

**July 21, 2009**

**Roanoke Town Council Minutes**

**The Pledge of Allegiance was recited and the Roanoke Town Council convened on Tuesday, July 21, 2009 at 7:00 P.M. at the Town Hall in accordance with this Council's rules and applicable laws. Those present from the Council were President John Stoeckley, Vice President Troy Karshner, Councilman Brian Young, Councilman Nick Altman and Councilwoman Ann O'Briant. Also present were Marshal Kip Rupert, Fire Chief Chad Taylor, Town Superintendent Paul Swain, Asst. Town Superintendent John Hitzemann and JoAnne Kirchner, Clerk/Treasurer.**

**Councilman Young moved to approve the minutes of the Special Council meeting of July 6, 2009 as written, Vice President Karshner seconded and the motion was approved unanimously. Councilman Young then moved to approve the minutes of the regular Council meeting of July 7, 2009 with one amendment, entire document attached. Vice President Karshner seconded and the motion was approved unanimously.**

**After comments of explanation from the Director of the Huntington County Plan Commission, Nate Schacht, the Council considered proposed Ordinance 2009-2, An Ordinance To Amend Section 918 Exclusive Use Overlay District (EUD) Waste Facilities And Section 936 Exclusive Use Overlay District (EUD) Adult Businesses: The Town of Roanoke Zoning Ordinance. After discussion, Vice President Karshner moved to adopt Ordinance 2009-2 as written. Councilman Young seconded and the motion was approved unanimously.**

**Mr. Phil Hibbert was present from DLZ, the Town's engineering firm, to receive approval from the Council to place advertisement for bids for the Canal street Improvements, Phase II, copy of file in the Clerk/Treasurer's office. After consensus approval was given, JoAnne signed the document and would see that it is advertised appropriately on July 31 and August 7. The bids would be received on August 18<sup>th</sup> and awarded on September 1, 2009.**

**Mr. David McKee, representing the Huntington County School Corporation, was present to receive approval from the Council for the Corporation to locate a dish on the Town's water tower that sits on the Corporation's land, drawings on file at the Clerk/Treasurer's office. The Roanoke BZA had previously denied a request for the Corporation to construct a new tower, thus the necessity for dish placement. After lengthy discussion, the Council agreed by consensus to allow the project to move forward. The Council requested that attorney fees incurred by the school corporation from contacts with the Town attorney be sent to the school corporation regarding this matter.**

**Marshal Kip Rupert stated he would contact Mr. Romary again re: mowing his property per a conversation by Superintendent Swain with Mr. Romary. Kip also stated REDO had just purchased the other two properties across the highway, formerly owned by Hughes, and JoAnne stated Chris Jenson had already acknowledged REDO's responsibility in mowing the properties.**

**Fire Chief Chad Taylor requested discussion and explanation regarding the leased fire truck being paid off during the first half of 2010 and why the fire**

department had not retained those tax dollars for their future needs in the 2010 budget. President John Stoeckley, and Troy Karshner fire liaison explained that there are only so many tax dollars available and the fire truck had used almost \$40,000 a year for seven years to pay for the fire vehicle lease. The utility department was now needing new equipment to be leased, the police department a new car, etc. President Stoeckley explained that the appropriated line item monies for the fire truck payments the last seven years was not the fire department's exclusively. Now that the truck was going to be paid for in full the middle of 2010, the tax dollars needed to go toward something else for the first time in seven years. The Council recommended the department come back next year for 2011 with their requests to be considered.

Superintendent Swain presented the semi-weekly statistical utility report, copies available from the utility garage during normal business hours. He stated the department had spent over 80 hours so far preparing to flush the 112 fire hydrants in Town. He also stated that a property just outside the Town limits, formerly owned by Bud Kirchner on Vine Street extended, was preparing to connect to the Town's water and wastewater systems at the owner's expense. Paul explained a new unfunded IDEM rule, stated the annual CCR reports had been sent out to all utility customers as required and was to be published the following week in the Herald-Press. JoAnne indicated that it cost almost \$400 to send out the annual report at the new postal rate this year.

While discussing the several markedly "settled" sidewalks in the Roanoke Village subdivision, as well as other locations in Town, Paul requested an additional \$3,000 in funding to repair the sites. After discussion, Vice President Karshner moved to approve the request with funding coming from the economic development revolving fund ( of which only accumulated interest can be spent without repayment ). Councilman Altman seconded and the motion was approved unanimously.

Councilwoman O'Briant and Councilman Altman reported on the WHARMM meeting they had attended the previous evening in Warren. Ann found it to be very informative and interesting and Nick stated there was some fill dirt available at the County landfill. Paul stated REDO may be interested in that.

Council had been sent a picture of a local chamber owned sign near the highway featuring a local furniture store that had only partially covered the original sign, picture on file at the Clerk/Treasurer's office. The Department of Community Development was investigating.

Vice President Karshner reported that he and Councilman Young had participated in the Town's Common Construction wage committee meeting the previous evening, the record of proceeding available in the Clerk/Treasurer's office.

Mr. Gary Fry, owner of Changing Seasons, 8376 N. U.S. Hwy. 24 E., Roanoke, Indiana was present to request strict adherence to the Town's nuisance ordinance regarding weed control and mowing within the Town limits. Mr. Fry referred several times to the written ordinance while detailing his complaints and he felt he should not have to register a complaint with the

**Police Department every ten days for the ordinance to be enforced. Much discussion followed with Mr. Fry stating he had to restrain his attorney from being present that night, followed by a lawsuit against the Town , or at least calling the Herald-Press to take pictures of nine foot tall weeds on the property adjacent to his property for a front page story. Mr. Fry indicated he would “not tolerate any more excuses”. After several interpretations of the ordinance wording was discussed with Marshal Rupert, the Council ordered the Marshal to enforce the ordinance strictly as written going forward. As JoAnne had never collected a weed/mowing ordinance fine during her tenure the last 15 years, she would get with Judge Turpin and/or Charlie Pride at the State level to determine where the fine monies were to be placed upon collection.**

**JoAnne next reported to the Council members per their request that Judge Turpin had determined that the trees, decorative street lights, and engraved bricks along Main Street and others were the Town’s property. President Stoeckley indicated that the Beautification Committee was re-organizing and that the maintenance of the flower pots, watering and pruning of trees, flags, etc. that totaled about \$7-8,000 a year was soon to be considered by the Committee. Those expenses had not ever been paid for by the Town, nor had all the flowers, seasonal decorations and flags purchased year after year been authorized for purchase by the Town. However, none of the trees, bricks, lights and decorations placed through local donations had ever been donated in writing to the Town. No further discussion or action was taken on the issue at this meeting.**

**JoAnne next reviewed with the Council the 2010 Town Budget advertising proof that would be published on July 24 and July 31, per Council’s Budget meetings decisions.**

**Last on the agenda was the presentation of bills for payment. After review, Councilman Young moved to pay the bills as listed on the allowance of claims payable voucher for \$40, 312.41, copy on file at the Clerk/Treasurer’s office. Councilwoman O’Briant seconded and the motion was approved unanimously.**

**Vice President Karshner then moved to adjourn the meeting. Councilman Altman seconded and the motion was duly adopted.**

**Respectfully submitted,**

**JoAnne Kirchner, Clerk/Treasurer**

**Council Approve:**

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