

BZA MINUTES

OCTOBER 17, 2023

Members present: Jason Hawley, Bill Davis, Don Calhoun, Jason Allen, Jim Hufford

Members absent: Jon Peacock, Drew Cleveland

Legal Representation: Jason Welch

Staff present: Debra Johnting, Area Planning Director/Recording Secretary

Others present: Ed Thornburg, Claudia Thornburg, William Baldrige, G. Scott Steere, Leah Steere, Stuart Terrell, Darren Coulter, Larry Perkins, Robbie Harris

Chairman Hawley: Good evening, alright, it is approximately 7:00 O'clock, October 17th, 2023. I'd like to call this meeting of the Board of Zoning Appeals of Randolph County to order. Our first motion tonight is approval of minutes from September 19th, 2023. Have all the members had a chance to look over the minutes and review those?

D. Johnting: I am sure you haven't, you do have them in your packet. I just finished those today.

Chairman Hawley: Let's move to table the approval until the next meeting.

B. Davis: So moved.

J. Hufford: Second.

Chairman Hawley: Okay, before we get into this, I would like the board to go through and state your names for the record so we have that on tape. My name is Jason Hawley, Bill Davis, Don Calhoun, Jason Allen, Jim Hufford. Those are the ones present tonight. We have Drew Cleveland missing as well as Jon Peacock, correct? Okay. Before we get started, I'd like to remind petitioners you will have fifteen minutes to present your petition. During that time, there will be no interruptions or questions after the presentation, the board may ask questions. After that, anyone wanting to speak for or against, will have three minutes each. And then the petitioner will have an additional five minutes to respond. We do request that you please hold all comments unless you come up to the table to be recorded. We can't pick them up on the mic, so we need to have those for the record. First on the docket we have BZA2023-33-V Stu's Garage LLC. A variance to build into the front setback, thirteen feet closer than allowed by the Unified Zoning Ordinance. Zone Ag Limited. Is there anyone here that would like to speak in favor of this petition? If you'd please come up, state your name and address for the record.

S. Terrell: Home address or business? Stuart Terrell. Our shop is at 1149 West State Road 28, Redkey, Indiana.

Chairman Hawley: And Sir, what are you wanting to do? What are your plans?

S. Terrell: Well, to be short and sweet, for the most part COVID is behind us, but COVID has affected the trucking business, the truck repair business as far right now. It's still hanging on because of the parts issues we have. We still have overhaul kits that can take six months to get and a

lot of parts we'll call in and they say "well, that's on backorder". And it causes us problems, but the bigger problem that it causes is for our customers. Which we serve many, many businesses here at Randolph County, Jay, Blackford and Delaware. A lot of farmers here in Randolph County. So, my goal is, I've only got one place I can go and add on to my parts room and it's what I'm applying for tonight. It's the very front of the building toward the highway. I want to go 28 feet long and 24 feet wide and roughly add 672 square feet, so we can start carrying even more parts. So we can get our customers back earning money. Because everything we deal with is with people that use vehicles to earn their money. We're a heavy-duty diesel repair shop. You know, if you've got farmers that need trucks for the fields and they're waiting on parts, that creates a lot of stress for everybody. Truckers, we have several main major customers here in Randolph County. So, I come up a little short with where we have room allowed between us and the highway. I will say this, we already have a landscaping there in front of the building and we already park there in front of the building. So, we're already taking up you know that 24 feet doing that. And we still have, we probably still have 20 to 25 feet between that and the highway. And we're going to move our parking. We're not going to have the landscaping anymore. We're not going to take any of that up. That's all going to be just open. There's no visual, you can see great both ways. The speed limit does drop there through Fairview. Not a tremendous amount. It drops five mile an hour and you know, they're trying to slow people down. And at that corner of 1150 West and State Road 28, I've been there, I'm in my 27th year. We have never seen, while we were open and while we were there, a collision at that corner, where there's been an accident. Maybe there has been one there after we left? Maybe, but it's not because they couldn't see both ways on both roads. So, that's basically our goal. It's the only place I have to add parts. It butts up with our current parts room that we already have. We probably already have, somewhere in the vicinity of 800 square feet. And I also bought, a truck repair shop went out of business in Marion, and I went and purchased their whole parts room. And so we, we can use this area too to implement all them parts I bought from them. You know, so. That's basically what we're looking for.

