

will be talking through real briefly. There is a public way on the west side of their property which is outlined in red which they are seeking to vacate. It was part of platted Oak Drive which over the last sixty to seventy (60 – 70) years, many portions of Oak Drive have been vacated. This portion here is in between their property and the properties to the west owned by Craig Dwight. Previously, he believes there was another portion of Oak Drive that was vacated in favor of the Dwight's many years ago that the Hull's consented to and this would be the rest of it where they would be cleaning it up. The portion in red, as they can see, if vacated would not deny anybody access to a public way and it wouldn't deny anybody access to Pine Lake because south of that public way is property that is actually owned by the Hull's. The Hull's have maintained that portion for many years. The Dwight's have no issue with vacating and they have actually consented to the vacation and have asked that the entirety of the vacation be in favor of the Hull's since that is what the Hull's did for them many years ago. In short, it is as simple as that; they are asking that the portion in red be vacated entirely in favor of Bob and Trudy Hull. As a point of reference, all the properties around it are actually either owned by the Hull's or owned by the Dwight's each of which have consented or have been sent notice.

Anthony Hendricks stated this is a platted unimproved right-of-way with really no improvement and no access. It looks like it has just been their yard.

Anthony Hendricks stated yes, correct.

Harold Parker stated they already built on it anyway.

No remonstrators present.

Glen Minich stated if they allow this could they ask that it remain unimproved because he sits on the Board of Zoning and he sees time after time after time that they are losing all their views from the lake and people who drive the road don't get to see and they already built up against it closer than what would be normally allowed so he feels it would be best if it was left unimproved; owned, but unimproved.

Attorney Biege stated he can. How wide is the portion?

Anthony Hendricks stated fifteen feet (15').

Attorney Biege stated that would be his setback anyway.

Glen Minich stated right, but it takes away some of the problems that he would see on the Board of Zoning where they are going to ask anyway. Not necessarily them, but the next property owner could. So since they are giving it to the Hull's he would like it to be left unimproved.

Attorney Biege stated any general vacation law does not say either way or whether or not they can put conditions on the vacation. Any subdivision or most of everything else here it says they can put conditions on it, but since there is nothing that precludes them from putting conditions on that if he did it, he thinks it would hold up.

Anthony Hendricks stated he is looking at the plat of Tree Haven subdivision. Can they highlight where the right-of-way is? Lot 7?

Glen Minich stated it's not on there because the lot isn't even on the map. This is all the south side of the road and they are looking at the north side of the road.

Anthony Novak asked if they are looking at the plat?

Anthony Hendricks stated yes, they are looking at the recorded plat.

Anthony Novak stated this is jogging his memory. He believes that the legal description is very unique for this property. If they look at Exhibit 1 which gets to his question, it is not the typical lot. It is not Lot 1 and this. There's a meets and bounds there. He believes what happened is that the portion on the plat, the center portion which doesn't have lots referenced.

Anthony Hendricks stated he has done enough surveys to know it's really strange at that end.

Attorney Biege stated at the end of the legal it says "the above-described tract includes a portion of Oak Drive as shown" and it says vacated.

Anthony Novak stated it says portion.

Attorney Biege stated yea, they don't know which portion.

Anthony Novak stated he has done multiple vacations over the years where various portions of Oak Drive, which was supposed to run along Pine Lake has been vacated because of the water so he thinks that there have been portions vacated, just not the portion to the west.

Glen Minich stated to Attorney Biege that what they are talking about on the map is that the southern part is previously vacated and that's why it shows ownership of the lake.

Attorney Biege stated now he is remembering. They had it going along the lake shore. That's right.

Glen Minich stated they also had it on the south side of Holmes Island, but this is the same situation on the north.

Attorney Biege stated even if there is carry over, it doesn't matter. Vacated is vacated.

Glen Minich stated there is no lake access because this was previously vacated.

Attorney Biege stated right.

Anthony Novak stated on the plat, it's the portion that is running north – south there that is being vacated which the western side had already been vacated previously.

Anthony Hendricks stated it's only half of the thirty-foot (30')?

Anthony Novak stated he believes it is only half. If they go back in time on the Dwight's legal description, they had the other half vacated previously.

Attorney Biege stated both sides should have been automatically done.

