

MINUTES

WARRICK COUNTY AREA PLAN COMMISSION
Regular meeting to be held in Commissioners Meeting Room,
Third Floor, Historic Court House,
Boonville, IN
Monday, June 12, 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, and Bob Johnson. Member absent was Amanda Mosiman.

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

MINUTES: To approve the minutes from the meetings held on April 10, 2023 and May 8, 2023.

AN ORDINANCE TO AMEND ARTICLE V SPECIAL USES SECTION 3 SPECIAL USE DESIGNATIONS OF THE COMPREHENSIVE ZONING ORDINANCE IN EFFECT FOR WARRICK COUNTY, INDIANA

The purpose of this ordinance is to designate SU-31, being Accessory Dwelling Unit, under Special Use Designations. *Advertised in the Standard June 1, 2023.*

Mrs. Barnhill said this is the definition that we have discussed, Accessory Dwelling Unit, and it should be in your packets. She read from the proposal, “*A living area located within an accessory building, intended for occupancy by related family members. The intent of these provisions is to allow for related family members to reside on the premises, but to prohibit the creation of for-profit apartments. In-Law Suites may also be occupied by household employees, caretakers, or caregivers.*” She added and I would change that last in-law suite to accessory dwelling unit.

President Valiant asked any questions from the Board on this.

Bob Johnson said Molly, define an accessory building.

Mrs. Barnhill said unattached from the primary building.

Bob Johnson said yeah.

Mrs. Barnhill continued accessory to the primary building of the property.

Bob Johnson said well for instance, in my subdivision I can't build anything for anybody to live

in in my subdivision because I can't... I would have to put in another septic. He said and I think my, my...

Attorney Doll said covenants.

Bob Johnson said well it's a subdivision but its several acres in each plot.

Attorney Doll said right.

Bob Johnson said but I remember my plat said that only one dwelling per lot.

Mrs. Barnhill said mhm.

Bob Johnson asked so how would this fall into that. He asked could I put up a mini barn in my yard and allow someone to live in it.

Attorney Doll said not if it goes against the covenants.

Bob Johnson said there are no covenants.

Attorney Doll asked do you have restrictive covenants.

Bob Johnson said no.

Attorney Doll said okay.

Bob Johnson said it is just on the plat.

Attorney Doll said Warrick County's Ordinance only allows one residence per parcel.

Bob Johnson said mhm.

Attorney Doll said but this is a Special Use, so you would have to come before the BZA, hold a hearing, explain the circumstances, and it gives the BZA the ability to grant a Special Use for like a yard structure of some sort but it is not to be included in the primary residence. He said in the primary residence you don't need this, I mean, if you already have a bedroom you can put grandma in the bedroom and that is fine but this would be out... if you were going to have a structure out in the yard.

Bob Johnson said mhm.

Attorney Doll said that would be what this is.

Bob Johnson said and we have a lot of that out where I live but...

Attorney Doll asked do you.

Bob Johnson said yeah, quite a bit. He added not legally, but yes.

Attorney Doll said well this allows it to become legal but they have to come in and apply to the BZA and demonstrate the reasons of why they need it.

Bob Johnson said okay, that makes sense, okay.

Richard Reid asked what about RV's.

Attorney Doll said I do not think so, an RV is still on wheels... it's...

Richard Reid said well we have had it.

Attorney Doll said yeah, we know.

Bob Johnson said well we have a mini-barn on wheels that someone is living in.

Attorney Doll asked on wheels.

Bob Johnson said mhm, its like a tiny house.

Attorney Doll said hmm.

Bob Johnson said so that is why I am asking for a definition.

Mrs. Barnhill said okay, so that is the first part of it. She said we put some procedures, some further regulations on it and that would be the third ordinance listed in this:

AN ORDINANCE TO AMEND ARTICLE V SPECIAL USES SECTION 5 PROCEDURE OF THE COMPREHENSIVE ZONING ORDINANCE IN EFFECT FOR WARRICK COUNTY, INDIANA

The purpose of this ordinance is to add section "O" procedures for SU-31, Accessory Dwelling Unit. *Advertised in the Standard June 1, 2023.*

Mrs. Barnhill said Bob, it is also the last page of the packet we have. She said we can go ahead and skip to that if you want to. She added it might answer some questions. She read from the proposal, *"It would be subject to the following:*

- 1. One accessory dwelling unit shall be permitted per parcel.*
- 2. The accessory dwelling unit must remain accessory to the primary use and shall not be sold separately, or otherwise divided, from the primary use.*
- 3. The accessory dwelling unit may contain a maximum of one bedroom with the living floor area no more than 40% of the floor area of the principal dwelling, or 1,200 square feet, whichever is less.*

4. Access for the accessory dwelling unit 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. At least two off-street parking spaces for the principal dwelling and at least one off-street parking space for the accessory dwelling unit shall be provided.”

President Valiant asked any questions on that. He asked Bob, you good.

Bob Johnson said yeah, I am just trying to absorb it all but yeah I am alright.

Mrs. Barnhill said so I do have one more ordinance and I do need a separate motion for each one. She said this one is to put these into separate zoning districts.

AN ORDINANCE TO AMEND ARTICLE V SPECIAL USES SECTION 4 DISTRICT LIMITATIONS OF THE COMPREHENSIVE ZONING ORDINANCE IN EFFECT FOR WARRICK COUNTY, INDIANA

The purpose of this ordinance is to amend Table A by adding SU-31 under A, CON, R-1, R-1A, R-1B, R-1C, R-1D, R-2, R-2A, C-1, C-2, C-3, C-4 Zoning Districts. *Advertised in the Standard June 1, 2023.*

Attorney Doll said which all now allow residences.

Mrs. Barnhill said yes, single family dwellings and the R-2 allows multiple.

Bob Johnson said quick question.

Mrs. Barnhill said yes.

Bob Johnson asked when somebody says for instance a 16 x 20 pole barn or mini-barn out in their yard do they still have to go through the building inspector and the assessor to get that assessed.

Mrs. Barnhill said they would have to go through the Planning Commission to get an Improvement Location Permit.

Attorney Doll said which would then trigger...

Mrs. Barnhill said we turn that into the Assessor's office, yes.

Bob Johnson said okay, alright.

Attorney Doll asked so you want to take these one at a time.

Mrs. Barnhill said yes.

Attorney Doll said okay, so the first one is the definition of an accessory dwelling unit and you want to ask the Board to amend that last sentence so instead of in-law suite instead it will say accessory dwelling unit. He said so that sentence would read, "Accessory Dwelling Unit may also be occupied by household employees, caretakers, or caregivers."

President Valiant asked any other questions from the Board. He said if not, I will entertain a motion.

Richard Reid made a motion for a positive recommendation to the Commissioner's of Article 5 Special Uses Section 3 with the amendment of in-law suite to be amended to accessory dwelling unit. Greg Webb seconded the motion and it carried unanimously.

Attorney Doll said and then the next one would be the designations of the zoning districts, that this would be a permitted use.

