

BZA MINUTES

NOVEMBER 17, 2008

Members present: Bill Davis, Lee Deguise, Roger Hoover, Christy Starbuck, Dale Clevenger, Charles Addington.

Members absent: James Trautman.

Legal representation: Robert C. Oliver.

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

Others present: See attached sheet.

The meeting was called to order by Vice Chairman, Dale Clevenger at 7:00 PM.

V. Chr. Clevenger: The first item on the agenda is to approve the minutes of October 20, 2008.

C. Addington: So moved.

C. Starbuck: Second.

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

C. Flatter: We do have a new member tonight that I wanted to introduce and let everybody introduce themselves to him. This is Lee Deguise. He has been appointed by the Mayor. He is replacing Gary Moore. Lee I don't know who you know but we will just go around the room and introduce....

B. Davis: Bill Davis.

R. Hoover: I've met you. Flip Hoover.

C. Starbuck: Christy Starbuck.

L. Deguise: I know Christy.

C. Flatter: He knows us.

D. Clevenger: Dale Clevenger.

B. Oliver: Bob Oliver, attorney.

C. Addington: Charlie Addington.

L. Deguise: Nice to meet you.

V. Chr. Clevenger: Our minutes have been approved so the first petition on the agenda tonight is Verizon Wireless. If you would come forward and sit at the table so we can record it.

Verizon Wireless (BZA 2008-34-CU & V)

V. Chr. Clevenger: Jamie have all the notices been sent out and received?

J. Stump: Yes.

V. Chr. Clevenger: Did you receive an Article V, Conduct of Hearing?

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C. Flatter: Well this is not the person who filed the petition for the hearing but I think I can speak for the person that did file, that they received that.

V. Chr. Clevenger: Go ahead and tell the board what you want to do. Explain it to us.

B. Clutter: Thank you. My name is Bob Clutter. I am with Clark, Quinn, Moses, Scott & Grahn. Elizabeth Williams who actually filed the petition.....

C. Flatter: I'm sorry, if you could speak up please. We have speakers in the room but we are locked out of the room where we can turn the speakers on so the people that are behind you are going to need to hear what you are saying.

B. Clutter: Okay.

C. Flatter: This is just recording.

B. Clutter: Again, my name is Bob Clutter. I am with Clark, Quinn, Moses, Scott & Grahn, a firm in Indianapolis that is local council but covering most of the State of Indiana for Verizon Wireless and we are here before you tonight requesting a conditional use and a side yard setback variance for a wireless communications facility. The property is 1602 W. 850 North in Ridgeville. It is on the north side of 850 North and just east of Ridgeville. Again we are seeking a side yard setback variance and a conditional use for a wireless communications facility. What we are proposing is a 100' x 100' lease area. So it is 100 feet x 100 feet of square lease area with a self supporting lattice tower in the middle so it wouldn't have the guide wires but it would be a self supporting tower and it will be 285 feet tall with a 14 foot lightning rod at the top so the entire structure will be 299 feet tall. The site would be accessed from 850 North with a 25' wide utility easement running north to the property. The length of the easement is about, I think, 280 feet roughly, so the actual tower would be set back about a little over 300 feet from 850 North. As I mentioned, the compound will have a lattice work tower 285 feet tall. Verizon antennas will be at the 285 foot level but we have also engineered the tower and the compound sufficiently large enough so we can have three additional co-locators present on the tower. Also within the compound would be an equipment shelter and that is 30' x 12'. It is a pre-fabricated concrete shelter and then it has an aggregate on the side. The light tan and aggregate. It would also have a tan door. One access door and then the hvac access are tan so it would be as unobtrusive as possible. Inside the shelter is a generator, in case we ever lose electrical power, it is good to have a back up diesel generator on site. It only runs in case of emergencies and then about once a month they test it to make sure it is running and functioning and interestingly enough that is done remotely so nobody has to go out on site to actually test it but they test it remotely. It runs for about 20 minutes or half an hour. Again inside the shelter is the generator so the noise from that is lessened because it is inside the structure and additionally there is a muffler on the exhaust that runs outside so hopefully the noise from that would be certainly minimal. The compound, the 100' x 100' compound would be surrounded by a 6 foot chain link fence with a row of barb wire on top to try and inhibit any trespassers, or at least keep them from climbing into the property. The only lighting would be as required by the FAA, any tower over 200 feet has to have a light on top for any low flying planes but there would also be a small wall pack, or what we call a wall pack, security light which would be right over the door on the access to the shelter.

