

**BZA MINUTES****APRIL 19, 2004**

Members present: Charles Addington, Dale Clevenger, Bill Davis, Mike Blankley, James Trautman, Gary Moore.

Members absent: Jeff Prescott.

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

Legal representation: Robert C. Oliver.

The meeting was called to order by Chairman Charles Addington at 7:00 P.M.

Chr. Addington: Board members first thing we need to do is approve the minutes of the March 15<sup>th</sup> meeting.

J. Trautman: So moved.

B. Davis: Second.

Chr. Addington: All in favor say aye. "Ayes". Opposed (none). The minutes of the March 15<sup>th</sup> meeting have been approved as written.

BZA 2004-8-SP (600 Land, Inc., Modoc)

Chr. Addington: Next on the agenda will be BZA 2004-8-SP. Before we start on that I want to read the following: The petitioner will be allowed to present the facts and arguments in support of his or her case without interruption by any other person. Board members will then be allowed to ask questions of the petitioner. Any interested person or party sent a notice shall then be allowed to speak and present their facts and arguments uninterrupted. The board members may then ask questions of these interested parties. Other persons attending the hearing should then be allowed to speak to the board either pertaining to the facts or questioning the board on any matter pertaining to the petition being heard. Tonight we have the 600 Land, Inc., 7256 W. 600 South, Modoc, Indiana. It is a Special Exception for the extension of Randolph Farms, Inc., Landfill. The location is a 40 acre tract that is located in the southwest corner of the existing Randolph Farms, Landfill. Parcel B 160 acres directly north of the Randolph Farms, Inc., Landfill. Gary I guess you will be the one speaking here. If you would, identify yourself. This is a recorded meeting.

G. Fine: My name is Gary Fine, 7256 W. 600 South, Modoc, Indiana. Mr. Chairman, I would like to ask for a continuance of this meeting tonight to allow us to amend our application to include a Plan Of Operation, that should have been submitted earlier.

Chr. Addington: As far as I know we need a motion to allow the petition to be amended. That is what we need board members. Do I hear a motion to do that?

G. Moore: So moved.

D. Clevenger: Second.

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Chr. Addington: All in favor say aye. "Ayes". Opposed (none). We have the motion and the second to do that, now we need to set a date when we are going to do that.

G. Fine: Since there are a lot of new faces on the board that haven't participated in the prior meetings, would it be possible to have the next meeting at the Landfill for a site tour first and then continue with the meeting thereafter?

Chr. Addington: Mr. Moore what do you think about that?

G. Moore: I don't have a problem with that.

Chr. Addington: Mr. Trautman?

J. Trautman: It depends on when it is.

Chr. Addington: Well we will get to that in a minute. Would you be willing to do that?

J. Trautman: I would be willing to go yes.

Chr. Addington: Bill Davis?

B. Davis: I would be willing to go.

Chr. Addington: Dale Clevenger?

D. Clevenger: We have before. Yes. You weren't on here but I was. We had one out there before.

Chr. Addington: Okay. Mike Blankley?

M. Blankley: I have no objections if we have done it before.

Chr. Addington: Yes, we did it the last time. Okay, now we need to set a date. Everyone is in agreement that we can do that. We need to set a date.

C. Flatter: What would be best for you as far as having everybody out to the landfill? A weekday or a weekend?

G. Fine: That is entirely up to the board. Whatever fits your schedule.

Chr. Addington: Last time we did it on a Saturday.

G. Fine: I believe we did, on a Saturday morning. I know everybody this time of year has family things going on and .....

B. Davis: Are we looking at a week, two or three weeks?

G. Fine: At the convenience of the board, the sooner the better, I think.

B. Davis: That would be better for me too. The sooner the better.

Chr. Addington: How about the 24<sup>th</sup> of April? Does that work?

C. Flatter: No.

B. Davis: No. That is too soon.

Chr. Addington: That is too soon. How about the first day of May? That would be the next Saturday.

C. Flatter: That would work.

B. Davis: That would be good.

Chr. Addington: What about you Mr. Trautman and Mr. Moore?

G. Moore: I can make that.

J. Trautman: Yes.

Chr. Addington: What about you Dale?

D. Clevenger: I can't make it the first weekend of May.

Chr. Addington: You can't make it? How about you Mike?

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M. Blankley: I can. I can make it about any time. I am flexible. If I am healthy I am flexible.

Chr. Addington: I have an appointment that morning, first thing in the morning but if we don't make it too early I can get there maybe.

C. Flatter: Bob?

G. Fine: I don't know everybody's schedule but as late as it stays light pretty late during the week, if weekdays would be better that is fine with us too. It is entirely up to the board to fit your schedule.

Chr. Addington: If we can get 5 out of the 7 that would be okay anyway. It sounds like we could get 5 there.

G. Fine: That is fine.

Chr. Addington: I need a motion to do the first meeting at the landfill on May 1<sup>st</sup>, Saturday, I don't know what time. What time would you say?

C. Flatter: We've got a question back here.

Chr. Addington: Okay.

C. Cantrell: Will this be a public meeting?

C. Flatter: Yes.

C. Cantrell: Will it be subject to the Indiana Open Sunshine Law so that it will be published? What is the notification process?

C. Flatter: No. If we call the meeting at tonight's meeting, then we are under the open door law but because we have called the meeting at our regularly scheduled meeting. It is a regular BZA meeting so it would be open.

J. Edmonds: Anytime they meet together it is an open meeting isn't it?

C. Flatter: Yes.

J. Edmonds: I mean if you are together it is by law an open meeting.

C. Flatter: You are right.

C. Cantrell: Don't you have to provide notification?

B. Oliver: The public is invited to that meeting.

C. Cantrell: Right but don't you also have to publicly announce that meeting?

B. Oliver: Not if it is at a regularly scheduled meeting, which this is.

Chr. Addington: How about 9:00 AM on the 1<sup>st</sup> of May then? Do I hear a motion?

B. Davis: So moved.

G. Moore: Second.

Chr. Addington: All in favor of the motion signify by saying aye. "Ayes".  
Opposed (none). The meeting will be on May 1<sup>st</sup> at 9:00 AM, next Saturday.

G. Fine: I would like to gather at the first house west of the landfill office. I think there is plenty of room in there to set up some tables.

Chr. Addington: Is that where we had it the last time?

G. Fine: I believe it was, yes. That is just, if you are coming down State Road 1, turn east, it would be the first house on the north side of the road.

Chr. Addington: Anything else we need to do? I guess that is about all we can do tonight isn't it?

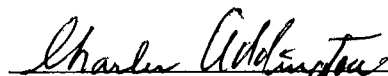
C. Flatter: Submit your Plan of Operation.

Chr. Addington: I guess we don't have anything else. This meeting is adjourned.

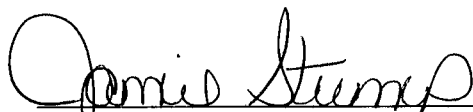
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The meeting adjourned at 7:12 P.M.

THE NEXT REGULARLY SCHEDULED MEETING WILL BE HELD MAY 17, 2004  
AT 7:00 P.M. IN THE COMMISSIONERS CONFERENCE ROOM (ON THE  
SECOND FLOOR) OF THE RANDOLPH CENTER FOR FAMILY OPPORTUNITY,  
WINCHESTER, INDIANA.

  
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Charles Addington, Chairman

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Mike Blankley, Vice Chairman

  
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Jamie Stump, Recording Secretary