Anthony Hendricks stated that's what he was thinking too. So, if they make a motion to do it, it's just kind of a clean up motion that it was already vacated and they are just double checking that it is done. The other half went with the previous vacation.

Anthony Novak stated Bob Hull thinks from memory it could have been an error and that both were vacated and for whatever reason his was never vacated. That could be explaining why the Dwight's got fifteen feet (15') and here is the other fifteen feet (15').

Anthony Hendricks stated for documents purposes, if they vacated, they are just assuring the first vacation of the whole right-of-way. He doesn't know if that precluded Glen from making them to keep it open because it sounds like it was already vacated, but he guesses they are just reaffirming the vacation.

Glen Minich stated like Doug said, they can put it on there and they have that written down on the vacation this time that it is being vacated. If he wants, he can make a motion.

Glen Minich made a motion to approve for Petitioners Robert A. Hull and Trudy L. Hull represented by counsel Anthony Novak of Newby, Lewis, Kaminski & Jones to vacate a public way located to the west of 398 Oak Drive, LaPorte, IN. Center Twp. No new developments in the vacated portion shall be allowed.

Earl Cunningham seconded.

All Approved. Motion carries 6-0.

- 2. Petitioner Ronald W. Hamilton, Jr. represented by counsel Anthony Novak of Newby, Lewis, Kaminski & Jones, LLP respectfully petition the Plan Commission to vacate two public ways located to the south of 804, 808 and 812 E. 2nd St., Union Mills, IN. Noble Twp. Exhibits attached hereto.**

Attorney Biege stated notice is adequate.

Anthony Novak stated he is here tonight on behalf of Ron Hamilton, Jr. who is in the crowd along with Anthony Lenze as well who is an adjacent property owner interested in this petition so two (2) of the three (3) property owners where these public ways run in between are here. They are technically joint petitioners asking for these public ways to be vacated. The third owner the Swinford's have provided a consent. He will point them all the Exhibit 5 where highlighted in red are two (2) public ways that were originally plat known as Wellsboro back in 1911. They are portions of an alley and a roadway that were never developed. Both Ron, Mr. Lenze, and the

Swinford's each own two (2) parcels. They own one (1) of the parcels immediately to the north of the narrow alley and then they own the parcel that sits between the alley and the portion of that roadway seeking to be vacated. That is land that they have ultimately used. He doesn't necessarily know if there are improvements on there, but they are not roadways that are looking to be developed. Ron reached out to Mitch Bishop to see if there were any plans if sewer or anything were going to go through there and he indicated that there were no plans with respect to that. The property to the south and the property to the east is all owned by Co-Alliance. They have sent them notice and were unable to get their consent. They just were unable to reach somebody specifically to see if they would have any issues specifically. It is not being used. He believes there may be a utility there.

Ron Hamilton Jr. stated NIPSCO does have poles and they are on their property lines. They are not on the alleys. That's why on the vacation it says they will allow utilities that way there is never any issues. When they call NIPSCO they will say that those poles are no longer in use, but they are actually in use. That could tell them how long it has been since NIPSCO has known anything about them. They don't service or cut the trees around there; they don't do anything. When he bought the property, he could not get between the two (2), nor could NIPSCO get to them because there were trees twenty to thirty feet (20' – 30') tall all throughout there. The back section is the same way; nobody has done anything. They went there and cleaned it up so that way NIPSCO could come through and service the lines if need be or anything else.

Anthony Hendricks stated there is service from NIPSCO along 2nd Street right?

Ron Hamilton Jr. stated yes.

Glen Minich stated the poles he is talking about are in the alleyway that they are planning to vacate not in the back of the lot.

Ron Hamilton Jr. stated yes. They are in the alleyway. Actually, they are about five feet (5') into the properties. They are not even on the alleyway; they are on the properties.

Attorney Biege stated either way, vacating the road does not affect the pre-existing NIPSCO easement. It will remain.

No remonstrators present.

Michael Polan stated one (1) of the Commissioner's was contacted earlier today by somebody from Co-Alliance that had concerns that their access would be affected and that they didn't seem like they had received notification. He verified notification went to Indianapolis and that checked out. That's why the local guy didn't know about it. Second, he handed out a diagram that is easier to read that shows exactly what would be vacated and his understanding is that CO-Alliance would use the north – south part that is not included in the vacation and thus should not affect their ingress/egress. He wanted to mention that since it came up today.

