

MINUTES

POSEY COUNTY AREA PLAN COMMISSION REGULAR MEETING

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

**APRIL 14, 2022
6:00 P.M.**

MEMBERS PRESENT: Mr. Mark Seib - President, Mr. Mike Baehl, Mr. Kevin Brown, Mr. Andy Hoehn, Mr. Dave Pearce, Mr. Trent Van Haaften – Attorney, Mrs. Mindy Bourne – Executive Director, Mrs. Becky Wolfe – Administrative Assistant

MEMBERS ABSENT: Mr. Randy Owens, Dr. Keith Spurgeon, Mr. Randy Thornburg

MARK SEIB: We have five members present. Anyone that has an application for tonight, I need to inform you that it will take five to approve your application. When I call your case up, if you would rather wait until the next month when we have a more full board, you can request that. If you feel your chances of getting it approved with more of the board present, that is strictly up to you. If there is one no vote then it will fail.

APPROVAL OF MINUTES: 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.**

Attorney Trent Van Haaften administered the Oath of Office for the one-year reappointment of Dave Pearce to the Area Plan Commission.

SITE DEVELOPMENT PLAN:

APPLICANT: Brad Hoskins

OWNER: BAS Evansville Inc.

PREMISES: Section 26, Township 6 South, Range 12 West, lying in Marrs Township, Posey County, Indiana. Containing 55.012 acres more or less. More commonly known as 10424 Middle Mt. Vernon Road, 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 an B-3 Zoning District under The Zoning Ordinance of the City of Mount Vernon, the Town of Cynthiana, the Town of Poseyville and Unincorporated Posey County.

MARK SEIB: Does anyone on the board have a conflict of interest?

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?

BRAD HOSKINS: I am the Facilities Manager at BAS Evansville. I live at 4315 Joyce Lane, Mt. Vernon. We are proposing to build a 30' x 70' pole barn to house up to ten employees office space at our current facility.

MARK SEIB: Does anyone on the board have any questions? I do want to let you know they did make application at the BZA meeting prior to this one. They requested a Special Use and it was approved subject to the approval of the APC.

KEVIN BROWN: It shows here that you are also adding a new parking lot.

BRAD HOSKINS: We do have a parking lot there now, but it doesn't show in the aerial view. We are extending that parking lot. It will not be additional employees. It is in-house employees. We are just running out of office space in our Building B up front.

MARK SEIB: Does anyone else have any questions? Seeing none, you may have a seat.

MINDY BOURNE: We had a Site Development Plan meeting. Rule 5 is not required for this project. They have already received the State Construction Design release for this project. The committee made a recommendation to approve the Site Plan contingent upon a modified site plan showing updated parking, which is what Kevin was touching on, and Ed's approval of the State Release. I've talked with Ed about the State Release and he is good with everything.

MARK SEIB: We will open to the public for comment. Seeing and hearing none, we will close the public portion. Mr. Seib confirmed with Mrs. Bourne that there had not been any phone calls, letters or emails concerning this application.

Kevin Brown made a motion to approve and seconded by Andy Hoehn. Roll Call Vote (5-0).
Yes. Motion passed.

MINDY BOURNE: Findings of Facts are in your packets.

Kevin Brown made a motion to approve the Findings of Facts and seconded by Mike Baehl.
Roll Call Vote (5-0). Yes. Motion passed.

MINDY BOURNE: The Site Plan has been approved also. You have all of the approvals you need. Whenever you are ready to start construction, just come to the APC office and get your Improvement Location Permit.

REZONING:

DOCKET NO: 22-02-RE-APC
APPLICANT: William H. Bender
OWNER: 132 S. Lockwood, LLC an Indiana Limited Liability Company
PREMISES: Lot 6 in the Original Plat of the Town of Poseyville, Indiana in Section 18, Township 4 South, Range 12 West, lying in Robb Township, Posey County, Indiana. More commonly known as 7 West Main Street, Poseyville, Indiana. Containing 0.15 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 B-2 (Commercial General) Zoning District to 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? Hearing none, we will move forward with the application.

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?

WILLIAM BENDER: 6511 Hunter Road, Poseyville. Dr. Brown will be speaking also. (Mr. Bender asked Dr. Brown if she wanted to proceed. She said yes.) My LLC, 132 South Lockwood, owns... People who are familiar with downtown Poseyville, it is commonly known as the Lockwood building. For years it was owned by the Hempflings and they had a grocery store in the back of the building and a department store in the front of the building. They ran that for I wouldn't want to say how many years. A long time. In fact they inherited the property from a family member whose last name was Lockwood. It was one of the first businesses in Posey County as I was told by Mr. Hempfling. Mr. Hempfling died and I bought the property from Mrs. Hempfling. It was a big job. We renovated the entire exterior of the building. The building is located at the intersection of Main Street and Cale Street. For those of you who may not be familiar with Cale Street, the Lockwood Building is located directly across Main Street from Hirsch's. The building runs from Main Street all the way to the alley. The building is north of Main Street. The reason we are here is that Dr. Brown is interested in purchasing the back half of the building. My company owns the front half of the building and it is leased to Pro Rehab and they have been there about 3 ½ years. Again, I completely renovated the exterior of the building and completely renovated the interior of the front half that is occupied by Pro Rehab. I partially renovated the back half and put in a new storefront, hvac. I think it is important to state the back and front half each have full separate utility services. Separate meters for water, sewage and electric. There exists between these two buildings, a common wall because Pro Rehab wants security. We are going to beef it up a little more. I've hired a surveyor

who has surveyed the back half of the building. Dr. Brown signed the contract. In fact she has paid me. We didn't realize whenever a parcel is separated, that it has to have approval from the Area Plan Commission. I believe I am correct in that statement. The property is currently zoned... I'm not really sure what it is currently zoned. Whatever that zoning is, it's B-2 Commercial General, if we separate that I'm told that the current zoning ordinance requires setbacks. The building has no setbacks. There is building in every square inch of the lot. So that is why we are here so it can be rezoned to Central Business District. Then Dr. Brown can buy the back half. I think I've pretty well covered everything I have to say.

DR. ALESIA BROWN: I live in Wadesville off of Hidbrader, 4501. I own Alicia Brown DMD which is directly across the street. I know parking is an issue in Poseyville. With taking patients away... I don't want to say away. My dental practice I see about 30 patients personally, not counting my hygienist, a day. With the sleep apnea, which is what I am wanting to go into, I'm Poseyville Indiana Sleep Solutions, it only sees about 15 patients a day. So parking would actually be better. Another thing going for Posey County, if we do this endeavor, is I'm the only board certified sleep dentist in the area, actually Southern Indiana. I think the next closest is Indianapolis that is actually doing anything in sleep. I am an alternative to the c-pap machines. It is very new and I think very innovative for our county.

WILLIAM BENDER: Just to clarify, Dr. Brown, when you are seeing sleep apnea patients, you won't see dental patients?

DR. ALESIA BROWN: Hygiene only. The hygienist will not change so we can keep that flow going. With the economy the way it is today, we did lose a hygienist so we can't completely eliminate hygiene for the day. I will be going across the street to check my hygienist because they can't operate without me.

MARK SEIB: How much parking do you think you will need?

DR. ALESIA BROWN: Hygiene hasn't changed. So actually parking will be better. Right now on Thursdays, I see about 30 dental patients and 26 hygiene patients. That will be reduced to about 15 sleep patients and still the same 24 hygiene patients.

MARK SEIB: You don't really see any change...

DR. ALESIA BROWN: It will get better.

ANDY HOEHN: The request is to rezone the entire property, is that correct?

WILLIAM BENDER: Yes, because remember we basically only have two halves, front and back. If we just do the back, then the front will be out of compliance because it has no setbacks.

MINDY BOURNE: The CBD Zoning District allows for a zero lot line setbacks and there are no parking requirements. In a CBD it is on-street parking. There are no off-street parking requirements.

MARK SEIB: We will open to the public for comment. Seeing and hearing none, we will close the public portion. Mr. Seib confirmed with Mrs. Bourne that there had not been any phone calls, letters or emails concerning this application.

MINDY BOURNE: One other comment I will make, they first have to go through the Rezoning. After it goes through this board, it will go through the Town of Poseyville. If it gets approved, it will have to come back before the Plan Commission to actually split the parcel. CBD is known in Mt. Vernon. We have a large amount in Mt. Vernon, the downtown area, that's all CBD. This is downtown Poseyville where these buildings are.

Kevin Brown made a motion to recommend approval of Rezoning Docket #22-02-RE-APC. Motion was seconded by Mike Baehl. **Roll Call Vote (5-0). Yes. Motion passed.**

MINDY BOURNE: The Findings of Fact are in your folder.

Mike Baehl made a motion to approve the Findings of Fact. Motion was seconded by Dave Pearce. **Roll Call Vote (5-0). Yes. Motion passed.**

MINDY BOURNE: This is a recommendation to the Town of Poseyville. Their meeting is Tuesday, May 10 at 5:30 at the Town Hall.

