

BZA MINUTES

JANUARY 18, 2022

Members present: Jason Hawley, Jim Hufford, Tim Hart, Jon Peacock, Drew Cleveland, Bill Davis

Absent: Don Calhoun

Legal Representation: Jason Welch

Staff present: Randy Abel, Executive Director, Debra Johnting, Recording Secretary

Others present: William Maines, Jr., Keirstine Maines, Stephen Hoffman, Craig Brutout, David Snapp, Kent Smoot, Susan Smoot, Diana Chambers, Greg Brown, Dawn Brown, William Burton, Connie Burton, Ryan Prinkey, Preston Myers, Jeremy Knoll, Jane Risk, Ed Thornburg, Chris Beasley, Grace Minkis, Merle Troutwine, David Key, Douglas Reid, Dave Gelhaus, Trish Gelhaus

Chairman Hawley: Alright, good evening tonight is January 18th, 2022 and it's 7:00 o'clock. I would like to call the Board of Zoning Appeals to order. Has everybody had a chance to take a look at the minutes from November 16, 2021? If so, we'll have an approval of November minutes. It's been moved and seconded to accept November minutes as presented. All in favor say aye. Motion approved. Now, we need to do the election of officers. At this I am the Chairman and Bill Davis is the Vice-Chairman. Is there a motion for the Chairman? Is there anyone else who would like to be Chairman?

J. Hufford: I move we keep the officers the same for 2022.

B. Davis: I second.

Chairman Hawley: Alright, so it has been moved and seconded to keep the officers the same for 2022 as we had in 2021. All in favor say aye, those opposed? So, I will remain Chairman and Bill Davis will be the Vice Chairman. Next on the agenda, the first petition on the docket is for David Snapp, BZA2022-5-SP, to place a mobile home in Residential zoning. Would you come forward and state your name and address and what you'd like to do tonight?

DAVID SNAPP, BZA2022-5-SP

D. Snapp: David Snapp, 465 N 100 E Winchester, and I'd like to tear down the house that is on my lot and replace it with a new double wide home.

J. Hufford: Will this be on a foundation?

D. Snapp: It will be on blocks on piers.

Chairman Hawley: Will this be the primary residence? Since we were having technical difficulties, just to reiterate, I think Jim asked the question about would it be on a foundation or on blocks and I had asked if it was going to be the primary residence and you had said that it was.

D. Snapp: Yes, primary.

J. Peacock: The south side of your property, is that just grass?

D. Snapp: Yes.

Chairman Hawley: So, does the board have any questions? I know there was a bit of a delay.

J. Hufford: So, I understand that on the west side of this is zoned manufacturing?

D. Snapp: What is?

J. Hufford: There where you're putting this on the property across the street is manufacturing and on the other side farmland?

D. Snapp: Yes, it is.

J. Hufford: And you're right down the middle?

D. Snapp: Yes.

J. Hufford: Okay.

Chairman Hawley: That's a good piece of property you've got for that.

D. Snapp: Yes, it is.

Chairman Hawley: So, are there any other questions for or against? Is there anybody else here who would like to speak for or against the proposal? Please come up to the table and state your name and address for the record:

B. McCoy: Bob McCoy, Mayor of Winchester, Indiana. I do not know Mr. Snapp but I do appreciate the fact that he's making an investment in tearing down an old home, putting in another home. If anybody drove by the property prior to him being there, we bought that property for clean up for, probably over a year and a half trying to get somebody to clean it up and I'm just happy that it's been cleaned up and I think it will be an improvement to the area.

D. Snapp: Thank you.

B. McCoy: That's all I've got.

Chairman Hawley: Anybody else for or against the proposal? All right, we're ready to motion for vote.

J. Hufford: I make a motion we take a roll call vote.

B. Davis: Second.

D. Johnting: Jim Hufford, yes, Jason Hawley, yes, Bill Davis, yes, Tim Hart, yes, Jon Peacock, yes, and Drew Cleveland, yes. And Don Calhoun is absent. Motion approved. You're all done, just come and see us for your permits.

Chairman Hawley: Congratulations.

D. Snapp: Thank you.

BZA2022-2-V, MERCHANTS BANK OF INDIANA

Chairman Hawley: Alright, next on the docket it looks like we have BZA2022-2-V, Merchants Bank of Indiana. Represented by Jane Risk. Would you like to come forward and state your name and address for the record and tell us what you'd like us to hear?

J. Risk: My name is Jane Risk, I work for Signworks and I represent Merchants Bank in their effort to get a new sign at their new location in Lynn, Indiana.

Chairman: And from what I understand this will conform with the new sign code?

R. Abel: Yeah, it sure will. It's right at the limit on the ground sign, but they're moving that sign from Astral's location up to this new location.

Chairman Hawley: Okay.

R. Abel: So, if you count the whole carport and everything it's okay.

Chairman Hawley: Okay, okay. So, are there any questions from the board? Is there anyone else that would like to speak for or against the proposal, for Merchants Bank? With no other comments we will take a roll call vote.

B. Davis: So moved.

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

Chairman Hawley: Motion approved, so you will come in for permits?

J. Risk: We have them submitted.

Chairman Hawley: Okay, just wanted to double check, you'd be amazed at the number of people who hear a yes from us and then forget about that.

J. Risk: Thank you very much.

BZA2022-3-V, SAV-A-LOT

Chairman Hawley: All right, next on the docket we have BZA2022-3-V. Sav-A-Lot represented by Anchor Signs. If you'd like to come up and state your name and address for the record and we'll see what your proposal is and what we can do for you.

M. Troutwine: I am Merle Troutwine, this is Doug Reid. We're the co-owners of Sav-A-Lot in Union City.

Chairman Hawley: And your address please?

M. Troutwine: 380 West Deerfield Road, Union City, Indiana.

Chairman Hawley: And what can we do for you gentlemen?

M. Troutwine: We're looking to put up a new sign to replace our existing sign, it should be the same dimensions.

Chairman Hawley: Well, it looks like you're coming up with a new logo, correct?

M. Troutwine: Our third one since we've been there.

Chairman Hawley: Well it's good to have an established business. Again, everything falls well within the new code?

R. Abel: Yes, it sure does.

Chairman Hawley: Any questions from the board? Do we have anybody else here that would like to speak for against the proposal this evening? I will call for a roll call vote.

B. Davis: So moved.

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

Chairman Hawley: Congratulations gentlemen.

M. Troutwine: Thank you.

D. Reid: Thank you.

BZA2022-4-CU, JEREMY KNOLL

Chairman Hawley: All right next we have BZA2022-4-CU, Jeremy Knoll. If you'd like to come up and state your name and address for the record, and let us know what you are planning.

J. Knoll: I'm Jeremy Knoll, my address is 2540 W 1100 S, Williamsburg, Indiana.

Chairman Hawley: Okay, and what are you looking to do?

J. Knoll: I would like to sell equipment at my home farm there, and sell and service equipment both.

Chairman Hawley: So, are you requesting a new building, or just use what is existing?

J. Knoll: No, Sir, I already have the building.

T. Hart: Is Wayne County across the road from you there?

J. Knoll: Yes, I'm on the county line.

J. Hufford: Yes, I was going to say you don't show any addresses to the south.

R. Abel: Can you tell us what kind of equipment?

J. Knoll: Farm equipment, some construction equipment, semis, semi-trailers, that type of thing. My main customers are farmers.

Chairman Hawley: Are there any other questions from board members?

D. Johnting: Jeremy, the lot now, is it gravel now?

J. Knoll: Yes.

D. Johnting: So, in that picture, that's an older picture, the lot is all gravel now.

J. Knoll: And I recently built a larger building there that's connected to the existing that's probably shown in the pictures, and there's a large gravel lot there.

Chairman Hawley: Okay, now I gotcha.

J. Knoll: It's changed a lot in the last couple of years.

D. Johnting: So, they're not going to be out sinking in the mud.

J. Knoll: No.

Chairman Hawley: Yeah, I was wondering how you were going to get a semi in there.

D. Johnting: No, there is a lot there. I couldn't really get it in the picture. It's far enough away from the house that it looks like it is kind of on its own.

J. Knoll: Right, separate driveway and everything next to the house.

Chairman Hawley: Have any other questions or concerns from the board? Would anybody else from the audience care to speak in favor or against the proposal? I will make a motion for a roll call vote.

J. Hufford: I will second.

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

Chairman Hawley: Congratulations sir.

J. Knoll: Thank you.

BZA2022-6-V, UNION CITY COMMUNITY FELLOWSHIP INC.

Chairman Hawley: Alright, next on our agenda. BZA2022-6-V Union City Community Fellowship Incorporated. Looks like they are represented by Diana Chambers, Commercial Signs. Would you like to come up and state your name and address?

D. Chambers: I'm Diana Chambers and my address is 404 E Hawthorne St, Fort Wayne, Indiana, 46806. I'm here representing Union City Community Fellowship Church and they are requesting a freestanding sign on their property for an LED message center and ID sign.

T. Hart: Does the church across the road, does it have an LED sign?

D. Chambers: It does not. Not yet.

J. Hufford: And this sign is going to replace the sign that's there now in the same area, in the same location?

D. Chambers: That is correct. Yes.

J. Hufford: The reason I ask that is, that is a very dangerous intersection. I was a police officer in Union City so I covered at least four to six fatalities there and I don't know how many accidents.

D. Chambers: Sure, I'm not from Winchester so....

J. Hufford: This is not going to help in any way at all, this is just going to make it worse, that's what I'm afraid of. Is there any reason why it is going in that location and not down the road a little ways, away from the intersection?

D. Chambers: And, I don't think that would be a problem, I'm going to let Craig speak to that. I have representation from the church also here so.

Chairman Hawley: State your name and address for the record.

C. Brutout: Craig Brutout, 6760 East Greenville Pike, Union City, Indiana. Our intent with this sign is to move it further east from where our existing sign is now, more toward the middle of our property rather than that close to the intersection.

J. Hufford: Okay, because it's showing here is going into the exact same place it was.

C. Brutout: We are planning on putting it in the middle.

D. Johnting: The measurements I have are 112 back from 28 and 92 feet back from Jackson.

J. Hufford: That's not very far then. That's just off the road then.

D. Johnting: A house could sit probably 50 feet back.

J. Hufford: Huh?

D. Johnting: A house could probably sit 50 feet off the right of way. It might not be a good idea, but that would be the setback for a house.

