

APC MINUTESNOVEMBER 20, 2018

Members present: Jim Hufford, John Reece, Don Calhoun, Bryn Albertson, Gary Girton, Amy Alka, Adrian Moulton, Bob McCoy, Aaron Stephens, Paula Keister

Members absent: Dan Vinson, Missy Williams, Andy Fahl

Legal Representation: Jason Welch

Staff Present: Randy Abel, Executive Director, Debra Johnting, Recording Secretary

Others present: Randy Younger

President Calhoun: It's 7 o'clock and I will call this meeting of the Area Planning Commission to order. First item on the agenda is the approval of the minutes from September 18, 2018. Has everyone got a copy of the minutes, are there any corrections or changes? I will accept a motion to accept the minutes as written. It has been moved and seconded to accept the minutes of the September 18, 2018 meeting as written, all in favor say aye, all those opposed no, motion passes. First on the agenda tonight is Randy Younger, APC2018-19-Z. Would you come up and state your name and what you are wanting to do?

R. Younger: Randy Younger, looking to build a new building/add on to my shop that I have now. I have outgrown it and I just need a bigger building.

President Calhoun: It says you're wanting to build your house inside it?

R. Younger: Yes, the house would be in the back corner of it.

President Calhoun: Does anybody have any questions for him? Is there anybody in the audience that has any questions pertaining to this?

J. Hufford: You've made a lot of improvements already to this property, haven't you?

R. Younger: Yes.

J. Hufford: I thought you had. And going from R-2 to C-2 you will be allowed to have a house on that property so that will be ok. The business has been there for a long time, it's well established.

R. Abel: That house is gone now though isn't it?

J. Hufford: Yes, the house is gone.

President Calhoun: Anybody else have any questions? Seeing none I will consider a motion to take action. It's been moved and seconded to take action on this petition.

R. Abel: Amy Alka, yes, Adrian Moulton, yes, Aaron Stephens, yes, Paula Keister, yes, John Reece, yes, Andy Fahl, absent, Bob McCoy, yes, Don Calhoun, yes, Gary Girton, yes, Dan Vinson, absent, Jim Hufford, yes, Bryn Albertson, yes, Missy Williams, absent. That's ten so motion passes.

President Calhoun: That's a favorable recommendation so it will go to the city of Lynn and make the same presentation with them. Thank you for coming.

R. Younger: Thank you.

President Calhoun: Do we have any old business?

R. Abel: We have new business, basically going over the new APC rules and procedures. Did everyone get a copy of this? I went over this several times, I'd say most of it is very similar to what we have now, but there's a few things that in my opinion you'll probably want to change. The best way to go through it is just page by page. We'll just start with page 2, Jurisdiction and Authority. The authority to review, approve and grant the petitions and permits listed in the UDO shall rest with the Randolph County Area Planning Commission. Where permitted, the APC may, at its discretion, delegate such authority to the Administrator. So I am not sure how Administrator is defined, but I'm thinking that the Unified Zoning Ordinance a lot of times we define it as Debra or myself in making some of those decisions. So jurisdiction I am assuming that when this was originally created back in the seventies that they recorded the map in the recorder's office that included all of Randolph County. I may be making some bad assumptions. Administrator, including staff members have the following responsibilities: ILP's, inspections, record keeping, receiving and processing docketing, applications to the APC, clerical and technical assistance, and committee applications. So, pretty much that's exactly what's in the old one and what we do now. So, Administrator's Right of Referral. The Administrator may at his discretion, refer applicants for permits and petitions to the APC for review and approval. So, anything that we feel is a little, like we might need some better way of deciding and it's a little questionable we have the right to bring that to the APC for a hearing instead of making the decision ourselves. Next is the Membership, so we will come back to the Membership because we're going to have to vote on some things tonight and we'll explain that a little further. We've got some Indiana code we have to go through. Our membership probably needs to be tweaked a little bit on how we've got appointments made and things. Basically those positions are as they are today. We'll come back to page 3, because some of that code that's referenced in there we'll come back to that and go through that later. Go to number 6 on page 4, member vacancy. When a vacancy occurs the appointing authority shall replace the member in accordance with that Indiana code. So if you have disqualifications, I guess number 5 also has disqualifications that could happen. The only two things you can be disqualified for is if you have a conflict of interest, through a financial reason, or some kind of prejudice, like if you own property next to it or something like that. So, basically, the appointing authority would put in an alternate. The alternate can't come just because you can't make it that night. The alternate can only come if you're disqualified. For one of those two reasons. So, that's made a little more clear in this part.

