

**BZA MINUTES**

**MAY 19, 2008**

Members present: Dale Clevenger, Charles Addington, Christy Starbuck, Bill Davis, Gary Moore, Roger Hoover.

Members absent: James Trautman.

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

Legal representative: Bob Oliver.

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 thing on the agenda is to approve the minutes of the February 25<sup>th</sup> meeting as written or are there any corrections, additions or deletions? Do I have a motion to approve them?

R. Hoover: I will make that motion.

G. Moore: I will second that.

V. Chr. Clevenger: Thank you. We will start this meeting. The petitioners will come up and tell us what they want to do. The board members will then have the opportunity to question them and then those against it or opposition will be able to voice their opinion and then the petitioner will come back up and can answer the questions. We are going to put the Randolph County petition on last because it will take a little more time, I think.

**BZA 2008-9-CU (Horizon Wind Energy)**

V. Chr. Clevenger: Please come forward and state your name. Did you get Article V?

R. Brown: Excuse me?

C. Flatter: Article V, Conduct of Hearing, he wants to know if you received that?

R. Brown: Yes I have received a copy of that.

V. Chr. Clevenger: Was it published in a timely manner?

J. Stump: Yes.

V. Chr. Clevenger: The letters were sent and received?

J. Stump: Yes.

V. Chr. Clevenger: Go ahead.

R. Brown: My name is Ryan Brown, Project Manager for Horizon Wind Energy for a renewable energy development company. Particularly we work in wind energy. We are looking to, as an important part in our process of developing a wind farm here in Randolph County, a wind to electricity project. One of the first key steps is to install test towers, which we call meteorological towers.

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R. Brown: The towers look a bit like small cell towers. They are temporary towers that we put out to collect wind speed and wind direction data for somewhere between 2 and 6 years depending on how much data we collect and then different market forces but we are working with two different land owners. Back to back cases here. Both land owners have agreed to work with us to install these test towers on their land. They are very un-intrusive as far as very few moving parts. It's a tower that measures just short of 200 feet tall. It has 4 sets of guide wires that come off and basically we will move those towers, the towers don't have foundations, we will remove those towers and any other equipment out when the project gets into the construction phase. We expect that to happen within the next couple of years. Basically the goal is to collect wind data as further analysis in deciding whether or not to build a wind farm in the southwest corner of Randolph County.

V. Chr. Clevenger: When do you plan on installing these?

R. Brown: We plan to move ahead with installation within a couple of weeks of approval, well when we receive approval. We hope to have them installed by the end of June at the latest.

V. Chr. Clevenger: How long will they be up?

R. Brown: They will be up for a minimum of 2 years up to a maximum of 6 years. It really depends on the development cycle but recently because of such high demand for wind energy right now projects are being developed at a faster pace and so we have several examples here in Indiana where we've had towers up for just a little less than 2 years when we moved to construction. On the low end it would be 2 years possibly more.

V. Chr. Clevenger: Board members do you have any questions?

C. Addington: Do you have any in operation now?

R. Brown: Yes we have 4 towers installed in a project on the border of White County and Benton County and we are in the process of getting approval of getting another tower in Howard County.

C. Addington: Are there any locally?

R. Brown: Locally there are towers. They are not ours.

C. Addington: We've approved a few of them but I have never heard anything back on them.

R. Brown: I believe Indiana Michigan Power has a few installed in the area and I believe Florida Power and Light has one in the south.

R. Hoover: You said you had the guide wires, how far out? 580 feet? Am I looking at the right one? Are these still on the property owners that the towers are on or can they go into somebody else's property is what I am getting at?

R. Brown: The towers are being placed, again they are 197 feet tall, the guide wires reach out maximum 167 feet from the base and so they are being set back at a distance where they, if an event were to occur where the tower would come down it would not land on anyone else's land. It is also properly set back from power lines and roads which is just good industry practice.

R. Hoover: I was looking at the wrong map. I was looking at the lines drawn, sorry about that.

R. Brown: It's okay, it was a good question.

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V. Chr. Clevenger: Are there any other questions? Is there anybody here in opposition?

C. Flatter: Ryan just so we have it on record could you give us the locations, the two separate locations. I think basically the two hearings are the same BZA 2008-9-CU the property owners are Ned & Jo Ellen Sickels and BZA 2008-10-CU, the property owners are Mark A. & Jane M. Miller so if you can give us the locations of the two so that we have them on the record.

R. Brown: Sure, for the record the first tower is located on Mark & Jane Millers land at 1739 W. 700 South. It is actually in a location just across the street from the residence. It doesn't have an address attached to that location specifically but it is parcel #009-001-76-00. The second location is going to be located on ground owned by Ned & Jo Ellen Sickels and that location has a street address of 4021 S. 200 West, parcel 009-005-93-01.

V. Chr. Clevenger: Can we take action on both of them?

B. Oliver: No.

C. Flatter: Separate

B. Oliver: He can adopt his testimony if he would like for the second case but only one case was called.

V. Chr. Clevenger: The first one we called was on Ned Sickels. Do I have a motion to take action.

G. Moore: I will make a motion to take action.

C. Starbuck: Second.

V. Chr. Clevenger: Do I have a motion for a roll call vote?

B. Davis: So moved.

G. Moore: Second.

V. Chr. Clevenger: All those in favor say aye. "Ayes". Opposed (none). Jamie.

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

C. Flatter: The petition has been approved Ryan.

V. Chr. Clevenger: Do I have a motion to take action on BZA 2008-10-CU, which is on Miller, which is the same thing only a different location.

R. Hoover: I'll make that motion.

C. Addington: Second.

B. Oliver: Just so we have it on record you adopt your testimony that you just previously gave into this case, is that correct?

R. Brown: Yes I adopt my testimony from the previous case to this case.

V. Chr. Clevenger: Do I have a motion for a roll call vote?

G. Moore: So moved.

C. Starbuck: Second.

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

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

C. Flatter: Ryan you just have to come in and get your permits.

R. Brown: Thank you very much.

V. Chr. Clevenger: Thank you.

BZA 2008-11-V (John & Vickie Phistner)

V. Chr. Clevenger: The next item on the agenda is BZA 2008-11-V for John and Vickie Phistner. Is that right?

C. Flatter: Yes it is.

V. Chr. Clevenger: Have the letters been sent and returned Jamie?

J. Stump: Yes.

V. Chr. Clevenger: Did you receive an Article V?

V. Phistner: Yes.

C. Flatter: Vickie filed the paper work so yes she did.

S. Myers: I am just here on their behalf. My name is Suzan Myers and I am an attorney for them. This is John Phistner and Vickie Phistner.

V. Chr. Clevenger: See if you can give him the microphone Suzan.

S. Myers: They are requesting for a variance to build an 8 foot privacy fence on the east side of their property, which is located at 1482 N. Harbours Dr. in Winchester.

