

Decatur County Area Plan Commission
August Minutes 2019
1st Floor Meeting Room of Decatur County Courthouse

The regular scheduled meeting for the Decatur County Area Plan Commission was called to order by Jay Hatton at 7:00 p.m. on Wednesday, August 7, 2019. There were 8 board members present with Bill Dieckman absent. Also attending was Melissa Scholl – APC Attorney, Krista Duvall – Decatur County Area Plan Director, Debbie Martin – Administrative Assistant, Kevin Fleetwood, Greensburg City Counsel and Jerome Buening, Decatur County Commissioner.

Jay Hatton opened the meeting and read the following: *To comply with Title VI of the Civil Rights Act of 1964, Decatur County requests that participants in this meeting complete a voluntary, anonymous survey that is available on the table in the back of the room.*

* The minutes of the July 2, 2019 regularly scheduled APC monthly meeting were approved as mailed.

* **APC Petition 2019-08 – Mark Fixmer with BEX Farms** is petitioning to “re-zone” approx. 150.074 acres from an A-1 zoning classification to an I-2 zoning classification for future operational needs. This request falls under the Decatur County Ordinance **Section #1216-1228**. The property is owned by the petitioner and is located on S County Rd 280 E and Hwy 421 (7 parcels), Greensburg, IN in **Washington Township**.

Ryan Kennelly abstained from hearing and voting on this petition.

Curt Publow, Environmental Manager stated that the petition is from BEX Farms but is accompany affiliated with Best Way Disposal and Decatur Hills Landfill. We have been a long term member of the community since 1991, have been active and supportive of community events to foster a good relationship with Decatur County.

- Employment: average over 70 full time employees, top 3% by total employees, \$5,300,000 in wages and benefits in 2018.
- Local Economic Impact in 2018: \$5,300,000 wages and benefits to local employees, out of the Greensburg location.
- Local Economic Impact: we have \$4,400,000 in direct spending for fuel, repairs and supplies.
- \$152,000 taxes and fees paid directly to Decatur County.
- We are located down off of 421 have included pictures of the landfill that would be discussed as they appear on the overhead projector.
- We have had a gas collection system collecting the gas that is produced by the decomposing waste in the landfill for many years. That gas currently is being flared, one of the projects that we have at another site in Indiana is renewable gas facility where we take the landfill gas, process it and turn it into a compressed natural gas that is used as vehicle fuel for our fleet.
- We have a wastewater disposal system that collects the wastewater generated by the waste that goes to the city of Greensburg wastewater treatment plant. That is to protect the surrounding environment by the waste generated by the landfill. We also do

groundwater monitoring at wells around the landfill which is part of an IDEM related process.

- In the last few years we have added storm water detention, to control runoff and areas around the landfill.
- We take in the waste, compact it and cover it, we also have recyclables, we send it out, we do not sort on site.
- Current conditions: the land that we wish to rezone is row crop ag field right now, once this is rezoned it will be a long process to the point of developing this, so until then we intend to keep in in the row crops.
- Comprehensive Plan; it's hard to see on the overhead map but where you see the Knarr Corner you can see where this was intended to develop, the Comprehensive Plan envisioned industrial use for the landfill expansion in that area. We are just showing that what we are requesting to rezone is in compliance with the Comprehensive Plan.
- Property Values: sale prices increased around 10% since 2017 in Decatur County, within a mile of the landfill 14 homes have been constructed since 1992, 5 sales in the last 2 years within 1.5 miles from the landfill, sale prices roughly 24% above assessed values.
- Responsible Development and Growth: rezoning will allow for continued growth of a major local employer, the Comprehensive Plan does envision a centralized waste management facility and a healthy waste management industry supports recycling and other environmental improvements.
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Jay; what is the game plan for future growth, what is the timeline on this property, you say you will keep it in current use as it is but yet prepare it for a landfill, how does that happen? **Curt;** at this site we would generally build maybe 3 acre cells, there would be 10 acres that would be disturbed as part of building that next connecting piece and then 4, 5, 6 years down the road you start another connecting piece and gradually build this out, it would take a number of years to fully develop the site. **Jay;** so this land usage that you are asking for, what is the projected use or how many more years would this serve Decatur County? **Curt;** overall would probably be a 40-50 year span. Depending on IDEM approval as well. **Jay;** how many of the homes that were sold did you buy? **Curt;** none. **Jay;** but you have bought current property around that area? **Curt;** yes. **Paul;** what happens to the current landfill once you would move to the new parcel, is there an opportunity that it will become usable at all, I understand some parts are being farmed, is that something that can be done? **Curt;** because of the capping that is required it might be hard to farm, but maybe hay production would be a possibility. **Tom;** what is the life of the current landfill? **Curt;** probably 15 years, as it gets closer to completion, you start to get painted into a corner, if you will, and so looking at our long term plans, in about 8-10 years is a point where we start to get into being painted into a corner and the expansion would fit better from a construction standpoint to that timeframe. We are looking at a 6 year time frame before we would even have a permit to begin construction. **Jay;** then you would come back to the BZA and they would have a lot to discuss. **Curt;** absolutely, that process could be very timely, it is hard to predict.