President Valiant called for a motion.

Greg Webb made a motion for a positive recommendation to the Commissioner's to amend Table A by adding SU-31 under A, CON, R-1, R-1A, R-1B, R-1C, R-1D, R-2, R-2A, C-1, C-2, C-3, C-4 Zoning Districts. Richard Reid seconded the motion and it carried unanimously.

Attorney Doll said and so the last one would be the listing of the five limitations or requirements to qualify for this special use.

Richard Reid made a motion for a positive recommendation to the Commissioner's to add section "O" procedures for SU-31, Accessory Dwelling Unit. Doris Horn seconded the motion and it carried unanimously.

President Valiant said okay, it looks like we have one primary plat and one rezoning on the agenda tonight. He said the primary plat will receive final approval here and the rezoning will go as a recommendation to the County Commissioner's at the next month's meeting.

PRIMARY PLAT:

PP-23-07: Cadbury Phases Subdivision: PETITIONER/OWNER: Maken Corporation by Daniel Ubelhor, President. Approximately 57.22 acres located on the south side of Oak Grove Road. Approximately 2,500' west from the intersection formed by Oak Grove Road and Roslin Road. Ohio Township 17, 18, 19, & 20-6-8. *Complete legal on file. Advertised in the Standard June 1, 2023.*

Jim Morley Jr., Project Engineer and Daniel Ubelhor, owner, were present.

President Valiant called for a staff report.

Attorney Doll said probably are setting a record tonight because Jim Morley began the day today in Jekyll Island Georgia.

Jim Morley Jr said yep.

Attorney Doll said and he drove here to make this meeting tonight, so I think that's the record for the longest distance traveled to attend an APC meeting as an applicant.

Jim Morley Jr said yeah they're pretty exciting.

Attorney Doll said yeah.

Jim Morley Jr, said yeah, should of brought the whole family in with me.

President Valiant said Molly you want to go over the staff report list.

Mrs. Barnhill said uh huh, were missing one green card, we do have the white pay receipt and was mailed correctly. She said zoning is R-1, one family dwelling, no floodplain, they're proposing five non buildable lots to be used for future development of Cadbury at Berkshire. She said the Commissioners approved the request for no street plans for this phase. The Drainage Board approved the request for no drainage plans on this part. She added they did not ask for sewer or water at this time, because these are non-buildable lots. She continued it is strictly for cutting this up for...

Attorney Doll said transfer.

Mrs. Barnhill said phase one, okay for transfer, so the plat would be in order. She said they did deliver a letter this morning kind of explaining it. She said this is the one Jim had been in before, we talked about maybe doing different things to get this split before they went any further with the original primary plat, and do you want me to read the letter into record or...

President Valiant said I'm pretty sure Mr. Morley is going to cover the letter, correct.

Mrs. Barnhill ask do you want to cover it Jim.

Jim Morley Jr said yes, that sounds great.

President Valiant said if that's okay with you. He asked if you're awake enough do it, Jim I will turn it over to you.

Jim Morley Jr said it was a day of learning today. He said always remember to bring one pair of dress pants when you go on vacation, in case you have to come back early, never miss a spot on you knee when you're out in the sun, cause it will look like a red spot amongst a bunch of white stuff, and always pack a razor too. He said so, with that being said if yall can bare with me, I wanted to make sure that I had the opportunity to come back here and talk about this today. He said the picture that I passed out that looks something like this, the black lots with the white

numbers in them that is Cadbury at Berkshire. He said that's a plat that you all approved, I don't know six months ago or something, awhile back. He said tonight, we are here to talk about Cadbury Phases, which are the red lots, and the reason the project is called Cadbury Phases is because each one of those five big red boxes will be a phase in Cadbury at Berkshire. He said the reason we're here tonight to do this is because currently all this ground is owned by Maken Corporation, Maken Corporation bought all this, they bought like a thousand acres, I don't know like thirty years ago or something, back when there was nothing out there, and so Maken Corporation has owned the ground the entire time. He said within the last year or two, Maken Corporation formed another entity called Ukon LLC, and Ukon LLC has some different membership involvement in it. He said Zach Ubelhor, Danny's son whose getting involved in family business is a member of Ukon LLC. He continued so they need to transfer the property from Maken to Ukon, as undeveloped property because if they develop it... they transfer it as developed property, Maken has to pay a very high tax load as far as capital gains taxes go..., and because of how big the property is it would be a lot of money. He said and so in a manner not to saddle Maken Corporation with a capital gains tax, which is all federal tax, it's not anything that would stay here, we are seeking approval of these five large lots. He said Maken would then transfer one of those lots at a time to Ukon, and then Ukon would then plat all the small residential lots inside each one of the red boxes. He said and so the whole purpose of this plat is to transfer property from Maken to Ukon. He said all the lots are labeled as non-buildable, there are no road improvements, or drainage improvements, no septic, no sanitary, nothing there it is strictly, the whole purpose of this plat is to transfer property from Maken to Ukon, and then Ukon will then do the actual plat that people will build houses in. He said and so we have talked about this before, originally we have kind of gone down a path of parcelization, but didn't exactly fit the parcelization rules real well. He said so we were going to have to seek a couple of waivers, multiple waivers, to fit under the parcelization rules. He said so through some conversations we decided to go with a major subdivision, which is what this is. He said the only unique part about this, because those red lines sit directly on top of those black lines, we're going to have an active primary plat. He said two active primary plats on the exact same piece of property, and while our Warrick County's ordinance is silent on that, as to whether it can or can't be done, we felt like it would be in everyone's best interest to seek a waiver with what clearly spells out what we want to do, so that there's never a misunderstanding down the road. He said oh you know, somebody says you know I thought it was this, or I thought it was that. He said so were seeking approval of the red line plat tonight, with a waiver that states why we're doing it, how we're doing it, the process so that it's got some nice tight guardrails on it if you will. He said so we had submitted a letter earlier to the Planning Commission, and the vast majority of it says exactly what I just said. He said the part I did want to read word for word...I think this letter is in your packet, is that right.

Mrs. Barnhill said yes.

Jim Morley Jr said so it's the third paragraph down if you will. He said it says we request a waiver to allow both Cadbury Phases and Cadbury at Berkshire to be considered active plats throughout the primary and secondary process. He added until all processes of each plat have been secondaried, the requested waiver allows transfer of property in logical phases without creating a substantial tax liability for land owner, Maken Corporation. He said so we are seeking approval of this plat, with this waiver, after we walk out of here assuming it was approved, this property would have two active primaries, that would remain active primaries and secondaries until all of the phases are secondaried out. He said and then at that point, the process would be, we would bring in a secondary plat to Molly, of Cadbury Phases and we'd bring in a secondary plat to Molly of Cadbury at Berkshire. He said and she would go record Cadbury Phases, and then like a minute later she would then record Cadbury at Berkshire. He said so Cadbury at Berkshire would be dated/timed, whatever timestamped...

Attorney Doll said timestamped.

