

Starke County Planning Commission
Regular Meeting and Two Public Hearings
March 18, 2009

Attendance: Butch Ritchie, president & citizen member; Lee Nagai, vice president & citizen member; Daniel Bridegroom, commissioner; Dennis Estok, surveyor; Byron Walters, trustee; Jack Hudgens (late) & Richard Singleton, citizen members; Pamla J. Starkey, recording secretary. There were (8) eight visitors present.

1. Approval of the minutes of the February 18, 2009 regular meeting: Mr. Estok made a motion to approve minutes as written, seconded by Mr. Bridegroom. Motion carried. (6-0).
2. Public Hearing to amend Manufactured Housing Ordinance by adding (2) two new sections 6-12-3-2-3 (H) and (I): Mr. Ritchie read the proposed draft language aloud. It was brought to the boards attention that Mr. Hudgens will need to recuse himself from the meeting until the discussion of the Manufactured Housing Ordinance is over. Mr. Nagai stated that he doesn't think that it is correct. Mr. Bridegroom stated that is what Cynthia Caruso stated, and that is because we are such a small community. Mr. Hudgens asked if he could leave all of the information for the board to look over and then excused himself from the meeting.

Mr. Bridegroom made a motion to open the public hearing to the public and asked that they state their name and address for the record, seconded by Mr. Walters. Motion carried. (6-0).

Mr. Ron Armstead, 1175 E questioned the (10) ten year restriction. Mr. Bridegroom stated that the federal law rules against any age restriction this information was found from the Indiana Department of Homeland Security. Mr. Armstead would like to see it more restrictive.

Mr. Richard Wiezorek, 8820 E. 700 S. asked if we are leaving in the (10) ten year rule and who will be enforcing the ordinance. Mr. Ritchie replied stating that Mr. Williams will be in charge of inspecting the homes and making sure that they have all of the required information.

After more discussion Mr. Nagai made a motion to close the public comment portion of the hearing, seconded by Mr. Bridegroom. Motion carried (6-0).

Mr. Nagai stated that he has found a couple of typo's and would like Mr. Dodge to have formal draft language by the next planning commission meeting. Mr. Bridegroom mentioned again that federal law does not allow any age restrictions on a placement of homes, so all new and used need to be taken out of the amendment. Nagai stated that we are not prohibiting them, they can apply for a conditional use. Mr. Bridegroom will look into it more and find the federal statutes.

Mr. Singleton made a motion to table until the next meeting pending draft language verification, seconded by Mr. Walters. Motion carried. (6-0) Mr. Hudgens returned to the meeting

3. Public Hearing to add an Unsafe Building Ordinance: Mr. Ritchie read the proposed ordinance aloud to the public.

Mr. Nagai made a motion to open the public hearing to the public, seconded by Mr. Bridegroom. Motion carried. (7-0).

Mr. Doug Johnson, 11440 E. 900 S. stated that he has a home next door to him that suffered a fire approximately a year ago and nothing has been done to the property. He has done research to see if it could be cleaned up or if he could buy it and has had no luck. He also stated that he has had to run people off of the property. He is concerned with the time frame and cost. Mr. Walters told him that he called the bank and they have the information as of today.

Mr. Jerry Taylor, 4170 S. CR 210, neighborhood watch for Bass Lake, has had a lot of complaints of unsightly/unsafe homes on Boa Dr & CR 210, one on SR 10 across from Jerry Broadstreet, and one across the street from the BLPOA Center. He would like to move on with this ordinance but would like to put deadlines on them. Mr. Ritchie stated that on the short end it would take approximately 120 days. Mr. Taylor also stated that he does not like the word repairs. Mr. Nagai stated that we don't really want to go in there and do it, we are wanting the property owner to do it themselves, but if they won't this would give us the leverage to take care of it.

Mr. Jerry Broadstreet, 6203 S. SR 10, there are raccoons living in it and have been for the last fifteen years, trees are growing through the roof, and the house is full of dead animals. He does like the proposed ordinance except he would like to see a shorter time frame.

