

**TOWN COUNCIL OF LEO-CEDARVILLE
MEETING MINUTES
SEPTEMBER 23, 2014**

The town council of Leo-Cedarville met in regular session at 7:00 p.m. on September 23, 2014 at the Town Hall of Leo-Cedarville, located at 13909 Pony Express Run, Leo, IN 46765.

ATTENDANCE: In attendance were John Clendenen, president; Tim Richards, vice president; Paul Steffens, Ted Garton and Kevin Veatch, council members; Peggy Garton, town manager; and John Eastes, clerk-treasurer.

Mr. Clendenen called the meeting to order and led attendees in the “Pledge of Allegiance.”

AGENDA: By consensus, council members accepted the agenda as distributed.

MINUTES: Without objection, council members approved the regular session minutes of September 9, 2014 as distributed.

GUESTS or PRESENTATIONS:

- **Nathan Law, Ball State Summer Intern Presentation:**
 - **Commercial Inventory Map:** A list of commercial businesses has been compiled and identified by location on a map of the town.
 - **Signage:** Samples of gateway, vehicle directional, pedestrian directional, branded and celebratory expression signage was presented and discussed.
 - **Trails:** An interactive model of potential trail locations along State Road One and along Hosler Road was presented and discussed.
 - **Nuisance Ordinance Update:** A review of the town’s current ordinance was provided along with recommendations that will be sent to Mr. Proctor for his consideration.

Council members interacted with Mr. Law and expressed their appreciation for his work.

TOWN ENGINEER: Having no information to present before Council, Mr. Lauer, of Schnelker Engineering, Inc., was not in attendance.

TOWN ATTORNEY: Mr. Proctor, of Eilbacher Fletcher, LLP, was not in attendance, as the proposed ordinances that follow were introduced and discussed by Mr. Proctor during Council’s meeting of September 9, 2014.

- **Ordinance 2014-2:** “An Ordinance Repealing Town Ordinance No. 2008-01” was brought forward for “second reading” and discussed.

- **Action:** Mr. Veatch moved to waive reading the proposed ordinance in its entirety and Mr. Steffens provided a second to the motion, which passed by unanimous voice vote.
- **Action:** Mr. Veatch moved to adopt the above-noted ordinance and Mr. Steffens provided a second to the motion, which passed by unanimous voice vote. This ordinance repeals Ordinance No. 2008-01 that mandated how the town adopted an ordinance and replaces it with ordinance adoption procedures as prescribed within Indiana Code.
- **Ordinance 2014-3:** “An Ordinance Replacing References to Town Administrator to Town Manager throughout Town Code” was brought forward for “second reading” and discussed.
 - **Action:** Mr. Richards moved to waive reading the proposed ordinance in its entirety and Mr. Veatch provided a second to the motion, which passed by unanimous voice vote.
 - **Action:** Mr. Veatch moved to adopt the above-noted ordinance and Mr. Steffens provided a second to the motion, which passed by unanimous voice vote.
- **Ordinance 2014-4:** “An Ordinance Establishing an Ordinance Violations Bureau and Adopting a Schedule of Ordinance and Code Violations for the Town of Leo-Cedarville” was brought forward for “second reading” and discussed.
 - **Action:** Mr. Steffens moved to waive reading the proposed ordinance in its entirety and Mr. Richards provided a second to the motion, which passed by unanimous voice vote.
 - **Action:** Mr. Richards moved to adopt the above-noted ordinance and Mr. Garton provided a second to the motion, which passed by unanimous voice vote.

Council members discussed enforcement of the ordinance as well as the civil penalty violation structure.

- **Action:** Councilman Richards expressed his desire to withdraw his motion to adopt and Mr. Garton, as the motion’s second, agreed to the withdrawal. After the motion was withdrawn, council members reached consensus to table the ordinance.

DISCUSSION of UTILITIES: Other than as noted below, no further discussion pertaining to utilities that provide service within Leo-Cedarville occurred.

The following resolutions were brought forward, with action as noted therein:

- **Resolution 2014-8:** A “Resolution to Request that the Leo-Cedarville Regional Sewer District (The “Sewer District”) Seek an Order from the Indiana Department of Environmental Management That Would Dissolve the Sewer District and Distribute the Assets of the Sewer District to the Town of Leo-Cedarville” was introduced and read in its entirety by President Clendenen.

- **Action:** Mr. Garton moved to adopt the above-noted resolution and Mr. Veatch provided a second to the motion, which passed by a 4-1 majority voice vote. Mr. Clendenen, Mr. Steffens, Mr. Garton and Mr. Veatch voted in support of the motion; Mr. Richards voted not to support the motion.
- **Resolution 2014- 9:** A “Resolution to Enter into Formal Negotiations to Acquire Pioneer Water LLC” was introduced and read in its entirety by President Clendenen.
 - **Action:** Mr. Garton moved to adopt the above-noted resolution and Mr. Richards provided a second to the motion, which passed by unanimous voice vote. Without objection, President Clendenen appointed Mr. Richards and Mr. Garton to serve as a committee-of-two to begin the negotiation process with Pioneer Water LLC.