Jim Morley Jr continues later than Cadbury at Berkshire, wait I'm sorry later than Cadbury Phases, whew sorry, and that would therefore...the second one with all the little lots would then trump the first one that was there and the second one is a replat of the first one. He added and so it's upon us that we will always bring the information two at a time. He said it's going to be a matching set every time they come in with all the checks, all the filing fees, all the paperwork, and so when they're recorded literally Cadbury Phases is recorded as soon as it goes across the recording machine and then they'll hand in Cadbury at Berkshire and it will go across the recording machine, and Cadbury at Berkshire will be a re-plat of one of the lots of Cadbury Phases. He said does that make sense, did I answer... did I do that okay.

Doris Horn said actually....

Richard Reid said it was actually good.

Doris Horn continued yeah.

Bob Johnson said can you say it again.

Jim Morley Jr said working on not much sleep, the sun was coming up when I left.

Doris Horn said no it was good.

President Valiant said Molly is the Executive Director down there what are your feelings on this. He said I know you've talked to Jim a lot about this.

Mrs. Barnhill said its fits everything in our ordinance, the only thing like he said there's nothing that talks about having two active primary's on one piece of property.

President Valiant asked counsel.

Attorney Doll said each is something different we've never done before, but I don't think it's illegal.

Jim Morley Jr said and we like not illegal.

Attorney Doll said not illegal is good. He said the only thing of it is, it does... Indiana has capital gains so were saving Maken Corp twice. He said it's lower, feds are fifteen percent, Indiana is, I think, is three point something. He said so there is but if you transferred it pre-divided, they'd have to pay the appreciated value of the lots. He said transferring it undivided is the value of this transfer, is lower and there's no or very little capital gains.

President Valiant asked any questions from the Board.

Doris Horn said no.

Jeff Willis said I mean if this takes ten or fifteen years to... I mean I don't know how long they're planning on taking to do all five phases.

Richard Reid said a couple years.

Jeff Willis continues and said if it's several years, sometimes if the management may change, and so my concern is if it's gotta be filed in an appropriate way. He asked ten years from now when they're doing the very last phase the last couple, what if they don't get it recorded right.

Attorney Doll said the only one it hurts is the applicant.

Jim Morley Jr said I don't wanna be presumptuous, but it's always going to be me doing it.

Jeff Willis said okay.

Bob Johnson said or Jeremy.

Jim Morley Jr said yeah true, that is... the whole process is set up with Maken and Ukon and those people are always the same.

Jeff Willis said okay.

Jim Morley Jr. continues I mean those are family entities. He said I'm the only non-family member of the entity. He added I'm the only non-family part of the circle.

Attorney Doll said and you're not going to sell section one, section two, section three on the open market to some third party.

Jim Morley Jr. said they are not, the red lots are actually non-buildable lots...

Attorney Doll said right.

Jim Morley Jr. continues so we did it that way again to try and put as many guardrails on it as we could, so that nobody could come back and say oh you guys that one time, yeah so we understand that it's a unique circumstance, but we feel like it's a very substantial unique circumstance relative to the task and privations that go on.

Mrs. Barnhill said it's defiantly not the easiest thing to achieve, but I think this is the cleanest best way to get this achieved.

Jim Morley Jr. said yeah, the only other way to do it without the waiver is, we would file a primary and a secondary. He said we would end up filing ten primary's and ten secondary plats. He said so it would actually... you'd have to see me here at ten meetings if I'm asking for primary plat approval, ten drainage boards, and ten county commissioners...

Bob Johnson said I'm good.

Jim Morley Jr. continues that's the only other way to do it without the waiver, and so it would end up being ten primary plats and ten secondary plats. He added which is a lot of primarys and a lot of secondarys.

President Valiant asked any remonstrations for or against this project, if so step forward. He said I don't see anybody moving. He said bring it back to the Board for any other questions, or discussion.

Attorney Doll said so the motion will be to approve the waiver, and to approve the primary plat.

President Valiant said correct.

Attorney Doll said it's a two part motion.

Bob Johnson asked can you state it to where we can say.

Richard Reid said and it goes like that.

Attorney Doll said it's in the letter...

President Valiant said the third paragraph.

Attorney Doll continues so the first motion would be for the waiver I believe. He said so it would be to approve a waiver for both Cadbury Phases and Cadbury at Berkshire to be considered active plats throughout the primary and secondary process until all phases of each plat have been secondaryed.

Richard Reid asked do you want us to do that one motion at a time.

Attorney Doll said yes.

Richard Reid made a motion to approve the waiver for Cadbury Phases and Cadbury at Berkshire.

Bob Johnson seconded the motion, and it carried unanimously.

Attorney Doll said the second motion will be to approve this primary plat that's before you now for this property without revoking the existing primary plat.

Richard Reid made a motion to approve PP-23-07. It was seconded by Doris Horn and it carried unanimously.

Jim Morley Jr. said thanks everybody for working with us on this, I know it was kind of different and unique, and don't tell anybody that I was up here in shorts.

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.*

Deborah Boger, applicant, Michael Powell, owner's son, and Leland Powell, owner were present.

President Valiant called for a staff report.

Mrs. Barnhill said on their notice to adjacent property owner's we are missing 3 green cards but we do have the white pay receipts showing the adjacent property owner's were notified correctly. She said the lot size is .877 acres and the comprehensive plan projects the area to be industrial. She said the existing land use is apartments and storage. She said for the surrounding zoning and land use is to the north is "R-1A" single family dwellings and Lynnville Methodist Church, to the east is "R-1A" with a single family dwelling and "C-1" being a meat processing business, to the south is "C-4" being a single family dwelling, and to the west is "C-4" being apartments. She said there is no flood plain and they have access onto 3rd Street and Cherry Street. She said the stated use is apartments and storage, which would be in compliance if this is approved. She added this zoning application is the result of a complaint that was filed but as soon as they received the letter, Deborah Boger, Leland's daughter, came in and got this filed quick and now it is in front of you and in order.

President Valiant asked do you have anything to add to the staff report.

Leland Powell said no, thanks.

President Valiant said alright, questions from the Board at this time.

Doris Horn asked you are going to bend from your “M-1” that you were given years back and you are asking for “C-4” and you are wanting to put apartments back in it or put apartments legally back in it.

Leland Powell said yes, ma’am.

Bob Johnson asked are there apartments already in it.

Leland Powell said well there are 8 apartments there now, well wait there are 7... 7 apartments there now.

President Valiant said okay, so the apartments had already been there, yes or no.

Deborah Boger said pardon.

President Valiant asked have the apartments already been there.

Deborah Boger said yes they are.

President Valiant said so they are there, and the storage as well. He said so we are just trying to get our zoning in compliance, okay.

Leland Powell said we were manufacturing.

Deborah Boger added it used to be.

President Valiant said okay.

Deborah Boger said it is no longer though, now it is just storage and apartments.

President Valiant said okay. He asked how long have the apartments been there.

