

Open Meetings From Front

Executive Chris “Roo” Elleman announced that the court would rescind a solar ordinance amendment passed just three weeks earlier after receiving a formal complaint alleging secret negotiations between court members and solar company representatives - a stunning admission that sent shockwaves through the packed courthouse.

The dramatic reversal came as over 100 residents filled every available seat and lined the walls of the the courtroom at the Garrard Judicial Center where the special meeting was held to voice their opinions on Clearway Energy’s controversial proposal to blanket 2,500 acres of Garrard County farmland with solar panels in what would be one of the largest such installa-

tions in Kentucky.

Judge Executive Elleman began the contentious meeting by reading from a formal complaint dated February 16th from concerned citizen Jeff Dembo that accused the fiscal court of conducting “secret conversations” with parties having financial interests in changing the county’s solar ordinance.

“Kentucky Open Meeting Act, KRS 61.800, and in general Sunshine Laws, were created to ensure that formation of public policy is public business and should not be conducted in secret,” Elleman read from the citizen complaint, his voice carrying across the hushed courtroom.

The complaint specifically alleged that “secret conversations occurred between individual members of the fiscal court and people who had financial motivation to change the existing ordi-

nance” and that “the nature and substance of these sub-forum discussions likely included information that was critical to have been disclosed prior to the public meeting.”

After consulting with County Attorney Chris Whitworth and legal counsel from the Kentucky Association of Counties attorney, Elleman delivered his response: “After further review of the June 9th fiscal court meeting conversations with our county attorney and legal counsel from KACo we feel that there was a violation of the open meeting act.”

The admission sent murmurs through the crowd as Elleman announced the court would rescind the June 9th motion to amend the solar ordinance and place any future amendments through proper public notice procedures.

In a display of contrition,

Elleman remained skeptical: “I’d like anybody on this court not to be on that board... So it’s not going to fall back on us if they’re not going to get any money, and we’re going to be at fault for that.”

Explosive Public Testimony: The Community Divided

The public comment period, originally planned for three-minute speeches, extended nearly two hours as resident after resident approached the podium to voice passionate opinions on both sides of the solar debate.

Opposition Voices Paint Dire Picture

Joe Ball, a commercial real estate appraiser who has lived his entire life on Danville Road, delivered one of the most detailed criticisms of the project. Ball revealed he had been personally approached by solar representatives five years earlier but declined to lease his property.

“After about 10 seconds, I told him that I didn’t have any interest in destroying my farms by leasing to solar panels, which will forever devastate the farmland,” Ball testified. “I told him that I had more respect for my neighbors than to lease my farm for solar panels so they could see unsightly solar panels throughout.”

Ball then revealed a disturbing conversation: “One of our senior loan officers at the bank was contacted by... the solar company... They asked him if he would want to be on the advisory board for solar panels... He said, well, the first thing we need to do is have public meetings. That representative told him, no, we can’t do that because the county will find out what we’re doing. And then they’ll change their bylaws and their zoning to stop it.”

Dave Koob, a former farmer who sold 480 acres rather than accept a problematic buyer, left the court with a handout containing pointed questions: “We should let some lawyer we don’t know write a change to our county ordinance for the benefit of the company he works for... In 25 years, the useful life, who’s going to clean up what’s left behind?”

Russell Ball focused on wildlife impacts: “The biggest concern I have, for me personally, probably others don’t have that, is the effects on the wildlife population. We’re talking about 2,500 acres off the landscape, 1.75% of the county... I’m worried about the injuries to them [deer]. And so technically that landscape is wiped off the land for these animals.”

Russell also questioned the project’s efficiency: “This is 180 megawatts on 2,500 acres... the oldest [coal plant] I know of... might be around 260 megawatts an hour in 100 acres of land compared to 118 megawatts in 2,500 acres of land.”

Tim Davis delivered perhaps the most inflammatory testimony, comparing the situation to biblical temptation and accusing specific magistrates of corruption: “The story that is playing out tonight is the same story you read in Genesis in the Holy

multiple magistrates publicly acknowledged their procedural failures.

Magistrate Bobby Preston admitted, “Well, I’d just like to say that I apologize to Roo for the way we did it. We didn’t go through the right process, so we’re trying to get a remedy.”

