

**THE REGULARLY SCHEDULED  
FULTON COUNTY  
AREA PLAN COMMISSION MEETING  
SET FOR DECEMBER 22<sup>ND</sup>, 2008  
HAS BEEN CANCELLED  
DUE TO THERE BEING NO BUSINESS  
THE NEXT MEETING IS SCHEDULED FOR  
JANUARY 26<sup>TH</sup>, 2008<sup>9</sup>  
AT 7:00 P.M.  
IN THE COMMISSIONERS/COUNCIL ROOM**

FULTON COUNTY AREA PLAN COMMISSION  
November 24<sup>th</sup>, 2008

**FULTON COUNTY  
AREA PLAN COMMISSION**

**MONDAY, NOVEMBER 24<sup>TH</sup>, 2008**

**7:00 P.M.  
COMMISSIONERS/COUNCIL ROOM**

**CALL TO ORDER**

**AREA PLAN COMMISSION MINUTES FOR:  
October 27<sup>th</sup>, 2008**

**PUBLIC COMMENTS:**

**OLD BUSINESS:**

**NEW BUSINESS:**

**PLAN DIRECTOR REPORT**

**PUBLIC COMMENTS**

**BOARD COMMENTS**

**ADJOURNMENT**

**FULTON COUNTY AREA PLAN COMMISSION**  
**November 24<sup>th</sup>, 2008**

The Fulton County Area Plan Commission met on Monday the 24<sup>th</sup> day of October 2008 at 7:00 P.M. in the Commissioners/Council Room located within the Fulton County Office Building. Chairperson Mark Kepler called the meeting to order at 7:00P.M. The following members were present: Ag Extension Educator, Mark Kepler; County Councilman, Jim Widman; Roger Rose, Fulton County Surveyor, Don Towne; David Kruger; Bob Cannedy, Jack Urbin, Pam Fish, Rex Robison, and Don Clouse. Also in attendance were: Plan Director, Casi Cramer; and Administrative Secretary, Heather Redinger.

It is duly noted Debbie Barts, Mark McCall, Board Attorney, Greg Heller and Paul Studebaker were absent.

IN RE:           MINUTES

October 27<sup>th</sup>, 2008

Mark Kepler asked for any additions, deletions or corrections to be made to the October 27<sup>th</sup>, 2008 minutes. Rex Robison made a motion to approve the October 27<sup>th</sup>, 2008 minutes as written. Pam Fish seconded the motion. Motion carried as follows: Don Clouse, Rex Robison, Bob Cannedy, Jim Widman, David Kruger, Roger Rose, Jack Urbin, Don Towne, Pam Fish, and Mark Kepler all being in favor and no one opposing.

IN RE:           OLD BUSINESS

It is duly noted there was no old business.

IN RE:           NEW BUSINESS

Casi asked the Board if they would like to cancel the December meeting due to the holiday.

Mark Kepler entertained a motion for the December meeting. Roger Rose moved to cancel the December 22nd, 2008 meeting. Jack Urbin seconded the motion. Motion carried as follows: Don Clouse, Rex Robison, Bob Cannedy, Jim Widman, David Kruger, Roger Rose, Jack Urbin, Don Towne, Pam Fish, and Mark Kepler all being in favor and no one opposing.

Mark Kepler stated Pam Fish is resigning from the Area Plan Commission Board and he and other Board members thanked her for all the years she has volunteered her time to the area.

IN RE:           PLAN DIRECTORS REPORT

Casi Cramer presented the Monthly Report for October to the Board Members.

IN RE:           PUBLIC COMMENTS

It is duly noted there were no public comments at this time

IN RE:           BOARD COMMENTS

With no further business to come before the Board, Mark Kepler entertained a motion to adjourn the meeting. Jim Widman moved to adjourn the November 24<sup>th</sup>, 2008; Fulton County Area Plan Commission meeting at 7:07 P.M. David Kruger seconded the motion. Motion carried as follows: Don Clouse, Rex Robison, Bob Cannedy, Jim Widman, David Kruger, Roger Rose, Jack Urbin, Don Towne, Pam Fish, and Mark Kepler all being in favor and no one opposing

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November 24<sup>th</sup>, 2008



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Heather Redinger, Administrative Secretary



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**FULTON COUNTY  
AREA PLAN COMMISSION**

**MONDAY, OCTOBER 27<sup>TH</sup>, 2008**

**7:00 P.M.  
COMMISSIONERS/COUNCIL ROOM**

**CALL TO ORDER**

**AREA PLAN COMMISSION MINUTES FOR:  
September 22<sup>nd</sup>, 2008**

**PUBLIC COMMENTS:**

**OLD BUSINESS:**  
Dennis Grinstead

**NEW BUSINESS:**

**PLAN DIRECTOR REPORT**

**PUBLIC COMMENTS**

**BOARD COMMENTS**

**ADJOURNMENT**

**FULTON COUNTY AREA PLAN COMMISSION**  
**October 27<sup>th</sup>, 2008**

The Fulton County Area Plan Commission met on Monday the 27<sup>th</sup> day of October 2008 at 7:00 P.M. in the Commissioners/Council Room located within the Fulton County Office Building. Chairperson Mark Kepler called the meeting to order at 7:00P.M. The following members were present: Ag Extension Educator, Mark Kepler; County Councilman, Jim Widman; Roger Rose, Fulton County Surveyor, Don Towne; David Kruger; Bob Cannedy, Debbie Barts, Mark McCall, Pam Fish, Rex Robison, Don Clouse and Paul Studebaker. Also in attendance were: Plan Director, Casi Cramer; Board Attorney, Greg Heller and Administrative Secretary, Heather Redinger.

It is duly noted Jack Urbin was absent.

IN RE:           MINUTES

September 22<sup>nd</sup>, 2008

Mark Kepler asked for any additions, deletions or corrections to be made to the September 22<sup>nd</sup>, 2008 minutes. Rex Robison made a motion to approve the September 22<sup>nd</sup>, 2008 minutes as written. David Kruger seconded the motion. Motion carried as follows: Paul Studebaker, Don Clouse, Rex Robison, Bob Cannedy, Jim Widman, David Kruger, Roger Rose, Debbie Barts, Mark McCall, Don Towne, Pam Fish, and Mark Kepler all being in favor and no one opposing.

IN RE:           OLD BUSINESS

DENNIS GRINSTEAD  
NEIGHBORS OF DRAGON ESP.

Chairperson, Mark Kepler asked Casi Cramer to discuss the results from the air tests performed.

Casi Cramer explained on September 24<sup>th</sup>, 2008 at approximately 8:45 a.m., she received a phone call from Jim Carr, Capitol Environmental. He informed her at that time he was on Mr. Grinstead's property, trying to determine wind direction. At that time he was going to set up on Mr. Grinstead's property. Casi Cramer told Mr. Carr she would be there shortly to observe the production of Dragon, ESP. She then told the Board they all received in their packets her report for the day the testing was performed. When she had arrived Mr. Carr had relocated to Mr. Prater's property. Mr. Carr stated he did not feel the wind direction was conducive for proper testing on Mr. Grinstead's property. She then stated at approximately 10:00-10:30 the wind direction had changed out of the South Southwest after lunch, so Mr. Carr had set up on Mrs. Weber's property. The results from the air testing indicated that none of the chemicals sampled for, were present in the samples above detection limits, except for dust. The dust sample was below OSHA and NIOSH limits.(see attachment A)

Mark Kepler asked Casi to reiterate why this consultant was chosen.

Casi explained in their proposal they would be utilizing cartridges, which would detect more of the chemical concerns listed in the MSDS sheets. The cartridges would be able to pull out the chemicals from not only the paint, but from the curing as well.

Mark McCall asked if there was any notification to the Plan Commission, Dragon or the neighbors on the day testing was to be done.

Casi stated no one was notified prior to the testing. She then explained when the consultants were first approached for their proposals, they were not told the name of the facility.



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Pam Fish stated Casi had done an excellent job, in choosing the consultant and the report she had given them was very thorough. She also thanked FEDCO for paying for the air tests.

Mark Kepler stated he also appreciated the report being so thorough.

Mark Kepler then stated the Plan Commission's role is to look at health, safety and welfare of the community; fumes and noise are listed in the ordinance for the Plan Commission to cover under public nuisance regulations.

Dennis Grinstead stated first of all, himself, his wife and neighbors are not out to take these jobs. One reason we are here is because of our health, animal's health and our property values. He then stated he would like to comment on a quote Casi Cramer had made previously; being "sure I smelled it that day, I have smelled it other days to, I don't know where it comes from". He stated he and the neighbors know where the smells are coming from. He then stated on August 25<sup>th</sup>, 2008 around 8:00 to 8:30 a.m., he drove past the facility and saw a cloud of gray smoke and wondered what it was. He found out later, another neighbor had called the Akron Fire Department because he saw flames from the same location. The Akron Fire Department did not respond, but the Rochester EMA came on site. According to Rob Girton, the paint filters had been thrown on some pallets and they caught fire by spontaneous combustion. After he had heard that, he called his contact at EPA Region 5, his contact told him he has never heard of that happening. He stated Rob Girton had stated when the paint filters are changed they are taken to the center of the shipping lot out back for that reason and it had never happened before. Mr. Grinstead stated his daily log from 5-27-08, to present, shows a pattern of fumes and wind direction, in which should have been enough data for the consultant to test downwind from Dragon. He then reads a few statements from his log: 10-14-08, 1:38 a.m. noise, 7:11 a.m. WSW wind no fumes on his property, 7:48 a.m. light SW breeze fumes in the house, had to quickly close the windows, 1:30 p.m. light fumes in yard, 8:43 p.m. noise. He then reads his log from 10-16-08, as soon as he gets home he checks wind direction and if fumes are present on his property. After he got home from school there were no fumes on his property and a NW breeze; so he went to Steve Bell's house. He then saw Norm Prater in his field SE corner, they then went up the east fence line near Dragon and proceeded west to 875 E and the fumes were terrible. On 10-21-08 at 4:10 p.m. wind NE no fumes on his property, but he knew they would be in Norman Prater's hay field, he called Norm to ask if he could go take a smell in his field. He proceeded South on 875 E, turned by the Adamson's property and the fumes were awful. He then told the Board in Casi's report there should be an aerial with squares to denote property owners who consented for the air testing. The day of testing the wind was out of the east, so the consultant should have set up in the west. The consultants had permission to set up in the cornfield directly to the west of Dragon, but instead they set up in the south, in Mr. Prater's hayfield, where they are sitting downwind, the wind is basically out of the south all morning. The consultant's report makes a statement, that fumes were on the east and the north, the consultant did not have his directions right he should have stated they fumes were present on the west and north. The afternoon testing, lunch break 12:45 to 1:45 p.m., they set up on the Weber's property, Casi's report stated the winds were either southerly or calm during the testing time. A 20-minute period where a SSW wind was recorded and they were setup 15 feet from the side of the road. He questioned Casi as to why they did not set up on the north, northwest or northeast in the morning. She had told him Mr. Carr felt the turbulence from the vehicles would interfere with the testing, but yet they set up 15' off of Weber's property. His question was why they could not set up in the ROW of the properties who did not give consent to the north, but set up 15' off of Weber's. Mr. Grinstead then stated he has been portrayed as a chemistry teacher, he stated he is a biology/general science teacher; he then stated he knows enough chemistry to be dangerous. He then passed out a letter from William Eryman, a research and developmental chemist, for thirty years. Norman Prater also passed out a paper that shows a production of paint being used at Dragon on the day of the testing. Mr. Grinstead asked the Board to look at the bottom of the page. He then read the



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letter from Mr. Eryman, stating Dragon did not use the same paint the day of testing as they previously had been using, he stated the consultant did not have the correct MSDS sheets so therefore, did not test for the correct chemicals. He then reads the most insulting and repulsive statement he (Mr. Eryman) has heard in a long time is Casi Cramer's statement not knowing where smells are coming from. (see attachment B)

Mark Kepler then commented on the statement made by Casi, means they are not sure where the fumes are coming from within the facility, the exhaust stacks or the curing tanks.

Dennis Grinstead then continued reading the letter, stating Dragon did not provide correct MSDS sheets for the paint used the day of testing.

Mark Kepler then commented on the spontaneous combustion, and a person's home that had burnt down because of rags used for staining being thrown in the garbage .

He then asked the Plan Commission members if they had any questions or comments.

Pam Fish stated she thought Casi did a wonderful job on the whole air testing; Casi had nothing to do with the time of the testing.

David Kruger stated the air testing was done properly; the wind direction was out of anyone's control, he then reads some of Dennis Grinstead's calls, according to his calls the wind had shifted completely in a matter of 5 minutes. How could they possibly depend on the direction of the wind.

Dennis Grinstead stated he had read through the list of consultants, and he understands the neighbors had given up the right to help choose the consultant, but there was one that would have set up in six different locations around the outside of the factory, and two residents that agreed to testing. The reason this consultant was not chosen was because Dragon would have known about the testing and may have cut down on production. He then said when the employees saw Casi's vehicle sitting along side the road they would have known what was going on.

Pam Fish stated someone had to be there during the testing.

Mary Beth Gast stated Casi did not have to be there.

Pam Fish stated someone had to be there.

Jill Sampsel asked if there were any neighbors present at the time of testing.

Bob Cannedy stated there is no trust on either side, so why were the tests performed.

Steve Bell, stated almost everyday the fumes are horrible on the west side. He drives by there everyday on his way home, and the fumes are horrible on 875 E.

Mark Kepler stated what the plan commission has to work with is the air test results do not detect any harmful fumes, he then asked if the neighbors are saying the company erred in the way they conducted the tests.

Steve Bell stated the company had set up their equipment in the wrong location; it is all according to the wind.

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Pam Fish stated the Plan Commission every opportunity to be involved in the choosing of the consultant.

Many neighbors disagreed with that statement, Norman Prater stated they were told at the last meeting they could not have anything to do with it and the neighbors did not want the Plan Commission to have any thing to do with it either, and all the sudden Casi had to be involved.

Pam Fish, stated that is not so, the neighbors had every opportunity to help chose the consultant and they refused.

Greg Gast stated that was a false statement.

Pam Fish stated that was not a false statement.

Many of the neighbors were speaking at once.

Mark Kepler then stated to pull back and have one person speak at a time.

Casi stated when this was originally set up, there were four completely random consultants chosen to give estimates. The opportunity was given for the neighbors to have one person represent them and sit in with Casi, Shane Blair, and a representative from Dragon, and all four representatives would chose one consultant. The Plan Commission received a letter anonymously, stating the neighbors did not want to have anything to do with the testing. She brought the letter to the Plan Commission and asked what she was supposed to do now, since the neighbors do not want to participate. She then stated as she recalls Mr. Grinstead and Mr. Sampsel were both present at that meeting. The board discussed that; Greg Gast then interrupted her.

Greg Gast stated he had written the letter and they had declined the testing, because originally they were told they would be able to choose the consultant. He stated the neighbors wanted to choose the consultant, they are the ones victimized, not the Plan Commission, and not Dragon. That is why the neighbors should have been able to choose, not the Plan Commission.

Pam Fish stated Mr. Grinstead and Mr. Sampsel were both present when the neighbors were given the opportunity to help choose the consultant.

Greg Gast then asked about the filters that caught on fire, were they outside or in a tank, where did they spontaneously combust. If the paint filters are contaminated why are they put outside, instead of being disposed of as hazardous waste.

Casi stated, according to Rob Girton, they placed are outside, because spontaneous combustion may occur.

Steve Bell stated he was not referring to the firm that was chosen it was where they tested that was incorrect.

Pam Fish stated that had nothing to do with Casi, that had to do with the firm, they choose where they set up.

Mark Kepler again stated all they have are results, which states they are not harmful fumes. He then asked if the neighbors were asking for a re-test.



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Greg Gast stated no they were not.

Mary Beth Gast stated they don't want paint fumes on their property anymore.

Steve Bell stated he doesn't want the noise or paint fumes anymore.

Susan Weber stated they are breathing this and it is on their homes. She showed photos of the west side of their home that they thought is the over spray from the facility, not dust, on their siding, shutters, and lawn ornaments. We're not here to fight with the board, you guys are supposed to be here to help us. We did not vote them to come in, we have lived there our whole lives and we should not have to battle odor, fumes, or whatever is and have one test to determine whatever we are breathing. Dragon then has to opportunity to change the type of paint from day to day. She stated she, her mother and other neighbors are having health issues, have lost animals, cattle miscarriages this is not a game it real we just are asking for help. We are not the bad guys and the arguing back and forth on who said what is pointless. Somebody is going to die and all these back and forth games are not helping. The paint fumes are causing chronic coughing, swollen eyes, shortness of breath and respiratory problems. Her mother had acute kidney failure with no explanation. She stated she keeps a log and the day of the spontaneous combustion she had nausea, bladder infection, her cat and dogs were vomiting. She wants to be taken seriously.

Mark Kepler stated the Board needs to have real proof.

Mary Beth Gast stated she has a paid invoice from Weaver's Body Shop from damage of paint over spray that Rob Girton has agreed to pay for. It has been done and Rob Girton has paid for it.

Mark Kepler stated he had heard about that situation, but it was presented to the Board, as it was not proven the paint came from the factory. He then asked where exactly does the paint over spray come from.

Kathy Prater stated from the stacks.

Mark Kepler then stated all the painting takes place inside the paint booths.

Mary Beth Gast stated the booths are not closed on the ends.

Casi Cramer stated the booths are closed on the ends, they have fire doors on each ends. She then asked Rex Robison and Debbie Barts if they had seen the doors on the booth during their tour.

They both agreed the booths have doors on the ends.

Mark Kepler stated there are two parties involved, the factory and the neighbors.

Norman Prater stated he had been told by the State the County would not do anything; he had made probably thirty phone calls since September 25<sup>th</sup>, 2008. It really ticks him off to sit at his kitchen table and go through all of the paperwork. He then stated they would be surprised at the people he had been talking to and their paperwork had better be in order. He stated he is trying to stay calm, but he has lost his patience with this. If you think I am lying about sucking in paint fumes you are wrong. This morning he had the privilege to go feed his calves and watch them hack and cough. Paint fumes were present on his property and he called the Plan Commission Office and reported the complaint be added to the log and

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asked for a list of the log from 9-29-08 to today (October 27<sup>th</sup>, 2008.) He asked why the Plan Commission did not send the walk in log to the consultant.

Casi stated they do not have a separate log; everything is all in one log.

Norman Prater proceeded to talk about the placement of the equipment, he stated the tripod was set up 515' from the facility, and he then stated the consultant did not know what he was doing. He then stated he did not see any pictures of the doors being open, he then said because Casi did not have any pictures of the doors being open. He then stated he talked to eyewitnesses who said the doors were down all day.

Casi stated Mr. Adamson drove past her three times that day and once stopped and spoke to her, she told Norman Prater to ask his neighbor.

Mark Kepler asked Norman Prater if he had other issues he wanted to discuss.

Norman Prater stated he would like to get through this because he could snap very easily. He had photos of the 12-acre hay field south of Dragon; he should be able to farm his field without sucking in paint fumes. He then talked about the log on 9-29-08 paint fumes on his front porch, heavy, can't hardly breathe, 9-30-08 was the same thing, he definitely recalls 10-02-08 at 12:50 p.m., 30 minutes of solid fumes, you can't hardly breathe and it gives you a cough, a cough he's sick and tired of living with, if the Board wants to call it an odor he doesn't care, he is sick of it. He called Casi that day and she came out and said she could smell a little bit. He then asked Casi if she remembered when he called and said there were fumes so thick, in his son's upstairs bedroom. He then asked her if she recalled what she had said to him on the sidewalk, she had told him she didn't think he was lying, he stated that's when he decided he'd had enough. He then addressed Casi Cramer, and told her to look at him and tell him he is lying. He stated he was told in March the reason he started to get fumes was because the stacks were raised, he didn't ask for this, but he has just begun to fight.

Mark Kepler asked Norm Prater if he knew why they raised the stacks.

Norman Prater stated he didn't care why; the Plan Commission didn't do their job. He then stated his neighbor a mile and a quarter away, an organic dairy farmer, gets paint fumes and he is afraid what it is doing to his farm.

