

BZA MINUTES

JUNE 18, 2024

Members present: Bill Davis, Jason Allen, Jim Hufford, Drew Cleveland, Jon Peacock, Don Calhoun

Members absent: Jason Hawley

Legal Representation: Jason Welch

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

Others present: Ed Thornburg, David Coyle, Donna Coyle, Brad Mullen, Anna Anderson, Barbara King, Michael Sullivan, Deb Curtis, Keith Murchison, Charles and Sheryl Earls, Michael Wickersham, Gary D. Friend, Thomas Cockerill, Gary Girton, Ed Bateman

Vice Chairman Davis: Welcome to all who are here. Today is June the 18th, 2024. I'd like to call the meeting to order. First on the agenda would be the approval of minutes from May 21st. Do I hear any? Has everyone got a chance to look at it? I've got a first. I've got a second. All those in favor say Aye. Minutes approved.

Vice Chairman Davis: First on the agenda tonight will be David and Donna Coyle represented by the BZA. If you guys can come forward. BZA2024-17-SP. Looks like a special exception to replace an older mobile home with a newer one.

D. Coyle: Yep.

Vice Chairman Davis: If you just state your name and address for the record, please.

D. Coyle: David and Donna Coyle, 301 North Franklin Street. That's the trailer or do you want that or the home address?

Vice Chairman Davis: We'll take your home address.

D. Coyle: 107 South 200 East, Lynn.

Vice Chairman Davis: Ok, thank you. Before we get started, petitioners will have 15 minutes to present your case. During this time, there will be no interruptions or questions. After the presentation, the Board may ask questions.

D. Coyle: Okay.

Vice Chairman Davis: Anyone wanting to speak for or against it will have three minutes each and then the petitioner will have an additional five minutes to respond to the comments. So please state, let us know what you.

D. Coyle: Well, the mobile home has been there for over 50 years, about 55-56 years. It's getting dilapidated. We're wanting to put a newer one in there to rental property. It just it's pretty rough, so it's time to replace it. Her family has owned that piece of property longer than she's been born.

Vice Chairman Davis: It's probably time to replace it then.

D. Coyle: It's time, it's time.

Vice Chairman Davis: Questions from the Board? Comments?

J. Allen: Is it going to be roughly the same size as the one there?

D. Coyle: It will be that size or bigger. It's not going to be any smaller, that's for sure.

J. Allen: Is there any I guess well, which is it? Is there any issues with it? Like is there a maximum length that it can be on that property?

D. Johnting: No. No issues with setbacks.

J. Allen: Okay.

Vice Chairman Davis: Any further questions from the Board? Anyone in the audience that would like to speak for or against it, please come up.

A. Anderson: I just have a question.

Vice Chairman Davis: I will need you to state your name and address please.

A. Anderson: Sure, Anna Anderson. I live at 210 North Franklin Street, which is right across the street. So, are you planning to tear it down in place or move it out?

D. Coyle: Yes, yes. Tear it down right there.

A. Anderson: Okay, and you're planning on renting it out?

D. Coyle: Yes, renting it out once we got the new one in.

A. Anderson: Okay, that's what I wanted to know since I live right across the street.

Vice Chairman Davis: Gotcha.

D. Coyle: Trust me, it won't be a mess. I'm going to get a big box.

A. Anderson: They just did another one two blocks away on Sherman. They just tore it down and I wondered if they were doing the same thing. Thanks.

Vice Chairman Davis: Thank you. Anyone else in the audience who would like to speak for or against? Any final questions or comments by the Board? If not, I move we go forward.

J. Allen: Second.

Vice Chairman Davis: All in favor? Aye. Deb?

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

D. Coyle: Thank you.

J. Allen: Thanks for cleaning up the area.

A. Anderson: Just to let you know, they always took care of that property. It always looked nice.

D. Coyle: Thank you for saying that.

Vice Chairman Davis: Next on the agenda be the Board of County Commissioners, represented by BZA2024-18-SP. Looks like it's a request for special exception to build a new ambulance service. Please state your name and address for the record please.

G. Friend: Gary Friend, 750 North 450 West, Ridgeville, Indiana. I'm the Western District Commissioner.

T. Cockerill: Thomas Cockerill, 616 Richmond Street, Winchester, Indiana.

Vice Chairman Davis: I failed to mention on the last one but you guys have received or sent out the Articles V Conduct of Hearing?

T. Cockerill: Yes, we did.

Vice Chairman Davis: And we got it back in time?

