

Ordinance 2019-10 Annexing Certain Territory
Ordinance 2019-11 Amending and Replacing Official Schedule of Fees-PUD
Ordinance 2019-12 – Establishing a Procedure to Address Conflict of Interest Regarding the Issuance of Building Permits
Ordinance 2019-14 Vacate a Portion of a Public Way in the Town of Pittsboro
Ordinance 2019-13 Enacting and Adopting a Supplement to the Code of Ordinances

**PITTSBORO TOWN COUNCIL MEETING
TUESDAY, AUGUST 6, 2019 @ 7:00 PM**

QUORUM:

Shelby Smith
Jim Hill
William Majeske
Kimberly Carmean
Doug Joiner

Jim Buddenbaum, Attorney
Shari L. Ping, Clerk Treasurer
Police Chief Scott King
Major/Deputy Chief Carl Carson

OTHERS: Jason Love, Town Manager; Steve Maple, Building Comm; Eric Wathen, RQAW; Stacey Lewis, 394 Karen Dr.; Amber Stinson, 388 Karen Dr.; Andy Newton, Parks & Rec.; Landon & Christiana Karst, 73 Morse Circle; Andrew Brittenheim, USDI; Adam Peaper, Rundell Ernstburger; Jayson Marksberry, PD Attorney; Larry Hart, 400 Karen Dr.; Alan Stolz, 382 Karen Dr.; Andrew Kulp, Comer Law

PLEDGE OF ALLEGIANCE & MOMENT OF SILENCE:

President Shelby Smith brought the Council Meeting to order by establishing a quorum. All members present; Doug Joiner needs to leave at 8:30 p.m. Shelby 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 Shelby Smith asked if there were any additions or corrections to the minutes from the June 18th meeting. Kimberly Carmean made a motion to approve the minutes, Jim Hill seconded. There were 4 ayes, 1 abstain (Bill Majeske), motion carries.

President Shelby Smith asked if there were any additions or corrections to the minutes from the July 16th meeting. Bill Majeske made the motion to approve the minutes, Kimberly Carmean seconded. There 3 ayes, 2 abstain (Jim Hill and Doug Joiner, motion carries.

TOWN STAFF REPORTS

TOWN MANAGER:

Jason Love will give his report later

POLICE CHIEF:

Scott King reported on the attached report. Scott has been asked to participate in escorting Aaron Allan Jr. to his first day of school at Traders Point Elementary. Shelby asked why was our department participating? Scott said it's because they moved to town and they wanted to include all departments. Jim Hill asked about Nick Webber being promoted to sergeant but with no change in salary? Scott explained it's because of the salary ordinance.

CLERK TREASURER:

Shari Ping reported there was no change on the 90 days + balances. There are still two (2) customers shut off after shutting off 10 or 12 of them last month. They all showed up with money even before the guys shut them off.

FIRE BOARD

Bill Majeske reported that the new tanker would be in service next spring and the engine should be back in November.

PARK & RECREATION

Andy Newton explained the Board would like a minimum speed limit within Scamahorn Park of 15 miles per hour posted after the construction is all complete. Wednesday is our first 5k Fun Run partnered with Hendricks County Park & Recreation and Police Dept. The first concert in the Park will be held on August 16th. The third movie night will be September 6th. The vendors participating in the Farmer's Market are liking the new location in the parking lot of the Pittsboro United Methodist Church. Shawn Brown has requested a credit card for the Parks Dept. other than the Lowe's and WalMart cards. They would like to purchase items on Amazon and if they use their personal credit cards they have to pay the tax. Linda Ash set up an account however she is on medical leave and we do not know the passwords to Amazon.

Shelby Smith wanted to go back to the speed limit in Scamahorn Park, he feels 15 mph is too fast. According to Steve Maple and Jim Buddenbaum it is State minimum for parks.

