

MINUTES
COLUMBIA CITY BOARD OF ZONING APPEALS
REGULAR MEETING
AUGUST 6, 2024
7:00 P.M.

WHITLEY COUNTY GOVERNMENT CENTER
MEETING ROOM A/B, LOWER LEVEL

MEMBERS PRESENT

Stacey Dumbacher
Cathy Gardner
Jon Kissinger, Chairman
Dennis Warnick

MEMBERS ABSENT

Anthony Romano, Vice Chair

STAFF

Nathan Bilger
Amanda Thompson

ATTORNEY

Dawn Boyd

(E)lectronic participant

AUDIENCE MEMBERS

Nine visitors signed the Guest List at the meeting. There was one attendee on the webcast. A Guest List is included with the minutes of this meeting.

CALL TO ORDER/ROLL CALL/INTRODUCTIONS

Mr. Kissinger called the meeting to order at 7:00 P.M. Ms. Thompson read the roll with members present and absent listed above.

CONSIDERATION OF PREVIOUS MEETING MINUTES

The Board considered their May 9th and June 4th minutes. Mr. Warnick made a motion to approve the May minutes as presented. Ms. Dumbacher gave the second; motion passed 4-0. Mr. Warnick made a motion to approve the June minutes, as distributed. Ms. Dumbacher gave the second; motion passed 3-0-1. Ms. Gardner abstained from the vote due to having been absent from the June meeting.

ADMINISTRATION OF OATH

Ms. Boyd administered the Oath to five visitors who planned to speak at the meeting.

OLD BUSINESS

There was no old business.

NEW BUSINESS

1. 24-C-SE-3

Legend Recovery Center, LLC, requested approval of a Special Exception for a behavioral health facility as an “Alcohol & Drug Abuse Treatment Center” proposed to be located at 701 W. Connexion Way. Mr. Bilger summarized the Staff Report and stated that the building on site, currently Quality Inn, was constructed in 1998. He described the petitioner’s intent to

remodel the building for use as a facility for addiction treatment. As the Code necessitated Special Exception approval for commercial types of residential uses, Mr. Bilger felt the residential component was the reason reviews were also required for treatment centers. He described that the amount of parking spaces provided with the hotel use exceeded the number of spaces required for the planned 100 patients and 25 employees on the maximum shift, and he noted that the petitioner had stated patients would not have vehicles on site. He displayed an aerial image and showed where street trees had been removed when the driveway was widened. He suggested the driveway radius be restored to its original width and the required trees replaced, seeing as the treatment center would not have semi-truck traffic. He summarized the Review Criteria and suggested five conditions of approval. Mr. Bilger also pointed out to the Board that they had received several comment letters as part of their meeting packets. There were no questions for Mr. Bilger, and Mr. Kissinger requested to hear from the petitioner.

Nate Kehlmeier, Executive Director of Legend, described for the Board that he began working in the field of addiction treatment when he was 9 months sober, and he had celebrated 16 years of sobriety in January. He stated that Legend had had an inpatient program in Green Springs, OH, for two years, an outpatient program in Maple Heights, OH, for a year and a half, and an outpatient program in Pittsburg, PA, for a year, all of which he helped open. Mr. Kehlmeier offered to answer any questions the Board may have.

Ms. Gardner stated she had reviewed the minutes from the Board's June meeting, from which she had been absent, and she wondered why Legend was seeking approval for the proposed site when they had already received approval to operate their business at another location in Columbia City. Mr. Kehlmeier replied that several locations had been considered, but the Connexion Way location and the layout of the building there was more suitable for their business.

Ms. Gardner asked about clients leaving the facility. Mr. Kehlmeier said that if someone wanted to leave treatment, staff first would attempt to resolve the matter, but if they still wanted to leave, they would be permitted to call a relative to request to be picked up. He stated that if needed, Legend's transportation department would take the client back to their home either by way of a company vehicle or by Uber/taxi. Ms. Gardner asked where clients are received from. Mr. Kehlmeier replied that they come from surrounding counties, court systems, and other treatment facilities in the state, facilities unable to offer the level of care some patients require.

