

MINUTES

POSEY COUNTY AREA PLAN COMMISSION REGULAR MEETING

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

JANUARY 13, 2022
6:00 P.M.

Attorney Trent Van Haaften administered the Oath of Office for the one-year reappointments of Randy Thornburg, Andy Hoehn, and Mike Baehl to the Area Plan Commission.

MEMBERS PRESENT: Mr. Mark Seib–President, Mr. Hans Schmitz – Vice-President, Mr. Mike Baehl, Mr. Kevin Brown, Mr. Andy Hoehn, Mr. Randy Owens, Dr. Keith Spurgeon, Mr. Randy Thornburg, Mr. Trent Van Haaften – Attorney, Mrs. Mindy Bourne –Executive Director, Mrs. Becky Wolfe - Administrative Assistant

MEMBERS ABSENT: Mr. Dave Pearce

APPROVAL OF MINUTES: Kevin Brown made a motion in the affirmative to approve the minutes of the November 18, 2021 meeting as emailed. Motion seconded by Hans Schmitz. **Motion carried.**

Kevin Brown made a motion in the affirmative to approve the minutes of the last regular meeting as emailed. Motion seconded by Mike Baehl. **Motion carried.**

ELECTION OF OFFICERS 2022: Keith Spurgeon made a motion in the affirmative to nominate Mark Seib for President. Motion was seconded by Randy Thornburg. Kevin Brown made a motion to close nominations. Motion was seconded by Andy Hoehn. Roll Call Vote (7-0) Yes. **Motion carried.**

Kevin Brown made a motion in the affirmative to nominate Hans Schmitz as Vice-President. Motion was seconded by Mike Baehl. Keith Spurgeon made a motion to close nominations. Motion was seconded by Kevin Brown. Roll Call Vote (7-0) Yes. **Motion carried.**

COMMITTEE APPOINTMENTS FOR 2022: Motion was made in the affirmative by Kevin Brown and seconded by Randy Thornburg to accept the proposed list of Committee Appointments for 2022. Mark Seib and Keith Spurgeon were reappointed as Area Plan Commission Representatives on the Board of Zoning Appeals Board. **Motion carried.** (See attached sheet of Committee Appointments for 2022).

DATE AND TIME OF MEETINGS FOR 2022: Motion was made in the affirmative by Kevin Brown and seconded by Hans Schmitz to leave the time of the monthly meeting at 6:00 p.m. on the second Thursday of each month. **Motion carried.**

ATTORNEY 2022: A motion was made in the affirmative by Kevin Brown and seconded by Mike Baehl to retain Trent Van Haaften as the primary attorney for 2022. Roll Call Vote (8-0) Yes. **Motion carried.**

FEES FOR 2022: A motion was made in the affirmative by Kevin Brown and seconded by Randy Thornburg to accept the fees as presented for 2022. Roll Call Vote (8-0) Yes. **Motion carried.**

RULES OF PROCEDURE: A motion was made in the affirmative by Randy Thornburg and seconded by Kevin Brown to accept the Rules of Procedure as presented. **Motion carried.**

DESIGNATED NEWSPAPER: Hans Schmitz made a motion to designate the Posey County News 2022. Mike Baehl seconded the motion. Roll Call Vote (8-0). **Motion carried.**

SITE DEVELOPMENT PLAN TABLED FROM DECEMBER 9, 2021 MEETING:

APPLICANT: Flaherty & Collins Properties
OWNER: The Landing, LP
PREMISES: Williams Lot 5, 6, 7 & 8 to the City of Mt. Vernon, Indiana.
Containing .97 acres more or less. Section 8, Township 7 South, Range 13 West, lying in Black Township, Posey County, Indiana. More commonly known as 111 E. Water St, Mt. Vernon, Indiana. (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 Site Development Plans in a CBD (Central Business District) Zoning District under the Zoning Ordinance of the City of Mt. Vernon, Town of Cynthiana, Town of Poseyville and Unincorporated Posey County.

MARK SEIB: Does anyone on the board have a conflict of interest? Randy Owens asked to abstain from voting.

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

MARK SEIB: Who is here to speak on this application?

ROY MARSCHKE: Flaherty & Collins Properties. We want to see if we can adjust the current vacant retail space of The Landing property and use some State funds to help us convert that into additional rental units. Currently it is showing as retail space and we would like to convert that to seven additional units for residents to rent.

MARK SEIB: Does anyone have any questions for him at this time?

Kevin Brown asked which part of his drawing shows the area they wish to convert to rental units. Mr. Marschke indicated where on the site plan they intent to make the change.

MIKE BAEHL: So these are right on Water Street?

ROY MARSCHKE: Yes.

MARK SEIB: This is on the first floor?

ROY MARSCHKE: That is correct.

ANDY HOEHN: What State funds are you talking about using?

ROY MARSCHKE: The program is called Home Funds and it is basically one of the main used is to go ahead and do smaller projects. Most of the State funds are for larger projects like The Landing in general. This is one of the few sources that you can use for kind of smaller projects like this where we are just wanting to get a couple of additional units.

ANDY HOEHN: Was this area of the building at a different tax rate from the rest of the building?

ROY MARSCHKE: Are you talking about property taxes?

ANDY HOEHN: Yes.

ROY MARSCHKE: I would have to look at the tax bill, but my assumption is that it would have been commercial space and it would be converting to residential. So yes those would be at different rates.

ANDY HOEHN: So that is changing the tax rate to a lower...

ROY MARSCHKE: Yes, but you're going to have a lot more improvements to be taxed at the higher rate. We are going in and putting in additional improvements in that space. Those improvements will be taxed at a lower rate, but again you will have more improvements there. I would have to take a look, but my guess is that you would be around a similar tax position.

MARK SEIB: The question I have is when this building was designed to have retail in that main floor. Have you tried... why is retail not going into that area?

ROY MARSCHKE: The building has been open for about seven years. During the entire time it has been open we've been marketing it for retail space. It doesn't seem that there is enough interest in anyone looking to fill that space. Again, with these funds that kind of came up, we looked at it and said this is a great opportunity. We have our property manager Janice here. She has a waitlist of people that want to move there. So we figured instead of having vacant retail space we could go ahead and convert it and get additional tenants a place to live here.

ANDY HOEHN: What was your marketing process?

ROY MARSCHKE: Over the course of the seven years, I don't have all of the history. For the last three years we had a listing agreement with Summit Real Estate Services out of Evansville. They had discussed with multiple potential tenants. None ever seemed to find the right fit. More recently we switched to Brian Myszak just because Summit had been listing it for three years and they hadn't found anyone for it and it was time to move on to somewhere else. So, we tried listing it with a different person. We've always had signs in the windows. This is a common problem we've found all over Indiana that have had retail space that is very hard to fill. When these funds became available, we thought it would be a good fit for the town to get some additional units.