D. Johnting: Yes.

Vice Chairman Davis: Please state what you'd like to do here.

G. Friend: Well, we have for a while now, had an ambulance parked in Farmland for 16 hours a day and we've been using the Farmland Fire department and they've been very gracious, however, we are in the way. And we have embarked on getting our own place to build one to serve that part of the county and Farmland with gracious enough to deed over to us at the two lots that sits on 301 East Jackson Street and our intent there is to build a brand new ambulance service there. Two bays with two ambulances if needed there, a day room with sleeping in it so we can even expand services there either by need in that area or by contract with the other areas in that area. So, with that, we we've accepted a bid from a from a builder already provided that we get this special exception through here. And we're going to build it more to suit the area they are. It's going to be a painted lap siding with a brick wainscot on it. It's not going to be a pole building with doors and it's actually going to fit into that residential area nicely. So, I'm joined today by Commissioners Michael Wickersham and Gary Girton. We're asking for you folks to grant us a special exception and let us continue to build that ambulance building right there on 301 East Jackson Street in Farmland.

Vice Chairman Davis: I heard Mr. Wickersham on the radio today talking about this. Board, any comments or questions at this time? Anyone in the audience that would like to speak for or against it? Please come forward. State your name and address for the record please.

M. Sullivan: My name is Michael Sullivan. My address is 303 East Jackson Street. We're putting in a modular right beside this residence. I'm just curious do you all know about the water issue there? There's like a 600-acre watershed that they run right through the town.

G. Friend: Yes, we are. And this building will be pushed west out of any type of flood issue there.

M. Sullivan: No, I understand but like the footprint of the land is two lots so are they're going to cover it like a lot of that you're going to put cement on. There's going to be water when it falls is going to have to go somewhere and I'm sure it's going to go down the hill. I'm just curious, the actual town main goes through that and it pops out right across the road and there's a giant, it just pumps in those people's yards.

G. Friend: Right.

M. Sullivan: And I have video of how bad it does flood. Just curious if that's in consideration or because Farmland tells me it's the county, the county tells me it's Farmland. All I know is a tile dumps into that ditch and that ditch is completely grown up because Farmland doesn't clean it out.

G. Friend: In specific, I couldn't answer that exactly. But we have an engineer that the builders are involved with, making sure all this is done right.

M. Sullivan: I just want to bring that to your knowledge. Because I have the video, I'd love to show you all, that it does. That whole area, Church Street, I mean.

G. Friend: Well, our county surveyor just happens to be here too. And he's listening too.

Vice Chairman Davis: Ed, would you share your info?

E. Thornburg: Yes, that is a county ditch back there. In Farmland, the county drains serve as the storm sewers. Like you know like any towns got one. We've done a bunch of work on that. Part of the design of this building would include the ability to retain the water on that site to leave it at the level that it's leaving now.

M. Sullivan: No, I understand. I just I understand everything does draw away. I think that tile is working perfectly. Farmland just has to pump it right on the other side of the road into Church Street. And I just don't want to exacerbate that issue for anybody else. My house is going to be fine, it's just been built. I've expressed this to my people and I'm okay. I want to make sure Farmland doesn't have to foot the bill for some issue. And it will be a great service. I was a medic in the Army.

G. Friend: Our building is also going to be a foot higher than the road. We're going to build up with gravel and make sure that we're setting up out of any type of water damage of any kind.

M. Sullivan: No, I understand. I was just expressing that.

G. Friend: Yes, I appreciate that.

E. Thornburg: Yeah, the lot does that. The lot will have to discharge its water to the same at the same speed as it does now.

M. Sullivan: No, I understand. I was just wondering where does the discharge go? Is it going to the storm drain?

E. Thornburg: It goes to the same place that your water goes too. It goes to the same place it did. There's no magical place for it to go otherwise.

M. Sullivan: No, I know. I have noticed that every time it rains, it piles up immensely right there on either side of the road.

E. Thornburg: Occasionally we have to blow the gravel out of both of the catch basins on each side of the road. And I don't know how long it's been since that's been done.

M. Sullivan: Since I bought the land and I technically own right on the other side of that. I've been maintaining all that because I don't want everything to flood. I'm pushing it right down to the other people is how it's designed to do.

