



LAPORTE COUNTY PLAN COMMISSION

Government Complex 5th Level
809 State Street, Suite 503 A
LaPorte, Indiana 46350-3391
(219) 326-6808 Ext. 2591, 2563, & 2221
Fax: (219) 362-5561

ANNEMARIE POLAN
Building Commissioner

LA PORTE COUNTY PLAN COMMISSION MINUTES February 28, 2012

MEMBERS PRESENT: TONY HENDRICKS BARBARA HUSTON
 GENE JONAS GLEN MINICH
 JIM PRESSEL RITA BEATY KELLY
 MATT BERNACCHI HAROLD PARKER

OTHERS PRESENT: Ray Hamilton, Recording Secretary, Doug Biege, attorney, Darlene Pavey, Secretary and Mitch Bishop, County Planner.

PLEDGE OF ALLEGIANCE

Barbara Huston asked if there were any additions or deletions to tonight's agenda.

Harold Parker made a Motion to approve the agenda. Tony Hendricks seconded.
All approved. Motion carried 8-0.

Barbara Huston asked for a Motion on the approval of the minutes of January 24, 2012.

Harold Parker made a Motion to accept the minutes of January 24, 2012. Rita Beaty Kelly seconded.

Tony Hendricks said that there are a couple of things in here that he and Rita have. Mr. Hendricks said that he thinks that they got corrected.

All approved. Motion carried 8-0.

Public Comments: Barbara Huston asked if anyone from the public would like to address the Board this evening.

Public Comments closed.

1. Representative from La Porte County Farm Bureau would like to address the Plan

Commission Board in regard to Ag 1 Districts requiring them that upon getting a permit for construction on a new home, a letter must be signed and dated by the prospective "builder/homeowner" advising them of Ag 1 District Zoning.

Barbara Huston said that a representative from the La Porte County Farm Bureau would like to address the Board in regards to Ag 1. District Zoning.

LouAnn Troxell said that she is from Cass Twp and a dairy farmer. Ms. Troxell said that she is here this evening representing La Porte County Farm Bureau. Ms. Troxell said that there is increasing misunderstanding at times between what happens in our rural areas and sometimes people that move into areas that are zoned agricultural don't always understand what is normal and customary. Ms. Troxell said that because of this, they think by having an ordinance like the notice of agricultural activity, it would help with communication.

Ms. Troxell said that a number of other counties in Indiana have implemented things like this. Ms. Troxel said that their purpose is not to be barriers in rural and urban areas, it's just simply to increase communication. Ms. Troxell said that if someone decides to build a home, or move into an area near a farm, often times they don't understand what happens on a farm; they come out there and when they hear a tractor starting early in the morning or in the springtime when they're often hauling manure and different things like that, they're offended, or upset and feel that has affected their quality of life, yet these are normal activities that simply need to occur in order for farmers to do what they do to make a living and provide for their families. Ms. Troxell said that part of this is a matter of people understanding what happens when they live in an area like that.

Ms. Troxell said that she also thinks that it's important that farmers have some responsibility as well. Ms. Troxell said that if they are planning on unloading the manure pit right when our neighbors are going to have a graduation party, we need to increase communication. Ms. Troxell said that this is basically something that Farm Bureau thinks would be important as a first step for something like this. Ms. Troxell said that it's not because that they feel they've had a lot of problems in the past here in La Porte County, but they're seeing more and more of disconnect between what happens on farms and by people who really don't know what happens on farms.

Ms. Troxell said that the farmers are out there and they have their farms on face book trying to help the disconnect, but they really do need to work together a little more and she thinks that it is important that all of us have good nutritious food to eat and this is simply just something that they would like to see entertained. Ms. Troxell said that what they would like to have is a notice like this entered into the county wide plan and actually become a part of the county wide plan that you are now considering. Ms. Troxell said that they would like to have that in there and also implemented whenever a permit is requested to go into an area that is zoned Ag. 1.

Ms. Troxell said that if this Board has any questions she would be glad to answer them as well. Ms. Troxell said that a number of famers have been involved in this effort and it's certainly not just her. Ms. Troxell said that they did present this at their farmer's breakfast a few weeks ago in Union Mills and they received a lot of support. They're aware of this meeting tonight and hey're very supportive of this.

