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WHITESTOWN

INDIANA

WHITESTOWN TOWN COUNCIL
Regular Meeting
Wednesday, September 14, 2016
Minutes

1. **OPENING THE MEETING**
   A. Call to Order - 7:04pm
   B. Pledge of Allegiance
   C. Attendance – All Present

2. **PRESENTATIONS**
   A. **Boy Scout Troop 358 Concerning the Use of the Municipal Complex Parking Lot for Christmas Tree Sales – Mark Deshawn** – Thanked the town for being able to use the lot last year. They would like to ask the council to use the lot again this year. They have produced 3 Eagle Scouts from Whitestown this year. Nov. 12th is when they would like to place signage, and start a tree inventory and start selling trees from the lot on weekends. **Eric** said they have been supportive in the past and sees no reason why the council would not support it this year. **Susan m/m to allow the Troop to use the parking lot again, Clinton 2nd, Kevin said we should try to utilize the Scouts to get their service hours for Parks events. 5-0 adopted**.

3. **Swearing in of Fire Fighter – John Saunders.**

Motion to amend agenda (Susan m/m Clinton 2nd, 5-0)

4. **CLERK TREASURER REPORT**
   A. Town Management Report I WMU Management Report Sewer I WMU Management Report Water

5. **DEPARTMENT REPORTS – Planning and Community Development, DPW (Water Monitoring) Parks, Police (Stats, Summary), Fire**
6. **Clinton has question on Parks Dept. Report – He asked about the Big 4 Trail. He thought it was supposed to be completed. Nathan said it will be paved this week, and the other portion should be done soon. Clinton** asked if Globe missed target dates in a contract. **Nathan** said there were no target dates in the contract. **Clinton** thought it was standard practice to have those in the contracts. **Nathan** said there was not a full contract on the bid. **Susan** said she thought the Town's overriding

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policy would mean the Parks would need to follow the procedure the Council set for the whole Town.

Kevin asked about Eagles Nest having work completed.

5. **PUBLIC REQUEST TO SPEAK** (Topics Not Related to an Agenda Item)
   Please limit comments to 3-5 minutes to allow others time to address the Town Council.
   L.J. Jernstadt said he thought it was practice to have all contracts reviewed, and thought it would need to be signed off by legal. (referring to the Parks discussion above)

6. **APPROVAL OF THE CONSENT AGENDA**
   A. **Approval of Meeting Minutes** – 8/16/2016 Regular Meeting, 8/16/2016 Joint Meeting, 8/24/2016 Budget Workshop **8/16 Regular Meeting Minutes I 8/6 Joint Meeting Minutes I 8/24 Budget Workshop Meeting Minutes**
   B. **Claims Expenses Town I Revenues Town I Utility Claims (Water Operating, Wastewater Operating) ****

Clinton m/m to approve July, Aug., and the above minutes, Susan 2nd, 5-0 adopted.

7. **UNFINISHED BUSINESS**

   A. **Consider an Ordinance Amending Ordinance 2011-02** to provide preliminary foundation application review (Building Code Amendment) ***(Ordinance 2016-37, First Read)*** This was tabled at the last meeting for further discussion. Industrial builds have been going extremely quickly. **Lauren** was rushed to have permits pulled unusually quickly for all of the construction. **Eric** asked if it was the staff recommendation to move forward, **Dax** said yes. **Jeff** asked if there was a new fee structure. **Dax** said there was not. **Lauren** said it is based on the current hourly rate. She said they could substantial for bringing in revenues for the town. **Kevin** said he was concerned about the town getting too much pressure, but **Dax** said it is only natural for them to try to pressure the town as they are anxious to get in and start building. **Clinton** asked at what point in the process does this happen? **Lauren** said the development plan has already gone through and with that, there is only the pre-construction meeting. **Clinton** said there would be review by the Planning Board to make sure we are not at risk for allowing them to pour quickly. **Lauren** and **Steve** said that was correct. **Clinton did 2nd read. Clinton m/m to adopt, Susan 2nd, 5-0 adopted.**

