

FULTON COUNTY AREA PLAN COMMISSION  
October 26<sup>th</sup>, 2009

**FULTON COUNTY  
AREA PLAN COMMISSION**

**TUESDAY, OCTOBER 26<sup>TH</sup>, 2009**

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

**CALL TO ORDER**

**AREA PLAN COMMISSION MINUTES FOR:  
September 28<sup>th</sup>, 2009**

**PUBLIC COMMENTS:**

**OLD BUSINESS**

**NEW BUSINESS:**

**PLAN DIRECTOR REPORT:**

Proposed Amendments for the Zoning Ordinance

**PUBLIC COMMENTS**

**BOARD COMMENTS**

**ADJOURNMENT**

FULTON COUNTY AREA PLAN COMMISSION

October 26<sup>th</sup>, 2009

The Fulton County Area Plan Commission met on Monday the 26<sup>th</sup> day of October 2009, at 7:00 P.M. in the Commissioners/Council Room located within the Fulton County Office Building. Chairperson, Rex Robison called the meeting to order at 7:00P.M. The following members were present: Chairperson, Rex Robison; County Councilman, Jim Widman; Ag Extension Educator, Mark Kepler, Debbie Barts, Bob Cannedy, Mark McCall, and Duane Border. Also in attendance were: Plan Director, Casi Cramer; and Administrative Secretary, Heather Redinger.

It is duly noted the following members were absent: Don Towne, Roger Rose, Jack Urbin Don Clouse, David Kruger, Paul Studebaker, and Board Attorney, Greg Heller.

IN RE: MINUTES

September 28<sup>th</sup>, 2009

Rex Robison asked for any additions, deletions, or corrections to be made to the September 28<sup>th</sup>, 2009 minutes. Debbie Barts moved to approve the September 28<sup>th</sup>, 2009 minutes. Mark McCall seconded the motion. Motion carried as follows: Mark McCall, Jim Widman, Mark Kepler, Debbie Barts, Duane Border, Bob Cannedy, and Rex Robison all votes being in favor and no one opposed.

IN RE: OLD BUSINESS

It is duly noted there was no old business.

IN RE: NEW BUSINESS

It is duly noted there was no new business.

IN RE: PLAN DIRECTOR REPORT

Casi told the Board they had received a list of proposed amendments to the ordinance, she would like to discuss with them.

Casi explained she has had many requests for adding living space in detached garages or pole barns. She stated she recommends they attach the garage to the home, since only one dwelling per tract of land is permitted. She then asked how to handle the ones that are not attached to the home.

Rex Robison asked if the additional living space is being rented out or just used as a guesthouse.

Casi stated most of the time it is normally being used for a guesthouse.

Rex Robison stated he stated he would agree, if it was just used as a temporary guesthouse, but he does not like the fact of it being a rental.

Mark Kepler agreed with Rex Robison.

After much Board discussion, the unanimous vote was additional living space, attached to the house or detached cannot be used as a rental. However, detached additional living space would be a special exception, in any district that permits single-family dwellings.

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Casi asked the Board about mini-storage being added to the AG District special exception uses.

After Board discussion, the Board agreed unanimously to add mini-storage to the AG District as a special exception.

Casi then talked to the Board about the River Residential (RR) District rear yard setback, which is 25'. The office has run into issues with lots not being on the river, but zoned RR and accessory structures having to meet the 25' setback. She asked if the Board would lower the setback for accessory structures.

After much Board discussion, the unanimous vote was to lower the rear yard setback for accessory structures to 10', for the RR lots that are not adjacent to the river.

Casi asked the Board about adding single and multi-family dwellings in the DC districts, and if so they need to decide on a minimum floor area per unit.

Duane Border asked what the apartment buildings on Madison Street are currently zoned.

Casi stated the apartments are currently zoned R1 and she then stated they should be zoned R2.

After much Board discussion, the Board unanimously agreed to add single and multi-family dwellings in the DC districts as a special exception and the minimum floor area would be the same as required in the R1 district. They also agreed the apartment buildings on Madison Street are to be zoned R2.

Casi asked the Board about adding Bio-diesel facility as a permitted use in the IN district and removing heavy manufacturing from the permitted uses, as it is listed under permitted use and a special exception.

The Board agreed to add Bio-diesel facility as a permitted use in the IN District and removing heavy manufacturing from the permitted uses.

Casi asked the Board if the definition of transmission towers was specific to radio frequencies for agricultural uses.

The Board agreed the definition of transmission towers includes radio frequencies for agricultural uses.

Casi told the Board she needed a definition for a sports court.

The Board agreed the definition for a sports court a primary use of an area to be used for sports only, not including driveways.

Casi told the Board, pertaining to the residential districts, a section in Article 5-4.1, AS-01 reads, accessory structures are not permitted on a lot prior to any primary structure being constructed except where the accessory structure is being used for personal storage or agricultural purposes. Accessory structures also must relate to the primary structure and its uses. She stated the intent and purpose of this regulation needed to be clarified. She also stated if the definition, as written, is taken conservatively, it would mean no accessory structure could be built on a lot without a primary structure. Therefore, anyone who owns two lots could not put a garage, gazebo pool, etc on the lot without a primary structure.

Rex Robison asked if the word adjacent could be added to the definition.

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Bob Cannedy stated he felt the word adjacent is not enough protection for property owners in sub-divisions.

Jim Widman stated he felt the property owners should put the lots together.

Casi stated the property owners would have to go through a sub-division re-plat to put the lots together.

Casi asked the Board if they would like to add a time limit for the primary structure to be built.

After much Board discussion, they unanimously agreed in the residential districts, accessory structures are not permitted on any non-adjacent lots prior to a primary structure except with intent to build and complete a primary structure within 24 months.

Casi then asked the Board about PK-03, which reads vehicles or trailers of any type without current license plates or in an inoperable condition shall be prohibited in residential zone districts other than in completely enclosed buildings, and shall not be parked on any lot in any zone unless specifically authorized under the terms of this Ordinance. No vehicle or tractor/trailer/semi trailer/railcar of any type may be used for the purpose of personal storage. She then stated she needed the Board to classify the weight limit allowed to park in the residential districts.

After much Board discussion, they unanimously agreed in the residential districts, no parking of any vehicle on any lot not directly adjacent to a primary structure.

Casi then stated they would continue the list of proposed amendments at the next scheduled meeting.

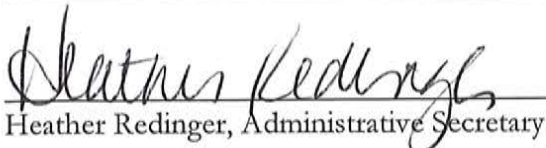
IN RE: PUBLIC COMMENTS

IN RE: BOARD COMMENTS

With no further business to come before the Board, Rex Robison entertained a motion to adjourn the meeting. Duane Border moved to adjourn the October 26<sup>th</sup>, 2009, Fulton County Area Plan Commission Board at 9:05 P.M. Mark McCall seconded the motion. Motion carried as follows: Mark McCall, Jim Widman, Mark Kepler, Debbie Barts, Duane Border, Bob Cannedy, and Rex Robison all votes being in favor and no one opposed.



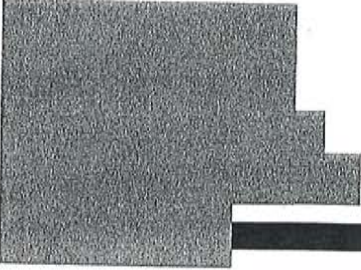
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Heather Redinger, Administrative Secretary

**THE REGULARLY SCHEDULED  
FULTON COUNTY  
AREA PLAN COMMISSION MEETING  
SET FOR DECEMBER 28<sup>TH</sup>, 2009  
HAS BEEN CANCELED  
DUE TO THERE BEING NO BUSINESS  
THE NEXT MEETING IS SCHEDULED FOR  
JANUARY 25<sup>TH</sup>, 2010  
AT 7:00 P.M.  
IN THE COMMISSIONERS/COUNCIL ROOM**



## Fulton County Area Plan Commission

125 East 9th Street Suite 012 Rochester, IN 46975

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November 14<sup>th</sup>, 2009

TO: Area Plan Commission Members

FR: Heather Redinger, Administrative Secretary 

RE: November 23<sup>rd</sup>, 2009 meeting

The Area Plan Commission will not be meeting in November, the minutes from the October meeting will be sent in the December packets.

**THE REGULARLY SCHEDULED  
FULTON COUNTY  
AREA PLAN COMMISSION MEETING  
SET FOR NOVEMBER 23<sup>RD</sup>, 2009  
HAS BEEN CANCELED  
DUE TO THERE BEING NO BUSINESS  
THE NEXT MEETING IS SCHEDULED FOR  
DECEMBER 28<sup>TH</sup>, 2009  
AT 7:00 P.M.  
IN THE COMMISSIONERS/COUNCIL ROOM**

FULTON COUNTY AREA PLAN COMMISSION  
September 28<sup>th</sup>, 2009

**FULTON COUNTY  
AREA PLAN COMMISSION**

**TUESDAY, SEPTEMBER 28<sup>th</sup>, 2009**

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

**CALL TO ORDER**

**AREA PLAN COMMISSION MINUTES FOR:  
August 24<sup>th</sup>, 2009**

**PUBLIC COMMENTS:**

**OLD BUSINESS**

**NEW BUSINESS:**

Riverview Park (PC# 11-0809)

**PLAN DIRECTOR REPORT:**

**PUBLIC COMMENTS**

**BOARD COMMENTS**

**ADJOURNMENT**



FULTON COUNTY AREA PLAN COMMISSION

September 28<sup>th</sup>, 2009

The Fulton County Area Plan Commission met on Monday the 28<sup>th</sup> day of September 2009, at 7:00 P.M. in the Commissioners/Council Room located within the Fulton County Office Building. Chairperson, Rex Robison called the meeting to order at 7:00P.M. The following members were present: Chairperson, Rex Robison; County Councilman, Jim Widman; County Commissioner, Roger Rose; Ag Extension Educator, Mark Kepler, , Don Towne, Jack Urbin, Debbie Barts, Bob Cannedy, and Mark McCall, Duane Border. Also in attendance were: Plan Director, Casi Cramer; Board Attorney, Greg Heller and Administrative Secretary, Heather Redinger.

It is duly noted the following members were absent: Don Clouse, David Kruger, and Paul Studebaker.

It is duly noted Roger Rose arrived at 7:05 p.m.

IN RE: MINUTES August 24<sup>th</sup>, 2009

Rex Robison asked for any additions, deletions, or corrections to be made to the August 24<sup>th</sup>, 2009 minutes. Jim Widman moved to approve the August 24<sup>th</sup>, 2009 minutes. Jack Urbin seconded the motion. Motion carried as follows: Mark McCall, Jim Widman, Jack Urbin, Mark Kepler, Debbie Barts, Don Towne, Duane Border, Bob Cannedy, and Rex Robison all votes being in favor and no one opposed.

IN RE: OLD BUSINESS

It is duly noted there was no old business.

IN RE: NEW BUSINESS RIVERVIEW PARK (PC#11-0809)  
ZONE MAP AMENDMENT

Riverview Park is requesting a zone map amendment for a twelve (12) lot mobile home park, located at 4684 State Road 25 to be rezoned from River Residential to Mobile Home Park District.

Casi explained the area consists of seven (7) parcels and contains 12 mobile home lots currently there are ten (10) mobile homes on the lots. From November 2000 until January 2008, this area was zoned Mobile Home Park District. After January 2008, the area was zoned River Residential, due to the fact, Mr. Meiser did not obtain a State Mobile Home Park License, therefore it was an illegal mobile home park. She then explained Mr. Meiser obtained a State Mobile Home Park License on August 7<sup>th</sup>, 2009 and the request is to amend the zone map from River Residential to Mobile Home Park District for 4684 SR 25, Rochester.

Chairperson, Rex Robison asked Mr. Meiser if he had anything further to add.

Mr. Meiser did not have anything further to add.

Rex Robison asked for any Board questions or comments, being none he then entertained a motion regarding the petition. Mark McCall moved to make a favorable recommendation to the Fulton County Commissioners for the zone map amendment request. Debbie Barts seconded the motion.

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

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Mark McCall	Yea
Jim Widman	Yea
Jack Urbin	Yea
Mark Kepler	Yea
Debbie Barts	Yea
Roger Rose	Yea
Don Towne	Yea
Duane Border	Yea
Bob Cannedy	Yea
Rex Robison	Yea

The motion for a favorable recommendation to the Fulton County Commissioners for #11-0809 Riverview Park, zone map amendment was passed with ten votes being in favor and no one opposed. 10-0

IN RE: PUBLIC COMMENTS

IN RE: BOARD COMMENTS

Rex Robison asked Casi about the amendments to the ordinance.

Casi stated she has some recommendations and public requests for amendments, she then asked if the Board would like her to create a table of the proposed amendments for them to review for the next meeting.

Rex Robison stated a table would be fine and they would review the amendments at the next meeting.

IN RE: PLAN DIRECTOR REPORT

With no further business to come before the Board, Rex Robison entertained a motion to adjourn the meeting. Jack Urbin moved to adjourn the September 28<sup>th</sup>, 2009, Fulton County Area Plan Commission Board at 7:45 P.M. Mark McCall seconded the motion. Motion carried as follows: Mark McCall, Jim Widman, Jack Urbin, Mark Kepler, Debbie Barts, Roger Rose, Don Towne, Duane Border, Bob Cannedy, and Rex Robison all votes being in favor and no one opposed.



