MINUTES OF MEETING OF
WASHINGTON COUNTY PLAN COMMISSION
Held September 11, 2012 at 7:00 p.m.
Council Chambers—City Hall Building

This public meeting was called to order by President David Hoar. The meeting opened with the saying of the Pledge of Allegiance and prayer. Roll was taken at this time, those present were David Hoar, John Mishler, Adam Dufour, Lane Freiberger, and Jim Day. Absent were Shawna Humphrey, Jeff Souder, Scott Maudlin, and Danielle Walker. Attorney Scifres presented the Board with the minutes of the August meeting. David Hoar stated that at the August meeting it was stated that the next Plan Commission meeting was to be held September 10, 2012, when in fact that meeting was scheduled for September 11, 2012 due to the fall of the Labor Day holiday. Said minutes were approved by a vote of 5-0 on the motion of John Mishler and seconded by Jim Day.

President Hoar welcomed those present and offered opening remarks. The first order of business was committee reports, as follows:

1. **Sub-Division Control:** No report given due to Jeff Souder's absence.
2. **Land Use:** David Hoar reported there had been a meeting held, but that he would report on that later in this meeting. August 21, 2012 was the last Land Use meeting that was held. Issues were sent back to the committee for review as to reciprocal set-backs. Significant time was spent discussing set-backs as well as the point system for land. A weighted percentage was worked with on the point system given to property to see how it came out on sample property that was used. President Hoar reported that there had been a Land Use meeting scheduled for after this evening's Plan Commission meeting, but due to Kari Keller-Steele's absence due to a family medical situation, that meeting would be postponed.

At this time, Attorney Scifres then reported that there was an Access to Public Records request received from David Norton as to the August 21, 2012 Land Use meeting. The request was for several things, but related primarily to the Land Use subcommittee. Scifres reported that, because five members of the entire Plan Commission, constituting a majority, had attended that meeting, the meeting would fall under the Open Door Law. Therefore, minutes needed to be prepared and made available. Scifres also looked into the

Access to Public Records Act rules for a sub-committee meeting to be held. He indicated that, had there not been a majority of the whole Plan Commission present, because this sub-committee was not appointed by the Commission itself, but by Kari Keller-Steele, would not fall under the Access to Public Records Act. However, when a majority of the Commission members are in attendance at a sub-committee meeting the Open Door Law does come into play and would be considered a meeting.

Attorney Scifres expressed the opinion that since whatever ideas are come to in the sub-committee meetings are then presented to the Commission in the regular meeting for open discussion and consideration, then it should not pose a problem for members of the public who want to provide input. The purpose of the subcommittee is to expedite the preparation of a proposed ordinance that will be considered, in its entirety, by the entire Plan Commission in an open meeting, and once revisions are made, it will be presented to the Washington County Board of Commissioners, and there will be a public hearing. With that said, the Commission should be aware of this issue and less than a majority of the public agency's membership should be present when proceeding forward with sub-committee meetings. Regarding Mr. Norton's request for materials of Kari Keller-Steele, the APRA requires that requested records be identified with specificity, not just a general blanket request. In his written response to Mr. Norton, Attorney Scifres has asked that Mr. Norton be more specific in his requests in that regard.

In conclusion, the Land Use sub-committee will need to produce any memoranda, or minutes, summarizing what took place at that August 21, 2012 meeting. That memoranda cannot be approved at this time since there has been no meeting of that sub-committee held since the August 21, 2012 meeting, and the document has not been prepared and approved. Finally, Scifres noted that Mr. Norton made a request for a list of all sub-committees, their members, and contact information. Attorney Scifres reported that there was no official list that existed, and the APRA does not require the preparation of documents that do not exist. However, attorney Scifres offered to create a list to that affect in the spirit of cooperation and produce it to Mr. Norton. Mr. Norton indicated verbally that this would not be necessary.

David Norton then addressed the Plan Commission. Mr. Norton stated his belief that the draft ordinance presented by Kari Keller-Steele on the projector at the August Plan Commission meeting would qualify in its entirety as a public record that must be produced. Attorney Scifres agreed that the draft language regarding reciprocal setbacks, which was actually presented and discussed, would be a public record subject to disclosure. However, he felt that the rest of the document, which was not presented to and discussed by the entire Plan Commission in public, was not a public record subject to disclosure. He stated that he would research that further and respond accordingly. He reminded those present that, once a draft ordinance was prepared, there will be multiple opportunities for the public to review it, including a public hearing held, as part of the process to adopt this ordinance.

David Hoar stated that when Kari Keller-Steele first discussed a Land Use sub-committee that she thought eight (8) members was a good starting place. She was asked by the Commission to change that to ten (10), as attendance may fluctuate by those on that committee. He also stated that attendance at those meetings definitely fluctuated. David Hoar and Adam Dufour explained to Mr. Norton that this Ordinance was a work in progress and that there are sections they have not even gotten to for discussion and that it is incomplete and any draft is not ready to be given out until all sections have been decided on.

David Hoar began the discussion about the need to proceed with sub-committees. The Commission agrees that any sub-committee should not contain a quorum of the Plan Commission members. Discussion was had about abolishing the sub-committees other than Land Use. Adam Dufour made the motion to abolish all other sub-committees other than Land Use that had been established, with John Mishler seconding. Lane Freiberger made the motion to close the discussion with Adam Dufour seconding. The motion to abolish all other sub-committees other than Land Use was passed 5-0.

John Mishler brought a plat map of the County showing all poultry operations. There are approximately fifty (50) existing poultry CFO's in Washington County. He predicts this year there will be even more as Farbest proceeds with the Brooder Hub facility.

Ron Hamilton, who resides at 4845 Cox Ferry Road, Salem, discussed the building of Lake John Hay in 1968 and the taxes people within the watershed pay to support it. He

expressed his disapproval that it was sold to the City of Salem. Regarding poultry operations, he further stated that he and Tony Alexander feel that they are going to depreciate their property values and he is for regulation to limit negative impact on neighboring property owners.

Don Rogers of Lockenour Lane, Salem stated that he wanted to commend John Mishler on his map that was presented. He also stated that in 1992 and 1996 he served as State Chairman of the Indiana Reform Party. He also discussed the desire for the Plan Commission to re-think the sub-committee and call it something else and get input from the community.

David Norton then spoke saying he appreciated that Jon Mishler ran for Commissioner openly and honestly about zoning. The first time he encountered zoning was at the University of Kentucky. He cited examples of where zoning had unjustly encroached on individual religious freedoms in some instances. He feels that people should be allowed to do what they want as long as they do not harm anyone else.

David Brown, Commissioner for the 3rd District, stated that his district has a lot of poultry development going on. He was also disappointed that the sub-committees were abolished. He feels that are necessary for getting effective work done. He feels that something needs to be done quickly regarding the rapid growth of poultry operations. Members of the Plan Commission explained that the Agricultural Ordinance committee had not been abolished. David Hoar made comments about his own operation of a CFO and the need to have things in the right place.

There being no further business before the Commission, Jim Day made a motion to adjourn the meeting, seconded by Lane Freiberger. The motion passed 5-0.

David Hoar, President

Scott Maudlin

Lane Freiberger

Adam DuFour

John Mishler

Jeff Souder

Jim Day

Shawna Humphrey

Danielle Walker

COMMISSION ATTORNEY

Thomas E. Scifres