

BZA MINUTES

MAY 17, 2022

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

Absent: Don Calhoun, Jon Peacock.

Legal Representation: Jason Welch

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

Others present: Joel Pellegrino, Sherry Pellegrino, Joshua & Mindy Ellis, Todd Green, Charity Cox, Traci Mifsud.

Chairman Hawley: All right, it is 7 o'clock, my name is Jason Hawley, Board of Zoning Appeals for Randolph County. Today is May 17th, 2022. I would like to call the meeting to order. First on the docket we have approval of minutes from March 22nd, 2022. If you remember we did table those because they hadn't been prepared. We have had those updated, yes?

D. Johnting: Yes, you all got a copy.

Chairman Hawley: Okay, so we have those, and we have had a chance to look through those.

B. Davis: I make a motion to approve those as presented.

D. Cleveland: I second.

Chairman Hawley: All those in favor of approving the minutes as presented vote in the affirmative. All those opposed. Those abstained. Motion has passed. Motion to approve the minutes from April 19, 2022 from last month. Have you had a chance to look over those?

J. Hufford: I make a motion to accept the minutes from April 19th as presented.

B. Davis: I second.

Chairman Hawley: It has been moved and seconded to accept the minutes of April 19th as presented, all those in favor please vote in the affirmative. All those opposed, all those abstaining. Minutes are approved as presented. Alright, getting on to business, tonight it looks like first off we have BZA2022-18-CU, Josh and Mindy Ellis. I have a brief outline of what we're looking at. And it says that the Ellis's are asking for a conditional use for the agritourism destination, it's a Conditional Use because it most relates to development, use of nearby property and adequate utilities, parking and amenities on site. This has been a small farm stand for a few years. It's offered produce as was in season, with a small parking lot and folks stopping by. It has been considered an AG use as listed in the Unified Zoning Ordinance, and was allowed by right. They would like to make this a larger business, adding many items in the future as well as bringing in folks potentially at all times of daylight hours and a significant part of the year. Please read their plan of operation for the list of plans. We have a copy of

that, they have ample parking and knowledge of their projects. Mrs. Ellis was a teacher for many years, and they are very familiar with farming aspects. It seems to be a good location and I haven't heard any negative comments from any of the neighbors. Is there anyone here that would like to speak in favor of this project? Please step up to the table. State your name and address for the record.

M Ellis: I am Mindy Ellis.

J. Ellis: I am Josh Ellis.

Chairman Hawley: Have you received Article V, Conduct of Hearings?

M. Ellis: Yes.

Chairman Hawley: Okay, tell us what you are trying to do, and we'll see if we have any questions.

M. Ellis: Okay, so, as stated we have had farm stand where we've done produce and flowers for about the last two years, and we want to make it an agritourism destination. We want to be--this year we want to be open to the public twice a week, and we would have you-pick flowers, sunflowers, a pumpkin patch, picnic area, play area. Like a little petting farm and handmade items. Since I am a special education teacher and behavioral therapists by trade, I definitely want to do educational programming and align it to the state standards and have field trips for schools and 4-H, and other organizations. Then we also want to do special events on the property, and offer something in addition to the activities we suggested once a month to kind of bring the community out together and they can experience the farm animals and kids can see, you know, how you do grow pumpkins and flowers and kind of experience all of that. And then we also want to have it available for private event and photography rental. So, some of the things we took into consideration is, we do have portable toilets when we're open June through October. One of them is handicap accessible and we are putting in a gazebo and we're making sure that's wheelchair accessible as well. We currently have half an acre of parking. We do have a fourth of an acre that we can use for overflow parking. And then if we need to we can take some of the wildflower field in the future and make more parking. And currently everything is held in the daylight hours. In the future we're thinking about maybe extending the season, but that would be in future years from like April to November kind of picking up the spring more and with private events, if we do put in like a pavilion and electricity and plumbing and bathrooms and event building being open a little bit later than dark. And currently the dogs in the private residence on our land don't have access to the Modoc Gardens area. And I've also been trained in first aid, CPR, bloodborne pathogens, and will continue to renew that. So that's kind of where we're at for this year. And then in the future, we just want to keep adding to it. And we want to maybe add like glamping experiences, summer camps for kids, workshops for all ages. Things like everything from arranging flowers, to maybe creating art with nature. One of the other things I really want to start is an employee training program for individuals with learning and cognitive disabilities. Because like I said, I'm a Special Ed teacher and Behavioral Therapist by trade, so I just really think that's something that would add to the community and just where my heart is. So, those are the things we're looking to do in the

future, like I said, maybe put in a pavilion and we'll look into plumbing, bathrooms, electricity, lighting and maybe an event barn and having more events there for public and private rental use.

