

The Madison County Plan Commission on the above date at 9:00 A.M. with Bill Maxwell, President, presiding.

Members Present: Bill Maxwell, Paul Wilson, John Randall, Jr., Gary Gustin, John Orick, Wesley Likens, Brad Newman, John Simmermon and Mark Gary.

Members Absent: None.

Also Present: Michael Hershman, Executive Director, Gerald Shine, Jr., Attorney, and Beverly Guignet, Secretary.

Current Business

1. Roll call was taken and all members were present.
2. Member Maxwell it's been a while since we have had a meeting that we have minutes from the January 9 meeting to approve.

Mr. Shine said, these are open for public review so they are your minutes so you will find out from the BZA how important that we review them.

Member Wilson made a motion, seconded by Member Newman to table the January 9, January 17, and April 10 meetings. The vote was unanimous in favor of the motion.

Mr. Shine said, gentlemen for the record, we have had four Executive Sessions since the last public meetings that we've had. Pursuant to Indiana Code 5-GNT-1.5-4. I have prepared a memorandum for those -- of those meetings. Those meetings were for the sole purpose and the only things that we discussed were the job performance of the employees. I have who all attended each of those meetings and I am just going to pass this around. Each memorandum needs to be approved and made a part of our record. There will be one for today's meeting. I have not prepared the written one but you need to approve it for today's Executive Session also.

For the record we are going to have another Executive Session for job performance on July 24 at 7:30 A.M. That needs to be specifically in the minutes. Those just need to be -- have a motion to approve the four memorandums if you would for those four dates.

Member Likens said, I would like to make a correction. I was never absent.

Member Wilson said, Mr. Chairman I make a motion that the memorandum for the Executive Session of the Madison County Planning Commission for dates of May 22, June 19, July 10 and April 24 be made a part of -- be approved and made a part of the record of the Madison County Planning Commission.

Member Newman seconded the motion.

The vote was unanimous in favor of the motion.

NEW BUSINESS

1. **Petition #544 of Leo & Mary Casto, landowners and petitioners. Applicant is seeking a waiver for replat of a 1.66-acre lot to a 1.73-acre lot.** The property is zoned “CR” and is located on the west side of County Road 50 East between County Road 600 South and County Road 700 South in Adams Township, containing 1.73 acres.

Mr. Hershman read the following from his staff report:

The property is lot 3 in Casto Acres and is located at 6151S 50East, on the west side of 50E, between 500S and 600S. The property is in Adams Township, Section 18.

Houses and fields characterize the surrounding area. The site is a house lot.

Staff has received proof of proper notification.

The Ordinance requirement is 2-acres. The applicant is making the request in order trade property with the neighbor to the south and west. Mr. Casto is trading ground from the rear of his property for property along his south property line. This is the first step in the process. If the request were approved, the applicant would then proceed with a replat.

Mr. Hershman said, we do have the replat filed with our office. So it’s a matter of once this is approved that they can proceed with the replat.

Member Maxwell I don’t think there is anybody here representing the Casto’s.

No one was present representing Petition #544.

Member Wilson said, they are replating to make it all come out right in the end. Is that what the idea is?

Mr. Hershman said, they are just basically shifting the property lines. It still will not meet the minimum two-acre requirement but it will make it less non-conforming than it was before.

Member Randall said, is the going to make the west line of all those lots straight through?

Mr. Hershman replied, it’s just that one lot. He’s just doing --- (audible).

Member Randall said, we don’t have any plats that (not audible) -- now this shows that 15 foot thing on the south side that round the parkway there.

Mr. Hershman replied right and if you take a look to the west that’s basically where he is essentially trading the back part of his lot for the property to the side. And that’s what it boils down to.

Member Newman asked, we can’t act on this today without them being present?

Mr. Hershman replied, it’s up to you folks.

Member Newman said, or we can just move it back to the end of the agenda and see if they show up.

Member Wilson said, they are doing a replat -- are they talking about building something on here, is that what the deal is? Or are they just trying to fix it?

Mr. Hershman replied, essentially Mr. Casto just wants to create a property with the adjoining property owner and that's what it boils down too.

Member Randall asked what was that 15-foot side on the side over there (not audible) to start ---

Mr., Hershman said, the owner (not audible) ---

Member. Simmermon asked, is he adding the 15 feet all a way across?

Mr. Hershman replied, he is basically adding it up to that point. Also keep in mind that he's switching the back part of that property so he's going (not audible) first he is essentially switching these property widths. He's trading the back part of that property for that 50-foot side.

Member Wilson said, so it's all ready non-conforming and he's going to add more acreage to it.

Mr. Hershman replied, right. It was non-conforming and it still won't meet the requirements.

Member Randall asked, but will that make it extend farther west than the lot next to it -- (not audible) -- lot north of -?

Mr. Hershman said, that's essentially what it boils down to right there folks.

Member Wilson said lets put it at the end and see if he's --- I think Jerry went a round to call Tom see if Tom (not audible).

Member Randall said, from the soybeans there or corn or whatever it is, over how far toward the house? And will it the necessary distance between the side and the house and the side of the lot?

Member Maxwell said, I'll tell you what, lets move this until the end after number four and maybe the representative will be here and he can answer these questions we have.

Lets move to Petition #545 please.

2. Petition #545 of David & Joan Jordan, landowners and petitioners. Applicants are seeking a waiver from the required lot width. The property is zoned "AG" and is located on the south side of County Road 1000 North, approximately ¼ mile east of County Road 400 East in Monroe Township, containing 14.618 Acres.

Mr. Hershman said, okay, Mr. Maxwell, petitions 545, 546 and 547 are all interrelated items and I will read them separately but they are all interrelated.

Mr. Hershman read the following:

David Jordan is requesting approval of a waiver of the minimum lot width requirement. The property is zoned AG/Agricultural and contains 14.618 acres.

The property is located at 9660 North 400E, on the south side of 1000N, ¼ miles east of CR 400E. The property is in Monroe Township, Section 26.

Fields characterize the surrounding area. The site is a field.

Staff has received proof of proper notification.

The applicant is making the request in order sell the property so that a prospective purchaser can build on the property. The lot was split in 2001 and did not meet the Ordinance requirements at that time. The Ordinance requirement for lot width is 200 feet at the front building line.

This is the first step in the process. If the request were approved, the applicant would then proceed with an administrative plat. The applicant is also seeking approval of a waiver of the width-to-depth and the road frontage requirements.

And I will not go through all the preambles for that.

Petition #546 is for minimum - maximum lot depth requirement. The Ordinance requirement is 3.5x the lot width.

