

MINUTES

WARRICK COUNTY AREA PLAN COMMISSION
Regular meeting to be held in Commissioners Meeting Room,
Third Floor, Historic Court House,
Boonville, IN
Monday, May 9, 2022, 6:00 PM

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

MINUTES: To approve the Minutes from the last regular meeting held April 11, 2022. Doris Horn made a motion to approve the minutes as distributed, Jeff Willis seconded the motion and it carried unanimously.

MEMBERS PRESENT: Jeff Willis, Doris Horn, Richard Reid and Jeff Valiant. Members absent were Bob Johnson, Amanda Mosiman, and Bryan Flowers.

Also present were Morrie Doll, Attorney, Molly Barnhill, Executive Director, Katelyn Cron, Assistant Director, and Kim Eden, staff.

President Valiant said we are waiting on one more Board member to get here, so we will just take like a break for a few minutes to see if we can get ahold of him.

President Valiant said we will get started here then since we have everyone.

Mrs. Barnhill said we have a quorum, it will take all 4 votes to pass a motion.

President Valiant said it looks like we have one primary plat on the meeting tonight, so as we call this up if the owner could step up to the podium and there should be a sign in sheet there for you to fill out, we will go over the staff report and give you a chance to add to it.

PRIMARY PLATS:

PP-22-07: Hootie Hollow Subdivision: PETITIONER/OWNER: Basil R. Embry.
Approximately 10.412 acres located on the south side of Eble Road. Approximately 0 feet southwest from the intersection of Eble Road and Bethany Church Road. Being a Replat of Lots 9, 10, & 11 in the Amended Plat of Bethany Hills Subdivision and Lots 15 & 16 in Oak Wood Park Subdivision. Township 35-6-8. *Advertised in the Standard April 28, 2022.*

President Valiant asked if the applicant was here for this. He said if so please come up to the podium and like I said there should be a sign in sheet for you to fill out. He asked the gentleman to state their names.

Mark Embry and Basil Embry, owner, were present.

Mark Embry said Mark Embry, Dad state your name. He said Dad is hard of hearing.

Basil Embry said Basil Embry.

President Valiant said thank you sir, Molly do you have a staff report.

Mrs. Barnhill said they sent notices to the adjacent properties and we are missing just 3 of the green cards, but we do have the white pay receipts showing they were all mailed correctly. She said the current zoning is "CON", conservancy zoning district and "RMH" mobile home park zoning district, there is no flood plain and the proposed development consists of 4 residential lots ranging in size from 2.535 acres to 2.73 acres, they are proposing 2 new building sites and 2 existing single family dwellings. She said the Commissioners approved their request for no street plans and the Drainage Board approved the request for no drainage plans to be required. She continued, the Health Department has signed off on the septic site locations, and Indiana American Water has water lines in place and ready for connection so the plat would be in order.

President Valiant said thank you Molly, is there anything to add to the staff report.

Mark Embry replied no.

President Valiant asked are there any questions of the Board at this time, or are there any remonstrators for or against this project, if so please step forward.

President Valiant said I'm going to ask the Board again if there are any questions. He asked so we are just making this 4 lots, is that correct.

Mrs. Barnhill replied this was previously 5 lots and was in 2 different subdivisions, and where the lines kind of crossed over, he needed to make it into a new subdivision to get it where he wanted it.

Richard Reid said he would make a motion to approve.

President Valiant said if there are no questions I will entertain one.

Jeff Willis seconded the motion and it carried unanimously.

Mrs. Barnhill said ok, it's approved.

Mark Embry said thank you.

President Valiant said thank you gentleman.

Mrs. Barnhill said you will need to file that secondary now.

OTHER BUSINESS:

Nellie's in Newburgh: 8566 Ruffian Ln

Mrs. Barnhill said this is 8566 Ruffian Lane, it is a lot in a subdivision. She said the contractor came in last May 2021 and was informed at that point in time to do what he wanted to do, he would need an Improvement Location Permit. She continued, he left and think he had some other questions so I called him and he was going to come in and get a permit, but he didn't come and this pergola or patio goes up, well it goes up and I have included a 2021 aerial from our GIS and 2022 aerial. She said that it is in an electric easement that is Centerpoint Electric easement and it's also in a Newburgh Sewer easement and so I did reach out to Centerpoint and informed them of the easement encroachment, at that point the contractor was still going to come in with PMG Industrial and I just let them know, so they also contacted this guy and he told them that he would get it fixed, have the easements marked and get it done, he told me he would come in and correct it and never came. She said Newburgh Sewer is also aware of this issue, there is actually a manhole right underneath in the middle of this patio.

