

MINUTES

WARRICK COUNTY AREA PLAN COMMISSION
Regular meeting to be held in Commissioners Meeting Room,
Third Floor, Historic Court House,
Boonville, IN
Monday, October 12, 2020, 6:00 PM

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

MEMBERS PRESENT: Amanda Mosiman, Richard Reid, Bob Johnson, Bill Byers, President Jeff Valiant, and Jeff Willis.

MEMBERS ABSENT: Bryan Flowers.

Also present were Aaron Doll, Attorney, Molly Barnhill, Executive Director, and Katelyn Cron, staff.

MINUTES: Amanda Mosiman made a motion to approve the September 14, 2020 minutes. The motion was seconded by Richard Reid and carried unanimously.

President Valiant said it looks like we have one primary plat and three re-zonings on the agenda tonight. He said the primary plat will get approval tonight, re-zonings will go to, either for or against, as a recommendation to the Commissioner's at their next month's meeting.

PP-20-14: 4B Estates PUD: PETITIONER: Charles D. Beaven. OWNERS: Charles D. Beaven, Ryan C. Beaven, Shawn R. Beaven, Wendy C. Isaacs, and Jason M. Isaacs. 20.15 acres located on the N side of Oak Street. Approximately 379' N of the intersection formed by Ridgeview Avenue and Oak Street. Being Lot 2 in 4B Subdivision as recorded in Doc. #2015R-009325 and Lot 4 in Hornet Hill Subdivision as recorded in Doc. #1999R-014825 in the Warrick County Recorder's Office. Greer Twp. (Advertised in the Standard October 1, 2020.)

Charles Beaven, Owner, and Greg Kissel, Kissel Land Surveying, were present.

The President called for a staff report.

Mrs. Barnhill said the rezoning and primary plat the notices were all sent together. She said we have all green cards showing the adjacent property owners were notified correctly. The zoning is "R-1A" Single Family Dwelling, if the rezoning is passed it will be rezoned to "R-1A/PUD" Single Family Dwelling Planned Unit Development. She said there is no flood plain. She said there are 6 proposed lots. She said the Commissioner's approved the street plans today, and Oak Street will be a private, gravel road the county will not maintain. She said the Drainage Board approved the drainage plans today. She said the Town of Elberfeld has sewer capacity and the Town of Elberfeld has water capacity. She said the proposed development is a 6 lot subdivision with lots ranging in size from 1.049 acre to 4.329 acre lots; one lot has an existing Single Family Dwelling and they

are proposing 5 new building sites. She said the only reason this is being done as a PUD is for the private road and it does meet all of the normal setbacks and frontage requirements. She said everything is in order on the primary. She said on the rezoning:

PC-R-20-14: PETITIONER: Charles D. Beaven. OWNERS: Charles D. Beaven, Ryan C. Beaven, Shawn R. Beaven, Wendy C. Isaacs, and Jason M. Isaacs. To rezone 20.15 acres located on the N side of Oak Street. Approximately 379' N of the intersection formed by Ridgeview Avenue and Oak Street, being Lot 2 in 4B Subdivision as recorded in Doc. #2015R-009325 and Lot 4 in Hornet Hill Subdivision as recorded in Doc. #1999R-014825 in the Warrick County Recorder's Office, from "R-1A" Single Family District to "R-1A/PUD" Single Family Planned Unit Development District. Greer Twp. (Advertised in the Standard October 1, 2020.)

Mrs. Barnhill said there is no minimum lot size for "R-1A/PUD" zoning. She said the comprehensive plan shows the area to be low density residential. She said the existing land use is vacant, other than the one house being there. She said the surrounding zoning and land use to the east is zoned "R-1A" being a vacant lot. She said to the south is zoned "R-1A" being Hornet Hill Subdivision; to the west is zoned "A" and "R-1A" being single family dwellings; to the north is zoned "A" being single family dwellings. She said the developer is proposing a 6 lot subdivision with Oak Street being the access to all of the lots. She said they are planning to extend Oak Street and make it into a private roadway, meaning the county will not maintain it, and that is the reason for the rezoning petition. She said the stated use is a residential subdivision which is in compliance and everything is in order on the rezoning.

President Valiant said thank you Molly. He asked Mr. Beaven, do you have anything to add to the staff report.

Mr. Beaven said no.

President Valiant asked any questions from the Board.

Amanda Mosiman asked the current house sits on which lot.

Mr. Beaven said on Lot 6.

Mrs. Barnhill said lot 6. She said do you see where Lot 4 in Hornet Hills Subdivision is, it is right there.

Amanda Mosiman said right, okay.

Mr. Beaven said right, there is sewer on the first two lots coming into the subdivision and then the others will be on septic. He said the letter for Elberfeld water and sewer have been sent.

Amanda Mosiman asked is Oak Street maintained by the county or town up until that subdivision point.

Mr. Beaven said yes, by the county.

Jeff Valiant asked anymore questions from the Board at this time. He said if not, I will ask any remonstrators for or against this project to please step forward. He said one at a time, I will ask that we not repeat any issues you might see. He said please state your name for the record and there should be a sign-in sheet there as well.

Kevin Bland was present.

Kevin Bland said I live in Hornet Hill Subdivision. He said I actually own Lots 5 and 6 in Hornet Hill. He said I am somewhat worried about pulling Lot 4 into this rezoning. He said all the lots in Hornet Hill have covenants on them, have restrictions on them, and pulling this out of the Hornet Hill Subdivision is going to take those restrictions off. He said this is probably going to devalue my lot that is sitting right next to it. He said also, I am somewhat concerned too about rock roads. He said my driveway borders Oak Street therefore anything that comes off of this property is going to come right down that road, right to the sewer drains. He said they are out in front of the corner of my house. He said I also have a little bit of worry about the water runoff. He said there is a ditch back there that carries the bulk of the water away. He said I know they have, the Drainage Board, they have looked at it. He said once you start moving ground, and I know this for certain, once you start moving ground things change and I am somewhat concerned with how that water is going to run. He said because of the PUD on this property that is going to allow Mr. Beaven to build unconventional homes back there if he wishes. He said all the homes in Hornet Hill have at least one third brick on them. He said I have pictures of all the homes that are involved in the line of site, or that you have to drive by to get to this new property that he is trying to rezone. He said they are all nice homes and he has told everybody what type of home he wants to build back there and that type of home you cannot even hardly get a loan for so I am not sure how that improves the value of my property or any of the other properties in Hornet Hill. He said the other thing about all this is, is with all the one way in and one way out. He said all three homes facing Oak Street have children in them and we are adding six new lots back there and even though Mr. Beaven has told everybody he would like to build homes for him and his family, after this is rezoned there is nothing stopping him from selling this piece of property to anybody or anyone. He said a PUD will allow them to bring in a commercial type building back there if they want to. He said it could be a landscaping business or any of those things. He said it is just going to increase the traffic too. He said he has already been approached by somebody to buy a couple acres back there to put something like that in. He said I have serious concerns about that, the traffic, I also would... He said because 4B is currently zoned for single family homes and I realize that the reason he wants a PUD is so he can get out of paving a road. He said he wants to make it a rock road, a private drive. He said once again, that does not help any of the value of the homes in the area or the structures in the area. He said the purpose and intent of a planned unit development in the regulations is to provide a greater design in the flexibility and development of the land when consistent with the comprehensive plan. He said the use of the PUD classification is deemed to be appropriate when the use of such regulations under this article to promote a harmonious variety of uses, provides for an economy of shared services and facilities, which there are going to be none, and it's compatible with the surrounding area. He said which it is not going to be compatible with the surrounding area if he puts a pole barn home on that property. He said it is not going to look like any house in that area. He said if I wanted to live next to a pole barn home I would have moved out in the country. He said it needs to foster

the creation of an attractive, healthy, efficient, stable environment for the living in that area. He said that is right out of the Warrick County Zoning... planning commission. He said it is straight out of that paper. He said you know we feel, and there several people represented tonight from the neighborhood, we feel that this petition at this time should be denied until there is either a further study done if something can be done about the extra traffic and we know that once the ground is destroyed we know the water is going to be a problem. He said the water table in that area is high anyhow and Lot 4. He said Lot 4 being pulled in is the pure definition of spot zoning. He said when you take a piece of property out of a place that is already zoned R-1A and you take it and you push it over into something else that is the pure definition of spot zoning, which is not something I think we want to do. He said so you know that that bothers me too, that that lot is being pulled over to this other zone. He said to reflect the interest of the community, and the community being Hornet Hill. He said Lot 5 is vacant, I own Lot 5. He said I left it vacant for a reason because I did not want anybody building right behind me. He said that is why I bought the lot, but the lot is worth so much money because all the utilities are there. He said the value of that lot, if Lot 4 gets pulled in, the property value will definitely drop. He said there is no way it can stay the same price it is now, because of the restrictions being on Lot 4. He said with the differences in... just the safety of the streets really, because we have kids running up and down that street all the time. He said not that 6 houses are going to make a difference, but 6 houses and a... or 5 houses and business or 3 houses and a business could make a difference or 2 businesses could make a difference. He said so I would appreciate the Board to think this through seriously before they decide whether or not we should rezone or make this a PUD. He said Lot 4 and the 20.13 acres of ground that is out behind this, because it was, the property owner is already zoned for single family dwellings right now. He said he could go back out there and build houses right now on all 6 lots and everything would be fine. He said thank you for your time.

David Grant was present.

David Grant said I am a resident of Hornet Hill Subdivision. He said I have been out there for 17 years. He said me and my wife, we are a family that do have kids. He said I have kids that are always on the road. He said bringing that up about the residential area, just like Kevin said right now Chuck can build out there and I wish him the best on that because he has been a good neighbor, but I feel like this is not in the best interest of our community out there. He said when I bought out there they were all residential homes. He said they all look identical, pretty much. He said we all have pretty much the same acreage. He said it has been a great community and, like Kevin said, I live on the end of that cul-de-sac I am one house away from it. He said the increased traffic on there and with the, and I am not a big fan of the gravel road. He said it is completely different from what we live on. He said it is a nice, concrete paved road and just like anything it is going to travel. He said that rock is going to travel down that road. He said also, with the zoning itself, he is wanting to change it from residential to A1/PUD I believe. He said there is nothing that can stop him from you know if he decides not to go through with it just to sell it off as commercial. He asked is that right.

Mrs. Barnhill said it is R-1A/PUD. She said it is one family dwelling, it cannot be commercial.

Jeff Valiant said yeah, it is single family dwelling. He said there can be no business or anything like that. He said carry on.

Mr. Grant said okay, that is our greatest concern. He said we just want to make sure that it stays what we moved into 17 years ago and what it has been throughout that time. He said single family homes, nice brick homes, and well-maintained homes. He said that is our subdivision. He said that is all I have, thank you.

President Valiant asked anyone else. He said Mr. Beaven if you could please come back up. He said just to be clear, the PUD is for the private roadway to the property. He said that is the only reason for the PUD. He said it stays R-1A, single family dwelling, no businesses are going to go in. He said you cannot put a business back there. He asked do you have answers for some of the issues that were brought up.

Greg Kissel said sure, I just want to address a few of the technical issues and some of the other issues and maybe Chuck can provide input, but we definitely have valid concerns from the neighboring property owners and I think hopefully we can maybe answer some of them and at least explain what Chuck is intending to do. He said concerns over the water run-off or the rock coming back to the asphalt, our road design basically pitches the roadway as it proceeds away from the existing subdivision so the side ditches would run to the north and away from the existing homes. He said this would least likely track gravel onto the road because it would slope away from the existing asphalt. He said the drainage actually flows into an existing lake on the property and it does not flow the direction of the subdivision so they are able to use that lake in a positive way. He said Hornet Hill Subdivision, it is my understanding, was originally designed years ago for a phase 2. He said being this phase which may have had dozens if not hundreds of lots of third acre sizes. He said so the traffic flow proposed to where Hornet Hill was originally intended, in my opinion the intent would be less on this development than the original plan that was out there. He said it does not look like that they are going to have to put themselves in danger with anything like that to get in and out. He said those are all the technical things I heard from a design stand point. He said like I said, their concern is valid and we understand. He said you know if there is any other thing I can answer I will do my best. He asked do you have anything you want to add (referring to Mr. Beaven).

Mr. Beaven said yeah, I just want to cover the existing subdivision that was going to be there before I bought the ground. He said it was going to be another 60 lots back there so the traffic would have been way more than the 6 building lots that I am proposing. He said I do not think the traffic is a valid issue to deal with.

President Valiant said okay, just to clarify for everybody about pulling in Lot 4. He asked can you elaborate on that a little bit.

Mr. Beaven said excuse me.

President Valiant said can you please clarify for people why it was done that way.

Mr. Beaven said the people who are buying the lot are buying it to put a bigger out building out on by their house. He said it is going to be on the north side of their house, which faces my subdivision. He said it does not face Hornet Hill and like I said, the empty lot that Kevin was talking about he bought that lot to build a garage on too so I don't know what the difference would be for him to buy an empty lot to put a garage on or the Isaacs buying my lot to put a building on. He said as far as devaluing his property. He said I do not think that is, nobody is going to build something that is going to devalue somebody's property.

President Valiant asked are all these lots already sold.

Mr. Beaven replied no.

Amanda Mosiman asked is there something about that garage construction on Lot 4 that would not fit with the current Hornet Hill regulations. She asked is that why they are doing that, instead of just going through the regular Hornet Hill.

Mr. Beaven said it would be two different properties. He said I don't know the restrictions of one being in Hornet Hill and one being in 4B what that would be. He said they do not have enough room on their lot to build a garage with their pool and that that they have so they need more room to build a garage.

Mrs. Barnhill said if Lot 4 did not combine this to make it one big lot, we would not issue a permit for an unattached accessory building on the new lot being it is zoned residential.

Amanda Mosiman said okay.

Jeff 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 County Commissioner's for PC-R-20-14. The motion was seconded by Amanda Mosiman and carried unanimously.

Richard Reid made a motion to approve PP-20-14 contingent upon the approval of PC-R-20-12 at the Commissioner's Meeting to be held on November 9, 2020. The motion was seconded by Jeff Willis and carried unanimously.

