

## **TUESDAY, JANUARY 19, 2021**

Pursuant to adjournment comes now the Starke County Board of Commissioners and meet in Regular Session at 6:00PM, in person at the Starke County Annex Building, Knox, Indiana, with Charles Chesak, Bryan Cavender, and Mark Gourley present and the following proceedings were held to wit:

The meeting of the Board of Commissioners was called to order by Commissioner President Charles Chesak directly at 6:00PM.

### **PLANNING COMMISSION/ZONING DISCUSSION**

Commissioner Chesak explained that the topic at hand with this is the discussion on whether or not to rezone those areas to agriculture. Attorney Lucas advised that in his opinion under the statute it was required that for a zoning map change petition requires that the petition be signed by landowners owning at least 51% of the surrounding properties. The petition that was originally filed was not signed by landowners at all it was signed by the developer. However, the developer did have the permission of the landowners. He advised he had spoken to the Chris Shelman, Attorney for Starke Solar LLC and he did give him a copy of the petitions that were signed by the landowners. Attorney Lucas advised that the Board of Commissioners still have some additional time to review the petition as he assumes this will come up at their next meeting for a decision. Commissioner Gourley asked if there was a change in the petition to the Swanson and Welker properties. Attorney Lucas advised that he believes that had changed the legal descriptions. Commissioner Gourley then asked if the Petitioner would have to take those modifications back to the Planning Commission before they make a decision on the zoning map changes. Attorney Lucas advised that he believes they should do that but they have not answered the question yet as to whether or not they plan to do that. Chris Shelman, the attorney for the developer, advised that the acreage involved was actually reduced prior to the Planning Commission hearing back in November. He advised in general you can always reduce the request up until the final approval by the Board of Commissioners and this would not require additional hearings. He advised that they did follow up today with an additional application and they were also able to track down signatures of the land owners. He wanted to advise that they did have signed consents with the petition as well from the land owners.

Mr. Shelman stated that there was some misunderstanding on their part as to whether the Board Attorney wanted to see that there were signatures from the land owners or if they would need to go back and refile the petition with the signatures. He advised that the only land in question tonight are the Kolish, Welker, and Bope. The Swanson parcels are not coming before the Board at this time as they were not heard at the Planning Commission meeting at the time the initial petition was filed. After hearing Mr. Shelman's explanation Attorney Lucas advised he does not see any reason why he would have to go in front of the Planning Commission for hearing again as they had just reduced the amount of property within their application and no one objected to the initial application. Mr. Shelman advised is he is comfortable preceding tonight with the information. Commissioner Gourley advised he would like to see the actual maps again before making a decision. Attorney Lucas asked Mr. Shelman if he had the maps as they are now. Mr. Shelman stated he could share his screen for the maps. Commissioner Gourley stated they would not be as helpful as he would like, he made a motion to table the discussion to their February 1<sup>st</sup> meeting. Commissioner Cavender seconded the motion and the motion was approved with all ayes. Attorney Lucas asked Mr. Shelman to provide the maps to the Board of Commissioner prior to the next meeting. Further discussion was held with one of the Bass Lake Property Owners via Zoom as well as two individuals who were present in person representing the Bope Farm.

### **AUDITOR BUSINESS**

Commissioner Gourley made a motion to approve the payroll docket in the amount of \$289,089.99, including deductions in the amount of \$88,549.09 for the pay period ending on 01/09/2021 and pay date of 01/15/2021. Commissioner Cavender seconded the motion and the motion was approved with all ayes.

Commissioner Gourley made a motion to approve the vendor claims docket for a total in the amount of \$304,829.39. Commissioner Cavender seconded the motion and the motion was approved with all ayes.

### **OTHER BUSINESS TO COME BEFORE THE BOARD**

Commissioner Chesak advised that they have the Territorial Engineering Project Proposal to review. He advised they did approve the project the end of last year. Attorney Lucas advised that the proposal in

front of them is the proposal for the construction observation and administration services. Commissioner Cavender made a motion to approve the proposal from Territorial Engineering, not to exceed the amount of \$4,000. Commissioner Gourley seconded the motion and the motion was approved with all ayes.

## **2021 BOARD APPOINTMENTS**

### Starke County Drainage Board

Commissioner Cavender made a motion to reappoint Ken Porter to the Starke County Drainage Board. Commissioner Gourley seconded the motion and the motion was approved with all ayes.

### KIRPC

Commissioner Gourley made a motion to appoint Stephen Ritzler and Rachel Oesterreich to the KIRPC Board. Commissioner Cavender seconded the motion and the motion was approved with all ayes.

