

APC MINUTES

September 20, 2023

Members present: Adrian Moulton, John Reece, Abby Journey, Don Calhoun, Gary Friend, Jim Hufford, Bob Lahey, Coy Applegate, Terry Alfrey

Members absent: Amy Alka, Will Greer, Steve Hernly, Tom Kerns

Legal Representation: Jason Welch

Staff Present: Debra Johnting, Area Planning Director, Recording Secretary

Others present: Derrick Robinson, Wyatt Hufford, Brad Bragg, Laura Winn, Ed Thornburg, Deborah Luzier, John Dickinson, Carolyn Evans, Jay Linn, Laura Linn, John Longfellow, Lahna Hummel

President Calhoun: It's 7 O'clock so we'll go ahead and start the meeting of the Area Planning Commission of Randolph County. Did everyone have a chance to go over the minutes from the last meeting? If so I would entertain motion to accept.

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

G. Friend: I second the motion.

President Calhoun: It has been moved and seconded that we accept the minutes from the June 23rd meeting, all those in favor say aye. All those opposed no. Motion passes. First on the agenda tonight is APC2023-31-Z for Robinson Benazer. If you would like to come up and state your name and address for the record, and what you're wanting to do.

D. Robinson: My name is Dereck Robinson with Benazer Custom Homes out of Greenville Ohio. Our office address is in Arcanum, 6 Harvest Field Way in Arcanum Ohio. We bought the ten lots, well it was nine on Caroline Avenue and one on Debolt Avenue in Union City Indiana from Diane Walker about a year and a half ago now. We went in on Caroline Avenue and built two single family "spec" homes. I've got them in this package here. Towards the end there you can see what we built there. There's three lots on the north side of Caroline Avenue and there are six lots on the south side of Caroline Avenue. The intention was to build single family homes and sell them. Both houses were completed and put up for sale for a period of time with very little activity as far as showings. I think on the first house in sixty days I think I have had two showings. We were able to rent both of those properties for very good rent. The first house was a 1,200 square foot house. We have it rented for \$1,200 a month. The second house is 1,358 square feet that we have rented for \$1,300 a month. So, these are, I won't disclose who is renting them but they are very strong clientele for the area. In conversations with Steve Shoemaker and the City of Union City, Indiana, they have had no objections because they need housing, affordable housing but, nice housing too for working families. Something that is kind of a "move-up" home. That's why we attempted that, and it didn't work. The packet that you see here, the Washington Square subdivision. On the first page, that is the old south school

property in Greenville, Ohio. We bought two school properties in Greenville back in 2018, somewhere in that time frame. This was the proposed project that we did. We are currently wrapping that project up now. So just to give you a concept of what we are proposing to build on the lots on Caroline Avenue. That second page, that's the proposed floor plan that we proposed to the City of Greenville. And then the next two pages are photographs of as-built buildings, duplexes. These are zero lot line doubles. They are deeded individually. That would be our intention here as well, is to sub-divide the land so that these could be zero lot line doubles and sold separately. The intention is for owner/occupants, if they will sell, we always put our properties up for sale. If they do not sell, we are in the rental property business and we do retain them ourselves. This particular project, out of seven duplexes, and two single family homes, so fourteen, sixteen units. We sold seven of them and then we own the rest of them on this particular project here. These properties are two-bedroom, two bath, two car garages. They are renting for \$950 a month. Most of the people that in these properties are of retirement age. That seems to be the demographic that is drawn to this product. So, I do not have any proposed drawings for what we plan to do on Caroline Avenue yet. There is an issue there with the elevation of the lots that I have to come up with a design that is going to work. Because from the back of the curb to the building setback, there is about forty inches in elevation drop. That's detrimental for driveways and what-not. So, I've got to figure something out where I can have the garages down and the living space up. So, I am working on that now. To figure out what is going to work that will be suitable for the land that is there. Without hauling out just gobs of dirt, we are going to trying to work with what's there. The last two pages are the two homes we built on Caroline Avenue. Just a small floor plan and a few pictures for each of those. I do have a third home sold under contract on Caroline Avenue, that would be at 1006 Caroline Avenue. It's 1,480 square feet, and it is under contract and we should be starting construction on that next week. Also, I believe the previous two houses on Caroline Avenue, that were built just to the west of these, were built by our company in 1999 and 2000 as well. So, we are familiar with the area. We have been based out of Greenville since about 1990 for anybody that isn't familiar with our company. We do build in Randolph occasionally. Usually probably one project a year, I would say. So, we are not new to the area, not coming in from out of town. We have a pretty good customer base from this area. So, I think that's everything I had to cover. I assume there may be some questions. Do you want me to sit down? I'm not sure how this works.

President Calhoun: The board will now ask questions.

J. Hufford: This is going to be built as, I saw in the thing here as condominiums?

D. Robinson: A zero lot line double so it's essentially it is condominiums.

J. Hufford: Okay will there be a housing authority over that?

D. Robinson: No, they have a shared party wall agreement that is signed whenever the deed is transferred. There is a party wall agreement that is signed between the two parties.

J. Hufford: So, it's being built as condominium it falls under different rules and regulations other than just doubles I think?

D. Robinson: It's not classified as a condominium, but I will say I'm in Indiana, and I haven't done this in Indiana. I have in Ohio, in Greenville. I'm not a hundred percent certain on that.

