

WARRICK COUNTY BOARD OF COMMISSIONERS MEETING
REGULAR SESSION
COMMISSIONERS MEETING ROOM
107 W. Locust Street, Suite 303
Boonville, Indiana
November 13, 2024
4:00 P.M.

The Warrick County Commissioners met in regular session with Terry Phillippe, President; Robert Johnson, Vice President; and Dan Saylor, Member.

Attorney Andrew Skinner was in attendance.

Auditor Michael Dietsch and Recording Secretary Kristine Georges attended and recorded the minutes.

Commissioner Meetings can be viewed via YouTube: Warrick County Meetings

President Terry Phillippe called the meeting to order at 4:00 PM.

PLEDGE OF ALLEGIANCE

President Phillippe asked for a motion to recess the regular meeting to hold the Public Hearing. Commissioner Dan Saylor made the motion to recess. Commissioner Bob Johnson seconded the motion. The motion carried 3-0.

PUBLIC HEARING
IN THE MATTER OF THE PETITION TO VACATE A PORTION OF THE
RIGHT-OF-WAY OF RABBIT RUN DRIVE

Area Plan Director Molly Barnhill presented. This is in the matter of the petition to vacate a portion of the right-of-way of Rabbit Run Drive lying southeast of and adjacent to the southeast corner of Lot 14 in Gateway Business Park, Section 2 in Warrick County, Indiana. It is part of a new development going on in the area. Notices were sent and have been received back. They also received letters from the utilities of non-objection.

Jim Morley, Jr. was present as the Project Engineer. This is for Gateway Villas. There was an old cul-de-sac head on Frontage Road that the State had built when Highway 66 was upgraded. The cul-de-sac was eventually removed, but the right-of-way wasn't. They are wanting to vacated a portion. There is an easement and they are preserving that for the utility.

President Phillippe asked if anyone was present to speak for or against it. There were no objections. County Engineer Bobby Howard said that he has no issues with it. It's just an extra right-of-way that they have no use for.

President Phillippe asked for a motion to go back to the regular session meeting. Commissioner Bob Johnson made the motion. Commissioner Dan Saylor seconded the motion. The motion carried 3-0.

ACTION ON PUBLIC HEARING
IN THE MATTER OF THE PETITION TO VACATE A PORTION OF THE
RIGHT-OF-WAY OF RABBIT RUN DRIVE
ORDINANCE 2024-19

In the matter of the petition to vacate a portion of the right-of-way of Rabbit Run Drive lying southeast of and adjacent to the southeast corner of Lot 14 in Gateway Business Park Section 2 in Warrick County, Indiana, Ordinance 2024-19, Commissioner Dan Saylor made the motion to approve. Commissioner Bob Johnson seconded the motion. The motion carried 3-0.

(Ordinance 2024-19 is located on Page 9 of these Official Minutes)

AREA PLAN COMMISSION
REQUESTION FOR EXTENSION OF SURETY
LEXINGTON SUBDIVISION

Ms. Molly Barnhill presented a Request for Extension for Lexington Subdivision, First Federal Savings Bank by Mike Head. The County is holding \$7,925.00 in surety for streets and drainage. They are asking for one year at the same dollar amount and have had eighteen years. The letter of credit expires December 3, 2024. County Engineer Bobby Howard said that the dollar amount is sufficient. Commissioner Dan Saylor made the motion to approve. Commissioner Bob Johnson seconded the motion. The motion carried 3-0.

OAK PARK SUBDIVISION

Next, Ms. Barnhill presented Oak Park Subdivision by Oak Park Development, LLC, by Dan Buck, Manager. The County is holding \$8,680.65 in surety for streets and drainage. They are asking for one year at the same dollar amount and have had eight years. The letter of credit expires December 10, 2024. Commissioner Saylor asked what was going on with this one. Mr. Howard said there has been a couple of issues to be addressed with the drainage. The streets can't be approved until the drainage is completed. He went over some of the work he thought still needed to be done.

Jim Morley, Jr., Project Engineer, said that they were able to do a good chunk of the work in the last couple of months, but there in an owner who has fenced across the ditch and that is causing some issues. They are trying to figure out how to proceed with that. Commissioner Bob Johnson made the motion to approve. Commissioner Dan Saylor seconded the motion. The motion carried 3-0.

**REQUEST FOR RELEASE OF SURETY
C-23-085**

Next was a Request for Release of Surety, C-23-085, 8970 High Pointe Drive, by Meyer Food Management by Bob Goings. The County is holding \$12,009.80 in escrow guaranteeing entrance construction. The surety expires March 4, 2025. Mr. Howard believed this was the Culver's drive and it has been installed. He recommended the release. Commissioner Dan Saylor made a motion to approve. Commissioner Bob Johnson seconded the motion. The motion carried 3-0.

**REQUEST TO REZONE
PC-R-24-10 HOOCAT HOLDINGS
ORDINANCE 2024-20**

Ms. Barnhill presented a Request to Rezone for PC-R-24-10. Petitioner is Hoocat Holdings, LLC, by Evan L. Beck, Owner. The owner is Delta Properties, LLC by Evan L. Beck, Owner. It's to rezone 10.28 acres located on the south side of Rabbit Run Drive approximately 500 feet west of the intersection of Rabbit Run Drive and Trinity Drive, being Lots 7 through 17 in Gateway Business Park, Section 2 from C-4 and R-0 to PUD, R-2B with a Use and Development Commitment only allowing a residential PUD, Planned Unit Development with Multiple Family/Apartments. Ohio Township, 28-6-9. It was advertised in The Standard on October 3, 2024. Area Plan Commission gave a unanimous favorable recommendation for PC-R-24-10 at the meeting held on October 14, 2024.