Barbara Huston asked if there were any questions from the Board members to Ms. Troxell.

Gene Jonas said that he would like to get some comments from Mitch Bishop what is in the ordinance already.

Mitch Bishop, County Planner said that there is no sign off sheet. Mitch said that he had a conversation with attorney Biege on the right to farm act in 1981 or 1982 and basically it's hard for non-farmers to basically set a claim against farming entities without proving public or private nuisances. Mitch said that in this case it is more or less an acknowledgement to a prospective home buyer in agricultural areas that in rural areas there are smells associated with that. Mitch said that he doesn't think that it's a bad thing for La Porte County. Mitch said that he doesn't know about the inclusion within our zoning ordinance and he thinks that it could be part of the application before you pull the permit. Mitch said that we also have confined feed operation that has minimum setbacks for residential properties, schools and places where people congregate so there is some protection there. Mitch said that he would be in favor of something like this.

Rita Beaty Kelly said that the only concerns that she has is at the point of permitting to build and the people signing off at that time, she thinks that it is kind of late because they should have had the notice prior to that. Rita said that if we're going to approve something like this it needs to be before the permitting.

Mitch Bishop, County Planner said that a lot of times if someone is going to build a subdivision in an agricultural area they would come and speak to us prior.

Glen Minich said that he thinks that's a very good point and he thinks that's a very good reason to put this in the joint zoning ordinance so that people can go on line and they're going to see this in agricultural districts on page one or two. Mr. Minich said that they're going to see this letter and understand that this is something that they're going to have to go through. Mr. Minich said that he thinks that this would be good exposure to the public to see what's going on. Mr. Minich said that he also thinks that it wouldn't be a bad idea in the future to perhaps just as we have signs in the entrance of the city limits, that we maybe sporadically put signs out in agricultural districts. Mr. Minich said they might look for the answer to what it is they want.

Barbara Huston asked if there was any more discussion on this.

Gene Jonas said that he thinks that what the farmer's thing is that when a person goes to potentially purchase that piece of property it would need to be under deed restrictions so that they would know upfront before they purchase the property what is going on with it. Mr. Jonas said that to go on after the property has been bought and then the person to purchase the lot might have sold it to somebody else and somebody else bought it and never knew anything about the spraying or thought about chemicals being sprayed in a farming operation. Mr. Jonas said that the farmers sometimes are out in the fields working until midnight trying to get the crops out of the field. Mr. Jonas said that when a person goes in to purchase that piece of property that is the point where it needs to be explained to the person that they maybe spraying chemicals in the back of your home and potentially getting rid of manure are some of the things that are going to

be going on in agricultural farming operations. Mr. Jonas said that he thinks that this needs to be in the very beginning in the deed to the property. Mr. Jonas said that he would want to know what is going on with that property before he buys that house.

Mitch Bishop, County Planner said that he brought the confined animal feeding operation ordinance and on page five it says that if a Petition is granted for a new subdivision development in agricultural zoned property, there shall be a condition for receiving a permit.

“Grantee/Owners of said lot(s) and their successors in title are on notice and understand that this residence/subdivision will be built in a predominately agricultural area and that farming operations, to include animal feeding operations and other livestock operations, may be practiced in the area of this residence/subdivision and their successors in title forgo their right to bring claim against any agricultural operation in the area who has not been negligent.”

Mitch Bishop said that this is taken care of if you are talking deed restrictions.

Rita Beaty Kelly said that not every potential buyer who is going to go on line or even know where to look on line to read this. Rita said that you would think common sense would prevail that if you go out to a farm ground they're going to presume that that's what is going to happen, but as we've all seen, what happens? Rita said that she personally feels that we need something prior and even if we could have the title companies have this be included in something with the title work that is attached to the title that they have to sign at the time of closing.

Mitch Bishop said that the joint zoning ordinance (confined feeding operations) references -----

Glen Minich said that he doesn't think that it is covered because it's not just complying with feed operations; it's all the agricultural activities.

