



unimproved public way abutting South of 7916 N. Pine Ln., New Carlisle, IN. Hudson Twp., zoned R1B. (Parcel 46-04-29-226-019.000-050) Exhibits attached hereto.

Attorney Biege stated notice is adequate.

Charles Waterson stated he is an attorney with Braje, Nelson, and Janes, LLP. He is present for the petition that was just read. They are seeking to have a portion of the public way vacated. On Exhibit A on the distributed packet with the petition, there is a black line going through east to west from the unimproved land they are seeking to have vacated. They are seeking to vacate just the northern half which is about fifteen feet (15') wide going from north to south. In the alternative, they believe a good resolution would be to have the whole way be vacated, but they are just asking for the northern half at this time. They believe the southwest lot owned by the Obanion family will be remonstrating tonight on the vacation of any part of that street which is why they are seeking the northern half. This portion of the unimproved public roadway has been unimproved and remains unimproved. It is upkept by his client Bradley Kerrick. He does all the mowing and the upkeep on the property. The continuous use of that right-of-way by the family to the south, the Obanions, is causing some ruts in that land and is causing harm to Mr. Kerrick's mower. He maintains the entire lot currently and is seeking to have the northern half vacated and continue to take care of it then. This would add to the County property taxes so it would be money coming in. They see no downside to having this vacated and that is why they are seeking to have it vacated this evening.

Harold Parker asked if this is an easement for utilities in the future.

Charles Waterson stated no, not that they are aware of.

Harold Parker stated he doesn't know if they should start dividing halves of alleyways.

Anthony Hendricks stated his understanding is that a vacation recommendation from this commission to the Commissioners is a vacation of the whole right-of-way, whether they take half or not.

Attorney Biege stated that is true. He doesn't think they can split it in half.

Charles Waterson stated alternatively, that would be fine. They were fine with vacating the whole portion just that the neighbors to the south are going to be in opposition to that. That is why they petitioned for the northern half.

Anthony Hendricks stated they are asking to vacate this unimproved street from Pine Lane to Hemlock through the block. The other question they usually ask is that even if they vacate, if there were utilities, they do not vacate easements.

Attorney Biege stated that is correct. Any utility easements remain.

Harold Parker stated he is so sure they are going to remonstrate, why aren't the other people going after the other half.

Charles Waterson stated that is what leaves them questioning as well.

**Remonstrators:**

Coral Laun stated her address is 386 Evanston Road, Kingsford Heights, IN.

Coral Laun stated she is in full support of vacating the entirety of that road. They have paid taxes forever to get it improved and they never did. She does own the property which is half of the other side. She is in full support. If it has to be that they vacate the entirety then hooray.

Harold Parker asked if they vacate the whole alleyway, would she get ownership of the other half; a half of a half?

Attorney Biege stated yes. They split the road down the middle and one neighbor gets half and one neighbor gets half.

Anthony Hendricks stated she would get half of the half.

Attorney Biege stated for full disclosure, he does represent Coral Laun; not in this matter, but other matters. There is no conflict of interest though.

David Ambers stated he is there on the behalf of Mr. and Mrs. Obanion; the third piece to this puzzle. They are on the southwest on the end as was previously stated of the road that the petitioner is wishing to vacate. There are several defects in the petition as it was filed with the court. First, the petition does not state whether petitioners are proceeding under IC 36-7-3-10 or IC 36-7-4-7-11 which is what applies. The petition must state the reasons for and the circumstances prompting the request. They have not mentioned that whatsoever in their petition. The petition also does not describe how the conditions in the platted area have changes so as to defeat the original purpose of the plat. There is nothing about that in the petition. There is nothing about that in their presentation. The petition does not state how it is in the public interest to vacate all or part of the platted area. The petitioner does not state that the value of that part of the land and the plat not owned by the petitioner will not be diminished by the vacation. They didn't address value whatsoever. The petitioner does not advise them that they may impose reasonable conditions upon any approval. His clients use this regularly to access the rear of their property. There is a platted roadway to the west of their property, however his clients have been there forty years and have some of the trees that are on that area. They cannot navigate through the trees to get to the rear of the property using that western platted area. Therefore, their only way to get to the rear of their property is through that easement and the petitioner was wrong as they are not the only person that maintains that. His clients regularly mow part of that area. It's almost like a back-and-forth type of situation, but his clients maintain just as much as the petitioner does. On behalf of his clients as an adjoining land owner, they ask that they deny this vacation because they cannot vacate half of a road and certainly his clients do not join in the vacation of any portion of it, let alone the portion that abuts their property.

Charles Waterson stated that as for the access to the property, as seen from Exhibit A, there is access to the west, south, and east of the property. Also, with this vacation as they ask for the northern half, but they understand that the best possible scenario is the whole plat, they would be left fifteen feet (15') still of access on that end. There is access from every direction to get to this property. It remains unimproved land. Granting this vacation would eliminate the animosity amongst the neighbors. They're not sure why they don't want part of the vacation. That wasn't described as to why they don't want their half of the property if it were to be vacated. That remains to be unseen. Doing so would certainly eliminate some animosity because then there would be a strict borderline and each would take care of their own half. Again, this would be on the County payroll as far as County taxes and that is why they are asking for the vacation of this plat today.

Joe Haney stated he is looking on Beacon at some of the other roads that run east to west to see how they have vacated some of them in the past.

Anthony Hendricks stated the attorney for the petitioners said that there were tire ruts in the path, who is driving through there.

Chuck Waterson indicated towards Mrs. Obanion.

Anthony Hendricks stated it looks like the southeast is owned by Coral Laun and the southwest is owned by the Obanions and they are using that unimproved roadway to get to the back. They own an "L" shaped property comprised of three parcels.

Chuck Waterson stated that is correct.

Anthony Hendricks asked Attorney Biege about the items brought up by the remonstrator about the petition.

Attorney Biege stated the statute does track the elements that Mr. Ambers described, but it can be in either the petition or presentation. The elements were substantially complied with, but it's ultimately the decision of the Plan Commission, but certainly not a jurisdictional issue.

Rita Beaty stated they have vacated many areas and normally they do not have to worry about remonstrations for splitting something in half because the other people are normally very happy to accept the other half as someone has gone to the trouble of trying to vacate that property and they've been happy about it. Obviously, this is a little different circumstance, but when discussing the southern half, Coral Laun will own half of that and Obanions will have the other half. Are they missing something where Obanions should be able to access that back lot because they are on the corner of Lilly and Pine and she can see that they own three contiguous lots to get to that back part of that property? Is there a reason where they wouldn't be able to access that from their bigger parcel there?