Heather Redinger, Administrative Secretary

Please Sign In

Dep Area Plan Commission

Date: 9-28-09

Name	Petition of Interest	Will you be Speaking? If so please check the correct box:	In Favor	Oppose
H Meiser				

FULTON COUNTY AREA PLAN COMMISSION  
August 24<sup>th</sup>, 2009

**FULTON COUNTY  
AREA PLAN COMMISSION**

**TUESDAY, AUGUST 24<sup>th</sup>, 2009**

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

**CALL TO ORDER**

**AREA PLAN COMMISSION MINUTES FOR:  
July 27<sup>th</sup>, 2009**

**PUBLIC COMMENTS:**

**OLD BUSINESS**

**NEW BUSINESS:**

Indian Mills Plaza, Section 3 (PC# 09-0709)

**PLAN DIRECTOR REPORT:**

**PUBLIC COMMENTS**

**BOARD COMMENTS**

**ADJOURNMENT**

FULTON COUNTY AREA PLAN COMMISSION

August 24<sup>th</sup>, 2009

The Fulton County Area Plan Commission met on Monday the 24<sup>th</sup> day of August 2009, at 7:00 P.M. in the Commissioners/Council Room located within the Fulton County Office Building. Chairperson, Rex Robison called the meeting to order at 7:00P.M. The following members were present: Chairperson, Rex Robison; County Councilman, Jim Widman; County Commissioner, Roger Rose; Ag Extension Educator, Mark Kepler, Don Clouse, Don Towne, Jack Urbin, and Duane Border. Also in attendance were: Plan Director, Casi Cramer; Board Attorney, Greg Heller and Administrative Secretary, Heather Redinger.

It is duly noted the following members were absent: David Kruger, Debbie Barts, Paul Studebaker, Bob Cannedy, and Mark McCall

IN RE: MINUTES

July 27<sup>th</sup>, 2009

Rex Robison asked for any additions, deletions, or corrections to be made to the July 27<sup>th</sup>, 2009 minutes. Jim Widman moved to approve the July 27<sup>th</sup>, 2009 minutes. Jack Urbin seconded the motion. Motion carried as follows: Don Clouse, Don Towne, Mark Kepler, Roger Rose, Duane Border, Jim Widman, Jack Urbin, and Rex Robison all votes being in favor and no one opposed.

IN RE: OLD BUSINESS

It is duly noted there was no old business.

IN RE: NEW BUSINESS

INDIAN MILLS PLAZA, SECTION 3 (PC#09-0709)  
PRIMARY PLAT APPROVAL

Harbor Isles, LLC is requesting the approval of a primary plat application for the proposed sixteen (16) lot subdivision with three (3) out lots, Indian Mills Plaza, Section 3 is located on 591 Apache Drive and 691 W 18<sup>th</sup> Street, Rochester within the General Commercial (GC) District, containing approximately 31.69 acres.

Casi Cramer explained that Harbor Isles, LLC is requesting a primary plat approval, for a sixteen (16) lot subdivision with three (3) outlots. She then explained the sub-division had already obtained Drainage Board approval, and she had received an e-mail, regarding the Park Street extension, from Mark Kelly, INDOT Permit Inspector. The e-mail stated the Park Street extension plans had been reviewed, and there are no turn lanes or passing blisters required for the proposed street, also stated the daily traffic count was not high enough to warrant added lanes. The tapers that are proposed would be satisfactory in the area. Casi then stated the primary plat for Indian Mills Sub-division, Section 3 is in compliance with the Fulton County Sub-division ordinance and she would recommend approval.

Chairperson, Rex Robison asked if anyone from Harbor Isles, LLC would like to speak.

Terry Weiss, stated the out-lot onto State Road 14 has been proposed for traffic safety.

Mark Kepler asked about the buffer area on the plat.

Mr. Egolf stated they had been planning this development for a few years and the pine trees had been planted about 4-5 years ago.

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Being no further Board questions or comments, Rex Robison asked if anyone would like to speak in favor if the petition. Being none he then asked if anyone was opposed.

Betsy Stowasser, 651 S Schoolview Dr., stated she had concerns about the proposed roadway behind their home. She stated she felt the road would be a safety hazard because the school kids are going to utilize the road after school and not obey the speed limit. She also stated she had concerns with headlights shining into her home, the noise from the vehicles and speeding.

Pierre Absi, 1881 W Schoolview Dr. stated he also had concerns with the noise and the extra traffic.

Dan Davids, 1<sup>st</sup> Assembly Church, stated he is not opposed; he just wanted clarification of the zoning of the area, if the sub-division would be used for business or residential.

Rex Robison stated the area is zoned general commercial (GC) and would be used for businesses.

Being no one else opposed to the petition. Rex Robison then asked if Mr. Egolf or Mr. Weiss would like to address the concerns mentioned.

Terry Weiss stated the roadway needs to be constructed for an inlet and out-lot to the sub-division, he then stated they have been working with the school to install a sidewalk on the west side for the school kids to utilize as a safer route to school.

Rex Robison asked Casi if the speed limit goes to the City Council.

Casi stated speed limit issues would go to the City Council or the Board of Works.

Terry Weiss then stated there is already an 8'-9' dirt mound with trees planted on top, which would help block the headlights.

Betsy Stowasser stated the mound doesn't block the farmers lights when they are in the fields, and she also stated when the City checks the lift station their headlights shine into their home as well.

Rex Robison asked if there were any other public comments or questions, being none he entertained a motion to close public hearing. Mark Kepler moved to close the public hearing. Jim Widman seconded the motion. Motion carried as follows: Don Clouse, Don Towne, Mark Kepler, Roger Rose, Duane Border, Jim Widman, Jack Urbin, and Rex Robison all votes being in favor and no one opposed.

Rex Robison asked Board if they had any further questions regarding the primary plat, being none he then entertained a motion for the petition. Jim Widman moved to approve Indian Mills Plaza, Section 3 Primary Plat. Duane Border seconded the motion.

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

Don Towne	Yea
Don Clouse	Yea
Roger Rose	Yea
Mark Kepler	Yea
Jim Widman	Yea

FULTON COUNTY AREA PLAN COMMISSION

August 24<sup>th</sup>, 2009

Duane Border	Yea
Jack Urbin	Yea
Rex Robison	Yea

The motion to approve (#09-0709) Indian Mills Plaza, Section 3, primary plat was passed with eight votes being in favor and no one opposed.

Casi stated the secondary plat needed to be presented within twelve months.

IN RE: PUBLIC COMMENTS

IN RE: PLAN DIRECTOR REPORT

With no further business to come before the Board, Rex Robison entertained a motion to adjourn the meeting. Duane Border moved to adjourn the August 24<sup>th</sup>, 2009, Fulton County Area Plan Commission Board at 7:25 P.M. Roger Rose seconded the motion. Motion carried as follows: Don Clouse, Don Towne, Mark Kepler, Roger Rose, Duane Border, Jim Widman, Jack Urbin, and Rex Robison all votes being in favor and no one opposed.



Two handwritten signatures in blue ink are written over horizontal lines. The first signature is 'Rex Robison' and the second is 'Mark Kepler'.



A handwritten signature in blue ink, 'Heather Redinger', is written over a horizontal line. Below the line, the text 'Heather Redinger, Administrative Secretary' is printed.

**FULTON COUNTY AREA PLAN COMMISSION**  
July 27<sup>th</sup>, 2009

**FULTON COUNTY  
AREA PLAN COMMISSION**

**TUESDAY, JULY 27<sup>th</sup>, 2009**

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

**CALL TO ORDER**

**AREA PLAN COMMISSION MINUTES FOR:**  
June 22<sup>nd</sup>, 2009

**PUBLIC COMMENTS:**

**OLD BUSINESS**

**NEW BUSINESS:**

Bridal Path Estates (PC#08-0609)  
Lake Manitou Beach Recommendation

**PLAN DIRECTOR REPORT:**

**PUBLIC COMMENTS**

**BOARD COMMENTS**

**ADJOURNMENT**



FULTON COUNTY AREA PLAN COMMISSION

July 27<sup>th</sup>, 2009

The Fulton County Area Plan Commission met on Monday the 27<sup>th</sup> day of July 2009, at 7:00 P.M. in the Commissioners/Council Room located within the Fulton County Office Building. Chairperson, Rex Robison called the meeting to order at 7:00P.M. The following members were present: Chairperson, Rex Robison; County Councilman, Jim Widman; County Commissioner, Roger Rose; David Kruger, Don Clouse, Jack Urbin, Debbie Barts, Paul Studebaker, Bob Cannedy, and Mark McCall. Also in attendance were: Plan Director, Casi Cramer; Board Attorney, Greg Heller and Administrative Secretary, Heather Redinger.

It is duly noted that Don Towne arrived at 7:05 pm.

It is duly noted the following members were absent: Ag Extension Educator, Mark Kepler, and Duane Border.

IN RE: MINUTES

June 22<sup>nd</sup>, 2009

Rex Robison asked for any additions, deletions, or corrections to be made to the June 22<sup>nd</sup>, 2009 minutes. David Kruger moved to approve the June 22<sup>nd</sup>, 2009 minutes. Mark McCall seconded the motion. Motion carried as follows: Paul Studebaker, Don Clouse, David Kruger, Roger Rose, Debbie Barts, Mark McCall, Bob Cannedy, Jim Widman, Jack Urbin, and Rex Robison all votes being in favor and no one opposed.

IN RE: OLD BUSINESS

It is duly noted there was no old business.

IN RE: NEW BUSINESS

BRIDAL PATH ESTATES (PC#08-0609)  
ZONE MAP AMENDMENT

Bridal Path Estates (PC#08-0609) is requesting a zone map amendment for one lot (Lot 35) located within Bridal Path Estates to be rezoned from suburban residential to highway commercial.

Casi Cramer explained the subdivision was platted prior to zoning implementation in Fulton County. At that time Bridal Path Estates was platted, a covenant was written on the plat stating Lot 35 was to be used as a commercial sales office for the sales of manufactured homes and vehicles; however, the Plan Commission cannot enforce a covenant. This area was zoned agricultural (AG) from November 2000 to January 2008, at that time the ordinance allowed the sales of vehicles, within the AG district, as long as, there were never more than two unlicensed/inoperable vehicles on the lot at one time. It also allowed the commercial sales office of the manufactured homes that were located to the east of this lot, since it had been used as a commercial sales office prior to zoning. After, January 2008, all of the mobile homes have been removed except two or three and two manufactured homes have been set.

Chairperson, Rex Robison asked if anyone from Bridal Path Estates would like to speak.

Richard Oren, Thomas Arnett's Attorney, handed the Board members a copy of the plat map that had been recorded in 1997 and pointed out the covenant specifically zoned lot 35 for commercial use, such as, sales of vehicles and mobile homes. It was also in the future plans to possibly have a convenience store. He stated he felt lot 35 had been zoned SR in error, due to the fact, the plat had it reserved as a commercial lot.

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Roger Rose asked how Mr. Arnett was intending to use lot 35 .

Richard Oren stated currently Mr. Arnett would like to use it for sales of homes, vehicles and cargo containers.

Roger Rose then asked Greg Heller if the Board had any obligation, due to the plat, to accommodate the request.

Greg Heller stated he had not found any case law with a restricted covenant to this extent. He then stated he felt the Board needed to consider the comprehensive plan and the best use of the land, when they are considering a rezone.

Richard Oren stated he and Mr. Arnett believe when the County Commissioners signed the plat in 1997, that created legal rights to have lot 35 be zoned commercial. He stated the plat clearly stated lots 1-34 are to be used for residential and lot 35 is to be used for commercial.

Debbie Barts asked Greg Heller if lot 35 is rezoned are they restricted to the uses the plat states or are they allowed any permitted uses in the HC district.

Greg Heller stated they would be allowed any permitted use in the HC district.

Richard Oren again stated they strongly believe the recorded plat, created legal rights to keep lot 35 zoned commercial.

Jim Widman stated the Area Plan Commission did not look at covenants when zoning areas, the Board considered the best use of the properties. He then stated when the new zone maps were created, public hearings had been held and maps were available for the public to view. He then stated the Board would not spot zone.

Richard Oren stated they believe during that process, Lot 35 was an oversight. He then stated Mr. Arnett lives in Florida and did not know that lot 35 had been changed at that time.

Roger Rose asked if Mr. Oren is laying claim to the original plans stated on the plat for lot 35, or for all uses in the HC District.

Mr. Oren stated they felt their original intent properly fits into the HC district.

Bob Cannedy stated he felt a convenience store would be acceptable, but since the existing use of the area is residential he felt problems could occur if lot 35 is zoned HC, being there are too many options in the HC district.

Jim Widman stated a convenience store could possibly be a special exception, but spot zoning to a HC district could be hazardous to the community.

The Board began discussing adding a special exception in the SR district.

Greg Heller stated, the petition advertised for tonight's meeting was for a zone map amendment, official action needs to be taken on the rezone petition, not adding in special exceptions for the SR district. The

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Board needs to make a motion of a favorable recommendation, non-favorable recommendation or no recommendation at all to the Fulton County Commissioners.

Rex Robison asked Board if they had any further questions regarding the zone map amendment, being none he then entertained a motion for the petition. Roger Rose moved to make an unfavorable motion to the Fulton County Commissioners. Debbie Barts seconded the motion.

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

Paul Studebaker	Yea
Don Clouse	Yea
David Kruger	Yea
Roger Rose	Yea
Debbie Barts	Yea
Mark McCall	Yea
Bob Cannedy	Yea
Don Towne	Yea
Jim Widman	Yea
Jack Urbin	Yea
Rex Robison	Yea

The motion for an unfavorable recommendation to the Fulton County Commissioners for #80-0609 Bridal Path Estate, zone map amendment was passed with eleven votes being in favor and no one opposed. 11-0

Mr. Arnett stated the original plans were to have a convenience store on the lot, to service the community. He stated he felt his rights should have been preserved for lot 35 with the plat the Fulton County Commissioners signed in 1997.

IN RE: NEW BUSINESS

LAKE MANITOU BEACH  
RECOMMENDATION

The Leadership Academy has come to ask the Board for their approval of a public beach. They have gotten approval from the Rochester City Park Department, Lake Association, Drainage Board and have submitted the DNR application. The area is zoned IR and a beach will fit into the district; there is an existing parking area, a pavilion and restroom facilities.

Greg Heller suggested the Board have a consensus vote for the support of the beach, provided all State regulations are followed.

Rex Robison asked if the Board had any questions or comments, being none, he then asked for all those in favor of the Beach recommendation, provided all Stated regulations are followed, Board votes as follows: Paul Studebaker, Don Clouse, David Kruger, Roger Rose, Debbie Barts, Mark McCall, Bob Cannedy, Jim Widman, Don Towne, Jack Urbin, and Rex Robison all votes being in favor and no one opposed.

