



# **Minutes**

## **June 1, 2022**

### **Tipton County Board of Zoning Appeals**

The Tipton County Board of Zoning Appeals held its regular meeting on Wednesday, June 1, 2022, at 7:00 pm, at the Tipton Foundation Auditorium, located at 1020 West Jefferson Street, Tipton, IN 46072.

#### **Call to Order**

Chairman Gary David called the meeting to order at 7:06 p.m.

#### **Roll Call**

Members in attendance: Bob Powell, Scot Gasho, Doug Heron, Weston Nicholson and Gary David.

Members absent: none.

Staff in attendance: Steve Niblick, Judy Coker, and David Langolf Smith.

Staff absent: none.

#### **Modifications to Agenda / Agenda Summation**

None.

#### **Approval of Minutes**

a) May 4, 2022, Minutes

Bob Powell made a motion to approve the minutes of May 4, 2022, as presented; seconded by Scot Gasho. Motion carried 5-0.

#### **Public Hearings**

a) CO-SE 04-22 Wyman Special Exception

Paul Wyman came forward to present the petition, along with Nick Salvato and Greg Cullen.

Steve Niblick provided the staff report for the petition.

Scot Gasho asked if participants in the 90-day program will be spending the night every night. Paul Wyman stated that every day of the 90-day program includes overnight stays.

Scot Gasho asked how many people there be at one time. Paul Wyman stated they would have approximately 25-30.

Gary David asked how many employees there would be. Paul Wyman stated there would be 25-30 employees, with the goal being a one-to-one ratio of employees to patients.

Gary David asked if there would be three shifts. Paul Wyman confirmed that there would be staff 24-7.

Bob Powell asked if there would be security. Paul Wyman stated there would be a monitored camera system in the house and all the employees would be trained in any security measures that would be needed. Paul Wyman expressed that this would be a low-risk situation because the patients are voluntary and are there with their insurance. Paul Wyman stated that the patients are not people with violent backgrounds and noted that background checks would be conducted.

Scot Gasho asked if the 25-30 patients would include the small house along with the big house. Paul Wyman stated that the patients would be housed wherever the certification would allow.

Gary David asked how long it takes to get a background check. Paul Wyman stated that, from his personal experience, a background check usually only takes about 24 hours, but can sometimes be completed the same day.

Gary David asked if, while the patients may be there voluntarily, couldn't failure to join the program result in the loss of their job. Paul Wyman stated that most people at that point are at rock bottom and realize that something needs to change. Paul Wyman stated that people chose to go for various reasons.

Gary David asked if this facility would also be connected with the Local 1166. Paul Wyman stated that every business will be familiar with this facility and will have the opportunity to utilize this facility. Paul Wyman went on to explain the Turning Point facility in Howard County, and the partnership between the Oasis treatment facility and Turning Point and the relationship with local businesses.

Bob Powell asked what the qualifications of the medical staff will be. Paul Wyman stated that there will be a full range from medical doctor to LPN, depending on the needs of the patient.

Bob Powell asked if there have ever been any overdoses. Greg Cullen stated that they have had three overdoses in their sober living facility in California but noted that each instance happened when someone left the facility, went out and got high, then came back to the facility and died. Greg Cullen stated that when they find that something like this has happened, they call the ambulance, but stated that this is not the type of facility that is being proposed for Tipton County.

Bob Powell asked what degree of medical will be doing the testing. Greg Cullen stated that it would be medical doctors.

Gary David asked if patients would be allowed to have visitors. Greg Cullen stated that there may be occasions where visitors would be allowed, but visitations would be supervised.

Bob Powell asked what they would do if someone wanted to leave the program at 2:30 a.m. Greg Cullen stated that the patient would be given a ride home or their family would be called to come pick them up.

Bob Powell asked how many out of state patients do they expect. Paul Wyman stated that they have been assured by Stellantis and others that they have more than enough people to keep the facility full. Paul Wyman stated that they would like to have all levels of opportunity available to people in need.