Charles Waterson stated there wouldn't be. The two northeast lots are owned by Coral Laun. They would have the fifteen feet (15') to get through there if this was vacated and then they have



the west and south and the east as well because they own the lot underneath Coral Laun's property.

Anthony Hendricks stated the remonstrators attorney should discuss their access and their use through that right-of-way in a moment. They do see a lot of these in the farmed rural areas and agriculture areas where they have unimproved right-of-ways and people are using them. Typically, they are not allowed to use those, drive on them, disturb them, or impact them unless they go to the Commissioners and ask them to improve them. They had people running through lawns and destroying grass and making mud problems in south County a lot with the unimproved right-of-ways. They have seen a lot of them come forward where they are unimproved right-of-ways, but the legal aspect is that it goes to the Commissioners that it is a right-of-way, but it is still owned by the Commissioners and they have to approve that if they want to use it.

Attorney Biege stated that is correct. Several years ago, there was even a well on an unimproved right-of-way and the County instructed him to get it moved.

Joe Haney stated being new to the Commissioners and Plan Commission this year, generally the property that is owned by the County is wanted to be used for whatever purpose would need permission. Back in the day certain folks would get permission to hunt on certain pieces of property. This has been years past, but they can't go out onto County property, even an unimproved right-of-way and utilize it without some sort of permission. Otherwise, there is all kinds of chaos that can happen in the County. He definitely sees Anthony Hendricks thought; to be consistent they can't just have people driving through unimproved right-of-ways on a continual basis or to access property without some sort of permission because it's not a public roadway and it's not something that is open for public use like that.

Anthony Hendricks stated before he opens the floor back up to the remonstrators attorney to discuss their access because the Beacon picture looks like there is a car parked back there and they are driving on the unimproved grass right-of-way and the property looks like there are trees and other things on the property. He would like filled in on what the owners are using and how they are trying to get to the back of the yard.

David Ambers stated to the west of his client's property there is another unimproved right-of-way. That is the one that he was referring to that there were trees on it before his clients bought their property. The trees are still there so there are trees over forty (40) years old that obstruct the flow of the traffic through there. He strongly disagrees with the proposition that nobody can use an unimproved right-of-way because that is wrong. If somebody goes to a local title company and somebody is buying a back lot, the title company would ensure that as legal access though unimproved. They do have a right to use that right-of-way. They are using it. It is the only means through which they can get to the rear of their property. If the whole thing is vacated, they still can't get to the rear of the property because then they would be waiting for Mr. Kerrick or Ms. Laun to give them an easement over her half. At worst case scenario, they vacate half which he has never heard of in his thirty (30) years of doing this. Or the matter needs to be denied because they do have a legal right to use that property and that is an insurable right that the title company would rely on to issue a title insurance policy. Commissioners can believe what they want to believe, but when push comes to shove that is a valid right-of-way that simply is not improved.

The County has no duty to improve it, but they can't tell people they can't use it unless it's a vacation or all requirements of the statute are met. Still, with a second shot at it, they have not addressed all the areas that the statute requires them to address in the petition let alone verbal comments. They ask that they deny the entire vacation.

Anthony Hendricks stated that his point wasn't that they didn't have rights to use it, they just don't have rights to ruin the grass and make a mud pit out of it. Everyone has the right to use it, walk on it, but if it becomes a mess that's different. They see that in front of the Plan Commission all the time and so does the Commissioners. Mostly in agriculture areas where they drive combines through yards and ruin the yard grass and destroy the access. Yes, it's public access, but his point was that whether they approve or deny this and it gets to the Commissioners they will ask the same question. All of the public has a right to use that, but they don't have the right to ruin it.

Joe Haney stated he wasn't specific enough when he was saying that. They see it all the time. People try to put Conex containers, boat launches, and all different kind of stuff on there to disturb the actual area itself.

John Carr asked Attorney Biege if they need to change the petition as they have only petitioned to vacate the northern half and they can't just vacate half if it.

Attorney Biege stated all the parties have notice of the vacation so he would presume that they didn't realize they couldn't take just the north half, but it still fulfills the statutory requirements. To be clear the new members on the Plan Commission, the Commission has vacated parts of right-of-ways in the past, not in the middle, they have to take the whole thing, but they don't have to vacate the entire street. They can do it from street x to street y. They have done that many times in Hudson Lake.

Anthony Hendricks stated for the new members they have three choices in the recommendation: to approve, to deny, or no recommendation. They can send it forward with no recommendation.

Attorney Biege stated this is an advisory decision which goes to the Commissioner for final consideration.

Earl Cunningham asked if there is a statute that prohibits them from vacating half. They try not to do it, but is there a state statute that says they can't give them half.

Attorney Biege stated he would need to read the statute to make sure. He thinks the statute presumes it is the whole thing, but again Coral Laun agrees with it and she would get the other half. To give an exact answer though he would need to review the statute.

David Ambers stated Coral Laun would get half of one (1) half. She would get a fourth.

Joe Haney asked how wide the easement is currently?

Charles Waterson stated it is thirty feet (30') wide.

Joe Haney stated it would only be fifteen feet (15') if vacated down the middle.

Earl Cunningham stated if they only want one half and there is no law prohibiting it, then they give him half so he knows when he mows that, if they want to drive down it, they at least drive on the other half. That is basically what he is asking for. If he is trying to take care of a lawn, none of them want people driving through their own lawn. This is not his lawn right now, but if they give him half of it then that becomes his lawn. When he mows it, he knows somebody isn't driving through it. If he wanted to put a fence up there would still be fifteen feet (15') of access and that's wider than his driveway.

Earl Cunningham made a motion to make a favorable recommendation contingent on legal review of the Plan Commission and Board of Commissioners Attorneys for the Petitioner Bradley Kerrick represented by Charles Waterson, IV of Braje, Nelson, & Janes, LLP to vacate the North half of an unimproved public way abutting South of 7916 N. Pine Ln., New Carlisle, IN. Hudson Twp., zoned R1B.

Joe Haney seconded.

Ashley Kazmucha read the roll:

Anthony Hendricks stated aye.

Rita Beaty stated aye.

Harold Parker stated nay.

John Carr stated aye.

Azad Chahal stated aye.

Joe Haney stated aye.

Adam Koronka stated aye.

Earl Cunningham stated aye.

Approved. Motion carries 7-1.

Dave Ambers stated there was a huge misunderstanding here. The petitioner is not worried about ruts in his yard. The petitioner bought a portable building that required a building permit because it was more than one hundred and forty-four square feet (144<sup>2</sup>'). The petitioner had that placed next to the garage he owns and it is on the right-of-way. He was told by, he believes Mr. Polan, to move it. Then they came to the possible resolution that if he got the street vacated, then it would be on his property and not County property. He heard somebody say they made him (*Attorney Biege*) move a well so why don't they move a portable building.