MARK SEIB: With no further questions, you may have a seat. We will open the floor to the public. Is there anyone here to speak for or against this proposal?

LARRY WILLIAMS: I live on Sherman Street here in Mt. Vernon. I am the President of the 21st Century Leadership Group who is a co-developer in The Landing project on the riverfront. I was contacted by email a few months ago by a representative from Flaherty & Collins requesting I sign a document that would allow them to convert the currently empty space at The Landing into apartments, or something like that, instead of the retail development that was originally planned. I explained to them I could not sign anything without approval from my board, but I would contact my board and get back to them. I did that and the consensus was that we needed more information, specifically what had been done to market the space as retail development over the past several years. We had a couple of phone conferences with representatives from Flaherty & Collins and later I received email correspondence stating the difficulties they were having leasing the property for retail. I shared this information with the board and the consensus was we would still like the space to remain retail as originally planned if at all possible. I understand that the retail environment has been very difficult the past few years due to Covid and other factors, but the property has been sitting empty for several years. Little has been done to lease it. A sign on the window is not going to do it. Bliss recently closed, but there seems to be some relief coming. You can't pick up the newspaper without reading about this or that new restaurant coming to Evansville, many in the downtown area. Candace Chapman is in charge of the Downtown Evansville Committee

and she has been instrumental in most of the development. There are a couple of affordable housing projects similar to The Landing proposed or under construction in the area. The concept works it just makes sense. I think there needs to be more effort placed to attract retail to the available space at The Landing. As you may or may not know, the Posey County Economic Development Partnership, of which I sit on the Executive Committee, is discussing further collaboration with E-REP and we are confident that we can use some of Candace's talents and experience to assist Mt. Vernon and our downtown development. In addition, E-REP and Southern Indiana was just granted a \$2 million dollars grant from the State of Indiana. Part of that proposal is a new apartment complex/retail establishment/office space on the riverfront downtown which will create more foot traffic. Seems like from the email we received, some of the problems we were getting for the reasons it wasn't selling is not enough foot traffic downtown. I think this will help. I think the retail environment is changing and I would like to see a concentrated effort from all the players, The City of Mt. Vernon, E-REP, Flaherty & Collins, The Redevelopment Commission, etc. to attract retail space in the vacant property as it was originally intended before approving this plan. Finally, I was unaware that this proposal was going to be brought before this committee last month until I saw it on the agenda. I think we should have been contacted by Flaherty & Collins to let us know their intentions to apply for this amendment. I didn't know if my signature was required or just requested. I do know that I haven't signed anything to allow this project to move forward. So for that reason, on behalf of the 21st Century Leadership Board, I am opposed to this Site Development Plan being approved at this time.

ANDY HOEHN: Larry, is their signature required?

LARRY WILLIAMS: I don't know.

Mr. Hoehn then asked Mr. Marschke if his signature was required.

ROY MARSCHKE: No, we don't think so.

LARRY WILLIAMS: Then why was I asked?

ROY MARSCHKE: We were just informing.

LARRY WILLIAMS: That is part of my problem with Flaherty & Collins, there is no communication. There has been more communication in the last six months than in the past six years. We went for several years and didn't hear a thing from them. I would call up there and try to get someone to talk to us and give us some idea what is going on. Nothing has happened. Nothing against the current property manager, Janice is doing a fabulous job. We made it very clear from the very beginning that we wanted retail. I was involved in this project from the beginning and every meeting we had, we said we wanted retail development down there. I am on several email lists from Summit and many other realtors and I haven't seen a thing on it. I understand why they need it, I just think they need to put some strong effort... you're not going to get a major chain down there. It is

going to have to be a local entrepreneur. I think Candace Chapman is going to be able to help us.

ANDY HOEHN: Do you believe they signed up with 21st Century as a written agreement or is this a verbal?

LARRY WILLIAMS: I don't recall. I do know from the very beginning that we made it very clear from our standpoint, from the City's standpoint and from everybody else that we wanted retail to be down there.

ANDY HOEHN: What would you like to see happen?

LARRY WILLIAMS: I want to see them try to get somebody down there. I understand how difficult it is in retail. You can't just put a sign on the door and say, "Hey, I have some space here, you want to build a restaurant here?" You have to market; you have to have a plan. I haven't seen that happen. I'm not saying it hasn't happened, but I haven't seen it. As I said, I am on the mailing list of a lot of these companies and I haven't seen a single thing yet.

ANDY HOEHN: So your biggest issue is promises made, promises kept?

LARRY WILLIAMS: Yes, promises made and promises not kept, lack of communication and lack of effort on their part and lack of reaching out for help. With the collaboration with E-REP and the downtown committee with Evansville, and Candace being very, very successful, let's give her a shot.

RANDY OWENS: So you would like to see a formal marketing plan developed that involved collaborating.

LARRY WILLIAMS: I don't know if that would be possible at this point.

ANDY HOEHN: Would evidence of marketing attempt from them in writing... If they can prove they have done marketing?

LARRY WILLIAMS: That would help alleviate my personal feelings. I can't speak for the board. I would have to go back to the board for that.

ROY MARSCHKE: As a follow-up, yes we did try to work with Century 21 to get their support for this project. We had an initial conversation with them in which we discussed changing the company that was marketing it. Which we did. We actually used a realtor recommendation from someone on the board. So that was the next realtor that we ended up using. We then had an update call on September 29 to discuss the progress. We had a final call scheduled for October 13 to go over everything that we've done and kind of lay out what our plans were going forward and that fact that we were awarded these funds and now we are on a tight timeline. No one from 21st Century attended that call. So at

that point I guess we thought that all of our efforts... they were seeing the same thing we had that we didn't have that demand for that space, so we just proceeded to just move forward. Larry, I am sorry you felt the issue with lack of communication, but I know you personally, have my email address, phone number as well as a couple of others on my team. I'm not saying we are perfect and we might miss one email here or there, but if you were reaching we would definitely respond. The reason we want to move forward with this now is we've been awarded these funds and it's not like if we go back we will be able to get the same funds again. We did reach out, we tried to market the space. Additionally, we did reach out to kind of collaborate and say hey we obviously would like some help and you guys are local and you're able to get with a different real estate listing agent. This is where we are. That is why we would like to move forward and have this approved at this time.

KEITH SPURGEON: How long have you been with this current realtor?

ROY MARSCHKE: I think it has been longer than six months.

KEITH SPURGEON: You went with the new realtor six months ago and the deadline for your funding is up when?

ROY MARSCHKE: We've already been awarded the funds. We are now on the timeline to get them spent. I want to say the deadline is August of next year. We really would have to have received all of the funds. At this point, I think we are really just looking forward to trying move forward with the project and get people who are on the waiting list quality housing.

