

MINUTES

POSEY COUNTY AREA PLAN COMMISSION REGULAR MEETING

THE HOVEY HOUSE
330 WALNUT STREET
MT. VERNON, INDIANA 47620

FEBRUARY 11, 2021
6:00 P.M.

MEMBERS PRESENT: Mr. Mark Seib – President, Dr. Keith Spurgeon – Vice President (via Zoom), Mr. Mike Baehl, Mr. Andy Hoehn (via Zoom), Mr. Randy Owens (via Zoom), Mr. Randy Thornburg, Mr. Dave Pearce, Mr. Hans Schmitz, Mr. Trent Van Haaften – Attorney, Mrs. Mindy Bourne – Executive Director, and Mrs. Becky Wolfe – Administrative Assistant.

MEMBERS ABSENT: Mr. Kevin Brown

APPROVAL OF MINUTES: Hans Schmitz made a motion in the affirmative to approve the minutes of the last regular meeting as emailed. Motion seconded by Dave Pearce (8-0) Yes. Motion carried.

Attorney Trent Van Haaften swore in Mike Baehl.

WILDEMAN MANOR MINOR SUBDIVISION:

DOCKET NO: 20-08-S-APC
APPLICANT: Steve Noelle
OWNER: Mary Bittner Etal
PREMISES: Part of the Southeast Quarter of the Northeast Quarter of Section 22, Township 6 South, Range 12 West, lying in Marrs Township, Posey County, Indiana. Containing 1 acre more or less. More commonly known as Wildeman Rd., Mt. Vernon, IN. (Complete legal description is on file at the Posey County Area Plan Commission Office).

APPLICANT/OWNER OF THE ABOVE DESCRIBED PROPERTY HAS REQUESTED:

Approval of Preliminary and Final Minor Subdivision Plat in an R-1 Zoning District under The Subdivision Control Ordinance of the City of Mount Vernon, the Town of Cynthiana, the Town of Poseyville and Unincorporated Posey County.

MINDY BOURNE: This is going to be tabled until March 11th meeting, along with the replat.

REPLAT LOTS 19, 20, 21 PLEASANT RIDGE II SUBDIVISION:

DOCKET NO: 21-01-S-APC

APPLICANT: Joe Kiesel-Kiesel-Wagner Survey, LLC
OWNER: Kimberly R. Collins, Timothy J. & Janet L. Weisling
PREMISES: Section 4, Township 7 South, Range 12 West, lying in Marrs Township, Posey County, Indiana. Lot 20-1.52 acres more or less, Lot 21-1.53 acres more or less. More commonly known as 8911 & 8991 Ridgeview Ln., Mt. Vernon, IN. (Complete legal description is on file at the Posey County Area Plan Commission Office).

APPLICANT/OWNER OF THE ABOVE DESCRIBED PROPERTY HAS REQUESTED:

Approval of Preliminary and Final Replat Major Subdivision Plat in an R-1 Zoning District under The Subdivision Control Ordinance of the City of Mount Vernon, the Town of Cynthiana, the Town of Poseyville and Unincorporated Posey County.

Tabled until the March 11th meeting.

REZONING:

DOCKET NO: 20-07-RE-APC
APPLICANT: Justin Collins
OWNER: Steven W. Collins Trustee
PREMISES: Part of the Southwest Quarter of the Southeast Quarter of Section 26, and the North One-Half of the Northeast quarter of Section 35, Township 5 South, Range 12 West lying in Robinson Township, Posey County, Indiana. More commonly known as Downen Rd./Highway 66, Wadesville, Indiana. Containing 44 acres more or less. (Complete legal description is on file at the Posey County Area Plan Commission Office).

NATURE OF CASE: Petition to rezone property from A (Agricultural) Zoning District to B-3 (Commercial High Intensity) Zoning District under the Zoning Ordinance of the City of Mt. Vernon, Town of Cynthiana, Town of Poseyville and Unincorporated Posey County.

MARK SEIB: Doe anyone on this committee have a conflict of interest with this Rezoning Application? Hearing none.

Mark Seib confirmed with Mindy Bourne that the applicant met all the requirements for notification per the statute.

JUSTIN COLLINS: 113 S. Cale Street, Poseyville, Indiana. I am applying to rezone this property from Ag to B-3 for a body shop and auto towing business.

MARK SEIB: Hans is going to show the people on Zoom what we just received. We are going to call it Exhibit A. Justin would you please explain what you just gave us?

JUSTIN COLLINS: This is support for why we would not be disrupting the area. I wanted to start with a couple of properties adjacent to our property we are wanting to rezone. It has been said that going from Ag to Commercial zoning will disrupt the neighborhood and all ways negatively, however, it already seems that there are a couple of businesses located to adjacent property owners. According to the zoning map located on the Posey GIS they are not zoned for any type of commercial, however they could have a Special-Use. I do not know. The first one is Hill Crest Saddlery, owned by Mr. Myron Razor. He is located at 10441 Highway 66 in Wadesville, which is a neighboring property. Mr. Razor makes and sells saddles out of his home and is not zoned for any type of commercial use. The third page is zoned as R-3 Residential Multi-Family. The main structure there is a B-1 Neighborhood Commercial. It appears they are running a junk yard of some sort out of that property. It is not zoned for that as well. The next page is zoned Ag. This property owner here buys and sells vehicles, fixes them up as in body work, mechanical, whatever needs to be done and then sells them out of this home. As you can see, pictures were taken at different times of how many vehicles were there. On the last two pages, you will see the roll back that is used in that operation as far as cars that are flipped upside down, wheels and tires in the yard and other ones on their sides and totally demolished. This is not zoned for that. The last page shows better detail of that. There is also, right down the road, Mark Price Insurance Agency, which is a local business. Amy Higgs Insurance and a couple miles back to the west is Barton Automotive. Right across the road from our property there was the Parker Mini Mart, which is no longer in operation. Just down the road on St. Phillips Road was Paul's Petcation. I believe they are zoned, or have a Special-Use, but that is also in a residential area. Are there any other questions?

MARK SEIB: Okay, we will have that as Exhibit A. Now, give us a description of what you are wanting to do.

JUSTIN COLLINS: We are proposing to possibly build a body shop and towing service there. We currently have one in Poseyville and we are looking to possibly move our current operation from its current location or keep our current location and build a second one.

MARK SEIB: Okay, any questions for Mr. Collins at this time?

ANDY HOEHN: The pictures you were showing, how many are adjacent to the acreage that you are asking about?

JUSTIN COLLINS: All of them.

ANDY HOEHN: All of them border the property you are talking about?

JUSTIN COLLINS: Yes, that is correct.

RANDY OWENS: For the towing portion, will automobiles be stored there as well?

JUSTIN COLLINS: The only time they are stored is when they are towed in for repairs. If they are totaled the insurance company sends out another tow truck to haul them off. We do get some that do not have insurance and they will give us the title in exchange for the tow bill. Everyone is different. We will tow those to a salvage yard in Evansville.