REPLAT OF LOT 35 WOODLAND COURT NORTH:

DOCKET NO: 22-03-S-APC
APPLICANT: Donald R. Griese, Andy Easley Engineering
OWNER: Daniel R. & Heidi L. Griese
PREMISES: Lot 35 Woodland Court North in Section 11, Township 6 South, Range 12 West, lying in Robinson Township, Posey County, Indiana. Containing 1.058 acre more or less. More commonly known as 1651 Autumnleaf Dr., Evansville, 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 Replat of Lot 35 Woodland Court North 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.

MARK SEIB: Does anyone on the board have a conflict of interest? Hearing none, we will move forward with the application.

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?

DON GRIES: I'm with Andy Easley Engineering. 19 East 925, Haubstadt. I am here to represent Mr. Gries who could not make it tonight. Mr. Gries owns lot 35 in the Replat of Woodland Court North. There was a 20' void or private driveway that was left out of the subdivision and the developer maintained ownership of that up until last year. The Grieses approached him about acquiring it. Actually, they have been paying taxes on it because the dimensions of their lot actually incorporated it. That 20' strip was penciled in on the plat later, hand drafted in. I don't know how it happened or when it happened, under whose watch. It doesn't really matter. They bought it from Schroeder who was the developer. Now they wish to utilize that ground so they need to join it with their subdivision lot.

MARK SEIB: You are just talking about that portion that was withheld by the developer and they want it added to their lot 35.

DON GRIES: Yes.

MARK SEIB: Does anyone have any questions? You may have a seat. We will open to the public for comment. Seeing and hearing none, we will close the public portion.

Mr. Seib confirmed with Mrs. Bourne that there had not been any phone calls, letters or emails concerning this application.

Motion was made by Andy Hoehn for preliminary approval and authorize Executive Director to give final approval after 30 days have elapsed for Replat of Lot 35 Woodland Court North. Motion was seconded by Kevin Brown. **Roll Call Vote (5-0). Yes. Motion passed.**

REPLAT LOTS 142 & 143 IN OWEN'S ENLARGEMENT TO THE CITY OF MT.

VERNON:

DOCKET NO: 22-04-S-APC

APPLICANT: Patrick Landry

OWNER: Habitat for Humanity of Evansville, Inc.

PREMISES: Lots 142 and 143 in Owen's Enlargement to the City of Mt. Vernon of Section 8, Township 7 South, Range 13 West, lying in Black Township, Posey County Indiana. More commonly known as 615 and 619 E. 2nd St., Mt. Vernon, Indiana. Containing 0.344 acres more or less. (Complete legal description is on file at the Posey County Area Plan Commission Office).

APPLICANT/OWNER OF THE ABOVE DESCRIBED PROPERTY HAS REQUESTED:

Replat Lots 142 and 143 in Owen's Enlargement to the City of Mt. Vernon submitted by Owner:

Habitat for Humanity of Evansville, Inc., Surveyor: Donald E. Gries – Andy Easley Engineering, Inc. for 2 lots. More commonly known as 615 and 619 E. 2nd St., Mt. Vernon, Posey County, Indiana.

MARK SEIB: Does anyone on the board have a conflict of interest? Hearing none, we will move forward with the application.

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?

PATRICK LANDRY: I am the Construction Director at Habitat for Humanity of Evansville. My home address is 5212 Big Cynthiana Road, Evansville. We are applying for this Replat so we can get two homes in on both of these lots. If things were left like they were, we would only be able to get one home in there. We will keep our setbacks and do everything we need to do in order to maintain that with the two lots. We already have a family working through our system. They will move in as soon as they are constructed. In the past, we have homes on both 2nd Street and Water Street and the home we built last year at 1019 was also a 50' lot. We are matching the neighborhood with these.

MARK SEIB: The Ordinance requires 71' and since that will not be met, they want to reduce it down to the 51'. They were before the BZA before this meeting requesting the Variance for the reduction and the BZA approved it with the understanding that this application be approved by the APC.

ANDY HOEHN: Is this tied in with the Homeless Shelter?

PATRICK LANDRY: It is not tied in with the Homeless Shelter. The Homeless Shelter has donated one of these lots, as has the City of Mt. Vernon.

ANDY HOEHN: This came before Council a couple of weeks ago and this says there were no comments from jurisdictions that were notified. There was supposed to be a request back to, I guess the APC, as to the validity of the deed that was transferred. The digging that I had done, and went back to the Secretary of State's Department Office, the dissolution of the Homeless Shelter Corporation was in February of 2022. The signatures on the deed from the Homeless Shelter are in March of 2022. The Articles of Incorporation and Dissolution papers calls out how to transfer that property, to me there is a question here. If someone would clarify that I would be happy.

ATTORNEY TRENT VAN HAAFTEN: Would like you to consider that I have a conflict as to what the Habitat is trying to do here with the replat, I feel they have a valid deed and a valid process as I was the one to handle it. The Homeless Shelter donated a number of parcels, of real estate that they had. The process for the dissolution of a non-profit corporation involves filing

Articles of Dissolution. Unfortunately, sometimes organizations and people themselves operate amongst themselves as opposed to seeking any legal counsel or getting some advice as to what the law is. The Articles of Dissolution were indeed filed in February of 2022. The State of Indiana Law does allow time for corporations to liquidate and wind up their affairs. Part of the winding up of affairs is disposing its property. So the closing, which I handled, did take place after the Articles of Dissolution were filed unbeknownst to me. Even if it had been known to me at the time of closing, it wouldn't have mattered as far as having the deed executed as well as issuing the title insurance that was underwritten for that property.

In terms of the validity of the deed that would be the chain of title, questions about title are challenged by those within the chain of title. I don't believe the City or the APC plays a role in terms of getting involved in the chain of title. That would be it could turn into I could be making a whole lot of money by being the Attorney for the APC. It is not something that the APC should do or be allowed to do.

But if the question is directly towards was the process of issuing the deed to Habitat granting them good title proper, I would tell you Andy it was. Even though the Articles of Dissolution were filed in February, that doesn't mean they could not do anything after that time. In fact I can tell you the Homeless Shelter Board has a meeting next Tuesday, the 19th which I will be attending because I volunteered to do that. Basically to address some of the questions coming to them about this as well as winding up some of their final affairs. I would tell you that the issuance of the deed after the Articles of Dissolution were filed has no legal impact on the title held by Habitat.

ANDY HOEHN: Where does the Articles of Dissolution in the Articles of Incorporation say how is gets dissolved, does it say it goes before a court? It is my understanding that it stated it went before a court. The Homeless Shelter Articles of Incorporation stated it was to go before a court to be dissolved and this was how the property was to be moved. It initially was to go to the Black Township Trustee and then they changed that later on that instead of someone from the Homeless Shelter Board signing it, it would be someone from the courts decided how that got transferred.

ATTORNEY TRENT VAN HAAFTEN: In regards to this Dissolution, we are operating under the Statute for Dissolution of Non-Profit Corporation, part of the winding up.

ANDY HOEHN: The Dissolution section of the Articles of Incorporation outlines it.

ATTORNEY TRENT VAN HAAFTEN: I will look at that before their meeting on Tuesday. If it creates an issue for them, we will address that.

ANDY HOEHN: I am just looking for clarification. It looked a little convoluted when it came before the city. I don't want to get the city tied up in something

ATTORNEY TRENT VAN HAAFTEN: If your question is in regard the title, the chain of title, who owns title, that is not really a role for any governmental agency, Not the city or the APC.

ANDY HOEHN: I am not trying to challenge it, where my issue is, I don't know if the city would be involved in donating or handing over property.... to an entity that we may have some question of its validity. If it is all legit and straight up, then I have no issue.

PATRICK LANDRY: We do hold title insurance on that.

ATTORNEY TRENT VAN HAAFTEN: Andy, I guess I am not following you. The city is not granting any title. The one lot was obtained from the city, but the lot obtained from the Homeless Shelter the city has no involvement.

MARK SEIB: I believe that Andy is just wanting to make sure things are clear. But I feel we have two separate things here. We have the Habitat and then the City of Mt. Vernon and those two are kept separate. I am assuming that title insurance was held by the Habitat Group.

PATRICK LANDRY: Yes, and we know of no one coming up against it at all. The title company with Laura have looked at this and have got thru.

MARK SEIB: Do you have title insurance on both properties?

PATRICK LANDRY: Yes, we have title insurance on both lots.

MARK SEIB: We are not responsible that all of that is in play. If we are going to make a replat, we need to make sure that those are legal in respect to the replat and how it is being handled. Andy, how do you feel? Do you feel that we can move forward or do you feel we should wait to take action?

ANDY HOEHN: I feel with the number of people here, it would be the wise thing to table this until it is clarified. With the timeline you are running on, I don't want to hold things up either.

MARK SEIB: Do you understand what he is saying, we would table this until next month again?

PATRICK LANDRY: We are very anxious to get this going and start construction on this with a family that has been waiting. I am not sure on our end, other than having title insurance and doing what we can do to clear up this concern, tabling this and going to another meeting.

ATTORNEY TRENT VAN HAAFTEN: This issue has nothing to do with Habitat. It is an ancillary problem with the Homeless Shelter of Mt. Vernon, Inc.

