amount of total of \$36,192.00. The second bid is from Flynn Brothers in the amount of total of \$828,758.75. The alternate bid from Flynn Brothers is in the amount of total of \$24,016.00. The third bid is from Libs Paving in the amount of total of \$719,022.50. The alternate bid from Libs Paving is in the amount of total of \$20,552.00. The fourth bid is from E & B Paving in the amount of total of \$612,900.00. The alternate bid from E & B Paving is in the amount of total of \$21,764.00. The fifth bid is from All Star Paving in the amount of total of \$726,931.55. The alternate bid from All Star Paving is in the amount of total of \$25,166.00. The sixth bid is from Louisville Paving in the amount of total of \$899,390.25. The alternate bid from Louisville Paving is in the amount of total of \$30,580.00. The seventh and final bid is from MAC Construction in the amount of total of \$655,707.00. The alternate bid from MAC Construction is in the amount of total of \$24,714.00. Motion by Commissioner Coffman to table the bid opening for advisement by the County Engineer. Seconded by Commissioner Sellers. Motion approved 3-0.

B. Commissioner Glover presented the UDO Text Amendments. Amy Williams with Planning & Zoning was here to provide additional information about the UDO amendments. This is Ordinance 9-2024 which is an ordinance approving text amendments to the UDO. UDO Amendment #1 is the removal of age of manufactured homes when placed. UDO Amendment #2 enacts Child Care

May 9th, 2024

Home as special exception for minimum living area in AG district. Amendment #3 enacts access to existing public roads where a subdivision borders or contains an existing or proposed public road. Amendment #5 will replace the Minor Plat Committee with the Plan Commission. Motion by Commissioner Coffman to approve Ordinance 9-2024. Seconded by Commissioner Sellers. Motion approved 3-0.

Amy Williams presented Ordinance 10-2024. UDO Amendment #4 includes several amendments for Solar Energy Systems including Power and Communication Lines, Setbacks, Screening, Ground Cover, Fencing, Emergency Response, Noise and Vibration, Signal Interference, Decommissioning Plan and Surety Required, and Commercial Liability Insurance Required. County Attorney Scott Lewis clarified that the Commissioners cannot approve part of this Ordinance. They must either approve the entire Ordinance or reject all of it and send it back to the Plan Commission. After much discussion the concerns of the Commissioners are some of the verbiages in the amendments regarding the setbacks. Motion by Commissioner Coffman to return the Resolution 2024-06 to the Plan Commission to reconsider the setback from 650ft to 250ft. Commissioner Glover said, "My concern is that if there is a portion we aren't in favor of, it would destroy the 99% of the UDO that we have worked so hard on. It would then revert back to what's on the books right now with less restrictions." Commissioner Sellers added, "Commissioner Coffman received a phone call from another solar company. I know there are three or four other companies out there. I don't know what other companies are doing but I know there are few that want to come here. They could file an application if we don't approve this and it would be under the regulations that aren't as strict. I don't like the setbacks and we need to discuss more changes." There is not a second on Commissioner Coffman's motion so the motion dies. Motion by Commissioner Sellers to approve Ordinance 10-2024. All of the Commissioners have been out there to look at the property. It is 1700 acres. We need to know what the plans are so we can know what type of impact it will have on our community. Seconded by Commissioner Glover. Motion approved 2-1.

- C. County Attorney R. Scott Lewis presented the Metric Environmental for Section 106 Archaeological Reconnaissance & Monitoring – Charlestown Pike Project. Time and materials will cost \$62,825.00. US Army Corp of Engineer

May 9th, 2024

Permit requires this monitoring. Motion by Commissioner Sellers to approve the Metric Environmental for Section 106 Archaeological Reconnaissance & Monitoring – Charlestown Pike Project. Seconded by Commissioner Coffman. Motion approved 3-0.

