



LAPORTE COUNTY PLAN COMMISSION

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ANNEMARIE POLAN
Building Commissioner

LA PORTE COUNTY PLAN COMMISSION MINUTES

April 25, 2017

MEMBERS PRESENT: Earl Cunningham Mike Gonder
Glen Minich Rita Beaty Kelly
Harold Parker

OTHERS PRESENT: Annemarie Polan, Recording Secretary; Doug Biege, Attorney; Dar Forker, Secretary.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

Rita Beaty Kelly asked for approval of the agenda.

Mike Gonder made a motion to approve. Harold Parker seconded.

All approved. Motion carried 5-0.

Rita Beaty Kelly asked for approval of the meeting minutes from the last meeting on March 28, 2017.

Earl Cunningham made a motion to approve with a comment that the meeting minutes of the meetings are always outstanding and he appreciates that.

Dar Forker thanked the board.

Rita Beaty Kelly seconded that.

All approved. Motion carried 5-0.

Petitions:

1. **Folmer Nyby Trust** comes before and respectfully petitions the La Porte County Plan Commission for a 7 Lot Major Subdivision called "Woods", and a waiver from the La

Plan Commission 4-25-2017-1

Porte County Plan Commission for a minimum required 200' feet of frontage for Lots 6 & 7. This land is north of Schultz Road, West of Concord Vineyard Subdivision, East of Concord Hills Subdivision, and South of Woods of Concord Subdivision, Center Twp., Section 17, Township 37 North, Range 3 West, and is zoned R1B having a parcel ID# 46-06-17-100-003.000.042. **(This was tabled from the March 28th, 2017 meeting to April 25th, 2017 for MS4, Rick Brown to take a look at this property).**

Earl Cunningham made a motion to remove this from the table.

Glen Minich seconded.

All approved. Motion carried 5-0.

Matt Garritano with Hendricks and Associates at 512 Lincolnway here in La Porte; here with Folmer Nyby and David Lee in regards to a seven (7) lot subdivision.

Mr. Garritano said that they're requesting primary and secondary approval and also the variance for the north two lots out of the seven. It's a seven lot single family subdivision north of Schultz Road and is presently zoned R1A. Mr. Garritano said that five lots will be accessed by Schultz Road and two from Concord Drive.

Mr. Garritano said that there will be no new county roads; it's single family residential only; no townhomes, no duplexes, no condominiums, no apartments and no trailers.

Mr. Garritano said that's pretty much it. Mr. Garritano said that they tabled it based on the MS4 – he handed out the MS4 report from Rick Brown. We're here for primary and secondary approval and the variance for the minimum frontage requirement for the two (2) lots.

Mr. Garritano said that if you have any other questions, he would be happy to answer them to the best of his ability.

Rita Beaty Kelly asked if there are any questions from the board at this time.

Glen Minich asked if there are any changes in the drainage being made.

Mr. Garritano asked as far as the Estates of Concord –

Glen Minich said as far as increasing the culvert sizes.

Mr. Garritano said that the culverts that are there today are going to exist as is. From the east to the west they have an eighteen (18") inch culvert and thirty-six (36") inch culvert and then the culvert that goes underneath Schultz Road, that's all going to stay the same.

Earl Cunningham said for the record, you're aware of the report and agree with the performance bond as required for one-hundred (100%) percent of the erosion control's package prior to the start of project.

Mr. Garritano stated yes.

Attorney Biege said he wants to make sure the record is clear. Attorney Biege said you said we got the MS4 report and they found that the application is adequate.

Mr. Garritano said that's correct. Mr. Garritano said also in there it stated that they did receive the plan review fee obtained.

Glen Minich said that the only other point that was being made at the last meeting was the restricted covenants to match the back subdivision there.

Mr. Garritano said that their understanding is that the covenants are going to be concurrent with surrounding areas.

Glen Minich said that he thinks the biggest problem there was nobody knew that.

Rita Beaty Kelly asked if there are any other questions for Matt.

Rita Beaty Kelly asked if there are any remonstrators this evening for, or against this subdivision.