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B. Clutter: That would be the only lighting on the site. The variance that we are requesting is because the side yard, the east side of the property is about 80 feet from the tower but interestingly enough the parcel that is owned to the east is also the same land owner, William and Joyce Caylor. They own both the property to the east, which is about 80' from the tower, as well as the property where we are seeking the variance for. Even though it is common ownership it is technically a separate parcel so we need to request a side yard setback variance. If I may, I think you probably received most of these documents but I would like to hand out a group of things that Mrs. Williams put together and just briefly walk you through these. It is pretty much all the same although there is a photo simulation that we also added. If I could I will just briefly walk you through the exhibits that we've got in here. The first page is just again our formalized request, which is for the conditional use. Your Zoning Ordinance states that the wireless communications facility as a conditional use in the agricultural zoning district and then again requesting the side yard setback variance of 80 feet. Page two or section 2, is a number of documents, the first of which is a survey, again showing the access and utility easement of about 25 feet wide and about 280 feet long going back to the site and then the 100' x 100' lease area with the lattice work tower in the middle and you can see the equipment shelter is the little rectangular box there on the north. Then the third page of that is a close up of the compound itself. The fourth page is an elevation of the lattice work tower again showing the Verizon antennas on the top and then you can see the three underneath, possible co-locators at the 270', 255' and the 240 foot elevations and then also some information regarding the mounting of the antennas. The third tab, I always find interesting, and this is particularly apropos for those of us that use cell phones out in rural areas and sometimes don't get very coverage. The first page you can see Deerfield, the blue dot there is our site, it also shows surrounding sites, interestingly I believe it was your body that approved the Parker City site that is now online, I think Elizabeth told me it was June of this year, you can see the green around there. The green is good, that is in building coverage and in vehicle coverage. Deerfield has poor coverage. If you go to the second page you can see how well that increases with this site going online. The third page shows a photo simulation of the site of what we proposed to put there and the surrounding buildings. The next page is the Plan of Operation, which is a requirement of your conditional use, briefly summarizing what I have already spoken of and then the last page is the survey. This shows the 80' side yard setback and the need for that due to unusual configuration of where this site is located as it relates to the Caylor property immediately next door. The edge of the lease area is I believe, 31.4 feet from the property line but the tower being about 50 feet into the middle of the lease area, so the tower itself is a total of about 80 feet. Again, Caylor's own this property as well as the one immediately to the east and that is there existing metal sided barn there to the southeast of the lease area.

T. Herold: Didn't the barn burn?

B. Clutter: I don't know. Did it?

C. Flatter: It did.

B. Clutter: Okay, well then we will revise the survey. We will put previous existing metal barn.

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B. Clutter: In any respect, if you have any questions I would be happy to answer them. There are a couple of individuals here that, the engineer, RF Engineer, the Insight Acquisition folks are here on behalf of Verizon also, so we respectfully request your approval of the variance and conditional use and if you have any questions I am sure one of us can answer them for you.

V. Chr. Clevenger: Any board members have any questions?

L. Deguise: I have a couple. If we have a, as you explained it, an 80 foot side setback that is from the tower itself, but not from the additional possible future buildings or the fencing around it, so actually they would be much closer to the line.

B. Clutter: Future buildings?

L. Deguise: On your proposed layout, you have the tower itself, which you are saying is going to be 80 foot from the setback line.