   B. **Consider an Ordinance Establishing a Fee for Copying Law Enforcement Recordings *(Ordinance 2016-38, Second Read)*–Susan did 2nd read. Eric** talked about the fees. Discussion ensued. **Kevin m/m to adopt, Susan 2nd, 5-0 adopted.**

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C. **Consider a Resolution (1) Approving an Amendment to a Declaratory Resolution and Economic Development Plan of the Whitestown Redevelopment Commission and (2) the Order of the Whitestown Plan Commission Related Thereto (WFD HQ Station Funding)** ***(Resolution 2016-41)*** **- Dax** said the Redevelopment Commission passed their version of this ordinance. **Clinton m/m to adopt, Susan 2nd, 5-0 adopted.**

D. **Consider a Resolution Approving and Authorizing the Execution of a Financing Lease and a Base Lease Relating to the Town of Whitestown, Indiana Perry Industrial Park Economic Development Area No. 1 (WFD HQ Station Funding)** ***(Resolution 2016-40)*** **– Dax** said this is also just a step in the process to get the bonds to build the fire station. **Clinton did second reading. Clinton m/m to adopt, Susan 2nd, 5-0 adopted.**

E. **Discuss Ordinance 2016-24 Concerning the Use of Fireworks Within the Town of Whitestown** (Discussion Item Only)

Brenden Cavanaugh – Was against the passage of this ordinance as written.

Matt Doublestein – He talked about his experience from living in the town for nearly a decade. He appreciates the council considering this ordinance. He talked about how there were only 5 days a year fireworks could be set off when he first came in to town. He however thinks the quality of life has been disrupted by the increased days the fireworks could be used, at least for him and his family. He said there was almost a full month of disruption this year, and the family dog suffered injuries due to the noise from the fireworks this year. He would like to ask to town to move forward with the consideration of the proposed ordinance.

L.J. Asked to speak – He is a Navy veteran. He said his dogs have become noise phobic because of the loud noises, and thinks if people want to set off fireworks, he would like to see them be able to use common areas, like parks, to be slightly further away from and safer for the neighbors. He would like to have the safe areas set up and designated to have fireworks set off.

Courtney Smock – He would like to see a more simplified version. He thinks the range of dates is currently too complex and easy to forget for the residents, but also thinks it shows how much fireworks are desired to be set off for special events. He thinks there should be leniency when school is not in session, and thinks it should be more about the time of day and less about the date itself.

Steve R. Frady – **Dax** spoke for him – read from an e-mail. He is opposed to this ordinance and thinks it is too much government interference.

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Kevin is concerned this could make it so that we would be chasing after kids who are shooting off bottle rockets. He thinks it would be hard to police that and it could mean unnecessary fines because they cannot control where the debris lands. **Eric** thinks we should work together to try to make a better ordinance, but we currently allow for fireworks 365 days a year. He has had people talk to him about it, especially the late fireworks going off. **Eric** said we cannot change times because of State Law. **Kevin** said there is no park in Eagle's Nest for that community to use. **Eric** said he would like to hear solutions as opposed to disagreements. **Jeff** thinks it is already headed to a great compromise, and **Eric** reiterated that we should continue to work together to get something that works. **Susan** said that maybe people who shoot them off should have a hose out to help reduce the risk of setting fires; just adding safety precautions could be added. Discussion ensued. **Clinton** said the issue he has with this is he is hearing from both sides of the issue, especially with debris and others are frustrated with the current ordinance, and it is hard to find the equilibrium. He thinks we would probably find it if we continue to have these discussions.