V. Chr. Clevenger: Do you want to go into detail on that?

S. Myers: They are just requesting this for privacy purposes. It is not with any purpose to deter the value of their neighbor. They would not detract in any way from the neighbors ability to have access and visibility to get out of their property. There just have been some incidents with their neighbors that they feel that they would like to have a privacy fence and they would need one that would be taller than what the zoning ordinance currently allows. So they are asking for the variance for an 8 foot fence.

V. Chr. Clevenger: What is allowed on that?

C. Flatter: Six foot is what is allowed by the Zoning Ordinance.

V. Chr. Clevenger: Do the board members have any questions?

C. Flatter: Your neighbor is still going to have plenty of vision, able to see when he is pulling in or out of his driveway going either direction?

J. Phistner: Yes.

C. Flatter: The Phistner's did have a survey of the property so they know exactly where the property lines are located. That is included in your packet.

V. Chr. Clevenger: Do any of the board members have any more questions? Is there anybody here in opposition? Anyone in support of the petition? If not I will entertain a motion to take action.

G. Moore: So moved.

B. Davis: Second.

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

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C. Starbuck: So moved.  
G. Moore: Second.  
V. Chr. Clevenger: Thank you. Jamie.

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

C. Flatter: Everything is fine. Go ahead and build your fence.  
J. Phistner: Thank you very much.

BZA 2008-7-V (Randolph County Commissioners)

V. Chr. Clevenger: Next item on the agenda is the Randolph County Commissioners with a variance. Were the letters sent and received and the notice in the newspaper?

J. Stump: Yes they were.  
V. Chr. Clevenger: Did you get the Article V?  
J. Tanner: Yes I did.

V. Chr. Clevenger: Go ahead and present to the board what you want.

J. Tanner: I am John Tanner, attorney for the Commissioners. I have Lester Shepler and Ron Ross, who is the architect and he is going to be our Project Manager on the work to be done at the Courthouse. I believe you all have a drawing in your file about what the county has proposed doing and where the building is and we are going to have to ask for a variance anywhere from 10 to 15 to 20 feet, I think it is.

R. Ross: It is a reduction of the setback requirement from the street, the 6 foot 4 inches.

C. Flatter: That's at the closest point?

R. Ross: That is at the closest point yes. It'd be about half the length of the exterior walls would be 6' 4" in the right-of-way.

V. Chr. Clevenger: State your name please.

R. Ross: I am sorry, Ron Ross with Martin and Riley Architects and Engineers. As Mr. Tanner mentioned we are the Project Architects for the job. As I was explaining about half of the length of the exterior walls within 6'4" of the right-of-way line, the balance of the southern exterior wall is within 10' 4" of the southern most right-of-way line. When the Board of Commissioners were weighing several considerations and contemplating the addition to the Randolph County Courthouse, a couple of considerations were an effort to mitigate construction cost by reducing the actual footprint that the building would create. Secondly considering preserving as much green space on the Courthouse Square as could be possible while accommodating the special requirements of the expansion. So in doing so, in considering all those different options the Commissioners arrived at a two-story addition to the southern side of the existing courthouse.

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R. Ross: Attempts have been made within the design of the building to soften some of the impact that it makes on the street side of its exposure while remaining reminiscent to the architecture of the original building and that is evidenced in some of the off-sets that are occurring specifically on the east, west and south side of the building and making an effort to try to diminish the scale of that building to bring that elevation specifically to bring it more to a human scale. I'd be happy to answer any technical questions you may have about the site or the site plan.

C. Starbuck: So at it's closest point to the sidewalk is how many feet?

R. Ross: 6' 4".

C. Starbuck: Okay.

C. Flatter: The way I am looking at this site plan Ron, that would be the very southwest side and southeast side where you have those two offsets right?

R. Ross: That is correct.

V. Chr. Clevenger: Does any other board members have any questions?

G. Moore: You don't have any other photos or computer drawings of what it would look like?

R. Ross: Yes I do.

B. Oliver: Are those all bound together in one....

R. Ross: Yes.

B. Oliver: Okay because you will be putting it into evidence if its displayed for the hearing.

R. Ross: I might want to tear a page or two out. I made some notes on it as a result of some meetings we've had today.

B. Oliver: Okay, if we can get those replaced after you take them out that would be fine.

R. Ross: If you are looking for building elevations specifically, which is ....

C. Flatter: I think that is probably all we need. You've got mechanical and everything else in there right?

R. Ross: Right.

C. Flatter: We don't need that.

B. Oliver: Whatever he has to make reference to.

C. Flatter: If you could just pull out the site plans and the elevation drawings for us, is what we will keep because we don't need mechanicals and other things like that.

R. Ross: This is the east end elevation of the building. I'll try to break it down in the simplest form. This is the existing courthouse. This is the proposed clock-tower addition. This is the proposed mansard reconstruction and this element is the addition to the building. Again with the proposed mansard is a reminiscent of the original mansard

R. Hoover: This is the new one on the right?

R. Ross: Yes. This is the addition.

C. Flatter: Ron do you have a south elevation drawing?

R. Ross: This would be the south elevation.

C. Flatter: That is just what I wanted to see.

R. Ross: These are the off-sets that we are talking about. These projections are within 6' 4" of the public right-of-way then.....

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C. Flatter: What is the width of each of those off-sets Ron?

R. Ross: 24 – 24- 48. This is the recess with windows in it that line up with the original windows where we are making the connection and the window shape is very reminiscent of the original windows that are there.

J. Tanner: This side and this side is within the size of the old courthouse. It is not taking off the north the east and the west.

C. Flatter: You will still be able to see that small portion of the original courthouse.

R. Ross: You can see the corner of the original courthouse on each end, sort of peeking around the corner.

J. Tanner: This is what he is talking about that looks like the windows do now. Similar.

R. Ross: Can I lay these over here? These are the two projections that we've made reference to here and here. These two projections are within 6' 4" of the property line and this area is the recessed area or what will be this right along in here.

G. Moore: This is south on the drawing then right?

R. Ross: Yes.

G. Moore: You have to move the tank?

R. Ross: Yes we do have to move the tank. This is actually the original courthouse peeking around the corner both here and here so the length of the addition is no greater than the length of the current courthouse.

C. Starbuck: Can you repeat what you said in reference to the tank? I didn't hear that.

R. Ross: We have to relocate the tank to the west side.

C. Starbuck: I was trying to figure out where it was at?

R. Ross: South is down on the drawing. We have a variety of different site plans here but the site plan you were submitted in your original application tell the best dimensions. Mine gives the construction details and such.

C. Flatter: Does anybody want to see the site plan he has? He is saying the one you have in your packet is probably better and has the information that you need versus what they have on your drawing.

V. Chr. Clevenger: Board members, have any other questions?

J. Tanner: I want to point out that the monuments that are there will also remain there. The tank will be moved on the west side as to it being where it is now and the gun, doughboy and everything will be the same.

