

**PORTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, JULY 13TH, 2021
10:00 A.M.**

(The entire meeting is available to watch on the Porter County website.)

The Regular meeting of the Porter County Board of Commissioners convened at 10:00 a.m. on Tuesday, July 13th, 2021 in the Commissioners' Chambers of the Administration Center.

Those present were: Commissioners Laura Blaney, Jeff Good, Jim Biggs, County Attorney Scott McClure; Executive Administrative Asst. Melanie Massey and Recording Secretary Kathy Merle.

Call to Order/Pledge

Com. Good, Good Morning this is the Porter County Board of Commissioners' meeting Tuesday, July 13, 2021.

CONSENT AGENDA

Approval of Payroll – June 11th and June 17th, 2021.

Approval of Claims – June 10th, June 24th, July 1st and July 8th, 2021.

Approval of Minutes for June 8th and June 22nd, 2021.

Weights and Measures Report for May 16th to June 15th, 2021 – Filed.

MEMORIAL OPERA HOUSE – SCOT MACDONALD, DIRECTOR

ARTISTIC SERVICES AGREEMENT

1. Keith Loeffler
2. Tyler Moore
3. Samuel Weber
4. Emily Ramirez

Com. Biggs, moved to approve, Com. Blaney, second, motion carried.

ANNOUNCEMENTS

Accepting applications for the Airport Authority Board. The deadline will be August 2nd must be of a Republican affiliation.

Plan Commission Appointment.

Com. Good, The Plan Commission has been busy this year. We have been having some quorum issues with some people not being able to attend. We had someone leave the board so we will be appointing a replacement. The replacement needs to be of a Republican affiliation so I would like to appoint Bobby Gilliana so we can get him on the board and keep moving forward.

Com. Good, moved to appoint Bobby Gilliana to the Plan Commission Board, Com. Blaney, second, motion carried.

Com. Good, I would like to point out that Bobby serves on the Storm Water Management Board. He will be leaving that board and I do think it is a natural progression for him to be moving on to this board. I think it's a great fit and a civilian of the County who has moved himself up within the Plan Commission Board.

NEW BUSINESS

COMMISSIONERS

An Ordinance Amending Ordinance 04-23 Housing Federal and Indiana Department of Corrections Prisoners in Porter County Jail – 2nd Reading.

Atty. McClure, This ordinance modifies exactly how the money is distributed based upon the Jail asking for and I believe being granted an additional 10 federal prisoners. This is the mechanism we utilize to assure that the two budgets that are relying upon this revenue of for the Commissioners and one for the Jail itself remained at the same funding level that they had moving into this calendar year. The additional funding that would be potentially produced by the federal prisoners. The additional which would be the money that would be available at a yearly basis for the Sheriff's Dept. and the Jail's motor vehicle needs. This is moving in that direction.

Com. Good, Thank you. Any comments or questions? This is 2nd Reading.

Com. Biggs, The funds degenerated from the lease are going to now be spent on vehicles?

Atty. McClure, The original....

Com. Biggs, Or at least a portion of it.

Atty. McClure, Yes the additional portion will go to motor vehicles. Then that would potentially alleviate within the Commissioners' budget where the Commissioners are purchasing the motor vehicles for the Sheriff's Dept.

Com Biggs, I am all for that.

Com. Biggs, moved to approve the Ordinance on 2nd Reading, Com. Blaney, second, motion carried.

A Resolution to Sell Real Property with Assessed Value Less Than \$15,000.00.

Atty. McClure, This is part of the statute that allows a property that is being held by the Commissioners. The way the Commissioners gained ownership of it was through a certificate sale many years ago. It is landlocked in between all of the adjoining property owners. It is currently assessed at 0. This particular statute allows us to put it out for sale to the abutting property owners that would actually be able to put this to good use. It requires notice to the abutting property owners. The reason why this came to light was one of the property owners reached out wanting to purchase it from the Commissioners. This is one of the most cost effective manner of doing it because it is a departure from the normal way that the Commissioners would have to sell property. What makes this different is the property is the assessed value less than \$15,000.00. It is surrounded by other homeowners, it's landlocked and the highest invest use would be to one of those abutting property owners. This resolution allows us to start the wheels on getting that notice and having the notice go out to the adjoining property owners. With the opening bid of \$2500.00 or whichever neighbor was the highest bid would receive the property.

Com. Blaney, And we get it back on the tax rolls.

Com. Blaney, moved to approve the Resolution, Com. Biggs, second, motion carried.

A Second Amendment to the Healthaccess Program Agreement between Porter County Government and Franciscan Workingwell.

Com. Good, Is this our clinic Scott?

Atty. McClure, It is and this would take us out...no other changes to the original terms of the contract it would take us out to December 31st, 2022.

Com. Blaney, moved to approve the Second Amendment to the Healthaccess Program Agreement, Com. Biggs, second, motion carried.

Com. Good, The Healthaccess is the County's free clinic to our employees. I know when you hear the work free clinic and you're in government some people might get a little worried about that. This clinic has really helped us drive our health insurance costs down quite a bit. Almost \$4 million annually just by having a free clinic so they are not going into the doctor's office and emergency rooms all of the time, which then pulls our costs down on our claims. It has been a very good tool and it is a very nice benefit for the people that work here. It is helping to keep our insurance costs in check which is very important to us and it is an excellent program.

Pulse Technology – An Annual Maintenance Agreement in the amount of \$1,035.22 for the mail machine and scale in the Admin. Building.

Com. Blaney, moved to approve Pulse Technology, Com. Biggs, second, motion carried.

Porter County Government & GreatNews.Life Annual Communication Partnership Agreement.

Mr. Ellis, As you know I met with Chris Mahlmann from GreatNews.Life and spent about 3 hours with him. As you know I'm skeptical about everything, but we had a really good discussion. That evening I kind of looked at it in some different ways. Number one to me this could be a cost saving event for the County. Some of our venues like the Opera House and the Expo Center have contracted with them with an annual contract of \$4500.00 each, whereas the cost for this package is \$8500.00 and it would cover any department or venue that falls under the Porter County Government realm. We can feed them as many articles as we want every month. They will publish them and they will cover up to 12 to 15 events that we request that they cover, which I would think would be good for our groundbreaking and ribbon cutting. Those kinds of things. The cost factor there alone is pretty huge considering the revenue challenges that our venues have right now. The first thing I would want to get them working on is working with the Opera House to sell out their events for the rest of this year. Also with the Expo Center to really promote venue rentals because they need to build up their revenues. In these days people aren't just relying on traditional media for their news. Nothing against traditional media but more and more especially young people are looking more to non-traditional media and they're getting it through social media. The numbers that they gave me regarding their exposure they have 30,000 twitter followers. They have 75,000 Facebook followers. They have 3000 linked-in members which we don't even subscribe to. They have a newsletter with in excess of 5000 subscribers and their website gets about 85,000 visits per month. To me this is a way we can reach out to a wider audience and introduce them to Porter County Government. Younger people don't even understand the difference between city and county, state governments. It gives us an opportunity to educate them more on a county government page which is pretty good but it could be better. The Shelter has about 30,000 followers and I would sure like to see Porter County Government get up to that point. This is a method where we can drive people to our site as well.

