

**MINUTES**

**POSEY COUNTY  
BOARD OF ZONING APPEALS  
REGULAR MEETING**

**THE HOVEY HOUSE  
330 WALNUT STREET  
MT. VERNON, IN 47620**

**JANUARY 14, 2021  
5:00 P.M.**

**MEMBERS PRESENT:** Mr. Larry Williams-Chairperson, Mr. Ron Fallowfield-Vice Chairperson, Mr. Mark Seib, Mr. Larry Droege, Mrs. Beth McFadin Higgins – Attorney, Mrs. Mindy Bourne –Executive Director, and Mrs. Becky Wolfe – Administrative Assistant

**MEMBERS ABSENT:** None

**APPROVAL OF MINUTES FOR LAST REGULAR MEETING:** Larry Williams made a motion in the affirmative to approve the minutes of the last regular meeting as emailed. Motion seconded by Larry Droege. **Motion carried.**

**ELECTION OF OFFICERS 2021:** Mark Seib made a motion in the affirmative to nominate Larry Williams as Chairman for 2021. Motion seconded by Larry Droege. (4-0) **Motion carried.**

Mark Seib made a motion in the affirmative to nominate Ron Fallowfield as Vice Chairman for 2021. Motion seconded by Larry Droege. (4-0) **Motion carried.**

**MEETING DATES FOR 2021:**

**MINDY BOURNE:** Those are proposed meeting dates for 2021. The second Thursday of each month at 5:00 p.m. The only date that we have a question about is the November meeting. That falls on Veteran's Day, which is a county holiday.

**RON FALLOWFIELD:** November the 10<sup>th</sup> or 18<sup>th</sup>?

**LARRY DROEGE:** I am good with whatever the group decides.

**MARK SEIB:** The 18<sup>th</sup> works better for me.

Mark Seib made a motion in the affirmative to move November's meeting date to November 18th. Motion seconded by Ron Fallowfield. (4-0) **Motion carried.**

**ATTORNEY 2021:**

**MINDY BOURNE:** I have a proposal here from Beth McFadin-Higgins to represent the Board of Zoning Appeals for the year of 2021. Same rate as last year's rate. That is the only one that I have.

Mark Seib made a motion in the affirmative to accept Beth McFadin-Higgins as the attorney for 2021. Motion seconded by Ron Fallowfield. (4-0) **Motion carried.**

**MINDY BOURNE:** We have a proposal for a backup attorney for the Board of Zoning Appeals, in the event of a conflict of interest, that is from Van Haaften and Farrar. It is the same rate as Beth's and that is the only one we have.

Mark Seib made a motion in the affirmative to accept Van Haaften and Farrar as the backup attorney for 2021. Motion seconded by Ron Fallowfield. (4-0) **Motion carried.**

**RULES OF PROCEDURE:** Ron Fallowfield made a motion in the affirmative to accept the Rules of Procedure. Motion seconded by Larry Droege. (4-0) **Motion carried.**

**SPECIAL USE & VARIANCE**

DOCKET NO: 20-14-SU-BZA & 20-17-V-BZA

APPLICANT: Brett Baker

OWNER: IMI Southwest Inc.

PREMISES: North parts of Lot 44 & Lot 47 of David T. Kimball's Outlot Enlargement to the Town of Bellville and Lots 39-48 of Newell's Subdivision and Lots 45 and 46 in Kimball's Outlot Enlargement and Lot 1 Edson's Subdivision of Lot 48 in Kimball's Additional Enlargement of Mount Vernon of Section Nine (9), Township Seven (7) South, Range Thirteen (13) West, lying in Black Township, Posey County, Indiana. More commonly known as 1210 Sycamore St., Mt. Vernon, Indiana. Containing 1.926 acres more or less. (Complete legal description is on file at the Posey County Area Plan Commission Office).