Audience

David Nobbe; I live on CR 100 S, my concern is, you as a board member have a great opportunity in front of you to make the right decisions for yourselves, family, kids and grandkids to model what you want Decatur County and Greensburg to become. Think about the future plan is drawing this type of industry to... inaudible. The proximity to the dump to the city, with the

overall plan and future housing, what is that going to do..... I think there are some past mistakes made out at the dump, I don't know how that went down but Bex Farms went in there and fixed some things and kind of got Decatur County and Greensburg's hands tied to continue to work with them and clean that up so to speak, don't make a past mistake keep going into future mistakes. You have the power to stop this, you are going to look at BEX Farms in the face if you deny it, if you OK this you look at everybody in Greensburg and say that I ok'd this and let this go on for my kids and future people who want to live here. When they say it will be filled up in 15 years, does that take into account that we are taking in trash from Aurora, Seymour, Louisville, Indianapolis and I don't know where else. If we just took in from Decatur County how much time do we have left, probably quite a bit. I would like an answer on how many cities do bring their trash to Greensburg that actually don't have a dump, and why don't they, don't try to make Greensburg the biggest dump in Indiana. **Bill Ernstes;** I'm an adjoining property owner, I think they have done an excellent job since they have taken over after the Tinsman episode which is absolutely run unbelievable and allowed by the county to run however they wanted to. They have done a great job, they are great neighbors and I think they deserve the right to expand and keep going help the community out. David, I appreciate what you are saying but I think they are a great asset. **Leon Nobbe;** does anyone know what an aquifer is? That landfill is on top of it and it is against the law. This landfill is a lifetime decision, the three commissioners can either say yes or no. They were elected to serve and protect the people of Decatur County, they have known that there is a large aquifer under this landfill. The EPA, DNR, IDEM and the ASCS don't care. The new St. Mary's campus, all the people who sacrifice so much to have this nice campus, 20 million plus dollars, if they get a foothold, you are done. Decatur County has done their share, now is the time to let someone else take our trash. Mr. Tinsman started this landfill illegally, but Best Way has used it in the same site, how can this be right. Bausback is here to stay but two of the three commissioners can stop this landfill, period. **Jay;** Curt can you come up and address the aquifer? **Curt;** that may take some time to research and get back and answer to you. There are requirements about aquifers, and he is right, you cannot put a landfill over that so **Jay;** so you just now learned that there was an aquifer there? **Curt;** no, what I am saying that I disagree with the statement but I would like to have some facts to you. **Jay;** do you know of other landfills that have been built on an aquifer? **Curt;** no that would be prohibited. **Jay;** so IDEM would have something to say about that as well. **Curt;** absolutely. **Melissa;** I think one of the other questions was how many other communities bring their trash here. **Jay;** do you have an account as to how much of the landfill is being used by other counties, what percentage? **Curt;** sure, about 25% of the waste in the landfill is directly from Decatur County, that is about 90% of the waste generated in Decatur County. The remaining 75%, most of it is coming from Jackson, Ripley and Jefferson counties. Still local area, not Indianapolis or Louisville. **Jay;** so is it right that Louisville is taking trash to Jackson County or Jefferson County and reloading and brought to Decatur County, there's as shuffling effect there? **Curt;** no, the waste that we are picking in Jefferson County is like from households and businesses in that county. **Jay;** but it is not coming from Louisville over the bridge and into Jefferson County? **Curt;** at someone's house, but I don't think so. **Jay;** basically you don't know if Louisville trash is ending up in Decatur County? **Curt;** not that I'm aware of. We do have a transfer station in Jackson County but again that is local waste going into the transfer station. We have to report to IDEM the sources of waste that comes into each station. **Jay;** is it possible that the current landfill could be used for Decatur County waste only and extend the life for some time? **Curt;** it's a private business, it wouldn't be feasible from an economic prospective, we had (inaudible) years ago where every county had a dump and that's not the world that we live in today. In order to meet the requirements of the systems that we have to put

into place to meet the financial obligations, there has to be an economical scale built into that. **Jay**; I hate to keep asking all the questions but where is the closest landfill besides Decatur county, if we were to move it to another county, where would that be? **Curt**; that would probably be the CGS facility in Morristown. **Paul**; talk a little about IDEM and what things you have to meet from a groundwater standpoint, testing frequency and things like that. **Curt**; we do testing, semiannual from the monitoring wells, there are different levels, first is detection monitoring and so that is like the basic monitoring that every landfill in the state is required to do, there is a list of parameters that we must check for. If there are detections of concern then you would proceed into other higher levels of monitoring. **Jay**; so these test wells are placed throughout this property and then (inaudible) the frequency of testing? **Curt**; semi-annual. The location of those wells is determined based on studies of the existing groundwater and direction of flow so that you have wells on the upside gradient and the downside gradient, you have an opportunity to monitor that flow basically. **Jay**; what is the current testing at our landfill, does that prove that the liner that you build down there is not leaking into the groundwater? **Curt**; yes, that is what the current monitoring is showing and that is the purpose. **Andy**; do you know about how deep those monitoring wells are? **Curt**; it varies based on the initial study, where the groundwater is. **Paul**; what has the impact been, the results of tests. Were there test done in the 90's when Best Way came to town, has there been a change in local ground water or these monitoring wells in that period of time? That may be an impossible question. I have heard a lot of talk about poor groundwater quality in the area, is it something that Best Way can say that we have met this IDEM standard or here are the actual numbers, is that something that can be provided? **Curt**; yes, and in addition to that you can also look at those up gradient levels, what is the water quality that isn't affected. **Jay**; we are at our 30 minute mark here, I think personally I can see if there is any support from the board but we need to learn more about aquifers and give us a chance to research this on our own as well and try to come up with more questions before we can act on this. I'm asking for this to be tabled, is that something that you could comply with? **Curt**; based on the questions that we have that makes sense. **Melissa**; for the record I would like to state that the board was handed an email from received from Chris Chapman dated August 5, 2019. **Jay**; that is correct, we did receive a letter from Chris Chapman in non-support of this petition. At present, I would like to table this petition and have you come back at our next meeting. **Curt**; so you would like for me to prepare some answers to questions that were brought up. **Melissa**; there will not be a notice to adjoining property owners, this is a continuation of the notice that you have already received. **Don Bates**; did you table this, yes or no? **Jay**; yes, I did table it. **Don**; what does it take to get it off of the table, on a vote? **Jay**; we would have to bring it back before our next meeting and then call for a vote. **Don**; what is the percent on that vote? **Paul**; the majority. **Melissa**; 5 out of the 9 members. **Jay**; we have one absent and one who has abstained. We are tabling APC Petition 2019-8.