Bob Powell asked if they will get to choose who they accept as patients. Greg Cullen stated that there will be a screening process to make sure that the patient will be a good fit for the facility. Greg Cullen noted that the people working in and running this facility will be people from this community.

Gary David asked what the policy would be for people who walk out of the program, but then realize that they have made a mistake and want to come back. Greg Cullen stated that the policy is compassion and care, but there would be a process of vetting and screening before they would be allowed back in.

Scot Gasho questioned why the certification that accompanied the application only allows for five beds, when the petitioner states they will have between 25 and 30 beds. Greg Cullen stated that the certification is only a temporary certification so that they could obtain zoning. Greg Cullen stated that in order to get certification for 25-30 beds, they would have to upgrade the fire sprinkler system and the septic system. Greg Cullen noted that they did not want to spend the money to do those improvements until the proper zoning had been granted.

Gary David asked what the cost would be for a 90-day treatment program. Greg Cullen stated that it will depend on the insurance but hope to take a portion of the profits to help provide services to those without insurance benefits.

Weston Nicholson asked if there will be security onsite or will there only be a monitored camera system. Greg Cullen stated that employees would be trained specifically in security, but there would not be armed guards.

Weston Nicholson asked if there would be someone who would inspect the premises to make sure people aren't hanging out in the woods or other areas. Greg Cullen stated that there would be people trained to do this and noted that the facility would be receiving oversight by the state, the lawyers and the insurance companies.

*\*\*Unintelligible\*\**

Scot Gasho asked how this would impact property values in the area. Paul Wyman explained that it was once said that windmills and solar installations would negatively impact property values, however, that didn't happen. Paul Wyman state that the property values around their other six facilities have not been negatively impacted. Nick Salvato stated that he lives right next to a sober living facility in Los Angeles County and his property values have gone up.

Weston Nicholson asked what they will do to prevent the type of loitering around the outside of the facility that you typically see around shelters and places like the Carver Center. Nick Salvato stated that what is being described is more of a shelter, whereas the facility being proposed is a treatment center. Nick Salvato reiterated that the people being treated at the facility will be there voluntarily and do not have access to come and go or to wander around the property. Nick Salvato stated that each patient will have a person assigned to them to make sure that the patient attends all scheduled programs for the day.

Scot Gasho asked if patients go outside during the day. Nick Salvato stated that patients will go outside for certain activities during their treatment but will have a member of staff with them.

Scot Gasho expressed concerns that patient might agree to go to treatment so that they don't lose their job but could have friends or family members drop something off on or next to facility grounds for the patient to retrieve. Nick Salvato stated that there will be camera and security systems there that will be monitored so anyone doing this activity would be caught. Greg Cullen stated that everyone there will be trained and could recognize if something is off with the patient. Greg Cullen state that the patient would then be drug tested, calls would be made, and the patient would lose their job.

Weston Nicholson asked if any records are kept that track the progress of patients who have completed the program, such as a one-year follow-up or a five-year follow-up. Nick Salvato stated that they have reached out to Indiana University and there is a research official who is in the process of applying for grants to do studies on the program.

Doug Heron asked how many state-wide critical incidents have been reported. Nick Salvato responded that they do not have that information. Greg Cullen stated that he does not have the information for Indiana, and has looked for the data in other areas, only to find that the information is not readily available. Greg Cullen stated that they do not expect to have any incidents of people overdosing on the property.

Doug Heron expressed concerns of having staff smaller in stature, such a s 5'2' nurse being expected to restrain a larger, 6'5", 300-pound man who wanted to leave. Greg Cullen stated that they would not have a 5'2" nurse on duty at night, they would have men on duty at night who would be trained and capable of dealing with those types of problems. Doug Heron asked for assurance that there would not only be medically trained staff, but staff who would be able to handle these types of problems. Greg Cullen confirmed that they intend to staff the facility with men in the evenings, which is the staffing protocol that other facilities use.