J. Hufford: You mean by disqualified, just disqualified for just that one meeting?

R. Abel: It wouldn't even have to be the whole meeting, it might just be for one hearing. Say, if you owned property beside Mr. Younger, you would have to disqualify yourself because you would have an interest in that outcome.

J. Hufford: So, you would just abstain from voting, that's the only thing you'd have to do, right? You wouldn't have to be dismissed on grounds, you'd just abstain, right?

R. Abel: No, no.

J. Welch: I think what he's saying is that if we needed another vote, then there could be an alternate appointed in case you were disqualified for some reason to sit on that particular vote.

R. Abel: So, if you see that ahead of time it would benefit us, especially when we have trouble in getting a quorum, that you would have whoever appointed you, have them appoint an alternate who could set in at least for part of the meeting. So, obviously if you only had a conflict in part of it you could still vote and participate in the rest of it. But then, for that part of the meeting, you are only a citizen. You're supposed to only make comments as a citizen, not as a board member. So, the duties and powers, on page 5. The following duties should be interpreted as activities that are obligations of the APC in accordance with Indiana code. So, a lot of these things like fixed compensation of the employees of the APC consistent with the compensation fixed by the, and it should be County Council, I think it says town. So that's one change in there that I saw that needs done. Supervise and make rules for the administration of the affairs of the APC. That's basically the rules and procedures. Prescribe uniform rules pertaining to investigations and hearings and meetings. Keep a complete record of all proceedings. Keep and file all bonds and contracts and assume responsibility for the custody and preservation of all papers and documents of the APC. Prepare, publish and distribute reports, ordinances, and other materials relating to the activities authorized by Indiana State Code. Adopt a seal of the office of the APC, certify all official acts, supervise the fiscal affairs of the APC, prepare and submit an annual budget, make recommendation to the appropriate legislative bodies concerning the adoption of the Comprehensive Plan and amendments. The adoption or text amendment of the UDO, the adoption or amendment of a PUD district ordinance and zoning map changes. Render decisions concerning plats, replats, amendments to plats of subdivisions, assign addresses. That's another one that technically by code we are supposed to assign addresses, but we've given that responsibility over to the, did we give that over to the Auditor's office or just appoint Fred to do it?

D. Johnting: Fred took it over. I don't really know the circumstances.

R. Abel: Fred Hoffman is the one who does that now.

E. Thornburg: He's the plat man.

R. Abel: Yes, so I am assuming that somewhere in the past the APC has given him the authority to do that. And if not we'll do that in the January meeting.

J. Hufford: I wouldn't bet on it.

R. Abel: I wouldn't bet on it either, so we'll do that in January.

B. McCoy: So, where is that in the minutes? [laughter]

R. Abel: So, let's put that in the January hearing, to give him authority to do that. And technically, for most of this stuff I am reading off, you probably need to go ahead and put it in the minutes that you give authority to the Administrator to do a lot of these functions. Because obviously this board doesn't sit and do all this, so. Render decisions concerning development plans and amendments to the development plans. All additional duties as established by Indiana code. So, the following powers

should be interpreted as activities that are optional and may be initiated by the APC within their jurisdiction pursuant to Indiana State Statute. Establish committees, establish an executive committee. Seek funding assistance through grants, establish a schedule of fees, appoint and fix the duties of the secretary, contract for special or temporary services and professional counsel, and all additional powers as permitted by Indiana State Code. Most of these we do, like it says, they are not necessary, they are optional, so some we do and some we don't. Require commitments. Pursuant to Indiana Code, as a condition to the rezoning, or subdivision plans, vacations, plats, I think that code also lists special exceptions and conditional uses that you're allowed to require commitments. Which basically is put conditions on those. So that's something we haven't done in the past very much. But hopefully when we get this new Unified Developmental Ordinance that Debbie Luzier will come in and give us a little more details on this on the proper ways that maybe give us some more ideas on ways that we can limit certain things if we see that maybe in the future could be detrimental to the neighbors or to the community maybe we can put conditions on these.

