

BZA MINUTES**February 27, 2017**

Members present: Phil DeHaven, Myron Cougill, Lee DeGuise, Bill Davis, Christina Starbuck and Jason Hawley

Absent: Jim Hufford

Legal representation: Jason Welch

Staff present: Randy Abel, Executive Director, Debra Johnting, Recording Secretary, Jenny Botkin, Building Commission Secretary

Others present: Leesa Friend, Amanda Whitenack, Ryan McCoy, Shon Byrum, Vanessa Byrum, Kathy Brutchen, Marsha Cockerill, Nancy Keener, Missy Williams, Melissa Brutchen, Brody Tarter, Bob McCoy, Meeks Cockerill, Meghan Firestone, Vicki Haney, Rachel Halleck, Joseph Mrak, Julie Furby, David Furby, Adam Hutton, Richie Tucker, Jason Allen, Betty Ashley, Joan Ashley, Deeon Vance, Brenda Goforth, Jeff Bullard, John von Arx, John Shultz, Kristopher & Joni Bilbrey, Trever Oakerson, Jack Denney, Marcia Denney, Dave Daly, Jayne Daly, Megan Daly, James Crain, Conan Wallace, Jette Dungan, Jennifer Price, Jami Study, Ed Thornburg, Scot Enghaus, Darrel Radford, Bill Richmond.

Chairman DeGuise: It is 7 O'clock, February 27, 2017, I'd like to call this meeting of the Randolph County Board of Zoning Appeals in session. The first thing on the agenda for tonight is to approve the minutes from the last meeting. All those in favor signify by saying aye, all those opposed, minutes are passed. The first case for tonight was for Kevin Law, BZA2017-5-V, a variance, Mr. Law has cancelled that if anyone is here for that unfortunately that is not going to be heard tonight. No one, I assume. I know there have been a lot of questions about what the Board of Zoning Appeals does, so we figured instead of having people come up and ask those questions, I would just read a statement to clarify just what it is that we do. Pardon, it is actually in writing and I am going to read it as it is written.

“Just so everyone tonight has an idea of how this process works, I would like to offer a brief explanation of who we are and what we are going to do here this evening.

The Board of Zoning Appeals consists of 7 appointed members reflecting a cross-section of the entire county.

Among other things, this board has the power to hear requests for Variances, Special Exceptions, Conditional Uses and Development Plans.

Tonight we are hearing a petition for a Special Exception.

This is a recorded hearing, so anyone who wishes to speak must come up front to the table with the microphone and state their name and address for the record before they begin speaking.

The petitioner will state his name, address, and a summary of his request. The board will have time to ask questions.

Then we will hear comments from the audience, either for or against. Please don't speak from your seat in the audience as we can't identify you for the record.

After the Board determines that it has heard sufficient information to make a decision, a roll-call vote will be taken.

The Board may only approve the application for a Special Exception upon certain findings, which are listed in Article 12, section 12.02, of the Unified Zoning Ordinance.

If the Petition for Special Exception is approved, the real estate in question may be used **only** for the specific use requested in the Petitioner's stated plan of operation.

Therefore, any modification or expansion of the approved use of the real estate would require a completely new petition.

Further, the Board may impose other reasonable conditions upon the approval of a special exception.

No action is official unless it is authorized by a majority of the board membership. Therefore, it will take a total of four (4) votes in favor of the Petition, to approve the special exception use. This rule applies regardless of the number of board members present. We have enough board members present.”

Okay, the Board of Zoning Appeals would like to call BZA2017-4-SP, City of Winchester. Is somebody here to represent the City of Winchester.

M. Cockerill: Yes, I'm Meeks Cockerill, I am the city attorney for the City of Winchester. My address is 102 North East Street, Winchester, Indiana.

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

M. Cockerill: Yes, I have.

Chairman DeGuise: Thank you sir, you may proceed.

M. Cockerill: Thank you Mr. DeGuise. I am here on behalf of the City of Winchester. First off I also have beside me people from the Volunteers of America, Indiana and also the Mayor and I think that all the parties here would like to speak but I would briefly state some things before we let them talk. We filed the Special Exception for use. The zoning classification presently is in R-2, and this would be the old Methodist Church building at 313 South Meridian Street in Winchester, Indiana. The reason for the special exception is we would like to start a 23 bed rehabilitation program for mothers and up to two children up to five years of age teaching them life skill training and rehabilitation. There is also presented with the petition a plan, would you like me to read that plan, or can we just submit it?

Chairman DeGuise: I am fine with the one you presented. We all have a copy of that.

M. Cockerill: The City of Winchester looked at several different options of what we could do here tonight, we thought the special exception was the most proper and respectful way to request the

reclassification because, well, then it could only be used then for that purpose, and can't be used for any other purpose in case the Volunteers of America or the City of Winchester would want to do something else with that property then they would have to come back and get the proper permission. We also looked at maybe rezoning that property but in our zoning book there is no classification there to allow for this type of facility within the county for that matter. So, the only way we could have changed that I guess is to change the Ordinance which we didn't feel was necessary and instead wanted to go through this process so at least the neighbors and everybody else in the city would know that nothing else could go in there unless something that could go in there as an R-2 anyway. So, with that being said, I am going to turn this over to the Volunteers of America to try and talk about the program and talk about what has been planned for this facility.

J. von Arx: Can I stand, Sir?

Chairman DeGuise: Yes, as long as we can hear you.

J. von Arx: Thank you, my name is John von Arx, my address is 7107 Royal Oakland Court, Indianapolis, Indiana. I am the President and Chief Executive Officer of Volunteers of America, Indiana and it's a pleasure to be here this evening and to be able to speak to the board and also to the community about our program of Volunteers of America. My goal is to very briefly tell you about our organization. Who we are and what we do and also identify if I may, a few other folks that are here with me to add some additional information about our Fresh Start Recovery Center which we are hopeful will become operational within Winchester House within the said petition. Let me tell you a little bit about the program, about the operations, the benefits, the outcomes in which we think it will serve our community, both locally and state wide. And see if you had any other questions which we may be able to answer. So, very briefly again, John von Arx, Volunteers of America, Indiana. We are an affiliate, a not for profit affiliate, a 501C3 in the national organization, that's been around since 1896 and our Indiana affiliate has been in operation actually since 1896 as well in Richmond, Indiana, so we really pride ourselves in being an organization that certainly is not a fly-by-night, johnny-come-lately, we are very committed and engrained in the operations within the state of Indiana, and nationally. Volunteers of America actually sprang from the founding of the Salvation Army. The Booth family founding the Salvation Army and sending their children to the United States. Upon founding of the Salvation Army, a branch of that organization, Volunteers of America was formed over 120 years ago. We have a variety of services that we provide statewide and our behavioral health service area is one of our strengths and it's one of our really most passionate areas in which we serve the community. We are a faith based Christian organization and being able to show and produce the types of outcomes that we have seen in many of our programs is really what motivates us as an organization but this one is an exceptional one in the fact that it deals with women who are recovering, they are battling their additions issues and we are trying to reunite them with their children and so the program is designed to end the cycle of addiction but also to end the cycle of child abuse and neglect. We want to tell you a little more about the detail of that program, we have had a long standing history of programming with Volunteers of America, involving women, and have been recognized by the Annie E. Casey Foundation among others who are services for many years and we'll probably have a chance to talk a little bit about that. I have two of our staff, Rachel Halleck, who is the director of our Behavioral Health Services, and Adam Hutton who is our Facility Operator of our Fresh Start Recovery Center in Indianapolis, and then also Joe Mrak who is a member of our property committee, an architect, and who worked on the renovation design for the

property in question here this evening. So, if I may, if that's appropriate I would like to introduce Rachel Halleck who can tell you in more detail about the Fresh Start Recovery Center, and then Adam can maybe accent a little bit more information about that and then Joe might be able to add a little bit more information about the analysis that we were conducting in light of the facility renovations that if approved could be talked about in greater detail.

