MINUTES

**WARRICK COUNTY AREA PLAN COMMISSION**

Regular meeting to be held in Commissioners Meeting Room,

Third Floor, Historic Court House,

Boonville, IN

Monday, August 14, 2023, 6:00 PM

**PLEDGE OF ALLEGIANCE:** A moment of silence was held followed by the Pledge of Allegiance.

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

Also present were Morrie Doll, Attorney, Molly Barnhill, Executive Director, Katelyn Cron, Assistant Director, and Carlie Render, Staff.

**MINUTES:** To approve the minutes from the meetings held on July 10, 2023.

Doris Horn made a motion to approve the July 10, 2023 minutes. Greg Webb seconded the motion and it carried unanimously.

President Valiant said it looks like we have a couple primary plats and one rezoning on the agenda tonight. The primary plats will seek approval tonight and the rezoning’s will go as a recommendation to the County Commissioner’s for final approval. He said as we go through these if the petitioner and owner would step up to the podium, there should be a sign in sheet for you up there and then we will cover the nature of the case and open up for discussion and questions.

**PRIMARY PLATS:**

**PP-23-10: Cypress Lake Estates No. 2:** PETITIONER/OWNER: Robert Alan & Jana Darlene Ulrey. Approximately 2.34 acres located on the east side of Magnolia Drive. Approximately 1,250’ south from the intersection formed by Ferstel Road and Magnolia Drive. Being Lot 1 in the Corrected Plat of Cypress Lake Estates, Recorded in Plat File 1 Card 460 and being Lot 38 in Cypress Acres No. 3 Sec. A, recorded in Plat File 1 Card 299 in the Office of the Warrick County Recorder, Warrick County, Indiana. Ohio Township 1-7-9.

Bret Semershein, Engineer, Morley & Associates, and Robert Alan Ulrey, Owner, were present.

President Valiant said alright, thank you. He called for a staff report.

Mrs. Barnhill said on the return receipts to the adjacent property owners, we are missing two green cards but we do have all the white pay receipts showing adjacent property owner’s were notified correctly. She said the zoning is “R-2” Multi-Family Zoning District and there is no floodplain. She continued, the proposed development is a 1 Lot subdivision, the owner is proposing to combine Lot 1 in the Corrected Plat of Cypress Lake Estates and Lot 38 in Cypress Acres No. 3 Sec. A in order to build an unattached accessory structure. She said the Commissioner’s approved the request for no street plans today and the Drainage Board approved the request for no drainage plans today. She said Newburgh sewer is existing and Indiana American Water is existing. She added so the plat is in order.

President Valiant asked anything to add to the staff report.

Bret Semershein said no, thank you.

President Valiant asked so they are just wanting to combine them to build a barn. He asked is that correct.

Bret Semershein said yes, correct.

Mrs. Barnhill said right and because it is two different lots in two separate subdivisions this is the way to do it.

President Valiant said okay. He asked any questions of the Board… being none, any remonstrators. He said seeing none, I will bring it back to the Board one more time for any questions and if there are none I will entertain a motion.

Richard Reid made a motion to approve PP-23-10. Doris Horn seconded the motion and it carried unanimously.

Bret Semershein said thank you.

**PP-23-11: Elle Nora Subdivision:** PETITIONER/OWNER: Brett & Christine Woolsey. Approximately 40.08 acres located on the south side of Millersburg Road. Approximately 2,500’ west from the intersection formed by Millersburg Road and Squaw Creek Road. Being Lots 1 & 2 in H&L Farms Minor Subdivision #4, recorded in Document #2022R-002840 in the Office of the Warrick County Recorder, Warrick County, Indiana. Boon Township 19-5-8.

Brett Woolsey, Owner, was present.

President Valiant called for a staff report.

Mrs. Barnhill said we are missing one green card but we do have all the white pay receipts showing adjacent property owner’s were notified correctly. She said the zoning is “A” Agricultural Zoning District and there is no flood plain. She added the proposed development is a 5 Lot residential subdivision. She said the Commissioner’s approved the request for no street plans today and the Drainage Board approved the request for no drainage plans. She said the Health Department has signed off on the proposed septic sites and they also signed off on the proposed wells or cisterns for this location. She said so the plat would be in order.

President Valiant said thank you Molly. He asked Mr. Woolsey anything to add to the staff report.

Brett Woolsey said no… well they do have water coming to the property, Chandler has it almost to my property so it is supposed to be there by the end of the month. He said so there is that.

Mrs. Barnhill said okay, that is not a guarantee for this subdivision so…

Brett Woolsey said yeah and the property is okayed for wells and cisterns too.

