

**PORTER COUNTY BOARD OF COMMISSIONERS
MONDAY, OCTOBER 23RD, 2023
5:30 P.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 5:30 p.m. on Monday, October 23rd, 2023 in the Commissioners' Chambers of the Administration Center.

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

Call to Order/Pledge

CONSENT AGENDA

Approval of Payroll – October 13th, 2023.

Approval of Claims – October 12th and October 19th, 2023.

Approval of Minutes for October 10th, 2023.

Com. Regnitz, moved to approve the Consent Agenda, Com. Blaney, second, motion carried.

BOARD OF HEALTH

Health First Initiative – Update.

Ms. Gschwind, First I want to introduce Dr. Brunt who is our new Board of Health appointee. She came today and met with us and toured the facility. We had a great meeting. We just wanted to welcome her and introduce her to the Commission. We are here this evening to give an update on where we are at for planning for Health First Indiana. That is the new public health funding that the Commission has opted in for 2024, 2025 and going forward. Health First Indiana is the public health funding that is infrastructure funding that came out of the Governor's Public Health Commission. Our Commissioners opted in for the funding for Porter County in July of this year. Thank you very much we were very fortunate. We are here to talk about the planning that we've done so far. Update everyone as to where we are as a state because that actually affected us and the amount of funding that we ended up with.

Com. Regnitz, While you are waiting I wanted to thank Carrie so much. We had a quarterly round table with Township Trustees. Carrie was able to be at that meeting and talk to about that initiative and also had your consultant. What was her name?

Ms. Gschwind, The Pierce Group. We appreciated you having us because we liked being able to speak to all of the Township Trustees is very important because as we know areas of our township vary differently in their needs and their access to care and things that might be determinacies as well. That is really important to us. I believe there were four townships in attendance that evening and of course we will reach out to all of them so we get information from all twelve. That is really important to us as well. On September 1st of this year which was the deadline for the state for opting in for the funding. 86 out of 92 counties had opted in for the funding. This is really great because that is 95% of all Hoosiers that are funded with the new Public Health Funding. So that is really great. On big surprise to us is that the state did take the money that was set aside for the six counties and they did redistribute it across the 86 counties that did opt in. On January 1st of 2024 we will receive into our account 1161 our Public Health Services account \$1,753,072.76. That is very exciting. Just a quick update on our Public Health Needs Assessment. These just show you some of the dates. Right away when we received approval to do that we started with a strategy session in August followed by the Pierce Group was able to attend the Community Resource meeting with me and that is a really great network of about fifty different organizations. Up to 100 people are present so it was a really great opportunity for them to do some high level swat analysis, strengths and weaknesses. We mostly focused on the strengths and weaknesses and opportunities in that meeting. Then we drafted a

letter and sent it out to the lead person in each stakeholder group or each stakeholder organization. That took place in September. They have been really busy attending the trustee meeting. They have been doing some one on one interviews. They've been doing some group meetings. That is what that kind of looks like as of Friday. Twenty five of those interviews have been scheduled or conducted. We are kind of splitting the schools up to make sure we speak with superintendents from each school system so we get that whole population as well. Their final report is going to be delivered at our Board of Health meeting in December. On December 5th. One of our big ideas that has been able to come to fruition was in that connection to care category. That core service where we really had a lot of emphasis on our warm handoff to care. On being able to connect people to care that they need outside of our office. In September at the Council meeting we were approved to hire this position yet this year because we had some money in our general health fund to do that. That was posted. I think it took a couple of days for that to post. I believe it was the 27th. We received over 50 applications and we interviewed 8 people. We actually have one more tomorrow. Then we will bring back our top candidates. Originally we kind of hoped for November but it is looking more like the beginning of December for that position to start. We are really excited about that because they will be out in the community just like we have been and even more collecting that information. Finding out what is out there. Things we can refer people to. Things to gather and have as resources. And to also help us in developing programming so we are real excited about that. Another one of the core services was Fatality Review. And as we discussed as we did our presentation Porter County currently has a Child Fatality Review Team and a Suicide and Overdose Review Team. Those are the child fatality's run by our coroner. And the other by one of the deputy coroners. We did not have a Fetal Infant Mortality Review Team or a FIMR Team. This is typically something that is run by the Health Dept. or if there is a single hospital system possibly in a county. We contacted the state and got all of the information. We have identified someone in the Health Dept. to be the lead for that. They will begin training and in the meantime we will be sitting in on other county's reviews to see how it goes. We are in the process of identifying additional members to sit on the board. We have reached out to a couple of people and we will get together and form that board while our lead is doing that training. The purpose of the Fetal Infant Mortality Review Team is to review the medical instances behind death in fetuses and infants up to age 1. There will be some crossover with those kiddos from birth to age 1 with the Child Fatality Review Team. It just helps us to see what determinates might have led to death and to be able to take those to a community action team to affect change. So that could be in our community and there is also a component of legislative change as well that we can forward on to the state if we feel strongly about that component. One of the other things that we are tasked with doing is identifying our leading cause of death in the county and identifying our leading cause of trauma and injury death in the county. Our leading cause of death is heart disease. Here are some stats from the county's score card. Porter County ranks 47 out of 92 in the adult obesity rate. And 33 out of 92 in their smoking rate. For chronic disease prevention in this area and in many of the areas we have identified the need to make sure that there are fresh foods available to residents that may live in a food desert that is somebody that where they live the closest thing to shop at may be a Dollar General where they don't have access to fresh fruits and vegetables. And where they may have to walk to get their food and things like that. Initiatives to ensure that the access to transportation and where they live is not a barrier. Also, that finances would not be a barrier. That is one of the things that we would like to come up with initiatives to programming around. Or work with someone to. Also evidence based nutrition initiatives. We have talked with the Extension Office because they have many of these and how can we work together to get those out and promote them. Com. Regnitz also had a great idea as a part of PoCo Wellness that she and I talked about in the past with initiatives with local restaurants as far as coming up with menu items that are healthy choices. Having those branded. One of the things she wanted to do is start that out as a PoCo Wellness initiative and extend that out to the community. We would love to make that happen and to pair that with togetherness at establishments. We are promoting health and wellness and good eating. We are branding that. It is bringing people to those establishments. Then also maybe we can get people out in the community to bring a senior group to eat there so they have a sense of community or togetherness. That is something that we really want to get up and running. Also the focus on the recreation in the community. We just know that part of wellness is bringing people together and when you have a purpose to being there and doing these things. That is also really important. The leading cause of trauma and injury related death is drug related death. Porter County ranks 44 out of 92 in potential years lost due to injury. For drug related things the first thing we have to do is to be able to talk about them. We have to be able to talk about them to our friends and to our employees and in school. We are really interest in starting an anti-stigma campaign around this. I'm sure we will look to the (Inaudible) for partnership and other organizations and kind of get that out there and know that that is something we need to be able to talk about to get past the stigma so we can treat it. Then also continue and increase harm reduction initiatives. That will be a big conversation what that looks like in Porter County. Do you have any questions?