Anthony Hendricks thanked Dave Ambers for the information. He expects the petitioners to bring some sort of survey showing to the Commissioners everything about the property.

Michael Polan stated he does not recall speaking to that individual about that, but it would have been handled by his office. It's possible that he or one of the staff did and if there was a building encroaching onto an easement or right-of-way, they would tell them to move it or petition to vacate.

Anthony Hendricks stated he would presume he would ask for a survey to show the encroachment.

Michael Polan agreed.

**2. Petitioner Infinite Development, LLC represented by Charles Waterson of Braje, Nelson, & Janes, LLP** respectfully petitions the Plan Commission for a proposed 47-unit townhome development with a PUD overlay with zoning change from R1B to R2A located immediately to the north of the Briar Leaf Golf Course, LaPorte, IN. Center Twp., zoned R1B consisting of 10.88 acres. (Parcel 46-06-14-300-045.000-042) Exhibits attached hereto.

Attorney Biege stated notice is adequate.

Chris Willoughby stated he is an attorney with Braje, Nelson, and Janes, LLP and he is working in tandem with Charles Waterson. He is there tonight on behalf of their clients Briar Ridge Partnership. Gerry Fedorchak is also present as well as Jim Magnuson who is a principal in the LLC owner of the property. What they are doing is a little out of the norm as they are double dipping and they have two petitions before them. There is a petition for rezoning from current zoning from R1B to R2A. There is also a petition for a PUD which is preliminary in nature so that one he will spend less time on an presume that they will have questions on some specifics in which he will defer to Mr. Fedorchak on the specific questions that they may have. The heavier lifting that they have to consider is the rezoning and do they make the case that would allow for that to be passed along to the Commissioners. Both decisions made tonight will require separate actions from this Commission. He will defer as he is not their attorney, but he will speak about them in tandem to save time, they go together, and if one (1) is not approved than the other is dead in the water as well. Essentially what they are asking for on this ten plus (10+) acre parcel is the rezoning from current single-family homes in R1B to where this match up to the new zoning that they are asking for with the R2A would allow townhomes which would not currently be allowed. However, both of them according to the code when the Master Plan was created were mindful to the future and urban expansion in unincorporated parts of cities and counties. They are matching up with the Master Plan as it was intended, however what they are doing is more in line and matches what is already there with Briar Leaf and some of the townhomes developed in and around the area. It very well may be that this piece of land should have already been zoned differently, however it wasn't and they run into these from time to time. The main concern is spot zoning is not favored under the law; however, they think this meshes with some of the other zoning and developments of Briar Leaf that are in place. They have had a few calls from some neighbors that happen to be mutual clients of the property in question, but they

haven't gotten any push back or feedback that anybody is against this project. They are willing to answer any questions and be mindful that those familiar with Mr. Magnuson and his family have done a lot of quality projects in and around the area. This won't be anything less than that. To show another example how community oriented and minded Mr. Magnuson is, seven to eight (7 - 8) years ago he worked with the County to fix a drainage problem in and around the area for a retention pond. This project he will defer to Mr. Fedorchak for specifics, but be mindful that the property values and use of this property will increase the tax rolls. They hit all the major items that would entitle them to rezoning.

Gerry Fedorchak stated he is a local architect, realtor and developer located on Johnson Road in LaPorte. They are proposing a forty-seven (47) unit development in a similar development to what they did at the Golf View Townhomes with their forty-four (44) units over there. This is approximately twelve-to-fourteen-million-dollar (\$12,000,000 - \$14,000,000) project. They find as realtors there is a huge shortage of quality, not affordable, but lower priced housing. They are trying to target the two hundred and fifty to three hundred-thousand-dollar (\$250,000 - \$300,000) range. They think there is a huge market and need for that. This project fits nicely into the community that is already there. There is sewer and water already available with storm systems available. They've met with the County, the Highway people, Mike Polan, and they don't think they have had any negatives from anybody on any of the issues. They want to do a high-quality project in a price range that can really meet this huge demand in the area.

Chris Willoughby stated it is important to note the link between the forward-looking Master Plan and the zoning that was there. In a conversation between himself and Mr. Fedorchak they spoke about density and the density that is permitted as zoned now will not be any more than with the new development. Any concerns about over building or the density becoming something unbearable has been accounted for and will essentially be the same that could be allowed there now. This fits in the community and developments around there. Mr. Magnuson previously allowed surrounding homeowners to run a pipe across his property without compensation or any ask there. They think this project and the intentions fit with what the code allows and so they ask that they approve and pass along the petition for rezoning as well as approve the preliminary Planned Unit Development petition. They realize there is more to come in terms of final plans with regard to that development.

Anthony Hendricks stated for the record, it is zoned R1B, but south of it is existing townhomes, west is manufacturing, and north is B3. It's not really much of a spot zoning question because it is surrounded by other residential or commercial north. Will sewer and water also be provided?

Chris Willoughby stated yes via the 39 North Conservancy District.

Mike Polan stated they did meet at the Plat Committee to go over the preliminary plans and he likes the concept. It is a good fit for the area. The preliminary plans are just that, very preliminary. There are some specific questions or concerns that he would want addressed at final plan. Fire suppression will need to be addressed as well as water pressure and availability. That is a known problem in that area so he would like special attention paid to those things. INDOT driveway permit and deceleration lane was talked about and there's no doubt that these things would be addressed as they were talked about at Plat Committee, but he is discussing them now



with all of the Plan Commission members and to have it on the record in case they have to go back to it. The other thing is drainage; there is a wetland area that could be used for the proposed drainage, but considering the fact that a pipe was previously put in there to drain excess water from Tiffany Woods he would like that taken into consideration with any storm water design plan that is submitted to them in the final phase. If this is intended to be a retention as opposed to detention it would need to be designed for one hundred and fifty percent (150%) capacity storm water. Those things are what he would like special attention paid to and gone over in detail at final plat. As far as the zoning fit and the concept, he very much likes it.

Harold Parker asked if the bypass around LaPorte will present any interference with this project.

Gerry Fedorchak stated the plans they have seen are nowhere near what they are doing.

Joe Haney asked for elaboration on it being civic minded as far as allowing pipe access across there.

Attorney Biege stated there is an excerpt in the Plat Committee minutes from Kenny Layton who was County Commissioner at the time. He will read it into the record.