Mrs. Barnhill said right, okay.

President Valiant asked any questions from the Board.

Doris Horn asked how big is each lot.

Greg Webb said 8 acres.

Brett Woolsey said approximately 8 acres, yeah.

Doris Horn said okay.

President Valiant asked any further questions from the Board at this time, if not do we have any remonstration for or against this project, if so please step forward. He said seeing none, I will bring it back to the Board for any further questions and if not I will entertain a motion.

Bob Johnson made a motion to approve PP-23-11. Jeff Willis seconded the motion and it carried unanimously.

Brett Woolsey said thank you.

**REZONING:**

**PC-R-23-06:** PETITIONER: Deborah A. Boger. OWNER: Leland C. Powell. To rezone 0.877 acres located southwest of the intersection formed by Third Street and Cherry Street from “M-1” Light Industrial Zoning District to “C-4” General Commercial Zoning District. Being Lot 6 in Lynn’s Additional Enlargement of the Town of Lynnville. Recorded in Plat Book 1, Page 16 in the Office of the Warrick County Recorder, Warrick County, Indiana. Town of Lynnville. *Advertised in the Standard June 1, 2023. Continued from the June 12, 2023 and July 10, 2023 meetings.*

President Valiant asked where did we stand last month. He said weren’t we waiting on state approved plans.

Mrs. Barnhill said yes.

President Valiant asked have we received that yet.

Mrs. Barnhill said well I talked with Dennis Lockhart, Warrick County Building Inspector, he did talk to Bobby Howard Sr. who is the Engineer who designed the plans for the state. She said they were sent to the state on August 9th but they did not receive those back yet. She said Dennis said that it typically takes at least 10 days to get those back.

President Valiant asked so we are still waiting on that then.

Mrs. Barnhill said we are still waiting.

Doris Horn asked so how can we make any decisions if we don’t have the plans.

Bob Johnson said we can’t.

President Valiant said we can’t, we are kind of stuck like last month. He said Council…

Attorney Doll said true, you are. He said I mean it is admirable that they have submitted the plans, that is a great step forward but we have to have the states response.

President Valiant said right, so I think we’re just looking for a motion to table this.

Richard Reid made a motion to table PC-R-23-06 to the next month’s meeting. Amanda Mosiman seconded the motion and it carried unanimously.

Mrs. Barnhill said so that would be the September 11th meeting.

President Valiant said right and hopefully we will hear from the state by then.

Bob Johnson said sorry.

President Valiant said alright, it looks like we have a couple complaints on the agenda.

**COMP-23-03:** Harley & Paula Walker. 3284 E SR 62. Possible zoning violation.

**COMP-23-04:** Harley & Paula Walker. 3294 E SR 62. Possible zoning violation.

Mrs. Barnhill said so these are the same owner but they are under different names and they are adjacent to each other.

President Valiant said alright, so what do we have going on.

Mrs. Barnhill said I received a formal complaint, the complaint states, *“There is an abondaned house, an abandoned and inoperable vehicles and RV campers. It appears to be a business, maybe car repair”.* She continued so our new inspector, Jeff Daily, whom I asked to come tonight just to be here and if you guys had any questions for him he could answer them. She said so he went out there June 1st and I also have an aerial because you couldn’t see much past that house. She continued and I sent a letter to Walker’s RV Detailing asking them to contact the office and they did. She said so we gave them until the end of July to make some progress on it, I was hoping we would be able to get this issue resolved, but it didn’t get done by then and…

Harley Walker said we made progress but we didn’t make enough.

Mrs. Barnhill said okay, so I had Mr. Daily go back out there on August 4th and he took some more pictures. She said he got more detail in this second set and I thought I just better bring it to you guys, to the Board to let you make a decision on it. She said the adjacent property is pretty similar too.

President Valiant said okay, thank you. He said please state your name’s for the record. He asked are you Mr. Walker.

Harley Walker said yes, I am Harley, this is my wife Paula and my son John.

President Valiant asked so what do we have going on are we fixing cars or what are we doing.

