



**November 13, 2018  
Town Hall – 7:00 p.m.**

## **Town Council Meeting Minutes**

### **Roll Call & Pledge of Allegiance**

- Council Members: Larry Longman, Bryan Burney, Tom Strayer, Branden Williams, Barry Wood
- Employees: Tonya Galbraith, Paul Casey, Mark Witsman, Ryan Crum, Ron Crider
- Clerk-Treasurer Cathy Gardner
- Town Attorney Gregg Morelock

### **Approval of Minutes**

- Motion by Dr. Burney that we approve the October 9, 2018 minutes. Williams. 4-0, Wood abstaining.

### **Clerk Treasurer's Report**

- Posted on-line.

### **Police Report**

- Posted on-line.
- Metro Board
  - Final employee has been added to the Police 77 Fund
  - Working on background checks for potential new employees
  - DART System was explained to the Council
  - Change to departmental monthly report: department runs information will not be included. Commissioners decided the run information was no longer needed due to the size of the department.
  - Working toward more electronic reporting for paperwork

### **HEDC Update – Randy Sorrell**

- Annual Report
  - A lot of activity along the Mt. Comfort corridor. There are several new possibilities for 2019. Mr. Sorrell will get information from Mr. Kukor that will include financial data.
  - Hancock Hospital Corporation is planning to open a new clinic down around McDonalds with some additional development in New Palestine.

### **RDC Economic Development Plan Summary – Suzanne Short**

- The annual updates to the plan were explained to the Council.
- Motion by Dr. Burney to approve the Economic Development Plan as presented. Strayer. 5-0.

### **Gateway Crossing – Senior Apartment Project Proposal**

- Mr. Rob Sweet spoke about the project.



- The project is by Clover Communities. It is their initial proposal for a location in Indiana. The development is for housing for people ages 55+ and is independent living.
- It will be on five to six acres in Gateway Crossing.
- The building is 40' high, three-stories containing 128,500 sq. ft. There will be 113 units and 119 parking spaces. There will be some garage parking available.
- The average age of a resident in their communities is 82 years old.
- Council Questions:
  - How do you enforce age restriction? The development is privately funded but it must abide by the housing act.
  - What will be the cost for rental? Market rate housing.
  - What is the exterior of the building? Masonry and vinyl which is designed to look like rough-sawn cedar.
  - Can this be done on this site? It would take a PUD amendment to move forward.
  - Would there be transportation for residents? Possibly a transportation van.
  - The Council requested the developer's emergency call data.
  - The Council consensus is they like the concept.

#### **Noise Ordinance Amendment Discussion**

- Mr. Longman read the fact sheet regarding the event timeline for Daniel's Winery.
- In June of 2018, a noise committee was created which included Daniel's Winery. A noise consultant was hired. Decibel levels and their measurement was explored. On October 29<sup>th</sup>, 2018 the winery closed to the public; no action had been taken on the noise ordinance.
- The noise committee: It took longer to do the noise testing than was anticipated due to weather. It was done, and the committee decided that 90 decibels at the source lets the Winery achieve the allowed lower level at the property line. This is the same decibel level in use by Conner Prairie.
- Public Comment:
  - John Price, resident: He thanked the Council and staff for researching this ordinance. He said it was trying to meet the need of the Town and the Winery. Daniel's has been cited numerous times for safety violations as found on the Indiana State website.
  - Leah Borrmann, resident: The issue is about how the Cooks can operate their business within the confines of the Town's ordinance. She feels the Town has been made a scapegoat. She said it was the Cooks' choice to close to the public.
  - Blair Borrmann, resident: Mr. Borrmann was on the noise committee. Since they got the first citation, Daniel's did not cancel any concerts; they did move inside. The outside concerts are not a need. He wants amplified music to be kept inside.
  - Mark Helle, resident: The Winery was never asked to not play music, just to turn it down. The homes were there first. The Winery threw the Town under the bus. The Winery did not show up tonight. Mr. Helle was on the noise committee. He appreciates the time and money put into doing it. He said consequences are important and the Winery should have a time limit in which the Winery has to turn it down the noise volume down.
  - Doug Dinsmore, resident: It is a big problem having to listen to the music in his house. In the last concert, he just left the house to get away from it. He cannot believe he has to defend his right to be in his house without noise. He is afraid he will have to buy acoustic fencing because the Council might give in to the Winery.
  - Aubrey Boyd: Wants to support the Winery but thinks there is more work to do.
- Noise Ordinance 111318
  - The changed section was read by attorney Ariel Schoen.
  - Motion by Dr. Burney that we read Ordinance 111318 by title only. Wood. 5-0.
  - Ordinance 111318 was read by title by Mr. Morelock.
  - Motion by Dr. Burney that we approve Ordinance 111318 on first reading. Wood. 5-0.
  - Ordinance 111318 will be brought back at the December Council Meeting on passage.