NATURE OF CASE: Applicant requests a Special Use for a concrete plant Section 153.105 (B)(10), Section 153.172 (B) (30) Use Unit 27 Heavy Manufacturing and Industry and a Variance for modification of screening requirement Section 153.026 and reduce off street parking Section 153.171 (D), Section 153.172 (D), Section 153.180 and relaxation of street side yard setbacks from 25' to 5' and side yard setback from 25' to 5' and rear yard setback from 20' to 5' Section 153.106(B) in an M-2(Medium Manufacturing) Zoning District under the Zoning Ordinance of the City of Mt. Vernon, Town of Cynthiana, Town of

Poseyville and Unincorporated Posey County.

Larry Williams confirmed with Mindy Bourne that the applicant met all the requirements for notification per the statute.

**BRETT BAKER:** IMI Concrete located at 1210 Sycamore Street in Mt. Vernon. In general we are reconstructing this plant from the ground up. I am not sure how familiar with the plant you all are, however it has seen better days and it is time to do a complete reconstruction on the property. At this time, we are asking for three special variances on this property. The first one is the screening requirement. We are asking for a total reduction of that screening requirement. The plant as it sits today does not have any screening. We do have a chain link fence that wraps the entire perimeter of the property. Our first variance request is the non-screening requirement. Are there any questions for the first request or should I go through all three of them?

**ATTORNEY BETH MCFADIN-HIGGINS:** The Special Use probably needs to be discussed first.

**BRETT BAKER:** I might need some help here from Mindy on the direction of the Special Use. What are we asking for specifically on the Special Use?

**MINDY BOURNE:** The Special Use is for the Concrete Plant. It is actually zoned M-2, which supports a concrete plant, but they want to have outside storage. A lot of their materials don't go inside a building so there is going to be outside storage. That requires the Special Use because the M-2 says that everything has to be contained within a building.

**LARRY WILLIAMS:** What kind of things would you be storing outside?

**BRETT BAKER:** Specifically, we would be storing limestone and sand outside. It would be within concrete walls that are 8 foot in height and it would not be outside of those walls, over the top or horizontally outside, for containment reasons. That is pretty standard procedure for concrete plants throughout the Midwest. The expense and the cost for complete coverage and inside storage on that large of an area would be vast to say the least. We currently store our materials that way down there.

**MARK SEIB:** Would you be able to store the trucks in the sheds and everything else? And when we say "everything" we mean everything.

**BRETT BAKER:** We will be able to store most of our trucks inside the shop location. It will hold four trucks inside the shop. At this time, we do not plan on parking trucks there overnight. So, there shouldn't be any trucks there on that property overnight, unless they were broken down or something happened that day. In that case, it would be inside the shop. We will have a loader there and we do plan to park that inside the shop. At this time, we don't foresee any trucks on the

lot. Other things, employee parking, I know that isn't quite part of this, but I cannot think of anything else that would be parked outside or stationed outside that would involve production.

**RON FALLOWFIELD:** Calcium Chloride, that will be inside right?

**BRETT BAKER:** Yes sir, it will be. Honestly that is not the case today, we do have some containment outside for those liquid admin mixtures. They will be completely enclosed in the new plant.

**LARRY DROEGE:** As you drive by the plant site now, is there going to be an increase in existing buildings that are there or are they going to be refurbished, torn down and rebuilt? What is the scope? You were right the site is terrible, it is an eye sore almost.

**BRETT BAKER:** I cannot disagree with you there at all. Yes, if you drive by our property now, we have a shop on the west end that isn't the prettiest shop. It has some rust on it and we plan to paint that during this process. We are also going to relocate our batch office into that shop. There is a very ugly office building sitting on there right now that will be demolished and gone. So, you will see a newly painted plant, a newly painted shop and everything else will be flat. The esthetics should improve tremendously.

**MARK SEIB:** What is your timeline?

**BRETT BAKER:** Upon approval and permitting, we would love to start this on February 1<sup>st</sup> at the absolute latest and be complete with construction in two months.

