

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

Members Present: Pat Manship, Phil Isom, Mark Gary, Wesley Likens, and Rick Gardner.

Members Absent: John Simmermon, Steffanie Owens, John Orick, and Attorney Gerald Shine.

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

### **Current Business**

1. Pledge of Allegiance
2. Prayer – Pat Manship
3. Roll call taken with three members, John Simmermon, Steffanie Owens, and John Orick being absent.
4. Member Gary made a motion to approve the February 14, 2012 minutes as presented, seconded by Member Manship. Vote was unanimous in favor of the motion. **The February 14, 2012 minutes were approved.**

### **New Business**

Director Ellis presented to the Board, the proposed High Impact Land Use Ordinance. After some Board discussion the floor was open to the public for any comments or questions.

I'm Sam Mudd, 2808 McKinley Street; I think that the word burial should be revised to cover all types of landfills. Because an attorney could probably argue the fact that the mound type is not addressed in this proposed ordinance.

The Board discussed the possibility of changing the wording to burial and or disposal.

Member Isom made a motion to vote on an amendment to the ordinance for a High Impact Use District, with a change in section 1.5 to read the burial **and or disposal of**, and a change in the definition of Sanitary Landfill in the ordinance to read the same. Member Gary seconded the motion. Vote was unanimous in favor of the motion. Proposed addition of the High Impact Use District to be forwarded to the Commissioner's for consideration.

Director Ellis informed the Board of a nuisance complaint that we received regarding Mockingbird Lane and Ridgeview Road. There is a homemade dirt bike/4 wheeler track. They ride them without mufflers until eleven or twelve at night.

I brought this up at the last County Commissioner's meeting, and they asked that I conduct a meeting where the neighbors can come before us with their complaints.

The ordinance is clear, passive recreation is a residential use; but active recreation use is considered commercial. So when someone constructs a racetrack and even though it may not be “commercial” they still have the same impact on the neighborhood as if it were commercial; and so in my discussion with the Board of Commissioners they are leaning towards some sort of a special use permit. Certain districts would require that before you can construct a track on your property, you would have to come to the Board of Zoning Appeals, go through a public hearing, notify the neighbors, meet the criteria and then let the Board decide if you are eligible for a race track.

The other alternative was to create a noise ordinance that would be enforced by the Sheriff's Department. The Commissioner's thought that in this county the noise ordinance would be too obtrusive and hard to enforce. They thought that lots of other noises would be in conflict with it, and asked me to check with other Counties and see what they have done in the past.

My name is Paul Matherly; I live at 1612 Mockingbird Lane, and am spokesman for the neighborhood. Sometime last March the man that purchased the five acres is a motocross enthusiast. He and a bunch of his buddies get together and race 4-wheelers. It is so loud that it shakes your windows, scares your animals and you can't even be in your backyard due to the amount of dust and noise that is coming from this track.

The Sheriff's department said that there is nothing that they can do, and to take it up with the Commissioner's. I have brought in a petition signed by all of the residents around this, and there are also two church camps out here.

Mr. Matherly informed the Board that they have had 5-10 running at the same time, and told him that this summer it will probably be 20-25 at a time. Mr. Matherly also stated that he is all for people doing what they want to on their property, but these things have no mufflers on them.

This property is owned by Annie Yarnell, and is being purchased on contract by Jessie Scott.

Director Ellis stated that this is an R-2 neighborhood, and also said that they received a letter from him and he has visited the site three different times.

Kathy Goodwin showed on the aerial map where they enter the track. I own 22 acres of farm property, and am about ¼ mile north of the track. I would like to build a home, but if the noise and dust are going to continue, I will probably not build there. We would like to get an ordinance in place to keep this kind of thing from being acceptable. If it could be an ordinance against the activity versus the noise maybe that would be something that would be more manageable for the County.

Member Manship asked Director Ellis what his recommendation is.

Director Ellis stated the Board of Commissioners wants to regulate this issue, and they look at it as a zoning issue and expect me to come up with a Zoning Ordinance. I think a noise ordinance is going to be difficult to enforce.

Mr. Matherly stated that if it was 1-2 running it wouldn't be a problem, but if you have 10-25 racing that's when it creates a problem.

Kathy Goodwin offered her assistance to Director Ellis in researching this issue. Mr. Scott is actually being very respectful to the neighborhood at this time.

President Likens asked Director Ellis to draft something up before the next meeting.

Member Manship made a motion to adjourn the meeting, seconded by Member Gary. Vote was unanimous in favor of the motion.

Adjournment 10:43:00 AM

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Wesley Likens, President

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Elizabeth Bruns, Board Secretary