R. Abel: I will make a quick comment that in the past our ordinance basically says no animated signs, period. That you can't have any animated signs. In the past, we've tried to put restrictions on passage of these signs by saying, okay, you promise not to have flashing messages that flash and blind people, and to keep the lighting down, and everybody says, yeah, we'll do that. And then the sign gets put in and guess what? We have flashing, we have blinding light. We have messages you can't even read. I've got one here in town, a half a block away, I could not read the messages. I had to pull over, off the road, to even read it, and there was one panel that kept flashing, because of the colors I couldn't read it period--at a half a block away. My concern is that these things will be distracting. And I'll tell you what's in our new proposed ordinance, is to allow copy change, electronic copy change. And a lot of counties don't even allow electronic copy change. They just outlawed them altogether. But, I don't see any purpose of that because if you can go out there to McDonald's and put the plastic in the sign what's the what's the difference if you do it electronically. But then most of them limit the time that it takes to change that copy. And it's anywhere from 8 hours to 4 hours to 24 hours that you cannot change that panel, so you set a message up there and you say "Jesus loves you", "John 3:16, For God so loved the world..." You put that panel up for four hours, you can change it the next four hours. And we've also done different ones where they said they were just going to announce things that happened on the property, events that occur there. And they won't advertise for supporters or whatever. And the next thing you know we look at those panels and I went down to look at one, and it switched after 3 seconds, the next one was for 10 seconds, then 10 seconds, then 5 seconds, then 3 seconds and it just kept flashing. And it had those animations where the flags are waving and their screens are swiping and coming back, and low and behold and it's starts advertising people that support that organization. And just what they said they would not do. And you know, somehow we have to put conditions on this that lock it up better. If we're going to put conditions on it? Yeah, and tomorrow when the APC hears these, they may decide just to let them go anywhere. I don't know what they are going to do see, so it's pretty hard for me tonight to say what they're intent is, but the intent in the past all the way from the ordinance in 99?

D. Johnting: Right.

R. Abel: Since 1999 and forward it has said no animated signs.

Chairman Hawley: And I guess that's kind of my concern. I mean, I don't see anything turn into the Las Vegas strip with all the flashing neon signs.

D. Johnting: The worst offenders are not permitted signs.

Chairman Hawley: Right.

D. Johnting: They have never come in and got a permit. One came in and got a permit for a brick monument sign, and they were going to build it themselves and it's one of the worst offenders. And the other one came in to see you and then they just did whatever they wanted, they didn't get a permit.

J. Hufford: Well, I believe that everyone has the right to advertise whatever they want, but I'm worried about the safety aspect more than anything on this. Is where it's going to be placed. Even ninety feet is just barely off the road. Because ninety feet off the road, you've got a thirty five foot ditch there, and it's only going to be a few feet there beyond that.

B. Davis: So Randy the issues and concerns you had would they be illuminated if it was in the right proper place?

R. Abel No, I don't think so because we got signs down on 36 and 32 all over that still or that distractive and it's just a matter of rapidity of the change of copy. Most of the ordinances that I see allow that electronic change of copy and background but not to be in motion constantly. They say, put your message up that you want, for that four hours or whatever it is, and then in four hours change it. But at least make it so, somebody driving by, and then they come back from town, they can at least, if they didn't read it the whole thing the first time, they can get it the second time.

D. Chambers: And I can understand what you're saying, and coming from a sign company aspect, and coming from a bigger town. I am from Fort Wayne and we have the same problem. About ten years ago we had to come up with an ordinance in our in our city and naturally we had two offenders on Coliseum Boulevard which is our main thoroughfare around the city. And it was a big car company who put in a sign I think it was 12 foot by 20 foot and the thing was a huge traffic distraction at night even though that was highly commercial. And so they had to come up with a plan to stop it because that was a safety hazard. I will say since those days, a lot of things have come into play because of smaller towns and whatever. I will say I am working with a church and churches tend to be, churches and schools tend to be more conservative on their views and what they're placing, and they want to be a good neighbor naturally and not cause traffic problems. They have come up with schedule studios in these signs that allow for the signs to be either turned off at night or turned way down. They also have dimming capabilities so that they are not as bright, flashing in your eyes as the sun goes down. It does not become brighter it actually goes down levels because when it's so bright you cannot read it, it does no good. Fort Wayne also did the thing where we have to sign a letter and there are four conditions of it, one is that you can't advertise for anybody on the sight, another one is this thing cannot travel or move. It has to be a stationary thing and it has to remain there for I believe it's 10 seconds per frame, what they call a frame. And these schedule studios allow for that kind of stuff to happen, and so I think the church is just looking to get information out there more readily than just the old fashioned, changeable copy that you know, there's more things happening nowadays. And so I just think they're looking at it for the advertising purposes and bringing their church more up to date.

C. Brutout: And there will be very limited access to who has the ability to control the sign. It would probably be myself and our pastor.

B. Davis: So, let me ask you this, if the group could come to terms if it's 4 hours, 8 hours or 12 hours before the new message gets presented, would the church be okay with that?

C. Brutout: Yes.

B. Davis: I think that's something that we need to focus on before we move forward.

Chairman Hawley: And also I mean, for me it's also a dimming issue. We've still got people living in the area. And I know I'm an insomniac, and waking up, it drives me crazy too with that, I think that

would be a real tough one to live next to a sign that's on full screaming brightness all night, you know whether it changes panels or not would really bother me.

D. Cleveland: Is the Area Plan Commission talking about rules for dimming in the evening, or is that part of the discussion, or?

R. Abel: That can be part of the discussion, I don't know if that's written into the amendment now, obviously we're going to have a new UDO in another year, maybe. And that would definitely be part of that, and I think all sign companies generally dim at night.

D. Chambers: They do now. Yes, they do. Some of them are set to not automatically dim, though. That's the thing.

R. Abel: We had one of them here in town that the eye went bad, and the light did not dim. And so actually they went and I think they turned it off at night, because it was driving the neighbors nuts, and it was in town.

Chairman Hawley: I'm three blocks away from that one.

R. Abel: And if you read some ordinances, they say, none of those, absolutely no variance, no nothing if you are in a residential area. And ours doesn't say that, but.

J. Peacock: My question is, how do you guys hope to use electronic signage?

C. Brutout: When services are, when Bible studies are, scripture. I mean we're not going to be advertising, we're not going to be doing any of that sort of stuff. It's just going to be for what we're doing at the church, and maybe a scripture now and then. But mostly it's going to be when services are, we have three services on Sunday, we have youth on Sunday night, we have a Bible study on Monday night. We have a Bible study on Wednesday night. And, I really don't see where we would be putting anything else on that sign.

T. Hart: Will the sign face any residences. Will any of the houses that are around there, will it be pointed towards them?

C. Brutout: We wanted to position it so that it could be seen from both directions, so in order to do that, it would face the house directly across Jackson Pike. But we would not be opposed to moving the sign to the far east side of the lot either.

B. Davis: What's your thought?

J. Hufford: My thought is if it's right on the corner, and that corner is an angle. On 28 and on Jackson Pike which has a lot of traffic. I really can't see it sitting right on the corner because people are going to be looking at it. We've had so many accidents there, you know, it's just another distraction. So, if you move it east down there, you know, and it's facing the road, even sideways, even would be better than sitting right there on the corner like that at an angle.

B. Davis: How far east in your opinion?

J. Hufford: How far does your property go, it doesn't go clear to the river, does it?

C. Brutout: No, it just goes to the field. And we would put it as close to the line as we could. If need be.

B. Davis: Randy, while he's thinking on that I wondered, on the time line for messages, what are you thinking?

R. Abel: Well, what we have proposed for tomorrow night is four hours. So, when I look at other ordinances, most small communities like ours and other places, I've got four or five of them that I have looked at, the ones that allow changeable copy, electronic changeable copy, they usually limited it to like 8 and 12 hours. And I'm thinking, that's a long time, right? That's what I think, anyway. Of course the exception to that is time and temperature like gas prices and stuff like that. I felt like 4 hours is kind of compromise. I mean, I thought 8 hours and 12 is way too much. Because that didn't give you much flexibility at all.

Chairman Hawley: Right? The last thing we want to do is set a precedent 24 hours before they start moving on with something else, you know?

J. Hufford: Right?

R. Abel: And it's not like we're the sign patrol, there's two of us, we're not going to go driving around, if you happen to change in two hours one day, you know, we're not the sign patrol. But, we just want to get away from that constant changing.

C. Brutout: And obviously we're not wanting to be bad neighbors.

R. Abel: Oh, absolutely.

C. Brutout: No, I mean, we're just trying....

B. Davis: I think that you can see the concerns.

C. Brutout: Yeah, I can. But, I mean, people drive by there and don't even know what that building is. Because we don't have a steeple like the church across the road. And the sign that we have out there now, barely passes for a sign.

D. Johnting: I didn't even realize there was a sign there.

Chairman Hawley: So, correct me if I'm wrong, everybody was talking about some of the conditions being obviously dimming it at night, stopping the changeable copy, limiting it to four hours and possibly moving the sign. Are those some of the conditions?

J. Hufford: Well, I imagine there's people here to talk to, and have their say before we make a decision.

Chairman Hawley: Sure, I was just trying to keep us up to date on what has happened so far. Are there any further questions or comments that the board has for the group today. Is there anybody in the

audience who would like to speak for the proposal? Okay, is there anybody who would like to speak against the proposal? Okay, please come up to the front and state your name and address for the record, and tell us what you'd like to say.

K. Smoot: My name is Kent Smoot and I live on the northwest corner of Jackson Pike, 1140 North Jackson Pike. I'm here to oppose the sign because of hazards to that intersection. Like Jim, I've seen lots of wrecks there. I've lived on that corner 28 years. I've pulled people out of cars. It's a mess. I'm not in favor of the lighting, it will be shining in our windows as well as the people on the southwest corner. Which is where the sign would be exactly facing them. I think in the Bible it says go out and tell the word of the Lord. I think would be better to go out and show him the love in your heart and share it on electronic sign. That's all I have to say. Thank you.

R. Abel: I do have a question if I can. So, my question would be. How many watts is the light going to operate on like at night, and what's that comparable to like, it's like a hundred watt porch light, or is it like a barn light that burns at 300 watts? You know what the light intensity is?