Jim Morley, Jr., Project Engineer, was present and reviewed the project. It will be residential now and will butt up against residential. There were no objections to the rezoning. Commissioner Dan Saylor made a motion to approve Ordinance 2024-20, PC-R-24-10. Commissioner Bob Johnson seconded the motion. The motion carried 3-0.

(Ordinance 2024-20 is located on Pages 9 through 10 of these Official Minutes)

**STREET CONSTRUCTION PLANS
WREN LAKE NUMBER 3**

Ms. Barnhill presented Street Construction Plans for Wren Lake Number 3, Petitioner and Owner is SABL Land LLC, by Brad Cottier, Manager. It's approximately 9.15 acres located on the north side of Titzer Road, approximately 1,200 feet west of the intersection formed by Titzer Road and North Stevenson Station Road, being Lot 1 in Wren Lake Subdivision. Campbell Township, 29/32-5-9. They are requesting no street improvements to Titzer Road. It was advertised in The Standard on October 31, 2024.

Scott Buedel with Cash Waggoner was present. He said it was a replat of a single lot in Wren Lake. It will be two lots with both being a little over 4 acres with a shared drive coming off of Titzer Road into the property. There was a request at site review to add right-of-way to Titzer Road out front. That will be an additional 20 feet from what is already granted. Mr. Howard had no issues with the plans and recommended approval. Commissioner Bob Johnson made the motion to approve. Commissioner Dan Saylor seconded the motion. The motion carried 3-0.

(APC Paperwork is located on File in the Auditor's Office)

**ACTION AGENDA
APPROVAL OF MINUTES
OCTOBER 28, 2024**

Minutes for the October 28, 2024 Regular Session meeting had just been presented earlier in the day to the Commissioners and therefore had not been reviewed. Commissioner Bob Johnson made the motion to table the minutes to the next meeting. Commissioner Dan Saylor seconded the motion. The motion carried 3-0.

**BOARD APPOINTMENTS
HEALTH BOARD**

This has been tabled from previous meetings. Attorney Skinner said that information has not been provided that was requested to verify their qualifications under the Statute and gave several options to the Commissioners going forward. Commissioner Dan Saylor made a motion to remove from the agenda until the requested information was provided. Commissioner Bob Johnson seconded the motion. The motion carried 3-0.

**COUNTY ADMINISTRATOR
ECONOMIC DEVELOPMENT EXISTING LEASE AGREEMENT EXTENSION
CONSENT AGENDA**

Administrative Assistant Dana Upton presented the following items for the Commissioners to review and approve:

- Economic Development Lease Extension. Counsel has reviewed and there are no increases and would be for an additional two years. Commissioner Bob Johnson made the motion to approve. Commissioner Dan Saylor seconded the motion. The motion carried 3-0.
- Consent Agenda for approval:
 1. County Auditor Certified Claims Voucher 11/6/2024 in the amount of \$763,362.23
 2. Payroll Voucher 11/1/2024 in the amount of \$186,098.16
 3. County Treasurer's Monthly report - October

Commissioner Dan Saylor made the motion to approve the items on the Consent Agenda. Commissioner Bob Johnson seconded the motion. The motion carried 3-0.

(Certified Claims are located on Pages 10 through 12 of these Official Minutes)

(Payroll is located on Page 12 of these Official Minutes)

(Treasurer's Report is located on File in the Auditor's Office)

PROJECT PARTNERSHIP UPDATE ON NEW WARRICK COUNTY SHERIFF'S OFFICE AND SECURITY CENTER PROJECT

Mr. Bill Nix one of the partners in Project Partnership went over the site progress. The foundation is almost completed with the site work being about 60% completed. He also went over the water and utilities. The steel fabrication is over 90% complete. Everything necessary has been completed with the Boonville Airport and FFA due to the high boom they have in use right now. Mr. Nix also went over the masonry, mechanical, and electrical work. Everything is being put together right and being tested to make sure it continues to be so. There is a lot of paperwork for everything going back and forth. He praised RQAW, Garmong, and subcontractors for doing a good job. They are a few weeks behind schedule, but should be back on schedule in the next month or so. He did have pictures of the site for the Commissioners to review. Construction should continue all through the winter.

Mr. Byron Sanders from Project Partnership presented the financials and the budgets. He is staying on top of the costs. Mr. Sanders went over a summary of the finances. He also reviewed several funds/accounts and what has been spent so far and the benefits of these different accounts. He feels some of them will end up being underspent which will be good for the County. Any unused monies will go back to the County. The highlight of the report was a GNP contingency and it has not been touched. The goal is not to touch it. Total project costs are right now about \$54,000,000.00. It was initially estimated at \$57,000,000.00. He is also tracking disbursement of funds from the bond. The big spend so far was bond issuance fees and three pay applications to contractors. He then asked if there were any questions.

Commissioner Bob Johnson asked if some of the amounts he discussed included the money that they used for the supplemental and allowances. He said that it did and reviewed some of those numbers. Mr. Sanders said that most of the issues that are had are at the front of a project and they really haven't had any issues and don't anticipate any coming up, but they are prepared with the contingency. Mr. Nix said that the big things, that would have gotten them, are already past.