President Valiant responded oh nice.

Mrs. Barnhill continued so they had their attorneys reach out and nobody has gotten anywhere. She said regardless he did not get an Improvement Location Permit. She said now I have not reached out to the owner, we have just tried to call this guy at PMG Industrial.

Richard Reid said it is time for an attorney,that is my motion.

Doris Horn said and I will second that motion.

Attorney Doll said I don't think this is cureable.

President Valiant said without taking it down right, that is going to be the cure, taking it down.

Jeff Willis said I am just looking at the boxes, the posts aren't in the ground though are they. He said they are just on, just sitting on top of the ground and there is nothing that goes in the ground.

Attorney Doll said Molly and I have had that conversation sort of ...

Jeff Willis said I haven't been to Nellies since this has been up so.. I haven't looked at it other than

Mrs. Barnhill responded this meets the definition of a structure according to our ordinance.

Attorney Doll said yes I asked about a foundation and it doesn't matter, Molly and I talked about the fact that it meets the definition of a structure. He said I think it is illegal.

President Valiant said yes I would agree and I think I told Molly this, the fact that he is disregarding everybody, everybody reaching out to him and everybody....

Attorney Doll said to Richards' point I am going to skip the contractor and just go straight to the owners of the property.

President Valiant said absolutely.

Attorney Doll said I will take care of it.

Jeff Willis said and he may have switched contractors in the middle of it and this guy is like I didn't do it...

Attorney Doll said well what I will do is give them 30 days to come into compliance, and bring them here and ultimately if we have to we will take them into the courts for a zoning violation.

President Valiant said so there was a motion to second that, so all in favor and the motion was carried unanimously.

Mrs. Barnhill said I printed this off of GIS because it is the only information we have for the owners.

Attorney Doll said ok, so it is not someone named Nelly huh.

ATTORNEY BUSINESS:

President Valiant asked Mr. Doll, do you have any other business for us.

Attorney Doll said I do not.

EXECUTIVE DIRECTOR BUSINESS:

President Valiant asked Molly.

Mrs. Barnhill said we have a job opening again.

President Valiant said you must be mean to work for...

Mrs. Barnhill said yea better pay and less hours actually, and they called her and sought her out and we are going to miss her.

President Valiant said yea you can't pass that up.

Mrs. Barnhill said no, so we are looking for someone for the Planner position 34,990 is starting salary with all the benefits. She asked what do you guys think about starting a Facebook page to kind of get the word out there a little more but not for debating.

Attorney Doll asked does the county have any centralized hiring process that the Facebook page would violate. He asked do we have a human resource person.

Mrs. Barnhill said yes, Heather Soberg and I spoke to her.

Attorney Doll said as long as Heather doesn't have a problem with a Facebook page being in violation of any county ordinance or regulation, anything legal..

Mrs. Barnhill said she does not, she has to post it internally for 3 days and then I can do whatever.

Attorney Doll asked has she posted it.

Mrs. Barnhill replied yes she did today.

Attorney Doll said so Monday of next week you would be safe to post it.

President Valiant said I will be fine with it.

Mrs. Barnhill replied ok I will do that but I don't want to start something with a bunch of debating going on but it is a good way to get the word out.

Jeff Willis said you are going to get people who complain on Facebook, oh this is with the Area Plan Commission and I posted it on your FB page, didn't you get it...

Mrs. Barnhill responded I see the other county offices do it with a big disclaimer that they won't respond to that but it is just for public information.

President Valiant said well there you go, put that disclaimer on there.

Mrs. Barnhill said ok that is all I have.

Richard Reid made a motion to adjourn at 6:14 PM. Doris Horn seconded and the motion carried unanimously.

ATTEST:

Molly Barnhill, Executive Director

Jeff Valiant, President