Greg Gast stated IDEM told Dragon not to raise the stacks.

Norman Prater stated he was going to read something from the log that really gnaws at him; Joe Beyers walked into the Plan Commission and stated he smelled fumes at the corner of SR 14 and 800. The log stated the corner of Tim's Body Shop, Normans Prater stated that's Ross Fears field the body shop is on 100 S, Tim's Body Shop has nothing to do with it.

Casi stated Mr. Beyers had stated the fumes were on SR 14 and the corner of 800, she wanted to give the Board a point of reference.

Norman Prater stated another log entry aggravated him too; Mary Hunter called the office on October 24<sup>th</sup>, 2008 at 11:00 am and stated she does smell paint fumes and hears noise but it is tolerable. Norm Prater stated he had spoke to her and she had told him the reason she called Casi was because of the noise. He then commented on another log entry, stated she had no business printing, anonymous called on October 24<sup>th</sup>, 2008 at 12:30 pm stated he lives closer to Dragon than the Sampels, does not smell fumes and the



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noise is tolerable, he also questioned why Mr. Sampsel is building a new house and why Mr. Gast had purchased more property.

Casi Cramer stated the office writes what the people say.

Norman Prater asked why should you put that in the log.

Mark Kepler stated it was getting too confrontational, lets get to the facts, and from our standpoint there are two different entities that both have concerns. In order for the Plan Commission to take action against the factory they have to have factual information to present to them. That is the reason the air testing was asked for, there have been problems all along, the Board knew after the tests were complete there would be objections on how it was done. He stated he understands the comments tonight are objections of how the testing was done. He then stated if the neighbors feel the consultant was not qualified in the testing they have done, then maybe the consultant needs to answer some of the questions brought up here tonight.

Norman Prater stated the consultant is being investigated.

Debbie Barts addressed Mr. Prater, the first time she remembers seeing him at a meeting he was talking about his cattle. He had talked about taking a calf down to Purdue for testing.

Norman Prater stated they have not taken a calf down to be tested. He stated he is not always an angry person, but how long does he have to put up with this. He stated he had spoken to a politician and was told the problem would be solved if Dragon would put scrubbers on the stacks.

Mark Kepler stated the reason Dragon raised the stacks was because they thought it would dissipate more and cause less problems, and if in fact scrubbers need to be done, than maybe Dragon can look into those. Dragon has raised the berm and planted trees to help with the noise.

Norman Prater asked the Board if they believe there is a problem out there. He is not waiting for the Board to do something, as before, he was told the County won't do anything anyway. He then stated all the waste is hauled off to the landfill and IDEM has told him they do not have all of their permits.

Mark Kepler stated IDEM needs to address that issue.

Dennis Grinstead stated when Mr. Fear was present for Dragon in a previous meeting; he stated with raising the stacks the VOC's would be reduced by 50%. He stated his contact with the EPA had told him that is a bunch of hogwash; it just throws them out further. Norman Prater was not present at any of the earlier meetings, because he did not have fumes until the stacks have been raised. He then stated he has heard that one of the reasons the Plan Commission will not take action is because they are afraid Dragon will sue, he asked if there is any truth to that.

Mark Kepler stated if they don't take the right approaches then Dragon has the right to sue, on the other hand so do the neighbors. He then asked Board Attorney, Greg Heller to address this question.

Greg Heller stated if they are asking if the Board is in fear of being sued by Dragon, the answer is no. The Board has tried to be responsive to all of the concerns; they have worked with both parties. When you go to court you must have objective evidence to convince the judge of your position. He doesn't feel the Board has objective evidence to take to a judge and shut down Dragon. The purpose for the air testing was to find out if there was a health concern, because health, safety and welfare are the overriding concerns. He stated if

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the test results came back with positive results for health issues the Board would be taking action, but they do not have those results. He then stated from reading Mr. Eryman's e-mail, many neighbors feel there was collusion. He then stated everything was set up to be objective as possible; they had no idea what the results would be. If the Board asked him if they had enough to put a stop work order on Dragon, he would have to tell them no.

Mark Kepler stated the Board's objective is to give due process to all parties. They are not afraid of lawsuits, in fact they are going through one now with another entity.

He then asked the Plan Commission members for any questions or comments.

Roger Rose stated someone had asked if they believe there is a problem, he stated he believes there is a problem. If there is something the Board could do, they would do it.

Norman Prater stated they should come out there and he could take them to the paint fumes.

Mark Kepler stated it doesn't do any good for them to go out there. He again stated they have to have factual evidence.

David Kruger stated he agreed there is a problem, he could go out there and smell the fumes but he cannot take that to court.

Norman Prater asked if they came out there and smelled the fumes all day maybe they could do more than what they are doing now. He stated he could not hardly move the hay off of his field because of the fumes.

Jim Widman asked why different paint was used on the day of testing and is it worse than the other paint being used. The letter presented said they didn't have MSDS sheets for the paint being used that day. Jim stated the Plan Commission may not have had the MSDS sheets but that doesn't mean Dragon doesn't have them.

Dennis Grinstead stated if there are fifteen chemicals being tested, and they were there, how could they be tested.

Steve Bell stated the fumes are not his only issue, it is also the noise and the shabby slipshod looks of the facility. The noise wakes him on the average of six (6) times a week; he can't stand to be out in his yard. He then stated he wants to leave Fulton County and there are Federal Grants the politicians could look into to purchasing the neighbors properties. He stated he couldn't pass his property onto another person.

Jill Sampsel stated the reason they declined the testing on their property was because they live a 1/2 mile away and thought they would get a better reading on a property closer to the facility. She stated they regret that now because on the day of testing the fumes were terrible on their property. She also stated a neighbor should have been involved in the location of the testing to let the consultant know where the fumes were that day. She then addressed the fact her son is building a house, they thought they had chosen a safe spot for him to build, they did not realize the fumes would travel that far. She stated her son and husband are there everyday and when they smell fumes they get headaches within fifteen minutes. She said they are all sick and sad. She then asked the Board how many of them will be able to look at her grandson in five years and say they are sorry he's sick because they didn't know. She then stated the Board is depending on the neighbors to do all of the work and gather all of the facts. She stated she knew a former Commissioner who



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would have offered to come over and have coffee and talk to her and the other families and not one of the Board members had offered to come over to her house and figure out solution.

Erik Sampsel stated the Board doesn't even care, no one has come over to check things out, besides Casi but he doesn't think she has any creditability.

Debbie Barts asked if the consultant could come before the Board in person to answer some of the questions.

Roger Rose agreed with Debbie Barts, he stated they cannot set here and defend someone else's work. He stated when the Board was discussing the air testing, they anticipated if the results were not what the neighbors wanted to see, that they would get the responses they are hearing tonight. He stated this Board is very limited as to what they can do.

Pam Fish agreed with the idea the consultant should answer some questions as well, she believes there is something happening out there. She stated she doesn't know if it is in the best interest of the Plan Commission members to go out and visit the neighbors. She stated she believes they smell and hear noises, but they do not have any concrete evidence.

Sara Grinstead stated someone would have to die before anything gets done.

Steve Bell stated all they have to do is drive down 875 East and smell the fumes and hear the noises, he then stated if you can't smell them maybe you should have your sinuses checked out or if you can't hear the noises maybe get a hearing aide.

Carla Colwell stated she has been to several of these meetings even though she does not live in the Akron area, but she is beyond shock. She stated the Plan Commission needed to hire an environmentalist lawyer to help these people. She stated she had smelled the fumes they are putrid and she gets migraines. When a car and houses gets over sprayed, that is enough to take to an environmentalist lawyer and do something for these people.

Pam Fish asked Mrs. Colwell if she is a lawyer.

Carla Colwell stated she is not but she has worked with legal council.

Pam Fish stated the Board Attorney stated it is not enough.

Doug Sampsel asked Casi how long the testing lasted.

Casi stated six hours.

Doug Sampsel stated the winds were not favorable where they were set up, he stated he cannot believe in a six hour period you could get enough information to say the fumes are dangerous or not.

Mark Kepler stated they don't know the answer to that either, but they have to rely on the consultants' results.

Doug Sampsel stated he would questions the consultant and have them retest.



## FULTON COUNTY AREA PLAN COMMISSION

October 27<sup>th</sup>, 2008

Dennis Grinstead, then asked each Plan Commission member if they have driven by the facility and smelled the fumes.

Paul Studebaker stated he has never noticed fumes.

Don Towne stated he has driven by several times, he rolls the windows down, he stated there has been times he has smelled fumes, and then was interrupted by Dennis Grinstead asking Pam Fish.

Pam Fish stated she has not smelled fumes as she was driving by.

David Kruger stated he has smelled them once or twice.

Bob Cannedy stated he has smelled fumes.

Mark Kepler stated he has smelled fumes, but that is not good enough, and then was interrupted by Dennis Grinstead asking Roger Rose.

Roger Rose stated he has been by there a number of times and once or twice he has smelled faint smells.

Jim Widman stated he has driven by several times and has smelled faint fumes.

Rex Robison stated he has driven by several times and has smelled very faint fumes.

Debbie Barts stated she has smelled fumes.

Don Clouse stated he has smelled fumes, and then was interrupted by Dennis Grinstead asking Mark McCall.

Mark McCall stated he would let Don Clouse finish his answer.

Don Clouse stated the times he did smell the fumes he could not tell if the fumes are harmful, that's why they have to rely on the test results.

Mark McCall stated he has come on the Plan Commission mid-stream and his first meeting was a Dragon meeting. The neighbors peeked his interest because he lives on west 4<sup>th</sup> Street near the foundry, and he smells the foundry. He stated he has driven by Dragon between 10 to 15 times and has smelled fumes one time.

Dennis Grinstead stated he was curious as to how many members had made the trip by the facility.

Mark Kepler stated most of the Board have toured the facility, and all of them have driven by.

Dennis Grinstead asked if the Fulton County Health Department is bound to come out there when they call about fumes.

Mark Kepler stated he does not know.

Greg Heller stated if they call in complaints the health department would investigate, he is unsure if they have enough authority to pursue any action.

## FULTON COUNTY AREA PLAN COMMISSION

October 27<sup>th</sup>, 2008

Mark Kepler then asked the Board members, what they feel the next step to be taken should be.

Mark McCall stated he would like for the consultant to be present at a meeting to answer some of the questions brought up tonight. The Board is limited to their actions without any evidence.

Greg Gast stated he feels maybe the issues put on the Board members, maybe should not be put upon them. He doesn't think more testing should be done. He then stated someone in the County could check the legality of the new paint booth. He has heard the new paint booth is not legal; they did not have paint fumes until the new booth had been installed. This would not an expense of the County or the neighbors, but the manufacturer. He then stated they are in violation of the Fresh Air Act of 2001.

Mark Kepler stated he has no way to tell the facility they have to do any of that. He then stated they are unsure of where exactly from the facility the fumes are coming from, whether it is from the stacks, the doors being open or the tanks being moved outside.

Greg Gast stated IDEM had recommended the stacks should be not raised; there were never complaints on fumes until the new booth was installed.

Mary Beth Gast stated the Plan Commission is being so cautious and careful of getting the documented proof of a problem, but when you let this place in, you were not careful and cautious when permits were issued. The neighbors were not notified or asked when they expanded. When they moved into their house Dragon was not there, she is tired of hearing foul language and the noise. She has complained since 2006 and she is tired of complaining she doesn't want it anymore.

Pam Fish stated she feels the consultant should be answering the questions that were brought up tonight about the testing.

Roger Rose stated he agreed the consultant should be present to answer the questions.

Pam Fish stated Dragon has their own rights and they, as a Board, cannot make them do anything.

Greg Gast stated no matter where the fumes are coming from, they are trespassing on our properties with the fumes.

Pam Fish asked Greg Gast what exactly does he want the Board to do.

Greg Gast stated he really doesn't know, he thinks the problems lies with the new paint booth, it doesn't meet the emission standards. He stated that facility should not have been put in the middle of a rural community area, and then the Plan Commission should not have let them expand and add another paint booth.

Pam Fish stated the facility has been there and they cannot make them leave.

Greg Gast stated they would leave then, according to a lawyer the neighbors would have to make the first sacrifice. He stated he was told to contact Dragon and ask them to buy him out. He then stated he did contact Dragon three or four times, and was promised a call back. He then stated he was told to keep his mouth quiet, which is why he had not attended the last three meetings. He had never received a call back.



## FULTON COUNTY AREA PLAN COMMISSION

October 27<sup>th</sup>, 2008

He then stated it should not be where it is at; he then compared it to being located at the Hart, Schaeffner and Marx building.

Mary Beth Gast told the Board to look into what federal grants are available to buy them out.

Norm Prater stated the Board is unsure of where the fumes are coming from, the stacks, the doors up or the tanks, he stated they come from all three. He stated the fumes in his hayfield come from the tanks lined up outside, the fumes at home come from the stacks and the corner of his hayfield they are coming from the doors being open. He stated he was told from IDEM, the paint fumes cannot come onto his property it is State Law; he has a right to farm his field without smelling paint fumes.

Mark Kepler asked what can IDEM do.

Norman Prater stated he is limited to what he can say tonight, but at the next meeting he would have more to say.

Mark Kepler then stated IDEM has a responsibility, then they should be handling that.

Norman Prater stated they are looking into it, and again he was told the County does not enforce their own ordinance, very few counties do. He then stated Dragon had better have all of their paperwork in line.

Mark Kepler stated he has the understanding from the Plan Commission members; they would like to know more about the testing from the consultant. He asked Casi to set up a date and time for the consultant to be present and answer questions for the neighbors and the Plan Commission.

Mary Beth Gast stated the noise issue is also in the ordinance and she has been complaining for 2 years and it needs to be taken care of as well.

Ashley Sampsel asked if they would issue a citation to the factory.

Steve Bell asked why they have not been adhering to the noise ordinance.

Mark Kepler stated the facility had been put in violation for the noise, when the complaints first began. He was under the impression the flipping of the tanks is done only in the inside.

Susan Weber asked for the phone number to call in her complaints. She feels if everyone calls in every time they hear or smell something, maybe something would then be done.

Jill Sampsel asked after the consultant answers the questions, is the Board going to write off the neighbors.

Mark Kepler stated they have to hear the facts and they would go from there.

Ashley Sampsel stated the Board should be making the phone calls for the neighbors; they should not have to do all the work. He stated the Board should side with the community before they side with a factory.

Mark Kepler then ended the conversation. He stated if they had any further questions they could ask them after the meeting has adjourned.

## FULTON COUNTY AREA PLAN COMMISSION

October 27<sup>th</sup>, 2008

### IN RE: PLAN DIRECTORS REPORT

Casi Cramer presented the Monthly Report for October to the Board Members. She then told the Board she had a gentleman appeal her decision that he could not utilize a cargo container for storage in the R3 District. The ordinance states no vehicle or tractor-trailer or rail car of any type may be used for storage. She stated since then she has had two more instances for these cargo containers to be utilized for storage. One instance is located in the IN District, in which he would like to use them for his business. She then told the Board she needed them to interpret how to classify these specific containers.

Debbie Barts stated if they allow these containers they would run into a problem of people utilizing semi-trailers for storage since they would no longer be portable.

Casi stated that is why she needed the Board's interpretation.

After much Board discussion they decided these cargo containers could be utilized in the IN District for 6 months in one calendar year.

Casi then stated Murray's restaurant asked if he could install two carriage lights on each drive, they would be located just off the right-of-way. She needs to know if they would need to meet setbacks.

The Board agreed they do not need to meet setbacks as long as they are out of the right-of way.


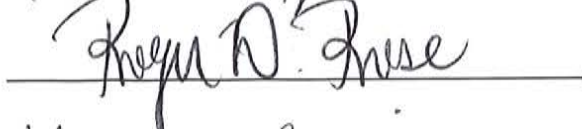
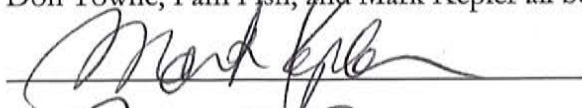
Being no further business on the Plan Directors Report Mark Kepler then entertained a motion from the Executive Session, to allow Board Attorney, Greg Heller to proceed in the litigation. Pam Fish moved to allow Greg Heller to proceed in the litigation. David Kruger seconded the motion. Motion carried as follow: Paul Studebaker, Don Clouse, Rex Robison, Bob Cannedy, Jim Widman, David Kruger, Roger Rose, Debbie Barts, Mark McCall, Don Towne, Pam Fish, and Mark Kepler all being in favor and no one opposing.

### IN RE: PUBLIC COMMENTS

It is duly noted there were no public comments at this time

### IN RE: BOARD COMMENTS

With no further business to come before the Board, Mark Kepler entertained a motion to adjourn the meeting. Debbie Barts moved to adjourn the October 27<sup>th</sup>, 2008; Fulton County Area Plan Commission meeting at 9:40 P.M. Jim Widman seconded the motion. Motion carried as follows: Paul Studebaker, Don Clouse, Rex Robison, Bob Cannedy, Jim Widman, David Kruger, Roger Rose, Debbie Barts, Mark McCall, Don Towne, Pam Fish, and Mark Kepler all being in favor and no one opposing.



Heather Redinger, Administrative Secretary

***FULTON COUNTY  
AREA PLAN COMMISSION***

***EXECUTIVE SESSION***

FULTON COUNTY OFFICE  
BUILDING  
COMMISSIONERS/COUNCIL ROOM  
MONDAY, OCTOBER 27<sup>TH</sup>, 2008  
6:00 P.M.

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CALL TO ORDER:

THREATNED LITIGATION

ADJOURNMENT



**FULTON COUNTY AREA PLAN COMMISSION**  
**September 24<sup>th</sup>, 2008**

**FULTON COUNTY**  
**AREA PLAN COMMISSION**

**MONDAY, September 24<sup>th</sup>, 2008**

**7:00 P.M.**  
**COMMISSIONERS/COUNCIL ROOM**

**CALL TO ORDER**

**AREA PLAN COMMISSION MINUTES FOR:**  
**August 25<sup>th</sup>, 2008**

**PUBLIC COMMENTS:**

**OLD BUSINESS:**  
**Indiana Trails Fund LLC. (PC06-0508)**

**NEW BUSINESS:**

**PLAN DIRECTOR REPORT**

**PUBLIC COMMENTS**

**BOARD COMMENTS**

**ADJOURNMENT**

## FULTON COUNTY AREA PLAN COMMISSION

September 24<sup>th</sup>, 2008

The Fulton County Area Plan Commission met on Monday the 24<sup>th</sup> day of September 2008 at 7:00 P.M. in the Commissioners/Council Room located within the Fulton County Office Building. Chairperson Mark Kepler called the meeting to order at 7:00P.M. The following members were present: Ag Extension Educator, Mark Kepler; County Councilman, Jim Widman; Roger Rose, County Surveyor, Don Towne; David Kruger; Bob Cannedy; Jack Urbin, Pam Fish, Rex Robison, Don Clouse and Paul Studebaker. Also in attendance were: Plan Director, Casi Cramer; Board Attorney, Greg Heller and Administrative Secretary, Heather Redinger.

It is duly noted Debbie Barts and Mark McCall were absent.

IN RE: MINUTES

August 25<sup>th</sup>, 2008

Mark Kepler asked for any additions, deletions or corrections to be made to the August 25<sup>th</sup>, 2008 minutes. Roger Rose stated on page 10 the sentence, Roger Rose stated he had questions on to handle the fence situation, should read Roger Rose stated he had questions on how to handle the fence situation. Being no further corrections, Jim Widman made a motion to approve the August 25<sup>th</sup>, 2008 minutes with the correction. Bob Cannedy seconded the motion. Motion carried as follows: Paul Studebaker, Don Clouse, Rex Robison, Bob Cannedy, Jim Widman, David Kruger, Roger Rose, Jack Urbin, Don Towne, Pam Fish, and Mark Kepler all being in favor and no one opposing. (see attachment A)

IN RE: OLD BUSINESS

INDIANA TRAILS FUND LLC  
(PC#06-0508)

Chairperson, Mark Kepler opened the meeting by explaining the procedure the Plan Commission follows for a zone map amendment. He stated the Plan Commission should pay reasonable regards to the following, the most recently adopted Comprehensive Plan; current conditions and the character of structure and uses in each district; the most desirable use for which the land in each district is adapted; the conservation of property values throughout the jurisdiction; responsible development and growth; and the public health, safety and welfare. The Plan Commission's recommendation pertaining to the Zone Map Amendment will be forwarded to the County Commissioners for the final approval.

