

LOWELL PLAN COMMISSION MEETING MINUTES
APRIL 7, 2011
7:00 PM

President Kelley called the meeting to order at 7:00 PM. The Pledge of Allegiance was recited. Roll call was taken. Members answering the roll call were Don Huseman, Elias Karras, James Konradi, Greg Shook, Matt Felder, Bob Philpot and Richard Kelley. Also present was Director of Community Development Wilbur Cox, Attorney Steele and Recording Secretary Christine Marbach.

Approval of Consent Agenda:

- a) Vice President Konradi asked for a motion to approve the March 10, 2011 meeting minutes. Mr. Carras moved to approve the meeting minutes. Seconded by Mr. Huseman. Voting was **all in favor**.
- b) **Claims or expenditures – None.**
- c) **Staff Reports or Comments – None.**

Public Hearings:

Petitioner: PC#11-002 Donald E. and Bonnie Cripe
Beverly Estates Subdivision

Request: Waiver of Lowell Subdivision Control Ordinance 154.039
(A) Performance Requirements

Purpose: To post a personal guarantee in lieu of letter of credit or performance bond

Don Cripe, 17430 Mc Kinley Pl., Lowell, IN and Doug Homier of S & H Engineers and Surveyors were present. Mr. Homier stated that he did the re-design of Beverly Estates when it was under the ownership of Harris Bank and got the engineering re-approved last year and he was just there to reiterate that all engineering and details had been worked out with the Town and the Town Engineers. The final plat has been recorded and exists.

President Kelley **opened the public hearing**. Barbara List, Trustee for the property owners of 1667 Southview wanting more information regarding the subdivision and what is happening with it. Mr. Cox explained that the original Developer went bankrupt. There were a number of hearings in Jasper County with the appointed receiver and Harris Bank. Mr. Cripe made an offer to purchase the development from the bank. He further explained that normally the town gets a bond or a letter of credit from the Developer to assure that the improvements that the town requires are done. Mr. Cripe is asking that he post a personal guarantee instead of a bond, which nobody writes anymore, or going to the bank and buy a letter of credit. Mr. Cripe is asking the Plan Commission for a waiver to allow him to post his personal guarantee. Eric Wheeler, 18318 Kaiti Dr., wanted to know why a developer could not get a bond anymore. Mr. Cox answered because the insurance companies are not writing them anymore. He further stated that the town would accept any negotiable securities from the developer. Mr. Wheeler asked about the original developer's bond. Mr. Cox explained that the bank took back the bond when the

developer went bankrupt. Mr. Wheeler wanted to know what would happen if the development does not finish and the personal guarantee. Mr. Cox explained that the personal guarantee goes against Mr. Cripe's estate and heirs if the development does not finish. Darlene Bancroft, 18334 Kaiti Dr. wanted to know if the layout of the subdivision would change. Mr. Cox stated that there would be no changes. President Kelley **closed the public hearing.**

Mr. Huseman wanted to know if when approval is given, can Mr. Cripe sell lots and can permits be issued. Mr. Cox stated that if the Town Council approves this, the Town Attorneys will write up the format, Mr. Cripe would be able to pull permits and sell lots. President Kelley stated that Mr. Konradi would abstain from voting because he may be working on this project. Mr. Huseman stated that he would also abstain from voting for the same reason. President Kelley asked for a motion. Attorney Steele suggested that the motion include that necessary paperwork for the guarantee should include not only the Trust, but by the Cripe's individually in a form that is approved by the Town Attorney. Mr. Carras moved to send a favorable recommendation to the Town Council including the wording that Attorney Steele mentioned. Seconded by Mr. Philpot. Voting was **all in favor.**

Old Business:

None.

New Business:

None

Announcements: Mr. Cox announced that Ball State should have the Comprehensive Plan done by June 1st for review.

None

Adjournment: Mr. Huseman moved to adjourn at 7:20 PM

Richard Kelley - President

Elias Carras, Secretary

Note: The above-proposed minutes are submitted for review and approval as the official minutes by the Plan Commission.

Christine Marbach – Recording Secretary