## FULTON COUNTY AREA PLAN COMMISSION

July 27<sup>th</sup>, 2009

IN RE: PUBLIC COMMENTS

Casi Cramer stated the Plan Commission Office has had many calls complaining about the accessory structures located on two (2) lots in Schoolview Addition, which is zoned R1. Casi stated Mr. Overmeyer owns the lots and has obtained permits for the accessory structures. She stated the ordinance states accessory structures are not permitted on a lot without a primary structure, except where the accessory structure is being used for personal storage or agricultural purposes and the structures must relate to the primary structure and its uses. Casi stated her interpretation of this definition is that carports and garages relate to the primary use of the area, and he utilizes the structures for vehicles. She then stated there are neighbors present who do not agree with her interpretation of the definition. She also told the Board to keep in consideration, the literal interpretation would mean any lot would not be able to have an accessory structure if it did not have a primary structure, such as people living on the lake that own the lot across the road could not build a garage on the empty lot since it does not have a primary structure.

Pierre Absi, 1881 Schoolview Addition, stated the area is zoned residential and the accessory structures are an eyesore to the community. He also stated the way the structures are situated; there is not enough room to build a primary structure. He then asked the Board to review Casi's interpretation of the definition and revoke Mr. Overmeyer's permits so that he has to remove the accessory structures. He stated Mr. Overmeyer is using the lot for commercial use, parking flat bed trailers with machines on them and selling items from the property.

Jack Urbin asked Casi if Mr. Overmeyer is allowed to park flat bed trailers on the lot and asked if vehicles could be parked on the lots without the accessory structures.

Casi stated Mr. Overmeyer owns the lots and is allowed to park his vehicles on the lot, as long as, they have legal license plates and are not commercial vehicles. She also stated she cannot stop anyone from utilizing carports and garages to park vehicles in, when that is the purpose of a garage and carport.

Barry Hazel stated he is the Councilperson for Mr. Absi's area. He stated when he looked at this area he felt it was a sales lot for the pole buildings and carports, he also stated the vehicles parked in the structures had a Pro Tree Service license plate on the front of them.

Pierre Absi stated he does want the lot to be used as a commercial lot; it should be used as residential lot as it is zoned.

Roger Rose stated he agreed that the lot is being used as commercial, however the buildings are in compliance.

Rex Robison asked the Board if they felt the buildings are allowed based on the code. All Board members agreed Casi's interpretation is correct and the buildings are allowed. He then asked the Board about the parking of vehicles. The Board agreed, as long as, the vehicles have a legal license plate and are not being used for business or commercial advertising; they are allowed to be parked on the lot.

Casi Cramer recommended to Mr. & Mrs. Absi to check into the subdivision plat and find out if there is a subdivision covenant, if so maybe there are rules against accessory structures on a lot without a primary structure.

FULTON COUNTY AREA PLAN COMMISSION

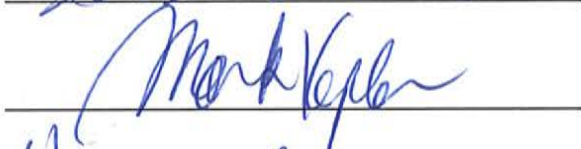
July 27<sup>th</sup>, 2009

IN RE: PLAN DIRECTOR REPORT

Casi Cramer told the Board Mr. Ralstin had previously went in front of the Rochester City Board of Zoning Appeals for a variance to erect a carport in the R3 district, she was denied the variance. She then called and asked if she could put up a portable canopy to use as a carport during the winter months.

After Board discussion, they agreed portable structures are required to meet setbacks, so therefore a portable canopy cannot be utilized as a temporary carport.

With no further business to come before the Board, Rex Robison entertained a motion to adjourn the meeting. Jim Widman moved to adjourn the July 27<sup>th</sup>, 2009, Fulton County Area Plan Commission Board at 9:00 P.M. Debbie Barts seconded the motion. Motion carried as follows: Paul Studebaker, Don Clouse, David Kruger, Roger Rose, Debbie Barts, Mark McCall, Bob Cannedy, Jim Widman, Don Towne, Jack Urbin, and Rex Robison all votes being in favor and no one opposed.



Heather Redinger, Administrative Secretary



FULTON COUNTY AREA PLAN COMMISSION  
June 22<sup>nd</sup>, 2009

**FULTON COUNTY  
AREA PLAN COMMISSION**

**TUESDAY, JUNE 22<sup>ND</sup>, 2009**

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

**CALL TO ORDER**

**AREA PLAN COMMISSION MINUTES FOR:  
May 26<sup>th</sup>, 2009**

**PUBLIC COMMENTS:**

**OLD BUSINESS**

**NEW BUSINESS:**

**PLAN DIRECTOR REPORT:**

**PUBLIC COMMENTS**

**BOARD COMMENTS**

**ADJOURNMENT**

FULTON COUNTY AREA PLAN COMMISSION

June 22<sup>nd</sup>, 2009

The Fulton County Area Plan Commission met on Monday the 22<sup>nd</sup> day of June 2009, at 7:00 P.M. in the Commissioners/Council Room located within the Fulton County Office Building. Chairperson, Rex Robison called the meeting to order at 7:00P.M. The following members were present: Chairperson, Rex Robison; County Councilman, Jim Widman; County Commissioner, Roger Rose; David Kruger, Don Clouse, Duane Border, and Mark McCall. Also in attendance were: Plan Director, Casi Cramer; and Administrative Secretary, Heather Redinger.

It is duly noted that Bob Cannedy arrived at 7:10 pm.

It is duly noted the following members were absent: Ag Extension Educator, Mark Kepler, Don Towne, Jack Urbin, Paul Studebaker, Debbie Barts, and Board Attorney, Greg Heller

IN RE: MINUTES

May 26<sup>th</sup>, 2009

Rex Robison asked for any additions, deletions, or corrections to be made to the May 26<sup>th</sup> 2009 minutes. Rex Robison stated under Public Comments, it should read Lyn Smith, not Lyn Nelson. Jim Widman moved to approve the May 26<sup>th</sup>, 2009 minutes, with the correction. Mark McCall seconded the motion. Motion carried as follows: Jim Widman, Mark McCall, David Kruger, Don Clouse, Duane Border, Roger Rose and Rex Robison all votes being in favor and no one opposed.

IN RE: OLD BUSINESS

It is duly noted there was no old business.

IN RE: NEW BUSINESS

It is duly noted there was no new business.

IN RE: BOARD COMMENTS

Rex Robison stated he appreciated those who came to the meeting tonight to add input to the transportation plan. He then stated the Board had discussed hiking, walking and bicycle trails, as well as, sidewalks road and curb cuts in the last meeting. He would like to hear any ideas the other towns may have.

Rex stated they would begin with sidewalks, he asked if any of the communities had plans for sidewalks.

Terry Wynn, Rochester City Street Department, stated the City of Rochester has a sidewalk committee; any new home or commercial construction is required to also have a new sidewalk installed, to the City specifications. He also stated the City Of Rochester has a 50/50 program, they could apply for and if they are approved the City would pay 50% of the sidewalk costs. He also stated the City has future plans to install sidewalks along East 18<sup>th</sup> Street, West 18<sup>th</sup> Street from CVS to Schoolview, along the baseball field, 13<sup>th</sup> Street to the park, 11<sup>th</sup> Street to the trailer court, so that the kids can use them to get to school safer. He then stated these are future plans, but currently they do not have the funding.

Jeff Finke, Town Of Kewanna, stated at this point their focus is replacing the sidewalks and curbs on Main Street, if funding becomes available; they would then discuss future plans for the side streets.



## FULTON COUNTY AREA PLAN COMMISSION

June 22<sup>nd</sup>, 2009

Sarah Solano, Town Of Akron, stated they have a downtown revitalization plan in place; the problem with the main sidewalks is they are not handicap accessible. She stated the children walk in the street to get to school, instead of using the sidewalks because they are in need of repair. She also stated Akron has applied for the safe walk to school program, but has not heard anything at this time.

Don Clouse, Town Of Fulton, stated most of the sidewalks in Fulton are non-existent or unsafe; there is no safe way for the children to walk to the park other than using the street. He stated he would like to see total sidewalk replacement throughout the town.

Dave Tofson, Fulton County Highway Department, stated the highway department has an informational cd for the safe walk to school program, if anyone is interested.

Bob Goodman, Parks Department, stated the trees along the sidewalks need to be trimmed, if they are not or the sidewalks are bad, people use the street and just stay on the street.

Mark Smiley, Mayor, stated the codes have not been properly enforced and with the inter-local agreement it is time to start over and enforce those codes.

Rex Robison stated they had also discussed linking the towns with sidewalks or a trail, he asked for input on the idea.

Sarah Solano, stated she felt if a trail linked Rochester to Akron, it would be used.

Terry Lee, Rails to Trails, talked about future plans of connecting trails to different locations in the area, such as Prairie Edge.

Rex Robison then discussed trails for horse and buggies; he asked Terry Lee if they had discussed having one trail for the use of walkers, bicyclists and horses.

Terry Lee stated they had discussed a horse trail, not necessarily horse and buggy, but it could be possible.

Rex Robison asked if the other communities had any thoughts about a non-motorized trail linking to Rochester.

Jeff Finke, Town of Kewanna stated he thought it would be more practical for Kewanna to connect to Winamac rather than Rochester.

Don Clouse, Town of Fulton stated they have problems with four-wheelers on their trail; they have posted signs, as well as, putting posts into the ground. He stated he fears the future trails would also have the same problem. He also questioned how can you enforce the rules on a trail.

Rex Robison asked Terry Lee if other trails around the state have problems with vandalism and atv's.

Terry Lee stated it depends on the location, some areas have problems and others do not. He also stated if there are restrooms, lights, tables and etc, those are most likely to be vandalized, so the less extras there are the less likely there would be vandalism.

Bob Goodman stated at the city park the tables and restrooms are vandalized often.

## FULTON COUNTY AREA PLAN COMMISSION

June 22<sup>nd</sup>, 2009

Casi Cramer asked Sarah Solano about the plans for the non-motorized trail along State Road 14.

Sarah Solano stated they had received a grant for their proposed trail, however some property owners were opposed to a trail being in front of their home, in fear of vandalism. The Town Council denied the proposed plans for the trail and recommended an alternate route.

Rex Robison asked about the skate parks.

Sarah Solano stated the Akron skate park is very popular and they have not had a problem with vandalism, they could not keep bicycles out so they added an extreme sport section for the bicycles.

Bob Goodman stated the Rochester Skate Park is not used too often anymore, and they also have a problem with keeping the bicycles out as well. They do not have the funding to add an extreme sport section for the bicycles at this time.

There were questions about funding for all the plans that they had discussed tonight.

Roger Rose stated funding wasn't really an issue at this time, the County needs to have long-term visions.

Dave Tofson stated with long-term visions, there also needs to be short-term visions along with that, to give instant gratification.

Roger Rose agreed, but he also stated the community is afraid to have big dreams and he feels that needs to change.

Rex Robison asked if there were any other comments.

Terry Lee stated there is a cyclist group that has six routes mapped out throughout Fulton County; they took into consideration the traffic and layout of the roads to choose the routes. He stated you can view those maps on the Rochester Sentinel website.

Rex Robison thanked everyone present for his or her comments and input for the surrounding communities.

Rex Robison asked the Board if they felt this meeting was helpful.

The Board agreed that the input was very helpful.

Rex Robison stated he feels a lot of people have no interest in future planning.

Jim Widman stated the comprehensive plan needs to state these are the future goals and plans.

Casi stated the plans would be set in place for the committees that would like to pursue any of the plans.

Don Clouse stated future elected officials could use the comprehensive plan as a tool.

Rex Robison stated he felt the Board should market the comprehensive plan to the public.

FULTON COUNTY AREA PLAN COMMISSION

June 22<sup>nd</sup>, 2009

IN RE: PLAN DIRECTOR REPORT

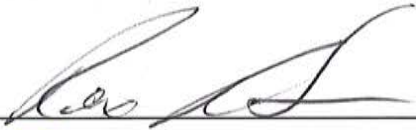
Casi Cramer told the Board Abby Renie had tore down Smitty's Marina on Wolf Point Drive and is now interested in constructing a multi-bay garage in the R3 District, to sell or lease each bay. Casi then asked the Board if they felt it would be a permitted use, special exception or not allowed.

After Board discussion, they agreed it would be a special exception.

Casi then told the Board she had someone interested in having a recycling center in the AG District.

After Board discussion, they agreed a recycling center would be a special exception in the AG District.

With no further business to come before the Board, Rex Robison entertained a motion to adjourn the meeting. Bob Cannedy moved to adjourn the June 22<sup>nd</sup>, 2009, Fulton County Area Plan Commission Board at 9:20 P.M. Mark McCall seconded the motion. Motion carried as follows: Bob Cannedy, Jim Widman, Mark McCall, David Kruger, Don Clouse, Duane Border, Roger Rose and Rex Robison all votes being in favor and no one opposed.



Heather Redinger, Administrative Secretary



# Fulton County Area Plan Commission

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plandirector@rtcol.com](http://co.fulton.in.us/advisory/plandirector@rtcol.com)

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June 15, 2009

TO: Dave Tofson  
Terry Wynn  
Marty Gearhart  
Don Clouse  
Mike Molitor  
Terry Lee

FR: Casi Cramer, Ex. Director *CC*  
Plan Commission

RE: Area Plan Commission Meeting

The Fulton County Plan Commission is in the process of updating the Comprehensive Plan and is currently discussing the transportation network, sidewalk system, and non motorized pathways throughout the county. The Board would like to make sure they are aware of the efforts, future plans, and past experiences of the County, City, and the Towns concerning these topics. At the next Plan Commission meeting on Monday, June 22<sup>nd</sup> at 7 p.m. at the Fulton County Office Building in the Commissioner/Council Room, the Board would like to have everyone present to discuss these topics and make sure the Comprehensive Plan reflects the needs and goals for all of the entities involved in the Area Plan.