Anthony Hendricks stated if he remembers correctly, Co-Alliance has an old established fence on the north line with a tree row because they obviously don't want people in there.

Harold Parker stated he has concerns. Co-Alliance is a pretty big outfit down there to keep squeezing them out. Why are they taking away a buffer that they can get in there and do something if something happens? That's a grain bin.

Glen Minich stated it's a ground pile.

Harold Parker stated they need all that room to motivate around that. The little alley up there is not the problem, but the portion to the south since they purchased all the stuff on the west side already this could be an important piece for the County and the agriculture segment to use at one (1) time. He knows at one (1) time they talked about putting the rail spur there off that main road.

Anthony Hendricks stated his last trip out there, he doesn't know if anyone could get through there ever. It's so overgrown that it's pretty unbelievable. Their fence is really old, but they would get half of that right-of-way. In his looking at it from a planning standpoint, that roadway that is A Street would only be used to access those owners and the Co-Op because the rail would never ever do anything with a crossing.

Harold Parker stated no, they build a spur off the main.

Anthony Hendricks stated they would never get a crossing for that right-of-way back to Wellsboro. It would never go in there.

Harold Parker stated they don't want to shut too many gates around the community as big as that is.

Glen Minich stated he agrees with Harold. This Co-Alliance is an industrial site. All of those white things on the aerial are anhydrous tanks that are filled for part of the year with anhydrous ammonia which if there is a leak, there needs to be separation. He doesn't think it is a good idea to do anything but leave that property there as a buffer for safety. He has no problem with the alleyway being vacated because it makes their properties work well for them and there is no downside to that. The roadway he thinks should be left for a buffer for safety.

Deb Vance asked what the plan is for the back part.

Ron Hamilton Jr. stated if they go out there now, they would see that he and his neighbor are building a berm through there because some of the smells they get from some of the stuff is horrendous. And some of the corn dust that comes across when they are filling, as his neighbors call it, a circus tent. When they are filling it up, they get the grain and stuff. Co-Alliance is just filling it with dirt and letting trees go up. He doesn't plan on building on it because you can't. If the County went in there today it would take them two to three (2 – 3) weeks just to try to get some of that cleaned because the Co-Op is doing the same thing they are doing; they dump their stuff back there too. Sometimes it's old feed or some of their equipment that they line up through there too. Nobody is really losing anything. They're just getting fifteen feet (15') is the way he looks at it. They would keep doing what they are doing and actually when he went over to the Co-Op and talked to them he explained that he was putting a berm up to try to stop some of that and the lady said to go ahead that they understand that because they know that some of the things that happen to the neighbors that

they don't like and they kind of want a berm there. That's kind of what it is. Just putting in a berm, closing it off, and putting trees in. He looked at some fast-growing trees that grow twenty to thirty feet (20' – 30') to try to stop that.

Glen Minich stated that makes sense, but he could plant arbor vitae right along the property line there and just leave the buffer because if there is an anhydrous leak, they need the property owners no closer than they are. Putting in arbor vitae makes sense.

Anthony Hendricks stated they can vacate it and then tell them they can't build on it.

Deb Vance stated they're going to put the trees up anyway.

Glen Minich stated because of this disconnect between Co-Alliance local and Co-Alliance Indianapolis, they're not going to get the job accomplished so it's better just to leave it as it is rather than have them have to go through the process to take their fifteen feet (15').

Attorney Biege stated that is not in their statutory factors to take into consideration as to whether or not they are going to vacate. Just so they are aware.

Glen Minich stated no, but it's common sense.

Anthony Hendricks stated that Doug is saying he can't defend us.

Glen Minich stated the reason the back shouldn't be vacated is for public safety because there needs to be that separation.

Deb Vance asked how much is that little bit going to help? Will it?

Glen Minich stated if they're thirty-feet (30') away they probably won't be blind from it.

Deb Vance stated right, but if they're not living on it; they're just trying to build something to block it.

Glen Minich stated they have had tanks that leak and they would be surprised what the public will stop and look at when there is a cloud of smoke coming off an anhydrous tank. The first reaction is to stop, roll their window down, and look at it. It's the wrong reaction.