Com. Regnitz, Great job, we really appreciate it. Look forward to continued updates.

Com. Biggs, I just want to make sure we don't end up spending a lot of time and money on duplication of programs that are already out there.

Ms. Gschwind, Of course we do not. We definitely do not want that. We really look to build to find out what is out there. To build those relationships. To build on the ones that we already have.

Com. Biggs, Or at least approaching it from a different angle.

Dr. Stamp, What we would like to do also is empower those agencies that are already working for the community in these core service areas to be able to extend their services, expand them. Make sure that they are getting to people that haven't been able to get services previously perhaps through them. Just facilitate that with our funding.

Com. Biggs, I would assume that as we move forward with all of this it is going to be somewhat fluent in that we learn more.

Ms. Gschwind, And also as we start doing things because right this might be the first time we might find with these initiatives we're not getting the results that we were looking for. We may have to reevaluate and do something different. We really appreciate you (Inaudible).

Com. Biggs, Like I said this is a huge opportunity the taxpayers have given us. I'd like to see us do some special things to make a difference.

Com. Regnitz, Thank you so much for sharing the good news. I look forward to future updates.

COMMISSIONERS

Sheriff's Residence Lease Bid Opening.

Atty. McClure, We did not receive any.

Com. Biggs, Well that is pretty simple. What is our next move?

Com. Regnitz, What we are hoping to do is list this with a broker. We are heading into a period of time where this is not a vibrant market because we are going into the holidays but we are hoping at the beginning of the year that we will get some demand picking up. At any rate there were two realtors that we have contracts for and one of them is with Matt Evans. He was going to charge a 6% commission and DJ Seramur 5%. I'm assuming that we would want to go with the lower commission rate.

Approval to Hire a Broker to List the Sheriff's Residence for Lease.

- **RE/MAX Lifestyles -Matt Evans – 6%**
- **Seramur Properties – DJ Seramur – 5%**

Com. Regnitz, moved to approve the hiring of DJ Seramur with Seramur Properties to attempt to lease out the Sheriff's residence.

Com. Biggs, Any discussions?

Com. Blaney, I continue to think we should use it for county purposes. I do think that both Matt Evans and DJ Seramur are fantastic realtors, but I'm not in favor of continuing to try and lease it.

Com. Biggs, second, motion carried.

Com. Blaney, opposed.

Com. Blaney, We may very well get to that point after this attempt if we still have no interested parties.

Com. Regnitz, Well the one thing that I'm hoping is that we have an opportunity to do some renovations in that building through a loan from the RDC. Then we can repay that. Then at some point in time down the road if make sense for the county to continue to use it this would be for a three year term. If in three years we leased it and we decided that we had a need for it then we could then take it over. But at least we would have done some renovations.

Com. Biggs, Win win.

Dropbox – A contract for secure cloud storage.

Com. Regnitz, One of the things we discovered in all of the projects that we are doing we are storing all of the drawings, pictures and contracts. Everything regarding our four projects that we are working on is that we were running out of space because we were using the free version of Dropbox. One of the advantages of going to an enterprise license is that instead of having 2GIG of space we're each going to have 3000GIG of space. I don't think in the next year or so we will use that but at least we will have a lot more space. This also gives us 17 licenses. I don't think Lee from IT is here. He likes the idea of having this be an enterprise license instead of us having individual accounts so that if any of us would leave or at any point in time not be in office anymore. At least this would be all part and all of our files would be part of the county government server and they wouldn't be separate accounts. So there were a couple of advantages. We have then been assigning of the 17 people most likely to be looking at the different renderings and so forth for our different projects. The total is \$6,732.00.

Com. Regnitz, moved to approve the Dropbox contract for 1 year, Com. Blaney, second, motion carried.

FACILITIES

Space Moves Update.