*“On Behalf of the LaPorte County Commissioners, the LaPorte County Highway, and the residents of Karen Court area of Tiffany Woods Subdivision, we say thank you. Your willingness to allow placement of underground pipe along and across your property to drain the Karen Court area is most appreciated. The problems related to this area are at least fifteen (15) years old and with your graciousness, now problems of the past. Since you did not request enumeration for the project, we will agree to assist you in the future. Should the need arise for installation of a retention pond near the south east corner of your property to assist in drainage, we agree to assist with the design and construction and the hooking into the piping system already in place. It has been a great deal of pleasure working with you on this issue.”*

Anthony Hendricks stated he was around when engineer Jeff Wright was around and they put that pipe in with the goodwill of Mr. Magnuson because Tiffany Woods was under three feet (3') of water in the cul-de-sac and the County maintains two (2) pumps with eight-inch (8") outlets across the south and east side of his field to the outlet and it has worked wonderful. He hasn't heard a peep since 2010. That was quite a feat that most people who don't live in Tiffany Woods don't understand what happened out there and what they were dealing with for decades.

John Carr asked what process they are in. They are approving the rezone and what else?

Attorney Biege stated the rezone would be final and go to the Commissioners. On the rezone, the requirements are a few setback differences, but other than that it is the difference between a single-family and a townhome. That's why they need to rezone. That would be final. This phase on, the PUD is preliminary approval. They are telling them they may proceed with their specifics. A lot of developers don't want to spend the money on the engineering and the high price tag items until they know they have preliminary approval from the plan commission. They're telling them what they have so far is good, but they have a long way to go and that's



what the Plat Committee is for. They wouldn't come back here until the Plat Committee says they are comfortable with the engineering, drainage, etc.

John Carr asked if Mike Polan will be able to address those concerns at the next Plat.

Attorney Biege stated yes. The Plat Committee is more of a process than a meeting. Whenever everything is done and ready and Mike Polan is ok with it, then they come back and ask for a final.

Anthony Hendricks stated that is why Mike Polan put in his information for the record because he wants to see those before they come back here again.

Mike Polan stated he would like to see it at Plat Committee. There is an interest to break ground sooner than later and move on this project. That is fine. Anything they can do to help facilitate that is fine, but making their requirements and what they would like to see known and clear can only be helpful to all sides. In Plat Committee, he is a member as the Building Commissioner, but it is also comprised of the County Engineer, County Surveyor, MS4 Director, Health Department Director, County Planner, and the Purdue Extension Director. They have all of the professional departments involved in approval that would be at this meeting before any final approval or final construction plans make it back here.

Earl Cunningham stated Jim Magnuson and Jerry Fedorchak have been involved in numerous projects around the County speak for themselves that they are concerned about quality. More importantly as a Plan Commission they need to remember that these aren't out-of-town or out-of-state developers coming in who will take their money back somewhere else and spend it. These guys eat in their restaurants, go to their churches, and shop in their grocery stores. They take pride in what they do because they will have to talk to their neighbors about it if it turns out badly. There is something to be said for that. He loves doing business with local people and that's something they should be well aware of. He thanked both of them for the projects they have already done in the County.

Azad Chahal asked what the interest is to change from single-family homes to townhomes if the density is going to remain the same.

Gerry Fedorchak stated the cost is less if they can increase the density. Instead of building six (6) units with four (4) exterior walls, they are able to join them, save on the cost, and get the prices down to where they can get to a larger market.

**No remonstrators present.**

Anthony Hendricks asked Mitch Bishop his thoughts on the zoning change for the site.

Mitch Bishop, County Planner, stated the current zoning and what they want to change it to is compatible. That would be a spot zone like he stated because there is residential in the surrounding areas to the east and south. There is no fear of that and it is consistent with the Comprehensive Plan for that area. The only question he has is about the preliminary PUD

approval. The requirements state that there should be a PUD Ordinance. He is unsure if he received the complete application, but the application was deficient. He may have completed half of it. Is the Plan Commission comfortable with approving an incomplete application at this time even though it is preliminary? At this time, they are supposed to show a PUD Ordinance for the development and maps with contours and open space that accounts for twenty-five percent (25%). He thought there were a lot of things that were missing and he may not have received the correct version.

Tony Rodriguez, Director of LaPorte County Community and Economic Development, wanted to acknowledge the comments made this evening most comprehensively made by Councilman Cunningham. Local Developers known to the community seeking to reinvest substantially in their community in the assistance in solving a significant challenge right now for not just LaPorte County, but all of the United States today. Owner occupied housing that is being made available as a good product at a reasonable price he applauds. He urges support and also applauds the commitment of these developers and their professionals to bring a high-quality project forward. Mitch Bishop's comments are duly noted. He is complementary of the work of the new County Building Commissioner, Mike Polan who has been working so close hand in glove to address the items that they know are challenging at this point or need to be addressed prior to its' final steps forward. He wanted to fully support and applaud the project as it is so sorely needed in the community.

Tony Hendricks asked that if the public hasn't had the opportunity to take the County Broadband Speed Survey, please login to [laporteco.in.gov](http://laporteco.in.gov) and please take the speed test. They are about two hundred (200) surveys away from having their target goal of one thousand (1,000) surveys. It is critically important. He apologizes for plugging in that commercial, but thanks everybody for their time.

Joe Haney stated he would like to second about what Tony Rodriguez said about needing more housing in LaPorte County across a number of different price ranges especially this one. The market is absolutely dry on that. If they are going to continue to grow the County, they need good quality homes for people to live in. It is something that is desperately needed in this County so severely.

Anthony Hendricks stated he sees real estate almost impossible to buy a single-family. They are trying to get people to sell their single-family homes and move into these townhomes or smaller communities that are up in age so their houses will open up for families. The market is tough and that is an understatement.

John Carr asked how many square feet will the units be.

Gerry Fedorchak stated they are trying to get it into the twelve-fifty to fourteen-fifty (1,250<sup>2</sup> – 1,450<sup>2</sup>) range. The want in the two-hundred and fifty to three hundred-thousand-dollar (\$250,000 - \$300,000) range. Prices of materials right now are through the roof. Their designs are being worked with their budgets back and forth. Hitting those numbers is very critical.

Chris Willoughby stated they appreciated the Planners comments. They do think they hit the green spaces and contours in the Exhibits, but perhaps not spelled out as well or if he has access to them. They were submitted. They know this is the preliminary stage and that this is more check the box than anything, but they duly noted all the comments tonight and they will be back. The plan is to break ground sooner and they need to jump through the hoops and get everything finalized and in line. They have adequately addressed the basics. He will defer for any other question they may have.

Mike Polan stated he concurs with Earl Cunningham's comments. They were well stated. Mitch Bishop also may only have access to the Plat Committee application, not the full plan application that everybody else received. He remembered specifically discussing the green space and drainage during the meeting with the County Engineer. They were provided with large plans. Before the final plan at the next Plat Committee, he will make sure that it is scheduled so that every member will be able to attend so that when it does come back before this Board, everything has been gone through thoroughly.

