

October 27, 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 27, 2011 at 7:00 p.m.

Members present: Matt Bowles, Bill Guarnerly, Gary Hood, Dwayne Sawyer and Dave Richardson.

Also present: Jeanette Brickler, Clerk-Treasurer; Tricia Leminger, Town Attorney; Dale Cheatham, Town Attorney; Angie Petre, Executive Assistant; Grant Kleinhenz, Assistant Town Manager; Todd Barker, Planning Director; Oran True, Fire Chief; Mike Dove, Police Chief; Ray Kotarski and San Comer, Police Commission; Phil Parnin, Park Director; Frank Wise, Inspector; and Steve Chambers, Purchasing Manager.

The meeting opened with the Pledge of Allegiance to the Flag and an invocation led by Steve Stone, Chaplain for the Brownsburg Police Department.

Roll Call showed all members present.

Under Citizens Comments Relating to the Agenda, Donovan Peoples of Lincoln Township came before the Council and stated that he does not live in "town" but was here to comment that there is no more time left to meet and discuss budgets. He feels 90 days is plenty of time to discuss and hold meetings on budgets; he believes the Council needs to make the final decision to pass the 2012 budgets.

Grant Kleinhenz announced that the 3rd annual Build-A-Bale was held and there are 39 participants this year. Third place goes to the Coffman kids with 206 votes; second place goes to Anytime fitness with 221 votes and First Place goes to Saint Malachy with 255 votes, headed by Jackie Swihart. Grant extended his thanks to everyone who helped to make the event a success.

Consent Items was the next item on the agenda. Bill Guarnerly moved to approve the Memorandum of Executive Session of October 13, 2011, Minutes of the Regular meeting of October 13, 2011 and the Accounts Payable Claims Docket for the Town and Fire Territory for the period of October 14, 2011 through October 27, 2011 as presented. The motion was seconded by Dwayne Sawyer and unanimously carried.

First under Previously Considered Items was third reading and final approval of Ordinance #2011-20 adopting the budgets for 2012. Jeanette Brickler explained the process for submitting the budget has been changed and all the information must be entered into what's called the Gateway. The budgets will be available for viewing by the public on the DLGF website; in the future other reports such as the annual report, debt service report and

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Capital assets report will also be on the Gateway. Dale Cheatham stated that a majority of Council members were supportive of the budgets, but the Council does not want any pay adjustments for 2012. He requested language to that affect be included in any motion. Gary Hood moved for third reading and final adoption of Ordinance #2011-20 with the condition that no distributions or expenditures for pay or longevity to any employee and/or department until the 2012 Council formally adopts a Resolution for raises, if any, are approved. The motion was seconded by Bill Guarnerly and carried on a vote of four (4) in favor, one (1) opposed; roll call of the vote is: Dave Richardson, no; Gary Hood, yes; Matt Bowles, yes; Bill Guarnerly, yes; Dwayne Sawyer, yes.

Ordinance #2011-23 to Approve New Zoning Classifications to Land Usage by Adding Regional Outdoor Entertainment (RO) to the "Zoning Ordinance" of 155.219 of the Brownsburg Town Code was next on the agenda. Todd Barker commented on the new classification that is necessary for the newly annexed area that included Lucas Oil Raceway Park. Gary Hood moved to approve 2nd and 3rd reading and final adoption of Ordinance #2011-23. The motion was seconded by Bill Guarnerly and unanimously carried.

Ordinance #2011-24 Amending the Zoning of Certain Real Estate in Conjunction with the Brownsburg East Annexation was also on the agenda for approval of 2nd and 3rd reading and final adoption. Todd Barker addressed the zoning of the various properties and pointed out that they had not researched all the current property and one property owner has requested his property remain zoned I-3 classification, which was not included in the amendment, but has received a favorable recommendation from the Plan Commission. Dwayne Sawyer moved for 2nd reading of #2011-24; the motion was seconded by Bill Guarnerly. Dwayne Sawyer then moved to amend the ordinance to include I-3 zoning classification. The motion was seconded by Bill Guarnerly and unanimously carried. The motion to approve 2nd reading was also unanimously carried. Dwayne Sawyer moved for third reading and final adoption of Ordinance #2011-24. The motion was seconded by Bill Guarnerly and unanimously carried.

Ordinance #2011-25 Establishing the Procedure for the Authorization and Administration of Storm water Fee Credits was also on the agenda for 2nd, 3rd readings and final approval. Discussion was held regarding the 25% fee credits as a result of education available to the public and businesses. Dwayne Sawyer moved for 2nd and 3rd readings and final approval of Ordinance #2011-25. The motion was seconded by Gary Hood and unanimously carried.

