MINUTES

**WARRICK COUNTY AREA PLAN COMMISSION**

Regular meeting to be held in Commissioners Meeting Room,

Third Floor, Historic Court House,

Boonville, IN

Monday, June 9, 2025, 6:00 PM

**PLEDGE OF ALLEGIANCE**

**ROLL CALL:** Jeff Valiant, Stacey Franz, Dave Goldenberg & Dennis Wilzbacher were present.

Also present were Morrie Doll, Attorney, Molly Barnhill, Executive Director, Carlie Render, Assistant Director & Julie Newton, staff.

**MEMBERS ABSENT:** Brandon Pryor, Richard Reed & Jeff Willis

**MINUTES:** President Valiant asked if everyone received a copy of the minutes from the May 12, 2025meeting. I know they came out kind of late today, but did you guys get a chance to review them.

Dave Goldenberg said yes, I’ve got a correction to the minutes.

President Valiant said yes sir.

Dave Goldenberg said at the very bottom it says it continued unanimously instead of it passed unanimously.

President Valiant said it looks like above that they had it carried unanimously.

Attorney Doll said yeah carried.

Dave Goldenberg said carried, okay.

Mrs. Barnhill said carried, okay so continued…

President Valiant said so we have it under a second time it says continued and even though we would have loved to have stayed here umm…

Board Members laughed.

Mrs. Barnhill said okay, we will fix that.

President Valiant asked anything else.

Stacey Franz said I didn’t see anything.

President Valiant said given the fact that Dennis wasn’t at last month’s meeting. He asked do we want to table this vote.

Attorney Doll said yes.

President Valiant said okay, so can he vote on that.

Dave Goldenberg said but we can correct it.

President Valiant said yes, ask for the correction. He continued and then…

Dave Goldenberg said so when it comes in next time, we will be ready to go.

President Valiant said so we can’t even vote to table. He added well I guess we could, Dennis could vote on that right.

Attorney Doll said he could.

President Valiant said I will make a motion that we table the approval of the minutes until next month after the correction. Stacey Franz seconded the motion and it carried unanimously.

**AMENDMENT TO RULES AND REGULATIONS:**

Proposed amendment to the Rules of Procedure to include swearing in any person who wishes to speak at the meeting under 3.7 (f).

President Valiant stated as you come up and speak tonight you will be sworn in, much like going to court, not quite as involved. He added it’s just basically to firm that you are telling the truth for your applications and this will go for remonstration as well. He said that section E will now read any person wishing to speak for or against an application must step to the podium, state their name, and address, and be sworn in. He added the President may require any person wishing to speak for or against an application to register with the Executive Director. He asked so do we need a motion to approve this starting tonight.

Attorney Doll said yes.

Mrs. Barnhill said yes.

President Valiant made a motion to approve. Dave Goldenberg seconded the motion and it passed unanimously.

President Valiant stated it looks like we have two primary plats and one rezoning on the agenda tonight. He said primary plats will get final approval here. He said rezoning’s will go with a recommendation for or against to the next Commissioners meeting.

**PRIMARY PLATS:**

**PP-25-04: Water’s Edge VII:** PETITIONER./OWNER: Paradise Villa Homes LLC, by: William M. Metzger, President. Approx. 49.027 acres located on the north side of West Welte Road Approximately 384’ east of the intersection of West Welte Road and North Zoar Church Road Being Outlots F & G in Waters Edge Subdivision Section II, Recorded in Doc. #2002R-012252. Campbell Township 16/17-5-9. *Advertised in The Standard May 29, 2025.*

Scott Buedel, Cash Waggner & Associates was present.

Mrs. Barnhill said Scott, can I get you to raise your right hand. She asked do you swear to tell the truth, the whole truth, and nothing but the truth.

Scott Buedel said I do.

Mrs. Barnhill said thank you.

President Valiant said for the record it looks like Mr. Willis showed up; Mr. Willis, hello, thank you for joining us.

Mrs. Barnhill asked do we have the property owners here.

Scott Buedel said yes. He said Mike is here and his daughter.

Mrs. Barnhill said thank you.

President Valiant asked for a staff report.

Mrs. Barnhill stated we are missing three green cards, but we have the white pay receipts and they were all mailed correctly. The zoning is “A” Agricultural with no flood plain. She stated they are proposing 2 residential lots. She added one being 22.436 acres and other on is 26.5 acres. She stated street construction plans say the Commissioners approved the request for no improvements to the gravel road providing frontage to these lots, that would be Welte Rd. She stated Drainage Board approved the request for no drainage plans. She added the Health Department signed off on the soil sites on the plat and the water will be provided with wells or cisterns. She said so the application is in order.

President Valiant asked Scott, do you have anything to add to the staff report.

Scott Buedel said I’m hoping it’s a simple request. He said like Molly said there’s two large lots that were outlots. He added we are just trying convert those to buildable lots and all the testing has been done that it’s suitable for septic so hopefully we are ready to go.

President Valiant said thank you. He asked any questions from the Board at this time. He asked any remonstrators for or against this project if so please step forward. He continued seeing none, nobody getting up, I’ll bring it back to the Board one more time. He asked any questions, comments, anything, if not I’ll entertain a motion.

Jeff Valiant made a motion to approve PP-25-04. Jeff Willis seconded the motion and it carried unanimously.

Scott Buedel said thank you.

