

MINUTES
CASS COUNTY PLAN COMMISSION
Tuesday December 1, 2020

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: Jon Guy, Fred Seehase, Krista Pullen, Jim Donato, Stacy Odom, and Brian Reed

Member absent: Gary Berkshire, Josh LeDonne and Jim Sailors

Staff present: Ralph Koppe, Eric Servin, Jeff Stanton, Attorney and Peggy Dillon, Recording Secretary

Staff Absent: Arin Shaver

Public in attendance: See sign in sheet

ACTION ON MINUTES:

Minutes of November 3, 2020 were presented. Mr. Jim Donato motioned to approve as presented. Mr. Seehase seconded the motion and all were in favor.

PUBLIC HEARING:

None

OLD BUSINESS: Unsafe Properties

1411 US 35 N.: Buildings need to be demolished

Mr. Koppe stated that staff recommends demolition, no type of boarding up.

Mr. Stanton explained that 2 bids were opened and read at the November 3, 2020 meeting; then reviewed by Arin Shaver and found that both bids did not include all of the necessary documents/requirements; the bids will need to be re-submitted. Mr. Stanton stated that it is important to follow proper procedures.

Ted Pollard, Responsible Green Real Estate Redevelopers gave the following information:

- He owns both properties
- These properties were donated to him from the previous owners
- He has received notice of this meeting
- He was contacted several years ago by the Planning Department and did board up this property
- Ownership changed hands and he did not hear from Planning until he put it up for sale and his realtor gave Planning his email address
- There have been some inquiries on the property
- He stated that the property doesn't need to be torn down, it is still good
- The roof needs sealed, it can easily be done
- There is no way you can get into the property, it is sealed
- Access to property is blocked
- He wants to sell the property as it is
- He is willing to seal the roof

Mr. Koppe explained that Mr. Pollard did not receive notices because he is not listed as the owner, it is Express Capital and 762-46205 LLC. Mr. Koppe stated that any piece of the plywood that is used to board up, can be easily popped off, you can enter this building; this was a temporary fix that was installed 2 years ago and should have been fixed. Mr. Odom explained that this Board is concerned of the Health and Safety of the public and this is obviously an unsafe property right now. Mr. Odom stated that if Mr. Pollard wishes to not demolish, he would have to get a list of necessary items that need fixed from Mr. Koppe and this would have to be done before the next meeting.

Mr. Pollard stated that is fair enough. Mr. Pollard stated that it would take \$50,000 to demolish and this property is not worth that; this would encumber the property, it would not sell.

Mr. Pollard stated the windows are boarded up with concrete board and it is strong. Mr. Koppe stated his concern and showed pictures of this concrete board that has gotten wet; it is bowing out, it can be pulled off easily. Mr. Pollard stated that realistically the property needs to be removed and he is willing to work with Mr. Koppe.

- Non-discrimination among providers
- Table A is to determine locations permitted
- Definitions
- Fee Schedule is changed so there is no fee
- Contractor will be required to be registered

Mrs. Shaver asked for questions.

Mr. Sailors asked who will determine the weight requirements for the pole. Mrs. Shaver stated an engineer will determine that.

Mr. LeDonne asked for public questions.

Lora Redweik, 5524 N. 600 E. asked who will be responsible for the upkeep of the facility. Mrs. Shaver stated the facility owner will be responsible.

Mr. Donato questioned the maintenance of the facility. Mrs. Shaver stated that we can require a maintenance schedule and a contact in the procedures.

Mr. Stanton stated that any damage to property would be the liability of the company.

Mr. Seehase motioned to approve the amendments to the zoning ordinance as presented. Mr. Sailors seconded the motion and all were in favor.

Mr. Sailors motioned to approve the fee change of No Fee for wireless facilities. Mr. Seehase seconded the motion and all were in favor.

REPORTS:

None

NEW BUSINESS:

Bylaws Amendment:

Mrs. Shaver reminded the Board that a discussion occurred at the last meeting and presented the following changes:

- Interested parties to be notifications will include:
 - Properties within 300 ft. of site that is 640 acres or less
 - Including adjacent and adjoining properties
 - Owners of the property that appears in the Cass County Auditor's Office
 - By certificate of mailing at least 10 days prior to the meeting

Mrs. Shaver explained that she investigated other county requirements and found several differences that included:

- State requirement is to notifying within 1/8th of a mile or 2 properties in, whichever is less; this is followed by many counties investigated.

Mrs. Shaver stated that all of our processes, such as Board of Zoning Appeals petitions, should be the same requirement.

Mr. Sailors motioned to table this discussion until the next meeting to give all time to review the amendments. Mr. Seehase seconded the motion and all were in favor.

FLOOR IS OPEN TO THE PUBLIC:

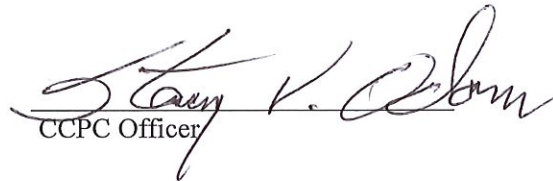
Mrs. Redweik stated that 300 ft. is not very far in the country and spoke about the impact an industry has to the community over 2 or 3 miles.

ADJOURNMENT:

The meeting was adjourned at 9:24am November 3, 2020.