D. Chambers: It depends on the color. And naturally, the lighter colors, white is your brightest and I do not know what the wattage is, but I know on average they claim that it is equivalent of a 320 watt bulb. Which most parking lot lights operate at 400 to 1000 watts.

R. Abel: I was thinking an average barn lot light in it, maybe, like 300? Do you know?

J. Peacock: I don't know how much these LEDs are now but they're nice. But they aren't near that.

R. Abel: No, and the LEDs kind of shoots the watt theory, doesn't it?

E. Thornburg: They are using lumens to measure that with now.

R. Abel: I know.

E. Thornburg: And the barn lights, you know the typical night lights you have on your barn was always 300 watts, they're 70 now, but they are equivalent to a 300 watt bulb.

R. Abel: That's why I was wondering, what kind of intensity of light we talking at night?

Chairman Hawley: Do we have anybody else would like to speak against the proposal? Let's come up and state your name and address for the record.

D. Gelhaus: Dan Gelhaus, 1040 N Jackson Pike. We're across the road from the church. And as the church has done a fantastic job, they put the parking blocks in because we used to have people going around there doing donuts in the gravel so that was a big upgrade. We're opposed from that just because of the sign coming in, light lighting coming in. And I know that they said that the pastor and the other person would have control of that if it goes as a light, well what about the next person? They could change it and do everything else. And the other question I have for you people, would you want it next door to you? So, we are opposed to it. And I think you probably got some other letters from the neighbors.

Chairman Hawley: Yes, we have them here in the record, I believe.

D. Gelhaus: The other thing is, the height says it's ten feet high, on the letter that we got, so basically, it's 40 square feet which is equivalent, just a little bit more than a sheet of plywood. So, it does have a little bit of height to it.

Chairman Hawley: Do we have anyone else who would like to speak? Please state your name and address for the record please.

S. Smith: My name is Susan Smoot, 1140 North Jackson Pike, Union City, Indiana, Kent is my husband, and like he said, I have been there a lot longer, and I have seen many, many accidents there. My father who was Dr. Wayne Sharp run out many times to try to help people along that corner. And also, my husband and I done a couple, a few...and I think a sign that magnitude would be detrimental to that corner with all that lighting. It's very distraction corner and I've seen semis run that corner, all kinds of cars, semis going up there. It's supposed to be 40 mile an hour zone there. But it's not. They are still driving 60-65 to 70 mile an hour up and down across that crossing. You can't text and drive, so how are you going to read a sign and drive? It just says it's too distracting and we had to seem too much there and my sister and brother in law live on the other corner, and that's the house that it will be shining into, more so. And I know she wrote you a letter. They couldn't be here this evening, so she brought out a lot of good points in her letter. Thank you.

Chairman Hawley: Thank you. Does anyone else have anything they would like to add? Please come up and state your name and address for the record please.

D. Key: My name is David Key, I am a member of Community Fellowship Church, my address is 439 N Plum Street, Union City, Indiana.

Chairman Hawley: Ok, and what would you like to say?

D. Key: I just wanted to clarify that the ten foot height that is to the top of the sign. And the size of the sign is going to be, I don't think the lighting is going to be that big of an issue. I look at the one near the school, in Union City.

D. Johnting: They did not have a hearing.

D. Key; I just don't see that that's going to be an issue. I mainly just wanted to clarity that it won't be 10' from the ground, and I just don't see that that's going to be an issue. And like I said, we are willing to move it back. I mean, I just want to clarify that. I mainly just wanted to clarify that it wasn't 10' from the ground. And the ten foot is the top of the sign.

Chairman Hawley: All right, thank you very much, Sir. Was there anyone else who would like to speak on this proposal tonight?

R. Abel: I would ask that maybe the people that have opposition to this, if there's any mitigation that they would make it a workable sign. Is there anything that they believe that can be done.

J. Peacock: Any compromise at all?

Chairman Hawley: I mean, yeah, that is a fair point, I mean. Is there a distance back, is there a compromise that would be able to help with this?

J. Hufford: If the sign was moved east down by the property line? I don't know how far that would be away?

K. Smoot: I don't think that would make any difference. That's a big sign.

S. Smoot: There's just too many accidents on that road.

K. Smoot: It took us two years to get them to put a stop sign on the opposing side of the street. On Jackson Pike. For both intersections and that hasn't slowed the wrecks down much.

S. Smoot: They're still running those stop signs. I don't care who they are. They're semis.

B. Davis: I'm going to say something, I don't disagree with the accidents that's happened, I take your word for it and take your word for it. But at the same time, can you blame it on any sign that's already there?

S. Smoot: Well, no.

B. Davis: But you think this sign will do it?

S. Smoot: Well, yeah.

K. Smoot: We also have the rescue squad comes out that way when there's a train on the track. Comes to that intersection up Jackson Pike and then generally goes towards town. There's just too much going on there.

J. Hufford: It's a very busy intersection.

B. Davis: Oh, I don't doubt that one bit. I'm just saying that I don't think a sign in my opinion is going to be an issue if we could place it in the right place.

J. Hufford: That's what I'm thinking.

S. Smoot: Would you like to have a sign lighting up your house every night?

B. Davis: It's just like Covid, you deal with it.

S. Smoot: I don't have to deal with it.

R. Abel: That's why I was asking the intensity would be, what it would be equivalent to? Because, does the church already have an exterior light on the church, like a night light?

C. Brutout: On the west side.

J. Hufford: On the back of it.

R. Abe: On the back of it.

J. Hufford: That's way off the road.

J. Peacock: This seems like a real rapid, an extreme change, from the advertising that was there currently, to what you are looking at doing. Which, I don't blame anybody for advertising, whether it's a business or a church, I don't blame anybody for trying to let people know that they are there. And, I didn't know where your church was, I didn't realize that's what it was. But this is a very big change, that you are proposing for the church and I just wonder if it would be considering if it wasn't such an extreme. I'm just picturing driving down the interstate, the last time I was driving down the interstate, and there was one of these signs that changed when I was driving be them, and it was distracting. I didn't catch whatever it said, so I can understand what these folks are saying.

C. Brutout: And I can too, but, you know, we would stipulate the amount that it could change, no flashing, no more than every 4 hours, so it doesn't do that. Again, we will move the sign, to the far east end of the property. And we are viewing the sign, as the first step to our building a new church.

R. Abel: What's the size of your current sign? Because you have a sign out right? Where that one picture is, correct?

D. Johnting: Right.

R. Abel: Does it have a light on it?

C. Brutout: It does.

R. Abel: Do you know the size of the sign?

D. Gelhaus: The sign is more at an angle, so there's two sides to it. So it has a light on each side of it which says you're church.

R. Abel: Like a little spot light?

D. Gelhaus: Yeah.

K. Smoot: Only it's on the sign itself.

R. Abel: But you don't know how big that sign is?

D. Gelhaus: I want to say that it's probably equivalent to a sheet of plywood on each side.

R. Abel: Like on an angle like that?

D. Gelhaus: Yeah.

R. Abel: Okay, well, I'm just curious.

J. Hufford: Jason, what about liability aspect on something like that?

J. Welch: What do you mean?

J. Hufford: Well, if somebody said I was looking at the sign and they had a bad accident and killed somebody. Would the church be liable?

J. Welch: Anybody can be sued for anything.

J. Hufford: That's right.

J. Welch: They have to find the cause of action. So, to a jury. Whether they could find a reason, to say that it wouldn't have happened if there wasn't a sign there? So, there is not any absolute yes or no as far as liability.

Chairman Hawley: Are there any other statements from anyone else available? Any questions from the board?

T. Hart: This is zoned R-1, correct?

J. Hufford: It would be agriculture probably.

B. Davis: It would probably be agriculture

R. Abel: I think it's agriculture.

D. Johnting: It is R-1, churches usually are, I mean, if they are in town. If they operate, I mean, there is no zone for a church, it's always a Conditional Use. It's more of a use than a zone.

D. Cleveland: It's my understanding, that the Area Planning Commission is having a discussion and they are going to update the ordinance, modify it, bring it up to speed to current conditions. But we don't know what that's going to be yet. So, if we deny that tonight, they can come back at a later date for approval.

D. Johnting: Six months.

Chairman Hawley: But, I guess on the other hand, if they decided to withdraw, and wait for the APC, they can make a motion for next month?

D. Johnting: Yes, if they withdraw before the vote.

Chairman Davis: So, I guess there's that.

D. Johnting: But you have the option to postpone your vote. Either way, it accomplishes the same thing. We are having a BZA hearing in February.

Chairman Hawley: Right.

D. Cleveland: Me personally, I would like to see what the ordinance is before we make the decision. That's just me.

B. Davis: That's a good thought.

J. Peacock: Jim, is there anything, you've heard the neighbors, and they've got some justified points, is there anything that you see that could be a compromise that might help them in advertising their church, that would be a compromise.

J. Hufford: I don't know. Unless they set the thing back farther or off the road towards the church and more to the east. That would be the only way that I could see it but it's right out there on the corner on a bad intersection where it's at an angle anyway, people have to come up there. When they come up that, they have to turn, like they're going to be turning west to see down east, out of their car, you know. That's where you have your problem. And then you've got cars going down through there at 60 to 65 miles an hour, sitting right on 28 all the time. It could be a problem.

B. Davis: Well, let me ask you this, what if they put up a 100 foot statue? Would that be an issue? I mean, if they're planning to build a church here. Is that right, eventually? If it's within the, if it's right down the middle where there are no restrictions?

J. Hufford: It depends on where the statue is located. You know.

B. Davis: If it's right there in the middle where there's no restrictions...

R. Abel: You could put up a building, I'm not sure you could put a statue up, but you could put building there. A primary building 50 feet from the right of way.

B. Davis: With no requirement on the height?

D. Johnting: In residential, it would be twenty feet. This is two or three times that, so. Fifty feet from the right of way, this is two or three times that.

R. Abel: But you could put a building that close to the right of way.

D. Johnting: They could build their church out there.

Chairman Hawley: All right, so without being...taking over, let me find out. Did you want to withdraw your petition and see what the APC has to say tomorrow, and see what the new zoning code would be tomorrow? Would you like us to try to vote tonight, or do I have members that would like to try to delay this and see what the APC says? Because I mean like I said, I don't want to wind up setting a precedent. It would be hard for me to set a precedent 24 hours before we have a new ordinance.

R. Abel: Tomorrow is just going to be a discussion, they won't really be able to vote until February, on whatever they decide tomorrow.

