

RUSH COUNTY
AREA PLANNING COMMISSION MEETING MINUTES
MAY 11TH, 2022
6:00 P.M.

President, Marvin Rees called the meeting to order at 6:00 P.M.

ROLL CALL: Jeff Amos, Kenny Aulbach, Secretary, Denny Corn, Vice President, Ron Jarman, Kelly Land, Tom Monka, Mary Richardson, Marvin Res, President. Also present was Attorney, Geoff Wesling, Consultant, Gregg Duke, and Staff Secretary, Linda Ashwill. Justin Orme was absent.

APPROVAL OF MINUTES: Executive Session Meeting, February 9th, 2022-Motion made by Ron for approval. Seconded by Jeff. All were in favor. These minutes approved. Regular Meeting February 9th, 2022. Ron made the motion to approve. Seconded by Mary. All were in favor. Minutes approved. March 9th Regular Meeting Minutes. Ron made the motion to approve. Seconded by Jeff. All were in favor. Minutes were approved. Executive Session Meeting, April 13th, 2022 Jeff made the motion to approve. Seconded by Kelly. All were in favor. These minutes were approved.

NEW BUSINESS:

1. APC-2022-13 John I. Hunt is requesting a property rezone on parcel 70-02-18-200-008-000-008. Presently this property is split zoned A-1 and Commercial. Mr. Hunt is wanting to rezone the parcel as all A-1, so the house and two acres can be split off. Property location is 9516 North Carthage Pike, Carthage IN

Gregg gave Finding of Fact as follows: Mr. Hunt is requesting the zoning classification of one split zoned parcel to be changed from split zone of rural Residential (A1) and Commercial © to entirely Rural Residential A-1.

According to IC 36-7-4-603, the following items must be taken into consideration when considering rezones

- 1. The Comprehensive Plan** – the current triangular shaped lot with a A-1/C designation is bounded on two sides by A-1 Rural Residential zoning and one side Commercial ©/Manufacturing (M). Changing the zoning of the lot to all A-1 would not seem offensive to the comprehensive plan.
- 2. Current Conditions** – The parcel in question has most recently been a mixed use of residential and agricultural. Additionally, this parcel is surrounded mainly by agricultural uses and is outside of Carthage.
- 3. Desirable Use** – Housing in a Commercial District requires a Special Exception, while housing in a Rural Residential District is a permitted use. Split zoned properties such as this property can pose a potential hardship to the owner.
- 4. Conservation of Property Values** – No change is expected to surrounding property values.

5. Responsible Development and Growth – This change will help to solidify the intended use of the property.

This hearing was published locally an adjacent property owners were notified.

Recommendation:

Planning staff recommends rezoning the entire parcel at 9516 North Carthage Pike to Rural Residential (A-1). Gregg shows on the visual where the property is located and the surrounding acreage that Mr. Hunt owns showing the split zones. There is manufacturing south of this property and commercial. Gregg said he didn't know why this was zoned manufacturing. It was an oddity. One of many. Kelly stated the rest of that far, was agricultural. Mr. Hunt stated that was the tractor implement place at one time.

President Marvin Rees asked if Mr. Hunt had anything else he would like to say or add to this. Mr. Hunt stated he didn't. Marvin asked if there were questions from the Board. Hearing none he asked for questions from the audience. Hearing none, Marvin opens the floor for a motion

Ron made the motion to approve for the rezone to A-1. Seconded by Kelly. This will go to the Commissioners with a favorable recommendation. All were in favor. Motion passed. The next Commissioners meeting is May 23rd.

2. APC-2018-11 Continuation of discussion concerning changes to the rest of the Rush County Ordinance. Gregg asked if he may, could he go ahead and give a presentation on this. It's not a public hearing, but these are the things that we will need to consider before we have a public hearing. Gregg started out with the Business District 7.6.11. This is the signed Ordinance that we put I all the other zones. It's the same verbiage as all the other. We are basically just trying to be compatible with the other zones. Gregg said to stop him if they had questions or comments. That was the only change for Business. In the Commercial District we removed the original verbiage in the opening. He said his goal was to get rid of as much negative language as we can. He replaced this with "This District is being created to provide an area for necessarily commercial uses generally found serving local areas in towns, highway traffic, etc." We didn't want to talk about the nuisance to other types of uses. We shouldn't view other uses as nuisances. Again, Commercial got the sign verbiage added. Residential added was restrictions for wholesale junk yards. All junk yards should be closed by a well maintained solid fence or walls built that will confected conceal such junk yard from the adjoining yard or street, highways, but any case but not less than six feet high. We are just adding a little verbiage that says you got to make your junk yard look nice. Denny asked what a junk yard is. Gregg said we have some definitions, which he doesn't have his book with him right now. Linda said she was having trouble with the numbering system. Gregg said she probably won't because there are numbers all over the place. You guys have received red line copies, you have received normal copies. You have received amended copies. It's hard to keep track. He is telling us what zone we are in and what the changes are. Tom said the State defines a junk yard as an assembly yard if parts or vehicles for sale. Gregg said he couldn't remember if they added anything to this definition or not. Tom said he didn't think so. Gregg said it might not be a bad ideal. Mary asked Gregg if he was talking about what had been done to Commercial and what needs to be done to Manufacturing, is there a need to put junk yards under Manufacturing. Junk yards wouldn't fit under Manufacturing, would they? Gregg said it's not Manufacturing. Linda said we have had 7.4 already amended so she had just taken 7.5 and beyond. Gregg said again this came from mostly the red

line copies, so if there is confusion, is what he was saying earlier, that multi copies were sent out and it was getting too confusing for him to keep track of. For him he has to designate this is the R-1 District. Mary said so we are talking about R-1 then. Geoff said we really need to look at the numbers though. This should be a focus. Gregg said this was the way he viewed this in the beginning. His goal was to do this all at once. It wasn't to break it up. Everyone suggested that we break it up so that is what we have done. What he wants to do is, or what he would like to see, is to move on to these last few sections that we have and bring the book as a whole back to you. Give you fair amount of time to look at it and even have a public hearing on the entire thing at that point. Then we could take it to the Commissioners after that. That's the goal. Linda said maybe a suggestion would be for Gregg to give him what he has and then she can make sure for the members of the Board. Gregg said he would have but he was so rushed on time. This was done night before last. He didn't have a lot of time to work on this. He had already done a lot of the work on this so I could pull it together.