- D.** County Attorney R. Scott Lewis presented the RQAW Agreement for Engineer’s Report – Blue Lick Road and Biggs Road Intersection. This proposal is for the Engineer’s Report of the intersection of Blue Lick Rd. and Biggs Rd. in Clark County, Indiana. The report will evaluate the current condition of the intersection including but not limited to pavement, hydraulics, right of way, and utilities. The cost of the Engineer’s Report is in the amount total of \$6,600.00. Motion by Commissioners Coffman to approve the RQAW Agreement for Engineer’s Report – Blue Lick Road and Biggs Road Intersection. Seconded by Commissioner Sellers. Motion approved 3-0.
- E.** County Attorney R. Scott Lewis presented the Pioneer Environmental & Engineering Agreement – CQA Report for West Landfill Barrier Wall Construction. Pioneer Environmental provided the proposal for completion and submittal of a Construction Quality Assurance (CQA) report for the installation of the subsurface West Barrier Wall and associated perimeter leachate collection and removal system for the Clark-Floyd Landfill. The cost of the CQA report is in the amount total of \$24,800.00. Motion by Commissioner Sellers to approve the Pioneer Environmental & Engineering Agreement – CQA Report for West Landfill Barrier Wall Construction. Seconded by Commissioner Coffman. Motion approved 3-0.
- F.** County Attorney R. Scott Lewis presented the Nuisance Animal Services – Landfill Wildlife Removal & Management Services. This is for beaver removal at the Landfill. This contract is effective from May 1st, 2024 – April 30th, 2025. The total contract price is \$7,200.00 and billing will be at either a rate of \$600.00 per month or \$1,800.00 per quarter. This is a requirement from IDEM. This will be paid out of the Host Fees. Motion by Commissioner Coffman to approve the Nuisance Animal Services – Landfill Wildlife Removal & Management Services. Seconded by Commissioner Sellers. Motion approved 3-0.

- G.** County Attorney R. Scott Lewis presented the Willinger Bridge 400 Plan Approval. This is the plan that has been put together and it needs approval in order for the County to advertise the bids for this project. Motion by Commissioner Coffman to approve the Willinger Bridge 400 Plan Approval. Seconded by Commissioner Sellers. Motion approved 3-0.
- H.** County Attorney R. Scott Lewis presented the Quadient Mail & Postage Machine Agreement for Clerk's Office. The Clerk's Office's mail machine will not be accepted due to technical requirements by the U.S Postal Service at the end of this year. According to Sabrina Corbin, Commissioners' Assistant, the current machine was purchased in April 2013 for \$17,324. After reviewing the two machine options, with Mary Kay and Quadient, due to the volume of mail that the Judicial Center processes the IX9A is the best option. This purchase will be available to make out of the IT Fund. The Clerk's office will pay for the rental and service agreements. The Clerk's Office is purchasing a Quadient iX-9A DS Mailing System with a total cost of \$21,302.00. Motion by Commissioner Sellers to approve the Quadient Mail & Postage Machine Agreement for Clerk's Office. Seconded by Commissioner Coffman. Motion approved 3-0.
- I.** County Attorney R. Scott Lewis presented the New Direction Quote for Commissioners and Planning & Zoning Lobby Area. This will provide additional security in the Commissioners' and Planning & Zoning lobby areas. The total cost of construction for the Commissioners and Planning & Zoning Lobby Area is in the amount of \$10,783.41. Motion by Commissioner Sellers to approve the New Direction Quote for Commissioners and Planning & Zoning Lobby Area. Seconded by Commissioner Coffman. Motion approved 3-0.
- J.** County Attorney R. Scott Lewis presented the CyberTek Quote for Hardware for Government Center Network. There have been issues with increasing volume through the computer network at this building. This hardware will improve the system. The total cost of the quote is an amount of \$675.88. Motion by Commissioner Coffman to approve the CyberTek Quote

for Hardware for Government Center Network. Seconded by Commissioner Sellers. Motion approved 3-0.

III. Old Business: None

IV. Reports:

A. Auditor: None.

B. Attorney: None.

C. Highway Department: Brian Dixon – “Today INDOT opened the bids for the Stacy Road/403 improvements. The low bid was MAC Construction in the amount of \$2,224,888.00 which is below the Engineer’s estimate of \$2,400,000.00. The Federal match is 90% so the County’s portion is \$222,488.80. The utility move for Duke is complete but Indiana American Water is not.”

D. Sheriff: The current jail population is 447, 31 are Federal Inmates.

E. Elected Officials & Department Heads: None.

V. Other Business: None.

VI. Public Comments: None.

VII. Adjournment: Commissioner Glover entertained the motion to adjourn. Commissioner Sellers motioned to adjourn. Commissioner Coffman seconded. Motion approved 3-0.

BOARD OF COMMISSIONERS OF
CLARK COUNTY, INDIANA

Absent

BRYAN GLOVER, PRESIDENT

Connie Sellers

CONNIE SELLERS, VICE PRESIDENT

Jack Coffman
JACK COFFMAN, MEMBER

SIGNED THIS DAY 5-23-24

ATTEST: Danny F. Yost

DANNY YOST, CLARK COUNTY AUDITOR

May 9th, 2024