### **Public Hearing on the Trash Utility**

- Motion by Dr. Burney to recess the Council and convene the Public Hearing. Williams. 5-0
- Public Hearing opened.
- Public Comments:
  - Susan Fyfe, resident: She does not have an issue with paying a fee for trash. Her issue is she has 2.5 acres and cannot get all her yard waste in one of those containers. She realizes she can buy an extra container. It is hard for her to drag one of those containers and the “extra fee” is a problem.
    - It was explained that yard waste can be bundled instead of putting it in a container.
  - Donna Price, resident: She is concerned for some people about the weight of the 96-gallon tote.
    - CGS offers a 64-gallon tote as an option.
  - Dave Bolling, resident: Why cannot the Town combine the bill with something else instead of sending a separate one?
    - The Town will combine the trash fee on the existing sewer and storm water bill.
- Mr. Longman explained that the fee will enable the Town to free up funding for the road projects that are needed.
- Motion by Mr. Wood to close the Public Hearing. Burney. 5-0.
- Regular Council Meeting reconvened.

### **Trash Collection Fee Ordinance 111318A**

- Motion by Dr. Burney to read Ordinance 111318A by title only. Strayer. 5-0.
- Ordinance 111318A was read by title by Mr. Morelock.
- Motion by Dr. Burney to pass Ordinance 111318A on first reading. Strayer. 5-0.
- Motion by Dr. Burney to suspend the rules. Strayer. 5-0.
- Motion by Dr. Burney to approve Ordinance 111318A. Strayer. 5-0.

### **Trash Utility Fund Ordinance 111318B**

- Motion by Dr. Burney to read Ordinance 111318B by title only. Strayer. 5-0.
- Ordinance 111318B was read by title by Mr. Morelock.
- Motion by Dr. Burney to approve Ordinance 111318B on first reading. Strayer. 5-0.
- Motion by Dr. Burney to suspend the rules. Strayer. 5-0.
- Motion by Dr. Burney to approve Ordinance 111318B. Strayer. 5-0.

### **Trash Contract – CGS**

- Motion by Dr. Burney to approve Larry Longman to sign the CGS contract. Strayer. 5-0.

### **Public Hearing – Utility Board**

- Motion by Dr. Burney to recess the Council Meeting and open the Utility Board. Wood. 5-0.
- Discontinue sewer service: A request has been received to discontinue sewer service for 7545 N. Center Street as the trailer is no longer used and will be removed from the property. The sewer line has been capped.
- Motion by Dr. Burney to close the Utility Board. Strayer. 5-0.



- Motion by Strayer to discontinue service to 7545 N. Center Street as of November 1<sup>st</sup>. Wood. 5-0.
- Regular Council Meeting reconvened.

#### **Annexation Ordinance 100918 – Nation Property**

- The 14-acre property on CR 1000 North will be zoned R-1.
- Motion by Dr. Burney that we approve Ordinance 100918. Strayer. 5-0.

