
Gibson County Board of Commissioners
Regular Meeting
March 15, 2022

The Gibson County Board of Commissioners met in regular session on March 15, 2022, at 5:00 p.m. at the North Annex Meeting Room.

Prayer was led by President Montgomery followed by the Pledge of Allegiance to the Flag.

Auditor Watkins noted a quorum was present.

MINUTES – The March 1, 2022 minutes were approved as written. Commissioner Key motioned to approve minutes as presented, seconded by Commissioner Fleetwood. With no further discussion, the motion carried 3-0.

The Clerk’s report was acknowledged by Commissioners.

CLAIMS:

SPECIAL PAYROLL RUN - BACK PAY FOR RAISE	\$39,679.29
PAYROLL	\$361,951.13
PAYROLL DEDUCTIONS	\$162,159.31
INSURANCE PREMIUMS	\$350,521.52
TAX SALE REDEMPTION (COUNTY'S)	\$4,596.86
TAX SALE REDEMPTION, DITCH CLAIMS	\$5,216.81
COUNTY GENERAL	\$104,171.72
COURTS	\$12,817.31
HIGHWAY	\$160,772.90
SHERIFF	\$3,006.08
ACH	\$126,761.10
CAW-	\$13,964.93
CAW-	\$204,565.09
Total Claims Presented on 03/15/2022:	\$1,550,184.05

Commissioner Fleetwood motioned to approve claims presented for payment, seconded by Commissioner Key. With no further discussion, the motion carried 3-0.

Commissioner Montgomery asked all speakers to approach the podium to speak.

DEPARTMENT REPORTS

EMS – Director Pond gave Commissioners the EMS February report. Write-off’s total \$3,354.13; Commissioner Key motioned to approve the write-off’s, seconded by Commissioner Montgomery. The vote was 3-0.

Director Pond explained they are using an agency to collect for Medicare reimbursement and fuel tax reimbursement, and they have received some fuel tax reimbursement. The agency invoices the County for half of the reimbursement, but he does not have the funds in his budget to make this reimbursement. He might have to revisit the Council for an additional appropriation.

Park Department President, Bryan Blacklock gave a report on Hopkins Park. He says the lake is filling up. They are taking bids on walking trails that will be built this summer. They are working on their master plan so they can apply for more grants. Commissioner Montgomery feels they should look at installing a fence around the kid’s park. They are seeing an increase in people visiting the park.

COMMISSIONERS OLD BUSINESS

Jail Update- Owner's Representative, George Ballard told Commissioners on April 8, 2022 they hope to have their first bid package; it will bid out the steel, concrete pad, and roofing materials. The zoning was approved with both boards with the City of Princeton. Commissioner Fleetwood thanked George and the City of Princeton for their cooperation and help in moving the project along.

SRI Commissioner's Tax Sale Services Agreement – Attorney Spindler explained a resolution had been approved earlier this year regarding the Commissioners Tax Sale. SRI has provided a list of the properties going onto the tax sale and this document has been circulated through the Commissioners. Attorney Spindler requested the Commissioners motion to approve and sign the agreement. Commissioner Key motioned to approve the agreement, seconded by Commissioner Montgomery. The vote was 3-0.

Commissioners Appointment to Owensville Montgomery Township Fire District – The Fire District recommends Danny Ellis be appointed as an at large appointment from the Commissioners to the OMTFPD Board after the resignation of Lee Byrns. Mr. Ellis has served on the department, and he is a life-long resident of Owensville. The other 2 members of this board include Jeff Roberts, President and Jim Robinson, Vice President. Commissioner Fleetwood motioned to approve the appointment, seconded by Commissioner Key. The vote was 3-0.

Norfolk Southern Railroad Partnership – Attorney Spindler told Commissioners a response had been received from NFS stating they will start splitting the train at 350 E; Both Commissioners and emergency personnel feel there have been improvements.

Peabody Haul Road – Commissioner Montgomery explained that he had received a complaint; he called Peabody to report the complaints of trucks not stopping and speeding. Peabody then called Beelman Trucking to address the complaints and they assured it would be taken care of. He also assured the public that the haul roads are bonded, and they would be repaired.

Approval of Attorney Calderon's (Barnes & Thornburg, LLP) Contract – Attorney Spindler requested that Commissioners approve this contract as presented. Commissioner Montgomery motioned to approve the contract, seconded by Commissioner Fleetwood. The vote was 3-0.

Public Hearing is Opened

Southern Hills Crossing Subdivision Public Hearing – Attorney Spindler asked all of those speaking to approach podium and state their name.

