

The Pendleton Town Council met in regular session at 6:00 p.m. on September 12 2019 at its regular place of business located at 100 West State Street Pendleton Madison County Indiana

All documents presented during the same are on file in the Clerk Treasurer's Office

Town Council President Smith called the regular meeting of the Town Council to order, called for a moment of silent prayer and asked Kelly Wood to lead the pledge to the flag.

Roll was called and a quorum established.

Council members present: Robert Jones, Jessica Smith, Shane Davis, Jessica Bastin, Chet Babb and Clerk Treasurer Matt Roberts.

Also present: Town Attorney Alex Intermill, Town Manager Tim McClintick, Assistant Planning Director Rachel Christensen, Planning and Zoning Administrator Kayla Hassett, Public Works Supervisor Jeff Barger, Fire Chief Jeff Moore, Judge Gasparovic, Park Director Aaron Burris, Police Chief Marc Farrer and Deputy Clerk Treasurer Linda Kreigh.

**APPROVAL OF AGENDA**

Council President Smith asked the council if they would like to certify the September 11 2019 executive session tonight. Council agreed.

**A MOTION TO APPROVE THE AGENDA WITH THE ADDITION OF CERTIFYING THE SEPTEMBER 11 2019 EXECUTIVE SESSION WAS MADE BY COUNCIL MEMBER JONES SECONDED BY COUNCIL MEMBER BASTIN. MOTION CARRIED**

**CERTIFY SEPTEMBER 11 2019 EXECUTIVE SESSION**

**A MOTION TO CERTIFY THAT ONLY THE SUBJECT NOTICED WAS DISCUSSED AT THE EXECUTIVE MEETING ON SEPTEMBER 11 2019 WAS MADE BY COUNCIL MEMBER BASTIN AND SECONDED BY COUNCIL MEMBER JONES. MOTION CARRIED**

**APPROVAL OF THE AUGUST 8 2019 TOWN COUNCIL MINUTES**

Council Member Bastin explained a correction needed to be made in the motion to reinstate Marc Farrer located on page six, it should read "with a vote of three to two".

**A MOTION TO APPROVE THE MINUTES OF THE AUGUST 8 2019 TOWN COUNCIL MEETING WITH THE CORRECTION REGARDING THE MOTION TO REINSTATE MARC FARRER TO READ " WITH A VOTE OF THREE TO TWO" WAS MADE BY COUNCIL MEMBER JONES AND SECONDED BY COUNCIL MEMBER BASTIN. MOTION CARRIED.**

**CLERK TREASURER'S REPORT**

Matt Roberts presented the following report.

Total Claims for the month of August 2019	\$	1,509,563.41
Electric Revenue Receipted	\$	714,529.02

Water Revenue Receipted	\$	97,766.61
General Fund Balance	\$	482,776.67
Park Fund Balance	\$	232,019.65
Cumulative Capital Fund Balance	\$	145,249.35
Cumulative Capital Improvement Fund Balance	\$	2,343.79
Motor Vehicle Highway Fund Balance	\$	345,269.72
Motor Vehicle Highway Restricted Fund Balance	\$	59,556.32
Local Roads and Streets Fund Balance	\$	292,426.68

**General Fund Comparison Balance For The End of August**

General Fund 2017	General Fund 2018	General Fund 2019
\$ 463,552.14	\$ 559,043.65	\$ 482,776.67

**A MOTION TO APPROVE THE CLERK TREASURER’S REPORT AS PRESENTED WAS MADE BY COUNCIL MEMBER BASTIN AND SECONDED BY COUNCIL MEMBER JONES. MOTION CARRIED.**

**A MOTION TO APPROVE THE CLAIMS FOR THE MONTH OF AUGUST WAS MADE BY COUNCIL MEMBER BASTIN AND SECONDED BY COUNCIL MEMBER JONES. MOTION CARRIED.**

**DEPARTMENT REPORTS**

**Fire Report**

**A MOTION TO APPROVE THE FIRE CHIEF’S REPORT AS PRESENTED WAS MADE BY COUNCIL MEMBER JONES AND SECONDED BY COUNCIL MEMBER BASTIN. MOTION CARRIED**

**Police Report**

Police Chief Farrer stated the PHS building trade students have started construction on the MRAP storage building. He explained the vehicle pursuit on I-69 involving Officer Mike Alford and Officer Lucas Traylor, stating the officers did not have injuries but the two police vehicles are in need of repair. Investigation is ongoing concerning vandalism at the park and a bomb threat at the high school. He presented thank you cards made by a Mrs. Kemper third grade class.