Mr. Sullivan, I will start with the Memorial Opera House. I have one picture but here is a quick update. The tuck pointing, replacing bricks that sort of thing on the large east face as well as the south face to the very exposed areas is to be completed by this week. They will be coming back to do the seal coating of that later. They are looking next week to do the same on the north face. Of course that will potentially affect visitors coming in and out. They will coordinate that with the folks that work there. This next photo was some work they recently completed on the east side. I don't have a before unfortunately but I included the little piece to the right of it. After talking with the architect, Skillman and I came up with this idea to just replace the brick with concrete there. It actually came out looking really great. This was right after it was formed. It will serve just as good if not better than the brick before. There was a down spout that leaked and created the destruction there over the years. The plan is to also relocate that down spout so it doesn't leak anymore and cause anymore issues going forward. Voter's Registration the first floor the office walls and ceilings are complete. The electrical runs are complete, kitchen flooring, base boards are complete. High bay ceiling is complete as of today. It is covering pretty well with one to two coats. I will be talking them tomorrow about getting a refund on the third coat. I don't think we need it at this point. The wall and trim paint should be complete by 10/30. And we will install the carpet by next week. Security cameras installed this week, Wednesday. We have two more (Inaudible). All of the folks have keys and we can continue to do that but it would be nice to give them all (Inaudible) for the people that are there right now. It would just be complete that way. Move in is estimated within two weeks of Election Day. I'm not pushing the staff there right now for when we will move in. I want to let them get through Election Day and then kind of refocus on how they can start packing up their stuff and get ready for the move. But sometime after that. Basement at Voter's Registration. This is where they will be storing their equipment in the future. There were four storage bins down there. At one time they were built for judges' storage but they weren't needed for that. They ended up being used for the four different departments that work out of there. We found alternatives for them. IT has some storage over here the Admin. Building as part of this deal. When Voter's Registration moves out they can have a big piece of if there. They moved out today. Tomorrow between 6 and 9 we will relocate the Probation storage from here to the Courthouse. That will leave only the Prosecutors that will stay down there. We are going to relocate one of theirs. To the far right. We will be putting in a chain link fence that will section at 157 Franklin for Voter's storage. This Thursday and Friday we will start installing the chain link fence. The Health Dept. this is the first schematic that we have of design of their new space, which is now the entire east wing of the first floor of this Admin. Building. The light green area is the conference room, which has an opening to the hallway which was one of the goals we were looking for. They will have two or three different transaction counters. To the left of the conference is the transaction area for food service. To the right is the transaction counter for vital records.

Com. Biggs, Daniel who designed this schematic drawing?

Mr. Sullivan, This is the work of Cordagan Clark out of LaFayette Indiana.

Com. Biggs, Why are they not here to present this?

Mr. Sullivan, I guess I could ask them if you'd like sometime. This is an early step. It is not a final plan. I could certainly have them back for that.

Com. Biggs, I understand that. This is typically when you have questions if there are going to be changes. They should be in front of us not you.

Mr. Sullivan, And actually there is a meeting scheduled.

Com. Biggs, Please next time you bring this in front of us have them with you.

Mr. Sullivan, Sure.

Com. Biggs, Thank you.

Mr. Sullivan, I will call this the final schematic plans for Veteran's and Coroner's office. Again as a result of the programming meeting. It's not yet to full design or construction drawings by any means. Sheriff's office and the Jail. I mainly brought this up to mention there is a lot going on there this week. There are two or three site visits on Thursday as well as a weekly update by video conference. One thing right off the press from earlier today we have two bids on these hot water boilers. The issue with the domestic hot water boiler out there is that we probably can't wait for construction on those. We just discovered about a month ago that they are failing badly. We lost hot water out there and we got one of the hot water heaters back up and running. One water heater is not enough for their need. Working with DLZ I am going to run these by him but I think these are pretty good one. They are high efficiency condensing hot water boilers that will be an upgrade to the existing unit. This is for two so I think that \$44,500.00 is a pretty good price. I didn't mean for this to be a discussion with a vote because I didn't get this to Melanie. I can get this to you later if you want to go that far or try to get a third bid as well.

Com. Biggs, I don't want to cut you short but if we are going to get a presentation on the Memorial Opera House or Sheriff's I would prefer to have Skillman do it. Not that you can't it is just that that is what we are paying them to do. I want to hear it from them.

Mr. Sullivan, That was the end.

Com. Biggs, Well thank you. It is not necessary for you to give the updates. We have a project manager. I just don't want to get I'm told this and then I'm told something else later.

Northwest Indiana Fence – Proposal in the amount of \$9,980.00 to build cages for Voter's election equipment.

Com. Regnitz, moved to approve Northwest Indiana Fence.

Com. Blaney, Just to be clear they have agreed to have it done by a certain date?

Mr. Sullivan, Yes. Thursday is the plan date. Friday is the fall back date. They expect it to be one day.

Com. Blaney, second, motion carried.

SHERIFF JEFF BALON

An Ordinance Establishing a Non-Reverting Fund #8168 for the COPS (Community Oriented Policing Services) Office FY 2023 COPS Hiring Program Grant – 1st Reading.

PUBLIC HEARING OPENED

Com. Biggs, Anyone wishing to speak against this ordinance? Anyone wishing to speak against this ordinance? Third and final call anyone wish to speak against this ordinance? Anyone wish to speak in favor of this ordinance? Anyone wish to speak in favor of this ordinance? Third and final call anyone wishing to speak in favor of this ordinance?

