

**SHELBYVILLE PLAN COMMISSION  
MEETING MINUTES  
June 25, 2018**

Mike Evans: I'd like to call to order the June 25, 2018 Shelbyville Plan Commission meeting. Mr. Secretary, if you'll please call the roll.

Bryant Niehoff: Absolutely. Mr. Nolley – here, Mr. Lux – here, Mr. House – here, Mr. Evans – here, Mr. Cassidy – here, Mr. Lewis – here, Mrs. Lewis – here and Mrs. Bowen – here.

Evans: Alright, thank you. For such a wonderful public attendance tonight, now I'd like to yield the floor and call Mayor Tom DeBaun forward for a special presentation.

Tom DeBaun: Mr. James, would you approach please?

Evans: Please state your name for the record.

Laughter.

Terry James: This is a different view here. You guys all look a lot better.

DeBaun: Everybody's prettier from the other side of the railing.

James: They do.

DeBaun: Well Terry was appointed to the Plan Commission in February of 2000 and it was my pleasure to recommend Terry for this seat not only to serve as a member of the Plan Commission, but also the president for several years and I always thought that your wisdom gained as a teacher at the Northwestern schools and your common sense really were a valuable asset to the Plan Commission. When I got your letter that you were retiring in May of 2018, I was really disappointed by that so I just wanted to present to you a certificate of appreciation and some other things from us as the City of Shelbyville. Thank you for your service.

James: Thank you very much. Thank you.

Thunderous applause.

James: I'd like to sing a song right now. I'd like to, but I can't. Just one thing, I wanna make this brief 'cause I know you guys have got a lot, excuse me, you've got a lot going on this evening and I appreciate what you're doing. When I was on the Plan Commission, my goal was to always treat the input and the suggestions from my fellow commissioners with respect and professionalism and to more importantly treat the citizens that came before the commission as

though they were the most important people who have ever stepped up to this lectern. And tonight, I think you're gonna see that and I hope that you'll carry that on as you listen to the individuals that are here this evening. One of my favorite quotes(?) I think applies to everybody that's in planning and that is "there are people who try to make things happen. There are people who wish they could make things happen. And there are people who make things happen." And as I look at this board and Matt, our city engineer, and Adam and Bryant, who are in our planning office, all of you make things happen for this community and I hope the community appreciates the time and the effort that you put into this because it's not easy and it's extremely important. The future of the community rides in your hands. So thank you all very much. I appreciate it. It's been great serving with all of you. That's it. Thank you.

Thunderous applause.

Evans: Alright, bringing the meeting back to order, I would need first thing on the agenda is we have as the meetings from our former our minutes from our former meeting. I need approval on those please.

Gary Nolley: Make a motion to approve the minutes.

Joanne Bowen: Second.

Evans: The minutes have been motioned and approved or seconded. Now voice vote for approval. All in favor of approval of the minutes, say "aye".

In Unison: Aye.

Evans: All opposed, same.

No reply.

Evans: Okay the minutes have been approved. Our next point of order is our agenda. Sorry I'm not used to the mike being so hot so I apologize. It's a little tinny. I'm trying to find that distance gap here. We actually had been requested by our board to change the order of our agenda tonight and to reorder that with PC 2018-09 POET Ethanol Bio-refinery site development plan to be moved to the final piece of the agenda. So I need board approval.

Nolley: You need us to make a formal motion or is that.....

Evans: Yes, formal motion.

Nolley: Okay. I'll make a motion that we switch item 3 and item 4, moving POET to position 4 and the Marsh (?) position 3 in order of our minutes or in order for our meeting today.

Joe Lux: Second that.

Evans: Okay, all those in favor?

In Unison: Aye.

Evans: Opposed?

No reply.

Bowen: Could you explain the reasoning for that for the audience please?

Evans: Yes, the reason being first of all, let me finish. That has been approved. The reason we are moving those two together is is we do have four items on the agenda tonight. The first one, if you didn't see a copy of the agenda is a Broadway Street fueling center. The second item on the agenda is Cork Liquors on the west side. The third used to be the POET Ethanol Bio-refinery and the fourth is the former Marsh facility rezone. And so we are moving that forward. We'll get these first three items through quickly and then we will open it up for discussion on the POET Ethanol Bio-refinery site development plan. So what I would ask now is that secretary please under New Business please read the petition which would be PC 2018-06 2015 E. Broadway Street fueling center site development plan. And while he's reading the petition, if I could have the petitioner please step forward to the microphone.

Niehoff: Yes, I stated this is for PC 2018-06 215 E. Broadway Fueling Center. The petitioner's name is Jerry Wiggins. The owner's name is Akron Petroleum and Jerry Martin. The petitioner's representative this evening is Jerry Wiggins. And the address of the property is 215 E. Broadway Street. The subject property zoning classification is BG, Business General. And the action requested this evening is site development plan approval to expand a former fueling station and convenience store located on the subject property.

Evans: Thank you. Mr. Petitioner, if you'd state your name for the record please and tell us about the project.

Jerry Wiggins: My name is Jerry Wiggins. This piece of property is located 215 E. Broadway. It is an existing gas station. Has been for roughly 60 years pretty much in the same condition it is right now. The property is existing total concrete pavement with 3 pumps and canopies over there. One pump for diesel which is on the east and an existing small building with a shed in the back. It also has existing gas tanks on the site also. The intent of this site or this project was to increase the size of the building from an 18 x 23 to a 40 x 40. At the same time, there was nothing to be done regarding the pumps and the tanks and canopies. Stays all, they all remain exactly as they are in here. It was requested that we have "x" number of parking places, which we've provided parking places in here along the west side of the building. We also provided parking spaces along walking around the other side of the building. And two

additional spaces were needed according to the ordinance in here, but we were going to have the employees in here also, so two spaces were provided back to the rear of the lot to accommodate the employees because they didn't need to be up around the building. It was requested that we take out some of the good concrete that was there and replace it with new concrete in a colored manner to provide it as a walk that gets from the Broadway Street up to the building and along the parking that's along the west side of the building and we agreed to do, to take out the pavement and put new pavement in. At our zoning variance the other day, we were required to put a couple of landscape areas on the east side of the property in there which we've accomplished that. The particular site is only 132 x 132, very small. If this site were going to be developed under the new ordinance, it probably couldn't be developed as we're looking at it right here. It's too small. But it's existing. Pumps, tanks, canopies, all existing, all stay as they are. Now while I'm talking about the canopies and the pumps, let's go back and look at this. One of the things that we've been asked about is about removing that middle entrance that's on the site. For years now, that middle entrance has been there for a reason and the reason being if a car pulls in to the eastern pump along the north side of it in order for them to fill on their driver's side, they have to be able to exit the site. If someone is parked at the other pump on the other side, the only way they got to exit is out that middle entrance. If someone pulls in, wants to pull in to the south side of that eastern pump and fill up on the driver's side, they have to enter from that middle entrance. And it's just the reverse for the pump on the west side. Two cars, one car needs to enter, one car needs to exit from the west. One car needs to enter, one car needs to exit on the east in there. The other cars can exit and get into it via the other two entrances that are there. But that entrance was there and designed specifically for that purpose to be able to allow for access in here. One of the things that Bryant had mentioned the other day was well why can't you just close it off and then allow the cars to sneak in between the other cars that are parked at the south side of the west pump and the north side of the south pump (?). If you take a look at sheet number three of the plans in here, you'll see I got cross-hatching in there where the where this particular (?) that these are and there's no way that you can maneuver logically a call in and out between those two areas where cars would be parked at the pumps. There's just not enough room to get 'em through there. Also it (?) a little bit of a traffic situation if someone's going to leave a pump and someone's trying to get out, someone's trying to get in or out of there. But the other way, it doesn't affect that.

Evans: And I apologize; I don't wanna stop you, but I do wanna open this up for questions from the board because they may be asking some of the same things that you are answering currently. So, Mrs. Bowen, we'll start with you.

Bowen: I was looking at the review from the Plan Commission about the going back to the Tech Review Committee to revise some of these plans that you're talking about, the parking, the circular patterns and stuff and that might an option to look at this further at another meeting and to review it again just for safety and for in and out for car traveling and stuff in the parking lot. And that's, I probably will agree to that. I mean just .....I'm not gonna make a motion yet, but that's my thoughts right now is to take it back to the Tech Review.

Evans: Thank you, Mrs. Bowen. Mrs. Lewis?

Barb Lewis: No, just similar. I think the, my understanding is there's been a lot of back and forth and revised plots and plans and we the Tech committee hasn't really had the opportunity to review those final decisions. They reviewed it before a lot of that had been hashed out, so not sure we're in a position to look at all those details yet.

Evans: Thank you. Mr. Lewis?

Wade Lewis: No questions.

Evans: Mr. Cassidy?

Doug Cassidy: Are you buying the lot behind you, behind.....?

Wiggins: Pardon me?

Cassidy: Are they buying the lot behind it?

Wiggins: No.

Cassidy: Even tearing down that old building, isn't that gonna be pretty tight for a semi to come in and dump and turn around and go back out the other side?

Wiggins: They're not interested in buying the piece of property behind it.

Cassidy: That's, okay I understand that. But what I'm asking if a semi comes in and you're making the building bigger and if he's dumping diesel fuel to go towards the back and come back around and come out on the west side, is there enough room for all .....(inaudible)....

Wiggins: Yes, there is sufficient area in there for them to get through there now. With the layout that we have, there is sufficient area for them to get through there, yes.

Cassidy: That's all.

Evans: Thank you, Mr. Cassidy. Mr. House?

Matt House: No questions.

Evans: Alright. Mr. Lux?

Lux: No comments at this point.

Evans: Mr. Nolley?

Nolley: No questions.

Evans: Okay I do have a question. Will the fueling trucks be completely off of Broadway in order to fill the tanks?

Wiggins: Oh yes. The tanks are located in the rear of the lot.

Evans: Okay so they will pull completely off?

Wiggins: Yes.

Evans: Legally and then and the only reason is is because there is a competitive station a little east of you and I've witnessed over the years of their fueling trucks blocking 44 to back into that to fill the tanks. So I just wanna make sure....

Wiggins: These particular tanks....

Evans: .....that your current plan....

Wiggins: These tanks are in the rear of the lot. They have to come in, they come in and drive in to 'em.

Evans: Okay. Excuse me, at this time, I don't know that anyone in the public audience has a question about this, but I will open it up for public comment. If you have a question about this project, please come forward to the microphone. State your name for the record. If I could have the petition yield for the mike.

Wiggins: Excuse me.

Jeff Bate: Hi, my name's Jeff Bate. I represent Jerry Martin. Jerry's the longtime owner of Bonded Oil. And I just represent, like we did Board of Zoning Appeals, this property has gone through some litigation, successful litigation. It's been in the plans now about three years trying to get this sold. We finally got some great gentlemen from out of town who want an investment property. Max, why don't you come on.....(inaudible)....Max does not live here, but he wants to invest in our community and I guess I'd say that talking to Jerry you know who worked there since the 1950s and a couple of the issues that Max has is that entrance is a real concern. Max is somebody that has owned and operates numerous gas stations throughout the country and one big concern for Max is is that you know for this amount of time, this has been free flow. He believes.....(inaudible)....I believe him on this. That if people you know come in and then have to back out, they're gonna go in about one time and say man, that was a

problem backing in and out. If they don't have the free flow out like it's been for a long time and I know in your report what it where it talks about and I get it that you know when the drive entrance onto the sites are all legal nonconforming, so they've been legal since the 50s and just talking back there with some city folks and has this been a problem? Has this entrance caused accidents? And the answer's no. So I just ask that you think about that. We're just trying to get this back to being a viable business and the gas business what he would tell you is that if you don't have a bigger C(?) store at a smaller gas station, you're not gonna survive. And that's a lot of what's happened to this property so that's why he's trying to build on and make this property go. And also the parking and I appreciate you know we'd like to have all the parking we can, but when we've got a limited space, we do what we can....(inaudible)....

(?): No, not much. Just to quote the gentleman who's retired and I thank you for your service, sir. There are a few people who are over here who can actually do something and that's you folks. As Jerry will tell you, we actually had a plan to take the whole thing down, bulldoze it and just build again, but the new city ordinance and whatnot, they just don't give us enough room to put stuff in. You have to be 70' back and this and that, all that, so the only thing, the viable thing we can do is open it the way it is and try to have a little bit bigger building and that's exactly what we're trying to do. Now I understand we understand that we cannot stack the parkings here and there. Unfortunately, this is just how this lot is but we can make it colorful enough. We can put the signs up that it's convenient for people to know where the parking is and you know as is most our customers are gonna be from in the town and once they see it, that's it. They would know. That's just how it is. And our and one of the biggest concerns like Mr. Bates mentioned over here that if we put a little bit of a barrier in the front like a footpath or something and people cannot pull in and pull out, that's it. That's the death of this site and that's the long and short of it. The gentleman who's selling this to us, I kind of joke with him that he will not be able to do it at his own gas station, pull in and pull out if there's somebody parked in front of him. So and that's a big thing. If that's not gonna happen, honestly I'm not interested in the property because my competitors do not have to do that. They have enough room. I just don't wanna be at any kind of disadvantage. It's a penny business and we cannot lose customers who are gonna spend a dollar, period. That's all I have.

Bate: So your main concern.....(inaudible)...

(?): Well our concerns are at this time that parking's, given enough room for parking that we have put in the parking spots wherever we can and howsoever you guys tell us to do but we cannot stack them going to.....it is a gas station that was built in 1938. Things are different now. And secondly, you know how this thing you pull in and pull out. And thirdly that we started this on August 16<sup>th</sup> so getting together, going back and forth portion has taken a lot of time. We had planned to start this summer (?), but.....

Bate: That's all I have.

Evans: Thank you for your comment. Any other members of the public wish to address this petition? If you'll please state your name for the record please.