J. Hufford: We have discussed this in the past.

R. Abel: This is something that we can look forward to when she gets that Developmental Ordinance done. So, on page 7 that's pretty much what we do. We also do planned developments. It says if enabled there, I fully expect that will be part of the new Developmental Ordinance because that's in our zoning ordinance now. So, are there any questions on that page? And this is something you can go over on Thanksgiving, or Christmas, or whenever you have time to read over some of these tables for different kinds of approvals that are required. And the quorum is always of the full membership, not of the attendees at the meetings. So official action, action of the APC is official when concurred by a majority of the full membership (7 members). Tie votes, it gives you a couple different options on tie votes, and indecisive votes the same options for those. A continuance can be requested by the petitioner, by an interested party or by any member of the APC. And, if you look in a couple pages we're going to look at the agenda schedule, and so this continuance would be put on the agenda wherever we chose to put that then at the next meeting. So read through that, some of that I don't know that we've done very often, but it's certainly an option when you're making decision. Withdrawals of petitions, no petition may be withdrawn by the petitioner after a vote has been ordered by the President or Chairperson presiding. Petition which has been withdrawn can't be heard within 90 days. I'm not sure what our original one says.

J. Welch: If it's been withdrawn, I think it's six months if it's heard all the way. I've got it here.

R. Abel: So, I think this is a little different than what we have now, so we might want to look into that and see if you're happy with the 90 days or if you want to change the length of time on that.

J. Hufford: So this is if a petitioner withdraws it, right?

R. Abel: Yes, the petitioner withdraws it, I am assuming before it's been heard, right?

J. Welch: Before the vote.

R. Abel: Before the vote? So, it might be just before the vote. So they have the option at any time to withdraw. So we go to page 10, we will check on the time limit on that for you.

J. Welch: It's three months.

R. Abel: Three months, so that's the same then, I thought it was different. So it's the same, three months. Page 10 then, Hearing/Meeting Schedule. The Administrator shall develop and maintain an annual application schedule, which we do that. Coordination of calendars, some of these committees we don't have. The Technical Advisory Committee or the TAC is one that we don't have. Those when needed are put together for different developments that come along. Approval of dates, the application schedule must be prepared by the Administrator and approved by the APC. Maintenance. The application schedule shall be reviewed and updated annually by the Administrator and posted in the APC Office. And those are all things that we do currently also. Here's one that I think we are going to want to spend a little time on. I don't like the order of this, but if you do that's great, we can stick with it. This is quite different than what we do now. Call to order, and we don't have a flag so we don't do the Pledge of Allegiance, but we read the minutes and then they allow public comment for items not on the agenda. Now if you read later on, there is a time limit for everything that's in here, and the meeting can only last until 10:00. So at 10:00, that's it.

B. McCoy: I would have liked to have had that back in the CAFO days.

R. Abel: Yes, I guess my point is, if you're going to be pushed for time, why put public comments at the beginning of the hearing? So, if you want to see that at the end, I will make a note of that. Next comes the old business, I guess the way we do it, we go right into the new business, to me that makes more sense.

B. McCoy: Yes, because they may have something else to do and they want to get out of here, they have to sit around while we talk about old business.

R. Abel: So, I would put new business, I would make g to e, is that what you're thinking? So we'd put new business, public hearing on petitions right after the minutes. Ok. Now, I don't know where if you'd continue something where's that put at?

J. Welch: You've got it under c right now. Consideration of requested continuances.

R. Abel: So, you'd probably actually want to put that continuance in front of new business, would you not. You'd want to hear it first. So, everything changes, the minutes would be c, the agenda now the consideration...wait a minute, I'm not sure what that is. I think what c is, is that everybody gets to look the agenda over and decide if you want to do something in a different order or if somebody wants to have a continuance.