MARK SEIB: With that being said, how do you feel about it Trent with the legal?

ATTORNEY TRENT VAN HAAFTEN: Your decision today is to determine whether to grant the replat. The questions of titles or how the Homeless Shelter of Mt. Vernon was dissolved or being dissolved, liquidated and winding up its business affairs, has nothing to do with your decision. But as indicated at the very beginning of this meeting because there is 5 members present if it is not a 5 – 0 vote then we would have to go through the process of going through this. I don't know how any of you are going to vote, it is none of my business. But if it is not going to be a 5 – 0 vote, you may want to wait a month. I am not meaning you guys, it would fall upon the applicant.

ANDY HOEHN: Trent, what would happen if the Articles of Incorporation stated how the dissolution should be handled? If it is not handled that way, does that make any play into this?

ATTORNEY TRENT VAN HAAFTEN: For the replat, No.

ANDY HOEHN: What about the ownership?

ATTORNEY TRENT VAN HAAFTEN: If someone outside wanted to challenge it in court, they could do that. It also puts the Corporation at a standpoint, just like any corporation of looking at its bylaws and making any moves they wanted to make in terms of those bylaws to finish it up. I don't want to speak out of school here, but I know the Homeless Shelter when they decided to close up they decided they wanted to give property to other 501C's, nonprofits corporations which would carry on a list of their mission. The Homeless Shelter donated a property to Posey County United Way which is now going to be the location of its offices. They also donated the actual structure/building to the Posey County Domestic Violence Task Force which does business as Willow Tree and they have liquid assets they will be making decisions about and needs to be distributed to help carry out more missions.

ANDY HOEHN: I am OK with moving it forward.

MARK SEIB: Does anyone have any questions? You may have a seat. We will open to the public for comment. Seeing and hearing none, we will close the public portion.

Mr. Seib confirmed with Mrs. Bourne that there had not been any phone calls, letters or emails concerning this application.

Motion was made by Andy Hoehn for preliminary approval and authorize Executive Director to give final approval after 30 days have elapsed for Replat 22-04-S-APC. Motion was seconded by Kevin Brown. **Roll Call Vote (5-0). Yes. Motion passed.**

PROPOSED APC ORDER DETERMINING THAT A RESOLUTION APPROVED BY THE POSEY COUNTY REDEVELOPMENT COMMISSION REGARDING THE

NORTH SIXTY-TWO CORRIDOR ALLOCATION AREA CONFORMS TO THE PLAN OF DEVELOPMENT FOR POSEY COUNTY

JOE HARRISON: Hello, Joe Harrison, Posey County Attorney and Jenna Richardt is here. We are being a little proactive here. You have two resolutions in front of you. The first being the North 62 corridor allocation area that we are hoping to establish. This piece of property is referred to as the Naab side, just north of Highway 62. It is just that site. It has been the subject of some economic development opportunities. Many times what happens it is good to have TIF areas. Allocation areas in place before it is time to negotiate with potential Economic Development Partners for the county. This is a situation where we are trying to be proactive on behalf of the county. Jenna might be able to add more about this. The last time we were here with something similar was about 2 – 3 years ago we did it for BWXT and Country Mark. Those businesses were already established and were expanding their facilities. This was a way to capture some TIF property tax for the county for those two developments. Currently the property is farm ground. I believe you all have the map and if you don't have it, I have extra copies of the map which was approved today with the resolution by the Posey County Redevelopment Commission. You are asked to approve their resolution that this conforms to Redevelopment Comprehensive Plan of Posey County.

JENNA RICHARDT, Economic Development. This is 176 acres, which Economic Development has an option on to market for several years. We have had increasing activity through that site. In the last year particularly, the Commissioners, Joe and I have talked regularly about the idea of additional investment incentives to companies who brought employees here. Obviously, we know there is a definite need for housing but our population continues to decline so we are really trying to look at how to be proactive in the idea of capturing future capital investment for continued growth. We feel this would be a really good opportunity.

JOE HARRISON: Do you have the map in front of you?

MARK SEIB: Are there any questions from the Committee at this time? Hearing none, Mr. Seib announced this was an area that is not open to the public for comment; this is a motion and a vote by the Area Plan Commission. Mr. Seib also stated he had APC Director, Mindy Bourne, review the Master Plan Map to make sure it fits in the area of what the Master Plan has got in place. Which it does meet those requirements. We can have an open discussion about it now before we have a motion if the board wishes. I feel this is a sound thought process. I like the idea of them talking about housing because we do have an issue with residential housing.

Motion was made by Dave Pearce to approve. Motion was seconded by Andy Hoehn. **Roll Call Vote (5-0). Yes. Motion passed.**

PROPOSED APC ORDER DETERMINING THAT A RESOLUTION APPROVED BY THE POSEY COUNTY REDEVELOPMENT COMMISSION REGARDING THE LAMONT ROAD ALLOCATION AREA CONFORMS TO THE PLAN OF

DEVELOPMENT FOR POSEY COUNTY

JOE HARRISON: This particular area is owned solely by the Ports or the State of Indiana. So the property tax could be captured from this would strictly be from personal property. Whatever kind of development, I believe this is the balance of the Port property and the majority of it is undeveloped. Again, there have been discussions with Economic Development opportunities. Virtually anything that might occur out there will require that Lamont Road be renovated and adapted for heavy haul. Any type of entity or company that may locate there would want that. If this is approved, TIF funds at some point will be used to improve that road and maybe some utilities and other things in that area. Those funds could be captured for use in other areas of the county. Not only roads, utility improvement and development but also residential purposes too.

JENNA RICKARDT: One thing I would like to point out is Lamont Road is directly across from the bypass as you are crossing Highway 62. What we consider the Mega-Site at the port is 544 acres that we are looking to develop directly south of there. Our goal is to completely redo that road and the bridge would have to be completely reconstructed. We have had American Structure Point look at it. The work would be very costly. But that would be one way to attract a larger scale company that would be looking at a Mega-Site and it would also create a second entrance for the port. This would allow for an opportunity to open up for some of the traffic that is coming into Mt. Vernon into the first entrance of the Port now. There are several things to consider. It could ease up some of the traffic that is actually going into town and it could be a very attractive piece for new company and recruitment.

JOE HARRISON: This resolution was also approved today by the Redevelopment Commission.

ANDY HOEHN: So the TIF is only going to be on personal property?

JOE HARRISON: This is Black Township, so the TIF money can be used on any TIF area in the county.

MARK SEIB: Your goal is trying to improve the entrance to the Port?

JOE HARRISON: Yes.

JENNA RICKARDT: There is a bridge that would need to be redone and asphalt upgraded significantly to handle heavy haul. We have had several conversations with facilities at Astra Zeneca concerning their need to have a road created out of the south of their facility leading to Lamont Road and coming up to the light. Because they currently now have several hundred trucks a day coming in and out of their entrance and that has been unsafe as well. We have talked to the Commissioners and it would be a combined effort to see if we can solve all of those issues.

MARK SEIB: Traffic is an issue for safety. Thank you both. Again, I want to remind everyone that this is a topic not open for public comment.

Motion was made by Andy Hoehn to approve. Motion was seconded by Mike Baehl. **Roll Call Vote (5-0). Yes. Motion passed.**

COMPLAINTS 233 Maple St., Mt. Vernon, IN – tabled from 2/10/22 meeting
333 Riviera Dr., Mt. Vernon, IN – tabled from 2/10/22 meeting
529 E. 3rd St., Mt. Vernon, IN – tabled from 2/10/22 meeting
607 E. 4th St., Mt. Vernon, IN – tabled since 11/18/21
621 W. 2ND St., Mt. Vernon, IN
801 E. 5th St., Mt. Vernon, IN
925 Lower New Harmony Rd., Mt. Vernon, IN
822 W. 3rd St., Mt. Vernon, IN
821 W. 2nd St., Mt. Vernon, IN
349 Riviera Dr., Mt. Vernon, IN
625 W. 2nd St., Mt. Vernon, IN
221 Pearl St., Mt. Vernon, IN

MARK SEIB: The first complaint we have to address is Astra Zeneca. Trent will you present the issue to the board.

ATTORNEY TRENT VAN HAAFTEN: Some of you may be aware that Astra Zeneca installed a solar system Tier 2. They had a company install the system; the company did obtain a building permit and paid a lot of money for that permit but never went through the Solar Ordinance. There was some communication between Mindy and Mark with the installer. I sent some communication to them, which was never responded to. So I think this Commission needs to give me some direction as to what you would like to do. Do you want to let it be or do you prefer I reach out to Astra Zeneca and let them know that they have something that didn't go through the Ordinance process.

ANDY HOEHN: So they got a building permit only?

MARK SEIB: They went to the Building Inspectors office only to come and inspect the facilities only. Mr. Morton put them in for Astra Zeneca. Mr. Morton called the Area Plan Office and asked to talk to me. I called him back and told him that he needed to obtain a Land Use Permit and about the Solar Ordinance and how it applied to their project. Mr. Morton didn't think he needed the Land Use Permit. Mindy and I have had several conversations with him but nothing else was done to get any permits from the APC. We have spent a considerable amount of time with the Solar Ordinances and this is the first which would be considered a Tier 2. The question would be do we send a nice letter to Astra Zeneca informing them there is an issue and we need to have some discussion to resolve that issue since any communications with Mr. Morton has gone nowhere?