PC-R-20-12: PETITIONER/OWNER: Bel Air Land, LLC by Brian Wedding, CEO. To rezone 0.477 acres located on the N side of Oak Grove Road. Approximately 0' N of the intersection formed by Oak Grove Rd. and Danli Ct. from "A" Agricultural Zoning District to "R-2A" Multiple Family Zoning District. Ohio Twp. 13-6-9 (*Complete legal on file*) (Advertised in the Standard September 3, 2020.) Continued from September 14, 2020 APC meeting.

Scott Buedel, Cash Waggoner and Associates, was present.

Scott Buedel said we were here last month and had went through a few of the items. He said I was here with Chris Combs and the owner could not be here last meeting so I think that discussion and kind of getting into the meat of things we kind of just let that ride until this

month. He said we provided the affidavit today that I can represent Wedding from the standpoint that I can be here for him. He said just to go back over a couple of the things that we brought up last time...

Mrs. Barnhill said Scott, do you have a copy of that affidavit.

Mr. Buedel said it was brought into the office this morning. He said it was recorded and then brought into the office this morning.

Mrs. Barnhill said I do not have that. She asked the same person who brought the rezoning in.

Scott Buedel said yes.

Mrs. Barnhill said he did not leave anything.

Mr. Buedel said I do not have it back.

Mrs. Barnhill said okay, well we do not have the owner present and they were to do a Power of Attorney to give Scott the authority and it didn't get delivered.

Aaron Doll said whatever decision we decide it can be subject to that affidavit being provided.

Mr. Buedel said it was recorded today and it should be in your office and if it is not, for whatever reason, I will send it to you when I leave here tonight.

Mrs. Barnhill said okay.

President Valiant said thank you Scott.

Mr. Buedel said so, just to go over a couple things on this. He said Bell Air Land owns three of the properties adjacent to this. He said one is Bell Air Drive that goes back next to the school, the middle property that we are asking to get rezoned to R-2A, and then he owns the other property on the other side. He said the properties on either side are zoned Ag. and he is in the process of remodeling both of those houses currently. He said the property we are asking to get rezoned, had basically a trailer on it. He said it was kind of a rough property. He said that trailer has now been taken down and he is proposing to put in a duplex. He said the plans were kind of shown last month, just to kind of give you an idea of the concept of what is being proposed. He said it is a substantial investment. He said it is nothing small from the standpoint of a duplex. He said I believe the amounts that Chris was stating, who would be the builder of the property, was \$600,000 to \$700,000 of the cost of the duplex. He said from the standpoint from what was there before to what is there now, we feel that that would be a substantial upgrade to that area, and again, he owns the property on either side of the area to be rezoned. He said so from the standpoint of impact or anything negative from the adjoiner, he is the immediate adjoiner to this. He said it is located in an area that is designated to be moderate to high-density residential so we feel that the R-2 fits within that scheme. He said just on the North side of the school there is an apartment complex going out towards Oak Grove Road and just west of that on State Road 61 is

the Bank. He said from the standpoint of R-2 fitting in the area, I feel like there is enough other zoning, other uses, that it is not just an isolated pocket where R-2 is being stuck in the middle of something that is entirely R-1 or Ag.

President Valiant asked any questions from the Board.

Amanda Mosiman asked there is nothing currently on the property now, right Scott.

Mr. Buedel said right, it was taken down. He said I do have some pictures if you want to see, just street view.

Mrs. Barnhill asked (President Valiant) would you like a staff report.

President Valiant said yeah, Molly if you want to go ahead and rehash the staff report from last month.

Mrs. Barnhill said we have all green cards showing the adjacent property owners were notified correctly. She said the minimum lot size for "R-2A" is 6,000 square feet. She said the comprehensive plan shows the area to be moderate to high density residential, which I did include that in your packets in the back. She said existing land use is a single family dwelling. She said the surrounding zoning and land use; to the east is zoned "A" being single family dwellings, to the south is zoned "R-1" being Olde Piper Glenn Subdivision with single family dwellings and "A" being single family dwellings, to the west is zoned "A" and "PUD/C-1" being apartment buildings and single family dwellings, to the north is zoned "A" being Castle North Middle School. She said there is no flood plain. She said existing access is to Oak Grove Rd. which is Rural Major Collector per Thoroughfare Standards and is in the plans to be a three lane road. She said a residential driveway permit will be required. She said the stated use is a two family dwelling and it would be in compliance. She said we do have a petition that was filed. She said it is a "Neighbor's Against Rezoning" petition that is included in your packets as well. She said there are nine signatures on that petition and I have also included the thoroughfare plan.

President Valiant asked are there any questions from the Board at this time. He said any remonstrators for or against this project please step up to the podium, state your name, and sign in.

Krista Lockyear, Lockyear Law, and Daniel Ubelhor, Maken Corporation and adjacent property owner, were present.

Krista Lockyear said good afternoon members of Planning Commission, I am here on behalf of Danny Ubelhor and the other neighbor's on the petition that Mrs. Barnhill listed in her staff report. She said I believe that report probably brought that into the record, but I just want to reiterate that that is part of the record. She said we would like to put that in there. She said so the fact that there was a trailer on this property that has been torn down and is going to be rebuilt with a very nice duplex is not really the problem that my clients are concerned about. She said it really is a slippery slope and the nature of Oak Grove Road and what has happened to Oak Grove Road since your Comprehensive Plan was created. She said as everybody knows, Oak Grove Road is now the entrance to Freidman Park, and as you drive down Oak Grove from 261 you get

the sense of open spaces, of country living, you do not get the sense of multi-family, high-density duplex living. She said that is really what these neighbor's would like to preserve. She said Danny owns the subdivision right across the street, Kensington Manor, with 14 lots that are looking to be developed with single family, high end, homes. She said the area also has subdivisions like Oak Grove, Old Hickory, Highland Hills, Blue Lake Estates. She said there are a lot of very, very nice single family homes. She said so, I would like to point out that although the Comprehensive Plan does show high density all the way to Anderson, and things have changed so drastically since that was created. She said we feel like the Comprehensive Plan does not represent the area any longer. She said the Comprehensive Plan, by its nature, is meant to be fluid and to move with the changes with the land around itself creates. She said the intersection where that apartment complex is, is the perfect place for high density, right onto the intersection of two major thoroughfares, but as you move down Oak Grove Road we would like to keep that agricultural and single family. She said I would like to let Danny speak a little bit because he is living right there and has a whole lot more information on the immediate area than I do.

Daniel Ubelhor said I, President of Maken Corporation, am the land developer back in the area of where this is going on and Krista mentioned that the new Friedman Park. He said back in 2016 we worked with the County Commissioners and we did a joint venture to get Oak Grove Road from one side of the county to the other side of the county. He said that is the only road in the county that goes from one end to the other. He said since the Comprehensive Plan, which Molly said was originally in 1993 and updated in 2006, this road was put in in 2016. He said we have Victoria National, who has their major golf events every year and is a top golf course in the country, we have the new Friedman Park, we have the new 4 million dollar event center, we have the 4 or 5 million dollar park, we have Victoria National. He said I think the County Commissioners and the other departments and everybody working together has created a nice life style in which people want to come in and live in Warrick County. He said the Parks Department has created a nice 5 mile trail around all of this area and the entrance for all of this is Oak Grove Road. He said I do not disagree with what the gentleman said there was a trailer across the street from my driveway but you couldn't see the trailer because it was all grown up in trees. He said the whole north side of Oak Grove Road was all grown up in trees, but Vectren just came through and cleared all the trees off that road on the north sign and put up high line power poles. He said they are getting ready to put up a new substation in the back for electricity for all that area, so there are a lot of things happening in that area. He said Newburgh Sewer is getting ready to spend 20 million dollars on an infrastructure for the sewer for that area. He said so that is the east side of Newburgh now. He said most people did not even know that was Newburgh past Castle Middle School, because that was all reclaimed property back there. He said so nobody even knew that existed, but that is one of the most explosive places in the whole county right now. He said Oak Grove Road is the main thoroughfare from one end of the county to the other. He said if you guys allow a duplex on Oak Grove Road it will be the only duplex on Oak Grove Road from one end of the county to the other. He said so my recommendation is that we don't take Warrick County, and as property values become more valuable every day, that the lands disappearing and we start tearing these old houses down and we start letting people from out of state come in, this guy is from out of state, and just buy an old house in the middle of all these older houses and just put a duplex out and start renting them out. He said I mean our whole county is going to be messed up. He said so, I think that is all I need to say. He said thank you.

Bob Johnson said thank you.

Richard Reid asked Danny, would you consider that spot zoning.

Mr. Ubelhor said yes I think it would be, like I said this new road that we put in connects one end of the county to the other and there is not one single duplex on the whole road. He said there is not this zoning anywhere on the road. He said it is not like it is a subdivision full of duplexes and condominiums. He said it is one duplex on a major road, so yes I would like to think it would be.

Richard Reid said I just want to say thank you for helping to put Oak Grove in, because you have donated the land so it has been very cheap construction to put that thing through there because of what you did.

Mr. Ubelhor said thank you.

President Valiant asked anyone else. He said thank you.

Mr. Buedel said I would just like to address the one comment about Brian Wedding. He said I would just like to explain that even though his address is in Georgia, he did grow up in this area. He said he grew up down the road, his family homestead was right down the hill there is a large tract of ground and that was basically where he grew up and that is why he is coming back to this area to develop and try to make some improvements and beyond that, from the standpoint of the R-2 and where it is located I know there are a lot of subdivisions that were named as far as where this is going to encroach upon. He said a little bit further down the road, and I get it. He said once you get down the road and get down over the hill I mean it does have that feel, but when you first come off of the highway and you turn by the bank, and you go by the apartments, and you have the entrance to the school, and you have these properties immediately adjacent to that. He said I mean I do not feel like it is tucked away inside of a completely isolated single family residential area. He said I think it is the fringe of commercial and higher density residential.

Bob Johnson said Scott, Danny makes a good point you know. He said the county, we have invested a ton of money out at Freidman Park and we have just invested several million more on the new event center. He said we have got what is wanting to be developed as a wetlands out there as well. He said you know the golf tournament is the crown jewel of the minor league before you go pro. He said I just feel like that is an area to where I feel we should keep intact and keep it as a, in my opinion, a single dwelling home properties that has very, very nice several hundred thousand dollar homes on them. He said I would hate to see us lose that. He said what is to say that we rezone this one and we put in this duplex and the gentleman owns on each side of it that he doesn't come through and want to tear more houses down and we have set a precedent, you see what I am saying.

Mr. Buedel said right.

Bob Johnson said I just don't want that to happen.

Mr. Buedel said I mean there was a discussion last time, and I know it affects only these three properties, but we were willing to say we would build whatever those plans were. He said there are plans drawn up for what he wanted to build. He said it is not something that is being presented to you and then something else is going to show up. He said it is a substantial investment.

President Valiant asked he brought up a dollar amount last month, didn't he.

Mr. Buedel said Chris was saying \$700,000. He said I thought I had heard \$600,000 before too, so six to seven hundred thousand would be the total investment for the duplex.

Amanda Mosiman asked so it is two family, one building.

Mr. Buedel said correct, one building with two families and really what he is trying to go for this market, I mean that is not a unit that I can afford and go live in. He said I think he is going for that transient health care worker maybe that works at Deaconess or St. Vincent that is coming in for a period of a time where they might be here for a year or two on their stint. He said you know, maybe they do not want to live in an apartment, they don't necessarily want to buy a house, they want to have a nice unit where they can stay or rent as if they did own the house. He said that is kind of the nature of this and he believes there is a market for that. He said again, if it is a \$600,000 duplex and \$300,000 on each side, I don't want to...

Amanda Mosiman asked would landscaping and care of that be included. She asked is that going to be taken care of by a company or somewhere outside or is that going to be maintained by the people that are renting it.

Mr. Buedel said it would be the owner of the property, he would take care of all the maintenance and landscaping.

President Valiant asked any other questions or comments from the Board.

Jeff Willis asked is he remodeling that first house there that is right next to the school driveway.

Mr. Buedel said yes.

Jeff Willis asked is he making it bigger or is he just kind of remodeling what was there. He said that was kind of a small house that was there. He said I am just wondering because if you have this tiny house and then this enormous duplex.

Mr. Buedel said I just heard remodel, I have not seen any plans of any expansion or what he is doing on those other two lots but I know he is remodeling them. He said he is trying to do something nice for the area, I mean he is not bringing the trailer back.

President Valiant asked any other questions or comments from the Board. He said I am going to throw this out there, I agree with keeping it nice and somebody made the comment, it might of

been you Scott, you know you come off the highway and the first thing you have is the apartment place and this property I am going to guess is 100' to 200' away from that so...

Jeff Willis said there is only one little house in between them, it kind of looks like an outhouse for the school.

President Valiant said you know if it was in the middle of nothing but houses I would maybe be a little more, I don't know. He said I see both sides of the argument, I guess I just wanted to put that out there.

Richard Reid said you are just getting into a slippery slope when you start putting duplexes in there because it would just spread like wildfire too.

Amanda Mosiman said they could have said the same thing about the apartment complex.

President Valiant said right, if that apartment complex wasn't there I wouldn't second guess it, just my opinion.

Jeff Willis said kind of once you get to Oak Grove Subdivision, after that you have already have big houses. He said there is maybe one more lots before you are into the cemetery and then you are in the neighborhoods that have hundreds of houses in them.

President Valiant said right.

Richard Reid said the growth rate is really high in there too, it is unbelievable.

President Valiant said that is why it is high density. He asked any other comments or questions from the Board, Molly do you have anything.

Mrs. Barnhill said no.

President Valiant said if not, I will entertain a motion.

Amanda Mosiman made a motion for a positive recommendation to the County Commissioner's for PC-R-20-12, conditional upon the affidavit of Power of Attorney being received in the office by October 13, 2020. The motion was seconded by Jeff Willis and Jeff Valiant voted in favor of the recommendation. Board members opposed were Bob Johnson, Bill Byers and Richard Reid. PC-R-20-12 will go with no recommendation to the County Commissioner's on November 9, 2020.

