

Starke County Plan Commission
Regular Meeting and Continuation of a Public Hearing
February 8, 2023

- ❖ **Call to Order** –President Jackson called the meeting to order at 5:30 p.m.
- ❖ **Pledge of Allegiance** - Led by President Jackson
- ❖ **Roll Call:** Todd Jackson, president and citizen member; Mark Allen, vice-president, trustee; Howard Bailey, councilman; Phil Woolery, extension educator; Charles Chesek, commissioner; Todd Lawrence citizen member, Denise Cultice, citizen member, and Isaiah Collins, citizen member; Thomas Schouten, Surveyor; Justin Schramm, commission counsel; Wallace (Boz) Williams, building commissioner; Robby Blodgett, code enforcement officer; and Mary W.J. Beever, administrator. There was (2) visitors present.
- ❖ **Approval of the minutes** from the January 5, 2023 meeting and January 18, 2023 Executive meeting.
 - Member Bailey made a motion to accept the minutes as written, seconded by member Chesek. Motion carried 8-0.
- ❖ **Public Hearing** to consider an approval of an amendment to Chart 1 of the District Restrictions to change the lot dimension requirements in Agriculture zoned areas without public sewer to 2 acres and 150 feet of road frontage and to remove the wording of Major Subdivision from the R-1 column, and Minor Subdivision from the Agriculture Parcel Column and discuss previous parcel splits and new parcel splits in Agriculture zoned areas.
 - President Jackson read the public hearing notice and opened the meeting to the public.
 - President Jackson explained that the wording for when the split process on Ag zoned parcels would only take effect on the date of which the commissioner’s would approve the ordinance chart 1 district restrictions for 150 feet and 2 acres.
 - No one from the audience had any comments regarding the change to the Chart 1 District Restrictions.
 - Vice-President Allen made a motion to close the public hearing, seconded by member Cultice. Motion carried 8-0.
 - Board discussion.
 - Member Schouten made a motion to approve the changes to Chart 1 district restrictions and send it to the commissioners for approval, seconded by member Collins seconded that motion. Motion carried 8-0.
- ❖ **Public Hearing** to consider an amendment to the Starke County Commissioners ordinance 2020-002 Environmental Public Nuisances.
 - President Jackson read the public hearing notice and opened the meeting to the public.
 - President Jackson stated to everyone that he was going to go over all the changes with the board and that basically some of the language had been changed and the fees and fines had been changed to better allow Code Enforcement Officer Blodgett to do her job.
 - Plan Comm. Admin. Beever explained that the yellow highlighted areas were changes made during the first tech committee meeting, and that the green highlighted areas were changes made during the second meeting of the tech committee meeting.
 - President Jackson read the changes in the ordinance one by one and explained to the board the reasons for each change. P.C. Admin Beever, Bldg. Comm. Boz, and Atty. Shramm also added information regarding the dispersion of funds from any monies collected from a violation to this ordinance.
 - No one from the audience had any comments regarding the change to the Starke County Commissioners ordinance 2020-002 Environmental Public Nuisances.
 - Member Cultice made a motion to close the public hearing, seconded by member Schouten. Motion carried 8-0.
 - Board discussion.
 - Vice-President asked Atty. Shramm if that is the max fee that could be charged.
 - Atty. Shramm explained that this is the max amount.
 - Member Woolery asked about the leniency the code enforcement officer has between the infraction and the written notice.