Com. Good, So I guess it's safe to say it is not only just to market our venues, but I see it as more of an outreach in transparency in trying to let as many people know what we are doing up here.

Mr. Ellis, And that has been one of our goals all along is to reach out to people and let them know what we're doing. As you said transparency and communicate with the public. This is a new way to do it. To me \$8500.00 is a pretty cost effective way to do it.

Com. Biggs, I have a few questions. What do we do if the local newspapers come to us and they start asking for the same type of program, the same kind of opportunity? What would we say?

Mr. Ellis, We'll sit down and look at what they have to offer. (Inaudible)

Com. Biggs, Fundamentally speaking Curt I see the value in it with the Opera House and the Expo Center, but fundamentally I have an issue when this body or any other body in county government is controlling the news with public tax dollars that the public is receiving. I have an issue with that. I'm not saying that this Board would ever do that, but we're not always going to be sitting here. That is the problem I have and we spend tens of thousands of dollars a year in trying to promote what we're doing up here through our website as you know and through your position here in county government as well. I kind of scratch my head if they have the numbers that they do why don't we have similar numbers if we're investing as heavily as we have invested up to this point.

Mr. Ellis, This to me is an amplifier of what we already do. We build things on our website. We promote it through our Facebook page. During COVID our numbers went up to the point where we will never reach those again. It helps us amplify what we were already (Inaudible). It gives us a boost to what we were already doing and helps us reach more people with that message. My hope is that it will eventually bring people back to visiting our website where they can then explore other things on our website and the same thing with growing followers on our Facebook page as well. So really it is not changing what we are doing it is amplifying what we are doing.

Com. Biggs, As I said I don't have any issues at all with...I mean the world we live in is to have an active Facebook page or an active website where residents can access some of the businesses here without actually coming into the building. I have an issue with us controlling the information about the business we're doing up here as a Board. That I have an issue with. If that

can be excluded out of this somehow I'm fine with that. We're selling something at the Expo Center and the Opera House and we do need to advertise that. I get that, but that is not what we're really talking about here.

Com. Blaney, I don't see it as covering the news. It's more getting information out kind of like we have already done on our Facebook page. This is how the Highway Dept. works when they plow. This is the steps you go through to adopt a pet at the Animal Shelter. I don't think it takes away from newspapers and journalists are doing. They are a huge part of successful government. I think they should work together.

Com. Good, At the end of the day social media is a tool and we use it up here as a tool to drive people to our website. That is what we're trying to do up here so the public can access our website. They can do it mobile, at a website, wherever they're at because before COVID this County redid our entire website. It was done in house. We saved a ton of money doing it in house. We opened it up just before COVID which worked quite well for us. Now we have a lot of data and other things that we are now seeing who is getting on our website. What are the people wanting to see on the website? Where are they going and if they are going to a certain department maybe we need to enhance that information to give to the people. This isn't really us trying to write the news and become a paper. This is basically a social media function that we are using to drive our community people or people outside maybe looking to come here. During COVID we found that people used our website for a lot of things. They were looking for golf courses, they were looking for liquor stores, and they were looking for places to get their hair done. It was very very crazy during COVID, but out of that we got a lot of information and a lot of data. This is more about outreach and trying to connect with the people in our community that want to use electronic communication as a method to stay informed with their government. That is all we're trying to do here. There are still public meetings. There is still public outreach. There are still all of the public things that go on, but this is just one tool. I understand where you're coming from Jim but I don't think that is what we're trying to do here. I think the fact that we have been spending this type of money with this company with our venues and things in the past and we've gotten a lot of good things out of that. It just seems odd to me that we're talking about this in the fashion that we are but I guess that is just our different point of views.

Com. Biggs, I understand your position Jeff and Laura but we're not talking about advertising our website. We're talking about feeding stories.....

Com. Good, I wasn't talking about advertising our website. I was saying that we're using social media to drive...if they want to learn more about that particular subject they can go to the website and they can learn more about it. That is not (Inaudible) anything. That is driving people to content.

Com. Biggs, Absolutely and I agree with that. That is not what we're really talking about here. We're talking about feeding news stories. Decisions about what we make up here as a Board so the public can see it.

Mr. Ellis, Let me give you an example. Over the past 2 or 3 months we have an online form for the Highway Dept. a Highway Dept. request for (Inaudible) and I'm copied on each one of those. Rich gets one and I get a copy of it. There have been more than several people complaining about roads in their subdivisions. We're about to embark on a plan regarding streets in subdivisions. I'm suggesting that we have a page on our website that explains that. What we are doing, what subdivisions we are doing and how we are doing it. I would post that on Facebook (Inaudible) and we would reach out to Valpo Life and have them do the same. What we are doing is getting ahead of the questions people are asking us. Yes we're doing this and this is when we are doing it. This is not propaganda it's information.

Com. Blaney, We already issue press releases to the current newspapers.

Com. Biggs, Yes but we don't pay to have those press releases printed.

Mr. Ellis, I do put them on the website.

Com. Biggs, Yes, I have no issue that going on our website. I have an issue with spending public money to print information we feel the public needs to know to a so called news source. Where does that stop honestly? If this is approved the newspapers can come to us and say do you want us to print the stories coming out of county government or on your meetings? Then we want to be paid for it. That is not the media as I know it. If that is where we've gone then this future God help us all. You'll end up with a government that is not representing the best interest of the general public. I seriously have an issue with the totality of what we already spend to make sure the information gets to the people and then to turn around and send almost

\$9,000.00 to a private company to also print it. I have a problem with that because we're not selling anything up here. We're making decisions.

Com. Good, You don't want us to market any more money for the venues or any of that.

Com. Biggs, No.

Com. Good, Because that's all this is Jim. It's an extension.....

Com. Biggs, No I think I said exactly the opposite.....

Com. Good, You're trying to shanghai this whole thing.

Com. Biggs, Oh is that what I'm doing?

Com. Good, Yes that's what you're doing. You're making a point. We get what you're doing. We're already doing this so if you don't want to expand.....

Com. Biggs, We're doing it for the venues Jeff.

Com. Good, That is what I'm saying.

Com. Biggs, We're not doing it with the decisions with what we make up here.

Com. Good, That is not the intention of what this agreement is.