ANDY HOEHN: What kind of fencing are you talking about having around this? I don't know that B-3 requires fencing next to Ag, but I know it would against Residential. Mindy is there a requirement in here for fencing?

MINDY BOURNE: I would have to look, but this is the Rezoning portion and if they are going to build a body shop they would also have to go through a Site Development Plan process which is where fencing, lighting, drainage, things of that nature are addressed.

ANDY HOEHN: I know in certain circumstances if there has been a bad accident and the vehicle or people were involved in a lawsuit, a vehicle can be impounded for a considerable length of time. What concerns me is the acreage starts to look like a junk yard or something down that line. Can you alleviate my concerns Mr. Collins?

JUSTIN COLLINS: Yes, I can. We have been in business since 1941 and we have been towing since 2014. I cannot tell you with any pictures that I have right now but there are a few members here from Posey County that can speak to our property looks and esthetics. What we currently do is we have a vinyl fence on the outside with a metal pipe structure on the inside so what the public sees on the outside is the decorative vinyl fence. We either put those inside that gate to secure them or if the police request to be hidden from the public, or if we are out of room in there, we will take up space in our building. If we do come to build this we would provide for ample room inside a building as well as the same type of fence. It will not be a chain link, barbed wire fence type of thing. It will be secured by esthetically pleasing vinyl fence.

ANDY HOEHN: The access to this will be on Downen Road?

JUSTIN COLLINS: We have not determined that at this time. The first step before we spend any more time or money on blueprints or engineering is to get the zoning approved. We have debated to put the access on Downen Road or the State Highway, but I cannot tell you at this time which one would work the best.

MARK SEIB: So, you have not submitted any plans, site plans, or how much acreage you will need?

JUSTIN COLLINS: Correct.

MARK SEIB: And why is that?

JUSTIN COLLINS: Because we have no idea where we are going to put it. We have

talked about how we do not want to spend any more time or money on engineering, blueprints, or anything of that sort until we got the zoning. If we wanted to put it on one corner and apply to the state and the state says "yeah we will give you access" but then we come to this board and you said "no, you cannot put it there.", then we are back to the drawing board. If we go and move it again, move it 500 feet and we go back to the state then the state will say "we just approved you down the street, what is the deal?"

KEITH SPURGEON: You are requesting a change in zoning, but you do not have any plans for exactly how you are going to use the site? Is that what I am understanding?

JUSTIN COLLINS: No blueprints or anything of that sort. When I talked to Mindy, when we filed, she said the Site Review Committee and the State would be involved as far as where it can be put and how it can be situated. Therefore, I did not think it was necessary at this time.

MINDY BOURNE: I stated that you would have to go through a Site Plan approval. You would have to get that Site Plan approved before you could start construction. I did also state that usually when the board hears a rezoning request they like to see some sort of layout of where things will be located on the property because it all goes hand in hand.

DAVE PEARCE: Justin do you have any idea how much space it will take to build what you are wanting to build? 44 acres is a pretty big chunk of land.

JUSTIN COLLINS: It is. I do not know, but I could guess 5 to 10 acres. I cannot tell you for sure, but I don't think it would take the whole 44. The reason I say that is because I do not know where we would put it.

KEITH SPURGEON: Is the B-3 appropriate for the towing service?

JUSTIN COLLINS: That's what we are currently in Poseyville, so that is what I applied for.

MINDY BOURNE: B-3 works, but he could actually be a B-2. B-2 would take care of his use as well, which is a lower zoning.

KEITH SPURGEON: Is there a reason you wanted B-3?

JUSTIN COLLINS: Because that is what we currently are. Mindy also stated that B-3 would not cover the salvage yard.

MINDY BOURNE: Correct. I did question him at the time of filing that if these vehicles were going to be there long term or if it was going to be a junk yard that it would require a different zoning and he stated that it was not.

RANDY THORNBURG: Mindy, what all businesses can be located under a B-3?

MINDY BOURNE: Under a B-3, I am going to read the Use Units for a B-3 - public protection, utility facilities, community services, single family detached dwelling, single family attached dwelling, multiple family dwelling, manufacture/modular dwelling, off street parking areas, entertainment and eating establishments, convenient goods and services, shopping goods and services, other trades and services, gasoline service stations, automotive activity, drive in restaurant, business signs and outdoor advertising, warehousing and wholesaling, and home occupations.

DAVE PEARCE: How far does it cut back to go to B-2?

MINDY BOURNE: It is pretty much the same list.

MARK SEIB: There is obviously a difference between the B-2 and B-3 on what structures can be on.

MINDY BOURNE: Yeah, public protection, utility facilities, community services, single family detached dwelling, single family attached dwelling, multiple family dwelling, manufacture/modular dwelling, off street parking areas, entertainment and eating establishments, convenient goods and services, shopping goods and services, other trades and services, gasoline service stations, automotive activity, drive in restaurant, hotel and motel, business signs and outdoor advertising, and home occupations. They are basically the same.

MARK SEIB: I guess with being one of the oldest members that has sat on the Area Plan, that this has always been the standard operating procedure for us. We have always asked for site plans to make sure what they are going to build so that the adjacent property owners know that. The second thing that we have always done is that we have never allowed for an upgrade from what is allowable. We have never done speculating rezoning. If someone comes in and says "I want to move my Ag to a Heavy Manufacturing and it is because I just want to do it for the future", we have never allowed that because we feel that is the right for the adjacent property owners to understand what is going to be moving in. I know you were zoned B-3, I think that was done when the zoning came through when it was first established. Do you have an issue with being a B-2?

JUSTIN COLLINS: As long as we are covered. The reason I didn't apply for B-2, when Mindy told me that the first time, was that there was some fine print that might have been missed and then we get stopped when that time comes. We are B-3 currently and that location has been there since 1941, so I don't know if the zoning code has changed, but that is the reason why I chose B-3. So, if B-2 will cover it that would be fine. I just want that on record that is the reason why we went with B-3.

MARK SEIB: So, you are saying you are not opposed to a B-2 to put your body shop

and wrecker service on that parcel?

JUSTIN COLLINS: Yes, as long as it falls under the B-2.

MARK SEIB: We understand you not wanting there to be any hiccups. With that being said you also have 44 acres that you have requested. We have never done a big area like that at one time either. Are you saying that you are willing to keep that at a 5 to 10 acre? That all falls back to you bringing some type of drawings or sketches with what you are wanting to build to put that into play.

JUSTIN COLLINS: Yeah, I would really like to keep it at the same acreage since we don't know where the best location, or where we will even be able to put it depending on the State or County.

MARK SEIB: What kind of time line are you wanting to start construction?

JUSTIN COLLINS: We have no idea at this time.

MARK SEIB: You are not on a timeline?

JUSTIN COLLINS: Correct.