FULTON COUNTY AREA PLAN COMMISSION  
May 26<sup>th</sup>, 2009

**FULTON COUNTY  
AREA PLAN COMMISSION**

**TUESDAY, MAY 26<sup>TH</sup>, 2009**

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

**CALL TO ORDER**

**AREA PLAN COMMISSION MINUTES FOR:  
April 27<sup>th</sup>, 2009**

**PUBLIC COMMENTS:**

**OLD BUSINESS**

**NEW BUSINESS:**

**PLAN DIRECTOR REPORT:**

**PUBLIC COMMENTS**

**BOARD COMMENTS**

**ADJOURNMENT**

**FULTON COUNTY AREA PLAN COMMISSION**  
**May 26<sup>th</sup>, 2009**

The Fulton County Area Plan Commission met on Tuesday the 26<sup>th</sup> day of May 2009, at 7:00 P.M. in the Commissioners/Council Room located within the Fulton County Office Building. Chairperson, Rex Robison 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; David Kruger; Paul Studebaker; and Bob Cannedy. Also in attendance were: Plan Director, Casi Cramer; Board Attorney, Greg Heller and Administrative Secretary, Heather Redinger.

It is duly noted the following members were absent: Mark McCall, Don Towne, Jack Urbin, Don Clouse, Duane Border, and Debbie Barts.

IN RE:           MINUTES

APRIL 27<sup>th</sup>, 2009

Rex Robison asked for any additions, deletions, or corrections to be made to the April 27<sup>th</sup>, 2009 minutes. Jim Widman stated on page 1 paragraph 2; it stated motion carried as follows, but then motion failed. Casi stated it should read: votes were given as follows. Bob Cannedy stated on page 4 under Board Comments and Public Comments the word "they" should be replaced with there. Casi also stated on page 3, the IC code Greg Heller stated should be IC 36-7-4-223, and in the last paragraph, first sentence, should read page numbers 2 & 3; second sentence should read page numbers 1& 2 combined.

Jim Widman moved to approve the April 27<sup>th</sup>, 2009 minutes, with corrections. Mark Kepler seconded the motion. Motion carried as follows: Mark Kepler, Jim Widman, Roger Rose, David Kruger, Paul Studebaker, Bob Cannedy and Rex Robison being in favor and no one opposing.

IN RE:           OLD BUSINESS

It is duly noted there was no old business.

IN RE:           NEW BUSINESS

It is duly noted there was no new business.

IN RE:           PUBLIC COMMENTS

Rex Robison asked if there were any public comments at this time.

Lyn Nelson, 3015 E 200 N, stated he had concerns about his neighbor wanting to operate an auto repair business. He stated the building is only 170' from his house, and he simply doesn't want a business next to his home.

Rex Robison told Mr. Nelson if the neighbor wanted to open a business, he would have to apply for a special exception and go in front of the Fulton County Board of Zoning Appeals, at that time the neighbors would attend to express their concerns.

IN RE:           PLAN DIRECTOR REPORT

Casi Cramer stated she had made the changes to the Rules Of Procedure and the opening statement discussed in the previous meeting. She asked if there were any other changes needed to be made.

FULTON COUNTY AREA PLAN COMMISSION

May 26<sup>th</sup>, 2009

David Kruger stated in the rules of procedure, the time need to be addressed as local time instead of EST.

Casi then told the Board, they need to revise the inter-local agreement they have with the City Of Rochester, to allow the County Building Inspectors to enforce the sidewalk regulations. She asked the Board if they have any issues using the County Building Inspectors to enforce those regulations.

Jim Widman asked how much extra time would that cause for the inspectors.

Casi stated she thought the city only poured four or five sidewalks a year, so it should not be too much extra time.

Rex Robison asked if anyone had any objections to revising the inter-local agreement, for the inspectors to enforce the city sidewalk regulations. No one had any objections.

Casi stated she would talk to Greg Heller about the revisions.

IN RE: BOARD COMMENTS

Rex Robison stated he would like to discuss the transportation plan and comprehensive plan. He stated he had been researching other transportation and comprehensive plans and had found a couple things he thought may need to be included in theirs, such as bike transportation, sidewalks, railroads, service roads, bridges, curb cuts and more green ways for travel.

Mark Kepler asked if the sidewalk committee has future plans, and if so should it be incorporated into the comprehensive plan.

Jim Widman stated he felt all the towns should be incorporated into the plan.

Casi stated she would talk to all the towns; to find out if they have any future sidewalk plans.

Rex Robison stated if they promote healthy living, such as bicycle paths and sidewalks, they could lead to areas that can distribute to other places.

Mark Kepler stated he thinks with the growing of horse and buggy transportation, will there be future plans of making a side path along Old US 31, which could also be used by walkers and bicyclists.

Jim Widman stated the funding would come from the highway use tax, in which the semi-drivers pay. He stated maybe there should be another tax to be used for the paths.

Roger Rose stated they are just in the future planning phase, they do not have to worry about funding at this time, he feels there would be other funding in the future to help create the paths, for the safety and well being of pedestrians, bicyclists and horse and buggy as they travel.

Rex Robison stated they could place signage in the more dangerous areas of travel for the horse and buggy, such as the areas with hills.

FULTON COUNTY AREA PLAN COMMISSION  
May 26<sup>th</sup>, 2009

Mark Kepler suggested looking into transportation grants for the funding of paths.

The Board also discussed that tunnels should be considered, for the horse and buggies, when US 31 becomes a no access road.

Roger Rose stated that the US 31 project is frustrating, because he cannot find anyone from INDOT that will acknowledge the project. He stated he would like to have some acknowledgment from INDOT that this project will actually happen.

The Board also discussed the proposed locations for the interchanges and overpasses for US 31.

Rex Robison asked Casi if she could find someone from INDOT that is receptive to the US 31 project.

Rex also asked Casi to invite Terry Lee, each town manager, street department, highway superintendent, and Mark Smiley to attend the June 22<sup>nd</sup>, 2009 meeting, with any plans they have, to discuss ideas on the sidewalks and bicycle trails.

With no further business to come before the Board, Rex Robison entertained a motion to adjourn the meeting. Bob Cannedy moved to adjourn the May 26<sup>th</sup>, 2009, Fulton County Area Plan Commission Board at 9:05 P.M. Jim Widman seconded the motion. Motion carried as follows: Mark Kepler, Jim Widman, Roger Rose, David Kruger, Paul Studebaker, Bob Cannedy and Rex Robison being in favor and no one opposing.



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Heather Redinger, Administrative Secretary



FULTON COUNTY AREA PLAN COMMISSION  
April 27<sup>th</sup>, 2009

**FULTON COUNTY  
AREA PLAN COMMISSION**

**MONDAY, APRIL 27<sup>TH</sup>, 2009**

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

**CALL TO ORDER**

**AREA PLAN COMMISSION MINUTES FOR:  
March 23<sup>rd</sup>, 2009**

**PUBLIC COMMENTS:**

**OLD BUSINESS**

**NEW BUSINESS:**

Tony Cormeny

**PLAN DIRECTOR REPORT:**

**PUBLIC COMMENTS**

**BOARD COMMENTS**

**ADJOURNMENT**

**FULTON COUNTY AREA PLAN COMMISSION**  
**April 27<sup>th</sup>, 2009**

The Fulton County Area Plan Commission met on Monday the 27<sup>th</sup> day of April 2009, at 7:00 P.M. in the Commissioners/Council Room located within the Fulton County Office Building. Chairperson, Rex Robison 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; David Kruger; Paul Studebaker; Bob Cannedy; Don Clouse, County Surveyor, Don Towne and Mark McCall. Also in attendance were: Plan Director, Casi Cramer; Board Attorney, Greg Heller and Administrative Secretary, Heather Redinger.

It is duly noted the following members were absent: Duane Border, Debbie Barts, and Jack Urbin.

IN RE:           MINUTES

MARCH 23<sup>rd</sup>, 2009

Rex Robison asked for any additions, deletions, or corrections to be made to the March 23<sup>rd</sup>, 2009 minutes. David Kruger moved to approve the March 23<sup>rd</sup>, 2009 minutes as written. Jim Widman seconded the motion. Motion carried as follows: Paul Studebaker, Jim Widman, Don Clouse, Mark Kepler, Mark McCall, David Kruger, Roger Rose, Bob Cannedy, Don Towne, and Rex Robison being in favor and no one opposing.

IN RE:           OLD BUSINESS

It is duly noted there was no old business.

IN RE:           NEW BUSINESS

TONY CORMENY

Casi Cramer stated Mr. Cormeny would like to open up a tattoo parlor in the Historical Downtown (HD) District in the basement below Bailey's Hardware. She stated a tattoo parlor is not directly mentioned in the permitted uses or special exceptions and she asked the Plan Commission to make the decision if it would be allowed as a permitted use, special exception, or not at all.

Mr. Cormeny stated he would not have to renovate the building, and he would only have one additional employee at this time.

David Kruger stated he felt it would fit in as a permitted use.

Roger Rose asked what the proposed business hours would be.

Mr. Cormeny stated his hours would possibly be 10 am to 10 pm Monday through Saturday.

After much Board discussion Rex Robison entertained a motion. Don Clouse moved to allow a tattoo parlor in the HD District as a permitted use. David Kruger seconded the motion. ~~Motion carried~~ as follows: Paul Studebaker, Roger Rose, David Kruger, Don Clouse, Mark McCall, and Rex Robison all being in favor and Bob Cannedy, Mark Kepler, Jim Widman and Don Towne all opposed. The motion failed with six votes being in favor and four votes opposed.

*Votes were given*

Bob Cannedy moved to allow a tattoo parlor in the HD District as a special exception. Jim Widman seconded the motion. The motion carried as follows: Paul Studebaker, Bob Cannedy, Mark Kepler, Roger

## FULTON COUNTY AREA PLAN COMMISSION

April 27<sup>th</sup>, 2009

Rose, Jim Widman, David Kruger, Don Clouse, Mark McCall and Rex Robison all being in favor and Don Towne opposed. The motion passed with nine votes being in favor and one opposing.

IN RE: PLAN DIRECTOR REPORT

Casi Cramer talked to the Board about the lawsuit against Dragon Esp. The Plan Commission had been named in the complaint, but has not been served. She then stated Dragon ESP's attorney had requested the case be removed to Federal Court.

Rex Robison asked Greg Heller why they haven't been served.

Greg Heller stated he felt it was just an oversight as to why the Plan Commission had not been served.

Casi Cramer told the Board they had also received the dismissal papers from lawsuit against the Nickel Plate Trail, however the neighbors have thirty days to appeal the decision. The Nickel Plate Trail is on the Fulton County Commissioners May 4<sup>th</sup>, 2009 agenda.

Casi Cramer then talked to the Board about the amendments to the Rules of Procedure discussed in the March Meeting. She stated if they have no further amendments the Board should vote and approve the amendments tonight.

Rex Robison stated the numbers need to be corrected, 503 is missing.

Greg Heller stated he felt a reference of the IC 36-7-4-223 code needs to be added onto Article 5, 502.

Rex Robison asked for any other comments or changes. Being none he then entertained a motion. Mark Kepler moved to adopt the Rules of Procedure with the revisions discussed. David Kruger seconded the motion. Motion carried as follows: Paul Studebaker, Roger Rose, David Kruger, Don Clouse, Mark McCall, Bob Cannedy, Mark Kepler, Jim Widman and Don Towne, and Rex Robison all being in favor and no one opposing.

Casi Cramer then discussed with the Board the opening statement she asked if anyone had any changes they would like to make to the statement.

David Kruger stated it should state the petitioner come to the lectern, instead of podium.

Mark Kepler stated he felt the statement needs to be written in third person, (i.e. replace I with the Chairman of the Board), remove "remember" in the second paragraph, in the third paragraph the sentence should read: During the public hearing, the board asks that you direct all concerns, comments and/or comments to the Chairman, not others in the audience. In the fifth paragraph, first sentence, the executive secretary and chairman, should be replaced with the board. In the last paragraph, second sentence should be followed with unless specifically addressed with clarification questions.

David Kruger stated on the front page numbers 2 and 3 should be combined. On the second page numbers 1 and 2 should be combined.

FULTON COUNTY AREA PLAN COMMISSION

April 27<sup>th</sup>, 2009

Casi Cramer asked if they were any other changes. Being none, she then told the Board they received a copy of the sign in sheet and asked if anyone would like to make any changes.

Mark Kepler asked about the pending litigations for the violations.

Greg Heller stated there are three in process, one in default judgment and one in process of being filed.

IN RE: PUBLIC COMMENTS

Rex Robison asked if they <sup>here</sup> were any public comments at this time.

Bob Peterson stated he would like to express his appreciation of the work the Plan Commission does for Fulton County.

IN RE: BOARD COMMENTS

Rex Robison asked if they <sup>here</sup> were any Board comments.

Greg Heller stated he would advise the Board not to discuss the Nickel Plate or Dragon Esp litigations with anyone.

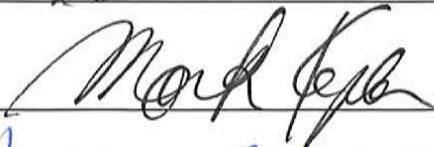
Rex Robison asked if there was any business for next month.

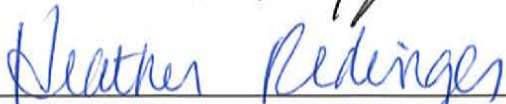
Casi Cramer stated there was not.

Rex Stated he would like to discuss Chapter 5, Transportation, of the Comprehensive Plan. He also stated he would like to discuss any amendments anyone has to the zoning ordinance.

With no further business to come before the Board, Rex Robison entertained a motion to adjourn the meeting. Bob Cannedy moved to adjourn the April 27<sup>th</sup>, 2009, Fulton County Area Plan Commission Board at 8:08 P.M. Jim Widman seconded the motion. Motion carried as follows: Paul Studebaker, Roger Rose, David Kruger, Don Clouse, Mark McCall, Bob Cannedy, Mark Kepler, Jim Widman and Don Towne, and Rex Robison all being in favor and no one opposing.







Heather Redinger, Administrative Secretary


# Fulton County Area Plan Commission

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plandirector@rtcol.com](http://co.fulton.in.us/advisory/plandirector@rtcol.com)

April 15, 2009

TO: Plan Commission Members

FR: Casi Cramer, Ex. Director 

RE: April 27<sup>th</sup> meeting

Tony Cormeny will be asking the Plan Commission if a tattoo parlor would fit within the Historical Downtown (HD) District. I believe it fits within the other prescribed permitted uses within the HD district, however, because of the tendency of this use to be controversial, I thought it would be best for the Plan Commission to make the final decision of it being allowed as a permitted or special exception use (or not at all) in this district. Mr. Cormeny is proposing to start a tattoo parlor in the old barber shop in the basement of Bailey's Hardware. The HD District sheet is attached to this memo.

