

## MINUTES

### POSEY COUNTY AREA PLAN COMMISSION REGULAR MEETING

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

JUNE 8, 2023  
8:20 P.M.

**MEMBERS PRESENT:** Mr. Mark Seib – President, Dr. Keith Spurgeon – Vice-President, Mr. David Dausman, Mr. Joe Marvel, Mrs. Stefani Miller, Mr. Greg Newman, Mr. Trent Van Haaften – Attorney, Mrs. Mindy Bourne – Executive Director, Mrs. Becky Wolfe – Administrative Assistant.

**MEMBERS ABSENT:** Mr. Mike Baehl, Mr. Andy Hoehn, and Mr. Randy Owens

**APPROVAL OF MINUTES:** The minutes were not presented.

**SITE DEVELOPMENT PLAN:**

APPLICANT: James O’Risky, Emerald Investments  
OWNER: Irish Acreage LLC  
PREMISES: Part of the East Half of the Southwest Quarter of Section 3, Township 7 South, Range 13 West, in Black Township, Posey County, Indiana. Containing 8.18 acres, more or less. More commonly known as 3351 Old Highway 62, 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 M-2 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 confirmed that no one on the board had a conflict of interest.

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

**JAMES O’RISKY:** 10650 E. Copperline Road, Evansville 47712. I am proposing to put up additional self-storage operation out on 3351 Old Highway 62. We currently own Shamrock Self Storage at 445 Givens Road. You guys gave permission for us to build onto that a couple of times in the past few years. I still feel like there is a need in Mt. Vernon for some additional storage services. The intent is to bring climate-controlled storage into Mt. Vernon and also to do some different things with RV/boat/trailer storage and things that I don’t currently do out at the 445 Givens location. The intent is to put up fully enclosed RV/boat storage. If you imagine a garage with a large bay that can be individually secured and then also to do some covered

storage for trailers and RVs with open faces on those. That's a couple of things that don't currently, to my knowledge, happen in Mt. Vernon space. I think the closest location is the space we established 30 years ago, which is the Space Station. They do offer that, but it is seven miles out of town towards Evansville. That's the purpose for purchasing the property. I felt like the zoning and location was right. For what we've done in the last couple of years, it's a little surprising that the business has grown quite a bit and not really many people know we're back there. We do a website, but most of our business comes from the neighborhood around the GAF plant, the golf course, the bowling alley and back in there really. I still feel like Mt. Vernon is really underserved when it comes to self-storage locations. That's the purpose for this process.

**MARK SEIB:** You're proposing to build four buildings?

**JAMES O'RISKY:** There would be four separate buildings in the drawings. Some of those may look like there's three, but part of that would be the fully enclosed half and the other half will be gravel-based, open-ended storage. There's going to be some space between them. Yes, technically there is four buildings.

**MARK SEIB:** And that is new construction on that property. The setbacks are adequate. Are you looking to at any point in time add more to this? The reason I'm asking that is because if you are, then we need to take into consideration the placement of these.

**JAMES O'RISKY:** Yes. It's my hope that I will need to add more. It's difficult to say. We doubled the size of the access storage that we bought from Hickey's a couple of years ago to 150 units from the 70 we had when we did it. Like I said, without the exposure... I think out here the car count is like 18-19,000 cars a day out on this highway and the Mt. Vernon area is underserved. It's my hope that is the case. By putting that investment into the four different buildings, I stretched out quite a bit. It's going to have to be pretty solid for me to come back and ask you to expand anytime in the near future. I have quite a bit of cash laid out with this proposal already.

**MARK SEIB:** How are you going to have access to this property and how will the road wind through all of this?

**JAMES O'RISKY:** If you are familiar with Gottman Electric, we are basically going to be parked across the street from them and you would come in from Old Highway 62 with an entrance just to the west of where Gottman Electric is at. It's close to the center of that space out there. We own the center field. There's actually another field between us and the Co-op and then the salt storage operation also has a different ownership.

**MARK SEIB:** Ok. So that little triangle field is separate between you and what is now the Co-op building.

**JAMES O'RISKY:** That's right. I don't own that property. I own the center of those three properties.

**MARK SEIB:** Discussion or questions from the board? Is that in the city limits of Mt. Vernon?

**MINDY BOURNE:** Yes, it is. They have not submitted their State Construction Design Release yet.

**JAMES O'RISKY:** We are going to, but it is not done yet. We can't start any construction on it without it.

**MARK SEIB:** Are there any further questions at this time? Hearing none, you may have a seat. We will now open the public portion. Is there anyone here wishing to speak for or against this Site Development Plan? Hearing none, we will close the public portion.

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

**MINDY BOURNE:** Your report is in your folder from the committee meeting. They are proposing mini storage development that will consist of a 70' x 40' enclosed RV storage, 70' x 40' lean to RV storage, 126' x 40' mini storage building and a 100' x 30' climate mini storage building. They are going to be adding a 6' chain link perimeter fence. The project does not require a Construction Stormwater General Permit because it is under one acre, but Megan did want Barry to send her some drainage calculations which he did. I received a copy of that as well. They have not submitted their State Construction Design Release yet. We received no comments from agencies with jurisdiction at this location. The committee recommends this be approved.

**MARK SEIB:** It is now up to the board to discuss and take action as they see fit. I do have one question, and this may be where Barry needs to come in. The watershed off of this... You're putting up some pretty big buildings and that is going to accelerate the runoff. What are we doing with the water control?

**BARRY TANNER:** Tanner Engineering, 625 E. 8<sup>th</sup> Street, Mt. Vernon. Currently the water drains to some field ditches, then it goes to the north to the ditch along Old Highway 62. We are going to keep that same drainage pattern. The majority of the lot is going to be gravel with the buildings will be a pervious area. The calculations that I submitted to the Soil and Water showed that there is going to be about a 20% increase in the runoff for the area that's going to be developed. That makes it sound like a lot, but you're only talking another 1-2 cubic feet per second of water. So, it's not too bad in my opinion anyway. The pipes and the ditch are still adequate for that runoff.

**MARK SEIB:** Now you're basing that on a 1" rain or are you basing that on a 5" rain?

**BARRY TANNER:** She asked me to do two scenarios, the ten-year storm predeveloped and post developed, and then a twenty-five-year storm predeveloped and post-developed. I did both of those. The percentages are still about the same.

**JOE MARVEL:** Is this going to be like a gate-controlled access? Is there going to be enough room to be off the highway and enter a code?

**BARRY TANNER:** Yes. As you can see it's a 70' wide entrance and then a large area before the gate.

**JOE MARVEL:** So, you have plenty of room to sit there and punch a code in?

**BARRY TANNER:** Hopefully.

**MARK SEIB:** Any lighting? Any signs? What are we doing here?

**JAMES O'RISKY:** The lighting will be more or less light like we did at Shamrock. If anyone wants to see that you can see that at 445 Givens Road. They are light packs that are on the side of the building, and they will be about every 40'. As they go along, they are directional, but they are mostly aimed downward more than out. We are not in a neighborhood out there but so far, I haven't had any issues at all with the neighbors out there so we intended to mimic that.