Harley Walker said well, seven years ago when I got terminated I decided I would start a little business and I talked with all the neighbors and they didn’t have a problem with it, you know. He said yes, over the last few years it has gotten way out of hand. He said I don’t do a lot of work on the property anymore as far as RV’s. He said I have a couple left there and there is some junk ones there that I took in for some parts out of them and then I was going to scrap the rest. He said one of my hired hands girlfriend’s got sick about six months ago and she has been battling cancer all summer so I haven’t had him all summer so it hasn’t progressed as quickly as we had planned through the month of July. He said I am going to move a lot of it back, some of it back…I have a mobile home sitting sideways and I have to clear all that out back there to move it. He said for the cars, pre-COVID my son was going to do… he likes to work on antique cars but pre-COVID, you know COVID kind of took care of that. He said yeah, there are a few of them out there but there are only two that do not belong to us. He added and the one belongs to a cousin of mine in Missouri that we were going to get a frame off for him and he has all his business numbers, as well as I do, but with the COVID thing that all kind of went away. He said the new school bus, 2000 and newer, there is 3 of them out there that we have applied… well we haven’t applied but we have the paperwork from the state to take them to the scrapyard because there is no title for them. He added in the state of Indiana now you have to have a special permit for these things. He continued so we have that paperwork and the other ones are drivable, with a little bit of work. He added and yeah, there is a four-wheel drive project or two but yeah can it be cleaned up, neatened up, absolutely. He said I agree with you 100%.

President Valiant said and it sounds like you have gotten that going.

Harley Walker said we have, we have hauled off over three loads of scrap out of there and a bunch of other stuff, yes I know I have a ways to go but like me and the inspector were talking and it didn’t get that way over night so it would be hard to fix it over night.

Doris Horn said but you are in a residential or “A” area, you are not even zoned to have a junk yard or dealership or whatever this is.

Harley Walker said no, it is not a dealership ma’am. He said there… it looks a little salvagey but if you…

Doris Horn said but you are not zoned for a business.

Harley Walker said no, which is kind of weird because 3284 property, where the cars are and everyone says is the abandoned house, which it is not livable but it makes a great storage building, there was a body shop there for 20+ years so I don’t know if it was ever zoned for the body shop or not.

Amanda Mosiman said no.

Harley Walker said no, okay.

Amanda Mosiman said well and we kind of have a two-part issue here. She said number one, you can’t have a business there so you can’t operate a business at all at that location, you can have a home office, but you have to apply through our office to get it. She said and then number two, the junk, which you are working on, but there is kind of two parts to the issue. She asked how long… you know, what is a reasonable timeframe for you to continue the good effort you have been doing.

Harley Walker said well it is going to take us two to three months.

Amanda Mosiman said okay.

President Valiant said you said the RV repair stuff you have moved off-site or you are going to move off-site.

Harley Walker said well I have two or three there that I am finishing up but after that I am done. He said most of what you are seeing there is junk or scrap. He said there is a Freedom Express there that belongs to a customer that has not come up with the money to pay me so it is still sitting there. He said there is one that we took on this week that is getting a roof and then it will disappear. He said the old motor home, the Old Lady 3 Motorhome, it is sold I just have to get it cleaned up and a couple other little things and then it is done and the blue motor home that is sitting there is ours.

President Valiant asked is the complaintent here this evening, the Gerber’s. He asked no.

Mrs. Barnhill said I did talk to the complaintent to let them know about tonight’s meeting.

President Valiant said okay. He asked what are the feelings of the Board.

Bob Johnson said well he is working on it.

Doris Horn said it is dumpy and it should be cleaned up.

President Valiant said well and I understand that but as far as he is making progress on it already I assume we are going to let him continue to clean it up. He asked how long, how much time.

Amanda Mosiman said I am good with 90 days, like he said it doesn’t happen overnight and it is weather dependent.

Doris Horn said I agree with that.

Mrs. Barnhill said there has also been some complaints filed in the Commissioner’s office about the nuisance of this. She said Jeff Daily is trying to coordinate with what this Board determines.

Amanda Mosiman asked what does he think.

Bob Johnson said he is here if we want to ask him.

Jeff Daily, Warrick County Inspector, came to the podium.

President Valiant said Mr. Walker, if you don’t mind moving to the side so we can let the inspector give his input.

Harley Walker said sure.

Jeff Daily said the reason I came here is because with the nuisance complaints I have been trying to allow people, as long as they are showing a good faith effort, to have time to get stuff cleaned up. He said it has improved but it is going to be a major undertaking. He said and another reason I wanted to come is to get with your time frame because there is no sense giving him a month on mine and then he gets three months with yours. He said so sometimes these are going to overlap with the nuisance and any time there is an overlap I would like to coordinate so that we all reach the same goal and there is no sense in giving them confusing information.

President Valiant said sure, absolutely.

Bob Johnson asked so would you be okay, working for us, would you be okay with the 90 day extension.

Jeff Daily said yes, that is fine. He added as long as they continue to do what they are, and they have done a lot, as long as they continue to do that that is fine by me. He said good faith effort if I see that when I come by periodically, and as long as I see that then I am pretty happy because like I said, it took a while to get that way and it is going to take a while to get it corrected.