J. Welch: Right, but what if somebody has requested a continuance?

R. Abel: So, that's probably not bad in front of the minutes.

D. Johnting: So, that's if they walk in and request a continuance of their hearing that night?

R. Abel: Yes, right away, before it even begins. So, you look at the agenda and see if anyone wants to change the agenda order then that's done at that time.

J. Hufford: Under Roberts Rules of Order, anybody can make a motion to move anything on the agenda to another location on the agenda at the meeting itself.

R. Abel: So, we'll leave that c alone, and d alone, so old business probably wants to be e then, so maybe we want to leave old business at e, because that's going to be the continuance, that are there. And then new business we'll make f. New business from floor, make that g. Does everybody think that's ok? So, now we're left with public comment, announcements and adjournment. I am assuming you want public comments somewhere before adjournment. So, do you want the announcements first or public comments first.

J. Welch: We've never had public comments before.

D. Johnting: We rarely get the public here.

R. Abel: But boy, the City Council sure gets them.

J. Hufford: And I can see if when we have a big crowd here, on something that's really got the public stirred up I can see having a public comments section. Otherwise I don't think it would be needed.

R. Abel: Should we put it down right in front of announcements or behind announcements?

B. McCoy: Like at the school board, or at least for Randolph Central, I don't think they even allow for public comment that's not on the agenda. If it's on the agenda they allow it, but if not they can't.

R. Abel: I know the council just opens it up at the end, just opens it up, "any comments". But there is a time limit. So let's leave announcements after g, as h, and make public comments i. Then adjournment j. That's tentative, if you find something you want to change we can do that next time. The next section limits the time for public comment to 5 minutes, but each person is only allowed 3 minutes.

J. Welch: That doesn't really add up.

R. Abel: No, it doesn't, anybody got a suggestion on what to do with this. If you've got 4 people who want to talk you're in trouble. I think if you put it at the end of the meeting you'd be safe, you could just limit them to 3 minutes each.

B. McCoy: Yeah, I would strike the 5 minute part of that and keep the 3 minutes each.

R. Abel: Ok, we'll just leave the 3 minutes in, if we have trouble with that we can change it. Procedure for petition consideration. So, totally it says 45 minutes for the presentation of evidence, comments and questions at the public hearing meeting. The president shall introduce the petition and open it for discussion. The petitioner shall have ten minutes for the presentation. The staff and public official's report, so I guess that's if Debra or I have something to say, we'll have a short discussion. The public discussion then is given a total of 10 minutes to present evidence and comments. And neutral people is given 10 minutes and that's kind of a new thing because we only give time to people opposed and people for it.

J. Welch: Why would neutral people need 10 minutes?

R. Abel: I don't know. It looks like they would have an opinion and either be for or against.

J. Welch: Or if they're neutral, they'd have nothing to say.

R. Abel: Some of them might just have questions, like are you going to have a certain kind of lighting, or maybe they are not really for or against it, maybe they just want to know what the development's going to look like.

B. McCoy: And I think you have that like with Casey's. There was some discussion about lighting, signage....

R. Abel: So if you have someone who's not really against it, they may not want to come up when you ask because they're not really for or against it, they just have some questions. Ok, then on page 12, opposition has 10 minutes, and 5 minutes for the closing remarks. I think in ours we have actually a rebuttal in there up to two times, kind of back and forth maybe twice, I'm not sure.

B. McCoy: It doesn't really state anything about the APC asking the petitioner questions.

R. Abel: So, they have the statement for the opposition, questioned by the membership of the Area Planning, we have the rebuttal by applicant, the rebuttal by opposition. Again questioned by the Area Planning Commission. That's it. So, the one we have goes back a couple more times it looks like. So, are there questions by the APC, or just discussion of the APC.

J. Hufford: So, after this is revised, will a copy of this go to each petitioner?

R. Abel: Yes, that's part of their packet when they apply. So, I guess the question is when you look at this here do you want to have another rebuttal? Between the two parties, and then questions again by the APC is what we have now.