8. NEW BUSINESS

A. **Public Hearing: OCRA Storm Water Grant Application (Resolution 2016-45) – Eric** read the resolution. **Susan m/m to close public hearing, Clinton 2nd, 5-0 to close public hearing. Susan** asked people in Legacy Core to submit their surveys. **Dax** thanked **Amy Miller** for all of her help with this and talked about how the town would like to have more letters from residents about the issue to help get the grant. **Clinton m/m to adopt, Susan 2nd, 5-0 adopted.**

B. **Public Hearing: Consider an Ordinance Approving the 2017 Town Budget (*Ordinance 2016-40*) – L.J.** asked if the council has plans for the LIT if it is passed, and how the money could be appropriated. **Dax** said that can be answered in another forum, but not the public hearing. **Clinton m/m to close public hearing, Susan 2nd, 5-0 to close public hearing. Dax** said this is the budget which would be passed on Oct. 12th. **Dax** talked about the public safety budgets. **Jeff** talked about how he was happy that we were not reducing the general fund contribution to the public safety budgets like other communities were planning on, but instead we were keeping their budgets the same and increasing them by however much we will get in LIT funds so that they have much more money than they would have if the LIT was not passed. **Clinton** did first read.

C. **Public Hearing: Consider an Ordinance Approving an Additional Appropriation (MVH) (*Ordinance 2016-41*) – Clinton m/m to close public hearing, Susan 2nd, 5-0 to close public hearing. Clinton did first read. Clinton m/m to suspend the rules, Susan 2nd, 5-0 in favor of suspending the rules. Clinton did 2nd reading. Clinton m/m to adopt, Susan 2nd, 5-0 adopted.**

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D. **Consider an Ordinance Vacating an Alley Between East Pierce Street (Ordinance 2016-39, First Read Only) – Clinton did first read. Jeff** wanted to make sure this would not have any future negative effect on the town. **Dax** said **Lauren** and **Jason** are doing thorough searches on these alleys. None of the alleys suggested are considered vital.

E. **Consider an Ordinance Amending Ordinance (UDO Revisions for Down Lighting and Brewery Use) (Ordinance 2016-42) – Lauren** said the two revisions were added from the board meeting and some language was fixed in the ordinance as well. **Susan** thanked her for her work on this. **Dax** thinks this should be a first read only, but is not sure it is needed. He thinks it is a good ordinance. **Clinton m/m to adopt, Susan 2nd, 5-0 adopted.**

F. **Consider an Ordinance Amending Ordinance (UDO Revisions Technical) (Ordinance 2016-43) – Clinton did first read. Kevin** said the County Council passed this. **Dax** said it was in the 1980s when something like this was last passed, making this a rather historical moment. **Clinton m/m to adopt, Susan 2nd, Eric** said he hopes other municipalities stick with the intent to increase public safety budgets and not decrease their funds with general money and make it back up with the LIT, **Susan** thinks it is imperative to get ahead while we can, **Jeff** thinks this helps us prepare; **5-0 adopted.**

G. **Consider a Resolution Supporting an Increase of Local Income Tax Rates to Provide Additional Funding for Public Safety (Resolution 2016-44) – Dax** said this was given to us by a DNR grant. **Clinton m/m to approve, Susan 2nd, Susan** wanted to make sure the county will re-pave to make sure it goes through the connector, **Nathan** said it did require the county to maintain it, **Kevin** said he liked the idea of flashing lights in the pavement to help the drives become aware of the right a-ways. **5-0 adopted.**

H. **Set 2016 Halloween Trick or Treat Hours – 2015 hours were 6-9pm – Clinton m/m to adopt as presented, Susan 2nd, 5-0 adopted.**

I. Treatment plant being contractually moved to **Dan Cutshaw**. **Susan m/m to affirm, Clinton 2nd, 5-0 adopted.**

9. **Town Administration Reports**:
   A. Infrastructure Updates – **Dax** talked about the trail, the interstate bridge, **Eric** asked what it takes to become a bike friendly town. The turn lane on Main & Whitestown Parkway was discussed. Shelters for the kids (discussion). The stage is in town hall is almost complete.
   B. Entrance Sign Project – **Dax** discussed the signs.
   C. Median Landscape Update – There is a proposal to provide landscape services.