Mark Kepler stated the Indiana Trails Fund (PC#06-0508) was tabled at the August 25<sup>th</sup>, 2008 meeting and asked Casi for a presentation of information in the previous meeting for the members who were absent.

Casi Cramer discussed the project description, staff concerns, favorable comments, opposition comments, and proposed trail rules and courtesies that were discussed in the August 25<sup>th</sup>, 2008 meeting. (see attachment B)

Casi then discussed the new developments since the August 25<sup>th</sup>, 2008 meeting; the DNR will allow expansion of the current parking area at the nature preserve, however, they do not allow bicycles. The Whitley Manufacturing has been approached along with the Fulton County LLC, regarding the use of the parking lot on the north side of Mitchell Drive. The TRC will have all finalized contracts, sales agreements, plans, etc in regards to the parking areas prior to conditional approval and the trail being opened to the public. She then discussed the commitments and stated she had an additional commitment for consideration; any existing tile lines and drive easements currently intersecting the rail ROW are to be maintained in perpetuity.

Mark Kepler asked the Plan Commission Members if they had any questions.



**FULTON COUNTY AREA PLAN COMMISSION**  
**September 24<sup>th</sup>, 2008**

Pam Fish asked if the additional commitment was included in the motion made at the previous meeting.

Casi stated it was not; it had been brought to her attention after the previous meeting.

Jack Urbin asked if animals would have to be on a leash.

Terry Lee stated it is posted in the rules an animal has to be on a leash six (6') feet or less.

Mark Kepler asked if anyone in favor of the petition had anything new to add to please rise and state his or her name.

Being no one to speak in favor, he then asked if anyone who opposed the petition had anything new to add, to please rise and state his or her name.

Jean Miller asked if there would be call boxes installed for emergencies, if so who would be responsible for the cost. She also stated she had concerns of the littering and trespassing.

Terry Lee stated there would not be any call boxes installed.

Steve Furnivall asked when the Indiana Trails asked the County Commissioners for an endorsement several years ago the Commissioners denied the endorsement. He also asked why there isn't an endorsement from the Parks Department either. He then stated he would like to know the requirements of parking for this project.

Terry Lee, Board member of the Nickel Plate Trail, stated they are requesting a zone map amendment for a very useful trail for the community. He stated the trail has many benefits for the community, such as, increase in public health and wellness, as well as, community economy. The Nickel Plate Trail is asking for a favorable recommendation from the Plan Commission for a non-motorized walking/biking trail in which would be very beneficial to the community.

Mike Kuepper stated the trail in Peru has 13 miles open to the public; they do not have an issue with litter or trespassers. He then stated the trail in Indianapolis has call boxes installed due to high crime areas.

Mark Kepler then asked the Board members for any questions or comments.

Roger Rose stated the Commissioners had requested Indiana Trails to appear and he does not recall the Indiana Trails requesting endorsement.

Mark Kepler stated the Parks Department had decided to not get involved with the trail, until ownership issue is determined.

Pam Fish asked Terry Lee to explain more about the parking areas.

Terry Lee stated they have spoke to the DNR about expansion of the Judy Burton trail, for walkers only. He has also spoke to Drew Wellborn from Whitley Manufacturing about utilizing a portion of their property for a parking area. He then stated at the south end the plans are to create a 60' X 90' parking area on the trail bed, which would have approximately twenty (20) parking spaces.

## FULTON COUNTY AREA PLAN COMMISSION

September 24<sup>th</sup>, 2008

Don Clouse asked are there any plans for restrooms facilities on the trail.

Terry Lee stated they have inquired about restroom facilities, but currently do not have plans for any at this time.

Pam Fish stated she understands the concerns but she feels in the long run it would be good for the community.

David Kruger stated right now the rail bed is abandoned and overgrown with weeds, which he feels invites vandals and trespassers. He feels once the rail bed is taken care of the vandalism would not occur.

Jim Widman asked why would they use other properties for parking instead of creating parking on their own property.

Terry Lee stated if they added a parking area on the north end, it would be between two private residents.

Jim Widman asked if they would have a life long easement to utilize the property across Mitchell Drive.

Terry Lee stated they are discussing the choice of purchasing the property or maintaining a life long easement.

Steve Furnivall asked if they are now talking about a different part of the rail bed for parking, which is not part of the zone map amendment.

Carl VanMeter has concerns about people crossing Wabash at the base of the hill; the traffic does not obey the speed limit signs.

Mark Kepler asked the Board about adding the additional commitment concerning the tiles and he then stated he would like to add this zone map amendment is for a non-motorized trail only.

The Board members agreed to add both the additional commitments to the original commitments previously discussed.

Being no further questions or comments, Mark Kepler then entertained a motion to close the public hearing. Pam Fish moved to close the public hearing. Rex Robison seconded the motion. Motion carried as follows: Paul Studebaker, Don Clouse, Rex Robison, Bob Cannedy, Jim Widman, David Kruger, Roger Rose, Jack Urbin, Don Towne, Pam Fish, and Mark Kepler all being in favor and no one opposing.

Mark Kepler then entertained a motion for the petition. Pam Fish moved to make a favorable recommendation to the Fulton County Commissioners to approve PC#06-0508 Indiana Trails Fund LLC, zone map amendment with the following commitments:

1.) The Plan Director's recommended commitments:

- The Technical Review Committee reviews a complete set of plans detailing:
  - All signage that includes but not limited to:
    - No trespassing signs set a specified number of feet apart along the private properties,
    - Statements of the presence of hunters in the area adjoining the Nature Preserve,



## FULTON COUNTY AREA PLAN COMMISSION

September 24<sup>th</sup>, 2008

- Littering fines, and
  - General trail rules
  - Trail closed signs predominately placed at each entrance to sections not open to the public along with a gate blocking the entrance to such sections off the county roadways- this shall be completed prior to the first section of the trail being opened to the public;
  - Trash receptacle placement;
  - 911 marker system development and approval by the 911 Director;
  - Trail maintenance plan;
  - Barricade/gate/chain placement plan at each private drive and road crossing; and
- 2.) If the trail is not built to ensure enough ROW to accommodate a future county service road, then in the event a county service road is constructed within the ROW, the county is not responsible for repairing or replacing the trail if it is damaged or destroyed.
- 3.) Use the Agricultural Fence Law, at most a hog tight fence, does not include privacy fences;
- 4.) No motorized vehicles allowed, with the exception of emergency vehicles;
- 5.) Clear the intersections to allow vision clearance;
- 6.) Signage posted at crossings of roads, warning traffic of trail crossing;
- 7.) Any existing tile lines and drive easements currently intersecting the Rail ROW are to be maintained in perpetuity; and
- 8.) The Zone Map Amendment is for the use of a non-motorized trail only.

Bob Cannedy seconded the motion. Administrative Secretary, Heather Redinger then took roll call vote:

Paul Studebaker	Yea
Don Clouse	Yea
Rex Robison	Yea
David Kruger	Yea
Jim Widman	Yea
Roger Rose	Yea
Bob Cannedy	Yea
Don Towne	Yea
Jack Urbin	Yea
Pam Fish	Yea
Mark Kepler	Yea

The motion to make a favorable recommendation to the Fulton County Commissioners to approve PC#06-0508 Indiana Trails Fund LLC, zone map amendment with the commitments stated above passed with eleven votes being in favor and no one opposing.

It is duly noted Bob Cannedy left at 8:00 p.m.

The Indiana Trails will go before the Fulton County Commissioners on the 3<sup>rd</sup> Monday in October. The meeting starts at 6:00 p.m.

IN RE:           PLAN DIRECTORS REPORT

Casi Cramer presented the Monthly Report for August to the Board Members.



**FULTON COUNTY AREA PLAN COMMISSION**  
**September 24<sup>th</sup>, 2008**

IN RE: PUBLIC COMMENTS

It is duly noted there were no public comments at this time

IN RE: BOARD COMMENTS

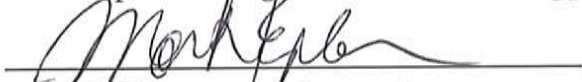
Jack Urbin asked if the air testing around Dragon has been done.

Casi stated the testing has not been completed yet. The consultant is supposed to contact her when they arrive and get set up and she will meet them on site.

Jim Widman asked Casi about the transportation plan.

Casi stated she had begun working on the transportation plan last week.

With no further business to come before the Board, Mark Kepler entertained a motion to adjourn the meeting. Jim Widman moved to adjourn the September 24<sup>th</sup>, 2008; Fulton County Area Plan Commission meeting at 8:10 P.M. David Kruger seconded the motion. Motion carried as follows: Paul Studebaker, Don Clouse, Rex Robison, Jim Widman, David Kruger, Roger Rose, Jack Urbin, Don Towne, Pam Fish, and Mark Kepler all being in favor and no one opposing.

  
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Heather Redinger, Administrative Secretary

Fulton County Area Plan Commission  
September 22<sup>nd</sup>, 2008  
Meeting

Please Sign IN

Jean Miller

Delnos Marshall

Jean Marshall

David Snyggant

Connie Snyggant

Christi Sussnickle

Dennis Snowflake

Phil W. W.

Jane & Wally Davidson

STEVE FURNIVALL

DAN PATRICKS

Donna Babel

Vicki Oustatt

Jim Green

Mike Krupper





## Fulton County Area Plan Commission

125 East 9th Street Suite 012 Rochester, IN 46975

Phone: 574.223.7667

Fax: 574.223.3652

<http://co.fulton.in.us/advisory/plandirector@rtcol.com>

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September 15<sup>th</sup>, 2008

TO: Area Plan Commission Members

FR: Casi Cramer, Executive Director



RE: August 25<sup>th</sup>, 2008 Minutes

The copies of the August 25th, 2008 minutes do not have the attachments since there is such a large amount. The attachments are on file with the original set of minutes in the Plan Commission Office. Also, for the members who were absent, enclosed you will find letters in favor of the trail project, copies of IC codes and one letter of opposition in which the Plan Commission members received at the previous meeting.

If you have any further questions or cannot attend the September 22<sup>nd</sup>, 2008 please call the office.

**FULTON COUNTY AREA PLAN COMMISSION  
AUGUST 25<sup>th</sup>, 2008**

**FULTON COUNTY  
AREA PLAN COMMISSION**

**MONDAY, AUGUST 25<sup>th</sup>, 2008**

**7:00 P.M.  
COMMISSIONERS/COUNCIL ROOM**

**CALL TO ORDER**

**AREA PLAN COMMISSION MINUTES FOR:  
July 28<sup>th</sup>, 2008**

**PUBLIC COMMENTS:**

**OLD BUSINESS:**

**NEW BUSINESS:**  
Indiana Trails Fund LLC. (PC06-0508)

**PLAN DIRECTOR REPORT**

**PUBLIC COMMENTS**

**BOARD COMMENTS**

**ADJOURNMENT**



**FULTON COUNTY AREA PLAN COMMISSION**  
**AUGUST 25<sup>th</sup>, 2008**

The Fulton County Area Plan Commission met on Monday the 25<sup>th</sup> day of August 2008, at 7:00 P.M. in the Commissioners/Council Room located within the Fulton County Office Building. Chairperson Mark Kepler called the meeting to order at 7:00P.M. The following members were present: Ag Extension Educator, Mark Kepler; County Councilman, Jim Widman; Roger Rose, County Surveyor, Don Towne; David Kruger; Bob Cannedy; Jack Urbin, Also in attendance were: Plan Director, Casi Cramer; Board Attorney, Greg Heller and Administrative Secretary, Heather Redinger.

It is duly noted Rex Robison; Pam Fish; Paul Studebaker, Debbie Barts, Don Clouse and Mark McCall were absent.

IN RE: MINUTES

July 28<sup>th</sup>, 2008

Mark Kepler asked for any additions, deletions or corrections to be made to the July 28<sup>th</sup>, 2008 minutes. Roger Rose made a motion to approve the July 28<sup>th</sup>, 2008 minutes as written. Jim Widman seconded the motion. Motion carried as follows: Bob Cannedy, Jim Widman, David Kruger, Roger Rose, Jack Urbin, Don Towne and Mark Kepler all being in favor and no one opposing.

IN RE: OLD BUSINESS

It is duly noted there was no old business.

IN RE: NEW BUSINESS

INDIANA TRAILS FUND LLC  
(PC#06-0508)

Chairperson, Mark Kepler opened the meeting by explaining the procedure the Plan Commission follows for a zone map amendment. He stated the Plan Commission should pay reasonable regards to the following, the most recently adopted Comprehensive Plan; current conditions and the character of structure and uses in each district; the most desirable use for which the land in each district is adapted; the conservation of property values throughout the jurisdiction; responsible development and growth; and the public health, safety and welfare. The Plan Commission's recommendation pertaining to the Zone Map Amendment will be forwarded to the County Commissioners for the final approval.

Board Attorney, Greg Heller, explained this zone map amendment is dealing with some Federal Law, and it is important for everyone to understand that Federal Law trumps State Law and local ordinances. In this case, the Board would be limited with this petition because the National Trails Act is involved. The National Trails Act, tries to prevent rail lines from becoming abandoned. The Board would make a decision on the best use of the land, and then either, approve, deny or table this petition for a zone map amendment.

Casi Cramer, explained the petition involves the rezoning of suburban residential (SR), industrial (IN), and agricultural (AG), districts into institutional/recreational (IR), more commonly known as the Park District. The project site is the Nickel Plate Rail line and begins at Mitchell Drive in Rochester and continues to the Miami County Line. The site is approximately 46 acres and 4.7 miles. The proposed petition is for a non-motorized, walking/biking trail. Casi begins with the Mitchell Drive section; there are two particular concerns with this section, one being there are two private drives that cross the rail line, and there is not a designated parking area. Casi stated a potential concern would be; Wynnfield Crossing would



**FULTON COUNTY AREA PLAN COMMISSION**  
**AUGUST 25<sup>th</sup>, 2008**

be used as a parking area and that would not be fair to that facility. The Indiana Trails would need to have a designated parking area at this location. Currently, the Indiana Trails are looking at their options for parking areas.

Casi then continues on to the second section, Wabash to Miami County, which is owned by the Indiana Trails Fund and this portion is rail banked. Fulton County, LLC owns the portion previously discussed. Casi then discussed the potential concerns for this portion. One issue is the Fulton County Comprehensive Plan lists as a goal the preservation of this area for future use as a service road if US 31 becomes no access. The right-of-way along the trail is 60' to 66' wide, which is enough room to share to with a county road, however, the work completed prior to zoning approval was completed in the middle of the ROW not allowing this to occur. Casi stated she had spoken with Terry Lee, representing the trail, about the future use of the rail line for road access. Mr. Lee had addressed this situation in his statement of commitments. Other potential concerns are: the presence of hunters in the area, due to the nature preserves, Casi had spoken to Dan Hartman, CEO of Delta Tool, to see if they have had any issues with the proximity of the nature preserve. He had stated they had a few issues; the largest on being occasionally a hunter would come onto the property. Casi then stated she had contacted DNR to ask about signage being posted to delineate his property from the nature preserve.

The DNR parking area would need to be expanded; currently only five to eight cars could be parked in the existing area. Casi stated Steve Reese, the 911 coordinator, had suggested the trail have mile markers, in case of emergency. The proposed trail would be 10' wide asphalt path and 2' wide dirt shoulders. Casi had spoken to Sheriff, Walker Conley, and he felt the 10' wide asphalt path would allow an emergency vehicle to enter the trail. She then stated there needs to be some type of obstacle at the intersections to ensure the users of the trail are aware of county road crossings and private drives, however, they cannot create a problem for emergency vehicle access at these crossings. A topic that has been a big concern is the allowance of non-motorized vehicles. There have been many complaints about ATV's being on the trail already. Casi stated heavy signage needs to be posted stating only non-motorized vehicles are allowed. Also, adequate signage along the trail designating private property, such as no trespassing, littering fines, and hunting is allowed in the adjacent nature preserve. Casi then explained Sheriff Walker Conley had spoken to Miami County regarding the trail in Peru, there were initially complaints of trespassing, littering, and motorized vehicle issues, although not as many as anticipated. The longer the Miami County trail has been open, the less complaints they have received. (see attachments A)

The Plan Director's recommendation is that the Plan Commission gives a positive recommendation with the following commitments:

- The Technical Review Committee reviews a complete set of plans detailing:
  - All signage that includes but not limited to:
    - No trespassing signs set a specified number of feet apart along the private properties,
    - Statements of the presence of hunters in the area adjoining the Nature Preserve,
    - Littering fines, and
    - General trail rules
- Trail closed signs predominately placed at each entrance to sections not open to the public along with a gate blocking the entrance to such sections off the county roadways- this shall be completed prior to the first section of the trail being opened to the public;
- Trash receptacle placement;
- 911 marker system development and approval by the 911 Director;
- Trail maintenance plan;
- Barricade/gate/chain placement plan at each private drive and road crossing; and



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- If the trail is not built to ensure enough ROW to accommodate a future county service road, then in the event a county service road is constructed within the ROW, the county is not responsible for repairing or replacing the trail if it is damaged or destroyed.

Chairperson, Mark Kepler, read the statement attached to the petition opposing the trail, which contains 112 signatures. The Plan Commission also received three letters in opposition to the trail. Mark Kepler then stated the Plan Commission had received 20 letters in favor of the trail.

Mark Kepler then asked if anyone would like to speak in favor of the petition, to please rise and state his or her name. (see attachments labeled B)

Terry Lee, Board member of the Nickel Plate Trail, stated they are requesting a zone map amendment for a very useful trail for the community. He stated the trail has many benefits for the community, such as, increase in public health and wellness, as well as, community economy. He stated he had contacted the Drew Wellborn, Attorney of a near-by property owner, about a trailhead located at 18<sup>th</sup> street, and also spoke with DNR about utilizing the Judy Burton preserve for parking as well. He then stated at the south end, they are looking at their options for a trailhead. The Nickel Plate Trail is asking for a favorable recommendation from the Plan Commission for a non-motorized walking/biking trail in which would be very beneficial to the community.

Jim Green, stated he is a potential user of the walking trail, he can see a lot of benefits, such as economics and exercise. He then stated as far as maintenance of the trail, there are people in the group, who would help maintain and take care of it, as far as the policing of the trail he stated the County Sheriff would have to be asked to help. He recommends to approval of the trail.

Dave Migrant stated he is in favor of the trail; he travels to various trails to ride his bicycle. He feels the trail would be a much safer place for families to walk or ride their bikes rather than riding or walking on the roads.

Barry Hazel, stated he is in favor of the trail, he stated he uses the hospital walking path almost daily. He stated he feels it would be a benefit to the area and doesn't feel litter would be an issue.

Kenny Anderson, currently maintains the DNR walking trail. He stated people who use the trail go there to respect their bodies and nature and doesn't feel litter would be an issue. He stated he would also help maintain the trail and is very much in favor of the project.

Jay Albright stated he and his wife walk everyday, either at the hospital trail, city trail or around the lake. He stated it is much nicer to have a place safe to walk, without the worry of traffic. He then stated he is in favor of the trail.

Judy Teel-Green stated she would appreciate the trail for the safety and having a path to walk or run without the worry of traffic, She then stated she totally supports the trail.

Bill Roe, stated he lives by the railroad for over thirty years, stated at first he was opposed, but as the time went by he noticed an increase in number of people walking, running or riding bikes. He feels the trail would be a safe access back to Wabash Road for the people who would use it. He then stated he is not worried about security on his property.



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Terry Johnson stated she had traveled to several different locations to utilize the trails. She stated the trail would boost economy in Fulton County.

Charles Yocum stated he agreed the facility would be very beneficial to a lot of people in Fulton County.

