



# LAPORTE COUNTY PLAN COMMISSION

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**ANNEMARIE POLAN**  
Building Commissioner

## LA PORTE COUNTY PLAN COMMISSION MINUTES February 25, 2014

MEMBERS PRESENT:      RITA BEATY KELLY      HAROLD PARKER  
                                 JIM PRESSEL              MATT BERNACCHI  
                                 GLEN MINICH             TONY HENDRICKS  
                                 WILLE MILSAP

OTHERS PRESENT: Annemarie Polan, Recording Secretary, Doug Biege, attorney, Darlene Pavey, Secretary.

### PLEDGE OF ALLEGIANCE:

Tony Hendricks said that at this time he would like to hand the meeting over to Annemarie to start the elections for 2014. Annemarie Polan, Building Commissioner, said that first of all we will have open election for President of the Plan Commission.

### Elections:

Annemarie Polan asked for nominations.

Willie Milsap said that he would like to make a Motion for Mr. Jim Pressel for President.

Harold Parker seconded.

Annemarie Polan asked if there are any other nominations for President.

Rita Beaty Kelly said that she would like to nominate Tony Hendricks for President.

Glen Minich seconded.

Annemarie Polan asked if there are any other nominations for President.

Annemarie Polan said that we have two nominations, one for Jim Pressel and Tony Hendricks.

Annemarie Polan said that we will vote on a roll call on this.

Annemarie Polan said that we will take Jim Pressel first.

Voting Aye: Harold Parker, Willie Milsap and Jim Pressel.

Voting Nay: Rita Beaty Kelly, Glen Minich, Tony Hendricks and Matt Bernacchi.

Annemarie Polan said a vote on Tony Hendricks.

Voting Aye: Glen Minich, Matt Bernacchi, Tony Hendricks, Rita Beaty Kelly.

Voting Nay: Harold Parker, Willie Milsap and Jim Pressel.

Motion carried 4-3 for Tony Hendricks, President.

Annemarie Polan, Building Commissioner, said that she shall turn the meeting back over to the President, Tony Hendricks.

Tony Hendricks thanked the Board.

Tony Hendricks, President, said at this point he will take nominations from the floor for Vice President.

Willie Milsap said that he would like to nominate Mr. Glen Minich.

Jim Pressel seconded.

Tony Hendricks, President, asked if there are any other nominations for Vice President.

Rita Beaty Kelly said that she would like to nominate Matt Bernacchi for Vice President.

Glen Minich seconded.

Tony Hendricks said that he guesses at this point ask for roll and each member state which nominate they would like, either Glen Minich or Matt Bernacchi.

Harold Parker said Glen Minich

Willie Milsap said Glen Minich

Glen Minich said Matt Bernacchi

Matt Bernacchi said Matt Bernacchi

Tony Hendricks said Glen Minich

Rita Beaty Kelly said Matt Bernacchi

Jim Pressel said Glen Minich

Motion carried 4-3 for Glen Minich, Vice President.

Annemarie Polan, Building Commissioner congratulated Glen Minich as Vice President.

Glen Minich thanked the Board.

Tony Hendricks said that at this point he would like to open the floor for nominations for Secretary of the Plan Commission – Building Commissioner.

Jim Pressel said that he would like to nominate Annemarie Polan.

Harold Parker seconded.

Tony Hendricks asked if there are any other nominations from the Board for Secretary of the Plan Commission for La Porte County for 2014.

All approved. Motion carried 7-0.

Tony Hendricks said that he would like to open the floor for attorney for the La Porte County Plan Commission for 2014.

Willie Milsap nominated Mr. Biege.

Jim Pressel seconded.

Tony Hendricks asked if there are any other nominations.

All approved. Motion carried 7-0.

Tony Hendricks asked if we have approval of the Agenda as presented.

Rita Beaty Kelly made a Motion to approve the Agenda for this evenings meeting.

Jim Pressel seconded.

All approved. Motion carried 7-0.

Tony Hendricks asked for approval of the minutes from –

Dar Pavey said that those would be August, 2013.

Jim Pressel made a Motion that we approve the minutes of August, 2013.

Rita Beaty Kelly seconded.

All approved. Motion carried 7-0.

Tony Hendricks said that there is one agenda item:

- a) **Plan Commission to adopt resolution, finding that the Declaratory Resolution and Development Plan** conform to the plan of development for the County, and approving both. (Economic Dev. for 39 North).

Attorney Biege said that he checked the legal descriptions on the Petition, as well as the proposed resolution for the Plan Commission against the resolution, which was passed by RDC number 6-2013. Attorney Biege said that the legal descriptions were not the same and what has happened is the redevelopment commission has done some tweaking as to the boundaries; throughout that editing processing, the correct legal description did not get here. Attorney Biege said that Matt Reardon emailed that to him today, and unfortunately that legal description does not match what the redevelopment commission passed in their resolution.

