

## APC MINUTES

May 22, 2024

Members present: John Reece, Abby Journey, Gary Friend, Jim Hufford, Steve Hernly, Coy Applegate, Tom Kerns, Terry Alfrey, Don Calhoun, Jason Brewer

Members absent: Amy Alka, Adrian Moulton, Will Greer

Legal Representation: Jason Welch

Staff Present: Debra Johnting, Area Planning Director, Recording Secretary

Others present: Ed Thornburg, Kelly Ballenger, Brody Tarter

President Calhoun: It's 7 o'clock so we will go ahead and call the hearing of the Area Planning Commission to order, the date is May 22, 2024. We'll have approval of the minutes from the March meeting. Has everyone got a copy of the minutes? Is there anything that needs to be changed or added? I will entertain a motion to accept them as presented.

G. Friend: So moved.

J. Hufford: I second.

President Calhoun: All those in favor say aye. All those opposed, no? Motion passes. First on the agenda is APC2024-4-Z, Randolph County Economic Development Foundation. A request to rezone from A-L to M-2 for an industrial park. They would like to table this request at this time. If they return they will publish a new notice in the newspaper and send out new due notices.

J. Welch: I think that would be I think that be considered withdrawing. The petition would be considered withdrawn instead of tabled. So they would be done right now and then they would start over again.

President Calhoun: Okay, so we don't have to vote on that or anything, right?

J. Welch: Correct.

President Calhoun: Next would be BC and Family Properties. Brody Tarter. If you would like to come up and state your name and address. And tell us what you're going to do?

B. Tarter: Sure, Brody Tarter, 300 South Main Street, Winchester, Indiana. I believe I've submitted everything that's been requested, so. If you guys have any questions I'd be happy to answer them.

President Calhoun: You are changing from a C-3 to C-2?

B. Tarter: Correct.

President Calhoun: Okay. Do any of the board members have any questions?

T. Kerns: What's the square footage of that part of the building?

B. Tarter: It's 5,000 square feet.

T. Kerns: Is there a requirement, if you put apartments in the front, to firewall between the apartments in the warehouse part?

B. Tarter: Yes, so we hired Keith Pugh to come in and draw the building out and we hired an architectural firm to plan everything out. We submitted the plans to the state. The state came back and said we had to have smoke detection and fire detection. So, we hired another firm to do a Chapter 34 variance, which we were granted. So, that should be, that's already been approved and I think I submitted that to Deb. And it wasn't a firewall, it was four feet of 5/8 drywall. We were surprised by that. And it was because of the use of the back of the building was just going to be C-3 storage.

J. Hufford: He wants to go to C-2? Doesn't he want to go to Residential.

D. Johnting: He could, but C-2 allows for residential.

J. Hufford: They do? Okay.

President Calhoun: Is there anybody from the audience that has a question or wants to talk about it? Seeing none, is there anything else from the board?

T. Kerns: I make a motion for a favorable recommendation.

G. Friend: I'll second.

President Calhoun: It's been moved and seconded for a favorable recommendation. Roll call vote please?

D. Johnting: Steve Hernly, yes, John Reece, yes, Abby Journay, yes, Tom Kerns, yes, Don Calhoun, yes, Gary Friend, yes, Jim Hufford, yes, Jason Brewer, yes, Coy Applegate, yes and Terry Alfrey, yes. You will now go to the Winchester City Council on June 3, 2024 at 6pm.

B. Tarter: Right.

President Calhoun: The second petition is Brody Tarter again, asking to rezone from R-1 to A-L to conform to the current use, and the eventual housing of animals for 4-H projects. Do you want to add anything else to that?

B. Tarter: Yeah, I don't know if you guys are familiar with that parcel or not. It's been farm ground for as long as I can remember. It's currently a hay field. So, I don't know why it's it was ever zoned R-1 in the first place. It's a little bit confusing to me, but I would like it to go back again to what, to be zoned for what its current use is, which is A-1, is my understanding. Then that last part about 4-H animals I'm not for sure that will ever happen or not, but it was a conversation that Deb and I had. It's a four-acre field. So, at some point the future, maybe some type of building or something out there. It's surrounded by an agricultural field and surrounded by trailer park that I own.

President Calhoun: Do the board members have any comments or questions?

D. Johnting: I haven't had any phone calls from any neighbors.

President Calhoun: Does anybody from the audience want to speak? Okay, anyone from the board have any questions?

G. Friend: I'll make the motion for a favorable recommendation to Winchester, this is in the city limits, isn't it?

D. Johnting: Yes.

J. Hufford: I'll second that.

President Calhoun: It's been moved and seconded for a favorable recommendation, roll call vote?