CCPC Officer



CCPC Officer



Peggy Dillon, Recording Secretary

Mr. Odom explained that it will take time to get new bids and that will give Mr. Pollard time to get with Mr. Koppe to figure out what it will take to avoid demolition and meet with our objectives to make this a safe property.

Mr. Stanton stated that bids that are acceptable are good for 90 days. Mr. Pollard gave the address that mailings should be sent to: Responsible Green Real Estate Redevelopment, 3300 Southerland Ave. Indianapolis, IN 46218.

Mr. Donato mentioned that Planning did not have good contact information. Mr. Pollard stated that there have been movements behind the scene to the other entities mentioned and due to the donation of property to a 501C3, as an officer of a not-for-profit, he can't donate to his own not-for-profit; so, the ownership had to be transferred to other entities outside of his control; then those entities could turn around and donate the property to the 501C3.

Mr. Odom asked for questions, there were none.

Mr. Odom stated that this will probably need to be demolished and that will increase the value of the property.

Mr. Odom stated that we should go ahead with getting new bids, give Mr. Pollard time to contact Mr. Koppe for a list of necessary improvements and at the next meeting decide on action. Mr. Pollard stated that what is proposed is perfectly fair.

Mr. Reed motioned to approve the proposed agreement. Mr. Donato seconded the motion and all were in favor.

2029 E. Wabash River Road – Geisler: Multiple vehicles & junk blocking the alley

Mr. Koppe showed pictures and stated that the property has been cleaned up; staff recommends that it be removed from the unsafe property list. Mr. Donato made that motion to remove the property from the unsafe list.

Mr. Geisler stated he has owned this property since 1993 and he asked who is responsible for taking care of the alley; he would like to use it for a parking spot.

Mr. Odom stated the alley would be controlled by the county.

Mr. Stanton advised Mr. Geisler that he can have the alley vacated; there are notices required and a process to follow.

Mr. Seehase seconded the motion and all were in favor.

2268 W. Gleitze Dr. – Smith; Junk / 2 unsafe houses

Mr. Koppe stated that at the last meeting it was determined that he should get with the owner and explain what needs to be done; he did call but got no response. Mr. Koppe showed current pictures and gave the following information:

- At this time, nothing has changed
- The green house has holes in the foundation
- The white house has a tarp tucked in around the foundation; no other improvements
- Staff recommends to assess a \$3,000 fine and inspect on January 27, 2021 and bring to the February 2, 2021 meeting

Mr. Seehase motioned to approve the staff recommendations as stated. Mr. Guy seconded the motion and all were in favor.

8029 W. 150 S. – Warren; House burned/ debris on property

Mr. Koppe reported the following:

- The house has been demolished
- They have started the clean-up process
- Staff recommends that they continue to show improvement or could be fined \$3,000
- Inspect on January 27, 2021 and bring to the February 2, 2021.

Mr. Donato motioned to approve staff recommendations. Mr. Seehase seconded the motion and all were in favor.

9725 Church Street - Emmons: Poison ivy surrounding house/ roof rotted

Mr. Koppe explained that this property has sold; the process will start over; no action at this time.

Bylaws Amendment:

Mr. Odom reviewed what this Board discussed as a possible amendment to the Bylaws:

- When a rezone is proposed by a government entity, and the area is 640 ft. or less – All adjoining and adjacent property owners and those within 300 ft. would be notified
- Is 300 ft. enough
- The requirements for government entities and private rezones should be consistent

- Mrs. Shaver had investigated other requirements of surrounding counties and they included within a 1/8th of a mile; or within 2 properties
- Don't want the requirements to burden private petitioners

A discussion followed to try to keep requirements consistent and fair.

Dave Price, 220 Cotswald Ct. stated that he feels the distance in the county should be further then around the city; 300 ft. is not enough, possibly out to 1000 ft.

Lora Redweik, 5524 N. 600 E. asked if properties are adjoining if a road is between them, Mr. Odom stated yes. Mrs. Redweik stated that she feels 300 ft. is not enough.

Mr. Donato stated that he thinks 300 ft. is too short; possibly 800 ft. to a 1/8th of a mile.

Mr. Seehase motioned to table this until next meeting and to get further information and different scenarios that may arise. Mr. Donato seconded the motion and all were in favor.

NEW BUSINESS:

DPR Minutes:

DPR#20-04 – 3440 W. 300 S.: Mr. Servin presented the minutes for the Development Plan Review for TLF Engineering, Waelz Sustainable Products for a storage area and the ingress and egress to the facility. Mr. Servin stated that they were meeting all standards and the DPR was approved.

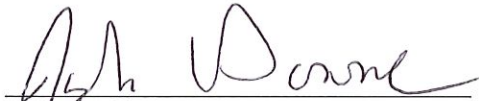
Mr. Reed motioned to approve the minutes. Mr. Donato seconded the motion and all were in favor.

FLOOR IS OPEN TO THE PUBLIC:

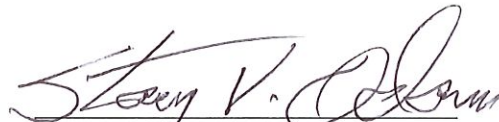
Mr. Price asked for clarification as to whether the County currently is not required to send to send certified letters to property owners, just a notice of public hearing and the amendment will require certified letters. Mr. Odom stated yes, for 640 acres or less.

ADJOURNMENT:

The meeting was adjourned at 9:29am December 1, 2020.



CCPC Officer



CCPC Officer



Peggy Dillon, Recording Secretary