* **APC Petition 2019-12 – Steve Hockaden** is petitioning to “re-zone” approx. 2.5 acres out of 8.18 acres from an A-1 zoning classification to an I-1 zoning classification to rent this portion of the property to a trucking company to park trucks. This request falls under the Decatur County Ordinance **Section #1204(h)**. The property is owned by the petitioner and is located just west of 6235 E County Rd 100 S, Greensburg, IN in **Salt Creek Township**.

Steve Hockaden stated that his old shop was sold recently and he is in need of a new one. I am putting one up for my own use to park my semi, tractor and trailers. At this time I need to rezone so I can allow the neighbor, Stonebridge Trucking, to park his trucks down there. He is growing and had run out of room down at the corner. I let him use my old shop area but when I sold I

found out that I needed to rezone. It's 42' x 88' building in the lot. I have a 120' wide by 240' gravel lot that is being put in now. Stonebridge trucking has about 9 trucks that they will park on the gravel lot. He employs 22 drivers. **Jay**; the 2.5 acres, is that this area? (Referencing the overhead map). Everything west of the woods and north of the Schwering will be an I-1 zoning? **Steve**; yes. **Paul**; where will the structure go? **Steve**; it will be approx. 50' north of the red line on the map, from the Schwering property and 240' from the road and the driveway is 120' wide. **Paul**; will you access off of CR 100 or CR 600? **Steve**; off of CR 600. **Jay**; so you will use this as well? **Steve**; yes, I have 2 trailers now and will get a third one. **Jay**; how many trucks will be parked there? **Steve**; approx. 9 straight trucks, Stonebridge doesn't have any semis. **Jay**; are we going to limit that to straight trucks? **Steve**; all he has now is straight trucks. **Paul**; does it drain to the southeast? **Steve**; there is a tile that goes along 600 E and it goes into the two other tiles on the Schwering property, an 8" tile. **Paul**; the water runoff of the roof of the building would drain to the west towards 600 E then cross the road? **Steve**; no it will drain south from 600 E on the same side of road. **Jay**; all of the runoff water will stay on your property and then go down toward the interstate? **Steve**; yes, it's a pretty level lot, 4" of grade all the way across. **Jay**; none of that water will go north to that adjacent farmer's field? **Steve**; no, there is an 8" tile (inaudible). **Jay**; you are going to change the composite of that soil by adding rock and so you will have to comply by our drainage standards, when you change from soil to rock the water will react differently. You need to make sure you are in compliance with Krista. We just need to make you aware that you cannot violate our drainage ordinance. **Paul**; is the single 8" tile collection the downspout and drainage from the Schwering building? **Steve**; it goes into two 8" tiles. **Paul**; give me an idea where they are. **Steve**; referencing the overhead map showed where the catch basin is and then into two 8" tiles. **Paul**; do you have overload concerns on that 8" tile if we will drain the large roof and gravel into it? **Steve**; no. **Jay**; and you currently own the rest of the field still? **Steve**; yes.

Paul Stone made a motion to vote on APC 2019-12; Ryan Kennelly seconded the motion with all members present voting yes. **Jay**; stay in contact with Krista and if you have concerns over this drainage or need further assistance about what our ordinance says and how that will be interpreted, I would advise you to make sure that you understand that.

*** APC Petition 2019-13 – Gregg Sims with Adams Volunteer Fire Department** is petitioning to “subdivide” and “re-zone” up to approx. 6 acres out of 15.89 acres from an A-1 zoning classification to a B-2 zoning classification to build a new Adams Township Fire Station. This request falls under the Decatur County Ordinance **Section #1125(21)**. The property is owned by David R. Scripture and is located just south of 4524 N US Hwy 421, Greensburg, IN in **Adams Township**.

