

Starke County Plan Commission
Regular Meeting and Public Hearing
May 10 2023

- ❖ **Call to Order** –Vice-President Allen called the meeting to order at 5:33 p.m.
- ❖ **Pledge of Allegiance** - Led by Vice-President Allen
- ❖ **Roll Call:** Todd Jackson, president, and citizen member (Absent); Mark Allen, vice-president, trustee; Howard Bailey, councilman; Phil Woolery, extension educator (Absent); Charles Chesak, commissioner (Absent); Todd Lawrence citizen member, Denise Cultice, citizen member, and Isaiah Collins, citizen member (Absent); 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**
 - Member Schouten made a motion to accept the minutes from the March 8, 2023 meeting as written, seconded by Member Cultice. Motion carried 4-0.
- ❖ **Code Enforcement Officer report**
 - **Tolson property at 8920 S Us 35 Monterey, IN 46960**
 - Code Enforcement Officer Blodgett informed the board that the property got a hang tag and will re-check it on 5/15/2023.
 - Member Bailey asked if that is the open air flee market on 35.
 - Code Enforcement Officer Blodgett answered yes.
 - Member Cultice asked where that’s at?
 - Member Bailey answered that it’s on the county line across from the gas station.
 - P.C. Admin added that there have been quite a few complaints on this property lately, she went on to say we waited to open any new cases up until the new ordinance was in effect.
 - Bldg. Comm. Boz added that the state is also involved with this property.
 - **Litzkow property at 2300 E. Toto Rd. Knox, IN 46534**
 - Code Enforcement Officer Blodgett informed the board that she put a hang tag on that property too and it will be re-checked on 5/17/2023. She added that he has not contacted the office so his \$350.00 fine is in due in full.
 - **NWI RE4 LLC property at 11175 E. Nicole Dr. Culver, IN 46511**
 - Code Enforcement Officer Blodgett informed the board that they are wanting to request to appeal the \$350.00 fine that she gave them on the property. She asked the board what they wanted to do.
 - Bldg. Comm. Boz added that the guy who is actually going to be cleaning up the property got a hold of him yesterday, and he told him if they have a problem with it then it needs to go to the board. He went on to state to the board this property was purchased on a tax sale back in January and they haven’t done anything with it.
 - Member Cultice asked where this property is.
 - P.C. Admin Beever stated it’s on Nicole Dr. out near the county line going east.
 - Bldg. Comm. Boz added that supposedly that there was some one in this house and they couldn’t get this person out till March. He went on to say that they have had possession of it since January and they knew all this garbage and debris was there and haven’t done anything about it.
 - P.C. Admin Beever added that her opinion is that the \$350.00 fine is already set and as of now the \$2500.00 administrative fee has been added and per the ordinance the \$2500.00 can be waived but the \$350 fine should not be.
 - Bldg. Comm. Boz also been a while since the tag was placed.
 - Code Enforcement Officer Blodget stated it was over a week after that they finally contacted her and she had already sent out the Written Notice on the property.