E. Thornburg: Your job is to give them your water. That's just the way it works.

M. Sullivan: Right. All right.

G. Friend: What you've done is an upgrade. It looks nice.

M. Sullivan: Thank you. Thank you all so much.

J. Peacock: So, Ed, is there a way to help this situation that Michael has seen?

E. Thornburg: Yeah, if we upgrade that drain all the way across that end of town it would.

M. Sullivan: It would need to run all that way to the ditch, correct?

E. Thornburg: Exactly.

M. Sullivan: And it does not.

E. Thornburg: Well, that tile does goes all the way to the ditch.

M. Sullivan: Oh, does it?

E. Thornburg: Oh, absolutely.

M. Sullivan: I just had noticed there is a [inaudible] right on the other side, where you're at my house. Right on the other side, there is a [inaudible]. And I thought it just.

E. Thornburg: No, it runs underground. It actually runs through the trailer park.

M. Sullivan: I've debated on walking the ditch.

E. Thornburg: It runs through the trailer park. My first year of office I found a boat trailer in the hole in the ditch.

M. Sullivan: No, I understand. Thank you so much.

Vice Chairman Davis: Thank you. Anyone else that would like to speak for or against at this time. Further questions for the Board?

D. Cleveland: I just have one more for Ed. If I'm hearing you correctly, you don't see any issues with this.

E. Thornburg: This project isn't going to make anything any worse.

D. Cleveland: Okay, thank you.

Vice Chairman Davis: That's a political answer, but thank you.

J. Peacock: One more question. Is there any way this project can help the neighbors feel better about the drainage? Without an immense expense for the county? Can we help what he's seen while you're doing this project?

E. Thornburg: It's really hard to say. I doubt this will make it, one reason it won't make any real difference is because the pitch is downhill from this line. The retention for this property will be downhill from the building and uphill from the ditch. The little outlet into the swail that connects to this tile drain. It won't make it worse. It's off to the side from the ditch so it's not going to make it a ton better. We can't take half a block and build retention bond there as neat as that'd be. The other property wouldn't appreciate it. The big upgrade would be to replace that tile and it's just an expense that I don't collect enough money to do.

J. Peacock: It's not in the Farmland city limits?

E. Thornburg: It's in the Farmland city limits. Everybody that lives in Farmland pays on the Benny Hill ditch, Benjamin Hill ditch. But either that and the land outside of town that collects in it. We have replaced several sections of ditch and ended up cleaning the open ditch which lays a couple, about three blocks to the east of there where this outlets. Since I've been here we've mowed it three times. We plan to mow it again before I leave office.

J. Peacock: Mowing just to keep trees out of it?

E. Thornburg: Yeah. Keep the trees out. If they get the trees get in it then the water backs up. People, no one appreciates water lapping at your garage door. When I started, people were canoeing down the streets of Farmland. Things are better than they were.

Vice Chairman Davis: Thank you, Ed. Alright, last call for Board questions. If not, I'll make a motion to go forward.

D. Cleveland: Second.

Vice Chairman Davis: All in favor? Aye.

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

Vice Chairman Davis: Thank you. Good luck guys.

G. Friend: Thank you very much.

Vice Chairman Davis: Next. You'll have to excuse me on the pronunciation, but I have a Delia Ulloa-Contreras. Please come forward. It will be represented by BZA2024-19-V. Looks like the request for variances to build a new restaurant on the corner of Oak Street and Columbia Street. Please state your name and address for the record.

D. Ulloa-Contreras: Hi, my name is Luz Delia Ulloa-Contreras and my address is 727 West Park Street in Union City, Indiana.

Vice Chairman Davis: Have you received Article V Conduct of Hearing and everything's okay?

S. Shoemaker: She's nervous, so I'll do the talking. Steve Shoemaker, City manager, City of Union City. My address is 523 Park Avenue, Union City. So, part of our downtown revitalization is to reconstruct a building representing the New Times building that was destroyed by fire, and that building was built on the sidewalk edge. And Miss Delia would like to basically build a new restaurant structure on that same site. And that needs to be built back on the sidewalk, the way the New Times building originally was built. The current zoning ordinance and rules require a setback, and we're asking that they be waived.

D. Johnting: As I said in the comments a lot of towns have the city blocks where there's no reason to have the twenty-five foot setback. You don't do anything with it. It wastes valuable space and we don't have that. We just really didn't have any choice.

J. Hufford: Also in the city that ate up their alley ways in the back and get a twenty-five foot setback there and have a setback in the back, you're not going to be able to build another building.

D. Johnting: And I made a note of that for something we need to add into the code.

Vice Chairman Davis: Questions on the group. Comments?