MARK SEIB: Other questions from the Committee? Seeing none, Mr. Collins can have a seat. We normally open to the public portion at this time, but the Committee has some comments.

DAVE PEARCE: Anyone who is not familiar with Collin's Body Shop in Poseyville that area is immaculate all the time. I am a little bit concerned about doing the 44 acres for a body shop. There is a very similar property, a body shop, located in Mount Vernon. I have done research with Bruce Hall's and they are a very similar situation. That road was known for several accidents, so it is very similar. Do you know if Bruce had to get a Special-Use permit?

MINDY BOURNE: That actually happened before I started in the office. I think it was a Rezone.

DAVE PEARCE: Okay, and the size. I think that's about 10 acres or less there. I see both sides of that.

KEITH SPURGEON: Does Bruce's have a wrecker service?

DAVE PEARCE: I don't know the answer to that. Someone here is saying no they do not.

RANDY THORNBURG: My main concern is the entire 44 acres for a body shop. I

think for the neighborhood and adjoining neighbors, I would like to see a site plan. I think it might be a little early since he has to deal with the State. I would like to see a site plan so we can be more site specific and better judge what we are dealing with.

MARK SEIB: Anyone else on the Committee?

KEITH SPURGEON: I have the same comments. I would like to see a site plan so we know specifically what we are approving. I know we will have some questions on entrances and exits. We are going to see more specifics to know what we are saying "yes" to.

ANDY HOEHN: I have seen Gary Morris's place and Collin's Body Shop and I don't have an issue with what they are saying they are going to do. I don't really need a specific building size or things like that. My concern is that it does depreciate the surrounding area or look detrimental to the area. I have seen Collin's properties and I don't expect that. At this point I do not see too much of an issue.

MARK SEIB: Anyone else? I guess what I would like to say and the question that I have is.... I live in Poseyville and I see Collin's place and it is kept clean, there is no doubt about it. The only thing is, I really feel like if you brought in some type of layout of where you want to put this shop. You don't have any plans on when you are wanting to start and once this is approved it has to be started within a year. There will be a timeline on this once it is approved.

JUSTIN COLLINS: Is that from the State?

MARK SEIB: No, that is from here. We can do different things here. I am trying to give you time. We can table this until next month's meeting or table it until April meeting. If that would give you enough time to bring answers to the questions we have here.

JUSTIN COLLINS: With that information, what happens if lets say we decide to build on the northern most corner and our only ingress and egress is to the State and the State says "you can't do it" but the Area Plan has approved it, then what happens? Do we have to start all over?

MINDY BOURNE: In my opinion, wouldn't you start working with the State first?

MARK SEIB: That is usually the common practice...you guys normally have an idea with where you want to go with it and you go to the State and see if that is acceptable. You don't have to make the application yet but if you get a preliminary approval from the State, that site is to where they would allow, then that would answer your question before you spend any money. It may take you some time but you can still receive that information without "spending money". So, until you know where you are wanting to place it on that property...we do not have enough answers to our questions. Do you see what I am saying?

JUSTIN COLLINS: Yes.

MARK SEIB: My question is, do you want to keep pursuing this tonight or do you want more time to go back and lay some things out and get a better idea of where you are wanting to go and what you want to do?

JUSTIN COLLINS: I would like to move forward, if it will move forward, and if I have to refile then I can go back and refile.

MARK SEIB: There won't be a refile.

JUSTIN COLLINS: Why is that?

MARK SEIB: If it is denied then you are out for a year.

JUSTIN COLLINS: Okay.

MARK SEIB: That is what I am wanting to inform you of is a risk that you are going to take.

MINDY BOURNE: This is a recommending body. It also has to go to the County Commissioners.

JUSTIN COLLINS: I understand all of these concerns 100%. In my mind it is a lot easier to lay out for our site how big we can go if we know that the property that we own we can try this spot or that spot. If the State says "yes, you can go in the middle", but then we come to this board and say "well we think here", but then the neighbors complain on this side then we will move it over, it just doesn't work in my mind.

MARK SEIB: If you go to the State, they will give you an honest opinion and also give you some type of preliminary idea of what they are willing to accept and then you can go from there. Usually if the State has granted somebody a cut in that section, unless there is something that is totally obvious that it is a problem, we accept and go along with the State with their decisions. I don't think the risk of us denying it is that great of a risk compared to denying it because we don't know where you are going to go or what you are going to do. Do you see what I mean? It is really up to you if you want me to proceed on or if you would like to have time to look at it and come back with some actual facts. When you are ready to build it you will have to bring in a Site Review Plan and that will be brought before this body again and it will be a public portion again to have that discussion.

JUSTIN COLLINS: That is what I am not understanding why it is as big of a deal now where we have that....

MARK SEIB: I understand what you are saying, but once we approve the zoning it cannot change unless we go through the whole process again. That is very important to us that we understand what, where and how.

JUSTIN COLLINS: Can you clarify what the “one year” time limit is?

MARK SEIB: Once it is approved, you have one year to start the construction.

JUSTIN COLLINS: The zoning or the site plan?

MARK SEIB: If the rezoning is approved then it is approved for that and then from the site review is where your time clock starts.

JUSTIN COLLINS: Okay.

MINDY BOURNE: I will add, that if you want to refile, if the application was to be Denied, there is a one year wait period that you cannot file for the same thing.

Dave Pearce gave an example of what the board is asking for at this time.

JUSTIN COLLINS: I understand, I just want to express my concern with tying it down to five acres or what anyone thinks is appropriate. Then for whatever reason in the future it doesn't work then we have come back and go through this entire thing again.

MARK SEIB: Well, if you feel 10 acres is what you need then that is a whole lot different than the 44 acres.

JUSTIN COLLINS: I understand. What I am saying if we rezone the 10 acres to the north and it doesn't work out and we need the 10 acres to the south...

RANDY THORNBURG: What I would do when you go to the State, I would take a couple site location plans. Like “site 1”, “site 2”, they could work with you on it.

JUSTIN COLLINS: I understand that.

MARK SEIB: We will not choose your location that is up to you. If that is where you want to be then that is what you submit to us, so we understand where you want to be. We don't get to pick and choose where to place it. If the cut you chose caused a traffic hazard that is when it comes into effect for us, but if it does not then we don't care. Safety is the only reason we would question the cut.

JUSTIN COLLINS: I understand.

MARK SEIB: I am asking if you want to move forward tonight or if you would like some time to get some information together to present what you are wanting?

JUSTIN COLLINS: I would like to move forward.

MARK SEIB: Once we go into the public portion, we will have to come up with an answer.

JUSTIN COLLINS: I will just move forward.

MARK SEIB: Okay.

ANDY HOEHN: I am siding with him on this. It is currently labeled Ag and he is wanting it to be B-3. I don't see where we need to interfere with what the Site Review group might be looking at. For us to say that at this point doesn't seem right to me. If he wants B-3, then his legal option is to put in anything for B-3.