ACQUISITIONS ADMINISTRATOR SURPLUS OF ELECTION OFFICE BLINDS

Acquisitions Administrator Sherrie Sievers presented a Surplus of Election Office Blinds. They have been replaced with new ones and are obsolete, but several of the old ones that were not broken could possibly be used on older blinds in other offices of the building to keep from replacing them all. She asked that they consider declaring them surplus. They can be stored at the Fourth Street storage building. Commissioner Johnson asked if we will use them and store them, why they would need to be declared surplus. Commissioner Saylor agreed. She said she would defer that to the Attorney. Attorney Skinner said if they will store them and use them elsewhere, nothing needs to be declared surplus. They need to be declared surplus only if they are getting rid of them. The Election Office blinds will be put in storage.

SURPLUS OF ITEMS FROM THE ASSESSOR'S OFFICE DISCUSSION OF EMPLOYEE SEALED BIDS FOR SURPLUS FURNITURE

Next, Ms. Sievers requested to surplus a table in the Assessor's Office. She went over the details of the table and asked that they allow it to be moved to the storage building. There are also some employees that are interested in the table and according to IC Code, they can offer this to public or private sale if it is under \$1,000.00. If the Commissioners were agreeable to this, she would like to take sealed bids.

Commissioners Phillippe said that those are all original to the building and, just for the history, he would prefer not to sell them. After some discussion about keeping them, Commissioner Bob Johnson made the motion to declare the table surplus. Attorney Skinner reminded the Commissioners if they planned on keeping and storing the table, it didn't need to be declared surplus. Commissioner Johnson agreed to keeping it. Commissioner Saylor also agreed on keeping the table as it could be used at a later date. The table will be stored at the Fourth Street storage building.

**LYNNVILLE EMS STATION
AWARD OF EXTERIOR METAL & ROOF**

Ms. Sievers presented bids for the Exterior Metal and Roof for the Lynnville EMS Station. She reviewed IC Codes and the County Ordinance for purchasing for the bids. She sent bid requests to Hi Tech Sheet Metal, Hobgood Post Frames, and Midwest Roofing. She received the following bids:

- Hi Tech \$76,250.00
- Hobgood \$34,000.00

Additionally, Hobgood wanted to give a price on the overhead doors, but, she still needs additional bids for the doors. For Hobgood it would be an additional \$8,000.00 for the doors making his total bid if he did the doors, \$42,000.00. Today, she is asking them to award the bid of the roof and exterior metal replacement. She said that the bids were attached to the paperwork she presented them and that the last page showed a running total of where they were at on the project. The contingency did have to be brought down from 10% to 7.2%.

Commissioner Saylor asked EMS Director Tony O'Neal about the garage door openers in case of an emergency when the power goes out. He would like to see a side wall mount. Mr. O'Neal said that they have updated the newer stations with the side mounts for that release. They had a brief discussion on this.

Commissioner Johnson asked since the bids were a contrast to one another was he is good with Hobgood? Mr. O'Neal said he was comfortable using them. He also said that if contingency money is left over to have a generator installed. The Commissioners thought that was a good idea. Commissioner Dan Saylor made a motion to approve Hobgood at \$34,000.00 upon review of Attorney and Ms. Sievers on specifications. Commissioner Bob Johnson seconded the motion. The motion carried 3-0.

Ms. Sievers said that she would do new specifications on the garage doors for the side wall mount and put it out for three bids.

(Bid Paperwork is located on File in the Auditor's Office)

NEWBURGH GIRLS' SOFTBALL-ARPA PROJECT

Ms. Sievers then presented the renovation of fourteen dugouts using ARPA funding. She has been working with Debbie Bennett-Stearsman and Mike Joest. This is for the Newburgh Girls Softball Fields on Vann Road. She reviewed the project and the IC codes on the bid. Ms. Sievers requested bids from the following:

- Cutting Edge \$23,662.21 materials and labor
- Daviess County Metals \$11,875.53 materials only
- Coulup Construction \$28,000.00 materials and labor
- The Barn Guys no bid

She did want to say that it was hard to do direct comparisons. The low bid was Cutting Edge Contractors at \$23,662.21 was lowest. She asked for approval to renovate the dugouts. The Commissioners originally awarded \$30,000.00. Commissioner Phillippe saw that the company requested 40% of costs up front and that it couldn't be done. Ms. Sievers said that Mr. Joest had emailed her on it and it would have to be changed before it was signed. Commissioner Dan Saylor made a motion to approve Cutting Edge for the County-owned Newburgh Girls' Softball Fields based on everything meeting with Attorney approval and review by Ms. Sievers. Commissioner Bob Johnson seconded the motion. The motion carried 3-0.

(Bid Paperwork is located on File in the Auditor's Office)

**GRANT DEVELOPMENT DIRECTOR
GRANT PROPOSAL
WTH PROPOSAL 911**

Grant Development Director Debbie Bennett-Stearsman presented the Grant Scope of Work with WTH. WTH presented at a previous Commissioner's meeting a proposal for a 911 Grant to improve the accuracy of the 911 calls to 98%. But, before the grant is submitted, a scope of work is required to be approved by the Commissioners. This is the first step, then the application process can begin. She will be helping them with it. Commissioner Bob Johnson made the motion to approve. Commissioner Dan Saylor seconded the motion. The motion carried 3-0.

**ARPA
UNOBLIGATED FUNDS**

Next, Ms. Bennett-Stearsman presented and reviewed all the numbers for the ARPA fund. The current balance of unobligated funds is \$24,613.13. The interest is \$192,466.70. The total available is \$217,079.83. Commissioner Saylor asked if that included the overage, what they budgeted for this project, the difference, surplus for the Newburgh Softball. She said that \$30,000.00 was already committed. He said that there would now be \$6,000.00 coming back to it. Ms. Bennett-Stearsman said that would be in the obligation column because they were going to buy paint and do painting. She is only speaking to the unobligated funds.