D. Johnting: So, you couldn't vote on them until March.

R. Abel: But they could meet the code too.

Chairman Hawley: Yeah, I mean, that's my thing, giving up the discussion, maybe having some more clarity or some more guidance, you know? That's just my thoughts. I'm just speaking out loud. I'm not trying to lead anything. Everybody here is their own person.

D. Johnting: And regardless of what they'd like to do, you can just decide to postpone the vote.

Chairman Hawley: I am seeing some affirmatives for folks who'd like to postpone, would you like to make a motion?

D. Cleveland: I will make that motion to postpone the vote.

R. Abel: There has to be a motion on that.

[unknown] Second.

D. Johnting: Okay, this is a motion to postpone until after the Zoning Ordinance is changed.

R. Abel: Was there a second? If there is no second, it dies.

J. Hufford: It dies. Yes.

J. Peacock: I second.

D. Johnting: It has been moved and seconded to wait. Jim Hufford, no.

B. Davis: Wait, what does his no represent?

D. Johnting: Not to wait. You don't want to wait, you want to vote tonight?

R. Abel: That it should move forward? A yes would mean that to postpone it to next month.

J. Hufford: Oh, then I vote yes.

D. Johnting: Okay, then there is a yes for Jim. Jason Hawley, yes, Bill Davis, I have no vote, I don't want to vote, abstain, Tim Hart, yes, Jon Peacock, yes, Drew Cleveland, yes, and Don is absent, that is five yes to postpone.

R. Abel: So, I will make a point here. So, all of you who are in opposition to this, and don't want to see animated signs come in, tomorrow is a much more important date for you to come back tomorrow at 7 pm. Because that's when we are going to discuss a new amendment to the sign ordinance. And part of that is changeable copy and the four hour delay and all that other stuff. So, just for your information I will inform you of that.

Chairman Hawley: Just to add some more clarity as to what the APC is doing and just have more uniformity, I think, that is really what they are going for. And that way we would kind of have a little bit more or better understanding of what we can and can't do.

D. Johnting: Yes, tomorrow night at 7 pm, right here. Tomorrow it will be discussion. The vote will be in February.

C. Brutout: Can you tell me if what we're proposing fits into the new ordinance as you understand it?

R. Abel: So, the way you're proposing, I would say would be really close. Because what the current ordinance forbids is the animated signs. But it allows you to do what you said you wanted to do, just change the copy, where you are just putting words on there, and maybe a background with those words and every four hours being able to change that. It doesn't allow you to do, or I'm not sure if everybody has seen the waving flags and the flashing and the whitening screens and the...

D. Johnting: Go by Union School.

R. Abel: Yeah, go by Union School. So, everybody has seen that, and that's what we're trying to get away from because it is such a distraction and I think it is dangerous. So, there's a good chance you would be very close to meeting those standards.

C. Brutout: And everyone understands what size sign would be?

R. Abel: Your sign size would be based upon the facade of the building, is what the new amendment proposes.

D. Johnting: The sign is 40 square feet.

R. Abel: Yeah, so I would guess that sign easily fit and you're building is pretty wide so...

Chairman Hawley: It looks like it's 8' x 10'.

R. Abel: For a ground sign you take the length at the front of your building and multiply it by .6 and it gives you the square footage. So, you take that 40 that you want and divide it by .6...I need a calculator.

K. Smoot: Will we be notified to the next meeting if we don't show up tomorrow night, will we be notified us as a community by the church.

R. Abel: No, your notification has been tonight, so you're being notified that the next meeting is when they will be back.

K. Smoot: And that next meeting is when?

R. Abel: A month from now.

Chairman Hawley: That would be February 22nd at 7pm.

D. Johnting: I actually have a couple of schedules, I can put my phone number on here and you can call and find out if they will be back in February.

R. Abel: Yeah, you can call the Area Planning Department.

D. Johnting: So I'll just do that.

BZA2021-23-SP, GREYSTONE TRANQUILITY AND FAMILY RECOVERY

Chairman Hawley: Alright, so we'll wait to see what the APC says. Alright, next on our docket we have BZA2021-23-SP, Greystone Tranquility and Family Recovery. Looks like William and Keirstine Maines. Represented by Attorney Ryan Prinkey. Would you like to come up and approach the table? State your name and address and what you're proposing.

R. Prinkey: Hello, my name is Ryan Prinkey, I'm representing Greystone Tranquility Family Recovery.

Chairman Hawley: And your address?

R. Prinkey: My address? Well, the address of the church is 2015 E State Road 32, Winchester, Indiana. Do you need my personal address?

Chairman Hawley: Generally, yes.

R. Prinkey: 215 W Hickory Street, Union City, Indiana. I have with me the head of Greystone Tranquility and Family Recovery. His name is William Maines. Give them your address.

W. Maines: William Maines, 2015 E State Road 32, Winchester, Indiana.

R. Prinkey: And you have the plan of operation, Mr. Maines is starting a starting a new church at the site of the former church that I believe it was the Jehovah's Witness, congregation. As far as I can tell, it was used as a church since 1973, I believe. And, as you see, this church is focus on recovery. That will offer Christ centered groups, secular recovery, as well as secular recovery programs, outreach and support. The hours of operation are going to be Monday through Friday 8:00 am to noon, and 1:00 pm to 8:00 pm. Their intention is to have a church service in the morning 8:00 am to noon have a church service, followed by new Christian programs. Which is usually they're using curriculum from Adult Challenge and Teen Challenge, which I have a handout for that if you'd like to see that, and then from 1:00 pm until 8:00 pm they'll be having various twelve step program groups including Celebrate Recovery. They're funded, they're an Indiana, not for profit corporation, they're funded by churches and individuals. There is no charge for any persons that wish to participate, just like any other church. William Maines he's an ordained minister of the Church of Christ, United States. He's had over 20 years of experience in recovery programs himself. He's also, his wife is here also, she is also a leader in the church. There's not going to be any change to the building itself, no change to the parking lot. They did install new security lights that actually lowered the lumens and they're also intending to put up a fence around their property. I believe that the church actually is set up to have 96 stadium seating, but he doesn't never feel that...

W. Maines: We'll never fill that. We are thinking 15 to 25 maybe at one time, people in the building. We don't foresee it exceeding that. If it exceeds that, we'd break it up into another meeting. We'd ask folks to invite them back and we'd break it up into separate meetings.

R. Prinkey: This is non residential, there is no one there overnight. No one there on weekends except for staff and cleaning, whatever. So basically it's a church that meets during the week. 8:00 am to noon and 1:00 pm to 8:00 pm. There, I believe that there have been some discussion, and we talked to Randy about possibly some questions about septic. And the septic system was mapped out and I do have copies of those, if anyone wants to see the septic. The second tank is on the property of the church.

J Welch: So, Ryan, this would also be a recovery center/slash church because the petition that was filed is for a special exception which is for a recovery center. And a conditional use can be for a church only. So, I believe that the discussion was categorized as a recovery center/slash church, so the special exception would apply. It's just a verbiage thing.

R. Prinkey: That's fine, and I know we talked about this.

J. Welch: I just wanted to make sure that they were clear why everybody is saying church why is it not conditional use? The special exceptions would be because it's a recovery center. It doesn't fit neatly into a category.

R. Prinkey: Right.

W. Maines: Non residential, we have to make sure of that. It is for recovery and we are focused on that. That's our primary reason why we are there. But it is non residential so the recovery center sometimes gives folks an idea that there's going to be people living there or staying on after hours. And that's just not the case.

Chairman Hawley: So essentially, like an outpatient.

W. Maines: Definitely, definitely.

J. Welch: So there are slightly different standards and requirements for a special exception to a conditional use, so I just want to make sure that's why it's done this way instead of just a church. Because it is also recovery center so I think after the discussion with Randy they decided to do a special exception and called it a church/meeting/recovery center.

Chairman Hawley: I was kind of curious about that myself, I'm glad we got that cleared up, about what the primary focus was.

D. Cleveland: I was impressed that they were going to conduct church from 8:00 to 8:00, they have more faith than I do.

J. Hufford: Would this be about the same, the church using the church also, for a daycare center, or a preschool, they'd have to have a special exception for that?

J. Welch: They had to put it into a category, and this doesn't necessarily neatly fit into one of the two. So Randy determined from speaking with them that the special exception would be more appropriate because they are going to be having meetings and they are helping people recover through church service and through faith based programs is what I understand.

R. Prinkey: And there are many churches that do these types of faith based recovery programs and I know the Wesley United Methodist has done Brianna's Hope, over in Union City, but unfortunately there are not, there's not near enough of these type of programs and meetings in our county. And I think that what they're offering is good for our county actually. There's really the only, Wesley? I don't really know of any other churches that are offering the Celebrate Recovery, the Adult Challenge, Teen Challenge curriculum, and as far as, I mean this isn't like a Meridian Center where it's you know, hard core, counseling. This is a faith based...

W. Maines: Yes, this is where Christians, it's Christian owned and operated, were brought forth by Saul 7, which is another ministry that is a part of a church called Whitewater Crossing in Cleves, Ohio. They sent us out as apostles and told us to find a brick and mortar. We travelled over four states and over twelve cities and we're not here because the crime rate is crazy, we're here because it's a beautiful place and there's an absence of what we can do with our skill sets. We want to keep it a beautiful community and for lifting up the existing authorities, the existing elected officials and appointed officials is what we want to do. We want to do that by providing a service to the community. At no cost to the community.

B. Davis: My thought is it's a much needed thing that the community needs. And I applaud you for doing it. Any other comments, I think we need to...

J. Welch: I just had one question. There's some people here who are neighbors, who might be concerned about the time of the meetings. Do you know when the meetings will end each evening?

W. Maines: Property will be vacant by 8:00 pm, Monday through Friday and on weekends there will be nothing going on. We'll be closed for weekends. Except maybe a fundraiser but then even at that point they'll still be closed before 8:00 pm.

R. Prinkey: And I think it's also important to point out that there will always be supervision from yourself and from other staff members there.

W. Maines: Yes, yes there will always be somebody held accountable, somebody who's been vetted and who's been trained to be on the premises with the underserved that we work with upon a daily basis.

B. Davis: It sounds to me like it will be set up like some of the local churches here in Winchester that house AA meetings, similar situation?