Harold Parker made a motion for a favorable recommendation for Petitioner Infinite Development, LLC represented by Chris Willoughby of Braje, Nelson, & Janes, LLP to rezone from R1B to R2A on the property located immediately to the north of the Briar Leaf Golf Course, LaPorte, IN. Center Twp., zoned R1B consisting of 10.88 acres.

Rita Beaty seconded.

All Approved. Motion carries 8-0.

John Carr made a motion for a favorable recommendation for Petitioner Infinite Development, LLC represented by Chris Willoughby of Braje, Nelson, & Janes, LLP for a proposed 47-unit townhome development with a PUD overlay located immediately to the north of the Briar Leaf Golf Course, LaPorte, IN. Center Twp., zoned R1B consisting of 10.88 acres.

Joe Haney seconded.

All approved. Motion carries 7-0.

Anthony Hendricks stated for the record, Charles Hendricks & Associates does do business with G.M. Fedorchak sporadically and sometimes Mr. Magnuson. He will abstain from the vote. Let the record show that there is not a conflict and they are not representative on this, but to be clear and true with the public they do business with either one (1) of those individuals.

### **3. Solar Ordinance**

Attorney Biege stated there was a Bill introduced. Did it die in the legislation or did it just die?

John Carr stated it passed the House.

Joe Haney stated it died in the Senate.

Attorney Biege stated they put a hold on the zoning ordinance while that Bill was in the legislature. It doesn't look like it is going to make it through he figured we would put it back on the agenda and take another look at it. The last copy he sent out had the last round of suggestions we had from the Plan Commission. The last additions are in red.

Mike Polan stated he spoke about the Ordinance with Harold Parker. They agreed that they should add some drainage language to it. He worked with Attorney Biege on that via email. That's where they are with it. He does have neighboring counties that have a couple thousand acres of solar farms going in and there is one in LaPorte County that is approximately five hundred (500) acres that would like to come in. It would be prudent for them to do something with this ordinance.

Anthony Hendricks stated he is on record of being in favor of wind and solar energy. He is in favor of anyway as long as it is not a blight. They should incentivize wind and solar as much as they can. The concerns he had with the draft were that if they wanted to do a small scale solar in a residential area, it reads it requires a special exception and he thinks it should be permitted. That is his personal opinion. If they have the space to do it, they should be able to put it in your yard. Solar panels are ramping up; they're getting better and more effective. Some people don't like the way they look. He personally doesn't think they look great, but he doesn't have a problem with them. They work fantastically. He personally would have them in his yard as soon as they get to where the utility company will have to pay them for the power because he doesn't want to produce power and give it away to them. That is his hold out to put it in his yard. He doesn't want to build something and give away power for free if he is going to expend thousands of dollars on solar, but it is needed. NIPSCO is changing over to a lot of green energy. Michigan City will be gone. It is fantastic to get environmentally friendly power. The more people with it, the more power produced. He likes the big solar farms, but thinks they are more effective with a lot of smaller farms and lots of smaller panels with people in their yards. He is concerned about the chart that says it is a special exception. He presumes that is BZA, but they don't need to be full of a bunch of meetings with special exceptions for something that he thinks should be allowed as long as it is not overbearing and they have the space for it.

Joe Haney stated that is an excellent point and he agrees with that. They don't want to be discouraging people from doing things that are going to help the environment. If they have the space for it and are able to do it, they shouldn't disallow people from utilizing their property for something that is going to be a betterment.

Harold Parker stated the big acreage ones are starting be a problem in the state. There a lot of them downstate and they are taking up thousands of acres. They're alright as long as they have enough food to eat, but they are hard to convert back and expensive.

Anthony Hendricks stated that is his point. The more of smaller personal panels there are in people's open space in their yards, the less agriculture is being eaten up that should be producing crops.

Harold Parker stated in Florida they have them in the parking lots.

Anthony Hendricks stated they have them all over California parking lots.

Harold Parker stated they are like sun screens for the cars.

Anthony Hendricks stated he agreed and that people park under them.

John Carr asked if the Ordinance was modeled or compared to neighboring counties.

Attorney Biege stated he too primarily St. Joe County, but he obtained ordinances from half a dozen surrounding counties. He assembled it how the Commission might like it. That is his draft. They are here to get suggestions and changes that the Commission may want.

Harold Parker asked if they fully covered the dismantlement of one.

Attorney Biege stated he believes so. It is on page seven (7).

Anthony Hendricks asked if the Ordinance allows for panels to be placed in setbacks; are they covered with that?

Attorney Biege stated yes.

Anthony Hendricks stated it doesn't allow them in side or rear yard setbacks or front yards. They're not putting them in wetlands or over septic systems.

Attorney Biege stated that is correct.

Anthony Hendricks stated a lot of good thought went into this.

Harold Parker asked if when it states owner, is that owner of the property or owner of the panels.

Attorney Biege stated they added a definition for property owner in the last revision.

Harold Parker stated most of them in this State and County are not locally powered. They go to other states. Most of the stuff produced in this State is not used in this State.

Attorney Biege asked Anthony Hendricks if they want to change the chart under single family to have special exception removed for small scale?

Anthony Hendricks stated small scale he is not sure why it would not be permitted everywhere. They are up to forty thousand square feet (40,000<sup>2</sup>') so it is less than an acre. He personally owns an acre and doesn't use more than half of it. He could probably put two-hundred-foot by two-hundred-foot (200' x 200') panels in his back yard.

Attorney Biege asked if he is suggesting they eliminate special exception for every category for small scale.



Anthony Hendricks stated yes. Large scale site shouldn't be anywhere unless somebody reviews it. Mostly because it is chewing up farm ground which they need to really look at and right now there isn't a problem, but it could get serious pretty quick. Industrial he likes that is permitted for large scale. It is industrial; everyone knows what it is. Large scale is pretty big; it's huge.

Azad Chahal stated on Page 3 under Environmental Impact. He would like to see more analysis on that because there is a lot of environmental impact. For example, if it is agriculture land it might be a food security and they may be compromising it. Another issue is that they always call wind and solar energy as carbon neutral, but crops or any other green material can be carbon sequestered so they don't want to get rid of that too as it would take away the carbon. They should look into a carbon channel as well. It would be nice to have that analysis before they move into it. It is an idea they should consider.

Attorney Biege asked if he has any suggested language to insert.

Azad Chahal stated he doesn't know if there is any lifecycle analysis on it for a carbon, but they would definitely have more information if they are using agricultural land or any other large farms.

Anthony Hendricks stated for clarification, the ordinance is on the Agenda, but does not necessarily need to be approved tonight. They could table it, but the Building Commissioner Mike Polan has a site that wants to build soon.