### Planning Commission

Commissioner Cavender made a motion to appoint Todd Lawrence and Monica Miller to the Planning Commission. Commissioner Gourley seconded the motion and the motion was approved with all ayes.

### Board of Zoning

Commissioner Gourley made a motion to appoint Robert Troike to the BZA Board. Commissioner Cavender seconded the motion and the motion was approved with all ayes. There is still one open Democrat spot on the BZA Board.

### Health Board

Commissioner Gourley made a motion to appoint Donna Bailey and Angela Banks to the Health Board. Commissioner Cavender seconded the motion and the motion was approved with all ayes.

### Starke County Library Board

Commissioner Gourley made a motion to appoint Julie Smith to the Library board. Commissioner Cavender seconded the motion and the motion was approved with all ayes.

### Aviation Board

Commissioner Gourley made a motion to appoint Jim Long to the Aviation Board. Commissioner Cavender seconded the motion and the motion was approved with all ayes.

### Hospital Community Board

Commissioner Cavender made a motion to appoint Ted Hayes and Martin Bedrock to the Hospital Community Board. Commissioner Gourley seconded the motion and the motion was approved with all ayes.

### Alcoholic Beverage Board

Commissioner Gourley made a motion to appoint Josh Brown to the Alcoholic Beverage Board. Commissioner Cavender seconded the motion and the motion was approved with all ayes.

### City Planning Commission

Commissioner Gourley made a motion to appoint Mark Simpkins and John Wilson to the City Planning Commission. Commissioner Cavender seconded the motion and the motion was approved with all ayes.

### PTABOA

Commissioner Gourley made a motion to appoint Phyl Olinger and Carolla Heilstedt to the PTABOA Board. Commissioner Cavender seconded the motion and the motion was approved with all ayes.

### Starke County Convention and Visitor's Commission

Commissioner Gourley made a motion to table these appointments until the next meeting awaiting the determination of a balanced board by Attorney Lucas. Commissioner Cavender seconded the motion and the motion was approved with all ayes.

### Building Corporation

Commissioner Gourley made a motion to table the appointment for the Building Corporation pending the outcome of the balanced board review. Commissioner Cavender seconded the motion and the motion was approved with all ayes.

Park Board

Commissioner Cavender made a motion to appoint Chris Lawrence to the Park Board. Commissioner Gourley seconded the motion and the motion was approved with all ayes.

Internal Controls Committee

Commissioner Gourley made a motion to appoint Carrie Block and Judy Caudill to the Internal Controls Committee. Commissioner Cavender seconded the motion and the motion was approved with all ayes.

**OTHER BUSINESS**

Commissioner Cavender made a motion to continue the closure to the public until February 1<sup>st</sup>, 2021 at which time they will revisit the issue. Commissioner Gourley seconded the motion and the motion was approved with all ayes.

Auditor Oesterreich advised that we have been able to obtain a \$300,000 Crime Insurance Policy with Faithful Endorsement to cover the bond requirements of the Treasurer’s Office.

**PUBLIC COMMENT**

Mary Beaver with the Planning Commission Office (via Zoom) asked if we are closed to the public why they allowed the public in the building tonight for the meeting. Commissioner Chesak and Commissioner Gourley explained it was a misunderstanding between the Starke County Council and the Board of Commissioners. Mary then asked if the Board of Commissioners thought certain decisions should not have been made. Commissioner Chesak advised they still had to hold the meeting. Mary then asked if the Board of Commissioners read the statements of the incident that occurred on December 8<sup>th</sup>, 2020. Commissioner Gourley advised that the Board of Commissioners did not receive any statements and the meeting notes from the last Planning Commission meeting were to incomplete to make any other decision than what they already have.

**OTHER BUSINESS**

Commissioner Chesak moved on to the discussion regarding the Economic Development contract. He advised he would like to see some terms changed such as going from a five year contract to a one year contract. Commissioner Gourley advised that Lisa Dan would like to deal with a single point contact and he would be willing to be this contact. Commissioner Gourley will be attending the meeting of the Economic Development Meeting on January 25<sup>th</sup>, 2021.

**PUBLIC COMMENT**

Further discussion was held between Mary Beaver and the Board of Commissioners regarding the reappointment of Terry Stephenson. With there being no further public comments and no further business, Commissioner Cavender made a motion to adjourn the meeting. Commissioner Norem seconded the motion and the motion was approved with all ayes. The meeting was adjourned at 8:10 PM.

**JANUARY 19, 2021**

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Charlie Chesak, President

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Bryan Cavender, Vice-President

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Mark Gourley

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Rachel Oesterreich, County Auditor  
& Secretary to the Board of County Commissioners