

## APC MINUTES

May 18, 2022

Members present: Andy Fahl, Tom Chalfant, Don Calhoun, John Reece, Steve Hernly, Coy Applegate, Jim Hufford, Tom Kerns

Members absent: Amy Alka, Will Greer, Adrian Moulton, Terry Alfrey, Bob Lahey

Legal Representation: Jason Welch

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

Others present: Michael Meadows, Ed Thornburg, Mayor Bob McCoy

President Calhoun: It's seven o'clock, so we'll go ahead and get started with the Area Planning Commission meeting tonight. Did everybody have a chance to look at the minutes? Are there any changes or corrections on them? If there is none, why I will accept a motion.

A. Fahl: I move to accept the minutes as presented.

J. Hufford: I'll second.

President Calhoun: It's been moved and seconded to accept the minutes from the April 20<sup>th</sup>, 2022 meeting as presented. All those in favor say aye, all those opposed no. Motion passes. First on the agenda tonight we have JK Mack Investment Properties, LLC. If you want to come up and state your name and your address and tell us what you're wanting to do.

M. Meadows: Michael Meadows, business address is 4201 West State Road 32, Winchester, Indiana. We are requesting rezoning from C-3 to R-2. We are looking at building some residential housing there on Huntsville and Beeson.

President Calhoun: Okay. Do any of the board members have any questions for him?

R. Abel: Would you like to state what was there before?

M Meadows: I believe there was a greenhouse there before. Tentatively, we are undecided whether we want to build two residential homes or another duplex, we are tossing that back and forth as to what we want to do with that property.

R. Abel: The current property is bordered by both residential and commercial, so it makes a good transition between the two.

J. Hufford: Right.

President Calhoun: I would ask if there is anybody in the audience who has a comment or question but I don't see anybody, so.

J. Hufford: I was just wondering why he was asking for R-2 instead of R-1 but he said he was going to possibly build a duplex so that explains that, when he stated that.

A. Fahl: I move for a favorable recommendation on this request.

President Calhoun: It's been moved and seconded for a favorable recommendation, we need a roll call vote.

D. Johnting: Amy Alka, is absent, Adrian Moulton is absent, Will Greer is absent, Steve Hernly, yes, John Reece, yes, Andy Fahl, yes, Tom Kerns, yes, Don Calhoun, yes, Tom Chalfant, yes, Jim Hufford, yes, Bob Lahey is absent, Coy Applegate, yes, and Terry Alfrey is absent. Favorable recommendation. I think they will meet on June 6<sup>th</sup> but I will let you know in case it is the third Monday.

President Calhoun: So, next on the agenda is the JK Mack Investment Properties LLC, Northtown Subdivision Phase II. Tell us what you're wanting to do.

M. Meadows: We are requesting to reschedule that for next month. So we can finalize the paperwork on that.

R. Abel: They have quite a bit of it done, but there was a little bit of paperwork that we couldn't quite get done to move forward. There's just a few details and I don't think it will take them too awful long to get it done, but we just couldn't go forward without it all being complete.

J. Welch: We need to have a motion and a vote to continue the hearing.

President Calhoun: Okay.

A. Fahl: I move that we table this petition until next month, the next meeting.

President Calhoun: It's been moved and seconded that we table this to the next meeting. So, do we need a roll call vote?

J. Welch: Yes.

D. Johnting: John Reece, yes, Andy Fahl, yes, Tom Kerns, yes, Don Calhoun, yes, Tom Chalfant, yes, Jim Hufford, yes, Bob Lahey is absent, Coy Applegate, yes, Terry Alfrey is absent, Amy Alka, Adrian Moulton and Will Greer are absent, Steve Hernly, yes, and that is a recommendation to table the petition to the next meeting. It is approved.

M. Meadows: Okay, thank you. You all have a good evening.

President Calhoun: Okay, old business? I see none. New business? APC2022-2-A, Sign Ordinance Amendment.

R. Abel: So, I hope everybody has read it through, I haven't got any feedback, has anybody seen anything missing? Just kind of read through it carefully. Basically, this increased the size to that 1.6 factor, and increased the 25' height. We did away with the maximum cumulative area. I think that's the three things that were in that table that we wanted changed. So, the Amendment 2 in there, was for the agriculture signs, the seed signs, I think I took that mostly out of Clinton County. And maybe Porter, a couple of them like that. Did everybody get through Amendment 2, read over that? Do you see anything that you want changed, or added to it? Okay, Amendment 3, was the one about allowing signs to continue as they are. And basically, for some reason if somebody's got a thirty-foot sign and they get a deal on a twenty-foot pole and they lower it, you know then they could go back to the twenty-five because that's what's allowed, but after that they could never go back to the thirty. Does that make sense? And that's pretty consistent with the rest of the ordinance. You can't make anything more non-conforming. But you can make it less non-conforming.

T. Chalfant: Do you know how many people have signs taller than 25 feet.

R. Abel: I don't know how many, but there's a few.

T. Chalfant: But not very many?

R. Abel: Not very many. I know Sausers down there have one that's thirty, and there's a few here in town, but not very many.

T. Chalfant: Well, I think the Commissioners didn't want people to have to lower their signs, I think the intent was that they wouldn't have to lower their signs. That whatever they are, they can keep them the same.