Deborah Boger said I don’t know. She asked how long have the apartments been there.

Leland Powell said well 6 years, 7 years.

President Valiant said alright, sorry I didn’t mean to interrupt anybody. He asked any other questions at this time.

Doris Horn said I guess one of my questions is, this is an M-1 still and you have had the apartments in this M-1 which has been illegal for 7 years.

Michael Powell said he was under the impression that it was under the right zone.

Leland Powell said I have zoning to the school and so I bought that in uh, ’68.

Deborah Boger said '86.

Leland Powell said pardon.

Deborah Boger said 1986.

Leland Powell said oh, I am sorry it was 1984... '94 or '84.

Deborah Boger said '84 or '85.

Leland Powell said well anyway, I never thought anything about it when I went to use that building. He said it was built in 1950 and it had a zoning of manufacturing and never did we ever think that what we were doing was wrong in there.

Michael Powell said at the time of the other zoning, he was under the impression that that covered everything.

Leland Powell said yeah, we have never had any problem before with any permits.

Doris Horn said well actually we did not realize, the town did not realize, that you had apartments in there until there was an incident and the fire department had to go in there and that is how we learned that you had apartments in that building.

Leland Powell said well...

Doris Horn said and that is illegal to have apartments in an M-1.

Deborah Boger said okay, well he didn't realize that because he had the apartments in the old school building right in front of it and he had put all of those in.

Leland Powell said I put about 35 apartments in the school building and so...

Deborah Boger said yeah, so he never realized that there was an issue.

Leland Powell said no one ever brought it up to me before or...

Doris Horn said well Mr. Powell I was on the Board whenever you rezoned it to an M-1 and it was stated on record, if you look at it it will tell you what is allowed in an M-1 and what is not allowed in an M-1.

Deborah Boger said okay, okay.

Leland Powell said well across the street is a deer processing, a church is a C...C... what is it.

Deborah Boger said there is C-4 all around us so...

Leland Powell said yeah, everything around is C. He said they used to bring semi-trailers and all of that in there and we don't have any of that, we don't have any heavy duty.

President Valiant asked that lot is the only M-1 in the area, correct.

Mrs. Barnhill said yes.

President Valiant said right, just making sure I wasn't missing something.

Mrs. Barnhill said no, and it is C-4 right next to it.

President Valiant said so you bought the building in '84 or '85 somewhere around there, right.

Deborah Boger said yeah, he bought the school building, the former gymnasium, and a home that faces... well what street is that... anyway, he sold the old school building which has 35 apartments in it and it belongs to Tip Top Homes now and the residence he used to reside in now belongs to Crystal Smith and he retained the old gymnasium.

President Valiant said okay.

Mrs. Barnhill asked when you did the remodeling work to put the apartments in did you get the building permits for the remodel.

Deborah Boger said pardon me.

Mrs. Barnhill restated did you get building permits for the remodeling work to do the apartments.

Deborah Boger said he got a building permit to do the apartments in the old school building.

Mrs. Barnhill said mhm.

Leland Powell said and the property was tied together.

Deborah Boger said yes, he used to own all the property so...

Mrs. Barnhill said so he didn't for this building then.

Deborah Boger said pardon me.

Mrs. Barnhill restated he didn't get the building permits for this building to do the remodeling.

Deborah Boger said I am not aware, I know he got it for the school.

Mrs. Barnhill said okay, well I know that was some of the concern, in the complaint that was filed, was the safety aspect. She said it says here there is an unsafe elevator, that was one thing in the complaint.

Deborah Boger asked what did she say.

Richard Reid said unsafe elevator.

Deboarh Boger asked unsafe what.

The Board responded elevator.

Deborah Boger said that...

Doris Horn asked how do you get up to the apartments. She asked are the apartments on the first floor.

Leland Powell said no, no, that elevator is my personal elevator. He said I have an apartment in there, I have a bedroom upstairs and a bathroom etc., and on the first floor I have a living room. He said I built that... well I don't know, maybe 8 or 10 years ago.

Doris Horn asked so did you have that inspected by a company for having that elevator in that building.

Leland Powell said no... I built the elevator myself and I have used it, I guess for 5 years.

Michael Powell added it is not for public use. He said the public cannot use it.

Leland Powell said no, no the public don't use it. He said it is my personal elevator.

President Valiant said it went to your apartment right.

Leland Powell said yeah, I live in one of the apartments in the building.

Doris Horn said so are the other apartments then on the ground floor.

Deborah Boger said yes, or they have stairs.

Leland Powell said yeah there is no need for any other elevators, just my personal elevator.

Bob Johnson said ma'am I am the County Commissioner for District 3 and Lynnville is in my district and I am getting a lot of complaints about these apartments, about how unsafe and how fit they are and I am about ready, to be quite honest with you, to send my building inspector out there.

Leland Powell said well right now at this point in time we have called in an engineer and they are going through them so there should be nothing wrong with these apartments, they are all set down... new, everything in them is good.

Bob Johnson asked now, they are now.

Leland Powell said yeah, they are very nice apartments.

Bob Johnson said okay, well that is fine. He said I am sure we will see that then.

Leland Powell said we don't have any problems and probably 80% of my people are on welfare...

Deborah Boger said social security.

Leland Powell said I am sorry, what.

Deborah Boger repeated social security.

Bob Johnson said gotcha.

Leland Powell said you know we keep a low rate, about \$525 a month and they are all senior citizens. He added we don't have any trouble, the place right across the street from us, the deer place is C-2.

Bob Johnson asked you talking about Kolley's.

Leland Powell said right, Kolley's, then it is the church, the apartment buildings, they are all C-2...

Deborah Boger said C-4.

Leland Powell said right, C-4. He said yeah everything is around us is C-4.

Doris Horn said you do realize that anytime you build anything in the county, you have to come and get a permit.

Leland Powell said I had a permit to build apartments, I built about 35 apartments in the school.

President Valiant said right, but what she is saying is you should have had a separate permit.

Leland Powell said pardon me.

President Valiant said in this building you would have had to have a separate permit because that is a different building.

Deborah Boger said okay, he didn't realize that.

President Valiant said and you know if he were the first person in the county to build something without a permit, we would all be out of a job. He said alright so before we go any further I am going to ask for any remonstrations for or against this project, if so please step up to the podium.

Richard Reid said you can sit down.

President Valiant said yeah, Mr. Powell if you could please sit down and then we will call you back up here.

Connie Duncan, 234 Church Street property owner, came to the podium.