Com. Regnitz, moved to approve an Ordinance Establishing a Non-Reverting Fund #8168 for the COPS (Community Oriented Policing Services) Office FY 2023 COPS Hiring Program Grant on 1st Reading, Com. Blaney, second, motion carried.

AUDITOR KAREN MARTIN

An Ordinance Establishing a Non-Reverting Fund #4006 for the Porter County Expo Center to receive FEMA Reimbursement Monies – 2nd Reading.

Mr. Wichlinski, This is the creation of the fund for the Expo Center to receive a reimbursement for FEMA money related to COVID activities they performed at the Expo Center.

Com. Regnitz, moved to approve an Ordinance Establishing a Non-Reverting Fund #4006 for the Porter County Expo Center to receive FEMA Reimbursement Monies on 2nd Reading, Com. Blaney, second, motion carried.

An Ordinance Establishing a Non-Reverting Fund #1235 Federal Forfeiture Funds for the receipt of monies that have been Forfeited in the Federal District Court in Hammond – 1st Reading.

Mr. Wichlinski, The Prosecutor currently has a separate one for state funds. This is establishing an ordinance to receipt in money for the federal funds for any forfeiture money as a result of it.

PUBLIC HEARING OPENED

Com. Biggs, Anyone wishing to speak in favor of this ordinance? Second call, anyone wishing to speak in favor of this ordinance? Third and final call, anyone wishing to speak in favor of this ordinance? Anyone against this ordinance? Anyone wishing to speak against this ordinance? Third and final call, anyone wishing to speak against this ordinance?

PUBLIC HEARING CLOSED

Com. Regnitz, moved to approve an Ordinance Establishing a Non-Reverting Fund #1235 Federal Forfeiture Funds for the receipt of monies that have been Forfeited in the Federal District Court in Hammond on 1st Reading, Com. Blaney, second, motion carried.

HIGHWAY DEPT. – JIM POLAREK, DIRECTOR

Seeking Bids for 2024 Supplies.

Mr. Polarek, We are just publicly announcing we will be advertising bids for 2024 Supplies.

Com. Regnitz, When you say supplies what do you mean?

Mr. Polarek, That has to do with fuel, aggregate, signs and posts. Pretty much everything we use except for parts on trucks.

Atty. McClure, Limestone, slag, pavement markings, equipment rental, calcium chloride, diesel fuel, culverts and guard rails, precast bridge slabs and beams.

Mr. Polarek, The one we left off is bituminous because we found that if we bid out the bituminous later in the year in late summer or early spring we get a better price on it.

Com. Biggs, You might want to have that list when you come before us next time. Thank you Scott. Anything else Jim?

Mr. Polarek, Not in regards to that no.

Kraft Auctions – A request to sell old equipment and outdated spare parts in an online auction. There will be no charge to the County. Fees will be paid by the buyers.

Mr. Polarek, In the past we use to put things in the Sheriff's sale but we realized we did not get near what we felt the value was. So we thought the best approach is to put in an online

auction or multiple online auctions. We will just work with Kraft to figure out which item fits best and which one to auction.

Com. Biggs, What have we been doing?

Mr. Polarek, Sheriff's sale. We have a pallet full of old parts from trucks that we no longer have. We would normally take that to the Sheriff's sale and maybe got \$5 for the pallet.

Com. Regnitz, You had a proposal from Kraft correct?

Mr. Polarek, Yes.

Com. Regnitz, Do we need to approve that Scott?

Atty. McClure, Yes.

Com. Regnitz, moved to approve the Kraft Auction proposal to sell old equipment and outdated spare parts in an online auction, Com. Blaney, second, motion carried.

DEVELOPMENT & STORM WATER MNGMNT. – MIKE NOVOTNEY, INTERIM DIR.

DLZ – Construction Plans – Calumet Trail, Phase 5 & 6 (County Line Rd. to Lake Shore County Rd.). Recommending approval of the construction plans for construction. The construction services agreement is currently scheduled for a Mar. 2024 letting through INDOT.

Mr. Novotney, A few business items for you. Construction plan set for Calumet Trail, Phase 5 & 6. That is the portion of the project from County Line Rd. to Lake Shore County Rd. or Brown Rd. Resurfacing of the trail. Installing drainage improvements. The construction plans are ready for construction. We have some minor items to incorporate into that. We are here tonight recommending approval of that plan set for construction so we can get this lined up with INDOT for letting next spring.

Com. Regnitz, moved to approve DLZ Construction Plans for the Calumet Trail, Phases 5 & 6, Com. Blaney, second, motion carried.

United Consulting – Professional Services Agreement – Construction Inspection Services for Bridge 149 (Carrying Waverly Rd. over East Branch Little Calumet River) Replacement Project. The initial value of the agreement is not to exceed \$360,900.00.

Mr. Novotney, This is for professional services agreement with United Consulting. This is for construction inspection services for our Bridge 149 replacement project. That is Waverly Rd. over the East Branch Little Calumet River. They are a design and engineering services provider for this bridge. They also provided right-of-way services for us. We are moving towards a letting date. Hopefully late this year if not early next. We have some permit modifications to make to our Army Corp. permit. The value of this agreement is not to exceed \$360,900.00. Staff is recommending approval of this agreement this evening. I did want to note that we do have about \$280,000.00 in federal funds to cover these construction inspections. We are going to work on getting more money from federal funds from the state for this project.

Com. Regnitz, moved to approve the United Consulting Professional Services Agreement for Bridge 149, Com. Blaney, second, motion carried.

