

August 14, 2012

Commissioners' Conference Room
Vigo County Annex
Terre Haute, Indiana

Roll Call:

Present: Mike Ciolli, Judith Anderson, and Paul Mason

Absent: None

Others Present: County Attorney Mike Wright, County Auditor Tim Seprodi, Dave Dillon, Dave Crockett, Nancy Allsup, Ryan Oilar, John Hilderbrand, Howard Greninger, members of the public and news media.

Expenditures. County Auditor Tim Seprodi presented the Board with expenditures for 8/6/12 – 8/10/12 in the amount of \$3,307,995.80.

Motion: , **Action:** Approve, **Moved by** Judith Anderson, **Seconded by** Paul Mason, **Passed** all ayes.

Minutes 8/7/12. The Board was presented with the Board of Commissioner meeting minutes for 8/7/12 for approval.

Motion: , **Action:** Approve, **Moved by** Paul Mason, **Seconded by** Judith Anderson, **Passed** all ayes.

County Council Meeting. Ryan Oilar reminded the Board of Commissioners of the Vigo County Council Meeting tonight at 5:00 p.m. for the first reading of the Annual budget.

Commissioner Ciolli addressed the public regarding the passing of County Surveyor Mike Sheehan and asked that everyone keep his family in their thoughts and prayers.

Cobblestone Concerns. County Attorney Mike Wright apologized for being late and opened the meeting to the public to speak. He asked that each person speaking to please come to the podium and identify themselves, and for others to please give the time and quiet to those speaking.

Mike Poinsett – 31 Ridgecrest Court. Mr. Poinsett stated he had no prepared comments for this morning, just wanted to have an open and honest dialog. He thanks Mr. Ciolli for working and speaking with him regarding this matter, he understands the other two commissioners have also been working on it; he just hasn't had as much contact with them.

- 2005 Approved rezoning not in dispute; it's the 23 acres that have not gone back in front of Commissioners.
- Believes the Board of Commissioners have been blindsided by this.
- Jeremy Weir exceeded his authority at a meeting to make a decision he didn't have the authority to make.
- The Board of Commissioners should have received an email last night from their attorney.

*corrected
May 18th Meeting
Etling stated we would
look into it.*

- Commissioner Ciolli had told me (Mike Poinsett) that if you find an issue, then we (Commissioners) will take care of it. We (residents) have found something regarding a county employee's actions and we (residents) only have the Commissioners to go to. Believes the Board of Commissioners has the right, ability and accountability of their employees. No other place for the residents to go.
- We (residents) need some help. We have asked publicly and privately. Where do we stand on safety and security of Woodgate? Shrubbery won't do it.
- Believes the Board had a chance two (2) months ago to shut Jimm Nidlinger down, now he has worked overtime to get the apartments built.
- How did it get approved with a 25ft set back, how is that reasonable development?
- What can we reasonably expect from the Vigo County Commissioners?

Commissioner Mason commented he could not make the meeting the residents had with Mr. Nidlinger and Mr. Byrley, What came out of that meeting?

Mr. Poinsett stated they offered up landscaping and buffering, but they are already on the hook for that from 7 years ago, when it was part of the rezoning. They also spoke of a 15 ft easement for homeowners to put a fence up, although none of this is in writing.

- They are building multi-story apartment buildings are property zoned R-1.
- Jeremy Weir has the authority to put stop order in but he would have to tell Nidlinger he made a mistake by not taking back in front of the Board of Commissioners.
- Seven (7) buildings already on 23 acres zoned R-1.
- Mr. Nidlinger is a savvy businessman.

Charlie Williams – 51 Longridge Road.

- There is another stop beyond work itself, and that is occupancy. Told us you couldn't do anything "hands tied." But, you still may have time to do something and don't allow occupancy.
- Believes the Board was blindsided by a public employee who exceeded his authority.
- ? If you issue stop work order it will make developer upset over the opinion of 150 residents.
- Help us to understand why you won't take action.
- Now we have to raise money and take to court of law. We pay taxes for commissioners and commissioner's legal counsel already through property tax.

Mike Ciolli – Commissioner

- We are looking out after an entire community.
- We are trying to do the right thing.

Gary Gottardi – 17 Gateway Drive.

- Lives adjacent to the property where they are building.

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- 5 to 6 weeks ago, while he was outside on his deck speaking with Mr. Wheeler, a gentleman around 32- 35 years old, with no shirt and wearing only socks no shoes, with several tattoos came running right towards them. He was yelling "my girlfriend is drunk and abusing me, and she has three (3) small kids." When asked if he wanted us to call the police, he said "no she will lose here kid."
- Poorly developed. Asked Mr. Byrley why he would develop like this.
- My house has lost value already.
- Apartments will lose their value over the years.
- Make the legal legalities correct and put stop work order on this project.