Attorney John Moore, attorney for SPM Development, in respect to requesting primary plat approval for Southern Hills Crossing Subdivision. Attorney Moore officially rejected the need for another public hearing as two prior hearings have been held. He told Commissioners the petition was filed on March 19, 2021 and a public hearing was conducted on January 18, 2022. He also told them another public hearing was held on February 15, 2022 where the plat was sent back to the Subdivision Review Committee to confirm the plat met the concrete standards of the Subdivision Control Ordinance. On February 25, 2022, the Subdivision Review Committee issued a letter confirming the plat complies with the Subdivision Control Ordinance. Attorney Moore stated since the Commissioners failed to approve the preliminary plat at the March 1, 2022 meeting, SPM Development filed a lawsuit on March 2, 2022 against the Commissioners ordering the Commissioners to approve the plat. The Case is currently pending in Gibson Circuit Court. He then said they object to another public hearing and any evidence presented. He said the record shows the preliminary plat meets the concrete standards of the subdivision control ordinance and he feels the preliminary plat should be approved.

Attorney Spindler wanted to make a correction; he explained that the February 15, 2022 meeting that Attorney Moore referenced as a public hearing was not technically a public hearing, even though the Southern Hills Subdivision was addressed.

Attorney Clayborne spoke next; he explained there would be 40 new houses added to the neighborhood. Attorney Clayborne does not feel the neighboring property owners oppose all development, they do not oppose a subdivision of some kind, but the roadways, drainage, and proposed sewage system is insufficient. His client's feel it should be development the area can sustain. He feels his clients have been very cooperative to meet, compromise, and convey their ideas but Attorney Clayborne feels the door has been slammed on them every time. Attorney Clayborne's clients have substantial concerns about the cluster system and how the system will be maintained. He does not feel the cluster system meets the requirements in the subdivision control ordinance section 11D, and he feels that is enough justification for Commissioners to deny the subdivision. He does not feel his clients received any cooperation from the Developer to talk about the cluster systems. Attorney Clayborne also wanted to discuss traffic issues with this development. He feels CR 975 and CR 925 are both insufficient as they are. Attorney Clayborne feels he has made his case clear with the County Attorney and Barnes & Thornburg in that other counties have substantially, similar subdivision control ordinances and were denied on traffic concern grounds. They were upheld on appeal in the Indiana Court of Appeals. Attorney Clayborne reached out to the developer over traffic concerns, but no concrete steps were taken to alleviate his clients concerns. He has reached out to SGSC Bus Director; they reported they avoid this area during inclement weather events. Attorney Clayborne feels a more thorough drainage study should be conducted before a subdivision is installed, as his clients have concerns about drainage. They have invited the Developer to discuss this issue, to no resolve. Attorney Clayborne does not feel the Commissioners must approve this based on the subdivision control ordinance being approved.

Darla Kiesel has lived in the proposed subdivision area for 14.5 years. Her address is 88 W 975 S. She presented pictures in which Attorney Spindler would like entered into the record as exhibit numbers. The first set of pictures shared are of flooding in 5/2019 (Exhibit 2A,2B,2C,2D). The next 2 pictures were taken on 2/17/22 when the area received a 3" rain; one of which shows the Developers flags in water (Exhibit 1C,1D). The next set of pictures are examples showing the need to widen the road; road signs that have been hit as the road is not wide enough for 2 vehicles to pass (Exhibit 1A,1B). Her final picture shows the "10 miles per hour" sign; it was taken on the way to the meeting, in a blind spot, and shows the sign is out of place (no exhibit #). She thinks it has been reset four different times. The final ten pictures (Exhibit 3A-3J) were taken on 2/17/2022 by Commissioner Montgomery. It is a picture of all the water running down the road and field during a recent, heavy rain event.

Attorney Moore spoke again restating their objection to the public hearing. Attorney Moore addressed the comment about his clients not cooperating. Attorney Moore told the public Attorney Clayborne had requested his client develop on at least 2 acre lots with an individual septic system on each lot.

Gary Seibert has personal issues with this subdivision development as he has observed the storm water runoff; he wonders why the County/Taxpayers should have to spend money to upgrade property that is unsuitable to develop.

Randy Hall stated that when Fairview Heights Subdivision started to build and he found out while speaking to Legislators, if something is faulty in this development, it will come back to the county to fix or repair.

Jeff Seibert is a concerned taxpayer and feels the county has a housing crisis. Every time Reinbrecht adds a project, it makes the paper as the Municipality or County subsidizes housing project. He wonders when this will stop as now, Reinbrecht has filed a suit against the County. He asked the County to not subsidize this project.

Attorney Spindler asked for last comments.

David Doughty asked if the county would approve his sewer cluster system when he hooks four mobile homes onto the same line. He also wonders if the County does not approve his cluster system if he can file suit against the county?