D. Cleveland: I have a quick question, what is glamping?

M. Ellis: Glamping? is when people stay in rustic cabins or tents, so they would come out and we have like a tent set up for them to stay in, and they may just have like portable restrooms to use. So, it's not a house, but it's just fancy camping.

J. Ellis: It's not just a sleeping bag and a tent. You have your own bedroom. It's a nice experience.

D. Cleveland: So, it's glamor camping?

M. Ellis: Glamour camping, correct. Yes, there's a whole industry about it, but it's called glamping. So, we're looking to have fancy tents, like rustic log cabins, in the future.

Chairman Hawley: I guess really my only, I don't know if it's necessarily anything thing this board could do anything about is the infrastructure. As far as like, the sewage, the plumbing, the electrical, is it going to be able to be expandable, do you have enough to accommodate this sort of thing?

M. Ellis: So currently, that would be in our future plans, what we're doing right now is, it's "you pick" so it's just you pick flowers, you pick pumpkins, it's...we don't have any buildings, we just have a gazebo we're putting in and portable bathrooms so it's definitely a farmland experience, so we would have to look into all those questions before we would put a building up.

Chairman Hawley: Yeah, so that was my thing when you were talking about like having event barn. And having some of this, you know overnight stuff and things about, do you have the proper facilities to handle some of these things?

D. Johnting: At that time they would be working with the state, in planning all that.

Chairman Hawley: Okay, I was just curious about, because obviously looking at this and hearing everything. You have a great plan for expansion, and it's an amazing plan for growth. I'm just trying to put it all the nuts and bolts together.

J. Ellis: We're not there yet.

M. Ellis: Right, so, like on an event building, maybe 5-10 years out. That's not around the corner but the glamping would be, but that's like compost toilets, and yeah.

D. Johnting: At that point in time there will be engineered drawings, an engineered septic, and so on.

Chairman Hawley: Okay, right. I just wasn't real sure on the big time line. Were there any more questions? Well, thank you very much. Is there anybody else who would like to speak for or against the proposal here tonight? Okay.

J. Hufford: At this time have you made any improvements at all to do your expansions? As far as this “you pick”, that’s been going on. Have you made the parking lot bigger? Have you done anything to improve the outbuildings or anything?

M. Ellis: The parking lot is half an acre currently, and we have a fourth of an acre we don't use that we could for this year. So currently we were just leaving the parking at that. And then we were going to plant the wild flowers in front of it, but if we have to mow them down and people park there, then we have, I don't know, maybe another acre?

J. Ellis: We have plenty of room for parking. We can expand on that in any direction.

M. Ellis: Yes, the gazebo is not in place, it's being built currently, and permits are in process for that.

T. Hart: Is there something comparable to this, in a 60 or 100 mile radius?

M. Ellis: I don't know if you have heard of Tuttle's, in the Fishers, Indianapolis area? They're like an apple orchard, so they have a lot of kids and farm activities where people come, they don't have the you-pick flowers, although I did see they're adding that this year. That seems to be a big thing, but they've never done that in the past. What's the one with the donuts? Like a pumpkin patch?

J. Ellis: The one with the donuts is Jacob's orchard.

J. Hufford: I think the biggest one around here is Downing's fruit farm. They've got apples, pumpkins, strawberries, peaches, they've got about everything you could think of.

Chairman Hawley: Yeah, that's kind of what I was envisioning.

M. Ellis: So, there are a few things similar, but nothing exactly like what we want to do because we want to throw in the flowers and have a lot of specific educational programming with it.

Chairman Hawley: Alright, if there are no other questions or no one else to speak for or against this project I move that we have a roll call vote.

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

Chairman Hawley: Congratulations.

J. Ellis: Thank you.

M. Ellis: Thank you.

Chairman Hawley: Just out of curiosity where do you teach?