Gregg goes on to A-1 stating he had removed again some of the verbiage in there. The opening line "This district has been created to provide single family housing for those who are not engaged in farming activities but nonetheless seek housing outside the incorporated city limits in a transitional area between traditional agricultural uses and urban areas. The use of municipal services and utilities shall be encouraged in this district. What basically has changed here is the use of municipal services shall be encourage in this district. In A-1 as a general rule this is outside of their general use. They can't get ahold of them. You can leave it in there is fine or take it out is fine. Linda asked if they could have copies of this and she could pass them out. Gregg said this would be done after tonight. This is the end of what you guys have to do. Gregg told Linda he would go over the overall book and send the changes to her. She would have the overall book to look at it and say this is what it all is. Linda said they just wouldn't make a motion on this tonight. Gregg said what was done in the pass they had made motions on all the sections that were presented at the time. It's up to you guys if you want to make a motion or not. He would suggest that you do so that way so it's pretty well finish then you could do the overall book. Ron as when you doing that will there be a public hearing? Gregg said it would be next month. That way if there is something that needs changed, let us change it now. That way we can have it at the public hearing.

In **A-1** it says the maximum lot size is two (2) acres. It was confusing when you put in new construction. That's going to apply with your subdivisions. New construction is kind of a stick in the mud. Also in A-1, CFO & CAFO's are not permitted in this District. They never have been. There is verbiage in there that talks about it but that is for existing improvement location permits. Geoff asked the question "Why do we have a maximum lot size?" Gregg said you are asking him questions about the original Ordinance. Geoff said he just didn't want to keep this in there just because it has been previously. What is the rachial? Gregg said in A-1 what they are saying is we are migrating from a residential in town use to kind of a more rural setting, but still kind of town stuff. What we are trying to do is limit the size of the lots to get them ready to be incorporated in the city. Geoff so maybe as to not break up farm land not to add to. Gregg said what they are saying is they want to break up farm land around the city. Geoff said they might have been thinking that, but he said he didn't think that had been anyone on the Boards intention though. Albert Gordon spoke up and said part of that was if you had the two acres was where they could use a push lawn mower instead of having four or five acres. Geoff and so it wouldn't be a waste of potential farm ground. He gets that now. Jeff asked how that that maximum lot size affect, he was just thinking of the new dog food plant that is coming north of town. Isn't that A-1 or A-1R. Gregg said he

didn't remember. Linda said they had changed it to manufacturing. Gregg said the whole goal is to start cutting those sizes down. If they ever start subdividing what they are going to say in maximum is two acres. Going on with A-1 7.7.3f4 Access: If a proposed single lot subdivision does not abut a public road, it may be provided access with a 50 foot wide strip of land which connects the public right-of-way and the lot and which a fifty foot wide strip of land is platted as a part of the lot. (Easements are not allowed). What we are doing is saying easements are not allowed now. They never were or he has never interpreted it that way. When you are making a subdivision, the book clearly stated, you had to have certain frontage. There was a fifty wide foot strip or you have to have the larger. He just wanted to clarify this. Geoff said so like a property that is being built in the back half of it you are saying we can't give them and easement for the access. Gregg said that is right. He is saying not everybody is like that, but historically this has been what we have done. If we want to keep that way then we leave that verbiage in there. Gregg said quite frankly there has been a lot said about this. Marvin said there was a subdivision up north, not too far from Paul Wilkinson's house that has five or six fifty foot easements. Gregg said what they should have been done is to be made to put a road in. Kenny said excuse him. Back up. I'm the guy that did that. That cost him thirty thousand dollars. The County backed up. He could come in and put that road in there. He sold the lot and Bill issued a building permit, and when the guy came in to get his address, Bill wouldn't give it to him. Kenny said he had to deed off these fifty foot strips to every lot in there to get it worked out with the County. He didn't want the lot since Billy had already issued the building permit. We worked it out. That's the reason for that screw up. Mary said he could take it off his taxes though. Laughter. He said we were having bad weather and he was afraid if something happened to the guys' house it would come back on him. Bill said he wasn't going to let him do it. He told Bill he had already let him subdivide it. The first lot was in the very back. Linda said Andy Scholle is working on right now that has a hundred foot or better lane back to the house. They are having a time with that. She told them it had to be deeded with the lot. Marvin asked the question if this was covered in our Subdivision Control Ordinance.

A-1R The purpose of this district is to provide single family housing as well as areas for livestock and agricultural activity. An existing CFO/AFO located here is not eligible to receive an Improvement Location Permit without application to the Board of Zoning Appeals (BZA) for a Special Exception. Original just said permit. He has just added Improvement Location Permit. Jeff said but existing is fine. Gregg said that is correct. Jeff said there is ground down the road from his property and he is wanting to build a CAFO on. Where does that put him? Is he still grandfather in? He is just using this as an example. Gregg said you are going to combine two lots. The use on your property, you are still going to have a CAFO there. Doesn't matter if you add another plot to it or not. That use is still going to be allowed. Now, when you expand that use it goes along with it. Jeff said by the way it reads, he didn't think he was going to be able to do that. The words non permitted. Gregg said a new one wouldn't. Jeff said if you added ground to that though. Gregg said you can add or expand you CAFO. He thinks actually there is verbiage somewhere where it actually talks about expanding a CAFO. Geoff said some of this is Gregg's thoughts on this right now. We just need to make sure we get it as we want it to say. Gregg said exactly. Geoff said I could interpret as adding a new barn or new structure right beside it. It would be the same think, but a new structure. Gregg said he wanted to say this again, make this what you want. That is what we are doing here tonight. Geoff said this is the unattended consequences. What Jeff is talking to him is exactly what we want. We want CAFO's. Why would we not want them? To have several of them side by side. To him that's what we want. Gregg said so the other thing is, these were his interpretations and what I have looked at and seen a problem with. That doesn't mean with his