#### **INDOT “Fall Call” Project Funding**

- The proposed bridge project will be submitted for funding.
- Motion by Dr. Burney to authorize Larry Longman to sign the financial commitment letter for the 600 West Project on behalf of the Council. Strayer. 5-0.

#### **Wastewater Treatment Plant Expansion – Design Contract**

- Motion by Mr. Strayer to approve the professional services agreement with Whitaker for the sewer expansion design for \$799,000. Burney. 5-0.

#### **Sewer Developer Agreements**

- Three agreements were presented for signature for Stone Grove, Villages at Brookside, and McCord Pointe.
- Motion by Mr. Wood to approve the sewer development agreements for Stone Grove, Villages at Brookside Section 13 and McCord Pointe Sections 1A and 1B. Burney. 5-0.

#### **Old Business**

- None

#### **New Business**

- Challenge Grant: Dr. Burney will donate a decibel meter to the Town if the Town will also purchase, through Public Safety, a decibel meter.
- Violations Bureau Moving Violations: Mr. Morelock will contact the State Board of Accounts regarding how to proceed in addressing the SBoA’s notice on moving violations.
- Daniel’s Winery Violations
  - Motion by Dr. Burney that we enforce the violations against Daniel’s. Longman. 2-3. To be held in abatement.
  - Motion by Mr. Wood to dismiss the two ordinance violations on Daniel’s Vineyard. Williams. 3-2.



### **Other Committee Reports**

- RDC: Attorney Lisa Lee gave a presentation on TIFs. The RDC has the authority to do some financing separately from the Town Council.
- Plan Commission: Daniel's Winery got a postponement on their liquor business. The Nation property annexation was discussed.
- Architectural Review Committee: Did not meet.
- Parks Board: Did not meet.
- Hancock County Solid Waste Committee: There is a problem of people dumping large electronic devices, like TVs, on county roads. The Committee has developed stickers to put on devices which say they cannot be burned and what to do with them to dispose of them. The Leadership Academy has four people who want to do a Go Green project and are soliciting ideas for an Earth Day project.
- Public Works Committee
  - The Town has received a Community Crossing Grant of \$659,000.
  - New Truck: The Committee has recommended purchasing from Stanley Chevrolet. A 2011 Crown Vic will be traded in for the truck. The truck will be paid for out of MVH and LRS 2018 funds.
    - Motion by Mr. Wood to approve the purchase of the truck for \$30,005.40 from Stanley Chevrolet. Williams. 5-0.

### **Town Manager's Report**

- There will be a Town Center meeting tomorrow in which the survey results will be released.
- The Tree Lighting Ceremony will be held December 5<sup>th</sup>.
- The annual Christmas Party will be held December 7<sup>th</sup>.

### **Public Works Commissioner's Report**

- Replacement of carpeting in town hall
  - Motion by Mr. Wood that we approve the flooring for Mohawk LVP 94 Enrich for \$6,739.00 contingent on that being the all-inclusive pricing. Burney. 5-0.
- Road salt prices will be \$88.43 per ton for the 2018-2019 season.

### **Planning & Building Director's Report**

- Broadway Median Project
  - The 2019 budget is \$250,000 inclusive.
  - Landscaping added brings the budget up to \$365,000.
  - Reducing the landscaping reduces that to \$332,000.
  - Dr. Burney suggested utilizing the Broadway TIF money to put the removed landscaping back in.
  - The Council is supportive of the whole idea.

### **Public Comments**

- None



**Voucher Approval**

- Motion by Dr. Burney to approve the invoices. Williams. 5-0.

**Adjournment**

- Motion by Mr. Strayer to adjourn. Wood. Adjournment at 10:17 p.m.

**Minutes Approval**

These minutes approved this \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Larry J. Longman, Council President

Attest: \_\_\_\_\_  
Catherine C. Gardner, Clerk-Treasurer