D. Johnting: John Reece, yes, Abby Journay, yes, Tom Kerns, yes, Don Calhoun, yes, Gary Friend, yes, Jim Hufford, yes, Jason Brewer, yes, Coy Applegate, Terry Alfrey, yes, Steve Hernly, and I forgot to add earlier, Amy Alka, Adrian Moulton and Will Greer are absent. Favorable recommendations.

B. Tarter: Do you send that to the city or there's something I need to do?

D. Johnting: I will send that to the city and you should be there June 3rd at 6:00 PM and if that changes I will let you know.

B. Tarter: Okay, thanks you guys.

President Calhoun: Thank you. Okay, next would be APC2024-15-Z, Kelly Ballenger. If you'd like to come up and state your name and address, and tell us what you are wanting to do.

K. Ballenger: Kelly Ballenger, 10219 South 850 West, Losantville, Indiana, 47354. I want to start a small vehicle recycling on five acres of my land.

President Calhoun: So, it says that you're wanting to be a licensed salvage yard?

K. Ballenger: Yeah.

President Calhoun: Okay.

J. Hufford: Now, are you going to be salvaging parts off of cars?

K. Ballenger: No, just recycling parts.

J. Hufford: Just recycling.

K. Ballenger: Yeah, that's the gray area because I sell to recycling centers but not customers. I don't have people that come to my house. But to sell to recycling centers I have to have a salvage license. I had to have a salvage license from the Secretary of State, and to do that, I have to be zoned for it. Which, a lot of what I do is off the property. Like right now I'm working at Shores Garage in Modoc and I am cleaning up their property right now. But I can't, but to have a salvage license, I have to be zoned and I have to be licensed so. Yeah.

J. Hufford: Are you going to be crushing cars?

K. Ballenger: No crushing. No, they will be hauled out on trailers, there's no actual crushing machine.

G. Friend: But you could if you want to?

K. Ballenger: Yeah, I would like to, if I get bigger and bigger, what I want to set up is to actually buy a crusher and do some later. I mean, I need to get rezoned and make some money first. But I want to go to like Pardos and stuff like that and actually crush like 100 cars for them. And then I like doing more mobile, because like I said, to have a license I have to be zoned.

G. Friend: So, my question is, why are you here? What got you here? Because from what I've seen down there and looked on the GIS, and on the way up, you've been pretty active, there's a couple hundred cars stuffed up in there already.

K. Ballenger: There's not that many.

G. Friend: There's a lot.

K. Ballenger: Yeah, there's a lot. Yeah. There's about 60 that I have saved for myself for parts. The square body Chevys I've collected since I've been little.

G. Friend: So how do we keep this from becoming a full blown junkyard that gets out of hand? Like there was one down there in that area that caught fire and got in trouble.

K. Ballenger: Yeah, I cleaned it up.

G. Friend: I just want to know how Randolph County is going to be better with another junk yard. Because that's what it is. What you're going for and what you do, and what you're allowed to do concerns me a little bit. Because we will have something down there that gets worse by the day. I am being quite honest, and please take no offense, but it doesn't look real pretty now.

K. Ballenger: Yeah. And like I said, I've been trying to get it cleaned up and stuff picked up. I've been trying to do that with the big...

G. Friend: Why did the state have you come here, what started this?

K. Ballenger: Because I had to have a salvage license.

G. Friend: So, you approached them or they approached you?

K. Ballenger: They approached me.

G. Friend: Did they approach you because there was a complaint?

K. Ballenger: Yes.

G. Friend: From who?

K. Ballenger: From, they don't know. So, another buyer or, and that's what I told her, I said, you know, I said I've been doing this for a long time, and there's other people in Randolph County

doing the same thing I do. And with no license or anything. And she said, yeah, I understand, she said. But you just got to get your zoning lady to sign off on this so you can get your license. And that's what I came here to do.

G. Friend: Yeah, it's never much of a defense that you caught me and didn't catch them. It looks like from what I see is that you've been a little bit out of zoning for quite some time.

K. Ballenger: Yeah. And like I said, I didn't know. And I didn't know what I had to have to be zoned for there. I mean, I said, I've been trying to...

G. Friend: Have you got any kind of plan? Or are you just wanting us to agree to a junk yard?

K. Ballenger: Oh yeah, I have a plan.

G. Friend: What is it?

K. Ballenger: Just to come in and buy vehicles, and take them apart piece by piece and sell them to salvage...

G. Friend: But what I want to know is what's the plan to make it not a nuisance in Randolph County? We have abandoned junk yards like you say?

