

Peter Lindborg is present to speak as well as Ed or Paul potentially later on should any specific answers be needed. They are seeking their favorable recommendation to rezone the property at 5621 S. Hwy 35, near the intersection of Hwy 35 and Hupp Road from B2 to M2. Currently, it is zoned general commercial, but they want it to be heavy industrial district. M2 per the zoning code is designed to be in areas where heavy industrial uses can most efficiently utilize major roadways, utilities, and other infrastructure minimizing any incompatible aspects with neighboring districts. The property is located in the Kingsbury Industrial Park where numerous properties are zoned industrial as indicated by the name. For example, the property immediately to the south owned by the Lindborg's is zoned M2 and what seems like an endless amount of properties to the east into KIP are zoned M2 as well. Kingsbury is a full-service grain elevator, feed mill, and trucking company that stores, buys, and sells grain and fertilizer. While their operation is mainly an industrial one, it spans multiple parcels, some of which are B2 and some M2. They are solely seeking a rezone from B2 to M2. He would like to give a background of the overall plans with the property and how it fits into the County's development plan with KIP. As indicated in the petition, Kingsbury is desiring to construct a fertilizer facility that can receive fertilizer product, specifically agricultural ammonia, by both rail and truck onto the property. After consulting with the County Engineer and the Plan Commission Attorney, it was believed that the use would be classified as chemical manufacturing and storage which is permitted as a special exception in M2. Agricultural ammonia is regulated by the State of Indiana, specifically through the Office of the Indiana State Chemist and Seed Commissioner. Kingsbury understands that it must comply with all applicable laws including the agricultural ammonia law. For example, one (1) of the administrative codes require that agricultural ammonia storage containers must be certain distances from places such as residences, schools, public buildings, churches, etc. Kingsbury has worked with the Indiana State Chemist and a location has been chosen. Exhibit 2 is a letter from the Indiana State Chemist with an attachment showing the location of proposed site with approval of the Indiana State Chemist and Seed Commissioner. The attached site plan shows the proposed location of the tanks near the middle of the page. They are basically right in the middle of the property which would be at least a thousand feet (1,000') from an existing public building, a former banquet hall. More than four hundred feet (400') from an existing residence and more than a thousand feet (1,000') away from a church. The location itself has already been approved once they do go for the special exception. Because the use is permitted as a special exception in M2, they thought it would be cleaner rather than seeking a variance in B2, that it could be rezoned to M2 which is a more appropriate zoning classification and then apply for the Special Exception. Assuming they receive a favorable recommendation to rezone and it goes to the Commissioners, they would simultaneously request a special exception from the BZA. The location of the property may look familiar to some of the members that are familiar with the County's efforts in connecting KIP with existing freight rail lines as some of the rail lines would run through the property. Specifically, the County has been engaged in freight rail capabilities near KIP. Millions of dollars have been invested and more is committed. The County is currently in the process of connecting KIP by rail to existing freight lines which is known as the KIP Connection Plan. The objective of that is to create an intermodal shipping hub that will further the County's infrastructure goals, allow cross country shipping from KIP to surrounding areas, promote business growth, and create good paying jobs for the County. This is a project that Kingsbury is in support of not only because it will benefit Kingsbury operation, but to the County overall. The KIP Rail Connection Plan will create a shipping hub further supports their belief that the property should be zoned M2 because according to the JZO, M2 properties are

designed to be located in an area with heavy industrial uses that can efficiently utilize major roadways, utilities, and infrastructure. When considering the rezone, Section 30.07 of the JZO states that the Commission shall pay reasonable regard to certain things: County Land Development, current conditions, desirable use, property values, responsible growth, environmental conditions, spot zoning, and neighborhood planning. Basically, the County is planning to have the KIP Rail Connection Plan which fits into the County Land Development Plan as they will be using the rail. Changing the zoning will not affect the current conditions of the area. It is an industrial park and Kingsbury is an industrial use and a desirable use. The most desirable use of the property in the Kingsbury Industrial Park is for it to allow an industrial use. He is available as well as the Lindborg's for any questions the Commission may have. They believe that it is consistent with the land in the surrounding area that it be an M2 classification rather than B2. All they are asking for tonight is a favorable recommendation to the Commissioners for that. They will ultimately be back before the BZA to ask for the Special Exception for the agricultural ammonia.

Michael Polan stated he likes the zoning. He spoke to the County Planner and it does fit as far as M2; it is not spot zoning. He agrees with the attorney's method of rezoning first then going to the BZA for the Special Exception. This particular petition has also generated a lot of interest from the public. His office has been receiving calls, emails, and questions regarding the project. He spoke to Jeff Hamilton the Hazmat Director and there does not appear to be an explosive risk which was a concern from some of the calls received. There is an airborne danger if there were to be any leaks. Are they going to have a recurring safety protocol to address that potential safety hazard?

Attorney Novak stated yes. They have been working heavily with the State Chemist and there was a buffer that had to be put in and there were some safety valves and wireless alerting if there is an issue.

Peter Lindborg stated two (2) of the requirements from the State Chemist that had to be met were a fire hydrant be installed close to the property which was done by Delta III construction on the southeast corner of their property of Hupp Road and they had to put in a monitoring detection system that would alert somebody in the case of any spill or leakage which was installed already. It installed at a triangle and it will alert anybody by cellphone whenever it hits that parts per million. They also had to install certain valving that would shut off. The requirements have all been done.

Michael Polan asked if the County will have access to the safety protocol as well as any recurring training in writing.

Attorney Novak stated yes. If there is anything they want to see in respect to the safety regulations with the State that they are being made to comply with they are willing to provide that.