**A MOTION TO APPROVE THE POLICE CHIEF’S REPORT AS PRESENTED WAS MADE BY COUNCIL MEMBER BABB AND SECONDED BY COUNCIL MEMBER JONES. MOTION CARRIED**

**Court Report**

Judge Gasparovic explained a class he attended at the National Judicial College on identifying masked offenses which involve drivers having commercial driving license. He presented confiscated vaping paraphernalia provided by the school resource officer and explained the consequences of vaping and the significant use in the community by minors. He informed the

1<sup>st</sup> annual mental health and community resource fair will be held October 2 2019 from 6-8 p.m. at the high school, free admission.

**A MOTION TO APPROVE THE JUDGE GASPAROVIC'S REPORT AS PRESENTED WAS MADE BY COUNCIL MEMBER BASTIN AND SECONDED BY COUNCIL MEMBER JONES. MOTION CARRIED**

**Park Report**

Park Director Burriss explained the multi-use path is completed and seeing a lot of use. Stated in order to connect the sanitary sewer to the new restrooms which are still under construction the old restroom will need to be torn down. During that transition port-o-lets will be brought in. The park will be releasing a survey for input on the park's master plan, the survey can be accessed on line or paper copy can be obtained at the Park and Town Hall offices. He explained pool revenue was down significantly this year he was asking for a credit from the electric and water utility of \$5000 to offset the revenue loss. It was decided that the Park Director would meet with Clerk Treasurer Roberts and Town Manager McClintick to decide where and how the funds could be transferred.

**A MOTION TO APPROVE THE PARK DIRECTOR'S REPORT AS PRESENTED WAS MADE BY COUNCIL MEMBER BASTIN AND SECONDED BY COUNCIL MEMBER JONES. MOTION CARRIED**

**Town Manager Report**

Town Manger McClintick explained there will be a slow down on the 1-69 and State Street round-a-bout project as the paving crews have be called to work on the I-70 and 465 projects. South Madison School Corporation sent out letters to homeowners concerning encroachment issue regarding the Westport Homes subdivision, Council Member Davis talked to the School Corporation to extend the deadline for the homeowners to make the changes. Informed new electronic read water meters will be installed by this fall, a third party will be installing them.

**A MOTION TO APPROVE THE TOWN MANAGER'S REPORT AS PRESENTED WAS MADE BY COUNCIL MEMBER BASTIN AND SECONDED BY COUNCIL MEMBER JONES. MOTION CARRIED**

**OLD BUSINESS**

**LONG TERM RECOVERY GROUP AT THIS TIME HAD NOTHING TO UPDATE.**

**DISCUSSION REGARDING ORDINANCE 18-23 GOVERNING PARKING AND THE TOWN'S PARKING SCHEDULE**

Planning and Zoning Administrator Hassett explained Ordinance 2018-23 was adopted on January 10 2019 but enforcement was suspended on March 14 2019 due to concerns. Currently the Ordinance states it is unlawful to park a motor vehicle on

- Any part of a sidewalk
- The area between the street and the sidewalk

- Any portion of any lawn or greenspace located within the town's limits other than for the purpose of and while such motor vehicle is actually being loaded, unloaded or washed.