PC-R-20-13: PETITIONER/OWNER: Freedom Ordnance LLC by Mike Winge, Owner. To rezone 1.69 acres located on the S side of Boonville Highway. Approximately 1935' W of the intersection formed by Boonville Highway and Stevenson Station Road, being Lots 3 and 4 in A & B Industrial Subdivision. As recorded in Doc. #2012R-000744 in the Warrick County Recorder's Office from "M-1" Light Industrial Zoning District to "M-2" General Industrial Zoning District. Ohio Twp. (Advertised in the Standard October 1, 2020.)

Mike Winge, owner, was present.

The President called for a staff report.

Mrs. Barnhill said we do have all of the white pay receipts. She said there is no minimum lot size for "M-2" zoning. She says the Comprehensive Plan shows the area to be industrial. She said the existing land use is flashlight manufacturing. She said the surrounding zoning and land use to the east is zoned "M-1" being industrial buildings. She said to the south is zoned "M-2" being industrial buildings for manufacturing firearms. She said to the west is zoned "M-1" being industrial buildings. She said to the north is zoned "M-1" being industrial buildings and "A" being farm ground. She said Freedom Ordnance LLC rezoned this property to "M-1" Light Industrial and "M-2" General Industrial in 1979 for the production of firearms and other components used for firearms. She said Mr. Winge is wanting to rezone Lots 3 and 4 in A & B Industrial Subdivision to expand his firearm production, which requires an "M-2" zoning. She said there is some AE flood zone on here. She said the existing access is to a private road, Grace Way Road, off of Boonville Highway. The stated use is a firearm manufacturing which would be in compliance. She said everything is in order.

President Valiant said thank you Molly. He asked Mike, anything to add to the staff report.

Mike Winge said the reason we are filing for it is because we are going to have firearms up in that building from time to time and ATF regulations requires we be an M-2 for that, so it is a technicality we just need to get it take care of.

President Valiant said thank you. He asked any questions from the Board.

Amanda Mosiman asked so both the lots are being used right now as this business.

Mike Winge said yes, we just cannot use that building and have firearms. He said we can take them in but we have to take them back out that night. He said just in case we have some work left over we just want to make sure we have all the loop holes covered.

Amanda Mosiman said so basically this is for storage.

Mike Winge said yes.

Amanda Mosiman said okay, gotcha, thank you.

President Valiant asked any other questions from the Board at this time. He asked any remonstrators for or against this project, if so please step forward. He said seeing we have none I will ask the Board one more time for any questions. He said if not, I will entertain a motion.

Richard Reid made a motion for a positive recommendation to the County Commissioner's for PC-R-20-13. The motion was seconded by Jeff Willis, Bob Johnson and Bill Byers abstained, Amanda Mosiman, Richard Reid, and Jeff Valiant voted in favor of the recommendation. PC-R-

20-13 will be given a positive recommendation to the County Commissioner's on November 9, 2020.

OTHER BUSINESS:

Complaint: Dave Stephenson - 8577 Hanover Drive, continued from August 10, 2020 and September 10, 2020.

President Valiant asked is Mr. Stephenson here.

Mrs. Barnhill said I do not think he is here.

President Valiant said I went out by this early in the month but I haven't been back out in the last couple of weeks. He asked do we have any pictures.

Mrs. Barnhill said I went out there October 7th, last week, and took some pictures. She said we just put them all back in your packets so they are at the end. She said the neighbor, Connie, she had emailed me some photos she had taken and that is the very last two pages of your packet. She said I am not real sure...

President Valiant asked so the ones filed on the 7th were the ones that you took.

Mrs. Barnhill said yes.

President Valiant asked what are these last ones again. He asked were these emailed in.

Mrs. Barnhill said yes, the email said wood comes in and out and he loads it into the neighbor's back yard instead of his yard I guess.

President Valiant said that property would not be involved in this.

Mrs. Barnhill said correct.

President Valiant said so based on the pictures that we have of the property in question, what are the feelings of the Board as far as Mr. Stephenson and this complaint.

Amanda Mosiman asked is Mr. Stephenson here.

President Valiant responded no.

Amanda Mosiman said Connie's statement was wood comes in and goes to the neighbor.

President Valiant said I am sure some of the complainants are here tonight for this deal. He said is there anyone who has anything new to add.

Courtney Govert, 8599 Hanover Drive, was present.

Courtney Govert said I live right next door to Mr. Stephenson. She said I do not know if you can tell but in those pictures, he has been dumping the wood in lady next doors yard. She said also, about 6 months ago he started cutting her tress down and they have been laying in the yard for 6 months now. She said I went over to ask her if we could help her clean it up this past weekend and she informed me that part of the deal was that Mr. Stephenson gets to keep the wood and that is his wood. She said when I had spoken to Mr. Stephenson I told him that we would be more than willing to help him clean it up. She said I told him we would take it in the backyard for you, we will take it to her backyard. She said he told me he was going to get to it this weekend and he worked on it for maybe 30 minutes but other than that there has been no wood brought in, except for these pictures.

President Valiant asked is that at his property or across the street.

Courtney Govert said that is across the street. She said he is not bringing wood into his property, not yet.

Amanda Mosiman asked so does he still have the splitter and the truck and the other car I do not remember.

Courtney Govert said the trucks have been moved. She said the splitter is in the backyard, he will take it to his other jobs but it has not come to the front yard. She said he is not bringing his trailer. She said he is using the lady across the street's trailer for wood now.

Someone from the audience spoke out.

President Valiant said ma'am if you are going to speak, you are going to need to come up.

Wendy Eberline, 8544 Hanover Drive, was present.

Wendy Eberline said he keeps his trucks and trailers and they are loaded right now down in the Walmart parking lot. She said how that is allowed I do not know.

President Valiant said that is up to Walmart, not to us.

Wendy Eberline said yes, but when Walmart has enough where is it going.

President Valiant said yeah well if this comes back I know we will hear about it then.

Wendy Eberline said well that was what my next question was, and I'm going to leave you alone, otherwise I could be going to jail here after I leave. She said okay, he has been half way decent, other than dumping wood in the neighbor lady's backyard. She said she thinks he is a friend but he is a user, she hasn't caught on after a couple years and I don't know what her problem is but we know that this is going to turn around and start all over. She said so, do we then start this process again. She asked is there some other step we can take. She said since our road has been paved and since the word has gotten out that we have been here what, 3 or 4 times, our street looks pretty good. She said you know they aren't million dollar homes but they look

very good now, other than he has a whole bunch of trash in the front of his house. She said I realize it is not this one with the wood, but with the other complaint we filed. She said the nuisance, or whatever it was that we started with. She said there is no reason. She said he is throwing everything in his backyard or the neighbor's backyard right over there. She said so whatever you all decide, just tell us what we need to do when he starts bringing everything back to Hanover Drive. She said thank you.

President Valiant said thank you.

Amanda Mosiman said can someone read to me exactly what we told him to do back in August.

Richard Reid said it was to clean up the front yard.

Amanda Mosiman said well it was clean up, get rid of the couple of the trucks.

Connie Rieffel, 8555 Hanover Drive, was present.

Connie Rieffel said he was told not bring any wood back into the neighborhood.

Amanda Mosiman said that is exactly what I was getting at. We told him to get the wood out and now he's bringing it to the neighbors.

Connie Rieffel said my concern is the neighbor who talked to Courtney, she said the wood belonged to Dave, and that is fine, but he keeps bringing wood into the neighborhood and where does it go. She said it goes in her backyard. She said she is a lady who lives by herself and I don't think she has the gumption to say don't bring anymore in. She said the last pictures I showed you of the truckload brought in, that truck doesn't work real well. She said he was putting it in a very narrow area to put it back in. She said it took forever to get back in there and then he had to turn around and bring it back out. She said the truck does not run real well so he got frustrated at it so when he did he turned it on and hit the gas. She said when he did he took out her eave trucks, which you don't have a picture of that one. She said so my concern is that he is taking advantage of this lady and we are letting him. She said and I realize that it is not your concern that he is taking advantage of her, but he is still bringing wood into the neighborhood, which he was told not to bring in.

President Valiant said well he was told not to bring it back and put it in his front yard which was the whole complaint and I will say it, for someone who was not running a business we are still bringing a lot of wood in.

Amanda Mosiman said yeah.

President Valiant said well as far as whether Walmart is going to allow or how long they are going to allow him to park his trucks there that is not our directory.

Connie Rieffel said he did take a load out the other day. She said I am not following him anymore though because this is ridiculous. She said my concern is, I do figure there is nothing

they can do about it, of him takin advantage of her. She said its like he cuts the wood, and I am glad he has a job, but after he cuts the wood what do you do with it. She said he is like oh my gosh, what do I do.

Amanda Mosiman said that is purpose of this Board, is the fact that he is running a business out of his home. She said it is not directly out of his home now it is the neighbor's home but he is still running a business.

Connie Rieffel said it is like he is hoarding wood and doesn't know what to do with it.

Amanda Mosiman said in my opinion, he has not met the requirements we have set in August.

Curt Eberline, 8544 Hanover Drive, was present.

Curt Eberline said I just want to say one thing real quick and the other thing that happens too is the chipper, shredder, the big one, keeps coming back. He said he just has the neighbor lady haul it for him and move it around from job site to job site so basically, technically he is not moving it, but she does. He said it will stay parked in front of the house for 24 hours but still... He said I do not want to get to the point where we would have to include this lady in that because he has done this with her in the past. He said I believe the son came home and took care of that problem beforehand. He said he waited about 6 months and now we are back where we are again and he is really tearing this lady's home up. He said, like she said, he ripped up the gutter and the fascia thing and it will continue. He likes to take advantage of people. He said yes, he is still running a business.

President Valiant said just to confirm, where he is putting this wood behind is the same house that has the wood in the front yard.

Curt Eberline said yes.

President Valiant said I am just making sure. He said I have seen that wood, I have drove through there you know...

Curt Eberline said this wood came up from the job up on Bell Road and it was up at Walmart for awhile and then the truck showed back up and came down and he dropped it off. He said the wood is there.

President Valiant asked what is the Board thinking.

Amanda Mosiman asked what are our options here.

Attorney Aaron Doll asked did we outline any penalties in his August letter. He said I have not read the August letter.

President Valiant said to follow up on it...

Amanda Mosiman said clean it up or we are taking him to court.

President Valainat said right, basically.

Jeff Willis said yes but he has done pretty much what we asked of him to do. He said he is not bringing the work trucks home every night anymore and when he does it is one. He said I think we are allowed to bring one work vehicle in right.

President Valiant said yeah but now I think it has turned into more of in the first meeting we weren't running a business. He said then the last month he admitted to doing it on the side because he had lost his job, right. He said now we have turned into we are just going to bring wood in and take it to the neighbor's house

Jeff Willis said well he also said he likes to burn wood for his house.

President Valiant asked have you seen the wood in that guys backyard.

Jeff Willis said no.

President Valiant said so I would say he has a business going I am sorry.

Bob Johnsons said he has a business going and...

President Valiant said at first we said no, then he admitted yes on the side, now I think it is a full blown thing.

Jeff Willis said that is my thing, is he taking it and selling it to gas stations or to other people somehow.

President Valiant said yes, so in my opinion, on the one hand he met the requirements of the original complaint as far as cleaning up the yard and not bringing stuff back but now he has just shifted it and now it's like look over here it is clean but don't look over here because I am still running a business.

Amanda Mosiman said and the original complaint in April was all about the business.

President Valiant said right, which I think is what he is still doing. He said so I would say send him a letter and tell him to get rid of it.

Attorney Aaron Doll said so they will get their cease and desist letter by X date, whatever date the Board wants, or we file a law suit.

Amanda Mosiman said okay.

Mrs. Barnhill asked who will be in charge of writing the cease and desist letter.

Attorney Aaron Doll said we do, we will send it on our letter head.

Curt Eberline said can I ask a couple more quick questions. He asked do you have to have a license to cut trees in Warrick County.

Amanda Mosiman said no.

Curt Eberline said you do not, okay. He asked are you required to be bonded and insured.

Amanda Mosiman said no, but it is highly recommended. She said Vanderburgh has that and it isn't necessarily a requirement but due to their urban forestry initiatives they put that out there because they want things done right.

Curt Eberline said correct, I understand that. He said well I had it and now I lost it, it had to do with the licensing requirements and stuff... He said he says he is licensed to do this in the county and that it is in the records. He asked has anybody checked to see if he is.

President Valiant said we haven't went that far with it because we were dealing with the general complaint with the trash to clean up and all that.

Mrs. Barnhill said that is not zoning either.

President Valiant said we haven't even went down that road because we had no reason to. He said if you remember, in the beginning we didn't have a business. He said so we will keep that in mind. He said yes ma'am.

Connie Rieffel said he had stated that if you guys would look in your records that he is designated to be called if there is a disaster to do clean up.

Bob Johnson said it wouldn't be in our records.

President Valiant said yeah, it would not be in our records it would maybe be in Emergency Management or something.

Connie Rieffel said he kind of laughed and said all they have to do is look in their records. She said he said they should know I am doing it.

President Valiant said yeah but this is the planning commission so...

Amanda Mosiman said yeah so it wouldn't matter, you do not have to have a license to operate so it wouldn't matter.

President Valiant said okay, so any other comments down there. He said yay, nay, otherwise.

Jeff Willis said I understand he is running a business. He said I don't know how much of it is... He said he works from home, but he is no longer storing his big vehicles at the house so I am

kind of torn with telling someone they can't work out of their house. He said you know, he should keep his yard clean and he shouldn't be storing the wood there and selling it that's a problem.

Bob Johnson said and he is effecting his neighbors. He said they are here every month and we need to help them.

President Valiant said now it sounds like he is taking advantage of the lady across the street. He asked do we have a motion then.

Amanda Mosiman made a motion for Council to draft a cease and desist letter giving Mr. Stephenson 15 days and if not they will file in court. The motion was seconded by Richard Reid and carried unanimously.

Attorney Aaron Doll said and just clarify, it will be a cease and desist letter from the day he receives it. He said so not 15 days from today's date.

