

## MINUTES

**WARRICK COUNTY AREA PLAN COMMISSION**  
Regular meeting to be held in Commissioners Meeting Room,  
Third Floor, Historic Court House,  
Boonville, IN  
Monday, September 11, 2023, 6:00 PM

**PLEDGE OF ALLEGIANCE:** A moment of silence was held followed by the Pledge of Allegiance.

**MEMBERS PRESENT:** Richard Reid, Jeff Willis, Doris Horn, Jeff Valiant, Greg Webb, Bob Johnson and Amanda Mosiman.

Also present were Morrie Doll, Attorney, Molly Barnhill, Executive Director, Katelyn Cron, Assistant Director, and Carlie Render, Staff.

**MINUTES:** To approve the minutes from the meetings held on August 14 2023.

Doris Horn made a motion to approve the August 14, 2023 minutes. Bob Johnson seconded the motion and it carried unanimously.

### **PRIMARY PLATS:**

**PP-23-12: Victoria Woods Sec. 1 Ph. 4:** PETITIONERS/OWNERS: Oakland Holdings LLC by Jordan Aigner, Mng. Mbr., Patrick Thomas Hodges, Jernic Home LLC by Jeremy Mattingly, Mbr., and 1542 Victoria Woods Drive LLC by Marcus O. Miller, Mbr. Approximately 74.52 acres located on Victoria Woods Drive. Being a Replat of Lots 83, 84, 93, Outlots 2 & 5, and Part of Outlot 9 and Lot 49 in Victoria Woods Sec. 1 Ph. 1 recorded in Document #2022R-002308 in the Office of the Warrick County Recorder, Warrick County, Indiana. Boon Township 17-6-8. *Advertised in the Standard August 31, 2023.*

Jim Morley Jr., Project Engineer, Morley & Associates and Oakland Holdings LLC by Jordan Aigner, Mng. Mbr., Patrick Thomas Hodges, Jernic Home LLC by Jeremy Mattingly, Mbr., and 1542 Victoria Woods Drive LLC by Marcus O. Miller, Mbr. were present.

President Valiant called for a staff report.

Mrs. Barnhill said we are missing 14 green cards but we do have all the white pay receipts for the notice to the two adjacent properties. She said the zoning is "C-2" Community Commercial with a Use and Development Commitment limiting the uses to single family residences, fractional sales on condominium buildings, multifamily sales, private use of a resort, lodging, or conference center. She stated furthermore; the structures shall be no more than two stories and no

more than eight units per structure. She said there is an A floodplain- The base flood elevation has been determined in this area which has established the flood protection grade to be 389.8'. She said therefore, the lowest floor elevation for a new building or an addition to an existing building proposed in the special flood hazard area must be elevated to the FPG. She stated if a basement is included the basement floor should be considered to be the lowest floor. She added there is a LOMA on a majority of the lots they are proposing to build on, however if there is not one on a parcel already, a certified plot plan will be required or a LOMA. She said the proposed development 6 Residential Lots for future use. She stated proposed Lot 101 has a Special Use, SU-1, for a community pool and building that was approved subject to this primary being approved and the secondary recorded, and that was just done at the last BZA meeting. She said street construction plans, the Commissioner's approved the request for no street plans and Drainage Board approved the request for no drainage plans. She added Veolia has a water letter stating they have capacity for water and for sewer and the plat would be in order. She said one thing I do want to note on the plat, the original primary stated "Outlot 9 will be for lake, walking path, and recreational structures". She added this is one of the outlots being replatted into a buildable lot.

President Valiant asked Jim do you have anything to add.

Jim Morley Jr., said sure. He said I passed out to you all a pretty picture, the purple is what was the original primary as part of Victoria Woods so the purple outlines what that was. He said the dark green spots kind of along the right hand side, those are the areas we are talking about today. He said on the original primary there were a couple small residential lots but most of this was open space...Outlots that type of stuff. He said we learned as we went through with the community center that to build the community center we had to turn that into a lot versus it being an outlot and so while we are at it we are just converting some of the other outlots into lots, not that we necessarily have a use for them at this moment but it cost money every time we redo a plat and so by changing the name from outlot to lot, it makes it easier to do something with in the future. He said on the plat you will see that there are some lots that are there that are several several acres, so if we ever wanted to do anything other than put one house on several several acres we would have to come back before you as a replat of that lot anyways... he said would come back before Drainage Board, The County Commissioners, so on and so forth. He said this will allow us to move forward with the community center, which we had to convert from outlot to a lot to get a building permit on and it will allow us to basically clear out some of those limitations on some of these other ones, versus coming back and replatting every outlot one at a time. He said when we did the original primary, I don't think the intent was to create something that was unusable... so this is just a way to clear so that all of these lots have: water, sewer, roads, and drainage. He said I also don't think they are going to sell too many 20 acre home sites for one house. He said by default if some of these areas are to be developed... dime to a dollar