Com. Biggs, That's not your intention, that's not my intention, that's not Laura's intention, but we're not always going to be sitting up here.

Com. Good, It's a 1 year agreement.

Com. Biggs, Well if it goes out it won't have my signature on it.

Com. Good, It's like we pass this 1 year agreement and the world is going to come down on us. I don't understand that.

Com. Biggs, I don't want this to blow up.

Com. Good, It already has.

Com. Biggs, No I don't think so.

Com. Good, So you don't want to do any marketing for the venues after we've just been....

Com. Biggs, I don't think that is what I said at all.

Com. Good, That is what this agreement is about Jim. Okay we'll call the vote.

Com. Blaney, moved to approve the GreatNews.Life Annual Communication Partnership Agreement, Com. Good, second, motion carried. Com. Biggs, was opposed.

NORTH COUNTY ANNEX – RETAINAGE & PAY APP.

Midwest Tile & Interiors – Retainage in the amount of \$15,285.75 for flooring. This is the final payment.

Pangere Corp. – Pay App. #19 in the amount of \$76,136.81 for labor and materials. This is the final payment.

Circle “R” Electric – Pay App. #19 in the amount of \$46,565.80 for electrical. This is the final payment.

Com. Blaney, moved to approve all of the final payments, Com. Biggs, second, motion carried.

Com. Good, I believe that's the last of North County.

Com. Blaney, It is getting real close if it's not.

Com. Good, I think these are the last 3. So we can finally close that project out.

MEMORIAL OPERA HOUSE – SCOT MACDONALD, DIRECTOR

An Additional Appropriation Fund #8300 45.025 MOH IAC Grant in the \$195.00. The Memorial Opera House received grant funds and need to increase the balance of this fund to accommodate the funds they will be receiving.

Mr. MacDonald, Good Morning. We receive funding from the Indiana Arts Commission for arts operation support. This is something that we receive by-annually. They increased our grant by \$195.00 from what is already in the appropriation. We just need to make sure that we have that so we can spend it. Also, we will be coming back next month because when we accepted the grant they threw another \$3,000.00 of American Rescue Plan Funds in there, but the timing was just off and we had to put that in another fund so they didn't co-mingle. That is what this is.

Com. Blaney, You've been pulling in quite a few grants recently.

Mr. MacDonald, Yes about \$50,000.00 and we're still waiting on SBA the Shuttered Venues Organization Grant. We're in review hell. We are applying for the National Endowment of the Arts for their art funds which can be up to \$150,000.00. All operational.

Com. Blaney, moved to approve, Com. Biggs, second, motion carried.

ERIC SERRANO, ITS DIRECTOR

Adams Remco – A Copier Purchase Agreement in the amount of \$3,900.00 for the Coroner's office.

Adams Remco – A 1 year Copier Maintenance Agreement for the Coroner's office.

Com. Good, I think her copier is pretty.....

Mr. Serrano, It's an older one. It's more of a consumer model than a business model. This one will have some added features.

Com. Biggs, What is the cost of the copier 1 year maintenance agreement?

Mr. Serrano, They bill them strangely. The black and white is billed quarterly and then the colored is billed annually. They also go by page counts. The Coroner's office usually covers the maintenance agreement.

Com. Biggs, So it's based on page counts?

Mr. Serrano, Correct. They are adjustable if they go over. We can adjust those.

Com. Biggs, Thanks.

Com. Blaney, moved to approve both Adams Remco Agreements, Com. Biggs, second, motion carried.

HIGHWAY DEPT. – RICH SEXTON, SUPERINTENDENT

An Additional Appropriation Fund #1169 Local Roads and Streets in the amount of \$40,000.00 Acct. #4540 Equipment other than Vehicles. To purchase pavement patching hot box to save on cost of cold mix.

Mr. Sexton, This carries about 4 tons of hot mix. Right now we pay \$53.00 a ton for hot mix. We can get it right here in our backyard. The cold mix is \$107.50. When we go out to patch the roads doing road cuts the patches are going to last longer. The road cuts are going to be smoother. We were spending twice as much money on the same thing. We spend about \$50,000.00 year in cold mix. This would easily cut it in half.

Com. Good, When can you get this?

Mr. Sexton, 30 days.

Com. Biggs, moved to approve the Additional Appropriation, Com. Blaney, second, motion carried.

An Additional Appropriation Fund #1169 Local Roads and Streets in the amount of \$450,000.00 Acct. #2362 Bituminous. Funds to crack seal approximately 80 miles of pavement.

Atty. McClure, Rich how is the LRS - Local Roads and Streets Fund, how is that been trending month to month?

Mr. Sexton, It's bringing in the same amount month to month as before pre-COVID.

Atty. McClure, Our guidance from the State at budget time roughly this time was a significant reduction and what we would be receiving monthly from LRS and MBH. Now that we've gotten to this point we've probably can see May and June's payments at this point. So far this year those payments are reflective of what they were pre-COVID?

Mr. Sexton, Yes sir.

Atty. McClure, That is what is potentially allowing the additional of the fund to do the 80 miles of crack seal. I'm asking because we all know your 2 funds are extremely sensitive and been an issue you that this Board and the Council have been working on attempting to get our hands around.

Mr. Sexton, The MBH is sensitive because of the 50/50 split.

Atty. McClure, And obviously my question is what the Council is going to be asking on the additional appropriation on the LRS. I'm sure you've worked with the Auditor to see how that is trending to be able to satisfy those issues.

Mr. Sexton, With the 80 miles of crack seal which is a key part to keeping our roads preserved and in good condition. With the CCMG and the subdivision paving it would bring 138 total miles of preservation paving to the County which is about a fifth of the entire road network.

Com. Good, And for the crack seal is a very important component on how you get your funding from the State. They want you to crack seal. They want you to preserve the roads. The more you can show the State that you're maintaining and crack sealing the better off you are to get a CCMG or you are going to score higher. It is all a process that you have to work through. It's complicated but this type of thing is an important function of the funding component from the State.

Mr. Sexton, Also the cheapest way of preserving the roads.

Atty. McClure, Maintenance always is.

Mr. Sexton, It's the most basic thing you can do to make the roads last longer.

Com. Biggs, moved to approve the Additional Appropriations, Com. Blaney, second, motion carried.

DEVELOPMENT & STORM WATER MNGMNT. – BOB THOMPSON, DIRECTOR

An Interlocal Agreement between the City of Hobart and Porter County for the Reconstruction of County Line Road from U.S. 6 to Cleveland Avenue.

Mr. Thompson, The City of Hobart is doing a federal aid project and part of this project they have to have an agreement for INDOT approval. Essentially it's to allow the City of Hobart to come in and purchase right-of-way and do work within the right-of-way that is in Porter County.