And petition 547 is for road frontage requirement. The ordinance -- the ordinance -- lot does not quite fit the road frontage for the ordinance and the minimums 50 percent of lot width per 100 feet.

Those are essentially the three (not audible).

Member Wilson said, I want to make sure I've got it straight in my brain here, you've got three different petitions and the request on the three different petitions are by the same parties, they are on the same properties so 546 is width to depth ratio on the property. 547 is relief from the required 200-foot road frontage. Is that correct?

Mr. Hershman said, no it's 100 feet.

Member Wilson said, it says 200 on the sheet here.

Mr. Hershman said, 547, the lot has 65 to the road frontage (not audible) or 50 percent lot width or 100 foot. That's 547 and 545, is lot width and that's 200 foot.

MemberWilson said, so 545 is lot width, so it all centers around width and depth ratio.

Mr. Hershman replied, and lot width and road frontage, yes. And if you want to get down to brass tacks, this lot was created back in 2001. It did not meet the ordinance requirements at that time. So, it's not recognized as a buildable lot. Under --- it wasn't a build able lot back then so it's, he needs to jump through these hoops in

order to make it a buildable lot because essentially there's some properties if somebody wants to put a house back there.

Member Wilson said, I was just trying to figure how the three of them ---

Mr. Hershman said, all three are interrelated.

Member Randall asked, are they going to use this strictly as a building lot or is part of going to be used as agricultural use?

Mr. Hershman said, from what I understand it's a building lot but you may want a clarification from the applicants who are in the audience.

Member Wilson asked, the law was created thought by the Planning Commission in 2001?

Mr. Hershman said, no, it was created by property owners at that time in 2001 without any sort of approval. And it did not meet the ordinance back at that time, else we wouldn't be going through all of this.

I also checked records and there were no variances granted back then either. So there was no attempt to meet the ordinance requirements back then.

Member Maxwell said, see --- Paul this property that we are talking about here today --- this is the same owner.

Member Wilson said, but that's two different parcels of properties.

Member Maxwell said, yeah, but it was joined there to that property see so there wasn't a need for that frontage up there.

Member Newman asked what's the waiver 545 again?

Mr. Hershman replied, 545 is for lot width and the requirement at this time is 200 foot and they are not using it as a private road and they are not using it for more than one lot they --- they are not putting lots back there. It will not be used as a private road.

Member Wilson asked, and that's for the parcel of property at the south end here?

Mr. Hershman replied, that's for the same piece of property that all three waivers are requesting on the same piece of property.

Member Wilson said, well it's all one on the east side.

Several people replied yes.

Member Maxwell said, where there's 65 foot up there on road 1000 ---

Mr. Hershman said, basically there's 65 foot east of the ditch.

Member Newman said, so they are wanting to make one of the lots less than a 100 feet? Is that what you're getting at?

Mr. Hershman said, right. The only lot they are creating. In fact the problem is the lot is all ready there. It was there as of 2001.

Member Newman said, and 547 has to do with road frontage.

Mr. Hershman replied, right. Because I thought we needed to be able to work with them --- private survey of more than one lot but it's not so it just servicing that one lot, plus back in 2001 they would have had to have had 270 foot of road frontage.

John Manship, Surveyor of the landowners was present.

Mr. Manship said, I talked to Mrs. Jordan last night and she intended to be here, she and her husband. But the realtor and the prospective buyer are here and she tells me they are both ill today so they aren't able to attend so I will be glad to answer any questions.

But first I start out with, one time Mr. and Mrs. Odom owned this. At one time they sold off a lot up in the northwest corner to a son Gary Jordan to build a home there. Later he acquired more from his folks and then it was done as an Administrative Subdivision by Richard Ward. Before that it was deeded off a middle portion, 15.5 acres to a son Kevin Jordan and he had a modular home on that and that was surveyed by Harold Smith and was split out of the over all property in 1982 and now his mother Wanda Odom had titled to this property and she has a stroke and is ill so Kevin her son, has moved in with his mother and helping to take care of her.

Then they deeded off to daughter and David Jordan and they built a home on 12 acres at the south end of the property. In 1976 or when ever it was Mrs. Odom had me to split off the back portion and deed it to David and Joann and I told them at that time it would be on non conforming and we should combine that with their existing property. At that time I prepared a legal description after they took title from Mrs. Odom them. I prepared a legal description and I told them they should have a deed prepared and combine it all in to one parcel and record that. They did not do that. They got it recorded as single tract 14.61 acres.

Now they decided they want to sell that off. They have a prospective buyer who wants to build a home on it. So that's where we are today to get this to where they can sell it for the prospective buyer to build a home on it. All these petitions are to conform -- because it does not conform with the present ordinance we have to go through this process to get approval for these.

Member Maxwell said, I don't know who can answerer this but I noticed the drainage ditch or the creek that goes through there goes all the way up to 1000. That leaves 65 feet between the east boundary line and that drainage --- or that creek and there is an easement of 90 feet I see on this ---

Mr. Manship said, they can put a drive way across this.

Member Maxwell said, you put the driveway through it but you just can't build anything else.

Mr. Manship said, (not audible) drainage easement.

Member Newman said, it's a 75-foot easement. They've just measured to the centerline of the open ditch.

Member Maxwell said, oh, okay 75 from the edge.

Mr. Manship said, there is a law that says 75 from the bank so it's not 15 from the center to the bank so we put a 90-foot building line from the center.

Mr. Hershman said, that it was staffs concern as well as the driveway and the easement but I didn't (not audible) perhaps another persons on the boards call not mine.

Member Wilson said, the driveway --- the driveway though in the easement is not actually over the ditch?

Member Newman replied, correct.

Mr. Manship said, so they had 65 foot from ---

Member Wilson said, outside --- outside of the ---

Mr. Manship said, to the property line.

Member Wilson said, I got ya.

Mr. Manship said, plenty of room for a driveway.

Member Wilson asked, does that take a special exception from the Drainage Board or something?

Member Newman replied, the Drainage Board would more than likely have them sign what's called a Non Enforcement Agreement.

Mr. Manship said, since this is a single tract all ready deeded I didn't take it to the Drainage Board. It wasn't a split in effect. You may have a different opinion that.

Member Newman said, well, with this kind of situation they will be required to go before the Drainage Board. Some situations --- for the driveway--- for the driveway.

Member Randall asked, the 65 feet that's showing as frontage is from the middle of the stream?

Mr. Manship said, the property corner.

Mr. Shine said, that's 50 foot -- that happens to meet our 50-foot requirement (not audible).

Member Newman asked if there were an existing home on this lot?

Mr. Manship relied, no.