NEW REQUESTS
REQUEST FOR CUBICLES TREASURER OFFICE

Ms. Bennett-Stearsman said that she knew that they weren't going to accept new requests, but this was an old request that never moved forward. It was originally submitted in September of 2023 by the Treasurer wanting new cubicles/preowned cubicles similar to the ones in the Auditor's Office. They reached out to Sherrie Sievers and she reached out to Corporate Design to ask about pre-owned cubicles. The price at the time was \$9,150.00. That request was sent out on consensus and was never acted upon. Unfortunately, there are no longer any pre-owned cubicles. Ms. Sievers reached out to Corporate Design and in order to get the kind of cubicles they would like, which is seven L-shaped work stations, installation, and disposal of the existing, the total is \$46,301.00. When the Assessor's Office was just recently done it was \$43,015.00. She said it could be tabled since they have money that is unobligated that hasn't been de-obligated yet.

Commissioner Phillippe asked Ms. Sievers if Corporate Design said how often they cycle through. Ms. Sievers said that they did say they would check their resources and try to come up with some. They will need a drawing of the room and the sizes that are being requested. There was a brief discussion about the Auditor's cubicles and the savings to the County. Commissioner Johnson would like to table this and see where they are at the next meeting. Commissioner Saylor briefly discussed the original quote. Commissioner Dan Saylor made a motion to table. Commissioner Bob Johnson seconded the motion. The motion carried 3-0.

ARPA CONTRACT
APPROVAL OF BAKER TILLY CONTRACT

Ms. Bennett-Stearsman presented the ARPA Contract for Baker Tilly. Attorney Skinner has reviewed. This would be a motion for the President to sign. Commissioner Bob Johnson made the motion to approve and the President to sign. Commissioner Dan Saylor seconded the motion. The motion carried 3-0.

ARPA TABLED ITEMS

Next, Ms. Bennett-Stearsman presented the tabled items from the last meeting for the Commissioners to move on:

1. EDC Rebranding \$500,000.00 (tabled from 10.28.24) – Economic Development Director Steve Roelle said he thinks he can get it done in the next two years if they enter a Memorandum with Economic Development. Commissioner Phillippe said that he wasn't entirely in favor of the amount of money up front, but he has since seen more of the plans and he would like to leave it where it stands and not deduct any of the money. Ms. Bennett-Stearsman said she would recommend a motion to keep it where it is and enter into an Interdepartmental Agreement between the EDC and Commissioners. Commissioner Dan Saylor made a motion to keep the Rebranding at \$500,000.00 and do the Interlocal with EDC. This motion was amended from Redevelopment Commission he originally stated to the EDC. Commissioner Bob Johnson seconded the motion. The motion carried 3-0.
2. Purchase Building Health Department \$100,000.00 (tabled from 10.28.24) – There was a brief discussion on whether the funds would revert back to the Treasury if the sale did not happen. She said it would not revert if they used the ARPA Interest. But, it would have to go before Council. There was discussion on the next Council meeting and getting it on the agenda. The interest money doesn't have a deadline like the other monies. There was a brief discussion. Commissioner Bob Johnson made the motion to table. Commissioner Dan Saylor seconded the motion. The motion carried 3-0.
3. Highway Department Equipment (tabled from 10.28.24).
 - a. Skid Steer \$52,500
 - b. Dump Truck \$60,000
 - c. Chipper \$42,439.38

Commissioner Bob Johnson made the motion to table. Commissioner Dan Saylor seconded the motion. The motion carried 3-0.

(ARPA Paperwork is on File in the Grant's Department)

COUNTY HIGHWAY/ENGINEER
BID OPENINGS FOR CONSTRUCTION OF CONCRETE PAD FOR
MATERIAL BINS AT VANN ROAD HIGHWAY FACILITY

County Engineer Bobby Howard presented bid openings for construction of a concrete pad for material bins at the District 1 Storm Water Building lot. There is a temporary set up for their rock storage. These bids are for materials. The Highway Department will provide the work. The pad is 199x30 feet with a 10-inch thickness. He presented the following bids:

Rivertown Construction	\$58,750.00
Deig Brothers	\$82,505.00
JBI Construction	\$30,590.00

There was a brief discussion on whether the specs were all there. Mr. Howard said they were. Commissioner Dan Saylor made a motion to approve JBI Construction pending Attorney and County Engineer review. Commissioner Bob Johnson seconded the motion. The motion carried 3-0.

(JBI Contract is located on File in the Auditor's Office)

PEABODY REQUEST TO RELEASE SURETY FOR SOMERVILLE HAUL ROAD

Mr. Howard presented a Request to Release Surety for the Somerville Haul Road. Peabody has finished the use of the German Church haul road. It has been paved and inspected. He would recommend the release of surety. There was a brief discussion on it holding up, so Mr. Howard reviewed what was done. Commissioner Dan Saylor made a motion to approve the release. Commissioner Bob Johnson seconded the motion. The motion carried 3-0.

**COUNTY ATTORNEY
AMENDMENT TO CHAPTER 150.42 OF THE CODE OF ORDINANCES: HARMFUL
GASES DETECTION AND CONTROL
ORDINANCE 2024-21**

Attorney Skinner presented an Ordinance for Harmful Gases Detection and Control. This is Ordinance 2024-21. This is an Ordinance amending Chapter 150 of the Code of Ordinances under the Building Code adding a Chapter 150.42 which is Harmful Gases, Control Methods, and construction standards for new construction, in particular, basements. He reviewed other requirements set forth in the Ordinance. Building Inspector Dennis Lockhart has reviewed and has approved it. President Phillippe said that this was something they needed to publicize. This is a recommendation under the Indiana Residential Code. Commissioner Bob Johnson made a motion to approve Ordinance 2024-21. Commissioner Dan Saylor seconded the motion. The motion carried 3-0.

