

POSEY COUNTY COMMISSIONERS TUESDAY, OCTOBER 17, 2023

The Board of Commissioners met in a regularly scheduled meeting at the Hovey House, 330 Walnut Street, in Mt. Vernon, on Tuesday, October 17, 2023. Commissioners Bill Collins, Bryan Schorr, and Greg Newman were in attendance. Auditor Maegen Greenwell and County Attorney Joe Harrison were also in attendance.

Pastor Betsy led the Commissioners in prayer.

MINUTES

B. Schorr made a motion to approve the October 3, 2023, Commissioners meeting minutes; G. Newman seconded. The motion carried with a vote of 3-0.

G. Newman made a motion to approve the October 3, 2023, Commissioners Executive Session minutes; B. Schorr seconded. The motion carried with a vote of 3-0.

CLAIMS

B. Schorr made a motion to approve the claims as presented; G. Newman seconded. The motion carried with a vote of 3-0.

TREASURER'S REPORT

G. Newman made a motion to approve the September Treasurer's report; B. Schorr seconded. The motion carried with a vote of 3-0.

OLIVER ROAD UNSAFE BUILDING UPDATE

Posey County Building Commissioner Ed Batteiger addressed the Commissioners regarding the tabled Oliver Road unsafe building complaint. Mr. Batteiger stated the homeowners had begun the clean-up of the lot but had not touched the house yet, but progress had been made, and he is recommending this be tabled until the second meeting in November.

G. Newman made a motion to table this complaint for thirty days; B. Schorr seconded. The motion carried with a vote of 3-0.

NUISANCE ORDINANCE VIOLATION NATION ROAD

Posey County Building Commissioner Ed Batteiger addressed the Commissioners regarding a nuisance violation at 8304 Nation Road. Mr. Batteiger stated this complaint includes auto parts, tires, and junk in the yard. Mr. Batteiger provided original and updated photos to the Commissioners. Mr. Batteiger stated this has seen some clean-up but is not complete yet.

B. Schorr made a motion to table this ordinance violation and address it again at the last meeting in November to allow for more cleanup; G. Newman seconded. The motion carried with a vote of 3-0.

REZONE REQUEST #1 ROGERS

Mindy Bourne, Posey County Area Plan Director, addressed the Commissioners regarding a rezoning request for landowner Dustin Rogers at 1251 Springfield Road. Mrs. Bourne stated the request is to rezone 3.66 acres from Agriculture to M-2 medium manufacturing. Mrs. Bourne stated this request was heard by Area Plan on October 12, 2023, and passed with a 6-2 yes vote. Mrs. Bourne stated one remonstrator was present at that meeting and spoke with concerns. Mrs. Bourne stated currently, the property is vacant, and Mr. Rogers's application proposed to place an equipment manufacturing and repair facility.

Dustin Rogers, property owner, and applicant, spoke to the Commissioners regarding his plans. Mr. Rogers stated he plans to open an equipment repair and fabrication shop; however, he will not be mass-producing any one product. Mr. Rogers stated this would be mainly industrial and specialty equipment. B. Schorr asked how many employees Mr. Rogers plans to employ. Mr. Rogers stated four employees. B. Schorr asked how big the building would be. Mr. Rogers stated the building will not be any larger than 75x120. Mr. Rogers stated this building will be 354 feet from Springfield Road and expects no more than one or two delivery trucks to utilize this entrance daily between 10:00 a.m. and noon. Mr. Rogers stated the hours of operation for this business would be Monday-Friday, 7:00 a.m. to 3:30 p.m. Mr. Newman asked if any equipment would be stored outside the building. Mr. Rogers stated all work would be done inside the shop; however, there could be instances where equipment waiting to be picked up would be housed outside for a short time. Mr. Newman asked how the potential noise issues would be addressed. Mr. Rogers stated the neighbor who brought up the noise issues is across a highway and does not believe noise will be an issue for this neighbor. B. Collins asked about neighbors on the other side of the property. Mr. Rogers stated there is a highway on one side, a landfill on the other, and a pasture to the side. Mr. Rogers provided the Commissioners with a map of the proposed project, including where all neighbors are located. Mr. Newman asked if there were any plans for expansion. Mr. Rogers stated he was just trying to get started first.