Scot Gasho expressed concerns that the provided parking plan will not work for this site because the parking is located on the septic field. Paul Wyman stated that they have provided a parking plan based on the guidelines that were provided by the planning department. Greg Cullen stated that they will have to put in a new septic system based on the change in use and have already been in contact with the state regarding this matter. Greg Cullen explained that they do not want to put a lot of money into the necessary improvements until they have the zoning in place and noted that neither the state nor the county will allow the facility to open until the parking and septic are in place.

*\*\*Board took a brief recess at 8:32 p.m. \*\**

*\*\*Board reconvened at 8:45 p.m. \*\**

Josh Rosselot came forward to express support for the petition, explaining that the patients will be at the facility voluntarily and pointing out that if the facility does not meet any of the standards set by the state and county, the BZA could revoke the special exception.

Matthew Muttenson came forward to speak in support of the petition, stating that a place for recovery is necessary because addiction is present.

Shelly Wyman came forward to share a letter of support from Michelle Stine.

Susan Cone came forward to express support of the petition, citing her positive experience with having a similar facility open near her home in Howard County.

Pastor William Salsbery came forward to speak in support of the petition, citing a need for this type of facility in the community.

Pastor John Tice came forward to speak in support of the petition, citing his positive experiences with the patients from these organizations.

Kip James came forward to speak in favor of the petition, citing the positive experience his son had after going through a treatment program.

Chuck McKoskey came forward to speak in favor of the petition, stating that he has lived near the Howard County Jail and the St. Vincent's Hospital with a behavioral treatment center for more than 25 years and has never seen a critical incident in his neighborhood. Chuck McKoskey stated that he saw more critical incidents when he worked at General Motors with people who were addicts and could not get help.

Matt Oliver came forward to speak in favor of the petition, citing a lack of critical incidents in these types of facilities. Matt Oliver explained that addiction is messy, but the state has very strenuous guidelines that these facilities must follow.

Gregg Townsend came forward to read a letter of support from Commissioner Nancy Cline. Gregg Townsend also expressed support for the petition.

David Christensen came forward to speak in favor citing positive experiences working with the facility owners and a need for this type of facility in the community.

Greg Cullen read a letter of support from Jane Letsinger.

Scott Rock came forward to speak in favor of the petition, citing a good experience working with the facility owners and a need for this type of facility in the community.

Michael Spears came forward to speak in favor of the petition, citing a need for this type of facility in the community.

Steve Niblick read a letter of opposition from Jean Nixon and Jeff Ripberger.

Martina Clellem came forward to yield her time to Jane Harper.

Jane forward came forward to speak in opposition of the petition, citing concerns that the petitioner failed to prove any of the criteria for a special exception.

Kyle Colbert came forward to yield his time to Dave Colbert.

Jerry Reeves came forward to yield his time to Dave Colbert

Merilee Colbert came forward to yield her time to Dave Colbert.

Dave Colbert came forward to speak in opposition, citing concerns that the petitioner failed to prove five out of the six criteria for a special exception.

Cassidy Colbert came forward to yield her time to Tina Colbert.

Mike Hines came forward to yield his time to Tina Colbert.

Todd Ripberger came forward to yield his time to Tina Colbert.

Lisa Ferguson came forward to yield her time to Tina Colbert.

Tina Colbert came forward to speak in opposition of the petition, citing concerns that the failed to prove any of the criteria for a special exception.

Jane CoHee came forward to speak in opposition of the petition, citing concerns that there would be no security and that this use would make the area unsafe.

Jamie Davis came forward to yield her time to Tom Ripberger.

Tom Ripberger came forward to speak in opposition of the petition, citing concerns that the petitioner failed to prove criteria D for a special exception. Tom Ripberger also cited concerns about safety, more traffic, and injury to crops.

Keith Willis came forward to speak in opposition of the petition, citing concerns about safety, property values and traffic.

Gary Bogue came forward to speak in opposition of the petition, citing concerns about safety.

Phil Ripberger came forward to yield his time to Ed Ripberger.