D. Johnting: This is what they need the variance for. You have a little different map in here so I could show that they are adding a little office there, but they don't need a variance for that.

S Terrell: No, the office is already there, and we're only going up to the office and leaving the office the same. And we're coming out to the highway 24 feet, and that leaves 28 feet length wise.

D. Johnting: It's from this drawing, but it's the section furthest west on the building, 28 feet across and 24 feet out. What they are asking for, is he's already got eleven feet, and he only needs thirteen. It's not the full 24 feet. There's still 27 feet to the right of way there.

Chairman Hawley: That clears up a little bit of my confusion.

D. Calhoun: How are you going to keep people from parking there now?

S. Terrell: The majority of our parking there is us, employees. We have grown from me and my dad in 1997 to now I have ten full time employees. So, I can control my employees and we're going to move the parking basically to the east in that L-shaped like where the dumpster starts it over there. Because we've expanded our parking for trucks, trailers and farm equipment. Out back we put in

twenty-five loads of gravel this fall and summer, and so a lot of our truck parking's going to be actually moved away from the highway and away from the road. So, we're not going to have near the vehicles you know, closer to the highway. We're going to get farther away.

R. Harris: The expansion also you know it will create probably another a job or two in this environment as well. Which is really good. You know, in that neck of the community to being the furthest point in the county. It reaches out to that area a little better for more job opportunities. So it probably will definitely create that if it works out.

Chairman Hawley: I'm sorry, Sir, would you please state your name and address for the record?

R Harris: Robbie Harris, 5867 West State Road 28, Ridgeville, Indiana.

Chairman Hawley: Okay, thank you, Sir.

S. Terrell: We are the largest diesel truck repair shop in Randolph County by far.

Chairman Hawley: Are there any other questions from the board tonight? I see no other questions. Thank you, gentlemen. Is there anyone here that would like to speak in favor or against the proposal this evening? I see no one here to speak in favor or against the proposal. In that case if there are no other questions from the board? There's nothing else to be said. I motion that we have roll call vote.

B. Davis: So moved.

D. Calhoun: Second.

D. Johnting: Bill Davis, yes, Jason Allen, yes, Jon Peacock is absent, Drew Cleveland is absent, Don Calhoun, yes, Jim Hufford, yes and Jason Hawley, yes. Motion approved.

Chairman Hawley: Congratulations gentlemen.

S. Terrell: Thank you very much.

Chairman Hawley: Next, we have BZA2023-34-SP. G. Scott Steere. Is that correct? With permission from Burl Weddle owner. Special exception request, recreational campground with fishing and campsites around three ponds. Would you please state your name and address for the record please?

G. Steere: George Scott Steere, 7955 Charlotte Cotton Drive, Indianapolis, Indiana, 46268.

Chairman Hawley: Have you sent the notice of certified mail and return receipts to the Area Planning office?

G. Steere: Yes, Sir.

Chairman Hawley: Have you received Article V, Conduct of Hearings?

G. Steere: Yes, Sir.

Chairman Hawley: Alright, why don't you tell us what you're looking for tonight?

G. Steere: Well, we're looking to buy Burl Weddle's property there, which would be about 39 to 42 acres. We haven't decided if we wanted to buy the house yet or not. This is my wife, Leah, here. It would be a small family owned and operated business. We're looking to put in 100 campsites, RV only. With camping, you know, fishing and other activities. I'm drawing a blank here. Yeah, full hookups, septic or sewer, electric and water. All one hundred would be all full hook up.

