

BOARD OF ZONING APPEALS
MEETING MINUTES
June 12, 2018

Kris Schwickrath: Good evening, everyone. Before we start tonight's BZA meeting, we're normally not used to having so many people in the audience. Usually there is no one other than the petitioners, so welcome this evening. I guess we can start; I'll now call the meeting to order. I was going to say something, but I forget what I was going to say. Do the roll call first? Right, yeah let's do that. Okay so we're also not used to this. Oh, I wanted to apologize for starting a few minutes later. We're not used to this many items on the evening docket. So now I call the June 12, 2018 meeting of the Board of Zoning Appeals to order. We'll begin with a roll call.

Bryant Niehoff: Yes. Mr. Lisher – here, Mr. Clark – here, Miss Schwickrath – here, Mr. Cassidy – here.

Schwickrath: Prior to this evening's meeting, we have last month's minutes to approve. I'll entertain a motion to approve the minutes as stated.

Jim Lisher: I would move to approve the minutes.

Chris Clark: I'll second.

Doug Cassidy: Second.

Schwickrath: Okay we'll give that to Mr. Clark. All in favor, signify by saying, "Aye".

In Unison: Aye.

Schwickrath: Opposed, same sign.

No reply.

Schwickrath: Okay the minutes are approved; thank you. We have no items under Old Business so we're gonna move on to New Business and I thought I would explain briefly to the audience how this will go this evening. So we set up the evening's docket according to the first come, first serve basis. So the first item this evening will be the Redevelopment of the former Bonded Oil site. The second, that will have 2 development standard variances. The second item tonight will be the Shelby County Co-op and the third one will be the United Scrap Metal petition. Okay so we'll go in order and if there's more than one variance, we will do each one separately. Anyone is welcome to speak on behalf of whatever particular petition is current and please state your name for the record. And again, this is a public meeting, so anyone is

welcome to step forward and speak on behalf of a petition. So with that said, let's begin with the first petition if you would read that first.

Niehoff: Absolutely. Yes this is case number BZA 2018-8 and this is a requested development standards variance, actually two requested development standards variances for the property at 215 E. Broadway Street. The petitioner's name is Jerry E. Wiggins. The owner's name is Jerry Martin and the subject property's zoning classification is BG, business general. The action requested this evening is approval of 2 development standards variances from the landscaping standards. One from the foundation plantings standards and the other from the parking lot perimeter landscaping (?).

Schwickrath: So the first one, as I said, one at a time and this one is the foundation, correct? Let me just find my place here and we'll begin. And this is Mr. Wiggins, right? If you would please state your name for the record.

Jerry Wiggins: My name is Jerry Wiggins.

Schwickrath: And please tell us about the first variance that you're applying for.

Wiggins: Well if you all can look in your packets and find this drawing, it'll make it so much easier.

Schwickrath: Yeah.

Wiggins: If you notice, you'll see the existing canopies that are there and according to the ordinance, there has to be a walkway in front of the building in there. Now this is all, right now this is all concrete out there and in order to comply with the ordinance, I've gotta take the concrete out in front of the building where that sidewalk's located and then I gotta pour a new sidewalk in there of a different color in order to comply with the ordinance. Well given that, where that walk is and where that and where the pump is out there, I've got enough room for the cars to get in there and get their gas, but I don't have enough room to place a landscape strip across the front of the building in there. It's, the site is so small and there a lot of constraints on this site given some of the things that are in the ordinance. Again, existing across the front of the property and I'll go ahead and tell you about the other variance anyway, but the other variance is across the front of the property and we don't have the room to put it in there because of the existing canopies and everything that are in there. So pretty much what we need is a variance for the landscaping in front of the building. Now I have added additional landscape to the side of the building in there to

Schwickrath: To compensate?

Wiggins:to compensate from what we're taking out of the front.

Schwickrath: Okay anything further?

Wiggins: On that particular variance, no.

Schwickrath: On the first one. Alright, what we'll do now is we'll take questions from the board members and then I'll have to open it up to the public. Okay so we'll do one step at a time. So Mr. Cassidy, I'll start with you if you have any questions at this point about the first one.

Cassidy: I have no questions.

Schwickrath: Okay, thank you. Mr. Clark?

Clark: I don't have any questions at this time.

Schwickrath: Mr. Lisher, the first variance?

Lisher: Okay, give me just a second. Sir, we reviewed your application on this 2018 A,B or 8A, excuse me.

Schwickrath: 8A.

Lisher: And you agree that you'll be with the approval of the condition that you'll be substituting or taking whatever planting or landscaping would be required

Wiggins: I can't hear you, sir.

Lisher: You agree that the condition that staff is proposing for the approval of 8A is that you will take the landscaping and place it elsewhere on the lot.

Wiggins: Yes. That's what's I've done. I've placed the landscaping along the sides of the building. I've already done that on the plans. They've submitted now to the city.

Lisher: We just have to go through the procedure to see

Schwickrath: Sure. It's....

Lisher:whether or not you're willing to comply with the condition that's proposed. That's all.

Niehoff: Yeah.

Wiggins: Yep, I've already complied.

Niehoff: Well to jump in there, if I may.

Lisher: Yes.

Niehoff: Landscaping is actually required along around all sides, all facades of the building, so you're meeting a portion of the standard, but the condition that we are suggesting to the board that is proposed is basically the shrubs, and I believe there was three, is that correct, Adam?

Inaudible reply.

Niehoff: Three shrubs that were proposed or that should be included on the front of the building or the front façade that they be located elsewhere on the site. So basically now you take that three shrubs that you should have been required to put on the front façade. You moved them elsewhere, so....

Wiggins:(inaudible)....beside the along the side.

Schwickrath: Right.

Wiggins: Actually, I put more than that in there.

Niehoff: Okay.

Schwickrath: No, that's fine.

Niehoff: As long as yeah as long as.....

Wiggins: I've got more than is required.

Niehoff: Okay. As long as you're exceeding that standard somewhere else.

Wiggins: Yeah.

Niehoff: It's (?).

Lisher: That's my only question.

Schwickrath: Thank you, Mr. Lisher. I think one of us needs to say and maybe all of us in the City of Shelbyville are grateful for the fact that this site is finally going to be, look different I should say. And so we understand that. When we go, when it seems like we're nitpicking here, it's just simply we need to state this for the public record, so that's what that first one was about. So we understand and in reading through the notes here and your statement, we

understand I think we're all in agreement about the fact that you know that the land that there'll be landscaping elsewhere rather than with the ordinance.

Wiggins: There are some things that I saw in the staff report that we will have to discuss here.

Schwickrath: Yes. That's fine.

Wiggins:in a (?).

Schwickrath: That's fine. Okay, but as far as the first variance goes, I

Wiggins: First variance, we're good with that, right?

Schwickrath: Yes I have no further questions. So at this time, I need to close questions from the board and open up questions from anyone in the public who wishes to speak about this particular variance request.

No reply.

Schwickrath: Okay hearing none then, we are ready to move back to any further questions that may have come into your minds or if we're ready for a motion, we can proceed with that. Mr. Clark, it looks like you're ready.

Clark: Yes.

Schwickrath: Okay.

Clark: I'd like to make a motion that we approve BZA 2018-08A for relief of UDO 5.32 for non-residential lot planting standards with the following condition: the number of plantings that would be required under UDO 5.32 shall be provided elsewhere on the site to meet the intent of the ordinance.

Schwickrath: Okay there's a motion.

Cassidy: Second.

Schwickrath: Okay Mr. Cassidy seconded that so please cast your ballot then for BZA 2018-8A. Thank you.

Niehoff: And this is for BZA 2018-8A. Mr. Cassidy – yes, Mr. Lisher – yes, Mr. Clark – yes and Miss Schwickrath – yes.

Schwickrath: Okay, so the motion carries. So let's move on to the second variance.

Wiggins: Okay second variance is landscaping across the frontage of the property. Now when I say across the frontage of the property, I guess you're gonna have to go back to the staff recommendations that are approvals for the with the (?) and condition that they've got on there on the bottom of their sheet also because when I'm talking about the frontage of the property, I guess I'm gonna be talking about Broadway and I'm gonna be talking about the alley in there.

Schwickrath: Yes.

Wiggins: Let's talk about Broadway first.

Schwickrath: Okay.

Wiggins: I have an existing 9' sidewalk across there. We have canopies that are right there even with the property line. There is no way for us to put a 10' landscape in there without taking the pumps out and putting landscape in there. That's why we need the variance on it because we don't wanna eliminate the income in order to put trees in if that's what we're talking about. They're existing right now so that's the reason for the

Schwickrath: To clarify or to make sure that I'm clear, you are speaking of holding up the smaller map, the illustration. You're talking about the you said 10' here in between.....

Wiggins: The full width of the property foranywhere where there wasn't a driveway coming in, there would've been required to put a 10' landscape in there and landscape in it.

Schwickrath: Right. So you're saying that you disagree with the staff recommendation to put in a green strip in between....

Wiggins: First off, that's not our property. That's the state highway's department, the state highway's property in there.

Schwickrath: We discussed that in the pre-meeting.

Wiggins: And the problem I've got is is it takes forever to get anything approved out of the state highway department and whether or not they'd (?) it or not, I don't know.

Schwickrath: Okay.

Wiggins: But if you look at the traffic pattern that I've got shown on that drawing in there, you will see that a car coming in from that eastern entrance, he's gonna come in, he's gonna pull into that first pump under that first canopy in there. Without that entrance going out there, how does he get out of there?

Schwickrath: So....

Wiggins: That's the reason that entrance is there because of the way these pumps are set up. They're offset. There is, it shows a canopy in the middle in there and that's not....it's not gonna be put in. That was a

Schwickrath: Okay so wait. So according to this then, this is a more accurate map, isn't it?

