

FORTVILLE TOWN COUNCIL

MEETING AGENDA

» MONDAY, AUGUST 21st, 2023 «

— TOWN OF —
FORTVILLE

TOWN COUNCIL

- Frederick Fentz, *President*
- Tonya Davis, *Vice President*
- Becky Davis, *Member*
- Elizabeth Wyatt, *Member*
- Ryan Rummell, *Member*

CLERK-TREASURER

- Melissa Glazier

TOWN STAFF

- Joe Renner, *Town Manager*
- Alex Intermill, *Town Attorney*

PUBLIC MEETING

Fortville Town Hall
714 E. Broadway St.
Fortville, IN 46040
7:00 p.m.

WEB ACCESS VIA:

Zoom

Call: 1-305-224-1968

Meeting ID: 856 1362 0783

Link:

<https://us02web.zoom.us/j/85613620783>

1. TOWN COUNCIL MEETING OPENING - 7:00 PM

- Call Meeting to Order** - *Council President*
- Pledge of Allegiance**
- Roll Call** - *Clerk-Treasurer*
- Declaration of Quorum** - *Council President*
- Approve the Meeting Agenda**
- Approve Minutes from the previous meeting:**
 - August 7th, 2023

2. NEW BUSINESS

- Introduction of new **Street & Utilities Department member** – Chris Hunter.
- Council to consider **appointing an individual to the Redevelopment Commission (RDC) and Plan Commission.**
- Brian Brees**, Agent – Walker-Hughes Insurance & **Mike Schau**, Account Rep - Burnham & Flower, to address the Council considering the **Town of Fortville P&C Insurance Update / Review.**
- Council to consider holding **1st Reading on Ordinance No. 2023-** __, a rezone of approximately 1.68 acres at the southwest corner of W. Broadway St. and W. Garden St. (Parcel No. 30-02-16-200-001.011-017) from Commercial: Neighborhood (CN) to Commercial: Community (CC) for a proposed AutoZone store.

3. OLD BUSINESS - NA

4. DEPARTMENT REPORTS

- Town** – *Joe Renner*
- Planning & Building** – *Adam Zaklikowski*
- Parks & Recreation** – *Heath Luther*
- Police** – *Patrick Bratton*
- Clerk-Treasurer** – *Melissa Glazier*
- Legal** – *Alex Intermill*

5. PUBLIC COMMENTS

6. TOWN COUNCIL COMMENTS

7. APPROVE & SIGN VOUCHERS

8. ADJOURNMENT

In accordance with the Americans with Disabilities Act (ADA), the Town of Fortville will, upon request, provide appropriate aid and/or assistance leading to effective participation for people with disabilities. Anyone who requires such assistance should contact **Andy Williams** - Office Manager, at (317) 485-4044 Ext. 1003 or via email at awilliams@fortvilleindiana.org, at least forty-eight (48) hours before the scheduled meeting.

Andy Williams

From: Zaklikowski, Adam
Sent: Wednesday, August 16, 2023 10:04 AM
To: Chris McCreight; Frederick Fentz; Tonya Davis; Becky Davis; Libby Wyatt; Ryan Rummell; Andy Williams
Cc: Renner, Joe; Scott Meyer; Nathan Sturdevant
Subject: FW: Plan Commission and RDC Positions
Attachments: Fortville Plan Commision and RDC letter.pdf

Hi Chris - I am anticipating that the Town Council will make a decision at their meeting on Mon, Aug 21 @ 7 PM. Please be present either in-person or via Zoom. Zoom link will be in the agenda to be published later this week, we will provide.

Council – FYI.

Andy – Attachment for 8/21 Council meeting. . Thx.

-Adam

From: Zaklikowski, Adam <azak@fortvilleindiana.org>
Sent: Wednesday, August 09, 2023 9:36 AM
To: Chris McCreight
Cc: Renner, Joe; Intermill (Bose McKinney & Evans)
Subject: RE: Plan Commission and RDC Positions

Ok, thanks Chris. Since the tenants moved out and you will be selling it, there is no issue. For reference, here is the actual provision:

IC 36-7-14-12.4Ownership prohibition regarding single family dwellings

Sec. 12.4. Notwithstanding any other provision in this chapter, after June 30, 2014:

- (1) a redevelopment commission;
- (2) a department of redevelopment; or
- (3) any other entity:

- (A) established by the commission or department; or

- (B) controlled by the commission or a member of the commission regardless of any pecuniary interest the member may have; may not own, lease, or otherwise hold a single family dwelling or condominium unit for purposes of leasing for the use by individuals as a dwelling. In addition, an arrangement or agreement that is contrary to this section may not be extended beyond the term of the arrangement or agreement as in effect on June 30, 2014. However, a commission, department, or entity covered by this section may own property in the capacity of a land bank for a unit.

As added by P.L. 149-2014, SEC.7.

-Adam Zaklikowski

From: Chris McCreight <
Sent: Tuesday, August 08, 2023 4:50 PM
To: Zaklikowski, Adam
Subject: Re: FW: Plan Commission and RDC Positions

Chris McCreight
112 N McCarty Street
Fortville, IN 46040

To whom it may concern,

I am writing to express my interest in the RDC and Planning Commission positions for the town of Fortville.

