

Area Plan Commission

February 4, 2019 at 6:00 p.m.

Minutes

The Area Plan Commission held a regular meeting on **February 4, 2019 at 6:00 p.m.** in the Conference Room of the Government Center in Vernon, Indiana.

Those present: Brian Hatfield, Chad Ebinger, Brenda Habenicht, Eli Brown, Travis Shepherd, Paul Belding, Dave Lane, Tyler Stock, APC Attorney Brad Kage, Building Inspector Matt Bauguess and Executive Director Marie Shepherd. John Post arrived after at the meeting for the sixth item.

The **first item** of business was the election of officers for 2019. Travis Shepherd nominated Chad Ebinger for president; the nomination was seconded by Dave Lane. Brenda Habenicht made the motion to close the nominations, and Eli Brown seconded the motion. APC Director Shepherd called for the vote; Chad Ebinger was elected President by unanimous vote with 8 members voting in favor.

Chad Ebinger nominated Travis Shepherd for vice president. The nomination was seconded by Paul Belding. Brian Hatfield made the motion to close the nominations, and Chad Ebinger seconded the motion. Director Shepherd called for the vote; Travis Shepherd was elected Vice President by unanimous vote with 8 members voting in favor.

The 2019 Area Plan Commission Officers are:

President..... Chad Ebinger
Vice President..... Travis Shepherd

Travis Shepherd made the motion to retain Marie Shepherd as Executive Director/Secretary to APC and Brad Kage as APC Attorney. Chad Ebinger seconded the motion. Eli Brown made the motion to close the appointments. Chad Ebinger seconded the motion. The vote was unanimous to retain.

Travis Shepherd made the motion to appoint Brenda Habenicht to the BZA. Paul Belding seconded the motion. Chad Ebinger made the motion to close the nomination, and Brian Hatfield seconded the motion. Brenda Habenicht was appointed to the BZA board by unanimous vote.

Eli Brown made the motion to appoint Travis Shepherd and Chad Ebinger to the ESC. Brenda Habenicht seconded the motion. Travis Shepherd and Chad Ebinger were appointed to the ESC board by unanimous vote.

The 2019 appointments are:

Secretary to APC.....Marie Shepherd, Executive Director of APC
APC Attorney:.....Brad Kage, Attorney

BZA Representative...Brenda Habenicht
ESC Representative....Travis Shepherd
ESC Representative....Chad Ebinger

The **second item** of business was the reading, correction and approval of the minutes from the December 5, 2018 meeting. After review of the minutes, Brenda Habenicht made the motion to approve the minutes as prepared. Travis Shepherd seconded the motion. This passed unanimously with 8 members voting in favor.

The **third item** of business was Chase Schneider. Gardner Land Surveyors has prepared a survey for Thomas and Karen Schneider. The survey splits 10 acres off of the 30 acre tract at 510 W County Road 580 N, North Vernon. The survey contains an easement to access the 10 acre tract.

After review of the survey, Chad Ebinger made the motion to approve the new easement and survey. Brian Hatfield seconded the motion. This passed unanimously with 8 members voting in favor.

The **fourth item** of business was North Vernon Fire Chief Mike Cole regarding Placards.

Chief Cole presented the board with a copy of the 2015 International Fire Code and Indiana Code 36-7-9-4 regarding vacant and unsafe building/premises. The proposal is to mark vacant and unsafe buildings by placing an "X" by any open to the structure. By marking such structures, fire personnel know that there is nothing inside the building of significant value and will not risk their life to enter the building to search. The fire will be fought from the exterior. During the discussion, Attorney Brad Kage mentioned the current "Unsafe Building Ordinance". Director Shepherd is to get a copy of that ordinance to Chief Cole. The item was tabled until the March meeting to obtain more information on the topic.