R. Halleck: Good evening, I am Rachel Halleck, I am a licensed mental health counselor, and a licensed addictions counselor, and I currently serve as the Division Director of Behavioral Health Services for Volunteers of America. What that means is that I supervise the mental health counseling and addictions treatment services across the State of Indiana that we have through Volunteers of America. My clinical background includes working in Madison Correctional Facility which is a women's prison. I have worked in in-patient detox at Community North In-Patient Psychiatric Hospital and I have been with VOA since 2009. So, I have a long history with the agency and I will be the person charged with making sure that the opening, the staff selections, and the roll out of this project if we are blessed to move forward with it happens in a manner that is as smooth as possible as respectful as possible to the community, and in a way that will be life-saving to the women that we serve. I was involved in a similar project actually in Fort Wayne, Indiana, back in 2013, we actually opened a facility there which was a homeless shelter for veterans with substance abuse issues as well as mental health issues and things like that so I am very familiar with a lot of the issues. I was at the meeting last Monday, I heard a lot of the things that the members of the community had concerns about and I took those to heart and those are things I have been thinking a lot about in the past week. There are a lot of things that people had to say and I really appreciated you all being able to be open and honest with us. The reason I say that is because our facilities are nothing without our community members. When we open in a new community, we are charged with assimilating to that community, not expecting the community to become part of us. And, we cannot be successful without each and every one of you in the room and each and every one of the people that work in the community and I wanted to make sure to say that up front. There are some things that we want to do to make sure that the community is involved with this project if it does move forward. The first will be a community advisory board which means that members of the community will be asked to on a regular basis have input and feedback as to how things are going, programming, whether or not we are meeting the expectations of the community and if we are missing the mark making sure that we can figure out how to remedy that in a way that feels as helpful and as expedient as possible for the community itself. Another thing that we want to make sure to offer to the community is an opportunity for training to community members about, first of all, what it is that we are doing and what that looks like, the nature of addiction and what it is that your community has been facing. And, how can the members of the community be part of the recovery network. What are red flags when our loved ones are starting to slip up? How can I understand what this addiction looks like and if I see something that is concerning where do I go and what do I do? Whatever we can do to be a support to all of you—we are also open to suggestions if there's a need with women in that area that we can meet we want to be part of that. So with the community advisory board training is going to be huge, another piece of what we are going to be doing is, we had some people come out to our facility in Indianapolis this weekend, and a question was asked about the jobs, and whether or not salaries would be higher in Indianapolis because the cost of living there is higher. Where we were planning to hire from, and something that I think is important for the community to know is that within our hiring processes across the state we have what is called position equity, so a position in Indianapolis has to be within the same salary range as it is anywhere else in the state, and our plan, I think it would be silly not

to incorporate the members of the community in terms of who it is that we're hiring and who it is that we are bringing on for our staff within the facility. So those are just a few things that I wanted to kind of bring up upfront. This project is really, really important to me, I have been doing this work for a while and what I know and what we know scientifically is that without intervention addiction does not get better it gets worse, and I am sure that that is what you have all seen in your community. And what else we know is that without intervention a community affected deeply by addiction doesn't get better, things get worse. And so we want to try to be here, to be part of the answer with you all, not for you all, but with you all. So however we can be partners to do that effectively that's why we're here. So, a little bit about the program in Indianapolis, and there will be some slight modifications here and the community advisory board will have some say in that and then also some of it just because this is Winchester, Indiana and not Indianapolis, Indiana, so there are some things that would have to look different. The plan right now is that in Indianapolis we have a 15 bed facility and we are currently in the works of expanding to 30 beds and then hopefully soon after that to 60 beds. This would be a 23 bed residential facility. What's unique about this program is that the mothers are able to bring their children with them to treatment. Right now, I don't know how many of you know within the State of Indiana, our foster care system is incredibly tasked, at any given time the most recent study that I read there are 30,000 children in Indiana on the foster care wait list. What that means is that if a child is placed in foster care, and there isn't a placement in her county or in her town, they have to go to where a space is available. That may be a group home, that may be on the other side of the state, and it may be very, very far from family. So an intervention that we developed was that within this program mothers who give birth to children, mothers who are using, are able to bring the child to the facility where it is monitored 24-7, we work with them on parenting skills, we work with the mother on therapy, we teach the kids developmentally appropriate activities, we work on bonding, safe sleep, how to parent when you are struggling in recovery, all these things, we work on all the steps in a combined fashion. What we find is the average treatment program has about a 30% to 40% success rate, ours for mothers with children has a 61% success rate of mothers being successfully discharged from the program. That's pretty remarkable and we are very proud of those numbers. What we also know is that for the moms that successfully complete our program, often times they are able to be discharged to their homes with the children in their care, and with appropriate aftercare in place of course to make sure that the safety and security of the child is our number one priority. But that cuts their involvement with the department of child services down by sometimes a third, sometimes a half, which saves a ridiculous amount of money with our tax dollars. And they have a better launching board than they would in any other sort of circumstance. Our program, the first phase is twenty one days, and that is a really intensive high security phase and Adam's going to talk a little bit more about the day to day operations, how we account for where people are and the comings and goings of folks. Twenty one days is the intensive phase and during that phase the mothers are only leaving for court and medical appointments. And if they are leaving for those two things they are accompanied by a staff member. The second phase is up to 54 additional days. That's kind of a one foot in one foot out experience where we are letting people try life on life's terms but they have a safe home base to come to. They are being drug tested regularly, several times a week, every person within our facility has a curfew, we check on everybody several times an hour and keep logs of those things. We call them where they say they are to make sure that they are there and they are safe and make sure the children are safe, and if there are any discrepancies there we make sure to alert Department of Child Services for proper remedies at that time. So security is a really big part of what we are doing and a really big part of keeping our facility safe and number one the

children safe and then making sure that you all in the community are safe as well. Another thing that if this project is fortunate enough to go forward we definitely want to involve the members of the community in ideas and brain storming sessions about how members of the community might be able to volunteer to help the women in the program develop skill sets to help them be successful on the outside. So, with that, Adam.

A. Hutton: Adam Hutton, I manage the day to day operations in the facility in Indianapolis, and I will just kind of touch on what Rachel kind of didn't hit, the day to day in facility. So when a mother comes into a facility, when we get that referral from {inaudible} letting us know that there is a need for substance abuse treatment. Currently I have 90+ mothers on my wait list so the demand is high. And 5% to 10 % of those ladies are coming from this county and surrounding counties. So, once there is a referral we begin to schedule an intake. They come in, we do our intake paperwork, we drug screen them then. We do that for a couple of reasons, we want to know exactly if they are coming in intoxicated when they come into the facility so we can take proper precautions, and we want to know what their drug of choice is, so we can make sure that we monitor them properly for any signs of, for any need for medical assistance at that time. We usually give mom about 24 hours to get acclimated to the environment and the structure, and then it's time for work. The day is extremely structured, we have that kind of split between some daily living skills, some recovery groups, a fitness and yoga, some nutrition things. And while mom is in therapy or in group, our child specialists engage the children and do some assessments on where they are developmentally and what we can do to assist those moms as they are going through treatment. Security wise, all movement is monitored. There is not a moment when a mother is not with a staff person within the building or outside the building. Any movement outside the building requires a 48 hour notice with a written pass so that the mother will have to write out exactly where she is going, who is taking her, and all that is approved through DCS to make sure whoever is accompanying them, whether it is another agency or a family member is approved to be taking them. Once they are out in the community they are to bring back verification that they were where they said they were. That's the process for that. During the second phase it's like Rachel said, they can leave the house but the process for the pass is still the same, they have to request the pass 48 hours in advance, get that verification so we can verify where they were, and that way we can make sure that they are adhering to our strict standards.