Zoning Map Amendment – Petitioner: FJM, LLC – Request to re-zone a parcel near the intersection of CR 100 N & CR 450 E from A1 (Agricultural) to I2 (General Industrial), including written commitments - 1st Reading.

Mr. Novotney, I believe we have representatives for the petitioner this evening including Atty. Bill Ferngren, Adam McAlpine and Justice Marshall the Petitioner. The request is to rezone a parcel near the intersection of County Rd. 100 N. and County Rd. 450 E. Just on the east end of the airport north of U.S. 30. There is information in your packet about the location of the parcel but the rezone will be from A1 Agricultural to I2 General Industrial. The request comes with written commitments which were included in your packet and this was in front of the Plan Commission at their September 27th meeting. They are presenting it to you with a recommendation of approval. That ordinance again includes those written commitments from the petitioner.

Com. Regnitz, I don't think we have a packet from you.

Atty. McClure, I'm looking at the written commitments. They are on Dropbox.

Mr. Novotney, This is what I have for you guys. This is the first reading of this proposed ordinance regarding this proposed zoning map amendment.

Com. Regnitz, Did you want to just talk about for the benefit of the other Commissioners what your department's recommendation is in terms of the area around the airport and zoning that is suited for that area. Also, what we are seeing in the area with regards to general industrial already.

Mr. Novotney, Staff did review this request before it was in front of the Plan Commission last month. The staff report reflects our findings which are generally that this proposed land use is consistent with a land use plan. This area was identified as a growth hub for commercial/industrial growth like this. It is sort of a continuation of similar land uses around that portion of the county. On that corner of the airport. Staff also found that what is being proposed as far as land use goes consistent with generally adjacent land uses in the area. It was staff's recommendation to the Plan Commission was to approve this rezoning request.

Com. Regnitz, And the written commitments, do you have those in front of you or do you just want me to tell you from....

Mr. Novotney, I do have those in front of me and you should have them as well. Essentially there are commitments that the owner will be entitled to all of the uses on the real estate which are allowed in the general industrial I2 district classification as set forth in the UDO. Except for sexually oriented businesses and flea markets. These commitments will carry with the land. I don't know if I'm leaving anything out Barb that you wanted to mention here this evening.

Com. Regnitz, No those were the two written commitments.

Com. Biggs, Currently what is it zoned?

Mr. Novotney, It is zoned Agricultural so there is row crop.

Com. Biggs, 8 acres?

Mr. Novotney, It is a total of 8.78 acres plus or minus for the legal description.

Com. Biggs, On here, what is this road here?

Mr. Novotney, That looks like County Rd. 100.

Com. Biggs, And where is 20? Not 20 30?

Mr. Novotney, Just to the south of this parcel.

Com. Biggs, These are homes here.

Mr. Novotney, You have homes between yes, as well as additional industrial use in that area.

Com. Biggs, Is the industrial use over here or over here?

Mr. Novotney, Between that use and 30.

Com. Biggs, So below here.

Mr. Novotney, Yes. I am happy to entertain any more questions. We have the petitioner here this evening as well to answer any questions that you may have about this case.

Com. Regnitz, Mike as he's passing those out. We're looking at this picture to the west that already is industrial, correct?

Mr. Novotney, That is correct.

Com. Regnitz, Do you have any idea of what kind of businesses those are there?

Mr. Novotney, Light Industrial, you know storage equipment, material storage under cover. You do have the residential immediately to the south. Then you have light industrial commercial along 30, along 400 east.

Atty. Ferngren, Thank you for the record my name is Bill Ferngren, 570 Vale Park Rd., Valparaiso, Indiana. I am the attorney for the petitioner tonight FJM, LLC. I have with me Justice Marshall and on the far side Adam McAlpine who is the engineer for the project. Thank you Mike for explaining what we are proposing to do. You filled in a lot of gaps that I was going to explain here. What we are looking at is a rezone of about 8.788 acres agricultural to industrial property with the written commitments that I prepared restricting sexually oriented businesses. As well as outdoor flea markets. The intent and purpose of the project will be a very nice looking professional looking oriented industrial development. Likely to occur on four standalone lots. All of those will be required to come before the Plan Commission for substantive review for drainage and those types of things. As well as ultimately final use coming before the Development Review Committee. We are a long way off from actually getting a building permit on these sites. We are well aware of that. Just to follow up with some of the adjoining uses to the west of this parcel some of the specific requests I do know there is Schwann's food service oriented business in that location. Elegan Custom Wear which is a printing shop and also there was a machine shop located just down the street as well. There is a variety of different uses and those would likely be the ones that would continue in this location. Also following up on this being your overall plan for the area it is in the airport overlay area. So the restrictions on use are heightened if you will at that location just because of the airport. And in particular many uses are restricted from being used on this property such as residential and day cares. Any of those types of facilities. It is really driven preferred the type of use we are proposing for the property. We think it is a good fit and we recognize we've got work to do going forward and pleased to answer any questions.

Com. Biggs, I just want to be clear that we haven't yet established what exactly what kind of businesses will be in there. We know generally what we would accept but we haven't identified any businesses per say.

Atty. Ferngren, That is correct.

Com. Biggs, Would any of those businesses that we would accept under this zoning would they be allowed to pile up material outside and that sort of thing?

Atty. Ferngren, Exterior storage is not something we're wanting to permit on this particular property.

Atty. McClure, It would require a special exception...

Atty. Ferngren, I was going to get to that.