Michael Polan stated he asks because they may start with trained personnel who leaves, will the new personnel be up to speed on the protocols.

Anthony Novak stated he understands the concern; whichever they would believe is more appropriate can be submitted during that time whether it be the Plan Commission or BZA, but they are simply here for the rezone tonight. They can submit it through his office either way, but whichever step they prefer.

Michael Polan stated he would probably ask the same questions at the BZA because there is a lot of public interest in this situation just so the knowledge is out there and the record is clear for them. It is being discussed on social media and calls go into various county offices.

Attorney Novak stated there is a pending petition with the BZA that has been continued since February, but that petition had the tanks in a different location which they are changing. They are withdrawing that petition and will be filing a new petition that can reference certain safety mechanisms that will be pertinent. If more is requested at the meeting, he can supplement whatever is filed.

Michael Polan stated he agrees with that. Is the business up and running and in operation prior to the Board making a ruling?

Anthony Novak stated it is. Initially, Kingsbury began ordering the product back in December when they were in conversations with the State Chemist on ultimately getting things approved. At that point, it was projected that they would have approval hopefully by March and obtain the product by April. They filed in February and set to be on the March hearing, but then had issues with the location. The orders were placed and inevitably got shipped and did arrive at the location so they have been in the tanks. Everything is operational, but he has advised Kingsbury that until they get the approval that they shouldn't do anything further.

Anthony Hendricks stated it is operational, but not operating.

Anthony Novak stated that is correct. However, he did speak to the Lindborg's today and they told him that every thing was up and they were processing things, but he advised them that it may be hard to halt operations, but they should wait until they have full approval. There were deliveries that were made to Kingsbury, but he has asked that they not continue that until they get final approval which he hopes would be in mid-June which would hopefully be when the Ordinance is adopted by the Commissioners for the rezone and the BZA special exception approval.

Rita Beaty stated she has an issue. She agrees that he asked them to stop promotion and operations, but she knows for a fact that there was a semi there Friday filling the tank and there was a semi there today filling the tanks. To her, that means they are in full operation, still selling, and doing whatever they need to do to bring in another semi load today when it was just there Friday. Also, there are some tanks that are stored over behind the old armory that was on Hupp Road that she is assuming are used tanks that are either full or need to be filled that are sitting back there. She is curious as to what is happening with those that are not on the site that they are currently discussing and that there were two semi loads coming in, in the last few days if they were instructed by their attorney not to proceed with operations.

Attorney Novak stated he appreciates her concern, but to be clear he did instruct them today. He can't change the facts. It was presented to him today and he told them they shouldn't do it because it would not look favorably. Beyond that, they are trying to go about this the right way. They have gotten the approval. This is a highly regulated use by the State and he recognizes that the local County Plan Commission and subsequently the BZA has final approval on this because they need a rezone and a Special Exception. He doesn't doubt that, that's why they are there. The operations that they have are highly regulated by the State and they are complying with it. He can't get around the fact that it was done; he has told them to stop. He does believe that overall, in respect to the rezone itself, it makes the most sense to rezone the property and ultimately obtain the Special Exception. If there are any more specific questions, Peter Lindborg can answer those.

Rita Beaty stated she just has an issue with going ahead and asking for forgiveness later. That does become an issue now and then.

Joe Haney stated he agrees with Rita Beaty on concerns on going ahead and doing some of the stuff. Dealing with other things in the past where there are state or federal entities that do regulating, those are the minimum standards that are required. He takes pause when he hears the assumption that because it is meeting a minimum State or federal regulation, that the County shouldn't take a closer look at it. They set those minimum standards and it is up to them if they are good enough or if they should be imposing greater standards. There are a couple houses that are close and it looks like they do meet the four-hundred-foot (400') mark. What is the location of the closest residence to where tanks will be? At a glance, it looks about seven hundred feet (700').

Attorney Novak stated the referenced one (1) about four hundred feet (400') away. The nearest residence is the one (1) to the southwest near Highway 35. The visual shows a circle with a diameter of four hundred feet (400'). It would roughly be an additional three hundred feet (300') so perhaps seven hundred feet (700') total. Under the administrative code, it has to be a minimum of four hundred feet (400') away and they are almost seventy-five percent (75%) further than that.

Joe Haney stated he wanted to make sure he was seeing that correctly.

Adam Koronka asked about being fully in compliance with the State and federal regulations, but do they have documented training and documented inspections that meet those various organizations? Is there OSHA compliance to 1910 which is the safety regulations and emergency response training that would be required for such a chemical?

Peter Lindborg stated they have to fill out the OSHA 300 logs Title 3 every year which is a part of what the fire department requires. As far as everything else, it is the same process with the fertilizer, but a little different. As far as the training, the State Chemist has executed the training and along with the installer who have done this for multiple years, they are in compliance and nobody has told him otherwise.

Ed Lindborg stated in order to receive the product, there are FRA regulations for the Federal Railroad Administration. They have more stringent requirements than the Indiana State Chemist. They are the most stringent requirements for receiving the cars and they have had to go through training for that. They did hire a former FRA consultant to get them up to speed on everything from that aspect. The railroad is in control of the situation and it took a long time to get approval for them to even bring cars to them.

Rita Beaty asked about the tanks that are being stored behind the Army Reserve. Are those going to be moved? Are they filled or sitting there for storage?

Peter Lindborg stated those tanks are a customer's tanks that he purchased last year. They are empty and sitting there. They are not filled.