interpretation this is what the next guy is going to use. You can always hope but if you add more verbiage it's not going to hurt. Marvin asked Jeff if he was satisfied. Jeff said he wasn't sure. The word not. If he bought more ground around it to build on, which probably won't happen. Gregg said we can add to this. Jeff said he didn't know what the wording would be. As long as it's the main parcel that it is setting on today and you bought something around it and not put a split in it, he would go along with that. If the property sets someplace else he would go along with this, but if it connects with my property today, he would think he would be grandfathered in. If someone just wants to build a new one, he guesses this is probably right. Gregg said so someplace in here, you would like to see an existing CAFO can be added? Jeff said yes. To expand the existing one. Gregg said with BZA approval. Jeff asked why it would have to go for BZA approval, if I already had this previously. Mary said so you are not expecting to be expanding over the 8000 or whatever the overall number is? You're not saying I'm going to triple. I already have the maximum and I'm going to add more. Geoff said there is no max. There is just a minimum amount that gets you to that language. Mary said so he could have a hundred thousand. Gregg said he couldn't have that many sows. There is a limit to the number you can have. Mary said if you already have 8000 in an existing CAFO, and you bought more land adjacent you still couldn't go over 8000. If you had 4000 then you could put or add 4000 more. Geoff said you just couldn't go over the limit. Gregg said you just couldn't go over the overall total. Marvin said there is language in the Ordinance for this. Linda said in A-3. We are talking about A-1. Gregg said he was pretty sure so because what they have done now the AFO's come in three separate. They have limits to each one. CAO has a maximum. IDEM has that also. Jeff said the not permitted is what he was questioning. Gregg said back to his original question. The reason he thinks this would need to come before the BZA Board for approval, because the assumption is the BZA approved the original. This is what you are doing and you the scored sheet says this is what you are doing. How many hogs you are going to put in there. It either has to go through a score sheet or the BZA. In this case when you are expanding it goes through the BZA. The Director should probably not even have a say in this. Mary said so you have 3000 and you bought adjacent land to add to this CAFO. You are only grandfathered for the amount on the original, so you are going to add this up to 6000. Gregg said he has changed the scope of what he was originally doing. Mary said yes. Jeff said in his situation, he doesn't even think there is a number there. He asked Marvin how long they started putting that kind of language, as to numbers, on the applications. Jeff said the first of his buildings was built in the late 70's. He doesn't know if there was language in there when he built it. He knows he had to get a permit. Marvin said this was Bill Todd era. Jeff said he thought before Bill. Marvin said Rusty Jones. Jeff said maybe Wayne Gallamore. That's who it was. Jeff said he didn't have to jump through any hops. He just came in a got a permit. He wasn't even going to give me a piece of paper, whoever it was. Marvin asked Gregg what it had added. Gregg said so it put existing CAFO can be expanded with BZA approval. 1. New CFO's are not permitted in this zoning district, but existing CFO's can be expanded with BZA approval.

Gregg goes on to **A-2**. He has added CFO'S are not permitted in this zoning district. They never have been.

He has skipped **A-3**. We have already done A-3.

A-4 Minimum lots size is forty (40) acres. He has changed this to twenty (20) acres.

Gregg goes on the **General Provisions for Agricultural Zones 7.11.3.3** previously it read Agricultural Buildings are exempt from permit requirements: however, such agricultural buildings still are subject to

zoning requirements. He has changed this to read Agricultural buildings are exempt from permit fees; however, such agricultural buildings still are subject to zoning requirements and must file an application for permits.

This is from the BZA Powers: All Special Exceptions shall terminate when such use has cease for a period of two (2) years. Granted that one is out there pretty far. Mary said hadn't we talked about this earlier. You really can't monitor this. Gregg said no you really can't. Marvin said he knows the neighbor will though.

Gregg goes on the term CAFO and said this is going to have a ripple effect in the entire Ordinance to change it to AFO. There is actually three different sizes to an AFO. This is going to run into a battle with our current Ordinance, when you start talking about size. He would almost rather take CAFO out and leave CFO in. Geoff not have CAFO in the Ordinance. Gregg said correct. Mary asked if a CFO isn't part of a CAFO. Gregg said its different language. Someone said it was the amount of livestock involved. CFO is two thousand or less than two thousand head. Gregg said if you go into the 600 then you are in the CAFO CFO territory. CAFO's are divided now into three separate groups. It goes small, middle, large, CAFO's. He doesn't really know off hand to sprout of, but we have never use this. Virgil said barns with was less than 300 cattle, 600 swine or sheep, or 30,000 poultry is confinement are CFO's. Gregg said so we have never had a CAFO in Rush County. He doesn't know if we really want one. He shouldn't say that. It's up to you folks. Marvin said the language in here then you want to take it out. Gregg aid Indiana has changed their definition, we should either research it or take it out. Marvin said it makes sense to match their language. Gregg said most definitely. Gregg aid if you want, if you ask me to take thee to the public hearing, he can and then we can further discuss the CAFO or we can table it until next meeting and discuss it then. It's entirely up to you guys. As he pinned this, he started thinking about it, CAFO or AFO either one. Gregg aid if you look at our Ordinance basically talks about CFO's. Really there is no verbiage about CAFO's. Geoff said he would be ok with just having CFO's, but what he is trying to figure out is or here is what he doesn't like, He would like to have some language and trying out how to label it, or something that says, if this section is repealed, whatever definition is given forward, but we have to be careful, because if they change the entire meaning. Usually the definition change and it doesn't really. Gregg said that is the problem we have now. Geoff said it would be nice to have some language that talks about this. He would almost with confined Feeding Operations or CFO shall be the definition as set forth under Indiana Code. Virgil said the big circle of operations larger than hobby farms that's CFO's. The CAFO is a DEA term for a subset of those that get additional federal regulations that go beyond the state language. The term CFO you sure want to keep this term. Marvin thanked Vergil. Gregg said it was still in the administrative code and the Indiana code. Geoff said if we kept this as Confined Feeding Operation as set forth in the administrative code and they conflict, then we have problems. If either one of them are appealed we have problems. Geoff said he like the wording Confined Feeding Operations or CFO shall be the definition as set forth under the Indiana Code. That way, no matter what happens there it keeps. If Indiana code goes screwy and they come up with some weird definition we can attach it. His guess it will never really change the substance. Mary said so you are making it generic. If you just say Indiana Code it would be whatever it was at the time. Then we don't have to worry about if they change the Ordinance or if they change a couple of words. We don't have to worry about conflict. Geoff asked if Virgil was saying we really don't need to use CAFO at all then. Virgil said this referenced to large feed lots like they have out west. The CAFO subsets the CFO. It's really large operations. Mary said if we did have a CAFO it would still be under the CFO. Virgil said yes, it would still be under the CFO.

