

MINUTES
CASS COUNTY PLAN COMMISSION
MONDAY, June 13, 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 2nd floor of the Cass County Government Building.

ROLL CALL:

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

Member absent: David Hicks, Allen Paschen and Brian Reed.

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

Public in attendance: See sign in sheet.

ACTION ON MINUTES:

Minutes of April 11, 2011 were approved as presented.

PUBLIC HEARING:

None:

REPORTS:

Quarterly Reports: Arin Shaver stated that staff will be reporting on office activities and progress on the Work Program for the year on a quarterly basis. Mrs. Shaver sited the following issues that staff is currently working on:

Ordinance update: The planning staff is currently working on modifications to the whole zoning ordinance so that it is easier for the general public to understand.

Educational sessions: Mrs. Shaver and Chris Gaumer have taught several classes at the Logansport High School on zoning ordinance standards and regulations along with a newspaper article and educational Plan Commission meetings.

Citation Ordinance: Working with the county attorney to develop an ordinance at this time.

Office Efficiency: More organization within the department and looking at software that will organize information to be put on property information cards within the mapping system.

Technical Review Committee: Working to set up technical review committee meetings on a monthly basis to keep all departments informed on new and current developments.

Contractor Registration Form: A fee to register and a list of contractors is being developed. Tom Steinberger spoke against a registration of contractors. Jim Sailors explained that the Commissioners receive many calls from people complaining of poor work being done and this list may give them a reliable source to refer to.

Improvement Location Permits:

Mr. Gaumer presented the April and May ILP's with no questions asked.

OLD BUSINESS:

Unsafe Buildings Cases:

The Plan Commission, staff and attorney, Jeff Stanton discussed the Unsafe Building process. Arin Shaver stated that options on unsafe properties include: accessing a fine; county clean up the property or do nothing. Mrs. Shaver explained that a letter is sent to property owners stating that according to State Code, the property is deemed unsafe. Letters are first sent to the property for clean up. If the property has not made any progress, staff then sends a certified letter with the Plan Commission's hearing date. A discussion of what is considered unsafe followed. Jim Sailors suggested that the property owner be given reasons that deem it unsafe such as tires, anything that holds water or trash lying around, tall grass, fire hazards and unlicensed vehicles. Jeff Stanton stated that the process of the Planning Staff could be as follows:

- Staff investigation with pictures
- Send out an order stating specific unsafe conditions of the property
- Order include request for a clean up plan and attendance at the next Plan Commission
- Commission review the information and clean up plan if presented
- If property is deemed unsafe, the Commission may impose a fine or a clean up by the county.

Tom Steinberger stated that a very specific letter is needed to generate action of property owners.

The Commission continued with past unsafe property cases.

Donald Ulery 3104 N CR 925 E: ISSUES:

- Mr. Ulery came to the Board of Zoning Appeals, 2007, to request a removal of a home and the placement of a mobile home, petition was granted.
- Became on unsafe building case in 2010.
- Mr. Ulery has worked with the Plan Dept to clean up the property but later the area returned to an unsafe situation.
- At this time, some clean up of the razed home has been done but the property has an accumulation of scrap, debris and vehicles.
- No contact of the Plan Department from Mr. Ulery has been made.

The board reviewed pictures of the property. Tom Steinberger made a motion that staff generate an order of clean up to Mr. Donald Ulery, 3104 N. CR 925 E., with specific unsafe issues, giving him 60 days to complete the order and if not, a fine or a clean up by the county may be imposed. Tamara Ogle seconded the motion, all were in favor.

Melodie Slusser 7082 N SR 25: Melody (Slusser) Clements explained that she has arranged for the dilapidated structure to be removed within 2 weeks and she and her son will remove the rubble. Mr. Steinberger asked if there is some help for her to clear the property. Mr. Sailors stated that the person tearing down the structure can contact the Commissioners and they will try to help with the removal of the debris. Tamara Ogle made a motion that an order will be sent to Ms. Clements explaining that she has 60 days to tear down and remove the structure or to secure and make the structure safe. Mr. Steinberger seconded the motion, all were in favor.

Ernest Connell 4044 Quincy Lane:

Mrs. Clark read a letter from Ernest Connell stating that he is in the Air Force Reserves until Oct, 2011 and is not able to attend this meeting. Mr. Connell state that he has arranged for yard clean and hoped this will remedy the situation. Tom Steinberger stated that this property not be deemed unsafe, staff to monitor the situation and update the board at a later meeting. The board was in agreement and asked staff to send a letter informing Mr. Connell of the board's decision.

Diana Swafford 229 Minor St.:

Mrs. Shaver stated that debris and piles of wood, plaster board are lying on the property.

Diana Swafford, 229 Minor St, stated that the wood is used for firewood and grass is growing around them to look like debris. Mrs. Swafford stated that the house at 207 Minor St. is condemned through the Health Department due to lack of septic and would be torn down and removed by the end of the summer.

Mrs. Clark stated that since the Health Department is involved with the house, this property should not be deemed unsafe and to remove it from the current list. The board was in agreement.

Rodnee Timmons 1829 N. 3rd St.:

Mrs. Shaver explained that Mr. Timmons built a garage to store item and at this time debris such as tires, metal and old windows are lying around the property. Mrs. Ogle made a motion to send an order to Mr. Timmons for a clean up within 60 day. Gary Yeakley seconded the motion and all were in favor.

David Houser, 10880 E. South River Road: Mr. Gaumer showed several pictures of the property and stated that some vehicles have been taken away. Mr. Yeakley stated that specific problems do need to be listed for the board to make determinations. Mrs. Clark stated that vehicles leaking near the creek that flows into the Wabash River would be unsafe to her. Mr. Yeakley stated that the Health Department should be involved due to health issues on many properties. The board discussed that if specific issues were listed on each property as unsafe, many issues could be sent to other departments such as the Health or Fire Departments.

Mrs. Shaver suggested that high grass be sent to Township Trustees and abandoned vehicles be sent to the Health Department, leaving this board to focus on unsafe structures.

Mrs. Clark suggested that staff investigate the situation and if deemed unsafe, determine whether the case goes to the Plan Commission or to another department.

It was determined that this board will now:

- Follow through with the past cases.
- For future cases, planning staff will investigate properties that are reported unsafe.
- Planning staff will determine whether a property is unsafe according to the Unsafe Building ordinance, with specific issues identified.

- Staff will determine which department is the enforcement of the unsafe situation and send the issues to that department.
- Staff will sent an order of clean up to property owners of unsafe structures that will be under the enforcement of the Plan Commission.

NEW BUSINESS:

Unsafe Building Session: Mrs. Shaver briefly outlined unsafe building guidelines stating that the focus of this board should be on unsafe structures enforcements.

Fee Schedule: Mrs. Shaver explained that the state code now requires conditions of approval for Board of Zoning Appeals and Plan Commission petition cases to be recorded as written commitments. Mrs. Shaver presented a fee increase of \$15 to cover the cost of recordings. Mrs. Shaver also presented the addition of a \$200 + \$20per tower fee for telecommunications permits. Mrs. Ogle made a motion to approve these fee increases, motion was seconded by Fred Seehase and all were in favor.

Mr. Steinberger questioned the commercial fees and asked that a staff investigation of other community fees be made.

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

The meeting was adjourned at 8:10 pm, June 13, 2011.

Jenny Clark, President

Tom Steinberger, Secretary

_____ Peggy Dillon, Recording Secretary