The **fifth item** of business was Chad Ebinger of FPBH to discuss a proposed 50' easement and a parcel split. In the proposed survey, there is a 1.64 acre tract split off of Raymond Derringer's 20 acre parcel in Marion Township. The proposed 50' easement will run thru the new 1.64 acre tract and property that belongs to Marilyn Cornett, Michaela Prince and Misty Rosfeld.

After review of the proposed easement, Brian Hatfield made the motion to approve the survey. Brenda Habenicht seconded the motion. This passed with 7 members voting in favor and 1 member (Chad Ebinger) abstaining.

The **sixth item** of business was Chad Ebinger of FPBH to discuss a proposed parcel split and a 50' easement on property belonging to Tom & Diana Taylor. The property is located off of Thomas Street in North Vernon.

After a discussion on the proposed easement, Brian Hatfield made the motion to approve the survey. Brenda Habenicht seconded the motion. This passed with 7 members voting in favor and 2 members (Chad Ebinger and Tyler Stock) abstaining.

The **seventh item** of business was the "Show Cause" hearing on Christine Barr's property at 2080 Buckingham Dr, North Vernon. The property owner has been notified that all trash and debris must

be removed from the property; as well as, any inoperable and/or unlicensed vehicles. She has failed to comply.

After review of the pictures, Travis Shepherd made the motion to turn the file over for legal action. Brian Hatfield seconded the motion. This passed unanimously with 9 members voting in favor.

The **eighth item** of business was the “Show Cause” hearing on the property at 1718 Heathglen Circle, North Vernon; which belongs to Diane Fields. The property owner has been notified that all trash, litter and debris must be removed from the property. She has failed to bring the property into compliance.

After a discussion with the property owner, John Post made the motion to give them 30 days to bring the property into compliance; and if not to the Area Plan’s satisfaction at that time, the file is to be turned over for legal action. Travis Shepherd seconded the motion. This passed unanimously with 9 members voting in favor.

The **ninth item** of business was the “Show Cause” hearing on Andrew Hooker’s property at 326 N 7th Street, North Vernon. He has been notified that all trash, litter and debris must be removed from the property. The property remains in violation.

After review of the pictures, Brian Hatfield made the motion to turn the file over for legal action. Eli Brown seconded the motion. This passed unanimously with 9 members voting in favor.

The **tenth item** of business was the “Show Cause” hearing on Marty Hubbard’s property at 7150 W Base Rd, North Vernon. The property owner has been notified that all trash and debris must be removed from the property; as well as any inoperable/unlicensed vehicle. He has failed to bring it into compliance.

During the discussion, the property owner advised the board that the vehicles are all operable. After further discussion between the board and the property owner, Travis Shepherd made the motion to turn the file over for legal action. Brenda Habenicht seconded the motion. This passed unanimously with 9 members voting in favor.

The **eleventh item** of business was the “Show Cause” hearing on Matthew King’s property at 3058 Whittingham Drive, North Vernon. Mr. King has been notified that all trash, litter and debris must be removed from the property. He has failed to bring the property into compliance.

After review of the pictures, Tyler Stock made the motion to turn the file over for legal action. Brenda Habenicht seconded the motion. This passed unanimously with 9 members voting in favor.

The **twelfth item** of business was the “Show Cause” hearing on Michael Kirchner’s property at 204 Myrtle Ave, North Vernon. He has been notified that all trash, litter and debris must be removed from the property. He has failed to bring the property into compliance.

After a discussion between the board members and the tenant, Brenda Habenicht made the motion to give the tenant 30 days to have the property cleaned up; however, if it does not meet Director Shepherd’s standards at that time, the file is to be turned over for legal action. Brian Hatfield seconded the motion. This passed unanimously with 9 members voting in favor.

The **thirteenth item** of business was the “Show Cause” hearing on Charles & Helen Mateer’s property at 551 Country Manor West, North Vernon. The property owners have been notified that all trash and debris must be removed from the property; as well as any unlicensed/inoperable vehicles. They have failed to comply.