Virgil said what he didn't know is what Indiana State statute says about CAFO's and CFO's. Geoff said under Indiana Code right now means a confined operation any confined feeding operation that has at least 300 cattle, 600 swine or sheep, at least 30,000 fowl, or at least 500 horses. Animal Feeding operations elected to be subject to or any in violation on the water pollution control laws. So really the size won't be impacted here in Rush County. This is what it says now. It could be changed. Virgil says it says anything bigger though. This keeps the federally regulated ones in there as well. Geoff asked if we have CAFO in the Ordinance. Gregg said it's not really defined. It's CFO. Geoff said that what he was saying. Where do we refer to CAFO's? Gregg said throughout the Ordinance, but it's generically referred to CAFO's. Virgil said it was updated by the State and they started using both of them. Geoff said and now they are calling them AFO's. Gregg said yes. It still has the CAFO language in there. It's actually an AFO and it has three different sizes. Geoff said he was saying let's get rid of this whole CAFO wording. Gregg said he had done that. Mary asked if she was understand right. We have them or are saying the CAFO's as the lead over the CFO's and it's just the opposite. The CAFO is under the umbrella of the CFO's? Geoff said he thought CAFO's as referred to be something that doesn't even happen here. Virgil commented saying AFO is a standard term used by USDA. He didn't know about the State status. The word AFO is not in the industry. Geoff said but CAFO in the state of Indiana. Virgil said that was the federal language and you get caught up in federal regulations and that is where the substratist gets with the size regulations. Marvin said probably not in Rush County. Geoff said you guys need to get together and figure it out. Geoff said it sure would be nice and clean up that language as to CAFO and CFO mean. The Administrative doesn't even refer to AFO's. Indiana has kind of taken their hands off of it. Geoff said if someone tried to have one here, they would have federal CFO regulations anyway. Gregg said our Ordinance might prohibit a CAFO. Virgil said by the head count, yes. Gregg said we have effectively never had CAFO language in here. We just didn't know it. Mary said really having it in there is confusing. We talk about it and we are limited it so we can't have it anyway. Marvin said leave it out. Gregg said it made sense to him. Geoff said we need to clean things up. We have CAFO and don't really have it defined. Gregg goes on the separation distance is measured between the CFO livestock structure with open pit or which is slowest to the nearness parcel line of the house. Parcel line of the house. Mary said this is where we are going to have to be careful because we have CAFO sprinkled in something that is unrelated all over the place. Gregg said yes. It will have to go through the entire document on this. We'll Gregg said it is no longer a measurement between the pit and lagoon. This standard shall apply reciprocally to residential and agricultural development. Kenny said this doesn't make any sense. Unless it sticks it far away not close to his property line. Gregg said let's say a guy has forty acres. His neighbor builds a CFO with the minimum requirements and distances. He decides to build a house that complies with zoning but puts his CFO now close to his house. If he comes in an asks for a new improvement location permit he can't get one. This guy has put a house too close. Marvin said what if the guy has ten acres and builds a house here, the CFO is over here, you are penalizing him because it's too close. Gregg said he couldn't build a second house either and that is allowed. This is the one that came up in BZA here. Geoff said instead of going from the house, you are going from the property line. We are effectively increasing the separation distance. Gregg said that is correct. Mary said also the person that is already there and someday they plan to build a house on the east side of their forty acres, and they were there first, a CFO comes in all the way to the house, the you have limited somebody in improving their property in this distance before this came into being. Gregg said it's not necessary the house that would be. This section doesn't have reciprocal setbacks. It limits the CFO if he wants to expand. He can't comply with the zoning ordinance. He could if it's to the parcel line. Jeff said the one we were just

talking about, if it had this wording in there, correct him if he's wrong, they couldn't have done this. To the Smith property, it would be too close to their property. Its 750 feet from a house to a CFO currently in the Ordinance. He's probably 750 feet from the property line than the house is or better away from that corner. Essentially if that guy owns four hundred acres and he has forty acres and he wants to build a barn here, hog, cattle barn whatever, there's four hundred acres he doesn't have a house on. Four hundred acres goes a long way. Clear on the other corner. He would say without looking at all the maps there would never be another one built in Rush county. Jeff said he sure there is someplace. Ron said so they need hundred foot setback then another 650 feet from the property line. Whereas this they would need 750 feet from the property line. Ron said he would personally say leave it to the house. Mary said to her, if we measure from the house, instead of the property line, and they ever want to redo, we are making a piece of their property undecided because they can't do anything with it because it's already blocked out. Gregg said they can build, but it puts it closer to the CFO. CFO comes in for improvement location permit they can't get one. It doesn't met the requirements. The house is too close. If its property line it keeps it out of everyone's distance and keeps everybody in compliance. Mary said that would be what they want because everyone's going to be separate. Gregg said it comes down to him as a question of the use of your land. Everyone wants better use of their land. To truly get that, your setbacks have to be adhere to. Things like reciprocal zoning he thinks they are a bad ideal. This takes it away from it. This is your county again, but he is just giving the back and forth of what he sees. Kenny said if you have a field that is a mile long and thirteen hundred wide, you are screwed and you have a field a mile deep. That is the picture right there. Gregg aid if he has a mile deep then he has plenty of room to put this 750 feet from the property line. Gregg says he sees what he means. Kenny said he's hammered. Jeff said if the adjoining land owner want to build a house, next to that barn, it's his property. Gregg said it's his land use, but it limits the future expansion of the CFO. Jeff said wouldn't that be brought back in that he was there first. Gregg said nope. That's not how that works. Kenny said could he get a variance. Gregg said he could ask for a variance. Kenny said to him that would be a hard ship. But you could get a variance. Gregg said yes. Ron asked if they change the parcel where they put it in the middle. At that point then all around that is technically not or against their own land. Gregg said not necessarily, if they want to set closer they could do a CFO. You guys have set a standard where you say you want a CFO to be 750 feet from a house. He can build his own house right next door to the CFO. There is a reasoning you guys have separation between CFO's and a house. We all know the why. So do you want to be good neighbors? I guess that's what it boils down to. The guy that owns a lot and wants to build a house. We still have that 750 foot separation. Kenny said as long as they are able to come to the BZA. That's the big thing. Kenny said property line makes good sense if you have an alternative or something or hardship. Gregg said let him ask one more question. Do you think a home owner that just builds a new house what he is going to say to the expansion of the CFO? That's what is going to happen to you. Kenny said they have already the Deed of Dedication. Gregg said not necessarily. They still have the option to come in here to speak to the BZA. They are allowed to sway the BZA. Kenny said they can speak, but they have also signed off saying they understand their out there in agi ground. Gregg said his argument would be I signed it, I built a house next to it, and I'm content with that. But now you're putting even more there than what I thought was going to be there. More than what was approved for more than when I built my house there. Now you are putting more. He is playing devil's advocate. Jeff said we have already said earlier 8000 head, so if you tell that person you built in A-3, this person next to you can expand if they so choose. Does that make sense? Kenny said everybody else has to live by their property lines too. Even when it comes to building a house. We have setbacks, etc. Gregg said

