

The Corydon Planning and Zoning Commission met on Monday, February 6, 2017 At 7:30 pm. The meeting was called to order by President Glenn Thienel with the following members forming a quorum: Judy Kennedy, John D. Kintner, Eva North, Andrew Reich, Lester Rhoads and Jill Timberlake. Attorney Chris Byrd was present.

Commission President Glenn Thienel led the Pledge of Allegiance.

The first item on the agenda was the approval of the minutes from the January 3, 2017 meeting. A motion to approve the minutes was made by Andrew Reich and seconded by John D. Kintner. The motion passed 5-0-2 with Judy Kennedy and Jill Timberlake abstaining.

The second item on the agenda was amending the <sup>efk</sup>December 5, 2016 minutes to reflect the motion and vote regarding Case No. 2016-~~3~~ Furthering Youth d/b/a Boys and Girls Clubs of Harrison Crawford Counties. The motion to approve the change of the zoning classification from R-1 to B-1 was made by Judy Kennedy, seconded by Jill Timberlake and motion passed 7-0. A motion to amend the December 5, 2016 minutes was made by Jill Timberlake. The motion was seconded by Eva North and passed 7-0.

The next item on the agenda was the approval of window signage for A Grateful Heart located within the Special Sign District at 101 East Chestnut Street. Owner Bobbie Wills was present. After a brief discussion, a motion to approve the signage was made by Lester Rhoads. The motion was seconded by Judy Kennedy and carried 7-0.

The fourth item on the agenda was a violation by Mike Sphire owner of property located at 129 South Mulberry Street. Rehabilitation is being done on the existing structure within the floodplain without a permit. The Executive Secretary had met with Mr. Sphire at least two times before the rehab begin regarding what steps he need to take to be in compliance with the flood ordinance. The Secretary explained she had informed Mr. Sphire he needed to submit an elevation certificate along with estimates and details of the planned rehab so a review could be made to insure he would be in compliance. She further added Mr. Sphire possibly planned to use this building as a commercial structure which may require a Construction Design Release from the State. John D Kintner commented he was upset that a property owner cannot proceed with these types of repairs and improve their property. Eva North commented she felt this was a matter of misinterpretation by Mr. Sphire. Jill Timberlake inquired as to what could be done at this point. Andrew Reich asked the Secretary where she had obtained the rehabilitation details she was telling the Commission. The Secretary referred the Commission to flood reference materials she had obtained at DNR conferences. She told the Commission she had offered to copy pertinent pages for Mr. Sphire, but he had declined her offer. She said she had also had two conversations with Mr. Sphire before the meeting and he felt he was doing maintenance on his structure in lieu of rehabilitation. After a lengthy discussion, Andrew Reich said he would read the materials and do some research and possibly set up a meeting with Mr. Sphire. No action was taken on the violation.

The fifth item on the agenda was a building permit violation by James R. (Rob) Smith at 1365 Harrison Avenue. The Secretary said the property was being bought on contract; however the owner Michael Smith had informed her he had rescinded the contract. The Commission agreed to allow Michael Smith additional time to remedy the situation.

The next item on the agenda had been corrected before the meeting.

The seventh item on the agenda was regarding signage at property located at 601 North Capitol Avenue by Shafer Capital, LLC. Trotter House Treasures had a flashing/rotating sign and Ms. Shafer wanted to the opportunity to express her objections to the freestanding sign she had erected on existing framework that was on the property when she had purchased it. Ms. Shafer said she felt it should be grandfathered in and she should be able to use the frame. Town Attorney, Chris Byrd explained the sign could not be grandfathered in and the sign was in violation of the sign ordinance unless she was granted a variance by the Board of Zoning Appeals. After discussion among the Commission members Eva North suggested to Ms. Shafer to apply for a variance to use the existing framework.

The next item on the agenda was a violation by Circle K a/k/a Mac's Conv. Stores, LLC located at 825 Highway 62. Three feather signs had been placed near the property line along the highway. Jill Timberlake made a motion to have the Executive Secretary place a call regarding the violation. The motion was seconded by Lester Rhoads and passed 7-0.

The ninth item on the agenda was regarding the lack of response from Keller Williams to the certified letter mailed on December 15, 2016. Signage had been erected without a permit at 209 North Capitol Avenue. A motion was made by Judy Kennedy to have Attorney, Chris Byrd send another certified letter to Craig Eberle of Keller Williams and to the property owner that fines would be imposed if a permit was not obtained for the signage within thirty days of the letter. The motion was seconded by Lester Rhoads and passed 7-0.

The next item had been corrected before the meeting.

The next item on the agenda was only for discussion. The Executive Secretary said she had received a complaint from a downtown business owner regarding the rotating/flashing lights around the window at Art Party Unlimited. The Secretary said that although she had explained to the complainant the lights were not in violation they had requested the matter be brought before the Commission. The business owner had expressed interest in putting up lights also, but did not want to go to the expense without assurance the Town would allow them. After a brief discussion it was concluded the lights were permissible within the Town.

The twelfth item on the agenda was signage for the Essential Center located at 115 East Beaver Street within the Special Sign District. The Executive Secretary explained the owner had been into her office and was in the process of obtaining a permit. The Commission allowed the Executive Secretary to present a rendering of the signage on behalf of Lisa King. A motion was made by Jill Timberlake to approve the signage with a second by Andrew Reich. The motion passed 7-0.

The next item on the agenda was a permit violation by Gordon Ingle. Mr. Ingle had erected a shed on his property located at 699 Hillview Drive without obtaining a permit. A motion was made by Jill Timberlake and seconded by Judy Kennedy to have the Executive Secretary place a call to Mr. Ingle. The motion passed 7-0.

The last item had been corrected before the meeting.

A lengthy discussion was held by the Commission members regarding the procedure of notifying property owners of violations. At the present time, the Secretary had been directed to bring all violations before the Commission at the regular scheduled meetings before making contact with the property owners. The Commission then made the decision to either have the Secretary contact the property owners by phone, or have Attorney Chris Byrd draft a letter. A motion was made by Lester Rhoads to have the Secretary contact them and allow them to come into compliance before being placed on the agenda. The Secretary will also contact the Town Council Member whose ward the violation is in so they are aware of the situation. In the event they do not come into compliance they will then be placed on the agenda and brought before the Commission. The motion was seconded by Judy Kennedy and passed 7-0.

Andrew Reich commented he wondered if it was necessary to require permits for signage. He stated since coming on the Commission the permitting of signage was a large portion of the business that came before the Commission. He suggested reviewing the sign ordinance to see if it could be less restrictive to businesses. A discussion was held amongst the Members. Glenn Thienel gave a brief history of how the sign ordinance had originated and the reasoning behind adopting one. He suggested anyone wanting to sit on a committee to review the current sign ordinance should contact Andrew. The Executive Secretary stated due to the permitting process being in place her office was able to assist the 911 coordinator, Pam Fleese in getting businesses entered into the 911 system. She explained since the absence of land lines a lack of information was being funneled into the 911 system. She also added she supplies the afterhours emergency contact information to Chief Kitterman allowing his department the ability to contact owners in the event of a break-in and what type of businesses they have.

There being no further business to come before the Commission, a motion to adjourn the meeting was made by John D. Kintner, with a second by Eva North. The motion passed 5-0.

DATE APPROVED: 3/6/17

ATTEST: Glenn Thienel

WITNESS: Carolyn F. Hoffmann