

**MINUTES**  
**CASS COUNTY PLAN COMMISSION**  
**MONDAY, July 11, 2011**

Jenny Clark called the regular meeting of the Cass County Plan Commission to order at 6:30 PM in the Commissioners Hearing Room on the 2<sup>nd</sup> floor of the Cass County Government Building.

**ROLL CALL:**

Members present: Jenny Clark, Allen Paschen, Tom Steinberger, Jim Sailors, Gary Yeakley and Fred Seehase.

Member absent: David Hicks, Tamera Ogle, and Brian Reed.

Staff present: Arin Shaver, Chris Gaumer, Peggy Dillon and legal council Jeff Stanton.

Public in attendance: David Baird, Charles Green and Lora Goodman.

**ACTION ON MINUTES:**

Minutes of June 13, 2011 were approved as presented.

**PUBLIC HEARING:**

None:

**REPORTS:**

Canfield Property in New Waverly: Jeff Stanton, County Attorney, stated that the Canfield property is being investigated by the Plan Department along with the Health Department addressing the following issues:

- Northern section is a grandfathered junk yard with vehicles from the 30's, 40's and 50's
- IDEM may be concerned with a swampy area in the north section
- In town section is an expansion with newer vehicles and buildings falling down, rodents, tire accumulation and bug infestations
- In town is more of a concern due to these conditions moving onto neighboring properties

Mr. Stanton stated that staff can send a letter to Bob Justice, attorney for Canfield, with a list of specific concerns with the hopes of working with all agencies involved along with the Canfield owners to clean up the property.

The Board was in agreement.

Citation Ordinance: Mr. Stanton presented a draft of the Citation Ordinance and explained that other departments, Health, Drainage, Animal Control as examples, need to be included in the ordinance. Mrs. Shaver asked the board to review the ordinance and stated that staff will be talking to other departments about this process.

Quarterly Report: Arin Shaver presented the quarterly report with no questions asked.

Improvement Location Permits: Mr. Gaumer presented the June ILP's with no questions asked.

**OLD BUSINESS:**

David Houser 1100 E. South River Road: Chris Gaumer explained that this property has completed a 6 month extension by this board to clean up the property of vehicles and debris. Mr. Gaumer presented pictures of the past and current conditions and stated the following:

- Some vehicles have been removed
- Front area is clear of vehicles and debris
- Visibility from public right of way is good
- Concern of the creek being polluted
- There are many vehicles in the back wooded area
- Ordinance has no standards of number of vehicles allowed on properties

Dave Houser, 1088 E. South River Road, stated that he has removed 3 vehicles today, has a business that will take the tires to shred, 3 more vehicles will be gone tomorrow. Mr. Houser stated that he is doing what he can by himself.

Arin Shaver explained that in the past planning and zoning was concerned with the visibility from the right of way but that was before the Unsafe Building Ordinance was established.

Gary Yeakley stated that he felt this cannot be determined unsafe due to the ordinance not specifying a certain number of vehicles allowed on properties.

Mrs. Shaver stated that this board needs to rule on this case to determine whether it is unsafe based on the Unsafe Building Ordinance, monitor further clean up and refer further problems to IDEM and the Health Department for their determinations of an unsafe situation.

Mr. Houser stated that he will continue to clear the property.

Jim Sailors stated that he appreciates Mr. Houser's clean up and encouraged him to continue clearing out vehicles and debris.

David Baird, attorney for Charles Green 217 Southway Blvd, Kokomo, IN, explained that this process was first started in April 2010 with a letter sent to Mr. Houser stating his property was unsafe and questioned how this board can now determine that the property is not considered unsafe.

Mrs. Clark stated that after recently reviewing the County Ordinance, it has been determined that the unsafe ordinance deals with structures and not unsightly properties. Jim Sailors stated that no ordinance has been broken at this time.

Jeff Stanton left the meeting at 7:15PM due to another obligation.

Tom Steinberger made a motion to table this case and any further action be taken to the Health Department. Mr. Yeakley seconded the motion and all were in favor.

The board determined that a definition of a salvage or junk yard will need to be researched.

Fee Collection: Mrs. Shaver explained that fees to record conditions of approval and commitments will be taken from the planning department budget and the fee collected from petitioners will be put into the general fund.

#### **NEW BUSINESS:**

Unsafe Educational Session: Mrs. Shaver gave the board a flow chart for the unsafe building process and explained it to the board.

New Laws, House Bill 1311: Mrs. Shaver explained the new and revised State Laws that will affect Planning Boards as of July 1, 2011.

Advertise for Vendors: The board determined that an Ad should be put into the paper requesting vendors for securing unsafe properties once to create a list for future work.

Mrs. Clark asked for further questions from the board or the public, there were none.

The meeting was adjourned at 7:33pm, July 11, 2011.

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Jenny Clark, President

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Tom Steinberger, Secretary

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Peggy Dillon, Recording Secretary