R. Ross: Even the original bell is going to be incorporated into the site plan. It will be relocated.

V. Chr. Clevenger: Board members do you have any questions? Is there anyone here that is opposed to it that wants to come forward?

C. Flatter: If you gentlemen want to just move back and take your seats and let everybody that wants to speak have the opportunity and then we will bring you back up to the table.

C. Loney: Hi, my name is Chip Loney and I have been asked by Mike Wickersham to read a prepared statement.

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C. Loney: Mike's son Lucas broke his ankle this afternoon, they think, so they are at Henry County Sports Med, so with two practices left in his High School career, he is done for the track season. So if it is okay, I will read the statement. "The petitioner needs to prove that this variance will not be injurious to the public health, safety, morals and general welfare of the community. It is my opinion and I hope that you will agree that this variance will be injurious to the general welfare of the community. Let me say that the community that this variance affects is Winchester. It does not affect Ridgeville or Franklin Township. It does not affect Modoc or Losantville, Huntsville or Union Township and does not affect Union City. It affects Winchester and only Winchester. The Courthouse is in Winchester and this annex affects Winchester. Will this annex be injurious to the general welfare of Winchester? To me general welfare means, the good fortune, health, happiness and prosperity of the entire Winchester community. Everybody in Winchester benefits from the Town Square. The Town Square, in a sense, defines who we are. The Town Square adds to the attractiveness and appeal of Winchester. The Town Square attracts businesses, shoppers, visitors and the citizens of Winchester. I am of the opinion that this annex taking up most of the entire south lawn of the courthouse square and placing the courthouse out of center in that square will destroy the town square and be injurious to the general welfare of the Winchester Community. Secondly the petitioner needs to prove that the use and value of the area adjacent to the property will not be affected in a substantially adverse manner. Will the adjacent property be affected in a substantially adverse manner? It is my opinion that this annex being built on the south side or any side will have a substantially adverse affect to the adjacent properties. The Courthouse is centered in the square and the square is centered. Adding the extension to any side will put it out of balance. This will make the square less attractive and less appealing to business owners, tenants, shoppers, visitors and the general citizens of Winchester. If the square is less attractive and less appealing it will have an unfavorable adverse affect manner on those businesses that are here and for those that might want to come. Third and finally, the petitioner needs to prove that if they are not granted this variance then the result will be that and the petitioner will incur practical difficulties in the use of the property. Will the strict application of the provisions of the Zoning Ordinance result in practical difficulties in the use of the property? It is my opinion that strict enforcement of the ordinance will not result in practical difficulties. Practical is defined as adapted or designed for actual use or incline toward or fitted for actual work or useful activities and difficult is not easily or readily done. The Courthouse was designed and built by the petitioner and their predecessors in the center of the square. If the petitioners predecessors had intended to extend the courthouse in any one direction and uses any of the grass for building I submit that they would have built it off center in the first place so that an extension could be added without destroying the attractiveness and the appeal of the town square. Our courthouse was designed and built with the grass around the building with intention to maintain the green space on each side of the square. The areas around the court, the lawn were designed and intended to be open spaces. That is why the courthouse was built in the center of the square. If there are any practical difficulties in the situation, it is not the Zoning Ordinance that created them."

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C. Loney: "It is a lack of maintenance to the courthouse over the last 2 decades that have created the practical difficulties. Now the petitioner is asking the citizens of Winchester to pay the price by destroying our town square because of the condition of the Courthouse. The petitioner can solve its building problems in a variety of other ways without destroying the town square. It is my opinion that the petitioner has not proved its case for a variance and that you must deny this request for a variance based on the lack of evidence provided. Thank you for your time and your consideration."

V. Chr. Clevenger: Thank you. Anyone else want to come forward?

D. Matchett: Mine is going to take a little while so if somebody wants to go and speak you might want to go ahead. My name is Don Matchett and I live at 247 E. Franklin Street in Winchester. I need to make a disclaimer, I guess right at the beginning, I happen to be the President of the Randolph County Building Corporation, which we own the building, which is the entity that represents Randolph County and the ownership of that building and I think it has to do with the bonding issue. I want everyone to understand that anything that I say here tonight has nothing to do with my responsibilities with that organization nor do I represent any of the opinions of anyone else connected with that organization or Randolph County Government. Everything I say tonight is of my own opinion. My wife and I, who is seated back there, are the owners of 105-107 W. Franklin Street. Pretty much ground zero for this project for the last 10 years and one thing that Chip failed to mention, Wick's Pies owns the building that is right dead square center on the south side of the courthouse square. I am President of Matchett and Company which owns Matchett and Ward Insurance, which is a business that operates at 107 W. Franklin Street. I have been operating a business on the downtown square for 35 years. It is hard for me to imagine that I am actually, I believe, the most senior person, longest tenure in business on that courthouse square so I guess I have a lot at stake in this case. The case I am about to make is not about an abstract thinking or ideas from some distant party organization, what you are going to hear are things that are real, real people, real money, real events and I hope a real future. This is about people with skin in the game, and when I say that I mean all the citizens of Randolph County have skin in this game. The business in hand tonight, this is not a referendum on the old courthouse and what should be done with it, that has been well discussed and well articulated and hashed over in other things. That is for other forums. This referendum is not about the overall cost of this project and how it is being funded and I know that is a sore point with a lot of people but that is not what we are here to discuss. Not at issue is the amount of money and time the county has put forth in leading up to this evenings proceedings. I honestly don't know why they have spent all the money before they made sure they had proper clearing on the zoning. The issue is a variance is being requested by the Randolph County Government because the structure they are wanting to build on the south side of the courthouse square would be in violation to their own Unified Zoning Ordinance, which is kind of odd isn't it? The issues in my mind are how this request for a variance and the proper use of this land affects the general welfare of this community. How this use will affect the adjacent properties in a substantially adverse manner and the strict enforcement of the zoning ordinance will not result in practical difficulties.

