

MINUTES

WARRICK COUNTY AREA PLAN COMMISSION
Regular meeting to be held in Commissioners Meeting Room,
Third Floor, Historic Court House,
Boonville, IN
Monday, June 13, 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 May 9, 2022. Doris Horn made a motion to approve the minutes as distributed, Jeff Willis seconded the motion and it carried unanimously with two abstentions being Amanda Mosiman and Bryan Flowers.

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

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

President Valiant said it looks like we have 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.

REZONING:

PC-R-22-07: PETITIONER: DF Development, LLC by Brandon Denton, Member OWNER: Julia L. Euler and Patricia J. Martino, Co-Trustees. To rezone 7.112 acres located on the north side of Warrick Trail approximately 1775' feet west of the intersection formed by Warrick Trail and Libbert Road from "A" Agricultural Zoning District to "C-4" General Commercial Zoning District with a Use & Development Commitment. Ohio Township 21-6-9. *Advertised in the Standard June 2, 2022.*

Jeremy Elrod, Project Engineer at MORLEY & Ass., and Clayton Pace, President at Denton Floyd, were present.

President Valiant called for a staff report.

Mrs. Barnhill said they sent out notices to the adjacent property owner's and we received all the green cards except for one, from a Health South Deaconess, LLC but we do have the white pay receipts and they were mailed correctly. She said the lot size is 7.112 acres and the comprehensive plan projects the area to be commercial. She said the existing zoning and land use is vacant being an agricultural field. She said for the surrounding zoning and land use is to the north, east, and

west are “A” Agricultural being fields and to the south is “C-4” being Deaconess Health South. She added there is AE and floodway on this property and there is a legal drain around the north. She said the access will be onto Warrick Trail which is a county maintained roadway. She said the stated use is an Assisted Living Facility which would be in compliance. She said they have also filed with the rezoning a Use & Development Commitment which allows for all uses in C-4; excluding SU-17 the Adult Businesses so everything would be in order.

President Valiant said thank you Molly. He asked gentleman, anything to add.

Jeremy Elrod said hi everyone, I am with MORLEY, Project Engineer, and I am happy to be here tonight to talk about a new project coming to Warrick County. He said I passed around a few exhibits and then the thicker stack is a statement of qualifications as part of the development team and Clayton will speak to that a little more. He said I only had 7 so I think only Board members got it so Molly and Morrie no... take no disrespect to that. He said so, um, to the other packet, it was a few small exhibits. He said the first one is kind of where in the world we are in Warrick County. He said of course we are along the Wellness Trail and there is a red box kind of on the right hand side of that exhibit. He added this will be due north of the rehabilitation center that recently finished. He said that corner... we are probably all familiar with this as the Meijer ground and of course we have Libbert Road to the east. He said of course this is part of that medical district. He said another exhibit I included was kind of this prettier exhibit. He said it is front and back page and I actually pulled this off of Economic Developments website and this was actually an article in Evansville Living magazine in geez, in 2019, wow that seems like yesterday. He said but um, this was a highlight they did on the Wellness Trail and I actually thought it was pretty cool to include this because I helped make that map at the bottom so... He added so you can see where #10 is on that map we are due north of that and then on the narrative side, there is a paragraph in there and the heading is, “What will you find on the Warrick Wellness Trail?” and obviously it is talking about what the county is trying to attract, trying to obtain in Warrick County. He said I am not going to read through all of these but it talks about how the trail is for the full spectrum on health care services, including ya-da-ya-da-ya-da and senior living is in there. He added and so that is exactly what this rezoning is for, we are going “A” to the “C-4” with plus or minus 7 acres with a Use and Development Commitment, as Molly stated, um, this use will be for an assisted living facility and the rendering, I also passed out with this exhibit, is just kind of a rendering of what that will feel and be like. He said you know, high class, quality materials... you know the developer here, Denton Floyd, they have a history here and I think Clayton will talk about that a little more and some of their qualifications. He said so that is those exhibits and with that I do need to just introduce Clayton Pace, he is the President of the development for Denton Floyd and let him do a little talking and then of course we will answer any questions the Board may have then.