Mark Gedler: My name's Mark Gedler. I'm with Remax Advantage (?) Indiana and when I look at a go to towns like this and I find properties and I actually get called in to try to sell and I try to bring business to the to each town. And what we have here, we've got a nice, we've got a lot that's been probably on record as the oldest gas station in one spot here in Indiana. And I'm looking at this and I'm thinking you know this might be a historical thing. It might not be. But when they when you're building in a building the property values like in that area's gonna go up. We're probably looking at a million and a half to two million just to fix this little lot. And Max wants to buy the place and Jerry needs it sold. He's 80 some years old. And each one of us, we're all, you're a little bit younger, but it comes a time in your life when it's time to move on and get things done and Jerry's 80 some years old. And he's depending, he's been part of a establishment here in Shelbyville for a long time. And he knows a lot of time. And it's he's benefitted from that. But I think what they're what needs to be done is well I'm asking to be done is to take and look at this building as a business. It needs the opening to get in and out. That's it. It's there right now and the buyer, he's tired of waiting. He'd like to get on with his life, get the store up, get it running, employ probably ten to fifteen people and generate the tax base. He's willing to do that so it's up to you guys and I thank you for your time. And we're gonna try to get it sold. If you don't bring him in in, it'll sell for less. That's gonna be property values will be down, but hopefully we can turn it around and bring it back up and you'll have the still have a filling station that's gonna be probably still the oldest in one spot than if we're lucky, we could actually get Bonded Oil onto the station and that's important. The state at one time, if I remember what correctly from what Jerry was saying that the state come down and they had a newspaper article and stuff on that station. (?) when it come time Jerry had to finally retire and it was down a couple years and he called me and so I hope you guys I hate I hope you're able to help Jerry and help this new business come into the area and keep the front so that people can go in and out and make it easy on 'em. It's your downtown. That's huge. Most of the towns I see right now are Lawrenceburg and some of those others, everything's moving away from it and you need to try to keep that business down there as much as you can to help you out.

Evans: Thank you for your comment.

Gedler: Thank you.

Evans: I saw you heading this way. I figured.....if we could have you state your name for the record.

Kay Koenig: Sure. Kay Koenig, here Shelbyville. I'd be remiss as a member of the local communities group if I did not remind you when you put these new parking places in, be sure to include some handicap.

Evans: Thank you for your comment. Any other members of the public?

No reply.

Evans: I don't see anybody approaching, so I will close public comment, open it back up for any board questions. Anyone from the board have a question or a comment?

Bowen: Yes, I do. Since I brought that up about the review and the Tech Review Committee, is there a way to expedite that to make this a quicker meeting instead of waiting months and months and months....(inaudible)....is there a way to expedite this review?

Niehoff: Sure. So the Technical Review Committee actually meets tomorrow.

Bowen: Okay.

Niehoff: And this past week, we sent them the revised plans that we only got digital copies of this past week. So they're in the process of reviewing those. Tomorrow we will have that on the agenda and we'll discuss that. I've already mentioned that in my conversations with Mr. Wiggins that that will be a point of discussion while we have everyone here. So we can talk about it then. As far as the Planning Commission meeting and reconvening this board, it is always an option to have a special meeting, but that's at the request and approval of the president. So that is an option to expedite the process and tonight is a public hearing and the which is required. Public hearing is advertised for this evening and if this petition is continued, it does not have, at that point it's not a public hearing. It's that the public comment has been done. It's really just up to the board....(inaudible)....So really those are your options....(inaudible)....Does that answer your question?

Bowen: Yes, it does. Thank you.

House: Can I ask what exactly is and isn't on the current set of plans that might need a continuance?

Niehoff: Yes. So in the original set of plans that were submitted to the Technical Review Committee, we didn't have the parking layout that we do now. We didn't have the stacking space layout that we do now or any of that highlighted. And they are talking about, as was mentioned several times with the center curb cut, and to elaborate on that a bit, that was a condition of their Board of Zoning Appeals approval for the landscaping for the screening of their parking area. So the BZA requested that the staff work with the city engineer's office to see if that was viable for the center excuse me, center curb cut, to close that off and install a tree along there for screening. So those are some of the things that are missing and we feel that the Technical Review Committee needs to review it for safety, for compliance with construction standards. We want to give it to the police department and the fire department because with the layout of this stack and as you can see on the....(inaudible)....as Mr. Wiggins

mentioned earlier, some of the stacking (?) are shown in the curb cuts which if that, if you ever are at full capacity there, that creates an issue from a safety standpoint. So I mean those are just some of the items that we want addressed and we feel that those members on the Technical Review Committee are only gonna have that type of (?) and be able to get that back to us. So does that answer your question, Mr. House?

House: Yes. I mean is that what ...(inaudible)....we continue this, then we I will make that suggestion on that information. I know it's gonna make you guys real unhappy, but that's what needs to be done. It sounds like the middle drive is a big issue and or it's not comfortable making a decision on that 'cause they haven't talked to the Technical Review Committee and the police department. So....

Bowen: And taking your issues under advisement too. Now we know what their issues are and.....

Niehoff: Absolutely, and the BZA explicitly stated in that condition that we look into it and you know that is desirable from their standpoint and from the staff's standpoint because that's moving this site more towards compliance. We wanna reduce the amount of curb cuts we have along our major thoroughfares to better control circulation within and out a site. We've all seen those sites that essentially have the entire front yard as a curb cut and there's no control of traffic in and out of the facility. So we just wanna achieve the best possible scenario here. And you know when myself, Adam and Matt all went out on the site, yeah we could see it, but that's without however many cars they're showing here. You know that's without it being at full capacity with having the stacking space utilized. So it's difficult to see there. So yeah we just wanna we have one chance to redevelop this site and we wanna do it right. So....

Evans: Can we do it with voice vote to continue?

Niehoff: Absolutely, yeah.

Evans: Okay it sounds like we've all decided to continue this for a future meeting so do I need a motion or can we just, I mean Matt suggested so we are going to.....

Nolley: You want a motion?

Niehoff: Yeah. I believe public comment is still open. If you, if there's anyone else that wants to speak. I mean Mr. Chairman, you can open that, keep that open or you can close it and then at that point.....

Evans: No, I already closed it and brought it back to the board.

Niehoff: My apologies. Yes, you did. I'm sorry. It's been a long night.

Evans: Mr. Matt suggested that we go ahead and continue.

Niehoff: Yes, okay. Yes then it is....

Evans: And I wanted to know if it's okay to do that as a voice vote.

Niehoff: Absolutely. The floor is open for a motion.

Evans: Okay.

Niehoff: And it can be a voice vote.

Evans: Okay then we need a motion for continuance.

Nolley: I make a motion that we continue PC 2018-06 until it's been reviewed again by the technical committee.

House: Second.

Evans: Okay it has a motion and we have a second. All in favor of continuance, say "aye".

In Unison: Aye.

Evans: All opposed, same.

No reply.

Evans: Okay that is continued to a future meeting. Alright moving on, we have PC 2018-07 Cork Liquor site development plan. If I could have Mr. Secretary read the petition and ask the petitioner to step forward at this same time.

Niehoff: Yes this is for PC 2018-07. Cork Liquor site development plan. The petitioner's name is Tim Weaver with Runnebohm Construction. The owner's name is Warren Scheit, Beechtree Plaza Partnership and the petitioner's representative is Tony Nicholson with Space and Sites, LLC. The address of the property is at 940 Miller Avenue and the subject property zoning classification is BG, business general. The action requested this evening is site development plan approval for a new liquor store on Miller Avenue.

Evans: Thank you, Mr. Secretary. Welcome, you can tell, still, step forward and tell us your name for the record and a little bit about the project please.

Tony Nicholson: I'm Tony Nicholson with Space and Sites. With me tonight is Tim Weaver with Runnebohm Construction. Anything I can't answer for you....

Evans: Can you speak a little closer to the microphone? They're having trouble in the back of the audience.

Nicholson: Yeah, alright. How's that?

Evans: Much better.

Nicholson: Alright. Tim Weaver with Runnebohm Construction is here also. If there's anything I can't answer, that's where he can. If you would, pass these out please.

Bowen: Thank you. That's what I was looking for. I didn't have it. I was like, what does it look like.

Nicholson: Yeah I got a couple more.

Inaudible mumbling.

Nicholson: This is the proposed facility. It's located where the former Lucky bar was. If you notice, it's not there no more. It's right across from the new Dollar General at Parker and Miller Avenue. So...(inaudible)...what's going on, so...but anyway this is the facility that will go in there. We're here for the site development approval and we had five variances that we got approval from for this site. I have a letter written. I think it was the only comment that we didn't have for you guys. We put all our Tech Review comments on the plans and you also requested a letter so here's a copy of in letter form of those comments. Also you have the state design release for construction. I think the only thing else I owe you is a photometric which the only thing decided on that is the kind of change the lighting. So right now if you look at your rendering, we show like (?) in the building. When we do the new parking lighting, there's some (?) back there on Miller Avenue that we're gonna use. The light (?) area or these lights. These (?) probably won't show up much, so probably not put those on the building. So I think the only other change in that rendering is the windows...(inaudible)...windows on Parker, we've added those. They were in your drawings that we submitted but it's not on this rendering.

Evans: Time for questions from the board. Let's start on this end with Mr. Nolley.

Nolley: I don't have any questions. I just again, it's a very nice looking building. It'll be a much better view than what we have there now, so....it looks like you're mostly in compliance with a few exceptions so I have no other questions.

Evans: Thank you. Mr. Lux?

Lux: What's the distance from the proposed building to the building to the north? Is there a street or an alley between there?

Nicholson: No it's 20' I believe. I think it's 10' on each building, 20'.

Lux: Okay. I think it's interesting that we're requiring shrubs to be on the north side of that building. It's it doesn't sound like there's a walkway.

Evans: It's the classification, I believe and just a .....

Lux: Just a requirement of the zoning standard?

Niehoff: Yes.

Lux: Okay. Alright that's the only question I have.

Niehoff: Yeah to screen the parking area that's where the landscaping comes in.

Lux: Okay. No further questions.

Evans: Mr. House?

House: No questions.

Evans: Alright, Mr. Cassidy?

Cassidy: No questions.

Evans: Alright, Mr. Lewis?

Lewis: No questions.

Evans: Mrs. Lewis?

Lewis: No questions for me.

Evans: Mrs. Bowen?

Bowen: Of course. So on the alley, is it one way?

Nicholson: Not necessarily.

Bowen: Because I know they do go in that back door there on the other business a lot and they park right there.

Nicholson: We'll have deliveries also.

Bowen: Okay.

Nicholson: And I think it was a couple of times a week. But usually in the morning they bring 'em in there, so yeah.

Bowen: Does it need to have an arrow for one way in and out or not? Do you think they use it?

Nicholson: I don't think it's used that often.

Bowen: Okay.

Nicholson: Our parking will come clear up to the alley on that side.

Bowen: Okay.

Nicholson: So you know somebody if they started in, they could get over on the parking area and get by.

Bowen: That's all I got.

Evans: I have no questions. At this time, I'd like to close to the board and open up for public comment. Anyone have a question for the petitioner, please step forward, state your name for the record, offer your question.

No reply.

Evans: Seeing nobody approach the podium, we'll go ahead and close public comment and I'll bring it back to the board for any further questions. Okay seeing that there are none, I'll entertain a motion on this petition.

Lux: I'll make a motion to approve PC 2018-07 Cork Liquors pursuant to the satisfactory submission and approval of the five items in the staff recommendation.

Evans: Okay I have a motion. Do I have a second?

Bowen: Second.

W. Lewis: Second.

Evans: Alright, if you would, please cast your vote for PC 2018-07.

Bowen: I'm getting....(inaudible)....

Inaudible mumbling.

Niehoff: Inaudible comment.

Evans: I believe so. I thought Mrs. Bowen was still casting her ballot.

Niehoff: Sure. This is for PC 2018-07. Mrs. Lewis – yes, Mrs. Bowen – yes, Mr. Lewis – yes, Mr. Cassidy – yes, Mr. Nolley – yes, Mr. Lux – yes, Mr. House – yes and Mr. Evans – yes.

Evans: Okay it has passed. Congratulations and good luck with your project.

Nicholson: Thank you and we'll be in to get a (?) shortly.

Evans: Okay with the amended agenda, we next have PC 2018-10 which is the former Marsh facility rezone so if I could have Mr. Secretary please read this petition.

Niehoff: Sure. This is for PC 2018-10 the former Marsh facility rezone. The petitioner's name is Dennis Harrold. The owner's name is Board of Trustees of Shelbyville Central Schools and the address of the property is 1015-1027 E. St. Rd. 44. The subject property's current zoning classification is BH, business highway. The required is IS, institutional. And the action requested, as mentioned, is a formal recommendation to rezone the property at 1015-1027 E. St. Rd. 44 from BH, business highway to IS, institutional.

Evans: Thank you. If you'll please state your name for the record and tell us about the request.