Magistrate Chris Davis offered a more detailed explanation, “It was a situation that really we were all kind of surprised that we were in. Just kind of going back to that night, we were in new business. Then we went to the next item on the agenda, and that’s when the motion happened. I’m disappointed in myself for not catching that, knowing we shouldn’t have done that.”

Davis continued, “During that night, it was a good meeting, but there was a lot of discussion going on back and forth. But we do have the opportunity to make this

Bible... In comes another serpent. This time, not with fruit or forbidden fruit, it’s a wad of cash and their promises.”

Davis specifically called out magistrates: “All of you, Chris Butner, Wayne Day, Bobby Preston, Chris Davis, shame on you for bringing underhanded corruption back into these walls... Joe Level, former magistrate, Amazon employee on Sunday, employee of this solar company and future benefactor of this solar company’s cash, Offer devises a plan to circumvent rules, procedure, and oddest business practice and conspires with Chris Buckner, Wayne Day, Bobby Preston, and Chris Davis to get his and Lita’s way by bypassing the will of the people for their uncontrollable greed.”

Keith Grubbs, a 73-year-old lifelong resident and retired veterinarian, connected the solar issue to the long-promised US 127 bypass: “We own 104 acres at the end of Waterworks Road, and we’ve owned it since 1997. We’ve been contacted ever since 2000 to lease our land to the solar people... We’ve been promised [the bypass] ever since we bought the property in 97.”

Grubbs revealed critical information about the bypass project: “David Meade has already said that the people that have leases to the solar company, the bypass, the state transportation department will not negotiate with the people that have the leases. I mean with the solar company. So therefore, the bypass is going to be changed if you all go through and approve this.”

Supporters Emphasize Property Rights and Economic Need

Lita Leavell, whose family signed solar leases in 2020, expressed frustration with the court’s handling.

“In 2020, Joe and I signed up some of our land for a solar project. There was no county ordinance at that time... In 2023, you guys came up with this ordinance. We contacted you, all of you, all the magistrates, and you too, Judge. Everyone promises verbally that it would be grandfathered in. Is that not true?”

Leavell’s voice shook as she recounted calling to be placed on the June 9th agenda: “I called you on Thursday and asked to be put on the agenda... And you said it was too late. That was Thursday. Thursday afternoon for a Monday meeting, you said we couldn’t be on the agenda.”

The exchange between Leavell and Judge Executive Elleman became heated as they disputed what promises had been made: “You said this project would go through. You said you don’t have to worry about it,” Leavell insisted.

“I’m 100% [honest]. I have nothing [hidden],” Elleman responded, leading to a tense back-and-forth about specific conversations and commitments in which Elleman accused Leavell of spreading rumors that he was “chasing a woman in Florida” instead of being available to have her added to the June 9 agenda, much to the crowd’s shock.

Kelly Mullins, a teacher

right and do it the right way. Like the judge said, over the past two and a half years, we’ve done a lot of good things.”

Judge Executive Elleman reinforced his commitment to transparency.

“Every one of us ran on transparency. I made a commitment to everybody in this county that’s what I ran on. I feel [the magistrates] feel the same way. I can reassure you that business will not be done behind closed doors while I sit in this seat. And if it is, I’ll walk away. And you’ve got my word on that,” Elleman told the crowd.

The court then voted unanimously to rescind the June 9th amendment, with magistrates calling “yes” one by one: Barker, Preston, Day, Butner, and Davis all voting to undo their previous action.

With the June 9th amendment rescinded, the future

with deep family roots in both Garrard and Lincoln counties, delivered an emotional plea.

“When the restrictions were added to the ordinance in 2023, this was years after landowners had already entered into a contract with the solar project. And it is my understanding that a verbal promise was made that these leases would be grandfathered in.”

Mullins spoke of her late father’s connection to the land.

“I guarantee that no one loved the land as much as my late father. The only time my father ever really left Lincoln or Garrard County was when he was drafted in 1966 to go to Vietnam... His one wish was that we try to keep our farms so that my children and grandchildren could benefit from them.”

Fighting back tears, she concluded, “Signing the solar lease back in 2021 was the one way that he could ensure the land he loved, the land he worked so hard on, the land that has been in our family since the early 1800s could stay in our family and could stay relatively unscathed compared to subdivisions... if the ordinance is not amended to honor the word of the county all my dad’s hard work has been in vain.”