During the discussion, the property owner advised the board that she spoke with Mary Hoevenner with CSL, and she is supposed to be getting her some assistance to clean the property. Director Shepherd advised the board that she is on the list to get assistance from United Way, but the trash must be removed. Brenda Habenicht made the motion to give 10 days to get the trash removed and review at the next meeting. Eli Brown seconded the motion. This passed unanimously with 9 members voting in favor.

The **fourteenth item** of business was the “Show Cause” hearing on Gaspar A. Santana Pech’s property at 6670 N Private Road 575 E, Butlerville. The property owner has been notified that all debris and litter must be removed from the property. The property remains in violation.

During the discussion, Gaspar requested additional time to clean the property and get the demolition completed. After further discussion, Travis Shepherd made the motion to turn the file over for legal action. Eli Brown seconded the motion. This passed unanimously with 9 members voting in favor.

The **fifteenth item** of business was the “Show Cause” hearing on Susan Shinabarger’s property at 3821 Country Manor E, North Vernon. The property owner has been notified that a permit must be pulled for the construction work being done. She has failed to comply.

During the discussion, the property owner advised the board that they tried to obtain a permit from CSL several months ago, but was not able to obtain the permit. They are looking for property to move the structure to, but they have not been able to find anything yet. Tyler Stock made the motion to table the item for 30 days to come to agreement between the property owner, CSL and Director Shepherd. Brian Hatfield seconded the motion. This passed unanimously with 9 members voting in favor.

The **sixteenth item** of business was the “Show Cause” hearing on Francis Sweany and Lacey Dalzell’s property at 3465 Atkinson Circle, North Vernon. The property owners have been notified that all trash and debris must be removed from the property. They have failed to bring the property into compliance.

After reviewing the pictures, Brenda Habenicht made the motion to turn the file over for legal action. Travis Shepherd seconded the motion. This passed unanimously with 9 members voting in favor.

The **seventeenth item** of business was the “Show Cause” hearing on the property at 1370 Blossom Court, North Vernon; which belongs to Robin Townsley Dulong and Dan Dulong. The property owners have been notified that all trash, litter and debris must be removed from the property; as well as, any vehicle that is inoperable or not currently registered. They have failed to comply.

Director Shepherd advised the board that they have contacted her in January, and she gave them 30 days to clean the property. After reviewing the pictures, Brian Hatfield made the motion to turn the file over for legal action. Brenda Habenicht seconded the motion. This passed unanimously with 9 members voting in favor.

The **eighteenth item** of business was the “Show Cause” hearing on Carol Armand’s property at 371 Honeylocust Place, North Vernon. The property owner has been notified that all trash, litter and debris must be removed from the property. She has failed to bring the property into compliance.

After a discussion with the property owner, John Post made the motion to give her 30 days to have the property cleaned up. Eli Brown seconded the motion. This passed unanimously with 9 members voting in favor.

The **nineteenth item** of business was the opening of bids for the following properties:

Brad Kage opened the bids to demolish and remove the dilapidated structures, junk, debris, salvage and unnecessary clutter from the premises at 3912 Brandywine Dr, CSL, North Vernon. The bids were as follows: ARCH Excavation for \$700.00; Cody Bryant Excavating for \$1,500.00; Mahoy Construction for \$1,200.00; PMC Construction for \$1,200.00 and St. John Excavation for \$1,300.00. Travis Shepherd made the motion to award the cleanup to ARCH Excavation. Brian Hatfield seconded the motion. This passed unanimously with 9 members voting in favor.

Brad Kage opened the bids to remove the dilapidated shed from the premises at 1584 Meadow Grove Circle, CSL, North Vernon. The bids were as follows: ARCH Excavation for \$300.00; Cody Bryant Excavating for \$1,500.00; Mahoy Construction for \$500.00; PMC Construction for \$1,000.00 and St. John Excavation for \$900.00. John Post made the motion to award the cleanup to ARCH Excavation. Eli Brown seconded the motion. This passed unanimously with 9 members voting in favor.