Approval of the Lions Club Lease for the Bundy Lodge in Arbuckle Acres Park was next on the agenda after being tabled from October 13, 2011. Phil Parnin, Park Director, was present asking the Council to approve the lease for a 4-year term rather than 1-year and informed the Council that the arrangement with for leasing the Lodge to the Lions Club is a long-time partnership; the revised lease also includes sub-leasing the building. Bill Guarnerly moved to

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approve the Lease with Lions Club as presented. The motion was seconded by Dwayne Sawyer and unanimously carried.

Under New For Consideration, Ordinance #2011-26 Amending Section 37.16 of the Code of Ordinances as it Relates to Deadly Weapons was next on the agenda. Tricia Leminger addressed the matter stating that the Town's Code of Ordinances regarding the carrying of firearms in Town Buildings may attempt to unnecessarily restrict the rights of gun owners under Indiana Law by restricting the carrying of guns in all Town buildings and is inconsistent with State Statutes, however, the Town can only restrict the carrying of firearms in a building that houses a Court or may restrict the public display of firearms. The amendment mirrors language to that of State Statutes. Gary Hood moved for first reading of Ordinance #2011-26. The motion was seconded by Dwayne Sawyer and unanimously carried.

Next, Ordinance #2011-27 To Approve the 2012 Salary Ordinance was presented for first reading. Discussion was held in which the Council was informed that no salary changes were made; there is a change in employee health insurance from a conventional PPO to everyone under an HSA. There are still questions on continuing the longevity program. Dwayne Sawyer moved for first reading of Ordinance #2011-27. The motion was seconded by Gary Hood and unanimously carried.

Under Reports From Commissions and Boards, Fire Chief Oran True presented the monthly reports to the Council and asked for questions. There being none, he continued by stating that Fire Prevention Month is here and he reminded everyone to change the batteries in their smoke detectors and any unit over 10 years old should be replaced. He continued to inform the public that the only sense that works during sleep is the ears, so a fire alarm is very important. He further added that smoke inhalation is the leading cause of death from a fire.

Next, Police Chief Mike Dove came before the Council with his monthly report and the reports from Support Services and Operations. He added that the officers have seen an alarming increase in the number of arrests, including a recent major drug bust of 1,000 lbs of marijuana and stated that the department is more on board with immigrations. He also reminded everyone that the Haunted Station will be open on Halloween Night.

The Senior Project Proposal for Race/Walk event was next on the agenda; Rikki Sosbe came before the Council and explained that the organization is planning a walk/run event for seniors on the streets or in a park; the walk is planned for 3.1 miles. Phil Parnin, Director of Parks stated the event could be held in the park and she should contact him directly to get it set up.

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Under Administrative Items, Dale Cheatham reported that the SRF Water Works Bonds closed at 3.246% saving the Town about \$75,000 over the life of the bonds, due to the bonds being bundled with other entities. He also reported that INDOT will be working on SR 267 through December with paving to be done in 2012.

Under Town Council Items, Dave Richardson invited Hall Virgil to speak about the speed limits on CR 300 N. and on CR 600 East which he believes to be too slow. He recited and quoted from the Indiana Uniform Traffic Code and past engineering studies and asked the Council to have more realistic speed limits set. Discussion was held regarding the subject in which Dale Cheatham addressed the cost to widen the roads; Mike Dove recommends 30 mph on 600 East and Bill Guarnery feels it is not a good investment to widen these roads at this time.

Next, Dwayne Sawyer invited Rick Bolt to present his Brownsburg Business District Opportunity Presentation. Mr. Bolt feels the town is missing out on revenue opportunities. Discussion was held on the Comprehensive Plan and the small area plans. Dwayne Sawyer commented he was encouraged by business interests. By consent of the Council, Rick Bolt was given authorization to talk with staff.

Bill Guarnery brought up the issue brought to the Council by Jeff Scott regarding driving a golf cart on the public streets in Brownsburg. Dale Cheatham informed him they were still in discussions on the subject. Bill Guarnery then thanked Donovan Peoples for being kind to the Council in his comments on the budget approval.

Matt Bowles thanked Dale Cheatham, Todd Barker and both the Police and Fire Chiefs for their help in the east annexation, which is now completed adding about 2200 acres to the Town.

Under General Citizens Comments, Karen Sutphin came before the Council regard the Murphy Meadows construction project and the periodic construction meetings. She commented on problems with the Reith Riley, the inability for residents to move about the neighborhood and get to their houses. Dwayne Sawyer is glad for the meetings, but feels there is a need to look into the matters brought forward. Karen Sutphin would like news on the sidewalk progress for the next meeting and thanked the Council.

Donald Spencer, 336 Webster Drive, Brownsburg came forward and stated that he feels a letter of commendation should go to Kathy Corbin for all the years and time spent on commissions; Bill Guarnery informed him that plans were in place to do that at the next RDC meeting on Tuesday, November 1, 2011.

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There being nothing further on the agenda and by motion made and seconded, the meeting was adjourned.

ATTEST:

Matthew S. Bowles, President

Jeanette M. Brickler, Clerk-Treasurer