President Valiant asked and would you feel that getting this cleaned up is going to address the nuisance, I haven’t seen the nuisance complaint but I assume it is a lot of the same stuff.

Jeff Daily said yes, a lot of the nuisance complaint was the debris and everything so whenever you have all that it is hard to maintain the yard so you know, I went around and if you see all my pictures in the back, they have done a lot of mowing and got a lot of that cleaned up right there and when they get the other stuff in the back it will allow for more mowing and we will be in good shape.

President Valiant said okay, well thank you for your input and thank you for being at the meeting tonight. He said I appreciate it.

Jeff Daily said yes, of course, thank you Jeff.

President Valiant said alright well, Amanda was that a motion.

Amanda Mosiman made a motion to give COMP-23-03 and COMP-23-04 90 days to cease business operations and have everything cleaned up by that time. Bob Johnson seconded the motion and it carried unanimously.

President Valiant said alright well you have your work cut out for you for the next 90 days. He said the meeting is…

Mrs. Barnhill said November 13th.

President Valaint said yes.

Harley Walker said now, can I ask a question.

President Valiant said absolutely, yes.

Harley Walker asked what is the chance on 3284 for getting that zoned commercial.

President Valiant said you would need to apply for it.

Bob Johnson said yeah, you would need to just apply for it through the APC.

Mrs. Barnhill said right, there is a filing fee, it comes before this Board first and then goes before the Commissioner’s and it is a vote.

Harley Walker said okay, because I am also trying, I don’t know if I am going to get it bought or not, I thought I had it bought…. I can’t think of the address is it 3248.

Paula Walker said yeah.

Harley Walker said the little white, it used to be the creamery.

Amanda Mosiman said mhm.

Harley Walker said it is not even a quarter acre in there that is for sale and would just complete that corner in there because we share that driveway now.

Paula Walker said if we could get that house we might tear the other one down.

Harley Walker reiterated we would tear the other one down. He said so, anyway, thank you guys.

Bob Johnson said thank you.

**SU-31:** Accessory Dwelling Units (ADU’s)

Mrs. Barnhill said okay, it is back. She said Accessory Dwelling Units, you should have it in your packets. She said Vanderburgh County and the City of Vanderburgh.

Attorney Doll said City of Evansville.

Mrs. Barnhill said City of Evansville, sorry. She said they just did their own Ordinance on this so I took what they had and improved upon it, adding to what we already had. She said the definition is basically what we had before as SU-31, Accessory Dwelling Unit (ADU). She said the following additional requirements is on the second page, I have eleven of them on here. She read from the requirements;

 “*1. One ADU shall be permitted per parcel.*

*2. The ADU must remain accessory to the primary use and shall not be sold separately, or otherwise divided, from the primary use.*

*3. The ADU may contain a maximum of one bedroom with the living floor area of at least 400 sq. ft. and no more than 40% of the floor area of the principal dwelling, or 1,200 square feet, whichever is greater.”* She said and that was to keep it looking like an accessory to whatever dwelling was already there. She continued reading,

“*4. Access for the ADU shall be restricted to the existing access to the lot from a given street or alley. No additional or multiple driveways will be permitted.*

*5. Shipping or storage containers, mobile homes, recreational vehicles, other motor vehicles, travel trailers, or boats shall not be permitted as an ADU.*

*6. Shall not be built on a vacant lot prior to the construction of a principal structure.*

*7. The owner of the property shall live in either the principal structure or the ADU…*

*8. At least two off-street parking spaces for the principal dwelling and at least one off-street parking space for the ADU shall be provided.*

*9. If the principal structure is or will be connected to the public water main and sanitary sewer, any ADU on the property must also be connected to these utilities to the satisfaction of the Water and Sewer Utility; and the applicant for an ADU shall submit documentation of Water and Sewer Utility approval for connecting to the public water main and sanitary sewer prior to issuance of an Improvement Location Permit.*

*10. If the principal structure is or will be served by a septic system for sanitary waste disposal, the applicant shall submit documentation of Health Dept. approval for either connecting to that septic system; or to a new, second system on the property (provided the Health Department determines that there is adequate space for a second septic system); before issuance of an Improvement Location Permit.*

*11.An address will be assigned by the Area Plan Commission for the ADU which is to be publicly displayed and visible from the street.”* She added this would be for your emergency personnel vehicles. She said I talked to the Sherriff’s Office and went back and forth with them and we think the best thing would be to have an “A” for the principle dwelling and a “B” for the accessory dwelling and so the parcel will only have the one street address.

