

Ordinance 2023-09 Rescinding Ordinance 2022-05 Vacating Lee Drive in Pittsboro, Indiana  
Ordinance 2023-10 to Become a Non-Voting Member of the Central Indiana Regional Development Authority  
Resolution 2023-11 Adopting a Preliminary Strategic Development Plan for the Central Indiana Regional  
Development Authority  
Resolution 2023-12 Approving Amendments to the Declaratory Resolution and Economic Development Plan for  
the SDI Economic Development Area  
Resolution 2023-13 Approving Amendments to the Declaratory Resolution and Economic Development Plan for  
the Fleece Economic Development Area  
Ordinance 2023-12 Amending Section 93.02 of the Code of Ordinances Concerning Prohibited Activity on Park  
Property  
Resolution 2023-14 Establishing Employee Health Insurance for Calendar Year 2024  
Resolution 2023-15 Approving Amendment to Section 4.10 of the Team Member Handbook

**PITTSBORO TOWN COUNCIL MEETING  
33 EAST MAIN STREET, PITTSBORO  
TUESDAY, OCTOBER 17, 2023 @ 7:00 PM**

**QUORUM:**

Jarod Baker  
Terry Northern  
Randy Price - ZOOM  
Jay Thompson  
William Majeske

Jim Buddenbaum, Attorney  
Shari L. Ping, Clerk Treasurer  
Police Chief Scott King  
Jason Love, Town Manager

OTHERS: Steve Maple, Building Commissioner; Carl Carson, Asst. Police Chief; Jack Swalley, Building Inspector; Robin Swalley, Park Superintendent; Jeff Porch, Park Board President; Larry Compton, 7758 Quail Creek Trace; Joe Ray, 119 E Main Street; Ryan Vlha, 131 E Main Street; Eric Wathen, ELW Consulting; Martin & Debora Cain, 125 E Main Street; Ron & Melinda Frick, 191 Woodland Hills Drive; Tom & April Wrigley, Employee; Kate Corn, Employee; Spring Deaton, 86 Woodview; Linda Thompson & Jeanene Karn, 7722 Quail Creek Trace; Jeff Merriman and Brayden Fleece, 2400 Commerce Way; Renee Clover; Brett Clark, Garmong Construction; Adam Steuerwald, Barnes & Thornburg-ZOOM

**PLEDGE OF ALLEGIANCE & MOMENT OF SILENCE:**

President Jarod Baker welcomed everyone and brought the Council Meeting to order by establishing a quorum. Four (4) of the five (5) members are present, Randy Price joined via Zoom. Jarod then asked the Council, staff, and audience to stand for the Pledge of Allegiance and to follow with a Moment of Silence.

**APPROVAL OF MINUTES:**

President Jarod Baker asked if there were any additions or corrections to the minutes from the September 19, 2023, meeting. Jay Thompson made a motion to approve the minutes as presented, Bill Majeske seconded. Roll call vote: Randy-yes, Terry-yes, Bill-yes, Jay-yes, Jarod-yes. Motion passes 5-0.

**PUBLIC HEARING: 2024 BUDGET – 2<sup>nd</sup> READING**

President Jarod Baker opened the first public hearing and explained the process of the 2<sup>nd</sup> reading of the 2024 Budget. Jarod explained that the budget is posted on Gateway for public review. Jarod gave the adopted numbers as follows: Budget-\$3,802,788; Tax Levy-\$2,267,827 and Tax Rate-0.6122. There were no public comments or written comments. Jarod closed the Public Hearing. Jarod then asked for any Council comments. Jay Thompson asked about allowing longevity pay for anyone outside of the Police Department. Jarod said no, not for 2024. Jason Love explained that utility dollars would be used for longevity pay and not tax dollars. Jarod Baker made a motion to approve Ordinance 2023-08 for the 2024 Budget, Terry Northern seconded. Roll call vote: Randy-yes, Terry-yes, Bill-yes, Jarod-yes, Jay-no. Motion passes 4-1.

