

**CITY OF GREENDALE  
Council Meeting  
February 8, 2017**

Mayor Weiss called the meeting to order.

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

ABSENT:           VINCE KARSTETER

After the Pledge of Allegiance, Mayor Weiss proclaimed "Tri Kappa Week" February 19-25, 2017 and read a proclamation. He will present a copy of the proclamation to Tri Kappa at its monthly meeting.

The Mayor next asked for approval of the **January 11, 2017 minutes**. **Councilman Bowell made a motion to approve the minutes. With a second by Councilman Wilson, the motion carried by voice 6-0.**

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

There was no **Financial Report** available. CT Lynch stated that they were still in the process of closing year-end 2016. The **Riverboat Summary was provided to Council**. There were no questions.

CT Lynch presented **Resolution 2017-1 titled: Resolution providing for the Transfer of Appropriations within the 2016 General Fund, Motor Vehicle Highway Fund and Riverboat Fund**. CT Lynch explained that this Resolution is required to close out the 2016 budget. **Councilman Bowell made a motion to approve Resolution 2017-1. With a second by Councilman Wilson, the motion passed by roll call: Abbott: Aye; McCool: Aye; Bowell: Aye; Wilson: Aye; Mollaun: Aye and Libbert: Aye. The motion carried 6-0.**

CT Lynch presented **Ordinance 2017-2 titled: Ordinance Establishing a Fixed Asset Policy**. She explained that it is required by the State that all cities and towns have a fixed asset

policy. She stated that she put a threshold of \$5,000 for assets in the policy that would require to be inventoried. After discussion, **Councilman Bowell made a motion to approve Ordinance 2017-2. With a second by Councilman Abbott, the motion carried by roll call: Abbott: Aye; McCool: Aye; Bowell: Aye; Wilson: Aye; Mollaun: Aye and Libbert: Aye. The motion carried 6-0.**

CT Lynch stated that she placed a contract for the **2017 Firework Display** in front of Council. **Councilman Mollaun made a motion to accept the contract from Starfire Productions. With a second by Councilman Libbert, the motion carried by roll call: Abbott: Aye; McCool: Aye; Bowell: Aye; Wilson: Aye; Mollaun: Aye and Libbert: Aye. The motion carried 6-0.**

**Council had received the Redevelopment Commission report in their package.** ED Abdon indicated that bids are out for Flossie Drive. The South end of Flossie is the St. Elizabeth's Hospital and the North end of Flossie is mixed use/and or Retail. He stated that the bids are to be opened at the February 21, 2017 Redevelopment Commission Meeting. Lastly, he stated that construction is scheduled to begin when the weather breaks. ED Abdon invited all to contact him for any questions they might have.

There was no Unfinished Business.

Under New Business, Code Enforcement Officer McMullen stated that there are **20 vacant homes in Greendale.** He stated that the Unsafe Building Public Hearing was held at 6:45pm tonight regarding 72 Ridge Avenue.

Mr. McMullen indicated that with regard to **528 Ludlow Street**, he is getting reports together so they will know the cost bringing the house into compliance. City Mgr. Lampert indicated that they will be getting with City Atty Smart to draft an Unsafe Building action. Once the Order is prepared it will be sent to the homeowner. Jane Riggs, resident in Greendale, commented that this property is in very bad shape and something does need to be done. Mr. McMullen asked if there were any more comments or questions. There were none.

Mayor Weiss wanted to make everyone aware that he put together a **Safety Committee** and Jay McMullen is working diligently with him and the team. The Mayor commented that the City is focusing heavily on safety and currently working on updating a safety handbook, cleaning up the safety cabinets and stepping up safety training. **Mr. McMullen is the head of the Safety program.**

Under the **City Attorney Report**, City Atty Smart presented **Ordinance 2017-3 titled: Amendment to GMS Ch 155 & 156 regarding the City's Sign Code**. He indicated that the Ordinance was approved by the Planning Commission in January. He commented that Council had a clean and a red-lined copy in front of them. The red-lined version shows the changes made since Council's last version at its last meeting. Atty Smart highlighted the changes as follows: (1) removed the term "ground mounted sign" and will only be using the term "freestanding sign"; (2) doubled the height of signs in LBA from 8ft to 16ft and increased the sign size from 48ft to 64ft; and (3) lowered the height of the wayfarer signs to 20ft.

Mayor Weiss thanked the Planning Commission for its hard work on revising an updated sign code. He stated that the existing sign code is not in line with the Supreme Court ruling on temporary signs. Atty Smart added that there was a Supreme Court Ruling that came out in 2015 that has caused the revision of our sign code. There was discussion.