W. Maines: That's exactly what we're doing. And we're not just going to be hosting them, we wish to facilitate them in other places as well, just act as the hub and if the Nazarene Church contacts us and says we'd like to have a Celebrate Recovery meeting in our building on Thursday nights, we make arrangements, train their staff to facilitate it, and provide literature and just keep growing the Kingdom in that capacity.

J. Peacock: Is there anything like this near here?

W. Maines: No Sir.

J. Peacock: Where's the nearest location?

W. Maines: I'm not familiar with that. I was unable to find one in Wayne, Delaware and Randolph counties. Where I'm from in Cincinnati there are multiple points, and they serve up to 250 families a month each one. Dozens of them, all around Hamilton County, Claremont in Butler County. That's the model that we want to bring. It's fruitful and successful, and it saves a lot of lives.

J. Peacock: So, the people who come will be from everywhere?

W. Maines: From the closer, if they can get here, I'm assuming that they would be driving in from Randolph County, Wayne, Delaware, Lynn, Fountain City, Winchester.

J. Peacock: Are you like, Brianna's Hope, so can you explain to me or something like that?

W. Maines: Brianna's hope I'm not as familiar as I should be, my wife, Keirsten, is back there and she does a lot with the women and children portion of it, and I think that's where Brianna so comes in. She's more of a family advocate, whereas I'm the facilitator of the meetings and I go out and, I also teach the curriculum Monday through Friday. In comparison to Brianna's Hope, there's not going to be anybody living on our property. And I think Brianna's Hope is a residential facility.

Brown: No, it's not.

W. Maines; No? Actually, that's how much I know about it. I really don't know that much about Brianna's Hope. But what we have in comparison to what's out there. There's no meetings out there readily available. If a judge in the Randolph County sentences someone to go to 90 meetings in 90 days, they don't really have a whole lot of choices. Other than to get a ride to another county or city? Drive illegally themselves or just not go. And we want to eliminate that issue by having a meeting not only just at our place but also in Lynn, also in Fountain City. Also in the VFW or the Foreign Legion building or any place that contacts us and wishes to have a meeting facilitated. That's what we'll do. That's what we're here for. We want the support to be there. I've been in recovery myself for 25 years. And I know that the toughest struggle is when there's no sources. There's no resources to get to. There's no one to talk to. There's no place to go and just park your car and wait for them to come and unlock the doors for the day. What we do has been ordained by God and a calling is just so powerful on us to use our hurts from our past to benefit the people of the new community we want to live in.

Chairman Hawley: Are there any other questions? Okay, would anybody else like to speak in favor of the proposal? Okay, would anyone like to speak against the proposal?

B. Davis: Maybe have you guys move over there so you can answer questions, and have the folks sit at the table?

Chairman Hawley: That'll be fine. Please state your name and address for record please.

G. Brown: Greg Brown, 1213 N 200 E, Winchester, directly south of that lot. And our concerns are, you know, obviously times of service, length of the days, and you just opened the weekend up to possibility of there could be something there seven days a week. Till 8:00 o'clock at night. So, is that what we're doing?

W. Maines: No, weekends there won't be any meetings.

Chairman Hawley: So, tell the hours of operation.

R. Prinkey: It will be Monday through Friday, 8 am in the morning to 8 pm at night.

G. Brown: Then what about living there? You all intend to live there?

W. Maines: Yes, until we find a residence and can afford to not occupy a couple of spaces in the building. By the time we open the doors we will have a separate residence.

G. Brown: Okay, can we see a copy of that septic map?

W. Maines: You can have that copy, it's ok.

R. Abel: The second page is more clear I think.

Chairman Hawley: So this is not going to be a residential situation, it's purely outpatient?

W. Maines: Completely.

Chairman Hawley: Okay. I just wanted to make sure of that.

W. Maines: And as far as my wife and I on occasion, we have to stay there because we can't afford other lodging right now, but when we can afford other lodging, if anything changes with the building and we intend on making it where we like build on for like a residence attached we'd come back before you guys before we did anything. Oh yeah, before we do anything we'd come back before you guys.

Chairman Hawley: Yes, that would definitely take pulling permits and everything else, that would be a whole can of worms.

W. Maines: Yes, we're just going to leave that alone.

R. Abel: Someone living in a church, actually would take some adjustments for fire walls, for access, for..., there's a whole array of things. And technically you really are not allowed to have a residence in a church until those adjustments are made through the state permitting process.

W. Maines: Okay.

R. Abel: So, things that we would look at, from the state point of view, is parking lot, handicap lot, handicap accessibility, exits, means of egress. These are things that they look at. And you know, when you have residences there's a lot of special things that need to be done to separate the uses.

W. Maines: Right.

R. Abel: That's true for commercial or any double mixed use like that. So, there are extra requirements that just need to be done before anything like that can take place.

W. Maines: Mr. Brown, you can feel free on your way back home this evening to drive over by the woodpile, because where that big green X is, is where Barnes has located it.

G. Brown: Where does that septic leach into though? That's our question. I believe that does come through our property. And you have to stop at that ditch. So, it's not self-contained, is what we're saying.

W. Maines: I don't know that. You can contact the professional, his name is right there. You can contact him, he says he's done work for you and your father in law before. And he warned strongly against too much intercession, we're grandfathered in, and anybody else that wasn't grandfathered in because of the building would run into some pretty steep expenses. So, we have to leave everything the way it was.

G. Brown: We're going to cap it off. That's what we're saying. We're going to cap that pipe off.

W. Maines: Okay, so...

R. Abel: So, if this is a tank to tile operation, you cannot disconnect a tank to tile, can you Ed?

E. Thornburg: Actually, that is the one thing that you can disconnect.

R. Abel: You can?

E. Thornburg: You can't unhook a person's storm drain, but you can unhook their septic.

R. Abel: If it's running into their tank or into their tank?

E. Thornburg: If it's coming on to their property. My understanding is that's the only place where you can shut off somebody's ditch.

W. Maines: I don't understand how it could be. Because I'm not very well versed in this, I don't understand. It's 15 feet from our front door and it's another 100 feet to the back of the property. So, is the leaching system over 100 feet long? I don't understand, and it wasn't brought up by Barnes. The gentleman who came out to do the work, so I don't. I don't know.

R. Prinkey: You guys would have to contact him.

W. Maines: Yeah, you guys have to contact him.

G. Brown: We know where it's going. We know where that drain leads to, and what's coming into it.

Chairman Hawley: You've got way more experience with this than any of us, just for fun, would you tell everyone your name and address for the records.

E. Thornburg: I'm Ed Thornburg, I'm the Randolph County Surveyor. Yeah, I've had Thornburg and the county surveyor. In my former life I was I was a septic contractor for 35 years.

Chairman Hawley: Yes, way more experience. So please explain what's going on here.

E. Thornburg: You don't want to talk about my dirty fingernails. So I understand that building was built in 1973?

W. Maines: Yes.

E. Thornburg: While we had a leach bed requirement by then it was rarely actively enforced. By anything older than the mid 70's it's questionable. If you were putting one in today, you cannot. You couldn't put a leach field under a parking lot. I mean, it makes it not, it would be really hard for it to function. Now, I'm not going to say there's not one there. And what Mr. Barnes was doing was establishing, he went in and located, probably through a vent is my guess. And then ran his lead out and located it. That gets you to the inlet side of the tank. I mean and I've used that service for people over the years. It's effective. Now, you can't, the only way he could locate a leach field is to dig up the outgoing side of that tank and then locate to a distribution box. As typical, now a typical three bedroom residential system, at that age, would have had five 100 foot long fingers, joined together by a Manifold line and within a few years of that then the way you really make these work is you have a perimeter ditch 10 feet away. But it's supposed to have been self-contained. The chances of it being there is less than fifty-fifty. But I could say if they've got a tank that's, you know, if they got greywater that shows up in the drain on their property, that is the one place that you're allowed to shut somebody off. And yeah, you know I don't like giving anybody bad news, but that's the ugly truth of it.

W. Maines: And if there's, like, I just have a question then. If they're altering their tank, don't they then have to bring it up to code?

E. Thornburg: If you make an alteration...if you added a bedroom to the building, you'd have to bring the whole system up to code.

W. Maines: Not ours, I'm saying that if they're altering their lines and digging them up and everything like that, and capping off at our area.

G. Brown: We're not touching our line.

E. Thornburg: They're not talking about working on their lines. Your outfall if it's a tank to tile operation, like honestly, I expect it is, you know you've got your tank, which I'll be honest, a tank in the middle of that parking lot--I think that's a miracle. I have pulled dump trucks out of septic tanks on more than one occasion. But it would come off the property and run probably parallel either through or beside that lot and end up in the open ditch. You know the creek that runs just down the road?

W. Maines: Yeah.

E. Thornburg: That how they work. Four out of six residential homes in this county are that way. You know the numbers are kind of ugly. The last people that were in this building was a congregation of about three to five for the last several years. And, you know, they were in there once or twice a week for two hours at a time. They weren't adding much to it. I would recommend you have the tank cleaned no matter what you do. Have it pumped down clean that way you've got a fresh start on it. Have him dig up both sides so you can check your exhaust baffle. If the exhaust baffle is functional, then you're not going to, the only thing you're polluting with is germ laced water. If your baffle is bad on the outlet side then you run toilet paper to the creek. That's what always gets people caught.

W. Maines: Okay.

E. Thornburg: Well, but I would say honestly, your neighbor has, that's the one place your neighbor has the right to shut you off. I'd say I don't, I'm not recommending that. But I do know, if it happened,

I've worked on several situations where that was the threat from the neighbor to get somebody to fix theirs.

K. Maines: I have a question as to why we can't do this in a neighborly way. Why do we have to be so technical and hateful? I mean, can we not just communicate and figure out what we need to do to fix it? And we didn't know that it was an issue and he said he wanted to just cut off our system. We had no idea we had to do any of this, we've never owned a business before.

W. Maines: Okay. So, where do we stand? So, as far as the explanation that there's options. I see that we have to go, continue on to all kinds of court junk and all that if that were to happen? I mean, what do we do? What do you recommend?

R. Prinkey: Well, I mean, I think we'd need to talk to Mr. Barnes and see what he has to say.

Chairman Hawley: I mean the issue before us tonight, isn't the septic, that's not our issue. I appreciate the concerns and everything, but that's not anything that we as the BZA can do anything with.

B. Davis: I am glad you said that because I thought, what the heck does this have to do with what we're talking about tonight?

Chairman Hawley: Ours is just about making sure that we have the church with the....