Connie Duncan said bear with me, I have made no notes but I can tell you this, I have owned my property since 1985 and I live on the corner of Church and Second Street. She said so every day, every night, 24 hours a day if I want to see a show or something going on I just turn to the apartments or to the gym. She added it is open season over there and that is what I am exposed to. She said I also own the property... well my property is on the southwest corner and I own the property on the northwest corner of Church and Second Street. She said I came down here years ago when they wanted to put in the apartments in the high school, I was against it, several neighbors who lived across the street were against it and it did us no good. She said so if any of you would take a drive up there you could see what we're exposed to everyday and we are residential, we are owner's of our homes. She said we don't need any more welfare living, we don't need any more public housing. She said there are ambulances, police officers, fire departments, everything up there any day or night of the week it can happen and we are residential. She said I want all of you to put yourselves in my position; you don't want this next to you. She added Kolley's is open about 2 or 3 months during deer season, period. She said that is it and he is deer season, he is not moving in people from Evansville and anywhere else because that is the only people that are moving up there. She said people that walk the streets, that steal, that rob, that don't have... and it is unfortunate for them, I feel bad for them but there comes a point in our lives we have to look out for ourselves and look out for our own community. She said I live by myself, I am a widow, and I don't need any more headaches than I have now and to okay that and rezone that property is just going to create more headaches and it will be worse if you allow apartments to go in there because it is an absolute mess, a disastrous mess. She added and I know you have heard plenty about it, all of it actually needs to be shut down. She said I don't care what anybody says, it is a health and safety issue for the people that are there. She said and you have to follow the law, we follow the law. She said you cannot break the law and then ask permission to be forgiven when you know what you are doing, that is what has been going on all of his life. She said it is the truth, that is how he operates. She said you can take it or leave it and believe me or not. She said I don't... I know, I bought my property in '85 and so they have their numbers and they have their dates a little off because I watch what is going on over there and I still get to watch it and sit outside and see some more and all of you are welcome for you to come up. She said I would be more than happy to let you come up and see, I have had police officer's at my door and I say hey, put cameras up at my garage, my house if you can take care of the drugs and everything going on over there, you are welcome. She said I don't care, I am just hoping you come and take care of this situation. She said I am here to speak up, I don't want it. She said I definitely do not want it, there is nothing they could say or anybody could say to make me change my mind because I have to look out for myself, my family, and our community. She said we want to keep it safe and we want to keep it a residential community because the people that live around me, they own their homes. She said so then were going to have 38 in the apartments... he already has 8 apartments over there illegally and they want to put more apartments in there. She asked so how many apartments is that on a corner. She said you know, I mean what is that going to be 50 apartments. She said I mean it is absurd, there

isn't even enough room for that. She added in Evansville you would never get away with that. She said you would have to have 3 parking spaces for every 1,000 square feet.

Mrs. Barnhill said well they are not asking to put more apartments in. She said they are just asking to be zoned correctly, to fix the zoning issue.

Connie Duncan said and they will put more apartments in.

Mrs. Barnhill said okay, because we did account for the apartments and we did account for the parking spaces on their application.

Connie Duncan said but once you rezone it, it opens the door to put apartments in, correct.

Bob Johnson said it would be zoned correctly.

Mrs. Barnhill said it would be zoned for apartments.

Connie Duncan said that is what I am saying, that is not what this is about. She said this is not about being legal because he is going to sell it, it is for sale, he is selling it to a person who is not here tonight and they want it rezoned because they want to put more apartments in. She said he is not asking for permission for himself to be legal, he is asking permission so the person who is going to buy this place from him puts apartments in. She said we know that is going to happen, if you okay this, if you change this for them, it is a definite go, it will happen so you have to think long, and hard, and deep on that. She said that is what is going on, he is selling that. She said it is a given, they just didn't tell you that. She said this is just stuff to take care of in order to sell that property. She said he needs to take care of legal things to sell that property, right, you know, I mean you don't want to sell a property with illegal apartments in it and that person get stuck with it.

Mrs. Barnhill said right.

Connie Duncan said I mean that is just kind of common sense so I am here against it and everyone else back there sitting with me, we are all against it, if you okay it then we are faced with more apartments put in there. She said it is a guarantee, it is not an if or when. She said it is going to happen if it gets okayed so I am pleading with you to please think deeply about this one because you don't want this at your back door either, you know, nobody would want that at their home. She said so that is what I have to say.

Bob Johnson said thank you.

President Valiant said Molly would you please go over M-1 Zoning.

Mrs. Barnhill said yes, so currently it is zoned M-1. She said so that could be any uses in C-4 so that is any commercial and it is for the manufacture, processing, compounding, treatment, or use of the following and there are three pages of things you can do in M-1. She stated chemical

packaging, electrical appliance assembly, electrical supply house, food processing, grain elevators, glass products.

Bob Johnson asked is apartments one of them.

Mrs. Barnhill said no, sir. She said there are 56 uses to manufacture and process.

President Valiant said as it currently sits.

Mrs. Barnhill said as it currently sits, yes.

President Valiant said alright, thank you Molly. He said okay, ma'am please state your name for the record and I will ask that your issues are not repetitive. He said we don't need 15 people saying crime or whatever.

Susan Smith, 222 E Second Street property owner, was present.

Susan Smith said alright, I would just like to say my family and I own the plot right behind the old high school on the corner of Third and Cherry. She said that building, it was constructed in 1951, it was not built intended to have apartments in it and with that being said that most of those older buildings have asbestos, toxins, lead and a lot of other toxins in them. She said there are going to be children living in these apartments and as an educator that concerns me. She said already we see children running the streets of Lynnville that live in those apartments. She said there is no guidance for them, they just let these kids run and I feel like this is going to be an issue, this is going to be another problem just like that. She said you know if we had predators or anything in our community that live in these apartments you know what Lynnville would be a prime place to come visit and that scares me to death. She said and so I am pleading with you, please do not rezone this area, please. She said it is not kept up and I am sure it is not up to code, it is a mess, it is trashy, it is deplorable. She asked and what does that do to our property value in that area. She said it is not fair, it is not right, and so I am begging you please do not rezone this, thank you.

Bob Johnson said thank you.

President Valiant said thank you.

Sandy Wire, 407 E Second Street property owner, was present.

Sandy Wire said I own the property right across from the gymnasium there so I am a close neighbor. She said you know I have taken my little plot and I have cleaned it all up, I have flowers in it and I have everything in it and my problem I have with the people over in the apartments and the people in the gymnasium is they bring their dogs over and they poop all in my yard. She said when I go to pick up sticks and stuff, which I keep mine clean and nice it is mowed every week, you better wear gloves because you don't know what you will be picking up. She said so I went over there one day and there was a woman that had her dog chained on my plot that lived over there in the apartments. She said also Mr. Powell said those people are living on the floor part of