Ed Ripberger came forward to speak in opposition of the petition, citing concerns that the petitioner failed to prove criteria B and criteria D for a special exception.

Joni Ripberger came forward to read a letter of opposition submitted by Matt Tebbe.

Marilyn Yeary came forward to speak in opposition of the petition, citing concerns about lack of patient supervision, patients not receiving a refund on their admission fees when they do not complete the program, and safety.

Rhonda Januszkiewiez came forward to yield her time to Walter Januszkiewiez.

Walter Januszkiewiez came forward to speak in opposition of the petition, citing concerns that the organization failed to meet Article B of Section 8 of the Tipton County Zoning Ordinance.

Jessica Ripberger came forward to speak in opposition of the petition, citing concerns that the petitioner failed to prove criteria D for a special exception.

Jacob Ripberger came forward to speak in opposition of the petition, citing concerns that the petitioner failed to prove criteria B and criteria E for a special exception.

Stephen Tebbe came forward to yield his time to Carrie Salinas.

Carrie Salinas came forward to speak in opposition of the petition, citing concerns that the petition failed to prove criteria G for a special exception, and is not compatible with the comprehensive plan.

Naunie Reeves came forward to speak in opposition of the petition, citing concerns that the use will negatively impact property values.

Tim Ripberger came forward to yield his time to Peter Schram.

Braxton Young came forward to yield his time to Peter Schram.

Peter Schram came forward to speak in opposition of the petition, citing concerns that the that the petitioner failed to prove criteria A, the septic system, criteria B, negative impacts on property values, the distance from town if an emergency were to occur, criteria C, criteria D, and criteria G.

Paul Wyman came forward to provide a rebuttal to the comments made in opposition of the petition.

Bob Powell made a motion to close the public hearing; seconded by Scot Gasho. Motion carried 5-0.

Gary David asked David Smith if there is any difference between a certification and a license. David Smith stated that a license is that act of a government body with the authority to permit this by giving them a permit, certificate, or license.

Doug Heron asked Tony Frawley if there is any way they could say that there is no way anything bad would ever happen. Tony Frawley stated that he cannot say that nothing bad would ever happen.

Doug Heron asked Tony Frawley if emergency services could respond in time, if anything did happen. Tony Frawley stated that deputies could easily be 20 to 25 minutes out, depending on where they are in the county. Tony Frawley stated that they generally only have two deputies on duty during a shift.

Bob Powell asked if Tony Frawley has spoken with the Howard County Sheriff concerning the facilities there and whether they have a higher-than-normal problem. Tony Frawley stated that the Sheriff stated that there were no issues and had no negative comments.

Discussion ensued among the board members concerning the criteria.

Bob Powell motioned to deny the petition based on criteria B & the negative impact on the comprehensive plan; seconded by Scot Gasho. Motion carried 5-0 by roll call vote.

Roll Call-

Bob Powell – Yes

Scot Gasho – Yes

Gary David – Yes

Weston Nicholson – Yes

Doug Heron - Yes

**Old Business**

a) CO-V-31-21 Sparks development standard variance Findings of Fact

b) CO-A/V-05-22 Hayes development standard variance Findings of Fact

Bob Powell made a motion to approve the Findings of Fact for CO-V-31-21 and CO-A/V-05-22 as presented; seconded by Doug Heron. Motion carried 5-0.

c) CO-V-08-22 Bruce development standard variance Findings of Fact

d) CO-V-10-22 Bales development standard variance Findings of Fact

Bob Powell made a motion to table the Findings of Fact for CO-V-08-22 and CO-V-10-22 with corrections concerning the language of the motion for approval; seconded by Doug Heron. Motion carried 5-0.

**New Business**

None.

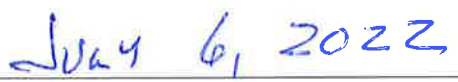
**Adjournment**

There being no further business, Doug Heron made a motion to adjourn the meeting at 10:55 pm; seconded by Gary David. Motion carried 5-0.

  
Chairman

  
Executive Director

  
Date

  
Date