



LAPORTE COUNTY PLAN COMMISSION

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ANNEMARIE POLAN
Building Commissioner

LA PORTE COUNTY PLAN COMMISSION MINUTES March 25, 2014

MEMBERS PRESENT: RITA BEATY KELLY GENE MATZAT
 JIM PRESSEL MATT BERNACCHI
 GLEN MINICH ANTHONY HENDRICKS
 WILLE MILSAP JAY WRIGHT

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

PLEDGE OF ALLEGIENE

Anthony Hendricks asked for approval of the agenda as presented.

Rita Beaty Kelly made a Motion to approve the agenda. Jim Pressel seconded.

All approved. Motion carried 8-0.

Anthony Hendricks asked for approval of the minutes.

Jim Pressel made a Motion to approve the minutes as presented. Rita Beaty Kelly seconded.

All approved. Motion carried 8-0.

Anthony Hendricks said Item (a)

- a) **Comes now Ricky W. Albertson**, as the owner of Lot 10, in Scoville Addition, having a common street address of 11 Pleasant Street, La Porte, Indiana, and respectfully petitions the La Porte County Plan Commission to vacate a roadway adjacent to and east of said Lot 10.

Attorney Andrew Voeltz, said that he's here this evening on behalf of Ralph Howes, who is the attorney of record for Mr. Albertson. Attorney Voeltz said that this is a petition to vacate a roadway adjacent to Lot 10 in Scoville Addition. Attorney Voeltz said that he has available for the Commission an affidavit of publication that was filed with the La Porte Herald Argus on March 12th.

Attorney Biege said that he checked the publication and it's adequate.

Attorney Voeltz said that he also has copies of the proposed ordinance to vacate the roadway adjacent to Lot 10 in Scoville Addition. Attorney Voeltz said that it's his understanding that there is a consent that is on file from Richard and Ann Burdine giving the neighbors to the proposed vacation of the roadway.

Anthony Hendricks asked attorney Biege if this vacates the public right-of-way in front of the adjacent neighbors.

Attorney Biege asked Anthony when he's talking about public right-of-way, are you talking about utility easements.

Anthony Hendricks said the access to the neighbor.

Attorney Biege said that the neighbor will have full access to the county road and Annemarie checked with the County Engineer and he's fine with it; and he thinks that we have consent from the adjoining property owners.

Attorney Voeltz told attorney Biege if he doesn't have a copy of that, he has one if you'd like to see it.

Attorney Biege said that he has seen it.

Anthony Hendricks said that the map they have from the Beacon website shows that this vacation is only for the property adjacent to the lot of the platted right-of-way. Anthony asked if that's correct.

Attorney Biege said that is correct. Attorney Biege said that this would only be in the platted subdivision and so the Commission knows, the adjoining property owner is not in the subdivision so technically if even you objected, members of the platted subdivision would have standing to challenge.

Anthony Hendricks asked if there are any questions from the Commission.

Jim Pressel asked if the adjacent owner has no issue with not splitting that road that we're going to vacate.

Attorney Biege said that he believes so. Attorney Biege said didn't he say Mr. Albertson could have all of it.

Annemarie Polan, Building Commissioner, said that she has the consent to vacate from the neighbor.

Attorney Voeltz said that according to the consent form they received from the neighbors, Richard and Ann Burdine, they consent to vacate any portion of the roadway that we may have an interest in and they further waive any notice of hearing that necessitates their notification.

Anthony Hendricks asked if the County Highway Engineer has reviewed this.
Attorney Biege said that is correct.

Anthony Hendricks asked if this Board is charged with a recommendation to the Commissioners.

Attorney Biege said that's correct.

Matt Bernacchi made a Motion to recommend a favorable Motion to approve the vacation. Jim Pressel seconded. Anthony Hendricks asked if there are any other questions.

All approved. Motion carried 8-0.

Anthony Hendricks said Item (b):

b) Recommendation to the Plan Commission to members of the Plat Committee.

Anthony Hendricks said that he will leave it up to Annemarie to bring us up to speed.

