

Starke County Plan Commission Minutes
Regular Meeting and Public Hearing
September 11, 2024

- ❖ **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 (Absent); Charles Chesak, commissioner; Matthew Lawrence, citizen member (Absent); Denise Cultice, citizen member; Isaiah Collins, citizen member; Thomas Schouten, Surveyor; Justin Schramm, commission counsel; Wallace (Boz) Williams, building commissioner; Robby Blodgett, code enforcement officer; and Mary Beever, administrator. There were 14 visitors present.
- ❖ **Approval of the minutes**
 - Member Schouten made a motion to accept the minutes from the August 14, 2024 meeting as written, seconded by Member Cultice. Motion carried 7-0.
- ❖ **Public Hearing-** to consider unsafe structures pursuant to I.C. 36-7-9-7, on properties owned by Thomas Decola and described as follows: Pt Lot 3 Nw. S36 T33 R4S/T/R, .37 acres, Parcel number 75-04-36-104-011.000-011, located at 6632 W 250 S North Judson, IN 46366; Pt Lot 3 & 4 S Of River S36 T33 R4. .91 acres, Parcel number 75-04-36-104-007.000-011, located at 6620 W. 250 S., North Judson, IN 46366; Pt Lot 3 S Of Riv S36 T33 R4. 1.74acres, Parcel number 75-04-36-104-005.000-011, located at 6600 W. 250 S., North Judson, IN 46366; Pt Lot 3 S Of Riv S36 T33 R4 1.5219acres, Parcel number 75-04-36-104-006.000-011, located at 6560 W. 250 S., North Judson, IN 46366.
 - Plan. Comm. Admin. Beever explained that there are some unsafe structures on these properties owned by Mr. Decola. She went on to state that earlier in 2024 a motion was made a meeting by the board for Mr. Decola to start cleaning up these structures and obtaining the demolition permits to do so in three-month time frames. She added that he has never started cleaning them up and has not gotten any permits.
 - President Jackson asked when that meeting was that the order was made.
 - Plan. Comm. Admin. Beever stated it was February 14, 2024.
 - President Jackson asked Mr. Decola to explain why he did not get any permits or do anything.
 - Mr. Decola stated that he went there and has cleaned up the driveways and is in process of getting a few dumpsters to move stuff out by hand. He added that he’s looking for a service with an excavator to get the other stuff done. He then added that that you can walk in the buildings and that there is nothing unsafe about them. He went on to state that he took out the doors and windows. He then stated that all the other buildings are the same way and he’s just in the process of doing it by hand. He added that he’s moved a lot of steel and garbage off of the property and he’s doing it by hand and it takes a while. He then said that he had got permits in the past but they have expired, but the stuff he’s been moving out now is just stuff he could throw in the back of his truck by hand. He went on to say he didn’t believe that he needed a permit for that because he was just cleaning up the premises. He added that he is in process but he took a break for a minute on it because it’s easier in the fall when the vegetation isn’t up because of all the weeds and poison ivy. He stated again that he’s in process of looking for a service guy with an excavator to rip up the houses and foundations. He stated he just needs more time.
 - President Jackson asked what his timeline would be for getting the four structures tore down.
 - Mr. Decola responded that he doesn’t know, and that he’d like a year. He went on to state that there is no hazards to the public and that he has no trespassing signs up. He added that there is no electricity or gas to the properties, it’s just vacant land with these houses on them. He then went on to state that he was busting up concrete by hand to build a wall on the river. He then stated he is removing stuff by hand from the houses as well.

