

ROLL CALL

Dan Baumgardner	Jerome Markley
Harry Baumgartner, Jr	Mike Morrissey
Tyson Brooks	Tim Rohr
	John Schuhmacher
Bill Horan	Becky Stone-Smith
Erin Kreigh	

Michael Lautzenheiser, Jr., Director

The February 1, 2018 meeting of the Area Plan Commission was called to order at 7:00 p.m. by President, Jerome Markley. Nine members were present for roll call. John Schuhmacher arrived late and Jarrod Hahn was absent.

**APPROVAL OF MINUTES:**

Mike Morrissey made a motion to approve the minutes with changes from the January 4, 2018 meeting. Bill Horan seconded the motion; the motion carried 9-0.

**OLD ITEMS:**

There were not any old petitions to be heard at the meeting.

**NEW ITEMS:**

There were not any new petitions to be heard at the meeting.

**OTHER BUSINESS:**

**V2016-030: Michael Fear**

Jerome Markley notified the board that the violation has been resolved prior to the meeting.

**V2017-012: Shelly Byerly**

Michael Lautzenheiser explained the violation to the board. He said that the violation was turned in because of concerned citizen felt that there wasn't a permit for the sign and that it was too close to the road. Jerome Markley gave a recap of the letters that had been sent. Brian Byerly said that it was a church that placed the sign on the property without their permission and felt it is the APC's responsibility to contact the church about removing the sign not theirs. Mr. Markley asked if there had been any contact made with the church. Mr. Byerly said that he hasn't talked to them because he didn't want to rock the boat. Bill Horan asked the name of the church and said that maybe if it made it into the newspaper then the sign would be removed if someone read the article. Mr. Byerly said that the sign didn't bother him and that it's not in their way. Mr. Lautzenheiser said that he felt that the sign was located in the right-of-way (ROW). Mr. Byerly and the board discussed the location of the sign. Mr. Markley said that the reason they are in violation and not the church is because they are the land owners. Mr. Markley said that the sign being placed without permission didn't seem right either. Mike Morrissey said that to leave the sign where it is if meeting setbacks would still require a permit. Mr. Byerly asked who was going to contact the church. Tyson Brooks said that he felt like it would be better coming from the Area Plan Office. Mr. Horan asked what the church name was again. Mr. Lautzenheiser said that it was Lancaster Chapel United Methodist Church.

Motion to continue to March meeting while church is contacted by the office: Tyson Brooks

Second: Mike Morrissey

Vote: 10-0

**V2017-013: Benjamin Maggart**

Michael Lautzenheiser explained the home occupation violation to the board. He talked about the tree trimming business and that issues with storage and brush stored in the yard. Jerome Markley asked John Schuhmacher if Zanesville had anything to say about this. John Schuhmacher said that the Town of Zanesville was contacted by Mr. Maggart and was informed that he is no longer in business and selling the equipment. He said that Mr. Maggart asked for some additional time to get items cleaned up. Mr. Schuhmacher said that as of today the equipment is sold and things are starting to get cleaned up around the property. Mr. Markley said that the progress described is encouraging. Mike Morrissey asked what was left. Mr. Schuhmacher said that the brush is gone but there is still lots of cut wood that isn't gone which is supposed to be split and then given to a neighbor. He also talked about a couple camper trailers on the property. Mike Morrissey said that the cut wood that isn't cleaned up and organized isn't a violation for our board along with the trailers. Mr. Lautzenheiser confirmed that the trailers are a violation. He said that he is never personally talked to Mr. Maggart to confirm items regarding the violation. Mr. Schuhmacher said that he can have him contact the office. Mr. Lautzenheiser suggested continuing the violation 30 days in order to get an update.