I have over 17 years of experience in the construction industry. My experience consists of new construction and development where I have built over 200 homes in the states of Indiana and Ohio. This also includes over 8 years experience owning of my own construction and remodeling businesses where I have extensive comprehension of permitting, remodeling, and an overall knowledge of construction.

Owning, remodeling, and living in homes in the Fortville area gives me a vested interest in the involvement and support of the town. I would appreciate the consideration of myself and the opportunity to further discuss these positions.

Thank you.

Chris McCreight

Andy Williams

From: Zaklikowski, Adam
Sent: Wednesday, August 16, 2023 9:55 AM
To: J.M. Siebert; Frederick Fentz; Tonya Davis; Becky Davis; Libby Wyatt; Ryan Rummell; Andy Williams
Cc: Renner, Joe; Scott Meyer; Nathan Sturdevant
Subject: RE: Open Commission and Redevelopment Seat Interest
Attachments: Letter of Interest.docx

Hi Mike – Thank you very much for your letter and your willingness to serve! Only 1 other individual has expressed a willingness so far. I think you and I have spoken on the phone before or via email?

Note, there is a state prohibition on RDC members owning residential rental properties. Does this apply to you?

I am anticipating that the Town Council will make a decision at their meeting on Mon, Aug 21 @ 7 PM. Please be present either in-person or via Zoom. Zoom link will be in the agenda to be published later this week, we will provide.

Council – FYI.

Andy – Attachment for 8/21 Council meeting.

∴ Thx.

Adam Zaklikowski, AICP

Planning & Building Director

Town of Fortville

714 E Broadway St

Fortville, IN 46040

Direct (317) 482-4050

azak@fortvilleindiana.org



From: J.M. Siebert
Sent: Wednesday, August 16, 2023 8:32 AM
To: Zaklikowski, Adam <azak@fortvilleindiana.org>
Subject: Open Commission and Redevelopment Seat Interest

Caution: This is an email sent from someone outside of the company. Please take care when clicking links or opening attachments.

Please find my attached letter of Interest. I can be reached at [redacted] or [redacted] if you have any questions or concerns.

Thank you,
Mike Siebert

Mr. Adam Zaklikowski
Planning and Building Director
Town of Fortville
714 E Broadway St.
Fortville, IN 46040

REF: Plan Commission and Redevelopment Commission – Open Seat

Dear Mr. Zaklikowski:

In response to the post on the town's website on August 11, 2023, seeking interest in the open seat, I would like to express my interest.

My name is Mike Siebert and I live at 210 N Merrill in Fortville. My wife and two children moved to Fortville in June 2023. Previously, we lived in Lawrence Township where I was the chair of the Hamptons at Geist HOA Architecture Committee for over 6 years and filled an at-large board seat for 3 years. The HOA was self-managed by the residents with all decisions on exterior renovations and new construction managed by the Architecture Committee. Prior to living in Indiana, I also served as Secretary to the Jefferson Township Zoning Board in Mercer County, OH as well as working with the engineering and development director for the City of Celina, OH in the early 2000s.

Prior to relocating to Fortville and since our residency my family has fallen in love with Fortville, and we are passionate about its development, charm, and character.

Thank you for your consideration,

Mike Siebert
210 N Merrill St.
Fortville, IN 46040



LETTER OF INTENT ZONE CHANGE

July 28, 2023

Town of Fortville
Department of Planning & Building
714 E. Broadway St.
Fortville, IN 46040

RE: Proposed AutoZone Development
W Broadway St. at W Garden St.

Purpose: AutoZone Development LLC. Requests the zoning change of the proposed site near the intersection of W Broadway St. and W Garden St. (adjacent to 3Rivers Bank) from Commercial Neighborhood to Commercial Community.

Introduction: The proposed project will consist of a new AutoZone building, parking, storm sewer system, and other related site improvements. This commercial development is considered auto parts sales and is allowed in Commercial Community and Commercial Regional zoning areas, while the site is currently zoned to Commercial Neighborhood. The proposed building has a footprint of 6,816 square feet, along with 27 car spaces. The lot is 1.67 acres between W Broadway St. and W Garden St, both of which provide public road access.

Justification: The proposed rezoning of the site from Commercial Neighborhood to Commercial Community fits in with the Town of Fortville's comprehensive plan because the site is located along the central arterial roadway of the city and is easily accessible by the entire community. If the site were rezoned it would not conflict with the area due to its proximity to the main Commercial Community area of Fortville. Furthermore, as section 6.17 of the Fortville Zoning Ordinance indicates, no buffer zone is required between the various commercial zonings, meaning if the proposed site switches zonings it would not come in conflict with the surrounding properties which are zoned as Commercial Neighborhood. Additionally, the proposed project fits in with the size and land use of the adjacent development, 3Rivers bank, which is a small/medium-sized commercial site.