- P.C. Admin Beever added that it was sent out certified mail.
- Bldg. Comm. Boz stated he was talking about the tag, and it took them a little while to respond to it and they only have 48 hours.
- P.C. Admin Beever answered yes that we gave them over a week with the tag.
- Member Lawrence asked how often are they out here or do they live here.
- P.C. Admin Beever answered yes one of them does.
- Bldg. Comm. Boz added that the guy who's been communicating the most is the guy who is going to be cleaning it up, and is the one contesting the fine.
- Member Schouten asked if they even started making an effort to clean it up.
- P.C. Admin Beever answered no they haven't even started.
- Member Bailey asked Code Enforcement Officer Blodgett if she is going to re-check it on the 17th of the month.
- Bldg. Comm. Boz stated that she gave them till the 22nd of the month.
- Code Enforcement officer Blodgett clarified and stated that the letter sent gave till the 17th but then they called and she told them that if they had it cleaned up by the 22nd, that she would keep the \$350.00 administrative fee but she'd waive the \$2500 fine. She went on to say that the one guy agreed to it but then she got an e-mail from the other one stating he wanted to appeal it.
- Member Schouten asked how come they aren't here.
- Member asked if they've had two months to get this done.
- Code Enforcement Officer Blodgett answered that they've had since the 25th of March.
- Member Schouten asked if he's been notified of the meeting tonight.
- Code Enforcement Officer Blodgett answered yes.
- Member Schouten added he thinks they're just blowing it off.
- Member Lawrence added that he thinks that there is an incentive to get it cleaned up before he gets hit with the \$2500 fine. He went on to state that he thinks that Code Enforcement Officer Blodgett was gracious enough to waive the \$2500 fine that the \$350 admin. fee should stay.
- Several board members agreed.
- Bldg. Comm. Boz asked Atty. Schramm if some one wants to appeal the fines do they come to the planning commission or do they go to court.
- Atty. Schramm answered that they come to the planning commission first and if they don't like what is determined there then they can go to court to appeal it.
- Bldg. Comm. Boz also asked Atty. Schramm if it needs to tell them how to appeal on the door tag.
- P.C. Admin Beever stated there is a copy of the door tag in the member's binders.
- Code Enforcement Officer Blodgett added that with the written notice she also sends them a copy of the ordinance, and that in their packet on the last page is a copy of the e-mail sent.
- Vice-President Allen asked if that is the May 9th one.
- Code Enforcement Officer Blodgett answered yes, she went on to say that the guy who is supposed to be cleaning up the property but the guy who is emailing is the actual owner of the property.
- Vice-President Allen asked if it was Aaron.
- P.C. Admin. Beever stated yes and he's called a couple of times.
- Bldg. Comm. Boz added that he told Aaron that he's not going to undermine Robby and that what she says is what's going to happen, and if they wanted to come to the meeting they can.
- P.C. Admin. Beever added that technically he's not the actual property owner either. She went on to say he's just the one who's going to be doing the clean up on it and then is going to be paid for a part of it. She went on to say that she believes it is more of him that is having the issue with it than the owner.
- Member Schouten added that then he should pass the cost onto the owner.

- Vice-Chairperson Allen stated or he should have come and appealed it.
- Code Enforcement Officer Blodgett stated that the main contact we've had regarding this property is from Aaron.
- Member Schouten made a motion to keep the \$350 administrative fee and hang the \$2500 fine over his head to get something done. Member Cultice seconded that motion. Motion carried 4-0.
- **Whitfield Zachariah & Nikki at 8944 S sycamore St. Monterey, IN 46960**
 - Code Enforcement Officer Blodgett informed the board that they cleaned up their property.
- **Liberty, Christian & Erdelyi, Chelsi at 8670 Sycamore St. Monterey, IN 46960**
 - Code Enforcement Officer Blodgett informed the board that she'll be re-checking that property on 5/17/2023.
 - Vice-Chairperson Allen asked if she is seeing progress.
 - Code Enforcement Officer Blodgett answered yes and that those are the people who called in with in the 48 hours and made contact.
- **Member Cultice asked about the property east of Hwy. 10, the old gas station, and she asked Code Enforcement Blodgett for an update.**
 - Code Enforcement Officer Blodgett stated that on that one she is waiting for the new RV ordinance to go into effect before pursuing it. She went on to added that she has around twenty cases with RV's right now that she is waiting on the new ordinance to get passed because she can't do much right now with the old ordinance.
 - There discussion amongst the board on the location of the property mentioned above.
 - P.C. Admin Beever added that since the Planning Commission was unable to have a meeting last month that the RV ordinance will not go into effect until the end of summer probably.
 - Member Cultice added that the people there are using a generator because you can hear it running.
 - Code Enforcement Officer Blodgett added that there are a lot of them.