K. Ballenger: Yeah.

G. Friend: They're extremely difficult to take care of several years down the road.

K. Ballenger: Yeah. Well, I'm going to try to limit my...

G. Friend: Try does not work.

K. Ballenger: No, I'm going to limit mine to a certain amount of cars,

G. Friend: You have to. To me, the plan would be, if somebody were to invest with you, the plan has to, that I would want to see includes using it to its maximum capability. So, what would be the plan to keep that nice?

K. Ballenger: Well, what I do, is I don't hold vehicles back to sell parts, which most junkyards that's what you do.

G. Friend: Okay.

K. Ballenger: You buy a vehicle, you bring it in, you wait a year, you sell the motor, you wait two years, you sell the tranny. Then the cars keep adding up. Because, you are not recycling. I don't sell to individuals, so I'm not waiting on this customer to come buy this. What I am wanting to do is take the motor and tranny out and I sell it as a core to this guy. The converter I sell to this guy, the wheels I sell to this guy. What I got left is a shell. So, what good is that shell to me when I can't sell parts off of it? I take it, I recycle it and I'm done with it.

G. Friend: What happens with the gasoline, the oil, the antifreeze, all the stuff that begins to build up in your soil?

K. Ballenger: Well, that's why I have to drain everything. I've got a rack that I'm building, and the cars go on, the white totes will go under it. They drain into the white totes. Rusty Norman, I don't know if you know him. He's a owns the old Pierce building in Muncie. He takes all the used oil and gas, and that's what they heat their building with. So that's where they recycle it. The antifreeze will have to be recycled. I'll have to pay to have that disposed of. And then like on the automobiles, I'm allowed four tires for every car, no matter if it has a tranny, I get four tires every car. So, if I take off aluminum wheels, and I don't split the tires from the aluminum wheels. Hartford City buys all the aluminum wheels with the tires on them.

G. Friend: So, if you have a hundred vehicles you are allowed four hundred, no matter if they're on the vehicle or stacked up behind on the property in the weeds?

K. Ballenger: Well, they have to be inside of the vehicle.

G. Friend: They have to be inside the vehicle?

K. Ballenger: They have to be inside, you have to open the doors and put them inside.

G. Friend: They have to go with the vehicle?

K. Ballenger: Yes, they really have to go with the vehicle. You can't just put them in a box and throw the tires on top of it. You have to open the door, put them in, and then they have to be in the vehicle. And that's how we get rid of tires is because we we're allowed to, you know, recycle them with the cars. So yeah, I don't want to be a junkyard to sell parts. I just want to recycle. And then you know, when I go to other people's properties, you know, and they're doing a cleanup, I have to have a salvage license to do that.

G. Friend: And somewhere to take them, which would be your place.

K. Ballenger: No, no, I don't take them. Like at Shores...

G. Friend: But you could though.

K. Ballenger: Yes, I could.

G. Friend: If you had your zoning already, there's a likelihood there could be some there now?

K. Ballenger: Yes.

G. Friend: Right. But that's what gives me pause, is to, not that you're not rambunctious, I get that, I do.

K. Ballenger: Yeah, And I have talked to all my neighbors. And they're like, I hope everybody just leaves you alone. Because, if they don't, just call us, we'll come up there and we'll talk for you. No, I help all my neighbors and I try to do everything. You know, I went and talked to them when I filed. You know, like, hey, you know, I'm doing this. If you have an issue, just tell me and I'll go a different direction. I mean, I've tried to be nice.

G. Friend: And as I said earlier. You will, but you can sell this junkyard and that control goes away.

K. Ballenger: Yeah, I don't wanna, I don't wanna sell my property.

G. Friend: That's not what I'm looking out for, I am looking out for what could happen if your personality is not involved.

K. Ballenger: Yeah, which I would keep my land because I grew up right there. I've been there for 40 years, so, I don't want to leave.

G. Friend: Thank you for your answers.

K. Ballenger: You're welcome.

J. Hufford: Now, on this. If we pass this, can we put any type of stipulations on this, like how many vehicles is allowed on that acreage?

J. Welch: Are you going to go count them?

J. Hufford: No, I understand.

J. Welch: I don't see that that's ever going to be enforceable. You can put a restriction on the land, a commitment that if he sells, it's got to revert back. You can put a commitment on it, that if the use changes, it goes back to what it was before.