Mike Polan stated he doesn't want to put pressure on the Board to pass something tonight, but he did want it discussed and he is looking for some guidance. If people come in that want to spend a substantial investment and they are looking to his office for guidance as to what they can expect out of an ordinance he is at a loss. There is nothing currently. He can't legislate from his desk; he can only enforce the codes that are given to him. He is reliant on the Plan Commission to guide and advise him so he can guide and advise the potential developers or builders that want to come in with these things. He is glad that it is at the forefront right now, that it is being looked at, that it is being discussed, and that they are getting good suggestions. He further recommends to take it home and look it over and email either himself or Attorney Biege a couple paragraphs. That's how he and Harold Parker started the drainage part. That is how they come up with something they can all be proud of.

Attorney Biege stated it is set up as an additional subsection in the Chapter in the Zoning Code. Assuming that since it is brand new and they will probably want to tweak it down the road, he won't have to jump through hoops for a full Zoning Code Amendment. He set it up like Storm Water which they have to redo every few years as is required by the State. To amend this later on down the line will not be significant parade to achieve.

Earl Cunningham stated that when Mike Polan speaks to potential developers, he can share the Ordinance Draft with them as a pending resolution because they may have some input. They may be trying to do the same thing in a few states and there may be some outstanding language in some other ones that they would share with him.



Mike Polan stated that Earl Cunningham answered his next question before he asked it.

Joe Haney stated that he has a comment on Page 6 E – 1. It talks about pollinator seeds underneath which is a great idea or if grass is to be maintained and grass has been a touchy subject in this County and he agrees with that especially, if it is out of sight, out of mind. As they don't really have one in this County, he's not sure setting it at six inches (6") is a good idea; they may want to up that a little bit or put in something general to leave it to whatever the County would ultimately have.

Attorney Biege stated the six inches (6") came from his head. He just picked a number as a place holder.

Anthony Hendricks stated there are solar farms coming in right now and getting ready. Do they have the ability to have a building permit for them or charge them any money without this Ordinance?

Mike Polan stated they are getting permits and inspection, but the system is antiquated. He has guys that have to walk acres and spend multiple trips and they're getting like fifty dollars (\$50) a permit. This is probably more of a fiduciary for the Council. This is not necessarily about the Solar Ordinance, but the solar permitting. The way that they are doing it now is antiquated and the price for the permits is as well. If they are going to be a self-sustaining department and be able to live off the money they bring in, they need to look at the way they are permitting them and what the fees are.

Anthony Hendricks asked how they are handling solar permits right now without this Ordinance.

Ashley Kazmucha stated solar permitting is done online. They can be pulled online. Roof mounted is approved in office. Ground mounted gets sent to the Health Department to make sure it is no encroaching on the septic. It has to be at least ten feet (10') away and price is determined by kilowatt hour. If a big field is going in, that will be a lot of kilowatt hours and the price will go up substantially.

Attorney Biege stated a few years ago they revised the charges on how they would charge for the inspections with very little experience in the area. It was all brand new, but he and Annemarie Polan wanted to get something in place and as they gained experience, they would fine tune the process itself as well as the billing as there is a lot that goes into the inspections. When that was formed, the best way to describe it would have been guestimate.

Anthony Hendricks stated they do have some permitting procedure through the Building Commission. They are coming through and getting permits and paying fees so if the Commission should so choose to table for a month, they have something in place right now. They just don't have all the teeth that sits in the Ordinance.

Mike Polan stated that based on Earl Cunningham's comment, when the solar farms want to come in and look at LaPorte County as a potential site when they come back, he can share what current draft there is with them.

Anthony Hendricks stated they're not going to start that project tomorrow. They're a few months out.

Mike Polan agreed. For anything on a larger scale, from planning to breaking ground could be a year or two (2), but if they are looking at it and looking at a substantial investment, they want to know what they are getting into before they spend money.

John Carr asked if it would be beneficial to pass the Ordinance and then take a month to make whatever tweaks they need to make at the next meeting just so something is in place.

Attorney Biege stated that he prefers that if there is additional input, he receive it over the upcoming month and look at it next month.

John Carr stated if somebody pulled a permit, they wouldn't have to abide by the Ordinance until it is passed.

Mike Polan stated that what they are doing now is all small scale residential so they should be good there. He concurs with Attorney Biege and asks that Azad Chahal and anybody else that has any proposed language or questions to get some emails going back and forth so when they meet again, maybe they can be ready to pass something.

Anthony Hendricks stated he is in the same boat as the major solar farms. They have a new administration federally so there were probably things coming in the next three to six (3 - 6) months that will move people, but it is not coming next week.

Attorney Biege stated that for the current draft, the last change was the addition of property owner on Page 5. Is the Commission okay with that? What he wants to do is not pass anything, but get approval of language changes as they go so, they can put them to bed and they'll know what the next round is going to be.

Joe Haney stated he would like to see the change for small scale permitted all the way down the line.

Attorney Biege stated he can do that.

Joe Haney stated another look at the grass height there.

Attorney Biege asked if he wanted to eliminate height requirement altogether?

Joe Haney stated they might as well and put that they allow pollinator seed underneath it like it has, but eliminate the grass requirement so it would fall under whatever would be at the County at the time anyway.

Ashley Kazmucha stated Annemarie Polan received a complaint about grass height on a solar farm in the County so they requested to have the height restriction in there because people were not maintaining them.

Anthony Hendricks asked if the County has anything on grass.

Ashley Kazmucha stated the State technically does, but the Township Trustees are supposed to enforce it, but they don't.

Anthony Hendricks stated that is what he thought.

Rita Beaty asked if they could put in that grass is maintained per County Ordinance.

Attorney Biege stated there is no County Ordinance.

Ashley Kazmucha stated Township Trustees don't enforce it.

Mike Polan stated that may be where the six inches (6") came in at.

Joe Haney stated he doesn't really measure what is bad on his property, but would eight or nine inches (8" – 9") be better to give some more leeway out there. Six inches (6") is fairly decently maintained pretty regularly.

Ashley Kazmucha stated that as long as it's not a foot (1') tall it should be fine.

Mike Polan stated as Attorney Biege said that it was just a number he came up with, but now he understands why it was put in the Ordinance. It does make sense. He gets tall grass complaints and the jurisdictional departments that have that don't act on it and he does; he sends letters. He doesn't have any teeth to enforce it and this would help that.

Joe Haney stated that what is in here for people doing it should be putting pollinator seed out there and that's better for the environment and they don't have to worry about that other sort of maintenance.

Attorney Biege stated they could eliminate grass altogether and require pollinator seed.

