

APC MINUTES

June 18, 2025

Members present: John Reece, Abby Journay, Don Calhoun, Jason Brewer, Steve Hernly, Terry Alfrey, Jim Hufford, Coy Applegate, Tom Kerns

Members absent: Amy Alka, Adrian Moulton, Will Greer, Todd Holaday

Legal Representation: Jason Welch

Staff present: Debra Johnting, Area Planning Director and Kristi Halloran, Recording Secretary

Others present: Jason Willeford, Joy Willeford, Jon Peacock, Brad Dilger, Troy Prescott, Cheryl Prescott, Tyrail Kenworthy, Lavetta Kenworthy, Cathy Longfellow, Todd Longfellow, Lisa Myers, Mark Lenkensdofer, Clinton Lewis, Jon Bell, Christine Mullins, Daniel Shaner, Edie Huffman, Stanley Garrett, Moriah Simmons, Nick Poling, Ted Mullins, Zane Fisher, Randy Abel

President Calhoun: It's seven o'clock so we'll go ahead and call the meeting to order. Do I have approval of minutes from the April 23rd meeting? Has everybody had a chance to look at those? Do we have a motion to accept the minutes?

J. Hufford: I'll make a motion that we accept the minutes as presented.

President Calhoun: Is there a second?

Vice President Applegate: I'll second.

President Calhoun: It's been moved and seconded that we accept the minutes from the April 23rd meeting. Next on the business is discussing the solar ordinance. There's been some changes as to what we can do this evening so I'll let Jason explain.

J. Welch: So basically what happened is you know we passed a recommendation to the zoning ordinance and went to the commissioners and they voted to reject the proposal. So because there was a vote to reject it, we're a little bit limited in what we can do. They sent back some recommendations but it has to be a written vote on an amendment for us to be able to consider what they said as a recommendation so everything is penned in and approved by them, we could vote on that so. That has not happened. So the statutes fairly specific on what we can do if there is a rejection. The only thing we can do if there's a rejection is to confirm the rejection and move on. We can vote to override the rejection which would just give it back to the commissioners and they'd have vote on it again which is probably a waste of time really. The other option that we may be able to do is to vote to send it back to the commissioners to comply with the statute and to send us an amendment that's been voted on. They're still within the 90 days so they still could vote to amend the proposal, send back what changes they want to make, and then that would give

us something that we could vote on. Otherwise we would have to start completely over in the process and it's going to be a few more months to get anything done. So I think that would probably be the most effective thing to do would be to vote to send it back to the commissioners to make a written amendment and vote on that to send it back to us so we could vote on it next month. If that's what they wanted to do. It's kind of convoluted but because of how things have happened that's really what our options are. So those are really the only things we can do tonight would be to either confirm it, override it, or vote to send notice back to the commissioners to comply with the statute and send an amended proposal back to us that's been voted on by them we.

President Calhoun: And we need a motion for that, to do that.

J. Welch: You need a motion to do that and then a vote.

T. Kerns: What's the timeline of the 90 days from?

J. Welch: Originally it would be from when the proposal was sent to the commissioners originally but because there's been a rejection I think we're still going to be within that at your next meeting. When's your next meeting?

T. Kerns: July 7th.

J. Welch: Okay. Do you know when we sent him the original certification?

D. Johnting: It was the May 5th meeting.

J. Welch: So it's only been 60 days at that point. So we would definitely be within the 90 days you would have. The only thing that if you don't do anything you've already voted to reject it and that's it.

T. Kerns: My question is whether we can in one meeting write it and pass it because we have to have it written in front of us in one meeting.

J. Welch: Well you would have to have a specific amendment voted on.

T. Kerns: That's what I'm saying.

J. Welch: Now whether it can be written down after the meeting as long as you have it in the notes and you say what it is, what the specific terms are but you have to vote on what the proposed amendment is going to be at that meeting. So the 7th definitely is within the time period. I'm not sure about the next meeting I'd have to look at the when the certification actually happened.

T. Kerns: Two weeks later.

J. Welch: It's probably still within that time. It's close.

R. Abel: Can I address the board for a minute? Can I be recognized?

President Calhoun: Yeah.

R. Abel: It was my understanding when I attended.

President Calhoun: Please Randy would you please come up here so you can be on the minutes.

R. Abel: Randy Abel, 1260 Hillgrove Woodington Road, Union City, OH 45390. I'm the Building Commission of Randolph County.

President Calhoun: You'll have three minutes.

R. Abel: When I attended the commissioners meeting it was my understanding that you requested of the Area Planning Department to make one change which is basically to get rid of the special exception and change it into a notification 30 days prior to the signing of the agreements.

T. Kerns: But according to the statute and after talking to the legal counsel we didn't vote on that as amendment and we have to vote on that as an amendment. We can't just give a recommendation and that's something we didn't know at the time.

R. Abel: No but you asked the Area Planning Department to address that. Did you not?

T. Kerns: We did.

R. Abel: And the Area Planning Department has addressed it and written a brand new amendment.

J. Welch: Randy, they have not voted. They have to vote to send it back here. It's what has to happen.

R. Abel: But they can be sent another amendment. That they requested. So we have a whole brand new amendment written, gentlemen—ladies and gentlemen, and that amendment is the 500 foot set back which was part of the other so that didn't change and was the notice hearing. That new amendment has been written and I would suggest that you all look at it and send it to them. They reject the first amendment. Fine. Send them the second amendment so this process doesn't get dragged out for months and months.

