



LAPORTE COUNTY PLAN COMMISSION

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Michael Polan
Building Commissioner

LA PORTE COUNTY PLAN COMMISSION MINUTES January 28th, 2025

MEMBERS PRESENT: Rita Beaty
James Mills
Harold Parker
Eric Pointon
John Matwysbyn
Steve Hollifield
James Pressel III
John Waston
John Carr

OTHERS PRESENT: Doug Biege, Attorney; Michael Polan, Recording Secretary; Ashley Kazmucha, Administrative Coordinator

PLEDGE OF ALLEGIANCE

Michael Polan asked for approval of the agenda for the January 28th meeting.

Rita Beaty made a motion to approve the agenda as presented.

Steven Holifield stated he would like to make a couple amendments to it. Under Old Business, he would like for them to discuss in the future, a moratorium against solar. He also would like to have the Solar Committee back together and also for item three (3), to consider amending the Solar Ordinance and put some more teeth into it.

Ashley Kazmucha asked if we need to amend the agenda for that or can he just bring it up under Old Business?

Attorney Biege stated he thinks he can just bring it up under New Business. For all the members, that's the time, if they have ideas or things they want to explore, that's the time to basically tell him to get to work. Okay?

Steve Holifield seconded the approval of the agenda.

All Approved. Motion carries 8-0.

Michael Polan asked for approval of the November 26th, 2024 minutes.

Eric Pointon made a motion to approve the minutes as presented.

Rita Beaty seconded.

All Approved. Motion carries 8-0.

Michael Polan stated they are going to move onto their board reorganization, their annual reorganization with elections. As soon as they have a President selected, he will turn over the meeting to the President and they can finish the rest of the elections. So, they'll start off by nominations for president of the Plan Commission.

Steve Holifield nominated Rita Beaty.

John Carr seconded.

Michael Polan asked for any other nominations for President.

Eric Pointon made a motion to close the nominations for President.

Steve Holifield seconded.

All Approved. Motion carries 8-0.

Attorney Biege stated he would take a roll call vote to make sure.

Michael Polan stated they are going to roll call vote just to make sure the record is clear.

Ashley Kazmucha read the roll.

Rita Beaty stated aye.

John Carr stated aye.

John Watson stated aye.

Steve Holifield stated aye.

James Pressel III stated aye.

Eric Pointon stated aye.

James Mills stated aye.

John Matwyshyn stated aye.

All Approved. Motion carries 8-0.

Ashley Kazmucha stated Rita is their new Board President.

Rita Beaty stated thank you all very much. Maybe. She appreciates the confidence and will keep on going. Rita Beaty asked for any nominations for the Vice-President for the Plan Commission.

Rita Beaty nominated Steve Holifield.

Eric Pointon seconded.

Rita Beaty asked for any other nominations for Vice-President.

Eric Pointon made a motion to close nominations for Vice-President.

Steve Holifield seconded.

All Approved. Motion carries 8-0.

Rita Beaty asked for the vote for Steve Holifield for Vice-President.

All Approved. Motion carries 8-0.

Rita Beaty stated congratulations.

Rita Beaty asked for nominations for the Recording Secretary also known as the Building Commissioner.

Steve Holifield nominated Mike Polan

Eric Pointon seconded.

Rita Beaty asked for any other nominations for Recording Secretary.

Steve Holifield made a motion to close nominations.

Eric Pointon seconded.

All Approved. Motion carries 8-0.

Rita Beaty asked for the vote for Mike Polan for Recording Secretary.

All Approved. Motion carries 8-0.

Rita Beaty stated congratulations Mr. Building Commissioner again.

Michael Polan stated thank you Madam President.

Rita Beaty stated the also need to appoint their attorney for the year. Any nominations for their Plan Commission attorney?

Steve Holifield nominated Doug Biege.

Eric Pointon seconded.

Rita Beaty asked for any other nominations for the attorney for the Plan Commission.

Eric Pointon made a motion to close the nominations.

Steve Holifield seconded.

All Approved. Motion carries 8-0.

Rita Beaty asked for the vote for Doug Biege as the Plan Commission attorney.

All Approved. Motion carries 8-0.

Rita Beaty stated their last appointment would be their appointment from the Plan Commission to the Board of Zoning Appeals. Are there any nominations?

Steve Holifield nominated Eric Pointon.

James Mills seconded.

Rita Beaty asked for any other nominations for the Board of Zoning Appeals position.

Steve Holifield made a motion to close the nominations.

James Pressel III seconded.

All Approved. Motion carries 8-0.

Rita Beaty asked for the vote for Eric Pointon as the Board of Zoning Appeals appointment.

