

**MINUTES  
SPECIAL MEETING OF THE  
FOUNTAIN COUNTY COUNCIL  
May 2, 2024  
7:00 p.m.**

The following Fountain County Council members were present at the meeting: Dudley Cruea, Tom Booe, Dale White, Kelly Carlson, Denise Crowder, Jim McKee and Jeff Fishero.

Dudley Cruea opened the meeting by reading an email from Wayne Delong of Geenex Solar. Dolphin Solar LLC had withdrawn the matter for review and consideration by the County Council in regards to the EDA. They are requesting no action beyond acknowledgement of the withdrawal on behalf of Dolphin Solar. Dudley stated the statement of benefits as described in the proposed resolution was not received. The Council is not accepting the withdrawal and would like to vote on the resolution.

**Appointment to Board of Zoning Appeals**

Upon resignation of Rodney Norman, the council needs to appoint another person to the BZA.

A motion was made by Kelly Carlson and seconded by Dale White to appoint Daye Phillippo to the Board of Zoning Appeals. Vote: 7-0

**Public Comment:**

**Michael Andreoli – Attorney for Friends of Fountain County**

He has submitted a proposed resolution to the Council for consideration to slow down the solar companies so that more information and data can be obtained. He has found that the benefits are not as great as it first seems. He wants to protect the taxpayers. The tax abatement doesn't make sense. Solar farms are a detriment to the crops, land and the farming community as a whole. The land will never be the same.

Jeff Fishero asked if Dolphin Solar could still come into the County if the EDA is voted down. Mr. Andreoli said by removing the subsidies it may make them go away. The Commissioner will have to make a decision on the solar farms and do the right thing to keep the farm land and landscape of Fountain County.

**Dane Maltsberger – Resident of Fountain County**

He asked what were the duties of the Council. Dudley responded and went over the tax rates of the County over the past 3 years. Mr. Maltsberger went over the definition of undesirable land and the Indiana Code pertaining to this, land use and solar farms. He also gave DLGF's guidance on Solar. He presented graphs and charts as to the amount of increase in dollars and bushel for corn and beans over the last few years. He also said the proper procedure to take farm land to solar fields would be to have it rezoned. A public hearing and notification to surrounding neighbors would be required.

**Jessica Anderson**

She said lots of landowners were given options and some thought they were doing what was best. Dolphin Solar may be grandfathered in under the Zoning Ordinance of 2021. Dolphin Solar is 6,000 acres. She also read the definition of undesirable land.

**David Jaquay – Portland Arch – Quality Engineer**

He said based on population, square miles and the number of homes that will be affected will make up about 33% of the county. He ran the numbers. There are 2,594 home/families that will be losing the value of their homes. He said if a company has to rely on subsidies to prosper what happens when the subsidies are no longer available. He does not feel they need to make 4 townships in Fountain County undesirable for the EDA as they only need 4500 acres for the solar farm.

### **Cindy Bushue**

She found out about one month ago about a solar farm that may be coming to her neighborhood. She wants to know who is protecting her families air quality and health. She is also concerned about the value of her home and property. She is against solar.

### **Clint Kilby**

He asked Council who the two members were that met with a commissioner behind closed doors and who was on the phone with Tim Shumaker. He asked how we can trust our elected official when they do this. Dale White responded. He said that he received an invitation to a meeting. There were no hidden agendas and to clarify there was not quorum. He was trying to find out information on the renovations.

### **Derek May**

He thanked everyone who has been fighting for them as they will be surrounded on all 4 sides of his property with Solar. It will be a devastation to his business. He also said that Dolphin Solar is not a good neighbor. They are doing very little to camouflage the area around their business.

### **Michael Andreoli**

He told Council that part of their duties is to meet with people, gather facts and information to make the best decisions for the constituents. He said it is appropriate to talk and gather information along with input from the community. He understands the process and will present information based on facts. Dale White asked exactly who he was representing. He represents the Friends of Fountain County, which are the ones who signed the petition. They are the opposition to solar.

### **Dudley Cruea**

He stated he wants trust and communication. He wants everything to be in the open. He will not participate in a closed meeting. He is opposed to the EDA.

