

BZA MINUTES

SEPTEMBER 21, 2009

Members present: Christy Starbuck, Charles Addington, Lee Deguise, Bill Davis, Dale Clevenger, James Trautman and Larry Amspaugh.

Staff present: Cathy Flatter, Executive Director, Jamie Stump, Recording Secretary.

Legal representation: Bob Oliver.

Others present: Scott Hawken, Betty Halberstadt.

The meeting was called to order by Chairman, Bill Davis at 7:00 PM.

Chr. Davis: Welcome everybody to tonight's meeting. The date is September 21, 2009. I would like to make a note anybody called up here to present their case please state your name and your address. It is a recorded meeting. At this time I would like to approve the prior meeting minutes from July 20, 2009.

C. Starbuck: I would like to make a motion to approve minutes as they are presented.

D. Clevenger: Second.

Chr. Davis: All in favor say aye. "Ayes". Opposed (none). Thank you. Bob, Cathy and I were talking and if we are able to, all three cases, and I will site these.....

C. Flatter: We have to have separate votes for each of these though.

Chr. Davis: Okay.

Next Era Energy Resources (BZA 2009-14-CU, BZA 2009-15-CU & BZA 2009-16-CU)

Chr. Davis: All three cases for Conditional Uses for meteorological towers. If the first case would like to come up and introduce yourself for the record please.

S. Hawken: Okay. Good evening. Thank you for having me. My name is Scott Hawken and I represent Next Era Energy Resources. The address is 700 Universe Blvd, Juno Beach, FL 33408.

Chr. Davis: Scott I will interrupt you there for a moment. Like I said this is a recorded meeting and I need to ask you if you did receive an Article V, Conduct of Hearing?

S. Hawken: I do not believe so.

C. Flatter: You should have.

Chr. Davis: Just want to make sure you received those as required and Jamie if he did were they properly published?

J. Stump: Yes.

C. Flatter: Did you receive a Rules of Procedure of the Board of Zoning Appeals because Article V is part of the Rules of Procedure.

S. Hawken: I received an Article XI.

C. Flatter: It is out of the Zoning Ordinance but the Rules of Procedure?

S. Hawken: No.

C. Flatter: You didn't fax him a Rules of Procedure?

J. Stump: I thought I did.

C. Flatter: The reason Bill is asking is because if we would only have 4 members present, but we have more than that, you have the opportunity to ask for it to be continued to the next meeting without having to go through the notification process because you have to have a majority of the entire membership. It is a majority of the entire membership for an application to be approved. So if there were only 4 here it would take all 4 to approve it so that is the reason he is asking. I am sorry you didn't receive that.

S. Hawken: Okay.

Chr. Davis: Scott do you want to go ahead and present your case, that would be great.

S. Hawken: Sure. Again it is relevant for all three cases and if I can address all three.....

C. Flatter: Yes just give the individual locations of each of the three petitions.

S. Hawken: Okay.

Chr. Davis: Let's do the first one. It looks like BZA 2009-14-CU. Location is 850 South on the north side.

S. Hawken: Yes. I am asking for a Conditional Use for three locations. The first one is the northwest quarter of Section 23, Township 19 N., Range 19 E. The second location is the west half of the northwest quarter of Section 6, Township 18 N., Range 14 E. The third location is the south half of the southwest quarter of Section 18, Township 18 N., Range 14 E. In all three cases this is for permission to install temporary 60 meter meteorological towers. I have a Plan of Operation I can leave with you for all three locations. They are all the same. This whole purpose of this installation is to install 60 meter tower to measure in the core of wind speeds at the location and the information will be analyzed to determine the potential for wind development of a wind energy facility in this region to produce cleaner nubile energy. Installation is estimated on our end to occur within 90 days of receiving the final approvals from Randolph County. We expect this definitely by the end of this year. Again, once we get the green light it should be very quick from our standpoint within 30 days of having our installation team out here. Once the towers are installed there are no personnel that are manning these towers. These are collecting data remotely and maybe a bi-annual periodic maintenance check will come out but otherwise it is undisturbed. As far as the duration, we are looking for at least a minimum of 12 months to collect the wind but we have agreements with the landowners for up to 5 years in some cases. When the agreement has terminated or we have determined that we no longer need to measure the wind in this area then we can remove the temporary towers with minimal disturbance to the property.

Chr. Davis: Scott if you leave those, your plan with us, it stays here and it becomes part of the record.