Ms. Gardner asked Mr. Kehlmeier how Legend would benefit the Columbia City community. He replied that many of the surrounding treatment centers were not able to accept Indiana Medicaid customers, so having a facility in Columbia City would provide care to people who were currently being referred farther away. Mr. Kehlmeier stated that he had spoken with Allendale Treatment in Fort Wayne and was told they refer out 5-10 Medicaid clients each day. He explained that Legend chose Columbia City because of its location in the northern part of the state, being in line to the west of their other locations. Mr. Kehlmeier described for Ms. Gardner that Legend seeks to obtain sites with existing buildings that they can remodel to meet their needs, such as former assisted living facilities and hotels.

Mr. Kehlmeier explained how staff is trained. He confirmed for Mr. Warnick that there would be nurses on site; there would be medical, clinical, and behavioral health staff.

Ms. Dumbacher asked if there would be security. Mr. Kehlmeier stated that he would have a security guard if needed, but, in his experience, he had not ever had a need for one.

Ms. Gardner asked if clients could walk out of the building. Mr. Kehlmeier stated that staff did timed rounds so clients were monitored and did not leave without going through the discharge process. He confirmed for Mr. Kissinger that the doors and windows would be alarmed, and alarms were monitored by staff. He described for Mr. Warnick and Ms. Dumbacher that there was a detailed admission process, so people were not able to enter the facility unless it had been established that Legend was a good fit for them and that they wanted to be there. He stated that new clients surrendered their belongings to be cleaned, and they showered and received a medical examination and scrubs to wear; once cleaned, their clothing was returned to them. Mr. Kehlmeier described the staff to client ratios for Ms. Gardner, which he said exceeded the state of Ohio's requirements.

Ms. Gardner considered the proximity of the proposed site to the neighboring businesses, including an assisted living facility, and she expressed concern that a detox patient could flee and cause harm to others. Mr. Kehlmeier replied that in his experience, people were afraid of getting in trouble and would seek a location they were familiar with before they would try to do something they shouldn't be doing. Mr. Kissinger asked if Legend planned to install a fence. Joshua Koenig, attending remotely, replied that he had spoken with the Director at Autumn Trace and stated that Legend would add a vinyl fence between the properties, for privacy.

Ms. Dumbacher asked if there would be an outside area for the clients. Mr. Kehlmeier said all the facilities had a fenced area for smoking, but the areas were fully enclosed with the only exit going back into the building. He also confirmed for her that the program was a 30-day stay. Mr. Koenig confirmed for Ms. Dumbacher that any Columbia City residents who were not eligible for Medicaid or who did not have insurance would be able to participate in their program for free by way of a scholarship. There were no further questions for the petitioner, and Mr. Kissinger asked if anyone else wished to speak.

Shawn Ellis, CEO of Mission 25, addressed the Board to summarize the letter she had submitted. She described that her organization was constructing a new building not far from the subject property. Ms. Ellis said the size of the new building was based on 25 years of data on the needs of the community. She stated that Mission 25 was a Level 3, Recovery Residence, not a treatment center. She described the extensive training and certification that qualifies her staff to work with people with a variety of needs. Ms. Ellis spoke about other organizations in Columbia City that offer various treatments and supports. She described that there were treatment centers in the communities surrounding Whitley County, so the market was becoming saturated. She stated that she had held several focus groups for the purpose of considering what services were lacking in the area, and not one person had listed "treatment center." Ms. Ellis described that the entities in this area work well together and work hard to know that they were doing recovery right, and they were upset that a business from out-of-state would come to the community without speaking with others in the field. She expressed that this was disrespectful. She concluded by stating that Columbia City already had treatment and recovery resources, and she expressed concern that a fast-growing business would be at risk for things to go wrong, and in this industry, that could cause harm to the community and the people the program was trying to help.

