

**TOWN COUNCIL OF LEO-CEDARVILLE  
MEETING MINUTES  
AUGUST 5, 2008**

**ATTENDANCE:**

John Clendenen – Council President  
Paul Steffens – Vice President  
Mike Young  
Gordon Liechty, Jr.  
John Eastes

7:00 p.m. – Mr. Clendenen opened the meeting with the pledge of allegiance.

**Ordinance 200-05 - Public Hearing for Cedarville Vacate of Easement** – Mr. Clendenen read Ordinance #2008-05. Ms. Joyce Swartz, realtor, and Ms. Gingrich, homeowner of 9816 St. Joseph Street, were present for the public hearing. Ms. Gingrich is requesting that the town vacate the easement that runs between the two residential lots she owns. The well for her home is located within the easement. No members of the public spoke against this request. The proper legal process for such request has been completed such as public notice and legal advertising. Mr. Eastes moved to accept Ordinance #2008-05, Mr. Steffens seconded. The ordinance passed unanimously.

**Amendment to the Town’s Noise Control Ordinance** – Mr. Proctor is currently working on the proposed amendments to the town’s noise control ordinance.

**Resolution 2008-** - Mr. Clendenen read, for the purpose of introduction, a resolution to ‘adopt the Leo-Cedarville Downtown Action Agenda 2008’ as the downtown element of the Town’s Comprehensive Plan. Mr. Proctor told the council that in order for the council to adopt an addendum to the comprehensive plan, the plan must have gone through the review of the planning commission. The council can then move on the adoption of the plan following the recommendation of the planning commission. Mr. Clendenen withdrew his introduction following the attorney’s information. Mr. Proctor further stated that it may not be necessary for the council to classify this plan as an addendum to the town’s master plan. No determination was made as to this issue.

Mr. Eastes distributed a resolution with suggested modifications to the initial resolution to adopt the Leo-Cedarville downtown agenda. Mr. Eastes is seeking the removal of all references to the creation of a “riverfront district” as allowed by Indiana Code. He discussed his concerns about any portion of the plan that promotes or enables the issuance of unlimited one, two or three way liquor licenses. A ‘riverfront district’ as defined in Indiana Code, allows for the issuance of an unlimited number of one, two or three-way liquor licenses (beer, wine & liquor). Also addressed within the resolution is his desire for the council to affirm that they will not invoke the use of eminent domain.

Mr. Proctor clarified that the rules for the issuance of liquor licenses would still apply, specifically distance limitations within certain distances from a school.

Mr. Eastes also distributed copies of correspondence between himself, the town office, and Hyatt Palma. The correspondence addresses his requests for data, and Hyatt Palma's responses, relating to how the firm concluded that liquor licenses are essential. He stated that he does not find any reference to a public desire for a liquor license or establishments that serve liquor in any of the surveys.

Ms. Barb Smith, a member of the process committee, explained the survey responses relating to this topic. She affirmed that there were responses expressing a desire for an upscale dining establishment. The restaurants referenced, such as Applebee's and like restaurants, are those who do also serve adult beverages.

Mr. Eastes passed out documents to those present, including a document addressing adolescent drug use, 'The effects of low doses of alcohol on driving-related skills,' and 'The economic impact of motor vehicle crashes 2000'. Also distributed and reviewed was a document from the Indiana Prevention Resource Center on regional data.

Mr. Eastes feels that the town would be opening the door to economic, moral, and safety issues and he will not support enabling the issuance of unlimited one, two or three-way-licenses.

Mr. Steffens read his personal statement on the matter that states that he feels that the removal of the riverfront district would be shortcutting the success of the action plan. He stated that alcohol consumption is a personal choice similar to tobacco usage not unlike the personal choices exercised by people daily when using the internet.

Mr. Liechty also agreed that the government should not get involved with interfering in personal choices. He does however acknowledge that alcohol usage does carry safety issues. He addressed the financial aspect of the development of a riverfront district and would like to know if the creation of such district would open additional funding sources.

Mr. Clendenen reviewed the history of the downtown revitalization study. He was not aware of tools such as a riverfront district when the study began. He stressed that the action agenda is just a vision and a planning tool. He stated it is the responsibility of the council to provide the people in the community with what they want in their town. His intentions are not to promote alcohol. He discussed his vision on how the plan would play out. He would like to have this plan turned over to the volunteer partnership committee but assured those present that the public would still be informed and involved.

### **Community Input –**

Mr. Dellinger expressed that he does not feel that enough people were surveyed. He had never heard about this plan until recently. He does not think that more traffic and more people should be promoted. He asked what guarantee the people have that eminent domain will not be used. Mr. Eastes assured those present that there has been no discussion within council or within the agenda referencing the use of eminent domain. His intention was to have the council address the issue and assure the people that it would not be used.

