

TOWN OF DANVILLE

Town Council Agenda

July 3, 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. Announcement of Executive Session – Council President**
 - B. Proclamation: Park and Recreation Month – Town Manager**
 - C. Ordinance 14-2024: Amend Host Future Fund - Clerk/Treasurer**
 - D. Ordinance 15-2024: Amend Off-Road Vehicle Ordinance – Town Manager**
 - E. Ordinance 16-2024: Additional Appropriation (Library) – Town Manager**
 - F. CER: Lift Station Pump – Wastewater**
 - G. Recommendation for Firefighter Discipline – Fire Chief**

- 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:

6/19/24: Council Meeting. *Will require a Vote.*

- A. Announcement of Executive Session** – Council President will announce that the Danville Town Council met in executive session prior to this meeting to discuss on-going/potential litigation in accordance with Indiana Code 5-14-1.5-6.1(b)(2)(B). *No further action Required.*
- B. Proclamation: Park and Recreation Month** – Town Manager will present a proclamation declaring July as Park and Recreation Month for the Town of Danville. *Will require a Vote.*
- C. Ordinance 14-2024: Amendment to Host Future Fund Agreement** – Clerk/Treasurer has been asked to amend the Host Future Fund Agreement. This will change the amounts of deposits into the fund. This was introduced on June 19, 2024, and is up for adoption tonight. *Will require a Vote.*
- D. Ordinance 15-2024: Amendment to Off-Road Vehicle Ordinance** – Town Manager will present an ordinance that will amend the Off-Road Vehicle Ordinance to provide proof of insurance by operator/owners. This is up for introduction only tonight. *Requires no further Action.*
- E. Ordinance 16-2024: Additional Appropriation (Library)** – Town Manager will present an ordinance, along with representatives from the Danville/Center Township Library, for an additional appropriation in the library budget. This is a public hearing. *Will require the public hearing to be gaveled open – public comments taken – public hearing to be gaveled closed.* This is up for introduction and public hearing only tonight. *Requires no further Action.*
- F. Capital Expenditure Request: County Home Lift Station** – Wastewater department will be presenting a request to expend funds to purchase a new lift station pump at the County Home. *Will require a Vote.*
- G. Recommendation for Firefighter Discipline** – Fire Chief will present his recommendation for the termination of a firefighter/paramedic to the Town Council acting as the Safety Board for the Town. The Safety Board can either accept, modify, or reject the Chief's recommendation for termination. If accepted, the firefighter/paramedic will have the right to a hearing in front of the Safety Board, if one is requested in writing within five days of receipt of notice of the decision of the Safety Board. *Will require a vote.*

Staff and Council Comments

Claim Docket

Payroll Docket

Motion to Adjourn

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

PROCLAMATION
A Proclamation by the Danville Town Council

Designation of July as Park and Recreation Month

WHEREAS parks and recreation is an integral part of communities throughout this country, including the Town of Danville, Indiana; and
WHEREAS parks and recreation promotes health and wellness, improving the physical and mental health of people who live near parks; and
WHEREAS parks and recreation promotes time spent in nature, which positively impacts mental health by increasing cognitive performance and well-being, and alleviating illnesses such as depression, attention deficit disorders, and Alzheimer's; and
WHEREAS parks and recreation encourages physical activities by providing space for popular sports, hiking trails, swimming pools and many other activities designed to promote active lifestyles; and
WHEREAS parks and recreation is a leading provider of healthy meals, nutrition services and education; and
WHEREAS park and recreation programming and education activities, such as out of-school time programming, youth sports and environmental education, are critical to childhood development; and
WHEREAS parks and recreation increases a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and
WHEREAS parks and recreation is fundamental to the environmental well-being of our community; and
WHEREAS parks and recreation is essential and adaptable infrastructure that makes our communities resilient in the face of natural disasters and climate change; and
WHEREAS our parks and natural recreation areas ensure the ecological beauty of our community and provide a place for children and adults to connect with nature and recreate outdoors; and
WHEREAS the U.S. House of Representatives has designated July as Parks and Recreation Month; and
WHEREAS the Town of Danville recognizes the benefits derived from parks and recreation resources.
NOW THEREFORE, BE IT RESOLVED BY the Danville Town Council that July is recognized as Park and Recreation Month in the Town of Danville, Indiana.

