

The Town Council of the Town of Markle, Indiana met in its meeting room at the Markle Fire Department Building on the 15th of January, 2014, at the hour of 7:30 p.m. in accordance with the rules of the Council and applicable laws.

Town Council Members present: Jeff Humbarger, Mark Hamilton, and Rick Bower. Clerk-Treasurer Shelley Monticue and (8) additional townspeople were in attendance.

The meeting was called to order at 7:30. The Pledge of Allegiance was recited.

First order of business was election of officers for 2014. Councilmember Hamilton nominated Councilmember Humbarger for President, seconded by Councilmember Bower. Motion carried 3-0.

Councilmember Bower nominated Councilmember Hamilton for Vice President, seconded by President Humbarger. Motion carried 3-0.

Second order of business was the minutes from the December 18th, 2013 Meeting. Councilmember Bower motioned to approve the minutes, and the motion was seconded by President Humbarger. Motion carried 3-0 and Minutes were signed.

Next on the Agenda, Mark Mussman, Huntington Countywide Department of Community Development (DCD), presented a new zoning map to be reviewed by Council. The purpose of the new zoning map is to reduce the number of variances requested. Mr. Mussman stated that the majority of the rezoning was south of U.S. 224 and west of State Road 3, as much of that was zoned R-2 with half acre lots and 75 foot setback requirements. This was an older part of town that was "inappropriately zoned with most lot sizes and setbacks not meeting the requirements of the old zoning."

The proposed zoning map would make more appropriate zoning for approximately 50% of the Town, and Mr. Mussman requested that the Council repeal the old zoning map and adopt the new zoning map. This would assist property owners who own legal, yet nonconforming properties to be conforming to the new zoning map. Mr. Mussman gave an example of the Markle Fire Department building that is located on a parcel currently zoned residential. The downtown, central area of town as well as a subdivision on the east side of town would be zoned properly upon adoption of the proposed map.

Councilmember Bower requested specifics on the rezoning, which Mr. Mussman noted was mostly from R-2 to R-4 or R-8 zoning, depending on the lot size of quarter or eighth acres, respectively. Vice President Hamilton asked how the legal, non-conforming structures were placed without a variance, whereupon Mr. Mussman stated that most were built prior to the current regulations. Mr. Mussman stated that the proposed map reflects the current use and proposed future growth of the Town.

Vice President Hamilton asked how this would affect a parcel owner's insurance or taxes. Mr. Mussman stated that for tax purposes, the Assessor's office generally determines the tax based off of the usage of the parcel rather than the zoning. He makes an educated guess that insurance is based on usage as well, but a more accurate zoning map would assist owners in selling the property, especially with the new rules following the housing crisis.

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Mr. Mussman did note that the Wastewater Treatment Plant is located in a place denoted by "OS" for open space, and this is due to a deficiency in the ordinance rather than the zoning map. Vice President Hamilton asked about the setbacks for nonconforming structures, i.e., will an owner be required to move a shed. Mr. Mussman stated that existing structures would be grandfathered in as legal, non-conforming structures, and can even be rebuilt following damage as long as the repair/building occurred within one year. The new map, however, considerably reduces the number of legal, non-conforming structures and reduces the need for variances.

Vice President Hamilton then asked how parcel owners would be notified of their new zoning. Mr. Mussman stated that most owners are unaware of their current zoning, and that it was unnecessary to notify individual property owners. This was mostly, in Mr. Mussman's opinion, for legislative purposes and it would assist in acquiring permits.

By consensus, Council unanimously agreed to consider Ordinance 2014-1 at the first meeting at which it was introduced. President Humbarger then motioned to repeal the current zoning map and adopt the new zoning map as presented in Ordinance 2014-1. This motion was seconded by Vice President Hamilton. Motion carried 3-0, and Ordinance 2014-1 was signed.

Town Correspondence was next on the Agenda. By consensus, Council agreed to have Vice President Hamilton continue to serve on the board for Region III-A.

