

TOWN OF DANVILLE

Town Council Agenda

March 20, 2024

7:00 PM

- I. Establish Quorum, Call Meeting to Order**
- II. Pledge of Allegiance**
- III. Approval of Minutes**
- IV. Public Comment** – 3 minutes per person
- V. Public Meeting**
 - A. Ordinance 5-2024: Amendment to Salary Ordinance – Clerk/Treasurer & Police Chief**
 - B. Resolution 3-2024: Re-Establishment of CCD Rate – Town Manager**
 - C. Ordinance 6-2024: Request for Super-Voluntary Annexation (Introduction) – Town Planner**
 - D. Traffic Plan for Solar Eclipse – Police/Fire/Public Works**
- VI. Staff and Council Comments**
- VII. Claim Docket**
- VIII. Payroll Docket**
- IX. Adjournment**

NOTICE: The public meetings of the Danville Town Council conducted within these chambers shall be video recorded. Said recording will be part of the public records of the Town of Danville and shall be published upon the Town of Danville's website for public access. All individuals attending public meetings hereby give to the Town of Danville, their permission for said publication, which may contain their image or statements.

TOPIC SUMMARY

Approval of Minutes:

3/6/24: Council Meeting. *Will require a Vote.*

- A. **Ordinance 5-2024: Amendment to the Salary Ordinance** – Clerk/Treasurer will present an ordinance to amend the salary ordinance to include payment to the members of the Host Future Fund Investment Committee. This will not impact the General Fund. Monies will be paid from the host fund. Also in this ordinance, the Police Chief will request to transfer a patrol position to a “patrol investigator”. This is due to a member of the Department reaching a new training status. They are not asking for any additional funding. This was introduced on 3/6/24 and is up for adoption tonight. *Will require a Vote.*
- B. **Resolution 3-2024: Re-Establish CCD Rate** – Town Manager will present a resolution that re-establishes the Town’s CCD rate. This is an annual occurrence. This has been properly advertised under DLGF guidelines. **A public hearing will need to be gaveled open – comments taken – public hearing gaveled closed.** Council will need to consider Resolution 3-2024. *Will require a Vote.*
- C. **Ordinance 6-2024: Request for Super-Voluntary Annexation (Introduction)** – Town Planner will present a request for Super-Voluntary Annexation of the property located at 186 South C.R. 400 East. The petitioners are Clyde Orr & Louis and Shiela Jones. A timeline of the annexation process has been included in the packet. This is up for introduction only tonight. *Requires no further action.*
- D. **Traffic Plan for Solar Eclipse** – Police/Fire/and Public Works will present a plan to deal with heavy traffic and proposed traffic routes for the Solar Eclipse on April 8, 2024. This will entail requests to establish certain traffic patterns, restrictions and possibly enforce some “no parking” in normally unrestricted areas. Objective will be to provide the most efficient traffic solution to a possible congestion problem. *Will require a Vote.*

Staff and Council Comments

Claim Docket

Payroll Docket

Motion to Adjourn

*****Council Members are requested to sign documents after the close of the meeting*****

ORDINANCE 5-2024

An Ordinance to amend Ordinance 2-2024 "2024 Salaries and Other Compensation for Officials, Employees and Appointees of the Town of Danville".

Whereas, the Danville Town Council approved and adopted Ordinance 2-2024 which established wages and salaries of employees of the Town of Danville;

Whereas, the original salary ordinance did not include the Host Future Fund Investment Committee;

Whereas, Section 18, can be amended;

Now, Therefore, be it ordained that Ordinance 2-2024 be amended as follows:

DEPARTMENT	POSITION	WAGE/SALARY	PAY TYPE	PAY METHODS	FUNDING
BOARDS	HOST FUTURE FUND INVESTMENT COMMITTEE	\$75.00	PER MEETING	DECEMBER	HOST
POLICE	PATROL INVESTIGATOR (2)	\$2,769.24	BI-WEEKLY SALARY	BI-WEEKLY PAY	GENERAL
POLICE	OFFICER YEAR 3 (5)	\$2,692.31	BI-WEEKLY SALARY	BI-WEEKLY PAY	GENERAL

So approved this 20th day of March 2024.