M. Cockerill: Adam will you just speak to outside, are people going to be loitering or things of that nature?

A. Hutton: No, the only time that they will be outside if they were on some kind of planned pass-out with an approved family member or an outside agency provider or, what's kind of unique about our program, we have what we call home reduction, we do allow them to smoke while they are in our facility, but they get four smoke breaks a day, and that is done outside the facility, but they are monitored outside while they are smoking and they are escorted to and from the smoking spot. And the last smoking break is at 6:30 pm. They need to be in their rooms by 8 pm, and we have lights out at 10 pm. Wake up is at 7 am, everybody is expected to go to breakfast, if they miss breakfast they miss that first smoke break, so they are pretty eager to get to breakfast. So all standards have to be met or they lose some of the benefits of that as well.

J. von Arx: I was going to ask Jim Mrak, who is a member of our property committee, and has had many years of experience working in architectural design to tell us a little bit about his perceptions through

work that he's done, of the building, some of the changes that might need to be made, materials, conditions, overall summary of the information of the facility as it would relate to the transformation into the facility that we were describing.

J. Mrak: I am Joseph Mrak, Mrak is the last name, and yes I do need to buy a vowel. My home address is 7381 E 209th Street in Noblesville, Indiana. I am a registered architect and I am a volunteer member of the property committee with VOA. I did perform a building assessment to determine the feasibility of converting this existing building into this new use. In short, I'd like to say the building has good "bones." It was a very well-constructed building and it has been very well maintained over the years. From an exterior standpoint it will be virtually unchanged. The roof is a relatively new standing seam metal roof. It's in good condition. The exterior siding and the brick masonry is in good condition. The primary work we are going to be doing on the exterior is repairing the windows. They are steel sash with the caulking and the sealant and everything needs to be replaced. So we'll be doing work on the windows. There is a handicap accessible entrance on the back side of the building. The front entrance is not handicap accessible, so right now we plan on leaving the front entrance the way it is and using the back entrance for the handicap accessibility. On the interior of the building, the building is completely fire resistant construction. It is built of masonry, steel, metal lath and plaster. There is no wood framing in the building whatsoever, so it is inherently fire secure. Perfect again for this use. We'll be doing no demolition on the interior of the building, the biggest amount of demolition we are doing is cutting holes in existing walls to create door openings. Most of the construction we are doing is actually adding walls on the interior to sub-divide former classrooms into sleeping rooms, and the sleeping rooms are all being designed in such a way where everyone has an operable window. Sunlight and air and things of that nature. So, we'll be adding new walls and some new doors providing completely new lighting, from an electrical standpoint some new electrical circuiting for electrical outlets and lighting. The plumbing is in good condition. The HVAC system is relatively new, so the only thing we would be doing is adding some additional ductwork to install diffusers in these new rooms that we are creating. But the systems are in good shape. The one primary thing we are doing electrically and mechanically is we will be sprinklering the building. The building is currently not fire sprinklered. We will be adding the sprinkler system throughout the existing building. Again that is due to the use of the building will be residential in nature. This adds safety and security and adds a level of code compliance to the facility as well. Our investment in the building is going to be somewhere in the neighborhood of \$350,000 to make improvements on the building. But again it's got good bones and there's plenty to work with there. And we're not going to be removing or destroying much of what's there. Thank you.

J. von Arx: If I may I'd like to close and then offer comments or questions that you might have. Our mantra at VOA Indiana is to offer hope, restore dignity and transform lives, and we can't think of a greater opportunity to do that in this community than to be a partner with you and be a neighbor with you and provide services at the Winchester House. There is no community as you all know I'm sure that has been exempt from this horrible crisis and this epidemic that we are facing in terms of addiction. And we have seen a great ability of this community to come together and to lead this effort and it's very exciting to be a part of this community recognizing the importance of addiction treatment and recognizing the importance of a community coming together to try to do what we believe we try to do every day, offer hope, restore dignity and transform lives. So I want to thank you all for the opportunity to speak with you this evening, and then answer any questions that you might have through the rest of the process.

M. Cockerill: I am going to interject for a couple of minutes here and then we can go further on. I know that it is not within the findings of fact, those six delineated items that you guys look at, but the kind of the structure of how this would work, is the City of Winchester has an agreement to purchase the building. If we get all the necessary approvals, what would happen is we would then conditionally have this agreement to purchase it, we are getting a loan, have been approved for a loan, from IHCD, for up to \$815,000. That is a loan that we would have to pay back at interest only at \$24,000 per year, if we use all that \$815,000. If we only use \$500,000 it will be at a lower interest rate. Then what the City of Winchester is planning on doing is entering into a lease with the VOA, which then at the end of the term of the lease or during the lease, I suppose, they would have the option to purchase the property at some point in the future. But, they would have to still be using it for what they are using it for or of course they would have to come back in front of the Board of Zoning Appeals. So, this isn't our last stop, I want to make sure that's very clear to everybody in the room, this is a stop along the road. If you folks approve it then it will go back to the Council, and the Council will have to enter into these leases with the VOA, probably have to enter into, well, not probably, we'll have to enter into some sort of agreement with IHCD, so there are other approvals that will have to be made, and I believe there will have to be a public hearing concerning those approvals. So, this isn't the last stop, I want to make sure everybody is very clear on that. Other than that, Shon, do you have anything to add? Then that concludes our presentation.

Chairman DeGuise: I have a couple of questions, I am not sure who to direct the question to, in this particular facility how many employees do you visualize having?

R. Halleck: It should be in the range of 20 to 25 employees.

Chairman DeGuise: And I assume that this one goes to your architect, do you believe that you have ample parking for 20 to 25 employees?

J. Mrak: Yes.

Chairman DeGuise: And it's day to day operations as well? I don't know how many people you have coming in and going out with vehicles?

J. Mrak: What is the number of people on a shift?

R. Halleck: The number of people on a shift should be limited to 5 to 6 people on a shift at any given time, and then traffic in and out would be limited to volunteer groups and then any agencies that were working with the moms or the children as they come in and out to provide services.

Chairman DeGuise: So you feel that the parking area is already there would be ample? Thank you. Now, anybody else on the board have any questions?

J. Hawley: I have a quick question, is there a plan for some "curb appeal" sort of things? I know you more talked about renovation to the inside of the building, but was there any design for any "curb appeal" or something like that?

J. Mrak: There is some concrete repair and things like that, that has been put into the budget, the one thing we don't have specific plans for is some landscaping. With some outdoor area that might be there for the smoking area, or perhaps an area for the children to be outside, fresh air and sunlight and so

forth. We would probably provide some type of landscaped area. We don't want to create privacy fences and things like that. There won't be any of that. Any fencing we would provide would be a low 3 to 4 foot fence and that would be screened with landscaping. And again, any fencing that we would provide would be primarily for the safety of the children since they are young children, not getting out and going into the street, things like that. Some basic landscaping would be in the plan, yes.

Chairman DeGuise: Anyone else?

C. Starbuck: This is for you "day to day" guys, my question is, on the smoke breaks, you said there wouldn't be a bunch of privacy fences, do you have a little designated area planned? I know some people will be concerned about "loitering" as you mentioned previously, what is your plan to section this off or how would that work?

A. Hutton: How we have that in our facility now, and I am sure it would be for this facility as well, there is a designated area and like I said, they get 4 per day that are scheduled, structured breaks, they are not just whenever they want to or whenever staff feels like it, they are scheduled same day every day, they are escorted out of the building, monitored while they are outside of the building. It is fifteen minutes long and they are escorted back in the building.

C. Starbuck: Thank you.

R. Halleck: And just to build on that, in Indianapolis, where our locations is because of zoning, we are unable to put up any sort of fencing or landscaping there to kind of block in our smoking area there unfortunately, but what we had discussed would be that similar landscaping so that it doesn't appear that people are just standing around the building smoking, that it would be concealed but in a way that was tasteful and not just a bunch of privacy fences up.

C. Starbuck: Thank you.

Chairman DeGuise: So on the exterior of the building you probably have security cameras I am assuming?

R. Halleck: Absolutely, and all throughout the interior of the building, that's one of the first thing that we make sure to implement in a facility like this.

Chairman DeGuise: The exterior lighting you would have outside, would it be in such a way that it would be construed as disruptive to the environment it is around?