PLANNING COMMISSION

Steve Maple reported that the BZA held two (2) Public Hearings to determine if they should allow a resident to have a side yard set back of zero feet and allow them to have chickens. The BZA allowed them a five (5) foot from the property line or even with an existing shed on property and no to the chicken request.

The Plan Commission held four (4) Public Hearings: 1) Minor residential plat request for 513 W Main and 98 Fishers Street the two (2) lots changed sizes; 2) Annexation of 27 acres to the town which the Council will vote on tonight. The Plan Commission recommends an I-1 zoning; 3) Change the UDO to include solar power and wind power-it is not finished until further research is completed-continued; 4) Changes to the Official Fee Schedule of the UDO-would like Adam Peaper (planner) to mail out all notices-we would need to raise the fees to cover this cost. Also need to change the Rules & Procedures to include this change.

Notice of the next meeting for the Next Level Trails will be on August 9th. Steve will attend and he can take one (1) other person with him. There will be \$30 million available for this grant.

POLICE COMMISSION

Landon Karst reported on the attached minutes from the July and August meetings. Shelby asked if Landon or one (1) member of the Commission could attend the meeting.

REDEVELOPMENT & ECONOMIC DEVELOPMENT

No report at this time

BOARD OF ZONING APPEALS

Shelby Smith reported that Larry Herring turned in a report from the May meeting and not the July meeting. Steve Maple reported the July report would not be approved until the next BZA meeting.

CONTRACTED BUSINESS:

Eric Wathen, RQAW, submitted a Contractor's Application for Payment from Sub-Surface of Indiana for a total amount of \$67,500.00. This is for the Drinking Water System Improvements Phase II. Eric told everyone that they are to begin construction on August 19, Doug Joiner asked if there is a completion date? Eric said they should be completed by October, 2020. He will email exact dates to everyone tomorrow. Shelby explained we needed a motion to authorize the expenditure. Doug Joiner made the motion to approve payment of the request from SSI, Shelby Smith seconded. All ayes.

Next Eric reported that the CCG paving project has been completed. Still waiting on the invoice from contractor.

Eric then informed the Council that if we do decide to do an update to the Next Level Trails grant application, RQAW's fees would be \$3200.

Eric then told the Council that they met with the contractor for the SDI drainage project on 150 to go north under I74. They agreed to put the pipe in and then dedicate to the County to take care of. Shelby informed the Council that Dan Keown from SDI knows to give an update at the second meeting of the month. The part that goes under the road marked future by others...we'll probably do that next year with the Community Crossing.

The letter we sent to the County Commissioners was approved and now it goes to the County Redevelopment Commission next meeting.

Jason Love informed the Council we should receive a punch list from Arbor Homes. They've had some issues with the water lines.

OLD BUSINESS

Comprehensive Plan Review/Maps – Shelby Smith explained that at our previous meeting we chose to do Option A & B by combining them together. Shelby introduced Adam Peaper from Rundell Ernstberger Associates and explained what has transpired. Adam Peaper explained they are looking to update the Town profile, future land use map, addressed north of the interstate in 2014 but needs to be reintroduced again. Also Meridian Street General Business property needs updated. He then explained the Council and Plan Commission work group meetings would be held prior to the Community meetings. With the Public Hearing being the final meeting prior to submitting the Grant Application. Doug Joiner asked about the appraiser doing value of the property. Steve Maple explained that they hoped to have a book ready with values in it before the 2nd grant application became available. Shelby asked Adam about the general proposal amount being \$16,000. Adam explained the different levels of cost to perform the Comprehensive Plan. Shelby asked for a motion to approve the Comprehensive Plan update with a total \$ amount of \$18,600 presented by Adam Peaper. Shelby made the motion, Bill Majeske seconded. All ayes, motion carries 5-0.

Atlas Collection Agency - Shelby asked Jim Buddenbaum if he did the ordinance and he said he will bring it to the August 20th meeting.