J. Hufford: I just don't want to see it become the highest point in Indiana because of the stack of cars there.

J. Welch: I understand that, but if you approve it, that could happen and I don't think that's going to be enforceable.

A. Journey: So, I have a question, if right now he's not technically in compliance at the moment, does the zoning then allow him to be more compliant? Is there oversight in that? If there's, if this is happening now and I assume your neighbors are aware of you, but, you can't actually sell certain areas unless you have a license?

K. Ballenger: No, I can sell them, I can sell the cars, but I have to turn all the titles in, and I gotta do....

A. Journey: And you just want to what?

K. Ballenger: To sell converters or any major component like, if I come and bring a car in and I take it straight to the recycling center. Then I turn in the title to them, I'm allowed to sell that. There's no law that says I can't sell a vehicle with the title. What I am wanting to do is sell, recycle the major components. So, once you disassemble a car, and the major components, that turns you into a savage.

A. Journey: And what have you been doing now?

K. Ballenger: Just selling cars.

A. Journey: Okay.

K. Ballenger: Just taking them and selling them. So, I'm allowed to do that as long as I turn the titles in.

A. Journey: Okay. So, to do the next step, you need the zoning and the license?

K. Ballenger: Yes, to sell the major components, like a converter, the motor, transmission and actually the frame. You'd have to have a salvage license to be able to proceed with taking vehicles apart. Because you're disassembling an automobile, is what you're doing. So, if I say, yeah, there's multiple people in Randolph County that go to Richmond every day with three to four cars a day with a title and there's nothing that says they can't do that.

A. Journey: Okay.

K. Ballenger: I mean, and all I'm doing is trying to obey by their rules and their laws and your guys's rules and laws is what I'm trying to do. And if you know, I mean I am not trying to let it get out of hand or nothing. And I'm just trying to trying to do something to supply more money for my family because as you guys know, it's hard to survive off a one person income and even a two person now, so. And this, you know, I'm anxious enough and I work hard enough. I mean, I go to work at 2:30 in the morning and I go to bed at 10:00 at night. I mean, I'm not scared to work, and I'm not scared to do what you guys ask me to do or what you want me to do.

A. Journey: Even with you as a super responsible person, like when it is rezoned that's what we are talking about. His concern is beyond then you, as it carries on.

K. Ballenger: If I sell it and it goes back to what it is. You know, I totally agree with that.

A. Journey: And that would be a different discussion.

K. Ballenger: Like I said, if I sell it, I don't, if I sell it, I don't want it to go as a, you know, I'd rather sell this as agricultural because that's part of my money, you know, I'm gonna make more money on the property as agricultural. I mean, nobody's going to come to the middle of nowhere, in Losantville you know. You are just out of the, I mean to get the customers and the business you're going to have to be in a town. I mean, nobody just brings their cars to Losantville. And I buy a lot of my stuff off the internet. And you know, I'll see in them on the internet, Facebook, you know and that's how I do most of my buying. People just don't come to me. So, and I pay people pretty good money for them. Because sometimes I fix them and try to resell them. And I don't plan on quitting my day job either. It's just a hobby, that's really gained. And you know, I've made a really good life for myself and my family, and I'd like to keep doing that.

A. Journey: Sure.

Mr. Ballenger: Are you willing to sign a commitment as a condition of any recommendation that it revert back to A-L, or A-1, if you are given a recommendation here? Because what would have to happen is it would have to be signed, it would have to be recorded with the property and it would go with the property sale.

K. Ballenger: Yeah, I don't have a problem with that.

J. Welch: And any search would pull that up and it would have to be sold as A-L or A-1.



K. Ballenger: Oh, I don't have no problem with that at all. I have no issues. Like I said, if I sell it, I don't want nobody doing what I did anyways.

J. Welch: I am just letting the board know that is an option.

K. Ballenger: But, yeah, like I said, I don't, I am going to try to play by their rules, and I don't have an issue doing whatever needs to be done. I'm gonna do what you guys tell me to do and what I need to do. And I don't have a problem doing that and, if I don't, you know, then I just have to go to a different step of what, to go and get something else. I mean, I'm at you guys mercy right now. If I shut my business down in four years I don't care for it to go back then. If you get something that says I am no longer in business, I don't care if it goes back to the zoning right then and there, I mean, I don't have an issue with that. I'm not in it to sell it.

J. Welch: It would be tougher for us to track if you're not doing the business any longer.

K. Ballenger: I didn't know if they sent that through the court house or not. That's why I was asking.

J. Welch: If you sold the property it would go through and have to be recorded and it would get caught in a title search.