ANDY HOEHN: So over the last seven years have you had more than five people look at it or less than five?

ROY MARSCHKE: I believe more than five. We've had three or four looking at the Bliss space. I would have to go back and double check all that.

KEITH SPURGEON: This funding you're getting has to be used to convert it to residential?

ROY MARSCHKE: Yes, this funding is only good for residential units.

MIKE BAEHL: So if you wouldn't have gotten the funding it would stay the way it is?

ROY MARSCHKE: Yes.

MIKE BAEHL: So really the government is paying for it?

ROY MARSCHKE: They are a partner in it. There is money coming from our pocket as well. They are paying for part of it through the Home Program.

ANDY HOEHN: Are the parking requirements met for the added units?

ROY MARSCHKE: Yes, I believe so. Normally parking for residential is less.

MINDY BOURNE: We went over the parking already. This is a CBD Zoning district so there is no required parking.

MARK SEIB: When were you approved for the grant money?

ROY MARSCHKE: It was a few months ago.

MARK SEIB: Is there anyone else here wishing to speak for or against this proposed application?

JANICE CARR: 1700 N. Main Street. I am the property manager at The Landing and almost two years. Prior to that I can't speak to any kind of written or verbal agreements there was between whose efforts and what. I hear a lot of the he said, she said type things. I can only speak of March 16 of two years ago. Most recently when Bliss gave us their notice about a year ago that they would be vacating at the end of May. We tried to keep it on the down low because they weren't ready to express it to the public that they were going to be leaving. I did talk to a couple in the restaurant business here in town to get their opinion on it. In turn, we were able to talk to someone. Ed even came to my office and spoke with me about a restaurant owner in New Harmony. I reached out to them. They have been to our property three times. They never came down to the point of discussing financially to rent the space. Their decision was to remain in New Harmony. The second recent was two sisters that came to look at the space and talked with me. Again, we never got down to the point of per square footage or the financial end of it. They bought a restaurant in New Harmony. In the past six months, we've lost two restaurants. We've lost one restaurant to New Harmony, we've lost one potential that was in New Harmony to come to Mt. Vernon. Another businessperson in Mt. Vernon came to me last fall asking about renting office space. He is in financial advisory. He decided to go to the West side of Evansville to pull Mt. Vernon people to him and to be able to pull from Evansville. With that being said, I personally have put forth that strong effort to get three businesses. We've looked at it more than once. I've had three, maybe four, that were phone inquiries. The price was never talked about. I never personally worked with Summit. I have had communication with Woodward that has it now. He did show it to another restaurant. Now we have Your Way Café, which is scheduled to open the first of March. The lease is signed and they are coming into the space where Bliss was. Based on the fact of us having the 46 tax based apartments there, the senior housing, the daily calls I get for future housing and as Roy said, I do have a waiting list. Right now if I had twenty more apartments, I could probably fill sixteen of them today. There is a very large need for senior and the tax-based credit where it is based on their income for housing. All 46 apartments are full. Our six market units are also full. I also do have a waiting list for them. In my opinion, the housing is a far more needed space. On a personal note, I just recently closed a business in Mt. Vernon. It killed us when the

street was closed for almost six or seven months in front of our business. It killed us with Covid. It was something we couldn't recover from. We couldn't keep going and losing. I want to see businesses succeed in Mt. Vernon. But I don't see as a former small business owner and as the property manager, foresee any small business that we are going to be able to attract to that empty space. I do see that we could offer some wonderful housing for some of the senior members of this community. I thank you for your consideration.

BETH MCFADIN HIGGINS: 5619 Upton Road. Several things that I have heard tonight kind of make me optimistic and that is that we have a need for an additional housing project in our community. That is the positive side to this. One of the things I would put before the Commission is what is the best use of this space when you have an additional seven residential units but she says she could fill 16 more, potentially 20. I think that is a positive thing. In 2011 and 2012, Flaherty & Collins came to the City and 21st Century Leadership, the Industrial Foundation, PCEDP, about this project. If you recall, where The Landing is, there is a gravel lot used for boat parking, the armory building and then the City owns the empty lot which is parking. So that is what we had. We got together during that time... the project was always a mixed-use retail and housing. Because if you recall at that time, the City was just now starting on the riverfront project. So, we've got all of these potentials and so it was from day one... here was a lot of give and take? Myszak & Palmer and Flaherty & Collins needed a 501c3 to be a co-developer. That's 21st Century's Leadership. So, they had to have a 501c3 to get some original tax credit funds and they made 21st Century a co-developer in that project in writing. Yes, there is an agreement that 21st Century is a co-developer and would receive funds as time went on if those units were leased. Then there were negotiations about getting the lot donated from the Industrial Foundation. The City then worked on getting a grant to take down the armory building. The City put in funds. All based on this project which was a mixed-use project. It was going to be the premier site on our riverfront once it was done. I will say that looking at the schematics of the building, the final project is very similar to that. They followed through on that. The City also entered into an agreement to allow them to use the south half of the parking lot for this project. There has been a lot of community input and with a price tag for this project on our riverfront. They had to apply for a Special Use at that time. The Special Use was granted as a mixed use, retail on the first floor and housing on the upper floors. It's then constructed and we move forward and it's filled, Bliss was there. It's good to hear that the Bliss space is going to be filled again. Now we are back to just this area that they are looking to convert. I would ask your number one don't be pressured that they applied for funds before they knew they had your approval on the Site Development. I don't think that should be in the timeline. That is something that is not in your control. They applied prior to getting your approval on the Site Development. Last May before Jenna went on maternity leave, that we first had some communication after a number of years where there was no communication. That communication in May 2021 was a telephone conference. We've all driven by this for the last six years seeing a sign in the window. We aren't privy to everything that they did. The only thing we could do is when we had contacts we gave them Flaherty & Collins number. The response we received from

people was that they just couldn't reach anyone. Be that what it is. Here we are fast forward to today. You have before you a Site Development Plan. In your Ordinance, Section 153.223... In doing this, in your Zoning Ordinance, this is for the purposes assuring proper accessibility, circulation, functional relationships of uses, and compatibility with adjoining and nearby development. So, you've got that. That is what you have to look at. Then if you go into what you consider under Section F there are fourteen considerations that you have to look at. It's not just a matter of... many times when we look at site development, you look at drainage, parking, streets and that type of thing. But within that, there are actually fourteen different things you have to consider. I would really direct your attention to a couple of those. It is that it has to be compatibility of uses. The project was planned and it was granted a Special Use. The other is under N of Section F, conformance with the Zoning Ordinance and the applicable Comprehensive Plan. We always get back to what is the Comprehensive Plan. What was the goal? Then you have to go to the Comprehensive Plan. That is on file with the Area Plan Commission. You are involved in the Comprehensive Plan. So, this is the City of Mt. Vernon Comprehensive Plan. You look at what is the current Comprehensive Plan and under

