

March 20, 2023

The Town Council of the Town of Middlebury met in regular session at the Town Hall, Middlebury, IN at 6:00 pm, March 20, 2023. The meeting was called to order by Council President, Miranda Cripe. Everyone in attendance took part in the Pledge of Allegiance.

Upon the roll call, the following members of the Council were present:

Karl Miller, Scott Miller, Miranda Cripe, Dan Shoup and Chuck Teall

Also present were Jackson Beck, Attorney, Mary Cripe, Town Manager and Peggy Hutchison, Clerk/Treasurer.

**MINUTES:**

Dan Shoup moved to approve the minutes from the March 6, 2023 meeting. Scott Miller seconded, and the motion passed with a voice vote.

**PUBLIC COMMENTS:**

None

**ACCOUNTS PAYABLE VOUCHERS:**

The following Accounts Payable Vouchers were reviewed and approved on a motion by Chuck Teall and seconded by Dan Shoup. The motion passed with a voice vote.

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|--|---------------|
| Accounts Payable Vouchers payroll – 3/9/2023 | \$ 131,058.06 |
| Accounts Payable Vouchers – March 20, 2023   | \$ 812,354.71 |

**UNFINISHED BUSINESS:**

None

**NEW BUSINESS:**

Danny Dean from Elkhart County presented proposed Ordinance No. MD 683 – “An Ordinance to Amend Ordinance No. PC 3016-03 Known as the Elkhart County Zoning Ordinance by Rezoning the Area of Real Estate Hereinafter Described from B-1 to B-2”. This is for property located at 514 S. Main St., Middlebury, IN. The owners are wanting to open “Slow Burn” a cigar and whiskey establishment. The Council asked the owners, Luta Enterprises, questions which were answered to the Council’s satisfaction. After some further discussion, a public hearing was held. After hearing comments from Cliff Miller – 520 S. Main St. - stating it is their constitutional right to open this kind of establishment and he does not see it as a problem to the community. Upon hearing no other comments, Chuck Teall motioned to close the public hearing and Dan Shoup seconded. This passed with a voice vote. Scott Miller asked what the difference was between a B-1 and B-2 zoning. Mr. Dean explained the difference. Chuck Teall then motioned to approve Ordinance No. MD 683 and Dan Shoup seconded. This passed with a voice vote, with Scott Miller abstaining.

Tom Enright presented an “Agreement for Services” from the Friends of Middlebury Parks. This agreement would allow the Parks Department to service the area owned by the Friends of the Park – Trestle Terrace- using Town equipment. After some discussion, Dan Shoup motioned to approve the

agreement and Karl Miller seconded. This passed with a voice vote. The Friends of the Park will reimburse the Town for the hours it takes to maintain the area.

Jackson Beck presented proposed Ordinance No. 684 – “An Ordinance of the Town of Middlebury Amending the Town of Middlebury Employer Handbook”. The amendment is to replace page 40 in the current employee handbook regarding travel, meals and lodging expenses. This increases the daily meal allowance to \$45.00 and nightly lodging to \$225.00 . Chuck Teall motioned to approve Ordinance No. 684 and Dan Shoup seconded. This passed with a voice vote.

Jackson Beck also presented proposed Resolution No. 2023-04 – “Resolution of the Middlebury Town Council Establishing Mileage Reimbursement Rate”. This Resolution increases the mileage rate to \$.55 a mile for Town related travel. Scott Miller inquired why the Town doesn’t follow the IRS standards. After getting an explanation from Miranda Cripe, Chuck Teall motioned to approve the Resolution and Dan Shoup seconded. This passed with a voice vote.

Mary Cripe is requesting the Council approve a Petition for Sign Variance for Hardings Market. They are wanting to install signs on two (2) sides of their building. This matter was tabled until the April 3<sup>rd</sup> meeting to allow for publication of a public hearing.

Mary Cripe also presented a Banner request from the 4-H Fair to install their annual banner across Main Street. This is the same as in past years. Scott Miller motioned to approve the banner placement and Chuck Teall seconded. This passed with a voice vote.

#### **Department Reports:**

Water Department – No report

Public Works Department – Nothing to add.

Wastewater Department – Nothing to add.

Park Department – Two (2) trees in Krider Gardens will be cut down on Thursday causing Bristol Ave. to be closed for a short period of time.

Police Department – Nothing to add.

#### **ANNOUNCEMENTS:**

Redevelopment Commission meeting – Thursday, March 23, 2023 at 7:45 am – Town Hall

Next Council meeting - Monday, April 3, 2023 at 6 pm -Town Hall

Elk. County Redev. Comm. Meeting – April 6, 2023 – 2 pm – Elk. Cty. Administration Bldg.


Tree Board Meeting – April 6, 2023 at 7 pm – Town Hall

The meeting was adjourned.



Miranda Cripe, Town Council President

ATTEST:



Peggy A. Hutchison, Clerk-Treasurer