D. Johnting: We have the expert right there and she said no.

J. Hufford: Now this is a question for you and the attorney. By building the houses on a property line does he have to go through the Board Zoning Appeals to get the setbacks to do that?

J. Welch: Not if you are going to put an R-2 but he's asking for an R-2 right now, that's the only thing he is asking right now is to zone this R-2. Anything else will have to be examined when he actually presents his plans. So, the only thing he is asking tonight, is to zone this for the R-2 to make it a possibility that he can do this. If he is going to move forward then we will have to get this is just the first step in the process.

D. Robinson: It is advantageous to split them because of the cost of an entire building. You're not going to sell an entire building to one person in Union City. So that is what makes it advantageous to split and the way they are physically constructed is, there is there is a block wall right down the middle on the property line, right between the two properties. It's very common, it's being done here in Winchester. This the Washington Square project and that's how all of these duplexes were constructed as well. So, we have also done, we did several of them in Arcanum. Our office is actually in one half of one we've been there for about five years since that building was constructed. We have had very good success with it. It lowers the price point for those who can purchase. In Greenville, these buildings you are looking at, on the first couple of pages, those sold for \$189,000 per side on those units. The ones that we did sell. I would imagine that the sale price will be less than that in Union City, because the land cost obviously is less. We have less money invested in the land and so we should be able to get the sales price down a little bit whenever we do get them constructed.

G. Friend: I have one question, what is the difference between condominium and this?

D. Robinson: I don't know, I'm not educated on that.

G. Friend: It was brought up and I really don't know the difference between the two.

President Calhoun: Would you want to come up here and state your name?

Deborah Luzier: My name is Deborah Luzier. I am one of the consultants that is helping Area Planning Commission with the UDO. A condominium is a function of ownership, where you only own from basically the drywall inside, somebody else owns all the property that it sits on. I live in one and same thing. So, you don't own the property underneath it just the space.

J. Hufford: So, you've got your condominium here and that's why I was questioning that. It falls under all kind of different rules.

D. Luzier: Yes, it does. And you can't do subdivisions for condominiums.

J. Welch: All you're doing tonight is you're saying that this can be R-2, two family. And then he'll have to comply with the ordinance and if he doesn't he'll have to go before the Board of Zoning Appeals.

J. Hufford: Since I'm around the corner from that I'm kind of curious.

D. Robinson: If I could keep single family houses that sell I will. But the activity was poor. Whenever, Paul Faddis had them listed for several months and you if live there you saw the signs. I am not sure why that is, I have my own opinions. I think the interest rates in that price range, if you look at what that does to a mortgage payment. For a working-class family, it takes that mortgage payment up to \$1,500 to \$1,800 range on a \$230,000 a year home and it's not affordable. I thought I was building a home that could be afforded by your working-class family and if you do the numbers on it, it is not there. It doesn't work. For, say with a family with household income of sixty thousand, it doesn't work. So, that's why we decided to open this door at least so we have the option, because this land has been sitting for, I don't know when Blocker developed it. But at least thirty years I would imagine.

J. Hufford: Probably about forty years.

President Calhoun: Are there any other questions from the board?

D. Robinson: One thing, I don't know if there's people from the public here, but one thing I'll say about our company, specifically, I think there was some questions about government funding, we are a private, family owned business. We don't do anything with government funding. All of our projects are self-funded, so that's one of things that I'll just put out there. That's not even something that I am educated in nor do I have the desire to deal with everything that comes with that.

President Calhoun: Okay, if you want to go ahead and have a seat. Is there anyone in the audience that would like to come up and talk? State your name and address for the record please.

J. Dickinson: John Dickinson, 1025 Debolt Avenue. Hey, we don't need this stuff over there. We just had a shooting last Wednesday, two houses from this property. What is this going to do to our property taxes? You put a [REDACTED] duplex on one little lot? Come on people, that's [REDACTED]

J. Dickinson: Jason you know it, Bob Lahey you know it, that's [REDACTED]. Everybody around there ain't going to have two lots. Some people do. You can't build right beside them. Them houses they built right at the east end of Caroline, and I'm here to tell you, they've only got that much space between two houses. That's not right! [REDACTED] you can hear the people next door farting. We don't want this garbage, everyone that don't want it raise your hand, come on people, raise your hands! Look at that! We do not, in our neighborhood, and Cameron Lester at 1021 Debolt, he couldn't be here tonight, but he doesn't want it. People up and down Caroline and Debolt Avenue don't want these houses now.

J. Welch: Please address the board.

J. Dickinson: Huh?

J. Welch: Please address the board.

J. Dickinson: We don't want it, none of us want it. Do you want it?

J. Welch: This is your chance to just make comments. So, if you want to have a seat and just make comments that's fine, you have three minutes to make your comments.

J. Dickinson: Okay, we don't want it, I know that ground has just set for thirty years. We've had some people buy some houses, and buy some land on Caroline, that bought two lots. Some of them bought three lots. But we are going to get in a mess down there when you've only got double space between two houses that folks have built, that's ridiculous.

J. Welch: Just for everybody's knowledge this is a recommending body so they are going to vote, they will make a recommendation to Union City's town Council. They will make the final decision. I understand, just please wait your turn to make comments.