Annemarie Polan, Building Commissioner, said that there has been no new set member for the Plat Committee for the last couple of years, but by virtue of certain jobs, certain people have always been on the Plat Committee. Annemarie said that Mike Yacullo would be one, being the County Highway Engineer; Tony Mancuso from the Health Department, Tony Hendricks as the County Surveyor, Gene Matzat from Purdue Extension and Rick Brown from MS4. Annemarie said those are the names that she has.

Anthony Hendricks said that first of all that is a public meeting that is held on the first Thursday of every month. Anthony said for Commissioner Milsap's knowledge, we do usually have a Drainage Board member show up -- they're the voting member of the Drainage Board -- its always been true that we've never had an official, but we always have a Drainage Board member there.

Anthony Hendricks said that 911 usually gives us some sort of recommendation.

Anthony Hendricks asked if we need a Motion to approve those members of the Plat Committee, or is just that in front of the public for now.

Attorney Biege said that he thinks that we should appoint the Plat Committee.

Anthony Hendricks asked if he has a Motion to appoint the Plat Committee as stated by Annemarie.

Rita Beaty Kelly made a Motion to appoint the Plat Committee that Annemarie mentioned.
Jim Pressel seconded.

Anthony Hendricks asked if there are any questions.

All approved. Motion carried 8-0.

Anthony Hendricks asked for old business.

Anthony Hendricks said that this would be 39 N. Economic Development Area Plan. Anthony said that we need a Motion to take it off the table.

Willy Milsap made a Motion to take it off the table. Jim Pressel seconded.

All approved. Motion carried 8-0.

Nick Minick said that he passed back out the 39 N. Economic Development Area Plan. Mr. Minick said that we were tabled last month because there were some discrepancies possibly in legal descriptions with two resolutions passed by the RDC. Mr. Minick said that he thinks that we have everything in order. Mr. Minick said that they are looking for more or less your approval that the Economic Development Area Plan is in line with La Porte County's Comprehensive Plan.

Anthony Hendricks said that he would open the floor to any questions or discussion.

Mr. Minick said that they do have a resolution prepared.

Anthony Hendricks asked Mr. Minick if he could walk us through and the public through on how it would work – or what's the next forward to approval, and then once it's approved, who has the authority of funding, or approvals, or plans.

Mr. Minich said that this started with a recommendation from the Redevelopment Commission to pursue this. Mr. Minich said that what they did was start with the 39 N. Conservancy District as the boundaries – they created an Economic Development Area Plan, which was then approved by resolution through the RDC; it goes to the Plan Commission to approve that it is in line with the Comprehensive Plan; then goes for Commissioner approval and upon Commissioner approval there is a public notice – there will be a public hearing and then it will be approved by the RDC. Mr. Minich said after that it goes down State type of work and economical development area is formed (also known as a TIF District). Mr. Minich said what that allows is the base line for taxes and then anything added above that is to stay within the TIF District.

Mr. Minich said that it offers up some additional incentives to companies as far as economical development is concerned to kind of have a little financial benefit along with moving into the economic development area.

Anthony Hendricks asked if there are any questions.

Willy Milsap said that the next step would be coming in front of the Commissioners.

Mr. Minich stated yes. Mr. Minich said that it should be on the next Commissioner's Agenda. Mr. Minich said April 4th or 2nd.

Annemarie Polan, Commissioner said that April 2nd is a Wednesday.

Anthony Hendricks was asking about the funding.

Mr. Minich said that there is a County Redevelopment Commission, but he believes ultimately it would be up to the council whether or not any incentives would be approved – that's the fiduciary body that would always be the final approving body.

Anthony Hendricks asked if we're approving the area plan - we're recommending approval of that plan to the Commissioners and then the Redevelopment Commission will recommend any TIF funding, or incentives to the council for approval.

Mr. Minich stated yes.

Willy Milsap asked if everyone received a copy of their recommendation from our County Planner, Mitch Bishop in reference to the TIF that we're receiving.

Anthony Hendricks stated yes.

Willy Milsap asked if he was favorable on that.

Mr. Minich stated yes. Mr. Minich said that in his opinion it does comply with La Porte County's Comprehensive Plan.

