

CITY OF GREENDALE
Council Meeting
April 11, 2018

Original

Mayor Weiss called the meeting to order.

PRESENT: MAYOR ALAN WEISS
 TY BOWELL
 JERRY ABBOTT
 MATT MCCOOL
 WALT WILSON
 KURT MOLLAUN
 SCOTT LIBBERT
 CITY MANAGER STEVE LAMPERT
 CITY ATTORNEY ANTHONY SMART
 CLERK TREASURER MARY JO LYNCH

ABSENT: VINCE KARSTETER

After the Pledge of Allegiance, proclaimed the following:

Child Abuse Prevention Month – April

Sexual Harassment Awareness Month – April

Arbor Day – April 27, 2018

National Teachers Appreciation Day – May 8, 2018

National Public Works Week – May 20 thru May 26, 2018

Mayor Weiss asked for approval of the **February 14, 2018 Public Hearing**. **Councilman Abbott made a motion to approve the minutes. With a second by Councilman Bowell, the motion carried by roll call as follows: Abbott: Aye; Bowell: Aye; Libbert: Aye; McCool: Aye; Mollaun: Aye; and Wilson: Aye. Motion passed by roll call 6-0.**

Mayor Weiss asked for approval of the **February 14, 2018 Council minutes**. **Councilman Mollaun made a motion to approve the minutes. With a second by Councilman Wilson, the motion carried by roll call as follows: Wilson: Aye; Mollaun: Aye; McCool: Aye; Libbert: Aye; Bowell: Aye and Abbott: Aye. Motion passed by roll call 6-0.**

Mayor Weiss asked for approval of the **March 14, 2018 minutes**. **Councilman Bowell made a motion to approve the minutes. With a second by Councilman Abbott, Linda Cromer, Park Board President, from the audience, addressed a mistake on page 2, half way down the page wherein the minutes state “~~that the cost for watering the garden was \$2,000,~~**

be corrected to state: “She asked for the water department to absorb \$2,000 as the cost of installation of water to the garden.” CT Lynch made the correction and initialed the minutes. Councilman Bowell corrected his motion to state that he moved to approve the March 14, 2018 minutes to reflect the correction to language by Linda Cromer. With a second by Councilman Abbott, the motion carried by roll call as follows: Libbert: Abstain (*not present at 3/14/18 meeting*); Karstetter: *Absent*; Bowell: Aye; Abbott: Aye; McCool Abstain (*not present at 3/14/18 meeting*); Wilson: Aye; and Mollaun: Aye. Motion passed by roll call 4-0.

Mayor Weiss asked if there were any audience comments.

Marilyn Bower, Dearborn Highland Arts Council, appeared before Council to ask for a donation for 2018. She referenced the information provided to Council. **After discussion, Councilman Bowell made a motion to give \$1,000 to the Dearborn Highland Arts Council. With a second by Councilman Abbott, the motion carried by roll call as follows: Bowell: Aye; Abbott: Aye; McCool: Aye; Libbert: Aye; Wilson: Aye; and Mollaun: Aye. Motion passed by roll call 6-0.**

Council was in receipt of the **request for a donation by the ASG Foundation for its May 5 Golf Outing**. Mr. Bill West, representative of ASG Foundation, did not appear before Council to ask for the donation. After discussion, **Mayor Weiss agreed to donate \$100 from the Mayor’s Riverboat Promotional Fund toward the outing**. He asked CT Lynch to contact Mr. West and invite him to next month’s meeting or a future meeting to ask for a donation that could go toward the Thanksgiving event or Toy Drive. Councilmen Mollaun and McCool both commented that the ASG Foundation does a lot of good things for the community. All councilmen agreed.

Council was in receipt of the **request for a donation by the 2nd Annual Crusin’ to a Cure for ALS Car Show on May 5**, Logan Lawrence did not appear before Council to ask for a donation. After lengthy discussion, **Mayor Weiss agreed to donate \$100 from the Mayor’s Riverboat Promotional Fund toward the Car Show**. Council agreed and stated if Mr. Lawrence wanted to come back before the Board he could at a later date.

