

MINUTES

WARRICK COUNTY AREA PLAN COMMISSION

Regular meeting to be held in Commissioners Meeting Room,
Third Floor, Historic Court House,
Boonville, IN
Monday, July 11, 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 June 13, 2022. Doris Horn made a motion to approve the minutes as distributed, Amanda Mosiman seconded the motion and it carried unanimously with one abstention being Greg Webb.

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

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

President Valiant said it looks like we have a few primary plats, one rezoning, and a couple complaints on the meeting agenda tonight, so as we go through these 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.

PP-22-03-A: Lighthouse Landing: PETITIONER: Phillip Hartz OWNER: ASG Properties LLC by Sarah Mauck, Member. Approximately 5.179 acres located on the south side of State Road 662 and the east side of Pollack Avenue 0 feet south east from the intersection of State Road 662 and Pollack Avenue. Being Parcel 1 in Waterworks No. 1 Minor Subdivision, Recorded in Document # 2009R-010761. Ohio Township 3-6-9. (*Advertised in the Standard on June 30, 2022*)

Scott Buedel, Cash Wagner & Associates, was present.

President Valiant called for the staff report.

Mrs. Barnhill asked Scott, do we have the owner here.

Scott Buedel said well, um... you should have got the... I do have a Power of Attorney that we dropped off last Friday and I have it here if you need it.

Mrs. Barnhill said oh, okay I see it here in my notes, thank you. She said on the return receipts we are missing one green card but we do have the white pay receipts and they were mailed correctly. She said the current zoning is "C-4" General Commercial Zoning District and there is no flood

plain. She said the proposed development is Lot 1 and 2 in Lighthouse Landing shall be limited to a storage facility that will not require a connection to either sanitary sewers or public water. She added this is the one, it is amended plat because it was already approved with water and sewer capacity but now they have come back to ask to not hook back into the water or the sewer and to do the storage. She said so in the event that a change of use, to anything other than a storage facility, is requested for Lot 1 or Lot 2, the lot or lots requesting the change shall be required to have both sanitary sewer and public water extended to the lot or lots if the provider of each service has the capacity in their respective system. She said and they have filed a Use & Development Commitment that will be recorded with the plat if it is approved. She said the Commissioner's approved the request for no street plans on February 14, 2022 and the Drainage Board approved the drainage plans on February 14, 2022. She said Newburgh Sewer does still have capacity and Chandler Water has capacity for this development. She said so the plat would be in compliance. She said so the conditions would be; subject to INDOT's approval for the entrance onto Pollack Avenue and to allow the waiver to allow lots developed without water or sewer provided.

President Valiant said thank you Molly.

Mrs. Barnhill said mhm.

President Valiant asked Scott, anything to add.

Scott Buedel said yeah, we have received that approval from INDOT so the driveway is permitted. He said I don't know if it has been sent to you or not but I will make sure you have it.

Mrs. Barnhill said okay.

Scott Buedel said and I know the other main concern was, the last time we were here, there were some neighbor's concerned about traffic that was going to be generated by the what I was calling a Dollar General type facility. He said just a smaller commercial facility like that but if that is just going to be used as storage in addition to Lot 2, the other lot which is also going to be storage, the traffic should be at a minimum for this development.

President Valiant said any questions from the Board at this time.

Amanda Mosiman asked so let me get this straight, when it was originally platted they were going to put water and sewer on it and now they are not. She asked that is what is occurring.

Mrs. Barnhill said yes, at the primary level they have to have letters of capacity, they do have capacity, but they don't want to actually install them so the ordinance states before I allow them to record a secondary plat they have to be installed.

Amanda Mosiman said they still have to. She said okay, alright.

Mrs. Barnhill added so this use and development commitment would be recorded prior to the plat.

Amanda Mosiman said okay.

President Valiant asked any remonstrators here for or against this project, if so please step forward. He said seeing none, Board are there any more questions, if not I will entertain a motion.

Richard Reid made a motion to approve PP-22-03-A. Doris Horn seconded and the motion carried unanimously.

Amanda Mosiman said do we... we don't have any conditions in the minutes.

Mrs. Barnhill said the waiver needs a motion.

Amanda Mosiman said right.

Richard Reid made a motion for the waiver of the public sewer and water easements. Doris Horn seconded the motion and it carried unanimously.

PP-22-08: OWS: PETITIONER/OWNER: Monte G. Williams Revocable Trust by Joseph Williams, Trustee. Approximately 5.209 acres located on the east side of State Road 66 and on the south side of Wildwood Drive 0 feet south east from the intersection of State Road 66 and Wildwood Drive. Being Part of Outlot 2 in the Corrected Plat of Sudamar Heights Subdivision, Recorded in Plat File 1, card 186. Ohio Township 36-6-9. (*Advertised in the Standard on June 30, 2022*)

Scott Buedel, Cash Wagner & Associates, was present.

President Valiant called for a staff report.

Mrs. Barnhill said we are missing 24 green cards but we do have the white pay receipts showing they were mailed correctly. She said the zoning is "C-3" Highway Commercial Zoning District and there is no flood plain. She said the proposed development is a 1 lot proposed building site and is 5.209 acres. She said the Commissioner's approved the request for no street plans today and the Drainage Board approved the request for no drainage plans at this time until site plans are known and they come in for a site review on the development. She said Newburgh Sewer has capacity and Indiana American Water has capacity so the plat would be in order and we do have a recorded Power of Attorney for Scott to represent the owner on this one.

President Valiant asked Mr. Buedel anything to add.

Scott Buedel said this was platted as an outlot originally in the overall subdivision and just due to the fact that the outlot itself was an unbuildable lot so... there had been a few takes for highway purposes along the west side of it and the remainder of the outlot being platted as a buildable lot. He added I do have the potential buyers of the property here tonight if you have any questions.

Amanda Mosiman asked in the original plat why was it platted as an outlot. She asked was there a reason for it.

Scott Buedel said I can't answer that question but it is zoned commercial so...

Mrs. Barnhill said we do not know.

Richard Reid said it is so old.

Amanda Mosiman said oh, it is C-4 I gotcha, I gotcha, sorry. She said I will get caught up eventually but probably next week.

President Valiant asked any other questions from the Board, any remonstrators for or against the project.

Amanda Mosiman asked we are just wanting to build a house correct. She said when you said buildable site... what are we wanting to build.

Scott Buedel said well the proposed development right now is a storage facility so there is three just larger storage buildings that would be accessed off of Wildwood Drive. He said we have not put together the development plan for it because at this point in time its an unbuildable, worthless piece of ground but if it is buildable we will plat it, develop it, and do a topo that goes through site review for the site itself and drainage.