## **PUBLIC HEARING: AMENDMENT TO LEE DRIVE VACATION – ORDINANCE 2022-05**

President Jarod Baker opened the second public hearing and explained the process of a Public Hearing. Jarod explained this was posted in The Republican on October 5, 2023, and notice was mailed to the adjoining property owners, Ryan Vlha, Martin & Debora Cain, and the Baptist Church. In 2022 a petition was received from Mr. Vlha and the Town of Pittsboro. It was discovered that notices were not sent out to the adjoining landowners and Ordinance 2022-05 needs to be rescinded. The Town did receive a letter from the Pittsboro Baptist Church in regarding Pastor Joe Ray representing the church. Jim Buddenbaum explained the statute. The rescinded ordinance will need to be recorded and the GIS will go back to the previous lot. Jarod then turned to Terry Northern to explain what he discovered when he researched Lee Drive. Terry went over the dimensions of the Cain property and Lee Drive. Martin Cain, 125 E Main Street, you keep speaking of our east property line but not of Mr. Vlha's west property line. Terry explained there is a 40-foot easement between properties. Terry's recommendation is to have the Town do a survey of Lee Drive at the Town's expense. After the survey is completed and the three (3) landowners are interested in vacating the property then they can share the expenses of the survey. Jason Love explained that once the ordinance is rescinded, all property lines go back to the original property lines. Jim Buddenbaum explained that Eastwood Heights came out of those parcels it would go back to the original parcels. Martin Cain claimed an adverse position of claim of maintaining abandoned property for the last 40 years. Jim Buddenbaum asked how far is your adverse position into the right of way? Martin Cain said all of it. Jarod Baker asked Mr. Cain if he is seeking all of Lee Drive that is east of your two (2) lots or just to your fence line? Are you claiming eminent domain since you've been taking care of it for 40 years. Mr. Cain said he is seeking all of Lee Drive to maintain the tree line along the east side of his property and keep his back yard as it is. Jim Buddenbaum explained that the jagged leg in Mr. Cain's front yard was there before we vacated it. Jarod asked Mr. Cain if he has any objections to the Town doing the survey, which means we will need access to the property to do the survey. Melinda Frick, Woodland Hills, explained that homeownership is important, and we don't agree with paying for the survey. Jarod explained that the Town needs to have permission to do a survey on Lee Drive from all three (3) landowners. All three (3) agree and will allow the surveyor to enter onto their property. Joe Ray, speaking on behalf of the Baptist Church, is concerned about any fees associated with the clearing out the trees or any other fees. Jarod explained that there will not be any fees associated with Lee Drive being surveyed. Property will be vacated at the condition it is currently in. Jason Love disagrees with the Town paying for the survey and explained the process involved in future vacation of Lee Drive. The landowners will want to get new deeds once Lee Drive is vacated if they all agree to the vacation and changing their property lines. Terry Northern stated he only wanted Lee Drive surveyed to give a visual on where it is located. Jarod added that he sees Jason's point and he sees varying opinions on how we want to split this up and he wants to get it cleaned up for future property owners who might come in in the future. Melinda Frick said Mr. Buddenbaum asked Mr. Cain to keep in mind that Lee Drive did come out of Eastwood Heights and not the neighboring property. Joe Ray asked if the plots are from the neighborhood, then the property to the east and south have no claim? Yes. Jarod Baker closed the Public Hearing.

Jarod then asked if the Council had any comments. Jay Thompson asked if we can legally undo the ordinance since there are several mistakes. Jim Buddenbaum explained that we are going to try. The best course of action is to rescind the ordinance. Jay doesn't feel the onus should be on us to go out and survey, it should be at petitioners' expense since it splits down the middle. Jim explained previous cases regarding vacation. Jay said he spoke with Greg Steuerwald at the County level and all vacations split down the middle. Jim and Terry both said we are not obligated to survey, but you can't vacate without it. Jay mentioned there are new forms to vacate property with fees associated with the process. Bill feels we need to get stakes in the ground. Terry thought an estimate to survey would cost \$3-5000 for a stake survey. Jarod asked Eric Wathen if he thought \$3-5000 would be a fair estimate to do a survey. Eric said Pittsboro is difficult to survey. Randy agrees with a survey and finds out where the lines are and there should be no cost to the landowners. Jarod Baker explained we would need to introduce, consider and approve **Ordinance 2023-09 Rescinding Ordinance 2022-05 Vacating Lee Drive in Pittsboro, Indiana** which was approved September 20, 2022. Jarod made a motion to consider Ordinance 2023-09, Bill Majeske seconded the motion. Roll call vote: Randy-yes, Terry-yes, Bill-yes, Jarod-yes, Jay-yes. Motion passes 5-0. Jarod made the motion to approve Ordinance 2023-09, Jay Thompson seconded the motion. Roll call vote: Randy-yes, Terry-yes, Bill-yes, Jarod-yes, Jay-yes. Motion passes 5-0.

