

## BOURBON TOWN COUNCIL MEETING

NOVEMBER 14, 2023

A regular meeting of the Town Council for Bourbon, Indiana was held at 6:00 p.m. on Tuesday, November 14, 2023, with Council Members, Ward Byers, Terry Clemens, Les McFarland, Attorney Alex Hoover, and Clerk-Treasurer Kimberly Berger present in person. The meeting was opened to the public and livestreamed via You Tube.

### PLEDGE OF ALLEGIANCE

MINUTES: Member Clemens made a motion to approve the minutes of the October 10, 2023, meeting, Member McFarland seconded and carried by a vote of 3 Ayes, 0 Nays.

OLD BUSINESS: There was no old business to come before the Council.

NEW BUSINESS: Susie Schaetzle presented her letter of resignation from the Plan Commission after accepting the contracted Plan/Zoning position with the Town of Bourbon effective November 1, 2023.

President Byers presented an amendment to Ordinance 2023-10 Police Wages. This amendment increased the pay for part-time police officers from \$20.00 per hour to \$30.00 per hour retro to October 21, 2023. Member McFarland motioned to approve the amendment Member Clemens seconded the motion, and it passed 3 Ayes, 0 Nays.

Ordinance 2023-11 was introduced to address solar panels within the Zoning boundaries of the Town of Bourbon on a recommendation by the Plan Commission. Discussion ensued with Member Clemens stating the need for different requirements for those living in the 2-mile zoning. Member Clemens motioned to send it back to the Plan Commission for clarification, Member McFarland seconded the motion, and it passed 3 Ayes, 0 Nays.

President Byers presented Ordinance 2023-12 that set the trash/recycling rates per our contract with Borden. The rate for 2024 will be \$16.61 per month and \$17.45 per month for 2025. Member Clemens motioned to approve Ordinance 2023-12, Member McFarland seconded the motion, and it passed 3 Ayes, 0 Nays.

President Byers then presented Pay App # 6 from Crosby Construction in the amount of \$251,135.92. Member McFarland motioned to approve the Pay App #6, Member Clemens seconded the motion, and it passed 3 Ayes, 0 Nays.

President Byers introduces Annette Haining, Marshall County Tobacco Education Coordinator. Ms. Haining requested that the Council adopt a policy or an ordinance to prevent smoking in the Town Parks. Attorney Alex Hoover will have an ordinance in place for the December meeting. Ms. Haining stated that she would help with signage to be placed in the parks upon adoption.

REPORTS FROM DEPARTMENT HEADS: Ms. Berger asked for approval of claims 5871-5967 in the amount of \$975,115.34. Member McFarland motioned to approve the claims, Member Clemens offered the second and the motion passed 3 Ayes, 0 Nays.

Berger presented amendments from the Safe Routes to School Route for signatures. They had been voted on in a previous meeting, however, INDOT requested the amendments be composed in a different way.

Berger informed the public of the Tree Lighting and Santa's arrival that will be held on Saturday, December 2<sup>nd</sup> at 6:00 p.m. Patron Jayne Fuller stated that an ad was being placed in The Pilot News stating all the different activities that were being held by different organizations and businesses that day.

Susie Schaetzle's contract was presented for signage after she had a chance to review after the October 10, 2023, meeting.

Berger informed the council that with the increase to the base rate of the utility bills that after January 1, the base rate of \$87.54 will be higher than the utility deposit which is currently \$80.00. Discussion ensued and Member McFarland motioned to suspend the rules to change the rate to \$150.00 beginning January 1, 2024, Member Clemens offered the second and the motion passed 3 Ayes, 0 Nays. Then, member McFarland motioned to accept Ordinance 2023-13 with the new rate, Member Clemens gave the second and it passed 3 Ayes, 0 Nays. The Ordinance will be ready for signature at the December meeting.

Berger presented the activity reports for the Street and Utilities Department in the absence of Roger Terry. She also reminded the public that leaf pick up with the vacuum would end on Wednesday, November 22<sup>nd</sup> and stated that after that, leaves would need to be placed in containers not weighing over 50 lbs.