J. von Arx: I would consider the lighting still to be more or less residential in nature. We have street lighting on the perimeter, we have some basic lighting on the building. It's not going to be lit up like an institution. It will still remain residential in character.

Chairman DeGuise: That was my question, thank you.

R. Abel: I have a question on the doors and security. Are they like an Alzheimer's unit where the alarms go off if people go in and out, or is it just open access for anybody who wants to come in and out of the building? How is that done?

R. Halleck: Good questions, all of our entrances are monitored, as you know, many women come from all sorts of situations, so safety is a huge, huge priority. So, in our facility the doors are monitored. Certain doors will be alarmed, the ones that are off of where staff is not stationed, and then the other doors, typically we have camera identified buzzer systems, so when somebody rings the door you can see who is on the camera, decide whether or not to let that person in and then it is similar for the person who wants to leave. That being said, the women do have the power to exit if they choose and then the protocol that I mentioned earlier would be in place at that time. So, they are not locked in the facility but it's definitely locked from the outside and there are appropriate alarms to help us understand where people are and if anybody leaves or anything like that.

Chairman DeGuise: Any other questions from any board member? Unless you have anything else to input at this moment I'll move on. Thank you very much, all of you. Ok, at this time I would like to invite comments from the public. I will try to do this as orderly as we can, I know there are a lot of people here, and have a lot of things to say, try not to be too, too repetitive, or we are all going to be here until sometime tomorrow. And I hate to do it like a school type of thing, but not so everybody rushes to the table, we'll start with the first row and go back to that side, and then move to that side. Anybody over here in the first row have anything to say? Please step forward, ma'am. State your name and address for the record please.

B. Ashley: My name is Betty Ashley, I live at 403 South Meridian, within 100 yards of this building that they are talking about. On my side there's not much room. There's no room for them to do any landscaping or anything. I live alone, I am 82 years old, my husband and I bought that house for a retirement home. My husband is gone, I have been living alone for the last year and a half, and frankly I have been afraid. I have never lived along before in my life. I was blindsided by this being next door to me. And when they talk about it, it sounds prison like. I am not against a rehab, I am not against helping anybody, but I don't want it in my neighborhood, and if that makes me a bad person, then I am a bad person.

Chairman DeGuise: We're not judging you ma'am, you're just coming up to say your comment.

B. Ashley: The first I knew about this is when I got a registered letter. I have had nobody around, no one has come around and talk to us, I feel like our mayor has not been honest with us. And by the way I voted for him, facebook needs to know that. But I won't vote for him again.

Chairman DeGuise: Anybody have any questions? Thank you very much for coming forward, ma'am. Anybody else in that row who would like to speak?

B. Goforth: My name is Brenda Goforth, I live at 319 South East Street, I am here concerned for my mother. I don't understand why we haven't been able to vote on a place. We voted on the Court House, we voted on the school, why are they not giving us an option to vote on this. And we are totally for this rehab, we are totally for it. I mean it's just in her back yard. If you look in the Muncie paper, the picture they took, that's my mother's house. It's not anyone else's.

Chairman DeGuise: Thank you. Anyone else in that row? Please come forward and state your name.

K. Bilbrey: Kristopher Bilbrey, 318 South Meridian Street, directly across from the building. Thank you for listening to us today. I have a couple of letters that I was told when I called that I could give you

guys, from some people who couldn't be here. [Hands letters to Lee]. Here are also letters for the seven board members to consider as well. I would like to say real quickly, I live at 318 South Meridian Street, my wife and my two small children moved in to the property, bought the property, in September of 2012, and we have lived there continuously since. At the time that we were looking for a home here in Winchester from mid-2011 until we bought the property. We looked all over Winchester and all over Randolph County for the best place to raise our family and for us to live. For us to be able to take pride in our home, pride in our neighborhood, pride in our community. We found this home that was across from the church that we attended, and we were happy with that. We were happy with the neighborhood, we were happy with our neighbors, and we took pride in our home. At the time we bought the home the children were four and six, they are now eight and ten. We've wanted to bring the children up in a nice, safe, quiet location where they would be free to play outside, have a nice yard to play in and be able to ride their bikes up and down the street, have neighborhood kids to play with and that's been everything to us as it is to most people who have children. Joni and I, my wife and I had a plan of how we wanted to raise the children, and we have been able to stick to that plan. We live at 318 South Meridian, like I said, it's a double lot in the yard. There, since we have bought the house and lived there we have felt safe, we have felt secure. We understand when we bought the house that we were two blocks from the Randolph County Community Corrections, and we were two blocks over from the Randolph County Jail, those were things that we did consider, and we did consent to living in the neighborhood with that there. We attended the church like I stated across the street, and the kids were able to enjoy the parking lot location over there and we've been able to start the story of our life raising our family in this home and in the neighborhood. We have decided to raise the kids with a set of principles that we have as most parents do to say no to drugs. We haven't really specifically talked to the children about if you happen to fall off the wagon what happens then...treatment. Our plan is to stay away from drugs and we pray that that happens with our children like everyone else does. We have never had an intention to normalize drug culture, drug use, abuse or treatment, or desensitize our children to that lifestyle. Joni and I work hard on our home, we love our neighborhood, we love our neighbors, we have done our best to try to add not only to the monetary value of the home and to the neighborhood but we've tried to add to the beauty. We keep up on our yard, we keep up on the rest of our property; we help our neighbors when it snows. Not only do I shovel my walkway down and shovel in front of my home but I've shoveled the entire block before. I help with the neighbor next to me to shovel most of our entire block. I have shoveled the church's sidewalk in the past. We take pride in our area along with all of our neighbors down in the area. We were heartbroken when we heard that the church, the sanctuary was going to be torn down because besides just being a church building where people attend on Sundays, it was our front porch, it was our view that we saw every day when leaving our house. But, we came to terms with that. When we learned of this proposed treatment facility, just twenty-six days ago, on social media we were shocked, like all the rest of the neighbors up and down the street. We were hurt, we were concerned, we were angry. And that's not to say that we don't understand addiction. Both my wife's family and my family has been touched with addiction. I have an uncle that lost a battle with addiction after twenty-five years. My wife's business along with my mothers have donated blankets to one of the groups here in Winchester, we very much want to help the residents of Winchester, the residents of Randolph County that need help that want help. Since 2011 when we moved here, we both stated that this place, Winchester, Randolph County, needed a facility. That's not something that is lost on us. But to put this facility in at 313 S Meridian Street I believe and in talking to most of my neighbors around the area we've been in agreement, that it fundamentally changes the neighborhood. It fundamentally changes the

area. That area of Winchester is on the Winchester Residential Historic District. It's virtually been the same that it's been for—forever. I believe that putting this in there not only...I've been called a lot of names because I am concerned about monetary property value and that is a real concern. I don't think that anybody can say that this will not affect property values. If you are an elderly person and you are looking to downsize and move out you are wanting to get the most for your house as possible and to think that this will not affect your property value I just don't know how anybody can honestly say that. But as far as I am concerned that's the least of my concern. The way I look at it, is this affects more than just the property value. It moralizes the situation, it puts this in my children's face, it goes against the principles that we have taught into our children, our children are very giving, they understand the need to help people in need, but I just don't feel that this is something that...it affect these people's lives that it's helping, I understand that, and they need help, but it fundamentally changes the lives of everybody around there. We keep talking about the 23 beds that are going to be here and help countless people, but there are 23, 24, 25 to 30 homes directly around here with two, three, four people in each home and there has to be weight and consideration given to those people as well. I have heard a lot of people over the past couple of weeks tell me that they think that I am saying that these mothers don't...their rights, or their feelings or their needs aren't as important as mine are. That is absolutely incorrect. I don't feel that my opinions or my thought or my feelings or my rights are any more important than anybody else's. But I certainly don't believe that anybody else's rights or feelings or thoughts are more important than mine. We are all people in this area together. I speak out for my family, and I speak out for my neighbors who in all honesty there have been several neighbors who have been afraid of retribution for speaking out or being called not compassionate and I am really concerned about the fundamental change that this has for the neighborhood. There are some safety concerns and everything that they have addressed here tonight and everything that I have heard them say at the City Council meeting and when I met in a home privately with the individuals it sounds fantastic, it sounds great. But what everybody said is nobody wants you guys to kill this and it just be stopped. I guess the whole question is can we, it just feels like we've rushed into this. And I just feel that if we could table this and discuss this further or the community could have more input we could come together and find a better situation that helps the entire community along with these women who need help.