LouAnn Troxell asked Mitch if he could tell her if that is actually being implemented right now.

Mitch Bishop said for major subdivisions.

LouAnn Troxell said that part of the problem is that she remembers being on the committee and she is not aware of that being implemented right now and that is part of her concern as well. Ms. Troxell said that we can talk about this all day long and you can know it's there because it's in your file, but that doesn't do anything if it isn't implemented and someone is following through on that. Ms. Troxell said that she is a lot better at feeding calves than following ordinances and seeing that they get implemented, but she would like to see that actually happen.

Harold Parker told LouAnn not to ground break herself. Mr. Parker told LouAnn that she works pretty good in all rounds.

Tony Hendricks said that he agrees with Glen Minich, Rita Beaty Kelly and Gene Jonas. Mr. Hendricks said that it would be wise to ask for this as a deed restriction when they close. Mr. Hendricks said that the secondary function would show up on the permit no matter where they are. Mr. Hendricks said that when they come and file for a permit they have seen this twice. Mr.

Hendricks said that you don't want them closing on a lot unless they have the title policy and then that will show up. Mr. Hendricks said that we can get both of them involved and if Farm Bureau was on our website, we could have something that says these are the typical examples of activities and he thinks that it is a very good thing to have.

Mr. Hendricks said that we had the same kind of problems with septic and water tables.

Mitch Bishop said that was for basement construction.

Mr. Hendricks said that he thinks this would be a good idea to also implement the septic and water tables on the website.

Gene Jonas said that he owns a lot of farm land and part of his income is arrived from farming. Mr. Jonas said that a letter that he just received from Nicole (inaudible), dated January 12th of this year, said that custom applies for chemicals and they are the ones who are hired to put on the chemicals, but it is the responsibility of the custom applicator to notify you to the chemical applied to date. Mr. Jonas said that a flag will be placed in the field with that information. Mr. Jonas said that if he has fifteen houses sold off on those lots back up to these fields, those fifteen homes out there have absolutely no idea what is going on behind their home. Mr. Jonas said this is why it is a good idea to work this into the deed on the property, because that way when you purchase the property you can read the deed over or have an attorney read the deed over.

Attorney Biege said that he has a concern about a deed restriction because now we have a governmental entity arguably reducing the property right. Attorney Biege said that another way to do it if the Board chooses to do it that way, when the lot is split require the notice if the Board is so inclined to be recorded at the same time as the lots split and the title company should pick that up at the early stages of purchase. Attorney Biege said that there is a possibility of a constitutional challenge of unlawful taking if the county entity is forcing a deed restriction on something. Attorney Biege said that there is a challenge, but simply requiring notice to be recorded at the same time as the lot is split as a condition of the split whether it's a single, small subdivision or major, we get the notice out the same way and the title company should pick it up at that time.

Mr. Parker said that he understands that Farm Bureau isn't into limiting people's property rights Mr. Parker said that's a notification of what is going to happen around this property.

Attorney Biege said that he's talking about the methodology. Attorney Biege said that he would like to comment on some of the language in the notice itself because he thinks it's close, but could track the statute exactly and it would be safer so to speak.

Rita Beaty Kelly said that her question is rather than a deed restriction, could we somehow get this on the title as a notice.

Attorney Biege said that he thinks the Building Department could require this as a condition of splitting a lot. Attorney Biege said you could also do this at the Real Estate Office or through the Auditor's Office. Attorney Biege said that the county could create some regulation requirement

when that lot is split. Attorney Biege said that they would have to get an ID number and it has to go to the Real Estate Office and the deed has to be filed with the Recorder's Office, so whatever Department the county were to choose, we could require the notice be filed at the same time the deed is filed at the time of split. The title company will pick that up before the purchaser's are too far into the transaction and they have expended funds on engineering, an architect, or whatever it might be.

Rita Beaty Kelly asked about the established lots out there now and maybe a new comer is coming in and doesn't understand farming areas.

Attorney Biege said he wouldn't disagree with her, but if you want to put a deed restriction on there, they already have the deed to the property and you can't put a deed restriction that already has real estate.

