

***FULTON COUNTY
AREA PLAN COMMISSION***

FULTON COUNTY OFFICE BUILDING
COMMISSIONERS/COUNCIL ROOM
MONDAY, JULY 23, 2018

CALL TO ORDER

AREA PLAN COMMISSION MINUTES FOR:
March 26, 2018

PUBLIC COMMENTS
(Comments Not To Pertain To Agenda Items)

OLD BUSINESS:

NEW BUSINESS:
DC District Standards
Fee Schedules

PLAN DIRECTOR REPORT:

PUBLIC COMMENTS:

BOARD COMMENTS

ADJOURNMENT

FULTON COUNTY AREA PLAN COMMISSION
March 26, 2018

FULTON COUNTY
AREA PLAN COMMISSION

MONDAY, MARCH 26, 2018

6:30 P.M.
COMMISSIONERS/COUNCIL ROOM

CALL TO ORDER

AREA PLAN COMMISSION MINUTES FOR:
February 26, 2018

PUBLIC COMMENT (Not to pertain to Agenda Items)

OLD BUSINESS
Colonial Bay 6:30 pm

NEW BUSINESS:
The Planning Workshop, Inc.

PLAN DIRECTOR REPORT:

PUBLIC COMMENTS

BOARD COMMENTS

ADJOURNMENT

FULTON COUNTY AREA PLAN COMMISSION
March 26, 2018

The Fulton County Area Plan Commission met on Monday the 26th of March 2018, at 6:30 P.M. in the Commissioners/Council Room located within the Fulton County Office Building. Chairperson Eric Straeter called the meeting to order at 7:00 P.M. The following members were present: Bob Cannedy, Mark Kepler, Kathy Hobbs, Rachael Moore, Crystal Weida, Karen Miller, Rick Ranstead, Jim Widman, Eric Straeter, and Duane Border. Also in attendance were: Plan Director, Casi Cowles; Administrative Secretary, Heather Redinger and Board Attorney, Greg Heller

It is duly noted the following Debbie Barts and Don Towne were absent.

IN RE: MINUTES

February 26, 2018

Eric Straeter asked for any additions, deletions or corrections to be made to the February 26, 2018 minutes. Bob Cannedy moved to approve the February 26, 2018 minutes as written. Duane Border seconded the motion. Motion carried as follows: Kathy Hobbs, Rachael Moore, Rick Ranstead, Crystal Weida, Jim Widman, Bob Cannedy, Mark Kepler, Karen Miller, Duane Border and Eric Straeter being in favor and no one opposing.

Eric Straeter stated he had a prepared speech he'd like to give, as a follow up to the end of our last meeting. I wanted to clear a few things and address the accusations that were made against me, by our Executive Director at the February meeting, these need to be on the record and in the minutes. Some strong and what I believe some incorrect claims, and comments were given and recorded in the minutes. I believe Casi was factual wrong about my statements at a Council meeting, or any other public meeting regarding the evaluation process. Any procedures and processes regarding any County employee evaluations are public record, there were no contents of any evaluations that was discussed, discussions about the process is a public's right to know. The approved and published Council minutes support my claim. More importantly our County Attorney agrees that nothing improper or illegal was done on my part, regarding violations on confidentiality laws.

IN RE: PUBLIC COMMENT NOT TO PERTAIN TO AGENDA ITEMS

Eric Straeter asked for any public comments that do not pertain to any other agenda items.

Russell Phillips, stated he had a letter addressed to the Plan Commission Members, and Casi Cowles. See attachment A.

Eric Straeter asked for any other public comments, being none he stated they would move onto Old Business.

IN RE: OLD BUSINESS

COLONIAL BAY

Eric Straeter recused himself, due to a potential conflict of interest.

Mark Kepler asked Heather Redinger to read the motion regarding Colonial Bay form the last meeting.

Heather Redinger stated the motion read, by the next meeting we will have architectural drawings with a stamp, the Condo Board will have went through bids and selected a contractor, a start date of around May 1st and completion date of around June 15th, or fines will be issued.

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Mark Kepler then asked for comments from Colonial Bay.