Rita Beaty Kelly said hearing is closed.

Rita Beaty Kelly asked if we could have a motion from the board at this time.

Matt Garritano said that they're requesting the preliminary and secondary approval with the variance for the minimum frontage for the two lots.

Attorney Biege asked Matt if he knew what the lot numbers on those northern two lots are.

Matt Garritano said that the ones that they're applying for the variance would be lots 6 and 7 to access off of Concord Drive.

Rita Beaty Kelly asked the board if they would like to entertain a motion at this time.

Mike Gonder said so moved.

Harold Parker seconded.

All approved. Motion carried 5-0.

Rita Beaty Kelly said second on the agenda we have the update and to discuss the fee schedule again. John Niegos, electrical inspector from La Porte County will explain the process for us on the solar panels.

John Niegos said that he's the electrical inspector for La Porte County and he guesses we're here to discuss the costs of the permit for solar panels. Mr. Niegos said that he was confronted by some of our secretaries that he kept going out to the same place. Mr. Niegos said that sometimes a solar panel on a roof takes at least a minimum of four inspections. Mr. Niegos said that if it's down near southern county, he might be driving twenty (20) miles one way to inspect that four different times.

Mr. Niegos said that it's not just the solar panel itself, it's the mounting, and in some cases if there is battery power, there's not only the batteries, it's also the ventilation system that will have to go with it to make it livable in that house. Mr. Niegos said it's also the connections on the roof to make sure none of the wires are touching the roof, because when the wind comes it will wear those wires right out because of short circuit.

Mr. Niegos said that there is a lot of safety problems with it, and the last sheet on that first package shows that. There is a lot of labeling required that he has to check and that labeling has to be there for reasons of, if there is a fire and the fire department comes out there, how do you turn off a solar panel. There's no way, because it's constantly producing power. Mr. Niegos said that they need to be notified of that. Mr. Niegos said that if you turn off your main disconnect, people think that you can run into a house and turn off the main disconnect and be good, but with solar energy you can't. Mr. Niegos said that's a complete different situation; that also holds true for generators, because when the power goes out, they turn on.

Mr. Niegos said that there are a lot of things that go with solar panels and there are a lot of things when they're mounted on the ground; you have footings and a lot of grounding situations and things that he's discovered. I'm supposed to require that people put an eight (8') foot fence around if they're under eight (8') foot tall, which he hasn't been doing because our education system only goes so far. Mr. Niegos said that he's been to six certified educational credit classes on solar panels, two of them he did himself and we have a lot more to learn about it. Mr. Niegos said that we're just getting new to this; this is a new thing coming in here. Mr. Niegos said that it came in pretty big last year, and they had like twelve different solar panels to inspect and each one them was a little different. Mr. Niegos said that sometimes you have to meet with the power facilities and you have to do a coordination with them in the system to get everything turned on and checked out correctly.

Mr. Niegos said that sometimes that could take an hour; it takes a lot of our time and energy; the paperwork that's done in the office, it's something new so he feels that Anne is asking \$150.00 per a 10 KW inspection. Mr. Niegos said that most homes are 10 K or less and he thinks we would figure any home at being a \$150.00 inspection. Mr. Niegos said when they get to be bigger, say farm inspections, they do take a lot more time and if you go by kilowatts, you're not just adding the price on – say you're going to add one-thousand dollars to it because it's a big unit, well we don't want to really do that and stop people wanting solar, they want to promote it. Mr. Niegos said that right now the State is promoting any people buying solar energy pays no sales tax on it, so they're getting a seven (7%) percent savings right off the bat.

Mr. Niegos said when you sell a house you have to pay property tax -- capital gains, there are no capital gains attributed to any solar panel. Mr. Niegos said if a person who put in One-

Hundred Thousand Dollars into a solar unit, get a One-Hundred Thousand Dollar value to their home and pay no capital gains tax on that at all, which is a great thing – it's a great incentive for people. Mr. Niegos said that the units now are getting a lot more efficient – a lot less costly, and producing a lot more power.