Next on the Agenda, Town Supervisor Rick Asher submitted his monthly report:

- The mixer that was installed in September 2013 is currently not working. Contractors will arrive on January 17th to repair or replace it.
- Mr. Asher submitted labor hours/rates, equipment usage, and fuel consumption for the 10" snowfall to Emergency Management. The goal is to have reimbursement for overtime accrued due to the snow removal.
- The salt bin is finished.
- Water lines and meters to a number of properties, as well as the filter at the Water Treatment Plant have frozen in the below zero weather. Town employees have spent two days bypassing the filter that was freezing as water was being pumped through it. Vice President Hamilton confirmed that the mixer has a sensor at the Water Plant.

Marshal John Markley submitted his annual and monthly reports at this time.

- The 2014 Caprice is estimated to arrive in mid-February.
- Town General Assistant Mike Grant and Marshal Markley have determined that the 2008 Charger could be sold at a higher amount than trade-in value. Council agreed to sell the car at the old Water Tower lot.
- Marshal Markley commended the Town Employees for the snow removal. Mr. Asher then told Council that while overtime was used for snow removal from the roads; the clean-up of the large piles was done during business hours.

Next on the Agenda was time allowed for Public Comment. None was heard.

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In Old Business, the following topics were discussed:

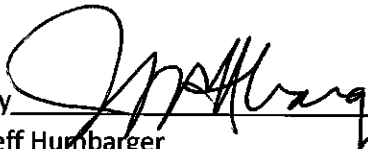
- Clerk-Treasurer Monticue submitted to the Council emails from other municipalities regarding banked sick time policies as well as Summer Sprinkling programs. Council will take these under review and both issues are tabled until the February Meeting.
- A proposed lease for space on the Town's water tower was submitted by Broadband Networks. The lease has been delivered to Town Attorney Mike Hartburg for review and advisement on how to handle the right of first refusal allowed to OnlyInternet. Mr. Hartburg has responded with changes to the lease that will mirror the lease for the older water tower, i.e., a three year term to coincide with the term on the other tower. Council agreed by consensus to have the changes sent to Broadband Networks for review. Following Broadband Network's response, the Town will then approach OnlyInternet for right of first refusal.
- One parcel on Tracy Street is requesting an additional sum for land and improvements in the amount of \$1,350. INDOT will allow a non-reimbursable administrative settlement to go above the appraised value. DLZ, Indiana, recommends that the Town approve the administrative settlement to avoid the extraneous cost of the condemnation process, which could cost as much as \$25,000-\$30,000. Councilmember Bower confirmed that this is last parcel which needs to be acquired, and Council discussed that \$1,350 is more affordable to the Town than \$25,000. Clerk-Treasurer Monticue noted that the additional cost could be taken from the contingency built into the project. President Humbarger motioned to approve the administrative settlement of \$1,350, seconded by Councilmember Bower. Motion carried 3-0.

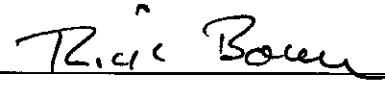
At this time, Clerk-Treasurer Monticue delivered her annual and monthly reports:

- Clerk-Treasurer Monticue will be setting up a meeting for the Redevelopment Commission prior to the February Meeting.
- Clerk-Treasurer Monticue has submitted the CTAR and 100-R forms to the State via the Gateway.
- Clerk-Treasurer Monticue requests permission to attend the ILMCT Academy in Muncie from March 10th-13th. Vice President Hamilton motioned to approve the school, and Council approved by consensus.

Clerk-Treasurer Monticue submitted 90 vouchers, including one voucher for purchase of a parcel on Tracy Street, in the amount of \$215,445.10 for approval: 49 vouchers from the General Fund in the amount of \$148,932.99, 27 from the Water Fund in the amount of \$51,935.20, and 14 from the Wastewater Fund in the amount of \$14,576.91. Councilmember Bower motioned to approve all vouchers, seconded by Vice President Hamilton. Motion carried 2-0, with President Humbarger abstaining. Vouchers were signed.

Upon hearing no other business, President Humbarger motioned to adjourn at 8:12 p.m.

By 
Jeff Humbarger President

By 
Rick Bower Councilmember

By 
Mark Hamilton Vice-President

Attest: 
Shelley Monticue Clerk-Treasurer