**MINDY BOURNE:** Besides this Special Use and Variance they also need a replat which is going to go before the Area Plan at the next meeting because this project is sitting on 15 lots, very small city lots. They are going to have to go through the replat as well. Of course, you guys have to hear this first but all of your approvals will be contingent upon the replat because they need the replat. He has contacted the state and they said no permit was needed. Then rule 5, I know he is supposed to be getting with Carrie Parmenter, with the Soil and Water Office about the rule 5 Erosion Control Plan.

**LARRY WILLIAMS:** Is this contingent on passing Rule 5?

**MINDY BOURNE:** Rule 5 and the replat, yes.

**MARK SEIB:** And the ruling of the Area Plan.

**BRETT BAKER:** Is this a good time to speak about Rule 5 or wait for the next meeting?

**MINDY BOURNE:** This board doesn't really deal with Rule 5, but it is up to them if they want to hear it.

**MARK SEIB:** Are you planning any retention ponds or anything such as that?

**BRETT BAKER:** No, not at this time. We actually have a storm water permit that we are going to be using that is existing that we are going to continue that water way the way it is. Rule 5 specifically stated that if we were to tear out and repave more than an acre on that property then we would have to obtain that permit. After talking with Thoroughbred Engineering and our team in house we will be paving far less than an acre, so that was not permitted. I have notified Carrie of that as well.

**LARRY DROEGE:** As I drove around the site, I know one of the items that was probably in the greatest state of repair was the exterior perimeter fencing. Are you planning on that being replaced and improved? I think at least two sides of the plant will be neighborhood homes so that is a concern of mine.

**BRETT BAKER:** We do plan on improving that fence. We do not plan on a total replacement. There are some areas that need replacement and we do plan on doing that.

**MINDY BOURNE:** Some of the variances that they are asking for entail the screening, off-street parking and setbacks.

**MARK SEIB:** Is the variance next?

**MINDY BOURNE:** Yes, the variance is next.

**LARRY WILLIAMS:** Any more questions? You may have a seat. Anyone who wishes to speak for or against this Special Use? Seeing none we will close the public portion.

**MARK SEIB:** Were there any emails, phone calls, or letters?

**MINDY BOURNE:** No phone calls, emails, or letters.

**LARRY DROEGE:** Any improvements are going to be great improvements to the town and neighborhoods.

**MARK SEIB:** Yeah, I think it is going to be a tremendous asset to have that area cleaned up. I know we will get into the paving and the water shed later with the Area Plan in addressing that issue as well.

**LARRY WILLIAMS:** Any further discussion?

Ron Fallowfield made a motion in the affirmative to approve Special Use 20-14-SU-BZA contingent upon Area Plan Replat and Rule 5. Motion was seconded by Larry Droege. The

Special Use Voting Sheet was read. **Roll call vote (4-0) Yes. Motion carried.**

**MINDY BOURNE:** The Special Use has now been approved and now we will address the Variance.

**BRETT BAKER:** The Variances that we are asking for, there are three at this time. The first one being the screening requirement for the perimeter of the property. I am not sure what the requirement reads but I have been told that there is a requirement for some type of screening around the perimeter. We have asked to be free of that screening requirement. At this time, we currently do not have a screen set up in place, we do have the fence. As stated before, we do plan on improving the fence in all directions. Secondly, the reduced off-street parking in section 153-171. I believe there is a substantial amount of off-street parking required at this facility for, I don't understand the reason, but there is. We will have very little off-street parking. However, the public typically doesn't come into our location. Everything is ordered via over the phone and we deliver to the public. We will rarely ever have more than 3 or 4 employees on site at a time and they will park in the designed off-street parking area that we have. The third and final thing is we are asking to relax the off-street side yard setbacks from 25 feet to 5 feet, the side yard setback from 25 feet to 5 feet and the rear yard setback 20 feet to 5 feet. The reasoning behind that is, we obviously have a very small footprint there and we need to utilize all that space as much as possible for safety reasons. That way the trucks can maneuver around our lot safely and not back into each other, back into our equipment, and things like that. We currently sit five feet from the perimeter from the way it is constructed today and we are asking for that same Variance.