L. Steere: So, our intention, and I'm Leah Steere. Our intention would be the RV spots would be well kept, no unnecessary building onto or making them "trailer parkish", I guess. We want to maintain a nice environment. It would probably be an April to October operation, not necessarily staying all open all winter. There wouldn't be any storage there. And there wouldn't be any full-time residency there. That's not our intention.

G. Steere: We don't want to be like a lot of the other campgrounds and have you build a deck around your mobile trailer or your RV or we also don't want to have you build a shelter to store things in. We want to keep it, you know, pretty much as close to nature as we possibly can, to give you the camping experience without people actually living on the premises. About the first of November, we'll ask everybody to remove their RVs or campers. We will have a place for them to store them, we don't want any RVs or campers out on the lots themselves. We will have a storage area for those that want to store them there instead of at their home or so on and so forth.

B. Davis: Is that going to be on the same site?

G. Steere: Yes, Sir.

J. Hufford: What kind of water are you going to have for drinking water? Is there just going to be a well?

G. Steere: Yes, a well. There are three wells there. One of them is a five inch, the other two are two inch. My main issue right now is, I've talked to Farmland because we're, we'd really like to put in a lift station and hook to a sewer somewhere. Farmland is their own, they don't go outside of the city limits and I have not been able to get a hold of anybody in Parker yet. So, I haven't found out who actually is at Monroe High School, their sewer actually runs through it.

J. Allen: It is Parker.

G. Steere: So, there is a sewer line somewhere in that area?

D. Calhoun: Yes, it would be on the north side of the railroad tracks.

G. Steere: On the north side of the railroad tracks?

J. Hufford: That was going to be my next question, are you going to be putting in a new septic system?

G. Steere: No, Sir. I believe the state does not allow you to have campsites with a septic system. You have to...

Chairman Hawley: I guess my only concern, this is just for me speaking on these is those, especially with some of the ones we've had around Farmland before, they have turned into long term living facilities and people just are not staying just for the weekend.

G. Steere: Yeah, we don't want that.

Chairman Hawley: And I get kind of nervous when I see, especially when we're getting that many that we're going to have people that are just going to be out there full time. And that's my concern.

G. Steere: We actually planned to leave sort of in the winter time. We do have children. We may have a child with us, that is part of our employees. If that makes any sense. But yeah, in the winter time we plan on having nobody there whatsoever. Because we just don't, we don't want water pipes freezing. We don't want things freezing and then you know, they're mad at us because things freeze. So, we're trying to limit our liability as much as possible.

J. Hufford: Tell me what you're after here is for variance that put this in. For us though there's going to be some things that you're going to have to do before you can actually put it in. You're going to have to get approved for your sewer system and this type of thing.

G. Steere: Yes, sir.

J. Hufford: And you don't want to go invest into it and then you can't do that.

G. Steere: Correct, and that's why we're here to get it approved and then we can move forward with other things.

Chairman Hawley: Yeah, that was another kind of concern. Just about the buyer, I saw there was a conditional sales agreement on this and I didn't know how far you were able to go down the rabbit hole and still be able to recoup some of this. I mean obviously getting permission to do it, that's one thing. But going through all the water rights and getting all the drainage and everything else. I mean that can be, I would assume that it's going to change at least some of that, when you start leveling it all out. Ed Thornburg, you would be better at speaking to that.

E. Thornburg: Actually, the way that property is laid out there wouldn't be moving a lot of dirt. It's the access roads. It's been years, but I've been to a few events out there. And they don't have to do a lot of work to put stuff in. They have the driveway basically in, and parking spots and then run sewer lines. It's pretty well suited for this.

Chairman Hawley: Is a driveway able to handle the kind of traffic like RV traffic?

E. Thornburg: I don't know.

G. Steere: Well, we're planning on putting millings down. Then I think we're probably, we're actually guesstimating probably about four to six inches of earth being moved for each lot. And then having stone put down on those. So, there's, you know, like he said, there's not very much earth to be moved.

