SPECIAL CITY COUNCIL MEETING **SEPTEMBER 16, 2004**
CITY ADMINISTRATION OFFICES **7:30 PM**

Mayor Marksberry called the meeting to order with the Pledge of Allegiance. A quorum of Council was determined with all of Council present. Councilman Padgett was delayed in arriving.

ORDINANCE 2004-12 "2005 BUDGET ORDINANCE"--SECOND READING & RESOLUTION 2004-20 "SUPPORTING 2005 BUDGET APPROPRIATIONS WITH PROPERTY TAX AND CERTIFIED SHARES"

The second reading of Ordinance 2004-12 "2005 Budget Ordinance" was held. Resolution 2004-20 "Supporting 2005 Budget Appropriations with Property Tax and Certified Shares" was also presented. There was no public present with comments or petitions. Clerk Gipson reported to Council the budget was prepared from the Form 1 requests submitted by Department Heads. Budgets were requested that would provide city services in the most efficient manner. What the City cannot fund with property and income taxes is supplemented with Riverboat revenues. According to Gipson the amount of funds that has been supplemented from Riverboat to provide these services in past years has been 2001-$625,000, 2002-$400,000, 2003-$700,000 and to date for 2004-$400,000.This allows the city to continue to provide an efficient level of services which residents require. After discussion a motion was made by Councilwoman Scott to approve Ordinance 2004-12 and Resolution 2004-20, 2nd by Councilman Slack; motion carried 4-0.

PETITIONS OR COMMENTS FROM CITIZENS

There was no one present with comments or concerns.

NEW BUSINESS

Mayor Marksberry presented Council with 2004 "Fall Clean-Up" information that will be advertised in the paper. After discussion a motion was made by Councilman Slack to approve the Clean-Up dates and times, 2nd by Councilman Brown; motion carried 4-0.

Marksberry also presented Council with information regarding the Rumpke services for refuse and recycling that will begin October 1st. This information will be advertised in the paper along with public notice publication. Councilman Brown and Mayor Marksberry voiced concerns about stipulating by Ordinance that residents set out items in alleys if one exists behind their residence. Brown stated a lot of the alleys are very narrow which could cause concerns. Mayor Marksberry stated that some are quite far from the residence as well. After discussion it was the consensus of Council that this stipulation be eliminated from the new Ordinance. Second reading of the Ordinance is set for the October 7th Council meeting.

Mayor Marksberry requested Council's input on changing the scheduled time for Council meetings from 7:30 to 6:00 or 6:30. After discussion it was determined that this would be

addressed for the 2005 year since an Ordinance would be needed in order to change the time.
Clerk Gipson requested permission from Council to set a deadline for the submission of claims for monthly Council meetings. According to Gipson Council Meeting Day receives the largest influx of bills. The process is not efficient. Gipson requested that claims be submitted a week prior to the Council meeting in order to be added to that meeting's docket. Bills would still be accepted—but would be added to the docket for the next scheduled Council meeting. Attorney Siekman stated this is actually office process and procedure and does not need a Council vote. Gipson stated she planned to talk with other Clerk's offices and the Auditor's office as well as educating vendors and the public before implementing by the first of the year.

UNFINISHED BUSINESS

RISING SUN ZONING ORDINANCE UPDATE ORDINANCE 2004-14 & RISING SUN ZONING MAP ORDINANCE 2004-15–2ND READING

Mayor Marksberry presented Ordinance 2004-14 "Zoning Ordinance Update" 2004-15 Zoning Map Ordinance for 2nd Reading. Marksberry had requested City Attorney Siekman to prepare an overview of concerns with options for Council that had been voiced at the July 1st Council meeting. See Attached Exhibit A. According to Attorney Siekman there are actually 2 separate proposals for consideration. The Zoning Law by text amendments and the Zoning Map. Council and Mayor Marksberry addressed each concern and after much discussion a motion was made by Councilman Siekman to adopt the Ordinance 2004-14 certified to the Council on July 1, 2004 with the following amendments:

1. Section 153.5.1(XX). Legally established conforming or non-conforming uses in existence at the time of the adoption of this zoning ordinance. (New Section)

2. Section 153.4.4 (I). Legally established conforming or non-conforming uses in existence at the time of the adoption of this zoning ordinance. (Amended Section)

3. Section 153.8(1.) The prohibition of fertilizer storage in all zones or operation of flour, grain or grist mills in 153.8(1.)is hereby stricken from the uses which are limited to an I-1 Industrial Zone upon approval of the Board of Zoning Appeals. (Amended Section)

4. Section 153.8(2.) The word "dust" is hereby stricken from this section. (Amended Section)

5. Section 153.8(2.) The word "unreasonable" is hereby added before the word "noise" in section 153.8(2.). (Amended Section)

6. Section 153.5.4(C) The word "similar" is hereby inserted before the word "merchandise". (Amended Section)

7. Section 155.3.1 Parking requirements for the following are amended: (Amended Section)

Bar/Tavern one space per 150 square feet of floor area.