Member Newman said, then at that point they are required to go before the Drainage Board. The only time they do not have to go before the Drainage Board is if it is an existing structure on one lot.

Member Wilson said, I don't know that that --- that's a huge ---

Mr. Manship said, (not audible) split so that's why I didn't know the Drainage Board would hear this.

Member Maxwell said, so, I didn't ---I didn't go up there yesterday and look at this. I've been by there a lot times but the elevation from this ditch over to that east property line is high or is it part of a low spot or where the driveway would not be sufficient.

Mr. Manship said, the side ditch there drains in the ditch along the side of the road and you would have to put a culvert pipe in there.

Mr. Hershman said, well it's on the drawing that I just --- aerials ---

Member Simmermon said, I have a question. On this 65 feet here where the driveway is going to be is there going --- where is the driveway for the other lot, lot three? Are they going to be close together?

Mr. Manship said, no. (not audible) all ready to the west of the ditch.

Mr. Hershman said, correct me if I'm wrong Brad that's (not audible).

Member Newman replied it is.

Member Simmermon said, so there's no way they could use the same driveway?

Mr. Manship replied, no.

Member Wilson said, all these other lots have access off 400.

Mr. Manship replied right. Well this Administrative Subdivision their access is off of 1000. Kevin Jordan, Wanda Odom and David Jordan all access of off 400.

Member Maxwell said, so the three at the top all belong ---

James and Peggy Rodie were present.

Mr. Rodie said, we own property to the east of David and his wife and I don't know if we need to voice concern now or at this other meeting that you're talking about. But, we have concern about the drainage. The property that is considered, the fields to the east of that and then our property and then the field to the east of our property all of those drain down to the county ditch. The county ditch is an open ditch. They would drain directly under this proposed driveway and then down in to that larger ditch. So there's a lot of water going through that area.

Member Newman asked, so there's an existing surface swale going over to the open ditch?

Mr. Rodie said, well, there' --- right now there's a culvert and for the amount of traffic over that culvert is not great because its just spring and fall and harvest coming in and out to get their crops. So that was our concern. Should something special be put in there as far as what is the size of the tile with construction of the tile to make sure that all of those fields still drains. As far as when cements trucks go over and pack that thing.

Mrs. Rodie said, we considered the (not audible) in the woods, behind that property --- as we walk that's property for sale we considered possibly buying it and have it be a part of our property --- I told my husband as your approaching --- as your headed east and wanted to turn on to that property, if you had a very large vehicle I almost felt like you would be going over the tiles. If you go out like your approaching the driveway headed east, even though 65 feet where you have to turn in it is a very very sharp angle. A person headed west turning in to would not be as difficult a maneuver.

But if you have been out there it is a very very narrow entrance and that's our concern as far --- and the drainage, se have standing water, flooding in the spring time that goes down that way and should that begin to collapse --- I was very happy to hear Mr. Newman say the Drainage Board should take a look at it. That made me feel a little bit more comfortable with the fact somebody might be able to use that small of an area to go in and out with traffic coming on a regular bases. (not audible) so I glad to hear that Mr. Newman thinks the Drainage Board should look at it.

Member Wilson asked, Jerry which is the property --- in a case like this, is it this board then the Drainage Board or is the Drainage Board then this board?

Mr. Shine replied, I don't think they have any requirement for that.

Member Wilson said, my mind is going to the fact that you know it appears a lot of this decision bears on you know how well things can get worked out.

Mr. Shine said, I think this is the key decision here. The Drainage Board --- the Drainage Board will only make sure there is sufficient drainage for the east that will go underneath a culvert that is put and make sure they do it. We'll need to see the design of their entrance point.

Member Wilson said, my only question --

Mr. Shine said, the county engineer would be required and the commissioners on the street ---

Mr. Newman said, the Drainage Board would be looking at two things. Number one, if there is a subsurface tile drain that's going to be going underneath the driveway. We're going to make sure there is enough cover over that subsurface tile for support and if there is not, they may require a certain type of pipe to be put in place so that equipment will not break down the subsurface tile. And number two, they will make sure that the correct type culvert is place underneath that driveway to be able to handle the amount of surface water drain as major storm events.

Member Wilson said, so that information ---

Mr. Shine said, (not audible) have to get approval for the --- the placing ---

Member Newman said, absolutely.

Member Wilson said, in essence, though that information does not bear on our decision in this morning over these waivers. But, but as far as the petitioner is concerned they need to be made aware that they may get the waiver in here today but the issue may still die at the Drainage Board level.

Member Newman said, absolutely.

Mr. Shine (not audible).

Mr. Hershman said, right and the next step for them is seek approval for the Administrative Plat (not audible).

Member Wilson said, and who is it that representing the petitioner?

Member Maxwell replied, Mr. Manship.

Member Wilson said, so John you're representing the petitioner here this morning?

Mr. Manship said, yes they are both ill but the real estate agent is here.

Member Wilson said, so -- so what's your sense of this? They would ---

Mr. Manship said, in my opinion they would probably never permit it. A driveway permit would probably never --- even for this field entrance unless it's for agricultural purposes only so it would have to meet the Drainage Board requirements and the county highway engineer's requirements for any driveway permit for residential use. That would be my opinion.

Member Wilson said, is it your sense that the petitioner would want us to go ahead and make a decision today even though ---

Mr. Manship said, they would like to build and the prospective buyer would like to get going as soon as possible on their residence.

Member Wilson said, now ---

Member Newman said, if this hasn't appeared before the Administrative Plat review as of yet because we are awaiting the waivers before we reach that point so there are still several steps that need to be taken if we approve it today.

Member Wilson said, you guys aware of that? It's got to go through the ---

Mr. Manship said, we had hoped to if we got approval today to go a head and get it started to the Planning Commission ---

Several people said, okay.

Member Wilson said, so the intent in here today is to get that waiver just to see if they can get started.

Mr. Manship said, submitted for ---

Mr. Rodie said, this probably doesn't have any bearings but I think the photograph shows half of this line I don't think that's pointing in the right direction. I think that's north. That's not the property that will consider -- it probably doesn't have anything to do with it.

Member Simmermon said, you're back this way.

Mrs. Rodie said, there's no photograph that shows the amount of space there is ---

Mr. Rodie said, if I am standing on 1000N I'm looking north -- (not audible).

Mr. Shine replied, I don't know.

Mr. Rodie said, there were other pictures probably. But *am* just saying --- it may not have anything to do with it.

