



CITY OF RUSHVILLE

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MINUTES FOR THE MEETING OF THE RUSHVILLE ADVISORY PLAN COMMISSION

June 15, 2022
6:00P.M.

Call to Order: The Rushville Advisory Plan Commission met on the above date and time in City Center Council Chambers. President Shawn Adkins called the meeting to order at 6:00pm.

ROLL CALL: Shawn Adkins, Brad Berkemeier, Doug Corn, Jeff Houser, Kim Mahan, Thomasina McGowan and Joe Rathz.

Deputy Director Carmen Clark-Orusa and Consultant Shelly Wakefield were also in attendance. Attorney Grant Reeves was not present.

Brad Berkemeier arrived after roll call at 6:03p.m.

Minutes: Mr. Houser made a motion to approve the minutes for the May 18th meeting as posted. Mr. Rathz seconded the motion. All in favor. Motion carried.

Old Business:

There was no old business discussed.

New Business:

Mrs. Clark-Orusa informed the board that she gave her notice to Mayor Pavey. Her last day will be June 24th. She thanked the board for everything they do for the City of Rushville. She told the board that until a replacement is found that Code/Building Compliance Office Chuck Jenkins will handle the day to day business and Mrs. Wakefield will handle the monthly meetings. The board thanked Mrs. Clark-Orusa and wished her well.

Mrs. Wakefield said she attended a meeting with Mayor Pavey, Grant Reeves, Brad Berkemeier, Joe Rathz, Chuck Jenkins, Brian Sheehan and John McCane regarding the Planning and Zoning process. The Mayor would like to speed up the process to help with Economic Development. Many existing and new business prospects feel that the process is too cumbersome. The Council would like to add a Hearing Officer for the Board of Zoning Appeals. The Hearing Officer hears certain variance petitions that are redundant such as setback variances. The petitioner would not have to attend the monthly meeting. They would still need to meet the state statute requirement for legal notice and property notice. When that requirement is met, they can have the public hearing with the Hearing Officer. The Plan Commission would appoint someone as the Hearing Officer.

Mrs. Wakefield explained that most applicants don't understand the process or how to complete the applications. New application packets were created in January to help explain how to complete the application and what to turn in. There are samples to help the applicant. But it still isn't helping the applicant.

Mr. Berkemeier said he doesn't want to side step the Planning and Zoning process but help to expedite it. But also,

doesn't want the Hearing Officer to abuse the power. He said he wears two hats in this process as a board member and a Councilman. The Council approved and placed a 90-day time limit for the Plan Commission to have a public hearing and move forward with the Hearing Officer.

Mrs. Wakefield and Mr. Berkemeier said this would be for petitions that aren't controversial and would be black and white, cut and dry cases.

The Hearing Officer will not be a carte blanche approval but an optional pathway with specific criteria. Mrs. Wakefield said state statute dictates what can be heard by the Hearing Officer (i.e. development standards variances, special exceptions, and use variances if extension of the use). The BZA will decide the requirements and add to the Rules of Procedure.

Mrs. McGowan stated she was confused. If someone is asking for a variance the Hearing Officer can speak for the board? She stated she was not concerned about homes but the "big stuff". Mrs. Wakefield said the petitions are still legally advertised and property notices are sent. State statute will still dictate what can and cannot be done. Mr. Rathz said it would be the "simple stuff". If staff can't approve then it will go to the BZA.

Mrs. Wakefield said there is no filing deadline. The Rules of Procedure will state after the required notices are complete then the hearing has to be in 5 days.

Mr. Houser said we are not holding up the process. President Adkins asked is this our fault? He said we went through a lot so we could get to where we wanted to be and where Rushville would go. This could hurt us. President Adkins said the floodgates will open. Mr. Rathz said the Mayor can't come in and tell us what to do.

Mr. Rathz said the Hearing Officer should not be staff. Someone else should be appointed.

Mrs. Wakefield said Johnson County and Bloomington have Hearing Officers. President Adkins requested examples from these communities. Mrs. Wakefield said she would send them to the board before next month's public hearing. She said it could save up to 1 month of time for the petitioner. Mr. Houser said one month doesn't mean anything. They are looking at the comps to make money in Rushville.

Mrs. Wakefield said a resolution for a fence amendment will also have a public hearing at the next meeting. Will be removing the requirement for fence placement for the side and rear setback and requiring boundary surveys. It is too costly and time consuming.

Mrs. Wakefield said the Council put a time limit on this and it is 60 days from today. She is also rewriting parts of the parking ordinance.

There was continued discussion regarding the Hearing Officer. Mrs. Mahan felt there would be certain businesses that would get what they want without going through the process. Mr. Berkemeier said he respects everyone here but the Mayor and Council are not trying to take power from the board. This was done to improve the process to help the public. Mr. Berkemeier said this was brought up at Council and a time limit placed because there have been times when nothing had been completed by the Commission and it gets continued from month to month without completion. This needs to be more customer friendly.

Mr. Houser said no one is being mistreated. They are only unhappy if they don't get what they want.

Mrs. Wakefield said examples from other communities will be sent before the next meeting.

Reports:

Deputy Director: No report.

Attorney: Not present.

Consultant: No report.

ADJOURNMENT: Mr. Houser made a motion to adjourn. Mrs. McGowan seconded the motion. All in favor.

Motion carried. Meeting adjourned at 7:02p.m.

Shawn Adkins, President

, Secretary