The zone change will not affect public health, safety or welfare, since the placement of the building would not create a safety issue, nor would the building location create traffic, drainage or other issues that would affect the public health, safety or welfare.

This zone change will not alter the essential character of the vicinity, since the proposed building is in an area of non-residential uses. The site along W Broadway St. will be landscaped per the requirements of the town of Fortville, which will enhance the appearance of the property.

We hope you will consider the above requests. Please direct any inquiries to Prism Engineering.

Thank You,

Nick West, EIT
Prism Engineering & Design Group, LLC
2309 Watterson Trail, Suite 200
Louisville, Kentucky 40299

(502) 491-8891 Ext. 9
(502) 491-8898 Fax

TOWN OF FORTVILLE

ORDINANCE NO. 2023 - ____

**Change of Zoning Classification – SWC Broadway St & Garden St
(Parcel No. 30-02-16-200-001.011-017)**

RECITALS

1. Pursuant to Indiana Code §§ 36-7-4-600 *et seq.*, the Town Council of the Town of Fortville (“Council” and “Town,” respectively) has lawfully adopted a Zoning Ordinance, the terms of which are applicable to the geographic area consisting of the incorporated area of the Town, and which Zoning Ordinance has been codified in the Town’s Code of Ordinances.
2. Pursuant to Indiana Code § 36-7-4-602, the Council is authorized to amend the map that is part of the Zoning Ordinance.
3. The Fortville Advisory Plan Commission (“Plan Commission”) rendered a _____ Recommendation after conducting a Public Hearing at their meeting on August 29, 2023 regarding a request to Rezone certain real property of approximately 1.67 acres from Commercial: Neighborhood (CN) to Commercial: Community (CC) as depicted in attached Exhibit A (Legal Description & Map).
4. In accordance with Indiana Code § 36-7-4-605, the Plan Commission certified its recommendation regarding the Rezone to the Town Council.
5. The Council has considered the Plan Commission’s recommendation and, in accordance with Indiana Code § 36-7-4-608, desires to adopt the proposed change in zoning for the Real Estate.

NOW, THEREFORE, IT IS HEREBY ORDAINED by the Council as follows:

SECTION 1. The official Zoning Map accompanying and made part of the Zoning Ordinance is hereby amended to change the zoning classification of the real property from Commercial: Neighborhood (CN) to Commercial: Community (CC).

SECTION 2. All prior ordinances or parts thereof inconsistent with any provision of this Ordinance are hereby repealed.

SECTION 3. This Ordinance shall be in full force and effect upon adoption.

[Signature Page Follows]

Introduced and filed on the 21st day of August, 2023.

Duly ordained and passed on the _____ day of _____, 2023 by the Town Council of the Town of Fortville, Hancock County, Indiana, having been passed by a vote of ____ in favor and ____ opposed.

TOWN OF FORTVILLE, INDIANA, BY ITS TOWN COUNCIL

AYE		NAY
	Fred (Fritz) Fentz, President	
	Tonya Davis, Vice President	
	Becky Davis, Councilwoman	
	Libby Wyatt, Councilwoman	
	Ryan Rummell, Councilman	

ATTEST:

Melissa Glazier
Clerk-Treasurer

Approved as to Form by: Alex Intermill, Town Attorney, Bose McKinney & Evans LLP

Prepared by: Adam Zaklikowski, AICP, Planning & Building Director

Exhibit A - Legal Description & Map

(See following pages)

LOT 2 IN TRES RIOS MINOR SUBDIVISION PER THE PLAT THEREOF RECORDED AS INSTRUMENT 202216007 IN CABINET D, SLIDE 219 IN THE OFFICE OF THE RECORDER OF HANCOCK COUNTY, INDIANA AND AS SURVEYED BY JOSHUA DAVID WERNER, PS #LS21200020 ON JUNE 15, 2023 UNDER WEIHE ENGINEERS, INC. PROJECT NUMBER W230321, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A MAG NAIL AT THE NORTHWEST CORNER OF SAID LOT 2; THENCE ALONG THE PERIMETER OF SAID LOT 2 THE FOLLOWING FOUR (4) COURSES:

- 1) NORTH 88 DEGREES 35 MINUTES 43 SECONDS EAST (BEARINGS ARE BASED ON THE STATE PLANE COORDINATE SYSTEM – INDIANA EAST ZONE (NAD83(2011))) 604.93 FEET TO A MAG NAIL;
- 2) SOUTH 00 DEGREES 38 MINUTES 05 SECONDS EAST 14.43 FEET TO A MAG NAIL;
- 3) ALONG A CURVE TO THE RIGHT AN ARC DISTANCE OF 636.92 FEET, HAVING A RADIUS OF 2815.00 FEET AND SUBTENDED BY A CHORD BEARING SOUTH 71 DEGREES 28 MINUTES 43 SECONDS WEST 635.56 FEET TO A REBAR;
- 4) NORTH 00 DEGREES 38 MINUTES 40 SECONDS WEST 201.50 FEET TO THE PLACE OF BEGINNING, CONTAINING 1.67 ACRES MORE OR LESS.