the gymnasium so how come they are all parked on the top there right across from me and people are always coming in and out of that door there. She said you would think it would be easier for them to go from the bottom part out that way to the other side then to climb up all the steps to get out to where they are parked, it doesn't make any sense. She said and I don't think they ever had building permits with them and there are all kinds of kids now that are running our streets. She said they have no supervision, them little fellers. She said somebody is going to get hurt because on that one road there right across from the Methodist Church Parsonage, my plot is right next door to Parsonage. She said that is where them little fellers play, in the street. She said their dad sits on the stoop of the apartments and watches them little kids play in the street and that is what they do all day long. She said and if they aren't doing that then they are out riding their bikes, and they aren't little fellers but about like this (holding her hand up to her knee), they are little fellers. She said you know I just don't think we need more apartments here and if we do you know, we have some nice apartments in Lynnville and nobody has any problem with them. She said they are clean, they are neat, they have flowers around them and stuff to make them look nice. She said that is a dump over there, that is our drug house and it has really taken our town down. She said the town is known for the drug nest over there, the cops are over there all the time. She said that is where they go. She said the other day the one right across the street there, they had furniture on their porch and they came home about 9 o'clock at night and there are two little kids sitting on their porch. She said there is no supervision or anything and those little kids, this is after 9 o'clock at night and they wanted him to fix their bikes and do things for them and he did but really he shouldn't have because it is just going to make things worse. She said in Lynnville we really like to have our town neat, it is a neat little town, it is clean except for those places over there and I do hope you do not go ahead with this here thing with Mr. Powell. She said it will make my little plot over there go down to next to nothing, there is not much ground left in Lynnville and that is a nice sized plot that you could build a home over there. She said that is why I bought it, cleaned it up, and fixed it in hopes that someday I will be able to sell it to someone but if they make that like the other one, which they will do later on I guarantee you. She said that is a cheap way to make money, you just put an apartment in there, plop it up there and people just come in and live in it and they don't care what they live in as long as they have a roof over their head. She said so I would appreciate it very, very much if you vote no on this and help our community, our town because this is the only way we are going to keep it nice is for people to pitch in and help us with this stuff. She said thank you.

Bob Johnson said thank you.

President Valiant said thank you.

David Goldenberg, 317 Oak Street property owner, was present.

David Goldenberg said I will take a little different perspective because I don't like telling people what they can and can't do with their property but I am not enamored with the proposal of changing the zoning of this property. He said they have made their statements, I had a page written out that

I am not going to even bother with because it is just repeating so I would just urge you before you do any zoning changes that they would have to bring it up to code, if you would allow it to go to C-4, and that they are required to put a million dollar bond down to make sure that it is brought up to code. He said we don't want it to be sold off and then we have a problem and we can't get people up there to look at it and straighten it up. He said if there is a bond put out there of a million bucks then we have some flexibility. He said I don't know if you can do that or not but I am with them, it needs to be looked at. He said I would urge everyone to come up there, walk the streets, and see what is going on.

The Board said thank you.

David Goldenberg said thank you.

President Valiant asked anyone else. He said seeing none, if the applicant and owner would like to come back up.

Deborah Boger, Applicant, Michael Powell, Owner's Son, and Leland Powell, Owner, returned to the podium.

Mrs. Barnhill said I do think this one is different from your normal rezoning because it is the result of a complaint and most of the complaints are unsafe building.

President Valiant said right.

Mrs. Barnhill said so Morrie, what needs done now.

Richard Reid asked should we send the building inspector up there or.

Attorney Doll said I am sorry, what is the question.

Mrs. Barnhill said the complaints are unsafe building, right. She said they didn't get the building permit so it is not up to code and it's a public building all that stuff, but that is nothing to do with zoning.

Leland Powell said that is very untrue, these remarks up here. He said that one lady up here bought a house across the street from us and tore it down and you know she comes over there... and the church.... I haven't had any trouble, I haven't had the police come to my apartments but maybe, well they have been there maybe a couple of times.

Deborah Boger said I am thinking some of the comments that I could hear were made about the apartments in front of ours.

Leland Powell said yeah the front apartments are what they are all complaining about.

Deborah Boger said yep, it's the front apartments. She said it is the school building that were made into apartments.

Greg Webb said a couple questions, they mentioned that it could be for sale is that true and if so is it the same owner that owns the front apartments that you are talking about wanting to buy it.

Deborah Boger said no.

Leland Powell said no, we are not selling.

Greg Webb said okay, are the apartments still occupied.

Leland Powell said oh yeah, you can come and go through them anytime you want to. He added they are spotless.

Greg Webb said I am wondering why they're still occupied.

Leland Powell said pardon me.

Greg Webb asked why are there still tenants.

Leland Powell said well that's um... the woman that was here before me, she has been against these apartments ever since I put them in up there.

Attorney Doll asked is the building, the gymnasium building, is it fully...

Leland Powell said they have concrete floors...

Attorney Doll said no, no, you have 8 apartments in there. He asked are there... is there room to put more apartments.

Leland Powell said I am not putting anymore apartments in.

Attorney Doll said no, I am not asking your attention. He asked is there room in the building to build additional apartments if you wanted to.

Leland Powell said well, yeah.

Deborah Boger said you could but there are storage units on the bottom floor.

Leland Powell said but what is there is there and that's it.

Someone from the audience spoke.

President Valiant said ma'am, this is not a town hall meeting all right. He said I am sorry, go ahead.

Leland Powell said they are modern, they are sit down... they have bathrooms with showers. He said they are for older people mostly.

Attorney Doll asked could C-4 be for storage.

Mrs. Barnhill said yes, that is why we encouraged the C-4 when they filed.

President Valiant said Greg, can you follow up on your question a little bit.

Greg Webb said well I was just wondering, I mean, I didn't understand if it is zoned wrong and everything done is wrong how they can just keep tenants in there.

President Valiant said well that is what we are discussing tonight, yes.

Greg Webb said okay, that is my question because no building inspectors, nothing...

President Valiant said right and I think from the statements that were made earlier we have had tenants in there for 6 years.

Greg Webb said yeah, right.

President Valiant said from what I understood earlier. He asked correct.

Deborah Boger asked what.

President Valiant restated you have had tenants in his place for six years.

Attorney Doll added in the gymnasium.

Leland Powell said yeah, about 6 years we built these new apartments.

President Valiant said so yes, we have been incorrectly zoned for 6 years.

Greg Webb said yep.

Richard Reid said hey Bob, can we get Dennis Lockhardt out there.

Bob Johnson said I think that we have been asked by the Town Attorney to get an inspector, maybe on a subcontract, to where we can go into the town and you know based on the complaints and everything that we are hearing I think that is a good idea.

Richard Reid said I think so, we might want to table this until we get to that part of it too.

Bob Johnson said and I am getting tired of getting phone calls.

Richard Reid said yeah.

Doris Horn said and I know Mr. Powell, you are a nice man.

Leland Powell said pardon me.

Doris Horn said you and I have had our problems and then we go on.

Leland Powell said yes.

Doris Horn said and you are a savvy business man, I mean you had the apartments going, you had the gymnasium going, you have businesses going in but, I am sorry, but being a businessman you knew about the zoning. She added you knew about it back in those days.

Leland Powell said I did not know about it.

Attorney Doll said well you don't have to know about it.

Doris Horn said well you did know about it and the thing of it is there have been the cops up there with drugs in the gymnasium area, the kids have been running around into the area.

Leland Powell said they are not my kids, I don't have any kids in my apartments.