❖ **New/Old Business & Violations**

- **Unsafe Building Ordinance**
 - Attorney Schramm asked if there is something particular the board wanted to ask about.
 - P.C. Admin Beever asked if there would need to be a tech committee meeting over the new ordinance.
 - Atty. Schramm answered no.
 - P.C. Admin. Beever then asked if the board decides to move forward with it then it would just need advertised and we could move forward with a public hearing for it.
 - Atty. Schramm answered yes.
 - P.C. Admin. Beever then asked Atty. Schramm where in the ordinance is the actual process then for her to follow with it.
 - Atty. Schramm stated it starts at IC 36-7-9-5, he went on to state that it is somewhat arduous process to interpreted it. He went on to add that he can help with that, dependent on the particular unsafe building. He went on to explain this further with the board on something is classified as an unsafe building.
 - P.C. Admin. Beever then asked Atty. Schramm if he could make up something is more of a broad process as far as the steps. She added that she believes this has been a problem in the past with getting things done.
 - Atty. Schramm stated he could. He went on to discus with the board and Bldg. Comm. Boz the standards to which to qualify something as an unsafe structure.
 - Bldg. Comm. Boz added that he would prefer to hire someone to take the pressure of it off of him and the board.

- Member Cultice agreed that it should be someone licensed or certified.
- Bldg. Comm. Boz added he thinks it should be like an engineer.
- Atty. Schramm also clarified that there are also some other situation where getting access to property is involved. He added that he can give us a general outline on this too.
- Bldg. Comm. Boz asked if that is all outlined in the code too.
- Atty. Schramm answered yes.
- Bldg. Comm. Boz asked about the Rudd property specifically if it is worth our time and if we are going to loose money on it. He went on to explain the location of it and asked since the bank has already paid one lien on it do we go forward with it again.
- Atty. Schramm asked if it is a bank owned property.
- Bldg. Comm. Boz answered that it has a mortgage on it.
- Atty. Schramm asked if the only way to solve it is to tear everything down.
- Bldg. Comm. Boz & P.C. Admin Beever went onto explain that there are several structures and the one that needs torn down is connected now to another structure. (P.C. Admin Beever displayed pictures of the property for the board.) Bldg. Comm. Boz & P.C. Admin Beever explained the pictures.
- Member Bailey asked if they have done anything to improve anything.
- Bldg. Comm. Boz answered yes without getting permits, he added that they added a lean-to and a shed.
- Vice-President Allen added that they are habitual offenders and asked Atty. Schramm if there is a daily fine you can place on them. He went on to say that they could rack up a lot more on a daily fine than \$5000.00.
- Member Schouten asked P.C. Admin Beever to go back to a picture and then stated that the other day when he went by it, that there was a chain link fence put up with some sort of sheeting now too.
- Vice-President Allen asked where that is at referring to the picture displayed.
- Member Schouten stated it's the same place.
- P.C. Admin answered yes and said that they have multiple dwellings on the property.
- Discussion ensued about the multiple dwellings on the property and which ones had permits and not and about the shed that was supposed to be moved away from the road.
- Member Cultice added that if we tear the house down then they just can't have a building there without a dwelling.
- Bldg. Comm. Boz then added then maybe we just stop at the house.
- P.C. Admin. Beever explained the part of the house that they are living in that has been added adjacent to the house that needs torn down.
- Member Bailey stated his concern is the county recouping the monies if they do step in and tear it down. He went on to discuss that he believes its location near Bass Lake makes it a very valuable piece of property.
- Member Schouten added that he thinks they are raising puppies now, and stated he believes that is what the fencing and screening is for, he also said it looks like they have dividers in it.
- P.C. Admin Beever added that in that case then they don't have a kennel license either.
- Bldg. Comm. Boz stated that he is with Member Bailey that he wants to get our money back on it but he also kind of wants to make an example out of them.
- Member Cultice stated she is okay with just imposing fines on them again.
- Atty. Schramm added that making the monies back is a toss up but it comes down to the board and to set the precedent on people violating our ordinances almost on a weekly basis. He went on to give an example of a building in North Judson that cost almost \$100,000.00 to take down and the

town didn't re-coup any of its monies but the point was to take down an unsafe structure and teach people that you have to abide by the code.