**MARK SEIB:** I wasn't too worried about the neighbors because the neighbors are businesses.

**JAMES O'RISKY:** There's not much there.

**MARK SEIB:** I'm more concerned about the traffic and maybe some of the lights might create an issue depending on what you use. Are you going to have any lit signs?

**JAMES O'RISKY:** The sign is something we are going to have to come back and do. I would like to do something, but I'm... With that being a Scenic Byway I think we're going to have to do something different from maybe what I initially hoped for and at the time we had this meeting, we weren't ready to say. So, we will have to come back through a separate process for that.

**MARK SEIB:** You're aware that you need to work with Mindy on that?

**JAMES O'RISKY:** Yes.

**MINDY BOURNE:** We talked about that during Site Reviews.

**MARK SEIB:** Are there any further questions?

Joe Marvel made a motion in the affirmative to approve contingent upon State approval. Motion was seconded by Stefani Miller. **Roll Call Vote (6-0). Yes. Motion passed.**

Joe Marvel made a motion in the affirmative to approve the Findings of Facts. Motion was seconded by David Dausman. **Roll Call Vote (6-0). Yes. Motion passed.**

**MINDY BOURNE:** This project has been approved contingent upon receiving State permits. Once you receive those you will need to get your Improvement Location Permit before you start any construction.

**REZONING:**

**DOCKET NO:** 23-04-RE-APC  
**APPLICANT:** Larry Marshall  
**OWNER:** Larry D. & Marilyn S. Marshall  
**PREMISES:** Part of the Northwest Quarter of the Northeast Quarter of Section 11, Township 5 South, Range 13 West, lying in Center Township, Posey County, Indiana. More commonly known as 4701 & 4703 Romaine Road, New Harmony, Indiana. Parcel 1 65-07-11-100-011.001-005 containing 8.519 acres more or less and Parcel 2 65-07-11-100-011.002-005 containing 1.651 acres more or less. (Complete legal description is on file at the Posey County Area Plan Commission Office).

**NATURE OF CASE:** Petition to rezone property from A (Agricultural) Zoning District to M-2 (Medium Manufacturing) Zoning District under the Zoning Ordinance of the City of Mt. Vernon, Town of Cynthiana, Town of Poseyville and Unincorporated Posey County.

Mark Seib confirmed that no one on the board had a conflict of interest.

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

**ATTORNEY JILLIAN KRATOCHVIL:** 1 Main Street, Suite 201. We are here to request that this be changed and rezoned as M2 so it can be in conforming status from a non-conforming status. The business has been operating out of one of the parcels for over 15 years. They operate their business out of that and have trucks out of that and storage out of that. The business has just had an expansion and an expansion in their customer base and have a need to run more trucks. There is also a house on the parcel. If you look at it, there is a rectangle with a horseshoe around it. On the horseshoe shaped property there is a house which is vacant right now. They intend to use it as the actual office to expand the operation and that will give them more ground for storage and their trucks. We hope it is a simple request. We are asking to go from a non-conforming status to a conforming status. This would allow for a future expansion of this business which has been in operation for a long time, been a good neighbor and generously contributing to the county in a lot of meaningful ways. We are just hoping to continue to grow and grow in a proper way.

**MARK SEIB:** Are you planning to build at this time?

**LARRY MARSHALL:** If I am going to continue to operate, I need to. I currently have a 2-bay shop and I need to expand to a 6-bay shop. I run 26 trucks and it is very hard to keep them maintained in the drive without having someone work on them out in the rain.

**MARK SEIB:** So, you are building?

**LARRY MARSHALL:** No, we haven't started yet.

**ATTORNEY JILLIAN KRATOCHVIL:** The intention is to build a bigger shop.

**MARK SEIB:** What I am getting at, if you are just wanting to change it to say in ten years from now, I just want to do this, we don't usually do that.

**LARRY MARSHALL:** If I have an engineer out of Indianapolis... When I get approval from you guys, then the engineer is going to start immediately and do the design work to make sure we have the water runoff and all that stuff done.

**MARK SEIB:** Is the shop the only thing that you are going to do?

**ATTORNEY JILLIAN KRATOCHVIL:** They are going to move the office where it is currently located on residential property into the house and build a bigger shop. The physical location of the office will move to that house that is already there. It's not a new build, they are just moving. Then they are going to expand by adding four more bays so they can better service their people.

**MARK SEIB:** We saw the 3,000 square foot future office/shop and 2400 square foot current office and 1600 square foot...

**LARRY MARSHALL:** The current shop is 1600 square feet and I want to expand it. The sectional home, which is my office now, will be removed and we are going to move the office up to the house.

**MARK SEIB:** Now I'm understanding what you're doing with the buildings and everything. Are you going to change the entrance or anything such as that?

**LARRY MARSHALL:** No.

**MINDY BOURNE:** Like they said earlier, they are nonconforming. Right now, they are not zoned for the business they are doing. For them to ask or request a rezoning to make it conforming is legit. If you are building structures in the future and you're in a Commercial or Manufacturing Zoning District, that also requires you to file a Site Development Plan. So, you will have to come back before this board again if it gets rezoned. Let me back up here. If it gets rezoned, you will have to bring the plans of what you're wanting to do back before this board to look at.

**LARRY MARSHALL:** Yes ma'am. I completely understand.

**MARK SEIB:** Are there any other questions from the board? Hearing none, you may have a seat. I will now open the public portion. Is there anyone here wishing to speak for or against this application?

**JAMES WILLIAMS:** 5615 Hidbrader Road, New Harmony. I've known Larry since he opened this business and he's done a fabulous job. I was told, but I don't believe it, that he was going to put in a recycling thing there. If that's not true, then I have absolutely no objection.

**MARK SEIB:** We will ask that question for you.

**JOHN MOYE:** 4481 Moyer Road. My concern was that and the extra road traffic that it would have if you had trucks coming out there to dump stuff. Those roads are very narrow and that is a highly farmed community there, which you all know. We already have a lot of traffic coming through there and that is my biggest concern. If it's only going to be the building and stuff to store his trucks and stuff, I'm fine with that. If it's going to be used for something else, I don't think that area is fit for that.

**MARK SEIB:** We will ask that question of him.

**TIM BARNETT:** 4471 Romaine Road. We live just up the road and are actually family. We do have concern for the property value with the rezoning to Manufacturing. We also have a concern about the increased traffic on our roads. We already have some safety issues with very narrow and typical Posey County backroads even though it has been paved. We have a lot of truck traffic. It's barely wide enough for two cars to pass and we put a garbage truck, or a semi and a car, you're running into the ditch to keep safe. We also have concerns about it becoming a transfer station or a recycling center in the future because that is going to be adding noise and added truck traffic to our area. We also have concerns with runoff. There is a creek that borders the property that feeds into Big Creek. So, we are concerned with trash running off, oil runoff. It's a business and I understand that. I run a business myself. But we are concerned with public safety in our area because it is mainly a residential area. So, we have concerns about that as well as our property values.