Clayton Pace said thanks Jeremy, thank you all for allowing us to be here this evening. He said I wanted to give you all a little background about Denton Floyd. He said we are very excited about this project and to be a part of Warrick County. He said we at Denton Floyd, that is what our moto is, building better communities. He said we want to come in and we want to be a part of your community, we want to be your neighbor and we take it very personally. He said as you can see we have a really nice product. He said we do consider this one a Class A Assisted Living. He said it is all cement board, or creek stone. He said we do have porches on the plan as well, we have really taken to into consideration who is going to be there because we know your families and our

families are going to be there, so we want to make sure there is going to be a lot of amenities on the inside which we do. He said on the inside we have... well of course there is a chapel, then we have a nice cafeteria, kitchen, a lot of amenity areas for them to socialize, a library, so we take it that if we were going to be there this is where we would want to live. He added we have walking trails that go around it, uh, it is a nice, scenic area and we just want to make sure that we are a part of your all communities. He said and for our qualifications, one thing that Denton Floyd does is, which we think is unique to us, is we do every step of the way from finding the ground until operating it. He said so we find the ground, we do the diligence, which is what we are doing right now, we then go and engineer it, we design it, we construct it, and then we operate it as the final entity. He added we don't flip these, we continue to have them in our portfolio and we really enjoy having that as part of our model. He said in the back in the package you have by qualification is the entities called Vitality Services. He said you will see what makes up that as part of the operating entity, I know you all were interested in seeing that but this will be our 4th facility that we have, this is 131 units and we just now are finishing this place in Jeffersonville, Indiana so we are very proud of that and then uh, like I said, we are just really really looking forward to being part of the Warrick County community, being in here. He said again, Denton Floyd we are a developer out of Jeffersonville, Indiana which is obviously out of the southern part of the state. He said we do multi-family, assisted living, and industrial. He said so we do all those facets so we feel that we are very rounded, we are very solid and we look forward to this project. He said now I don't want to hold you all up, I know you all may have some more technical questions about the operations, please let us know and we will be happy to answer those. He said thank you all for your time. He said Jeramy...

Jeramy Elrod said that is all I have, I do not have anymore.

President Valiant asked is the owner here.

Jeramy Elrod said yeah, we have a representative for the owner. He asked does she need to sign.

President Valiant said yeah, please.

Elizabeth Hennessey, Legal Representative for the Trustee, was present.

Elizabeth Hennessey stated I am the Legal Representative for the Trustee.

President Valiant said okay, if you don't mind signing in so we have on record that you were here.

Elizabeth Hennessey said sure.

President Valiant asked any other questions from the Board at this time.

Elizabeth Hennessey said I do not.

The Board laughs.

Elizabeth Hennessey said oh, I am sorry.

President Valiant said you are fine...

Elizabeth Hennessey said I am like half paying attention as I am writing.

President Valiant said you are fine, you are fine ma'am. He asked again any questions from the Board at this time.

Elizabeth Hennessey said oh, I thought he said for the Board.

Amanda Mosiman asked did you say a timeline on approximate building project.

Jeremy Elrod returned to the podium.

Jeremy Elrod said um, Clayton I don't know if you could speak to that more. He said I mean, we are actively in that process. He said you know, laying out development plans that kind of stuff. He said obviously rezoning is part of that. He asked Clayton, any ideas as to when you are looking to break ground or build.

Clayton Pace returned to the podium.

Clayton Pace said we will break ground as soon as we get the building permits, we will already have our project management team on-site. He said it usually takes up to about 2 years to build a facility once we can. He added we are ready to go we already have financing, we already have our debt taken care of and our equity. He said so we are ready to go.

President Valiant said okay, thank you sir. He asked any remonstrations for or against this project please step forward. He said being none, any others questions from the Board if not I will entertain a motion.

Richard Reid made a motion for a positive recommendation for PC-R-22-07 to go to the County Commissioner's. Doris Horn seconded and the motion carried unanimously.

Jeremy Elrod said thank you.

Bob Johnson said good luck to you.

OTHER BUSINESS:

COMP-21-07: Formal Complaint: Owner: Matthew Wilson & Tamara Gentry; 5111 Landview Drive.