Ron Hamilton stated right now, it would take the County weeks to try to clean that up. They would also have to contact all the property owners including the Co-Op because the Co-Op is storing stuff on it too. There are trees thirty to forty feet (30' – 40') tall in there. They can't get through on A Street. The only way they would come in is through the Co-Op's property off 800 and come in through the back way the same way the Co-Op does when they are fixing their spur which they are doing currently. All the railroad ties are all down the side of the spur; they come in through that side.

Anthony Hendricks stated it's either "six or half a dozen in the other" because if they don't vacate it, they'll go to the Commissioners and they will say to go ahead to build the berm because they want that screen too.

Harold Parker state he doesn't think it's a good idea.

Anthony Hendricks stated they could still build a berm; he is sure the Commissioners would allow them to build a berm. What's the pleasure of the Commission? We need a motion on what they want to vacate or not vacate.

Earl Cunningham stated they should separate the two (2) issues. Let's act on the two (2) issues separately.

Anthony Hendricks stated it's one (1) petition he believes.

Attorney Biege stated they can call for a vote for each.

Joe Haney made motion to approve for Petitioner Ronald W. Hamilton, Jr. represented by counsel Anthony Novak of Newby, Lewis, Kaminski & Jones, LLP to vacate the **alleyway** located to the south of 804, 808 and 812 E. 2nd St., Union Mills, IN. Noble Twp.

Glen Minich seconded.

All Approved. Motion carries 6-0.

Anthony Hendricks asked what the pleasure of the Commission is. Or if they don't have a motion it dies for a lack.

Joe Haney stated perhaps they could hold this over to the next meeting and get ahold of Co-Alliance to see if they would take any umbrage with vacating that portion since they haven't heard from them. Maybe that would help with some concerns here. If there is any kind of substantial anhydrous leak, fifteen to thirty feet (15' – 30') isn't going to matter so...

Joe Haney made a motion to table the Petitioner Ronald W. Hamilton, Jr. represented by counsel Anthony Novak of Newby, Lewis, Kaminski & Jones, LLP to vacate the **roadway** located to the south of 804, 808 and 812 E. 2nd St., Union Mills, IN. Noble Twp.

Earl Cunningham seconded with direction to contact the local Co-Alliance.

Harold Parker stated they'll have to contact corporate.

Anthony Hendrick stated corporate or local.

Earl Cunningham stated local.

Harold Parker stated there is not corporate here.

Earl Cunningham stated corporate is in Indianapolis. There was a local contact that called somebody and said they were contacted.

Michael Polan stated correct. The notification went to Indianapolis. There was no response, but the one (1) Commissioner was contacted earlier today by a local representative of Co-Alliance. Their concern was access to the south part of A Street which is not part of the petition to vacate so that concern would be moot if he understands it correctly.

Earl Cunningham stated they know who to contact locally correct?

Michael Polan stated yes.

Earl Cunningham stated that's all he's asking. There's no point in sending it to Indianapolis because they didn't convey it to the local part.

Ron Hamilton Jr. stated when he went and spoke to the Co-Op, the lady that handles all this, said that they can't answer anything or do anything that it has to go through corporate just so they know. It has to go to Indianapolis.

Anthony Hendricks stated he is sure the local would feed it back through corporate and back to us. That's understandable.

Earl Cunningham stated thirty (30) or sixty (60) days isn't going to change much for him is it.

Ron Hamilton Jr. stated no.

Harold Parker asked what the motion is for.

Anthony Hendricks stated to table until next month for local to talk to corporate and get back to see if they have any concerns.

Earl Cunningham stated it wasn't corporate, it was local.

Anthony Hendricks stated local, but if local is going to give Mike something it probably has to go back through corporate.

Attorney Biege stated the rules of evidence do not apply, but he is not real comfortable with third hand comments presented to the Commission. He would suggest the Building Commissioner talk to them directly so that way they don't have a filter in between.

Anthony Hendricks stated through Mike or Attorney Novak.

Harold Parker asked if they can vote this down. Can they just vote it down totally on it then and say they aren't in favor of vacating.

Anthony Hendricks stated there is a motion on the floor that has to be voted on first.

Ashley Kazmucha read the roll.

Anthony Hendricks stated aye.

Earl Cunningham stated aye.

Harold Parker stated nay.