Patty Middleton stated they came to the Board 28 days ago and asked for 30 days to come back with a plan to proceed. You just heard the motion and if you remember our concern was the May 1st start date. We believe we have done what we were asked to do, and fulfilled your request to the best of our ability. She stated Steve Hearn had agreed to return 100% of what he was paid, he will not be taking any of the materials, so they can re-use the upper deck, there's not a problem with the upper deck. We had a meeting yesterday with the homeowners and the homeowners did accept this proposal 33-7. Our architect, Brent Martin of SRKM Architects of Warsaw, did turn in to Casi stamped drawings of each of the individual 15 staircases. He also completed the bid process, out of 12 contractors solicited; we had 2 contractors that did submit bids. She then stated she would like to let Brent explain that process.

Brent Martin, SRKM, stated they did contact 12 contractors for this project, half indicated they were too busy, the other half indicated interest in the project and we sent them the plans. We followed up with them periodically, and we got two bids. The apparent low bidder is Milestone Construction; I've worked with them in the past, which was one of the reason I selected them. One thing I did hear from all of them, was they would not be able to start on May 1st. The two bids we did receive, Milestone could start by June 15th and Carr Construction could start by August 15th. I did mention to Casi and I'll mention to you, June, July and August are the busy months for Colonial Bay, regardless of who is picked, I feel it would be safer to start in mid-August than in mid-June. We could start in mid-June if you require us to. He stated it has been commented the staircases are unsafe, I wouldn't consider them unsafe, they may not be code compliant, but they aren't unsafe.

Mark Kepler asked for Board comments.

Rick Ranstead asked why the 7 voted against the proposal.

Patty Middleton stated their main concern was this Board might enforce fines and they were concerned with making a settlement with Steve Hearn if we would have fines on top of that. Our request is that we are allowed to use one of these contractors, let us know which start date you prefer, and allow us to proceed without fines.

Kathy Hobbs asked how long will it take to complete the project.

Brent Martin stated both contractors indicated 90-100 days.

Rick Ranstead asked if there was a timeline for completion in the contract.

Brent Martin stated they asked them to state the number of days it would take.

Rick asked if there would be fines if they go over the 100 days.

Brent Martin stated they did not include a penalty in the contract. He stated he has worked with contractors, that if they knew it would take then longer and they would be fined, they would add the additional fines into their bid.

Jo Boyce stated the bid that was put out had a 60 day stipulation, but there was not a penalty if they went past the 60 days.

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Brent Martin stated that was correct.

Mark Kepler asked if it was 60 or 90 days.

Brent Martin stated they asked the contractors to state how long it would take; they both said 90-100 days.

Mark Kepler stated you requested 60 days but got 90-10 days.

Brent Martin stated they pushed for 60 days, but both contractors stated they couldn't get it done in 60 days.

Bob Ratchford stated he wanted to thank the plan Commission for letting us talk, there is some of their Board members that do not like us talking to you. He then stated during the weekdays in the summer it is not busy, the weekends are busier. We would like the earlier start date, we've been down this road already that is why we are here in front of you. A good contractor would do 2 staircases at a time and not tear up the whole community.

Patty Middleton stated they are happy, if you direct us to start on June 15th. It is busier in the summer, when the kids are on school break the weekdays are busy as well. There concerns were with it being busy, especially with little children, as well as, finding a place for a dumpster and parking their vehicles. If you feel like June 15th has to happen, we will make it happen and hope that no one gets hurt.

Scott Boyce, stated it is true the weekends are quite busy, the contract stated they cannot have materials sitting around the area, it has to be stored in a trailer.

Marilyn Curran, stated she lives there full-time, there's a couple condos being remodeled and one day there were 8 trucks parked in the lot and that is just for interior work. It doesn't matter to her whether they are done in the summer or fall.

Mark Kepler stated he wanted to get the Board's thoughts.

Bob Cannedy, stated he had concerns about site safety.

Brent Martin stated they do have pretty strong language for site safety and Certificate of Insurance is required from the contractor.

Mark Kepler stated the question before us is the health and safety for the community, would it be better to have the June 15th or August 15th start date with concerns of health and safety.

Bob Cannedy, stated he prefers June 15th, the outcome of the previous builder was above and beyond what he expected, as a group you should be really happy with that. He understands the previous motion stated fines would accrue if the start date wasn't on or around May 1st, but he doesn't feel they need to be fined as long as they start on June 15th.

Duane Border agreed, he stated they had done a lot in 28 days and that is impressive, He stated they needed to continue on with that and agrees the start date of June 15th.

