

BZA MINUTES

JULY 21, 2008

Members present: James Trautman, Charles Addington, Dale Clevenger, Bill Davis, Flip Hoover, Christy Starbuck.

Members absent: Gary Moore and Robert C. Oliver, attorney.

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

Others present: See attached sheet.

The meeting was called to order by Chairman James Trautman at 7:40 PM.

Chr. Trautman: We've had a little situation and our attorney won't be here tonight. Is there anyone in opposition to any of these applications?

C. Flatter: Is everybody here just to gain information and find out what is going on? If we have any opposition here or if we have anybody that has any real legal questions then we will have to continue the meeting. If not, we can go right ahead.

Chr. Trautman: The first thing on the agenda will be the approval of the minutes of June 16th. I would entertain a motion to approve the minutes as written and not have to be read.

D. Clevenger: So moved.

C. Addington: Second.

Chr. Trautman: All those in favor signify by saying aye. "Ayes". Opposed (none).

BZA 2008-15-CU (Florida Power & Light)

Chr. Trautman: This is for the location of 800 South – east of 500 East – south side.

C. Flatter: So whoever is going to make the presentation tonight needs to come forward. We have two chairs sitting here.

J. Schmaltz: This is for FP& L Energy?

C. Flatter: That is all that is on the agenda.

Chr. Trautman: Sorry you have to come up 5 times. Or just sit still for 5 petitions. Please this meeting is recorded and first of all I need to know if you received an Article V, Conduct of Hearing when you applied?

R. Machecha: Yes.

Chr. Trautman: All notices have been sent out and returned?

J. Stump: Yes.

C. Flatter: Are you asking for all 5 of them right now?

Chr. Trautman: Yes, I am asking for all 5. I don't want to do this 5 times or I will forget it by the fourth. Please state your names and give us the information as to what you want.

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J. Schmaltz: I am Jon Schmaltz from Burke Costanza & Cuppy here representing FPL Energy.

R. Macheca: My name is Richard Macheca also representing FPL Energy.

D. Stephens: I am Dale Stephens also with FPL Energy. The two of us are employees.

J. Schmaltz: I understand that the Conditional Use applications were filed with the applicant being Florida Power & Light. I just kind of wanted to address that first of all as kind of a housing matter. I don't know if that is the case or not? To the extent it is, the entity that would be responsible for these is actually a subsidiary of Florida Power & Light, called FPL Energy LLC. I just wanted that to be on the record. FPL has supplied for each of the 5 Conditional Use permits here and although you are familiar with them I just wanted to put into the record the findings that FPL needs to satisfy in order to have your approval to have these Conditional Use permits. These relate to their placement of meteorological towers on properties zoned agricultural so that would be a commercial tower requiring a Conditional Use permit, to the extent that they are applying for that to construct those meteorological towers, they are proposing that the construction and developments in conformance with the developmental standards applicable in that agricultural zoning district. That the use of them as commercial towers adheres to the general character of and will not substantially be detrimental to the use and development in the vicinity of that property and that the use and development of these towers includes improvements and amenities necessary to minimize any adverse affects on the use and value of surrounding properties. These meteorological towers, and there are 5 sites, are proposed to measure and collect and record meteorological wind data specifically for use in investigating the location of prospective wind energy facility and there are certain characteristics about the towers themselves and specifically where they will go that I will defer to Richard and Dale to describe that. They have some maps with them that show generally and specifically the parcels which these will be located and where on those parcels these towers would go but really the towers themselves are temporary in nature. They would be located in these places for at least one year, not more than 5 years. They would get thorough information electronically. They are self sufficient in terms of power and date exchange, in other words, there is no need to extend utilities to these towers or really any permitted acts of any kind because they won't be routinely staffed. There won't be utility workers that access these towers on a regular basis. Really in a sense, no one will know that they are unless they are looking for them. The power is driven by solar cells that are contained within the tower itself and the one characteristic I'm familiar about with respect to the towers, is that they are about I think, and Dale you can correct me on this, about 196 or so feet tall and I know the zoning ordinance permits the board to grant a permit to construct an excess of 150 feet upon us showing that it will be setback efficiently so as not to cause any damage to surrounding properties or anything like that. The towers themselves and really the wind facility that they can lead to is really accomplishing something hopefully for the benefit of Randolph County and the land owners here.

