

**AREA PLAN COMMISSION OF TIPPECANOE COUNTY  
JOINT MEETING OF THE  
ORDINANCE COMMITTEE & BYLAW COMMITTEE  
MINUTES OF PUBLIC MEETING**

DATE.....JUNE 6, 2018  
TIME.....4:45PM  
PLACE.....COUNTY OFFICE BLDG.  
20 N. 3<sup>RD</sup> STREET  
LAFAYETTE, IN 47901

**MEMBERS PRESENT**

Tom Murtaugh  
Jackson Bogan  
Carl Griffin  
Greg Jones  
Vicki Pearl  
Gary Schroeder  
Jerry Reynolds

**MEMBERS ABSENT**

Jake Gray  
Gerry Keen  
Larry Leverenz  
Dave Williams

**STAFF PRESENT**

Ryan O’Gara  
Kathy Lind  
Zach Williams, Atty.

**OTHER APC MEMBERS PRESENT**

**OTHER ATTENDEES**

Steve Clevenger

Chair Jackson Bogan called the meeting to order.

**I. APPROVAL OF MINUTES**

Gary Schroeder moved to approve the minutes from the May 2, 2018 Ordinance Committee meeting. Greg Jones seconded and the motion passed by unanimous voice vote.

**II. PROPOSED BYLAW CHANGE:**

A look at proposed changes to the requirements on letters from interested persons received for APC meetings (preliminarily agreed upon at the May meeting)

Kathy Lind said at the May meeting the Committee preliminarily agreed to a Bylaw change reducing the number of pages allowed for letters submitted to be read into the record at APC meetings from two pages to one page. She said the staff report included in the packet shows all the changes that will need to be made to the APC Bylaws shown in red. After the packet was distributed, staff noticed that the Bylaws regarding submitting a petition is very confusing. She then distributed a simpler version of the proposed Bylaw changes with the petition information clarified. We are proposing that submitted letters can contain no more than 300 words instead of going with the 11 point font, 1” margins, double-spaced limitation we have now. A hand-written letter was submitted for last month’s APC meeting and handwritten letters do not fit with the existing guidelines for submitted letters.

Tom Murtaugh pointed out that APC staff tested the hand-written letter.

Kathy Lind distributed the test letter of 300 words using 11-point font, 1" margins, and double-spaced. Staff then decided to look at petitions because if we are limiting letters we should be doing the same thing for petitions. Staff then had to look at what point a person forfeits their right to speak at the meeting and decided that those signing a petition with eight (8) or fewer signatures will forfeit their right to speak at the meeting.

Tom Murtaugh explained that proposing eight signatures or fewer was a number picked randomly to start the discussion. He said he asked Kathy Lind why we put a number in there at all and she told him that sometimes we get letters that are signed by two couples and all four of those people signing the letter cannot speak at the meeting. He agrees that there should be specific number included that makes a petition a "true" petition.

Kathy Lind thinks it is likely that four, six, or eight people signing a petition are more likely to have had a hand in crafting the petition and that is not the case with petitions signed by hundreds of people.

Carl Griffin asked what the second page of the staff report is.

Kathy Lind replied that the first part of the proposed change are changes to the APC Bylaws and the second part of the staff report are the proposed changes to the "Notice to Interested Parties" (required certified mailings) form. A lot of the wording is the same but staff wanted to add the following paragraph:

*Please note that said hearing may be continued from time to time for various reasons. Cases continued before the close of business on the day of the meeting will be so noted on the agenda on the APC website. Additionally, one may call the APC office at 765-423-9242 for updates on cases to be heard.*

Carl Griffin said he has questions on a different paragraph. He understands why letters or petitions submitted after the deadline should not be read into the record but it is suggested that the letters/petitions "may" be passed at the meeting for the Commissioners to look at.

Kathy Lind said that section was written that way to let people know that letters or petitions submitted after the deadline or documents that are over 300 words will not be read into the record but may be passed among the Plan Commissions.

Jackson Bogan asked why a letter submitted after 5:00pm the day of the meeting is not accepted.

Kathy Lind says she likes the noon cut-off because that gives staff a couple of hours to look through all the letters and prepare to read them into the record. Often petitioners' legal counsel asks to see the letters so they can prepare their rebuttal.

Jackson Bogan said the letters are for the public's benefit in lieu of speaking at the public hearing where those attending can speak at the hearing for or against a request. He feels we are contradicting ourselves.

Kathy Lind said that is the reason we added that the letters coming in after the deadline will not be read but passed.

Carl Griffin asked what will happen if he handed in a petition of more than 300 words prior to the deadline.

Kathy Lind said a petition like that will be passed around.

Carl Griffin thinks we are looking at two issues. The first issue is a letter or petition of over 300 words and the second issue is letters or petitions submitted after the deadline. He asked if both those issues are separate issues or if they are tied together.