everybody else lives by the property line. Kenny said they would now. Gregg said if you let this in. Kenny said they still had the right to go before the BZA for variance or special exception. Gregg said CFO had to ask for a Special Exception and they have to ask to put it closer to the property line. Gregg said what he was hearing, we want CFO's here and we don't really want to put a hardship on them. Kenny said that is why we came up with the scoring system. With the scoring system it's hard to put a CFO from 500 feet from somebodies house. Gregg said he agreed. Jeff said industry or livestock period, doesn't matter isn't that dumb. But when it says property lines instead of a house he personally has a problem with that. You might have a whole acre around the house or so many feet around the house. That muddies the water up a little bit. Tom said here in lies the own problem with zoning. Too many in's & outs. A guy might want to have himself a fantastic barbeque set up within 300 feet of his property line and he has a CFO next to him, so that's going to cause a problem too. Ron said just for instance the CFO wouldn't be able to be built down there if it's from the property line. Gregg said they own the adjacent property also. Kenny said not on the back side next to the woods. They bought everything out front. Ron said Corya Maddy owns to the east of the proposed CFO. They are 638 feet from the property line to that CFO. Whereas if you go to the house, almost a 1000 feet. Gregg said he was currently going to change his property line. He has retained a surveyor. They couldn't meet the setbacks. They would have to come in for a variance to put the hog barn where it is now. He realized he's going to have to change property lines. He really didn't want to come in for a variance.

Marcin said so what am I hearing here. You want to leave as is? Mary said she has a scenario. You have a house 300 feet from the property line. They put a real fancy pool house and pool with recreation area. They have put about as much money into this recreational area as they have their house. This is closer to the property line. The 750 feet is going to be from there house. The CFO is going to be very close to all this nice recreational area which they person has put into their property so doesn't seem quite fair. She thinks it would be more fair to have this language in it (from the property line), and have them go to the BZA to get a variance. In this case they could be present to go before the BZA and speak up that they have 300 thousand or whatever in this recreation area. Having my house over here, but having them build this close to this is going to be a hardship for me. We have two sides to look at. Then you have a neighbor just north of Glenwood that tried to build a park to keep the CFO out. Marvin asked what they wanted to do. Leave as is or change it. Mary was going to make a motion to leave it with the change Gregg has. Gregg said we didn't need a motion. Just general consensus. Tom said no matter what we do, someone is going to be upset. Jeff asked what the difference was. Geoff said to the nearest house or to the parcel line. Ron asked Geoff how he would defend this. Geoff said he could defend this either way. He could be happy to defend it either way. He thinks both these ways are legal. He just wants you guy to know the consequences. The main consequence is that it increases the separation of the CFO from the parcel. Jeff said he prefers the way it was. Virgil said if you want his opinion those words kill it. He doesn't think it is good for economic development. Geoff said he wanted to giggle himself because he talked about the barbeque. I wonder what he is barbequing or what the price of that barbeque was. Wonder about the price of the meat. Legally Geoff thinks we are ok either way, but just fully understand the consequences. Marvin said what he is hearing we are going to leave this the way it is. Is that right or wrong? Marvin said leave it alone. Gregg said he was going to leave it the way it was then. After the public hearing, Ron stated if we have something different we can change it. Geoff said that is always important because after the public hearing you guys can change it to any language you want.

Gregg said he removed non-farm home. To him this confused the issue with the definition of a farm we have.

UTILITIES: An applicant who uses the municipal sewage system for a CFO is awarded fewer points than one who uses a private septic system. Maximum points will be awarded for not utilizing a municipal or private sewage/septic system. Use of a private well as opposed to municipal water is optional, and no points are awarded for either choice. Municipal points should be awarded to CFO's not utilizing a septic system. This means we should give points if they are not going to have a human septic system. They should still get the points. This is referring back to McDaniel's CFO. They should not be penalized for not having a human septic system. Replacing with / an applicant that uses a municipal sewage system is rewarded fewer points than those that uses a private septic system. Use of a private well is optional and no points are awarded. Virgil said the way it sounds this would be giving them lesser points. Geoff said he would change municipal to maximum points. If you don't have a septic, that's what we want-right? Gregg said the wording was kind of funny. Virgil said it counteracts itself unless you go farther in the paragraph that excludes the sewer access. Gregg said isn't that what we said originally? Virgil said you get maximum if you don't have sewer access. Gregg said what he was saying if you don't have a hook up to municipal and you don't have a septic system. You should still be awarded the points. Gregg said how I should word that then. Virgil said just the way you said it. Gregg said so points will be awarded for not having a municipal or septic system. Municipal is 15 points. Private septic is 50 points on the scoring sheet. Geoff said to him, if you are not using municipal you should get 50 points. Gregg said that was what his intent was. Wither you have you own private septic system or you have nothing. Geoff said we do need to get this cleared up. We got into this with McDaniel's. You get more points to hookup to a municipal system than having a septic or not having any-that was what the McDaniel argument was.