Mrs. Barnhill said thank you Scott.

**PP-25-05: Epworth Lincoln IV:** PETITIONER./OWNER: Crossroads Christians Church, by: Ryan King, E.D., of Operations. Approx. 36.70 acres located on the east side of Interstate 69. Approximately 0’ NE of the intersection of Lincoln Avenue and Interstate 69. Being Lot 1 in Epworth Lincoln II, Parcel 3 in Epworth Road Minor & Pt. Tract 2 in Gateway Center Minor Subdivision Amended, Recorded in Doc. #2020R-010611, #2010R-005235 & #2005R-013132. Ohio Township 26-6-9. *Advertised in The Standard May 29, 2025.*

Jim Morley, Jr., Project Engineer was present.

Mrs. Barnhill asked Jim, do you swear to tell the truth, the whole truth, and nothing but the truth.

Jim Morley, Jr. said I do.

Mrs. Barnhill said thank you.

Jim Morley, Jr. said a lot of pressure.

Mrs. Barnhill said yeah, we’re serious now. She stated we are missing one green card, but we have all the white pay receipts showing they were mailed correctly. She stated the zoning is C-4 and there is no flood plain. She said the proposed development basically remains the same. She added it’s kind of a replat of lots except they are bringing in some sectional property. She said or it was in a Minor Subdivision into a lot that was already in a Major so it had to be done with a primary plat. She stated the Commissioners approved the request for no street plans today. She stated Drainage Board approved the request for no drainage plans. She added it is Newburgh Sewer with Chandler Water which is existing. She said so, the plat would be in order.

President Valiant asked sir, anything to add to the staff report.

Jim Morley, Jr. said I just passed out an exhibit and this just kind of shows…we are just jockeying lot lines around to create three parcels. He added so no new improvements just creating lot lines and moving lot lines.

President Valiant said that’s easy enough. He asked any questions from the Board.

Dennis Wilzbacher said could I ask what is the actual zoning for a church.

Mrs. Barnhill said they can go in any zoning.

Attorney Doll said they can go in anything by Federal Law.

Dennis Wilzbacher said okay, thank you.

President Valiant asked any other questions from the Board at this time. He asked any remonstration for or against this project if so please step forward. He said not seeing anybody moving, we will bring it back to the Board. He asked any further questions or comments. He said if not I will entertain a motion.

Dave Goldenberg made a motion to approve PP-25-05 Epworth Lincoln IV. Stacey Franz seconded the motion and it carried unanimously.

Jim Morley, Jr. said thank y’all.

Mrs. Barnhill said thank you.

**REZONINGS:**

**PC-R-25-06:** PETITIONER/OWNER: S & B Development Group LLC, by: Chris Brown, Member. To rezone approximately 15.762 acres located on the north side of Pollack Avenue approximately 0’ west of the intersection of Pollack Avenue and Morningside Drive from “A” Agricultural to “R-1” One-Family Dwelling. Ohio Township 32-6-9. *Complete legal on file*. *Advertised in The Standard May 29, 2025.*

Scott Buedel, Cash Waggner & Associates was present.

President Valiant said I wanted to remind you that you are still under oath. He asked does that still work.

Attorney Doll said yes.

President Valiant said okay, thank you. He said it’s my first time, sorry. He asked Molly, do we have a staff report on this one.

Mrs. Barnhill said uh-huh. She stated we are missing 4 green cards, but we have the white pay receipts. She said they were mailed correctly. She stated the lot size is 15.762 acres. She stated the comprehensive plan projects the area to be neighborhood centers with low to medium density residential, community amenities, and neighborhood commercial. She stated the existing land is vacant. She added it’s been a field. She stated the surrounding zoning and land use is as according to the north “R-1D” One Family Dwelling consisting of single-family dwelling; to the east “R-2” Multiple Family Dwelling with Creekside Apartments and Gaslight Square Subdivision with single-family dwellings; to the south “A” Agricultural, “R-1” One Family Dwelling, “R-2” Multiple Family Dwelling & “R-O” Residential Office being River Bluff Subdivision & Huntington Creek. She added all containing single-family dwellings. She stated to the west “R-1” & “R-1A” One Family Dwelling being Epworth Village #2 with single-family dwellings and Newburgh Healthcare. She stated there is some A/AE floodplain and floodway on the south end following Willow Pond Ditch. She stated they have access onto Morningside Drive. She continued the stated use will be a residential subdivision which would be in compliance. She added there are 2 legal drains Stacer Ditch and Willow Pond Ditch that they will have to be aware of as they design their project. She said they filed their subdivision and we will see that next month.

President Valiant asked Scott, do you have anything to add to the staff report.

Scott Buedel said just along the lines of what Molly said about the legal drains, we have already gone before the Drainage Board to get the legal drains reduced from 75 feet to 40 feet for the Urban…basically the Urban Legal Drains requirement. He said from the standpoint of the site itself it’s conducive of everything that’s around it. He said everything is residential…this will be a single-family residential development with one access coming off of Morningside Drive and then a couple of the lots down on the south side of the ditch coming off the existing road ways. He added but we’ve got that filed and turned in…we’ve got a site review meeting tomorrow and hopefully on the agenda for…to be back here next month.

President Valiant said thank you, sir. He asked any questions from the Board. He asked any remonstration for or against this project if so please step forward.

