

REGULAR SESSION, COMMON COUNCIL, August 14, 2023

Be it Remembered that the Common Council of the City of Plymouth, Indiana, met in regular session on August 14, 2023. The meeting was held in the Council Chambers, on the second floor of the City Building, 124 N. Michigan St., Plymouth, Indiana and was called to order at 6:35 p.m.

Mayor Senter led the Pledge of Allegiance and Councilman Ecker offered prayer.

Mayor Senter presided for Council Members Greg Compton, Duane Culp, Don Ecker Jr., Jeff Houin, Robert Listenberger and Shiloh Carothers Milner. Council Member Randy Longanecker was absent. City Attorney Surrisi and Clerk-Treasurer Gorski were present. The public was able to see and hear the meeting through Microsoft Teams.

Council Members Ecker and Compton moved and seconded to approve the minutes of the regular session of the Common Council on July 24, 2023 as presented. The motion carried.

Mayor Senter states tomorrow there is a groundbreaking at Monteith's BestOne Tire & Auto Care on Oak Drive. He believes Compton will be there as he will be at another meeting at Hoosier Racing Tire. He states there was also be a ribbon cutting at the newly owned ARCO Shell Station on Jefferson Street at Saturday, the 19th at 11:30 a.m.

City Attorney Surrisi introduces Ordinance No. 2023-2215, Fixing Salaries of Appointed Officers and Employees, Fire and Police Personnel of the City of Plymouth, Indiana for the Year 2024 on second reading.

Surrisi states he would like to reserve the second and third hearing for the salary ordinance until your next meeting as Sheley had that one change with the seasonal job description and maybe a couple of other small changes that he will have out to you in advance of the next meeting.

Plan Consultant Booker introduces PC 2023-09, Certified Proposal to Amend the Zoning Ordinance for the City of Plymouth.

Booker explains at the last Plan Commission meeting they talked about an amendment to Article 3, R-1 Rural Residential District and Article 13, Definitions. He suspects this started with him but looking around the R-1 area currently the only livestock allowed is horses and other equine type animals. He states he does not know how that happened but when you go around the community there is lots of chickens and nothing too egregious.

Mayor Senter asks what other types of equine animals.

Booker responds by stating a pony or something to that nature. He lists the first proposal offered to the Board was as follows.

“The use of land for animal production is limited to 4-H projects and home consumption with no retail or outside sales. The limits for large livestock (cattle, sheep, goats, and hogs) are at least

one (1) acre for home consumption. No large livestock are permitted in platted subdivisions. The maximum number of livestock should not exceed two (2) per each 4H-er in the household. Poultry is limited to no more than 10 hens or ducks."

Booker explains there was some pushback on that and so they what they ended up with tonight was as follows.

"The use of land for animal production is limited to 4- H projects and home consumption with sales limited to the sale of unprocessed agricultural commodities grown on the same ranch or farm that provides such sale. Livestock shall be limited to one (1) horse, donkey, mule, cow, dairy stock, goat, hog, sheep, or other similar animal per one-quarter (1/4) acre of lot area. Poultry must be kept in a fully enclosed secure pen of no more than 128 square feet that includes an enclosed coop providing a minimum of two square feet and an open run area providing a minimum of eight square feet."

Booker explains the part about sales was put in there as there are some people in the R-1 District that do have livestock that are selling. He states there are a few of those out there but there was at least one that was brought up at the meeting. He states that is what they have tonight for your consideration.

Compton asks if someone has a quarter acre piece of land that they can have a horse on it. Booker responds in agreement and states he got that from some place and that may be one thing they may consider changing. He states he heard there are some letters that he has not read but at one time he did have it in there to not have any of these in a residential subdivision.

Compton states his consideration wouldn't even begin until it was 5 acres.

Houin states in the previous version it had a minimum size of one acre. He asks if there is a reason the Plan Commission removed that and changed it to the one animal per quarter acre.

Booker responds by stating that may have been something he found in another ordinance and copied it as he thought it looked fine. He agrees he originally put in one acre.

Mayor Senter asks what brought this forward.