All Approved. Motion carries 8-0.

Rita Beaty stated congratulations to Eric. Thank you for that position.

Rita Beaty asked for any old business.

Rita Beaty asked for any new business.

Steve Holifield stated he would like to discuss a moratorium be sent to the Commissioners to stall down the solar operations that may possibly be coming.

Attorney Biege stated if he may, Madam President, it's not dead. It's not a dead issue. So, the statute is very specific on what the Commissioners are supposed to do when they get it. They sent it back

to the Plan Commission. Well, they have to send it back to the Plan Commission, and he has to look at the statute, but with direction.

Steve Holifield asked what the direction was.

Attorney Biege stated none. So, he sent a letter back to the County Attorney saying they have to give them direction if they are going to send it back to the Commission. They can't just duck the vote. He's not saying they did, but it sure looked like it.

Steve Holifield asked if they need to put that on the agenda for the Commissioners next meeting.

Attorney Biege stated yes. He would suggest he talk to Guy and touch base that way. If they need the statute, just call him, or email him and he will send it to him. They have to give instruction. So, right now, it's kind of in limbo because he didn't want to go back up to the Plan Commission because they didn't follow the statute correctly.

Eric Pointon stated he was curious as to why because he heard that, but then they had all those meetings cancelled so he was curious as to why it never got kicked back to them to talk about it.

Attorney Biege stated they didn't do it right is what it boils down to. Keep in mind folks, what they do in zoning is very statutory. It's just, "follow the dots." So, their discretion on some of these matters, and if he wants that material, he will get it to them, but they have specific reasons as to why they decide things. The Commissioners don't really have that, but that's one (1) thing they have to do; they have to tell the Commission what they want them to do.

Steve Holifield stated he will discuss that tomorrow.

Attorney Biege stated all right.

Steve Holifield stated he would also like to bring up the Solar Committee again to discuss the Solar Ordinance and put some better teeth in it for the next meeting.

Michael Polan stated that the people on the prior Committee, many of them are no longer here, so he would suggest a new Committee is formed amongst the Board tonight.

Ashley Kazmucha stated Harold did express that he was interested in being on that Committee and asked her to let them know.

Eric Pointon asked how many were on that. Four (4)?

Steve Holifield stated four (4).

Attorney Biege stated he would suggest an odd number this time.

Steve Holifield stated five (5). Do they do nominations for that or volunteer?

Attorney Biege stated it's up to the Board. Historically, the President makes the appointments.

Ashley Kazmucha stated they can't have five (5) because it's a quorum.

Steve Holifield stated four (4) max. Okay.

John Carr stated he thinks there was four (4) before. It was Harold, Tony, himself, and Earl.

Eric Pointon stated it was Deb.

John Carr stated Earl was on it. Deb wasn't on it. Yea, Deb was.

Rita Beaty stated she was on there. So, who was not on it if there was only four (4).

John Carr stated Earl wasn't on it last year.

Rita stated so it was Deb instead of Earl.

John Carr stated it was Harold, Deb, himself, and actually Joe Haney was on it.

Steve Holifield stated he was as President. Do they volunteer for that or make nominations?

Attorney Biege stated it's up to their discretion. They can volunteer for it. Usually, the President makes the appointments for committees.

Steve Holifield stated he's like to volunteer to be on that.

Rita Beaty stated so they have Harold and Steve. Is there anyone else that would like to volunteer before they start?

John Watson stated he will volunteer.

Eric Pointon stated he will volunteer as well.

Rita Beaty stated they have Harold Parker, Steve Holifield, John Watson, and Eric Pointon. Do they need to take a vote on that?

Attorney Biege stated no. They are simply appointments by the President.

Rita Beaty stated thank you all for your volunteerism for that and good luck with that. Anything else Steve?

Steve Holifield stated not at this present moment.

Rita Beaty asked for any other new business.

Michael Polan stated for clarification, and correct him if he is wrong, so the purpose of the Committee is to review the Solar Ordinance and come back to the full Commission to propose amendments?

Steve Holifield stated correct. If they've been studying across the State, contrary to the belief, theirs is a very weak ordinance compared to other counties. There are a thousand-foot (1,000) setbacks. Some even have a mile setback between wells. So, there are a lot stiffer ordinances out there. Hopefully, it's going to be moot since Donald Trump yanked the plug on green energy, but he thinks they still should be prepared just in case.

Michael Polan stated all right. Would any of them need to be sent their current Ordinance or do they have access to that?

Steve Holifield stated he has that.

Michael Polan stated okay.