Wiggins: Yeah.

Schwickrath: Okay so we'll go to this one.

Wiggins: Yes.

Schwickrath: Okay, right. So you're saying that the middle....

Wiggins: To get in and out of those front pumps, they get in and out of there through that entrance.

Schwickrath: You're saying in the middle?

Wiggins: Yeah through that entrance.

Schwickrath: Okay.

Wiggins: So closing it off actually provides no access out. Once you get into a pump, there's no access out.

Schwickrath: So then what we have to consider then is public safety. So for us, slowing down the traffic and you have two entrances 'cause basically that entire strip there, the whole length of the property basically is a curb cut, right? It really is.

Wiggins: Inaudible reply.

Schwickrath: Those little bumps there really do very little. Anyone could just drive over those. So the whole thing looks like an entrance to whoops, excuse me, to the property itself. So what you're concerned about, if I'm correct, is the actual flow of the traffic, is that right?

Wiggins: The flow of traffic.....what I'm saying is if somebody pulls into the pump on the east, that easternmost pump.....

Schwickrath: Yes.

Wiggins:and they pull in from that easternmost entrance, how do they get out of there without having that entrance, that existing entrance (?) how do they get out of there without having that entrance, that existing entrance be there? How do they get out of there? Do they back out of the (?)?

Schwickrath: No, they're not gonna do that.

Wiggins: They gotta pull out.

Schwickrath: Right.

Wiggins: That's why they need that entrance.

Schwickrath: Bryant, I see that you're poring over that and puzzled.

Niehoff: Yeah, if I may ask.....

Schwickrath: Please.

Niehoff: Jerry, how are the pumps laid out underneath the canopy?

Wiggins: So that the cars come east/west.

Niehoff: Okay so then

Wiggins: Cars coming in come east/west.

Niehoff: Okay so....

Schwickrath: Right.

Niehoff:if I'm at one of the pumps under the easternmost canopy, I don't see how I can just drive my car out of that easternmost.....

Wiggins: If you're if you're coming out of if you're if you come in that middle entrance to the pump on the south side of the east pump, then you drive out the other entrance.

Schwickrath: Right.

Wiggins: But if you come in from the east pump or if you're pulling into that into the northern side of that pump in there, you're gonna be pulling in from the east to west. You need that

middle entrance in order to be able to get out of there. You can't make a u-turn around the pumps.

Niehoff: Yeah I mean I guess I just don't understand how you couldn't utilize at that point that westernmost curb cut.

Wiggins: But you got....

Niehoff: Inaudible comment.

Wiggins: What if two cars are sitting at the pumps on the other side? How do you get out of there? And it's the same thing with that side. If I gotta guy that pulls in from that western side, he pulls into that pump, he's gotta use that middle entrance to get out of there also. If somebody pulls in from the middle entrance, he pulls in there, he goes out the west entrance. That's the way it's been set up. I mean that's the way it was set up originally. That's how these people get in and out of those pumps is via the entrances that are there.

Schwickrath: That makes sense. It does. Actually we hadn't really considered it that way. We were not necessarily looking at the flow of the traffic. And then it's hard to imagine or project what the actual volume will be, so I'm not even gonna play that guessing game. It's impossible.

Niehoff: Yeah.

Schwickrath: Right, so the advantage is the alleyway.

Wiggins: Let's talk about that alleyway. We have a if you look at the plan, you'll see it says existing diesel pump.

Schwickrath: Yes. There's a pump there.

Wiggins: There's a pump there.

Schwickrath: Yes.

Wiggins: (?)

Schwickrath: Okay.

Wiggins: I've only got 14' from the edge of that pump to the property line.

Schwickrath: Are you leaving that pump?

Wiggins: Yes.

Schwickrath: You're gonna leave that pump?

Wiggins: Yes.

Schwickrath: Okay.

Wiggins: We're leaving the diesel in there. We don't want our, it's that's an income for the property. We don't wanna eliminate it.

Schwickrath: Right.

Wiggins: The tanks are there. Everything is there. It's existing. It works. So there's no way I can put a landscape strip through there but I guess because it eliminates it would eliminate that diesel pump.

Schwickrath: I think we need to put some landscaping somewhere along that alleyway. And I think it is feasible, but we're gonna have to.....

Wiggins: I can go along with you, but I think there has to be there has to be something some provisions in there. Our tanker truck is gonna be coming through here.

Schwickrath: Uh hmmm.

Wiggins: And if you'd look at the....the way I've got that thing laid out with the arrows in there, that's the way our tanker truck's gonna come through.

Schwickrath: Okay.

Wiggins: Around there.

Schwickrath: So from the....

Wiggins: So I can'tI would say probably in the northernmost 30'

Schwickrath: Sure.

Wiggins:adjacent to the alley and probably....

Schwickrath: And the back end?

Wiggins:and probably the back 30' adjacent to the alley.

Schwickrath: Okay.

Wiggins: 'Cause I think I think they still maneuver still move that truck through there.

Schwickrath: Are you leaving.....I think this is related. Are you leaving that building or shack for lack of a better word in the back there? Are you going to be using that as well?

Wiggins: It's we'll it's gonna be remodeled into the new (?).

Schwickrath: Remodeled? Okay.

Wiggins: Into the new building.

Schwickrath: Okay.

Clark: Are you speaking of the one on the far.....

Schwickrath: The one on the far.....

Wiggins: Inaudible comment.

Schwickrath: The far south end, you're gonna keep that, but you're going to remodel it? Okay. Okay so you wanna leave the area near the diesel pump.....

Wiggins: I'm gonna need that area around that diesel and the area that would affect the tanker truck coming in to there.

Schwickrath: Okay. Alright. Does everyone understand where he's heading?

Lisher: (?) put some over here.

Wiggins: See I've got 2 sets of tanks in the back of the building in there.

Schwickrath: Yes.

Wiggins: I wanna be able to come in.....you got one guy coming in with diesel. He's gonna come in and drop off the diesel in there. And other one's gonna go over to the other one here and then they're gonna go back out that western entrance.

Schwickrath: Okay.

Wiggins: I want 'em to come in Broadway and out the other.

Schwickrath: Sure, right as your arrows indicate.

Wiggins: I don't want 'em comin' reverse of that.

Schwickrath: Okay so we have two things that we're looking at here and that is the that middle. I'm gonna call it the middle entrance between the two bumps on Broadway. I actually would like to leave that open as an option after we would talk to INDOT. Is that a possibility?

Niehoff: Yep.

Schwickrath: I just wanna leave it open as an option. I'm not saying that it's something we'll script tonight necessarily and then the alleyway is the other (?).

Wiggins: Well I can tell you now if that has to be closed down, then those two pumps have gotta be removed.

Schwickrath: Well I'm not so sure about that and that again, can you speak to that at this point or is it too premature?

Niehoff: Well...

Wiggins: They're not usable without that entrance in there.

Niehoff: I think from a staff standpoint and someone who's gonna have to be approving this permit once you know once we're at that stage, if we're at that stage, you know I would like to see what the circulation looks through that, looks like through that site.

Schwickrath: Right. That's what I'm implying myself. Thank you.

Niehoff: Yeah and there's technology available and we've required it on many other whether it's a variance petition, whether it's a site development plan. But to see what AutoTurn shows you, CAD AutoTurn will show you.....

Wiggins: Easiest way to do this is to take your car and drive over there....

Niehoff: Yeah.

Wiggins:and you'll see exactly what I'm talking about.

Schwickrath: Correct.

Niehoff: Yeah if and we can....

Wiggins: I could sit here and draw you all sorts of things....(inaudible)....

Schwickrath: No, that's okay. But....

Wiggins:you'll understand what I'm talking about.

Schwickrath: No we understand. Right. We're practical people and we live here so we understand and we want things to be friendly or user-friendly to use that expression. And so we really get it, but at the same time, there are other there are other tools that we can use that will then inform us and that's what I would like to do 'cause that's a best practice.

Wiggins: Well Mr. Martin had informed me that he's had this site here for(inaudible)....I believe it was for 60 years, is that correct?

Inaudible reply.

Schwickrath: Wait; if he speaks.....

Wiggins:(inaudible)....site for 60 years?

(?): Inaudible comment.

Schwickrath: No wait, wait, wait. Mr. Wiggins, if he speaks, he needs to come to the microphone.

Wiggins: Okay well he had said he'd been associated with this site for 60 years and I'm assuming that the way everything was in here, this thing was laid out with those three entrances based off of the canopies and everything that were there.....(inaudible)....

Schwickrath: Sure, sure well it's 60 years later.

Niehoff: Well and we understand that, but also our ordinance now and what we're trying to do in any circumstance and any development plan for a property is we're trying to move that property closer to conformance with to the Comprehensive Plan and the Unified Development Ordinance. And both.....

Wiggins: But if it's not feasible, how do you do that?

Niehoff: Well with both of those documents, one of them is for policy document. The other is the ordinance of the City of Shelbyville. They reference the curb cuts and the fact that we are trying to do away with as many curb cuts as we have along our thoroughfares and our streets is an issue. So you know and that's from a circulation standpoint and a public safety standpoint.

Wiggins: And don't get me wrong. I we have no problem with getting rid of that if it didn't affect

Schwickrath: Correct. Sure.

Wiggins:the financial input of the site.

Schwickrath: I think we needed another look at that part and that's what I would like to recommend. It doesn't mean that we're not going to vote on it, but I think we need, I need more information about that part. I don't know about the other board members how you feel.

Cassidy: Well I have a question. If there's a car pulling in from the east of that far eastern pump and there's another car at the western pump, how much space is between the sidewalk and can that car pull out of there and pull beside to get the.....

Wiggins: Yes. There's plenty of room for 'em to pull out and go out that middle entrance.