Booker responds by stating every Board of Zoning Appeals (BZA) hearing they have had about small livestock or large livestock has been passed. He states in his viewpoint if you are going to pass it every time that you need to make it a standard in your ordinance.

Surtisi states he entirely agrees with Booker's point on that as whatever standard you ultimately land on that it doesn't make sense how the ordinance is written currently if we keep seeing these requests and they get approved. He states they did receive three letters from folks who

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lived in platted subdivisions that expressed concerns about this. He states he can definitely see some need for the Plan Commission to work on further amending this. He states they do have a lot of agricultural production that is out there that was preexisting the 2009 zoning ordinance. He explains the zoning ordinance was wholly redone at that time and the map was redone so some of those things are already out there. He states some of those folks out in the two-mile zone that do not even realize they are subject to the city's zoning jurisdiction and are probably getting along with their neighbors just fine with certain mild agriculture. He believes there is a benefit for taking on certain revision to account for that but perhaps what they have now isn't what is best.

Listenberger asks if some people are grandfathered in.

Booker states the R-1 zone used to be your agricultural zone. He states you couldn't put a Confined Feeding Operation (CFO) without additional approval but it is very similar to the A-1 Zone that is in the county. He states he was on the committee but he does not remember it happening where they limited it to only horses.

Compton asks if they are just discussing the two-mile zone.

Booker responds by stating he did not bring a map with him but the R-1 District is basically all the way around the edge. He states it ends at King Road and Olive Trail.

Compton asks if R-1 encompasses the entire two-mile zone.

Houin responds by stating there are some sections of the two-mile zone that are not R-1. He states there is R-2 and some commercial but all of the R-1 is within the two-mile zone.

Booker clarifies that none of this is within the city limits.

Ecker states at this point there has been some communication since the meeting they had last week. He states he was out of town but zoomed in on it. He explains there has been a little bit of confusion since then and in talking to several people and also looking at the communications there is a fourth letter out there from someone that is not in this group here. He doesn't believe this is something that should be voted on this evening other than being sent back to the Plan Commission for further review.

Booker asks if there are any specific recommendations that they have before they send it back to consider.

Houin asks for clarification in the R-1 zone if the minimum lot size is five acres.

Booker responds by stating the minimum lot size is one acre. He states it gets confusing because you can only have one lot for every five acres.

Houin asks if it is a residential lot.

Booker responds by stating it doesn't matter whether it is residential, commercial or whatever that it is the same. He states if you have a 20-acre lot then the greatest number of houses residential houses you have is four. He states some of them can be one acre and then you have the remainder.

Houin asks what the A-1 zoning is.

Booker responds by stating it is the same regulations. He states the minimum lot acreage is one acre but there is only one lot per every five acres. He states if you have five acres, you cannot divide it without having to go to the Plan Commission.

Compton states his recommendations would be a minimum of five acres.

Houin states that he is unsure in his mind if five acres is the correct number or what it is but it definitely has to be more than a quarter acre as a minimum for allowance.

Surrisi states if it was the decision of majority of the board inclination to make an amendment of five acres that it would pretty well moot this entire discussion and they would probably be just as well off as is and have people come for variances if they wanted any agriculture. He asks Booker if there would be any advantage if the standard was five acres if that would change.

Booker responds by stating it wouldn't change people that wanted to have poultry unless you wanted to just keep the five acres to the large animals. He explains they did not put an acreage requirement on poultry. He states for the large animals you did have to have a minimum of a quarter acre and it did not mention the size of lot you had to have.

Listenberger asks in regards to the review process currently. He asks if the neighbors are notified and how all that works.

Booker responds by stating if they come in for a BZA approval that everybody within 300 feet or two properties over will receive a notice, whichever is greater.

Listenberger asks who does that work.

Booker responds by stating we do. He states we write the legal ad and send it out.

Listenberger asks if we are trying to avoid doing that all the time because he likes the review process himself.

Booker states it probably is not a valid argument but if you go out there to the R-1 zone that there is a lot of livestock that has not been reviewed. He states his contingent is either we need to enforce it, which he doesn't want us to do, but if someone has a chicken in the two-mile area that it is illegal.