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D. Matchett: We've heard that before, in the using of the courthouse property and the denying the request, although being an inconvenience will not disallow the best use of the property that this practical difficulty was caused by the petitioning party. The future use of the land involved in this request is quite critical, not just to the adjoining property owners but to the citizens of Winchester and Randolph County. Bear with me but it is important to understand where I am coming from. Sometimes you may think that I am wandering away from the issue but please trust me I am not and in the end you will see how it all fits together. Also I will mention me a lot. Something I really don't like to do but I need to because the things I'm going to use tonight are things for which I have direct knowledge of because of my direct involvement. Again, real people, real events, real things and real money. I am going to talk about several on going community activities that most citizens here tonight will have little prior knowledge. I don't really want to discuss some of these because they are current stage of development but the issue is too important. I do hope that what you all hear regardless of where you stand on this issue, makes you feel better about where we all live and what the future hopefully holds for us all. Think about this green space in terms of how it will be used in the future time if what I am about to tell you comes to pass and not necessarily how it is currently being used or maintained. This is how for the first time in many years we can fit the pieces of economic and community development puzzle together. I have been involved in some events that when you see this all pieced together you will understand how this little piece of green space on the south side of the courthouse square fits in. Everyone here will understand it. Several years ago Errol Klem who is sitting in this room got me involved in a group with 4 other individuals and myself and it was called Winchester Investment Group, LLC. The purpose of that group that Errol convinced me to do was to help businesses get started up. Where there was need for gap financing and things like that that banks wouldn't be involved in. And to this date I think we've been involved in 3 projects, would that be right? And all 3 projects were on the courthouse square. In 1998 I happened to be the president of the Winchester Chamber of Commerce and a couple of things that I had as goals that year were downtown development and we had a special group assigned to that chamber that year which was, and it was headed by Joe Pierce, who was at Randolph County bank at that time, that was to work on downtown redevelopment and issues connected with that and one of the main things they worked on that year was the redoing of State Road 32 thru downtown Winchester and the street scaping and the sidewalks and everything that went with that project. That committee has evolved into Winchester Main Street which is an important group that works with the development and the maintenance of downtown Winchester. Also that year I had an idea to start a Christmas Festival and Nancy McFarland took charge of that. That Christmas Festival that year maybe due to spectacular weather was spectacular in itself. That is the most people I have ever seen downtown in this community at one time since I've lived here. The Courthouse square was an important part of that event. All sides of the courthouse were used and packed with people, the way it should be. It may seem like I am straying but you will see how this all ties together. In Spring of 2006 Mr. Klem again, enticed me to get involved in a project that turned out to be Randolph Inn & Suites.

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D. Matchett: There are 22 individuals or people that are connected to this community in some way shape or form that are the owners of that facility. All the people involved in that project and I've been to a lot of meetings, did it for the well being of this community, spending millions of dollars and the subject of making money or what kind of return we are going to get has never ever been part of any discussion. It was what can we do to revitalize this community? And it has, it has had a major impact. It is doing very well. There are 15 people that work inside that facility. Those people that come and stay here spend money, not just at our hotel. They eat here. They spend money in other businesses. It has a positive economic impact on this community. Back last year, a man came to me and said that he was part of an organization that had not done much in the way of investing in Winchester as a community and he said, "Do you think you can get a group of people together that are doers, not just talking and debating subjects but that would actually get something accomplished? Do you think you could get some people like that? I could meet with them and we could hash around some projects that aren't being taken care of or funded in any way." I said I would give it a try and I think there are 8 or 9 of us that began meeting and hashing around projects directly connected with Winchester as to what could we do here to enhance the economic viability and the quality of life in this community. We basically boil it down to 4 projects. One of the projects actually involved a thing that the City.... The City of Winchester has actually picked up on two of those projects. One of them is as you have seen in the paper the redoing of sidewalks, where they are starting a program where they will co-op with people in building sidewalks in this community that are in horrible shape and the idea behind that are to get them fixed up and get people out walking and moving around in the community, exercising and being able to get to the downtown area and all those kinds of things. One of the other projects was a rail-trail project similar to, as he knows I was involved in the rail-trail project in Union City, the Gateway project. A rail-trail project in Winchester and the city has had a group of students from Rose Hulman University that have come here and done a study on building a rail-trail from Goodrich Park on the north side extending through the town to Camp Yale on the south so it is about 3 miles of trail and that is obviously kind of in the development stage to. The project that we ended up settling on was the re-landscaping along United States 27 from an area south of Wal Mart to probably as far north as Union City Pike. The whole goal of this project is to U.S. 27 is the main artery that goes through Randolph County. It's the way most people from the outside have a view of Winchester and Randolph County. What we want to do with this project is say something about our community. Say something in such a way that some stranger going down U.S. 27 would say, "Wow, this looks like a pretty neat place, I might stop here", and it might be from flowers, to shrubbery to particular things we may put out there and we don't know exactly what it would be that will do this, that will make people, it is the "wow" factor that make people want to that trip or the next trip by want to stop and spend some time in this community. We've applied for a grant from this organization that asked us to do it, a \$50,000.00 grant. We should be hearing within the next day or so whether that grant was awarded. From that grant, we go on to the Indiana Department of Transportation to apply for a grant that, we have to make the grant by the end of June or sometime time in early August to do this project.

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D. Matchett: The state seems to have bought into it and we are pretty excited about it. One of the things we did early on was meet with every property owner and invite them to a meeting along that entire length to get their input and they were all supportive of the project and think it is a great idea. On January 24<sup>th</sup> Kirsten Oswalt, who is our Tourism Director in Randolph County invited me to go to a meeting that was put on by the Indiana Department of Tourism at Connor Prairie, in which Roger Brooks was the speaker. Roger Brooks is a guru on Destination Development, turning your community into a place where people from the outside would want to go and I've always kind of thought about that a little bit over time and we have some neat things here but who'd want to come and see these things? After spending 4 hours with Roger Brooks and listening to him that day, I came away convinced, riding home in the car, we can be a destination. Some of his ideas, he deals with all kinds of things from branding your community, giving it a name that people will recognize, where as soon as you say Winchester, Indiana they know it means a certain thing, signage, streetscapes, attractions and all those kinds of things. I came back and talked to several people about it. The State had already awarded 5 grants to other communities for Destination Development, Roger Brooks company to do assessments of those communities where they will come in and look at what assets the community has, what things are doing right, what things are doing wrong and trust me, most everything we do is not very good, including some things I've done in my own business in the way of signage and things like that. But his company was looked to do this for 5 communities in Indiana and the State gave those communities a \$5,000.00 grant and the communities came up with \$10,000.00 themselves. I came back and said, "Well it is too late I suppose to get into that but if we could get this guy here everybody could here the same sermon that I heard that we really can be a destination, we just have to tie these pieces of puzzle together. Now when you become a destination one of the things I failed to mention was you go from people that come to our community to Silver Towne or Wick's Pies or whatever and they come for 2 hours, you turn those 2 hour visits into overnight visits. You turn those overnight visits into 2 or 3 day visits, all of which have tremendous economic impact on your communities. Kirsten actually contacted I think both Destination Development and Indiana Department of Tourism. They, after the fact, gave us another \$5,000.00 grant, if we could come up with \$10,000.00 for them to come and do an assessment on Randolph County. So they are coming, this summer, this company to do an assessment on Randolph County. On September 15<sup>th</sup> at the High School Auditorium and I hope everyone in this room will be there, Roger Brooks himself will be here to talk about how we should tie all of this together, how we should do our branding, what things our community needs to do. He will set us on a path towards becoming a destination. Something I truly believe we can do. One of the things he is going to say when he is here is that the downtown area is the heart of any community and when he looks at Winchester and he would have some interesting observations if he was here tonight at this very meeting. He talks about a 10-10-10 rule and what you have to shoot for when you are doing downtown development. That is 10 eating establishments, 10 tourist type establishments, 10 tourist type retail establishments and 10 businesses that are open after 6 PM because most tourist dollars are actually spent in the evening in a community.