J. Dickinson: We do not want it. I'd hate to have to bring a D-9 dozer and bulldoze those sons of [REDACTED] down because I would. We don't want it Jason. We don't want it. I'm done, anybody else?

L. Hummel: My name is Lahna Hummel, I live at 1049 Caroline Avenue. And what I can say about this is you're talking about, will basically be twelve housing units on six lots packed in there. You're talking most people have two cars, you're talking twenty-four more cars on our street from these little six lots. The traffic is already increasing because we built more. But this was built as single-family residence street. I have lived there 38 years. And I want to keep it a single-family street. I realize he wants to make money but packing people in like sardines is not going to help the neighborhood. More noise, more traffic, more a little bit of everything. Thank you.

President Calhoun: Okay, thank you.

D. Johnting: This is three sets correct? So, there are six homes on six lots?

D. Robinson: There's six lots, three buildings.

D. Johnting: Three buildings, so six individual residences on six individual lots.

L. Hummel: He's talking about 12 different duplexes. No, six duplexes.

D. Robinson: So, what you are saying, there's not an answer to that question. We're just proposing to change these lots to R-2, is what we are proposing right now.

President Calhoun: Yeah.

D. Robinson: That's what we are proposing. There is nothing on the table about how many units how, how many anything. That would be a separate proposal.

President Calhoun: Sir, would you please sit down for right now?

J. Linn: My name is Jay Linn, I live at 1016 Caroline Avenue, right across the street from where they're talking about doing this. I live in one of their houses and they did a nice job building their houses. I've got no complaint on that. My only complaint is if it was turned into rentals will they end up being government low income subsidy rentals? That's gonna cost everybody down the road. That's what I don't want.

President Calhoun: Well, he made the comment that they were not going to be government housing.

J. Hufford: There would be no government HUD.

J. Linn: Well. He did make that statement.

J. Welch: That's not going to be determined by this board.

President Calhoun: The only thing we are going to do this evening is either decide that we want to make it go from R-1 to R-2. That's the only that we are going to discuss tonight.

J. Linn: Thank you.

President Calhoun: Thank you.

J. Dickinson: My question is for this gentleman here, what kind of space is gonna be between the houses they are talking about?

President Calhoun: We are not going to talk to about that tonight. All we are going to talk about is whether we are going to make it from an R-1 to an R-2.

J. Dickinson: Okay, so what's R-1 and R-2?

President Calhoun: R-1 is...

J. Welch: R-1 is a single-family dwelling, and R-2 is multi-family dwellings, can be in the same structure.

J. Dickinson: Thank you.

President Calhoun: Okay. Is there anyone else that would like to speak for or against? Yes, come up sir. State your name and address for the record.

D. Longfellow: My name is Don Longfellow, I'm attached to 1000 Debolt Avenue there on the corner. The question I have is under these homes that I see here is there is no proposed garages, no off-street parking, I think that's a concern that homes with no off-street parking that puts all these individual

homes out on the street with their parking and I object to that. The other question I have is he is proposing on starting Monday I think on it. It's at 1006 Caroline Avenue, is that correct?

D. Robinson: Yes, it would be to the east of the...

D. Longfellow: Is this going to be a multi-family dwelling or is this going to be a single?

D. Johnting: Single.

D. Longfellow: So, how do you work around multi-family on one of those six lots and put in a single family home and still?

J. Welch: You can put a single family still, even if it gets changed to R-2, they still have the option to put single family homes on that lot.

D. Longfellow: Basically, you have two single family homes.

J. Welch: You could have one, it's up to the builder, they have the option, they could have one.

D. Robinson: This house is on the north side of Caroline Avenue so there will be three new single homes. There's the two that we built and then just to the east of the last one we built is where we are building the next single-family home.

B. Lahey: And that's sold, right?

D. Robinson: It is sold.

D. Longfellow: I like the price range that you sold in Greenville, \$189,000. The question that I have is the two that they have rented are they rent to own or are they just rentals?

J. Welch: That's not really part of what we are doing tonight so I suggest we get back to that.

D. Longfellow: Well, that's not the only question that I have. I can't see how you're getting \$1200 and \$1300 hundred a month rent, and in Greenville you're only getting \$900 a month, how can you get so much more in Union City than you are in Greenville? That don't make sense.

D. Robinson: That's two different products, those are single family houses over that are renting for that, the units in Greenville are renting for \$950 that's half of the duplex that is rented for \$950. So, it's two different products. And you had a question on the garage.

J. Welch: You will have an opportunity to come up and answer all the questions after everybody has a public comment and you will have an opportunity to come up and then the board will have the opportunity to vote.

D. Longfellow: Well that would be my only concern would be the on-street parking without having garages and putting the cars on the street. I think that is a congestion that we do not want. Thank you.

President Calhoun: Anyone else have a comment? Please state your name.

L. Linn: My name is Laura Linn, I live on Debolt. I hate the thought that if there were to be apartment complexes on the end of Debolt. I am a community manager, for two different companies. I work in three offices that I run apartment complexes and I would hate to think that that would be at the end of my street. There is a lot of challenges with that and I know what goes on at places like that. I probably would sell my house my house and move, honestly, if that goes in there. Thank you.

