

TOWN OF SELLERSBURG
REGULAR TOWN COUNCIL MEETING
316 E. UTICA STREET SELLERSBURG, INDIANA 47172

Agenda for
January 8, 2024, at 6:00 p.m.

CALL TO ORDER AND ROLL CALL OF MEMBERS:

PRAYER:

PLEDGE OF ALLEGIANCE: All Present.

MOTION TO AMEND/ADOPT THE AGENDA AS PRESENTED:

APPROVAL OF MINUTES:

Approval of minutes as submitted by the Clerk-Treasurer.

APPROVAL OF ALLOWANCE CLAIMS:

APPROVAL OF PAYROLL DOCKET:

COMMENTS FROM PUBLIC ON AGENDA ITEMS (time limit of 5 minutes per person):

2024 ORGANIZATION OF THE TOWN OF SELLERSBURG COUNCIL APPOINTMENTS:

2024 BOARD OF ZONING APPEALS APPOINTMENTS:

2024 PLAN COMMISSION APPOINTMENTS:

2024 PARKS AND RECREATION BOARD APPOINTMENTS:

2024 POLICE COMMISSIONERS APPOINTMENTS:

ORDINANCES AND RESOLUTIONS:

1. ORDINANCE NO. 2024 – OR – 001: An Ordinance Disposing of Surplus or Worthless Personal Property Belonging to the Town of Sellersburg, Indiana.
2. ORDINANCE NO. 2024 – OR – 002: An Ordinance Considering the Recommendation from the Plan Commission to Impose an Immediate, Temporary Moratorium on New and Expanding Multi-Family Dwelling Developments Pending Completion of a Zoning Ordinance Update.
3. ORDINANCE NO. 2024 – OR – 003: An Ordinance Amending the Cellphone Policy for the Town of Sellersburg, Indiana.

UNFINISHED BUSINESS:

NEW BUSINESS:

1. Jacobi Toombs and Lanz 2024 Work Orders
2. Fenix USA, LLC Continued Services Agreement

GENERAL COMMENTS FROM THE PUBLIC (limited to 15 minutes total):

RECEIPT OF STAFF REPORTS:

Charlie Smith, Town Manager

Chief Russ Whelan

Mike Harris or Lori Wyatt (Jacobi, Toombs, & Lanz)

Jacob "Jake" Elder, Town Attorney

COMMENTS FROM COUNCIL MEMBERSHIP (Good of the order):

Randall Mobley, District 2

Terry Langford, District 4

Brad J. Amos, District 3

Scott McVoy, District 1

Matthew Czarnecki, At-Large

Michelle Miller, Clerk-Treasurer

ADJOURN:

SELLERSBURG

STATE OF INDIANA

BEFORE THE TOWN COUNCIL OF SELLERSBURG, INDIANA

ORDINANCE NO. 2024 – OR – 001

AN ORDINANCE DISPOSING OF SURPLUS OR WORTHLESS PERSONAL PROPERTY BELONGING TO THE TOWN OF SELLERSBURG, INDIANA.

WHEREAS, pursuant to Ind. Code § 36-5-2 *et seq.*, this Town Council of Sellersburg, Indiana (this “Council”) is the town legislative body for Sellersburg, Indiana (the “Town”) and the President of this Council is the Town Executive; and,

WHEREAS, pursuant to Ind. Code § 36-5-2-9, the legislative body may adopt ordinances and resolutions for the performance of functions of the Town; and,

WHEREAS, pursuant to Ind. Code § 5-22-22-3(b), this Council, acting as the purchasing agent, may sell property that “belongs to the governmental body, but is no longer needed for the purpose for which it was intended”; and,

WHEREAS, if the purchasing agent does not engage an auctioneer or if the surplus property is not sold through an Internet auction site under Section 4.5 of Ind. Code § 5-22-22 *et seq.*, the purchasing agent shall sell the property at a public sale or by sealed bids delivered to the office of the purchasing agency before the date of the sale, unless otherwise allowed under Indiana law. Advertisement of sale shall be made in accordance with Ind. Code § 5-3-1 and all sales shall be made to the highest and most responsible bidder. (*Ind. Code § 5-22-22-5*); and,

