1      BEFORE THE ALLEN TOWNSHIP ZONING COMMISSION

2                    VAN BUREN, OHIO

3                         - - -

4    In Re:  Allen Township Zoning Commission

5                         - - -

6              TRANSCRIPT OF PROCEEDINGS

7                         - - -

8                   Monday, May 13, 2024
                    5:00 p.m.
9                   Allen Township Center
                    12829 State Route 613
10                  Van Buren, Ohio  45889

11

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                  SUSAN L. COOTS, RPR
14        REGISTERED PROFESSIONAL REPORTER
                        - - -
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1    APPEARANCES:

2         CINDY LAND, Attorney at Law
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3         514 South Main Street
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          (419) 424-7089
5         lmland@co.hancock.oh.us

6             On behalf of the Allen Township
              Zoning Commission.
7

8    BOARD MEMBERS:

9    John Timmerman, Chairperson
     Deb Stacy, Secretary
10   Dave Evans
     Clara Pargeon
11   Matthew Cordonnier, Planning Director, Hancock
     Regional Planning Commission

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1                    MONDAY EVENING SESSION
                        May 13, 2024
2                        5:00 p.m.

3                           - - -

4                  P R O C E E D I N G S

5                           - - -

6           BE IT REMEMBERED THAT, on the 13th day of

7    May, 2024, this cause came on for hearing before the

8    Allen Township Zoning Commission.  And the parties

9    appearing in person and/or by counsel, as hereinafter

10   set forth, the following proceedings were had:

11                          - - -

12          CHAIRPERSON TIMMERMAN:  We're at 5:00.  I'll

13   call the meeting to order.

14          Roll call.

15          Dave Evans.

16          MR. EVANS:  Here.

17          CHAIRPERSON TIMMERMAN:  Clara Pargeon.

18          MS. PARGEON:  Here.

19          CHAIRPERSON TIMMERMAN:  Darrin Rehus.  Not

20   here.

21          Deb Stacy.

22          SECRETARY STACY:  Here.

23          CHAIRPERSON TIMMERMAN:  John Timmerman,

24   here.

1          SECRETARY STACY:  Okay.  The Allen Township

2     Zoning Commission, May 9th, 2024.  Attendance:  Dave

3     Evans, Clara Pargeon, Darrin Rehus, Deb Stacy, John

4     Timmerman.

5               Deb Stacy, Allen Township Zoning Commission

6     Secretary, read the May 2nd, 2024, minutes.

7               Motion 24-04-23-M.  John Timmerman moved to

8     approve the Allen Township Zoning Commission minutes

9     from the May 2nd, 2024, meeting.  Clara Pargeon moved

10    to second the motion.  Motion passed.

11              The Allen Township Zoning Commission

12    reviewed Solar and Wind Energy, setbacks, screening,

13    drainage, decommission plans, and energy output, and

14    Definitions were discussed.

15              John Timmerman, Allen Township Zoning

16    Commission Chairman, asked for input from guests

17    several times during the meeting.  Numerous responses

18    were given back to the commission.

19              The next zoning commission meeting will be

20    on May 13th at 5:00.  Topics will include:  Adult

21    Entertainment, General Exceptions, Administration and

22    Enforcement of Zoning.

23              Motion 24-04-24M.  Clara Pargeon moved to

24    adjourn the meeting.  Dave Evans seconded the motion.

1   Motion passed.

2              CHAIRPERSON TIMMERMAN:  I move to accept the

3   meeting minutes as read.

4              SECRETARY STACY:  That's John.  Can I have a

5   second?

6              MR. EVANS:  Second.

7              SECRETARY STACY:  There is a second.

8              Everyone say "Yes."

9              (Vote taken.)

10             SECRETARY STACY:  Motion passed.

11             CHAIRPERSON TIMMERMAN:  Meeting papers.

12             MS. LAND:  Yes.  I have something for you.

13             CHAIRPERSON TIMMERMAN:  All right.  Ponds?

14             MS. LAND:  Yes.

15             CHAIRPERSON TIMMERMAN:  All right.

16             MS. LAND:  This is the zoning amendment that

17  Washington Township just did for their ponds.

18             MR. EVANS:  Thank you.

19             MS. LAND:  It has some definitions.  It

20  has -- it removed "lake" completely.  They don't have

21  those anymore.  We probably shouldn't have lakes

22  that -- we shouldn't be able to -- we shouldn't be

23  trying to regulate lakes.  That gets kind of

24  confusing.

1          CHAIRPERSON TIMMERMAN:  Okay.

2          MS. LAND:  So I'll put this in there for

3    him.

4          (Mr. Cordonnier joined the proceedings.)

5          MS. PARGEON:  Hello.  Have a seat.

6          MS. LAND:  I don't know if you want to do

7    this now or if you want to wait and do it a different

8    day.  Do you want to just dive into the stuff we had

9    already planned to do?  It's up to you guys.  Since

10   you haven't had a chance to review it, I thought maybe

11   we could do it next time so you'll have a chance to

12   read through it and get an idea about it.

13         CHAIRPERSON TIMMERMAN:  That's fine.

14         MS. LAND:  I also got an email from a

15   resident who was at the last meeting with some

16   suggested changes that they -- or some suggested

17   things about amount of kilowatts and stuff like that,

18   so if you guys want to read through that.  It's

19   just -- I'm handing it off to you because he --

20         SECRETARY STACY:  Only one copy?

21         MS. LAND:  Yeah.  I thought I made copies

22   but I can't find them in here; that's why I was

23   shuffling so much.

24         SECRETARY STACY:  I don't know if you want

1    to read that out loud.

2              CHAIRPERSON TIMMERMAN:  Sure.  We can read

3    it.

4              "Hey, Cindy.  This is Chris Goodwin with the

5    email followup that you requested to my question at

6    the previous Allen Township Zoning Commission

7    meeting."

8              MS. LAND:  Yeah.  Just to clarify what -- at

9    the last meeting, he was asking a bunch of questions.

10   I said, Why don't you send it in an email, because it

11   got kind of confusing when we were talking back and

12   forth; so this is why he said that.

13             CHAIRPERSON TIMMERMAN:  "...regarding the

14   kilowatt limit to Accessory Use, Solar.

15             "I believe that during the meeting,

16   Accessory Use was deemed to be 15 kilowatts with a

17   footprint limit of 1,000 square feet.  I believe that

18   it would be in the best interest to raise that limit

19   to 25 kilowatts.

20             "To help get a better understanding of

21   kilowatt usage, we got a free estimate through Tesla

22   for solar roof panels.  According to their estimate,

23   we would need approximately just under 12 kilowatts'

24   worth of solar panels to accommodate our housing

1    needs.

2              "Based on these estimates alone, a large

3    house would need close to, if not exceeding, the

4    15-kilowatt limit; let alone other external factors

5    such as sheds, ponds, pools, utilities, et cetera.  In

6    addition, as electric cars become more mainstream,

7    these may be another factor into the equation.

8              "After a quick Google search, I am seeing

9    that you need approximately 2 to 5 kilowatts per car

10   for charging.  I think it might be a good idea to

11   allow residents to fully utilize the land usage

12   restriction for their solar needs.  Which, assuming

13   37.5 watts per square foot, which is the same estimate

14   that One Energy is using for its future 25.8-megawatt,

15   30-acre solar field, it would come out to a bit over

16   25 kilowatts.

17             "Additionally, I know that decibel

18   limitations were placed on Wind use, but I don't

19   remember any similar limitations for Solar.  I have

20   seen a number of videos of people angry about the loud

21   constant humming that can come from large solar

22   arrays.

23             "It may be a good idea to implement the same

24   decibel restrictions to Solar, if we haven't already.

1           "On a final note, Cindy Wizner (phonetic)

2    informed me that we -- that when I approached

3    you..." --

4           MS. LAND:  You don't really have to read

5    that part, if you don't want to.

6           CHAIRPERSON TIMMERMAN:  Yep.  I'm going to

7    leave that part off.  No.  I'll leave that part out.

8    So it's really about the --

9           SECRETARY STACY:  Usage.

10           CHAIRPERSON TIMMERMAN:  -- the total

11    kilowatts and the decibel levels.

12           So does anybody have any thoughts towards

13    that?  Let's start with the total kilowatts.  I mean,

14    if we're allowing space for 25 kilowatts, I don't know

15    that I necessarily have an objection to limiting,

16    like --

17           MS. LAND:  You have 1,000 square feet now.

18           CHAIRPERSON TIMMERMAN:  And he's saying that

19    based on the --

20           MS. LAND:  Will 25 fit on there?

21           CHAIRPERSON TIMMERMAN:  That's what he says.

22    Just over.

23           MS. LAND:  Oh, okay.

24           CHAIRPERSON TIMMERMAN:  Based on what One

1  Energy is proposing for their solar field.

2          MS. LAND:  Okay.

3          MR. CORDONNIER:  Is that One Energy or

4  Whirlpool?

5          MS. LAND:  It says One Energy.

6          CHAIRPERSON TIMMERMAN:  He says One Energy.

7  It's my understanding it's One Energy for Whirlpool.

8          MR. CORDONNIER:  I just didn't know.

9          CHAIRPERSON TIMMERMAN:  Yes.  I think

10  they're one and the same.  I don't know the ownership

11  of it.

12          I don't -- I'm going to trust his math on

13  that right now.  It's going to convert from acres to

14  square feet and I don't remember the number.

15          MS. LAND:  Wasn't it 4,480 square feet in an

16  acre?

17          CHAIRPERSON TIMMERMAN:  All right.  Fine.

18          MR. EVANS:  43,560.

19          CHAIRPERSON TIMMERMAN:  560.

20          MS. LAND:  Okay.

21          CHAIRPERSON TIMMERMAN:  Okay.

22          MS. LAND:  They currently had 15 is what you

23  were talking about before.

24          SECRETARY STACY:  That's what I thought.

1    15.

2          MS. LAND:  Even 25 is quite a lot lower than

3    what the maximum amount is before it goes to the Power

4    Siting Board, which is 5 -- you know, 50 megawatts for

5    solar.

6          MR. CORDONNIER:  50 kilowatts.

7          MS. LAND:  Megawatts.

8          MR. CORDONNIER:  Yeah.  Sorry.

9          CHAIRPERSON TIMMERMAN:  My math came out to

10   19.7, so it'd be 20 kilowatts.

11         SECRETARY STACY:  Did we have two different

12   wattages?  Was it different for Accessory versus

13   Non-Accessory?

14         MS. LAND:  Yes.  Non-Accessory is 25

15   already.

16         SECRETARY STACY:  25.

17         CHAIRPERSON TIMMERMAN:  Right.  So he's

18   saying that it helps to be the same.  25 is still a

19   low number.

20         MS. LAND:  Right.

21         CHAIRPERSON TIMMERMAN:  And I'm okay with

22   that.

23         MR. EVANS:  Yeah.

24         SECRETARY STACY:  Okay.  I guess both are

1   going to be 25, Accessory and Non-Accessory.

2           MS. LAND:  Are we going to -- and the 1,000

3   square feet with Solar?

4           CHAIRPERSON TIMMERMAN:  I mean, at 1,000

5   square feet, I come out to right at 20 kilowatts.

6   But, as efficiencies get better over time, it will

7   still be close.

8           MS. LAND:  Okay.  I just don't want us to

9   have two things that aren't compatible so that, you

10  know, we're kind of precluding people from going to a

11  maximum that were allowed.

12          CHAIRPERSON TIMMERMAN:  Well, I guess I'll

13  double-check this per acre then.  Maybe not.  No

14  internet signal in here.  I'm not getting the square

15  foot per acre.

16          SECRETARY STACY:  We can always come back.

17          MR. CORDONNIER:  I'm pretty sure it's

18  43,560.

19          MS. LAND:  43,560.

20          CHAIRPERSON TIMMERMAN:  That's what I was

21  using.

22          SECRETARY STACY:  If you can do a little

23  more crunching.

24          CHAIRPERSON TIMMERMAN:  We can come back to

1  it, I guess.

2              SECRETARY STACY:  Thursday.

3              CHAIRPERSON TIMMERMAN:  As far as decibel

4  level, I mean, I didn't think decibel level would be

5  an issue with solar.  It never crossed my mind.

6              MS. LAND:  It was a big issue when we were

7  at the Power Siting Board for those large, large

8  fields up in Washington and Cass Township.  However,

9  that's where the guy told me that the amount that it

10 gives off is something that somebody my age wouldn't

11 even hear, so I'm thinking it's not as --

12             MR. CORDONNIER:  Rude.

13             MS. LAND:  What?

14             MR. CORDONNIER:  Rude.

15             MS. LAND:  Yeah.  We're like -- you know, he

16 goes, Somebody your age probably wouldn't even hear

17 it.  I was, like, Thanks.

18             MR. EVANS:  (Unintelligible)

19             (Laughter.)

20             MS. LAND:  Yeah.  I'm not sure that there --

21 except that it's the issue of the constancy of the

22 hum.  So I think they are, like, at 5.  I think they

23 said in their -- and I forgot to pull this, so I

24 apologize.  I do have that back in our office and

1   I'll look at it for what the agreed terms were that we

2   gave to the Power Siting Board with the company.  All

3   their engineers and the County and the Township all

4   agreed on what would be acceptable levels.  For some

5   reason, I'm thinking it's about 5.  It's really low --

6            CHAIRPERSON TIMMERMAN:  Okay.

7            MS. LAND:  -- is what it is, but I still

8   would -- I'll double-check.

9            CHAIRPERSON TIMMERMAN:  Okay.

10           MS. PARGEON:  So little kids shouldn't live

11  near them because they can hear them.

12           MS. LAND:  I wouldn't know if it's happening

13  or not.

14           SECRETARY STACY:  And it's more than just

15  audible sound.  Sometimes inaudible sound will give

16  you impacts as well.

17           MS. LAND:  Yeah.  They have the pretty

18  big -- we literally had this much information

19  (indicating) for all the reports of the different

20  areas.  But, you know, it's the stuff that the Power

21  Siting Board looks at for the larger ones, and if they

22  find it of acceptable levels, I think it makes sense

23  that -- use them as a guideline for the acceptable

24  levels for the huge ones that you would find

1  acceptable levels for the small ones.  At least then

2  you can support your decision for what the rationale

3  is.

4           SECRETARY STACY:  Uh-huh.

5           CHAIRPERSON TIMMERMAN:  Uh-huh.  A couple

6  notes I made after the meeting, just going through my

7  head.

8           Density.  We said one per mile, far as

9  the -- I've got to figure it out again --

10 Non-Accessory Use on Wind and Solar.  Is that one per

11 mile from wind turbine to wind turbine and solar to

12 solar, or do they cross --

13           MS. LAND:  Lot line to lot line.

14           CHAIRPERSON TIMMERMAN:  Lot line to lot

15 line.  Do they cross-reference?

16           MS. LAND:  Oh, can I have a wind and solar

17 together, and --

18           CHAIRPERSON TIMMERMAN:  Or do they have to

19 be one mile apart?

20           MS. LAND:  I see what you're saying.  Well,

21 I don't know.  What do you guys think?

22           MS. PARGEON:  Should be one mile apart;

23 otherwise, it's going to be practically on top of each

24 other.

1          CHAIRPERSON TIMMERMAN:  Well, is that --

2   I understand the one mile.  Like, if you had solar

3   here and you wanted one mile to it.  But what if you

4   had solar, and, then, right next to it wind?  Should

5   it still be one mile apart from -- I don't even know

6   the way to phrase that.

7          MS. LAND:  We're not contemplating moving

8   the one mile to be less.  We're asking if the one mile

9   applies whether it's solar or wind to each other.

10         MS. PARGEON:  Uh-huh.  Correct.

11         MS. LAND:  I don't know that that's how you

12  currently have it worded.

13         CHAIRPERSON TIMMERMAN:  I don't think that's

14  how it's worded currently.

15         MS. LAND:  Yeah.  Right now, it's kind of

16  worded that it's a mile between each solar and a mile

17  between each --

18         CHAIRPERSON TIMMERMAN:  Wind.

19         MS. LAND:  -- wind.  But not between any

20  kind of --

21         CHAIRPERSON TIMMERMAN:  Green energy.  Yeah.

22         MS. LAND:  Is that green?  Is that what they

23  call it?

24         CHAIRPERSON TIMMERMAN:  I don't know.

1              MS. LAND:  I don't know what you call it.

2              It's up to you guys.  Do you want to see if

3    we can find some way to --

4              CHAIRPERSON TIMMERMAN:  I'd be okay with

5    finding some way to --

6              MS. LAND:  Do you guys think that's too

7    restrictive or would be difficult to follow?

8              MS. PARGEON:  No.

9              SECRETARY STACY:  Should we do a little bit

10   of research so we have backup?

11             CHAIRPERSON TIMMERMAN:  That's fine, too.

12             SECRETARY STACY:  I would like to have

13   backup.

14             CHAIRPERSON TIMMERMAN:  Okay.

15             MS. PARGEON:  You could have them real close

16   and the prop fall off and break the solar.  Oh, well.

17             SECRETARY STACY:  (Unintelligible).

18             CHAIRPERSON TIMMERMAN:  I think on Accessory

19   Solar, we said it must be on site.  I just wanted to

20   verify that we said, on Accessory Wind, it must be on

21   site as well.

22             MS. LAND:  Okay.  I will double-check.  And

23   I did add a section -- a paragraph.  I'm most of the

24   way getting through these notes that we took and

1 talked about pounded into the same form that we have

2 used for other things.  I added a section that says

3 Accessory Solar Mounted on a Building.  What do we

4 call it?  That it's preferable.

5          CHAIRPERSON TIMMERMAN:  Okay.

6          SECRETARY STACY:  Okay.

7          MS. LAND:  So, I mean, there are a few

8 things that I didn't know.  I didn't have any note on

9 what we were doing.  I put those in highlighted

10 yellow.  When we bring it, we'll talk about those.

11 You can tell me to leave it, change it, or --

12          CHAIRPERSON TIMMERMAN:  Okay.

13          SECRETARY STACY:  Okay.

14          MS. LAND:  -- dispose of it completely.

15          CHAIRPERSON TIMMERMAN:  One more note.  For

16 Solar, the area of 1,000 square feet, is that the area

17 of ground it's sitting on, or is that the surface area

18 of the panels?  Because if you just say of the panels,

19 then I don't know why you would do it, but you could

20 space --

21          MS. LAND:  Spread them all over.

22          CHAIRPERSON TIMMERMAN:  -- over 100 acres.

23 It would be not the best way to do that, but you could

24 do that.  And do we care?

1          MS. LAND:  Uh-huh.

2          SECRETARY STACY:  If I'm looking, there was

3 part E where, initially, Washington Township had,

4 "...shall not exceed a half acre in size," and we

5 pushed it down.  That tells me it was talking about

6 actual property --

7          CHAIRPERSON TIMMERMAN:  Property area.

8          SECRETARY STACY:  -- location and not actual

9 panels.

10          CHAIRPERSON TIMMERMAN:  Yeah.

11          SECRETARY STACY:  So I think that's kind of

12 more --

13          CHAIRPERSON TIMMERMAN:  Just stick with

14 that.

15          SECRETARY STACY:  -- more of the intent that

16 we were discussing.

17          MS. LAND:  Just make sure it says 1,000

18 square feet of --

19          SECRETARY STACY:  Property --

20          CHAIRPERSON TIMMERMAN:  Property.

21          SECRETARY STACY:  -- or land.  Whatever.

22          MR. CORDONNIER:  You may want to say

23 "contiguous."

24          SECRETARY STACY:  Contiguous.

1          CHAIRPERSON TIMMERMAN:  What does that

2    term --

3          MS. LAND:  It means side by side.

4          MR. CORDONNIER:  See it on ten different

5    spots, you know, that add up to --

6          MS. LAND:  Contiguous means it's all

7    touching.

8          CHAIRPERSON TIMMERMAN:  Yeah.

9          MR. CORDONNIER:  One square.

10          MS. LAND:  It could be little diamonds that

11   are spread all the way across there, from tip to tip.

12   If they want to get that creative.

13          FROM THE FLOOR:  Solar panels at 30 feet,

14   65 decibels.

15          MS. LAND:  How many?

16          FROM THE FLOOR:  At 30 feet away is 65.

17          CHAIRPERSON TIMMERMAN:  How big -- what's

18   the -- does it give anything as to how many -- how

19   much solar panel --

20          FROM THE FLOOR:  It doesn't give that.

21   There are a couple places where it says that, at

22   30 feet, 10 meters.

23          MR. EVANS:  What is it?  A hum?

24          CHAIRPERSON TIMMERMAN:  I think it's just a

1  hum.  That's based on the email, it sounds like a hum.

2          MR. CORDONNIER:  What's the source that

3  she's looking at?

4          CHAIRPERSON TIMMERMAN:  Do you -- what's

5  the --

6          FROM THE FLOOR:  This is Cypress Creek

7  Renewables.  And another one that said the same exact

8  thing, Solar Choice.

9          CHAIRPERSON TIMMERMAN:  Does it hurt

10  anything just to put "at the property line" again, we

11  said 40 decibels at the property line?

12          MS. LAND:  No.  We'll just take that number

13  there and think about it.  We'll find what the

14  solar -- or Power Siting Board says, and, then, we'll

15  kind of come up with a number.  65 seems super loud.

16  It's not the kind of number that we were discussing at

17  the Power Siting Board at all.  So I'm --

18          MR. CORDONNIER:  I know Tiffin Avenue is 70,

19  75 decibels.

20          MS. LAND:  With the traffic?

21          MR. CORDONNIER:  Yeah.  From about 50 feet

22  away.  We had a study for one of the carwashes.  The

23  neighbors were concerned how loud the carwash would

24  be.  We had a noise/sound study.

1        MS. LAND:  The thing I added was

2    "Roof/Structure-Mounted Solar Energy Systems are the

3    preferred type of accessory system."  Doesn't mean

4    they have to do it.  But, at least, then, they know

5    you're going to get it a little bit better looking.

6        CHAIRPERSON TIMMERMAN:  Cindy, I brought

7    this up to you before, but I'm going to bring it up

8    again.  The very first -- Section 1500 in here says:

9        Whenever any provision of this Resolution

10   poses more stringent requirements, regulations,

11   restrictions, or limitations than are imposed or

12   required by the provisions of any other law or

13   resolution, then the provisions of this Resolution

14   shall govern.

15       And, then, Whenever the provisions of any

16   other law or resolution pose more stringent

17   requirements than are imposed or required by this

18   Resolution, then the provisions of such Resolution

19   shall govern.

20       MS. LAND:  Right.

21       CHAIRPERSON TIMMERMAN:  Based on that, why

22   can't we have rules that are more stringent than the

23   Senate Bill 52?

24       MS. LAND:  Because you're still a creature

1  of statute and you can only do what you have the

2  authority to do.  You could -- you are having more

3  stringent than Senate Bill 52 by going down to

4  kilowatts instead of megawatts.

5              CHAIRPERSON TIMMERMAN:  But you --

6              MS. LAND:  You're limiting them at --

7              CHAIRPERSON TIMMERMAN:  I thought you

8  implied that we would not be able to regulate things

9  that went above 5 megawatts.

10              MS. LAND:  You cannot.

11              CHAIRPERSON TIMMERMAN:  Okay.

12              MR. CORDONNIER:  The State trumps.

13              MS. LAND:  The State would --

14              MR. CORDONNIER:  The State trumps these

15  zoning regulations.

16              MS. LAND:  You don't have the authority to

17  even regulate it.

18              CHAIRPERSON TIMMERMAN:  Okay.

19              MS. LAND:  Not -- not create something

20  that's different than theirs.  If you have the ability

21  to play in that playground, then you can be more

22  stringent than they are.

23              CHAIRPERSON TIMMERMAN:  So whose rules would

24  we be allowed to be more stringent than?

1              MS. LAND:  In what?

2              CHAIRPERSON TIMMERMAN:  Based on that

3  section I read.  Are we allowed to be more stringent

4  than the County level?

5              MS. LAND:  No.  It depends.

6              CHAIRPERSON TIMMERMAN:  Okay.

7              MS. LAND:  Like, for example, the State

8  statute says, like, a nonconforming use, if it's not

9  used within -- as the nonconforming use for two years,

10 it reverts.  You could give them three, four, or five

11 years because -- but they would be more stringent.

12             I can't give you the overall thing.  You've

13 got to kind of take each kind of thing at a time and

14 discuss it and work it through because there's a lot

15 of moving parts on that.  I wish I could just say,

16 Yeah, that's how it works.  It's not.

17             CHAIRPERSON TIMMERMAN:  Okay.  Okay.

18             MS. LAND:  But you still are creatures of

19 statute and townships, and by, you know, by

20 definition, the children of townships, the commissions

21 are only given the authority that a statute gives you.

22             And Senate Bill 52 gave you the authority to

23 regulate up to 5 megawatts --

24             CHAIRPERSON TIMMERMAN:  Okay.

1          MS. LAND:  -- and up to 50.  Anything above

2    that, you don't have the ability to do.

3          CHAIRPERSON TIMMERMAN:  Okay.  That's fine.

4    I just -- when I read it, I'm like, kind of implied

5    that you're allowed to be more stringent than --

6          MS. LAND:  You are sometimes.  And you can

7    be less stringent sometimes --

8          CHAIRPERSON TIMMERMAN:  Right.

9          MS. LAND:  -- depending on if it's a benefit

10   or a detriment.  You can give them benefit where the

11   State would give them -- you can give them more

12   benefit than the State does, which makes you, in the

13   double negative, or less stringent.  See what I'm

14   saying?

15         SECRETARY STACY:  Less restrictive.

16         CHAIRPERSON TIMMERMAN:  That's fine.  I just

17   wanted to bring it up one more time for clarity.

18         MS. LAND:  There is no clarity on it.

19         CHAIRPERSON TIMMERMAN:  That's a fair

20   answer.

21         MR. CORDONNIER:  We see it all the time with

22   covenants and restrictions.  The City will issue a

23   permit for a fence.  Their covenants and restrictions

24   that they agreed to when they purchased the house says

1    they're not allowed to have a fence.

2              We say a lot can be 10,000 square feet.  The

3    health department says you have to have a minimum of

4    2 acres.  So, in that case, they have to have 2 acres.

5    The bigger lot is actually more restrictive.  You see

6    it like that all the time.

7              And you can set standards where you have

8    control less or more than what the State does with

9    their over 50, or over 5.  But I think you have -- you

10   should show some reason why it's, you know, different

11   than kind of what experts have said.

12             MS. LAND:  I don't always consider the

13   legislature experts on anything.  Sorry.

14             MR. CORDONNIER:  That was very flattering to

15   the State legislature.  I apologize.

16             CHAIRPERSON TIMMERMAN:  All right.  So do we

17   have -- are we moving on, then, to Adult

18   Entertainment?

19             MS. LAND:  Okay.  We can do that.

20             SECRETARY STACY:  Yeah.

21             FROM THE FLOOR:  (Unintelligible).  I had to

22   say that.

23             (Laughter.)

24             SECRETARY STACY:  I've got a question before

1  we -- I don't know if we're going to take the time to

2  read through this or what.

3              It was my understanding that we could

4  basically state that there would not be Adult

5  Entertainment permitted in the township.  And, then,

6  I -- when I'm looking at this, I'm seeing things like

7  a license, like, things that you have to adhere to to

8  license this.  License required.  An issuance of a

9  license.

10             So my question is:  Before we wade through

11  all of this license information, what can -- do we

12  have the option of saying that there is no permitted

13  use, or do you specify what district could --

14             MS. LAND:  I wish I knew -- I can't find --

15  I don't seem to have a copy of what Allen Township

16  adopted because they currently have this adopted,

17  and I would like to take what they have and plop it

18  directly in here.  I'm not the one who did it.

19  Somebody else in our office did that many years ago;

20  he's not at our office anymore.  So I don't really

21  know any of this.  No, I can't get in here.

22             SECRETARY STACY:  It would be nice, if

23  that's been identified by the township already, that

24  we could just insert that and say that it's already

1    been addressed.  Here it is.

2              MS. LAND:  I wonder if Mark has access to

3    it.  I think he has it because it's a lot of stuff

4    that he can't --

5              SECRETARY STACY:  Do we have any idea how

6    long ago that may have happened?

7              MS. LAND:  It was a while.

8              MR. CORDONNIER:  I'm guessing --

9              MS. LAND:  It was K.C.

10             MR. CORDONNIER:  It was K.C.  Bill Hollick

11   (phonetic) was still director.  So 4-13, eight or nine

12   maybe.

13             MS. LAND:  I'd say 9, 10, 11 years.

14             MR. CORDONNIER:  9, 10, somewhere in there.

15   Anywhere between 2005 and 2012.

16             SECRETARY STACY:  Okay.

17             MS. LAND:  I'm trying to remember when -- I

18   think K.C left our office in '12.  Yeah.  It would

19   have been a while before that.

20             When did the Lion's Den open?  Because it

21   was, like, within months of that.

22             SECRETARY STACY:  Was that what propelled

23   this last Zoning Resolution 22 years ago?

24             MS. LAND:  Which is 2002?

1          MS. PARGEON:  Yeah, it was the Lion's Den.

2          SECRETARY STACY:  That was the last thing?

3 And the time before it was the contaminated soil right

4 there by Pilot.

5          CHAIRPERSON TIMMERMAN:  Does 2002 line up

6 with your recollection?

7          MR. CORDONNIER:  No.  I wasn't at Regional

8 Planning.  I remember I was at Regional Planning when

9 they went through the process.  I started in '05.

10          MS. LAND:  Was it shortly after you got

11 there?

12          MR. CORDONNIER:  I don't know.

13          SECRETARY STACY:  I would think that it

14 should be somewhere.

15          MS. LAND:  Oh, yeah, it should be.  I'm sure

16 he's going to have to go digging for it.

17          I think I might be able to access computer

18 stuff that K.C. might have done back when he was here.

19 I'm not sure if it's still around.  Maybe I can find

20 his.

21          Do you want to put this off till next time

22 until I can see if we don't have to really wade into

23 it?

24          MR. EVANS:  It would be nice if we didn't

1   have to spend an hour and a half, and, then, find out,

2   when you bring something in that it's a five-minute

3   deal.

4               SECRETARY STACY:  But you really wanted to

5   read that, didn't you?

6               MR. EVANS:  Not really.  I kept looking

7   around to make sure -- you know, should we have stuck

8   a PG sign on the door?