Chairman DeGuise: Mr. Bilbrey, if I may interject for a second, as Mr. Cockerill has stated, this board is not making a final decision on anything, nor does this board have anything to do with the day to day operations or the running of this by any means. We just vote on the use of the building itself for that exception.

K. Bilbrey: And my impression is that if you vote yes, the city can go ahead as planned, and if you vote no, what happens?

Chairman DeGuise: Well, that's up to the city after that point. Again, this is a county board, we don't have anything to do with how they day to day operate, we are just the building.

K. Bilbrey: And if you vote no on giving them the special exception for the building...

Chairman DeGuise: They can come back again.

K. Bilbrey: In six months, correct?

Chairman DeGuise: That is correct.

K. Bilbrey: Ok, that is what I am asking.

Chairman DeGuise: They may or may not have other options, I am just trying to steer you in the right direction.

K. Bilbrey: Sure, I understand that, I guess what I am saying is we were all made aware of this twenty-six days ago. That seems awfully quick, and they are saying that they are going to have this open by spring, and in another place we're going to have this open by July. Who knows when that is actually going to be open. But if you guys have the power to take into consideration the thoughts and the feelings of the homeowners around the situation, if you have the power to vote no on this, and push this out six months. I don't want this to go away and let's say ok, it's done. The community is involved. That has been more than apparent in the last month. I think that we need to come together as a community and decide, and if at that time it is decided this is the best location, and there is no other location that we can put this then that's fine. But that's a little bit further down the road. It feels like we have rushed this, so if you guys voting no pushes this off six months, and gives us as a community six months to discuss this and talk about this further, I feel that would make people in the community feel a little more at ease with whatever decision we then come up with at that point. But just to have this done in a month and say ok, this is what we are doing, that is what all the commotion and the pandemonium has been about. Everyone feels this has been done under the cover of darkness with no communication or transparency.

Chairman DeGuise: That's fine, I just wanted to explain we're not the city, we're the county.

K. Bilbrey: I guess that's what I am asking, is that you guys take into consideration everything that everyone says here tonight and understand that people in the community do want to help but if you guys have the power to vote no and that pushes this off six months, we may lose the money....I have heard so many different things that the place that's giving us this money is generous, that's what one of the people said. They are generous in throwing money at places. Then I hear someone say, no, the money is tied directly to this building and if we don't use it...

Chairman DeGuise: But again, that's nothing to do with this board.

K. Bilbrey: Right, but what I am saying is if you have the power to vote no, and push this off six months, whether we lose that money or not, we can then as the community decide what's best for the community and then we can come back and revisit this in six months, reapply for more money. If they are generous now, they are going to be generous in six months, this is a problem, this is a continuing problem, we do need to face this. But I am asking for your consideration for the individuals that are most affected by this in the neighborhood because of where their properties are where they purposely picked for their properties. I don't want to penalize people for doing the right thing, paying their taxes in their community, making this neighborhood a great community, we ask that it stay that way. Thank you.

Chairman DeGuise: Any questions for Mr. Bilbrey? Thank you for coming up, sir. Anyone else in the next row have something to say? Please step forward. Please state your name and address for the record, sir.

D. Daly: My name is David Daly, I live at 402 South Main Street. I come here tonight wearing a couple of hats. I come here tonight wearing my neighbor hat, I come here tonight wearing my citizen hat of Winchester, and I come here tonight wearing my hat as the County Prosecutor. I understand that you're

not the council, and I understand that your decision is different than what the county and the city decide. But to the extent the city has submitted a plan, a proposal, and to the extent I am about to argue that it's a flawed plan and a flawed proposal, I think that it's legitimate for you to consider my remarks about that. And let me preface my comments by saying that I am making some assumptions here, there was a council meeting a week ago and I expressed some outrage at some of our community leaders about the way things had transpired through this whole process. I had some council members apologize to me saying that well, we didn't know anything about this until it was right on us also. So, you need to bear that in mind as I read this. And I have prepared a couple of statements here I am just basically going to read these statements so that I touch upon everything that I want to touch upon. Over the course of the past week, I have uncovered other issues about this project that gives me additional concerns beyond concerns I expressed last week to the council members. As stated I had conversations with the city council members who stated that they had no knowledge of this project until at least January. So out of curiosity I googled some websites to try to find out some information about how this project was approved. Yesterday, Sunday I discovered minutes from the January 26th meeting of the Board of Directors of the Indiana Housing and Community Development Authority. In that meeting the loan application submitted by Winchester was approved. This lead me to do a little bit of additional research and I got to checking into some of the statutes as to who has the authority to do what within our city government. According to Indiana Code IC36-4-6-18 the statute entitled "Powers of the City Council" It states simply: "The legislative body may pass ordinances, orders, resolutions and motions for the government of the city, the control of the city's property, and the finances and the appropriation of money." The city council, not the Mayor, is the legislative body. It seems clear to me that the authority to apply for loans on behalf of the city rests only with the city council. The council is responsible for the content of the loan application and the accuracy of the information that is relied upon by the lender. Which in this case would be the Indiana Housing and Community Development Authority. If the council agrees to borrow money and the lender relies on false or inaccurate information that they did not approve, then I am concerned they are liable for a fraudulent transaction. I believe the council could authorize the mayor to act upon their behalf but I think that there would need to be a record of such authorization and the knowledge of what information is being supplied to the lender to support the application for the loan. Again, in my recent conversation with council members, those that I have talked to claim to have no knowledge of this project and the loan until very recently. I am concerned that if the loan was submitted without the authorization of the council then it is not legal. I am concerned that there may not be minutes and an official record of the council which approves and authorizes the loan application and the decision to acquire the property. This afternoon, today, I requested at the clerk-treasurer's office copies of council's minutes from the meetings from September 2016 to February 2017. Those records would constitute the official record of the appropriate authorization. I am concerned because if it is the responsibility of the city to repay the loan, and the city defaults and is unable to repay the loan, and there was some misrepresentation on the loan application as to the proper authorization this may be a case of fraud. Again, if the council authorizes this application when did they do so? I would think that they would advertise this on the agenda, and I would assume that there would be some meetings approving the same. In the minutes of the Board of Directors of the Indiana Housing and Community Development Authority held on January 26, 2017, the board approved the Indiana Affordable Housing and Community Development Fund Loan. The minutes state that the IHEDA Real Estate Development's Team underwrote the Development Loan Application and also reviewed one: "The Services Agreement Between the City of Winchester and the VOA." Again, in talking to members