- Bldg. Comm. Boz agreed and then told the board it's like this one, which building do you stop with, and added that it's up to them.
- Member Cultice responded that she thinks it should be the big house, and that that one is the one which has been on there the longest.
- Bldg. Comm. Boz added that is the one with the big hole in the roof.
- Atty. Schramm added that after the process has been published for 30 days then we can start with this. He went on to add that is when it would be determined who they would want to qualify something as unsafe and whether they wanted to hire an engineer or not.
- Bldg. Comm. Boz added that the engineer would have to determine how to detach the two-story structure from the one that they are living in safely.
- Member Cultice asked what if they don't have a wall between those two and it's just open.
- Atty. Schramm added that is where the property access comes into play. He went on to state that his assumption is that we are going to move forward with this after the commissioners have passed the ordinance and it's been published for 30 days unless the board decides otherwise.
- Member Bailey asked if down the road when the house gets torn down if we'd be able to assess those costs on their property taxes.
- Atty. Schramm responded and stated he doesn't know about property taxes but that we could take the extreme step foreclosing our interest or lien on the property which would be through a judgement. He went on to explain this process in more detail.
- Member Bailey asked then with that the county would then re-coup the monies if they would sell the property on down the road eventually.
- Atty. Schramm answered yes.
- Bldg. Comm. Boz asked what happens if they foreclose on the property, he asked if the lien would fall off then.
- Atty. Schramm answered no it would be the same sort of situation. He went on to say the only way it would fall off would be at a commissioner or possibly a tax sale.

➤ **RV Ordinance**

- P.C. Admin Beever explained it's kind of the same thing with the RV ordinance. She went on to state it will be published in the paper on 6/1/2023. We will have the public hearings for the RV and the Unsafe Bldg. Ordinance at the June 14, 2023 meeting. She went on to say that there is a copy of it in their binder and that there have been two tech committee meetings on it already. She continued to state that it follows the same type of structure as the E.P.N. ordinance that they just recently passed.

➤ **Noakes Update**

- P.C. Admin. Beever stated Edward Noakes has now made two payments plus his bond to the clerk's office and that she has been in touch with the Auditors office trying to figure out how the process works for us to actually get our monies. She went on to state that Rachel told her that she'd need to contact the clerk's office for that.

➤ **Norman property at 6480 S 600 E. Knox, IN 46534**

- P.C. Admin Beever informed the board we had a complaint about this property some time ago and that we've been very patient with them and the issue has not been taken care of. She went on to ask the board what they wanted to do with this property. She explained that they have a hole in the roof of an accessory structure on the property and currently they have a tarp over it.
- Vice-President Allen asked if their intentions are to not fix the hole.

- Bldg. Comm. Boz answered that they want to but, he believes that their age may be preventing them.
- Member Bailey asked if this is the one we called during the meeting.
- P.C. Admin. Beever answered no.
- P.C. Admin. Beever and Bldg. Comm. Boz stated that one has already been torn down and taken care of.
- Member Cultice asked if they live in a different dwelling on the property.
- Bldg. Comm. Boz answered yes and stated that this is just like a shed/garage on the property.
- Member Schouten asked if this has been going on for a couple of years.
- Bldg. Comm. Boz responded yes and stated that you can see from the pictures where the animals are able to get into it.
- P.C. Admin. Beever stated that this started January 4, 2022
- Bldg. Comm. Boz asked the board what they would like to do with this, and asked if we should give them more time or what.
- Member Bailey asked what are we asking them to do, tear the building down or fix the roof.
- Bldg. Comm. Boz said fix the roof. He continued to state that the building is a block building and it's in really good shape.
- Vice-President Allen asked Bldg. Comm. Boz if the home owners gave him any indication when he was out there if they intended on fixing it.
- Bldg. Comm. Boz responded saying that the last he heard was the husband was going to fix it and he fell off of the ladder and hurt his ankle.
- Member Schouten stated they could still hire someone to do it.
- Vice-President Allen stated they probably just don't want to spend the money
- Bldg. Comm. Boz added or they don't have it.
- Member Bailey stated that is something they need to consider.
- Member Cultice asked if we could impose a fine, and maybe just not a harsh one.
- Bldg. Comm. Boz stated that this falls again under unsafe structure.
- Member Bailey stated there are probably other ways to fix it without putting a hole new roof on. He then gave some examples of possible ways to fix it and asked if something like that would be alright.
- Bldg. Comm. Boz stated he just basically wanted it sealed to keep the critters out. He discussed with the board the way they have sort of fixed it in the pass, but that hasn't really worked.
- Member Bailey asked if we are asking them to put a whole new roof on or if we are asking them to fix it up to where rodents can't use it as a home. He went on and stated that if they would have just fixed up the part with the hole, but yet they haven't made any attempt to do anything.
- Vice-President Allen stated again that he broke his foot.
- Member Bailey asked if there is a \$350.00 fine on them right now.
- P.C. Admin. Beever stated no right now there is nothing because we haven't had a public hearing on it yet.
- Bldg. Comm. Boz stated it falls under the unsafe structure ordinance.
- Vice-President Allen stated it's going to be more than \$350.00.
- P.C. Admin. Beever stated again right now there is nothing because we haven't had a public hearing on it yet, and she's just been writing them letters on it.
- Member Cultice suggested we have a public hearing on it.
- Bldg. Comm. Boz added that he hasn't been it to look at like the trusses and things to see what shape those are in and if they are all going to fall down.