J. Welch: There is a requirement, if you look at the findings on the special exception there is a requirement that adequate utilities are provided. So, that would be the only application to this hearing.

Chairman Hawley: Okay, because I was just, when I was looking at it, I was looking just at the...

B. Davis: But at this time, we still don't know whether it is bad or not.

J. Hufford: And the utilities are there.

W. Maines: It got the thumbs up from Barnes Septic.

J. Peacock: Could I, I just want to clarify something in my mind here. So, Ed, you said, if they've got a drain that goes into a tile, that goes into a creek, the neighbor can cap that tile.

E. Thornburg: The neighbor can cap that tile. Indiana Drainage Law is very protective, is very careful with drains. Except when it comes to discharging sewage.

G. Brown: And that's another thing, our well is well within fifty yards of that tile.

E. Thornburg: Fifty feet is what matters.

G. Brown: Fifty feet. So, our drinking water would then be tainted.

E. Thornburg: Potentially.

G. Brown: Potentially.

E. Thornburg: Potentially. It takes, I will tell you right up front, there's a lot of wells a lot closer than the code of fifty feet to septic and almost nobody has trouble with that. Now, tomorrow we'll get a call with somebody having that problem. But, that's something that, the fifty feet is put there as a safe standard and it usually is safe. Again, if you can verify that the baffle is good, so all you are putting out is the dirty gray water, then that will be between you and your neighbor whether he shuts you off or not, but personally I would recommend leaving it alone if that's what he's got. But the way I see it you don't have anywhere to put a finger system.

W. Maines: That's a different language to me, what is a finger system?

E. Thornburg: A finger system is a leach bed.

W. Maines: Gotcha, okay.

E. Thornburg: And, like I said, the ones that I've put in for years, take an area of about 115, 120 to about 50. And, it's got to be ground that's not been, you can't put it on fill, there's several state rules. And you just have to have the soil tested. What it amounts to.

J. Peacock: This does matter, though.

W. Maines: Absolutely. I don't want to be the reason why anybody's property is affected. We don't want to be that.

J. Peacock: But at the same time, what you're saying is Ed, so the project that I'm doing, you're familiar with. We could cut off that tile.

E. Thornburg: Yeah.

J. Peacock: And affect my neighbor's drainage?

E. Thornburg: You could put him in a world of hurt.

J. Peacock: And what would his recourse be?

E. Thornburg: His recourse is to...

J. Peacock: To put in his own finger system.

E. Thornburg: To put in his own finger system. Now, in this gentleman's case, he has nowhere to put it. I don't know, I mean. I suppose we could put a mound system on half your parking lot but I don't know how they would ever get it approved to make it work.

W. Maines: Are there no statutes that grandfather buildings in? This building was built in 1973? I guess we would have to explore that? I guess we would just have to pump it regularly.

E. Thornburg: Actually, the thing with pumping it, you know state code says you pump a residential building every two years. I don't know anybody pumps that often, I've seen tanks that people pump every five years. You usually don't really need it, at five years. I've seen tanks at four years old,

depending on what goes into them, but you get nothing but solids out. The way a septic tank works is more complicated than I am going to put into the meeting minutes. But the ugly truth of it is...now, their cause to do that would be seeing toilet paper come out at the end of the ditch. I mean that's normally one way. If the drain is working for the most part, those people might live and let live on that sort of thing. And to me, you doing your part would be to uncover both lids, making sure that both baffles are good, get the tank good and clean once, and you should be good for a good while. But, if you get into it and your baffle is bad, then it starts to get interesting.

R. Prinkey: Now, did you speak with Mr. Barnes?

W. Maines: Yes, he said that it was operating properly. He said that he'd cleaned it out...

R. Prinkey: He didn't say that there were any problems that he observed?

W. Maines: No, no problems at all, no.

E. Thornburg: It won't show a problem unless either the tile fails or there is something plugged up.

W. Maines: They just had a camera that they ran down there, I don't know what they did with it, but he came up and said everything was clear and everything was good and here's the big green X for your surveyor to put it on the map. I went straight from an outhouse when I was little kid to indoor plumbing in the city. So, I don't know anything about septic and all that so. But I really want to work something out with our neighbors. I really want to work something out with you guys.

G. Brown: But he said there might be 5 to 10 people, maybe twice a week for a few hours, and you're talking 25 to 30, plus you three living there full time.

W. Maines: The thing that I am reflecting back on, I want to make everything work with you guys. I want to be as amicable as possible, if there's an expense our church has to go to, then you and I put our heads together and we can figure that out. I'd be more than willing to do that. I still want to put up a fence too, and I'd take your help with that if that's still a good offer. We want to be good neighbors. We don't want to cause any trouble for anybody. We just want to be here to abide by what God has sent us here to do. And if that means that we are going to ruffle a little feathers, we sincerely apologize. We don't want any of that. Conflict, being a sore spot for anybody is the least of what we want to do. And if there is any way that we can work it out amongst ourselves that would be wonderful. If we have to change some piping in a different direction, or if an inspection on a regular basis would make our neighbors feel better, we'll do whatever it takes. But, we just want to get along with everybody because it's hard to teach lessons and obedience to man and obedience to God, when you're not in obedience to man and obedience to God. That's why we're here. Doing things the right way. And we want to continue to do so.

Chairman Hawley: Is there anybody that has anything to speak against the proposal that's not septic related? Please state your name and address for the record.

E. Tye: Evonne Tye, 430 North 200 East, I live directly across the road.

J. Hufford: Would you step up here where we can hear you?

E. Tye: Yes, I'm sorry. We came from South Meridian Street, just a couple houses down from the home that houses the girls and helps with the kids. The rehab center, I forget what it's called.

R. Prinkey: Winchester House.

E. Tye: Okay, that was put in our neighborhood, we were never informed about it. We didn't know what was going on there, how late the hours were, are they staying overnight? We knew nothing and it was there. So, we moved to the country. And now we have something that we don't feel like we don't have enough information on, running until 8:00 o'clock at night. Just right, practically in my front yard, concerns me. I'm kind of a homebody. I enjoy home. Peace and quiet. I'm out of town. I went to the county for a reason. So, I am kind of concerned with the 8:00 o'clock. And the fact of not knowing exactly what's going on there and just in the past, not being informed. And then I feel like another business, so to speak is coming next door, and I'm out the country and I just don't feel like there's been enough information. I've also heard many different things about what this building is going to be. So my concern is what is the truth about what this building is going to be. There isn't a lot of room in the driveway at the church. So, my concern is we start packing all these cars in there and it's eight o'clock at night, and is that going to affect me getting in and out of my driveway? I'm not against at all helping those who need it, especially with drugs, alcohol or whatever. I'm all for it, but I'm just a concerned neighbor. The fact that I just don't know enough. And I just came out of the situation in town and I moved to the country and I'm kind of in the same situation. It's a little bit different setup, same situation.

W. Maines: Thank you, thanks for coming forward, we don't want confusion. I will give you our cell numbers, you can contact us directly. If you ever need to park in our driveway or anything, it's always open. We appreciate the piano. My wife is learning how to play it. You folks donated a piano from the previous owner of her home. Any questions you have any time of day we're there. We don't ever foresee more than 15 cars at a time and they're going to be parked facing the parking lot with the tail lights about 6 feet away from 200 [East]. There's not going to be wrapped around intermingling parking, and there's cars everywhere. There's gonna be a row of vehicles. And if after hours you guys. like I said, if after hours you want to park in the spot, that's fine. Sometimes neighbors just need extra room, but we're going to have spaces for 20 vehicles. Three handicapped, two expectant mothers and then 15 other ones. And I doubt they'll ever be filled all the way up. Frankly, with this type of meetings and what we're going to be doing does not generate dozens of vehicles and forty, fifty, sixty people. It generates 3 to 5, maybe 7 vehicles with two or three people in each one, maybe? And then they're gone by 8 o'clock. Off the property by 8 o'clock.

B. Davis: I am going to interrupt right there, what would satisfy you on time? It eight o'clock is too late.

E. Tye: I would say no later than seven. I mean people start winding down at 6:00 and 7:00. Eating supper and having meals, being with their family. It's getting kids to bed, things like that. I'm just concerned that I don't know enough. That all of this stuff is going to be occurring and I, we don't know enough of the information about who's coming in and out, and what's going on, I mean. If I lived in town, I really wouldn't have a whole lot to say because town was kind of rambunctious. So living out in the country, it is the edge of town, the country. I'm just kind of concerned with the traffic. And, again, I'm all for anybody with drug and alcohol problems, getting help, all the help they can get. Wonderful. But my concern is a lot comes with that. With a person. We don't know where they are coming from, we don't know who they are. What their past is, are they still currently on drugs, or they

off drugs? I mean, I've got all these people coming in, and I live in the country. I'm just kind of concerned with that.

R. Prinkey: Was the church not operating when you moved there?

W. Maines: We bought the church about four months before they moved in.

E. Tye: They were there then, but the church sat empty for years and years. Now, I didn't know ahead of time that that is the exact location that I was going to end up in. But we just moved there and then found this out. It's like we didn't even have information or time to think about what the process was. And their concern is the same thing but they're more concerned too with their septic. Now his septic has nothing to do with me, I'm not concerned with that. It's all the other things that come with this kind of meeting.

W. Maines: I understand completely I've been in recovery for over 20 years. My presence in churches was always watched. When I was early on in recovery when I would go to these churches I was watched by the facilitators to make sure I wasn't doing anything shady.

E. Tye: Well, and I don't mean that they will.

W. Maines: And there's always going to be somebody onsite. No they will. No, don't misunderstand, drug abusers and drug users are shady by nature and they will do shady things. But we have facilitators, vetted trained persons, men and women that are going to be on site all the time, when these folks are there. And they're not going to be allowed on the property when somebody isn't there.

E. Tye: Okay, but how many people watching are you going to have to this maximum amount of 20 to 30 people.

W. Maines: Twenty to thirty would be a blessing if there were that many people.

E. Tye: Is there any way to watch that many people?

W. Maines: We have cameras all over our property right now.

E. Tye: Maybe I'm overthinking it.

W. Maines: No ma'am, you're concerned about your home, and I respect that, and I believe that there's a young one in there too?