of the council they claim to me that they know of no such existence of an agreement between the City of Winchester and the VOA. The second thing that they looked at was the commitment letter from the Indiana Department of Child Services to provide operating subsidy, and three, the City's financials as they have agreed to guarantee the Development Fund Loan. So my question becomes, did they, the council know about these documents before the loan application was submitted. Did they know what was represented by the city, in its loan application? So in essence, I am questioning the legal validity of the whole loan application process, and if that validity is in question, then the city's petition, its plan as submitted to you is flawed. I have requested as of this morning, I have requested copies of the loan application and the supporting documents from the Indiana Housing and Development Authority through the Access to Public Information Laws. It may take a little bit of time to get those records but I would like to see what was submitted on the loan application and to what extent the council knew of those documents. I have also obtained a copy of the letter dated January 31, of this year, from the Compass Church that was sent to all of its members about the proposed purchase of their building. In the letter they state, "the city has offered \$187,500 for the property at 313 South Meridian Street." The city had two appraisals done on the property. One was for \$215,000 and the other one was for \$160,000. Also, our church had an independent appraisal done by Tarter Realty on the property. It was for \$170,000. Again, in reading the statute I cited you before, not only the matters of spending monies but the acquisition of property fall within the powers invested in the council. If the council members did not authorize the purchase agreement, and it is not made without the proper authority then I am asking what are the legal ramifications of the offer to purchase that the city has apparently made to the church? And who authorized the appraisals? I am concerned that these transactions were done again without council authorization. Again the reference of the minutes of the council meetings should clarify this matter. My other concern and this is more germane to the things that you folks usually address and Mr. Bilbrey touched upon it, is the status of the location of the proposed facility as it is within the Winchester Residential Historic District as registered with the United States Department of Interior National Park Services National Registry of Historic Places. In 2011 the Winchester Residential Historic District was added to this registry. The area included is described as "roughly both sides of Washington and Franklin Street from Main Street to Greenville Avenue and on both sides of Meridian and Main Streets from Franklin Street to Orange Street, Winchester, Randolph County, Indiana." You can look it up on the website, its right there. I have never heard anybody mention this at any of the prior discussions about this being a historic residential district. I think I saw Marsha Cockerill here, Marsha there's a really cool description of your house its listed in there too, and all the historical significance. On the website where I found this, there's a section for frequently asked questions. And it says: 'from the federal perspective, meaning the National Register of Historic Places, which is part of the National Park Service, a property owner can do whatever they want with their property as long as there are no federal monies attached to the property. However, before this occurs you can or the property owner should contact the State Historic Preservation Office. The State Historic Preservation Office is a state agency that oversees historic preservation efforts in their state. There may be state or local preservation laws that the owners should be aware of before they undertake a project with this sort of property.' It also says if federal monies are attached to the property then any changes to the property have to allow the Advisory Council on Historic Preservation to comment on the project. That's not discretionary, they have to allow the advisory council to comment on the project. So my question is whether or not anyone has contacted our State Historical Preservation Office as recommended? My other question is, are there federal monies attached to the Indiana Affordable Housing and Community Development Funds through which the loan

is collected? Many state agencies are given the authority to administer federal funds such as, and I'm familiar with this, the Indiana Criminal Justice Institute administers federal funds. I can't find the answer, but I wouldn't be surprised if the answer is yes, there are some federal monies here. So, I think there are some hoops that have to be jumped through folks, before this project can proceed. I would like to have some time to ascertain whether or not those funds are funded by the federal government. And if so it seems that the laws dictate that the advisory council on historic preservation must have notice and an opportunity to issue comment. Because of those issues, I am respectfully requesting that the BZA table this request for at least 60 to 90 days to allow an opportunity to investigate this matter and address these concerns. I have a meeting next Tuesday and I am going to be seeing the Attorney General for the State of Indiana, and his chief deputy and I am going to ask them about some of questions, because I think I have an obligation not only as a citizen of Winchester but the Prosecuting Attorney of Randolph County, and because we are dealing with another state agency the Indiana Housing and Community Development Authority, I need to make sure that, I feel I need to make sure that everything has been done properly and legally. I have a few other comments, again I will try to be brief. In my occupation I deal with people who make bad choices. They choose to rob, to steal, to batter, to drink and drive, and to otherwise break the laws. In trials I often discuss with jurors the need in our society to hold people accountable for their actions and that there are consequences for those actions. There are those too who are victims, innocent persons who did nothing to cause or contribute to the reason why some person chose to commit a criminal act. A good example is a victim of a house burglary. You know, farmer Brown comes home. His house had been broken into. His guns have been stolen, his jewelry is stolen, things within his house are stolen. These people demand special compassion because they have come to live a law abiding life and done all that society has asked for them to do. Yet, they suffer from someone else's bad decision and that's not fair. I understand that. If any of you have been a victim of a similar crime you can probably relate. These folks are often called the unintended victims of crime. There are those who feel that when a person chooses to use heroin or other illegal drugs they have obviously made a bad choice, but they have also committed crimes. It's a level 6 felony for someone to merely possess heroin. And for anyone to think that it is not a criminal act would be in essence to advocate for the legalization of heroin. I don't think there is anyone here who is saying "oh, let's legalize heroin". The fact is it's illegal, you possess, you use it, you commit a felony, sometimes multiple felonies. There may be folks in the neighborhood where this is affected who feel uncomfortable or unsafe with these residents being their neighbors. And I understand those concerns. I talked about the consequence for those who commit low level offences like this. Experience shows us that there is usually a nominal amount of jail time, there's usually probation and court ordered treatment. By engaging in attempts to establish to this program here in our community, The Fresh Start Program, in the proposed facility, some of us have decided that it's the community's responsibility to help these persons by using our tax dollars and helping establish this treatment program. I understand that and I applaud that. Few persons who are here are opposed to the Fresh Start Recovery Program being where it is proposed would disagree that this is sincerely a good cause. Now to the extent that tax dollars are used, that's a burden that's equally shared, it's a responsibility that's equally shared by all of our citizens. However, experience again has shown us the treatment facilities are usually located in districts which are zoned for commercial business where they are least intrusive and they do fit within the characteristics of the commercial business areas. There are three facilities operated by VOA in Indianapolis. Two in Indianapolis and one in Evansville, they are all non-residential areas. At least that's what I believe based on what I observed in pictures of those facilities that again I Googled on Google-

Maps. Based upon the characteristics of the area in which they are located, it would be hard to imagine that anyone would object to the location of a treatment facility in those locations. But now we come to Winchester, the proposed facility here is not like a dialysis center, it's a residential facility to treat with compassion persons who are addicted through the use of illegal drugs. Notwithstanding the good intentions of the program, the nature of the residence who are going to be participating in this program and the nature of the business is totally inconsistent for what we find in the residential neighborhood. I might point out, this is not in my notes, but you know, when the Methodist Church sanctuary building existed, it was built in 1900, there was a lot of historical and architectural significance to that church building. It fit within the historic motif of the neighborhood. But when they tore the sanctuary building down what they left was the existing structure where we're proposing to put this. That does not fit within the historical motif of the neighborhood at all. And putting this program in does not change that in any way so that it morphs in with the historical motif of the neighborhood. Anyway, so I put the question to you whether it's reasonable in terms of the nature of the business the comparison to the other facilities that are similar in nature, which are located within business zoned districts, and to the especially significant historical nature of this purely residential setting, that combined with all the other legal issues that I have raised and all the other unanswered questions whether it's reasonable to grant this variance. I have heard some people say "yeah, there's heroin users who live across the street or just down the street." I don't disagree with that but the question does, because how does that fact change the idea or belief that putting a treatment facility in our neighborhood goes against what the zoning laws were designed to protect. Ok, let me try to land this plane here folks. I first talked about the unintended victims of crime, the law-abiding citizens who did nothing to ask for his or her unwanted act to occur. I asked you to consider the neighbors, the elderly lady who lives behind me and right next door to the facility, the folks who live across the street, and all the people in the neighborhood who may oppose this. I ask you to consider why is it fair for them to suffer diminished property values. Ask them what they did to deserve this consequence of what was someone else's choice. Ask yourself are they not like the unintended victim. Ask yourself if you're putting them in a position where they are to bear the consequence of someone else's bad but voluntary choice to use illegal drugs. Are you also asking them to take a disproportionate responsibility, burden or consequence of someone else's decision to make this voluntary choice to use illegal drugs. I ask you where the justice is in that? Let me ask you last to think if there are any other options to use our resources for other drug treatment and rehabilitation programs. Can we use our tax dollars and find better suitability as to matching the programs with other structure and zoning locations. I know that may be a policy decision and it's not the business of the BZA but I think you should at least consider this when you are asked to balance and weigh all of the factors both for and against this proposal. Let me conclude by saying I am opposed to this facility being in this location for all of the reasons and concerns and issues that I have stated. I am of the opinion that if the program is undertaken it should be located where it needs to be, at or near other health care facilities in a district that is already zoned for business purposes not in a residential area. I also have, if you're interested I have pictures of the VOA facilities, the other treatment facilities where they are located, and pictures of the neighborhoods where those facilities are located and I have pictures of the 313 South Meridian Street address and you can see that the neighborhood is totally distinguishable from the other facilities. I'll give them to you if you want to look at them fine, if you don't want to look at them that's fine too.