Motion to continue to March meeting: John Schuhmacher

Second: Tyson Brooks

Vote: 10-0

**V2017-014: Nathan Billman**

Michael Lautzenheiser asked the board a question in regards to this violation in Zanesville. He said that it could possibly be resolved tonight depending on outcome of group. He explained the violation letter and how he was contacted by home owner and was informed that all the vehicles belong to him or his girlfriend. He had titles for all vehicles. Mike Morrissey asked if all vehicles had titles and plates. Mr. Lautzenheiser said that the plates are needed thru us but that would be handled thru the Town Marshal. Jerome Markley asked what was covered for our jurisdiction. Mr. Lautzenheiser said that it was the home occupation business. Bill Horan said that if all the cars are titled and not doing any service work there then it is not a business. John Schuhmacher asked what the timeline was for fixing personal vehicles. Mr. Markley asked what the town ordinance stated in that regards. Mr. Lautzenheiser said that the town ordinance could be changed to say that all vehicles need to be parked on hard surfaces. Mr. Morrissey asked what was different between this violation and one from a few years ago on Clark Street in Bluffton. Mr. Lautzenheiser said that there were for sale signs for the property on Clark Street. He also said that he was told that Mr. Billman and his family members use the vehicles he owns. Tyson suggested that it be continued for 30 days to see what the town ordinance says. Mr. Lautzenheiser said that wasn't needed if the board decides it's not a business.

Motion to dismiss violation due to not being a home business: Bill Horan

Second: Harry Baumgartner, Jr.

Vote: 10-0

**V2017-016: Benjamin Habegger**

Michael Lautzenheiser explained the violation for the fence. He said that the office received a complaint stating that the fence appeared to be in SR 124 ROW. He talked about how agricultural fences need to be located out of the ROW. He mentioned conversations early on but no additional word which is why it is being heard tonight. Ben Habegger explained the fence project and how it was for their dogs. He said that he had sent his wife to the surveyor's office to find out information regarding the fence and now feels like she may have asked the wrong questions. Jerome Markley asked when it was constructed. Mr. Habegger said around June or July of 2017. The board discussed information regarding a survey with Mr. Habegger. Mr. Habegger said that they hired Stoodly & Associates to perform a survey on the property and to find out exactly where the fence needed to be moved to. He said that they are still waiting on them to do the survey. Mr. Markley asked if the State Highway Department would have information on the ROW for their property. Mr. Lautzenheiser said that the Fort Wayne Office might have the information. Mike Morrissey said that it seems that Mr. Habegger wants to resolve this violation but he understands how mud and dirt can affect this type of project. He also said that they need to know exactly where the fence needs to be located prior to moving. Mr. Markley asked for a timeline. Mr. Habegger mentioned late spring/early summer. Mr. Lautzenheiser explained that this violation wouldn't have been heard tonight if there would have been additional contact made to the office. He explained how the office needs to receive updates regarding this violation.

Motion to continue to June meeting: Mike Morrissey

Second: Erin Kreigh

Vote: 10-0

**V2017-017: Mitchell Southard**

Michael Lautzenheiser explained the original violation in Jackson Township compared to what still needs done. He said that the permit for the deck and roof have been taken care of, however, the two sheds still need moved. Mitchell Southard explained his history with the property. He said that he didn't realize a permit was needed to add an overhang on the roof. He talked about the property line dispute and showed photos of the fence that was placed on the property line according the other owner. Jerome Markley asked if the neighbor knows the shed is on their property. Mr. Southard talked about a survey the neighbor had and that's how it all started. Mr. Markley asked if it was a sell off. Mr. Lautzenheiser said that it was a lot for an old township school. Mr. Southard stated that he's been in jail 3 times due to this property line dispute. Mike Morrissey asked if he owned the home. Mr. Southard said that he was in the process of purchasing the property. Mr. Markley asked if the buildings were movable. Mr. Southard said that one wasn't a building. Mr. Markley asked about the fence. Mr. Lautzenheiser explained that the farm property owner or manager placed the fence. The board discussed the fence location and property lines. Mr. Morrissey talked about the legal description and was unsure what the problem was. Mr. Markley asked if Beacon was accurate. Mr. Lautzenheiser said that the lines are not exactly accurate but close. John Schuhmacher talked about the driveway and gave his thoughts on the problem. Mr. Markley asked for a timeline of getting the buildings moved. Mr. Lautzenheiser explained how the one was partially on the correct property and that the other was completely on the neighbor's property. He mentioned providing the steps needed to correct the violation but no steps had been taken. Mr. Southard told the board that Deputy Steele told him to have friends move the items for him but that he thought that was just another way to cause more

trouble. Mr. Markley said that the sheds needed moved and that the fence is a legal issue between neighbors. Mr. Southard asked what makes the building a shed. Mr. Lautzenheiser said that they both were structures with roofs. Mr. Markley asked if both were on skids to help with the moving process. Bill Horan said that the issue is that there's a no trespass. Mr. Schuhmacher asked if the fence was in the front yard setback. Mr. Markley talked about the process for violations. Mr. Southard said that he was turning the violation in if it was one. He mentioned the property lines on the survey not being right. Mr. Lautzenheiser said that a full survey could be performed on the property. Mr. Markley asked for a timeline for completion. Mr. Southard said that he had court in April regarding the property lines. Mr. Markley suggested continuing until then.