The residents had concerns due to the narrow streets such as John Street; in order to park safely they felt there was a need to park on the sidewalk and/or the space between the street and sidewalk. Residents felt prohibiting parking on any portion of lawn or greenspace within Town limits is overly restrictive especially in the more rural or agricultural part of town. She explained the intent of the ordinance was to keep sidewalks open for pedestrian, to prevent deterioration of the town sidewalks, curbs and tree lawns caused by vehicles and to prevent long-term parking of vehicles in lawns or greenspace. The Planning department would like to encourage the Town Council to amend Ordinance 2018-23 to read as follows; it shall be unlawful to

- Park a motor vehicle on any part of a sidewalk
- Place gravel, asphalt millings, pavement or any similar material in the public right-of-way except as part of an approved driveway or sidewalk
- Park a motor vehicle on the front lawn or greenspace of any lot in a residential zoning district located within the Town's limits other than for the purpose of and while such motor vehicle is actually being loaded, unloaded or washed.

The town council recommended the amended ordinance be drafted and be on line for the public to review before the next council meeting.

#### **DISCUSSION REGARDING RESPONSE TO REQUEST FOR LEGAL SERVICE**

Council Member Bastin stated four sealed proposals were received and asked an executive session be scheduled to review the proposals. The council decided an executive session will be noticed and held on October 15 2019 at 6:00 p.m.

#### **UPDATE REGARDING THE EMPLOYEE HANDBOOK**

Council Member Jones stated Council Member Bastin and himself met regarding the employee handbook explaining the last update was done by Bose McKinney & Evans in 2015 and the document is forever evolving. Explained several issues need to be considered when updating the document as there are exempt and nonexempt employees, departments which are quite different and would follow different guideline such as police, utility workers and office workers. Council President Smith asked is there could be a separate written policy that would address a time clock system. Council Member Bastin explained there were a couple of issues that need to be a priority and would like to form a more informal group with someone from each department to help in updating the document.

## **DISCUSSION REGARDING INFRASTRUCTURE BOND**

Public Works Supervisor Barger explained the recommendations made from a study by Banning Engineering on how to correct the problem regarding storm water runoff on Water Street.

Assistant Planning Director Christenson explained the Town owned parking lot at Water and Broadway is not a paved lot as require by the plan business design guidelines. She presented a drawing of a paved lot with marked parking spaces and only one access which would be from the alley. This would provide the same amount of parking spaces but would define each space.

Public Works Supervisor Barger presented a drawing of a sidewalk inventory and notes made on the areas that needed repairs, this was done before the storm went through. He would like the Town Council to decide what dollar amount could be spent on the repairs of sidewalks that way it could be decided what could be immediately repaired. Explained the sidewalk reconstruction would be done by sub-contractor.

Assistant Planning Director Christenson explained the Town has been working with the school to improve the crosswalks. An option to improve safety is to install speed tables at the current cross walks. There will still need to be a cost estimate for the speed tables and a proposal from the school to state their cost share of the project. Council Member Bastin wanted to inform that the current stops signs the school put in place at the crosswalks on East Street are not enforceable and the alley in that area is not safe for the kids to walk down with issues regarding parking and uneven surfaces.

The Town Council asked if more definite numbers could be obtained for the projects to make the final decision on the use of funds

## **MEMORANDUM OF UNDERSTANDING WITH THE CITY OF ANDERSON**

Town Manager McClintick presented a drawing of the proposed 67<sup>th</sup> Street road extension between Anderson and Pendleton. He explained the design would be done by Beam Longest and Neff, the fee would be \$3,017,000.00, a federal grant has been obtained in the amount of \$2,405,816.00 and the remaining balance would be shared between the City of Anderson and the Town of Pendleton. The City of Anderson would be responsible for both bridges in the design and the Town would have to contribute \$174,000 in payments throughout the four year plan design. Currently no funds have been obtained for the construction of the project. He felt the Town could use TIF funds for the design project therefore approval of this agreement would also be needed from the Pendleton Redevelopment Commission.

**A MOTION TO APPROVE THE AGREEMENT WITH THE CITY OF ANDERSON WAS MADE BY COUNCIL MEMBER JONES AND SECONDED BY COUNCIL MEMBER BASTIN. MOTION CARRIED**

## **NEW BUSINESS**

### **DISCUSSION REGARDING INDIVIDUAL DEPARTMENT COMPREHENSIVE PLANS AND HIRING OF FUTURE PERSONNEL**

Council President Smith explained that all department heads were instructed to prepare a comprehensive plan for their department with a plan for any future hire of additional personnel with funding.

