

**WHITELAND TOWN COUNCIL
October 09, 2018**

Council members present

| | |
|----------------|---------------|
| Andy Brock | |
| President | <u> X </u> |
| James Klenner | |
| Vice President | <u> X </u> |
| Scot Ford | |
| Member | <u> X </u> |
| David Hawkins | |
| Member | <u> X </u> |
| Member | <u> </u> |

Other Town Officials

| | |
|------------------------|--------------|
| Norm Gabehart | |
| Town Manager | <u> X </u> |
| Debra L. Hendrickson | |
| Deputy Clerk | <u> X </u> |
| Rick Shipp | |
| Town Marshal | <u> X </u> |
| Joe Csikos | |
| Planning & Zoning Dir. | <u> X </u> |
| Eric Funkhouser | |
| Fire Chief | <u> X </u> |

Other Town Officials

| | |
|----------------------|---------------|
| Stephen Watson | |
| Town Attorney | <u> X </u> |
| Josh Wade | |
| WWTP Superintendent | <u> </u> |
| Dave Gabbard | |
| Water Superintendent | <u> </u> |

Call to order – A. Brock called the meeting to order at 7:02 pm

Pledge

Roll Call

Invocation - Conducted by N. Gabehart

Adoption of the order of business for the day

Minutes from the September 11, 2018

- D. Hawkins made a motion to approve the September 11, 2018 minutes as presented. S. Ford seconded the motion.

Passed 3-0-1 J. Klenner abstaining

Voucher Packet 10-09-18

- J. Klenner made a motion to accept Voucher Packet 10-09-18 as presented. D. Hawkins seconded the motion.

Passed 3-0-1 S. Ford abstaining

Financial Reports

- D. Hendrickson read the reports on the beginning and ending balances on all the operating Funds. Nothing out of the ordinary to report in the operating Funds. \$100,034.53 in the Water Improvement fund. \$312,750.33 in the Sewer Improvement fund. S. Ford stated the Town has approximately \$193,000 total, more than a year ago.

Old business – Ordinance 2018-05, 2019 Budget (1st Reading) (Public Hearing).

- N. Gabehart stated the Notice to Taxpayers is available on Gateway and summarized the high points of the funds. The General Funds estimated to be raised along with the Cum Cap Fund from taxes are \$633,774.00. This is the amount collected in property taxes. 50% of that is amount is from Certified Shares, for the record.
- S. Ford stated that he is impressed what we accomplish with the funds we receive.
- Public Hearing opened at 7:18pm. No comment. Closed at 7:19
- A motion made by D. Hawkins to approve the first reading of Ordinance 2018-05. S. Ford seconded the motion.

Passed 4-0.

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Ordinance 2018-06, 2019 Salary Ordinance (2nd Reading).

- N. Gabehart gave a quick summary on the changes in salary. He also complimented our employees on the hard work they provide. Mr. Gabehart also thanked the Council for making it possible to give the raises and for their leadership.
- S. Ford made a motion to approve the Ordinance 2018-06 the second reading. D. Hawkins seconded the motion.

Passed 4-0.

New business –

- **Update on the Fulling Property on Graham Rd.**
 - J. Csikos stated a building permit has not been applied for as of this time.
 - S. Ford stated he has been approached about the trailer on the property and would like to have an answer to forward. N. Gabehart stated he would investigate if there is an action that needs to be taken.
 - D. Hawkins stated he just wanted to be sure progress is being made.
- **Ordinance 2018-07, An Annexation (1st Reading) (Public hearing)**
 - S. Watson stated it requires a Public Hearing and summary. The Town received a petition from property owners BD Family Farms LLC for voluntary annexation with the Town of Whiteland. There is a time requirement since it is so late in the year, to prevent a delay. The finalization will be in the November meeting. The property is north of Paul Hand Blvd and east of Graham Rd. and approximately ½ mile south of Whiteland Rd.
 - N. Gabehart stated the land is zoned agriculture. If the property is used for anything else they will have to back for rezoning. The property will qualify for Police and Fire services after the annexation. D. Hawkins inquired if we were planning to petition to annex on any property east or west. Gabehart said we have not. Watson stated since this is a voluntary annexation, the Town of Whiteland does not have to get permission from the City of Franklin.
 - Public Hearing started at 7:42.
 - Resident Lucy Manifold inquired about the next steps in the process and then there could be a rezoning. Watson stated if the Council passes through the 1st reading tonight then at the next Council meeting in November would be another discussion and if the Council chooses to adopt the Ordinance then there would be a public notification of the adoption and recorded at the County Courthouse. S. Ford stated there has been a time recently when the Council has refused a zoning request so there is no guarantee at this moment.
 - Public hearing ended at 7:48.
 - D. Hawkins made a motion to approve on the 1st reading Ordinance 2018-07. J. Klenner seconded the motion.

Passed 3-1 Ford voting No.