Denny Harrold: Sure. Denny Harrold, McNeely Stephenson, attorneys for Shelbyville Central Schools and the owners would are the Board of Trustees of Shelbyville Central Schools. We're here tonight to request a rezoning of what was the not only the Marsh Supermarket property, but the strip mall that is there with it which contains several different retail and restaurant places over time. That property's been vacant for about 7 years or a little bit more and we're hoping that the rezoning from business highway to institutional which would allow the school to renovate and repurpose that property would be approved by the Plan Commission tonight. Obviously we'll be back. It hasn't been to the Tech Review Committee yet, but that's gonna take place tomorrow. With me tonight is Mr. Kyle Miller from Schmidt & Associates, the architects and engineers for the project and he is the project engineer and will be making the presentation tomorrow to Tech Review and so on. This is gonna be an early childhood education academy which is for pre-schoolers and in addition to that, we'll have the administration offices of Shelbyville Central Schools located there. The administration for

special education will be located there. And what was the bank building on the end there on the east end would become a board room and a public conference room as well. It will have about 20 classrooms, cafeteria, an indoor and outdoor playground for the little guys and so I think it'll be a good use. We feel like it's a win-win for not only the school but also the community to make what we think is a very good use of what has been a vacant property. And before it turns into an eyesore, I think it's a great opportunity for us to make a good use of that property for the community and the future of Shelbyville. It we will reduce the amount of pavement out front, get rid of a lot of those parking places and change that into green space. Because the children are pre-schoolers, a lot of parents, there will be some school buses, primarily for those special ed children, but most of the children will be dropped off by their parents out front. However, there's enough room there and the plan for the driveway would allow plenty of room for parents to drive in, drop the child off without creating any back- up of traffic onto either Amos Road or St. Rd. 44. So we feel like we pretty much got the bases covered and like I say, I think it will be a plus for the community and enhance not only that piece of property, but those around it.

Evans: Thank you. I'll open this up for questions from the board. Reminder, this is for a rezone petition. We'll see preliminary plat in the future. So we'll start with you Mrs. Bowen.

Bowen: No questions.

Evans: Mr. Lewis?

Lewis: No questions.

Evans: Mr. Cassidy?

Cassidy: We look forward to it. No questions.

Evans: Mr. House?

House: No questions.

Evans: Mr. Lux?

Lux: No questions.

Evans: Mr. Nolley?

Nolley: None.

Evans: Okay. I actually do have a question, but it's directed to Bryant. I just want to make sure with this rezone request that we don't adversely affect the existing businesses that are in place,

particularly a fueling station on the corner that currently sells tobacco products and I believe, some alcohol. Because I don't know if it's to the entrance of a property or it it's to the land of the property and so that was my question I pose to you.

Niehoff: Sure. So if you'll see on the first page of your staff report here, the property that's specifically in question is surrounding that fueling station that is in the northwest corner, but it does not include that northwest corner. So that fueling station will retain it's BH, business highway zoning. So it's not included within the proposal. The property surrounding it is what they're requesting. So....

Evans: No and I understand that, but I thought there was some state law, maybe you can answer that says...(inaudible)....

Niehoff: Oh okay. Well is this in regard to ....

Evans: Proximity to a schooling.

Niehoff: Yeah honestly I mean from that's beyond the purview of the zoning here, the request. I mean Denny may be better capable of answering that.

Harrold: Now....

Niehoff: But beyond what we were looking at.

Harrold: What I can say is obviously the existing building is as far removed from that business as it can be. When Village Pantry and the Marathon station were put in, it was all owned by Marsh and we will have separate entrances and we will be restricting any traffic that would be unloading any alcohol or tobacco products. It wouldn't be able to be on our property and in fact, we will not use the one road that goes along the east side of that property that was in use before. So it's gonna be restricted. I don't know what the measurement is. Maybe Kyle can....

(?): Inaudible comment.

Harrold: And are you familiar with any restrictions on the sale of alcohol, tobacco as far as this location from a school?

(?): Inaudible reply.

Harrold: So I'm certain it'll come up tomorrow and....

Evans: And that's fine. I just want to make sure that with our favorable recommendation it didn't adversely affect because all of a sudden we were dropping in.....I'd be similar to some churches that go into the strip centers.

Niehoff: Absolutely.

Evans: So that it doesn't affect existing businesses.

Niehoff: Yeah.

Evans: So I just wanted that brought for the record.

Niehoff: My understanding of the law in regards to and this solely in regard to liquor licenses. Religious institutions do have the right to get involved with the alcohol and tobacco commission to prevent per state code or for a new request. But for an existing situation here, I couldn't answer that nor do I.....you see this as a common situation in a lot of communities where large, big box retail store like this is converted into some sort of (?) use. So from an existing standpoint, .....(inaudible)....

Evans: Okay I appreciate that. At this point, I will open it up for public comment. Anyone that has a question or concern, please step forward to the podium and state your name for the record.

Kay Koenig: My name is Kay Koenig. I would like this group to consider something beginning with this building. I realize that they will not do anything that is not according to ADA, but unfortunately I have found that ADA compliance does not always make it handicap friendly which is the new term there I would hope you would think of. For instance, if I go into a handicap restroom, go into the stall, there is the proper bars to go out. There's the proper height of the washbasin and the towels and the soap. But I can't get into the restroom because I can't get the door to open to the restroom. These types of things are something that I'm suggesting that you ask people that are doing renovations in buildings to do. Now it doesn't always apply just to me because of my handicap, but it also applies to the mother with the baby in the stroller. She can't get the baby in the door because there are no automatic doors. So what I would like to challenge you to do is going forth to ask people who have plans for new facilities or for renovations like this is to please ask them to have somebody who is handicapped to look them over and see if there are any suggestions. They're non-binding, of course, but I'm sure that Shelbyville would like to be known as the city that is looking ahead and doing things that aren't necessarily required by law but are better for its citizens. There are also some issues with parking and the number of parking handicaps that are required. If the architect or the people that are doing these buildings say that they are handicap accessible, unfortunately it has been my experience with the latest people I am working at that even though it's a huge facility and a huge parking lot, it is not ADA compliant. So I'm saying there is help available that is free. There's no charge for anybody that does this type of service, so I would like for you to consider this please. Thank you.

Evans: Thank you. Any other members of the public wish to step forward? Please state your name for the record.

DeBaun: Tom DeBaun. I want to thank the school corporation for having the courage to take this step. This building has been vacant for a very long time and in other communities have used this building against us in dealing with prospects for development in their communities and I think this will provide a great stabilization to that neighborhood, beautify that corridor. In addition, the school corporation, Dr. Adams and his team and Denny to his credit, have been great partners in helping us with our early learning coalition. The programs that we're starting for those children zero to five that we have a great need for in this community and this facility along with Don Collins and his Aktion Club and the Senses group will be a great addition to the community. So I just would request that the board recommend approval back to the City Council.

Evans: Thank you. Any other members of the public wish to step forward?

No reply.

Evans: Seeing none, I'll close public comment. I'll come back to the board for any further questions. Again, we are looking at this for a recommendation to City Council for the rezone. No questions? I'll entertain a motion.

B. Lewis: I'll make a motion that we forward a favorable recommendation of the rezoning petition presented here per the planning staff's report....(inaudible)....

Evans: I have a motion; do I have a second?

W. Lewis: Second.

Evans: Alright if you'd please cast your ballot for PC 2018-10.

Niehoff: Okay this is for PC 2018-10. Mr. Lewis – yes, Mrs. Bowen – yes, Mrs. Lewis – yes, Mr. Cassidy – yes, Mr. Evans – yes, Mr. House – yes, Mr. Nolley – yes and Mr. Lux – yes.

Evans: Alright favorable recommendation back to City Council. Good luck. We look forward to seeing plat when you come in.

Harrold: Thank you very much.

(?): Thank you.

Evans: Alright ready to move on to PC 2018-09 POET Ethanol Bio-refinery site development plan. Mr. Secretary, if you'd please read the petition and I ask the petitioners to step forward.

Niehoff: Yes as stated, this is PC 2018-09 the POET Bio-refinery requested site development plan. The petitioner's name is POET Bio-refining. The owner's name is POET Bio-refining and the petitioner's representative this evening is Ron Steffen. The address of the property is 2373W 300N Shelbyville, Indiana. The subject property zoning classification is IG, general industrial and located within the city's extraterritorial planning jurisdiction. And the action requested this evening is site development plan approval for a new ethanol bio-refinery.

Evans: Thank you. Please state your name for the record.

Ron Steffen: Good evening, ladies and gentlemen. My name is Ron Steffen. I'm with POET as Bryant alluded to. We are proposing the planning, construction and operation of a 75 million gallon per year bio-processing facility very similar to the 28 we currently have in production, five of which are in Indiana roughly operating over the course of the last decade.

Evans: Thank you. We'll open this up for board questioning. We'll start down with Mr. Nolley.

Nolley: I have no questions at this time.

Evans: Thank you. Mr. Lux?

Lux: No questions.

Evans: Mr. House?

House: No questions.

Evans: Mr. Cassidy?

Cassidy: No questions.

Evans: Mr. Lewis?

W. Lewis: No questions.

Evans: Mrs. Lewis?

B. Lewis: I don't have any questions.

Evans: Mrs. Bowen?

Bowen: No questions at this time. There'll be questions.

Evans: I do have a question. The rail spur, do you see I don't know how much activity. I mean obviously if you're putting a spur in, it looks like it splits out to multiple sidings. What type of activity do you expect as far as how frequent trains and which direction? Would they be coming from the Indianapolis area, Cincinnati area or both directions?

Steffen: So we do have a side track which is a ladder(?) track arrangement currently proposed on the east side of our property. That ties into the main line on the southwest or on the northwest and the southeast portions of the main line track. So currently that's run by the CSX. Pretty low volume railroad as you can tell if you've looked at the railroad itself. The railroad agreement is nearly finalized. CSX really tells us where they want to go with the trains specifically. However, they've alluded to us that the majority of the traffic will be headed towards Indianapolis.

Evans: Okay. At your other facilities, and I heard earlier in the BZA meeting that you said 90% of your product coming in and out is truck related. I just was curious about the activity increase on the current rail line. So do you have 50 cars a day that come via rail?

Steffen: Local market dictates that so it would be tough for me to pinpoint exactly what we have there. However if we have room, which we typically do to perform a unit(?) train, we would be able to take out one hundred and I believe it's 100 cars per unit train and it takes us, it would probably take us close to a week's time to fill that many cars.

Evans: Okay and the reason I'm asking is because while that used to be a very active track it in years I mean it has maybe one a day I think I get stopped by Knauf. I just wanna make sure because a lot of that track runs through the county and because of the decrease in traffic, people don't always look before they go across and I don't wanna create something where you know we're gonna have a lot of train volume now several times a day. So that's where my question was coming from. Okay since there are no questions from the board, I'll close the board comment and open it up to the public of which I'm sure that at least one person out there has a question for the petitioner. So if you would please come forward, state your name for the record and ask your question or comment.

Bob Adams: My name is Bob Adams. I think I know most of you. I'm a lawyer right across the street and I represent the Jones(?) Trust which owns the real estate mostly to the east side of the subject tract.

(?): Inaudible comment.

Adams: Pardon?

Nolley: Speak into the mike please.

Adams: Okay it's to the east side of the subject tract. And is that better?

(?): Inaudible reply.

Adams: No? Okay. (?) I can talk loud enough. So it's and this tract has its drainage across the tract which is the subject tract, the (?) tract. I think you have maps there before you showing that location. ....(inaudible)....an easement across the (?) tract was sold to 'em and that easement's necessary to get the drainage water not only off of our tract but several hundred acres to the east and north of there and it's a very low area. The Matt House had a Technical Review examination of it and reported to the county. The county deemed it by a unanimous vote of the drainage board today I guess. It was this morning that this insufficient drainage to come out at this point, it's not enough fall and it will not work according to the plans that are there. Now we're optimistic that it can be done and can be worked out, but it really it needs to be reviewed because right now the plans will not work. There's over, we're taking the water and raising it about 2' up to get it off the farm which is a major engineering to take that several hundred acres to do that. Taylor Sumerford has confirmed the elevations. (?) is here tonight. He works in that type of work and elevation and he's confirmed that it is not feasible the way it is presently constructed, the design. I have great faith in engineers that can be maybe redesigned to make it work but the county wanted assurance that it will work and their resolution said that today and I'm certain that Matt House is of the same opinion that it needs to be reworked to make certain it works. So our request is that any approval be based upon a contingency that these engineering drainage over the subject tract to the east the east of us be allowed to drain across it and that the engineering department of the city as well as the county be involved in that process. Thank you.

Evans: I'd like to ask the petitioner to step up and answer if that's been looked into. I know that there is a retention pond on property and that's for surface water only, correct?

Steffen: Correct with the retention pond, yes. I was not made aware of any resolution that was approved or passed or communicated to date so I can't speak to that. However, through other channels, we became aware of this specific drainage that drains from the interstate going west/southwest into what we propose right now is a new drainage running along the eastern side. At the time we purchased the plat, we had asked for a drainage tile plan to be provided to us. We were given that. These two specific drain tiles were not on that map, so we did not engineer for them. However we are not in the business of not playing nice with our producers, right? Our business is dependent on the farmer and the local farmer. So we have absolutely no issue picking up those drains and taking them south the way they currently run as part of our process. That'll require a little bit of civil engineering on our part now that we've learned of this, but I don't see that as being an issue by any means. We just need to work that out with Bob, Mr. Mohr(?) and the Jones Trust.

Evans: Thank you. Any other member of the public wish to come up and ask a question or make a comment? I'd have you state your name for the record.

Carol Wells: My name is Carol Wells and I'm a landowner next to the property. My question is you've talked about trucks going up and down 300N, 200-280 trucks. Who's going to maintain 300N? Is it county? Is it City of Shelbyville since they have now annexed that area? The road out there can be destroyed pretty easily with this many trucks going up and down 300N.

House: The city is gonna, assuming the annexation goes through, that road will be considered the city's from the new road, Tom Hession Drive out to that plant and it will be considered a city road. And we are planning on doing a lot of improvements in the next couple months to the road for the truck traffic.

Wells: There'll be no trucks going west from that plant?

House: No.

Wells: Only east?

House: I mean I guess the trucks leaving the plant will enter the highway. I guess I'm not sure if a farmers will show up in that direction, but the trucks....

Wells: You have fully a narrow road and if you have two semis passing, the side of the road's going to be torn up.

House: We are widening the road to the east, yes.

(?): Inaudible comment.

Evans: Could I have you step forward and sorry about that. Oh I thought she was....