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D. Matchett: We've got a long way to go in those regards and it won't happen overnight. All of this won't be achieved in any kind of short period of time. In fact, I asked him the question at that meeting that day, "What kind of time frame are you looking at for your community to get itself up to speed and get yourself to where you have all these things you need for a destination?" He said, "Six or seven years". It takes time. Roger has a lot to say about downtown green space, the gathering area and what activities take place on those downtown green spaces. One of the things he says at the meeting is, "Do your own citizens of your community spend time in your downtown area? Particularly in the evenings?" We all know the answer to that don't we? And going on, he says, "If those people don't come down and spend time in your downtown area, what in the world would make you think tourist would want to do that?" So the thing we have to do as a community is totally change how we do things. What activities there are for people downtown in Winchester, Indiana, so when I talk about the use of this green space for community gatherings, for all those kinds of things, that is what I am talking about. We have to come up with good things, good activities, good reasons. Landscaped in a proper way for people to come down and enjoy our community. If we do that, if we have the retail and the restaurants and the activities and those kinds of things for our own citizens to come down here, we are going to attract people downtown from the outside. I'm going to read something if I can find it here. This is from Roger Brooks own website. Downtowns are critical to the excess of any tourism industry. The fastest growing industry in the U.S. and North America is tourism. It's the fast growing industry in all 50 states, in fact, it is \$700 billion industry annually in the United States alone. The number one diversionary activity for visitors in the world is shopping, dining and entertainment in a pedestrian friendly, intimate setting. This is where a full 80% of all visitors spending takes place. Why do you think Disney built downtown Disney right outside Disney World? To capture that 80 %. The heart and soul of any community besides its people is its downtown. It is the lit ness test for the health of a community but is a place where locals hang out. But is it a place where locals hang out spending time after work on weekends? If not then it is not necessarily healthy. Italy is the worlds most popular tourist destination. Nearly every single town in the country wraps around a plaza, a gathering place reigned with restaurants, destination retail shops and every plaza includes activities, artisans in action, musicians, performers and fountains. These gathering areas have worked incredibly well for more than 2,000 years, yet most communities in the U.S. still don't get it. We build our culture around transportation instead of around people. People want vibrant downtowns but since most cities can't get their acts together developers haven't seen great opportunities and are building lifestyle retail centers around the country complete with plaza areas, entertainment, outdoor dining, carefully chosen mix of business all open while into the evening hours. "Bring Downtown to Life" should be the mantra of every downtown organization. A good example of what he's talking about, we have been seeing it developed over the last couple of years as Hamilton Common. That is the way the world is going is to that kind of shopping center, not the big enclosed mall. They are spending millions of dollars to look like downtown Winchester or what downtown Winchester could look like. We naturally have it here. I am long winded aren't I?

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D. Matchett: The group of people, I think it was Errol and maybe Chris Lay, went to Vive last year sometime and on February 21<sup>st</sup>, David Adaway from Vive came to speak at the Beeson Clubhouse in Winchester. They are involved with revitalizing Vive, the county seat of Switzerland County. He talked about some of the things that they are doing there that are really pretty cool. They are acquiring large, old maybe even abandoned mercantile buildings and turning them into places. One of the buildings, I think, he said they had 67 local artisans that use artisans products inside Switzerland County and those products are being displayed in this mercantile building and it is going great guns. They have another building that has small shops that might be where a person has an individual business, a tourist type business but they don't have enough business to have a full retail building but they put them in this building where they can all congregate together. It was a tough start for them when they began this project but now the local citizens and other business people have bought into this and now there are all these other activity taking place because they gave it this initial start. They've also began all kinds of community activities to draw people downtown. They have special nights with special events and so far so good in that experience. After that meeting on that next Saturday I met with a fellow named Terry Hunsucker and maybe some of you may know him and some of you may not. He was originally from Winchester and grew up here then moved away. He has been an Executive with Mars Corporation. He lives in Texas but he has great care for the community where he grew up and he has some financial where withal to back up some of those feelings but the main things is he has the care about that. He was at that meeting at Beeson Clubhouse and on that Saturday we sat down and discussed different issues of what could be done, what investment could be made and how would you get a group of people together to do this kind of stuff and batted around and came up with some pretty good ideas of organizing this in a way where we could get a group of business people to go together again and chip in certain amounts of money and try to acquire buildings and redoing facades and creating the same kind of thing that they've been doing in Vive. I'm also a part of a tourism and promotion group that meets on the third Fridays at D & J Restaurant and what's unique about that in my experience in Randolph County, is that we have people from Farmland, Winchester and from Union City that are involved in community projects and artisans and business and this kind of thing who meet together and talk about what's going on in their communities and what events are coming up. What new things are happening? What's important about that is that we are all working together. It all ties together. On Friday May 9<sup>th</sup> we had a meeting at Randolph Inn & Suite where county governmental officials were invited there along with everyone who would be affected by an inn keepers tax. Inn keepers tax, most of you pay it if you travel anywhere is a 5% added to a bill at any kind of like Randolph Inn & Suites or a Bed and Breakfast or whatever. We are estimating that that tax would generate somewhere between \$50-70,000.00 a year. That tax has to actually be approved by the county council, I believe, to go into affect. It is actually levied on people outside of Randolph County. It is not going to affect the citizens who actually live here I guess unless you stay at Randolph Inn & Suites, which I hope you do. All the surrounding counties have this tax now. We as the ownership of Randolph Inn & Suites totally support the tax if the tax is used to develop and promote tourism.

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D. Matchett: If it is used for things that aren't currently funded now or being funded, should be better funded in other ways. Long winded but I hope you see how all these things together fit together for the future of what is going on here. These things that I have talked about if they are put in place, will change our community forever, tying it together. The tie together is this, that patch of green space means a lot to all these projects. It is an area that should be enhanced for green space for all the community to use, for Economic Development, for the quality of life for us all. Randolph County for all of its citizens should do their part to enhance the beauty and usefulness of this green space to bring about more economic prosperity and community enjoyment for its citizens. If they will do this more tax dollars will be generated, which in turn will be a benefit to us all. If this space is used properly and things develop as I think they will, the surround building values will increase, not decrease as investors and businesses will pay premium to be located in the center of a thriving area of business activity. That would be using it as it was intended. Our forefathers in their wisdom, when they were plotting out Winchester as the county seat, created this one block area in the center of town for a courthouse square. Thus this space is older and more historic in value then the building that sets on it. The current courthouse was built in the center for a reason, to create a public gathering area for community events. They were smart in this choice. I get asked all the time, "Why has Randolph County Government made the choice to build this annex on the courthouse when there are so many other options?" I don't know for sure but let me put my perceptions to it. In the early 1950's Randolph County Government faced with difficult problems connected with the raging courthouse made a decision to remove the towers and spires that gave the building its beauty and character and they were evidently plagued with structural and maintenance issues. Most everyone I know, looking back on that decision believes this was a tragic error. My belief is that it was done as a matter of convenience. It was simply the easiest solution to a problem at the time. That solution has long term consequences. At the same time Randolph County Government needed more space made a decision to take away any of the interior beauty second floor of the courthouse cut it in tow and added a third floor. This was another decision that I believe was made as a matter of convenience that has had long term consequences. Now faced with many of the same kind of issues connected with the aging building and with problems a building accessibility Randolph County Government has made a choice to build an annex which will cover most of the lawn on the south side of the structure. This decision, I believe, is being made as a matter of convenience. It is the most convenient facts. This decision will also have long term consequences and for all of us in this assembly considering our life spans, this decision is forever. Due they have alternative to doing this? Of course there are many and I have some examples. Over the weekend, I took some pictures of some other courthouse projects. The first one is the Koscuisko County Courthouse. There is their courthouse and what's similar to this is the courthouse is in the center of the courthouse square. Across the street from it they've acquired a property and built an annex for the courthouse. I am going to give these to you so you can all see them. They've built an annex to the courthouse and behind that interestingly enough is their jail or whatever you would call it. It is kind of on the back side of that.