- President Jackson stated that the goal of that is to be able to work with people depending on their situation. He went on to state that Code Enforcement Officer Blodgett has the discretion to waive a fine if they are showing progress on the situation and have a plan in place with her.
- President Jackson also went on to clarify the timeline on when the whole process will start all over again if there is a reoccurring violation after one has been taken care of.
- Atty. Shramm also clarified on this time frame.
- Member Cultice asked about in the event that no contact has been made from a door hanger.
- Bldg. Comm. Boz answered and stated that they then would receive written notice to the property owner's address.
- Vice-President Allen asked if it would be the same also for a renter.
- P.C. Admin. Beever answered and stated that aspect had also been changed in the ordinance to where it states the owner/tenant on the property is notified. She went on to explain that the owner didn't necessarily cause the situation and the tenant along with the owner is going to be notified, in situations like that. She went on to give an example of a past situation where the owner did not know what state the property was in due to a tenant living there.
- Vice-President Allen then gave an example of one of his properties where a squatter was occupying a home.
- Member Woolery then added that in a situation like that it is good that Code Enforcement Officer Blodgett then has the leeway to offer leniency in a situation.
- Bldg. Comm. Boz added that ultimately it will be the property owner's responsibility.
- P.C. Admin. Beever also added that that is a situation like that its good that we will have the discretion to give leniency and every situation is going to be different circumstances. She went on to say that different time frames can be given per situation.
- Audience member Risner asked about situations where there is finger pointing.
- President Jackson stated ultimately responsibility falls to the owner and a lien would be placed on the property and the owner would be responsible for taking the tenant to court then.
- Vice-President Allen then spoke more about the situation he went though legally with his squatter.
- President Jackson then added that the old ordinance didn't really include anyway to fine anyone and that Code Enforcement Officer Blodgett was going off an older version of the ordinance that did include fines. He went on to state that there were not really any steps to take if the job was not done. He went on to say that she was a big part of this drafting and gave lots of input on what she wanted in it to make her job easier which in turn will make the boards job easier.
- Member Bailey made a motion to approve the amendments to the 2020-002 Environmental Public Nuisances ordinance to be sent to the commissioners for approval, seconded by Vice-President Allen. Motion carried 8-0.

❖ **Code Enforcement Officer report**

- Code Enforcement Officer Blodgett stated that she is trying to wrap up some of the older cases she has before she starts any new ones, because she wants to be able to use the new ordinance with the new cases she starts. She went over the report with board while they looked it over.
 - President Jackson asked if anything required immediate action from the board or from Justin.
 - Code Enforcement Officer Blodgett answered no.

❖ **Old Business & Violation**

- Rudd Property – Discuss with legal counsel
 - President Jackson gave a description of the Rudd property along with photos and explained the situation of the unsafe building, and the situation going on currently on the property. He went on to state that the planning commission needs to know what they can do legally with this property.
 - Member Bailey added that the board has also had to deal with the DNR with bat habitation.

- Atty. Shramm asked if the building had been deemed an unsafe structure by a judge or just by our board.
- Bldg. Comm. Boz answered and stated that this has been going on for twelve years and it was before he was the building inspector.
- Atty. Shramm added that it sounds like it's just a general consensus from the board that it's an unsafe structure and that it hasn't gone before a judge.
- Bldg. Comm. Boz added that they haven't hired an engineer or anything like that.
- President Jackson added that if Atty. Shramm needed time to research it that's fine because it's been going on for a while now.
- Atty. Shramm added that it does need taken care of and it's going to cost money but it needs to be first declared an unsafe structure before a judge. He went on to explain that there are several ways of going about this. He continued on to state that the entire process takes at least 12 months.
- Bldg. Comm. Boz added that they do have a mortgage on it and the bank did pay a lien recently on it.
- Atty. Shramm stated it'll take some time but we'll get it done.
- Member Collins asked if the added on portion will need to be removed as well.
- Atty. Shramm answered and said not necessarily, and gave some scenarios on what could take place, but ultimately it would be up to the judge.
- Member Bailey asked if Code Enforcement Officer Blodgett could start the fine process over again.
- Atty. Shramm stated he'd have to check on that.
- Member Bailey added that the home owner's have not made any attempt to pay any fines, it's only been the mortgage company.
- P.C. Admin. Beever added that they have added other structures with out permits and are selling power tools out of one of the sheds that is too close to the road.
- Atty. Shramm added that a fine is more the route where they have violated the ordinance and we want you to remediate it and pay a fine. He went on to say this is more we want you to correct the issue and if you don't bad things will happen. He went on to say it sounds like the need a case number and a plan of action set forth for them, because if they haven't done anything yet they more than likely aren't going to.
- President Jackson advised Atty. Shramm if he could work with P.C. Admin. Beever and Bldg. Comm. Boz to get this process started.
- Nagai CAFO
 - P.C. Admin. Beever informed the board that Mr. Nagai recorded a new deed that has the CAFO back in a ten acre parcel the way it should be.
 - President Jackson asked if it is now conforming with our ordinance and if there is anything else we need to do there.
 - P.C. Admin. Beever answered that there is nothing else needed to be done now.
- ❖ **New Business & Violations**
 - New P.C. Equipment
 - P.C. Admin. Beever stated that she went before the commissioners at their last meeting and requested some monies from them for some new computer equipment for the office and that they approved the quote she gave them from the IT department.
 - Jerome Osborn property
 - P.C. Admin. Beever stated that she would let Atty. Shramm elaborate better but we are being sued.
 - Atty. Shramm added that he had touched base with the attorney that sent the notice and that basically we had put a lien on this property at some point and we were a third party defendant because we are ones who put the lien on it. He went on to explain that the property was sold at