Being no one else to speak in favor of the petition, Mark Kepler asked if anyone would like to oppose the petition, to please rise and state his or her name. (see attachments labeled C)

Frank Frolic stated he has one the private drives Casi had referred to in her report. He asked if the trail would be fenced off. He stated Indiana Law states it has to be done and he will mandate it be done. He stated he would go to court if he has to.

Dave Roberts, 2138 S Wabash, stated the trail would be adjacent to his backyard, asked if something happens to someone while walking on his property, who would be held responsible. He then asked who would be responsible if his property is vandalized.

Carl VanMeter, 3357 Wabash Ave, lives adjacent to the nature preserve. He stated he had this petition brought to him and he has been opposed to the trails for eight years. He stated he has had problems with motorized vehicles, trespassers, and hunter's using the trail while signs are posted trail closed, no trespassers or motorized vehicles. He stated he and other neighbors have twelve incident reports to the police, for trespassers and four wheelers. He then stated he has a list of questions he and some of the other neighbors have, those questions were ownership of property, has it been rail banked properly. He also stated it would cost at least \$20,000 just to take this question to court. He then stated he had spoken to Charlie White, Attorney for the DNR, and Mr. White had assured him when a rail line is rail banked it could never be a road. He also spoke to Bryan Devoy, Service Transportation Attorney; he then stated all of the attorney's he spoke with, told him if the adjoining property owners do not want this trail, then it should not be there. The neighbors should not be put in the position where it is creating a burden on the owners, as well as, safety issues. The trail would be a burden to the adjoining property owner's safety and privacy.

Steve Skidmore stated he had written a letter in opposition of the trail, he also stated his driveway crosses the rail line. The trail would dissect his family farm and property; he then stated most of his issues had already been addressed from the others who have spoke in opposition.

Dan Peters, stated when the rail line was open, his saw mill was broken into eight times, once the rail line closed he did not have any further problems, until people started using the rail line and now he has had more break-ins. He has had motorcycles and four-wheelers riding through his yard, he is very much opposed to the trail.

Rose VanMeter, the trail would be right in her back yard, she moved to the country to have privacy. She stated she was out of town and when she came home a four-wheel truck had driven through her yard, she then stated we don't need it and we don't want it, especially in her backyard.

Steve Furnivall, asked if horses would be allowed on the trail, he then asked about the parking commitments, he stated the trail is asking for approval and they do not have any parking commitments on paper where the parking would be located, or if there would be restrooms. He then stated he had copies of IC Codes for the Plan Commission Members; in which he had added some suggested commitments. He then discussed those commitments and also added that signage should be posted on the county roads along



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the right-of-way to warn the traffic and pedestrians, he feels the county should not have to bear the cost of the signs. (see attachment D)

Ron Ziesemer stated he owns 40 acres on Wabash Road, and uses it as his own private nature preserve. He stated since the trail has opened he has had problems with four-wheelers trespassing. He stated he is also worried about the pedestrian's safety riding on the trail, he allows hunting on his property. He also stated he has concerns for the children on the trail; he then asked if the Indiana Sex registry law applied, since there would be children using the trail.

Martha Roberts, south Wabash Road, asked what is the cost of this going to be to the County. She also stated she is concerned about the proposed locations of the trail heads requiring people to cross intersections, she feels neither proposed locations would be safe. She then stated there are laws that if a property owner requests a fence, the trail would be required to erect the fence. She also stated in her research the other trails have a very low percentage of people actually using them.

David Miller, owns the driving range, the railroad goes through his property. He asked about signs being posted to keep trespassers off of his property. He also had concerns of safety when golf balls are hit to the rail line, who would be responsible if a user of the trail gets hit by a golf ball.

Simon Hanaway, owns acreage across from Delta Tool, he stated he is not adamantly for or against the trail he wanted to discuss maintenance and safety. He stated his concerns were, the speed of traffic and the pedestrians are not going to have time to cross Wabash Road, another concern is maintenance, he currently keeps the property mowed all the way to the rail ties. He wants the property to be maintained properly.

Menno Schwartz owns 40 acres on 400 E and has to cross the rail line to access the rear of his property. He also stated his deed states he has an easement to access the rear of his property. He also stated he and others hunt on his property and is concerned of the safety as well. He is opposed to the trail.

Janet Yocum lives on Hickory Lane, stated she lived near the Miami County Trail, which had large ballast stone in which you could hardly walk on, the rail line trusses had been burnt down by vandals, the dog waste was not always cleaned up. She also stated if Fulton County asphalts their trail and it connects to the Miami County trail with the large ballast stone, you cannot continue on a bicycle once you get to Miami County.

Delmos Marshall, lives at the corner of Wabash and Mitchell Dr., stated Rochester has had two or three bank robberies and the culprits using the rail line to escape, he stated he has concerns of safety with that, as well as, the gunshots that he hears behind his property. If there is an access for emergency vehicles only, how will they stop regular traffic from using the access.

Being no one else to speak in opposition of the petition, Mark Kepler asked if those in favor would like to answer some of the questions and address the concerns.

Ron Carter, Executive Director of Green Waste Foundation of Indiana, helps communities realize the benefits of trails and green ways. He stated trails and greenways are a great economical benefit to the community, also health and recreational benefit, as well as, an attraction to people and businesses to an area. He then explained he had also spoken to Charlie White, DNR Attorney, about every ten days, and Mr. White was a large part of the Nickel Plate Trail receiving the grant money. He stated other trails and green ways are used frequently. He then stated the safety of the trail reflects the area in which it runs through. He stated a trail is a good investment for the community, and he recommended double sided sign be posted



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which specifies park boundaries so trail users don't stray off the trail and hunters are informed of the trail. He then addressed the issues of trespassers, some trails had problems in the beginning with litter and trespassers, but as time went on those problems became less.

Mark Kuepper, is a volunteer for the Miami County trail for eight years. He explained the trail rules that are posted at the Miami County Trail: no motorized vehicles, hours are from dawn to dusk, keep animals under control and clean up waste, if you stop get off trail to allow other users to pass, always wear a helmet for bicycle safety, no trespassing and obey all signs and rules. They also had a list of courtesies; keep trail clean, bicycles and skaters must yield to pedestrians, and a list of contacts if a problem occurs. He stated the trails work with landowners if they need access to their property. He then addressed maintenance, first step is to set up endowment to use for future maintenance.

Steve Furnivall asked how much is currently in the endowment.

Mr. Kuepper stated currently there is over \$5,000 in the endowment. Mr. Kuepper continued with they have a lot of volunteers and the trail has expanded from 3 to 12 miles, the 3.3 miles has been open for 4 years. He stated the Miami County trail has not had problems with litter or trespassers. If a property owner asked for a private property sign to be posted, the trails would post the sign. He stated he had experienced people who were opposed to the trail now use it on a regular basis, one gentleman who opposed is now retired and volunteered as a ranger. The greatest expense for the trail is the paving; the community has been very generous with donating time and materials.

Mark Kepler asked if the property owner requests a fence, how is it handled.

Mike Kuepper, stated they really haven't had to deal with this issue in Miami County, he then stated four years ago or so a property owner requested a fence for her animals and the trails helped her out with erecting the fence. It is handled on a case-by-case basis.

Mark Kepler then asked about the Indiana State Law, if a property owner requests a fence, the Trails Board is required to erect a fence.

Mike Kuepper stated he was unsure of that law.

Greg Heller, Board Attorney, stated because of Federal Legislation the State Law for pertaining to fences may not apply, but the Board has the option to write it in as a commitment. If the rails group is agreeable to having it written in, then that issue would be addressed and the questions of legalities would be eliminated.

Terry Lee stated he would agree to have that written in as a commitment.

Ron Carter, Green Ways Foundation, stated the State Law is fairly murky, especially when pertaining to the Federally rail banked projects. He suggested that would be a very onerous commitment to put on the trail project. The state law was a cause for urban fencing from a stand point of INDOT standards. The cost could be as high as \$85,000 a mile and also contains no provision for fencing that is perpendicular to the property, so therefore the fence does not go back or on an adjacent property, which make the fence erected superfluous. He then stated in most trail instances, property owners do not want a fence once the trail is put in. He would recommend not writing that commitment in, it could hurt the trail project.

Martha Roberts stated Mr. Carter is trying to say there is not a State Law, she then stated, chapter 6 IC. 8-4.5-6 local participation in establishment of a recreational trail. She then stated it is a State Law and, it does not state they can do it if they want to.



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Greg Heller commented this particular statute goes toward local, area, regional and statewide project plans, it does not specifically address Federally rail banked rails-to-trails projects. He then stated he is not saying it doesn't, but it is a questionable area. He feels the concerns the property owners can be addressed, without a legal argument, by the trails going through with their commitments.

Mrs. Roberts stated she understands they say it is a recreational trail for the greater good of the community, she felt offended because there is no access to the town, and she again stated it is written in chapter 6, establishment of a recreational trail, which leaves a gray area, if it is not a recreational trail then they need to call it something else.

Mark Kepler asked if horses are going to be allowed on this trail.

Mike Kuepper stated they have discussed horses being allowed and it is a possibility if horse groups came forward to work with them to develop a horse trail along the edge.

Mark Kepler then asked about the parking issues. He stated it is a little murky to him on where the parking areas would be.

Mike Kuepper, stated with the grants they received, they have to have parking plans for DNR to see. This trail would only be 3 miles so parking isn't as much of an issue as it is with a longer trail. He then stated Terry Lee is following up for this particular trail.

Terry Lee stated there is a temporary and permanent solution for the north end. Everyone he had spoken to at the DNR is in favor of using the Judy Burton Nature Preserve parking area, it has access to the trail behind Delta Tool, instead of bringing foot and bicycle traffic up the hill onto the trail to head south. There is a possible area available south of the old Hart, Schaeffner and Marx building. The south end trailhead would be on the actual rail bed. There would be signage posted at the trail crossing over 18<sup>th</sup> Street to inform trail users, as well as, traffic of the trail crossing.

Steve Furnivall stated if this were a business asking for a rezone, you wouldn't accept such vague promises on the parking areas.

Casi Cramer stated the difference between the Advisory Plan Commission and the Area Plan Commission, which is in place now, is the Area Plan Commission has a Technical Review Committee (TRC). The TRC brings in all department heads together to go over the plans and gain approval. The parking would be reviewed at that time.

Mark Kepler asked what would the cost be to the County.

Mike Kuepper, stated in Miami County it did not cost the County anything, he stated they had help with the road signs, but the money came from economic development money. He stated the trail is built with local volunteers, donations and applying for State and Federal grants.

Terry Lee stated aside from the Sheriff's department he does not foresee it costing the County anything. He then stated they are receiving many grants and local volunteers and donations.

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Greg Heller, stated in response to Mr. Roberts question about liability, one of the requirements, before the rail was rail banked, is the trail sponsor has to assume full managerial, tax and legal liability. There should not be any cost to the County, and should not be any liability to the County or adjacent property owners.

Jim Widman asked if someone drives his or her vehicle on the trail, and then gets injured on someone's property, who is liable for that.

Terry Lee stated the driver's liability insurance should be liable, just the same as if an accident happens on a county road. He then stated he discussed with Sheriff Walker Conley about having the entrance locked, and they would have to be unlocked before an emergency vehicle could enter.

Ron Carter stated the State Law addresses the liability issue, which states if someone leaves a recreational facility of this nature and has an incident on adjoining property, the property owner is not liable.

Jim Widman asked if sex offenders are allowed.

Greg Heller stated the sex offender registry restricts the offender from living in certain areas, but it is up to the prosecutor to determine.

Jack Urbin asked about the private drives and the land that is bisected by the rails.

Mike Kuepper, stated those property owners are granted easements onto their property.

Ron Zeisemer, asked if there are going to be restrooms.

Mike Kuepper stated the Miami County trail does not have restroom facilities. Currently a company in Logansport has donated a port-a pot at the trailhead.

Bob Cannedy asked about details of policing of the trail.

Mike Kuepper, stated in Miami County they do not have an issue with litter.

Bob Cannedy asked who do they contact if there are four-wheelers or vehicles on the trail.

Terry Lee stated the Sheriff's Department would need to be contacted, either by the volunteer or the property owner.

Don Towne asked how much of the right-of-way would be cleared.

Terry Lee stated the trail would be 10' paved with 2' gravel shoulders on each side, therefore at least 14' for the trail, they would like to keep as many trees as possible. It would increase in the future, if a horse trail was to be added.

Frank Frolic, stated he had spoken to Jeff Zent, and was under the assumption the trails has not yet purchased the part owned by Fulton County LLC.

Terry Lee stated Jeff Zent had signed the owner verification form for the request of the re-zone of the Fulton County LLC.



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Carl VanMeter asked why did it take so long for the Parks Board to approach the Plan Commission when they have been on the agenda for six years.

Terry Lee stated it takes a lot of things to come together to undertake a project like this. He stated they have not been ready to come forward to the Plan Commission until now.

Steve Furnivall asked how much it would cost for maintenance and insurance.

Mike Kuepper stated the maintenance is mostly done volunteers and insurance is paid by grants and donations.

Carl VanMeter stated building a fence around the driving range was on the 2002 Nickel Plate Agenda, he then asked if the trail going to build a fence for the driving range. He then stated none of the adjacent properties owners he spoke with are willing to be a ranger.

Terry Lee, stated he was unsure about the fence for the driving range, he then stated the ranger position comes from volunteers, not necessarily adjacent property owners.

Bob Cannedy asked what happens to the trail in the wintertime.

Ron Carter stated some counties plow their trails.

Mike Kuepper stated Miami County plows one side of the trail, and skiers use the other side.

Terry Lee stated as of now plowing wasn't an option, but skiers and hikers could utilize the trail in the winter months.

Bob Cannedy asked if there is a long-range plan to extend through the town.

Terry Lee stated there is a plan to go through the town, he stated they would be working with Fulton County, LLC to obtain the rail between Wabash and Mitchell, and then extend up to city sidewalks.

Mark Kepler stated the Plan Commission members would now discuss the commitments, which have been brought up throughout the meeting, to be placed on the petition if approved.

Roger Rose stated he had questions on to handle the fence situation.

David Kruger stated he would like to have fencing in the commitments.

Terry Lee stated they are agreeable to all of the commitments on the Plan Director's recommendation.

Mark Kepler stated Mr. Furnivall had suggested several commitments he would like to discuss. The first commitment suggested was at the request of any adjacent property owner, the responsible party (Indiana Trails), at the responsible party's expense, shall do the following: erect and maintain fencing between the recreational trail and the property owner's property. The fencing must be in accordance with the current fencing standards of INDOT for urban and rural settings, as appropriate to the location of the recreational trail. Mr. Kepler then asked for Board comments.

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Roger Rose stated his concern would be if the fence does not extend to the sides of the property what purpose would that serve if one property owner requests a fence and the adjoining neighbor does not, if that is the case, it may just be an extra and burden on the Indiana Trail Group.

Mark Kepler stated in the Agricultural law if either property owner requests a fence, then it is required for both landowners to pay for the fence.

Jack Urbin asked if there are a lot of trees along the trail.

Terry Lee stated there are a lot of trees along the trail, and they would try to leave as many of the trees as possible, when clearing out for the trail.

David Kruger stated the code does not state privacy fences; it states a fence to keep out trespassers, such as woven wire.

Bob Cannedy stated he feels if a homeowner requests a privacy fence they should get one.

Jack Urbin stated he is not in favor of adding fencing as a commitment.

David Kruger stated the commitment could be made to take it on a case-by-case basis.

Casi stated she had spoken to Charlie White about the situation of fencing, she had asked how it has been handled in the past. He had stated this law was created when the trails were first created, but they do not enforce the fencing law, because they do not see the practicality in it. She then stated she had also talked to Mr. White about the land being used as an access road, she had explained to Mr. White Fulton County has no other land to take by eminent domain for an access road. Mr. White had never been to Fulton County and did not realize the county had no other options for an access road. She then stated after their discussion he was very open to the idea of sharing a road with the trail.

Roger Rose stated he would suggest using the agricultural fence law as a compromise for the trail and the landowners.

The Board agreed to add the agricultural fence law as a commitment, which requires at most a hog tight fence, but does not include privacy fences.

Rose VanMeter stated it is her understanding that a majority of the property owners do not want the trail, she doesn't know why fencing is even being discussed, it is their property and their privacy. She asked how the Board could allow this trail to be approved.

Mark Kepler stated there has not been a motion to approve, deny or table the petition; they are just discussing commitments to go along with the petition if it is approved.

Mark Kepler stated the second commitment Mr. Furnivall suggested was referring to the budget and maintenance. He then asked Greg Heller if the Plan Commission decides on the budget and the maintenance of the trail.

Greg Heller stated he is unsure of that answer.



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Mark Kepler stated the third commitment suggested was failure to comply with any commitments shall result in closure until all commitments are in compliance.

Casi stated if the trail fails to comply, they would just go through the Plan Commission's violation process, which is a violation letter which gives them fifteen (15) business days to comply or fines would begin to double and accrue every fifteen (15) business days until the fines reach \$2000, then it would go through the court system.

Mark Kepler stated the fourth commitment suggested was the Indiana Trails Fund and/or successors accept that the Plan Commission or Fulton County Commissioners shall determine that the requirements for the commitments have been satisfied.

Casi stated the Indiana Trails would have to record the commitments within ninety (90) days or the amendment becomes null and void.

Mark Kepler stated the fifth commitment suggested was basically the same as the fourth, he then went to the sixth suggested commitment; the Nickel Plate Trail accepts that the Commissioners reserve the right to repeal the ordinance adopted and can revoke authorization of the recreational trail if the responsible party substantially breaches the trail operation agreement.

Greg Heller stated they would have to go through the rezone process.

Mark Kepler stated the seventh commitment suggested was The Nickel Plate Trail accepts that the Commissioners may adopt ordinances to regulate the use or operation of the recreational trail.

Casi stated she thinks that is not quite true, under the ordinance it only allows one commitment to be amended in a year, the whole ordinance would need to be amended to create a trail section.

Mark Kepler stated a commitment to allowing motorized vehicles with the exception of emergency vehicles, needed to be added.

Jim Widman asked if it could be required to clear intersections so traffic could see the walkers or bikers at the intersections.

Terry Lee stated the intersections would be cleared once the trail is open, since the trail is not open to the public they are not currently clearing the intersections.

Casi stated there should be signage along the county roads, to warn traffic of trail crossing.

Mark Kepler entertained a motion to close the public hearing. David Kruger moved to close the public hearing. Jack Urbin seconded the motion. Motion carried as follows: Bob Cannedy, Jim Widman, David Kruger, Roger Rose, Jack Urbin, Don Towne and Mark Kepler all being in favor and no one opposing.

Mark Kepler then entertained a motion for the petition. David Kruger moved to make a favorable recommendation to the Fulton County Commissioners to approve PC#06-0508 Indiana Trails Fund LLC, zone map amendment with the following commitments:

1.) The Plan Director's recommended commitments:

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- The Technical Review Committee reviews a complete set of plans detailing:
  - All signage that includes but not limited to:
    - No trespassing signs set a specified number of feet apart along the private properties,
    - Statements of the presence of hunters in the area adjoining the Nature Preserve,
    - Littering fines, and
    - General trail rules
- Trail closed signs predominately placed at each entrance to sections not open to the public along with a gate blocking the entrance to such sections off the county roadways- this shall be completed prior to the first section of the trail being opened to the public;
- Trash receptacle placement;
- 911 marker system development and approval by the 911 Director;
- Trail maintenance plan;
- Barricade/gate/chain placement plan at each private drive and road crossing; and
- If the trail is not built to ensure enough ROW to accommodate a future county service road, then in the event a county service road is constructed within the ROW, the county is not responsible for repairing or replacing the trail if it is damaged or destroyed.

- 2.) Use the Agricultural Fence Law, at most a hog tight fence, does not include privacy fences;
- 3.) No motorized vehicles allowed, with the exception of emergency vehicles;
- 4.) Clear the intersections to allow vision clearance; and
- 5.) Signage posted at crossings of roads, warning traffic of trail crossing.