ATTORNEY TRENT VAN HAAFTEN: The only thing I would mention is, understand the application is to rezone the entire 44 acres. If this moves forward and the Rezoning is granted then you have rezoned the entire 44 acres. What he is wanting to do could be put on 5 to 10 acres and the remaining 34 to 39 acres is still zoned B-3. With what I am hearing that might be one of the main issues. Moving forward means a rezoning of an entire 44 acres. Once it is rezoned you may have a different application moving forward for different B-3 operations.

ANDY HOEHN: That's where he is at with all things Ag. He can do anything within the Ag fence. If he is wanting to move to B-3 and everything he is wanting to do is under B-3, then I don't see an issue.

MARK SEIB: What he is asking for is the body shop and wrecker service. With that being said he does fit into the B-2. We have always had a standard rule that we don't really upgrade to another zoning district other than what it fits in. If he wants to do something else that is beyond the B-2 then he can let that be known and disclose that at this time. At this current time, his proposed business is a B-2 qualification.

ANDY HOEHN: That may be, but he is requesting a B-3, which includes everything under B-3 and he can choose what he wants to do that falls under B-3.

MARK SEIB: That is right, and Justin you said that if you fit under the B-2 you would be willing to rezone a B-2.

JUSTIN COLLINS: That is correct.

MARK SEIB: So that is what he is saying...if he fits under a B-2 he is willing to rezone B-2.

ANDY HOEHN: If that is what he requests, that is fine. All I am saying is let the Site Review do site review things.

MARK SEIB: That is what I am asking him if he wants to move forward or whether he wants to gather some more information to bring to the Committee. It is up to you Justin.

JUSTIN COLLINS: As long as B-2 covers what we are wanting to do I am prepared to move forward.

MARK SEIB: Do you agree that a B-2 fits what he is wanting to do?

MINDY BOURNE: Yes.

MARK SEIB: Okay, you are wanting to be a B-2 and go from there and you want to move forward?

JUSTIN COLLINS: Yes.

MARK SEIB: We will now open it to the public portion. You will only have two minutes to speak because we have a huge amount of people to go through. If you repeat the guy/lady that came in here before you and only say "I don't like it because it's not good for this area", we will not hear that again. Don't waste our time. After you speak, we are going to ask you to leave so that someone else can come in. Any questions from the crowd or Committee?

Gentleman in the audience asked if he is denied the Rezoning for B-2 if he could rezone for a B-3 before the year is up.

MINDY BOURNE: He will have to wait a year from the date of the denial.

CHAD WILSON: 10825 Highway 66, Wadesville, Indiana. My wife and I own the adjoining property across the road with the old school house on it. We would like to speak in the opposition of the rezoning of this property. We feel like 44 acres is way too much to be considered for a body shop and with no site plan there is a big possibility that it could decrease the value of my property tremendously. Thinking about watershed, my property is one of the most low lying out there and I think without a plan for that we can definitely struggle.

JOSH NEUFFER: 10431 Downen Road, Wadesville, Indiana. Adjacent to the property. I was born and raised in Evansville and the reason I left Evansville to come to Wadesville was for the quiet and peacefulness that Wadesville has to offer. I moved away from the commercial business and if we decide to make Posey County commercial, we will regret it. People do not realize that farm ground is disappearing every day and once it is gone, it is gone. We need the agricultural ground to help feed people and help support our farmers.

NALEN NEUFFER: I also live on Downen Road. I am going to pass these out to you.

MARK SEIB: Anything you give us is kept as evidence.

NALEN NEUFFER: Perfectly fine. What I am handing you is a petition we started to oppose the rezoning. So far, we have received over 530 signatures from people who are strongly against it. According to the United States Census Bureau, there are only 537 people living in the Parker Settlement area. So, the fact we have over 530 signatures speaks volumes. I am a current resident of Downen Road and it is where I was born and raised. My family has lived on Downen Road for 4 generations. We love the tranquil and peaceful lifestyle Wadesville has to offer. If this Rezoning gets approved, this will take away from my family and many others in Parker Settlement. Statistically crime would increase due to more traffic in the area and businesses going up. When he has 44 acres for a body shop that is just not believable to me. This would take an enormous toll on Parker Settlement. I think I can speak for everyone that our gorgeous sunset over a cornfield being taken away and we are forced to stare at a body shop and other businesses out our windows. The residents of Wadesville enjoy the rural feel of Posey County that is why many Vanderburgh County residents are seeking homes here. Home values will plummet if this Rezoning is approved. According to the United States Environmental Protection Agency, auto body shops omit pollutants such as hazardous air pollutants, particle pollutions and volatile organic compounds. These pollutants can contribute to health problems and may affect the community. The curve on Highway 66 near Downen Road is very treacherous and is known to take lives. It is no place for an entrance for a business. According to the Posey County Sheriff's Department, 33 accidents and 2 fatalities have occurred on Highway 66 near Downen Road since 2001. It is already a very dangerous intersection and a high traffic area without a business being there. In that petition you will find comments from people who live in Wadesville that I did not tell them to comment on and you can read their comments about it.

DEBBIE GLASER: 10727 Downen Road. I live right across the street from where this man wants to put his business. Like the girl just said, the traffic and trying to turn onto Downen Road on that curve from the highway is very dangerous. The other thing I want to say is I don't care how nice the property is and I don't care if he is going to put a fence around it, I don't care. I do not want to live in the country and be across the street from a business like that. I did not move there to be across from a business that should be in a town like Evansville or Poseyville.

STEVE ELFREICH: 10417 Downen Road. I am adjacent to this property. I had some stuff to say, but some of it has already been said. I will just say that we highly oppose it. We did not move there for these types of businesses. Many of the houses on Downen, in the last year, have seen 10 if not 100s of thousands of dollars' worth of improvement to the property and land. \$13,000 improvement to my property this year, just to deal with watershed that I have to deal with from the farm field across the street. I think hard surfacing would add to those problems. 44 acres, rezoning the whole thing just opens

them to placing a body shop on five acres and then a Dollar General, gas station, Jagoe Homes/subdivisions to come into play, if they have the ability to do the entire land. Also, would like to add that gifts should not be taken into consideration.

MYRON RAZOR: I live at 10441 Highway 66. There are many reasons why this proposal is a bad idea. I want to very briefly address one item that is unique to me. It was mentioned to me that there is, located on my property, the world headquarters of Hillcrest Saddlery. Please understand that this is simply a retirement hobby. When I retired from the corporate world, 20 something years ago, I pursued my hobby as collecting and restoring old saddles of a certain type. That is all it is, a hobby. I do not have a storefront and I do not have a store. I have no signage, no shop, no regular hours and nobody in the world would know it was there and I have no idea how Justin found out about it. It is simply a retirement hobby. Most people in this room do something whether it is collect something like stamps, or cutting firewood, it is something you enjoy doing. That is all that it is.