### **DISCUSSION REGARDING IMPACT FEES**

Council President Smith explained the planning commission submitted a letter of support for the development and enactment of impact fees. Council Member Bastin explained the process for the development of impact fees begins with upfront costs for engineering, legal and financial studies to have a firm justification for the impact fees. Council Member Bastin explained the impact fees will be imposed on new development for capital costs. The Town will need to establish an impact advisory committee. Town Attorney explained that it will take about six months or so to set up an ordinance to establish impact fees and then the ordinance cannot take effect until 6 months after adoption.

**A MOTION TO APPROVE THE TOWN'S ATTORNEY TO OPEN A MATTER FOR THE PROCESS OF DEVELOPING IMPACT FEES WAS MADE BY COUNCIL MEMBER BASTIN AND SECONDED BY COUNCIL MEMBER JONES. THE TOWN ATTORNEY WILL PROVIDE ESTIMATES FOR THE SERVICES NEEDED TO ESTABLISH IMPACT FEES AT THE OCTOBER MEETING. MOTION CARRIED**

### **APPOINTMENT TO THE PENDLETON URBAN FORESTRY COMMITTEE**

Council President Smith appointed Jo Scott to replace Heidi McClintick regarding the Pendleton Urban Forestry Committee.

### **AGREEMENT FOR ELECTION SERVICES FROM MADISON COUNTY**

Clerk Treasurer Roberts stated Madison County will provide voting service for the cost of \$3000 for the November local election explaining this would be an extremely larger cost if the town had to obtain voting equipment.

**A MOTION TO APPROVE THE AGREEMENT FOR ELECTION SERVICES FROM MADISON COUNTY WAS MADE BY COUNCIL MEMBER BABB AND SECONDED BY COUNCIL MEMBER DAVIS. MOTION CARRIED**

## **RESOLUTION R19-04**

Fire Chief Moore explained Anderson Community Schools has a class for all junior and senior students in Madison County to experience and encourage students to become firefighters. The average class size is about 15 students therefore he would like his department to donate the surplus air masks, air pack frames and tanks to the school.

**A MOTION TO APPROVE RESOLUTION R19-04 WAS MADE BY COUNCIL MEMBER DAVIS AND SECONDED BY COUNCIL MEMBER BASTIN. MOTION CARRIED.**

## **HISTORIC PRESERVATION COMMISSION BUDGET REQUEST**

Planning and Zoning Administrator Hassett explained the Pendleton Artist Society recently paid in full the amount owed on 119 West State Street. The Pendleton Historic Preservation Commission was able to use the funds received from the payments to aid in preservation of the Town. Hassett explained the different grants funds the Town received in the recent years, the certification received from the Indiana Department of Natural Resources Historic Preservation Division and the two cemetery preservation workshops that have been held. The commission would also like to expand the historic district and update the historic district design guidelines. The commission is requesting from the Town Council to financially contribute on an annual basis to help fund these efforts.

### **Council President Smith explained the new rules regarding public comment**

- Only individuals that have signed in before the public comment portion of the meeting will be allowed to speak in the order they have signed in.
- The individual must come to the podium, state name and address
- There will be a 5 minutes time limit, you cannot give your 5 minutes to another individual
- Comments will be made to council only
- No disruptive comments will be allowed, you will be asked to leave or the meeting will be adjourned

A short break was taken at 8:05 p.m. and resumed at 8:15 p.m.

## **PUBLIC INPUT**

Linda Castor 464 East State Street stated she loved the Town of Pendleton and was so blessed to have grown up here. She would like to see common courtesy and civility make a comeback. After the last council meeting and after hearing rumors she became very concerning about the Town Manager's job. She appreciates the Town Manager and noted some of the projects he has been involved in. Stating when the Town Manager does not know the answer to questions he is asked he will take the time to find the answer and he truly cares about the Town. This

week she reached out to Council Member Babb and Council Member Jones via email about her concerns and only received a reply from Council Member Jones assuring her that the Town Manger is doing a good job and she thinks he is too.