Glen Minich stated nay.

Deb Vance stated nay.

Joe Haney stated aye.

Anthony Hendricks stated that is 3-3 so there isn't a five (5) vote so he guesses it sits.

Ashley Kazmucha stated it dies because it doesn't have five (5) either way.

Anthony Hendricks asked if there is a different motion.

Glen Minich made a motion to deny Petitioner Ronald W. Hamilton, Jr. represented by counsel Anthony Novak of Newby, Lewis, Kaminski & Jones, LLP to vacate the **roadway** located to the south of 804, 808 and 812 E. 2nd St., Union Mills, IN. Noble Twp.

Harold Parker seconded.

Ashley Kazmucha read the roll.

Anthony Hendricks stated nay.

Harold Parker stated aye.

Earl Cunningham stated nay.

Glen Minich stated aye.

Deb Vance stated nay.

Joe Haney stated nay.

Anthony Hendricks stated they still don't have five (5) votes.

Ashley Kazmucha stated no.

Anthony Hendricks asked for legal advice.

Attorney Biege stated they don't have enough to pass so it remains on the agenda.

Glen Minich asked why doesn't it die because there is no positive motion.

Anthony Hendricks stated they need five (5) votes either way.

Attorney Biege stated they don't have enough votes either way. So, it remains on the agenda.

Anthony Hendricks stated they are a strange board, but the law requires five (5) votes not a majority. So, if there were nine (9) members here, it would need five (5) votes. There was no decision there so it is just sitting there. It is just sitting there until somebody brings it back up. Or if more members become present, they can vote it up or down.

Ashley Kazmucha stated they could try again next month with more members.

Attorney Biege stated they ran across this a couple years ago when they didn't have very good attendance. Thank you for attending Board members because for awhile they didn't have enough people to do business.

Anthony Hendricks stated it's unique to the Plan Commission's in Indiana.

Attorney Biege stated it is.

Anthony Hendricks stated they are moving on to old business.

1. Solar Discussion

Attorney Biege stated Ashley sent to all the Board members the revisions that were a result of the Committee meeting. He sent a review and comment and he didn't hear any comments back from anybody. There is really nothing significant other than they fine tuned some language especially under retention bonds and that type of thing.

Anthony Hendricks stated he hasn't heard of anything coming out of Porter County yet either.

Attorney Biege stated they have a Solar Ordinance in place. This is fine tuning. It's the pleasure of the Board if they want to take action now or let it sit over longer.

Earl Cunningham made a motion to continue.

Harold Parker stated he read through this and a couple things he would like to discuss. On Page 7 section C. it says no insecticide use is permitted on the site. Insecticide; is that weed killer or bug killer? Or is it a combination of both? He looked it up. Pesticides are both and insecticides is only bugs and herbicide is only weeds. They're not using anything to kill bugs?

Attorney Biege asked which section we are looking at again?

Harold Parker stated Page 7 C in Section 5. C under subheading pollinators.

Attorney Biege stated he thinks he pulled that from another ordinance.

Harold Parker stated it's pretty much double talk. We don't know which one (1) we are affecting there.

Attorney Biege stated to him insecticide means bugs.

Glen Minich stated they're not allowed to kill bugs under solar panels.

Harold Parker stated they don't want to kill the pollinators.

Glen Minich stated that makes sense.

Attorney Biege stated he tried to find consistent language amongst the different ordinance and this was in there. He doesn't know why it was in there, but it was in there.

Glen Minich stated no, it makes sense. You wouldn't want insecticide on pollinators. You don't want to kill bees, you're trying to help bees.

Earl Cunningham stated a lot of them he is seeing right now are planting milkweed which is a big attraction for butterflies.

Attorney Biege stated he read an article about barley. Apparently, barely does well underneath those things.

Harold Parker stated Page 8 Section 6 in 1 under B – a file of lien against any real estate owned by the applicant or the applicant's successor(s). Definition?

Anthony Hendricks stated he personally thinks they don't need that in there.

Harold Parker stated he doesn't either.

Anthony Hendricks stated State law supersedes that anyway.

Harold Parker stated that could open up a can of worms if the right lawyer got in there.

Anthony Hendricks stated he doesn't think we need that in there either. State law allows Mike to do the things he needs to do.