Member Wilson said, I just want to make sure you guys know what the procedure here is to get this lot recorded it's got to come to the Administrative Subdivision Committee which is another voting board. So, it may --- twice actually and they cannot -- they do a preliminary plat but they cannot make a final decision on it until it goes to the Drainage Board. So there's two other hoops that have to be --- have to go through before this could be official even if -- even if this board --- if this board doesn't approve it it's dead on arrival. But still it has a couple of other reviews.

Mr. Rodie said, we are friends of David and Joan so we are not here to object we just wanted to make sure that people are aware of the amount of water that does go under that and that some special consideration as far as size of tile and that --- you know. So we just want to make people aware of that.

Mrs. Rodie said, and we wanted to make people aware of that narrow space to pull cars in because that properties entrance is close to the ditch. The picture doesn't show how they could park a car there. I don't think you have much room between where you drive in (not audible) so my concern is they would like to have 65 feet and they don't have 100 feet.

Member Maxwell said, I have a question. Didn't you say your house was down here in the wooded area?

Mr. Rodie replied, yeah.

Member Maxwell said, right there?

Mr. Rodie replied, yeah. A little bit to the right. Our property is the long narrow one. This is our frontage on this property and six acres of woods here. David and Joan own the adjoining woods and then this property. This is their house right here.

Member Maxwell said, and how wide is your entrance up there?

Mr. Rodie said, ours is 110 feet. So we went through back in 70 --- there was at one time a hole up here when we bought the property and then before we built back here we went through various procedures to get permission to build back here and we ended up actually having to divide this in to two plats. So this front --- actually this portion is one plat and this one is another.

Member Newman asked, did you state the major drain runs westerly?

Mr. Rodie replied, all of this field which floods badly, our little area here which floods and this which is a little bit higher doesn't flood but it all empties in to this open county ditch right here.

Member Newman said, okay.

Mr. Rodie said, and the proposed --- and then --- then --- then it flows in to this large open ditch here and it has to pass over that property. So, that's --- that's the key area where we were afraid that you know (not audible) ditch and tile wasn't large enough or sturdy enough that big trucks might cause damage.

Is there --- is there sub surface tile there also?

Mr. Jordan said, there is a subsurface tile under our driveway and under our property and then it's open all across this property and a subsurface under this one.

Mr. Rodie said, thank you very much.

Member Maxwell said, thank you.

Member Maxwell said, I *have* just one question on 545. This is for a waiver from the required lot width. And the lot at the back is 443 feet wide.

Mr. Hershman said, we take the lot width measure at the word building line, which would be 65 feet back. At 65-foot back they did meet the 200-foot requirement. This is one thing I talked over with John when he submitted this. And that's where we take the lot width, is where the building line would be. This is off the centerline.

Member Maxwell said, actually this says 200 feet back to the line.

Mr. Hershman said, okay, the width is --- the width needs to be 200 foot at the front building line. That building line --- that's where you read the 200-foot. And at the 65-foot mark, which is the front building line, they don't meet the 200-foot requirement here.

Member Maxwell replied, okay.

Member Wilson said, is --- is the logic behind that because that's the narrowest part so therefore --- I mean I can't imagine anybody building up in there any way. If they are going to build a house their going put it down here in this back part of the lot any way.

Mr. Hershman said, the reason we do it that is, for somebody to arbitrarily set the building line then you could have a situation where you end up with a defacto stem lot. In fact we had that near Alex where they tried arbitrarily to set the front building line so they didn't have to go through the waiver. So, we said well make this a simpler of the ordinance ---

Member Wilson said, I get ya -- I got yeah.

I have full faith and confidence in the Drainage Board that the issue --- it appears that the issue is drainage. That they can do their job and Administrative Plat Committee will not entertain approval of the replat until they have a signed okay from the Drainage Board.

Member Randall asked, do they have from the highway engineer too?

Member Newman replied, yes.

Member Wilson said, the highway engineer or the county commissioners are responsible for the driveway entrance. So, you've actually got three different bodies who have to review the process.

I make a motion that we approve Petition 545, 546, and 547 as presented.

Member Orick seconded the motion.

Member Maxwell asked, do we need to vote on each one of these Jerry?

Mr. Shine replied, you should.

Member Maxwell said, okay 545 then.

Member Wilson said, yes sir.

Member Maxwell said, and you seconded 545. Any discussion of the motion?

Mr. Shine said, any Findings of Fact Mr. Wilson?

Member Wilson replied, my Findings of Fact will be, it would not be detrimental to the area, it would not be injurious to the development of the property, that the conditions of the property would support the waiver and --
- and

Member Maxwell said, and the staff report?

Member Wilson said, well lets see ---

Mr. Hershman said, the staff recommended approval so ---

Member Wilson replied, yes. And the fact the staff has recommended the approval.

Mr. Orick seconded the motion.

Member Maxwell said, okay, I have a motion and a second, have a roll call vote please.

The vote was unanimous in favor of the motion. **Petition #545 of David & Joan Jordan, landowners and petitioners. Applicants are seeking a waiver from the required lot width was approved.**

Member Maxwell said, Petition 545 has been approved.

Member Wilson asked, Mr. Chairman do you know when the Drainage Board meets? The schedule for the Drainage Board.

Member Newman replied, the Drainage Board meets the second and fourth Wednesday of each month at 9:00 A.M. in this room.

Member Wilson said, and when would ---

Mr. Shine said, the next meeting is tomorrow but this won't make it in time.

Member Wilson said, it won't make tomorrows meeting. So, at the earliest it would be ---

Member Newman said, July 25th.

Member Wilson said, July 25th ---July 25th at the earliest. So, that falls on whether the petitioner gets something upstairs --John you going to do that today? You going to file with the Drainage Board today about getting on the agenda?

Mr. Manship said, well I'll get it filed in time for their next meeting.

Member Wilson said, okay, so that will be July 25th.

Member Newman replied, yes.

Mrs. Jordan said, thank you.

Member Maxwell said, do I have a motion for Petition 546?

Member. Wilson said. so moved.

Member Orick seconded the motion.

Member Maxwell said, same conditions?

Member Wilson replied, same conditions.

3. Petition #546 of David & Joan Jordan, landowners and petitioners. Applicants are seeking a waiver of the required width to depth ratio. The property is zoned “AG” and is located on the south side of County Road 1000 North, approximately ¼ mile east of County Road 400 East in Monroe Township, containing 14.618 Acres.

Member Wilson said. so moved.

Member Orick seconded the motion.

Member Maxwell said, same conditions?

Member Wilson replied, same conditions.