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- President Jackson asked Building Comm. Boz and Plan. Comm. Admin. Beever what we have to deem these unsafe structures.
- Mr. Decola stated he believes it's because the windows were removed and that it's a technicality. He added that you can walk in and out of the house and that there is no danger.
- Plan. Comm. Admin. Beever responded that in their packets there are the property cards from the assessor's office which list them as unlivable structures.
- Member Schouten added that in the minutes from last February it was asked of Mr. Decola to take down one structure with the necessary demo permit every three months for the total of one year. He went on to state that we were giving him one year already to take down all these structures in three-month periods and nothing has been done so far.
- President Jackson stated that there are pictures of one of them with holes in the roof.
- Plan. Comm. Admin. Beever pulled up some pictures of the structures to view.
- President Jackson asked if one burnt.
- Plan. Comm. Admin. Beever responded yes and then stated that there is one that is like just a house trailer frame that is still left there.
- Bldg. Comm. Boz stated with the burnt one that there is burnt shingles and that on the ground.
- Mr. Decola stated that he can remove the shingles with a shovel and get them in a dumpster and that when he gets a 30 or 15 yard dumpster that it would hold everything you can remove by hand that is left on the property and that everything else would have to be done with an excavator and that is his plan to get a 30 yard dumpster and a 15 yard dumpster and get rid of the rest of the stuff by hand and then he's going to get an excavator service to do the rest.
- President Jackson asked Mr. Decola that he didn't want to do it during the summer because of the heat and poison ivy and stuff like that right.
- Mr. Decola responded yes.
- President Jackson then stated that excavators don't care because the operator is sitting in a cab. He then asked why he hasn't done a structure during the summer with an excavator because the excavator doesn't care about the heat and the poison ivy.
- Mr. Decola responded because there is still stuff that he can get done by hand and that he's still in process of finding a service.
- President Jackson asked if he called the office to get any recommendations of people.
- Mr. Decola stated that he contacted some that were advertised online. He went on to state that he needs to follow up with one of them.
- Member Collins asked how long he's owned the property.
- Mr. Decola stated he's owned it for around 3 years.
- Member Collins asked if he bought it like this.
- Mr. Decola responded yes that he bought it like this and he's been mainly removing junk off the property and maintaining the vegetation growth. He added that he's already removed some of the sheds and lean-to structures off of the property. He went on to state that he's just been doing it by hand and that it will get to the point of where he'll have to hire an excavator.
- President Jackson asked if he had anything else for the board.
- Mr. Decola stated that he's just been waiting for the fall because there is just so much poison ivy growing, and he's been waiting for it to dye off.
- Member Cultice made a motion to close the public comment portion of the hearing. Seconded by member Schouten. Motion carried 7-0.
- Board Discussion

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- Member Schouten stated that he believes they should move forward with the next step. He went on to state that Mr. Decola didn't even try and get a permit in the time period. He went on to state that back in February the board gave him three-month time frames to get everything removed and he understands that he's doing it by hand.
- President Jackson asked Atty. Schramm what the next steps were.
- Atty. Schramm stated that they either need to affirm their previous order, rescind their order, or modify the order. He then went on to state that if they affirm their order would depend on what Mr. Decola does whether or not another step is taken. He went on to explain that if Mr. Decola is not willing to comply with affirmed order then the next step would be a court intervention. Atty. Schramm stated that if there is willful non-compliance a penalty could also be levied up to \$5000.00
- President Jackson stated the \$700.00 administrative fee could be added to that. He then went on to state that their options are to affirm, rescind, or modify.
- Atty Schramm responded yes and stated they may affirm the order, rescind the order, or modify the order. He added that they could for instance add additional time to the order which would modify it.
- Member Collins asked Mr. Decola if he believe he could get them all taken down by February.
- Mr. Decola answered that he believes he'll be able to do more there by that time and it'll be a better situation there by that time.
- President Jackson then stated it wouldn't be more it would be all of the structures. He then stated that the board had given him three months per structure and that he needs to get them all down, hauled off and the property cleaned up.
- Mr. Decola stated that he is going to go out there with two 30-yard dumpsters and get the stuff by hand cleaned up. He then stated after that he is going to contact the excavator service.
- Member Schouten asked if the \$700.00 fine could be levied on him in stipulation that if nothing is taken care of by February 2025 that if he doesn't do any of this then he'll get \$2500.00 fine.
- President Jackson stated that it would be four \$5000.00 fines because each property would be fined for a total of \$20,000.00 and then four \$700.00 fines for administrative fees for a total of \$2800.00 for a grand total of \$22,800.00 worth of fines.
- Member Schouten agreed with President Jackson stated that would be his suggestion.
- Member Schouten made a motion that all four structures need to be down and cleared from the property by February 14, 2025, and all necessary demolition permits for the structures need to be applied for in the Planning Commission office. If all four structures on the property are not down and cleared from the properties then the board will issue a \$5000.00 fine per property along with the \$700.00 administrative fee for each property along with court costs for a total of \$22,800.00 plus court cost fees. Member Chesek seconded the motion. Motion carried 7-0.

❖ **Public Hearing-** to consider unsafe structures pursuant to I.C. 36-7-9, on properties owned by Tina M. Rudd & Andrew R. Knapp and described as follows: Pt NE NE S18 T32 R1 12 acres, Parcel number 75-11-18-200-002.000-008, located at 6835 E. SR 10, Knox, IN 46534.

