

April 12, 2012

These are the minutes of the regular meeting of the Town Council for the Town of Brownsburg, Indiana held at Town Hall on April 12, 2012 at 7:00 p.m.

Members present: Dwayne Sawyer, Don Spencer, Gary Hood, Dave Richardson and Rob Kendall.

Also present: Jeanette Brickler, Clerk-Treasurer; Tricia Leminger, Town Attorney; Grant Kleinhenz, Acting Town Manager; Angie Petre, Executive Assistant; Jack Swalley, Bldg. Commissioner; Mike Dove, Police Chief; Keith Rinehart, Interim Fire Chief; and Phil Parnin, Park Director.

Council President Dwayne Sawyer called the meeting to order and opened with the Pledge of Allegiance to the Flag followed by invocation led by Brownsburg Police Chaplain Mark Wingler.

Roll Call of members showed all present.

Under Citizens Comments Relating to the April 12, 2012 Agenda, first was a utility request from Jeff and Amy McClellan for Property located at 4152 Locust Lane. Petitioners came forward and explained that their well water was determined unsafe by IDEM and their septic system is also now failing. It is their wish to connect with the Town's water and sewer system; they have met with Grant Kleinhenz and agreed to all the requirements including future annexation. The property is located within 300 feet of the utility lines in The Hideaway. By unanimous consent of the Council, the request was approved. Grant Kleinhenz added that the Town has received two (2) additional requests from other owners.

Cathy Bastin from Hendricks College Network came before the Council with an update. On March 1, 2012 they held a fair in which 88 Colleges recruiting future students and at least 350 families attended. They provided information and helped explain and provide financial aid forms. The Council was informed that a graduate degree format and the University of Indianapolis MBA program will be coming as soon as possible. Information packets on the various educational programs that meet in Brownsburg were distributed.

Consent Items was next on the agenda for approval of the Special Meeting Minutes of March 20, 2012, Executive Session Memorandum of March 22, 2012, the Regular Meeting Minutes of March 22, 2012 and the Accounts Payable Claims Docket for the Civil Town and Fire Territory for the period of March 23, 2012 through April 12, 2012 in the amount of \$1,696,387.74. Don Spencer moved to approve the consent items as requested. The motion was seconded by Gary Hood and discussion held in which Don Spencer asked if a \$400,000 payment for construction in the Murphy Meadows construction project was final. Grant Kleinhenz stated that the entire project total is over \$7.5 million and claims will begin to increase as work increases over the summer. The motion for approval of consent items was unanimously carried.

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Ordinance #2012-04 for Annexation of 1557 E. Main Street was on the agenda for an advertised public hearing and approval of 2nd reading. The public hearing was opened for comments; there being none, the hearing was closed and Grant Kleinhenz addressed the matter stating that utilities have been previously approved with the owners agreeing to annexation when that option became available. Adoption of the Fiscal Plan is on the agenda next. Gary Hood moved for second reading of Ordinance #2012-04. The motion was seconded by Dave Richardson and unanimously carried.

Resolution #2012-05 to Adopt the Fiscal Plan for Annexation of 1557 E. Main Street was on the agenda for approval. Grant Kleinhenz stated the document explains the tax revenue proposed by the annexation showing it will cover costs of services. Gary Hood moved to approve Resolution #2012-05. The motion was seconded by Don Spencer and unanimously carried.

Resolution #2012-07 to Enact and Adopt the Supplements to the Code of Ordinances for the Town of Brownsburg, Indiana was next on the agenda for approval. Clerk-Treasurer Jeanette Brickler explained that in order for local ordinances to be enforceable, they have to be published in a Code of Ordinances. Dave Richardson moved to adopt Resolution #2012-07 as presented. The motion was seconded by Don Spencer and unanimously carried.

Resolution #2012-08 to Approve an Additional Appropriation to the Police Department 2012 budgets in the amount of \$45,367.34 was on the agenda for an advertised public hearing and approval. The public hearing was opened for comments; there being no comments from the public, the hearing was closed. Grant Kleinhenz addressed the matter explaining that the original budget was lower than needed and recommended approval. Gary Hood asked and commented that some funds were previously budgeted and spent with the understanding the funds were to be reimbursed to the Town from grants. Police Chief Mike Dove came forward and explained that the budget was actually lower than needed, with the anticipation of getting the funds back and spending the reimbursed amounts. Dave Richardson moved to approve Resolution #2012-08. The motion was seconded by Rob Kendall and unanimously carried.