Attorney Biege said that he checked the statute as to what the power the Plan Commission has and we can make an amendment, but we have to send it back to the redevelopment commission to approve and then it comes back to us again. Attorney Biege said that he would suggest that the Plan Commission simply table and let the redevelopment commission amend their Petition and pass a new resolution with the correct legal description and come back to us. Attorney Biege said that he thinks that would be the cleanest way to do it. Attorney Biege said that we would be restricted at a Plan Commission level to hear what the redevelopment commission passed, which he believes now has been amended.

Tony Hendricks asked if there is a Motion to table this.

Willie Milsap made a Motion to table.

Rita Beaty Kelly seconded.

All approved. Motion carried 7-0.

Tony Hendricks asked for Old Business.

Attorney Biege said that the attorneys have concluded our long review of the Joint Zoning Ordinance – there are about one-hundred changes that they're going to suggest, however the Planners have one more meeting to finish up. Attorney Biege said what he would like to do is wait until they're done and when he gets their change he will appropriate those with the attorney's changes and forward those to the Commission for review.

Attorney Biege said that what the attorneys want to do is to send it to each of our respective Plan Commissions to see if the Commission has changes on our changes and then we want to meet one more time. Attorney Biege said that when we passed the Joint Zoning Ordinance, each governmental entity made a few more tweaks right at that very end. Attorney Biege said that they would like to see if the County Plan Commission has additional changes; he would like to run that by the other lawyers so we can try to have a coordinated code. Attorney Biege said that

is their status and we expect probably next month or the month after to get that out to all the members. Attorney Biege said that he's assuming the members would prefer them to email this electronically, rather than going to the expense of printing.

Mitch Bishop, County Planner, said with that, the map committee finished up in December. Mitch said that the map revisions should be up to date. Mitch said that on the map revisions there were three-hundred different zoning map revisions and that was the majority of spit zone; there were some intersection improvements and spot zones as well and they cleaned up quite a bit.

Tony Hendricks asked Mitch if the Planners from the respective cities had some changes and also you were working on best management practice part of our ordinance that we might want to look at.

Mitch Bishop said that is a little bit separate project – that is a coastal grant he received – it is a BMP manual -- Best Management Practice for storm water that they're developing an incentive manual. Mitch said that when a developer comes in and he has to do certain things for MS4 – certain pre-construction – post-construction things. Mitch said that if he does above and beyond, he will receive a developmental credit and that might be in the form of -- Mitch said that they're still in the process of developing that, but it could be a density bonus in a subdivision. Mitch said that there are multiple things that can be done in there -- there are so many different techniques, especially in post-construction.

Mitch said that he thinks that we want to throw the focus on the post-construction because that is our selling point – that's when people are going to showcase. Mitch said that depending on what the developer implements is his development would determine his incentive or his credit and he could apply for it. Mitch said that they're still working that out and they have a committee that meets every two weeks and they should be done by the end of May. Mitch said that is when the grant is supposed to be wound up and take care of all the money reimbursed.

Tony Hendricks said that he just wanted to bring it up because that is kind of your incentive advising people to do what's good and not penalizing people.

Mitch Bishop said that the best example that he thinks does the most is the Tryon Farms – that might be over the top, but there is a lot of empirical research out there. Mitch said not only do you sell houses quicker, but it is better for the environment – you keep all your drainage and all your storm water on site – there is a lot of environmental benefits and to the community as well. Mitch said that this is a grant with Sanitary District and Michigan City Sanitary District. Mitch said that they all came together and they're creating this document. Mitch said that it will be much like the Joint Zoning Ordinance as a partnership with those two entities.

Mitch Bishop said that by the end of May they should have the documents together – they should be official – everybody should be paid and the grants should all be used up.

Tony Hendricks said that the other two items are from last year. Mr. Pressel was working on some bonding discussion with the cities and Mr. Minich was working on some railroad properties.

Mr. Pressel said just as a recap, he discovered that Porter County has one bond that a contractor, remodeler or builder would have to post that worked for every municipality – every suburb of Porter County and he thought that would be a good thing if we could bring in La Porte County. Mr. Pressel said that it would simplify things from the builder – remodeler perspective and makes it a little be cheaper on them, which makes it cheaper on the consumer. Mr. Pressel said that he's really stumbled at the City of La Porte. Mr. Pressel said that the biggest hurdle that he's facing right now – we're trying to explain the bond and he's trying to get an insurance agency to actually meet with them and explain what the bond that they proposed actually does and it would not impact them at all. Mr. Pressel said that's where he's at right now.