Concrete issue – Shelby asked Jason if we received a response to the letter sent to the State. Jason informed it was not structural but more of a grout issue. The Town employees cleaned it up.

Ordinance 2019-10 Annexing Certain Territory – Shelby explained that we need to adopt a physical plan first then move forward with the ordinance. He then turned it over to Andy Kult, Comer Law. He explained the two (2) parcels is a total of 27 acres located west of Mitchell Avenue. Five (5) acres has been sold to USDI and the other 22 acres will remain undeveloped. Andy informed the Council that the zoning needs to be changed to include the I-1 recommendation. Shelby asked for a motion to adopt the physical plan as written. Doug Joiner made the motion, Bill Majeske seconded. All ayes, motion carries 5-0.

The actual Ordinance needs changes made to it before we can adopt. Changes we will have will be 34 acres to 27 acres. In section 3 legislative district will be 3. Section 4 zoning will be I-1. Shelby asked for a motion to approve Ordinance 2019-10. Jim Hill made the motion to approve, Bill Majeske seconded. All ayes, motion carries 5-0.

NEW BUSINESS

Ordinance 2019-11 – Amending and Replacing Official Schedule of Fees-PUD - Steve Maple explained that they would like to have our Planner send out all notices instead of each individual sending everything to him and he makes sure everything is done correctly referring to Public Hearings. There would be an increase of \$100 for the Planner to do this. Shelby Smith asked for a motion to approve *Ordinance 2019-11 Amending and Replacing Official Schedule of Fees-PUD*, Doug Joiner made the motion, Kimberly Carmean seconded. All ayes, motion carries 5-0.

Community Planning Feedback Meetings – Shelby asked Adam for his recommendation. Adam said Work Group is normally the first meeting and is the Council and Plan Commission. If there is a quorum, then the public is welcome to attend. The first meeting will be August 12th from 6:00 – 7:30 pm at the Town Hall. Notice as a joint Council and Plan Commission meeting 48 hours before the meeting. First Community Planning Feedback meeting will be held on August 27th from 4:30 – 6:30 pm. September 3rd will be the 2nd joint meeting at 6:00 pm. The 2nd public meeting will be September 17th from 4:30 – 6:30 pm. The updated maps would be submitted for approval.

Ordinance 2015-01 – Establishing the Pittsboro Town Board of Metropolitan Police Commissioners – Shelby Smith explained the ordinance is related to adopting the Police Commission. He received an email from Christi Patterson saying she is retiring and Scott King was appointed Chief and Carl Carson was appointed to Asst. Chief. Shelby read Section 3 Powers and Duties of the Board subsection a. Appoint, subject to the qualifications for employment determined by the Police Comm. and approved by the Town Council, one (1) person to serve as the police chief and as many persons as necessary to serve in the Police Department.....etc. He is questioning the approval of Scott's qualifications. Scott is working on getting the list put together before the next Police Comm. meeting. Jim Hill asked if the Police Comm. has the authority to make the final decision to do this? Scott said yes then introduced Jayson Marksberry, Police Attorney, who then explained in detail the workings of the Police Comm. The salaries will not change until after January 2020 due to the Salary Ordinance and the 2019 Budget being approved for current salaries. Shelby has asked Landon Karst, President of Police Comm., to have a representative at our second meeting of each month to give a report on the Police Comm. and not have Scott as Police Chief give them himself. Doug Joiner asked

that the Council is given a heads up on any major changes before it hits Facebook and everyone knows it before the Council does. The Police Commission's next meeting is September 9th due to the Labor Day Holiday.

Ordinance 2019-12 – Establishing a Procedure to Address Conflict of Interest Regarding the Issuance of Building Permits – Jim Buddenbaum explained a little about the Ordinance. Shelby Smith asked for a motion to introduce Ordinance 2019-12. Jim Hill made the motion, Kimberly Carmean seconded. All ayes, motion carries 5-0.

