

**LOWELL TOWN COUNCIL
REGULAR MEETING
SEPTEMBER 14, 2015**

The regular meeting of the Lowell Town Council was called to order on Monday, September 14, 2015 at 7:04 P.M. by President Christopher Salatas. The Pledge of Allegiance was recited followed by a moment of silence for Childhood Cancer Awareness month. Clerk-Treasurer Judith Walters called the roll. Members present were Craig Earley, LeAnn Angerman, Donald Parker, Christopher Salatas, and Edgar Corns. Also present were Town Attorney David Westland, Police Chief Erik Matson, Public Works Director Greg Shook, two members of the media, and thirteen citizens.

TREASURER'S REPORT - August 2015

Councilman Corns made a motion to approve the August 2015 Treasurer's Report, seconded by Councilman Earley and carried with five ayes.

APPROVAL OF MINUTES

Councilman Earley made a motion to approve the August 24, 2015 regular meeting, seconded by Councilman Parker and carried with five ayes.

APPROVAL OF VOUCHERS

President Salatas asked for approval of White Vouchers #1885 - #1954, White-Police #4196 - #4214, Water #2577 - #2638, Waste Water #3474 - #3517, and Stormwater Utility #5116 - #5121. Councilman Corns made a motion to approve the vouchers as listed, seconded by Councilwoman Angerman. Councilman Parker stated he would like to see if Councilman Corns would be willing to amend his motion to include voucher #1752 to SEH. He stated they did the work, there is no doubt about that, but the question is who gave them permission to do the work, which is a meeting we should have with the different boards to figure out. Councilman Corns amended his motion to include voucher #1752 to SEH, seconded by Councilwoman Angerman.

Councilman Earley stated he agreed with Councilman Parker, but the fact of the matter is not particularly who asked for the work to be done, but that the completed work has not been seen. The Redevelopment Commission asked for particular properties to be included in the TIF program. He stated he could not say if SEH had gone above and beyond that because he has not seen the finished project. There was then word that the Plan Commission told SEH to do the work, but still no one has seen the finished project, yet we will be paying out over \$6,000. We have made attempts to meet and discuss the bill, but it is not just the fact of who asked for the work to be completed, but what that work is. Councilman Earley stated he made the motion at the Redevelopment Commission meeting to add four parcels, if it is any larger than that, he does not know who told them to do that. Discussion followed.

Councilman Corns asked Public Works Director Greg Shook if he knew what the work was that was done. Director Shook stated he knew they were going to work on expanding the TIF, but last he recalls, they had to end up re-doing the TIF. Councilman Earley stated at the Redevelopment Commission meeting, we made the motion to include three or four parcels out by Casey's in the TIF district. He said at the meeting there was some confusion because the State was changing the way you could increase the size of your TIF district, and if we could add those parcels if they did not exceed 20% of the existing parcels. He stated the President of the Redevelopment Commission said there were some amendments made that now did not allow us to fall under that 20% rule. Councilman

Earley stated he did not know of any amendments that happened at the Redevelopment Commission or Plan Commission meetings. He said Mr. Reardon had said he heard the suggestion at the Plan Commission meeting to add a new TIF district, so he moved forward with that. He said he felt SEH did not have the direction to move forward with a new TIF district, only the direction to move forward with an addition to the current TIF district. Councilman Parker stated he was not sure if it was clear that someone needed to come back if the amendment did not meet the 20% rule. He said the issue is that we had a surveyor giving us legal opinions on what we can do, which was an issue that was later discussed with the attorney, and stated we, as the Council, need to sit down and get on board in making sure we have our people doing what they are supposed to do and using the right people for the right things. Councilman Earley stated right now is a good time to do that because SEH has overstepped their boundaries in creating a new TIF district that no one gave them directions to create. Councilman Parker stated he was not sure if SEH overstepped their boundaries, or if the Redevelopment Commission overstepped their boundaries. The motion carried four to one by roll call vote with Councilman Earley voting nay.

MONTHLY REPORTS- August 2015

Councilman Corns made a motion to approve the August 2015 Monthly Reports, seconded by Councilman Parker and carried with five ayes.

ORDINANCES & RESOLUTIONS

Councilman Corns made a motion to suspend the rules, seconded by Councilman Parker and carried with five ayes.

1st and 2nd reading - Ordinance #2015-18 - Granting Rezone and Changing Zoning Map - 112 W. Oakley - Councilman Parker made a motion to approve the first reading of Ordinance #2015-18 by name and title only, seconded by Councilman Corns and carried by roll call vote with five ayes. Councilman Parker made a motion to adopt Ordinance #2015-18 by name and title only, seconded by Councilman Corns and carried by roll call vote with five ayes.

1st and 2nd reading - Ordinance #2015-19 - Granting Rezone and Changing Zoning Map - McConnel Plaza - Lots 1, 2, 3, 5, and 6 - Councilman Corns made a motion to approve the first reading of Ordinance #2015-19 by name and title only, seconded by Councilman Parker and carried by roll call vote with five ayes. Councilman Corns made a motion to adopt Ordinance #2015-19 by name and title only, seconded by Councilman Parker and carried by roll call vote with five ayes.

Resolution #2015-21 - Standard Specifications for the Construction of Public Facilities - Councilman Corns made a motion to adopt Resolution #2015-21 by name and title only, seconded by Councilman Parker and carried by roll call vote with five ayes.

Approve Findings of Facts for below - favorable recommendations from Plan Commission - Councilman Corns made a motion to approve the Findings of Facts for the favorable recommendations from the Plan Commission, seconded by Councilman Parker and carried by roll call vote with five ayes.