D. Cleveland: What kind of restaurant will it be?

D. Ulloa-Contreras: Rotisserie chicken will be the main dish, but we'll have some more.

Vice Chairman Davis: Making me hungry. No more questions from the Board? Anyone in the audience like to speak for it or against it? We have one coming up.

K. Murchison: Keith Murchison, 455 Beamsville-Union City Road, Union City, Ohio. I'm the Exalted Ruler (President) of the Elks Club, which is right next door. We're all about it with these great ideas. The only thing that we're concerned about is if they are allowed to put those walls right on that property line it's not going to leave them any room back there as far as for, you know, trash pickup or anything like that. They have to come across our parking lot. Our parking lot is not designed to handle that kind of weight and stuff. We're concerned we might have issues with that. That's the only issue that we have.

Vice Chairman Davis: Yeah, good to know.

S. Shoemaker: The plan for that would be the trash receptacle and everything would be in the lot which would be to the immediate east of the new restaurant proposed between the Elks parking lot and the restaurant building itself. The building was just demoed through the Blight Clearance Grant that Union City received and that lot will be used for that resource.

Vice Chairman Davis: Good answer?

K. Murchison: Yes, absolutely. No problem there at all.

Vice Chairman Davis: Thank you. Anything else?

D. Curtis: Deb Curtis, 7842 N 500 E, Union City. I'm the secretary of the Elks Lodge and just like he said, we have no problem with her building this restaurant. It's just our property is what our concern is and so the other question would be while the building is being built. That's going to tear apart our yard, our lawn those type of things. Will all that be repaired and put back as is and?

S. Shoemaker: Yes.

D. Curtis: All that stuff, and what the back of the restaurant will be is what's going to be facing our property. Will there be anything on the back of that building that will fold over onto our property?

S. Shoemaker: No.

D. Curtis: Okay, and that was really, you know, like I said we're all for her restaurant. We're not here to oppose. We're just here with concerns.

Vice Chairman Davis: Yep, good questions.

D. Curtis: Yeah. Just make sure our property was as is. And then so the parking will just be on the street in front?

S. Shoemaker: There will be a couple of spaces in that afore mentioned lot that will be to the east of her restaurant building. Probably. We're thinking probably handicap and maybe some a couple spaces for employees, but primarily it'll be street parking.

D. Curtis: Yeah. So, everything that's involved with her restaurant will be in the front and the sides of the building, nothing will be in the back of course because that would be our property.

S. Shoemaker: Correct.

D. Curtis: Alright, thank you.

Vice Chairman Davis: Thank you. I see why you brought him. Anyone else like to speak for or against? Let the record show that no one come forward. Board any final questions? I'll make a motion to go forward.

D. Cleveland: Second.

Vice Chairman Davis: All in favor, Aye. Deb?

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

D. Ulloa-Contreras: Thank you.

Vice Chairman Davis: Thank you. When do you think this will?

S. Shoemaker: We'd like to pull the permit if possible tomorrow, and the excavator is ready to go to start digging the basement next week. So, we're behind schedule at this point. So, we're ready to go.

Vice Chairman Davis: Any opening date?

S. Shoemaker: I would say early spring. January, February maybe if everything goes well.

Vice Chairman Davis: Looking forward to it. Good luck.

D. Ulloa-Contreras: Thank you.

Vice Chairman Davis: Next on the agenda Bradley DeVries. Represented by BZA2024-20-SP. Looks like it's a request for special exceptions expanding existing Public Utilities. Please grab a seat and let us know your name and address please.

B. DeVries: Yes, Sir. My name is Brad DeVries and I represent AEP Indiana Michigan Transmission Company. My address is 1670 Lincoln Road, Allegan, Michigan, 49010.

Vice Chairman Davis: Stop right there. Just want to make sure you did send out Article V or received Article V Conduct of Hearing? Okay. Please proceed.

B. DeVries: So AEP is looking to expand there they have an existing substation on the site that's right to adjacent to the Cardinal Ethanol plant. Cardinal Ethanol is requesting that they need a little

more juice is what they put it. They need some more electricity and AEP is needing to expand that existing station that's there now. In order to do that, AEP needs to purchase property from Cardinal Ethanol and they are working on that as we speak, as far as negotiations goes. The plan is right now they've adjusted the property line a little bit. They've been going back and forth a little bit. I think the plan that I sent Deb, we had shown that the property line was actually over an existing drive that they had. They move that back a little bit so that driveway is not in there anymore and then they bump things up north and south a little bit from what we had before, but it's basically expanding to the north about 140 feet and to the south about 140 feet. And then to the west, it varies, but it's right around 75 to 100 feet. As part of that substation expansion, of course they will be putting in new equipment for electrical and as part of that. Because of the increase in impervious area, the stuff that can't get into the ground. We've been tasked with designing the storm sewer that's going to be accommodating that runoff as well as a detention pond. Currently, right now the stormwater goes nowhere. It just kind of sits in that area. There's wetlands kind of to the northeast and to the southeast in that area. The plan is to be able to handle the additional runoff with that detention pond. And then we're still working on the release of that detention pond going east to the Price drain or the Price ditch to the east, but we're still working on getting an easement from that neighboring farmer currently.