Com. Blaney, moved to approve the Interlocal Agreement, Com. Biggs, second, motion carried.

A Performance Agreement with Lakeshore Development, LLC for the Magnolia Meadows Subdivision Phase 1.

Mr. Thompson, Mike has been working with Olthoff Homes on this particular one. This is a performance agreement for the remaining infrastructure for the first Phase that they are doing. It's to complete the storm water up against the Tower Meadow Subdivision to try to alleviate some of the flooding there. The performance agreement is for \$207,628.16.

Com. Blaney, moved to approve the Performance Agreement with Lakeshore Development, LLC, Com. Biggs, second, motion carried.

An Irrevocable Letter of Credit Extension from DeMotte State Bank regarding the Stonebridge Subdivision.

Mr. Thompson, Again Mike is working with the developers on this and trying to get their infrastructure completed. Mike has agreed to an extension. The performance agreement is for \$134,397.00.

Com. Good, And long is that extension? A year, two years?

Mr. Novotney, Another 6 months. We go in those small 6 month increments to try to push them to get the work done. They can allow only so many 6 month extensions.

Com. Good, So we are basically going through the performance stage where we're trying to get the developer to get everything up to compliance before we accept them and take them over and it's on their dime until they do.

Mr. Novotney, Correct.

Com. Blaney, moved to approve the Irrevocable Letter of Credit Extension from DeMotte State Bank, Com. Biggs, second, motion carried.

Porter Business Park – An Acceptance of Road Infrastructure and Release of Maintenance Agreement.

Mr. Thompson, Here again the Engineering has been working on this. Mike wrote up the Engineering report that should be in the Commissioners' agenda items. Where you are accepting the infrastructure.

Mr. Novotney, They went through per the UDO once they reach a final completion of their work they enter it into a 3 year warranty and guaranty period that covers any defective work, any work that is found to be incorrectly performed. We completed a final inspection at the end of May. St. Andrews Development did address a few minor items that we found upon that final inspection. We found that they satisfactorily completed through that 3 year maintenance period and we are recommending acceptance final completion, release of the maintenance bond and issuance of the certificate of final completion for this project.

Mr. Thompson, We want to note this is just for the business park. It is just Phases I and II. There will be some additional Phases which are coming.

Com. Biggs, moved to approve the Porter Business Park Acceptance of Road Infrastructure and Release of Maintenance Agreement, Com. Blaney, second, motion carried.

St. Andrews Development, LLC – An Acceptance of Road Infrastructure and Release of Maintenance Agreement.

Mr. Thompson, This is for the entire residential section. This is the north end of the development from Porter Business Park. It has entrances off of 900 North.

Com. Blaney, moved to approve the St. Andrews Development Infrastructure and Release Maintenance Agreement, Com. Biggs, second, motion carried.

A Rezoning Map Amendment - Brincka Cross from RR, Rural Residential to P1, Parks and Recreation. Petitioner Porter County Parks – 1st Reading.

A Rezoning Map Amendment – Hawk Ridge from RR, Rural Residential to P1, Parks and Recreation. Petitioner Porter County Parks – 1st Reading.

Atty. McClure, We can do Brincka Cross and Hawk Ridge together.

Mr. Thompson, The first one you mentioned was Brincka Cross. This was heard at a public meeting with the Porter County Plan Commission on June 23rd. It was forwarded on to the County Commissioners with a 5-0 recommendation. The next one is Hawk Ridge. This was also heard before the Porter County Plan Commission on June 23rd and was forwarded to the County Commissioners with a 5-0 vote. With a favorable recommendation.

Com. Good, We will be opening a Public Hearing but I would just like to make a quick comment. The main reason that this is in front of us today is because of some housekeeping that wasn't done years ago when these properties were either donated or taken into the Parks Dept. Until we went through some things with the Zona Wildlife Refuge where we found that some of these older properties were never rezoned to the Parks for what they truly are the Park Dept. came to us and asked if we were okay if they could be rezoned to what they actually are. We just thought at the time it was a housekeeping issue. This is coming from the Parks Dept. This is not the Development Dept. or the Porter County Board of Commissioners trying to do this. This is the Parks Dept. trying to get their property zoned properly and get it in line with what the conforming use is. I just wanted to make sure everyone understood how this all came about. This is basically housekeeping. There are no ulterior motives. I just wanted to make that clear as to why this is actually happening.

PUBLIC HEARING OPENED

Com. Good, Is there anyone wishing to speak against this ordinance?

Ms. Miller, My name is Sarah Miller and I live at 479 E. Furness Rd., Michigan City, Indiana. My grandfather received notification as an adjacent property owner that a parcel of land is petitioning for a change of zoning. I live across the street from his land and I am one property away from Brincka. He is directly adjacent to Hawk Ridge. We are very much in the middle, they are close together. My family attended the Plan Commission meeting for this issue and it's now been handed to you. During the first process my family asked a question and the question is why. Why does the Park need this change of zoning from RR to P1? And the response at the meeting was that it was easier on paperwork if all of the land was zoned the same. In essence housekeeping which is what you said I was given as the reason. We asked what things did the Park want to do with their land that that RR zoning restricted because it has been RR zoned for a time. What does P1 allow for that RR does not? To paraphrase that we were told the Park will not be doing anything new. They already own the land then what they want to do with the land is not the issue. The issue is just to make everything the same, again housekeeping. I was under the impression that zoning changes are to accomplish a purpose. Not just to make paperwork easier. The Park hasn't been able to give me a definable reason that they want this zoning other than the housekeeping and it makes me ask why must we change it now. It's been operation this way. I have a reason to request that the zoning not change. If I were you the Commissioners I would ask why? Why do you not want this changed? The zoning changed to P1 gives the Park the right to have a buffer zone to protect it from the properties around it. These protections can limit what a residence already in existence can do on their land. We have been told that the Parks are not changing anything at this time and this zoning change will not affect us. That really is incorrect because of this buffer zone that has been put into effect when they become P1. A zoning change from a residence to a park is a very long term change. My family has lived on our property for 50 years. Applying short term reasoning to a long term issue scares me. As the purpose of zoning is to reshape our community. Why would we permanently reshape it if we have no strong conviction to do so? It's just paperwork. If the Park has the outermost parcels of land as RR and the inner most as P1 haven't they succeeded in getting what they actually need? This will be a buffer between the Park property and the residential properties. The difference in this case is the Park is in complete control of the residential property that abuts it because they own it. It is theirs to do with as they please. The Park would then bear the responsibility of being that buffer between itself and the residential community around it. The requested zoning change requires an adjacent property owners families to take on the responsibility of being the Park's buffer and frankly I don't want that added responsibility. We as a neighborhood are asked to be good neighbors to the Park. We're asked to clean up trash that blows into our yard from the Park visitors. We do this. We aren't particularly happy about it but unfortunately as they say that is the way the cookie crumbles. We have to deal with the general public trespassing on our property, thinking that they are still on Park ground. That happens and we deal with it. One of my neighbors has witnessed drug deals in the parking lot after hours when he walked his dog. He called the Sheriff he did what he was supposed to do. He was a good neighbor. The Park can't control what the general public does whether they obey the rules or don't and we understand that is logical and reasonable. It forces us as neighbors to monitor the Park and watch out for its good because live next door. That is now our responsibility. Now we are being asked with this zoning change to limit the use of our adjacent properties to protect the interest of the Park. Now our property rights are actually being infringed upon. The way things currently are RR zoning means that the Park gets to limit itself to things that benefit the Park. I ask that you deny the zoning change. Please think of the long term effects a small zoning change will have on the many properties that surround it. Does the Park really need this change or does it want the change just to make the paperwork easier? Is that an acceptable reason to limit the property rights of others? Thank you.