Ed Lindborg stated some of the activity going on over there is for training and testing. To test the equipment, they had to have product on site. To train the employees they needed to be able to move product through the facility. It is hard to do if there is no product there. It is a requirement of the Indiana State Chemist and the FRA. They have to have product there in order to do tests and training.

Earl Cunningham stated the Lindborg family has invested millions of dollars and their own property and this is right in the middle of it. He assumes they wouldn't do anything to jeopardize the improvements they have already made. He thinks they will be following all the regulations that are required. He suggests the family and attorney obtain a letter before going to the BZA from the Kingsbury Fire Department that they are up to speed on the training for the product and that they would do so on an annual basis. The Fire Department of Kingsbury will have new people come on all the time and they should be trained annually as well.

Ed Lindborg stated he did speak to Mark Ritter on Sunday. He was out checking the fire hydrant that they just installed. He was going to have a training session for his employees this past Sunday. He is on top of that and is aware of what is going on. He is in support of the project and happy to have a fire hydrant that is close to his facility now. They made the fire hydrant accessible to him and he is elated about that.

Anthony Novak stated they do have a letter that he may not have attached to the original zoning special exception request from Kingsbury Fire Department, but he will include it in the next Special Exception application.

Harold Parker stated it is a good use. They need some ag product in there and it's a lot better place if it has rail to bring it in that way than with a bunch of trucks.

Anthony Hendricks stated his firm is not a part of the project, but they were a part of the project for the rail expansion and the drainage. If for some unforeseen circumstance, the chemical got out and went down anywhere, their drainage ways, ponds, and surface stormwater is not connected to any streams or drains anywhere. It is a standalone pond that would isolate itself. The Lindborg's have done very well in that aspect. If it all went bad, it would sit in their own pond on their own site. It wouldn't drain into a drainage way, pond, stream or the Travis Ditch.

No remonstrators present.

Attorney Biege stated that Kingsbury Elevator and the Lindborg's have been his clients for a long time. As soon as he heard about this project, he sent them over to Anthony Novak so they could avoid any conflict of interest or appearance of impropriety.

Anthony Hendricks asked Michael Polan if he received any letters for or against the petition.

Michael Polan stated his office received several phone calls. Did we receive any emails on this petition?

Ashley Kazmucha stated not on the rezone.

Michael Polan stated it was prior with the BZA, not for the rezone.

Anthony Hendricks stated the motion for this petition is for a rezone. It is not for a Special Exception. It does not set them for a use for what they are asking; that goes to the Board of Zoning Appeals. They are only a recommending body for the rezone from B2 to M2.

Attorney Biege stated that is correct. The reason it goes for Special Exception is for the type of operation it is and the chemical. When they were drafting the zoning code, they wanted the BZA to review anything concerning this type of operation.

Anthony Hendricks stated the County Planner isn't present, but the surrounding area other than some other pieces are already zoned M2 except for this.

Michael Polan stated that is correct.

Anthony Hendricks stated their parcel to the south is zoned M2.

Michael Polan stated he did speak to the County Planner this morning and he was aware of the petition and the meeting, but he had other obligations and could not attend tonight. They agreed that it was consistent with the surrounding industrial zoning. It is not creating any type of spot zoning.

Glen Minich stated that it does make sense with the rail spurs that are coming in. Moving it to M2 puts the attention on the different products that will be coming into that yard. It makes sense that if it is M2, the fire department is up to speed on different products that are going to come in on that rail and they will be moved on through to other sites whether they are chemicals for distribution or other things. It makes sense to have that industrial zoning there.

Anthony Hendricks stated the rezone would create the entire rail spur to be M2 because the parcels to the south, east, and southeast are zoned M2.

Harold Parker made a motion to make a favorable recommendation for the Petitioners Kingsbury Elevator, Inc. and Edgar K. and Yvonne L. Lindborg represented by Anthony Novak of Newby, Lewis, Kaminsky, & Jones, LLP to rezone from B2 to M2 the property located at 5621 S. Hwy 35, Kingsbury, IN. Washington Twp., zoned B2.

Earl Cunningham seconded.

Approved. Motion carries 7-1.

2. Petitioner Marianne Richey represented by Andrew Voeltz of Howes & Howes, LLP respectfully petitions the Plan Commission to vacate the undeveloped but plotted roadways and/or alleyways adjacent to and between the properties located at East Belmont Drive, New Carlisle, IN. Hudson Twp., zoned R1B. (Parcels 46-04-28-453-010.000-050 & 46-04-28-454-002.000-050) Exhibits attached hereto.

Attorney Biege stated notice is adequate.

Andrew Voeltz stated he is an attorney with Howes & Howes representing Marianne Richey with her petition to vacate plotted roadways and/or alleyways that are adjacent to and in between her properties that located near East Belmont Drive, Hudson Township, LaPorte County, State of Indiana. The petition has been submitted with two properties identified, Property A and Property B, and according to the Beacon aerial, they are seeking to vacate the area of Belmont Drive where there is already a driveway there, but specifically the property between Property A and Property B as far as what is the plotted, but undeveloped portion of East Belmont Drive. They are seeking to do this to join the properties together at some point in the future and for future development. It should be noted that her partner lives on the property to the east of where Property A is located. They are seeking the vacation of that plotted, but undeveloped portion of East Belmont Drive so that his client can join the two (2) properties together.

Harold Barker stated it's not a square deal. Are they vacating all the way to the edge of the property halfway?

Anthony Voeltz stated it cannot go to what is north-south all the way to the west portion of the neighbor's property which verified as North Villa Boulevard. Rather it is the portion of East Belmont Drive, that had been indicated to his client after she had met with members of the Building Commissioner's Office, that it would be the half portion and the full portion between her two parcels.