(Ordinance 2024-21 is located on Pages 7 through 8 of these Official Minutes)

COMMISSIONER ITEMS FOR DISCUSSION

There were no Commissioner Items for discussion.

ADJOURNMENT

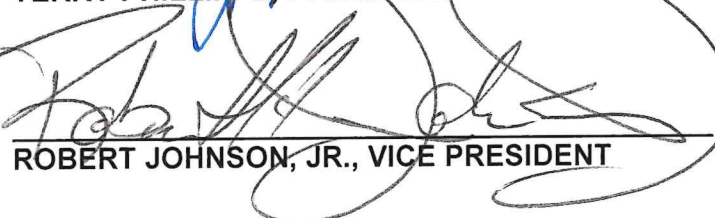
The next Warrick County Commissioners' meeting will be held on Monday, November 25, 2024 in the Commissioners' meeting room at 4:00 PM. Commissioner Bob Johnson made the motion to adjourn. Commissioner Dan Saylor seconded the motion. The motion carried 3-0.

Meeting adjourned at 11:15 AM.

WARRICK COUNTY BOARD OF COMMISSIONERS



TERRY PHILLIPPE, PRESIDENT



ROBERT JOHNSON, JR., VICE PRESIDENT



DAN SAYLOR, MEMBER

ATTEST: 

MICHAEL J. DIETSCH, AUDITOR
WARRICK COUNTY, INDIANA

ORDINANCE 2024- 21
AN ORDINANCE OF THE BOARD OF COMMISSIONERS
OF WARRICK COUNTY, INDIANA, AMENDING CHAPTER 150
OF THE CODE OF ORDINANCES OF WARRICK COUNTY, INDIANA

WHEREAS, Chapter 150 of the Warrick County, Indiana Code of Ordinances sets forth the Building Code of Warrick County, Indiana;

WHEREAS, pursuant to Indiana Code 36-8-2-4, Warrick County may, by ordinance, regulate conduct, or use or possession of property, that might endanger the public health, safety, or welfare;

WHEREAS, pursuant to Ind. Code 22-13-2-3(b), Warrick County has incorporated the rules adopted by the Indiana Fire Prevention and Building Safety Commission known as the 2020 Indiana Residential Code, as set forth in 675 Indiana Administrative Code 14-4.4;

WHEREAS, Section 150.40 of the Warrick County, Indiana Code of Ordinances sets forth the minimum standards for construction in Warrick County; and

WHEREAS, the Board of Commissioners of Warrick County, Indiana desire to amend certain sections of Chapter 150 of the Warrick County, Indiana Code of Ordinances to specifically regulate the provision of harmful gases detection and control in newly constructed dwelling units, in accordance with the 2020 Indiana Residential Code.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Warrick County, Indiana, that Chapter 150 is hereby amended in part to read as follows:

CHAPTER 150: BUILDING CODE

MINIMUM CONSTRUCTION STANDARDS

§ 150.42 HARMFUL GASES CONTROL METHODS

- (A) *General.* The following construction techniques are intended to resist harmful gases entry and prepare the building for post-construction harmful gases mitigation, if necessary. These techniques are required in areas where designated by the jurisdiction
- (B) *Subfloor Preparation.* A layer of gas-permeable material shall be placed under all concrete slabs and other floor systems that directly contact the ground and are within the walls of the living spaces of the building, to facilitate future installation of a subslab depressurization system, if need. The gas-permeable layer shall consist of one of the following:

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- (1) A uniform layer of clean aggregate, not less than 4 inches (102 mm) thick. The aggregate shall consist of material that will pass through a 2-inch (51 mm) sieve and be retained by a ¼ inch (6.4 mm) sieve.
- (2) A uniform layer of sand (native or fill), not less than 4 inches (102 mm) thick, overlain by a layer or strips of geotextile drainage matting designed to allow the lateral flow of soil gasses.
- (3) Other materials, systems or floor designs with demonstrated capability to permit depressurization across the entire subfloor are.
- (C) *Soil-Gas-Retarder.* A minimum 6-mil (0.15 mm) [or 3-mil (0.075 mm) cross laminated] polyethylene or equivalent flexible sheeting material shall be placed on top of the gas-permeable layer prior to casting the slab or placing the floor assembly to serve as a soil-gas-retarder by bridging any cracks that develop in the aggregate base material. The sheeting shall cover the entire floor area with separate sections of sheeting lapped not less than 12 inches (305 mm). The sheeting shall fit closely around any pipe, wire or other penetrations of the material. Punctures or tears in the material shall be sealed or covered with additional sheeting.
- (D) *Entry Routes.* Potential harmful gases entry routes shall be closed in accordance with § 150.43(E) through § 150.43(N)
- (E) *Floor Openings.* Openings around bathtubs, showers, water closets, pipes, wires or other objects that penetrate concrete slabs, or other floors assemblies, shall be filled with a polyurethane caulk or equivalent sealant applied in accordance with the manufacturer's recommendations.
- (F) *Concrete Joints.* Control joints, isolation joints, construction joints, and any other joints in concrete slabs or between slabs and foundation walls shall be sealed with a caulk or sealant. Gaps and joints shall be cleared of loose material and filled with polyurethane caulk or other elastomeric sealant applied in accordance with the manufacturer's recommendations.
- (G) *Condensate Drains.* Condensate drains shall be trapped or routed through nonperforated pipe to daylight.
- (H) *Sumps.* Sump pits open to soil or serving as the termination point for subslab or exterior drain tile loops shall be covered with a gasketed or otherwise seal lid. Sumps used as the suction point in a subslab depressurization system shall have a lid designed to accommodate the vent pipe. Sumps used as a floor drain shall have a lid equipped with a trapped inlet.
- (I) *Foundation Walls.* Hollow block masonry foundation walls shall be constructed with either a continuous course of solid masonry, one course of masonry grouted solid, or a solid concrete beam at or above the finished ground surface to prevent the passage of air from the interior of the wall into the living space. Where a brick veneer or other masonry ledge is installed, the course immediately below that