M. Ellis: I currently do not, but it was Fort Wayne, Indiana.

D. Cleveland: So, I have a question, how is agritourism not a regular use in agriculture.

D. Johnting: Generally it would be, but in their case, it's more to do with buildings, traffic, parking, neighbors, it's more of a business than an agriculture use.

R. Abel: A lot of these special exceptions, even churches and things like that are special exceptions. And like she said it's got more to do with traffic, how close you are to neighbors, and parking.

D. Johnting: And the building will be overseen by the state, when they get ready to build a building, they will have to get a state release. The state will oversee the septic as well since this is for public use. And like she said, she will be on site to handle injuries, they answered to the size of the parking lot, and being able to teach the classes, and organizing and managing all of this.

D. Cleveland: Thank you.

Chairman Hawley: Alright, looks like next on our docket we have BZA2022-22-V, Todd Green. Reading from Deb's sheet, I have here "Todd Green is asking for permission to build the storage barn on the property he owns in residential, larger and taller than the residence. Which is only 528 square feet. He would like a storage area with a workshop in the rear, 60 by 100 by 14. The two properties are not combined at this time, but he will combine them if given permission for the barn. His property is mostly surrounded by M-2 zoning use. And he owns to the south and east. And Lynn tool is to the west. The only residential house is to the north, which he believes has been foreclosed on at this time, and there is no one living there." Do we have anyone here who would like to speak for this project? Please come forward and state your name and address for the record please.

T. Green: Todd Green, 10214 S 100 E, Lynn.

Chairman Hawley: Have you received Article V, Conduct of Hearings?

T. Green: Yes.

Chairman Hawley: Okay, tell us what you are looking for and what you hope to achieve tonight.

T. Green: Well, I own the business across the street and what I'm looking at is, I'm slowly moving into retirement. But, every time I try to go home and piddle with my Model T or woodworking or something, I get a phone call and I have to run all the way back up to the shop, which means closing everything down and basically giving up on the day for going back. I'm wanting to build this building which will be straight across the street, so I can just go there, then if there's an interruption I can walk across the street and handle it and walk back and not be closing everything down, shutting everything off, and still be able to mess with what I need to mess with. If I need help, I can always run over and grab somebody to help me if I've got a problem with some that I can handle or lift or something.

T. Hart: I know you are going to put the two lots together, is there a house on that other lot?

T. Green: No, the house was in too bad of shape and had to be torn down.

T. Hart: Okay, good.

D. Johnting: They would have to be combined because you can't put a building there, since it's residential.

Chairman Hawley: I guess the thing that was kind of sticking with me, maybe it's because of me just being picky or whatever, I saw that you were going to have to combine the house with the proposed workshop. Was there a plan to renovate the house, or make it larger? Or were you just going to have the add-on be the barn?

T. Green: No, we're going to have the house stay the way it is, it's just a little compact home, and we are just switching it over into a rental, and we are going to leave it as a rental.

T. Hart: When I am looking at the GIS map, is there a house across the street too, on the diagonal?

T. Green: Yes, that's Mike Rhoades, yes, he's down the street from the project but we have talked about it and he has no issues with it.

Chairman Hawley: Is there anyone here who would like to speak for or against the proposal? Seeing none, I guess we can move for a roll call vote.

B. Davis: Second.

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

Chairman Hawley: Congratulations, sir. Alright, now we have BZA2022-23-SP, Joel and Sherry Pellegrino. The write up that I have says, "A venue is considered a Special Exception in the UZO. Although it is not being rezoned, we were advised to have them send letters to 250' from the church and parking lot as it is situated in mostly residential. They are asking for a Special exception because it not only pertains to the use of their property, but must address ingress/egress, welfare, use and value of property surrounding their request. The ballot points are more directed to this type of business. Joel and Sherry Pellegrino have purchased the old church and a vacant lot on Church Street across the street in Lynn. The Pellegrinos have had other wedding/party venues in the past and have purchased this church and parking lot for the purpose of establishing one in Lynn. If you were on the board a couple of years ago you might remember Mr. Thorn asking for a variance to replace the steeple which has been completed. In their detailed plans they explain the experience they are bringing to this type of business. They have identified many questions that the board or the neighbors might have. I have not had any comments or questions on this new business at this time. Photos: Clockwise: The church today. Next shows the alley between the church and the house to the west to get to the back of the church. Next shows the back yard. And the last one shows the neighbor to the east." If you'd like to approach the table, to the mic, and state your name and address for the record.