Harold Parker asked Anthony Hendricks if they would still have utility rights there.

Anthony Hendricks stated yes. What are they actually vacating though?

Attorney Biege asked Andrew Voeltz if they want to stop the vacation at the end of Property A and the remainder of Property B they are not going to vacate.

Andrew Voeltz stated Property A ends in 10000050 and where the primary residence is. Property B ends in 2000050. That is what she is seeking to vacate. The portion of East Belmont Drive between those two (2) parcels and also the half portion of East Belmont Drive where her driveway currently sits.

Attorney Biege stated for Property 2000050, that vacation would end about half way where it meets up with her residential property.

Andrew Voeltz stated yes.

Anthony Hendricks stated they don't vacate half of it. He turned on the lot numbers on Beacon so he could see the actual lot numbers.

Harold Parker stated at the last meeting, he stated he doesn't like these chop suey divides.

Glen Minich stated it should be the whole block or it should be nothing. The most important thing is that these people will need to be hooked to a sewer system one (1) day and they have to make sure that they retain these right-of-ways for that need. It could raise the cost exponentially if they don't have full access when they are putting in sewer lines.

Attorney Biege stated if there are any pre-recorded easements, then they will remain. If they vacate a roadway, the easements will still exist.

Attorney Voeltz stated that was his understanding as well.

Harold Parker asked if they build a building on there, will they be required to remove it if they decided to use the easement.

Attorney Biege stated yes, they will be responsible for any improvements.

Anthony Hendricks stated the Glen Minich is saying that if a sewer line comes down Belmont, they won't be able to get to her property because they have vacated that road all the way out to Central. Her driveway is off Central and if they vacate Belmont and they came to put a sewer line in, they couldn't get down Belmont because they vacated it. There is no present easement on there for a sewer line.

Attorney Biege stated there is no easement currently.

Anthony Hendricks stated no.

Attorney Biege stated that is right then; they wouldn't be able to get through.

Anthony Hendricks stated she would have to pay to get all the way out to Central.

Attorney Biege stated they could vacate leaving the requirement that she allows easements for any future improvements or sewer lines. They could do that.

Michael Polan stated that when he initially looked at the petition, he worried that this would create a landlocked parcel. The way Attorney Voeltz explains it makes sense; it won't be landlocked that way, but it is also indicated that the parcels would be combined in the future. If they're not combined and sold off later it could be a problem. One (1) of the parcels has an address that is on Belmont Drive which would no longer exist if it was vacated. There is an addressing issue which could be dealt with and changed, but he wanted to make it known.

Anthony Hendricks asked if they are vacating all of Belmont Drive.

Andrew Voeltz stated that is not what his client's position is, to vacate the entirety, but rather the portion of Belmont Drive when it comes off of Central Park Ave. Then comes in the property to the west that is owned by Brian and Elizabeth Nulf and then his client is interim to there. Belmont Drive would still remain up to and including that western most portion of her property and vacated from the portion in which her properties overlap then to the south which is about one-hundred and fifty feet (150') in.

Earl Cunningham stated that if they all look at the Beacon map of Property A and B, is it correct that the desire is to vacate from the east end of property A connecting to B and from the west end of Property B connecting up to property A.

Andrew Voeltz stated that is correct.

Earl Cunningham stated it is just the section where the properties overlap straight across from each other. There would still be access on both sides.

Harold Parker asked if they would take half of the other easement.

Andrew Voeltz stated it is not an easement because he didn't find one, but if it would be the Plan Commissions decision that they would allow for the vacation of simply that portion of Belmont Drive between Parcel A and Parcel B, his clients would be satisfied with that.

Attorney Biege stated they are not asking for any vacation beyond east of where Parcel B meets Parcel A.

Andrew Voeltz stated that is correct.

Earl Cunningham stated if they draw a line to connect Property A and B, that is all they are asking for; both halves of that because they own both parcels.

Andrew Voeltz stated because they are contiguous.

Earl Cunningham stated they are not asking for any partial to the east or west of that section in the middle.

Andrew Voeltz stated they could be potentially permitted to halve it to the east, but certainly not the west and they are absolutely not look for the west.

Anthony Hendricks stated they would be asking to vacate the roadway between lots 436-442 and lots 531-537. Beacon has lot dimensions, lot numbers, and block number that can be toggled on.

Andrew Voeltz stated that a number of the parcels were purchased by his client at tax sale or otherwise and the deed record is difficult for him to navigate. In regards to the lot description, that is correct.

Anthony Hendricks stated lots 436-442 and lots 531-537.

Joe Haney stated that is what he sees as well.

Andrew Voeltz stated that is correct.

Anthony Hendricks gave kudos to the County GIS Department.

No remonstrators present.

Anthony Hendricks asked Attorney Biege if there is a motion for the petition, should it be like they said?

Attorney Biege stated yes, to vacate the area adjacent to both parcels owned by the petitioner. Rather than number them, it would be simpler.

Anthony Hendricks stated they can clarify.

Attorney Biege asked Attorney Voeltz to provide him with a map indicating where it is going to be and so they can attach it to the resolution if the Commission chooses to pass.

Attorney Voeltz stated he will do that.

Joe Haney asked Attorney Voeltz if there is currently anyone going back and forth between the parcels. It looks overgrown and wooded.

Attorney Voeltz stated that is correct.

Rita Beaty made a motion for a favorable recommendation for Petitioner Marianne Richey represented by Andrew Voeltz of Howes & Howes, LLP to vacate the undeveloped but plotted roadways and/or alleyways adjacent to and between Lots 436-442 (Property A) and Lots 531-537 (Property B) located at East Belmont Drive, New Carlisle, IN. Hudson Twp., zoned R1B.