**SHAY BARNETT:** 4471 Romaine Road. My husband covered most of our issues. As Larry has stated, he has had his business there for 15 years. He started out as one truck that he would pick up by hand and of course it has grown exponentially over the years. There is a safety issue. I would say most of us in the area have literally been run off the road and into driveways. There are blind hills where you can't see trucks coming over. I know Larry has had to pay for mailboxes to be replaced as his truck drivers have hit them. I don't know if that's why they now ride in the middle of the road. But that has been my experience, my kids' experience as they were new drivers. It was very scary. My fear is that he can expand into even more trucks. He did state that although he has no intention of making it a transfer station. But that is going to be in the paperwork and could be something in the future. I'm concerned if semi-trucks are going to be added to the... Dump trucks and the roll off trucks that are even larger than the dump trucks are now in and out. It's coming out of a very small driveway. We've all had to lock our brakes to avoid trucks coming in and out of that driveway. It is just a real safety issue and also a noise issue. Those trucks leave at 3:30 and 4:00 in the morning. We are woken up nearly every morning with them coming in and out. I get that it is a business, and if they start early with more trucks, it will be worse. If they are down there doing repairs sometimes it is 10 or 11 o'clock at night and we can hear those backups beeping and the revving engines and revving engines in the morning. It is just a quality-of-life issue somewhat. And as my husband said it is a property value issue. We are having houses being built out there to live out there, that is good for our property value to have houses built out there. It is not fun to live around a garbage business so that would be my concern. We want more people to move in to have a more residential area and

I don't know if that is very appealing with the noise from the truck traffic and the safety issues. Thank you.

**MARK SEIB:** Is there anyone else wishing to speak. Hearing none the public portion is closed. Larry, if you want to come up with your attorney and answer some of the questions about noise and the recycling part.

**ATTORNEY JILLIAN KRATOCHVIL:** At this point, plans for any expansion are as they are specifically stated. We want to move the office and expand the shop and we want to get rid of that much smaller office that is currently being used. That is our plan right now. What has been drawn up is what this is requested for. Bring it up to conforming status, to move the office and expand the shop. To the question raised about the traffic, the number of trucks could be increased right now, they would just have to be worked on outside making a considerable larger noise level, especially at night. We could have 10 more trucks and then having to work on 10 more trucks outside which would actively increase the noise level with the neighbors. We have taken every step possible to try to make it safe on that road, we didn't build the road, we can't expand the road. To the extent that that is an issue, it is an issue out of our control. What we can control is expanding in a way that these trucks can be worked on inside and would reduce the noise and the hours which would lead to lower disruption to the quality of life on individuals. Which is what we are requesting to do. The remedy we are seeking addresses at least one specific issue that has been raised. As far as what we plan to do, is to increase it by 4 bays to a 6-bay shop, move the office from a smaller stationary location to a permanent bigger area. That is what we are asking you to do. We are just wanting a more efficiently run business. We don't have trucks late at night that are loud, we don't have them in the rain. I believe that addresses all the issues that were specifically raised. We don't anticipate there being any additional run-off or drainage or any of those matters. We don't anticipate that to be an issue at all.

**LARRY MARSHALL:** I have been there for 23 years, I never leaked diesel fuel into the creek. We have done everything with our fuel container which is required by the State. I have a double walled tank; my fuel tanks are double walled for that reason. That was where I was raised. That is my office.

**MARK SEIB:** So, the noise you are trying to improve that by the extra bays. Bringing everything in by the shop being able to do it from there. I understood that. The other question is the recycling center and going from there. You are not asking for the recycling center. To answer your question, if he would ask for a recycling center there would have to be a Site Review and a Special Use and brought back here again and go through the whole process. It is not something that could be done without public knowledge. I am not saying that he may not want to do that in the future, I am not his business manager. That is to let you know that you know how that would work. I do believe you did answer all of the other questions, and I appreciate that. Does the board have any other questions for the applicant or any other further discussion?

**JOE MARVEL:** I am going to say doing all that work in the shop does decrease the noise level and the concerns of fluids goes way down. And laying under a truck on the gravel is never fun, this is coming from someone who has rebuilt semis over the years.



**DAVID DAUSMAN:** In terms of public safety, are you adding any trucks? Is this going to allow you to add trucks to your operation?

**LARRY MARSHALL:** As my business grows, I have gone from 1 truck to 23... I do a very good job. I do good in the community. If I grow it is because the community wants me to grow. As far as safety, we do the best we can. As far as I know, we have never been involved in an accident on the roads with one of our trucks. I am sure we will.

**DAVID DAUSMAN:** You do mine and you do a heck of a job. I get it, it is Romaine Road. Is that your access?

**LARRY MARSHALL:** That is the access. I have called and talked to the Posey County Highway Superintendent. The weight limit on that road is 80,000 pounds. I don't go nowhere near that.

**DAVID DAUSMAN:** I have heard concern about the width and that is not something that you can really control.

**LARRY MARSHALL:** We buy thousands of gallons of fuel every month in Posey County, that is reason I buy it here is that I can buy it cheaper. My road sales tax is used in Posey County, that is why I buy my fuel here. I try to practice what I preach and buy local. That is what I try to do every way I can.

**MARK SEIB:** Are there any other questions? It is now up to the board to discuss and take action as they see fit.

**MINDY BOURNE:** This is a recommendation to the County Commissioners.

**MARK SEIB:** With a zone change they would have to take it to the County Commissioners and that may be a good time to bring the road situation up.

**DAVID DAUSMAN:** I think as a safety issue that Greg as a County Commissioner ask the Road Commissioner to go look at this. As a public safety issue, we need to go look at it.

**JOE MARVEL:** I have taken farm equipment down that road and yes, it is fun. But that is half the roads in Posey, not just that one. I have been in more ditches than I have been out of ditches, I think. Very few I haven't hit.

**GREG NEWMAN:** We can ask Mr. Schenk to go look into that.

**MARK SEIB:** Is there any other discussion? Do I hear a motion?

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

Joe Marvel made a motion in the affirmative to recommend approval. Motion was seconded by Keith Spurgeon. **Roll Call Vote (6-0). Yes. Motion passed.**

Keith Spurgeon made a motion in the affirmative to approve the Findings of Facts. Motion was seconded by Stefani Miller. **Roll Call Vote (6-0). Yes. Motion passed.**

**MINDY BOURNE:** This has been a recommendation to the County Commissioners. They will meet here on June 20, 2023. Someone does need to be present. I will be there to present the application to the Commissioners, but they do like the property owner or the attorney to be present in case they have anything additional to add.

