

**HENRY COUNTY PLANNING COMMISSION
1201 RACE STREET, SUITE 214
NEW CASTLE, INDIANA 47362**

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The Henry County Planning Commission held a Called Meeting in the Old Circuit Courtroom of the Henry County Courthouse, 101 S. Main Street, New Castle, IN 47362 on Tuesday, August 7th 2018.

The meeting was called to order at 5:00 pm by President Steve Rust.

Roll was called. Board members present were: Justin Curley, Olene Veach, Daniel Roach, Steve Rust, Larry Brayton, Rachel Clark, Ed Yanos, and Dale Cole. Robin Fleming was absent at roll call, but joined the meeting at 5:30. Also present was Darrin Jacobs, Zoning Administrator and Sean Row, Attorney.

President Steve Rust called the public hearing concerning the Board of Henry County Commissioners' Resolution 2018-06-13 (011) A Resolution Initiating Proposal to Amend the Henry County Code to order

The Zoning Administrator Darrin Jacobs stated the procedure for the public hearing. Individuals who wish to address the Commission will be asked to approach the podium and to limit their remarks to five (5) minutes each. The public hearing will be open until all individuals in attendance who wish to speak have been given the opportunity. Short recesses may be called from time to time during the public hearing.

President Steve Rust asked if anyone wished to speak.

Susan Kubak addresses the Commission about bans and setbacks in other counties.

Kelly Marlatt expressed concerns with how turbines may affect airports.

John Waterman was worried about the loss of farm ground and farm ground prices.

Scott Clampitt read a letter from Merrill Morey.

Tom Norris showed the Commission a map that he created showing wind lease signers.

Lori Norris stated she will leave Henry County if wind turbines are built.

Mike Hagerman said there is no such thing as a non-participant in farm area.

Rosalind Richey presented the Commission with her proposed changes.

Judy Walker expressed concerns about possible fires started by turbines.

Gary Rodgers presented the board with proposed changes and addressed property rights.

Patsy Conyers talked about the 14th amendment and equal protection under the law.

Jim McShirley believes that wind turbines will stop future prosperity.

At 6PM Rachel Clark moved to take a 10 minute recess, Dale Cole seconded, all were in favor.

President Steve Rust called the meeting back to order at 6:15 PM.

Lynn Studebaker from Kosciusko County says the county will get sued.

Janice Margison wants to know who is responsible for the Shenandoah turbine.

Mary Romine can't sleep because of the Shenandoah turbine, setback should be 1 mile.

Amber Ritchie sees shadow flicker from the Shenandoah turbine, wants ½ mile setback.

Susan Eichhorn says turbines should be banned or have a setback of 6 X the height.

Ed Tarantino commented that Tipton County made a mistake and regrets their turbines.

Betsy Mills is worried about the negative impact on property values and growth.

Kenon Gray stated that school enrollment will decline if turbines are built.

Franki Zile wants the setback to be from property line only.

Susan Huhn believes the proposed setbacks and noise restrictions are not adequate.

Janet Putnam has concerns about restrictions on non-participating landowners.

Pat Cronk made a comparison of turbines to the Duke peaking plant near Cadiz.

Melissa Elmore suggested that the Commission send is back with no recommendation.

Jeremiah Morrell believes there are not enough Council votes to approve a tax abatement.

Peggy Stefandel stated that the county needs a safe reliable ordinance.

Jonathan Mock will move out of Henry County if he feels his children are in danger.

Marsha Gratner is concerned that vibrations could damage the aquifer and the gas lines.

At 7:26PM Steve Rust moved to take a 5 minute recess, Robin Fleming seconded, all were in favor.

President Steve Rust called the meeting back to order at 7:33 PM.

Martin Tobey wanted to know what the mission statement of the Commission was.

Harland Cole believes the Plan Commission are ungodly rulers who have not sought God.

Liz Tobey said there is a plethora of information about the truth of wind turbines.

Christie Coffey wants setbacks at 1,640 ft. as recommended by the turbine safety manual.

Rebecca Zirkle says the wind power won't even stay in Indiana.

Terri Roberts thinks the Commission should vote as a majority voice, not individually.

Ron Romine doesn't think that Ed Yanos or Justin Curley should vote.

Chrystie Foga is concerned about turbines effecting her husband's autoimmune disease.

Lisa Hillman does not believe the Commissioners did their job.