Chairman DeGuise: Any questions before we move on for Mr. Daly? Thank you Mr. Daly. Anyone else in that row like to speak?

V. Haney: My name is Vicki Haney, and I live at 530 West Will Street, Winchester, Indiana. And I am just here to say that I had the opportunity to go and to visit Volunteers of America's facility, the one on Pennsylvania Street. We pulled up, and I would not have known, that it was the Volunteers of America, I would not have known that it was a rehabilitation center for mothers and being with their children. It was very professional. Yes, they knew we were coming, but I think at any one time, if any of us from this community could go there and see what this organization does and how their treatment is, and I do understand, you know it's one of those things...not in my back yard. I'm not sure if Harold and Vicki Haney would like it in their neighborhood as well. But I must say, I have to say this, I can't say how professional this organization is and how I truly believe it would be an asset to our community. It is unfortunate possibly where it would be located. That may be an unfortunate, but I really can't see looking at it that way. Because when I pulled up there the other day in the vehicle that I was in, I wouldn't have been able to tell that it was anything other than a professional building. Thank you.

Chairman DeGuisse: Thank you Ms. Haney. Anyone else in that row like to speak? The next row behind please, anyone in that row like to speak? Please state your name and address for the record, sir.

B. McCoy: Bob McCoy, 196 South Tamarac Avenue, Winchester. I also went to the VOA facility in Indianapolis. It was very professional, you wouldn't know. It looks like a business building, there were no people loitering, no people standing outside, no drug deals being done. I understand the neighbor's concerns. I also understand how bad the problem is, I have been working on this problem for two years with different organizations. I really think this is a needed thing, there has been other buildings looked at, there is no other option as far as what is in Winchester for this type of facility. I totally support it.

Chairman DeGuisse: Any questions for Mr. McCoy. Thank you Mr. McCoy. Anyone else in that row who would like to speak? No? Back row on that side who would like to speak?

J. Allen: My name is Jason Allen, I live at 416 South Brown Street, Winchester. I was at the last City Council meeting when this proposal was made, and I stand up here just like everybody else that's in here. We know there's a problem, and we know that we have to do something to address that problem, and for this opportunity to come in to our community and use Winchester as a pilot point to set up something for Success for Indiana I think is a great idea. I understand that there's people who are upset about how the process went down and I think that in consideration you have to look at all aspects from the church's standpoint of knowing that they had to talk to their congregation in selling the building and what they had to do there. But for me and my family and the kids that I raise and I coach, I look at this as an opportunity where what if one of those mothers stays, lives here, their kids come up, they go to our schools, they are raised here, they get coached here by us adults that are in this community that are coaches or even teachers that are here and they stay here and they get jobs and they stay in the community. To me, that's a win. Especially since it's local people that are going to be in our district that are going to be going to that facility. It's not just somebody from Illinois, and Ohio, and all these other locations. They are in our district, and we're taking care of our people. So, for me, I'm all for it. Whatever you guys decide to do is on you guys. That's why you guys are the appointed ones and the elected ones to this board. So, we appreciate what you guys do, and we thank you for that.

Chairman DeGuisse: Thank you, sir. Does anyone have any questions for him? Anyone else from that row who would like to speak?

L. Lennington: My name is Larry Lennington, I live at 437 East Washington Street, Winchester. I am a member of the City Council. I think all that aside, I understand everybody's concern. But we went Saturday to visit that facility, and we talked to this young lady, she's been in detox four different times and it never worked. But then when she was talking to us, she was holding this little six month old baby. And I talked to her and I asked her what about this time? She said, there's more for me to lose now, because she had the child with her. And I'm telling you what, them are professional people, and them women in there they love it, they're trying really hard to get clean. And we can talk all we want about [inaudible] but if we don't do something, anything, a little step here, a little step there, even if it inconveniences people, it don't make sense to me because there's heroin all over Winchester. So you put them in a district where they have a really controlled environment. I don't see the risk to it. I don't own property there. Once I seen that girl crying about her baby I think it's just worth it. I don't care if people don't like me, I don't care because I think it's worth it.

Chairman DeGuise: Thank you sir, any questions? Anyone else from that row that would like to speak?

J. Bullard: My name is Jeff Bullard, I live at 2 Saint Mary's Circle, here in Winchester, and I just want to thank all of your for your time tonight. I know that you guys have a lot of different decisions and this is certainly a unique one. I am also the pastor of the Freedom Life Church here in Winchester, and I have committed myself really for the last two or three years of doing what I can to help this project. We as a church also, about four or five years ago hosted a program where we did what we could to help girls that were single moms, pregnant moms with our home church ministry. We did that with our own dollars for about 18 months. It was very costly, very expensive. But during that time we helped 18 different girls in the neighborhood right here in Winchester. They had people that came along side of them, and today there's about seven or eight of those girls who remain in our church today. It wasn't a drug program, it wasn't a rehab center, but it was something where we deeply desired for those girls to be in community. One of the things that I can see as an incredible benefit, aside from certainly the concerns of the residents, is the opportunity for these people to see what it really looks like to live in a great city, in a great community. Historical things aside, one of the things that I want to do is, I don't want to just celebrate great history, I want to make history. And I think that Winchester has an opportunity here to make some history. Will there be risks? Will there be things that won't work? Probably all of those things along the way. But I will say that this is a very brave endeavor, and the decision that you make to either approve or deny this is certainly on each of you but I would say this, is that I can't wait to see the day where we can have a hope where drugs, heroin, meth, those types of things they see then end here in this community. I believe in these people, I've only known of them for a few meetings now, but I really sense the sincerity in their hearts and you certainly can't make a judgement on a few meetings, but I thank all of you for your consideration with this, and I think this is an opportunity for us to support this, and to see some people really get their lives changed and so I thank you for your consideration with that. I am in favor of it and would hope that you would consider that for our great community here in Winchester, Indiana. Thank you.

Chairman DeGuise: Thank you sir. Is there someone else who wishes to speak? Sorry, we have to change tapes now, give us just a moment. Ok, you may proceed.

L. Friend: My name is Leesa Friend, I live at 626 High Street, Winchester. I am a member of the City Council, but I come today not as a citizen, but as a stepmother of a former heroin addict. I would have given five or six years ago any type of this facility to be located in Winchester for it to help my

stepdaughter. She had lost her daughter for two years, she [her daughter] was bounced around from loving homes between me, her other grandmother, her other great grandmother. But we would have loved for her to be able to have help like this facility is going to offer. But it was not available at the time. She has since, with no rehab facility anywhere gotten her act back together, she has regained custody of her daughter, and she is living very well. But it was a struggle for everyone in our family. Most of all, my granddaughter Marley. She was without her mother like I said for two years, she did not have a stable home to live in and if something like this could have helped my stepdaughter I would have done anything in my power to have done it. And mostly for my granddaughter. So I ask you all to please take this facility into consideration and I just ask that you approve the zoning so that we can get this help for the mothers. Thank you.

Chairman DeGuise: Thank you ma'am. Anyone else in that row that would like to speak? So, let me go over to this side, anyone in the first row who would like to speak? Please state your name and address for the record.