1st and 2nd reading - Ordinance #2015-20 - Amend Ordinance 1983-6 - Sewer Ordinance Building Sewer Construction and Connection Standards - Chapter 51-09 - Councilman Corns made a motion to approve the first reading of Ordinance #2015-20 by name and title only, seconded by Councilman

Parker and carried by roll call vote with five ayes. Councilwoman Angerman made a motion to adopt Ordinance #2015-20 by name and title only, seconded by Councilman Corns and carried by roll call vote with five ayes.

1st and 2nd reading - Ordinance #2015-21 - Amend Ordinance 2006-25 - Stormwater Ordinance Performance Criteria for Storm Water Management - Councilman Parker made a motion to approve the first reading of Ordinance #2015-21 by name and title only, seconded by Councilman Corns and carried by roll call vote with five ayes. Councilwoman Angerman made a motion to adopt Ordinance #2015-21 by name and title only, seconded by Councilman Parker and carried by roll call vote with five ayes.

1st and 2nd reading - Ordinance #2015-22 - Amend Ordinance 2005-03 - Stormwater Retention Delete Chapter 52 - Councilman Corns made a motion to approve the first reading of Ordinance #2015-22 by name and title only, seconded by Councilman Parker and carried by roll call vote with five ayes. Councilwoman Angerman made a motion to adopt Ordinance #2015-22 by name and title only, seconded by Councilman Corns and carried by roll call vote with five ayes.

1st and 2nd reading - Ordinance #2015-24 - Subdivision Regulations Ordinance - Section 155 - Councilman Parker made a motion to approve the first reading of Ordinance #2015-24 by name and title only, seconded by Councilman Corns and carried by roll call vote with five ayes. Councilman Parker made a motion to adopt Ordinance #2015-24 by name and title only, seconded by Councilman Corns and carried by roll call vote with five ayes.

Councilman Corns made a motion to set the rules back in to place, seconded by Councilman Parker and carried with five ayes.

UNFINISHED BUSINESS

Public Works Department Update - No report was given.

SR2 Curb/Sidewalk Project - Approve Pay Request from Commonwealth Engineers for Right-of-Way engineering - \$26,766.25 - and forward to INDOT for 80% reimbursement - Director Shook stated he is requesting that the pay request stated be approved from Commonwealth Engineers. This would be the final plans and moving in to the appraisal of the right-of-ways. Councilman Corns made a motion to approve the pay request from Commonwealth Engineers in the amount of \$26,766.25, seconded by Councilman Parker and carried by roll call vote with five ayes.

NEW BUSINESS

Permission to purchase additional police car from CCI Fund - Clerk-Treasurer Judith Walters stated the Police have money set aside for one new police car this year that will be paid out of the Law Enforcement Training Fund, but would like to replace two. She said there is a line item in the CCI Fund for equipment and they are asking permission to purchase an additional car from that fund. Councilman Parker made a motion to allow the purchase, seconded by Councilman Corns and carried by roll call vote with five ayes.

Request for donation - Three Creeks Historical Association - Clerk-Treasurer Walters stated the Three Creeks Historical Association has asked for help with their water bill, but we are not able to waive a water bill since it is a public utility, and in the past we have given them a donation out of the Community Relations line in the General Fund. A one year water bill for them would equal \$629.28. Councilman Corns made a motion to approve the donation of \$629.28, seconded by Councilman Parker and carried by roll call vote with five ayes.

Act on favorable recommendation from Plan Commission

Request Zone Change from A-1 to R-2 - Bevest, LLC - 39 acres - Clark Street - Councilman Earley

made a motion to approve the findings of facts regarding the request for a zone change from A-1 to R-2 for Bevest, LLC, seconded by Councilman Parker and carried by roll call vote with five ayes.

Act on Ordinance #2015-23 zone change - Councilman Earley made a motion to approve the first reading of Ordinance #2015-23 by name and title only, seconded by Councilman Corns and carried by roll call vote with five ayes. Councilman Corns made a motion to suspend the rules, seconded by Councilman Earley and carried with five ayes. Councilman Earley made a motion to adopt Ordinance #2015-23 by name and title only, seconded by Councilman Parker and carried by roll call vote with five ayes. Councilman Parker made a motion to set the rules back in to place, seconded by Councilman Earley and carried with five ayes.

ANNOUNCEMENTS

President Salatas announced that Jack Eskridge has been named firefighter of the year, and congratulated him on the accomplishment. He also thanked him for his many years of service and stated it was an honor to have him with us.

President Salatas announced that the next regular meeting will be held Monday, September 28, 2015 at 7:00 P.M. with a Public Hearing at 6:00 P.M. regarding the 2016 Budget, and a Public Hearing during the 7:00 P.M. regular meeting regarding the annexation of the Russel property.

Councilman Corns asked Attorney Westland, when he states on his bill that he spoke with a client, who is that client? Attorney Westland stated it could be anyone of you, meaning the staff or Council. He asked if Councilman Corns would like him to specify who it is. Councilman Corns stated it was fine, but he just did not know if Mr. Westland was representing anyone from the traffic court. Attorney Westland stated he would not be the one to take the calls regarding traffic court.

Councilwoman Angerman stated on the monthly report for the Street Department, it states that they have started the equipment replacement in Reservation Park and asked how it was going. Director Shook stated they are still waiting on some equipment to come in.

MEDIA QUESTIONS/PUBLIC COMMENTS

ADJOURNMENT

Councilman Corns made a motion to adjourn at 7:30 P.M., seconded by Councilman Parker and carried with five ayes.

Christopher Salatas, President

Attest:

Judith Walters, Clerk-Treasurer