Cassidy: No, no not going out that middle entrance. Going out the...if the west or if the eastern car pulls out and goes out the west entrance, is there enough room for that car to.....

Wiggins: There's not enough room without driving onto the sidewalk to get around the cars.

Cassidy: Okay. That's what I was getting at. Okay.

Wiggins: Yeah. Everything's being done to keep all the traffic pattern on the site itself and that northern or that southern edge of the sidewalk is the property line.

Niehoff: And we understand that. I mean I think I mean from a staff perspective(inaudible)....we just, we want to explore that option further. Now and not in delay of the project but as we move along with this project, see exactly what that circulation looks like. We don't wanna make and I'm speaking for myself and a staff standpoint, certainly not for the board, but we don't wanna make a rash decision. We wanna make sure that we've analyzed it thoroughly and we have all the information we need to make an informed decision. So did I speak out of (?)?

Schwickrath: No, no I agree. I think, well let's continue. Mr. Cassidy already asked a question and Mr. Clark, is there something that you would like to ask? Thank you.

Clark: Well I was wondering if we do away with landscaping in the front and continue having three entrances, could we make the center exit only?

Wiggins: You can't because of the because of the way the pumps are set up in there. You know yourself you got your gas tanks on one side of the car and you wanna pull in with that gas tank

adjacent to the pump. The gas tank is where? Normally on the driver's side. So therefore, the southern eastern pump, the southern half of that pump, you've gotta come in from that entrance to get into there. If you're gonna be at the northern side of that pump, you're gonna come in from the east and get into there, so then you've gotta go out that entrance. It has to be a two-way. I mean it's the way it's been done for multiple years out there.

Schwickrath: Sure.

Clark: That answered a question that I had but the.....okay, thank you.

Schwickrath: Thank you, Mr. Clark. Mr. Lisher?

Lisher: Mr. Wiggins, going back to this diagram, I think what you're indicating is even though this is darkened and I think the staff recommendation is that this be landscaped along the alley, you're indicating that 30' from the north

Wiggins: 30' from the north.

Lisher:can't be landscaped.

Wiggins:can(?) be landscape from the south...(inaudible)...be landscape.

Lisher: Pardon? Oh it can be?

Schwickrath: Can be. It's the middle.

Lisher: It's the middle that cannot?

Schwickrath: Correct.

Wiggins: The middle cannot because of it, because of the traffic pattern through there.

Lisher: Okay. So then how do you make up for the landscaping that you're not doing on the A that we just approved that that was at the that was normally required at the foundation planting on the north side of the primary structure? And now you're eliminating the middle, where are you proposing that your landscape go to make up for that?

Wiggins: Where....how many how many shrubs would be required in there?

(?): Inaudible comment.

Schwickrath: We'll have to look that up.

Lisher: I mean I show

Mr. Wiggins interrupted. Neither Mr. Lisher nor Mr. Wiggins is clearly audible.

Wiggins: I can put 'em along the west.

Lisher: It's already shown as being the landscaped area on the west. So I'm just looking for another area that

Wiggins: Yeah that's not a problem.....(inaudible)....

Schwickrath: Inaudible comment.

Lisher:(inaudible).....missing landscaping's gonna go.

Schwickrath: It's a good question.

Lisher: 'Cause for your information, I enjoy landscaping. I like to see the properties landscaped.

Wiggins: I do too.

Lisher: So I'm just trying to find out where do you propose that go according to this drawing that I'm looking at.

Niehoff: It's the there are two options for parking lot perimeter landscaping. The first option, which is the one that you wouldn't go for I'm assuming in this situation is a minimum is trees and shrubs. A minimum of one tree provided for every 600 square feet of landscaped area with a maximum one tree for every 400 square feet. And then they should be a mix of ornamental and deciduous canopy trees. So and in addition, one shrub shall be provided for every 100 square feet of landscaped area. So you would take that, the length times the width....

Mr. Wiggins interrupted.....

Wiggins: Well I got 132 x 5. That leaves me with....that's uh.....

Adam Rude: Inaudible comment.

Wiggins: That's what, 660 square foot total down through there?

Several people talking at once; no one is clearly audible.

Wiggins: And I don't have a problem with putting the shrubs along there.....

Schwickrath: Along the western side?

Wiggins: The trees are gonna have to go on the west side 'cause I got a power line that runs right down the edge of that property line in there so trees aren't gonna work in there.

Schwickrath: Sure.

Wiggins: So if I got three trees, did you say three trees have to go in?

Inaudible reply.

Wiggins: And they'll have to go along the west side of the property.

Schwickrath: Okay. That's what I thought.

Inaudible mumbling.

Wiggins:(inaudible)....I can put those in the 30' strips. 32 divided by 4 is 8. Yeah I can get I keep the 4' on center, no problem. I can keep 'em the shrubs totally on the east side, but the trees will have to go on the west because.....

Schwickrath: Sure.

Wiggins:because of the power lines.

(?): Sure.

Schwickrath: Are you satisfied with that? That's a possibility and we'll just need a finished plan before all of this is completed, right?

Niehoff: Yeah.

Schwickrath: For the landscaping.

Niehoff: Preferably before the Plan Commission approval.

Wiggins: Oh I'll have it for you.

Niehoff: Great. Okay.

Schwickrath: Okay.

Niehoff: And we need the plant types spelled out and the locations spelled out on that landscaping plan. So we can give you examples of other documents we've seen....(inaudible)...

Wiggins: Alright.

Schwickrath: Okay. Is that satisfactory?

Lisher(?): Sure.

Schwickrath: Yeah I think it makes sense given the nature of the site. It's not an easy one to work with.

Wiggins: You are so right.

Several people talking at once; no one is clearly audible.

Schwickrath: Thank you, Mr. Lisher. That was a good question. Anything further? Doug, anything?

Cassidy: No.

Schwickrath: Mr. Clark?

Clark: Nothing further.

Schwickrath: Okay then I close questions from the board at this time. If anyone from the public wishes to speak about this particular one....yes, Mr. Bate?

Jeff Bate: Thank you.

Schwickrath: Please state your name.

Bate: Uh Jeff Bate, attorney for Jerry Martin. Just to kind of give you a little background or the whole story here is that I represent Jerry, but Jerry Wiggins is petitioning for the potential buyers. To give you a perspective, this property has gone through litigation, successful. We've had an offer to buy this property from (?) and his partner, gosh we're going on getting close to a year now. We wanna make sure the deal goes through. The deal doesn't go through until they get approval. So I know how it appears on paper and I won't take any more of your time, but I do think I was talking to Max (?). Max, do you wanna come forward so people know who you are. Max wanted to say something.

Schwickrath: Sure.

Bate: Identify yourself.

(?): Hi and you are Kris?

Schwickrath: Schwickrath and you are?

Max (?): Schwickrath, got it. Very German. Hi, I'm Max. I'm from Fishers.

Schwickrath: Your last name please.

Akrom(?): Akrom, A-k-r-o(?)-m. It's like Abram(?), but with a k. Thank you very much for this meeting and thanks a lot did you in the end you mentioned that it's not an easy site to work with. But what I kinda wanted to come here and say is that right next door to us is a Speedway and you know we are like the you know we're a little nestling(?) going against a big eagle here you can just say or a vulture or whatever you wanna call it. I won't say vulture. But if we have a

Schwickrath: If you say it, it's on the public record. It's okay.

Akrom: If we have to go up against these people, we just cannot be at any sort of a disadvantage, any sort of because we're the little people over there. And if we create a bottleneck here in the front of the north entrance like we're trying to say here, Jerry was trying to say, one customer you know kind of experiences that, that customer's never coming back. And we're not making money from you know gas, selling gas over here because it's gonna be impossible to make gas when you're going up against Speedway over here. So it is going to be something else that they will pull inside the building and buy. So you know I just kinda want you guys to kinda keep that fact in mind that we just cannot be at any kind of disadvantage over here and if it is if that will exist for us, unfortunately we will have to pull out because hey, they have five entrances or they just don't even have this you know an entrance or exit like you were saying that you could have an entrance or you could have an entrance and exit for one side. We just cannot have that. We just kinda have to have that open feeling and like it has always been there. We will we're trying to use Jerry's name over here as goodwill too that you know hopefully he will be there and we'll get our customers. That's all I wanted to say. So just kinda keep that fact in mind whenever you guys go back at it and whatnot.

Schwickrath: Sure.

Akrom: So any disadvantage kinda sorta just it's not gonna be by a it's not a number issue. It's a weight issue I hope that kinda makes sense. That one little thing can you know weigh heavy on us. That's all I wanna say.

Schwickrath: But you also understand where we're coming from us is that our job is to maintain the intent of the ordinance.

Akrom: Sure.

Schwickrath: And so I can see you should be able to see that we are actually trying to work through this.

Akrom: By all mean and....

Schwickrath: Yes.

Akrom:I really, really appreciate it by absolutely all means.

Schwickrath: Yeah.

Akrom: And I want to say this too, three trees, four trees, ten trees. I'll put as many trees as it takes that place. I'll put those on there.

Schwickrath: You're on the public record; be careful.

Laughter.

Akrom: I'm just saying.

Niehoff: We're up to ten trees right now.

Schwickrath: Alright yeah I counted 10; very good. No, I'm kidding. Alright thank you very much. Anyone else wish to speak on this about this petition, excuse me.

(?): Yes.

Schwickrath: Yes, please.

Ray Wetnight: Pardon me. Good evening. My name is Ray Wetnight. I have owned the property adjacent to the subject property to the east. It was not very clear until the discussion as I was I had difficulty hearing the discussion in reference to the eastern boundary of the property line and what the variance requested versus what is required by the city. Could you please go through that with me again so I understand fully?

