

Starke County Plan Commission
Regular Meeting
May 10, 2021

- ❖ Call to Order-President Crase called the meeting to order
- ❖ **Pledge of Allegiance**
- ❖ **Roll Call:** Bill Crase, president & surveyor; Todd Jackson, vice president and citizen member (absent); Bryan Cavender; Commissioner (absent); Howard Bailey, councilman; Phil Woolery, extension educator; Mark Allen, trustee; Todd Lawrence (absent), Denise Cultice, and Karl Swihart, citizen members; Martin Bedrock, commission counsel; Wallace (Boz) Williams, building commissioner; Robby Blodgett, code enforcement officer; and Pamla J. Starkey, administrator. There were (2) visitors present.
- ❖ **Approval of the minutes** of the April Regular Meeting and Public Hearing: Extension Educator Woolery made a motion to accept minutes as written, seconded by Member Cultice. Motion carried (6-0)
- ❖ **Building Commissioners Report**
 - Building Commissioner Williams stated that he has been doing inspections and still learning the job also that the health department hired someone to take his old position so he will be able to focus most of his attention to his current job. He also stated that we have sent out a few letters to people that didn't get permits and a couple of unsafe buildings
- ❖ **Code Enforcement Officer Report**
 - Lisa Pinks was present for Matthew Zink, 2860 W SR 10 North Judson, stating that she and his mother have been working on the clean up of the property and Matthew has been ill and not able to do anything, they are also trying to put the fence back up
 - President Crase stated that he did see them working on the property and asked her to come back to the next meeting and give an update on the progress and told her that we appreciate their work on the property
 - Heidi Brewer/Shannon Trusty-Code Monterey IN, enforcement officer Blodgett let the board know that the property is cleaned up except for a camper that is still there
 - President Crase stated that the camper will need to be plated or removed
 - Attorney Bedrock stated that he will send them another letter letting them know that the camper needs to be plated or removed
 - After looking at the picture of the camper, President Crase changed his mind and said that the camper needs to be removed and cleaned up after discussion the board agreed
 - Attorney Bedrock repeated that he will send another letter telling them that it needs to be removed
- ❖ **New Business and Violations**
 - **2022 Budget**
 - Administrator Starkey stated that she left everything the same except she did put in for a 3% raise for employees, also stated that she has asked Richard Franks, from IT to get us a quote for a computer setup for the Building Commissioners vehicle, which he has not done yet.
 - President Crase stated that the one he has was about \$1500.00 for everything and can work right from the truck and that was about 3 years ago
 - President Crase asked the board if it would be okay if Administrator Starkey added \$2000.00 to the budget, board agreed
 - After board discussion, Member Cultice made a motion to approve the 2022 budget with the addition of the \$2000.00 for the computer for the truck, seconded by Member Swihart. Motion carried (6-0)