REPORT of the TOWN MANAGER: Mrs. Garton presented the following, with action as noted therein:

- **Trail Planning:** Mr. Lauer, of Schnelker Engineering, Inc., plans to be in attendance to discuss this agenda item in October, as the town continues to review options for creating a trail that would extend to Cedarville Park.
- **Sheriff Contract:** Renewal of the current 4-year agreement with the Allen County Sheriff’s Department, set to expire at midnight on December 31, 2014, remains under review. During the week of September 15, and as directed by Council on September 9, Mrs. Garton sent a letter to the Town of Grabill to determine whether they wish to continue with the current level of police protection service or add additional hours of service to a future contract, as previously discussed during a meeting with Grabill representatives. Leo-Cedarville and Grabill currently share the cost of the above-noted agreement.
- **Comprehensive Plan Implementation:** No update was provided.
- **Traffic Committee-INDOT Meeting:** No additional information was available, as the traffic committee awaits the receipt of INDOT’s traffic study report.
- **Performance Evaluations and 2015 Payroll Recommendations Update:** Employee performance evaluations have been completed for all hourly employees and council was presented with an “Hourly Employee Wage Increase Recommendation for 2015” payroll on September 9. Council took no action on the recommendation at this time.
- **Cross Walks at Leo-Grabill and Riverside Gardens:** Work to install crosswalks on Grabill Road and Swartz Road will go out to bid as part of the bid process for concrete work.
- **Concrete Work:** Areas that require concrete work will be included in the bid process along with anticipated storm water installation/repair work.

- **Tire Amnesty Day:** The Allen County Solid Waste Management District has set Saturday October 4 to collect car, truck and bike tires from 9 a.m. to noon at 801 Leesburg Road, Fort Wayne, IN. Additional information is available at <http://www.acwastewatcher.org> or by calling 449-7878.
- **Park Survey:** A “Town of Leo-Cedarville 5-Year Park and Recreation Master Plan Survey” was introduced and discussed.
- **Fall Festival:** This year’s fall festival that was held from 2-5 p.m. on Saturday, September 20, and was deemed a huge success.
- **Art in the Park:** The Leo-Cedarville Chamber of Commerce is sponsoring its second juried art show at Riverside Gardens’ Park on September 27, 2014.
- **Park Board Appointee:** Buleau Drive resident Tiffany Multon was recommended for appointment to the Leo-Cedarville Park Board. Without objection, President Clendenen will make the appointment.
- **Signage Proposal:** A sign honoring Leo-High School’s recent state championship softball team was proposed and discussed. Awaiting further information, no action was taken at this time.
- **Traffic Study for Hosler Road:** A VS Engineering, Inc. “Traffic Impact Study” that was prepared for Granite Ridge Builders, Inc. as part of the initial application process to develop Lakes of Leo Creek was distributed. An electronic copy of the study has been requested.
- **Aflac Insurance:** Information packets specific to Aflac “group” insurance plans was distributed, introduced and briefly discussed. A minimum of three employees is required to form a group and requires formal action by council for approval.
- **Leo-Cedarville Trick-or-Treat Hours:** Council was asked to consider two options for establishing a written, specific policy regarding town procedures that pertain to Halloween.
 - **Action:** Council members reached consensus in support of “Option One.” Annually on October 31, trick-or-treat hours will begin at 6 p.m. and conclude at 8 p.m., rain or shine.
- **Marna Jo Worman:** The town lost a long-time supporter, resident and former Indiana state representative at the recent passing of Mrs. Worman.

REPORT of the CLERK-TREASURER: The following items were distributed for council member review and possible action: A miscellaneous appropriation transfer list, as batched on September 22, 2014; a “Budget Year 2015 County Council Review Worksheet; a Department of Planning Services September 15, 2014 letter with enclosures; and a copy of an email response to Aflac Insurance, dated September 19, 2014.

Mr. Eastes highlighted the potential impact on the town's future receipt of COIT and CEDIT funds based upon an impact study of a proposed amendment by the Board of Commissioners of Allen County specific to the "Allen County Professional Sports & Convention Development Area." If adopted, the amendment would extend the current expiration year of 2028 until 2035 and reduce the town's annual receipt of COIT funds by an estimated \$479 and reduce the town's annual receipt of CEDIT funds by an estimated \$1,769.

If Council chooses to approve the creation of a "group" insurance plan with Aflac, formal action to adopt a "cafeteria plan," in compliance with Section 125 of the Internal Revenue Code, is recommended so that the town may take advantage of avoiding payment of the employer payroll tax, i.e., Social Security and Medicare, on employee premiums deducted from payroll.

• **2015 Final Budget Process:**

- The 2015 budget hearing notice has been appropriately advertised with Fort Wayne Newspapers.
- October 14, 2014: 2015 Budget Hearing; and
- October 28, 2014: 2015 Budget Adoption Hearing.

A draft copy of the 2014 "Appropriation Reduction Resolution" will be distributed to council members prior to the October 14 initial budget hearing.

VOUCHERS APPROVED BY COUNCIL SIGNATURES:

- September 23, 2014 line-item form totaling \$152,066.24.

Summary: The total amount of all vouchers approved by Council was \$152,066.24.

Regular Session: Council will meet in regular session at 7:00 p.m. at the Town Hall of Leo-Cedarville on October 14 and 28, 2014.

ADJORNMENT: Mr. Richards moved to adjourn the meeting and Mr. Veatch provided a second. A unanimous voice vote in support of the motion was received and the meeting was adjourned.

APPROVE:

ATTEST:

JOHN CLENDENEN, Council President

JOHN EASTES, Clerk-Treasurer