TOWN OF DANVILLE

Christopher Gearld

Attest:

Carrie E Lofton, Clerk-Treasurer

Michael Chatham

Gregory Irby

Bret Doub

Dave Potter

RESOLUTION NO. 3-2024

**RESOLUTION RE-ESTABLISHING A CUMULATIVE
CAPITAL DEVELOPMENT FUND**

WHEREAS, Indiana Code 36-9-15.5, et seq. allows municipalities to re-establish a Cumulative Capital Development Fund; and

WHEREAS, the re-establishment of such a fund is necessary and prudent for the financial well-being of municipality; and

WHEREAS, this matter has been studied by the Danville Town Council; and

NOW, THEREFORE, BE IT RESOLVED, by the Danville Town Council as follows:

SECTION 1. The Town of Danville Cumulative Capital Development Fund is hereby re-established until such time as the fund is rescinded.

SECTION 2. An ad valorem property tax levy will be imposed and the revenues from the levy will be retained in the Town of Danville Cumulative Capital Development Fund.

SECTION 3. The maximum rate of levy under Section 2 shall not exceed \$0.05 on each \$100.00 of assessed valuation. Said tax rate will be levied beginning with taxes for 2024, payable 2025. The Town will adhere to the provisions of Indiana Code 36-9-15.5-2.

SECTION 4. The funds accumulated in the Town of Danville Cumulative Capital Development Fund may be used for all purposes set out in Indiana Code 36-9-15.5-2.

SECTION 5. Proofs of publication of the public hearing held on the 20th of March 2024, and a certified copy of this Resolution shall be submitted to the Department of Local Government Finance of the State of Indiana as provided by law. The fund is subject to the approval of the Department of Local Government Finance.

So resolved this 20th day of March 2024 by the Danville Town Council.

Chris Gearld, President

Michael Chatham, Vice President

Greg Irby

Bret Doub

Dave Potter

Attest:

Carrie E. Lofton, Clerk-Treasurer

2024 Cumulative Capital Development Fund Timetable

February 14 th	The Republican was sent notice to taxpayers.
February 23 rd	1 st publication in The Republican request 2 copies of publisher's affidavit.
March 1 st	2 nd publication in The Republican request 2 copies of publisher's affidavit.
March 20 th	Town Council holds public hearing for CCD Resolution and approves or denies.
March 21 st	Send notice of adoption to The Republican.
March 29 th	Notice of adoption publication in The Republican.
May 1 st	Take Certificate of No Objection to the County Auditor for signature. MUST BE 30 DAYS AFTER THE NOTICE OF ADOPTION WAS PUBLISHED!!
<u>Before May 31st</u>	Mail the following to: Department of Local Government Finance Indiana Government Center North 100 North Senate Avenue N1058(B) Indianapolis IN 46204 <ul style="list-style-type: none">• Procedure checklist• Resolution• Proofs of publication for Notice to Taxpayers & Notice of Adoption• County Auditors Certificate of No Objections

ORDINANCE NO. 06-2024

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF DANVILLE, INDIANA,
ANNEXING TERRITORY TO THE TOWN OF DANVILLE,
PLACING THE SAME WITHIN THE CORPORATION BOUNDARIES THEREOF
AND MAKING THE SAME A PART OF THE TOWN OF DANVILLE**

**CLYDE ORR & LOUIS AND SHEILA JONES
SUPER-VOLUNTARY ANNEXATION**

WHEREAS, the Town Council ("Council") of the Town of Danville, Indiana ("Town" or "Danville") has received a petition ("Petition") requesting that certain territory generally located in Section 7, Township 15 North, Range 1 East, Center Township, Hendricks County, Indiana, as hereinafter described ("Annexation Territory"), be annexed by Danville; and

WHEREAS, this Petition has been signed by all (i.e. 100%) of the property owners within the Annexation Territory; and