J. Welch: Well, the petitioner has the burden of proof and they get to go, opposition goes, and they get a chance to rebut, I don't know that there would be any reason to give another chance for the opposition to speak.

R. Abel: And then there's a limitation on that on page 12. No petition shall be introduced after 10pm. Everybody like that?

G. Girton: What about number 3, roll call rotation?

R. Abel: Oh yes, that's something we don't do, but I've got that highlighted. That way you're not always going in the same order. Just start with a different individual each time.

J. Hufford: That sounds good.

R. Abel: It's a lot easier to just rotate the person you start with, but that gets confusing too.

G. Girton: Well, Debbie's got to keep track of it, you'd better ask her what she thinks. [laughter]

D. Johnting: We've talked about not calling on members their first night, but I messed up one night when I went by my list, and didn't intend to do that. So I try to call on "long-term" members first. There are some who are still hesitant if I call on them first (not on this board). And, I missed Missy altogether on her first night.

R. Abel: So, we'll just mix up the first one called. Ok, General Hearing/Meeting Conduct and Procedures on Page 13. Any party may appear in person or by representative. Representative may testify to any facts in which they have particular knowledge. Contacting members. No person including applicants, remonstrators, APC members may communicate with any member of the APC before a hearing meeting with the intent to influence a member's action on a matter pending before the APC. So then, this is kind of like ex-parte communication from our Rules and Procedures but this takes it further. So, the basis for decision, action of the APC shall be based on the information made part of the permanent records. The information submitted at the hearing made part of the permanent records. Testimony received at the hearing made part of the permanent record. The applicable ordinances that are in effect and relevant to the petition (i.e. UDO). So basically, it's just saying that it's just like a court of law, it's only supposed to be based on the testimony given at the time of the hearing. Nothing outside of that. Site visits. Members shall have the right to inspect land involved in any petitions be heard by the APC either individually or jointly. No more than three members shall inspect subject land at any one time.

E. Thornburg: If you can't talk to each other, then how are you going to inspect the site together?

R. Abel: No, you're supposed to talk about it on record. That's the deal, you're not supposed to go and whisper to each other, even up here when you have a hearing. You're not supposed lean over and say, "What do you think about this?" That's not good. So, everything for the petitioner is supposed to be in the open, transparent. It's what you'd do in a court, it's the very same thing.

E. Thornburg: Back to my original question, and not having an argument with not talking to the members ahead of time, how can three of you inspect the site?

R. Abel: Well, you go to the site and you walk around. And I am assuming that someone would take you around and answer any questions you might have. And I am assuming your questions would kind of tell what you were thinking.

D. Johnting: Well, it says with intent to influence.

R. Abel: Yes, so, that's a good question.

J. Welch: So the site visit would be prior to the hearing, so just because you wanted to go look at it before the hearing as long as you're the only one that goes or there's not more than three.

R. Abel: Or even during the hearing you could say, I would really like to see the area, let's have a continuance, and let us go see the site.

D. Johnting: They did that for the landfill.

R. Abel: Yes, they've done that. Unfortunately in the landfill, they just loaded the car up and took them all together, didn't they?

D. Johnting: They did.

R. Abel: And what this is trying to get away from doing that, because everyone is sitting there together in the car discussing it. And this is something that should be done in front of the public.



D. Johnting: And the public didn't hear what was said on that trip.

R. Abel: No. Conflict of interest. During the presentation and discussion of the subject petition, an APC member who has a conflict of interest shall not sit as a member of the APC, nor vote on the particular petition, however they may participate in the discussion as a member of the public. A member of the APC shall have a conflict of interest with regard to the petition if: they are a family member, have financial interest in a subject property or petition, or if they own property close enough to a property to have received written notice. Record of hearing/meeting. The Administrator shall manage files and maintain a record of all petitions, hearings, and meetings. Attendance. APC members are expected to attend all hearings/meetings of the APC. To ensure a quorum, members shall notify the Administrator at their earliest convenience that they are not able to attend such meetings. It also says in there members who fail to appear at hearings may be subject to removal from the APC. I think Indiana Code basically says that if you miss three in a row that could be considered a resignation if the person that appointed you wanted to consider that as a resignation.