Rita Beaty Kelly said that she would hate to see it called a restriction. Rita said that this is a notification, not a restriction. Rita asked how we could work with that?

Gene Jonas said that he has two things. 1. Gene asked how they do flood plains. Gene asked that when you purchase a lot isn't that when they do a flood plain notification?

Rita Beaty Kelly said they do that with the appraisal and then the mortgage has to search that.

Gene Jonas said that when someone is selling a single lot, do they have to come before this Board.

Attorney Biege said not if it's an existing lot, but if they're going to split a lot.

Gene Jonas asked if they split one lot off do they have to come to the Plan Commission.

Attorney Biege state no, but they have to go to the Auditor's Office in the Real Estate section and Recorder's Office.

Gene Jonas asked what would be the place to pick this up.

Attorney Biege said that you're going to do a split without having had permission and you can do a split, the Building Department would be the end of the spectrum.

Jim Pressel said that sounds good, but how do you handle after that house has already been built the first time and then it's sold. Jim asked how does that second entity get this type of notice.

Attorney Biege said that is a good point.

Glen Minich said that he doesn't think we're going to get 100% percent, but we're looking to notify those that we can without impeding on people's right. Mr. Minich said that he thinks by going through the permit process and perhaps a second owner when he goes to do an

improvement, he's going to have to do it and he will get an understanding and a letter of understanding also.

Mr. Miinich said he thinks that there are several ways that this will be picked up.

Tony Hendricks asked attorney Biege if this could be part of the joint ordinance, or is this something that goes to the Commissioners.

Attorney Biege said that he would like to check into it, but his short answer would probably be both. Attorney Biege said that you put the notice in the joint ordinance so it's there. Attorney Biege said you would probably have to verify this, but he's thinking that the Commissioners may want to pass an ordinance or directive to whatever entity they choose to, with either the Real Estate Office, section of the Auditor's Office, or Recorder's Office, or both that any new splits notice be provided.

Attorney Biege said to respond on Jim Pressel's question, the homeowners would be receiving at the end, but when that deed is filed on an existing home sale, a notice could be sent out to the new home owner.

Jim Pressel asked at what point do they get that. What good is the intent?

Attorney Biege said that he doesn't disagree, but he doesn't know how you pick it up otherwise. Do we get the realtors to do it?

Gene Jonas said that the notice has to be up front at the purchase. Mr. Jonas said it can't be at the end because they say they don't want it. Mr. Jonas said that could say that if we told them this chemical was back there, they wouldn't be building here, or spreading manure, or if the combine is going to be running late at night.

Attorney Biege said that we don't want to create a new obligation for the county. Attorney Biege said that some of this is common sense, but we don't want to create a new obligation for the county.

Gene Jonas said that he doesn't think it's an obligation to the county at all; it's whoever is selling the property.

Rita Beaty Kelly said that she agrees to the education. Rita said that we wouldn't be in the problem now if they were all educated anyway.

Jim Pressel said on the second entity sale, he thinks this sounds like something that really should be part of their purchase agreement through MLS as a disclosure.

Attorney Biege said he would have to check into that to see if the county has the authority. Attorney Biege said that's a good idea.

Jim Pressel said maybe not necessarily the county, but maybe this is something that Farm Bureau could present to the MLS people and ask them if this is a disclosure that they could add.

Attorney Biege said that he thinks it would be the Board of Realtors, but they could impose a disclosure. Attorney Biege said there are all sorts of disclosures that have to occur.

Gene Jonas asked what you do with cash deals.

Rita Beaty Kelly said you would have to go to the State.

Gene Jonas said this should be on the title work.

Attorney Biege said that there is still a disclosure requirement whether there's a realtor or not, and there's still a lead based paint disclosure requirement whether there's a realtor or not. Attorney Biege said that is a State Legislature issue and not necessarily a county issue.

Attorney Biege said that you could amend the disclosure form and that would be at the State level, but amend the disclosure form to include that this is in an Agricultural District. Attorney Biege said that he doesn't know if the county has the authority to require new disclosure forms for realtors because they're governed under State Board.

Harold Parker asked if we're going to put this in a Motion, or are we going to table this.