J. Welch: Randy this is the quickest way to not drag this process out is to have the commissioners send this board what they're willing to approve. That way we don't mess around sending it to them, sending it back, sending it forth, so we need something that's voted on by the commissioners that they have.

T. Kerns: And Randy is also just postpone it one month. Basically we'll take your, since you have it already written as another amendment.

R. Abel: It's already written.

T. Kerns: We'll take that and then we can take that amendment. If we approve that and put it in the form of an amendment from our side and then everything is done according to the statute.

R. Abel: OK just so you know what you requested has been done by our department. We haven't been slacking. You requested and we did it. Like when we did the first solar ordinance that's exactly the process we did.

T. Kerns: But it sounds like in the legal process we didn't do it correctly. We should have, we weren't informed that we had to amend it at that meeting. We just you know sent a recommendation back of what we requested.

R. Abel: But what you did request of the department was addressed a new amendment. They have done that. So I'm just saying they could hear the new amendment tonight.

T. Kerns: I'm just taking advice of legal counsel on the steps we need to do it and since it's written the easiest way to do it would be to take what you have written back as our amendment and then in two weeks it would pass and then come back.

J. Welch: That way the commissioners would know exactly what they were voting on and the board would know that the commissioners have approved this exact language.

R. Abel: That will speed it up, but they already have that. You can have that.

T. Kerns: Yes.

R. Abel: Thank you.

President Calhoun: So what's the new amendment.

D. Johnting: I don't have it printed out.

J. Hufford: Do we have a copy of that?

J. Welch: What you can do is you can vote to send it back to the commissioners to comply with the statute by sending us a written amendment that they voted on. And then at their next meeting they can reconsider the amendment, send the written amendment that's been prepared already if they if they approve that they can approve that by vote and send that back to us. Then at next meeting we can vote on that specific amendment and it can take effect.

T. Kerns: And just for everybody's information what we asked for here there was a portion of it required a BZA hearing. And when that was brought into it, it was discussed at the committee meeting for information so everybody would be informed in the community. It would know it is coming. Well like Riverstart 5 met with us. The BZA hearing wouldn't even be required to this day yet. So it would not work as an information hearing because that means we would be time for that hearing yet. So what we ask for is to change, take that portion out. We didn't want our hearing part and take it so that the notification was required prior to the commissioners approving the road use, the decommissioning, and economic development contracts. So before we vote on those the commissioners would require, just as if it was a zoning change, they would require everybody in the area of the solar fields to be notified. So then the people in the area could come to the commissioners before we voted so you would know when we were voting to you know talk about it or you know your objections or you know whichever side you would be on for that issue. But we basically moved that up farther in the process the notification.

J. Welch: It's basically my understanding that the commissioners would then really retain control of when these were going to happen and not and if the notice and of the citizen compliance and instead of the board. So it sounds like that's what the commissioners are preferring is if they keep control of when these are going to happen so that's what I think I believe that's what the amendment was request is. Is that correct Tom?

T. Kerns: Somewhat.

President Calhoun: I guess I'm lost on which amendment we're even talking about.

J. Welch: What can be done is that we can vote to send the prior amendment that we've already passed at the last meeting back to the commissioners for them to comply with statute and to send a written amendment back to us next month that they've approved and voted on. If that's what they choose to do. They would have to reconsider their rejection and send us a written amendment they've approved. That's the quickest way to get the process done.

T. Kerns: And by that, I could get a copy of what you have written. We can't meet ahead of time so I can send it to each commissioner so we each know. And we can look at the wording of it in some to our lawyer, the county's lawyer and if we want to change something prior to that meeting so that we can discuss it.

J. Welch: I can discuss that procedure with Meeks to make sure he's on board.

T. Kerns: Clear as mud.

President Calhoun: Pretty much. So we need a motion to go ahead and do that then.

J. Hufford: I'll make a motion that we send it back to the commissioners to be voted on and brought back to us then.

J. Welch: Given the opportunity to reconsider prior amendment to send us a.

J. Hufford: An amendment that they want.

President Calhoun: Is there a second?

A. Journey: I'll second.

President Calhoun: It's been moved and seconded to send it back to the commissioners. We'll need a roll call vote.

K. Halloran: Steve Hernly, yes. John Reece, yes. Abby Journey, yes. Don Calhoun, yes. Tom Kerns, yes. Jim Hufford, yes. Jason Brewer, yes. Coy Applegate, yes. Terry Alfrey, yes. That's it the others are absent.

President Calhoun: So it will be sent back to the commissioners for reconsideration and then they will send us back a written amendment.

T. Kerns: And that will happen on July 7th. That's the Monday. Is that correct? I think that is.

President Calhoun: Do we have any new business? Report of officers, committee, staff? I see that there's a retirement open house for Randy Abel on Monday, June 30th from 1 – 3 p.m. at the Building Commission/Area Planning Office. So, with that we don't have any other business so I'd entertain a motion to adjourn.

J. Hufford: So moved.

President Calhoun: Thank you everybody for coming. Things didn't happen like we thought they were going to. I hate to say that's what happened. I appreciate everybody coming to listen anyway.

President Don Calhoun

Vice President Coy Applegate

Recording Secretary, Kristina Halloran