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Listenberger adds it is inside the city limits as well. He asks if it is illegal unless they are grandfathered in.

Booker responds in agreeance and he provides the example of the cow farm on the west side of town as a grandfathered in use. He explains technically they cannot expand it more than what it was when it was grandfathered.

Houin states there are nuances there because he hasn't heard many complaints about not wanting chickens on a one-acre lot in the R-1 zone but what he keeps hearing is if I have a quarter acre lot and there is a house on the lot and maybe a garage as well that he can still have a cow. He states it doesn't seem like much space.

Booker states he is not going to argue against that as they may need to look at that.

Listenberger asks if there was talk about roosters.

Booker responds by stating they did discuss roosters and they decided to leave it the way it is as there was one operation that did have several roosters that nobody is complaining about. He states he has heard this issue out in the rural area when he was a part of the county that if you decide to move out into the country that they want to control all the agriculture around them and want a peaceful area without smelling or hearing anything but the argument is you moved out there so you have to deal with what the situation is.

Listenberger asks if roosters are allowed in this. Booker agrees.

Compton states you had mentioned that the Plan Commission would approve these but he was on the Plan Commission for years and he only remembers two instances where they disapproved one of these requests. He adds those may have been the only ones that came before the Plan Commission.

Booker responds by stating it would have gone before the BZA and not the Plan Commission.

Compton states the Plan Commission discussed two instances of a horse out by the Baptist Church out on 9th Road.

Booker responds by stating that may have been a violation.

Compton states additionally there was someone who wanted to purchase the building on Jefferson Street right across from Plymouth Veterinarian Clinic where they wanted to bring horses in there but they turned that down at the Plan Commission.

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Booker states that wouldn't have been in the R-1 Zone. He states if this was R-2, R-3 or R-4 that they would still have to go through the procedure in order to try to go through the BZA to get approval.

Surrisi adds that some of these letters they received such as from Jim Clevenger that he actually lives in the R-2 zone but he was just expressing general concern. He states he also spoke with Mr. Borggren who is in an R-2 zone as well and he is unsure if you all want to hear comments from the public or not but those are just two properties that would not be affected by this change regardless of what happens tonight.

Booker states the only livestock that is currently allowed in all your districts is horses in the R-1 zone. He states there are cities and towns that have passed ordinances for livestock, especially chickens but he is not proposing that. He provides the example of Bloomington, Indiana allowing chickens.

Surrisi states as far as the roosters they did hear from a woman who has a chicken/egg operation out in the R-1 District and talked about how they are essential for the flock in protecting against predators.

Booker adds she is on the west side of King Road and if she were on the east side she would be in the county and everything would have been okay. He states she has certification from the State of Indiana to sell eggs and poultry on her operation that is a pretty good size. He states she just thought she was out in the country and most of these issues are caused when people move in and they do not have any idea where the two-mile zone is. He states it is his opinion but they believe they are not in Plymouth so they are in the county.

Houin states he tends to agree with that as the R-1 area is typically rural agriculture in nature and most of the properties feel they are in the country and he is sympathetic to 4-H and homestead farming. He believes there are a lot of parts of the R-1 zone that it makes a lot of sense to make this change but they have to take into account that there are lots and parcels in the R-1 zone that are much smaller and do not have that same character. He believes they need to do a better job in the proposal controlling for those smaller parcel sizes.

Mayor Senter asks the Council if we would want the public to speak as the Council as Ecker has already made a motion against this.

Listenberger responds by stating he believes we should as they might have good suggestions in wording.