Doug Sutherland: Doug Sutherland. You will have trucks headed east then, right?

House: Yeah between there and that new bypass road, Tom Hession Drive. Yep and we're widening the road 26'.

Sutherland: All the way to the railroad tracks or just to Tom Hession Drive?

House: To....uh huh.

Wells: I'm sorry.

Evans: No, go ahead.

Wells: Once again, Carol Wells. The other question I had was dealing with the drainage and we have the ditch that comes through, which is Hankins Ditch goes across the back of our property

and comes under the railroad track. From the railroad tracks south, that ditch is not cleared at all. Shrubs and everything are in it. I even have a picture to show you. Who's going to maintain that ditch in the future?

Evans: Well as it was stated and I apologize, you guys were here with BZA, the county, Shelby County has the they are maintaining all ditches whether they're in city or out. Those are the county drainage board.

Wells: Well when's that this gonna get cleared? It hasn't been cleaned in three years or more? I cleared it personally from 300. Not that one. I cleared Clark from 300 down to Hankins. But from the railroad on south, that has not been cleared by county or anybody else.

Evans: And I can't speak on behalf of the county or the county drainage board as to when they're gonna clear those ditches out, but they are the ones that you would direct those requests to.

Wells: But we have two people. We have City of Shelbyville producing the water, but the county's got to take the water away.

Evans: Yeah but the county has to take the water in my neighborhood, the county ditch 'cause it's a county ditch.

Wells: Okay. Okay, thank you.

Lux: Bryant?

Niehoff: Yes?

Lux: Could you maybe provide an explanation of why the county plan commission has referred this to the city plan commission?

Niehoff: Yes. Well in regard to kind of elaborating on the drainage issue. I mean it's as Mr. Evans stated, I mean statutorily, the maintenance of legal drains is it's under the county's jurisdiction. That's not a part of municipal government's responsibility, statutory responsibility. Now in regard to the planning jurisdiction of this area, originally this area was under the county's planning jurisdiction. As this project came to fruition, it was under the intention that the full intention of the petitioner that they would need city utilities, essentially sanitary sewer, storm sewer. Our policy has always been that annexation take place at that point. And with this area and the location of the subject property, we are working on a larger annexation strategy at this point. However, and to work with the petitioner and to keep this consistent in terms of working with one staff and one set of standards and not having that switch off at some point, the county did designate and did authorize us to request planning jurisdiction of this are and assign a zoning district at that time. So and that's statutorily with the county

commissioners. It takes place at that point, so that was a couple months back when I appeared before the county commissioners and made that formal request and was granted that request.

Lux: Thank you.

Niehoff: Does that answer your question, Mr. Lux?

Lux: Yep.

Evans: Thank you. I see that we're still in public comment so if you'd step forward and state your name and ask your question or make your comment.

(?) Hally: I'm (?) Hally. Two comments; one is a safety issue. Has the casino been consulted about this because there is a safety zone and a blast zone? Ethanol plants do explode. So within that mile radius of where this proposed plant is, you have the casino. You have the air national guard station. You have an airport. You have a hospital. You have I-74 and you have the railroad. That can be devastating to all of those. There is no way that that hospital can hold the patient influx. One, they're not a trauma center. But that could be devastating for the casino. Has their input been considered at all? Two, the infrastructure concern; those trucks will come across going east. To think that they're only gonna come out off the interstate and go to POET and get back on the 300 and go west, that or go east I guess. That is not that's not gonna happen. I travel I live on 300N more towards London Road. I travel Rocklane, Rockville Road, Rocklane Road, sorry two to three times or more on a daily basis coming and going to Indianapolis and it is constant semi traffic anymore. Their GPS units are gonna send them across. So to think that they're gonna you know make that nice little turn and then turn on Tom Hession and then up to 400 and then get on the interstate at 74, that's not going to happen. There's also a safety concern with if you are traveling eastbound getting off the interstate at Fairland Road, 74, there's no light there. You're taking your life in your own hands going back over the interstate coming back towards Fairland. I mean it is a very hazardous intersection. You've got to pull way out there. So is that intersection gonna be rebuilt, the highway right there? Is there gonna be another stoplight put there? I mean there's way there's lots of questions. Infrastructure's huge.

Evans: Thank you for your comment. Any other member of the public have a question or comment and would like to step forward?

Sandra Howley(?): Sandra Howley. I heard him talk about the railroads. You asked about the railroads. In the Triton district, there's at least ten crossings, maybe more for school buses. There all at an angle and they're difficult to see, so I think that's a concern.

Evans: Thank you.

Michelle Miller: Michelle Miller. I have a ton of questions....

Evans: Okay.

Miller: ....and comments and it's really hard to say where do we start, but let's go ahead and stick with the railyard. CSX well known, operated across the country. I'm not here to slam 'em, but we all know they come off the rails. The railyard's about 300' from my house. One was dragging its brakes the other day. They didn't care. They just kept on going, middle of the day. This is gonna go on all hours of the night. We have families. We have lives. We have work just like you do. We need to operate and have a healthy welfare, okay. We shouldn't be having late night railyard going through. It's a small community. We're out in the country. That's why we moved here. I've heard that the city's gonna take over. (?) is gonna come out. That's fine, but how far? How far are you guys gonna come? We have livestock. We have hayfields. We're farmers. This isn't the location for this facility. It's too close to town. Like it talked about, it's too close to the hospital. When we came out here almost 30 years ago, we came out here for a purpose. We wanna continue our purpose. I wanna retire here. I wanna brag about Shelby County. I can't brag about it with this going on. Let's talk about the buildings. Noise ordinance; there's an ordinance, who's ordinance for the casino over there. Remember they wanted to move Deer Creek down here? Couldn't do that because it was too loud and too noisy, but we're gonna hear a continue hiss five mile radius, a buzzing that's gonna drive us crazy. I live a mile. Why should I have to be tormented like this, everybody else? Are they gonna put filters on their buildings? What are they gonna do to collapse this noise? We've heard the trees. The trees aren't 180' tall. Let's be realistic. The roads; the lady that was talking about the diesels comin' down the road. Yep would run right through our yard. Pretty darn close to the natural gas line. People cut those diesels come down that road same as others. They're gonna come west. It's gonna happen. We all know it is. What's gonna be done to stop it? It's gonna happen. The lights; we all better invest in drapes 'cause the lights are gonna be crazy. Light pollution is what we're gonna have. Don't go out and expect to see the stars at night because you're not gonna see 'em. We all know it. You're not gonna see the stars at night. Move to the city, right? Sell the horses, sell the cows, get rid of 'em. The danger that it's bringing to our community, it shouldn't come here. I'm not against ethanol. I'm against the location. What's it going to do for us? How many employees are gonna come to the location? We're talking about diesels that are supposed to go east, right, onto to Tom Hession. Well getting through the light is pretty tough anyways just with regular cars, but what about employees? How many employees? What's their wages? What's their healthcare? Are we gonna have a bunch of riff-raff coming into our community? We....(inaudible)...that's why we're here. We got enough of that. The smell; may not have the hog farms around where (?) you know which I don't have a problem with it but it's nice you know if they spray once in awhile, that's okay. And we understand the diesels with their jake brakes and I tell you they get it on. They get over that railroad tracks and now they are gone. They're hauling and coming both ways and they slow down. Two million gallons of combustible fuel, reminds me of a horror story. It's just too close. I ask you guys please think about this. What is it doing for us? Do you want to live by this? If you want, I'll sell my property. I'll sell it at a really good price, triple the value right? If it is that great of a something to be here, buy me out. If you don't want to, then please think about

what it's doing to us. My well, okay, it's not lined. If spill, overflow spill it's not lined. We've got the river below us. This is my livelihood. I wanna be able to resell when it's time and I wanna go play golf, right? Nobody's gonna wanna buy my place. Who's gonna wanna buy my place? Oh I've got a (?) I've gotta a nice size barn. I've got a hay field that produces, just produced 50 big round bales, good hay. Who's gonna wanna buy that? I've heard property value goes down when these facilities are around 'em. Help me out here, guys. Help us all out here.

Evans: Thank you. Does the petitioner wish to address any of those questions?

Steffen: I guess I can address a few of the technical questions. Unfortunately I don't have all of the answers for you. However, as far as truck traffic and things of that nature, of course we can't dictate to the public which direction they leave our plant or which direction they enter from. Nobody can. So that unfortunately, is something that we can't control. Light pollution; so we do deal with that occasionally depending on what location we're in. Take Carol(?), Michigan for example. There's a mini-mart(?) across the street. We have a city road running in between our facility and our grains receiving facility and transfer corn and (?) over top of that road. We submit a photometric plan that provide candle power throughout the entire site for that. We take that very seriously and that's why we do those things. So that's just a little bit different. (?); I can't speak for a hiss. We do use quite a bit of natural gas. We produce quite a bit of steam in the ethanol process. However, I guess I have not been (?). A low hum, absolutely we do have that. That's from our hammer mills. In certain locations, we do provide sound(?) attenuation(?) for those if deemed necessary and it greatly reduces that. I think those would be the questions I would address.

Evans: Thank you. Before I go on to public comment, just a second. I just wanna the planned truck traffic is to come out of their plant, head east on the improved 300 to Hession. North on Hession to 400. East to the interstate. That's the typical. Now obviously if you're buying product from local farmers, they're gonna come from any direction they want. Okay, I just wanted that.....

Niehoff: Yeah those coming from the interstate will take that route.

Evans: ....pointed that out.

Niehoff: Yeah. Yeah that's certainly the most efficient route to take, so....

Evans: And I apologize. Step up, state your name for the record.

John Hill: Yeah John Hill. I work still with oil refineries and deal with refineries all over the country. Uh....

Inaudible comment.

Hill: Yeah so I deal with refineries all over the country in about every state and I learned a lot about the industry, but if you haven't seen one, I'd challenge you to look at one from the air at night. You can see 'em from an airplane going overhead. They've got high powered LED lights over at the top of the towers. You know around the country, these are rural areas as well, so I just challenge you to look at some of those images if you haven't already. I've been involved in an area that did have a disaster. They had to evacuate a multi-mile radius around the plant. They had a toxic cloud for over 20 miles outside of that area as well. So you know having been to them, I've heard and experienced the hum and the smell. And I've seen the local properties around the area as well and this is in you know (?) and cities around the country. I live less than a mile away from where this is going. We bought our house 2 ½ years ago, so I'm a little, you know I'm curious as to you know what the anticipated property values are gonna be 'cause we just bought our house. You know how is the anticipated impact of this? Are there any studies to show what's happened to the local areas after this has gone in? You know what kind of an impact that's had on local property values 'cause that's honestly at this point a big concern. You know we bought a ten acre property in the country to be out in the country from the city. If I'm gonna lose half my property value, what does that doing for us? To have that worry about my kids being within a mile of where there's a potential for having a three to five mile radius evacuated and a (?) cloud over head, that's also a concern. So I think that's not trying to go into a rant. I just wanna express having first hand seen these....(inaudible)...whether there is any studies or any statistics surrounding property value impact after the implementation of one of these refineries at least in the area. You know I'm not the only one that lives within a mile and honestly with the hum, with the sound and you can see from an airplane overhead, the potential for disaster, how's that supposed to impact our property values as well as any taxation associated with the area. Honestly it's a big concern. We've got a mortgage on a property that we just got two years ago. So I don't know if I've asked any questions that are answerable there, but any statistics associated with the resale value of the properties close to refineries, I'd like to get some information on. If it were your house, I'm sure you would too.

Evans: Thank you. Any other members of the public wish to step forward? We'll get you up there, sir.

Lynn(?) Hally(?): Lynn Hally again. So in the research I've done, these plants typically only hire approximately 40 people once they're at full production, is that correct? Is that a rough number? And that's what I got from your website.

Inaudible reply.

Hally: Okay so not much more than 40. So I guess those 55 people would fall under the group umbrella of your corporation?

Inaudible reply.

Hally: Okay so then that would cover them with a (?), Obamacare, insurance and that kind of stuff? It wouldn't be just their own entity here at the plant in Shelby County?

Inaudible reply.

Hally: Okay and I had another question, but I forget what it was. Sorry.

Evans: Okay thank you.

Inaudible mumbling.

Steffen: It's an excellent question. Specifically when we talk about early plants, especially when they're POET plants, in the early days you know 20, 25 years ago, a group of investors would get together, local farmers, local producers, elevators, things of that nature, raise money and build an ethanol plant. And that ethanol plant was an LLC similar to what we did in Indiana 11, 12 years ago. However, since then a lot of those plants have consolidated into one umbrella or one company called POET Bio-refining. So to answer that question specifically, this isn't an LLC or one (?) stand alone. It is part of POET.

Evans: Thank you.