Harold Parker asked if they can have that stricken out of there.

Attorney Biege stated yes. If the County has to step in, the County is going to file a lis pendens anyway.

Anthony Hendricks asked if he means the Commissioners?

Attorney Biege stated the Commissioners or the Building Commissioner for that matter. When he does demolitions a lot of times, he will file lis pendens. It's the same thing, but they can delete if they want, but it is still going to tie the property.

Harold Parker stated on Page 9 C. 3. Stabilize and re-vegetate as necessary to minimize erosion. The Zoning Administrator may allow the owner or operator to leave landscape or designated below-grade foundations in order to minimize erosion and disruption to vegetation. He thought when they left it was going to be able to be farmed again without any interruptions with any kind of structures.

Attorney Biege stated that we can't tell them how they are going to use the land after they are gone.

Harold Parker stated that is what some of the leases they are signing now are saying that it will be back to agricultural grade ground and that can't have a bunch of structures for erosion control or anything. They could put big pipes in there to divert water and that's not back to original.

Glen Minich stated this could actually be talking about a smaller system in somebody's property where they want to landscape it and not have to mow.

Harold Parker stated he isn't worried about a guy's back yard. He is worried about a hundred (100) acre field leaving structures out there.

Attorney Biege stated that doesn't address structures; it addresses what is left and if they want to leaves trees, bushes, or if it is planted with anything, the Building Commissioner has the discretion to let them leave that. They don't have to remove that.

Harold Parker stated that is not how these contracts are presented to them out in the field.

Attorney Biege stated he doesn't care.

Harold Parker stated he does care.

Attorney Biege stated to let him finish his thought. He doesn't care because that is not a County issue. That is an issue between the land owner and the person leasing. What he is concerned about is what the County has the ability to do after they leave. If they don't have that in there that means everything has to be stripped out and he doesn't believe they want a bunch of raw land sitting there without the ability of the operator or the owner to plant something there to prevent erosion. That's the purpose of that paragraph.

Harold Parker stated if they take it back to agriculture then they don't want permanent structures or anything in there. Doug is reading it different than he is.

Attorney Biege stated he understands that.

Harold Parker stated they are taking prime farm ground, putting these things on, and when their twenty (20) years is up, if they don't need anymore, they are supposed to totally remove everything that they put in place that will or will not impede agriculture.

Attorney Biege stated right. That paragraph doesn't have anything to do with that.

Anthony Hendricks stated they could put that in there, right?

Attorney Biege stated it is already in there. They have several paragraphs on decommissioning.

Harold Parker asked why does it say that they can leave a structure.

Attorney Biege stated it doesn't. At all.

Anthony Hendricks asked Doug to read it to them again.

Attorney Biege stated "Stabilization or re-vegetation of the site as necessary to minimize erosion. The Zoning Administrator may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation." The purpose is that if it's underground and nobody is objecting to it, rather than tearing everything up and pulling it out and disturbing what is there, the Building Commissioner has the discretion to do it. That doesn't mean it happens; it give the Building Commission the discretion to make that decision depending on the circumstances.

Anthony Hendricks stated if their lease says they have to take it out, that is different.

Attorney Biege stated that is a different story. If the lease says it, that is between the landowner and the person leasing and if they have to dig it out then they have to dig it out. The purpose of the paragraph is not to interfere.

Harold Parker stated he's never met the guy that wants to do it and does what he is told. If he can leave a structure he will. He has had abandonment and stuff before.

Attorney Biege stated he is talking about subterranean.

Harold Parker asked what subterranean is; six feet (6') or three feet (3')?

Attorney Biege stated this doesn't supersede what the County can do to remove any structure. But they are not going to be able to protect the landowners on an agreement they enter into with the solar company. That's between them. The County can only do so much to influence how somebody can use their land. For lack of a better term, if a landowner wants to make a dumb deal with the developer, the County can't prevent that from happening. What they can do is protect the land from somebody walking away and leaving it.

Anthony Hendricks stated the paragraph in question allows the Building Commissioner to allow the owner to leave something if they want it to impede erosion.

Attorney Biege stated correct.

Anthony Hendricks stated it doesn't give the rights to the solar people to force them to leave it. The owner if they would like to leave it for erosion control then the Plan Commission or Building Commissioner can allow it.