J. Hufford: On number three up there, where you aren't supposed to contact members of the board. Have you had that happen here in the last while?

R. Abel: Yes.

J. Hufford: And, I think that it should be on there that if that does happen it should be reported to the director, to you, that they have been contacted.

R. Abel: And the best thing to do, a lot of times I think the person doesn't know they aren't supposed to be contacted.

J. Hufford: Right, I informed them of that when they called me.

R. Abel: Just so you all know, this is going to be part of the training we get from Debbie Luzier, she's going to be going through this. So, as soon as the person contacts you, you just tell them this is inappropriate, if you want to talk to me, you do it in a meeting. I don't think a lot of people understand that, it's something we need to do aggressively at times. Public notice, lists Winchester News Gazette. We've always had fun with that. The notification is ten days, we do that.

J. Hufford: The public notice, is this the same for like our council meetings? You do not really have to put it in the paper. All it has to be is put in the window.

D. Johnting: We put it out here as well.

J. Hufford: That's all that's really required by law.

J. Welch: You have to publish it in the beginning of the year too.

R. Abel: I think you have to publish it then. Interested parties. That is extremely different than what we had. We have 250' (feet) for our interested parties, then I think I added last year anyone within a required setback. And that's because obviously some people with the CAFO's when you've got a thousand foot setback, you notify everybody that's going to be affected. So we put 250' (feet) and a

required setback. Where this is 600' (feet). I just clicked on a couple of properties in town. At the 250' (feet) it was like 25 notices. At the 600' (feet) it was over 100 notices.

J. Hufford: That could be astronomical.

R. Abel: Yeah, like \$700. That's getting pretty expensive. I mean 175' (feet) would be twenty five notices.

D. Johnting: With all the work that is done on these hearings by us and by the boards and then the Post Office and the News Gazette are the ones who make out the best.

B. McCoy: So, have we had hearings where we have had people come forward and say they should have been notified. Because I think the way it currently is, is a good system and it seems like it's worked.

D. Johnting: There was an early CAFO hearing that there was one neighbor who was really far out of the setback, who really wasn't against what they were doing but just upset that all their neighbors were notified and they weren't. But they were just too far to justify.

R. Abel: And we have since put that in there about being affected by being an interested party. They were not an adjoining land owner but they were in the setback. Ok, docketing of cases we pretty much do that. Order of considering cases. On the dates set for hearing/meeting, cases shall come before the APC either in the regular order or the consecutive numbers, or grouped by similar petitions. So that's something we can make a decision on at that time. And like I said you can, even after we open the meeting you can ask to change that order. Officers of the APC. There's President, who is basically elected at the first meeting of each calendar year. Preside over the hearings. There's a Vice President who has the authority to act as president during the absence of the duly elected president. Secretary, and it states that that is the Administrator or their designee shall serve as secretary of the APC. Basically all the secretary does as far as I know is verify that the signature is the president's, in most cases.

J. Welch: It's different than what they have in here, in here they do all the recording.

R. Abel: Yeah, so, it says shall serve as secretary of the APC, shall cause minutes of the APC, so I am assuming if I were the secretary I could cause them through Debra, right? So, that's kind of what we are doing now. So, is everybody reading c) and is pretty much on board with that, right? So, that's a little different than what we have done in the past because we have always elected a board member to be secretary. And I have always thought that was confusing since I have been here because technically they are the keeper of the seal. No, we have that in the drawer of the office, so, that's always been a little confusing for me. So, in the absence of both the President and the Vice President, another chair person shall be selected from the quorum that is at the meeting. You would choose that then.

B. McCoy: Starting with the letter A...[laughter]

R. Abel: Recording secretary may be used for keeping and transcribing minutes of regular or special hearing/meetings of the APC, that's pretty much Debra.

B. McCoy: So are you saying that the first of the year we may consider not having a secretary as far as nominating a secretary?