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D. Matchett: Similar kind of thing you could do here, attaching an annex to the vacant property, the vacant lot that the county owns by the jail, if they chose to do that. This is the Whitley County Courthouse in Columbia City and you can see that this is the courthouse. What is interesting about that project and this is the new annex that was just complete, I think, last year. That is actually a block down the street from that courthouse. It is not even on the courthouse square and it is an annex to their courthouse. This is the Henry County Courthouse and most of you maybe have seen this one since it is so close by. A little different then our project, those two courthouses are centered, the old courthouses are centered on the courthouse square and so is it in Henry County the problem there is there square is probably half the size of our square so there isn't a lot of room but what they did there was build across the street, an annex to that courthouse. It's a little different project then what we are doing here. You can pass them around. The one thing about those courthouses I am showing you though, that they don't have in both Warsaw and Columbia City and in New Castle, and you can say this is true in Portland, their courthouse is not the center of their business activity. We have a unique thing here that our courthouse is in the center of the Winchester Business Community and that is the one thing that when I have people from the outside come to my office that is what they remark about, how unique that is that we have that courthouse square. We, all the citizens of Randolph County own this contested space. Only two people out of hundreds who I have had this discussion with about this green space wanted to use it for the purpose of an annex. Those two people are members of county government that made the choice to do this project. The decision you will make is just the effect it will have on adjoining property owners. It is historic space owned by all of our citizens. It is about how it can best be used for the economic revitalization of our community. It is about how it can best be used to enhance the quality of life of our community. It is about the use of this public property and in all our cases it is about forever. Thank you for this opportunity to express my views and I am sorry it took so long.

V. Chr. Clevenger: Does anybody have any questions they want to ask him? Thank you. Is there anyone else?

D. Johnson: I can't talk that long but I am Doyt Johnson and I own 123 W. Franklin St., where I have had Johnson TV and Appliance for 18 years. For the same reasons that Mike and the others object, for our property values, I object also. But I also think that if you are going to wave what seems like a reasonable ordinance, there ought to be a valid reason for doing so, such as advantage to the tax payers and/or county government people. I have never in this process heard any valid arguments that that is the best thing to do or there is an advantage to doing it there as opposed to some place that wouldn't hurt us. As an engineer I never understood why you would even consider building a new building that is going to be there for 100 years and attach it to something that has succeeded its useful life by as much as that old building. That isn't an issue here but just because another group of government has proceeded for something at the time that was illegal is no reason that you can't have a valid argument for doing that. It should benefit the tax payers or the government and I have not heard any arguments that it does either. I'll take a loss. There are several things that happen that hurt business but I would like to see an advantage and I haven't heard it. That is all I will say.

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C. Lay: My name is Chris Lay and my address is 5 Peck Drive in Winchester, Indiana. I have been a resident of Randolph County my whole life and most of the points I have already were made by the people that spoke before me but I did want to reiterate a couple of things. The zoning regulations have been adopted and put in place by elected officials of this county after deliberate and careful research and debate. I feel they should be followed in all but the most extraordinary cases. Variances to the zoning ordinance are not to be made just for the sake of convenience. Zoning regulations have been applied over the years to various citizens of this county, all of whom are owners of this project. Some of those decisions I am quite sure were much to their dismay, were not always perceived to be favorable to that individual, however, reportedly these decisions or rulings have been made for the greater good of all the citizens of Randolph County. A variance to allow the zoning ordinance to be ignored or set aside such as is being asked for in this case by our elected officials, should only be granted in the rarest of instances and then only when there is no credible option. There would seem to be as has been brought up, other credible options. Save the courthouse, remodel and update the offices in the current courthouse, make that a reality. However, other options exist such as building an annex onto the existing jail, create a true justice center, purchase and convert other downtown property to create a government justice center. Obviously these are just a couple of options and others probably exist. The point I want to make is a variance should not be granted unless and until all options are exhausted and that does not seem to be the case in this instance. Some other considerations that I feel could be used to deny this variance request has been state our forefathers made it a square and placed the courthouse in the center for a reason. The annex as proposed destroys the symmetry of that square. One important thing, green space has been deemed so important that it is mandated in almost all development projects in this day and age. Hundreds of thousands of dollars if not millions of dollars are spent in each of these projects to create green space. We already have it so why destroy it? Thank you.

V. Chr. Clevenger: Thank you. Is there anyone else that wants to make a comment?

K. Madler: Yes I will share some thoughts. My name is Ken Madler and I believe I am probably the junior member of building owners downtown and I chose to stay uptown. It is the heartbeat of Winchester. It's the community. I didn't want to relocate out on the new Main Street. This is where things happen. People love coming there and I don't understand why this community would want the great wall of Winchester to go up on this green space. My business fortunately is visible from Highway 32 but those folks on the south side that have their businesses that is not going to be noticed any more. That is gone. An annex that is a liability, it doesn't generate income for the downtown area. It doesn't benefit business owners. You put the Mardi Gras down there, it is great and you take advantage of the green space for a few days but that shuts my business down for three days. I have elderly patience. They won't come see me. Having a big wall surrounding most of that courthouse area there, what invites people to come into this area? I can't see anything. It is just bricks, stone, windows and yeah I've seen that before.

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K. Madler: Down the road they keep going. I just can't understand the benefit of this when there are other options and I think Winchester needs to make a difficult decision and invest money into other options to generate our tax base and make it more viable. Get the money going and build some other businesses and then sink the money into the courthouse and redo the courthouse properly the way it was intended. I just, I have family and I was born and raised in Pittsburg, Pennsylvania and I have family and friends come out here to see this place and they just love being down on the square. They can walk around and the kids can see all this stuff. They don't have that back in Pittsburg. It is all big buildings everywhere and to stick this monstrosity down there you know, that just destroys the destination that has been brought up by everyone. I think it is a bad idea and I would really hope that the board would take all these views into measure and deny this. There is a better option out there. It is just figuring out how to do that. I think it is too premature. Bad decisions have been made in the past and there is no point propagating that. That is my view point on this proposed annex.