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J. Schmaltz: Quite honestly it's a natural resource that is under utilized and one that without having some kind of facility to capture it, can't be used for anyone's benefit whether it is outside of the county or for landowners here who might make their land available for facilities like this, but then too, I think the possibility of getting to use land for this kind of facility helps to maintain and preserve the agricultural character of the land. I mean once these towers are here and certainly once anything permanent is located there, the surrounding acreage for all intent and purposes can't and won't be used for anything other than agriculture from that point. In terms of the towers themselves and really the locations, Dale, Rich would you like to answer any questions and maybe offer some more specific information about where they are located?

D. Stephens: As far as the specifics of the towers, I think you covered it fairly well. The only thing I can think of is the towers don't have a foundation they sit on a steel plate and they have guide wires on all 4 sides. The towers are a single pole. I think the ones we are using these days are about a 9 inch diameter pole and then it goes up and it becomes a smaller pole as it goes up there. Instruments to measure the wind on three different levels, and as you mentioned, basically powered by a solar cell and the data is transmitted either by basically a cell phone or a satellite every night at twelve o'clock., the data is called in. Essentially they stand there on their own. There are guide wires on all four sides. The footprint, if you draw a square to the base of the guide wires, is about an acre and a quarter. They go up, it takes about two days to put one up and it takes about two days to take one down. They are temporary in nature and we move them around as necessary. It requires a good year of wind data these days to start making decisions on wind farms. So they would be there at least that long and that is the contracts we have with the land owners, between one and five years. If there are any other questions Richard has the locations if you would like them.

C. Flatter: We do have the maps that you provided us at the time that you filed, the only thing is maybe we could have a little more information other than where the flag is, what is that actual, physical location, say for the very first one, which the property owner is Fred Stephan and it is going to be located right off of 400 South, approximately how far off of 400 South on that acreage?

D. Stephens: We usually set back at least 300 feet. The only thing we can do to provide you a more specific would be we have the geographical coordinates but I don't know if that will tell you exactly how far but we certainly will comply with whatever the necessary setbacks are, certainly fall down distance and usually like I say, 300 feet from a road or from a property line.

D. Clevenger: Property line and road both three hundred feet?

D. Stephens: Yes.

C. Addington: How tall will this be?

D. Stephens: 60 meters, which is about 196 feet.

C. Addington: Are they safe if they get hit in a storm? Are they collapsible? I know some of these towers they have them so they are collapsible instead of falling over.

D. Stephens: No, I don't think so. If they get hit they are going to fall over.

C. Addington: That's the way I understand anyway. That is what I have been told.

D. Clevenger: Do they have a light on there at night?

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- D. Stephens: No they are just below what the FFA requires.
- Chr. Trautman: Are there any questions from the board? Any questions from the audience? Ma'am would you mind coming up.
- C. Flatter: We will have to have one or two of you move so that some of these people can come up and sit down and ask their questions.
- Chr. Trautman: Could you please state your name please.
- F. Woods: Frances Woods. I would like to know where this is located because when they contacted me I told them that I really wasn't interested in having anything on my area but I wondered where this is, how close it is to me then?
- C. Flatter: This one on 400 South is just about ½ mile east of 500 East.
- D. Clevenger: It would be right on the east side of Fred Stephens ground I think.
- F. Woods: On the east side of Fred Stephan? That would be on Jeremy Stephan then.
- D. Clevenger: No it is before you get to Jeremy's.
- C. Flatter: Actually it is about a ¼ of a mile isn't it? A quarter of a mile east of 500 East.
- D. Clevenger: It is on Fred's.
- F. Woods: Well that is just a ¼ of a mile from me then?
- D. Clevenger: Yep.
- F. Woods: I have another question then. If this is rezoned commercial what does that do to the ones that
- C. Flatter: This is not a zoning change.
- F. Woods: It isn't a zoning change?
- C. Flatter: This property remains agricultural. This board is the Board of Zoning Appeals so it is a little confusing, that makes it sound like we are changing zoning but they are not. It is an exception to allowing this tower in this agricultural zone.
- F. Woods: I guess that answers my question then.
- Chr. Trautman: Thank you. Anybody else?
- C. Howard: I think based on your.....
- C. Flatter: Excuse me sir, you have to come up here to the microphone. The meetings are recorded.
- C. Howard: I am Carl Howard and I got a notice that this tower would be on an adjoining property to my farm and Stephan's land is 3 miles away from me.
- C. Flatter: Well we have 5 petitions on the agenda.
- C. Howard: That is what I wanted to know, do you have another petition then? 23-14-19 or something like that. I just want to know the location of it.
- C. Flatter: We have one on 600 South – east of 200 West, 200 West – north of 1100 South, 850 South – east of 200 West and U.S. Hwy. 27 North of 600 South.
- D. Clevenger: Rita Walters is the one that he adjoins.
- C. Howard: Washington Township 23-19-14.
- C. Flatter: It is going to be in the very southeast corner of, like they say it is going to be at least 300 feet from her property lines in either direction and it is going to be in the southeast part of her acreage there off of U.S. Hwy. 27.
- C. Howard: Okay.

