

McCordsville

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Town Council Meeting Minutes

September 12, 2023

Town Hall– 7:00 p.m.

Roll Call

- Council Members Present: Greg Brewer, Bryan Burney, Scott Jones, Larry Longman, Branden Williams
- Employees: Paul Casey, Ron Crider, Ryan Crum, Tim Gropp, Mark Witsman
- Clerk-Treasurer: Stephanie Crider
- Town Attorney: Gregg Morelock

Approval of Minutes

- Motion by Mr. Jones to approve the August 8th meeting minutes as presented. Williams. 3-0

Clerk-Treasurer's Report

- Posted online.

Public Comments for non-agenda items

- Kevin Smith, resident of Champion Lake, questioned the lights being put in at Colonnade and whether or not they are to the Town's standards. Pictures were produced with images of the globes that have already been removed.
- Mr. Crum produced further pictures of the streetlights in several parts of Town and further explained staff decisions on streetlights.
- Mr. Burney commented on whether the lights were the responsibility of the Town or the HOA. He further elaborated on the glare issues and people driving with vision problems. Mr. Burney questioned why builders are not being held responsible for not following what was specified in the PUD.
- Mr. Brewer questioned if the problem is the look or the glare.
- Mr. Williams mentioned that our eyes see something very different than what a cell phone picture produces.
- Mr. Crum explained that the watts are less in Colonnade than in the standard.
- Pictures were produced with Sagebrook lights that were a county standard that was in place before we annexed the property.
- Mr. Brewer asked if there was a difference in the specifications.

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- Mr. Crum explained that the wattage and the height is actually less than the standard.
- Mr. Longman mentioned that we need to have variances in streetlights and not use the same product because we could be gauged on price or there could be less availability of products.
- Mr. Crum stated that the time it takes to replace the poles can take an exorbitant amount of time.
- Mr. Burney stated that the root of the problem is the developers are doing what they want and not delivering what they promised.
- Mr. Brewer consulted the documents presented. He questioned which lights Mr. Smith would want, what is currently installed or what the specifications state. Mr. Brewer asked Mr. Morelock what options were available for the Council to decide.
- Mr. Morelock stated that if we needed evidence of the lighting issue that a lighting expert should be hired to do a study. He also stated that the Council could continue to give staff that discretion.
- Mr. Morelock also explained that if they go back to the developer, they could potentially claim that they detrimentally relied on the staff's discretion to install the light poles.
- Mr. Smith reiterated that there are 4 lights already installed.
- Mr. Crum explained that the specifications are the same if not less.
- Mr. Williams discussed the wattage and how it is technically dimmer than that of the spec lights.
- Mr. Gropp stated that our town specifications shouldn't list out a specific brand it should be based on performance.
- Motion by Mr. Burney that when a specific product is called out by the plans whether it's by the developer or the engineer and that's what's approved, that's what will be installed. No second.
- Brad Schoeff, 8891 N 700 W, gave the history of his home and the history of how he raised his family. He stated his problem is with Daniel's Vineyard. He stated that all the noise used to head to the north and now the sound is heading to the south and disrupting their lives. He stated he is not here to cause problems but wants to figure out a solution to the noise problems.
- Mr. Burney stated that he believes that they have a nice venue but should not disrupt the neighbors and they should not be allowed to annoy any of the neighbors any longer.
- Mr. Brewer asked Mr. Casey about the runs and statistics from this summer.
- Mr. Casey stated that there is noise that leaves the property but nothing unusual as far as runs this summer.
- Mr. Gropp stated that there were 3 specific events that went poorly and would not be continued. He also went on further to explain that the bass is definitely an issue.
- Mr. Longman stated that maybe the frequency of the decibel readings should be reevaluated.
- Mr. Schoeff explained that he enjoys wineries, but they are becoming a concert venue that is annoying to the neighbors.