**AMENDMENT TO THE ZONING ORDINANCE OF THE CITY OF MOUNT VERNON, THE TOWN OF CYNTHIANA, THE TOWN OF POSEYVILLE AND UNINCORPORATED POSEY COUNTY:**

To amend Section 153.212 (A) to eliminate the requirement that a written complaint submitted include the name of the complainant.

**ATTORNEY TRENT VAN HAAFTEN:** I would like to give a quick overview of amending the Zoning Ordinance. Once the Zoning Ordinance is in place, you as the APC can initiate an amendment to it. To amend the Zoning Ordinance, the legislative body under the Zoning Ordinance, the Commissioners, the Common Council, the Town Board of Poseyville or the Town Board of Cynthiana can initiate a proposal that says we want to change the Ordinance. If they do that, any legislative body makes that proposal, it has to come to you the APC for consideration and a public hearing to make a recommendation or no recommendation. All of these are tied into certain time limits. So, if you then make your recommendation, it goes back to the legislative body. If the proposal is initiated by the APC and you approve it then goes to all of the other legislative bodies. I say all of that because of the way all of these were written. The first one is the standing one, anonymous reporting. The City of Mount Vernon asked for it to be changed as it applies to Mt. Vernon. The County Commissioners passed the same thing, they want to change it as it applies to the incorporated parts of the County. At last month's meeting you said that was a good idea, let's initiate the same proposal. So, you are going to be making three considerations on the standing. You are going to be making a recommendation to the City and their proposal and a recommendation to the County for their proposal and the Towns of Cynthiana and Poseyville. If all of those legislative bodies approve what we have submitted to them as a recommendation, then it becomes a part of the Ordinance. So, if everyone approves it, the standing would then apply to everyone in the Zoning Ordinance.

The parking surface one, that is just Mt. Vernon. No one else has made a proposal to change that. They are asking to change all-weather. So, you will send a recommendation back to the Council, and they will then take action on what to do. If they approve your recommendation, then the Ordinance is changed just as it applied to the City of Mt. Vernon on the parking. It won't change anything in the County or the Towns of Cynthiana and Poseyville.

The other one is the penalties. Mt. Vernon initiated a proposal; the County I think thought it would be a good idea but the only letter we got from the County was on the standing. So, APC at your last meeting thought this was a good idea to initiate it. So, you are going to make a

recommendation regarding your proposal which will then go to the Commissioners, Poseyville and Cynthiana. So then if everyone there approves it, it will apply across the board. It sounds kind of convoluted but when one legislative body makes a proposal it starts a clock on their proposal.

The first one, the standing, you have a copy of the Ordinance with the language would be. It basically will add language to the Ordinance that indicates adds the language a person filing a complaint under this section will not be required to provide their name or their form of identification. You need to conduct now, Mark, a public hearing on that particular amendment and allow anyone from the public to comment on it. And if they do make a comment, ask them if they are commenting on how it applies to Mount Vernon or other parts of the County. Then after the public hearing, discuss, you would want to make a recommendation. It would either be a favorable recommendation, unfavorable recommendation, or no recommendation.

**MARK SEIB:** So now we will open up for public discussion and taking up an amendment to the Zoning Ordinance for the City of Mt. Vernon and the Towns of Poseyville and Cynthiana and Unincorporated Posey County. To the amendment Section 153.212 (A), the Ordinance is all spelled out here before you. I don't think we need to have that read.

**ATTORNEY TRENT VANHAAFTEN:** The public hearing was advertised that the Ordinance was available at the Area Plan Office, and it is before you.

**MARK SEIB:** With that being said is there anyone here wishing to speak for or against the proposed amendment to the Zoning Ordinance for the written complaint. Now moving to a non-signed complaint. Is there anyone wishing to speak? Hearing none, we will close the public portion and open it up to the Committee to discuss and take action as they see fit.

**KEITH SPURGEON:** I understand. I think this may be one of those things that we agree to disagree on, but I think it is still a bad idea to start accepting unsigned complaints. I think it is a slippery slope. I think there are times when unsigned information is good. Sometimes that is needed in police investigations and those kinds of things. I just don't think in this case the stakes are that high in requiring them to sign is an undue hardship. I think if somebody has a strong enough complaint, they should be willing to put their name to it. That is just me.

**STEFANI MILLER:** We did talk about putting a year on this and seeing how it goes.

**GREG NEWMAN:** That was in the Commissioner motion and action and to reassess it in a year.

**MARK SEIB:** We did talk about it, but that won't change this Ordinance.

**KEITH SPURGEON:** Whatever is put in writing can be rewritten eventually down the road.

**STEFANI MILLER:** I just remember it was the possibility of waiting and seeing how it goes.

**MARK SEIB:** I think the Commissioners, like Greg said, left it with a review at the end of the year and see how it has been working, see if it does or does not. It will require, I think, some changes on how we handle things a little bit and being able to address it with a disclaimer that if we don't have a name or a number to call back to that we may not be able to further the investigation along if we come into a problem which everyone seems to understand that. Stefani, you are right they did discuss waiting a year to review it but that won't change this Ordinance until we go back into it to do that.

**STEFANI MILLER:** I just wasn't sure of the specifics of how that ended up.

**MARK SEIB:** Other discussion?

**JOE MARVEL:** I agree with Keith. I feel like you are opening a box of worms or something and I have no idea how it is going to go.

**KEITH SPURGEON:** You could be chasing shadows there. I understand if you want to do it and reevaluate it in a year and hopefully, I will be proved wrong.

**JOE MARVEL:** The worst case is there is no actual violation. Yes, we would waste a little bit of our time.

**MARK SEIB:** I guess what we would do is keep a pretty close note of how things are done, how many complaints that we have had and how many there is actually no violation, how many we were able to complete and all those different things. We will try to keep good notes to give supporting documentation to the Commissioners, saying this was what this year was for us and then they can make the decision on whether they want to continue that as far as on the County and we still have to go to Cynthiana and Poseyville. If they chose not to, then they don't have to. So, it is not anything that is required, it is still that governing body that still makes that decision, we are just the conduit that started it.

**GREG NEWMAN:** We had heard there were instances where there were people reluctant to file complaints, so we were willing to make this change to give a try to see if it makes any difference.

**KEITH SPURGEON:** I understand what you are saying I am not trying to run that down, but my experience has been that it usually doesn't. Those people who say, well I would file a complaint, but I have to put my name on it, but then you tell them to go ahead and file your complaint without your name, they will say no because the person will know who it is. Mindy will find out or my neighbor will find out.

**JOE MARVEL:** Or they will blame you for it anyway.

**ATTORNEY TRENT VAN HAAFTEN:** From a procedural standpoint I am going to ask you to do one of two things. If you want to make a motion as to one of these to apply to all three proposals meaning APC, County and City you can do that. If you want to make a motion for a recommendation for just one meaning APC, County or Mt. Vernon you can do that.

**MARK SEIB:** I understand that, but I guess the thing is that if we include all of them and Poseyville and Cynthiana decide not to accept that then we won't have to do anything else to it, they just have not accepted it.