Mark McDonald, 300 Red Barn Rd Boonville, came to the podium.

Mrs. Barnhill asked do you swear to tell the truth, the whole truth, and nothing but the truth.

Mark McDonald said I do.

Mrs. Barnhill said thank you.

Mark McDonald said so not really up to remonstrate, but Morningside Drive between Pollack and 662 there’s two portions of it. He added so we’re the property owners on the northern portion of it and one of the things identified in the filing for this Commissioners meeting. He added we have been in front of the panel…the neighborhood had been in front of the panel before and the northern part of Morningside Drive is a private road. He said so I’m here representing the neighborhood basically, we want to maintain that as a private road and you know building a new subdivision somebody might think that they want to have a thoroughfare through the subdivision that’s where my property sat. He said so, I just wanted to get it entered on the record that that was a private lane and don’t want to interrupt Mr. Brown’s work. He continued I think it’s a noble thing to be building a subdivision I just don’t want to lose property value by our section of the street somehow becoming public throughfare again.

President Valiant said thank you sir.

Mark McDonald said thank you.

President Valiant asked anyone else. He said Scott, you can come on back up.

Scott Buedel said just to follow up on the comment about Morningside…there were comments whenever we first turned this in. He said we had anticipated going through Epworth Village and having our connection that way, but in discussions with Bobby Howard, APC, and it seemed like everybody was aware of the situation that this was going to be developed as a subdivision, but access through Epworth Village was not what everyone wanted so we flipped our access over to Morningside Drive. He added there was discussion about maybe going to the north at some point in time and actually in doing the research on the property, I think it was 1974, the right-of-way for Morningside was dedicated all the way across this property so we’re basically just representing what was done years and years ago for Morningside Drive. He said so we don’t anticipate making that connection and going all the way up there, but I don’t know if that’s something that would be on the County’s agenda, you know, down the road sometime but we don’t anticipate making that connection.

President Valiant said thank you.

Mrs. Barnhill said I will say the fire department would like to see that connection through there. She added that’s one of the things we talked about in site review.

Scott Buedel said right. He added but the right-of-way is there. He said it’s been there since…it’s been there for a long time.

President Valiant asked you’re not anticipating going that route though right.

Scott Buedel said right. He said yeah, we’re going to have a road that comes out onto Morningside that lines up with Basin Street the middle road there to the east. He said and that will be our access…where our road ties in with Morningside. He added and that’s all we’re anticipating constructing west of Morningside.

President Valiant asked any other questions from the Board or comments.

Dennis Wilzbacher said refresh my memory…crossing over into the triangle shape piece to the southwest you’re going to put a drainage structure and it will have to be designed and brought before the Drainage Board later. He asked is that right.

Scott Buedel replied oh, yeah, absolutely.

Dennis Wilzbacher said okay.

Scott Buedel said yeah, actually we’re going to have…we’ll have two ponds, two wet basins, and one dry basin. He said so we’ll have 3 separate areas that we’ll contain and detain the water as necessary.

President Valiant asked any other questions from the Board. He said if not what’s the Board’s feelings on this rezoning.

Jeff Willis made a favorable recommendation for PC-R-25-06. Dave Goldenberg seconded the motion and it carried unanimously.

President Valiant said so this will go to the Commissioners Meeting on…

Mrs. Barnhill said July 14th….

President Valiant continued July 14th.

Mrs. Barnhill continued for the zoning.

President Valiant said for final approval.

Scott Buedel said okay, thank you.

President Valiant said thanks Scott.

**OTHER BUSINESS:**

**-Budget**

Mrs. Barnhill said I put together our budget for next year. She said I’ve kept everything the same nothings changed. She said I did include a 3 percent raise on salaries. She added we’re hoping to not lose any at this point. She said so that’s what I have proposed, this is the same as what I emailed the other day.

President Valiant asked any questions from the Board on this. He said I didn’t have any…I think she sent it out…everybody should have had time to review it.

Jeff Willis said you’ve got plus 3% and then plus like $4500 for one of the positions is that…

Mrs. Barnhill said that’s longevity for working for so many years; you get another $150 and it caps out at $4500. She continued so Kim Kaiser’s been with the County for a long time so she’s capped out and that’s hers.

President Valiant asked any other questions or comments. He said if not anybody want to make a motion to accept the budget as submitted.

Stacey Franz made a motion to accept the budget. Jeff Valiant seconded the motion and it carried unanimously.

Mrs. Barnhill said alright, thank you.

**-Fee Schedule**

Mrs. Barnhill said so we got to looking at the fees. She added we did an analysis over the last several years and what we’ve taken in. She continued and then I compared that to what some of the surrounding counties have. She said I looked a lot at Vanderburgh County. She said I even looked at Owensboro because they had a nice fee schedule and I thought you know cost of living would be comparable. She stated our fee schedule that we are using now, most of it, the earliest I could find was 2009 is when we started using the fees we are using now. She said a couple of them were updated in 2014 for ILP’s, but everything else is the same except solar farms because those are brand new. She said so I thought it might be time to do some updating. She continued one of the proposed fees…we have two large sheets, the 11x17’s, one of them compares the proposed fees to what we took in ’24 and then the second one compares them to the ’23 to kind of give you an idea of where we would have fallen had we put these into effect sooner. She added especially our zoning is really far behind. She said I used Vanderburgh County on the zoning.