President Valiant said that is a good idea.

Mrs. Barnhill said okay, so then the last page are the zonings that it would be allowed in. She said it would be your residential’s and your commercial zonings, also the Ag and the CON.

Bob Johnson said a couple questions Molly.

Mrs. Barnhill said yes.

Bob Johnson asked people will come to your office and apply for this ADU.

Attorney Doll said it is a special use.

Bob Johnson asked will the Building Inspector go out and inspect these before they can live in them.

Mrs. Barnhill said yes.

Bob Johnson said okay, because I am concerned about the electric because mini barns aren’t made with the electric regulations of a home.

Mrs. Barnhill replied these are not mini barns.

Bob Johnson said well whatever it is… because I have people out by me living in mini barns.

Mrs. Barnhill said I know you do. She said these will be built as a home and they will have to be built with standards of a single-family dwelling, building code included. She added permanent footer, foundation. She said he said if it is an existing… I did talk to Dennis Lockhart and he said if it is an existing accessory building then there are ways that you can retro fit things to make it meet code.

Bob Johnson said sure.

Mrs. Barnhill said so whenever they apply for the ADU, they get their permit, they would have to go across the hall and get their building permit which would have to meet those same standards.

Bob Johnson said then one last question that escaped my mind because I’m old. He continues how were we going to assess these.

Mrs. Barnhill said Sarah is ready for that.

Bob Johnson said she is.

Mrs. Barnhill said yes, she is excited that we’re going to pass this, because she’s aware of many that are happening in the county.

Bob Johnson said yeah.

Mrs. Barnhill continues but they’re just going under the radar.

Bob Johnson said they are.

Mrs. Barnhill continues because if you don’t permit them, so this is the only way she can pick them up; is if they are permitted and then she can pick them up.

Bob Johnson said she can pick up dwellings on property that have changed.

Mrs. Barnhill said yes.

Bob Johnson said but for instances out at my…nah it’s a long story.

Mrs. Barnhill said okay.

Bob Johnson continues but anyway I just want to make sure and these get assessed as how do you know.

Mrs. Barnhill said I don’t know the details of it, but she said it would be a non-issue, and she is glad.

Bob Johnson said well I asked her to talk to you.

Mrs. Barnhill said yeah I called her.

Bob Johnson said okay.

Amanda Mosiman said I assume there would be a formula, like anything else.

Bob Johnson said sure, okay thank you.

Mrs. Barnhill said welcome.

Amanda Mosiman said so we don’t specifically say mini homes on here.

Mrs. Barnhill said no.

Amanda Mosiman asks do we need to add that. She said unless, I mean because mini homes can come in two parts. She added they can come like the trailer, which it would probably kick those out.

Bob Johnson said got those.

Amanda Mosiman continues but yeah I know, that’s why I’m like do we need to add it or does the definition kick them anyway.

Jeff Willis said well it’s got to be more than 400 square feet.

Amanda Mosiman said okay, well there ya go. She said I haven’t seen any that will probably fit that definition.

Bob Johnson said oh well you’ve not been to my house.

Mrs. Barnhill said that was the issue with mini homes when they first started.

Amanda Mosiman said right, yeah.

Mrs. Barnhill said we couldn’t figure out how to make them meet building code, for a single family.

Amanda Mosiman said right, that’s what yeah.

Mrs. Barnhill said so if they can’t meet that then they don’t.

Bob Johnson said but they have to be, they can’t be on wheels. He added they have to be on a foundation.

Amanda Mosiman said just making sure we didn’t, we still don’t have a loop hole with that mini home thing.

Mrs. Barnhill said no.

Amanda Mosiman said okay, alright.

President Valiant said that was good

Jeff Willis said my other question on number six. He added it can’t be the…on the BZA there are a lot of people that come forward and say I have a home now I’m going to tear it down when I get the other one built. He continues well if its 1100 square feet, and they are going to build a 3000 square foot house or whatever could they… number six will prohibit them from building. He said they’ll have to tear the house down to build a secondary home if they are going to build one for their mother in law or whatever. He added it can’t be.

Attorney Doll said it wouldn’t be vacant Jeff. He said number six says a vacant lot.

Jeff Willis said well I’m just…yeah, I’m just wondering if people would come through and say okay I’m going to build my 1100 square foot house now, 20 years from now or 5 years from now, I wanna build me a bigger house.

Bob Johnson said they are going to put up a mini barn and live in the... I’m sorry the barn and live in the barn and then until they get their home built and then they move into their home.

Jeff Willis said right, and then move their kids into the mini barn.