Jarod explained that this has been rescinded and Lee Drive will be taken back to its original property lines and no longer belongs to Mr. Vlha's property. Jarod made a motion to proceed with a survey of the noted right of way also known as Lee Drive at the Town's expense. Once the survey has been completed, a meeting will be held during a

Town Council meeting and all homeowners will be notified. Prior to the Town Council meeting, myself as Council President, Town Manager Jason Love, and or legal counsel Jim Buddenbaum, will meet with the three homeowners to get a declaration of a) are they in agreement to proceed with an even split of the land or an alternative solution to dividing the land appropriately. We have that agreement before we come into a public meeting to complete an ordinance. Jarod asked the three homeowners to think about their wishes to be prepared for the meeting. Terry Northern recommends that the cost of the legal description be covered by homeowners. Terry Northern seconded the motion. Roll call vote: Randy-yes, Terry-yes, Bill-yes, Jarod-yes, Jay-no. Motion passes 4-1.

**STAFF REPORTS:**

**TOWN MANAGER:**

Jason Love had nothing to report on at this time. Jason asked the crowd how they liked their trash service. Martin Cain said it's been wonderful, nice equipment and good service. He thinks we need a bigger truck.

**POLICE CHIEF:**

Chief Scott King had nothing to report on at this time.

**CLERK TREASURER:**

Shari Ping went over the 30/60/90-day list. Since the list was sent out, two of them have come into pay. We are working on the two we have left on the 90-day list. We will be shutting off those in the 60-day column.

**BUILDING COMMISSIONER:**

Steve Maple reported that he received another permit from Pyatt Builders for Hidden Hills. He has several nuisance complaints that haven't paid and needs to go to legal counsel to sue. Jay Thompson asked if it was because the way the ordinance was written. Steve and Jim said it is state law. There is no mechanism for that. Jarod mentioned if they don't pay the permit fee they aren't going to pay. Jim Buddenbaum recommended sending a letter from his office, Steve will send him the information.

**WEB DEVELOPMENT UPDATE: (see attached report)**

Scott Smith was not able to attend but sent the attached report.

**TOWN COMMITTEE REPORTS:**

**BZA:**

No meeting

**FIRE BOARD: (see attached report)**

Bill Zeunik sent the attached report.

**PARK & RECREATION: (see attached report)**

Robin Drew Swalley sent the attached report. Jarod Baker asked if they were able to fit the new tractor in the garage? Robin said finally.

**ADVISORY PLANNING COMMISSION: (see attached report)**

Steve Maple reported on the attached report.

**POLICE COMMISSION:**

Scott King reported the meeting was very short. The main thing that was discussed was the state mandates for next year. Jay Thompson asked about Dustin and when he graduates. Scott said he will be done as of December 15<sup>th</sup>.

**REDEVELOPMENT AND ECONOMIC DEVELOPMENT COMMISSIONS:**

Jarod Baker reported that the RDC passed the same resolutions that Steve Maple spoke of regarding SDI and Fleece TIF areas.

Jason Love reported that the EDC met yesterday and passed the concept plans and resolution for bonds.

### **CONTRACTED BUSINESS:**

Eric Wathen, ELW Consulting, reported that the lift station on the north side of the interstate is going to permitting with the State and will be going out for bid later this year or early next year.

Wastewater Treatment Plant staff will be going on a field trip with Banning to see other plants next week.

He will be having a meeting with a developer on the north side of the interstate via zoom regarding sewer service.