The vote was unanimous in favor of the motion. **Petition #546 of David & Joan Jordan, landowners and petitioners. Applicants are seeking a waiver of the required width to depth ratio was approved.**

Member Maxwell said, Petition 546 has been approved

Petition 547 ---

3. Petition #547 of David & Joan Jordan, landowners and petitioners. Applicants are seeking a waiver of road frontage requirement. The property is zoned “AG” and is located on the south side of County Road 1000 North, approximately ¼ mile east of County Road 400 East in Monroe Township, containing 14.618 Acres.

Member Newman said, so moved. Same conditions.

Member Orick seconded the motion.

Member Maxwell asked, any discussion?

The vote was unanimous in favor of the motion. **Petition #547 of David & Joan Jordan, landowners and petitioners. Applicants are seeking a waiver of road frontage requirement was approved.**

Member Maxwell said, 547 has been approved.

Someone asked about the Casto's.

Member Maxwell said, Jerry did you say they were coming?

Mr. Shine said, I called Mr. Beeman and he had it on the agenda for tomorrow. I told him about 10:30 and I thought that was --- that would give us a little over an hour I thought for him to give his presentation.

Member Maxwell said, okay, then we can jump to the miscellaneous. Do you have anything under miscellaneous?

6. The board moved to item 6, Establishment of a T.I.F. District.

Mr. Hershman said, I have (not audible) and first of all I have e-mailed you the copies of the resolutions. Did anybody not get a copy of the resolution ---T.I.F. resolution? If not I do have copies up here.

Member Newman said, I did not get mine printed out. Thank you.

Member Wilson said, Bill I have something I would like to bring up under miscellaneous but I would rather wait till ---

Member Maxwell said, I moved it till last.

Jim Wilson, County Attorney said, (not audible) we have a newly created Redevelopment Commission in Madison County. This was created at the end of last year. The reason for its creation was to look at doing tax (not audible) ethanol plant they were requesting that. The Redevelopment Commission was to look at those decisions was created. On January 8th of this year the Redevelopment Commission met and passed a declaratory resolution comparing to the north-northeast Madison County Development allocation area which is a single real estate for single parcels taxing real estate. It is in fact 240 and change acres that Ultimate Ethanol owns and is developing along 1300N and 100E.

The Redevelopment Commission in the making of the declaratory resolution has restructured statutory requirements as such that it would promote development and it would only raise the tax base through new rates on tax base it would a spin off to the county. They approved that base at that time. The preliminary development plan on January 8th of this year was and still is, (not audible) the industrial development bond with the T.I.F. allocation to it. So I have Tom Pittman is our bond and council to explain that wish to telling what this is.

There has been six months of negotiation now with all the ethanol in the county that we think has been successfully concluded as a format in ---- of the T.I.F. structure for about 13 years. The actual money that the T.I.F. will be used for is also limited. It will be limited to the reconstruction of 1300N. The (not audible) has all ready up graded 100E. The city of Alexandria has pumped 50,000 gallons now with peak of one million to the plant every day and received sewage back. So, the T.I.F. allocation or T.I.F. plan calls for the money to be used for those two, basically two projects. At the beginning all the money went for people to use their T.I.F. money for but now that wasn't possible.

The Redevelopment Commission then approved these hoops and created it. These issues are brought to you to consider and find that the plant still meets with your placement thoughts, that it will go ahead and increase the tax base. It will have (not audible) on improvements. Basically to make a determination that is conforms to your plan of development for county this went through numerous hours of hearing to it to determine that fact. So that's really what's going on today. This just got put together realistically in the last couple of weeks in that we have agreed now on --- we have agreed tentatively on the length of this T.I.F. For you who may not know the answer to what a T.I.F is but what a T.I.F is, it basically captures their real estate taxes that otherwise comes to the county and lets them use those taxes otherwise coming to the county to make payments on their loan that

they had to get to put the improvements in and the theory being those improvements will ultimately benefit the county, new roads, new upgrades, new plant upgrades in Alexandria, etc, etc.

So, this is a little short notice and I apologize for that but this just got put together. This is Tom Pittman from Baker, Daniels and he will answer you questions as to structure, which only he knows.

Mr. Shine said, excuse me Tom, excuse me for one second. Just for the board members, Jim contacted me as the same date as he filed this with Michael's office up there. It happened to be the day after we had sent out packages. I advised Mr. Wilson that our procedure has in the past that everything had to be received by a certain date. That date we missed and it would be another month and yet we've not had a Planning Commission meeting for three months prior. Jim felt and I felt it was necessary to have at least the board consider this today with the information that we have. We had it e-mailed to each of the members that day and those --- John Randall ---John we did mail his or have his delivered or least that was Michael's indication. So, I want us to be able to at least read and consider it today. I you need some more time to study it Mr. Wilson understands that and there is no problem with the board. But I just wanted everybody to understand that right up front. They didn't get this approved really until the day that our notices went out. The time they got everything written and put together it was the following day.

Jim Wilson said, time is really critical -- because we need to get this thing --- Paul did a hundred hours dealing with these issues and we need to get these laid out because we are going to start ticking these things off and cranking it up because we have to get this money flowing.

Member Wilson said, can you --- the both of you, two issues I think are very worthy for this board to be educated on. One we understand our responsibility as Planning Commission --- in essence beginning this process by approving the zoning that went out there for this. Give us an overlay of the responsibilities of the Planning Commission on this particular issue different from the responsibilities of the Redevelopment Commission on this issue.

Mr. Pittman said, the principle responsibility certainly for the T.I.F. District is in the hands of the Redevelopment Commission. But the statute requires that in the creation of the T.I.F. District that although the Redevelopment Commission take several actions and really over sees the whole process that at least it be run by the Planning Commission, and County Commissioners, essentially to make sure they don't see any problems happen in the T.I.F. District. So, it really is a limited goal and a limited review by this body and the county commissioners. The full review is by the Redevelopment Commission at their public hearing.

Member Wilson asked, so the responsibility of this board, through this resolution, is the actual establishment of the tax increment-financing district for description -- land description of the district?

Mr. Pittman replied, yes. It's one of the approving bodies. There are three that made that approval.

Member. Wilson said, okay, and the other two are?

Mr. Pittman replied, you, well the Redevelopment Commission, you and the county commission.

Member Wilson said, well that clarifies the first part of it. I think as the nine representatives of the county we need to have a better understanding of what the proposal to the -- I want to make sure everybody understands

that this final sign off by the Redevelopment Commission is still to come. They are still going to have their meeting go through the details as has been worked out and make a decision at that level. But as far the bonding, the responsibilities of the bonding, can you explain how mini T.I.F. Districts are done versus the proposal that this county is going to be involved.