Jay stated that he received a letter from John Remmler, he owns property out there and that the VFD would not have any problems with a water source. Gregg Sims spoke on behalf of the Adams Township VFD and stated that they are not the current owners of the property, it belongs to David R. Scripture. Our current facility is located in Adams, our equipment is becoming outdated and the new equipment will not fit into the existing building and our current building will not be able to house the newer equipment. We are in a “need” not a “want”, we need to relocate. We have been searching to 2 ½ years and this is only the second property out of all of Adams Township that will fall under the TIFF guidelines for funding. We did receive an allotment from the Economic TIFF board of \$750,000 to build a station which was stated to be in

their allotted area. **Paul;** what is approx. project cost? **Gregg;** we have an estimate from FPBH out of North Vernon which specializes in fire stations at \$825,000. **Paul;** structure or project cost? **Gregg;** the structure. The property purchase will be coming from separate funds through the Township Trustee. **Paul;** so upwards of 1 million by the time the project is complete, is that a fair statement? **Gregg;** we are hoping not, the \$825,000 is a completed project. This is based on an estimate from a recent construction that this company had done. We have a \$50,000 land purchase. **Jay;** can you give us information about the department as far as the need for it, # of runs, fires and medical emergency. Are you equipped with an EMS team and what is the current demand on the fire department as it is now? **Gregg;** we respond to any medical and/or fire runs. Majority are medical in nature. We serve as a back up to EMS, we respond to structure fires, field fires and interstate activity. As far as numbers, I don't have them right in front of me. I would say an average of 30-35 tone outs a year. **Jay;** and the majority being medical? **Gregg;** yes. **Jay;** if you have the rezoning do you have another plan to have new equipment in this building? **Gregg;** yes, we are looking all the time for upgrading our equipment. Currently our main engine could lay down at any time. Things we have in place of that is our tanker and brush trucks. We also have an emergency truck. **Jay;** the use of this building, will it be a community center or just a fire department, what benefit to the community other than the fire department upgrade would they see? **Gregg;** the plans that we submitted are solid and we cannot change anything. We plan to have a 4 double truck bay, a community room with a kitchen warming area, restroom and shower facilities. Also a separate office for the Township Trustee. We do not intend to make it a weekly weekend party site. In the past 5 years that I have been involved we have only rented the building out for birthday/anniversary parties. We receive a donation for that, I don't believe that we have had more than 5 uses in the last 5 years. **Jay;** is it a voting center as well? **Gregg;** no. The current facility that we have can be flooded when we have heavy rain. **Jay;** I think that part of this petition is putting a B zoning in an A1 Zoning Classification, there is no other zoning in that area similar to that, you are in a residential area, you are not close to the truck stop or town, you are sort of in the middle. So I'm thinking about how the B-2 zoning fits in our county and how appropriate it is in that area. **Gregg;** the only reason we are asking for B-2 is that it will be a building for community safety and protection. Our current facility will not be adequate down the road. As I mention earlier we have been searching for 2.5 years and we know how difficult it is to parcel out any ag ground other than for family use. **Jay;** and there is parcels of ground available by the truck stop that has been for sale. **Gregg;** once again we have received money from TIFF, they have a designated area where that money can be used. If we vary from this site the money is pretty much off of the table. **Ryan;** do you have any volunteers that are trained EMT or Medics? **Gregg;** we are down to 14 responders and a 4 of them are EMT certified.

Audience: Roger Dumond; I live in the Adams Township district and I recently joined as the Adams Township VFD as Board President. It totally shocked and amazed me that they can run a station out of the location that they presently do. I was also amazed at the dedication of the staff that comes in there and tries to do it, none of us will work with a facility as minimal as they have to work with but they are doing it anyhow. The really neat thing about this opportunity is twofold, one is that no farmer wants to sell 4-5 acres out of their farm and I understand that. This piece of property with the blessing of Dave Scripture has no other perceived farm ground around it so we are not destroying good prime farm ground and we have a willing seller, there just aren't very many willing sellers of a small parcel of farm land. And second, the location and the TIFF money; if anyone who wants to lead a project in this community and you find \$750,000 that lands in your lap, and yes there are strings tied to it that it must reside in the TIFF district,

