

**Meeting of the Town Council of Hometown, Indiana**  
**March 2, 2020 6:00 p.m.**  
**Hometown Town Hall, 15617 Lima Road**

A meeting of the Hometown Town Council was held on Monday, March 2, 2020 at 6:00 p.m. In attendance were council members Patricia Freck, Gary Grant and Brandon Seifert. Also present were: Clerk-Treasurer Ryan Schwab; Town Manager Beth Shellman; Superintendent of Streets Randy Bailey and Hometown Resource Officer Kevin Surface. Also in attendance were nine (9) guests and one (1) reporter. Absent was council members Michael Aker (P) and Michael Stamets.

Gary Grant called the meeting to order at 6:00 p.m. with the Pledge of Allegiance.

**COUNCIL ACTIONS**

Brandon Seifert made a motion to approve the minutes from the February 18, 2020 administrative meeting. Patricia Freck seconded. Motion passed, 3-0.

Patricia Freck made a motion to approve the minutes from the February 18, 2020 regular meeting. Brandon Seifert seconded. Motion passed, 3-0.

Patricia Freck made a motion to approve the general, water and sewer claims dated March 2, 2020 in the amount of \$257,419.60. Brandon Seifert seconded. Motion passed, 3-0.

Brandon Seifert made a motion to approve Hometown Resolution 2020-013, a Resolution approving the transfer of appropriated funds from Local Road and Bridge Matching Grant Fund to CEDIT Fund. Patricia Freck seconded. Ryan Schwab explained to council that this Resolution is needed to put unused money for the Hathaway and Bethel Road Community Crossings Grant project back into the fund it originally came from. After no further discussion, the motion passed, 3-0.

Brandon Seifert made a motion to consider Hometown Ordinance 2020-007, Ordinance to amend Chapter 154 of the Town of Hometown, State of Indiana, Ordinance. Patricia Freck seconded. Motion passed, 3-0.

Patricia Freck made a motion to consider Hometown Ordinance 2020-008, an Ordinance amending ordinance 04-002 by adding an Enforcement Section for Violations thereof. Brandon Seifert seconded. Ryan Schwab informed the council that the current version of the town's Noise Ordinance did not include the enforcement section as other ordinances does and the purpose of this ordinance was to add language allowing the Town Council, Clerk-Treasurer and Allen County Sheriff's Department to serve as enforcement agents. After no further discussion, the motion passed, 3-0.

Patricia Freck made a motion to allow Town Manager Beth Shellman to seek a Request for Proposals of Engineers for the upcoming Kell Road Bridge project. Brandon Seifert seconded. Shellman reported that the town has been awarded an 80-20 Federal Aid project in the amount of \$736,000 for construction and construction engineering. After meeting with INDOT and NIRCC on February 28, 2020, the town can secure funding for engineering and right-of-way work in July of 2020 as long as the town starts the Request for Proposal process now. The town would receive \$102,400 and would have to come up with \$25,600 for engineering and right-of-way work. After no further discussion, the motion passed, 3-0.

**NEW BUSINESS**

Outside of items listed under Council Action, the following new business was brought forth:

- Beth Shellman reported that the Utility Service Board, at its meeting earlier in the evening, approved a smoke-testing agreement with Engineering Resources in the amount of \$16,500 for work in the Carroll Creek, Lakes of Carroll Creek, Villas of Carroll Creek and Preserves of Carroll Creek Superintendent of Streets Randy Bailey presented the council with an overview of the three quotes, noting that the manhole work at an estimated cost of \$5,400 would be done by town employees to save money. Bailey noted that

Engineering Resources' bid included advertising for the project which the town would have to do if another bid was accepted. No action from the council was required.

## **OLD BUSINESS**

Outside of items listed under Council Action, no Old Business was brought forth.

## **REPORTS**

Gary Grant reported that the County Council Personnel Committee is set to approve a second Resource Officer for the Town at the end of the month. The position would be posted with the Allen County Sheriff's Department in April with the hope of having the position filled in May. The agreement would read exactly like the current resource officer agreement.

Huntertown Resource Officer Kevin Surface had no report.