Joe Leavell, clearly emotional and shaking, defended his integrity and challenged the community’s treatment of his family.

“There’s been a lot of half-truths flying around... When we started out, we were making 25,000 a year gross, my wife and I were between us. 13.5 farm payment at 10.75% interest. We worked 14 hours a day, seven days a week for years and years and years to get what we have.”

Leavell expressed deep disappointment.

“But the main thing I’m disappointed in is the way people have stabbed me in the back. People I thought were my friends have stuck me in the back with a knife. Tim Davis back there, I stood up for him in court right here.”

The longtime resident and former magistrate concluded emotionally, “It makes me want to leave. And I’m sure some people might want me to leave. But I wish I could just move the land and go somewhere else. Because I’ve never been treated this way before in my life. It’s a shame.”

Kenneth Yeakey, an 80-year-old landowner and Leavel’s father-in-law, defended Leavell and questioned the motives of opponents.

“There’s no more honest person in this county... And personally, I believe you’re allowed to do what you want to do with your own land. I paid for it, worked for it, done everything.”

Yeakey challenged Judge Executive Elleman directly: “Roo, you just sold the property down on the Buckeye. Did you go ask your neighbors? Did you ask any of them if they cared? Y’all went out there and put a distillery right beside a church.”

Yeakey went on to refer to County Attorney Chris Whitworth as the county’s

of Clearway Energy’s solar project remains entirely uncertain. The existing 2023 ordinance contains restrictions on prime farmland that would prohibit the project as currently proposed.

Judge Executive Elleman made clear that any future consideration would follow proper procedures.

“This will be put back on the agenda at a later time if the court sees fit and they’ll tell me when to put it back on,” he said.

The court has not indicated when or whether they will reconsider solar ordinance amendments, leaving both project supporters and opponents in limbo.

Clearway Energy’s public meeting at Dix River Golf Club the following evening represented their attempt to maintain momentum and community engagement despite the setback.

“Little attorney,” to which Whitworth only responded with a smile and Elleman asked Yeakey to remain civil.

“Your little attorney here is grinning. That’s not respect,” Yeakey snapped, gesturing toward Whitworth, who remained silent. “I think Roo [Judge Elleman] will agree — that’s not how you treat people.”

Yeakey also insinuated a conflict of interest with public banking officials and solar opponents, asking whether First Southern National Bank, where some involved individuals are employed, was working behind the scenes to block the project.

“Joe Ball works for First Southern. Chris Davis does. Is the bank behind this? I want to know,” he said.

Property Rights vs. Community Impact

Mitchell Lamb, a Paint Lick Fire Department member, focused on fundamental property rights: “I don’t have any properties affected by this project but your ordinance will affect all properties in the county and I don’t like the idea of you guys or the court limiting the income that I can make on my property. There’s just something fundamentally wrong about that.”

Lamb challenged opponents’ logic.

“A lot of the people that spoke here, they live in town or live in subdivisions and with a lot of houses crammed together on a small piece of property. And I would imagine that if a solar farm went up against your property, it would probably be your best neighbor.”

Leslie King, who has a small portion of her land under solar lease, offered a pragmatic farmer’s perspective.

King questioned whether the county was maximizing its negotiating position: “But if they’re offering you a million dollars, they can offer you more. Have you asked for more money for anything from them to give you more for this county?”

Technical and Environmental Concerns Raised

Michael Leger, serving as electrical inspector for Garrard and Lincoln counties, brought professional expertise to the debate.

“I’d like to start by saying the great Marcus Aurelius said that the opinion of a thousand men don’t hold much weight if they’re not an expert in the subject matter... I do consider myself somewhat of a subject matter expert on electricity.”

Leger criticized the lack of consultation.

“I wasn’t contacted by anybody in this county before the first ordinance or before the second ordinance... My phone’s open. I answer calls all week long about electricity. I wasn’t talked to about solar, about the benefits of it or the faults of it.”

He advocated for state-level regulation.

“Kentucky has an ordinance that protects farmland. It’s not as strenuous as the ordinance that we have here, but it is put together by subject matter experts by the Public

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