Karen Miller stated she also agrees with the start date of June 15th, they had accomplished a lot in a short time.

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Ranstead, Crystal Weida, Jim Widman, Bob Cannedy, Mark Kepler, Karen Miller, Duane Border and Eric Straeter being in favor and no one opposing.

Heather Redinger, Administrative Secretary

Attachment (A)

To: Area Plan Commission members
Casi Cowles, Area Plan Director
From: Russell Phillips
Date: March 26, 2018

Re: Cowles remarks at February 26, 2018 Area Plan Commission meeting regarding
“confidentiality laws” and Eric Straeter

Having been a school principal for 21 years and also spending 16 more years as a school board member I'm well aware of the concept of evaluation to assess an employee's effectiveness as it relates to job performance. I'm also aware this can result in anxiety for those involved.

At the February 26th meeting Cowles remarked that she is “extremely uncomfortable with Eric being on the evaluation committee” due to her opinion “he does not understand confidentiality laws when it comes to employee performances...”

She bases this opinion on her comments “...any conversation about my employee performance, my evaluation, even down to the timeline, should never have been brought up in a County Council meeting...” A careful review of what Straeter said at the February 21st County Council meeting will show that he made no comment about Cowles “employee performance” or about the substance of a past “evaluation.” He did note that an evaluation of Cowles had not been completed for several years.

Cowles stated that Straeter “overstepped his bounds as the chairman of the Board” with the comments he made at the Council meeting. I do not believe this to be the case and I don't believe his comments indicate a lack of understanding of confidentiality laws. The Council minutes state Straeter requested Cowles current job description in order to allow for a job evaluation, that a Personnel Committee be formed to complete a job evaluation and that another Council member replace Jim Widman since he is not seeking another term. That's it. Those are the only topics, as per the minutes, that Straeter mentioned. There is nothing that suggests a lack of understanding on Straeter's part of “confidentiality laws.” Although not mentioned in the minutes I have already noted that Straeter also mentioned that an evaluation had not been done for several years. However, this also is not a breach of “confidentiality laws.” He made no comment about Cowles receiving a “good” evaluation or “bad” evaluation, just there had not been one for several years.

Regarding the evaluation process, Cowles is in the position of an “employee” and the Plan Commission members are in the position of “employer.” It is the responsibility of the Plan Commission members, not the Executive Director, to determine which members shall assist with the evaluation process.

I have been told that possibly an executive session (thus, private) has never been held by the Plan Commission since its inception in 1996. It should be noted that Indiana Code allows such to discuss a job performance evaluation of an employee.

If the evaluation process strives to improve the effectiveness and efficiency of the employees' job performance and is perceived by the employee as the purpose, anxiety levels can certainly be reduced.

As a resident of Fulton County it is my desire that responsibilities of government be fulfilled in an effective and efficient manner.

DC District

We have had a request to allow bulk mulch sales and store it on property located west of 424 E 9th Street, in the Downtown Commercial (DC) district.