Tony Hendricks asked if this Board could recommend this to be implemented in the joint zoning ordinance to the Commissioners to amend the joint zoning ordinance. Tony also asked if this Board could recommend that this notice be part of the new splits in part of any new building permits in Ag. Zoning.

Attorney Biege said that he thinks so, but he thinks the Board should do this two different ways depending on what the Plan Commission wants to do. Attorney Biege said we have other amendments that are going to go through. Attorney Biege said he doesn't want to do new amendments every other month.

Tony Hendricks said a public comment hearing and another meeting.

Attorney Biege said that they've actually come up with quite a few errors in indexing and those types of things. Attorney Biege said that when the attorneys are done he's going to have a bit of a laundry list of recommendations to the Commission. Attorney Biege said that we talked about Peat Moss last time in removing Article 21 and he would like to take care of this all at once. Attorney Biege said also a recommendation to the Commissioners from a procedural stand point departmentally should come as a letter or resolution from the Plan Commission.

Gene Jonas said that he thinks we need to take the time to look into this a little more, but he also thinks you don't want to do this redundant either. Gene said that he thinks we should look into this a little bit more and see if it can include deeding of the property at that particular point in

time through the title companies to reduce from some burden on the county at the Building Department level.

Attorney Biege said that he does have concerns about the language in a couple of places.

Tony Hendricks asked if they want to take this under advisement.

Ray Hamilton asked if this could be handled through a county ordinance instead of running it through and opening it back up. Mr. Hamilton said we will have to sell Michigan City and La Porte on this and we've already asked them to do a number of different things. Mr. Hamilton said that we can only go so far with this. Mr. Hamilton said that Ms. Troxell had a very good suggestion that it's cooperation with your neighbors. Mr. Hamilton said that if you start putting all these regulations on them, you're going to have problems with that. Mr. Hamilton said he thinks the best thing is that they know they're moving into the country and they should understand that they're going to see this type of stuff. Mr. Hamilton said that we can't hold their hand forever; somewhere along the line they're going to have to know what they're doing and what their investment is going to be. Ray Hamilton said that we could have some things in here if it started getting really obnoxious, but when we go telling people that once they sign this, the neighbors down the road like you said is spreading manure and spraying crops, who's going to go out there? Mr. Hamilton said that would probably be a summer time job for somebody just trying to monitor this. Mr. Hamilton said that he thinks we should spend a little more time discussing this and refining it a little bit more, but the less

Glen Minich said that he can see refining it more. Mr. Minich told Attorney Biege that he thinks that he needs to look at the language, but he thinks we need the exposure that will get in the zoning ordinance; otherwise it's just going to be another thing swept under and nobody's going to see it in an ordinance. Mr. Minich said that if it is in this, we're going to have the exposure; if we don't get one hundred percent, that's fine, but we're just trying to get some understanding out there to the public.

Attorney Biege said that if the Commission is inclined to include this in the ordinance, he'd ask for the opportunity to check it out to make sure. Attorney Biege said the part of the Commission comes from the State Statutes and those are vesting statutes and only give the Commission power to do certain things.

Glen Minich told Attorney Biege that he believes he told him previous to this that seven counties already include this.

Ms. Troxell said that this language they receive is from the Indiana Farm Bureau and the State people, and it has been used by other counties in the past. Ms. Troxell said she honestly doesn't have the counties, but it's not new language. Ms. Troxell said she didn't sit at her computer and write this out. Ms. Troxell said that it's a suggested language and she doesn't think any of us feel like it has to be just exactly this or that. Ms. Troxell said that you understand the jist of what their desire is to tweak it – Ms. Troxell said the bottom line is communication.

Glen Minich said it would be good to know and to get that information to see how they include that in the zoning ordinance, or whether they do it the way Ray Hamilton suggested.

Ms. Troxell said that she has seen other language from some other counties that frankly were way more restrictive than this. Ms. Troxell said she's not a big fan of regulation and red tape; she loves freedom and lives in La Porte County. Ms. Troxell said she's not doing this because we have this huge problem right now, she really thinks this is more proactive than anything else.

Barbara Huston asked the Board if there was any more discussion?