J. Allen: I guess for me, it's the only thing is like, it's mainly just the sewer system part of it. Only because I'm in that field. And even from the perspective of the lift station, to go from that area all the way to Monroe Central, I mean, you're talking several thousand feet to get there.

G. Steere: Something about 7500, yeah.

J. Allen: And so getting permission from all those land owners to directional for align all the way to Monroe, to that city main. But you're tying into a gravity main with a force main. And whether or not that's going to cause issues down there, because I don't know. I can't remember what that gravity main is made of down there. You put a force main into it and there's a difference.

G. Steere: The high school is on a gravity main?

J. Allen: If there's a gravity main running down State Road 32 right through there and not a force main, I don't know, Ed do you know?

E. Thornburg: The school sewer, if I understand right, they just went through a major upgrade on that. I believe that's a force now. Camp Modoc just did the same thing going to the lift station at Modoc like three or four years ago.

J. Allen: I'm thinking of that campground that's right out here on County Road 200, it's Golden Rule. And it's, but it's on a septic system. So, I don't even remember how many lots are out there. The only reason I know that is because I've cleaned out all the lines.

G. Steere: Can I ask how are they on septic?

J. Hufford: They were built in the 60's. Yeah, it's been out there for a long time.

J. Allen: The only other thing is and I don't know without looking at the state rules whether or not, if you are able to put in your own sewage treatment facility on those grounds. I don't know if that would be possible with a lagoon system. Whether or not that could be done, I'm not sure.

G. Steere: See, I'm not real sure on that either because the we butt up to the river.

J. Allen: Well, yeah, that doesn't help. Have you gotten any estimates for a force main to go all the way that far?

G. Steere: We haven't yet, but our field is residential development. So, we have an idea and we're looking at probably about \$150,000.

J. Allen: I think it's going to be more than that.

G. Steere: We're just, we're not sure on the cost of the pipe.

J. Allen: I mean it's, yeah, it's expensive. That's why I think it's going to be more. I mean, I think it's a great idea because I'm all for camping and getting people out and being recreational and things like that. The only thing I would worry about is just being contamination issues with the sewer. If it breaks or somebody is digging in another field somewhere and they don't know about and they hit that thing just like fiber optics or water or electric, or anything like that. I mean, as long as

somebody was able to put a tracer wire next to it, which typically they don't. We never know with that stuff and we are running into it all the time.

J. Hufford: But that really wouldn't concern us.

Chairman Hawley: Realistically, the only thing that's before us is getting a special exception to create the campground. All the other stuff, because we're going from Ag Intensive to Ag Limited?

D. Johnting: No, it's a conditional use to see if this is a good use of the property. The other things he will deal with the state and local and county issues. There might be other stuff out there. We'll cross that bridge when we come to it.

Chairman Hawley: Okay.

D. Johnting: That's why this is the first hearing because it's the least painful, hopefully.

Chairman Hawley: Alright, are there any questions from the board? Is there anyone here that would like to speak in favor or against the proposal. Okay, if you two would please step back, and if you would please come to the table. State your name and address for the record. And we give you three minutes.

W. Baldrige: I'll be brief, William Baldrige, 9525 West 100 North. Next door to said property. I just wanted to verify that it was for sale, what their intentions were and to notify that the property line is a slight issue. Our property line actually sits right in the middle of that driveway. I wanted to make sure they knew that. It goes back to the lakes. Its almost dead center of the drive at the road. We never had an issue with Burl or Wheeler. They knew it was there. My fence is way off that, but they kept it clean and mowed. I don't have any issues, I just wanted to make sure the new owner was made aware of it.

Chairman Hawley: Okay, so I can definitely understand your concerns.

W. Baldrige: So, I could put up a fence, you know where it needs to be. Make it a little wider inside or something like that.

Chairman Hawley: Yeah, ultimately my goal is to make sure that if anything is going to happen, we have good neighbors. Because I mean that's what we need to do.

W. Baldrige: I have no issue with it being a campground, basically it has always been something of a campground already. Yeah, always have to pay. And my property was originally part of that.