With regard to **Queen City Fireworks (QCF) request to build a second building**, City Atty Smart asked Council to refer to the last few pages of their packet. He stated that representatives of Queen City Fireworks are here tonight. Atty Smart reminded Council that

QCF operates at the end of Oberting Road and US 50. It is a storefront where they sell fireworks. QCF has applied for a permit for a new building next to the current building. The permit was denied because this is Local Business B and firework stores are a non-conforming use. He asked Council to refer to its packet wherein the GMC 155.076 states that non-conforming uses can stay there but they cannot be expanded. He added that GMC 155.077 states that if you're using a premises for a non-conforming use that you cannot build any additional structures on that property. For that reason the permit was denied. Atty Smart stated that he spoke with the representatives of QCF and explained that they can appeal this decision to the BZA or they can come before Council to see if Council had any interest in changing the GMC to allow them to build another building. He said if Council wants to change the GMC they could vote to do so, but they would need to send to the Planning Commission and they could consider it. They would also have to have a Public Hearing because it is a zoning code and they would then send it back to Council.

Eric Deihl from Queen City Fireworks addressed GMC 155.077. He indicated he spoke with Atty Smart and the Mayor about the code. He explained that he runs two businesses a consumer firework store, but the majority of his business is professional firework displays/large scale firework events. He said that the building is needed to store his equipment. He stated that he doesn't feel that he is trying to grow the non-conformance; he is just trying to build a building to get their equipment inside instead of being stored outside. Mayor Weiss asked where they currently store their equipment. Mr. Deihl stated that they currently have 5 semi-trailers on site that they store the equipment in. They would take the equipment from the semis and put into a new building. Councilman Bowell stated that if they would get to build a building, they would have to get rid of the semi-trailers. He indicated that he has heard from many of his constituents about how these semi-trailers bring down the property value of many.

In conclusion, Mr. Deihl commented that he doesn't want to be lumped into the entire corner with another business located there. Councilman Bowell agreed, but stated that he felt that QCF could be more aesthetically pleasing. Councilman Mollaun commented that QCF states that they are going to take equipment from the semis and place into a new building, but what if so many years from now they need to expand their business and they use the new building for expansion; how is the City going to stop that? There was discussion about violation

of the code. In conclusion, Councilman Bowell asked to be able to talk to residents in his district about this project and he asked to table this item for 30-days.

Linda Cromer stated that she sat through months of meetings for zoning and this is a zoning issue. She feels that it would be a mistake to change the code for one individual. Zoning is the nature of the community. She stated that she is in complete agreement with Councilman Bowell that this area is visually unappealing. She added that the intention of permitting existing non-conforming businesses to maintain their status to exist was not to encourage them to expand or to grow. It was to encourage them to see the light and slowly get rid of them through attrition in areas where they abut residential areas. Councilman Wilson asked the City Atty if no matter what they decide tonight the issue has to go back to the Planning Commission. Atty Smart replied that if Council doesn't do anything tonight and Planning decides they don't want to consider it, then nothing will happen. QCF's only recourse would be to go to the BZA and appealing Code Enforcement Officer McMullen's decision. Mr. Deihl agreed that Jay's decision is correct. He feels it is more about "if QCF didn't have the retail store, he wouldn't be standing there right now". He doesn't want it changed for him, he's asking if there is another way to treat a non-conforming issue? After hearing many Council comments, **Councilman Bowell made a motion to table this issue for 30 days. Councilman Abbott seconded the motion.** Mr. Deihl stated that he too would like to go door to door in the area and would like to present a building design of the new building to share with the public. He wants the resident to have correct information in front of them. Council reiterated that the issue at hand is that QCF is talking about a non-conforming business. Councilman McCool asked City Mgr. Lampert to get Council a list of all the non-conforming businesses in Greendale. Mr. Lampert agreed to do so. **Motion passed by roll call vote 6-0 as follows: Libbert: Aye; Bowell: Aye; Abbott: Aye; McCool: Aye; Wilson: Aye and Mollaun: Aye.**

Councilman Bowell mentioned to City Atty Smart that there are some drives/areas that need some asphalt and are doing some destruction. He'd like to look into doing an ordinance wherein all commercial businesses must have paving for an apron and have to clean up their property. There was discussion about being grandfathered in, large trucks traveling in and out, and improvements to property. City Atty Smart said he'd look into this.