Stacey Franz asked Molly, where does this money go when you collect fees.

Mrs. Barnhill said all of our money goes into the county general funds.

Stacey Franz said okay. She asked and that gives you use of it as needed.

Mrs. Barnhill said nope. She said it just goes into the county general funds.

Stacey Franz said to the County to use, okay.

Mrs. Barnhill said yes, and then what we get to spend is whatever the Council appropriates us once a year.

Stacey Franz said and so I’m new…

Mrs. Barnhill said yeah.

Stacey Franz continued so this is over top of, or an addition to what the Building Commission would charge for a new build right.

Mrs. Barnhill said yes, that’s a separate…we give a location permit fee and so we are looking at where the building is going, what it’s zoned , what’s going in it, no floodplain.

Stacey Franz said okay.

Mrs. Barnhill added it meets set backs. She said then we send them to the Building Commission they look at how it’s built.

Stacey Franz said okay.

Mrs. Barnhill said and they do all the inspections on the structures. She said so I would like to be able to advertise some increased fees for the Area Planning Commission and it would be done with an ordinance, I would have to advertise, it would come back here and then it would go to the Commissioners for final approval. She said and the smaller sheet was Morrie’s idea just using that based on inflation what our current fees would be had we done that. She said they are pretty similar across the board. She added what I did not change was Improvement Location Permits or Single-Family Dwellings and stuff. She said those all remain the same. She said one of the proposals has the variances for a resident is still $200, but if it’s a commercial endeavor and they need a variance it’s $400. She said the zoning certification letters I asked that we increase that fee to at least $50 instead of the $30.

Attorney Doll said talk about some bigger ones.

Mrs. Barnhill said there was a new fee actually…advertising fee. She said which we always when we take in an application, we put it in the standard and it averages about $35 per application and I have found where a lot of the other counties they just have the applicant pay for that upfront. She said and that’s one of those things I am always having to adjust that account a little bit because it gets expensive sometimes depending on what we bring in. She said the biggest changes…signs would be a big one because we’re asking right now if we have multiple on-premise signs, like signs on a building, we would do one permit for 10 of them and we are asking to do it per sign. She added so we did calculate that, broke that down to, if we had done it per sign how much more we would have taken in. She said but we did not increase the fee on that one.

Jeff Willis asked so if somebody is changing the same facing they have to get a permit.

Mrs. Barnhill said no, a fascia change does not require a permit. She said as long as it’s already been a permitted sign, all they are doing is changing the fascia there’s nothing else needed.

Jeff Willis said I’m just trying to picture…what do you mean by multiple signs on the same building or multiple signs like…

Attorney Doll said Cross Point Hospital. He said we went through that with them do you remember that Jeff. He said I think you were on the Board then. He added they changed all the signage on the hospital building.

President Valiant said right.

Mrs. Barnhill said Gateway.

Attorney Doll said Gateway, sorry.

Mrs. Barnhill said yes, that was one of my projects and so on that one it took a long time to do that one with all the signage. She added but yeah, they changed all the signs.

Attorney Doll said they went with a different color and some other stuff too didn’t they.

Mrs. Barnhill said yes, and on those we just grouped them all just together according to the address and…

President Valiant said so it was one fee for all those signs where now if would have been fee per sign.

Mrs. Barnhill said we grouped them to do like 5 or 6 permits, but it would have been a lot more had we not done that.

Jeff Willis said so like a sign that says…like you have one sign that has 4 or 5 different addresses on it, or doctors’ offices as the case may be. He asked is that what you’re talking about. He asked or would that be considered one sign.

Mrs. Barnhill asked addresses.

Jeff Willis said like in Gateway you go in there and you’ve got the dental office…

President Valiant said one sign, one structure…

Jeff Willis continued one sign have like the dental office or the ortho…not orthodontics but the oral surgeon.

Attorney Doll said oral surgeons.

Jeff Willis said like the oral surgeons in there. He added then you’ve got a regular surgeon say in the same building but they have…and on the same sign they’ve got two different signs for their addresses.

Mrs. Barnhill said it’s one panel. She said one sign…yes.

Jeff Willis said well they have different fascia’s I guess because they can change them out.

Mrs. Barnhill said one cabinet though.

Jeff Willis said one cabinet.

Mrs. Barnhill one cabinet.

Jeff Willis said one sign.

Mrs. Barnhill one sign, yeah. She added and it can be double, it’s double sided, it can be…

Jeff Willis said okay, I just wanted to make sure it wasn’t going to go from like someone building one sign that had a grocery store or a strip mall has yeah know 4 different people in it and they have one sign cabinet now their fee goes up 4 times as much.

Stacey Franz stated I recognize we have to have these fees in order to conduct government, I just…hate the fact that we tax people for trying to make their property better.

Mrs. Barnhill replied right.

Stacey Franz responded just because they are building doesn’t mean they have a whole bunch of extra cash laying around to do…more of these things that…

Mrs. Barnhill said yes.

Stacey Franz continued I do recognize that it’s necessary unfortunately, but…

Mrs. Barnhill said so…

Dennis Wilzbacher said Molly…excuse me, how do you treat these electronic signs that you have one pole structure but there are multiple people advertising. He said it changes constantly…do you…

Attorney Doll stated billboards.

Dennis Wilzbacher replied it’s a billboard…electronic billboard that 30 seconds one advertiser, 30 seconds another.