Carl Sheffler(?): Carl Sheffler. I'm Carl Sheffler and I have two questions. I brought it up earlier about the retention pond and the fact that water spreads out over a couple hundred acres. The water table is at 6' of dirt on top and then water and 27' of gravel underneath it or that was what I was told....(inaudible)...tested it 50 years ago. You can go any place on our 200 acre farm. You can take a 10' pipe with a point on it and a (?) pump and pump all the water you want. The house where I was born at which is 2665W 300N is across the street from where I live right now, the well is a grand total of 9' deep. Okay I understand that they're not gonna lower the water table. I worry about 'em raising the water table. They can come in here and they can put in this retention pond. There's no way they can stop without being into the water table there. We have a five inch rain, the armory with airport and the casino flood out a 40 acre field I have between the Hankins and Clark ditch. Granted, it goes down rapidly, like three or four days, but if the crop is in an early stage, it can only live for a couple days under water and I've had it drowned out before. That and the retention pond, not the retention pond but the containment (?) as you have there for your ethanol tanks, I'm sure it's concrete bottom and sides. Where do you drain the 5" rain we get once or twice every 3 years? Does that water drain into the retention pond? Or does it sit in there and evaporate? I'm talking about your containment pond you know around your ethanol (?). Where does that water go 'cause it's gotta go someplace 'cause it's just like a big rain gauge sitting there catching 5" of water. And I've had 6" of rain on the farm in the last 10 days. It doesn't evaporate that fast and it gets into the water and it just spreads out. I've had beavers in that Clark ditch and it has put water in my basement which is on the other side of 300N a thousand foot off the road and my dad's house

which is right there by the Clark ditch had water in the basement after that beaver backed it up about two weeks. (?) beavers don't happen every time. It happens about every 8 years we get a beaver in that ditch and we gotta clean it out. My sister and I spend the money to clean it out. But that is my concern is where the....I understand surface water has gotta go someplace but that whole plant what I understand now is gonna be either blacktop or concrete and I you know there's a lot of dirt around the airport and it gives me more problems than anything else coming down the Hankins ditch 'cause it drains right directly into the Hankins ditch and then comes through us. That is my number one concern. Number two concern; a few people know that I have a nasty habit of mowing the roadside and I got about  $\frac{3}{4}$  of a mile that I mow both sides of the roadside with a riding lawnmower. So you just realize when these semis are coming down through there at 50, 55 mile an hour, they have to pass somebody, they put their outside duals in the grass. I don't know how many mailboxes I've lost. Dump trucks hittin' 'em, snow plows hittin' 'em, semis hittin' 'em. The road is not wide enough and I know you wanna 'em to all go east and I understand that. But right now we've got at least five or six semis a day coming from the west and dump trucks going east and west. That's not all that's gonna be on that road is POET's trucks. There's all kinds of other trucks on that road and their outside duals are in the grass if they have to pass. And then you got farm machinery. They take up the whole road and they can't help it. I'm I've been driving farm tractors on the road for quite a few years, so these semis they don't slow down for you. They come through there pretty quick. That's my two concerns.

Evans: Thank you.

Sutherland: Doug Sutherland. I understand that we need development and development is good, but I do not think this is development we need for Shelby County or Shelbyville. It's not gonna bring anything good to this county or Shelbyville. We got families out there. It's just like the Penske, the Kroger warehouse. If you guys see that in the morning, all the semis are lined up on the road. That's not what we need for our school buses to go try to get around to go pick up kids. So please, just think deep down in your heart, would you wanna live right next to this? That's all I'm asking. Thank you.

Miranda Sutherland: Hi, I'm Miranda Sutherland, following my husband. If you have (?) a 27 square foot, 2700 square foot home. We have about 7 acres if anyone is interested in purchasing. We are about 2 miles from where this is going to be developed. When my husband and I got married, we have a 2 year old son now. We purposely chose Shelby County and the Triton district because that's where my husband wanted to raise our son and have him go to school just like he did. And we chose this (?) to fix up, make it our forever home and now I feel like that's ....(inaudible)....and sorry. I actually grew up in Portland, Indiana where they have a POET plant already and I've seen the negative effects that it's had. I can't say that it's positively helped the county or the city in any way. Yeah it created 55 jobs or whatever, but look how many people it's negatively affecting. I feel like the negative is definitely outweighing the positive in this situation. So please consider, would you want your two year old kid breathing in fumes and you having to worry about the safety of your family. So....

Evans: Thank you.

Pat Hayden(?): My name's Pat Hayden(?). Lots of organic compounds. Before you vote on this, I wish you would look. Formaldehyde, methanol, acidic acid, all ....(inaudible)....hazardous material. Trotters Chase is within range, that ....(inaudible)....goes over. The hospital; when I came to Shelby County 20 years ago, there wasn't a lot here. I gotta be honest with you, the coolest thing was that you had a fire department in the bottom of a water tower. But now we got a hospital that's beautiful. I'm a (?) owner and breeder. We got a horse track that's becoming competitive nationally. I don't want my horses breathing any of that. They won't. My house will be ....(inaudible)....My wife can ....(inaudible)....and we'll go one way or the other. But if you want to increase the thoroughbred industry, they don't wanna breathe those three things. And when the people in Trotters Chase read in the newspaper of those three things, they'll have.....(inaudible)...than what they've had (?) tonight. And a lot of people had no clue of this. I learned about it at 3:00 today and I live barely a mile away. It's gonna take a little bit of time. There's ....(inaudible)....down the road. I do have a question for the person who's proposing this. How far away do you live from a POET facility?

Steffen: Inaudible reply.

Hayden: ....(inaudible)....in a house that's a mile and a half away because it was (?) wrong spot. I believe in, I'm an economics teacher. I believe in free market, but I also believe there's a time and a place for everything. You will (?) an incredible (?) at that intersection. What was there 20 years ago? What's there now between going to highway 9, head out the road through the (?) where we have the Purdue vet center, the track. It's highly desired and it's being more highly desired every day. What happens to the desirability when you look at formaldehyde, methanol? What happens to property values at Trotters Chase, the best or second best subdivision in our area? Do these will real estate agents list that and say, oh by the way you'll probably be breathing in some formaldehyde and some methanol and some other things... (inaudible)....ethanol plants there is a home. I live in the country. We have grain bins or grain dryers that run. That's kind of a peaceful country sound....(inaudible)....but much louder. Anybody .....(inaudible)....it's not that bad back when they had the paper mills, it really stunk it up, but there is a smell. Imagine an Indiana Derby day. People with millions of dollars (?) the best horses in the world smelling that....(inaudible)....don't mess it up now. I know there's a joke in Shelby County right now on Tom Hession Drive. We all know it, the road to nowhere. I will admit that more than anybody. I want it to be the road to somewhere. I really do. If I had the money, I'd buy 50 acres. I'd put a thoroughbred farm there and I would make it a tourist for people to come and see (?). I'm not that rich yet. I'm a high school teacher. But I'm also kind of hopeful that somebody will do that someday and they won't have to worry about formaldehyde. I want them to come to our hospital to get better not to breathe in formaldehyde and I just really hope if nothing else, give it some time to think about. I would appreciate that more than anything. Thank you.

Evans: Thank you.

Leslie Hill: I'm Leslie Hill, John's wife and kind of wanted to build on what he had said as well. I mean we've worked very hard so that we could get out here. I drove my son here to the Triton schools for five years because I didn't want to be in Indianapolis. I didn't want to be in that environment and I didn't want him to be. It is that important to us to come out here. We've worked very hard. We wanted land so the kids could play and do what they wanted. We wanted them to be able to see the stars. Something like this is gonna take all of that away. It seriously could not just for us, but also for many other families. I have, since moving out here, talked a niece and a nephew both into bringing their families out here because it was such a great area. I would hate to have to go and tell them I'm sorry, I was wrong. I know you guys are in a difficult spot with this and don't envy that decision that you guys have to make, but please, when you guys do make these decisions, please do consider all the things that we're saying because it's hard enough to get a kid to do their homework, but to sit there and have them trying to do homework with this humming noise, it's going to just drive them crazy while they're trying to do it. It's just not fair. It's not fair to us, but it's not fair to the kids to expect them to have to live like that as well. And like he said, we've put our money into this house and it will go down. We could never be able to sell it for anything like what we've put into it. So I just ask that you at least try to consider that please.

Terry James: Terry James. I have always been a big proponent of businesses entering our county and our city. I know the importance of it, the taxation situation and possible employment, but I have always believed that the safety of the public outweighs anything that we discuss. This issue tonight is absolutely the most complicated issue I have ever seen come before the Plan Commission, I can tell you that. I believe that it needs more extensive investigation. There are a lot of questions that have been asked tonight that need to be answered and the only way that's going to think, I think, is to take a time out, do some examinations over the next few weeks and come back. Nothing should be rushed so quickly that potential public safety is disregarded. So I hope that you could weigh that action and consider it because what I've heard tonight is just absolutely excellent questions from the individuals that are here this evening and I know that there are answers out there. So thank you very much.

Evans: Thank you, Terry.

Brad Ridgeway: I'm Brad Ridgeway, councilman fourth ward and I tell you what, I wish some of these guys ran the city. I tell you, they got a lot of good ideas. They're heartfelt and compassionate and it's ironic we're a city that's telling the county what should go in their own backyard, but I understand that has to be done. That's not here or there. You've done a great job. You're on the hot seat and you've tried to make this work. There's not a marketing genius that's gonna be able to market this city. Okay it's not....we spend thousands of dollars without that but it's just not gonna work. But I understand business and that's okay. I wrote an editorial. I spoke in the BZA meeting. Chairlady Kris was so nice and she said this was gonna be

vetted. There was gonna be layers. There is, but I think I don't know maybe the mayor knows more than I do, but obviously he always does sometimes. July 10<sup>th</sup> is probably the last public comment. This has been a lot rammed through, okay? The reason why these people can't get the questions answered is because we really don't know. I read the 371 page report and it was, I didn't know 360 pages of it. It's a lot of stuff there. A lot of emissions control and that's just some of that's all standard. But page 364, which you probably don't have it now, that was one of the questions if I was sitting on the board, what do I have to be concerned about? It says there in black letters to be concerned about your families in your community. What do they mean by that? Should I be nervous? Should I be scared? I agree with Mr. James. Here again, I wrote an editorial because this was rushed. There's not one person in this room can tell me why this has to be rushed like this. I'll tell you why. 'Cause they wanna get it done. It's not been properly vetted. There's not a (?) and I said it earlier in the early meeting that would (?)ram through this around us. There's just it doesn't happen. They would have meetings after meetings to make sure, even though we don't like it, at least it was vetted properly. That's all I ask. Thank you.

Evans: Thank you. Member of the public, step forward, state your name for the record please.

Tammy Carte: My name is Tammy Carte. I think that the very fact that this room is filled with people speaks in itself for how many meetings are here when this room is full like this? I wanna thank the POET Bio-refinery company for being....(inaudible)...to awaken the people of the city to speak up. There are already multiple facilities that the POET company has in Indiana. My question is is there an intent to saturate Indiana with this business that you do? And I'm not judging you. I'm just asking. How much saturation does Indiana want? This is more than about Shelbyville, Indiana. It's more than about Shelbyville. It's more than about the families that showed up tonight. There's the telecommunication world, cell phones. There's danger in them. They're probably ....(inaudible)....every single day. There's dangers in the power plants that are set up. Nobody comes to those meetings. There's a lot of things going on here. I don't really think that it's about the work that they speak or do. I think it's about awakening the people to do things that really matter. Family, health, life, these are (?) things. If you had all the money in the world, you couldn't buy it....(inaudible)... God offers a city where there's no sickness, where there's no disease, no dying. But if they intend to be citizens of that city, you have to live like it now. If they continue to invite the things that are hazardous into our lives, don't expect to be in that city that God's building. God's blessed Shelbyville, Indiana over the years. I have a friend, thank you Jesus for Miss (?). And there is many historical books about this city, what the city was years ago and what it is going to become. There's an intent to (?) it back to what it was, it was ugly. It was ugly. To the life that's been given, much is expected. And again, I thank you for being here tonight to go through the (?) in this meeting tonight. Thank you.

Evans: Thank you for your comment. Any other member of the public wish to step forward? State your name for the record please.

Terry Leland(?): Terry Leland(?). I have lived in Shelby County my entire life near where this is going in and when we were in the earlier meeting, you kept telling us that none of the questions we were asking was relevant to that meeting, that it would things would need to be answered in this meeting. My children had Mr. James in school and when I went in the first to meet the teachers the first meeting, there was a saying on the board that I have always I had always told my children, but I thought it was good that he believed it also that everyone is responsible for their own actions. So I think you guys need to remember that you are responsible for your actions here tonight in that everything that comes to Shelby County does not necessarily to go out at that end of town that is now you guys are taking over. This gentleman wants the horse track. I do not. I live less than a mile from it. The traffic between the horse track and the truck stop is awful out there. I can't hardly get to my house. The lights from the horse track blind you when you're trying to turn on Michigan Road there in front of the horse track....(inaudible)....see the median hardly in the middle of the two lanes. It's dangerous. And there is (?) lights. You can't even see the stars or anything out there anymore. And I was in Clinton, Iowa last year and the ethanol plant there smells atrocious. It is....I think if you ....(inaudible)....there's that property out east of town that you had a company that was planning in that didn't come, that might be a good spot for it. I don't know why you need to coming out that direction here. If you really want to improve Shelby County, you need to get some good shopping places or something for people do so we can get people to come there to make it an area. I mean I've stayed in Shelby County for a reason. Right now, I'm trying to figure out what that is, but we need to develop things that are beneficial to our citizens, not necessarily just, 55 jobs is not that many jobs. And how much are these jobs going to pay because minimum wage jobs or jobs that they don't get good benefits are not beneficial to our area because most of the jobs that we have lost in this area the ....(inaudible)....So I think we need to rethink the area because it's near the natural gas pipeline and I ask that they had some (?) about the blast zone there. Because when Richmond Hills blew in on the south side of Indianapolis, it shook my house and it was 18 miles from there. So I you guys didn't want to approve the gas station earlier or a gas station that's been there ever since I can remember because there wasn't enough questions answered, so I think you need to rethink this for a (?) table it to get more answers for the citizens of the area.

Evans: Thank you. I will at this time make a comment that as far back as 1987, this area, both county and city had planned industrial and their plan was always to have that west side what's now called Tom Hession that goes all the way down to Mausoleum and then goes across to 44. That's always been part of a plan of the area, including county support. So I just wanted to put that out there as far as why we decided to place this here. It does fall under our city and the county's plan for industrial again to access I-74 corridor. So any other member of the public wish to make a comment?

(?): Just on that point, you know earlier we had what (?) that (?) came in and said five buildings. We just had to have an amendment where we're asking for way more than that. You know, let's stick with the plan. We had a plan; let's stick with that. You ....(inaudible)....now going to put up a 100' tall tower. That 20 or 25' was the zoning requirement we said earlier.