9               CHAIRPERSON TIMMERMAN:  Okay.  This will be

10  a short meeting.  We opted not go to into Ponds.

11              MS. LAND:  That worked out well.

12              CHAIRPERSON TIMMERMAN:  Not go to into Adult

13  Entertainment.

14              MS. LAND:  We can always do Ponds now, if

15  we're not doing Adult Entertainment.

16              CHAIRPERSON TIMMERMAN:  Do we want to go and

17  do General Exceptions then?  Or do you want to do

18  Ponds?

19              MS. PARGEON:  I've got to agree with their

20  feelings of that for the Adult Entertainment --

21              SECRETARY STACY:  That's not terribly long.

22              MS. PARGEON:  -- on healthy and everything

23  else.  All the diseases that come with them.

24              SECRETARY STACY:  We could read that out

1    loud, the Ponds.  That's the short one she just gave

2    you.

3                CHAIRPERSON TIMMERMAN:  Are you thinking

4    Ponds?

5                SECRETARY STACY:  Yeah.

6                CHAIRPERSON TIMMERMAN:  Let's do it and it

7    be done since that's part of General -- I don't

8    remember what the title of that was.

9                SECRETARY STACY:  Provisions.

10               CHAIRPERSON TIMMERMAN:  General Provisions.

11   Okay.

12               MR. EVANS:  Article 12, General Provisions.

13   Section 20.  To now read, Artificial Ponds.

14               Artificial Ponds may be permitted in all use

15   districts with review of the zoning commission and

16   zoning inspector.

17               A.  All artificial ponds shall comply with

18   all requirements of this Resolution, including, but

19   not limited to, setback and yard requirements from

20   main structures.

21               B.  All artificial ponds may not exceed

22   3 acres in surface area size with a limit of one pond

23   per parcel.

24               C.  In determining compliance with setbacks

1  and yard requirements, the measurements shall be made

2  as follows:

3           A.  For in-ground ponds, or portions

4  thereof, from the edge of the pond bank nearest the

5  road right-of-way or lot line to the road right-of-way

6  or lot line.

7           B.  For above-ground ponds, or portions

8  thereof, from the lowest point on the outside of any

9  embankment closest -- on the outside of any embankment

10  nearest the road right-of-way or lot line to the road

11  right-of-way or lot line.

12           MS. LAND:  I don't understand that language.

13  Do you?

14           SECRETARY STACY:  How can you have an

15  above-ground --

16           MS. LAND:  They are the ones that look like

17  little --

18           MR. EVANS:  Like the reservoirs.

19           MS. LAND:  -- reservoirs.

20           I don't get this.  Nearest road right-of-way

21  or lot line to the road right-of-way or lot line.

22  What does that mean?

23           MS. PARGEON:  Say you got lots of winds and

24  the water's going against the edges and the edges of

1   the thing washes away, and, then, you've got water

2   across the road.

3            MS. LAND:  I think this is only -- what

4   we're talking about is how we do the initial measuring

5   to see where it's going to get put.

6            From the edge of the pond bank nearest the

7   road right-of-way or lot line to the road right-of-way

8   or lot line?

9            MR. EVANS:  To which road right-of-way or

10  lot line.

11           CHAIRPERSON TIMMERMAN:  I think what it's

12  trying to say is to the closest road right-of-way or

13  lot line.  I don't know why they have to specify it

14  twice like that.

15           MR. CORDONNIER:  Did Jake have any part of

16  it?

17           MS. LAND:  He wrote this.  I didn't write

18  any of this.

19           MR. CORDONNIER:  Okay.  Well, he's

20  traumatized by the way that contentious pond went

21  down.

22           MS. LAND:  We're not even close yet to being

23  done.

24           MR. CORDONNIER:  No, the one on --

1              MS. LAND:  Oh, in Portage Township?

2              MR. CORDONNIER:  Where the property owners

3    insisted on measuring from weird places --

4              MS. LAND:  That's because they are --

5              MR. CORDONNIER:  -- from 1938 ODOT maps.

6              MS. LAND:  That's because they are a

7    contractor, and they swear they didn't know it was

8    zoned and didn't follow any rules and just put a big

9    honking pond in their front yard right on the edge of

10   the road.  We caught them and said, Stop.  So, Yeah,

11   we'll stop when we're finished, which they did.

12             MR. CORDONNIER:  So I think you just need to

13   state where on the pond you measure from.  I mean, you

14   measure setbacks for fences, houses, buildings.  You

15   measure setbacks everywhere.  So I think, in this

16   case, ponds are a little less.  So just stating from

17   the edge of the pond bank -- I don't know.  You don't

18   need to say where you need to measure to because

19   that's given in everything you do.

20             MS. PARGEON:  Well, it depends where you're

21   going to have the deep end of the pond.  It's not

22   always in the center.

23             CHAIRPERSON TIMMERMAN:  Well, it's saying

24   from the edge of the pond.

1              MS. PARGEON:  Yeah, from the edge.  But is

2    it going to be 10 feet at the edge down below?

3              MR. CORDONNIER:  It doesn't matter how deep

4    it is.

5              CHAIRPERSON TIMMERMAN:  No, we're not --

6    this is to the property line.

7              MS. PARGEON:  Property.  Okay.

8              MR. CORDONNIER:  Yeah.

9              MS. PARGEON:  I'm worried about the whole

10   thing washing away.

11             SECRETARY STACY:  What's currently in place

12   for the county?  Whether you're zoned or not,

13   sometimes there's just protocol that you need to

14   follow apart from zoning.  Do you have to get approval

15   from the health department?  From the county engineer?

16             MS. LAND:  You don't get an approval from

17   anybody unless you're zoned when you're building a

18   pond.

19             SECRETARY STACY:  Okay.

20             MS. LAND:  There are some issues with the

21   measuring that we've found over the years and that's

22   why we're -- I think is why it's written out, the edge

23   of the pond bank near.  So we know it's not the water.

24   It's not where the water's lowest point could be, or

1  where the water's highest point could be.  It's at the

2  edge.  You know, with the above-ground, it's where it

3  comes out where the slope ends and it starts not being

4  a pond anymore.  That's where you start measuring

5  from.

6            The question is:  Do you measure to the road

7  right-of-way or the lot line.  You never want to

8  measure to the middle of the right-of-way because the

9  right-of-way may not -- the whole road might be on

10 somebody else's, so you get extra space.  I don't like

11 lot line either because a lot of the lots go to the

12 middle of the road out in the country.

13            SECRETARY STACY:  Right.

14            MS. LAND:  And that gives -- or to the

15 middle of the right-of-way, not -- but they always say

16 the middle of the road, but it's the middle of the

17 right-of-way.  It's better to have them find the

18 right-of-way edge and then measure from that for their

19 setback.

20            MR. CORDONNIER:  Yes.

21            MS. LAND:  Because you can't build it in the

22 right-of-way.  That's not allowed.  And, then,

23 everybody has an equal -- it may look different from

24 the air because the road was shifted clear over here

1    on the other side of the right-of-way.  It doesn't

2    matter.  It's still exactly -- those are the

3    parameters of the no man's land, the right-of-way.

4    Can't do anything there.  So everything should be

5    measured from the edge of the right-of-way.

6            I'm just not understanding what "...or lot

7    line, or to the road right-of-way or lot line."  Those

8    have got me very confused for why we have those there.

9            MS. PARGEON:  You want so many feet away

10   from the lot line.

11           CHAIRPERSON TIMMERMAN:  Right.

12           MR. EVANS:  Change it to what you said then.

13           MS. LAND:  I would be happy with it saying

14   for in-ground ponds, or portions thereof, from the

15   edge of the pond bank nearest the road right-of-way to

16   the road right-of-way.

17           Oh, I think it just dawned on me what he's

18   saying.

19           CHAIRPERSON TIMMERMAN:  Side lot lines.

20           MS. LAND:  No.  He's saying you can't

21   measure from the back of the pond or the side of the

22   pond.  You have to measure from the center of the

23   front of the pond closest to the road, and that

24   measuring then is to the road right-of-way.

1              So it's from the bank nearest the road

2    right-of-way to the road right-of-way, that has to be

3    your setback area.

4              MR. EVANS:  So cross off both places where

5    it says "lot line"?

6              MS. LAND:  Uh-huh.

7              CHAIRPERSON TIMMERMAN:  But the lot line is

8    still necessary for side lot lines, right?

9              MR. CORDONNIER:  Yeah.

10             CHAIRPERSON TIMMERMAN:  So you still need a

11   lot line?

12             MS. LAND:  Uh-huh.

13             CHAIRPERSON TIMMERMAN:  Side and back.

14             MR. CORDONNIER:  Well, I mean, this isn't

15   just an issue with ponds.  It's an issue with houses,

16   fences, everything.  I mean, there should be a general

17   statement somewhere that says --

18             MS. LAND:  How you measure right-of-way or

19   setbacks.

20             MR. CORDONNIER:  Setbacks from the

21   right-of-way, especially in the county where you said

22   the lots go to the center of the right-of-way.

23             MS. LAND:  Not everywhere, but some places.

24             MR. CORDONNIER:  Some places.  Yes.

1        So there might just need to be a general

2  overall statement maybe in the definition of Setback,

3  or something that just clarifies that throughout the

4  book.

5        MS. PARGEON:  You don't want it too close to

6  a road either.

7        MS. LAND:  I think we're going to have to

8  add a few more words and say, "nearest road -- the

9  bank nearest the road right-of-way to the lot line,"

10  or "to the road right-of-way," and "from the edges

11  closest to the lot lines to the closest lot line," so

12  it's not so confusing.  There's a lot of commas and

13  "ors" and "ands" that make phrases versus -- God,

14  I hated English back when I had to take sentences

15  apart and that's what we are doing here.  Diagramming

16  sentences was never my big thing.

17        MS. PARGEON:  But you don't want a pond too

18  close to a road.  And which way does the water run

19  across the field to wash out the side of the pond?  Or

20  if the pond is down in it, and the pond itself

21  overflows, which way is the water going to go?

22  Because how high do you want the sides on the pond so

23  it retains the water inside?

24        MS. LAND:  We're not going to design the

1  ponds.

2          MS. PARGEON:  Good.

3          MS. LAND:  We're not going to go that far.

4  We will probably -- down here a little farther, it

5  requires that Hancock Soil and Water or an engineer

6  signs off that it is a valid, water-holding --

7          MS. PARGEON:  That's sound good.

8          MS. LAND:  -- non (unintelligible) kind of

9  pond.  That's what they do.

10          MS. PARGEON:  Good.

11          MS. LAND:  Although, Soil and Water did

12  approve of that 117-acre pond.

13          MR. EVANS:  That's not really 117, is it?

14          MS. LAND:  Yeah.

15          MR. EVANS:  Oh.

16          MS. LAND:  30 feet deep.

17          SECRETARY STACY:  You're talking about the

18  borrow pit?

19          MS. LAND:  It's a borrow pit.

20          SECRETARY STACY:  It's a borrow pit.

21          MS. PARGEON:  Oh, to go with that junkyard?

22          MS. LAND:  They're swearing it's a pond.

23  They're asking -- they're appealing.  They're taking

24  us to court.  We're on our way to our second lawsuit

1 on it because they are saying it's a pond.  It's not.

2 It's a borrow pit.  They even called it that on their

3 drawings.

4            SECRETARY STACY:  If you remove the clay and

5 you go down to the gravel, how is it going to retain

6 water?  Because it's the clay that's a natural liner

7 to hold the water.

8            MS. LAND:  We had those kind of questions.

9 Randy Boes is on their zoning commission.

10            SECRETARY STACY:  Randy knows.

11            MS. LAND:  And he was asking these questions

12 of the group that was asking for it, and their

13 attorney stood up and, for lack of a better term,

14 mansplained to him how you build a pond and how you

15 make it hold water.  And we are all going

16 (indicating).  He's, like, Yeah, I've seen ponds

17 before.  He was very --

18            MR. EVANS:  That's funny.

19            MS. LAND:  I thought, for heaven's sake.

20            SECRETARY STACY:  Yeah.

21            MS. LAND:  I'm pretty sure it's going to

22 take about 26 years of heavy rain to fill it.

23            CHAIRPERSON TIMMERMAN:  Do you have Section

24 A figured out?

1        MS. LAND:  I'm going to fix those.

2        CHAIRPERSON TIMMERMAN:  Both of them?

3 They're about the same?

4        MS. LAND:  Yeah.

5        CHAIRPERSON TIMMERMAN:  Okay.  Dave, do you

6 want to continue?  D.

7        MR. EVANS:  D.  A permit may be issued

8 only after zoning commission approval and if the

9 application for a Zoning Certificate for Artificial

10 Pond is accompanied by a set of detailed plans made by

11 the Hancock Soil and Water Conservation District or

12 similar service.

13        MS. LAND:  Do you want to add in, you know,

14 Hancock Soil and Water Conservation District, comma, a

15 certified engineer, comma, or similar service?

16        MS. PARGEON:  Yes.

17        MS. LAND:  That way, if they have an

18 engineer who has done it, we don't have to have them

19 go bother Soil and Water.  If it has an engineer's

20 stamp on it, it's something you guys can then

21 consider.

22        MS. PARGEON:  Yeah.

23        SECRETARY STACY:  That makes sense.

24        MR. CORDONNIER:  We're not saying every pond

1  needs a certified engineer, are we?

2           MS. LAND:  No.  These are "ors."

3           MR. CORDONNIER:  Okay.

4           MS. LAND:  But if we don't put that in

5  there, that way -- they can have an engineer's plan,

6  but they still need to go get a Soil and Water plan.

7  That's a waste of time for everybody.

8           Mark says he's pretty sure he has that.

9           CHAIRPERSON TIMMERMAN:  Perfect.

10           SECRETARY STACY:  Wonderful.

11           MS. LAND:  Okay.  I'll just add that

12  language.

13           MR. EVANS:  Keep going?

14           2.  Article 2, Section 2, Definitions.

15  Language to be Added.

16           Artificial Pond.  Any manmade body of water

17  that retains water on an ongoing basis with a surface

18  area greater than 500 square feet or more, with a

19  depth of no less than 6 feet at its deepest point.

20           MS. LAND:  I think that is the definition

21  that we took and put into your Definitions already.

22           CHAIRPERSON TIMMERMAN:  Okay.

23           MR. EVANS:  Borrow Pit.  An area excavated

24  or to be excavated from which soil and unconsolidated

1   materials are removed or extracted below the grade

2   level of the property which existed before any

3   overbuilding of the site occurred for any purpose,

4   including, but not limited to, for sale, exchange, or

5   for use as fill for any activities, including, but not

6   limited to, landscaping, building, construction,

7   levies, dams, highway construction, or maintenance, or

8   low-lying areas, whether on site or off site.

9           Surface Area.  For a pond or borrow pit, it

10  is the measurement taken from the highest point to be

11  excavated -- to be excavated area able to retain

12  water.

13          MS. LAND:  It's the measurement taken from

14  the highest point to be excavated.

15          MR. EVANS:  The highest point to be

16  excavated.

17          MS. LAND:  I'll try to unscramble that, too.

18          MR. CORDONNIER:  From the highest point able

19  to retain water.

20          MS. LAND:  Yeah.

21          MR. EVANS:  Yeah.  That kind of makes sense,

22  doesn't it?  Highest point able --

23          3.  All zoning districts, except I-2

24  Industrial District, language to be added.

1          Section 3.  Principal Uses Permitted Subject

2    to Special Conditions.

3          1.  Borrow pits under 3 acres in surface

4    area.

5          4.  Article 9.  I-2 Industrial District,

6    language to be added.

7          Section 3.  Principal Uses Permitted Subject

8    to Special Conditions.

9          The following uses shall be permitted

10   subject to the conditions hereinafter composed for

11   each use and subject further to the review and

12   approval of the Board of Zoning Appeals:

13          1.  Borrow pits under 3 acres in surface

14   area.

15          2.  Borrow pits 3 acres or greater in

16   surface area.

17          MS. LAND:  I think that should be the zoning

18   commission because that's consistent with what you're

19   doing everywhere else through the book.  The rest of

20   it kind of makes sense to me.  You guys okay with it?

21          MS. PARGEON:  Uh-huh.

22          CHAIRPERSON TIMMERMAN:  Is there a reason

23   they do the borrow pit two ways, but it's all borrow

24   pits?

1    MR. EVANS:  It's every borrow pit, right?

2    MS. LAND:  They don't want any borrow pits

3 larger than 3 acres in anything other than Industrial.

4 There could be borrow pits often when you're building

5 a house, if you need to build it up.  A lot of people

6 end up with a pond just because they have to have a

7 borrow pit, and, then, it's a big hole, so they

8 convert it into a pond.

9    There's a very specific way to do that.  It

10 just doesn't automatically become a pond when they

11 make a borrow pit.  There's a lot of literature on it.

12    CHAIRPERSON TIMMERMAN:  Why do they -- No. 1

13 says, "Borrow pits under 3 acres," and No. 2 says

14 "Borrow pits 3 acres or greater"?  Why don't they just

15 say "all borrow pits" there?

16    MS. LAND:  I don't know.

17    CHAIRPERSON TIMMERMAN:  Okay.

18    MS. LAND:  I think they are just including

19 the smaller ones.  They are still permitted there, and

20 then larger ones.

21    MR. CORDONNIER:  We didn't want to make it

22 seem like, in I-1 or the I-2 District, that borrow

23 pits under 3 acres weren't permitted.

24    CHAIRPERSON TIMMERMAN:  I gotcha.

1              MS. LAND:  If you want to make that more

2  concise, you could say, "borrow pits of any size."

3              MR. CORDONNIER:  Yeah.

4              MS. LAND:  Would you rather do that?

5              CHAIRPERSON TIMMERMAN:  It doesn't

6  necessarily matter.  The explanation helped that

7  they're not limited by --

8              SECRETARY STACY:  If we can simplify or --

9              CHAIRPERSON TIMMERMAN:  Sure.

10             SECRETARY STACY:  -- I'm all for that.

11             CHAIRPERSON TIMMERMAN:  I'm okay with that.

12             MS. LAND:  Do you want to put a maximum on?

13 You could get 117 acres.  That's eight years of strip

14 mining basically.

15             CHAIRPERSON TIMMERMAN:  I'm okay with

16 putting a maximum on it.

17             SECRETARY STACY:  Yeah.

18             MS. PARGEON:  Yeah.

19             MS. LAND:  We did some quick calculations

20 with attorney brains in our office, and we think we

21 figured out it's going to take 50 to 65,000

22 14-cubic-foot dump trucks to move out 117 acres,

23 30 feet deep.

24             MS. PARGEON:  Wow.

1          MS. LAND:  That's a lot.  Two years.  That's

2   a lot of trucks.

3          CHAIRPERSON TIMMERMAN:  A lot of dirt.

4          MS. LAND:  Got to find a place to put it.

5   That's not our problem.

6          CHAIRPERSON TIMMERMAN:  I don't know what a

7   good size borrow pit is.

8          SECRETARY STACY:  Obviously 100 acres is too

9   large.

10          MS. LAND:  That's pretty big.

11          CHAIRPERSON TIMMERMAN:  Yeah.

12          MS. PARGEON:  That's a big pit.

13          MR. CORDONNIER:  I wouldn't think ODOT's are

14   more than 30 acres probably.  I'm thinking of all the

15   ones along the highways.

16          SECRETARY STACY:  Uh-huh.

17          MS. LAND:  I'm not even sure they're that

18   big.  They have multiple smaller ones.  That's kind of

19   how they do it.

20          SECRETARY STACY:  Uh-huh.

21          CHAIRPERSON TIMMERMAN:  And they can place

22   them where they need to place them, and they are

23   saying they're making them that size because it makes

24   more sense to create another one further down the

1  road.

2        SECRETARY STACY:  Uh-huh.

3        CHAIRPERSON TIMMERMAN:  So with that logic,

4  I would go 25 acres or something like that.

5        SECRETARY STACY:  That's kind of what I was

6  thinking, more in that range.

7        MR. EVANS:  Sounds good to me.

8        CHAIRPERSON TIMMERMAN:  What are we going

9  with?  We've got to choose a number.

10        MR. EVANS:  25.  Is that what she said?

11        CHAIRPERSON TIMMERMAN:  That's fine.

12        MS. LAND:  25, going once.  Going twice.

13        MS. PARGEON:  25.  Sold.

14        SECRETARY STACY:  It's better than 100.

15        CHAIRPERSON TIMMERMAN:  Yeah.

16        MS. PARGEON:  Yeah.  Oh, definitely.

17  Definitely.

18        MS. LAND:  These kind of things that you're

19  discussing, I think when it comes time for the

20  hearings, people may have questions.  You know, Why

21  did you pick 25 kilowatts?  Why do you do 25?  If they

22  have some -- your response then is, Well, do you have

23  a number you'd like to see?  Not sarcastically, but

24  they may have knowledge that you don't have.

1           SECRETARY STACY:  Right.

2           MS. LAND:  And ask them to explain why.

3           MS. PARGEON:  We're open.

4           MS. LAND:  Yeah.  So you might end up

5  changing that to something different.  Any of these

6  numbers might change to something different.

7           CHAIRPERSON TIMMERMAN:  So what stops

8  another 25-acre borrow pit from being placed right

9  next to the first one?

10          MS. LAND:  Nothing, unless you do something

11  about it.

12          MS. PARGEON:  They turn it into a campground

13  then.

14          MR. CORDONNIER:  It's I-2 zoning, and you

15  don't have any -- you might not even have any I-2

16  zoning.

17          CHAIRPERSON TIMMERMAN:  We have to have I-2

18  zoning.

19          MS. LAND:  We'll have some.

20          MR. EVANS:  Some.  But it's not going to be

21  too big.

22          CHAIRPERSON TIMMERMAN:  Yeah.  Right.

23          MR. CORDONNIER:  If someone wants to convert

24  a 100-acre farm field to I-2 zoning, you pretty much

1    have -- you have very broad discretion.  They don't

2    have a right to I-2 zoning.  The township would have

3    pretty broad discretion to turn them down.

4              MS. LAND:  Or if you didn't turn them down,

5    in the same amendment where you're changing it to I-2

6    zoning, you can put a limitation on how many borrow

7    pits can go into 100 acres.

8              CHAIRPERSON TIMMERMAN:  Do it like that,

9    you're saying?

10             MS. LAND:  Yeah, you can.  When you're doing

11   amending, you can do any weird combination of

12   amendments together.  They don't have to be related to

13   one another.

14             You know, if somebody comes along and wants

15   something rezoned, that's an amendment.  But if you

16   guys know that you have an issue with something with

17   nonconforming uses that you want to have it switched

18   around a little, that would be the time to do it.

19   Because you're doing your hearings and everything all

20   at once, do it then.

21             So what I'm kind of saying is it's not going

22   to jump up and spring it on you because when they are

23   asking for their rezoning, that's where you'll have

24   the opportunity to see if you're going to have a

1  problem with this.

2           CHAIRPERSON TIMMERMAN:  How many borrow pits

3  do we currently have in Allen Township?

4           MS. LAND:  No idea.  Not many big ones that

5  I know of really.  I mean, ODOT has a number along 75,

6  I think.

7           CHAIRPERSON TIMMERMAN:  I guess my point is

8  we don't currently have a problem.

9           SECRETARY STACY:  I will state this:  I know

10  a landowner who is going to -- who has property close

11  to where they're going to put the new roundabout and

12  they were contacted for soil, to which they said no.

13  However, they could have said yes.

14           CHAIRPERSON TIMMERMAN:  Yeah.

15           SECRETARY STACY:  So that would have been a

16  borrow pit.

17           CHAIRPERSON TIMMERMAN:  Right.

18           MS. LAND:  Uh-huh.

19           CHAIRPERSON TIMMERMAN:  Do you want to add

20  density on it?  Anybody?  Anybody?

21           MS. LAND:  I have some issues visualizing

22  the spatial part of this.  But if you have a 25-acre

23  borrow pit and you make it a mile to the next one,

24  that's not going to seem like that much, is it?  Not

1    much space between them really because 25 acres is a

2    big area, right?

3                 CHAIRPERSON TIMMERMAN:  Uh-huh.

4                 MR. CORDONNIER:  A mile is pretty far.

5                 CHAIRPERSON TIMMERMAN:  A mile is pretty

6    far.  Again, how big is the I-2 District?

7                 MR. EVANS:  Right.  That's what it boils

8    down to.

9                 MS. PARGEON:  Uh-huh.  Yeah.

10                SECRETARY STACY:  That's going to be what's

11   going to restrict it is the size of the I-2 District.

12                MS. LAND:  I guess I'm not that worried

13   about the density issue on these.

14                CHAIRPERSON TIMMERMAN:  Yeah.  I'm okay.

15   25 acres and be done for right now.

16                MR. EVANS:  Yeah.

17                MS. LAND:  Okay.  There's nothing in here

18   for density for ponds.  I thought there was supposed

19   to be something in Washington Township's about the

20   number of ponds that could be put on a -- I'm not

21   seeing it.  Oh, one pond per parcel.

22                MR. CORDONNIER:  I was going to say, I

23   thought I read it.

24                CHAIRPERSON TIMMERMAN:  Where does it say

1  that?

2          MS. LAND:  B.

3          SECRETARY STACY:  One pond per parcel.

4          CHAIRPERSON TIMMERMAN:  Yeah.

5          MS. LAND:  Instead of, "All artificial ponds

6  may not exceed..." I would like it to say, "No

7  artificial ponds may exceed 3 acres."  They all shall

8  comply with requirements of the Resolution in A is

9  fine, but I would like "no" instead of "all."

10          CHAIRPERSON TIMMERMAN:  Okay.

11          MS. LAND:  And I will write something for A

12  and B there and run it past people in our office and

13  ask them if you know what I'm talking about.  They're

14  good like that.

15          FROM THE FLOOR:  Can I ask a question?

16          MS. LAND:  Sure.

17          FROM THE FLOOR:  The 25 acres, is there a

18  reason why you'd want it that big?  That's a million

19  square feet, give or take, with quick math.  Like

20  1,000 by 1,000 feet.  That's the size of Best Buy

21  Distribution Center, for example.

22          SECRETARY STACY:  That is --

23          FROM THE FLOOR:  If that's 30 feet deep,

24  that's pretty big.

1            MS. LAND:  But that usually is regulated by

2    where you hit bedrock.  I don't know where bedrock is

3    here, if it's high or low.  But Washington Township,

4    they get to 30 feet before they hit rock.

5            FROM THE FLOOR:  That just seems really big

6    to me.

7            SECRETARY STACY:  That's true.  It does.

8            CHAIRPERSON TIMMERMAN:  What number sounds

9    to you?

10           FROM THE FLOOR:  Yeah, Pond Guy.

11           FROM THE FLOOR:  I mean, half a million

12   square feet is big.  That's big.  Just off the top of

13   my head.

14           SECRETARY STACY:  5 acres?

15           FROM THE FLOOR:  Well, 5.

16           SECRETARY STACY:  Or is that still --

17           FROM THE FLOOR:  I mean, there's some

18   farmers that put in 5-acre ponds.  So it's tough, but

19   you're limiting that to 3 so -- on ponds, but I don't

20   know.

21           MS. LAND:  A 5-acre pond is pretty big.

22           FROM THE FLOOR:  That's huge.

23           MS. LAND:  Yeah.

24           FROM THE FLOOR:  I don't know.  20?

1          SECRETARY STACY:  I think we need to take

2   that number down.

3          FROM THE FLOOR:  That number seems to come

4   down because it just seems like a lot.

5          SECRETARY STACY:  Yeah, it is.

6          MR. EVANS:  We were actually reducing it.

7          SECRETARY STACY:  We were talking about 100,

8   and, then, we were like, oh, 25 sounds smaller.

9          MR. EVANS:  Math.

10          FROM THE FLOOR:  Especially if there's not

11   any sort of limitation on the quote, "density," of

12   those.  If they string a bunch of those together,

13   then, like you pointed out --

14          MS. PARGEON:  Yeah.  Along, the interstate.

15          CHAIRPERSON TIMMERMAN:  The density would be

16   limited to they have to be in the I-2 District.

17          FROM THE FLOOR:  Sure.

18          MS. LAND:  And one per parcel.

19          CHAIRPERSON TIMMERMAN:  One per parcel.

20          SECRETARY STACY:  But still, I have no

21   problem taking it down less than 25.

22          MR. EVANS:  To what?  10 or 15?

23          CHAIRPERSON TIMMERMAN:  Come on.  Choose a

24   number.

1          MS. PARGEON:  Take it down to 10.

2          SECRETARY STACY:  I would say 5 or 10.

3          FROM THE FLOOR:  I don't know what the

4   number is, but...

5          CHAIRPERSON TIMMERMAN:  Is 10?

6          FROM THE FLOOR:  I mean, 10 is -- well,

7   that's 430,000, right, square feet?  43,000 per acre.

8   So 430,000 square feet.  That's a pretty good borrow

9   pit.  That's probably more manageable than a million.

10         CHAIRPERSON TIMMERMAN:  Okay.

11         SECRETARY STACY:  How about 5?

12         MS. LAND:  5 is a little small.

13         FROM THE FLOOR:  5 might be a little small

14   for that purpose.

15         MS. LAND:  It is.  In an Industrial area, it

16   might be too small.

17         CHAIRPERSON TIMMERMAN:  So we want to do 10?

18         SECRETARY STACY:  We're going to do 10.

19         CHAIRPERSON TIMMERMAN:  Dave, any thoughts

20   on 10?

21         MR. EVANS:  That sounds good to me.

22         CHAIRPERSON TIMMERMAN:  Clara?

23         MS. PARGEON:  Yeah, 10 is fine.

24         CHAIRPERSON TIMMERMAN:  I guess we'll go

1    with 10 then.

2              Was Adult Entertainment going to be in the

3    General Provisions?

4              MS. LAND:  Yes.

5              CHAIRPERSON TIMMERMAN:  And you said --

6              MS. LAND:  Mark says he's got it already

7    adopted.

8              CHAIRPERSON TIMMERMAN:  He's got that.

9              Ponds, we just went through.  That's part of

10   General Provisions.  Was there anything else for

11   General Provisions then?

12             SECRETARY STACY:  Are we going to insert the

13   Marijuana?  Since we are inserting the Adult

14   Entertainment, can we insert Marijuana, the

15   commercial -- the prohibition of commercial growing

16   and retail?