Wendy Eberline said can you please clarify that.

Attorney Aaron Doll said we will send it to him by certified mail, the day he signs it, that day does not count, so 15 days from that day going forward. He said so not 15 days from today's date. He said I do not have the letter written yet and I cannot mail it right now.

Wendy Eberline asked so tomorrow it will be mailed.

Attorney Aaron Doll said I hope tomorrow but we will see so.

Wendy Eberline said so what the letter is going to be is...

President Valiant said a cease and desisit for the wood work.

Wendy Eberline said so he can't be taking and selling the wood.

Attorney Aaron Doll said I cannot force him not to sell his stuff but I can tell him to stop operating a business out of his home.

President Valiant said you know as well as I do that he will come in here and say I am not running a business.

Wendy Eberline said well you know that and we know that so. She said so when all this happens, if he does do something... She said what if he doesn't sign the letter. She asked then where do we go.

Bob Johnson said we will have him served.

Attorney Aaron Doll said yes, we can have served by the Sheriff if it comes back. He said something else we can do is we can serve it to him personally.

Wendy Eberline said okay so I guess my other question is will we be coming back and seeing all our friends again or do we need to go someplace else.

President Valiant said sure, we are here every second Monday of the month. He said I do agree that he is back to doing the business so obviously, yes, you are welcome to come back.

Amanda Mosiman said email and pictures work as well.

President Valiant said that is actually very helpful, it definitely keeps us informed.

Wendy Eberline said well we appreciate you all doing all this for us.

President Valiant said we are trying.

Wendy Eberline said the street looks really good now, thank you.

Mrs. Barnhill said well we will send this cease and desist, he signs it, he then gets 15 days to come in compliance or we take him to court. She said so then it goes to court and we hand it over. She said it will not come back here.

Wendy Eberline said thanks a lot.

Complaint: Rachael Fisher – 8721 SR 161, continued from September 10, 2020.

Mrs. Barnhill said so last month the Board determined that Ms. Fisher was in violation and requested the office to send a cease and desist, which we did. She said you all were copied in an email of that and there is also a copy in your packets. She said September 22nd I sent the letter asking them to come to tonight's meeting. She said we did a site visit on the 9th and those photos were in your packet but it pretty much looked the same, the carnival rides were still there. She said I did talk to Ms. Fisher's boyfriend that has the carnival rides. She said he did say he would be here tonight to discuss this with the Board.

President Valiant asked is Ms. Fisher or the boyfriend here.

Brett Tabor was present.

Brett Tabor said I know you said the pictures looked the same. He asked what were the earlier pictures you were referring to.

Mrs. Barnhill said well some were submitted with the complaint in June, we took some in August.

President Valiant said yep, September, October, and it still looks the same.

Brett Tabor said okay, because I think it has improved a little bit over the past several months. He said I know the original complaint was, what, January. He said that is what you had told me on the phone.

Mrs. Barnhill said the original complaint I had was in June.

Brett Tabor said you had stated that some of it was on their property. He asked is that correct.

Mrs. Barnhill replied yes, that was part of the complaint that some of this equipment was across the property line. She said that is not this Board to decide where property lines are. She said the complaint here is the zoning violation of having the carnival rides on a residential piece of property.

Brett Tabor said okay, I know it is kind of an unusual subject but is there a list that classifies what makes something a commercial business because there is nothing commercial about it. He said I would like it to be at some point and in fact, I plan on moving it. He said the problem is I don't have a truck. He said I can try to move it and hide it in the yard if that's what you want. He said I have plenty of yard and woods to hide them, you know, where they really wouldn't be an issue as far as that goes.

President Valiant asked so are we running a business here.

Brett Tabor said no we are not. He said it is a hobby I would like someday to turn into a business but it is not one currently, no.

President Valiant asked so are these your pieces of equipment.

Brett Tabor said yes they are. He said I sold some stuff last year and I found out that I might lean more towards that, just restoring and selling. He said I do not intend to keep it there forever either. He said like I said, we cleared some property on the side and I would like to move it to where it is not visible.

Amanda Mosiman said that is beside the point. She said it cannot be stored there, it is a residential zoning.

Brett Tabor asked so how long do I have to move it because that could be a disaster.

Amanda Mosiman said well we are willing to work with you but we need it out of there so we are not in violation. She asked how long do you need to move it.

Brett Tabor asked does it have to be commercial to not be allowed there.

Mrs. Barnhill asked do you restore and sell. She said is that what you are wanting to do.

Brett Tabor said right now I am restoring and keeping it, but honestly yes I would like to make money on it someday. He said I would be lying if I said I wasn't.

Amanda Mosiman asked so what is the lowest zoning we have to store stuff like that.

Brett Tabor said if there is any way to be reasonable and allow me to keep it there. He said you know originally I had all of it there. He said I had about 8 pieces there. He said we were a little bit unsure of where the property lines were. He said now we are down to 4 and I can move it to where it is not even visible.

Mrs. Barnhill asked what are you doing when you restore something.

Brett Tabor said you know just going out there painting, stuff like that.

President Valiant asked so do you buy this stuff.

Brett Tabor said yeah.

President Valiant said so you buy it, restore it, and...

Brett Tabor said well I plan on using it someday or I might just lean towards flipping it someday.

Attorney Aaron Doll said so either way it is a business. He said you are either going to purchase it, restore it, and sell it or purchase it, restore it, and operate it.

Brett Tabor said I do not have any direction in that yet, but before that would even happen I would move it anyway. He said that is my intention anyway, is to find some property I can do something with. He said like I said that is my goal but you know I don't even own a semi. He said I can't afford to pay a wrecker \$1,000 a trailer to move it across town to a property I don't even have yet. He said so if there is anyway to be reasonable time wise it doesn't help.

President Valiant asked how do you move them now.

Brett Tabor said I had a truck.

Bob Johnson asked could you hide it well enough so your neighbors and people who drive up and down that road cannot see it.

Brett Tabor said yes, in fact I don't know what picture she has but if she got a picture of the side lot that would show you where the trees are. He said there is actually like an RV trailer.

President Valiant yeah well the original complaint was the stuff being over the property and since then it has turned into potentially having a business. He said Molly am I correct on that.

Mrs. Barnhill said well I would think this type of business, I would almost think industrial zoning is where it would fit the best.

Amanda Mosiman said C-3 maybe, because we do automobiles and things like that.

Mrs. Barnhill said well if you are working on it though.

Amanda Mosiman said right.

Brett Tabor said my goal is to find a better place but with everything going on it is getting worse instead of better.

Mrs. Barnhill said well, if you are just talking about retail it would be commercial, but you are talking about working on it.

Attorney Aaron Doll said yeah it would be working on it so industrial.

Richard Reid said you probably need a pole barn out there.

Brett Tabor said well, I would love to, yeah.

Mrs. Barnhill said M-2 would be the manufacture, processing, compounding, assembling, treatment, or use of these. She said also cleaning, grinding, metal finishing, rustproofing or a similar process. She said that is where I would put it, M-2.

Brett Tabor said I don't think anyone would complain about anything going on. He said it is completely quiet. He said I do not make any noises at all. He said I wouldn't be running a drill or grinder or anything like that.

President Valiant said well then were still back to whether it is a business or not. He said I guess the argument could be made that anybody who had a couple old cars and wanted to restore them was truly running a business or not.

Brett Tabor asked well what if we just start by making some changes and seeing if there is a complaint at that point.

President Valiant said well the original complaint was just about it being across the property line, which that part has been resolved.

Brett Tabor said yes it was, but neither one of us knew it at the time. He said in fact the complainer I don't even think knew.

Mrs. Barnhill said that was part of the original complaint. She said the church, who filed the complaint, have called to check on it to see where we are at with it.

Amanda Mosiman said yeah the very last paragraph is they ask us to rule on whether or not this can be stored there because it is residential. She said so yes, the first part of it has been dealt with but the second part is that it needs to be moved.

Jeff Willis said so the second part is that can it be stored on their property at all. He said would they get in trouble for it, but its like now its here now what do we do with it.

Amanda Mosiman said yeah.

Brett Tabor said well they bid on the house too, and I know that is not your problem but they are just not very friendly. He said I feel like we have tried and you know I have issues with our dogs too. He said my girlfriend has dogs and every time the complainers patrol the area constantly waiting for our dogs to step over an inch onto their property so they can take a picture. He said they are constantly spying on us.

Amanda Mosiman said well that is outside of our thing. She asked how long do you need to get it moved.

Brett Tabor said I would have to call around and get some prices at a lot of rentals. He said a big thing is just trucks. He said I can't hire a truck to move something because they give you a tow truck rate that is ridiculous.

Amanda Mosiman said I understand, I am trying to work with you here. She said I need an idea of how much time you need and we need some time frame because we need to make a decision on this.

Brett Tabor said I would need to make some phone calls.

Amanda Mosiman asked how many days do you need to do that.

Brett Tabor asked what would you say. He said I mean, what would your...

Amanda Mosiman said I am trying to work with you so I am trying to give you a reasonable amount of time to try to get this corrected.

Brett Tabor said I don't know, I mean 90 days is that an option. He said again I would hope that I can hide them first and see if that's a problem because it is not a business. He said if it turns into a business later then I would already have it moved.

Amanda Mosiman said in my opinion the fact that it is or is not a business is not at play here. She said business or not they cannot be there according to our current ordinance. She said that is the way I interpret it. She said other Board members may not.

Jeff Willis said I know this is different than a motorcycle but if somebody had 3 motorcycles that they sold one, bought one every year and fixed it up, and sold another is that a business or is that a hobby. He said this is at a bigger scale because they are bigger, they are outside, you know.

Attorney Aaron Doll said they are not designed for a single person use. He said you know you were talking about a car, Jeff...

President Valiant said right, is restoring that any different than restoring an old car.

Amanda Mosiman said we don't have that particular complaint in front of us though.

President Valiant said yes but if we go back to the original complaint, Amanda, it is about being across the property lines.

Amanda Mosiman said the last paragraph of the complaint talks about it being stored there at all.

President Valiant said if it was allowed to be stored there.

Amanda Mosiman said yeah.

President Valiant said right, if it was a car I am sure it would be allowed to be there.

Bill Byers asked if somebody would want it in their yard for their kids to ride in would that be the same type of thing.

Bob Johnson said that would be a big liability.

Jeff Willis said it is all about being a business, but when you weren't here last week that was kind of my thing that I was watching this show on TV where they had rides in their backyard. He said maybe you just you know wanted to have one or two rides in your backyard for fun.

President Valiant said that is true, he said it. He asked so if we go down this road where you have to move them do you have anywhere you could potentially put them.

Brett Tabor said no, I would have to find... He said actually I have a place in Dale. He said I have 3 more trailers at a lot in Dale but I am limited to space and money and unfortunately when I talk to people about it I just...

President Valiant said gotcha.

Brett Tabor said you know we are constantly cleaning it up too.

President Valiant said yeah the place doesn't look bad you know other than the three or four trailers sitting there.

Jeff Willis said the church is next door to it. He said looking at a map of the area, is this all agricultural where this is at.

Mrs. Barnhill said it is pretty rural out there.

President Valiant said yeah it is all country.

Brett Tabor said I can hide those beside the camper in the woods and you wouldn't even see it unless you were looking for it and that would only last 6 months because I plan on potentially moving it all anyway.

President Valiant asked thoughts of the Board.

Attorney Aaron Doll said I just have another quick question. He said to move them, to hide them like you just described you would still need a semi wouldn't you.

Brett Tabor said I drive a truck so I could get away with bringing my truck home and spotting them and things like that but I can't really take them down the road because that would be a liability.

Attorney Aaron Doll asked can you move them and hide them like you just described without violating the churches property lines.

Brett Tabor said well absolutely, but I mean their driveway that they own is our easement to get to her house.

Attorney Aaron Doll said right, the easement is fine you would have the right to use that easement. He said I am talking about other property lines. He said you know you are not cutting ruts in their property lines to back it in or anything like that.

Brett Tabor said well at first before either party knew where the property lines were at that happened, but that has been you know a few months ago.

Attorney Aaron Doll said so that same issue wouldn't happen again.

Brett Tabor said no, not at all.

President Valiant I guess I should ask anyone else here on this issue. He said okay, come on up sir.

John Maltby, Garrison Chapel Church Treasurer, was present.

John Maltby said good evening, I am the one who wrote the complaint. He said yes I would like a determination on the carnival equipment and I do want a little clarification for hear sake. He said it would be very difficult, I took pictures last Saturday of where his carnival equipment is stored in relationship to the property lines between his property and the churches property. He said he would have a very difficult time with getting some of that equipment off without violating the property lines trying to get to the easement. He said if I can step forward and show you on the phone. He said I will put my little shield on incase you are worried about Coronavirus.

(John Maltby steps forward to show pictures to the Board.)

Mrs. Barnhill asked John, would you be able to email me those photos.

John Maltby said yes, I will.

Mrs. Barnhill said we will keep them as part of the record.

John Maltby said just give me your email address please.

Mrs. Barnhill said okay, do you want it now or do you want me to get it to you.

John Maltby said I tell you what, would you email me at tennysonanimalclinic@gmail.com. He said that is all one word. (He continued to talk about the photos on his phone away from the microphone and it is inaudible.) He asked do you have a copy of the easement.

Mrs. Barnhill said no.

Attorney Aaron Doll said not in front of us, no.

John Maltby said I will have to go back and find it. He said here you go. He said as I understand it the easement states that their part is more on the East side of the church and runs up through the churches driveway to get to his residence.

Mrs. Barnhill asked John, do you guys ever notice him working on the equipment or is it just a matter of the equipment being stored on the property.

John Maltby said I see him out there, but I don't know exactly what he is doing. He said I do see him tending to it and stuff like that.

Mrs. Barnhill asked you do not see him welding, grinding, and all that going on.

John Maltby said not so much welding and grinding but maybe repairing it or something like that. He said you have to remember the church is not like a resident, like you heard before, we go in there on Sundays to worship and we go up there off and on to tend to the property of the church to make sure the building is okay and the heat is turned on and stuff like that.