### **Kelly Carlson**

She and her husband farm. They had signed a contract in 2019 and have been told that their farm will not be a part of the solar. However, the solar company has not given them documents releasing them from the contract. She is opposed to the EDA.

### **Jon Schrock**

He stated that Fountain County is not the only county experiencing this with solar companies. People are becoming more aware. He also said that the council will have to eventually deal with the CO2 pipeline that will be taking in part of southern Fountain County.

### **Carol Freese**

She would like to speak on the affect that the Solar will have on the wildlife. It will destroy the natural habitat for animals and asked them to also consider this. She owns property in 3 townships in Fountain County.

### **Denise Crowder**

She feels you should be able to do what you want with your land but you also have to be a good neighbor. There are so many unknowns at this time. She asked that everyone be supportive of each other.

### **Jo Ann Koekenberg**

She asked how much she would get if she put in solar. She is opposed to Solar

### **Cindy Bushue**

She would like to know how they will dispose of the solar panels.

Questions were also asked about the agreement between the Commissioners and Dolphin Solar

### **Dudley Cruea**

Dudley wanted to clarify the issue with the landfill and the Rainy-Day fund. IDEM required the county to maintain a one-million-dollar surplus for the landfill for 30 years after the closure. The County has always had a healthy balance. He explained each year at least 10% of the unexpended balance of that year's budget has been put into the Rainy-Day fund. It has always been council's decision to maintain at least a million dollars in that fund. He would like to know how much it is going to cost the County when the solar fields are gone.

### **David Jenkins**

He asked what would our grandfathers think of this. They went to battle over taxes and we are here again. This is dividing our county. He asked the Council if they are still running on their principles. They are the servants of the people and the people are speaking.

### **Julie Creek**

She is concerned about the firefighters that will have to respond when there is a fire at one of these facilities. They are not really trained to cover them or have the necessary equipment.

### **Denise Crowder**

She said the EDA payment will not be paid until the project is completed. Geenex has said that they are only the developer. We are making decisions on something that we don't know anything about.

### **Dale White**

He stated that an organized group will get things done. This could be very good for Fountain County and will be better in the long run. He then quoted the golden rule.

### **Tom Booe**

He has received phone calls and has talked with landowners who want the solar. There are some decisions that need to be made. He needs and wants more information. He said there is going to be winners and losers. He cannot fathom the northern part of the county being covered with solar. We need to step back and take a look at where we are going.

### **Resolution 2024-9 Preliminary (Declaratory) Resolution for the Creation of an Economic Development Area**

Jim McKee made a motion to not approve Resolution 2024-9 Preliminary (Declaratory) Resolution for the Creation of an Economic Development Area. Jeff Fishero seconded the motion.

J Fishero Y J McKee Y D Crowder Y K Carlson Abstained D White Y T Booe Y D Cruea Y  
Y Vote 6-0-1

**Resolution 2024-10 Resolution Establishing & Approving Moratorium on Economic Revitalization Areas (ERA's), Tax Abatement and other Subsidies on Commercial or Large-Scale Solar Alternative Energy Generation and Storage Projects, Systems or Facilities**

A motion was made by Kelly Carlson and seconded by Denise Crowder to approve Resolution 2024-10. Vote: 7-0

**Envoy Contract**

Council feels like they cannot afford all of the projects at one time. They want open discussion between both the Commissioners and Council. They acknowledge the fact that we have outgrown the Courthouse. More room is needed for the E-911, Prosecuting Attorney, Veteran Service officer and EMA. There was much discussion on the project to renovate the Maple Corner Annex and the rise in the cost as first projected.

Kelly Carlson made a motion to only pay for the invoices incurred up to May 1, 2024 and to halt all work until they can meet with the Commissioners to discuss the project. All invoices should be turned in by June 1, 2024 for payment. Tom Booe seconded the motion. Vote: 7-0

**THE NEXT MEETING WILL BE  
 MONDAY, May 13, 2024  
 AT 9:00 A.M.**

A motion was made by Denise Crowder and seconded by Kelly Carlson to close the meeting. Vote: 7-0

Coleen Chambers  
 ATTEST

Dale A. White  
Tom Booe  
Dale A. White  
Kelly Carlson  
Denise Crowder  
Jeff Lebern