17             MS. LAND:  Maybe.  But we don't really have

18   any rules on them, other than it's not allowed.  So we

19   could probably add -- it would be almost just like one

20   line.

21             SECRETARY STACY:  That would be fine.

22             MS. LAND:  Pursuant to this Resolution

23   number of the township trustees, it's not -- they are

24   not permitted.

1              SECRETARY STACY:  Even if it's one line, I'd

2      like to see it in there.

3              MR. EVANS:  So there's no question.

4              SECRETARY STACY:  Yeah.  You don't address

5      it.

6              Yes, we did.

7              Where are we at now?

8              CHAIRPERSON TIMMERMAN:  Well, General

9      Exceptions would be the next section.  I know at one

10     point in time you mentioned something about landfills.

11             SECRETARY STACY:  Yeah.

12             CHAIRPERSON TIMMERMAN:  Is that something

13     that would go in this area?

14             SECRETARY STACY:  Yeah.  Since we're kind of

15     getting into some different topics.  You had made a

16     comment about we have the sanitary landfill that has

17     oversight from our County Commissioners, and you made

18     a comment that it is -- it was unlikely that they

19     would permit a new landfill in the township.

20             MS. LAND:  Right.

21             SECRETARY STACY:  I personally -- I mean,

22     you know, Commissioners come and go.  If there's any

23     way that we can give ourselves a little more

24     protection on the issue --

1          MS. LAND:  Okay.

2          SECRETARY STACY:  -- I would like to address

3   that.  I think it's -- we have a significant area

4   already dedicated to a landfill.  I think we've paid

5   our dues as far as landfill.  We don't need any more

6   new landfills.

7          MS. PARGEON:  No.

8          SECRETARY STACY:  So -- and I don't want to

9   rely on a couple of elected official as to whether or

10  not that could happen.

11         MR. EVANS:  Is that something, like you

12  said, can they override?  What can they override?

13         MS. LAND:  The County could.  But a private

14  landfill could not.

15         MR. EVANS:  Gotcha.

16         SECRETARY STACY:  Right.

17         MS. PARGEON:  Yeah.  No more private

18  landfills.  No.

19         MS. LAND:  You have a couple of businesses

20  in the township that are -- like, you may want to make

21  your I-2 kind of area somewhere out around the

22  landfill.  I mean, there's an explosives company out

23  there.  There's, like -- well, that would be --

24         MR. EVANS:  Wrecking yards.

1          MS. LAND:  Yeah.  There's a couple of

2  impound yard kind of things.  And, then, there's the

3  gas-to-electricity generator that's on the landfill

4  property, but it's not landfill.  It doesn't belong to

5  the landfill; it belongs to -- who is Granger?  I

6  don't know who owns it now.  They've turned to some --

7  it's an initial thing.  I don't remember what the

8  initials are.

9          But those are things that are kind of

10 volatile, all of them.  Even the landfill is volatile

11 because there's a lot of methane in it.  And trying to

12 bleed that off and turn it into electricity, but it

13 still has to burn that flame off and it's just not

14 something -- it definitely falls into the category of

15 an I-2 kind of industrial use.

16          SECRETARY STACY:  True.

17          MR. CORDONNIER:  I would think zoning the

18 landfill I-2 would be your --

19          MS. LAND:  Your I-2 area.

20          MR. CORDONNIER:  -- your I-2 area.

21          CHAIRPERSON TIMMERMAN:  Is the landfill

22 restricted to I-2?

23          MS. LAND:  We could.

24          MS. PARGEON:  That would be a good idea.

1                    CHAIRPERSON TIMMERMAN:  I would think.

2                    MS. PARGEON:  Yeah.  That way it's out

3    there.

4                    MS. LAND:  All right.  I'll write something

5    up about landfills for the next time.  We're going to

6    have an eclectic mix of weird stuff to go back and

7    look at next time, so we'll have to keep shifting

8    gears.

9                    CHAIRPERSON TIMMERMAN:  Okay.  Anything else

10   before we move on to General Exceptions?

11                   MR. EVANS:  Where is that?

12                   CHAIRPERSON TIMMERMAN:  It's the next

13   section, Page 61.

14                   SECRETARY STACY:  I just -- would it make

15   sense -- you know, we briefly touched on the fact that

16   a building code is separate from zoning.  It seems

17   that, for some reason, people get hung up on thinking

18   that, if they vote for zoning, they're voting for a

19   building code.  The building code is already in place.

20   We've talked about that.

21                   MS. LAND:  It's a State thing.

22                   SECRETARY STACY:  It's a State thing.  But

23   could we just maybe have one or two sentences that

24   address that a building code is separate from zoning

1  and that it comes from the State?  It's

2  state-regulated just to have, again, just a little

3  blurb in there.

4            CHAIRPERSON TIMMERMAN:  Just like in the

5  title at the very start of the book, you're saying?

6  Where would you put it?

7            SECRETARY STACY:  I don't know.  I guess, in

8  my opinion, it kind of sounds like what you would do

9  for Adult Entertainment or Marijuana or not.  You can

10  just make a brief comment that it is separate.

11            MS. LAND:  We could put it in the part where

12  John was commenting at the front where we say what the

13  purpose in our Mission Statement is.

14            SECRETARY STACY:  Okay.

15            MS. LAND:  That zoning is meant for the

16  orderly development and --

17            SECRETARY STACY:  Okay.

18            MS. LAND:  -- advancement of the township,

19  or something like that.

20            SECRETARY STACY:  That's true.

21            MS. LAND:  It is not a zoning code or is not

22  a building code.

23            MR. EVANS:  Right.

24            SECRETARY STACY:  Right.

1          CHAIRPERSON TIMMERMAN:  It's a blanket

2     statement that covers the whole book at that point.

3          SECRETARY STACY:  But I do recall, and it's

4     been some years ago, but there were a number of people

5     that really got hung on up on that.

6          MS. LAND:  It being a building code.  Also

7     that and taxes are the two things that people were the

8     most worried about.

9          Zoning -- and there was some mailings that

10    went out that had some stuff in it that was not true.

11    Zoning can't tell you how to mow your grass.  They

12    can't tell you what color your house can be or what

13    your fence can look like, other than where it's

14    positioned and how big it can be.

15          If you want to have a purple and pink picket

16    fence, you're allowed to do that.  Now, your neighbors

17    aren't going to like it very much, but zoning has

18    nothing to do with it.

19          So it doesn't restrict your ability to do

20    much of anything, other than where you put it on your

21    property.

22          CHAIRPERSON TIMMERMAN:  Right.

23          MS. LAND:  And what use your property can

24    have.

1          SECRETARY STACY:  Uh-huh.

2          MS. LAND:  And that's something that I

3 think, at hearings, you guys are going to have to be

4 able to convey.

5          SECRETARY STACY:  Uh-huh.  Yeah.

6          CHAIRPERSON TIMMERMAN:  Okay.

7          MS. LAND:  At least township zoning can't

8 regulate those things.  I don't know if the City does

9 it.  I don't know how they do it, but they do that.

10          MR. CORDONNIER:  Yes, it is.  Yeah.  Go talk

11 with Dublin, Ohio, about all of the criteria that they

12 have.  I mean, township zoning can have, like, high --

13 do they have, like, grass standards or anything like

14 that?

15          MS. LAND:  Can't have that.

16          MS. PARGEON:  We're a farm community.  Got

17 to have a hay field.

18          MS. LAND:  You can't zone aesthetics or

19 times of uses.  They can't tell you that you can't,

20 you know, operate something after a particular time.

21 We can tell you that you cannot operate it after a

22 particular time with lights that shine in your

23 neighbors' yards, or with sound that's going to be too

24 loud for the neighbor's around you.

1          But we can't tell you that you have to shut

2    down whatever you're doing at 10:00 p.m.  That's not

3    something that zoning has -- they just don't have that

4    authority.  Townships are creatures of statute.  If it

5    doesn't say we can do it, we can't.

6          CHAIRPERSON TIMMERMAN:  Okay.

7          MS. LAND:  Too many people live with the,

8    Oh, let's think outside the box.  You can't do that.

9    I mean, I know we get criticized a lot because we

10   don't think outside the box, but we're just not

11   allowed to by the Ohio Constitution.  We have a box

12   and we can go as far as we can to the edges of it, but

13   we cannot leave it.

14          MR. EVANS:  Start with Article 16 again.

15          General Exceptions.

16          Section 1600.  Area, Height, and Use

17   Exceptions.

18          The regulations in this Resolution shall be

19   subject to the following interpretations and

20   exceptions:

21          Sections 1601.

22          Essential Services.  Essential Services

23   serving the township shall be permitted as authorized

24   and regulated by law and another Resolutions of the

1    township.  Overhead or underground lines and necessary

2    towers and poles to be erected to service primarily

3    those services beyond the township shall receive the

4    review and approval after public hearing of the zoning

5    commission.

6              Such review by the zoning commission shall

7    consider abutting property and uses as they relate to

8    easements, right-of-way, overhead lines, poles, and

9    towers, and, further, shall consider injurious effects

10   on adjacent property as well as the orderly appearance

11   of the township.

12             SECRETARY STACY:  That can -- really?

13   Zoning can address that?  Because I didn't think that

14   public -- is this public utilities that we're talking

15   about?

16             MS. LAND:  I think so.

17             SECRETARY STACY:  I mean, that doesn't seem

18   like -- I didn't think --

19             MR. CORDONNIER:  I don't give that paragraph

20   a high grade.

21             SECRETARY STACY:  Me either.

22             MS. PARGEON:  Because the companies are

23   going to come in and put whatever they want across

24   your property and that's that.

1              SECRETARY STACY:  It could be the public

2    utility.  I guess I had the understanding that, since

3    they are serving the public, they pretty much have

4    their way with what they wanted to do and where.

5              MS. PARGEON:  Uh-huh.

6              SECRETARY STACY:  Am I wrong?

7              MS. LAND:  No, you're not.  There's a

8    specific ORC that says we can't really regulate public

9    utilities.  They have to stay, of course, in their

10   easements, and stuff like that.  They can't just come

11   and put in anything they want.  But they have

12   easements all over the place and, if they want to use

13   them, they can.

14             SECRETARY STACY:  Can they create new

15   easements?

16             MS. LAND:  They have to buy them.

17             SECRETARY STACY:  Okay.

18             MS. PARGEON:  They want to come across your

19   field.

20             SECRETARY STACY:  So if the landowner -- if

21   they say, I'd like to put a cell tower right in the

22   middle of your field, and I say, No, thank you --

23             MS. LAND:  They can't do it.

24             SECRETARY STACY:  Okay.

1              MS. LAND:  Unless they get your -- the

2    ability from you to have the -- beyond that.  Now, if

3    they want to put it in the road right-of-way, then --

4              SECRETARY STACY:  Okay.  Right.

5              MS. LAND:  But they can't fit those on

6    there.

7              It's a bigger thing with power poles and

8    telephone poles which aren't as prevalent as they used

9    to be.  They are trying to do more underground stuff.

10             SECRETARY STACY:  Right.  Right.  Do we take

11   that out?

12             MS. LAND:  It's for those services,

13   primarily those areas beyond the township shall

14   receive the review and approval after public hearing.

15             I just don't know how that got in there and

16   what it has to do with.  What authority we have to do

17   that.

18             MR. CORDONNIER:  The paragraph might be

19   40 years old also.

20             MS. LAND:  Yeah.  And I'm thinking it might

21   not be -- if you want to remove it, we can.

22             MS. PARGEON:  No.

23             SECRETARY STACY:  Again, that's one less

24   thing for the zoning commission to deal with if we

1  don't have that authority.

2          MR. CORDONNIER:  I just don't like

3  someone -- I mean, it's not likely, but someone could

4  start, What's essential? and trying to broaden that.

5          MS. PARGEON:  Well, the power company wanted

6  to put a big line across the Kreinbrink Farm on the

7  back side.  They wanted to bring it in so many feet

8  from the property line and further into the field, and

9  my father said no; so they had to put it along where

10  the fence line is.

11          MS. LAND:  That's where they already had

12  their easement.

13          MS. PARGEON:  Yeah.  They had to stay at the

14  property line.

15          MS. LAND:  Right.

16          MS. PARGEON:  They weren't allowed to come

17  in the field, in the back part of the farm; otherwise,

18  it would have been a big power line going underground.

19          SECRETARY STACY:  That would devalue your

20  property.

21          MS. PARGEON:  Correct.  Correct.

22          SECRETARY STACY:  Right.

23          MS. PARGEON:  So, yeah.  Leave it in there.

24          SECRETARY STACY:  Okay.

1           MS. LAND:  Leave it in?

2           CHAIRPERSON TIMMERMAN:  If we can't enforce

3   that.

4           MS. PARGEON:  Oh, we can't enforce that.

5   Okay.

6           CHAIRPERSON TIMMERMAN:  Are we missing what

7   the intent of this is, or is it just outdated?

8           MS. LAND:  With this or without this, they

9   still have to go through the process that they went

10  through with your father.  They still have to get

11  permission and buy a new easement to move onto your

12  property.

13          MS. PARGEON:  Okay.  Well, then you can take

14  that out then.

15          MS. LAND:  But this seems to be saying that

16  the township will hold a -- zoning commission will

17  hold a hearing for review and approval.  Well, I don't

18  think you have the ability to give review and

19  approval.

20          MS. PARGEON:  No.

21          MS. LAND:  And I think you might be giving

22  people the wrong idea that they have some power to try

23  to do something about these things in the right-of-way

24  or the utility easements.  I think I would prefer to

1  just have that go.

2           MS. PARGEON:  Take it out.

3           SECRETARY STACY:  Okay.

4           CHAIRPERSON TIMMERMAN:  I'm okay with that.

5           MR. EVANS:  Go on to Section 1602.  Height

6  Limit.

7           SECRETARY STACY:  Uh-huh.

8           MR. EVANS:  The height limitations of this

9  Resolution shall not apply to farm buildings,

10 chimneys, church spires, flag poles, public monuments,

11 or wireless transmission towers, provided, however,

12 that the Board of Zoning Appeals may specify a height

13 limit for any such structure when such structure

14 requires authorization as a Conditional Use.

15          MS. LAND:  I don't think that should be

16 zoning appeals.  I think it should be zoning

17 commission because the zoning commission does

18 Conditional Uses.

19          MR. EVANS:  Go on?

20          MS. LAND:  Wait a second here.

21          MR. EVANS:  Sure.

22          Section 1603.  Lot Area.

23          Any lot existing on the effective date of

24 this Resolution may be used for any Principal Use

 1   permitted, other than Conditional Uses for which

 2   special lot area requirements are specified in this

 3   Resolution in the district in which such lot is

 4   located whether or not such lot complies with the lot

 5   area and width requirements of this Resolution.

 6             Such use may be established provided that

 7   all requirements, other than lot area and width,

 8   prescribed in this Resolution are complied with, and

 9   provided that not more than one dwelling unit shall

10   occupy any lot, except in conformance with the

11   provisions of this Resolution for requirement lot area

12   for each dwelling.

13             Section 1604.  Access Through Yards.

14             The purpose of this Resolution, access

15   drives may be placed in the required front or side

16   yards so as to provide access to rear yards or

17   accessory or attached structures.  These drives shall

18   not be considered as structural violations in front

19   and side yards.

20             Further, any walk, terrace, or other

21   pavement servicing a like function and not in excess

22   of 9 inches above the grade upon which placed, shall

23   for the purpose of this Resolution, not be considered

24   to be a structure and shall be permitted in any

1  required yard.

2          CHAIRPERSON TIMMERMAN:  Where does that

3  9 inches come from?

4          MR. EVANS:  That's kind of a --

5          CHAIRPERSON TIMMERMAN:  Anybody have any

6  idea on that?

7          MS. LAND:  That would be like a deck.

8  Something that is raised up enough to be like a deck.

9  Why 9 inches?  I don't know.

10          CHAIRPERSON TIMMERMAN:  Okay.

11          MS. PARGEON:  Any walk, terrace, or other

12  pavement servicing a like function.  Okay.  They don't

13  want the sidewalk higher than 9 inches above the

14  grade.

15          MS. LAND:  I think maybe one of the patios

16  or terraces that have the little brick wall around

17  them.  Those start to be -- they aren't flat, so

18  I think that's what they're trying to say.  The

19  exception doesn't go as far as that.

20          CHAIRPERSON TIMMERMAN:  Okay.  Is that -- do

21  we want that in there?  Is that needed in there?

22          MS. LAND:  Yeah.  Unless you don't want to

23  worry about that.  But I think we talked about this

24  one other time.

1          And, Matt, didn't you say that in the City,

2    they do consider that construction, the driveway and

3    all that stuff because it's nonpermeable?

4          MR. CORDONNIER:  To meet the drainage

5    standards and for lot coverage --

6          MS. LAND:  For lot coverage.

7          MR. CORDONNIER:  -- in the multi-family.

8          MS. LAND:  But, here, we're basically saying

9    the drive shall not be considered a structural

10   violation in the front and side yards, which makes

11   sense because you've got to have your driveway come

12   out through your setback.

13         MS. PARGEON:  Right.  I say leave it.

14         MS. LAND:  Walk, terrace, or other pavement

15   servicing a like function and not in excess of

16   9 inches above grade on which placed.

17         CHAIRPERSON TIMMERMAN:  I was just saying

18   that the 9 inches seems to be a -- you're saying if

19   they --

20         MS. LAND:  A weirdly random number.

21         MS. PARGEON:  Uh-huh.

22         CHAIRPERSON TIMMERMAN:  And anything over

23   9 inches.

24         MS. LAND:  Anything under 9 inches, they're

1  saying is okay.  If it's 9 inches or more, we're

2  considering it structure and it's not permitted

3  without fitting the setbacks and such.

4          CHAIRPERSON TIMMERMAN:  Okay.

5          MS. LAND:  But I don't know why the

6  9 inches.

7          MS. PARGEON:  Well, it's got to settle.

8          MS. LAND:  It would be that high, really,

9  above grade before it gets determined to be a

10  structure.  9 inches is a good solid tripping amount.

11          SECRETARY STACY:  Uh-huh.

12          MR. CORDONNIER:  I thought it was decks.

13          MS. LAND:  That's what I was thinking of.

14  Decks.

15          MR. CORDONNIER:  Decks, too.

16          MS. PARGEON:  I say leave it.

17          MR. CORDONNIER:  I view this as permission

18  to have a driveway.

19          CHAIRPERSON TIMMERMAN:  Right.

20          MS. PARGEON:  Uh-huh.

21          CHAIRPERSON TIMMERMAN:  If you raised this

22  up to, say, 24 inches or something, does that -- is

23  that permission to put in a deck without a permit?

24          MR. CORDONNIER:  It's a little fuzzy, but I

1    think it opens it up a lot more.  Yeah.

2              MS. LAND:  I think it does, too.

3              CHAIRPERSON TIMMERMAN:  Is that good or bad?

4              MS. LAND:  Bad.

5              MS. PARGEON:  Leave it at 9 inches.

6              CHAIRPERSON TIMMERMAN:  She was quick with

7    that.  I trust her.

8              MS. LAND:  Decks change the footprint of the

9    property and they are raised like a porch.  And decks

10   can also very easily be covered and enclosed and,

11   suddenly, you have a screened room.  Zoning didn't say

12   anything about it, but if it's sticking way back past

13   where it should be, it could be infringing on your

14   neighbors; so that's why they have to at least be

15   regulated.

16             CHAIRPERSON TIMMERMAN:  Okay.

17             SECRETARY STACY:  So it's not so much the

18   addition of the deck.  It's going to be dealt like in

19   the easement or right up against the property.  Those

20   are the things that we're concerned about.

21             MS. LAND:  Yeah.  We want to put it in the

22   category of things they still have to get a permit so

23   we are sure that they are fitting the setbacks and

24   stuff like any other structure would have.

1          SECRETARY STACY:  Okay.

2          MS. LAND:  Now, you guys have gone very

3  lenient, though -- taking a step back here and

4  thinking this through -- on the issue of what is a

5  building by determining that they -- if it's on skids,

6  they don't have to -- they're not considered a

7  building; they're not considered structure, and you

8  don't care where they get put, then, they could be

9  right on a lot line.

10          CHAIRPERSON TIMMERMAN:  Did we finalize

11  that?  I don't know that we finalized it.

12          MS. LAND:  I just remembered it because I

13  was going through cleaning stuff up and I saw it.

14          MS. PARGEON:  We had put it on the review.

15          MS. LAND:  Yeah.  We can come back when

16  we're going through the whole thing and revisit that.

17          SECRETARY STACY:  Those storage containers,

18  those -- almost like --

19          MS. LAND:  Oh, yeah.  Shipping containers.

20          SECRETARY STACY:  Shipping containers.

21  I'm aware that there's a certain township where that's

22  grown to be a large problem and they are putting them

23  in front yards.  They are putting --

24          MS. LAND:  You have a pretty significant

1   number of them here, too.

2          SECRETARY STACY:  I have seen some.  Yeah.

3          MS. LAND:  The building code for the State

4   of Ohio was changed a year or two ago to have them be

5   considered buildings.

6          SECRETARY STACY:  Okay.

7          MS. LAND:  So they would be able to get a

8   Building Permit to just set it on blocks and have a --

9   you know, have a -- there's a number of them.  There

10  were.  I don't know if they are still there, but there

11  were.

12         SECRETARY STACY:  I think we have provisions

13  because this township that I'm thinking of, they even

14  have a person living in the shipping container.

15         MR. EVANS:  That's getting popular.

16         MS. LAND:  It's kind of a thing.

17         SECRETARY STACY:  But I think we did address

18  that as far as --

19         MS. LAND:  Here's the thing, though.  If

20  they take shipping containers, they take, say, four of

21  them, stack them in a cube, put them on a foundation,

22  you can't -- it's not a building code, so we can't

23  tell them that --

24         SECRETARY STACY:  Right.

1          MS. LAND:  -- that is really ugly.  But if

2   it comes into the category of being a building, then

3   they are still allowed.

4          SECRETARY STACY:  Okay.

5          MS. LAND:  We can't regulate aesthetics.

6          SECRETARY STACY:  Okay.  But setbacks --

7          MS. LAND:  Making sure they are set back.

8   They have the proper, you know, amount of yard space.

9   They aren't covering more of the lot than they are

10  allowed to cover, and they don't get higher than

11  they're allowed to be in that area.  All of that still

12  counts.  But it's just their building material that

13  they're choosing.

14          MR. CORDONNIER:  In the City, anything over

15  50 square feet, whether as a permanent foundation or

16  not, is an accessory structure.

17          MR. EVANS:  Which means it's regulated.

18          MR. CORDONNIER:  So if you go to Menard's

19  and you buy a shed, even though it's not on a

20  permanent foundation, most are larger than 50 square

21  feet.

22          MS. LAND:  Marion Township does, too.  It

23  doesn't matter if it's on skids or if it's on -- or if

24  it's on a block foundation.

1                  (Interruption.)

2             MS. LAND:  Is there another door?

3             But that's something we'll revisit when we

4  get to it.

5             SECRETARY STACY:  Okay.  Good.

6             MS. LAND:  So you want to leave this as is?

7             MR. EVANS:  I don't have any reason to

8  change it.

9             MS. PARGEON:  Yeah.

10             CHAIRPERSON TIMMERMAN:  Okay.

11             MR. EVANS:  Moving on.  Article 17.

12  Administration and Enforcements.

13             Section 1700.  Enforcement.

14             The provisions of this Resolution shall be

15  administered and enforced by the zoning inspector, or

16  by such deputies of his department as the zoning

17  inspector may delegate to enforce the provisions of

18  this Resolution.

19             MS. LAND:  Let's hope you don't get to the

20  point where you need a zoning inspector and deputies.

21             MR. EVANS:  Deputies sounds scary.

22             CHAIRPERSON TIMMERMAN:  Do you need to

23  change that from his/her or anything like that?

24             MS. LAND:  No.

1          CHAIRPERSON TIMMERMAN:  Okay.

2          MS. LAND:  We could use they and them.

3          CHAIRPERSON TIMMERMAN:  Yeah.  I don't know

4   how far down that rabbit hole we go.

5          MR. EVANS:  Section 1701.  Duties of Zoning

6   Inspector.

7          The zoning inspector shall have the power to

8   grant Zoning Compliance and Occupancy Certificates to

9   make inspections of buildings or premises necessary to

10  carry out his duties in the enforcement of this

11  Resolution.

12         It shall be unlawful for the zoning

13  inspector to approve any plans or issue any Zoning

14  Certificates or Certificates of Occupancy for any

15  excavation or construction until he has inspected such

16  plans in detail and found them to conform with this

17  Resolution.

18         The zoning inspector shall not refuse to

19  issue a Zoning Certificate when conditions imposed by

20  this Resolution are complied with by the applicant,

21  despite violations of contracts, such as covenants or

22  private agreements which may occur upon the granting

23  of said Certificate.

24         MS. LAND:  That's what Matt was saying about

1    if the Homeowners Association says you can't have a

2    fence, but if our rule says you can have a fence and

3    they apply for it, we don't care about what their

4    rules are.  That's a different layer of somebody to

5    deal with.  We just tell them whether, in our set of

6    rules, it would be permitted; but we don't trump the

7    Homeowners Association either.  We can give them the

8    permit, but they can still come after them and tell

9    them, You can't use it.

10               MR. EVANS:  Section 1702.  Plot Plan.

11               The zoning inspector shall require that all

12   applications for Zoning Certificates shall be

13   accompanied by plans and specifications, including a

14   plot plan in triplicate, drawn to scale, showing the

15   following:

16               1.  The actual shape, location, and

17   dimension of the lot.

18               2.  The shape, size, and location of all

19   buildings or other structures to be erected, altered,

20   or moved, and of any building or other structures

21   already on the lot.

22               3.  The existing and intended use of the lot

23   and of all such structures upon it, including in

24   residential areas, the number of dwelling units the

1    building is intended to accommodate.

2              4.   Such other information concerning the

3    lot or adjoining lots as may be essential for

4    determining whether the provisions of this Resolution

5    are being observed.

6              SECRETARY STACY:  Would this be across the

7    board regardless of what the district is?

8              MS. LAND:  Yes.  I think, yeah.  That's what

9    it is now.  I mean, that's what it says now.  And you

10   can make a plot plan, something that's necessary for

11   only particulars areas, if you want.

12             CHAIRPERSON TIMMERMAN:  Do you have a

13   scenario you could come up with?

14             MS. LAND:  The thing that worries me about

15   not having it in every area is, in most of the

16   districts like Residential, Business, we have a

17   maximum lot coverage that's permissible.  With a plot

18   plan, we'll figure out if they're going to be

19   exceeding their maximum coverage.

20             There are some houses in subdivisions that

21   are so huge that they have a little fringe around

22   them, you know.  And some of the houses in Findlay, in

23   the old districts, they have, like, just nothing

24   around them and they're taking up way more than their

1   percentage.

2             We need to make sure that, if it's something

3   that you're regulating, which it is at this point, you

4   have to have a way to be able to determine if they are

5   fitting that regulation and a plot plan would do that.

6             SECRETARY STACY:  Okay.

7             CHAIRPERSON TIMMERMAN:  We have other

8   places, and I don't -- I think it may be in Wind and

9   Solar, and somewhere else where there was, as I

10  recall, pretty detailed on, like, the plot plan.  I

11  don't know if there's one way to make it concise.

12            MS. LAND:  We could say -- well, I don't

13  think we want to try to add it all in under here.

14  I would rather add, These apply unless more specific

15  rules are included in some particular section.

16            You know, like, if you get to Wind and

17  Solar, and the plot plan stuff they're asking for is

18  way more in depth than what they're asking for here,

19  so that would count.  We can't just say, Oh, we only

20  needed this for a plot plan.

21            SECRETARY STACY:  Right.

22            MS. LAND:  Which people do.  That's what our

23  lawsuit is about with Washington Township.  They read

24  one section and nothing else in the code and decided,

1   This is how we're going to do it, and you can't tell

2   us you can't because it says in your code that we can

3   do this.  But nothing is read in a vacuum.

4                SECRETARY STACY:  Right.

5                MS. LAND:  However, attorneys should know

6   that.  Regular, non-legal trained minds may not

7   understand that when they're reading it.  So we want

8   to put a disclaimer in there that that is how it is

9   unless some section requires something more specific.

10                CHAIRPERSON TIMMERMAN:  Okay.

11                SECRETARY STACY:  So we're probably

12   (unintelligible)..

13                MR. EVANS:  Section 1703.  Zoning

14   Certificates.

15                The following shall apply in the issuance of

16   any Zoning Certificate:

17                1.  Zoning Certificates Not To Be Issued.

18                No Zoning Certificate shall be issued for

19   the erection, alteration, or use of any building or

20   structure or part thereof, or for the use of any land

21   which is not in accordance with all provisions of this

22   Resolution.

23                2.  Certificates For New Use Of Land.

24                No land heretofore vacant shall hereafter be

1  used or an existing use of land be hereafter changed

2  to a use of a different class or type unless a

3  Certificate of Occupancy is first obtained for the new

4  or different use.

5              SECRETARY STACY:  Are you strangling like

6  that wording a little bit.  I'm not --

7              MS. LAND:  You like the "heretofore" and

8  "hereafter"?

9              SECRETARY STACY:  I'm not a fan of that.  It

10  sounds impressive, but it's, like, what did that say?

11              MS. LAND:  Yeah.  We'll turn this to green,

12  so I know I need to work with it.

13              MR. EVANS:  Keep going?

14              Certificates for New Use of Buildings.

15              No building or structure or part thereof

16  shall be changed to or occupied by a use of a

17  different class or type unless a Certificate of

18  Occupancy is first obtained for the new or different

19  use.

20              4.   Zoning Certificates Required.

21              No building or structure or part thereof

22  shall be hereafter erected, altered, moved, or

23  repaired unless a Zoning Certificate shall have been

24  first issued for such work.  The terms "altered" and

1    "repaired" shall include any changes in structural

2    footprint, type, class, or kind of occupancy, or other

3    changes affecting or regulated by the Hancock County

4    or State of Ohio Building Codes or this Resolution,

5    except for minor repairs or changes not involving any

6    of the aforesaid features.

7                MS. LAND:  Oh, Lord.  Who wrote this?  I'll

8    think this through here.  I want to add definitions,

9    if we don't already have them, for "altered" and

10   "repaired," so that this -- what's in here, we can

11   make it a little bit more specific.  They'll find it

12   sooner than waiting to get down in here to get it.