Business Uses the objective is on 3.8 under the objectives of that is we wanted to place an emphasis on downtown revitalization efforts in the preservation, attraction of businesses, the marketing of structures and commercial activities, the provision of amenities (parking, lighting, signing and streetscape), the provision of incentives for business and structure investment, and the assistance of business support activities. I would say from that standpoint, we are not asking Flaherty & Collins to do 100% of that, but what else have we done, what has the City done specifically for that. I would say we have done a number of things. We've completed Riverbend Park. Our riverfront has been transformed and now we have the project overlooking what I think is one of the best amenities that we have in our community. We have finished the trail. We hope that the trail hooks up with Evansville. Potentially with New Harmony. If you've read the Ready Project there is some interest in developing the trail from Posey County, our riverfront trail to the Broadway/USI trail and in to Warrick County. We done streetscape, lighting. We've done all of that. But we've just finished it. That finished right before Covid. So I feel like we've done that. We've looked at the Comprehensive Plan and we have taken those steps to do that. When you look at the map, which is also in the Comprehensive Plan, that area where The Landing is located is on the Mt. Vernon future land use, which was in 2008 when this was adopted, that particular site is shown as retail and services. With regard to the residential section of that... times are changing and our downtowns are changing as well. When you look at residential it specifically says these could be new construction in the use of upper floors of existing buildings for residential use. From my standpoint there has been a lot of good discussion tonight and it is very positive. I'm thrilled that something is going in where Bliss was. I think again that is going to be foot traffic, especially coming up on the summer season. I'm hopeful that with the trail and the other improvements the City has made and with the fact that all of these entities came

together in 2011 and 2012 for this particular project. I'm encouraged on two things. I would invite Flaherty & Collins to look at our community and potentially look at an additional separate housing. It sounds like we need it. We worked with you once. I'm sure we can work with you again on that. It looks like we need something at a different location for additional housing. You have a Zoning Ordinance and it says what you're to consider and your Comprehensive Plan.

ED ADAMS: President of the Mt. Vernon Redevelopment Commission. It has come to our attention an application has been made by Flaherty & Collins Properties to change the development plans for the project known as The Landing. The Mt. Vernon Redevelopment Commission opposes any change to the existing plans which has been in place for a number of years. In particular the change of use of the ground floor units from retail to residential. This location is part of Mt. Vernon downtown TIF District that we developed years ago which this commission oversees. It is the belief of this commission that any change in the use as sought would be detrimental to the future growth of downtown Mt. Vernon. It is against the original promises made in providing certain incentives for the original development of this project. We hope the Area Plan Commission denies this application and encourages the owners of the project to take significant efforts to promote the original use of The Landing. On a side note, I just ran these figures the other day for another reason, this TIF District we had developed a façade grant program and since 2017 we've used the money we collect on the TIF for an incentive for the façade grant for businesses mainly along Main Street but in the downtown area. Since 2017 there's been just a little under \$200,000 worth of improvements to the properties in downtown. We've utilized about \$62,000 of tax money. We are going to continue it on this year and we are going to up that grant to a \$10,000 matching grant for any business that wants to do something to improve their façade. We are looking to possibly use it in other areas of building. When I first heard about this project years ago, I was kind of excited about the ground floor because where is a better place to put a restaurant? Downtown you have 46 apartments and you have customers living right above you. That hasn't happened, but I wish it would happen. That is our position as of right now. I'm encouraging to market a little more.

MAYOR BILL CURTIS: 325 W. Lincoln. I'm very tempted to say what they've said. I had gone over many of the same things. A couple of things I would like to reemphasize. I was involved when the project started. When we were talking about it, it was not necessarily favored by everyone in the City at that time. They were looking for other types of housing. I think one of the things that influenced many people and myself was the fact that they were going to include business on the main floor. For me personally, that was probably the thing that put me in favor of it overall. I do want to say that I was contacted a couple of months ago and actually met with Janice and representatives from the company. They explained what they wanted to do. From a business standpoint, I can understand wanting income rather than an empty space. Again, I just want to add too; the City of Mt. Vernon has a financial investment in this. As Beth pointed out, we traded some ground. There were different things done to make this project possible. The other thing is the dollars that have been spent since that time on the

downtown. We are talking millions of dollars. The streetscape alone was over \$5 million, or was right at \$5 million. The riverfront, the park... we have a lot of money invested. As Ed just pointed out, the local merchants over the last couple of years have invested their dollars along with the help from the Redevelopment Commission and the TIF Fund to improve the City. Everybody is putting in. I would just like to see, and I don't have a timeframe, these things are just now coming to a culmination where the downtown Mt. Vernon has looked better. I've lived here a long time and Main Street and the downtown looks better than it ever has. I would just like to see an additional effort be put forward to try to attract business. We all talk about restaurants, but there are other businesses that can go in there.

JENNA RICHARDT: Vice President of Economic and Community Development for Evansville Regional Economic Partnership and I am also the Executive Director for Posey County Economic Development. I will be brief. I want to reiterate everything that was said was accurate. Early in my career, about three years ago, I did a quick reach-out. I recognized that it was not filled and I had talked with community members. They as well said that it was on Flaherty & Collins to do some of that marketing. I reached out directly. After several efforts, I did get someone. In a very brief conversation, I was given an email back with a fact sheet that they send out to the regular public. I asked for further details on how we could receive additional funding, how can I work with you on tax credits or incentives so we could be in a better position to recruit someone. All of the information I got back was pretty much if you come across someone that is interested, send them to us. I'm not necessarily in the market of just being the mediator, the work I do is ground level work trying to get funding. It went off the radar. They went silent on their end. I was not contacted again until Larry reached out to me early last year. At that point in time I was on my way on maternity leave. Before I left on maternity leave, I reached out to them a couple of times to set them up with the Regional Team to have some marketing efforts. Even at a regional level, though they engaged in the immediate need, there was no back and forth on their end. So that went nowhere. Since I have been in this position going on four years now, anyone that has reached out to them directly has not been sent to me for help with incentives or funding or how can we make this happen. It has been kind of capped at that higher level. We have made advances over just the last six months alone in our region where there are and will be funding opportunities coming within the next four years. Beth is correct in saying that we need housing. We have recognized that it is a regional problem. We have identified and created plans around our region's downtowns, what it looks like and how we need to set ourselves up for success. In my professional opinion, I will leave this by stating I feel that this is a very short-sided housing fix. It will leave the community with a long-term negative impact that we do not want. From a personal opinion of being an individual who has a family in her 30s that moved here to this Mt. Vernon community, those would be the type of things that would be important for us to keep and not turn into that quick solution which would be a win for them and not necessarily a win for the community.