ANDY HOEHN: What are they using the solar panels for, their own internal use?

MARK SEIB: Yes.

ANDY HOEHN: Wasn't there discussion here about the Solar Ordinance being overbearing on private or businesses using solar that the solar needs to be loosened up. I don't think they would have fallen under a Tier 2 or any of that. It probably would have come out the difference between commercial and private use that it didn't fall under any tiers. From what I understand, the tiers are all for commercial use and selling back to Center Point and is different for your own private use for your business on your own property that it shouldn't fall under a tier category. If they work out a deal with Center Point and it goes commercial then that may make a difference.

MARK SEIB: According to the ordinance that we currently have, if there is anything solar that gets put back to the electric company, then that allows it to be in a different category than if it was for residential. Having it on residential property is a Tier 1, unless they put it on the roof, then they really don't have anything they have to do except get a permit for the land use. If it is on the ground, it is just like building a building, they have to meet the setbacks and have any variances.

The Tier 2 is for business that have that and if they are selling or credited back any of the energy to the electric company then it falls back under the Tier 2. Then you have your Tier 3 where none of it is being consumed, it is all put back on the grid for that manufacturing of that solar electric to be sold back to the electric company.

DAVE PEARCE: I wouldn't anticipate them selling anything. Their solar is only improved their facility by 18% with what they have. I did some research on them.

MIKE BAEHL: Did Astra Zeneca tell you that?

DAVE PEARCE: No.

ANDY HOEHN: I think we need to set a direction or an intention in my mind that we were going to look at these to separate those out more so that residential and business doesn't get tied up in this tiered thing. I know that the tiered stuff is on the books now, but I think if you go back through the minutes, you will see that we at least discussed that. I think the question now for Astra Zeneca now is how big this is and what their intended use is, is it all internal? If they shut down for a month, that thing is still going to be grinding away and it is going to push stuff back to Center Point, so I don't know how you know that or control that. That gets it into a strange area.

MARK SEIB: The process is, there was never a permit issued. That is what we would like to start with, that there was not a permit issued and have some discussion to make sure it fits into

that category and that is the main thing right now. Like you said Andy, we can get into the Ordinance later and have some discussion to make any changes that we see fit.

ANDY HOEHN: I just don't want to see this get into a huge bunch of fines and then in November we sit back and say the games changed.

MARK SEIB: I agree with you and I don't want that to happen either. I think we want them to recognize that they do need a permit. I think they should be in compliance.

ATTORNEY TRENT VAN HAAFTEN: I will reach out to them and communicate that there were some boxes which needed to be checked. So let's work through that. From what I see, it's not like there is anything that would be turned away. There are certain items that need to be addressed, like drainage and emergency personal notification that fall in those applications. Any time you create new rules for anything, you learn when they are put into effect and I speak towards the Tier 1 that the residential type thing of someone putting them in their back yard. I hope you all take time to look at that thing.

MARK SEIB: This has been an ongoing situation.

Motion was made by Kevin Brown to have Trent send a letter to Astra Zeneca and ask for clarification. Motion was seconded by Andy Hoehn. **Roll Call Vote (5-0). Yes. Motion passed.**

MARK SEIB: 233 Maple St., Mt. Vernon, IN 47620

MINDY BOURNE: This was a complaint tabled from the February 10, 2022 meeting. This was concerning a possible business selling mice or possible rats. I sent out a letter, to which no one responded. The board authorized Trent to send a letter to the property owner. I did get a response from Sara Jameson on Wednesday, April 13, 2022 by email. However she is present this evening and if she would like to come to the podium.

ATTORNEY TRENT VAN HAAFTEN: Just for the record, the property owners are Wilfred and Martha Nobles. Mr. Nobles is deceased. Sara is a granddaughter.

SARA JAMESON: I reside at 233 S. Maples St.

MARK SEIB: We received this complaint concerning operating a business selling mice and rats. Would you please tell us what is actually going on?

SARA JAMESON: I have pet rats and sometimes we breed them to keep the same temperament so we have more pet rats. Some of them go for feeders because I have friends and family who have reptiles and lizards.

MARK SEIB: So are you selling them?

SARA JAMESON: I have sold seven for \$10 apiece in the last year because some of them were just too sweet to be given away for food. I could not maintain them in my home because I do not want a plethora of them. I want a very controlled amount since they are pets. So I didn't want them to be eaten so I sold them at \$10 apiece because you can go to the pet store and buy them for \$5. That is the story.

MARK SEIB: Have you done this for multiple years or just this year?

SARA JAMESON: Just this year. We had an accidental litter. It actually was a rescue. The Humane Society notified me that there was small animal surrender. I contacted the people personally. They thought it was a male rat. It was a female rat. They didn't know what to do. I took it, played with her every day and they were friendly. I didn't want to keep another 12 rats, so I sold seven of them and kept the males who are technically more docile.

MARK SEIB: I guess with that, when you sell something from home, it becomes a business. Then if you are selling from your residence, you have to have a home business allowed to be there. Just like if a woman is having a beauty shop or a man a barbershop in their home. That is a home based business. With you having the rats and selling them, that falls under that same category. Now with the complaint, I am not telling you what you need to do, but we have the complaint here that we need to address and make sure it doesn't continue. I guess if you tell me that you are not going to be selling them from that residence anymore and that you say you try to control the population.

SARA JAMESON: Yes I do try to control the population and this was an accidental litter. It was never intentional. The only ones I do breed that are intentional are intended for food. And it is a long time for that because we freeze those.

MARK SEIB: We just don't want to create any bigger issue here than we absolutely have to take care of this and address this. We understand that those are your pets, just no selling them or putting them on Facebook. Even if it is just a simple comment of 'if you need a rat for your reptile, we have some' that is a violation of the ordinance.

SARA JAMESON: Just as a general rule, that kind of business is not profitable unless you are trying to sell 1,000's.

MARK SEIB: Just remember that if you do decide to start a home-based business with these rats, you will need to contact the Area Plan office and get a permit.

SARA JAMESON: I am not.

MARK SEIB: Thank you. Is there anyone else who wishes to speak on this matter, please approach the podium?

ERIC HAZLETT: 11625 Ramblewood Court, Evansville. How does that relate to like a garage sale or something like that? Do you still have to get a permit?

MARK SEIB: A garage sale is temporary. If you are selling them on a regular basis or if you put them on Facebook that you have this business going, that becomes a regular business. A yard sale is just an occasional situation.

ERIC HAZLETT: Are you allowed to get home-based or do home-based sales with a certain permit?

MARK SEIB: If they meet the criteria of the Ordinance of what is considered home-based. You can't have a plastics plant running out of your home. Like a beauty or barbershop, stuff like that. We had one guy that was selling small wooden items he was making out of his home. If you have any questions, you can call Mindy. It is also on the website.

MINDY BOURNE: It is within the Zoning Ordinance. Home Occupations fall under Use Unit 28. There are certain conditions that you have to meet, or criteria. If you can meet that criteria and you are in a Residential Zoned District, you can file a Special Use and go before the Board of Zoning Appeals.

ERIC HAZLETT: Ok. Thank you.

MARK SEIB: Is there anyone else? Hearing none, what are the thoughts of the board? Do you feel this has been satisfied? Does anyone disagree that this has been satisfied? (there were inaudible comments from the board members) Let's just say it has been satisfied and move on unless we get another complaint.

Everyone agreed.

MARK SEIB: 333 Riviera Drive, Mt. Vernon. This was tabled from the February 10 meeting.

MINDY BOURNE: The property owner is Zachary Dillback. This was a pickup and small trailer parked in grass. Gravel may be old is what the complaint stated. I sent the letter to the property owner and I got no response from the property owner. At the February 10 meeting, the board authorized the attorney to send a letter. The attorney did send a letter to Mr. Dillback. I did not hear from Mr. Dillback but he is here.

MARK SEIB: So, Mr. Dillback, you have not seen the pictures?

ZACHARY DILLBACK: No, I have not.

MARK SEIB: I will give you mine if you would like to look at it.

ZACHARY DILLBACK: Yes, I would like to look at it.

MARK SEIB: I need you to state your name and address for the record.

ZACHARY DILLBACK: 333 Riviera Drive, Mt. Vernon.

MARK SEIB: According to the Ordinance for the City of Mt. Vernon, there are to be no vehicles parked on non-hard surface areas. Grass is not acceptable. If you lay down fresh rock, that is not acceptable. If it is an established, grandfathered in driveway, then it is acceptable.

ZACHARY DILLBACK: One, as you can see, it is a dually. There is a camper behind it and it is wintertime. Normally, this camper is down at the river. The little trailer that was holding my gutter from where the winter tore it off the front of my house is normally in place of that camper. This winter I had to have my camper up here and my rear dually tire was off of my gravel. If you actually look at the picture and the way the driveway was originally laid out, the gravel should have been there. The truck tire we are talking just a small amount. The trailer, yes it was in the yard. I figured it would be better than a trailer no bigger than that table would be better than in the middle of the street. My question is what do I need to do?

