

The Pendleton Town Council met in special session at 5:30 p.m. on February 26 2020 at its regular place of business located at 100 West Sate 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 special meeting of the Town Council to order.

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

Also present: Town Attorney Jeff Graham, Acting Town Manager Rachel Christenson and Deputy Clerk Treasurer Linda Kreigh

APPROVAL OF MEMORANDUM OF EXECUTIVE SESSION OF FEBRUARY 26 2020

A MOTION TO CERIFY THAT ONLY THE SUBJECT NOTICED WAS DISCUSSED AT THE EXECUTIVE MEETING ON FEBRUARY 26 2020 WAS MADE BY COUNCIL MEMBER JONES AND SECONDED BY COUNCIL MEMBER SMITH. MOTION CARRIED

OLD BUSINESS

Ordinance 20-02: An Ordinance amending the zoning map regarding Foster Park PUD

Tom Bedsole/ Attorney from Frost Brown and Todd representing the land owner/developer of Foster Park explained zoning rights are vested on the filing of the primary plat on this property and that changing the zoning of this property would make it an untenable position for the developer and landowner because they can't move forward with the development they have unless they are absolute certain about what the zoning rights are, so if the Town Council passes this ordinance they have no choice but to pursue a declaratory judgement that says the PUD Ordinance applies and any zone change does not apply. If the Town takes the position that the primary plat is not sufficient or was not complete when filed they could litigate that issue also but litigation is costly and timely. He requested the Town Council not move forward with this change.

Everett Stamper 650 West asked if the Town had an abandonment law regarding development, he read state code regarding the expiration of a primary plat. He also had concerns with the number of houses per acre and the drainage issues it would cause.

Acting Town Manager Christenson explained that the Town ordinance that created Foster Park PUD does not expire; an ordinance does not expire but can be amended. The original primary plat that was submitted in 2004 has expired but a new primary plat was submitted on February 13 2020.

Council Member Smith asked for clarification purposes if the council was to change the zoning of the property to agriculture tonight if at some different time the town could change the zoning to allow development.

Town Attorney Graham replied that is correct.

A MOTION TO ADOPT ORDINANCE 20-02 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

A MOTION TO ADOPT ORDINANCE 20-07 WAS MADE BY COUNCIL MEMBER DAVIS AND SECONDED BY COUNCIL MEMBER DENNY. COUNCIL MEMBER BABB, DAVIS, JONES AND DENNY VOTED AYE. COUNCIL MEMBER SMITH VOTED TO OPPOSE.

Meeting adjourned at 5:50 p.m.

Prepared by 
Linda Kreigh/Deputy Clerk Treasurer

Approved by 
Chet Babb/Town Council President