WHEREAS, the Council deems it desirable and in the best interests of the Town to annex the Annexation Territory; and

WHEREAS, this Annexation Territory is more commonly known as 186 South County Road 400 East and is fully described in the attached legal description (Exhibit A) and illustrated on the attached map (Exhibit B); and

WHEREAS, where the legal description attached as Exhibit A describes land this is contiguous to a public right-of-way that has not previously been annexed, the Annexation Territory shall include the contiguous public right-of-way even if it is not described in Exhibit A, except to the extent prohibited by I.C. § 36-4-3-1.5(c); and

WHEREAS, where the parcel of property within the Annexation Territory is adjacent to a parcel of property within the existing Town limits, the Annexation Territory boundary shall conform to and match the boundary of the existing Town limits so long as it does not result in adding or removing parcels of property from the Annexation Territory depicted in Exhibit A; and

WHEREAS, the Annexation Territory consists of approximately 4.10 acres, and is contiguous to the existing Town limits; and

WHEREAS, prior to adoption of this Ordinance, the Council, by resolution, will have adopted a written fiscal plan and definite policy for the provision of services of both a non-capital and capital nature to the Annexation Territory that meets the requirements of I.C. § 36-4-3; and

WHEREAS, the terms and conditions of this annexation, including the written fiscal plan, are fairly calculated to make the annexation fair and equitable to property owners and residents of the Annexation Territory and of the Town; and

WHEREAS, prior to the final adoption of this Ordinance, the Town will have conducted a public hearing pursuant to proper notice issued as required by law; and

WHEREAS, the Council finds that the Annexation pursuant to the terms of this Ordinance is fair and equitable and should be accomplished.

NOW THEREFORE, BE IT ORDAINED by the Town Council of the Town of Danville, Indiana, as follows:

1. The above recitals including Exhibit A are incorporated herein by this reference as though fully set forth herein below.
2. In accordance with I.C. § 36-4-3-5.1 and other applicable laws, the Annexation Territory is hereby annexed to the Town and thereby included within its corporate boundaries pursuant to the terms of this Ordinance.
3. The Annexation Territory is assigned to Council District (Ward) No. 3.
4. All prior Ordinances or parts thereof that may be inconsistent with any provision of this Ordinance are hereby superseded. The paragraphs, sentences, words, and Annexation Territory of this Ordinance are separable, and if a court of competent jurisdiction hereof declares any portion of the Ordinance or the Annexation Territory unconstitutional, invalid, or unenforceable for any reason, such declaration shall not affect the remaining portions of the Annexation Territory or this Ordinance.
5. The effective date of this annexation shall be as soon as allowed by law following its adoption, execution, and publication as required by law.

Introduced on March 20, 2024 and adopted by the Town Council of the Town of Danville, Indiana, on April 17, 2024.

THE TOWN COUNCIL OF THE TOWN OF
DANVILLE, INDIANA

Chris Gearld, President

Michael Chatham, Vice-President

Greg Irby, Member

Brett Doub, Member

David Potter, Member

ATTEST:

Carrie Lofton, Clerk-Treasurer

"I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law."

Carrie Lofton
Document prepared by: Carrie Lofton



DULY ENTERED
FOR TAXATION

SEP 18 2023 MC

Nancy L. Marsh

AUDITOR HENDRICKS COUNTY

TRUSTEE'S DEED

THIS INDENTURE WITNESSETH, that **Alberta Ann Wroten, Trustee of the Wroten Family Trust Agreement dated November 17, 2004** ("Grantor"), by virtue of the power and authority granted under the provisions of said Trust Agreement and under Indiana Code, hereby **CONVEYS** to **Clyde Orr and Christine Orr, husband and wife** ("Grantee"), for the sum of one dollar (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, the following described real estate in Hendricks County, State of Indiana, to-wit:

SEE LEGAL DESCRIPTION ATTACHED AS EXHIBIT A

Subject to all easements, restrictions and rights of way.
Subject to all taxes now a lien and to become a lien thereon.