We made an amendment to that that's 6 times that height. Stick with your plan. Stick with your guns. You know when we have to make those amendments, that's beyond what the zoning originally was and therefore, that brings up a lot of questions and a lot of concern. ....(inaudible)....anything in there that met that original requirement that didn't need amendments to it, I would not be here today.

Evans: Thank you.

(?): Inaudible comment.

Evans: Could you state again for the record?

(?): Yes. Was the plan to bring in an ethanol plant? Industrial, okay. Forty jobs, what are we benefiting from it? What were you guys thinking back when of bringing in an ethanol plant into our back yard? If so, we should've been notified back then, not while the man's coming out here and trying to do a spiel to us. And again, I found out at midnight last night about this. There's no signs out there, none. But I do have to ask, the employees that you're hiring, are they engineers?

No audible reply.

(?): One, two? Out of the 40, okay we're talking about high highly dangerous. I know the company I work for, we all have MBAs or we're engineers. We're not playing around. People that don't have education. I mean I know skilled labor is important. Don't misunderstand me, but what you have on your hands is hot. This is hot. How 'bout accidents? How many accidents, employee spills, anything in the last ten years has your company encountered? Can you answer that?

No audible reply.

(?): Yes, it's a question.

Steffen: Hi, Ron Steffen. Accidents, as far as I'd like to understand how to quantify that exactly. I guess I can't. We've got 28 bio-refineries across 7 different states. As far as spills, we have had no uncontained spills.

Evans: Thank you.

Howley: Sandra Howley. I would guarantee there'd be a heck of a lot more people here tonight if we had ( ? ) found out about it Sunday in the paper or today on Facebook. You'd have a packed house.

Evans: Thank you for that comment.

Niehoff: May I make a comment?

Evans: Yes, please do.

Niehoff: Just for explanation and for clarification in regard to several of the comments that's come up regarding public notice and to the notice that was sent to surrounding property owners. So state statute dictates that for communities that exercise the authority of zoning that they have to place notice in the newspaper 10 days prior to the hearing, minimum of 10 days prior to hearing. That is what we can enforce as the City of Shelbyville. Additionally, the city, we've beyond that requirement as state statute allows us to and we've required that letters be sent to all surrounding property owners within a 600' radius. And all of those property owners.....

Interrupted by audience.

Niehoff: Just please let me explain. Please let me explain. So that is a requirement of the City of Shelbyville. They've met those requirements. The first public notice, you know we worked with the petitioner to get all that information to them on the week of June 4<sup>th</sup> and they had several, they're dealing with several things in regards to IDEM permit which has been mentioned several times which also requires a public notice with the Indiana Department of Environmental Management. With that, there was a mix up and we got all of the information to the petitioner at that time. There was a mix up in the IDEM public notice (?) in the newspaper. The public notice for the meeting on the 18<sup>th</sup> which some of you may have received that letter, did not make it into the newspaper. Our ordinance states that the city's responsibility is to get that information across and we did. Now to meet state statute, they had to move that meeting and they did to this evening and they met that requirement. So in regard to the public notice, they're meeting the state minimum requirements and that's all we have the authority to exercise. In regard to the planning that went into this and some of it was mentioned by Mr. Evans and others here, we actually have the first criteria that the Plan Commission is looking at this evening and when they look at any site development plan is in regard to the Comprehensive Plan is this petition that's before us today in compliance with the plan that we worked with the community to develop and according to our staff report and our review, my staff's review of the Comprehensive Plan, it is in compliance and specifically in compliance with objective 3 Chapter 7 of the Comprehensive Plan, economic development. Promote economic growth in targeted area and this object refers to the growth areas map which is on page 48 of the Comprehensive Plan. You can find that on our website, City of Shelbyville's website that shows this entire area as a growth area. That Comprehensive Plan was developed in 2009 and 2010, almost ten years ago. So this area has been shown as a growth area for economic development. And at the point that any city goes through the process of updating a Comprehensive Plan, we're doing that right now, they engage the public for their comment, for their opinions. It's the community's plan. It's certainly not a (?) approach. It's the exact approach from the ground up. With our current Comprehensive Plan,

we did a public survey and had about 1500 responses. We did a public workshop for the city's plan that had about 100-150 attendees where we included all of that into the formation of this plan and I wasn't around at the time when the other plan was developed, but I'm sure they followed almost the exact same process. So this information is out there and is available and that's .....(inaudible)....is charged with moving forward and with implementing. So I just wanted to say those two things possibly to answer a few questions about the public notice and about the planning that went in.

Evans: Thank you. Any other members of the public wish to step forward, make a comment or ask a question?

Brian Asher: Good evening. Brian Asher with Shelby County Development Corporation. I wanted to specifically answer I think a little bit of the Sutherland's questions on tax benefit. There is definitely a tax benefit in property tax, so we're not just talking about, we're talking about the assessed value going up tremendously. And as far as it's just not for 55 employees that we're talking about. It's also bringing economic help to farmers. I think you get to see a lot of the people tonight that are upset and not the hundreds of farmers that are excited and ecstatic about a bio a POET coming to town. As far as the increased value of land and whether or not that would be increased, I think that you're seeing you'll be seeing added infrastructure to the area and in my world, added infrastructure means increased value. I have spoken with I've done my due diligence as far as with site selectors and talking about if POET would come to town and also be in this area, would that push them away to different areas and the site selectors have said have stated no. So that land around that is still economically attractive to them so that answers a few of those questions, but I also got the opportunity to visit the Alexandria plant, myself and some other city and county officials. We found it to be very clean. I don't think a one day visit tells the whole store, however walking through there, it did smell a little bit like a distillery. That could be good or bad to some of us. So but as far as that goes, it wasn't overly pungent I guess I would say. And at that time, I did hear a slight noise that wasn't all that. I think it was a low hum is what I've kind of heard tonight. I would compare it to that as well. So and as far as what Bryant was saying, I think back as far as like he said, 1987 was when that Comprehensive Plan was planned industrial in that area, so I just I urge you to think about not only the people here, but also the people that are out there as far as farmers that may get as much as you know 10 more cents per bushel on their corn. We're talking about turning into thousands and thousands of dollars into this area just due to this. So thank you very much.

Inaudible mumbling.

Evans: Will you please state your name for the record again?

Carte: Tammy Carte. I heard you speaking about the economics for the city. We must keep in mind that there are microeconomics and macroeconomics. I can tell you it's a (?) resource that the city is in the (?) that God has placed here.

Evans: Thank you. Any other members of the public wish to ask a question or make a statement?

Pam Shroyer(?): My name is Pam Shroyer. I live on 300N about oh I think my husband said the other day it was like 1.3 miles to where that area begins. I was a little surprised when they first opened the meeting and there were no questions by any of you members, but in some of your answers, it was obvious that some of you had maybe studied some or kind of already come to some conclusion. I'm not certain of that. The gentleman that just spoke, he mentioned hearing a little hiss and smelling a little something and it wasn't a big deal. Did he stay there 24/7 for days and days or for just a few moments? Now some say they're not against the ethanol plant. I don't really have any opinion one way or another rather than I don't want it on 300N. I live there. I have a very nice home and a very nice area. I'm about a half a mile off the road and a bunch of trees around me, great big yard. I don't farm, but I have a nice home. I can't offer to sell it to any of you because others have already made that offer, but I'm just curious. If you lived on 300N, would you want this plant that close to you? If your home was there and your family lived there, would you want this monstrosity there at the end of your road with all the traffic that's gonna come and go, the people that are gonna come and go? We're kind of out there in our own area not being bothered and it's kind of nice. That's why we all live there. Just curious if you would have a different opinion if you were that close and it was gonna be something you saw every time you drove in and out of your home.

Evans: Thank you. Another comment?

Scheffler: Carl Scheffler. I have a comment for you. On the when you had your containment spill for around the ethanol tanks. We get that five inches of rain; how do you get that out of that if it's got a concrete bottom and concrete walls? 'Cause the government says you have to have enough containment area to handle a tank breakage. So you got a tank with 2 million gallons of ethanol in it, it takes a pretty good containment wall. How do you get that water out of there? I'm not worried about the ethanol. How do you get the water out of that containment? Do you drain it to the retention pond? Or do you let it evaporate out? Or how do you get it out?

Steffen: Ron Steffen. I'd like to introduce Nathan Westoff. He's our civil design engineer for the project. He can talk to about a few of the specifics to that question.

Nathan Westoff: Nathan Westoff, POET. All of our containments are all valved and then once they get tested, then we open those valves and release it to the pond. And then we test it again before disturbing(?).

(?): Inaudible comment.

Westoff: Yep the berms(?) are all sized for a 25 year event plus the (?) plus some (?).

Evans: Thank you. Any other members of the public?

Megan Rush: Megan Rush. I had a point about economics. It's not only bringing local jobs or the 55 employees that many of those will be local, not all of them, but most of 'em. Also construction jobs. I'm assuming this will be roughly 12 month or so project. I don't know, what 50 to 75 million dollar project over the course of it roughly?

Steffen: As far as construction jobs, the potential is to have it'll be roughly 15 months from the time that concrete starts and then as far as project value, it's just shy of \$150 million.

Rush: And then also for the area, we have all talked about the area. It's been in the plan for many years for that area to be growing in industrial ways. Of all the types of facilities to build in that area, I feel like this is a darn good one compared to a power plant or compared to an oil refinery. I work on an oil refinery and the smell is a lot worse than an ethanol plant. I can vouch for that. And then there's other types of facilities that I feel like aren't quite as healthful for the environment as some can be. I mean we're not making oil. We're using corn to make ethanol for fuel which is better for our environment compared to a lot of facilities, what they do. So that's all I had.

Evans: Thank you.

DeBaun: Hello. Tom DeBaun and I'm gonna speak in a couple of different capacities, but first I'm gonna speak as the former Plan Commission Director who was in the office when the '97 plan was created as well as the 2010 plan and all the planning documents in between. And first and foremost to the audience, I'll turn around so you can hear me. I want to thank you all for coming this evening because you have raised a lot of good questions and appreciate the fact that you've made the time and the effort to be here. Obviously this is very passionate for you. Back in 1997, and I don't need to turn my back on you. I don't know where there's a good place to stand. So back in 1997 when we sat down and looked at the Comprehensive Plan, we built upon the 1987 plan. 1987 plan was created by obviously another administration. I know that there was somebody ma'am, I think it was you, Terry I think is your name who had made the comment that politicians change and obviously sometimes doesn't get followed through or something. I'm paraphrasing, but was that your comment? It wasn't? I'm sorry. Okay but anyway somebody had made the comment about the politicians changing and intents being lost in the change or something of that nature, so if I didn't get that right, please feel free to correct me. But in this instance, this area has been designated now for 31 years as a growth area for the industrial park. I mean the road to nowhere that you, sir talked about, believe me, I took a lot of jabs and a lot of barbs for that because I was involved in the planning of that and much like you, I would love nothing better than to see that road become something else. All roads are a road to nowhere until they go somewhere, right?

Inaudible reply.

DeBaun: And so when you plan for a community, you plan 5, 10, 20+ years out. And so we for decades now have had the foresight to do those things. The problem that we face in government is that we sign confidentiality agreements with these companies. Most of you probably don't know that in 2012 we were looking at a tire manufacturer for that site and it was gonna be a billion dollar investment. I know you know 'cause you and I spoke.

(?): Yes.

DeBaun: And several of us may have. Mr. Richey and I I think maybe we had spoken then as well, but it was a billion dollar investment, 1000 jobs and a million square feet under roof. We're still under the confidentiality agreement, so I can't tell you who it was, but that site on the other side of 300 was the site that they were looking at and it was a mega site, I don't know 5, 600 acres, something of that nature and we spent a lot of time and effort developing those plans and it never came to a public meeting because the project was shelved. They didn't go forward with that project. This is no different. If you've paid attention, myself, Mr. Asher, we've still never referred to this by its name because we're still under a confidentiality agreement even though those documents have been signed for the notice of public hearing. They've openly talked about the company name. They've openly talked about their locations. We've still not been released from that confidentiality agreement to talk about it and we even had a brief meeting with Ron earlier asking what we could and couldn't say because we don't wanna be in breach of that confidentiality. I understand that ma'am, that you said you found it out about this by social media?

(?): No Sunday's paper.

DeBaun: Oh okay. I thought you had said social media, Facebook and things of that nature.

(?): A lot of people around here found it out by Facebook today.

DeBaun: Yeah well I was gonna congratulate you because my father won't even touch a computer except to play video poker, so I was gonna congratulate you. But my point is, I don't mean to make light of this, but my point is there are just a lot of things that unfortunately I can't sit down and hash out with the public until we are allowed to do so because they influence the market. POET has competitors. The other company who was the tire manufacture had competitors and if they had found out that they were looking at a site in Shelbyville, Indiana then one of their competitors would have done something in response to that market pressure. So in the discussion that there has been some dubious activity or that we were trying to push this through, this project is following the normal course of any other project. There was no conspiracy. There was no grand scheme to push this under the radar. And I think you all have asked some very good questions tonight and I trust that the Plan Commission will take the time to find the answers to your questions. Now that being said, you may not all leave here or the next meeting or subsequent meetings happy, but you did come.