President Valiant said I gotta get out by Bobs house.

Mrs. Barnhill said well if it’s big enough when their first home if its 1200.

Attorney Doll said wouldn’t two fix that.

Amanda Mosiman said yeah.

President Valiant said yep it would.

Mrs. Barnhill said accessory to the primary use.

Attorney Doll said the only thing I… sort of along that same line though Jeff. He continued number seven, I don’t understand seven, why do we need seven.

Mrs. Barnhill said we didn’t want to turn these into rentals or VBR rentals, and the very definition of the accessory dwelling unit was to allow for related family members.

Bob Johnson asked could that be switched to where the homeowners live in the…

Attorney Doll said ADU.

Bob Johnson continues mini home.

Mrs. Barnhill said yes.

Amanda Mosiman said they shall live in either the principle or the ADU.

Attorney Doll said I don’t understand how they can live in the ADU.

President Valiant said because that makes the other one the ADU, I see what you’re saying.

Attorney Doll said well.

Jeff Willis said you have an older couple and their going to buy the lot.

Amanda Mosiman said yeah they bought the house.

Jeff Willis continues they don’t need the six bedrooms, they just need the regular bedroom because their kids are already grown. He added their kids then move into the big house where they are there to take care of their grandkids, but they still own it because they have the money to buy it.

Attorney Doll asked what’s the minimum square footage of a home.

Bob Johnson said 400.

Mrs. Barnhill said no, it’s seven.

President Valiant said no its 790.

Attorney Doll said so they could build a small first home…principle home.

Jeff Willis said well they can build up to 1100 square feet I think or 1200 square feet.

Attorney Doll said then they could build an ADU for their caregiver, the daughter, or son when they need that. He continued the big home, the primary home doesn’t necessarily have to be a big home. He said I just don’t understand how the owner of the property can live in the ADU. He said I don’t understand that, because they’re supposed to be the ones who are residing in the primary home, for in which the ADU is an accessory.

Bob Johnson said I see what you’re saying.

Attorney Doll asked haven’t they violated the ordinance if they move out of the big home and into the ADU. He said, now I’m not saying that there won’t be fact circumstances…living in a big home I wish…

Amanda Mosiman said they would be able to get around that, by just you know quickly selling it. She added maybe not selling it right. She said so say they sell it to the daughter, the daughter and the son move in for a record low price and they just switch places. She asked is that what we are going to require them to do.

Attorney Doll said I don’t know, but I just have a… it strikes me as wrong that the owner of the property can live in the ADU and not in the primary residence.

President Valiant said I see what you’re saying.

Bob Johnson said I have that going on...imagine that.

Amanda Mosiman said I could easily see it going on with aging parents and families growing bigger, but they don’t wanna…I could easily see it.

President Valiant asked I mean would it kill us to take the ADU part out.

Bob Johnson said the parents that own the house, they wanted to downsize, so they moved into the ADU.

Attorney Doll said I know, I know.

Bob Johnson continues and so the children live in the larger home, with their children and grandma.

President Valiant said that way if they do try to flip.

Doris Horn said I understand, I would move and give my granddaughter my house...

Amanda Mosiman said right.

Doris Horn continues and I would go smaller because I’m getting older. She added my health, you know

Attorney Doll said or maybe you have stairs

Amanda Mosiman said yeah.

Jeff Willis said in the big house.

Attorney Doll said in the primary house.

Amanda Mosiman said handicap assess ability, anyone of those reasons.

Attorney Doll said I just… I don’t know how it still can be the owner of the primary house if they are not living in the primary house. He added they are now living in the ADU…

Richard Reid said that is their choice.

Attorney Doll asked are they no longer the owner of the primary house.

President Valiant said they still own both.

Attorney Doll said they can still be the owner

Richard Reid said they…

President Valiant said yeah, they own both of them.

Richard Reid continues they own the property.

Amanda Mosiman said yeah, they own all of it.

Doris Horn said because you just want someone to come take care of them.

Bob Johnson said I see what Morrie’s saying.

Attorney Doll said point that out, it’s up to the Board.

Bob Johnson said and it’s going to happen so we need to word it correctly.

Amanda Mosiman said I think it’s in the spirit of what we’re trying to do with an ADU, I don’t have an issue with it.

Mrs. Barnhill said basically just family in the accessory, it doesn’t say who lives in the accessory. She added the intent is to allow for related family members to reside on the premises, and here it says the owner can live either in the accessory or in the principle dwelling.

President Valiant asked can we just change it to say they owner must live on property.

Mrs. Barnhill said yeah, yes.