B. Clutter: That is correct.

L. Deguise: In that case the future buildings and the fencing area would be 36 feet closer to that side setback so you would actually be 44 feet instead of 80 feet.

B. Clutter: The ordinance requires....

C. Flatter: It is just for the tower itself.

B. Clutter: It is just for the tower itself, not for the buildings. Typically you are supposed to be set back the height of the tower from the property line, in this case 285 feet so the building themselves wouldn't require the side yard setback variance it is just the tower.

C. Flatter: There is a 15 foot setback requirement for any type of structure other than the tower.

L. Deguise: So the buildings would be fine if it were just the building. Second question, that is all I have is this second question, have you taken into account or have the Caylor's taken into account the long term use of the property next to them? You are going to be 80 feet from that yard, are they okay with the fact that their property may not be worth as much some day down the road because of that?

B. Clutter: I can't speak for the Caylor's but I am sure they factored that in as that the parcel we are asking the setback from basically encompasses their house and that area. It is about a 2 acre parcel I believe.

L. Deguise: There are no buildings in danger, if, God forbid, the tower should fall, there are no buildings within range of that tower?

B. Clutter: No there are not. Interestingly enough the way they manufacture the towers, that if catastrophic thing happened, a tornado hit it directly or something of that nature, they are designed to collapse in on themselves so they don't fall like a tree and 285 feet out. Typically they collapse in on themselves and that is the way they are designed.

L. Deguise: That is all the questions I had.

V. Chr. Clevenger: Are there any other board members that have any questions? Is there anyone in the audience that has any questions? Come forward and state your name.

T. Herold: My name is Tom Herold and I am an adjoining property owner just across the road.

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T. Herold: I guess I have some questions about, you mentioned the noise when they test the generator. To what decibel, does it sound like an airplane or does it sound like a mouse or you know, what kind of noise is it? I know when the generator goes off but I was wondering about the noise.

V. Chr. Clevenger: Do you want to come up and answer that?

R. Taylor: Let me speak to that issue.

C. Flatter: You will need to come forward please.

B. Oliver: Identify yourself if you would please.

R. Taylor: Thank you. My name is Richard Taylor. With regard to the db's, I do not have the exact decibels that would go off but again it is self contained within the unit and it does have a muffler on it. Naturally I have been hearing these for years and years and so it wouldn't be much different than a farm tractor cranking for maybe, and that is actually not even that loud. Then again, it is 20 to 30 minutes just to run it through it's pm's.

L. Deguise: How many kilowatts is the generator?

R. Taylor: On the generator? I would say typically we run around 25.

V. Chr. Clevenger: It isn't that big of a motor then?

R. Taylor: No it is not.

T. Herold: Can you specifically put that in engineering terms for us then? I mean it is not that big or that kind of stuff.

R. Taylor: No.

T. Herold: I am living so close to you people....

R. Taylor: Sure.

T. Herold: and I look out there. Let me first put it this way, I moved out there in 1979 and of course if you talk about wilderness or boon docks, I am in it. So I like the area and I don't mind farm tractors in the spring and the fall when they are doing that but this is going to be 12 months out of the year. I guess the one thing I am curious about is the noise.

R. Taylor: If there was a specific time Tom that you chose to have the generator run through its pm's, we can probably accommodate that.

T. Herold: Then you will let me know how much or how loud it is going to be, regardless of the muffler?

R. Taylor: Sure.

T. Herold: Okay. Can the adjoining property owners get handouts like the board received here?

C. Flatter: He has spares right there.

T. Herold: Oh thank you. Is the easement paved?

R. Taylor: Easement? The utility access?

T. Herold: Yes. It is not a paved access. What happens in climate weather when it's a farm field and in the spring they are out in the plowed field and they go down about 4 to 12 inches?