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- ledge shall be sealed. Joints, cracks or other openings around all penetrations of both exterior and interior surfaces of masonry block or wood foundation walls below the ground surface shall be filled with polyurethane caulk or equivalent sealant. Penetrations of concrete walls shall be filled.
- (J) *Dampproofing.* The exterior surfaces of portions of concrete and masonry block walls below the ground surface shall be dampproofed.
- (K) *Air-Handling Units.* Air-handling units in crawl spaces shall be sealed to prevent air from being drawn into the unit.
 - (1) *Exception.* Units with gasketed seams or units that are otherwise sealed by the manufacturer to prevent leakage.
- (L) *Ducts.* Ductwork passing through or beneath a slab shall be of seamless material unless the air-handling system is designed to maintain continuous positive pressure within such ducting. Joints in such ductwork shall be sealed to prevent air leakage.
 - (1) Ductwork located in crawl spaces shall have seams and joints sealed by closure systems.
- (M) *Crawl Space Floors.* Openings around all penetrations through floors above crawl spaces shall be caulked or otherwise filled to prevent air leakage.
- (N) *Crawl Space Access.* Access doors and other openings or penetrations between basements and adjoining crawl spaces shall be closed, gasketed or otherwise filled to prevent air leakage.
- (O) *Passive Submembrane Depressurization System.* In buildings with crawl space foundations, the following components of a passive submembrane depressurization system shall be installed during construction:
 - (1) *Ventilation.* Crawl spaces shall be provided with vents of the exterior of the building. The minimum net area of ventilation openings shall comply with the 2020 Indiana Residential Code.
 - (2) *Soil-Gas-Retarder.* The soil in crawl spaces shall be covered with a continuous layer of 6-mil (0.15 mm) polyethylene soil-gas-retarder. The ground cover shall be lapped not less than 12 inches (305 mm) at joints and shall extend to all foundation walls enclosing the crawl space area.
 - (3) *Vent Pipe.* A plumbing tee or other approved connection shall be inserted horizontally beneath the sheeting and connected to a 3- or 4-inch-diameter (76 or 102 mm) fitting with a vertical pipe installed through the sheeting. The vent pipe shall be extended up through the building floors, and terminate not less than 12 inches (305 mm) above the roof in a location not less than 10 feet (3048 mm) away from any window or other opening into the conditioned spaces of the building that is less than 2 feet (610 mm) below the exhaust

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- point, and 10 feet (3048 mm) from any window or other opening in adjoining or adjacent buildings.
- (P) **Passive Subslab Depressurization System.** In basement or slab-on-grade buildings, the following components of a passive subslab depressurization system shall be installed during construction.
 - (1) **Vent Pipe.** A minimum 3-inch-diameter (76 mm) ABS, PVC or equivalent gas-tight pipe shall be embedded vertically into the subslab aggregate or other permeable material before the slab is cast. A "T" fitting or equivalent method shall be used to ensure that the pipe opening remains within the subslab permeable material. Alternatively, the 3-inch (76 mm) pipe shall be inserted directly into an interior perimeter drain tile loop or through a sealed sump cover where the sump is exposed to the subslab aggregate or connected to it through a drainage system.
 - i. The pipe shall be extended up through the building floors, and terminate not less than 12 inches (305 mm) above the surface of the roof in a location not less than 10 feet (3028 mm) away from any window or other opening into the conditioned spaces of the building that is less than 2 feet (610 mm) below the exhaust point, and 10 feet (3048 mm) from any window or other opening in adjoining or adjacent buildings.
 - (2) **Multiple Vent Pipes.** In buildings where interior footings or other barriers separate the subslab aggregate or other gas-permeable material, each area shall be fitted with an individual vent pipe. Vent pipes shall connect to a single vent that terminates above the roof or each individual vent pipe shall terminate separately above the roof.
 - (Q) **Vent Pipe Drainage.** Components of the harmful gases vent pipe system shall be installed to provide positive drainage to the ground beneath the slab or soil-gas-retarder.
 - (R) **Vent Pipe Accessibility.** Harmful gases vent pipes shall be accessible for future fan installation through an attic or other area outside the habitable space.
 - (1) **Exception.** The harmful gases vent pipe need not be accessible in an attic space where an approved roof-top electrical supply is provided for future use.
 - (S) **Vent Pipe Identification.** Exposed and visible interior harmful gases vent pipes shall be identified with not less than one label on each floor and in accessible attics. The label shall read: "Harmful Gases Reduction System."
 - (T) **Combination Foundations.** Combination basement/crawl space or slab-on-grade/crawl space foundations shall have separate harmful gases vent pipes installed in each type of foundation area. Each harmful gases vent pipe shall terminate above the roof or shall be connected to a single vent that terminates above the roof.