Resolution #2012-09 to Approve Additional Appropriation for the Brownsburg Fire Territory in the amount of \$380,400.00 was on the agenda for an advertised public hearing and approval. The public hearing was opened; there being no comments, the hearing was closed. Interim Fire Chief Keith Rinehart was present and explained that when the Territory changed from Civilian PERF for the firefighters in 1997, there was confusion regarding when the actual change was to take place. As it was recently discovered, all the firefighters should have been in the 1997 Police and Firefighter Retirement Fund as of January 1, 1997 and the rule that each needed to be approved to start at a specific date was waived. Therefore, PERF is requiring the contributions into the fund be paid, with interest for each of the firefighters employed at that time. It was previously approved that funds are to be transferred from the Capital Equipment

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Replacement Fund to the Fire Rainy Day Fund in the amount of \$190,200.00. However, both funds require appropriations prior to spending. Although the total of the Resolution is \$380,400.00, it is \$190,200 being appropriated from the Equipment Fund for transfer to Rainy Day and those same funds appropriated within the Rainy Day Fund. Dave Richardson moved to approve Resolution #2012-09 as requested. The motion was seconded by Gary Hood and unanimously carried.

Resolution #2012-10 Authorizing the Transfer of Funds in the amount of \$130,360.00 for the Waste Water Treatment Plant Engineering line item was on the agenda for approval. The Council was informed that the first step in the process to increase capacity at the WWTP. Discussion was held regarding impact of storm water and whether it would be better to wait until the Tilden Road and Murphy Meadows projects were completed. Because the plant is already operating at 80% of its capacity and the fact that the engineers will take those projects into account, it is best to proceed. Gary Hood moved to approve Resolution #2012-10. The motion was seconded by Dave Richardson and unanimously carried.

The next item was the Approval of the Arbuckle Acres Cell Tower Agreement. Grant Kleinhenz explained the agreement was reviewed and amended to be for a 10-year term with an increase in fees of 15% per year, rather than a 10% increase over 20 years. Rob Kendall moved to approve the Arbuckle Acres Cell Town Agreement as requested. The motion was seconded by Dave Richardson and unanimously carried.

Under Reports from Commissions and Boards, Park Director Phil Parnin came forwards and presented the Park Boards Monthly Report. He stated that the Easter Bunny came and went and he thanked the sponsors, Lions Club, Cheer Committee, Hendricks Power Coop along with the Key Club, St. Malachy, Sgt. Pete Fleck and officers with the Brownsburg Police Department and volunteers for their help. On April 13 there is scheduled a Midnite Fitnite from 6:00 p.m. to 1:00 a.m. to promote fitness in Brownsburg. The Park Board has prepared and submitted its 2011 annual report which is available at brownsburgparks.com for anyone to review. April 21 is volunteer day with Kwanis and the Key Club in Williams and Arbuckle Park to clean up and plant. It will run from 8:00 a.m. until 1:00 p.m. Dave Richardson asked that Mr. Parnin correct the minutes as he attended as a Town Council member and not as a Committee Member.

Under Town Council items, Rob Kendall reminded everyone that on Saturday April 14, 2012 there will be a Tox-a-Way day at the high school.

Dave Richardson stated that he and Don Peoples and Troy Wymer make up the Consolidation Working Committee and have been working several months. They will potentially be meeting on April 16, possibly for the last time preparing for the joint meeting with a recommendation on consolidation within the next few weeks.

Dave Richardson commented that the Fire Territory has conducted interviews for a new Fire Chief and hope to announce that information very soon.

He also announced that on May 5, 2012 there will be a Welcome Home Parade in Brownsburg for all the veterans of the Iraq wars or Afghanistan beginning at the 10:00 a.m. at the High School west on Tilden to Locust Lane ending at Williams Park. The Town will need to obtain permits from the State to stop traffic on 267. Dave Richardson stated that the artifact from the World Trade Center will also be on display. Mike Dove stated that information is available on the Police Department facebook or website, through the American Legion post, Blue Star Salute and Gold Star Salute. Mike Dove informed everyone that more soldiers from Indiana have lost their life as armed service members than any other state.

Don Spencer added that a friend just returned home from Afghanistan and hopes he will not have to go back. He went on to state that as members of the Plan Commission, he and Jack Swalley met for 3 hours discussing the zoning ordinances. The next opportunity for the public to become informed and involved will be on May 5, 2012 at 6:00 p.m. in which Chapter 5 of the Zoning Section in the Town Code, including the sign permit sections.

Under Citizens Comments, Jim Sering, 6 W. Tilden, came before the Council and stated that he hoped his son can come for the parade. He then commented on the Cell Tower in Arbuckle Acres asking if the agreement required AT & T to take down. Grant Kleinhenz stated that it is a requirement. Mr. Sering added that he is glad the WWTP resolution was approved to avoid the problem caused by such rapid growth to the area.

There being nothing further for discussion and upon motion made by Don Spencer, seconded and unanimously approved, the meeting was adjourned.

Dwayne Sawyer, President

ATTEST:

Jeanette M. Brickler, Clerk-Treasurer