**Councilman Libbert wanted to comment that he was going to vote no on the amendment to the sign ordinance.** He stated that it's not that he's opposed to all the changes suggested and he does recognize the need to comply with the Supreme Court Ruling. **He said that there is a problem with the sign ordinance and they probably are too restrictive** and there was recognition by the Planning Commission on the basis that the Commission needed to swing it back. He feels that the Commission went too far and he wanted to make note that's why he will be voting no. He said that it's not in any means to diminish the work that the Planning Commission did or in any way to say that some changes didn't need to be made, but in **his opinion the changes went too far**. Mayor duly noted Councilman Libbert's opinion for the minutes.

**Councilman Mollaun commented** that he appreciated all the work that the Planning Commission did, but what **he would have liked to see is the wayfarer sign and business signs be the same height**. He felt that what's fair for Greendale is fair for the business. The other changes are great and they needed to be done. Mayor Weiss thanked him for his comments. The Mayor said that in his opinion, the revised sign code should be better than what they had in place. It's not set in stone and it can be amended at a later date.

**Councilman Wilson added** that he was talking to a member of the Planning Commission a couple weeks ago about what US 50 is going to look like in 5 years down the road. He stated that the **revised Ordinance is going to give Greendale a more uniformed**

look. He feels that the language in the new ordinance is what they're looking for in regard to appearance. Mayor Weiss thanked Councilman Wilson for his comments.

Councilman Abbott asked if the wayfarer sign in the Industrial Park is going to be taken down because it is 25ft and would be replaced at 20ft. City Atty Smart replied that that was a decision for Council, but in several discussions they've had, it was his understanding that Council would make that sign look like the other wayfarers eventually. All signs would be uniform.

Councilman McCool added that the Planning Commission wanted to make sure that there is an 8ft clearance under the wayfarer signs so that cars can see to get around them. He reminded Council to keep in mind that the only individuals that can put up wayfarer signs is the City. The City would have the control and say over as to how high these signs can be.

After lengthy discussion, Councilman Wilson made a motion to approve Ordinance 2017-3 titled: *Amendment to Ordinance Updating the Sign Code (GMC CH 156)* and Ordinance 2017-4 titled: *Ordinance incorporating the Sign Code into the Zoning Code (GMC CH 155)* and waive further readings. With a second by Councilman Abbott, the motion carried as follows: Abbott: Aye; McCool: Aye; Bowell: Aye; Wilson: Aye; Mollaun: Aye and Libbert: Nay. The motion carried 5-1.

Atty Smart presented Resolution 2017-3 titled *Purchase of Land from Brandon Willis*. He read the resolution. He asked for approval of the resolution. Councilman McCool made a motion to approve Resolution 2017-3. With a second by Councilman Bowell, the motion carried by roll call vote as follows: Abbott: Aye; McCool: Aye; Bowell: Aye; Wilson: Aye; Mollaun: Aye and Libbert: Aye. The motion carried 6-0.

Atty Smart passed out copies of two appraisals that they had received on the Willis property. One appraisal came back at \$130,000 and the second appraisal came back at \$132,000. Council asked how much Mr. Willis was asking for the property. Average of the two appraisals is \$131,000 and Mr. Willis is asking \$145,000 for the property. Atty Smart reminded Council that they can only pay the average of the appraisals or \$131,000.

Councilman Wilson asked City Mgr. Lampert if the City needed to purchase the entire 13.4 acres. City Mgr. Lampert replied that it's important that he has free access on the property. He stated that the City did not have an easement for the property. Atty Smart added that the

water tower is on a postage stamp size parcel of land and in future years there wouldn't be anywhere else to put in another water tower.

City Atty Smart explained to Council that back in 2007-2008 there was an agreement between the City of Greendale and Mr. Willis in which the City provided an easement to Mr. Willis to access his property over what is Lot 9 on Parkside – Reservoir Road. The City realized at that time that it didn't have easements for its water lines and it didn't have an easement to access that road all the way to the water tower. The City negotiated and agreed with Mr. Willis that he would provide a deed for a larger parcel around the water tower (both sides of the hill) as well as the easements for the water tower and an easement for the road. For whatever reason, Mr. Willis received the easement from the City, but the City did not receive the deed or easements from Mr. Willis. After more discussion amongst Council and City Mgr. Lampert, Mayor Weiss asked Mr. Lampert in his opinion if he thought the City needed the entire 13.4 acres. City Mgr. Lampert stated that he thought they should have bought all of the property back in 1955.

Councilman Mollaun asked if the hillside was the City's responsibility. There was discussion about the previous slip back in 2003. Councilman Wilson asked what would happen if the City didn't purchase the property. Atty Smart stated that the City would have to explore other legal options to get the deed and easements.