**MINDY BOURNE:** Just to elaborate on that a little bit. There are three streets that this property borders. Therefore, like he mentioned, one has to be designated the front and that's 25 feet, then you have your side yards, that is another 25 feet, and then your rear yard and that is another 20 feet. So, that is what we have going on. I know in discussion with Brett some of the material that they store outside will be within the five feet. The ordinance says structures, buildings have to adhere to these setbacks.

**LARRY DROEGE:** So, even though it is inside the fence it is still going to jeopardize the current setback?

**MARK SEIB:** It isn't the fence it is the property line.

**BRETT BAKER:** Yeah, we are asking to be able to put a structure, weather it is moveable or a building within five feet of the property line. I will tell you too, on the material bins, our bins you will see the backside of a concrete wall. You will not see the front side of the material spilling out into the front side of the property.

**RON FALLOWFIELD:** As long as the corners are taken care of, I don't see an issue with it.

**MINDY BOURNE:** We will jump back to the first Variance request, the screening wall. Since they abut residential there is a screening requirement. They are supposed to screen from residential.

**MARK SEIB:** But there is a street between them?

**MINDY BOURNE:** Yes, there is, but it says the screening requirement applies for like 200 feet into the property.

**MARK SEIB:** Yeah, I know. Have you received any phone calls or anything?

**MINDY BOURNE:** No, I have not. I will go ahead and talk about the parking spaces. For their use, it says 1 per 1,000 square feet of developed site. We calculated how many parking spaces that they were going to need and it was going to be way more than they would ever need.

**BRETT BAKER:** Yeah, I believe it was in the neighborhood of 25-30 parking spaces. Where most likely we will never have more than 4-5 needed.

**MARK SEIB:** You are not going to be selling any of these blocks, rebar, or tools? Anything that goes along with concrete.

**BRETT BAKER:** We will sell blocks out of this location. Someone comes and picks that up on a flatbed trailer. So, yes, we will be selling blocks.

**MARK SEIB:** You will need parking for that. That means any vehicle that enters, you will need to have parking for. How much area for parking will you be able to provide?

**BRETT BAKER:** We have it designed with nine parking spaces.

**MARK SEIB:** And you said how many employees?

**BRETT BAKER:** We will have four employees.

**MARK SEIB:** At maximum?

**BRETT BAKER:** Yes, as I stated they will actually get into a mixer truck in Evansville and drive it to the Mount Vernon location. Their personal vehicle will very rarely be at the Mount Vernon location.

**MARK SEIB:** Okay.

**LARRY WILLIAMS:** Okay, any further questions for Mr. Baker? You may have a seat. I will open the floor for public discussion. Is anyone here that would like to speak for or against this

proposal? Seeing none, we will close the public portion and open for discussion among the board. Mindy you did say there were no phone calls, letters or emails?

**MINDY BOURNE:** No phone calls, no emails, no letters.

**RON FALLOWFIELD:** I personally have no issues with any of the three.

**LARRY DROEGE:** Mark's point was spot on with the traffic because those streets are awfully narrow around that plant and if you park on the street you are going to block traffic. It is going to have to be in the plan for any pickup or deliveries that they need to be off-street.

**MARK SEIB:** Five feet doesn't give much for construction. If they do the construction before the fencing and all of that, that gives them the opportunity to gain a little bit more room. I understand what they are trying to do is maximize since the lot is designed the way it is.

**LARRY DROEGE:** What will be the main egress after the trucks are loaded?

**BRETT BAKER:** Sycamore.

**MARK SEIB:** Mindy, if I am right, back by the power plant is an access road?

**BRETT BAKER:** Sorry I was wrong. It is Edson Street.

**LARRY DROEGE:** Edson will exit onto the highway, then Highway 62.

**MARK SEIB:** So that will be the only entrance?

**BRETT BAKER:** That will be the egress, it will be on the far west side, which is Kimball Street.

**MARK SEIB:** So, no trucks will be on Sycamore?

**BRETT BAKER:** Very unlikely. There will be a gate opening in front of the plant as an emergency. But, egress on Edson Street.