Doris Horn said we have seen the kids in that area. She said the place is very, very trashy and there are cops always going around because the town has the old church right next to it so we see this all the time. She said I live real close, these people here that are talking see this every day. She said no they are not your kids to keep track of but there is no security back there for the kids.

Leland Powell repeated I don't have any kids in my apartments.

Doris Horn said there are cars strung everywhere and the thing is the apartments should never have been put in there. She repeated should have never been put in there.

Attorney Doll said well the cart is before the horse so we can see the improvements before we approve the zoning.

President Valiant said okay.

Attorney Doll said you testified, Mr. Powell, that you are bringing an engineer in to look at this place.

Leland Powell said yeah, we had someone out. He said you know it is not to build more, it is only to check them.

Attorney Doll said I understand, you don't know the name of the engineer.

Leland Powell said he used to work for the city.

Attorney Doll asked what city.

Leland Powell said Boonville, he has a company called... it is just an engineer and he came over and measured everything and he came up with anything that was wrong with it we are going to fix it. He said it is minor things, it is nothing...

Attorney Doll asked has he given you an inspection report.

Leland Powell said well that is what he's... well he is doing more than that. He said he has said anything that is wrong...

Attorney Doll asked do you have an inspection report.

Deborah Boger said I have not... no.

Leland Powell said it would be from the people here in the building. He said they have been there and gone through them. He asked who is it.

Deborah Boger said I don't know, I wasn't involved in it.

Leland Powell said it's the people upstairs, I think they were involved in it.

Attorney Doll asked here in this building.

Leland Powell said yeah.

Attorney Doll said you are on the top floor.

Leland Powell said okay, second floor. He said they were there and they went through the building.

Attorney Doll asked the Health Department, is that who you are talking about.

Leland Powell said no, well we can pass any health thing you send in there. He said we don't have any health problems.

Attorney Doll said I mean, I think before you rezone...

Bob Johnson interjected Morrie, Dennis's office is on the second floor.

Attorney Doll said okay. He said I think before approving the zoning you need to verify that what is there meets code, that you are not zoning them into a violation status by changing the zoning.

President Valiant said yeah, I think an inspection is definitely due.

Bob Johnson said I think we will get Dennis up there to see what is actually in there.

Doris Horn said the Building Inspector and also the Health Department.

President Valiant said we can get everyone up there because we have a lot of conflicting stories here and I would like to get a third party in there.

Doris Horn said and if there is a makeshift elevator just for Mr. Powell to use will he have to...

Attorney Doll interjected Mr. Powell, are you still living there.

Leland Powell said no, well yes. He said but I have sold it so I won't be living there.

Attorney Doll said now wait a minute, wait a minute, I thought you just told us it wasn't for sale.

Leland Powell asked I told who.

Greg Webb said I asked if it was for sale or being sold.

Leland Powell said oh, yeah we are selling it.

Greg Webb said okay.

Leland Powell said yeah, you can come anytime you want to and go through our apartments.

Attorney Doll asked do you... does anyone live in the apartment with the makeshift elevator.

Leland Powell said me, I haven't... I have my bedroom upstairs and its about 9 years old.

Michael Powell said that apartment is vacant right now.

Leland Powell said oh, it is vacant right now because I...I...

Attorney Doll asked where do you live Mr. Powell.

Leland Powell asked rhetorically where do I live.

Attorney Doll asked again where do you live.

Leland Powell said I live in McGallen, Texas but I am staying there. He said I have a winter home there and I came up here just for this.

Attorney Doll said so you are selling this building.

Leland Powell and Deborah Boger responded yes.

Attorney Doll asked and who are you selling it to. He asked do you have a buyer.

Leland Powell said Ben Modlin.

Attorney Doll said and is Ben Modlin the same person who owns the school building.

Leland Powell said he owns the post office...

Doris Horn said the flower shop...

Leland Powell said he owns about 3 houses around there.

Deborah Boger said he does not own the apartments, no.

Leland Powell said pardon me.

Attorney Doll said he doesn't own the school building.

Doris Horn and Deborah Boger said no.

Deborah Boger said Tip Top Homes owns the apartment building.

Attorney Doll asked who owns Tip Top Homes, do we know.

Deborah Boger said they are based out of Arizona.

Leland Powell said that is the school, right.

Deborah Boger said yes, that is the school you converted into apartments.

Attorney Doll said and the gentleman who wants to buy from you, the gymnasium building, what does he intend to do with the building.

Leland Powell said just leave it like it is. He said there are really no plans for building anything else in that building. He said we are selling it to him as is, he is going to live in the building, um.... He said all these kids and all this talk that is going on, it is not our kids it is from the school apartments. He said we don't have any children, everyone is senior citizens in our place.

Attorney Doll asked how long ago did you sell the school building.

Leland Powell said oh...

Michael Powell said 2019 or 2018.

Leland Powell said 2018, he says.

Attorney Doll said okay.

Leland Powell said so we want to have the gymnasium and it has been surveyed just in the last year. He repeated it has been surveyed.

Attorney Doll said trying to get it ready to sell.

Leland Powell said yeah.

Michael Powell and Leland Powell speaking at once (inaudible).

Attorney Doll said I am sorry, two people talking here.

Michael Powell said Property Pros is the owner of the old school building.

Attorney Doll said I thought it was called Tip Top Homes.

Deborah Boger said it is Tip Top Homes.

Michael Powell said I am sorry, that is my mistake. He reiterated I am sorry.

Attorney Doll said I mean I don't think we can rezone this property in its current use without having it inspected to see if it meets standards. He said so if you think you can get the County Inspector as well as the County Health Officer to look at this property and to give us some kind of a report back you could continue this for a month and take it under advisement or table it until that report comes back to you so you know what you are dealing with. He said you could also, I mean, I am worried about 8 apartments becoming 10 apartments or 12 apartments.

Michael Powell said no, no, I don't think so.

Attorney Doll said now you can promise but you don't know what your buyer intends to do.

Leland Powell said well he intends, as far as I know he doesn't intend to add more.

Attorney Doll said well he could convert, could he not, the storage units into living quarters.

Leland Powell said pardon me.

Attorney Doll asked could he convert the storage units into apartments.

Leland Powell said no, they are on the lower floor.

Richard Reid said no he couldn't do that because it is not zoned right. He laughed.

Attorney Doll said and he couldn't get a building permit.

Bob Johnson said Morrie, I think I want to get Dennis up there and do an inspection.

Attorney Doll said so we need a motion.

Doris Horn asked can we go ahead and get the Fire Marshall also and the Health and Building Inspector all three up there.

Bob Johnson said and I am going to go myself, so yeah.

President Valiant said so we need a motion to table first.

Richard Reid said motion to table until we get an inspection from the Building Inspector, Health Department, and the Fire Marshall. Doris Horn seconded the motion and it carried unanimously.

Attorney Doll said so what is going to happen is this is going to be continued one month, okay. He said to the second Monday of...

President Valiant said July.

Attorney Doll said of July.

Doris Horn said in this room.