BRITTANY MCCRARY: 811 Coachlite Drive. I have one question...you said that he would have one year to get the site plans to you guys, is that correct? Is that how long of a time period that is? If it is rezoned, he would have one year to get the site plans to you?

MINDY BOURNE: He would have to submit the site plan within one year.

MARK SEIB: Once they submit the site plan, they have one year to start the construction, if it is approved.

BRITTANY MCCRARY: Is there a timeframe in between the Rezoning and when they have to submit a site plan?

MINDY BOURNE: No.

BRITTANY MCCRARY: We are also here for the Dollar General, we have fought that and same reasons, we do not want it around. Outside of that, you talk about how nice he takes care of the Poseyville location, because he lives near it. My understanding is he does not live near this one. Who's to say this one will be taken care of just as well as the Poseyville one?

EARL SCHROEDER: I live in Marrs Township. I came for a different reason and I didn't even know this was going to take place. I didn't know that there was another body shop in the world, this family has been around for a long time and it hurts me that we are trying to dice him into tiny chunks today. I think it is a shame that they have given so much to this community and we are throwing rocks at him. The other thing is anytime we had an issue Collin's Body Shop was the place for the answers. I would just like to ask that you look at the whole picture and I don't think that family would do anything to make Posey County look bad.

EVAN GAULTNEY: 10601 Downen Road. My fiancé and I just recently purchased a home on Downen Road facing the farmland. I purchased the home to escape the inner-city problems that Evansville experiences. I feel as though the landowner should go purchase commercial property elsewhere if they wish to expand their business, just as us homeowners search for property away from commercial property to live our lives. With commercial property near Downen Road, it will decrease property values for everyone involved, by another party's decision.

JERRI NEUFFER: My fiancé is the one that just left the building. All I want to say is we paid more for that home than we would have paid anywhere else, just because of where it is at. It sickens me that we just bought this house, maybe a month ago, and then we get a letter in the mail two weeks later that our beautiful front yard that we paid extra money for is being rezoned. It makes us sick, and 44 acres is unreal.

ALLISON WOLF: I am currently a resident in Evansville, but my fiancé lives at 10521 Downen Road. I am here to express my strong opposition for this proposed Rezoning. This proposed development would be very detrimental to our residential area. My fiancé purchased this property in the hopes that we could start our lives together and have a family, but the safety issues and the potential for increased crime we wouldn't be able to stay there. As mentioned before the intersection is very dangerous. The drainage infrastructure, whenever we have that huge field it absorbs some of the water that comes down through heavy rainfall, but still the area floods. If you replace that soil with concrete, pavement, and buildings then it is going to add insult to injury and make that problem worse. As others have mentioned we are worried about the decrease in our property value. We bought our homes for the location and where they were at and we paid a good price for them because of where they are located.

JACOB SCHMITT: 10617 Downen Road. My wife and I bought this property to start a family and I feel the heavy traffic that will come with this towing service will be an issue. As said before, I have spent a lot of money on my house over the last few years.

AARON WILSON: 6195 Conrey Road, New Harmony, Indiana. Mr. Collins is a friend of mine and they are fixing my truck right now. They are some of the best people in Posey County. All of the properties that I have sold to them they have cleaned it and have made it look a lot better. They take pride in what they do and for this County. They are hardworking, tax paying citizens who are asking to pay more in taxes to the County. As a County Councilman I can tell you that is a good thing. With our budget, we need more money because there is always something that is going wrong. They are asking to pay more taxes. They bought this property at an auction that I was involved in a couple years ago and I talked with Steve Collins for about a month before that auction almost every other day and every time I would talk to him, he would say that he would like to relocate his body shop there, because they just don't have enough room in Poseyville. When I was on this board a few years ago, a Dollar General came in on one of my very first meetings. A couple of gentlemen from Kentucky had just bought some property in front of the campground on Posey County Line Road and they said they were going to put a carpet

store in there. Then a year later, it was a Dollar General. They took the money they made and went back to Kentucky. Mr. Collins has a reputation for being a good man and doing what he says he is going to do. He is asking the people of Posey County to believe him when he says he is going to do what he says he is going to do. I ask that you just give him that opportunity.

MARK GENTLEMAN: I was born and raised in that exact area. I remember when Archie Collins had the fire in the pit of the body shop and died as a result of it. I have had several cars repaired there in the past. They are fine, outstanding people. To echo Aaron Wilson's response, they are asking to pay more property taxes. I would urge you gentlemen to go along with their plan.

DEVON KEMPF: 10701 Downen Road. I definitely do not want this. My grandpa was a real estate developer for many years, bought many places all over the world. He always told me "if you want to buy something, buy where there are not any commercial buildings". That is why I went to Wadesville. Now, here I am having to speak because they want to build something right across the road. I have two young kids and I don't want to add any more traffic to that road. I don't know what kind of houses y'all live in, but I spent \$100,000 of my own money on my house last year. I don't want this going across the street and then all of that money will go down the drain because all it is doing is decreasing the property value. If someone was going to put it up in your front yard you wouldn't want it either. There are plenty of places in Posey County that they could go build a body shop and pay you guys more taxes. It is going to create a lot more problems than it would good. I know people have spoken on the water issue. That doesn't even begin to explain it. The County came out last week and dug the ditches up and then we had a big rain. It still flooded. There might be other businesses in the area and down that road, but they don't directly impact the people that live there.

ATTORNEY KRISTA LOCKYEAR: The first client that I spoke to is Myron Razor. He has lived here for 33 years. Diane Riddle is a fifth-generation farming family and has been there for that long. This is not about the Collins and their family. This is about land use and if it is appropriate land use. If you rezone these 44 acres and something happens to the Collins family tomorrow, the people from Kentucky can come in here and put anything that will fit in the B-2 district on this property and completely destroy the character of this area. I understand the Collins are wonderful taxpayers and citizens of the community, but you have a petition from 500+ tax payers that don't want this. And of those 500 people, they also pay their taxes and are good members of the community. All the reasons you have heard from the neighbors are more important than what I can say, expect that at the end of the day you make a decision based on what state law and your local laws say you use to decide if it is a good rezoning or not. And at the end of the day you are going to use Findings of Fact. You need to think about how you answer those findings on what the people have stood up here and said. The first one is current conditions of the character of the district, that this will not have an adverse impact on the conditions in the area. You have had testimony from people that have lived there, that it will have a negative impact on their quality of life, on the safety of themselves and family