R. Taylor: Can I speak to that issue.... This drive currently exists to some degree.

T. Herold: I live there but I don't see it. I did not see that as I go by there but that's okay.

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R. Taylor: What we do have here is we have an apron with a large five foot radius in here and we are going to build that gravel drive to Verizon specifications typically....

T. Herold: That is why I ask you if it is paved.

R. Taylor: It is not paved sir.

T. Herold: With gravel is what I am saying.

R. Taylor: I apologize I was thinking asphalt. So it is my fault.

T. Herold: What kind of base and all that did you say?

R. Taylor: It is going to have 10 to 12 inches of 2's, 3's and then 53's on top of that.

T. Herold: Okay.

R. Taylor: It will be a very solid surface and again the traffic on this may be a vehicle once or twice a month perhaps if even that.

T. Herold: How bout light? How is the structure lighted?

R. Taylor: The tower structure itself...

T. Herold: Well, okay the tower structure.

R. Taylor: It has a strobe at the top with a red light at night and a white light during the day. It is 285 feet high. If you and I stood on your property I doubt that you would ever even notice it unless you specifically looked up to see that it was there.

T. Herold: You don't think I could be on my property and not see something up in the air 285 feet revolving around in a red light at night?

R. Taylor: It actually flashes red.

T. Herold: I think that is even worse. Well go ahead. That is all I want to know, is there lights on the building?

R. Taylor: There is a light at the door so that if we did have to approach the site during the evening hours....

T. Herold: Where is the door on this? Am I taking too much of the boards time? I saw this gentleman out taking pictures and he introduced himself and I didn't know anything other than they were going to put something almost 300 feet high.

R. Taylor: It's okay Tom, we are here for you. The light would be right there in that spot. It is not any thing more than maybe a 75 watt light and it is in a little bitty rectangular station. Just enough light to allow somebody to get in there without falling.

T. Herold: Good light would not be a problem then. What size is the building did you say?

R. Taylor: It is 12' x 30'.

T. Herold: It is a good sized building then isn't it?

R. Taylor: Yes.

T. Herold: Then co-locators are what? What are those things?

R. Taylor: Those are additional people who may determine that this location works for them like us. We put Verizon at the top of this tower. There is room for 3 additional carriers rather than having 3 more towers being built in the area so this excludes that having to take place so Verizon would be at the top and then again to accommodate potential folks we have planned for three other folks to go in at those locations. There wouldn't be any additional lighting on the tower or anything like that.

T. Herold: I don't think I have anything else other than the noise of the generator.

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V. Chr. Clevenger: Really I think you could go and look at the one in Lynn or Parker and see the existing towers, what they are.

T. Herold: Would you gentlemen then be willing to postpone this until I have an opportunity to do that?

C. Flatter: We would have to postpone it for two months. We don't meet in December.

T. Herold: Well this is the first opportunity I've had to get something basically in writing and like I say, I have lived there for almost 30 years....

C. Flatter: We have another gentleman, I think, are you with Verizon also?

M. Bhutto: Yes I am with Verizon and....

V. Chr. Clevenger: Can you come up and state your name please.

M. Bhutto: My name is Muhammad Bhutto and I am here with Verizon and the gentleman's question about the flashing light on top, it is actually 60 watt, like 75 candle light. It just points in a way that it doesn't go on the ground or something, to kind of give you an answer like you were asking. The flashing light is only a 60 watt bulb.

T. Herold: Are you saying I couldn't see it from the ground?

M. Bhutto: Unless you look up at it.

T. Herold: If I am 300 feet away I won't be able to see it?

M. Bhutto: No if you are not looking at it. If you look on top yes you will see it. If you are sitting around like we are presently you