**ATTORNEY TRENT VAN HAAFTEN:** Correct. What happens here is that you are saying as APC which goes to Cynthiana and Poseyville. APC thinks we should amend the ordinance like this. If you want to you can but if you don't, you don't have to.

**MARK SEIB:** Action?

Greg Newman made a motion of a favorable recommendation for all three. Motion was seconded by Stefani Miller. **Roll Call Vote (5-1). Yes. Motion passed.**

**MARK SEIB:** Next up is the amendment to Section 153.183 (J) (1-3)

**AMENDMENT TO THE ZONING ORDINANCE OF THE CITY OF MOUNT VERNON,  
THE TOWN OF CYNTHIANA, THE TOWN OF POSEYVILLE AND  
UNINCORPORATED POSEY COUNTY:**

The City of Mt. Vernon proposes to amend Section 153.183 (J) (1-3) to remove the requirement that unenclosed off-street parking areas, off-street loading areas and driveways associated therein be surfaced with an all-weather material in zoning districts within the City of Mt. Vernon, except the CBD district.

That is the removal of that it is no longer a requirement for a hard surface for the driveway, the off-street parking area, etc. Except for the CBD district.

**ATTORNEY TRENT VAN HAAFTEN:** The CBD area is the Commercial Business District, basically your downtown business area.

**MARK SEIB:** I will open it for the public portion. Is there anyone here wishing to speak concerning this amendment to Section 153.183 (J) (1-3)? Seeing and hearing none, we will close the public portion and now it is up to the Committee to discuss and take action. This is just for the City of Mt. Vernon.

**ATTORNEY TRENT VAN HAAFTEN:** This is just a Mt. Vernon proposal; you send it back to Mt. Vernon and they will take action on it. It just applies to the City of Mt. Vernon. I did have a question from a member early on if a subdivision in the city has a restrictive covenant. Actually, a restrictive covenant in a subdivision anywhere that requires all weather surface or paved parking area that is more restrictive than your County Ordinance. When you ever have a conflict between an ordinance and a restrictive covenant, the more restrictive aspect applies.

**MARK SEIB:** A covenant is a more private contract between the parties buying into that subdivision.

**ATTORNEY TRENT VAN HAAFTEN:** Correct, but if an ordinance is more restrictive than a covenant the ordinance applies.

**DAVID DAUSMAN:** Should that be mentioned in this ordinance about restrictive convenance?

**ATTORNEY TRENT VAN HAAFTEN:** That is the law is the best answer I can give you.

**DAVID DAUSMAN:** Then my next question for you is, are we degrading the value of adjacent homes in certain areas.

**MARK SEIB:** I understand what you are trying to say through the process with Mt. Vernon. If I have a new home in a subdivision and an asphalt driveway and is beautiful and all of that and then right next to it is a rock driveway that the dust flying over onto my property are we degrading it. That is a good question.

**DAVID DAUSMAN:** I have thought about this a lot. I don't live in the City of Mt. Vernon, the City Council has obviously approved this, who am I to question it. I don't think I would if I was on the City Council. But I don't live in the City. But if I lived on Park Ridge Dr. and I had a concrete drive, and he does and he does and he doesn't....

**MARK SEIB:** Wouldn't look good, would it?

**DAVID DAUSMAN:** No.

**MARK SEIB:** I agree.

**DAVID DAUSMAN:** I mean the Common Council has already voted on this, am I right?

**TRENT VAN HAAFTEN:** Yes, they initiated the proposal asking you to prepare this and do it.

**DAVID DAUSMAN:** It shocked me.

**KEITH SPURGEON:** Do we have any ideas as to what their motivation was? Was it too hard to enforce? Do they feel like it creates too much of a hardship for people to have all weather surface?

**MARK SEIB:** This is something that has been in discussion for years. For Mt. Vernon to have that discussion of do we keep enforcing that or there is so much of that in the City of Mt. Vernon where they have extra parking that they put rock on and do those kinds of things. The thing is that this has taken years to get to this point. And I would, I think, would I want that for my town? But Mt. Vernon city leaders this is the route they want to go through right now and I am always in favor of the home rule.

**JOE MARVEL:** So, I understand the Ordinance as it is now, if you have a gravel anything going to your house right now or behind your house, or whatever, you are in non-compliance with it as it stands before this is amended.

**MINDY BOURNE:** It depends if it is grandfathered.

**DAVID DAUSMAN:** It depends when did that paved ordinance come in?

**ATTORNEY TRENT VAN HAAFTEN:** The all-weather surface was put in, I forget which year. There are a lot of spots around here that you can see tell there is gravel in the yard and that

was where they parked. So that was there beforehand, that was a prior use, and it is grandfathered in.

**JOE MARVEL:** So, they are not necessarily able to bring more gravel in though even for maintenance.

**MINDY BOURNE:** You can bring it in for maintenance. You just can't expand it. It has to stay the same.

**DAVID DAUSMAN:** You have other areas where people need a place to park their car and they can't afford concrete. It is tough.

**KEITH SPURGEON:** And you get a lot of little places where there are gravel driveways, I am sure it makes it hard to enforce. Why does he have gravel and I can't?

**DAVID DAUSMAN:** And they can't park on the grass because they end up down here somewhere.

**MARK SEIB:** You raise an interesting point there, that the complaints we have will be a lot less, but that if it is approved. It originated from the city, and it is now in our lap.

Joe Marvel made a motion of a favorable recommendation. Motion was seconded by Greg Newman. **Roll Call Vote (4-2). Yes. Motion failed.**

If we send a no recommendation, then Mt. Vernon takes another vote and if they approve it becomes law.

Joe Marvel made a motion to make no recommendation. Motion was seconded by Greg Newman. **Roll Call Vote (6-0). Yes. Motion passed.**

**AMENDMENT TO THE ZONING ORDINANCE OF THE CITY OF MOUNT VERNON,  
THE TOWN OF CYNTHIANA, THE TOWN OF POSEYVILLE AND  
UNINCORPORATED POSEY COUNTY:**

**Section 153.213 (A) Penalty:** Any person, firm or corporation violating any provision of this ordinance or failing to comply with any of its requirements, including violations of conditions and safeguards established in connection with grants of Variance or Special Exceptions, shall be deemed an ordinance violation and may carry ~~a fine of not less than \$25 nor more than \$500. Each day that a violation continues shall be deemed a separate offense.~~ **the following penalty or penalties:**

**(i) a fine not to exceed two thousand five hundred dollars (\$2,500.00) for a first violation; and**

**(ii) a fine not to exceed seven thousand five hundred dollars (\$7,500.00) for a second or subsequent violation of the ordinance.**

**(B) Exception. 153.213(A)(ii) does not apply to the violation of an ordinance that regulates traffic or parking.**

**(B) (C) Other Remedies.** Nothing herein contained shall prevent the applicable jurisdiction or its authorized officials from taking other action, authorized by law, to remedy the violation.