Mayor Ryan Daniel thanked Mr. Koenig for the time he had spent on multiple video conferences with himself and with others, answering questions and addressing concerns. Mayor Daniel reminded the Board that he had submitted a letter to them before their June meeting, regarding Legend's first request. He stated he still had concerns, including clients leaving the facility. He described that County officials, Mission 25, public safety workers, and local businesses have also voiced concerns about the possible effects of having a treatment center in Columbia City. Mayor Daniel stated he had spoken with the recently elected mayor of Green Springs, OH, and was told that Legend's facilities were always well-kept. He stated he was not against rehab facilities, but he did have some concerns regarding Legend, some of which resulted from there not having been any groundwork or collaboration done with existing entities before requesting the Special Exceptions. He said the conversations that had occurred in the past few weeks took place because they were forced. Mayor stressed that in the field of mental health and addiction, building relationships within the community was very important because of the effect on people's lives and on public safety. He described that Mr. Koenig had tried to assure him that clients would not be leaving the facility without being transported back to their homes, but the mayor in Green Springs cited problems with clients from Legend leaving the facility, looking for rides, and panhandling. (He clarified that he was not suggesting that Legend was not offering transportation.) Mayor expressed his concern regarding the potential impact of these activities on the neighboring businesses and the community, including the police and fire department. He added that there had been some changes in the details of Legend's plans, such as the location (Frontage Road vs. Connexion Way), the purpose for coming to Columbia City (wanting to be in northern Indiana vs. looking for a location with a hotel for sale), the insurance options (Medicaid and private insurance vs. not being able to accept both), and types of clients (no felons vs. some felons). In conclusion, Mayor pointed out that the Board had received a number of concerns regarding Legend, and he stressed that this was an important case because any negative impacts on the community could be substantial.

Nicki Venable stated she appreciated the comment that individuals don't engage in criminal activity near the facility. She said, that as a former officer, recovery was an important subject to her, and she felt that having individuals who could leave a facility, without security, was very concerning. Ms. Venable described that she lived approximately one mile from both Frontage Road and Connexion Way, and there had been multiple times that officers had come to her property and to her neighbor's property, looking for someone who wasn't supposed to be there. She described being concerned for the safety of the community as Legend's clients may leave the facility.

Matt Shipman told the Commission the reason a recovery center requires approval of a Special Exception in the General Business District is that it requires more consideration than most businesses. He pointed out that if the current case were approved, Columbia City could have three recovery facilities: the proposed Opportunity Drive, the previously approved Frontage Road, and Mission 25 on Connexion Way. As a Board Chair with Mission 25, he explained that the number of beds in their new building was the appropriate amount for the community. Mr. Shipman also stated that there was no way to enforce whatever plans any petitioner may describe. He said the only control the Commission had over a Special Exception was to deny the request.

Mr. Kehlmeier responded to the comments and stated that he was the “Shawn Ellis” of his area. He encouraged those present to search his name on the internet and see the activities he was known for. Mr. Kehlmeier said that although he was not from Indiana, he was from Ohio, the Midwest, and he would still treat Columbia City as he would treat his home. He confidently told the Commission that if they had spoken with representatives, County Sheriffs, and other treatment centers in Ohio, all would report that he followed through with the things he said he would do. He expressed being caught off guard by the previous comments because communities are usually asking him for help; he was not used to having to defend his statements. He thanked the Commission for their time and consideration.