Kathy Lind agrees that they are two separate issues.

Carl Griffin asked what will happen to a petition of more than 300 words that is submitted before the deadline.

Tom Murtaugh said we are proposing an “and/or” situation.

Zach William said by its nature a letter or petition of more than 300 words does not qualify to be read.

Kathy Lind said she will remove the word “and”.

Carl Griffin apologized because he missed the “and/or” in the proposal and realized it can be done by just including the word “or”.

Vicki Pearl asked if previously those signing a petition could not speak at a meeting.

Tom Murtaugh said currently those signing a petition are allowed to speak at the meeting if the petition is under 300 words.

Zach Williams said the old version bars anyone from speaking at the meeting if they signed “any written material on which four or fewer signatures appear or any petition of more than 300 words”. That means a person signing a 50-word petition would be able to speak at the meeting.

Vicki Pearl asked if that would stay the same under this new proposal

Kathy Lind said that would change under the new proposal.

Vicki Pearl asked if those signing a large petition (100 or more signatures) can still speak at a meeting.

Kathy Lind said currently those signing a petition of less than 300 words can still speak at the meeting. Those signing a petition that is over 300 words forfeit their right to speak at the meeting. She thinks that is why generally we do not receive petitions that are more than 300 words. We do not count the number of signatures.

Vicki Pearl said we have had issues with the same people coming up and saying the same things over and over again even though those people signed a petition.

Kathy Lind thinks the authors of a petition should be the ones not allowed to speak.

Vicki Pearl thinks those signing a petition should understand what they are signing. Being allowed to speak at the meeting is a different issue.

Jackson Bogan recommended lowering the limit to four or five people.

Gary Schroeder concurred.

Jackson Bogan said he is thinking that way because of the Gregg Sutter case where “sliding” was referenced in the staff report. Three or four neighbors were very upset and signed a petition but APC needed to have those people speak to explain what was really going on.

The Committee recommended changing the number of signatures on a petition or letter to four (4). The Committee then asked why the number is not zero.

Kathy Lind asked what the difference is between a letter and a petition. Doing that would mean that four people signing a letter cannot speak but four people signing a petition can speak. That does not make sense. Petitions are typically less than 300 words mainly because that is the number in the Bylaws and is the same word restriction we put on letters.

Gary Schroeder does not recall petitions of less than 300 words being read into the record. He remembers the petitions being passed.

Ryan O’Gara said the petitions are read but not the names of the signers. We just say how many people sign a petition.

Gary Schroeder said a lot of petitions are brought to the meeting and those petitions are passed and not read.

Ryan O’Gara added that most petitions are not very long and more to the point.

Carl Griffin asked if the only remaining issue is the number of signers to a petition or letter that forfeits the right to speak.

Zach Williams asked if the Committee is in agreement on the shorter version.

The Committee agreed on the shorter version Kathy Lind distributed at the start of the meeting.

Steve Clevenger, 4011 Black Forest Lane, West Lafayette, IN 47906, asked if multiple copies of a petition with only three or four signatures on each one are turned in will it count as one petition even if they are handed in separately.

Zach Williams said it is hard to say if something is a duplicate unless they all say exactly the same thing. He thinks if the petitions are exactly the same he would advise to treat them as one petition.

Kathy Lind said for controversial cases usually four or five people go out to different areas to get signatures. In those cases the petitions are exactly the same.

Zach Williams said that is the case when we get four or five copies of the same letter.

Kathy Lind said this Bylaw amendment is on the agenda for the June APC meeting and asked if anyone has any additional comments or changes.

Zach Williams asked Kathy Lind to take the word “and” out because it can be confusing.

Tom Murtaugh moved to recommend removal of the word “and” in the second to the last paragraph, changing the signatures on the letter to “four or fewer”, and recommend approval of the Bylaw Amendment to the Area Plan Commission. Gary Schroeder seconded and the motion was approved by unanimous voice vote.

Gary Schroeder and Tom Murtaugh complimented Kathy Lind on the nice job she did on crafting the Bylaw change.

Kathy Lind said the staff report mentions she has talked to the Current Planners about mentioning to petitioners and remonstrators that APC Commissioners do not really like form letters and to try to avoid them.

### **III. CITIZEN COMMENTS:**

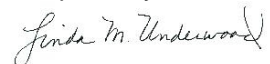
None

**VI. ADJOURNMENT:**

Gary Schroeder moved to adjourn the meeting. Greg Jones seconded.

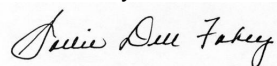
The meeting adjourned at 5:10 p.m.

Respectfully submitted,



Linda Underwood  
Recording Secretary

Reviewed by,



Sallie Dell Fahey  
Executive Director