Mr. Pittman said, the most classic example of a T.I.F. District, (not audible) bonds by the district payable from T.I.F. and so even though --- with that type of bond it's payable solely from T.I.F. (not audible) county bond issue. That's the standard form. An alternative form involves what amounts to a private financing used with a (not audible) formal (not audible) of the county. With the county participation that in substance limited to an agreement to apply T.I.F. if it materializes, when it materializes, and only if it materializes to off set the promise of that private fund. So in effect the company here would take a private loan in the form of a municipal bond. That's still a private bond and then the county would be --- would not have involvement beyond acting as a conduit for a former issuer.

Jim Wilson said, there are --- classic T.I.F. that --- we really put the county right in the middle of the transaction and obviously this is a single tax payer unit and with a --- well it is the start of the industry and it is certainly new to this area. And it is also very very politically connected right now with the industry. So obviously if the power to be in Washington say next week, you know we don't think we like ethanol plants like we do hydrogen so lets change to hydrogen and have that as a nation goal. These things are going to history district, but they will all be here quickly, basically, immediately and yet they don't make their tax payment. The county has to make the payment on the bond under a classic T.I.F. What we're saying here is, you know, we don't know whether you will make it for the 13 years or not but if you don't it's your problem. You have to make your own payments on your own loan. And that was really the emphasis why we didn't want to do a public bond. And we obviously can't pledge public money on this project because as you know the county is not in the best of conditions. Everybody knows these things. And we would have to come up with some type of additional tax back up and I don't that people are going to want an extra tax to back up a potential fault for the ethanol project. We will do this private bond deal, we will let you have the money back that you paid half and that's all we are going to do.

Member Wilson said, correct me if --- go a head Jerry, I'm sorry.

Mr. Shine said, all that a side folks, you as a planning commission are going view this as the land use out there.

Member Wilson replied, right.

Mr. Shine said, we have previously given zoning for not for an ethanol plant, but for an industrial park up there. Now this is going to be or you're going to approve that this be made an economic development area. And they have stated the purpose of this is for to run ways, to run water and sewer. Now you have to look at it, is water and sewer the question that you should be asking, will the water and sewer be made available to other areas besides this. You know where the location of it is, we should have a map, but you all I think are very familiar -- the surrounding area right now that we currently have zoned agri. This will probably, maybe change, with water and sewage may run to this by the city of Alexandria. A question that you s hold be asking now is, will that water and sewage be made available to others. And will this T.I.F. District, what will be your role in the expansion of this T.I.F. District if we have somebody else involved in this.

Member Wilson said, but Mike the difference though --- I see in a normal T.I.F. District though is, that the entire acreage proposed for the tax increment-financing district has a singular assignment for economic development. Where in a classic T.I.F. District you might set a side 400 acres for an Industrial Park with the hope that you let you know ten different clients that would build structures in that development property. This particular development property has a single function.

Mr. Shine said, this specific 256 acres absolutely ---

Member Wilson said, correct. And that 256 acres is the only thing that has been zoned for a different use than agricultural.

Mr. Shine replied, at this point in time you are absolutely right.

Member Wilson, replied, okay.

Member Simmermon said, but he is saying that could change and if it does then are the other people going ---

Mr. Shine, said, then we'll tax it again.

Member Wilson said, yeah, but I am still trying to figure out here --- I'm still --- help me, I'm trying your point in reference to does it benefit future development or not.

Mr. Shine said, well I think that it is --- I think if we are going to have water and sewer line up there Paul we're going to have future industrial use up there. In the future other economic development ---

Member Wilson said, that all depends on the gallons per --- gallons per consumption per industry that's on 240 acres all ready.

Mr. Shine said, so that it's not going to be made available, the water and sewer lines are we saying are not going to be made available for future expansion?

Member Wilson replied, you want to answer that.

Mr. Wilson said, the answer to that is, we don't know that yet. The actual reason is this, in the pump test to be conducted yesterday (not audible) to determine whether we can flow more than a million gallons. We don't know to be true, but we have obligation to fund only the accepted ---

Mr. Shine said, (not audible) of them --

Mr. Wilson said, and so there, we are over building the line because we don't know yet. We will certainly fund that area or --- not fund it --- I don't know if anybody else wants the caveat because they would be second in line for leftover water (not audible). Then they would have to come here and ask you all for public assistance.

Member Wilson said, then I would assume that would be some ability for the company to reclaim monies that they have borrowed with that particular info structure too.

Mr. Wilson said. yeah, tapping and things like that.

Member Wilson said, I just don't want to mislead that answer on this because that's part of the reason why ---

Mr. Shine said, (not audible)

Member Wilson said, that's right. Those were considerations --- were fell in to that business of classic T.I.F. and the county borrowing the money and this particular issue it's a single --- since it's a single user for the T.I.F. District then the county has no obligation on the bonding for the money. The only thing the county is doing is guaranteeing the annual tax collection payments for that period of time to pay off the note. If the company fails there is no obligation too the county on their borrowing. And we don't have to pay --- we wouldn't be paying on their failed note. If they go under we're out. And you know I can't --- if they go under and their go out that info structures not going away. It's there. Somebody will use it. So I would think it would still be to the advantage of the county. That's just my personal opinion of it. I want to make sure I clarify that.

Member Newman asked, so is the proposed T.I.F. District just the ethanol site?

Several people replied yes.

Member Newman asked, it does not include the roadways or anything like that?

Member Wilson said, well to be more specific --- to be more specific the T.I.F. District establishes the 244 acres as the district. The money that's being extracted for, under the T.I.F., which would be guaranteed by the counties saying they will supply the tax money to pay off the note. It's for off site infra structure, being roads, water, sewer and what storm sewer -- storm water too --- am I being accurate on that? I'm trying to decide if I left anything out.

Member Newman said, off side storm sewer or on site storm sewer?

Mr. Wilson said, they will have to move their water line down to, I don't know what creek that is.

Member Newman said, Pipe Creek but that wasn't for storm that was just for ---

Member Wilson said, that was for drainage.

Member Newman said, that wasn't for drainage because of the type of water they were discharging and they had to stage it in their facility.

Mr. Shine asked, unless you talking --- are you talking about dirty water.

Several people replied yes.

Member Simmermon said, but their sewer would be minimal, wouldn't it?

Several talking at once, not audible.

Member Wilson said, you can't have industrial sites though without water and sewer.

Member Simmermon said, right, I know. But it's not compared -- you know, a lot of times they compare the water usages.

Member Likens said, a lot of people have bought in to the sewer. (not audible).

Mr. Wilson said, probably not the water real soon because to figure out the demand and all that kind of thing even after its up and running. (not audible).

Member Simmermon said, now will they --- that sewer deal --- will that --- the people that live along that sewer line will they be forced to hook in to that system?