Nightclub/ Sports Bar one space per 150 square feet of floor area.

This motion was seconded by Councilman Brown; motion carried 5-0. There was some discussion regarding Licensed Childcare not being allowed in a B2 zone without a variance or special exception which was raised by Dill Dorrell. After further discussion a motion was made by Councilman Slack to accept Ordinance 2004-15 Zoning Map to the City of Rising Sun Zoning Ordinance as certified to the Council on July 1, 2004, with the following amendments:

1. The Map is amended to include the newly annexed territory north of the City on State Road 56.

2. Said territory is hereby rezoned to a B-2 zoning classification.

This motion was seconded by Councilman Brown; motion carried 5-0. Attorney Siekman will prepare the Amended Ordinances for signature.

MISCELLEANOUS

Mike Northcutt Project Engineer presented Council with a request from Luther Land and Tanya Bruce for permission to leave partial fence on the City right-of-way of the property line located at 612 Wilson Street. See Attached Exhibit B. It was discussed that Casey Rayls parks ON the property that belongs to Land. Land put up a fence on City right-of-way. According to Northcutt the City right-of-way in this location is 60 feet. After further discussion Council requested Northcutt to send Land a letter to take down the fence as it is in the City right-of-way.

Mayor Marksberry informed Council he had received a letter from the Ohio County Community Foundation with thanks for the redirected revenue sharing funds in the amount of $10, 532.96.

Mayor Marksberry presented 2 price quotes for the paving of the former Fryman property as follows:

Paul H. Rohe	$46,192.88
Dave O'Mara	$39,950.00

After discussion a motion was made by Councilman Brown to accept the quote from Dave O'Mara in the amount of $39,950, 2nd by Councilwoman Scott; motion carried 5-0.

Northcutt requested Council to leave the bathrooms open all evening on October 9th to accommodate campers and boaters. Council agreed to allow this.

There was discussion regarding the status of the construction of public restrooms on Main Street. After discussion it was determined that Mayor Marksberry and Northcutt will continue to research options.

With no other business at this time, Councilman Brown made a motion to adjourn, 2nd by Councilwoman Scott, motion carried 5-0. Meeting adjourned at 9:15 pm.

Attest:

_____
Rae Baker Gipson,
Clerk Treasurer

_____
William A. Marksberry, Mayor

Ordinance 2004- 14

AN ORDINANCE TO AMEND THE ZONING ORDINANCE
OF THE CITY OF RISING SUN, INDIANA

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF RISING SUN, INDIANA:

WHEREAS, The Plan Commission of the City of Rising Sun certified to the Common Council of the Plan Commission on July 1, 2004 an amendment to the City of Rising Sun Zoning Code (2004 Update); and

WHEREAS, On Thursday, September 16, 2004, the Common Council of The City of Rising Sun, Indiana met in a special public meeting to discuss the amendments to the City of Rising Sun Zoning Code (2004 Update) and said meeting having been advertised to the General Public in a manner as prescribed by law; and

WHEREAS, The proposed update is being treated by the Common Council as a proposal to adopt a replacement ordinance for a jurisdiction under IC 36-7-4-606.

THEREFORE, THE ZONING ORDINANCE OF THE CITY OF RISING SUN, INDIANA, BEING A SEPARATE ORDINANCE AND PART OF THE MUNICIPAL CODE OF THE CITY OF RISING SUN, INDIANA, IS HEREBY AMENDED AS FOLLOWS:

I. The 2004 Update to the City of Rising Sun Zoning Ordinance as certified to the Common Council of the Plan Commission on July 1, 2004, and referenced and incorporated herein, is hereby adopted with the following amendments (changes):

1. Section 153.5.1(XX). Legally established conforming or non-conforming uses in existence at the time of the adoption of this zoning ordinance. (New Section)

2. Section 153.4.4 (I). Legally established conforming or non-conforming uses in existence at the time of the adoption of this zoning ordinance. (Amended Section)

3. Section 153.8(1.) The prohibition of fertilizer storage in all zones or operation of flour, grain or grist mills in 153.8(1.)is hereby stricken from the uses which are limited to an I-1 Industrial Zone upon approval of the Board of Zoning Appeals. (Amended Section)

4. Section 153.8(2.) The word "dust" is hereby stricken from this section. (Amended Section)

5. Section 153.8(2.) The word "unreasonable" is hereby added before the word "noise" in section 153.8(2.). (Amended Section)

6. Section 153.5.4(C) The word "similar" is hereby inserted before the word "merchandise". (Amended Section)

7. Section 155.3.1 Parking requirements for the following are amended: (Amended Section)

Bar/Tavern	one space per 150 square feet of floor area.
Nightclub/ Sports Bar	one space per 150 square feet of floor area.

