

**MINUTES**  
**FOUNTAIN COUNTY COMMISSIONERS**  
**JUNE 3, 2024**  
**9:00 A.M.**

The following Fountain County Commissioners were present for the meeting: Brenda Hardy, Aaron Fruits and Tim Shumaker.

**MINUTES**

A motion was made by Tim Shumaker and seconded by Brenda Hardy to approve the minutes of the Commissioner’s meeting of May 20, 2024 as presented  
Vote: 2-0

**CLAIMS 1-102 (\$170,418.05), Unpublished Claims and Payroll**

**Claims**  
A motion was made by Tim Shumaker and seconded by Aaron Fruits to approve all claims.  
Vote: 3-0

**Interlocal Agreement for E-911**

We received back the interlocal agreement with Warren County. Commissioners voted on May 6, 2024 to approve it. The Commissioners signed the agreement. It will expire on April 30, 2025.

**ADDITIONAL REQUEST**

**CREDIT**

1112-0068-33130 Paws & Claws \$9,000

**CCD**

1138-0068-33100 Computer Maint. \$12,000

These amounts are needed as the contracts came in higher than the amount appropriated at budget time.

A motion was made by Tim Shumaker and seconded by Aaron Fruits to approve the above additional request and send it onto the Council for approval.  
Vote: 3-0

**CO GENERAL – ELECTION BOARD**

1000-0062-33130 Contractual Svcs \$22,000

The shortfall is due to software licensing and support fees.

A motion was made by Aaron Fruits and seconded by Tim Shumaker to approve the above additional request and send it onto the Council for approval.  
Vote: 3-0

**KONE**

A quote was received to fix the Garaventa handicapped lift located in the Courthouse. Kone proposed to furnish and install the necessary materials to replace the top and bottom door interlock. Door interlocks prevent the door from opening when it is not supposed to. This should return the lift to operation. The amount of the quote is \$6,766.98.

A motion was made by Tim Shumaker and seconded by Aaron Fruits to approve the quote in the amount of \$6,766.98 for repair the wheel chair lift.  
Vote: 3-0

**Fountain County Building Corporation – Jail**

Baker Tilly has completed the Annual information for Continuing Disclosure Compliance for year ending December 31, 2023 report.

A motion was made by Aaron Fruits and seconded by Tim Shumaker to approve and sign the above-named report.  
Vote: 3-0

**Proposed Text Amendment  
Article 9, Section 9.06 of the Fountain County Zoning Ordinance**

*Commissioner, Brenda Hardy recused herself from this item on the agenda and left the meeting until after the vote was taken. She asked Tim Shumaker to take over the meeting.*

The Advisory Plan Commission has recommended to the Commissioners a proposed text amendment to the zoning ordinance at their May 14, 2024 meeting. The text reads as follows: “Provided, however, a moratorium is hereby imposed on the filing and acceptance of any new applications for permits under this Article, and this moratorium will commence on June 3, 2024, and end on June 3, 2025.”

Tim Shumaker stated that no matter how he votes, he still feels the landowner has the right to do what they want with their land. He is not caving to those landowner rights. He said it is his belief the State will take the solar farms over. They tried a few years back and approximately 62 counties said they would handle it the best way for their county.

A motion was made by Aaron Fruits and seconded by Tim Shumaker to approve the proposed text amendment.  
Vote: 2-0

Tim also said that Ranger Power and Dolphin Solar are in and there is nothing that can stop them unless they decide to not build in Fountain County. This is for new permits only. Kent Minnette stated that the Ordinance is consistent with the Indiana statute in regards to grandfathering in the previously filed permits. It only applies to new permits. It is in Section 11-9.

*Tim Shumaker then called Brenda Hardy back into the meeting room.*

**PUBLIC COMMENT**

Michael Andreoli, Attorney for Friends of Fountain County He has been retained by some citizens of Fountain County. He has received a petition with over 1,000 names on it opposing solar in Fountain County. He looks forward to working with the Advisory Plan Commission, Commissioners and Council. He is learning more about solar and the preservation of the farm land and will provide that information so that decisions about solar can be made in the future. He feels this is heading in the right direction.

Angie Burke  
She stated that if we are going to follow these statutes that Kent referred to, we need to follow all of the statutes of Indiana. There were some statutes that were not followed. We cannot pick and choose which ones we want to follow.

Clint Kilby

At the last meeting, it was stated that the contractor (Roger) does not write ordinances. He stated two times that he does not write ordinances. He has billed our county \$61,429.00 to write ordinances. Is this how we do business? He said that he is getting paid \$500 to talk to someone about solar. He also gets \$200 to sit at the Commissioner's meeting. Tim Shumaker said that any charges for solar is paid by the solar companies. Tim Shumaker said that Roger has been helping the plan commission for the last year to year and a half. He also stated that Roger goes to other counties that he works with and pulls together their ordinances and gives us the opportunity to do what we want with those ordinances. The plan commission has been working on an ordinance for over a year. If he was not doing it, we would have to hire an outside firm to do it at a higher rate. We do not have the ability to do that.

Roger Azar

He pulls ordinances from other counties and puts the information together that fits Fountain County and gives it to the Plan Commission. The Plan Commission makes the decision on what to put into our Ordinance. The Attorney writes the Ordinances. The Plan Commission then gives the recommendation to the Commissioners for approval.

Carol Owens

She asked about Ranger Power. Roger stated that he had nothing to do with Ranger Power. The Solar Ordinance was written and in place prior to Roger coming on board. He is just following the rules of the ordinance.

Angie Burke

She stated that Ranger Power's attorney helped write the ordinance. It did not protect the citizens of Fountain County. It only protects/helped the solar company.