Mr. Niegos said that is all he has to say, if anybody has any questions --- one other thing he wanted to mention is when we're dealing with people, he wishes he could say that we're dealing with a licensed individual, and we're not. Mr. Niegos said that our county only requires people to be insured and bonded. Mr. Niegos said that protects the homeowner in a way, but it doesn't protect them when they have to go out and inspect something somebody has done that bought a bunch of solar units and think they can do it themselves. Mr. Niegos asked if they know how many times they have to go out on something like that. It can be very time consuming. Mr. Niegos said that's about it, anything to add, or ---

Annemarie Polan, Building Commissioner told John that she thinks that he covered it – good job.

Mike Gonder asked Mr. Niegos if he did twelve solar panels last year with twelve inspections.

Mr. Niegos said basically yes.

Mike Gonder asked how many this year.

Mr. Niegos said so far this year he hasn't had any. Mr. Niegos said summer is just starting. Mr. Niegos said that people think about it when the sun comes out.

Rita Beaty Kelly asked if there are any more questions from the board.

Jeff Wright asked if PV is all approved here.

John Niegos said yes it is.

Rita Beaty Kelly asked Annemarie if she has anything.

Annemarie Polan, Building Commissioner said that she would just like to hear the feedback of the board. Annemarie said that she still thinks that \$150.00 is reasonable considering ten (10) kilowatts.

Glen Minich said like John said, the government is trying to promote alternative energy, so it's really not our place to over charge for it – we don't want to undercharge for our costs for our inspections. Glen said with that being said, that's something you have to look at as how far do you want to go. Glen said that he understands that every time you put alternative energy into the grid, you're stopping the need for the community to expand their power plan, which costs thousands and thousands of dollars. Glen said as he understands, we've nothing on the books so when these twelve came into play Annemarie came up with the charge of \$50.00.

Glen Minich said that \$150.00 to him is okay, but he feels like we should maybe on the back side of this, \$150.00 for KV. Glen said initially they were charging \$150.00 and then there has to be an additional 10 KV units in the same grid.

John Niegos said that \$150.00 they came up additionally was just an arbitrary number. We were bringing up numbers to discuss before the board and he thinks – and he doesn't know if Anne would agree with him, we added \$100.00 for every 10 KV unit that would be more than enough to cover our basis and still ---

Harold Parker said let's say you're putting up a lot of rows of them, are you going to charge them \$100.00 bucks every time.

John Niegos said no. John said every ten (10) KV added to the grid. John said say its 100 KV unit, you charge an initial \$150.00 for the first and another \$900.00 for others, that would be One-Thousand Fifty (\$1050.00) Dollars for 100 KV unit, which is also government subsidized about thirty-three (33%) percent he believes.

Glen Minich said that this picture that they were given in their packet, that's a twenty (20) KV, so each one of those panels is a 10, and again, he thinks that we're overdoing it when we say we want One-Hundred (\$100.00) Dollars for each one that is added to that.

Harold Parker said that's too much.

Glen Minich said he's going to be out there; we got the costs of the trip covered in that first \$150.00. Glen said that he thinks that we could come to a lower number if we want people to do this.

Annemarie Polan asked Glen his suggestion.

Glen Minich said he would say no more than \$50.00 per unit.

Earl Cunningham asked Mr. Niegos how much additional time would that take him. Earl said let's say in that particular case, we've heard \$150.00 to go out there for the first ten, how much time would it take to inspect the second ten.

John Niegos said that he's out there already, so just looking at the unit, depending on the units and the grounding, it would take him maybe another twenty minutes for every 10 KV.

Earl Cunningham said that \$50.00 would cover the expense.

John Niegos said that \$50.00 would cover the expense.

Annemarie Polan said she thinks so.

Earl Cunningham said \$150.00 plus \$50.00 for each additional ten (10) KV.

Glen Minich said in Porter County they must be charging nearly that same rate. Glen said that they are at \$300.00 for the first ten (10) and then they go to \$1500.00 ---

Harold Parker said if it's done right, why even charge them extra. Harold said that you can tell by the first one if they did a good job.