Attorney Biege stated here is an example that does not exist right now. For the purpose of discussion, assume eventually someone finds the type of crop, like when he mentioned the barley, and they want to put irrigation in for whatever crop is there. They don't want to force them to remove all that because there is benefit to the land from what is left. That is the purpose of that paragraph and it does not supersede any of the other paragraphs that say they have to take it all out.

Harold Parker stated he's never met that guy.

Deb Vance stated it allows them to leave landscaping below grade foundations. That's not a structure.

Attorney Biege stated right.

Anthony Hendricks stated it allows the owner to choose to leave something.

Attorney Biege stated it allowed the Building Commissioner to make the decision.

Harold Parker stated the owner of the solar or owner of the property.

Anthony Hendricks stated they should put the owner of the property in there; not the owner of the solar.

Attorney Biege stated they can, but he thinks they should leave it as is because he wants the Building Commissioner to make the decision because what they are talking about is something that is very fact specific. When they're drafting an ordinance, some things have to remain general; if they get too specific then the ordinance doesn't work right because then they will have a bunch of exceptions to the rule. If they say the Building Commissioner decides, then that will be a decision between the Building Commissioner and the owner.

Anthony Hendricks stated the owner of the land.

Attorney Biege stated right.

Anthony Hendricks stated it's not the owner of the system.

Attorney Biege stated no. They're already leaving and out of there so they wouldn't be involved in the decision-making process.

Glen Minich stated there won't even be a forwarding address.

Attorney Biege stated exactly.

Anthony Hendricks asked for any new business.

Attorney Biege stated he has a piece of new business. He was contacted by the Town of Long Beach. We currently have an interlocal governmental agreement for inspections in Long Beach and it has been going fine, but it is up for renewal so he was going to use the same format and increase the inspection fees from fifty dollars (\$50) to a hundred dollars (\$100). He would like the blessing of the Commission to go to the Commissioners asking permission.

Michael Polan stated it is doubling what they had from their last agreement.

Earl Cunningham asked what Long Beach is charging.

Anthony Hendricks asked if it is enough? They are giving him the latitude. How much do they need?

Earl Cunningham asked how much profit are they making on the hundred dollars (\$100).

Michael Polan stated their permit fees are quite high. How much of that is split between what they are paying us and their own administration he is not exactly sure, but what he can tell them is that fifty dollars (\$50) for one (1) of his guys to take a County truck out there and use his time is not enough.

Harold Parker stated they are paying one-fifty to two-fifty (\$150 - \$250) to come and work on a piece of equipment.

Anthony Hendricks asked if they can make the motion to approve it pending the Building Commissioner and the Plan Commission to revise the amount if needed.

Attorney Biege stated that is perfectly fine. He is waiting for comments from opposing counsel right now anyway so it's not ready to go to the Commissioners anyway so he's just going to do whatever the Building Commissioner wants.

Anthony Hendricks stated he can find out how much it will cost us and that's how much we're going to charge.

Harold Parker stated about two-fifty (\$250) out of it.

Anthony Hendricks stated that's what he thought too. Probably two or three hundred bucks (\$200 - \$300) not a hundred dollars (\$100) to go all the way up to Long Beach. That's two (2) hours at least. Maybe three (3). Is there a motion to do that? To approve the agreement pending legal counsel and Mike Polan.

Harold Parker made a motion.

Deb Vance seconded.

All Approved. Motion carries 6-0.

Earl Cunningham asked Mike what their alternative are; if he doesn't do it how much will they have to pay St. Joe County to do it.

Anthony Hendricks stated or Michigan City.

Earl Cunningham stated or the City of Michigan City to do it.

Anthony Hendricks stated New Buffalo.

Earl Cunningham what is that going to bear.

Michael Polan stated right. If they settle on a hundred (\$100), they are still getting a good deal and they are getting closer to even.

Anthony Hendricks stated we need to be even.

Earl Cunningham stated we shouldn't be closer to even we should be over even.

Michael Polan stated he is going to look at these agreements one (1) by one (1) with each municipality that they have and redo them at every expiration. If that involves negotiating then that's what it is.

Glen Minich stated they appreciate him actively knowing that we need more than fifty dollars (\$50) to cover that kind of a cost. Thank you.