- Plan. Comm. Admin. Beaver explained that this is the property formerly known as the horseshoe palace. She went on to state that it's in terrible condition with a huge hole in the roof and is unlivable. She then stated she'd pull up pictures of it.
- President Jackson stated that they've all seen pictures of it.
- Plan. Comm. Admin. Beaver stated that she had Code Enf. Officer Blodget take pictures of it on September 2nd and nothing has changed.
- President Jackson asked if there was a representative in the audience to represent Tina M. Rudd or Andrew R. Knapp. (No one responded.)

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- Member Cultice made a motion to close the public comment portion of the hearing. Seconded by member Schouten. Motion carried 7-0.
- Board Discussion
 - President Jackson asked Atty. Schramm what their options were with this one.
 - Atty. Schramm stated that they could affirm their original order, rescind their order, or modify the order. He went on to state that they could levy up to \$5000.00 fine for willful non-compliance with the order.
 - President Jackson stated that he believes there is plenty of history with this case to fine for willful non-compliance.
 - Member Bailey stated he's been on the planning commission board for six years and this has been an issue the whole time. He stated he's in favor of doing the maximum extent of what the board can do to get this cleaned up. He went on to state that we've levied \$5000.00 in previous years on this.
 - Member Allen asked if that was paid from the bank.
 - Member Bailey responded yes and added that we should do it again.
 - President Jackson asked Atty. Schramm if the max the board could do is \$5000.00, administrative fees, and court costs.
 - Atty. Schramm asked which bank we were talking about.
 - President Jackson stated he was unsure.
 - Atty. Schramm stated that he was asking because he represents a local bank.
 - Plan. Comm. Admin. Beaver stated that she'd be able to tell him after she looks it up the next day.
 - Atty. Schramm stated it doesn't mean he couldn't take enforcement action, he'd just have to inform the board.
 - President Jackson asked Atty. Schramm if the \$5000.00 fine, administrative fees, and court costs is what they could levy.
 - Atty. Schramm answered yes.
 - President Jackson then asked Atty. Schramm if it is a bank that he represents if he is able to take them to court.
 - Atty. Schramm stated that he wouldn't be able to list them as a defendant, which may be necessary. He then added that he'll check into it and see if it would be a conflict or not and told the board that if it is there is an attorney out of the Plymouth area that would be able to probably help out if it is a conflict.
 - President Jackson then asked Member Bailey if he understood right that he'd like to levy the \$5000.00 fine, the \$700.00 administrative fee, and any court costs.
 - Member Bailey responded yes
 - Member Bailey made a motion to levy a \$5000.00 fine and the \$700.00 administrative fee, and any court costs and proceed forward. Member Chesak seconded the motion. Motion carried 7-0.
- ❖ **New/Old Business –**
 - ◆ Harshreel property *Economy Inn*
 - Atty. Schramm stated that he spoke with their attorney today and was informed that they are planning on just demolishing the structure. He went on to state that there had originally been some discussion on remediating it but after they received the letter that was sent to them they obtained an attorney out of LaPorte. He added he's been in active communication with him now. He went on to state that after they discussed the remediation process that they decided that obtaining a demolition permit and bringing everything to ground zero, and then possibly selling the property would probably be the best option for them. He then asked Bldg. Comm. Boz if they had given him a time line on when they were going to be obtaining that permit.

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- Bldg. Comm. Boz stated that after he talked with their attorney today that he told him that they would need to obtain a demo permit. He went on to say that it didn't sound like they wanted to fix anything, but he told them if they did go that route that they'd need to get State design releases.
- President Jackson asked the board if they wanted to put a time line on this due to it going on two plus years.
- Vice-President Allen made a motion for the Harshreel property to obtain a demolition permit and to have it hauled off and cleaned up within six months. Member Cultice seconded that motion. Motion carried 7-0.
- Bldg. Comm. Boz asked Atty. Schramm if he'd inform their attorney of that.
- Atty. Schramm answered yes, he would do that.
- ◆ 750 N Survey- Klinedinst Deck/Letter
 - President Jackson asked if there was a representative in the audience for this.
 - Jody Klinedinst was present.
 - President Jackson asked Atty. Schramm to go over things with this first.
 - Atty. Schramm stated that a letter went out to them to remove any structure that was in the surveyed right-of-way from the Planning Commission Office.
 - Bldg. Comm. Boz stated that the Commissioners had a survey done out there and once it came back it did show the deck in the right-of-way, so as of now we need the deck to come down.
 - Mrs. Klinedinst stated that she was here to say that last she knew the county was working on the survey after the judgement had been finalized. She then stated that this board did charge her with finding out the what, who, where of this property. She went on to state that they started that process which took the two and half years to complete. She then added that she thought that once this was completed that the board would then engage them with some dialogue. She then proceeded to ask the board to table their request and to sit down with them and discuss this.
 - President Jackson asked her what she would want to sit down and discuss. He then went on to state that the survey has been done and it has been deemed by the survey that the deck is way over the property line into the county right-of-way.
 - Mrs. Klinedinst responded stating that when this first all started that they were supposed to go before the board of zoning appeals and that they had paid the \$200.00 and they were going to ask for a variance. She then stated that it came to light that they had property that was sitting in this easement and that it was unknown. She then went on to state that they received a msg. from the BZA secretary to come before the Planning Commission to see what setbacks they needed to ask for; for the variance and that they needed to get a survey. She added that she got a list of surveyors and that they chose someone from that list and they came out and surveyed the property and they recommended that they try and take the land with a quiet title, and that perhaps the land was abandoned and to get an attorney. She went on to state that they came back to the Planning Commission for that meeting and they were told that nobody knew what it was and who owned it and that they needed to start calling utility companies to find out who owned it. She then went on to state that the board charged her with finding out this information. She then stated there has been a judgement and that she feels that information is being used to set a

