

The Pendleton Town Council met in regular session at 6:00 p.m. on December 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.

Roll was called and a quorum established.

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

Also present: Town Attorney Alex Intermill, Town Manager Tim McClintick, Assistant Planning Director Rachel Christenson, 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.

Town Council President Smith called for a moment of silent prayer and asked Tim Pritchard to lead the pledge to the flag.

**APPROVAL OF AGENDA**

**A MOTION TO APPROVE THE AGENDA WAS MADE BY COUNCIL MEMBER DAVIS SECONDED BY COUNCIL MEMBER JONES. MOTION CARRIED**

**APPROVAL OF THE NOVEMBER 14 2019 TOWN COUNCIL MINUTES**

Council President Smith stated Council Member Shane Davis's named was misspelled regarding the motion made to approve the claims on page two of the minutes.

**A MOTION TO APPROVE THE MINUTES OF THE NOVEMBER 14 2019 TOWN COUNCIL MEETING WITH THE CORRECTION ON A MOTION READING "MADE BY SHANE DAVID" TO READ "MADE BY SHANE DAVIS" WAS MADE BY COUNCIL MEMBER JONES AND SECONDED BY COUNCIL MEMBER DAVIS. MOTION CARRIED.**

**CLERK TREASURER'S REPORT**

Matt Roberts presented the following report.

Total Claims for the month of November 2019	\$	1,687,054.63
Electric Revenue Receipted	\$	703,658.62
Water Revenue Receipted	\$	84,975.16
General Fund Balance	\$	299,389.42

Park Balance	\$	156,233.28
Cumulative Capital Fund Balance	\$	145,249.35
Cumulative Capital Improvement Fund Balance	\$	3,077.84
Motor Vehicle Highway Fund Balance	\$	339,952.74
Motor Vehicle Highway Restricted Fund Balance	\$	24,710.40
Local Roads and Streets Fund Balance	\$	315,598.25

General Fund Comparison Balance For The End of November

General Fund 2017	General Fund 2018	General Fund 2019
\$ 395,430.58	\$ 346,013.13	\$ 299,389.42

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

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

**DEPARTMENT REPORTS**

**Fire Report as submitted**

**A MOTION TO APPROVE THE FIRE CHIEF'S REPORT AS PRESENTED WAS MADE BY COUNCIL MEMBER DAVIS AND SECONDED BY COUNCIL MEMBER BABB. MOTION CARRIED**

**Police Report**

Chief Farrer reported Officer Carpenter was involved in a pursuit but discontinued the pursuit after the suspect continued into the City of Anderson and the pursuit became unsafe. The department had a tactical night shoot, and defensive tactics training. Informed he instructed the Pendleton Christian Church on how to respond to an active shooter.

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

**Court Report**

Judge Gasparovic explained research and investigation is being done on juveniles that have been cited for smoking violations and fail to appear in court, current legal processes limits using the standard adult method of addressing failing to appear. The Madison County Sheriff's Department is investigating on probable cause and the 48 hour hold; not complying with the 48 hour hold is being used by prisoners in lawsuits

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

## **Park Report**

Park Director Burris informed the park staff along with the Friends of the Falls Park group will be placing luminaries along Falls Park Drive from the front of the park to the viaduct on Christmas Eve. The park staff will be making a big push to clear as many dead ash trees throughout the park and trail system in the next few months, the areas being cleared will be posted on the park's web page and social media.

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

## **Town Manager Report**

Town Manager McClintick informed east bound State Road 38 will be closed December 16 thru the December 23 during placement of the pedestrian bridge. The Historic Preservation Commission and Kayla are working with PHHS students on a historic survey project. Informed Arbor Homes primary plat in Huntzinger farms was tabled last night by the planning commission, more information was needed. The Town Hall façade has been completed by RenCon. Plans and estimates to construct a new road salt storage structure are being worked on. Approximately 300 water meters have been installed as of 12/9/2019

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

## **OLD BUSINESS**

### **Ordinance 19-04: An Ordinance to address Marijuana use and related businesses.**

Council President Smith stated a public forum was held and a lot of public input has been made regarding this proposed Ordinance. Informed that Ordinance 19-04 being presented tonight has been revised, which was done to simplify the Ordinance to state that the commercial sale for the recreation use of Marijuana would not be allowed in the Town. Council Member Babb asked if the Town's current zoning laws allow or not allow the sale of marijuana. Town Attorney Intermill explained that the State currently does not allow the use or sale of marijuana. If the State at any time legalized the use and sale of marijuana in any form this ordinance will not allow the commercial sale of recreation marijuana in the Town of Pendleton. Council Member Babb felt the Town was acting to fast on the issue that the State has not made legal yet, if the State decides to make it legal he felt the Town had plenty of time to act on the issue if the council sees fit.