but we have not even touched yet the traditional funding that a fire department yet. That financial commitment springs this whole project forward in a way that would be sinful to not take advantage of. Yes, we will need to source out some additional monies through grants and community involvement but it is a tremendous opportunity and I don't feel that we will find another location that is well suited or be in a monetary situation to do so. **Jay;** wouldn't the south side of 421 be in their district, not the north side of 421? **Roger;** they stretched their rules to make this work and I am not a redevelopment TIF district expert but once they went through their process and said it was ok, I'm ok with it. **Jay;** I can see that the service can serve inside that TIF district even though you are on the boundary of that..... **Todd;** it goes up to CR 420 Jay and does cross 421 to the interstate, I actually sit on the TIF board as a school board member. It borders the district but is not in it. **Paul;** can you tell me where in the structure will lie on the property? **Gregg;** referenced the overhead map and gave a general area which is drawn in on the map, and per Mark Mohr at the DCHD made a recommendation as to where we can put the driveway. **Paul;** one of the public concerns is traffic, entering and exiting on and off of 421, at 30-ish runs a year there is probably not a lot of traffic being generated from the fire department but many departments will host fundraising events and this may turn into a voting site. Is there an opportunity to access this off of the 420 W road vs. 421? **Gregg;** yes, there is a 30-45 degree incline and with our trucks loaded with water that is an additional 8000 lbs. and getting in and out of there in normal weather is impossible. We do realize the safety concern, we face similar situations if we have a tone out and on the north side of 421 getting across would be just a dangerous. We do realize that there are certain times that Honda traffic is, we have no idea what time an emergency will happen. Our responders do know their limits. They will be driving responsibly. I might add too that when we look at the money, it sounds like a lot of money but we were advised by the TIF board to build for the future, not just for today's needs. The 4 double bay truck facility is twice what we need but if we find another engine we will need that bay. **Jay;** I understand that, I know Burney built a nice station, they wish they were bigger. The B3 zoning, is there a chance that this station could be built and is there a practice, trainings are excessive now to be a volunteer, do you see a time when the station will not be needed and it will just be a facility built out there? I don't understand how volunteer fire stations stay open now. **Gregg;** as I mention in our media day, this isn't something that I have been asked to do, this is something that I do because I want to, along with all of our other responders and board members. We are looking at a need for our community. I don't actually live in the township but I am in their service area, which goes out to the Rush/Decatur county line at State Road 3. That is a long haul for the town of Adams, the south boundary is just south of our fire station now, and we actually go into Clay Township. This will be more centrally located. As far as it being not needed at some point, I guess it is like any other commercial property. It is something that the community does need. **Jay;** is it too much for St. Paul and Adams to be merged together? **Gregg;** if we were to merge, we obviously would have to relocate and the TIF money would be off the board. **Melissa;** Jay you said B3, and it's B2. **Jay;** sorry. **Garrett Debaun;** I live right next to the property, I'm not opposing this but this is the first time I've seen there the driveway goes. If Dave is willing to sell maybe they ought to push the drive that way, where it is there is a ditch that is 8-10', where will this water go, I get runoff now, if they put the drive there where will that water go? **Jay;** once again we have a drainage ordinances that have to be obeyed so they would have to comply with those and determine that driveway where it will not pose a problem to you, they cannot run more water on you than you currently have now. You would be protected by the drainage ordinance. **Garrett;** how far do they have to stay away from the property line for the drive to go in? **Paul;** the drive itself is not a structure. **Garrett;** that is my only concern. **Gregg;** we have approx. 500' visibility to the west, that is why Mark Mohr

suggested the driveway to go in that area. It will be hopefully somewhere halfway into the property. We don't know exactly yet. **Krista**; Jay, the driveway has to go in the yellow area that shows on the overhead map. **Paul Scheidler**; I own across the property and Mark Mohr told my wife it would be 50'-70' of Garrett's property. The water that runs down that ditch cuts across 421 onto my property, around that little creek. It gets flooded with the heavy rains we have now, if you put more surface water there, the ditch can't handle it now. It's not good there, it's a deep ditch. Also, with Adams and St. Paul joining together, I don't understand all of the TIF money but is something that has been talked about for years. We have 2 fire stations that we are funding, why can't we look into 1 station. They do service part of Clinton Township, we are 1.5 mile out of Adams. Clinton Township has no fire station and yet we have 2. They have looked for ground and have asked me about selling. Charlie Connell had asked before to buy part of my ground. My ground wasn't going to suit them as it is in a flood plain. 5 years ago the Township Trustee wanted to close the fire station if they couldn't respond and get better. Why can't we let Greensburg and St. Paul take care of us? We should fund Greensburg and let them be our fire protection along with St. Paul. I would feel safer and better if we put our money towards the other two. If you look at the stats, and I don't have any of them, just word of mouth, I can't back it up but Greensburg beats Adams to every fire that they have. My dad was a 30 year member of the Adams Township VFD. It's not the same as it used to be, the fireman used to be close and ran by farmers. All of the fireman that we have doesn't live local except for Doug, he's about the only one I know that is local. It just takes too long, they are coming from too far of a distance. I don't know why it was supposed to be 4 acres and now it's 6, who knows how much they will rent it out and what will go on there, the traffic is a very big issue. If you are out there and live it, it has just changed our lives completely. You can't hardly pull out when the Honda traffic lets out. I don't know how a fire truck will ever pull out. I still think there are other avenues to be had. **Charity Wilder**; I am the Adams Township Trustee. A couple of items are 1. The location obviously is an issue about being centrally located. Easily able to access other areas, getting over I-74, that is a major issue for me since we don't want them to go into Greensburg just to get to the other side of I-74. I understand that the traffic is heavy at Honda times but traffic is heavy around all of the factories at all time during shift changes. It's a great problem to have, we have people working. 2. Flooding; I do remember that 421 was closed I believe last year, maybe two to work on the ditch line down there. It must be ok to build other things in that area because they are building a house right on the other side there. That got approved so it's not going to flood down that way. **Sherri Scheidler**; yes, my daughter is building, she is up on top of a hill. And the Honda traffic, it's not awful, every factory has high volume traffic, it is horrific. For us to pull out on 421, we have had to learn to come and go with the traffic. Someone who is off on a side road has choices to stay off of 421, and that's what a lot of them do. I have footage from 1 a.m. until 2:30 a.m. and other times. Anytime from 5 a.m. – 7 a.m. and then picks up again around 3 p.m. – 4:45 p.m. You cannot leave, I tell my kids to not come home or leave during those times. They know how to use that road where they want to build, you cannot see left or right. They wanted to build there to use the current culvert, until Mark Mohr said that they cannot do that so they had to move the culvert to another area. Dave Scripture is not here, he honestly said to go up there and see what you can do, if you can get it to not go through, perfectly fine with me. As far as when they say this had not been a field in production, it has been, this is the first year that it has not been farmed. This is wrong, (inaudible name) was literally a country block away from Adams Fire Department and Greensburg and Burney were there first. If he is that close, how did his house get burnt to the ground and why didn't they get there first. I would feel so much better knowing Greensburg would be taking care of me. It needs to be moved closer to someone who needs it, Clinton is