Vice Chairman Davis: Questions? Jason, I know you're smiling there.

J. Allen: I got a lot, I mean. Is this, I guess this would be a really good question. Since there's no deal that's been made that they purchased the property and if we could deal with the exemption for something that they don't technically own is there any variance in that. I mean they've not even purchased the property yet.

D. Johnting: They can't build without the property...

J. Welch: If the deal falls through then there's this is always at they can't put it on unless they own the whole area so. There's not really any ramification. I think they're trying to cover their bases before they put much more into it. Probably. I would guess. So, this is not unusual.

D. Johnting: I've seen a couple parcel splits so far and we decided to go ahead and do this first.

J. Allen: I guess this comes back to that question. You see anything with that farmer that they're trying to sign into saying no?

E. Thornburg: That's between him and them.

J. Allen: Oh, well then, I guess we'll find out. Because I guess that's going to be a thing if the retention pond is not going to be in there then.

E. Thornburg: There's room for the retention pond. The challenge is.

J. Allen: Where do you run it?

E. Thornburg: Right, where does the water go?

D. Cleveland: So if you don't get an easement. No project?

B. DeVries: I was going to say, we've been told that we need to get an outlet to the Price ditch is what we need to do. Currently there's no outlet on this property right now. Right now the water just kind of sits in that area.

J. Peacock: That's the bigger issue to get solved first is make sure there's an outlet for the water, before we approve something.

J. Allen: I guess he's going to need a variance to build on it anyway, because right now you don't have any room for a retention pond or anyway. Unless we give him an exemption. So, they don't have the exemption, they can't put the retention pond in and then if they get the exemption for the space then now you got to get permission from the farmer to allow him to allow him into the ditch.

J. Welch: They're asking for a special exception to be able to enlarge the utility that they have there now. So, as a part of the special exception, one finding you have to make is that adequate utilities, access, drainage and other facilities have or are being as provided. So, that's one thing the Board has to be satisfied with, in order to grant the special exception is that there is drainage and that's been approved and obtained. So, that is one issue that the Board should look at is whether or not there is adequate drainage there. I'm not an engineer. I don't know if there is or not but that's one thing the Board is supposed to find in order to approve this, is that there is adequate drainage. If you look at your findings valid.

J. Hufford: This drainage it's going into a ditch. Is that the creek that comes down through and goes through the park there in Union City? And there's nothing but detention water, no chemicals of any kind?

E. Thornburg: They don't use processed water for electricity.

J. Hufford: We have spent \$29 million to clean that up.

J. Welch: Do you know how much more water will be flowing through that area after you build this? Has there been a study on that, to determine what's needed to get the water out of that basin?

B. DeVries: So, what we have done is we've basically said we're going to store the hundred-year storm in that detention pond. And that detention pond will hold that water and then it will release it at the current rate of a ten-year storm that's there now. So, currently off site, and I'm, don't quote me on these numbers. They're rough. But it's about four CFS, so 14-15 per second, currently is running off of this site right now. What we're doing is we're going to be putting all of the increase of the water that's going from this site into the pond and then releasing it at that four CFS into the Price ditch. So, we're not increasing the runoff that's really going off the site. We're keeping all that water on site and then slowly releasing it into the Price ditch is what's planned.

J. Welch: So, basically, you're saying that it will make it no worse than it is right now?

B. DeVries: Correct. That is the intent, yes.

D. Cleveland: So, we could approve this contingent upon them getting the easement?

J. Welch: That would not be an issue.

D. Johnting: Would that need drainage approval? Contingent upon drainage approval?

E. Thornburg: They've already got their drain plan approved.

J. Hufford: Who owns the land where he wants to get an easement through there?

Vice Chairman Davis: If I'm sorry if you, if you'd speak again we need you to come up. Name and address for the record and then we need you to come up here to speak, we can barely hear you. Sure, if you can come up here, please. Thank you.