**LARRY WILLIAMS:** How do you get your materials into the plant? Is it a semi or a dump truck?

**BRETT BAKER:** Both. They will follow the same truck flow as our mixer trucks. Right now, we are currently coming in off of Sycamore Street.

**MARK SEIB:** I guess I would like to see you get off of Sycamore Street.



**LARRY DROEGE:** Yeah, my point earlier was that those are all homes on the opposite side and that road is very narrow. If people park on the street in front of their houses then that makes it very narrow for these trucks to pass through.

**BRETT BAKER:** As designed and our intentions are to change the flow to Kimball and Edson.

**LARRY WILLIAMS:** Any further questions or discussion?

**ATTORNEY BETH MCFADIN-HIGGINS:** As you discuss the different variances and take votes you will need to keep those separate. On the screening issue, if there are requirements that you want them to do on fencing that needs to be a part of your motion. With regards to the parking you will need to set at least a minimum number of lots that they need to have for off-street parking.

**MARK SEIB:** For the screening and fencing...if they put the strips in there and block it, people coming around a corner can't see. The open fence allows for them to get a little bit more range and depth for the residents that are getting off of Sycamore.

**LARRY WILLIAMS:** The fence has been there for a long, long time and we haven't had any complaints on it.

**ATTORNEY BETH MCFADIN-HIGGINS:** You will just need to make that a requirement.

**LARRY DROEGE:** Is the screening a requirement because it is next to a residential area or because it is in the city of Mount Vernon?

**ATTORNEY BETH MCFADIN-HIGGINS:** All of that. All manufacturing zoning beside a residential area.

Mark Seib made a motion in the affirmative to approve modification of screening requirements for Variance 20-17-V-BZA. Motion was seconded by Ron Fallowfield. The Variance Voting Sheet was read. **Roll call vote (4-0) Yes. Motion carried.**

Mark Seib made a motion in the affirmative to approve the reduction of off-street for Variance 20-17-V-BZA. Motion was seconded by Larry Droege. The Variance Voting Sheet was read. **Roll call vote (4-0) Yes. Motion carried.**

Ron Fallowfield made a motion in the affirmative to approve relaxation of street side yard setbacks from. 25' to 5' for Variance 20-17-V-BZA. Motion was seconded by Larry Droege.

**ATTORNEY BETH MCFADIN-HIGGINS:** You can adopt the findings that were made that are applicable to this setback with the findings you made on the parking and screening.

**MARK SEIB:** I am willing to accept them.

Ron Fallowfield made a motion to accept the Variance Voting Sheet findings for each Variance. Motion was seconded by Mark Seib.

Ron Fallowfield made a motion in the affirmative to approve rear yard setbacks from 20' to 5' for Variance 20-17-V-BZA. Motion was seconded by Mark Seib. **Roll call vote (4-0) Yes.**  
**Motion carried.**

**MINDY BOURNE:** Your next step now is with Area Plan.

**SPECIAL USE**

DOCKET NO: 20-13-SU-BZA

APPLICANT: Jim Kovacs, Wessler Engineering

OWNER: Posey County Regional Sewer District

PREMISES: A part of the West Half of the Northwest Quarter of Section 17, Township 5 South, Range 12 West, Lot 1 Melton/Defur Exempt Division containing 7.4 acres, more or less, lying in Center Township. More commonly known as Schneider Lane, Wadesville, Indiana. (Complete legal description is on file at the Posey County Area Plan Commission Office).

NATURE OF CASE: Applicant requests a Special Use for a wastewater treatment plant in an A (Agricultural) Zoning District, Use Unit 2 Areawide Special Exception Uses Section 153.032 (B) (2) and 153.147 (B) (11) of the Zoning Ordinance of the City of Mt. Vernon, Town of Cynthiana, Town of Poseyville and Unincorporated Posey County.