Mrs. Barnhill responded that is a special use.

Dennis Wilzbacher said oh that’s a special use.

Mrs. Barnhill continues that goes to the Board of Zoning Appeals to get approved, yes.

Dennis Wilzbacher said okay.

Mrs. Barnhill said they have special conditions.

Dennis Wilzbacher said okay.

Mrs. Barnhill stated we are not here to make money off the fees by any means.

Stacey Franz said right.

Mrs. Barnhill continues what these are supposed to reflect are our administrative costs, which have gone up since 2009.

Stacey Franz replied yeah, that is quite a big gap.

Mrs. Barnhill added I will say signs are one of the hardest things we have to deal with constantly.

President Valiant said correct me if I am wrong, but you did say that this kind of put us in line with a lot of other counties in the area correct.

Mrs. Barnhill replied yes.

President Valiant said not to say we were behind the time on what we were doing, but maybe a little behind the times on our fees.

Mrs. Barnhill said there were some other places I found that a PUD Zoning…$1,000 plus $100 per acre…. we’re not…

Stacey Franz replied wow.

Mrs. Barnhill continues yeah, there were two counties that went with $1,000 dollars. She added none of what I am requesting is over anything…

Jeff Willis said the biggest ones I saw were the rezoning’s…

Mrs. Barnhill replied yes.

Jeff Willis continues the smaller rezoning’s are now significantly more expensive and the upper rezoning’s may be slightly more expensive if or the same.

Mrs. Barnhill responded yes, and the way we currently have it is it’s broken down a little bit based on acreage. She added I just combined it what I had seen other counties do, but I could break that down more to fit what we had.

Jeff Willis said my concern is the small guy that has less than two acres is rezoning from agricultural to residential because he wants to put his house there and insurance is giving him trouble. He continues well now he has to spend $700… or $670 now instead of it used to be…

Mrs. Barnhill asked to go residential.

Jeff Willis continues $450 instead of the $200 it was before…$440 sorry.

Mrs. Barnhill said the $425 instead of the $200 I see.

President Valiant said if he is doing more than five acres it will…

Jeff Willis said but if he’s doing more than five acres it’s the same price.

Stacey Franz replied so he needs to buy more land.

Jeff Willis said I’m thinking about the small guy who just…

Stacey Franz replied no, I understand.

President Valiant stated and that’s why we are discussing it, Jeff.

Jeff Willis said right.

President Valiant said I know all this came out; I don’t know who all had a chance to review it.

Dave Goldenberg asked who is enforcing it or how do you even know if something is taking place…like a driveway permit residential.

Mrs. Barnhill replied they come into our office.

Dave Goldenberg responded maybe.

Mrs. Barnhill stated maybe, if they want a permit they come into our office.

Dave Goldenberg replied well you know where I am from…. they won’t come to your office; they are just going to put in a driveway.

Mrs. Barnhill said all I can do is all I can do.

Dave Goldenberg replied so there is no real backbone enforcement unless someone complains.

Attorney Doll said a neighbor.

Mrs. Barnhill said if someone complains.

President Valiant said right.

Dave Goldenberg said okay.

Dennis Wilzbacher asked Morrie if the driveway pipe restricts drainage.

Attorney Doll said yeah.

Dave Goldenberg replied they probably won’t put a driveway pipe in.

Mrs. Barnhill said driveways…that’s one I’ve heard…well we take them in for the County Engineer.

Dave Goldenberg said we’ve got to understand…

Mrs. Barnhill said they are ten dollars, and do you know how much work they do…they have to go out there.

Dave Goldenberg replied oh I understand.

Mrs. Barnhill said study the ditch.

Dave Goldenberg said I’m not questioning the work and all that, I’m just saying.

Mrs. Barnhill replied it doesn’t even cover gas.

Dave Goldenberg responded where I’m from…

Board Members laughed.

Dave Goldenberg continues they don’t tend to come down here and get their permits.

President Valiant replied well true, it’s all over the county, not just Lynnville.

Dave Goldenberg said well I can’t speak for Tennyson.

President Valiant said right, no.

Dave Goldenberg asked how are we doing it and how we do it. He said I’m not saying one way or another…I’m just trying to get a feel for what I need to do on the other side if we see something happening if we’ve got these fees…is it up to us to make a complaint…and us as Town Council or is it up to a citizen/individual to have to file a complaint to get the permits…

President Valiant responded anybody can file a complaint.

Attorney Doll said well…not true.

Mrs. Barnhill asked are you talking about driveways in Lynnville; because Lynnville maintains their own roads correct.

Dave Goldenberg responded there is driveways, there is signage on buildings, things that have gone on up there that the State have looked at that they say Warrick County is in charge of…then Warrick County says they don’t have anything to do with it. He continues there is all kinds little issues and I don’t want to get into it here.

President Valiant replied yeah, that’s a different discussion.

Dave Goldenberg said yes, we try to maintain our roads, but there is nothing in there for driveways that I know of.

Mrs. Barnhill stated I believe Lynnville would do their own driveway permits on the roads that you maintain.

Attorney Doll said contacting connecting to the roads you maintain.

Mrs. Barnhill said to a Lynnville maintained road.

Dave Goldenberg replied currently they do no permitting.

Mrs. Barnhill said okay.