E. Tye: Yes.

W. Maines: I respect that, and I appreciate it and I would think less of you if you weren't concerned. I don't know how I can express that we're here for God's calling and that we mean you no harm and that there's any way in our travels or in our works that we can lift you and yours up we want to do that too. We don't want to hurt you, or do no harm, we'll keep a good eye on your property and our other neighbor's will keep a good eye on ours. Trust us to be good stewards with our calling and we won't let you down.

E. Tye: Well, I can't make a ruling, I'm just giving you my thoughts. Okay, thank you.

Chairman Hawley: Is there anyone else who would like to speak on a non-septic related issue because I cannot for the life of me, I'm not that smart to know everything about septic systems. I gotta leave that to the experts, so anybody else who would like to make comments?

B. McCoy: I would like to just make a comment. Bob McCoy, Winchester Mayor, regarding what they're trying to do, and I think Bill kind of hit on it, there is a need for what you do. Back to the numbers, at Brianna's Hope, I was there Monday, last Monday. There was four people there. At one time they had may have had 12 or 15. I don't see you ever having the numbers like that. I understand their concerns. I don't really see you having the car traffic either. I think a lot of people will be dropped off. And I do have concerns, and you hit the nail on the head, you know what it's like to be a recovering person and the people being suspicious of you. So, I understand the neighbors being suspicious. Again, I'm from Winchester, and it is out in the country, but I do appreciate what you're trying to and I do support that.

E. Tye: And I absolutely do too. But I want it to be completely transparent.

B. McCoy: And I do understand your concerns. I know where you're coming from because I came into being mayor after that project was done. And, there was zero communication.

E. Tye: Yes, zero.

B. McCoy: It was absolutely horrible how it that was handled. I understand that.

Chairman Hawley: Comments, questions or concerns? Okay, can we have a roll call vote?

J. Peacock: I have one more.

Chairman Hawley: Okay, sorry.

J. Peacock: Back to the septic. Okay, guys, this gentleman said something. You planned to cap it. Is that what I heard you say?

G. Brown: I mean, we could do that at any time is what I'm saying.

J. Peacock: I know. But I didn't know that until tonight.

G. Brown: But we are looking for a plan "B". That's what we are asking. If we see our stuff start getting tore up? Our water no good, I just want to know what Plan B is.

W. Maines: We won't let that happen. We'll take care of it. We'll stop, well find out what it costs to remedy the situation. We will work it into our budget, we'll ask our benefactors. We don't want to interfere in your lives or especially your water supply.

B. Davis: Can we get that in writing?

G. Brown: I get that, you hired an attorney, so a gentleman's word is obviously no good.

[Unknown speaker] From the audience, could not hear what was said. Speaker did not come to the table. Comments were lost.

W. Maines: I still don't understand a lot of this, I just want to be fruitful and obedient to the Lord.

J. Welch: He has to have a working septic system. That could be a condition. You can put conditions on this.

Chairman Hawley: Can we put a condition on there for a working septic system?

[Unknown speaker] But you said that there was zero communication about that other facility, what was going on there and that is my concern.

Chairman Hawley: Something within reason?

Everyone talking at once. Could not determine who was speaking. Some comments were lost.

W. Maines: I am not sure what we're talking about. Barnes says it was good. And I don't understand.

Chairman Hawley: I'm sorry, if we put a condition in that they have working septic system. Does that make sense?

B. Davis: As a Plan B?

J. Peacock: Well, they have to have a working septic system, but they can be cut off.

J. Welch: I guess one way to look at it, if it gets cut off, is that it wouldn't be adequate any more.

J. Peacock: That's what I mean, if they get shut down,

J. Welch: Then they would have to remedy the situation to be able to operate.

J. Peacock: And if they don't have room to put their finger system in, that's all I am trying to understand here is, they could be shut down before they get going.

G. Brown: There were a lot of people who looked at that place, it sat empty what, two or three years? They all done their homework, and I think you guys just came in too quick, and you were behind the eight ball, and now you're just trying to...

[Unkown speaker] That's the reason it didn't sell, people was going to do something, and they didn't. They backed out of buying it because they knew there was going to be problems with the septic itself, and we weren't aware of being capped off until we had learned that until not too long ago. Until then it just set there empty because nobody wanted it.

G. Brown: It really had no use. It was useless.

W. Maines: Does anyone have any questions still?

B. Davis: Mr. Maines, is the church willing if this passes, with exception, and then if something happens and it's cut off, and the facility is not working properly, then it will be shut down. Is that fair to say?

W. Maines: If we enter into something, I would love to put that stipulation in there, but if our neighbor just has the option to cap it any time he wants to, that's a foolish stipulation there. On our part.

G. Brown: That's what I mean, there really is no Plan B. So, if our water ends up being no good because you guys break a line or have a line broke, right by our well.

W. Maines: Well, I would stipulate that we would ask our insurance provider to cover that. I would definitely stipulate that. That if there's something that goes through fault on our property that creates an issue on someone else's property I would definitely...

J. Welch: That wouldn't be anything that we would be involved in.

W. Maines: That's the only thing that I would stipulate to.

J. Welch: We wouldn't be involved in that.

R. Prinkey: What they've done, is they've hired this Mr. Barnes and he's checked it out and it looks like it's a good, it's good. He didn't tell you there were any problems with it at this time. And you know, I don't know, at this point, coming into it, anything else they could've done to prepare at least for this issue when it comes to this hearing.

D. Cleveland: I don't want to belabor the point, but Jon's point, if it was capped, and my understanding is it's going to be really hard to have something that works.

E. Thornburg: If they were to find out that the line, the discharge line away, either is defective, or they have a problem and they cap it off. He doesn't have any ground that would make a site, and now the only ground, the only available land to put a system on, belongs to Junior, there behind. There's an area in there behind where you probably could site a septic system. You would need, you would have to buy a little piece of ground there, and that's....I do know one or two of the previous people looking at this property was in my office asking me this exact question. I don't relish telling somebody to spend money like this.

B. Davis: So, let me ask you this, if it's capped, and if he continues to pump it every so often, would that be a plan B?

E. Thornburg: A pump and haul system is first really high priced, because they'll get 100 a \$150 a trip to come out and pump it. Most likely it's a 1,000, or it might be a 1,500 gallon tank because of it being church, but most likely it's a 1,000 gallon tank. Now, Larry located it, he didn't dig it up and pump it out, correct?

W. Maines: Right.

E. Thornburg: The best thing you can do to assure yourself and your neighbors, would be to go ahead, and honestly Larry is probably who I would go and talk to, is have him come out open up both lids of

the tank, have him pump it and check your baffles while he's got that second lid off, he can locate downstream. He will either hit a distribution box, in eight or ten feet, which will tell you he's got a leach bed, or else that line will go right off the property and you would know everything then. The upside is you can locate that and everybody would know where that ditch is. Right now it's kind of a question.

R. Abel: And you can see where he located the tank.

E. Thornburg: The piece he used to locate the tank will locate that line and he could just mark it on the ground. It's something that we do regularly. Larry located the presence of a tank. And where it's at. And the fact that he ran a camera in it and the fact that there wasn't water backed up in the line, it's working enough to where it's not backing up. I'm sure it's doing that.

B. Davis: But it's not capped either.

E. Thornburg: Well, if it's capped off, it's going to back up, the first 200 gallons of water is going to back it up.

R. Abel: I'm not for sure, but isn't their limit on how long a commercial site can pump per year.

E. Thornburg: A year, and that's if you get a state permit.

R. Abel: That's permits from the state, and that's just temporary to allow....

E. Thornburg: A year is it, and that allows you to finish up your system.

R. Abel: Yeah, so pumping is not a long term option.

E. Thornburg: And you can't afford it anyway. You'd have to have a benefactor that was really in a good mood to subsidize that. But it could be done.

W. Maines: I guess our position is the same as it's always been that from 1973 till 2017. They had ranging anywhere from over a hundred to less than five people at any given time. They'd have 100 people there one time, and five people, another time. I have been in conversation with the previous owners of the building. They're in Cleveland now, I think the Jehovah's Witness main offices. There was no limit to how many people were using those facilities. For the last three years, maybe four years there was, because they had moved their facilities and their congregation elsewhere. Prior to that, they've been using it regularly all week long, Monday through Sunday, but not like full house. I don't think they've ever had a full house at that facility. I don't think they've ever filled every single seat is what he said, so they use that facility mostly to go out and canvas the neighborhoods and then go out and do follow up and hand out tracts and Jehovah's Witnesses, I guess they're pretty good at stalking the neighbors and knocking on their doors pretty frequently because when they left we had the maps for every single house they ever visited with the names of the people they've been in contact with. And I was like wow, I thought, if they let this in their neighborhood, they're going to love us. They embrace that they're going to truly enjoy us.

E. Thornburg: Back in the day, when these guys were up and thriving, say twenty years ago, they were at our door once a month, and we have a home church.

W. Maines: I figured that we would be like a nice relief from that type of constant in your face. We're an anonymous program, we don't go out soliciting people. People come to us for help. And that's how we operate.

Chairman Hawley: So, are there any questions, comments? The septic system is the tough one, I am not quite sure what to do with that.

J. Welch: At this point I don't know if there is any evidence at this point, whether it's not adequate, right? It's functioning, right?

W. Maines: Can we just ask that we shelve this until a legitimate grievance is brought? Until one that's actually like in writing grievance from one of our...

J. Welch: Well, this would be a finding that the board has to make in order to approve the special exception.

W. Maines: Okay.

J. Welch: They would have to find that there is adequate utilities so, that's where we're at a little bit of a loss because I don't know that there's been any evidence that it is not adequate there is only speculation at this point that it is not adequate. Nobody knows what's there, so, I think there are some questions in that area. So I think you have some options to go forward today, or to, I suppose your other option is to try to get Mr. Barnes out there and have some more information for the board when you come back if that issue is going to be important to the board. And that would be up to you and your attorney to decide whether you want to go forward today or you want to find some new evidence.

W. Maines: If we have to make repairs, or replacement, we can't do it before we open the doors. We have to start getting the grants written and the benefactors have to see that we are doing something.

R. Prinkey: And then you'll have the money. See, that's the issue.

W. Maines: And then we will have the money to pay for these surveys that we just got. And the septic mapping that we just did. I mean, we didn't have any money for that. We just went into \$2000 worth of expenses to be obedient to man and to set a good example for those that we're trying to teach and mentor. We're trying to do everything the right way and I would to break bread with our neighbors and have little powwow and figure stuff out. But as it stands right now, we have a functioning septic system, it's right there in writing that we have a functioning septic system. It's not on their property, it's on our property. I don't understand leach fields. They probably go out and you know, go out here and into this trench. I get that, they've been doing that since 1973.