President Calhoun: Anybody else? I see none, if you would like to come up address some of the questions that were presented?

D. Robinson: I think the only thing I will address is the garage space. The plan at Greenville had rear garages on it because it had an alley access. So, again, we are not proposing any kind of structure at this meeting. They will have two car garages. All of our homes have garages. But again, I don't have a proposed plan for this property. But, the project that I am showing you an example of has rear attached garages that have access off the alley. Homes are not, in my opinion, good without a garage. That's how we try to construct all of our homes. So, I answered the question about government funded homes, that's not even anything that we deal with. And I guess just to reiterate our intentions are always to sell these properties to owners/occupants. Our intentions are not to have rental properties, our intentions are to sell them. We are a business, and so if the house doesn't sell, you are going to rent the house. That's just what you have to do. I think enough has been said.

J. Welch: Have you explored the lot size limits for R-2 in this area?

D. Robinson: No, I have not.

J. Welch: Because there may be a situation where even if it does get rezoned to R-2 you may have to combine some lots to even be able to build anything.

D. Robinson: I am assuming that I will have to. I am under the assumption and that's what I was stating a minute ago.

J. Welch: Okay, there may not be the space for two on each of these, so you are just asking that the area be rezoned to R-2?

D. Robinson: I am assuming that we will have to get a surveyor out there and we'll have to redesign everything. And then whatever our surveyor comes up with we will have to present to be approved by this same committee, and I understand that.

President Calhoun: Question anybody? Any board members have any questions? I would entertain a motion for a favorable recommendation.

G. Friend: I'll make that motion to rezone this area of Union City to R-2.

J. Hufford: I second.

President Calhoun: It has been moved and seconded for a favorable recommendation to change the zoning from R-1 to R-2. A yes vote is in favor and a no would be not in favor.

J. Welch: Since there is nine members present it will take seven out of nine for the recommendation to go through.

D. Johnting: This is for Favorable Recommendation, Don Calhoun yes, Jim Hufford, yes, Coy Applegate, yes Terry Alfrey, yes, John Reece, yes, Adria Moulton, yes, Abby Journay, yes, Gary Friend, yes, Bob Lahey, no. Favorable recommendation. That will go to Union City City Council. I will send the information in the morning. If I'm not mistaken, Bob you meet the next Monday night, Monday night the 25th of September, at 6:00. They will have the same information that our board had. I will send that over tomorrow morning, and you will need to be there at 6:00 to present.

President Calhoun: On to next item on the agenda. We have the UDO report request for additional funds to complete. If you want to come up and explain?

D. Luzier: My name is Debbie Luzier: I think Deb gave you a background report. Essentially, we have been working on the UDO for about five years now. We had our first draft within six to eight months of signing the contract, but it has taken meeting after meeting after meeting to try and get through the draft document. The other problem we have is that the steering committee members have changed. And so every time I would come for a meeting there is a different group of people I am talking to and nobody knew what was discussed at the previous meeting. So, we have been spinning our wheels the last year or so trying to get through this. I've even set up meetings when I am just coming through the area, I'm not charging the community or anything. Just trying to help the process along. Like I said, we've kind of reached a point where we are making no progress and we've used up all the budget and then some. So, we had gone to the County Commissioners to ask for some guidance. They had suggested that Deb and I speak to the Area Planning Commission and discuss kind of an approach that we are looking at here and how you would like to proceed. So, I think Deb had given you a copy of the proposal that for another \$19,000 we can set up the meetings and get through the last few chapters. Whether that be with a steering committee, whether you all act as the steering committee or if you just want staff to get through it and bring back to you when it's done. The County Commissioners would like some guidance on how you would like to see it done so that it's not, so we get a completed product eventually.

J. Welch: Debbie, I think the board might want to hear what has changed since the original contract. Because in the original contract we were supposed to get a full ordinance, I believe.

D. Luzier: Yes. We had a full draft done.

J. Welch: But, there is not a usable draft at this point. So, what was unforeseen in that first contract that has changed, I know we had Covid and we had some other things that were unforeseen. Because in the original contract we were supposed to get the ordinance for that price.

D. Luzier: Yes.

J. Welch: So, if we need more money, because some of the things you have listed here including the three meetings, those adoption meetings, those were in the initial estimate. You were supposed to have a staff training I think in the original estimate. So, there were a lot of things in that original estimate that we didn't get. And it was not an hourly contract it was a fixed-term contract and I think the board needs to know why we should deviate from that and what has changed and why should we allocate some more money.

D. Luzier: Yes, well again, I had prepared a full draft within six to eight months of the initial contract. Staff has not been able to get through that draft and then the steering committee has, despite having meetings, has not been consistent enough to say yes, this chapter is done, yes, this chapter is done. And then we started back tracking, it was supposed to be a brand-new ordinance but now I am being told no, we want our current ordinance sections being dumped back in here. And that just changes everything with the rest of the document.

J. Welch: In this community we have to have the CAFO Ordinance...

D. Luzier: Oh, I understand.

J. Welch: That was deleted and there were some other things that were not in that. Which it is just not functional for us to have.

D. Luzier: Yes, and I have those files to dump into that. That's no problem at all. I have no issue with that, it's some of the other stuff, mainly the land use tables, that's been a lot of wheel spinning.