- Report from Tech Committee meeting
 - President Crase let the board know that they discussed Chart #4, Race Track and asked the board what they think needs to be added or amended as we do have an ordinance that exists but would like to put minimum setbacks from a residence, property line and roads for the Board of Zoning Appeal to have something to start with then can make it more restrictive
 - Board agrees that it should be neighbor friendly and they should have a plan of operating hours and liability insurance
 - Trustee Allen stated that he doesn't even want them as he had one by him and it was very annoying
 - After discussion Trustee Allen made a motion to leave it as it is and they would need to go the Board of Zoning Appeal without minimum guidelines. Motion dies with a lack of a second
 - After more discussion President Crase stated that we will set up another tech meeting for the end of this month or the beginning of next month and if the rest of the board have any suggestions please email them to Pam
 - Councilman Bailey stated that he thinks there should be a 500 foot setback and a two million dollar liability insurance
- ❖ **Old Business and Violations**
 - Tina Rudd & Andrew Knapp-6385 E SR 10 Knox
 - Administrator Starkey stated that they were to be here to give an update and that she called her twice to remind her to be here, left a message the first time but did not the second.
 - Building Commissioner Williams stated that he went to the property and knocked on the door and no one answered
 - Member Cultice asked if any work has been done, Building Commissioner Williams stated that it didn't look like it and she did get an electrical permit not a remodeling permit and was on a whole other building
 - Admin. Starkey stated that she will write her another letter stating if she does not show up for the next meeting the structures will need to be demolished
- ❖ **Public Comment**
 - Ms. Viola Woods, Attorney for the Lomax Station Property Owners Association HOA was present and explained that this was a Planned Unit Development that was approved by the planning commission on November 18, 1998, at that time it was approved for 27 residential half acre lots and part was for common areas one of them had 4 historical buildings on it that Standard Oil use to have and basically through fraud the developer was able to get a \$300,000.00 mortgage on the common area then defaulted and the bank foreclosed and then sold it to a private party, the private party is Alliance Trust, so now we have this one parcel in the subdivision that never has officially been modified to indicate that it is no longer a part of a common area and as the attorney for the association want to file a simple petition asking the planning commission to modify not vacate that one parcel so that is no longer designated as common area and be added as a residential lot, there are 27 residential lots now and that would make 28, she went on to say that she didn't know if there are special forms and Pamela said that she didn't know either as this has never been done that she knows of.
 - Attorney Bedrock asked who owns the lot
 - Ms. Woods stated that the owner is Alliance Trust and that is owned by Jerry Cannon and his daughter
 - Attorney Bedrock asked how we are supposed to do something against a privately owned lot in a subdivision

- Ms. Woods stated that they want it to stay privately owned, the dispute is that Jerry Cannon wants out of the subdivision
- Attorney Bedrock asked if she found anything that states that we have the authority to modify a subdivision that was approved by the commissioners 23 years ago
- Ms. Woods stated unfortunately it was modified for them against their desire and they have a lawsuit against the developer in LaPorte on a different matter. Nothing has ever been changed in the recorder's office so according to that it remains the same
- Attorney Bedrock asked what she thinks this board can do
- Ms. Woods replied by stating to change this parcel from a common area to an additional lot
- Attorney Bedrock stated that we can't just change subdivision plans
- Ms. Woods stated that there is an ordinance that states an owner of the land in a subdivision plat can come and ask for a vacation of a whole plat or a part of it but nobody asked for a vacation it just happened without the approval of this board it was changed from a common area to a private lot
- Attorney Bedrock stated that he thinks if you want to vacate something you would prepare a petition and go in front of the commissioners, they are generally the body that vacates property
- Ms. Woods stated that she agrees but the bank should've done that before the developer applied for money, according to the ordinance he should've come to the planning commission to vacate part of the subdivision
- President Crase asked Ms. Woods what she is asking this board to do
- Ms. Woods said that the problem is that the subdivision has been changed illegally
- Member Swihart asked if the 6 members that are in there are paying association fees
- Ms. Woods replied yes they are
- Member Swihart then asked if the guy that owns the common area is paying
- Ms. Woods answered no he won't pay, but that is not what this is about they feel that the owner needs to follow all of the rules like the rest of them
- Attorney Bedrock stated that he has never come across anything like this
- After much discussion Ms. Woods was told that this seems to be another civil matter and there is nothing we can do

❖ **Other Business from the Board**

❖ **End of the month reports**

❖ **Next Scheduled Meeting-** will be Monday, June 14, 2021 at 5:30 p.m.

❖ **Adjournment-**With no further business, Member Cultice made a motion to adjourn the meeting seconded by Extension Educator Woolery. Motion carried (6-0)

This meeting was recorded and will be on file in the Starke County Plan Commission Office.

Unless stated otherwise all Plan Commission meetings will be held on the second Monday of every month at 5:30 p.m. with the Board of Zoning Appeal meeting on the same night the latter of 6:30 p.m. or the conclusion of the Plan Commission meeting.

Pamla J. Starkey
Administrator