Peggy Horacek, 1311 Springfield Road, addressed the Commissioners regarding the concerns she has regarding this rezone request. Mrs. Horacek stated she is concerned about the large trucks coming onto Springfield Road and requested the landowner look into an entrance onto his property via the highway instead. Mrs. Horacek stated she is also concerned about drainage, property values, property taxes, and IDEM approvals. Mrs. Bourne cleared up some questions regarding these concerns. Mrs. Bourne stated that if the rezoning is approved, issues and questions regarding the entrance, drainage, and IDEM are addressed at a site review with the Area Plan. Mrs. Bourne stated today all the Commissioners are voting on is if the area will be rezoned.

B. Collins asked a highway representative if there would be any issues with the entrance from Springfield Road, and he was told there would not be. Mrs. Bourne stated if he wanted to obtain entrance from the Highway, he would have to seek permission from INDOT.

Chris Wischer, an attorney with Stoll Keenon Ogden representing Kenneth and Diane Johnson and their neighbors, addressed the Commissioners regarding this rezone request. Mr. Wischer stated it was indicated to several neighbors, to begin with, that a house and a 40x60 pole barn would be built; however, the first time they were informed about the rezoning request was when

they received notice of the Area Plan meeting and attended the meeting to hear the plans. Mr. Wischer stated they are very concerned about the request to rezone to m-2 because there are no restrictions on what can actually be done once the rezone is approved. Mr. Wischer stated there is a question on how many actual employees will be employed because it was stated it could be up to twelve. Mr. Wischer stated the biggest concern they have is the destruction of their quality of life and property values.

Kenneth Johnson, 1100 Springfield Road, addressed the Commissioners regarding concerns regarding this rezoning request. Mr. Johnson stated he was originally told this would be a home and a small pole barn, and now this is being requested for m-2 with unlimited use for that category. Mr. Johnson stated quality of life is his biggest concern, including the noise level of the proposed work and the chemicals that will be used. Mr. Johnson stated the coming and going of large trucks is also a concern. Mr. Johnson stated there were homeowners who were not informed of the meeting and asked how it was determined who would be contacted. Mrs. Bourne informed the Commissioners her office uses GIS to determine who the adjoining property owners are; the petitioner is required to send the letters via certified mail and bring to her office the proof those were sent. Mrs. Bourne stated a signature upon delivery is not required.

B. Collins stated the Commissioners are only approving a zoning change today, not site plans, and all the concerns about noise, drainage, and use will be addressed with the Area Plan in the site plan review. Mrs. Bourne stated that noise is not really a site plan review issue and is unsure if the County has a noise ordinance. Mr. Schorr asked if Mr. Rogers would be amicable to placing trees as a barrier on the property line. Mr. Rogers stated he would rather plant trees than place a fence. Mrs. Bourne stated screening is reviewed, if required, during the site plan review process also.

Mr. Wischer stated since the neighbors will not be part of the site review process, and once this area is zoned M-2, the usage can be anything that is allowed for that zoning. Mr. Wischer is asking if the Commissioners are not going to vote this request down, they should ask Mr. Rogers to provide a use and development commitment.

Mr. Newman stated that when this was originally heard by Area Plan on Thursday, he voted no, and his reason for that was the M-2 designation is not appropriate for the area according to the comprehensive plan for the County. Mr. Newman stated he would be in favor of a use and development commitment before moving forward with this.

Tim McCloud, resident of Turner Road, addressed the Commissioners regarding concerns regarding this rezoning request. Mr. McCloud stated he is unsure why this would have to be rezoned if Mr. Rogers is actually doing what he stated he would be doing.