Attorney Doll said in this room. He said in the meanwhile the County is going to send out the County Building Inspector, the County Health Officer, and maybe, I don't know who's Fire Department...

Bob Johnson said Lynnville has their own Fire Department.

Attorney Doll said Lynnville.

Doris Horn said we could get the Fire Marshall.

Attorney Doll said so the Fire Marshall, Fire Chief, or someone is going to come and see if it is a fire hazard or not.

Leland Powell said yeah.

Attorney Doll said adequate exits and that type of stuff. He said so I am sorry you are from Texas and this is an inconvenience but you understand that it is not approved, it is continued for one month.

Leland Powell said that is no problem at all.

President Valiant said okay, Bob if you can coordinate with Dennis.

Bob Johnson said I can get a hold of Dennis and Aaron tomorrow and we will figure out a day to go up and check it out.

Richard Reid asked did we vote on that table.

President Valiant said yeah, we voted on the table.

Richard Reid said okay.

Attorney Doll said now, does he know how... does anybody know how to get a hold of Mr. Powell to get into the building.

Bob Johnson asked do you live there.

Leland Powell said I live there.

Bob Johnson asked you are going to be there.

Leland Powell said yeah, I will be there until it is sold and then I will move.

Richard Reid asked can you give him a phone number.

Attorney Doll repeated can you give him a phone number.

Jeff Willis asked is it on the sign in sheet.

Leland Powell said 812-403-0010.

Deborah Boger asked do you want mine too.

President Valiant said go ahead.

Deborah Boger said 812-449-4810.

President Valiant and Mrs. Barnhill said thank you.

Attorney Doll asked Mrs. Boger are you the owner of this building.

Deborah Boger said no, I am his daughter.

Leland Powell said I am the owner.

Attorney Doll said yes, but you are the applicant.

Deborah Boger said yes, I came in and did all the paperwork.

Leland Powell said she took care of all the paperwork.

Michael Powell said Mr. Powell just had heart surgery last week and before that there were several other health issues so we have been in and out of the hospital.

Attorney Doll said I understand, so I don't think really Mrs. Boger is the proper person as the petitioner.

Deborah Boger said my brother is the Power of Attorney.

Attorney Doll said but this is done for Mr. Powell, you are not going to be doing anything with the property personally.

Deborah Boger said no, just corresponding. She said I am just trying to take care of business for him.

Attorney Doll said I understand, okay. He asked so you understand what is going to happen Mr. Powell.

Leland Powell said yes.

Attorney Doll said okay, do you have any questions.

Leland Powell said it is no problem, if that is what you need to do that is no problem.

Attorney Doll said okay.

President Valiant said thank you.

Leland Powell said there isn't anything wrong with the building but if there is we will take care of it.

Attorney Doll said okay.

President Valiant said thank you.

Attorney Doll said thank you Mr. Powell, see you next month.

OTHER BUSINESS:

ATTORNEY BUSINESS:

EXECUTIVE DIRECTOR BUSINESS:

Update on Stop Work Order Issued: 9611 Willow Pond Road, Owners: Derrick & Melissa Marshall

Mrs. Barnhill said I have an update on the Willow Pond house that got flooded.

Richard Reid said this nightmare.

Bob Johnson asked is it still underwater.

Jeff Willis said not lately.

Attorney Doll said hold on, you want to tell everyone they can come back next month.

Richard Reid said thanks for coming out guys.

Mrs. Barnhill said so that next meeting that they didn't say will be on July 10th at 6 o'clock in this room.

Someone from the audience asked July...

The Board responded July 10th.

Someone from the audience repeated July 10th. They said oh, we will be back.

Mrs. Barnhill said okay, thanks.

The Board said thank you.

Richard Reid said take pictures if you want.

Someone asked can I say one more thing.

President Valiant said we have already closed this.

Attorney Doll said no.

Doris Horn said next month.

Someone said okay, thank you.

Mrs. Barnhill said so DNR got a hold of someone at FEMA and FEMA has said that they, well they call it allowing mitigation to the greatest extent practicable because it is in an unstudied area and drainage is upstream less than one square mile so actually DNR did not have jurisdiction. She said FEMA says they can do venting anywhere below the Base Flood Elevation and that floor joist is right above the Base Flood Elevation. She said so they are venting the crawl space and right now, they are venting the garage. She said they had some studies and surveys done and they found a little corner up by the road that is not in the flood plain and Aaron Franz has approved a septic system to go up in that corner.

Richard Reid said you have to be kidding.

Mrs. Barnhill said so they have done what they were supposed to do.

President Valiant said good.

Doris Horn said wow.

Richard Reid said that sounds like mold to me.

Mrs. Barnhill said yes, well the venting is supposed to allow the floodwater to come in and to go out.

Attorney Doll asked so they are going to live over the flood water.

Mrs. Barnhill said yes and he also says he is going to do his own dirt work to try to alleviate some of it. She added he does have some good contractors that he knows and will be working with.

Richard Reid said a mote might work.

The Board laughed.

Attorney Doll said you know it is his property, he can do what he wants with his property.

Mrs. Barnhill said yeah, so I have let them start building again.

President Valiant said alright. He asked anything else.

Budget

Mrs. Barnhill said well I know I didn't put it on the agenda, but it is budget time. She said so I made copies of our budget if you all want to see.

President Valiant said please.

Richard Reid said not me.

Mrs. Barnhill asked you don't want to see it.

Attorney Doll said well he has to vote on it.

Richard Reid said I am teasing, I will look at it.

Bob Johnson said pay cut.

Mrs. Barnhill asked pay cut.

Richard Reid asked did you say pay cut.

Mrs. Barnhill said no, Bob did, not me. She said so I am keeping everything the same but I do have a proposal of 5% raises but the Council will do what they want to do, but we always put a little percentage in there.

President Valiant said gotcha.

Mrs. Barnhill said you know, just incase they are feeling gracious.

Richard Reid said we did last year.

Mrs. Barnhill said yes, yes you did. She added yeah last year was great, but that is where we are at.

President Valiant said alright.

Attorney Doll asked when will you be appearing before Council.

Mrs. Barnhill responded I have to turn this in June 30th and I have a meeting with them July 12th for a budget review.

Richard Reid said yeah, that is a long day.

Bob Johnson asked are you fully staffed now Molly.

Mrs. Barnhill said yes, so I have asked her to come tonight, Carlie Render. She added we have a full staff now.

Richard Reid said welcome aboard.

President Valiant asked her name is Carlie.

Mrs. Barnhill said yes.

President Valiant said I won't forget that one, that is my daughter's name. He said I won't forget your name I promise, now Katelyn's... no, I am just kidding.

The Board laughed.

President Valiant asked anything else.

Mrs. Barnhill said nope.

President Valiant asked anything else for the betterment of the Board, if not I will entertain a motion to adjourn.

Richard Reid made a motion to adjourn at 7:22 PM. Doris Horn seconded and the motion carried unanimously.

ATTEST:

Molly Barnhill, Executive Director

Jeff Valiant, President