Budget Workshop – Shelby Smith explained that Kevin Watson and Jake Mitchell, from Baker Tilley (formerly Umbaugh), held a workshop on July 29th to go over the numbers for 2020 Budget. In attendance with Shelby was Jim Hill, Bill Majeske, Jason Love, Scott King, Steve Maple, Rachel Miller, Shawn Brown, Jay and Linda Thompson. There will be a second workshop on August 15th at 2:30 pm. Shelby asked Kevin to be at our August 20th meeting.

Property Purchase Behind Dollar General – Jason Love explained that the family who owns the property approached the Town to see if we would be interested in purchasing the property several months ago. There are three (3) buildings on approximately three (3) acres. Jason requested an appraisal be done on the property before making an offer. The family turned down our offer then. About two (2) weeks ago the family came to us again and wanted to know if we were still interested in purchasing the property. Jason said he would make the same offer and they accepted it. Jason would like to see a five (5) year plan with the property and plan to build a maintenance building with his office in it. The offer is \$173,000 with \$2,000 in closing costs. Jason is asking approval to purchase the property from the EDIT funds contingent on an ingress/egress. Doug Joiner made a motion to allow Jason the authority to purchase the property for no more than \$175,000. Bill Majeske seconded. All ayes, motion carries 5-0.

Shelby wanted it on public record that Doug Joiner is leaving the meeting. There are now 4 members present.

Jim Hill asked if any of the buildings are usable that are located on the property? Jason said yes, in fact two (2) of them are rented at this time. We will continue to rent until plans are finalized for the property in five (5) years.

Solar Energy – Shelby would like to approach the solar energy program IMPA brought to our attention several years ago. Jason explained how the Town didn't have the connectivity needed with our current system. Shelby proposed the 23 acres in the center of town as a good location and easy access for the solar energy for our Town and potentially save dollars for our electric users. Shelby asked Jason if we should reach back out to IMPA to see if they are still offering the program. Jason said he would look into it. Shelby asked if other communities doing this? Jason said yes, Crawfordsville has two (2) plants by the interstate. Greenfield has three (3) or four (4) located around their Town. Actually IMPA has 53 communities doing this at this time. Jim Buddenbaum mentioned he is working with more and more communities regarding solar power. Eric Wathen asked if the 23 acres is the best place to put it? Jason said it was the most obvious place to put it.

PUBLIC COMMENT:

COUNCIL COMMENT:

ATTORNEY: Jim Buddenbaum introduced *Ordinance 2019-14 Vacate a Portion of a Public Way in the Town of Pittsboro* requested by the homeowner. There will be a Public Hearing on August 20th during the Council meeting. The homeowner is taking care of sending out all notices. Shelby asked for a motion to introduce said Ordinance 2019-14. Kimberly Carmean made the motion, Shelby Smith seconded. All ayes, motion carries 4-0.

Shari Ping introduced *Ordinance 2019-13 Enacting and Adopting a Supplement to the Code of Ordinances* in order to adopt the 2019 S-5 supplement to our Code of Ordinances. Shelby asked for a motion to introduce said Ordinance 2019-13. Kimberly Carmean made the motion, Bill Majeske seconded. All ayes, motion carries 4-0.

ACKNOWLEDGEMENT OF CORRESPONDENCE:

REVIEW & APPROVE AUGUST DRAFTS AND CLAIMS:

Shari Ping presented the drafts and claims for August 6, 2019. Bill Majeske made a motion to approve the presented drafts and claims, Jim Hill seconded. All ayes, motion carries 4-0.

ADJOURNMENT:

Shelby Smith announced the next meeting will be August 20th. Shelby also announced that Life Line Screening will be in the Scout Building on Friday, August 23rd. He encouraged everyone to sign up and be tested. Shelby asked for a motion to adjourn. Kimberly Carmean made the motion, Shelby seconded. All ayes, motion carries 4-0.

Respectfully submitted,

Shari L. Ping
Clerk Treasurer