

**MINUTES
BROWN COUNTY AREA PLAN COMMISSION
COUNTY OFFICE BUILDING
DECEMBER 20, 2016
TUESDAY, 6:00 P.M.**

ROLL CALL:

Dave Harden, President called the meeting to order at 6:00 p.m. Members present were Paul Navarro, Russ Herndon, Debbie Bartes, Alyssa Besser, Carol Bowden, Dave Harden and Jane Gore. Also present were Christine Ritzmann, Director and Ora Roberts, Office Manager. Absent was Dave Schilling, Attorney.

APPROVAL OF MINUTES:

Mr. Navarro moved to approve the November 15, 2016 meeting minutes. Ms. Bowden seconded the motion. A voice vote was taken. All were in favor.

OLD BUSINESS:

NEW BUSINESS:

2) 16-P-05 MARK SMITH, PETITIONER.

The petitioner is requesting a replat of two existing lots. The properties are located at 1151 and 1181 Nelson Ridge Road in Washington Township. Ms. Ritzmann read the staff report. Mr. Navarro asked if this request is because of the pond. Mr. Herndon asked if the division of the property would encroach on the outbuilding. Mr. Harden commented that this does not encroach on the out building.

Those speaking in favor: There were no speakers.

Those speaking in opposition: There were no speakers.

Mr. Harden moved the meeting back to the Board.

Ms. Bowden moved to approve the petition. Ms. Besser seconded the motion. A roll call vote was taken. The motion was passed with a 6-0 vote. Mr. Harden abstained from voting.

Paul Navarro	yes	Carol Bowden	yes
Alyssa Besser	yes	Debbie Bartes	yes
Jane Gore	yes	Dave Harden	abstain
Russ Herndon	yes		

DISCUSSION ITEMS:

Ms. Ritzmann commented that the Board needs to vote on the Farabaugh settlement. Ms. Bartes commented that this would stop the county from incurring more costs. Mr. Harden commented to the audience that this an agreement to a judgment of a permanent injunction and a \$4000 fine.

Mr. Navarro asked if this is a substantial reduction and is this a starting point. Ms. Ritzmann responded that this is the final negotiating amount.

Ms. Bartes moved to accept the judgment. Ms. Bowden seconded the motion. A roll call vote was taken. The motion passed with a 6-0 vote. Mr. Herndon abstained.

Carol Bowden	yes	Russ Herndon	abstain
Dave Harden	yes	Debbie Bartes	yes
Alyssa Besser	yes	Jane Gore	yes
Paul Navarro	yes		

ANNOUNCEMENTS AND INSPECTORS REPORTS:

Ms. Bartes asked if the concern with the sandwich board signs is because they are displaying the name of the business. Ms. Ritzmann commented yes. Ms. Gore explained that more of them are ending up in the right of way.

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Ms. Bowden asked if the Brozinnis rezone was approved at the Town Council meeting. Ms. Gore commented that only 3 showed up at the Council and they postponed the hearing until they had a full board.

ADJOURNMENT:

Ms. Besser moved to adjourn the meeting. Mr. Navarro seconded the motion. The meeting was adjourned at 6:11 pm.

Work Session on the Zoning Ordinance revision which immediately followed the regular meeting of the APC.

Ms. Ritzmann asked if everyone looked at the information Dave Schilling provided. Ms. Ritzmann commented that a Supreme Court decision determined that signs cannot be regulated based on content. Ms. Ritzmann explained that the current county sign ordinance is unconstitutional.

Ms. Ritzmann explained that Mr. Schilling highlighted areas of the ordinance that need to be addressed.

Nina Leggett asked if the Board has a copy of the lawsuit decision with the Supreme Court that brought these sign concerns up. Ms. Ritzmann explained that the Reid vs. the Town of Gilbert, Arizona lawsuit can be googled and is very lengthy.

Ms. Ritzmann read the document that Mr. Schilling put together for the Board. Mr. Navarro asked if Brown County has a history of sign lawsuits. Ms. Ritzmann commented none that she is aware of. Mr. Schultz asked if they could start by being made aware of the challenges.

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Ms. Leggett commented that it would be nice if we knew the basis of the lawsuits. Ms. Leggett commented that this is driving us to redo a lot based on things that are foolish. Ms. Bartes commented that she feels businesses will be damaged by this. Ms. Ritzmann commented that one way to handle this would be to limit the number of signs placed on a parcel.

Chris Ross asked if signs that are content neutral are not affected by this law. Mr. Navarro asked what happens if someone files a lawsuit. Ms. Ritzmann said she feels that the issue is discrimination.

Ms. Leggett asked where the INDOT signs stand. Ms. Ritzmann commented that those are regulated by the state and not the county. Mr. Navarro commented that the state can do what they want but the county can't. Mr. Harden commented that the county can have them but not regulate based on content.

Mr. Navarro commented that if the Board is going to make intelligent progress on this he feels they need examples of lawsuits so they can see what they are up against. Mr. Harden would also like to see Monroe County information to see how they handled this situation.

Ms. Besser moved to adjourn the work session. Ms. Gore seconded the motion. The work session was adjourned at 7:06 pm.

Dave Harden, President

Ora Roberts, Secretary