13               MR. EVANS:  5.  Zoning Certificate

14   Expiration.

15               Zoning Certificates shall expire at the end

16   of one year from the date of issuance unless the

17   construction or use has commenced within that period

18   of time.  Where construction is being diligently

19   carried on, the zoning inspector may issue one

20   12-month extension of the expiration date.

21               MS. LAND:  That's pretty standard language.

22               SECRETARY STACY:  Okay.

23               MR. EVANS:  6.  Farm Buildings Excepted.

24               Zoning Certificates shall not be required

1   for barns, sheds, and outbuildings incidental to

2   Agricultural Uses.  Such buildings shall, however,

3   conform to yard requirements established in Section

4   1400.  Compliance Certificates shall be required for

5   dwellings accessory to farming operations.

6           SECRETARY STACY:  Can you insert grain bins

7   in there along with barns?

8           MS. LAND:  Grain bins?

9           SECRETARY STACY:  Uh-huh.

10          MS. LAND:  So it would be barns, sheds,

11  grain bins, and outbuildings?

12          SECRETARY STACY:  Yeah.

13          MS. LAND:  Okay.

14          SECRETARY STACY:  So such buildings,

15  however, shall conform to yard requirements.  So --

16          MS. LAND:  Setbacks.

17          SECRETARY STACY:  Setbacks.  Should we --

18          MS. LAND:  Should it say "yard

19  requirements" --

20          SECRETARY STACY:  Setbacks are -- you know,

21  when you say "yard requirements," it's kind of like,

22  okay.

23          MS. LAND:  It's kind of odd.

24          MR. EVANS:  Yeah.

1             MS. LAND:  Do you want to add "and setbacks

2 established in Section 14"?  I don't know if 14 is the

3 proper section or is going to be the proper section

4 when we get this all numbered, so I'll just make a

5 note there to make sure we aren't referring to

6 something that is nonsensical.

7             SECRETARY STACY:  Right.

8             MR. EVANS:  Keep going?

9             MS. LAND:  Whenever you guys are.

10             MR. EVANS:  Section 1704.  Compliance

11 Certificate.

12             Although buildings, structures, and uses for

13 agricultural purposes, public utility purposes, and

14 essential service purposes are permitted in all use

15 districts, it shall be unlawful to hereafter erect,

16 alter, move, change, convert, or enlarge such

17 buildings or structures until such proposed work has

18 been determined to comply with all requirements of

19 this Resolution and a Compliance Certificate has been

20 issued therefor.

21             MS. LAND:  Okay.  I think we have to take

22 out "essential services" because we eliminated that

23 whole section number.  We keep calling these

24 Compliance Certificates.  That's what they call them

1  all of the way through here, and they are -- usually

2  everybody refers to them as a permit.  Zoning Permit.

3            MS. PARGEON:  That sounds better.

4            MS. LAND:  Do we want to change the language

5  that we're talking about these anywhere where we're

6  talking about a Compliance Certificate to be a Zoning

7  Permit?

8            MS. PARGEON:  That sounds better.

9            SECRETARY STACY:  I would rather use

10  "permit."

11            MS. PARGEON:  Yeah.

12            CHAIRPERSON TIMMERMAN:  I think that's a

13  term everybody's familiar with.

14            MR. EVANS:  Right.

15            MS. LAND:  What do they say in the City?

16            MR. CORDONNIER:  What's that?

17            MS. LAND:  Do they call them Zoning Permits

18  or Compliance Permits?

19            MR. CORDONNIER:  Zoning Permits.

20            MS. LAND:  That's what every place else

21  does, too.  I'll make those changes throughout then.

22            MR. EVANS:  2.  No Compliance Certificate

23  shall be issued for a building, structure, land, or

24  part thereof which is not in accordance with the

1  provisions of this Resolution.

2          3.  A record of all Compliance Certificates

3  issued shall be kept on file in the office of the

4  zoning inspector, and copies shall be furnished upon

5  request to any person having a proprietary or tenancy

6  interest in the property involved.

7          MS. LAND:  Okay.  We've now referred a

8  couple of times through here to Certificates of

9  Occupancy.  Are we all clear on what those are?

10 Different than --

11         MS. PARGEON:  People want to go live in

12 them?

13         SECRETARY STACY:  Well, go ahead and -- go

14 ahead and explain.

15         MS. LAND:  Like, you get a permit to -- a

16 Zoning Permit to build a structure that you're going

17 to have be a Dollar General.  It's going to be a

18 store.

19         SECRETARY STACY:  Okay.

20         MS. LAND:  And, then, you go out of

21 business.  Somebody else comes along and they want to

22 put something in that building, they don't have to get

23 a Building Permit because they are not changing it,

24 but they have to get a Certificate of Occupancy so we

1    know that what they're putting in there fits in the

2    category of what's allowed in that district.  So those

3    are Certificates of Occupancy.

4              MS. PARGEON:  Okay.

5              MS. LAND:  If something is going to change,

6    you know, we don't -- it gets confusing.  This is

7    where it gets confusing with the building code stuff

8    because a lot of places -- we get our Certificate of

9    Occupancy for, like, our new building we're building

10   for the County.  When the State Zoning Inspector comes

11   through and says, Yep, it's all good enough for people

12   to be in.

13             It's a different kind of thing here when we

14   talk about Certificate of Occupancy.  It's for us to

15   be able to determine that the use that's going to go

16   on in this building is something that's permitted in

17   that district.

18             CHAIRPERSON TIMMERMAN:  Is it worth having

19   that in the Definitions?

20             MS. LAND:  That's what I was just going to

21   write down there.  I'm going to do those definitions

22   of "Zoning Permit" and "Certificate of Occupancy."

23             MR. EVANS:  I didn't know about that

24   definition.  I only knew about, like, what you said;

1   the building's ready, and you get an okay.

2              MS. LAND:  That's not -- the zoning

3   inspector doesn't have to go in and say, Yeah, you can

4   live in this building now or use this building now.

5              MR. CORDONNIER:  The City does Change of

6   Use; not Certificate of Occupancy.

7              MS. LAND:  Okay.

8              MR. CORDONNIER:  But it is confusing

9   because --

10             SECRETARY STACY:  See, I think Change of Use

11  makes more sense.

12             MS. PARGEON:  Yeah.

13             MS. LAND:  So Change of Use Permit, since

14  we're doing Zoning Permit and Change of Use Permit.

15             SECRETARY STACY:  Yeah.  Because I -- It

16  defines what it is.

17             MR. EVANS:  I always thought Occupancy

18  Permit meant, Okay, it's all set.

19             MS. LAND:  It's safe to be in there.  We

20  don't do that.  That's not our thing.

21             SECRETARY STACY:  Yeah, I like that --

22             MS. LAND:  Okay.

23             SECRETARY STACY:  -- other term better.

24             CHAIRPERSON TIMMERMAN:  So we don't have

1  anything for a permit for occupancy then?

2          MS. LAND:  We don't, no.

3          CHAIRPERSON TIMMERMAN:  So it will only be

4  for a change of use at that point?

5          MS. LAND:  Right.

6          CHAIRPERSON TIMMERMAN:  That's the only

7  place where --

8          MS. LAND:  Because when they get their

9  Zoning Permit, that's when we know what they are

10  planning to use it for.  Is it going to be a

11  residence?  Is it going to be a business?  That's what

12  we give them that permit for.  That's their initial

13  one.

14          Now, once they sell it and somebody else is

15  going to go in there, then we need to know what are

16  you going to use it for, that's where we get the

17  Change of Use.

18          CHAIRPERSON TIMMERMAN:  Change of Use.

19          SECRETARY STACY:  Change of Use.

20          CHAIRPERSON TIMMERMAN:  Okay.  So the

21  initial permit is basically the Occupancy Permit?

22          MS. LAND:  Yeah.

23          CHAIRPERSON TIMMERMAN:  Within reason?

24          MS. LAND:  Because we have determined that

1    that's something that's allowed in this particular

2    district.

3                CHAIRPERSON TIMMERMAN:  Then I like Change

4    of Use.

5                MS. LAND:  Now, if we have -- like, if I

6    build my Dollar General, and, then, I stop wanting to

7    use it as a Dollar General, and you want to take it

8    over as a Five & Dime, it's still the same use.

9    I don't think you have to go through that because it's

10   not a change.  It's still the same kind of business

11   that's allowed right there.

12               SECRETARY STACY:  Uh-huh.

13               MS. LAND:  That's something that the zoning

14   inspector will have to use a little bit of subjective

15   determining if it's the same kind of thing.

16               SECRETARY STACY:  Okay.

17               CHAIRPERSON TIMMERMAN:  Okay.

18               MR. EVANS:  Section 1705.  Footer

19   Inspection.

20               MR. CORDONNIER:  Another confusing one.

21   This is a pet peeve of mine because -- but go ahead.

22   Sorry.

23               MR. EVANS:  So that property owners may be

24   protected from potential errors in the location of

1  buildings, the zoning inspector or his representative

2  shall inspect the excavation for structural footers

3  before any concrete is installed.  It shall be the

4  responsibility of the property owner to notify the

5  zoning inspector at least 24 hours prior to pouring

6  concrete and to provide appropriate evidence of the

7  location of lot lines.  If an inspection has not been

8  made within 24 hours of the zoning inspector's notice

9  from the property owner, the inspection shall be

10  considered approved and pouring of concrete shall

11  commence -- or may commence.

12          MS. PARGEON:  So once they start, they keep

13  going, huh?

14          MS. LAND:  Okay.

15          MS. PARGEON:  So if they start pouring

16  concrete, they can just keep going?

17          MR. CORDONNIER:  No.  I've worked in

18  communities with strong building codes, and the footer

19  inspection is they're watching you pour the footer to

20  make sure you're doing it technically correct and that

21  it's structurally sound in doing all this.

22          This, we're just going out and checking to

23  see if you're putting it in the right place.  That's

24  just kind of like the Certificate of Occupancy; it

1   bleeds over with the building code.

2            MS. LAND:  Right.  And it's not at all

3   uncommon for people to show us where they are going to

4   put something, get their permit.  And, then, when they

5   come to dig their hole, who's going to know?  Move it

6   to where they want it.

7            And, then, when we do find it, if the

8   building's already built and the footer's already

9   poured, it's quite an expensive thing for them to

10  change.

11           This way, the concept is, as soon as they

12  get the hole dug for where they're going to put the

13  footers, then our inspector checks.  Yep, you're still

14  within compliance.  This is where you're supposed to

15  be.  And, then, it's a whole lot easier to move the

16  hole than it is to move the foundation.

17           MR. CORDONNIER:  Yeah.

18           CHAIRPERSON TIMMERMAN:  So it's literally

19  just making sure you're putting it in the right spot.

20           MR. CORDONNIER:  Yeah.  There's no technical

21  review.

22           MS. LAND:  And I don't know what we should

23  call it.

24           MR. CORDONNIER:  I know.

1          MS. LAND:  Footer inspection is bad.  I get

2   that.  I've always sort of cringed because people

3   think we're telling them they have the right kind of

4   footer.  When people have a basement that cracks, they

5   come back and say, Well, you said it was okay.

6          MR. CORDONNIER:  You did a footer

7   inspection.

8          MS. LAND:  That's not what we do.

9          MR. CORDONNIER:  We haven't come up with a

10  better term.

11         MS. LAND:  Thanks.

12         MR. EVANS:  I can see the reason for it

13  because if you have four poles and said that's where

14  the foundation is going to be, and, then, you came

15  back a month later and said, Wait.  That's pole moved.

16  Whereas, when the concrete is poured, then, it's

17  pretty definitive then.

18         And I understand the difference between the

19  State.  When they come, they're going to look at rebar

20  and look at thickness.

21         MS. LAND:  And depth.

22         MR. CORDONNIER:  Concrete.

23         MR. EVANS:  They could care less where it is

24  on the property.  That's the job of --

1              MS. LAND:  Us.

2              MR. EVANS:  Yes.

3              FROM THE FLOOR:  Can you go footer location?

4              SECRETARY STACY:  Well, the first sentence

5    does say, "...protected from potential errors in the

6    location of buildings."

7              MS. LAND:  That's being polite, like it's an

8    error because usually it's not.

9              MR. EVANS:  Yeah.

10             (Laughter.)

11             MR. CORDONNIER:  I do like footer location

12   inspection.

13             SECRETARY STACY:  There you go.

14             MR. CORDONNIER:  I think that's helpful.

15             SECRETARY STACY:  Say footer location

16   inspection.

17             MR. EVANS:  That makes more sense.

18             SECRETARY STACY:  Because that's in your

19   title.

20             MR. CORDONNIER:  It gives a nod a little bit

21   to what it is.

22             SECRETARY STACY:  I think so.

23             MS. LAND:  Okay.

24             MR. EVANS:  Section 1706.  Final Inspection.

1    The holder of every Zoning Certificate and

2 Compliance Certificate for the construction, erection,

3 alteration, repair, or moving of any building,

4 structure, land, or part thereof, shall notify the

5 zoning inspector immediately upon completion of the

6 work authorized by such Certificate for final

7 inspection.

8         Section.  1707.

9         CHAIRPERSON TIMMERMAN:  What final

10 inspection are they doing?

11         MS. LAND:  Just that it is completed.

12 Because your permit expires after a year, unless you

13 come and ask for an extra 12 months.  As soon as it's

14 done, you need to let them know that so they don't

15 pull your permit.

16         CHAIRPERSON TIMMERMAN:  Okay.

17         MS. LAND:  Because if you build something in

18 a zoned area, once you get your permit, you should

19 keep that even though the building is all done.  It's

20 not like paperwork you can throw away, like a receipt.

21 You need to keep that.  Like, in a shed, it's a good

22 idea to, you know, tack it on the wall out in the shed

23 so it's some place people can find it.

24         CHAIRPERSON TIMMERMAN:  Okay.

1          MS. LAND:  Some places require you to

2     display your permit the whole time building is going

3     on.

4          MR. EVANS:  You have to be able to see it

5     from the road.

6          MS. LAND:  But in smaller communities --

7     it's up to you guys, if you want to do that.  But, I

8     mean, your zoning inspector is going to know if they

9     issued a permit for what's going on.

10         CHAIRPERSON TIMMERMAN:  Right.

11         MR. EVANS:  Section 1707.  Certificates of

12    Occupancy.

13         No land, building, or part thereof, shall be

14    occupied by, or for any use, unless and until a

15    Certificate of Occupancy shall have been issued for

16    such use.

17         The following shall apply in the issuance of

18    any Certificate:

19         1.  Certificates Not To Be Issued.

20         No Certificates of Occupancy shall be issued

21    for any building, structure, or part thereof, or for

22    the use of any land, which is not in accordance with

23    all of the provisions of this Resolution.

24         2.  Certificates Required.

1          No building or structure, (except farm

2     buildings) or parts thereof, which is hereafter

3     erected or altered, shall be occupied or used, or the

4     same caused to have done, unless and until a

5     Certificate of Occupancy shall have been issued for

6     such building structure.

7          MS. LAND:  Hold on.

8          MR. EVANS:  What did they say?

9          MS. LAND:  I don't think anybody does that,

10    not unless there's a change in use because -- I guess

11    it should be something that's more in the negative.

12    If I get a permit to build my Dollar General, and

13    after I get everything done, I have it all built up

14    and decide, instead of doing by my little department

15    story, I end up with -- I don't know -- a bar or an

16    adult bookstore, or something that is not what was

17    contemplated for there, then it should be on the

18    negative that they can stop them from having a purpose

19    in there.  But this really starts to be where it gets

20    confusing about building codes.

21          SECRETARY STACY:  Uh-huh.

22          MR. CORDONNIER:  Yeah.

23          MS. LAND:  We might need to revamp this

24    whole section a little bit.

1        SECRETARY STACY:  Yeah.

2        MS. LAND:  Down at the next section, the

3  next paragraph is about where it does matter where

4  there is a change of use.

5        MR. EVANS:  Go on?

6        MS. LAND:  Yeah.

7        CHAIRPERSON TIMMERMAN:  I'm going to pause

8  for a second.

9        Going back to what you said earlier about

10  displaying a permit, like, visible from the road.  The

11  only scenario I can come up with is if somebody owns

12  so much land that you can't see what they're doing out

13  back, is it useful to have a permit displayed at the

14  road?  And that way -- I don't know that -- you know

15  what's going on.  I don't know.

16        MR. CORDONNIER:  People -- I mean, it's

17  tough.  And, like I said, your zoning inspector --

18  I mean, my goodness.

19        MS. LAND:  Most --

20        MR. CORDONNIER:  In a township, people know

21  what's going on.

22        MS. LAND:  Most places that have it being

23  displayed is to stop the neighbors calling and ratting

24  people out so that they don't have to keep dealing

1  with phone calls and telling them, Yes, they have a

2  permit.  I see the permit.

3          CHAIRPERSON TIMMERMAN:  That's fine.  Okay.

4          MS. LAND:  Not that you have neighbors who

5  will rat each other out.

6          CHAIRPERSON TIMMERMAN:  Just wait.

7          MR. CORDONNIER:  I know some townships that

8  do all the time.

9          MS. LAND:  I do, too.

10          CHAIRPERSON TIMMERMAN:  Okay.

11          MR. EVANS:  3.  Certificates for Existing

12  Buildings.

13          Certificates of Occupancy shall be issued

14  for buildings, structures, and parts thereof, or

15  existing uses of land if, after inspection, it is

16  found that such buildings, structures, or parts

17  thereof, or such use of land, are in conformity with

18  the provisions of this Resolution.

19          MS. LAND:  Wait a minute.

20          SECRETARY STACY:  We're going to change the

21  wording.

22          MS. LAND:  We want to change that to Change

23  of Use Permit.

24          SECRETARY STACY:  Yes.

1          MR. EVANS:  Okay.

2          SECRETARY STACY:  Uh-huh.

3          MR. EVANS:  4.  Record of Certificates.

4          A record of all Certificates issued shall be

5   kept on file in the office of the zoning inspector,

6   and copies shall be furnished upon request to any

7   person having a proprietary or tenancy issue in the

8   property involved.

9          MS. LAND:  One of the things that has been a

10  little bit of an issue between the County and the

11  zoned townships are the zoned townships don't always

12  send their Building Permits or their Change of

13  Occupancy Permits to the auditor's office.  The

14  auditor's office is way more capable of picking up new

15  tax stuff if somebody sends them the permits.

16  Otherwise, sometimes there are houses built that they

17  don't know anything about and they aren't getting

18  taxed.

19          So under the zoning inspector's duties, do

20  you want to add in there that it's a duty of the

21  zoning inspector to provide a copy of all Occupancy

22  Permits and Zoning Permits to the county auditor's

23  office?

24          CHAIRPERSON TIMMERMAN:  I don't think it's a

1  bad idea, but it's another thing for them to do.  But

2  I don't know how often there has been a zoning

3  inspector before, so I don't know how often you're

4  going to be sending something in, too.

5           MS. LAND:  As long as they send them in by

6  September of each year in one batch, they're fine.

7  They don't have to send them every time they do them.

8           Everything that's going to be put on taxes

9  has to be there by the second Monday in September.

10 I don't know why.  It's a weird arbitrary date.  It's

11 some state-wide thing.

12          CHAIRPERSON TIMMERMAN:  The weirder thing is

13 that you know that.

14          MS. LAND:  Lots of little bits of useless

15 knowledge.

16          MR. CORDONNIER:  Just on this.  Wouldn't any

17 of these be public information?

18          MS. LAND:  They are.  But if they don't know

19 to ask for it, you don't --

20          MR. CORDONNIER:  Well, I'm just saying, this

21 is any person having a proprietary or tenancy --

22          MS. LAND:  I see what you mean.

23          MR. CORDONNIER:  I mean, if someone comes up

24 and asks for any -- for the whole file on a house in

1  the city, we just give them a copy of the whole file.

2  You know, it's not -- it's public knowledge, would be

3  my -- public information, if they request it.

4          MS. LAND:  Why don't we just stop it with,

5  "Records are kept in the office of the zoning

6  inspector."

7          MR. CORDONNIER:  Yeah.

8          MS. LAND:  They're public records.  Public

9  records have morphed and changed a lot since this was

10  last drafted.  That's probably why that's there.

11          SECRETARY STACY:  Okay.

12          MS. LAND:  Flew right over my head.  Good

13  catch.

14          MR. EVANS:  5.  Certificates for Dwelling

15  Accessory Buildings.

16          Buildings or structures accessory to

17  dwellings shall not require separate Certificates of

18  Occupancy, but may be included in the Certificate of

19  Occupancy for the dwelling when shown on the plot plan

20  and when completed at the same time as such dwellings.

21          MS. LAND:  Wait a minute.  What is --

22          MR. CORDONNIER:  I'm just not sure where

23  they're going with the Certificate of Occupancy.  If

24  you're building an accessory structure, you get a

1   Zoning Permit.

2           MS. LAND:  For an accessory structure.

3           MR. CORDONNIER:  Yeah.

4           MS. LAND:  But not a dwelling.

5           MR. CORDONNIER:  But even a dwelling.

6           MS. LAND:  Yeah.

7           MR. CORDONNIER:  I mean, you get a Zoning

8   Permit for the house, and, then, when it's being

9   constructed, you do your footer location inspection,

10  and, then, there's a final inspection.  Now, are they

11  saying at the end of the final inspection there's a

12  Certificate of Occupancy?  I just -- there --

13          MS. LAND:  I don't know.

14          MR. CORDONNIER:  They're using Certificate

15  of Occupancy all over the place here.

16          MS. LAND:  And they're getting it too much

17  like a building code to determine -- we don't care if,

18  at the end of the two-year period, or one-year, or

19  whatever it turns out to be for the permit, if, when

20  you go in the house they don't have their trim up, or

21  they don't have the floors completely finished.  If

22  it's -- I mean, that's not for us to decide.

23          MR. CORDONNIER:  Yeah.

24          SECRETARY STACY:  Yeah.

1          MS. LAND:  As long as the footprint is

2  completed by that time, then we are considering the

3  building permit fine.

4          That's another thing we're going to have to

5  look at is whether we want to keep that in there or

6  not.  But dwelling accessory buildings, where do we

7  even allow those?

8          SECRETARY STACY:  Yeah.

9          MR. CORDONNIER:  Generally not -- I wasn't

10 here for the residential, but generally --

11         CHAIRPERSON TIMMERMAN:  Does dwelling

12 accessory building mean you're living in an accessory

13 building?

14         MR. CORDONNIER:  Yeah.

15         MS. LAND:  We've got more than one place

16 around the county where people want to live in sheds

17 out back.  They put electricity and some basic

18 plumbing in there and make it a little house for the

19 teenager to live in because they can't stand them in

20 the house.  Honestly, that's --

21         MS. PARGEON:  I believe it.  I believe it.

22         MS. LAND:  We've had one of those.  Or, you

23 know, they have small, like, mother-in-law suites that

24 are a free-standing small building.

1          SECRETARY STACY:  True.

2          MS. LAND:  This is a -- not something that's

3   very common or that you really -- there are a lot of

4   inherent issues with it in a place where there's not

5   water and sewer.  That's one.

6          Because the health department won't let you

7   have two residences, which that would be on one septic

8   system.  You can't put two septic systems on one lot.

9          So, really, these are just -- we're offering

10  people something here that is really not able to be

11  done very easily.

12          You do end up occasionally, though, with

13  people putting dwelling units inside barns for groom's

14  quarters, caretaker's quarters.  That's considered an

15  agricultural use and I don't think we can tell them no

16  there.  Also, the housing that's for migrant workers

17  that have been -- you know, that was determined

18  probably 30 years ago that that's an agricultural use.

19          SECRETARY STACY:  Uh-huh.

20          MS. LAND:  So I don't know that you really

21  need something like this.  That's where I went with

22  that long-winded explanation.

23          SECRETARY STACY:  So are you saying we could

24  strike that whole thing?

1            MS. LAND:  I might.  Yeah.

2            MR. CORDONNIER:  And even if you do allow

3  it, you just give it a zoning permit.

4            MS. LAND:  It's covered under other things,

5  and there are so many other things to look at other

6  than just it says here I can have one of these.

7            MS. PARGEON:  So you're going to -- how much

8  are you going to take out of this?

9            MS. LAND:  The whole thing.  All of 5.

10            CHAIRPERSON TIMMERMAN:  Is it worth keeping

11  that section and doing a -- the only way it's possible

12  is going through the agricultural deal basically?  Or

13  do you just want to take it out?

14            MS. LAND:  No.  Do you really want people

15  doing that?

16            MS. PARGEON:  No, just take it out.  Just

17  take it out.  1 through 5.

18            CHAIRPERSON TIMMERMAN:  Just No. 5.

19            MS. LAND:  It's become a problem in a lot of

20  townships with the amount of people living in barns.

21  It's surprising, but it's true.

22            MR. EVANS:  6.  Application for

23  Certificates.

24            Application for Certificates of Occupancy

1  shall be made in writing to the zoning inspector on a

2  form furnished by that department.  Such Certificates

3  shall be issued within five days after receipt of such

4  application if it is found that the building or

5  structure, or part thereof, or the use of land is in

6  accordance with the provisions of this Resolution.

7         If such Certificate is refused for cause,

8  the applicant therefore shall be notified of such

9  refusal and cause thereof within the aforesaid

10  five-day period.

11         MS. LAND:  For heaven's sake.  Who wrote

12  this?  It wasn't me.

13         MR. EVANS:  It was Abe Lincoln.

14         MS. LAND:  They teach us these words in law

15  school and expect us to think they're okay.

16         MR. CORDONNIER:  To me, this goes back to

17  how are we thinking of Certificate of Occupancy.

18         MS. LAND:  Yeah.

19         SECRETARY STACY:  Uh-huh.

20         MS. LAND:  Do you want to strike it?

21         MS. PARGEON:  Yeah.

22         SECRETARY STACY:  Works for me.  We don't

23  need it.

24         MS. PARGEON:  Less paperwork.

1        MR. EVANS:  Section 1708.  Fees.

2        Fees for inspection and the issuance of

3   Certificates, or copies thereof, required or issued

4   under the provisions of this Resolution may be

5   collected by the zoning inspector in advance of

6   issuance.

7        The amount of such fees shall be established

8   by the township trustees and shall cover the cost of

9   inspection and supervision resulting from the

10  enforcement of this Resolution.

11       CHAIRPERSON TIMMERMAN:  That sounds

12  standard.

13       SECRETARY STACY:  Are we switching out

14  "certificates" for "permits"?

15       MS. LAND:  Yeah, I think so.

16       The reason that we generally have this be

17  just a little section here and have it in the hands of

18  the township trustees is this way they can alter it

19  annually and review it at their annual end-of-the-year

20  meeting to see if they have to change any of the fees.

21  They aren't part of this Resolution.  It's set up that

22  they can set them so we don't have to go through a

23  whole amending process to change these.

24       CHAIRPERSON TIMMERMAN:  Yeah.  Makes sense.

1    It's 7:03.  In honor of our last meeting, we

2  can go for another hour, right?

3    MS. LAND:  I'm good for whatever you want to

4  do.

5    MS. PARGEON:  That's okay with me.

6    CHAIRPERSON TIMMERMAN:  I was joking more

7  than anything.  I assumed Cindy would shoot that down.

8    MS. LAND:  No, I can do whatever you need to

9  do.

10    CHAIRPERSON TIMMERMAN:  Where do we want to

11  be?  I mean, there's one, two, three, four, five, six,

12  seven -- nine pages left basically.

13    The last time, I thought we had, like,

14  15 minutes and it went for another 45 minutes.

15  I'm not going to push for it.  If people want to.

16    How long is it going to take -- like, last

17  time, you thought we would get through all of this,

18  which is fine.  And, then, you thought --

19    MS. LAND:  It probably would have if we

20  hadn't wasted so much time on stuff before we got into

21  the book because we spent -- we did a lot of other

22  things.

23    CHAIRPERSON TIMMERMAN:  Yeah.

24    MS. LAND:  That's why we kind of messed that

1  up.

2          CHAIRPERSON TIMMERMAN:  Yeah.  That's okay.

3          How long is the map going to take next time?

4  Because you said --

5          MS. LAND:  Not that long.

6          CHAIRPERSON TIMMERMAN:  So maybe it's

7  smarter -- and we -- we're already going to be

8  covering a few other things out of the book.  The

9  Adult Entertainment that you -- we got to get.  I

10 don't know if there's going to be any Marijuana stuff

11 that you're going to be gathering.

12         MS. LAND:  I'm just going to do one small

13 section that says, you know, by the -- Pursuant to

14 Resolution whatever the number is, adopted on the date

15 they adopted it, Marijuana -- and use that language as

16 prohibited in Allen Township.

17         CHAIRPERSON TIMMERMAN:  So if you don't

18 think this is going to take that long to finish out

19 the book, and you don't think the map is going to take

20 that long, is that one meeting?

21         MS. LAND:  I think, yeah.  I think it could

22 be one meeting.  The stuff that we have to do here,

23 like the Severance Clause, that's just standard

24 boilerplate.  Rights and Remedies, each day, a

1  separate offense.  Fines.  Nuisance, per se.

2          The whole Enforcement Impounding section is

3  just legal boilerplate.  There's not a lot you're

4  going to be changing.  Same way with Invested Right.

5          Interpretation, we can discuss that to see

6  if there's any of it that's not comfortable for you

7  guys.

8          Changes in Amendments, that's something

9  that's covered by statute.  You can describe it here a

10  little bit, but you're not going to get to do a whole

11  lot of changing.  But we do need to learn it, and

12  that's the whole point of why I think you need to take

13  more time on it.

14          Board of Zoning Appeals, that's going to

15  take a little bit more discussion because all the

16  stuff that needs to be done for zoning, once it's

17  adopted, gets split up with duties between you, as the

18  Zoning Commission Board, and the Board of Zoning

19  Appeals.

20          Chances are, you know, and I've recommended

21  this with some of the other townships in the past

22  that, once you get zoning passed, take one or two

23  members as they're rolling off of the zoning

24  commission and put them on the Board of Zoning Appeals

1  so you have somebody who has a good knowledge of the

2  book on each board.  And, then, that way, you don't

3  have one board that's completely cold and not have any

4  idea what you guys were thinking.  And you guys -- you

5  don't want you guys to not be on the same page because

6  they can override you.