Chairman Hawley: So, you do hear his concerns about that?

G. Steere: Can I?

Chairman Hawley: Yes, please come on up that way you can address his question.

G. Steere: Show me on the map where your talking.

W. Baldrige: Right there, here's the entrance. The property line runs right down that driveway, out down the dead center of it.

G. Steere: Okay.

W. Baldrige: So, you might wanna take a look at that.

G. Steere: Okay.

W. Baldrige: That post that sets there, I don't have problem with where it's set.

G. Steere: Okay.

W. Baldrige: As long as we can have an agreement on it. I just wanted to make sure make sure the owner was aware of it.

Chairman Hawley: Can we put a condition on it?

J. Welch: They can work that out between themselves. The property line is not something that we can decide on.

W. Baldrige: Okay, fair enough. Thank you very much.

Chairman Hawley: Is there anyone else that would like to speak in favor or against the proposal?

J. Hufford: I've got a question. On this, if we put in a condition that the park cannot be involved, unless he gets a proper location for his sewer systems and stuff like this, can we put that in there?

J. Welch: That's an issue that's controlled by the state. So, he wouldn't be able to put it in as a condition.

J. Hufford: Okay, that's what I was going to say. I didn't know if he would need to do that or take would be up to the EPA to take care of that.

J. Welch: Yes, the EPA will take care of that.

Chairman Hawley: Please state your name and address for the record.

L. Perkins: Larry Perkins, 1199 North 1100 West, Parker City. I am the owner of the ground that adjoins to the east. I have the same problem that the other guy had, is that the property line is off. We are going to put a new fence in there if it changes hands. And where it's going to be there will still be a little bit of place, I don't have problem with them driving over it or anything on that part of it. The only other concern I have is some trash. The end to the east of it with the wind being out of the west and having to pick up trash out of fields before I plant in the spring. Another little problem, several years ago, before I purchased the property, Burl got permission to get a power line put in off of 950. And so there's poles all across the field, but the power is just enough for electric, I mean for a light. If they put all that in, they'll have to put new power in anyway. I'd like to see them put it back down their driveway or whatever on their property. And one of those poles could be removed out of the middle of field. Outside of that I don't have any problems with it.

J. Welch: Has there been a survey done? Or how do you know where the property lines are?

G. Steere: It's been measured, yeah.

L. Perkins: The pin is in the middle of the driveway down there.

J. Welch: I'm sure the buyer knows he's going to put a lot of money into this. And knows he's going to have to check the lines.

L. Perkins: As long as Burl owned it, we knew it. When I bought the property, that's where they measured it at when I bought the property. And that's when the problem was found out. I told Burl I didn't have any problem with it. I said, you know, as long as it belonged to him. But once it changes hands, we need to straighten it out now before it goes on any further. You know, and the next person has a problem.

G. Steere: We do want to try to put everything underground. So, we have to come back off of County Road 100. Yeah, we'll do that.

L. Perkins: That sounds good to me. I appreciate that.

B. Davis: While you're both up here to address this issue on the trash. I think Mr. Baldrige had maybe the same issue?

W. Baldrige: That power line that he was referring to? That was put in back when Wheeler had it. It's been there for forty plus years.

G. Steere: Last time I was out there it looked like there was a lot of cleanup. We will have dumpsters and everything else out there for our trash. I'm an environmentalist in a way. I don't like what I do for a living, but I like what I do for a living. I destroy the ground, but then I create buildings. Being a farm kid myself, one of the last things that we want to do is pollute the farmland.

Chairman Hawley: So, I mean, if it's a, if it's a mess. Nobody wants to come and camp, right? And that's going to wind up hurting your bottom line.

G. Steere: We sort of want to be like Santa Claus, Indiana, and be the cleanest campground in the country, if that makes any sense.

Chairman Hawley: Before you speak, I need you to address the board.

B. Davis: Before you start there, did he answer your questions okay?

W. Baldrige: Yes, thank you. I'm okay.

B. Davis: Thank you.

Chairman Hawley: Jason, did you want to explain?