R. Abel: Yeah, what's our old one say about nominating a secretary. I will try to make amendments to this and get this typed up and have Debra send it back to us, and then let Debbie Luzier check this over.

J. Welch: The old one does have a secretary as being elected from the body.

B. McCoy: I think we did actually do that last year.

R. Abel: So, that would be something we'd have to wait and see if this is adopted then, otherwise we would have to go back to that. Any other questions on page 17? We don't that I know of send out notice to the press. Do we always do that with the agenda?

D. Johnting: I have on certain ones, but I guess we can. I am not sure who would receive it now. I used to always send it to Darrel and he's not there and I am not sure who would want to get it. They used to determine if they wanted to come to this hearing or go to a different meeting, or whatever. And now I don't know.

B. McCoy: Can it be put on the County's website, and who even takes care of that?

E. Thornburg: Different people take care of different parts of it. Jan takes care of our stuff. You've got to be someone with an editor on your calendar.

A. Moulton: We get a request at the beginning of the year for agendas to be sent to the Muncie Star Press.

D. Johnting; Yes, Darrel Radford had done that with us, agendas and minutes afterwards to help him write up articles. But I don't know who is going to meetings and writing up articles now. And no one has requested agendas or minutes since he left.

J. Welch: I don't like how this is, because it says "shall" be distributed to the press, and doesn't say who the press is, so we are violating the rule if we don't send it out, so I think we should take that part out if they don't request it.

J. Hufford: And it's not in the open door laws where you have to furnish that to the press. It has to be requested, or they can come in and pick it up.

R. Abel: So I will put if requested, the press. Ok, amendments to Rules and Procedures. Ok, is everybody good with page 18 then? Ok, basically that is it. Now everybody is getting too happy, we've got to go back to the different appointments. So, we read through some Indiana Code today, and the first thing I came to, and this is all under Indiana Code 36-7-4-210. Under subsection 210, it describes how to create an advisory council for the small towns and then they vote in a representative and that would be Aaron Stephens, that does that one. So then you go to subsection 208, and there's a member appointed by the County Executive from its membership and that would be Gary. And the fiscal body would be Bob McCoy. And the representative appointed from the Corporation of Superintendents and that would be Adrian. And then the next one would be the County Agricultural Extension Educator and

that would be Amy. And then there comes the citizen appointments. So, one citizen is basically appointed by the County Executive, which is the Commissioners, and that would be Don. And then the second one would be from the fiscal body and that would be Andy, so then we go to the cities, and there are two appointments from each city, one's a council member and the other's a citizen appointee. So from Union City the council member would be Jim Hufford, and the citizen appointee currently is Dan Vinson. But we have discovered that since he also sits on the City Council and that's not allowed for a citizen appointment. So, Union City is currently now looking for a citizen appointee. Someone who is not currently on the council. Which is different than what we had originally understood when we were doing this. Winchester the citizen appointee is Bryn and the council member is Missy. So, then we come back to the small town representatives, and that's any town that is over 2,100 and under 10,000. So, that would be Farmland, which is Paula, and then Lynn would be the other one which is John Reece. So, that's the entire membership. So, from there we go to what we have to decide tonight. So the BZA requirements are set down pretty strict, just like the APC is. Basically, two citizen members. So the citizen members we have on the APC would be John Reece, Andy Fahl, Bryn Albertson, and Union City who we don't have one for. So it would come from those four, only right now it's only three. This is a citizen of municipality. So, the county then has Don Calhoun, oh and Andy Fahl is the other one because he is appointed by Council. And if we fail to appoint these we're only going to have four members sitting on the BZA, so every hearing is going to have to be unanimous. So we have talked to Andy, and I'm not trying to push Don out, but Andy said he'd like to do it, and I don't know if you are wanting to do it.

President Calhoun: I'd like to consider doing it.

R. Abel: So, that would be the two people for the county citizen appointees, would be Don and Andy.

President Calhoun: And what's the other one?