G. Brown: [Inaudible, did not come up to table]

W. Maines: We don't want to mess with anybody's [inaudible]. We don't want to screw it up. So, we would...I would say. we're ready. We're open and ready for business. We're not going to be having dozens of people, in fact we probably won't even have meetings there for another few weeks or month or two months anyway, because just because we're approved doesn't mean that people are going to start rushing in the door right away. I want to have Barnes come back out and explain this septic tank to me.

B. Davis: So, do you want to withdraw tonight? Or do you want to move forward?

W. Maines: No, I want to move forward.

B. Davis: Do you want to consult with the attorney to see what he thinks?

W. Maines: I think we should move forward and, we'll get it inspected, and if changes need to be made so we don't affect our neighbors we will do that.

Many people talking.

R. Prinkey: You were talking about making a provision that they have a working septic or they have it checked I mean...

W. Maines: That can be changed by simply capping, by my neighbors capping it off? That would change instantaneously, and we can't have that. We can't have our ability to operate put in the hands of capping a pipe.

Chairman Hawley: And that's all my thoughts. And once again these are just mine. When we came in here tonight it was a working septic system. And, we're making plans for probabilities and what ifs? I mean what ifs can happen all time. I mean somebody's sign can be struck by lightning and all sorts of stuff. And, that's just kind of where my head's at currently. I mean that's just letting you know what I am thinking. Yeah, it can be capped tomorrow. But also the parking lot could collapse tomorrow, I mean. There's a whole bunch of what ifs. That's just kind of where I'm at.

D. Johnting: I just have quick thing to say. If we take it to a vote, and it's no, you will have to wait six months to come back. If you decide to wait tonight for more information, you can return next month. If they decide they want to wait, whether you want to do that or not, until next month, or until you have more information, they can do that. Or, they can put a condition on tonight. So, that is where things stand.

R. Prinkey: I think that what I'm hearing from Mr. Maines is that we go ahead and we'll just leave it up to the board. I mean if you want if you want us to wait till next month, that's what will abide by, if you want to put a condition on it, that's what we will abide by.

Chairman Hawley: We have another person who would like to speak. Please state your name and address for the record.

C. Burton: My name is Connie Burton. My address is 4018 E Base Road, Union City, Indiana. We are the property owners south of the church. Our daughter and son-in-law live there. And, my question is, in reference to what he just said, I don't want to start this, and then basically have to shut it down. What if that would happen? If the septic system would back up and it would have to do, you know, it would have to be shut down then. And so it was kind of like no, I want to get this operating. And I understand that except for we want to make sure that we are protected too. That's all I have to say.

Chairman Hawley: Thank you.

D. Cleveland: So, can we make a motion for a condition that Barnes come back out and recheck that tank like Ed suggested? That would give us more information about what is there and what is working? All we can make the decision on is what we have right now. And all we have right now, as far as I can tell, is that it works and that's what we make a decision on. However, there is a very real possibility that very quickly it would not work.

J. Welch: We don't know what the possibilities are.

R. Abel: If that's the case the health department steps in and it would be out of our hands.

J. Hufford: Yeah, then the health department steps in and then it would be out of our hands.

D. Cleveland: It just seems like for the neighboring landowners and for himself. The property owner is really better having more information.

J. Hufford: Are we talking about just one finger going onto another persons' property right?

R. Abel: It's a tank to tile.

J. Hufford: The whole thing, the whole hundred foot of it or?

R. Abel: The tile probably goes all the way through the property into the next property.

E. Thornburg: If it's a simple tank to tile. The one tile, and that one tile will go, whether it goes around something, or below or above something will go from there to the open ditch. Now the probability...

J. Hufford: Now that's going against the property line that's going on to the other property line. So it's all hundred foot of it.

E. Thornburg: Well, this is the place where the legal part of it comes in and the sanitarium couldn't be here tonight, he had something he couldn't get away from. We did discuss this today. Like I said, four out of six homes in Randolph County currently are tank to tile. The sheer number of permits issued proves it. With that being said, none of them were up to code.

R. Abel: So, what type of tile are we talking about? Clay?

E. Thornburg: We're talking probably clay field tile.

R. Abel: So, if it was PVC there would be little issue with it leaking, causing any damage to the neighbors septic, I mean well system.

E. Thornburg: Actually, the only thing the only reason it would have a problem like that would either be if it ran under a tree, if it got crushed, something that would cause a tile to fail. All things being equal, for the number of septic that fail every spring, some of these failures are temporary because when the spring floods are over they go back to working. You know, we probably have 20 or 30 of them a year. And there is about 4,500 of them in the county.

J. Welch: One possibility you would have would be, if you wanted to vote on this subject to the condition that he keeps a working septic system, which is already a condition on having a home or business anyway? Because if there's not a working septic system then it's not going to be able to be maintained anyway.

Chairman Hawley: Yeah, that's the health department's issue. Yeah, the health department will shut you down if you don't have a working septic.

J. Peacock: I do have one other question that is not related to septic.

E. Thornburg: Thank goodness, huh?

J. Peacock: No, I'm glad you're here, you can help us understand. This is basically a Christ based, recovery. How would you, I mean, I'm a little fuzzy on it being called a church.

W. Maines: Monday through Friday, 8:00 am till noon we have service. We have a regular service.

J. Peacock: The new services are recovery related?

W. Maines: No, it is a sermon on the curriculum that we're working on. If we're working on obedience to God, then we have a sermon on obedience to God. Before we go into the curriculum. And that's a four hour process every morning till noon. There's 35 minutes of worship and you know maybe ten or fifteen minutes, maybe a total hour of worship and sermon, and then there's three hours of going over the homework from the night before and going over to class for today talking about what we've learned, how it's impacting us is it affecting our lives. And there's the homework for the next day. And then they go on out the door at 12:01 pm and then I pray that they come back tomorrow morning at 8:00 am, Monday through Friday.

J. Peacock: And then in the afternoon?

W. Maines: And in the afternoon would be, we've shut down for one hour, to tidy up, sanitize. And then the afternoon would be maybe a lunch time meeting? A meeting from 2:00 to 4:00, and then the day would be over. Or a meeting from 5:00 to 7:00, and then the day would be over. We're not going to have any more than one meeting there between 1:00 pm and 8 pm. And the meetings generally consist of two to two to two and a half hours long. So, between 1:00 and 8:00, the buildings going to be vacant for five hours anyway, except for setting up for the meeting, cleaning up from the meeting. Things like that.

J. Peacock: You are funded by benefactors?

W. Maines: Benefactors. Currently right now we have two persons that own businesses and one is in Dayton, ones in Huber Heights. They told us to go find a brick and mortar, so we started our year and a half mission to find a place where we could use our skill sets where they come in good, and where they're needed. We went and we prayed, spent the night and spent weekends in fifteen different communities, all around the country. And we fell in love with Winchester and the surrounding communities. Driving through Lynn and Fountain City. I come from a very small town myself. And when I saw these places my smile blew up and when I found out that they didn't have the resources that some of the larger cities had that I just know how to do because I've been in recovery for 25 years. The

program that I want to teach and that we will be teaching Monday through Friday, is what saved my life. It got me set on the road to recovery 25 years ago. We just want to help as many people as we can in the time that God gave us. The programs are pretty simple. A 7th grade education will get you through on the curriculum. You know, you might struggle a little bit with it--that's what we're here for. There's, online there's like a homework that they can do online to supplement any questions that they have. This work can be done anywhere. This work can be done in a jail cell. This work can be done in a library. It can be done in their car in the parking lot. Very simple stuff, but it's very important. Because it puts good people together. With people who are in need. Our program is 99% mentoring, it's setting a good example. College degrees never kept me sober. And I've never seen a college degree keep anybody else sober but I've seen these programs save lives.

J. Peacock: It sounds like good work.

E. Tye: I'll agree with that, absolutely. That wasn't my concern.

B. Davis: Let's decide something, it's after 9:00 o'clock.

Chairman Davis: Yeah, it's 9:00 o'clock so. obviously, if the septic isn't working, that's going to be a Health Department issue. I mean the Health Department will shut them down so, want to make a motion to have a roll call vote?

J. Hufford: So made.

B. Davis: Second.

D. Johnting: So this is without conditions?

Chairman Hawley: Do we want to put any conditions on there since it would be a Health Department situation if the septic was not working?

J. Hufford: That's the way I feel, it should be the Health Department to take care of that problem if there is one. Between that and the Surveyor there will deal with it.

E. Thornburg: The Health Department is the one who signs the paperwork on it.

J. Hufford: Yeah, I know.

D. Johnting: Okay, it's been moved and seconded. Bill Davis, yes, Tim Hart, yes, Jon Peacock, come back to me, Drew Cleveland, yes, Don Calhoun is absent, Jim Hufford, yes, Jason Hawley, yes, and Jon Peacock, abstain. That is four yeses, motion approved.

W. Maines: We won't let you down.

Chairman Hawley: Okay, let's wrap this up. Any old business? Any new business?

D. Johnting: We do have a meeting in February.

Chairman Hawley: Reports of officers, committees and staff?

C. Beasley: I have a question on new business.

Chairman Hawley: Okay, state your name and address.

C. Beasley: Chris Beasley, 537 Jefferson Avenue, Indianapolis, Indiana. And I am a representative of EDP Renewables.

G. Minkis: Hi, I'm Grace Minkis, office is 129 East Market Street in Indianapolis, Indiana. We are planning to file for a Special Exception next month. And we just wondered if we were able to at all approach the subject that we'd be asking for a Special Exception for, in case there are any questions we could go ahead and answer at that time?

J. Welch: It would be appropriate to do that after you file your petition and come to the hearing.

G. Minkis: Okay.

Chairman: That way we'd get a chance to review it and the whole bit.

R. Abel: That way everybody hears the same information and you're not separating people.

G. Minkis: Gotcha. Okay.

Chairman Hawley: Thank you though, I appreciate that. I look forward to seeing you guys. Thank you.

G. Minkis: Thank you.

Chairman Hawley: Motion to adjourn. It's been moved and seconded, we are adjourned. Thank you, ladies and gentlemen. That was a long one.

Jason Hawley, Chairman

Debra Johnting, Recording Secretary

Bill Davis, Vice Chairman