Mrs. Barnhill said so this complaint came back in November and we were waiting on the complaint to take some photos, a lot of times they file complaints and they don't have the photos with them or they are on their phone so they email them to us. She said so we ended up sending a letter in January and nothing was ever done, they never picked up their certified mail. She said we ended

up waiting for a while and we went back out and I sent another letter thinking they would pick it up a second time and that did not happen so I went back out one more time making sure this camper was still out there and the complaint says they are living, they have family living in the camper that is parked out in their driveway out front so I took some pictures and there is a camper sitting there and that is all I can tell from the photos. She added I just did not know how to proceed if they are not picking up their mail or what the Board wanted me to do on this one.

President Valiant said not sure what the Board thinks, but looking at these photos before the meeting with Molly the pictures that she has taken most recently that slide out is not even out and if someone were living in it that slide out would at least be out, and stuff like that.

Amanda Mosiman said 9 times out of 10 when mine is parked the slide out is out so I don't know how that is proof either.

President Valiant said well and that is the other thing it is kind of hard to...

Amanda Mosiman said especially if it was raining I would want to let it dry.

President Valiant said yeah.

Mrs. Barnhill said and it was a Mr. Hambidge who filed the complaint and he is out of town today, he could not be here tonight or he would be.

President Valiant said yeah this is always a tough one to try to prove one way or the other, you know.

Richard Reid asked counselor what do you think of that.

Attorney Doll said we have to have proof somebody is occupying it.

The Board said yeah.

Richard Reid said I don't see any electrical going in the thing or the sewer, you know I don't see where anything is hooked up.

Amanda Mosiman said even electrical, I keep mine hooked up all the time.

Richard Reid said uh oh, don't say that in front of the Board now... just kidding.

President Valiant said I mean it looks like...

Amanda Mosiman said it has a mouse living in it. She asked is that against violation.

President Valiant said no, it's...

Amanda Mosiman said not yes, it's gonna be.

President Valiant said yeah, I think we are going to have to see more or see some proof but that is just my opinion.

Bob Johnson asked do you want to table it.

Richard Reid said I motion to table.

Attorney Doll said well if you are going to table it then you need to discuss a way to get the person to investigate.

Bob Johnson said well I thought we could get the person who filed the complaints in here.

Mrs. Barnhill said okay.

President Valiant asked how many letters have you sent now.

Mrs. Barnhill said two, certified with return receipt.

Attorney Doll asked to...

Mrs. Barnhill said to the owner, and we also sent one regular mail.

Attorney Doll asked and it did not come back.

Mrs. Barnhill said no, it was just snail mail.

Attorney Doll asked but it didn't come back.

Mrs. Barnhill said no, it did not come back.

Attorney Doll said the law is that if you send something in First Class US mail postage prepaid with a return address on the envelope and it does not come back, the presumption under the law is it was delivered. He said now they can overcome a presumption and say "hey, we didn't get our mail", we have seen that in the COVID period.

Richard Reid said I guess what we need from the complaint is to have pictures of someone living in there or that power on or... I don't know what else you could do.

Attorney Doll said well maybe lights in the windows at night or something that would indicate it is occupied.

Richard Reid said yeah.

Attorney Doll said Mr. Hambidge, I mean he, I know him... I know him in a casual way. He said he is a trial lawyer with a firm in Evansville and so he knows what the burden of proof is.

President Valiant said yeah, he should know what proof is.

Attorney Doll added he should know what we have to have to prove someone lives there. He said so I think you invite him back to the next meeting, continue to next meeting... table it until next meeting for purposes of the complainant satisfying the Board's evidence of occupancy. He added and then if we don't get it...

Jeff Willis mumbled something.

Attorney Doll said pardon me.

Jeff Willis said I could see somebody staying in there for Thanksgiving or something but this is 6 months later and if there's still someone there that is a long time.

Attorney Doll said yeah, yeah and if he fails to convince you at the next meeting there is somebody living there you can have a proceeding of dismissal.

Richard Reid asked so you need a motion for that.

Attorney Doll said yes.

Richard Reid said I will make a motion of what counselor said.

President Valiant asked a motion and a second on what counselor said.

Richard Reid said yeah, I can't repeat that, it is too good.

Attorney Doll added too long.

President Valiant said so we are tabling it for a month and we are going to ask for more evidence.

Attorney Doll said right, and Molly will reach out to Mr. Hambridge.

Mrs. Barnhill said yes, yes, I will.

Attorney Doll said extend his invitation.

Richard Reid made a motion to table COMP-21-07 until the next month's meeting and ask the complainant for further evidence. Bob Johnson seconded the motion and it carried unanimously.