Schwickrath: Sure. So there's, you know that there's a diesel pump we'll just say in the middle? Okay and that's going to be left alone. Mr. Wiggins suggested that we leave the landscaping requirement or we change it along that the alley and that 30' from the north side in will be landscaped. And then from the south side 30' will be landscaped as well. So there in the middle, there will be an opening. Does that make sense?

Wetnight: It does now, yes.

Schwickrath: Okay.

Lisher: The original proposal by the staff, I think showed that it was to be darkened, in other words, landscaping the length of the alley.

Schwickrath: The whole length of it.

Lisher: And what the petitioner is asking is that not being in that middle section in order to allow use of the diesel pump. It's, I believe....

Niehoff: No, that's correct. Yeah.

Lisher: And the fuel trucks coming in.

Schwickrath: Go ahead, Mr. Wetnight.

Wetnight: So I'm.....so

Lisher: We like your landscaping by the way.

Wetnight: I beg your pardon?

Lisher: We like the landscaping on your building.

Schwickrath: So we want this to complement yours.

Wetnight: Well by the way.....

(?): Inaudible comment.

Schwickrath: Right, but that's a separate thing. I didn't mean to bring that up. But go ahead; you were gonna add something.

Wetnight: Since you brought that up, by the way, the city it required us to setback our property.

Schwickrath: Yes.

Wetnight: As you recall, the Parrish property was built right on the property line in that area so we brought that back per city requirements. Landscaped the front, again per city requirements

as well. So as I'm viewing this, the comments that I make earlier on Mr. Wiggins stated that the existing in your words "shack" at the back of the property, were you repurposing that? Or were you going to destroy it?

Schwickrath: Yes.

Wiggins: I thought you were talking about the building itself.

Wetnight: Okay. I believe you mentioned a shack in reference to the building that's behind the existing building. Is that correct?

Schwickrath: Yes. That one on the very end, the southern end of the property.

Wiggins: Oh that's gone.....(inaudible)...

Schwickrath: That's gonna be gone.

Wetnight: So that's what I heard differently.

Schwickrath: Right. So did I. Thank you for asking.

Wiggins: Inaudible comment.

Schwickrath: That's fine.

Wiggins: Inaudible comment.

Schwickrath: The current building I know you're going to change significantly.

Wetnight: Early on, I thought that perhaps this the layout with the cutout in the alley would be detrimental primarily to safety issues 'cause people seem to wanna scoot right through and I'm guilty too going through the Bonded lot to access Hendricks Street going from the north to the south.

Schwickrath: Sure.

Wetnight: But with this plan, it's gonna take a couple turns to get through to the alley.

Schwickrath: Right.

Wetnight: So....

Schwickrath: Which should slow traffic down. Is that....that's what you're implying.

Wetnight: It should slow traffic. At this moment, I have no objection to this and I will support it.

Schwickrath: Okay. Thank you very much for your comments. Would anyone else like to step forward and speak on behalf of this petition?

No reply.

Schwickrath: Okay I will now close public comment and I think we need to make a few revisions before we make a motion to make sure we capture the language.

Niehoff: Yes.

Schwickrath: Okay so let's just take a look at that for a moment. Okay...

Lisher: Number three is supposed to be....(inaudible)...

Schwickrath: Correct. So Bryant, I'm gonna turn to you. So what's possible for number three with the curb cut along Broadway Street?

Niehoff: So for that, we can change that. You know the staff investigate with the applicant and with INDOT and the city engineer's office. We'll work with them as well.

Schwickrath: Okay.

Niehoff: To see what that circulation actually looks like.

Schwickrath: Okay.

Niehoff: I think I mean I think that's the only way to look at it if you trust us to work with them and make that decision essentially on that condition.

Schwickrath: I think you have to.

Niehoff: Yeah. If it's possible in terms of the circulation once we take a look at what that ...(inaudible)....out the side by maybe doing some AutoTurn, whatever that is, then we'll report back to you guys and let you know that.

Wiggins: Inaudible comment.

Niehoff: Okay, sure.

Schwickrath: So let me just ask this about the timing of that because the next meeting that he that Mr. Wiggins needs to attend is the Planning Commission meeting, right?

Niehoff: Right.

Schwickrath: Which is, is that in 2 weeks?

Wiggins: 29th.

Schwickrath: The 29th?

Niehoff: 5th.

Schwickrath: 25th. It's Monday. Okay does that give you enough time?

Niehoff: Yeah we can work towards that. Yeah I mean and working with the city engineer's office and in going out to the site. Now in terms of and Mr. Wiggins mentioned this, in terms of getting a response from INDOT, we'll see. But....

Wiggins: Good luck on that one.

Niehoff:I don't think that's the biggest crux here. I think it is it's and see what circulation looks like on the site and what the city engineer's recommendation....

Schwickrath: Okay.

Wiggins: Yeah I'm pretty sure a site visit....(inaudible)....

Niehoff: And so real quick, Adam and Mr. Wiggins, they've filed for the Plan Commission meeting. Okay so everything, yeah I was just making sure.....

Wiggins: Inaudible comment.

Schwickrath: We're going to. That's why....I'm cleaning up the language right now. And the, where is the eastern one?

Clark: Number 2.

Schwickrath: Number 2.

Lisher: Number 2 you have to be something about 30' from the north and 30' from the south.

Schwickrath: 30'.

Niehoff: Yes.

Schwickrath: Okay. Is someone capturing that, number 2?

Clark: Not completely.

Schwickrath: Mr. Lisher, you wanna do it?

Lisher: Well...yeah.

Schwickrath: Okay.

Lisher: The landscaping area must be run along the 30' from the north and 30' from the south....

Schwickrath: From the south.

Lisher:on the eastern side.

Schwickrath: Side of the property, correct. Okay.

Lisher: That's how I would word it.

Rude: And I think in that in that same condition....(inaudible)....the number of...(inaudible)....

Lisher: Well I was thinking about....

Rude: Just so we can ...(inaudible)...

Schwickrath: You have some flexibility.

Rude: Inaudible comment.

Lisher: Can that be included in what used to be 4?

Schwickrath: I think that's where I would put that.

Niehoff: Are you talking about the eastern property line?

Clark: Yeah. I think so.

Niehoff: Yeah so it's 14 shrubs and 3 trees, correct? Yeah.

Lisher:(inaudible)....make that a 3...(inaudible)....put that in there.

Schwickrath: Yes.

Lisher: And then the landscaping must be reviewed and approved to include

Schwickrath: The number of trees andyes.

Lisher:some trees and so forth.

Schwickrath: That's fine. Any other questions or comments?

No reply.

Lisher: Don't look at me. I'm not quite that (?).

Schwickrath: No, that's alright. No, I'll give you a moment. So....

Inaudible mumbling.

Lisher: And as to the including number of

Schwickrath: Trees and shrubs.

Lisher: Including number of trees and shrubs. Will that take care of it?

Niehoff: Yeah.

Rude: Inaudible comment.

Schwickrath: Are you ready?

Lisher: Okay, I guess I'm ready to make a stab at it.

Schwickrath: Okay, so I'll entertain a motion then.

Lisher: Madam chairperson, I move to approve the petitioner's variance of UDO 5.35B parking lot landscaping standards to include the Findings of Facts and conclusions as set forth by the staff with the following conditions. One, landscaping area must be provided directly north of the parking areas to the east and west primary structure to provide the appropriate screening for those parking areas.

Schwickrath: Can you not hear him?

Inaudible reply.

Schwickrath: Okay. Just a little louder.

Lisher: Two, a landscaping area must be provided along the eastern property line 30' from the north end and 30' from the south (?) on the subject site. And three, that the amended landscaping plans must be reviewed and approved by the planning staff prior to the issuance of an improvement location permit, including the number of trees and shrubs as ordinarily would have been required.

Schwickrath: Okay. Did you state the third one with the circulation? Did you include that?

Lisher: The what?

Schwickrath: The circulation.

Lisher: I forgot.

Schwickrath: Okay so one more, one more.

Lisher:(inaudible)....that petitioner is to cooperate with staff in determining the circulation as to the center entrance.....

Schwickrath: Curb cut.

Lisher:curb cut to the property.

Schwickrath: Okay, I think we have it. Okay, there's a motion.

Clark: I'll second.

Schwickrath: Okay please cast your ballot then for BZA 2018-8B.

Niehoff: This is for BZA 2018-8B. Mr. Cassidy – yes, Mr. Lisher – yes, Mr. Clark – yes and Miss Schwickrath – yes.

Schwickrath: Go for it.

Wiggins: Thank you very much.

Schwickrath: Okay, thank you. Good luck with the project.

Wiggins: Thank you.

Schwickrath: And I know you'll be in contact with the staff. Thank you.

Wiggins: Yes, definitely.

Schwickrath: Thank you for all of the work. Okay alright we can move on now to the second petition. Go ahead. Please read the petition itself.

Niehoff: Yes. This is for BZA 2018-9, the Shelby County Co-op electronic message center. The petitioner's name, excuse me, is Cain Signs. The owner's name is Shelby County Farm Bureau Co-op. The petitioner's representative, again is Cain Signs and the address of the subject property is 2350 E. St. Rd. 44. The subject property's zoning classification is BH, business highway and the action requested this evening is approval of a special exception for the use of an electronic message center pursuant to UDO 5.5(?).

Schwickrath: Okay, thank you. If the petitioner would please come forward to the microphone. State your name for the record.

Amy Cain: Good evening.

Schwickrath: Good evening.

Cain: My name is Amy Cain.

Mike Mills: Mike Mills, Shelby County Co-op.

Schwickrath: Okay so you are free to tell us about the project.

Cain: We are just asking for the special exception to put an LED sign to replace the existing signage at the Shelby Co-op.

Schwickrath: Can everyone hear her? I know they're happy out there.