Jack Urbin seconded the motion. Administrative Secretary, Heather Redinger then took roll call vote:

Bob Cannedy	Yea
David Kruger	Yea
Jim Widman	Nay
Roger Rose	Yea
Jack Urbin	Yea
Don Towne	Yea
Mark Kepler	Yea

The motion failed with six votes in favor and one vote opposing, the Board did not have a majority of the members voting in favor to pass the vote.

Mark Kepler entertained another motion for the petition.

Jack Urbin moved to table the petition PC#06-0508 Indiana Trails Fund LLC, zone map amendment. Jim Widman seconded the motion. Administrative Secretary, Heather Redinger then took roll call vote:

Bob Cannedy	Yea
David Kruger	Yea
Jim Widman	Yea
Roger Rose	Yea
Jack Urbin	Yea
Don Towne	Yea
Mark Kepler	Yea



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Motion to table the petition PC#06-0508 Indiana Trails Fund LLC, zone map amendment, was passed with seven votes being in favor and no one opposing. PC#06-0508, Indiana Trails Fund, LLC to be reviewed at the September 22<sup>nd</sup>, 2008 Plan Commission Meeting under Old Business.

Mark Kepler called for a break at 10:10 p.m.

Mark Kepler called the meeting to order at 10:25 p.m.

IN RE:           PLAN DIRECTORS REPORT

Casi Cramer presented the Monthly Report for July to the Board Members.

Casi told the Board when the ordinance became effective with the Area Plan Commission, regulations were created, regarding recreational vehicles, which states in residential areas, except the RR District, RV's can only be set on properties with primary dwellings. She stated Mr. DeGan had told her he had purchased property in 2007 at Nyona Lake for the purpose of parking his RV, and the RV is hooked up to the sewer. He wanted to speak to the Board about keeping his RV on the property. He feels he should be grandfathered. Mr. DeGan was not present.

The Board discussed this and agreed the RV cannot stay there all year around.

She then asked the Board if apartments are allowed in the General Commercial (GC) District as a Special Exception. They had written in single-family dwellings in a previous meeting. She had someone interested in building an apartment complex behind Wal-Mart.


The Board agreed to allow apartments in the General Commercial (GC) District as a Special Exception.

IN RE:           PUBLIC COMMENTS

It is duly noted there were no public comments at this time

IN RE:           BOARD COMMENTS

With no further business to come before the Board, Mark Kepler entertained a motion to adjourn the meeting. David Kruger moved to adjourn the August 25<sup>th</sup>, 2008; Fulton County Area Plan Commission meeting at 10:30 P.M. Jim Widman seconded the motion. Motion carried as follows: Bob Cannedy, David Kruger, Jim Widman, Roger Rose, Jack Urbin, Don Towne and Mark Kepler all being in favor and no one opposing.

  
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Heather Redinger, Administrative Secretary

Fulton County Area Plan Commission  
August 25<sup>th</sup>, 2008  
Meeting

Please Sign In

Rose Van Meter

Carl Van Meter

Leah Leitch

David Wade Roberts

Charles Yocum + Janet Yocum

Wade

STEVE FURNIVALL

Heena Schwab

Leander Schwartz

David + Connie Myrland

Vicki Onstott

Jean Marshall

Ed Marshall

Jane + Wally Davidson

Jim + Judy Teel-Green

Christina M. Seiler

Terri Johnson

(over)



RON CARTER  
ARTHUR QUINN  
CAROL BARRETT  
MARtha S. ROBERT  
BARBARA MIERSTEN  
SUSAN SKIDMORE  
JIM SKIDMORE

Love & Gary Moore

CHRISTIE GROSSMERE  
LEANN GROSSMERE  
PAT MEMIS  
DEWAYNE KYLER  
JIM & PAM HOSKING  
JOY ALLYSON  
DAVID MILLER  
KING HADLER

MICHAEL KUPPE  
PATRICIA JATES  
SANDRA COFFMAN  
DAN BOHEL

DONNA MCCLUNE  
JERRI SCHMIDT  
PHYLLIS SCHMIDT  
ALAN A. FULTON  
SHERRY FULTON

**FULTON COUNTY AREA PLAN COMMISSION  
JULY 28<sup>TH</sup>, 2008**

**FULTON COUNTY  
AREA PLAN COMMISSION**

**MONDAY, JULY 28<sup>TH</sup>, 2008**

**7:00 P.M.  
COMMISSIONERS/COUNCIL ROOM**

**CALL TO ORDER**

**AREA PLAN COMMISSION MINUTES FOR:  
May 27<sup>th</sup>, 2008**

**PUBLIC COMMENTS:**

**OLD BUSINESS:**

**NEW BUSINESS:**

Ron Towne  
Arbor Woods

**PLAN DIRECTOR REPORT**

**PUBLIC COMMENTS**

**BOARD COMMENTS**

**ADJOURNMENT**



**FULTON COUNTY AREA PLAN COMMISSION**  
**JULY 28<sup>TH</sup>, 2008**

The Fulton County Area Plan Commission met on Monday the 28<sup>th</sup> day of July 2008, at 7:00 P.M. in the Commissioners/Council Room located within the Fulton County Office Building. Chairperson Mark Kepler called the meeting to order at 7:00P.M. The following members were present: Ag Extension Educator, Mark Kepler; County Councilman, Jim Widman; David Kruger; Rex Robison; Pam Fish; Bob Cannedy; Jack Urbin, Paul Studebaker, Debbie Barts and Don Clouse. Also in attendance were: Plan Director, Casi Cramer; Board Attorney, Greg Heller and Administrative Secretary, Heather Redinger.

It is duly noted, Jack Urbin arrived at 7:05, Board Attorney, Greg Heller arrived at 7:10 and County Commissioner, Roger Rose arrived at 7:15.

It is duly noted County Surveyor, Don Towne and Mark McCall were absent.

IN RE:           MINUTES

May 27<sup>th</sup>, 2008

Mark Kepler asked for any additions, deletions or corrections to be made to the May 27<sup>th</sup>, 2008 minutes.

Rex Robison made a motion to approve the May 27<sup>th</sup>, 2008 minutes with the correction. Jim Widman seconded the motion. Motion carried as follows: Debbie Barts, Don Clouse, Bob Cannedy, Pam Fish, Jim Widman, Rex Robison, David Kruger, Paul Studebaker, and Mark Kepler all being in favor and no one opposing.

IN RE:           OLD BUSINESS

David Kruger asked about the testing for Dragon Esp.

Casi stated she is still talking with the consultants.

IN RE:           NEW BUSINESS

RON TOWNE  
(AUTO MECHANICS)

Casi Cramer explained Mr. Towne would like to operate an auto mechanics business on his property located at 3842 N Old US 31 within the Suburban Residential (SR) District. The SR District does not allow auto repair. She asked the Board their thoughts about auto repair being written in as a permitted use or a special exception in the SR District.

Jim Widman stated he had received a phone call with concerns of the property turning into a junkyard.

Pam Fish stated to protect the neighborhood, it should not be a permitted use, if it is a special exception the petitioner would have to go in front of the Board of Zoning Appeals and the Board can put stipulations on the request.

Debbie Barts stated she agreed with Pam Fish, being a special exception and going in front of the Board of Zoning Appeals.

Mark Kepler asked for any more comments, he then asked if the Board agreed to add auto repair as a special exception in the SR District. The Board agreed to write in auto repair as a special exception to the SR District.

**FULTON COUNTY AREA PLAN COMMISSION**  
**JULY 28<sup>TH</sup>, 2008**

IN RE:

NEW BUSINESS

ARBOR WOODS

Casi Cramer explained Kim Benzing from Arbor Woods had spoken to her about creating more parking spaces to facilitate the laundry and office building. She then stated Arbor Woods would like to gravel the newly created parking spaces instead of asphalt.

Rex Robison stated in the layout it looked as if they had plenty of parking.

Jim Widman stated he was concerned about drainage and how much grass and trees would be removed.

Pam Fish stated her concerns were the drainage as well, being it was an issue from the beginning.

Mark Kepler asked for any more comments, being the Board agreed they would like to have a complete set of plans, number of additional parking spaces and the reason for additional spaces, as well as, an approved drainage plan, the trees are to be transplanted and cannot be gravel must be asphalted.

Casi asked the Board if this would apply to a change of approved plan fee.

Mark Kepler stated it does apply.

IN RE:

PLAN DIRECTORS REPORT

Casi Cramer presented the Monthly Report for June to the Board Members (see attachment A).

Casi talked to the Board about a windenergy conference she had attended. She had given the Board a copy of the Benton County Zoning Ordinance. She stated when the Board does amendments she would recommend using the Benton County Ordinance as a guideline.

Casi asked the Board if storage of boat lifts is allowed in the General Commercial (GC) District and the Agricultural (AG) District, she then stated a marina is allowed in the GC District and she was unsure if the storage of boat lifts would be a part of a marina business.

After Board discussion, storage of boat lifts are allowed in the GC District as permitted use, and a special exception in the AG District.

Casi told the Board there has been two Technical Review Committee meetings held, the Akron Community Center and the expansion of Woodlawn Hospital, they both have gone very well. She then told the Board there would be a TRC meeting for a business in Kewanna, and the ordinance states two Plan Commission members be present. She then asked who the second member would be; Jack Urbin is the only member from Kewanna. Casi asked if Don Clouse would be willing to attend. Don Clouse stated he would.

Casi told the Board the Plan Commission Office has been getting complaints on signs, so she has sent violation letters out for reader board signs and abandoned signs. The reader board signs are temporary, they



**FULTON COUNTY AREA PLAN COMMISSION**

**JULY 28<sup>TH</sup>, 2008**

can be used three (3) months out of six (6) months, which has not been enforced in the past, the owners will need to remove the sign or obtain a permit and make it permanent. The owners of the abandoned signs have thirty days to remove them.

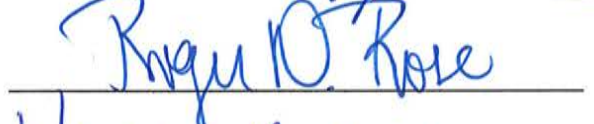
Casi then stated the City Council has been discussing an inter-local agreement, to allow the Fulton County Building Inspectors to do the building inspections in the city. Akron has already signed an inter-local agreement; once it is published the Plan Commission will issue building permits for the Town of Akron.

IN RE: PUBLIC COMMENTS

It is duly noted there were no public comments at this time

IN RE: BOARD COMMENTS

With no further business to come before the Board, Mark Kepler entertained a motion to adjourn the meeting. David Kruger moved to adjourn the July 28<sup>th</sup>, 2008; Fulton County Area Plan Commission meeting at 8:15 P.M. Jim Widman seconded the motion. Motion carried as follows: Debbie Barts, Don Clouse, Bob Cannedy, Pam Fish, Jim Widman, Rex Robison, Roger Rose, David Kruger, Paul Studebaker, Jack Urbin, and Mark Kepler all being in favor and no one opposing.



Heather Redinger, Administrative Secretary

**FULTON COUNTY AREA PLAN COMMISSION  
MEETING  
JULY 28<sup>TH</sup>, 2008**

**PLEASE SIGN IN**

Ron Towne

16  
3  
48



**THE REGULARLY SCHEDULED  
FULTON COUNTY  
AREA PLAN COMMISSION MEETING  
SET FOR JUNE 23<sup>RD</sup>, 2008  
HAS BEEN CANCELLED  
DUE TO THERE BEING NO BUSINESS  
THE NEXT MEETING IS SCHEDULED FOR  
JULY 28<sup>TH</sup>, 2008  
AT 7:00 P.M.  
IN THE COMMISSIONERS/COUNCIL ROOM**

**FULTON COUNTY AREA PLAN COMMISSION  
MAY 27<sup>th</sup>, 2008**

**FULTON COUNTY  
AREA PLAN COMMISSION**

**TUESDAY, MAY 27<sup>TH</sup>, 2008**

**7:00 P.M.  
COMMISSIONERS/COUNCIL ROOM**

**CALL TO ORDER**

**AREA PLAN COMMISSION MINUTES FOR:  
April 28<sup>th</sup>, 2008**

**PUBLIC COMMENTS:**

**OLD BUSINESS:**

**NEW BUSINESS:**

Jon Hammel (Auto Salvage Facilities)  
Dragon ESP  
Dennis Grinstead  
Steve Bell  
Barbara Lutterbein (Miami County CFO)

**PLAN DIRECTOR REPORT**

**PUBLIC COMMENTS**

**BOARD COMMENTS**

**ADJOURNMENT**



**FULTON COUNTY AREA PLAN COMMISSION**  
**MAY 27<sup>th</sup>, 2008**

The Fulton County Area Plan Commission met on Tuesday the 27<sup>th</sup> day of May 2008, at 7:00 P.M. in the Commissioners/Council Room located within the Fulton County Office Building. Chairperson Mark Kepler called the meeting to order at 7:00P.M. The following members were present: Ag Extension Educator, Mark Kepler; County Commissioner, Roger Rose, County Councilman, Jim Widman; David Kruger; Rex Robison; Pam Fish; Bob Cannedy; Jack Urbin, Paul Studebaker, Debbie Barts and Don Clouse. Also in attendance were: Plan Director, Casi Cramer; Board Attorney, Greg Heller and Administrative Secretary, Heather Redinger. It is duly noted County Surveyor, Don Towne arrived at 7:35. It is duly noted Mark McCall was absent.

IN RE:           MINUTES

February 25<sup>th</sup>, 2008

Mark Kepler asked for any additions, deletions or corrections to be made to the February 25<sup>th</sup>, 2008 minutes. Rex Robison made a motion to approve the February 25<sup>th</sup>, 2008 minutes with the correction. Jim Widman seconded the motion. Motion carried as follows: Debbie Barts, Don Clouse, Bob Cannedy, Pam Fish, Jim Widman, Rex Robison, David Kruger, Paul Studebaker, Jack Urbin, Roger Rose and Mark Kepler all being in favor and no one opposing.

IN RE:           OLD BUSINESS

It is duly noted there was no old business at this time

IN RE:           NEW BUSINESS

JON HAMMEL  
(AUTO SALVAGE FACILITIES)

Casi Cramer explained she had received a call concerning a scrap yard facility taking vehicles. Jon Hammel had told Casi his business followed IDEM's regulations and are in compliance, he had doubts the scrap yard in question had all of their proper permits from IDEM and were following regulations.

Casi stated she had called IDEM about the facility and IDEM stated they are working with this facility on getting all proper permits and to be in compliance. She then stated the Plan Commission couldn't enforce IDEM regulations.

Greg Heller, Board Attorney, stated if the facility is in compliance with IDEM, the Plan Commission does not have the authority to restrict the facility from taking in vehicles.

Mark Kepler asked the Board if they are satisfied with IDEM dealing with the situation.

The Board members agree IDEM would handle the situation, unless the facility is not in compliance with the zoning ordinance.

**FULTON COUNTY AREA PLAN COMMISSION**  
**MAY 27<sup>th</sup>, 2008**

IN RE:

NEW BUSINESS

DRAGON ESP

Casi Cramer explained in February's meeting the Board had offered having a meeting, to choose a consultant to conduct the air testing, which would consist of Casi Cramer, Shane Blair, a representative for Dragon ESP and a representative for the neighbors. Once the consultant was chosen they would then have a question and answer meeting with the consultant. Dennis Grinstead would talk to the neighbors about the offer and get back to the Plan Commission. Casi then explained she had received a letter stating the neighbors declined having the testing done on their properties. Casi had talked to two neighbors who were not involved with the letter.

Casi then explained she had contacted the consultants again, for further questions brought up in the February meeting. The neighbors were concerned with the timeline of testing and wanted stack testing performed. The consultant stated the tests would be more effective in eight hour periods or twenty-four hour periods, when the tests are conducted, the results will show an average for thirty days, longer testing would not give an accurate assessment if the health threshold is being breached. She then asked about the stack testing, the consultant stated the concerns are health; the neighbors are not breathing out of the stacks, therefore the testing needs to be of the ambient air.

Mark Kepler asked about the results of the EPA testing.

Casi stated the report is complete, but they do not issue the results, a copy can be requested over the internet under the freedom of information act.

Dennis Grinstead asked if the tests were complete.

Casi stated the tests were complete and no violations were found, since EPA had received numerous calls from the concerned neighbors, they have requested additional information on what goes through the stacks.

Debbie Barts asked if the eight-hour tests were performed, would it be different eight-hour periods or different locations in the same eight-hour period.

Casi stated she thought the best methodology of testing would be the consultant that quoted ten tests total, two baseline tests and eight eight-hour period tests on different sites at different times.

Dennis Grinstead asked what if the testing times do not show any negative results, the fumes are so hit and miss and weather is a factor.

Casi stated all of the consultant's methodology examined the atmospheric events.

Dennis Grinstead stated the main concern if the testing is not done at the time fumes are present, the results would come back normal, and that would be the end of it. He then stated he feels the neighbors are the best judges for the times in which testing should be done.

Mark Kepler asked how long the fumes last.

Greg Gast stated they last about twenty to twenty-five minutes and are very strong, and sometimes it lingers faintly for a couple hours. The wind has a lot to do with who gets the fumes the strongest. He feels they



## FULTON COUNTY AREA PLAN COMMISSION

MAY 27<sup>th</sup>, 2008

would not be running the paint booths at the testing times. He stated he declined the testing because he doesn't feel it was what they agreed to, if the testing is going to be conducted, no one needs to be notified. He then stated the facility should be up to 2008 standards and the fumes should not be in the air.

Mark Kepler stated no one would be notified when the testing occurs.

Mary Beth Gast asked why does Casi need to be notified when the consultants arrive.

Casi stated she is to be notified when the consultants are set up and at the end of testing she would go to Dragon ESP and make sure they are running at full capacity.

Mary Beth Gast stated if the tests come back satisfactory then the Plan Commission would wash their hands of the issue and they are stuck with the fumes.

Casi stated if the results come back satisfactory, the Plan Commission cannot enforce IDEM regulations and there is nothing more they can do unless the facility is not in compliance with the zoning ordinance.

Mary Beth Gast stated Dragon is a public nuisance to them and their properties, the Plan Commission need to enforce their own regulations.

Casi stated IDEM has stated Dragon is in compliance, the Plan Commission decided to have air testing done due to the health concerns of the neighbors. If there are health concerns the Plan Commission can send the results to IDEM and they would have to address those concerns. The Plan Commission cannot enforce IDEM or EPA regulations if they state the facility is in compliance.

Roger Rose stated he had spoke with Norman Prater, he lives about one half mile east of Dragon, Mr. Prater stated he did not smell the fumes until the stacks were raised. Mr. Prater was present at the meeting, so Roger Rose asked to explain his concerns.

Norman Prater stated he had not had smelled the fumes until the stacks were raised now he smells them everyday. He had called the Plan Commission office when the winds are out of the west and northwest the fumes are terrible. He then stated his cattle had been having stillbirths and aborted calves. He called Purdue about his concerns and they are going to do testing on the animal next time this occurs. Mr. Prater then stated he does not know if the paint fumes are the cause of the deaths of his animals but he is very concerned about what it is doing to him and his family.

Jack Urbin asked if they could perform testing on his property.

Mr. Prater stated he would agree to have the testing on his property.

Debbie Barts stated if Mr. Prater consents to have testing done on his property, they should continue with the testing on the neighbors who would consent.

Greg Gast stated he had offered to pay for their own testing, and was told the results would be trustworthy, his lawyer told him not to trust anyone else to provide the testing. He then stated he had not had any complaints until 2006, when they installed new paint booths and increased the amount of VOC's. He then stated Mr. Fierce had told them the raised stacks would reduce the amount of VOC's emitted into the air by at least fifty percent, which he does not feel it has.

**FULTON COUNTY AREA PLAN COMMISSION**  
**MAY 27<sup>th</sup>, 2008**

Steve Bell, stated he is appalled by Dragon Esp, he stated he cannot go outside his home and enjoy it without feeling ill. He wants Fulton County to take responsibility for the Dragon neighbors. He did not get the fumes until the stacks have been raised. He then stated he wants to move out of Fulton County and wants the County to buy him out so he can move, without the liability of selling his home.