D. Johnting: Jason, we need to get this on the record, they took their letters to the post office to be mailed and they were advised to fill out all their receipts with our return address instead of the address they actually sent them to. However, we did check the receipts and most of them have been picked up, We didn't receive any of them, and we are not obligated to verify that people got the letters, just that

they were sent. So, we are satisfied that the letters were sent to the folks on the list. We wanted to clear that up and sometimes that happens.

Chairman Hawley: Thank you so much for that. So, what are you looking to do?

S. Pellegrino: So, we purchased the church about six months ago and we're looking to use it as an event venue, mostly for weddings, and/or parties. We hoped by buying it that we could save it from being torn down or destroyed. What we do for a living is we restore old homes. We had a tree trimming service for 30 years, we've been restoring homes for about ten years. We search out properties that we think are in jeopardy of being torn down or not used. Or not being saved, so we found the church online and decided it would be a great investment and bought it sight unseen, just because we loved it so much. So, it actually hasn't been used for a church in a long, long time. We think people have lived there and there's been some things there and we're not quite sure exactly the history of it. So we just want to take it and make it an event venue, we have experience in weddings, we owned a very successful wedding venue in Georgia for about five years. Before that I did wedding photography for about ten years. And we did wedding coordinating for about ten years before that. So we have kind of always been in the wedding business. The difference is, is we did a full service wedding venue where we opened the door and we stayed from Friday to Sunday, we took care of everything, this one we'd like to open the door, and then close the door and let them take care of everything. Make sure the rules are being followed, but we don't want to be a full service event venue, we want them to be able to rent the space and use it within reasonable, legal means, if that makes sense? We have looked at everything, as far as the hours of operation, we want to comply with the city and county ordinances, noise ordinances. If the rule on that is 10:00 PM, we always, our contract is always 30 minutes before the noise ordinance. So, if it's 10 it's 9:30 on weekends. If it's 11, it's 10:30. Just because we want to respect everybody around us. There is a restroom in the building currently, we will be building an ADA accessible restroom in front of the, right inside the front door there's two rooms, so one to the left and one to the right. We will build ADA bathroom. We will have ADA parking, in the rear of the building. There is a driveway that sits to the right and goes around to the back, that's where the ADA ramp will be, that we plan to build. We're hoping that the reservations will all be done online. All the calls will be handled through me. Jeff Thorn, the previous owner, he will be in charge of going over and showing anybody who makes an appointment to see the venue, for a potential rental, they will have to make an appointment to see it, and it will have to be on Jeff's schedule. So we're hoping that will be one day a week to control foot traffic, and other traffic in the neighborhood. We want everything to take place inside of the building, so weddings, receptions, parties and everything would be contained inside the church. So, no tents outside, the only thing that would be outside would be outside is photography. So, they can go out to get their picture made, but none of the party would float outside. Just to keep down the noise for the neighbors. We plan to rent it just as the building, we won't provide anything. If they want to use it they have to provide the tables and chairs themselves and take care of all of that. Like I said, Jeff is going take care of it for us. He mows the grass, he does maintenance on it and things like that for us, because we do live in Georgia. We come up about once a month, once every six weeks we try to get here. We do have a very

successful business at home, but we do try to be here as much as possible to make sure everything is taken care of. We will allow alcohol, to be served, but with that they will have to have an insurance policy. This is what we've done in our previous wedding venues. They have to have an insurance policy, they have to have an off duty officer at their expense. And they have to have a licensed bartender. So that knocks down a lot of liability for not just them, but for the owners and everybody around them. You know, the neighbors and all that controlled chaos. So, we plan to only allow maximum 125 people, so it won't be big weddings. We hope to have about 30 events a year. Our parking is, we own the church and then almost diagonally across, so you'll see it on the map. We own the empty lot there as well. And that if the event venue is approved for that to be used then we will go through the steps to do whatever we need to do to make that structure up to code. Whatever it needs to be, gravel, asphalt, if we could leave it grass, whatever it would need to be. We know there is a house that is directly across from the parking lot, empty lot now. We could a fence up to help control the headlights flowing into the house. I believe there's only one that's right directly across from it that but whatever there needs to be, we can put it up. And I think that's about it.