Cain: Sorry.

Schwickrath: No, that's okay and then you can move the (?).

Lisher:(inaudible)...replace the existing sign....(inaudible)...

Schwickrath: Okay so would you please restate that. I was distracted. Sorry.

Cain: No, that's okay. We are just requesting the special exception to do an LED message board to replace the existing signage at the Shelby Co-op.

Schwickrath: Okay, thank you. Okay. Thank you for closing the door. Anything further?

Cain: Inaudible reply.

Schwickrath: Okay we have all of the dimensions and the style of it. Okay so I'll start with questions from the board. Mr. Lisher, you feel ready?

Lisher: I just make sure I heard correctly that the petitioner's requesting that the LED sign be improved to in replacing the existing sign?

Schwickrath: To replace the existing signage. So do you need

Cain: The Shelby Co-op signage.

Schwickrath: At the entrance?

Cain: Correct.

Schwickrath: Okay.

Lisher: That's all the questions I have.

Schwickrath: Okay, thank you. Mr. Cassidy?

Cassidy: None.

Schwickrath: Mr. Clark?

Clark: The Shelby Co-op signage; are you including the Ace Hardware signage?

Cain: We're not replacing....there will be an Ace Hardware on the top possibly.

Schwickrath: That's in the mockup. I remember. Is that right? Okay let me just find that. Hold on.

Cain: Yeah.

Lisher: (?) one.

Schwickrath: Yeah. So I'm looking at it says Shelby County Co-op and then Ace Hardware is in the it's on the right hand corner. Okay.

Lisher: Are we looking at the right one?

Cain: Yes.

Schwickrath: That one.

Lisher: Which is rendered in....(inaudible)....

Cain: Yes.

Schwickrath: Yes, thank you.

Clark: The staff report suggests a stipulation on this as of the removal of other permanent free-standing signs.

Cain: Yes.

Clark: And you're proposing that you do not want to do that....(inaudible)...

(?): Inaudible comment.

Clark: You agree to that?

No audible reply.

Lisher: You can have it on your building.

Mills: Inaudible comment.

Cain: Yes, reluctantly.

Schwickrath: Well I think just to capture the essence of it because this board has been through....this is our big thing is the signage and so I think you need a little bit of a background and we many of us have lived here all our lives or I'm not from here, but I've lived here a long time and I've seen the old 60 year old signs. The complaints about Bonded Oil, for example and the city could not do anything. So I think your property is in a similar light. And I like the language in your petition where you say basically to be more progressive and I think this monument sign really does it. And I just so for the record, I'm (?) kind of against the LED signs because I don't wanna see the place lit up like Las Vegas because if everyone along 44 asks for one, we you know.....So but I think what you wanna do is actually a really nice addition and an

upgrade. And then removing those three antiquated signs, although I do like old stuff, I really think this will actually improve your property. So if you are in agreement, however slightly reluctantly.....

Mills: Yes, we are.

Schwickrath: I know. Change comes hard sometimes, but when the city sent out a letter to remove 14 antiquated signs, they all came down and I think, we may not realize that, but I think it actually does create an aesthetic that we're looking for for us that fits Shelbyville. So I just wanted to say that.

Mills: Okay.

Schwickrath: And thank you for being willing to at least consider that. Anything further from the board?

Clark: No.

Lisher: No questions.

Schwickrath: Okay I will close questions from the board members and open this up to anyone from the public who wishes to step forward and speak about this particular variance.

No reply.

Schwickrath: Okay I will close questions from the public, hearing none and if we feel ready to move to a motion, we can.

Cassidy: I'd like to make a motion to approve the requested special exemption use of an electronic message center with the condition that the free-standing signs be removed within 30 days after the installation of the sign.

Schwickrath: Okay.

Lisher: Second.

Schwickrath: Okay please cast your ballot then for BZA 2018-9.

Niehoff: Thank you. This is BZA 2018-9. Mr. Cassidy – yes, Mr. Clark – yes, Mr. Lisher – yes and Miss Schwickrath – yes.

Schwickrath: Thank you. I do have a question. Is this guy gonna be the one on there?

Laughter.

Schwickrath: I'm kidding.

Cain: Maybe not.

Schwickrath: Okay. Thank you.

Cain: Thank you.

Mills: Thank you. And just for your information, I don't think it was really mentioned in the (?) at all. We do plan on using the sign for community events as well for advertising.

Schwickrath: Sure.

Mills: We do that our station at 9 and 52 and we fully intend on doing it here.

Schwickrath: I think it's very helpful. Yeah thank you. That's a good bit of information to know. Thank you.

Mills: Okay thank you.

Schwickrath: Okay that went a lot faster than I thought. Keep going?

Niehoff: Yeah.

(?): Inaudible comment.

Schwickrath: I think it was. Thank you for your patience. Okay so we're ready for number three. Yes, go ahead.

Niehoff: Alright, great. This is the last item on the agenda for New Business. This is BZA 2018-10. This is the United Scrap Metals special exception use. The petitioner's name is United Scrap Metal IN, LLC. The owner's name is Faeza Alloyers USA. And the petitioner's representative this evening is J. Lee McNeely. And the address of the subject property is 751 Boomer Way. The subject property's zoning classification is IG, general industrial. The action requested this evening is approval of a special exception use of the waste disposal facility in an IG, general industrial zoning.

Schwickrath: Thank you very much. Mr. McNeely?

Lee McNeely: Thank you. Good evening. My name is Lee McNeely. I'm with McNeely Stephenson and I represent both the owner, Faeza and the proposed purchaser, United Scrap.

We had prepared a spectacular power point for you this evening. Jake Brattain, one of our local lawyers who lives in and was raised in Shelbyville, but due to our late hour, we could probably do without that. This is a petition for a special exception that we have spent a considerable amount of time talking with the city administration about. We represent Faeza and that property was originally petitioned to be rezoned for a scrap yard many years ago and I'm, the petitioner at that time was HPG and it was turned down at that time because of noise vibration and things of that sort that would interfere with the operation of adjoining properties. So Faeza came from Mexico to this location and built the current facility in cooperation with Ryobi which was another client of mine at the time. And since then they have gone out of business and have been looking for a purchaser. United Scrap is a corporation based in Illinois who has a number of facilities around the country. Both their home based is in Cicero, but they have locations in Charlotte. They have locations in St. Louis, etc. and are now seeking a location in Shelby County so that they can service their primary client in this area which would be Duke Energy. In the materials that you have in front of you, if you wanna flip to it quickly, on the third page, we had a overhead site of the current Faeza property, which is tucked in south of the Morris of the Mausoleum Road in the industrial park. If you turn to the next page to give you some sense of perspective here, we've included the other adjoining owners which includes Toray, Ryobi, Yuma, Culpepper and Kimura which is currently under construction. The initially, this was met with some resistance. I think as much as anything else because of the name of my company, which is called United Scrap and everybody thought well, we've been through that battle already. You know we were here with HPG, why are we doing this again? And fortunately, we met with the mayor. We met with Bryant and his staff and Adam and we met with Brian Asher from the Shelby County Development Corporation. We explained to them in some detail, which is some of the beauty of doing business on a local basis. You can do things like that. To explain to them that is in fact was a different operation than what you might've had in mind. And to his credit, and I'm not gonna steal his thunder because I'm gonna ask him to come up and say a few words when I'm done. We asked Brian Asher if he would in fact go to one of our other sites and take a look and see what's and see what in fact it is that we're trying to talk to you about bringing to Shelby County and we're very pleased that he took that opportunity and are pleased to present him to you so that you can hear from him, a neutral source, exactly what we're talking about doing here. Now we've been working with the Plan Commission over the last two or three weeks pretty intently on this project and we have now received the recommendations of the, which is a favorable recommendation from your staff. And in order to have a special use exemption, you're aware that there are five criteria that need to be met and fortunately, as included in the materials in front of you, each of the Findings of Fact received a positive staff recommendation. Although in some instances, they asked us to satisfy some conditions. With regard to Finding of Fact number one, we received the proposed use must be consistent with the intent of the zoning district and we received a favorable recommendation there. With regard to Finding of Fact number two, which talks about general welfare, the staff directed its attention as much as anything else to the previous complaints that had been registered when the earlier attempt to rezone had taken place. And that was that they didn't want noise, they didn't want vibration. They didn't want anything that would interfere with the uses of the other facilities in the immediate neighborhood and so they put,

which was fine with us because we knew we would not, and so they put on the conditions that we have no metal shredders. That we have indoor processing functions. That we have fenced outdoor storage and with those three conditions, they gave us a favorable recommendation with regard to number two. With regard to Finding of Fact number three compatibility, the proposal must be in harmony with the industrial park where it's located with the surrounding parcels and be less disruptive than prior uses. And in this instance we have a perfect example because we had Faeza there and we know exactly, it was a smelting operation and Brian can speak to that that this is a much softer, much gentler application than a smelting operation. So this is from that viewpoint, from compatibility, it's essentially an upgrade from where we are or where we would be if Faeza was still in operation. We received a favorable recommendation there with regard to the Finding of Fact number four with regard to character. We received a favorable recommendation. And with regard to the impact on adjacent area, we received a favorable recommendation with certain conditions. And if you turn to the next page, there were seven conditions that were listed and with regard to this application. The first one I've mentioned before is the use of metal shredders or similar devices will be prohibited and we're in agreement with that. The second one was there was we don't want there to be even a mistaken belief that this is a scrap yard of any kind. So there's a prohibition as to the acceptance of any vehicles in that type of thing which is where we have in other locations in Shelby County. We also prohibit retail. There'll be no drive up business. Nobody's gonna show up here, I got a pickup truck, I got the you know the old refrigerator in the back with a pickup truck. There's nothing like this. These will be corporate clients and I believe Brian will speak to that when he talks about their other operation. You've also put down some requirements here with regard to fencing, with regard to buffering and with regard to outdoor storage. All of which are acceptable to us as is. I do want to alert you and we have talked to the staff about this, with regard to the fencing that we've had conversations that we, because of the nature of our business and the fact that what we have is valuable, we may want even more fencing than what you've required here. We've talked with Adam about it and the idea would be if we get this accepted, we can live with what we've got, but we'll probably come back to you. You'll see us again a month from now asking for a couple of minor variances with regard to fencing, things of that sort to make the area even more secure than it is. And we understand we understand the impact that this would have on our neighbors and I think Brian will also speak to you with regard to his conversations with the neighboring and adjoining businesses that are out there now. So if we have questions that are more detailed than I can answer at this point, I have two people. I have Brad Surland(?) who is the son of the founder. I have Jim (?) who's the CEO. And we're prepared to answer any of your questions or respond to any of the comments that may come from the public. I don't know if this would be the right time for Brian Asher to speak or not.

