

APC MINUTES**MARCH 20, 2019**

Members present: Amy Alka, Aaron Stephens, John Reece, Andy Fahl, Don Calhoun, Gary Girton, Jason Allen, Jim Hufford and Bryn Albertson

Members absent: Adrian Moulton, Paula Keister, Bob McCoy

Positions Vacant: Union City Mayor Citizen Appointment

Legal Representation: Jason Welch

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

Others present: Ed Thornburg

President Calhoun: It's 7 o'clock and I will call this meeting of the Area Planning Commission to order. I guess to start out with it looks like we have a new member tonight. If we can go around and everyone just introduce themselves, would you like to start?

J. Allen: My name is Jason Allen, I am sitting in for the appointment on City Council. I am now the At-Large seat on the City Council. I took over for Missy Williams. I'm just going to be there until the remainder of the year, until they figure out who's going to win the election for the At-Large seat. But Tom Sells is the president of the City Council and just appointed me Monday to Area Planning. So, they just shipped me in here, and then she gives me all these books.

D. Johnting: I told him he didn't have to memorize them.

A. Alka: I am Amy Alka, and I am on the board because I am the Ag Resource and Extension Agent.

A. Fahl: My name is Andy Fahl, I live down in Lynn, and I am the County Council's appointee and Vice President.

B. Albertson: I'm Bryn Albertson, I'm the Mayor's appointment for Winchester.

G. Girton: Gary Girton, Commissioner, I am the Commissioner's representative.

J. Hufford: James Hufford, Union City representative.

President Calhoun: Don Calhoun, and I was appointed by the County Commissioners.

R. Abel: I'm Randy Abel, I'm the Area Planning Director for the county.

J. Welch: Jason Welch, attorney for the board.

D. Johnting: Debra Johnting, secretary to the board.

A. Stephens: Representative from Parker City.

J. Reece: John Reece, representing Lynn. And I have memorized the ordinance.

[Laughter]

President Calhoun: We're not going to expect you to memorize everybody's names and all that, so. Ok, does everybody have a copy of the minutes for January 23, 2019. Has everyone had a chance to review the minutes, are there any corrections or changes? Seeing none, I will entertain a motion to approve the minutes as presented. It has been moved and seconded to accept the minutes as presented, all in favor say aye, opposed no, motion passes. Ok, on the agenda tonight, 2019-1-A amendment to the sign ordinance. Randy, would you want to go over that?

R. Abel: Well, basically just look at the comparison on the two sheets that you have, the yellow is what's been changed. The one that is entitled Exhibit A and B is what we are changing it to. And both of those have met the approval of the ACLU and should end the lawsuit that we are in. If there ever are any changes we will make in the future, it will be at a time like when we are doing the Unified Developmental Ordinance, which would be sometime this summer.

President Calhoun: Does anybody have any questions or concerns about the changes?

J. Hufford: I make a motion that we accept the Ordinance 2019-1-A, amendment to the sign ordinance.

A. Fahl: I second.

J. Welch: We would actually be making a recommendation to the governing bodies.

President Calhoun: Ok, I would accept a motion for a roll call vote. It has been moved and seconded for a roll call vote, Debra?

D. Johnting: Don Calhoun, yes, Aaron Stephens, yes, John Reece, yes, Andy Fahl, yes, Amy Alka, yes, Gary Girton, yes, Jim Hufford, yes, Bryn Albertson, yes, Jason Allen, yes. And Adrian Mouton, Paula Keister, Bob McCoy are absent, and the Union City Mayor Appointment is vacant at this time. Favorable recommendation.

President Calhoun: Ok, is there anything that we need to bring up at this time.

R. Abel: Not really, we're still meeting with Debbie Luzier on the Unified Developmental Ordinance, the steering committee's still meeting so that's still going through the process.

D. Johnting: We do have a hearing next month, R & D Holdings is rezoning a parcel.

J. Hufford: I wondered if you had any news about what's going on with that junk yard is out there on 32? Is there anything that can be done about that? Is there state laws that govern that? They started a business there and...

J. Welch: It looks to me like it's more of a nuisance, we have a finding that they have violated the ordinance and that's set for a review hearing in April. So that will go before the judge again in April to see if they have complied with what they were supposed to do between October and now. And then it will be up to the judge to decide whether they have or not. That's all we can do, you know, if they are operating a business then they are in violation of the ordinance, but that will be up to the judge to

decide whether or not that's happening. The county may have some nuisance ordinances at their disposal which might be more effective.