Dave Goldenberg said that’s what I’m trying to figure out. He asked if they start permitting then they should probably follow…as closely as they can the rules and prices that are voted upon for the County or does it matter.

Attorney Doll responded it doesn’t matter. He said it is whatever Lynnville wants.

Dave Goldenberg said okay.

Mrs. Barnhill said we can talk about what they are looking at when they do that.

Dave Goldenberg said okay.

Attorney Doll stated to be clear to the Board what Molly is looking for is…a resolution to publish a proposed fee increase of one of these varieties. He added you have several to chose from. He continues it doesn’t mean it’s adopted; it just means it’s published. He stated the next meeting will be a public hearing on this fee increase, at which point in time you will vote on…and you can modify if you think one particular fee is wrong; you can change that at that public meeting, but then you will recommend it to the Board of Commissioner’s to be adopted as an ordinance. He said that is how it is done. He asked do you see one of the four varieties that she has done…

Mrs. Barnhill said there is really only two…

Attorney Doll said okay.

Mrs. Barnhill continues I have the proposed fees on the larger form with the 2024 applications…that’s the one I would propose. She added on the smaller 8.5’’ x 11’’ sheet I have all our fees just based off inflation.

Stacey Franz asked this one.

Mrs. Barnhill replied yes. She stated I tend to go with the larger sheet of the ones I came up with…

Attorney Doll said it sorted of rounded to the full numbers.

Mrs. Barnhill said yes.

Attorney Doll stated that may mean that you don’t have to touch this again for a couple three years, but I would really recommend you not waiting 14 years.

Dave Goldenberg said I agree with the concept that this needs to be done, I have no problem with that.

Attorney Doll replied 14 years is a little long to wait.

Dennis Wilzbacher said I am looking at some of those and wondering if they are even large enough.

Jeff Willis said well…we want people to actually come and get the permits because if they are too big they are just going to say “screw it, we’re not coming in.” …find it.

Mrs. Barnhill replied yes…

Dennis Wilzbacher said I understand.

Mrs. Barnhill stated some of the out-of-town companies, they call and they want to set up a commercial site review so we set it up and then they say well what is the fee…so we got to looking and other Counties do charge for a commercial site review.

Attorney Doll said commercial.

Mrs. Barnhill said commercial. She continues anything before a major subdivision or a commercial development.

Dennis Wilzbacher stated there is a room full of people that are…

Attorney Doll said yes. He continues you’re there and Bobby Howard and everybody is critiquing the development…is this right, is this wrong, what about this, what about that and it takes time.

Mrs. Barnhill stated it was Vanderburgh that charges $125 for a commercial site review and I believe they do it remotely. She asked is that right Jim.

Jim Morley Jr. responded yeah, it’s online.

Jeff Willis said so you don’t even get your monies worth. He said I didn’t get my monies worth the last time I had one with them.

Mrs. Barnhill said I did not put that on there, I just found that interesting. She added I like how we do our site review right now.

Jeff Willis said if we were going to do that, I would think we would take the variance to like zoning regulations just have that the same as residential as it is for commercial if we charge for site review. He continues that’s kind of how I look at it. He said we have the variance it’s twice as much for commercial as it…or proposed as it is for residential…. but that’s something that wouldn’t go to site review so it’s just the variance or would it just be new construction.

Mrs. Barnhill replied they would come in and sit with us for a commercial site review and that’s where we would look at their project and say okay, you need a variance for this…or if you want to do this you will need to file this.

Attorney Doll stated it should be included in the commercial site review, the discussion and need for the variance.

Jeff Willis replied right.

Jim Morley Jr. said I will say in Vanderburgh County there is a fee for commercial site review, but there is not an early fee for a subdivision or variance. He said you only pay a fee one time so to speak. He added said you don’t pay a pre-sub meeting fee and a subdivision fee; commercial site review is the only time you come to the Planning Commission for a site, so you get charged a fee for that time. He said if you were going to discuss a variance you wouldn’t get charged an early coronation variance fee plus an actual filing fee for a variance later. He said typically whether it’s a commercial site review, rezoning, variance, special use, subdivision you only do a fee one time if that makes sense.

Stacey Franz said thank you.

Attorney Doll stated if the Board is inclined to agree that our fees need to be updated. He said then the motion would be for Molly to advertise one of the two varieties that she has proposed and prepared for your review in The Standard and for it to be set for a public hearing. He added you can amend that at the public hearing…

President Valiant said okay.

Attorney Doll continues you can amend it up, you can amend it down…

Jeff Willis asked what is a sidewalk acknowledgement.

Mrs. Barnhill replied that is something we take in for the County Engineer’s Office, it has to do with our letters of credit. She said when we are holding money on a letter of credit for a subdivision, once they are completely done, and the engineer is done with the sidewalks, he files a sidewalk acknowledgement; the County Engineer inspects the sidewalks, he will sign off on that and then it goes to the Commissioners. She continues if it is approved, they sign it and that is the document that is recorded and that is the proof that the sidewalks have been constructed as they were designed.

Attorney Doll said and the letter of credit will be released.

Jeff Willis asked does the engineer or the…Commissioners charge a fee for that as well.

Mrs. Barnhill replied no.

Jeff Willis said okay. He added I just wanted to make sure they aren’t being like triple charged.

Mrs. Barnhill responded no, that’s a one-time filing fee in our office. She said let’s say they file it once and it doesn’t go through, we still maintain that one document in that file, so they don’t have to keep filing it if it failed the first time.