paying us very little in our Township to have us take care of them, so for us to always have to go across 421 to get there, we do because they are paying us, they need to get their own fire department. **Butch Wilson**; my concern is basically as a taxpayer, I don't have a bone to pick with the firefighters, I have been on there in the past and retired from it, have been a board of director and it takes a lot of dedication. I have a little problem with it because very few are located in Adams Township. I would like to see them get more members close by. I get the story that if we build this they will come. I know that St. Paul closed on property north of St. Paul this morning, I don't know how much as a taxpayer that I can afford because Charlie Bill started accumulating a fire fund and raised taxes to help pay Adams and St. Paul. Sherri asked Krista or someone for the volume of money that Charlie Bill has donated to these two fire departments in the last 2 years, I don't think she got that information. It should be public information and should have been supplied to us somewhere. I know it was in the several thousands of dollars, not \$5000 or \$6000, it was \$30,000 or \$40,000 going to this fire department and St. Paul. Clinton Township is furnishing \$3000 per year to Adams, it's a penance. I know they share the same things with Clarksburg. You cannot take the work from these guys but as a taxpayer, how do we support two? The first thing they will ask for when they get this building is brand new fire trucks. **Charity Wilder**; I did provide the numbers to Sherri via e-mail. I gave both contracts for the St. Paul and Adams Township VFD's. **Harold Wilson**; those are contracts, that is not what Charlie Bill gave and donated to the departments. Those are two different numbers. **Garrett Debaun**; I can tell you exactly what he gave St. Paul, \$10,000 which was supposed to go for a new tanker. We also got money from Noble Township. (Inaudible.....) **Jay**; we need to worry about rezoning and not the financial issues. I am going to propose this, if we need to table this one as well or vote on this petition. I'll listen for board comments. Should it be up to the board to table this or the petitioner? **Melissa**; you can ask the petitioner if they request a motion to vote, then you can vote. **Jay**; do you wish us to go forward with a vote on your petition or would you like to table this so that all questions can be answered because I feel like there are more questions. **Gregg**; our request is to vote on it tonight. **Ryan**; who does a feasibility study on what fire departments are needed, I feel we are here to rezone on a piece of property and we are not a governing body as far as whether or not we need a fire department so I'm struggling with that issue, had that research been done and I would feel more comfortable voting on this having a little more information on that. **Jay**; I believe our job here tonight is to vote on the zoning of 6 acres from an A1 to a B2 zoning, not to clarify if they need a department. To see if we choose to put a B2 zoning on 421. **Melissa**; it would be similar if this was another type of business, you wouldn't be asking if they would make it, your decision is based upon what it is, where it is and what zoning classification is being asked for. **Ryan**; based on our comprehensive plan? **Melissa**; correct. What is Millhousen's fire department, is it a B2 in the middle of Millhousen? **Krista**; I cannot tell you that. I think that they were there before our ordinances. **Melissa**; a lot of it depends on when it was created and if it was grandfathered and what ordinances were in place. **Jay**; that town has a zoning ordinance for the whole town, doesn't it? It's a little bit different, that town is blanketed by something. **Melissa**; a lot of small towns do that, they will blanket a whole area. **Jay**; so I'm hearing from the petitioner that they are requesting a vote, I don't know that more questions being answered is going to be beneficial.

Tom Hunter made a motion to vote on APC 2019-13; Paul Stone seconded the motion. With 1 member absent, 1 member abstaining there were 3 members voting yes and 4 members voting no. The petition did not pass.

* **APC Petition 2019-14– Krista Duvall with Area Plan Office** is petitioning to “re-zone” up to approx. 28.187 acres from an A-1 zoning classification to an I-2 zoning classification to more accurately reflect the land use. This request falls under the Decatur County Ordinance **Section #1200 & 900**. The property is owned by Perry Coblenz & Andy Niles and is located just east of 6242 N County Rd 420 W, Greensburg, IN in **Adams Township**.

Krista Duvall, Area Plan Director stated that this request is an administrative re-zone. This is a stone quarry, it has been operated and continues to be operated as a quarry. I’ve spoken to the owners and notified the adjoining property owner and Mr. Coblenz didn’t care and Mr. Niles said he thought it was already zoned as an I zoning. It will not affect the property tax because our assessor’s tax based on use, not zoning. The only effect will be the change in zoning is the picture, it is already being used as a quarry. **Jay**; it will help our zoning maps be more accurate to reflect the use of our property in the county. **Paul**; regarding the process I assume this is something that will continue as we find other properties or are you looking at different types to move around? **Krista**; yes I am, as I come across these areas we are trying to address each one in smaller groups. This was kind of a fluke. **Paul**; so we will continue with this after the stone quarries, we may move into other things. **Krista**; yes. **Melissa**; we have had another parcel that was an I zone that was residential and so we moved it back, as you are moving through the maps and are trying to get everything accurate, you come across these parcels that are not correct and it has been used for several years in that fashion. It is not just targeting stone quarry’s it’s just as the parcels come up and trying to fix them.