Earl Cunningham seconded.

Glen Minich asked if they would add the amendment that they would retain the right to use it for sewer or utilities if the County should deem it necessary to put a sewer line through there.

Attorney Biege stated they can do that.

Anthony Hendricks stated that is up to the Board. The way he understands it, they want to build across this so they couldn't be putting a sewer line in. If they vacate it, they might have a building across there.

Attorney Voeltz stated that is potentially what his client intends to do. With the projected development and things that he has seen on the horizon in regards to New Carlisle, he can't imagine that they would object to any of that. He could include language in the proposed ordinance to indicate such that his clients could not oppose a potential utility easement from the County being placed in the property.

Harold Parker stated he voiced a rejection at the last meeting when they had one (1) of the half measures. If they can't vacate from road to road and make their paperwork a lot cleaner, somebody will look it up and get it wrong.

Anthony Hendricks asked Attorney Biege if they vacated all of East Belmont Drive, they won't have access anymore to Central Park Avenue, will they? The owner on the west side of Belmont would get half and half and they would no longer have access.

Harold Parker stated they can't do that in Indiana.

Anthony Hendricks stated they can.

Harold Parker stated they can't landlock the properties.

Attorney Biege stated that is correct. It can't be landlocked.

Anthony Hendricks stated that's why the motion is to only vacate that piece because they would vacate themselves with a full vacation.

Andrew Voeltz asked who would be landlocked. There is access from Sunnyside and North Villa Boulevard and Louts Drive to the East.

Anthony Hendricks stated the discussion was that if the entirety of Belmont Drive was vacated and made clean, it would landlock these owners.

Attorney Voeltz stated he understands.

Attorney Biege stated the possibility exists that they can make a favorable recommendation to the Commissioners and require the petitioner to report to the Commissioners as to whether or not this would affect any future sewer projects. Attorney Voeltz could get with the Sewer Commission to find out what their plans for expansion are and report that to the Commissioners

at the time that they apply there. It is information they don't have. They may not plan on running sewer through there at all.

Anthony Hendricks agreed. He doesn't know either, but he presumes that they would run it down Central Park Avenue and run it up Belmont Drive platted right-of-way to get to those peoples' homes.

Glen Minich asked if it is going to be amended to include.

Anthony Hendricks stated to reserve a sanitary sewer line through the vacated parcel.

Rita Beaty stated yes.

Rita Beaty amended the motion for a favorable recommendation for Petitioner Marianne Richey represented by Andrew Voeltz of Howes & Howes, LLP to vacate the undeveloped but platted roadways and/or alleyways adjacent to and between Lots 436-442 (Property A) and Lots 531-537 (Property B) located at East Belmont Drive, New Carlisle, IN. Hudson Twp., zoned R1B. The County, upon Commissioner's approval, reserves the right to use the vacated portion for a sanitary sewer line in the future if need be.

Joe Haney amended his second.

Approved. Motion carries 6-2.

3. Petitioners Stanley R. and Jane E. Cordts as Trustees of the Cordts Trust Dated 2/13/2001 represented by Andrew Voeltz of Howes & Howes, LLP respectfully petitions the Plan Commission to vacate the undeveloped but platted roadways and/or alleyways adjacent to and between the properties located at East Saugana Trail and East Miami Trail, Rolling Prairie, IN. Galena Twp., zoned R1B. (Parcels 46-03-25-107-011.000-048 & 46-03-25-108-029.000-048) Exhibits attached hereto.

Attorney Biege stated notice is adequate.

Andrew Voeltz stated he is representing Stanley R. and Jane E. Cordts as Trustees of the Cordts Trust Dated 2/13/2001 with regards to their property located on East Saugana Trail, Rolling Prairie, IN. Property A and Property B are in Galena Township and are identified in the exhibit provided to the Plan Commission. They are seeking to vacate the area between their two properties that is completely undesignated as a roadway. They area is between the north and south properties and they would also like to vacate the half portion of north-south platted, but undeveloped roadway that is indicated as Winnebago Trail to the north.

Harold Parker stated he doesn't like it. If the whole thing isn't going to be vacated, he doesn't like it.

Andrew Voeltz stated his client's main position was more so dedicated to the portion of the roadway that does not have a name or designation, but is between their two properties; 1000048

to the north and 29000048 to the south. They are seeking to join the two properties together to allow for future development.

Earl Cunningham asked if the property outlined in red could be referred to as Property A and the blue outline be Property B. Is he also referring to the half piece in yellow to the west of the properties?

Andrew Voeltz stated no, it is just the two properties located north and south of each other.

Earl Cunningham stated it would be a direct line between the red and blue.

Andrew Voeltz stated yes because the property located to the west of his client's Property B is owned by a Brandon Willford. That is completely separate in distinction.

Earl Cunningham asked if in the future, he could distinguish and identify the properties on the visual with letters. It will be easier for everybody to be on the same page.

Attorney Biege stated it would be helpful to supply a before and after map so they can see what he is trying to vacate.

Attorney Voeltz stated he will do so.

Andrew Hendricks stated they are only vacating the east-west platted roadway between the roadway; nothing on the east side that goes north and south from Saugana Trail. Is that correct?

