

## Yorktown Town Council Regular Meeting Monday, August 19, 2019 @ 5:30 PM

**Roll Call:** Rick Glaub-Present, Lon Fox-Present, Rich Lee-Present, Daniel Flanagan-Present, Robert Ratchford-Present, Michael Burke-Absent, Bryan Smith-Present.

**Approval of Claims:** Accounts Payable Vouchers totaling \$824,225.19 were reported. Rich Lee moved to approve July claims, Bryan Smith seconded and the motion passed.

**Approval of July Minutes:** Robert Ratchford motioned to accept the minutes from July, Rick Glaub seconded, and the minutes were approved.

**New Business-Ordinance 784 Supplement to the Yorktown Code of Ordinances:** Rick Glaub motioned to introduce Ordinance 784 to codify new ordinances. Robert Ratchford seconded and the motion passed uncontested.

**Ordinance 785-Reduction of speed during school hours:** Rick Glaub moved to introduce reducing the speed limit when school was in session from 40 mph to 30 mph on River Road between Buckingham Dr and Tiger Dr. Bryan Smith seconded and the motion was unopposed. Rich Lee motioned to waive the rules for the second reading of the ordinance, Bryan Smith seconded, and the motion passed unanimously. Rich Lee moved to pass Ordinance 785, Bryan Smith seconded, and the Ordinance was adopted.

**Demolition and removal of tank:** Three quotes have been gathered and a fourth is expected for demolition of structures along Canal and Vine streets and the removal of gas station tanks at 9400 W Smith. The Town Manager requested the approval to expend less than \$150,000 from Civic Green bond proceeds. Rich Lee motioned to approve the expenditure, Rick Glaub seconded and the motion passed unanimously.

**Resolution 2019-11 Approving an Order of the Yorktown Plan Commission:** Bison Properties was working with IDEM and DNR on a Wetland Management Program for land west of downtown along St Rd 32 for the September meeting. No action was taken on the Resolution.

**Resolution 2019-12 Establishment of an Economic Revitalization Area:** All Steel Carports requested a five-year tax abatement on Real Property at Park One on St Rd 332. This Resolution would establish an Economic Revitalization Area and would provide for a Public Hearing at the September 23 Town Council Meeting. The company plans to move operations to the site and has plans for a new line of manufacturing. Robert Ratchford moved to begin the process, Rich Lee seconded, and the motion passed unopposed.

**Special Claims:** Smock Fansler requested payment of \$17,500 in costs for planning for the sensory area to be paid from the Civic Green Bond. LTB Construction requested partial payment in the amount of \$37,587. Lon Fox motioned to approve payment of the claims, Bryan Smith seconded, and the motion passed unanimously.

**Town Marshal:** Marshal St. John recommended promoting Officer Chris Greene to the rank of Sergeant. Officer Greene has 15 years of experience, is a Defensive Tactics and Firearms Instructor, is a School Resource Officer, and serves on the County SWAT Team. Lon Fox motioned to approve the promotion, Rick Glaub seconded, and the motion was approved.

Marshal St. John and the interview committee of Mike Daugherty, Brooke Barnard, and Pete Olson, recommended hiring Myron Howard from 30 applicants for the vacancy created after Sgt. Whitesell retired. Mr. Howard was a 2015 graduate of Yorktown High School, was a Captain on the football team, finished fourth at the State Wrestling Finals, and received a Psychology Degree with a minor in Economics from Wabash College. Lon Fox moved to approve the hiring, Rich Lee seconded, and the motion passed unopposed. Marshal St. John also announced that Blake Barnard would be moved to the investigator position on the afternoon shift.

**Wastewater/Water/Storm Water-Letters of Engagement:** To comply with EPA mandates and extend the life of the Wastewater Treatment Plant, the Town will begin the process of acquiring a State Revolving Fund loan. The first letter of engagement establishes Lisa Lee of Ice Miller as bond counsel and the second letter secures the financial consulting services of John Seever of Baker Tilley. Rich Lee moved to sign the letters of engagement, Rick Glaub seconded, and the motion passed.

**WWTP Truck Purchase:** Following the advice of President Flanagan, no action was taken.

**Departmental Reports:** John Myrick reported on events organized by the Park Department including the Touch a Truck event, the Arts Council Lego Movie with a martial arts demonstration as part of Movies in the Meadow, and a meeting to discuss playground improvements of a new solid surface and new equipment. Chief Boone reported on the use of the UTV on two live calls and at football games and expressed the need to increase the volunteer staff from 33-34 to around 50 firefighters. Since the Police Department has not made any staff additions since 2000, Marshal St. John presented the interest of a 9-year veteran Muncie police officer, Tyler Swain, in joining the YPD in January of 2020. Officer Swain has SWAT, Investigation, Drug Task Force, Training Instructor, Accident Reconstruction, Hostage Negotiation and Field Training experience, and graduated from YHS in 2005. Marshal St John requested that no action be taken at this time. The Clerk Treasurer sought the approval of two additional claims filed after the completion of the APV docket. Tim Caldwell requested \$200 to attend the Indiana Street Commissioners Association Convention that needed to be submitted by September 1, and the YPD was requesting \$50 to enroll Officer Howard in the police academy. Rich Lee moved to approve, Rick Glaub seconded, and the motion passed uncontested.