they are coming back here in a replat with road plans to the Commissioners and drainage plans to the Drainage Board. He said that's it.

President Valiant said thank you Jim... any questions to the Board.

Amanda Mosiman asked the use and development commitment is covering everything...all 74 acres, or just certain lots... I just want to make sure I understand that.

Mrs. Barnhill said it covers all of this area.

Amanda Mosiman said all this area... just making sure.

President Valiant asked any other questions at this time. He said any remonstrators for or against this project, if so please step forward. He said being none I will bring it back to the Board, any further questions or I'll entertain a motion.

Richard Reid made a motion to approve PP-23-12. Doris Horn seconded the motion and it carried unanimously.

Jim Morley Jr., said thank you all I appreciate it.

**PP-23-13: New Jerusalem Elberfeld Subdivision:** PETITIONER/OWNER: New Jerusalem Community Church by Bill C. Smith, Trustee. Approximately 0.5 acres located on the west side of First Street. Approximately 0' southwest from the intersection formed by First Street and Walnut Street. Being Part of Lot 266 in the Town of Elberfeld Subdivision recorded in Plat Book 1 Page 15 in the Office of the Warrick County Recorder, Warrick County, Indiana. Town of Elberfeld. *Advertised in the Standard August 31, 2023.*

President Valiant said anyone here for this project please step up. He said if you would please sign in and state your name for the record.

Bill Smith, Chairman for the Trustees New Jerusalem Church and Craig Kuester, Project Engineer, Kuester Engineers & Land Surveyors were present.

President Valiant asked Molly do we have a staff report.

Mrs. Barnhill said we are missing 2 green cards but we do have all the white pay receipts from the notice to adjacent property owners. She said zoning is "R-1A" One-Family Dwelling Zoning District and there is no floodplain. She said the proposed development consists of the 2 Lot residential subdivision. Lot 1 being the New Jerusalem Church and Lot 2 being a single-family dwelling. She stated they are requesting two waivers from the Subdivision Control Ordinance. SHE continued the first being Article III A Sec. 7 Subsection 2(b), the proposed primary plat is not tied to a quarter or quarter-quarter section as required by this section. The second, Article III A Sec. 7 Subsection 3(e), the proposed primary plat is not showing any building set back lines, per the

requirements, the side yard should be shown as 15' and the front yard should be shown as 25'. Both of these waivers will be conditions to the approval of the plat. She said on their street construction plans, the Town of Elberfeld approved the request for no street plans on September 6, 2023 and the Drainage Board approved the request for no drainage plans. She added Elberfeld sewer is existing and Elberfeld water is existing. She said so the plat would be in order, subject to the two waivers.

President Valiant asked anything to add to the staff report.

Bill Smith said I don't think so.

Craig Kuester said I don't have anything.

President Valiant asked anything to add to the staff report.

Craig Kuester said nothing to add.

President Valiant asked so are we just splitting the church from the parsonage.

Bill Smith said correct, I am not going to bore you with the whole story but we disaffiliated from the church which meant we had to buy the church so we are selling the other lot to help pay for the church. He said so we split it right down the middle.

President Valiant asked any questions from the Board. He asked any remonstrations for or against this project, seeing none, any other questions from the Board. He asked Morrie do we need a...

Attorney Doll said I would recommend you do the waiver's first.

President Valiant said thank you, you read my mind. He said okay, so I am calling for a motion on this but we need to address the waiver's first one at a time.

Attorney Doll said so the first one would be a waiver from Article III A Sec. 7 Subsection 2(b).

President Valiant said so in regards to the quarter section waiver.

Richard Reid made a motion to approve the waiver from the Subdivision Control Ordinance being from Article III A Sec. 7 Subsection 2(b). Bob Johnson seconded the waiver and it carried unanimously.