Audience: inaudible..... **Bill Wietlisbach**; I don’t have anything with this one, but with any of these I have one question, once you turn that into industrial what guarantees do we have that..... it opens up a pandoras box possibly. I don’t believe it will happen but stranger things have happened. I bought property and the stone quarry bought next to me and then all of a sudden you let it go industrial and now they can do others things there that they couldn’t do before. I just want to make sure that the quarry remains a stone quarry and not an asphalt plant down in the hole. It opens it up to where they have more leeway, correct? **Jay**; there are several things permitted in and industrial zoning, but it’s also not accurate to keep it in an A1 zoning either. **Bill**; I’m not speaking just for me, I’m not worried I have great neighbors, some others may not realize that once it goes industrial 50 years from now they can do what they want, and the people around there don’t know that. **Jay**; it’s also more accurate to work with that company being industrial, I will acknowledge that it is possible. **Bill**; so what happens if that would happen to all the surrounding people, they maybe didn’t think as to the future as I did. Now all the neighboring property could go I1, so then you would not be in your comprehensive plan, you are exploding and taking all the farm ground. Other people look at these maps and they see all the industrial ground and think they can build factories and then the farm ground is gone. **Jay**; I think that is why we have a widespread board here to make sure we do a great job of disciplining ourselves to not losing any more farm ground than possible without stifling growth in our county. There is really not a clear answer to your question. **Bill**; I just want to make sure that we were on record so that 50 years from now you can say “we screwed up”. **Krista**; I’m proposing to address only the part that is being used as a quarry now, I will have a survey and legal description for this. Any additional property can be taken out and leave as A1. **Paul**; is there anything that the way this is presently that prevents... where the act of mining is, if Mr. Niles chooses to continue mining this direction (referencing the overhead map), the way that the quarry is zoned right now and the way the quarry is controlled, is there anything that prevents that? Is it advisable that we are going to zone this industrial and the use being mining and

prevents the asphalt plant or something, but also doesn't restrict them from continuing to grow. **Krista;** I don't know that we can put a restriction on it. **Jay;** if you don't put a restriction on it and they would expand then they would have to come back before us to change and add to the industrial zoning. **Krista;** as long as we only rezone the portion being used now, because that land is never going to be able to have something put there, if we rezone all 28 acres, there are spots that they can put what they want based on zoning. If we put the legal description for the property being used as a stone quarry only and only rezone that portion, then anything else that was done on the remainder of the property would have to come before the board. **Ryan;** we would have to allow him some room for growth. **Krista;** right. **Jay;** they would have to come in and request that from now on instead of just digging when its dues. **Krista;** yes. **Jay;** the owner are not here but you have cleared that with them. **Krista;** I have asked if I could rezone all or part of it. **Paul;** so what in this Krista (referencing the overhead map) is being rezoned. **Melissa;** it was requested for the whole parcel. **Krista;** my proposal would be (referencing the overhead map) to rezone this portion. **Ryan;** I have been back there, the access to that property is very limited. **Krista;** this 1.8 acres up here, I don't think you could do anything with it with all the water and accessibility. We would leave that A1 also. At the very least, this portion would be my suggestions. **Jay;** so Bill, that answers your question, that limits the..... **Bill;** not exactly, once its mined it's still A1, and the asphalt plant I'm talking about being down in the hole so you could have factories come in, and I'm just talking, because it's already zoned industrial. I just want to make sure the surrounding property owners are protected. **Jay;** thank you, I just want to be sure we address your question. **Melissa;** I think we should do if we are proposing a survey, we need to table this and let the owners can be made aware of what the proposal is because that is not what was advertised. We are covered but it did not say anything about sectioning off part of it. **Ryan;** are there any adjoining property owners here that have something to say? **Melissa;** it would be to just let the property owners be aware of the modifications. **Jay;** so that is what we are thinking is to table this action? **Melissa;** so they can be properly notified. **Krista;** I request to table this so that I can contact the owners. **Paul;** the general theory of this though is what Bill is saying, is that correct. I don't think that any of these properties are going to have any objection to keeping this as a stone quarry operation, so if they are not going to have an objection and that will satisfy Bills concern about other industry potentially using that for a different use, should we be doing that as opposed to the sectioning, is that the **Jay;** I personally think if it's I-1 then it is permitted to have anything that I-1 allows. **Melissa;** that is correct. **Jay;** that is the way that we have to assume that. **Krista;** we restrict the amount of rezone to I-1 to the part that is currently being used, that would eliminate **Melissa;** the use is already there, the zoning doesn't meet it because of the timing in which it came in, it's a common practice to bring it into compliance. **Paul;** I think there are two problems though, (inaudible) probably will not be ok with us drawing a line between where they can and cannot mine and I think Mr. Wietlisbachs concern is that the stone quarry was there before him and that is fine but once they are done having a quarry anything is permitted to come in there, is that what we want to allow, is that the correct thing? **Andy;** it is that way with any zoning that we do. **Melissa;** if you drive around and saw a quarry I wouldn't think that you would think it was a residential zone. **Paul;** fair enough. **Jay;** so what I am hearing that we are going to table APC Petition 2019-14. **Krista;** yes, please table.