Also, included in your packets is the following information:

1. Dismissal Order for the lawsuit filed against us, the Indiana Trails Fund, and the Fulton County LLC. Basically, Judge Steel agreed with the request for dismissal that our attorneys filed.
2. The complaint that was filed in Marion County by Greg and Mary Beth Gast's attorney. This is a copy of the complaint that Dragon received. To date, the office still has **NOT** been served. Smith, Sawyer, and Smith (county insurance carrier) have been notified and turned the case over to an attorney out of Indianapolis, Jim Stephenson. Whenever a complaint alleges a violation of federal law, the insurance company steps in and pays an attorney with federal litigation experience, even if the case never goes to federal court.
3. A copy of the revisions to Section 502 and 503 of the Rules of Procedure. The revision is in blue ink with the previous language struck out.
4. A copy of the Rules of Procedure including the above (#3) revision. Please review the Rules of Procedure to ensure there are no other amendments you'd like to make to another section.
5. A copy of the revised opening statement.
6. A copy of the proposed sign-in sheet requested by the Board at the last meeting.

# HC District

## 4-1.25 "HC" District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses (Continued)	Permitted Uses (Continued)
<p>The "HC" (Highway Commercial) District is intended to provide a land use category for commercial uses that are appropriate for locations along highways. The provisions that regulate this land use district should make the district compatible with the agricultural and residential districts, as well as, environmentally sensitive areas. This district should be used along highways and at interchanges.</p> <p>The Plan Commission and Boards of Zoning Appeals should strive to provide for highway oriented business and services while minimizing light pollution, large parking lots along the major roadways, hazardous traffic patterns, traffic conflicts, and excessive use of signs in the "HC" district.</p> <p>The use of access roads/frontage roads should be required for all commercial uses in this district. Further, road cuts onto arterial or collector roads should be restricted.</p>	<ul style="list-style-type: none"> <li>• drive-thru restaurant</li> <li>• grocery/supermarket</li> <li>• meat market</li> <li>• restaurant</li> <li>• roadside food sales stand</li> <li><b>Business: Personal Service</b></li> <li>• barber/beauty shop</li> <li>• coin laundry</li> <li>• day care facility</li> <li>• dry-cleaning service</li> <li>• fingernail salon</li> <li>• fitness center/gym</li> <li>• health spa</li> <li>• shoe repair</li> <li>• tailor/pressing shop</li> <li>• tanning salon</li> <li><b>Business: Recreation</b></li> <li>• banquet hall</li> <li>• billiard/arcade room</li> <li>• bowling alley</li> <li>• commercial riding stables</li> <li>• dance/aerobics/gymnastics studio</li> <li>• lodge or private club</li> <li>• miniature golf</li> <li>• public docks</li> <li>• theater, indoor</li> <li>• video store</li> <li><b>Business: Retail, Under 20,000 sf</b></li> <li>• antique shop</li> <li>• apparel shop</li> <li>• art gallery</li> <li>• department store</li> <li>• drug store</li> <li>• electrical supplies</li> <li>• fabric shop</li> <li>• floor coverings</li> <li>• flower shop</li> <li>• furniture store</li> <li>• garden shop</li> <li>• gift shop</li> <li>• hardware store</li> <li>• heating &amp; cooling sales/service</li> <li>• home electronics/appliance store</li> <li>• jewelry store</li> <li>• liquor store/sales</li> <li>• lumberyard</li> <li>• music store</li> <li>• news dealer/bookstore• office supplies</li> <li>• paint store</li> <li>• plumbing supplies</li> <li>• satellite dish sales/service</li> <li>• shoe sales</li> <li>• sporting goods</li> <li>• variety store</li> <li><b>Business: Office/Professional</b></li> <li>• accounting office</li> <li>• architecture office</li> <li>• bank/credit union</li> <li>• drive-through bank/credit union</li> <li>• bank machine/ ATM</li> <li>• drive-through bank machine/ ATM</li> </ul>	<ul style="list-style-type: none"> <li>• contractor/construction office</li> <li>• design services</li> <li>• home remodeling companies (including storage of materials &amp; equipment with accessory offices but no retail commercial activities)</li> <li>• insurance office</li> <li>• investment firm</li> <li>• landscape business</li> <li>• law office</li> <li>• planning offices</li> <li>• professional offices</li> <li>• reading clinics</li> <li>• real estate office</li> <li>• secretarial service</li> <li>• service organization offices</li> <li>• temporary service agency</li> <li>• title company</li> <li>• trade offices</li> <li>• travel agency</li> <li>• veterinarian office/hospital</li> <li><b>Business: General Business</b></li> <li>• boat sales/service</li> <li>• clinic medical/dental</li> <li>• engineering or research laboratories</li> <li>• funeral home/mortuary</li> <li>• hospital</li> <li>• hotel/motel</li> <li>• kennel</li> <li>• marina</li> <li>• medical/dental clinic</li> <li>• mini-storage facility</li> <li>• motor bus station</li> <li>• photographic studio</li> <li>• print shop/copy center</li> <li>• sign painting/fabrication</li> <li><b>Institutional/Public Facilities</b></li> <li>• police/fire station</li> <li>• post office</li> <li>• public park/recreation center</li> <li>• school</li> <li><b>Business: Miscellaneous</b></li> <li>• mail order distribution</li> <li>• welding</li> <li>• wholesale business</li> </ul>
<p style="text-align: center;"><b>Permitted Uses</b></p>		
<p><b>Residential</b></p> <ul style="list-style-type: none"> <li>• addition to existing dwelling</li> </ul> <p><b>Agricultural Uses/Service</b></p> <ul style="list-style-type: none"> <li>• commercial greenhouse</li> <li>• crop production/land or orchard</li> <li>• farmers market</li> <li>• plant nursery</li> </ul> <p><b>Business: Auto Sales/Services</b></p> <ul style="list-style-type: none"> <li>• automobile body shop, enclosed</li> <li>• automobile repair/minor, enclosed</li> <li>• automobile repair/major, enclosed</li> <li>• automobile part sales, new</li> <li>• automobile sales</li> <li>• automobile service station</li> <li>• automobile wash, automatic and self</li> <li>• auto/truck storage (outdoor, not a junkyard)</li> <li>• filling/gas station</li> <li>• oil change service</li> <li>• motor home sales</li> <li>• painting and customizing</li> <li>• racing &amp; testing</li> </ul> <p><b>Business: Food Sales/Service</b></p> <ul style="list-style-type: none"> <li>• bakery retail</li> <li>• convenience store</li> <li>• delicatessen</li> <li>• drive-in restaurant</li> </ul>		



# HC District

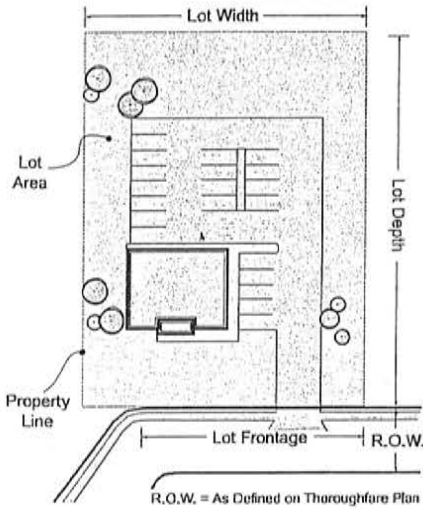
## 4-1.26 "HC" District Intent, Permitted Uses, and Special Exception Uses (Continued)

Special Exception Uses	Special Exception Uses Continued	Special Exception Uses Continued
<p><b>Agricultural Uses/Service</b></p> <ul style="list-style-type: none"> <li>• storage of agricultural products</li> <li>• wholesale produce terminal</li> </ul> <p><b>Business: Auto Sales/Service</b></p> <ul style="list-style-type: none"> <li>• automobile auction</li> </ul> <p><b>Business: General Business</b></p> <ul style="list-style-type: none"> <li>• adult bookstore</li> <li>• adult entertainment business</li> <li>• boat sales/service</li> <li>• landscape business</li> <li>• sign painting/fabrication</li> <li>• mini-warehouse</li> <li>• warehouse and/or distribution center</li> <li>• wholesale business</li> </ul> <p><b>Business: Food Sales/Service</b></p> <ul style="list-style-type: none"> <li>• restaurant with alcoholic beverages</li> </ul> <p><b>Business: Personal Service</b></p> <ul style="list-style-type: none"> <li>• child care center</li> <li>• fitness center/gym</li> <li>• health spa</li> </ul>	<p><b>Business: Retail, Over 20,000 sf</b></p> <ul style="list-style-type: none"> <li>• department store</li> <li>• lumber yard</li> </ul> <p><b>Business: Recreation</b></p> <ul style="list-style-type: none"> <li>• amusement park</li> <li>• bar/night club</li> <li>• ball fields</li> <li>• race track (any type)</li> <li>• stadium/arena</li> <li>• theater, outdoor</li> </ul> <p><b>Communication/Utility</b></p> <ul style="list-style-type: none"> <li>• cellular/communication/radio/television tower</li> <li>• public wells</li> <li>• radio/TV station</li> <li>• sewage treatment plants</li> <li>• telephone exchange</li> <li>• utility substation</li> </ul>	<p><b>Industrial Uses:</b></p> <ul style="list-style-type: none"> <li>• bottled gas storage/distribution</li> <li>• office complex</li> <li>• light manufacturing</li> </ul> <p><b>Institutional/Public Facilities</b></p> <ul style="list-style-type: none"> <li>• church, temple or mosque</li> <li>• community center</li> <li>• government office</li> <li>• library</li> <li>• neighborhood recycling collection point</li> <li>• parking garage</li> <li>• recycling facility</li> <li>• school, public/private</li> <li>• trade or business school</li> </ul> <p><b>Miscellaneous</b></p> <ul style="list-style-type: none"> <li>• artificial lake</li> <li>• nursing home</li> <li>• truck terminal</li> </ul>



# HC District

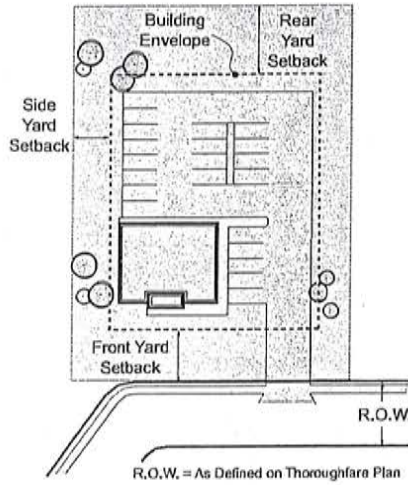
## 4-1.27 "HC" District Standards



**Minimum Lot Area:**  
 • 20,000 square feet

**Minimum Lot Width:**  
 • 100 feet

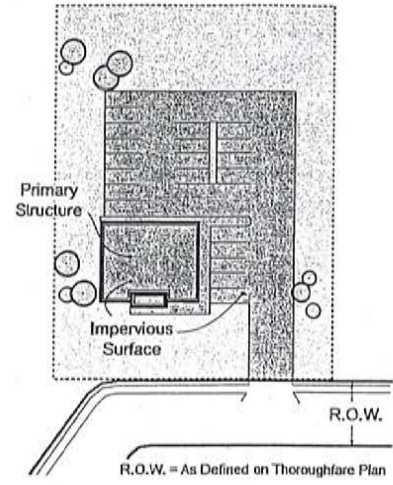
**Minimum Lot Frontage:**  
 • 100 feet on a Public Street with access from said Public Street



**Minimum Front Yard Setback:**  
 • 40 feet when adjacent to a Primary Arterial.  
 • 35 feet when adjacent to a Secondary Arterial.  
 • 30 feet when adjacent to a Collector Street.  
 • 25 feet when adjacent to a Local Street.

**Minimum Side Yard Setback:**  
 • 15 feet

**Minimum Rear Yard Setback:**  
 • 15 feet for the Primary/Accessory Structure

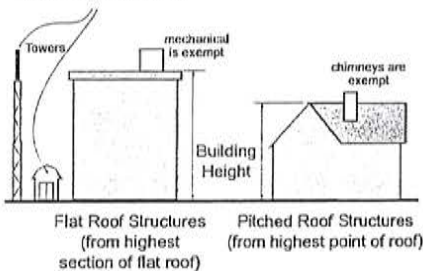


**Maximum Lot Coverage:**  
 • square feet of all primary and accessory structures, and impervious surface cannot exceed 70% of the Lot Area.

**Minimum Floor Area:**  
 • 1,000 square feet for Primary Structures.

**Site Plan Requirements**  
 • The Fulton County Technical Review Committee shall review the site plan for all newly created projects, or expansion projects, within the Highway Commercial District prior to the commencement of any site development/construction.

**Accessory Structures**



**Maximum Structure Height:**  
 • 45 feet for the Primary Structure  
 • 20 feet for Accessory Structures

Development Standards that Apply	
Fulton County	Article 5, Section 1 - pg. 5-3
Unincorporated County	Article 5, Section 7 - pg. 5-68
Rochester City	Article 5, Section 7 - pg. 5-68





## OPENING STATEMENTS

Welcome to the Fulton County Area Plan Commission Meeting. If you are interested in having a copy of the agenda, please see our administrative secretary, Heather Redinger. We will be conducting business as outlined on the agenda. From time to time, we may deviate from the agenda. As Chairman of the Board, I will inform those in attendance of any deviations.

### Public Hearing For Petitions

Petitions for public hearing will be introduced and summarized in a staff report by the Executive Director. Following the introduction, we ask that the petitioner come to the podium and state their name and address for the record. The petitioner shall then proceed with their prepared presentation. At the completion of the petitioner's presentation, I will start by asking if there are those in the audience to speak in-favor of the petition. I will then ask if there are those in the audience to speak in opposition to the petition. When speaking, please come to the podium and state your full name and address. For sake of time and fairness, limit your remarks to 5 minutes or less and do not repeat arguments already stated by others. Remember, all visual aids used to support your arguments will remain property of the Fulton County Area Plan Commission.

