

**Starke County Plan Commission
Regular Meeting and One Hearing
May 9, 2022**

- ❖ Call to Order-President Crase called the meeting to order.
- ❖ **Pledge of Allegiance**-Led by President Crase
- ❖ **Roll Call:** Bill Crase, president & surveyor; Todd Jackson, vice president and citizen member; Bryan Cavender, Commissioner; Howard Bailey, councilman; Phil Woolery, extension educator; Mark Allen, trustee (late); Todd Lawrence (absent), Denise Cultice, and Isaiah Collins, citizen members; Martin Bedrock, commission counsel; Wallace (Boz) Williams, building commissioner; Robby Blodgett, code enforcement officer (absent); and Pamla J. Starkey, administrator. There were (3) visitors present.
- ❖ **President Crase asked to hear Lee Nagai first as he has somewhere he needed to be:**
 - Mr. Nagai explained that he created an LLC for the hog farm and the rest of the property is in a different LLC, that is why he split the hog farm off from the rest of the property. He then asked the board what they want him to do.
 - Vice President Jackson stated that he will need to apply thru the BZA if he wanted to keep the split.
 - President Crase stated that if we let him shrink it down like that then we would have others wanting to do the same thing.
 - Attorney Bedrock said that it has to be 10 acres as that is what the ordinance states and would need to cease operation until he brings it in compliance.
 - Member Cultice told Nagai that she sets on the BZA board and probably would not pass it as a variance.
 - After board discussion, Member Cultice made a motion that Mr. Nagai has to make it into ten acres as the ordinance states and nothing less, seconded by Councilman Bailey. Motion carried (8-0)
- ❖ **Approval of the minutes** of the April 11, 2022 meeting: Vice President Jackson made a motion to approve the minutes as written, seconded by Member Cultice. Motion carried (8-0)
- ❖ **Hearing for Unsafe Building for Tina Rudd & Andrew Knapp-6835 E SR 10 Knox, IN 46534**
 - Rudd & Knapp was not present and they did receive the notices as they were sheriff served.
 - Councilman Bailey asked if anyone heard from them.
 - Admin. Starkey stated that she has not.
 - Councilman Bailey asked Attorney Bedrock what we can do.
 - Attorney Bedrock said that we affirm the order, deny or amend it in any way, but his recommendation is to just affirm the order.
 - Vice President Jackson asked affirm what order?
 - Attorney Bedrock stated that she was ordered to remove the structure and clean up all of the debris.
 - Member Cultice asked if we have to order them to remove the structure.
 - Attorney Bedrock stated that we have already ordered them to do that, we need a motion to affirm the order to move on with the next process and decide what you are going to do.
 - Councilman Bailey asked Attorney Bedrock what are our choices.
 - Attorney Bedrock stated that we already ordered them to remove the structure and if they don't do it, then we can do it if we have the money.
 - President Crase stated that his opinion is to get estimates from a few different contractors for demolition and clean it up, as we really can't do anything until we see if we have the funds to do so.
 - Building Commissioner Williams asked what exactly are we having removed.

- Admin. Starkey stated that when all of this started back in 2012 it was all of the structures that were unsafe, she also stated that they did remove a couple of the structures but not all of them and they also remodeled part of the dwelling.
- Bldg. Comm Williams said that if they demolish the 2 story part of the structure they will have to make sure it doesn't fall on the other part of the structure that was worked on.
- Member Cultice asked if anyone is living in the single story.
- Bldg. Comm Williams stated that he believes she is and he thinks the son is living in the block building on the property.
- Councilman Bailey stated that if we go in and tear the structures down, then we just cleaned their property up and possibly will not get the funds back that it took to clean it up.
- Admin. Starkey said yes that is a possibility.
- Councilman Bailey asked then how could we get the money back.
- President Crase stated that we will obviously place a lien on the property
- Admin. Starkey stated that they do have a mortgage on the property and would need to contact the bank.
- Councilman Bailey asked if the bank would take any initiative on the clean up
- Admin. Starkey said that the bank was notified when we had the last public hearing and Jamie from the bank asked for her to let them know what is being decided, she then said that she will call the bank and let them know what the board has decided.
- Member Cultice asked if we could turn it into their home owners insurance.
- Admin. Starkey asked how we would find out who that would be
- Councilman Bailey said that is a good idea because if the insurance company canceled them then they would be in violation with the mortgage company.
- Extension Agent Woolery stated that even if it goes back to the bank, they probably won't do anything either.
- Vice President Jackson asked what documentation do we have to classify it as an unsafe building to have it removed and is worried about legalities if they came after us and tried to sue us, do we have documentation that it is an unsafe structure from the state fire marshal or Boz or contractors to make sure we are covered.
- Attorney Bedrock said that he thinks Terry was the one who declared it unsafe and doesn't know if it is unsafe as he is not a contractor and is just relying on what Terry Stephenson had said.
- Extension Agent Woolery stated that we have an unsafe building ordinance to go by.
- Admin. Starkey stated that when this all started in 2012, Bruce Williams was the Building Commissioner then.
- Attorney Bedrock stated that we are covered by the unsafe building ordinance.
- Extension Agent Woolery stated again that the process is in the unsafe building ordinance.
- Vice President Jackson stated that maybe the insurance is tied in with the mortgage.
- President Crase stated that we can get some prices and go over the ordinance to make sure we have our ducks in a row.
- Vice President Jackson made a motion to affirm the order to go through with the demolition, seconded by Councilman Bailey. Motion carried (8-0)
- Admin. Starkey asked if we are going to add any fees to the motion.
- President Crase suggested that we at least add the administrative cost of \$700.00
- Attorney Bedrock stated that you can add a fine up to \$5000.00 plus cleanup costs.
- Councilman Bailey made a motion for Tina Rudd & Andrew Knapp pay the Administrative fee of \$700.00, the fine of \$5000.00 and the cost of cleanup fees since this has been going on since 2012, seconded by Vice President Jackson. Motion carried (8-0)