Larry Williams confirmed with Mindy Bourne that the applicant met all the requirements for notification per the statute.

**JIM KOVACS:** I am with Wessler Engineering, 6219 SE Street, Indianapolis, Indiana. The Posey County Regional Sewer District was formally approved by the Indiana Department of Environmental Management about three years ago. In that three-year time span the Harbor Town Subdivision project, about two miles east of here, was in a receivership for wastewater. The Indiana Finance Authority provided funds to the Posey County Regional Sewer District to take over that receivership and to install a low-pressure sewer system and a new wastewater treatment plant. That new wastewater treatment plant was constructed on Indian Mound Road and the State Highway and is now up and operational. We have the opportunity with Indiana Finance Authority Funds to address a wastewater problem that has existed in the Wadesville and Blairsville area for many, many years. With this Special Use would construct a 200,000 gallon-a-day wastewater facility at Schneider Lane and Springfield Road. This facility, as you are aware, is 7.84 acres of property that we have secured from the Doris-Miller Estate from Cinda Wassmer and would be bringing in the wastewater from the Wadesville area and the Blairsville area to

treat it and discharge it back out to the unnamed tributary that flows back down in a southwesterly direction to Big Creek. With that I am happy to answer specific questions.

**RON FALLOWFIELD:** Will this be piped all the way to Big Creek?

**JIM KOVACS:** No, we discharge, where the wastewater is treated, we go from where all of the Biology happens through a UV chamber and then discharge down to the trib, which is still on our property. From there it is clean water for about a mile and a half until it gets to Big Creek.

**MARK SEIB:** What is your daily output?

**JIM KOVACS:** The facility is designed to 200,000 gallons a day. Assuming that we have 500 customers with 300 gallons per house per day, we are going to have capacity for well more than what we will be receiving for expansion. There was a Regional Assistance Plan that was completed 18 months ago that looked at Posey County and where wastewater facilities should be considered. Marris, St. Philip area and the Wadesville/Blairsville area and coming into the Wadesville area into this treatment plant, some day in the future, it will be in the St. Wendel area. By minimizing the number of wastewater treatment plants, we have spread around the county and maximizing the amount of volume coming to it, we decrease the environmental liability associated with the treatment plant. So, this facility and 7.84 acres of property that we own we can easily flip it to the other side of our admin building and put another biolac at such time that Wadesville and Blairsville have grown or St. Wendel ties into us and we are serving a much bigger area.

**MARK SEIB:** My concern is the ditch capacity and being able to maintain that, that it's not an issue with making and continuing the flow. Have you ran the numbers on that?

**JIM KOVACS:** Yeah, we have. This was brought to our attention last summer and I met with the county surveyor and Scott Becker, with the drainage board, and discussed this with them and neither of them felt like it was really a big issue. We haven't done anything further with trying to do a downstream drainage study, but we do have a mile and half before we get to Big Creek.

**MARK SEIB:** With the 200,000 I don't think that will be an issue, but if you expanded and added, then it may become an issue and that is where I don't want to see that...and with the normal rainfall that we have. If we get a five-inch rain, you have water everywhere.

**JIM KOVACS:** In a normal design scenario, in a gravity sewer situation, you have pipes and the smallest pipe you can have is an 8-inch diameter, this is a low-pressure sewer so every single house will have a grinder unit. The only thing that comes into this sewer system is waste from the house. Because it is high-density polyethylene pipe, we're not going to be subject to inflow and infiltration, the clear water that gets into a normal gravity system. The design perimeters for a normal sewer system is 310 gallons per home per day, 3.1 people at 100 gallons per day per each and that is the basis of my statement that we are going to have 150,000 gallons. The reality

is, low flow toilets, low flow showerheads, low flow washing machines. We are going to be considerably less than that, but I cannot stand here and tell you what that number is until we have all of the connections made. Yes, we will be discharging to an unnamed tributary, a small creek, it is not small though, it is about a 76-inch pipe. But I do not know what that design discharge is going to end up being until we have gotten to that point.