M. Brutchen: Hi, my name is Melissa Brutchen, I live at 233 W Franklin Street, Winchester. I will acknowledge for the record that I am Mayor Byrum's Administrative Assistant. Before I was his assistant, I was the Administrative Assistant at 313 S Meridian Street, formerly the First United Methodist Church and the Compass Church. I also hold a Masters of Divinity from the School of Theology, Anderson University. That's kind of my background so you know who I am. I would like to challenge the board, you have heard a lot of arguments and we have been talking a great deal about the property being a residential property and changing the nature of the facility. I would like to challenge the board to think of this in more broader terms, that 313 South Meridian Street was never a residential property. 313 was indeed a church. A United Methodist Wesleyan Church. Founded on the beliefs of Mary Retter back in 1860 something. Brought over here, built in 1901 and though John Wesley tradition is a close cousin to the Salvation Army tradition, that the VOA draw their roots and their heritage from that we have talked a long time about repurposing this building. I would like to challenge us to say that this is not a repurposing. There has been a long history of recovery and growth and healing happening in that building and to me this opportunity that...unfortunately yes, the sanctuary did have to come down, but the sanctuary wasn't the church. This building has been there and been doing this work for a very long time. And this would give it an opportunity, unfortunately the Compass is ready for them to move on, but it could pass on to new hands and new life and continue that heritage and it's really not...it's still sacred ground. And the purpose of sacred ground is to live out that Matthew 25 commission, where you feed the hungry, you clothe the naked, you take care of the poor, and we can't ask for anybody any more in need and more fits that mission than mothers and children who are recovering from the horrors of addiction. So, I'd like us to think in those terms about the purpose of this building. Thank you.

Mayor DeGuise: Thank you ma'am. Anyone from the next row? Anyone from the third row? Anyone from the last row? Oh, third row.

M. Cockerill: My name is Marsha Cockerill. I live at 400 South Meridian Street, Winchester. I live catty-cornered from the church. I am a nay-sayer, I will be perfectly honest. I am one of those "not in my neighborhoods." Maybe my thoughts would have been different had we been notified sooner or asked about this, maybe not. Again, I don't say that the situation is a bad thing, I just think it's in the wrong area. And the more I think about the church, and the size of the inside of the rooms, I am a little concerned about 23 beds for mothers, and then you add one or two children to that and you could get up

close to 60 to 70 people living there, it seems like a lot of people for not a great big building. I have also, maybe I misheard last week, at the City Council meeting that if you turn this down that basically they can come up with an ordinance to overturn this, to overturn your results, is that incorrect?

L. DeGuise: They can't overturn our results, no. They can reapply, but no, the Board of Zoning Appeals pretty much can't be overturned. I believe only by court order, I think.

J. Welch: It has to be appealed in the Circuit Court.

L. DeGuise: There's no one in the county who can do that. It would have to be Circuit Court.

M Cockerill: Ok, evidently I misheard then.

J. Welch: On this particular petition there might be other options for the city, if this fails and other attempts to try to either rezone it or to change the zoning ordinance itself, but this will be the decision of this board will be final on the Special Exception.

M. Cockerill: Ok, thank you.

Lee DeGuise: Thank you ma'am.

B. Davis: Joseph, can you address Marsha's question about the beddings? Will there be enough room if there are 60 some people there?

J. Mrak: From an operations standpoint, how many will all the women have? Kids and adults?

B. Davis: How many rooms, how many beds per room?

R. Halleck: So, we have, just as an example, the amount of children that are at the facility fluctuate. Our program is targeted towards mothers bringing home newborns. At our facility right now we have 15 adult beds and right now we currently have one child. So, to give you an example right now we have 15 adults and one baby at our facility, the rest are single mothers. And that does fluctuate. I don't think that we've ever had any time where we had one to two children with every single mother at that time.

J. von Arx: The biggest percentage I think is 10 children to I think to 15 moms.

B. Davis: How many rooms do you perceive will there be?

J. von Arx: A total of 23...

Chairman DeGuise: Beds...

B. Davis: 23 beds....

J. von Arx: And the way we have these rooms laid out right now, a typical classroom will have either two or three sleeping rooms within it. And because of the dimensions of the room there is also what we call sitting areas or living rooms outside of those rooms in addition to sleeping area itself. So there is plenty of room within these existing classrooms for not just a sleeping area but other living spaces as well. So, I would suggest that there is plenty of room for the number of people we would be serving in these 23 beds.

C. Starbuck: And the children that will be there are age 5 and under, correct?

R. Halleck: Age 5 and under, yes.

L. DeGuise: No one else on that side of the room who would like to speak? Did I miss anybody? Anybody come in later who would like to speak? That would be a no. At this time I would like to give the petitioner a chance if they would like to rebut anything that was said, clarify anything that was said.

M. Cockerill: I guess I would. And this isn't really in your purview, about the finances. The finances are really within the city's purview. So, just to address that, and I am not going to give specific dates, because everybody's here and those dates fluctuate and change. But, there would have to be, a lease petition would have to be circulated, and at least 50 taxpayers signatures would have to be obtained for the city to get the IHCDA. What then happens is there's a meeting of the Common Council to introduce the ordinance approving the loan, with IHCDA and lease agreement with the building corporation. There will be a building corporation that will actually own the property. Which is a legal entity that is controlled by the city. So, it would sublease that with the VOA. The Common Council would schedule a public hearing on the lease, with the building corporation. Notice of the public hearing will be posted in the News Gazette 10 days prior to that public hearing. The meeting of the Common Council would be 1) to hold a public hearing on the Lease Building Corporation and 2) to adopt an ordinance approving the loan. So all those would still have to happen after the BZA's, if the BZA approves the petition. Along with the IHCDA and lease with the Building Corporation, it will be the lease of the building corporation that the Common Council would procure. There would then be a meeting of the building corporation to execute the lease. Then there would be notice of the lease if all that approval happens, notice of the lease and determination to enter the lease, then that notice would be published in the newspaper. There would be a 30 day objection period, then anybody can come and object to those documents. Then, once that expires, what would happen is the actual purchase of the building and the closing of the loan and getting all the approvals, all the signatures and everything else that we would need. I cannot anticipate if we chose to say yes, we are going to do this the quickest we could possibly do that would be the end of April. I don't anticipate that, but that would be absolutely the quickest if all these things go. So it's not going to be tomorrow, this is all done. This is a very long process, there's objection periods, there a statute the City of Winchester hired Bose, McKinney and Evans which is Greg Hahn, who's from Winchester, his firm, to handle all those documents for the city. I am the city attorney, and I am not handling those documents, I am not a bond council. So they will be handling all those documents for the city. Although, if you look at the six reasons, what you guys listen to you don't really see, finances aren't really under your purview, but I wanted to make sure that's very clear of how that would transpire in this sort of financing. Actually, other than that I didn't have any further comments to make.

Chairman DeGuise: Mayor Byrum.

Mayor S. Byrum: I have burdened you all with this great weight. However, the weight of an addict is ten times this burden, maybe one hundred. I hear you, I wish it could be different. I was elected to lead, not just one community, or a group of people who have chosen to do something that they probably shouldn't do. But this entire city. And therefore, I will respect whatever decision you make, but I will not quit, and I will not give up on my city, or anyone who reaches out for help. That is all, thank you.

Chairman DeGuise: Anybody on the board have any questions for anybody? That's a lot to take in. I am not going to hold anyone in suspense here, that's a lot of information for us individuals to take in as well, each of you has had time to think about your responses, your feelings, we obviously have not. So, if you bear with us, it's going to take a few minutes.

[Inaudible, board was speaking off mic]

Chairman DeGuise: At this time I would like to ask for a motion to take a roll call vote.

C. Starbuck: I would make that motion for a roll call vote.

B. Davis: Second.

Chairman DeGuise: All those in favor signify by saying aye. All those opposed. Debra, roll call vote please.

D. Johnting: Lee DeGuise, yes, Bill Davis, yes, Jason Hawley, yes, Phil DeHaven, yes, Christy Starbuck, yes, Myron Cougill, yes, Jim Hufford is absent. The motion is approved.

Chairman DeGuise: Your Special Exception is passed. I will entertain a motion to adjourn. It has been moved and seconded to end this meeting. All those in favor signify by saying aye. All those opposed. We are adjourned.

Lee DeGuise, Chairman

Bill Davis, Vice Chairman

Debra Johnting, Recording Secretary