Address and/or Parcel Number: 186 S County Road 400 E., Danville, IN 46122
32-10-07-240-009.000-002 and 32-10-07-240-008.000-002

The undersigned person executing this deed on behalf of Grantor represents and certifies that she is duly authorized to execute and deliver this deed and that she has full legal capacity to convey the real estate described herein, as acting Trustee of the Grantor trust.

IN WITNESS WHEREOF, the said Alberta Ann Wroten, Trustee of the Wroten Family Trust Agreement dated November 17, 2004, has hereunto set her hand, this 14 day of Sept, 2023.

The Wroten Family Trust Agreement dated November 17, 2004

By: *Alberta Ann Wroten, Trustee*
Alberta Ann Wroten, Trustee

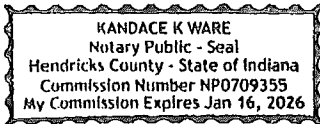
(notary acknowledgement on separate attached page)

Sales Disclosure Included
9/18/2023 DKR

STATE OF INDIANA)
) SS:
COUNTY OF HENDRICKS)

Before me, a Notary Public in and for said County and State, personally appeared Alberta Ann Wroten, Trustee of the Wroten Family Trust Agreement dated November 17, 2004, and acknowledged the execution of said Trustee's Deed to be her voluntary act and deed for the uses and purposes expressed therein.

Witness my hand and notarial seal this 14 day of Sept, 2023.



Kandace K Ware
Notary Public - Signature

Notary Public - Printed Name _____
Resident of _____ County
My Commission Expires: _____

Send Tax Bills To: SHARE

Grantee's Mailing Address: 186 S CR 400 E Danville IN
46122

Commitment No.: 23-06076

I affirm, under penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law, Ben Comer.

This instrument was prepared by Ben Comer, Attorney-at-Law, 71 West Marion Street, P.O. Box 207, Danville, Indiana 46122, telephone: (317) 745-4300.

EXHIBIT A

Part of the Northeast quarter of the Northeast quarter of Section 7, Township 15 North, Range 1 East bounded and described as follows, to-wit:

Beginning at a point in the East line of said quarter quarter section which is 822.25 feet South of a brass plug at the Northeast corner of aforesaid quarter quarter section and running thence South on and along said East line 217.8 feet; thence West at right angles to said East line 200.0 feet; thence North parallel to said East line 217.8 feet; thence East parallel to the South line of this tract 200.0 feet to the place of beginning containing 1 acre, more or less.

ALSO:

Part of the Northeast quarter of the Northeast quarter of Section 7, Township 15 North, Range 1 East, bounded and described as follows, to-wit:

From a monument marking the Northeast corner of said quarter quarter section run thence South on and along the East line thereof a distance of 822.25 feet; thence West at right angles to said East line a distance of 200 feet to the place of beginning: FROM SAID BEGINNING POINT run thence West 417.58 feet and to the East line of a tract of land conveyed to William T. Gill et al by virtue of a deed recorded in Deed Record 164 pages 286 in the office of Recorder of Hendricks County, Indiana, at a point which is 822.25 feet South of the North line of said quarter quarter section; thence South on and along above mentioned East line 217.8 feet; thence East 417.8 feet to within 200 feet of the East line of said quarter quarter section; thence North 217.8 feet to the point of beginning.

Containing 2.1 acres, more or less.

Fee: \$50

PETITION FOR ANNEXATION

Common Address of Property: 186 South County Road 400 East

[attach legal description and map showing location of property]

Petitioner Name(s): Louis Jones Sheila Jones

Mailing Address of Petitioner: 3751 Flattop Lane Danville, In 46122

Petitioner's Phone Number: 317-681-9189

Petitioner's Email: Sheila Jones 2472 a gmail. Com

Property Owner's Name (if not Petitioner): Clyde H Orr

Property Owner's Mailing Address: 8292 S. SR 3A Clay City In 46118

Tax ID / Parcel Number: 02-2-07-51E 240-008 + 009

of Persons Living on Property: NA Acreage: 008/2.1ac 009/1.0ac total 3.16

Zoning Sought: Residential Current County Zoning: PB | Planned Business

Present Use of Property: Residential

Plans for Changes in Use of Property: None

Reasons for Seeking Annexation: Wants utilities

Electrical Service Provider: Duke Existing Sidewalks: Yes No

Existing Utilities: Well Septic City Well Other West Central Well to be abandoned: Yes / No