Schwickrath: I was debating that. I have a few specific questions that I think we can answer first.....

McNeely: Sure.

Schwickrath:and then he can speak about the general nature of the operation. So what is the volume of trucks? I mean I have no clue of vehicles bringing the materials to be repackaged. So if someone can speak to that.

McNeely: This is Jim (?) who's the CEO of the operation. He can speak to that.

Schwickrath: If you would just state your name for the record please.

Jim Sauce: My name is Jim Sauce(?). I'm chief operation officer of United Scrap Metal. Good evening. Thank you for that you for allowing us to be here this evening.

Schwickrath: Sure.

Sauce: So we primarily service Duke Energy. At this point, the volume of trucks is hard to tell on exactly daily basis. I would say if I gauged it by our other locations strictly with Duke, we're probably looking at 3 or 4 trucks a day.

Schwickrath: Okay, sure. Okay I was just trying to gain a sense of what this would look like....

Sauce: No, of course.

Schwickrath:in an industrial park. And the hours of operation? Was that.....I'm just....I'm used to asking these questions.

Sauce: That's okay. The hours of operation I would say for truck traffic or generally speaking?

Schwickrath: Just for the whole enterprise. Is it 24 hours?

Sauce: Okay. It's not 24. So we in the satellite locations, which Shelbyville would be, it would be let's say what? You're wanting the worse case scenario, best case scenario?

Schwickrath: Just the range.

Sauce: 7:00 to 5:00, something in that range.

Schwickrath: Okay, that's fine. I just wanted a sense of it. Okay, thank you.

McNeely: I did fail to mention and which this is important we're talking regard to Brian, we're talking about 40 jobs coming to Shelbyville with an average wage of approximately \$23.50 an hour which are good wages in Shelbyville, Indiana. And about an \$8.9 million total investment if we end up with United Scrap Company.

Schwickrath: Okay yes, thank you. That's fine. Any other board members wish to ask specifics before we turn it over to Mr. Asher?

Lisher: Well I'd just like to comment to Mr. McNeely. You've done a wonderful presentation here on behalf of your client and we appreciate your efforts.

McNeely: Thank you.

Schwickrath: Thank you. Mr. Cassidy?

Cassidy: For the simple guys, what is they do? What is it? Do they what Duke Energy?

McNeely: Duke has material wire and transformers and things and metal objects and they load 'em up into their trucks and they deliver them to us. We process and repackage that and move it up to Cicero, Illinois, which is where the satellite plants send their materials up there. So when you get into the real heavy duty scrap metal operation, that's in Cicero. But this is a collection and a processing satellite operation. Now there will be other corporate clients perhaps, hopefully similar to Duke that would bring metal products to us that would also be shipped up to Cicero.

Schwickrath: Mr. Asher, do you wanna tell us what you did in the pre-meeting as well? It's a good description of things. Thank you.

Brian Asher: Good evening. Brian Asher with Shelby County Development Corporation. Although Mr. McNeely said he wasn't gonna steal my thunder, he pretty much did. So I'll add to what he said on a few cases here. One of the main concerns with Shelby County development is retention. So by the name, the I wanted to kind of go out and do my own I guess checking to see what the company was all about. So and I also went prior to going to St. Louis to visit their operation, I also went to surrounding businesses, one being Kimura which is being built right now. One being Toray Resin and one being Yushiro. So I've met with those representatives and kind of talked about my outcome. They left they gave me a few questions a few different things on vibration was one. Noise was another. The environment as far as pollution and pollutants that may be coming in was another. And also traffic, what type of traffic I should say more so than the quantity of trucks. So when visiting, the noise there was no noise that I could tell. Matter of fact, they're ISO certified and did not even you didn't have to have ear protection at that point. That kind of took care of that for me. As far as vibrations go, there are no shredding. There's no operation. I'm not real familiar with this type of business, but I had no issues whatsoever. And then I'd asked the questions about the environment, about PCBs, transfer oils, batteries, etc. and was assured that that was not an issue as well. So there was a we had I had a great meeting. I was kinda surprised of some of the operation and how clean it could be and how they actually package some of this stuff going out. I had to come back, sent pictures to both Adam and Bryant, but was you know there's no foot traffic, no pollutants, no ear protection needed on site, so that kind of tells a story to me

on that. So I mean all in all, I thought looked good and they have some great stories to tell as far as community involvement as well. That shouldn't go into your decision whatsoever nor should the \$8.9 million and \$23.79 for a hour of pay. So but all in all, it looked like a great operation. The fenced operation around it was good in their plans. While coming in, it was very secure which is another kind of issue with that. I had my picture taken before I was allowed to come in and fill out some paperwork before even entering. They would look also probably employ some off-duty police officers to secure it on outside of their 7 – 5 operation. So all in all, I was impressed with their operation and it did not, the city council in the past has voted down an operation. However there was, the big concern was by the neighbors and it was the vibration. It was the noise. It was the taking in of automobiles, things like that and I did not see any of that while I was in St. Louis. So but I'll be glad to take any questions that you guys may have.

Schwickrath: Thank you. That gives a nice description of the operation. Anyone have a question for Mr. Asher?

Clark: Just one.

Schwickrath: Sure.

Clark: Do we foresee any time in the future this facility utilizing the rail line that's adjacent?

Asher: My understanding was that no to start with for sure. There is a rail line there. It would be a difficult it'll be difficult to get the rail to their site without partnering with a company next door from my knowledge of rail at this time.

Clark: Alright, thank you.

Asher: Uh hmmm. Anything else?

Schwickrath: Anything else?

No reply.

Schwickrath: Okay, thank you.

Asher: Thanks for your consideration.

McNeely: And we're done with our presentation.

Schwickrath: Okay.

McNeely: We'll be ready to respond if there's any objectors.

Schwickrath: Thank you. So I will close this to questions from the board and open this up to any member of the public who wishes to speak about this petition. I thought you left.

(?): Inaudible comment.

Schwickrath: No, I'm kidding. I know. I don't mean to be so informal. Go ahead.

Mills(?): I looked at him funny 'cause they have no idea what I'm about to do here. I had no idea they were gonna be here tonight much less that this was gonna be brought up, but I will admit only one thing when it comes to United Scrap. They are going to try to do some businesses locally. They've already contacted me in particular at Shelby County Co-op and the petroleum division for the purpose of diesel fuel, on-road and off-road for their semi and equipment to be used inside. Grease, oils and so forth, they plan on purchasing all that. I've provided them with quotes for all of those items and they're planning on doing enough business that we're providing them with all the equipment and the tanks and so forth at no charge. So I'm just throwing that out there that they are planning on doing business local.

Schwickrath: Okay, thank you. Anyone else?

(?): Hi. Thank you. My name's (?). I'm president of HPG Corporation doing business as Integrity Metal. We have had scrap (?) now that's located in Shelby County just....(inaudible)....I just had a few comments and questions. First of all, the industrial park there is you know very nice. It's a very nice park and very clean and I'm sure you guys wanna keep it clean. All of your industrial parks are very nice. There's probably many of you know and it's been said about 8 or 9 years ago, I also applied to get my scrap business located in this exact thing industrial park and some of you denied us zoning to put it there. Your obviously....(inaudible)....were gonna put a shredder in and it sounds like United is not gonna put a shredder in at this time anyway. So but that isn't the only reason that you denied me zoning. Also there was a concern about the traffic. You know this is gonna be 300 – 400 cars, pickup trucks all coming through there and again, United says that they're not gonna purchase retail. I understand that, but I (inaudible)....seriously turn away traffic or somebody comes in with stuff are they gonna say no to anybody who shows up to sell or are they gonna have the ability to (?) that. And you know one person comes....(inaudible)....stop more people from coming and there the idea of also having.....(inaudible)....more traffic regardless going up and down those drives. The other concern the open storage but I guess you can try to put fences but and trust me, I(inaudible)... I've been doing it for so long, but I'm kind of odd and I think most people do not like (?) do not like to see them and I don't know. If they're gonna have open storage even with fences, you can see scrap from other locations. I know you're planning to keep it a nice place. I know you're planning on have more (?) come in there. I see a lot more coming there and I'm not sure that uh trust me, I like our business, but I'm not sure that it's the place for ... (inaudible)... the other concern that I can see is scrap yards are notorious for fires and fire (?). They are a fire hazard. I'm not sure that United has had any fires. Maybe they haven't, but (?)

like to know that your insurance rate for a scrap rate are considerably higher than other type of industry because of that reason. Because they are a risk. They're a risk to fires, regardless of how (?) some of the ...(inaudible)...throughout Indiana, throughout or ...(inaudible)...that's a concern that you're going to have and that you're going take on. Whether you think so or not, that is an extra risk. As I say, insurance companies consider it an extra risk. They charge us more premium because of that. The same with environmental. They're gonna have trucks. You're gonna have things that really cause environmental concerns and again, I think from what I've seen United is a good company, but it's the nature of the business. The scrap business has these issues. And my ...(inaudible)...all these issues. If they don't bother you and you still decide that you're gonna go forward with this and or you're gonna still give me the opportunity to put this, which I know the land I was looking at is still for sale and if you're gonna give them ...(inaudible)...allow me the opportunity also to build a scrap company if I follow the same regulations and the same variances. In other words, I know that a lot of industrial parks are (?) technological park or ...(inaudible)....So you guys might if you want they'll be the scrap park. So you know to me that's ...(inaudible)...but I don't know if that's what you'd want. So those are my questions.