**ATTORNEY TRENT VAN HAAFTEN:** This is a proposal from the City of Mt. Vernon. At your meeting in May you decided to also make a proposal from the Area Plan which if approved will go to the County Commissioners, Town of Poseyville, Cynthiana. If you approve of the Mt. Vernon recommendation, then it goes back to Mt. Vernon. So basically, if you give a favorable recommendation and the legislative bodies approve it all of them this will apply to the entire County.

**JOE MARVEL:** I have a question on how this is written now, because before it said each day shall count as a separate offense, it doesn't say that now. So, what are we counting as a 1<sup>st</sup> verses the 2<sup>nd</sup> offense? So, if somebody is out of compliance for whatever reason, for example a camper in your yard and that is the first offense, and they pay the fine.

**ATTORNEY TRENT VAN HAAFTEN:** This tracks the State Statute, and it would basically be you have increased the penalty, but that violation is not necessarily per day. Now if you charge them for being in violation on April 1<sup>st</sup> and then you charge them for being in violation on April 2<sup>nd</sup>, April 3<sup>rd</sup>. Then you would have your first violation, your second and then a subsequent one.

**JOE MARVEL:** I was just saying that it is not written to say each day. It just says the first violation or second one. We can give them a summons and say they are in violation they come here and argue about it and say they are not in violation. Then we end up with you in court and we say \$2500. They say here is your money and see you. We look at it again and say you are still in violation. I guess the timeframe is what I am trying to look at.

**ATTORNEY TRENT VAN HAAFTEN:** I would say the amount has been increased to reflect the ability to have a little heavier hammer on that versus going in there and saying they are in violation April 1<sup>st</sup> and you get to court September 1<sup>st</sup> and then you are trying to calculate all of that and whether or not a judge is going to through that all in there.

**JOE MARVEL:** I guess what I am trying to say is that it is not showing each day as a violation anymore.

**ATTORNEY TRENT VAN HAAFTEN:** Correct.

**JOE MARVEL:** So, the most you could get out of the first one if it takes 7 months to get to court is \$2500.

**ATTORNEY TRENT VAN HAAFTEN:** Correct.

**JOE MARVEL:** And they just pay it.



**ATTORNEY TRENT VAN HAAFTEN:** Then they have paid for their violation, and they do it again, we will file it again on them.

**GREG NEWMAN:** Then that would become \$7500, would that be a second offense?

**MARK SEIB:** I guess this is put into play more that we only have a maximum of \$500, and then it would be the judge who made that decision as to what the penalty would be.

**JOE MARVEL:** But what we are saying as it is written is \$500 a day. So, if they are in violation for months, it is a lot more than \$2500.

**MARK SEIB:** This is like the \$2500 we would hope would cover the attorney fees. If we don't get the attorney fees to recoup.

**JOE MARVEL:** I am just saying that it doesn't say per day.

**ATTORNEY TRENT VAN HAAFTEN:** I am just saying it tracks the State Statute which allows a unit of government to establish fines and penalties.

**JOE MARVEL:** I am trying to say if a guy just keeps ignoring you, how do you establish a second offense if nothing changes.

**ATTORNEY TRENT VAN HAAFTEN:** You have to charge them again. Again, on this, if you make a motion, you can make it individually to the City, then the APC's proposal or you can make a motion to take a certain action on both. Or the same action on both.

David Dausman made a motion for a favorable recommendation for both. Motion was seconded by Keith Spurgeon. **Roll Call Vote (6-0). Yes. Motion passed.**

#### **PROPOSED 2024 BUDGET:**

**MINDY BOURNE:** This was sent out to the Budget Committee. The Budget Committee was unanimous as far as approving it so it has been send out to all of the APC members as well so we just need to take an official vote.

**MARK SEIB:** So, there you have the budget that Mindy is proposing for the 2024 year, the last page shows the last 13 years.

**MINDY BOURNE:** Yes, I am sorry, I forgot to mention that the last page shows the history of what has been approved over the years so you can see kind of where we have been over the years.

**MARK SEIB:** I think that is great to have so we can see where any increases might have been. I know there has been discussion amongst the committee concerning raising the

attorney fees. Mindy has through the process of working with the County Council in years past they usually give her a set amount of dollars. Pretty much where she is at in asking and some years, we have more that we need and in some years we have less. The idea is that when spend it and you need more you come back and ask for additional appropriations from the County Council. They have never turned her down because they know that Mindy doesn't fluff the budget. That is a working relationship that Mindy has with the County Council.

Joe Marvel made a motion to approve the budget. Motion was seconded by Stefani Miller. **Roll Call Vote (6-0). Yes. Motion passed.**

**COMPLAINTS – TABLED:**

418 W. 8<sup>th</sup> Street, Mt. Vernon, IN (Stewart)

**COMPLAINTS – NEW:**

231 Maple Street, Mt. Vernon (Jameson)  
236 S. Maple Street, Mt. Vernon (Spray)  
10329 Eastgate Drive, Mt. Vernon (Wright/Bowers)  
831 Walnut Street, Mt. Vernon (Sharygin)  
711 E. 5<sup>th</sup> Street, Mt. Vernon (Sharygin)

**MARK SEIB:** 418 W. 8<sup>th</sup> Street, Mt. Vernon.

**ATTORNEY TRENT VAN HAAFTEN:** This is the one where we've got a camper in the back yard. I don't know if there have been any recent pictures but it's still there. I'm not sure if anyone is living in it. It's a situation where the guy was in jail for a while, and we had trouble getting him in court. We have a court date set in July. It may be later this month.

**MINDY BOURNE:** Actually, we have something the last Monday in June.

**ATTORNEY TRENT VAN HAAFTEN:** It's usually the third Monday of the month. I'm sorry, it is later this month.

Joe Marvel made a motion in the affirmative to table this complaint until we hear back. The motion was seconded by Stefani Miller. **Roll Call Vote (6-0) Yes. Motion passed.**

**MARK SEIB:** The next complaint is 231 Maple Street, Mt. Vernon.

**MINDY BOURNE:** This is about a camper on a property. The homeowner did send me an email on May 24, 2023. She said she received a copy of the letter regarding the camper on her property at 231 S. Maple Street. "When parked there the camper was unoccupied and since then the owner has started to stay there when she cannot find another home to sleep in due to lack of other affordable and available permanent housing. Since I received this information on the Zoning Ordinance, I have informed the camper owner they must not stay overnight in the camper and make arrangements ASAP to remove it from the property. The camper will be removed from the property on or before the first full week of June and the camper owner will not be

staying in it overnight while she makes arrangements to find other housing. Sarah Jameson". But as of June 5, the camper is still there.