MARK SEIB: You need to remove them from there.

ZACHARY DILLBACK: The trailer has been removed.

MARK SEIB: If the trailer has been removed, and anything that is not on a rock driveway. You said it was rock, right?

ZACHARY DILLBACK: It is a very old... you can see from the picture that the grass has...

MARK SEIB: It's an old area. If it has been rocked from the very beginning and it is grandfathered in, then it is fine. Like I said, you can't expand that. If you expand that then it is new and that is not acceptable.

ZACHARY DILLBACK: What if I just... So I have already done this. I relaid that outside edge. In the picture you can't tell it is there. If you were to take your knife and go over there and scratch around in the dirt, you would see that the driveway actually did extend past my tire. It's just over time in cutting the grass that has worn out that edge and the grass has actually grown into... if you look at where the driveway comes in, even the way it was shaped you can tell it was meant to go up. Instead it's grown in. I have a picture of what I've done if you would like to see it.

MARK SEIB: If we get into that, we would need some kind of picture that showed that many years ago that it was there.

ZACHARY DILLBACK: I've lived here since February 9, 2016.

MARK SEIB: So you have put rock on what was rocked before?

ZACHARY DILLBACK: Correct. I put it on grass that was growing through rock.

MARK SEIB: I understand that. Anything that you have parked that is not rocked, that needs to be removed.

ZACHARY DILLBACK: Are you referring to rock or are you referring to a trailer or automobile?

MARK SEIB: Anything that is off of the rock that is in the grass. The Ordinance states that you cannot park on the grass.

ZACHARY DILLBACK: I drive around Mt. Vernon all the time and I see trailers in yards everywhere.

MARK SEIB: This is an Ordinance that the City of Mt. Vernon has. This Ordinance has been in play for multiple years.

ZACHARY DILLBACK: But there has to be a complaint, correct?

MARK SEIB: For us to address it there has to be a complaint.

ZACHARY DILLBACK: So if we just have neighbors that we don't see eye to eye with, all it takes is the simple call in and a picture to ruin the night?

MARK SEIB: Then we have to go check it out. What I'm saying is that we are not out driving around looking for those violations. Once we get a complaint, then we have to address it. That is what this board does. Until we get a complaint, we don't address anything like that.

ZACHARY DILLBACK: I understand. I want this resolved tonight. Like I said, I have a picture. Unless someone wants to come over and dig...

MARK SEIB: There's not going to be anybody that is going to come over and try to dig up and tell you how far the rock goes.

ZACHARY DILLBACK: That's why I have a picture I want to show just in case a complaint arises again.

MARK SEIB: What I want to tell you is if you give me a picture, we have to keep it as evidence for the record.

ZACHARY DILLBACK: I will email it to you right now.

KEVIN BROWN: We've had people try to give us their phone. We can't do that.

MARK SEIB: If you have a printed picture, you can submit that. You won't get it back.

ZACHARY DILLBACK: I don't want it back.

MARK SEIB: Do you have a printed picture?

ZACHARY DILLBACK: I do not have a printed picture.

MARK SEIB: So we will just leave it at that. If you wish to bring a picture to the Area Plan Office, we will put it with your folder. Anything that is not on the rock needs to be removed off the grass. Am I making myself clear enough for you? Do you understand?

ZACHARY DILLBACK: Yes. Can I just email a picture?

MINDY BOURNE: It is areaplancommission@poseycountyin.gov

ZACHARY DILLBACK: Do you have a card that is on?

MARK SEIB: I think she has a card with it written on it. So you are going to remove the items that are not on the rock?

ZACHARY DILLBACK: There is nothing in the grass.

MARK SEIB: Ok. So you have moved it already?

ZACHARY DILLBACK: Yes.

MARK SEIB: Ok. That is fine. This way we can take action on it tonight, clear it up and move forward.

ZACHARY DILLBACK: Like I said, I did go through there and relay the two foot of gravel where my driveway was or where it has always been. I'm actually 100% disabled too. It takes a lot for me to get those things done.

MARK SEIB: Becky has an email address for you to send your picture to. Is there anyone on the board that has a question for him at this time? What does the board wish to do?

DAVE PEARCE: It sounds like it has been clarified.

MARK SEIB: So we will take that as being satisfied until we receive another complaint?

KEVIN BROWN: Yes.

MARK SEIB: The next item is 529 E. 3rd St., Mt. Vernon. It was tabled from 2/10/22 meeting.

MINDY BOURNE: The owner of the property, Mary LaFave of 529 E. 3rd, complaint is a car parked in front yard. Car is sitting on blocks. I sent a letter. On January 20, Mary LaFave called the office. She stated the car is licensed and operable and she has parts on order and should be in this Friday. She is having a hard time getting parts. She will get it moved as soon as the part is installed. At the February 10 meeting, we authorized the attorney to send a letter. He did so and Mary LaFave called the office on April 7 regarding the complaint. She stated the vehicle that was on blocks has been moved and we told her she really needed to attend the meeting to address this complaint.

MARK SEIB: Whose picture is this at the very back?

MINDY BOURNE: That's it.

MARK SEIB: So all of the vehicles are gone?

MINDY BOURNE: There was just one.

MARY LAFAVE: It was gone as soon as I got the parts in.

MARK SEIB: Would you please state your name and address for the record?

MARY LAFAVE: 529 E. 3rd. Everything is gone.

MARK SEIB: Nothing is parked back on the grass?

MARY LAFAVE: I work on cars all of the time and I've always done it in my front yard. I don't understand this that you can't park in the grass stuff.

MARK SEIB: This is another one of those situations where...

MARY LAFAVE: I own the property.

MARK SEIB: And that's fine. But the City of Mt. Vernon has an ordinance. That ordinance says that you cannot park a car on the grass.

MARY LAFAVE: If I fill my whole front yard up with gravel, can I do it?

MARK SEIB: No.

MARY LAFAVE: Then why did I buy the property in Mt. Vernon?

MARK SEIB: The reason why you can't is because that wasn't the original driveway for the house.

MARY LAFAVE: They don't stay there.

MARK SEIB: If you want to put something in your front yard, it is going to have to be poured with concrete or asphalt. It can't be with rock.

MARY LAFAVE: I've got a two car garage out back but I can't get in the thing because a business behind me has these yellow poles where you can't hardly get in or out of my garage.

MARK SEIB: We really don't address that issue.

MARY LAFAVE: Who does?

MARK SEIB: That would be the City of Mt. Vernon.

MARY LAFAVE: They have a dumpster and I can't get in and out. I drove a semi for twenty years and I can't get in and out of my own garage.

MARK SEIB: If that is the case, I would suggest you take it to the City of Mt. Vernon and issue a complaint that there is a problem with you being able to get into your garage. The other thing that you mentioned is that you do repair work for people.

MARY LAFAVE: It's just family. Right now I have a 91 Ford pickup truck that I bought and I'm piddling with it.

MARK SEIB: If you bought it and you're working on it, that's fine. You cannot be doing repair work for other people for hire.

MARY LAFAVE: I'm not doing it for hire. I live on 3rd Street and I can't do it on the street because it is like a highway up there all the time. So I pull it up in my yard.

MARK SEIB: This board received a complaint of you parking on the grass. You have taken care of that situation. As far as we are concerned at this point, I believe it would be the board's decision...

MARY LAFAVE: You're telling me I can't park there for an hour to change a spark plug or something? That's silly.

MARK SEIB: You are not to park on the grass.

MARY LAFAVE: I'm sorry I bought anything in Mt. Vernon. I was born and raised here in Posey County and I've never heard of that bull. You can't park in your own yard.

MARK SEIB: If you have access to the website, it is under the Ordinance in Area Plan.

MARY LAFAVE: It's all done. The vehicle is gone.

MARK SEIB: I believe your issue has been resolved. What is the board's feeling?

KEVIN BROWN: It's the same thing.

MARK SEIB: With that being said, we will take it as consent that this has been taken care of unless we receive another complaint.

MARK SEIB: The next complaint is 607 E. 4th Street, Mt. Vernon. This was tabled since 11/18/21.

MINDY BOURNE: This is the pallet business.

MARK SEIB: This is where we had the complaint of pallets outside. Trent, would you like to give a little more information about what has happened since the board has met?

ATTORNEY TRENT VAN HAAFTEN: Since the last meeting where you tabled it, Mark, Mindy and I sat down with the two gentlemen. We had a discussion about the status of things.

MARK SEIB: We met with them because they were very unsure that every time we had a meeting, we find out more and we bring more to them and tell them they are in violation. As we dug into the violation, we found out more and more. They are basically not zoned to have their business in that location. They are not even supposed to have that pallet business at that location. When we met with them, they were very honest and we even went down a list of other properties that might be available for them to move to. If you two would like to come up and add any more to this, you can do so.

