

COMMON COUNCIL

Regular Meeting

December 5, 2011

The regular meeting of the Common Council of the City of Shelbyville, Indiana, was held in the Common Council Chambers of City Hall on Monday, December 5, 2011, at 7:00 P.M. Councilman Val Phares was absent, and Mayor Furgeson presided. The meeting was opened with the Pledge of Allegiance led by Councilman Nolley and Councilwoman Owens followed that with prayer.

Councilman Fero moved to accept the minutes of the regular meeting, November 21, 2011, and Councilman Nolley seconded. There was no public comment. The motion was carried on a 6-0 voice vote.

Councilman Nolley moved to accept the minutes of the special meeting, November 28, 2011, and Councilman Asher seconded. There was no public comment. The motion was carried on a 5-0-1 voice vote with Councilman Fero abstaining.

In old business, Ordinance No. 11-2680, to repeal certain sections of the Shelbyville Zoning Code and Subdivision Control Ordinance and to adopt the City of Shelbyville Unified Development Ordinance, was presented on second and final reading. Councilman Fero moved to adopt this ordinance as amended on second and final reading, and Councilman Sponsel seconded. Deputy Plan Commissioner Michele Hansard highlighted the changes to the ordinance that were made at the Plan Commission meeting on November 28th. Councilwoman Owens brought up the issue of the temporary sign language in the ordinance. Plan Commissioner Tom DeBaun stated that the current ordinance on temporary signs is unconstitutional based on content allowing non-profits to do something different than what for profit organizations can do with temporary signage. Mr. DeBaun added that this ordinance will allow all sign to be on premise and that non-profits could not put their signs on any property other than the non-profit's property. Mr. DeBaun added that an appeal to the Board of Zoning Appeals would be a way around the ordinance if the non-profits decide to take that route. Ms. Angie Davies, Executive Director of SCUFFY, related that this ordinance would have a direct effect on non-profits and their ability to get their message out to the public. Ms. Davies added that she doesn't want any special consideration for SCUFFY either. Councilman David Phares asked if SCUFFY's thermometer signs are affected by this ordinance. Mr. DeBaun replied that they could only be placed at SCUFFY's agencies. Councilman Asher stated that SCUFFY would be one of the lucky non-profits because they would have thirteen sites for signs compared to one for other non-profits. Ms. Holly Simpson, owner of Signs and More, reported that the passage of this ordinance would affect her business as well as the ability of non-profits to get their message out to the public because they have no other way of advertising. Ms. Simpson requested that the Council deeply reconsider the passage of this ordinance. Mayor Furgeson asked Parks Director Karen Martin what impact this would have on their programs. Ms. Martin replied that it will affect those who may not get their advertising elsewhere. Ms. Martin added that it may make a big impact on their programs. Mr. DeBaun stated that if the Council does not want to pass this, they could kick it back to the Plan Commission for further review or they could make the sign ordinance a standalone document. Councilman Sponsel asked if this ordinance could be amended at any time. Mr. DeBaun replied that it could. Plan Commission President David Finkel stated that the sign code is easy to fix and that there should be careful consideration when that decision is made. Councilwoman Owens asked if the section dealing with the signs is removed from this ordinance, does it have to go back to the Plan Commission. Mr. DeBaun replied that that was correct. Councilman Sponsel called for the question. The ordinance was defeated on a 1-5 voice vote with Councilman Sponsel voting aye.

Also in old business, Ordinance No. 11-2681, amending Title IX, "General Regulations", of the City Code to add "Chapter 100: Americans with Disabilities Act", was considered on second and final reading. Councilman Fero moved to adopt this ordinance on second and final reading, and Councilman Asher seconded. There was no public comment. The motion was carried on a 6-0 voice vote.

In new business, Resolution No. 2011-22, tax abatement for 501 Northridge Industrial Properties, LLC in the amount of \$1,750,000.00 for real property, was considered. Councilman Fero moved to adopt this resolution, and Councilman Nolley seconded. Councilwoman Owens

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inquired about the forty proposed jobs. Mr. Nick Saran replied that the employees will probably be retained in the third quarter of 2012. Councilwoman Owens asked what types of jobs are involved. Mr. Saran replied that they are skilled trades, engineers and management positions. There was no public comment. The motion was carried on a 6-0 voice vote.

There was no miscellaneous business, reports from committees, boards and commissions or comment and requests from citizens.

There being no further business, Councilman Asher moved to adjourn, and Councilwoman Owens seconded. The motion was carried on a 6-0 voice vote.

Scott A. Furgeson
Mayor

ATTEST:

Rodney L. Meyerholtz
Clerk-Treasurer