WHEREAS, pursuant to Ind. Code § 5-22-22-8, “if the property is worthless, it may be demolished or junked.” Property may be determined to be worthless or of no market value if the value of the property is less than the estimated costs of the sale and transportation of the property; and,

WHEREAS, pursuant to Ind. Code § 36-1-11-9, “[w]henver a disposing agent purchases new property with a condition that property of a similar nature is to be traded in or exchanged as part of the purchase and in reduction of the purchase price, the exchange or trade-in may be made without compliance with section 7 of this chapter but must comply with section 16 of this chapter”; and,

WHEREAS, this Council, at the recommendation of the Chief of Police, has determined a need to trade in or sell three (3) older police cars.

NOW THEREFORE BE IT ORDAINED by this Town Council of Sellersburg, Indiana as follows:

- 1. The following personal property shall be disposed of consistent with Indiana law:

2018 Durango
1C4SDJFT5JC456354
Mileage 77083

2019 Charger
2C3CDXKT7KH622504
Mileage 74193

2019 Charger
2C3CDXKT5KH622517
Mileage 66237

- 2. This Council further grants the Town Manager / Chief of Police with the authority to either exclusively sell or trade the above-referenced personal property.
- 3. This ordinance shall be in full force and effect upon its passage and promulgation as evidenced by the affirmative signatures of the undersigned as the majority of the duly elected and serving members of this Council.

So Ordained this ____ day of _____, 20 ____.

“Aye”

“Nay”

Brad Amos
Council President

Brad Amos
Council President

Scott McVoy
Council Vice President

Scott McVoy
Council Vice President

Terry Langford
Council 2nd Vice President

Terry Langford
Council 2nd Vice President

Matthew Czarnecki
Council Member

Matthew Czarnecki
Council Member

Randall Mobley
Council Member

Randall Mobley
Council Member

Attested by: Michelle Miller
Sellersburg Clerk-Treasurer

FIRST READING

DATE: _____

MOTION: _____

SECOND: _____

VOTE: _____ AYE _____ NAY _____ ABSTAIN

SECOND READING

DATE: _____

MOTION: _____

SECOND: _____

VOTE: _____ AYE _____ NAY _____ ABSTAIN

STATE OF INDIANA

BEFORE THE TOWN COUNCIL OF SELLERSBURG, INDIANA

ORDINANCE NO. 2024 – OR – 002

AN ORDINANCE CONSIDERING THE RECOMMENDATION FROM THE PLAN COMMISSION TO IMPOSE AN IMMEDIATE, TEMPORARY MORATORIUM ON NEW AND EXPANDING MULTI-FAMILY DWELLING DEVELOPMENTS PENDING COMPLETION OF A ZONING ORDINANCE UPDATE.

WHEREAS, the Plan Commission for the Town of Sellersburg (“Commission”) is the responsible body for initiating amendments to the zoning code for the Town of Sellersburg (“Town”); and

WHEREAS, the Director of Planning and Zoning has recommended said moratorium; and

WHEREAS, the Sellersburg Town Council (“Council”) is the legislative body for the Town and has considered the recommendation of the Director of Planning and Zoning to impose a temporary moratorium on new and expanding multi-family dwelling developments (See Exhibit A); and

WHEREAS, the Council has the statutory authority to adopt ordinances to protect the health, safety, welfare, aesthetic appearance and orderly development of the community as set forth in Indiana Code Chapter 36-1-3 (Home Rule); and

WHEREAS, the Council has the statutory authority to adopt ordinances promoting the public health, safety, comfort, morals, convenience, and general welfare of the community as set forth in Indiana Code subsection 36-7-4-601(c) (Article 7. Planning and Development Chapter 4. Local Planning and Zoning); and

WHEREAS, the Council has previously adopted the Sellersburg Unified Development Ordinance (“UDO”) before adopting a zoning ordinance in accordance with Indiana Code subsection 36-7-4-601(a) (Article 7. Planning and Development Chapter 4. Local Planning and Zoning); and