J. Welch: I see that we have had to make a lot of changes that were not foreseen. I'm asking, because, I mean I don't have a vote on that...

D. Luzier: I've been asked to make a lot of changes and I am okay with that, but....

G. Friend: The questions that Jason has asked are the same questions the Commissioners have. We've paid for this once. And I understand because she explained to me, after the Commissioners meeting, why are we paying more money for what we have already paid for? And why isn't it done? I'm coming into this mid-stream, so that's why I'm wondering, the Council and Commissioners have put forth the funding for this, and now we don't have it.

D. Luzier: Well, I'm fine giving you the UDO I've written.

G. Friend: I know that's what you've always said but I want to interject what the Commissioners discussed on this as well. Why didn't we get there? And why didn't we get it done? Was it Covid when nobody could meet? What was the reason the money ran out?

D. Luzier: The availability of staff to get through and review the ordinances. The availability of a steering committee to get through, so after meeting we met with, nobody signed off or gave consensus on the chapters that I had prepared.

G. Friend: And this \$19,000 cures that problem?

D. Luzier: Well, in talking with staff about how can we approach this and make it happen, I'd ask that the staff meet with the steering committee.

G. Friend: What staff are you talking about? Debbie and Randy?

D. Luzier: Deb and Randy, and the County Surveyor and all that. And you folks, and review the chapters, get comments and bring them back to me before I come up and spend the time to meet again. Instead of trying to hash it all out in a two-hour meeting. Some of those chapters are big and it takes a while.

J. Welch: Thinking forward would it be efficient to have a chapter, say a chapter a month come before the board here?

G. Friend: That's what the Commissioners were going for.

D. Luzier: That's what we have tried to do for the last five years.

J. Welch: And then have you come to that and just do the final drafts and then vote on the chapters as we go?

D. Luzier: That's what I would like to see happen, yes. Or I can just give you the files and the UDO I've written and you can do with it what you want, and edit it internally. You own the documents already so there is no question with that.

G. Friend: So, if the Commissioners say we don't want to spend any more money, what does that really do? Do we have a document that is pretty much unusable to us?

D. Luzier: I don't believe that. I think the document is just fine.

G. Friend: You're an expert in this?

D. Luzier: Yes.

G. Friend: Those of us who are not on your level on this, is it just worthless paper to us if we do this?

D. Luzier: No, but it's going to be a different document. And there is going to be a learning period for staff and everybody to adjust to it. And I think that can be intimidating.

G. Friend: My final question, will \$19,000, could you foresee in fact that doesn't get it done? That we are sitting here again in six months with you going "I need more money?"

D. Luzier: I think if we proceed, the agreement is that you will have a document completed by the end of that time period.

G. Friend: Okay, that's the agreement that we had in the first place.

D. Luzier: And you have that, but nobody has signed off on it.

G. Friend: Okay, thank you.

J. Welch: Debbie, as part of the new agreement, is that, this will include all of the provisions that we have now? Like, say we have a deck of fifty-two cards, Deb explained this to me, we drop them on the ground and we're still going to have fifty two, they are just going to be shuffled differently.

D. Luzier: Exactly, yes.

J. Welch: Because we have to have the CAFO, we have to have some things...

D. Luzier: Yes, and I am fine with incorporating all those ordinances you've already worked hard on preparing. The chapters that are giving me the biggest headache is Chapter Two with all of the permitted land uses. I've been directed to say in the ag district to allow every land use you can think of by Special Exception. And as a professional, in my head that doesn't make any sense to me. So, there are some uses that should not be in your ag district.

G. Friend: Before it goes to the Commissioners and then to Council for the funding can you write out a document that says why we aren't where we are at and how this will get us there? Because to take this to the Council with no certainties is probably going to be a difficult situation.

D. Luzier: Understood.

G. Friend: Can you make that document of why we didn't get there? With a provision of what we need to do to get there?

D. Luzier: Sure can.

G. Friend: And the \$19,000 will get us there?

D. Luzier: I can do that, but I also need from you all, are we using a steering committee, who's it going to be and can we get folks to participate or do you want just staff to get this draft cranked out? Because you are the ones that use it on a day to day basis and are taking all the phone calls and presenting to

you folks, or do you want to be involved and be the steering committee? I've had communities go all different directions.

G. Friend: Yes, but we I think we are the oversight body. I think it ought to be prepared and presented and ready for us to decide to choose or not choose.

D. Luzier: And that's fine, too.

G. Friend: Being new on this board I wonder what the board thinks being put on that, actually what Jason was talking about to begin with, and that's why we said hey, what's going on?

J. Welch: It's my understanding that the Commissioners want a recommendation back from this board as to how we want to proceed.

G. Friend: Yes, that's correct, right. Which will include the \$19,000. There's no way to proceed forward, with you, unless there is more funding.

D. Luzier: Right, that is correct. And I can hand you the files I have prepared and you know, we can be done. But, I don't want to give up yet. I want you to have a document that you can use.

G. Friend: Was it \$34,000?

D. Luzier: I think that's what the original was, yes.

G. Friend: When I take this back to the Commissioners and then to the Council in October, they are going to ask me, because I would ask them, will this \$19,000 finish this project yes or no? You're not answering.

D. Luzier: I'm saying yes it will, if everybody does their responsibility, and participates and signs off to various chapters.