Anthony Hendricks stated he likes pollinator seed.

Attorney Biege stated they can put anything they want under them, but if they want to eliminate the grass, they can say no grass.

Anthony Hendricks stated they could take the height out and ask the Commissioners what they want to do County wide about the height of weeds and grass.

Attorney Biege stated good luck with that. He almost got murdered when they tried that last time.

Joe Haney stated he doesn't think that will be extremely favorably received at the Commission.

Azad Chahal stated that Ashley Kazmucha made a great point with her comments. The maintenance and cleanliness also affect appearance and for the capacity of the solar panels and how efficiently they are working. If there is a dust or something on the top of the panel that will impact efficiency. That should be included in that too.

Attorney Biege asked that any Commission members that any language, additions, changes, or deletions they have to email them to him so he can get it to everybody before next meeting and take a look.

Anthony Hendricks stated the goal is to be ready to pass something next month.

Attorney Biege stated if everybody is in agreement with the changes. He doesn't get a lot of responses back and then they meet and they want to add and delete. He would prefer to get it emailed in advance so everybody can look at everything at once.

Joe Haney made a motion to table the Solar Ordinance to the next meeting.

Rita Beaty seconded.

All approved. Motion carries 8-0.

Anthony Hendricks asked if there is any old business.

Anthony Hendricks asked for any new business.

Anthony Hendricks stated Mike Polan wanted to discuss the meeting of homeowners that have water situations in their home. He emailed Attorney Biege and Mike Polan because they had this discussion about homeowners who have sump pumps running twenty-four (24) hours a day and they didn't know. Their perimeter drains are flooded and their pumps are running out. They discussed many times at many meetings about how to notify them in the building permit stage that they need to be aware and take certain precautions, whatever they need to be, for their home. There was some discussion about having a letter where they sign it and have it recorded with the property. They decided they couldn't do that. The next person that buys it might not know there were water issues. A letter where people would sign it to get their building permit and they don't know about how to fix it nor do they care because they just want to get into their house. The issue is still around.

Rita Beaty stated they were concerned with the fact with the established homes being resold, where was this letter and where did it come about.

Attorney Biege stated he was mysteriously not invited to the meeting.

Anthony Hendricks stated it was a workshop.

Attorney Biege stated he was mysteriously not invited to the workshop. He has a lot of input in this area. One, they are forgetting about real estate disclosure requirements. There is already a body of law that handles transactions between homeowners. He doesn't think it's wise to put the County in the middle of that.

Rita Beaty stated that is where they stopped.

Attorney Biege stated let's not create new law where law already exists. Secondly, his concern is that any examination done by the County. First of all, the Building Department does not have the training or ability to determine soils. That is a soil scientists' job. What Department looks at soils? The Health Department, but do they want to get the Health Department involved with whether or not a basement will be dry or wet. There is a lot of dynamics to that. His thought was, and he's not sure how the workshop would feel about it since he was not invited, would be something similar to what they do with the farmers. There is a State statute on it. There are signs up in south County. There is a warning flyer that goes with anybody wanting to build residential in Ag. They basically recite the Indiana statute saying that farming communities can smell, they are dusty, and some of the farmers are gruff, etc. That was pointed at Harold Parker only. But they need to think about it. Some type of disclosure saying "check your water table as basements sometimes leak" and no farther than that. They can't put out requirements on basements and water in basements because they have to be careful since they're the government that they aren't taking. They can't take away from the seller. The seller, of course, is legally obligated to disclose on already constructed homes, but they can certainly give a warning, but that's as far as the County should go.

Rita Beaty stated that is where they left it. They thought a letter to advise that potential builder that they might need to look into. It was more of an advisement type letter, not a sign off.

Attorney Biege asked when Nowak subdivision went in.

Anthony Hendricks stated early to mid-eighties (80's).

Attorney Biege stated they have revised the process significantly. This issue exists for older subdivisions where they did not have the process that they have now where they look at all these issues at Plat Committee to try to prevent it from happening during the development. Be cognizant of that. This issue with new subdivisions disappears because they are looking at all of those issues now, but back then they didn't. They may have some remedial work there. They did one when he was the County Attorney on the island. There was a significant issue there and the County had it resolved, but they shouldn't get too carried away with it because they will bring responsibility onto the County. Again, the seller can say what they're going to say and the buyer does have recourse.

Anthony Hendricks stated that's where they left off. They were going to do some sort of advisory educational slip with their permit saying they should look at these things and you may have problems with water and you need to remediate whatever way they want. Letting them know they may have problems so they are aware when they are building. They have put up homes in the last ten (10) months that have water problems, but they took remediation actions to alleviate the water. You can't just pick a place. There are lots of ground that has a perched water table. There is a perched water table on the summit. It's clay and a perched water table. It's not a low area.



Typically, the soil scientist takes three borings at the septic area and they only go five feet (5') deep. They don't take a soil boring where the house is nor are they required to. By hand auger, they cannot reach a basement depth. It will cost money to check those depths and they still might not know. He was at a site on 900 N yesterday and two-hundred feet (200') away was clay and two-hundred feet (200') away was sand. If you move one-hundred feet (100') away, they don't know what they're in for. They can't protect everyone on this solution. He'd like to say they can, but they can't.

Attorney Biege asked if they are talking about new construction or existing homes. How many existing homes are dry as a bone and at some point, over the years have degraded and have new systems put in.

Rita Beaty stated it was only for new development.

Attorney Biege stated it is a great idea, but who is going to draw those lines because they will need to determine who will. If the Building Department does, it will do nothing for existing homes. Will they be imposing an additional requirement on the Assessor or the Recorder.

Rita Beaty stated no. This would just be an advisement and educational type thing that would be for new constructions only.

Attorney Biege stated that would be simple and no imposition.

Anthony Hendricks stated there is something like that for MS4 on the erosion control just for lots. It is an eleven by seven (11" x 7") state wide that is neat. Simplify it so it is really clear and obvious what that new homeowner should be looking for when their builder or excavator is working so if they have the problems, they need to alleviate them.

Mike Polan stated many times, if builders are digging for a basement, they call and change it because they are out there and figured out a basement is not good there. This came about because there are still three (3) undeveloped lots available in Meadowview Estates. The Council wanted them to moratorium on issuing permits, but if a permit application comes in and meets the criteria, he has to approve it. He cannot unilaterally deny a permit if it meets the criteria. Therein lies part of the problem.

Attorney Biege asked to interrupt for a minute because again he wasn't at the meeting. He keeps saying that because it was political. He should have been there. He's been the Zoning Board attorney for fifteen (15) years. But the Council can't do that. The County does not have the legal authority to put a moratorium on building permits. How quickly do they want to get sued? These lot owners want to sell their land and now they want to tell them they can't sell it because the County said so. No. It doesn't work that way. It will never fly. He would be happy to handle the defense's lawsuit.