Motion to continue to April 5, 2018, meeting: Mike Morrissey

Second: John Schuhmacher

Vote: 10-0

### **Transportation Letter**

Michael Lautzenheiser gave a recap of the letter presented to the board. He explained that it would help 2 separate phases for Wells County. He talked about how it would help the trail systems and connecting different communities. Mr. Lautzenheiser said that it's important to maintain the wildlife reserve and that it would be difficult to have a trail off the road so that adding this to the road project would be helpful. He said that he is asking the board's permission to send this letter on to the road project for consideration. Tyson Brooks asked if it would be located next to the road. Mr. Lautzenheiser explained that it could be a wider shoulder or a trail. Mike Morrissey asked if others were sending letters too. Mr. Lautzenheiser said that he was notified thru NIRCC. Mr. Morrissey asked if there was a downside. Mr. Lautzenheiser said there wasn't.

Motion to send the letter: Mike Morrissey

Second: Bill Horan

Vote: 10-0

### **DISCUSSION:**

#### **Downtown Revitalization Updates**

Michael Lautzenheiser discussed an email he received from James Brewer with the Ossian Revitalization group regarding upcoming events. He talked about the meeting on February 5, 2018, to go over details on the pavilion and amphitheater projects. He also talked about the fundraiser that will be held at the Lighted Gardens on February 10, 2018.

Michael Lautzenheiser updated the board regarding Bluffton NOW! and shared how the matching funds are already maxed out for the year and how it's exciting regarding the new projects. He mentioned the new law firm coming to downtown as well. He talked about the upcoming Brrr Fest Event and fundraising for the Plaza Project which should start late February or early March.

#### **Housing Study Update**

Michael Lautzenheiser gave an overview from the initial meeting with the public. He talked about a survey they will be coming out with and how he would like all the board members to

participate in the survey. He said that they want to see where everyone thinks that growth is happening or is needed. Jerome Markley asked how they would take the survey. Mr. Lautzenheiser said that there should be a paper form of the survey or online as well. He said that the goal is to get as many people as possible to see what the outcome is. Mike Morrissey asked who was providing the survey. Mr. Lautzenheiser said that it was the Economic Development office along with the Chamber of Commerce office.

**Additional Discussion**

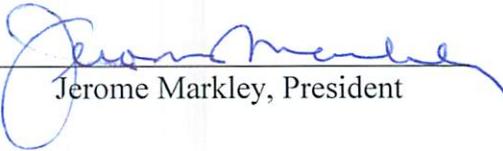
Jerome Markley asked if there were any items from board members or the public to discuss. He asked about the township issue at State after no comment from others. Michael Lautzenheiser said that the bill is at the House currently. Mike Morrissey asked his thoughts on the proposal. Mr. Lautzenheiser said that it was a result of the Colonel Sheppard Report from when Mitch Daniels was in office. Mr. Markley asked if there was any concern regarding land and deeds. He said that he felt it could cause problems in the future with land transfers. Mr. Lautzenheiser explained the legal descriptions and how it shouldn't cause an issue. He said that if it were to happen, then there could be a shift in taxes either up or down depending on current and merged areas. Mr. Markley talked about the savings for administrative work. Mr. Lautzenheiser said that it may not be that much of a savings. He talked about how Kevin Mahon is our representative and that he is a co-author of the proposed bill.

**ADVISORY:**

Jerome Markley confirmed the March 1, 2018, meeting.

**ADJOURN:**

John Schuhmacher made a motion to adjourn the meeting. Becky Stone-Smith seconded the motion. The February 1, 2018, Area Plan Commission meeting adjourned at 8:35 p.m.

  
Jerome Markley, President

ATTEST:

  
Michael Lautzenheiser Jr., Secretary