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precedent for around the lake. She stated that they had no idea this was an issue around this lake. She went on to state that it's an easement, and then asked if it was even necessary to have a variance. She added that originally, they wanted a sixteen-foot deck and this is how they found out that this would be a bigger issue. She went on to state that they dialed back the size of their deck to what was there previously and that that never hindered anyone's access to anything previously.

- President Jackson asked if this was brought up even before the deck was even built. He then asked why they kept doing work on it until we found out all the information on it.
- Ms. Klinedinst then stated that they dialed it back and she assumed that they could have something the size of what they already had but better.
- Bldg. Comm. Boz stated that there was only like three to five steps coming out the back door.
- Ms. Klinedinst stated that she brought some pictures of what was there previously and what is there now but she didn't know that she was on this agenda till a few days ago. She went on to state that she would have prepared packets for the board if she'd known sooner. She then stated that there was a two-three foot decaying brick, with a sidewalk and patio area.
- Bldg. Comm. Boz stated that he remembers that he remembers when she was trying to get her permit that the property line was really close to the house already and that is why they were asked to get a survey done. He went on to state that now that the road survey was done that it actually appears to have about two to three of their house actually in the right-of-way.
- Ms. Klinedinst agreed and stated that is why they needed to get a lawyer to fix this so that generations to come wouldn't have to deal with this.
- Bldg. Comm. Boz stated that is more of a commissioner thing to vacate it.
- President Jackson stated that this would be his question too to Atty. Schramm as he represents both the Commissioner's and this board.
- Plan. Comm. Admin. Beever stated that at one of the Commissioner's meetings where they accepted the survey they made a motion for everything in the right-of-way to be gone.
- President Jackson stated that they can't take down part of a house obviously.
- Plan. Comm. Admin. Beever agreed.
- President Jackson stated on terms of a county level versus an individual level where a variance could be possibly applied for like road frontage
- Ms. Klinedinst stated that is why she'd like to have a conversation, and asked why they are not going back in front of the board of zoning appeals to do the variance because that's where it started.
- Plan. Comm. Admin. Beever stated that they can't do a variance because they are already over the property line.
- President Jackson added that they can't do a variance either because it's a government entity. He then explained a variance to her and gave the example that if they didn't have enough road frontage to put in a new home that they could apply for a variance in that situation. He then went on to state that due to this being a Starke County right-of-way you can't do that. He asked Atty. Schramm to explain this.
- Atty. Schramm stated that referring back to this being litigated it was filed as a quiet title action back in 2022. He went on to explain that anyone that may have an interest in it is notified. He then went on to state that it went back and forth for a summary judgement. He then added that after the summary judgement hearing the court in porter county ruled that the 1648sqft that they were trying to claim with quiet title was affirmed and re-affirmed that the surveyed area that includes the deck is part of a public highway and that it is not abandoned and that the public may use the land. He went on to state that the deck is in the public right-of-way. He then stated that it sounds to him that the Commissioner's want anything that is in the public right-of-way to be cleared. He then went on to

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state that he doesn't believe that it is anyone's intention to have them tear into their house. He went on to say that he believes that they want the deck removed. He then stated what it looks like for them to have that couple feet of their house there he is unsure what that is going to look like at the moment, but that is something that he could discuss with their attorney. He then went on to state that his hands are tied, because last he knew they were represented. Last he knew was that anything in the right-of-way needed to come down and something needs to be worked out with the house. He went on to state that they could have that discussion on the house, but the county's position on the deck is that it needs to come out.