C. Flatter: You are not going to notice the flashing of the red light.

M. Bhutto: Not at all.

C. Starbuck: It won't be like a glare.

M. Bhutto: No glare or nothing because it only comes like around 10 degrees down and that is all.

C. Starbuck: It is just to keep planes from hitting it right?

M. Bhutto: Right.

C. Starbuck: So they can see something when they are up in the air.

M. Bhutto: Right.

T. Herold: But from where I live I'll be able to see it, is that correct?

M. Bhutto: No, like I said, it's like if you are measuring in degrees there is only 10 degrees there right....

T. Herold: If you are doing that on this schematic, how far out does that beam go?

M. Bhutto: That beam if you are up that high, you can see far from

T. Herold: I am on the ground. I am back over here.

M. Bhutto: Like I said, if you are sitting on the ground or in your house you will not see flashing in your house, no. When you look up yes you can see it. But if you are sitting in your house chatting or talking you don't even notice that there is a light.

L. Deguise: Right it is not like an old fashioned search locator beam.

M. Bhutto: No, no, like I said, a 60 watt bulb.

T. Herold: But if you look at these antennas we have around Winchester, those suckers are just flashing constantly and

L. Deguise: Like Anchor's?

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T. Herold: Well, no I'm talking about the ones out there west of town over near the cattle barn or something off in there. You know where I'm talking....

B. Oliver: Stockyard Road.

T. Herold: Yes Stockyard Road.

C. Flatter: There is a cable tv tower out there.

T. Herold: Those towers, those things just flash constantly and I guess that is what I am asking about.

M. Bhutto: No.

C. Flatter: That is a different type of light and the tower, I believe, is a shorter tower I think than this 285' tower.

M. Bhutto: I don't know how tall the tv tower is but 285' plus 14' is ours.

T. Herold: And these aren't more?

M. Bhutto: They are taller maybe.

T. Herold: These are taller than 300 feet?

C. Flatter: Have you ever been out past the county barn? There is one out there on the Bloomingsport Road. There is another one on the north end of town. You go past the Overmyer Foundry, Ross's foundry, Martin Street and Main Street and you look over into the northwest there is a tower there that would be comparable.

T. Herold: You say they have one in Parker City?

C. Flatter: They have one that was just put up in the last two or three months.

C. Addington: South of Parker a little bit.

T. Herold: Just like this? The same thing?

C. Flatter: Yes. 1100 West intersects with State Road 32 and go south about a mile.

T. Herold: Well before I waste my time and your time, would you act upon my request then that you defer this until I have had an opportunity to look at these documents and look at the site?

V. Chr. Clevenger: We would have to have a motion from one of the board members.

B. Oliver: The rule says, Rule 5, the board at its discretion may continue or postpone the hearings of any case on affirmative vote on the majority of the members present. That is what Rule 5 says.

V. Chr. Clevenger: I have one man in the back, do you want to come forward and state your name.

M. Bhutto: Just before I leave, Verizon loves to go on co-locations. We can not find anything in a 7 or 8 mile radius. There is nothing out there. Eventually we'd have to build something and as you can see from the coverage there is a big hole. To fill that hole we have to build one.

T. Herold: You can't get anything within 7 or 8 miles of this....

V. Chr. Clevenger: State your name.

J. Suarez: My name is James Suarez and I am also an adjacent land owner. I think you should go ahead and approve the variance. I think to continue it would be a waste of a lot of people's times. That is all I have to say.

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C. Flatter: I am going to make a statement because we have and for your benefit Mr. Herold, the most recent one for Verizon is the one at Parker. We have had them, the one that I am referring to is south of Winchester on the Bloomingsport Road and we've had one on the north side of Winchester and we have had one in Losantville at the intersection of 35 and 36. We have one that is on U.S. 36 across from Randolph Southern High School. I have sat in on all the hearings on all of these towers and I have as of today have never had one individual call the office and say, "The tower is causing me problems, the strobe light, the traffic." As a matter of fact, it has always been the exact opposite, because as you well know, almost everybody has a cell phone and when one goes up you have better reception. They can sit in their homes and dial somebody and get them, so just for your benefit, I have never had any complaints about any Verizon towers. Now I am sure that doesn't satisfy your curiosity but I just wanted to let you know that.