Councilman Wilson asked Mr. Willis in the audience if he would be willing to negotiate the price of the property under \$131,000. Mr. Willis stated that he would be willing to negotiate slightly. He stated that they are very close to his purchase price.

Mayor Weiss asked what happened to the easement and deed. Mr. Willis stated that back in 2008 his attorney came to multiple meetings with him. The Mayor asked why we are addressing the same issue in 2017. Mr. Willis stated that there were some legal issues in between that were handled by Mr. Zerbe. Mayor Weiss asked Mr. Willis to give Council some time to think about the purchase. Mr. Willis stated that timing is important to him. The Mayor stated that it's frustrating that this wasn't addressed back in 2008 and we're still dealing with it in 2017.

Mr. Willis indicated that he's hit a roadblock on the property that it has a loan on it. He said that his bank is requiring so much money and they do need an acre or 2 and this takes away from the value of the property as the bank needs to be reimbursed. Mayor Weiss asked City Atty

Smart with regard to easements, if the property has a loan with the bank, does it make it more difficult to get easements. Atty Smart replied that they would have to get a partial release of the mortgage or otherwise our easement and deed would be junior to the bank. He said that this was also the case in 2008, but the issue appears to have been overlooked and that does create an issue for us because the City would have a junior interest, unless the mortgage company is willing to give us a release. Mr. Willis has stated that they're not willing to do that without some payment from the City because they say it would decrease the value of the property. Atty Smart said that there are arguments to be made that access through Lot 9 has increased the value of the property, but they don't have to give us release of that mortgage. **Mayor Weiss told Mr. Willis that Council would get back to him. Mr. Willis agreed.**

City Atty Smart presented **Resolution 2017-2 titled: Resolution creating Policy Requests for Financial Assistance.** He took notes from what Council discussed at the last meeting and put it into the resolution. Councilman Wilson reminded Council that in the past 3 years they went through the donation budget within the first 2-3 months. He stated that he'd like to see put in the resolution that the maximum request can be \$1,500. Councilman Howell agreed. Councilman McCool agreed, but we need to be able to spread the wealth around as well.

Councilman Libbert asked about the 501(c)(3) requirement. Atty Smart stated that this requirement is a State requirement. He added that most of the City's donations are covered under community service or events. Councilman Libbert asked if the donor had to be a 501(c)(3). Clerk Lynch replied yes that they have to be a 503(c)(3) because their ID number has to be entered into the year-end annual report on the state's website, Gateway. Clerk Lynch explained what the procedure is that she has to do to send out a donation (i.e. Grant Agreement, Tax Letter, send check and issuance letter). Councilman Libbert asked that the Donation Request ask for financials. Clerk Lynch will add this to the form.

Mayor Weiss mentioned that a few months back he asked the BZA to sit on a Committee to review the donations. He stated that now this is back on Council's plate. He commented that he just didn't want individuals to come to Council meetings just to ask for money. He wanted them to come to meetings because of democracy. He also said that sometimes donations can be a difficult political decision for Council. He left the decision on Council's plate.

Councilman Mollaun stated that he is in agreement with Council, but he would have liked to give the requestor a heads up that the City can only give a maximum of \$1,500. He said that he feels for the organizations because they live on a budget too.

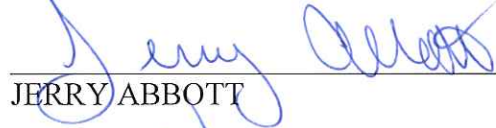
**Councilman Libbert made a motion to approve Resolution 2017-2 with the addition that the City can only give a maximum of \$1,500. With a second by Councilman Wilson, the motion carried by roll call: Abbott: Aye; McCool: Aye; Bowell: Aye; Wilson: Aye; Mollaun: Nay and Libbert: Aye. The motion carried 5-1.**

**Councilman Bowell made a motion to give \$1,500 each to the 3 requests presented tonight: *LifeTime Resources, Dearborn Highlands Art Council and SE Indiana Art Guild.* With a second by Councilman McCool, the motion passed by roll call: Abbott: Aye; McCool: Aye; Bowell: Aye; Wilson: Aye; Mollaun: Aye and Libbert: Aye. The motion carried 6-0. Councilman Mollaun wanted to note that he wanted to give more than \$1,500.**

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



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MAYOR ALAN WEISS



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JERRY ABBOTT



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TY BOWELL

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ABSENT

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MATT McCOOL



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KURT MOLLAUN

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WALT "DOC" WILSON



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SCOTT LIBBERT

ATTESTED: Mary Jo Lynch  
Clerk Treasurer Mary Jo Lynch