

October 13, 2011

These are the minutes of the regular meeting of the Town Council for the Town of Brownsburg, Indiana held at Town Hall on October 13, 2011 at 7:00 p.m.

Members present: Matt Bowles, Bill Guarnery, Dwayne Sawyer and Dave Richardson.

Also present: Jeanette Brickler, Clerk-Treasurer; Tricia Leminger, Town Attorney; Dale Cheatham, Town Manager; Todd Barker, Planning Director; Jon Blake, Planning Tech; Mike Dove, Police Chief; John Depinet, Police Major; Stan Comer, Police Commission; and Phil Parnin, Park Director; Tom Garrison, Park Board.

The meeting opened with the Pledge of Allegiance to the Flag and an invocation led by Tim Hughes, Chaplain with the Brownsburg Fire Territory.

Roll call showed Gary Hood absent. Matt Bowles announced that item 8.01 is removed and item 8.06 is tabled to the next meeting.

There were no citizens' comments relating to the October 13, 2011 agenda.

Under Consent Items for approval, Bill Guarnery moved to approve the minutes of the memorandum of the Executive Session on September 22, 2011, the minutes of the September 22, 2011 regular meeting, the minutes of the Special meeting of September 28, 2011, the minutes of the Special Joint Meeting of September 28, 2011 along with the Memorandum of the Executive Session for October 4, 2011 and claims docket for the Town and Fire Territory for the period of September 23, 2011 through October 13, 2011 in the amount of Two Million Ninety-One Thousand, Three Hundred Forty-three and 32/100 Dollars (\$2,091,343.32) as presented. The motion was seconded by Dwayne Sawyer and unanimously carried.

Under Previously Considered Items, Ordinance #2011-19 to Amend Section 40.21 of the Brownsburg Town Code Regarding Return Check Charges for the Town of Brownsburg was on the agenda for third (3rd) reading and final adoption. Clerk-Treasurer Jeanette Brickler addressed the matter regarding I.C. 35-43-5-5(e) which states the fees may not exceed the greater of \$27.50 or five percent of the amount due, but no more than \$250, within 10 days after notice to the person is mailed plus any bank fees incurred as a result of the NSF. Dwayne Sawyer moved for third reading and final adoption of Ordinance #2011-19. The motion was seconded by Dave Richardson and unanimously carried.

Also under Previously Considered Items, Ordinance #2011-20 to approve the 2012 Town of Brownsburg and Fire Territory Budgets was on the agenda for an advertised public hearing and second reading. Dale Cheatham addressed the matter stating that based on dialogue he has received from the Council, a 1.5% increase will be applied to all employees of the Town and the longevity for 2012 is suspended, which saves approximately \$100,000 in total.

Additionally, there is also being developed a merit plan for Town employees, and for police and fire department employees, but it is just in the beginning development stage, so no numbers are available. The public hearing was open for comments. Jim Sering, 6 W. Tilden came forward and asked is the Town Council members were getting a pay increase and was informed the salary ordinance has not been prepared for approval and is still being discussed. Mr. Sering also asked what amount is budgeted for the Centralized Dispatch and was told the amount budgeted is \$410,000 but the dispatch center funding is a work in progress. There being no more comments from the public, the hearing was closed. Dwayne Sawyer moved for second reading of Ordinance #2011-20. The motion was seconded by Bill Guarnery and unanimously carried.

Under New for Consideration, Ordinance #2011-22 revising speed limits in school zones was removed from the agenda.

Ordinance #2011-23 to approve new zoning classifications to include AG, C-1, C-3, I-2, M-1, PUD, R-4A and RO for each property within the Brownsburg East Annexation Area was on the agenda for first reading. Todd Barker addressed the matter and asked if the Council had any questions. There being none, Dave Richardson moved for first reading of Ordinance #2011-23. The motion was seconded by Bill Guarnery and unanimously carried.