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- Mr. Brewer stated that the Vintners property is geared towards residents choosing that as a place to live. He stated that he is not opposed to reevaluating the decibel readings, but he has spoken with the owner, and they are looking to move to a more acoustic music venue for next year.
- John Price, resident of McCordsville, wanted to reiterate that you can't rely on the number of calls made to complain in order to truly understand the problem. Mr. Price stated that this has continued to be a problem for the Town. He mentioned that Daniel's is aware regarding the sound issue because of their concern with the new neighborhood Vintners Park. He stated that they should revisit the Sound Ordinance to have it updated.
- Matt Holland, 6831 W 900 N, voiced his complaints about the noise problem at Daniel's as well as the problem with the traffic and a potential land acquisition.
- There was a recommendation from Mr. Brewer for the residents who spoke to come to the Plan Commission meeting.

Drainage Board Appeal Hearing

- Motion by Mr. Longman to recess Town Council meeting and open the Drainage Board. Longman. 5-0
- Mr. Crider explained that there was a fence permit that was denied.
- Brett Butts, resident of Villages at Brookside, stated that he wanted to figure out a way to get creative with extending his fence.
- Mr. Burney asked when he discovered he could not enter the easement.
- Mr. Witsman explained the exhibit. He explained that when a fence permit is requested, traditionally Mr. Crider will explain any encroachments and allow for any adjustments if possible.
- Mr. Longman stated that this is a rough call, but Mr. Crider has done the proper thing.
- Mr. Morelock stated that Greenfield tried to accommodate but this did not work. Mr. Gropp also stated that this did not work in Fishers.
- Mr. Brewer stated that these are problems that need reviewed because of PUDs.
- Mr. Witsman mentioned that they need to stay consistent with previous requests.
- Mr. Burney stated that they are trying to work with developers to alleviate some of these easements.
- Mr. Crider reiterated that the force main is the major issue.
- Further conversation continued regarding problems with allowing the fence to extend through the easement.
- Motion by Mr. Burney to deny the appeal. Longman. 5-0

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- Motion by Mr. Longman to adjourn the Drainage Board and reconvene the Town Council meeting. Williams. 5-0

Committee & Staff Reports

- **Finance Committee:** There was a discussion about the legal RFPs as well as the rehashing of the PTO policy. Mr. Gropp stated that interviews for legal services will be handled in an executive session.
- **Parks Board:** Did not meet.
- **Redevelopment Commission:** They recapped the positive things that happened with the annual report of the overlapping taxing units. They discussed the closing on the Thomas Property as well as the net situation with the IU project along 600 West.
- **Vernon Township Fire Committee:** They discussed plans to identify properties for another fire station to allow for better run times as well as an apparatus discussion which will be held at the next meeting. There will be an open house at Fire Station 432 on September 30th.
- **Public Works Committee:** They approved estimates for snowplows and accessories as well as school zone lights which are up for recommendation. There was one bid for the Carroll Road Trail Project which was well over budget which resulted in the decision to rebid and get it under contract for next year.
 - Motion by Mr. Longman to reject the Smith bid. .5-0
- **Architectural Review Committee:** They considered Beazer homes request for additional models and elevations in area D of Colonnade and came through with a number of nice homes for their lineup, including 3 car garage bays. Overall, a nice improvement by Beazer and these were approved. Fisher Homes product line at Hampton Walk, area C, and short on lot width and meeting the garage square footage. Also, some of the elevations were not provided with clear pictures that could reflect what they needed to so that was continued. They did make a few approvals where they could in area B and the townhomes. MI Homes for Helms Mill had a diverse product lineup from startup homes to some almost custom homes and it was decided that this would be too awkward if you placed these homes next to each other. They narrowed the product lineup considerably and these will be recommended to the Council at a later time.
- **Plan Commission:** Did not meet.