Sandra Cornell (8089 King Road, Plymouth, IN 46563):

Cornell states she is the woman who came and spoke at the Plan Commission meeting. She states when they moved here, they were told by a neighbor they were outside of the zone and did not find out until this Spring that they were inside the zone. She states ever since then they have got the State of Indiana license to sell eggs and they have plenty of room fenced in so chickens are not in their neighbor's yards. She states they do have three roosters that do protect the flock. She states she has numerous stories she could tell you on how they protect the flock and she has only ever lost one chicken to a hawk in six years. She states all she is asking for is that larger animals have space. She explains for a quarter acre, a horse would eat that down to nothing and then have nothing. She states she does not have large animals at this point but she does have five acres. She explains her nearest neighbors are some of her egg customers. She states she will probably go for a variance because she would want more chickens than what is allowed by this. She states farm animals are herder flock animals and they do not do well by themselves. She states a minimum of four chickens is recommended because they need companionship of their own kind. She lists that herd animals such as horses, cows, goats, sheep, etc. will need others such as themselves so to only have one that it would be cruel. She states that most of this looks wonderful and she came in and said that during the Plan Commission meeting in comparison to what they started with. She thanks everyone for listening because she has spoken a couple times now and she does not see where this is as there is nothing in here that links this just to R-1 zoning.

Booker states this would be listed in the book under the R-1 District and what they are voting on is to put this under the allowed approvals for R-1 zoning and this definition will be back in Article 13, Definitions.

Cornell recommends it is for in the R-1 District for places with larger acreage so not for a one-acre lot but for a lot that is four-five acres at a minimum. She states there is no definition for unprocessed agricultural commodities. She states the word unprocessed is concerning to her because most products that she works with are processed in some way. She states even the produce coming out of her garden gets washed. She adds her eggs get washed. She states by the State of Indiana she has to sell washed eggs so now you say she can't process them so then all of a sudden, she won't be able to sell anything. She asks for the word unprocessed to be removed because agricultural commodities need to be processed. She states it also says in the State of Indiana there is a law that requires that meat products sold to someone else need to be processed in a licensed facility. She explains that she does not process her own meat as she does not want to go through the license but

there are numerous places close to Plymouth that are licensed facilities where she can take her stuff and process it where she then receives it back in a frozen state. She asks if it says unprocessed if that means she cannot sell it out of the freezer at her house. She asks if it is frozen and they have processed it if she can't sell it because the State of Indiana says as long as someone else does it, she can sell it. She also asks if the wording about the maximum number of square feet for the chicken yard and require that the run be so that they must be kept on that property and not allow them to go on their neighbor's property. She states as far as the noise and the smell if birds are managed properly then they don't smell. She wished to add that her roosters do crow but a rooster crow is the same number of decibels as a lawnmower and a lawnmower is constant for a lot longer while a rooster crow is only three seconds. She states she had people visiting her this weekend and they were talking about the rooster crow and they didn't even hear them. She adds even people who are not around all the time are not even aware that the roosters are making a lot of noise. She states her last recommendation is for the two square feet for coop and eight square feet of run space to add the words, "per bird," as that is the recommended. She states if you have more than one bird then that can't be the minimum because that would be cruel to keep more than one bird in something smaller than that. She lists her recommendations as adding "per bird" at the end and removing the maximum size.

Booker interjects and states that is not the maximum but rather the minimum up there.

Cornell reads aloud, "poultry must be kept in a fully enclosed secure pin of *no more than* 128 square feet." She explains that is a maximum. She recommends removal of that and put in something that says they must be kept on the property of the people that own them. She states if you want to have a maximum number of birds then add a maximum number of birds but she will still have to come and talk to someone about getting a variance. She states you may want to say something about the smell and noise if those are the things you are very worried about because the neighbors have a right to not be dealing with smell or noise. She states the smell and noise are more apt to be with the horse, cow, mule, dairy, etc. but again if they are properly managed then they also do not have the smell. She states what she ends up doing with her manure is she makes compost that is used in her garden next year.

Surrisi states he remembers her mentioning that if there were a maximum that she discussed an ideal number of chickens for a producer like her and how it takes so long to get up to egg production and how much you would really need to keep producing.