**A MOTION WAS MADE BY COUNCIL MEMBER BABB TO TABLE ORDINANCE 19-09 AND SECONDED BY COUNCIL MEMBER DAVIS. ALL COUNCIL MEMBERS PRESENT VOTED AYE TO TABLE ORDINANCE 19-09.**

### **Ordinance 19-08: An ordinance amending the Town's Ordinance 23-18 Governing Parking and the Town's Parking Schedule**

Assistant Planning Director Christenson explained this ordinance amends the parking restrictions adopted in the original Ordinance 18-23; this would not outlaw any existing parking created, will allow parking in the back of property, also allow parking on property currently zone agriculture and the five dollar fine will be apply which was in the original adopted Ordinance 18-23.

**A MOTION TO ADOPT ORDINANCE 19-08 WAS MADE BY COUNCIL MEMBER BABB AND SECONDED BY COUNCIL MEMBER DAVIS. MOTION CARRIED.**

### **2020 Water and Electric Budget**

Town Manager explained increases were made in the several appropriations due to the propose wage increase, increase in medical insurance and an increase from IMPA for the purchase of power. Council Member Babb asked why there was still a budget line for a meter reader. Town Manger explained an employee has always been paid from this line but it can be changed to a different wage line. Town Manger explained the 2020 salary and benefit distribution spreadsheet was revised due to a promotion in the Clerk Treasurer's office and a proposed increase in the on call pay. Council Member Babb stated he has always felt that the electric and water budgets should be submitted and approved at the same time the tax budgets are approved.

**A MOTION TO APPROVE THE 2020 BUDGETS FOR THE WATER AND ELECTRIC DEPARTMENTS WAS MADE BY COUNCIL MEMBER JONES AND SECONDED BY COUNCIL MEMBER DAVIS. COUNCIL MEMBERS JONES, DAVIS AND SMITH VOTED IN FAVOR OF THE 2020 BUDGETS AND COUNCIL MEMBER BABB OPPOSED.**

### **Ordinance 19-07: 2020 Salary Ordinance**

Council Member Davis asked if the planning salaries could come from other funds and take those funds to add other police officer. Town Manager McClintick explained employee wages comes from the fund that their job tasks relate to. Council Member Babb asked if the payment in lieu of taxes for the water department could be increased. Town Manager McClintick explained accounting firm Baker Tilly was still in the process of completing a rate study to determine if it could be done. Council President Smith asked if the new position of code enforcement/building inspector would make the maximum rate stated in the salary ordinance. Town Manager McClintick stated it would depend on the candidate's qualifications. Council Member Davis had an issue with approving an across the board three percent raise without having employee evaluations being completed. Council Member Jones explained that the 2020 budget was passed with the ability to approve a 3% raise for the employees but the council can decide how much of a raise or not employees will be allowed. Council Member Jones thought the council should look at wage increases if given a percentage across the board as the highest paid employee will get a larger increase than the lowest paid employee which makes the wage gap larger. Council Member Babb agreed. Town Attorney Intermill stated it was important to act tonight as the ordinance stated what rates apply to the payroll dates whether is it with the 2019 rates or the stated 2020 rates. Council Member Babb stated he would like to revise Ordinance 19-07 to have the 2019 rates continue, no change in job titles and no new positions added. Town Attorney Intermill proposed the following change: Section I the third sentence would state "The first payroll containing 2020 hourly rates, which shall be the same as those rates as contained in the 2019 salary ordinance, shall be distributed January 10 2020". Section II would state "Schedule of compensation by position; all wages and salaries shall

be the same as those stated in the 2019 salary ordinance” and eliminate all the stated positions and rates.

**MOTION WAS MADE BY COUNCIL MEMBER DAVIS TO APPROVE ORDINANCE 19-07 WITH THE FOLLOWING CHANGES IN SECTION I THE THIRD SENTENCE TO STATE “THE FIRST PAYROLL CONTAINING 2020 HOURLY RATES, WHICH SHALL BE THE SAME AS THOSE RATES AS STATED IN THE 2019 SALARY ORDINANCE, SHALL BE DISTRIBUTED JANUARY 10 2020” SECTION II WOULD STATE “SCHEDULE OF COMPENSATION BY POSITION; ALL WAGES AND SALARIES SHALL BE THE SAME AS THOSE STATED IN THE 2019 SALARY ORDINANCE”. MOTION WAS SECONDED BY COUNCIL MEMBER BABB. COUNCIL MEMBERS JONES, BABB, DAVIS VOTED IN FAVOR AND COUNCIL MEMBER SMITH OPPOSED.**

### **Update regarding a Fire Territory**

Fall Creek Township Trustee Gaskill explained the Fall Creek Township Board passed a resolution to agree to split the cost of a fire territory study 50/50 with the Town.