members driving up and down the road and out of the highway. You think about a towing business, there are no standard hours of operation. There are lights and noise that are going to happen at any time of the night or day. You have traffic coming and going and people that do not belong in the neighborhood, you have outsiders coming in and that is not consistent with the character of this property and this area. Responsible development and growth is another criteria you need to take a look at. The infrastructure for commercial and for 44 acres doesn't exist here on this property. Responsible development and growth means you are putting commercial areas into commercial area that you, as a community, have decided we are going to invest the infrastructure here to promote commercial growth. You as a community have done that. In fact, your third criteria is, is it in compliance with your comprehensive plan? You as a community decided that this area and your future land growth is going to be residential and agricultural. You have specific areas that you want to encourage commercial development. 44 acres of commercial, at this location, does not comply with what you have decided you want the plan to be. Conservation and property values throughout the jurisdiction, there is no way when you drive by this property, if you envision 44 acres of commercial development that you would believe that the neighbors that have already lived there that their property values will not go down. Especially because, on these 44 acres, once it is all rezoned, the next development that comes in could very well be a gas station and the next one after that could be a strip center and the next one after that, a Dollar General. But you have already decided if it is appropriate for this area. Finally, the most desirable use for which the land in the district is located. You in Posey County and all of our rural areas, we are trying to preserve good farmland. We are trying to promote rural residential areas where people can get away from the city to live. You heard the people who actually live here say that. This area is ideal to be a sanctuary for folks that want to get away from the city lights and live. People who want to look out their kitchen window and see farm fields. This land is ideal to stay the character that it is, as Agricultural zoning. For all of those criteria, we ask that this be denied.

MARK SEIB: Has everyone had the opportunity to speak that wanted to? Is there anyone else wishing to speak for or against the proposed Rezoning? Hearing none, we will now close the public portion.

JUSTIN COLLINS: They are worried about their property values with no proof showing that a body shop or any other commercial building would devalue theirs. I don't believe that is totally accurate. The other people have also stated that they bought these homes for the views and the agricultural use. I don't know if there is any kind of ordinance, that I know of, that it is another property owner's responsibility to maintain the views out their front window. I am assuming, if we were to put in pigs or cattle that there would be many complaints. That would fall under, with my knowledge, as agricultural. It is not consistent with "their views". I totally understand that, everyone likes a view, but I don't think that should be a burden put on myself or any other land owner. As far as the water, things of that nature. My view on that is if we are building a building and rezoning to a Commercial, we are going to be paying a lot more property taxes, which can then go to the County, or the State, to update the infrastructure. Also,

since we bought this property, we have removed the trees to help with debris in the road. We have had the highway frontage pulled back and reseeded to help slow the erosion. I have contacted INDOT to have the ditches dug out closer to Downen Road. We have also replaced a culvert at the Southwest corner of the property due to complaints from neighbors saying it is clogged and water was running on them. That is all since June 2019 that we have completed all of these projects to help alleviate some of these problems which were talked about. One thing I would like to see is...it seems like anytime anything like this comes about in this County we have a group of people band together to stop it. What I would like to see is, regardless of how this comes out, is if those same people could band together to start something whether it be to buy this property so that they can maintain their views or start a business or a charity, or something. Also, on Mrs. Neuffer's statistics, I talked to Posey County Dispatch today and asked them how many accidents they have on record on Downen Road and 66, they told me two. One was in 2019 and one in 2017. Also, these signatures that she says are on this petition, I would like to know if they are in fact 500 of Posey County residents. I know it was on the internet so anyone from anywhere could sign it. I appreciate the people that spoke in favor of it.

MARK SEIB: Does anyone have anything for Mr. Collins at this point?

RANDY OWENS: I looked at the acreage for some of the other body shops in the County, this is so much more than what the other body shops have. I just wonder why can't it be pinned down to a more definite area?

JUSTIN COLLINS: I'll go along with what Mr. Hoehn said. It is hard to determine exactly where will work and what the State would allow. Being that I own the entirety, we would like that flexibility to be able to know that it is already zoned for our use. Then go to the Site Review Committee with what particular spot works or doesn't work. Another thing I forgot to mention is, one of the remonstrators mentioned that there are plenty of places to put a body shop. I don't know if anyone pays attention but any kind of acreage in Posey County, which is where we want to be, is very hard to come by. Most of the time it is a 40-acre farm field. Saying we can find a commercial spot isn't always practical.

MARK SEIB: Mindy, has there been any phone calls, emails, or letters?

MINDY BOURNE: Yes. I think some of these people have spoken. I will read the list.

Mindy read comments from the following remonstrators: Nalen Neuffer, Teresa Madison, Myron & Marcia Razor, James O'Risky, Harold Golday, Cathy Espenlaub, Sondra Neuffer, Mrs. Nance, Rand Carie, Diane Riddle, Kristi Douglas, Allison W., and Don Mattingly.

MARK SEIB: Now it is up to the board to discuss and take action as they see fit.

HANS SCHMITZ: I had my phone pulled up because I was looking at the comprehensive plan and we do target that area for Single-Family Residential use. The question is would this commercial development enhance and encourage single-family residents use in the area. I don't know that I have completely made up my mind yet, but I think that is the ultimate question when we are pulling towards the comprehensive plan question.

ANDY HOEHN: I don't know that I see that congruent with what is already in the area that seems to be Commercial without being zoned Commercial. If what Mr. Collins showed in the photographs, there are several businesses operating there out of these "residence" as we speak. But apparently, they didn't come and ask to be rezoned. It looks like it has already went from a residential area to somewhat commercial.

RANDY OWENS: I have one concern. If it only takes 5 to 10 acres to run the business then the other acreage could be sold off and have more commercial development.

MARK SEIB: Are you asking a question if they could?

RANDY OWENS: Yes, can they do that?

MARK SEIB: That is true. If that whole 44 acres gets rezoned and if they only need 20 acres of it, the other part could be sold off and if it is zoned for B-2 or B-3 then that is what it stays. Therefore, anything that is zoned for what we approve is acceptable to build there without going through any zoning change. Except the only thing is the Site Review would be the one thing the public would have an input if they do not want that within that place as well. It is the only opportunity the public would hear from what would be moving in.

KEITH SPURGEON: It is such a large piece of property, to change the zoning seems to be such a big decision, to go along with Hans' point. To do that with such a large piece of property without knowing really how it is going to be used or how the site is going to be developed, I have difficulty with that.

ANDY HOEHN: There are many uses it can fall under right now. He could put an 80X120 barn on it and start raising cows, or a chicken farm. There are a lot of things it can be currently. When you get to that point, in my mind, you go back and look at the person. You actually do. This family is not a family that does cattle. But they don't have bad looking property. Every place they go, they upgrade it. It is kind of like the Barton's. I don't see a risk here with the family involved. We are always wanting more and more businesses in Posey County. Agricultural is taxed very low. If this goes Commercial it will be a 2-3% tax. If we want to grow Posey County then we are going to need to grow Posey County. This seems to me like a County family trying to better their position in life with County property and County taxes.

MARK SEIB: Other discussion? Is there a motion?

ANDY HOEHN: I would like to make a motion to approve.

MARK SEIB: Andy has made a motion to approve the Rezoning. Is there a second? Hearing no second the motion has failed. Is there another motion?