Mrs. Shelley Johnson, 11440 E. 1100 S., asked who would decide if it would be repaired or removed and how much time will be given to them. Mr. Ritchie stated that the building inspector will be in charge of making the decision on if it can be repaired or would need to be removed.

Mr. Rich Wiezorek, 8820 E. 700 S. is also in favor of the proposed ordinance and would also like to see the county require a demolition permit to make sure that all unsafe substances will be disposed of properly. The board members agreed that would not be necessary as there will be at least five different people to keep watch on them. Mr. Wiezorek also asked what happens if the house goes up for sale during the process of the ordinance going into effect. Mr. Estok explained that as long as you advertise a public notice that you are condemning the dwelling, it wouldn't matter if it goes up for sale, you can still continue the process.

After more discussion, Mr. Nagai made a motion to close the public comment portion of the hearing, seconded by Mr. Walters. Motion carried. (7-0)

Mr. Nagai explained the time issue to the public. He wanted to be sure that they gave the property owner every possible chance to take care of the problem themselves and that the government only take action if the property owner doesn't respond.

After discussion Mr. Nagai made a motion to clean up the language and have draft formal language ready for next meeting, seconded by Mr. Hudgens. Motion carried (6-1 Mr. Estok)

Mr. Estok doesn't like the time frame. You have to protect your neighbors & neighborhood as well as the property owners.

Mr. Nagai withdrew his motion, Mr. Hudgens withdrew his second.

Mr. Bridegroom suggested that we should add "or repaired to existing building codes" to second page item D.

Mr. Ritchie asked why we aren't adopting the states unsafe building ordinance. Mr. Nagai stated that Mr. Dodge found a handful of measures that he felt that gave to much discretion and didn't protect the public enough. Mr. Bridegroom stated that we can not adopt an ordinance that is lesser than the state and that Marshall County adopted the state and withdrew some of them and that way the state can get sued not the county because it is a state ordinance not county. We could possibly get grant money and help from the state if we adopt the state ordinance.

Mr. Ritchie, Mr. Singleton, and Mr. Walters would like to read the states unsafe building ordinance and talk to Mr. Dodge before making any decisions. Board members would like Mr. Williams to look into what the state would do for us if we adopt the state ordinance. Mr. Hudgens stated that there are things in the state ordinance that he does not like. Mr. Estok suggested to have a special meeting. We will have a special meeting on April 6, 2009 at 7:00 p.m. Mrs. Starkey was asked to make sure the meeting room will not be occupied.

Mr. Nagai made a motion to table the unsafe building ordinance until the special meeting, seconded by Mr. Walters. Motion carried. (7-0).

4. New Business

- a) Mr. Estok made a motion to formally ask the council, by letter to replace the present councilman, due to his work schedule and not being able to attend our meetings, seconded by Mr. Bridegroom. Motion carried. (7-0)
- b) After discussion it was decided that the utility permits will need to stay at the highway department.
- c) Mr. Bridegroom let the board know that the San Pierre grant application is stalled. They didn't realize that they would have to come up with \$75,000.00 themselves. There is also a dwelling in the middle of the block that is possibly being occupied.
- d) Mr. Ritchie let the board know about a Residential Wind Seminar on March 31, 2009.

5. Old Business

- a) Dog Kennel: Mrs Starkey passed out copies of a house bill that was passed. Mr. Williams wanted the board members to have this for next meeting.
- b) Qualification of board member to remain on board: Nothing has been decided.
- c) Mr. Nagai will bring information on CAFO's at the April meeting. Mr. Bridegroom stated that he doesn't think that we should bring both the Dog Kennel Ordinance and the CAFO Ordinance on the same night. Mr. Nagai will still bring the information for the board members to review

Nagai made a motion to adjourn the meeting, seconded by Mr. Walters. Motion carried (7-0) Meeting was adjourned at 8:59 p.m.

This meeting was taped and will be on file in the Starke County Planning Commission Office. The next scheduled meeting will be held on Wednesday, April 15, 2009

Pamla J. Starkey
Recording Secretary