Attorney Voeltz stated they would like to have that happen, but he understands why the Commission would have the authority to say no. The property located to the east was the previous owner of the property that his clients purchased. They do not seek to engage an attorney prior to conducting a real estate transaction because it would have been cleaned up at that point with the previous owner owning contiguous parcels. They could have done it and had the whole thing vacated, but he understands Harold Parker's position. He doesn't like doing the vacations where things are being cut in half either where it doesn't make any sense when it comes out on the other end. He wishes they could make a change to that on the legislative level that would allow for something other than the fifty percent (50%) to go through, but they are seeking to vacate primarily the portion of the unnamed and undesignated roadway that is between Parcel A and Parcel B.

Anthony Hendricks stated the petition is only for the land between Parcel A and Parcel B.

Attorney Biege stated that is correct. They cannot vacate anything more than they ask for on the petition.

Harold Parker asked if they need to keep sewer right.

Anthony Hendricks stated they can do whatever he wants, but in his professional opinion, he could see all of the neighbors vacating the same roadway and use half. It looks like an alley, but

it's not because they are old lots that were divided. Everyone bought two so it looks like a whole block, but they were trying to serve each side which he couldn't foresee in his lifetime. He doesn't see why they would ever put a sewer line down there. If they did, they still have the north-south roadway and they still have the east-west roadway on each side of it to serve those people. There's plenty of ways to get there.

No remonstrators present.

Adam Koronka made a motion for a favorable recommendation for Petitioners Stanley R. and Jane E. Cordts as Trustees of the Cordts Trust Dated 2/13/2001 represented by Andrew Voeltz of Howes & Howes, LLP to vacate the undeveloped but plotted roadways and/or alleyways adjacent to and between the properties located at East Saugana Trail and East Miami Trail, Rolling Prairie, IN. Galena Twp., zoned R1B. The vacated portion is just between Parcel A and Parcel B as presented in the Petition.

Joe Haney seconded.

Andrew Voeltz clarified the portion is between Lots 42-46 and Lots 47-51.

All approved. Motion carries 8-0.

4. Solar Ordinance

Anthony Hendricks stated he passed out some literature he found online which is about decommissioning of panel systems. The prices are probably out of line. They are very expensive and he doesn't see those prices for something small; they must be for a major. Everybody should have received the updated solar ordinance in their packet. He took the time to read it and mark up his copy. *Page 3 Item D – Environmental Impact – The owner or operator shall have a third party qualified professional conduct an analysis to identify and assess potential impacts on the natural environment including wetlands and other sensitive ecosystems and species of concern.* He likes it, but he does not know who or what cost. He would suspect it would be someone like a soil scientist or somebody that is licensed. He doesn't know who they would ask about this. When septic permits were handed to them as professional surveyors and engineers and they didn't know what happened when people started calling; they were told they needed a certified topography or they couldn't get a septic permit. As professionals, they tried to figure out what they needed and what the cost would be. It took them months between the County Health Department what they were asking for, how much it would cost, and what they actually wanted. Did they need a boundary survey? A topography? What did they need? He likes the environmental impact, but he doesn't know who that would be or what it would cost and he couldn't find anything in his research. He would first ask a soil scientist who is license in the State of Indiana for wetlands and environmental impacts.

Harold Parker asked who does it for the roads because that would be the same thing. Like if they're going to build a new road.

Anthony Hendricks stated they have environmental impact studies and some of those are very expensive. Perhaps he should make the call to one (1) of the firms and tell them we need this and what is the cost and they will ask what we want. They are going to certify as professionals something to the County Building Commissioner.

Attorney Biege stated that they could have such a disparity in the type of property involved. They could end the sentence saying, "as determined by the Building Commissioner," because they do that with regular building permits anyway. If Michael Polan accepts something that he wants other information on, the applicant has to pay. He is unsure how that can be determined since there are such different conditions that could be encountered.

Anthony Hendricks stated it is so varied it is impossible. Each property has its own identity, wetlands, ecosystems, drains, streams, ponds, lakes, etc.

Azad Chahal stated he was thinking the document could be sent to Michael Polan as well. Purdue provides some information like facilities for that, but he needs to double check regarding environmental impact. He likes the idea of approaching the Plan Commission based on the change they are looking to see and they will decide how it should be addressed.

Anthony Hendricks agreed. Michael Polan can review something and determine if it rises to the level needing further examination.

Michael Polan stated he agreed with that. He did get some language from Azad Chahal and Adam Koronka regarding the solar ordinance. It was sent to Attorney Biege, but he is not sure if it was sent to the rest of the Plan members. There has been some correspondence back and forth with additional language. He does like the idea as determined by either the Building Commissioner or whoever would make that determination because there are companies out there who do have qualified stormwater managers, CPESC, CESSWI, and other environmental certifications and they work for consultants. They would have qualified people there depending on the circumstance. A PE with hydrology background would be a good person as well.

Anthony Hendricks stated a soil scientist with wetland background. It's just so varied.

Michael Polan stated they could make the determination based on the complexity of the situation they are dealing with.

Anthony Hendricks stated Attorney Biege can wordsmith that. *Page 6 Item 2 – Aesthetic Restrictions – Roof-mounted or ground-mounted solar energy systems shall not be restricted for aesthetic reasons if the system is not visible from the closest edge of a public way other than an alley or if the system meets the following standards.* He is looking for some wordsmithing there too. He doesn't have a problem with aesthetics of looking at some solar panels. He thinks they're great. Some people don't like the way they look, but he doesn't know how to do that either; it is a judgment subjective call. It's almost going to be impossible to not be visible from the road unless they have a high fence around it which could negate the sun or trees which would do the same.

Michael Polan stated unfortunately he has learned since taking the Building Commissioner position, if there is somebody that can take something like this and make it look so bad that the calls flood into his office, they'll do it and it will happen.

Anthony Hendricks stated they will use Item 2 as a hammer. His opinions is that the aesthetics are subjective.