Mark Kepler stated Mr. Bell had given him facts, but the Board needs environmental facts, before they can make any efforts.

Noble Krugman, stated he had worked in a paint factory in the 1970's, they never had any complaints about odors. He stated state of the art technology is available, and it needs to be enforced.

Pam Fish asked what could the Board do to help the neighbors; she would like to have the air testing done to find out if there is a health issue for the neighbors.

Jack Urbin stated he thought they had progress in February's meeting, the interested parties were to meet choose a consultant and have a question and answer session with the chosen consultant.

Dennis Grinstead stated they cannot allow this board to wash their hands of this issue if the air tests come back satisfactory.

Steve Bell stated he wants out; he is concerned about his health.

Greg Gast stated his attorney told him to ask Dragon for a buyout, he feels Dragon should be responsible for the testing not the County. He is not allowing testing done on his property, he would have his own testing conducted.

Mary Beth Gast asked what would happen if the tests come back with negative results?

Mark Kepler asked the Board if they want to continue with the testing or not.

Pam Fish                      Yea, wants to know if there is a health hazard to the neighbors.

Jack Urbin                    Yea

Don Towne                   Yea

Rex Robison                Yea

Jim Widman                 Yea

Roger Rose                 Yea, as long as they get meaningful results

David Kruger               Yea, agrees with Roger

Bob Cannedy               Yea, results go to the neighbors who agree to testing

Don Clouse                 Yea, need to find out what is out there

Paul Studebaker            Yea

Debbie Barts               Yea

Mark Kepler stated they all agree to proceed with the testing with the cooperating neighbors. Shane Blair and Casi Cramer would pick the consultant, Dragon and the neighbors would not be involved.

Dennis Grinstead stated he and Sarah are inclined to have testing done on their property, as a step in the right direction, but not if the Plan Commission intendsto wash their hands of the problem. He then stated he had a list, from a retired bio-chemist William Eryman, of recommendations for the testing.



## FULTON COUNTY AREA PLAN COMMISSION

MAY 27<sup>th</sup>, 2008

Jack Urbin moved the Board proceeds with the testing on the agreeing neighbors properties, Shane Blair and Casi Cramer would chose the consultant, and if they chose, use the recommendations from Mr. Eryman. David Kruger seconded the motion.

Bob Cannedy asked how many properties are being considered.

Casi stated she would send consent forms for the neighbors to agree or decline testing on their properties.

Susan Weber stated she would agree to testing on her property as a step forward, and would like Casi to look over the recommendations her brother, Mr. Eryman had made.

Mark Kepler then returned to the motion moved by Jack Urbin and seconded by David Kruger. Motion carried as follows: Debbie Barts, Don Clouse, Bob Cannedy, Pam Fish, Jim Widman, Rex Robison, David Kruger, Paul Studebaker, Jack Urbin, Don Towne, Roger Rose and Mark Kepler all being in favor and no one opposing.

Mary Beth Gast then asked for an answer to her earlier question, which was what will happen if the tests come back negative and they still smell the paint.

Jack Urbin stated the Board really doesn't know what the next step would be.

Dennis Grinstead stated the Weber's were on vacation for a week and did not feel ill while they were gone, which he feels that shows there is something in the air making the neighbors ill.

Greg Gast stated when the filters get saturated they would not filter properly; he wanted to know if they are disposed of properly.

Sarah Grinstead asked if they sign the consent forms, does it mean they could not later claim health issues.

Casi stated the consent forms are only for permission to have the air testing done on your property.

Susan Weber asked when did Dragon change to the water based paint.

Casi stated they had changed the undercoat paint last fall.

Jack Urbin asked if the test results were still going to be sent simultaneously.

Casi stated the results would be sent to the property owners who have testing done on their property.

Mark Kepler stated the air testing would continue as planned.

Mark Kepler called for a break at 8:35 p.m.

IN RE:

NEW BUSINESS

MIAMI COUNTY  
(CONFINED FEEDING OPERATION SITE)

Mark Kepler called the meeting to order at 8:45 p.m.

**FULTON COUNTY AREA PLAN COMMISSION**  
**MAY 27<sup>th</sup>, 2008**

Barbara Lutterbein handed the board members an aerial and the permit application for a confined feeding operation. She had received information as an interested party to the location of the proposed site. The proposed hog farm is for 1,700 head, it is located in Miami County and sits right on the Fulton County line. Her concerns were the effect it would have on the Lake Manitou watershed.

Mark Kepler stated the State of Indiana requires 600 hogs for a confined feeding operation. They would then have to get a confined permit from the State of Indiana. He then asked if Miami County had rules and regulations on a confined feeding operation.

Braxton Eikenberry stated Miami County requires the proposed site to be 1,000' feet away from any dwelling, excluding your own, and must have at least ten (10) acres of land.

Barbara Lutterbein explained the existing facility has 400 head and the proposed new facility would have 1,320 head. She then stated she is concerned about depreciation of her property and the increased use of the roads 1600 North and 400 South.

David Kruger asked what the distance would be from Millark.

Casi stated it would be approximately 1,500' feet from Millark.

Jim Widman asked if Fulton County has any jurisdiction over the facility due to it being in Miami County.

Greg Heller, Board Attorney, stated Fulton County does not have any jurisdiction, it is an open public permit process. He then stated if the Board had any direct concerns for Fulton County, a letter could be written to IDEM.

Casi stated in Fulton County the ordinance states if you own 3,000 hogs you would have to apply to rezone property, any less you would only need a permit, for any new structures built.

Mark Kepler asked the Board if they had any concerns.

Debbie Barts stated she did not have any concerns, due to the size and the fact it would be a pit, not a lagoon and manure could be brought into Fulton County to be utilized, no matter what size the operation.

Braxton Eikenberry stated his concerns are depreciation of his property and he wanted Fulton County to be informed of the concerns, in case a spill or damages happen to neighboring properties.

The Board decided they did not have any concerns to report to IDEM.

IN RE:       PLAN DIRECTORS REPORT

Casi Cramer presented the Monthly Report for April to the Board Members (see attachment A).

Casi asked the Board if single-family dwellings are allowed in the General Commercial (GC) District.

After Board discussion, single-family homes need to be written in the GC District as permitted use.



**FULTON COUNTY AREA PLAN COMMISSION**  
**MAY 27<sup>th</sup>, 2008**

Casi then told the Board she had a gentleman interested in building storage units in the Lake Residential (R3) District and in the AG District, it is not under Special Exception in either district. She asked the Board if they want storage units written in as a Special Exception in the R3 and AG Districts.

After Board discussion, storage units are not allowed in the R3 District and written in as a Special Exception in the AG District.

Casi then asked the Board about the interpretation for steps on decks, do the steps have to meet setbacks. Casi stated her interpretation was if the steps are wooden and attached to the deck, they would need to meet setbacks, landscaping steps do not need to meet setbacks. She asked what the Board's interpretation would be.

Pam Fish stated she feels the steps should meet the setbacks.

Mark Kepler stated anything above ground level would need to meet setbacks.

IN RE: PUBLIC COMMENTS

It is duly noted there were no public comments at this time

IN RE: BOARD COMMENTS

Mark Kepler stated the Plan Commission has had a few issues brought in front of them, pertaining to IDEM issues. He asked the Board how do they handle these issues as a Plan Commission.

Pam Fish stated she feels if it is brought to the Plan Commission's attention that a facility is not in compliance, then Casi can send a letter that would state they must be in compliance within fifteen (15) business days. She then would contact IDEM or EPA and inform them of the letter sent.

Greg Heller, Board Attorney, stated it might just have to be a case-to-case basis.

With no further business to come before the Board, Mark Kepler entertained a motion to adjourn the meeting. Jim Widman moved to adjourn the April 28<sup>th</sup>, 2008, Fulton County Area Plan Commission meeting at 9:50 P.M. David Kruger seconded the motion. Motion carried as follows: Debbie Barts, Don Clouse, Bob Cannedy, Pam Fish, Jim Widman, Rex Robison, Roger Rose, David Kruger, Paul Studebaker, Jack Urbin, Don Towne and Mark Kepler all being in favor and no one opposing.

  
Heather Redinger, Administrative Secretary

FULTON COUNTY AREA PLAN COMMISSION  
MEETING  
MAY 27<sup>TH</sup>, 2008

PLEASE SIGN IN

Sara Brunstead  
Barbara Lutterbein

Joe Wildermuth

Steve Bells

Noble Krugman Beth Dr  
Braxton Eikenberry

Casto

Mary Gryman

Susan Weber

Norm Rater

Shane Blain

Wesdy Shepherd

Jason Grube

Moosh \_\_\_\_\_ (Lewis)

Christina

Dave Sampel

Andersens



**FULTON COUNTY AREA PLAN COMMISSION**  
**April 28<sup>th</sup>, 2008**

**FULTON COUNTY**  
**AREA PLAN COMMISSION**

**MONDAY, APRIL 28<sup>TH</sup>, 2008**

**7:00 P.M.**  
**COMMISSIONERS/COUNCIL ROOM**

**CALL TO ORDER**

**AREA PLAN COMMISSION MINUTES FOR:**  
**February 25<sup>th</sup>, 2008**

**PUBLIC COMMENTS:**

**OLD BUSINESS:**

**NEW BUSINESS:**

Rain Creek Estates (PC#04-0308)

Stoney Slope (PC#05-0308)

Dennis Grinstead (Dragon ESP)

**PLAN DIRECTOR REPORT**

**PUBLIC COMMENTS**

**BOARD COMMENTS**

**ADJOURNMENT**

## FULTON COUNTY AREA PLAN COMMISSION

April 28<sup>th</sup>, 2008

The Fulton County Area Plan Commission met on Monday the 28<sup>th</sup> day of April 2008, at 7:00 P.M. in the Commissioners/Council Room located within the Fulton County Office Building. Chairperson Mark Kepler called the meeting to order at 7:00P.M. The following members were present: Ag Extension Educator, Mark Kepler; County Councilman, Jim Widman; County Surveyor, Don Towne; David Kruger; Rex Robison; Pam Fish; Bob Cannedy; Jack Urbin, Paul Studebaker, Mark McCall and Don Clouse. Also in attendance were: Plan Director, Casi Cramer; Board Attorney, Greg Heller and Administrative Secretary, Heather Redinger. It is duly noted County Commissioner, Roger Rose arrived at 7:05. It is duly noted Debbie Barts was absent.

IN RE: MINUTES

February 25<sup>th</sup>, 2008

Mark Kepler asked for any additions, deletions or corrections to be made to the February 25<sup>th</sup>, 2008 minutes. Rex Robison made a motion to approve the February 25<sup>th</sup>, 2008 minutes with the correction. Jim Widman seconded the motion. Motion carried as follows: Mark McCall, Don Clouse, Bob Cannedy, Pam Fish, Jim Widman, Rex Robison, David Kruger, Paul Studebaker, Jack Urbin, Don Towne and Mark Kepler all being in favor and no one opposing.

IN RE: OLD BUSINESS

It is duly noted there was no old business at this time

IN RE: NEW BUSINESS

RAIN CREEK ESTATES (PC#04-0308)  
SECONDARY PLAT APPROVAL

Richard Oren is requesting a secondary plat approval for the major subdivision, Rain Creek Estates located on Wabash Road, Rochester, IN. (see attachment A)

Casi Cramer explained the Rochester City Plan Commission approved the primary plat without conditions and obtained Drain Board approval on April 2<sup>nd</sup>, 2007. The subdivision is in compliance with both the old and new ordinance.

Chairperson, Mark Kepler entertained a motion for the petition. Bob Cannedy moved to approve the secondary plat approval for Rain Creek Estates PC#04-0308. Pam Fish seconded the motion. Motion carried as follows: Mark McCall, Don Clouse, Bob Cannedy, Pam Fish, Jim Widman, Rex Robison, David Kruger, Paul Studebaker, Jack Urbin, Don Towne and Mark Kepler all being in favor and no one opposing.

IN RE: NEW BUSINESS

ELSON MARTIN (PC#05-0308)  
PRIMARY PLAT APPROVAL FOR STONEY SLOPE

Mark Kepler opened the public hearing for Elson Martin PC#05-0308, Primary Plat Approval for Stoney Slope, within the Ag District located on County Road 325 West. (see attachment B)



## FULTON COUNTY AREA PLAN COMMISSION

April 28<sup>th</sup>, 2008

Casi explained that this was a two-acre subdivision off of 12.83 acres of farm ground. Previously the Fulton County Board of Zoning Appeals had approved the use of a Mennonite School on this land. The school would like to file tax-exempt status for the school. Due to the fact the school is located on the 12.83 acres of farm ground; they cannot file a tax-exempt status on a building that is located on farm ground generating revenue. The school must be separate from the farm ground on its own parcel. Drain Board approval has been obtained and all zoning codes are met.

Mark Kepler asked for anyone to speak in favor. Being none, he then asked if anyone would like to oppose.

Mark Kepler asked for any Board discussion. Being none, he entertained a motion to close the public hearing. Jim Widman moved to close the public hearing. Pam Fish seconded the motion, Motion carried as follows: Mark McCall, Don Clouse, Bob Cannedy, Pam Fish, Jim Widman, Rex Robison, Roger Rose, David Kruger, Paul Studebaker, Jack Urbin, Don Towne and Mark Kepler all being in favor and no one opposing.

Mark Kepler then entertained a motion for the secondary plat approval for PC#05-0308. Pam Fish moved to approve the secondary plat for PC#05-0308 Stoney Slope. David Kruger seconded the motion. Motion carried as follows: Mark McCall, Don Clouse, Bob Cannedy, Pam Fish, Jim Widman, Rex Robison, Roger Rose, David Kruger, Paul Studebaker, Jack Urbin, Don Towne and Mark Kepler all being in favor and no one opposing.

IN RE:

NEW BUSINESS

DENNIS GRINSTEAD  
(DRAGON ESP)

Dennis Grinstead asked the Board what has transpired between the February meeting and the present.

Casi stated she had contacted four firms for the air quality testing, she and Shane Blair went over the quotes for each testing, as well as, the methodology each firm would be using. She then stated the neighbors had contacted Senator Tom Weatherwax; he then had contacted IDEM about the neighbors concerns. IDEM and EPA were to be doing annual inspections at Dragon; Casi stated they were waiting to hear the results of those inspections.

Shane Blair, FEDCO, stated when he spoke with Senator Tom Weatherwax he had stated the neighbors concerns need to be addressed, they need to find out if there are health hazard issues and if not, the issues need to be put to rest. He stated they would wait for IDEM and the EPA results, and then decide if the air quality testing needs to be performed. Shane then stated Senator Tom Weatherwax had stated it is not ideal for the air testing to be a local responsibility and IDEM should be responsible for the tests.

Dennis Grinstead asked if IDEM's tests were just inspections or actual air testing.

Casi stated she had the results from IDEM's tests, she then handed them out to Mr. Grinstead and Mr. Sampsel.

Shane Blair stated they had been in contact with Mr. Hackell and Casi had his comments as well.

Casi stated Mr. Hackell, had performed air testing around the facility, and he did not detect emission levels on his in-vehicle air monitor.

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Erik Sampsel asked if Dragon was notified when Mr. Hackell's testing had occurred.

Casi stated they were not notified.

Doug Sampsel stated the fumes have gotten stronger, but they only last two to five minutes.

Dennis Grinstead stated Dragon had reduced the noise; the East doors go down at 5:00 p.m. He stated the fumes are the main concern; it depends on the direction of the wind on how bad the fumes are in their yard.

Doug Sampsel stated he would like ground testing done to the retention pond and the county side ditch.

Mark Kepler stated IDEM would need to be contacted for those tests.

Sarah Grinstead asked what part of the facility do the west doors grant access.

Dennis Grinstead stated he thought they entered into the blast room, paint room or drying room.

Casi then explained the building is open not separated, the paint booth, blast booth and undercoating booth all have fire doors that come down when painting and blasting occurs.

Dennis Grinstead asked if paint fumes could come through the doors.

Casi stated the predominate time you would smell fumes from inside the building, is when the tanks are drying. She then stated in previous discussions with Mr. Bennett and Rob Girton, they agreed to keep the east and north doors shut to help eliminate noise.

Dennis Grinstead asked Pam Fish, when she came to their house, did she smell fumes or hear any noise.

Pam stated she did not smell fumes and there was not a lot of noise.

Dennis Grinstead stated they have had their house for sale since the first of the year and only one person has come to look at it.

Pam Fish stated some of the negative aspect of the neighborhood, has been produced from the articles in the newspaper.

Dennis Grinstead stated he is not a chemistry teacher, but he deals with chemicals everyday.

Pam Fish stated they do not have anything conclusive that there is a health hazard from the fumes; she feels that needs to be determined.

Dennis Grinstead stated he wants tests done on the stacks.

Jack Urbin stated the results show Dragon is emitting VOC's within their permitted use.

Sarah Grinstead stated she has concerns with the vehicles in the parking lot and leaking fluids into the ground that will affect their water.



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Casi stated when she spoke to the neighbors about giving consent for air testing on their property, it was stated that they may not agree to it.

Dennis Grinstead stated if the stacks are not tested, he cannot agree to the testing.

Mark Kepler stated they have the MSDS sheet of what the facility uses.

Sarah Grinstead stated she doesn't understand the objection of testing the stacks.

Casi stated they are not breathing out of the stacks.

Shane Blair stated when Casi spoke to the companies for the testing she did not request any certain tests.

Casi stated she told the consultants the situation, the neighbors would like to have testing done on their property and asked for the best methodology to complete the tests.

Pam Fish asked if any recommended stack tests.

Casi stated stack testing was not recommended because they are not breathing out of the stacks and the concern is health risks from the ambient air.

Jack Urbin stated the Board has no influence on the testing, in fact they do not even know what companies Casi has spoke to.

Casi stated the results were going to be mailed to the neighbors directly from the company at the same time as the Board.

Sarah Grinstead asked who would be present during the testing.

Casi stated the consultant would be present at all times, so there could be no tampering.

Mark Kepler asked if the neighbors are going to agree to tests being performed on their property. He then asked the Plan Commission members if IDEM and EPA test results are satisfactory do they need to go any further with testing, or should the air testing be done, no matter what the IDEM and EPA reports conclude.

Greg Heller stated he feels it would be best to have the air testing done to determine if there are any health issues.

Dennis Grinstead stated he cannot agree to the testing, if the stacks are not tested first.

Pam Fish stated she did not know the neighbors were not going to agree, and if FEDCO still agrees to pay just go ahead and have the air tests done.

Bob Cannedy stated he also feels the air testing should be done, and have the interested parties get together and agree on the company to do the testing.

Shane Blair stated he would talk to the FEDCO Board and to confirm they are still willing to pay for the testing.

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David Kruger stated he feels if the IDEM and EPA tests and the air quality tests come back satisfactory with no health concerns, this case would be closed.

Jack Urbin stated he agreed if the tests come back satisfactory the case would be closed.

Rex Robison stated he feels the air quality tests will make the Board feel better.

Roger Rose stated he feels the air quality tests need to be performed; he feels stack tests are not appropriate.

Casi stated to the Board she had offered to have a neighbor and a Dragon representative help choose the consultant, and the neighbors declined.

Sarah Grinstead stated she doesn't feel Dragon should have a choice in the decision.

Casi stated all interested parties would need to be involved. Casi then stated the meeting would consist of herself, Shane Blair, a Dragon representative and a neighbor representative to discuss the different methodology of the testing and decide which one would be best.

Erik Sampsel stated he would want the water tested.

Casi stated Dragon has their wells tested and the results are satisfactory.

Dennis Grinstead asked when the EPA test results would be available.

Casi stated she did not know.

Mark Kepler stated Shane would talk to FEDCO about still paying for the air testing. If they agree, Casi, Shane, a neighbor representative and a Dragon representative would meet; look at the consultants, pick one and then meet or conference call with the chosen consultant for a question and answer session.

Casi stated she wanted it to be clear when the question and answer session occurs, that the consultant would answer questions and explain their methodology. The interested parties would be able to ask questions about the methodology and the possible results, but it would not be an interview. They would not be able to decide the consultant was not to their liking and the process would start all over again to choose another consultant

Dennis Grinstead stated he should talk the absent neighbors before they agree. He asked how much time would he have to get back to them.

