

Starke County Plan Commission Minutes

Special Session

February 28, 2025

❖ **Call to Order** – meeting came order at 4:30 p.m.

- Planning Commission members in attendance were Gwen Rentz, Mike VanDeMark, Howard Bailey, Matt Lawrence, and Phil Woolery

❖ **Chairperson Nomination-**

- Member Rentz made a motion for member Woolery to be the Chairperson for the meeting. Member Lawrence seconded that motion.
 - Motion carried 5-0.

❖ **President Nominations –**

- Member Bailey made a motion to nominate Member Lawrence to the president of the Planning Commission. Member Rentz seconded that motion.
 - Motion carried 5-0.

❖ **Interested Parties for Legal Counsel Position-**

- Burke, Costanza, & Carberry
 - Christian Bartholomew from Burke, Costanza, & Carberry introduced himself to the board. He informed the board of his background in law and why he and his partner Alfredo Estrada would be a good candidate for the Planning Commission/BZA counsel position.
 - Member Bailey asked if one associate would be committing to the board mainly or would it be a mix.
 - Atty. Bartholomew answered that it would probably be him mainly that would attend the meetings, but occasionally Atty. Estrada may show up or another associate. He went on to state that his face would be the one the board would anticipate seeing mainly.
 - Member Woolery asked if there was any conflict of interest with him representing the BLCD and the Planning Commission that he would be aware of.
 - Atty. Bartholomew stated that he's been representing the BLCD for a few years now and he hasn't seen any issues arise that would cause a conflict. He went on to state that the BLCD is mainly focused on the sewer system there and managing it. He then stated that hypothetically sure it could happen but he's having a hard time imagining when and where that would occur.
 - Member Bailey asked if he had any experience with solar companies.
 - Atty. Bartholomew answered yes and no. He went on to explain that yes, he has negotiated contracts with private clients and solar companies. He then gave an example of this. He went on to explain that he has not really dealt with them on a municipal level stand point.
 - Audience Member/BZA member R. Lee asked how he prioritizes his work load, and what his availability for meetings outside of regular meetings.
 - Atty. Bartholomew answered that he's available and said he's mainly really busy the first week of the month, however with them being a larger firm they generally always have someone who could make it. He went on to discuss how to reach him and his availability and if for some reason he's not able to be reached either his partner or an associate could be reached.
 - Audience Member/BZA member R. Lee asked about what type of challenges he could foresee dealing with a more rural community than a larger municipality.
 - Atty. Bartholomew answered that probably the availability of professional resources would be one. He went on to discuss the availability of attorneys, and board members in the community. He went on to explain his familiarity with rural communities and that he understands that the duties of this board are often more condensed than in larger municipalities.
 - P.C. Admin. Beever asked about his availability for more urgent issues and what his main contact method is.
 - Atty. Bartholomew answered that you can call or text him and he's going to be able to get back on most days he's able to be quite responsive because he does more transactional law than litigation.

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- P.C. Admin. Beever asked about he felt taking over some of the ongoing litigation that we might have going on.
- Atty. Bartholomew answered it would depend on what we have going on.
- P.C. Admin. Beever responded stating unsafe building structures.
- Atty. Bartholomew answered stating he'd like to see what our current process looks like and see if it's functioning well or not. He then stated that it may need reorganizing and explained some of that process.
- P.C. Admin. Beever gave an example of an ongoing issue that will need a complaint filed in court and asked him if he's comfortable taking that over.
- Atty. Bartholomew responded yes, and added that he's not currently primarily a litigator but he does have a background with litigation experience. He went on to filing and prosecuting a case isn't a problem.