RANDY OWENS: If it is tabled, can it be brought back in a revised or an amended fashion so that it will look different than it does today?

MARK SEIB: If it is tabled then it has to come back as it was presented today. All we are doing when we table it is basically saying we are waiting until next month. He could submit more evidence if he wishes. We cannot change the structure of the application. Once it went to public hearing there is no going back.

DAVE PEARCE: Can he submit a site plan?

MARK SEIB: Yes.

KEITH SPURGEON: He can submit a site plan but it is still going to be the entire 44 acres, because that is what the application is for?

MARK SEIB: Right, that is correct. Plus, he has applied for a B-3.

HANS SCHMITZ: Can I ask if the applicant intends to submit any other plans until the next meeting?

JUSTIN COLLINS: I can make that happen.

MARK SEIB: You would be surprised what Mindy has brought in. If you can give a rough estimate on distances to property lines and building sizes...

MINDY BOURNE: The building could potentially change a little from the site plan, but just an idea of where is it going to be located on the property so the drainage can be looked at and access. I think that is what they are after.

MARK SEIB: We are going to be voting on tabling this until the next month's meeting.

A motion was made in the affirmative by Andy Hoehn to table Rezoning #20-07-RE-APC until the March meeting. Motion was seconded by Randy Thornburg. **Roll call vote (7-0) Mike Baehl – Abstained - Yes. Motion carried.**

REZONING:

DOCKET NO: 21-01-RE-APC

APPLICANT: Tiffany Lehman, Neikirk Engineering LLC

OWNER: C & H Holdings LLC

PREMISES: Part of the East half of the Southwest Quarter of Section 3, Township 7 South, Range 13 West lying in Black Township, Posey County, Indiana. More commonly known as 3401 Highway 62 East, Mt. Vernon, Indiana. Containing 4 acres more or less. (Total acreage of parcel is 11.636- 7.62 acres currently zoned B-3) (Complete legal description is on file at the Posey County Area Plan Commission Office).

NATURE OF CASE: Petition to rezone property from A (Agricultural) Zoning District to B-3 (Commercial High Intensity) Zoning District under the Zoning Ordinance of the City of Mt. Vernon, Town of Cynthiana, Town of Poseyville and Unincorporated Posey County.

Mark Seib confirmed with Mindy Bourne that the applicant met all the requirements for notification per the statute.

MIKE NEIKIRK: 306 N. Market Street, Mount Carmel, Illinois. I am here tonight to request you to consider rezoning part of our property from Agricultural to B-3. Currently the eastern half is zoned B-3, the western portion, about 4 acres, is zoned Agricultural. Surrounding our property to the west, south, and east for the most part is zoned M-2. There is another portion zoned B-3 to the east. For some reason this section of our property was left out. I don't know the history of it. This will be a truck facility. It will have a shop, offices, truck parking. We feel it does fit in with the use around the property and that it matches the zoning area around us.

MARK SEIB: Mindy have you seen this drawing before? They have a very extensive drawing.

MINDY BOURNE: Yes, I have seen it.

MIKE NEIKIRK: We do have a Rule 5 approved. We have been in contact with INDOT regarding drainage to their ditch. There is water service for us and we intend on putting in a septic system.

MARK SEIB: Wastewater?

MIKE NEIKIRK: It will be a septic system. We intend to modify the existing pond that is out there to accommodate the retention.

ANDY HOEHN: What property is this?

MARK SEIB: Andy it is the Rezoning for docket 20-01-RE-APC.

ANDY HOEHN: I have that. What is 3401 Highway 62 East?

Everyone discusses nearby structures. Hans shows Andy a map.

MIKE NEIKIRK: Our actual structure is on the B-3 part that is zoned. The truck parking will be on what is currently zoned Agricultural. It is all a part of the same facility.

KEITH SPURGEON: Will you drain the pond?

MIKE NEIKIRK: We are actually going to change it, but it will be in the same general vicinity. We will modify it and fill in the northern part of it. Same general area, but modified.

MARK SEIB: You said that is going to be a part of the retention pond as well? The run off will be even slower leaving the property.

MIKE NEIKIRK: Yes. It is all going to be directed into that pond with an outlet structure to control the flow.

MARK SEIB: Any other questions?

Mark Seib confirmed with Mindy Bourne there were no emails, phone calls or letters.

MARK SEIB: Now we will go into the public portion. Is there anyone here that would like to speak for or against this Rezoning? Hearing none, we will now close the public portion and open it to the board for discussion.

A motion was made in the affirmative by Randy Thornburg and seconded by Hans Schmitz to recommend the Rezoning. **Roll call vote (8-0) Yes. Motion carried.**

Findings of Fact were read.

A motion was made in the affirmative to approve Findings of Fact by Dave Pearce. Motion was seconded by Mike Baehl. **Roll call vote (8-0) Yes. Motion carried.**

REQUEST FROM POSEY COUNTY COMMISSIONERS TO AMEND WIND ORDINANCE

MARK SEIB: At this time, we have discussed with the attorneys. They have some new information concerning the Wind and Solar Ordinance. Trent would you please explain what the situation is?

ATTORNEY TRENT VAN HAAFTEN: It is a process. All of the attorneys agree that the statute isn't written as clearly as it could be. The Zoning Ordinance can be amended by a proposal submitted by the Area Plan or the County Commissioners or even a citizen. The County Commissioners presented a proposal to amend the Zoning Ordinance as it is

related to certain provisions of the wind, addressing the wind portion of it. That was passed by the Commissioners and then it comes to Area Plan. Area Plan rejected that amendment and sent a proposal back with additional/different language. Commissioners rejected the APC's proposal. It should have stopped there but what happened is the statute itself, the Commissioners sent back what they did, which can be interpreted as another amendment. The reason to fix it is because of the effective date. What is going to happen is the County Commissioners have the final say on the Ordinance. What we have to clear up is the effective date. What I recommend to you is to reject what the Commissioners last sent us. It will result in it going back to the Commissioners. What they will do is reject our rejection and by virtue of that, it stops. By virtue of that the original proposal submitted by Commissioners then amends the Zoning Ordinance. It is at that time that the amendment becomes the law and put in place.

RANDY THORNBURG: What is the time span on that?

ATTORNEY TRENT VAN HAAFTEN: It does fall back into the 45-60-day provision. I won't have the letter in time for when you meet next Monday. Two weeks after that or on the next meeting, we can put it on the agenda. We shouldn't run into any time issues.

A motion was made to reject the language by Hans Schmitz. Motion was seconded by Dave Pearce. **Roll call vote (7-0) Randy Thornburg – Abstained - Yes. Motion carried.**

COMPLAINT: 904 ½ W. Second Street, Mt. Vernon, IN

MINDY BOURNE: We heard this a few months ago on November 12th. This was the Phillip Angermeier complaint. You gave him 90 days to remove the trailer from the property. Yesterday was his deadline to get back with me and I have not heard from Mr. Angermeier and I am not sure what the status is.