**MARK SEIB:** What's the pleasure of the committee?

Joe Marvel made a motion in the affirmative to table this complaint to give her the full week and let her evict whoever is parking in her driveway. Motion was seconded by Stefani Miller. **Roll Call Vote (6-0) Yes. Motion passed.**

**MARK SEIB:** Should we send her a reminder that it hasn't been moved after the end of this week or just let it ride until next month? I know we have a motion, and it does not say this but I just wonder if we should send her a reminder at the end of the week.

**JOE MARVEL:** I think that is fair. I will amend my motion....

**MINDY BOURNE:** I had to send this one by sheriff. The first letter came back so I had to have it served.

**KEITH SPURGEON:** But you have her email?

**MINDY BOURNE:** Yes, that is correct.

**MARK SEIB:** Is it OK with Stefani, Joe amended his motion to include sending an email at the end of the week. Do you want to second it?

**STEFANI MILLER:** Yes, that is fine.

**MARK SEIB:** Any further discussion?  
Next up is: 236 S. Maple Street, Mt. Vernon (Spray).

**MINDY BOURNE:** This one is owned by Robert Spray and the complaint was about someone living in the camper at the end of the mobile home. There is an air conditioner running by a yellow extension cord. I have a picture here as of June 5<sup>th</sup>, one camper was moved but I still see another camper. But the complaint was about the one at the end of the mobile home. The one at the end of the mobile home is still there. So, it is not resolved. On 5/8/23, Robert Spray called the office and stated that by the end of the week, the camper will no longer be an issue. He said by the end of this week and that was May 8<sup>th</sup>.

**JOE MARVEL:** You said there were 2 there? I don't have any pictures here to show that.

**MINDY BOURNE:** Well, the complaint only said one, but in one of my pictures that was taken I could see two.

**JOE MARVEL:** The picture I have just has the truck camper behind the house.

**MARK SEIB:** That is the one the complaint was about, and it is still there.

**DAVID DAUSMAN:** And they called you and said they would be gone by the end of the week?

**STEFANI MILLER:** By the end of this week?

**MARK SEIB:** No, by the end of week of May 8<sup>th</sup> and it is still there.

**JOE MARVEL:** So, they moved one camper but not the other camper?

**MARK SEIB:** Not the camper the original complaint was filed for, and it is still there. The picture you are seeing is for 6/2/23.

**JOE MARVEL:** Did you have any trouble getting ahold of the guy? Or did he answer you?

**MINDY BOURNE:** No, this one got sent and not returned.

**KEITH SPURGEON:** So, you said the complaint was for one camper but when you went there were two campers. But now there is only one. Do you think they misunderstood? It is obvious they think they are in compliance since they removed one camper.

**JOE MARVEL:** I make a motion to send them a letter making it specifically say the truck camper with the air conditioner in the window.

**KEITH SPURGEON:** Or all campers.

**MARK SEIB:** So, Joe you made a motion?

Joe Marvel made a motion to send another letter specifying to move the truck camper. Motion was seconded by Greg Newman. **Roll Call Vote (6-0) Yes. Motion passed.**  
**Roll Call Vote (6-0) Yes. Motion passed.**

Next complaint is for 10329 Eastgate Drive, Mt. Vernon (Wright/Bowers).

**MINDY BOURNE:** There are 3 unused abandoned vehicles and a 4wheel flatbed trailer parked on a vacant lot in Eastgate Subdivision. License plates on all vehicles and trailer appear to be expired indicating the vehicles are not in use. You have the full complaint in your folder. But that is what it was about. The owners are Gilbert Wright and Carol Bowers. Carol called the office on May 8<sup>th</sup>, asking about the complaint she was explained just like the letter explained she said they would get into compliance with the Zoning Ordinance and will attend the June 8<sup>th</sup> meeting. As of June 5<sup>th</sup>, the property is in compliance. And the property owner is here, I believe. Is that correct?

**MARK SEIB:** Would you like to come up to the podium and please state your name and address?

**CAROL BOWERS:** 10330 Eastgate Dr., Mount Vernon, IN.

**MARK SEIB:** So, it is all cleaned up and gotten rid of now?

**CAROL BOWERS:** Yes, and my name is different now because we got married.

**MARK SEIB:** Thank you and congratulations. Does the board have any questions for her? Sounds like it is all taken care of.

Joe Marvel made a motion to dismiss. Motion was seconded by Keith Spurgeon. **Roll Call Vote (6-0) Yes. Motion passed.**

Next complaint is: 831 Walnut Street, Mt. Vernon (Sharygin)

**MINDY BOURNE:** This one is about a truck parked in the yard in the same spot over a year and hasn't been moved. So, I sent a letter and they have not responded to our letter and as of June 5<sup>th</sup> the vehicle is still in the yard.

**DAVID DAUSMAN:** If I am reading this right the yard is owned by someone who doesn't live there that lives in Newburgh is that what this is?

**MINDY BOURNE:** Yes.

**ATTORNEY TRENT VAN HAAFTEN:** It is a rental property.

**JOE MARVEL:** Is it unoccupied?

**MINDY BOURNE:** We don't know.

**MARK SEIB:** I have to ask, is there anyone here wanting to speak on this. Seeing none we will move on. The usual handling of this is once they ignore Mindy is to turn it over to the Trent to send a letter. What is the feeling of the committee?

Joe Marvel made a motion to turn the case over to the Attorney. Motion was seconded by Greg Newman. **Roll Call Vote (6-0) Yes. Motion passed.**

**MARK SEIB:** The last on the complaints that I know of is 711 E 5<sup>th</sup> St., Mt. Vernon

**MINDY BOURNE:** This is one with a vehicle parked in the yard, this is the same property owner. They have not contacted the office and the vehicle is still in the yard as of June 5<sup>th</sup>.

**JOE MARVEL:** I have a different address on the complaint instead of Bell Road, it is something that is different.

**MINDY BOURNE:** That is because I sent it to the proper address. What happened was that I looked in the tax.... She has 711 E. 5<sup>th</sup> as the property.

**JOE MARVEL:** I just know from the previous one...

**MINDY BOURNE:** Yes, on the previous one I looked at the GIS and put down the GIS one, however she provided us with a different address. But usually, I go by GIS. But I went ahead and called the Treasurer's Office to see where the tax bills were going. Long story short, I sent it to the correct address which is actually the address they had put on the complaint.