J. Welch: Looking back Debbie I think the original contract either may have had ambiguity or maybe your company made a bad deal for lack of a better way to put it. But, we are where we are.

D. Luzier: Right.

J. Welch: Because the original contract I believe said that you were supposed to draw down on the \$31,000 and it says that it's 90% complete. Is what's been drawn. So, the contract should be 90% complete now. Is that correct?

D. Luzier: The funding has been used.

J. Welch: My understanding is that you were only supposed to draw funding as the contract was 90% complete. So, if you've drawn that funding, that's part of what the issue I think is. If it's a bad deal we need to know why it's a bad deal, how do we get it concreted and fixed?

D. Luzier: I suppose that after the first couple of meetings when we made no progress on reviews and nobody was showing up to the meetings, I could've said I'm not coming back again until people show up and do their homework. But I kept pushing through because staff needed the ordinances and wanted to keep working on it, so...

D. Johnting: And for my part, we should have taken more responsibility to do more without you, but your direction was so much more helpful. We felt like we were moving forward faster but we got to a point where we set it aside for a year and a half because we wrote the Solar Ordinance. And in that time frame, I tried to explain that the BZA and APC hearings did not stop, the phone calls and permits did not stop. And then in 2020 the phones exploded. People had money and they were sitting at home. And everybody wanted something from us. So, the lulls in activity on it was the Sign Ordinance three times, the Solar Ordinance for a year and a half. And frankly, this is quite a different way to do this, so it was great having you to walk us through every meeting. But, we should not have taken advantage of that and done more with the three of us me, Randy and Ed and I. And Tim. And it's hard to be here all day and then be here all evening and then have hearings and other meetings on top of it. At that time there were two full time and one part time person in the office, and that's a lot. Writing new ordinance, plus all the other things.

D. Luzier: I can tell you in my other communities, I prepare a chapter. I bring it to the steering committee meeting. We have about nine people there. We go through the notes, I make the changes. And we are done with that chapter. But here I've been coming and it's somebody asking 47 questions because they didn't read through it, and I'm not talking about Deb and Randy. They know what's going on. But other folks asking all these questions, and we never get through the document. So why, I mean I kept coming back regardless. And that's not free. Just because somebody else didn't do their homework doesn't mean I am as your disposal 24/7. I did what I needed to do and then got nothing in return.

D. Johnting: And in 2020 we created a large matrix that is somewhat complicated. Including some things that will take a special exception in certain circumstances, but in other circumstances it won't.

D, Luzier: Right, which I feel is unnecessary. So, it's up to you guys how you want to proceed.

A. Journey: Well, my question, being new here too, I was just wondering what that would look like having us as the steering committee versus having staff that would be the experts on that. So, it sounds like you would prepare a chapter and our job is to go through that and then to communicate with you prior to a meeting with questions?

D. Luzier: Ideally, you would forward your comments and questions to staff, and then once you all have gotten through a chapter then I would come up for a meeting. We would go through all your comments, everybody would say yes or no and these are the changes we make. And at the end of that meeting I take it back and complete that chapter. The next month, we do the next chapter or two depending on how big they are. We can do them at planning commission meetings towards the end or something, but...

A. Journey: I think if you have a timeline if you are in this position, because for whatever reason, it needs to be done in a certain amount of time for \$19,000 and we want to make sure we get to the end, right? What is that structure and what does it actually look like?

D. Luzier: And, in the proposal I put together there is no time line. It's dependent on staff getting the comments back to me so that I can proceed. So, if that takes three months on a chapter then that's how long it takes. If we can crank through it in one month then that's even better.

G. Friend: I'm still waiting for an answer, \$19,000 gets it. And I will be asked that in front of the Council. Will the \$19,000 more get this done?

D. Luzier: If per the proposal I've given, the steering committee or whoever is behind the scenes doing their review does their job, yes. I could have done it with the first amount of money.

G. Friend: But that is also the reason we are where we are right now. So, your answer really is not necessarily. Because that's what we've got right now, we got the money paid and we didn't get what we, the question I asked before and you said we're done and that's great, I get that. So, Debra where's the staff at are we able to this? I mean can you do it and present it to us when we have short meeting?

D. Johnting: The problem has been that when we were supposed to be at home reading this we were at home reading a Solar Ordinance or a Sign Ordinance or trying to catch up on what we didn't get done that day. I mean it takes, there is not much time with just three people in the office to answer the phones, do inspections, and wait on a line of customers, there's not a lot of time to shut everything down and try to read something that is so different as to what we have gotten used to. I am not saying it's a bad thing but it's a very different thing. And you can't answer the phone, do a permit, and then start then reading this again and get right back into it. It just, it takes a commitment to do it at home, or let time go by and not work on it.

G. Friend: So, I mean for you, you are just saying you are understaffed and not able to do...

D. Johnting: We run pretty short sometimes.

G. Friend: I know, I know all that. I am just looking at something that we can go to the Council and Commissioners can approve and then go to Council and get a no vote. And here we are what are you going to do? So, you are just going to turn it all over to us?