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Cornell states a chicken takes six months between the hatch and laying its first egg so if you require that a person cannot have more than 128 square feet then that would be 12.8 birds. She states 12.8 birds is probably enough for a family of four. She states given the simple reason it takes 6 months for a bird to lay an egg, that they only lay consistently for about a year and a half and when they get older, they do not lay as many. She states it gets to the point where it is 1-2 a week and then it gets to 1-2 a month. She adds birds usually live up to 5-8 years and she still has two of her originally flock that are six years old. She states if she wants a consistent number of eggs for her family then she needs to be able to have enough leeway so that she can have birds for six months that are not producing anything before they start producing and then it is another month or month and a half before the eggs are large enough to sell, which she does. She states after two years if there are only 12 birds allowed then the extra birds have to be culled so older birds will not be allowed to live out their life and lay an egg or two a year. She believes there needs to be something so ebb and flow of numbers can happen.

Terry Borggren (10268 Carriage Court, Plymouth, IN 46563):

Borggren states he read the article in the paper and contacted Mark Gidley who got him in contact with the City Attorney who sent him a copy of the proposed ordinance. He states when he first read it, he read it as R-1 so then he looked at Beacon website and it showed Carriage Hills and most subdivisions as R-2 but on his property record card it shows R-1 so he was confused on what they were. He explains he spoke with Building Commissioner Manuwal this morning and verified they were in R-2 but there are some subdivisions in the two-mile that are still coded as R-1. He lists Park Place east of town as an R-1 Subdivision so this would definitely affect them so he wanted to mention that. He states the two-mile zone was set years ago and is unsure if it has expanded any as the city has expanded going out to Pioneer Drive. He asks if they now go to Queen Road.

Surrisi responds by stating he does not think so as there are a lot of areas where it is nowhere near two-miles.

Booker adds they have made some adjustments but nothing large.

Borggren believes that may be something that may need to be reviewed. He states if you go to an ordinance like this and there is an issue that comes up in a subdivision someone would have to go before the BZA to apply for a variance then the neighbors will be made aware of a situation like this. He states if this ordinance goes through, say he goes and buys a couple cows as he has 3 quarters of an acre that means he can buy three cows, and if he did that and his neighbor came home and saw it then he would have a cow. He states the only way to fight that at that point would be to

take them to court and then there will be court expenses for that whereas if he had to apply for a variance then he would have known that he was going to do that and everything could have been resolved before any costs were incurred on both our parts. He states the variance process takes some time but in the long run it is a lot less expensive. He stated there is no real stipulation about a secured fence in there and he is aware in their subdivision they had some people that were going to put goats and chickens in and they built a fence in their back yard and made it out of pallets. He explains it is still there, not secure and it looks bad. He believes he heard the motion that this is probably going to go back for review and he hopes that is what they do.

Randy Danielson (12638 Emerald Court, Plymouth, IN 46563):

Danielson states he likes what he is hearing this evening that you are recommending to pass it back. He states they built in their subdivision 34 years ago which is Webster's Hillcrest Additions. He asks Borggren if it is an R-1 or an R-2.

Borggren responds by stating it is an R-2.

Danielson states that is good but if it were to happen that their backyards adjoin. He states you have one person and five families that are immediately disrupted if you do not agree with the type of animal. He states the Plan Commission do a great job along with the BZA but it is more than planning. He explains he would like to see an element of protection because he believes it is good, they want the process of a variance happening so he wouldn't make it too lenient. He states his reasoning for that is his sister-in-law is an American Airlines Pilot and when they came out with comfort animals that she has had on her flights a pony, peacock, monkey, etc. as all of those were considered comfort service animals so people will take advantage of that. He explains Plymouth is on a great course and he would appreciate that we keep it that way.

Surrisi wished to clarify that miniature ponies and dogs are actually available as certified service animals and not just comfort animals so that can be an entirely different situation if someone has a medical need for a service animal even in the city limits that there could be accommodations.

Booker states they did have one come to the BZA and it was exactly what she asked for.

Marjorie Snider (11467 11th Road, Plymouth, IN 46563):

Snider states there is a certification process for those animals that they should be able to show you. Surrisi agrees. Snider states she is hearing people moving to the rural areas like she did are not going to have animals as we are in a residential area and then we get goats, chickens, etc. She believes it should come back to the realtors when they are selling that they are not informing people you are in this area and therefore if you are going to live here that you can only do the following.

