

The Madison County Plan Commission met on the above date at 9:00 A.M. with Mark Gary, Vice President, presiding.

Members Present: Phil Isom, Mark Gary, Bill Maxwell, Pat Manship, Steffanie Owens, and John Orick.

Members Absent: Wesley Likens, John Simmermon, and Mike Phipps

Also Present: Ken Ellis, Planning Director, and Elizabeth Bruns, Board Secretary

Current Business

1. Roll call taken with three members, Wesley Likens, John Simmermon, and Mike Phipps, being absent.
2. Director Ellis asked the Board if the Pledge of Allegiance has ever been said at the beginning of the meeting, and asked if there was a reason why this is not done.

Member Manship made a motion to start the Pledge and Prayer at the beginning of our meetings, seconded by Member Maxwell. Roll call taken, vote was unanimous in favor of the motion. **The Pledge of Allegiance and Prayer are to be conducted at the beginning of every meeting.**

3. The minutes for the January 11, 2011, and the April 12, 2011, meetings were mailed out in the packets.

Member Maxwell made a motion to approve the January 11, 2011, minutes, seconded by Member Isom. Roll call taken, vote was unanimous in favor of the motion. **January 11, 2011, minutes approved.**

Member Maxwell stated that there is an error in the minutes for the April 12, 2011, meeting on page 624 paragraph 7 shard should be “shared”, with that, I make a motion to approve the April 12, 2011 minutes, seconded by Member Orick. Roll call taken, vote was 5 yes in favor of the motion and 1 abstain (Pat Manship). **April 12, 2011, minutes approved.**

Miscellaneous

Discussion was held between the Board Members, Director Ellis, and Rick Alkove the County Building Inspector, on Building Code, the Log Cabin Rule and Ag Buildings. Director Ellis gave an example of the interpretation of the law by Hendricks County, and how they are dealing with it. At a minimum I believe I need code for agricultural exempt buildings, and if I had to create a policy today for the log cabin exemptions, I would probably use some language similar to what Hendricks County is already using if it were to be in a policy.

Director Ellis next discussed WECS under miscellaneous items. The last estimate that we saw from EON Climate Renewables, which is the company that is proposing to build a wind farm in Madison, Tipton and Grant Counties, is somewhere between a \$350 and \$400 million dollar investment, and they are stating half of which will be in Madison County. This could be anywhere from as few as 30 and maybe as many as 60 towers in Madison County. What I wanted to do today is to briefly go over the code and talk about a nuance of this code.

Boards of Zoning Appeals have jurisdiction over Special Exceptions and Special Uses. This code was written so that Special Exceptions go to the MCPC. Inside of Indiana Law, Planning and Zoning Law there is what they call “the alternative procedures” and that is where a rule or an ordinance is written to create a hearing officer and a procedure for a hearing officer to hear certain cases that would normally go to the Board of Zoning Appeals.

The discussion with the attorneys hired to consult with the County Commissioner's and the Consultant for the Wind Farm Representatives, believe it's still legal in the process to give the Planning Commission authority to create these hearing officer processes. What's grey about this one is that it's written in a way that makes the entire Planning Commission the Hearing Board. You in fact become the Board of Zoning Appeals, so you have to follow the rules for Special Exception outlined in the Zoning Code for the Board of Zoning Appeals. Because this ordinance was written and adopted by the County Commissioners, and new state law would back me up on this, even though it may not be procedure that is used routinely, it is still a legal method and there is adopted criteria establishing the legal grounds to use this (WECS) document. All of the attorneys involved in this case are in agreement with me that we don't need to change the process. Even if this were to go under appeal as a collateral attack by a remonstrator, we (County and EON) feel we are on solid legal ground, and the new statute goes into effect July 1st which bolsters the language which allows this to happen anyway, there would be no appeal on that technicality.

In a related item, Director Ellis stated House Bill 1311 has passed and will become effective July 1st. We are cleaning up the planning and zoning laws that were codified in the 1980's, and I will pass the new information along to you and more than likely it may be in a training session.

The last thing I wanted to bring up is a situation that I am dealing with regarding Home Occupations and Licensed Gun Dealers. Discussion was held between Director Ellis and Board Members. Director Ellis stated that he feels that this should not be considered a Home Occupation. Director Ellis asked the members opinion prohibiting (licensed gun dealers in their residences) all together? What I'm saying is this. (Gun) manufacturing and retailing are not permitted as a home occupation. They can't go to the Board of Zoning Appeals and be varied, then you are varying the use and this Board of Zoning Appeals can't do that. Member Maxwell stated that he feels just like a CAFO there is a place it could go, and a place that it doesn't need to be.

Member Maxwell said that we all got a new phone list of all Board Members; please make sure that your information is up to date.

Member Manship and Member Isom gave new contact numbers.

Director Ellis asked if they prefer email or regular mail for the packets. It was the consensus of the Board to have all packets mailed.

Member Gary asked if we are not able to attend, do you want a phone call or an email.

Secretary Elizabeth stated that either way is fine.

Member Manship made a motion to adjourn. Member Orick seconded the motion.

Adjournment 11:28:57

Mark Gary, Vice President

Elizabeth Bruns, Board Secretary