K. Ballenger: Okay. Yeah, but no, I don't have an issue with anything like that. My side would, if you tell me to, you know, jump over ten cars and you know then that's what I am doing. I mean I am here to follow your rules, their rules, I mean, I'm here for that.

T. Kerns: Is there any fencing set requirement, or any kind of buffer for this type of business?

J. Welch: I don't know.

K. Ballenger: I know it's within 100 feet of a highway. Because that's where Shores is falling in now because they're getting so close to Road 1, and once they get too close, they have to be fenced. And then like, where I am zoned, where I'm zoning, it's all in a wooded area, blocked from my neighbors, and that's all I am going to be using. They are not going to see it anyway, it's all in a tree lined area. And that's why I chose that area was for that. I mean, they may see me loading my trucks because I'll have a drive coming back. But I am, I guarantee you 300 feet or more off the road. And then you know, that's another thing the Secretary of State told me that I can buy all the farm equipment I want and there's not much people can do to me. If we're doing the same thing, I can buy \$100,000 piece of junk implement and not have to have a license or nothing. Which makes no sense to me. I mean, it doesn't. I guess you know it's, you know, a \$300.00 car I have to have everything that they have to expect from me. And it's not cheap either. My insurance is over \$4,000 a year. Just for that part. And that covers, like any spills, anything that may happen to the property. I have to be licensed, bonded. I have to carry a merchant's license. I mean, it's not a cheap hobby, but I enjoy it. I don't golf. This is what I do for fun. Whenever I get mad at work, I come home and I play with cars. I've got hot wheels, they just got bigger. I mean, that's the truth. And my wife can vouch for that.

J. Hufford: I think we've heard it all from you.

D. Calhoun: Is there anybody from the audience who would like to speak? Okay, any more questions from board?

J. Reece: He keeps making references to hobby and business, which is it?

K. Ballenger: It's a hobby that has turned into a business now.

J. Reece: So, the state doesn't recognize that one thing is different from the other?

K. Ballenger: Well, I consider a hobby is something, like a hobby to me, is if I want to go golfing, that's my hobby. I enjoy going out and I golf and I enjoy myself, and my hobby is making money. I go out and I enjoy it. I don't, I don't have other hobbies. And I said it shouldn't be called a hobby. Now it's a business. Yeah, but that's how it started.

J. Reece: That's what I was wanting to hear.

K. Ballenger: It started out as a hobby that I enjoy doing. And then I just got bigger and bigger and bigger and now, it's not a hobby. I mean now it's turned into a business. A part time business, I guess we should say.

J. Reece: Okay, thank you.

D. Calhoun: So, what's the board think?

G. Friend: Well, this is a tough one for me. And you would be coming to the Commissioners either way if you choose to.

K. Ballenger: What's that?

G. Friend: You'd be coming to the Commissioners either way whether you got it or not. If you got a favorable or unfavorable, you would be coming to the Commissioners.

K. Ballenger: I don't, I don't understand.

G. Friend: The this is not your only step, to get this done.

K. Ballenger: Yeah, I understand. Yeah, I figured it was going to be a process.

G. Friend: For me, you're far away from me voting yes. To start a new junk yard in Randolph County.

K. Ballenger: So, what do I have to do for you to vote yes?

G. Friend: What do you have to do? For me to vote yes? I don't know, I need some time to really consider it. I mean, I've read it, I've checked it out, I've looked at it. I've considered it. You know, you said you're not taking the cars apart down there but the picture shows that there are refugees that once used to be a car all the way around there.

K. Ballenger: Yeah, and I buy stuff too, I mean, used parts, stuff like that.

G. Friend: I think even in the front yard of your property, your house property, that is not involved, has quite a few cars stacked in it.

K. Ballenger: That's actually, that's my cars that I drive.

G. Friend: All those?

K. Ballenger: Yeah, I had to build a parking lot for my cars. I have 15 vehicles registered and plated.

G. Friend: My biggest concern is when we go here, when we go there, as good as a person as you are, we lose control without some kind control of what that could be, you know? And there was once one down there. And you're not responsible for what they've done, but that has become a mess down there.

K. Ballenger: Yeah.

G. Friend: And you know, I just don't feel like you've got a good enough plan yet for your capturing all of your liquids. I mean you want to get most of it, if some of it spills, it spills, I don't know. It just, and what you have now is just strung in here, there, and everywhere.

K. Ballenger: Yeah.

G. Friend: It's not in any kind of symmetric lines, or procedural order. But that's your personality and your way to do it. I don't have to agree with it, and you don't have to agree with me. But, it's hard to vote no for somebody that I actually like your presentation, I mean, I do. I like you. But, I don't like this.

