

AREA PLAN COMMISSION

Minutes

Grant County Complex
401 South Adams Street
Marion, Indiana 46953
County Council Chambers – First Floor

February 6th , 2023

7:00 PM

1. Call to Order and Pledge of Allegiance

Mr. Briede called the meeting to order at 7:00 PM

2. Roll Call

2.1. Present; President Chuck Briede, Randy Atkins, Bob Bothwell, David Broyles, Jerry Caudill, Rob Couse, Bob Highley, Frank Hix, Brian Hunt, Rex Maynard, Tyson Nuckols, Jim Todd, and Steve Wright.

2.2. Staff Present; Executive Director Ryan Malott, Executive Assistant Brenda Harrison, Code Enforcement Office Nicole Bailey, and APC Attorney Kyle Persinger

3. Election of Officers

3.1. Vice-President

Mr. Highley nominated Mr. Broyles to be vice president. Mr. Todd seconded. Mr. Maynard nominated Dr. Bothwell. Dr. Bothwell stated that he appreciated the nomination, but he would like to decline. Mr. Atkins nominated Mr. Nuckols; Mr. Maynard seconded. President Briede closed nominations. Mr. Atkins, Dr. Bothwell, Mr. Caudill, Mr. Couse, Mr. Hix, Mr. Maynard, Mr. Nuckols, and Mr. Wright voted for Mr. Nuckols. Mr. Broyles, Mr. Highley, Mr. Hunt, and Mr. Todd voted for Mr. Broyles. Motion Carried for Mr. Nuckols by an 8-4 vote.

3.2. Executive Committee member

Mr. Maynard proposed to have no one be appointed on the Executive board besides the President and Vice President. Mr. Atkins asked if there was an Indiana Code that defines the executive committee. Attorney Persinger stated there is a state code that Area Plan Commission can set up an Executive Committee with no less than 3 members and no more than 9 members. The Rules of Procedure states that we must have an Executive Committee of 5 members, including the president, the vice president, county council member, county commissioner, and one other elected member from the remaining members that must be elected at the

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first meeting of the year. Also, the agricultural extension agency shall serve as a non-voting member. Mr. Maynard stated he would like the committee composed of the entire group from the APC rather than appointed officials. Dr. Bothwell suggested that we have the President and Vice President automatically appointed and the other three spots are voted in. Dr. Bothwell then motioned to have six members in total; the president, the vice president, and 4 other members voted in. Mr. Atkins seconded the motion. Mr. Atkins, Dr. Bothwell, Mr. Caudill, Mr. Couse, Mr. Hix, Mr. Maynard, Mr. Nuckols, and Mr. Todd voted yes. Mr. Broyles, Mr. Highley, Mr. Wright, and Mr. Hunt voted no. Motion carried 8-4. Mr. Couse motioned to have six members; the president, vice president, the county council member, and the county commissioner member, and elect two officials for the Executive Committee. Mr. Atkins seconded the motion. Mr. Atkins, Dr. Bothwell, Mr. Broyles, Mr. Caudill, Mr. Couse, Mr. Highley, Mr. Hix, Mr. Hunt, Mr. Maynard, Mr. Nuckols, Mr. Todd, and Mr. Wright all voted yes. Motion passed 12-0.

Mr. Hix nominated Mr. Atkins to be an Executive Committee member. Mr. Maynard seconded the motion. Mr. Atkins, Dr. Bothwell, Mr. Broyles, Mr. Caudill, Mr. Highley, Mr. Hix, Mr. Hunt, Mr. Maynard, Mr. Nuckols, Mr. Todd, and Mr. Wright voted yes. Motion passed 12-0.

Mr. Couse nominated Mr. Hunt for the other Executive Committee spot. Mr. Highley seconded. Mr. Atkins, Mr. Broyles, Mr. Caudill, Mr. Couse, Mr. Highley, Mr. Hix, Mr. Hunt, Mr. Nuckols, Mr. Todd, and Mr. Wright all voted yes. Mr. Maynard voted no. Dr. Bothwell abstained. Motion passed 10-1-1.