Com. Good, Second call anyone wishing to speak against this ordinance?

Mr. Smith, My name is Tom Smith and I have property at 475 E. Furness Rd., again right in that same area. I am going to be hammering on pretty much of the same areas. This property was donated, but by doing it the way it was done it was not brought about by the people close to the Park, it was a done deal until after it was done, but it stayed the same zoning. Now it has been brought back in and now they want to change zoning. It is sort of a back way of getting this put into process. Again, the question has to be asked to what advantage does the Park Dept. need to change the zoning? If what they're doing has not violated the zoning already then why can't they keep going with the zoning as it is? Again, it has to do with a variety of things but the main thing is that we were told at the other meeting that the Parks Dept. isn't responsible for what happens on their property. They would like people to obey the rules but if they don't there really isn't a whole lot people they can do about it. When you're a private property owner and another person's property butts up against yours and they do something that is egregious you can go over and talk to that individual and usually it is a family or something like that and you can say "hey can you watch and make sure your kid isn't throwing baseballs into my property or whatever it is". This doesn't happen with the Parks Dept. It's like oh well I'm sorry we didn't want them to throw the garbage over there but hey that's what happens. Our main concern is that it does take away value to your property. You cannot build next to a park your setbacks change. These are things that are taking away rights to the individual. It just seems like lately the rights of the people have been taken over by the government in great amounts. This is another thing, the Parks Dept. is a government and now they're saying okay we want you to be the buffer. Consider this. Consider the long term effect of this and say is this really necessary to change this because zoning the way I understand it, I used to be on a zoning commission myself is that it is for the best purpose. It's also supposed to be protecting the land owner. So far I don't feel a lot of protection. Thank you!

Com. Good, Third and final call anyone wishing to speak against this rezone? First call anyone wishing to speak in favor of this rezone? Second call anyone wishing to speak in favor of this rezone? Third and final call anyone wishing to speak in favor of this rezone? At this point in time what I would like to do is have the attorney from the Parks Board to come forward with Bob Thompson and they can explain what we're doing here and what the process is since they are the applicant. We want to give them the opportunity as to what we are doing.

Atty. Hollenbeck, As Com. Good indicated I am Dave Hollenbeck and I am the attorney for the Porter County Parks and Recreation. This whole endeavor as Jeff indicated was started when the Commissioners conveyed that the Park Dept., the Zona property and we determined at that time that the property was zoned Rural Residential and was not being used for that purpose. There was a consensus of the Park Dept. that should trigger us looking at all of the parcels. What we discovered is what Jeff alluded to is that many of these parcels remained Rural Residential and I will leave to Mr. Thompson to (Inaudible) exactly what that means. We embarked upon an effort to downsize the available uses of the property by utilizing the Park designation in the zoning ordinance. It more closely defined and delineated what we were using for the property both now and into the future obviously if it is zoned Rural Residential there would have to be a lot of things that have happened but you could build a subdivision on that property. That certainly was not our intent to the extent that the zoning should reflect the actual use and the intended use of a piece of property. We came before you in the past already with 2 other properties and these are too and we intend to line up future properties so it accurately depicts what it is that we're doing. I can address maybe a few of the questions that were raised if it would be appropriate.

Com. Good, One of the ones that I keep hearing about this buffer. I'd like to have it explained to me because for how it is being applied I don't know if that's the right way so I'm a little confused on that.

Mr. Thompson, We do have buffer requirements within the zoning. It's when you come in and develop a property. The residents that are living there are not going to be required to put in a buffer up against the Park. One of the things that we will see if the Park comes in and wants to develop a gazebo or some type of facility and it is going close to one of the adjoining parcels. We are going to make sure there is a buffer there. And we are going to make sure the wooded area stays wooded in that situation and make sure that facility is set back away.

Com. Good, The buffer is from the Park property line inward.

Atty. McClure, Let me start with this. If we have a corn field and we put a park in and we zoned it park. Then the rest of this corn field developed there would be buffer yards depending on the use coming around the park and the line that I'm saying the development happens. Start with a corn field, put in a park, then the resident's starts building around it. The buffer yard would then potentially (Inaudible).....

Com. Good, But its new development.

Atty. McClure, Correct.

Mr. Thompson, It is on the person that is doing the development.

Atty. McClure, Correct.

Mr. Thompson, Not the adjoining property owners.

Atty. McClure, In this scenario the residents already exist. This now becomes park. Our buffer yards even if in your example the park comes out to do something and it would require the buffer yard all of the buffer yard is on the park property and the park's responsibility.

Mr. Thompson, Correct.

Atty. McClure, At no time are we going to the residents and saying because the park is putting this up you need to do this on your property. Correct?

Mr. Thompson, Correct.

Atty. McClure, At no time are we going to the residents and saying because the park is putting this up you need to do this on your property.

Mr. Thompson, Correct. Which gets into the other question that came up about setbacks and how this changes the setbacks on these residential parcels that are adjoined to the Park. No it does not. If they have a 15' setback for an accessory structure, or a 25' setback for a residential home from the side property line they still do have that even if it gets rezoned to a park. None of the uses that they have under the RR will be taken away from them by rezoning this to a park. They still have all of the same enjoyments that they have under the zoning code with those uses under that use table for Rural Residential. None of those are taken away.

Atty. McClure, Their uses and any requirements that they would have if they were putting up a garage or a shed or accessory structure those all remain the same but the setbacks and they wouldn't be required to adding a buffer because they were first in line.

Mr. Thompson, Exactly.

Atty. McClure, And that is the difference here. The first in line so whether we're talking about buffer yards or we're talking about wetland restoration none of that gets to encroach on the private property.