K. Ballenger: Yeah, and like I said, I mean, I'm not in it to, you know, to destroy nothing. I mean, I'm not in it to make anybody mad or anything.

G. Friend: I never said that. I'm just saying, I personally am very cautious right now that I would want to get involved without a large written out plan of what you will do and what you will guarantee, so that we don't have an unsightly junkyard in Randolph County twenty years from now.

K. Ballenger: Yeah.

G. Friend: And right now, you don't have that, other than what you have said and this.

J. Hufford: We want to see a business plan.

G. Friend: A big one. A performance plan. I don't care so much about your cash flow, I care about how you're going to do it...

J. Hufford: And how it's going to affect the neighborhood around it, and the environment.

G. Friend: Well, junkyards, and it is a junkyard. And that's we're talking about, right?

K. Ballenger: Yeah, it's called a salvage yard.

G. Friend: Same thing, you can call it a salvage yard.

K. Ballenger: Yes, it is, it's a junkyard.

G. Friend: But it's the same thing it is, I mean, but you can have a salvage yard or a junkyard, and it doesn't really look offensive when they're lined up, or roped off.

K. Ballenger: Well, most of them are now. But I haven't...

G. Friend: You haven't. No, they're not, they're scattered.

K. Ballenger: Not now, they're all lined up now. Yeah, I did that over them over the winter sometime. But sometimes I just get, everything gets so happening that it's like, it's wet and we are trying to go through a muddy field. You don't, it don't work real good to go all the way back and line them up in a muddy field. So, like I said, right now everything is lined up properly.

G. Friend: So, even for this board to put any kind of conditions on this, we really don't have anything from you that you could help us put the conditions on from a salvage perspective.

K. Ballenger: And I was never told that. Yeah, I was just told that I needed to come and...

G. Friend: Come and get started?

K. Ballenger: Pretty much, you know. That's what I called. Yeah, that's why I told Secretary of State, you know. I'm done buying cars until, you know, I get this zoning and I have been busy working down at Shores now. I mean, I'm taking 300 cars out of there.

G. Friend: Yeah. And if you were to get a favorable here, you would have to come to the Commissioners who would want to see your plan.

J. Hufford: Now, do you have a building on your property, when you do take these transmissions out, and the converters and the engines out, do you store them till you get rid of them? Or do you just keep them on the ground?

K. Ballenger: Well, no, they are not on the ground. I have boxes that the motor and transmissions go in. I fill up like four twenty-yard boxes, that's where the motors go. And then the converters and stuff, they go in the garage up next to the house. And then the aluminum wheels, I put them in a box, and then when they get full, I just take them in.

T. Kerns: Since the state regulates this, do they come in and oversee potential fluid leaks and that kind of stuff?

K. Ballenger: Well, all the, no. Yeah, well, the EPA will come in and check on you. And then the [inaudible] will come in and check on you. Then you got to turn all your title work into the BMV like normal. And then, you know, they can come in and check all your paperwork. And where you're at, I mean, I got to have a parking lot, which makes no sense. But you have to have a parking lot with no customers. But you do. And you gotta have a building, which I have to get another mailbox. So, you have a building with the office and everything.

G. Friend: Do you have to have an auto dealer's license?

K. Ballenger: Well, it would be that you gotta get a dealer's license to have a salvage license. You gotta go through a background check, have pictures of where it's at, where you do your draining at. You gotta have pictures of all that and then...

A. Journey: And that's once you're registered with the state?

K. Ballenger: No, that's before you can even get registered with the state.

A. Journey: Well, right now you're not any of those things right?

K. Ballenger: No.

A. Journey: But you're still doing business? As long as its got a title?

K. Ballenger: As long as I've got a title.

A. Journey: So, right. And now you have all kinds of pollutants and there's no oversight?

K. Ballenger: Well, I don't have to drain them if I take them in whole.

A. Journey: But there's going to be all kinds of, but there's no regulation there?

K. Ballenger: Yeah, right, exactly.

A. Journey: So, once you're actually licensed and registered with the state, then that's where some oversight comes in to play.

K. Ballenger: Yes. Yeah, right now they don't check nobody, they just, anybody that's doing what I'm doing they don't check them. And until, and they won't even go after you unless somebody calls.

