

The Pendleton Town Council met in regular session at 6:00 p.m. on February 13 2020 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 Babb called the regular meeting of the Town Council to order.

Town Council President Babb called for a moment of silent prayer and asked Tracie Dodd to lead the pledge to the flag.

Council members present: Chet Babb, Robert Jones, Shane Davis, Steve Denny and Clerk Treasurer Willie Boles. Jessica Smith was absent.

Also present: Town Attorney Jeff Graham, Acting Town Manager Rachel Christenson, Fire Chief Jeff Moore, Judge Gasparovic, Park Director Aaron Burris, Police Chief Marc Farrer and Deputy Clerk Treasurer Linda Kreigh

**APPROVAL OF THE JANUARY 7<sup>TH</sup>, 9<sup>TH</sup> AND 29<sup>TH</sup> TOWN COUNCIL MINUTES**

**A MOTION TO APPROVE THE MINUTES FOR THE JANUARY 7<sup>TH</sup> TOWN COUNCIL MEETING WAS MADE BY COUNCIL MEMBER JONES AND SECONDED BY COUNCIL MEMBER DAVIS. MOTION CARRIED**

**A MOTION TO APPROVE THE MINUTES FOR THE JANUARY 9<sup>TH</sup> TOWN COUNCIL MEETING WAS MADE BY COUNCIL MEMBER JONES AND SECONDED BY COUNCIL MEMBER DAVIS. MOTION CARRIED**

**A MOTION TO APPROVE THE MINUTES FOR THE JANUARY 29<sup>TH</sup> TOWN COUNCIL MEETING WAS MADE BY THE COUNCIL MEMBER JONES AND SECONDED COUNCIL MEMBER DENNY. MOTION CARRIED**

Clerk Treasurer Boles had been asked and wanted to inform that he did not vote on Town's issues unless casting the deciding vote to break a tie and the Clerk Treasurer is not governed by the Town Council.

**CLERK TREASURER REPORT AS SUBMITTED**

Total Claims for the month of January 2020	\$	2,000,388.18
Electric Revenue Receipted	\$	648,164.84
Water Revenue Receipted	\$	81,316.59
General Fund Balance	\$	607,098.22
Park Fund Balance	\$	258,442.80
Cumulative Capital Fund Balance	\$	160,432.27
Cumulative Capital Improvement Fund Balance	\$	8,100.21
Motor Vehicle Highway Fund Balance	\$	367,992.62
Motor Vehicle Highway Restricted Fund Balance	\$	39,464.96
Local Roads and Streets Fund Balance	\$	330,452.04

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

General Fund 2018	General Fund 2019	General Fund 2020
\$ 673,005.80	\$ 652,670.51	\$ 607,098.22

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

### **DEPARTMENT REPORTS**

#### **FIRE DEPARTMENT**

Fire Chief Moore informed the yearly physical exams for the firemen are currently being conduct. Explained the department had the opportunity to drive and operate an apparatus fire truck that was in the area for the day.

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

#### **POLICE DEPARTMENT**

Police Chief Farrer stated training goals have been set for the year for the academy mandates and additional training. Informed that Nate Spell owner of Three Media and a new resident of the Town filmed an interviewed with Officer Traylor and joined him on patrol.

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

#### **TOWN COURT**

Judge Gasparovic stated he attended a City/Town Court Judge orientation presented by the Office of Judicial Administration Indiana Supreme Court. Reviews ranging from the latest record administration, to civility and harassment were presented. Informed the court has been working with several other committees about the issue of suicide and attempted suicides in this community, more activities will be seen regarding this issue in the near future.

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

#### **PARK DEPARTMENT**

Aaron Burris information the new restrooms are operational now, a few things need to be worked out with the contractor before they can be open. The restrooms will be open year around but not opened 24/7. Also the area around the restrooms is in need of some grade work. Informed the park will be partnering with both the Bicentennial Committee and the Urban Forestry Committee for Pendleton Day April 18<sup>th</sup> and May 9<sup>th</sup> for the planting of the trees. The staff is still working to remove dead ash trees throughout the park, the timber is to soft and wet to be sold so once the ground dries out the park will be back to finish the cleanup.

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

#### **TOWN MANAGER REPORT**

Acting Town Manger Rachel Christenson stated she was excited to present her first Town Manager's report tonight and informed the first all staff meeting was held on February 3<sup>rd</sup> with breakfast. She express her views on moving forward hoping she would earn the staff's trust and respect during this interim period, stating all departments have been extremely supportive. She has also met one on one with each department head/foreman and will meet in the next several weeks with the individual departments to listen and hear what the staff has to say.

She informed she met with Solution 4eBiz regarding a proposal for the services to update the Town's website and social media page.