WHEREAS, the Council has previously adopted zoning ordinances regulating multi-family dwellings and developments in any zoning districts; and

WHEREAS, multi-family dwelling development related uses is defined as any use of land relating to:

the building, development, expansion, conversion or similar action of a multi-family dwelling, defined under the Sellersburg UDO as “A dwelling designed for or occupied by three (3) or more families, with the number of families in residence not exceeding the number of dwelling units provided.” ; and

WHEREAS, multi-family dwelling developments are being constructed, expanded, or other dwellings are being converted into multi-family dwellings in Town zones that are not designed to handle the influx of multi-family dwellings, and new or expanding multi-family dwelling development related uses throughout certain zones in the Town may not be consistent with the Town’s UDO and/or Comprehensive Plan and may hinder the growth or orderly development of the Town or neighborhood in which such multi-family dwellings and developments are located; and

WHEREAS, the Council maintains that the Town of Sellersburg needs the moratorium to consider revisions to the UDO and/or comprehensive plan and if the zones subject to the moratorium are adequately served by the number of multi-family related uses throughout the designated zones; and

WHEREAS, the Council is currently engaged in a comprehensive review of zoning standards and regulations pertaining to multi-family dwelling development related uses in conjunction with appropriate land use standards, traffic safety, easy access by pedestrians, transit and bicycle users, and abatement of separately accessed lots within the Town including major thoroughfares, entryways into the Town, and zoning districts within the Town; and

WHEREAS, the Council finds that an immediate moratorium is necessary and appropriate within the following zoning districts of the Town: DT, TC, GO and DTN, to preserve the status quo and prevent significant investment and establishment of uses and structures which would be inconsistent with the UDO and/or Comprehensive Plan pending the revisions to multi-family dwelling development ordinances; and

WHEREAS, the Council finds that an immediate, temporary moratorium does not deny all reasonable use of a landowner’s property; and

WHEREAS, the Council finds that an immediate, temporary moratorium can be characterized as a normal delay incidental to the normal zoning process enacted in support of a proposed zoning plan or zoning change; and

WHEREAS, the Council finds and determines that such a moratorium shall not apply to applications for the normal repair, maintenance, and mandated safety improvements of existing buildings and site improvements which are utilized for the purpose of multi-family dwelling development related use that have vested prior to the effective date of this ordinance, permit applications to conduct repair and maintenance of existing multi-family dwelling development related uses, and permit applications to implement mandated safety improvements to comply with Town codes and zoning regulation regarding property maintenance and building codes or as mandated by state or federal regulations; and

WHEREAS, the Council authorizes and directs the Sellersburg Plan Commission to review existing codes and zoning regulations, further study the effects resulting from the location of new and expansion of existing multi-family dwelling development related uses within the boundaries of the Town, prepare comprehensive proposed amendments to the Town codes and

zoning regulations to address the effects of such uses, to confer with community members and the appropriate Town commissions and boards, and to present recommended legislation addressing such issues to the Council for consideration and action; and

WHEREAS, such a moratorium shall be for the term of twelve (12) months which may at anytime hereafter be (a) modified by the Council in accordance with applicable law; (b) extended for a maximum of two additional term(s) of twelve (12) months each upon action by the Council; (c) terminated by the Council upon adoption of appropriate zoning and regulatory codes, or (d) terminated by the Council for any reason deemed necessary or appropriate.

NOW THEREFORE BE IT ORDAINED THAT THE RECOMMENDATION BY THE PLAN COMMISSION CONCERNING THE MORATORIUM IS HEREBY [ADOPTED / REJECTED] (CIRCLE ONE)

IF ADOPTED, BE IT FURTHER ORDAINED BY THE SELLERSBURG TOWN COUNCIL AS FOLLOWS:

Section 1. Recitals Adopted as Findings. The “Whereas” recitals above are hereby adopted as the Council's findings of fact as fully set herein.

Section 2. Moratorium Adopted. A moratorium is hereby adopted on the receipt of applications, permits, and expansion of (a) any new multi-family dwelling development related use, within the following zoning districts of the Town: DT, TC, GO and DTN, and (b) the expansion of any existing multi-family dwelling development related use within the following zoning districts of the Town: DT, TC, GO and DTN.