**Comments from the Floor:** John Mogush, 9101 W Lone Beech Dr, asked about the magnitude of the SRF Bonds for the WWTP projects and who would provide utility service in the Economic Revitalization Area. Town Manager Olson replied that the WWTP projects would be between \$8-11 million over two years and utility services would be provided through Park One. Bob Owens and Carol Owens, 10101 St Rd 32 West/Yorktown Christian Church, inquired what would happen to the church's water/sewer connection if the Bison Properties Project took place and whether new land would be labeled within the city limits. Mr. Olson stated that their connection would not be cut off and no requests had been made about including additional property within town limits. Carol expressed concerns about not being notified about the Bison Project, not being provided an opportunity to purchase adjacent property, and increased traffic flow. The Town Manager explained that it was a private transaction between two individuals.

Mike Blanch, 12051 W St Rd 32, commented that growth should slow down so as not to destroy the expansion of the town and suggested consideration of expansion west of the Dollar General. Bruce McFarland, 9414 W Canal St, spoke about "liberty and justice for all" as it related to property ownership and eminent domain. Calvin Adair, 10100 W St Rd 32, questioned when property owners near the proposed Bison Project would be notified, was concerned because the

map used in the proposal did not include his residence, and sought clarification about the area being zoned as farmland. The Town Manager explained that the rezoning would include a public hearing and notification would be given at that time. Mr. Olson reiterated that a developer approached the Town and had reached an agreement with the property owners. The Town was not seeking to purchase property and was obligated to notify the public about zoning and any incentives provided. Furthermore, it was explained that the area was zoned as light industrial and residential.

Michael Hicks, 5201 W Deerbrook, who authored the General Assembly study to authorize housing TIF's, reported on the growth in the community resulting from the quality of the Yorktown Community School Corp. Mr. Hicks advocated for private sector investment and proposed that Tax Increment Financing or tax abatements for rental and private housing had a negative impact on the school corporation by reducing taxpaying properties that would otherwise choose that area. Michael Hicks spoke against using TIF or public money for the Bison Project.

Wayne Studebaker, 10300 W St Rd 32, asked whether Ordinances had been adopted to protect farmland since the Plan of Reorganization was created in June 2011, spoke against the Bison Project, was concerned over properties not being included on the map, and the use of a 6-inch sewer tap. The Town Manager replied that the Comprehensive Plan did not want to dictate urban sprawl and the size of the sewer tap was for future development. Another resident questioned whether Bison Properties had been investigated. President Flanagan had found no issues in business practices or quality of work. Robert Ratchford investigated the Bison Property Development in Elwood and Warsaw and conveyed the intent of the Development was to attract the senior market and young professionals at Ball Hospital and Ball State who were commuting from Hamilton County. Mr. Ratchford stated that business followed population and illustrated the fact that the addition of 250 households would necessitate a grocery store. Amy Campbell asked if a traffic impact study based on the redevelopment in the downtown area had been conducted and expressed concern about increased traffic and congestion on St Rd 32. The Town Manager proposed working with INDOT to get a traffic impact study. Mike Condon asked the council members to consider the impact of the Bison Project on adjacent property owners.

**Comments from Town Council Members:** Lon Fox thanked those in attendance, explained that the developer approached the Council, that the project was in the early stages of planning and that the Council would exercise due diligence and would be deliberate. Rich Lee congratulated Sgt. Greene, Officer Howard, Officer Whitesell and Mr. Myrick on the Touch a Truck event and thanked Chief Boone, Marshal St. John, and those in attendance. Mr. Lee emphasized that the housing development was in the exploratory phase, proposed traffic impact studies, that the Council would consider the impacts on neighboring property owners, explained that a public hearing would be part of the process, shared what he knew of the proposal and welcomed additional information about the developers. Robert Ratchford stressed that the deal was between a willing buyer and seller who then approached the Council, the project was in the beginning stages, thanked Marshal St. John for his work on hiring a new officer, congratulated Officer Howard and Officer Greene, and thanked everyone in attendance. Bryan Smith thanked those in attendance and recommended attendance at the meeting on Wednesday concerning the Waelz Project to speak against the project. Dan Flanagan thanked everyone in attendance, encouraged attendance at the public hearings, congratulated Officer Howard and Officer Greene, and thanked John Myrick for his work with Touch a Truck.

**Upcoming meeting: Next Town Council Meeting September 23, 2019, at 5:30 p.m.**

**Adjournment: 6:25 p.m.**

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**President-Daniel Flanagan**

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**Clerk Treasurer-Lance Turner**