Mr. Fritz Hepler, process committee member - Talked about the public meeting that took place at the church and that the type of adult beverages people wishes to partake in was not discussed.

Mr. Proctor added that the council could choose to adopt the plan but not have it as an addendum to the comprehensive plan. He feels that this action agenda can be a separate document from the comprehensive plan. He also added that the negative connotation of eminent domain shouldn't be connected to this plan; the council could theoretically take property by eminent domain with or without the plan, and people shouldn't be led to fear the use of it.

Another resident added that he had not heard anything about this agenda until recently. The question was asked whether the language of the riverfront district could be removed. Hyatt Palma, the planning agency, can do so if requested.

Mr. Proctor provided the option of establishing special zoning in the downtown riverfront area that the town could control through the town's planning and zoning boards vs. the proposed 'riverfront district'.

Mr. Alan Schlatter spoke about his ties to Leo-Cedarville. He referenced the recent editorials in the local paper and expressed he was disappointed with some of them. He feels that the survey wasn't an accurate survey of the town and feels that the true heritage of the town isn't being represented in this agenda. He referenced other communities that do not have to enable the serving of alcohol to enhance their charm. He agreed with Mr. Eastes' concerns regarding the dangers of alcohol. He asked that the council continue to seek more community input on this issue.

Mr. Dave Baker expressed his support of the efforts of the council and urged people to get involved by attending meetings. He does not necessarily speak for or against the downtown action agenda. Whether he agrees or disagrees with council decisions, he commended the council on their dedication and efforts over the years.

Mr. Dave Hawthorne spoke regarding the issue of community support and involvement. He expressed his frustration with the lack of community involvement and support. He was also a member of the process committee that gathered data and feedback for the planning agency and feels that the council should move forward with supporting the plan.

Mr. Herb Delegrange addressed the audience as a member of the process committee who helped with the public surveys. He spoke in defense of the manner in which the surveys were gathered. Great care was taken to follow the direction of the planning agency to gather a pure market survey.

Barb Smith talked about the origin and intention of this study as the council's desire to revitalize the downtown area and its businesses. Surveys were taken seeking input from those in a reasonable market area as to what would bring them to downtown Leo-Cedarville to spend their money.

A downtown area resident spoke about the lack of communication with the downtown residents. He feels that the homeowners should have been contacted directly about this study. Another downtown resident agreed.

David Means, Leo-Cedarville resident, spoke regarding the issue of drinking and driving. He feels that the council should focus their efforts more on bringing in industry. Discussion ensued about whether or not this community could support an upscale restaurant.

A resident added that the council should worry about ‘other things before they spend money on this’. Another spoke in favor of improving the downtown area but expressed concern regarding an “unlimited” number of liquor licenses as permitted by a riverfront district.

Gordon Liechty Sr., resident and downtown process and planning committee member, spoke about his history in the community. He commended the town council and spoke highly of the community. He is in favor of the revitalization of the downtown of Leo-Cedarville. He does have respect for the results of the survey and spoke about how it mirrored the surveys acquired for the town’s master plan years ago. He stated that to stay status quo is not a good plan for a community. He recommends that the council tailor the action agenda by seeking some additional information from the local residents. He feels that the town should be children and family friendly.

Ms. Angie Kuhn, local bank manager and downtown planning committee member, spoke about the responsibility of the partnership as taking the action agenda and doing more research. The action agenda is a planning tool, but the partnership committee would take interact with the community in the process of bringing the final product to fruition.

Mr. Proctor added that it is time that the town’s comprehensive plan be updated and suggested that if the committee is polling the community, they should also revisit and update elements of the comprehensive plan.

Someone present questioned ‘why would people want to enhance an “urban” aspect in Leo-Cedarville when people can drive to Fort Wayne in minutes.’ She feels that the town should tap into the area’s Amish heritage instead of trying to recreate Fort Wayne type of amenities.

Mr. Schwartz also supported the previous stated point of view. He complimented the efforts of the partnership committee though and feels that they would do what is right in this process.

Mark Schlatter spoke about his experience as a member on the original process committee. He stated that there weren’t any requests for establishments that specifically serve liquor nor requests for a town square. He felt surprised, as a steering committee member, that Hyatt Palma recommended these things. He expressed his disappointment that the council was considering adopting this action agenda before the downtown area residents were informed. He further expressed disappointment in not receiving an

invitation to sit on the new committee that was formed to assist in bringing this action agenda to fruition.

**Vouchers** – The August 5, 2008 line item voucher form was approved by signatures.

Council President Clendenen adjourned the meeting until August 19, 2008.

APPROVED:

ATTEST:

John Clendenen  
Council President

Pamela Spannuth  
Clerk-Treasurer