**FRANKLIN COUNTY AREA PLAN COMMISSION**

**MEMORANDUM & MINUTES**

**January 9, 2013**

**COMMISSIONERS/COUNCIL PUBLIC MEETING ROOM 203**

**Those present:** Area Plan Commission Members: John Steele (absent) Robert Braun, County Commissioners Rep. Rick McMillin Joe Jonas Ed Derickson

Anna Morrow Joe Gillespie

Commission Attorney: Tammy R. Davis

Executive Director: Larry J. Franzman

Recording Secretary: Cindy C. Orschell

McMillin opened the meeting with the pledge of allegiance.

**ELECTION OF OFFICERS FOR 2013**– MOTION-Mr. Gillespie nominated Mr. Steele as President, Mr. Jonas 2nd. AIF. MC. MOTION-Mr. Derickson moved to close the nominations for President, Mr. Braun 2nd. AIF. MC. MOTION-Mr. Braun nominated Mr. McMillin as Vice President, Mr. Derickson 2nd. AIF. MC. MOTION-Mr. Gillespie moved to close nomination for Vice President, Mr. Jonas 2nd. AIF. MC.

**APPOINTMENTS FOR THE YEAR 2013**- Mrs. Davis verbally requested to be reappointed as the Commission Attorney. Letters were presented from Larry J. Franzman as Executive Director and Cindy C. Orschell as Recording Secretary. MOTION- Mr. Jonas moved to reappoint Mr. Franzman as the Executive Director, Mr. Derickson 2nd. AIF. MC. MOTION-Mr. Gillespie moved to reappoint Ms. Orschell as Recording Secretary, Mr. Jonas 2nd. AIF. MC. MOTION- Mr. Gillespie moved to reappoint Mrs. Davis as Commission Attorney, Mr. Jonas 2nd. AIF. MC.

**MINUTES**-12/5/2012-MOTION- Mr. Gillespie motioned to approve the minutes, Mr. Jonas 2nd. AIF. MC.

**CU-4-12-18983 FOR BEN LUDWIG** to permit a transmission tower (internet) in Section 7, Township 8, Range 1 in Whitewater Township located on English Hill road containing 5.001 acres. This application was continued from the December meeting. Mr. Franzman has spoken with Mrs. Ludwig and she is requesting another continuance.

**BARRICKLOW CASE** – The fine is now up to $1,330,500.00. There has been no communication with Mr. Barricklow. Mr. Franzman questions how the board wants him to proceed? Mr. Barricklow has paid his fine of $3,000.00, the judgment has been satisfied, but we have an order imposing additional fines. The report from IDEM was questioned, Mr. Franzman hasn’t heard anything back from IDEM, and he was given 60 days. Mr. Jonas recommends seeing what IDEM states in their report next month. Mr. Braun questions on taking action on the $1,330,500.00? Mrs. Davis can research to see if there is any precedence with the courts. The case has been ongoing on since approximately 2009. Mr. Franzman hasn’t heard anything from the neighbors on this case. We have the ability to put in an order for the additional fines, just depends upon what the board wants. MOTION- Mr. Braun moved that we take action authorizing the counsel to exercise the 1,330,500.00 fine, Mr. Gillespie 2nd. AIF. MC.

**JIM GRAMMAN/BARKING DOGS-** Mr. Franzman was at the site on 1/8/2013 and when they (Mr. Franzman and Mrs. Morrow) arrived the dogs started barking and within a minute they dogs were controlled. Mr. Derickson would like to see the neighbors resolve the issue. Mr. Gramman said him and his wife keep a close eye on the dogs and they are trained, if they are told to be quiet by himself or his wife, they do. Mr. Jonas is satisfied that Mr. Gramman is doing what he can and the dogs provide security. Mr. McMillin said there is an ordinance that says if you have dogs they can’t become a nuisance to the neighbors. Mr. Gillespie met with the Dobb’s and Koester’s and questioned a remedy and it was discussed about Mr. Gramman moving the dogs to another property approximately 100 feet away, he spoke with Mr. Gramman and he wasn’t interested in doing that. In the opinion of the board, does this have merit that it is a violation of the nuisance law under Section 80.08.01, h? Mr. Gillespie says he knows what the standards and regulations say, but feels its gray, refers to Section 80.11.07, Remedies and Penalties, page 127, and he feels the ordinance is flawed in the pet section. Mr. Derickson would like to see the neighbors resolve it. Mrs. Koester said it was not her intention for them to get rid of their dogs, just keep the noise under control. Mr. McMillin questions the board if they think there is sufficient evidence that this is an ordinance violation. Mr. Braun said he thinks there is. MOTION- Mr. Derickson moved to continue this case, Mr. Jonas. 2nd . Opposed (1): Mr. Braun.

**BILL SCHIRMER/ TIF DISTRICT** – Bill Schirmer is a member of the Economic Development Committee and wanted to address the APC concerning the TIF (tax increment finance) District. The board cannot take any action at this time. They will adopt a resolution showing the layout of the TIF District and submit the plan to the County Commissioners and will need to go to the APC prior. They have spoken with 70% of the property owners involved. The property will need to be zoned for whatever type of business is in question. The Area Plan Commission is not sure of what part they play in the TIF District other that verifying the zoning designation in question. Mr. Schirmer feels there may be a request for a special meeting before the next regular scheduled meeting of the Area Plan Commission on February 6, 2013.`

**ADJOURNMENT**- MOTION-Mr. Jonas moved to adjourn the meeting, Mr. Gillespie 2nd. AIF. MC. Meeting adjourned at 8:10 p.m.