- Member Cultice and Bldg. Comm. Boz discussed it possibly getting fixed on one side and then collapsing on the other side the following year potentially, and not knowing what the structure is actually needing.
 - P.C. Admin. Beever asked Atty. Schramm what his suggestion would be.
 - Atty. Schramm stated he believes it constitutes an unsafe structure, he suggested that we should write them another letter. He went on to explain the process with the new unsafe ordinance that we will be having a public hearing on the following month.
 - Board discussion about the property and location of it.
 - Vice-President Allen stated to send them another letter.
- **Bente property at 11650 E. Toto Rd. Culver, IN 46511**
- P.C. Admin. Beever stated that this one is for failure to obtain a permit, and she stated there is also a shipping container also on the property as well. She went on to describe to the board that the owner of the property came in initially and made contact and she explained the situation to him and gave him his options of what he could do and gave him paperwork to file with the BZA.
 - There was discussion between Bldg. Comm. Boz and P.C. Admin. Beever on the parcel location.
 - P.C. Admin. Beever continued on to state that there is a shed on the property and a shipping container that he has not obtained any permits for. She continued on to state that he never filed with the BZA and then his son started contacting the office about the situation. She explained the situation to his son also and the options that they have with it, on the phone and over e-mail. She went on to say that they have quit contacting the office on what they want to do. She asked the board what they want to do and if they want to set him for public hearing or not.
 - Member Cultice added that she would want to send them a fine.
 - Member Bailey asked if the violation they are in is the shed sitting on the property without a permit.
 - Bldg. Comm. Boz stated that and also the shipping container.
 - Member Bailey asked if it is one of those building you buy on the road side, and what type of foundation it's on.
 - Bldg. Comm. Boz answered yes and that it's on skids and that doesn't really matter.
 - Member Bailey asked if we could send them a letter and give them 30 days to remove it.
 - P.C. Admin. Beever replied and said they have already had that, and she went on to state that this is whether or not the board wants to have a public hearing or not over this situation.
 - Member Bailey made a motion to have a public hearing on this matter. Seconded by Member Cultice. Motion carried 4-0.
 - Bldg. Comm. Boz added they haven't even got any permits.
 - Member Cultice added that they need permits before they can put it there and need to go to the BZA.
 - P.C. Admin. Beever added that on September 13, 2022 is when he came into the office the first time.
 - Member Bailey asked if he was living in it.
 - Bldg. Comm. Boz stated he doesn't think so but it's less than 10 acres and you can't have a shed with out a house.
 - Member Bailey then asked what the purpose of it is then.
 - Vice-President Allen agreed and stated the windows were pretty nice on it.
 - Bldg. Comm. Boz added that as of right now he doesn't suspect that anyone is living in it, but he doesn't know for sure.
 - Vice-President Allen added they might be sleeping in it when they come down for a day or two.
 - Member Cultice added maybe it's like a city get away.