B. King: I'm Barbara King. My address is 515 Lissaaron Drive, Winchester. And that's the letter that I got. I want to make sure that they wasn't going to come north of the railroad tracks when he said north. And he said no, they're staying south of the railroad tracks.

B. DeVries: That is correct, yes, we're south of the railroad tracks. I'm sorry. So, this is the existing substation right here. We're basically expanding like this and just a little bit out right there. And then this water is proposed to go to the Price drain. So, nothing north of the railroad is being proposed to be [inaudible].

B. King: Okay, alright. Thank you.

Vice Chairman Davis: Thank you.

J. Welch: Is it fair to say that the project cannot move forward without the easement to the drain?

B. DeVries: I would say that's a county surveyor question. If the county surveyor would let us do that substation without it, and just detain the water that we have there, without a release, then you could go forward with it. But I would say no, it would not.

J. Welch: I guess that's a question for Ed.

E. Bateman: May I speak? Ed Bateman, 5753 East State Road 32. I am the farmer who farms the ground. I do not own it, but I am the farmer. I also do the mowing for Cardinal. I'm not representing Cardinal tonight, but I do all the mowing there. So, I'm very familiar with that property. My question to you as a variance, I guess, committee. I see no need in any kind of storm retention pond or tile to get rid of it. The area that is there is not going to have any more water on it with the station or without it. It's going to stay the same. There's times there is water laying there. I mow it probably twice a year, twice a summer. Most of the time I go through it, part of the time I'll mow around a little water. So, I guess my feelings toward it, and I've talked to Ed about this, he says, according to

regulation, there has to be this storm drainage. But my contention is there's no need for it. I'm not opposing AEP. But I'm saying why have the money in this project to put a tile through my farm ground, it's not mine, I farm it. The water naturally flows over towards the railroad. There is a drain under the railroad, but that does go through Mrs. King's field. I've always mowed that. It just gradually goes through a waterway and gets out of there. You know, you're doubling, probably doubling the square footage of the AEP plat, but you're not changing the water at all. You're going to get the same water there, that is there right now.

Vice Chairman Davis: I would say the possible answer is it's just a requirement?

E. Thornburg: To our storm water ordinance the requirement is if you discharge less water than preconstruction. I'm aware of the drain that goes under the railroad over Barbara's ground. It's problematic. Let me put it this way, I think it's going to cost more to upgrade that ditch to work because it happens. CSX is just fun to work with. And you can quote me on that. Basically, it's cheaper and easier to maintain running across Mr. Baker's field. The other option, I haven't investigated what we'd have to do to get it through to the retention ponds on the Ethanol Plant side. I haven't investigated what we'd have to do to get water over to there, and that's something I would, you know, if this is not going to work going east, we could look west.

E. Bateman: I contend that there's no problem. It's not going to go under the railroad. It doesn't matter. It won't. The water is not going to change the amount of water that's there isn't going to change just because they double the surface of this station. It's still going to be the same amount of water. And I've never seen water go through that railroad to this day. So, I'm saying just because I don't want it to go through my farm. I don't want it to go through and cause Mrs. King a problem either. Because there's no need to mess with that.

J. Welch: This Board doesn't really determine what has to be done and what doesn't have to be done on the drainage. It's merely here to make a finding as to whether or not adequate drainage has been obtained or will be obtained for the project that he's asking for. So, the Board really doesn't have a lot of control over what they decide to do and what they don't decide to do. The question I guess would be is whether or not Ed and the surveyor are going to let the project go forward if there is not sufficient drainage, because if you're basically going to monitor this and to make sure that there is adequate drainage before they receive a permit from you, then I guess that that addresses the Boards issue that adequate drainage has been obtained.

J. Peacock: Okay, so you're saying our current regulations require with more cement? Is that what it is?

E. Thornburg: It's more inappropriate surface.

J. Peacock: Water can't drain into the soil at all.

E. Thornburg: Water hits the area they've compacted, and they, you know, set equipment on, it's going to run off. It's not, there's going to be no soaking into the ground factor.

J. Peacock: So when it comes to that, you'll need to move the water into a new retention pond or possibly figure out how to get into the bigger one that it's already there.

E. Thornburg: Yeah, that's, those are the basic options.

J. Peacock: And Ed doesn't have to allow any or, Himes' ground doesn't have to have, public domain can't take it?

E. Thornburg: I will not support any effort from emanate domain from anybody. That's not. You know, we made that decision years ago. The Commissioners made that decision years ago. And I won't even consider it now.