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C. Addington: Is it okay if he looks at one of these maps?
C. Flatter: Sure.
C. Addington: Here if you want to look at this it will show you. Mr. Howard it will show you right there.....
C. Howard: I've got a picture of it.
C. Flatter: Right behind Dale.
C. Howard: Right here. Okay.
C. Addington: Then there is a little red flag there.
C. Howard: It will just be 300 feet from my line then.
D. Clevenger: It will probably be closer to 27 because they will want access to it.
C. Howard: I would think.
D. Clevenger: It will be closer to 27. It is on the last petition.
C. Flatter: I don't think you said definitely it is only going to be 300 feet. I think what you were saying it is going to be at least 300 feet from all property lines?
D. Stephens: Yes.
C. Howard: I have no objection.
C. Addington: Okay thank you.

Chr. Trautman: Most of the questions have been answered on all of them. Do we have to do these individually?

C. Flatter: We will have to because see Dale has to abstain from the last one. We are going to have to vote individually on these.

Chr. Trautman: Are there any other questions? We are going to, are there any other comments here? Okay we are going to entertain a motion to take action on BZA 2008-19-CU. This one here one of our board members has to abstain from so I would entertain a motion to take action on this.

B. Davis: So moved.
C. Starbuck: Second.

Chr. Trautman: I have a motion and a second. All in favor of the motion signify by saying aye. "Ayes". Opposed (none). I would enter a motion to have a roll call vote on it.

B. Davis: So moved.
C. Starbuck: Second.

Chr. Trautman: All those in favor signify by saying aye. "Ayes". Opposed (none). Jamie let's have a roll call vote please.

A roll call vote was taken: Roger Hoover, yes; Charles Addington, yes; Dale Clevenger, abstain; Bill Davis, yes; Gary Moore, absent; Christy Starbuck, yes; James Trautman.

C. Flatter: That petition is approved.
Chr. Trautman: Now we are going to do the first four, 15, 16, 17 & 18.
R. Hoover: I will make a motion.
Chr. Trautman: You will make a motion to take action on the four remaining petitions?
R. Hoover: Yes.

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D. Clevenger: Second.

Chr. Trautman: All those in favor signify by saying aye. "Ayes". Opposed (none). I'd entertain a motion to have a roll call vote on 15, 16, 17 & 18.

B. Davis: So moved.

C. Starbuck: Second.

Chr. Trautman: I have a motion and a second. All those in favor signify by saying aye. "Ayes". Opposed (none). We are ready for a roll call vote on the remaining four petitions.

A roll call vote was taken: James Trautman, yes; Christ Starbuck, yes; Gary Moore, absent; Bill Davis, yes; Dale Clevenger, yes; Charles Addington, yes; Roger Hoover, yes.

C. Flatter: The petitions have been approved. You just need to come in and file for the Improvement Location Permits and the actual Building Permits before the towers go up.

J. Schmaltz: Thank you very much.

C. Flatter: Your welcome. Sorry we held you so long.

J. Schmaltz: That is quite all right. Just kind of a housekeeping question that is not so much BZA as it is Building Commission. Can the applicant actually apply for and receive Building Permits through the mail or is it necessary that

C. Flatter: It can be done through the mail.

J. Schmaltz: Can it? Okay. Well thanks very much.

The meeting adjourned at 8:00 PM.

THE NEXT REGULARLY SCHEDULED MEETING IS AUGUST 18, 2008 AT 7:00 PM IN THE COMMISSIONERS CONFERENCE ROOM OF THE RANDOLPH CENTER FOR FAMILY OPPORTUNITY, WINCHESTER, INDIANA.

James Trautman, Chairman

Dale Clevenger, Vice Chairman

Jamie Stump, Recording Secretary