A contract was signed with Banning Engineering / Dennis Nail; he will be performing building inspections, permitting service and code enforcement one day a week.

Applications were submitted for the Community Crossing program on February 7<sup>th</sup>, the Town should know if they were awarded the funds sometime in March.

A meeting was held on January 31 with GRW and MCCOG to discuss the corrective actions regarding the intersection at Enterprise Drive which is still closed, plan and cost estimates will be receive.

Some of the street sign toppers for the historic district have been installed; the staff is waiting on final approval by HPC to order the remaining toppers

Informed the Planning Commission voted to pass the primary plat regarding the remaining 405 lots in Huntzinger Farms which will be built out in a 7 year period.

Urban Forestry Committee was awarded two grants for the tree planting project.

The new water meter project is approximately 76% completed; Tracie Dodd has been spent many hours on correcting errors in the billing software regarding the new meters.

She introduced Etta Moore, the new utility office clerk, who started January 13<sup>th</sup>. She will be instrumental in using the UMS billing program to its full capacity.

The electric department finished the entire electric infrastructure at The Falls subdivision and invoices for 2019 have been caught up and now up to date.

Jim Cook has been selected to be in charge of the Storm Water projects.

Cemetery Foreman David Walford is being trained on plowing and salting so he can be on call.

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

## **OLD BUSINESS**

### **UPDATE REGARDING THE TORNADO LONG TERM RECOVERY GROUP**

Bill Hutton stated the group is looking forward to spring to close the remaining cases that are opened; the cases have been delayed because of the winter weather. Five of the open cases have to do with tree debris clean up or yard repair, the other eight cases are still in case management. The long term recovery group will be completing their mission this May with a celebration plan being developed in June. The group will participate with the Town regarding tree restoration projects and volunteer services. Including the members of the recovery group, there has been tremendous support from the South Madison Community Foundation, Indiana Department of Homeland Security, South Madison Emergency Management Agency, and United Way of Madison County, Rachel Christenson and Jessica Smith who attended several meetings.

## **NEW BUSINESS**

### **APPOINTMENTS**

Council President Babb made the following appointments

Appointed Rachel Christenson to the Madison County Council of Governments Policy Committee and the Madison County Council of Governments Technical Advisory Committee

Appointed Kayla Hassett to the Main Street Pendleton Committee

Appointed Chet Babb to the Corporation for Economic Development Board

### **ORDINANCE 20-01: 2020 SALARY ORDINANCE**

Council Vice President Davis stated the recommendation will be to give the employees a 3% across the board raise, increase the training pay for the police officers to \$1000 a year and each police officer's holiday pay will be based on the regular hours they actual work each day. Stated employee evaluations will be the focus for the 2021 budget.

Council President Babb stated he is against the 3% across the board raises as it widens the wage gap; it should be based on the performance of the employee.

Acting Town Manager Christenson asked on behalf of the staff if the council decided to increase the department foremen wage to a total of \$2.00 extra on the hour. Council President Babb stated it was requested but not included in this salary ordinance.

**A MOTION TO APPROVE ORDINANCE 20-01 AND TO MAKE THE CHANGES EFFECTIVE WITH THE FIRST PAY IN JANUARY WAS MADE BY COUNCIL MEMBER JONES AND SECONDED BY COUNCIL MEMBER DAVIS. MOTION CARRIED**

**A MOTION TO SUSPEND THE RULES AND HAVE A SECOND READING TONIGHT TO ADOPT ORDINANCE 20-01 WAS MADE BY COUNCIL MEMBER JONES AND SECONDED BY COUNCIL MEMBER DAVIS. COUNCIL MEMBERS JONES, DAVIS, BABB AND DENNY VOTED AYE**

**COUNCIL MEMBERS DENNY, DAVIS, BABB AND JONES VOTED AYE TO ADOPT ORDINANCE 20-01 AND TO MAKE THE CHANGES EFFECTIVE WITH THE FIRST PAY IN JANUARY ON SECONDED READING.**

**RESOLUTION R20-02: A RESOLUTION TO ESTABLISH UNIFORM STANDARDS FOR PUBLIC ACCESS REQUESTS**

Town Attorney Graham explained that Indiana law allows governmental agency to prescribe a form to request public records. He felt if there was a procedure in place it would eliminate forgotten verbal and emailed public records request, explaining a response to the public access request needs to be made within 24 hours or it could be deemed denied. He presented a form he has successfully used in other cities and towns and would like town council to consider adopting this procedure and form; this would include the requests the police and fire departments receive but could be amended for them if necessary.