Matt Bernacchi said that he thinks this is a good idea, but if anybody buys a farm, or an acre, or however many acres and there is a field behind them, he said he thinks as Ray Hamilton said that this is common sense and that you are probably going to have manure and an idea that there's going to be overhead spraying. Matt said this isn't telling anybody anything other than just saying that they're aware of what's going on around their property. Matt said that you could go as far as saying if someone buys a house in the middle of winter next to a pig farm, spring comes around and they have to smell the pig farm. Matt said this is just awareness and he thinks we're kind of beating this up. Matt said that he thinks Attorney Biege should go through this and refine this and put it in the best method keeping the new home owners aware what's going to happen in their surroundings. Matt said he worked in a greenhouse and that most of those chemicals are not life threatening anymore.

Ms. Troxell said that if negligence is an issue, nobody is signing their rights away.

Barbara Huston said that she agrees that we should keep this very simple. Barbara said she thinks we're beating this up and taking too much into it. Barbara said that she thinks this is a buyer beware and she feels that if you're moving out into the country, you should be aware of some pesticides and smells that you may not be used to in the city. Barbara said that she does not want to see this as an ordinance with the county and come before the Commissioners, because it will set on the shelf and unless somebody remembers this particular ordinance, it won't be viewed or anything. Barbara said that she thinks if we keep it simple in some way and that would be to the best of our interest.

Barbara Huston said if there isn't any further discussion would the Board like a Motion to table.

Rita Beaty Kelly made a Motion to table this and look into it a little bit further to see what's going to be the simplest way and let Attorney Biege look at some ideas what would be in our best interest until next month.

Matter Bernacchi seconded. All approved Motion carried 8-0.

Barbara Huston asked if there was any further business before the Board.

Barbara Huston asked if there was any old business.

Barbara Huston asked Mr. Hamilton to step forward as they have a gift for him from the Plan Commission.

Gene Jonas told Ray Hamilton he didn't know how to quite say thank you for all the years of service with the county, the Plan Commission and all of the fun times. Gene said going back from all the points in time to when Ray and himself were on the Home Builder's Association together before he got in the Planning Department. Gene said through the years of Mr. Hamilton's efforts to get a building inspection program going for La Porte County and the time, effort, heartaches and everything else he has dedicated to the county.

Gene Jonas said that all he can say is "thank you" "thank you" for the great service that you have done and now's the time to have some fun.

Ray Hamilton said that this has been an enjoyable run and like Gene says, we've been through a lot of trials and tribulations as far as our Building Program. Ray said he was going back to the days of GIS to get that off and running with Melissa's help. Ray said that he hopes that he has made this a better place for all the citizens of La Porte County and that it will continue on to grow.

Ray Hamilton thanked everyone.

Barbara Huston asked if any of the Board members have any comments they would like to share this evening.

Attorney Biege told the Board that the new Building Commissioner wanted to address the Plan Commission about what she believes to be an omission in the new code.

Annemarie Polan said that in the new Master Plan under improvement location permits.

Barbara Huston asked what page.

Annemarie Polan said its page 23, Article 23.

Annemarie Polan said that if you look at Section 23.02, cosmetic non-structural changes to any structure are replacement of windows, re-roofing and siding. Annemarie said that we've been giving permits for all of those things for years and it has exempt in here. Annemarie said that the county is going to lose a lot of revenue if that doesn't get changed ASAP. Annemarie said that they also get inspected.

Annemarie said right now people come in and get permits for remodeling and all those things get inspected.

Barbara Huston asked if she wanted to take exempt out.

Annemarie said absolutely and that this should be done right away. Annemarie said that she looked at the building permits for last year from January until June and there were 198 re-roofs,

54 remodels and 30 plus for siding. Annemarie said that's lost revenue, not to mention people going ahead and building without getting it inspected.

Glen Minich said that it says non-structural.

Barbara Huston said it says non-structural, but changes to any structure including the replacement of windows in existing openings, re-roofing, the installation of siding material, and repainting.

Jim Pressel asked that if we're issuing building permits for repainting?

Annemarie said not for repainting, but re-roofing, siding and remodeling.