Name(s) of Petitioner(s) - printed or typed: Sheila + Louis Jones

Signature(s) of Petitioner(s): Sheila Jones Louis Jones Clyde Orr

Date: 3/8/24

[attach affidavit of consent to annexation signed by all owners of the property to be annexed who have not signed this document as petitioner(s)]

Received by: Drew Tervet Date: 3-8-24

**AGREEMENT NOT TO REMONSTRATE AGAINST ANNEXATION FOR
CONNECTION TO THE TOWN OF DANVILLE'S SANITARY SEWER
AND/OR WATER DISTRIBUTION SYSTEMS**

We, Shirley & Louis Jones Clyburn, owners of approximately _____ acres of real property (henceforth called the "Property") described in the attached exhibit "Exhibit A" agree to waive our right, and that of any successors in title, to remonstrate against pending or future annexations of the property by the Town of Danville ("Town") in consideration for the Town's agreement to allow the development on the property to be connected to the Town's sanitary sewer and/or water systems. Connection to and use of the Town's sewer and water systems shall be subject to the terms and conditions generally applicable to other new connections made for properties within the Town (e.g. the sewer laterals and their connections to the Town's sewer main must meet Town specifications; all tap-in and sewer use fees must be paid and the Town's sewer use ordinance requirements must be followed).

We the undersigned agree that this waiver of the right to remonstrate shall also bar the filing of a declaratory judgement action or any other legal or equitable action to contest or appeal the annexation of the property.

Executed this 8 day of March, 2024

Shirley Jones Clyburn
Property Owner

Louis Jones Clyburn
Property Owner

Acceptance of the Town of Danville:

By: Mark R. Morgan
Mark Morgan, Town Manager

Date: March 13, 2024

Super-Voluntary Annexation Timetable
Clyde Orr & Louis and Sheila Jones
186 South County Road 400 East

Mar 8th Petition was filed for annexation into the Town of Danville.

Mar 12th Legal notice submitted to *The Republican*.

Petitioner submits a public hearing notice for annexation to run once in The Republican on March 14th.

Mar 14th Notice of public hearings on annexation and zoning appears in *The Republican*. Minimum 20-day waiting period begins before public hearing may be held on annexation ordinance.

Mar 20th Annexation ordinance is introduced.

Apr 2nd Minimum 20-day waiting period for public hearing ends.

Apr 3rd Town Council holds public hearing on annexation.

Apr 3rd Minimum 14-day waiting period begins before Council can take final action on annexation.

Apr 17th Minimum 14-day waiting periods ends. Town Council may take final action on annexation at next regularly scheduled meeting.

Apr 17th Fiscal plan is adopted by Town Council.
Town Council adopts annexation ordinance.

Apr 19th Clerk-Treasurer submits public notice on approved annexation to paper.

Apr 25th Public notice on approved annexation is published.
30-day waiting period begins before annexation can be recorded.

May 25th 30-day waiting period ends.

May 28th *Clerk-Treasurer records annexation with County and files annexation with the appropriate agencies no later than ninety (90) days after the expiration period for an appeal.*

Road closures on 04/08/2024 from 0800 – 1700.

No parking on Main St. From Wayne St. to Cross St.

No left turn Eastbound and Westbound Main St. From Wayne St. to Cross St. The streets affected are Tennessee, Indiana, Washington, Jefferson and Cross.

Northbound North Wayne St. will close at Main St.

Blake St. and Tennessee St. will be closed at Lincoln. Eastbound Lincoln must go South on Cartersburg Rd.