Adam Koronka stated *Page 5 – Section 4. A. – Roof-mounted SES may exceed the maximum allowed building height of the building or structure on which is it located by five feet (5') in districts.* That seems extreme compared to some of the neighboring counties and areas. He looked for Allen County, one (1) of the largest counties in northern Indiana, it didn't have anything specific to the County, but in the City of Fort Wayne they have shall not exceed the maximum allowed building height. Porter County says not to exceed eighteen inches (18"). Where that falls in with the visibility and aesthetics is that if there is a five-foot (5') allowance, there could be a roof mounted system at which there is basically a billboard that is a solar panel sticking well above the roof. That might be where they start getting into the flooding of calls. If they take the limit between zero to two feet (0' – 2') above maximum allowed building structures, it will be more reasonable and they are trying to blend it in with it being parallel to the roof or as close as possible. Issues occur with older structures that are at maximum roof distance and the way that they are oriented has the pitch going away from being parallel with north-south to where it won't be as useable or efficient in collecting solar energy. There are pros and cons to both sides of it, but they should take the five feet (5') down a bit. They don't have to necessarily have to build in as much as they have in Section 4. E. 1-3.

Anthony Hendricks stated he understands what he's saying. If the building isn't facing the right way and the pitch isn't, they'll try to use the five feet (5') to aim it towards the southern sky and will look ugly. They could remove 4. E. 2. and take 4. A. down to two feet (2') or eighteen inches (18"). If they can't have it, then they can't have it. He doesn't want somebody to pitch their solar panels five feet (5') to the south; that is strange looking. Adam Koronka made a good point.

Adam Koronka stated it may be worthwhile communicating with Porter County to see what kind of response they have gotten and see what kind of affects they have had since instituting that.

Anthony Hendricks stated they might have some points. *Page 8 – J. – Drainage Plan – A drainage plan approved by the LaPorte County [department to be determined];* they could put Building Commissioner or their assigns. They could leave it up to Michael Polan and if he wants the LaPorte County Highway Engineer, LaPorte County Surveyor, or somebody from the Drainage Department, or hire somebody, he can assign somebody to look at something that he has seen for the drainage plan that he would like to be considered.

Harold Parker stated that's a good idea.

Michael Polan stated he likes that idea too.

Anthony Hendricks stated he can assign it or look at himself.

Harold Parker asked if he will get much greyer.

Michael Polan stated he's at the point now where it's just hair loss.

Anthony Hendricks stated he could assign the MS4 coordinator even. Page 8 – B. 3. he supplied the solar ordinance decommissioning was the issue with the demolition cost, bond, escrow deposit rather. He doesn't have an answer. Some of the new panels have a fifty (50) year life span, he might be alive then.

Attorney Biege stated would like to review the document he supplied the members tonight to see if they want to make adjustments to it.

Anthony Hendricks stated a little learning is that the LaPorte County Highway and LaPorte County Commissioners, when they do a subdivision, they bond the improvements in the road. There are a lot of bonds sitting in a drawer in the Commissioner's Office right now. People are paying for those bonds and if the panels have a fifty (50) year life span that is a long time for the bonds to sit. Some people said that they could do a bond or escrow or something of security to the County and then they could create a sinking fund that would allow the money to go into some sort of fund with the County to pay for decommissioning as they earn money on it and get their bond back. They could do the bond up front and end the bond as there are some funds in some County holding thing. It's neat. If they go in the direction that they are taking solar energy and making money, they could sink some of the money back from the end when it needs to be decommissioned and recycled. Bonds and things sit in escrow sometimes until eternity. Some things have been sitting in a drawer since the late eighties (80's).

Harold Parker stated the only thing that ever bothered him about the solar systems was if somebody puts in a large system and skips out, the County is hung for it.

Anthony Hendricks agreed. There may be some ability for them to go between the small and large systems. The large systems are definitely doing it for the money and they could easily do the bond, but somebody doing ten to twenty (10 – 20) panels on their house, it might put a roadblock up for them.

Earl Cunningham asked if the panels are on their home, and the house is dilapidated and needs torn down, it would be placed on the property taxes and the new owner of the property would pay for it. Is that correct?

Anthony Hendricks stated yes. He likes to see solar panels on roofs, but it scares him because shingles only last so long.

Attorney Biege stated he agrees with Earl Cunningham. Anything residential, if dilapidated, will probably be torn down anyway and can be handled through current codes. Residential stuff may not need to be addressed here; it's more of a commercial issue.

Joe Haney agreed.

Harold Parker stated there are several four hundred (400) acres sites in the state.

Anthony Hendricks stated they are still coming.

Harold Parker stated there are letters out there that anybody can jump on board.

Anthony Hendricks stated he presumes there will be a lot more with this administration.

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

Adam Koronka stated *Page 8 Item 6 – B. 2.* – there is typographical error that refers to the SES or WECS referring to wind energy which is not defined anywhere in the Ordinance.

Attorney Biege stated he would remove it.

Adam Koronka seconded.

All approved. Motion carries 8-0.

Anthony Hendricks asked if there is any old business.

Anthony Hendricks asked for any new business.

Attorney Biege stated the legislature passed a statute allowing them to continue partial Zoom meetings if they so wish, but they have to pass a resolution or Ordinance authorizing such. Does the Plan Commission want him to draft and present it at the next meeting?

Anthony Hendricks stated yes.

Earl Cunningham asked if it would be in context with what the Commissioner's adopted.

Attorney Biege stated it would be identical to the Commissioners. He wants them to be consistent.