Anthony Hendricks stated in other new business, there is a section in their JZO Section 04.07 Public Improvement Installation Guarantees in the Subdivision Ordinance for review. When someone does a development or subdivision or something, they have to put in the road, the sewer, the water, the stormwater. Now, in their JZO as it presently exists, they can go all the way through all the approvals, through the Commissioners, get everything signed, and the last person to stop them to make sure that they build that road and that other infrastructure is the Recorder. That in his life has never happened. It always had to be done before the Commissioners because the County Highway was the last person to inspect that the road was built or bonded, the storm sewers are in, the ponds were working, it was stabilized before the Commissioners ever approve it. So no, they are relying on the last person as the Recorder.

Attorney Biege stated he disagrees. There is another section of the code that says the Building Commissioner doesn't issue a building permit until all the infrastructure is in and inspected. They had this discussion. In theory, they could sell lots, but nothing is going up until that road is in and inspected and done and approved by the County.

Anthony Hendricks stated their last code would not get through the Commissioners until it was bonded or built.

Attorney Biege stated okay, well we have both.

Anthony Hendricks stated he is asking for the Plan Commission to send a recommendation to the Commissioners to revise this and look at this Section 04.07. It says that before recording copies of the agreement and it says it shall be on file at the Treasurer's Office. He thinks it should be before the County Commissioners approve it. That way County Highway tells the Commissioners that it's ready. Section 04.07 Public Improvement Installation Guarantees last line reads in "in accordance with article 07, before recording" should be changed to before LaPorte County Commissioners approval.

Harold Parker stated does it need a second.

Anthony Hendricks stated he can't make the motion. He can make the motion and somebody could second it. Is that Harold's motion?

Harold Parker made a motion to have the Commissioners review Section 04.07 to change the item "before recording" to "before LaPorte County Commissioners approval."

Deb Vance seconded.

Attorney Biege stated they can't do it that way. The Plan Commission has to approve the new language. Pass the new language. Then it goes to the Commissioners for approval, but technically the Commissioners cannot initiate a change in the Zoning Code or Subdivision Ordinance. It has to come from a favorable recommendation from the Plan Commission.

Anthony Hendricks stated that's what he just motioned; a favorable recommendation to the Commissioners.

Attorney Biege stated no. He has to put the language in and he needs to approve the language and then it goes to the Commissioners.

Anthony Hendricks stated the language is "before approval by the LaPorte County Commissioners. Copies of these agreements shall be on file at the Treasurer's Office."

Attorney Biege stated he can bring language next month that they can vote on it and then it can go to the Commissioners.

Michael Polan stated he is specifically referring to the road bond of file?

Anthony Hendricks stated the improvement bond because he did speak to the Recorder and she is now aware that this comes up to her office, she says no until the County Highway says yes. Who knows if anything would slip by though. We don't want people having lots and selling them and

then they get into a fight that somebody didn't build it well. It's not their fight, but it would be a mess at the Commissioners.

Harold Parker amended his motion for Attorney Biege to draft a revision of Section 04.07 be brought forth next month.

Deb Vance seconded.

All Approved. Motion carries 6-0.

Michael Polan stated he had a brief conversation with the County Planner this evening. He was going to attend tonight and discuss a new Comp Plan for the County. We are nearing the time and he feels like he has secured a grant and it would reflect their housing needs to address those and rezoning. He expects him to appear the next time we convene to discuss it further, but he wanted to bring it to their attention.

Attorney Biege stated the statute requires that the County redo its' Master Plan every fifteen (15) or twenty (20) years and they are pretty much due. We're not overdue, but they are due for it to be done and the State law requires it be re done.

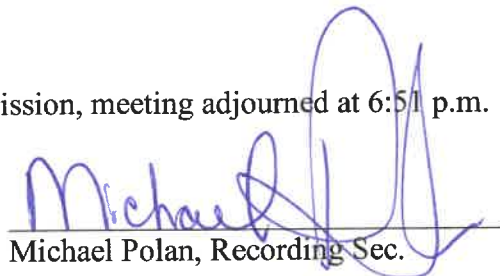
Anthony Hendricks stated and we are close.

Glen Minich stated it takes a while.

There being no further business before the Plan Commission, meeting adjourned at 6:51 p.m.



Anthony Hendricks, President



Michael Polan, Recording Sec.