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- (U) **Power Source.** To provide for future installation of an active submembrane or subslab depressurization system, an electrical circuit terminated in an approved box shall be installed during construction in the attic or other anticipated location of vent pipe fans. An electrical supply shall be accessible in anticipated locations of system failure alarms.
- (V) In the event of any conflict between this § 150.43 and the 2020 Indiana Residential Code, as amended, then the 2020 Indiana Residential Code shall control.

All other provisions of Chapter 150 of the Warrick County, Indiana Code of Ordinances unaffected by this Ordinance shall remain unchanged, and in full force and effect.


Effective Date. This chapter shall be effective November 13, 2024.

The above ordinance is passed and adopted by the Warrick County Board of Commissioners this 13th day of November, 2024.

WARRICK COUNTY BOARD OF COMMISSIONERS



 Terry I. Phillips, President

 Robert H. Johnson, Jr., Vice President

 Dan Saylor, Member

ATTEST:


 Michael Dietsch, Auditor
 Warrick County, Indiana

Ordinance 2024- 21

APPROVED AS TO LEGAL FORM:


 Andrew E. Skinner
 FINE & HATFIELD, A Professional Corporation
 520 N.W. Second Street, P.O. Box 779
 Evansville, Indiana 47705-0779
 Telephone: (812) 425-3592
 Warrick County Attorney

STATE OF INDIANA)
) SS:
 COUNTY OF WARRICK)
)
) BEFORE THE BOARD OF COMMISSIONERS
) OF WARRICK COUNTY, INDIANA
)
) IN THE MATTER OF THE PETITION TO VACATE A
) PORTION OF THE RIGHT- OF- WAY OF RABBIT RUN DRIVE)
) LYING SOUTHEAST OF AND ADJACENT TO THE SOUTHEAST CORNER)
) OF LOT 14 IN GATEWAY BUSINESS PARK SECTION 2)
) IN WARRICK COUNTY, INDIANA)
)
) VACATION NO. 2024-14

AN ORDINANCE TO VACATE A PORTION OF THE RIGHT- OF- WAY OF RABBIT RUN DRIVE LYING SOUTHEAST OF AND ADJACENT TO THE SOUTHEAST CORNER OF LOT 14 IN GATEWAY BUSINESS PARK SECTION 2 IN WARRICK COUNTY, INDIANA

Be it ordained by the Board of County Commissioners of Warrick County, Indiana as follows:

1. Pursuant to IC 36-7-3-12 & 16, a petition was presented to the Board of County Commissioners of Warrick County, Indiana, requesting that A PORTION OF THE RIGHT- OF- WAY OF RABBIT RUN DRIVE LYING SOUTHEAST OF AND ADJACENT TO THE SOUTHEAST CORNER OF LOT 14 IN GATEWAY BUSINESS PARK SECTION 2 IN WARRICK COUNTY, INDIANA, as described below on EXHIBIT "A" and as shown on attached EXHIBIT "B", be vacated.
2. That after due and proper notice, a public hearing was held by the Board of County Commissioners of Warrick County, Indiana, at which time all interested parties were permitted to address said Board.
3. That the Board of County Commissioners of Warrick County, Indiana, after due investigation and consideration, have determined that a PORTION OF THE RIGHT- OF- WAY OF RABBIT RUN DRIVE LYING SOUTHEAST OF AND ADJACENT TO THE SOUTHEAST CORNER OF LOT 14 IN GATEWAY BUSINESS PARK SECTION 2 IN WARRICK COUNTY, INDIANA, as described below on EXHIBIT "A" and shown on ATTACHED EXHIBIT "B", is not being used and is not necessary, and not required and that it is in the public's interest to vacate the said PORTION OF THE RIGHT- OF- WAY OF RABBIT RUN DRIVE LYING SOUTHEAST OF AND ADJACENT TO THE SOUTHEAST CORNER OF LOT 14 IN GATEWAY BUSINESS PARK SECTION 2 IN WARRICK COUNTY, INDIANA.
4. There are however utilities that are located within the right of way petitioned to be vacated. To satisfy the requirements of the utilities, a Restricted Public Utility Easement (R.P.U.E.) and a Public Utility Easement (P.U.E.) are being reserved and dedicated for the utility companies with this vacation of right of way. See Exhibit "B" for location of easements being reserved.
5. That the Warrick County Drainage Board gave their approval to vacate the portion of the right of way being petitioned to be vacated, without any reservations, described on Exhibit "A" and shown on Exhibit "B" at a public hearing on October 9, 2024.

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6. That letters or e-mails from CenterPointe Energy, Spectrum, Astound, AT & T, Chandler Utilities, The Town of Newburgh, Indiana American Water, and the Warrick County Drainage Board all state that they have no service in the area, or have service in the area but are not opposed to the vacate of the easements to be vacated and have not requested to reserve easements for themselves, other than what is shown on Exhibit "B".
7. The County Auditor shall furnish a copy of the ordinance to the County Recorder to record.

Passed this 13th day of November, 2024.