ERIC HAZLETT: 11625 Ramblewood Court, Evansville. Since that meeting, we've talked to three different attorneys, Bill Bender, Shawn Sullivan and Tom Norton. I always forget to ask, but all three said that we have the right to know who made the initial complaint. So I would like to ask for that information now.

ATTORNEY TRENT VAN HAAFTEN: There were two, Sherry Willis for the City of Mt. Vernon and Ken Johnson.

STEVE HAZLETT: Tom Norton printed out the ordinances with the zoning information. He said with a transfer business such as ours it is not a zoning problem. He said he might call you guys, I don't know if he did our not. I am being told it is not a zoning problem, we are not industry unfortunately like you keep saying we are heavy industry. We are not heavy industry. Most of what we do now is we gather pallets from smaller entities get them in 500 semi loads and send them out. It actually cleans up a lot of areas around here because the pallets are all picked up and recycled. Secondly, if you want to say about retail, we do have people that have bought pallets from us and other things from our store. We can supply the names and I am sure if they have to they can come in and say, so there is that retail. He has a retail license. I understand the initial problems with all of that stuff being outside. You know that for quite a while we haven't had anything outside we even got to a point where we can load a semi straight from Gottman's and getting it done in 45 minutes. That is our record. We are getting better all the time and more efficient. We feel that the zoning is not a problem, unfortunately all three of the attorneys are too busy or conflict of interest to represent us. If it keeps going, I guess we will go to Indianapolis or Louisville. We still don't see where we are doing anything wrong. If there are any other changes that you need to see other than just kicking us out. We will be happy to entertain those. We by no means want to be bad citizens. I am from a small town and we were pretty excited to come here initially, he was making plans to help out with the baseball team. In his day he was a superb baseball player, at one time ranked 50th in the nation. So he does have some stuff to add to baseball and this community. I will say again, we don't know what we are doing wrong. I know what you are saying we are doing wrong, but I don't agree. So I guess we have to go higher or something.

MARK SEIB: Where we are at is that we read the ordinance we were with a complaint it was with you selling pallets and having them stored outside and that was basically all that was described in the complaint. And with the Zoning Ordinance that is applied to your area that is for your business, it didn't allow for you to have that outside storage. I believe we brought that to your attention when we first got started. With that being said, I have noticed that every time I have drove by there and I don't live in Mt. Vernon, but when I am down here I do find myself driving by there and I have seen that it has all been brought into the building or at least it is not outside. Then we dug into it a little but further and when we went through the process of describing what your business is with manufacturing or remanufacturing, you know putting another board down and hammering them in or whatever you have to do with them. That didn't meet the criteria of the ordinance that was there for that zoning. As Mr. Van Haaften tried to explain to you at the meeting we had about that, now with you making a comment that it is retail

to some degree. Trent, how do we handle that? Do you want proof, do we have to have proof or are we still in the violation because of it being a manufacturing piece.

ATTORNEY TRENT VAN HAAFTEN: Commercial General is zoned with the idea that you have solely retail. You have a store, people are coming in the front door looking at your products, buying them. That you are not, as we have discussed before, you're not hauling things in and manufacturing or remanufacturing whatever you want to call it. Obviously anytime there is a disagreement, there is another level that resolves those things one way or another. I have expressed to you that this is a Commercial General area. I have talked to you about what it is. What they are doing doesn't seem to fit there. They don't agree to that. It is their right to take that position, so I don't know what else to tell you guys. The process is if you want to move forward, is if we file some kind of legal action and move forward with that. The ordinance sets out some examples, the prime example is there is also a question of storage, inside, outside, things of that nature. So what I always think of is the hardware store that puts things out on the side walk or out front for people to see. Or hauls them in. That is a store. That is retail. So then it becomes a question of what they are doing is if it is retail or not.

STEVE HAZLETT: So if I put some pallets outside of the store to show it is retail because the hardware store puts stuff outside to show it is retail that is confusing. Believe it or not we did get more people stopping by and bringing us stuff when we did have the pallets outside.

ATTORNEY TRENT VAN HAAFTEN: I am giving you my opinion based on what I have been told or what you have said or what you have provided, is this does not fit Commercial General.

MARK SEIB: Do you have anything else you would like to add?

STEVEN HAZLETT: 11625 Ramblewood. So you said these zoning things were put into place in 2012. Is that correct? So when were these zoning things that we currently use now, when was that put in place?

MARK SEIB: I don't have the date of the original ordinance when it was put into play.

MINDY BOURNE: September 1, 2012 was the effective date of the Zoning Ordinance.

STEVEN HAZLETT: 2012. That was before our first meeting in November of 2021. Mindy in that meeting, looked over at Van Haaften and asked are they zoned correctly for a pallet repair business and he said yes and now you are saying no? I don't understand that. How can you switch opinions and the zoning didn't change at all.

ATTORNEY TRENT VAN HAAFTEN: Can you tell me what part of the minutes that is? Did you look at the minutes?

STEVEN HAZLETT: No, I didn't take a look at anything. I can go back and review them after this if I need to. I have a pretty good memory. Especially when it comes to trying to run my business through the mud.

MARK SEIB: I want you to be very clear here. Mindy works for the Area Plan. Mindy does not make the decisions for the board. It is the board that makes the decision.

STEVEN HAZLETT: I am just saying it shouldn't have been a question of zoning when your attorney says that it does fit previously. Now he has changed his mind and now I really have no idea.

ATTORNEY TRENT VAN HAAFTEN: If you can go back and see where I said that.

STEVEN HAZLETT: Will that reflect anything when I bring that to light? I mean what kind of weight will that carry is what I am curious about.

MARK SEIB: Once Mr. Van Haaften reviews and sees if that has been said or not, we will have some discussion to see if it is sufficient enough to decide there has been a mistake or something that indicates you get to keep your business there or we can make the decision that no you don't need to keep the business there and the process that we have from this point forward is we take legal action. It also has the action that we can assess fines on the property owner for whatever they are doing that we feel is in violation. Like Mr. Van Haaften has stated, you can obtain legal representation.

STEVEN HAZLETT: We will.

MARK SEIB: That is fine. And you can counter or do whatever you want to go from there from that aspect of it. Again, this board makes the decisions as far as whether or not that's it. Mr. Van Haaften doesn't make that decision, Mindy doesn't make that decision, and it's the board that makes that decision.

STEVEN HAZLETT: I guess my real question is that I am never led in one direction, it is one thing one time, another thing another time, one thing another time, one thing another time, skip a meeting, one thing another time.

MARK SEIB: That is why we brought you in to have a face to face with you in Mr. Van Haaften's office to try to explain to you where and how we got to where we are at.

STEVEN HAZLETT: I just want to reiterate retail. We got our RRMC the NAIC code refers to us as retail so I don't see the question here.

MARK SEIB: Ok, Thank you.

ERIC HAZLETT: Also, if you check the meetings he was going to send us a letter you said with three or five different dates and times that we could meet. Instead we got a call for a meeting for the very same day. So first of all you guys are not doing the proper processes. We never technically got a problem or letter or whatever regarding 625. At just one meeting it was said we thought that was the same situation. Well, you got to go by your own rules and something I am talking to many, many, many people in this area and everybody I come across and a lot of them think that it is a witch hunt against using us to go against Aaron Wilson because he is a loud mouth Republican. And that is going to come out in some way or form. That is not fair to us. We barely knew him; we met him one other time trying to buy a house from their auction in Evansville a couple of years ago. We have been told by many people again that it is just a witch hunt against us to get at Aaron. I have heard of a shed situation that is now going on to a much higher court. A shed that rules weren't even followed by Poseyville codes or whatever, that a judge even said it was OK and it didn't follow the codes you guys have put out. And then you are repealing it. You guys are getting yourselves into a whole bunch of things that seem very political and it is going to cause a whole lot of problems for all of us. Again, we have the places looking decent. Once we know we can stay, we will make them look even more decent. We will fix the gutters and this and that. We were driving a week or so ago and we came through a little town and we saw a building that looks just like Floors and Walls and it is a shame we came by it a little quick and we didn't see it sooner and we were going to get pictures when we came back by but we didn't come back that way. There were covered up by 4 X 8 sheets of plywood over the windows. That doesn't look good either. That is not what you guys want is it? That is not going to sell anything better in Mt. Vernon. That is not going to help your economic development. Your underestimating,,,,,, I don't know....Here's a kid 21 years that to you guys basically is a poor little kid that's got nothing going for him. Instead why don't you guys use him for the towns' advantage. How many other 21 year olds you know starting their own successful businesses. If you are wanting to be talking about economic development, why don't you talk to the next generation? I just don't understand your thinking. The little town I came from, when a new business came in, they gathered up a fruit basket and coupons for all of the other businesses. They went around and introduced themselves and offered to take you and introduce you to other owners of businesses to help the town grow. McKims, Buds Hardware, all three Mexican restaurants, DiMaggio's, Junckers... we spent close to \$1 million dollars in this community since we have been here. You just have to look at the big picture. If it truly is that we shouldn't be there, as soon as we find a suitable place... we would really like a place with a dock. That would make things even better. We wouldn't mind moving out. Then turning those buildings into something nicer or more suitable. But we are not even given a chance. He cannot be put out of business. If he is put out of business, then as far as courts go, it is going to go however and forever as long as it has to go. Nobody is going to like or appreciate a small town putting out a minority owned business. That is not good publicity for this town. I think you really need to rethink all of this. I guess I'm done. Do you have anything else?

