

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

Agenda for
January 27, 2025 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:

2025 BOARD OF ZONING APPEALS APPOINTMENT:

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

ORDINANCES AND RESOLUTIONS:

1. ORDINANCE 2025 – OR – 001: An Ordinance Disposing of Surplus or Worthless Personal Property Belonging to the Town of Sellersburg, Indiana.
2. ORDINANCE 2025 – OR – 002: An Ordinance Amending §§ 110.30-110.35 of the Code of Ordinances for the Town of Sellersburg, Indiana.
3. ORDINANCE 2025 – OR – 003: An Ordinance Amending the Employee Handbook for the Town of Sellersburg Specific to “Emergency Weather”.
4. ORDINANCE 2025 – OR – 004: An Ordinance Amending §§ 95.45 AND 95.46 of the Code of Ordinances for the Town of Sellersburg, Indiana.

UNFINISHED BUSINESS:

NEW BUSINESS:

1. Gonzales Work Orders | 2025-001: On-Call Water | 2025-002: On-Call Wastewater | 2025-003: On-Call Stormwater

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

RECEIPT OF STAFF REPORTS:

Charlie Smith, Town Manager
Chief Russ Whelan
Mike Harris (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:

STATE OF INDIANA
BEFORE THE TOWN COUNCIL OF SELLERSBURG, INDIANA

ORDINANCE NO. 2025 – 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 two (2) 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:

2019 Dodge Charger
VIN # 2C3CDXKT3KH535926
Mileage 85,079
Trade in value \$6,000

2020 Dodge Durango
VIN# 1C4SDJFT6LC368321
Mileage 90,036
Trade in value \$8,000

- 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

Terry Langford
Council Vice President

Terry Langford
Council Vice President

Scott McVoy
Council 2nd Vice President

Scott McVoy
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. 2025 – OR – 002

AN ORDINANCE AMENDING §§ 110.30-110.35 OF THE CODE OF ORDINANCES 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 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, this Council now desires to amend §§ 110.30-110.35.

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

MOBILE FOOD TRUCKS

§ 110.30 DEFINITION.

For the purposes of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

MOBILE FOOD TRUCK. A self-contained food service operation, located in a readily movable, motorized, wheeled, or towed vehicles, used to store, prepare, display or serve food, drink and/or desert intended for individual portion service.

ICE CREAM TRUCK. Every motor vehicle in which ice cream, popsicles, ice sherbets or frozen desserts of any kind are carried for purposes of retail sale on the town streets.

§ 110.31 LICENSED BY CLARK COUNTY HEALTH DEPARTMENT.

No mobile food truck shall operate within the Town of Sellersburg limits unless it has been licensed by the Clark County Health Department and is in compliance with all the rules and regulations of the Clark County Health Department.

Penalty, see § 110.35

§ 110.32 LOCATION.

(1) No mobile food truck shall remain in any 1 location for more than 12 hours in a single day unless being hosted at a special event as approved by the Town Manager in writing.

(2) No mobile food truck shall be permanently affixed or attached to any location within the Town.

(3) No mobile food truck shall receive utility services by any means other than a temporary connection.

(4) No mobile food truck shall block, obstruct or interfere with vehicular, bicycle, or pedestrian flow or create a safety hazard to any vehicle, bicycle, or pedestrian on public or private property.

(5) A vendor shall not operate on private property without first obtaining written consent to operate from the affected private property owner.

(6) No mobile food vehicle unit shall locate in any parking lot, parking space, or parking facility owned, leased or managed by the town unless approval has been given by the Town Manager in writing.

(7) Food must be vended towards the curb side and not the street side of the mobile food truck.

(8) No mobile food vehicle unit shall operate within 50 feet of any facade of a ground level establishment that also sells food or beverages or operate within 50 feet of the perimeter of such an establishment's outdoor seating area, regardless of whether or not the mobile food vehicle unit is currently conducting business.

(9) No mobile food vehicle unit shall locate within one block from the perimeter of any special event or festival unless prior approval has been granted by either the organizer/operator of the special event or the Town Manager in writing if a Town event.

(10) No mobile food vehicle unit shall locate within a residential neighborhood unless solicited by the governing HOA for an official neighborhood event.

(a) The location of the unit shall not impede normal traffic flow of the neighborhood including resident access to property.

(b) The serving window shall not face the roadway.