When all those in-favor and in opposition have had a chance to speak, I will close the public hearing. During the public hearing, the board asks that you direct all concerns, comments and / or questions to the Chairman.

Please note if you are uncomfortable speaking publicly, the board will accept written concerns, comments and questions. The Executive Secretary will read written concerns, comments and questions.

As you speak, the Executive Secretary and I, along with the petitioner, will keep note of your verbal and written concerns, comments, and questions. When the hearing is closed, I will ask the petitioner to return to the podium and respond to the concerns, comments, and questions raised during the hearing, both verbally and written. Upon hearing the petitioner's responses, the board will begin dialogue with the petitioner.

Our Board requests:

- 1) Everyone in attendance show respect to those speaking.
- 2) Disruptive or disorderly conduct will not be tolerated.
- 3) Those who exhibit such conduct will be asked to refrain and it will be within the Chairman's discretion to act.
- 4) Please turn off or mute your cell phones while the meeting is in session.

Upon closing of the public hearing, the board will discuss and motions will be entertained. During this time, audience participation is limited to observation. All public comments need to be made prior to the public hearing being closed. Following a motion and a second, being a 13 member board, 7 common votes will be required to make a decision. In the absence of 7 common votes either for, or against, another motion may be entertained and carried or the petition may be continued to the next meeting.

### **President's Motion**

Unless a member has an objection, the chair will order the findings of each member casting a vote for the majority decision of the Board to be the collective findings of the Board in support of the decision of the Board.

Hearing none, it is so ordered.

### **Old/New Business Agenda Items**

Old/New Business agenda items will be introduced by the Chairman. Following the introduction, we ask that one representative speaking on behalf of the agenda item come to the podium and state their name and address for the record. The representative(s) shall then proceed with their prepared presentation. During the presentation, the board asks that you direct all concerns, comments and / or questions to the Chairman. As you speak, the Executive Secretary and I, along with the petitioner, will keep note of your verbal and written concerns, comments, and questions. At the completion of the petitioner's presentation, the Board will direct their questions and comments to the representative(s). I will then ask if there are those in the audience wishing to comment.

Our Board requests that all in attendance show respect to those speaking.

- 1) Disruptive or disorderly conduct will not be tolerated.
- 2) Those who exhibit such conduct will be asked to refrain and it will be within the Chairman's discretion to act.
- 3) Please turn off or mute your cell phones while the meeting is in session.
- 4) When speaking, please come to the podium and state your full name and address.
- 5) For sake of time and fairness, limit your remarks to 5 minutes or less and do not repeat arguments already stated by others.
- 6) Remember that all visual aids used to support your arguments will remain property of the Fulton County Area Plan Commission.
- 7) When all comments have been presented, the Board will discuss the presentation and comments submitted to the record.
- 8) During the Board's discussion, the audience will participate through observation only.

Please note if you are uncomfortable speaking publicly, the board will accept written concerns, comments and questions. The Executive Secretary will read written concerns, comments and questions.

After the Board discussion has concluded, motions will be entertained. Following a motion and a second, being a 13 member board, 7 common votes will be required to make a decision. In the absence of 7 common votes either for, or against, the petition may be continued to the next meeting.

Please Sign In

Date:

Name	Petition of Interest	Will you be Speaking? If so please check the correct box:	In Favor	Oppose
<input type="radio"/>				
<input type="radio"/>				
<input type="radio"/>				

FULTON COUNTY AREA PLAN COMMISSION  
MARCH 23<sup>RD</sup>, 2009

**FULTON COUNTY  
AREA PLAN COMMISSION**

**MONDAY, MARCH 23<sup>RD</sup>, 2009**

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

**CALL TO ORDER**

**AREA PLAN COMMISSION MINUTES FOR:  
January 26<sup>th</sup>, 2009**

**PUBLIC COMMENTS:**

**OLD BUSINESS**

**NEW BUSINESS:**

**PLAN DIRECTOR REPORT:**

Shane Lehman  
Mr. Cummins (wind generator)

**PUBLIC COMMENTS**

**BOARD COMMENTS**

**ADJOURNMENT**

**FULTON COUNTY AREA PLAN COMMISSION**  
**MARCH 23<sup>RD</sup>, 2009**

The Fulton County Area Plan Commission met on Monday the 23<sup>rd</sup> day of March 2009, at 7:00 P.M. in the Commissioners/Council Room located within the Fulton County Office Building. Executive Director, Casi Cramer 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; David Kruger; Paul Studebaker; Rex Robison; Bob Cannedy; Don Clouse, and Debbie Barts. Also in attendance were: Plan Director, Casi Cramer; Board Attorney, Greg Heller and Administrative Secretary, Heather Redinger.

It is duly noted the following members were absent: Duane Border, Mark McCall, Jack Urbin, and County Surveyor, Don Towne

It is duly noted Roger Rose arrived at 7:03 pm

IN RE:           MINUTES

JANUARY 26<sup>TH</sup>, 2009

Rex Robison asked for any additions, deletions, or corrections to be made to the January 26<sup>th</sup>, 2009 minutes. Debbie Barts moved to approve the January 26<sup>th</sup>, 2009 minutes as written. Bob Cannedy seconded the motion. Motion carried as follows: Paul Studebaker, Jim Widman, Don Clouse, Mark Kepler, Debbie Barts, David Kruger, Bob Cannedy, and Rex Robison being in favor and no one opposing.

IN RE:           OLD BUSINESS

It is duly noted there was no old business.

IN RE:           NEW BUSINESS

It is duly noted there was no new business.

IN RE:           PLAN DIRECTOR REPORT

Casi Cramer explained to the Board, a replat of the Minglewood Subdivision was approved by the Rochester City Plan Commission on October 6<sup>th</sup>, 2003, but was never signed. Casi had spoken to Board Attorney, Greg Heller about who should sign the secondary plat. He had told her to request the current Area Plan Commission sign the approved replat.

Rex Robison asked for any Board member questions or comments. Being none Rex Robison then entertained a motion. Mark Kepler moved adopt the Minglewood replat. Jim Widman seconded the motion. Motion carried as follows: Paul Studebaker, Jim Widman, Don Clouse, Mark Kepler, Roger Rose, Debbie Barts, David Kruger, Bob Cannedy, and Rex Robison being in favor and no one opposing.

Casi then told the Board Mr. Cummins had came into the office and asked about erecting a wind generator, approximately 35' in height, on his property located in Belwood Acres, which is the SR district. She stated wind generators are only allowed in the AG and AP districts. She then stated there is more interest in wind generators and wanted the Board's interpretation if wind generators would be allowed in the SR district.

Rex Robison asked if it was written in could they put height stipulations in the residential districts.

FULTON COUNTY AREA PLAN COMMISSION  
MARCH 23<sup>RD</sup>, 2009

Casi stated if it was written in as a permitted use they could put a height stipulation on the wind generators erected in residential areas. If it were written in as a special exception, they would have to go in front of the BZA.

Rex Robison asked for any Board questions or comments.

Mark Kepler stated he felt it should be a special exception, not a permitted use.

Jim Widman stated he felt they need to stay focused on the setbacks.

Debbie Barts stated she felt it should be a special exception, as well as, stay focused on the setbacks.

Being no further comments, Rex Robison stated the Board's general consensus was that wind generators be written in as a special exception in the SR district.

Casi asked if it pertains to all residential districts.

Rex Robison stated they would wait until they are approached about the different districts.

Casi then told the Board Jim Straeter had recently asked if the Board would consider changing the maximum height for the permitted wind generators in the AG district. The maximum height for a permitted wind generator in the Ag district is 60'. Mr. Straeter suggested changing the maximum height to 140' or 150' for the AG District.

The Board agreed to keep it at 60' and any taller must come in front of the BZA.

IN RE: BOARD COMMENTS

Rex Robison stated he and Casi and been working on an opening statement for the meetings. The statement would be to inform and help the public understand the Board procedures, keep speeches/presentations to a minimum, as well as, help eliminate repeat discussions. He then stated in a recent seminar he had attended, they had mentioned when signing in they must also state whether or not they would like to speak at the meeting. The Executive Secretary, Debbie Barts; would call on the person if they had signified they want to speak at the meeting. The Board discussed the sign in sheet, and they agreed to change the sign in sheet to also indicate whether or not a person would like to speak, also before public comment the Executive Secretary would ask if anyone did not sign the sheet and would like to speak for that particular petition, as well as, read any letters sent to the Plan Commission pertaining to the petition.

Rex Robison then stated he would like to discuss the Rules of Procedure, pertaining to abstained voting. If a member has a conflict, or feels bias towards a petition, the member needs to make it publicly known, step down and exit the room.

Debbie Barts stated the member should be present at the meeting, make it known to the Board members and the Board would vote, whether or not the member should step down. She also feels the member should leave the room.

**FULTON COUNTY AREA PLAN COMMISSION**  
**MARCH 23<sup>RD</sup>, 2009**

Rex Robison stated he would like to add in the Rules of Procedure Article V, 503; person removes themselves from the meeting room and the public. He also stated he would like Article V, 502; to state, any requests for disqualification or abstention shall be voted on by the Board in its entirety. A Board member shall request a member to be abstained if they feel the member is bias to the petition. (see attachment A).

Roger Rose stated instead of canceling a meeting, they should continue with the meeting and go over the comprehensive plan and zoning ordinance and make the necessary changes.

Rex Robison stated he would also like to have public workshops once a year.

Mark Kepler stated the zoning ordinance and comprehensive plan need to be discussed and possibly updated. He also wanted to discuss ex-parte communications. He asked how the elected officials are supposed to handle the situation when they are approached about a petition.

Casi stated Greg Heller had stated they shouldn't discuss a petition with the public, however they can discuss planning and zoning issues.

Jim Widman asked about the Board having ethical sessions.

Casi stated if she could purchase video seminars, the Board could view those on the nights the Area Plan Commission has no business on the agenda.

Casi then told the Board she had been asked if a modular could be used as an office in the IN District.

The Board discussed and agreed it would be a Special Exception.

Casi also had asked the Board about the kennel definition, she asked if it includes cats as well. She had been approached by the city, that a resident has 15 cats and wanted to know if the County could send a violation letter.

Mark Kepler stated he felt they had written the definition for the purpose of dogs, because of noise.

Casi stated the kennel definition, needs to be clearer. She then asked if she is supposed to enforce the kennel definition in the city or towns.

The Board stated the city and towns need to enforce their own city/town codes at this time.

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, Rex Robison entertained a motion to adjourn the meeting. Bob Cannedy moved to adjourn the March 23<sup>rd</sup>, 2009, Fulton County Area Plan Commission Board at 8:30 P.M. David Kruger seconded the motion. Motion carried as follows: Paul Studebaker, Jim Widman, Don Clouse, Mark Kepler, Roger Rose, Debbie Barts, David Kruger, Bob Cannedy, and Rex Robison being in favor and no one opposing.

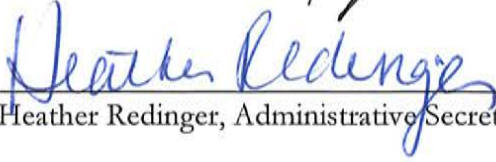
FULTON COUNTY AREA PLAN COMMISSION  
MARCH 23<sup>RD</sup>, 2009



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Heather Redinger, Administrative Secretary



Written notice is not required if:

- a. the date, time and place of the special meeting are fixed in a regular meeting;
- b. all members of the Commission are present at that regular meeting; and
- c. the administrative secretary complies with IC 5-14-1.5.

404 All regular and special meetings shall be opened to the public as required by IC 5-14-1.5, except as provided by law in relation to executive sessions, IC 5-14-1.5.

#### ARTICLE V Official Action

501 A majority, seven (7), of the members of the Commission shall constitute a quorum. Action of the Commission shall not be official unless it is authorized at a regular or properly called special meeting by a majority of the entire membership of the Commission.

502 - All voting members present shall vote on every question unless they are permitted to disqualify themselves based on a personal bias, or, in the case of a zoning matter, have disqualified themselves because of a conflict of interest caused by a direct or indirect financial interest. No member of the Commission shall participate in a hearing, discussion, or decision of the Commission upon any zoning matter in which the member has been disqualified. A "zoning matter" does not include the preparation or adoption of a comprehensive plan. A member shall declare his or her reasons for disqualification or conflict of interest after the public hearing has been opened, but before any information is presented. Also, any member of the Commission may identify a known disqualification or conflict of interest in regard to another member, and request the member excuse themselves from the petition. The Commission shall then vote to approve the reasons for the stated disqualification or conflict of interest. All votes shall be by roll call or show of hands. Any member with an approved disqualification or conflict of interest will remove themselves from the meeting room and the attending public.

~~502—All voting members present shall vote on every question unless they are permitted to abstain, or, in the case of a zoning matter, have disqualified themselves because of a conflict of interest caused by a direct or indirect financial interest as defined under section 503 of this article. Disqualifications or abstentions will be with approval of the Commission. All votes shall be by roll call or show of hands.~~

~~503—No member of the Commission shall participate in a hearing, discussion or decision of the Commission upon any zoning matter in which the member has a direct or indirect financial interest. A "zoning matter" does not include the preparation or adoption of a comprehensive plan. A member shall declare his or her direct or indirect financial interest. The Commission shall enter into its records the fact that the member has such a disqualification.~~

504 In the event a majority vote of the Commission cannot be achieved due to absences, permitted abstentions, or disqualifications, the matter shall be rescheduled for the next regular meeting at the request of any Commission member, a petitioner or a remonstrator.

505 Any Commission member who voted with the majority may call for a reconsideration of any vote at the same meeting of the Commission at which it passed, and, if sustained by a unanimous vote of the members present, the reconsideration shall be ordered.