7          SECRETARY STACY:  How many people on the

8  Board of Zoning Appeals?

9          MS. LAND:  Five.

10          SECRETARY STACY:  So it's five and five?

11          MS. LAND:  Yeah.  With the same staggered

12  terms that are five-year terms eventually.  Usually

13  they do any of the things that are -- the duties that

14  are interpreting what was being done are you guys.

15  But the questions of things that are exceptions or

16  exceptions or, you know, like, variances, I think they

17  go to the BZA.  Don't they?  I think they do.

18          CHAIRPERSON TIMMERMAN:  I think so.

19          MS. LAND:  Or if you guys make a

20  determination on something on a Conditional Use, then

21  if you said no to me and I didn't like it, I appeal to

22  the Board of Zoning Appeals.  They can review what you

23  did and see if you actually followed the rules and, if

24  you didn't, they can override you and force you to

1    allow a permit.

2              That's why I want somebody on both boards

3    who has a really good working knowledge of what the

4    thought process is.

5              CHAIRPERSON TIMMERMAN:  Right.

6              MS. LAND:  And what the intent is of the

7    book.  We're trying to make the intent very clear.

8              CHAIRPERSON TIMMERMAN:  Right.

9              MS. LAND:  But any statute or resolution or

10   ordinance, no matter how clear you make it, it's going

11   to be muddied by something.

12             CHAIRPERSON TIMMERMAN:  Yeah.

13             MS. LAND:  We need somebody to know the --

14             CHAIRPERSON TIMMERMAN:  Looks like Matt is

15   making the official decision that we're done.

16             MS. LAND:  He's cutting out.

17             CHAIRPERSON TIMMERMAN:  Quickly, before you

18   take off.  Signage.  Did you --

19             MR. CORDONNIER:  I'll get that to you guys

20   here.  I don't think I'll be able to be here Thursday.

21   I'm not sure.  My wife is traveling all week and that

22   leaves me with the three boys and the end of the

23   school year.  I think there's a program Thursday

24   evening --

1          CHAIRPERSON TIMMERMAN:  Okay.

2          MR. CORDONNIER:  -- that I would need to

3    attend.  But I'll let you know.  I meant to let you

4    know last Thursday.

5          MS. LAND:  That's fine.

6          MR. CORDONNIER:  My day just flew by.

7          MS. LAND:  I figured.

8          MR. CORDONNIER:  It was like 5:03 and I'm,

9    like, well, if I send Cindy an email now --

10         MS. LAND:  I won't get it.  Yeah.

11         MR. CORDONNIER:  -- she won't get it.

12         MS. LAND:  That's no big deal.

13         CHAIRPERSON TIMMERMAN:  Is that something

14   that you can get to Cindy before the meeting, as far

15   as being able to go over it --

16         MR. CORDONNIER:  I think so.

17         CHAIRPERSON TIMMERMAN:  -- or we cover it?

18   Okay.

19         MR. CORDONNIER:  Cindy, could you send me

20   your -- like the Word version?  Do you have a Word

21   version of the Sign?

22         MS. LAND:  Sort of.  I took the PDF and I

23   converted it with Word.  I've spent a lot of time

24   fixing things that looked funky.  I'll make sure that

1    that's as fixed as it can get and send it to you.

2            MR. CORDONNIER:  Okay.  Or just send me the

3    funky version and I'll go from there.

4            MS. LAND:  All of the Ms are Rs and Ns, by

5    the way.

6            MR. CORDONNIER:  Okay.

7            CHAIRPERSON TIMMERMAN:  Good luck, is what

8    she said.

9            FROM THE FLOOR:  Can I ask a question before

10   you leave?

11           MR. CORDONNIER:  Yeah.

12           FROM THE FLOOR:  Circling back to ponds, and

13   we talked about all these things.  But in the City of

14   Findlay, don't you have to have a pond if you have a

15   parking lot to catch the runoff?

16           MR. CORDONNIER:  Yeah.

17           FROM THE FLOOR:  And do we need to address

18   attention -- or detention versus retention on ponds,

19   especially in I-2, or whatever?  I don't know all the

20   districts.

21           But is that an issue where we need to look

22   at that?  Specifically, what if, say, for example,

23   there was an industrial entity that was taking water

24   and flooding it into maybe an existing waterway

1    through their process or something that would then

2    maybe infringe upon a neighboring property?

3                MS. LAND:  That would be riparian water

4    rights which are surface water issues, and zoning

5    doesn't really touch much on those.  Those get to be

6    private issues --

7                MR. CORDONNIER:  Civil issue.  Yeah.

8                MS. LAND:  -- about infringing on each other

9    with your surface water.

10               MR. CORDONNIER:  And then, in terms of

11   drainage, that there's no drainage standards in the

12   county unless you're subdividing land.

13               And, then, I think some townships are asking

14   the county engineers to review for drainage, but I'm

15   not sure what standard they are --

16               MS. LAND:  I don't know what they are doing.

17               MR. CORDONNIER:  I don't know.  So there's

18   no county-wide -- so if -- there's no county-wide

19   drainage.  So if you had a mega factory come, unless

20   they're subdividing, they don't have to meet any

21   drainage standards, where the City has drainage

22   standards.

23               FROM THE FLOOR:  What if it's not

24   necessarily just drainage water?  What if they are,

1    for example, pumping it out of the ground or

2    otherwise, and, then, using it for whatever their

3    purpose is, and, then, dumping that into the watershed

4    back on the surface of the watershed, but it came

5    from, say, a city tap or even a well?

6              MR. CORDONNIER:  I mean, I don't know.

7              MS. LAND:  It's still riparian water at that

8    point.  If it starts running off your property on top

9    of the ground to the neighbor, it's outside our --

10   it's not something we really deal with with zoning.

11             FROM THE FLOOR:  And what if you dig your

12   own ditch to put it into an existing nature-made

13   ditch?

14             MR. CORDONNIER:  Well, at some point there's

15   environmental regulations.

16             MS. LAND:  That's Soil and Water kind of

17   stuff and the EPA gets involved.

18             FROM THE FLOOR:  So that's not necessarily a

19   zoning issue?

20             MR. CORDONNIER:  I don't know of any --

21   doesn't mean there's not.  But, in general, there's no

22   industrial facilities that I'm aware of that aren't

23   connected to water and sewer.

24             FROM THE FLOOR:  Well, somebody might want

1 to take a trip over to Township Road 215 because

2 there's equipment digging ditches right now that's

3 being used for something.  There's no plan for it, but

4 it's being tied into existing nature-made ditches.

5          MS. PARGEON:  Waterways.

6          FROM THE FLOOR:  That's happening today.

7          MS. PARGEON:  Yes.

8          MS. LAND:  I think I would call Soil and

9 Water and ask them to go look at it.

10          FROM THE FLOOR:  We already did.  No help.

11          MS. LAND:  Really?  What did they say?

12          MR. CORDONNIER:  Where's 215?

13          MS. PARGEON:  Whirlpool Road.  Wind

14 turbines.

15          MR. CORDONNIER:  You might call -- I mean,

16 you might -- I mean, one, you don't have zoning, and

17 the County has no drainage standards.  So you know --

18          CHAIRPERSON TIMMERMAN:  Is it a safety

19 thing, though?  I mean, what's going in there because

20 we're all on wells here.  So, at some point, if --

21          MR. CORDONNIER:  Well, I mean, we get lots

22 of calls.  I mean, sometimes there's very -- you could

23 call the city engineer, Jeremy Kalb, and he might know

24 of what's going on.

1          So we get a lot of calls, What's going on?

2   And people always, like, They're doing the worst

3   thing.  And it's, like, Oh, no.  This is a -- you

4   know, it's a cleanout of this.  You know, you just

5   don't know.

6          CHAIRPERSON TIMMERMAN:  Sure.  Sure.  Well,

7   that's -- I think the point right here is we don't

8   know.

9          MR. CORDONNIER:  Yeah.

10         CHAIRPERSON TIMMERMAN:  Until it's clear,

11  there's concern.

12         MR. CORDONNIER:  Sure.  At the same time,

13  people have the right to move dirt and do things, even

14  in zoned townships.  You know, just having a dozer out

15  there doesn't mean you're doing something illegal.

16         CHAIRPERSON TIMMERMAN:  For sure.

17         MR. CORDONNIER:  So I have no idea what it

18  is.  But, in my experience, I get a lot of upset

19  people who call, we find out what it is, and it's

20  usually nothing as bad as what they thought it could

21  be.  That's just my experience.

22         CHAIRPERSON TIMMERMAN:  It's human nature --

23         MR. CORDONNIER:  It is.  And when it's

24  happening to your house --

1            CHAIRPERSON TIMMERMAN:  -- to anticipate the

2    worst.

3            MR. CORDONNIER:  -- they're even more

4    sensitive.  I would call Jeremy Kalb.  He might be

5    able to give you some information.

6            FROM THE FLOOR:  Okay.

7            MR. CORDONNIER:  All right.  But in terms of

8    the detention ponds, at this point, I don't see --

9    like, for Sheetz, we asked them to meet the City of

10   Findlay standards voluntarily for drainage, but they

11   didn't have to.

12           FROM THE FLOOR:  Even though they're being

13   annexed?

14           MR. CORDONNIER:  Oh, yeah.  Sorry.  That's

15   not a good -- those things -- but my point is, you

16   know, something -- it's a pet peeve of mine.  We grill

17   every home being built for their drainage.  But a

18   250-acre factory with 700 parking spots has zero

19   drainage regulations.  But a 2,000-square-foot home,

20   we will get ya.

21           So if you're not subdividing land, there's

22   no drainage standards in the county.  If you subdivide

23   and make a subdivision, there are drainage standards

24   in the Subdivision Regulations.  So that's just --

1  I don't know that a lot of people understand that.

2  And when -- we're going off on a tangent.

3          SECRETARY STACY:  It's useful.

4          MR. CORDONNIER:  So I don't know the

5  township's authority but, you know, it would be more

6  of a question for Doug Cade, I guess:  Can the

7  township adopt drainage standards?  And that may be

8  a -- who would enforce it?  I don't know.  That's a

9  whole --

10          MS. LAND:  It depends.  I guess, if the new

11  ditches that are being built and draining into an

12  existing ditch on the right-of-way, if it's going to

13  cause the county -- the township problems, I think

14  they do have an ability to do something about it

15  because their entire function is to make sure that

16  there are roads that are well-drained.

17          MR. CORDONNIER:  Yeah.

18          MS. LAND:  There's no other water over them

19  and they're not dangerous.  That's the only thing --

20  actually in township statute, that's the only thing

21  they have to do is roads.

22          MR. CORDONNIER:  I mean, the City's -- the

23  idea is to slow down the water to get it to the river.

24  So you have 100 acres as a farm field, untiled, it

1  percolates X amount of water.

2           You, then, build a factory.  You know, that

3  detention pond, the water goes quickly to the pond,

4  and, then, goes out slowly so it doesn't all hit the

5  river quickly.  It drains it out over a 24- to 36-hour

6  period.

7           But that's just a lot of stuff.  But I don't

8  think we have to worry about detention ponds.  I mean,

9  most factories or bigger things would build them

10 automatically because they have to meet EPA.

11          Normally detention ponds would be built

12 because there's EPA water quality standards that

13 require a detention pond for the settling of the

14 items.  So -- but it won't be nearly as big as what

15 the drainage standards would say.  I'm getting way out

16 of my expertise.

17          SECRETARY STACY:  Thank you.

18          CHAIRPERSON TIMMERMAN:  Have a good evening.

19          MR. CORDONNIER:  Yeah.

20          SECRETARY STACY:  What is this

21 (unintelligible) going to color?  I have regular

22 pencils.  Do we have colored pencils?  Do we want

23 markers?  What do I want to have here?

24          MS. LAND:  Whatever you're comfortable

1  using.  We may need to be moving things and changing

2  things.

3          SECRETARY STACY:  I'm guessing we're going

4  to need to lay it out on the table.

5          CHAIRPERSON TIMMERMAN:  Uh-huh.

6          MS. LAND:  Before you start drawing on it,

7  maybe use Post-It Notes or something to show the

8  areas --

9          SECRETARY STACY:  Yeah.  Yeah.

10          MS. LAND:  -- and then draw it in.

11          SECRETARY STACY:  Okay.  I'll make sure I

12  bring --

13          MS. LAND:  I kind of wish we had a big

14  laminated one so we can draw on it like a dry-erase

15  board.

16          MR. EVANS:  Hopefully it will have a scale

17  because that's one thing -- that one doesn't have a

18  scale.  Hopefully it will have a scale so we can --

19          MS. LAND:  The map is in there.  I don't

20  know if it does or not.

21          SECRETARY STACY:  There's three separate

22  ones and I have them on foam board --

23          MR. EVANS:  Uh-huh.

24          SECRETARY STACY:  -- if you want to look at

1    them.

2              MR. EVANS:  I'm just curious.  It would help

3    to have a scale because when we start talking about

4    things need to be 1,000 feet apart, I'd like to know

5    what's 1,000 feet on a map.

6              CHAIRPERSON TIMMERMAN:  Right.  Based on the

7    8 and a half by 11, there is a scale at the bottom.

8    Hopefully those do as well.

9              Do we want to open up for questions?  I

10   think they've already probably hit them.

11             Anybody have any questions that haven't been

12   brought up?

13             MS. PARGEON:  We're glad you came.

14             CHAIRPERSON TIMMERMAN:  Yes.  Okay.  Next

15   time we will finish up the book hopefully.  There's

16   not too many pages left.  And, then, hopefully look at

17   the map.

18             MS. LAND:  I won't be able, for this

19   Thursday, to have all those sections that we've

20   already gone through ready for you guys to review with

21   the lines and the red and all that.

22             CHAIRPERSON TIMMERMAN:  Yeah.

23             MS. LAND:  I've got a brief due on the other

24   Washington Township stuff by Thursday, so I'm going to

1   not be able to put a ton of time into getting anything

2   else together for this for Thursday.

3            CHAIRPERSON TIMMERMAN:  So what do you

4   propose at that point?  When would you think you would

5   have it done at that point?

6            MS. LAND:  Probably by that next Monday

7   meeting.

8            CHAIRPERSON TIMMERMAN:  Next Monday?

9            MS. LAND:  Yeah.

10            CHAIRPERSON TIMMERMAN:  And, then, what will

11   that meeting consist of at that point, if we get

12   through the map?  Is it going to -- hand out the

13   booklet and then adjourn, or do we start going through

14   it just as is?

15            MS. LAND:  Maybe just start going through it

16   and see if there's anything that we already have dealt

17   with that we know how it's going to be changed.  And,

18   then --

19            CHAIRPERSON TIMMERMAN:  So that would be the

20   20th?

21            MS. LAND:  Uh-huh.

22            CHAIRPERSON TIMMERMAN:  And, then, we would

23   start going through it and finish going through it on

24   the 23rd?

1          MS. LAND:  If we can't get all the way

2    through it, there's not a lot -- we're not going to

3    have to read the whole thing again.

4          CHAIRPERSON TIMMERMAN:  It's just looking --

5          MS. LAND:  We're just going to have to skim

6    through where the changes are.  And I'm going to give

7    you guys copies that have line outs and red changes.

8          CHAIRPERSON TIMMERMAN:  You think there's a

9    chance that you would get done on the 20th even?

10          MS. LAND:  Maybe.  Especially if we're

11    willing to push for a little while and stay a little

12    longer.

13          CHAIRPERSON TIMMERMAN:  A little longer

14    meeting, if necessary.

15          MS. LAND:  To be able to get it done.

16          CHAIRPERSON TIMMERMAN:  Okay.  Might be a

17    good way to handle it.  Okay.

18          Anything else to discuss?

19          (No response.)

20          SECRETARY STACY:  Do you want to --

21          CHAIRPERSON TIMMERMAN:  Do it, Deb.

22          SECRETARY STACY:  I'll take a motion to

23    adjourn.

24          MS. PARGEON:  I'll second it.

1          CHAIRPERSON TIMMERMAN:  No.  Somebody's got

2    to make the motion.

3          SECRETARY STACY:  I need someone to make a

4    motion.

5          MS. PARGEON:  I make a motion that we

6    adjourn the meeting.

7          SECRETARY STACY:  Thank you.  I need a

8    second.

9          MR. EVANS:  I'll second.

10          SECRETARY STACY:  Don't fight.

11          Everyone in agreement say "Yes."

12          (Vote taken.)

13          SECRETARY STACY:  Motion passed.  We are

14    adjourned.

15                              - - -

16          And, thereupon, the proceedings were

17    concluded at 7:22 p.m.

18                              - - -

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24

42:13    43:11
52:19    58:19
85:13, 14
88:8    90:1
106:20
**added**    18:2
22:1    43:15
44:24    45:6
**addition**    8:6
77:18
**Additionally**
8:17
**address**    59:4
60:2    62:24
67:13    79:17
121:17
**addressed**
28:1
**adhere**    27:7
**adjacent**
67:10
**adjoining**
84:3
**adjourn**    4:24
131:13
132:23    133:6
**adjourned**
133:14
**administered**
81:15
**Administration**
4:21    81:12
**adopt**    127:7
**adopted**
27:16    58:7
116:14, 15
117:17
**Adult**    4:20
26:17    27:4
30:12, 15, 20
58:2, 13
63:9    103:16
116:9
**advance**    114:5
**advancement**
63:18
**aesthetics**
65:18    80:5
**aforesaid**
88:6    113:9
**age**    13:10, 16
**ago**    27:19
28:6, 23
64:4    79:4
111:18
**agree**    30:19

**agreed**    14:1,
4    25:24
**agreement**
133:11
**agreements**
82:22
**Agricultural**
89:2    90:13
111:15, 18
112:12
**ahead**    92:13,
14    96:21
**air**    36:24
**ALLEN**    1:1, 4,
9    2:6    3:8
4:1, 5, 8, 11,
15    7:6
27:15    52:3
116:16
**allow**    8:11
110:7    112:2
119:1
**allowed**
12:11    23:24
24:3    25:5
26:1    36:22
58:18    64:16
66:11    70:16
80:3, 10, 11
93:2    96:1,
11
**allowing**    9:14
**alter**    90:16
114:18
**alteration**
86:19    101:3
**altered**
83:19    87:22,
24    88:9
103:3
**amending**
51:11    114:23
**amendment**
5:16    51:5,
15
**amendments**
51:12    117:8
**amount**    6:17
11:3    13:9
76:10    80:8
112:20
114:7    128:1
**and/or**    3:9
**ANDERSON**    1:14
**ands**    39:13
**angry**    8:20

**annexed**
126:13
**annual**    114:19
**annually**
114:19
**answer**    25:20
**anticipate**
126:1
**anybody**    9:12
35:17    52:20
74:5    103:9
130:11
**anymore**    5:21
27:20    36:4
**apart**    15:19,
22    16:5
35:14    39:15
130:4
**apologize**
13:24    26:15
**appeal**    118:21
**appealing**
40:23
**Appeals**
45:12    72:12,
16    117:14,
19, 24    118:8,
22
**appearance**
67:10
**APPEARANCES**
2:1
**appearing**    3:9
**applicant**
82:20    113:8
**application**
42:9    112:22,
24    113:4
**applications**
83:12
**applies**    16:9
**apply**    72:9
83:3    85:14
86:15    102:17
**approached**
9:2
**appropriate**
97:6
**approval**
35:14, 16
42:8    45:12
67:4    69:14
71:17, 19
**approve**    4:8
40:12    82:13

**approved**
97:10
**approximately**
7:23    8:9
**arbitrary**
107:10
**area**    18:16,
17    19:7
31:22    38:3
43:18, 23
44:9, 11
45:4, 14, 16
53:2    57:15
59:13    60:3,
21    61:19, 20
66:16    72:22
73:2, 5, 7,
11    80:11
84:15    101:18
**areas**    14:20
44:8    69:13
83:24    84:11
129:8
**arrays**    8:22
**Article**
31:12    43:14
45:5    66:14
81:11
**Artificial**
31:13, 14, 17,
21    42:9
43:16    54:5,
7
**asked**    4:16
126:9
**asking**    7:9
16:8    40:23
41:11, 12
51:23    85:17,
18    122:13
**asks**    107:24
**Association**
83:1, 7
**assumed**    115:7
**assuming**    8:12
**attached**
73:17
**attend**    120:3
**Attendance**
4:2
**attention**
121:18
**Attorney**    2:2
41:13    47:20
**attorneys**
86:5

**Attorney's**
2:2
**audible**    14:15
**auditor's**
106:13, 14, 22
**authority**
23:2, 16
24:21, 22
66:4    69:16
70:1    127:5
**authorization**
72:14
**authorized**
66:23    101:6
**automatically**
46:10    128:10
**Avenue**    21:18
**aware**    78:21
123:22

**< B >**
**back**    4:18
7:11    12:16,
24    13:24
29:18    37:21
38:13    39:14
62:6    70:7,
17    77:12
78:3, 15
80:7    99:5,
15    104:9, 13
110:17
113:16
121:12    123:4
**backup**    17:10,
13
**bad**    77:3, 4
99:1    107:1
125:20
**bank**    32:4
33:6    34:17
35:23    37:15
38:1    39:9
**bar**    103:15
**barns**    89:1,
7, 10    111:13
112:20
**Based**    8:2
9:19, 24
21:1    22:21
24:2    130:6
**basement**    99:4
**basic**    110:17
**basically**
27:4    47:14
75:8    95:21

112:*12*
115:*12*
**basis** 43:*17*
**batch** 107:*6*
**bedrock** 55:*2*
**behalf** 2:*6*
**believe** 7:*15,
17* 110:*21*
**belong** 61:*4*
**belongs** 61:*5*
**benefit** 25:*9,
10, 12*
**best** 7:*18*
18:*23* 54:*20*
**better** 7:*20*
12:*6* 22:*5*
36:*17* 41:*13*
49:*14* 91:*3,
8* 94:*23*
99:*10*
**beyond** 67:*3*
69:*2, 13*
**big** 13:*6*
14:*18* 20:*17*
34:*8* 39:*16*
46:*7* 48:*10,
12, 18* 50:*21*
52:*4* 53:*2,
6* 54:*18, 24*
55:*5, 12, 21*
64:*14* 70:*6,
18* 120:*12*
128:*14*
129:*13*
**bigger** 26:*5*
69:*7* 128:*9*
**Bill** 22:*23*
23:*3* 24:*22*
28:*10*
**bins** 89:*6, 8,
11*
**bit** 8:*15*
17:*9* 22:*5*
87:*6* 88:*11*
96:*14*
100:*20*
103:*24*
106:*10*
117:*10, 15*
**bits** 107:*14*
**blanket** 64:*1*
**bleed** 61:*12*
**bleeds** 98:*1*
**block** 80:*24*
**blocks** 79:*8*
**blurb** 63:*3*

**BOARD** 2:*8*
11:*4* 13:*7*
14:*2, 21*
21:*14, 17*
45:*12* 72:*12*
84:*7* 117:*14,
18, 24* 118:*2,
3, 8, 22*
129:*15, 22*
**boards** 119:*2*
**body** 43:*16*
**Boes** 41:*9*
**boilerplate**
116:*24* 117:*3*
**boils** 53:*7*
**book** 39:*4*
45:*19* 63:*5*
64:*2* 115:*21*
116:*8, 19*
118:*2* 119:*7*
130:*15*
**booklet**
131:*13*
**bookstore**
103:*16*
**borrow** 40:*18,
19, 20* 41:*2*
43:*23* 44:*9*
45:*3, 13, 15,
23* 46:*1, 2,
4, 7, 11, 13,
14, 15, 22*
47:*2* 48:*7*
50:*8* 51:*6*
52:*2, 16, 23*
57:*8*
**bother** 42:*19*
**bottom** 130:*7*
**box** 66:*8, 10,
11*
**boys** 119:*22*
**brains** 47:*20*
**break** 17:*16*
**brick** 74:*16*
**brief** 63:*10*
130:*23*
**briefly** 62:*15*
**bring** 18:*10*
22:*7* 25:*17*
30:*2* 70:*7*
129:*12*
**broad** 51:*1, 3*
**broaden** 70:*4*
**brought** 22:*6*
130:*12*

**build** 36:*21*
41:*14* 46:*5*
92:*16* 96:*6*
101:*17*
103:*12*
128:*2, 9*
**Building**
18:*3* 35:*17*
44:*6* 46:*4*
62:*16, 19, 24*
63:*22* 64:*6*
78:*5, 7*
79:*3, 8, 22*
80:*2, 12*
83:*20* 84:*1*
86:*19* 87:*15,
21* 88:*4*
91:*23* 92:*22,
23* 93:*7, 9,
16* 94:*4*
97:*18* 98:*1*
101:*3, 19*
102:*2, 13, 21*
103:*1, 6, 20*
106:*12*
108:*24*
109:*17*
110:*3, 12, 13,
24* 113:*4*
**buildings**
34:*14* 72:*9*
79:*5* 82:*9*
83:*19* 87:*14*
88:*23* 89:*2,
14* 90:*12, 17*
97:*1* 100:*6*
103:*2*
105:*12, 14,
16* 108:*15,
16* 110:*6*
**building's**
94:*1* 98:*8*
**built** 98:*8*
103:*13*
106:*16*
126:*17*
127:*11*
128:*11*
**bunch** 7:*9*
56:*12*
**BUREN** 1:*2, 10*
**burn** 61:*13*
**Business**
84:*16* 92:*21*
95:*11* 96:*10*

**businesses**
60:*19*
**Buy** 54:*20*
68:*16* 71:*11*
80:*19*
**BZA** 118:*17*

**< C >**
**Cade** 127:*6*
**calculations**
47:*19*
**call** 3:*13,
14* 16:*23*
17:*1* 18:*4*
90:*24* 91:*17*
98:*23* 124:*8,
15, 23*
125:*19* 126:*4*
**called** 41:*2*
**calling**
90:*23* 104:*23*
**calls** 105:*1*
124:*22* 125:*1*
**campground**
50:*12*
**capable**
106:*14*
**car** 8:*9*
**care** 18:*24*
78:*8* 83:*3*
99:*23* 109:*17*
**caretaker's**
111:*14*
**carried** 88:*19*
**carry** 82:*10*
**cars** 8:*6*
**carwash** 21:*23*
**carwashes**
21:*22*
**case** 26:*4*
34:*16*
**Cass** 13:*8*
**catch** 108:*13*
121:*15*
**category**
61:*14* 77:*22*
80:*2* 93:*2*
**caught** 34:*10*
**cause** 3:*7*
113:*7, 9*
127:*13*
**caused** 103:*4*
**cell** 68:*21*
**Center** 1:*9*
34:*22* 37:*22*

38:*22* 54:*21*
**certain** 78:*21*
**Certificate**
42:*9* 82:*19,
23* 86:*16, 18*
87:*3, 17, 23*
88:*13* 90:*11,
19* 91:*6, 22*
92:*24* 93:*8,
14, 22* 94:*6*
97:*24* 101:*1,
2, 6* 102:*15,
18* 103:*5*
108:*18, 23*
109:*12, 14*
113:*7, 17*
**C-E-R-T-I-F-I-
C-A-T-E** 134:*1*
**Certificates**
82:*8, 14*
83:*12* 86:*14,
17, 23* 87:*14,
20* 88:*15, 24*
89:*4* 90:*24*
92:*2, 8*
93:*3* 102:*11,
19, 20, 24*
105:*11, 13*
106:*3, 4*
108:*14, 17*
112:*23, 24*
113:*2* 114:*3,
14*
**certified**
42:*15* 43:*1*
**certify** 134:*3*
**cetera** 8:*5*
**Chairman** 4:*16*
**Chairperson**
2:*9* 3:*12,
17, 19, 23*
5:*2, 11, 13,
15* 6:*1, 13*
7:*2, 13* 9:*6,
10, 18, 21, 24*
10:*6, 9, 17,
19, 21* 11:*9,
17, 21* 12:*4,
12, 20, 24*
13:*3* 14:*6,
9* 15:*5, 14,
18* 16:*1, 13,
18, 21, 24*
17:*4, 11, 14,
18* 18:*5, 12,
15, 22* 19:*7,*

*10, 13, 20*
20:*1, 8, 17,*
*24* 21:*4, 9*
22:*6, 21*
23:*5, 7, 11,*
*18, 23* 24:*2,*
*6, 17, 24*
25:*3, 8, 16,*
*19* 26:*16*
29:*5* 30:*9,*
*12, 16* 31:*3,*
*6, 10* 33:*11*
34:*23* 35:*5*
37:*11, 19*
38:*7, 10, 13*
41:*23* 42:*2,*
*5* 43:*9, 22*
45:*22* 46:*12,*
*17, 24* 47:*5,*
*9, 11, 15*
48:*3, 6, 11,*
*21* 49:*3, 8,*
*11, 15* 50:*7,*
*17, 22* 51:*8*
52:*2, 7, 14,*
*17, 19* 53:*3,*
*5, 14, 24*
54:*4, 10*
55:*8* 56:*15,*
*19, 23* 57:*5,*
*10, 17, 19, 22,*
*24* 58:*5, 8*
59:*8, 12*
61:*21* 62:*1,*
*9, 12* 63:*4*
64:*1, 22*
65:*6* 66:*6*
71:*2, 6*
72:*4* 74:*2,*
*5, 10, 20*
75:*17, 22*
76:*4, 19, 21*
77:*3, 6, 16*
78:*10* 81:*10,*
*22* 82:*1, 3*
84:*12* 85:7
86:*10* 91:*12*
93:*18* 94:*24*
95:*3, 6, 18,*
*20, 23* 96:*3,*
*17* 98:*18*
101:*9, 16, 24*
102:*10*
104:7 105:*3,*
*6, 10* 106:*24*
107:*12*

110:*11*
112:*10, 18*
114:*11, 24*
115:*6, 10, 23*
116:*2, 6, 17*
118:*18*
119:*5, 8, 12,*
*14, 17* 120:*1,*
*13, 17* 121:*7*
124:*18*
125:*6, 10, 16,*
*22* 126:*1*
128:*18*
129:*5* 130:*6,*
*14, 22* 131:*3,*
*8, 10, 19, 22*
132:*4, 8, 13,*
*16, 21* 133:*1*
**chance** 6:*10,*
*11* 132:*9*
**Chances**
117:*20*
**change** 18:*11*
37:*12* 50:*6*
77:*8* 81:*8,*
*23* 90:*16*
91:*4* 93:*5*
94:*5, 10, 13,*
*14* 95:*4, 17,*
*18, 19* 96:*3,*
*10* 98:*10*
103:*10*
104:*4*
105:*20, 22*
106:*12*
114:*20, 23*
**changed** 79:*4*
87:*1, 16*
108:*9* 131:*17*
**changes** 6:*16*
88:*1, 3, 5*
91:*21* 117:*8*
132:*6, 7*
**changing**
50:*5* 51:*5*
92:*23* 117:*4,*
*11* 129:*1*
**charging** 8:*10*
**checking**
97:*22*
**checks** 98:*13*
**children**
24:*20*
**chimneys**
72:*10*
**Choice** 21:*8*