Section 3. Definitions. For purposes of this moratorium, the following uses are considered multi-family dwelling and development related uses and part of the moratorium: the building, development, expansion, conversion or similar action of a multi-family dwelling, defined under the Sellersburg UDO as “A dwelling designed for or occupied by three (3) or more families, with the number of families in residence not exceeding the number of dwelling units provided.”; and

Section 4. Applications. This moratorium shall apply, without limitation, to comprehensive land use plan amendments, requests for rezoning, subdivisions, variances, conditional use permits, site plan review applications and building permits for the construction or operation of all multi-family dwelling development related uses.

Section 5. Exemption: Vested Rights, Repair, Maintenance, and Mandated Safety Improvements. The moratorium shall not apply to applications for the normal repair, maintenance, and mandated safety improvements of existing buildings and site improvements which are utilized for the purpose of multi-family dwelling development related use that have vested prior to the effective date of this ordinance, permit applications to conduct repair and maintenance of existing multi-family dwelling development related uses, and mandated safety improvements to comply with Town codes and zoning regulation regarding property maintenance and building codes.

Section 6. Effective Period of Moratorium. The moratorium adopted by this ordinance shall become effective immediately upon passage and approval of this ordinance, and shall remain in effect for twelve (12) months, subject to adopting of findings and conclusions. This moratorium shall also terminate upon the adoption of permanent regulations regarding multi-family development related uses. Notwithstanding the above, this moratorium may be extended by the Council for a maximum of twenty-four (24) months, to be extended in two (2) twelve (12) month periods.

Section 7. Directive to Sellersburg Plan Commission. The Council hereby authorizes the Sellersburg Plan Commission to review existing codes and zoning regulations; further study the effects resulting from the location of new and expansion of existing multi-family dwelling development related uses within the boundaries of the Town; to prepare comprehensive proposed amendments to the Town codes and zoning regulations to address the effects of such uses; to confer with community members and the appropriate Town commissions and boards as appropriate; and to present recommended legislation addressing such issues to the Council for consideration and action.

Section 8. Severability. If any section, sentence, clause or phrase of this ordinance should be held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

This Ordinance shall be in full force and effect from and after its passage by the Sellersburg Town Council.

So Ordained this ____ day of _____, 20____.

[Signature page to follow]

“Aye”

“Nay”

Brad Amos
Council President

Brad Amos
Council President

Scott McVoy
Council Vice President

Scott McVoy
Council Vice President

Terry Langford
Council 2nd Vice President

Terry Langford
Council 2nd Vice President

Matthew Czarnecki
Council Member

Matthew Czarnecki
Council Member

Randall Mobley
Council Member

Randall Mobley
Council Member

Attested by: Michelle Miller
Sellersburg Clerk-Treasurer

FIRST READING

DATE: _____

MOTION: _____

SECOND: _____

VOTE: _____ AYE _____ NAY _____ ABSTAIN

SECOND READING

DATE: _____

MOTION: _____

SECOND: _____

VOTE: _____ AYE _____ NAY _____ ABSTAIN

EXHIBIT A

EXHIBIT A

BEFORE THE SELLERSBURG PLAN COMMISSION OF SELLERSBURG,
INDIANA

**RESOLUTION NO. 2023-12-02
TO ORDINANCE NO. 2023-OR-_____**

**A RESOLUTION CERTIFYING PROPOSED ORDINANCE IMPOSING AN
IMMEDIATE, TEMPORARY MORATORIUM ON NEW AND EXPANDING
MULTI-FAMILY DWELLING DEVELOPMENTS PENDING COMPLETION OF
A ZONING ORDINANCE UPDATE
WITH A FAVORABLE RECOMMENDATION**

WHEREAS, the Plan Commission for the Town of Sellersburg (this "Plan Commission") has been established by the Town Council in accordance with the provisions of Ind. Code § 36-7-4-202.5(a); and,

WHEREAS, pursuant to Ind. Code § 36-7-4-202.5(b)(1), this Plan Commission is responsible for exercising the planning and zoning functions within the Town; and,