Clerk-Treasurer Ryan Schwab had the following report:

- The town's Annual Financial report was submitted ahead of the February 28, 2020 deadline and will be published in the Northwest News on March 4, 2020 and in the Journal Gazette on March 7, 2020. The only remaining year-end report to be filed with the State Board of Account of Department of Local Government Finance is the TIF report, which is due April 15, 2020.

Outside of items listed under Council Action, Town Manager Beth Shellman had the following report:

- The Huntertown Fire Department is asking the town for permission to use two pieces of town property for training exercises, with plans to burn them to the ground at the conclusion of training. Patricia Freck said she was hoping the town would sell those properties, however, Shellman said the properties are not in condition to re-sell.
- She would like to get quotes for a brick sign at the Wastewater Treatment Plant. The plant has enough brick left over from the project to build a sign. She wants to sign to have a similar look to the brick sign in front of Huntertown Town Hall.
- A new employee, Kris Bair, will begin work on Monday, March 9, 2020. He will be trained at the Wastewater Treatment plant part time and work under Superintendent of Streets Randy Bailey part time. Patricia Freck expressed concern about the number of employees who were supposed to be assigned to the wastewater treatment plant and the impact that number has on utility rates. She asked to have Steve Carter examine the impact while he is doing work on a rate study update for the town.
- The town has already received applications for 30 Hometown Hero banners. Banners will be ready for hanging around Memorial Day.

## **PUBLIC COMMENT**

Marc Deshaies and Tyler Thomas, co-owners of RISE Performance, 1611 Pheasant Run, addressed the council about an ongoing issue with noise complaints against their business from a neighbor. Deshaies expressed concern about the vague nature of the ordinance. He shared with the council an exemption clause in the ordinance for businesses. He also provided the Town Manager with examples of case law that makes aspects of noise ordinances "unconstitutional." He also noted that the business is correctly zoned and the noises are consistent with their type of business. Thomas added that their business chose Huntertown with the idea of bettering the community. As owners, they don't want to be argumentative but they also want to know what laws they are breaking. Gary Grant said the town would have to look at its own ordinance based on the case law provided, but expressed concern that the business and the neighbors have let this issue escalate beyond any other issue with noise he has seen in his years as an officer for the Allen County Sheriff's Department, including time as the Resource Officer for the Town. Thomas noted that the complaints are disrupting his business and Deshaies indicated that the complaints are coming from one person. Thomas also noted that even if the town changed its ordinance, he didn't see any complaints stopping.

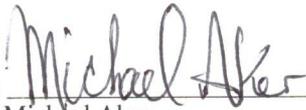
Talia Johnson, a resident at 1606 Pheasant Run, Apt 17, said the complaints about the noise at RISE Fitness are not coming from just one person. She said that had she stepped away from the situation, other neighbors would have complained as well. She noted that she is friends with Thomas and wants his business to succeed.

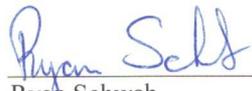
Ellen Baker, a resident at 15118 Tally Ho Drive, Apt. A, expressed concern about the excessive volume and the language in the music, asking how does loud music and vulgarity help promote fitness? She said the owners are lying about the time-frame when the music starts and stops each day. She said the sound system in the business is excellent, but it doesn't belong in a residential area. She also stated that an employee will purposely crank up the music and stand outside the business and stare at them across the street. Gary Grant told her that the council is in an awkward position, noting they can't regulate the type of music being played. Grant suggests having a meeting between the two sides to find common ground until the council can get its ordinance updated.

Patricia Gibson, a resident at 1606 Pheasant Run, Apt. 15, said she would like someone to stay overnight at her place and hear what she hears coming from RISE Fitness.

Tricia Johnson, a resident at 1606 Pheasant Run, Apt. 16, reiterated that it's not just one person complaining about the noise at RISE Fitness. She can't sit in her living room without the noise overtaking her home. She is tired of seeing her friends cry over this issue. Gary Grant asked the two sides to be agreeable to meet with his and Huntertown Resource Officer Kevin Surface at a future date and he would discuss that possibility with both parties at the meetings conclusion.

After no further public comment was brought forth, Brandon Seifert made a motion to adjourn. Patricia Freck seconded. Motion passed with a voice vote and the meeting adjourned at 7:02 p.m.

Attest:   
Michael Aker  
President

  
Ryan Schwab  
Clerk Treasurer