Need to rerate the roads for the next Community Crossing project for next year.

He was asked to put together pricing for a site design for the new Police Station. He has a total of \$30,850. Jarod Baker made a motion to allow him to sign the agreement with Eric Wathen, Bill Majeske seconded the motion. Roll call vote: Randy-yes, Terry-yes, Bill-yes, Jarod-yes, Jay-yes. Motion passes 5-0.

The survey for the site of the Police Station has started. Terry Northern asked if there are any schematic drawings. Eric said not finalized.

Hidden Hills still can't get the water to pass in the front. The bridge is coming soon. There is an issue with construction traffic complaints and it's only going to get worse once they have a road in place.

Jason Love has the Public Private Agreement for the BOT of the Police Station with Garmong Construction to move forward. The scoping period cost is \$115,000. Jarod Baker made a motion to allow Town Manager Jason Love to sign on behalf of the Town of Pittsboro and the BOT for the terms of agreement set forth in the BOT, Bill Majeske seconded. Roll call vote: Randy-yes, Terry-yes, Bill-yes, Jarod-yes, Jay-yes. Motion passes 5-0.

Jarod Baker made the motion that we agree with the terms of agreement of the BOT not to exceed \$115,000 to be paid from the GO Bond, Terry Northern seconded the motion. Roll call vote: Randy-yes, Terry-yes, Bill-yes, Jarod-yes, Jay-yes. Motion passes 5-0.

Jason Love reported that a resident, Kevin Studley, is breaking away from his present employment and would be a great asset to the Town. His company name is Torey Pine Consulting. He is ready and available to. His on-call rate is \$68/hour and CAD Service rate is \$85/hour. Jarod Baker made a motion to proceed with the agreement and allow Jason to sign on behalf of the Town, Terry Northern seconded. Roll call vote: Randy-yes, Terry-yes, Bill-yes, Jarod-yes, Jay-yes. Motion passes 5-0.

Jay Thompson had a question for Jason Love regarding the hole in Wall Street from Hidden Hills. Jason said they will take care of paving the road in that section.

### **OLD BUSINESS:**

*Town of Pittsboro/CIRDA Membership* – President Jarod Baker explained that he received an invitation last month to join at no cost to the Town. We would be a non-voting member within our region. We could work with our County by submitting plans. There is a resolution and an ordinance that needs to be passed. We can table it until the November meeting. Jarod Baker summarized **Ordinance 2023-10 to Become a Non-Voting Member of the Central Indiana Regional Development Authority**. Jarod also summarized **Resolution 2023-11 Adopting a Preliminary Strategic Development Plan for the Central Indiana Regional Development Authority**. Jarod Baker made a motion to introduce Ordinance 2023-10, Bill Majeske seconded. Roll call vote: Randy-yes, Terry-yes, Bill-yes, Jarod-yes, Jay-yes. Motion passes 5-0.

### **NEW BUSINESS:**

*Fleece/SDI – Economic Development Resolutions-2024 Spending Plans* – President Jarod Baker explained the reason behind the changes to the spending plans. SDI will be used for public safety and is all encompassing. Adam Steuerwald, Barnes & Thornburg, gave a brief description of the resolutions and amending the permissible uses going forward. Fleece will be used for water expansion. Jarod Baker made a motion to approve **Resolution 2023-12 Approving Amendments to the Declaratory Resolution and Economic Development Plan for the SDI Economic Development Area**, Terry Northern seconded. Roll call vote: Randy-yes, Terry-yes, Bill-yes, Jarod-yes, Jay-yes. Motion passes 5-0.

Jarod Baker made a motion to approve **Resolution 2023-13 Approving Amendments to the Declaratory Resolution and Economic Development Plan for the Fleece Economic Development Area**, Bill Majeske seconded the motion. Roll call vote: Randy-yes, Terry-yes, Bill-yes, Jarod-yes, Jay-yes. Motion passes 5-0.