DC District

4-1.23 "DC" District Intent, Permitted Uses, and Special Exception Uses

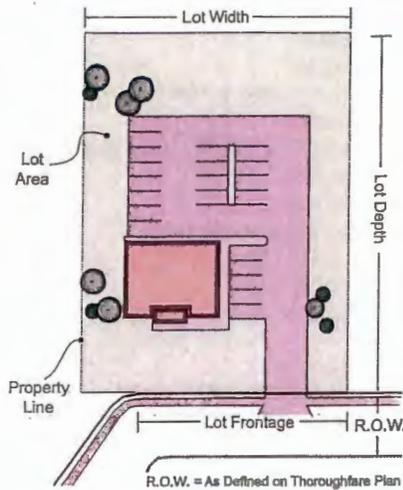
District Intent		Permitted Uses Continued
<p>The "DC" (Downtown Commercial) District is intended to provide a land use category for normal commercial uses in downtown areas. The provisions that regulate this land use district should make the district compatible with residential districts, as well as, inner city/town commercial districts.</p> <p>The Plan Commission and Boards of Zoning Appeals should strive to use this district within incorporated limits in order to create a special mixed-use area of small-scale pedestrian oriented commercial, retail, and office uses within the cities and towns located in Fulton County.</p> <p>The Plan Commission and Boards of Zoning Appeals should strive to minimize parking lots between buildings, rather, encouraging parking behind buildings.</p>	<ul style="list-style-type: none"> • liquor sales • music store • news dealer/bookstore • office supplies • paint store • pawn shop • pet shop • plumbing supplies • radio, TV, music service & sales • retail showroom • shoe sales • sporting goods • stationery /office supply store • toy, hobby or game store • variety store • satellite dish sales & service (no outdoor storage/display without special exception) <p>Business: Food Sales/Service</p> <ul style="list-style-type: none"> • bakery retail • convenience store • grocer/delicatessen • meat market • restaurant <p>Business: Office/Professional</p> <ul style="list-style-type: none"> • accounting office • architecture • bank/credit union • bank machine/ATM • clinic medical/dental/optometrists • design services • hospital sanitarium/rehabilitation center • insurance office • investment firms • law office • professional offices • reading clinics • real estate office • secretarial service • service organization offices • title company • temporary services agency • travel agency • electrical or plumbing contractors <p>Business: General</p> <ul style="list-style-type: none"> • print shop/copy center • photographic studio • publishing company <p>Business: Personal Service</p> <ul style="list-style-type: none"> • barber/beauty shop • coin laundry • day care facility • dress making • dry-cleaning service • fingernail salon • health spa • shoe repair • tailor/pressing shop • tanning salon 	<p>Business: Recreation</p> <ul style="list-style-type: none"> • bait sales • bowling alley • private or public swimming pool • video store • dance/aerobics/gymnastics studio • karate studio • theater, indoor <p>Communication/Utilities</p> <ul style="list-style-type: none"> • telephone exchange • radio/TV station <p>Institutional/Public Facilities</p> <ul style="list-style-type: none"> • school - educational use (any) <p>Miscellaneous</p> <ul style="list-style-type: none"> • home occupation #1
Permitted Uses		Special Exception Uses
<p>Residential</p> <ul style="list-style-type: none"> • dwelling, single-family (upper floors) • dwelling, two-family (upper floors) • dwelling, multifamily, (upper floors) <p>Business: Auto Sales/Services</p> <ul style="list-style-type: none"> • automobile part sales (new) • automobile sales, service center, vehicle testing/demonstration track for purpose of vehicle sales. • filling/gas station - no repair or installation service <p>Business: Retail</p> <ul style="list-style-type: none"> • antique shop • apparel shop • appliance shop • art gallery • camera/photographic supply shop • card shop • department store • drug store • electrical supplies • firearms sales/gunsmithing • floor coverings (including carpet, tile, linoleum) • framing shop • millinery/fabric shop • flower shop • furniture store • gift shop • hardware store • heating and cooling sales/service • jewelry store 		<p>Residential</p> <ul style="list-style-type: none"> • bed and breakfast facility • boarding or lodging house • single family housing • multi-family housing <p>Business: Automobile Service</p> <ul style="list-style-type: none"> • automobile repair, minor • gasoline service station <p>Business: Food Sales/Service</p> <ul style="list-style-type: none"> • drive-in/ drive-thru restaurant • farm market • roadside food sales stand • wholesale produce terminal <p>Business: General</p> <ul style="list-style-type: none"> • hotel/motel • funeral home/mortuary • motor bus station • veterinary hospital, including boarding <p>Business: Recreation</p> <ul style="list-style-type: none"> • banquet hall • bar/night club • billiard/arcade room • lodge or private club <p>Business: Office/Professional</p> <ul style="list-style-type: none"> • drive-thru bank/credit union • drive-thru bank machine/ATM <p>Communication/Utilities</p> <ul style="list-style-type: none"> • public utility substation <p>Institutional/Public Facilities</p> <ul style="list-style-type: none"> • child caring institution • church, temple or mosque • community center • government office • museum • neighborhood recycling collection point • parking garage • police/fire station • post office • public park/recreation center • public/private parking area