T. Herold: I appreciate that, yes.

V. Chr. Clevenger: Do I have anybody on the board that wants to make a motion one way or the other?

C. Starbuck: I think that we should proceed with the vote. If he wants to speak in opposition that can go on the record but I really can't see postponing this.

B. Davis: I second that. I think we should just vote.

T. Herold: Can I ask one further question or is that inappropriate?

V. Chr. Clevenger: You can try it. If it's not right Bob will tell you.

T. Herold: Oh okay. What are my options to defer this until I have a chance to look at it?

B. Oliver: I don't know of any really Tom. That is the rule that the board goes by. That is the Rules of Procedure.

T. Herold: Thank you.

V. Chr. Clevenger: Is there any further discussion? I am looking for a motion to take action.

C. Starbuck: So moved.

B. Davis: Second.

V. Chr. Clevenger: Thank you. All those in favor say aye. "Ayes". Opposed (none). I am looking for a motion for a roll call vote.

C. Addington: So moved.

R. Hoover: Second.

V. Chr. Clevenger: All those in favor of the motion signify by saying aye. "Ayes". Opposed (none). Jamie we are ready for a roll call vote.

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

C. Flatter: Your variance and conditional use has been approved. Somebody from Verizon just needs to come to the office when they are ready for the permitting process.

B. Clutter: Is the variance also approved?

C. Flatter: Yes the variance and the conditional use. Those were voted together.

B. Clutter: Okay, very good. Thank you for your time.

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B. Oliver: Just before you leave. Just so, Tom, that you would know, you have a right to consult your own attorney. Specifically answering your question, as far as any further continuance, no, but if you want to proceed with whatever there may be available under certiorari or under others, you do have a right to do that.

T. Herold: What happens to Verizon now? Are they free to go out there and start digging?

C. Flatter: No they have to come into the office and obtain an Improvement Location Permit and a Building Permit.

T. Herold: Do they have to go any further with anything else? Another board or anything?

C. Flatter: No, this has given them the approval.

T. Herold: I understand. Thank you.

BZA 2008-36-CU (Horizon Wind Energy, LLC)

V. Chr. Clevenger: Next on the agenda is Horizon Wind Energy LLC. Mr. Brown. Have all the letters been sent out and received back, Jamie?

J. Stump: Yes.

V. Chr. Clevenger: Did you get the article V, Conduct of Hearing when you applied for this?

R. Brown: Yes. Good evening my name is Ryan Brown. I am a Project Manager with Horizon Wind Energy. We are one of the countries largest developers of Wind Farms. Can you hear me? Say it a little louder?

V. Chr. Clevenger: Yes.

R. Brown: We've been working in Randolph County specifically just southwest of Winchester for approximately a year and looking at developing a wind farm that will bring clean energy to the county and also some economic development. I was here back in May for the meeting, for the approval of two test towers, meteorological test towers. I am requesting the same application here today for two additional temporary meteorological towers to test wind speed and wind direction, which allows us to do further analysis as to whether or not it makes economic sense to build a wind farm in this part of the county. Could I ask which of the two, which name is attached with this one?

C. Flatter: The first one is Joe Jennings.

R. Brown: Joe Jennings. So we are asking for a conditional use for the installation of a 197' meteorological tower. It is a temporary tower so it will be there with no foundation for up to six years, maximum. It will come down when we are in construction of our wind farm and like I said it is just temporary to use for data collection, so it is not a permanent structure. We've had the two other towers up for almost 4 or 5 months now and collecting data. Things have been going very well so we are looking to add two additional towers. This tower on Joe Jennings land, the access is on Indian Trail Road between 700 South and 600 South. The location is in an area which we think that at some point an actual wind turbine could be installed and that's why it is in the middle of the field the way it is. We will be using grass access path along a ditch to get out to the field and then along the field itself to get to the location. The tower is 197 feet tall.