Chief Martin submitted the Police Department's monthly report. Chief Martin submitted resignation letters for Carl Amsden (10/21/2023) and Tim Hubbard (10/27/2023) but asked that they be retained as part-time officers. Member McFarland motioned to accept, Member Clemens provided the second and the motion passed 3 Ayes, 0 Nays. Chief Martin asked for conditional offers of employment pending background checks for Matt Craig and Ethan Berry. Member McFarland motioned to accept, Member Clemens seconded the motion, and it passed 3 Ayes, 0 Nays. Chief Martin asked to hire Travis Shively as a part-time officer, Member McFarland motioned to accept, Member Clemens seconded the motion, and it passed 3 Ayes, 0 Nays. Martin requested that Ray Gleason, current Reserve Officer, be moved to part-time status to cover 3 shifts per week. Member Clemens motioned for approval, Member McFarland seconded the motion, and it passed 3 Ayes, 0 Nays. Martin asked to add Kevin and Shawn Smith to be added to the Police Reserves. Member McFarland motioned to accept, Member Clemens seconded the motion, and it passed 3 Ayes, 0 Nays. Clerk-Treasurer Berger inquired about the new law that went into effect in July about not having more reserve officers than full-time

officers. Chief Martin stated that he did not think that passed. Member McFarland stated that it was a current law and Chief Martin stated that the addition of the Smith's would bring the Reserve total to 5.

Susie Schaetzle, Zoning/Planning office, stated that the Plan Commission is still working on updating the Ordinance Book. She also advised that the Board of Zoning Appeals heard a case on Monday, November 13<sup>th</sup> and granted the request. Schaetzle also informed the Council that it was brought to her attention that there is a trailer on the property at J & J Meats located on 12B Road that has a person using it as a residence. Clerk-Treasurer Berger stated that she had spoken to the Building Commissioner and the Health Department's, and they had inspected the area and found violations. Schaetzle asked the Council to pursue this through legal means and the Council advised Attorney Hoover to proceed.

Chad Stepp, Fire Chief, advised the council that the department had 5 calls. Election of officers was recently held with Chad Stepp as Chief, Randy Rolston, Assistant Chief, Captain John Gomola, Training Officer Shane McIntyre and Secretary/Treasurer McClain Middaugh. Member Clemens inquired about when the tanker would be in service and Stepp replied hopefully by January 1, 2024.

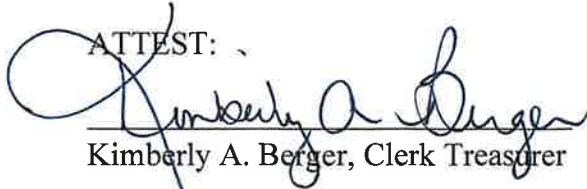
TOWN ATTORNEY: Mr. Hoover stated that in reviewing the legal and editorial research report for the codification of our ordinances he found that the town is in violation of the speed limit on Sunset Drive. Currently, it is posted as 15 mph and by Indiana Code it needs to be 20 mph. Member Clemens motioned to accept the change, Member McFarland seconded the motion, and it passed 3 Ayes, 0 Nays. Hoover then mentioned that our solicitation ordinance needed amended because of the exclusion of religious groups being able to solicit door to door. Member McFarland motioned to amend the Ordinance, Member Clemens seconded the motion, and it passed 3 Ayes, 0 Nays.

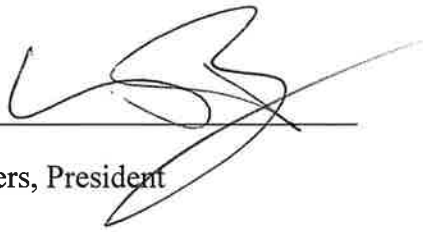
PATRON'S COMMENTS: Patron Larry Layman stated that it might be beneficial to look into Elkhart County's ordinance dealing with solar panels. Jayne Fuller also stated that she felt there should be different rules for the people outside the 2-mile zoning since they are not allowed to vote in a municipal election.

COUNCIL MEMBER COMMENTS: Member Clemens inquired about his daughter Alissa Warrick wanting to rent the Matchett Center several nights a week for an exercise class. Member McFarland motioned to allow, President Byers offered the second and Member Clemens abstained. Motion passed 2 Ayes, 0 Nay, 1 Abstained for a rental fee of \$50.00 per month. Berger stated that the Town would need a Certificate of Liability from Warrick before the classes begin. Member Clemens congratulated Jonah Best on his election to the Town Council beginning January 1, 2024.

ADJOURNMENT: Being no further business to come before the Council, Member McFarland made the motion to adjourn at 6:41 p.m., a second was offered by Member Clemens and carried by a vote of 3 Ayes, 0 Nays.

ATTEST: ,

  
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Kimberly A. Berger, Clerk Treasurer

  
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Ward Byers, President