Barbara Huston said that repainting is in there and that should be taken out too.

Glen Minich said that could remain exempt.

Jim Pressel asked if placement of windows remains.

Annemarie Polan said it's in the basement.

Dar Pavey, Secretary said that if you are replacing windows and you're not changing the size of that window, then there's no permit needed, but if you are making it a larger window or a larger door, then you would need a permit.

Jim Pressel said that would be structural.

Jim Pressel said that what you're looking for is that you want to continue re-roof and the siding.

Annemarie told Jim that she's also looking for remodeling.

Jim Pressel said that says non-structural and he would interpret that as if he was going to change some drywall inside of a bathroom that would be non-structural and that is cosmetic. Jim said that if you were going to do a room addition that would be a remodel.

Jim Pressel asked if we were giving permits if someone remodels a bathroom.

Annemarie asked even if you're putting in electrical outlets. Annemarie said that those things get checked on the electrical rough and service.

Ray Hamilton said that there are times when there may be storm damage with only a section of the roof needing to be replaced when you wouldn't need a permit, but if you are tearing off the whole roof you would need a permit. Ray said that you're only allowed to put one extra layer of shingles on a roof. Ray said that if you are going to replace a window you wouldn't need a permit to repair the siding around that window.

Rita Beaty Kelly said that it is repair versus replacement.

Glen Minich said that it doesn't really say repair.

Rita Beaty Kelly said that repair should be exempt.

Glen Minich said that windows are okay because it says existing openings.

Barbara Huston said re-roofing to her means an entire roof and siding.

Glen Minich said you could scratch those two items off this.

Barbara Huston said scratch re-roofing and the installation of siding material and repainting.

Glen Minich said that he believes repainting should remain exempt.

Barbara Huston said she doesn't know why that's in there.

Barbara Huston asked attorney Biege if we need a Motion to do this.

Attorney Biege said that we're going to amend the ordinance, so he believes the Plan Commission has to determine if they wish to make the change. Attorney Biege said we would have to set it for a public hearing next month and go through the notice procedurally. Attorney Biege said that he could have everything done. At this point he thinks the Plan Commission simply initiates and if it wishes to instruct him to prepare the proper notice and set it for public hearing, we can do that.

Tony Hendricks asked if we have to define what this public notice is exactly and what we're changing, or just open up the public notice.

Attorney Biege said that he has to give notice what changes we'll be going to make. Attorney Biege said the Motion should include the changes and he assumes that would be striking the words re-roofing and the installation of siding material because it's actually a text change in the ordinance.

Tony Hendricks asked if we want to do this, or if there are other major things we want to do in the next thirty days.

Attorney Biege said that Mr. McCain is in Florida and he doesn't foresee ---Attorney Biege said that the attorneys have met twice and they are on Article 2, so he doesn't expect to have something next month.

Attorney Biege said that we're concerned about lost revenue on this. Attorney Biege said on the notice he would like to have an opportunity to investigate. Attorney Biege said that we may

have further discussion and the Plan Commission may have other ideas next month. Attorney Biege said that this is a fairly simple quick fix.

Glen Minich made a Motion that in Section 23.02 of the Zoning Ordinance we strike the words re-roofing and re-installation of siding material to be exempt.

Matt Bernacchi seconded.

Barbara Huston said we've a Motion on the floor and a second to remove Article 23.02 under cosmetic to remove re-roofing and the installation of siding material and let the rest remain as exempt.

All approved. Motion carried 8-0.

Gene Jonas asked if there is a definition for cosmetic

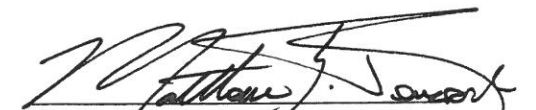
Mitch Bishop said no.

Barbara Huston asked if there was any further business to come before the Board.

Barbara Huston entertained a Motion to adjourn.

Matt Bernacchi made a Motion to adjourn. All approved. Motion carried 8-0.

There being no further business, meeting adjourned at 7:35 p.m.


BARBARA HUSTON, President
Matthew Bernacchi, Vice President


ANNEMARIE POLAN, Rec. Secretary