Charlie Williams – 51 Longridge Road

- Wanted to review the incident that Mr. Gottardi had, to show why security is a must, only a wall not landscaping will stop that.

Mike Wright – County Attorney.

- This has been a complicated issue since to 2004 to now.
- Concerns have been addressed and realize you want things quicker than they have happened here.
- Adjacent land owners of the last development did get notice, but not the one you are talking about now.

Rick Wheeler- 15 Gateway Drive.

- Talking about what happened legally.
- Have the drawing from what was approved in 2004.
- All that's required is to post sign and advertise in legals. (Don't agree with)
- Asked for affidavits that sign was put up and photos, was told by Jeremy Weir there weren't any affidavits and that there were periods of time there wasn't a sign because people kept tearing it down. So the only thing there was, was a 1" inch ad one day in the Tribune Star newspaper.
- Don't come in my yard and party.

Charlie Williams – 51 Longridge Rd.

- "Mike Wright are you saying there was a sign posted for the 2007 zoning?"

Mike Wright – County Attorney.

- "That's not what I'm saying."

Gary Gottardi – 17 Gateway Drive.

- "Any other counties do this? How does this happen?"

Mike Ciolli – County Commissioner.

- We need to look at the letter Mr. Wright received from your attorney last night.

Unknown – Audience

- You have already agreed complicated issue. Why can't you issue a stop work order while you are reviewing and sort this out? They are continuing to build.

Alfred Finch – 28 Gateway Drive.

- One road removed
- Has anyone evaluated the “sewer problems” with the addition of apartments instead of single family homes as was planned?
- Dixie Bee has had to restructure because of the added students.
- Did anyone take in to consideration the implications of school, sewers and drainage?
- Construction issues that should have been done up front, not seen new plan since the change from R-1 to R-3.

Paul Mason – County Commissioner.

- The city handles the sewer part.

Judith Anderson – County Commissioner.

- Looked into some of these issues with our county engineer and they say all is adequate.

Stephen Mc Cain – 32 Ridgecrest Court.

- Wrote the last article in the Tribune Star newspaper about Woodgate.
- You can make it right; don't put Terre Haute back to the 1950's.
- Charlie Brown Christmas tree is not going to keep them out. We need a wall.

Lisa Shahar – 50 Southbrook Court.

- Thank you for listening.
- Would like to address the comment that was made about snobs in Woodgate, which just don't want people in apartments near them. Remind you that there are apartments and condos in Woodgate now. “We are not the rich and famous of Terre Haute.”
- “If someone runs into my yard I know how to use a gun.”
- Waste of money and time, we are not going away. You are doing good things and we know you have other things to do.
- Hammer – you have it, we don't, we only have the polls and we will be out in full force.

John Penry – 7739 Garden Circle Court.

- Taught when I was younger that when laws are broken you are a criminal.
- “All four (4) of you sitting there are criminals.”

Neil Nelson – 320 Treeline Road.

- Last Area Planning meeting Jeremy Weir told us he did not see changing an R-1 to an R-3 a major change in density.
- If you don't take away his ability to make those decisions, you are going to have more problems.
- Abuses of operating authority and you aren't doing anything about it.
- If you don't put stop work order, then abuses will continue.

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Mike Wright – County Attorney.

- I will speak with the Commissioners regarding the letter I received from your attorney.

Paul Mason – County Commissioner.

- Would just like to say I went to school with Charlie Williams and then I went to Vietnam after, and I'm not a "criminal".

Rick Wheeler – 15 Gateway Drive.

- Put a stop to this.
- We understand you have been there and talked with us.
- Just asking you to do what's right.

Charlie Williams – 51 Longridge Road.

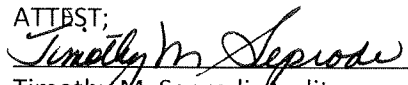
- "Just as you have served us Paul, our leader did two (2) tours in the Middle East and came back to find a 25 ft easement between him and a two story apartment building."
- "Appreciate your service."

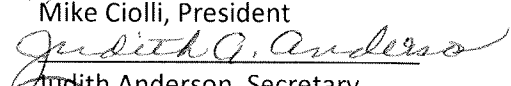
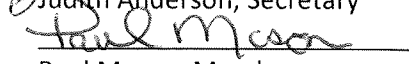
Mike Wright – County Attorney.

- We will give an answer on Thursday through your attorney.

There being no further business, it is now ordered the Board be recessed.

ATTEST;


Timothy M. Seprodi, Auditor


Mike Ciolli, President

Judith Anderson, Secretary

Paul Mason, Member