- **Public Nuisance Hearing**
 1. 189 Pinedale Drive – First record of violation is 3/10/2016 for parking in the yard. Second 6/27/2016 is for tall grass. Third 5/02/2018 for grass, junk and yard parking. Fourth 9/17/2018 for vegetation heights of 6 inches or more, cumulation of trash, obstruction of public sidewalk, streets. Chief of Police made several contacts to correct issues with no success. Csikos revealed a slide show of the violations. Certified and 1st Class letters were sent with no response on September 17, 2018 of this meeting. Gabehart stated he and Chief of Police tried about a year ago with no response. S. Watson stated after reading the Town code and after the hearing if the Town determines the nuisance still exists it may proceed in a couple of ways through fines up

to \$100 per day and/or abatement. His suggestion is if they are going to impose a fine, it could start as early as from the 9/17/18, the day the letter was sent. Klenner inquired if it was a safety violation to block a sidewalk. Watson commented he believed so. Gabehart stated he was concerned about the deterioration of the sidewalk. He would like for the Council to authorize the Town Manager along with the Town Counsel to mitigate and take proper measures through legal procedures for abatement and fines up to \$100 per day up to 9-17-18 if there is no effort made within 10 days of the letter. Watson to include a specific finding that particularly states accumulation of rubbish, trash and refuse or other abandoned materials, lumber or other things constitutes a nuisance on the property. S. Ford made a motion to authorize the Town Manager along with the Town Counsel to mitigate and take proper measures through legal procedures for abatement and fines up to \$100 per day up to 9-17-18 if there is no effort made within 10 days of the letter and to include a specific finding that particularly states accumulation of rubbish, trash and refuse or other abandoned materials, lumber or other things constitutes a nuisance on the property. D. Hawkins seconded the motion.

- **Passed 4-0**

2. 259 St. Charles Way – notices were sent 1st class and certified on the following dates: 5/23/18, 6/07/18, 9/13/18 and 9/21/18. A cumulation of refuse of rubbish, trash, other abandoned materials, lumber or other things which can harbor rats, snakes and other vermin. On 9/25/18 J. Csikos accompanied by R. Snyder met the property owner on the property and made known to her several items that were not compliant with the Indiana Code. She was told what needed to be attended to. There has been very little effort made. Watson stated that the violation or nuisance needs to be specific. Chief of Police has visited the home a couple of times. D. Hawkins made a motion to pursue as the motion for 189 Pinedale Drive. S. Ford seconded the motion.

- **Passed 4-0**

- **The intersection of Whiteland Rd. and Centerline Rd.**

- Vectren has been doing pressure testing and hydraulic testing on the gas main. Also work on pipelines and cut the intersection. They do have a right of way bond with the Town for any damages that may occur copies of our specs for the Town.

Town Manager – Norm Gabehart

- Spoke with the Town's attorney regarding IURC and filed an intervention on Indiana American Water. The proposed increase passed on to us will be 15%+ and 8% the second year. Everyone around us is around 8%. We believe this is their way to force us to buy our utility. We are researching our options. It is very early in the stages and it is around 380-day process.
- Water tower lost pressure on Columbus Day do to and electrical surge through a breaker which shut the altitude valve not allowing water to fill the tower. The good thing was it was fall break and a lot of the Town was on vacation and schools were closed. Our employees were on the scene as soon as we were alerted and fixed the valve. It took approximately 5 to 6 hours to fill.
- Saddlebrook Farms Development, Westport Homes (east of Bailey Woods). The north section has the 25-acre Regional Detention Facility. They have agreed to construction the facility so they get to put their detention in that facility. It is the largest regional detention in the county. The cost of the construction is approximately \$700,000. On the south end there is a lift station they will have to updated and add a new line out to Graham Rd. Total costs of construction above their normal costs will be approximately \$886,000. In consideration of those fees the Town will give SAF (Sewer Availability Fee) credit with each home. We collect those fees with the permit acquired, in order to put the money back into our system. It will cost the Town of \$1.5 million dollars to do the work themselves so it is to our advantage to allow Saddlebrook Farms Development to do the work which helps both the Town and themselves because they

can do it for less than the Town. It has to be built before they can start construction. Propose to the Council to proceed with a memorandum on the Town's behalf to agree to waive the SAF fees \$2,250 on 525 homes and the Saddlebrook Farms Development provides a performance bond in place which would leave the Town with no risk and the Town would not have to spend any money. S. Ford made a motion to authorize the Town Manager and Legal Counsel to proceed with the memorandum for agreement based on the credit for all SAF re-imbusement for the construction and improvements above and beyond what Westport Homes through Temper Stone Development, LLC and Crest Management Inc. deem necessary for development. D. Hawkins seconded the motion.

Passed 4-0

• **Community Crossing Grant**

- The Town submitted 10 applications for \$1.4 million for improvements. That is everything in the whole Town left to repair excluding the section of Whiteland Rd. where development is coming and Springhill Subdivision.

Public comment – none

Meeting adjourned at 8:52 pm.

Passed by the Whiteland Town Council on this day 13 of November, 2018

Aye

Shawn A. Brock
Shawn A. Brock, President

James Klenner
James Klenner, Vice President

Scot Ford
Scot Ford

Joe Sayler
David Hawkins
David Hawkins

Nay

Shawn A. Brock
Shawn A. Brock, President

James Klenner
James Klenner, Vice President

Scot Ford
Scot Ford

Joe Sayler
Joe Sayler

David Hawkins
David Hawkins

Attest:

Debra L. Hendrickson
Debra L. Hendrickson, Clerk Treasurer