President Valiant said thank you.

COMP-21-09: Formal Complaint: Owner: Frances Maurer; 6011 Magnolia Drive.

Mrs. Barnhill said this one we met on in April and found them to be, Mr. Maurer to be in violation, and we gave him until June 6th to remove the business, so I went out there June 7th and took some pictures which are in the very back of the packet, and they are filed stamped. She continued, June 7th there was a truck in the driveway, you could still see some sort of truck in the back, and it didn't show up in the pictures but there is a trailer on the back of the truck and some pile of something black, I don't know what it was, behind the trailer and that didn't show up either and that is what I found. She said I didn't see anyone coming or going because I didn't stay there very long.

President Valiant said the Maurers' are here, could you please approach the podium.

Robert Maurer approached the podium.

Robert Maurer said I don't have any of that information that you have.

President Valiant asked these pictures.

Robert Maurer said yea I don't have any of that.

Mrs. Barnhill stated they are of your house from the street.

Robert Maurer said well I should have them too.

Attorney Doll said sure you should, here is mine would you hand that to him.

Robert Maurer asked is that everything, just the one.

President Valiant said that is the most recent ones. He asked if anyone had anything else to add.

Attorney Doll said I need to know if you have moved the business.

Robert Maurer said the stuff that I am using has been moved, yeah.

Attorney Doll asked can you provide us with the address that you have moved to ...

Robert Maurer mumbled something.

Attorney Doll said can you tell the Board an address...

Robert Maurer stated it is just in storage.

Attorney Doll said ok if it is in storage it is in a location, so where is the location.

Robert Maurer said I don't know the address.

Jeff Willis asked is it an actual storage facility.

Robert Maurer replied yes.

Amanda Mosiman asked so there are no employees there during the day.

Robert Maurer responded what.

Amanda Mosiman repeated there are no employees there during the day.

Robert Maurer said we do not work there, we mow grass....

Attorney Doll said well the complaint was that employees arrived in the morning and gathered there, parked their vehicles there and left in your truck, is that occurring anymore.

Robert Maurer said I have a guy that parks in the driveway and then we go to work.

Attorney Doll asked is that his white truck or your white truck or whose white truck.

Robert Maurer replied anything that is parked there is mine that are in these pictures.

Robert Johnson asked is that the truck you drive to work or your work truck and trailer.

Robert Maurer responded yea the one that is on the side. He said all of the equipment that I use is in storage but the truck is at the house because I drive it back and forth to get the stuff.

President Valiant asked so are we driving this truck or are we pulling the one out of the back yard with the trailer.

Robert Maurer said it is in the driveway, that's the one I am currently using, generally speaking the one that you see in the driveway is the one I would use but \$45000 truck and diesel is like \$10 a gallon right now so it is not necessary for me to drive it so I use the daily driver.

President Valiant asked is that what this one is, the one behind the fence.

Robert Maurer responded yes.

President Valiant said do you still have employees coming to the house.

Robert Maurer said I have one guy that comes to my house and is carpooling to work and he parks in the driveway not on the street, so it is not an issue.

President Valiant said counselor what are your thoughts.

Attorney Doll stated well I am just wondering if Mr. Maurer will assure us that he is not advertising this address as 6011 Magnolia Drive as his business address in any advertising.

Robert Maurer stated I don't do any advertising.

Attorney Doll said you had previously we had some pictures of advertising...

Robert Maurer said no, I don't think you do. I don't know what that is, are you talking about the website.

Attorney Doll said yes.

Robert Maurer said I will change the website.

Attorney Doll asked so it still has the Magnolia address on it.

Robert Maurer said if it is on the website then yes it does but like I said that is information that I do not have, that I never got so I have no way of knowing that it needed corrected.

Attorney Doll asked so you don't know what is on your website.

Robert Maurer responded I don't read it, no.

Attorney Doll asked you don't read your own website.

Robert Maurer said not in a long time, there is no reason for me to do so.

Attorney Doll said Mr. Maurer you have to remove...

Robert Maurer interrupted saying it's fine, again that is the information that you have that I don't have...

Attorney Doll said it is your information, we don't have an obligation to provide you with your own stuff, you composed it and you are responsible for it, it is your website. He continued it is ludicrous to sit there and say that we haven't provided....