MARK SEIB: Do we know if the trailer has been moved or not?

MINDY BOURNE: No.

MARK SEIB: With that being said, do we want Mindy to check to see if that trailer is gone? If the trailer is not gone, do we want to further the action which is usually a letter that is sent from our attorney to the complaint and go from there?

DAVE PEARCE: I think we should see if he has moved it.

ANDY HOEHN: I think we should contact Mr. Angermeier and see what the status is. I think it would be worth checking in on.

MARK SEIB: Is there a motion or an action? Also, Mr. Angermeier is not here.

A motion was made to contact Mr. Angermeier by Andy Hoehn. Motion was seconded by Randy Thornburg. **Roll call vote (8-0) Yes. Motion carried.**

COMPLAINT: 3401 Saxe Road, Poseyville, IN

MARK SEIB: This is from a previous time that the Area Plan reviewed. Mr. Pharr had a woodworking shop in his home and he did apply for a home business. As of the last meeting, the BZA approved his request to have a home business at that location for woodworking. I think that pretty much takes care of the issue. I will leave it up to the Committee to add or discuss anything.

A motion was made in affirmative that this issue has been completed by Dave Pearce. Motion was seconded by Mike Baehl. **Roll call vote (8-0) Yes. Motion carried.**

COMPLAINT: 515 Locust Street, Mt. Vernon, IN

MINDY BOURNE: This is a new complaint. You have a copy of the complaint in your folder along with a letter that was sent to the property owner. The property owner did contact my office on February 3rd. She was unable to attend tonight's meeting due to a work schedule. She stated that she will be contacting the tenant which is Bridget Black, to tell her to have her call the office to discuss. Bridget did call the office and left a message on the office phone on February 4th that she put down some gravel yesterday and that should take care of the issue. She gave the Area Plan phone number as her contact number so unfortunately I cannot call her back. On February 8th she did call back and say that she was not aware that there was a complaint filed on the property until last Wednesday. Three loads of gravel were placed on the property last Wednesday prior to Lorelei Barnes contacting her regarding the complaint letter. The property is low in the rear yard and it is affected by water run off due to gravel being added to the alley and neighboring property. I did tell Bridget it would be a good idea if she attended the meeting tonight and she could explain what she has done to the board. That is where we are at.

MARK SEIB: Discussion? Is she here? I see no one coming forward. Discussion from the Committee?

ANDY HOEHN: I have been by this property since it is in City limits and there has been gravel put down, but there is still parking on grass. There has been a boat parked on grass and other vehicles parked on the grass.

MINDY BOURNE: I will add that I did explain how the ordinance reads and the boards interpretation of "all weather surface" and what that means. She put the gravel down before she spoke to me.

KEITH SPURGEON: Gravel doesn't necessarily meet the regulations for "all weather surface" correct?

MARK SEIB: Correct. We don't normally deal with tenants. We go back to the landowner with the situation.

MINDY BOURNE: I explained this to the landowner as well and she passed it on to the tenant. The tenant is the one that put down the gravel. Both of them are aware.

MARK SEIB: We have 10 items on here that are in the parking. What is the feeling of the Committee?

ANDY HOEHN: What I have seen of the property is if you allow gravel then it is still in violation. There is still a lot with the trailers and vehicles parked on grass. There is a lot of equipment sitting there. It is a busy house.

KEITH SPURGEON: What do we do next? Send a letter from the attorney to the owner?

MARK SEIB: That is usually our next step is sending a letter from our attorney to the property owner saying that we need to get this straightened up. Letting them know that we don't want to have to take further action. Is that what the Committee wants to do? Usually the letter from the attorney does the trick.

A motion was made by Hans Schmitz to have the attorney send a letter. Motion was seconded by Randy Thornburg. **Roll call vote (8-0) Yes. Motion carried.**

MARK SEIB: Trent has stated that he will be sending a copy to the landowner and the tenant.

DIRECTOR'S REPORT: None

APPROVAL OF PAYROLL & BILLS: A motion was made in the affirmative by Dave Pearce and seconded by Randy Thornburg to approve payroll and bills. **Roll call vote (8-0). Motion carried.**

APPROVAL OF COLLECTIONS: A motion was made in the affirmative by Hans Schmitz and seconded by Dave Pearce to approve collections. **Roll call vote (8-0). Motion carried.**

CITIZENS CONCERNS: None

MARK SEIB: Maria Bulkley was supposed to be here for the Solar Ordinance, but I believe there is a gentleman here that is taking her place. There has been property leased in the Marrs/62 area all the way down to the AB Brown Plant and they are being

considered for the solar field. There is a group of people from Posey County that are very concerned about that. They are also concerned about a few things in our Ordinance. With that being said, we do have the ability for citizens to file a change in our Ordinance.

ATTORNEY TRENT VAN HAAFTEN: It is the same thing that we went through with the Commissioner's amendment. A citizen or company can make the same efforts to amend the Ordinance. It has to be done by a certain period and then there is a public hearing within a certain time. You will then consider whether or not to amend it. If you approve it or change it then it has to go to the Commissioners. There is a full process here involved. Since it was not filed prior to tonight, this is not a public hearing.

MARK SEIB: That is why we are looking at having the March 11th meeting at the fairgrounds to allow for a bigger crowd and let more people in.

BRIAN GOEBEL: 8900 Ford Road South. I have an exhibit (ex. A) to pass around.

MARK SEIB: We will accept that as exhibit A. A map was presented with Ford Road and Lower Mt. Vernon Road on it showing some dimension with solar fields. It is four pages long.

BRIAN GOEBEL: I am in the proposed area of the solar farm. I am here tonight in place of our legal counsel, Maria Bulkley. She will be at the March 11th Area Plan meeting. We were given permission due to the bad weather to read her comments.

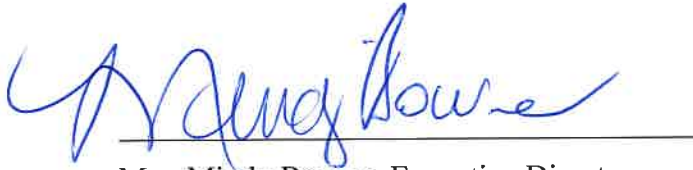
Brian reads Maria's letter.

MARK SEIB: That has been officially presented and filed. Discussing with Trent and Terry they would like to see us move this to a committee to discuss this and give a report at the March 11th meeting. At that meeting, we will be having the public hearing. After that we can decide to discuss it more, get more information, or take a vote. If we take a vote then we have 10 days to send it to the County Commissioners. I am going to send it to those two committees to get a report and send it back to the full board.

ADJOURNMENT: Randy Thornburg made a motion to adjourn the meeting at 9:14 p.m. Hans Schmitz seconded the motion.



Mr. Mark Seib – President



Mrs. Mindy Bourne, Executive Director