II.. The Common Council finds that the reason for these amendments to the proposed update are in the best interest of the residents of the City of Rising and being made in order to maintain and encourage the continuation of existing businesses in the community and to eliminate perceived discrepancies in the proposed ordinance

III. Council now directs that the 2004 City of Rising Sun Zoning Ordinance as amended be returned to the Plan Commission for their consideration. The plan commission now has forty-five (45) days in which to consider these amendments and report back to the City Council as follows:

(A) If the commission approves the amendments or fails to act within the forty-five (45) day period, the ordinance stands as passed by the City Council as of the date of the filing of the commission's report of approval with the City Council or the end of the forty-five (45) day period.

(B) If the commission disapproves the amendments, the action of the City Council on the original rejection or amendment stands <u>only if confirmed by another vote of the City Council</u> within forty-five (45) days after the commission certifies its disapproval. If the City Council fails to confirm its action under this subdivision, then the ordinance takes effect as if it had been adopted (as certified) ninety (90) days after certification.

ADOPTED AND PASSED BY THE COMMON COUNCIL OF THE CITY OF RISING SUN, INDIANA THIS 16th DAY OF September, 2004.

NAY

AYE

Michael Padgett
Gerald L. Brown
Gene Siekman
Stephanie Scott
Steven Slack

Presented by me to the Mayor of the City of Rising Sun, Indiana, for his approval and signature this 16th DAY OF September, 2004.

Rae Baker Gipson, Clerk Treasurer

This Ordinance approved and signed by me on this 16th DAY OF September, 2004.

William A. Marksberry, Mayor

ATTEST:

Rae Baker Gipson, Clerk Treasurer

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(B) If the commission disapproves the amendments, the action of the City Council on the original rejection or amendment stands only if confirmed by another vote of the City Council within forty-five (45) days after the commission certifies its disapproval. If the City Council fails to confirm its action under this subdivision, then the ordinance takes effect as if it had been adopted (as certified) ninety (90) days after certification.

ADOPTED AND PASSED BY THE COMMON COUNCIL OF THE CITY OF RISING SUN, INDIANA THIS 16th DAY OF September, 2004.

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Michael Padgett
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Gene Siekman
Stephanie Scott
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Presented by me to the Mayor of the City of Rising Sun, Indiana, for his approval and signature this 16th DAY OF September, 2004.

Rae Baker Gipson, Clerk Treasurer

This Ordinance approved and signed by me on this 16th DAY OF September, 2004.

William A. Marksberry, Mayor

ATTEST:

Rae Baker Gipson, Clerk Treasurer

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Prescribed by Department of Local Gov[redacted] Finance
Approved by State Board of Accounts

[redacted]

[redacted]

Budget Form 4 (Rev. 2002)

ORDINANCE FOR APPROPRIATIONS AND TAX RATES

2004-12

Be it Ordained by the Rising Sun City Council, Rising Sun, Indiana: That for the expenses of the County, City or Town government and its institutions for the year ending December 31, 2005 the sums of money shown on Budget Form 4-A are hereby appropriated and ordered set apart out of the several funds herein named and for the purposes herein specified, subject to the laws governing the same. Such sums herein appropriated shall be held to include all expenditures authorized to be made during the year, unless otherwise expressly stipulated and provided for by law. In addition for the purpose of raising revenue to meet the necessary expense of county, city and town government, tax rates are shown on Budget Form 4-B and included herein. Two (2) copies of Budget forms 4-A and 4-B for all funds and departments are made a part of the budget report and submitted herewith.

APPROVED BY

COUNTY COUNCIL

Presented to the County Council of _____ County, Indiana, and read in full for the first time this _____ day of _____, 200 _____

Attest: _____ President County Council

_____ County Auditor and/or Clerk of County Council

Presented to the County Council of _____ County, Indiana, and read in full for the second time this _____, 19 ____ .

Yea	Nay
Council Member	Council Member
Council Member	Council Member
Council Member	Council Member
Council Member	Council Member
Council Member	Council Member
Council Member	Council Member
Council Member	Council Member

Attest: _____ County Auditor and/or Clerk of County Council

CITY COUNCIL

This ordinance shall be in full force and effect from and after its passage and approval by the Common Council and Mayor.
Adopted by the following vote on September 16, 2004.

Yea	Nay
Council Member	Council Member
Council Member	Council Member
Council Member	Council Member
Council Member	Council Member
Council Member	Council Member
Council Member	Council Member
Council Member	Council Member
Council Member	Council Member
Council Member	Council Member
Council Member	Council Member

Approved by the Mayor September 16, 2004.

Attest: _____ City Clerk-Treasurer _____ Mayor

TOWN COUNCIL

This ordinance shall be in full force and effect from and after its [passage and approval by the Town Council.
Adopted by the following vote on _____, 200 _____ .

Yea	Nay
Council Member	Council Member
Council Member	Council Member
Council Member	Council Member
Council Member	Council Member
Council Member	Council Member
Council Member	Council Member
Council Member	Council Member

Attest: _____ Town Clerk-Treasurer