(c) The mobile food vehicle unit shall not remain at the location for longer than 6 hours or unless approved by the Town Manager in writing.

(11) The food truck operator shall comply with all Town parking regulations.

Penalty, see § 110.35

§ 110.33 LICENSE REQUIRED.

(1) Any vendor wishing to operate a mobile food vehicle must first apply for a mobile food license on a form prescribed by the Sellersburg Town Council. The application fee shall be \$125 which shall be paid at the time the application is submitted.

(2) Vendors shall provide proof of commercial general liability insurance coverage in the amount of not less than \$1,000,000 and execute a release agreement.

(3) Vendor shall provide proof of a current Clark County Health Department Food Establishment Permit valid for the calendar year of application.

(3) Separate applications shall be required for each mobile food vehicle.

(4) If the application is in order, the Permitting Office of the Town shall issue a mobile food vehicle license to the applicant. A license shall be valid through the thirty-first day of December of the year that the license was issued.

(5) Any failure to comply with the regulations in this section may result in the revocation, suspension of the license, or the town not renewing the mobile food vehicle license.

Penalty, see § 110.35

§ 110.34 GENERAL REGULATIONS.

(1) It shall be unlawful for any person, including any religious, charitable or nonprofit organization to operate a mobile food vehicle within the town without a license.

(2) A mobile food vehicle must hold all requisite Health Department, business, and resale licensures to sell food and beverages.

(3) A separate license is required for each mobile food vehicle. The license must be prominently displayed on the food truck.

(4) A license issued under this section shall expire on the thirty-first day of December of the year the license was issued.

(5) The operator of the mobile food vehicle must comply with the motor vehicle laws of the State of Indiana.

(6) Mobile food vehicles shall not interfere with or obstruct the free passage of pedestrians or vehicles along any street, sidewalk, road, or parking lot drive aisle or operate in such a way that would endanger the safety or property of the public. On public streets, a mobile food vehicle shall not park within 30 feet of any intersection, bus stop, crosswalk, driveway, alleyway, building entrance or walk-up window or within 15 feet of any fire hydrant. No mobile food vehicle unit may be located in or operated in an alleyway.

(7) Mobile food vehicles may operate at events on public property if they have a vendor agreement with the event coordinator and or the Town.

(8) No mobile food vehicle shall be equipped with any external electronic sound. Ice Cream Truck is exempt from this subsection.

(9) Except as provided herein, all signs must be permanently affixed to or painted on the mobile food vehicle. No sign shall flash, cause interference with radio, telephone, television or other communication transmissions; produce or reflect motion pictures; emit visible smoke, vapor, particles, or odor; be animated or produce any rotation, motion, or movement. Each mobile food vehicle shall be permitted to display one sandwich board sign that does not exceed four feet in

height, two feet in width or eight square feet in total area. Each sandwich board sign shall be located within ten feet of the location of the food truck. The sign may be located within the public right-of-way, provided there is a minimum clearance distance of five feet between the sign and the food truck. The sign shall be removed each day by the license holder or his, her or its designated representative.

(10) All exterior lights shall contain opaque, hood shields to direct the illumination downward.

(11) All mobile food vehicle vendors shall offer a waste container for public use which the vendor shall empty at its own expense. All trash and garbage originating from the operation of mobile food vehicles shall be collected and disposed of off-site by the operators each day. Spills of food or food by-products shall be cleaned up, and no dumping of gray water, grease or oil into the storm water inlets, sanitary sewers or on the street is allowed.

(12) Any power required for the mobile food vehicle located on a public way shall be self-contained and a mobile food vehicle shall not use utilities drawn from the public right-of-way. Mobile food vehicles on private property may use electrical power from the property being occupied or an adjacent property, but only when the property owner provides written consent to do so. No power cable or equipment shall be extended at or across any town street or alley.

(13) All mobile food truck vehicles shall be equipped at all times with an operating ABC Fire Extinguisher.

Penalty, see § 110.35

§ 110.35 ENFORCEMENT, PENALTIES.

(1) The Town Manager or their designee shall be vested with enforcement authority to issue citations for violations of this section in conformance with this code.

(2) Violations of this section shall be subject to penalty and enforcement provisions as follows:

(a) 1st Notice of Operating without a License: Warning

(b) 2nd Notice of Operating without a License or First offense as License Holder: \$150 fee;

(c) Second offense as License Holder: \$300 fee;

(d) 3rd Notice of Operating without a License or Third offense as License Holder: \$450 fee; and mobile food truck license revoked for one calendar year.