MARK SEIB: Gentleman, your time is going to be just about up.

STEVEN HAZLETT: Well, I will be quick. I moved here very happy. I felt it was a great step in the direction for my business. I was thrilled to be here. You guys quickly turned that sour. Thanks.

MARK SEIB: Is there anyone else wishing to speak about this? Hearing none, with what has been said, it is up to the board though, but maybe we should just table this until Trent can review the items they have brought to our attention.

ATTORNEY TRENT VAN HAAFTEN: I will do what you guys direct me to do.

MARK SEIB: Ok. We can then address it at the next meeting and take it from there. I hate seeing us drag this out.

DAVE PEARCE: Also, we only have five members here tonight.

Kevin Brown made a motion in the affirmative to table the complaint at 607 E. 4th Street, Mt. Vernon until the May 12, 2022 meeting. Motion seconded by Mike Baehl. **Roll call vote (5-0) Yes. Motion carried.**

MARK SEIB: 621 W. 2nd Street, Mt. Vernon.

MINDY BOURNE: This is a new complaint. This was Bonnie McCarty, car parked in yard. I sent the letter and have not received a response from the property owner. The car was removed on April the 6th.

MARK SEIB: It has not been back that you know of since then?

MINDY BOURNE: The latest picture I have is April 6.

KEVIN BROWN: It's moved.

MARK SEIB: Is there anyone here wishing to speak concerning the 621 W. 2nd Street? Hearing none, with it being moved, is it the consent of the board that we consider this one taken care of unless we get another complaint? Ok, so that is what we will do with that one.

MARK SEIB: 801 E. 5th Street, Mt. Vernon.

MINDY BOURNE: This is a new complaint. Virginia Chavez Stallman, expired tag and vehicle parked in grass beside garage. I sent the letter. On March 21, 2022 at 9:45 a.m. Virginia Stallman called the office and stated they are having the truck towed either Tuesday, March 22 or Wednesday, March 23 to the garage. She does have license plates for the truck but she cannot get the old plate removed. The new plates are in the back window of the truck. Her husband is

disabled and she is the primary caregiver. She was hoping she didn't have to attend the meeting since she can't leave her husband alone. The photos from April 6, 2022, the truck is removed.

MARK SEIB: Is the feeling of the board that this one is taken care of unless we get a further complaint?

KEVIN BROWN: Yes.

MARK SEIB: Ok. With that being said, that is what we will do.

MARK SEIB: 925 Lower New Harmony Road.

MINDY BOURNE: This is a new complaint. Property owner is Paul Cohen, parked in the grass in the side yard. I sent the property owner a letter. I've received no response. As of the photo on April 6, it is still in violation.

MARK SEIB: Is there anyone here wishing to speak on this complaint? Hearing none, what does the board wish to do?

KEVIN BROWN: Send a letter.

Kevin Brown made a motion in the affirmative to have attorney Trent Van Haaften send the property owner at 925 Lower New Harmony Road, Mt. Vernon a letter concerning the complaint. Motion was seconded by Mike Baehl. **Roll Call Vote (5-0) Yes. Motion carried.**

MARK SEIB: 822 W. 3rd Street, Mt. Vernon.

MINDY BOURNE: This is a new complaint. Ralph King, vehicles parked in rear and side yard and parked in the grass. I sent the letter to the property owner. I received no response. As of April 6, 2022 the picture shows one vehicle has been moved and one is still there.

MARK SEIB: Is there anyone here wishing to speak on behalf of this complaint? Hearing none, what does the board wish to do?

Dave Pearce made a motion in the affirmative to have attorney Trent Van Haaften send the property owner at 822 W. 3rd Street, Mt. Vernon a letter concerning the complaint. Motion was seconded by Mike Baehl. **Roll Call Vote (5-0) Yes. Motion carried.**

MARK SEIB: 821 W. 2nd Street, Mt. Vernon

MINDY BOURNE: The complaint said Wayne A. Tomlison, vehicles parked in grass in side yard and rear yard. I did send a letter to the property owner. I received no response. Then it was sent by Sheriff. It was then discovered that the complaint was filed on the wrong address or

the wrong property. Mr. Sallee was notified that he would need to file a new complaint. We have a note here which states he understands no action being taken because of the wrong address and it was explained that the owner of the correct address did call and is in the process of removing the vehicles. So somehow, the person that really was in violation got word of what was going and they are trying to correct the situation.

MARK SEIB: So I assume we should have a new picture by the next board meeting. And you need to send an official letter to the correct address?

MINDY BOURNE: Not unless a new complaint is filed on the correct property. I don't have a complaint.

MARK SEIB: So what is the feeling of the board?

DAVE PEARCE: Can't do anything.

MARK SEIB: Andy are you OK with that?

ANDY HOEHN: This has been a problem location for a long, long time. Whatever it takes to get it moving

RON SALLEE: 345 Riviera Dr. They called me and told me had happened. I think it was the new lady down there, Carol.

MARK SEIB: Carol Redman.

RON SALLEE: She said they talked to the people at 815 as long as they agree to take care of it, I don't care. I didn't file a new complaint but if I need to file another complaint I will. Like I told her the whole purpose is to get it cleaned up. Not to give people problems.

MARK SEIB: My thought is that if by the next meeting they have tried to remedy this then that is fine if nothing has been done to clean up then you can file a new complaint with the correct address if that is what you would like to do.

RON SALLEE: I will do that.

MARK SEIB: 349 Riviera Dr., Mt. Vernon.

MINDY BOURNE: This is a new one but we have had a complaint on this property before. Carolyn A. Robertson, expired tag, green pickup, dually in driveway. I sent a letter to the property owner. On March 15 the property owner contacted the office and said it has been moved and taken care of.

MARK SEIB: So does the board feel that has been satisfied? With that, we will let it go unless a new complaint is filed.

MARK SEIB: 625 W. 2nd St., Mt. Vernon

MINDY BOURNE: This is a new complaint. Alan Dean Moll Jr, parked in side yard in grass. This one I did not send a letter on because vehicle was found on adjacent property at 621 W 2nd Street. It was determined that 625 W. 2nd Street is not in violation.

MARK SEIB: If the board agrees then we will consider that complaint done.

MARK SEIB: 221 Pearl St., Mt. Vernon.

MINDY BOURNE: This is a new complaint. Larry A. Horton, motorhome parked in grass in rear yard and can be seen from the 600 block of West Sixth St. Property owner was sent a letter. Larry Horton came to the office stated the motorhome is not his and he is not sure who it belongs to but he is going to try to get it towed off of that area. He stated he would let us know if he is successful.

MARK SEIB: Is it on his property?

MINDY BOURNE: Yes it is. On April 7th at 10:28 AM he called the office regarding the complaint, he said the RV had been moved. Told him that a photo taken on April 6th shows a trailer now parked in that spot. He said it is on an old driveway with existing gravel. If the board wants the trailer moved as well, he will contact his tenant. He is not able to attend the meeting due to a recent illness. However, I did receive a letter this evening that he is allowing Susan Harrison to speak on the complaint for him.

SUSAN HARRISON: 611 Goad Cemetery Rd, New Harmony, IN. All of the stuff is moved. Just for information, listening to all of this stuff this evening, this is all mind blowing. I can't even imagine how much of the tax payers money is wasted by all of you people having to sit up there and do this crap every month. This is just beyond comprehension. I mean someone driving by goes there is a car parked in the grass. Let me file a complaint. Dumb! Dumb! I promised Larry I wouldn't get mad. I haven't started swearing yet. Just so you know, that particular house, the people who live there they haven't paid any rent since last December. If we evicted them, they would be on a bench in front of the Library. We have paid the water bill, not once, but twice to keep the water on. Destroying this town. That is what you guys are doing, destroying this town.

MARK SEIB: Is there anyone else here wishing to speak concerning this matter? Hearing none, how does the board wish to proceed? Since all of the items have been removed, we can say it is closed until there is another complaint. Now onto the rest of the regular business.

DIRECTOR'S REPORT: None

APPROVAL OF PAYROLL & BILLS: A motion was made in the affirmative by Dave Pearce and seconded by Kevin Brown to approve payroll & bills. Roll Call Vote (5-0) **YES.**
Motion carried.

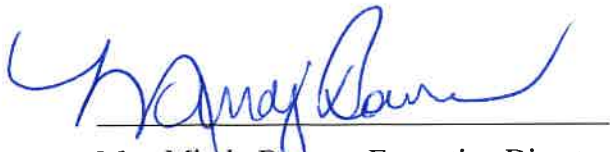
APPROVAL OF COLLECTIONS: A motion was made in the affirmative by Kevin Brown and seconded by Dave Pearce to approve collections for last month. Roll Call Vote (5-0) **YES**
Motion carried.