• Wholesale Welch Sales

DC District

4-1.24 "DC" District Standards



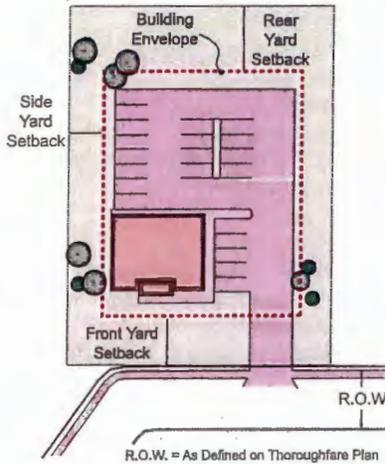
Minimum Lot Area:
• 6,000 square feet

Minimum Lot Width:
• 50 feet

Minimum Lot Depth:
• 120 feet

Minimum Lot Frontage:
• 50 feet on a Public Street with access from said Public Street

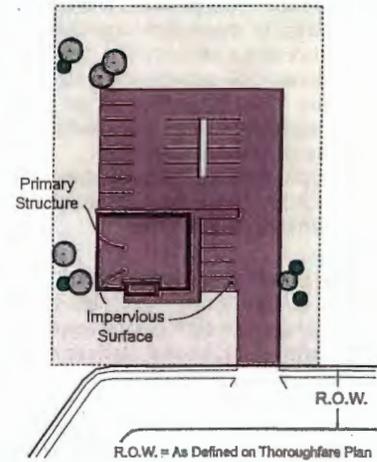
Sewer and Water:
• Requires municipal water and sewer hookup.



Minimum Front Yard Setback:
• 0 feet

Minimum Side Yard Setback:
• 0 feet

Minimum Rear Yard Setback:
• 0 feet



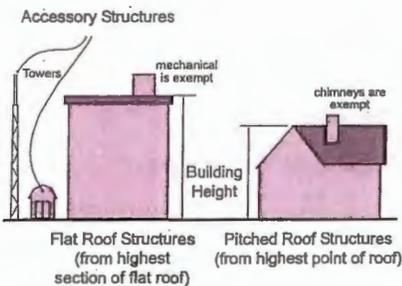
Minimum Lot Coverage:
• square feet of all primary and accessory structures, may cover 95% of the Lot Area.

Minimum Floor Area:
• 1,000 square feet for Primary Structures

Minimum Main Floor Area for Dwellings/Living Space:
• 980 square feet for one story Primary Structures; or
• 14' x 70' single wide mobile home; or
• 850 square feet for multiple story Primary Structures, provided that the total Finished Floor Area is 1,200 square feet or more.

Site Plan Requirements

• The Fulton County Technical Review Committee shall review the site plan all newly created projects, or expansion projects, within the Downtown Commercial District prior to the commencement of any site development/ construction.



Maximum Structure Height:
• 45 feet for the Primary Structure
• 25 feet for Accessory Structures (height of Accessory Structures may not exceed the Primary Structure)

* A survey with the seal of a licensed surveyor/engineer/architect shall be provided with the creation of any new legal descriptions.

** Drainage Plans and an Impervious Surface schematic showing the total Lot Coverage will be required with all new structures. Any drainage plan not showing water retention within lot lines must have the approval of the Fulton County Surveyor

*** A survey with the seal of a licensed surveyor/engineer/architect may be required to resolve any question of setback compliance.



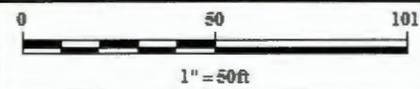


- Parcels
- County Boundary
- City Town Boundary

- Addresses
- Permits - Accessory
- Permits - Commercial
- Bldg Permits

- Parcels
- Roads
- Highways
- Permits - Accessory
- Bldg Permits

Rocheater City Limits



**MONTHLY REPORT FOR THE
FULTON COUNTY PLAN COMMISSION OFFICE**

Permits issued in June		YTD
Non-Commercial	32	151
Commercial	1	13
Sign	2	12
Building	26	108
Temporary Use	0	0
Electrical	7	37
Electrical License	2	25
Plumbing License	1	6
Applications Submitted in June		YTD
Special Exeptions	3	8
Administrative Appeals	0	0
Development Standard Variance	2	17
Rezone	0	0
Fees Collected in June		YTD
Permits	1,055.53	5,958.87
Applications	240.00	1,440.00
Copies	4.80	10.10
Fines	170.00	4,445.55
City Building Permits	1,783.15	5,053.25
County Building Permits	675.00	2,350.00
Electrical License	20.00	250.00
Plumbing License	25.00	105.00
TOTAL:	3,973.48	19,612.77