APPENDIX D This is the notice of the agricultural activity. It said it was for an Improvement Location Permit for homes. He has changed this to Improvement Location Permit to build in Rush County. He got rid of the home. This is basically the same thing. Gregg said just to make it clearer, he would just put that in there. Geoff said so any ILP they have to sign off on this. Gregg said yes – signing off or acknowledging the "Right to Farm" law.

Marvin asked if there were any more questions about this. Do you want to set for a public hearing? Ron asked if we had to advertise this twice. Gregg said no just ten (10) days before the hearing and have to post it. We post it on the county website, public bulletin board, and newspaper. Mary asked what papers we were posting in. Gregg said we had historically published in the Greensburg. Mary said she was having an issue now with the Recorder. They are in our county and they are a legal newspaper. Ron said they have an office. Mary said when she called they stated they had all the criteria to be a legal say. Gregg said the only reason he hadn't switch, he was waiting for them to get an office here. That's one of the criteria of the Indiana code. Gregg said quite frankly he didn't think we were doing any favors by advertising down there. Mary said that was her problem, because the State told her, they met all the requirements, but if they don't have subscriptions in Glenwood, she doesn't have to use them. She said she can't them to comment. She said she still has News Examiner in Connersville. Gregg said honestly he didn't think the Greensburg paper has an office here either. If you guys tell him to switch, he's switching. Mary said she wasn't asking it to be switch. She was just explaining the legal issue she was having. She has to do Rush and Fayette counties. She was told she did not have to use Greensburg because they are not in Rush county. She is a little nervous about using White Water. Ron said he didn't know if they were in the community or not. Mary said they used a South 2nd Street address. Marvin said he was told not

to use the Recorder for his publishing. Jeff said to use the bureaucracy in Greensburg. Marvin said yes. Gregg said Greensburg is who we have been using. Linda said the majority of people in Rush County get the Greensburg paper. Geoff said the last time he looked it up they of the requirements was they did have to have an office, but an office could be anything. Gregg said neither one of them have an office in Rush county. Mary said she was at the edge of the county and she published in the News Examiner. The State said she does not have to publish in Greensburg. They are not a legal representative of Rush County, but that's here in the City you probably have subscriptions. Ron said they use to be the Republican here in Rush County. Gregg said that's really why we went with them because the Recorder wasn't even here yet. Marvin said so we are going to have a Public Hearing next meeting, right? Linda asked the question what they were going to do with the 7.5 stuff. Gregg said they had gone over it previously and he would send to her. Gregg said trust him it's confusing. He apologizes. A long the way he tried to make it as easy as he could, but it got complicated.

Marvin moves on to the **BUDGET for 2023** he stated for those of you that did not know this is provided to us by the Council. We asked for this amount and they give us less. Mary asked if they were cutting the budget. Someone stated they always do. Mary asked since Gregg isn't Director and we don't have one are they going to have a meeting to work on a draft for this. Marvin said that is what they are here for tonight. We are going to work on it right now. Mary said she really didn't have enough information to work on a budget. Ron asked what other information she needed. When she was doing budgets she will tell you what she would do. We have the budget. We got the expenditures as of April 18th. She gets a report from the previous year that tells her what the expenses where to compare. What the expenses were for the 1st six months per line item and the pass six months. If there are certain areas that we are paying more than the last six months. She would look at the details and see if there was something big that might not be reoccurring or might be given a certain part of the year. Gregg said he did have a comparison by year. It's not broken down by month that might help a little. Mary said the system should give you more than six months. Gregg said he didn't have that. Marvin might be able to get it. Mary said it really helps a lot. It gives you a good ideal to analyze it and see if there is something reoccurring. She would suggest, or her suggestion is, for advertising in the budget for the Executive Director the most you are willing to go for the range, but for the salary ordinance she would go the least amount you willing to go. This salary ordinance would be easier to amend the budget. Marvin asked why the salary ordinance would be easier. Mary said if you put the salary ordinance at the lower end, because you don't know who you are hiring If you put the salary for the lower amount and you hire them for more, it's just a matter of amending that and giving to the Council. Trying to adjust the budget is harder or more difficult to adjust. She said she would go high on the budget on the salary ordinance. Ron said so they want to do 55 for the high, 45 for the low. Mary said right. Be sure to get your range from 45 to 55, because the budget says this is the most we are going to spend. You don't have to touch the budget. But the salary ordinance she would go low because we don't want to comment. Hire somebody at 45 and they say your salary ordinance says 55, unless you want to do as the part-time and you put up to 55. Marvin said we don't have a salary ordinance. Mary said you probably filing that about the same time when you do the budget. Ron said so they did this or Council did in March 20th, 2022. Mary said you have already done this for next year. Ron said no that was for some changes that needed to be done this year. Mary said ok so you can amend that. Gregg said what he didn't understand why we would want to change either one of them. We would want to put something in both the salary and the budge. Mary said the thing is, if you put in the Salary Ordinance as a budget. It doesn't comment to anything. That is saying it's the most you can spend. A Salary Ordinance you are commenting to this. You have here the