President Valiant said pardon me, but you didn't actually answer her question. He asked is it that he is actually working on the equipment or the fact that it is sitting there.

John Maltby said the fact that it is sitting there.

President Valiant said the fact that it is sitting there and you can see it.

John Maltby said so as far as what he said, putting it on the other side of the property, that connects to 161 but it would be very hard for him to "hide the equipment".

President Valiant said I think he is talking about parking it over on the tree line so if he were to move it over there would that be okay for now. He asked would that get us going down the right road.

John Maltby said I think that would be going down the right road. He said I think the goal would be to see it gone.

President Valiant said I believe that is what he stated, ultimately he wants it gone too. He asked did you have anything else.

Richard Reid asked 90 days would that be acceptable for you guys.

John Maltby said 90 days would be fine.

President Valiant asked if he is moving it out and he has to cross the easement to move it you are okay with that.

John Maltby said if he has to move it out. He said as long as he is not moving stuff back in I am okay with that.

President Valiant said okay, just wanted to make sure. He said thank you for your time.

Brett Tabor returned to the podium.

Brett Tabor said I am good at spotting trailers. He said I know I can get the stuff over there without crossing their lines. He said that is not an issue at all. He said that would be much better to get that and make that happen then to try to move it somewhere real quick. He said there is no way I would have to cross their property to do any of it. He said to me it just sounds like a personal issue if he doesn't even want to see it over there in the woods. He said it has happened with the dogs, it has happened with this. He said their pastor won't even say hi to us. He said we have mowed part of their grass while we are mowing our grass just to make it look good on the other side. He said we don't make a sound while they are having church. He said I grew up in a church and I respect that. He said it just seems like it is a personal issue that is going to cost me a lot of problems and it probably won't stop at that.

President Valiant asked what are the wishes of the Board.

Amanda Mosiman made a motion to move the carnival equipment to the tree-line for the time being, and to have it moved off the property within 90 days. The motion was seconded by Richard Reid and carried unanimously.

President Valiant said 90 days, 3 months to get something lined out and we will re-visit it in January.

Complaint: Jason Campbell – 399 Shelton Road.

Mrs. Barnhill said September 15th we had a complaint filed by Holly Roberts and there are pictures in your packet. She said the 16th we had another complaint filed by David Forehand. She said she also filed a nuisance complaint with the commissioner's on the same day. She said on the 16th we did send the property owners a letter to notify them that this was going to the Planning Commissions for a determination. She said when they filed the complaint they submitted a page

from the ESD.SOS, it is from the Indiana Government website showing Affordable Landscape and Mowing, LLC having this address listed as their principle office address so that was filed with it. She said Jennifer Hettenbach, one of the owners, said the landscaping business was listed as this for mail purposes only. She said that Mrs. Hettenbach informed her they have cleared the property in order to build a barn for personal use and plan to eventually live out there. She said I did do a site visit but you cannot see anything by the road. She said it is all just trees up by the road. She said back in November of 2017 we had another complaint filed against Mrs. Hettenbach about running the same business out of her home in Summit Pointe Subdivision in Newburgh. She said the Director at that time, Mrs. Rector, sent a letter to notify the owner of the violation and Mrs. Hettenbach said the business had been moved off of the property. She said Mrs. Rector had another site visit done to verify to verify the business had been moved, which it had, and sent another letter to close the complaint. She said in her letter it stated that if any future complaints are filed on this matter she will have no other choice but to place it on the Area Plan Commission agenda for further action by the Board. She said all of the pictures in you packets come from the two complaints that were filed.

President Valiant asked sir, do you have anything to add to that.

Jason Campbell was present.

Jason Campbell said oh yes sir, oh yes. He said I guess Jennifer's name has come up with her name being on the property as well, but all of this needs to be directed towards me if possible. He said with that being said, at this current property that she is speaking on at 399 East Shelton Road, I believe that is a five and a half maybe six acre property, as of late I have hired a guy from a union in a D-6 Dozier and we put in the property lines and all that and we basically tore up half of this property. He said we are wanting to put up a building there for storage and we plan on living there. He said we plan on going with a split building right now, a 60x40. He said as of now there are 4 of my company trucks currently at this property with dump trailers, heavy machinery, low boy trailers hooked to them, and the reason for that is we will be cleaning on this property for 3 to 4 months. He said I mean it is not an easy task out there, we have trees laid down and every single thing that is on this property right now is from this property. He said we have 10 acres that we currently dump on out on Roeder Road here in Boonville, I believe if you cross off of Oak Grove there. He said we have had a few different complaints, as you can see, in different spots if I pull up a truck or trailer or anything of that nature it tends to set folks off. He said my main issue with being here tonight, well really I need to be running my business, but to get all these pictures and all the things that took place here my property was trespassed on. He said as this young lady stated when she did a site visit she could not see a single thing from the road. He said that is obvious. He said I just put in probably \$8,500 worth of gravel over there that will meet up to this building. He said when I bought this property it was complete trash, as is the neighbors. He said I have been cleaning this property up for some time. He said there is one less thing that needs to be moved out of there, and that is a 80' trailer that was trash whenever I got it. He said the trailer has bullet holes all in it. He said whenever I originally bought this property the man that sold me the property would not wait 30 days on the bank that has made one of these initial complaints so I pretty much had to come up with my entire savings and give it to this man just to get the property. He said I am not here for anyone to feel sorry for me, but with that being said I am trying to run a business, give guys jobs, and do good work. He said if you were to check Google all of our reviews are

great. He said we know how to upkeep properties, we know how to maintain them, we understand drainage, we understand grades, and that is currently what we are doing at this property. He said I understand that might not sit right with some people but we are not looking to rezone this property and make it a business or anything of that nature, unless I guess if we were put into a situation where we had to.

President Valiant asked are you running a business.

Jason Campbell said I am, most definitely.

President Valiant asked out of this place.

Jason Campbell said no sir.

President Valiant asked well what is the address of the business.

Jason Campbell said well that is the issue, I do not mind giving you all my dump address and where we do this and that...

Amanda Mosiman asked what do you mean by dump because you said that twice now.

Jason Campbell said ma'am whenever we come to your house and remove all your landscaping we have to have a place for that and that is where we keep all of our things and...

Amanda Mosiman asked so you are hauling off all of your debris to that site.

Jason Campbell said yes ma'am of course. He said now, there has been a few pieces of concrete brought into this property because they did a lot of mining back there and it is not the new flat mining.

Amanda Mosiman said yes I understand, I used to live in that area I know exactly what you are talking about.

Jason Campbell said I am trying to fill that in and that is just a number of issues. He said I actually had conversations with both of these neighbors and explained to them that I wasn't trying to disrespect anyone or get on their property or cause a bunch of racket or anything of that nature. He said we are simply trying to clean up the investment we took on. He said with that being said, I understand your guys' role and I am willing to do whatever I have to do to make it right.

Amanda Mosiman said your favorable reviews, which you brought up being able to maintain a site and keep it nice, and obviously if you have favorable reviews you do that. She said I would not classify many of these pictures as well maintained, even for a building site you are doing work on.

Jason Campbell said ma'am you should have seen the before pictures. He said the before pictures were terrible.

Amanda Mosiman said well these are from September 16th. She asked so have you done anything in the last 30 days.

Jason Campbell said no ma'am. He said I believe that is right after we ran that dozier there.

Amanda Mosiman said it is flat and there is gravel there so.

Jason Campbell said I can show you the before pictures and maybe you would disagree with that. He said once you run a dozier nothing is going to look great. He said you know, why would I bring in \$8,000 in gravel and do all this work on a property I am trying to trash ma'am.

Amanda Mosiman said well I am not saying you are trying to trash it, I am just saying it doesn't look like it is well maintained.

Jason Campbell said look I am not claiming this is what we are proud of yet. He said it is a work in progress, it is going to take some time, that is why we have these trucks and trailers sitting there. He said there is actually one truck that has been out there since the time we bought the property, which was probably 2018. He said we paid for a brand new motor on it and it did not get fixed and we cannot move it, we cannot move that truck right now. He said until that lawsuit is settled and we can move forward, you know.

Amanda Mosiman said alright, I understand that. She said the problem is you have 4 out of 6 of your company trucks out there and maybe using them to use on your property but the fact that your listing this as your properties business, you have property of your business stored here, to me that is running a business off this property which isn't allowed.

Jason Campbell said you said it.

President Valiant said okay, before we go any further are there any remonstrators on this.

Holly Roberts, 433 E Shelton Road, was present.

Holly Roberts said I have lived in this home since in 2008. She said he is false in the fact he said he is not running a business because his worker comes and parks his car there every morning. She said the trucks are all loaded and they are coming in and out. She said he is right in the fact with the dozier issue. She said my complaint is he told me and Jeremy that the dozier driver was drunk and that is how he ended up across my property line and David and Emily's property line, like that was an excuse for that fact. She said that is not an excuse, and he was well over so yes those pictures I have taken because he has come over on my property and I can't even get through part of my property without going on his without a tree possibly falling on my head because he has pushed them all over on me or them. She said he has been bringing debris up to two days ago from other places. She said he is bringing logs and a lot of the logs are from when he did the dozier, but not all of them because more are coming every day and I can see it from my side that more are coming. She said back in early summer and even before that massive piles of logs and debris, as big around as your desk there, and he would light them on fire at some point and no one would stay there with it and it would continue to light back up on and off for days. She said the trailer was livable because my horrible neighbor who lived there before was living in it. She said his issue

with me was the property line as well, which I paid to have surveyed. She said there is a fence there up to a certain point. She said I even showed him where the corners were and all he had to do was say something but he didn't. She said he is storing straw in the trailer, which is like 40'. She said the trailer is actually 1 ½ inches from my fence, which is the property line, which is an issue. She said Larry Dimmet did it and it's whatever but this trailer is sitting there and it has straw in it.

President Valiant asked are you talking about this trailer here.

Holly Roberts said no, that is a semi-trailer. She said it would be the mobile home trailer.

President Valiant said oh, you are talking about the mobile home trailer. He said my bad.

Holly Roberts said he had piles of rocks, not the recent piles of rocks that he had delivered from Jeremy's company. She said he would have piles of rocks there that he would take other places to work with. She said there are pallets of things there. She said he is false when he says those things are there just to use on this property because the day I met this man said his neighbor in Newburgh did not like the equipment where he lived on the road so he was just going to park his equipment here. She said it was a truck, I think a skidsteer, an attachment to shovel snow, and a trailer. She said it wasn't a lot but then more stuff just kept coming. She said there are piles of trash, I couldn't tell you the last time the grass was mowed. She said my fence is 6' tall and some of the grass is up to the top of the fence. She said when I bought it was agricultural and I planned on it being residential, it was quiet and now every day, in and out in and out, all day they are coming and it is not just because of what he is doing over there now. She said this has been going on and we just let it ride because I have issues with neighbors in the past, but then for it to continue on and he told us when I confronted him about the dozier, that Sunday morning when he was still there, he said he was building a building to work on his equipment and he might occasionally sleep there. She said he has slept in his truck there, his workers have slept in their trucks there, which is uncomfortable to me that people are sleeping in vehicles in a driveway. She said I mean yes, it is agricultural we all have 5 acres but its 165' apart. She said I mean our houses are pretty much on top of each other even for it to be 5 acres each. She said so it is very uncomfortable to know that someone is sleeping over there in a vehicle, or that he used such poor judgement to allow a drunk dozier driver that he left there on his own to continue on bulldozing through. She said I am not downing the man, everyone needs to make their money, but he needs to buy a commercial lot to do it. She said this is our home and he is trashing it, and yeah it looks better now because it all got dozed but some of this is all still here and it is not any better. She said just the fact that that he is making such poor judgement and making massive fires, lighting them, and leaving. She said yes, there was nothing nearby it but all it takes is one spark, something blow, we are all in the woods, we are all going to go. She said I do not think it has power to it but if it catches on fire it is just going to carry on to my new house and to everything along the way. She said I don't want to live next to a business. She said if I did I would have bought something in town near a business or where it could have been. She said when I bought here and it was agricultural I never expected that somebody would be able to run their business and carry it the way that they are. She said I mean there are other issues; there are zoning issues, there are his debris on my issue, and I am not addressing any of that. She said I am not here because of his dozier issue, it is the business in general. She said they have kids and somebody came up the driveway like two Saturday's ago,

fast enough that like a dust cloud went in front of them. She said he was over there one day cussing and carrying on. She said everybody gets mad but it is just uncalled for and I don't want to live next to it. She said I paid too much to live there and I've been through too much to get rid of it and I don't want to have to deal with it.

President Valiant asked this property is zoned Ag correct.

Mrs. Barnhill said yes.

President Valiant said so I mean, I am not trying to be mean here but literally he could put in a hog farm there and...

Holly Roberts said I don't care, if it's a farm whatever.

President Valiant said yeah I mean we will get it squared away on the business part but you know as far as what he is doing over there, if he had a farm or whatever, that would be you know...

Holly Roberts said a farm is totally different and I would have expected it. She said there are farmers down the street and we have to wait all the time to go down the road because there is a farmer. She said totally different verses in and out traffic all day of equipment and debris.

President Valiant said right, I am just making sure you know.

Holly Roberts said no, I am very aware it could be a farm.

President Valiant said well if you asked me if I wanted a hog farm next to me or a landscape business I would probably choose the landscape business, but that is just me.

Holly Roberts said well at this point I think the hog farm would probably be better.

President Valiant said I got you and ma'am I didn't mean to cut you off. He asked do you have anymore.

Holly Roberts said no, I am fine.

President Valiant said alright thank you. He asked anyone else.

Emily Forehand, 355 E Shelton Road, was present.