You have voiced your opinions. There will be other people who will come to other meetings who will have the same opportunity and we will, as you've seen Mr. Evans, Miss Schwickrath at the meeting before has given you those opportunities and we will continue to do that. But I just wanted to make it a point that regardless of what you may have been told or what you may have read, there's no conspiracy to keep you out of the loop. I know that you all laughed, excuse me at the 600' notification and when you think about it in the context of in the county, that is kind of ridiculous, right? That it should be 2 miles or whatever that should be. And again, Bryant indicated that we did what was required by the State of Indiana. Now can we go greater than that? I don't know the answer to that, but what we can do is look at our procedures and if there's an opportunity in a county setting and a rural setting to change that, then by golly, I'm gonna ask these two to make that a priority because we need to do a better job. But I just wanted to stand up here and assure you and again, I'm not speaking for or against POET, I'm just want to reiterate what Mr. Evans said in that this area has been for over 3 decades designated as a growth area and the road was built there for that reason to handle that traffic volume. And we solicited a lot of public input. The Theobald farms; Mr. Theobald and his son and I have gone around and around and Jan, the wife for years about this. And I'm kind of surprised they're not here tonight. But....I know what you're saying. But the point is we have provided countless opportunities for that input. It wasn't something that we just pulled out of the air. So I just wanted to make you aware of that. Yes, ma'am?

(?): I wanna know why there (?) Shelbyville's economic development is in Fairland and Brandywine Township and (?) in TIF district and the majority of that money goes to Shelbyville, not to the Triton schools or the taxpayers in Brandywine Township.

DeBaun: Inaudible attempt to respond.

(?): Or why you guys think you need to (?). You're wanting to do this to help the farmers but you're coming in and taking farm property to build this so that's less (?) development right there and you're ruining a lot there, somebody said it was gonna bring our property values up. It is not gonna raise our property values. People are not gonna wanna live next to a factory.

DeBaun: Yeah. So you asked several questions so I'll try to address them as I remember them. Number one, we didn't bring (?). They sought us out. And we didn't tell them you must go there. They made that determination.

(?): But you guys are trying to develop the area out there.

DeBaun: And we have been for 3 decades.

(?): Yes and for that many years the people out there have tried to resist you.

DeBaun: Well no one took anyone's land.

(?): I'm not saying you took anyone's land.

DeBaun: Okay I'm sorry. I misunderstood when you said you're taking land.

(?): ....(inaudible)...trying to develop the area out there and annexing into Shelbyville and the people who live out there, if they wanted to live in Shelbyville would move. They all lived in the country....(inaudible)...

DeBaun: Understand. How long have you lived in your house?

(?): 43 years.

DeBaun: Okay so you're one of the few that have spoken tonight who've been here, other than Mr. Sheffler and the Richeys and others who have lived there for many decades.

(?): I've lived not more than 5 miles from my house the last (?) years.

DeBaun: Yeah and we still own the homestead in the southern part of the county as well.

(?): Inaudible comment.

DeBaun: Okay. And you know again, my family bought their farm in 1859. I understand what you're saying. My father, to this day, would say look if somebody wanted to buy it and pay me "x" number of dollars an acre, I would seriously consider selling it. That's the free market that someone else mentioned. I think it was you, sir.

Sutherland: So you're ....(inaudible)....

DeBaun: There's no utilities out there.

(?): Inaudible comment.

DeBaun: I don't know, ma'am.

(?): They're the first ones.....(inaudible)....

DeBaun: Yeah ....go ahead.

Asher(?): I can speak to that a little bit. We've had a lot....(inaudible).....used for that area. Right now no companies will want to go out there without the water and some of the companies are large enough for the water company to ....(inaudible)....Some of them are not.

They would have to pay money to do that construction so it's I'm not sure exactly where your question was on that, but I would say ....(inaudible)....will look at in Shelby County.

(?): And there's oh I agree. City water, I like my well water. It's wonderful.....(inaudible)....

Asher: That's what I said earlier and when I talked to site selectors....(inaudible)....

Inaudible conversation between Mr. Asher and an unidentified person from the public.

Niehoff: I am so sorry, but with all of the discussion, we do write the meeting minutes for each of these meetings and we wanna be as precise as possible. So for all future comment and possibly I guess for those that have spoken, we can give Lisa some trouble in writing inaudible a few times. But for all future comment, please approach the podium, state your name and address the board.

Sutherland: Doug Sutherland and we do appreciate you trying to develop Shelby County, Shelbyville, but I think a lot of us are here for the safety reasons.

DeBaun: Yeah specifically for this project.

Sutherland: For this project. And I know development is good and we need development. But do we need this? It's only 45 jobs. Is that worth putting all these people in jeopardy? And that's one worry I think a lot of us have.

DeBaun: And Mr. Sutherland, I wasn't speaking to anything other than the general flavor of the area. So again, I understand your comments. You and several others have asked some good questions and I think there's some due diligence that needs to take place.

Inaudible comments.

Niehoff: Sir, could you please state your name for the record?

Ridgeway: I might say Tom DeBaun. Brad Ridgeway. I like Tom....(inaudible)....

DeBaun: Inaudible comment.

Asher: Brian Asher. I was going to discuss your employment number. Quite honestly right now with the low employment rate the exact thing that we that the majority of economic developers are going after right now, I was just at a conference, are high investment and low employment low employees right now. Just because we can't fill the jobs that we have. In Shelby County, I think we have a people problem and that's why we're continuing to try to attract people. Some of you may not agree with this this evening, but that we are out there trying to attract people to our area so that's one of the reasons I at the current market right

now, I am not putting a lot of push into the employment levels. I will really working on the investment dollars which is which would be the property taxes will be at 3%. So that's just to answer your question.

Evans: I just wanna make one comment for the record that the school taxes that would be assessed to this property go to Northwestern Consolidated. All of the horse race track and the casino all go to Northwestern Consolidated. So even though those are that is annexed into the city, Northwestern Consolidated School System still gets the tax benefit from that. And if you question that, I would say look at the astro turf practice field they built a couple of summers ago. So anyhow, okay any last comments from the public before I close public comment?

No reply.

Evans: Okay then public comment is now closed. We'll bring this back to the board for any further question or any discussion. Let's.....anyone?

Nolley: I'll start. Yeah I for one, I live in Trotters Chase so thank you for that information. My son and daughter and son in law and two grandchildren live about a mile from the proposed site, so I have some interest and you guys as a whole have educated us I think tremendously on some things that we need to know more things about. Now that being said, we have a narrow authority where they have to meet A, B, C & D. And if you meet A, B, C & D, they're in compliance. However there's a lot of unanswered questions here and I don't know where those get answered and so maybe somebody can help me here. So things like these emissions that are coming out. I don't think toxins are in compliance with anybody's standards. Those aren't addressed in there. So I've got some questions just when it comes to us voting. While yep they check all the boxes, there's a lot of other questions here that I'm sure everybody has a concern about. So hey and by the way, the fact that we didn't ask questions ahead of time not necessarily unusual. This is pretty complicated. I didn't know where to start. You guys gave me at least twelve things to ask about and I'm not gonna ask them now 'cause it's already late. I'm gonna research these on my own, but kind tell me, give me a little guidance. Can we have some guidance on this?

Niehoff: Sure. Absolutely. Yes so there are two items I'm gonna talk about here. The first being for the emissions and for the air quality permit which was mentioned in the newspaper on Sunday which was mentioned several times in this meeting. That is under the purview of the Indiana Department of Environmental Management. There are several other industries, local industrial partners here that have to continuously follow up with their air quality permits that are here in the City of Shelbyville that all of us who live here in the City of Shelbyville drive by, breathe that air every day. So that is certainly something to keep in mind in terms of you know all of this conversation about the air quality permit.

Nolley: So let me ask a follow up to that.

Niehoff: Absolutely.

Nolley: Do they measure smell? And here specifically when you said distillery, I lived in Peoria for four years and there was a Hiram Walker distillery on the river. I lived a long way. I could smell it, smell like a frat party for a day after it, okay? So I know exactly what they're talking about and it's not it's not great. So and I live (?) in that area so those are things. Is that something that IDEM.....

Niehoff: You know honestly I'm not an environmental scientist.

Nolley: Okay.

Niehoff: I'm not an environmental engineer.

Nolley: So we don't have answers to that?

Niehoff: Yeah I mean that's something we would have to look into. I know I guess in the second prong to my two-pronged approach here was with UDO 5.25 which is our industrial standards. Every new development within the City of Shelbyville that falls within the IL or the IG zoning districts have to follow these standards. They pertain to smoke and particulate matter, electrical disturbance, fire and explosive hazards, noise, odor, vibration, glare and noxious or toxic materials, waste materials and water pollutants to name a few. All of those standards have to be met and they have to be met into perpetuity with any new development that's proposed within the City of Shelbyville. So those are that is where we have the authority under this section in regards to some of those items and these items have been brought up today. But just in reference to the first item, smoke and particular matter. No use on our property should release (?), ash, dust, smoke or any other type of particulate matter which violates the air quality standards established by the Indiana Department of Environmental Management or the clean air act. So it refers back to IDEM. It refers back to federal laws which mandate this. So we have to understand that we're dealing with two separate but related things.

Nolley: I understand. That's why I'm asking this. Yeah.

Niehoff: Absolutely. Yeah and so I hope that answers a few of those questions.

Nolley: But I guess part of it is if we stick to the letter of what we're supposed to do and they've checked all the boxes, we have no right to vote no.

Niehoff: Right.

Nolley: Which doesn't take care of their problems which are legitimate concerns. So I don't know what their course is so I'm asking for them....

Niehoff: Sure.

Nolley: ....that we may not, all this public comment doesn't change the fact that they check the boxes.

Niehoff: Sure.

Nolley: So then what?

Niehoff: Uh...

Nolley: And you may not know the answer, but I'm not gonna put you on the spot.

Niehoff: Yeah. No, no that's fine.

Nolley: But that will be, are there other meetings? We reference this is you know Shelbyville's on the ground....

Sutherland(?): Inaudible comment.

Nolley: No, no. I'm just saying I wanna know....

Niehoff: Certainly not and it's certainly not a waste of time. And I think as many people have mentioned, some of our plan commissioners up here have mentioned there have been a lot of valid points brought up.

Nolley: Uh huh.

Niehoff: And arguably, I mean not arguably but we need to take a look at that into some of this. But yes, I mean the opposite side the other side is that state statute gives us just as the BZA is granted a very narrow authority in approving development standards variances as you all heard, the Plan Commission is given a very narrow authority essentially with two things. Does it comply with the Comprehensive Plan? Myself and my staff have said yes. The other item, and several people have mentioned back to 1987, the....

Nolley: And I agree, it does. That's why I'm asking this the way I am.

Niehoff: Yeah. Yeah and then the second item is it in compliance with the Unified Development Ordinance? With the variances that were granted, yes to a certain degree, but I think that there are some of the questions that we need to explore answers to possibly some of that that's related to IDEM.

Nolley: Uh huh.

Niehoff: But that's the best answer I can give you, Mr. Nolley.

Nolley: Okay that's fine 'cause I could go on and I'm not going to, so thank you.

Evans: Any other questions from the board?

Lux: I have some comments....

Evans: Okay.

Lux: .....is that I heard a lot of things about blast zone, safety zone, a lot of that in terms of safety. So I think that's squarely on the applicant and us to ask the applicant to satisfy our concerns about that. So I don't know anything about, I know that ethanol is a combustible fluid and so that seems like a valid concern if it was next door to me. So I think that I would put it squarely back on the applicant of saying look at the public comment on this and what can you do to convince us that these concerns are addressed whether that's Shelbyville needs to have better fire protection or that we take care of it; we are a good corporate citizen. You can tell me you're a good corporate citizen, but I think having some reports about the performance at 28 other facilities might help and maybe that could be written up in the newspaper. But I think that there's plenty of concerns in the 28 individuals that got up here and talked to say hey, let's go line by line of these and address them separate to or in addition to what our actions need to be because obviously this is the opportunity the public has.

Niehoff: Sure.

Evans: Anyone else? Question, comment?

Bowen: Well I would agree with both of them and maybe get a I don't know I don't know how to say.....(inaudible).....a contingency or a.....

B. Lewis: A continuance on this?

Bowen: Yes, like your not vote on it tonight and take all the issues and vote it you know bring it up at our next meeting of all the issues of all the people that brought up. I don't know but that's.....

House: I agree. Maybe we get a transcript or a real simplified transcript and go through each concern. You know a lot of 'em sort of overlap and a lot of 'em don't. Should we plan another meeting. I know everyone's on a tight schedule.

Nolley: You know for this kind of investment and these people, I don't care how long it takes. I mean I'm not trying to push anybody's business back, but these people have lived here a long. They've invested a lot and they're gonna you know hopefully be here for a long time and if it takes an extra month or two, we need to answer the questions.

Cassidy: Why was July 10<sup>th</sup> or July 13<sup>th</sup> the cut off date? What was the reasoning behind that?

Niehoff: June? So in June we had the filing deadlines for each of the projects that were filed with us in that....(inaudible)....Originally, the petitioner requested a special meeting of both the Board of Zoning Appeals and the Plan Commission and that's perfectly legal. I mean that's absolutely....

Nolley: Right.

Niehoff: .....an (?) that we allow and those were granted. They moved forward with the project and then our ordinance states, communities do it differently. Our ordinance states that we as the staff prepare the public notice. We prepare the list of surrounding property owners and then we hand that over at that point to the petitioner. A lot of other communities, they will go ....(inaudible)....and their process where they will go ahead and post....(inaudible)....so that's why. And .....

Nolley: Well I think he's referring to like this somebody mentioned July 10<sup>th</sup> it was supposed to start assuming, I mean where would that date come from?

Niehoff: Oh I'm so sorry.....(inaudible)....

Cassidy: No, no. Why was July 10<sup>th</sup> or July 13<sup>th</sup>? What's.....

Nolley: Maybe that's just a myth that's out there. I don't know.

Niehoff: Inaudible comment.

Nolley: It was mentioned public comment. I think Brad mentioned that.

Ridgement: Indiana Department of Environmental Management, public deadline was (?) July 10<sup>th</sup>, July 11<sup>th</sup>, something in there....(inaudible)....The right thing to do is to table it. Get these questions answered in a proper manner. Satisfy the people that are (?) and go on. That's good government. I'm not trying to tell you what to do.....(inaudible)....