With regard to the **Financial Report**, CT Lynch commented that Council had the following reports in front of them: **1) 2018 Financials – not reconciled; 2) 2018 Riverboat**

Summary (Expenses); 3) 2018 Riverboat Revenue Summary and 5) 2018 Summary of Donations. She summarized that there was \$7,200 available minus \$1,200 given out tonight for a **new total of \$6,000 available for 2018.** CT Lynch added that she would be giving Council approximately 6-7 Policies from now through year-end to be approved that were requested by the State Auditor at the exit Audit. She shared with Council that the City received a very good audit for the period 2012-2016 and she would share a copy with them as soon as she received the final report.

Council had the **Redevelopment Report** in front of them. Redevelopment ED Al Abdon could not be present to go over the Redevelopment Report, but Mayor Weiss stated that if you have any questions, to contact ED Abdon.

There was no Unfinished Business.

Mayor Weiss stated that Chief Deputy Treasurer Angie Walters and ED Al Abdon went to Indianapolis today to meet with the IDNR and MS Consultants who is doing a Grant Application. IDNR shared tips and ideas with Ms. Walters and Mr. Abdon on what we need to do in the Grant Application process and what to do to get a grant for Trails.

Mayor Weiss indicated that the **St. Elizabeth Physicians ribbon cutting** was yesterday and they are open for business. He encouraged everyone to tour the building.

Under New Business – **IDNR Trail Grant**, Mayor Weiss stated that at last month's meeting the City agreed to apply for a \$200,000 grant for trails. He reiterated that the City hired MS Consultants to do the Grant Application and do all the things that are needed for the grant. He held up a plat of the area that they are considering for the **IDNR Trail Grant**. He stated that the area is behind the utility building and referenced the entire area. The Mayor commented that the area connects two cities together (*Greendale and Lawrenceburg*).

What are some of the things that the City and Council have to do regarding the Trail grant? Mayor Weiss stated that part of the grant is Federal Funds. He commented that we have to let the IDNR know that the City is willing to come up with whatever additional funds are needed for the Trail. He referenced the information available in front of Council wherein the total for the Trail was \$664,000. Mayor Weiss stated that this is the high estimate. The Greendale Redevelopment Commission has voted on and committed that they will put up the local match of \$50,000 and put up \$200,000 which is paid first and then reimbursed once the

grant is awarded (total: \$250,000). The remainder of the \$414,000 funds would have to come from the City.

Mayor Weiss asked Council if they were willing to commit up to \$414,000 toward the IDNR Trail Project. **After discussion about the area of the trail, Councilman Mollaun made a motion to move forward and the City commit \$414,000 toward the Trail Project. Councilman Abbott seconded the motion.** Linda Cromer, Park Board President, commented that there were multiple individuals that participated in a conference call with MS Consultants (as indicated in the paperwork in front of Council) regarding Trails. She stated that the IDNR is very interested in the City having a comprehensive discussion about the project and document the discussions. Chris McHenry from the local newspaper added that she was taking notes and will cover an article on the Trail Project. Ms. Cromer added that there have been other groups in town that have met concerning the trails. There have been broad general discussions in a number of venues. Councilman Libbert and Councilman Abbott were part of a lengthy discussion at an open meeting of the Greendale Civil Garden Club meeting where they discussed the 8 distinct segments of the trails and there were lengthy discussions about the comprehensive plan before. Ms. Cromer stated that it would be encouraging to the grant writer that at this meeting there be discussion about how important the trails are to the community. Councilman Libbert added that he felt along the lines of most council members, the Trails Project is something that can happen and can really lift this community to the next level. He stated that he was in favor of moving any part of the trails plan along. Ms. Cromer stated that the grant writer looked at all the work that everyone had done and the segment in discussions seemed to be the logical piece to go after for these finite monies. She said that this is doable, it connects to the existing Greendale Trail system that we have which connects our parks. City Mgr. Lampert added that technically, once you get over to the LCD system; that is Lawrenceburg. There is the Fairgrounds, there are people that traverse the Fairgrounds that walk over to the baseball fields across pathways and walkways so really it's even more than just connecting to Lawrenceburg, it's connecting to the LCD athletic fields as well as the Fairgrounds and our athletic fields. Mr. Lampert stated that he is really excited about this particular connection because they've been talking about this trail for years. He said children will be able to ride their bikes to the athletic fields and will be able to go down behind the Utility Building to the fields. He concluded that getting this trail would allow the kids to ride from Greendale to Lesko Park in Aurora.