Robert Maurer said I will change the website if it really lists the address on it.

Attorney Doll said yea this lawn repair and snow removal business.

Robert Maurer said this is the first time that it has come up...

Robert Johnson said we talked about that last time.

President Valiant said yes we talked about that last time because we were trying to verify if that was the work address and that's the 6011 Magnolia that is listed.

Attorney Doll said well you also have an address listed 844 Hoosier Ave in Evansville, do you still operate at that address.

Amanda Mosiman said the current website still has Magnolia Drive.

Robert Maurer said yes, like I said I didn't know that there was an issue.

Attorney Doll said it is the operation of a business in a residential district, that is the issue before the Board.

Robert Maurer said I was unaware uhh...

Attorney Doll said and I don't understand that, you are the owner and creator of your own website, we are all responsible for what is on our websites.

Robert Maurer said I wasn't aware that you guys had an issue with it until just now...

Attorney Doll said we have an issue, well we have a complaint before the Board about you operating a business in a residential zoned district, publishing on your website your home address that is a residential zone location, is the whole issue before the Board.

Robert Maurer said ok well I mean the website I have probably had for 10-12 years...

Attorney Doll interrupted I don't care.

Robert Maurer continued and it has probably not been edited in any way, shape, or form...

Attorney Doll stated don't care, it still indicated that you are operating a business, you are telling the world you are operating a business at this Magnolia address and you can not do that. He said that is the issue, am I clear. He said, I mean the Board can disagree with me.

Robert Maurer said I understand I just didn't know it was worth editing it on a website because I didn't know about it until just now.

Attorney Doll asked when will you take it down.

Robert Maurer replied I can fix it when I go home, like I said it is just a couple minutes.

Attorney Doll said so if Molly's office looks in the morning then it will be fixed.

Robert Maurer said I can do that yea, I don't know if it will update to the internet to where it won't show up in the morning or if it will take a couple days.

President Valiant said so it also shows this Hoosier Drive in Evansville, is that also your address.

Robert Maurer said it's a different address.

President Valiant said I know it is a different address but is that also your business.

Robert Maurer said that is a different address I have used yes.

Attorney Doll asked do you operate at that address, or when did you last operate at the Evansville address.

Robert Maurer said I had to have a street address.

Amanda Mosiman asked do we have any bearing of the Evansville address.

Attorney Doll said no but we are talking about him closing this one, where is he moving it to, where is this business being operated from. He continued but you said you are not operating from the Hoosier address in Evansville.

Robert Maurer said no.

Attorney Doll asked when is the last time you did operate at the Hoosier address.

Robert Maurer said again I just needed an address for google.

Attorney Doll said so it's a falsehood, you have never operated from that Hoosier address in Evansville.

Robert Maurer said for the purpose of putting something on google, I used that street address.

Attorney Doll asked who owns that street address.

Robert Maurer said it is someone I do work for.

Attorney Doll said so a customer, it is a vacant house.

Amanda Mosiman said that is what he means, that is exactly what he means, for google he had to provide an address.

Attorney Doll said but tell me why we should believe him, it goes to credibility.

Amanda Mosiman asked doesn't your business have to be registered with the state to run your business, what address did you use.

Robert Maurer said you don't have to be licensed all I do is mow grass.

Amanda Mosiman said so your address for your taxes is that Magnolia drive.

Robert Maurer responded I use a post office box for all the mailing...

Amanda Mosiman responded then everything needs to be done through that post office box, nothing can be done through that Magnolia address.

Robert Maurer responded ok, like I said I get mail at the post office box.

Amanda Mosiman said so basically the website just needs to be changed to the P.O. Box, and I suggest you change your Evansville one too because that is in violation for their ordinance too. She continued, I think once the website's changed it's done.

President Valiant said alright Mr. Maurer if you could have a seat I would like to call the complainants up here, I want to bring them up to verify what we are hearing this evening.

Gary Gardner said well just to clarify, the vehicle that leaves is the truck that is parked behind the gate that has the trailer attached to it with the lawn equipment on the back, I don't know exactly but it looks like a couple riders, and just in terms of the address, the complaint said that on the internet it said 6011 for one of the businesses and the other had Hoosier address. He continued as he said someone comes up in the drive and leaves his vehicle and they leave together in the truck. He said the thing that concerns me about the whole thing is that we are a few days from nobody paying attention to 5 snow plows because everything being in storage, I'm not sure what he meant when he said storage but I'm assuming by storage he is referring to the pole barn that sits behind the residence at 6011 Magnolia.