Mr. Koenig told the Commission that he did not think he could speak with members of the community until there was something to speak about. He explained that he had believed he needed the use to be approved first, and he thought the Commission’s consideration of his request was the time for him to describe his business. Mr. Koenig appreciated Ms. Ellis’ work, but he explained that Mission 25’s treatment was the second stage of recovery. He stated that the first stage was the inpatient detox, which was what Legend was offering. Mr. Koenig said he reviewed the list of centers Ms. Ellis provided when she stated that the area was saturated with addiction centers, and he said the facilities listed take commercial insurance and private pay and do not accept people who cannot afford to participate. Because Legend takes Medicaid and offers scholarships, he said, they were able to help people the other locations could not. Mr. Koenig explained that there were so many addiction facilities in Indiana because they were greatly needed. He stated that Legend was self-funded and would not be competing with Mission 25 for grants. He expressed that Legend wants to partner with everyone because their goal was to help people, and Legend’s clients would need the residential care that Mission 25 offers.

Mr. Kissinger asked Ms. Ellis for her description of the differences between Legend and Mission 25. Ms. Ellis stated that Mr. Koenig’s statements were accurate, that Legend’s proposal was a 30-day detox, inpatient program, which would be the first step in the recovery process. While a person is in a detox program, Ms. Ellis explained that a case manager at the inpatient facility would contact her, looking for a location to hand-off the patient for the next step. Ms. Ellis stated that the work Mission 25 did usually would take 12-18 months. She said the second stage of recovery was intensive, and Mission 25 partnered with other service providers, such as Bowen Center, Park Center, and Clean Slate, working on mental and behavioral health to ensure a client’s recovery was successful. Ms. Ellis described that Mission 25’s new building also would offer housing, so clients could reside in her facility for up to two years and continue monitored recovery. Mr. Kissinger asked if clients go daily to places like the Bowen Center. Ms. Ellis replied that the Bowen Center in Warsaw was an inpatient facility that accepted Medicaid, and Park Center also accepted Medicaid as did most facilities in the Columbia City area. She did agree that there were some facilities that did not accept Medicaid, such as Allendale Treatment in Fort Wayne. Ms. Ellis told Mr. Koenig that she believed he was doing great work, but she did not feel it was a fit for this area.

Ms. Dumbacher asked if Mission 25 could accept Medicaid clients from Legend. Ms. Ellis stated that Mission 25’s new building was designed to meet the needs of the community, as based on the data they’d collected in their past 25 years of business, so if Mission 25 accepted clients from Legend, their operation would be stressed as they would be trying to help more people than they planned for. She added that the current infrastructure in Whitley

County would not support the number of clients Legend was proposing. Ms. Ellis said she had told this to Mr. Koenig, and his response was that Legend was partnered with other treatment centers in Indiana, so if Mission 25 could not accept Legend's clients, they would be sent to one of the other centers. Ms. Ellis felt this was harmful to the clients because Legend should make sure the infrastructure to support clients existed prior to seeking approval for a new center. She explained for Mr. Kissinger that the partnership Mission 25 had with other facilities in the area had taken 4-5 years to build.

Mr. Koenig commented that there was definitely a need for more facilities that accept Medicaid; he asked Ms. Ellis why she didn't want to form a partnership with Legend. She replied that her reason was because she didn't know Mr. Koenig. He addressed her concern regarding the excess patients potentially putting a strain on her facility and described that there were other locations where Legend patients could be accepted. Mr. Koenig felt that Legend had a positive reputation and described taking pride in creating an environment where people could truly be helped. He stated that facilities Legend partners with had encouraged him to establish a location in northeast Indiana. Ms. Ellis explained for Ms. Dumbacher that she would be taking a huge risk if she trusted an entity that was not from this area. Mr. Koenig continued attempting to understand what Ms. Ellis needed from Legend and how to provide it. She suggested they meet for coffee in Fort Wayne, in Allen County. (Mr. Koenig resides in Florida.)

Matt Oakes, director of business development at Legend, introduced himself as a three-time convicted felon who turned his life around after entering a treatment center. He spoke highly of Mr. Kehlmeier and Mr. Koenig and described how rewarding it was for him to see people go through treatment and to be able to support them and provide opportunities for them as others had once done for him. Mr. Oakes said he understood why a community would be afraid to allow a treatment center. He told Ms. Ellis he admired the work she did and that he had spoken with others who partner with her who also had good things to report. He hoped she would also give him the opportunity to have coffee with her, wherever she would prefer.