MARK SEIB: With no one else coming forward, the public portion of the meeting was closed. Mr. Seib asked if there were any letters, phone calls or emails on this application.

MINDY BOURNE: I received an email from Michelle Hudson on December 8, 2021. She couldn't be present. "Members of the Area Plan Commission of Posey County, Indiana. In 2012, 21st Century Leadership was approached by the architectural firm of Myszak and Palmer and by Flaherty & Collins about a proposed multiple use project in Mt. Vernon, which would include affordable housing, retail space, and market rate condos for sale.

At that time, the lot at the NE corner of Main and Water Streets had been owned by the Mt. Vernon Industrial Foundation which later became the Posey County Economic Development Partnership. Per an agreement with the Greater Mt. Vernon Association, who held a mortgage on that parcel when it was owned by Mt. Vernon Industrial Foundation, conditions and restrictions as to use of said parcel were to be added to any deed of conveyance from Mt. Vernon Industrial Foundation to a future grantee.

Working closely with Myszak and Palmer and with Flaherty & Collins, the project called The Landing came into place with the main level set up to be leased retail space, the upper level to be condominiums which would be sold, and the floors in between would be affordable housing.

After marketing the condos for sale, it was decided that they should be rented and not sold mainly because of the division of ownership of the building and the percentage of vote the condo owners would have in anything that needed to be done with the building going forward.

So, the property remained set up as condominiums for lease, affordable housing and retail space.

This multi-use design is what was presented to 21st Century Leadership as well as to the parties who would be conveying the real estate to The Landing.

It was and has continued to be understood that there would only be retail space on the main level of the structure to help promote our downtown area. Keeping the main level available for retail space will afford the opportunity for more visitors to our riverfront and to our downtown areas." M. Michelle Hudson, Posey County Resident, Posey County Economic Development Commission as successor to Mt. Vernon Industrial Foundation, Former member of 21st Century Leadership Posey County.

MARK SEIB: We will now open this up the board to discuss and take action as they see fit.

RANDY THORNBURG: In a perfect world, which we are currently not in, retail opportunities would be a lot more present than they are now. I know 50% of the restaurants that were in business pre-Covid are out of business now due to staffing

problems, etc. I understand this gentleman. I take his word that they did try to market for retail. I think most of the county officials are aware we are in a major lack of residential housing for the area and not just Mt. Vernon. I see this as a positive myself. I don't think the market is conducive for retail industry. I don't see it getting any better for a while. I think it would be a positive to put those units in there. He has government funds available and he is under time constraints. Those are all things you need to take into consideration. Our family was in the restaurant/tavern business for years. I really don't understand how half of them make it in the current market.

HANS SCHMITZ: Could I call the Flaherty & Collins representative back up to the podium? In our packets we have a Site Plan dated May 5, 2021, that states the area of work. It says that this contract is phase 1 with future construction and an arrow towards the parking lot. Do you know anything about a phase 2?

ROY MARSCHKE: No, there is no plan for a phase 2 or anything like that at this point. They may have used an older Site Plan, I'm not sure. But, honestly this is the only thing we are talking about doing is these seven units here.

HANS SCHMITZ: You had mentioned at some point a \$12 - \$13 per square foot for the space and that would be monthly rent charge?

ROY MARSCHKE: Yes. I think that is around what the market is. What we've mentioned is that the space the way it currently is it doesn't make any sense to do that. It would cost north of \$30 per square foot just to get it in a manner that would be white boxed where a retail tenant or restaurant could do anything with it. Right now there is a gravel floor. It was made to spend the least amount of money there. We focused as much money on the upper floors as possible. At this point that's what we are kind of looking at. The only people that can afford that type of rent profile are a bigger national tenant and that doesn't seem to be what is the best thing to be attracted to there. That's why in looking at this we say in five years down the road if we can't get this we are probably going to be marketing an empty space as opposed to in five years of having rental units.

HANS SCHMITZ: Can you see where in my head you kind of set yourselves up to fail in this endeavor?

ROY MARSCHKE: When they were originally were working through this, there was additional funds available at the State level and we thought we could utilize to try to get local businesses and stuff in there. Unfortunately, our position is that we get to interpret the program and Federal programs that are out there. I know you mentioned wanting additional units, and that would be great if we could get a 9% tax credit deal to score here. We would be very happy to do that. Unfortunately, the way the QAP is currently written is that is not really feasible and it doesn't really score. What we try to do is try to help local communities by going out there and saying hey, this what we can do. That is

what we are trying to offer here. It has been in its current state for the past seven years. Again, this is an opportunity that came up and we just wanted to make sure we fully explored and tried to get it where your town could get some additional affordable units.

KEITH SPURGEON: I just have to say that this is a tough one. There are other parties involved that have had agreements and understandings about the development of this property. What they are planning to do doesn't meet that. It doesn't sound like the developers have gone as far as they probably needed to to get a buy-in from all of the parties. From a Comprehensive Plan's standpoint, I feel like the best use of that property is for commercial. But I also understand the point that they have made and the point that Randy has made. These are tough times and the property is sitting there empty and has been empty for a while. The need is to make some money. This is a tough one. I would like to see it stay commercial. But I certainly understand their problems with this.

MARK SEIB: I think you are exactly right. There have been a lot of good comments here both said for and against. I think the missing link here is that they haven't taken everyone with the ability for them to help to try to find people that would be able to fill that and financially be able to help. I think that is a misfortune that has happened out of this whole process. And maybe wouldn't have to talk about this today if that had happened.

KEITH SPURGEON: Is it still too late to do that? Can they still try to market it and work with the other parties involved? I don't know. They have until 2023 or they lose the money? Is that correct?

MARK SEIB: Is that correct?

ROY MARSCHKE: Yes. All of the money would have to be spent.

MARK SEIB: So it is kind of a tight situation.

RANDY THORNBURG: That was my point earlier, they are under time constraints. The funding is there and they need to take advantage of it.

ANDY HOEHN: It is a very peculiar situation. I know as a commercial unit, the assessment on the property is different than on other. I think they have chosen to do the income approach which would take it below the 1%. I think the property as retail is at 3% cap. So they are paying more on that property than on any other. The thing that gives me cause to pause is when I look at the property and knowing it is a gravel floor, for a local business to go in there in this economic environment and difficulty in finding any employees, I don't know that a small mom and pop could make it. That is a very tall hill to climb for a local entrepreneur to step in on. Also, it is not on the main drag. The main drag is 4th Street. To me that is an 8,000 car passing that point every single day. That is more than I-64. If you go down to Water Street, the numbers aren't huge. It could be one of those if you build it they will come. Which is kind of what happened

with Bliss. Bliss saw the same problem, I think, and saw that retail over the internet was much more economical than staying in that location. I understand that someone may be coming in and I hope they do well. In this environment, I wouldn't want to make that investment. To me you would have to be something like a Jimmy Johns or something. At the same time, I'm not terribly convinced that their marketing... If I had of paid for what they did for marketing, I would be disappointed. But I also know in the best laid business plan, sometimes parts of it are going to go south and there just is no remedy. I think a percentage of that is what is being demonstrated here. So, I feel strongly both ways.