Mayor Weiss concluded that what is very likable about this project is that the trail is connecting to play fields, soccer fields, soccer fields and baseball fields. What do you have at both points? A will connect to B. What is going to work for this particular grant? Mayor Weiss stated that he recommends going forward with this project.

Councilman McCool added that this is the start. I'd love to see us connect all the way to the existing Lawrenceburg trails, but this gets us close. Once you throw the levy into the mix, you bring in another level of complexity that's going to take a lot more time to figure out and a lot more boards are going to have to be involved with it. He stated that if we can get from here to down there; and then work for 4-5 years, we shorten the gap that we need to get across the levy.

There being no more discussion, Councilman Mollaun's motion had been made and seconded by Councilman Abbott. Mayor Weiss asked for a roll call vote: Bowell: Aye; Abbott: Aye; Libbert: Aye; McCool: Aye; Mollaun: Aye and Wilson: Aye. The motion passed 6-0.

Code Enforcement Officer McMullen stated that City Atty Smart was going to request an Unsafe Building Hearing (A-1 Pallet) immediately before the May 9 Council Meeting. Linda Cromer asked what the deadline was for the guy on Ludlow Street (rehabilitating residence). City Atty Smart replied July 1. There was discussion.

Under the City Attorney Report, Atty Smart stated that **Ordinance 2018-2 titled: Ordinance of the Council amending Chapter 52: Solid Waste** had been approved at the **March 14, 2018 meeting but the signature page was not provided at that time. Atty Smart passed the Ordinance around and asked that Council sign.**

With regard to **Resolution 2018-3 regarding Land Transfer to Greendale Redevelopment Commission** the City Attorney indicated that the City owns a tract of land in the Industrial Park of about 7 acres of which most is flood land. Fortis Holding Company would like to obtain 1 acre of the property. The Redevelopment Commission (GRC) has asked this board to transfer .932 acres to Redevelopment. GRC passed its resolution at its last meeting and Atty Smart brought this back to Council to consider. He stated that the GRC had an economic development agreement back in 2011 with Fortis and that Fortis' understanding was that they were going to receive this property for future expansion.

After discussion, **Councilman McCool made a motion to approve Resolution 2018-3. With a second by Councilman Bowell, there being no further discussion, the motion carried by roll call as follows: Abbott: Aye; Libbert: Aye; Bowell: Aye; McCool: Aye; Mollaun: Aye; and Wilson: Aye. The motion passed 6-0.**

Mayor Weiss reported: 1) the Greendale Redevelopment stepped up and is making a **donation to the Lawrenceburg High School to cover the salary of a safety officer;** 2) **Recycling** – there was a small kickoff the other day and two men from IDEM attended. City Mgr. Lampert took them on a tour of the City. The IDEM representatives were very impressed. People are happy with the program. City Mgr. Lampert stated that this program has diverted at least ½ of the normal tonnage. He said that he would get Council the actual amount of savings. 3) **IMPA decided instead of moving the substation behind the Firehouse, they will refurbish and upgrade the substation.** Lastly, Mayor Weiss referenced the upcoming “Listening Sessions” and handed out flyers regarding the upcoming “New Ideas” meeting(s). He explained that the City was going to have listening sessions wherein the public could come and tell the elected officials how they’d like to see their city in 10 years. He stated that elected officials and staff can sit in the back of the meeting and listen and let the facilitator run the meeting. The meetings are for the public. Flyers are in the mail to all Greendale residents.

Mayor Weiss asked if there were any other audience comments. There were none.


There being no further business to come before the board, Councilman McCool made a motion to adjourn. With a second by Councilman Abbott, the motion carried by voice 6-0.



MAYOR ALAN WEISS

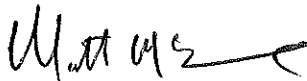


JERRY ABBOTT



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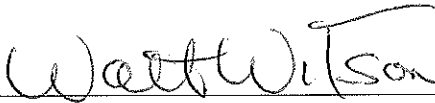
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ATTESTED: 
Clerk Treasurer Mary Jo Lynch