

COMMON COUNCIL
JANUARY 3, 2023
6:00 P.M.

Mayor Werling called the meeting to order at 6:00 p.m. Those in attendance rose for the pledge of allegiance.

Clerk-Treasurer Aldrich took the roll call:

Present were Sandra Flora, Mike Isley, Spencer Kingery, Cody Nelson and Dave Weckerly.

Nominations were opened for President Pro Tempore of the Council. Spencer Kingery was nominated by Cody Nelson. Dave Weckerly moved to close the nominations. Without objection the nominations were closed. Spencer Kingery was duly elected President Pro Tempore of the Common Council for 2023 by a unanimous vote.

Minutes from the special meeting held on December 22, 2022, were presented for approval. Spencer Kingery moved to approve. Second by Cody Nelson. Without objection, the minutes were approved as read.

Without objection, department head reports for December 2022 were incorporated by reference into these minutes.

OTHER BUSINESS

Rachel Christenson from HWC presented an overview of the City of Delphi's first Comprehensive Land Use Plan (CLUP) developed in 2022 and funded in large part through a grant from OCRA and administered by K-IRPC. The overview detailed the process of creating the plan along with its highlights. Five takeaways from the plan: 1) increase quality housing; 2) expand local government capacity as population grows and establish planning department to streamline development; 3) support local jobs and workforce development; 4) invest in quality of place; and 5) strengthen a vibrant downtown. The adoption process for the CLUP includes a review by the Area Plan Commission on January 24th preceded by a public hearing. The recommendation of the APC will be presented to the Common Council on February 6 where a decision on adoption of the plan will be made. The CLUP is a living document and a guide for future development within the City.

Rachel introduced Shawn Cain from K-IRPC who was present to conduct a public hearing on the closeout of the OCRA planning grant. Without objection, the Council meeting was suspended at 6:20 p.m. and the public hearing opened. Shawn Cain explained that the grant utilized federal Community Development Block Grant dollars through OCRA. The grant was for \$50,000 with a local share of \$5,560. Gerry White and others from OCRA have approved the draft CLUP. Now all claims need to be paid and the plan adopted so that the grant can be closed out by March 8, 2023. Cain asked if there were any questions or comments. Doyle Moore asked if it was too late to make suggestions. Rachel Christenson responded that changes could still be made and repeated that a public hearing would be held at the start of the APC meeting on January 24th at 6:00 p.m. and at the Council meeting on February 6. Tim Stewart stated that local investors should get preference over outside investment and that compliance with ADA was a

problem for small developers. Christenson indicated that the City of Delphi has an ADA plan that is posted on the City's website. The plan is for guidance and is not regulatory. Tim Stewart additionally commented that there were too many strings with using federal funds. There being no others wishing to speak and without objection, the public hearing was closed at 6:30 p.m. and the Council meeting resumed.

UNFINISHED BUSINESS

Proposed Ordinance 2022-23 establishing rates for the Water Utility was presented on second reading. Spencer Kingery moved to pass Ordinance 2022-23 on second reading. Second by Cody Nelson. Motion carried. (4-0) Cody Nelson moved to pass Ordinance 2022-23 on third and final reading. Second by Spencer Kingery. Motion carried. (4-0)

Proposed Ordinance 2022-24 establishing rates for the Wastewater Utility was presented on second reading. Spencer Kingery moved to pass Ordinance 2022-24 on second reading. Second by Cody Nelson. Motion carried. (4-0) Spencer Kingery moved to pass Ordinance 2022-24 on third and final reading. Second by Cody Nelson. Motion carried. (4-0)

NEW BUSINESS

Proposed Resolution 2023-1 authorizing application and match for the 2023-1 round of Community Crossings Matching Grant program was presented for approval. Mayor Werling explained that the application deadline will be January 27. While the list of projects is not finalized, the maximum grant amount that could be requested is \$1,000,000 which would require a match of \$333,333. The resolution asked for match not to exceed that number with up to \$150,000 from MVH and up to \$183,333 from the Rainy Day budget. The match commitment is contingent upon receipt of CCMG funding from INDOT. Spencer Kingery moved to approve. Second by Cody Nelson. Sandra Flora asked what projects might be included. Mayor Werling indicated that restoration projects were not funded in the 2022-1 round and would likely be priority for this round along with a restoration project. Motion carried. (4-0)

Council Board Appointments

- Carroll County Area Plan Council Appointment. Sandra Flora was nominated by Spencer Kingery. Without objection nominations were closed. Sandra Flora was appointed unanimously.
- Northwest Indiana Solid Waste District. Cody Nelson was nominated by Spencer Kingery. Without objection nominations were closed. Cody Nelson was appointed unanimously.
- Carroll County Administrative Transportation Committee. Dave Weckerly was nominated by Spencer Kingery. Without objection nominations were closed. Dave Weckerly was appointed unanimously.
- Delphi Redevelopment Commission with two Council appointments. Spencer Kingery was nominated by Sandra Flora. Erin Jubril was nominated by Sandra Flora. Without objection the nominations were closed. Spencer Kingery and Erin Jubril were appointed unanimously.