Amanda Mosiman said okay, thank you.

President Valiant said seeing no remonstrance for this, any other questions by the Board. He said being none, I will entertain a motion.

Richard Reid made a motion to approve PP-22-08. Jeff Valiant seconded and the motion carried 5-1, Amanda Mosiman was opposed.

PP-22-09: Cadbury at Berkshire: PETITIONER/OWNER: Maken Corporation by Daniel Ubelhor, Owner. Approximately 57.22 located on the south side of Oak Grove Road approximately 2,500' feet west of the intersection formed by Oak Grove Road and Wethers Road. Ohio Township 18-6-8. *Complete legal on file. (Advertised in the Standard on June 30, 2022)*

Jim Morley Jr., Morley Project Engineer, was present.

President Valiant called for a staff report.

Mrs. Barnhill said for the return receipts; we have all green cards showing that the adjacent property owners were notified correctly. She said the current zoning is "M-2" General Industrial Zoning District, and they are requesting a "R-1" One Family Dwelling Zoning District which is

also on the agenda tonight. She added there is no floodplain. She said it is 189 Residential lots and lots sizes range from 0.18 to 1.23 acres, with the majority being around 0.2 acres. She said the Commissioner's approved the street plans today and the Drainage Board approved the drainage plans today. She said Newburgh Sewer does not have capacity at this time so any approvals would be subject to Newburgh Sewer, and on the plat also subject to the rezoning. She said Indiana American Water has capacity. She added so the plat would be in order. She said they did also submit a letter for the drainage easements. She said they are to be 6' on each lot and the waiver is asking 7' and 5' and a 9' and 3' easement widths relative to proposed side or rear yard lot lines and that will take a separate motion too.

President Valiant said thank you Molly, I am going to actually read the rezoning that goes with this so that would be PC-R-22-08.

PC-R-22-08: PETITIONER/OWNER: Maken Corporation by Daniel Ubelhor, Owner. To rezone 57.22 acres located on the south side of Oak Grove Road approximately 2,500' feet west of the intersection formed by Oak Grove Road and Wethers Road from "M-2" General Industrial Zoning District to "R-1" One-Family Zoning District. Ohio Township 18-6-8. *Complete legal on file. (Advertised in the Standard on June 30, 2022)*

Jim Morley Jr. said so I will just go over a couple of those items. He said so this is kind of just a standard residential subdivision. He said on the exhibit you can see where in the world it is, the purple area is the development and you can see Friedman at the top and it sits just on the south side of Oak Grove Road. He said this is just more of the Maken Property that they have owned forever out there and they keep whittling away at it and then on the flip side is just a rough picture of what it is, just kind of the street layout and it connects to Essex Subdivision on the east and there are some existing lakes across its south side, Oak Grove Road to the north, and some more undeveloped ground to the west. He said there was a comment in there about Newburgh Sewer capacity and I touched on this briefly in an earlier meeting, Newburgh Sewer is in the process of upgrading... well, they have done the Victoria National Lift Station upgrade already and they have awarded the contract for the upgrade and started on the construction of the upgrade of the force main which is a sewer pipe that goes from the Victoria Station to Newburgh Sewer Treatment Plant and currently they have roughly, about 100 sewer taps left in that basin to be used and those sewer taps are being used in any of those subdivisions that are out there currently and they could be used in this subdivision if it was built today, it is just not built today. He said but the, from a timing standpoint, by the time this subdivision gets built, they will be either completed or far enough along on the force main project that the sewer capacity should be there for them to go ahead and start building houses in here and so Molly, I assume what we would be doing is prior to the secondary plat or with the secondary plat we would bring with that a letter of capacity saying that there is capacity for whatever that secondary plat is.

Mrs. Barnhill said yes, if it is approved it would be subject to that Newburgh capacity letter, at any point in time, whenever you get it.

Jim Morley Jr. said yeah, sure. He said so that is a little nuisance that we have been working through Newburgh Sewer with, and they have been great to work with as we continue to move

along the path. He said and then the other comment, we had asked for a waiver on easements. He said you will notice that typically easements are 6' on either lot so a total of 12' and we offset our easements and the reason for that is when you drive property pins into a pipe that is directly under the property line, either you end with a property pin sticking into your pipe or you bend your property pins so they won't go into the pipe, and so we always offset our pipes off the property lines and therefore we offset our easements with them so that the actual total width of the easement doesn't get any narrower it is just offset off the property line. He said other than that, it is a regular old subdivision like we have been doing out there.

Amanda Mosiman asked so literally you will be driving through Cadbury if you drive out Prospect Drive now. She asked is that the way that looks.

Jim Morley Jr said so Prospect Drive is in the process of being vacated so you cannot connect to Prospect...

Amanda Mosiman said okay, thank you.

Jim Morley Jr. said so Prospect through this section of the subdivision has already been vacated.

Amanda Mosiman said okay.

Jim Morley Jr. said and there is more, if development continues to go west and there is more of Prospect Drive to be vacated was agreed to with the commissioner's... jeez a year ago, or two years ago, something like that. He said so little by little Prospect Drive is disappearing and it was originally, Prospect Drive was originally an old mine haul road and it was just basically re-used when this was going to be an industrial development but now that it is residential it is not applicable anymore so. He added so that is why on the fancy, schematic drawing you don't see Prospect Drive it is because Prospect Drive disappears over this section of the subdivision.

Amanda Mosiman said okay, gotcha.

President Valiant said okay, any other questions from the Board, any remonstrators for or against this project if so please step forward. He said bringing it back to the Board, anymore questions.

Amanda Mosiman asked does anyone recall for Essex or Eastwick, when we did those did we have to downgrade it from "M-2" to "R-1".

Jeff Valiant and Richard Reid said yeah.

Mrs. Barnhill said yes.

Jim Morley Jr. said yeah, all of that was rezoned to "M-2" like over 20 years ago when Maken Corporation first bought it, they bought like 1,000 acres out there and it was all zoned "M-2" back when there was literally nothing out there. He added originally they ran the water lines from basically 261 and Vann Road, Old Hickory Subdivision, all the way from there and they

ran a sewer line from there all the way down to the treatment plan because there was nothing out there. He added so I guess they were ahead of the game.

Amanda Mosiman said yeah.

Jeff Willis said they just redid that TIF District, it doesn't include this part does it.

Jim Morley Jr. said no, when we did the TIF District we excluded the ground we knew was going to be residential.

Jeff Willis said okay, I just wanted to make sure we didn't approve a TIF District for business and then we took something out of the TIF District.