* **APC Petition 2019-15– Krista Duvall with Area Plan Office** is petitioning to “re-zone” up to approx. 228.68 acres from an A-1 zoning classification to an I-2 zoning classification to more accurately reflect the land use. This request falls under the Decatur County Ordinance **Section**

#1200 & 900. The property is owned by New Point Stone Co and is located at 3671 S County Rd 220 SW, Greensburg, IN in **Sand Creek Township**.

Krista Duvall stated that she is requesting to rezone approximately 229 acres from A-1 to I-2 to more accurately reflect land use. (referencing the map) Krista showed what she was wanting to rezone. **Jay;** that would keep as much of the agriculture ground as possible and more correctly reflect the stone quarry's activity.

Audience: Brian Waltermann; we own property that is right on the edge of the Harris City Stone and we don't have a problem with it. We would like to know the difference between the 2 zonings, the I1 and I2, what kind of flexibility with that, and 2. We don't plan on getting rid of that home, is there a way to put a stipulation that they can't mine close to that home and the storage tanks, not sure how close that can be to our home. What is the limit to where that can come, I believe in expansion and don't want to disregard that but I want to look at the credibility of our home. Does it affect our property value and things like that. **Ken Weinstrath,** president of New Point Stone; most of these comments will fit both this one and the next one. Of the 200+ acres that we were approached to have rezoned, there is approximately 500 acres in the total parcel there, all pre 1978 grandfathered in so we have the ability to mine it all. As far as the concerns, the State and Federal regulations all require setbacks of fuel tanks and other explosive magazines, those are all covered by regulatory agencies. It is not going to change any of our operations, we continue to do what we have been doing at Harris City for 50 years and at New Point for over 100 years, it's been in the family. **Jay;** could you give a number on what the setback is from mining from his property? **Ken;** I believe it is 50' from a property line. I will say from experience that the stone next to your property, we are not going to be worried about it, it is no good. **Brian;** I know you say it is no good but 50' from a home and a family..... **Ken;** it's 50' from a property line but 300' from a residence. **Brian;** but our home is whatever the stipulation is from a property line. **Krista;** he said it's 300' from a residence. **Brian;** ok, I was thinking it was awful close. That was our concern.

Ryan Kennelly made a motion to vote on APC 2019-15; Todd Mauer seconded the motion with 7 member voting yes and 1 member voting no.

* **APC Petition 2019-16– Krista Duvall with Area Plan Office** is petitioning to “re-zone” up to approx. 265.66 acres from an A-1 zoning classification to an I-2 zoning classification to more accurately reflect the land use. This request falls under the Decatur County Ordinance **Section #1200 & 900.** The property is owned by New Point Stone Co and is located at 992 S County Rd 800 E, Greensburg, IN in **Salt Creek Township**.

Krista Duvall stated that she is petitioning to rezone 6 parcels. (referencing overhead map) pointed out which parcels were to be rezoned as a full parcel and which ones were just part of the parcels.

Audience: Bill Wietlisbach; I'm just a little concerned, like I was talking about before. I live next to this property (referencing overhead map), Weinstrath has kept their 300' from us. I don't know if you need to classify the section that they have already bermed off, as A1 just to protect me, 3 acres at most, to protect me. I don't think there will be any industry going in but is there a way that we cannot rezone that part? **Krista;** yes, we can cut out..... **Krista;** so do a 300' area?

Bill; I don't think this would ever happen but my concern is if 50 years from now to move an asphalt plant right in front of my house. I'm on their side, I just want to make sure my house is protected from having an asphalt plant put down in the hole. **Jay;** is that something that is acceptable? **Krista;** yes. **Andy;** you talking about the tillable ground by there? **Bill;** that is an old map, it is already there, it would be easy to do. **Andy;** you don't want to just cut out a little section? **Bill;** no, just right there. For future reference Kenny and his family has been good to me and have been good neighbors, being that close to me they have not hurt my well. **Jay;** this petition will be voted on as stated by Krista with the exception of surveying off 300 feet east of Bill's house to reflect A1 zoning.

Paul Stone made a motion to vote on 2019-16 as presented with the exception for approx. 3 acres or 300' radius from the Wietlisbach residence; Jeff Hermes seconded with 7 members voting yes and 1 member voting no.

* **APC Petition 2019-17– Krista Duvall with Area Plan Office** is petitioning to “re-zone” up to approx. 137.4 acres from an A-1 zoning classification to an I-2 zoning classification to more accurately reflect the land use. This request falls under the Decatur County Ordinance **Section #1200 & 900**. The property is owned by 600 Land Inc and is located at 2782 E County Rd 200 S, Greensburg, IN in **Washington Township**.

Krista stated that she is administratively wished to rezone the current landfill, what is currently being used as the landfill. It was identified in our comprehensive plan that there were areas that need to be rezoned to accurately reflect the land use and that is what I am trying to do. All of these properties, there are 9 of them, I would like to make an I-2. Most all of the parcels are being used in their entirety, the upper 2 parcels are being used as a soil bank area.

Jay; that is currently the north boundary of the landfill and stopping at CR 200 S and excludes the old, closed landfill owned by Tinman? **Krista;** yes, I have not been able to notify Tinman yet.

Paul Stone made a motion to vote on APC 2019-17; Andy Scholle seconded the motion with 7 members voting yes and 1 member voting no.

With no other business before the board the meeting was adjourned at 9:23 p.m.

ATTEST

Secretary, Andy Scholle

Decatur County Area Plan Commission

President, Jay Hatton

Decatur County Area Plan Commission