Mayor Werling announced the following appointment of Councilors to work with department heads:

- Councilwoman Flora: Streets and Parks
- Councilman Isley: Aviation and Fire Territory
- Councilman Kingery: Wastewater

- Councilman Nelson: Water and Clerk-Treasurer
- Councilman Weckerly: Police and Mayor

FUTURE BUSINESS

Mayor Werling stated that at the final meeting of 2022, the Council agreed to table the review of Solid Waste fees until the full Council could be present. The topic will be on the February 6 agenda.

Werling indicated that the docket included two ordinances for future consideration: a Code of Ethics and an ordinance for rental property registration and inspection. The drafts were presented for discussion purposes with no action expected on either at the January 3 meeting. On the matter of the Code of Ethics.

Council members stated that the draft was in line with their expectations. Attorney Robeson noted that the code covered all employees, elected officials, and agents and questioned if "agents" should be "appointees". The consensus was to accept that change and to present the proposed ordinance on first reading at the February 6 meeting.

On the matter of the draft ordinance for rental property registration, Cody Nelson stated he had received calls and emails in opposition to such an ordinance and wanted to take time to research what communities our size have done. Attorney Robeson confirmed that the draft was modeled on larger communities, including Whitestown. Sandy Flora indicated she had received emails against the concept but that it was not clear the reasons for opposition. Spencer Kingery stated it should be geared to communities our size. Dave Weckerly thought it was too strong, or complex for Delphi. Mayor Werling stated that Flora had investigated establishing a rental property ordinance a few years back and wondered if they had a working draft. Following further discussion, the consensus was to have an advertised public meeting where any interested parties could voice their concerns and recommendations; to have the legal department search for examples for communities closer in size to Delphi and to see if a draft ordinance was prepared for Flora; and to open the floor for comments from those present.

BOARD COMMENTS

Cody Nelson asked Clerk-Treasurer Aldrich if there any residents had registered for golf cart permits to which she replied that several had been issued. Mayor Werling added that it was time to put to rest the notion that the Golf Cart and UTV ordinance was directed against lawn mowers. Cody Nelson stated that lawn mowers were not mentioned in the ordinance. Werling added that the lawn mower issue was really a State matter as lawn mowers are not recognized as motorized vehicles approved to be on the roads. Spencer Kingery asked for additional signage for the one-way street at the intersection of East Main and Union. Dave Weckerly complimented the railroad for reconstructing the grade crossings adding that laying asphalt in the cold temperatures was an art.

PUBLIC COMMENTS

Sharon Milburn questioned the passage of ordinances on second and third reading at the same meeting without a rule suspension. Attorney Robeson stated that such a suspension was not needed to pass an ordinance on second and third readings in the same evening. A rules suspension was necessary only on passage of an ordinance on all three readings at the meeting of introduction.

Several rental property owners offered comments on the proposed ordinance:

Matt Burkhart made comments about retrofitting buildings for ADA Compliance, etc. and questioned how the fees collected from rental property registrations and inspections would be utilized.

Doyle Moore expressed concern that the ordinance would open Pandora's box; the City should take care of issues, but not set rules for everyone; would sell his properties if passed. Landlords have contracts with tenants that set out the rules; City should not be involved in that.

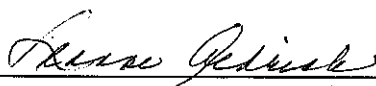
Tim Stewart complained that it was already too hard to get renters out; property owners work too hard to give it all away. Krista Watson stated that renters were a different breed but spend a lot of dollars in Delphi. The ordinance would put too much of a burden on rental property owners.

The discussion continued with the Council pledging to have a work session at a future date to give voice to tenants and landlords on issues with rental properties. That meeting would likely be held during an evening in March, perhaps after a second draft was completed. Any drafts will be posted on the City of Delphi website.

There being no further public comment, Spencer Kingery moved to adjourn. Second by Cody Nelson. Without objection the meeting adjourned at 7:21 p.m.



Mayor Anita Werling



Clerk-Treasurer, Leanne Aldrich, Attest