Mr. Thompson, Correct.

Com. Biggs, What restrictions by rezoning this property to park property what restrictions does that place on the existing property owners out there?

Mr. Thompson, Combining all of these parcels they are not allowed to put in residential homes. They are not allowed to subdivide. Is that what you mean?

Atty. McClure, I think what Com. Biggs' question is this. If this gets rezoned Park, the existing homeowners so they have any additional restrictions beyond what we've already talked about?

Mr. Thompson, I apologize. I thought you meant by the Parks rezoning their land. There are no additional restrictions put on these residents.

Com. Biggs, If I'm operating a business Rural Residential zoned lot am I in violation of your codes?

Mr. Thompson, Yes. The only item that would be considered a business they could do would be is farming.

Com. Biggs, The whole purpose of this request is to make it consistent with the use. It doesn't really change anything other than on paper its consistent and we are no longer in violation of our own ordinances. I don't have any other questions.

Atty. Hollenbeck, The only other thing I would add is that some of the concerns that have been expressed this morning I have already tried to address some of those. Those are good neighbor type concerns and they're legitimate if there a problem. We want to be good neighbors and we're doing what we can to make sure that happens.

Atty. McClure, If you can attempt to address a little bit more the concern that was brought up at the Plan Commission meeting about garbage and if there are bad actors. What would the Park want the neighbors to do with that information? Obviously we are not going to be telling the neighbors to go pick up the garbage. So if you can address that and if there was bad behavior that was happening in the Park. What are you asking the neighbors to do?

Atty. Hollenbeck, If they can notify us so we can put the appropriate actions in place to eliminate or minimize that. If they don't actually see it happening and they wake up in the morning and it's there we do the best we can on a regular basis to police our properties. We get out there and pick it up. We don't want it on their property no more than we want it on our property. Call the Park Dept. Let us know. From what we've heard it very well may be a problem. We'll be proactive in trying to get some more receptacles out there for people to put garbage in and also to police the property as best we can.

Com. Blaney, That addresses garbage but if we see anyone out there that you think is dealing drugs call the Sheriff's Dept.

Com. Good, Our County has decided to take on a lot of these properties that were given over the years. What begs to differ is today is a different world. On these small parks and different entities out there I hate to say it I had big brother thrown up in my face already once this morning but do we start putting up cameras at these places. At the end of the day that is the solution, right. Now you can get it on film, but then are we making it a big brother park. We're sort of on a fine line. What do we do? I think this is the challenges that we're faced going forward. I would like to also point out that you cannot have a park in Rural Residential zoning. A park is not allowed in Rural Residential zoning. It is not a permitted use. So we are already in violation of our own law. I'm not hiding that. I'm just saying all of this stuff was done years ago. We're up here today still cleaning up things we've found that weren't done right and we're trying to make it right. Make it a conforming use as to what the zoning is and what the purpose is but we have no intention of land grabs or anything like that. That is not what this is about. I'm being recorded. I think you have to have a little faith and trust. We're trying to clean some things up. I think you brought some things to our attention that need further discussion and further resolve. I think what we're doing here today is simply what we're doing here today. It's nothing more than that. As we sit today we're not supposed to be operating a Park on Rural Residential property. We're just trying to get it back in line.

Com. Blaney, I think that is key on top of the fact that our Parks Dept. shouldn't have this land as Rural Residential. You don't want your Parks developing subdivisions. That is not their expertise. It's a Park and it should be zoned a Park.

Com. Biggs, The request is consistent with the use. The request does not create any restrictions for the current property owners surrounding it. Honestly folks if you sit here long enough you see a lot of things. This is the first I've ever seen residents concerned about living next door to a park. Usually they want to do that because it keeps a lot of riff raff out of there. Many people don't want a subdivision right next door to them. The fact remains if it stays the zoning that it is the County Parks Dept. could sell that property. A developer could buy it and put homes on it. If it is zoned Park.

Mr. Smith, They got the money through a grant (Inaudible sitting in the audience.)

Com. Biggs, We could always give the money back with the money that we made from selling it. I was told by our Plan Commission if this creates any restrictions on you people by doing it I wouldn't be in favor of it, because you were there first. This doesn't do that. I understand your concerns, but I think you're going to see as time goes on there is really nothing to be considered about. It is not changing anything. They don't have any grand plan to build something out there that would be offensive to you. Even if they were that has to go through the Plan Commission and has to be approved.

Mr. Thompson, And the Park Board.

Atty. McClure, Right.

Com. Biggs, I get it and if I thought for a second infringed on you who were out there first I wouldn't agree with it, but it doesn't. I hope you're okay with that.

Com. Biggs, moved to approve both of the Rezones - Brincka Cross and Hawk Ridge from RR to P1 on 1st Reading, Com. Blaney, second, motion carried.

Com. Good, The 2nd Reading will be at our next Commissioners' meeting which is August 10th.

A Rezoning Map Amendment – Trailyard from I1, Light Industrial to CM, Moderate Intensity Commercial. Petitioner - Clifford Road LLC – 1st Reading.

Mr. Thompson, This is out on Clifford Rd. If you would take Froberg Rd. south across 130 or Lincolnway and go down towards the old Harley Davidson Dealership. It is adjacent to the Creekside Golf Course. The Petitioner is Clifford Road, LLC or Trailyard, LLC. The Plan Commission heard this at their June 23rd meeting and voted this 5 – 0 as a favorable recommendation to the Commissioners.

PUBLIC HEARING OPENED

Com. Good, First call is there anyone wishing to speak against the rezone? Second call is there anyone wishing to speak against this rezone? Third and final call is there anyone wishing to speak again this rezone? First call is there anyone wishing to speak in favor of this rezone? Second call is there anyone wishing to speak in favor of this rezone? Third and final call is there anyone wishing to speak in favor of this rezone?

PUBLIC HEARING CLOSED

Com. Biggs, I am somewhat familiar with Mr. Clifford's developments and I'm in favor of rezoning it.

Com. Biggs, moved to approve the Rezone on 1st Reading, Com. Blaney, second, motion carried.

Open and Award Sealed Bids for CCMG 2021-1.

Mr. Thompson, This is the \$1 million award that we received this spring. We received the letter in April or beginning of May from INDOT.

BIDS

- Rieth Riley Construction, Gary, IN - \$2,085,728.15
- Milestone Contractors North, Griffith, IN - \$1,931,379.49

Atty. McClure, Was the estimate \$2 million?

Mr. Thompson, \$2 million. On this one we are going to request that we review it here to make sure they responsible and then award it at this meeting because we are under a deadline with INDOT.