A motion was made in the affirmative by Randy Thornburg and seconded by Hans Schmitz for a recommendation to approve the Site Development Plan. Roll call vote (3-4) Randy Owens abstained. No. **Motion failed.**

MINDY BOURNE: The Findings of Fact will have to be approved next month.

COMPLAINTS:

MINDY BOURNE: The first complaint is at 607 E. 4th Street, Mt. Vernon. The board has seen this complaint a couple of times now. The last meeting in December they were given a time period to get the pallets removed. You have some photos in your folder showing that the pallets were still there as of December 28, 2021 and December 30, 2021 and January 11, 2022. You probably just have the latest in your packet. We did take some additional photos today, January 13, and the photos today do show there was some effort but there is still some pallets on the site.

MARK SEIB: Are the owners of this business here? Please state your name and address for the record.

STEVEN HAZLETT: 2925 N. St. Joe, Evansville. What is in question? 607 E. 4th Street?

MARK SEIB: What is in question is 607 – 625 E. 4th St.

STEVEN HAZLETT: At 607 the pallets have been removed. They have been removed for weeks and possible even a month now. I don't really know what these pictures are that you have.

MINDY BOURNE: The initial complaint was 607 – 625 E. 4th Street.

STEVEN HAZLETT: I have the letter that you guys sent me and it says 607 E. 4th Street. How was I supposed to know that the complaint extended from 607 to 625?

MINDY BOURNE: There were actually two complaints filed on this property.

STEVEN HAZLETT: Again, only letter I ever received right here: “A complaint has been filed with the Posey County Area Plan Commission Office that there is a pallet repair business being operated outside of the use limits of the Commercial General Zoning Classification at, not through, 607 E. 4th Street, Mt. Vernon.” So, again, how was I supposed to know that what you guys were actually complaining about was from 607 to 625?

ATTORNEY TRENT VAN HAAFTEN: What is your name again?

STEVEN HAZLETT: My name is Steven Hazlett and I am the majority stakeholder and I would appreciate that if one of you guys come to talk about my business, that it would be to me and not specifically ask for someone under me. Andy Hoehn refused to speak to me the other day and would only speak to the minority owner.

ATTORNEY TRENT VAN HAAFTEN: Ok. Just so you know, the purpose of the record, I want to make clear, I believe this is the third meeting that this board has addressed...

STEVEN HAZLETT: Yes, for 607.

ATTORNEY TRENT VAN HAAFTEN: Let me finish my question. I don't believe you were at the December meeting, but am I correct that you were at the November meeting?

STEVEN HAZLETT: Correct.

MARK SEIB: I believe at the November meeting that we did discuss the pallets around the entire building with you.

STEVEN HAZLETT: I know you like to do things by the book. To me by the book is sending an official letter with an official complaint for the official address. That I did not receive for 625.

MARK SEIB: Someone explain to me what the difference is between 607 and 625.

ATTORNEY TRENT VAN HAAFTEN: There's two building down there. The one the last use was the paint business and the other is the old Gottman property. Prior discussions have been the activities that have gone on inside the old paint building and the other discussion were in regards to the loading and unloading in and out of the old Gottman building. The prior discussions have covered both properties. I would also note that the properties are owned by an LLC and not owned by an individual. So when we you notice, you notice the company and if somebody shows up we assume they are a representative of the company. The Secretary of States information, which we have, I think this gentleman is one of the members of that LLC. If memory serves me right, his

father is the other member of that LLC. His father is the one that attended, by himself, the December meeting.

MARK SEIB: Obviously, when we had the meetings prior to this one, there was the discussion about removing the pallets. We also gave you a clear deadline to meet to remove those pallets.

STEVEN HAZLETT: Off of 607.

MARK SEIB: Around the building.

STEVEN HAZLETT: Around the floors and walls building at 607, yes.

MARK SEIB: We have pictures here that are showing those pallets have not been removed.

STEVEN HAZLETT: On 625. As of today, they have been removed off of 625.

MARK SEIB: Your statement is that 607 has never had pallets on it?

STEVEN HAZLETT: No. With the initial complaint... Again, that's kind of a gray area because 607 and where I had the pallets is actually a separate parcel. I learned that from paying property taxes. That is a separate parcel than the actual building itself. There really were never pallets on the 607 E. 4th Street parcel. However, I know what you guys meant and I removed those pallets about two weeks to a month ago.

MARK SEIB: So, you still didn't clear them in the time we asked for you to get that accomplished? You didn't meet the timeline.

STEVEN HAZLETT: What was the timeline? Remind me please.

HANS SCHMITZ: Five days from the December 9 meeting.

STEVEN HAZLETT: Well, that would be a month ago, correct?

HANS SCHMITZ: It would have been December 15.

STEVEN HAZLETT: I said possible a month ago. I didn't write down the date. Sorry about that. But yes, they were removed and yes they were removed right around the date if not before.

MARK SEIB: So, then the 625 you continued to leave the pallets out?

STEVEN HAZLETT: I continued to move them in as fast as I possibly could. As of the end of today, they are moved inside off of the 625 E. 4th Street parcel.

RANDY THORNBURG: Do you have a copy of the photos marked 1/11 from two days ago?

MARK SEIB: Those pictures are taken by us.

RANDY THORNBURG: Ok. I know at the November meeting we gave permission to leave them out long enough to load them. I wanted to ask him if these in the photo were left out overnight?

STEVEN HAZLETT: I go through many pallets. I'm sorry if I can't remember every single one.

RANDY THORNBURG: This photograph was taken two days ago.

STEVEN HAZLETT: Like I said, I removed the last stacks today off of the 625 parcel. I have unofficial pictures.

MARK SEIB: On all of the parcels that we have been talking about, there are no pallets outside?

STEVEN HAZLETT: What parcels are we talking about? I'm still confused on that. Is it 607 and 625? Is that what we are talking about right now?

MARK SEIB: The numbers we are currently talking about are... Hans, do we have that in the minutes?

KEITH SPURGEON: In the December minutes, it was made clear that it was 607 through 625.

MARK SEIB: So, it was stated in the December minutes that it was 607 through 625. Are all of the pallets gone off of the outside of the building, out on the lot, in the area, anything outside?