E Clinton St



Closed

S Wayn

No Left turn

No Left turn

iana St

No Left turn

DANVILLE

No Left turn

S Jeffer:

oss St

No Left turn

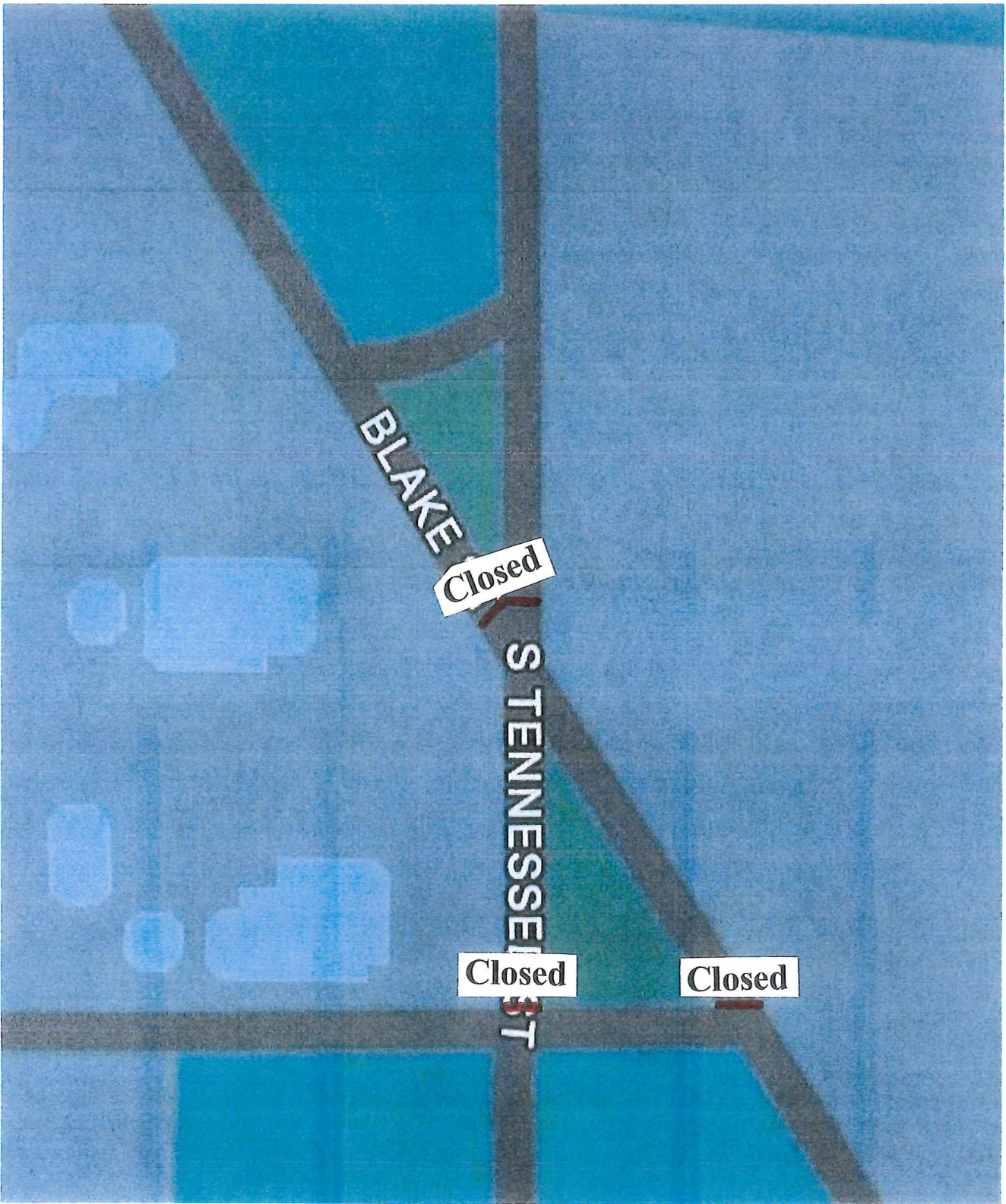
39

ick Willard
mmunity
Park



W Main St

S Kentur



BLAKE

Closed

S TENNESSEE ST

Closed

Closed