D. Luzier: Yep.

G. Friend: I still don't understand totally how we paid the money and we don't have it adopted yet?

D. Luzier: It's done. Yes, there is a draft that is complete, of every single chapter and everything.

G. Friend: I wasn't here when this was adopted, is that what you sold us? This draft that can be adopted? I thought we were going to have it adopted for this money. And we don't have it adopted I guess.

D. Luzier: I think it's ready to be adopted. But your staff who is reviewing it, doesn't yet.

G. Friend: Okay, I get it, and I understand where you are at Debbie. There is a chance that this fails at the county government level because I can't tell them, when I go to Council, this \$19,000 is going to sure this issue. And they may say well...Because when I was on Council I would've said give me an absolute.

D. LuZier: I understand, I understand.

J. Hufford: The first time, if it was because the committees didn't do their jobs, who picks the committees?

D. Johnting: We asked for volunteers and obviously it was Randy and I and Ed. We asked for volunteers, and it was five years ago, I mean, people have changed since then.

J. Hufford: And Covid was two years of that.

D. Johnting: Yes. We chose someone off the BZA, a couple off the APC who are no longer on the APC. And so, people came and went, and I believe that we relied too heavily on your help, when we should have hashed it out on our own. And that we took too much of your time that would have been used later to help us get into gear of knowing what the changes were going to be and understanding what we were reading. We chose the committee and then for the most part they didn't come. Ed, I and Randy and Tim Heuss were there most of the time.

J. Welch: But Deb, in fairness, we had a consultant that was paid \$34,000 and we expect to have most of it done. We just don't want to have a repeat of the Sign Ordinance when we tried to be a one size fits all Sign Ordinance here in this county and that did not fly. And we had to change it three times. So, we can't do once size fits all for this either.

D. Luzier: Ordinances are not a once and done either, I mean it grows, it changes, and the Sign Ordinance that I wrote for you got you out of an ACLU lawsuit. That was a point of that.

D. Johnting: It was a good ordinance, but we have had to make some changes. It was too restrictive for the county. And I tell folks now, that if you can't put a sign up now it's too big because it's a very generous ordinance. I will absolutely say no and you can file an appeal. Because it is as generous as we can make it. This UZO that we have right now was written in 1999. It cost \$60,000. And we are lucky that we don't have a turkey farm out beside the golf course housing instead of a wedding venue because we could have. There were dozens of pitfalls that Randy found when he went through and started marking stuff. So, in 2016 we started marking changes and fixed a lot of things. Twenty-four years ago it cost \$60,000, and it left us open to a lot of issues. It was a one size fits all. I take

responsibility for not being able to eat up those chapters and come in the next morning, ready to sit down and talk about them but it's hard to do it all day and take it home with you and read it all evening. There is not a lot of time for study in the office, and so we relied on Debbie to basically explain it and answer our questions, too much.

J. Welch: As another option, what would the cost be of updating what we have? If there are things in there that are now not appropriate because of new law, just updating the ordinance that we have. Getting it up to where it's okay? I think what we've got, is we've got a cookie cutter given to us and it didn't start with this. So, we've started completely over from scratch instead of starting with what we had before, is that right?

D. Luzier: The problem with your current document is it's not easy to use, it is so antiquated with the terminology and everything there would be so much red mark out that it would be difficult to just edit what you have and make it right.

J. Welch: So starting from that is not really an option?

D. Luzier: No.

J. Welch: Okay.

D. Luzier: I think that's an inefficient way to do it. The draft I was putting together was taking some of, well all of your current standards and reorganizing them so staff can find things quickly so that you can maintain and amend it quickly without post it notes and tucking things in the back. I've written over thirty-five ordinances in this state and am pretty familiar with what I'm doing at this point. So, I have had to administer some of the ordinances that I have written and that is my learning curve where I find out "oh, I should have done it this way, or this was good but let's reconfigure this to make it work a little better". They are growing documents, I don't write one and just use it over and over again.

D. Johnting: I don't think as administrators, we used your time as well as we could have.

D. Luzier: Well, when you call me with a question I'm not going to say that's not in the budget. I want to educate you and help you understand how to do your job better and easier for you and the community.

D. Johnting: And as crazy as this one is, this is what we have memorized. A customer wanted to develop a lot for a liquor store, with every single problem you could have. I probably looked in six different places to find the information I needed. And even after that, there is information that if you don't know it's there, you can still make a big mistake. So, you just have to know where things are.

D. Luzier: And when you have people coming to your public hearings who might not be familiar with the process and are starting to talk about things that aren't relevant to the petition that is in front of you it gets very overwhelming. I know that happens with staff behind the scenes on a day to day basis. And if staff is having a problem conveying this information to the general public. It starts to make the

public question the transparency of your process, what's going on and what is their role is in helping make decisions in your community.

J. Welch: Debra, you're the Administrator, and the board probably wants to hear from you. On what they want to recommend to the County. That would be the next step, I think you need to tell them what you want to do.

D. Johnting: I believe that we have seen in a very harsh way that we have to change how we are doing things even if it means taking this home and reading it at home and reading it.

G. Friend: First of all, you cannot take things home and work on them without charging them. If it's about manpower that needs to be addressed that too.