**choose** 49:*9*
56:*23*
**choosing**
80:*13*
**Chris** 7:*4*
**church** 72:*10*
**CINDY** 2:*2*
7:*4* 9:*1*
22:*6* 115:*7*
120:*9, 14, 19*
**Circling**
121:*12*
**City** 25:*22*
65:*8* 75:*1*
80:*14* 91:*15*
94:*5* 108:*1*
121:*13*
122:*21*
123:*5*
124:*23* 126:*9*
**City's** 127:*22*
**Civil** 122:*7*
**Clara** 2:*10*
3:*17* 4:*3, 9,*
*23* 57:*22*
**clarifies**
39:*3*
**clarify** 7:*8*
**clarity**
25:*17, 18*
**class** 87:*2,*
*17* 88:*2*
**Clause** 116:*23*
**clay** 41:*4, 6*
**cleaning**
78:*13*
**cleanout**
125:*4*
**clear** 36:*24*
92:*9* 119:*7,*
*10* 125:*10*
**close** 8:*3*
12:*7* 17:*15*
33:*22* 39:*5,*
*18* 52:*10*
**closest** 32:*9*
33:*12* 37:*23*
39:*11*
**code** 62:*16,*
*19, 24* 63:*21,*
*22* 64:*6*
79:*3, 22*
85:*24* 86:*2*
93:*7* 98:*1*
109:*17*

**Codes** 88:*4*
97:*18* 103:*20*
**cold** 118:*3*
**collected**
114:*5*
**color** 64:*12*
128:*21*
**colored**
128:*22*
**Columbus** 1:*23*
**combination**
51:*11*
**come** 8:*15,*
*21* 12:*5, 16,*
*24* 21:*15*
30:*23* 56:*3,*
*23* 59:*22*
67:*23* 68:*10,*
*18* 70:*16*
74:*3* 75:*11*
78:*15* 83:*8*
84:*13* 98:*5*
99:*5, 9, 19*
101:*13*
104:*11*
122:*19*
**comes** 36:*3*
49:*19* 51:*14*
63:*1* 80:*2*
92:*21* 93:*10*
107:*23*
**comfortable**
117:*6* 128:*24*
**comma** 42:*14,*
*15*
**commas** 39:*12*
**commence**
97:*11*
**commenced**
88:*17*
**comment**
59:*16, 18*
63:*10*
**commenting**
63:*12*
**commercial**
58:*15*
**COMMISSION**
1:*1, 4* 2:*6,*
*11* 3:*8* 4:*2,*
*5, 8, 11, 16,*
*18, 19* 7:*6*
31:*15* 41:*9*
42:*8* 45:*18*
67:*5, 6*
69:*24* 71:*16*

72:*17*
117:*18, 24*
134:*13*
**Commissioners**
59:*17, 22*
**commissions**
24:*20*
**common** 111:*3*
**communities**
97:*18* 102:*6*
**community**
65:*16*
**companies**
67:*22*
**company** 14:*2*
60:*22* 70:*5*
**compatible**
12:*9*
**complete**
134:*4*
**completed**
101:*11*
108:*20* 110:*2*
**completely**
5:*20* 18:*14*
109:*21* 118:*3*
**completion**
101:*5*
**compliance**
31:*24* 82:*8*
89:*4* 90:*10,*
*19, 24* 91:*6,*
*18, 22* 92:*2*
98:*14* 101:*2*
**complied**
73:*8* 82:*20*
**complies** 73:*4*
**comply** 31:*17*
54:*8* 90:*18*
**composed**
45:*10*
**computer**
29:*17*
**concept** 98:*11*
**concern**
125:*11*
**concerned**
21:*23* 77:*20*
**concerning**
84:*2*
**concise** 47:*2*
85:*11*
**concluded**
133:*17*

concrete
 97:*3, 6, 10,
16* 99:*16, 22*
Conditional
 72:*14, 18*
 73:*1* 118:*20*
Conditions
 45:*2, 8, 10*
 82:*19*
conform
 82:*16* 89:*3,
15*
conformance
 73:*10*
conformity
 105:*17*
confused 37:*8*
confusing
 5:*24* 7:*11*
 39:*12* 93:*6,
7* 94:*8*
 96:*20* 103:*20*
connected
 123:*23*
Conservation
 42:*11, 14*
consider
 26:*12* 42:*21*
 67:*7, 9* 75:*2*
considered
 73:*18, 23*
 75:*9* 78:*6,
7* 79:*5*
 97:*10* 111:*14*
considering
 76:*2* 110:*2*
consist
 131:*11*
consistent
 45:*18*
constancy
 13:*21*
constant 8:*21*
Constitution
 66:*11*
constructed
 109:*9*
construction
 44:*6, 7*
 75:*2* 82:*15*
 88:*17, 18*
 101:*2*
contacted
 52:*12*
container
 79:*14*

containers
 78:*17, 19, 20*
 79:*20*
contaminated
 29:*3*
contemplated
 103:*17*
contemplating
 16:*7*
contentious
 33:*20*
contiguous
 19:*23, 24*
 20:*6*
continue 42:*6*
contractor
 34:*7*
contracts
 82:*21*
control 26:*8*
convert
 10:*13* 46:*8*
 50:*23* 90:*16*
converted
 120:*23*
convey 65:*4*
COOTS 1:*13*
 134:*9*
copies 6:*21*
 92:*4* 106:*6*
 114:*3* 132:*7*
copy 6:*20*
 27:*15*
 106:*21* 108:*1*
Cordonnier
 2:*11* 6:*4*
 10:*3, 8*
 11:*6, 8*
 12:*17* 13:*12,
14* 19:*22*
 20:*4, 9*
 21:*2, 18, 21*
 23:*12, 14*
 25:*21* 26:*14*
 28:*8, 10, 14*
 29:*7, 12*
 33:*15, 19, 24*
 34:*2, 5, 12*
 35:*3, 8*
 36:*20* 38:*9,
14, 20, 24*
 42:*24* 43:*3*
 44:*18* 46:*21*
 47:*3* 48:*13*
 50:*14, 23*
 53:*4, 22*

 61:*17, 20*
 65:*10* 67:*19*
 69:*18* 70:*2*
 75:*4, 7*
 76:*12, 15, 17,
24* 80:*14, 18*
 91:*16, 19*
 94:*5, 8*
 96:*20* 97:*17*
 98:*17, 20, 24*
 99:*6, 9, 22*
 100:*11, 14,
20* 103:*22*
 104:*16, 20*
 105:*7*
 107:*16, 20,
23* 108:*7, 22*
 109:*3, 5, 7,
14, 23* 110:*9,
14* 112:*2*
 113:*16*
 119:*19*
 120:*2, 6, 8,
11, 16, 19*
 121:*2, 6, 11,
16* 122:*7, 10,
17* 123:*6, 14,
20* 124:*12,
15, 21* 125:*9,
12, 17, 23*
 126:*3, 7, 14*
 127:*4, 17, 22*
 128:*19*
Correct
 16:*10* 70:*21*
 97:*20* 134:*4*
cost 114:*8*
counsel 3:*9*
count 85:*19*
country 36:*12*
counts 80:*12*
County 2:*2*
 14:*3* 24:*4*
 35:*12, 15*
 38:*21* 59:*17*
 60:*13* 88:*3*
 93:*10*
 106:*10, 22*
 110:*16*
 122:*12, 14*
 124:*17*
 126:*22*
 127:*13*
county-wide
 122:*18*

couple 15:*5*
 20:*21* 60:*9,
19* 61:*1*
 92:*8*
course 68:*9*
court 40:*24*
covenants
 25:*22, 23*
 82:*21*
cover 80:*10*
 114:*8* 120:*17*
coverage
 75:*5, 6*
 84:*17, 19*
covered
 77:*10* 112:*4*
 117:*9*
covering
 80:*9* 116:*8*
covers 64:*2*
cracks 99:*4*
create 23:*19*
 48:*24* 68:*14*
creative
 20:*12*
creature
 22:*24*
creatures
 24:*18* 66:*4*
Creek 21:*6*
cringed 99:*2*
criteria
 65:*11*
criticized
 66:*9*
cross 15:*12*
 38:*4*
crossed 13:*5*
cross-
reference
 15:*15*
crunching
 12:*23*
cube 79:*21*
curious 130:*2*
currently
 10:*22* 16:*12,
14* 27:*16*
 35:*11* 52:*3,
8*
cutting
 119:*16*
Cypress 21:*6*

< D >
dams 44:*7*

dangerous
 127:*19*
Darrin 3:*19*
 4:*3*
date 72:*23*
 88:*16, 20*
 107:*10*
 116:*14*
Dave 2:*10*
 3:*15* 4:*2,
24* 42:*5*
 57:*19*
dawned 37:*17*
day 3:*6*
 6:*8* 116:*24*
 120:*6* 134:*6*
days 113:*3*
deal 30:*3*
 69:*24* 83:*5*
 112:*12*
 120:*12*
 123:*10*
dealing
 104:*24*
dealt 77:*18*
 131:*16*
Deb 2:*9*
 3:*21* 4:*3, 5*
 132:*21*
decibel 8:*17,
24* 9:*11*
 13:*3, 4*
decibels
 20:*14* 21:*11,
19*
decide
 103:*14*
 109:*22*
decided 85:*24*
decision
 15:*2* 119:*15*
deck 74:*7, 8*
 76:*23* 77:*18*
decks 76:*12,
14, 15* 77:*8,
9*
decommission
 4:*13*
dedicated
 60:*4*
deemed 7:*16*
deep 34:*21*
 35:*3* 40:*16*
 47:*23* 54:*23*
deepest 43:*19*
defines 94:*16*

definitely
49:*16, 17*
61:*14*
definition
24:*20* 39:*2*
43:*20* 93:*24*
Definitions
4:*14* 5:*19*
43:*14, 21*
88:*8* 93:*19,
21*
definitive
99:*17*
delegate
81:*17*
Den 28:*20*
29:*1*
Density 15:*8*
52:*20* 53:*13,
18* 56:*11, 15*
department
26:*3* 35:*15*
81:*16*
103:*14*
111:*6* 113:*2*
depending
25:*9*
depends 24:*5*
34:*20* 127:*10*
depth 43:*19*
85:*18* 99:*21*
deputies
81:*16, 20, 21*
describe
117:*9*
design 39:*24*
despite 82:*21*
detail 82:*16*
detailed
42:*10* 85:*10*
detention
121:*18*
126:*8* 128:*3,
8, 11, 13*
determination
118:*20*
determine
85:*4* 93:*15*
109:*17*
determined
76:*9* 90:*18*
95:*24* 111:*17*
determining
31:*24* 78:*5*
84:*4* 96:*15*

detriment
25:*10*
devalue 70:*19*
development
63:*16*
Diagramming
39:*15*
diamonds
20:*10*
difference
99:*18*
different
6:*7* 11:*11,
12* 14:*19*
20:*4* 23:*20*
26:*10* 36:*23*
50:*5, 6*
59:*15* 83:*4*
87:*2, 4, 17,
18* 92:*10*
93:*13*
difficult
17:*7*
dig 98:*5*
123:*11*
digging
29:*16* 124:*2*
diligently
88:*18*
Dime 96:*8*
dimension
83:*17*
directly
27:*18*
Director
2:*11* 28:*11*
dirt 48:*3*
125:*13*
disclaimer
86:*8*
discretion
51:*1, 3*
discuss
24:*14* 117:*5*
132:*18*
discussed
4:*14*
discussing
19:*16* 21:*16*
49:*19*
discussion
117:*15*
diseases
30:*23*
display 102:*2*

displayed
104:*13, 23*
displaying
104:*10*
dispose 18:*14*
Distribution
54:*21*
district
27:*13* 42:*11,
14* 44:*24*
45:*5* 46:*22*
53:*6, 11*
56:*16* 73:*3*
84:*7* 93:*2,
17* 96:*2*
districts
31:*15* 44:*23*
84:*16, 23*
90:*15* 121:*20*
ditch 123:*12,
13* 127:*12*
ditches
124:*2, 4*
127:*11*
dive 6:*8*
doing 18:*9*
30:*15* 39:*15*
45:*19* 51:*10,
19* 66:*2*
94:*14* 97:*20,
21* 101:*10*
103:*14*
104:*12*
112:*11, 15*
122:*16*
125:*2, 15*
Dollar 92:*17*
96:*6, 7*
103:*12*
door 30:*8*
81:*2*
double 25:*13*
double-check
12:*13* 14:*8*
17:*22*
Doug 127:*6*
dozer 125:*14*
drafted
108:*10*
drainage
4:*13* 75:*4*
122:*11, 14,
19, 21, 24*
124:*17*
126:*10, 17,*

*19, 22, 23*
127:*7* 128:*15*
draining
127:*11*
drains 128:*5*
draw 129:*10,
14*
drawing 129:*6*
drawings 41:*3*
drawn 83:*14*
Drive 1:*23*
75:*9*
drives 73:*15,
17*
driveway
75:*2, 11*
76:*18*
dry-erase
129:*14*
Dublin 65:*11*
due 130:*23*
dues 60:*5*
dug 98:*12*
dump 47:*22*
dumping 123:*3*
Duties 82:*5,
10* 106:*19*
117:*17*
118:*13*
duty 106:*20*
dwelling
73:*9, 12*
83:*24*
108:*14, 19*
109:*4, 5*
110:*6, 11*
111:*13*
dwellings
89:*5* 108:*17,
20*

< E >
earlier 104:*9*
easement
70:*12* 71:*11*
77:*19*
easements
67:*8* 68:*10,
12, 15* 71:*24*
easier 98:*15*
easily 77:*10*
111:*11*
eclectic 62:*6*
edge 32:*4*
33:*6* 34:*9,
17, 24* 35:*1,*

*2, 22* 36:*2,
18* 37:*5, 15*
edges 32:*24*
39:*10* 66:*12*
effective
72:*23*
effects 67:*9*
efficiencies
12:*6*
eight 28:*11*
47:*13*
either 36:*11*
39:*6* 67:*21*
83:*7*
elected 60:*9*
electric 8:*6*
electricity
61:*12* 110:*17*
eliminated
90:*22*
else's 36:*10*
email 6:*14*
7:*5, 10*
21:*1* 120:*9*
embankment
32:*9*
enclosed
77:*10*
end-of-the-
year 114:*19*
ends 36:*3*
Energy 4:*12,
13* 8:*14*
10:*1, 3, 5, 6,
7* 16:*21*
22:*2*
enforce 71:*2,
4* 81:*17*
127:*8*
enforced
81:*15*
Enforcement
4:*22* 81:*13*
82:*10*
114:*10* 117:*2*
Enforcements
81:*12*
engineer
35:*15* 40:*5*
42:*15, 18*
43:*1* 124:*23*
engineers
14:*3* 122:*14*
engineer's
42:*19* 43:*5*

guess   11:*24*
 12:*12*    13:*1*
 52:*7*     53:*12*
 57:*24*    63:*7*
 68:*2*     103:*10*
 127:*6, 10*
guessing
 28:*8*     129:*3*
guests   4:*16*
guideline
 14:*23*
guy   13:*9*
 55:*10*
guys   6:*9, 18*
 15:*21*    17:*2,*
*6*    42:*20*
 45:*20*    51:*16*
 65:*3*     78:*2*
 90:*9*     102:*7*
 117:*7*    118:*4,*
*5, 14, 19*
 119:*19*
 130:*20*    132:*7*

< H >
half   19:*4*
 30:*1*     55:*11*
 130:*7*
Hancock   2:*2,*
*11*    40:*5*
 42:*11, 14*
 88:*3*
hand   131:*12*
handing   6:*19*
handle   132:*17*
hands   114:*17*
happen   60:*10*
happened   28:*6*
happening
 14:*12*    124:*6*
 125:*24*
happy   37:*13*
hated   39:*14*
hay   65:*17*
head   15:*7*
 55:*13*    108:*12*
health   26:*3*
 35:*15*    111:*6*
healthy   30:*22*
hear   13:*11,*
*16*    14:*11*
hearing   3:*7*
 67:*4*     69:*14*
 71:*17*

hearings
 49:*20*    51:*19*
 65:*3*
heaven's
 41:*19*    113:*11*
heavy   41:*22*
Height   66:*16*
 72:*5, 8, 12*
Hello   6:*5*
help   7:*20*
 124:*10*    130:*2*
helped   47:*6*
helpful
 100:*14*
helps   11:*18*
hereinafter
 3:*9*     45:*10*
heretofore
 86:*24*    87:*7*
Hey   7:*4*
high   39:*22*
 55:*3*     65:*12*
 67:*20*    76:*8*
higher   74:*13*
 80:*10*
highest   36:*1*
 44:*10, 14, 15,*
*18, 22*
highlighted
 18:*9*
highway   44:*7*
highways
 48:*15*
his/her   81:*23*
hit   55:*2, 4*
 128:*4*    130:*10*
hold   41:*7,*
*15*    71:*16, 17*
 103:*7*
holder   101:*1*
hole   46:*7*
 82:*4*     98:*5,*
*12, 16*
Hollick   28:*10*
home   126:*17,*
*19*
Homeowners
 83:*1, 7*
Honestly
 110:*20*
honking   34:*9*
honor   115:*1*
hope   81:*19*
Hopefully
 129:*16, 18*
 130:*8, 15, 16*

hour   30:*1*
 115:*2*
hours   97:*5, 8*
house   8:*3*
 25:*24*    46:*5*
 64:*12*
 107:*24*
 109:*8, 20*
 110:*18, 20*
 125:*24*
houses   34:*14*
 38:*15*    84:*20,*
*22*    106:*16*
housing   7:*24*
 111:*16*
huge   14:*24*
 55:*22*    84:*21*
huh   97:*13*
hum   13:*22*
 20:*23*    21:*1*
human   125:*22*
humming   8:*21*
hung   62:*17*
 64:*5*
hurt   21:*9*

< I >
I-1   46:*22*
I-2   44:*23*
 45:*5*     46:*22*
 50:*14, 15, 17,*
*24*    51:*2, 5*
 53:*6, 11*
 56:*16*    60:*21*
 61:*15, 18, 19,*
*20, 22*    121:*19*
idea   6:*12*
 8:*10, 23*
 28:*5*     52:*4*
 61:*24*    71:*22*
 74:*6*     101:*22*
 107:*1*    118:*4*
 125:*17*
 127:*23*
identified
 27:*23*
illegal
 125:*15*
immediately
 101:*5*
impacts   14:*16*
implement
 8:*23*
implied   23:*8*
 25:*4*

imposed
 22:*11, 17*
 82:*19*
impound   61:*2*
Impounding
 117:*2*
impressive
 87:*10*
inaudible
 14:*15*
inches   73:*22*
 74:*3, 9, 13*
 75:*16, 18, 23,*
*24*    76:*1, 6,*
*10, 22*    77:*5*
incidental
 89:*1*
include   4:*20*
 88:*1*
included
 85:*15*    108:*18*
including
 31:*18*    44:*4,*
*5*    46:*18*
 83:*13, 23*
indicating
 14:*19*    41:*16*
Industrial
 44:*24*    45:*5*
 46:*3*     57:*15*
 61:*15*
 121:*23*
 123:*22*
information
 14:*18*    27:*11*
 84:*2*     107:*17*
 108:*3*    126:*5*
informed   9:*2*
infringe
 122:*2*
infringing
 77:*13*    122:*8*
in-ground
 32:*3*     37:*14*
inherent
 111:*4*
initial   33:*4*
 61:*7*     95:*12,*
*21*
initially
 19:*3*
initials   61:*8*
injurious
 67:*9*
input   4:*16*

insert   27:*24*
 58:*12, 14*
 89:*6*
inserting
 58:*13*
inside   39:*23*
 111:*13*
insisted   34:*3*
inspect   97:*2*
inspected
 82:*15*
Inspection
 96:*19*    97:*7,*
*9, 19*    99:*1,*
*7*    100:*12, 16,*
*24*    101:*7, 10*
 105:*15*
 109:*9, 10, 11*
 114:*2, 9*
inspections
 82:*9*
inspector
 31:*16*    81:*15,*
*17, 20*    82:*6,*
*7, 13, 18*
 83:*11*    88:*19*
 92:*4*     93:*10*
 94:*3*     96:*14*
 97:*1, 5*
 98:*13*    101:*5*
 102:*8*
 104:*17*
 106:*5, 21*
 107:*3*    108:*6*
 113:*1*    114:*5*
inspector's
 97:*8*    106:*19*
installed
 97:*3*
intended
 83:*22*    84:*1*
intent   19:*15*
 71:*7*     119:*6,*
*7*
interest
 7:*18*     92:*6*
internet
 12:*14*
Interpretation
 117:*5*

interpretations
 66:*19*
interpreting
 118:*14*

Interruption 81:*1*

interstate 56:*14*

Invested 117:*4*

involved 92:*6*  106:*8*  123:*17*

involving 88:*5*

issuance 27:*8*  86:*15*  88:*16*  102:*17*  114:*2, 6*

issue 13:*5, 6, 21*  25:*22*  38:*15*  51:*16*  53:*13*  59:*24*  78:*4*  82:*13, 19*  88:*19*  106:*7, 10*  121:*21*  122:*7*  123:*19*

issued 42:*7*  86:*17, 18*  87:*24*  90:*20*  91:*23*  92:*3*  102:*9, 15, 19, 20*  103:*5*  105:*13*  106:*4*  113:*3*  114:*3*

issues 35:*20*  52:*21*  111:*4*  122:*4, 6*

it'd 11:*10*

items 128:*14*

its 8:*14*  43:*19*


< J >

Jake 33:*15*

January 134:*13*

Jeremy 124:*23*  126:*4*

job 99:*24*

John 2:*9*  3:*23*  4:*3, 7, 15*  5:*4*  63:*12*

joined 6:*4*

joking 115:*6*

jump 51:*22*

junkyard 40:*21*


< K >

K.C 28:*9, 10, 18*  29:*18*

Kalb 124:*23*  126:*4*

Keep 43:*13*  62:*7*  87:*13*  90:*8, 23*  97:*12, 16*  101:*19, 21*  104:*24*  110:*5*

keeping 112:*10*

kept 30:*6*  92:*3*  106:*5*  108:*5*

kids 14:*10*

kilowatt 7:*14, 21*

kilowatts 6:*17*  7:*16, 19, 23*  8:*9, 16*  9:*11, 13, 14*  11:*6, 10*  12:*5*  23:*4*  49:*21*

kind 5:*23*  7:*11*  12:*10*  16:*15, 20*  19:*11*  21:*15, 16*  24:*13*  25:*4*  26:*11*  40:*8*  41:*8*  44:*21*  45:*20*  48:*18*  49:*5, 18*  51:*21*  59:*14*  60:*21*  61:*2, 9, 15*  63:*8*  74:*4*  79:*16*  88:*2*  89:*21, 23*  93:*13*  96:*10, 15*  97:*24*  99:*3*  115:*24*  123:*16*  129:*13*

knew 27:*14*  93:*24*

know 6:*6, 24*  8:*17*  9:*14*  10:*8, 10*  11:*4*  12:*10*  13:*15*  14:*12*,

*20*  15:*21*  16:*5, 11, 24*  17:*1*  18:*8, 19*  20:*5*  21:*18*  22:*4*  24:*19*  26:*10*  27:*1, 21*  29:*12*  30:*7*  33:*13*  34:*7, 17*  35:*23*  36:*2*  42:*13*  46:*16*  48:*6*  49:*20*  51:*14, 16*  52:*5, 9*  54:*13*  55:*2, 20, 24*  57:*3*  59:*9, 22*  61:*6*  62:*15*  63:*7*  65:*8, 9, 20*  66:*9*  69:*15*  74:*9*  76:*5*  78:*11*  79:*9, 10*  80:*8*  82:*3*  84:*22*  85:*11, 16*  86:*5*  87:*12*  89:*20*  90:*2*  93:*1, 6, 23*  95:*9, 15*  98:*5, 22, 24*  101:*14, 22*  102:*8*  103:*15*  104:*14, 15, 20*  105:*7*  106:*17*  107:*2, 3, 10, 13, 18*  108:*2*  109:*13*  110:*23*  111:*17, 20*  116:*10, 13*  117:*20*  118:*16*  119:*13*  120:*3, 4*  121:*19*  122:*16, 17*  123:*6, 20*  124:*17, 23*  125:*4, 5, 8, 14*  126:*16*  127:*1, 4, 5, 8*  128:*2*  129:*20*  130:*4*  131:*17*

knowledge 49:*24*  107:*15*  108:*2*  118:*1*  119:*3*

knows 41:*10*

Kreinbrink 70:*6*


< L >

lack 41:*13*

lake 5:*20*

lakes 5:*21, 23*

laminated 129:*14*

LAND 2:*2*  5:*12, 14, 16, 19*  6:*2, 6, 14, 21*  7:*8*  8:*11*  9:*4, 17, 20, 23*  10:*2, 5, 15, 20, 22*  11:*2, 7, 14, 20*  12:*2, 8, 19*  13:*6, 13, 15, 20*  14:*7, 12, 17*  15:*13, 16, 20*  16:*7, 11, 15, 19, 22*  17:*1, 6, 22*  18:*7, 14, 21*  19:*1, 17, 21*  20:*3, 6, 10, 15*  21:*12, 20*  22:*1, 20, 24*  23:*6, 10, 13, 16, 19*  24:*1, 5, 7, 18*  25:*1, 6, 9, 18*  26:*12, 19*  27:*14*  28:*2, 7, 9, 13, 17, 24*  29:*10, 15*  30:*11, 14*  32:*12, 16, 19*  33:*3, 17, 22*  34:*1, 4, 6*  35:*16, 20*  36:*14, 21*  37:*3, 13, 20*  38:*6, 12, 18, 23*  39:*7, 24*  40:*3, 8, 11, 14, 16, 19, 22*

41:*8, 11, 19, 21*  42:*1, 4, 13, 17*  43:*2, 4, 11, 20*  44:*13, 17, 20*  45:*17*  46:*2, 16, 18*  47:*1, 4, 12, 19*  48:*1, 4, 10, 17*  49:*12, 18*  50:*2, 4, 10, 19*  51:*4, 10*  52:*4, 18, 21*  53:*12, 17*  54:*2, 5, 11, 16*  55:*1, 21, 23*  56:*18*  57:*12, 15*  58:*4, 6, 17, 22*  59:*20*  60:*1, 13, 19*  61:*1, 19, 23*  62:*4, 21*  63:*11, 15, 18, 21*  64:*6, 23*  65:*2, 7, 15, 18*  66:*7*  67:*16*  68:*7, 16, 23*  69:*1, 5, 12, 20*  70:*11, 15*  71:*1, 8, 15, 21*  72:*15, 20*  74:*7, 15, 22*  75:*6, 8, 14, 20, 24*  76:*5, 8, 13*  77:*2, 4, 8, 21*  78:*2, 12, 15, 19, 24*  79:*3, 7, 16, 19*  80:*1, 5, 7, 22*  81:*2, 6, 19, 24*  82:*2, 24*  84:*8, 14*  85:*12, 22*  86:*5, 20, 23, 24*  87:*1, 7, 11*  88:*7, 21*  89:*8, 10, 13, 16, 18, 23*  90:*1, 9, 21*  91:*4, 15, 17, 20, 23*  92:*7, 15, 20*  93:*5, 20*  94:*2, 7,*

13, 19, 22
95:2, 5, 8,
22, 24   96:5,
13   97:14
98:2, 22
99:1, 8, 11,
21   100:1, 7,
23   101:4, 11,
17   102:1, 6,
13, 22   103:7,
9, 23   104:2,
6, 12, 19, 22
105:4, 9, 15,
17, 19, 22
106:9   107:5,
14, 18, 22
108:4, 8, 12,
21   109:2, 4,
6, 13, 16
110:1, 15, 22
111:2, 20
112:1, 4, 9,
14, 19   113:5,
11, 14, 18, 20
114:15
115:3, 8, 19,
24   116:5, 12,
21   118:9, 11,
19   119:6, 9,
13, 16   120:5,
7, 10, 12, 22
121:4   122:3,
8, 12, 16
123:7, 16
124:8, 11
126:21
127:10, 18
128:24
129:6, 10, 13,
19   130:18,
23   131:6, 9,
15, 21   132:1,
5, 10, 15
**landfill**
59:16, 19
60:4, 5, 14,
22   61:3, 4,
5, 10, 18, 21
**landfills**
59:10   60:6,
18   62:5
**landowner**
52:10   68:20
**landscaping**
44:6

**language**
32:12   43:12,
15   44:24
45:6   88:21
91:4   116:15
**large**   8:2,
21   13:7
48:9   78:22
**larger**   14:21
46:3, 20
80:20
**Laughter**
13:19   26:23
100:10
**Law**   2:2
22:12, 16
66:24   113:14
**lawsuit**
40:24   85:23
**lay**   129:4
**layer**   83:4
**learn**   117:11
**leave**   9:7
18:11   66:13
70:23   71:1
75:13   76:16
77:5   81:6
121:10
**leaves**   119:22
**left**   28:18
115:12
130:16
**legal**   117:3
**legislature**
26:13, 15
**lenient**   78:3
**level**   13:4
24:4   44:2
**levels**   9:11
14:4, 22, 24
15:1
**levies**   44:7
**license**   27:7,
8, 9, 11
**lights**   65:22
**limit**   7:14,
17, 18   8:4
31:22   72:6,
13
**limitation**
51:6   56:11
**limitations**
8:18, 19
22:11   72:8
**limited**
31:19   44:4,