J. Pellegrino: All I wanted to say was that, we feel like it's a church and at a church we just want to let people have weddings there. It's not like we're promoting huge parties or anything like that. We just thought it would be a great opportunity. There is nothing like it that we can find that is in the area, even for a meeting place. As far as I know talking to neighbors and stuff like that the only meeting place there is, in Lynn, is the Lions Club. Nothing against the Lion's Club, but we've been told that there really should be something a little bit nicer that you could get married in. We just feel like it would be the perfect place for people to get married.

B. Davis: How soon do you anticipate, if this gets passed, to be ready for a wedding?

S. Pellegrino: To be ready to hold a wedding? Six to eight months. We still have a lot of work to do. We want to keep it as original as possible, but make it as nice as possible. There are still some heating and air things to do.

J. Pellegrino: There are some siding issues, and some plaster issues inside. But, there is nothing structurally wrong with it. It's 1850, but, even the work that I've been doing on it. It's incredible how structurally sound it really is. They did a good job when they built it.

J. Hufford: So, you say you get up here about once every...

S. Pellegrino: Yes, about every six weeks or so.

J. Hufford: So, you have someone to take care of it when you're not here?

S. Pellegrino: Yes sir, the gentleman we purchased it from, Jeff Thorn, has been taking care of it. He's been cutting the grass and maintaining.

Chairman Hawley: So, basically he's acting as property manager?

S. Pellegrino: Yes, sir.

J. Pellegrino: And we plan to have him continue to work on it, if he wants to, because he's done an incredible job restoring it up to this point.

T. Hart: What are the wedding hours? Could you have a wedding through the week there?

S. Pellegrino: We prefer to do it only on the weekends, is what we prefer to do because people do live right next door. So, that's what we'd prefer to do.

J. Pellegrino: I think we'd be open to, as a meeting place more, during the week? If you, know, you all wanted to have a meeting place, or you know, there's a big call from what we've heard, there's just no place to have meetings.

B. Davis: And birthday parties...

S. Pellegrino: Yeah, so we're thinking Friday, Saturday, and maybe Sunday, but very rarely. That's not the goal. Our goal is not to have things there on Sunday.

Chairman Hawley: I did appreciate the fence idea. If this goes about, I think that's a neighborly thing to do to try to prevent the headlights going into houses.

S. Pellegrino: We are trying to be as respectful as possible. To the neighborhood.

B. Davis: Have you had a chance to speak with any of the neighbors to get their thoughts?

J. Pellegrino: So, it's a little bit weird behind the church, there's a dead end, that's not really a dead end. There's a driveway there, but. I went and spoke to that neighbor behind. And they happened to be sitting out on their porch and they seemed very receptive of anything. And I talked to the lady across the street yesterday, I believe she's here. I talked to her, and I think that everybody is....

B. Davis: How long have you had it?

S. Pellegrino: About six months.

B. Davis: Six months?

Chairman Hawley: I think shutting down a half hour before the noise ordinance, that, and the addition of the fences, at least making an olive branch to the neighbors, I think that really helps.

J. Pellegrino: We are adamant about a police officer being there. If you want alcohol, too.

Chairman Hawley: Yes, another big issue I think people would have would be the onsite alcohol, but with excise and everything else going on, that's really kind of beyond what they can control. You're not going to have a full wet bar provided, people would have to bring their own, and provide their own bartenders and have to go through all the excise and things like that. And also, the insistence on having the off duty police officer, making sure that everyone is of age. The last thing we want is some under age delinquencies going on.

J. Hufford: Since you are going to have room for at least 150 people, are you going to have state inspections on the building?

S. Pellegrino: The most we will have is 125, and I have contacted the state fire marshal and he said that unless we change anything to the building, the structure itself, we do not.