Brad Kage opened the bids to remove the junk, debris, salvage, unnecessary clutter and remnants of a mobile home from the premises at 1767 Raemont Way, CSL, North Vernon. The bids were as follows: ARCH Excavation for \$475.00; Cody Bryant Excavating for \$650.00; Mahoy Construction for \$500.00; PMC Construction for \$500.00 and St. John Excavation for \$900.00. John Post made the motion to award the cleanup to ARCH Excavation. Eli Brown seconded the motion. This passed unanimously with 9 members voting in favor.

Brad Kage opened the bids to remove the junk, debris, salvage and unnecessary clutter and the dilapidated mobile home and dilapidated structures from the premises at 744 Walnut Grove Lane, CSL, North Vernon. The bids were as follows: ARCH Excavation for \$2,200.00; Cody Bryant Excavating for \$2,500.00; Mahoy Construction for \$1,600.00 and PMC Construction for \$1,700.00. John Post made the motion to award the cleanup to Mahoy Construction. Eli Brown seconded the motion. This passed unanimously with 9 members voting in favor.

Old Business:

Brad Kage advised the board that he has been contacted by the attorney for Indiana Landmarks, and they have someone interested in purchasing the property at 305 Jennings Street, North Vernon. However in order for the title work to proceed, the court case must be dismissed. Greg Sekula spoke to the board regarding the progress that has been made. Greg Hicks also spoke to the board about the interior work that has been completed, and the work that they still plan on doing. Brian Hatfield made the motion to remove our demolition request. Travis Shepherd seconded the motion. This passed unanimously with 9 members voting in favor.

Mr. Myers advised the board that his attorney has been in contact with Mr. Myles. Mr. Myers agreed to keep Director Shepherd updated on his progress regarding the roads in the Ambering Hills Subdivision.

Brad Kage advised the board members that the developer of the Mullins Subdivision put up one of the lots in the subdivision for the road bond. The road should have been completed in 1982, and it was not. Director Shepherd and Brad Kage found that the lot that was used for the bond was transferred to individuals several years. John Post made the motion to advise the County Highway that there is not a bond to enforce. Brenda Habenicht seconded the motion. This passed unanimously with 9 members voting in favor.

New Business:

Greg Sekula of Indiana Landmarks filed a formal complaint on the dilapidated structure South of Vernon on Highway 7 that belongs to Shirley Lucas.

Director Shepherd advised the board that Mike Miller has committed \$10,000.00 to help cover cleanup in CSL for 2019.

Director Shepherd advised the board that we substantially improved our rating on the Insurance Services Office (ISO) Audit.

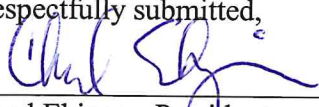
Director Shepherd advised the board that the office has been contacted by property owners that would like to use old shipping containers for storage sheds. After a discussion among the board members, John Post made the motion to temporarily (atleast 90 days) send them to the BZA for a Special Use; and the board will revisit the topic at a later date. Brian Hatfield seconded the motion. This passed with 7 members voting in favor and 2 members voting against the motion.

Brian Hatfield brought up the old Arvin's building being abandoned according to the North Vernon Fire Chief. During the discussion, the board was advised that a report was received and the building was found structurally sound. Brad Kage advised the board that the current Unsafe Building Ordinance does not cover a vacant or blighted building. Brad Kage made the recommendation that Director Shepherd send a copy of the Unsafe Building Ordinance, the report and the previous minutes pertaining to the Arvin's building.


Adjournment:

With no further business to discuss, Brian Hatfield made the motion to adjourn. Travis Shepherd seconded the motion. This passed unanimously with 9 members voting in favor.

Respectfully submitted,



Chad Ebinger, President
Jennings County Area Plan Commission



Marie Shepherd, Executive Director
Jennings County Area Plan Commission