- Member Schouten stated that he agrees that we should go ahead with the public hearing and then if they don't show maybe fine them.

❖ Other Business from the board

➤ 2024 Estimated Budget

- P.C. Admin. Beever went over the budget with the board. She informed the board that they were informed to asked for a 10% raise in salary.
- Bldg. Comm. Boz asked Atty. Schramm if they are wanting that to go across the board now, because at first it was just left up to the department heads.
- Atty. Schramm answered and said that is his understanding.
- Member Bailey stated that he believes they added 10% to the county payroll budget, up to the discretion of the department heads with the approval of the council.
- Bldg. Comm. Boz stated that he believes when it went to the commissioners for approval that they approved it across the board.
- Member Bailey added that is not right and that is not how it's supposed to be.
- Atty. Schramm stated that he believes it still is up to each department head.
- Member Bailey stated that the money is already there It's from AARPA funds.
- Vice-President Allen asked what's going to happen then the next year.
- Member Bailey responded and stated that it had been mention that there might be a county income tax imposed, he went on to say he doesn't support that. He went on to explain this more to the board.
- Vice-President Allen then discussed assessed valuation and asked if valuations went up wouldn't there be more monies in the county general then.
- Bldg. Comm. Boz also added that he thinks that they are kind of also relying on the solar projects.
- Atty. Schramm added that there are three ways to support this, increase income taxes, cut the budgets, or find alternative streams of revenue streams. He went on to explain this a bit more to the board.
- Member Schouten asked if the budget had an extra fuel allotted in it.
- Bldg. Comm. Boz told the board also that there is also a new yearly expense with the could server for the fuel pumps.
- P.C. Admin. Beever stated that she asked for an increase in the fuel budget of \$1500.00.
- Member Schouten stated he's going to be driving around a lot more with all of the solar things going on.
- Member Bailey asked P.C. Admin Beever how this budget compares to the previous years budget.
- P.C. Admin Beever stated that she did ask for some increases in some areas for instance like postage, due to the price of postage going up and our new ordinance requires certified mail to be sent more often. She went on to say that she did ask for a new service for a cell phone for the code enforcement officer.
- Member Cultice stated that would be good for safety purposes too.
- Bldg. Comm. Boz added that we'd also like to get her a laptop or a tablet or something for when she is out in the field.
- P.C. Admin. Beever. Added that she'd be able to log into our system then out in the field and upload pictures and details to cases when she's in the field.
- Member Bailey asked where extra help would fall under.
- P.C. Admin. Beever stated that extra help is for part time help and that she did not increase that at all.
- Member Bailey stated he doesn't think that the increase for fuel, lube, and tires of \$1500.00 isn't unreasonable.

- P.C. Admin. Beever stated she asked for an increase in the postage of \$300.00 due to the rising costs of stamps and to send certified mailings which are now up to \$8.13 a piece to send.
- Member Schouten agreed.
- Member Bailey asked Code Enforcement Officer Blodgett if she's out on the road right now using her own cell phone.
- Bldg. Comm. Boz answered stating she is using her own cell phone and vehicle right now. He went on to say that probably around August that they are going to try and come before the commissioners and council for getting a vehicle for her. He went on to say right now she's sharing a vehicle with everyone with the county car she's been using.
- Member Lawrence asked if when she is using her own vehicle if we are paying mileage.
- P.C. Admin. Beever answered yes when she is using her own car. She went on to state that the white car has been out for service for a while and it just came back.
- Member Cultice made a motion to accept the estimated budget as presented. Member Lawrence seconded that motion. Motion carried 4-0.

❖ **End of the month**

- January reports
 - Board reviewed the reports from March and April 2023.
 - Vice-President Allen asked what the \$15,000.00 in miscellaneous was for.
 - P.C. Admin. Beever stated it was from the Moynihan fine.
 - Member Lawrence made a motion to accept the reports as presented. Seconded by member Cultice. Motion carried 4-0.

❖ **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 Lawrence. Motion carried 4-0.

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