Mr. Novotney, I have reviewed the bids for the CCMG 2021-1 Project. I have found the bid from Milestone Contractors North Incorporated to be responsive and would find Milestone to be a responsible bidder. Their bid was \$1,931,379.49. I would recommend that the Board would accept that bid and award the contract for this project to Milestone Contractors North Incorporated.

Com. Biggs, moved to award the bid to Milestone Contractors North Incorporated, Com. Blaney second, motion carried.

Atty. McClure, And lastly just on that that is roughly \$2 million. A million of that was from the grant and a million of that is coming from us local correct?

Mr. Thompson, Correct.

Atty. McClure, That is a \$1million of State money that we are utilizing locally.

Mr. Thompson, Correct.

Atty. McClure, On the sealed bids for the subdivision you want to deal with that at the next Commissioners' meeting?

Mr. Novotney. Yes. We will review those and come back to you at the August 10th meeting.

Open Sealed Bids for Subdivisions Paving Project.

BIDS

- Rieth Riley Construction, Gary, IN - \$3,238,226.25
- Milestone Contractors North, Griffith, IN - \$3,356,237.12

Atty. McClure, And the estimate here was \$3 million?

Mr. Thompson, \$3 million.

Com. Good, We have been monitoring our 816 miles of roads that the County takes care of. One of the things that we've noticed over the last 4 or 5 years which is the reason we have been so active in spending our money paving our main arterials and our main roads but over the last 15 or 20 years our subdivisions in our County has really been neglected. This project that we are putting forward today has already been funded from the Council and we're actually using foundation money from the Porter County Foundation to move this money forward. We have included in this paving project the County's 14 worst subdivisions. We have close to 300 so as you can see we are starting with the worst and working ourselves up.

Atty. McClure, All based on grading.

Com. Good, All based on grading. This is not political. It is based on the conditions of how the roads are from structural engineering and from a ride standpoint. It's all based off of data. We're going back into these subdivisions this summer and we're going to start picking up the actual paving in these subdivisions and getting these older subdivisions back up to par. You'll be seeing us work on these paving projects over the next few years. This is something that we really want to get after so we can get our subdivisions in a little bit better shape. The Community Crossing Grant money that we spoke about before is how the State regulates that money and how they award the money. You can only do arterial roads. You can only do grind and regrind. You cannot do full reclamation projects. They have specific rules in order to get the Community Crossing Grant. For us this year with Foundation money and the Community Crossing Grant money we will be upwards of \$5 million this year in paving for the County, which is a big year for us. Going forward we do want to go after more paving projects and trying to get our roads in better shape for the long run. When you 816 miles of roads on very limited budget it's quite challenging. We know that we need more funds to get this done. We're working through the County coffers to try and get that money instead of going to the residents and asking for more money. I would also like to add that Porter County is one of the few counties that did not pass the Wheel Tax. We don't have an additional \$1 million to \$1.5 million coming in every year because we made decision not to charge a Wheel Tax. Every car registered in Porter County you would be paying another tax. We're going to use the Foundation money to do that type of work instead of coming back to the taxpayers and asking for it. We're really starting to see the benefit of this Foundation money and how it can work to make our lives a little bit better around here.

Atty. McClure, It also ties in nicely with Mr. Sexton's additional request and that goes back to something he said earlier. With that crack sealing and this paving I think his number was something along the lines of (Inaudible) or so. Our total road inventory one way or another is getting touched. Whether it is maintained or paved or 2" mill and fill or whatever the issue may be. That is what this Board and the Council have spent a lot of time in the spring and early summer trying to figure out where to come up with those funds to be able to address those problems that become more and more apparent because of the Pazour Program and the grading. We have data points that we are reviewing on the quality of the roads.

Com. Good, Also on top of that we're doing how many miles of chip and seal Rich?

Mr. Sexton, (Inaudible, not sitting next to a microphone.)

Com. Good, So we are going to pull off of the chip and seal because I know we were going to....the last 4 years we did close to 300 miles. We needed more funding and this is how we found our way to get there. It's taken a lot of work between us the Council, along with the Foundation Board.

A Resolution of the Porter County Board of Commissioners Authorizing the Purchase of Land from the Duneland School Corporation Board of Trustees Pursuant to Indiana Code 36-1-11-8.

Mr. Thompson, This is our Bridge 168 Project that is on Brummitt Rd. just south of Indian Boundary. We need a small sliver of land from the Brummitt Elementary School in the Duneland School Corporation for a right-of-way to complete this project. This is a process they agreed to it and we are just going through the acquisition process.

Com. Good, When is this bridge targeted for construction?

Mr. Thompson, It's targeted to start up November of this year. I might end up having to go back to INDOT and ask them if we could push it back to February or March. Just a few months because we do have another acquisition that we may need.

Atty. McClure, I think the total acquisition (Inaudible) .18 acre.

Mr. Thompson, All of these are small. They're slivers.

Com. Good, Probably to add to our right-of-way and our guardrail. We need the space.

Com. Biggs, moved to approve the Resolution, Com. Blaney, second, motion carried.

MORGAN TWP. FIRE DEPT. – JON WITTMER

A request for permission to close 325 S to 400 S on State Rd. 49 for the Annual Malden Labor Day Parade on Monday, September 6th from 12-12:30. The Porter County Sheriff's Department will assist with traffic control.

Com. Blaney, moved to approve the Labor Day Parade, Com. Biggs, second, motion carried.

NORTHWEST INDIANA NOW – JULIE STOREBECK

A request to use the northeast, northwest and west triangle of the Courthouse grounds on Sunday, July 25th from 4:30 to 7:00 p.m. for "Together We Rise", a rally for reproductive care. There will be music and speakers along with a microphone. There will also be banners and marchers will carry signs that support choice.

Com. Blaney, moved to approve Together We Rise, Com. Biggs, second, motion carried.

CITIZEN ISSUE REGARDING ANDERSHOCK'S

Ms. Gavagan, Hi my name is Ann Gavagan. I live in Wake Robbin just off of Indian Boundary in Chesterton. I was here last month. I'm back with the same old problem. The problem with the Jimmy Andershock alleged farm stand on Indian Boundary Rd. The problem for the neighbors that we all have is that everyone tells us to be patient. It takes time. The problem will be fixed. Coming to the board meeting today was very constructive for me today. Especially listening to the Brincka Crossing problem because we have a similar problem with Jimmy Andershock. He has been operating this alleged farm stand with food being trucked in from wholesale food producer in Illinois by semis at least twice a week if not more often. Sometimes I see trucks more often. Riding in our subdivisions which we were talking about the roads. He has been operating this farm stand for a little over a year. Started up about the same time as the pandemic. He hasn't filed the paperwork for the variance. What worries us in the neighborhood at some time as Mr. Hollenbeck said the zoning should reflect the actual use and intended use? At what point in time does this farm stand that is operating there illegally suddenly become the actual use and intended use. We're worried about him being grandfathered in is essentially the problem. About 2 weeks ago Susie and I went to the violation call for the Plan Commissioner. The only reason Jimmy Andershock showed was because he was subpoenaed to show up and he asked for a continuance. He got 2 months because his attorney couldn't show up. He has an attorney now. That has nothing to do with the zoning variance which nobody seems to be filing the paperwork and there doesn't seem to be a mechanism to get him to do it because there are no consequences. There is no accountability. Then we still have the problem with the semi-