J. Welch: The property line issues aren't really what the board is looking at. Those are all things that due diligence and neighbor agreements and easements may have to take place. That's not something the board is really addressing tonight. You're addressing whether or not having a campground on this property is a good use for the property. It should be granted a conditional use. It's obvious that.

L. Perkins: Well, I was just concerned about the trash that I have had to pick up, I think they will do a good job with that and that was my only concern from the past.

Chairman Hawley: That's fair. Is there anybody else would like to speak? Would you please come up and state your name and address for the record, Sir?

D. Coulter: My name is Darrin Coulter, I live at 986 North 1000 West, Parker City. I own the property directly to the west. I have no problem with this becoming a campground. I just have a few concerns, if it is zoned that way. That for future zoning doesn't affect me. And what we do is because, it's an agricultural field, and I do have livestock and everything, and I do haul manure on that property, virtually every year. We have we put, we spread turkey litter sporadically on it. Every couple of years. I haul our own personal livestock manure on it every year. And my concern is with it being a campground that they might come back and try to ask me to not be able to do that. And not to use my property as I'm currently using it. That's my first question, my second one, that was kind of addressed was the water sewage septic systems, because all that does drain downhill towards an open creek, that comes off of my property and is partially the borderline between that property and my property. So, I don't want to be blamed for a manure spill coming off of our facility when it's coming out of, out of something that is also their waste and stuff. Like I said it from the beginning I'm not opposed to this because, I did go to the auction to try to purchase the property, if it went cheap enough. It went way past where I wanted to spend and this was a consideration I was going to do with this, so. Lastly, it's like I said, there is an open creek that is part of the property line. What are their plans to keep the kids and campers from approaching that and crossing over onto my property? And somebody gets down there and gets hurt, gets injured. God forbid something worse happens where I have a liability on this also?

Chairman Hawley: As far as the drainage and that I know that also has to go through state inspections, so that obviously has to clear. So far as zoning I don't think we can change the zone, no?

D. Johnting: This isn't a zoning change.

Chairman Hawley: So, it wouldn't affect the zone on your property.

D. Johnting: What you're taxed at, is what the use is.

D. Coulter: So, they couldn't come back in a couple of years and say, he's creating an aroma we don't approve of, could he enforce that?

J. Welch: That's a legal question. You can never predict one hundred percent, but you're there first. It's a legal argument as far as I'm concerned. He already knows you're there to make the complaint after he moves in there.

D. Coulter: That's part of why we're here, so they understand that right against their property will be some aroma. Livestock aroma year-round and it gets heavier a few weeks of the year.

Chairman Hawley: Well, it's called farmland for a reason.

D. Johnting: The zoning won't change, they're zoned Ag intensive. If there's a campground there they'll probably be taxed commercial but that will have nothing to do with you.

D. Coulter: As far as the fencing, can there be anything stated to where there has to be a fencing to where they cannot cross property lines, or one that is not climbable? I know they can't stop people from going through a fence but...

J. Welch: That could be a condition of the use. I mean that would be up to the board.

D. Johnting: Right now they would be allowed to have a six foot fence. Having an eight foot fence would be another issue that would be variance.

D. Coulter: Right now the property is divided with a woven wire fence because Burl had cattle against the property. We used to have cattle against the property line, but that's a climbable fence. My thought is with the traffic and the people, they may want to go across just to have a bigger area to play in. If we could have a condition where the fencing would have to be a non-climbable fence height wise six foot to me, if they go over a six foot fence that's not climbable, they've asked for their situation. I understand fences go bad, they get cut and all that stuff. But the intent to try is what I'd like to see.

Chairman Hawley: Right, I guess I'm not sure what an unclimbable fence would look like?

D. Coulter: Woven wire, barbed wire at the top. The chain link versus a woven wire fence.

Chairman Hawley: Okay.