J. Peacock: So, if Ed does not recommend for his uncle or aunt that property to do this. Are we ready to say that you've got the drainage situation addressed completely?

E. Thornburg: Here's my real challenge. If that was a tool shed on your farm, it's not a problem. It's a commercial property. Now, it rains the same on a commercial property as it does on a private. And normally commercial properties are in conjunction with other commercial properties. Other areas that are negatively affected, by development. You know, out on a farm building, if you have enough ground around you, chances are that water is going to dissipate and get away. And you know, you'll put a drain up beside your barn if it gets wet. It has happened. On a property like this and, I don't know how, I don't know how to do an exception to the ordinance for that. That's a whole other challenge. I'm not going to say it couldn't be done.

J. Peacock: So, do you need a month to decide that?

E. Thornburg: I am not sure what I need. What were you getting ready to ask me?

J. Allen: The only thing is, would, and this is just for me thinking from a drainage perspective I get what you're saying, Sir, about the fact it's still the same amount of land. And it's still getting the same amount of rain, the only difference is the water shedding. So, if you put crushed stone or even an asphalt or cement or whatever on there, water shedding off of that property, regardless of the footprint of it is going to shed off faster. So, you have two options. Leave it the way it is. Don't put a retention pond in there, if you can get the variance and not do so. The issue is you'll end up if you have crushed stone. I'm assuming that's what you're going to use. You're going to end up with crushed stone in your field because it's going to run off eventually. It's going to shed off into that field. Having a retention pond on that property will help retain that water on that property more efficiently to keep the stone from washing into your property. So, in my opinion, the retention pond is to me the only way to go. If you want to not have that extra water going in there because it's going to shed off faster because it's not porous enough to where like the clay is. So, to me, you have to build a retention pond. It's just my opinion.

E. Bateman: Yeah, I don't agree. But that's okay. Yeah, it may shift faster, but it's this is still going to be the same amount of water there. I don't know what the lot's going to be, whether it will be compacted stone. The water will be.

B. DeVries: Yes, it will be compacted stone and you are correct. Typically, what we try to do on any substation design that we have is we have some sort of detention pond and you release it to the roadside ditch. That's an ideal world you'll hold that water, pump it to a ditch and that ditch will go somewhere along the road and it will find its way. Here there isn't anywhere for that water to go and that's the problem. It's just going to, currently, there's already designated wetlands that are shown to be on this property, and we're working with IDEM to get some of these wetlands reduced and disturbed so that we can do this as well. So, we're also working with them on this. So, I would say this is pretty good evidence that this water is sitting there right now and it's not the only way that it can leave it is to eventually soak in the ground. But the soil is there. You'd like to have a nice sand soil that water can just soak in, but you've got clay. So, the only way for that water to get into the ground is by evaporation or eventually get into the ground.

Vice Chairman Davis: A lot of good information.

D. Cleveland: I feel like we need some more definitive answers.

J. Hufford: How big is this detention pond going to be?

B. DeVries: We don't have a dimension on it. That's not going to help. I'm sorry. It's just real rough. It looks like it's about 150 feet wide by probably about 75 feet depth wise, and then it's about four feet, three to four feet deep.

E. Bateman: And that's where? South end of the...

B. DeVries: Everything is proposed to slope this way into the storm sewer and then the storm sewer goes into the pond.

E. Bateman: The pond is on the south end.

B. DeVries: Correct.

E. Bateman: Most of the water now goes to the north end.

B. DeVries: That is true. That is true it goes to the north end. However, the way that the station that they're proposing to lay out, they don't have the area up here. They want to have it down here.

Discussion

B. DeVries: You know, there's if you can see it, there's wetlands to the north. And there's wetlands to the south. It will eventually get that way. If it would fill up quite a bit. A little. I could only say what the experts say.

J. Peacock: Will the pumping station be close to there?

B. DeVries: The pumping station?

J. Peacock: The reason you're needing to do this.

B. DeVries: Oh, that just follows via gravity out to the ditch.

J. Peacock: I know, but if this is all wetlands. And the state, they're not going to object to anywhere close to there, right, Ed?

J. Welch: I just have one question. The way things stand at this very second. The project cannot go forward without this easement. Is that correct?

B. DeVries: I would say if the if the project does not have that easement, we have to look at alternative ways on Cardinals property to do it.