Amanda Mosiman said he said he was using the storage on Peachwood Drive.

Gary Gardner continued well I don't know about that...

Opal Gardner said there is more back there than just a lawnmower in the backyard, I don't know what kind of machine it is but it looks like it may be an irrigation type machine that I have seen him pull out there on that too. She continued, there is stuff covered up back there im not sure what it is but the neighbors next door can see through the holes in the fence better than I can, but we just don't want that to be a business place and we don't like that he can drive his truck to and from his business. She said he has this trailer and its long and he pulls in there and backs it up, it is a safety issue in front of our house and off of Ferstel coming into Magnolia, I mean there is not much room there you know cars pulling in and out, and the noise that it makes bothers me I'm not sure if it bothers anyone else or not. She continued I guess I have a question, where was this business before he came there, he didn't come there until the owner left there and she didn't move out, I meant she never has moved out ya know.

President Valiant said well we could debate all night where he was before but our concern is right now on Magnolia Drive, and I will be honest you brought up the safety issue of backing a trailer in, but if he had a camper and went camping every weekend and backed it in you would have the same kind of stuff going on. He continued, I know every time I used to back mine in off of a 2 lane road it was a safety concern, but the business and that's what we are working on to get the business off of this address.

Opal Gardner responded right... I understand that and that is what I want and what other neighbors are concerned about too and I ya know, we let it go for as long as we could without making an issue, I even attempted to call and didn't get an answer back when this started because she lived at the address, she had my phone number and I had her phone number and she just kind of disappeared and he comes in.

Gary Gardner said ok well my concern is that we are a few days from someone not paying attention to 5 snow plows.

President Valiant said and that is always an issue and concern, we have had dozens of these it seems like here lately. He said that is always a concern that once we make our decision and everything is cleaned up 6 months later it comes back and that's where...

Attorney Doll said so you table it and set it for a review hearing in a few months, you either walk the walk or talk the talk, so far we are just Mr. Maurers'....

Robert Johnson said as it stands today, what are your concerns how it stands today. He asked is it the truck behind the fence, the equipment behind the fence.....

Opal Gardner said the pulling out and in with the trailer, and you know someone coming and parking in his driveway which is fine. She said we know what is going on, we live there and we can see across the street and he can't drive 2 lawnmowers and he is keeping equipment there that he uses for his business...

Robert Maurer said no, no, inaudible arguing

President Valiant said we are not going to argue out here. He said we have made improvement and we want to keep the improvement going, and we have a few more steps as you are hearing tonight but like council said we can put it up and review it again in 30-60 days, whatever we decide. He said the way the ordinances read we have to get that issue cleared up, ya know which is in turn going to clear up your issue.

Opal Gardner said so the address will go away.

President Valiant said yes that is what we have been discussing as you have heard, so we will try to.

Attorney Doll said you can always make a complaint again if it comes up...

President Valiant said yea.

Opal Gardner said yes that's something we want to get away from too, thank you all.

President Valiant said you're welcome. He said Mr. Maurer you can come back up. He asked what are the feelings of the Board.

Robert Johnson said based on what I see, I think we should table it for a certain amount of time until we feel like it might change unless we hear something different but he has made substantial improvements.

President Valiant said yea he just has a few steps to go, that is why I want to make sure we are clear and defined this time on what we need to get fixed. He said we know the address on the website needs to be addressed.

Amanda Moisman said that's number one, anything that is in the business name, that address does not need to be affiliated with it at all.

President Valiant said so you mentioned the PO Box and I would assume you are going to change it to that. He asked what is the Board thinking about, I am kinda torn about the truck behind the fence, like I said I kind of look at it like I have a trailer of my own, I mean but I'm not pulling it out every day.

Amanda Mosiman said yea that's someone driving a work truck home every day, that is what he is using as a personal vehicle to get to and from his business and I don't think you can do anything to it.

President Valiant said and he does have someone meeting him there to ride to work, hes parking in the driveway where I know he was parking on the street last time so he has made an improvement there, trying to find some positives and push some positives, so is there anything else that anyone is thinking. He asked Morrie is there anything on your mind.