- Attorney Bedrock will write Rudd & Knapp affirming the order.
- ❖ **Old Business and Violations**
 - **Funding the unsafe building fund-**(Councilman Bailey was to set up a meeting with a couple of council members and President Crase)
 - Councilman Bailey stated that he did not do that yet but wanted to get a hold of President Crase and sit down to see what is actually in the county budget and at the last meeting Admin. Starkey said that we usually collect between \$80,000.00 & \$90,000.00 a year
 - Attorney Bedrock asked if there is a way we can use some of that money for the unsafe building fund.
 - President Crase stated that himself and Councilman Bailey had talked about that but it would be up to the county council, he also stated that all of the planning commission fees get put in the general fund so we would have to do a transfer and that would go through the council
 - President Crase said we will bring this back to the next meeting.
 - Councilman Bailey asked what is in the unsafe building fund.
 - Admin. Starkey stated that there is around \$23,026.00
 - President Crase stated that we just collected about half of that from the last sale.
- ❖ **New Business and Violations**
 - **Budget for 2023**
 - Admin. Starkey explained what she has put in the budget
 - Commissioner Cavender made a motion to approve as submitted, seconded by Member Collins. Motion carried (8-0)
 - **BZA secretary**
 - Bldg. Comm. Williams explained why he thinks the position needs to be full time stating that we have gone to the commissioners and explained that the office has become very busy and she helps Pam in the office and this way there will always be someone in the office and have a job description that explains all of her duties.
 - Councilman Bailey stated that he doesn't remember when but the council had made a motion to not create any new jobs and it is in the minutes.
 - Bldg. Comm. Williams stated that we are not creating a new position we are just wanting and needing it to be a full time position.
 - Councilman Bailey asked Admin. Starkey if she meant that she would eliminate her part time help if the BZA secretary was full time.
 - Admin. Starkey replied that yes that is what she meant and also stated that BZA Secretary position is already created, we would like and need to have it full time and the current BZA secretary would not take the insurance although she would have perf.
 - President Crase stated that they would have to consider the wage to include all of the benefits because the next person may want them.
 - Bldg. Comm. Williams stated with her only being 2 days a week we have people constantly calling wanting to talk to the BZA needing variances
 - Member Cultice asked Admin. Starkey if the BZA Secretary was not there when you go on vacation would you have all kinds of notes and work piled up?
 - Admin. Starkey replied that yes she would have a mess when she got back and that the current BZA secretary knows a lot of what is needed to run the office when I am not there.
 - Admin. Starkey stated that the BZA attorney said that he thinks it is a very good idea as well.
 - Vice President Jackson said that several of the BZA board members think the job should be full time.
 - Member Cultice said that she is very much for it.

- Vice President Jackson asked if we accept the position being full time does it still needs to go through the County Commissioners and County Council?
- President Crase replied yes it would still need to go through them.
- Councilman Bailey again stated that the council has in the minutes that they aren't creating any new positions and doesn't think it is going to happen do to what they said about a year or so ago he went on to say that he isn't saying there isn't a need for it just saying what was put in the minutes of the council.
- Attorney Bedrock told Councilman Bailey that he would need to ask his attorney to help him out because you are not creating a new position just making a current position full time and your attorney should be able to tell you if that is determined as adding a new position.
- After more discussion, Vice President Jackson made a motion to approve the position moving from part time to full time and to move it on to the Starke County Commissioners and Council for approval or denial, seconded by Member Cultice. Motion carried (8-0)
- ❖ **Other Business from the Board**
 - Larry Wickert introduced Stephen Tompkins with Hoosier Solar
 - Mr. Tompkins explained that he is the land agent for the land owners and will be proposing a route and negotiating and figuring out some of the issues and make sure questions get answered and will be in and out of the back roads checking things out and just wanted to introduce himself and let the board know what they will be doing.
 - President Crase stated that Boz and himself met with these gentlemen before the meeting today and went over some information and is working on some right of ways for them.
- ❖ **Back to Old Business**
 - **Public Nuisance Ordinance** (Both ordinances were sent to Attorney Schramm to review)
 - President Crase said County Commissioners need to look at it an approve the ordinance and said that he has talked to Attorney Schramm a little bit about it and went on to say that Marty's ordinance goes back to putting more teeth in it and gets it into the court and different things to move forward and that is why we hired her back then, but then this ordinance thing came up and we haven't been able to proceed.
 - Commissioner Cavender stated that Marty Lucas didn't like the one that Attorney Bedrock prepared so he created the one that was passed.
 - President Crase asked Commissioner Cavender to give us an update after the next commissioners meeting.
- ❖ **End of the month reports**
- ❖ **Code Enforcement Officer Report**
 - Enforcement officer Blodgett was unable to attend but board members were given her report
 - Admin. Starkey let the board know that the property owned by Shannon Trusty was cleaned up by the owner so we didn't have to do it and asked if we can still impose the fine and administrative fee.
 - Member Cultice made a motion that we follow through with the \$700.00 fine to be added to her taxes, seconded by Trustee Allen. Motion carried (8-0)
- ❖ **Next Scheduled Meeting-** will be Monday, June 13, 2022 at 5:30 p.m.
- ❖ **Adjournment-**With no further business, Commissioner Cavender made a motion to adjourn the meeting seconded by Extension Agent Woolery. Motion carried (8-0)

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