Casi stated Shane Blair would know Friday morning,

Dennis Grinstead asked if the middle of next week was okay.

Casi stated that would be fine.

Mark Kepler entertained a motion.

Jack Urbin moved that Shane Blair would ask the FEDCO Board if they still agree to pay, if so, Casi, Shane, a Dragon representative and a neighbor representative would meet and choose a consultant they all agree



FULTON COUNTY AREA PLAN COMMISSION

April 28<sup>th</sup>, 2008

on. The interested parties would then meet with or have a conference call with the chosen consultant for an answer and question session.

Doug Sampsel was concerned Dragon would be notified about the testing and would not run the paint full boar.

Bob Cannedy stated no one but the consultant would know the time of the testing, once they are chosen the testing would occur anytime in a two-three month period, with no one knowing the dates.

David Kruger seconded the motion. Motion carried as follows: Mark McCall, Don Clouse, Bob Cannedy, Pam Fish, Jim Widman, Rex Robison, Roger Rose, David Kruger, Paul Studebaker, Jack Urbin, Don Towne and Mark Kepler all being in favor and no one opposing.

IN RE: PLAN DIRECTORS REPORT

Casi Cramer presented the Monthly Report for March to the Board Members (see attachment C)

IN RE: PUBLIC COMMENTS

It is duly noted there were no public comments at this time

IN RE: BOARD COMMENTS

Mark Kepler stated they have a new Board member, Paul Studebaker, representing Akron.

Roger Rose stated he feels the testing needs to be done.

Jim Widman stated his concerns are they would find contaminates, close to any factory. He asked who determines the right or wrong amount.

Casi stated she wanted them to use the EPA HAPS, toxicology notebook as guidelines.

With no further business to come before the Board, Mark Kepler entertained a motion to adjourn the meeting. Roger Rose moved to adjourn the April 28<sup>th</sup>, 2008, Fulton County Area Plan Commission meeting at 9:25 P.M. Rex Robison seconded the motion. Motion carried as follows: Mark McCall, Don Clouse, Bob Cannedy, Pam Fish, Jim Widman, Rex Robison, Roger Rose, David Kruger, Paul Studebaker, Jack Urbin, Don Towne and Mark Kepler all being in favor and no one opposing.





  
Heather Redinger, Administrative Secretary

Area Plan Commission Meeting  
April 28<sup>th</sup>, 2008

Please Sign In

Elson Martin

Al Gunsterg

Sara Grinstead

Erik Arnold

Shane Blair

Beck Ford



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**THE REGULARLY SCHEDULED  
FULTON COUNTY  
AREA PLAN COMMISSION MEETING  
SET FOR MARCH 24<sup>TH</sup>, 2008  
HAS BEEN CANCELLED  
DUE TO THERE BEING NO BUSINESS  
THE NEXT MEETING IS SCHEDULED FOR  
APRIL 28<sup>TH</sup>, 2008  
AT 7:00 P.M.  
IN THE COMMISSIONERS/COUNCIL ROOM  
LOCATED WITHIN THE  
FULTON COUNTY OFFICE BUILDING**

**FULTON COUNTY AREA PLAN COMMISSION**  
**February 25<sup>th</sup>, 2008**

**FULTON COUNTY  
AREA PLAN COMMISSION**

**MONDAY, FEBRUARY 25<sup>TH</sup>, 2008**

**7:00 P.M.  
COMMISSIONERS/COUNCIL ROOM**

**CALL TO ORDER**

**AREA PLAN COMMISSION MINUTES FOR:**  
**January 28<sup>th</sup>, 2008**

**AREA PLAN COMMISSION RULES OF PROCEDURE**

**PUBLIC COMMENTS:**

**OLD BUSINESS:**  
Dragon ESP

**NEW BUSINESS:**  
Green Fuels (PC#03-0108)  
Mark White

**PLAN DIRECTOR REPORT**

**PUBLIC COMMENTS**

**BOARD COMMENTS**

**ADJOURNMENT**



## FULTON COUNTY AREA PLAN COMMISSION

February 25<sup>th</sup>, 2008

The Fulton County Area Plan Commission met on Monday the 25<sup>th</sup> day of February 2008, at 7:00 P.M. in the Commissioners/Council Room located within the Fulton County Office Building. Chairperson Mark Kepler called the meeting to order at 7:00P.M. The following members were present: Ag Extension Educator, Mark Kepler; County Councilman, Jim Widman; County Commissioner, Roger Rose; County Surveyor, Don Towne; David Kruger; Rex Robison; Pam Fish; Bob Cannedy; Jack Urbin, Debbie Barts, Mark McCall and Don Clouse. Also in attendance were: Plan Director, Casi Cramer; Board Attorney, Greg Heller and Administrative Secretary, Heather Redinger.

IN RE: MINUTES

JANUARY 28<sup>th</sup>, 2008

Mark Kepler asked for any additions, deletions or corrections to be made to the January 28<sup>th</sup>, 2008 minutes. Jack Urbin stated a correction needed to be made to the Fulton/Kewanna BZA member; who is Don Clouse not Don Towne. (see attachment A). Pam Fish made a motion to approve the January 28<sup>th</sup>, 2008 minutes with the correction. Jim Widman seconded the motion. Motion carried as follows: David Kruger, Don Towne, Mark McCall, Jack Urbin, Roger Rose, Jim Widman, Bob Cannedy, Pam Fish, Rex Robison, Don Clouse, Debbie Barts and Mark Kepler all being in favor and no one opposing.

IN RE: RULES OF PROCEDURE

Mark Kepler stated in the January 28<sup>th</sup>, 2008 meeting the Board had defined the interested parties, in the Rules of Procedure. He then entertained a motion for the Rules of Procedure. Pam Fish moved to accept the Rules of Procedure as written. Jim Widman seconded the motion. Motion carried as follows: David Kruger, Don Towne, Mark McCall, Jack Urbin, Roger Rose, Jim Widman, Bob Cannedy, Pam Fish, Rex Robison, Don Clouse, Debbie Barts and Mark Kepler all being in favor and no one opposing.

IN RE: OLD BUSINESS

DRAGON ESP.

Casi explained her research results on the neighbors concerns in the December Advisory Plan Commission meeting. The neighbors stated, in the December meeting, Hoffman Body Shop in Akron was required to have an incinerator installed, and they felt Dragon should also be required to install one. Casi stated she had spoke to Aaron Martin, from Hoffman Body Shop, and he had stated they do not have an incinerator. Casi also stated Board member David Kruger had also spoke to Aaron Martin, Aaron had told both David and Casi they do not have an incinerator; they have the furnace hooked-up to the paint booth to aid in the drying time of the paint.

Mark Kepler asked Casi about the air quality issues. Casi stated she had spoke to David Norris, who is the IDEM Inspector for Fulton County. He had reported that Dragon Esp. is in compliance with all of their Air Quality permits. He also stated Dragon Esp. is on a regular schedule for inspections.

Steve Bell, lives south of Dragon, asked if they are in compliance, then why it is sometimes hard to breath on 875 East.

Mark Kepler stated these are IDEM issues.

## FULTON COUNTY AREA PLAN COMMISSION

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Greg Gast, Akron, stated he and the neighbors had spoken to Rich Hackel from IDEM in South Bend. He stated Mr. Hackel told them the dangers of the permitted VOC's emitted into the air are different than the air quality measured by the IDEM permits.

Steve Bell, Akron, stated he feels Dragon uses more paint than is allowed on their permits.

Mark Kepler stated IDEM issues those permits, not Fulton County, and again that would be an IDEM issue.

Mark then asked Dragon ESP. what improvements have they been made since the December meeting.

Doug Fierce, Dragon ESP., stated they have been working with the paint vendors for improved paints with lower VOC's. The height of the stacks have been raised and was completed earlier today, which should reduce approximately 50% of the VOC's emitted to the atmosphere. He also stated they have been testing a new paint spray gun (HVLV) and have also changed to a lower VOC undercoating paint.

Mark Kepler asked when did they start using the lower VOC's paint.

Doug stated they began using different paints in August 2007.

Dennis Grinstead stated he could still smell the paint fumes and asked if the new stacks have scrubbers.

Doug Fierce stated the increased stacks do not require scrubbers.

Dennis Grinstead stated the residents are worried about their health, safety and welfare, he stated on January 15<sup>th</sup>, 2008, his wife Sara went to their barn to let their dog out, she smelled odors and fumes. He stated their dog was hacking, coughing and wheezing. He then stated on January 16<sup>th</sup>, 2008 he had called IDEM. He then read a letter addressed to the members of the Fulton County Plan Commission, written by William S. Eryman, a retired Research & Development Chemist from the British Petroleum. (see attachment A)

Susan Weber, lives adjacent to Dragon ESP., stated she is also concerned for her family and their welfare, she stated her family has lived in the area for forty years, and now they feel nauseated when they are outdoors. She also stated it is unfair they are being forced to leave their homes because of Dragon.

Pam Fish asked the representatives of Dragon if any of these concerns could be addressed.

Doug Fierce stated he couldn't speak for IDEM. He stated they have taken steps to solve some of the neighbors concerns and the facility is operating under permits from IDEM.

Pam Fish stated it is not only the neighbor's health and safety, but the employees as well.

Jill Sampsel stated she agreed, and they have been trying to get things done, but they are not getting any help.

Greg Gast stated Mr. Hackel from IDEM stated the County has to order the air quality measurements on the stacks to be taken by IDEM.



## FULTON COUNTY AREA PLAN COMMISSION

February 25<sup>th</sup>, 2008

Casi stated when she spoke to IDEM she was told they do not do stack tests, unless they find an issue with the permits.

Greg Gast also stated he had asked Mr. Hackle if they should grow a garden. He stated Mr. Hackel told him he would have concerns.

Mary Beth Gast stated Mr. Hackel told them if they can smell the fumes he doesn't recommend putting a garden out.

Shane Blair, FEDCO, stated he feels the air quality should be measured and offered a FEDCO representative to be a neutral person present at the time measuring occurs.

Greg Gast stated the citizens are tired of it and going for a lawsuit.

Ted Denton, Rochester City Council, asked Dragon how many VOC's are emitted.

John Kilmer, BCA Consultant, stated 55-60 tons yearly.

Ted Denton then asked if the West Coast Facility operated the same as the Akron Facility.

Doug Fierce stated the facilities in California operations are effectively identical to the facility in Akron.

Mark Kepler asked Shannon Shepherd, Fulton County Health Department, to explain the procedure of water testing.

Shannon Shepherd stated the Health Department does not offer free well testing; they have an independent lab that does the testing, they can call the Health Department Office for more information.

Greg Gast stated they are not concerned about the water being contaminated and don't need the water tested, because it can take many years for the well water to be affected.

Sara Grinstead stated she wished she could bottle up the air and give to each Board member, so they could smell what she smells every day. She also stated she had moved there so they could have a garden now they are afraid to eat the produce.

Mark Kepler then asked about the noise issues.

Greg Gast stated they have not heard the beeping and the nights have been fairly quiet.

Doug Fierce stated they have recently bought a fork truck without a back-up beeper, instead it has a light bar, he then stated due to OSHA regulations, the back-up beepers on the current fork trucks cannot be removed. He then addressed the issue of the hammering noise; he stated they discussed turning the direction of the assembly line away from the East doors. He stated they are working with the Plan Commission to erect a fence. They have also been looking into acoustical dampening panels in certain areas. He stated they are working on things and trying to move forward. Doug also stated they have added a new building to try to keep more production inside.

Jill Sampsel stated the ordinance reads everything needs to be covered and under a roof. She asked who enforces the ordinance.

## FULTON COUNTY AREA PLAN COMMISSION

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Casi stated the new ordinance went into effect January 1, 2008; they cannot enforce the new ordinance on existing facilities.

Doug Sampsel asked Casi to explain the purpose of the Zoning Ordinance.

Casi reads Basic Provisions, 1-1.4; This Ordinance is intended to guide the growth and development of Fulton County in accordance with the Fulton County Comprehensive Plan and for the following purpose.

- A. To secure adequate light, air and convenience of access; and safety from fire, flood and other dangers;
- B. To promote the public health, safety, comfort, convenience, morals and general welfare;
- C. To plan for the future development of the County to end:
  - a. That the community grows only with adequate public ways, utility, health, educational and recreational facilities;
  - b. That the needs of agricultural, industry and business be recognized in the future growth;
  - c. The residential areas provide healthful surroundings for family life;
  - d. That the growth of the community is commensurate with and promotes the efficient and economical use of public funds; and
  - e. That the community strives for high aesthetic value, quality planning and design.

Doug Sampsel stated he felt the County let Dragon ESP. come into the area; they should be protecting the neighbors.

Pam Fish stated Dragon was already in location before County Zoning went into effect in 2000.

Mary Beth Gast, stated after zoning went into effect the Plan Commission still issued permits without notifying the neighbors. She stated she feels even though the county said Dragon was grandfathered before zoning they still should not have been able to add on to the facility without notifying the neighbors. She also stated she had put her first compliant 18 months ago and there still is a problem, only worse.

Casi stated the only reason neighbors have to be notified is when a specific petition comes to the Board, not a Location Improvement Permit. Permits are issued as long as the facility is in compliance with the Zoning Ordinance.

Pam Fish stated all Board members have gone to Dragon for a tour, prior to the meeting tonight.

Mark Kepler stated Casi would call IDEM, to inquire about the air quality testing.

Greg Gast stated they do not smell paint all the time, he feels testing on neighbors property would not be as effective as testing the facility.

Shane Blair, FEDCO, stated he feels having the air quality tested is important to both the neighbors and employees, he then stated FEDCO would cover the cost of the test; if the county and neighbors do not get what they need from IDEM.

Steve Bell asked what would the fumes be like when production is increased.

Mark Kepler asked Dragon what is the amount they produce.



## FULTON COUNTY AREA PLAN COMMISSION

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Doug Fierce stated they produce approximately thirty (30) tanks a week.

Steve Bell suggested Dragon puts up a cement wall around the facility.

Toby Seiler asked when did County Zoning become effective. He also stated he felt the neighbors of Dragon should have been notified when the area became zoned IN.

Casi stated when an Area Zone Map Amendment occurs, state law requires the notice to interested parties be published in the newspapers, again the only time specific parties are notified is when a petition is to go in front of the Board. She then stated Dragon had purchased the property and began production prior to County Zoning. The facility was written in as a permitted use for the AG District and the property was zoned Industrial (IN) in January 2008.

Pam Fish made a motion to have Casi Cramer work directly with FEDCO and IDEM on the air quality testing in the area. Don Clouse seconded the motion. Motion carried as follows: David Kruger, Don Towne, Mark McCall, Jack Urbin, Roger Rose, Jim Widman, Bob Cannedy, Pam Fish, Rex Robison, Don Clouse, Debbie Barts and Mark Kepler being in favor and no one opposing.

Mark Kepler called for a break at 8:25 p.m.

IN RE: NEW BUSINESS

MARK WHITE

Mark Kepler called meeting to order at 8:40 p.m.

Casi Cramer explained Mr. White had two grandfathered mobile homes located on his property at 2816 Main St. Macy, IN. She then explained Mr. White had cut one mobile in half to use as storage shed. The Plan Commission office had sent a violation letter to Mr. White stating you cannot use mobile homes for storage. He called the office and asked why he could not keep it as storage shed and then asked to be put on the agenda for tonight's meeting. (see attachment B)

Betty Quier, Mr. White's mother, stated when he had purchased the property only one mobile home was livable and other was used as storage. Mr. White cut the one mobile in half to make it a shed and is trying to clean up the property.

Mark Kepler asked for any Board comments.

Casi stated Mr. White had put siding on the shed and agreed to remove the axles and tongue.

Mark McCall asked if they would need a permit to do such alterations.

Casi stated that mobiles are not allowed to be used as storage, the Board will need to decide if this will be accepted as a shed instead of a mobile home.

Mark McCall asked if this is approved what will happen if others try to cut a mobile in half and use it as storage.

Pam Fish stated this mobile is grandfathered and was not currently moved onto the property for this purpose. Anyone moving a mobile on his or her property for this use will not be allowed.

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Don Clouse asked if the shed is in compliance and he would want the axles and tongue removed.

Pam Fish made a motion to call it a storage shed only because it was grandfathered, the axles and tongue must be removed, the shed must meet all setbacks and Mr. White will need to obtain all proper permits. Debbie Barts seconded the motion. Administrative Secretary, Heather Redinger then took a roll call vote.

David Kruger	Yea
Don Towne	Yea
Mark McCall	Nay
Jack Urbin	Nay
Roger Rose	Yea
Jim Widman	Yea
Bob Cannedy	Yea
Pam Fish	Yea
Rex Robison	Nay
Don Clouse	Yea
Debbie Barts	Yea
Mark Kepler	Yea

The motion to approve Mr. White's shed passed with nine votes being in favor and three opposing.

Casi told Mrs. Quier, Mr. White would have fifteen (15) business days to remove the axels and tongue, as well as, obtain all proper permits.

IN RE: NEW BUSINESS

GREEN FUELS (PC#03-0108)  
ZONE MAP AMENDMENT

Casi explains the property is 31.95 acres and is located on the south west corner of Fulton County Road 200 E and S.R. 110 and is currently zoned Agricultural (AG), Green Fuels LLC., is requesting all but approximately three (3) acres, be zoned Industrial (IN) for the purpose of a proposed Bio diesel Facility. Green Fuels is requesting the three (3) acres, in which the existing home is located, stay zoned agricultural (AG), and the existing home would stay occupied by the current owners for one to two years and then become a corporate retreat center. (see attachment C)

Casi then explained the facility would have access to the rail line, S.R. 110 and methane from the landfill, if the use of methane is contracted through Allied Waste.

Mark Kepler asked if anyone would like to speak in favor of the petition.

Shane Blair, FEDCO, stated he had met with the neighbors to discuss the concerns of the facility. He stated some concerns were about the smells associated with using animal fat. Shane stated he contacted other Biodiesel Facilities, in Middletown, IN, Bangor, MI and Miamisburg OH, about complaints from neighbors concerning the smells. He stated they have not had any complaints.

He then stated the Biodiesel plant would be good for the community, by bringing jobs with a starting pay of \$15.00 an hour. The plant will emit little or no odor; the facilities will be enclosed and will have no underground storage.



## FULTON COUNTY AREA PLAN COMMISSION

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Len Robinson, Green Fuels LLC, stated he also feels the project would be good for the community. He then stated Green Fuels would put landscaping around to keep the grounds looking nice.

Dan Tracy, Green Fuels Product Manager, in favor simply for the technology in which will be brought to Fulton County.

Mark Kepler asked if anyone else would like to speak in favor of the petition, being none he then asked if anyone would like to speak who oppose the petition.

Richard Vandyne, lives one-half mile from property, stated he is not opposed to the Biodiesel facility, he is opposed to the location, he stated there are areas already zoned for this business. He then handed Mark Kepler a petition that had been passed around the neighboring areas, asking the Plan Commission to consider an area less residential and is already zoned for industrial use. (see attachment D)

Mark Kepler stated the petition had approximately forty (40) signatures.

Michael Stephen, Potawatomi Wildlife Park, stated he was opposed to the location as well; his concerns are the lighting. He stated the reflection of the light would affect the study of astronomy done at the Star Sky Preserves.

Dan Sullivan, 7400 E S. R 110, stated he was opposed, his concerns are the odors coming from the facility, he asked the Plan Commission to restrict the facility from using animal fat.

Roger Johnson, lives at 200 E and the rail line, he was concerned what the facility would do to his property value, the noise coming from the rail line and trucks coming in and out and the amount of methanol from the facility.

Rick Wyatt, 6708 N Old US 31, stated his concerns were the growth of the facility and the deterioration of his property.

Brandee Lewis, 1737 E 700 N, stated Fulton County has stated in the past that it does not condone spot zoning and she felt if the property is going to be rezoned, it should be all rezoned to IN.