CITIZENS CONCERNS: None

ADJOURNMENT: Mike Baehl made a motion to adjourn the meeting at 8:24 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

March 9, 2022

Staff Comments: The property being petitioned to be rezoned from B-2 (Commercial General) to CBD (Central Business District) is 0.15 acres more or less. The property is located at 7 West Main Street, Poseyville, IN. Property abutting this site is owned by the following:

1. Aaron P. & Lacy J. Wilson, 10 W. Fletchall Ave., Poseyville, IN 47633
2. Uptown Salon, LLC (The), 10501 Pumpkin Run Rd., Poseyville, IN 47633
3. Joe D. Reynolds Trustee, PO Box 339, Poseyville, IN 47633-0339
4. Kathryn E. Hirsch Trustee, PO Box 160, Poseyville, IN 47633
5. Poseyville Christian Church, PO Box 86, Poseyville, IN 47633-0086
6. Superior Property Holdings, LLC, 125 W. Fletchall Ave., Poseyville, IN 47633
7. All Limited Partnership 2 (The), PO Box 370, Poseyville, IN 47633-0370
8. St. Pauls United Methodist Church, PO Box 38, Poseyville, IN 47633

Abutting properties are zoned B-2 (Commercial General) and R-3 (Residential Multiple Family). This property is currently used as commercial. The owners are proposing to rezone the property to CBD (Central Business District) for offices (dental & physical therapy). The uses adjacent to the proposed rezoning are as follows: Residential & Commercial.

☒ Favorable recommendation by the APC
☐ Unfavorable recommendation by the APC
☐ No recommendation by the APC

PROPOSED FINDINGS OF FACT
ON DOCKET NO: 22-02-RE-APC
PETITION TO REZONE: William H. Bender
OWNER: 132 S. Lockwood, LLC an Indiana Limited Liability Company

1. Current conditions and the character of the current structures and uses in each district.

The Commission finds that the proposal **WILL/WILL NOT** have an adverse impact on the current conditions in the area.

2. Responsible development and growth.

The Commission finds that the proposal **WOULD/ WOULD NOT** be consistent with development and growth.

3. Comprehensive Plan.

The Commission finds that the proposal **WOULD/ WOULD NOT** address the goals of the Comprehensive Plan.

4. The conservation of property values throughout the jurisdiction.

The Commission finds that the proposal **WILL/WILL NOT** have effect on property values in the jurisdiction.

5. The most desirable use for which the land in each district is adapted.

The Commission finds the proposal **DOES/DOES NOT** represent the most desirable use for which land is adapted.

Motion made to adopt the foregoing findings of fact by:

Mike Baeh1

Motion seconded by:

Dave Pearce

Adopted by Posey County Area Plan Commission

President: Mark Sath

Date: 4-14-22

FINDINGS OF FACT
BAS Evansville Inc. Office Building

I, Kevin Brown, make a motion in the findings of fact be made as follows

1. Development is compatible with surrounding land use. Zoning of this property is B-3 and is compatible with surrounding land use. Existing facility.
2. Water, sewer, and other utilities are available. German Township Water. Will tie into existing septic. Building will have gutters. Drainage will not change, it will drain to northeast.
3. The design and location of the entrance, streets are favorable to health, safety, convenience and are harmonious to the development and adjacent developments. Nothing is changing on the site with existing traffic flow. Very minimal impact.
4. The plan meets the setback requirements for the B-3 District.
5. The plan meets the building coverage requirements for the B-3 District.
6. The plan meets building separation.
7. The plan meets vehicle and pedestrian circulation. No changes to vehicle circulation.
8. The plan meets parking requirements. Existing parking (5 spaces existing). Will add 12 additional parking spaces.
9. Landscaping. Not applicable.
10. Building Specs. 2100 sq. ft. pole barn, height 12'
11. Signage. No signage.
12. Recreation space.-Not applicable.
13. The plan meets outdoor lighting requirement. Will have security lighting on building. Lights will shine on property not toward neighbors.
14. The development is in conformance with the Zoning Ordinance for the City of Mount Vernon, the Town of Cynthiana, the Town of Poseyville and Unincorporated Posey County Zoning Ordinance and with the Posey County Comprehensive Plan. The use does require a Special Use.

Motion seconded by: Mike Baeh1

Adopted by Posey County Area Plan Commission

Mark Sah
President, Posey County Area Plan Commission

4-14-22
Date

**ORDER OF THE POSEY COUNTY AREA PLAN COMMISSION
DETERMINING THAT A RESOLUTION APPROVED AND ADOPTED BY
THE POSEY COUNTY REDEVELOPMENT COMMISSION CONFORMS TO
THE PLAN OF DEVELOPMENT FOR POSEY COUNTY, INDIANA**

(North Sixty-Two Corridor Allocation Area)

WHEREAS, the Posey County Area Plan Commission (the "Plan Commission") is the body charged with the duty of developing a general plan of development for Posey County, Indiana (the "County"); and

WHEREAS, the Posey County Redevelopment Commission (the "Commission"), governing body of the Posey County Department of Redevelopment (the "Department"), previously adopted and amended resolutions (collectively, the "Declaratory Resolution") establishing and expanding an economic development area known as the "Sixty-two Corridor Economic Development Area" (the "Area"), designating certain portions of the Area as "allocation areas" for purposes of Section 39 of the Act, and approving an economic development plan for the Area, pursuant to Indiana Code 36-7-14, as amended (the "Act"); and

WHEREAS, on April 14, 2022, the Commission adopted a resolution (the "Resolution") further amending the Declaratory Resolution, pursuant to Sections 15-17.5 of the Act, to designate the area described on Exhibit A attached to the Resolution as a separate allocation area pursuant to Section 39 of the Act to be known as the North Sixty-Two Corridor Allocation Area (the "Amendment"); and

WHEREAS, the Redevelopment Commission has submitted the Resolution and the Amendment to the Plan Commission for approval pursuant to the provisions of Section 16 of the Act.

NOW, THEREFORE, BE IT ORDERED BY THE POSEY COUNTY AREA PLAN COMMISSION, as follows:

1. That the Resolution and the Amendment conform to the plan of development for the County.
2. That this Plan Commission hereby approves the Resolution and the Amendment.
3. That this Order hereby constitutes the written order of the Plan Commission approving the Resolution and the Amendment pursuant to Section 16 of the Act.
4. That the Secretary of this Plan Commission is hereby directed to file a copy of the Resolution with the minutes of this meeting.

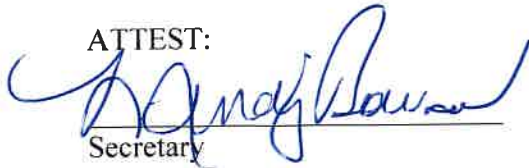
Passed by the Posey County Area Plan Commission this 14th day of April, 2022.

POSEY COUNTY AREA PLAN
COMMISSION

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

President

ATTEST:

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

Secretary

**ORDER OF THE POSEY COUNTY AREA PLAN COMMISSION
DETERMINING THAT A RESOLUTION APPROVED AND ADOPTED BY THE
POSEY COUNTY REDEVELOPMENT COMMISSION CONFORMS TO THE
PLAN OF DEVELOPMENT FOR POSEY COUNTY, INDIANA**

(Lamont Road Allocation Area)

WHEREAS, the Posey County Area Plan Commission (the "Plan Commission") is the body charged with the duty of developing a general plan of development for Posey County, Indiana (the "County"); and

WHEREAS, the Posey County Redevelopment Commission (the "Commission"), governing body of the Posey County Department of Redevelopment (the "Department"), previously adopted and amended resolutions (collectively, the "Declaratory Resolution") establishing and expanding an economic development area known as the "The Black Township Economic Development Area" (the "Area"), designating certain portions of the Area as "allocation areas" for purposes of Section 39 of the Act, and approving an economic development plan for the Area, pursuant to Indiana Code 36-7-14, as amended (the "Act"); and

WHEREAS, on April 14, 2022, the Commission adopted a resolution (the "Resolution") further amending the Declaratory Resolution, pursuant to Sections 15-17.5 of the Act, to designate the area described on Exhibit A attached to the Resolution as a separate allocation area pursuant to Section 39 of the Act to be known as the Lamont Road Allocation Area (the "Amendment"); and

WHEREAS, the Redevelopment Commission has submitted the Resolution and the Amendment to the Plan Commission for approval pursuant to the provisions of Section 16 of the Act.

NOW, THEREFORE, BE IT ORDERED BY THE POSEY COUNTY AREA PLAN COMMISSION, as follows:

1. That the Resolution and the Amendment conform to the plan of development for the County.
2. That this Plan Commission hereby approves the Resolution and the Amendment.
3. That this Order hereby constitutes the written order of the Plan Commission approving the Resolution and the Amendment pursuant to Section 16 of the Act.
4. That the Secretary of this Plan Commission is hereby directed to file a copy of the Resolution with the minutes of this meeting.

Passed by the Posey County Area Plan Commission this 14th day of April, 2022.

POSEY COUNTY AREA PLAN
COMMISSION



President

ATTEST:



Secretary