*New TIF Bond Ordinance for Fleece Performance Expansion* – Jarod Baker turned the meeting over to Adam Steuerwald, Barnes & Thornburg. Adam explained the ordinance is an amendment to the 2018 original Fleece Bond. This is a 2023 bond Series in the amount of \$2,800,000 for the expansion and projects they are doing. Also includes the right of way road. Terry Northern asked about the interest rates and the legal description of the first TIF. Jason Love said it is the entire parcel. BCFI is the land holding company for Fleece Performance Engineering. Terry is questioning the verbiage and is it correct. They previously set this body and said we didn't want to issue any more bonds as a Town and have the developer issue those bonds. In reading this agreement we are going down the same road. Do they mature at the same time? Jason explained that there is a \$0 risk to the Town. TIF revenue dollars generated to pay the bond. Adam explained there is a lien on the property for full amount. Terry asked if the payment to Huntington is paid through the TIF dollars. Term is the same as 2018. Jay Thompson asked about the Right of Way for a road. Jason Love explained that we would need a road to the west from Jeff Gordon Blvd. Jim explained a 60 foot right of way easement subject to an amendment to give back to property (BCFI). Jason explained that the payment in lieu of taxes will double. Terry asked about the soft costs, Jason and Adam explained they will be paid from the Bond proceeds. Jarod Baker made a motion to introduce Ordinance 2023-11, Bill Majeske seconded the motion. Roll call vote: Jay-abstain, Jarod-yes, Bill-yes, Terry-abstain, Randy-yes. Motion passes 3-2 abstain. Jarod Baker asked representatives when they would have figures. Jeff Merriman said they are meeting with a general contractor and are very close to having a number.

*Vandalism Ordinance – Minimum Fine* – Jarod Baker explained that due to recent issues in our Parks, **Ordinance 2023-12 Amending Section 93.02 of the Code of Ordinances Concerning Prohibited Activity on Park Property**. Jarod Baker gave a summarization of the changes to be made to Section 1, A, B, and C. Jarod feels Section 1 (A) (7) the age needs to be lowered; he recommends age 13 not 17. He also feels Section 1 (A) (12) Loitering - needs to be removed. Jay Thompson said he received nine (9) emails saying no to Section 1 (A) (7). Also, he agrees with the Loitering being removed. Scott King said they would have a huge issue going up to a 15-year-old and asking for their parents. Jay Thompson recommends increasing the fine to cover the repairs to the restrooms. Jim Buddenbaum explained the reason behind the reason for writing the ordinance this way. Robin Swalley asked about the fine being \$1000 and if they damage three (3) windows at \$1200 we would be out \$200. She also asked what her procedure is once they discover the vandalism. Is there a form to complete and take to the police and they will contact the parents? Scott King gave an explanation of the difference between criminal and not criminal. We don't get involved in a prank of putting toilet paper down the toilet and clogging it up. Robin asked if she contacted the parents and they get nasty with her, what does she do then? Scott King explained that the Police would get involved. And does the Park Board need to come up with a punishment? Jarod Baker made a motion to introduce Ordinance 2023-12 **Amending Section 93.02 of the Code of Ordinances Concerning Prohibited Activity on Park Property**, Jay Thompson seconded the motion. Roll call vote: Randy-yes, Terry-yes, Bill-yes, Jarod-yes, Jay-yes. Motion passes 5-0. Robin asked if we could add a rule not to climb on the basketball goals and fence.

*Amend Employee Handbook Section 4.10 (Health Insurance Options)* – Jarod Baker explained that if the Town proceeds with the Anthem 74QB with all employees at a cost of \$40,901 a month and if we continue with the Anthem 74QB and moving the 5 employees to Medicare at a cost of \$35,667.29. He went over the information received from David Resley regarding the Medicare costs. Jarod asked for any council comments. Terry Northern asked if the \$5,000 savings is with the Town paying the Medicare costs. Jarod said yes. Jay Thompson asked if this figure would affect our 2024 expenses. Jarod said \$10 increase. Jim Buddenbaum asked about our current benefit package. Shari Ping explained that the employee pays \$26 a year and Town covers the difference. It includes medical, vision, dental and life insurance. April Wrigley asked if we would still be entitled to the HSA contribution. Yes, the employee will still receive the contribution to their HSA. Tom Wrigley asked if they Town is going to reimburse the employee or pay the premium? Jarod said that is coming up. Robin Swalley said that she and Jack will be on Medicare effective November 1<sup>st</sup>. Questions can be directed to David Resley. Jarod Baker made a motion to introduce **Resolution 2023-14 Establishing Employee Health Insurance for Calendar Year 2024** with an effective date of January 1, 2024 and costs to be covered by the Town, Bill Majeske seconded the motion. Roll call vote: Randy-yes, Terry-yes, Bill-yes, Jarod-yes, Jay-yes. Motion passes 5-0. Jarod Baker went over **Resolution 2023-15 Approving Amendment to Section 4.10 of the Team Member Handbook**. Jarod Baker made a motion to approve said resolution, Jay Thompson seconded. Roll call vote: Randy-yes, Terry-yes, Bill-yes, Jarod-yes, Jay-yes. Motion passes 5-0. Jarod will contact David Resley to set up dates.