4. Approval of Minutes

4.1 January 9, 2023 – Mr. Maynard motioned to approve the minutes. Mr. Couse seconded. Mr. Atkins, Dr. Bothwell, Mr. Broyles, Mr. Caudill, Mr. Couse, Mr. Highley, Mr. Hix, Mr. Hunt, Mr. Maynard, Mr. Nuckols, Mr. Todd, and Mr. Wright all voted yes. Motion passed.

4.2 January 18, 2023 – Mr. Maynard motioned to approve the minutes with the modification of changing the word “confirmation” to “continuation.” Mr. Highley seconded. Mr. Atkins, Dr. Bothwell, Mr. Broyles, Mr. Caudill, Mr. Couse, Mr. Highley, Mr. Hix, Mr. Hunt, Mr. Maynard, Mr. Nuckols, Mr. Todd, and Mr. Wright all voted yes. Motion passed.

5. Old Business

There was no old business.

6. New Business

6.1 Public Hearings

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6.1.1 Docket 02Z-23

Name: Joe McCoy

Address: 1115 S. Pennsylvania Avenue, Marion, IN

Requesting to rezone from AG to GB

Legal Description: Being 4.67 acres more or less and located in the Northeast Quarter of Section 8 in Center Township.

Mr. McCoy would like to construct/ repair and operate a paper box factory on site. Mr. McCoy asked if he could pass out a document showing the details of his factory. There is a rule stating that all documents must be given 48 hours prior to the meeting, per this rule Mr. McCoy was not allowed to hand out his documents.

Mr. McCoy began stating that he would like to put a design center with flatbed digital printing in his factory, along with his office, a laser cutter, and a wrap machine for the boxes. He would like to expand the building from 7,200 square feet to 10,000 square feet. Mr. Caudill asked about the waste that the factory will produce and where it goes. Mr. McCoy stated that they collect all "scraps" and sell them to a recycling center. Mr. Broyles asked where a truck loading dock would go, and how often trucks go through the facility. Mr. McCoy stated most of the shipping is done by UPS ground, but it may happen once or twice a year that a semi would be used. It would be an auxiliary to current facility. Steve Wright asked about the process of making the boxes, and if the materials are premade or made in the factory. Mr. McCoy stated that his company buys pallets of paper from paper mills and converts that paper into boxes. Mr. Wright had a follow up question and asked how many shifts his company will be running. Mr. McCoy stated that they will run one shift from 7:00 in the morning to 3:30 in the afternoon and the office hours will be from 8 am to 5 pm. Mr. Wright then asked how long the building process would take. Mr. McCoy stated while he would like to see it complete in 8 months, it could be more like a year. No one else was present to speak for the petition.

President Briede asked if there was anyone present in opposition to the petition. Justin Shannon came forward and stated he was a neighbor of the property. He presented a petition against the factory with seven signatures on it. He stated that the factory will not bring more jobs into the county and stated he is concerned about the environmental risks the factory will bring into a zoned residential area. He also stated there are other areas in Grant County that are more suitable for a factory, and he would like to see Mr. McCoy move his business to one of those areas. Mr. Shannon stated

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he would like an explanation from Mr. McCoy on how a factory adds value in a residential area. He ended stating he would like more time to gather information about the factory and the residential areas.

President Briede asked if there was anyone else opposed to the petition. Andy Ellis from Fairmount spoke. He stated he would like to give a recommendation to get an environmental study done on the building and the surrounding neighborhood. He is concerned about the potential issues that can surround the factory and the impact it would have environmentally on its neighbors. President Briede asked if there was anyone else that would like to speak in opposition.

Jeff Shannon stated he does not trust Mr. McCoy and does not think he has the neighborhood's best interest at heart. He continued his discussion with mentioning the drainage problems the neighborhood already has. He ended stating that none of the neighbors want to see a factory be built near their homes.