Schwickrath: Just would say one thing I think to capture the essence of what of your concerns which I think of course you know valuable and everything should be taken into account. My point here though is the way that this particular enterprise has been represented is simply a different process and a different, I don't know how to say it, but the arrangement of it is different from what you do. And so I think your process is necessary and I'm glad we have you here in this county. I do mean that because I was on the board at the time. And to digress for a moment, we really can't answer your last question. That's a little unfair because it.....

(?): I mean if I'm doing the same thing that they're doing....

Schwickrath: But I understand that.

(?): ...(inaudible)...but obviously they're willing to come in and take from me. If I wanna keep them and do the same thing.....

Schwickrath: But I think the nature of what you do.....

(?): What I do in Morristown, but what I would plan to do here would be similar. I'm not going to bring my shredder to Shelbyville.

Schwickrath: Right.

(?): I'm not going to do retail(?) here....(inaudible)...it would be the exact same thing....(inaudible).....there would be no reason not to allow me to open....(inaudible)....

Schwickrath: Sure.

(?): I've done the environmental testing there. I've done the site thing. I did have a fence. I did have a building. I would....

Schwickrath: Right but at the time, that was not.....

(?): At the time....

Schwickrath: You know that, so...

(?): Okay I'm saying at the time, I understand. But I'm just asking if you would grant me the same.

Schwickrath: But if do you understand though what I'm saying is that that is a whole other operation. So the way that this is coming across to me is something that....

(?): Inaudible comment.

Schwickrath: As a quasi-judicial board, we do have some authority and power to make sure that these stipulations are followed.

(?): I mean if they keep it inside. If they....

Schwickrath: Right.

(?): If they do not (?) retail. If they all these things.

Schwickrath: Hence the seven conditions that Mr. McNeely stated.

(?): Correct. Alright. And again, I go back to if you're allowing him to do that and I follow those same seven stipulations....

Schwickrath: Then you would have the same opportunity and the same process.

(?): Okay.

Schwickrath: We can't deny one

(?): Well that's what I was thinking 'cause I would go tomorrow and tell them I know the location is still for sale and I've done all the environmental work so I could just do the same thing. So...

Schwickrath: Inaudible comment.

(?): If these issues don't concern you that I brought up that have nothing to do with aesthetic or have something to do with the nature of and I know they don't want to call it a scrap business, but United Scrap Metal it's a scrap business. I mean they take scrap from they wanna take it from corporations. We take it from corporations. They say they don't take it from retail. That's possible, but I don't know what they do when somebody shows up. They're just going to say....

Schwickrath: Well that's why we have these stipulations in place. This is not meant to be something superficial.

(?): Right.

Schwickrath: This is a good faith effort to control then some outcomes and again, as I said earlier, the way it's been represented is that this is what we're doing.

(?): Uh huh.

Schwickrath: Okay, so then within the tools that we have to work with and what the staff has come up with as stipulations is meant then to contain all of that.

(?): Uh huh.

Schwickrath: So I'm not playing games. I'm not saying you are either, but we're simply not doing that. That's not what this is about. And I didn't know, so your final question before when you were listing things, I didn't know that you also accept items from

(?): Corporations and

Schwickrath:from corporations, yeah.

(?): Right.

Schwickrath: So that, I didn't know that. Now I know that.

(?): Yeah that's a big part of our(?) business too.

Schwickrath: Sure and as you said, you were born in a scrap pile, did you say that?

(?): I think so or they found me there.

Schwickrath: Which is not an insult.

(?): No.

Schwickrath: I've seen your operation in Connersville and you do good work. But what it is is it's a tough business.

(?): Sure. Right.

Schwickrath: And it comes with its own properties. Right, sure.

(?): Right. That's all I have.

Schwickrath: Thank you. And then Mr. McNeely or I don't know if one of you wish to speak to that too. I just think that this is we need to work this out. Thank you.

(?): Uh huh.

McNeely: Well that's not unexpected.

Schwickrath: Sure.

McNeely: I mean I see the (?) has been against this project from the beginning and that's fine. And we've spent the last three weeks or so trying to differentiate ourselves from that and the answer to his question is quite simple. We're very familiar that the fact that there are conditions attached....

Schwickrath: Sure.

McNeely:to this request and we will live up to those conditions. And without you know being cute about it, I suppose if somebody shows up with a junk car, I'll tell 'em how to get to Morristown you know? And so but we're not gonna do it. So we know what our responsibilities are. We will live up to our responsibilities. And it's not that we're better, we're just different than what Integrity Metals is.

Schwickrath: Sure. Thank you. Anyone else wish to step forward and say something about this petition?

(?): Inaudible comment.

Schwickrath: Yes, you may. And again, just restate your name for the record. Thank you.

Sauce: My name is Jim Sauce, chief operating officer United Scrap Metal. I just may I turn around just for once?

Schwickrath: Yes, you may.

Sauce: Okay so I just wanna say that in today's environment, we do in fact turn away retail customers at our location. So if someone comes into the location, just to answer the question, we do actually say we do not have a retail operation. Unfortunately we cannot take your material. So that goes on every day within the United Scrap Metal today. As far as safety goes, I always like to point out that we are ISO RIOS(?) certified as an organization. We have over 400 employees. We are (?) certified in every one of our locations. So we have 2 individuals who are specifically responsible for safety and compliance and our safety and environmental record is impeccable which is why many of the larger utilities come to United Scrap Metal. So I just wanted to just answer a couple of those (?). Thank you.

Schwickrath: Thank you.

Sauce: You're welcome.

Schwickrath: Does anyone else from the public wish to step forward?

No reply.

Schwickrath: Are we sure?

No reply.

Schwickrath: Okay then I will close questions from the public and Mr. Lisher would like to ask a question.

Lisher: Yeah I've got a question for the staff I think it should be directed to. As I read the general industrial area and special exception uses that may be applied for, I am concerned about hearing about fuels and petroleum products and liquids. I don't see any anything mentioned about the any conditions to avoid spills and contamination of soil that may be possible through accident, I'm sure. But it seems to me if we allow a special use exception, we should be having some condition to insure that spillage, contamination, accidental or otherwise, doesn't appear on the site. We don't wanna I don't wanna have a "fenol Freddie" coming in the water supply in the future. In the past we have with some PCP with GE environmental comes to mind and so forth. So I ask the staff if there's (?)?

Niehoff: Yeah so I mean you know as you all....

Lisher: 'Cause if(inaudible)...under waste, they can say waste could be most anything. I didn't quite understand that necessarily.

Niehoff: Yeah.

Lisher: That worries me.

Niehoff: And I guess before we address that, maybe United Scrap or their attorney could stand up and speak to how they handle that in terms of their processes.

Lisher: But do we need to have a condition?

Niehoff: We (?) but honestly from the staff's perspective you know we're not working in that environment day in and day out so as far as what exactly the language there should look like, you know just quite honestly, I'm not sure. I'm not sure at this point without hearing how they handle that process(inaudible)... So I mean that's in response. I hate to answer your question with a question.

Lisher: Okay. Well then I'll throw the question to Mr. McNeely.

McNeely: And we (?) many of the corporations were in the industrial park and there is always the danger of an environmental incident in an industrial park. I mean be it Ryobi or as we go up and down the line. With Culpeper, it can happen anywhere. We are ISO certified. We in fact have our own safety procedures. We know what a reportable incident is. We know how to clean up a contaminated in the event that it would occur. So I mean I don't know what I would say beyond the part that it is an industrial park and there are fluids and liquids that are inherent in all businesses in that area. And the question is do you adhere to the highest standards and again, one of the things (?) proudest about and I was and when we talked with Brian Asher, one of the first things he talked to me about and I think he mentioned to you in your meeting, was that they were ISO certified. If you wanna speak to that, Jim?

Sauce: I can add a little bit to it. We do test for air quality for our employees. We test for hearing protection for our employees. We test ground water. Just pretty sort of what most industrial organizations do I would say. I think a difference for us internally is that we hold ourselves to a higher standard as part of the ISO you know certification.

Lisher: Well my concern is I was under the impression that we were dealing with solids and metals before. Now at least, I heard from the Co-op indicating that there's now gonna be fuels, liquids, petroleum products and that that is collection of (?) is something I have some concern about and....

(?): I think I can help with that.

Lisher:disposal waste disposal (?).

(?): I think I can help. I think what the gentleman is referring to is that would be for our trucks and vehicles. So that would be petroleum or fuel for our vehicles or (?).

Lisher: You're not you're tracking waste you're not collecting waste, diesel or petroleum products from other industrial sources....

(?): No.

Lisher:bringing in there to be packaged and brought on somewhere else?

(?): No that would be for the use of our....

Lisher: Okay.

(?): No, that's a good question.

Schwickrath: Yeah it actually is. Well I'm glad you asked it 'cause I was.....

Several people speaking at once; no one is clearly audible.

Lisher:(inaudible)....led to believe that perhaps it might include the other and I had questions.

(?): But that I think that's what it; I had the same I had the same questions.

Lisher: Alright, thank you.

Schwickrath: Thank you. That....