Joe Haney stated he voted against that measure because he thinks it is way too lax. The Plan Commission only meets once a month, but at the Commissioner's meetings somebody could show up for one to two (1 – 2) hours every ninety-six (96) days. That means a member could be gone from the Plan Commission meeting for two (2) hours in ninety (96) days on either side of that. That's nearly half the year someone wouldn't have to show up in person. It is his desire that if they are going to adopt an Ordinance similar it should be at a minimum switched to two-to-one (2 – 1) so instead of being able to attend two (2) virtually in a row before having to show up in person once, they go the other way where they are only allowed one (1). They would have to do two (2) in a row in person before they can do one (1) via Zoom.

Earl Cunningham agreed.

Zoning Appeals had quite a bit of a challenge. Ashley Kazmucha dealt with the folks regarding the camp petition and half ($\frac{1}{2}$) if not three-quarters ($\frac{3}{4}$) of Hudson Lake were all speaking up at once in remonstrance even when remonstrance had been closed. Trying to maintain that is difficult with Zoom in those large numbers.

Ashley Kazmucha stated they are coming next month again.

Anthony Hendricks stated under old business the Committee of himself, Adam Koronka, Earl Cunningham, and John Carr met to discuss the hiring of the Building Commissioner in the future.

Adam Koronka stated they looked at it from a local government and private industry stand point the process of how to vet out the actual candidates to being true candidates. Do they meet the minimum requirements? Then a portion of the Plan Commission would take those candidates that meet the minimum requirements and sort through all the resumes to get to a top three (3), finalize that, and put them individually in an executive session with the full Plan Commission for an interview. They need to get that in writing to get it to Attorney Biege. Will that be an Ordinance?

Attorney Biege stated they can make is a Rule for the Plan Commission. John Carr did email him with some basics and he sent back some suggestions.

Adam Koronka stated he isn't sure how many other positions besides the Building Commissioner is selected by the Commission, but he wouldn't mind seeing that same policy going to those other roles as well.

Attorney Biege stated they do annual appointments, but that's a result of the Commissioner's desire to do annual appointments each year. It's not necessary. The Commissioner's do annual appointments for other reasons. Once somebody is appointed, they don't have to reappoint them every year.

Adam Koronka stated he was referring to how Annemarie Polan retired and vacated her position. People submitted resumes and they needed to be reviewed and interviewed in some type of process. He is assuming there are other positions other than the Building Commissioners that have that same methodology without having a formal policy.

Earl Cunningham stated the Community Corrections Board appoints the Community Corrections Director rather than the Commissioner's. There are several other ones. He seems to be asking to consolidate it and have a basic premise for the County that they have a job description, a review committee to narrow down the applicants, and personal interviews in private.

Anthony Hendricks stated they got the employee job description from Human Resources. Adam Koronka is alluding that other positions underneath the Building Commissioner go through the Human Resources Department and they follow the same procedure that they follow with the Building Commissioner. They need to look at the job descriptions; the positions are changing. The technology and what they see Ashley Kazmucha doing is not a secretary duty. They have online Beacon permitting. They have lots of things changing in the Inspection Department. The position changes and the need for what they need to do changes and those job descriptions need to be

updated at some point to figure out that they're not just looking for somebody that can file things and use a typewriter or fax machine. They are looking for somebody that can use the internet, email, and skills with online permitting, Things are changing very fast.

Earl Cunningham stated most importantly in many cases, people skills and customer relations. They serve the taxpayers.

Anthony Hendricks stated the people skills are going digital. A lot of people don't have digital people skills. It's a lot different from the face-to-face interactions in the Building Commissioner's Office. The Committee should go there next; they will get the job descriptions and look over them with Michael Polan. What does the position need? What skills, technical abilities, electronic skills need to be added to the job and any other job in that department as things change rapidly.

Michael Polan stated he agrees. In fact, within the first three (3) weeks that he took the position he started re-evaluating all the positions in his office and they have already met with Human Resources and are preparing documentation and tweaks to the job descriptions to get the reclassification and go to the Personnel Committee after HR to get that finalized. Also, upgrading technology is importance especially with the online permitting. They can even improve upon what they have. Before there wasn't anything that could be done online besides get information. Now, they can do some of the process from start to finish online. They can make more of the process be available start to finish online. Ashley Kazmucha is the master tech; she updated the website and made it more user friendly. They made it easier to use with less clicks; more information and direct links right from our website to the utility companies. There's a list of registered land surveyors. There's no need to back out and search; just click and go where you need to be. They're making it mobile friendly as well. They even restructured the chronological order of the clicks because the most clicked items should be near the top of the page. Little things to streamline the experience and save time is the goal.

Anthony Hendricks stated the County does have a system so if they do job descriptions and it goes to the Personnel Commission and they score and rate it and then goes to the Salary Ordinance that decides what level a job is, will set the salary. It works really well.

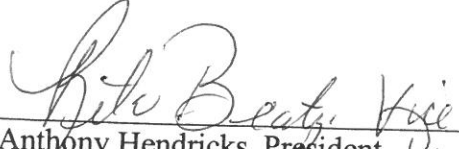
Anthony Hendricks asked for a motion to adjourn.

Rita Beaty Kelly made a motion to adjourn.

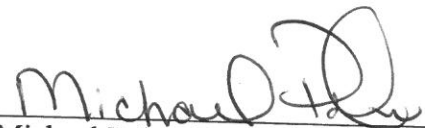
Joe Haney seconded.

All approved. Motion carries 8-0.

There being no further business before the Plan Commission, meeting adjourned at 7:39 p.m.



Anthony Hendricks, President



Michael Polan, Recording Sec.