J. Hufford: You don't have to put in a sprinkler system or anything?

S. Pellegrino: No sir, we do not.

J. Pellegrino: He said that only if we change any part of the structure.

S. Pellegrino: It's grandfathered in.

J. Pellegrino: It's great grandfathered in.

S. Pellegrino: But we'll have smoke detectors and fire extinguishers and everything we would need.

J. Pellegrino: All the wiring and plumbing is going to be updated. Everything is going to be updated.

T. Hart: Is there adequate street lighting to walk from the church to the parking lot at night?

S. Pellegrino: There was new lighting installed by either the city or county recently, in back of the...

J. Pellegrino: I believe in the back of the structure. I believe the street is adequately lit. I really haven't been out there at night.

Chairman Hawley: I know when I drove by it the steeple seemed well lit.

J. Pellegrino: The steeple is well lit, you could see it for the next town over I think.

S. Pellegrino: If there is not enough lighting we can add some around the parking lot.

J. Pellegrino: We can work with the city if they think there's going to be a lighting issue.

B. Davis: It sounds like you folks have put a lot of thought into this whole thing.

S. Pellegrino: We try. We try to be as thorough as possible.

Chairman Hawley: Any other questions from the board? Anybody else would like to speak in favor or in opposition? Please step forward and state your name and address.

T. Mifsud: Tracy Mifsud, 214 E Church Street, so I live next to the vacant property which is my understanding that you'll be using as parking? Is that where you'll be putting the fence or are you just putting that behind the church?

J. Pellegrino: We can go all the way around that property if that's...

T. Mifsud: That was our only concern and question. Is what your intent was with the parking?

J. Pellegrino: Yes, ma'am. It's basically, if the neighbor wants a fence up, we'll put a fence up.

T. Mifsud: Thank you, that was our only concern.

Chairman Hawley: I agree, that's an absolutely fair point being a neighbor. Being a good neighbor is part of that. And having a fence I think is great.

J. Pellegrino: And I think we would make the fence accessible too, we did get a call a week or so ago that a neighbor to the property was doing tree work and wanted to access the property to their backyard. So I think when we do put up fencing, we'll put in some gates so that those neighbors will have access, it won't just be a solid wall too, so we want to be very accommodating.

Chairman Hawley: I would think that we really should put in the conditional use of having a fence for that parking lot if we're going to move forward on this. I think that's at least fair.

B. Davis: I think it's fair, and all parties that we're hearing, you guys are in favor of it.

T. Misfud: Thank you.

Chairman Hawley: Is there anybody else who would like to speak for or against the proposal? If there aren't any more questions I move for a roll call vote.

B. Davis: So moved.

J. Welch: We want to make it, if you're going to make a motion to approve it with a condition, you'll need to state what the condition is that you're voting on.

Chairman Hawley: Oh yes, we'd like to, my vision was a condition for a fence for the neighbors around the parking lot. If we are all in agreement with that being a condition? So, the motion to approve the variance with a condition that they put up a fence around the parking lot. So, I move for a roll call vote?

B. Davis: Second.

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

S. Pellegrino: Thank you gentlemen.

J. Pellegrino: I have a question for you for later.

B. Davis: I have a comment, it's not really for the record, but my son's getting married in October, will you guys be ready by then?

J. Pellegrino: We'll be ready. So, does the conditional use follow with the parking lot too?

D. Johnting: Yes, the vote was for both lots, it was all or nothing.

J. Pellegrino: Okay, thank you.

S. Pellegrino: Thank you.

Chairman Hawley: Alright, moving along, do we have any old business that needs to be discussed? New business, Amendment to the Articles of Procedure, discussion and vote. Has everybody had a chance to review the amendments to the BZA Rules and Procedures.

B. Davis: I have, and I like them, and I thank you Jason for preparing them.

Chairman Hawley: I couldn't ask for anything better.

J. Welch: It's a little specific maybe, but...

Chairman Hawley: I think you did a great job of listening to everybody's discussions and ideas and absolutely fleshing it out and I think it's fantastic.

B. Davis: Going forward, do we want to say that they have 15 minutes to present their case?

D. Johnting: They will get a copy of the old one now, one thing Randy and I talked about, we had Jason add it, it's kind of a tricky situation and I said, so you are on your last petition and you think you can just talk about it for five or ten more minutes, and it's 9 o'clock, you have the option to finish that hearing. But, people may want to revisit things and pretty soon it's 10 o'clock. We thought it would be good to have the option, if you know you have five more minutes to finish up and not have to bring all this stuff back again, you can vote to do that, just be careful it's not a license to relitigate the petition. You don't want to bring everybody back and end up with folks who didn't hear everything, folks who can't be here the next time...if you can just add 15 minutes and finish.