- President Jackson asked Commissioner/Member Chesek if that was the Commissioner's stand point.
- Commissioner/Member Chesek answered yes, and stated that the house is there and it's going to stay. He then went on to state that the deck though needs to come down.
- Ms. Klinedinst then stated that they went over something that was previously there and that they are not hindering the use of the right-of-way. She went on to state that there is a tree there and a pad at the lake and other people's driveways. She then asked if everyone is tearing their stuff out.
- President Jackson stated that he can't speak for any situation outside of this one, however this board is an advisory board to the Commissioner's and if the Commissioner's are the authority over the Planning Commission and the Commissioner's have sent down an order for the deck to be removed so the Planning Commission has to follow that order. He went on to tell Ms. Klinedinst that she could probably go in front of the Commissioner's and explain her stand point and get more information. He then went on to state that as for this board that we have to act on what the Commissioner's are telling us to act upon.
- Ms. Klinedinst asked Plan. Comm. Admin. Beever if that meeting had already occurred.
- Plan. Comm. Admin. Beever answered yes.
- Ms. Klinedinst asked if they were invited to that.
- Plan. Comm. Admin. Beever replied and stated that they approved the survey that they had done and informed her to have everything in the right-of-way taken out that is not supposed to be there.
- Ms. Klinedinst then asked if they would go back again.
- President Jackson asked the board if they wanted to re-affirm the order sent down by the Commissioners and the order that the Planning Commission put forward and make a motion to be put on record. He stated at that point it's documented in the minutes then that it is an order. He added that she can plead her case to the Commissioner's and if they want to have additional discussion they can recommend to this board that we rescind it next month and have more time to look at it. He then asked for a motion.
- Ms. Klinedinst stated that they started down this path because this board asked her to find out who owned that, and that through this lawsuit they did get that information. She went on to say that she feels like they are being punished, and two and a half years have gone by and there is no more space being used than what they bought, it just looks different.
- President Jackson said that is an argument that she could bring forth to the Commissioners.
- Ms. Klinedinst stated that they were told by the survey company that the Planning Commission recommended that this is the route they should take and get an attorney and get this cleaned up. She went on to state that they've never tried to be sneaky, and that you can't hide a deck. She added that they also went to their neighbors too. She went on to state that when it was realized that they'd go this path to have a legal judgement, she met with one of the neighbors but was unable to meet with the other one that lives out of state. She then added that how it ended up was exactly how they suggested with the property ownership, so the easement was granted use of their property and they have 20 foot out and they squeeze in on the sides and that is what she proposed to them. She

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went on to say that is what the State laws are and how it turned out. She went on to add that it's sort of clear now and that she is assuming that they are using this to set precedent around the lake.

- President Jackson stated that he believes that this is the only situation like this currently.
- Plan. Comm. Admin. Beever stated that she believes that Ms. Klinedinst is referring to the Moynihan's case possibly. She added that that situation was similar but they were building on their own property.
- Ms. Klinedinst stated that technically that is their property because they have twenty foot out, it's just that the county uses it and it's not hindering anything.
- Plan. Comm. Admin. Beever responded stating that is not her property. Her property ends where the state is. (Referring to a picture provided by Bldg. Comm. Boz took after the survey was done.)
- Ms. Klinedinst disagreed.
- Plan. Comm. Admin. Beever responded yes according to the survey.
- Atty. Schramm stated that we do use cases like this to set precedent, and the precedent here would be that you cannot build in county right-of-way. He added that we always do with enforcement action.
- Ms. Klinedinst stated to Atty. Schramm that the land under the right-of-way.
- Atty. Schramm stated that this has already ben adjudicated and he's sorry she lost that. He went on to add that not only was it adjudicated once but twice, and he doesn't have anything else to say about that. He went on to state that if it's a matter of negotiating whether or not to tear down the house that is in the right-of-way, is something they could talk about.
- President Jackson stated that this boards hands are tied because the Commissioner's have put this order forward. He stated that she's more than welcome to go before the Commissioner's and argue her case. He then asked for a motion.
- Member Schouten made a motion to affirm the Commissioner's order. Motion seconded by Member Cultice seconded the motion. Motion carried 6-0. Vice-President Allen abstained from voting.
- He added that he'd also like to add a stipulation that Ms. Klinedinst contact the auditor office and ask to be put on the Commissioner's docket to be heard with whatever evidence they may have to help with the house.
- President Jackson added that they can't stipulate that.