➤ Vis Law

- Nathan Vis introduced himself to the board. He informed the board of his background in law and why he would be a good candidate for the Planning Commission/BZA counsel position.
- Audience Member/BZA member R. Lee asked about how he stated he was on the redevelopment committee for Cedar Lake and asked how long ago he started doing that.
- Atty. Vis stated that he started in 2012 and from 2013-2022 he served as the president of the board. He went on to state that they enhanced two Tiff districts, navigated a major engineering disaster, created a grant program, and purchased land around the lake to create green space around the lake.
- Audience Member/BZA member R. Lee asked how he balanced the legal requirements with the community's growth with being on that board.
- Atty. Vis responded stating that there was an attorney that represented that board. He went on to state that as a board member it worked well because he could collaborate with the attorney on different issues that arose and gave some examples of that.
- Audience Member/BZA member R. Lee then asked about how he prioritizes his work load.
- Atty. Vis responded stating that he's learning everyday how to do this better. He went on to add that he asks his clients to let him know if it's a 911 issue or if it is a 24-48 hr. issue. He went on to describe that he operates through dictation and gave an example of how he does this.
- Member Bailey asked if he had any experience with solar companies.
- Atty. Vis responded stating that he does not directly on a municipal level. He went on to state that he does have experience however with battery companies. He went on to state that his interaction is with solar companies that have several clients on the side of where they own the land and we want to either buy land or put our widgets on it. He then went on to explain that he has driven by other developments and in other counties and believes that they had poor planning and believes they could have negotiated a much better outcome and product.
- Audience Member/BZA member R. Lee stated that he mentioned battery storage and asked what type of battery storage.
- Atty. Vis responded stating excess battery storage.
- Audience Member/BZA member R. Lee asked if it was BESS
- Atty. Vis responded answering it's the battery systems where it is perceived that that there is extra energy produced that is able to be injected back in during on and off-peak hours.
- Audience Member/BZA member R. Lee responded stating that we are also looking at not just solar but BESS too in the county.
- Atty. Vis responded stating that with the change on the federal level right now that where in the next few years there will be a seesaw where we'll tilt back towards battery storage power. He went on to state that he also believes that hydrogen will be here soon as well.

➤ Bookwalter Law

- Member VanDeMark informed the board that Atty. Bookwalter is not present but he did interview him. He went on to state that the previous attorney also interviewed him. He continued on to mention that Atty. Bookwalter is not someone who'd generally be in the budget for a county but he's leaning in the direction of retirement and is excited to take on another project. He added that he is a 20-year litigator and also gone toe to toe with commercial solar companies in the past and hasn't lost. He went on to state that he's prepared for that and understands what he's coming into potentially. He added that he believes his experience working with solar that

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he believes he could be an asset. He additionally stated that he doesn't know if he'd do this for ten years but he is confident that he'd be happy to work with us till the end of the year. He stated that he's was happy to accommodate with what Atty. Schramm had been charging so additional funding wouldn't be needed. He went on to state that he'd be relatively available due to him not taking on any more new clients in the future.

- Audience Member/BZA member R. Lee asked where he was out of.
- Member VanDeMark answered stating Plymouth.
- Audience Member/BZA member R. Lee stated he's close so it sounds like he's partially retired so he'd be available.
- Member VanDeMark stated that he believes he'd be available for whenever he needs to be here. He went on to state that he's probably not going to do this for ten years.
- President Lawrence asked if there was any discussion or Motions that wanted to be made.
- Member Bailey asked if that had to be done now.
- P.C. Admin. Beever responded that in her opinion it would be best to state who'd they'd like to hire and then at the next regular meeting they could just approve a contract then.
- Member Bailey stated that he's hesitant to decide anything tonight because of the other candidate was not present. He added that he'd would have liked to have seen Atty. Bookwalter and asked him the same questions. He went on to add that Commissioner VanDeMark spoke very well of him but he would have like to have seen him in a seat tonight.
- Member Rentz stated that she has done a lot of research on the information that P.C. Admin. Beever sent to the board.
- Member Rentz made a motion to hire Atty. Bookwalter as the counsel for the Planning Commission. Member VanDeMark seconded that motion.
 - Motion carried 3-1 (In favor of the motion was Member Rentz, Member VanDeMark, and President Lawrence, opposed was Member Woolery, and Member Bailey abstained from voting.)
- P.C. Admin. Beever stated that she did not have any contact information for Atty. Bookwalter and asked if Member VanDeMark could get that to her.
- Member VanDeMark agreed.
- ❖ **Adjournment-**
 - With no further business,
 - Member Rentz made a motion to adjourn the meeting, seconded by Member VanDeMark.
 - Motion carried 5-0.

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 April 9, 2025 meeting**

- Member Rentz made a motion to accept the minutes from the February 28, 2025 special meeting as written, seconded by Member Lee.
 - Motion carried 6-0.

Prepared by:

Mary W. J. Beever

Planning Commission Administrator/Floodplain Admin.