#### ARTICLE VI Minutes & Records

**THE REGULARLY SCHEDULED  
FULTON COUNTY  
AREA PLAN COMMISSION MEETING  
SET FOR FEBRUARY 23<sup>RD</sup>, 2009  
HAS BEEN CANCELLED  
DUE TO THERE BEING NO BUSINESS  
THE NEXT MEETING IS SCHEDULED FOR  
MARCH 23<sup>RD</sup>, 2009  
AT 7:00 P.M.  
IN THE COMMISSIONERS/COUNCIL ROOM**

FULTON COUNTY AREA PLAN COMMISSION  
JANUARY 26<sup>th</sup>, 2009

**FULTON COUNTY  
AREA PLAN COMMISSION**

**MONDAY, JANUARY 26, 2009**

**7:00 P.M.**

**COMMISSIONERS/COUNCIL ROOM**

**CALL TO ORDER**

**ELECTION OF OFFICERS**

**AREA PLAN COMMISSION MINUTES FOR:  
November 24<sup>th</sup>, 2008**

**PUBLIC COMMENTS:**

**OLD BUSINESS**

**NEW BUSINESS:**

TIF/EDA

Ben Ramer Waiver

Anthony Courtney

Year End Report

Dennis Grinstead & Norman Prater

**PLAN DIRECTOR REPORT**

**PUBLIC COMMENTS**

**BOARD COMMENTS**

**ADJOURNMENT**

**FULTON COUNTY AREA PLAN COMMISSION**  
**JANUARY 26<sup>th</sup>, 2009**

The Fulton County Area Plan Commission met on Monday the 26<sup>th</sup> day of January 2009, at 7:00 P.M. in the Commissioners/Council Room located within the Fulton County Office Building. Executive Director, Casi Cramer 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; Paul Studebaker; Rex Robison; Duane Border; Mark McCall; Bob Cannedy; Jack Urbin and Debbie Barts. 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: Don Clouse.

IN RE:           ELECTION OF OFFICERS

At the beginning of every year the Board must vote on new officials. Executive Director, Casi Cramer, opened the floor to nominations for Chairperson. Mark Kepler nominated Rex Robison as Chairperson of the Fulton County Area Plan Commission. Debbie Barts seconded the nomination. Being no further nominations for Chairperson, Jack Urbin moved to close nominations. David Kruger seconded the motion. The motion carried as follows: Don Towne, Paul Studebaker, Bob Cannedy, Jack Urbin, Debbie Barts, Roger Rose, Jim Widman, Mark Kepler, Duane Border, Mark McCall, David Kruger and Rex Robison being in favor and no one opposing. Rex Robison was nominated as the Chairperson of the Fulton County Area Plan Commission.

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

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

Rex Robison opened the floor for the appointment of Administrative Secretary. Roger Rose moved to appoint Heather Redinger as Administrative Secretary of the Fulton County Area Plan Commission. Debbie Barts seconded the nomination. Motion carried as follows: Don Towne, Paul Studebaker, Bob Cannedy, Jack Urbin, Debbie Barts, Roger Rose, Jim Widman, Mark Kepler, Duane Border, Mark McCall, David Kruger and Rex Robison being in favor and no one opposing. Heather Redinger was appointed as the Administrative Secretary of the Fulton County Area Plan Commission.

Rex Robison opened the floor for the appointment of Board Attorney. Mark Kepler appointed Burke & Heller as Board Attorney of the Fulton County Area Plan Commission. Jim Widman seconded the nomination. Motion carried as follows: Don Towne, Paul Studebaker, Bob Cannedy, Jack Urbin, Debbie Barts, Roger Rose, Jim Widman, Mark Kepler, Duane Border, Mark McCall, David Kruger and Rex

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Robison being in favor and no one opposing. Burke & Heller was appointed as Board Attorney of the Fulton County Area Plan Commission.

IN RE: ADOPTION OF MEETING RESOLUTION

RESOLUTION 01262009

A RESOLUTION OF THE FULTON COUNTY AREA PLAN COMMISSION, OF THE COUNTY OF FULTON, INDIANA ESTABLISHING MEETING TIMES FOR 2009.

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 26<sup>th</sup> day of January 2009.

FULTON COUNTY AREA PLAN COMMISSION

\_\_\_\_\_  
Chairperson

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

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

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

Rex Robison entertained a motion to adopt Meeting Resolution 01262009. Jim Widman moved to adopt the Meeting Resolution 01262009; being the fourth (4<sup>th</sup>) Monday of each month at 7:00 p.m. David Kruger seconded the motion. Motion carried as follows: Don Towne, Paul Studebaker, Bob Cannedy, Jack Urbin, Debbie Barts, Roger Rose, Jim Widman, Mark Kepler, Duane Border, Mark McCall, David Kruger and Rex Robison being in favor and no one opposing.

IN RE: COMMITTEE MEMBERS

Rex Robison 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, Rex Robison entertained a motion for the Budget Committee to remain members as presented. Jim Widman moved the Budget Committee members remain as presented. Debbie Barts seconded the motion. Motion carried as follows: Don Towne, Paul Studebaker, Bob Cannedy, Jack Urbin, Debbie Barts, Roger Rose, Jim Widman, Mark Kepler, Duane Border, Mark McCall, David Kruger and Rex Robison being in favor and no one opposing.

Rex Robison then asked for anyone interested in serving on the Administrative Committee: Mark McCall, Duane Border and Jim Widman stated they would serve on the Administrative Committee. Being no one else interested Rex Robison entertained a motion for the Administrative Committee members. Debbie Barts moved to accept Mark McCall, Duane Border and Jim Widman as the Administrative Committee. Jack Urbin seconded the motion. Motion carried as follows: Don Towne, Paul Studebaker, Bob Cannedy, Jack Urbin, Debbie Barts, Roger Rose, Jim Widman, Mark Kepler, Duane Border, Mark McCall, David Kruger and Rex Robison being in favor and no one opposing.

IN RE: MINUTES: NOVEMBER 24<sup>th</sup>, 2008

Rex Robison asked for any additions, deletions or corrections to be made to the November 24<sup>th</sup>, 2008 minutes. David Kruger moved to approve the November 24<sup>th</sup>, 2008 minutes as written. Jim Widman seconded the motion. Motion carried as follows: Don Towne, Paul Studebaker, Bob Cannedy, Jack Urbin, Debbie Barts, Roger Rose, Jim Widman, Mark Kepler, Duane Border, Mark McCall, David Kruger and Rex Robison being in favor and no one opposing.

IN RE: OLD BUSINESS

It is duly noted there was no old business.

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IN RE: NEW BUSINESS

TIF/EDA

Casi gave the Board a quick overview of the TIF/EDA District. A TIF district is a tax increment district, which means the area has to be designated an economic development area. Once the area has been designated as an EDA, the taxes that had been collected in that area up to that point are earmarked so that the amount will not change. In the future, if any new business or industry is located in this area, their taxes would be captured into a separate fund for the economic development inside any TIF/EDA in the county. The area being considered is the land owned by the Fulton County LLC, as well as, land along 4<sup>th</sup> Street and Lucas Street. The proposed TIF/EDA does not include any private residences. The TIF is for future development for the city and county. Shane Blair, FEDCO will be on the agenda at a later date for more detail and to answer any questions.

IN RE: NEW BUSINESS

BEN RAMER/WAIVER (#0109-07)

Ben Ramer, PC Docket#0109-07 is requesting a waiver from the Fulton County Subdivision Ordinance, for the purpose of building a Mennonite Church and creating a cemetery, located within the Agricultural (AG) District at 6884 N 150 W, Rochester.

Casi told the Board Mr. Ramer is requesting a waiver from the Fulton County Subdivision Ordinance. The previous owner split the original parent tract of 71 acres into a 58 acre parcel and a 13 acre parcel. Any future splits of either tract are required to be created under the Subdivision Ordinance guidelines. The current owner of the 71-acre parcel would like to separate off approximately 2 acres of land for the purpose of building a Mennonite Church and the creation of a cemetery.

Rex Robison asked Mr. Ramer if he had anything further to add.

Mr. Ramer stated they needed to build another Church House, since the current Church is full. He also stated the Church House and cemetery would fit in with the community, and they would make the area look nice.

Rex Robison asked the Board if they had any questions or comments. Being none he entertained a motion to open the public hearing. Debbie Barts moved to open the public hearing. Jim Widman seconded the motion. Motion carried as follows: Don Towne, Paul Studebaker, Bob Cannedy, Jack Urbin, Debbie Barts, Roger Rose, Jim Widman, Mark Kepler, Duane Border, Mark McCall, David Kruger and Rex Robison being in favor and no one opposing.

Rex Robison asked if any one would like to speak in favor of the petition. Being none he then asked if anyone opposed the petition. Being none he then entertained a motion to close the public hearing. Debbie Barts moved to close the public hearing. Mark Kepler seconded the motion. Motion carried as follows: Don Towne, Paul Studebaker, Bob Cannedy, Jack Urbin, Debbie Barts, Roger Rose, Jim Widman, Mark Kepler, Duane Border, Mark McCall, David Kruger and Rex Robison being in favor and no one opposing.

Rex Robison entertained a motion for the petition. Jack Urbin moved to approve, Ben Ramer, PC Docket #0109-07, requesting a waiver from the Fulton County Subdivision Ordinance. Debbie Barts seconded the motion. Motion carried as follows: Don Towne, Paul Studebaker, Bob Cannedy, Jack Urbin, Debbie Barts, Roger Rose, Jim Widman, Mark Kepler, Duane Border, Mark McCall, David Kruger and Rex Robison being in favor and no one opposing.

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IN RE: NEW BUSINESS

ANTHONY COURTNEY

Casi explained the Fulton County Board of Zoning Appeals had recently granted a Special Exception requested by Mr. Courtney to construct wooden crates at his home located at 1004 E Olson Road. Mr. Courtney has decided to explore his options of operating the business at an existing building located in the R1 District, at 119 W 15<sup>th</sup> St. instead of at his home. The existing building's primary use is warehousing. Mr. Courtney is asking the Plan Commission if the building is grandfathered as a commercial use, so he could utilize the existing building for the construction of wooden crates; or could it be a Special Exception in the R1 district.

After much Board discussion, the board agreed the building would not be considered grandfathered and does not fit in as a Special Exception in the R1 district.

IN RE: NEW BUSINESS

END OF YEAR REPORT

Casi Cramer presented the End of the Report for 2008 to the Board Members.

IN RE: NEW BUSINESS

DENNIS GRINSTEAD  
NORMAN PRATER

Norman Prater stated he was prepared to go over the phone recordings he had received from Casi pertaining to her conversations with Lisa Frost, Linda McClure and Judy Lombardo. He stated when he spoke to Lisa Frost about the fumes coming from Dragon on 875 E, he had misunderstood where the hazardous waste was kept, but that doesn't change the fact they are fumes present when no one is working. He stated this problem needs to be addressed. He stated on the tape there were comments made about the neighbors wanting Dragon to be shut down. He stated he had never made that comment, and he was bothered by the fact Casi was trying to find out who he was talking to from IDEM. Norman stated he had called the Attorney General to ask if Casi has the right to ask those questions, or to tape a phone conversation with a State agent. He had not received a return call. He stated when he spoke to Lisa Frost she was upset about the phone conversation being recorded. He then told the Board he is stressed out over the issues with Dragon; he has to drive around daily, make daily phone calls and this will be his last meeting he will attend, however he is not giving up. He then told Casi he would like to have copies of all the following documents: phone calls made for the fumes and noise from 2006 to present; a list of complaints made by the County Employees, Board Members and Plan Commission members from 2006 to present; copy of Mark Harris' letter about the concerns of Dragon; any other letters received with concerns or complaints about Dragon and a copy that shows Dragon is in compliance from the violation letter they had received 10/18/06. He stated he would pay the \$.10 a copy, however he will be billing the County \$25.00 an hour for his work, because of all the stress. He stated he has the right to go out to his fields and move hay without smelling the paint fumes.

Dennis Grinstead stated he would comment on a change that has been made for the better, which is Dragon is now only working one shift. However, they still have the fumes almost everyday. He stated he had been asked by Greg & Mary Beth Gast to read a few statements; a local realtor, Dave Helt, had done an appraisal on their home in October 2007, and noted on the paperwork the noise, and the paint fumes from the facility had depreciated the property value. They had also had an appraisal done in September 2007, the appraisal directly noted and stated due to the odors and noise from the manufacturing company the home has been depreciated. Both appraisals show a 30% depreciation of the home, due to the factory.



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Dennis Grinstead stated Roger Rose and Sherry Fulton had come to their home to talk with them, during the conversation Roger Rose had told them he knows there is a problem. Dennis then stated during a phone conversation with Roger Rose, he had told him the Dragon issue would be his number one priority. Dennis then talked about the district intent for the Agricultural (AG) District, he reads the Plan Commission should strive to protect this district from conflicting land uses, non-agricultural oriented businesses and any other use that may inflict significant environmental impacts or be injurious to the neighbors. He then stated heavy manufacturing is not listed under a special exception in the AG District. He then talked about the district intent in the IN District; he read this district could be used adjacent to the agricultural and commercial district, where there are not negative effects on the environment. Environmental, public safety, public welfare and protection of all forms should be at the highest priority. He then talked about when he and his wife bought their home in 2006, and did not know there were any problems in the area. He then asked how many complaints had to be made before the warning letter was issued in October 2006. He feels it could not have been more than the current complaints the Plan Commission have received. He then stated they have been told the issues cited in the warning letter have been solved; he would like to see the statements on how the factory is in compliance. He again asked if there have been more complaints due to the noise and odor since the warning letter issued in October 2006.

Rex Robison, stated there has been more phone calls since then, but there has also been more information come available, and a lot of actions completed by the company since the warning letter was sent out.

Dennis then addressed Roger Rose about his comments on the radio, pertaining to the air testing being inconclusive.

Roger Rose stated he was asked a question about the air testing and he stated it was his opinion the air testing was inconclusive.

Dennis Grinstead then refers to conversation he had with Bill Eryman, a 30-year retired chemist. He had spoke to Mr. Eryman about the MSDS sheets that were given to the company conducting the air tests. He stated Mr. Eryman told him the MSDS sheets provided, were not for the paint being used the day of the testing. He stated the paint being used the day of testing contained furfuryl alcohol, which was not mentioned on the MSDS sheet provided. He then goes on to talk more about furfuryl alcohol, is it hazardous if inhaled and has symptoms of coughing, diarrhea, headaches, shortness of breath, sore throat, wheezing and dizziness. He then stated Mrs. Eryman had collected some rainwater from her birdbath, which was an amber color, and then stated furfuryl alcohol is also amber in color. He then told the Board Bill Eryman had studied the sample and noticed the color and indicated he smelled organics in the rainwater.