Code Enforcement Officer report.

- Case 324- Jerry Tolson, 8920 S US 35 Monterey, IN 46960
 - Code Enforcement Officer Blodgett stated she's still making payments on it.
- Case 393- Joshua Whitfield- 6751 S Lombardy Ln.
 - Code Enforcement Officer Blodgett stated that she turned this one over to Atty. Schramm and he is working on it.
 - Atty. Schramm asked what the name is on that case.
 - President Jackson answered stating Joshua Whitfield.
 - Atty. Schramm asked if he was an unsafe.
 - Code Enforcement Officer Blodgett answered yes.
 - Atty. Schramm asked if he was sent a letter.
 - Code Enforcement Officer Blodgett answered yes.
 - Atty. Schramm then added that they are waiting for the 30 days to lapse, and he believes it was sent out shortly after last month's meeting.
 - Plan. Comm. Admin. Beever stated that he wouldn't be unsafe he'd be an Environmental Public Nuisance.
 - Atty. Schramm stated he'd still have to look into see if his time has expired.
 - President Jackson asked what the next move is if his time is expired.
 - Atty. Schramm responded it would be to ask for performance on what we asked them to do and file a complaint.

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- President Jackson asked Code Enforcement Officer Blodgett if they've done anything.
- Code Enforcement Officer Blodgett responded no.
- President Jackson asked the board what they'd like to do.
- Vice President Jackson made a motion to have Atty. Schramm file a complaint. Seconded by Member Collins. Motion carried 7-0.
- Case 482-Jeffery Psonka, 9815 W San Pierre Rd. San Pierre, IN 46374
 - Code Enforcement Officer Blodgett stated he is still working on the property removing junk and debris. She added that he removed an RV already.
- Case 473-Lori Wicker, 11815 E Division Rd. Knox, IN 46534
 - Code Enforcement Officer Blodgett stated this case is closed.
- Case 497-Lonnie & Debbie King, South Washing St. Monterey, IN 46960
 - Code Enforcement Officer Blodgett stated she sent an infraction letter to the property and has not had any response yet.
- Case 459-Crystal Darling, 11080 E 50 N Knox, IN 46534
 - Code Enforcement Officer Blodgett stated is closed.
- Case 492- Lake County Trust #5545 W/L/E to Nelson Dorothy M, 6099 S SR 10 Knox, IN 46534
 - Code Enforcement Officer Blodgett stated is closed.
- Case 498- William L. & Peggy M. Welchelt, 11275 E. 875 N. Walkerton, IN 46574
 - Code Enforcement Officer Blodgett stated this case is closed
- Case 347-Joseph A. & Delores K. Benesh, 10691 W Sr. 10 San Pierre, IN 46374
 - Code Enforcement Officer Blodgett stated that this case is closed as well.
- Case 469-Jack & Carol Giselback, 8553 S. Main St. Ora, IN 46968
 - Code Enforcement Officer Blodgett stated that they have not come in to notify the office or complied with the infraction. She added that the campers are still out there. She added that she'll have to go to the next step on that one.
 - President Jackson asked if that was the letter.
 - Code Enforcement Officer Blodgett answered yes.
- Case 491-Marvin D. Miller Jr., 10312 W SR 10 San Pierre, IN 46374
 - Code Enforcement Officer Blodgett stated he came in on Tuesday and this case is now closed and got his permit.
- Case 462- Steven Reinholt, 2687 S 800 E Knox, IN 46534
 - Code Enforcement Officer Blodgett stated she sent them written notice.
 - Code Enforcement Officer Blodgett stated she's still making payments on it.

❖ **Other Business-**

- BESS discussion
 - President Jackson addressed Audience member R. Lee that the board just found out about it yesterday.
 - Audience member R. Lee stated that is when she found out as well.
 - President Jackson stated that they've seen it all blow up and obviously that someone from their team found out sooner because it was in the market from their team which is fine, and it had to go in last Friday.
 - Audience member R. Lee stated that they are suspicious of it.
 - President Jackson then asked her what she is really wanting to talk about.
 - Audience member R. Lee stated in all her research that IN did create something to regulate utility commercial battery storage. She went on to state that it really focuses on fire prevention and building safety. She then added that she can not find anything that regulates setbacks for battery storage. She then added that currently our CSES