County Attorney Joe Harrison stated typically, if a use and development agreement is required, the petition would be continued for another month to give the petitioner and the remonstrators time to develop the agreement, which would be filed with the Area Plan Commission. Mr. Harrison stated he did not believe this would go back to the Area Plan Commission but would come back to the Commissioners for a vote.

B. Collins made a motion to table this request until the November 21 Commissioners meeting and allow for the parties to draft a use and development agreement; B. Schorr seconded. The motion carried with a vote of 3-0.

REZONE REQUEST #2 DOTY

Mindy Bourne, Posey County Area Plan Director, addressed the Commissioners regarding a rezoning request for landowner Darla Doty at North Stierley and Colleen Drive in Wadesville, Indiana. Mrs. Bourne stated this request is to rezone 2.17 acres from AG to R-1 residential. Mrs. Bourne stated this was heard by the Area Plan Commission on October 12, 2023, and passed with an 8-0 yes, vote with one remonstrator.

B. Schorr made a motion to approve this request; G. Newman seconded. The motion carried with a vote of 3-0.

NEW AMBULANCE BIDS

B. Collins stated the Commissioners received the following two bids for a new ambulance:

1. American Response \$235,936.82
2. Crossroads \$232,027.00

Paul Micheletti, Posey County EMS Director, asked the Commissioners to table the award of these bids until the November 8, 2023, Commissioners meeting to allow time for him to review with his team.

G. Newman made a motion to table the awarding of these bids until the November 8, 2023, Commissioners meeting; B. Schorr seconded. The motion carried with a vote of 3-0.

E911 RADIO TOWERS

Posey County Dispatch Director Jamie Bradford informed the Commissioners it was discovered that the Poseyville tower site was omitted from the total cost but was included in the quote. Mrs. Bradford stated she plans to send her donation letter to the local business soon. Mrs. Bradford stated she has the additional funds to cover the difference between what was asked for in the additional and what was needed.

Mrs. Bradford stated this would not be billed to the County this year, so they would have to come back and ask for an additional next year.

Mr. Collins stated that what is needed is roughly \$73,000.00 in addition.

G. Newman stated the Commissioners received a draft contract, but there are changes that will have to be made before the Commissioners sign the agreement.

G. Newman made a motion to move forward, pending the changes that have been requested are made to the contract; B. Schorr seconded. Mr. Newman stated he is still attempting to contact several landowners regarding the pending site options for the new tower. The motion carried with a vote of 3-0.

E911 SURPLUS LIST

Posey County Dispatch Director Jamie Bradford provided the Commissioners with a list of items she would like to have declared surplus. Mrs. Bradford stated that AOS came to look at the equipment and deemed them all unusable. Mrs. Bradford stated she had removed all hard drives as needed. G. Newman made a motion to declare the provided list as surplus; B. Schorr seconded. Mr. Collins stated the items can be taken to Posey County Solid Waste for recycling. The motion carried with a vote of 3-0.

CICILCON BRIDGE 328

Posey County Highway representative Jeff Toelle informed the Commissioners he had presented the engineering agreement with CivilCon for Bridge 328. Mr. Toelle stated this would be for the engineering and the culvert. B. Schorr made a motion to approve the contract with CivilCon; G. Newman seconded. The motion carried with a vote of 3-0.

CIVILCON BID ROLLOVER ACCEPTANCE FORM

B. Collins stated the Commissioners discussed this issue at the last meeting, and this would be signing that form. B. Schorr made a motion to approve this request; G. Newman seconded. The motion carried with a vote of 3-0.

BLN BRIDGE 13

Tara, with BLN, informed the Commissioners that a change order, or supplemental agreement, is needed on Bridge 13 that will cost the County roughly \$2500.00. It was stated that this change order is needed for an underwater inspection that needs to take place before the end of the year. G. Newman made a motion to approve this request; B. Schorr seconded. The motion carried with a vote of 3-0.