Jim Morley Jr. said no, we had that conversation, because we assisted with the TIF District also we made sure to keep... we went around areas we knew were flipping to residential.

Amanda Mosiman said that is one of the reasons the TIF went do-do-do-do.

Jim Morley Jr. said right and laughed.

The Board laughed.

Jim Morley Jr. said true story.

Jeff Willis said I remember it was a funny shape I just didn't know why.

Amanda Mosiman said I just feel like we are breeding conflict in this area because we already have the conflict with the industrial sites on the other side of Brookstone, I just I know we need a place to build but we are throwing it right on the back of an industrial park.

Jim Morley Jr. said I will say that for the part that butts the industrial park, it is across the south end where they have a lake as a buffer and I will say that honestly, the lots that back up to those industrial lots typically are the first ones to sell.

Richard Reid said yeah, that's amazing.

Amanda Mosiman added and then they come in here and complain, we literally had this in Brookstone before I went on leave. She said they didn't know what was there and they came after.

President Valiant asked any other questions at this time.

Richard Reid asked what are we approving right now.

President Valiant said well the rezoning.

Amanda Mosiman said yeah, the rezoning first.

President Valiant said then we have the primary plat and...

Attorney Doll said the waiver.

President Valiant repeated the waiver on the easements and do we need to add that it was subject to the capacity...

Mrs. Barnhill said the plat was subject to the waiver, capacity and the rezoning.

Attorney Doll said or do the rezoning first and then the plat is subject to the capacity and lastly would be the waiver.

Mrs. Barnhill said it would still be subject to the zoning because it has to go to the Commissioner's.

Amanda Mosiman said to the Commissioner's.

Attorney Doll said yes, you are right.

Mrs. Barnhill said I know.

President Valiant said with all that, I will entertain a motion.

Richard Reid said I am not sure what you are asking for now.

President Valiant said we are starting with the rezoning Richard.

Richard Reid made a motion for PP-22-09 subject to the waiver of easements, subject to the capacity letter from Newburgh Sewer capacity.

President Valiant asked so were starting with the plat.

Amanda Mosiman said no, no.

Mrs. Barnhill said that is the plat, you want to do the rezoning, the PC-R number.

Richard Reid made a motion for a positive recommendation for PC-R-22-08 to go to the County Commissioner's. Doris Horn seconded and the motion carried unanimously.

President Valiant said and that will go to the...

Attorney Doll interjected Commissioner's.

President Valiant said right, Commissioner's.

Mrs. Barnhill said and that will be August 8th so the primary plat will be subject to that August 8th meeting.

Richard Reid made a motion for PP-22-09 subject to the waiver of easements, subject to the capacity letter from Newburgh Sewer capacity, and subject to the approval of the rezoning by the County Commissioner's. Doris Horn seconded the motion and it carried unanimously.

Jim Morley Jr. said thank you.

President Valiant said thank you, Jim.

PP-22-10: Victoria Woods Section 1 Phase 2: PETITIONER/OWNER: Oakland Holdings, LLC by Jordan Aigner, Managing Member. 223.8 acres located on the w side of Victoria Woods Drive, approximately 450 W of the intersection formed by Jenner Road and Baker Road. Being part of Lot 1A in the Corrected Amended Plat of Lots 1 and 3 in Victoria National Golf Club Minor as recorded in Doc. #2018R-005712 and part of Lot 1 in Victoria Woods Subdivision as recorded in Doc. #2013R-012548 in the Warrick County Recorder's Office. Boon Twp. 17-6-8 and 18-6-8. (*Advertised in the Standard on June 30, 2022*)

Jordan Aigner, Oakland Holdings LLC Managing Member, was present.

President Valiant called for a staff report.

Mrs. Barnhill said for the return receipts, we are missing 14 green cards but we do have all the white pay receipts showing they were mailed correctly. She said the current zoning is "C-2" Community Commercial Zoning District with a Use and Development Commitment. She said there is some A flood plain on the property. She said they are proposing 8 residential lots, ranging in sizes from 0.62 to 76.71 acres. She said the Commissioner's approved the street plans today and the Drainage Board approved the drainage plans today. She said for the water and sewer we have a letter from Mayor Charlie Wyatt guaranteeing capacity so the plat would be in order. She said subject to sidewalk waiver, this will need a separate motion from the plat, because they are doing a trail system through this area. She said I had asked them to, it was multiple pages so they put it together in order for it to be easier to see hopefully.

President Valiant asked anything to add Jordan.

Jordan Aigner said yeah just that this is, you guys are familiar with Section 1, it is more of a North/South development that connects Baker all the way down to Roeder and Oak Grove and so that has been done and we are selling lots out of there. He said I mentioned in the previous meeting that we had really hoped to bring you another land mass that kind of heads off that North/South run that would go to the west but just really couldn't complete the vision of what that needs to be other than two lots. He added you see the other lots here because they are large outlots and because

we felt like if we continue to bring you future sections and we had these outlots done the way they are now we could reduce the amount of paper work you look at in the future, reduce the amount of effective people that we have to send stuff to, just because we have all this remaining property. He said so, the larger lots you see are really the future sections we will do and bring to you over the years, and maybe it is 7 to 10 years from now. He said but the specific lots we tend to sell are those smaller lots... I forget what lots they are.

Attorney Doll and Mrs. Barnhill responded 94 and 95.

Jordan Aigner said thank you, and so that is kind of the real reason we are doing that but we said hey, while we are doing this lets kind of make it easier and look ahead. He said Molly and Bret with Morley had some good ideas on how to reduce the multiple pages and how to move forward with typical future sections as we go on from here. He said right across the street is where we will have a trail that runs up the hill that will actually be a branch of the County trail that runs through there. He said if you guys have any questions I would be happy to answer them.

Amanda Mosiman said so the County trails are all paved for that type of use but we are looking to go to gravel from this spur.

Jordan Aigner said from that spur off yes, what we are looking to do is take that through more natural areas so you have got, of course you know you have the regular street out in front of you but we are really wanting to take these through more of a nature area where it will connect up and be next to the water. He said this will be something that could be more of a state park type trail.

Amanda Mosiman said okay.

President Valiant asked any other questions from the Board at this time. He asked any other remonstrators for or against this project. He said seeing none, I will bring it back to the Board.

Amanda Mosiman asked are we going to need to continue to do the sidewalk waiver for the other sections or is that exactly why you're doing this. She asked is the sidewalk waiver once or are we going to continue to waive it depending on how you build it.

Jordan Aigner said I think this should just be for this go around.

Amanda Mosiman said it is, yeah... I was just curious.