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Consent Agenda

- Mr. Burney asked to remove Enclave at Deer Crossing secondary plat.
- The consent agenda included the Flashing School Zone Light Recommendation, McCord Square plat, Carroll & 900N Roundabout Financial Commitment Letter, and the Public Safety Report.
- Mr. Longman questioned the coffee shop ROW.
- Motion by Mr. Burney to approve the consent agenda items a, b, c, and d. Jones. 5-0

Old Business

Enclave at Deer Crossing Secondary Plat

- Mr. Burney asked if there could be a drawing of the fence lines.
- Richard Henderson, Enclave at Deer Crossing, explained that there are several easements regarding maintaining the trees as well as the drainage easements. Mr. Henderson stated that he does not feel it is necessary to place a fence restriction in the plat but in the covenants.
- Mr. Morelock stated that this should be added verbiage to the plat.
- Mr. Henderson stated that this would not show up on the plat, it would need to be on the plot plan.
- Mr. Brewer stated that this is a discussion that needs to be with staff regarding expectations of first-time buyers trying to build a nice fence and discovering you cannot. He explained that this is becoming a problem. Mr. Crum stated that this language needs to happen prior to signing the closing documents.
- Mr. Burney reiterated again that this is an ongoing problem and this needs to be fixed when it comes to holding the builder more accountable.
- Mr. Henderson explained the issue with backing onto another parcel and that the minimum is 20 feet.
- Mr. Witsman stated that the only way to stop this problem is for the salesman to disclose the information prior to selling.
- Motion by Mr. Burney to approve the Enclave at Deer Crossing Secondary Plat. Jones. 5-0

McCord Square Easement Vacation—Second Reading on Ordinance 080823A &

McCord Square ROW Vacation—Second Reading on Ordinance 080823

- Motion by Mr. Longman to recess the Council meeting and open the public hearing. Burney. 5-0

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- Motion by Mr. Longman to close the public hearing and resume the Council meeting. Jones. 5-0
- Ordinance 080823A was read by title only by Mr. Morelock.
- Motion by Mr. Longman to approve Ordinance 080823A on second reading. Jones. 5-0
- Ordinance 080823 was read by title only by Mr. Morelock.
- Motion by Mr. Longman to approve Ordinance 080823 on second reading. Williams. 5-0

New Business

Indiana Street ROW Vacation Ordinance 091223—First Reading

- Mr. Brewer explained the situation and explained that the road is primarily being used by delivery trucks and trash trucks.
- Dr. Scott Harbin explained his objection to the vacation of the road.
- Mr. Burney questioned if communication is on track.
- Mr. Gropp explained that there are significant differences between both parties.
- Mr. Brewer stated it would be best to tear up the street and plant grass seed and Mr. Witsman agreed.
- Dr. Harbin reiterated more of his issues.
- Mr. Brewer stated what the options are going forward.
- Dr. Harbin explained there is an option to change his property to provide parking but asked who would pay for that.
- Mr. Burney suggested tabling this item until conversations have been had between both parties.
- Dr. Harbin stated that he would appreciate a call directly to him regarding these issues.
- Mr. Gropp stated that if the first reading is passed tonight it would not delay any construction due to the fact that nothing could be done in the winter.
- Mr. Jones stated that this just starts the process.
- Mr. Brewer explained that by vacating they are giving Dr. Harbin property.
- Mr. Brewer asked if it would be fine to have this item tabled.
- Mr. Crum suggested a survey and the Council agreed.
- Dr. Harbin also explained that he has done a survey on his own property.
- Further conversation continued regarding the vacation of the right-of-way.
- Motion by Mr. Burney to table Ordinance 091223. Longman. 5-0

Ordinance 091223A Nonreverting Fund (Project Fund)

- Motion by Mr. Burney to read Ordinance 091223A by title only. Longman. 5-0

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- Ordinance 091223A was read by title only by Mr. Morelock.
- Motion by Mr. Burney to approve Ordinance 091223A on first reading. Longman. 5-0
- Motion by Mr. Longman to suspend the rules. Williams. 5-0
- Motion by Mr. Burney to approve Ordinance 091223A on second reading. Longman. 5-0

2024 Town Budget Presentation—Public Hearing

- Motion by Mr. Longman to recess the Council meeting and open the Public Hearing. Jones. 5-0
- Mr. Gropp explained that this year there was a lot of collaboration to put together the presentation for the Council and the public to explain how we plan to spend the money.
- Motion by Mr. Burney to close the Public Hearing and reconvene the Council meeting. Jones. 5-0