6   47:7
56:16
**limiting**
9:15   23:6
55:19
**Lincoln**
113:13
**line**   15:13,
14, 15   21:10,
11   29:5
32:5, 6, 10,
11, 21   33:7,
8, 10, 13
35:6   36:7,
11   37:7, 10
38:5, 7, 11
39:9, 11
58:20   59:1
70:6, 8, 10,
14, 18   78:9
132:7
**liner**   41:6
**lines**   37:19
38:8   39:11
67:1, 8
97:7   130:21
**Lion's**   28:20
29:1
**literally**
14:18   98:18
**literature**
46:11
**little**   12:22
14:10   17:9
20:10   22:5
32:17   34:16
40:4   51:18
57:12, 13
59:23   63:2
74:16   76:24
84:21   87:6
88:11   96:14
100:20
103:14, 24
106:10
107:14
110:18
114:17
117:10, 15
132:11, 13
**live**   14:10
66:7   92:11
94:4   110:16,
19

**living**   79:14
110:12
112:20
**lmland@co.hanco
ck.oh.us**   2:5
**located**   73:4
**location**
19:8   83:16,
18   96:24
97:7   100:3,
6, 11, 15
109:9
**logic**   49:3
**long**   28:6
30:21   107:5
110:1
115:16
116:3, 5, 18,
20
**longer**
132:12, 13
**long-winded**
111:22
**look**   14:1
32:16   36:23
62:7   64:13
99:19, 20
110:5   112:5
121:21
124:9
129:24
130:16
**looked**   120:24
**looking**   19:2
21:3   22:5
27:6   30:6
132:4
**looks**   14:21
119:14
**Lord**   88:7
**lot**   11:2
15:13, 14
24:14   26:2,
5   28:3
32:5, 6, 10,
11, 21   33:7,
8, 10, 13
36:7, 11
37:6, 7, 10,
19   38:5, 7,
8, 11   39:9,
11, 12   46:5,
11   48:1, 2,
3   56:4
61:11   66:9
72:22, 23

73:2, 3, 4, 7,
10, 11   75:5,
6   77:1
78:9   80:9
83:17, 21, 22
84:3, 17
93:8   97:7
98:15   108:9
111:3, 8
112:19
115:21
117:3, 11
120:23
121:15
125:1, 18
127:1   128:7
132:2
**lots**   32:23
36:11   38:22
84:3   107:14
124:21
**loud**   7:1
8:20   21:15,
23   31:1
65:24
**low**   11:19
14:5   55:3
**lower**   11:2
**lowest**   32:8
35:24
**low-lying**
44:8
**luck**   121:7

**< M >**
**mailings**   64:9
**Main**   2:3
31:20
**mainstream**
8:6
**maintenance**
44:7
**making**   48:23
80:7   98:19
119:15
**manageable**
57:9
**manmade**   43:16
**man's**   37:3
**mansplained**
41:14
**map**   116:3,
19   129:19
130:5, 17
131:12
**maps**   34:5

**Marijuana**
 58:*13*, *14*
 63:*9*  116:*10*,
*15*
**Marion**  80:*22*
**Mark**  28:*2*
 43:*8*  58:*6*
**markers**
 128:*23*
**material**
 80:*12*
**materials**
 44:*1*
**math**  10:*12*
 11:*9*  54:*19*
 56:*9*
**Matt**  75:*1*
 82:*24*  119:*14*
**matter**  35:*3*
 37:*2*  47:*6*
 80:*23*  104:*3*
 119:*10*  134:*5*
**Matthew**  2:*11*
**maximum**  11:*3*
 12:*11*  47:*12*,
*16*  84:*17*, *19*
**mean**  9:*13*
 12:*4*  13:*4*
 18:*7*  22:*3*
 32:*22*  34:*13*
 38:*14*, *16*
 52:*5*  55:*11*,
*17*  57:*6*
 59:*21*  60:*22*
 65:*12*  66:*9*
 67:*17*  70:*3*
 84:*9*  102:*8*
 104:*16*, *18*
 107:*22*, *23*
 109:*7*, *22*
 110:*12*
 115:*11*
 123:*6*, *21*
 124:*15*, *16*,
*19*, *21*, *22*
 125:*15*
 127:*22*  128:*8*
**means**  20:*3*,
*6*  80:*17*
**meant**  63:*15*
 94:*18*  120:*3*
**measure**
 34:*13*, *14*, *15*,
*18*  36:*6*, *8*,
*18*  37:*21*, *22*

 38:*18*
**measured**  37:*5*
**measurement**
 44:*10*, *13*
**measurements**
 32:*1*
**measuring**
 33:*4*  34:*3*
 35:*21*  36:*4*
 37:*24*
**meet**  75:*4*
 122:*20*
 126:*9*  128:*10*
**meeting**  3:*13*
 4:*9*, *17*, *19*,
*24*  5:*3*, *11*
 6:*15*  7:*7*, *9*,
*15*  15:*6*
 30:*10*
 114:*20*
 115:*1*
 116:*20*, *22*
 120:*14*
 131:*7*, *11*
 132:*14*  133:*6*
**mega**  122:*19*
**megawatts**
 11:*4*, *7*
 23:*4*, *9*
 24:*23*
**MEMBERS**  2:*8*
 117:*23*
**Menard's**
 80:*18*
**mentioned**
 59:*10*
**messed**  115:*24*
**meters**  20:*22*
**methane**  61:*11*
**middle**  36:*8*,
*12*, *15*, *16*
 68:*22*
**migrant**
 111:*16*
**mile**  15:*8*,
*11*, *19*, *22*
 16:*2*, *3*, *5*, *8*,
*16*  52:*23*
 53:*4*, *5*
**million**
 54:*18*  55:*11*
 57:*9*
**mind**  13:*5*
**minds**  86:*6*
**mine**  96:*21*

 126:*16*
**minimum**  26:*3*
**mining**  47:*14*
**minor**  88:*5*
**minute**
 105:*19*
 108:*21*
**minutes**  4:*6*,
*8*  5:*3*
 115:*14*
**missing**  71:*6*
**Mission**  63:*13*
**mix**  62:*6*
**Monday**  1:*8*
 3:*1*  107:*9*
 131:*6*, *8*
**month**  99:*15*
**months**  28:*21*
 101:*13*
**monuments**
 72:*10*
**morphed**  108:*9*
**mother-in-law**
 110:*23*
**Motion**  4:*7*,
*10*, *23*, *24*
 5:*1*, *10*
 132:*22*
 133:*2*, *4*, *5*,
*13*
**Mounted**  18:*3*
**move**  5:*2*
 47:*22*  62:*10*
 71:*11*  90:*16*
 98:*5*, *15*, *16*
 125:*13*
**moved**  4:*7*, *9*,
*23*  83:*20*
 87:*22*  99:*15*
**moving**  16:*7*
 24:*15*  26:*17*
 81:*11*  101:*3*
 129:*1*
**mow**  64:*11*
**muddied**
 119:*11*
**multi-family**
 75:*7*
**multiple**
 48:*18*

**< N >**
**natural**  41:*6*
**nature**  125:*22*
**nature-made**
 123:*12*  124:*4*

**near**  14:*11*
 35:*23*
**nearest**  32:*4*,
*10*, *20*  33:*6*
 37:*15*  38:*1*
 39:*8*, *9*
**nearly**  128:*14*
**necessarily**
 9:*15*  47:*6*
 122:*24*
 123:*18*
**necessary**
 38:*8*  67:*1*
 82:*9*  84:*10*
 132:*14*
**need**  7:*23*
 8:*3*, *9*
 34:*12*, *18*
 35:*13*  38:*10*
 39:*1*  43:*6*
 46:*5*  48:*22*
 56:*1*  60:*5*
 81:*20*, *22*
 85:*2*  87:*12*
 95:*15*
 101:*14*, *21*
 103:*23*
 111:*21*
 113:*23*
 115:*8*
 117:*11*, *12*
 119:*13*
 120:*2*
 121:*17*, *21*
 129:*1*, *4*
 130:*4*  133:*3*,
*7*
**needed**  74:*21*
 85:*20*
**needs**  8:*1*,
*12*  43:*1*
 117:*16*
**negative**
 25:*13*
 103:*11*, *18*
**neighbor**
 123:*9*
**neighboring**
 122:*2*
**neighbors**
 21:*23*  64:*16*
 65:*23*  77:*14*
 104:*23*  105:*4*
**neighbor's**
 65:*24*

**never**  13:*5*
 36:*7*  39:*16*
**new**  52:*11*
 59:*19*  60:*6*
 68:*14*  71:*11*
 86:*23*  87:*3*,
*14*, *18*  93:*9*
 106:*14*
 127:*10*
**nice**  27:*22*
 29:*24*
**nine**  28:*11*
 115:*12*
**nod**  100:*20*
**noise/sound**
 21:*24*
**non**  40:*8*
**Non-Accessory**
 11:*13*, *14*
 12:*1*  15:*10*
**nonconforming**
 24:*8*, *9*
 51:*17*
**non-legal**
 86:*6*
**nonpermeable**
 75:*3*
**nonsensical**
 90:*6*
**Normally**
 128:*11*
**Notary**  134:*10*
**note**  9:*1*
 18:*8*, *15*
 90:*5*
**notes**  15:*6*
 17:*24*  129:*7*
 134:*7*
**notice**  97:*8*
**notified**
 113:*8*
**notify**  97:*4*
 101:*4*
**Ns**  121:*4*
**Nuisance**
 117:*1*
**number**  8:*20*
 10:*14*  11:*19*
 21:*12*, *15*, *16*
 49:*9*, *23*
 52:*5*  53:*20*
 55:*8*  56:*2*,
*3*, *24*  57:*4*
 58:*23*  64:*4*
 75:*20*  79:*1*,

*9* 83:*24*
90:*23* 116:*14*
**numbered** 90:*4*
**numbers** 50:*6*
**Numerous** 4:*17*

**< O >**
**objection**
9:*15*
**observed** 84:*5*
**obtained**
87:*3, 18*
**Obviously**
48:*8*
**occasionally**
111:*12*
**Occupancy**
82:*8, 14*
87:*3, 18*
88:*2* 92:*9,
24* 93:*3, 9,
14, 22* 94:*6,
17* 95:*1, 21*
97:*24*
102:*12, 15,
20* 103:*5*
105:*13*
106:*13, 21*
108:*18, 19,
23* 109:*12,
15* 112:*24*
113:*17*
**occupied**
87:*16*
102:*14* 103:*3*
**occupy** 73:*10*
**occur** 82:*22*
**occurred** 44:*3*
**odd** 89:*23*
**ODOT** 34:*5*
52:*5*
**ODOT's** 48:*13*
**offense** 117:*1*
**offering**
111:*9*
**Office** 2:*2*
13:*24* 27:*19,
20* 28:*18*
47:*20* 54:*12*
92:*3* 106:*5,
13, 14, 23*
108:*5*
**official**
60:*9* 119:*15*
**Oh** 9:*23*
15:*16* 17:*16*

29:*15* 34:*1*
37:*17* 40:*15,
21* 49:*16*
53:*21* 56:*8*
66:*8* 71:*4*
78:*19* 85:*19*
88:*7* 125:*3*
126:*14*
**OHIO** 1:*2, 10,
23* 2:*4*
65:*11* 66:*11*
79:*4* 88:*4*
134:*11*
**old** 69:*19*
84:*23*
**once** 49:*12*
51:*20* 95:*14*
97:*12*
101:*18*
117:*16, 22*
**ones** 14:*21,
24* 15:*1*
32:*16* 46:*19,
20* 48:*15, 18*
52:*4* 129:*22*
**one-year**
109:*18*
**ongoing** 43:*17*
**open** 28:*20*
50:*3* 130:*9*
**opens** 77:*1*
**operate**
65:*20, 21*
**operations**
89:*5*
**opinion** 63:*8*
**opportunity**
51:*24*
**opted** 30:*10*
**option** 27:*12*
**ORC** 68:*8*
**order** 3:*13*
**orderly**
63:*16* 67:*10*
**ordinance**
119:*10*
**ors** 39:*13*
43:*2*
**outbuildings**
89:*1, 11*
**outdated** 71:*7*
**output** 4:*13*
**outs** 132:*7*
**outside** 32:*8,
9* 66:*8, 10*
123:*9*

**overall**
24:*12* 39:*2*
**overbuilding**
44:*3*
**overflows**
39:*21*
**Overhead**
67:*1, 8*
**override**
60:*12* 118:*6,
24*
**oversight**
59:*17*
**owner** 97:*4, 9*
**owners** 34:*2*
96:*23*
**ownership**
10:*10*
**owns** 61:*6*
104:*11*

**< P >**
**p.m** 1:*8*
3:*2* 66:*2*
133:*17*
**Page** 62:*13*
118:*5*
**pages** 115:*12*
130:*16*
**paid** 60:*4*
**panel** 20:*19*
**panels** 7:*22,
24* 18:*18*
19:*9* 20:*13*
**papers** 5:*11*
**paperwork**
101:*20*
113:*24*
**paragraph**
17:*23* 67:*19*
69:*18* 104:*3*
**parameters**
37:*3*
**parcel** 31:*23*
53:*21* 54:*3*
56:*18, 19*
**Pargeon** 2:*10*
3:*17, 18*
4:*3, 9, 23*
6:*5* 14:*10*
15:*22* 16:*10*
17:*8, 15*
29:*1* 30:*19,
22* 32:*23*
34:*20* 35:*1,
7, 9* 37:*9*

39:*5, 17*
40:*2, 7, 10,
21* 42:*16, 22*
45:*21* 47:*18,
24* 48:*12*
49:*13, 16*
50:*3, 12*
53:*9* 56:*14*
57:*1, 23*
60:*7, 17*
61:*24* 62:*2*
65:*16* 67:*22*
68:*5, 18*
69:*22* 70:*5,
13, 16, 21, 23*
71:*4, 13, 20*
72:*2* 74:*11*
75:*13, 21*
76:*7, 16, 20*
77:*5* 78:*14*
81:*9* 91:*3,
8, 11* 92:*11*
93:*4* 94:*12*
97:*12, 15*
110:*21*
112:*7, 16*
113:*21, 24*
115:*5* 124:*5,
7, 13* 130:*13*
132:*24* 133:*5*
**parking**
121:*15*
126:*18*
**part** 9:*5, 7*
19:*3* 31:*7*
33:*15* 52:*22*
58:*9* 63:*11*
70:*17* 86:*20*
87:*15, 21*
91:*24* 101:*4*
102:*13, 21*
113:*5* 114:*21*
**particular**
65:*20, 22*
85:*15* 96:*1*
**particulars**
84:*11*
**parties** 3:*8*
**parts** 24:*15*
103:*2*
105:*14, 16*
**passed** 4:*10*
5:*1, 10*
117:*22*
133:*13*

**patios** 74:*15*
**pause** 104:*7*
**pavement**
73:*21* 74:*12*
75:*14*
**PDF** 120:*22*
**peeve** 96:*21*
126:*16*
**pencils**
128:*22*
**people** 8:*20*
12:*10* 46:*5*
49:*20* 54:*12*
62:*17* 64:*4,
7* 66:*7*
71:*22* 85:*22*
92:*11* 93:*11*
98:*3* 99:*2,
4* 101:*23*
104:*16, 20,
24* 110:*16*
111:*10, 13*
112:*14, 20*
115:*15*
118:*7* 125:*2,
13, 19* 127:*1*
**percentage**
85:*1*
**percolates**
128:*1*
**Perfect** 43:*9*
**period** 88:*17*
109:*18*
113:*10* 128:*6*
**permanent**
80:*15, 20*
**permissible**
84:*17*
**permission**
71:*11* 76:*17,
23*
**permit** 25:*23*
42:*7* 59:*19*
76:*23* 77:*22*
79:*8* 83:*8*
91:*2, 7, 10*
92:*15, 16, 23*
93:*22* 94:*13,
14, 18* 95:*1,
9, 12, 21*
98:*4* 101:*12,
15, 18* 102:*2,
9* 103:*12*
104:*10, 13*
105:*2, 23*
109:*1, 8, 19*

110:3  112:3  119:1

**Permits**  91:17, *18, 19*  106:12, *13, 15, 22*  114:14

**permitted**  27:5, *12*  31:14  45:1, *7, 9*  46:19, *23*  58:24  66:23  73:1, *24*  76:2  83:6  90:14  93:16

**person**  3:9  79:14  92:5  106:7  107:21

**personally**  59:21

**pet**  96:21  126:16

**PG**  30:8

**phone**  105:1

**phonetic**  9:1  28:11

**phrase**  16:6

**phrases**  39:13

**pick**  49:21

**picket**  64:15

**picking**  106:14

**Pilot**  29:4

**pink**  64:15

**pit**  40:18, *19, 20*  41:2  43:23  44:9  45:23  46:1, *7, 11*  48:7, *12*  50:8  52:16, *23*  57:9

**pits**  45:3, *13, 15, 24*  46:2, *4, 13, 14, 15, 23*  47:2  51:7  52:2

**place**  35:11  48:4, *21, 22*  62:19  68:12  91:20  95:7  97:23  101:23  109:15  110:15  111:4

**placed**  8:18  50:8  73:15, *22*  75:16

**places**  20:21  34:3  38:4, *23, 24*  85:8  93:8  102:1  104:22

**plan**  43:5, *6*  83:10, *14*  84:10, *18*  85:5, *10, 17, 20*  108:19  124:3

**planned**  6:9

**Planning**  2:11  29:8  95:10

**plans**  4:13  42:10  82:13, *16*  83:13

**play**  23:21

**playground**  23:21

**plop**  27:17

**Plot**  83:10, *14*  84:10, *17*  85:5, *10, 17, 20*  108:19

**plumbing**  110:18

**point**  32:8  35:24  36:1  43:19  44:10, *14, 15, 18, 22*  52:7  59:10  64:2  81:20  85:3  95:4  117:12  123:8, *14*  124:20  125:7  126:8, *15*  131:4, *5, 11*

**pointed**  56:13

**pole**  99:15

**poles**  67:2, *8*  69:7, *8*  72:10  99:13

**polite**  100:7

**pond**  31:22  32:4  33:6, *20*  34:9, *13, 17, 21, 24*  35:18, *23*  36:4  37:15,

*21, 22, 23*  39:17, *19, 20, 22*  40:9, *12, 22*  41:1, *14*  42:10, *24*  43:16  44:9  46:6, *8, 10*  53:21  54:3  55:10, *21*  121:14  128:3, *13*

**Ponds**  5:13, *17*  8:5  30:10, *14, 18*  31:1, *4, 13, 14, 17, 21*  32:3, *7*  34:16  37:14  38:15  40:1  41:16  53:18, *20*  54:5, *7*  55:18, *19*  58:9  121:12, *18*  126:8  128:8, *11*

**pools**  8:5

**popular**  79:15

**porch**  77:9

**Portage**  34:1

**portions**  32:3, *7*  37:14

**pose**  22:16

**poses**  22:10

**positioned**  64:14

**possible**  112:11

**Post-It**  129:7

**potential**  96:24  100:5

**pounded**  18:1

**pour**  97:19

**poured**  98:9  99:16

**pouring**  97:5, *10, 15*

**Power**  11:3  13:7  14:2, *20*  21:14, *17*  69:7  70:5, *18*  71:22  82:7

**practically**  15:23

**precluding**  12:10

**prefer**  71:24

**preferable**  18:4

**preferred**  22:3

**premises**  82:9

**prescribed**  73:8

**pretty**  12:17  14:17  41:21  43:8  48:10  50:24  51:3  53:4, *5*  54:24  55:21  57:8  68:3  78:24  85:10  88:21  99:17

**prevalent**  69:8

**previous**  7:6

**primarily**  67:2  69:13

**Principal**  45:1, *7*  72:24

**prior**  97:5

**private**  60:13, *17*  82:22  122:6

**probably**  5:21  13:16  40:4  48:14  57:9  58:19  86:11  108:10  111:18  115:19  130:10  131:6

**problem**  48:5  52:1, *8*  56:21  78:22  112:19

**problems**  127:13

**PROCEEDINGS**  1:6  3:10  6:4  133:16  134:5

**process**  29:9  71:9  114:23  119:4  122:1

**PROFESSIONAL**  1:14  134:10

**program**  119:23

**prohibited**  116:16

**prohibition**  58:15

**prop**  17:16

**propelled**  28:22

**proper**  80:8  90:3

**property**  19:6, *7, 19, 20*  21:10, *11*  34:2  35:6, *7*  44:2  52:10  61:4  64:21, *23*  67:7, *10, 24*  70:8, *14, 20*  71:12  77:9, *19*  92:6  96:23  97:4, *9*  99:24  106:8  122:2  123:8

**propose**  131:4

**proposed**  90:17

**proposing**  10:1

**proprietary**  92:5  106:7  107:21

**Prosecuting**  2:2

**protected**  96:24  100:5

**protection**  59:24

**protocol**  35:13

**provide**  73:16  97:6  106:21

**provided**  72:11  73:6, *9*

**provision**  22:9

**provisions**  22:12, *13, 15, 18*  31:9, *10, 12*  58:3, *10, 11*  73:11  79:12  81:14,

*17* 84:*4*
86:*21* 92:*1*
102:*23*
105:*18*
113:*6* 114:*4*
**public** 67:*4,*
*14* 68:*1, 3,*
*8* 69:*14*
72:*10* 90:*13*
107:*17*
108:*2, 3, 8*
134:*10*
**pull** 13:*23*
101:*15*
**pumping** 123:*1*
**purchased**
25:*24*
**purple** 64:*15*
**purpose** 44:*3*
57:*14* 63:*13*
73:*14, 23*
103:*18* 123:*3*
**purposes**
90:*13, 14*
**Pursuant**
58:*22* 116:*13*
**push** 115:*15*
132:*11*
**pushed** 19:*5*
**put** 6:*2*
18:*9* 21:*10*
29:*21* 33:*5*
34:*8* 43:*4,*
*21* 47:*12*
48:*4* 51:*6*
52:*11* 53:*20*
55:*18* 63:*6,*
*11* 64:*20*
67:*23* 68:*11,*
*21* 69:*3*
70:*6, 9*
76:*23* 77:*21*
78:*8, 14*
79:*21* 86:*8*
92:*22* 98:*4,*
*12* 107:*8*
110:*17*
111:*8*
117:*24*
123:*12* 131:*1*
**putting**
47:*16* 78:*22,*
*23* 93:*1*
97:*23* 98:*19*
111:*13*

**< Q >**
**quality**
128:*12*
**quarters**
111:*14*
**question** 7:*5*
26:*24* 27:*10*
36:*6* 54:*15*
59:*3* 121:*9*
127:*6*
**questions**
7:*9* 41:*8,*
*11* 49:*20*
118:*15*
130:*9, 11*
**quick** 8:*8*
47:*19* 54:*19*
77:*6*
**Quickly**
119:*17*
128:*3, 5*
**quite** 11:*2*
98:*9*
**quote** 56:*11*

**< R >**
**rabbit** 82:*4*
**rain** 41:*22*
**raise** 7:*18*
**raised** 74:*8*
76:*21* 77:*9*
**random** 75:*20*
**Randy** 41:*9,*
*10*
**range** 49:*6*
**rat** 105:*5*
**rationale**
15:*2*
**ratting**
104:*23*
**read** 4:*6*
5:*3* 6:*12,*
*18* 7:*1, 2*
9:*4* 24:*3*
25:*4* 27:*2*
30:*5, 24*
31:*13* 53:*23*
85:*23* 86:*3*
132:*3*
**reading** 86:*7*
**ready** 94:*1*
130:*20*
**real** 17:*15*
**really** 9:*4,*
*8* 14:*5*

27:*20* 29:*22*
30:*4, 6*
40:*13* 52:*5*
53:*1* 55:*5*
58:*17* 64:*5*
67:*12* 68:*8*
76:*8* 80:*1*
103:*19*
111:*3, 9, 10,*
*20* 112:*14*
119:*3* 122:*5*
123:*10*
124:*11*
**rear** 73:*16*
**reason** 14:*5*
26:*10* 45:*22*
54:*18* 62:*17*
81:*7* 95:*23*
99:*12* 114:*16*
**rebar** 99:*19*
**recall** 64:*3*
85:*10*
**receipt**
101:*20* 113:*3*
**receive** 67:*3*
69:*14*
**recollection**
29:*6*
**recommended**
117:*20*
**record** 92:*2*
106:*3, 4*
**Records**
108:*5, 8, 9*
**red** 130:*21*
132:*7*
**reducing** 56:*6*
**referred** 92:*7*
**referring**
90:*5*
**refers** 91:*2*
**refusal** 113:*9*
**refuse** 82:*18*
**refused** 113:*7*
**regarding**
7:*13*
**regardless**
84:*7*
**Regional**
2:*11* 29:*7, 8*
**REGISTERED**
1:*14* 134:*10*
**Regular** 86:*6*
128:*21*
**regulate**
5:*23* 23:*8,*

*17* 24:*23*
65:*8* 68:*8*
80:*5*
**regulated**
55:*1* 66:*24*
77:*15* 80:*17*
88:*3*
**regulating**
85:*3*
**regulation**
85:*5*
**regulations**
22:*10* 23:*15*
66:*18*
123:*15*
126:*19, 24*
**Rehus** 3:*19*
4:*3*
**relate** 67:*7*
**related** 51:*12*
**rely** 60:*9*
**Remedies**
116:*24*
**remember**
8:*19* 10:*14*
28:*17* 29:*8*
31:*8* 61:*7*
**REMEMBERED**
3:*6* 78:*12*
**remove** 41:*4*
69:*21*
**removed** 5:*20*
44:*1*
**Renewables**
21:*7*
**repair** 101:*3*
**repaired**
87:*23* 88:*1,*
*10*
**repairs** 88:*5*
**REPORTER**
1:*14* 134:*10*
**REPORTING**
1:*14*
**reports** 14:*19*
**representative**
97:*1*
**request** 92:*5*
106:*6* 108:*3*
**requested** 7:*5*
**require**
83:*11* 102:*1*
108:*17*
128:*13*
**required**
22:*12, 17*

27:*8* 73:*15*
74:*1* 87:*20*
88:*24* 89:*4*
102:*24* 114:*3*
**requirement**
73:*11*
**requirements**
22:*10, 17*
31:*18, 19*
32:*1* 54:*8*
73:*2, 5, 7*
89:*3, 15, 19,*
*21* 90:*18*
**requires**
40:*5* 72:*14*
86:*9*
**research**
17:*10*
**reservoirs**
32:*18, 19*
**residence**
95:*11*
**residences**
111:*7*
**resident** 6:*15*
**residential**
83:*24* 84:*16*
110:*10*
**residents**
8:*11*
**Resolution**
22:*9, 13, 16,*
*18* 28:*23*
31:*18* 54:*8*
58:*22* 66:*18*
72:*9, 24*
73:*3, 5, 8,*
*11, 14, 23*
81:*14, 18*
82:*11, 17, 20*
84:*4* 86:*22*
88:*4* 90:*19*
92:*1* 102:*23*
105:*18*
113:*6* 114:*4,*
*10, 21*
116:*14* 119:*9*
**Resolutions**
66:*24*
**response**
49:*22* 132:*19*
**responses**
4:*17*
**responsibility**
97:*4*
**rest** 45:*19*

43:*14*   45:*1,*
*7*   59:*9*
62:*13*   66:*16*
72:*5, 22*
73:*13*   81:*13*
82:*5*   83:*10*
85:*15, 24*
86:*9, 13*
89:*3*   90:*2,*
*3, 10, 23*
96:*18*
100:*24*
101:*8*
102:*11*
103:*24*
104:*2*
112:*11*
114:*1, 17*
116:*13*   117:*2*
**Sections**
66:*21*   130:*19*
**see**   15:*20*
17:*2*   20:*4*
25:*13, 21*
26:*5*   29:*22*
33:*5*   49:*23*
51:*24*   59:*2*
94:*10*   97:*23*
99:*12*   102:*4*
104:*12*
105:*2*
107:*22*
114:*20*
117:*5*
118:*23*
126:*8*   131:*16*
**seeing**   8:*8*
27:*6*   53:*21*
**seen**   8:*20*
41:*16*   79:*2*
**sell**   95:*14*
**Senate**   22:*23*
23:*3*   24:*22*
**send**   7:*10*
106:*12*
107:*5, 7*
120:*9, 19*
121:*1, 2*
**sending**   107:*4*
**sends**   106:*15*
**sense**   14:*22*
42:*23*   44:*21*
45:*20*   48:*24*
62:*15*   75:*11*
94:*11*

100:*17*
114:*24*
**sensitive**
126:*4*
**sentence**
100:*4*
**sentences**
39:*14, 16*
62:*23*
**separate**
62:*16, 24*
63:*10*
108:*17*
117:*1*   129:*21*
**September**
107:*6, 9*
**septic**   111:*7,*
*8*
**service**
42:*12, 15*
67:*2*   90:*14*
**SERVICES**
1:*14*   66:*22*
67:*3*   69:*12*
90:*22*
**servicing**
73:*21*   74:*12*
75:*15*
**serving**
66:*23*   68:*3*
**SESSION**   3:*1*
**set**   3:*10*
26:*7*   42:*10*
79:*8*   80:*7*
83:*5*   94:*18*
114:*21, 22*
**setback**
31:*19*   36:*19*
38:*3*   39:*2*
75:*12*
**setbacks**
4:*12*   31:*24*
34:*14, 15*
38:*19, 20*
76:*3*   77:*23*
80:*6*   89:*16,*
*17, 20*   90:*1*
**settle**   76:*7*
**settling**
128:*13*
**seven**   115:*12*
**Severance**
116:*23*
**sewer**   111:*5*
123:*23*

**shape**   83:*16,*
*18*
**shed**   80:*19*
101:*21, 22*
**sheds**   8:*5*
89:*1, 10*
110:*16*
**Sheetz**   126:*9*
**shifted**   36:*24*
**shifting**   62:*7*
**shine**   65:*22*
**Shipping**
78:*19, 20*
79:*14, 20*
**shoot**   115:*7*
**short**   30:*10*
31:*1*
**shortly**   29:*10*
**show**   26:*10*
98:*3*   129:*7*
**showing**   83:*14*
**shown**   108:*19*
**shuffling**
6:*23*
**shut**   66:*1*
**side**   20:*3*
37:*1, 19, 21*
38:*8, 13*
39:*19*   70:*7*
73:*15, 19*
75:*10*
**sides**   39:*22*
**sidewalk**
74:*13*
**sign**   30:*8*
120:*21*
**Signage**
119:*18*
**signal**   12:*14*
**significant**
60:*3*   78:*24*
**signs**   40:*6*
**similar**   8:*19*
42:*12, 15*
**simplify**   47:*8*
**site**   17:*19,*
*21*   44:*3, 8*
**Siting**   11:*4*
13:*7*   14:*2,*
*21*   21:*14, 17*
**sitting**   18:*17*
**six**   115:*11*
**size**   19:*4*
31:*22*   47:*2*
48:*7, 23*