**A MOTION TO ADOPT RESOLUTION R20-02 WAS MADE BY COUNCIL MEMBER DAVIS AND SECONDED BY COUNCIL MEMBER DENNY. MOTION CARRIED**

**ORDINANCE 20-02: AMENDMENT TO ZONING MAP REGARDING FOSTER PARK PUD**

Town Attorney Graham explained that there was a submission of a primary plat late this afternoon regarding this PUD so he suggested the Town Council introduce the ordinance tonight then move to table it.

Acting Town Manager Christenson explained the Town currently has two planned unit developments, one is Huntzinger Farm and the other is Foster Park. The purpose of a planned unit development is to permit greater flexibility in land use regulation. The Fosters Park PUD Ordinance was presented to the Town Council on June 15, 2004 and the primary plat was approved by the Planning Commission November 2004. Explained Foster Park concept plan, the ordinance and primary plat are 15 years old and do not align with the Town's current comprehensive plan, pedestrian master plan, corridor study and the unified development ordinance, that is currently being updated.

Council Member Denny asked if the land was zoned back to agriculture could it be developed later. Acting Town Manger Christenson replied it could be but under the current Town requirements

Garry Brammer 6228 West Foster Branch Drive asked if this was tabled tonight can the development proceed. Town Attorney Graham replied that only a primary plat was submitted this afternoon tabling would not hit pause on further action that could be taken under the town's current ordinance in place, so the town needs to do their due diligence on how to proceed.

Acting Town Manger Christenson explained that the Fosters Park PUD Ordinance adopted by the town does not expire but can be amended, the original primary plat submitted in 2004 did expire but a new similar plat was submitted this afternoon.

Marissa Skaggs 6333 West Foster Branch Drive shared information with the Town Council and the public regarding assess values and parcel size comparison of the homes in that area. She reference the strategic plan objective 5.1 that states underutilized properties should compliments and enhance the surrounding neighborhood. Strategic plan objective 5.3 states high quality residential designs need to fit Pendleton's character, comparing Foster Branch Woods guideline and the proposed Foster Park guidelines. She also had concerns regarding standing water, traffic and extension of 67<sup>th</sup> street.

Edward Wolenty/Attorney from Deckard Lawyer and Maynard who is representing the developer of Foster Park explained he was here tonight to address any concerns from the residences about the development and that tabling the rezoning would give time to address those concerns. They realize that since 2004 many developing standards have change and they would like the opportunity to work with the Town as oppose to confronting the Town. He felt the tax value of the development would be a substantial contribution to the Town. He would like this to be tabled tonight as there has been no knowledge or notice prior to the events last week.

Town Council President Babb wanted to state that all property owners in that area were noticed of the proposed zoning change by certified letter and the developer did attend the Planning Commission meeting regarding the rezoning.

Susie Eichhorn stated the Town of Pendleton is growing exponentially with the new development of housing additions in the area. She felt the Town needs a variety of housing to fit all needs, if the development is only for low and middle income the Town will become known for that. She knows development will happen but the Town Council needs to make some really wise decisions regarding that.

Tim Allred 6804 West Fosters Branch stated he had concerns that 600 West would be closed and the access to State Road 38 would be through his street, he would like to see the new primary plat. Town Attorney Graham stated that the new primary plat is public record and he could obtain a copy.

Janice Stamper had concerns about the standing water and the issues that come with that kind of development.

Jeanette Zeigler explained that if the developer who stated they want to work with the Town and residents in that area, they could wait and submit a primary plat after the rezoning that way it would meet with the current Town standards

Ryan Gray had concerns about the standing water in that area which is creating a major issue on his property and the number of houses per acre in the propose development.

**A MOTION TO TABLE ORDINANCE 20-02 WAS MADE BY COUNCIL MEMBER DAVIS AND SECONDED BY COUNCIL MEMBER JONES. MOTION CARRIED**

#### **FEE FOR SERVICE CONTRACT WITH THE CORPORATION OF ECONOMIC DEVELOPMENT**

Town Council President Babb recommended this issue be address with the Redevelopment Commission

#### **ORDINANCE 20-03: THREE FEET PASSING LAW**

#### **ORDINANCE 20-04: VULNERABLE ROAD USER ORDINANCE**

#### **ORDINANCE 20-05: COMPLETE STREETS POLICY**

#### **ORDINANCE 20-06: AMENDMENT TO THE LAND USE ORDINANCE/INTERIM THOROUGHFARE PLAN MAP**

Acting Town Manager Christenson explained these series of ordinances for the council to consider tonight are regarding the thoroughfare plan update. Stated these four ordinances tonight have been endorsed

by the planning commission and the work was contract through the Madison County Council of Governments.