Attorney Biege stated he wants to mention to everybody. They have a lot of new people here so he will be cutting it to explain things so their expectations are realistic. On the moratorium, that is technically still alive so they do not have to re-notice. If they get to the point where they are going to pass the Solar Ordinance, he has noticing requirements before the meeting. A lot of people think they just go ahead and vote for it, but they can't. When they are ready and they have something that they are happy with then they can do the notice for the Public Hearing.

Steve Holifield stated then they will have to have Public Comment and notice and all that.

Attorney Biege stated yes. The statute requires a Public Hearing. They had a whole lot of hearings the last time around. Legally, they only have to have one (1).

Rita Beaty stated of course, that is still open that if anybody comes across any articles or anything and would like to share it with the Committee, any knowledge, she is sure they would be open and acceptable to anything anybody else might have input wise.

Steve Holifield stated if they are going to find information, this was brought up by Mr. Biege at one (1) of the Public Hearings, make sure they can back it up. Don't just say they heard it on Facebook. State the statute, the County, and the Ordinance Number.

Ashley Kazmucha stated she will be sending them all the current Solar Ordinance tomorrow.

Rita Beaty asked for any other new business. The only thing she had a question on that somebody had asked her was about the Zoom and for the meetings and stuff. She knows there has been things going on with the other Commissions. Are they still going to be open to Zoom to have Public Comment on Zoom also? Do they want to entertain anything differently with Zoom than what they have been currently doing for theirs or is everybody happy with that?

Steve Holifield asked if they have to put that on notice? The Commissioners had to put it on the agenda to notice that they were going to discuss it.

Attorney Biege stated they should put it on the agenda.

Steve Holifield stated for the next meeting.

Attorney Biege stated yes.

Eric Pointon stated to discuss Zoom in general or taking Public Comment.

Rita Beaty stated she doesn't think they should suspend it because for instance, if he has to go to something for Purdue and they know they need his input, it would be nice to have their Committee at least in attendance.

Eric Pointon stated he agrees that the Committee should be able to.

Ashley Kazmucha stated the way the BZA does it is that they still have it, but it's only for Board member attendance. She would like to keep it because her minutes have to be verbatim and it gives her a really good recording that she gets immediately.

Rita Beaty stated yes so, they definitely want to keep it. It's just a matter of what they want.

Steve Holifield stated okay. He made a motion to put it on the agenda for the next meeting.

John Watson seconded.

Rita Beaty asked for any other new business.

Eric Pointon stated to go back to the Public Comment part. Last year they had a lot of Public Comment that they weren't supposed to have. The past President allowed a lot of Public Comment and he knows that Counsel had stated several times that there wasn't supposed to be Public Comment so they need to cut that back to a minimum this year he would say.

Rita Beaty stated correct.

Attorney Biege stated yes, thank you very much. People, from a zoning standpoint, they don't have Public Comment because they're supposed to address the specific petition before the Plan Commission.

Steve Holifield stated unless it's hearing, correct?

Attorney Biege stated yes. If it's a public hearing, they can object or support, but it has to be a petition. The reason is that they have to give notice to the adjoining property owners or whoever the appropriate people are. If they come up and just start talking about something, well, the other people

involved don't have an opportunity to respond. It's a matter of due process in this type of setting just so everybody knows why.

Steve Holifield stated the public would remonstrate against something if it affects them.

Attorney Biege stated correct.

Rita Beaty stated no problem here.

Eric Pointon stated last year it got kind of out of control a few times and he knows Doug tried to shut him down and then they've got people still rambling.

Michael Polan stated the best way Doug explained it to him, which he has learned a lot from their Attorney, he called it quasi-judicial proceedings for the Plan Commission and the BZA, which is different from a lot of the other board settings in the County. They had a motion and a second, but not a full vote on the Zoom thing.

Rita Beaty asked for the vote for Zoom to be added to the next agenda.


All Approved. Motion carries 8-0.

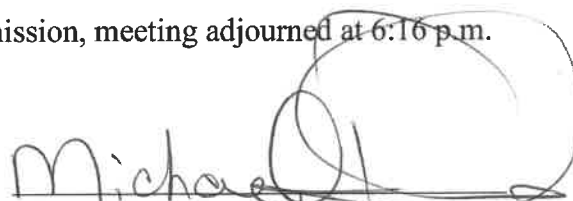
Rita Beaty stated welcome to all the new members and she looks forward to working with them again next month. If anybody has any questions, make sure they get ahold of Mike or Doug and they will take care of that for them. Thank you all.

John Watson made a motion to adjourn.

Steve Holifield seconded.

There being no further business before the Plan Commission, meeting adjourned at 6:16 p.m.


Rita Beaty, President


Michael Polan, Recording Sec.