DEPARTMENT UPDATES

Paul Micheletti, Posey County EMS Director, gave the following report for September:

222 Requests

160 Transports

\$108,209.00

Mr. Micheletti stated they were down one EMT and one paramedic. Mr. Micheletti stated they received the remounted ambulance yesterday and expect it to be ready to go by the end of this week.

Carrie Thompson, with Posey County EMA, addressed the Commissioners regarding the current Code Red contract. Mrs. Thompson stated the current contract is an auto-renewal; however, they were informed that the price would increase by \$1,500.00 next year. Mrs. Thompson stated this is the first price increase since they have had the system.

B. Schorr made a motion to continue this contract with the updated cost; G. Newman seconded. The motion carried with a vote of 3-0.

Chief Deputy Sheriff Jeremy Fortune gave the following inmate housing report:

18 DOC

33 Vanderburgh County

106 Posey County

157 total

Deputy Fortune stated that the office was able to trade in the surplus vehicles on two Tahoes. Deputy Fortune stated that the Sheriff's office has three current openings.

Cody Simpson, with Morley, updated the Commissioners on the Mainstream Broadband project. Mr. Simpson stated that Morely provided Mainstream with five punch lists for the segments in the current construction phase. Mr. Simpson stated that he met with Mainstream last week and

was informed that they are still reviewing that punch list. Mr. Simpson stated that permits for segments nine and ten had been issued. Mr. Simpson stated that all ten original segments are now permitted, and Mainstream is developing a timeline for their extension request to the State. Mr. Simpson stated that he provided the Commissioners with an extension contract with Morley. B. Collins stated this extension would be on a monthly basis. Mr. Simpson stated that the monthly cost is \$9,890.00 per month until the completion of the agreement. B. Collins asked if that was more than the original contract. Mr. Simpson stated no, this is in line with what Morley considered the heavy months of the original contract. G. Newman made a motion to approve this contract extension through January 2024; B. Schorr seconded. The motion carried with a vote of 3-0.

Amanda Bender, 4H Educator with Purdue Extension, addressed the Commissioners regarding the discussion concerning the current Extension Office and the need to relocate them. Mrs. Bender stated their office is requesting that the facility they are relocated to be large enough for each Educator to have their own office space, along with storage for programming supplies, a program area, and a space to allow clubs to meet that meets ADA compliance requirements.

Matt Schriefer, with EREP, addressed the Commissioners regarding RFPs that are ready for distribution for the sewer project along Indian Mound Road. Mr. Schriefer stated this just needs approval from Commissioners to proceed. B. Collins asked if this was a Commissioner decision or a Sewer Board decision. B. Schorr stated the Commissioners are paying for this project with ARPA funds, which would be on the Commissioners.

Mr. Harrison stated he had not seen this and asked if EREP would be sending the RFPs on behalf of the Commissioners. Mr. Schriefer stated yes. Mr. Harrison asked how this would be published. Mr. Schriefer stated they have a list of engineers and firms they will send to; it can be placed on both the County's website and EREP's website.

B. Schorr stated what will go to the engineering firms is a PER, and then the RFP will be for the construction phase.

B. Collins stated that American Structure Point would like to be placed on the distribution list.

B. Schorr made a motion to allow EREP to send the RFP for this project; G. Newman seconded. The motion carried with a vote of 3-0.

COLISEUM REMODEL

B. Collins stated the Commissioners had hired Haafer and Associates to design and present a bid package for a remodel project at the Coliseum. Mr. Collins stated that this bid package is ready to advertise.

B. Schorr made a motion to approve the advertisement of bids for this project; G. Newman seconded. The motion carried with a vote of 3-0.

No further business was discussed, and the meeting was adjourned.

Margen L. Greenwell
Attest: Margen L. Greenwell

Bill Collins
Bill Collins

Bryan Schorr
Bryan Schorr

Greg Newman
Greg Newman