R. Abel: The other one would be the citizen appointees from the municipalities, that would be between John, Bryn and the appointee from Union City. And it could be awhile before that one is appointed, so basically it's between John and Bryn. So, I don't know how you'd like to handle that, it's up to the board. If you want to decline, you can, or put your hat in the ring.

B. McCoy: It is a paying position, isn't it? It will pay for gas, if you get it at Casey's.

A. Moulton: I make a motion to send Don Calhoun to be a citizen member of the BZA.

B. McCoy: I'll second that.

R. Abel: Do we need to call for a vote? Roll call vote?

D. Johnting: Jim Hufford, yes, Gary Girton, yes, Don Calhoun, yes, Bob McCoy, yes, John Reece, yes, Paula Keister, yes, Aaron Stephens, yes, Amy Alka, yes, Bryn Albertson, yes, and Andy, Missy and Dan are absent. Motion approved.

R. Abel: Ok, so the other one left would be between Bryn and John.

J. Reece: I am going to decline due to health issues, I have a lot of stuff going on, I don't know how available I am going to be but I appreciate it.

R. Abel: Ok, then by process of elimination, Bryn?

B. McCoy: I'll nominate Bryn.

A. Moulton: I'll second it.

R. Abel: Another roll call vote?

D. Johnting: Adrian Moulton, yes, Bob McCoy, yes, Gary Girton, yes, Bryn Albertson, yes, Jim Hufford, yes, Don Calhoun, yes, John Reece, yes, Paula Keister, yes, Aaron Stephens, yes, Amy Alka, yes, and Missy, Dan and Andy are absent. Motion approved.

R. Abel: Ok, that's really helpful, thank you all for volunteering. Now, so the next thing we have to look at is the schedule. And, what we have found is that there are a lot of conflicts on the days we are having hearings, on Mondays and Tuesdays. So, we are wanting to move this meeting to the third Wednesday. And we want to move the BZA then to the third Tuesday. Then it will always be the third week, every month, and get off those holidays in January and February. It will make it more simple that way, since it will always be the third Tuesday and Wednesday. We talked to people on the BZA and they are happy with their move to Tuesday, and we are wondering if you are happy with a move to Wednesday? Are there any conflicts that anyone here has with moving to the third Wednesday?

D. Johnting: For example, Monday night was a city council meeting and a BZA hearing, and had it been something that people had an interest in both...

J. Hufford: And as an elected official I have to make a choice and I am elected to go to those hearings so I had to miss the BZA hearings in January and February.

B. McCoy: We can try it for a year and if it doesn't work out put it back the other way?

J. Welch: It will be an amendment to the By-Laws, we can amend that tonight and sign it in January to amend the by-laws to have our meetings the third Tuesday and Wednesday after the first Monday every month but December.

R. Abel: So, we need a motion for that.

President Calhoun: It has been moved and seconded to change the By-Laws to have our meetings the third Tuesday and Wednesday after the first Monday every month but December.

D. Johnting: Gary Girton, yes, Bryn Albertson, yes, Jim Hufford, yes, Don Calhoun, yes, Amy Alka, yes, Aaron Stephens, yes, Adrian Moulton, yes, Paula Keister, yes, John Reece, yes, Bob McCoy, yes, and Andy, Dan and Missy are absent. Motion approved.

President Calhoun: Is there anything else that we need to discuss tonight?

R. Abel: The only thing to report is that Debbie Luzier is still working on the Developmental Ordinance, she has sent us a few things, just to review, like definitions, obviously those are going to change radically, when we go over the whole thing. We are still working on the solar ordinance, we have a committee meeting on that. And, hopefully within the next couple of months we'll have that

pretty much done. We have several people who need to review it including Jason, Debbie Luzier, Meeks and a couple of others. That's what we are working on now.

B. McCoy: Nothing new on Headwaters II?

R. Abel: We don't have any applications yet.

D. Johnting: Would anyone like a copy of the old By-Laws?

President Calhoun: I will entertain a motion to adjourn. We will adjourn the meeting then. Thanks everyone for coming, I hope everyone will have a happy holiday.

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President, Don Calhoun

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Vice President, Bob McCoy

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Recording Secretary, Debra Johnting