Attorney Doll said okay, and the second one Article III A Sec. 7 Subsection 3(e), being a waiver to not show any building setback lines on the plat. He asked and is that because there is a pre-existing structure on there and...

Bill Smith said from 1899.

Attorney Doll said alright.

Richard Reid added squatters rights.

The Board laughed.

Richard Reid made a motion to approve the waiver from the Subdivision Control Ordinance being from Article III A Sec. 7 Subsection 3(e). Amanda Mosiman seconded the waiver and it carried unanimously.

President Valiant said alright, so onto the plat.

Amanda Mosiman made a motion to approve PP-23-13. Greg Webb seconded the motion and it carried unanimously.

Craig Kuester and Bill Smith said thank you.

Doris Horn said good luck.

### **REZONINGS:**

**PC-R-23-06:** PETITIONER: Deborah A. Boger. OWNER: Leland C. Powell. To rezone 0.877 acres located southwest of the intersection formed by Third Street and Cherry Street from “M-1” Light Industrial Zoning District to “C-4” General Commercial Zoning District. Being Lot 6 in Lynn’s Additional Enlargement of the Town of Lynnville. Recorded in Plat Book 1, Page 16 in the Office of the Warrick County Recorder, Warrick County, Indiana. Town of Lynnville. *Advertised in the Standard June 1, 2023. Continued from the June 12, 2023, July 10, 2023, and August 14, 2023 meetings.*

Attorney Doll said the state has sent the plans back, they have been modified and returned to the state. He added we have had verification by the engineer directly to Molly’s office that that has happened so it would be appropriate to continue this to the October 9<sup>th</sup> meeting. He added table it and continue it to October 9<sup>th</sup>.

Bob Johnson made a motion to table PC-R-23-06 to the October 9, 2023 meeting. Richard Reid seconded the motion and it carried unanimously.

**PC-R-23-09:** PETITIONER/OWNER: Ziliak Investments LLC, by Lonnie Ziliak, Owner. To rezone 5.077 acres located north side of Seven Hills Road. Approximately 900’ west of the intersection formed by Seven Hills Road and St Johns Road from “M-2” General Industrial Zoning District to “A” Agricultural Zoning District. Being Lot 7 in Elberfeld Industrial Park No 2 Subdivision recorded in Document #2023R-006392 in the Office of the Warrick County Recorder, Warrick County, Indiana. Greer Township 30-4-9.

Jason Fuchs, Surveyor, and Lonnie Ziliak, owner, were present.

President Valiant called for a staff report.

Mrs. Barnhill said we are missing one green card but we do have the white pay receipt showing the adjacent property owner's were notified correctly. She said the lot size is 5.077 acres and the comprehensive plan projects the area to be industrial. She said the existing land use is vacant. She said for the surrounding zoning and land use, to the south and west are "A" being single family dwellings and vacant and to the north and east are "M-2" being vacant. She added there is no floodplain and they have access onto Seven Hills Road. She continued the stated use is residential which would be in compliance.

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

Jason Fuchs said no extra comments.

President Valiant asked questions from the Board at this time.

Amanda Mosiman asked so they are just wanting to sell it off because it hasn't been sold for industrial use so they are selling it off as a residential site.

Jason Fuchs responded that is correct.

Amanda Mosiman said okay.

President Valiant asked any other questions at this time. He asked any remonstrators here for or against this project, seeing none, any other questions from the Board, if not I will entertain a motion.

Greg Webb made a motion to give a positive recommendation for PC-R-23-09 to the County Commissioner's. Doris Horn seconded the motion and it carried unanimously.

Jason Fuchs said thank you.

**OTHER BUSINESS:**

None.

**ATTORNEY BUSINESS:**

None.

**EXECUTIVE DIRECTOR BUSINESS:**

**Electronic Payments**

Mrs. Barnhill said I was wondering the Boards thoughts on the office being able to take credit card payments, in office only. She said we would have a little swiper at the counter. She said I talked to a company called Govolution and they charge a 2.75% convenience fee to the person who is using the card. She added we would have to set up a clearing account at the bank to be cleared out weekly since we are not allowed to have money of our own. She said I do have one other company to call to see if I can find out something different. She added it is a local company that might be able to do a little better than 2.75% but this first company has a pretty good product, you can see everything online as far as payments that have gone through, payments that are processed. She said it does take two days to hit the account.