D. Johnting: Then, strike that.

G. Friend: You should ever be asked to work off the books, ever.

D. Johnting: I have made a commitment that we want to get it done, we want to bring this up to speed. We want to ditch telegraph office and have wedding venues and things like that terminology, so that we are not guessing what the zoning should be. I want it to be understandable. I don't want to feel like I am pulling a trick out of my hat when I am trying to tell somebody what they can do with zoning. The way to get that, is doing more on our own, whether it's in this board or the three of us, or a committee or whatever. I know that we can do this, I am very confident in Debbie's ability to do this and her commitment to helping us get this done. She has done a multitude of things for us for nothing, just because. She's a home town girl. And I will make a commitment myself to make sure that this gets done for \$19,000.

J. Welch: Do you recommend then that the board recommend that the county spend an additional \$19,000?

D. Johnting: I would request that you would recommend that. We will work on this. The time frame is really a stressor that we don't really need especially when you can't foresee Covid, Solar, another wind farm and so on. I have also been told that flood plain administrators must be educated and certified and that falls on my plate as well. So, I can't promise a time frame but we do want to get it done in a timely fashion, faster than five years. I will do everything that I can, I know Debbie will, and Randy, Ed and I have put in the time. I do think we are very close to having something to put forward to the APC.

G. Friend: Reiterate your recommendation to the Council.

D. Johnting: I would request that you would recommend the \$19,000 to finish this. I guess Randy, Ed and I would be the committee. The three of us use it every day. I try to copy you from the book on whatever pertinent information goes with the hearing that we are having, Should we call in anyone else? I don't know what to recommend there as far as a committee. I can't see getting this board together twice a month. Once for a hearing and once for business.

G. Friend: Right, so you recommend the \$19,000 and then bring it to this board when the chapter is ready for review after a general meeting? And you are going to provide documentation that shows why we are at where we are at? Correct?

D. Luzier: Yep.

G. Friend: And, I mean, I have taken a bunch of notes and three times it has come up that this is an understaffing issue? Are you just saying you ran out of time?

D. Luzier: Yes.

G. Friend: That's a lot easier to approach than saying we just didn't get it done.

D. Luzier: I'll be honest my observation of Randolph County staff is shocking. That there is a staff of two that oversee the entire county, every municipality, every city and town in this county. Usually it's the unincorporated areas and one municipality, and all the others have their own. But, I don't know how Deb and Randy are even doing it. And when they are also serving in the role as building inspector and flood plain administrator and all those other roles. Typically, a county this size would have a staff of 4-5 people, including a building inspector, a full-time secretary who can field some calls.

G. Friend: For a county demographic and size of this county, is different than a county that has a billion dollar in assessed value.

D. Luzier: Oh, I understand that, but I am saying that work load isn't tied to assessed value.

G. Friend: I can accept that and take that to the Commissioners, along with that recommendation. Then I will forward to the Council on Tuesday October 24th.

J. Welch: Would it be better to get a board vote?

G. Friend: Oh absolutely, I was just saying as a Commissioner I have heard enough now in this last five minutes to push it forward to see if it has some legs to go. I kind of believe that it does but I don't know. But of course, it has to go before the regular vote, but there has to be a plan. Without a plan it's dead in the water. So, this is a plan that we want to get done. And I will also speak that it is an understaffing that has caused a lot of this on your behalf Debbie. And we have to get down to the roots of this.

D. Johnting: It is what it is. You do your best.

D. Luzier: And one of things about the ordinance that I am trying to write for you is we can have built in standards for certain uses that as long as that use meets the standards they don't need to bring it to you. As long as it checks all your boxes and solves what you need it to do, it should save time for everybody.

D. Johnting: We have a one size fits all matrix right now. And I tell the board when they are looking at me like why are we here again? Well, because if this were here it would be an automatic no this is a no brainer. But we don't have the authority to make those decisions. And you don't want us to. Are there any more questions from me?

D. Calhoun: Are we ready to form a motion?

G. Friend: I think it should probably come from me, but I think if someone would form the motion correctly I think we could get a recommendation to the county. Don't you think so Jason?

A. Journey: I would make the motion but I don't know what to say exactly.

J. Welch: I think the motion would be that we recommend to the county Commissioners to accept Debbie Luzier's proposal to finish the ordinance for the price given.

D. Luzier: With an explanation of why we haven't made progress.

J. Welch: With an explanation of why we haven't made progress.

A. Journey: I move that we move forward with Debbie's proposal and the \$19,000 to complete the project. Along with the staff seeing that process through, and then bring it back to the board.

J. Welch: And the addition to that would be that Debbie provide an explanation as to why we are where we are at.

A. Journey: Yes, in addition, Debbie will also provide an explanation as to why we are where are at.

D. Johnting: Roll call vote, Jim Hufford, yes, Coy Applegate, yes Terry Alfrey, yes, John Reese, yes, Adrian Moulton, yes, Abby Journey, yes, Gary Friend, yes, Bob Lahey, yes, Don Calhoun, yes. Amy Alka, Tom Kerns, Steve Hernly and Will Greer are absent. Motion approved.

D. Luzier: Thank you very much ladies and gentlemen, and staff. I am glad that you all have faith in me, and I think that we can work together and get this cranked out.

D. Calhoun: Do I hear a motion to adjourn? It has been moved and seconded that we are adjourned. Thanks for coming everyone.

President Don Calhoun

Vice President Coy Applegate

Area Plan Director/Recording Secretary, Debra Johnting