Clark: It does bring up a question for me though if you would. What is your waste stream? What are your wastes coming from this process that you are doing? What is the waste that is coming from the process that you are doing?

(?): So what we're like for example....

Several people talking at once; no one is clearly audible.

Clark: Kinda, in particular I would want to know what about coated wire?

Sauce(?): Coated wire, which in this case would primarily come from Duke and we took Mr. Asher through the process for this facility would be, there's a couple of different ways to handle. One would be to bail(?) it and it goes to our sister operation where we have what's called a wire chop and it essentially takes it and chops the wire into small pieces of copper or aluminum for example which then you know goes to a someone it could go to someone like a

consumer of that material. It could go to anyone fromI don't know if I can mention who it goes, but an ALCOA(?) for example...(inaudible)....

Clark: But coating wouldn't be removed at this facility?

Sauce: No. You mean the actual outside of

Clark: Coating of a wire for instance.

Sauce: It would be

Lisher: Inaudible comment.

Sauce: No, I mean would it ever come off the wire? I guess it's possible that it could, but as a rule of thumb, we take it back to Cicero and process it there. Actually the wire chop is there.

Clark: Okay, thank you.

Sauce: You're welcome.

Niehoff: I'd like to add to Mr. Lisher's initial comment. We do have, they will have to be in full compliance with our environmental standards, Section 5.16 of the UDO which address you know surface water, you know environmental quality, hazardous waste....(inaudible).....as well as our industrial standards which is section 5.25 of the UDO which addresses noxious or toxic materials, waste materials and water pollutants and whatnot. So essentially it states that you know the storage of such materials will comply with all applicable regulations of the Shelby County Board of Health, the Indiana State Board of Health and IDEM, the Indiana Department of Environmental Management. And as far as waste materials and water pollutants, the same. So all of IDEM's regulations, all of the Board of Health regulations will apply and (?). So that's already included in(inaudible).... Very good question.

Schwickrath: Good questions, though. Thank you. Anything further?

No reply.

Schwickrath: Are we ready to move to a motion?

No reply.

Schwickrath: Alright I'll entertain a motion for BZA 2018-10.

Clark: I'd like to make a motion to approve the special exception use of waste disposal facility in an industrial general zoning district pursuant to the following conditions. The use of metal

shredders or similar devices shall be prohibited. The storage, purchase, consignment, bailment, grading, processing, melting, cutting, dismantling, compressing or cleaning(?) of inoperable vehicles shall be prohibited. Retail purchasing of scrap metal or other similar materials from the general public shall be prohibited. The applicant shall provide and maintain a fence around the subject property in compliance with Section 5.20 Institutional and Industrial Fence Hedge and Wall Standards of the Unified Development Ordinance. The applicant shall provide and maintain a buffer yard type 2 as defined in Section 5.36 LA-06 Buffer Yard Landscaping standards of the Unified Development Ordinance. Outdoor storage shall be prohibited any further north than the north façade of the building and any further west than the west façade of the building. And all conditions listed above must be incorporated into a written commitment signed by the applicant and maintained in the records of the Shelby County Recorder's office.

Lisher: I second.

Schwickrath: Alright, thank you. Please cast your ballot then for 2018-10.

Niehoff: This is for BZA 2018-10. Mr. Cassidy – yes, Mr. Clark – yes, Mr. Lisher – yes, Miss Schwickrath – yes.

Schwickrath: So the motion is approved and best wishes with the project and thank you for all this time. Okay and you wanted to.....?

Niehoff: Yes I have a couple items for Discussion here. Just as an update and I'll be very brief. Number one the

Schwickrath: We can free them, can't we?

Niehoff: Yes, yes.

Schwickrath: This is more internal business, so we don't want to detain you.

Lisher: You're free to leave.

Schwickrath: You're all free to leave.

Niehoff: If you guys have any comments....(inaudible)....

Schwickrath: Thank you everyone.

Several people talking at once; no one is clearly audible.

Schwickrath: Thank you for attending. Thank you. I just didn't want them to sit here.

Lisher: Those are the folks I saw this week? Yeah.

Schwickrath: Okay so let's just keep these two items for Discussion is that right?

Niehoff: Yes.

Schwickrath: Okay, go ahead.

Niehoff: Inaudible comment?

Schwickrath: Sure.

Niehoff: The vacancy with Terry.....

Schwickrath: Uh huh? Yes.

Niehoff: So that is an appointment from the Plan Commission. In our last Plan Commission meeting, we told them that they will have to(inaudible)....There are a few names that they are considering. It has to be an appointment from their (?).

Schwickrath: From the PC?

Niehoff: Yes.

Schwickrath: Okay.

Niehoff: So there are a few people they're considering and I would expect possible(inaudible)....

Schwickrath: Okay.

Niehoff: But until then, it's with the four of you.

Schwickrath: The four of us? Sure.

Niehoff: So just wanted to update you on that. They are aware that they need to make a recommendation....(inaudible)....Yeah and then the second item is the special BZA meeting on the 25th. I sent out an email yesterday.

Lisher: Yeah, I'm okay.

Niehoff: You're okay with that? Great. And I think I heard from all of you. We called (?) today ... (inaudible) ... to explain that. It was the petitioner that was moving forward ... (inaudible) ... We got everything to them as far as the public notice ... (inaudible) ... working with them and everything set up and then on Monday I get an email from (?) secretary sending the Affidavit of Publication and Certified Mailings showing proof that they had done that. (inaudible) ... so Adam and I looked through the newspapers, public notices ... (inaudible) ... So we contacted the petitioner. We talked to them ... (inaudible) ...

Schwickrath: Sure.

Niehoff: State statute says if the newspaper ... (inaudible) ... but if it is the petitioner's fault, there's not ... (inaudible) ... So the meeting on the 18th, the special meeting of the Plan Commission and the BZA ... (inaudible) ... So on the flip side, you know we were working with the petitioner. They wanted apologize for everything ... (inaudible) ... So we said the following week is ... (inaudible) ...

Schwickrath: The same schedule as you had ...

Lisher: I didn't have the time. Did you send out a new one saying the time?

Niehoff: No.

Schwickrath: Is it ...

Niehoff: I believe ...

Schwickrath: Sorry.

Niehoff: I believe that said 5:00 p.m. I'll check.

Schwickrath: It should say 5:00, right?

Several people talking at once; no one is clearly audible.

Schwickrath: At 7:00? Okay.

Niehoff: So we're just going to do a brief pre-meeting at 5:00, 5:15.

Schwickrath: Okay.

Niehoff: And then right after that, we may advertise the meeting at 5:30.

Schwickrath: Okay.

Niehoff: And 5:30 we'll start the BZA meeting....(inaudible).....with you all....(inaudible)....variances that they were requesting.

Clark: How many? How many variances?

Adam and Bryant talking at the same time; neither are clearly audible.

Schwickrath: So my so we will have a packet in advance so we can review all of this material?

Niehoff: Yes. Absolutely. Yeah we

Schwickrath: Okay.

Clark: Way far in advance 'cause the scope of this....

Schwickrath: Is huge.

Clark: Yeah.

Niehoff: Inaudible comment.

Lisher: And I had mentioned that Bryant and probably Adam too, we may have talked previously about how maybe they wanted to get(inaudible)....I point out to him as a lawyer, I was telling him you don't really want that responsibility.

Schwickrath: Right.

Lisher: 'Cause if there's a goof-up like that, the city becomes liable.

Schwickrath: No, no, no. We had to move it. Yeah there's no way to push it ahead.

Several people talking at once; no one is clearly audible.

Lisher: My opinion is that the petitioner should be responsible.

Schwickrath: Sure.

Lisher: If they want it, they know the procedures to do it, so....

Niehoff: Yeah and you know....

Lisher: Where'd they go?

Niehoff: Adam went to....(inaudible)...

Schwickrath: They'll be back. We just need toare we ready? Is that anything else?

Niehoff: No. Yeah I mean I just sent out that email.....(inaudible)....

Schwickrath: Thank you.

Niehoff: Inaudible comment.

Lisher: Food somewhere.

Niehoff: What's that?

Lisher: Food somewhere.

Niehoff: And food, yes yes....(inaudible)...

Schwickrath: I imagine too this will be a difficult process. There might be a lot of people from the public, right? So we need to....this might be another long night. It will be another long night because this is a big deal.

Niehoff: Inaudible comment.

Lisher: But I can't eat before 5:00. I can tell you that.

Niehoff: Inaudible comment.

Schwickrath: Yes.

Niehoff: Inaudible comment.

Lisher: She's....chairperson has the power.

Schwickrath: Right.

Lisher: So if you wanna limit to five minutes or three minutes or....

Niehoff: Inaudible comment.

Schwickrath: For the BZA to do its business.

Niehoff: Inaudible comment.

Clark: Awful tight.

Niehoff: It is tight, yeah, but I just with the schedule at 7:00 and our pre-meeting we've already advertised....(inaudible)....we can do pre-meeting earlier than 5:00 and I can....(inaudible)...

Several people talking at once; no one is clearly audible.

Adam and Bryant speaking, but not into a microphone, so it's not clearly audible.

Schwickrath: Is that good for you? I mean I'm free, I can do it.

Inaudible mumbling among board members.

Schwickrath: We'll start at 4:55 then the BZA will start at 5:15.

Niehoff: Inaudible reply.

Schwickrath: Does that work? That gives you a little bit of extra time in there for people to eat, use the restroom and talk.

Niehoff: Inaudible comment.

Schwickrath: Sure.

Niehoff: That's all I have.

Schwickrath: Okay. Motion to adjourn?

Clark: Motion to adjourn.

Lisher: Move to second.

Schwickrath: Okay we'll give that to Mr. Lisher. Thanks, everyone.

Meeting adjourned.