A. Journey: And complains.

K. Ballenger: And that's what it is. And that's why I asked her, I said, you know who that was? And she said somebody off the internet. Because I had stuff on there, you know, buying scrap metal on the internet, and then they called. It was nobody local, I don't think we've ever had any complaints locally. Nobody. And it's like, you know, the neighbors. You know they're, you know. They're totally content. Like so they said they would do and help with whatever I needed. They would come here and speak for me. Every one of them. Yeah, but I mean, I've got a lot of good friends that you know, have faith in what I'm going to do is right so. And I said if I need something wrote up, I'll do it, I mean if that's what it takes. But I don't want it to get out of hand. I mean that's one thing I don't.

G. Friend: You don't want the conditions to get out of hand?

K. Ballenger: No, I don't to deal with no EPA. So, if I have to, you know, I don't want to, because that could be, I mean, that's terrible. Anytime you get them into your life, it's over. So, and they can show up anytime, any day. And when they get there, it's going to be big. It's not just a smack on the hand. So, for some of your answer, yes, I'm going to be probably monitored, especially being a new company coming in. I guarantee you they're going to come and check me more than once. I guarantee it. Once this is done, and I'm not even positive it's going to go through then. I mean, it's all up to the Secretary of State. I mean, I've never had speeding tickets or never been in trouble. So, I mean, I have a good chance of it not going through, so.

J. Hufford: So, if we give him a favorable recommendation, and it goes to the Commissioners? Right? Now, after it goes to the Commissioners, can they put stipulations on it?

G. Friend: Absolutely.

J. Welch: If they do it will come back here.

G. Friend: I would expect that the Board of Commissioners would highly scrutinize this petition.

K. Ballenger: What's that? I don't know who the Commissioners even are.

G. Friend: I am a Commissioner, Mike Wickersham is a Commissioner and Gary Girton is a Commissioner.

T. Kerns: Basically, we're just a recommending body.

K. Ballenger: Yeah.

T. Kerns: We're just recommending yes or no. But, even if we say no, you go to the Commissioners and they can say yes. We are just a recommending body.

K. Ballenger: Okay, thanks. I wasn't sure how it works. Like I said, I've talked to her a few times, and she told me what I needed to do to get started and that's what I did.

J. Hufford: That's part of the plan, you're not supposed to know how it works.

D. Johnting: We don't always have enough time for folks to completely understand the whole process. It's intimidating, and by the time you understand what you're doing you're done.

President Calhoun: Would you consider possibly tabling this till next month and maybe come up with a business plan like he's talking about.

K. Ballenger: Please tell me what you, do you just want where I'm going to drain and what am I gonna do and how am I going to do it?

J. Hufford: Yeah, just draw it out there and we can see exactly how things are going to be done.

President Calhoun: I mean, I hate to give you an unfavorable recommendation, and the Commissioner's fail it, and not give you the opportunity to have you give us a plan as to exactly what you're going to be doing.

K. Ballenger: Yeah.

President Calhoun: And how you're going to do it. I know that's going to drag it out another month.

K. Ballenger: Well, it is what it is. I mean it's, I gotta do what I gotta do. And if it don't work out for me, I'll just sell everything and go back to doing something else.

President Calhoun: Would that be something that the board would be interested in?

G. Friend: For me personally I am not ready to say yes to something like this right now.

J. Hufford: I'm not seeing it either.

G. Friend: How are you going to put this together, to protect, the ecology of Randolph County, right? We're going to want that, I will, for sure at the Commissioner's meeting, when we ask you how you're going to safeguard against this not turning into an out of hand junkyard and an EPA problem.

K. Ballenger: Yeah.

G. Friend: And I want to hear from you how you're going to see to it that that does not happen even though the state has regulations. You're going to be the one financially responsible to make it happen.

K. Ballenger: Yes. And you know, that's one thing about me is I do it all myself. So, I don't have to worry about somebody working for me to, you know. Do something that, when I'm not around so.

G. Friend: I guess I would say. I would like to see you succeed, but I would like to make it easier for me to say yes. And right now, it's not. Personally, just for me.

J. Welch: So, we need to make a motion to table it, if that's what's going to happen.

J. Hufford: I'll make that motion.

President Calhoun: We have a motion to table this petition.

A. Journey: Second.

President Calhoun: Do we need a roll call vote then?

J. Welch: You need to have seven.

D. Johnting: Tom Kerns, yes, Don Calhoun, yes, Gary Friend, yes, Jim Hufford, yes, Jason Brewer, yes, Coy Applegate, yes, Terry Alfrey, yes, Steve Hernly, yes, John Reece, yes, Abby Journey, yes, and Amy Alka, Adrian Moulton, and Will Greer are absent, favorable recommendation to table. Sorry, motion to table is approved.