PROCLAIMED AND SIGNED this 3rd day of July 2024.



Attested By:

Chris Gearld, President

Michael Chatham, Vice President

Greg Irby

Bret Doub

Carrie Lofton, Clerk-Treasurer

Dave Potter

ORDINANCE NO. 14-2024

AN ORDINANCE TO AMEND ORDINANCE NO. 4-1999 TO INCREASE THE CONTRIBUTIONS TO THE HOST COMMUNITY AGREEMENT FUTURE FUND

WHEREAS, the Town Council of the Town of Danville, Indiana (“Town”) entered into a Host Community Agreement (“Agreement”) with Waste Management of Indiana, Inc. (“Waste Management”), in accordance with which, Waste Management agreed to make quarterly payments to the Town (“Quarterly Payments”);

WHEREAS, pursuant to Ordinance No. 4-1999, the Town created the Host Community Agreement Future Fund (“Fund”) in which a portion of the Quarterly Payments must be deposited;

WHEREAS, access to the monies in the Fund is severely limited for the purpose of saving significant funds for future Town projects; and

WHEREAS, the Town Council now wishes to increase the amount of the Quarterly Payments that must be deposited into the Fund and to increase the restrictions on the use of monies in the Fund.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DANVILLE, INDIANA THAT:

Section 1. Section 2 of Ordinance No. 4-1999 is hereby amended to read as follows:

The following amounts shall be deposited into the Fund annually:

For 2025, the lesser of \$250,000 or 40% of the year’s total Quarterly Payments;
For 2026, the lesser of \$300,000 or 40% of the year’s total Quarterly Payments;
For 2027, the lesser of \$350,000 or 40% of the year’s total Quarterly Payments;
For 2028, the lesser of \$400,000 or 40% of the year’s total Quarterly Payments;
For 2029 and each subsequent year in which Quarterly Payments are received, the lesser of \$450,000 or 40% of the year’s total Quarterly Payments.

The Town Council may approve additional deposits into the Fund in excess of the above amounts by resolution.

Section 2. Section 5 of Ordinance No. 4-1999 is hereby amended to read as follows:

Monies in this Fund are not to be expended until such time as the Fund has monies in excess of twenty-five million dollars (\$25,000,000.00) or the Town ceases to receive payments under the Agreement. Beginning in the year the Fund has monies in excess of twenty-five million dollars (\$25,000,000.00) or the year following the date the Town receives its last payment under the Agreement, the Town Council may make

expenditures from this Fund pursuant to Section 7 of this Ordinance. If the Town Council should ever determine that it is necessary to borrow monies from this Fund for any purpose, it may only do so subject to the following procedure:

- A. A It must pass a resolution indicating its intention to borrow monies from this Fund, the specific reasons why it is necessary to borrow monies from the Fund, the amount of money to be borrowed from the Fund and the date(s) when repayment of this loan will made.
- B. The resolution and notice of a public hearing shall be advertised pursuant to IC 5-3-1.
- C. Monies may not be borrowed until after the public hearing is conducted.
- D. Monies borrowed shall be paid back to the Fund along with an additional amount of money equal to what the amount of the loan would have earned if it had been left in the Fund during the entire term of the loan.
- E. At the beginning of January and July of each year, the Clerk-Treasurer shall publish pursuant to IC 5-3-1 the amount of money that has been borrowed from the Fund which has not been repaid. This notice shall include the date(s) indicated in the resolution that repayment was to have been made.