Jordan Aigner said yeah and let's just see how it goes because there may be some areas where we want to do some sidewalks, more dense areas. He said we are really trying to hit multiple markets as best we can, you know as far as product. He said so maybe there might be a larger lot versus a smaller lots or condos in the future who knows. He said so I think we just kind of see how the development plan goes and take it one at a time.

Jeff Willis asked so if we waive the sidewalks for Lots 96, 97, and 98 when you come back to re-plat them could we require sidewalks at that point... you know if you put 30 houses down that road.

Mrs. Barnhill said yes.

Jeff Willis and Amanda Mosiman talking (inaudible).

Amanda Mosiman said okay, I just... I am struggling with the vision here, like he said, I am struggling with the vision here.

Mrs. Barnhill said so I believe Lots 94 and 95 you have sold, pretty much.

Jordan Aigner said yeah one we have a purchase agreement and that is really why we're here right now and I was hoping to sell the rest of them but they wanted like that lot over there.

Mrs. Barnhill said and these are a little bigger than what was initially there so he wanted those replatted and then while we are there it makes more sense to create these big lots and then we can come back and just do one lot at a time on the next phases but they will come back as primary plats.

Jordan Aigner said right, yeah.

President Valiant said so we will have the chance to talk then.

Mrs. Barnhill said yes, but that is why it looks so strange.

Amanda Mosiman said okay.

Mrs. Barnhill said he wanted to go ahead and make them platted.

Jeff Willis said okay, I just wanted to make sure we weren't giving him the ability to not have sidewalks in the future.

Amanda Mosiman said exactly, I am with Jeff here... I am like wait a minute what are we doing.

President Valiant said yeah, no. He said it's a good question though. He asked any further discussion, if not I will entertain a motion.

Amanda Mosiman made a motion for PP-22-10 subject to the waiver sidewalk waiver. Jeff Willis seconded the motion and it carried unanimously.

Amanda Mosiman made a motion the sidewalk waiver in order to waive all sidewalks on this section of the subdivision. Jeff Willis seconded the motion and it carried unanimously.

OTHER BUSINESS:

COMP-21-07: Formal Complaint: Owner: Matthew Wilson & Tamara Gentry; 5111 Landview Drive. *Continued from June 13, 2022.*

President Valiant asked if Mr. Wilson or Ms. Gentry is here this evening. He said they are still not here do you want to....

Mrs. Barnhill said never could get ahold of the owner of the property, I did get ahold of the gentleman that filed the complaint and asked him to be here tonight to explain his position to the Board.

President Valiant asked Sir is that you.

Tim Hambidge was present. He said yep.

President Valiant asked him to please come up to the podium.

Tim Hambidge said good afternoon, good evening I'm Tim Hambidge. He continued I guess I'm a little confused why I'm here.....

President Valiant said ok.

Tim Hambidge said and made it known to Morrie that I don't know why Molly asked me to be here, she has investigated. He asked have you not Molly.

President Valiant said ok, so I just want to make sure that you were done. He asked were you going to go over the complaint.

Mrs. Barnhill said no, everything is the same.

President Valiant replied alright.

Mrs. Barnhill said all of the pictures that I took you guys have in your packets.....

Tim Hambidge interrupted Molly you went out and looked correct.

Mrs. Barnhill replied yes.

President Valiant said as have I.

Tim Hambidge asked they are living in the RV correct.

Amanda Mosiman said we can't prove that, that's our problem.

President Valiant said I have been out there twice, that's why we wanted you here to get some more information from you.

Tim Hambidge said well that's... ok well I drive by at night the lights are on, I've got next door neighbors that look at it and say that people are living there. He said they are two doors down from me, now if you would like to set up a game cam I will do that at your expense.

President Valiant asked did you... you submitted pictures originally correct.

Tim Hambidge said no Molly...those are Molly's pictures.

President Valiant said ok, you submitted no pictures, alright I was going to say a picture at night would be great. He said I'm not going to go stake out the place at night, I did drive by twice....

Tim Hambidge interrupted what did you miss when you drove by may I ask.

President Valiant asked what did I miss.

Tim Hambidge said yeah.

President Valiant said people living in it...

Tim Hambidge interrupted ok now, were you expecting to see laundry hanging out the window, you say the windows open.

President Valiant said I saw, ok so before we start arguing this...

Amanda Mosiman said easy.

President Valiant continued I saw a camper plugged up sitting there level in a driveway, sir I have owned a camper for 10 years you could drive by my house and see the same thing, nobody is living in it.

Tim Hambidge asked you see the slides out.

President Valiant said yep.

Amanda Mosiman said my slides are out when mine is parked at home.

Tim Hambidge asked did you see it, did you see the electric turned on.

Amanda Mosiman said mines turned on 24/7.

President Valiant said I saw the wire going to the garage.

Tim Hambidge asked did you see the windows open.

President Valiant said yeah.

Amanda Mosiman said yeah.

Tim Hambidge asked have you seen. He continued and this has all been going on since I've filed my complaint in November. He said you guys are dodging your responsibility here.

President Valiant said I would not, and I disagree with that, because we did go look. He continued it's just hard to go look at this picture and say that somebody is living in that camper.

Tim Hambidge interrupted then let me ask a question of your investigator, Molly did you knock on the door there.

Mrs. Barnhill replied no.

Amanda Mosiman said she can't, that's not in her legal abilities to do....

Tim Hambidge interrupted how is it in my legal authority to do that.

Amanda Mosiman replied it's not, that's the problem our hands are tied with what we can prove....

Tim Hambidge said they are not tied, they are not tied.

Amanda Mosiman said Morrie.

Tim Hambidge said and it's interesting.

Attorney Doll said well it would be circumstantial evidence if the windows are open and the slides are out and the electricity is plugged in, maybe somebody is living there but maybe not. He said my understanding from the prior questions of the Board is those of you that have campers, I don't, but those of you that have campers that's how you keep your camper. He continued you level it, put it on the jacks, you plug it up, you open a window or two and you pull the slides out.

President Valiant said I mean we got a picture here where the slide is out about a foot, here is a picture where the slide is out all the way, I mean that does not say oh well someone is living in that. He continued here is a picture where the slide isn't even out.

Tim Hambidge said let me ask a question... Morrie why is this not a question that should be taken up before court, a fact finding.

Attorney Doll said well we don't... We file complaints, but we like to dot our I's and cross our t's Tim.....

Tim Hambidge interrupted but that's why we have a court.

Attorney Doll said you don't ever file a case and try to prove your case. He said develop your evidence after you file your case, you like to have...you know if you could tell the Board, hey I live in the neighborhood and in the course of living in the neighborhood I have seen people coming and going from this camper...