Stephanie McKinney is the Flood Plain Administrator for unincorporated Gibson County. She clarified this area of development is not listed on the designated floodplain area.

Gary Seibert states this area is on IDEM's listed floodway, but not floodplain and there is a difference.

Public Hearing is Closed

Attorney Spindler then asked Attorney Calderon for remarks to the Commissioners. Attorney Calderon told Commissioners they can ask questions to the Developer's Attorney, the Neighbor's Attorney or they can forgo that; they can discuss things amongst themselves, or one Commissioner can propose a motion for consideration by the other Commissioners. Commissioner Montgomery motioned to deny the plat approval due to the flood area and because the developer failed to meet the ordinance requirement of installing a private septic disposal system on each lot. Attorney Calderon told Commissioners, if this motion passes, after tonight, they should adopt specific facts and findings within a reasonable time frame. Commissioner Fleetwood seconded the motion. Commissioner Key feels all concrete steps set forth were fulfilled. She feels they have other roads throughout the County that experience flooding during heavy rain events. The vote was 2 ayes: 1 nay. The nay vote cast by Commissioner Key

COMMISSIONERS NEW BUSINESS

Stormwater Management Ordinance – Public Hearing Opened – Attorney Spindler opened the floor for public comment. Commissioner Fleetwood would like to hold a 2nd meeting on this item to ensure hearing from all taxpayers and to receive plenty of public input.

Gary Seibert says this will not affect residential size plats of land.

Commissioner Key asked about a minor subdivision of 5 acres or less that is not all residential or perhaps a Dollar General Store; she wonders if this would be affected; Gary Seibert a Dollar General Store would fall under commercial or industrial. Commissioner Key is trying to ensure there will be no changes for commercial or industrial sites within the five acres.

Commissioner Fleetwood feels the County is wanting to ensure they are managing water properly on commercial, industrial, and major subdivision developments. This ordinance has been approximately 14 years in the making. They are trying to work the ordinance out for the small guy and small developments; they want to see well-planned storm water management.

Commissioner Fleetwood thanked Gary Seibert for his work on this ordinance.

David Doughty wonders if future developers will have to go by this ordinance and if it would have changed the Southern Hills Crossing project plan. Gary Seibert says it could have changed the project. Dennis Simpson is a member of the Soil/Water Conservation Board; he stated they had been working a long time on this Ordinance and with Gary Seibert. He feels a storm water run-off plan is very important for the county. Mr. Simpson spoke on how he saw an increase of flooding after the construction of large buildings and subdivision construction. He feels everyone needs to be responsible and requested that it be passed to protect the ditches and bridges and anyone downstream of a development in Gibson County. Commissioner Key would like to pass the ordinance tonight but is not opposed to waiting. Attorney Spindler requested to close the public hearing. This Ordinance and fee schedule will get cleaned up and it will be brought back to a public hearing on April 5, 2022. A motion to table by Commissioner Key and have a second public hearing was seconded by Commissioner Montgomery. The vote was 3-0.


TIF Road Project Super Slab 3.5 miles complete repave from Hwy 64 to Hwy 168; CR 175 - 3.5 miles; CR 100 E - ½ mile; CR 550 S - 3/4 mile; CR 350 E - 3.5 miles – Commissioner Fleetwood met with Engineer Holden, and they would like some of the roads in the Toyota area be repaved. Engineer Holden suggested the above roads as they benefit Toyota. The cost is \$2,100,000. Roy Lynch does not feel the need to spend much money on these roads if the railroad does not cooperate and quit blocking these roads. Commissioner Montgomery feels they are trying to pull the traffic away from the residential area. Commissioner Key would like to hold off on forwarding this to RDC as they have some other areas that need addressed in addition to these roads. Randy Hall feels Toyota should stop the semis from going in/out of the same gate as employees.

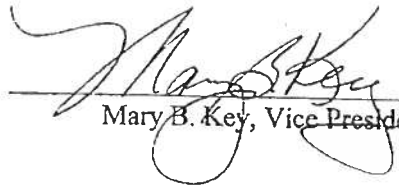
Medical Leave – Commissioner Key motioned to approve the medical leave, seconded by Commissioner Fleetwood. The vote was 3-0.

Patty Vanoven reminded Commissioners about the political forum coming up on Saturday, March 19, 2022.

With no further discussions, Commissioner Key motioned to adjourn the meeting, seconded by Commissioner Fleetwood. The vote to adjourn is 3-0.

Minutes from the March 15, 2022, Meeting.


Kenneth Montgomery, President


Mary B. Key, Vice President


Warren Fleetwood, Commissioner


ATTEST: Mike Watkins, Auditor