(3) Any penalties shall be paid to the Town of Sellersburg via the Sellersburg Permitting Office within 30 days of issuance. Failure to submit payment will result in civil action and two-year ban from license issuance or renewal.

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

Terry Langford
Council Vice President

Terry Langford
Council Vice President

Scott McVoy
Council 2nd Vice President

Scott McVoy
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. 2025 – OR – 003

AN ORDINANCE AMENDING THE EMPLOYEE HANDBOOK FOR THE TOWN OF SELLERSBURG SPECIFIC TO “EMERGENCY WEATHER”.

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, this Council has previous adopted an Employee Handbook for the Town of Sellersburg, Indiana for all employees to follow; and,

WHEREAS, this Council has determined a need to amend the Employee Handbook.

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

1. Section Titled “Emergency Weather” shall be repealed and replaced with the following language:

In the event of emergency weather conditions, we ask you to use sound judgement in assessing your individual situation and in making decision regarding leaving work early, arriving late or staying home rather than attempting to reach work.

If Clark County or the county in which you live declares a weather emergency, state of emergency, or a travel advisory warning, the town will compensate you for your scheduled work hours. If you miss work and Clark County or the county in which you live has not declared a weather emergency, you will be required to use PTO to cover the absence.

When -making decisions regarding severe weather conditions, employees must follow the general attendance policy.

- 2. No other sections in the Employee Handbook are affected by this amendment.
- 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

Terry Langford
Council Vice President

Terry Langford
Council Vice President

Scott McVoy
Council 2nd Vice President

Scott McVoy
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. 2025 – OR – 004

AN ORDINANCE AMENDING §§ 95.45 AND 95.46 OF THE CODE OF ORDINANCES 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 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, this Council now desires to amend §§ 95.45 and 95.46.

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

- 1. Sections 95.45 and 95.46 are hereby repealed and replaced as follows:
- 2. **§ 95.45 DEFINITIONS.**

(A) For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ENFORCEMENT AUTHORITY. The town manager or designee, in cases of appeal, the Town Council.

LANDSCAPED AREA. All planting areas on a parcel made attractive by the use of hard or soft landscaping materials which is suitable for the growth and maintenance of flowers, bushes, and/or other landscaping which includes surfaced walk, patio, and/or similar area, fences, walls and associated earthworks, and water features; however, it shall not include areas within the footprint of buildings/structures and driveways.

PROPERTY OWNER. The person occupying the property, the holder of legal title, or a person having control over the property of another, such as a right-of-way, easement, license, or lease.

RANK VEGETATION. The uncontrolled, uncultivated growth of annuals and perennial plants.

WEEDS; GRASSES. Includes thistles, johnson grass, sorghum, alum (i.e., allium), bur cucumber, crabgrass, shattercane, and/or any plant/vine found on the Indiana invasive species list as provided by the State’s Cooperative Extension Service, but shall not include shrubs, trees, cultivated plants, or crops.

YARD; FRONT, BACK, SIDE. Any lot or track of ground that does not include landscaped areas, driveway, sidewalk, home, or accessory structure that extends to the property line of the property owner.

(B) In no event shall cultivated plants or crops include plants which have been defined by state statute or administrative rule as being noxious or detrimental plants.

(C) The state’s Cooperative Extension Service shall be the referenced technical authority for the enforcement authority with respect to the definition of exempt matters, shrubs, trees, cultivated plants, and crops.

(D) Agricultural crops such as hay and pasture are exempt from this subchapter.

3. **§ 95.46 EXCESSIVE GROWTH PROHIBITED.**

It is unlawful within the town for weeds; grasses or rank vegetation to be allowed to be overgrown past the height of nine inches in any yard or twelve inches within a landscaped area or to such extent that the growth is detrimental to the public health and constitutes a nuisance.

4. This ordinance supersedes any and all other previously enacted ordinances that may be in effect and shall further 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_____.

[Signature page to follow]

“Aye”

“Nay”

Brad Amos
Council President

Brad Amos
Council President

Terry Langford
Council Vice President

Terry Langford
Council Vice President

Scott McVoy
Council 2nd Vice President

Scott McVoy
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