Com. Biggs, Zoning would not allow that.

Atty. Ferngren, Unless we came to the Board of Zoning Appeals and specifically made that request which would require then a development plan as well as public hearing.

Com. Biggs, Are there plans to do that?

Atty. Ferngren, Not at this time. I'm not aware of any specific uses for this property. No one has requested that.

Com. Regnitz, Have you had any interest at all?

Atty. Ferngren, They've received contact about it but because it is still zoned agricultural no commitments have been made.

Com. Biggs, And you are representing the Marshall's.

Atty. Ferngren, FJM, LLC which is owned by the Marshall's yes.

Com. Biggs, They are local.

Atty. Ferngren, Yes.

Com. Biggs, They keep clean properties. I've seen their properties. I want to hear from the residents personally. To make sure I am not missing anything here. Would anyone like to speak?

Mr. Gluth, My name is Russell Gluth. I live at 418 E. 100 N. directly across from the proposed industrial rezone. Actually I also own the home at 416 E. which is right to the west of the house I own also. Some of my concerns are along the property we have what we call Cain Ditch. This ditch is maintained by the county but twelve years ago they came in and dredged the ditch and cut all of the trees. Since that time they haven't laid a hand on that ditch. Right now there are down trees in the ditch. The sidewalls are caving in. Three quarters of this property is draining into Cain Ditch. So one way we're going to have to work on if it does get approved how you are going to control the water flow. It will flood out all of my property in the back. Like the ditch banks are caving in. Another thing, this is the first picture you see what they gave us in the first meeting. I'm a roofing contractor. I took the drawing to our office and put it in my edge program which is CAD. As you see they have the building set thirty feet from the back of the property line. The problem I see with this that if you are set that far back everybody knows renters have different items. If you go to the second page on my print this is the exact same footprint as the one development in Highland right at Main St. The dotted line is short of the distance. If you look at pictures look at all of the stuff that the renters have behind the buildings. If you put the buildings all of the way to the back that means all of that stuff is going to be stored in the front that will be facing my property. So my property value is going to tank. I will be looking at semis and stuff in my front yard. Another big concern is the road. I know in the spring we have the frost law. The frost comes out of the ground no heavy trucks can drive on the ground. Or on the road without tearing it up. If you look at the picture of the Highland property who knows who you rent to. I understand you plan on renting to good renters but trust me we have rental property too at my business and whenever times are tough you are renting to whomever you can rent to.

Some of my concerns are the road, property value. Some of the pictures are from the Highland property on Main St. showing all of the property is roof and parking lot. So that means we are going to have a lot of water going towards that Cain Ditch. I'm concerned with my property getting water issues. Another thing is right now we are all on well and septic. In the first meeting they talked about bringing in low pressure sewer lines. That is going to have to come from the airport. Then they talked about bringing in water. I don't know if you don't do that where do you put the septic fields, where are you going to put the wells? Me as a resident that is going to be across the street from this I'm concerned. Let it behold that is what I have to say. Thank you.

Com. Biggs, We are going to take it back to you so no one gets lost. Would you like to address this?

Mr. Novotney, I will touch on the Stormwater Management to start and then maybe turn it over to Bill to talk about storage and the other use related items. I appreciate the report on the condition of Cain Ditch. The natural response of a stream when you dredge it and cut down all of the trees along the banks like the old Drainage Board did a decade or more ago is the result that you are seeing now. If there are down trees and obstructions of the ditch our department certainly wants to know about them. We care for almost 600 miles of regulated drains around the county. The way we can respond to those problems is the way people report them to us we can come in and take care of those issues. I've made note about your report tonight about the condition of the ditch through and adjacent to your property. We will have staff investigate. And if maintenance action is needed to remove obstructions we will certainly do that. Regarding Stormwater Management on this or any potential development site in the county from this point if the Commissioners were to approve a rezone request through first and second reading allowing the petitioner then continue to move down the path of developing this parcel as they've envisioned it they will have to go through our development plan approval process. Which it looks to me like a subdivision possibly. All of those county related planning and zoning but also design and construction related standards including Stormwater Management will have to be met before any earth can be turned. To address the concerns specifically about flooding I think storm water volumes coming off of the site we do have a fairly restrictive, at least in the area storm water ordinance. So that storm water volume and peak runoff rate concern about all of that water has got to be detained and released at a very controlled rate. Lower than it comes off of agricultural land right now during the non-growing season before it would be able to pass downstream through Cain Ditch. There is also water quality treatment that would have to be provided for any water running off any impervious surfaces off of the site. So all of those concerns would be addressed. The applicant would have to meet our ordinance, our standards before they could get approval before they can turn any dirt on the site and develop it. That is my response regarding the Stormwater Management items.

Atty. Ferngren, Yes I would agree with Mr. Novotney. The Stormwater reviews are rather intensive. I work on a number of projects in Porter County and I can assure you that is certainly

not something that is overlooked by his department. With respect to the subdivision and use on the property those all encompass this very in depth, detailed drainage plan. And those things will all be required. The gentleman mentioned outside storage. As I indicated earlier there is no outside storage plan. It's not permitted as a matter of right in this zoning. It is required to get a special exception. It would require another public hearing with that specific request. That would be rehashed at that particular time. We are not asking for any particular variances or anything of that nature tonight. The drawing that you have before you that he handed out is just conceptual only. Just to show you that a project like this could work subject to further review by all of your various department heads. We recognized that there is more to be done and our goal is to comply with the law and provide a good project. Thank you.