PTO Policy Recommendation

- Mr. Gropp stated that this came as a recommendation from Mr. Brewer.
- Mr. Brewer confirmed that time off is time off so this process should be simplified.
- Mr. Gropp explained that it's important to stay well rested and healthy and time off should be used.
- Mr. Jones stated that this is helpful to the Town to keep us competitive.
- Mr. Burney questioned what happens in the event that someone uses all PTO and then gets sick and how that time is then used.
- Mr. Longman had comments regarding the large amount of time off for the senior employees.
- Mr. Brewer commented that the private sector is of a different standard.
- Mr. Longman questioned the accrual of 80 hours as well as the overtime for hourly employees.
- Mr. Burney explained that he thinks that the senior employees are survivors and that they deserve that time off.
- Recommended to present to staff as presented to Council.

Hampton Walk Section 1 Secondary Plat

Hampton Walk Section 1B Secondary Plat

- Mr. Burney had questions regarding a table in the plat being discrepant from what was in the PUD.
- Mr. Crum explained that the engineer got sloppy, and they had it fixed for the plat presented to be approved tonight.

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- Motion by Mr. Burney to approve the amended version of Hampton Walk Section 1 Secondary Plat and Hampton Walk Section 1b Secondary Plat. Jones. 5-0

Assistant Town Manager's Report:

- A & F On Call Contract—Mr. Crum went into detail regarding what the contract dictates.
- Mr. Burney left the meeting.
- Motion by Mr. Longman to approve the on-call contract. Jones. 4-0
- Mr. Burney returned to the meeting.
- HCCF Ignite Grant was awarded for \$25,000 and this will be used for McCord Square infrastructure. Mr. Crum recommended approval as soon as possible.
- Motion by Mr. Longman to allow Mr. Brewer to sign pending legal counsel review. Jones. 5-0

Town Manager's Report:

- Mr. Gropp stated that they are working through Legal RFPs and setting up interviews as well as the website RFPs which should come back as a recommendation in a future Council meeting.
- Mr. Gropp let everyone know that the Trunk or Treat event will be on Sunday October 29th from 4-6pm.
- Mr. Gropp thanked everyone who came out at the Party in the Park and thanked Niki Jones and the DPW staff. He also thanked Southwark for being the primary sponsor of the Party in the Park.
- Mr. Gropp also mentioned that there is a volunteer fair and open house Saturday September 30th at the Thrive Center in Greenfield.

Town Councilor's Comments:

- Mr. Brewer explained the concept behind the Town Councilor's Comments section of the agenda that should be limited to about 5 minutes.
- Mr. Burney stated that this is a nod to him since the concept of a second meeting was soundly defeated. Mr. Burney commented that he suggestion was not in his purview but in the purview of the Clerk-Treasurer. He analyzed the financial balances as well as the amount of interest being earned currently. He quoted Indiana code regarding investments and asked for consideration from the Clerk-Treasurer while also pointing out that if this were set up, he would be more inclined to use some of those funds to increase the Clerk-Treasurer's compensation.
- Ms. Crider commented that there are documents from State Board of Accounts that were reviewed and given the current time of year with the Budget and the Election, this should be a decision made in January of 2024.

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- Mr. Longman pointed out that the Council needs to think about the development on the south end of town and commenting that the more three percent property tax cap payers we can get, the better. Mr. Longman stated he would like to see a push to get Aurora Way completed as well as a RAB. Mr. Burney commented on the industrial use that he and Mr. Jones ran much of their election on.
- Mr. Brewer stated that he is also going to be very cognizant of the final development of Aurora Way. He wanted to thank the DPW crew at the Party in the Park as well as the officers who worked and walked around the event. VTFD and Niki Jones also received extra thanks for the great event.

Voucher Approval

- Motion by Mr. Longman to approve the vouchers. Jones. 5-0

Adjournment

- Motion by Mr. Longman to adjourn the meeting. Jones. 10:41 p.m.

Minutes Approval

These minutes approved this 10th day of October 2023.

Greg Brewer, Council President

Attest: _____
Stephanie Crider, Clerk-Treasurer