STEVEN HAZLETT: There are three stacks. Not on 625 and not on 607. It's a separate parcel.

MARK SEIB: But from 607 and 625. We are talking about all of those parcels. Do you still currently have pallets out?

STEVEN HAZLETT: Three short stacks. We have been having forklift problems. Otherwise those would have been in. As Andy Hoehn can pertain, he visited us the other

day and as he was there, we had Juncker's out there working on our forklift and we are waiting on the parts to get that done. So, yes, we have three short stacks left. That is why because it was not possible to move them in by hand.

MARK SEIB: Ok. Do you currently have space inside the building for those three stacks?

STEVEN HAZLETT: Yes, we've cleared out the space just yesterday and we would have gotten them in if we weren't having the forklift problems.

MARK SEIB: Ok. I understand what you are saying. I understand what these pictures are showing from January 11. You've made a tremendous push in the last couple of days to try to get rid of those before you appeared before us here. I guess if you want to declare a technicality to some degree, I'm not sure that will hold water. We will just accept that as a possible technicality. The board will have some discussion about this a little later. I want to make it very clear when we get done with this, what your responsibility will be and what your fines will be.

STEVEN HAZLETT: We've made an offer on a warehouse back in Evansville. That should also help with special issues in the future. Another thing is, this was my first full year in this and I didn't realize how long plants were shut down around this time of year. Now we are sitting on a large standing inventory. That plus the forklift problems was the reason that all of the pallets have not been moved inside. As you said, we've made a tremendous push, but we just missed the mark.

MARK SEIB: Anything else?

STEVEN HAZLETT: Nope. That is, it. Thank you.

MARK SEIB: Ok. Discussion?

RANDY OWENS: If we change it to say 607 to 625, does that correct... would that encompass all parcels that he is talking about?

ATTORNEY TRENT VAN HAAFTEN: In regards to any so-called technicality, that is what we are dealing with if an Ordinance Violation is filed in court. We have an Ordinance that says if you violate the Ordinance, you can file an Ordinance Violation. What your practice has been if we get a complaint, is to notify whom the complaint is against and give them an opportunity to come in in terms of addressing it. Then you make the decision as to what to do with the complaint. If it is fixed then let it go. If you want to file an Ordinance Violation, the Ordinance Violation comes to me as the attorney to file it and go to court and any technicality, that is where it takes place is in court. What you've done in this case is the same thing you have done in every case, you sent a notice out after you received a complaint. This is the third time that you've addressed it at a public meeting. So if one letter said 607 or 706, you've addressed before in a public

hearing what the concerns have been and tried to give a resolution. So the business of a technicality really has nothing to do here. You have to exercise your discretionary powers to see if this complaint has been addressed to your satisfaction. If it has not, whether you want to pursue an Ordinance Violation on it. We then file the Ordinance Violation and that's where we present it to the court and they are given the opportunity to present any defense. The 607 to 625 makes no difference at this stage where we are at right now. The question is how in your discretionary powers you want to address the complaint that was originally filed.

MARK SEIB: Any further discussion?

HANS SCHMITZ: I just want to call attention to the Commission, the quote on page 7 of the minutes from December from Eric Hazlett: "As of two hours ago today every pallet has been removed from there (referencing the 607 location). A few days ago, I worked 23 hours straight. Now we also have the Gottman property and that does have pallets on, but we have reduced both from both properties probably 2500 pallets since the last meeting. If I could have like five more days on Gottman's, I would have all of those gone too." Which gave us the idea to give five more days for the 625 property.

ANDY HOEHN: This is a business in Mt. Vernon and I would like to see the business stay in Mt. Vernon. I don't want to see the pallets as we drive by, but basically, the emphasis of the whole problem... I had talked to Eric Hazlett about the possibility of putting a taller fence between the two buildings and use that as a shield. The properties behind have had gas stations, electric motor company, etc... They have never had an issue with that at this point. There has been no issue with the neighbors that I'm aware of. I don't know if that is something that would have to go before the BZA to do that. But I would like to throw that out there as a possible remedy here that between the old carpet and light and Gottman there is an enormous amount of room back there that if you want to store pallets, you could probably put four semi loads back there. It would need to be of a height so you couldn't see it from the front and the fence would have to be aesthetically compatible with the buildings on either side. I think there is a solution here. Yes, it takes a little more money than what Steven or Eric wanted to throw into it. I think that would still be cheaper than building in Evansville.

RANDY THORNBURG: Did the previous businesses store anything on the exterior? Was there a fence there then?

ANDY HOEHN: No, there isn't now. I was saying since they own the two, an aesthetically clean fence or wall between the two, in my mind, would open up to do whatever you want behind it. I'm not aware that it is not trampling on another Ordinance. Even if that weren't enough, you could potentially go from Gottman's building east and continue a fence and maybe go around the corner a little bit and have that parking lot behind the fence. I've talked to several people and their complaint without hesitation is the visual impact of the pallets sitting out on the main drag. Like I said in another discussion, there are 8,000 cars that go by there a day and they all reflect

on us. I would act, or allow Steven and Eric to go before the BZA and see what they can work out and no more pallets out front during this time. But maybe give them 30 days to work through that process. If that is what they choose to do and Steven is here now. I don't know if he wants to make that decision right now. I would offer that as a compromise.

KEITH SPURGEON: As far as what we can do, we can't require them to put up a fence, correct?

MARK SEIB: No.

KEITH SPURGEN: We could say after X amount of time, possibly 30 days, if there is not a fence and if there are still pallets there, Trent would start the process of filing an Ordinance Violation. The Ordinance Violation is the next step, correct?

ATTORNEY TRENT VAN HAAFTEN: Yes. There are two next steps. Either you decide the complaint is resolved and take no further action or file an Ordinance Violation. You could say we are not going to file an Ordinance Violation for a certain period of time subject to whatever that subject to may be. It may be no other pallets in that timeframe to see if they are able to do that. That may also allow them the time to make a business decision if they want to put in a fence. This issue goes away with the action you have taken. If they decide to keep pallets out there beyond what you have asked them to do, then the Ordinance Violation could be filed then. Technically the Ordinance Violation could be filed right now because of all the past pictures of that. But again, your practice has always been is to address the complaint and try to figure out what to do there. Sometimes there are resolutions without an Ordinance Violation and other times there are Ordinance Violations filed.

RANDY OWENS: Are pallets allowed to be out during work hours, but at the end of work hours there should be no visible pallets? Or is the most preferable thing to be is that there be some kind of screening or fence or whatever so that the pallets are not visible?