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setback is 50 feet so technically right now they could put batteries 50 feet from somebody's house. She then said she'd hope that they wouldn't do that. She then added that we can't stop it, it's here and her question for the board is are they prepared now to start looking into separating battery storage from the solar creating a separate ordinance for it. She then went on to state to be clear that today the president from the council stated to her that they believe we should create a separate battery storage ordinance like the one in Jasper County. She then added that they stated as time goes on there will be more demand on the grid for electric use not just for residential consumers and electric cars, but there may be stand-alone storage in many places not just supporting solar. She continued to quote him stating that he said right now the Planning Commission has an experienced lead and a board with a diverse background that he's confident in. Ms. Lee then stated that her hope is that the board does care about the residents of Starke County and that she understands that most of the board does not live in Railroad Township and neither does she. She added that but if she did she wouldn't want to go to sleep at night with the possibility of a battery storage facility next to her grandkids or anything like that. She went on to state that we do not need a moratorium to start working on the battery storage ordinance.

- President Jackson responded that he has spoke with Boz and some folks today since he found out about it today. He then added that he has instructed the office to get in touch with the state legislature, because there is information that he wants that is beyond his scope of knowledge. He went on to add that he personally has gone and seen what is down in Jasper County and he added that he is significantly impressed and some of his concerns have been lessened. He then added that he's not saying he's in favor or not in favor but he definitely would like to suggest for Commissioners and other folks in the county to go take a look at that facility. He went on to say that it is built very well and secure and there is not a house anywhere near it. He then stated that he did ask the office to get ahold of someone at the state with knowledge of this so that he could have a better understanding of this. He then went on to state that he doesn't know when they are coming to the Commissioners or what the Commissioners will choose to do, but right now we have nothing that says for or against it in Starke County. He then went on to state that he could read that one of two ways. One being to come on in bring whatever you want, two being we don't have any regulations so that means we don't want anything here. He then stated that depends on how our lawyers argue that aspect and how their lawyers argue that aspect. He then stated that he was told, the board was told, and everyone in this county was told that it would not happen. He then added that he's seen it blow up online on Starke County with everyone blaming everyone, and then went on to say that he can assure you that no one here knew anything about it.
- Ms. Lee stated that someone knew. She went on to state that in an email that there was schematics and plans. She went on to then ask why wouldn't you question this then.
- President Jackson responded and said that they talked to the head guy down at NextEra today that is building the project, and he knew nothing about it. He then added that he believes if he didn't know anything about it that he believes his team did know anything about it.
- Audience member M. Barlog stated it would be nice to be pro-active about it.
- President Jackson agreed and added that is what he's trying to do.
- Bldg. Comm. Boz asked R. Lee if she was referring to the plans from 2021.
- Ms. Lee answered yes.
- Bldg. Comm. Boz stated that they did mention that back then but then they took all that off the books and said there would be no batteries. He then went on to state so you can kinda scratch that e-mail because it never went any further and as you can see we don't have batteries in our phase 1 of that project and they put everything back in Jasper County.
- Audience member M. Barlog stated that if he's reading our solar ordinance correctly it allows for battery storage.

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- President Jackson responded stating that it does not but he'd have to read it again.
 - Audience member M. Barlog stated it defines what the terms of it are.
 - President Jackson agreed that it does define what the terms are in it.
 - Audience member R. Lee then stated that it says CSES includes battery storage, so yeah it does call it out and allows it.
 - Audience member M. Barlog stated it's kinda a sleeper that crept in.
 - Audience member R. Lee then stated but it really didn't creep in because she said a year and a half ago that solar really doesn't make sense without battery storage. She then went on to state to say we were never going to get battery storage frankly doesn't make sense.
 - Bldg. Comm. Boz added we're going off of what they told us.
 - Audience member R. Lee then stated that what she's been trying to say from day one is that she doesn't care what they tell us, because they have their best interest in mind.
 - President Jackson then added that they can come out today as a county and say no battery storage, but then tomorrow be overridden by the IOC.
 - Audience member R. Lee responded that she understands that.
 - President Jackson then stated that is what the NextEra project is going for. He then stated that they'll go to NIPSCO, and NIPSCO will then go to the IOC and then the IOC will say it's for the best interest of the public, and then as a county we're done.
 - Audience member R. Lee then added that we could put a temporary pause and say we're not approving any permits till we rewrite the ordinance. She then went on to state that it's within the Planning Commissions rights to do that, according to Atty. Schramm at the last meeting. She then went on to say that she isn't even asking that right now she's just asking that they start looking at this ordinance and separating it and get something on the books before it happens. She then stated that Hoosier told us no batteries, Mammoth told us no batteries.
 - Bldg. Comm. Boz then stated that they didn't permit anything with batteries for those.
 - Audience member R. Lee then responding but all those places can still come back. She then went on to state that if someone had looked at the leases according to something she just found out someone could have figured it out. She went on to add that companies are not allowed to do both technically under one name, and if you look at Dunn's Bridge they created two LLC's in Starke County. One is for Dunn's Bridge Solar and one is for Dunn's Bridge Storage, and that would have told us everything we needed to know. She then went on to ask if Hoosier could do a storage. She then stated her understand is no they couldn't, but that doesn't mean another company could come in and do it for that project.
 - President Jackson agreed.
 - Audience member R. Lee then stated that we need to move quickly.
 - President Jackson then stated he discussed this with them. He then added that he needs people who deal with this on a daily basis to help him figure this stuff out.
- Flood Damage Prevention Ordinance discussion
- Susan McKendry stated that her family has lived here for a long time and that she is a resident of Bass Lake. She went on to state that Plan. Comm. Admin. Beever came out and talked to people about the Flood Damage Prevention Ordinance. She went on to ask the board to include the residents in the decisions that are being made and how the permitting for non-residential structures out there are being made. She went on to add that she's spoken with Doug Wagner from the Division of Water down state and that he explained to her the ordinance was not created to create an annual permit for piers and boat lifts. She went on to state that he would want the existing