Executive Director will make \$55,000.00. If you hire somebody for 45 or 50 then you have to justify that you are not paying 55 in your salary ordinance. Ron said what has happen in the pass the salary ordinance is changed. Mary said yes, if you put 45 in salary ordinance and you hire someone for 50, you just go back and summit an amended Salary Ordinance. Marvin said if we say 55 we are covered? Geoff asked if there wasn't ranges in the Salary Ordinance. Mary said no ranges in the Salary Ordinance. Ron said on part time he believes there is. Mary said part-time says up to \$15. Geoff asked why we can't do that for the Director. Mary said that was another opinion. Mary said nobody else had it in there, but for this you might want to do that. Marvin said we talked about that because we don't know who we are going to hire. Mary stated you can make it the same as the budget as long as to make it up to. You don't want to comment an amount like you have before because that's gospel. Marvin said he sees what she means. Marvin makes a recommendation to make it up to 55 thousand. Mary said we have done some hourly wages up to. Marvin said his suggestion on part time was to consider \$15.00 an hour and get that much money for that. It could always be less. Geoff said he thought we had a range right now to pay somebody. Ron said that depends on the experience or the education. Geoff said if we are doing that now the Council shouldn't have any issues with us. Mary said what we have now for part time is workable. A budget is a budget, but Salary Ordinance is what we pay. Putting this in for both will be good because you have a variance on this. Mary asked Linda if she made \$15.00 Linda stated no. She stated she could flip hamburgers now for more than she is making. Marvin said the up to \$15 for part time, but we need to appropriate money for this since it's not in the budget. Ron said when we hire a Director with experience and such, then we would know where we could go. Travel at \$3,000 may be something that we could look at moving to the part time wages as a whole with the County Council approval. Jeff asked who the Plan Consultant was. Geoff said it was Gregg right now. Jeff said this would be added to the 55, right? Marvin said no. He's not getting his salary as Director. Ron said so we have a Director and let's say the Director was Gregg and a consultant comes in. Gregg said like a Comprehensive Plan people or something like that. Linda said we need a building inspector in the worse way. Kenny said that's probably way we don't have a building code. Have they ever thought about splitting some of the Directors job off? Like the complaints, building inspector as Bill Todd tried to do on this job. We have the surveyors that Gregg had to hop out and check to make sure the pins were in place. There is a lot of things on that job, which could be given to another position. Tom asked why you would want to do inspections. Linda said for one to make sure the foundations are set properly. Gregg stated the Commissioners should adopt a building code. We don't have one. Ron said that's why everything currently goes to the State. Linda says that what she tells everybody that calls for inspection, they just have to go by State regulations or guide lines. Ron said we would have to hire someone to enforce that.

Ron said back to part time, what he would suggest, which is just a start, moving out of the Executive Directors salary, since we are not paying him as much, moving \$2,500.00 up to the part time position, covering the 29 hours, which would give us approximately a \$1.50 raise on this position. Marvin said we don't need Council's permission. Ron said no, it's in the line. \$22,062.00 would be what we had in the budget. Mary said you're talking about in this year's budget then. Ron said yes. Mary said you might not need it all because if we get somebody and things go back where 29 hours isn't needed. Linda asked why she couldn't get the \$15.00, since she's been here seven years and it states up to in budget. Ron said he was just trying to get her something. Linda said she appreciated it Ron. Mary said even if people should get more, it doesn't happen in the real world that way. Marvin said they didn't have a Director it takes this Boards action to do this. Linda said we have an interim director. Marvin said we have a

consultant. Marvin asked Gregg if he was an interim director or a consultant. Gregg said he was a consultant. Gregg said he was still the secretary of the APC. Ron said basically we can take this from the Executive Director since we haven't given this to Gregg. We can move that difference for the time. That way we can change the salary ordinance at the next council meeting. Marvin asked if he could have a motion for this change in salary. Ron made the motion to give the \$1.50 an hour raise to the part-time position which comes out to \$2,262.00. That's if she works 29 hours the rest of the year. Mary said she would second this. Marvin said motion was made and seconded to transfer funds of \$2,262.00 out of the Executive Director's salary to the part time employee for a \$1.50 per hour raise. Marvin asked if there was any more discussion. Gregg asked if he could ask a question. Marvin said sure. Are you giving her a \$1.50 raise per hour or are you bumping her hours up or are you doing both. Ron said he was figuring this on 29 hours. Mary said so the motion is to increase her hourly rate adding \$1.50 and transferring the money from the Directors line budget. All were in favor. Motion carried. Marvin said now Linda you can buy lunch for us. Linda said sure, since she was supposed to be getting \$15 an hour what five years ago. Linda said she really enjoyed the job and she pays taxes here and wants to see the office to stay opened. Marvin asked Gregg about the other line items, travel, supplies. Gregg said the supplies you're always going to be close on every year. The **travel** was for a trip to Indianapolis for some training. \$3,000.00 is not needed unless you know what you are going to do. Kenny said the problem was you never know about training. You better leave it in there. Gregg said this was a small amount. **Legal notices** should we leave this at \$500.00. Gregg said this varies. Depends on how much we have to get publishes. \$500.00 seems like a bunch. Jeff asked what a legal notice cost. Linda said depends on the wording but \$9.00 to \$20.00, but we have been having to run some notices frequently. Gregg said he thought he had paid \$16.00. Marvin asked Gregg if he thought \$500.00 was enough. Gregg said he thought that was plenty. **Attorney-** Geoff said there was not enough in here guys. Laughter. Gregg said in all honestly do you think this should be bumped up. Geoff said he thought we could play it at this. It wasn't bad to this point. He said Fayette stated they had litigation coming up and they really needed him. So he finally agreed to. Marvin said we have litigation here also. Geoff said he'd take raises anytime anyone wants to give them. Mary said what about adding another line item such as other legal which may or may not be used as Other Legal services/expenses. Specially is something really big is coming up. Geoff said generally, how the other government entities that he represents or works for, when that happens they just ask for additional appropriation. They are very reluctant to put this into the budget. For instance, Fayette County just had a three hundred thousand judge judicial mandate for attorney's fees. They adopted addition appropriations for this. It is something serious, how are you going to know if it's going to be 5 grand or 50 grand. Ron said so on that aspect if you ever came to a point where it was more the 15 you would probably come to this planning board. Gregg said that's exactly what he would have done. So, next question, when he sends in a bill, how are you going to pay him? Is it thorough the Executive Director salary? Marvin said through the Consultant. Gregg said so a Plan Consultant, if he could put his two sense in here, a plan consultant the 10 thousand was just a beginning. It was not the hiring a full time planning consultant. We need money in here if we are going to start talking about a Comprehensive Plan and stuff. He would almost suggest you pay him out of the Executive Director's salary. Marvin said he would pay out of whatever account they say. He doesn't care. Marvin said he would make sure he gets paid one way or the other. Ron said they would think about it.