WHEREAS, this Plan Commission, initiated a proposal to enact an immediate and temporary moratorium on new and expanding multi-family developments in certain zoning districts within the Town pending revisions to the Sellersburg Unified Development Ordinance ("UDO"), as shown in the attached Exhibit A (the "Proposed Amendment"); and

WHEREAS, this Plan Commission held a public hearing on the Proposed Ordinance and received public comment during a special meeting held on December 18, 2023; and

WHEREAS, after the public hearing on the Proposed Ordinance, this Plan Commission now adopts this Resolution in order to certify the Proposed Ordinance to the Town Council with a favorable recommendation in accordance with Ind. Code § 36-7-4-605(a)(2).

NOW, THEREFORE, BE IT RESOLVED by this Plan Commission as follows:

1. Favorable Recommendation. This Plan Commission hereby certifies and forwards the Proposed Ordinance to the Town Council with a favorable recommendation.

2. Effective Date. This Resolution shall be in full force and effect upon its adoption and passage by majority vote of the entire membership of this Plan Commission.

So Resolved by majority vote of the entire membership of the Plan Commission
taken at a duly noticed and convened public meeting held this 18th day of December,
2023.

**SELLERSBURG
PLAN COMMISSION**

By: Brad V. Amos
Brad Amos, President

Attested by:



STATE OF INDIANA

BEFORE THE TOWN COUNCIL OF SELLERSBURG, INDIANA

ORDINANCE NO. 2024 – OR – 003

AN ORDINANCE AMENDING THE CELLPHONE POLICY FOR THE TOWN OF SELLERSBURG, INDIANA

WHEREAS, pursuant to Ind. Code § 36-5-2 *et seq.*, this Town Council of Sellersburg, Indiana (this “Council”) is the town legislative body, and the President of the town council is the town executive; and,

WHEREAS, pursuant to Ind. Code § 36-5-2-9, the legislative body may adopt ordinances and resolutions for the performance of functions of the town; and,

WHEREAS, on November 26, 2018, this Council adopted *Ordinance No. 2018-OR-029 An Ordinance Establishing A Cellphone Policy For The Town Of Sellersburg, Indiana*; and,

WHEREAS, this Council has determined a need to amend the cellphone policy for the Town of Sellersburg (the “Town”).

NOW THEREFORE BE IT ORDAINED by this Town Council of Sellersburg, Indiana the following amendment to the cellphone policy:

1. The **Town Manager**, Chief of Police, Assistant Chief of Police, **Detectives of the Police Department**, and the Public Works Employees (excluding the Billing Office) shall be provided cellphones by the Town under the Town’s contract with a cellular carrier. The contract shall also include insurance for each phone or device.
2. The Clerk Treasurer, Chief Deputy Clerk Treasurer, Executive Secretary, and Sergeants of the police department shall be reimbursed \$50.00 per month for their cellphone plans.
3. **The Town Manager may, at its sole discretion, add cellphones to the Town’s plan for the Billing Office to be used during regular business hours for communication with residents and internal staff. Any additional cellphones shall stay on Town property and be utilized exclusively for town business.**
4. This ordinance shall be in full force and effect upon its passage and promulgation as evidenced by the affirmative signatures of the undersigned as the majority of the duly elected and serving members of this Council.

So Ordained this ____ day of _____, 20____.

“Aye”

“Nay”

Brad Amos
Council President

Brad Amos
Council President

Scott McVoy
Council Vice President

Scott McVoy
Council Vice President

Terry Langford
Council 2nd Vice President

Terry Langford
Council 2nd Vice President

Matthew Czarnecki
Council Member

Matthew Czarnecki
Council Member

Randall Mobley
Council Member

Randall Mobley
Council Member

Attested by: Michelle Miller
Sellersburg Clerk-Treasurer

FIRST READING

DATE: _____

MOTION: _____

SECOND: _____

VOTE: _____ AYE _____ NAY _____ ABSTAIN

SECOND READING

DATE: _____

MOTION: _____

SECOND: _____

VOTE: _____ AYE _____ NAY _____ ABSTAIN