Jeff Willis said okay.

Mrs. Barnhill continues we keep it in the office, it’s one time.

Jeff Willis asked and that’s for the whole subdivision or one person putting in a house…or I guess they wouldn’t be required to put in a sidewalk at that point.

Mrs. Barnhill replied we would reduce the dollar amount required to be held if they did a portion of a sidewalk. She said but they do the acknowledgement at the end.

Attorney Doll said phase 1, phase 2, phase 3…

Jeff Willis said for a subdivision not just like an individual home owner replacing their sidewalk.

Mrs. Barnhill said right.

Dave Goldenberg made a motion to allow the advertisement of the 10’’ x 14’’…

President Valiant said 11’’ x 14’’.

Dave Goldenberg said 11’’ x 14’’.

President Valiant said the big one.

Attorney Doll said the big one.

Dave Goldenberg said whatever the size is…

Mrs. Barnhill said my proposed fees, not the inflated fees.

Attorney Doll said Molly’s fees.

Mrs. Barnhill said Molly’s fees.

Dave Goldenberg replied yes.

Mrs. Barnhill said I should have labeled it, I’m sorry.

Stacey Franz said yeah, which one is which.

President Valiant said well it’s this one versus the little one.

Dave Goldenberg made a motion to allow Molly to advertise the proposed fee increase. Dennis Wilzbacher seconded the motion and it carried unanimously.

Mrs. Barnhill said I will have them advertised and ready for discussion at our next meeting.

Attorney Doll asked is there any reason you don’t want to discuss them in July, would you…

Jeff Willis said is that like July 11th or something.

Attorney Doll said pardon me.

Jeff Willis said the date on that… the 9th…

Mrs. Barnhill said I think it’s the 14th.

President Valiant said yeah, is the same day as the Commissioners Meeting right.

Mrs. Barnhill said yeah, the 14th.

Jeff Willis said oaky.

Attorney Doll said okay, thank you.

President Valiant said thank you everyone.

Mrs. Barnhill said thank you.

**-Multiple Family Zoning Districts**

Mrs. Barnhill said we have had…

Attorney Doll said take a look at article 10 which is in your packet.

Mrs. Barnhill said “R-2” zoning is an old zoning, but at some point, it was updated and broken down into “R-2”, “R-2A” and “R-2B”. She continues there is already property zoned “R-2”, so “R-2” had always allowed duplexes previous to this updated ordinance. She said once it was updated it was still used under the “R-2” it says... there is no duplex listed under “R-2”; “R-2” has up to four independent dwelling units, which a dwelling unit is a building or portion thereof designed and used for residential purposes by a family. She said so that is not a duplex, you have to go to “R-2A” which is a higher level to find duplex for two families living individually from each other. She continues “R-2” has been used for duplexes for a long time now and it’s continued to be used for duplexes. She said we have one recently that was zoned in 2018 for duplexes and so we have been permitting duplexes in “R-2” and so…I have a developer who bought some lots in “R-2” zoning and who wants to build three duplexes, Carlie has it pulled up, it was zoned back in 1977 “R-2” for duplexes and if you read the ordinance that’s not correct for a duplex. She stated I am looking for some guidance on what to…can I do a grandfather if its zoned “R-2” as of this date a duplex is allowed, but any future projects would have to be “R-2A” or I think that’s what I would like to do.

President Valiant asked do we know when the “R-2A” came in.

Jeff Willis asked so could you build four independent houses on the property…is that what… four independent units.

Attorney Doll said in an “R-2A”.

Jeff Willis said in “R-2”.

Mrs. Barnhill said an “R-2”…

Jeff Willis said it looks like you could have up to four independent dwelling units.

Mrs. Barnhill replied it says a building…a dwelling unit is a building.

Attorney Doll responded it’s like apartments…would you agree.

Jeff Willis said so if you could have a fourplex why couldn’t you have a twoplex.

Mrs. Barnhill said didn’t we…we talked about it being like a hostel…

Dave Goldenberg replied yeah one.

Attorney Doll said we did. He continued I think the grandfather clause is a good idea. He said if the property was zoned prior to the certain date, it would be permitted to be developed the way it was zoned. He added however, if someone comes in today or in the future and brings a application to build on this site, they need to have the correct current zoning for that site.

Mrs. Barnhill responded I believe it was changed in the 2000’s with the newest ordinance. She added the property we are looking at now was zoned in 1977 and we currently have 92 properties with “R-2” zoning on them.

Jeff Willis asked do we have a copy of what article 12c is.

Mrs. Barnhill said 12c, what are you looking at Jeff.

Jeff Willis replied multi-family planned unit development is authorized as article 12

Attorney Doll said section 1.3.

Jeff Willis said 1.3.

Attorney Doll said I think it’s PUD.

Mrs. Barnhill responded I think it is.

Jeff Willis said oh yeah PUD. He said I see the PUD there.

Mrs. Barnhill said yes.

Jeff Willis said so you could do a PUD to have four houses, but you can’t have a duplex…or a condo with…

Mrs. Barnhill responded to have multiple buildings you have a PUD if you want one lot, period.

Dennis Wilzbacher asked what is a PUD.

Attorney Doll responded Planned Unit Development.

Dennis Wilzbacher said okay.