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structures to be documented so that any new structures would be readily recognized and that is where the permit process would come in.

- President Jackson asked Plan. Comm. Admin. Beever if that is who she's been talking to down there.
- Plan. Comm. Admin. Beever answer yes.
- President Jackson asked Plan. Comm. Admin. Beever if she could find out if that's a one-time deal or by address.
- Plan Comm. Admin. Beever responded stated that when it comes to that her understanding is that it is up to our county's discretion on that. She went on to add that with some of the issues that they've had most recently at the lakes that they would support what we're wanting to go forward with. She added that another issue is that the lake properties change hands constantly. She added that a problem with these properties is how often they change hands.
- President Jackson added that they change hands often and then stated that if someone changes their pier from wood to composite if that presents then as a brand-new structure. He then went on to state he's worried about who is going to monitor all that.
- Ms. McKendry added that she is concerned if this does go to a permit process the time frame on acquiring a permit for it.
- President Jackson stated that a permit would probably be able to be applied for on January 2nd and then notification of when that pier goes in.
- Ms. McKendry added that originally, they were told that it would have to be inspected before they could use it.
- President Jackson responded no that it gets inspected after it gets put in. He then went on to state that if this does go through that he'll be going to the Commissioner's and Council because the office can't handle 300 piers on Koontz Lake and 400 on Bass Lake with the personnel we have. He went on to state that they'd have to hire someone else.
- Audience member Tom Busch asked about the other issues at Bass Lake and what they might be.
- President Jackson replied that the homes change hands all the time, if someone updates a pier or boat station from a one bay to two bay or get a new one with a tarp on top he doesn't know how that gets classified as a brand-new structure.
- Plan. Comm. Admin. Beever added that right now there are two piers that run directly into each other as well out there.
- Ms. McKendry asked why the DNR isn't overseeing all this, and stated it's been adjudicated.
- President Jackson stated that the State is now putting it on the county.
- Mr. Busch asked that initially he was hearing that this is mandate from the State and now he's hearing that it's discretionary from the county on how they want to do it.
- President Jackson responded and stated that the Plan. Comm. is still learning. He went on to state that the Flood Damage Prevention Ordinance was a mandated. He went on to state that is the new floodplain ordinance and that they added in stuff to do with piers. He went on to add that he thought he found a loop hole and had Plan. Comm. Admin. Beever message the individual she's been talking to at the state to find out and some of the loop hole he thought was there isn't. He went on to state that we are still trying to figure this out and it will all have to go through the public hearing process and be advertised and stuff before anything gets approved and then the Commissioner's will still have to approve it. He went on to add that we have to have something by 2025 on the books.

❖ **End of the month**

- Board reviewed the reports from August 2024

❖ **Next Scheduled Meeting-** will be Wednesday, November 13, 2024 at 5:30 p.m.

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- ❖ **Adjournment**-With no further business, Member Schouten made a motion to adjourn the meeting seconded by Vice-President Allen. 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.

- ❖ **Approval of the minutes at the October 9, 2024 meeting**

- Member _____ made a motion to accept the minutes from the September 11, 2024 meeting as written, seconded by Member _____. Motion carried ____ - _____.

Mary W. J. Beever
Administrator