Emily Forehand said I am here to speak on behalf of my husband and myself. She said we live at 355 E Shelton Road which is on the other side of Jason's property. She said I want to make it clear that this is not against an individual who owns a company. She said I come from a family who has self-employment so I want to make sure that that is clear that this is not a vindictive type of behavior regarding this complaint. She said my husband and I we purchased this property just a little bit over a year ago. She said this property was in horrible shape, absolutely horrible shape. She said we wanted to raise our kids out in the country and give them an area that they can run,

they can play, they have woods, we can take them hunting. She said you know just really give them that country life. She said we do live in the agricultural area so we are around fields, farmers, and so forth. She said our concern has to do with the fact that over the past year Jason and, let me also be clear Jason is not a mean individual I have had conversations with him, but it is the fact of having a business that is clearly being run there. She said my major concern is regarding my children. She said the safety of my children when having a business that is literally next door. She said we have a driveway, and this was before we bought the property, the driveway kind of combined in the beginning of it.

President Valiant said yeah I am looking at it in the aerial here.

Emily Forehand said yes our driveway, and this is not regarding property lines or anything like that, but they do fly in and out rather fast with their trucks and their trailers rather fast. She said I mean we do keep an eye on our children but they are 6 and 5 years old. She said when we bought this property we had no indication that there was a business next door. She said if we would have known that probably would have made a big difference to us as well just regarding our children and wanting them to be able to play outside and so forth. She said as far as the business, it has been running for quite some time. She said I know Jason made some statements that it has to do with some of the improvements of the property that he is hoping to move there and so forth. She said that is not the case, since we bought the property we have seen this business being ran out of this agricultural, residential type area. She said multiple trucks that have to do with the company are in and out with trailers. She said I know one Board member mentioned they did the drive by and could not see anything that is because we live on a hill. She said when you drive by on the street you can't see back to where he has his trailers parked at the back of the woods so you cannot see them. She said he has some of his trucks parked back there so that you cannot see them. She said he has a semi-trailer that is parked out there that is used to store equipment, he has the skidsteer that I have pictures that I brought. She said he had a picture of that he had advertised on his Facebook page for the business and then a picture of them loading that same thing into a trailer. She said this is not something where it is a simple cleaning up type of a thing that is only recent. She said that has only happened within the past month to month in a half maybe regarding the cleaning up and putting in gravel and so forth. She said before that he was bringing in loads constantly and dumping them, lighting them on fire. She said all of the things that he cleared regarding his property, which again this is not something that you guys have to address, but he basically pushed it onto our property and Holly's property for us to clean up and deal with. She said right now there are huge, I mean huge tree stumps just lined up. She said he has a splitter that is out there to maybe I guess clean that up. She said he is going to the far back of the woods now where he had pushed everything to now dump things, in fact the day that Holly was talking about regarding the cussing, they got their trailer stuck back there and that is why they were upset. She said so my concern is the dumping, the fact of the business being ran for the safety of my children. She said we were again never made aware that there was ever a business that was ran there when we bought our property. She said we just want to give our kids the country life. She said I understand he could put in a farm, if there was a hog farm I would make a deal for bacon. She said right now we are not getting benefits regarding that. She said so I want to be understood as far as I support him in the hope his business does well but I just don't want his business next to my home where I am trying to raise my children. She said where we are trying to build that back up and

make that nice and to have to deal with someone who is dumping and things. She asked would you like any of the additional photos than what I had made.

Mrs. Barnhill asked are they different than what was filed.

Emily Forehand said yes ma'am.

Mrs. Barnhill said you can submit them but we are going to keep them.

Emily Forehand said that is fine.

Mrs. Barnhill said so a landscaping business takes a C-3 zoning.

President Valiant said okay.

Amanda Mosiman asked Holly when were these taken.

Holly Roberts said these were all within the last week.

Amanda Mosiman said thank you.

Emily Forehand said I just want to make another quick statement, if we allow this to continue as far as a business being ran again my concern is the safety of my children with having multiple trucks driving in and out, having employees driving in and out, you will see pictures regarding our driveway. She said if they are going to dump on that property I don't know if they're dumping chemicals, I don't know what kind of things are going to be included in that, what my children could potentially get exposed to. She said as well as the fires, I mean that was a huge deal. She said the supposed barn and the fact of living there. She said that is fine if a barn needs to be built to store items in but I don't want this is not meant to be for a business. She said people obviously store things in the country but not to have people going in and out. She said you know the actual trailer where somebody would potentially live that has been sitting there since we bought the property and nothing has been done with it and it just sits there. She said then there is the semi-trailer potentially is on a property line issue which that would be addressed, which that would be a civil issue which that would be addressed somewhere else. She said thank you.

President Valiant asked anyone else. He said Mr. Campbell if you want to come back up to the podium please. He asked is there anything you want to add to what they had to say.

Jason Campbell said you know I just don't want to get into this tit for tat type thing.

President Valiant said I got you.

Jason Campbell said I just want to get this over with really.

President Valiant asked so are we running a business off of this property.

Jason Campbell said no sir.

President Valiant asked none of the landscape business comes to that property.

Jason Campbell said no sir, if you would like to sit and watch that would be great. He said if someone would like to come out and take a look I could show you as opposed to these pictures that are being taken from wherever, I don't know I haven't seen the pictures.

Amanda Mosiman said I see 1 trailer, 3 trucks, and I can't... She said they are all labeled Affordable Landscaping.

Jason Campbell said oh my equipment is out there ma'am I am not disputing that, I am disputing that they are there because I want to fill a massive hole in.

Amanda Mosiman said there is one picture with a couple of bags underneath a tarp. She asked is that fertilizer or granular pesticide storage. She asked what is that.

Jason Campbell said that could be. He said I haven't seen the picture to tell you. He said I am not trying to...

Amanda Mosiman said yeah I understand,

Jason Campbell said with these things we have out there I am not trying to, they are there, I will take you out there now.

President Valiant said this one here, these bags of stuff. He asked is the one you are talking about Amanda.

Amanda Mosiman said yeah, thank you.

Jason Campbell said that is ice melt.

Mrs. Barnhill asked did you say your intention was to build a home out there.

Jason Campbell said it is not really a home. He said it is more of a dual purpose building.

Mrs. Barnhill said a dual purpose building, okay.

Jason Campbell said a lot of people have these now. He said they come in and say it's for a pole barn and then put rooms in them.

President Valiant asked so what is the address of the business. He said the actual address that is on all your business paperwork.

Jason Campbell said okay I am only willing to give you the dump property address.

President Valiant asked do you get mail for your business.

Jason Campbell said yes sir.

President Valiant asked where does it go.

Jason Campbell said to either where we live or the 399 E Shelton.

Attorney Aaron Doll said what you have told the Indiana Secretary of State is that your principle office address for this is 399 E Shelton Road, so.

Jason Campbell said I totally understand.

President Valiant said see that is what would make it a business.

Jason Campbell said right.

Attorney Aaron Doll said so that is what I am concerned about. He asked have you lied to the Secretary of State.

Jason Campbell said no, that is the business address we are using. He said that is where we get mail for it.

Attorney Aaron Doll said okay, so you are operating a business at this address then.

Jason Campbell said no I am not sir.

Attorney Aaron Doll said that seems contradictory to what you just told me.

Jason Campbell said no, it just seems incompetent.

Attorney Aaron Doll said ignorance of the law is no excuse.

Jason Campbell said I agree.

Attorney Aaron Doll said okay.

Jason Campbell said that is how I started with this.

Attorney Aaron Doll said alright well.

President Valiant asked so this here listed with the state is incorrect as far as a business.

Jason Campbell said well it is definitely where we have to get our mail and such. He said it is where we got our letters from you all I would think, is that correct.

Jeff Willis asked do you have your employees come there and pick up a trailer.

Jason Campbell said they do sometimes yes sir, but they do sometimes yes sir.

Jeff Willis said okay, that is what they are talking about with running a business. He said if your employees are parking there. He said you know most people think I don't have customers coming in, I am not running a business.

Jason Campbell said right, no retail per say.

Jeff Willis said yeah and what we are looking at is you have employees coming in and out, they are leaving the cars there, taking the ice melt to melt the snow for your customers, taking the equipment and lawn mowers to mow your customers grass. He said that is what we are talking about when we are talking about running a business out of there. He said that is what would not be allowed in the zoning you were in.

Jason Campbell said yes sir.

Mrs. Barnhill said so he is zoned agricultural and a landscaping business takes a C-3.

Presdinet Valiant asked what are the wishes of the Board, what do you guys think. He said I mean what you are doing right now with the addresses and that stuff it would be illegal as far as the business goes. He said now, I am not saying you could never do that you would just have to do it properly and there are requirements on how it would have to be done.

Jason Campbell said and that is where I failed sir.

President Valiant said so my recommendation would be...

Jason Campbell said actually, the address we dump at does not have a mailbox and I lease it with another man.

Amanda Mosiman said therefore it cannot be listed as a business address.

Jason Campbell said okay, that answered my question.

Amanda Mosiman said right.

Jason Campbell asked so what would make it a business. He said slapping up a mailbox I mean. He asked what classifies that.

Bob Johnson said in order for it to be a business address you would have to rezone it.

President Valiant said well he is talking about his other property.

Bob Johnson said oh.

Amanda Mosiman asked what is your other property zoned Jason.

Jason Campbell said I believe it is industrial, but please don't quote me on that I mean I wish I would have dug into this more.

Amanda Mosiman said well we have to get the business moved.

Mrs. Barnhill said if you have another property zoned industrial and you don't have an address our office assigns addresses if that is the issue.

Jason Campbell said well the issue is I actually do that with another business. He said we lease that property together and honestly he is probably really intelligent in this and I probably should have spoken with him.

Amanda Mosiman said sounds like the perfect opportunity to move this business to that location.

Jason Campbell said yes but my issue here is I know that they have things to say and you may not believe what I am telling you that it is our goal to clean up this property. He said there are going to be trucks up and down through here, there are going to be trailers.

Jeff Willis said well the trucks you are using to actually work at the property, I don't think is a problem. He said you know the Board may disagree, but you cannot have people coming there to pick up the trucks and trailers in the morning to drive to do the work all day. He said that is where you are running a business from it.

President Valiant said the storage part of it.

Jeff Willis said yeah the storage of the lawn mower trailers and the ice melt. He asked I mean are you going to use that much ice melt on your gravel driveway.

Jason Campbell said no.

Jeff Willis said so that is a commercial thing.

Jason Campbell said yes sir, I totally get it on that.

Jeff Willis said I don't know if you have been paying attention, but tonight I have been trying to defend the businesses working out of their homes because I understand that happens but you can't be having your employees coming to pick up the trailers there and leave, you can't store your ice melt there, you can't do... He said those are business activities out of your agricultural zoned area that you are not supposed to be doing.

Jason Campbell said yes sir.

Jeff Willis said so if you can move it over to the industrial zoned area that would be great.

Jason Campbell said yes sir, that would be ideal but...

Jeff Willis said otherwise you have to rezone to C-3, which is harder to find than the C-2.

Jason Campbell said well the bottom line is I started something and it started out slow like anything else and it just went to the moon on me so fast. He said I won't pretend anything else in here and like just me trying to keep up from here to there has been an issue. He said getting here tonight was an issue and the last thing I wanted to do whether people think one way or another was alter someone else's living, because I fully respect that. He said you would think folks who really cared for their things they would take their property as well. He said they would keep an eye on their children so they're not in these scenarios.

Jeff Willis said well they moved into an area that didn't have commercial vehicles coming in and out.

Jason Campbell said I totally understand that.

Amanda Mosiman said it is one thing to use the businesses trailer to haul some trash when you are working on that property that is not what we are talking about, there are definite business activities going on at this address that need moved.

Jason Campbell said I do not disagree with that.

Amanda Mosiman said good, then we have made progress. She asked how long do you need to get it moved to an appropriate location. She said let's get this fixed, bygones be bygones, and be done.

Jason Campbell said well that is a great question because I have been looking for a commercial property for some time and finances are not the issue. He said just simply finding one in and around my area is the issue. He said we live in the Oak Grove area you guys were speaking on earlier.

Amanda Mosiman said yeah.

Jason Campbell said I mean I cannot find nothing in there to save my life. He said I cannot overpay a man for something in there to save my life.

Jeff Willis asked how many trailers do you have.

Jason Campbell said I would say at this property probably 4 with a total of 5, 6 trucks, several mowers.

Jeff Willis said well you might find something back in Prospect Place that could help you. He said there is a, you know you said you live out in the Oak Grove area that we were just talking about. He said that is a...

Bob Johnson said you mean Prospect Drive.

Jeff Willis said Prospect Drive, sorry. He said there is a lot of commercial back there. He said some are completely packed, some may have some land I haven't been back there in a year or so but you may be able to find some commercial land back there that you can rent or buy or whatever. He said that way you are close to your house, that is all I was saying.

Jason Campbell said well I mean I am trying to be reasonable with it. He said I will be honest though I could move everything out of there tonight and as long as I come up to that property at any given time there is one lady in here that is going to cause me a real problem and she has caused it with anyone that has been around her. He said she called two different people about this, that weren't even me when this problem took place and they called me in the middle of the night and told me about it. He said I guess I shouldn't have made the joke, the guy on the D6 made a bad turn and he made a drunk turn. He said he is not a drunk trust me. He said that is just a bad statement I made, with that being said.

Amanda Mosiman said we are not addressing any of those things. She said we are not addressing property lines or any of that. She said this is strictly about the business.

Jason Campbell said right I am just telling you this problem is not going to go away when this business goes away but I am willing to do that.

Amanda Mosiman said as for this Board it will go away, it will no longer be on our Agenda.

Jason Campbell said okay.

President Valiant said so Amanda with what you were saying down there are you making a motion on that and do you want a second.

Amanda Mosiman said well I was trying to get him to, I want to give you some reasonable time to try to get this moved. She said I mean I am not going to tell you to do it tomorrow even though you said you could. She said I am trying to work with you so give me sometime.

Jason Campbell asked well um what are my options legally on a variance or rezoning for this property.

Richard Reid said well we want the business out of there right now is what we want.

Amanda Mosiman said yeah lets get the business out and then you can work on that with Molly.

Jason Campbell said I need two weeks.

Bob Johnson said how about 30 days. He asked would that be enough.

Jason Campbell said oh 30 days is more than enough.

Amanda Mosiman made a motion for all business related activity be stopped and removed from 399 E Shelton Road within 30 days and revisited on the November 9, 2020 meeting. The motion was seconded by Richard Reid and carried unanimously.