T. Hart: So, with the two hour maximum time frame, are we going to limit the number of petitions? Are we going to say that we are only going to have four people on the agenda?

R. Abel: No, we can't do that.

B. Davis: Okay, so let me ask you this, to go along with what Tim just asked there, if they're not surrounding neighbors, and they did not get a letter...

R. Abel: Anyone who responds to the newspaper has the right to speak.

B. Davis: So why do we send the letters out to the local neighbors?

R. Abel: To make sure the most affected people receive it.

J. Welch: It's proof of notice.

Discussion followed on speakers, time for each and sending out letters to neighbors.

J. Welch: If we adopt these we will have to be careful to implement them levelly.

Chairman Hawley: Yeah, to make them fair to everyone.

J. Welch: You'll have to do it for every one of them because as soon as we let someone speak for eight minutes somebody else is going to say hey, he spoke for eight minutes and I only got to speak for three minutes. So, it will be your job to make sure that when their three minutes is up, I'm sorry.

B. Davis: So, we need to have a timer.

Chairman Hawley: I think it would be easier to have something that they can see too.

J. Hufford: You could use the timer on your phone.

D. Johnting: And three minutes is enough time? And fifteen is enough for the petitioner?

B. Davis: Yeah, I think that's good.

Chairman Hawley: Yeah, I agree those are good times.

J. Welch: The petitioner gets the full time.

J. Hufford: The petitioner should have more time, we're talking about the people who come up who are for or against.

J. Welch: And like tonight when the lady came up and asked the question, I don't like that happening, just because, if it gets contentious, we have people sitting here, looking over somebody saying, I want to know this or that. I think it's more appropriate if they go back to their seat, then they come and ask their question, and then the board can ask the petitioners, can you explain what they asked. I just felt like a couple times in some of the hearings we have had, we have had people up here bickering. And I think it's better if we just keep a solid rule where you speak when you're here and then go back and sit down.

B. Davis: I agree on that, but I also like it when they are able to discuss back and forth?

J. Welch: Well, you get a fine line when you just have people arguing.

B. Davis: And you hit your time limit, I understand.

J. Welch: That's just my opinion.

D. Cleveland: So, you'll announce at the beginning of the meeting how we're going to run the meeting? And that's up to the chairman, but explain clearly, one person, or party at a time, here at the table. Wait until they leave. And then the others come up.

J. Welch: And they'll have a chance to come up and address all the concerns at the end. The petitioner.

D. Johnting: And we can tell them they might want to make notes, to write down concerns so they can be prepared to answer those at the end.

B. Davis: Do we adopt these tonight or does it go to a different group?

J. Welch: If five people vote in favor of them you can adopt it now. But if you guys want to want to look it over for another month, there's no rush on it, I just had it here so. It's going to take five votes in favor of it to pass it.

D. Johnting: If you think Don or Jon might have opinions that they'd like to express?

B. Davis: I've had a chance to read I, and I'm good with it.

J. Hufford: I'm very good with it.

Chairman Hawley: I think it will streamline things and make things seem more professional.

D. Johnting: So, we might have ten petitioners on the docket one night and only get through seven. So, the other three would be carried over.

J. Welch: So, it would have to be first come, first served. That's how we would have to do it.

D. Johnting: We have moved them around in the past for time's sake, when we thought it would be best for time's sake, but I don't think we'd be allowed to do that any more.

J. Welch: That would be a problem if somebody got carried over and they said, well, you let them go first.

B. Davis: That's a good point. Well, let's make it official tonight, I make a motion that we move forward with this. I guess if we take a vote and we are all in favor?

Chairman Hawley: I second. All those in favor say aye.

J. Welch: We probably need a roll call vote, to make sure you've got five in favor. So, we need a roll call vote in favor of the Amendment to the Articles of Procedure of the BZA as presented tonight.

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

Chairman Hawley: Any reports of officers, committees and staff. I make a motion that we adjourn.

B. Davis: I second.

Chairman Hawley: All those in favor say aye. All those opposed. We are adjourned.

Jason Hawley, Chairman

Debra Johnting, Recording Secretary

Bill Davis, Vice Chairman