President Valiant asked would that solve your question Morrie.

Attorney Doll its better.

Jeff Willis said they are in a tent out back.

Attorney Doll said well you’ve really done that already by saying they can either live in the principle structure or the ADU.

President Valiant said well either that or...

Bob Johnson asked so does that whole sentence even need to be in there

Attorney Doll said well that was my question. He said I’m trying to see what policy we’re trying to accomplish with paragraph seven, I understand all the other paragraphs.

Mrs. Barnhill said I thought it was a safety net to keep somebody from buying it, and renting out.

Amanda Mosiman said mhhm

Attorney Doll said well we’ve already got that covered haven’t we, where we say they have to be related.

Mrs. Barnhill said yes, well it’s intended for that, this is just another way.

Amanda Mosiman asked so how are we going to enforce that.

Bob Johnson said we’re not.

Amanda Mosiman said the related part…yeah.

Mrs. Barnhill said we’re not.

Amanda Mosiman said I was just asking.

Bob Johnson said up where I’m at were all related.

Mrs. Barnhill said well it may also be used for household employees, caretakers, caregivers.

Attorney Doll said that’s right.

Mrs. Barnhill said but not necessarily… they don’t have to be related.

Amanda Mosiman said he’s my second cousin third removed.

President Valiant asked so do you want to take it…or do you want to adjust number seven, or take it out completely.

Amana Mosiman said I don’t.

President Valiant continues or…anybody.

Attorney Doll said or approve it as it is. He asked does Evansville have something like that in theirs.

Mrs. Barnhill said yep, that’s where I got it.

Attorney Doll said I’m just not sure what it accomplishes.

President Valiant said well maybe it will sway some people from trying to do something shady.

Jeff Willis said well it spells out that the owner has to live on the property. He said I don’t know how it works for caregivers, but I know like with pastors if they have a partitions they are taxed as if they were getting free rent, or if their rent was being paid. He said so I’m assuming caregivers if they get audited would probably have a similar standard, if they were getting free housing. He said so it’s going to be rented to their caregiver, whether they actually collect rent or its part of their wages. He said that’s just one thing to keep in mind.

Amanda Mosiman said we’re not actually allowing caregivers in these ADUs.

Bob Johnson, Attorney Doll, President Valiant said yeah we are.

Amanda Mosiman asked we are. She said it says they have to be related.

Jeff Willis said or caregiver or household employee.

Amanda Mosiman said my bad.

President Valiant said I’m still good with it.

Attorney Doll said okay.

Jeff Willis said well I don’t think the tax is an issue for us, but I kind of just wanted to make sure that we don’t…

Attorney Doll said so it would take a motion and a second affirmative vote to move this to the Commissioners for a recommendation.

President Valiant asked what’s the wishes.

Amanda Mosiman made a motion to send SU-31 to the Commissioners, for recommendation.

Richard Reid seconded the motion and it carried unanimously.

Bob Johnson asked Molly where does it say that this must be on a foundation.

Attorney Doll said it doesn’t.

Mrs. Barnhill said it does not.

President Valiant said it doesn’t. He said we were talking about that with the code, building code.

Amanda Mosiman said they have to have an improvement permit.

Bob Johnson said okay.

**Attorney Business:**

President Valiant asked attorney business.

Attorney Doll said I had a hearing today at 2 o’clock, a review hearing on the case against Rachel Fisher. He asked does anyone remember that case, it was the carnival storage equipment.

President Valiant said oh yeah.

Attorney Doll said the carnival equipment is long gone, but as part of the court’s order she was ordered to pay back to Warrick County through APC for deposit to the general fund $1,104.80. He said we appeared last December and she finally showed up at that time and the judge ordered her to commence payments of $100 per month and to remove any remaining carnival equipment. He continues she removed the carnival equipment, but she didn’t make any payments until April, in April she made one payment of $200. He said I checked with Molly today, I checked with the Clerk’s Office today, and no further payments have been made. He said so Judge Alysworth sentenced her to 15 days in the security center this afternoon, and told the Sheriff’s Department to go pick her up. He said she owes $904.80.

Richard Reid said interest too.

Attorney Doll said pardon me.

Richard Reid said interest on that.

Attorney Doll said interest, I was just pleased to finally get this case over with.

Doris Horn said thank you.

**Executive Director Business:**

President Valiant asked Molly.

Mrs. Barnhill said yes, Shateka Bard, who is HR for Warrick County has asked to come to tonight’s meeting for a presentation.

Shateka Bard said good evening everyone.

Board said good evening.