Board Members This is payment for attendance at the meetings. Do we want to leave this at the same? Someone said meetings like this no. Hospital Board make \$450.00. Kenny said more than that. Mary said the worse sensorial is that the Council cuts it. Gregg said if you guys wants his opinion, it's time for a

small raise. Ron said so we are at \$30.00 now. Why don't we ask for \$45.00? Mary said is this for both. Ron said he was just saying for the APC. Marvin asked Gregg when he figured these, if there were extra meetings figured into this. Gregg said there was extra in this budgeted figure. He couldn't remember exactly how much. Marvin said they would figure at least three extra meetings a year in the figure. Gregg said if you guys do a Comprehensive Plan next year, you are going to have a few extra meetings. Gregg asked for guidance on this. He didn't know how many extra meetings they would need and asked if anyone had any suggestions. Mason spoke up and said they are working on one now and five meetings plus a public meeting. Gregg said they were suggest three and didn't think that would probably get them through that. You're probably talking about eight extra, at least.

Planning Consultant-leaving this at ten thousand then. Someone said yes sir. Gregg aid remember if you are doing a Comprehensive Plan, any guidance you want to put on this? Gregg said it's expensive. Mason asked how much they wanted to do. Marvin said we want to do it right. Virgil tossed out the figure of one hundred and twenty thousand. Mason said you'll want to have meetings with Glenwood and Carthage. The expense will be derived on this also. Mary said she had a question. She had recommended that we get a planning from OCRA, so all we would have is a match. What does it take to let the Commissioners to let go of some of the ARPA money this for this plan. Ron said you are looking at Broadband and other items. Mary asked if they have gotten rid of all of it. Ron said he had been committed. Mary said with this plan being done in 2008, this would be a good time to ask. Ron said what should have been happening that ten thousand should have been put into a no revert fund, or it could have been sitting there and they could ready to pull that trigger it would have been there. Gregg said if you had had a smart Planning Director you would have had it. Ron said the Commissioners as well. Mason said the plan you have now was considerable cheap. You are going to get substantially more for more dollars. Gregg aid they are budgeting for this right now for next year. Gregg suggestion is give all the guidance that you can give. Mason said he wasn't prepared for this tonight, but he could go back and get more accurate numbers from his team and come back with suggestion, if that's something you want. Marvin said we are running out of time. Do we have time to do this? Virgil said four thousand dollars is going to be a bare bones plan. Sixty to eight thousand is where it starts, getting starts the phone calls, making a survey, drafting, etc. Marvin said let me ask Denny this. If we put down a hundred and twenty thousand will this kick this off? Mary said if you go for an open grant, they are going to cover most of it. Mason said unfortunately they go by certain levels, like low or moderate income levels, and Rush County does not met the requirements. Mary said how did Speedway get one? Mason said he would have to look at the numbers. He wasn't sure. Mary said she can't imagine Speedway being low to moderate and some other towns or cities that are larger have received it. Mason said he knows they would have to do an income survey. Mason said he had asked our global community liaison and they said we would have to prove our income was lower than what was suggested. She thought we were a little too far out of range for a survey. Mason said he would not plan on us getting a grant for this. Denny said it might be worth trying. Gregg said speaking for this group, if we try for an OCRA grant is that something you would assist with? Mason said that might have to be a grant writer or person like that. Mary asked if the county had a grant writing person they use. If not, Mary said she had a suggestion for one that does Connersville's, Fayette County and Glenwood's. He hasn't missed one yet for us. He worked for OKRA and he knows the ballgame. Geoff said Mike has hired about three quarters of what OKRA use to have as their team. Mason said he would do some checking about the fee and on one he's working on right and see what that one was and get back with the Board.

Court Costs Marvin asked how we figured that in. Geoff asked what was in there for that. Marvin said \$2,500.00. Geoff said here's the thing. We don't have to pay Court costs because we are a county entity. Gregg said maybe. Geoff said we don't pay filing fees so he doesn't know what else there would be. Geoff said maybe litigation fees or costs maybe. Mary asked if we should leave it as is. Geoff said you're probably going to spend more than 2 grand this year, but combined with the other you're going to be ok. Gregg said we're going to be done this year. Marvin said all the fun was over. Ron said he would just leave it in there. Gregg said it augh to be. Mary asked if there's somethings we do all in house. Ron aid we have. Mary said this could just be another cushion then. Marvin said this takes care of the budget.

Marvin said we had already discussed the Comprehensive Plan.

OLD BUSINESS:

Attorney: Geoff said he could give us a quick update. He didn't want to go into too much detail. We have a court hearing scheduled on Moscow. On the Carthage issue we don't have much of an update. The Arlington issue they will have to respond by the end of the month. He doesn't recall the exact date. He will let them know. Denny asked when the court date was on the Moscow issue. Geoff said it's on June 16th at 10:00 A.M. He is also going to work with the current owners. This property has changed possession. It was sold for \$5,000.00. He was thinking it might have been a garage. Denny said it was a pole barn. The \$5,000.00 maybe is legitimate. The 5 thousand pending litigation. He is also going to send in certified mail of it so they are aware of this. This isn't necessary required. Does anyone know if it's a relative or friend of the previous owner, or how they came about this? Denny said he had heard something to that affect. He could ask and find out. Geoff if he can find out please let him know. If anybody has any individual questions he would be happy to answer. Geoff told Gregg he would be necessary to be in attendance on June 16th @ 10 AM. You will be setting right beside him.

Marvin asked if anyone else had anything to discuss. Linda said on a situation south of town. A Mr. Marvin Wickey had come in and got a building on July 8th last year for a pole barn. We gave him an ILP for just the barn. He sold this to a Mr. Kemp, who was the builder. This Mr. Phillip Kemp has put in living quarters with no septic. Mr. Kemp didn't come in and apply for anything. He just bought this off Mr. Wickey. Marvin came in and got the ILP. Didn't say anything about putting water in it or nothing. Denny said he hooked up to the neighbors. Geoff said she was losing him. They came in just recently. Linda said back in July last year. The neighbor, Jeff Innis came in and asked if he would get in trouble if Mr. Kemp hooked onto his drainage system. I turned it over to the health department. They are supposed to have a septic if they are living in it.

ADJOURNMENT: Ron made a motion to adjourn. Seconded by Denny. All were in favor. Meeting adjourned 8:05 P.M.

Marvin Rees

President

Kenny Aulbach

Secretary Ika