J. Hufford: Well, there are state laws regarding junk yards too.

J. Welch: On a junk yard it's...

J. Hufford: When you've got vehicles rolled over, cutting parts off and storing parts all around, that's a junk yard.

J. Welch: Well, it's a nuisance for sure, especially to the neighbors.

J. Hufford: Oh, yeah.

J. Welch: It's in the process, I think all we can do on our end is in process.

President Calhoun: Is there anything else? Yes.

A. Fahl: I want to bring this up, tonight's not really a good example, but in the past we have struggled to have enough people here. And I just want to bring it up in a formal meeting, does anybody have any ideas? I know life happens, and we've all got a lot of things going on. We've got thirteen members and we struggle to get 7 to a hearing. That sends a bad sign to whoever is here with their business. Casey's or whoever it is. Does anybody have any ideas? I know you can't make people come, but there's got to be some discussion on this.

J. Hufford: We've went through this before, we went almost a whole year where we couldn't get enough people and we had to keep postponing things off because we couldn't get people here. It's terrible, because people put notices in the paper, and send out letters and then we don't show up and it's hard on them.

D. Johnting: The letters to rezone for the APC, if they are in town, they send out 250 feet around them, they could send out thirty to forty letters if they are in a highly populated area.

J. Hufford: And those are certified.

D. Johnting: Certified letters, they're seven dollars each. And then they pay \$50 to \$100 dollars to the newspaper to put their notice in. They may be wanting to put a small porch on or something or the lady recently that had to rezone because her bank made her do it. She spent hundreds of dollars and then if we wouldn't have had enough people here—if we were not having a hearing anyway, we'd have to meet with whoever showed up, and vote to postpone if she was the only one on the docket, or she would have to send everything out again. The BZA generally does variances which notify just the abutting neighbors, they generally don't send out as many. Sometimes, the day of the APC hearing, I am panicked because I know I have 6, I just don't know if I am going to get 7. So several of you have gotten frantic calls at 3:30 the day of the meeting to make sure you're still available.

J. Welch: I will say Debra and Randy have done a lot better than where we were at in the past where we couldn't even get a quorum and I know they struggle and they contact everybody and try to remind everybody.

D. Johnting: Jason called me one day and asked if we were having a hearing that night—no one even knew. And I didn't even know what he was talking about then—but I wondered why the attorney didn't know one way or the other. So I make a point to try to let you know as soon as I can if there is or is not a hearing. Like, I know right now that we do have an applicant for next month so we are having a hearing.

J. Hufford: I know our obligation if you are an elected official or you are appointed by the city, I think the city should be notified.

R. Abel: Yes, they are.

D. Johnting: Yes, I do, I send out the attendance records every quarter to the appointing bodies, so they know.

A. Fahl: I just think it sends a bad signal or sign that we don't care about their business if we are not here to have a quorum.

D. Johnting: And it's frustrating when appointments go unfilled, we had one go for a while on the BZA and we have one from Union City now. And we've known about that for a while. It just makes it bad because I know I am going to lose one or two or three right off the bat.

J. Hufford: Yes, and what makes it really bad if there are just seven people here so all it takes is one dissenting vote to cause it to be denied.

R. Abel: When it's really critical is when there is development at stake.

J. Hufford: Right.

R. Abel: So, you've got a business that's wanting to come in, especially this time of year, and they are wanting to break ground this spring, and it would really throw a monkey wrench in everything if they had to put it off for a month. So, it's pretty critical.

D. Johnting: Because they have already waited awhile—it takes a few weeks to get on the docket.

A. Fahl: So, we've discussed the problem, how about discussing the solution.

R. Abel: She does notify whoever the recommending body is, she notifies them, there's also a state ordinance that basically says that if you miss three times the person who appoints you can consider that as a resignation. Otherwise the only way they can get rid of the person is because of attendance. The state says if you miss three times they can consider that a resignation and they can replace you—otherwise they can't replace you. It's a matter of getting the right people to represent the cities and the commissioners, somebody who is committed to coming, who understands the importance of it.

D. Johnting: And unfortunately, and Jason and I had this conversation yesterday, you rely on busy people to do this kind of thing, everybody here tonight is a very busy person. They are on more than one thing, if not, they're not going to pick someone they think is not going to show up. You folks are out in the community, you're busy, you get tagged for this and I know sometimes you probably think I

don't know if I am ever going to have a day when I don't have a meeting. But we have thirteen people here to make ordinances, and personally I wouldn't want that to be done by half the group.

President Calhoun: As far as having a substitute, can we look into doing that?

R. Abel: If you are recused for financial reasons, or conflict of interest, and you know ahead of time that that's the case, you can have a substitute.