Brandon Kendera/Madison County Council of Governments explained MCCOG is the primary regional transportation agency for Madison County and as a transportation agency they identify existing conditions, prioritize projects and award funds to communities for transportation improvements. The planning process is broken into two phases, ordinance development and the actual thoroughfare plan. In reference to the ordinance regarding the three feet passing law, in 2019 the State legislators passed a law in house bill 1236 that states when a vehicle overtakes a bicycle or an electric bicycle it should allow at least three feet of clearance between the vehicle and the bicycle. This would amended the Town's current traffic code and be worded the same as it is in the state code.

Town Attorney Graham explained the Town Council could decide to include a penalty amount in Ordinance 20-03 if approved during first reading tonight.

Brandon Kendera explained it could be hard to enforce the Three Feet Passing law so Ordinance 20-04 vulnerable road user law would provide some support for that and includes a penalty schedule. Explained Ordinance 20-05 was a tool for the planning commission to use with new development with a complete network checklist for the town, which includes pedestrian, bicyclist, motorist and transit riders of all ages and abilities. Explained Ordinance 20-06 will be an interim thoroughfare plan map; the actual thoroughfare plan map will come out of the actual thoroughfare plan once it is vetted through the public but this map will be in place for any new development. This ordinance classifies roadways and context zones

**A MOTION TO APPROVE ORDINANCE 20-03 ON FIRST READING AND TO INCLUDE A PENALTY OF \$100 WAS MADE BY COUNCIL MEMBER JONES AND SECONDED BY COUNCIL MEMBER DAVIS. MOTION CARRIED**

**A MOTION TO APPROVE ORDINANCE 20-04 ON FIRST READING WAS MADE BY COUNCIL MEMBER DAVIS AND SECONDED BY COUNCIL MEMBER DENNY. MOTION CARRIED**

**A MOTION TO APPROVE ORDINANCE 20-05 ON FIRST READING WAS MADE BY COUNCIL MEMBER DAVIS AND SECONDED BY COUNCIL MEMBER JONES. MOTION CARRIED**

**A MOTION TO APPROVE ORDINANCE 20-06 ON FIRST READING WAS MADE BY COUNCIL MEMBER DAVIS AND SECONDED BY COUNCIL MEMBER JONES. MOTION CARRIED**

**ORDINANCE 20-07: AN ORDINANCE ELIMINATING THE POSITION OF DIRECTOR OF PUBLIC WORKS**

Acting Town Manager Christenson explained her perspective regarding the need for a Public Works director in the near future, someone who would tie all the public works projects together regarding the several new subdivisions coming in and the duties of managing the departments. At this time she will accommodate by involving all the department foremen to review projects plans and the management of their respective departments.

Council Member Davis thought if this position is eliminated then the Town could focus on someone who would do building and code inspections

Council Member Jones stated he would not like to eliminate the position but also not fill the position at this time.

Council Member Denny stated the Town is in a time of change and the Council should be looking on how to improve on what has been done in the past. The Town Manager could be the liaison between the three Foremen; we don't need a middle man between the two. If we eliminate the public work position which would be cost effective, the Town Manager and Department Foremen could perform those duties.

Council President Babb agreed with Council Member Denny, felt the public work position is a level the Town does not need and that communication with the Town Manager and the Department Heads can be achieved.

**A MOTION TO APPROVE ORDINANCE 20-07 ON FIRST READING WAS MADE BY COUNCIL MEMBER DAVIS AND SECONDED BY COUNCIL MEMBER DENNY. MOTION CARRIED**

**RESOLUTION R20-03: A PROCLAMATION COMMEMORATING TOWN OF PENDLETON BICENTENNIAL**

Acting Town Manager Christenson presented the 1820 Society logo; stating this would be incorporated in the different items used during the celebration.

Council President Babb read the proclamation.

**A MOTION TO ADOPT RESOLUTION R20-03 WAS MADE BY COUNCIL MEMBER DAVIS AND SECONDED BY COUNCIL MEMBER DENNY. MOTION CARRIED**

Council Member Davis commented that during the time he was appointed as a Council Member in April of 2019 thru December of 2019 there was zero transparency between the Council, stating from January 1<sup>st</sup> to now there has been more communication between all Council Members. Also stated the negative remarks made on social media is doing nothing but harm to this Town so he was asking for everyone to move forward especially during this time with all the changes being made and the bicentennial celebration in the works.

Jenny Sisson 366 Blue Spruce had concerns that the Town Council did not address impact fees tonight. Because several new developments are in the area there is a need to have these fees in place to help improve the town and parks infrastructures. Explained impact fees are surrounded by policy, used for specific purpose and govern by a separate board so they are not misused. The fees are growth pays for growth mentality.

The meeting adjourned at 8:20 p.m.

Prepared by   
Linda Kreigh, Deputy Clerk/Treasurer

Approved by   
Chet Babb/Town Council President