Com. Biggs, Bill that was my concern was the view of property across the street. You are telling me that there can't be anything stored outside unless there was a special exception granted for that property.

Atty. Ferngren, That is correct.

Com. Biggs, At a hearing.

Atty. Ferngren, That is correct.

Com. Regnitz, And that would be on a property by property basis, correct?

Atty. Ferngren, That is correct.

Com. Regnitz, And you have four different properties?

Atty. Ferngren, Potentially there would be four as shown. And conceptually it may be one. We don't know that, but we will comply with whatever the rules may be.

Com. Biggs, Well I'm confident in the Plan Commission that they are not going to allow something that...I'm not going to be shy about it if that were part of what you were requesting that they could store stuff outside I would agree. I think aesthetics mean a lot especially if you are already an established property owner there. I think there is some responsibility to the petitioner to abide by what is going on there now. Even though you are requesting a zoning ordinance. Requests for zoning changes can be legitimate. Right now eight total acres is being farmed. You are not going to make a living farming eight acres that is for sure. How many houses can you put on there?

Atty. Ferngren, Zero.

Mr. Novotney, Houses? None at this point.

Com. Biggs, Well you would have to change the zoning.

Mr. Novotney, Right.

Com. Biggs, I would guess that you could probably put at least sixteen houses on there.

Mr. Novotney, You would have to have water and sewer right to be able to have that done.

Com. Blaney, You have to have water and sewer for industrial anyway. Isn't that a requirement?

Mr. Novotney, Scott correct me if I'm wrong. It is something that the applicant has to look at. And then if the numbers don't work because the utilities are too far away to bring that to support a small development then that is part of the consideration of the case.

Atty. Ferngren, That is correct, but I will let Scott weigh in as well.

Com. Regnitz, Bill did you mention that this is part of the airport overlay and residential is not allowed in this area anyway? Did you say that or did someone else say that?

Atty. Ferngren, The airport overlay district does prohibit residential.

Com. Biggs, Would anyone else like to speak?

Mr. Martin, My concern is the drainage. This is kind of a spot rezone. I know Com. Regnitz you sit on the Plan Commission. It is kind of a spot rezone in that it doesn't just lay up against swans and the rest. There is a parcel between there. It is actually the lowest ground on the spot. My concern as a farmer. I'm Bob Martin. I own to the north, to the east and to the south of this property. The property actually bends in the middle. Part of it flows from each direction to the middle of the eight acres and part of it flows to the west. There is a similar project to this that is on 325 East across from Valley Baptist Church. A neighbor and friend of mine made sure to tell me make sure you get the drainage right because there is still water flooding him there. There is a water shed on the north side of this which I expressed at the last meeting. I trust Marshall's will try and take care of that. My concern is it isn't like it was eight acres. It was part of a whole farm originally. It was split off back in 1991 as a part of splits that were fairly questionable at that time. So when it has been resold several times I'm not sure that to the west of this property it was tried to be represented as an I2 rezone as a sale previous to someone else and it wasn't. And Marshall's know what they got into here and have a plan. I'm not arguing that and I know they work for our schools. They've done different business. I am very concerned about the drainage. I grew up on the farm east of this. I know the soil types. I know to take care of this drainage and say that you are going to keep it on site it means that you have to dig really deep and then what is the aesthetics going to look like. I wish the three Commissioners before you rezone go and look at it. That is a simple request from me. I am in communication with the airport. And I actually stand to gain if it rezones because I own land on both sides of it, but it isn't what I necessarily think is the best thing to do. So I'm concerned about the road and I'm concerned about the drainage. Are we going to be able to get it right on that amount of land when to the west of it is really loaded with (Inaudible)? The residents are rightfully concerned about looks and what water is going to do which it finds its lowest spot. Those are my concerns.

Com. Biggs, Mike do you want to address anything to that?

Mr. Novotney, I don't necessarily have anything more to add. Certainly (Inaudible) shedding and different directions in a low lying area and adjacent to a low lying area like this raises staff's radar when we are doing a review. We just don't know enough details about a project to be able to where water will ultimately go and how it will ultimately be handled on site. Just know that it will have to meet the county's standards before they will be able to move forward.

Com. Regnitz, Can I just ask a question of Mike? Have you ever run into a situation in a similar property where you weren't able to solve the storm water problem?

Mr. Novotney, Can we ever not solve a problem? We can always solve a problem with engineering and technology, but the question of money. That will be the question for petitioner here and their professionals that would assist them with the design. Can they do it cost efficiently in a way that makes this project feasible for them.

Com. Regnitz, Knowing what the land is just to the west of it. And knowing it is just eight acres and what they are planning to do you have experience in storm water so do you see that there is an exceptional challenge here?

Mr. Novotney, I don't see an exceptional challenge. I do see a challenge but I don't think it is not overcomable. That's not really a word but that is the best I can do right now.

Com. Biggs, Again, as you stated that is all based on whether or not the owner/petitioner wants to throw the resources at it to solve it.

Mr. Novotney, Correct.

Com. Biggs, Most things are solvable when you throw enough money at it.