V. Chr. Clevenger: Thank you.

T. Batt: I am not even going to sit down. My name is Tom Batt. I think everybody knows me from being uptown on the square for 26 years on the north side. I would just like to say ditto, ditto and ditto to the three or four or five people who spoke before me. I fully agree with the idea that we do not need this monster on the square. That was quick. Thank you.

V. Chr. Clevenger: Is there anyone else?

A. Heuss: I am Allan Heuss from Union City, Indiana. I say ditto again to what has been said. I don't have too much to add but I think there are a lot of people in my community of Union City that would support the denial of this variance because of the statements that have been made this evening and I hope that you will give it fair consideration. Thank you.

V. Chr. Clevenger: Thank you. Is there anyone else?

R. Morris: My name is Robert Morris. I am a property owner at 102 W. Washington Street on the square and I am not in favor of this variance being approved.

V. Chr. Clevenger: Is there anyone else that would like to make a comment?

S. Hawkins: I am Scott Hawkins and I have lived here most of my life and I spent a lot of years on the square. I own a building now about a half a block north of the square. Being on the school board for about 14 years, I have worked with Martin, Riley and Mock Architects on the Baker project and watched this project go up and I think they are very good at what they do. I think they have studied a lot of other alternatives. I am also against the annex. I just think there are a lot of other viable alternatives. If we need more space we can do that. I am in favor of saving the courthouse. I am in favor of the mansard roof. I just think there is a better way to do the additional space that we need. Thank you.

V. Chr. Clevenger: Thank you. Anyone else want to speak? If not, John you want to come back up.

J. Tanner: I would like to point out on our diagram, they talk about a green space, we have an area of 250' long and 83' wide on the north side that is all green. You have an area of 247' on the east side and 80'2" of green space.

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J. Tanner: You have on the west side right now 49' 4" x 248' long right there where the old courthouse it is 49' 4" that is all open space, green space. Down at the bottom if you build this, you will have 61' 1" of green space on the west side of the building, you'd have 6 to 10' on the south side and then they plan to put a grassy area and steps and so forth on the east side. If you can see that is what those steps are and they are going to grass in a lot of that and more like an entry way so they can have downtown things and it will be like a stage or something right there where people could do things for the community. They don't plan to use all that. They are only using about 58' x 89' of grass. If you people remember, if you look at the courthouse now you see nothing but air conditioning out there, the bad part of the steps, the rails and for years it was a parking lot out there, if you'll all remember. The county had a parking lot sitting there for many years. They have this place, this does not show any harm to these other people. The one person said you can't see. Well you drive down Washington Street and you look down south and you can't see those buildings because of the courthouse anyway. This building is going to be inside the courthouse size, the present courthouse. It is necessary because they not only have to have the Clerks Office there, they have to have the Prosecutor's Office there and they have to have these things available. That is the reason why they are putting the courts in an annex and building an annex so they can have the Clerk's office and the Prosecutor's Office right there in the same area so they can do their work. It is necessary. Now, they asked what harm, they have shown no harm to the people, no harm to health and welfare to the community. They still have the grassy area and the courthouse in the center of the square and if you look at the measurements, the courthouse isn't in the middle of the square. It is 80' on one side and 49' on the other side. It is 82' feet on one side and 52' on the other. It is not in the middle of that square. It is off set. I believe years ago there was a building on the right southeast corner, years and years ago on the southeast corner. I am just pointing out some of these things in argument of what they say. The variance is only varying about 15 to 20 feet. It is all part of the courthouse. When they tore the top off, the second floor is nothing but another floor or two floors. Like they said, they tore it down. The thing about it is this is for the courts and so everybody can be down town and come down town and be in around the square. We are not taking up all the grassy areas. We are leaving it there. We are moving things around so the biggest part over on the north side, it is where we've been all the time, is a grassy area, will be that and be more like a park. That is all I have to say. Do you have anything Ron?

R. Ross: No. I will just answer any technical questions that you may have.

V. Chr. Clevenger: Board members do you have any questions to ask?

C. Addington: If the board was to turn this down what viable option do you propose?

J. Tanner: There are two options. One is we can file a petition with the Planning Commission to eliminate the Government Building from being a commercial building. First of all it is not a commercial building. A definition of commercial is somebody that sells things. The county sells nothing. It is not a commercial building as definition when you read the definition of a commercial building. It has been zoned that way. Probably nobody even noticed it for years.

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J. Tanner: When they adopted the ordinance they probably never even thought about making downtown a commercial area, a commercial building. That is why it was probably never even thought of when they adopted the zoning ordinances. The County Commission probably never read it and went through it and never thought anything about it.

V. Chr. Clevenger: Do any other board members have any questions?

J. Tanner: Or we can file a petition to appear and file a court case. This is subject to court.

V. Chr. Clevenger: Do I have a motion to take action?

C. Starbuck: So moved.

G. Moore: Second.

V. Chr. Clevenger: All in favor of the motion signify by saying aye. "Ayes".  
Opposed (none). Do you want to explain to them about the vote Bob?

B. Oliver: If you are going to vote to approve then you would just simply vote yes to approve the petition and if you are voting in the negative, the procedure that the boards always used should be page 106 on your, if you have the new addition of the zoning ordinance. The three criteria that the parties have discussed with regard to what needs to be shown by the petitioner if 1, 2 or 3 or any combination or all of those you don't think have been met then just recite for the record because if Mr. Tanner moves to, this is subject to a writ of certiorari by either party whom would be dissatisfied with the decision, recite out of the ordinance the reason for a negative vote. So if you need a minute to just scan page 106, does everybody have that? It is Article XVIII, which is the variance part of the ordinance. I really should say a, b or c, which is instead of 1,2 and 3. I think they are all set up the same, yes. Also if there is any condition or anything, I am not sure what that would apply, also available under the variance statute in our ordinance but I don't think it really has any real application here.

V. Chr. Clevenger: Has everybody had a chance to read that for now?

B. Oliver: So we would be reciting off of 3 – a, b, c, any combination or all or however, if you are voting in the negative. Yes, if you seek to approve.

J. Jarzen: Are you accepting comments, additional comments from those who may be in favor? Or to give you some other additional input at this point? You gave input from those who were opposed I thought maybe in addition to the folks here I might give you some addition input.

V. Chr. Clevenger: Yes go ahead.

J. Jarzen: I will be brief because I know you are wanting to move on and make a decision. My name is Joseph Jarzen and I work for Historic Landmarks Foundation of Indiana. You may be more familiar with my colleague Wayne Goodman who has been through this with you guys for the last 3 to 4 years. I am speaking on some level as an outsider although I've watched as this thing progresses and I am kind of coming at this with fresh eyes. For what it is worth and from what I understand about this, we see this a lot and I think after the 3 to 4 years that this project has been going on now, this annex proposal seems to sort of represent in compromise of a number of different people who are looking to want to save the courthouse.