Tim Hambidge said true.

Attorney Doll said late at night.

Tim Hambidge said I've got neighbors next door that saw them coming in and out....

Attorney Doll said that's hear say.

Tim Hambidge said well but then wait a minute hear say in a court of law, we are not in a court of law Morrie.

Attorney Doll said no we are not, but ultimately the complaint could be in a court of law if we seek to enforce it.

Tim Hambidge said and we bring the neighbor in to prove the case, again this is set for fact finding which is a trial Morrie. He said you and I both know that.

Attorney Doll said that's right and....

Amanda Mosiman said this Board does not do...that's not what we are here for, we are not here to do that fact finding mission....

Tim Hambidge interrupted I understand that, I understand that...

Amanda Mosiman said we are not going to put that to the court.

Tim Hambidge said but at that point we got to go to a court and have a fact finding and you guys are dodging the bullet and say oh we are not going to court we are not going to see cause I don't know we might lose.

Amanda Mosiman said its tax payer's money we have to be very sensible.

Tim Hambidge said and its tax...well let's look at...has anybody looked at your purposes of what this panel is supposed to do, this Commission. He continued purpose of promoting public health, safety, morals, convenience, comfort, amenities, prosperity, economic development, general welfare, stabilize and enhance property values. He said I got these people living two doors down from me, they are river camp refugees and you guys are afraid to take them on apparently at which point I guess what I will do Morrie is I will file a writ of mandamus against

your Board and each one of your individual members and I will get a court order ordering you to do it.

Doris Horn said I'm going to tell you something I am not afraid of you for one thing....

Tim Hambidge interrupted I'm not saying you're afraid of me ma'am.

Doris Horn said the thing of it is, the thing of it is in our town at Lynnville we have had people come in with these same complaints but they have pictures where they have had a sewer pipe running out on the ground, we have had them with a water hose hooked to the camper, this shows nothing more than what I did with my son when he was little and we hooked the camper up and opened it up...

Tim Hambidge interrupted then well, well, I guess we will, we'll just agree to disagree, but you know you are not afraid of me but apparently you're afraid of my neighbor.

Mrs. Barnhill said no, that's...

Amanda Mosiman said we just can't prove.

President Valiant said how are we afraid sir, I went out there multiple times, Molly has been there multiple times.....but we are not the police.

Tim Hambidge interrupted and Molly, Molly admitted to me that they are living in it.

President Valiant said we are not the police, we are not going to the door, we send them a letter...

Tim Hambidge interrupted let's ask Molly.

Mrs. Barnhill said no, I have never said anything about anybody living there....

Tim Hambidge interrupted you said it's apparent to me they are living in it, that's about a quote there Molly is it not.

Mrs. Barnhill said it's not, no. She continued please don't put words in my mouth, I did not say that.

President Valiant said so here is what we are going to do, so now we are hearing that you have seen lights on at night, none of that was, nobody said anything about that, it wasn't in your original complaint.

Tim Hambidge asked what do you need that they are living there.

Amanda Mosiman said send us pictures, send us your pictures, send us your proof.

Tim Hambidge asked you want me to go out and do your job.

Amanda Mosiman said Molly can only do that during hours, that's literally her job, to only do that during hours, we are not going to ask her to go out and do that.... you can include those with your complaint.

Tim Hambidge said no you're going to ask me to go out and do your job.

Amanda Mosiman said it's your complaint.

Tim Hambidge said now wait a minute you guys are the Board, I didn't volunteer to be on Area Planning Commission.

President Valiant said so we have done our job....

Amanda Mosiman said yeah we have done our job.

President Valiant said we have all went out and looked and in my opinion nobody is living in this camper.....

Tim Hambidge said oh jeez, yeah cause your.....

President Valiant said if that's how we are wanting to handle this, I'm not staking out the joint all night long with a cup of coffee to watch what they are doing.

Tim Hambidge said oh but you want me to.

Attorney Doll said Tim...

President Valiant said all that I'm asking is for a little proof.

Tim Hambidge said Morrie.....I've told you that the neighbors have seeing them living in.

President Valiant asked where's the neighbors.

Tim Hambidge said I guess set up a game camera...you guys are beyond...

Amanda Mosiman said that is fine, do it.

Attorney Doll said this is rule 6 in the Warrick County Rules of Procedure and it says "by filling a complaint the complaining party agrees to cooperate and assist Warrick County in all investigations and in any pursuit in enforcement action taken upon any complaint filed including but not limited to attending and testifying at all public hearings or court hearings resulting from the filing of any complaint and the failure of the complaining party to so cooperate or assist may be grounds for the administrative dismissal of the complaint." He continued so you don't just file the complaint and walk away from it, you're the person who knows what you're complaining

about and you're the person...Let me finish Tim...you're the person who has brought this to the Board and our rules say...

Tim Hambidge said you are trying to intimidate me ma'am.

Attorney Doll said you are going to cooperate and assist us in this investigation, if you don't want to do that you can withdraw it or the Board can deny it. He said we deal with these all the time...

Tim Hambidge said I understand

Attorney Doll said and just this week we dealt with the carnival equipment again and that is a similar case where a neighbor has complained that their neighbor, in fact I think its next to a church if I'm not mistaken.

Amanda Mosiman said it is.

President Valiant said it is

Mrs. Barnhill said it is.

Attorney Doll said is parking commercial carnival equipment, when it is not scattered about the counties of Indiana for the county fair season, and it's not proper it's an agricultural zoning, it's not proper to store that type of equipment. He continued now these folks have taken pictures and they have come in and assisted us and I think they have even provided some addresses because people don't live there that own the property and so they have been following rule 6, so if you want to file a writ of mandates, Tim you're a lawyer, file the writ of mandates. He said we will go over and talk to Judge Grainger or whoever about the process, but I have just handed you my defense in that the county rules say cooperate and assist.

Tim Hambidge said let me ask you this, the land owner has not shown up, I have filed...we have had people have babies in less time than it takes you guys to come to a decision on this...I have filed...No let me, you talked Morrie it's my turn...that I have filed it in November she has been out there twice that you know what do you guys want that..... you want me to investigate to do your job.

Attorney Doll said we want you to tell the Board what evidence you have seen with your own eyes....

Tim Hambidge said I've seen lights on in the night, I've seen lights on in the night, I see people coming and going in there. He said what more do you need.

Attorney Doll said well you didn't tell us that Tim.

Tim Hambidge said ok fine.

President Valiant said this is the complaint as written...

Attorney Doll said we not clairvoyant.