Jason Campbell said sorry to waste you all's time.

President Valiant said you are fine that is what were here for.

Jason Campbell said I will definitely try to fix things so we can move forward, thank you.

President Valiant said thank you.

Emily Forehand said can I ask a quick question about this.

President Valiant said yeah.

Emily Forehand asked would that also include the semi-trailer moved as well.

President Valiant said well if it is business related. He said there is nothing that says he can't have a trailer sitting on his property.

Emily Forehand said right.

President Valiant said as far as things coming in and out and all that should stop.

Jeff Willis said if he is doing landscaping their he can bring his equipment in for that but he cant have his guys coming in, picking up the equipment, and taking it somewhere else.

Richard Reid said we appreciate the photos too because it is hard for us to get up there.

Holly Roberts said well they bring stuff in and dump stuff too.

Amanda Mosiman said that would be an activity that would have to de cease.

Richard Reid said so just take pictures.

President Valiant said just keep in mind, he also has the right to option to try to apply to make it a business. He said that is his right. He said I am not saying it is going to be approved but I mean he does have that right.

Holly Roberts asked if he applied would we just be coming back here and doing the same thing.

President Valiant said yes and we would notify adjacent property owners and all that.

Emily Forehand said okay.

President Valiant said I am just saying he does have that right to do that.

Holly Roberts said right, he does have that right.

President Valiant said we would rather see him move it to create a happy little area out there as opposed to the alternative so.

Emily Forehand said thank you.

EXECUTIVE DIRECTOR BUSINESS:

Hidden Trail Court:

Mrs. Barnhill stated we are at Hidden Trail Court Section B, they came to the Planning Commission in 2018 and they're wanting to vacate this shared ingress/egress easement. She said I've included in your packet the request by Jim Jr from Morley. She said he has several exhibits, aerials. She said in your packet is also an email from Sherri that kind of summed up what this board decided in 2018. She said they ruled to vacate the shared drive easement as recorded on the plat, they would need to file an amended primary plat to combine the two lots because this person owns two lots at the end of this cul-de-sac. She said it would make it one lot and then not buildable back past this ingress/egress easement. She said if it's approved, the Board also would like assurances for the fire department for their services, that they can safely use this drive. She said if the plat is approved, both parties would be required to enter into a Hold Harmless with the county. She said that was what was decided in 2018, there's some reasons that Jim Jr would like to do something a little different. She said we did get a letter from the fire department, Stephen Byers the fire chief, he says he cannot guarantee that they could make access down the drive. She said I think this is called, is it a Tennessee crossing.

Jim Morley Jr., Project Engineer, Christopher and Jaleigh Hadley, home owners were present.

Jim Morley Jr. said it's called a low-water crossing.

Mrs. Barnhill said a low-water crossing. She said I went out and took pictures, those are the ones dated for the 14th.

Amanda Mosiman said low water, we haven't had any water, how does this have water on it.

Mrs. Barnhill said they'd like us to revisit the ruling that was done in 2018.

President Valiant said one at a time please.

Mrs. Barnhill said the neighbors got into some sort of spat so they started putting poles down the middle, so now the Hadley's had to create their own access. She said so this is how they created their own access so they didn't have to share a driveway.

Christopher Hadley said that's not exactly accurate, I apologize.

President Valiant said Jim, do you have anything to add.

Jim Morley Jr said Mrs. Jaleigh Hadley is here with me tonight, she is the owner of lots 11 and 12. He said Molly stated two years ago, Sherri brought this before you all and there were some conversations that kind of went through that and I wanted the opportunity to revisit that because I think we have a lot of balls in the air but they're different. He said Jaleigh would like to vacate the shared drive easement which is an easement issue but then I understand that there's been concern on the board's side, on the life safety issue. He said can we get a fire truck or a police or an ambulance beyond the lower crossing if there was ever a house built back there. He said so there's two different items, there's an easement item and a life safety item. He said if Mrs. Hadley decided she was done and didn't want to bring it up anymore, you all still don't want a house behind there. He said even if the easement stays or doesn't stay, that doesn't change the life safety issue that is at hand. He said Bill Bivins did the original plat about 18 years ago and I wasn't here, but I don't know the reasoning for him putting a shared driveway. He said the way it is now, and as you all have the same pictures I have, this just shows that the column line with the shared drive going down that. He said technically, they could probably build a house in front of that lake. He said the life safety issue is totally different than the easement issue. He said on this aerial photo, and I noticed yours were a little darker than mine and I apologize about that, you'll see kind of a purple line and that's Mrs. Hadley's driveway and then you'll see the blue line, that is the adjoiners driveway on lot 10. He said you can see, they're two totally separate driveways. He said whether they started as one driveway or they started as two driveways, to be honest I don't know but they're two driveways now and they clearly don't both fit inside the 20 foot shared common driveway easement. He said sometimes those easements were put on plats because there's not much room and they're trying to squeeze between a narrow spot. He said or maybe people wanted to save the money on building 500 feet of driveway up front or something. He said in this current situation, they both have their own driveways and they both go between the two lakes that are there. He said the owner of lot 10's driveway crosses a pipe. He said the Hadley's put in a low-water crossing. He said low-water crossings are relatively common, there's a 336-page manual on how to install a low-water crossing. He said just so you all know, the Hadley's have a non-vented low-water crossing. He said the reality of it is, is that low-water crossing doesn't have anything to do with whether or not the easement is vacated because the easement is not currently being used as a shared drive easement. He said when this was here two years ago, it appears that the issue of a life safety issue and the 'should we vacate the easement' issue were combined as one. He said they're two different things, they would be combined if the platted easement said you can't have a low-water crossing but the platted easement doesn't say any of that stuff, it just says it's a shared driveway. He said neither neighbor is using it that way and so we are asking that the platted easement be vacated so that they no longer have that on their property line. He said while we're here, if we would like to talk also about the life safety issue, we can talk about that also but it's a separate item than the easement. He said I will also tell you, they don't have an intention to build a home here on lot 11, its recreational ground at this time. He said a low-water crossing works just fine for driving a four wheeler over or a truck for a campfire. He said low-water crossings are sometimes used for houses but if Warrick County doesn't want that, that's fine. He said they're not using it for that and they don't have any intention to use it for that. He said I first would like to talk about if we can vacate the driveway easement and then talk about whether or not there is an issue that needs to be resolved

relative to their low-water crossing. He said I think as part of Sherri's request previously, it was to vacate the easement and do a re-plat. He said we are seeking not to do a re-plat. He said the vacation process gets rid of the easement, the re-plat doesn't get rid of the easement. He said we are seeking not to do a re-plat because that costs a lot of money. He said it's cost-prohibitive for them to do a re-plat, so we wanted to first focus on getting the easement vacated and if we needed to deal with any life-safety issues because of a low-water crossing then we can do that tonight if you all would like to.

Mrs. Barnhill said and the re-plat was to combine their two lots so a house would not be built back there, I believe that was the intent of the re-plat.

Bob Johnson said that's the way I remember it.

Jim Morley Jr said can I ask, do you remember was the desire not to build a house back there because they have a low-water crossing.

Bob Johnson said I don't recall the reasoning why, I just didn't think they were wanting to build a house back there. He said it was recreational property.

Jim Morley Jr said they don't have an intention to do it, but for them to do a re-plat would be \$4,000 or something so it's just a lot of money when all they want is to get rid of that easement. He said I spoke to Molly earlier and I said if the Plan Commission has a concern that they have created an unsafe lot, which nobody wants an unsafe lot, perhaps a document could be written and recorded and cross-referenced to the deed saying if a home is ever built north of the lake, then it must be accessed by piped driveway. He said that way if they ever do pull a building permit, it says right there. He said they don't want to build a house but let's say in 100 years, someone wants to build a house. He said they would have to pipe that ditch before they can build a house which would then allow fire trucks, sheriff, ambulances to get to their house to put out a fire. He said the truth of it is, if you look at the plat, the reality is that there's room up front. He said they could build right there. He said I don't think it's fair to say that nothing can ever be built there when the whole reason you don't want something built is for the fear of a fire truck not being able to go through a low-water crossing, which I get. He said but if 10 owners from now put a pipe there and want to build up in the back, there's nothing wrong with that or if they wanted to build up next to the cul-de-sac, there's nothing wrong with that. He said I think the concern has been we don't want to create an unsafe building site in the back because we can't get through the low-water crossing.

Bob Johnson said there's a lot of variables there, Jim.

Jim Morley Jr said what's that.

Bob Johnson said there's a lot of variables there, is it wintertime, is it snow.

Jim Morley Jr said I'm with you.

Amanda Mosiman said I know a lot of maintained driveways that are worse than that.

Jim Morley Jr said I'm not here to get a house on the back of a low-water crossing. He said if there's a big flood going on and there's a house on fire, we've got problem. He said I get that and so that's why I'm trying to come up with a solution that protects the county of creating an unsafe building site that would run with the property and would be a whole lot cheaper than a replat. He said it would preserve that as a buildable site because it is a buildable site, but then allow them to continue with the vacation process so they can get rid of this easement that's on the property line that neither owner is using as where their driveway is. He said there's a few other pictures and there are clearly two different driveways here. He said some places there's pipes and poles down the middle, some places it's got grass. He said regardless, it's clearly two separate driveways.

President Valiant said so in regards to that, what's the council's opinion on that.

Attorney Aaron Doll said I actually agree with Mr. Morley that this is two separate issues: this is a land use with the easement. He said we have both land owners that hold the easement wanting to vacate it, why stand in their way. He said there are two separate driveways. He said now, down the road if they decide to build a house back there that is a land site development issue. He said when they go to pull a building permit you can say no, unless you build a pipe and make it okay for life safety issues. He said so I agree, I don't think this Board should stand in the way I think we should allow this easement to be vacated.

President Valiant said Molly.

Mrs. Barnhill said yes as long as we can do something about a house being built back there and a firetruck not being able to get back there. She said that is my concern.

Bob Johnsons asked well wouldn't that be addressed if they did decide to build a house back there. He said wouldn't an engineer or drainage have to get involved and make sure there is a road. He said I mean that is part of our requirements, isn't it.

Mrs. Barnhill said no, it is not.

Bob Johnsons said where you have to have at least a minimum type of road.

Jim Morley Jr. said no, in fairness not for a driveway.

Mrs. Barnhill said no, we look at the driveways up at the right of way and then we check a plot plan to make sure they meet setbacks.

Jim Morley Jr. said yeah, and that is why I suggested making a separate document that we cross reference with the deed and I think you have a plat there in your office and I think we could put a note on that plat that just says hey look at 2020R-500 for pipe restriction. He said we do not want to create an unsafe situation you know. He said but the reality of it is if someone wanted to build they would build right up next to the cul-de-sac. He said they wouldn't even ever cross that and the firetruck could shoot it out from the road and they have enough room to do that. He said

that situation is present regardless whether there is an easement there or not an easement there. He said it doesn't change whether we get rid of the easement or not it would be the exact same situation. He said the only difference is maybe there is a way to do the recorded document that cross referenced to the deed and they could put a note on their plat that maybe gives you all some comfort that you all aren't creating a dangerous building site.

President Valiant said right, I know that was one of Molly's concerns when we talked about it before. He said sir, come on up to the podium so we can hear you.

Christopher Hadley came to the podium.

Christopher Hadley said he knows what he is doing and I don't want to interrupt, but I am one of the owner's there, and I am not sure that he actually knew this, but we have since put all of this in classified forest so that is another inhibiting factor to build. He said that shows that our intent isn't to build it is to put it in classified forest so that has been filed and approved and actually finished and the paperwork is all completed on that. He said that is a process were not just starting but we have actually finished. He said that property actually exists in classified forest right now which doesn't allow us to build. He said I just wanted to address the concern of building.

President Valiant said well and yeah you understand the concern.

Christopher Hadley said yeah.

Amanda Mosiman said congratulations on that, that is not necessarily an easy process.

Richard Reid asked who are the owners of that vacant lot.

Jim Morley Jr. said they are the owners of Lot 11 and 12.

President Valiant asked for any further questions, if not we will need a motion for the vacation.

Amanda Mosiman made a motion to vacate the shared drive easement. Bob Johnson seconded and the motion carried unanimously.

Jim Morley Jr. asked do you want some kind of document recorded then or do you want to add it to the plat in your office. He said you know they have added it in classified forest and you can't build in classified forest anyways.

Mrs. Barnhill said yes but we don't even see that in our office, the classified forest filings. She said I believe in the past they have done a moratorium on a whole subdivision. She asked Attorney Aaron Doll, can we do one on one lot until such a time.

Attorney Aaron Doll said that I am not familiar with, I do not know. He said maybe that is a question for Morrie.

Jim Morley Jr. said Molly, when you pull that plat out to do your building permit is that something that we can write classified forest on or something like that. He said I get where you all are coming from so I am trying to make this a collaborated effort. He said they got rid of their easement and I want to keep you all protected. He said whether it is by a classified forest, which I didn't know about, or some kind of agreement or whatever. He said I mean they have a classified forest and reference that or...

Attorney Aaron Doll asked is that classified forest on both lots or just Lot 11.

Christopher Hadley said well I should have brought that map and I am sorry I didn't. He said it actually is on the 47 acres just to the North of that as well. He said I don't know if it was on that particular map but as far as the classified forest is concerned I couldn't tell you all of the lots it contains. He said the house lot is 12 and then the vacant lot is 11 and then the 47 acres of this, which isn't part of this subdivision, adjoins our two lots to the North. He asked does that make sense. He said so I talked to Gretchen Hervault, she came out and did a site visit, she came out and did the entire process which I am sure you all are familiar with so there are three separate properties here but the classified forest is on all three. He said obviously we couldn't include our house and we have some goats and chickens and you can't have that on classified forest. He said to Molly's concern too they do a site visit every year, it is a requirement as part of that process. He said obviously if we were building a house then they would see that within the year so that is another safe guard they put into place. He said there assessments, the County Assessor looks at aerial views, there are always pictures taken, and it is classified forest. He said at most if we would ever even discuss building it would be like a shelter by the pond but it wouldn't be a house or anything like that. He said that would be the only thing we would do in classified forest so that would be the only thing. He said even at that, there all kinds of safe guards and things put in place so we won't build a house or anything there.