tax sale and that the new owner filed for a quiet title on it and was wanting the lien scrubbed off of the property. He went on to state that he took care of it and signed off on it already for them.

- Member Cultice asked about the June Sunderlund property.
 - Atty. Shramm stated that Mr. Noakes failed to appear at a hearing last week. He went on to state that if the P.C. wants, he can file paperwork for a body attachment warrant.
 - Member Cultice made a motion for Atty. Shramm to file for a body attachment for Mr. Noakes. Member Chesek seconded the motion. Motion carried 8-0.
- Code Enforcement Vehicle
 - President Jackson stated that he has been talking with Bldg. Comm. Boz and Commissioner Chesek about the shared county vehicle that Robby is using currently and that is shared with several other departments. He went on to ask Bldg. Comm. Boz if the tires got changed yet on it.
 - Bldg. Comm. Boz stated that yes, the tires got changed on it but when they were changing the tires that they told us that the wheel bearings on the back passengers' side are bad.
 - President Jackson added that once some of these ordinances get moving along that the P.C. will be approaching the commissioners about getting a new vehicle for her. He went on to state that it would be a department vehicle and in our budget for fuel and maintenance to get her in a safer vehicle to travel the county.
 - Member Lawrence asked if there are any rules to where she could or couldn't drive her own vehicle.
 - President Jackson answered and stated that a while back Ms. Blodgett actually was doing that and got hit. At that point for insurance purposes and for her safety they decided it is a better idea if she drives a county vehicle.
- Dunn's Bridge Letter
 - President Jackson added that Chris Neff came to Boz and him and stated that they have to run some wires above ground. He went on to state from our end it was fine but he advised Chris to go talk with the highway department because it had some issue with the road use agreement.
 - Bldg. Comm. Boz stated that he already has received a letter from Dan at the highway garage approving what they need to do.
 - President Jackson added that basically we have a letter from Dan stating he reviewed everything and he is good with it and now they just need a letter from us.
 - Bldg. Comm. Boz stated that the wires will either be on concrete or metal poles.
 - Member Chesek asked how high up they will be.
 - Bldg. Comm. Boz stated he was unsure but he believes that they have to be at least as high as everything else by law. He went on to state that they have to go up for about a mile and maybe a half and then drop back down in Jasper County.
 - President Jackson stated that based on our road use agreement Dan is okay with everything and that with our ordinance this just needs to come before our board to make sure everyone is okay with it. He went on to say if our board is okay with it, we will send this letter along with Dan's permitting them to run their wires above ground in this area.
 - Member Cultice made a motion to approve the Dunn's Bridge letter. Seconded by Member Schouten. Motion carried 8-0.
 - Member Lawrence asked if anything solar is up and running yet.
 - President Jackson answered and stated that nothing is operational yet. He went on to state that mammoth is just waiting for panels.
 - Bldg. Comm. Boz added that the substation is really coming along, and anytime anyone wants to go look at it let him know and he'll take them out there.
 - Member Schouten asked if the panels are pushed back again now to May.

- Bldg. Comm. Boz said it should be around end of March or April, he went on to say that it's all coming from overseas so everything is kinda back ordered right now.

❖ **End of the month**

➤ January reports

❖ **Next Scheduled Meeting-** will be Wednesday, March 8, 2023 at 5:30 p.m.

❖ **Adjournment-**With no further business, Member Cultice made a motion to adjourn the meeting seconded by Member Bailey. Motion carried 7-0.

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 Wednesday 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.

Mary W. J. Beever
Administrator