J. Welch: It can't be just because you want to do something else.

R. Abel: Right, it can't be just because you're going on vacation.

D. Johnting: If it's a city council, can they have an alternate if it's already determined?

J. Welch: I think it's only for the recusal, but it's something we can look into.

R. Abel: The APC was one way and the BZA was the other, I can't remember which one it was now.

D. Johnting: Because the BZA—they are made up of citizen members, they are not on another board.

R. Abel: Right, I think it was the BZA that was just because of recusal for financial reasons, the APC might be able to vote for an alternate.

J. Welch: We'll take a look at that. A substitution or a proxy wouldn't be the same thing.

A. Fahl: Are you having the same issue on the BZA?

D. Johnting: This year is much better, we do have one who hasn't attended, they've missed three hearings. The other six, I can count on them.

A. Fahl: Well, I think you and Randy both do an excellent job.

D. Johnting: I know I drive you all crazy.

A. Fahl: Well, you two have other things to do besides a baby sitting service. I mean, we're all adults and there's times that everybody can't make every meeting. Not naming any names, can we go to statistics, where is there someone who is a habitual offender? I mean, do we want to look at it that way?

D. Johnting: In the past, yes, but a lot of those have been resolved, either the person started attending again or they have been replaced. For this group, I would love to see the Mayor of Union City appoint someone. Jim, if you have any influence there....[laughter]

J. Hufford: I have been on him so many times, and he has someone he has just not yet called Randy to get it taken care of. I got on him two days ago, he said he would get on it, but I guess he didn't.

J. Allen: If the appointment is not filled can the Mayor be a stand-in for that particular city?

D. Johnting: No, the state's pretty strict on who can do what, and what we're waiting on is someone who is a citizen appointment—a citizen who does not hold any elected office.

J. Allen: Can you do a written, proxy vote if someone can't make it?

R. Abel: Nope.

D. Johnting: No, they don't hear the public discussion, there might be things brought up that would change their vote, and it wouldn't be fair to the folks who come to voice their concerns on that night.

J. Welch: I think it's just a product of a basically volunteer board, and some people don't take the commitments as seriously as others do. You can have refreshments at the meeting, or get Randy to bring in pizza.

[Laughter]

J. Hufford: A lot of people have already asked me if I will take the citizen's appointment after I get off the council in 9 months, 10 days and 4 hours.....

D. Johnting: And we agree to that. We already are on board with you doing that.

A. Fahl: So how do we get to the number 13?

J. Welch: So, there's a state statute that specifically says who can be on the board and it says specifically where they all have to come from. It states specifically who has to appoint the 13 people, and specifically who the 13 people have to be.

A. Fahl: Well, I suppose it's something that we can all think about and get back together on it at a later date.

D. Johnting: There have been issues that have been dealt with that make it easier now than have been in the past. We did change the days to Tuesday and Wednesday so now we don't interfere with some of the council meetings, we were meeting on the same nights as Union City and Winchester city council meetings, so that's been taken care of.

J. Hufford: The one thing that would help with the appointing bodies, whether it be the commissioners, the council s or whomever, to make sure when they do appoint someone that those people understand that they are obligated to show up. Otherwise don't take that position, we'll appoint somebody else.

D. Johnting: I do—I send the sheet to each appointing body and highlight each attendance records. I don't know how that is received, if they understand that their folks are missing meetings and how much of a problem that is. I would be really upset if I appointed someone and then time after time they would see that, let me pick on Jason, I would see that we are discussing things that affect Winchester, and yet the Winchester City Council representative is not there. Then they have no right to say anything about how the rest of the group votes on their behalf. The same as it would be if it were Lynn, Parker City, and so on. It just sends a bad message to the people who are here. We could be voting on a zoning change for Union City and the Union City representatives are not here, and on top of that it could be voted down.

J. Hufford: And them not be here, yeah, that doesn't look good. And we have one next month. And we have a project coming there on Oak Street, and they came over and talked to us and I asked him if he'd been over and talked to you guys, because they can't do what they are wanting to do the way it is now.

D. Johnting: I am working on an email to him right now. The more things I see to ask about the more I see...But we'll get him taken care of, he'll be here in April. But that's for the BZA. Is there anything else that we can do? Bug you a little more?

A. Alka: Deb and I can't do email, so we email and text.

D. Johnting: I know, I get hacked from Russia but Amy and I can't email so I send her an email and then a text to see if she got it. And we know we won't see Amy in July, it's only fair, because it is the Fair. [laughter].

President Calhoun: Well, if there is nothing else this evening, I appreciate everyone coming, I will entertain a motion to adjourn. We are adjourned. Thanks everyone.

President, Don Calhoun

Vice President, Andy Fahl

Recording Secretary, Debra Johnting