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She states maybe it would behoof you to do something with the area realtors that would require them to say if you are going to buy here that you cannot have a goat, pig, etc. so they are aware and have to inform the buyers. She believes it would eliminate a lot of issues if people bought with information. She states she was never told when they bought that they were in a R-1 or R-2 but she knew there was a covenant but that didn't do any good either because no one pays any attention to it so what good did that do us.

Listenberger asks if this is something that can be legislated at a local level.

Surrisi responds by stating he is unsure.

Snider does not believe it needs to be a law but if there was a way to strongly encourage that it would make life a lot simpler for everybody if you knew what you were walking into when you walked into it.

Debra Friar (9449 Collins Drive, Plymouth, IN 46563):

Friar states she is in Park Place so this does affect them directly. She states she tried to do some research on some of the large animals and what she was seeing was that they mostly need two acres to graze and roam. She explains that would be acreage without your house, barn or driveway. She explains she likes the proposal of five acres and that it makes a lot of sense if you are talking about large animals like that. She states to Cornell that she really liked the information that she had and she understands that variance for that and that it is important. She states when it was discussed about the R-1 and R-2, they are in an R-1. She asks how that would be changed to an R-2 so they wouldn't have to worry about something like that.

Booker responds by stating you would have to go to the Plan Commission and ask for a rezoning from R-1 to R-2. He states whether they pass that or don't that either recommendation will go before this board for the final decision.

Mayor Senter asks if Gidley lives in that subdivision as well.

Friar responds by stating Gidley does live there and that he could not be here tonight and had asked them to show up.

Mayor Senter adds that Gidley left them a letter.

Friar states that it is important to look at. She does not know if there are any other subdivisions that are R-1. She asks if anyone knows.

Surrisi responds by stating he would not think there are that many.

Booker states anything that gets split anymore is called a minor subdivision so there may be a few isolated places out there.

Houin states there are quite a few parcels of that smaller size of a half-acre or less out in the R-1 zone.

Friar states that's why she likes the proposal of the five acre and that is why she thinks maybe it would come to how they can rezone these subdivisions so there is not a problem there. She believes goats can go on less acreage but goats are pretty good escape artists so she is thinking when they get out and destroy the shrubs of another person's property then they have to have the police involved and that could be problematic in a small housing subdivision like that.

Booker states we are most likely going to send this back and from the comments he would take the "un" out of unprocessed, make it five acres, take the "no" out of secured pen, and none will be allowed in platted subdivisions.

Surrisi believes it will be the best course of action to not immediately advertise it for a public hearing next month but they could send these minutes along to the Plan Commission with these additional comments to have another month of the Plan Commission to offer their thoughts and call it for a public hearing the following month. He believes that makes sense as there isn't any real urgency.

Mayor Senter asks Cornell if she mentioned taking the "un" out of unprocessed.

Cornell responds by stating she suggested taking the word unprocessed out so it just says agricultural commodities.

Council Members Ecker and Houin moved and seconded to rescind PC 2023-09, Certified Proposal to Amend the Zoning Ordinance for the City of Plymouth back to the Plan Commission for further review to meet the needs being discussed here. The motion carried.

Plan Consultant Booker introduces PC 2023-10, Certified Proposal to Amend the Zoning Ordinance for the City of Plymouth.

Booker states this you could always turn this one down but it would cause some difficulties for the Building Commissioner who is the Flood Plain Manager. He states he had received a visit by the State and they suggested several changes to our zoning ordinance. He states he understands with the State it has to be what they say. He explains if you want to continue to have your flood insurance this will need to be passed, however, if you decide not to pass it, we would lose out on flood insurance.

Surrisi states this is just a model ordinance in where Manuwal and Booker made some modifications to make it Plymouth specific and then the proposal would be to have Ralph take the model ordinance and condense it to replace the existing section in our ordinance. He states we

already have these flood standards but this would replace the old with the new. He states he added an extra provision suggesting we remove this from our city code as this is in both our zoning ordinance and city code. He believes that would lead to some confusion and it would be appropriate if they were to repeal that out of the city code and just have it in one source in the zoning ordinance.