Mark Kepler then read a letter from Rod Powell opposing the facility. (see attachment E)

Mark Kepler asked if anyone else would like to speak to oppose the petition, being none he then asked if anyone from Green Fuels had comments on the concerns mentioned.

Dan Tracy, Green Fuels LLC, stated there would be very little odor coming from the facility, the animal fat, which is also called "choice white grease", would not be made in this facility, he stated the choice white grease will be shipped to the facility already made. He also stated they have filed for permits with IDEM.

Shane Blair, FEDCO, stated the location has access to the rail, S.R. 110 and the methane from the landfill, which are all very important for this facility. He then stated there are no intentions of this turning into an Industrial Park. He stated there had been a scheduled tour at another facility for neighbors and the company declined after accepting. He stated the smells would be similar to McDonalds. He then stated the train traffic would only be 4-5 cars a week.

## FULTON COUNTY AREA PLAN COMMISSION

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Len Robinson, Green Fuels LLC, stated they could have a time schedule for the lights, as well as, the truck traffic to accommodate the neighbors. He again stated they would be doing landscaping around the property.

Mark Kepler asked if the Board members had any questions.

Bob Cannedy asked how would the methane be transported.

Dan Tracy, Green Fuels, stated if they utilized the methane from the landfill, tank cars would transport it to the facility.

Pam Fish asked if it would be possible to limit the use of animal fat or restrict them from using the animal fat.

Len Robinson, stated the price of soybean oil is too high and they would not be a profitable facility if they did not use choice white grease.

Rex Robison asked how many gallons of methane would be stored on site.

Dan Tracy stated they would be storing approximately 20,000 gallons of methane on site.

Bob Cannedy asked what they plan to do with the waste product.

Dan Tracy stated it is a waterless product, after 250,000 gallons are produced, the resin filters are replaced and the waste would then be taken to the landfill.

It is duly noted Greg Heller left at 8:30 p.m.

Toby Seiler stated methane is poisonous and asked Green Fuels if they could use anything else.

Dan Tracy stated they could not use anything else they need the methane to produce the Biodiesel fuel.

Mark Kepler asked if he would be able to smell the methane.

Dan Tracy stated you would be able to smell it in the lab, when the tanks are being filled.

Jim Widman asked about stacks that will be emitting particulates into the air.

Dan Tracy stated there would be no venting other than steam.

Roger Rose, lives two miles from the proposed facility, stated he would like to comment on smart growth of the community. He stated the area is a great location for smart growth of the community, with the access to the rail, S. R. 110 and to the methane from the landfill, as well as providing jobs for the community.

David Kruger stated he felt the plans and location are economical and he stated he agreed with Roger's comments.

Pam Fish stated she felt it is a good fit for the area, with conditions made to address the neighbor's concerns.



## FULTON COUNTY AREA PLAN COMMISSION

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Rex Robison, stated he felt the production of Biodisel fuel does not fit into the Industrial District.

Jack Urbin, stated he is concerned about the property if the Biodiesel facility closed, what will be allowed to come in.

Debbie Barts stated this is why the conditions are being put on this facility.

Mark Kepler asked if there was anymore Board member questions or comments, being none he entertained a motion. David Kruger moved to approve the production of biodiesel being classified as commercial processing of agricultural products and be a permitted use in the IN District. Mark McCall seconded the motion. Heather Redinger then took a roll call vote.

David Kruger	Yea
Don Towne	Yea
Mark McCall	Yea
Jack Urbin	Nay
Roger Rose	Yea
Jim Widman	Nay
Bob Cannedy	Yea
Pam Fish	Nay
Rex Robison	Nay
Don Clouse	Yea
Debbie Barts	Yea
Mark Kepler	Yea

The motion to approve, the production of biodiesel being classified as commercial processing of agricultural products and be a permitted use in the IN District passed with eight votes being in favor and four votes opposing.

The Board then discussed the commitments to be attached with the property. After much Board discussion the commitments shall be:

1. The donation of any land needed for the improvement/maintenance of County Road 200 East, specifically for additional road right-of-way located directly adjacent to the above stated 31.95 acres, owned by Green Fuels, or any subsequent owner thereafter, not to exceed one-hundred (100) feet total;
2. Overall site layout to be designed with two entrances granting access to the surrounding roadways for emergency response accessibility; Trucks shall enter by S.R. 110 and cars shall enter on 200 E;
3. Permitted and Special Exception businesses should be suitable, or be designed to compliment, an Agri-Business Park setting and be approved by the Technical Review Committee;
4. Excessive odor or particulates that would be a public nuisance beyond the district boundaries is not allowed;
5. Passing blisters must be placed on S. R. 110;
6. Lights are to be reduced within the hours of 8:00 p.m. to 7:00 a.m.;
7. Truck traffic will be restricted on 200 E, unless in case of an emergency;
8. Truck traffic to and from the facility shall be restricted between the hours of 7:00 a.m. and 8:00 p.m.

## FULTON COUNTY AREA PLAN COMMISSION

February 25<sup>th</sup>, 2008

9. All of the above commitments are enforceable through the Fulton County Zoning Ordinance and any violation of the above commitments will be subject to the violation remedial procedure as prescribed within the Fulton County Zoning Ordinance.

Mark Kepler entertained a motion; Pam Fish moved to rezone all 31.95 acres from Agricultural (AG) to Industrial (IN) with all commitments stated above. Debbie Barts seconded the motion. Heather Redinger then took a roll call vote

David Kruger	Nay
Don Towne	Yea
Mark McCall	Yea
Jack Urbin	Nay
Roger Rose	Yea
Jim Widman	Yea
Bob Cannedy	Yea
Pam Fish	Yea
Rex Robison	Nay
Don Clouse	Yea
Debbie Barts	Yea
Mark Kepler	Yea

Motion to rezone all 31.95 from agricultural (AG) to industrial (IN) with all commitments stated above was passed with nine votes being in favor and three votes being opposed.

IN RE:

PLAN DIRECTOR REPORT

Casi Cramer presented the Monthly Report for January to the Board Members (see attachment F).

Casi talked the Board about the City permits the Plan Commission Office had received. She explained she had asked for the 2006 and 2007 permits, she then received copies that have no information regarding what the permit was issued. She stated she would need the originals to see what the permits were issued for, since the City Building Office didn't convey the information needed with the copies.

Mark McCall stated he would talk to the City Council about getting the permits to the Plan Commission Office.

It is duly noted that there were no Board Member or Public Comments given at this time. With no further business to come before the Board, Mark Kepler entertained a motion to adjourn the meeting. Debbie Barts moved to adjourn the February 25<sup>th</sup>, 2008, Fulton County Area Plan Commission meeting at 10:55 P.M. Don Clouse seconded the motion. Motion carried as follows: David Kruger, Don Towne, Mark McCall, Jack Urbin, Roger Rose, Jim Widman, Bob Cannedy, Pam Fish, Rex Robison, Don Clouse, Debbie Barts and Mark Kepler being in favor and no one opposing.



FULTON COUNTY AREA PLAN COMMISSION

February 25<sup>th</sup>, 2008

  
\_\_\_\_\_  
Mark A. Rose  
\_\_\_\_\_  
  
\_\_\_\_\_  
Heather Redinger, Administrative Secretary

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# FULTON COUNTY AREA PLAN COMMISSION

## FEBRUARY 25<sup>TH</sup>, 2008 MEETING

### PLEASE SIGN IN

Walt Quier for Mark White  
Mike Elmeier

Bill Webster

Dennis + Sara Brunstead

Shannon Shepherd

Rob Smith

P.W. Terpstra Sr.

Doug SAMPSEL

Will SAMPSEL

Walt Smith

Pat Melling

John Kline

Halbert Wilson

Susan Weber

Ted Denton

Jack Little

Doug Shum

Chris Barts

Mike Sells

Greg & Mary GAST

Cheryl McCallough

Michael McCallough

Erik SAMPSEL

Shane Blair

Lucie Byers

Christina Seiler

Jim Strater

Ally Sampson

Mike Smith

Richard W. Fox

Donna Scott

Brenda Stevens

Lisa Byers

Jeff and Wendy Zent

Richard Van Duzen



**FULTON COUNTY AREA PLAN COMMISSION  
JANUARY 22, 2007**

**FULTON COUNTY  
AREA PLAN COMMISSION**

**MONDAY, JANUARY 28, 2008**

**6:00 P.M.**

**COMMISSIONERS/COUNCIL ROOM**

**CALL TO ORDER**

**ELECTION OF OFFICERS**

**AREA PLAN COMMISSION MINUTES FOR:  
October 22, 2007**

**PUBLIC COMMENTS:**

**OLD BUSINESS**

**NEW BUSINESS:**  
Skidmore (#01-0108)

**PLAN DIRECTOR REPORT**

**PUBLIC COMMENTS**

**BOARD COMMENTS**

**ADJOURNMENT**

**FULTON COUNTY AREA PLAN COMMISSION**  
**JANUARY 22, 2007**

The Fulton County Area Plan Commission met on Monday the 28<sup>th</sup> day of January 2008, at 6:00 P.M. in the Commissioners/Council Room located within the Fulton County Office Building. Administrative Secretary, Heather Redinger called the meeting to order at 6:00P.M. The following members were present: Ag Extension Educator, Mark Kepler; County Councilman, Jim Widman; County Commissioner, Roger Rose; County Surveyor, Don Towne; David Kruger; Rex Robison; Pam Fish; Bob Cannedy; Jack Urbin and Don Clouse. Also in attendance were: Plan Director, Casi Cramer; Board Attorney, Greg Heller and Administrative Secretary, Heather Redinger. It is duly noted the following member was absent: Debbie Barts.

IN RE:           ELECTION OF OFFICERS

At the beginning of every year the Board must vote on new officials. Administrative Secretary, Heather Redinger, opened the floor to nominations for Chairperson. Pam Fish nominated Mark Kepler as Chairperson of the Fulton County Area Plan Commission. Jack Urbin seconded the nomination. Being no further nominations for Chairperson, Jim Widman moved to close nominations. Rex Robison seconded the motion. The motion carried as follows: Pam Fish, Bob Cannedy, David Kruger, Jack Urbin, Jim Widman, Rex Robison, Don Towne, Don Clouse, Roger Rose and Mark Kepler being in favor and no one opposing. Mark Kepler was nominated as the Chairperson of the Fulton County Area Plan Commission.

Mark Kepler then opened the floor for nominations of Vice Chairperson. Pam Fish nominated Jim Widman as Vice Chairperson of the Fulton County Area Plan Commission. Rex Robison seconded the nomination. Being no further nominations for Vice Chairperson, David Kruger moved to close the nominations. Pam Fish seconded the motion. Motion carried as follows: Pam Fish, Bob Cannedy, David Kruger, Jack Urbin, Jim Widman, Rex Robison, Don Towne, Don Clouse, Roger Rose and Mark Kepler being in favor and no one opposing. Mark Kepler was nominated as the Chairperson of the Fulton County Area Plan Commission.

Mark asked for nominations for Executive Secretary. Jack Urbin nominated Roger Rose as Executive Secretary of the Fulton County Area Plan Commission. David Kruger seconded the nomination. Being no further nominations for Executive Secretary, Pam Fish moved to close the nominations. Don Clouse seconded the motion. Motion carried as follows: Pam Fish, Bob Cannedy, David Kruger, Jack Urbin, Jim Widman, Rex Robison, Don Towne, Don Clouse, Roger Rose and Mark Kepler being in favor and no one opposing. Mark Kepler was nominated as the Chairperson of the Fulton County Area Plan Commission.

Mark Kepler then told the Board they would continue after old and new business.

IN RE:           OLD BUSINESS

It is duly noted there was no old business.

IN RE:           NEW BUSINESS

SKIDMORE (01-0108)

Casi explained Skidmore's Addition needs to be administered under the old Rochester City Zoning Ordinance, and the Rochester City Plan Commission approved the primary plat. (see attachment A).



**FULTON COUNTY AREA PLAN COMMISSION**  
**JANUARY 22, 2007**

Pam Fish explained the Rochester City Plan Commission did not approve both primary and secondary together because the second plat would be under the new Area Plan Commission.

Jack Urbin asked if the plats met all zoning codes. Pam stated they do.

Mark Kepler entertained a motion for Skidmore (01-0108). Pam Fish made a motion to approve the secondary plat of Skidmore Addition (01-0108). David Kruger seconded the motion.

Administrative Secretary, Heather Redinger then took a roll call vote:

Rex Robison    Yea

Pam Fish        Yea

Jim Widman    Yea

Jack Urbin     Yea

Bob Cannedy   Yea

Roger Rose    Yea

Don Clouse    Yea

David Kruger   Yea

Don Towne     Yea

All votes being in favor and no one opposing.

It is duly noted Skidmore docket number was stated as being (#40-1107), which was incorrect, the correct docket number is (#01-0108).

IN RE:

NEW BUSINESS

Being no further New Business, or public comments. Mark Kepler stated they would continue with the previous business.

Mark then talked about the Budget Committee, he stated the current members are Don Towne, Jim Widman and Mark Kepler and asked if anyone was interested in being on the committee. Being no other volunteers for the Committee, the Budget Committee is as presented.

Casi then discussed the Technical Review Committee (TRC). She explained the TRC would consist of the plan Director, County Surveyor, Superintendent of the Fulton County Highway Department, a member of the Health Department, two (2) members of the Plan Commission and any others deemed necessary by the TRC. The Board discussed the two members of the Plan Commission; they then decided the Plan Director would chose the two members, as each site plan came to the TRC. (Section 6-5) (see attachment B).

Mark then asked for a motion that the Plan Director would choose two members as each site plan came to the TRC. Jack Urbin moved that the Plan Director would choose two members as each site plan came to the TRC. David Kruger seconded the motion. Motion carried as follows: Pam Fish, Bob Cannedy, David Kruger, Jack Urbin, Jim Widman, Rex Robison, Don Towne, Don Clouse, Roger Rose and Mark Kepler being in favor and no one opposing.

The Technical Review Committee will overlook all site plans for newly created business, expansions of business or a purchase of a building to be used as a different use.

**FULTON COUNTY AREA PLAN COMMISSION**  
**JANUARY 22, 2007**

IN RE:                      ADOPTION OF MEETING RESOLUTION

RESOLUTION 01282008

A RESOLUTION OF THE FULTON COUNTY AREA PLAN COMMISSION, OF THE COUNTY OF FULTON, INDIANA ESTABLISHING MEETING TIMES FOR 2008.

WHEREAS, the Fulton County Area Plan Commission has established that they will meet on the fourth (4th) Monday of each month at 7:00 P.M. unless that Monday falls on a County observed Holiday, then the meeting will be held on the fourth (4th) Tuesday at 7:00 P.M. in the Commissioners/Council Room at the Fulton County Office Building. If a County observed Holiday falls on the fourth (4th) Tuesday, as well as the fourth (4th) Monday, then the meeting will be held on the fourth (4th) Wednesday at 7:00 P.M.

WHEREAS, the Fulton County Area Plan Commission have established meeting times as set out under Indiana Code 36-2-2-6 et.seq.;

NOW THEREFORE, Be It Resolved by the Fulton County Area Plan Commission that:

1.     The Fulton County Area Plan Commission will meet on the fourth (4th) Monday of each month at 7:00 P.M.; unless that Monday falls on a County observed Holiday, then the meeting will be held on the fourth (4th) Tuesday at 7:00 P.M. in the Commissioners/Council Room at the Fulton County Office Building. If a County observed Holiday falls on the fourth (4th) Tuesday, as well as the fourth (4th) Monday, then the meeting will be held on the fourth (4th) Wednesday at 7:00 P.M.
2.     Other meetings will be scheduled and a public notice will be given.

Adopted this 28<sup>th</sup> day of January 2008.

FULTON COUNTY AREA PLAN COMMISSION

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Vice Chairperson

\_\_\_\_\_  
Executive Secretary

Attest: \_\_\_\_\_  
          Heather Redinger, Administrative Secretary



**FULTON COUNTY AREA PLAN COMMISSION**  
**JANUARY 22, 2007**

Mark entertained a motion to adopt Meeting Resolution 01282008. Don Clouse moved to adopt the Meeting Resolution 01282008; being the fourth (4<sup>th</sup>) Monday of each month at 7:00 p.m. Jack Urbin seconded the motion. Motion carried as follows: Pam Fish, Jim Widman, Don Towne, Rex Robison, Don Clouse, Roger Rose, David Kruger and Mark Kepler being in favor and no one opposing.

IN RE:

NEW BUSINESS

Mark Kepler opened the floor for the appointment of Board Attorney. Pam Fish moved to appoint Burke & Heller Attorneys at Law, as the Fulton County Area Plan Commission Board Attorney. Rex Robison seconded the motion. Motion carried as follows: Pam Fish, Jim Widman, Don Towne, Rex Robison, Don Clouse, Roger Rose, David Kruger and Mark Kepler being in favor and no one opposing. Burke & Heller was appointed as the Board Attorney for the Fulton County Area Plan Commission.

Mark then asked for the appointment of Administrative Secretary. Pam Fish moved to appoint Heather Redinger as Administrative Secretary for the Fulton County Area Plan Commission. Jim Widman seconded the motion. Motion carried as follows: Pam Fish, Jim Widman, Don Towne, Rex Robison, Don Clouse, Roger Rose, David Kruger and Mark Kepler being in favor and no one opposing. Heather Redinger was appointed as the Administrative Secretary for the Fulton County Area Plan Commission.

IN RE:

NEW BUSINESS

Casi explained to the Board they have the option to amend their Rules of Procedure for interested parties, regarding rezone and subdivision petitions. After much Board discussion the interested parties for a rezone or subdivision will be four (4) property depths or fifteen hundred (1500') feet; whichever is less. (see attachment C).

Pam Fish moved to amend the Rules of Procedure for interested parties as stated above. Jim Widman seconded the motion. Motion carries as follows: Pam Fish, Jim Widman, Don Towne, Rex Robison, Don Clouse, Roger Rose, David Kruger and Mark Kepler being in favor and no one opposing.

IN RE:

MINUTES: OCTOBER 22<sup>ND</sup>, 2007

Mark Kepler asked for any additions, deletions or corrections to be made to the October 22<sup>nd</sup>, 2007 minutes. Bob Cannedy moved to approve the October 22<sup>nd</sup>, 2007 minutes as written. Jack Urbin seconded the motion. Motion carried as follows: Pam Fish, Jim Widman, Don Towne, Rex Robison, Don Clouse, Roger Rose, David Kruger and Mark Kepler being in favor and no one opposing.

IN RE:

PLAN DIRECTOR REPORT

**FULTON COUNTY AREA PLAN COMMISSION**  
**JANUARY 22, 2007**

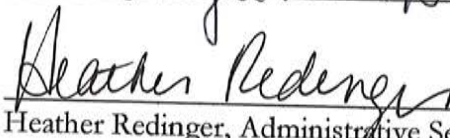
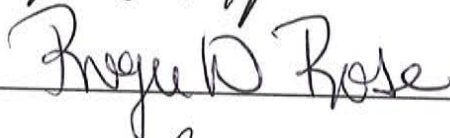
Casi Cramer presented the End of the Report for 2007 to the Board Members (see attachment D).

Casi explained the Board needed to appoint all area Board of Zoning Appeals members. The Board discussed and appointments are as follows:

Pam Fish      Rochester City BZA  
David Kruger   Akron BZA  
Rex Robison    Fulton County BZA  
Don Towne      Fulton/Kewanna BZA

Rex Robison moved to appoint all members stated above. David Kruger seconded the motion. Motion carried as follows: Pam Fish, Jim Widman, Don Towne, Rex Robison, Don Clouse, Roger Rose, David Kruger and Mark Kepler being in favor and no one opposing.

It is duly noted that there were no Board Member or Public Comments given at this time. With no further business to come before the Board, Mark Kepler entertained a motion to adjourn the meeting. Rex Robison moved to adjourn the January 28, 2008, Fulton County Area Plan Commission Board at 8:10 P.M. David Kruger seconded the motion. Motion carried as follows: Pam Fish, Jim Widman, Don Towne, Rex Robison, Don Clouse, Roger Rose, David Kruger and Mark Kepler being in favor and no one opposing.



Heather Redinger, Administrative Secretary