

**Town of Porter
Porter Plan Commission
Meeting Minutes
May 18, 2005**

A. The meeting was called to order at 8:20 p.m.

B. Pledge of Allegiance

C. Roll Call

Present: Mr. Lewis, Mr. Eriksson, Mr. Timm, Mrs. Snyder, Mr. Childress,
and Mr. Bell

Absent: Dr. Vodnoy

Also present was Mr. Lyp, Mr. Mandon, and Mrs. Mitchell

D. Consideration of Minutes of Previous Meeting

Motion to approve the minutes of the April 25, 2005 regular meeting was made by Mr. Eriksson; second by Mr. Childress. Motion carried 6 – 0 via a voice vote.

E. Audience Participation

None

F. Old Business and Matters Tabled

None

G. Preliminary Hearing

Consideration of Excessive Noise Ordinance

Mr. Mandon agrees with Mr. Lyp that this noise ordinance does not belong in the zoning ordinance but belongs in the general code. He believes it is similar to many other ordinances and should be enforced by the Police Department. He said that most communities rely more on their general nuisance ordinance as opposed to having a strict listing of sounds that are legitimate or non-legitimate. Sound is hard to measure. It takes a special metering device to measure the sounds. Different people will hear different levels of sound. Sound measurement is extremely difficult to dictate and monitor. He stated that there are different types of physiological sounds. It has been proven that if you can see the source of the sound it becomes more obnoxious. If the source is hidden, the sound is not as offensive. He recommends that the Plan Commission recommend to the Town Council to keep the ordinance as simple as possible. The sound ordinance should be as consistent as possible so as to aid those who will be enforcing the ordinance.

Mr. Eriksson asked if it was the Plan Commissions job to look at this ordinance. Mr. Mandon answered that indeed it was not. However, the Town Council asked the Plan Commission to look into it because it was in the zoning book. The question is – whether or not this ordinance should be in the zoning book or not.

Mr. Mandon went on to suggest that the Police Department should be in charge of monitoring this issue. In his opinion, the Police Department is the best at issuing tickets when necessary, or talking to people to calm down situations regarding loud noise. He stated that there is a fine line between letting the Police handle an issue or trying to get “scientific” about it.

Mr. Eriksson again voiced his opinion about the Plan Commission being involved in this noise ordinance.

Mrs. Snyder said that she felt this ordinance should come out of the zoning code and into the general code.

Mr. Lyp stated that if the intent is to have this removed from the zoning code, the Plan Commission needs to make a recommendation to the Town Council to amend the zoning code by striking section #107. Mr. Lyp believes this is a difficult issue to address. He advised not to get too overly detailed with this issue as it can become easy to become “lost in the details.” The overall issue is to get people to have consideration for their neighbors.

Mr. Bell voiced his concern about having Section #107 removed from the zoning code. Mr. Lyp responded that the only difference would be the Police Department takes care of noise complaints as opposed to the Building Commissioner. Mr. Bell gave the example of the Magnetic International in Burns Harbor, Indiana. Mr. Lyp responded by giving a third option: the Plan Commission does “nothing” and the Town Council needs to adopt a noise ordinance and then they can report back to the Plan Commission.

There was general conversation between the Commission members discussing their opinions and ideas. *(Comments can be heard on the tape)*

Motion to recommend to the Town Council that they adopt a town ordinance that also adopts ordinance #107 was made by Mr. Eriksson; second by Mr. Lewis. Motion was carried 5 – 1.

H. Public Hearing

None

I. Finding of Fact

None

J. Comments from Plan Commission Attorney

None

K. Comments from Plan Commission Secretary

None

L. Adjournment

Motion to adjourn was made by Mrs. Snyder; second by Mr. Childress. Motion was carried 6 – 0 via a voice vote.

Meeting was adjourned at approximately 8:45 p.m.



Lorain Bell
Chairman



Kara Mitchell
Secretary