Booker states he has put it verbatim to what they required. He states the present ordinance has bits and pieces of it but different sections. He explains it would be just as easy for him to put it all in. He explains it has added six more pages to the zoning ordinance.

Manuwal states there were very few alterations that the State said we could modify to what they proposed as they wanted it how they proposed it.

Compton asks if this will affect the citizen's flood insurance cost in any way.

Booker responds by stating it wouldn't change that but rather give the opportunity to have flood insurance. He states the cost is a whole separate issue.

Compton states he remembers back in 2010 or around there that FEMA made some sweeping changes and it escalated all the costs.

Booker responds by stating FEMA is broke.

Sheley asks if it will change the possibility of being able to build in areas marked as flood zones now.

Booker responds by stating not from what is present as it would be the same requirements from what he can see. He explains it was some little changes.

Sheley states the reason he asks is because they have looked at different areas to build on the airport in order to expand and there are a lot of areas that show up on the map as being a flood zone even though five years ago when they had the 100-year flood that they were way above that water level. He states they still have that property that is difficult to get a permit for.

Booker responds by stating it does not change that map.

Surrisi believes a lot of what Compton referred to back in 2011-2012 timeframe was when FEMA redid all the maps. He states from what he understands is they do this with aerial photography and no measurements but instead sweeping assumptions so lots of times they found with properties in that new map that are in the flood zone but as soon as they hired a surveyor to go do measurements, they could prove that it is not justified to be in there. He explains that may be something he could work with Mark Shillington on.

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Booker states that's referred to as a Letter of Map Amendment (LOMA). He states you could ask them to come and study it and perhaps they will change it or you would have to do what Plymouth did on PIDCO ground.

Sheley states he just wants to be sure this wouldn't make it even harder.

Booker states he received all kinds of calls when he was in the county of people getting calls from their banks because they had a loan and even if they had a little sliver of this on their property that it said they had to get flood insurance.

Compton states most people at Lake in the Woods were affected by that and they since changed most of those. He states all of those were considered a flood zone when they were not before and it still has not flooded out there.

Council Members Houin and Compton moved and seconded to approve PC 2023-10, Certified Proposal to Amend the Zoning Ordinance for the City of Plymouth as presented. The motion passed by roll call vote.

Councilman in Favor: Compton, Culp, Ecker, Houin, Listenberger and Milner

Councilman Opposed: N/A

Councilman Absent: Longanecker

City Attorney Surrisi introduces Ordinance No. 2023-2216, An Ordinance Amending the Fee Schedule for the Department of Aviation for the City of Plymouth on first reading.

City Attorney Surrisi introduces Ordinance No. 2023-2217, An Ordinance Repealing Dog Registration and Taxes on first reading.

Surrisi states for Stellar Communities they have their quarterly meeting with OCRA on Friday to report updates. He states the only Stellar Projects they have ongoing are Riverside Commons and Greenways Trail Phase Three. He states Greenways Trail Phase Three is still in the planning stages and he knows the owner-occupied rehabilitation program that the Housing Committee and the County is taking the lead on that with Shannon McLeod is administering.

Council Members Ecker and Milner moved and seconded to accept the following communications:

- Minutes of the Board of Public Works and Safety meeting of July 24, 2023
- August 14, 2023 Check Register
- 2023 Q2 Council Report – Baker Tilly
- June 25, 2023 Technical Review Committee Minutes
- August 8, 2023 Technical Review Committee Minutes
- July 5, 2023 Plan Commission Minutes
- July 5, 2023 Board of Zoning Appeals Minutes
- July 11, 2023 Board of Aviation Commissioners Minutes


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The motion carried.

There being no further business to come before the Council, Council Members Milner and Compton moved and seconded to adjourn, Mayor Senter declared the meeting adjourned at 7:27 p.m.


Lynn M. Gorski
Clerk-Treasurer

APPROVED


Mark Senter, Mayor