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D. Comprehensive Plan Review – **Clinton** talked about the comprehensive plan and thanked the Council for their work on moving it forward. **Dax** gave kudos to the DPW team for their behavior and **Chief Anderson** for National Night Out. **Eric** said it was a great event.
E. Legacy Core Plan Projects – The Brewery is moving forward, there should be more developments in October.
F. Grant Application Update -

Clinton m/m to adjourn, Susan 2nd, 5-0 to adjourn at 8:58pm

The minutes from a Regular Town Council meeting on September 14, 2016 are approved on the 12th day of October, 2016 by the following Town Council Members:

Eric Miller, President

Susan Austin

Clinton Bohm

Jeff Wishek

Kevin Russell

Attest:

Matthew Sumner, Clerk-Treasurer

09/14/16

Brendan Cavanaugh
7720 Eagle Point Circle
Zionsville, IN 46077
Brendanp3@gmail.com

Town of Whitestown
Municipal Complex - Public Hall
CO: Town Council
6210 Veterans Drive
Whitestown, IN 46075

August 16, 2016

RE: Ordinance 2016-24

Dear Council,

My name is Brendan Cavanaugh; I reside in the Eagles Nest community in District 4. I am reaching out to the entire council on the matter about fireworks regulations in the proposed Ordnance 2016-24. I have already reached out to my local representative Jeff Wishek and District 5 representative Kevin Russell who is also in my neighborhood expressing my disappointment that our town would propose such strict regulations on an otherwise legal activity.

After this past Independence Day weekend where rain dampened many parties both public and private I am very aware of the seemingly 2 week long (the week of and after July 4, 2016) string of fireworks this year. I am presuming that most of the second week was due to the poor weather and residents wishing to still show their love of country and fireworks despite the weather or date. I have lived in the Whitestown community for over 3 years now and this past July I heard more shows than I ever have.

Being a dog parent myself I am very aware of what this can do to someone's psyche as my dog was afraid to go out after dark for most of the month because of the loud noises. With few exceptions I was able to work around the local kids and adults setting off fireworks as most were done in the 7-10pm time frame. I know many local neighbors whose kids were disturbed a few times but more than not the 10 minute inconvenience of a crying baby was bringing lifetimes of memories for families.

We here in Whitestown love to celebrate our acceptance of others and diversification of the community. Many of these cultures often use fireworks for various celebrations that are not listed on the permitted days/holidays because the Federal Government does not recognize them. For example recently my Neighbors from India lit off some fireworks with their kids to celebrate Diwali, the Hindu festival of lights. Last January my neighbors Chinese who recently became a proud US Citizen wife had some traditional celebrations of the Chinese New Year that not only involved great food but also a few fireworks. Japanese Americans often will celebrate Hanabi Taikai, a fireworks festival similar to something like a German Oktoberfest with family and friends like they might have

in Japan. Many families love using fireworks to liven up their family party, kid's birthday or backyard BBQ.

Our first responders are already busy with real problems like combating heroin and robberies in our community, do we really need to bother them with another Law to enforce? What I am asking for is common sense fireworks reform. I understand many have kids, dogs or jobs that fireworks can interrupt. For most it's a minor inconvenience of living in such a great community and not in the middle of no-where.

What I would like to propose is instead of a flat banning of use during non –listed days are the following:

- limit the time frame outside of the listed days to a reasonable 3pm-10pm (or 1 hour after sunset, whatever comes first) If stricter regulations are still required limit days to Friday-Sunday
- Remove the restriction on debris: enforce existing littering laws if people don't pick up their trash. It is nearly impossible to predict where scraps of paper and cardboard may fall due to the natural force called wind. This statute alone is a default ban on fireworks because of burden of proof and unmarked land boundaries
- Remove the ban from using the public streets, as they are the best and safest place to light off fireworks many subdivisions. Again enforce existing littering laws.
- Leave in the restriction of use on public property like parks and parking lots without permit, this is the best part of the law!

Since July 4, 1777 this country has celebrated its Independence from an oppressive ruler with fireworks. Let's work to keep Whitestown from being that overly oppressive town but also still the best place to live in all of Indiana. Nothing will ever be perfect for everyone but let save resources and address issues that are of real concern to the community as a whole like roads, businesses, drugs and violent crime. Together we will make our community a better place to live shop and enjoy the occasional fireworks show.

Proud Whitestown Resident,

Brendan Cavanaugh