Attorney Doll said it has a relaxation of side setbacks and other things.

Mrs. Barnhill said so do we think it would be okay to say we are grandfathered in from this date on.

Attorney Doll said and if you do I think you’ve got to amend the ordinance…I think you recommend to the Commissioners an amendment to the ordinance, that specifies…

Jeff Willis said to clarify it. He said because if I read that up to four independent dwellings, I’m thinking I could build a fourplex on that.

Mrs. Barnhill responded but then you look at the definition of an independent dwelling unit and it doesn’t work.

Jeff Willis asked what was the definition again because I don’t have that.

Mrs. Barnhill replied a dwelling unit is a building or portion thereof designed for and used for residential purposes by a family.

Jeff Willis said well yeah, I could have four families on that property.

Attorney Doll said uhm it’s one family.

Mrs. Barnhill said a.

Jeff Willis said a family is…

Attorney Doll said it’s not a family per unit, it’s a family. He said that’s the way the ordinance reads.

Mrs. Barnhill said one.

Jeff Willis asked we don’t have it here on this screen do we.

Mrs. Barnhill said the definition.

Jeff Willis said yeah. He said I’m trying to listen to what you’re saying and I might be missing commas or periods, but when I hear it, it’s like each dwelling unit can have a family.

Attorney Doll replied but you have to interpret that and it doesn’t actually say those words, it just says a family.

Jeff Willis said yeah a dwelling unit is a building or portion thereof, so a portion of a building that a family lives in…and you can have four dwelling units in this zoning on the lot.

Attorney Doll replied well that’s subject to different interpretations.

Jeff Willis said which is why I do recommend that we get it clarified, because if I’m reading it I’m thinking fourplexes are allowed in “R-2”.

Mrs. Barnhill said I see what you’re saying, but when you go onto two family or a duplex it’s designed for two families living independently of each other and it says families plural.

Jeff Willis replied yeah, but a dwelling unit is one family and you can have four dwelling units in “R-2”…the way I read it.

Attorney Doll said I think it’d be great if we could get this…

Jeff Willis said if we could get it clarified.

Attorney Doll said we ought to have a grandfather clause and we ought to have it clarified.

Dave Goldenberg asked how do we do that.

Attorney Doll replied Molly would propose and bring back to the Board language changes to the ordinance and the Board would either accept it, or modify it, or however; we would refer it to the Commissioners as an amendment to this section, article 10 of the zoning code.

Dave Goldenberg said so there is nothing that we’re going to do now other than ask Molly to present back to us…

Attorney Doll said a resolution for Molly to address that problem.

Mrs. Barnhill asked can you help me with that.

Attorney Doll replied yeah.

Jeff Willis asked and what was the intent whenever they approved…were they intending to have up to fourplexes or were they intending… or were duplexes also included into a specified.

Attorney Doll responded I don’t know. He said we can’t change the past but we can lock in clearly…

Jeff Willis said if they want to have “R-2” up to four families then, we want to make sure we pass the ordinance as according to the…or present the ordinance according to what they want not just well we tried to be a limiting as possible or was it intended to be…

Mrs. Barnhill said Jeff I was reading it kind of like how you were, but then when you go to “R-2A” you see the duplexes.

Jeff Willis said yeah but there a lot of things that are said twice in our ordinance or a few things anyway.

Dave Goldenberg said so for a resolution does that need to brought…do I need to ask for a…

Attorney Doll said ask Molly to bring language back to the Board.

Dave Goldenberg said if there is no other discussion, I would make a resolution to have Molly bring back to the Board her recommendations on how we would proceed.

Attorney Doll said changes to article 10.

Dave Goldenberg added or changes to article 10.

Jeff Willis said we also probably need to see what the intentions were of that article.

Attorney Doll replied I’m not sure there is anything to look at.

Dave Goldenberg said it would be tough to go back and understand what the intentions were back then.

Attorney Doll said I think this article was probably back in 2005.

Mrs. Barnhill replied yes, that is when the latest version…

Attorney Doll said the newest edition of the ordinance. He added and it may have been in an earlier version even.

Jeff Willis replied right.

Attorney Doll continues but it was in the latest version of the zoning ordinance from 2005.

Mrs. Barnhill said well I found the 2005 and the 1994 version and it wasn’t in there.

Attorney Doll asked it wasn’t in 94’ but it was in 05’.

Mrs. Barnhill replied yes.

Jeff Willis asked did we get a comprehensive plan in 05’.

Attorney Doll responded yes.

Jeff Willis said so it may have been addressed in that.

Attorney Doll replied yes.

President Valiant asked do we need to vote on his…

Attorney Doll said resolution has not been seconded.

Dave Goldenberg made a resolution to have Molly bring back her recommendations on language changes to article 10. Jeff Willis seconded the resolution and it carried unanimously.

Mrs. Barnhill said thank you.

**ATTORNEY BUSINESS:**

Attorney Doll said no attorney business.

**EXECUTIVE DIRECTOR BUSINESS:**

President Valiant asked Molly do you have anything else for us.

Mrs. Barnhill replied no sir.

President Valiant asked anyone else anything for the betterment of the Board if not.

Dave Goldenberg made a motion to adjourn the meeting. Stacey Franz seconded the motion and it carried unanimously. The meeting adjourned at 6:55pm.

ATTEST:

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Molly Barnhill, Executive Director Jeff Valiant, President