**A MOTION TO APPROVE TO SPLIT THE COST OF THE STUDY 50/50 AND HAVE THE TOWN ATTORNEY CREATE A RESOLUTION FOR SUCH AGREEMENT WAS MADE BY COUNCIL MEMBER JONES AND SECONDED BY COUNCIL MEMBER BABB. MOTION CARRIED**

### **NEW BUSINESS**

#### **INDOT Project regarding US 36/ST RD 9, ST Rd 9 South**

Assistant Planning Director Christenson explained two projects are proposed, the first is scheduled for 2020 to mill and repave St Rd 67, and the second project is schedule for 2023 will be lane additions from Huntsville to State Road 9 in 2023. She would like the Town Council to consider the Town participating in the 2023 project to get landscaping, street lighting, pedestrian facilities for this project; the Town is seeking federal funding for the additional amenities.

#### **Discussion regarding Bicentennial**

Council President Smith explained the 1820 bicentennial committee is wanted to create a logo for the Town’s bicentennial celebration and is working with The Flatlands to create a logo. Funds to create the logo will come from money raise by the 1820 Society.

#### **Discussion Regarding SMCF Grant and Donor Designations**

Council President Smith explained the Town has money invested with South Madison Community Foundation and have \$514 available to give to a cause. After a short discussion the Town Council made the following motion

**A MOTION TO REINVEST THE \$514 UNTIL THE AVAILABLE AMOUNT REACHES \$1000 WAS MADE BY COUNCIL MEMBER BABB AND SECONDED BY COUNCIL MEMBER DAVIS. MOTION CARRIED.**

## Foster Park Planned Unit Development

Assistant Planning Director Christenson explained what a planned unit development was and stated Foster Park PUD was created 2004. She stated only a primary plat was developed that year and there is a four-year limitation on a primary plat. She said the Town has learned a lot about creating housing developments in the last 15 years and felt this type of development did not fit into the Town's current planning standards. Town Attorney Intermill explained the Town Council would need to initiate a request for the planning commission to vacate the current PUD and rezone the property to agriculture. Council Member Jones asked if the owner of the property had been notified about the proposed vacating and rezoning. Town Attorney Intermill stated the planning commission would have to conduct a public hearing and notify the property owner of the change.

### **A MOTION WAS MADE TO HAVE THE PLANNING COMMISSION TO INITIATE THE PROCESS OF VACATING THE PUD AND REZONE THE PROPERTY WAS MADE BY COUNCIL MEMBER JONES AND SECONDED BY COUNCIL MEMBER DAVIS. MOTION CARRIED**

Assistant Planning Director Christenson explained information is available in the google drive for the Town Council to review regarding the term expirations, vacancies and the citizens who are interest in the positions of the Town's board and commissions.

### **PUBLIC INPUT**

Gary Baldwin wanted to thank the Town Council for tabling the ordinance regarding the sale of Marijuana. He stated zero tolerance is hard to enforce and makes it difficult for everyone. He asked the Town Council to consider a round table meeting listening to both pros and cons. He presented the Town Council with information published by Norml

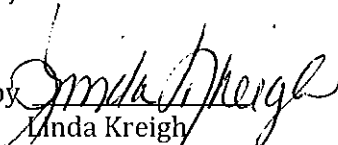
Matt Gallegos wanted to also thank the Town Council for tabling the ordinance regarding the sale of Marijuana but felt the Town Council needed more information before any decision regarding the sale or use of Marijuana is made. He felt the information the Town Council received was one sided, he felt the Town Council should here all sides of the issue before deciding for the Town.

Rob Tuttle owns a tree service business wanted to introduce himself to the Town Council. Stated he has done business with the town but was not called upon regarding the tornado cleanup. He felt some of the companies that were involved in the cleanup were not property qualified, stated being qualified and insured was important for any company and client. He left his company's information with the Town Manager.

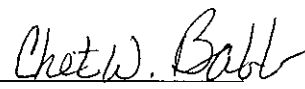
Helen Reske stated she hoped the Town Council tabled the ordinance regarding Marijuana only because more information is needed from the state and hope they would revisit the issue again.

Meeting Adjourned at 9:05

Prepared by

  
Linda Kreigh  
Deputy Clerk Treasurer

Approved by

  
Town Council President