53:*11*   54:*20*
83:*18*
**skids**   78:*5*
80:*23*
**skim**   132:*5*
**slope**   36:*3*
**slow**   127:*23*
**slowly**   128:*4*
**small**   15:*1*
57:*12, 13, 16*
110:*23, 24*
116:*12*
**smaller**
46:*19*   48:*18*
56:*8*   102:*6*
**smarter**   116:*7*
**soil**   29:*3*
40:*5, 11*
42:*11, 14, 19*
43:*6, 24*
52:*12*
123:*16*   124:*8*
**Solar**   4:*12*
7:*14, 22, 24*
8:*12, 15, 19,*
*21, 24*   10:*1*
11:*5*   12:*3*
13:*5*   15:*10,*
*11, 12, 16*
16:*2, 4, 9,*
*16*   17:*16, 19*
18:*3, 16*
20:*13, 19*
21:*8, 14*
22:*2*   85:*9,*
*17*
**Sold**   49:*13*
**solid**   76:*10*
**somebody**
13:*10, 16*
27:*19*   36:*10*
51:*14*   83:*4*
92:*21*   95:*14*
104:*11*
106:*15*
118:*1*   119:*2,*
*13*   123:*24*
**Somebody's**
133:*1*
**soon**   98:*11*
101:*13*
**sooner**   88:*12*
**Sorry**   11:*8*
26:*13*   96:*22*
126:*14*

**sort**   56:*11*
99:*2*   120:*22*
**sound**   14:*15*
40:*7*   65:*23*
97:*21*
**sounds**   21:*1*
49:*7*   55:*8*
56:*8*   57:*21*
63:*8*   81:*21*
87:*10*   91:*3,*
*8*   114:*11*
**source**   21:*2*
**South**   2:*3*
**space**   9:*14*
18:*20*   36:*10*
53:*1*   80:*8*
**spatial**   52:*22*
**Special**   45:*2,*
*8*   73:*2*
**specific**
46:*9*   68:*8*
85:*14*   86:*9*
88:*11*
**Specifically**
121:*22*
**specifications**
83:*13*
**specified**
73:*2*
**specify**
27:*13*   33:*13*
72:*12*
**spend**   30:*1*
**spent**   115:*21*
120:*23*
**spires**   72:*10*
**split**   117:*17*
**spot**   98:*19*
**spots**   20:*5*
126:*18*
**Spread**   18:*21*
20:*11*
**spring**   51:*22*
**square**   7:*17*
8:*13*   9:*17*
10:*14, 15*
12:*3, 5, 14*
18:*16*   19:*18*
20:*9*   26:*2*
43:*18*   54:*19*
55:*12*   57:*7,*
*8*   80:*15, 20*
**stack**   79:*21*
**Stacy**   2:*9*
3:*21, 22*
4:*1, 3, 5*

5:4, 7, *10*
6:*20, 24*
9:*9*   10:*24*
11:*11, 16, 24*
12:*16, 22*
13:*2*   14:*14*
15:*4*   17:*9,
12, 17*   18:*6,
13*   19:*2, 8,
11, 15, 19, 21,
24*   25:*15*
26:*20, 24*
27:*22*   28:*5,
16, 22*   29:*2,
13*   30:*4, 21,
24*   31:*5, 9*
32:*14*   35:*11,
19*   36:*13*
40:*17, 20*
41:*4, 10, 20*
42:*23*   43:*10*
47:*8, 10, 17*
48:*8, 16, 20*
49:*2, 5, 14*
50:*1*   52:*9,
15*   53:*10*
54:*3, 22*
55:*7, 14, 16*
56:*1, 5, 7,
20*   57:*2, 11,
18*   58:*12, 21*
59:*1, 4, 11,
14, 21*   60:*2,
8, 16*   61:*16*
62:*14, 22*
63:*7, 14, 17,
20, 24*   64:*3*
65:*1, 5*
67:*12, 17, 21*
68:*1, 6, 14,
17, 20, 24*
69:*4, 10, 23*
70:*19, 22, 24*
72:*3, 7*
76:*11*   77:*17*
78:*1, 17, 20*
79:*2, 6, 12,
17, 24*   80:*4,
6*   81:*5*
84:*6*   85:*6,
21*   86:*4, 11*
87:*5, 9*
88:*22*   89:*6,
9, 12, 14, 17,
20*   90:*7*
91:*9*   92:*13,*

19   94:*10, 15,
21, 23*   95:*19*
96:*12, 16*
100:*4, 13, 15,
18, 22*
103:*21*
104:*1*
105:*20, 24*
106:*2*
108:*11*
109:*24*
110:*8*   111:*1,
19, 23*
113:*19, 22*
114:*13*
118:*7, 10*
127:*3*
128:*17, 20*
129:*3, 9, 11,
21, 24*
132:*20, 22*
133:*3, 7, 10,
13*
**staggered**
  118:*11*
**stamp**   42:*20*
**stand**   110:*19*
**standard**
  88:*21*
  114:*12*
  116:*23*
  122:*15*
**standards**
  26:*7*   65:*13*
  75:*5*   122:*11,
21, 22*
  124:*17*
  126:*10, 22,
23*   127:*7*
  128:*12, 15*
**start**   9:*13*
  36:*4*   63:*5*
  66:*14*   70:*4*
  74:*17*   97:*12,
15*   129:*6*
  130:*3*
  131:*13, 15, 23*
**started**   29:*9*
**starts**   36:*3*
  103:*19*   123:*8*
**State**   1:*9*
  23:*12, 13, 14*
  24:*7*   25:*11,
12*   26:*8, 15*
  27:*4*   34:*13*
  52:*9*   62:*21,*

22   63:*1*
  79:*3*   88:*4*
  93:*10*   99:*19*
  134:*11*
**statement**
  38:*17*   39:*2*
  63:*13*   64:*2*
**state-
regulated**
  63:*2*
**state-wide**
  107:*11*
**stating**   34:*16*
**statute**   23:*1*
  24:*8, 19, 21*
  66:*4*   117:*9*
  119:*9*   127:*20*
**stay**   68:*9*
  70:*13*   132:*11*
**stenographic**
  134:*6*
**step**   78:*3*
**stick**   19:*13*
**sticking**
  77:*12*
**stood**   41:*13*
**Stop**   34:*10,
11*   96:*6*
  103:*18*
  104:*23*   108:*4*
**stops**   50:*7*
**storage**   78:*17*
**store**   92:*18*
**story**   103:*15*
**strangling**
  87:*5*
**Street**   2:*3*
**strike**
  111:*24*
  113:*20*
**string**   56:*12*
**stringent**
  22:*10, 16, 22*
  23:*3, 22, 24*
  24:*3, 11*
  25:*5, 7, 13*
**strip**   47:*13*
**strong**   97:*18*
**structural**
  73:*18*   75:*9*
  88:*1*   97:*2*
**structurally**
  97:*21*
**structure**
  72:*13*   73:*24*
  76:*2, 10*

77:*24*   78:*7*
80:*16*   86:*20*
87:*15, 21*
91:*23*   92:*16*
101:*4*
102:*21*
103:*1, 6*
108:*24*
109:*2*   113:*5*
**structures**
  31:*20*   73:*17*
  83:*19, 20, 23*
  90:*12, 17*
  105:*14, 16*
  108:*16*
**stuck**   30:*7*
**study**   21:*22,
24*
**stuff**   6:*8,
17*   14:*20*
  28:*3*   29:*18*
  62:*6*   64:*10*
  68:*10*   69:*9*
  75:*3*   77:*24*
  78:*13*   85:*17*
  93:*7*   106:*15*
  115:*20*
  116:*10, 22*
  117:*16*
  123:*17*
  128:*7*   130:*24*
**subdivide**
  126:*22*
**subdividing**
  122:*12, 20*
  126:*21*
**subdivision**
  126:*23, 24*
**subdivisions**
  84:*20*
**Subject**   45:*1,
7, 10, 11*
  66:*19*
**subjective**
  96:*14*
**suddenly**
  77:*11*
**suggested**
  6:*16*
**Suite**   1:*23*
  2:*3*
**suites**   110:*23*
**super**   21:*15*
**supervision**
  114:*9*
**support**   15:*2*

**supposed**
  53:*18*   98:*14*
**Sure**   7:*2*
  12:*17*   13:*20*
  19:*17*   29:*15,
19*   30:*7*
  41:*21*   43:*8*
  47:*9*   48:*17*
  54:*16*   56:*17*
  72:*21*   77:*23*
  80:*7*   85:*2*
  90:*5*   97:*20*
  98:*19*
  108:*22*
  119:*21*
  120:*24*
  122:*15*
  125:*6, 12, 16*
  127:*15*
  129:*11*
**surface**
  18:*17*   31:*22*
  43:*17*   44:*9*
  45:*3, 13, 16*
  122:*4, 9*
  123:*4*
**surprising**
  112:*21*
**SUSAN**   1:*13*
  134:*9*
**swear**   34:*7*
**swearing**
  40:*22*
**switched**
  51:*17*
**switching**
  114:*13*
**system**   22:*3*
  111:*8*
**Systems**   22:*2*
  111:*8*

**< T >**
**table**   129:*4*
**tack**   101:*22*
**take**   21:*12*
  24:*13*   27:*1,
17*   39:*14*
  41:*22*   47:*21*
  54:*19*   56:*1*
  57:*1*   69:*10*
  71:*13*   72:*2*
  79:*20*   90:*21*
  96:*7*   112:*8,
13, 16, 17*
  115:*16*

116:3, *18*, *19*
117:*12*, *15*,
*22*  119:*18*
124:*1*  132:*22*
**taken**  5:*9*
44:*10*, *13*
133:*12*  134:*5*
**talk**  18:*10*
65:*10*  93:*14*
**talked**  18:*1*
62:*20*  74:*23*
121:*13*
**talking**  7:*11*
10:*23*  19:*5*
33:*4*  40:*17*
54:*13*  56:*7*
67:*14*  91:*5*,
*6*  130:*3*
**tangent**  127:*2*
**tap**  123:*5*
**tax**  106:*15*
**taxed**  106:*18*
**taxes**  64:*7*
107:*8*
**teach**  113:*14*
**technical**
98:*20*
**technically**
97:*20*
**teenager**
110:*19*
**telephone**
69:*8*
**tell**  18:*11*
64:*11*, *12*
65:*19*, *21*
66:*1*  79:*23*
83:*5*, *8*
86:*1*  111:*15*
**telling**  99:*3*
105:*1*
**tells**  19:*5*
**ten**  20:*4*
**tenancy**  92:*5*
106:*7*  107:*21*
**term**  20:*2*
41:*13*  91:*13*
94:*23*  99:*10*
**terms**  14:*1*
87:*24*
118:*12*
122:*10*  126:*7*
**terrace**
73:*20*  74:*11*
75:*14*

**terraces**
74:*16*
**terribly**
30:*21*
**Tesla**  7:*21*
**Thank**  5:*18*
68:*22*
128:*17*  133:*7*
**Thanks**  13:*17*
99:*11*
**theirs**  23:*20*
**therefor**
90:*20*
**thereof**  32:*4*,
*8*  37:*14*
86:*20*  87:*15*,
*21*  91:*24*
101:*4*
102:*13*, *21*
103:*2*
105:*14*, *17*
113:*5*, *9*
114:*3*
**thickness**
99:*20*
**thing**  21:*8*
22:*1*  24:*12*,
*13*  29:*2*
33:*1*  35:*10*
39:*16*  61:*7*
62:*21*, *22*
69:*7*, *24*
78:*16*  79:*16*,
*19*  84:*14*
93:*13*  94:*20*
96:*15*  98:*9*
107:*1*, *11*, *12*
110:*4*
111:*24*
112:*9*
124:*19*
125:*3*
127:*19*, *20*
129:*17*  132:*3*
**things**  6:*17*
12:*9*  18:*2*,
*8*  23:*8*
27:*6*, *7*
49:*18*  61:*2*,
*9*  64:*7*
65:*8*  71:*23*
77:*20*, *22*
106:*9*  112:*4*,
*5*  115:*22*
116:*8*
118:*13*, *15*

120:*24*
121:*13*
125:*13*
126:*15*
128:*9*  129:*1*,
*2*  130:*4*
**think**  8:*10*
10:*9*  13:*4*,
*22*  14:*22*
15:*21*  16:*13*
17:*6*, *18*
19:*11*  20:*24*
21:*13*  26:*9*
28:*3*, *18*
29:*13*, *17*
33:*3*, *11*
34:*12*, *15*
35:*22*  37:*17*
39:*7*  43:*20*
45:*17*  46:*18*
47:*20*  48:*13*
49:*19*  52:*6*
56:*1*  60:*3*,
*4*  61:*17*
62:*1*  65:*3*
66:*8*, *10*
67:*13*, *16*, *18*
71:*18*, *21*, *24*
72:*15*, *16*
74:*15*, *18*, *23*
77:*1*, *2*
79:*12*, *17*
84:*8*  85:*8*,
*13*  88:*8*
90:*21*  91:*12*
94:*10*  96:*9*
99:*3*  100:*14*,
*22*  103:*9*
106:*24*
111:*15*
113:*15*
114:*15*
116:*18*, *19*,
*21*  117:*12*
118:*16*, *17*,
*18*  119:*20*,
*23*  120:*16*
122:*13*
124:*8*  125:*7*
127:*13*
128:*8*
130:*10*
131:*4*  132:*8*
**thinking**
13:*11*  14:*5*
31:*3*  48:*14*

49:*6*  62:*17*
69:*20*  76:*13*
78:*4*  79:*13*
113:*17*  118:*4*
**thought**  6:*10*,
*21*  10:*24*
23:*7*  41:*19*
53:*18*, *23*
76:*12*  94:*17*
115:*13*, *17*,
*18*  119:*4*
125:*20*
**thoughts**
9:*12*  57:*19*
**three**  24:*10*
115:*11*
119:*22*
129:*21*
**throw**  101:*20*
**Thursday**
13:*2*  119:*20*,
*23*  120:*4*
130:*19*, *24*
131:*2*
**tied**  124:*4*
**Tiffin**  21:*18*
**till**  29:*21*
**time**  6:*11*
12:*6*  24:*13*
25:*17*, *21*
26:*6*  27:*1*
29:*3*, *21*
43:*7*  49:*19*
51:*18*  59:*10*
62:*5*, *7*
65:*20*, *22*
74:*24*  88:*18*
102:*2*  105:*8*
107:*7*
108:*20*
110:*2*
115:*13*, *17*,
*20*  116:*3*
117:*13*
120:*23*
125:*12*
130:*15*  131:*1*
**times**  4:*17*
65:*19*  92:*8*
**Timmerman**
2:*9*  3:*12*,
*17*, *19*, *23*
4:*4*, *7*, *15*
5:*2*, *11*, *13*,
*15*  6:*1*, *13*
7:*2*, *13*  9:*6*,

*10*, *18*, *21*, *24*
10:*6*, *9*, *17*,
*19*, *21*  11:*9*,
*17*, *21*  12:*4*,
*12*, *20*, *24*
13:*3*  14:*6*,
*9*  15:*5*, *14*,
*18*  16:*1*, *13*,
*18*, *21*, *24*
17:*4*, *11*, *14*,
*18*  18:*5*, *12*,
*15*, *22*  19:*7*,
*10*, *13*, *20*
20:*1*, *8*, *17*,
*24*  21:*4*, *9*
22:*6*, *21*
23:*5*, *7*, *11*,
*18*, *23*  24:*2*,
*6*, *17*, *24*
25:*3*, *8*, *16*,
*19*  26:*16*
29:*5*  30:*9*,
*12*, *16*  31:*3*,
*6*, *10*  33:*11*
34:*23*  35:*5*
37:*11*, *19*
38:*7*, *10*, *13*
41:*23*  42:*2*,
*5*  43:*9*, *22*
45:*22*  46:*12*,
*17*, *24*  47:*5*,
*9*, *11*, *15*
48:*3*, *6*, *11*,
*21*  49:*3*, *8*,
*11*, *15*  50:*7*,
*17*, *22*  51:*8*
52:*2*, *7*, *14*,
*17*, *19*  53:*3*,
*5*, *14*, *24*
54:*4*, *10*
55:*8*  56:*15*,
*19*, *23*  57:*5*,
*10*, *17*, *19*, *22*,
*24*  58:*5*, *8*
59:*8*, *12*
61:*21*  62:*1*,
*9*, *12*  63:*4*
64:*1*, *22*
65:*6*  66:*6*
71:*2*, *6*
72:*4*  74:*2*,
*5*, *10*, *20*
75:*17*, *22*
76:*4*, *19*, *21*
77:*3*, *6*, *16*
78:*10*  81:*10*,

*22*  82:*1, 3*  84:*12*  85:*7*  86:*10*  91:*12*  93:*18*  94:*24*  95:*3, 6, 18, 20, 23*  96:*3, 17*  98:*18*  101:*9, 16, 24*  102:*10*  104:*7*  105:*3, 6, 10*  106:*24*  107:*12*  110:*11*  112:*10, 18*  114:*11, 24*  115:*6, 10, 23*  116:*2, 6, 17*  118:*18*  119:*5, 8, 12, 14, 17*  120:*1, 13, 17*  121:*7*  124:*18*  125:*6, 10, 16, 22*  126:*1*  128:*18*  129:*5*  130:*6, 14, 22*  131:*3, 8, 10, 19, 22*  132:*4, 8, 13, 16, 21*  133:*1*
**tip**  20:*11*
**title**  31:*8*  63:*5*  100:*19*
**today**  124:*6*
**told**  13:*9*
**ton**  131:*1*
**top**  15:*23*  55:*12*  123:*8*
**Topics**  4:*20*  59:*15*
**total**  9:*10, 13*
**touch**  122:*5*
**touched**  62:*15*
**touching**  20:*7*
**tough**  55:*18*  104:*17*
**tower**  68:*21*
**towers**  67:*2, 9*  72:*11*
**TOWNSHIP**  1:*1, 4, 9*  2:*6*  3:*8*  4:*1, 5, 8, 11, 15*  5:*17*  7:*6*  13:*8*  14:*3*

19:*3*  27:*5, 15, 23*  34:*1*  51:*2*  52:*3*  55:*3*  58:*23*  59:*19*  60:*20*  63:*18*  65:*7, 12*  66:*23*  67:*1, 3, 11*  69:*13*  71:*16*  78:*21*  79:*13*  80:*22*  85:*23*  104:*20*  114:*8, 18*  116:*16*  124:*1*  127:*7, 13, 20*  130:*24*
**townships**  24:*19, 20*  66:*4*  105:*7*  106:*11*  112:*20*  117:*21*  122:*13*  125:*14*
**Township's**  53:*19*  127:*5*
**traffic**  21:*20*
**trained**  86:*6*
**transcribed**  134:*6*
**TRANSCRIPT**  1:*6*  134:*4*
**transmission**  72:*11*
**traumatized**  33:*20*
**traveling**  119:*21*
**trim**  109:*20*
**trip**  124:*1*
**triplicate**  83:*14*
**tripping**  76:*10*
**trucks**  47:*22*  48:*2*
**true**  55:*7*  61:*16*  63:*20*  64:*10*  111:*1*  112:*21*  134:*4*
**trump**  83:*6*
**trumps**  23:*12, 14*
**trust**  10:*12*  77:*7*

**trustees**  58:*23*  114:*8, 18*
**try**  44:*17*  71:*22*  85:*13*
**trying**  5:*23*  28:*17*  33:*12*  61:*11*  69:*9*  70:*4*  74:*18*  119:*7*
**turbine**  15:*11*
**turbines**  124:*14*
**turn**  50:*12*  51:*3, 4*  61:*12*  87:*11*
**turned**  61:*6*
**turns**  109:*19*
**twice**  33:*14*  49:*12*
**two**  11:*11*  12:*9*  24:*9*  45:*23*  48:*1*  62:*23*  64:*7*  79:*4*  111:*7, 8*  115:*11*  117:*22*
**two-year**  109:*18*
**type**  22:*3*  87:*2, 17*  88:*2*

**< U >**
**ugly**  80:*1*
**Uh-huh**  15:*4, 5*  16:*10*  19:*1*  38:*6, 12*  45:*21*  48:*16, 20*  49:*2*  52:*18*  53:*3, 9*  65:*1, 5*  68:*5*  72:*7*  75:*21*  76:*11, 20*  89:*9*  96:*12*  103:*21*  106:*2*  111:*19*  113:*19*  129:*5, 23*  131:*21*
**uncommon**  98:*3*
**unconsolidated**  43:*24*

**underground**  67:*1*  69:*9*  70:*18*
**understand**  16:*2*  32:*12*  86:*7*  99:*18*  127:*1*
**understanding**  7:*20*  10:*7*  27:*3*  37:*6*  68:*2*
**Unintelligible**  13:*18*  17:*17*  26:*21*  40:*8*  86:*12*  128:*21*
**unit**  73:*9*
**units**  83:*24*  111:*13*
**unlawful**  82:*12*  90:*15*
**unscramble**  44:*17*
**untiled**  127:*24*
**upset**  125:*18*
**usage**  7:*21*  8:*11*  9:*9*
**Use**  7:*14, 16*  8:*18*  14:*23*  15:*10*  24:*8, 9*  27:*13*  31:*14*  44:*5*  45:*11*  61:*15*  64:*23*  66:*16*  68:*12*  72:*14, 24*  73:*6*  82:*2*  83:*9, 22*  86:*19, 20, 23*  87:*1, 2, 4, 14, 16, 19*  88:*17*  90:*14*  91:*9*  93:*15*  94:*4, 6, 10, 13, 14*  95:*4, 10, 16, 17, 18, 19*  96:*4, 7, 8, 14*  102:*14, 16, 22*  103:*10*  104:*4*  105:*17, 23*  111:*15, 18*  113:*5*  116:*15*  118:*20*  129:*7*

**useful**  104:*13*  127:*3*
**useless**  107:*14*
**Uses**  45:*1, 7, 9*  51:*17*  65:*19*  67:*7*  72:*18*  73:*1*  89:*2*  90:*12*  105:*15*
**usually**  55:*1*  91:*1*  100:*8*  118:*12*  125:*20*
**utilities**  8:*5*  67:*14*  68:*9*
**utility**  68:*2*  71:*24*  90:*13*
**utilize**  8:*11*

**< V >**
**vacant**  86:*24*
**vacuum**  86:*3*
**valid**  40:*6*
**VAN**  1:*2, 10*
**variances**  118:*16*
**verify**  17:*20*
**version**  120:*20, 21*  121:*3*
**versus**  11:*12*  39:*13*  121:*18*
**videos**  8:*20*
**view**  76:*17*
**violation**  75:*10*
**violations**  73:*18*  82:*21*
**visible**  104:*10*
**visualizing**  52:*21*
**volatile**  61:*10*
**voluntarily**  126:*10*
**Vote**  5:*9*  62:*18*  133:*12*
**voting**  62:*18*

**< W >**
**wade**  27:*10*  29:*22*

wait 6:7 72:20 99:15 105:6, 19 108:21
waiting 88:12
walk 73:20 74:11 75:14
wall 74:16 101:22
want 6:6, 7, 8, 18, 24 9:5 12:8 17:2 19:22 20:12 29:21 30:16, 17 36:7 37:9 39:5, 17, 22 42:6, 13 46:2, 21 47:1, 12 51:17 52:19 54:18 57:17 60:8, 20 64:15 67:23 68:11, 12, 18 69:3, 21 74:13, 21, 22 77:21 81:6 84:11 85:13 86:7 88:8 90:1 91:4 92:11, 21 96:7 98:6 102:7 105:22 106:20 110:5, 16 112:13, 14 113:20 115:3, 10, 15 118:5 119:2 123:24 128:22, 23 129:24 130:9 132:20
wanted 16:3 17:19 25:17 30:4 68:4 70:5, 7
wanting 96:6
wants 50:23 51:14
wash 39:19
washes 33:1
washing 35:10

Washington 5:17 13:8 19:3 53:19 55:3 85:23 130:24
waste 43:7
wasted 115:20
watching 97:19
water 33:1 35:23 39:18, 21, 23 40:5, 11 41:6, 7, 15 42:11, 14, 19 43:6, 16, 17 44:12, 19 111:5 121:23 122:3, 4, 9, 24 123:7, 16, 23 124:9 127:18, 23 128:1, 3, 12
water-holding 40:6
water's 32:24 35:24 36:1
watershed 123:3, 4
waterway 121:24
Waterways 124:5
wattages 11:12
watts 8:13
way 16:6 17:3, 5, 24 18:23 20:11 33:20 39:18, 21 40:24 42:17 43:5 46:9 59:23 62:2 68:4 77:12 84:24 85:4, 11, 18 91:1 98:11 104:14 106:14 112:11 114:18 117:4 118:2 121:5 128:15

132:1, 17
ways 45:23
week 119:21
weird 34:3 51:11 62:6 107:10
weirder 107:12
weirdly 75:20
Well 12:12 14:16 15:20 16:1 17:16, 21 30:11 33:19 34:20, 23 38:14 49:22 55:15 57:6 59:8 60:23 67:10 70:5 71:13, 17 76:7 85:12 92:13 99:5 100:4 107:20 120:9 123:5, 14, 24 124:21 125:6 130:8
well-drained 127:16
wells 124:20
went 23:9 29:9 33:20 58:9 64:10 71:9 111:21 115:14
We're 3:12 9:14 12:10 13:15 16:7, 8 27:1 30:15 33:4, 22 34:11 35:5, 22 39:7, 24 40:3, 24 42:24 50:3 57:18 59:14 62:5 65:16 66:10 67:14 75:8 76:1 77:20 78:16 86:1, 11 91:5 93:9 94:14 97:22 99:3 105:20 110:4 111:9 116:7 119:7,

15 124:20 127:2 129:3 130:13 132:2, 5, 10
we've 35:21 49:9 60:4 62:20 92:7 110:15, 22 130:19
Whirlpool 10:4, 7 124:13
width 73:5, 7
wife 119:21
willing 132:11
Wind 4:12 8:18 15:10, 11, 16 16:4, 9, 18, 19 17:20 85:8, 16 124:13
winds 32:23
wireless 72:11
wish 24:15 27:14 129:13
Wizner 9:1
wonder 28:2
Wonderful 43:10
Word 120:20, 23
worded 16:12, 14, 16
wording 87:6 105:21
words 39:8 113:14
work 24:14 87:12, 24 90:17 101:6
worked 30:11 97:17
workers 111:16
working 119:3
works 24:16 113:22
worried 35:9 53:12 64:8
worries 84:14
worry 74:23 128:8
worst 125:2 126:2

worth 7:24 93:18 112:10
Wow 47:24
Wrecking 60:24
write 33:17 54:11 62:4 93:21
writing 113:1
written 35:22 134:4
wrong 68:6 71:22
wrote 33:17 88:7 113:11

< Y >
ya 126:20
yard 31:19 32:1 34:9 61:2 74:1 80:8 89:3, 15, 18, 21
yards 60:24 65:23 73:13, 16, 19 75:10 78:23
Yeah 6:21 7:8 11:8, 23 13:15, 20 14:17 16:15, 21 19:10 20:8 21:21 24:16 26:20 28:18 29:1, 15 31:5 34:10 35:1, 8 38:9 40:14 41:16, 20 42:4, 22 44:20, 21 47:3, 17, 18 48:11 49:15, 16 50:4, 22 51:10 52:14 53:9, 14, 16 54:4 55:10, 23 56:5, 14 57:23 59:4, 11, 14 60:17 61:1 62:2 65:5, 10 69:20 70:13, 23 74:22 77:1, 21 78:15, 19

79:*2*    81:*9*
82:*3*    84:*8*
87:*11*    89:*12,*
*24*    91:*11*
94:*3, 12, 15,*
*21*    95:*22*
98:*17, 20*
100:*9*
103:*22*
104:*1, 6*
108:7    109:*3,*
*6, 23, 24*
110:*8, 14*
112:*1*
113:*18, 21*
114:*15, 24*
115:*23*
116:*2, 21*
118:*11*
119:*12*
120:*10*
121:*11, 16*
122:7    125:*9*
126:*14*
127:*17*
128:*19*
129:*9*
130:*22*    131:*9*
**year**    79:*4*
88:*16*
101:*12*
107:*6*    119:*23*
**years**    24:*9,*
*11*    27:*19*
28:*13, 23*
35:*21*    41:*22*
47:*13*    48:*1*
64:*4*    69:*19*
111:*18*
**yellow**    18:*10*
**Yep**    9:*6*
93:*11*    98:*13*

**< Z >**
**zero**    126:*18*
**zone**    65:*18*
**zoned**    34:*8*
35:*12, 17*
101:*18*
106:*11*
125:*14*
**ZONING**    1:*1,*
*4*    2:*6*    3:*8*
4:*2, 5, 8, 11,*
*15, 19, 22*
5:*16*    7:*6*

23:*15*    28:*23*
31:*15, 16*
35:*14*    41:*9*
42:*8, 9*
44:*23*    45:*12,*
*17*    50:*14, 16,*
*18, 24*    51:*2,*
*6*    61:*17*
62:*16, 18, 24*
63:*15, 21*
64:*9, 11, 17*
65:*7, 12*
66:*3*    67:*4,*
*6, 13*    69:*24*
71:*16*    72:*12,*
*16, 17*    77:*11*
81:*15, 16, 20*
82:*5, 7, 8,*
*12, 13, 18, 19*
83:*11, 12*
86:*13, 16, 17,*
*18*    87:*20, 23*
88:*13, 15, 19,*
*24*    91:*2, 6,*
*17, 19*    92:*4,*
*16*    93:*10, 22*
94:*2, 14*
95:*9*    96:*13*
97:*1, 5, 8*
101:*1, 5*
102:*8*
104:*17*
106:*5, 19, 21,*
*22*    107:*2*
108:*5*    109:*1,*
*7*    112:*3*
113:*1*    114:*5*
117:*14, 16,*
*18, 22, 23, 24*
118:*8, 22*
122:*4*
123:*10, 19*
124:*16*