**MARK SEIB:** Right. There are no other restrictions or reductions of pipe sizes across any other roads. I went and drove that and there isn't anything that is going to cause an issue other than if we get a lot more flow from the plant.

**JIM KOVACS:** The reality is that if the drainage board someday wants to create that as a legal drain, and take that as a legal drain, that's really not within the purview of the Regional Sewer District to take that on. Then some of the concerns that you might have, the channel being wider, some of those considerations might be taken care of.

**LARRY WILLIAMS:** Any further questions from the board?

**MARK SEIB:** What kind of fee are you planning to assess at this time for tap in?

**JIM KOVACS:** Right now, the Regional Sewer District had a public hearing on this scheduled for March 26<sup>th</sup> and the advertisements went out and the world shut down and so the end of April we did a virtual public hearing. We have 575 potential customers that is residential and nonresidential. On April 30<sup>th</sup> we had a virtual public meeting and we had 16 people participate. We said "okay the government is going to reopen on July 18<sup>th</sup>". We scheduled to have a public meeting at the end of July. Then we went to 4.5 and we never reopened. We had our virtual public hearing and we had 14-16 people participate. We are not reaching all the people that need to be involved in this. In August we sent a mass mailing to all 575 people. We got a lot of stuff back, but now all of the sudden, what I refer to as the grass fire, started. When we cannot stand in front of a group of people and explain to them the value of getting \$20,000 worth of equipment at your house, all of the sudden the rumors went crazy. We were finally able to hold a face to face public meeting at South Terrace in December and we had 86 people there. Hopefully the misinformation has been addressed. To go back and answer your question, the rates and charges for the initial people as they come into the system will be \$85 a month. The way that the state law is written is if your septic system is less than 10 years old you can apply for and get an operating permit to operate your septic system. You may get two five-year extensions beyond that. But, in order to get that operating permit you have to prove that your septic system is working. Unfortunately, every single water sample that has been taken up in that area has come back with e-coli. One parameter of e-coli indicates that you have a problem and some of the water samples have come back in excess of 24,019 mnp. We have real problems up there. If a family decides they do not want to participate and you go get your operating permit, the date from which your septic system was installed for 20 years, if you can prove it works, you do not

have to hook into the system. When your system fails or you have expired that 20-year window, then you will have to pay for your connection fee. Which all the people up there currently, that is waived for them, and that's going to be \$3,750.00. The grinder unit itself is about \$7,500.00. The residents up there today are only going to be responsible for the electric line from their house out to where the grinder unit will be installed in their yard and for the abandonment of their existing septic tank. If 20 years from now someone wants to hook in, you will be responsible for the electrical as well and for the cost of the 1.25-inch diameter pipe from the grinder unit to where it connects to the sewer at the street. The answer to your question is, if in the future, you want to hook up that is where the \$20,000 value you would be getting for being an early customer comes from.

**MARK SEIB:** The grinder, is this a 220 or 110?

**JIM KOVACS:** It is a 220. It is E1 and that doesn't mean a lot to a lot of people, but the Environment 1 pump is the Cadillac of this type design. At the public meeting, we brought in a cut out of it so people could see. This isn't a Lowes or Menards pump.

**MARK SEIB:** How many people are you thinking it is going to take to maintain the equipment?

**JIM KOVACS:** We have one operator for the Harbor Town Treatment Plant. The way the district has set up their rules and regulations is that we are going to put the equipment in your yard and then that equipment becomes yours. The E1 basically says that if you are not throwing broken glass or matchbox cars down it, then that equipment is going to last a long time. If you do tear it up, the expense would be the homeowner's responsibility. We will have a blanket easement on each property that will allow us to get up and do whatever testing we may need to do and to get to the electric box.