Amanda Mosiman said I am not necessarily concerned about the low water crossing, I mean...

Christopher Hadley said Jerry Aigner was actually the one who had put it in and he was the one who advised us on it. He said if you want to know all the history and all that stuff Jerry Aigner came out and we looked at all of our options and with all of the water that runs through there and I mean if you look at an aerial view of Eby Road and all that we thought this would be our best option. He said Jordan is the engineer for that and they were the ones that put that in to begin with. He said the Aigner's back in whenever it was, in the 80's, so the whole purpose was to divide that water. He said it was so narrow through there that they had to make it an easement so they could divide the two properties so they could fast forward 30 years now and the subdivision is the way it is now and it has gotten kind of outdated so to speak.

Mrs. Barnhill said so the motion could be to vacate the shared drive with...

Amanda Mosiman said we have already done that.

Mrs. Barnhill said well what would you all like to do about the other.

Amanda Mosiman said my opinion is I am not really worried about it. She said there are some a lot bigger issues with driveways throughout the county other than this that aren't maintained than that low water crossing. She said I don't see how you can't get a truck back that is in a low water crossing that has been there for this amount of time.

Mrs. Barnhill said but if our fire chief and our sheriff both say that they are not comfortable with it.

Amanda Mosiman said but it is not a building site right now so I am not worried about it right now.

Mrs. Barnhill said but it can be.

President Valiant said so then...

Attorney Aaron Doll said not as a classified forest.

Amanda Mosiman said no.

Mrs. Barnhill said we don't even see classified forest and you can cut out 2.5 acres...

Amanda Mosiman interjected how long does your maintenance plan say for your classified forest.

Christopher Hadley said oh it is for life.

Amanada Mosiman said yeah it is not...

Mrs. Barnhill said we do not see them though is what I am saying, we are looking at the plat. She said we do not see classified forest.

Bob Johnson said well I did talk to the Sheriff tonight and he did tell me that he was not going to write a letter specifically for this but he didn't feel uncomfortable if he had to go back there.

Christopher Hadley said can I address the concern though with the fire chief and the police. He said that is what the Sheriff has told us and **off the record** the Fire Chief and the Assistant Chief were out there and talked to my wife and while the letter may say one thing that is not what they told us in person. He said they actually wrote us a letter that said they weren't concerned with it and now this other letter here, so I am not sure what the concern is but we have been told something different.

President Valiant asked got you. He said so can we do it, as Jim suggested, can we make a notation on the plat or something. He asked can we do that.

Mrs. Barnhill said yeah we can make it part of the record tonight and I will put it with the plat.

Jaleigh Hadley came to the podium.

Jaleigh Hadley said okay so we have different letters actually and this is the first I have heard actually before the meeting before of the other letter. She asked so if we have this in place are they not going to come back period.

Amanda Mosiman said no.

Jaleigh Hadley if we didn't or if we did. She said whatever your motion is one way or another why is this being brought up. She said we shouldn't have any kind of motion about this low water crossing and first responders, right. She said there shouldn't be a motion made, there shouldn't be a vote made, right.

Jeff Willis said the concern is 20 years from now, 30 years from now, 50 years from now if somebody builds a house back there we have a letter on record where the Fire Chief said he wasn't comfortable that if there was a flood the same time the building caught on fire that he could take care of the building on fire. He said so we are trying to protect ourselves so we don't get sued.

President Valiant said right, if someone builds and then wants to sue the county because they couldn't get back there. He said so that is normally done through a Hold Harmless or something like that but...

Amanda Mosiman said I used to live in Park and Muhlenberg Counties and these are very common up there, just due to the nature of where that is in very rural areas. She said we used to see them all the time and it wasn't an issue. She said I am not worried about it.

Mrs. Barnhill said okay so you guys just made a motion so you can proceed with the vacation and I will write that on the plat.

Jim Morley Jr. asked just for verification, what are you writing on the plat. He asked just that it has to have an acceptable driveway prior to building anything back there.

Mrs. Barnhill said yeah, that it will have to be revisited at that point in time.

President Valiant said okay so in some years down the line if someone wants to build back there.

Jaleigh Hadley asked is that something that we have to sign.

Jim Morley Jr. and Amanda Mosiman said no.

Mrs. Barnhill said it is in the minutes. She said we will type it out and I will keep with the plat.

President Valiant said keep in mind, you did nothing wrong here it is just some years down the line if somebody dies because emergency personnel couldn't get back here this is so nobody can go back and sue the county or sue emergency services.

Christopher Hadley said I completely understand the concern, just one last clarification, and that is for a house. He said so if some years down the road if our kids wanted to build a shelter, like a...

President Valiant said a tree house or something.

Christopher Hadley said you are not worried about that type of thing right.

President Valiant said no, no it would be a residence correct.

Mrs. Barnhill said a structure takes a permit and we are not going to issue a permit for anything behind that crossing.

President Valiant said unless it is revisited.

Christopher Hadley said unless it is revisited, okay.

Mrs. Barnhill said yes.

Jeff Willis said and revisited could be they are building a tree house okay, no big deal.

Amanda Mosiman asked so do we need to vote on putting that on the plat.

President Valiant made a motion to approve writing that no structure could be permitted behind the low-water crossing without revisiting it at a later date. Bob Johnson seconded and it carried, Amanda Mosiman opposed.

Relinquishing Easements

Mrs. Barnhill said well we had discussed amending the APC Rules of Procedure to add steps to relinquish a single purpose easement however I do not think it is allowable in Indiana Code. She said I have met with Jim, Morrie about it, and Jeff. She said so we have an easement that has been separately recorded, not been recorded in a subdivision, those can be relinquished but now the question is a single-use, unused easement that was created by a subdivision plat can that be relinquished. She said the difference between a relinquishment and a vacation are the fees, it should be easier to do, and it is more cost effective.

Jim Morley Jr. was present.

Jim Morley Jr. said I can tell you we have got 3 drainage easements that need relinquished, vacated you pick the term, they needed gotten rid of. He said her ingress/egress easement and an Ashland Oil Pipeline easement and under our current process all of those have to go through a vacation process. He said in a vacation process we end up filing a petition and we send out notices and we have to get a letter from every utility. He said it is very time consuming and just to be honest with you, therefore, expensive to the client and it is a cumbersome process. He said for example, with

a drainage easement, like we had this afternoon, currently we would go ask Vectren permission to get rid of the drainage easement when they have no right to be in the drainage easement and currently if I am wanting to get rid of an Ashland Pipeline easement I have to get a letter from the water department to get rid of an Ashland Pipeline easement. He said the water department has no right to be in the Ashland Pipeline easement. He said so our current system is not very user friendly for getting things processed and through the process. He said so from our conversation that Molly, Morrie and I had I am asking is there a way in which when we need to get rid of a drainage easement we come to Drainage Board and the Drainage Board says yes were okay with relinquishing that easement, we take that to the plat review committee and the plat review committee says yes, and then to the property owner and the property owner says yes were okay with it and they all sign it and it gets recorded of a relinquishment of that easement. He said it would be a quicker, faster, cheaper process. He said this would only apply when the easement is beneficiary to one person. He says it doesn't apply to a public utility easement, it doesn't apply to a public right of way, it doesn't apply to a restricted public utility easement because there you have lots of people so you need to gather lots of information. He said you know when it is only a pipeline easement or whatever the property owners have a stake in it and the water company or the Drainage Board or the Ashland Pipeline have a stake in it, nobody else has a stake in it. He said so we are just trying to come up with an expedited version so to speak to keep costs down for home owners and such.

Amanda Mosiman asked so you are saying, Molly, you don't think you there is a way to do that with Indiana Code.

Mrs. Barnhill said I think Indiana Code says a vacation of a platted easement must be vacated through the vacation process.

Amanda Mosiman asked which is the long process.

Mrs. Barnhill said right but I have talked to the Auditor's office, they are the ones that have the check list and that is where these get filed, there check list is confusing. She said I don't think that was ever their intent to say when you are vacating a drainage easement you would have to get a letter from Vectren. She said they have agreed, and I am working with them, on re-wording that so the intended beneficiary would be the only letter needed for that easement.

Jim Morley Jr. said I still have to file an ordinance, I still have to notify the ad joiners around me.

Mrs. Barnhill said yes.

Jim Morley Jr. said so if I want to get rid of a drainage easement in the middle of my lot I would have to notify everyone around me that I am doing that. He said so for a drainage easement runs down the middle of my lot and I don't want it there and the Drainage Board doesn't want it there, I don't quite see why my 4 neighbor's around me...

Jeff Willis said that is where I drain all my water.

Jim Morley Jr. Said so we don't have to hash it out tonight, but that is where I would like to see us go but as I shared with Molly, the truth of the matter is I make more money this way. He said it is not like I am trying to make somebody... He said it is just a time consuming process and we can streamline the process I think if we look at it a different way. He said I mean getting rid of all the utility letters that is a huge plus.

Bob Johnson said we don't know where their lines are anyway. He said we hit 2 of them last week.

Jim Morley Jr. said for what it is worth now, if you want a letter like that from Vectren it is an instant \$300 just for them to review it and then you wait however long it takes for a utility to get that letter to you and honestly we have had them come back on an easement that they have no say in before and say well were not sure. He said well what do you mean you are not sure, it is a drainage easement, what do you mean you are the water department how are you not sure. He said so it can be cumbersome.

Amanda Mosiman asked could you guys just draft something up and propose it.

Mrs. Barnhill asked for what.

Amanda Mosiman asked I mean what are you wanting us to do tonight.

Jeff Willis said what he says makes sense. He asked what do we have to do to make it make sense, or is this just something you are keeping us in the loop about.

Mrs. Barnhill said I am keeping you in the loop mainly because I do not think it jives with Indiana Code, Morrie disagrees with me.

Attorney Aaron Doll said he does.

Mrs. Barnhill said he is the attorney so now you all know everything.

Jeff Willis said well if you get 30 attorneys in a room they are all going to read something differently.

Amanda Mosiman said oh yeah.

Bob Johnson said Molly, Morrie, Molly, Morrie...

Mrs. Barnhill said I know.

President Valiant said well and Molly and I discussed it and I totally understand Molly's side and I actually kind of lean that way a little bit so it is all in how you are putting it out and all up to interpretation.

Attorney Aaron Doll said but it is kind of what we just had tonight. He said we had two land owners that have an easement and nobody else has a say in that easement whatsoever.

President Valiant said right.

Attorney Aaron Doll said if the two land owners, the two players, want to get rid of that easement they should be able to get rid of it. He said changing it to Jim's scenario, it is the Drainage Board and the land owners as the two players and if they are both cool with getting rid of it who are we to stand in the way. He said the draft rule is what he is proposing. He said yes, obviously the appropriate parties need to agree but if they want to give up the easement then...

Jim Morley Jr. said and I am sure not wanting to do anything illegal, I am just trying to create a more expedited process to keep costs down for property owners and that kind of thing.

Attorney Aaron Doll said correct.

Jim Morley Jr. said you know we have vacated quite a few drainage easements. He said we just did one for Evansville Christian School, which they are on a timeline to get that done. We did a vacation on a drainage easement on a condo project this afternoon. He said I got another one that will be coming to the Drainage Board here shortly. He said you know it is not like these are things that happen once a year. He said I have five of them, well two of them are halfway done already, but I have five of them right now.

Attorney Aaron Doll said it is just commonsensical. He said it just seems to streamline the process and save our tax payers money.

Amanda Mosiman said yes.

Mrs. Barnhill said okay my concern with it, besides not totally being with Indiana Code was that when we do a subdivision, a development, the easements that they put on there are required. She said they don't put extra easements on there for the fun of it so now they are going to do a subdivision and put these required easements and then turn around and relinquish easements that they didn't want in the first place. She said that is the scenario that I am concerned about.

Jim Morley Jr. said I will say though that they are only relinquished after the Board that basically told me to, you know after the Drainage Board told me that you need a drainage easement here, there are the ones that are then telling me that I can then take it back off.

Mrs. Barnhill said yes, so a shared ingress/egress easement, that probably came from the Board originally on this last one, would that come back to the Board then.

Jim Morley Jr. said whoever put that ingress/egress easement there, if there was a Planning Commission mandate, then I would think the Planning Commission would have to sign off on it being released. He said if it was a County Engineer mandate then I would think it would be the County Engineer. He said whoever said we need this easement here, should be the person who says we are okay with that easement not being there. He said I don't think Drainage Board should be able to release an ingress/egress easement and the water department shouldn't be able to release a drainage easement. He said I mean whoever said put it there. He said we put easements where

plans are approved at and that is where they go but things change over the years. He said sometimes the electric company or the drainage ended up getting put somewhere else and maybe it went back to the Drainage Board after the amended plan but the easement just never got moved. He said honestly we had that exact thing today. He said there was an easement that was a holdover from a different idea and there was never a pipe put in.

Mrs. Barnhill said so if you guys want to look into this I will pursue it further and I will get with Morrie.

President Valiant said I think it is worth looking into. He said on one end I think it is going to open a can of worms, like someone may be like well how come you looked at that one that way but ours wasn't. He said you are going to have someone do that but that is just my opinion. He said if you do it the other way it is pretty cut and draw and you know this is how I have to do it.

Mrs. Barnhill said yeah.

President Valiant said that is just my issue and you know people look at everything differently. He said that's just me though.

Jim Morley Jr. said I think the goal was to have a pretty clear set of instructions that said exactly what has to be done so people couldn't get sideways in that process.

President Valiant said right.

Attorney Aaron Doll said single-use, never used type of scenario.

Jim Morley Jr. said but if it is a problem you know I will back off.

President Valiant said no, no, no. He said like I said I am all about looking at it, maybe not at 9 o'clock at night but...

Amanda Mosiman said me too.

Richard Reid made a motion to adjourn. Amanda Mosiman seconded the motion and the motion carried unanimously.

ATTEST:

Molly Barnhill, Executive Director

Jeff Valiant, President