

MINUTES
CASS COUNTY PLAN COMMISSION
Tuesday June 7, 2022

Stacy Odom, President, called the regular meeting of the Cass County Plan Commission to order at 8:30 AM in the Commissioners Hearing Room on the 2nd floor of the Cass County Government Building.

ROLL CALL:

Members present: Ruth Baker, Josh LeDonne, Stacy Odom, Gary Berkshire, Krista Pullen and Fred Seehase

Member absent: Jim Donato, Brian Reed, Zach Dodt

Staff present: Arin Shaver, Ashley Rowe, Ralph Koppe, Jamey Harper and Legal counsel, Jeff Stanton

Staff absent: None

Public in attendance: See sign in sheet

ACTION ON MINUTES:

Minutes of May 3, 2022 were presented. Mr. LeDonne motioned to approve as presented. Mrs. Baker seconded the motion; all were in favor.

PUBLIC HEARING: None

REPORTS: None

OLD BUSINESS: None

NEW BUSINESS: - Unsafe Properties/Structure Discussion

Mrs. Shaver started the meeting with talking about the Planning Dept. having an unsafe building inspection sheet which Mr. Koppe will still fill out this form for the building inspections. The more paperwork we have on file the better so when we go to court we will be covered. What the Planning Dept. talked about was Findings of Facts, which is not a requirement by the State. But if we have a ruling that indicates that a property is considered unsafe then we need to have reasonings as to why it's unsafe. The state does have specifications in their ordinance stating what things we are suppose to be looking at. First, it would be nice that the Board remembers what all you are looking at to determine. Second, to have something in writing so if it goes to court the reasonings why we considered it unsafe was under this section. Whether it's a public health issue, public nuisance, dangerous to persons or property and fire hazard. That's just a little bit of a change on the building structure side.

Mrs. Shaver stated the property structure form will be the next thing she will go over, this will be different for different properties. It's something the Planning Dept. started on before we actually put the committee together. We brought it forward to the committee and made a few changes at the committee, trying to cover as many health issues that we could. So that we can present to you what issues are on the properties instead of just pictures.

Some examples are:

- unmaintained pool (pool of water)
- refrigerator or freezers
- freon appliances
- trash debris (which this form gives you an understanding of the types of trash debris)
- burn piles (what can be in the burn piles)
- inoperable vehicles
- containers that can hold hazardous waste of other contaminants
- unstable or removable soil
- others (scrapper that has metal near a right away, or a dirt pile to close to the roadway causing it to be a visual health issue)

Mrs. Shaver stated Dan Musselman was at this meeting as well and it was discussed that freon appliances aren't an issue until they leak. Its up to the Board how they want to handle this issue, if you feel its unsafe before it leaks. If we give you the info you need you can determine what you want to do.

We also have people call about properties that have just toys, do we bring it to your attention and then you determine if its unsafe. Structure you can tell by just looking at it, so those are easier to determine.

Ralph Koppe asked what if we have a property that has vehicles, now this particular case calls the vehicles "art". So how do you change that or stop him from expressing himself. Mrs. Shaver added and when does that become a problem at court. This is why we don't have safe and unsafe on the property inspection, but that means you would be hearing every property complaint. The only thing we don't have on the sheet is grass, when someone calls about grass what we typically do, there are some trustees that will pay for that. We typically send them to their local trustee. If someone has a debris pile and they are just a scrap guy, are we bringing that person to you for review or he goes out and sees one scrap pile and thinks its safe. We are fine with bringing everything forward to you to review, so you can determine if it's safe or unsafe. We actually have of a property coming up that is a fire hazard, public health and public annoyance. In your determination you may consider a lot of things a public nuisance, it may be different for each Board member at the meeting. What we can have Ralph do is determine what he thinks but still bring it to the Board for their decision. Ralph added we have one in Georgetown that has piles of wood stacked, a couple sheds and he does have a camper on that property. Ralph stated I have piles of wood/limbs at my property that I burn does that make my property unsafe. Mr. Odom asked the one property we will talk about the yard, what is it zoned. Mrs. Shaver answered its AG. We can put the zoning on the sheet if that helps the Board determine. Mrs. Shaver stated it would be more of a density thing, there use to be a State Code that 8 houses within a half a mile would be considered an urban area. But if there weren't that many houses we wouldn't bring that to your attention. These situations that we have is such a grey area, what would be more offensive to one person may not be for the other. Mr. Odom stated he wouldn't consider brush piles as unsafe. We can make sure if there is a brush pile for example, put in the notes what the brush pile is like. Ruth Baker stated the one good thing about having these sheets is we have documentation on each situation. Mr. Odom stated the Boards goal is to consider what property is safe and what is unsafe.