President Valiant said for the last number of months the land owner has extended family residing in the RV parked on driveway. He said that is all we got.

Tim Hambidge said well what more do you want.

President Valiant said and if you let me finish we took our pictures we see a camper plugged up, slides in sometimes, slides out other times, windows were open they were airing it out. He said I have a camper, she has a camper, we all do the same thing. He said nobody is living in ours, that is why we requested your presence here, we need a little more info....what are you seeing at night, are you seeing people sitting in there eating dinner, whatever that's the reason we requested your presence...

Tim Hambidge interrupted I'm seeing lights on, I apologize...

President Valiant said I understand that you didn't want to come but I appreciate your presence.

Tim Hambidge said I see the lights on in the RV...

President Valiant said that's great.

Tim Hambidge continued I see people coming and going in the RV.

President Valiant said perfect.

Tim Hambidge said now are they living there, hell I don't know, but it sure looks like it to me.

President Valiant said absolutely, I agree with that.

Doris Horn said as hot as it has been, do they have the electrical ports stuck out there with the air conditioner going at all times.

Tim Hambidge said they've got the electric cords plugged in, I can't go on property that's not my authority.

Amanda Mosiman said you could hear that air conditioner from the street I guarantee it.

President Valiant said well we could argue about that stuff, but this is what we were looking for...do you see people in there at night because we are going by in the day time. He continues she has to go by on her work time she doesn't work in the evening.

Tim Hambidge said people are living there.

President Valiant said alright this is what, this why we requested your presence to get further in discussion.

Amanda Mosiman said does the camper move in and out on the weekends at all.

Tim Hambidge said has not moved in a year.

President Valiant said see this is what we are looking for Mr. Hambidge.

Tim Hambidge said now in regards to the slides coming in and out I don't own a camper but it would seem kind of strange to me that well sometimes I have the slide $\frac{3}{4}$ of the way in other times I have it $\frac{3}{4}$ of the way out I don't understand that other than somebody is in that camper.

President Valiant said the pictures that I have seen it looks like maybe when they have the driveway full they are sliding it in maybe with other cars, again we don't...we are going by what the complaint is saying, again that is why we wanted you here we are not trying to inconvenience you or dodge our jobs we have all went out there and looked, but we can't just assume because it is plugged in and a window is open that someone is living in it, that is why we needed more information from the people that live there.

Doris Horn said my other question for is if this is been going on since November, December ok so when we had the ice storms and stuff were the slides out.

Tim Hambidge said I don't remember having any ice storms last year ma'am.

Doris Horn said well ok when it was cold.

Tim Hambidge said slides were out.

Doris Horn said ok.

President Valiant said as far as the letter that was sent, all we can tell is that was not picked up correct.

Mrs. Barnhill said correct.

Tim Hambidge said they are dodging it guys.

President Valiant said and again we, it may come to be true but again this is what we are trying to put evidence together before we jump down somebody's throat for something they may not be doing, but again having you here with...you've given us a whole page of information, more than the two lines that were on the complaint.

Attorney Doll asked Molly the zoning for this property is it an "R-1".

Tim Hambidge replied yep.

Mrs. Barnhill said yeah it's residential.

Attorney Doll said and having a camper inhabited..."R-1" is a single family residence.

President Valiant said right.

Attorney Doll said so they can only have one residence on there now we have an R...

Amanda Mosiman said Jeff said it's an "R-1A".

Jeff Willis said on the paper it says "R-1A".

Amanda Mosiman said "R-1A" on the paper.

Richard Reid said it's the same thing....

Attorney Doll said "R-MH" which is the mobile home zoning.

Mrs. Barnhill said yes.

Attorney Doll said and the mobile home zoning is where you are supposed to have manufactured housing, mobile homes, and our ordinance actually our statute in Indiana defines a mobile home by siding title 42 of the United States Code, title 42 of United State Code says any home on a ridged frame manufactured in accordance with the parameters of, my words, of title 42 section whatever...

Tim Hambidge said I think if you look at section 48 of your ordinance you will see it right there Morrie, would you like a copy of it.

Attorney Doll said I've got a copy of it thanks Tim. He said it's also in the state statues it defines a mobile home as any residence 8 or more feet in width and 40 or more feet in length, now I don't know what the size of this travel trailer is...the only thing excluded is a self-propelled. He continued so an RV wouldn't be, under the state statute defined by the federal statute a mobile home this could even be a mobile home maybe. He said 300 plus square feet is the definition under the federal code of a mobile home, so for all of that, I mean we don't allow these to be occupied as a residence in an "R-1" district and we require these...if they are occupied as a residence to be in an "R-MH" district in Warrick County, so if they are living in it...if they are going to live in it. He continued we have the burden of proof if we file a complaint we have to prove the violation, we have to prove somebody is living in it, and with an eye witness that is difficult.

Tim Hambidge said I will have you your eye witnesses.

Attorney Doll said well it would be nice to have them now.

Tim Hambidge said well I got ahold of them and weren't able to show Morrie. He continued the door going into that is on the far side from my house, my house is two doors up.

Richard Reid asked do you want to continue this until next time.

President Valiant said I would like to discuss a little first, I mean obviously sending another letter isn't going to do anything, they didn't pick up the first one....

Tim Hambidge said I don't know why we can't have the Sherriff go out and put the letter there Morrie.

Attorney Doll said it's not in our code Tim.

President Valiant said it's not something we do. He asked thoughts from Board.

Amanda Mosiman said until we have more evidence so we can prove that they are living in it I can't act on it, I don't think we can act on it.

Richard Reid said true.

Amanda Mosiman said it's obviously they are going in and out, it's obviously that they hadn't moved, I...you know to him they haven't moved. She said I just can't prove that they are living in it, it almost seems like they might be using it for an office space or they are working from home out there or taking zoom meetings would be more...

President Valiant said well they haven't file for a home occupancy then.

Amanda Mosiman said which I don't necessarily agree with but.

President Valiant said right.

Amanda Mosiman said I can't prove what they are doing in it.

President Valiant asked so Morrie if we go down the road of following this up as a formal complaint and we come back and they are not living in it but yet we have done this...

Attorney Doll said well Judge...we would file the complaint draw the Magistrate, Magistrate would have us put on our case, we would have Molly called as witness testify as to the zoning district that the property is in, and the Judge is going to expect us to offer evidence that it is being used a second residence, okay, if we can't prove that we will not prove the complaint.

President Valiant said right.

Attorney Doll said we have to be able to prove its being used as a second residence on a lot that only permits single family residence, now you know I'll do it if the Board tells me to, but that's what's going to happen.

Jeff Willis said I don't think we have the evidence that they are.