D. Calhoun: So, if you can come up with the plan, business plan for the next five years anyway.

K. Ballenger: Okay.

President Calhoun: Something that says the way, how you're going to do things and bring it back next month.

K. Ballenger: Okay, do you have a date and stuff or just get a hold of you?

D. Johnting: The next date is June 19<sup>th</sup> at 7.

G. Friend: The business plan that I want to see more operational. I don't care about the financial. You'll be responsible for that, but I just want to see the operational plan. How you're going to run this.

T. Kerns: So, are you draining them on the ground somewhere, or on a cement slab?

K. Ballenger: It's actually it's a stand. You take a payloader and set the cars up on it, and then you run tubs underneath, and you've got a four foot...

T. Kerns: I know you said it went into tubs, is there concrete underneath all of this?

K. Ballenger: No, but I can.

T. Kerns: So, this is what we've been talking about, it's the environmental things.

K. Ballenger: So that's what it is though, because I even thought about actually running plastic from the landfill, that they do for their tarping because I buy a lot of their metal too. And they tarp everything. And then they gravel it, and that's where it would be. I've even thought about putting tarps under it. And I mean and having a gravel a lot to drain on. And I don't know if that's yes or no? Like I said, I haven't got it built yet because I mean, there's no sense of building it, if I don't need it. You know. So, I mean, I don't want to dump thousands and thousands of dollars in this and they say no. I mean. And I don't want to spend any more than I have to.

T. Kerns: Yeah, but that's kind of where we're at.

K. Ballenger: But yeah, that's what I was going to do.

J. Hufford: So, now you have to put all that into your business plan now that you've got all the information of how to do it. And what you've got planned to do for the future.

K. Ballenger: Like on draining, tires, do you need pictures?

G. Friend: Do I need pictures? It's not a one person show, there's a three person Board of Commissioners. And your first time there will not be your last time there. You will at least come three times to get this rezoned. So, we'll see where it goes, you know. And pictures go a long way, but you get held to them, too. I mean, the Commissioners may or may not even want to see a bond posted, or a decommissioning agreement of some sort, I don't know.

K. Ballenger: Like I said, if it don't work, I'll just get rid of everything and you know, do something else but it's something I'd really like to succeed at because I'm good at it. I've made a lot of money doing it so I'd like to keep rolling.

D. Johnting: So, if you could get that to me about two weeks from, now, about two weeks before the next hearing?

K. Ballenger: Okay, just bring it up here? I can do that. Thank you guys.

All: Thank you.

K. Ballenger: Have a good one.

D. Johnting: And all the petitioners get all the same information, some understand it and some don't. They say just tell me what do I have to do to get through this?

President Calhoun: So, we have some papers talking about solar?



D. Johnting: I just have a quick explanation. I don't want to take a lot of time because nobody's read it. I understand. I didn't have any time to do this ahead of time, but this is a good example of what has come before the drainage board. And this is one I helped draw their setbacks because they were having trouble with that. This is going at the wastewater treatment plant in Union City. So, the solar ordinance doesn't really have an area for a larger solar field in Residential or C-1, C-2, C-3, and Ag Limited. Technically, they are either a special exception or not allowed. So, in talking to some of the Solar Group, and we met with Mike Wickersham and Andy Fahl. And, you can put panels behind your house in residential with a five foot set back just like a shed. It shouldn't be any more invasive than that. A dozen panels, maybe on your rooftop. Just needing a building permit. We just need to check and make sure that it will carry the weight. So, we need to figure out where this falls, what kind of setbacks we're thinking, should we just make them use the commercial solar setbacks and I know they know we don't have this because one of the guys that called me said, I know that I don't fit into either one of those categories. However, the director can say, I want this set back or I want that set back and I think that's putting a lot on whoever the director is to just say well, you get 5 feet, you get 50 feet. Whatever. I'd like to have more guidance from the board.

G. Friend: We're supposed to read all this by when?

D. Johnting: You have 30 days.

J. Welch: Are we going to advertise a hearing on this?

D. Johnting: Yes, there will be a hearing advertised so that we can vote, but we don't have to.

G. Friend: Is that a public hearing?

D. Johnting: Yes. These sites Union City has presented are not next to residential. And they're willing to do whatever, so their setbacks are greater than they would be if they were in ag. But we've been questioned on "residential solar fields" and they only have to be five foot off the property. And we do have a hearing next month.

J. Hufford: I'm going to let you go. I move we adjourn.

G. Friend: Second.

President Calhoun: Thank you for coming everyone.

---

President Don Calhoun

---

Vice President Coy Applegate

---

Area Plan Director/Recording Secretary, Debra Johnting