No other visitors wished to speak, and Mr. Kissinger closed the public hearing. Ms. Gardner stated that she appreciated everyone who spoke and the information they provided to the Board. She explained that most petitioners submit site plans and other images that help describe their proposal to the Board, but Legend had not presented any such documentation. Ms. Gardner expressed concern regarding the proposed location and the proximity to so many other types of businesses. She worried that a patient could walk out of treatment and too easily cause negative impact to the neighboring businesses and public.

Mr. Kissinger expressed that he was not as concerned about the security of the treatment center because a new jail and sheriff department with inmates was also located nearby. However, he said he would feel more comfortable with the proposal if the partnerships that provide patient care had been established. Mr. Kissinger and Ms. Dumbacher commented that they learned things at this meeting they didn't realize were important to know when they had considered Legend's previous request. Ms. Dumbacher described being uncomfortable having heard Legend once say they would not accept felons and then later saying there may be some felons in the facility.

Mr. Warnick made a motion to deny 24-C-SE-3. Ms. Gardner gave the second. By roll call vote, Mr. Warnick's motion passed 4-0. Ms. Dumbacher expressed to Mr. Kehlmeier,

Mr. Oakes, and Mr. Koenig that she supported the work they were doing to help people start new lives, and she hoped that they could find a location that would meet their needs. The other members voiced their agreement with Ms. Dumbacher's comment. Ms. Gardner added that she had not been able to be present at the previous meeting, but she had more concerns regarding the then-proposed Frontage Road property than the Connexion Way property, and she hoped if Legend moved forward from the approval they received for Frontage Road, they would consider the concerns that had been voiced at the August 6th meeting.

OTHER BUSINESS

2. Mayor's discussion

Mayor Daniel was present to report on various happenings in the city. He described a plan to update the Comprehensive Plan in 2025. He also spoke about the status of US 30, detailing the Indiana Department of Transportation's progress, being the Stage 3 Assessment in their process. Mayor also listed intersection modifications set to take place in Allen County's stretch of US 30. He anticipated Whitley County may see some US 30 construction in 7-10 years as INDOT works their way west. Mr. Warnick asked if cable rail was planned. Mayor and Mr. Bilger did not expect to see cable rail in Whitley County. Mayor described the assessments and studies planned for the project and how they would guide progress for the plan. He also announced that the city had started live-streaming all public meetings on YouTube and Facebook websites. Ms. Gardner requested an update on the status of Eagle Park. Mayor discussed that the pickleball court was nearly completed, sidewalks were underway, a swing structure would be installed soon, and the skate park was planned to be completed late in 2024 or early in 2025. He also described other aspects of the park that were being discussed for the next phase. In conclusion, he announced that the city would be going out to bid near the end of August for the expansion of the Blue River Trail towards the high school.

ADJOURNMENT

Mr. Warnick made a motion to adjourn; seconded by Ms. Gardner. The motion passed 4-0, and the meeting was adjourned at 8:45 P.M.

GUEST LIST

1. Nate Kehlmeier 916 Main Street, Genoa, OH
2. Matthew Oakes 916 Main Street, Genoa, OH
3. Ryan E. Patterson 642 N. Opportunity Drive, Columbia City
4. Ryan Daniel 112 S. Chauncey Street, Columbia City
5. Shawn Ellis 500 W. Business 30, Columbia City
6. Todd Jones 960 S. 900 West -92, Pierceton
7. Matt Shipman 119 S. Main Street, Columbia City
8. Nicki Venable 253 W. 150 North, Columbia City
9. Deb Davis 300 W. 150 North, Columbia City

GUEST LIST (WEBCAST)

10. Joshua Koenig 401 N. Broadway Street, Green Springs, OH