**LARRY DROEGE:** In the event that the pump fails, will you lose your sanitary system?

**JIM KOVACS:** There are two check valves, so your sewage cannot go into your neighbors' house. There are two fail-safes there. Each wet well has 60 gallons of storage. On the electric panel, there is both a horn and a light. What we want is to be able to see that electric panel. We have looked at gravity situations, we have looked at a hybrid low-pressure and gravity, and we have looked at the low-pressure and this is the least expensive option by at least 50%.

**LARRY WILLIAMS:** Any further questions from the board? Okay, you may have a seat. We will now open for the public portion. Does anyone have any comments for or against this Special Use? Hearing none, we will close the public portion.

**MINDY BOURNE:** I do have two things here. I have a phone call from Rosemary Spahn on 12/21/2020. She is not happy with the project and she asks that a barrier be placed between property owners. Tom Spahn on 12/29/2020, he is 100% against this project. He feels it is in the wrong spot, too close to homes and was a rushed deal. It will devalue property and homes. He said

his kids no longer want to build on land next to his property. The road will be torn up and the plant itself will smell bad. He said if this goes through then they should plant something to block the view.

**MARK SEIB:** That would be on the east side.

**LARRY WILLIAMS:** What kind of odors can they expect?

**JIM KOVACS:** I can't tell you that there won't ever be an odor, but the reality is the wind is from the northwest and it will basically be blowing it away from the Spahns. If the plant is operating in normal manner, meaning we don't have any upsets, there are no odors.

**LARRY DROEGE:** I have lived in Posey County my entire life and I can't tell you that the wind is typically out of the northwest, especially in the summer time then it is out of the southwest. I would need to see a study to believe that. Why did you pick this site? Did you look at other sites?

**JIM KOVACS:** The nearest residents to the treatment plant is 1400 feet. We are as far out into the county as we can be to be able to have a point where we can discharge our clean water into a creek. We had made offers on a number of other pieces of property and we were able to finally finalize this deal. We have the old railroad tracks that is to our east, which is overgrown and is a real estate nightmare that someone is going to have to address and unfortunately right now we are trying to find out who the owner of that is. Between us and Natalie to the northwest we have the existing creek so we have a natural buffer. What we do plan to do is put white pine along our west and northwest boundary.

**RON FALLOWFIELD:** Is this an ultra violet system? You can't smell it?

**JIM KOVACS:** The line that comes down into the treatment plant, into the biology part will be coming in underwater. That being said, our grit building, people will throw things down there that shouldn't go down so we will have to screen for grit, and that is elevated. We have taken these things into consideration.

**LARRY DROEGE:** Is this the last stop for the sewer project?

**JIM KOVACS:** The whole project is still subject to the finance package being approved at the state. The original intent before C-19 changed the entire world was we would be at the process at Thanksgiving to put this out on the street. We are currently looking at a mid-April with the state, with the fundings, with the packages, to get this out on the streets mid-April to the first part of May, with construction to start soon thereafter. Technically, you are one of the steps along the way, but not the last.

**LARRY DROEGE:** There are a lot of issues, not so much your request to change from Agricultural to Commercial, but the concerns are the final tap in fee, the monthly price of it, there are a lot of issues but it isn't our place to decide.

**ATTORNEY BETH MCFADIN-HIGGINS:** It is actually not a change. This is not a rezone. This is a Special Use, not a Rezone.

Ron Fallowfield made a motion in the affirmative to approve Special Use 20-13-SU-BZA. Motion was seconded by Mark Seib. The Special Use Voting Sheet was read. **Roll call vote (4-0) Yes. Motion carried.**

**ADDITIONAL BUSINESS:** None

**CITIZEN CONCERNS:** None

**ADJOURNMENT:** Mark Seib made a motion to adjourn the meeting at 6:31 p.m. Larry Droege seconded the motion.



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Larry Williams – Chairman



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Mrs. Mindy Bourne, Executive Director