S. Hawken: That is fine. I have three copies. They are all the same but they can be filed.

C. Flatter: Scott at this point do you have any idea where these towers are going to be located on these properties?

S. Hawken: We have specific areas that we worked with the land owners, as far as certain acreages. I do have three site maps for each one with a GPS coordinate plotted on the map. I can leave that with you. I can leave all three of these with you also.

C. Flatter: If you would just pass those around please. We have the properties but we don't have the locations.

S. Hawken: Additionally I do have some basic photographs of what a meteorological tower looks like. I believe you are familiar with them, from what I understand, from the area, but I can leave those as well. Would you like me to pass these around?

C. Flatter: Yes please.

Chr. Davis: Scott if you would go ahead and pass all that stuff to Lee over there that would be great. Thank you.

L. Deguise: Do you know approximately how far these towers are from these roadways?

S. Hawken: The towers are at least 90 meters from the roadways. One and a half times the tower height, so at least 90 meters away.

L. Deguise: So if in, per case a catastrophe should happen and one of these things should fall flat towards the road, the distance is greater than to the road?

S. Hawken: Yes, it is one and a half times the length of the towers. There should be 30 meters distance from the end of the tower to the road.

Chr. Davis: Board members do you have any other questions?

J. Trautman: Yes, I am a stupid person. How much is that in feet?

S. Hawken: About 180 feet tall tower. Then the setback from the road is 270 feet.

J. Trautman: Thank you. I didn't want to do the math.

L. Amspaugh: I have one question. When he was reading down through the townships for the location on the properties he said 18 on all three and the last one 2009-16, that is 19 on my paperwork, is that a misprint?

C. Flatter: No I think he said Township 18 North, he said, he gave the individual sections, Section 6, Township 18, Range 14; Section 18 Township 18, Range 14 and Section 23, Township 19, Range 14.

L. Amspaugh: I thought he said 18, I am sorry.

L. Deguise: He did. I heard the same thing you did.

S. Hawken: The maps or diagrams going around have the locations then.

C. Flatter: And we have the legals, the deeds in the files for all three properties.

L. Amspaugh: Okay.

Chr. Davis: Any further questions from the board? Any comments from the audience, either for or against? I take that as a no. Okay. With that being the case, I entertain a motion to take action?

L. Amspaugh: So moved.

C. Starbuck: Second.

Chr. Davis: All in favor say aye. "Ayes". Opposed (none). We will do each one individually. Take a vote for the first one, BZA 2009-14-CU. I make a motion for a roll call vote on that.

L. Deguise: So moved.

L. Amspaugh: Second.

Chr. Davis: All in favor say aye. "Ayes". Opposed (none). Jamie we are ready.

A roll call vote was taken: James Trautman, yes; Christy Starbuck, yes; Larry Amspaugh, yes; Lee Deguise, yes; Bill Davis, yes; Dale Clevenger, yes; Charles Addington, yes.

Chr. Davis: On BZA 2009-15-CU, I will make a motion for a vote.

C. Starbuck: I'll make that motion.

L. Deguise: Second.

Chr. Davis: All in favor of the motion signify by saying aye. "Ayes". Opposed (none). Jamie.

A roll call vote was taken: Lee Deguise, yes; Larry Amspaugh, yes; Bill Davis, yes; James Trautman, yes; Dale Clevenger, yes; Charles Addington, Christy Starbuck, yes.

Chr. Davis: Our final one is BZA 2009-16-CU. Motion for a roll call vote.

L. Deguise: So moved.

L. Amspaugh: Second.

Chr. Davis: All in favor say aye. "Ayes". Opposed (none). Jamie.

A roll call vote was taken: James Trautman, yes; Christy Starbuck, yes; Lee Deguise, yes; Bill Davis, yes; Charles Addington, yes; Larry Amspaugh, yes; Dale Clevenger, abstain.

C. Flatter: Okay, you are approved. You just have to come in and obtain the permits locally before you are ready to get started.

S. Hawken: Okay. Thank you very much.

Chr. Davis: I don't see anything else on the agenda tonight. I would make a motion to adjourn the meeting.

D. Clevenger: So moved.

C. Starbuck: Second.

The meeting adjourned at 7:15 PM.

THE NEXT REGULARLY SCHEDULED MEETING IS OCTOBER 19, 2009 AT 7 PM IN THE COMMISSIONERS CONFERENCE ROOM OF THE RANDOLPH CENTER FOR FAMILY OPPORTUNITY, WINCHESTER, INDIANA.

Chairman, Bill Davis

Vice Chairman, Christy Starbuck

Recording Secretary, Jamie Stump