President Valiant asked are there any other offices that are currently using cards.

Mrs. Barnhill said yes, but they are all set up differently than we are.

Amanda Mosiman said imagine that.

Mrs. Barnhill said we are the only office that can't have money, which is why we have been hesitant to do it. She added I think the Building Commissioner uses Paypal or something and I also talked to the Recorder's Office.

Richard Reid said the Parks Department uses something too.

Attorney Doll said the Auditor does not.

Mrs. Barnhill said I did talk to Judy Beam in the Treasurer's Office and a checking account would have to be opened too. She said so I am wanting permission to proceed with this.

President Valiant asked is there an initial set up fee involved, I would assume.

Mrs. Barnhill said no, no the only fee might come from the checking to be able to access it online it would be a \$15 monthly fee.

Amanda Mosiman asked who has access to that checking account.

Mrs. Barnhill said just our office.

Amanda Mosiman asked so you would have to have signers on the account so how many signers and all that because it is just a lot of paperwork.

Mrs. Barnhill said signers, it would just be...

Amanda Mosiman said just to log in to view.

Mrs. Barnhill said yes, that is all were doing.

Amanda Mosiman said yeah, you still have to sign.

Attorney Doll said you still have to sign,

Amanda Mosiman said so that will change and the paperwork will have to be updated with new people and yeah.

Bob Johnson asked there is no hardware fee at all.

Mrs. Barnhill said no, it is through their website. She added the Govolution Company.

Attorney Doll asked is it secure.

Mrs. Barnhill said I believe so. She added I mean why.

Attorney Doll said there is a whole...

Amanda Mosiman said there are a lot of county's that are actually getting hacked with this, you are seeing it more and more.

Mrs. Barnhill said okay, so this company...

Amanda Mosiman said I am not going to say a lot, let me rephrase that, there have been examples of county's that have this problem.

President Valiant agreed it is definitely all over.

Amanda Mosiman added yep, it is just the nature of the times.

Mrs. Barnhill said okay, well they are actually part of Deluxe, the original checking company is where I found them.

Attorney Doll said like the checks.

Amanda Mosiman said well that is a brand name, they have been around a while.

President Valiant asked so do you get a lot of requests to use cards now.

Mrs. Barnhill said yes.

President Valiant said okay.

Amanda Mosiman said Purdue is sending us this way, we are getting to the point where we are transferring this call to... and the only bank that is willing to work with us is Chase Bank. She added so everytime I need to make a deposit I am going to have to get a money order or go to Owensboro because we don't have a Chase. She added that is the only one that is willing to work with us on a state scale.



Attorney Doll said well wait a month or two and you may have a change.

Amanda Mosiman said oh good to know, maybe Purdue knew something I didn't, thank god.

Mrs. Barnhill said well I tried Old National first and I haven't heard back from them so I actually walked over to People's Bank and they are actually working with the Evansville Area Plan Commission and just got them all set up.

Amanda Mosiman said they are doing theirs, that is good.

Doris Horn said I mean if it is something we need to do, then do it.

Amanda Mosiman asked does Evansville use this company.

Mrs. Barnhill said I don't know if they use this company. She added they have their own, I mean they do online permitting and everything.

Attorney Doll said we ought to approve this but we ought to have a County Government wide system where everyone is using the same.

Amanda Mosiman said we should, we should. She added make it easier on the Treasurer.

Attorney Doll said just a thought.

Bob Johnson said I am not opposed to something similar to this but I think that if you would talk to Terry I think the Scales Lake, I think there are other departments that have started doing some of this and maybe we could all get together and be on the same system maybe. He added it may prove to be economically more feasible.

Mrs. Barnhill said I did talk to him today.

Bob Johnson asked did ya.

Mrs. Barnhill said yes, his only comment was to check out this local company and see what they can offer.

Amanda Mosiman said and I prefer boosting local economy if it is available but...

President Valiant said so in regards to her pursuing this.

Amanda Mosiman made a motion for Mrs. Barnhill to move forward with electronic payments. Bob Johnson seconded the motion and it carried unanimously.

President Valiant asked any other business, if not I will take a motion to adjourn.

Richard Reid made a motion to adjourn at 6:24 PM. Doris Horn seconded and the motion

carried unanimously.

ATTEST:

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Molly Barnhill, Executive Director

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Jeff Valiant, President