Mike Andreoli

He stated that the focus now needs to be on what has been done in the past and they are looking into those things. Once the permit is approved, they have to work with the rules that are in place. They need to work with the Plan Commission. He would like to encourage everyone to remain active and engaged with the Plan Commission. They need to make sure that the changes to the Ordinance is what the citizens of Fountain County wants to see.

Carol Owens

She asked if a committee would be formed. Mr. Andreoli would like to meet with the citizens after the meeting.

Sarah Duensing

Can we get a copy of the ordinance to see where it stands at the present time? Roger said he would give it to Colleen and she could pass it on to her. Sarah said that we all have property rights and those rights start with the money that we earn. When that money gets used to subsidize public companies that is no longer property rights. It would be property rights if a private company came to you and said you have this beautiful 300 acres and I personally want to build solar panels on it because it is a good investment. It is a good business model, which this is not. Then you could do this within the perimeters of the ordinances.

Tim Shumaker said this is exactly what is happening. Private companies are going to private individuals.

Sarah said they are not as they are being subsidized. It says so on the Dolphin website. Tim said it was a company in India, look a little closer. The propaganda that you throw out – do your homework. That is Dolphin Solar in India.

Sarah said that the solar companies would not be building in Indiana unless it was being subsidized. It does not make sense to build them here. Tim said Ranger Power and Dolphin do not receive subsidies. It is on the next level up that receives the subsidies, so make sure you do your homework. Tim said the Commissioners have done a phenomenal job of getting the federal tax dollars back to our county.

Bill Brewer

He asked Sarah if she wanted her tax dollars to come back to Fountain County, Indiana. You want them going somewhere else, is this what you are saying. Sarah said no she would like her tax money back.

Derek May

He would like to address Tim. They have talked in regards to being surrounded by solar on all four sides of their property. He said that he and Tim have had phone conversations about Dolphin being good neighbors. They will build berms; walls; plant trees and shrubs; and have larger setbacks. They will work with you. He said that Dolphin Solar is not being a good neighbor as previously stated. Seven months later they have offered nothing. What they have proposed is to rent our property. Basically, for us to turn the keys over to them to host events by Dolphin Solar. They will pay us for those events. No thank you. Their property has been described as “an incurable defect”. Who wants to get married in front of solar panels? I want to make sure you know where we stand.

Chris May

She moved to Fountain County in 2018. She was a widow with two little girls. With help of her church friends and her husband’s employer we moved to Fountain County. She had a vision in her heart to start a program for single parents. My business was a means to that end to start a nonprofit for single Mom or Dad to a vacation with food and housing. Our business employs a lot of other small businesses. Our business is good for this town. It’s not all about dollars. You’re subjecting us to decisions and continue to say it’s good for everyone. It is not. I have two mortgages. I did not inherit this land. I cannot sell the house because no one wants to buy it. No one wants to live among radiation. There are studies showing that 300 feet is not sufficient for humans to dwell. It might be good for you because you sell insurance to them. It might be good for you because you are making money. I am all for business ownership but I can’t leave my head down and make a decision to hurt somebody intentionally. I can say that I would not do unto others as you have done.

Mark Lloyd

He is a lifelong resident of Fountain County and a follower of Christ who has failed miserably time after time. There is many in this room who can testify to that. We live in a great county and I’ll say that it is largely due to the fact that there is a lot of followers of Christ that live in this county. We enjoy the benefits of a strong and peaceful community. We had a big to do about a med shed, a jail and now solar. I’m not saying that a big to do is not warranted. I am not saying I’m in favor of solar but in the end of all of this we are going to have some solar whether we want it or not. We need to retain our community. We need to retain the love that we have for one another and live with one another. These things will come and go. God has a way of working things out that none of us can. Ultimately, we are bothers and sisters in this community that have a bond. If that bond is broken due

to worlding things then we have lost. Remember these are your neighbors and friends. We can't let this issue destroy that. If we can't find a way to work around it, we are sunk.

Dane Maltsberger  
Three days ago, he took his pickup truck, which he drives all of the time. He took it to his mechanic after hearing a clunking sound on the way to Hillsboro. His mechanic found that 4 of the 5 lug nuts had been removed. For all of you that don't know, on my farm I do have cameras everywhere so to the individual (which I can replay), I have seen and do know who you are that came on my property and removed the lug nuts. This is an issue that is very heated and has got a lot of people riled up. But let's not cross the line and go in the other direction. We are still a civil society. With that said, the code I'm going to cite today is 36-7-4-6.2. He then recited the code in regards to procedures applying to a proposal to adopt an initial zoning ordinance. While we have our advisory plan commission, this may not be the best option for Fountain County as we have two municipalities in Fountain County that approach the 2-mile barrier around them. Perhaps we need to go to a commission rather than a committee. The code also says that a proposal may be initiated either by a plan commission or a petition signed by property owners who own at least 50% of the land involved. There are 9,204 land owners in Fountain County. So, if we don't like the committee process, the state house has given us another structure by which we can proceed.

#### **Plan Commission**

Tim Shumaker stated that he is resigning from the Plan Commission. Tim said that Aaron Fruits has agreed step on. **Tim Shumaker made a motion to appoint Aaron Fruits to the Plan Commission. Brend Hardy**  
Vote: 2-0

**THE NEXT MEETING WILL BE MONDAY,  
June 17, 2024  
AT 9:00 A.M.**

A motion was made by Tim Shumaker and seconded by Aaron Fruits to close the meeting.  
Vote: 3-0

Colleen Chambers  
ATTEST

Tim

Brend Hardy  
Tim Shumaker