Section 3. Section 7 of Ordinance No. 4-1999 is hereby amended to read as follows:

In the year when the Fund has monies in excess of twenty-five million dollars (\$25,000,000.00) or the year following the date the Town receives its last payment under the Agreement, the Town Council may begin making expenditures of monies in the Fund in an amount not to exceed the interest and dividends earned by the Fund's assets in the previous calendar year. The Council may additionally expend interest and dividends earned by the Fund's assets in years following the accumulation of twenty-five million dollars (\$25,000,000.00) in the Fund, or the date the Town receives its last payment under the Agreement, that have not previously been expended. These expenditures may be made for any item, activity or project falling within the scope of any designated purpose of the Host Community Agreement Fund as specified in Section 4 of Ordinance No. 1-1995 and any amendment thereto. These expenditures do not require Town Council action authorizing an appropriation, but no expense shall be allowed from this Fund without verification that such expenditure, together with others made from this Fund in the same calendar year, will not exceed the interest and dividends earned in the previous calendar year (except for loans made pursuant to Section 5 of this Ordinance). Also, no expense shall be allowed without prior approval by the Town Council done pursuant to the Town's procedure for the payment of claims.

Section 4. If any provision of this Ordinance is held invalid by any court of competent jurisdiction, the remaining provisions of this Ordinance shall not be affected and shall continue in full force and effect.

Section 5. This Ordinance shall be in full force and effect from and after its passage.

This Ordinance is hereby passed and adopted this 3rd day of July, 2024 by the Town Council of the Town of Danville, Indiana.

TOWN COUNCIL OF DANVILLE, INDIANA

Christopher Gearld

Michael Chatham

Gregory Irby

Bret Doub

David Potter

ATTEST:

Carrie Lofton, Clerk-Treasurer

ORDINANCE NO. 15-2024

AN ORDINANCE AMENDING ORDINANCE NO. 15-2021 (AN ORDINANCE REGULATING OFF-ROAD VEHICLES IN THE TOWN OF DANVILLE)

WHEREAS, pursuant to Ind. Code § 9-21-1-3, the Town of Danville, Indiana (“Town”) has the authority to regulate Off-Road Vehicles on highways under the Town’s jurisdiction;

WHEREAS, the Town passed Ordinance No. 15-2021 (An Ordinance Regulating Off-Road Vehicles in the Town of Danville), which allows the use of Off-Road Vehicles on Town streets; and establishes requirements and regulations for such use; and

WHEREAS, it is in the best interest of public safety and efficiency to amend Ordinance No. 15-2021 to require all Off-Road Vehicles operating in the Town of Danville to be insured and to show proof of insurance upon request.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DANVILLE, INDIANA, THAT:

(1) The above recitals are incorporated herein by reference.

(2) The “Additional Regulations” section under Section 2 of Ordinance No. 15-2021 (An Ordinance Regulating Off-Road Vehicles in the Town of Danville) is amended to add the following bolded provisions:

Additional Regulations.

(a) Each occupant shall have and use a separate seat in or on a Permitted Off-Road Vehicle.

(b) No person shall operate a Permitted Off-Road Vehicle on Town Roads in such a manner as to cause damage to the street or disturb the surface of the roadway.

(c) **All Off-Road Vehicles operating on Town Roads must be insured in an amount equal to or greater than the minimum insurance requirements prescribed by state statute for operators of automobiles on public roads.**

(d) **The operator or owner of an Off-Road Vehicle must produce proof of insurance when requested by any law enforcement officer.**

(3) Violations of this Ordinance shall be punishable as provided in the Penalty Section of Ordinance No. 15-2021.

(4) Prior Ordinances and provisions of the Danville, Indiana Code of Ordinances are repealed only to the extent inconsistent with the terms of this Ordinance. Provisions consistent with this Ordinance and not repealed remain in full force and effect.

(5) This Ordinance shall take effect upon adoption and publication in accordance with Indiana law.

ADOPTED by the Town Council of the Town of Danville, Indiana, on this 17th day of July, 2024.