Shateka Bard continues, Shateka Bard is my name, I have not met many of you. She said if you will there is a packet underneath and then the above is just an acknowledgment sheet. She said the reason why I wanted to come tonight, I’m not going to be up here long at all, trust me. She said I have two year old at home and he’s waiting for me. She continues, I basically just want to provide a reminder to you all as the leading organization for the Area Plan Commission. She said that discrimination, harassment, retaliation, and intimidation, Warrick County Government has a zero tolerance policy against all those. She continues so all employees whenever they are hired on to the employer, they do sign and acknowledge that they will adhere to all those policies. She said the main reason why I wanted to come and it’s not just this board, but all the other boards as well, is to make sure that I am protecting and providing that education to our Boards and to our leadership. She said it not only affects you here, but anywhere else that you go as well. She said basically there are protected classes, the Civil Rights Act of 1964, it’s just the standard age, race, nation origin, that kind of thing. She said now in June of 2023, they just added another protected class, and it’s pregnant woman. She said it is very important that we as leaders ensure that we provide a healthy work environment for everyone and just today what we did, we created an anonymous reporting platform so that employees can report any type of misconduct. She said that will be shared tomorrow morning, but our legal council has approved it, as well as our Commissioners, but according to SHERM which is the Society for Resource Management, “about 64% of employee’s are more likely to report incidents of misconduct if there is an anonymous option available”. She said and so the reason I am providing this to you is in June, was it May or June, we had our insurance provider’s come out and provide a seminar on Employer Liability. She asked rhetorically, what can happen. She said torch claims can be filed by an employee if they feel that they have been either harassed, retaliated against, or discriminated against. She continued they can sue the company but they can also sue individuals. She said if they are in different agencies then they can actually name you personally and they can go after your personal assets so that is one of my goals is to make sure I provide resources and information, if you all want to have, you know, this individual come back she can do that for free of charge. She said also I know you all have your own legal counsel and if there is any other presentations that he provides to you or information, anything like that you do education wise, please make sure that it is documented. She added that whoever attends they sign to reduce and prevent any type of misconduct amongst your employees. She said so that is really all I have…

Amanda Mosiman said Shateka, I have a question.

Shateka Bard said mhm.

Amanda Moisman asked how does that work for Boards like this that it is a governmental appointment, not everyone who sits on this Board is a County Employee.

Shateka Bard said so how that works is if someone wants to file a claim, they can file a claim against the actual Board.

Amanda Mosiman said well right, but you don’t… when some of us are appointed we literally just sign a tiny little thing saying hey, we’re appointed. She said we don’t sign anything like that or historically we haven’t.

Shateka Bard said right, historically no but that is what…

Amanda Mosiman said so are you completely covered I guess is what I am asking.

Shateka Bard said no, but…

Bob Johnson said no.

Amanda Mosiman said because are you bound by an employee handbook if you are not technically an employee. She continued the reason I am asking is because every volunteer that volunteers with my Board they sign something like that, like a full volunteer program, you have to act by this policy…

Shateka Bard said we haven’t but…

Bob Johnson asked do you get paid for this meeting.

Amanda Mosiman said no, I do not.

Shateka Bard said see and we don’t and that is one of the reasons why I wanted to start going around to Boards. She said certain things that we should have documented and on file just incase there is any type of complaint or anything like that comes up.

Amanda Mosiman said right.

Shateka Bard said because here is what happens, if that does happen, and I actually have a few things in the works right now, when those attorney’s reach out to us and they want to know has this person signed something, have they had any training or anything like that. She said if I don’t have anything on file then I can’t provide it, but yes everyone is liable.

Amanda Mosiman said well yeah, I just wonder if it is a little bit of a loop hole because you are saying you are not technically an employee but you have to abide by employee standards. She added it is a little fishy right.

Bob Johnson said well it is.

Shateka Bard said well its…

President Valiant said no, I see what you are saying.

Amanda Mosiman said believe me, I understand, the CYA when it comes to 4H stuff.

Shateka Bard said yeah, and just make sure too that when things are to be confidential if anyone were to come to you it is very important that you do keep those things confidential because if it were to, you know, be released that or be the one that shared the information that can also be negative too but that is all I wanted to share. She said I have an open door policy if you ever wanted to call me, come by and see me it doesn’t matter just come see me anytime. She said alright, thank you for your time.

The Board said thank you.

President Valiant asked any other business, if not I will take a motion to adjourn.

Richard Reid made a motion to adjourn at 6:49 PM. Doris Horn seconded and the motion

carried unanimously.

ATTEST:

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Molly Barnhill, Executive Director Jeff Valiant, President