MARK SEIB: I distinctly remember when we had the first meeting, that there was discussion that they wanted to bring the pallets outside of the building for about an hour or less to load. That would be the only thing that would be outside. I believe that is the standard procedure that we have that there is not to be anything stored or done anything with outside the building. That is why I think we are into this violation part of it is that it is being stored. Not inside, but outside. According to the zoned area, there is to be no storage of any product, equipment, or whatever, outside. Allowing them the hour to load, I think the board was flexible enough to say that was suitable, but not to be stored and left outside.

RANDY THORNBURG: There was not to be any overnight storage.

KEITH SPURGEON: I like the idea of allowing 30 days and if there is still violation, for Trent to go ahead and start the process of the Ordinance Violation. Is that sufficient wording?

ATTORNEY TRENT VAN HAAFTEN: There are a couple of ways to put it. You want to table this complaint for another 30 days. That is probably the best way to do it. Or take it under advisement for 30 days and set it on the calendar for the February meeting and look to see what happens in the meantime.

MARK SEIB: Our meeting is a little bit less than 30 days.

ANDY HOEHN: When can you get on the Board of Zoning Appeals agenda?

MARK SEIB: February has passed.

MINDY BOURNE: Is that even an option? I don't know if the Ordinance allows it.

ATTORNEY TRENT VAN HAAFTEN: I think the district they are in, it is more of an enclosed building, storing in an enclosed building as opposed to a fenced in area.

MARK SEIB: I know we had another business that was in the same position and there was some discussion about that and we found that the fence was not even allowed. We will have to do some checking on that. Besides, we can't get it filed for the BZA in order to hear it for the February meeting because that deadline is already past. I did hear from him that they had three stacks of pallets and they did have room and once the fork truck was fixed, the pallets would be inside.

RANDY THORNBURG: I like the idea of giving them some more time.

A motion was made in the affirmative by Keith Spurgeon to table this until the March meeting. If not in compliance at that time, we would instruct Trent to file an Ordinance Violation. Kevin Brown seconded the motion. Roll Call Vote (6-2). **Yes. Motion passed.**

MARK SEIB: Let's be very clear here, this is for the properties 607-625. As soon as you can get that cleaned up... hopefully you can get your fork truck fixed and get them cleaned up and you meet compliance.

STEVEN HAZLETT: We should have that fixed any day now and that should be no problem.

MARK SEIB: You will be receiving a letter stating what your options are. You can take that into consideration. You would have to come in if you want to do something that is allowed. It would have to be filed by the February board meeting to be heard in

March. That would be February 10. You would have to have your plan drawn out and everything figured out and submitted to her office by February 10.

STEVEN HAZLETT: Ok.

MINDY BOURNE: But he has to wait until I check to see if it is allowed.

MARK SEIB: Next complaint is 349 Riviera, Mt. Vernon, Indiana.

MINDY BOURNE: You have the complaint in your folder. It is about an unlicensed and inoperable vehicle. I sent the letter to the property owner. On December 13, 2021, 3:15 p.m. Carolyn Robertson called the office and stated her tenants are Kenny and Lacey Wells and she will contact them and have them get in touch with our office. On 12/16/21, per Ron Salee who filed the complaint, he said the car has been removed. There are photos in your file showing the car has been removed. He submitted photos when he filed the complaint. We have additional photos of the car being removed.

Hans Schmitz moved to take no action. Kevin Brown seconded the motion. Roll Call Vote (8-0). **Yes. Motion passed.**

MARK SEIB: The next complaint is concerning 228 E. 4th Street, Mt. Vernon.

MINDY BOURNE: This complaint is concerning a pickup parking on the grass in front of an apartment unit. Letter was sent to the property owner. On 12/27/21, Brandon Bullard called the office and said he would take care of the parking issue. He asked if he takes care of the issue before the meeting does he still have to attend the meeting. He was advised that it is best if he does attend to answer any questions the board may have for him. As of 1/5/2022 the truck has been removed from the grass and the violation corrected.

Hans Schmitz moved to take no action. Mike Baehl seconded the motion. Roll Call Vote (8-0). **Yes. Motion passed.**

MARK SEIB: Our last complaint is 9300 Old Highway 62, Mt. Vernon.

MINDY BOURNE: This complaint was about a semi-trailer parked in a yard in a neighborhood and it talks about other concerns of a commercial banner however we do not have any jurisdiction over. The semi-trailer parked in the yard we do have jurisdiction on. A letter was sent to the property owner. Ralph Weiss, the property owner contacted the office on 1/5/2022 to state the trailer was only temporary and was already scheduled to be moved before receiving the letter from APC. He can not attend the meeting on 1/13/22 because he will be out of town for work. He understands the violation and will not do it again. There are pictures which support it.

Kevin Brown moved to take no action. Keith Spurgeon seconded the motion. Roll Call Vote (8-0). **Yes. Motion passed.**

DIRECTOR'S REPORT: None

APPROVAL OF PAYROLL & BILLS: A motion was made in the affirmative by Kevin Brown and seconded by Mike Baehl to approve payroll & bills. **Motion carried.**

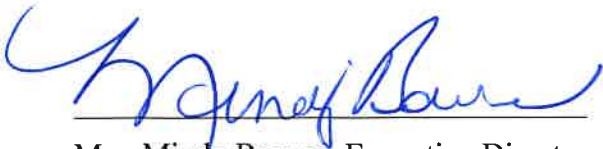
APPROVAL OF COLLECTIONS: A motion was made in the affirmative by Andy Hoehn and seconded by Hans Schmitz to approve collections for last month. **Motion carried.**

CITIZENS CONCERNS: None

ADJOURNMENT: Mike Baehl made a motion to adjourn the meeting at 8:07 p.m. Kevin Brown seconded the motion.

A handwritten signature in black ink, appearing to read "Mark Seib", written over a horizontal line.

Mr. Mark Seib – President

A handwritten signature in blue ink, appearing to read "Mindy Bourne", written over a horizontal line.

Mrs. Mindy Bourne, Executive Director

Posey County Area Plan Committee List 2022

Transportation and Development

Kevin Brown
Randy Thornburg
Randy Owen

Administration and Personnel

Mark Seib
Dave Pearce
Randy Owen
Mike Baehl

Budget

Mark Seib
Dave Pearce
Mike Baehl
Randy Thornburg

Zoning

Kevin Brown
Andy Hoehn
Randy Thornburg

Executive Committee

Mark Seib
Andy Hoehn
Keith Spurgeon
Hans Schmitz

***Subdivision Committee**

Mike Baehl
Keith Spurgeon
Dave Pearce
*Hans Schmitz

*The Subdivision committee will also work with the County Surveyor, City Engineer, County Engineer, Soil Conservationist and County Agricultural Agent.

Site Plan Committee

Andy Hoehn
Kevin Brown
Randy Owen
Hans Schmitz

Recommended to the Board for Board of Zoning Appeals

Keith Spurgeon
Mark Seib