Mr. Wilson replied, not right now, no.

Member Wilson said, so they -- that's --

Mr. Wilson said, we have --- that's not part of the development plan.

Several people talking at once (not audible).

Member Wilson said, there ought to be some kind of MOU from the city of Alexandria then. I mean I don't know how that's all going to get worked out but --- on the 300-foot rule.

Member Simmermon said, yeah, because there can be some people pretty concerned about that --- ethanol up there.

Member Wilson said, basically farm homes ---

Member Simmermon said, to be forced to hook in to it.

Mr. Wilson said, I'm sure they wouldn't want to hook in to it.

Member Maxwell said, but unless they have a failing septic system then it would be welcomed.

Several people said yeah.

Mr. Wilson said, I don't due much of that though -- (not audible) and you have a pre existing septic and you have a new line close (not audible) you are required to do tap in to that whether the septic system fails or not.

Member Wilson said, down at the end of my county that has gone on for quite a while.

Member Maxwell asked, is it within 200 or 300 feet?

Member Newman asked, have they determined which route it follows?

Mr. Wilson replied, yes.

Member Newman asked, is it 9 to 13 or 28 to 100?

Mr. Wilson replied, it's not 28 to 100. It's straight up 9 over to 1300 to the park.

Member Wilson said, do you have another question councilor? I think the way its set up and I want to emphasize the fact that it's still needs to be worked through the Redevelopment Commission but I think it poses the lowest risk to the county with the possibility of a good gain in access value and job production without tinkering with the county's bond rating or that kind of thing and since it's a single user T.I.F. District it puts the weight of the risk strictly on the back of the company moving in there. But we can make that plant --- that plant cannot operate without infra structure improvements that's on 1300N and 100E and the intersection at St. Rd. 9 and 1300N. It would not be fair to the company nor is it fair people who live around there not to make those improvements. And quite frankly the county doesn't have the money to do it so it's the way to get the money to do it. It is new ground over in this -- for the county this is new--- Now the other thing is, is the intent is different than some other T.I. F. Districts? The intent is for this T.I.F. District to be established, work it's way through and then get paid off. Closed according to the time frame it's under.

Member Orick said, so once those improvements are closed then ---

Member Wilson said, when their notes paid off on this it ends and then the taxes are released to the all units of government. The township, Monroe Township, the library district up there, the school district and so forth.

Member Simmermon said, so it's possible that it wouldn't last 13 years.

Member Wilson said, no it will go 13. What do you think?

Mr. Wilson said, yeah, I think so because even if they spend less than they talk about now they would probably (not audible) but that can run as long (not audible) any way.

Mr. Pittman said, probably not.

Member Wilson said, the scenario is, is lets say they would enlarge their operation, double their operation their assessed value rose high enough that the taxes that were (not audible) and were above the amortization schedule on the note then it could get paid off but ---

Mr. Wilson said, yeah, that's true because you know we make these calculations (not audible) in Indiana being accessed they don't even know how to work these on this type of plans. So that's really a good question.

Member Wilson said, but it can't go longer than what the --- I mean the reassurance is it won't go longer than the 13 years.

Member Orick asked, is the classic T.I.F. more comprehensive and last longer?

Member Wilson said, it can raise --- it basically --- classic T.I.F. falls on the municipal governmental unit to raise the bonding for all infra structure to tract whatever companies come in. It is the foundation for industrial - or I mean economic development areas. I --- well we're getting off to another area here but I do -- its suppose to be for -- not depleted or destroyed, what's the proper term? Blighted. The original -- it says in the statute for blighted areas but they found they used cornfields to be blighted -- I'm a bit confused with that but ---

Someone asked what the resolution number was for this. Is there one?

Member Wilson said, since we don't have resolutions I suppose it one. It would be, Planning Commission PC-2007-001. Does that sound good to you guys? They could make it MCPC.

Mr. Shine said, along as it has 2007 then the one, rather it's 01, 0001, it's not ---

Member Wilson said, all right we'll just use 01 then. PC-2007-01.

Mr. Wilson asked, is that PC or MCPC?

Member Newman replied, MCPC.

Member Wilson said, how about MCPC.

Member Newman asked, so what do we need to do at this time?

Mr. Shine said, a motion to either approve or to table this resolution.

Member Gustin said, I make a motion that MCPC 20007-01 be approved.

Member Randall said, I second.

Member Maxwell said, I have a motion and a second, any discussion? Can we have a roll call please?

Secretary Guignet said, Gustin.

Member Gustin replied, yes.

Secretary Guignet said, Simmermon.

Member Simmermon replied, yes.

Secretary Guignet said, Orick.

Member Orick replied, yes.

Secretary Guignet said, Wilson.

Member Wilson replied, yes.

Secretary Guignet said, Newman.

Member Newman replied, yes.

Secretary Guignet said, Gary.

Member Gary replied, yes.

Secretary Guignet said, Randall.

Member Randall replied, yes.

Secretary Guignet said, Likens.

Member Likens replied, yes.

Secretary Guignet said, Maxwell.

Member Maxwell replied, yes.

The motion carried.

Mr. Shine said, for the record this along with the development plan needs to be a part of our minutes.

Copies of the Resolution MCPC-2007-01 and the development plans are on file in the Planning Commission office.

4. Miscellaneous: The board returned to item 4.

Mr. Hershman said, I have two items of miscellaneous for you. First of all I don't know whether you got this information or not but Mr. Shine attended a conference regarding exparte communication and open door laws. I have provided the information for you if you do not all ready have it. I think the BZA members already do.

Okay, I have one other item. This is regarding ordinance changes. We have kicked this around. I have (not audible) summary. We'll try and proceed with these next month. If you have any additional ordinance changes please let me know via e-mail (not audible).

The board then went back to item 1, under New Business.

1. Petition #544 of Leo & Mary Casto, landowners and petitioners. Applicant is seeking a waiver for replat of a 1.66-acre lot to a 1.73-acre lot. The property is zoned "CR" and is located on the west side of County Road 50 East between County Road 600 South and County Road 700 South in Adams Township, containing 1.73 acres.

Tom Beeman, Attorney was present representing the Casto's.

Mr. Hershman said, well there has been complications. We are going to table this until next month. Mr. Beeman (not audible) on the notice.

Mr. Beeman said, I had it on my calendar on the wrong day I had it on the notice on the wrong day. I had it on the 11th at 9 A.M. Jerry called me this morning and I got the file out and realized --- all the mail notice and the publication was on the wrong day.

Several members said so we need to table this.

Member Wilson said, motion to table.

Member Newman said, second.