Mike Polan stated that now that it is known that these three lots have a problem, that the whole area has a problem, it is a proven fact, do they have liability? Should they have some kind of form urging them caution. It was also stated at the workshop that they obtained the soil boring reports from the



Building Commissioner's Office. He is not in the soil boring business. If anyone obtained a soil boring report from his office from the previous Building Commissioner, it was because they did a favor and pulled it from the Health Department to give it to them. The Building Department does not handle that stuff nor do they want to. They have enough to do. He doesn't want any more liability on the Building Department. Furthermore, the soil boring reports that are furnished are for septic. They don't go down and tell if a nine-foot (9') basement is adequate. If they do say that water is present or has been present, it doesn't say that there is an underground rive going through there. He just wants to make that publicly known and for that record that this is what thy are dealing with. If somebody is out there looking to build a home, buy a lot, and dig a basement, they need to do their due diligence. They need to be on top of their soil scientist and their soil boring reports because the Building Department isn't doing it. They issue the building permit. Work with their builder and make sure that they know what they are getting in to.

Rita Beaty asked if the Building Department could give just those three (3) lots a letter without giving every future builder a letter or else they will be in hot water.

Attorney Biege stated builders do give warranties on new houses and they can design around a wet basement. They can put in additional tile and pumps. Just testing the soil and saying it could be wet doesn't mean they can't put a basement in. It needs to be done properly with the correct drainage and/or pump. Then where do they stop and who will make the decision as to what is adequate or not because there is a contract between the homeowner and the builder. These Nowak houses are way past warranty so there is no remedy towards the builder, but remember that. The County can't fix everything.

Anthony Hendricks stated the lots left at Nowak; everybody knows what is involved in those lots. Any builder that he knows that would put a house on there would be facing certain liability. Everybody knows.

Attorney Biege stated if there are realtors involved, they should disclose it.

Anthony Hendricks stated realtors will disclose. Water indicators in soil could just be indicators from the glacial age. They may come there or they may not come back. They see subdivisions where the water comes and goes. They might pump for three (3) months straight and they might not pump for three (3) years. Meadowview has been going on for ten (10) years and he guarantees the pumps haven't been on for ten (10) years straight, but they have been on a lot. Sometimes they are pumping for six to eight (6 – 8) months; sometimes they pump all the time except August. They don't have an underground federal program. Some nations do where they mapped underground aquafers and how the water runs underground. They don't have that. They only have thoughts and some testing, but they don't know. Subdivisions like that it comes and goes. Sometimes they go ten (10) years without pumping and sometimes they go ten (10) months with pumping. You can't solve that.

Mike Polan stated that development as far as that subterranean water is the worst he has ever seen. It does affect approximately thirty (30) houses. He has been there. He has seen the damage. He's seen what it does to the people psychologically. He's seen the amount of water gushing twenty-four seven (24/7) out of all the houses and into their infrastructure. They have dealt with this for a long

time. They burn up pumps and if they don't hear their kick on in the middle of the night when they're sleeping, they are awake because they don't want their basement filling up with five feet (5') of water. They don't have the ability to tear up roads, put piping in, and put in the infrastructure that is needed to get this water away from that water so that it mitigates how often and how much that they have to pump. His purpose for appearing before the Council would be that there was some technical person there that could answer questions and advise. He also wanted to explore funding options. It is an expensive situation. The County is not on the hook or liable to do anything, but these people can't do it on their own so what are their options. Is there a compromise? Are there funding sources? That was discussed, but it circled back into the permits and how heavy the permits should be scrutinized. Because of that he thought it should be discussed here with the Plan Commission.

Joe Haney stated he directed County Engineer Jay Sullivan and Anthony Hendricks to come up with a plan moving forward. Getting that done alone has probably saved taxpayers at least twenty thousand dollars (\$20,000) in having to farm that out. That is a huge savings. The plan was briefly spoken about at last night's Council meeting. They are moving forward with being able to get a quote on pipe for that and doing what the County would need to protect the County infrastructure and things that the private sector simply cannot do. Meadowview Estates, for example, could not lay pipe down the road into Kingsbury Creek. They don't have the experts or all those things. It's not something they could do. That's something that would fall on the County as far as he is concerned. Anything they need to do in the subdivision is one (1) thing, but getting the water from that drain out where it needs to be to protect their infrastructure and to do the things that would fall on the County. They are moving forward with that. Hopefully, they will be able to get the rest of the quotes and information in so the Commission can move on it by the end of next month. Hopefully, they will be on the agenda and have it done in time for the end of next for the Council so that can finally be resolved and do what would fall on the County part. They are hoping that will mediate and mitigate what water issues they have in the subdivision. If it doesn't, then they will have to take care of what they need to in the subdivision. Long term, everything that he has looked at doing this and getting the water out of there is the best way to move forward. The water has created a circuitous loop where they pump it out, it hits the road, it soaks back into the ground, disturbs the road bed, and goes back into their houses where they pump it back out where it's just a circle. They need to address those water issues and he thinks this is the best way to move forward. Hopefully, the Council and other Commissioners agree with him and they move forward on that. It is the most comprehensive plan that he has been able to develop with the help of the County Engineer and County Surveyor. It is a solid plan they developed to move forward with being able to present to the Commission and Council.

Attorney Biege stated he would suggest the Plan Commission members contemplate this issue as it relates to any action or inaction that the Building Department should take in connection to this issue moving forward, but he doesn't think any action should be taken tonight. Perhaps Plan Commission members may have suggestions for next meeting.

Anthony Hendricks agreed. He will look online for literature or suggestions. They don't need to reinvent the wheel here.

Joe Haney stated he would forward the emails to the Council and Commissioners to Mike Polan so he may be involved.

Anthony Hendricks asked the Plan Commission members for any other new business.

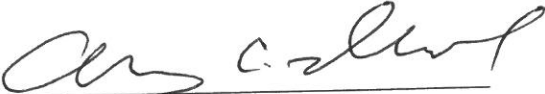
Anthony Hendricks asked for a motion to adjourn.

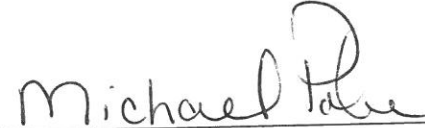
Rita Beaty Kelly made a motion to adjourn.

Joe Haney seconded.

All approved. Motion carries 8-0.

There being no further business before the Plan Commission, meeting adjourned at 7:37 p.m.

  
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Anthony Hendricks, President

  
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Michael Polan, Recording Sec.