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R. Brown: No lighting requirement due to it being under 200 feet tall, under the FAA requirements. It doesn't require utilities or anything like that. Essentially once the towers are installed we can call into it by a satellite or cell, download the information to our computers and do an analysis of the wind. There are 4 sets of guide wires that come off the tower. It is a monopole steel tower. Fairly heavy duty and built to withstand high winds and windy areas. You've got, I have provided copies of the specs for the tower itself, some pictures and some photos of equipment that goes with the towers. There is a small data logger located at the bottom of the tower powered by a small solar cell so that is why it doesn't need electricity to run. The solar cell uses the sun's energy to create electricity and keep the logger on line. We have agreement from the land owner, obviously, to install this tower on this land and begin collecting additional data for our project. Our aerial photos show the distances roughly a half mile from Indian Trail Road at this tower location and also just over a half mile from the nearest home so this is a pretty good distance from the nearest structure or road and that is the way we want it. We don't want obstructions that would alter the wind information we are collecting. We want to get a very pure picture of how our turbines would produce power at those locations. Interestingly enough a tower like this gives you information, not only for this location but gives us information about the wind resource and really a pretty wide area and that is why we won't have to install a test tower for every turbine that we want to install. Really it is only a handful of test towers that are required for a project. We are currently planning a 50 to 60 turbine wind farm, which is 100 megawatt wind farm, potentially all the way up to 400 megawatt project, which would be at today's prices, roughly an 800 million dollar investment in the southwest part of the county. I seem to begin lease payments and also economic benefits to the county. With that I would be happy to take any questions.

C. Addington: You going to start right away if you are approved?

R. Brown: If we are approved we have a work order and a crew that would come out so it would be within a few weeks. Our goal is to have this test tower installed by the end of the year.

L. Deguise: I have two questions. One, your Plan of Operation, it says that you are going to have the orange balls for ground and air safety, including guide wires. In your contract, Section 6, you put on there shall have the right but not the obligation to place appropriate markers balls and location size and number. Which one is it?

R. Brown: In our Plan of Operations that is what we are going to install. In some cases we build into the lease when the landowner really doesn't want it out there and has a strong objection to it we wouldn't do it but it is our standard operating procedure to install the balls and also to install our orange snow fence around the anchors themselves, to make it very obvious when folks are out there farming.

L. Deguise: That is why I asked because I know it is a farm field and a combine depends on what time of the day it is, may not see that guide wire.

R. Brown: Exactly. So we have agreements with both landowners to install orange balls and also the orange fencing.

L. Deguise: Second and last question, I am assuming you do some type of engineering test to make sure that your guide wire anchors are sufficient strength given that it is a farm field?

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R. Brown: Absolutely, the firm that installs it for us has certified drawings and also testing of the location. This is done across the country. There are thousands of these towers up and they've really got it down as far as the depth of the anchors and depends on the soil types they might have to add some additional concrete or things like that to strengthen the site but generally it's the standard soils like we have here would be fine.

L. Deguise: I love the wind farm project, don't get me wrong, I'm just asking as a matter of safety.

R. Brown: No, absolutely. It's a good question.

L. Deguise: The guys who install this obviously have to be certified to do this type of work. They can't just run out in the field and throw up a big pole. So I am assuming they have some kind of equipment that would measure the resistance of that anchor.

R. Brown: Exactly and like I said there is also a certified standard procedure in our industry to install these towers and how it is done.

L. Deguise: Okay, the only questions I had.

V. Chr. Clevenger: What kind of results are you getting out of the two that you've got up?

R. Brown: That's a very good question. For wind speed, wind varies greatly from night to day and also from season to season so just a handful of months of data is only somewhat informational to us. Really you need 12 months of information before you can really make a strong analysis and make some business decisions. Right now we are at close to 5 months of information on our first two towers and our meteorologist is actually doing the preliminary analysis comparing this site to other sites that we have in the Midwest and I am actually hoping to get those results in the next couple weeks. We are feeling very good in other aspects, our aviation studies, our landowner lease sign ups, and our land acquisition is really heating up and going very well. We are feeling good about it.