Harold Parker said that he's wondering if Nick could give up an up-date on how the railroad is coming in the plant there.

Nick Minich said that last Thursday and Friday, Matt Reardon and Attorney Friedman went to Tampa to meet with Port of Tampa Authority and had some successful meetings there. Nick said that Green Express was there. Nick said that Green Express has brought on some additional financial partners and they're looking at potentially starting some construction hopefully in the spring. Nick said that we've started to see some movement – there are some meetings that are scheduled in Chicago next week or the week after with a couple more interested parties. Nick said that they're seeing more and more movement and starting to see things moving forward. Nick Minich said that they're hoping to see ground breaking this spring.

Harold Parker asked Nick if they've found anyone to build anything other than the railroad out there yet.

Nick Minich said that Green Express is looking at starting with a Trans load facility and then also building a refrigerated storage and other potential companies would do additional buildings. Mr. Minich said as far as that portion of the park that's considered, they're starting to see some movement and Green Express would be the first company in there from what they're seeing now. Nick said it could surprise us and somebody could come in the office tomorrow and decide that they want to build there, but from what they're seeing, they're seeing progress with Green Express with them acquiring their financing as necessary and starting to create that opportunity for them to build.

Willie Milsap asked if there is movement of the signage in the area.

Nick Minich said yes. Nick said that they're working on trying to utilize some funds that were to reimburse county expenses in some up-grades in signage in the park. Nick said that they're moving forward on that and they would like to create a world class business park – industrial park environment and those are things that industrial parks of this nature would have. Mr. Minich said that they're talking to the property owners and developers and trying to move forward on that as well.



Tony Hendricks said that he will give the floor to Mr. Minich on some railroad properties he was looking into on the issues that came up before the Board of Zoning.

Glen Minich said that he conferred with our Attorney Doug Biege and he's under the belief it's going to be hard to do because they do stand as pre-existing lots, even though they weren't of the recommended size, but they were confirmed to be lots. Glen said that his main concern and the reason he started looking into this was because he was concerned about the adjoining land owners who were going to find themselves with new neighbors. Glen said that the best thing that we're going to be able to do is recommend that anybody that has a property adjoining a railroad, that they probably contact an attorney and look at trying to acquire the property themselves before it goes to a tax sale because we're going to catch up on these tax rules pretty soon and these properties could come on the market. Glen said that he really thinks that the owners adjacent to it are just going to have to be diligent in contacting an attorney or somebody who can lead them through the process of acquiring that property.

Tony Hendricks asked if there is any other old business.

Willie Milsap said that it's obvious that we haven't met in a couple of months and he wanted to know if Mr. Biege could give us an update on the SOB.

Attorney Biege asked if that is on the status of litigation.

Willie Milsap stated yes.

Attorney Biege said that there has been no change. Attorney Biege said that they have a status conference set for this Friday morning, but the BZA has not received any additional Petitions, or request for hearing. Attorney Biege said that as far as the Court records are concerned in the litigation, they're simply set for a status conference right now.

Willie Milsap said that as far as this Board is concerned, we're at a stand down position.

Attorney Biege said that the Petitioners are doing very little to move their case forward. Attorney Biege said that the County has its ordinances in place, so really the move is up to them and there hasn't been very much movement.

Willie Milsap thanked Attorney Biege.

Tony Hendricks said that is a good question. Tony said he doesn't recall where they were at on the BZA. Tony asked if they were tabled, or where are they at now.

Attorney Biege said that the first Petition they filed an appeal on and the second Petition was for a separate location and that was tabled. Attorney Biege said that still sits.

Willie Milsap asked when their next meeting is.

Attorney Biege asked if that is the Board of Zoning Appeals.

Annemarie Polan, Building Commissioner, said that it's the third Tuesday of the month.

Attorney Biege said that they would have to make a request to take it from the table and have it heard. Attorney Biege said with so much public interest we want to make sure that we have plenty of notice and advertisement. Attorney Biege said that he hasn't heard anything from them that they desire for it to be taken from the table at this time.

Willie Milsap said that he just wanted to make sure that this Board is up to date with what is going on.

Tony Hendricks asked if there is any other old business.

Tony Hendricks asked if there is any new business.

Tony Hendricks asked for a Motion to adjourn.

Jim Pressel said so moved.

Rita Beaty seconded.

All approved. Motion carried 7-0.

There being no further business this evening, meeting adjourned at 6:35 p.m.

  
ANTHONY HENDRICKS, President

  
ANNEMARIE POLAN, Rec. Secretary