Anthony Hendricks said that if all goes great and we develop every piece of this tract of land, what happens when we're all said and done and it's fully developed.

Mr. Minich said that we have lots of jobs and a healthy economy.

Anthony Hendricks asked if the TIF District sunset?

Mr. Minich said that there is a twenty (20) year time period on this and then it will go to whatever is assessed.

Willy Milsap asked if he could repeat that.

Mr. Minich said that the taxes are essentially locked in at the current ---

Willy Milsap said prior to that, you said we get lots of what?

Mr. Minich said that it gets locked in for a twenty year period and after that it would be the actually the assessed value. Mr. Minich said essentially it keeps that incremental value tax -- incremental financing with this area.

Anthony Hendricks asked if there are any other questions.

Anthony Hendricks asked if he had a Motion.

Willy Milsap made a Motion that we accept the proposal. Rita Beaty Kelly seconded.

Anthony Hendricks asked if there are any other questions.

All approved. Motion carried 8-0.

Willy Milsap asked Mr. Minich for a general time line on after it goes through the proper steps.

Mr. Minich said that their schedule has been shifting and they pushed it back one month and they're going to move their redevelopment commission meeting back a week in April – Mr. Minich said after the redevelopment commission meeting essentially he thinks that there might be another thirty (30) days after that. Mr. Minich said that they're approaching the end of the process of forming the economic development area.

Willy Milsap thanked Mr. Minich.

Anthony Hendricks asked if there is any other old business.

Anthony Hendricks said hearing none, is there any new business.

Anthony Hendricks said that he has a question about the up-date for the Zoning Maps. Anthony said that last month Mitch Bishop told us that we're working on those.

Attorney Biege said that Mitch went back and met with the other City Planners one more time because he thinks that there is a change with the Michigan City Planner. Attorney Biege said that Mitch said that he will have a list of proposed changes to the Joint Zoning Ordinance to him soon and he thinks that he's going to have the maps done – he said that he had them all digitalized and he wants to say that he plans on bringing it to the Commission next month – he thinks that is what he told him and he's very very close.

Anthony Hendricks said that he was just kind of wondering – so we have a committee and he didn't know if they needed a little more time.

Attorney Biege said that he was under the impression that the committee was done and Mitch was getting it in digital format that's accurate that the Commission could properly review.

Willy Milsap asked if it's possible or legal counsel, have there been any updates on the SOB.

Attorney Biege stated yes. Attorney Biege said that he has been working on it and he has some language – he's reviewing the constitutional ramifications of the language, and they're also going through – when we adopt any amendment to the Sexual Orientated Business licensing business ordinance, the Plan Commission will not be involved, but we will need to have an

evidentiary hearing like we had when we adopted the initial ordinance. Attorney Biege said that they're in the process of going through the banker's boxes of evidence they presented last time to make sure it ties in with the proposed amendments so there's a proper evidentiary basis. Attorney Biege said that they're working on it and making progress and he suspects that they should have it done shortly. Attorney Biege said that will go directly to the Commissioners.

Willy Milsap said that the Plan Commission is out of the loop on this.

Attorney Biege said that's right because that's a licensing ordinance passed by the County.

Attorney Biege said that he appreciates the Commissioner's patience - there is a lot of work involved in it.

Willy Milsap told attorney Biege that he's doing a fantastic job.

Attorney Biege thanked Mr. Milsap.

Anthony Hendricks asked if there is any other new business.

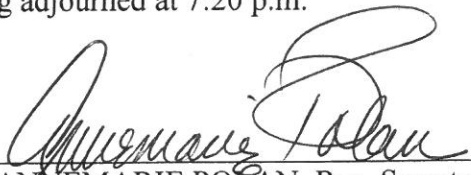
Anthony Hendricks said hearing no other new business, is there a Motion to adjourn.

Rita Beaty Kelly made a Motion to adjourn. Jim Pressel seconded.

All approved. Motion carried 8-0.

There being no further business this evening, meeting adjourned at 7:20 p.m.

ANTHONY HENDRICKS, President


ANNEMARIE POLAN, Rec. Secretary