Evans: Mr. Ridgeway? Sorry, I'm gonna drag you up to the podium but we have closed public comment. I understand your concern and your voice, but let us act. We apologize. I understand. Don't make my sergeant of arms escort you out of the property.

Niehoff: Adam's been lifting pretty heavily recently, so...

Laughter.

Evans: Seriously and I understand, but we have procedures here.....

Ridgeway: Inaudible comment.

Evans: ....you as a councilperson understand that and that's what we're in. So I will....

Ridgeway: Inaudible comment.

Evans: .....and I understand. Thank you.

Niehoff: Mr. Cassidy, my apologies. I misunderstood.

Cassidy: That's alright.

Niehoff: But the July 10<sup>th</sup> date, Mr. Ridgeway is correct. That is ....(inaudible)....IDEM gives as standard process for all air quality permits that they do.

Nolley: So they have issued one that expires on the 10<sup>th</sup>?

Niehoff: Right now, we are in the public comment portion of issuing.....

Nolley: Okay.

Niehoff: ....the air permit and the petitioner, if I misspoke in any way, please correct me.

Nolley: So that has nothing to do with construction starting? That just means that period has ended to clarify that?

Niehoff: Correct.

Nolley: So that's a misstatement then about shovels in the ground on the 10<sup>th</sup>? Okay, alright. We don't have any time pressure like that being places on us?

Niehoff: No and from what ....

Nolley: Okay.

Niehoff: ....you know we worked with the petitioner from day one....

Nolley: I understand.

Niehoff: ....and we start with the meeting dates that we have available. Any special meetings and we work backwards. You know, what is the deadline that you have to have the public notice in, all of that.

Nolley: I understand, yeah.

Niehoff: So originally and again, maybe the petitioner wants to speak more to this, but they were looking at a July/August date for moving forward with (?).

Nolley: Okay.

Niehoff: But yes, ....(inaudible)....

Nolley: Okay. Alright, thank you.

Niehoff: Inaudible comment.

Steffen: Just to be clear on the public notice for the air permit, that expires on July 9<sup>th</sup>, the public notice. So I believe it's 30 days from the time that that goes on public notice that everyone has a chance to weigh in on it. However when we initially submitted the air permit, that was done in February and that's a matter of public record. We are not required to fill out a public notice or issue a public notice at that point in time. And they have not, the State of Indiana had not assigned a reviewer at that point in time either as part of their process, so....

Nolley: So let me follow up then for our public who....your comments here today aren't (?) by IDEM so if somebody wants to make a comment or has questions can one of you address how they would.....most of us there's notices, we flip through those in the paper. I don't know what's about. We flip, we go on, we don't pay attention. We don't comment. I think that would there's people who would like to comment or know what their process is so can somebody explain that to the public for us?

Steffen: I believe this is the process.

Nolley: Just this one? There's no other?

Steffen: Just this one. Along with the State of Indiana what they require for the individual townships to do.

Niehoff: Yeah so IDEM does have a process outlined in their materials which are on file in the Shelby County Public Library right across well down the street here and in their virtual file cabinet that they have online. As now IDEM is required and work with the petitioner to send

notice to interested parties and those interested parties are told this is what your rights are, this is what your options are.

Nolley: Okay.

Niehoff: And they in addition to those letters that were sent out, again for IDEM's requirements, they posted a notice in the newspaper for that. So I not having that document in front of me, I can't say.....

Nolley: That's fine.

Niehoff: .....exactly what that procedure is, but .....

Nolley: But somebody could go to the Library and find that information out and if there's another process to comment, they could do so?

No audible reply.

Nolley: Okay.

Evans: Okay at this point, I will entertain a motion. We would need a motion to obviously approve, deny or to continue this for further investigation. So I open it up to the board for a motion.

Cassidy: I make a motion that we table this to gain more knowledge and look into some of the questions and answers that we don't know so I make a motion that we continue it.

Nolley: Second.

Evans: Motion and a second. Are we doing this voice vote satisfactory or do you want it written for the record?

Niehoff: Let's do it written. Yeah.

Nolley: So just to be clear, since we'll be voting yes or not, it'd be yes to tabling this?

Niehoff: Yes in favor of the motion.

Nolley: Okay, thank you.

Niehoff: Or no to vote.

Nolley: Thank you.

Inaudible mumbling among board members.

Niehoff: This is for PC 2018-09 and the motion on the table is to table this until the next regularly scheduled or until....

W. Lewis: Or a special meeting.

Niehoff: ....or a special meeting. We can....(inaudible)....

Cassidy: No, sir.

Nolley: Can it, can I add to that then that we do not do a special meeting for it?

Niehoff: Sure. I mean if that's....(inaudible)... I mean and that's....

Nolley: ....(inaudible)....personally I would like to table. I'd like the time to look at it.

Niehoff: Okay. Is everyone in agreeance there....(inaudible)....

Evans: Yes it was the (?).

Niehoff: Okay. This is for PC 2018-09 to table the PC 2018-09 to the next regularly scheduled meeting. Mrs. Bowen – yes, Mrs. Lewis – yes, Mr. Lewis – yes, Mr. Cassidy – yes, Mr. Evans – yes, Mr. Nolley – yes, Mr. Lux – yes, Mr. House – yes.

Evans: So we are gonna continue this to investigate a little more about some of the issues that were brought up tonight good, bad or indifferent so I apologize from that respect. But I will say that because this will be Old Business, it'll be first on the docket when we start the meeting. So for the members of the public that do have the little ones with them, it should be much quicker. So that will be published in, I don't know that we have a specific date for that meeting yet.

Niehoff: Yes.

Evans: If you can tell us now, that way all the members of the public can mark their calendars accordingly.

Niehoff: It is July 24<sup>th</sup> is that what you said?

Inaudible reply.

Niehoff: I have 23<sup>rd</sup>. Yeah July 23<sup>rd</sup>. Sorry.

Evans: Okay so July 23<sup>rd</sup> at 7:00 p.m. here in the same chambers. That's when we will go to Old Business and hear it again. So....

(?): Inaudible comment.

Evans: We will look at what we have questions about now with the project. We will also have public comment again so that if you have other questions, then they can be addressed at that time as well.

(?): Inaudible comment.

Evans: Okay under Discussion, we have none.

B. Lewis: Is there would it be possible to spend any time explaining how the process might move forward? Mr. Nolley pointed out that we have a limited scope within our authority. Can we assure the people what would happen next? Should it meet our requirements, is that the end of the story? How does the story go from there?

Steffen: It would also be helpful if we knew.

B. Lewis: If you knew too, yes. We all know....(inaudible)...

Evans: I'll direct that to you, Mr. Secretary.

Niehoff: Yes, so essentially the process, these plan commissioners will take the next month to as Mr. House stated, we do take minutes at each of these meetings. I can ask that we go through and transcribe these so we can take a look at some of the issues that were brought up and address them at the next meeting. We'll inform ourselves....(inaudible)....At that meeting, we will start with Old Business after approving the minutes, after calling the role and it will be discussion amongst the board. We'll follow the same procedure. Now I'm taking a look through the Rules and Procedures to see exactly what that looks like when you continue a petition to the next meeting and you know we certainly can do a public hearing. I mean but you know we'd have to follow these Rules and Procedures so yeah but at that time, the board will render a decision if they feel comfortable with doing so, if they feel as if they (?) the information that they need to make a decision. If it's approved, the project will move forward assuming that they satisfy all conditions of the BZA. If any conditions are proposed by the Plan Commission. At that point, they will work with the state to get their Construction Design Release and then they'll work through our local building department, our department to get their appropriate building permits, contractor's license, all of that to begin construction. So generally that's the process they would follow. The alternative, if it's not meeting the two criteria as Mr. Nolley mentioned, the (?) could be denied if it's in that circumstance. You know (?). Those are the two options that the Plan Commission has at that point and they have

Findings of Fact....(inaudible)....every petition. And the other petitions that we heard that final decision was rendered or recommendations ....(inaudible)....At that point....(inaudible)....So does that answer the question, Barb? And I'm sorry....(inaudible)....

B. Lewis: Does the City Council....is there any other body that then needs to say yes, this is fine because some of these things are beyond the scope of what we're able to (?).

Niehoff: Sure. So yeah there's a couple of things. In regard to City Council, no. All site development plans statutorily are a final decision rendered by the Plan Commission. In regards to a couple of the other issues that were brought up in regard to the Indiana Department of Environmental Management. (?) that process per our industrial standards, per state law and federal law. And in addition, if you were at the BZA meeting and at the BZA meeting it was mentioned the flood hazard area. They are working with the Department of Natural Resources Division of Water to (?). So those are two bodies that they will have to work with before they can move forward with the project. But as far as a more locally (?) Plan Commission is the final (?).

B. Lewis: Thank you.

DeBaun: To address one of the questions that was asked I think by Mr. Nolley or somebody up there what you're duty is. Between now and the next Plan Commission meeting, we'll work to pull together the decision criteria from Deckard Realty versus the City of Shelbyville. It was a takings care, inverse condemnation case wherein the Plan Commission did not render a decision and the court, we were sued. It was a multi-million dollar lawsuit and the court came back with very strict interpretation of what the role of the Plan Commission is that being that if they as you say, check the boxes. The Plan Commission's role by state statute is ministerial meaning your role is to determine if they meet the development standards or not. So we'll work to get that information to you as well.

Niehoff: Absolutely.

Steffen: Along those lines I guess I have one question. Did we meet all of the requirements?

Niehoff: And it's in the staff's report, we have several criteria here and I can run through those if that's okay. The first being A, is it consistent with the City of Shelbyville Comprehensive Plan. We said yes. B, does it meet the Technical Review Committee's expectations for best practices and quality design. The petitioner did go through the Technical Review Committee process. They made revisions per TRC's comments made at that meeting and they submitted those in writing to us which we provided to you as well. So we said yes. They are meeting those standards. And at this point, no TRC members have any outstanding issues to our knowledge. Does it satisfy the applicant's requirements of Article 2 Zoning Districts? Basically we said that there are two uses on this property. General industrial production and agricultural products (?) and they're both permitted in the IG general industrial zoning district. The minimum setbacks,

the maximum heights, those were addressed in the BZA meeting....(inaudible)....satisfies the requirements of Article 5, development standards. We mentioned the variances that they applied for. The development standards variance for the flood hazard area, that was addressed. The landscaping standards, there were a few things that we were missing and those were included in the conditions that were mentioned here and I could go into those in further detail but essentially you know that they were not meeting the foundation plantings and then ....(inaudible)....submit revised landscaping plan in that regard and perimeter parking lot requirements. The buffer yard standards were addressed in the BZA. Moving on, in regard to flood plain standards, we've addressed that already. So on and so forth through (?) parking and lighting standards, they (?) to our understanding and Article 6, design standard doesn't apply in any other ....(inaudible)....So there were two items, the flood plain analysis and the setback in a floodplain area. That was a condition mentioned in the BZA meeting. That will have to be satisfied when moving forward and a revised landscaping plan....(inaudible)....So it's certainly bears....(inaudible)....it is in your purview you know if you are....(inaudible)....to determine whether they are meeting these criteria. If you want to look further into this....(inaudible)....you know they do have the industrial standards as well....(inaudible)....If you wanna explore those in further detail in insuring compliance with IDEM....(inaudible)....familiarizing yourself with that process....(inaudible)....

Evans: Thank you.

Niehoff: Does that answer your question, Mr. Steffen?

Steffen: It does mostly in part, but I just to rephrase it, so have we met all of the requirements of the Planning Commission? Has POET?

Niehoff: With the conditions as proposed, no and unless those conditions are satisfied, if an approval motion would've been made with the fact that those conditions be satisfied and then those conditions were satisfied, then yes at that point.

Steffen: What conditions are those?

Niehoff: The two. The flood plain analysis regulatory assessment from (?).

Steffen: Which were motioned for approval based on the condition.

Niehoff: And a revised landscaping plan is gonna be up to the staff.

Steffen: Okay. So if we revise that condition, they've all been met?

Niehoff: But its been mentioned with the environmental standards with the industrial standards too that you would like to look into those. So those are items that are not addressed in this staff report but are certainly still required by the Unified Development Ordinance.

Evans: Any further discussion?

Lux: Yeah I'm gonna add one. Is the what I will be looking for I guess would be also a concurrence with the county drainage board and something from POET regarding safety concerning explosions, spill, smell, noise and fire protection. That's what I want.

Niehoff: Which I would say those latter few fall under the industrial standards, the items that I mentioned earlier. And that's what your role as the Plan Commission is to insure compliance with.

(?): Right.

Niehoff: With the drainage, that falls under the Technical Review Committee comments and that's one of those and to my understanding, I wasn't at the pre-meeting, but and Mr. Adams in his comments that were made, is something that needs to be looked into as well. Mr. House, I don't know if you have anything to add to that?

House: Yeah I mean there's an issue with the connection to the I would call it a minor issue as far as the drainage on the southeast part of the site, but their overall drainage report was approved and generally follows city standards.

Lux: But the county expressed concern over that, did they not?

House: Yeah to that connection on the southeastern part, yes.

Lux: That's why I think the county drainage board has to, they should be contingent on their approval of it also. That's what I think. I don't know if that's right or wrong, but that's what I think based on what I've seen and heard.

Nolley: Well we've made a motion. We voted for it, can we adjourn?

Evans: I was gonna say, Discussion is closed because of the continuance so we can't really further discuss that, so I have a motion to adjourn the meeting. Do I have a second?

(?): Second.

Cassidy: Second.

Evans: All in favor of adjournment, signify by saying, "aye".

In Unison: Aye.

Evans: All opposed same?

No reply.

Evans: Meeting adjourned.