Attorney Doll said no, I think that is it but any advertisement including websites that displays this address on Magnolia needs to...

Amanda Mosiman said right I am for these steps but once the address is off the website in my opinion he is no longer in violation. She said I don't think we should keep things on our agenda just to check on him in a couple months, I think he fully understands he can't have the drivers there and can't have the snowplows there, you know if it occurs we will have to go through the process again but we will be quicker to act on it since it has been before us before but I don't think this Board should get in the habit of...

President Valiant said policing it...

Amanda Mosiman said yea I don't trust you and I'm going to check on you in a couple months.

President Valiant said no I'm with you because I would think Mr. Maurer understands by now that...

Attorney Doll said we could check...

Amanda Mosiman said historically that's not been anything we have done, once they aren't in violation...

President Valiant said and Amanda is right and I would think Mr. Maurer surely understands now the second he falls back into that old routine that we are going to hear about it sooner than later.

Mrs. Barnhill asked could we do something if we get another complaint, could we just turn it over to Morrie instead of.

President Valiant said absolutely.

Attorney Doll said no.

Amanda Mosiman said we have to see it's in violation and then...

Attorney Doll said you have to give Mr. Maurer his due process.

Mrs. Barnhill said ok thanks.

President Valiant asked is anyone making a motion here, or do we want to table it 30 and get his addresses all square and.

Amanda Mosiman made a motion, Jeff Willis seconded the motion.

President Valiant said so the motion and the second is to get the address square before the next meeting.

Amanda Mosiman said you have 30 days to get those addresses squared away and we will get a report from Molly and if all that is squared away you are no longer in violation.

Robert Maurer said so there is no reason for me to come back here.

Mrs. Barnhill said so our next meeting on the 11th.

Attorney Doll said so before July 11th

Robert Maurer said yea it just takes the internet a couple days for things to update.

President Valiant said well you are getting 30 so you should have plenty, I don't know what website it is but... so there was a motion in there and second, so all in favor of that plan.

Motion carried unanimously.

Attorney Doll asked Mr. Maurer do you have any questions.

Robert Maurer said nope.

President Valiant said thank you sir.

ATTORNEY BUSINESS:

President Valiant said Mr. Doll anything.

Attorney Doll said nope.

EXECUTIVE DIRECTOR BUSINESS:

President Valiant said Molly.

Mrs. Barnhill said Morrie have you heard from Nellie's.

Attorney Doll said no.

President Valiant said that is what I was thinking of.

Mrs. Barnhill said they have until tomorrow right.

Attorney Doll said is it tomorrow or was it today.

Mrs. Barnhill said the 14th, tomorrow.

Attorney Doll said not a word, I expected to hear from counsel or somebody and not a word.

President Valiant asked if they changed it, they looked from a distance like they have changed it or broken it into separate...

Attorney Doll said it doesn't look like it is being used.

Richard Reid said it is too hot out there now.

Attorney Doll said so, so do you want to bring it up tonight or do you want to have Molly put it on the next month meeting, if you bring it up tonight it has to be conditional. He said failing to respond by tomorrow, close of business or something. He asked do you want me to file a complaint for violation tomorrow or do you want Molly to put it on the July agenda, or I don't know how we can ignore it when we have 2 utilities complaining in the case of Newburgh Sewer, they are alleging it is built over the top of their access manhole to the underground sewer.

Amanda Mosiman asked how long did they have to respond.

Attorney Doll replied 30 days.

Amanda Mosiman asked and that's tomorrow.

Mrs. Barnhill said yea and they did receive it, I checked on that, the certified.

President Valiant said well given the fact that you reached out to them last year about this right.

Attorney Doll said well Molly told the builder he had to have a permit and he couldn't qualify for a permit because he was building in a power line right of way and sewer right of way and it is a structure within the definition of our ordinance.

President Valiant said I think given all of that we go ahead and do it tonight and make it conditional for tomorrow.

President Valiant made a motion, Doris Horn seconded the motion.

Motion carried unanimously. Amanda Mosiman abstained saying she wasn't here for the formal discussion.

Attorney Doll said alright I will get on it after tomorrow.

Rick Reid made a motion to adjourn at 6:48 p.m. Dorris Horn seconded the motion and it carried unanimously.

ATTEST:

Molly Barnhill, Executive Director

Jeff Valiant, President