J. Welch: And if this was put off for one month would those answers be more concrete as far as whether there would be an easement or what option would actually be used for drainage? We have a meeting once a month is why I'm asking you this, and if the Board has to make a decision right now, I don't have a vote, but I don't know whether or not they have enough information in front of them to know whether or not adequate drainage is there yet without that easement.

J. Peacock: And if it's not granted you would have to wait six months.

J. Welch: Yes, it could be continued for one month and if there was a more definite answer at that point in time is whether the easement was obtained, if it was not going to be obtained, then another option was going to be taken and we'd have some more information from the Drainage Board. That that would be an option where the Board might feel more comfortable in determining that adequate drainage is currently available for the project. Is that going to hold up the project for you if it's a one-month delay?

B. DeVries: They are currently getting bids on the plans that we have here, their hope is to start this in August is what they want. That's really what they're trying to do and Cardinal is really pushing them to get this electric to them as quickly as possible, so it's...

J. Welch: So, there would be another meeting in this Board in July and if he thought he may have more definite answers at that point in time, I don't know if the Board would be more comfortable in knowing exactly what was going to happen with the easement before they make a decision or not. That's the vibe I'm getting, but I am not sure.

Vice Chairman Davis: My thought is I would agree.

E. Bateman: If the project that Cardinal has presented the need for this electricity does not go through, will AEP continue with this larger station in?

B. DeVries: I don't know the answer to that because Cardinal need the electricity. If Cardinal doesn't get the electricity, I don't know where they're going to get it from. The substation has to expand for them to get the electricity.

E. Bateman: I'm saying that if Cardinal's project that requires this does not go through will you continue to beef up the substation?

B. DeVries: If Cardinal's project does not go through? I'm not sure of that.

E. Bateman: You don't know whether AEP would continue or not?

B. DeVries: I don't know if this substation is just for the Cardinal or if there's other things involved with it, that I don't know.

E. Thornburg: I will tell you that AEP has expanded substations all over the county in the last three or four years.

Vice Chairman Davis: What's your thoughts Mr. DeVries on the recommendation of postponing this for another month, or do you want to move forward tonight?

B. DeVries: It's a little disappointing. My thought was is that we're going to be talking about just being able to expand the substation and then we would be going to the next step of while making sure that this expansion of the substation can occur, and then the drainage issue can be looked at, at a later time. But I see what you guys are saying. You guys need to know what is going on with all the drainage for the substation? So, I understand. It's just disappointing.

Vice Chairman Davis: Well, Jason. Could we take a vote tonight as is going with Ed's recommendation?

J. Peacock: They still haven't solved the water. I think that better be addressed.

J. Welch: You can take a vote, but the problem with that would be if it is denied when you're done with the vote tonight, then it will be six months before you can come back with the Board. That would be your decision as far as what you choose to do.

D. Cleveland: So, can we table it or does he need to make a decision?

J. Welch: You can you can make a motion to continue at any point for one month.

D. Cleveland: I would make that motion.

Vice Chairman Davis: Do I have a second?

J. Peacock: Second.

Vice Chairman Davis: All in favor then, aye.

J. Welch: It needs to be a roll call vote.

D. Johnting: Jason Allen, yes. Jon Peacock, yes. Drew Cleveland, yes. Don Calhoun, yes. Jim Hufford, yes. Bill Davis, yes. Motion approved to table until next month, that would be July 16th.

Vice Chairman Davis: Mr. DeVries, are you? I mean, do you understand what we need?

B. DeVries: Yes, you have to have a definite more than just the drain or just the county surveyor's approval. We need to have the units and such in hand.

J. Welch: I don't think we have his approval yet.

B. DeVries: We have drainage approval.

E. Thornburg: Well, not without the easement.

D. Cleveland: If there is no easement there will have to be a different plan.

B. DeVries: So, technically we have to have to get that easement signed and released, recorded with the county before we can come back.

D. Cleveland: Or have a different plan.

B. DeVries: Okay, okay. Thank you.

Vice Chairman Davis: Oh, okay. We need to look at the BA2024-16-SP, which was listed as the first one. It was with Jason and Darla Erwin, One Happy Ass Farm. Just table for next month? Do I have a second?

J. Hufford: I'll second.

Vice Chairman Davis: Can we take a roll call vote?

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

Vice Chairman Davis: Any old business or new business, we need to discuss?

D. Johnting: We do have a meeting next month.

Vice Chairman Davis: Meeting scheduled for next month. I make a motion for adjournment. All in favor, aye. Meeting adjourned.

Chairman, Jason Hawley

Debra Johnting, Recording Secretary

Vice Chairman, Bill Davis