V. Chr. Clevenger: He has got two up and I happen to know where both of them are and I will agree, he has put fences around them and guide wires and the orange balls. If you look you can see them. One is on Sickel's and the other is on Miller's and they are very easy to see from the road.

R. Brown: As a standard process we ask the farmers to not farm underneath the guide wires. They can back up to the guide wires but our lawyers...

V. Chr. Clevenger: Millers farmed right around them.

R. Brown: You can drive around them, exactly.

V. Chr. Clevenger: Does any of the other board members have any questions? Anybody in the audience have any questions? I am open for a motion to take action then.

B. Davis: So moved.

L. Deguise: Second.

V. Chr. Clevenger: Thank you. All in favor say aye. "Ayes". Opposed (none). I am looking for a motion for a roll call vote.

R. Hoover: So moved.

L. Deguise: Second.

V. Chr. Clevenger: All in favor of the motion say aye. "Ayes". Opposed (none).

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

C. Flatter: Okay Ryan. Go on with the next one.

BZA 2008-37-CU (Horizon Wind Energy, LLC)

R. Brown: Okay thank you very much. The next application is the exact application just at a different location. This location is access on 150 South between 300 West and 400 West in White River Township. We are trying to get a good coverage for the whole project area. We've got two test towers in Washington Township north and south and we've got a test tower application for White River – West, which would be our northern project area and then Joe Jennings, who we just talked about, his location would be sort of in the southwest of the project area so we are trying to get good coverage. The same kind of tower here you can see in our map, we have mapped out the distance from the nearest locations. Trent Kritsch is the land owner who we've come to agreement with to install the test tower. About 1,000 feet away from his hog barns, which are located to the west and over a ¼ of a mile away from the home off to the northeast there, basically, the same application, one hundred ninety-seven feet tall and a temporary meteorological tower that will be used to collect wind data.

V. Chr. Clevenger: I think there are no questions to ask.

C. Addington: You going to do it right away?

R. Brown: Both of these would ideally be installed by the end of the year so we can collect 12 months of data next year.

V. Chr. Clevenger: I am looking for a motion to take action.

R. Hoover: So moved.

L. Deguise: Second.

V. Chr. Clevenger: All those in favor say aye. "Ayes". Opposed (none). I need a motion for a roll call vote.

B. Davis: So moved.

C. Starbuck: Second.

V. Chr. Clevenger: All those in favor say aye. "Ayes". Opposed (none). Jamie we are ready for a roll call vote.

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

R. Brown: Thank you very much. Can I kind of just add one thing? I understand that some folks are going to visit a wind farm tomorrow?

C. Flatter: We are going to Benton County on Thursday. I am getting really excited because I got on line a couple days ago and I saw their schematic of putting the towers up and I am anxious to talk to their representatives from their county government to see, because they have 80 towers up now, up and functioning and another 296, I believe, or close.....

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R. Brown: 222 I think.

C. Flatter: And so

R. Hoover: Where is this at?

C. Flatter: Benton County, the county just north of Lafayette. We are going to get their take on how they thought it was from when they started and maybe what they should do differently from after they saw the company coming in and working. We are real excited about it.

R. Brown: A competitor of ours built that wind farm. We plan to build a wind farm just east of there in White County beginning next year, so that is going to be happening here very quickly.

C. Flatter: Probably make some road trips there too.

R. Brown: We'd love to host you. Good luck. Bring a winter coat.

C. Flatter: Thank you. We will probably see you in a few days to get your permit then.

R. Brown: Yes you will. Thank you.

The meeting adjourned at 7:40 PM.

THE NEXT REGULARLY SCHEDULED MEETING IS JANUARY 26, 2009 AT 7 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