Glen Minich said that everybody thinks that the people that are doing this are making a big profit, but he doesn't think they are. Glen said that he thinks they need those breaks just to cover their cost. Most of the people that are doing it are for environmental purposes.

Glen Minich said with that being said, we're still collecting solar energy on a light and cloudy day, just like getting a sunburn on a cloudy day.

Glen Minich asked Harold if \$50.00 dollars each additional is too much.

Harold Parker said that if they put it in the same location \$25.00 is plenty. Harold said that you're hitting them the first time and then \$25.00 dollars every additional unit. Harold said that if you have another unit built, then you start all over.

Earl Cunningham said that you're saying as long as it can be done in the same trip ---

Annemarie Polan said that you're also saying if it's done right the first time.

Harold Parker said it would show up if you have shabby work. Harold said that if they fail time after time, keep charging the \$150.00 bucks every time he goes out.

Earl Cunningham said that he could live with that; that makes more sense.

Harold Parker said don't kill the guy because he's doing good job with fees, kill the guy that isn't doing a good job.

Attorney Biege said that if we're going to charge additional for going back out, which makes sense, we need to have that policy across the board for other stuff, in addition to solar. Attorney Biege said that would be a change in policy in how we charge, which is okay.

Rita Beaty Kelly said that it makes sense; there should be a secondary trip charge.

Harold Parker said as long as we have guidelines; back when they had milk inspectors, you get one on the wrong day and it wasn't too good.

Glen Minich said that the only other problem he sees with this is it's going to put your office under a lot of scrutiny—are failures being turned in –

Rita Beaty Kelly said so they get the secondary trip charge.

John Niegos said that he knows the policy in Merrillville – he knows one of the inspectors there and he talked to him. Mr. Niegos said that they charge \$104.00 to put in a ten (10) KVOU and \$75.00 for anything over two inspections, and he said that they usually charge at least four inspections; so that runs it up to \$300.00. Mr. Niegos said when they get the faulty workmanship, who pays for that charge, the workman, or the owner. Mr. Niegos said you're penalizing the owner in that case, where if you come up front with them and say okay, \$150.00 dollars, \$50.00 dollars, and \$25.00 dollars for every ten (10) KV over that, done.

Harold Parker asked if there are any guidelines to add an inspection.

John Niegos said part of that is what he has in that packet.

Earl Cunningham asked Anne when they apply for a permit, they get this check list from your office.

Annemarie Polan stated yes.

Glen Minich said each solar company and solar installer are different, some pretty much prefab and a standard connector that takes one second to look at, it's been put together right, and it's done, but there are some that don't fit in ---

John Niegos said to take the time to check it to make sure they have the right one. Mr. Niegos said that's what takes their time. Mr. Niegos said that our department is basically self-sustaining and we would like to at least cover the costs of him going out there and checking the units, doing the job that the county wants to do to make sure things are done safely for the people out there. Mr. Niegos said that they aren't looking to make money, we're looking at covering our costs.

Harold Parker asked what our proposal is, does anyone have a proposal.

Rita Beaty Kelly asked if we need a motion for that.

Glen Minich made a motion that we redo the basic ten (10) KV solar panel for \$125.00 and \$25.00 per additional at the same site for each ten (10) KV unit.

Harold Parker asked if that would be at the time of building, or would that be a condition.

Glen Minich said at the time of building. Glen said any addition after the original permit would start the process.

Mike Gonder seconded.

Rita Beaty Kelly said all those in favor signifying by saying Aye.

Earl Cunningham said he has a question.

Earl Cunningham asked Annemarie if she's satisfied that would cover his expenses.

Annemarie Polan, Building Commissioner said she thinks so.

Earl Cunningham asked John if he thinks that would cover his expenses.

Mr. Niegos said he thinks it well; a lot more than \$50.00.

Earl Cunningham said that's all he wanted to know.

Rita Beaty Kelly said all those in favor say Aye.

All Approved. Motion carried 5-0.