Also presented for first reading was Ordinance #2011-24 to Amend Title XV regarding land usage by adding Sec. 155.219 for Regional Outdoor Entertainment (RO) to the "Zoning Ordinance" of the Brownsburg Town Code. Todd Barker informed the Council that this ordinance pertains to the area of the east annexation from 56th Street south toward U.S. Highway 136 and east to Lucas Oil Raceway Park and the fuel tank farm rezoning the area from agricultural to commercial and outdoor entertainment classification. He added that the Plan Commission has heard the matter in September and forwarded it on to the Council for final adoption of the ordinance. Matt Bowles asked if the land-owners around the Ronald Reagan Parkway are in agreement and Todd stated "yes" and he is working with owners for future development. Dwayne Sawyer moved for first reading of Ordinance #2011-24. The motion was seconded by Bill Guarnery and unanimously carried.

Next for consideration is Ordinance #2011-25 Establishing the Procedure for the Authorization and Administration of Storm Water Fee Credits. Town Attorney Tricia Leminger addressed the matter and explained that within the East Annexation Area, there is property that could be impacted with large storm water fees, depending on the amount of pervious and impervious surface (grassy vs. hard surface) on the property. The Town has education requirements under the statutes and public education credits to apply to reduce storm water fees. Bill Guarnery moved for first reading of Ordinance #2011-25. The motion was seconded by Dwayne Sawyer and unanimously carried.

Resolution #2011-38 Enacting and Adopting the Supplements to the Code of Ordinances of the Town of Brownsburg was on the agenda for approval. Clerk-Treasurer Jeanette Brickler explained that once ordinances are adopted by the Council, they must be codified according to classification and title. Supplement S-18 was recently completed and must now be accepted by the Council. Bill Guarnery moved to approve Resolution #2011-38. The motion was seconded by Dwayne Sawyer and unanimously carried.

Under Reports from Commissions and Boards, Todd Barker presented the monthly report for the BZA and Plan Commission for September and asked for any questions from the Council; there were none.

For Town Administrative Items, Dale Cheatham reported that there is to be a survey sent within the next month to about 1,200 randomly selected residents for their opinion about Town services. The survey will also be available on line for everyone to answer, but the main determination will be based on the mailed surveys.

Dale Cheatham also informed the Council that the SR 267 utility project is complete. INDOT has awarded a contract for reconstruction work and will do some curb, gutter and sidewalk work this year, but the mill and fill will not be complete until the spring of 2012.

He further announced that the September recycling event was a success with the collection of 123 household appliances, 17,300 lbs. of electronics, 3,500 lbs. of paper shredded; a total of \$39,000 lbs. of waste were diverted from the landfill. He thanked all who volunteered their time for the event.

The Indiana Finance Authority announced the pricing on the bonds for the new Water Treatment Plant at an interest rate to the Town of 3.246%.

Under Town Council Items, Dave Richardson commented that on Sunday, September 11, he got together with a friend and visited Fire Station 1; they were welcome into the station where they proceeded to go into the dining area where a table containing numerous food items that were brought in from school classrooms and other people. He stayed and talked with the firefighter for 2 or 3 hours and discovered that all the Brownsburg Fire Stations had received donations of food and visitors thanking them for their services. The Police Officers also did a great service toward the community, but are out on patrol around the area and not all in one area. He expended his appreciation to all the firefighters and police officers for their service.

Under General Citizens Comments, Jeff Scott of Brownsburg Commons came forward stating that Officer Pete Fleck suggested he come before the Council with his request to drive his golf cart on Town streets and roads. Following his recent stroke, he has limited

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mobility and his motor scooter does not go well in the rain nor does it have lights. His father, Don Scott came also came forward and explained he was in town from Florida to help his son try to get permission to drive his golf cart. Matt Bowles asked that they stay after the meeting to meet with him and Dale Cheatham to resolve the matter.

There being nothing further on the agenda and by motion made by Dwayne Sawyer, seconded by Dave Richardson and unanimously carried, the meeting was adjourned.

Matthew S. Bowles, President

ATTEST:

Jeanette M. Brickler, Clerk-Treasurer