trucks that are driving in Wake Robbin and Grand Woods. I understand that the Highway Dept. is going to be putting up a barrier between Jimmy Andershock's property and Starwood in Grand Woods. That will keep these semis from coming that property into Grand Woods but it doesn't keep them from Wake Robbin where I live plus I have a neighbor that told me she saw the trucks down at the school system turning around in their parking lot. These trucks are all over the place. I guess what we don't understand why the County can't send JackTuchtin.com the wholesale producer on the south side of Chicago a cease and assist letter and let him know what our rules are as far as semis driving in our neighborhoods and our subdivisions. The other thing that bothers us is after the violation call Susie and I had a conversation with Joe Larr who told us what we call the Jimmy Andershock spin story which is he's been operating out of that house for 20 years, which is a lie. That farm stand has not been up for 20 years. It's only been a little over a year, but it's like someone is trying to lay the ground work to shoe horn him into getting spot zoning in a residential neighborhood for his alleged farm stand, which isn't a farm stand at all. I just want to continue to share with you the concerns we have in the neighborhood that nothing seems to be happening. Nothing seems to be resolved and we're worried that the long this goes on the worse the problem is going to be for us and then suddenly it will become a housekeeping matter that the zoning has to be changed in favor of Jimmy Andershock. That is where we're at.

Atty. McClure, Where we're at is that after the complaint we have them go...the violation call is actually the first hearing for the unsafe building hearing. So it has already been through that process. There is no way to grandfather yourself into zoning when you violating the underlying zoning. No we don't have the authority to reach over State line or into private business and tell them to stop selling or not deliver. The actual issue is with the property owner. We can't force him and I'm not sure we want him to request a use variance to allow the fruit stand here. The process for him to be forced to stop is the unsafe building process and that is underway. His option to try to remedy the situation and to bring himself into compliance is to try to request a use variance or rezone. That process would include either or would require all of the surrounding property owners to be notified, have a public meeting at the Plan Commission for a rezone. Have a public meeting here with the Commissioners for a rezone. If it's for a use variance that would be a public hearing at the Board of Zoning Appeals. If he requests it that is his opportunity to attempt to convince the Board of Zoning Appeals to allow the use where it is. If they didn't allow it we would be still back at the unsafe building process. The unsafe building process is not going to cease until he is either compliant with the zoning code or he receives some sort of approval to allow him to do what he's doing. Again, he hasn't filed that as of this point. If he does the surrounding property owners would be notified and that hearing would progress as if anyone else requested use variance of a piece of property and then that Board would make the decision of whether it fits the requirements or not after public input. At this point in time it's in the unsafe building process. We've had the first hearing. He requested a continuance. He received it but when we come back for that follow up on unsafe building hearing we will progress on the way we started which is that he needs to bring this property into compliance and right now his yard and the way our allegations are, the way his yard is, the way the material is being stored. The way he is an open and notorious public nuisance at this point. We are in agreement with the neighbors as far as use not being correct. The process is underway to stop it. The unsafe building process is the quickest process we have available to bring it to bear. His other options as far as rezone and use variances are his options to attempt to bring himself in compliance. Then again those boards would have to make those decisions of whether or not he fits those requirements. This is underway and we will have an update here in the next 60 days. Assuming they got set in the August 26th Unsafe Building Hearing. We will progress there and continue to be requesting that the hearing officer order him into compliance or allow us to enter and to bring him into compliance at his own cost.

Com. Blaney, How did they come up with 2 months for a continuance? Just kind of curious.

Atty. McClure, It was the beginning of July and they got continued to August which was the next hearing date.

Com. Good, We get a lot of this up here. Earlier today we had people up here public comment that we're over reaching. That we try to take people's property and we try to do things. Here is a perfect example where this gentleman has all of the property rights within the State of Indiana. He has a pretty wide birth of how he can operate and all of the systems that work in it. My whole point of saying this is that Indiana is a State of property rights and the property rights follow the owner of the property. I think it's funny in the time we've been here we've been accused of over-reaching and now we're being accused of not doing enough to make someone change how they are behaving. It is quite a fine line that we have to work through but it is the law and by him now in unsafe building he is now in the march going forward to have his day to make this happen. Unfortunately it takes time. It's frustrating to us up here as well trust me. We don't like to see people in our community taken advantage of this way which I feel that is what's happening here.

Com. Blaney, Or our roads being torn up.

Com. Good, We have things to that we need to protect out there. We're on it and we're going to get to the bottom of this and the sooner the better.

Atty. McClure, And to be clear on the property rights issue it's not that he has the right to do what he's doing. We are obviously in the position that he doesn't have the right to do what he's doing, but the property rights create the due process course which is you have a notice, you have your first hearing in front of a hearing officer. Is it abnormal to say I didn't have enough time to hire an attorney in 2 or 3 weeks? It's not abnormal. Is the continuance time abnormal? It's not. And again it's not because we believe he has the right to do what he's doing. I think the comment is better taken because Indiana has these property rights there is a due process portion that goes through it. It doesn't mean that we won't get to the point where we want to get to and the hardest part of that is getting it started which this is already been started. We've already had that first hearing. He is completely on notice. Now we're on that march to rectify the circumstance or have him attempt to rezone or get a use variance but again the surrounding property owners will be protected because the immediate adjacent property owners are going to be notified that were actually to be filed.

Ms. Gavagan, In the Unsafe Building Process, is there a process for public comment or does that only come before you and the Board?

Atty. McClure, There isn't a public process at the Unsafe Building Hearings because it's a judicial process. The Board of Zoning Appeals is a semi judicial board. The hearing officer is sitting in as a judicial officer at that point hearing that. It is more akin to a courtroom atmosphere. It just happens to be a process that's (Inaudible) to municipalities that addresses this in a imagine this a faster way than the court system would be like.

Ms. Gavagan, I believe it. Thank you!

Com. Good, Thank you for coming up and remind us. We'll keep on it.

With no further business the meeting was adjourned at 11:40 a.m.

BOARD OF COMMISSIONERS
PORTER COUNTY, INDIANA

Jeffrey J. Good

Laura M. Blaney

Jim Biggs

Attest: _____
Vicki Urbanik, Auditor