Mrs. Shaver stated the process that we have now, is the person would call in and we say we will put you on the list for our inspector to come look at the property. If he considers it unsafe it will then be taken through the unsafe property process. We have had people not agree that the property is considered unsafe, so they have come to the Board meetings to express why they think it should not be considered unsafe. Mr. Odom stated that the owners need to know that they can come to the meetings with any concerns they may have. Mr. Stanton added if we base each case on density, zoning and location that will cover everything we need. Mrs. Shaver stated with the density part of this determination, she took ¼ of a mile around a house. There may only be 3 houses on one property where on another house there could be 5 houses. Mr. Odom asked if the Board has anything in the guidelines that says that they can't place objects within certain distance from the right away? Mrs. Shaver answered only with structures and its 50 feet. Mrs. Shaver stated on the other part of the form we could put an example, anything close to the right away within 10ft from a sign. Anything closer than 10ft will come to the Board to determine. Mrs. Shaver stated our ordinance states for a normal right of way its 10ft and with landscaping to an intersection its 15ft. We can add those two and we would consider it a possible unsafe premise to bring to the Board if there is stuff within the 10ft or 15ft. Even if its just brush pile. Or the Board can make that determination for each property as the case comes forward. Mrs. Baker added this is a working document that we can change as we go, maybe changing things to make it more or less restrictive. But at least we have documentation in writing of what the concerns are. Mrs. Shaver asked the Board do you want a mileage or picture of the property, the Board answered with a picture and a ¼ mile would be the best for the cases. Mr. Berkshire added he really likes the forms, you can write things down and not forget things.

The process for safe and unsafe will be:

- Ralph Koppe will determine whether he feel the property is safe we will report on the agenda all properties we feel are safe, if you feel they are unsafe then we will take them through the process
- We will do a map with the pictures and the reports
- Findings for each case

Mr. Odom asked the freon appliance, is it because of the freon being a health issue? If its not leaking the Board will handle those. If its leaking freon that is when Dan will take the case because it will be a health issue. Even Dan could bring any of his health codes he's working on right now he could bring it to this Board. Dan is informed of all the cases we have questions on. The Board can decide to have something removed from a property

before the Health Dept. could. Mr. Seehase asked what happens to people when they let the freon go? Dan answered it would be considered a civil case.

Demolition Discussion

Mrs. Shaver started by stating this is something that we have been discussing, we want to be able hand out this sheet to customers when they come in to fill out a Demo Application. She proceeded to read the Specifications for Demolition Bids sheet the Planning Dept. typed up. We do this for our current unsafe's that the Commission demos.

The process we currently have for demoing a property is:

- The customer comes into the Planning Dept. and fills out a Demo Application
- Make sure the contractor is registered
- They have to have the IDEM asbestos report and turned in
- Make sure they have the approved permit
- When they remove all the contents from interior and haul to the proper landfill/salvage yard we have a receipt showing it was put in the proper disposal place.
- All foundations, footings, concrete slabs, pits, cap wells, cisterns or any underground/under slab plumbing lines must be removed.
- Properly remove or close septic tank, if present.
 - Dan stated we don't want to be closing septic's just to close them, they may be able to be used for a future house.
- The Contractor must have Freon removed by a certified person for all Freon Appliances.
- Remove all trash, rubbish, weeds, etc. on the property and haul to proper landfill/salvage yard/composter as applicable.
- Backfill with fill dirt, topped with 6 inches of top soil, and properly grade the lot and see and straw for effective erosion control, if the foundation is removed.
 - Ralph recommended that if backfilled they must take out the foundation completely. Inspect first before the backfill process is started. Do proper fencing around if the foundation is kept.
 - There was a discussion that the foundation could be kept if it was broken up for drainage before it was backfilled.
 - Also discussed was if the owner keeps the foundation they would need to have an active permit open, and they have a certain amount of time to rebuild on the existing foundation. If this is the case they are required to put fencing around the hole.
 - If they don't have an active building permit showing they have a plan for the property, the Board will make the owner break up the foundation and back file.
- Contractor is responsible to see that all water and sewer utilities are abandoned to the satisfaction of the specific Utility in the area. All other utilities must be capped/removed according to the requirements of the utility.

When we send Demo Applications to Technical Review we need to wait on Dan at the Health Dept. to let him tell us if they need to be capped or not.

FLOOR IS OPEN TO THE PUBLIC:

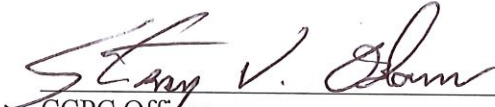
Lora Redwick asked the Board, on the unsafe properties on the checklist, one thing that wasn't discussed. When you have a neighboring property that has a pile of debris, when you have a strong wind or storm. The debris from that property is blown from the property that has the pile of debris. What type of structures is stable to withstand the winds verses what type of debris?

On the demolition, are these guidelines that the county is enforcing or is that a demolition that someone already had a permit for that got extended for a fire? Mrs. Shaver answered with an individual that has had a fire and it completely burned everything they wouldn't need to pull a demo permit. If you still have some structure still up on the property they would need to have an active demo permit. The only reason they would do a demo permit is to let the Assessor's Office know is so you won't get assessed for something that is not there. We always suggest that everyone get a demo permit even if it's a fire. Mrs. Redwick asked what if they want to sell the property to someone else, would they still need to seal it up and put a fence around the foundation. The person that buys the

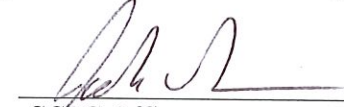
property would have to get a permit for themselves. If they don't it would eventually come back to the Board as an unsafe property.

ADJOURNMENT:

There were no further questions and the meeting was adjourned at 9:45am on June 7, 2022.



CCPC Officer



CCPC Officer


_____, Ashley Rowe, Recording Secretary