**MARK SEIB:** Discussion, action?

Joe Marvel made a motion to turn the case over to the Attorney. Motion was seconded by Keith Spurgeon. **Roll Call Vote (6-0) Yes. Motion passed.**

**DIRECTOR'S REPORT:** None.

**APPROVAL OF PAYROLL AND BILLS:** A motion was made in the affirmative by Mike Baehl and seconded by Joe Marvel to approve payroll and bills. **Roll Call Vote (6-0) Yes. Motion carried.**

**REPORT OF COLLECTIONS:** A motion was made in the affirmative by Joe Marvel and seconded by Keith Spurgeon to approve collections. **Roll Call Vote (6-0) Yes. Motion carried.**

**CITIZEN CONCERNS:** None

**MARK SEIB:** I do have one other thing; the Steering Committee for the Comprehensive Plan is going to be having a meeting later on in June here for the first face-to-face. They had a zoom meeting to get to know each other and going from there. The one I had placed on there; Byron Sanders and he has asked to be removed from the Committee because of his work that he has taken on. His work requires him to be on second shift on this one job. So, he has asked to be removed from the Steering Committee because of being unable to attend. With that being said I will give you a refresher, I went through and kind of figured out people who would fit on the Steering Committee that we had from different regions and different areas. Byron was on the building side of it. He worked out of Ed, the Building Inspector's Office as well and he had a lot of ties and worked with the counties in zoning as well. Since he has asked to be removed, we went ahead, and I granted it and guess what I am trying to do is we need to fill that slot. So, I am asking, how do you want to handle that. I came up with the list, the board approved the list, we have another problem, we have the meeting coming up, the first one coming up this month. I would like to fill it with someone who can set in there. But I didn't know how you wanted to handle it. Since the board approved it and went from there.

**DAVID DAUSMAN:** I stepped out, I asked Jenna, I was curious how it was going. Jenna and I talked, and she told me, and I asked her if she had anyone in mind. She asked if I thought Jerry Chastain would do it. I texted Jerry, his comment to me was if the meetings are after working hours, he would consider it. I will just throw that out there. I think he would be great with his construction knowledge and would replace Byron's construction knowledge.

**MINDY BOURNE:** June 22 at 6 PM is the next scheduled meeting.

**MARK SEIB:** That is fair. I just didn't know if we wanted to move to a contractor or something like that to be able to fill that position as well. It is open for discussion. Is there any other discussion. That would only be two Council members being on, so we wouldn't have a restriction with that. Any other discussion?

**GREG NEWMAN:** I am sorry, but who is the other Council member?

**MARK SEIB:** Heather Allyn. Discussion? Feelings?

**KEITH SPURGEON:** Did Byron have a recommendation for someone to replace him?

**MARK SEIB:** No, he did not. I sent him back a reply that I appreciated his time and greatly appreciated him willing to serve at the beginning and going through the whole process. You know things change and people do have issues that pop up that they didn't know about later. I respect his wish to be replaced. The question is how do you want to handle it? Do you want me to ask, I mean he has already asked Chastain.

**DAVID DAUSMAN:** You would want to have a conversation with him?

**MARK SEIB:** Would you give me the authority to go ahead and OK him to sit on there after I talk to him and make sure that he understands what this is all about and making sure he is very clear about this, how do you want to handle it?

**KEITH SPURGEON:** I am OK with giving you that authority because we need that Committee's meeting before this board meets again.

**MARK SEIB:** Yes. I would like to get that filled and make sure that person is not behind.

Joe Marvel made a motion in the affirmative to have Mark talk to Jerry Chastain. Motion was seconded by David Dausman. **Roll Call Vote (6-0) Yes. Motion passed.**

Mark Seib made a motion to adjourn the meeting at 10:03 p.m. Keith Spurgeon seconded the motion. **Motion carried.**

A handwritten signature in cursive script, reading "Mark Seib", is written over a horizontal line.

Mr. Mark Seib – President



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Mrs. Mindy Bourne, Executive Director



May 10, 2023

Staff Comments: The property being petitioned to be rezoned from A (Agricultural) to M-2 (Medium Manufacturing) is Parcel 1 65-07-11-100-011.001-005 containing 8.519 acres more or less and Parcel 2 65-07-11-100-011.002-005 containing 1.651 acres more or less. The property is located at 4701 & 4703 Romaine Road, New Harmony, IN. Property abutting this site is owned by the following:

1. Heather Ruanne Smith, 4600 Romaine Rd., New Harmony, IN 47631
2. Bruce C. & Fonda F. Russell, 4601 Romaine Road, New Harmony, IN 47631
3. Fonda F. Russell, 4601 Romaine Road, New Harmony, IN 47631
4. Paul N. & Russell Tyler Life Estate, 45-1 Romain Rd., New Harmony, IN 47631
5. Macadoo Valley Farm, Inc., 7530 Highway 66, Wadesville, IN 47638
6. John A. Moye, 4481 Moye Rd., Wadesville, IN 47638

Abutting properties are zoned A (Agricultural). This property is currently agricultural. The owners are proposing to rezone the property to M-2 (Medium Manufacturing). The uses adjacent to the proposed rezoning are as follows: Agricultural and Residential.

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

PROPOSED FINDINGS OF FACT  
ON DOCKET NO: 23-04-RE-APC  
PETITION TO REZONE: Larry Marshall  
OWNER: Larry D. & Marilyn S. Marshall

**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.

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**2. Responsible development and growth.**

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

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**3. Comprehensive Plan.**

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

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**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.

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**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.

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Motion made to adopt the foregoing findings of fact by:

Keith Spurgeon

Motion seconded by:

Stefan Miller

Adopted by Posey County Area Plan Commission

President: Mark L. Smith

Date: 6/8/23

## FINDINGS OF FACT

James O'Risky

Irish Acreage LLC/Mt. Vernon Store and Park LLC

Mini Storage Development

I, Joe Marvel, make a motion in the findings of fact be made as follows:

1. Development is compatible with surrounding land use. Zoning of the property is M-2 and is compatible with surrounding land use.
2. Water, sewer, and other utilities are available. Only utilities that will be used will be electric for lighting and climate control building will have heating/cooling. Drainage will be retained to what is there now. Currently drains north/south toward Hwy 62. Silt fencing will be used for erosion control measures.
3. The design and location of the entrance, streets are favorable to health, safety, convenience and are harmonious to the development and adjacent developments. There will be a 70' wide entrance to the west end of the property on north side of property on the south side of Old Hwy 62. It will be a gated entrance with an 18' automatic gate with keypad.
4. The plan meets the setback requirements for the M-2 Zoning District.
5. The plan meets the building coverage requirements for the M-2 Zoning District.
6. The plan meets building separation.
7. The plan meets vehicle and pedestrian circulation. Plenty of room to pull into site off of the roadway.
8. The plan meets parking requirements. There will be 2-3 parking spaces for customers to park to pay rent.
9. Landscaping. NA
10. Building Specs. Steel framed , steel sided 126'x40' peak height-11'9" and 8'9". 100'x30' peak height-8'9", 70'x40' (enclosed) peak height-16', 70'x40' (lean to) post frame, peak height-20'
11. Signage. Unsure of the type of signage at this time.
12. Recreation Space. NA
13. The plan meets outdoor lighting requirements. There will be wall packs on the buildings.
14. The development is in conformance with the Zoning Ordinance for the City of Mt. Vernon, the Town of Cynthiana, the Town of Poseyville and Unincorporated Posey County and with the Mt. Vernon Comprehensive Plan.

Motion seconded by

Dave Dawson

Adopted by Posey County Area Plan Commission

Mark Lee  
President, Posey County Area Plan Commission

6-8-23  
Date