**COUNCIL COMMENT:**

**Jay Thompson –**

Asked Jason Love about the purchase of a used trash truck. Jason is still working with the numbers. Asked about the INDOT agreement and questions about the indemnity. Jason explained that no word from them. Also, time has lapsed, and we need to sign a new one. Asked Steve Maple about some states allowing churches to house illegal aliens in their buildings and parking lots. Asked Jason Love if they need the clothing allowance sooner and should the dollar amount be increased? Jason and Shari discussed the increase last year. Jason would like to add a boot allowance. Jay would like to increase the allowance and give it to them sooner. Asked about an APV for Pyatt Builders and a payment to USDI in the amount of \$18,000. Jason explained that we pay for the installation of the infrastructure. Asked Scott King about the two (2) officers Rachel and Zach in the pursuit back in August all the way to Crawfordsville, risk of life after the guy crashed his truck and risked their life to pull him out of truck. Asked Scott King about the new holsters and training for using them. Scott said yes.

**Jarod Baker –**

Asked if AT&T in Hidden Hills might be offered to those on Baldauf Drive. Per Jason they need to call AT&T.

**ATTORNEY ITEMS:**

**APPROVAL OF DRAFTS & CLAIMS:**

Shari Ping presented the drafts & claims for October 17, 2023, which includes all payments since our September 19<sup>th</sup> meeting. Bill Majeske made the motion to approve drafts and claims, Randy Price seconded the motion. Roll call vote: Randy-yes, Terry-yes, Bill-yes, Jarod-yes, Jay-yes. Motion passes 5-0.

**ADJOURNMENT:**

Jarod Baker announced our next meeting will be held on November 7<sup>th</sup> which will include the TIF Bond Ordinance for Fleece and CIRDA. Jarod Baker made the motion to adjourn, Jay Thompson seconded the motion. Roll call vote: Randy-yes, Terry-yes, Bill-yes, Jarod-yes, Jay-yes. Motion passes 5-0.

Respectfully submitted,

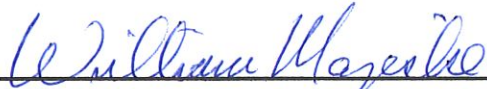
Shari L. Ping  
Clerk Treasurer



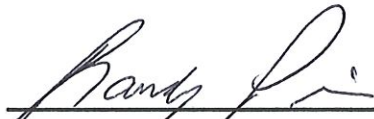
**Jarod Baker, President**



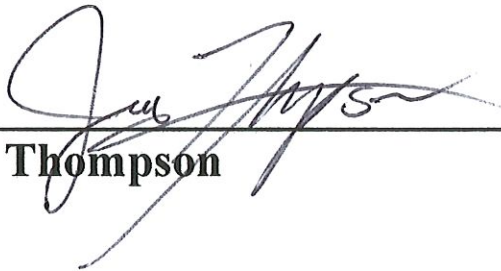
**Terry Northern**



**William Majeske**

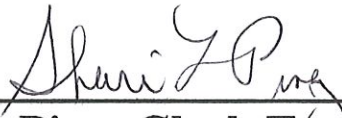


**Randy Price**



**Jay Thompson**

**Attest:**



**Shari L. Ping, Clerk Treasurer**