DANVILLE TOWN COUNCIL

FOR:

AGAINST:

_____	Chris Gearld	_____
_____	Michael Chatham	_____
_____	Greg Irby	_____
_____	Bret Doub	_____
_____	Dave Potter	_____

ATTEST:

Carrie Lofton, Clerk-Treasurer

ORDINANCE 16-2024
ADDITIONAL APPROPRIATION RESOLUTION/ORDINANCE

Whereas, it has been determined that it is now necessary to appropriate additional money than was originally appropriated in the annual budget of the Danville-Center Township Public Library; now, therefore:

Sec. 1. Be it ordained (resolved) by the Town Board of the Town of Danville, Hendricks County, that for the expenses of the Danville-Center Township Public Library the following additional sums of money are hereby appropriated out of the funds named and for the purposes specified, subject to laws governing the same:

Fund Name: General Fund	Amount
<i>Major Budget Classification:</i>	
Personal Services	\$ <u>20,000</u>
Supplies	\$ <u>1,000</u>
Other Services and Charges	\$ <u>38,000</u>
Capital Outlays	\$ <u>10,320</u>
Total for General Fund	\$ 69,320

Adopted this 17th day of June, 2024

AYE

NAY

ATTEST:

 (Secretary of Governing Body)

REQUESTING DEPARTMENT: Wastewater

FUNCTION OR NEED OF REQUESTED PURCHASE:

Pump #1 at County Home LS is in need to be replaced, It has a seal fail and the bottom end need the impeller and wear ring replaced .

IMPORTANT:
All requests must be submitted to the Town Manager and Clerk-Treasurer at least 7 days prior to the next Council meeting to be included on the agenda for Council consideration.

COST PER ITEM	\$	-
# OF ITEMS REQUESTED		0
TOTAL AMOUNT REQUESTED	\$	12,588.00

PURPOSE OF REQUEST New

REVENUE IMPACTS:

IS THIS A REVENUE PRODUCING ITEM? Yes

IF YES, AVERAGE EXPECTED ANNUAL CHANGE N/A

*Budget Review Recommendation: Town Manager & Clerk-Treasurer Approve, Disapprove, Further Review
Comments:*

COST IMPACTS (ADDITIONAL STAFF, INSURANCE, FEES, CONTRACTS):

OTHER CONSIDERATIONS:

IS RENOVATION REQUIRED no
IS ADDITIONAL SPACE NEEDED no
EXPECTED LIFE YEARS

Replacement of OLD



FUND/APPROPRIATION REQUESTED TO EXPENSE FROM:

	AMOUNT
HOST (709)	
RAINY DAY (510)	
EDIT (102)	
GENERAL ()	
6207-5-500-73110	\$ 12,588.00

COUNCIL NOTES:

HAVE YOU EXPENDED ALL OF YOUR DONATION, GRANT AND/OR APPROPRIATIONS FOR THIS FUNDING FIRST: Yes / No

REQUESTED BY: Tony Kirkpatrick

DATE 6/25/2024



www.bbcump.com

BBC Pump and Equipment Co Inc
 PO Box 22098
 Indianapolis, IN 46222
 317-636-1111

INVOICE

INVOICE	
30086918	
Invoice Date	Page
06/24/2024 14:30:05	1 of 1
ORDER NUMBER	
1100265	

Bill To:

Town Of Danville
 49 N. Wayne St.
 Danville, IN 46122

Ship To:

Town Of Danville
 49 N. Wayne St.
 Danville, IN 46122
 UNITED STATES

Attn: Carrie Lofton

Ordered By: Mr. Tony Kirkpatrick

Customer ID: 10735

PO Number	Term Description	Net Due Date	Disc Due Date	Discount Amount
County Home LS - Verbal Tony	Net 30	07/24/2024	07/24/2024	0.00

Order Date	Pick Ticket No	Primary Salesrep Name	Taker
06/24/2024 09:39:49	2078230	Dave Dunnuck	DDUNNUCK

Quantities					Item ID	Pricing UOM	Unit Price	Extended Price
Ordered	Shipped	Remaining	UOM Unit Size	Disp.	Item Description	Unit Size		

Carrier: BBC Truck

Tracking #:

1.00000	1.00000	0.00000	EA		HPS4HCP015443	EA	12,588.00000	12,588.00
				1.0	15 HP, 460V, 3 PH Cutter Premium Eff.	1.0000		

Serial Number: 10813068

Total Lines: 1

SUB-TOTAL:	12,588.00
TAX:	0.00
AMOUNT DUE:	12,588.00

6207-5-500-73500

ORIGINAL