Ms. Simpson, My name is Phyllis Simpson. I live in a subdivision off of 400. This development is not right off of 450. It is actually in between 400 and 450. My concern this is a bike path. A path for dogs. A path for walkers. The amount of trucks and all of the development that is there right now is close to 30. People come in they go to Tudors. They get right back on to 30. They're not coming down our roads, my son's house, and my house to Murvihill to get to these businesses. I am concerned. Deathly concerned about the water. That is a problem but people can fix things I get that. You can't fix traffic. You can't fix the roads as often as you need to when you have a lot of trucks on it. You cannot protect the people. You cannot make a wider road in that area. Right now you just have in and out. That's it. You can't really make it any bigger because there is a drainage ditch to get to that area. As well as the ditch on the other

side. Water is a huge problem. A huge challenge. There is also is three or four different areas that are for sale right down the road. Already ready to go. So you've got some land there. So you are going to build something just to leave it opened because people aren't buying in that area as it is. I suggest if you want something build close to 30 so people can get on and off without people having to back on and off your residential areas. We're a gem. This will destroy it. All of that traffic coming in on both sides. Our roads will be destroyed. The amount of noise in the area. The eye sore, the traffic. All of it. So please if you can consider some other place that doesn't produce so many challenges that would be beneficial. Thank you.

Atty. Ferngren, Thank you. We've reviewed the property and our engineer has and we are confident in the road and we think it is capable to handle additional traffic in that location. Additional properties for sale those are not my client's property. So just expecting someone to buy that to do the perspective use is really not well founded. But again this is conceptual in nature what we are showing you and we think the project out there will work. We recognize all of the things we need to prove to you prior to getting the building permit. So all of these matters will be addresses as part of the development review.

Com. Biggs, Is there anyone else that would like to speak from the audience?

Ms. Gluth, My name is Tracy Gluth. I live at 418 east. I am that man's wife and we also own 416 East, which is right on 100 North where perhaps one of the driveways would come out on our drives. I am concerned about the roadway. For years they've had a frost law in effect in the spring. Sometimes it lasts for quite a while. I would say two or three months in the last few years it's not been that way. We've had some mild winters. Sometimes they do last very long. Maybe I am assuming but a lot of industrial companies own large equipment. That might be something that would tear up our roads some. It is not very often that we've had it resurfaced when it's needed to be so. Mr. Novotney have you been out to that area between 400 and 450 East at 100 North?

Mr. Novotney, Yes, I can't say very recently but certainly.

Ms. Gluth, Have you been in the subdivision at Caper Lane?

Mr. Novotney, I can't say for sure if I've been in there.

Ms. Gluth, And in the backyards there? Well let me tell you number one it is true that the commercial and industrial buildings that Mrs. Simpson was talking about are to the west of 400. The homes that we are concerned about are on the east side of 400. And that runs to 450 East. The property behind us and to the east, right behind us was the Con Ag facility. It is no longer there. There is nothing there now. The popcorn factory is sitting fairly idol and is unsightly. All of the surrounding property is pretty much agricultural. When Mr. Martin mentioned spot zoning I'm sorry but he did hit it on the head. When all of that water runs off of the spot zone I think we have about 8 or 10 residents along the west side of Cain Ditch. They are already soggy back there. They've had to place drainage tiles. You can see them sticking out of the ditch side. Everyone is nodding their head. Can you please stand if you are concerned about this? Yes it is the reality that our property and especially we owning the homes right across the street. Our value of our property is going to go down. We don't know how or what the significance of that is. But we also don't want our property to wash away and that is kind of what it is doing now. And don't say there are industrial properties around us. There really are not. And those that are there don't look great. And some of those buildings are even used. That is all I have to say. A few of you have gotten emails from me. I appreciate your thoughts and consideration in getting back to me. It really meant a lot. Thank you.

PUBLIC HEARING CLOSED

Com. Biggs, Here is where I'm at. You bring up some legitimate concerns. I happen to know this petitioner, the family. I know they run a good business. They are good residents. What I would like to do when Mike is available over the next week or so I would like to table this and go out to the property with you to take a look at it if that is possible and then bring it back in front of us. Are you okay with that?

Mr. Novotney, I'm alright with that. I would make the offer to the other Commissioners.

Com. Blaney, I drove out there already.

Atty. McClure, I would like to remind the Commissioners that we have 90 days to act on the petition from the date it was certified from the Plan Commission.

Com. Biggs, We will bring it up at our very next meeting.

Atty. McClure, That is both readings up or down. Within 90. I think we are fine. We just want to keep it on our radar.

Com. Biggs, How many more meetings do we have left of this year?

Ms. Griffin, Two.

Com. Biggs, We have time if we were to pass it on first reading at our next meeting. Fair enough? We will take a look at it and come back and see. Thank you all for taking the time.

Interim pay increases for additional responsibilities through March 31, 2024.

- **Mike Novotney - \$6,000.00**
- **Martin Bobcek - \$5,000.00**
- **Kelly Cadwell - \$4,000.00**
- **Meredith Phillis - \$2,000.00**
- **Beth Moench - \$2,000.00**
- **Chris D'Antonio - \$2,000.00**

Mr. Novotney, As discussed with the Commissioners' office regarding additional responsibilities that I and a number of staff will be taking on as a result of Bob Thompson's departure. These would be essentially a stipend to cover for this interim period in acknowledgement of those additional responses the employee staff are taking on.

Com. Regnitz, moved to approve the Interim pay increases for additional responsibilities through March 31st, 2024, Com. Blaney, second, motion carried.

With no further business, the meeting was adjourned at 7:15 p.m.

BOARD OF COMMISSIONERS
PORTER COUNTY, INDIANA

Jim Biggs

Barb Regnitz

Laura Blaney

Attest: _____
Karen Martin, Auditor