Harold Parker thanked Mr. Niegos for being candid with us.

Annemarie Polan said that we can always revisit it next year Earl.

Rita Beaty Kelly thanked John for his time.

Rita Beaty Kelly asked for old business.

Glen Minich said he thinks we wanted to look at a couple other ones.

Annemarie Polan, Building Commissioner said that she thinks that we're going to pass on that Glen. Annemarie said that we will leave it as is.

Glen Minich said that the only one he wanted to discuss a little bit was because he and Doug have talked about this at the Board of Zoning Appeals and we've seen a slight increase and he thinks that we might see more of the signs other than buildings. Glen said that the way the new zoning ordinance is written, it's more prevalent to have off site advertising. Glen said he doesn't even know if it was even covered in the last ordinance, but now it is and we've seen more of an increase in that. Glen said our fees for signs other than billboards are below a lot of other communities.

Harold Parker asked Glen to give him an example of what he's talking about.

Glen Minich said that he really doesn't want to mess with billboards because billboards are covered federally and state and there is a narrow margin for the people that are in that business. Glen said signs other than billboards, if it's a new business with a sign, he's really not concerned about that, because they're taking care of that sign. Glen said that it's these off premise signs that are being put on other people's property to advertise. Glen said that they're taking the place of billboards. Glen said that he's thinking that they're covered under signs, other than billboards, but he thinks that they could have their own price structure. Glen asked if that made sense.

Harold Parker said some of them are 4x8 panels on a fence.

Glen Minich said that more of them are 4x8's on buildings that are highly visible, so it's increasing the number of signs that are showing up in our communities.

Glen Minich said that he thinks that it might be a good place for the Building Commission Office to generate a little more capital, because they're basically taking advantage of the community by using us as a group. It would be no different than a website and not charging.

Harold Parker said that he doesn't want to detriment any businesses in La Porte by not letting them know where it is. .

Glen Minich said that they're all allowed their own signs, these are signs that are in addition to their own sign.

Annemarie Polan, Building Commissioner, said that they're off premise signs. Annemarie said that they're putting it on somebody else's property to advertise.

Harold Parker said like Channel Café in Stillwell –

Glen Minich said not something that has been in place, we're talking about new installations that are – a bunch came under play where they came and placed, they were already there and grandfathered in.

Attorney Biege said that the best example would be the storage buildings on Johnson Road. Attorney Biege said that they were grandfathered in, but that they also sought a variance for some of them. Attorney Biege said that's a good example what we're talking about; they have signs on the side of the storage buildings for other businesses.

Glen Minich said that the ordinance allows for that now and we don't have a price structure to compensate us for putting up those signs, we're kind of missing the boat on it.

Earl Cunningham asked Annemarie if she could do some comparisons with local counties.

Annemarie Polan, Building Commissioner, said sure. Annemarie said that she was just going to suggest that and she will do some research on that and bring it back.

Earl Cunningham said that is what he would recommend that we let Anne research it.

Glen Minich said that Anne has done a little bit of that because under signs other than billboards, you can see the price structure that we have. Glen said that we have under zero square feet, zero to twenty-five is \$40.00, and twenty-six to one-hundred square feet is \$60.00. Glen said the price structure for Porter County and Clark County, they're at \$175.00. Glen said what he's saying, rather than increase this, which each business is entitled to their own advertisement, he doesn't think we need to increase this, but anybody that's putting up an off premise sign could be under a higher price structure.

Annemarie Polan said so put in that category of off premise and come up with a fee structure for that.

Rita Beaty Kelly asked if there is anything else for signs.

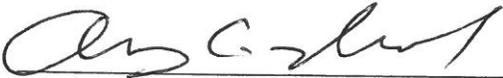
Rita Beaty Kelly asked if there is any old business.

Rita Beaty Kelly asked for motion to adjourn.

Earl Cunningham said so moved.

Mike Gonder seconded.

There being no further business, meeting adjourned at 6:34.


ANTHONY HENDRICKS, President


ANNEMARIE POLAN, Rec. Secretary