R. Abel: Yes, that's what this allows, is that they can leave it at that thirty. If they never lower it, they can leave it at what it is now. But you're talking decades.

J. Welch: We took out that problem where the refacing is considered changing the sign. This allows you to reface the sign with the same kind and height that you have.

R. Abel: And then somebody mentioned bench signs, and I think what they were really stating there is those little donor plaques on the side, and we don't consider those signs. And I don't think you want them to be able to paint the entire bench with an advertisement for somebody. I think that's still prohibited. But the donor plaques are what is not considered a sign. Can anybody think of anything else? For now, I mean, there will be time for us to adjust this later, if there are any other problems, because hopefully we're still working on that UDO. And it's just taking us a long time. We are so busy in the office it's taking us a long time, and she gets busy and it takes her a long time. So, the back and forth kind of goes slow. So, that can be changed even in the future too.

President Calhoun: Do we need to vote on each one of these amendments separately each one, or vote on them altogether?

J. Welch: I think you should probably vote on them separately, because you could have a different vote on one of the other ones. So, you should probably vote on them all separately.

A. Fahl: I move that we adopt the proposed Amendment Number 1.

J. Hufford: I second.

President Calhoun: It's been moved and seconded that we accept the proposed Amendment Number 1. Roll call vote?

D. Johnting; Andy Fahl, yes, Tom Kerns, yes, Don Calhoun, yes, Tom Chalfant, yes, Jim Hufford, yes, Coy Applegate, yes, Steve Hernly, yes, John Reece, yes, and Terry Alfrey, Bob Lahey, Will Greer, Adrian Moulton and Amy Alka are absent, favorable recommendation on Amendment Number 1.

A. Fahl: I move that we adopt the proposed Amendment Number 2.

J. Hufford: I second.

President Calhoun: It's been moved and seconded that we accept the proposed Amendment Number 2. Another roll call vote?

D. Johnting; Tom Kerns, yes, Don Calhoun, yes, Tom Chalfant, yes, Jim Hufford, yes, Coy Applegate, yes, Steve Hernly, yes, John Reece, yes, Andy Fahl, yes, and Terry Alfrey, Bob Lahey, Will Greer, Adrian Moulton and Amy Alka are absent, favorable recommendation on Amendment Number 2.

A. Fahl: I move that we adopt the proposed Amendment Number 3.

J. Hufford: I second.

President Calhoun: It's been moved and seconded that we accept the proposed Amendment Number 3. Roll call vote?

D. Johnting; Don Calhoun, yes, Tom Chalfant, yes, Jim Hufford, yes, Coy Applegate, yes, Steve Hernly, yes, John Reece, yes, Andy Fahl, yes, Tom Kerns, yes, and Terry Alfrey, Bob Lahey, Will Greer, Adrian Moulton and Amy Alka are absent, favorable recommendation on Amendment Number 3.

A. Fahl: I move that we adopt the proposed Amendment Number 4.

J. Hufford: I second.

President Calhoun: It's been moved and seconded that we accept the proposed Amendment Number 4. Roll call vote?

D. Johnting; Tom Chalfant, yes, Jim Hufford, yes, Coy Applegate, yes, Steve Hernly, yes, John Reece, yes, Andy Fahl, yes, Tom Kerns, yes, Don Calhoun, yes, and Terry Alfrey, Bob Lahey, Will Greer, Adrian Moulton and Amy Alka are absent, favorable recommendation on Amendment Number 4.

President Calhoun: Okay, are there any other reports from officers or committees that we need to discuss?

R. Abel: I will say I'd like to thank Jason, we had a settlement on the Ryan Boggs situation over in Parker City. Between Parker City and the school over there. So, I think we got a pretty good settlement over there. And I know that Jason put a lot of work into that.

T. Chalfant: What settlement was that again, I couldn't hear you?

J. Welch: It's the guy who had all the mowers. We got them cleaned up and he has an injunction.

R. Abel: And it's a permanent injunction. We shouldn't see them anymore.

T. Chalfant: On electronic signs, I know we have had a lot of conversations about it, but I guess I am of the opinion that until I start hearing a lot of safety issues with the electronic signs, I guess I would not want to mess with them. Because I think there's still a lot of them that don't conform to our rules. But until I hear of a safety issue I don't know, I mean do people think there's a safety issue with them?

R. Abel: There's research on that, if you want to get on line, actually the research done by the sign company will tell you it's "iffy" if there's any safety issue. The research done by the universities and the government says there's a safety issue. So, it's whoever you want to believe, it's who's paying the bills. Research and data can show about anything it wants to. If you'd like to see me get some printed out research we can get it and print it out and email it to you and you all can look over it. Some say there isn't, some say there is.

T. Chalfant: Well, when I look over accident reports for Randolph County, I don't see any that say distraction from a sign.

President Calhoun: Anything else we need to discuss?

D. Johnting: We will have a meeting next month to discuss the petition that was continued tonight. At least that one, the deadline isn't until next week for June. But I will forward that when it's ready.

President Calhoun: Okay, I would entertain a motion to adjourn.

J. Hufford: So made.

A. Fahl: Second.

President Calhoun: It's been moved and seconded that we adjourn, so I thank everybody for coming tonight.

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President, Don Calhoun

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Vice President, Andy Fahl

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Recording Secretary, Debra Johnting