Amanda Mosiman said absolutely.

Richard Reid said I think we need more evidence.

Tim Hambidge said what exactly would you all like, cause I will bring a party for you next month, what do you want.

Attorney Doll said he is the President.

Tim Hambidge said okay, what do you want.

President Valiant said like I said you are coming tonight and giving us so much more information then we already had...

Tim Hambidge interrupted what do you want next month.

President Valiant said I mean would the Board...I need to see somebody in there at night you know sleeping...not sleeping but like lights on like people are using it at night...

Tim Hambidge said like game cameras.

President Valiant said I wouldn't say game cameras, but...

Amanda Mosiman asked why not.

President Valiant said I don't think...

Amanda Mosiman said if that's more pictures can he legally, can he legally put that up.

President Valiant said yeah but every time somebody drives by the street he is going to get a, he's going to get 57 car pictures...

Richard Reid said he could put it by the neighbor's house.

Amanda Mosiman said okay within reason.

President Valiant asked do you see what I'm saying, you come by the lights are on people are in there sitting down having you know, snap a picture. He said I mean I will make an attempt to go out there at dark to do that I have been out there twice in the last three weeks to kind of follow up on it and again I just see a camper plugged up with a slide sometimes out sometimes in that's.....

Attorney Doll asked have you seen any lights on.

President Valiant said no, but I have been by there in the day time because that is usually when I'm up in the Newburgh area.

Mrs. Barnhill asked if you are going to live in a camper would you have water hooked up.

Amanda Mosiman said yeah.

President Valiant said you would think.

Amanda Mosiman said they could be using the bathroom in the house, but...

President Valiant said that's where I just see power hooked up and no sewage running, there's no you know...

Amanda Mosiman said to Doris's point they would have suffocated this last two weeks without AC running.

Jeff Willis said I remember when my....

Amanda Mosiman asked do you have a video during the day. She Said if your home and there is AC running, I would take as evidence that they are in it.

President Valiant said and again I understand that you think this Board should be doing all that work, but your right there; you're living there, you are what did you say two houses away, the neighbors that were also not part of the complaint but you said other neighbors have witnessed this, if they've got pictures of people in there at night or whatever, please....

Tim Hambidge said we'll see you next month guys.

President Valiant asked so are we making a motion to table this to gather more evidence.

Amanda Mosiman made a motion to table Comp-21-07 until the August meeting. Richard Reid seconded and the motion carried unanimously.

Tim Hambidge asked when is your next meeting Molly.

Mrs. Barnhill said August 8th.

Tim Hambidge said thank you, I appreciate your time.

President Valiant said we appreciate yours.

Richard Reid said bring back some neighbors too and let them testify.

Tim Hambidge said yep.

Richard Reid said thanks.

Tim Hambidge said you don't intimidate me either.

Amanda Mosiman said hey.

Tim Hambidge said she started this.

Richard Reid said no she didn't.

Amanda Mosiman said I'm going to finish it.

Doris Horn said I didn't even look at him, what did he do.

Amanda Mosiman said he just had to have the last word.

Richard Reid said you don't intimidate me either.

Doris Horn said oh, I only had one hearing aid in.

Amanda Mosiman said he bowed to you, he did he bowed to you.

COMP-21-09: Formal Complaint: Owner: Frances Maurer; 6011 Magnolia Drive. *Continued from June 13, 2022.*

Mrs. Barnhill said I checked the website and the address has been removed from the website.

President Valiant said okay.

Attorney Doll said this was the lawn service.

President Valiant said yeah, the guy living in his moms' old house and yeah...

Mrs. Barnhill said and I printed that page if you guys want to see it, it is at the bottom.

President Valiant said so motion to dismiss it or...

Attorney Doll said make it in non-violation.

Amanda Mosiman made a motion that COMP-21-09 is in compliance. Richard Reid seconded the motion and it carried unanimously.

BUDGET

Attorney Doll asked okay Molly this is your budget.

Mrs. Barnhill said yes.

Attorney Doll said okay, Richard we are in budget week.

Richard Reid said I know nothing.

Amanda Mosiman said refill your coffee sir.

Richard Reid said that is right.

Mrs. Barnhill said so on the budget, everything is the same except I did put in for 5% raises for all employees in the office.

Richard Reid said inflation.

Amanda Mosiman asked how much.

Mrs. Barnhill said 5%.

Amanda Mosiman asked did County Council come down and say that was the percentage.

Richard Reid said we don't say anything yet.

Amanda Mosiman said oh, I am out of the office I have been out of the loop, I don't know anything.

Mrs. Barnhill said that is general consensus on our floor is that everyone is doing 5%.

Amanda Mosiman said cool, I ask because everyone kind of knows... whispering (inaudible)

Mrs. Barnhill said right, no guarantees but.

President Valiant asked so everyone is asking for 5% then or everybody is thinking they will get 5%.

Mrs. Barnhill said we are asking.

President Valiant asked why don't you ask for 10%... I am just kidding.

Mrs. Barnhill said well we usually ask for 3% but I figured with inflation and everything else 5% wouldn't be out of the range.

President Valiant said right, I think it is a valid request.

Amanda Mosiman asked so is that the only change you made.

Attorney Doll said so are you asking the Board to endorse your budget.

Mrs. Barnhill said yes, please.

Amanda Mosiman said yeah I think we normally approve it, yeah.

President Valiant asked so that is it right.

Mrs. Barnhill said right.

President Valiant said well you know if you get anymore we could set up a night shift compliance officer.

The Board laughed.

Amanda Mosiman said man that would have been the perfect job for my dad.

President Valiant said I will entertain a motion.

Amanda Mosiman made a motion to approve the budget as presented. Doris Horn seconded and it carried unanimously, with one abstention being Richard Reid.

Amanda Mosiman said good call.

Comprehensive Plan

Mrs. Barnhill said my last item is the Comprehensive Plan, I wanted to bring this up.

Amanda Mosiman said so moved.

The Board laughed.

Mrs. Barnhill said the last time it was completely done was in 1993 and we still use it, I know it is not the best piece of information to have but I think we can get, I have been talking to Debbie Bennett-Stearsman and she thinks we can get the ARPA funds to fund it and get it going.

Attorney Doll said very expensive.

Amanda Mosiman said it is very necessary, we are not the same county we were in 1993.

President Valiant said exactly.

Mrs. Barnhill said \$100,000 to \$125,000.

Doris Horn said cheaper than I thought it would be.

Attorney Doll said \$125,000 for the study.

Mrs. Barnhill said I called the firm who did the original plan, Bernard-Lockmueler.

Richard Reid said yeah.