D. Coulter: A security type fence. Yeah, I mean, I don't want it to look like Fort Knox, right? They don't need to be, I mean, it doesn't have to have the tip guard on the top and all that. I mean just something that, yeah, it just makes it so that people knowingly crossed off of the property onto something else.

G. Steere: I've thought about that quite a bit too. I can do the best I can to keep them off your property. But people act like they're going to do.

D. Coulter: Right. And I get that.

G. Steere: We do have a couple of areas that are marked off that are going to have like a dog park and a playground and things like that. You're on the southwest corner?

D. Coulter: Straight west.

G. Steere: Straight west? Okay, but yeah, down on the southwest corner, we have a low area that's I believe sort of considered part of the floodplain.

D. Coulter: Yeah.

G. Steere: We were going to make that sort of a play area.

D. Coulter: That's right there at the creek?

G. Steere: Yes, yes, and up against the river. We were going to try to make that sort of an area for kids or for our activities. Putting a shelter down in that area and then there's would be one more up

towards the road where all the trees are and the house is. And in his shop that he has there currently. But like I said, we'll do the best we can to keep them off your property.

D. Coulter: It doesn't affect me if they're on there, other than the legality if somebody gets hurt.

G. Steere: I totally understand.

D. Coulter: That's where I'm at is because with an open ditch. I mean, everybody wants to go play in the water. I don't care who you are, how old you are. Everybody likes to be down in the water.

G. Steere: Right now, for us, we in the future we're wanting to have like a bathing like is, I think, is what the state calls it for swimming and things like that. And that's what we've been thinking about, is for the time being until that happens how are we going to keep them out of the water? So that's been going through our mind too, on how to keep them out of the water. Because like I said people are people and they're going to do the things they want to do.

D. Coulter: Right. And the way I understand you're going to have this, I reckon you're keeping the four ponds that are there or your intentions are?

G. Steere: We may lose one. I'm working on the one on the southeast corner is leaking, so we may have to remove it. It depends on how it was built. We believe it was not built correctly. So, we may lose a pond.

L. Steere: I just want to add we expect to have campground rules and our campers to abide by those rules as well. Which would be swimming in or being in any pond or being on property that's not in our operation.

D. Coulter: That's all I have.

Chairman Hawley: Thank you so much, Sir. Do we have any other questions or concerns from the board that need to be addressed? What are our thoughts about the request for condition for a non-climbable fence. Forty acres seems like that would be really expensive to fence off?

J. Allen: I think if they're putting it in the rulebooks, I mean obviously, I mean like everybody says, people are people. And they can read rules or they can climb fences.

Chairman Hawley: Yeah, I mean.

J. Allen: I think even if you put signs or placards down there, but you know, say don't swim, or swim at your own risk, or do not cross. Nine times out of ten, it's kind of like don't push the red button. I'm going to push red button.

J. Hufford: Yeah, he said they've got a fence down through there now. They can put no trespassing signs up there now. And that takes care of his liability.

Chairman Hawley: Alright, is there any further questions from the board or anyone else from the audience who would like to speak in favor against the proposal? Since I see none, I motion we have a roll call vote.

B. Davis: So moved.

D. Calhoun: Second.

D. Johnting: Jason Allen, yes, Jon Peacock is absent, Drew Cleveland is absent, Don Calhoun, yes, Jim Hufford, yes, Jason Hawley, yes and Bill Davis, yes. Motion approved.

Chairman Hawley: Good luck moving forward, obviously you've got obstacles to still cross, so I wish you best of luck but hopefully everything else will go well for you. Moving on, is there any other old business that needs to be addressed?

D. Johnting: There is a meeting next month.

Chairman Hawley: There's a meeting next month. Okay. New business to be addressed? Any reports on standing committees, officers or staff? Having seen none, I move to adjourn this meeting of the BZA.

J. Hufford: Second.

Chairman Hawley: So, thank you very much gentlemen. Please don't forget to turn in your forms.

Chairman Jason Hawley

Debra Johnting, Recording Secretary

Vice Chairman Bill Davis