Anne Wilson stated that the fiberglass blades will breakdown in the sun.

Jim Rylorejif (sp?) said it's not illegal to be stupid.

Ginny Marsh is worried about the birds and animals.

Carrisa Romine wants the setback to be 1 ½ mile from property line.

Sherry Johnson says that shadow flicker bothers her.

Bobbi Plummer wanted to draw attention to no one speaking in favor of WECS.

Larry Brayton moved to close the public hearing, Dale Cole seconded. All in favor.

Planning Commission Attorney Sean Row stated that there were two separate exhibits that needed action taken separately by the Commission. Exhibit "A" of Resolution 2018-06-13 (011) as it pertains to the WECS Ordinance and Exhibit "B" of Resolution 2018-06-13 (011) as it pertains to the Commission Approved Use.

Mr. Row stated that the Planning Commission could vote to send a favorable recommendation, unfavorable recommendation, or no recommendation back to the County Commissioners. The Planning Commission could also adjourn without taking action.

Dale Cole said that the one issue that everyone who spoke mentioned was setbacks, and believed that the County Commissioners should reevaluate the setbacks they proposed and alluded to a set of written recommendations presented by Rosalind Richey. Mr. Cole stated he was in favor of the Planning Commission taking some action at this meeting.

Robin Fleming feels that the Commission needs to make a recommendation either yea or nay and not be neutral.

Olene Veach moved to return it back to the County Commissioners with no change and let them make the decisions considering setbacks.

President Steve Rust stated that he believed Mrs. Veach's motion to be a no recommendation motion.

Rachel Clark seconded the motion.

Rachel Clark stated that the County Commissioners had been through the public process to draft this ordinance and that the Planning Commission had not been involved and that the County Commissioners have no obligation to take the Planning Commission recommendation. Mrs. Clark also stated she will personally reach out to the Commissioners to ask that they look at the setback concerns raised during the public hearing.

Ed Yanos asked for clarification on the motion.

Olene Veach restated that her motion was for the Planning Commission to send it back to the County Commissioners with no action, but to ask that they look at the setbacks.

Steve Rust asked for clarification from Sean Row. Sean Row stated he took the motion as no recommendation.

Olene Veach restated that her motion was for no recommendation and that the Planning Commission members as individuals could speak to the County Commissioners about the setback concerns raised at the public hearing.

Darrin Jacobs restated the motion and clarified that it was on exhibit "A" of the resolution only

MOTION OF NO RECCOMENDATION ON EXHIBIT A

(Exhibit “A” to the Resolution) is to repeal Sections 154.001 through 154.107 of the Henry County Code and to replace such sections with the text that is attached to the resolution as Exhibit “A,” which sets forth regulations applicable to Utilities including Wireless Communications Facilities (“Cell Towers”), Meteorological Towers (“Met Towers”) and Wind Energy Conversion Systems (“WECS”—sometimes referred to as windmills, wind farms or turbines).

Ed Yanos	YES
Dale Cole	NO
Rachel Clark	YES
Dan Roach	NO
Steve Rust	YES
Olene Veach	YES
Justin Curley	YES
Larry Brayton	NO
Robin Fleming	NO

Motion of **no recommendation** passed 5-4

Sean Row explained Exhibit “B” to the Resolution and restated the Commission’s options.

Dale Cole moved to send Exhibit “B” back to the County Commissioners back with a favorable recommendation.

Dan Roach seconded the motion.

MOTION OF NO RECCOMENDATION ON EXHIBIT B

(Exhibit “B” to the Resolution) adds language to the beginning of Section 150.165 (A) of the Henry County Code defining a Commission Approved Use and explicitly providing that the Planning Commission is empowered to hear and determine requests for Commission Approved Use subject to relevant provisions of Indiana law.

Ed Yanos	YES
Dale Cole	YES
Rachel Clark	YES
Dan Roach	YES
Steve Rust	YES
Olene Veach	YES
Justin Curley	YES
Larry Brayton	NO
Robin Fleming	NO

Motion of a favorable recommendation passed 7-2

Dale Cole asked the Zoning Administrator Darrin Jacobs to deliver a copy of the written recommendations presented by Rosalind Richey to the County Commissioners. Mr. Jacobs stated he would.

Dale Cole moved to adjourn the meeting. Ed Yanos seconded and the motion carried 9-0.

President

Secretary