Jo Scott 414 East Water Street stated she has observed the events that have taken place during the council meetings since January. She respects that everyone has an opinion but the public input have become political rallies and he said she said shouting matches, she felt the town was better than that. The events that have occurred with the town employees, council members and the public have been source for misunderstandings, rumors, revenge and so much more. She is taking a stand that the town's future is much more important than a feud between two groups of people. She stated no one person is perfect and was calling for civility to be returned to the town council meetings as there is a proper way to disagree. She supports the current Town Council and Town Manager and hope their decisions are based on what is best for the Town.

Kristen Case 423 North Pendleton Avenue stated she was here representing her own personal feelings. Stated she started attending the council meetings since January. Each meeting has gotten more personal, attacking and toxic as well as the comments made on social media. Her daughter attended the June council meeting and was disappointed with the way individuals were acting. She felt that there was a right way to disagree and the town needed to set an example for the children, Indiana and the nation.

Kelly Wood 549 South Pendleton Avenue stated being a town council member is a difficult position with all the decisions that are made and the short or long term effects of those decisions. He has noticed there have been a lot of emotions at the council meetings and wanted the Town Council to run the town based on facts not emotions.

Ben Seal 407 West State thanked the Town Council for their leadership. He wanted to apologize to both Jessica Smith and Jessica Bastin for the rhetoric they have received at the town council meetings from the public. He felt the council members are hearing and seeing pass the town council meetings as there is a small group of individuals that are voicing their concerns compared to the large group of individuals that seem to feel differently. He wanted the Town Council to listen to all the public input but not the personal insults.

Jack Radford 6340 South 425 West asked what has been decided with the publication of minutes before each meeting. Council President Smith stated that paper copy was available this evening and the town is working to gather and provide a link to the documents on the agenda that will be posted on line before each council meeting. Jack asked if improvements to the audio system in this room have been address. Council President Smith stated when construction of this room is completed it could be address.

Sandi Butler stated her first name was spelled incorrect in the meeting minutes



Julie Schnepf 427 East State agreed with the comments being made tonight. She wished the issue regarding the Police Chief was handled like the issue with the Town Manager. She stated those individuals that dislike personal attacks, toxic comments on social media and newspapers should also refrain from posting them.

Cole Keesling 193 Garden Drive stated the Town in recent months had several employees that have resigned and employees that have signed affidavits regarding complaints in their working environment. He felt the Town Council did not act properly on the complaints made by the employees therefore he believes the Town Council does not consider the employee's complaints valid. Council President Smith stated the personal issues have been handled and the outcome is a private issue unlike the procedure of a public safety employee. Cole stated he was extremely disappointed with the outcome.

George Harris wanted to thank the Town of Pendleton for the opportunity for the Pendleton Artist Society to purchase and operate a gallery in the building owned by the town and the opportunity to be included in the façade grant.

Marty Parlos stated he has lived many years in the Town of Pendleton and raised his family in this community; it saddens him to see what is happening in this town now. He hoped the Town Council made their recent decisions based on all known facts and as a benefit to all, as he and the public were not given all the known facts. He sent a letter via email to all the Town Council members expressing his concerns and asked each council member if they received the email, they all replied that they did receive it, he then stated he was still waiting on a reply from a few of the members. He and his wife felt their safety have been compromised in this community but affirmed they are residences and voters of the Town of Pendleton and they are not alone.

Linda Gabbard 1721 Colds Springs Drive informed that Marc Farrer's children are her grandchildren. Stated things were posted on Facebook with no consideration that it could have been seen by her grandchildren. She has been neighbors with Marty and Karen Parlos for many years; she began explaining different issues her neighbor has been involved in. Council President Smith asked how these issues were town related business; she then asked Linda to please be seated and a small disruption began and she then adjourned the meeting at 8:55 p.m.

Prepared by   
Linda Kreigh  
Deputy Clerk Treasurer

Approved by   
Jessica Smith  
Town Council President