Member Maxwell said, okay, I have to table Petition 544 and I have a second. May I have a roll call please.

Secretary Guignet said, Gustin.

Member Gustin replied, yes.

Secretary Guignet said, Simmermon.

Member Simmermon replied, yes.

Secretary Guignet said, Orick.

Member Orick replied, yes.

Secretary Guignet said, Wilson.

Member Wilson replied, yes.

Secretary Guignet said, Newman.

Member Newman replied, yes.

Secretary Guignet said, Gary.

Member Gary replied, yes.

Secretary Guignet said, Randall.

Member Randall replied, yes.

Secretary Guignet said, Likens.

Member Likens replied, yes.

Secretary Guignet said, Maxwell.

Member Maxwell replied, yes.

The motion carried.

Member Maxwell said, we tabled this until the August 14th meeting.

Mr. Hershman said, that's all I have for you.

Member Wilson said, I want to bring something up under miscellaneous.

Did everybody get a copy of the proposed budget for the Planning Department for 08? When I looked through that budget in essence, I'm just going to refer to the labor line, the labor line on the budget has a proposed salary increase built in to it at 5%.

I'm just going to express my personal view, which probably won't set well with the employees, but the county is still four and a half million dollars in debt and I don't know the wisdom of applying for that large of increase in salaries. I speak for the County Council, I don't know what their feelings are going to be, I can tell you that the contract with employees are at 3%. I'm a bit uncomfortable myself in the Planning Department asking for that large of an increase. I don't know what this boards feeling is. You know there are some department heads that put in larger amounts for their employees. Traditionally what happens is the County Council turns around and whacks them right off the bat going in. I always felt like that rather than as department head putting in for something was unusually high that I knew was going to get whacked before I went in that you would be better off submitting something that I felt was reasonable and would sail through. Everybody's got their own ideas on this. I am a bit concerned that the 5% in essence reflects what this body deems as the appropriate amount. Now whether you guys want to get involved in the middle of that or not I don't know. Jerry you have a comment?

Mr. Shine said, I can recall being personally involved in one of these 20, 25 years ago where the department head did request increase because of the economics, the county gave an increase and the department employees did not get the increase in pay.

Member Wilson replied, well that's not really fair either.

Mr. Shine said, whether it's 3%, 5% or 7% I fully understand exactly due to the economics now you may want to change that to 3%. It's up to the council to make that approval. Mike did you go over that (not audible).

Mr. Herhsman said, no I gave ---

Member Wilson said, he did with me because I called him up after I got it.

Member Simmermon said, do we take any action because its not publicized?

Mr. Shine said, well it's already been, it was required to be submitted.

Member Wilson said, there is some merit in the business of --- if you advertise you can't go up so --- that's just the way it is. So you can advertise higher and it come down. I just ---

Mr. Hershman said, I talked to the employees yesterday and said basically 5% and percent is not very likely if at all. It will be more likely the 3%.

Member Wilson said, so you have cleared that up as far as their expectations.

Mr. Hershman said, right and I gave them memos to that effect as well.

Mr. Gustin said, bare in mind most department heads do --- some put 10% raises and the first day of the county meetings the very first item on the agenda is, if we're going to give a raise it's usually what the union employees are going to get. Approximately 3%.

Member Wilson said, for clarification the board of commissioners did not do that. So --- since I've been here.

Did you put anything else in there that this board should be made aware of as far as any new ideas?

Mr. Hershman said, no -- I did put in for a new laptop under the 440 account. And to replace our copier and printer, the money for that because our equipment is dying on us. So I did put in the 440 for that. But then our laptop has seen better days as well.

Mr. Shine said, what's our --- an area that I've been told by IT you need to look into, is the amount of supplies on our current copy machine, and our maintenance agreement we may be able to save a substantial amount of money and still get a new machine.

Mr. Hershman said, right, and that's when I talked to the person and I already went to council in front of us last month, the new copier, the one that (not audible) all that's figured into it, supplies, paper and everything's all figured into it. That covers everything. Now they do cover --- they say per, you get like however so many copies a year, if you go above that there's a little bit of an overage, but that's is; but for maintenance and supplies and everything are covered.

Member Wilson said, did you included additional monies in that budget for training?

Mr. Hershman said, yes, an additional \$1,000 in the 390 account for that.

For what it's worth, that's for the employees, I pay for my own training out of my own money. So I got accomplished and that sort of thing and it was out of my own pocket.

Member Wilson said, well I know this wasn't on the agenda, and I don't want to prolong the discussion but, as we get closer to budget hearings, it's good for this board to have an understanding where that money's going because when a county council person calls you on the phone one evening you can express to them with some knowledge as to what is what.

Mr. Hershman said, just a couple of other explanations, I put in additional money in one account for increased -- to account for increased gas prices and maintenance on the Silverado, and the other increase was for Mr. Shine's account because we have been running a lot of legal expenses. So the rest of the accounts I toe the line on.

Mr. Shine said, you need to sit down with Mr. Gustin and go over so you two can answer any questions that you might have. As council I would ask you to at least help him in what we talked about.

Patrick Manship was present and told the board he would like to address them at this time.

Mr. Manship said, we have a client similar to this ordeal. You have to look at the property. It's a unique piece of property. It's in an estate right now. A brother and sister inherited it, their parents have passed away. And they have to go through the same hoops. Three different waivers. Two hundred dollars a pop. He doesn't have any money. We are going to go with one waiver at a time. Once we apply for one waiver could we just discuss the other two that have to be approved prior to the ---

Member Maxwell said, not if hasn't been advertised that way.

Mr. Shine said, it's just what's before us.

Member Maxwell said, just what's on the agenda.

Mr. Manship said, that was my question and that was your answer. Thank you.

Mr. Hershman said, I do have something real quick and this is more heads up and this is for your personal preference.

Simpler Times Village is coming through that PUD out on New Columbus Road. They have submitted the information to us both on a computer disc and as a packet. Which format do you gentlemen want? On a compute disc or book?

Several members replied the book.

Member Wilson said, they are going to have more money in the paper than they are the disc how about getting both in here?

Mr. Hershman said, okay, I've made previsions for both --

Member Wilson said, or if they don't want to burn the disc, if they just digitally --- on a PDF ---

Member Newman said, it's already in the -- I don't know if it's PDF or not but --- you can get it on your hard drive.

Mr. Hershman said, okay, gentlemen that's it.

Member Orick said, I move to adjourn.

Member Wilson said, second.

Mr. Maxwell said, meeting adjourned.

Adjournment: 10:37:39 A.M.

Bill Maxwell, President

Beverly Guignet, Secretary