Mrs. Barnhill said that is the quote they gave me, they are going to send me an itemized quote to me today.

Attorney Doll said State Statute says each county has to have one and state statute says each county shall revise and update their master plan every five years. He said we are woefully deficient in our compliance with State Statute and that was because in my recollection with Sherri, that was because we couldn't find the funds.

Richard Reid added it has been a while

Mrs. Barnhill said yes.

Attorney Doll said this may be a way to find the money and commission it. He said please don't just turn the experts loose we have to have a Board, Committee...

Mrs. Barnhill said Steer Committee.

Attorney Doll said because otherwise we won't recognize it and it won't look like the county we all live in and love in any way shape or form. He said and there are two townships that have their own master plan. He said yep in the Elberfeld area.

Amanda Mosiman said Jeff, what the heck you doing up there man.

Attorney Doll said and I have no idea why, I think it was because in one point in time there was going to be a big development up there and...

President Valiant said we endured some grant funding as well.

Attorney Doll said so we would need a motion to authorize Molly to investigate proposals.

Mrs. Barnhill said yes, to see if I can get the grant, or the money.

Attorney Doll said if she can get the money first and then get the proposal from a licensed consulting firm to do the study.

Amanda Mosiman said Purdue Extension has resources through our community development to help as we start to take public input and we need facilitators for those types of meetings and just

how to run those meetings, there are just some resources we can pull from extension so I would love to be able to devote some of my time to this.

President Valiant said as would I.

Amanda Mosiman said and I am rewriting my time in August so the timing is perfect for me to be able to devote sometime.

Attorney Doll asked when do you think it would start if we were awarded a grant.

Mrs. Barnhill said well David Goffenett with Lockmueler is who I have been talking to and he was going to have me his proposal and pricing and the list of the people to include on the Steer Committee...

Attorney Doll said and you need that price to apply for the grant money.

Mrs. Barnhill said yes that is part of the application.

Attorney Doll said so it is like carting a horse but you have to the price hey this is what it is going to cost that is why we need this much money.

President Valiant said right.

Mrs. Barnhill said and he was kind of guessing \$100,000 to \$125,000.

Attorney Doll said well it was less than...

Mrs. Barnhill said yeah, less than I thought.

Jeff Willis asked is that just for the study or is that for the study and writing the plan.

Mrs. Barnhill said that is for everything.

Amanda Mosiman said good.

Richard Reid said that is a local engineering firm too.

Attorney Doll asked Jeff, have you seen the county master plan.

Jeff Willis said yes.

Attorney Doll said okay. He said it deals with roads and....

Presidnet Valiant said everything.

Amanda Mosiman said it deals with roads that aren't there.

Attorney Doll said for example, one thing we need to address very badly in Warrick County is drainage. He said it is a real problem and it is extremely costly and we have to figure out a way, I mean, we have a Drainage Board, and everything you all hear go there first and just like you hear complaints after the fact about land use issues, oh my god...

Amanda Mosiman said we actually just developed a program and launched it in two different counties, one in Illinois towards St. Louis and one in another region. She said we are calling it Green Infrastructure but we were calling it Community Resilience and Green Infrastructure and we assist with planning for drainage mainly and how, you know, counties can incorporate some of those new plans into their existing plans.

Attorney Doll said well take Libbert Road.

Amanda Mosiman said yeah.

Attorney Doll said and 66, that area floods badly and there are wonderful, beautiful homes in that neighborhood and they sit in water and they sit in water until that intersection, 66 and Libbert, drains. He said so the under road piping takes the water out of these neighborhoods and travels down the roads and what we have happening is the water is coming down Bell, turning and going around Walmart to Libbert, and then going north....

Richard Reid said 28 miles into Pigeon Creek.

Attorney Doll said into Pigeon Creek, that is just stupid. He said that just does not work.

Amanda Mosiman said well you just said the two dirtiest words in drainage in Warrick County, which is Pigeon Creek. She added you know it has been such a problem in the three counties that it has been elevated to State Legislative issues and study committees even so... what do you need from us tonight.

Attorney Doll said authorization for Molly to investigate getting the grant and submitting it.

Mrs. Barnhill said and I will have a price by the end of the week and I would like to maybe have the money by the 25th or at least get it approved.

Amanda Mosiman said I am a whole-hearted yes.

Doris Horn made a motion for authorization in receiving the grant for the Comprehensive Plan. Richard Reid seconded the motion and it carried unanimously.

President Valiant said alright, let me know if you need help on that.

Mrs. Barnhill said okay, thanks.

ATTORNEY BUSINESS:

Attorney Doll said well everyone knows we sued Nellie's.

Amanda Mosiman said oh, has that went to court yet.

Attorney Doll said no, but it is filed so I am not eating there. He said the land owner called me tonight and he said you know I have a tenant that runs the restaurant there, I do not own the restaurant, I lease it and I said okay. He said the tenant said he had the permits and I said well a.) he is a liar, he does not have the permits and b.) it does not matter, it is your property. He said it is out of compliance with the zoning code and so that is your fault. He said I recommend you hire council and come talk to us but the position is tear it down and pay the fees. He said we have also filed a civil complaint for contempt on the carnival equipment. He added it is back, Molly went out and took pictures.

President Valiant said well tis the season.

Amanda Mosiman said except it is high time season so that tells me it is secondary carnival because they do not have a contract for the good one, its...

President Valiant asked didn't he say he repaired it though.

Doris Horn said yeah.

Amanda Mosiman said he repairs them, yes.

President Valiant said he is bringing the old stuff in and working on it I guess.

Amanda Mosiman said speaking of, I fully expect to have you all on some of this equipment next week, please come join us at the Warrick County Fair next week.

Attorney Doll said oh, right it is this coming week.

Amanda Mosiman said don't worry, we're not using this equipment. She said we have new but it is July 18th thru the 23rd and I think it is going to be a....

Richard Reid interjected hot time.

Amanda Mosiman said but not terrible.

President Valiant asked do you have somewhere to stay cool though.

Amanda Mosiman said well they have actually got me a camper, the lactation station, so I will just be able to snuggle up in there when I need to take a break right.

Doris Horn said we have had worse weather.

Attorney Doll asked excuse me.

Doris Horn said we have had worse weather.

Attorney Doll said oh I thought you said bad horse weather.

Doris Horn said no.

The Board laughed.

EXECUTIVE DIRECTOR BUSINESS:

Rick Reid made a motion to adjourn at 7:04 p.m. Doris Horn seconded the motion and it carried unanimously.

ATTEST:

Molly Barnhill, Executive Director

Jeff Valiant, President