BOARD OF COUNTY COMMISSIONERS OF WARRICK COUNTY, INDIANA

By Dan Saylor Commissioner
 By Tony Phillips Commissioner
 By Robert Johnson Commissioner

Michael Dietsch
 Michael Dietsch-Auditor

This instrument was prepared by Bret A. Sermersheim of Morley and Associates, Inc., DBA as Morley, 4800 Rosebud Lane, Newburgh, Indiana 47630
 Petitioner's Mailing Address:
 4763 Rosebud Lane
 Newburgh, IN 47630

"I affirm under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law." Bret A. Sermersheim

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WARRICK COUNTY COMMISSIONERS ORDINANCE # 2024-20
 PLAN COMMISSION DOCKET # PC-R-24-10

AN ORDINANCE TO AMEND THE WARRICK COUNTY, INDIANA COMPREHENSIVE ZONING ORDINANCE BY REZONING CERTAIN REAL ESTATE IN WARRICK COUNTY, INDIANA

BE IT ORDAINED BY THE COUNTY COMMISSIONERS OF WARRICK COUNTY, INDIANA

Section 1. That the Warrick County, Indiana Comprehensive Zoning Ordinance and the Warrick County Zoning District Maps dated February 1, 2005, and made a part of said Ordinance, be and the same are hereby amended as follows:

Boundary Description #1

That the boundaries of the C-4, as shown on said Warrick County Zoning District Maps, be amended as to the following described real estate:

Lots 14, 15, 16 & 17 In Gateway Business Park Section 2, as per plat thereof, recorded in Document Number 2017R-005370 in the Office of the Recorder of Warrick County, Indiana and Part of the Northwest Quarter of the Northwest Quarter of Section 28, Township 6 South, Range 9 West lying in Ohio Township, Warrick County, Indiana being more particularly described as follows:

Commencing at the Southwest Corner of the Northwest Quarter of the Northwest Quarter of said Section 28, thence along the south line of said Quarter Quarter Section, South 89 degrees 38 minutes 42 seconds East 682.50 feet; thence North 00 degrees 48 minutes 09 seconds East 52.78 feet to the southwest corner of said Lot 14, said point being the POINT OF BEGINNING; thence along the west line of said Lots 14, 15, 16, & 17, North 00 degrees 48 minutes 11 seconds East 730.36 feet to the northwest corner of said Lot 17; thence along the north line of said Lot 17, South 89 degrees 12 minutes 38 seconds East 300.00 feet to the northeast corner of said Lot 17; thence along the east line of said Lots 17, 16, 15, & 14, South 00 degrees 48 minutes 11 seconds West 665.88 feet to the southeast corner of said Lot 14,

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said point being a point of curvature of a non-tangential curve to the right having a radius of 63.00 feet and a delta angle of 89 degrees 23 minutes 44 seconds from which the long chord bears South 45 degrees 40 minutes 56 seconds West 88.62 feet; thence along the arc of said curve 98.30 feet; thence North 89 degrees 37 minutes 12 seconds West 237.47 feet to the point of beginning, containing 217,949 square feet (5.00 acres) more or less.

Which real estate is now zoned and classified as part of the C-4 District, as shown on the aforesaid Warrick County Zoning District Maps, so that said above described real estate shall and the same is hereby rezoned and reclassified from said C-4 District to said PUD w/R-2B District.

Boundary Description #2

That the boundaries of the R-O, as shown on said Warrick County Zoning District Maps, be amended as to the following described real estate:

Lots 7, 8, 9, 10, 11, 12 & 13 in Gateway Business Park Section 2, as per plat thereof, recorded in Document Number 2017R-005370 in the Office of the Recorder of Warrick County, Indiana being Part of the Northwest Quarter of the Northwest Quarter of Section 28, Township 6 South, Range 9 West West lying in Ohio Township, Warrick County, Indiana being more particularly described as follows:

Commencing at the Southwest Corner of the Northwest Quarter of the Northwest Quarter of said Section 28, thence along the south line of said Quarter Quarter Section, South 89 degrees 38 minutes 42 seconds East 1042.50 feet to the southwest corner of said Lot 13, said point being the POINT OF BEGINNING; thence along the west line of said Lots 13, 12, 11, 10, 9, 8, & 7, North 00 degrees 48 minutes 11 seconds East 805.14 feet to a corner of said Lot 7; thence along the northwest line of said Lot 7, North 43 degrees 16 minutes 50 seconds East 82.81 feet to a corner of said Lot 7; thence along the north line of said Lot 7, South 89 degrees 38 minutes 45 seconds East 211.57 feet; thence along the east line of said Lots 7, 8, 9, 10, 11, 12 & 13, South 00 degrees 48 minutes 23 seconds West 865.78 feet to the southeast corner of

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said Lot 13; thence along the south line of said Lot 13, North 89 degrees 38 minutes 42 seconds West 267.44 feet to the point of beginning, containing 229,861 square feet (5.28 acres) more or less.

Which real estate is now zoned and classified as part of the R-O District, as shown on the aforesaid Warrick County Zoning District Maps, so that said above described real estate shall and the same is hereby rezoned and reclassified from said R-O District to said PUD w/R-2B District.

Section 2. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

Section 3. This Ordinance shall be in full force and effect from and after its passage by the Board of Commissioners of the County of Warrick, State of Indiana.

Section 4. The subject property herein rezoned shall be used and developed only in accordance with the use and development commitment which is attached hereto and incorporated herein and no improvement location permits shall be issued until the petitioner records said use and development commitment in the office of the Recorder of Warrick County, Indiana.

ATTEST:

County Auditor

Date Approved

President
Member
Member
BOARD OF COMMISSIONERS OF WARRICK COUNTY, INDIANA

I affirm under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.

Signature Wesley Fleischmann

Wesley Fleischmann
Printed Name

This document prepared by Wesley Fleischmann of Morley. J:\12000a\12800-12855\Civil\3D\Documents\Outgoing\2024.08.xx - PUD Rezone Resubmittal\Components\12855 Rezone Ordinance.doc

Warrick County Exhibit for Board of Commissioners Meeting - November 13th, 2024

Table with columns: Exhibit Date, Page Range, Folio, Folio Sheet, Area, Area Desc, Lot, Lot Desc, Assessed Value. Contains a detailed list of property parcels and their associated information.