Norman Prater told the Board about his conversation he had with Rob Girton. He stated Mr. Girton had called him to try to find a solution, he asked Norman, when he smells paint fumes, to come to the facility to identify what he was smelling. When he next smelled fumes, he had called Rob Girton. He stated Rob told him he smells the fumes because the stacks are too high. He stated they had talked about the testing, and using different paint on the day of testing, and he stated Rob Girton told him he had forgotten to give Casi the MSDS sheets for the current paint.

Dennis Grinstead had stated the necessary data was not provided for the day of testing, which makes the tests invalid. He then asked Casi about her conversation with Rob Girton in the changing of paints.

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Casi Cramer stated she was very unhappy about not receiving the MSDS sheets, and expressed this to Rob Girton. She then stated in her opinion she doesn't feel the tests were completely invalid. The MSDS not provided was for the differing overcoat, devoe versus carboline and the undercoat paint, which is asphalt based the difference was in brand names. She stated the fact still remains there was absolutely no chemicals traced, other than dust, during the testing. She feels there were still valid points in the testing.

Rex Robison told the Board members he had information on furfuryl alcohol, if they would like to look at it, he then stated in very small doses it is used as a food additive.

Duane Border asked if they wanted the County to provide another test.

Dennis Grinstead, stated he thinks the test was totally invalid, and he thinks a state or federal agent needs to conduct a complete air test of the entire facility, he would then know there would be no chance of error.

Norman Prater stated he had a conversation with Lisa Frost, he stated he had described to her about how strong the fumes are. He stated she had told him she believes the air division and other departments need to get involved. He then stated he had spoken to Lamar Martin, who lives 1 ¼ mile from Dragon, and Mr. Martin told him they have paint fumes at their house as well, but they do not want to get involved. He stated the County needs to check into what type of paint Dragon is using currently, he stated he is not making up that he smells paint and ammonia and it is not coming from anywhere but Dragon.

Rex Robison asked Norman if he had ever smelled cinnamon or lavender scented fumes.

Norman Prater stated he did not, he stated Mr. Bennett had told him they were trying different paints to help the neighbors. Norman stated the reason they were switching paint, was to eliminate some of the hazardous waste materials, but he was unsure if they were putting the scented chemicals in. He then stated Casi had thought it was working, since the office had not received any calls. Norman stated if they had put those chemicals in, does that mean what they are breathing isn't harmful.

Rex Robison stated the reason he had asked was because some of the Board members went to the facility during the time they were using the scented paints and it smelled like a candy shop, and he was wondering if the neighbors had smelled the scents.

Norman stated he should not get fumes ¾ mile away.

Kathy Prater stated it has ruined their cattle farming; it is unfair to take away their way of living.

Norman Prater stated he thought some of his cattle were going to die in the summer because they could not breathe; he had called Dr. Hoosier and asked him questions about his cattle's symptoms. He was told the cattle are breathing in the fumes and it is swelling their esophagus and they are struggling to get air. He then told the Board if they looked at the MSDS sheets for the paint currently being used, they would find his cattle have symptoms, such as pink eye, from breathing the fumes.

Dennis Grinstead stated his wife had called the sheriff's department, because she had smelled strange odors on her way home, but Dragon was closed. He then stated the deputy had told him the odors were coming from Dragon. He then stated on January 15<sup>th</sup>, 2009 it was extremely cold, he had gone outside about 7:45 am and the fumes were strong and offensive. He called County Building Inspector, Gary Madlem. Gary came to his house around 9:00 am and told Mr. Grinstead he smelled paint fumes. The paint fumes were there all day.

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Dennis stated he and Norman had a meeting set up with Mr. Bennett and Rob Girton, and two hours before the scheduled time Mr. Bennett had called and cancelled the meeting.

Norman Prater stated he had spoke to Rob about the strong fumes, and Rob had told him when he smells those fumes he can come to the facility and point out where they are coming from. Norman stated he feels he should not have to go over there and help figure it out. He then stated Mr. Bennett had told him they were considering moving the paint operation to a different location. Norman asked Casi if anything further has been said about moving the paint operation.

Casi stated it had been about three years ago when the company had discussed moving the operation to Logansport and she had not heard anything about moving the operation since then.

Dennis Grinstead stated he and Norman want to know if the Plan Commission is going to act on any of these complaints and where do they go from here. He stated Dragon is clearly violating the ordinance, when he opens his door and the fumes come into his home.

Rex Robison asked if the IDEM and EPA reports are final.

Dennis Grinstead stated IDEM and EPA did not perform any tests; it was not the Air Division that came to the facility. He then asked again why actions have not been taken, due to all the complaints that have been made.

Rex Robison stated the Board has to have objectionable evidence to take any action.

Dennis Grinstead stated when other people smell the fumes, besides the neighbors, doesn't that constitute the paint fumes are outside of their boundaries; he then stated the ordinance addresses that fact.

Greg Heller, Board Attorney, stated he doesn't believe that is how the ordinance reads; he then reads from ordinance, Performance Standards: No use on a property shall produce obnoxious characteristics to the extent that it constitutes a public nuisance or interferes with the reasonable enjoyment of neighboring properties. He then reads the Air Pollution standards: No use on a property shall release fly ash, dust, smoke, vapors, noxious, toxic or corrosive matter or other pollutants in such concentration as to be detrimental to health, animals, vegetation, or property, or conflict with public air quality standards; he then stated the problem from the stand point of legal council is, there is no objective evidence to constitute it as a public nuisance that could be supported in a court of law.

Dennis Grinstead stated the October 2006 warning letter stated the paint fumes are detectable beyond property boundaries.

Greg Heller stated at the time the warning letter was issued, the board was the Advisory Plan Commission and the ordinance has had some changes in the language, such as the deletion of the verbage "detectable beyond property lines and boundaries", due to the fact, the Board cannot enforce the emergence of odors across the property lines.

Dennis Grinstead stated other than the neighbors; the other people that have also smelled the fumes should be enough for the Plan Commission to take action.

Greg Heller stated that there is not any objective evidence to deem it a public nuisance to stand in a court of law.

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Dennis Grinstead stated until someone gets sick or dies, or an animal gets sick or dies, the Plan Commission is not prepared to take action.

Greg Heller stated in his opinion the Board does not have the objective evidence to take any enforcement action against Dragon.

Sara Grinstead stated she does not understand how the Board doesn't have enough evidence to take action. She stated the tests were not done correctly; Dragon was not using the same paint they have been breathing and smelling for the past three years. She then stated the wet paint filters are taken outside, they sometimes catch fire and smolder; the workers that paint take the filters out so they can breath better; they air the facility out and the neighbors are breathing all of this.

Norman Prater stated Roger Rose had come to his house on November 20, 2008, and he had smelled the strong fumes when he pulled into his driveway. He then stated a warning should have been issued to Dragon that day.

Mark Kepler stated even though they had changed paints, they have common chemicals.

Norman Prater said the new paint only had one common chemical out of the 16 on the MSDS sheet provided. He then told the Board they need to enforce the zoning laws; and IDEM had told him since the County is not doing their job, they now would have to get involved.

Sara Grinstead asked Mark Kepler if he could honestly tell her she could safely grow an organic garden.

Mark Kepler stated he couldn't answer that question.

Ashley Sampsel asked if the testing company has been contacted and asked about reconsidering re-testing.

Rex Robison stated they have not.

Dennis Grinstead stated he would not want the same company retesting.

Ashley Sampsel stated it needed to be more than a 6-hour testing period.

Doug Sampsel stated if re-testing is scheduled, no one should know about it because Dragon can shut the paint fumes off anytime they want, especially if they know there will be testing.

Norman Prater asked the Board to please check into having another test done.

Rex Robison asked for any new comments.

Dave Kruger stated he would agree with a retest if a representative from the neighbors and a representative from Dragon was on the selection board.

Mark McCall stated if there is something dangerous the neighbors are smelling, the Board needs to know.

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Ashley Sampsel stated it doesn't matter if it dangerous or not, they should not have to smell it. After two years of complaints, all the neighbors have gotten accomplished is one 6-hour test, which Dragon knew about.

Mark McCall stated the County does not have it in the budget to conduct another test.

Ashley Sampsel stated FEDCO paid for the first one, why can't they pay for another one. He stated no one should have to smell things from other properties.

Mark McCall asked what if a farmer moved next door and expanded would you expect the Board to shut down the farm.

Ashley Sampsel stated absolutely it should be shut down, that is what the zoning ordinance says.

Dennis Grinstead stated Dragon has made his property worthless, it has been for sale for a year and they have had only one person look at it.

Kathy Prater stated their farm is also worthless, and they jeopardize their health when they work in the fields.

Ashley Sampsel asked why the depreciation of the neighbor's homes is not enough evidence to hold up in court; when the appraiser states that Dragon is the reason for the depreciation.

Mark Kepler moved that further enforcement action is warranted against Dragon ESP at this time. Jack Urbin seconded the motion.

Roger Rose asked what constitutes further enforcement action.

Greg Heller stated it could be a warning letter.

Roger Rose stated he is frustrated because he seriously believes there is a problem out there and the system is not working for the neighbors. He stated he has done all he can do to move forward in a constructive way and it doesn't seem to be working. He stated he could not vote positive for the motion on the table, but he would like to see a letter sent to Dragon requesting a written demonstration of what actions they have taken to alleviate the subject of these complaints.

Jim Widman stated he couldn't vote either way, because he has some interest in some of the neighbors in the area.

Duane Border stated if they take enforcement action and it goes to the court system, the Board does not have enough evidence to stand up in court as to why more action had been taken. He then stated he feels another test needed to be done and Dragon should not be involved in the choosing of the company.

Debbie Barts stated, if the County were to provide another test, both parties should be involved in choosing. She then stated as a governing body, they need to be fair to both parties. Although, if the neighbors chose to do the testing on their own, they would not have on involve anyone.

Ashley Sampsel stated if they had testing done on their own, he doesn't feel it would be good enough for the Board.

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Rex Robison stated if the tests were performed and stamped by a licensed engineer.

Ashley Sampsel, asked if the tests came back with positive results, then the Plan Commission would shut the paint booth down.

Rex Robison stated it would not necessarily mean the paint booth would be shut down, but it would be evidence.

Ashley Sampsel asked how is the Plan Commission going stop Dragon from putting the chemicals in the air, if Dragon is already doing what they are suppose to be. He then stated if the Plan Commission has evidence of Dragon being in violation, they should have to shut them down.

Rex Robison stated that decision would be up to IDEM or the EPA.

Rex Robison asked Heather Redinger to do roll call vote on the motion and second, that further enforcement action is warranted against Dragon ESP.

Don Towne	Nay
Paul Studebaker	Nay
Bob Cannedy	Nay
Jack Urbin	Nay
Debbie Barts	Nay
Roger Rose	Nay
Jim Widman	Abstain
Mark Kepler	Nay
Duane Border	Nay
Mark McCall	Nay
David Kruger	Yea
Rex Robison	Nay

The motion that further enforcement action is warranted against Dragon ESP, failed being one vote in favor, ten votes opposed and one abstained.

Rex Robison entertained another motion. Roger Rose moved to request Dragon present a formal document of what has been done and future plans, with a time frame, to help solve the problems.

Ashley Sampsel stated a document would not help solve anything.

Roger stated the neighbors do not believe Dragon is doing anything to help solve the problems.

Dennis Grinstead stated there needs to be a time frame put on the future plans.

Debbie Barts asked how are they to determine a time frame.

Mark Kepler seconded the motion on the table.

Dennis Grinstead stated he feels the time frame should be no later than May.

Roger Rose stated they could give them six months.

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Debbie Barts asked Heather Redinger to read the motion that is on the table; the motion read, request Dragon present a formal document of what has been done and a future plan with a time frame to help solve the problem.

Norman Prater told Roger he couldn't give them six months; Dragon should already have a plan of what they are going to do. He stated he can't live like that for another six months. He stated they should have only until April, raising the stacks didn't work; they should be made to take them down.

Rex Robison asked Heather Redinger to again read the motion that is on the table; the motion read, request Dragon present a formal document of what has been done and a future plan with a time frame to help solve the problem.

Rex Robison stated Mark Kepler has seconded the motion, he then asked Heather Redinger to do a roll call vote.

Don Towne	Yea
Paul Studebaker	Yea
Bob Cannedy	Yea
Jack Urbin	Nay
Debbie Barts	Nay
Roger Rose	Yea
Jim Widman	Abstain
Mark Kepler	Nay
Duane Border	Yea
Mark McCall	Yea
David Kruger	Yea
Rex Robison	Nay

The motion to request Dragon present a formal document of what has been done and a future plan with a time frame to help solve the problem, passed with seven votes being in favor, four votes opposed and one abstained.

Casi asked the Board if she is supposed to draft the letter, and if so, is she to present it to the administrative committee.

Roger Rose stated Casi could draft the letter.

Rex Robison stated after the letter is drafted Casi is to present it to the administrative committee for final approval.

Dennis Grinstead stated he had a few more questions, he asked Casi how long did it take for Dragon to raise the stacks.

Casi stated she was unsure of the timeframe.

Doug Sampsel stated it took them an afternoon to raise the stacks.

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Ashley Sampsel asked if another test was going to be done.

Rex Robison stated there a currently no plans for a re-test.

Ashley Sampsel asked if the idea of a re-test was going to totally be dropped, even though the original test did not test for the right chemicals.

Bob Cannedy stated he understood the neighbors as saying they would not believe any test the County performed anyway.

Ashley Sampsel stated that was because the test came back negative.

Dennis Grinstead stated they would wait and see what information is in the letter.

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, Rex Robison entertained a motion to adjourn the meeting. Mark Kepler moved to adjourn the January 26, 2009, Fulton County Area Plan Commission Board at 9:25 P.M. David Kruger seconded the motion. Motion carried as follows: Don Towne, Paul Studebaker, Bob Cannedy, Jack Urbin, Debbie Barts, Roger Rose, Jim Widman, Mark Kepler, Duane Border, Mark McCall, David Kruger and Rex Robison being in favor and no one opposing.



Heather Redinger, Administrative Secretary