President Briede asked if there was anyone else to speak in opposition. There wasn't anyone else in opposition. McCoy was allowed to rebut. Mr. McCoy asked the board to please consider his application for his paper box factory.

President Briede then closed the open hearing. Mr. Maynard stated he would like to see the factory in Grant County, but this is "spot zoning". Director Malott put forth a favorable recommendation. Mr. Atkins stated he would like a more detailed development plan. Mr. Caudill asked if the drainage board could look into the drainage issues. Mr. Todd stated there is some drainage issues, the water is supposed to drain south and has not for years. Mr. Broyles suggested a setback with some greenery in front of the factory to blend into the residential area. Mr. Wright agreed that a more detailed development plan is needed. He also asked if Mr. McCoy would be willing to investigate the drainage issue on the property, as well as look into other places within the county that his business could go. Mr. McCoy stated the only drainage issue he is aware of is located at the back of the property and if Mr. Shannon allowed it, he would like to tie into his field tile. He also, stated that he did look for another building in the county but there were issues with the properties he was interested in, his other alternative would be to move outside the county.

Mr. Wright made a motion to table until next meeting. Dr. Bothwell seconded. Mr. Atkins, Dr. Bothwell, Mr. Broyles, Mr. Caudill, Mr. Couse,

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Mr. Highley, Mr. Hix, Mr. Hunt, Mr. Maynard, Mr. Todd, and Mr. Wright all voted yes. Motion passed.

6.1.2 Docket 01TA-23 Bed & Breakfast

6.1.3 Docket 02TA-23 Restrictions Along Streams

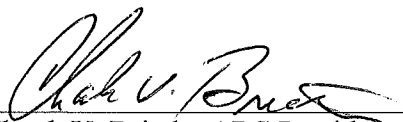
6.1.4 Docket 03TA-23 Grading Permits

Director Malott stated that due to the time, they should table until next meeting, President Briede made a motion to discuss the Bed & Breakfast, Restrictions Along Streams, Grading Permits at next month's meeting.

6.2 Discussion on Attorney

Ed Hartman stated that the County Council stated to use our funds we have first to hire an attorney and come back later in the year if we needed more. Mr. Couse voiced a concern and stated that our funds may not cover a lot of our court funds and may result in Code Enforcement to miss out on demolitions. Dr. Bothwell asked what the outcome of the BZA's hiring process for an attorney. Mr. Hartman stated the BZA voted to hire Pat Hess. Mr. Highley made a motion that BZA goes to the County Council to request funding to hire an attorney to review the ordinance, and that Mr. Couse, Director Malott, and Mr. Persinger research funding for a lawyer through the state. Dr. Bothwell seconded the motion. Mr. Atkins, Dr. Bothwell, Mr. Broyles, Mr. Caudill, Mr. Couse, Mr. Highley, Mr. Hunt, Mr. Maynard, Mr. Nuckols, and Mr. Todd voted yes. Mr. Hunt and Mr. Wright abstained. Dr. Bothwell made a motion to cojoin with the BZA and hire Mr. Hess to review the ordinance. Mr. Maynard seconded the motion. Mr. Atkins, Dr. Bothwell, Mr. Caudill, and Mr. Maynard voted yes. Mr. Broyles, Mr. Highley, and Mr. Hunt voted no. Mr. Couse, Mr. Hix, Mr. Nuckols, Mr. Todd, and Mr. Wright abstained. Motion failed 4-3-5. Director Malott stated that Mr. Persinger has offered his services through the end of March. Mr. Highley suggested they turn the hiring process of the APC's attorney over to the Executive Committee. President Briede suggested to make it public that we are looking for an attorney and then have a meeting to review and potentially interview. Dr. Bothwell stated he would like the BZA to be a part of the review process. There were no objections.

- 7. Adjournment** Mr. Highley motioned to adjourn the meeting. Dr. Bothwell seconded. President Briede closed the meeting 10:06 PM


Chuck V. Briede, APC President

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