

The Corydon Planning and Zoning Commission met on Monday, April 6, 2015 at 7:30 pm. The meeting was called to order by Vice President Lester Rhoads with the following members forming a quorum: Fred Cammack, Judy Kennedy, John D. Kintner, Jill Timberlake and Patricia Timberlake. Attorney Christopher L. Byrd also attended the meeting. President Glenn Thienel was absent.

The first item on the agenda was the approval of the minutes from the March 2, 2015 meeting. Jill Timberlake made a motion to approve the minutes. The motion was seconded by John D. Kintner and carried 6-0.

The second item on the agenda was the approval of signage within the Special Sign District for Maria Bussabarger, Attorney at Law located at 109 North Elm Street. Ms. Bussabarger was unable to attend.

The third item on the agenda was the Public Hearing of Animal Control Ordinance 2015-1. Vice President Lester Rhoads asked for comments from the audience. Ms. Hofelich said Mr. Cammack had suggested the last sentence in (1) under Chapter 2. Regulations should be changed by omitting the word Town and replacing it with "within the boundaries of the Town of Corydon". A motion was made by Patricia Timberlake to make the change with a second by Jill Timberlake. The motion passed 6-0. There being no further comments Vice Chairman Lester Rhoads asked for a motion to have the Executive Secretary write a letter requesting approval by the Town Council. The motion was made by Fred Cammack with a second by Judy Kennedy. The motion passed 6-0.

The fourth item on the agenda was the Public Hearing of the Zoning Violation Fee Ordinance 2015-2. Vice President Lester Rhoads asked for comments from the audience. There being no comments Vice President Rhoads asked for a motion to have the Executive Secretary write a letter requesting approval by the Town Council. The motion was made by Jill Timberlake, with a second by Judy Kennedy and the motion passed unanimously.

The next item on the agenda was the continued discussion of the violation of Schedule C of the Zoning Ordinance for the Town of Corydon, dated September 11, 1955 by Herd Pack, LLC. The property, being leased to Herd Pack, LLC, is owned by Catherine Buschemeyer and located at 110 Hurst Lane. Matt Gibson, owner of Herd Pack, LLC was present to answer questions. He stated he had taken steps to address IDEM's concerns. He had moved the salt storage location inside of the building. He went on to say this should alleviate the possibility of storm water runoff washing the salt into Indian Creek. He added they wanted to be a good neighbor and was in the process of filing for a permit from IDEM. Additionally, plans are being made to erect a roof over the loading dock to eliminate salt residue from the forklift tires being washed onto the ground. He added the amount of salt on the dock would be equivalent to salting one's driveway in the winter. He said to date only one truck load of salt had been used and all waste water was removed from the site by B & H Environmental.

Bob Sawtelle of the DNR was present to voice his concerns for contamination of the watershed. He confirmed any salt washing into Indian Creek would make its way to Harrison Springs and Blue River. Missi Bush-Sawtelle stated her opposition to Herd Pack's operation was not personal as she was also a business owner. She was just very passionate about protecting the water shed and the endangered species. She added while this issue was being considered irreversible damage could be occurring and that was frightening to her.

Vice Chairman Lester Rhoads asked Mr. Gibson what type of time table, if any, had been projected on obtaining a permit from IDEM. Mr. Gibson stated he had not yet sent in the permit application to IDEM. Mr. Rhoads also questioned what type of restroom facilities were available to the employees. Mr. Gibson said Jean Ann Birkla, operator of the Corydon Jamboree, had made their facilities available to his employees. John D. Kintner commented on the information received from the County's Building Inspector regarding facilities being located in another building could only be possible in some cases and he felt additional research concerning the bathroom availability was needed. Mr. Kintner added the bathroom issue was important, but the bottom line was Herd Pack's operation was in violation of the Town's ordinance.

Jean Ann Birkla spoke favorably of Mr. Gibson and his business. She added she has not experienced any complaints from any of the Jamboree's patrons as to any odor. Ms. Birkla questioned how old the ordinance was and did it need to be revised. John D. Kintner said the ordinance was adopted in 1955, but many laws across our country were older than this ordinance. Sean Davis, Pastor of One Church reiterated Ms. Birkla's statement in reference to the odor and comments from his congregation. Pictures taken by President Glenn Thienel were made available to the Commission for review in his absence. Mr. Gibson briefly explained each picture to the Commission. Ms. Hofelich stated she, Mr. Thienel and Danny Huff, Maintenance Supervisor for the Town of Corydon had toured the facility. She added the temperature that day was between forty (40) and fifty (50) degrees and they all smelled a foul odor.

Sarah Buschemeyer-Koetter stated she had many of the same concerns the Board had when Mr. Gibson approached her about leasing the building. She said due to this fact she had only given Mr. Gibson a six month lease which will expire in June of 2015. She added she went to Mr. Gibson's location in Lanesville, Indiana and toured his operation before giving him a lease. She also stated she had tried to get a water/sewer hookup for the building, but had not been able to obtain one.

Vice Chairman, Lester Rhoads asked if there were any additional comments. Mr. Rhoads said the Commission could not make a decision on this issue because it was in direct violation of the Town's Zoning Ordinance. Attorney Chris Byrd stated all issues needed to be addressed before going to the Board of Zoning Appeals and requesting a variance to operate. Missi Bush-Sawtelle again expressed her concerns for the protection of the watershed until a decision was made. Mr. Gibson said his business was growing and this location was ideal for his operation. He added the hides were moved in and out this facility quickly and shipped across the border.

Executive Secretary Carolyn Hofelich addressed the Commission regarding the DNR's requirements for residents and businesses to obtain a Floodplain Development Permit before making improvements or building in the Floodplain. She explained the Ordinance for Flood Hazard Areas for the Town of Corydon #2014-F-1 was drafted by the Indiana Department of Natural Resources (DNR,) on behalf of the Town, per specific requirements by the Federal Emergency Management Agency (FEMA). The Town was only allowed to make minor changes which consisted of clarification of language in a few areas. Non-adoption of this ordinance by the Town would have resulted in the loss of the ability of the Town to participate in the National Flood Insurance Program (NIFP). Participation in this plan allows all of the Town's residents and businesses to have reduced flood insurance rates. All permits issued by her office are reviewed by the DNR to assure they are in compliance with this ordinance. This information is then forwarded to FEMA. In the event the records

are found to be in non-compliance the Town would be written up and put on a probationary period. If the Town is continually found to be in non-compliance participation in the NFIP can be suspended. She said she wanted the Commission to be aware of these facts and requirements as many residents and business owners were upset because of the time and information required to obtain this permit. In addition to an excerpt from the Flood Ordinance, she gave the Commission a copy of the application checklist she had created to hand out to applicants when a permit was requested.

There being no further business to come before the Commission, John D. Kintner made a motion to adjourn the meeting, with a second by Jill Timberlake. The motion passed 6-0.

DATE APPROVED: 5/4/15

ATTEST: *John P. Thiemel*

WITNESS: *Carolyn J. Hofelich*