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J. Jarzen: I am really glad to hear at least on the basic level that most of the folks here are in favor of preserving the courthouse as it is because it is a courthouse square and without that center of government on that square, it is no longer a courthouse square. That is kind of the bottom line. To remove that completely then you really lose some of that early history that some of the folks were referencing and the fact that this area was reserved for that use. If we move on and look at not doing this annex, in some regards it seems like you are going back to square one, as far as I understand. You are going back to reviewing other sites that as I understand, have already been looked at from over the past 3 or 4 years. The Commissioners have looked at a variety of different options and again it comes back to this annex being sort of a compromise of those. I also agree that green space is important and that it is part of the community and it should be preserved and yet again going back to the idea of this being a compromise, you have an extraordinary amount of green space already on that square and when you compare it to other county courthouses in and around the state, even with the annex, you have quite a bit of green space. By keeping that government all together, hopefully that could keep drawing people to downtown like we've been making the case in the past 3 or 4 years, to keep that business going in downtown and hopefully help subsequently help those local businesses that have chosen to remain in downtown. In the end this is an urban core. It is a political and commercial center and the courthouse represents that political representation of it. I feel that this annex proposal sort of mends the number of different people's opinions about this. I remember talking about general welfare of the county, I think we'd all agree that trying to find the best use and moving on with this issue would help mend a lot of hard feelings that have been generated over the past 3 to 4 years unfortunately. So without progressing any further, I will pass around a letter that Wayne has written on Historic Landmarks as we have. I would encourage the board to encourage this proposal to proceed and to begin this compromise effort. I appreciate the brief time here to present to you.

D. Matchett: Can I make a response to one thing that he said here?

B. Oliver: John is that part of your case and chief basically?

J. Tanner: What?

B. Oliver: This gentleman right here.

J. Tanner: No. I didn't know he was going to be here but he has been here all along during our meetings and negotiations with the people who were in favor of tearing down the courthouse. Some wanted it torn down and some wanted to keep it so they made a compromise. That is why we are willing to annex it because it is more or less a compromise between the groups. If you were aware of anybody that was in favor in election was in favor of tearing the courthouse down, got voted out of office. So as far as I'm concerned I say the people have spoken in that respect.

B. Oliver: Okay. Well the answer would be yes basically as part of your rebuttal case.

J. Tanner: Yes he is part of our rebuttal.

J. Jarzen: No questions? She wants to speak.

J. Cole: I am in support of the variance.

V. Chr. Clevenger: Please identify yourself.

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J. Cole: I will do that. I am Judy Cole and I am from Farmland, Indiana. I have been watching this debate from the sidelines a lot in support of it and I don't want anything that puts us back to square zero. The tax payers have spent thousands and thousands of dollars debating, paying for studies, looking at stuff, and looking at the architectural stuff. We have been here and I don't want to go back to square one. I don't agree with Don Matchett's assessment. I think by keeping the addition here it does concentrate business downtown and it does exactly what you want it to do and I think it is a compromise. There is green space on three other sides. It's not a Winchester issue. It's a Modoc, a Farmland, it everybody's issue that we talk about the use of the courthouse. I don't want to send us back to square zero. I think it is fiscally irresponsible to do that. Thank you.

D. Matchett: God said something so I have to respond to that too. My name is Don Matchett again. I just wanted to speak to the issue of compromise and John used it and the fellow from the Historic Landmarks used that. I am trying to figure out who they made the compromise with because what is strange about me and I have asked this question of downtown building owners, no one representing county government has ever approached any of the adjoining property owners to ask their opinion, input in the project, describe to those property owners what they were going to do, call a meeting or anything, so if there has been a compromise I don't know who the compromise was made with. Maybe Historic Landmarks, I don't know. But it wasn't made with any of the adjoining property owners as far as I know, if it was they can speak up. The other thing, as John said, the election was a mandate. Well I have to reveal something here tonight, I voted for Kathy Beumer at the last election and I know others did to who feel the same way I do about this project as I do. So I am not sure that election was a mandate to build an annex on the courthouse. Thank you.

J. Tanner: I have to respond to that one. I didn't say a mandate to build an annex I said a mandate to keep the courthouse.

C. Addington: John identify yourself for the record.

J. Tanner: John Tanner. I will tell you with a mandate not to tear the courthouse down. As far as I'm concerned that was. As far as the annex they had to come up with something and who people were, I don't know why Mr. Matchett wasn't here. We had meetings after meetings. Every commissioners meetings we had people lined up in here talking one way or another. I don't know how many meetings we had in a row for 3 years or 4 years we have discussed this. He knew and he should've been here talking. He knows everybody knew about the meetings. The Commissioners meet and they talk about what to do with the courthouse. It was in the papers. I don't know how's come he didn't know about it.

V. Chr. Clevenger: One more and then we are going to vote.

D. Small: I am Dean Small from Parker City. This courthouse is a part of Parker. It is not just Winchester.

V. Chr. Clevenger: I think that was brought out in the first one from Wickersham.

D. Small: What I wanted to let you know is Kosciusko County Courthouse, Bloomington Courthouse, Columbia City Courthouse, Warsaw Courthouse all have annexes. Every one of them has annexes.

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D. Small: They have maintained the integrity of the courthouse building the way it was originally built and whoever decided to tear that floor off that that smokestack that had that clock on it done a great injustice to anybody in Randolph County. I do believe that annexes in a system like this, they have never thought about using the basement. The basement could be enlarged. The basement could be utilized. They probably have more files stored here than they have in Indianapolis that shouldn't have been destroyed 20 years ago that are still in boxes and piles on shelves behind doors. Thank you.

V. Chr. Clevenger: Thank you Dean. Now I have a motion to take action and a second. Now I need a motion for a roll call vote.

G. Moore: So moved.

C. Starbuck: Second.

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

A roll call vote was taken: Charles Addington, yes; Dale Clevenger, No (a,b,c); Roger Hoover, no (a); Gary Moore, no (a,b); Christy Starbuck, no (b,a); Bill Davis, no, (a,b); James Trautman, absent.

C. Flatter: The variance has been denied.

V. Chr. Clevenger: Does anyone else have anything tonight?

C. Flatter: I have nothing.

The meeting adjourned at 8:40 PM.

THE NEXT REGULARLY SCHEDULED MEETING IS JULY 21, 2008 AT 7:00 PM IN THE COMMISSIONERS CONFERENCE ROOM OF THE RANDOLPH CENTER FOR FAMILY OPPORTUNITY, WINCHESTER, INDIANA.

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James Trautman, Chairman

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Dale Clevenger, Vice Chairman

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Jamie Stump, Recording Secretary