

# **TOWN OF UPLAND, INDIANA**

## **OCTOBER 10, 2007**

The Town Council of the Town of Upland met in regular session on the above date. All members were present. The meeting was called to order at 7:00 p.m. by President Joe Romine. There was a motion by Martz seconded by Jagers to approve the minutes from the September 26, 2007 meeting. Those voting aye: Bonham, Jagers, Romine, Cooper, Martz. Nays: No one.

**REZONING OF 5 ACRES ON 500S.:** The Council received a copy of a letter sent to Mr. Guy Duckwall from the Area Plan Commission letting him know that the Area Plan gave his petition a favorable recommendation to change the zoning from R1 to RS with a deed or plat restriction to the Town Council for a mini warehouse facility by special exception. Mr. Duckwall was at the meeting to ask the Council to approve the change in zoning. Issues of concern were curb appeal, signage, lighting, and alternative use in the future. Mr. Duckwall said that all these issues had been addressed. He had a petition signed by residents on 500 S and some on 1000S which would be directly affected by the storage facilities. All those on the petition were in favor. He would build one unit at a time as need demands. He would not do anything to diminish property values and would keep it neat and clean. He feels that it would be a good project for the community. Wilma Stephens, Urban Street concern is the security. Mr. Duckwall said there would be a fence. Mr. Bonham then spoke. He let the public know that it was the Town that has the authority to change the zoning, but there are certain uses that the property could be used for. The Council has heard from concerns from residents and Bonham said he would make a motion to change the zoning from R1 to RS with a deed restriction.

**MOTION TO CHANGE ZONING:** Motion by Bonham seconded Cooper to change the zoning on five acres owned by Mr. Guy Duckwall from R1 to RS with Ordinance prepared by Area Plan Commission with a deed restriction for usage for storage units only. Romine then called for discussion. Kevin Crawford read from the statutes of the Board of Zoning Appeals. The value of the neighborhood shall not be adversely affected. Bonham asked Mr. Crawford if he understood that pertained to the BZA and not the town. Mr. Andrew Whipple then read a letter submitted by his wife You-Ying who was not able to attend the meeting. She expressed that the rezoning was the wrong impression, wrong location and wrong environment. Mr. Whipple then read a letter from himself. He said that the burden of proof for the rezoning is on the proposer and he feels that the rezoning has little to nothing in its favor. He also thinks there is a downside to the rezoning because he feels that it cost the residents in individual property depreciation and the town by reducing the tax base and be reducing the town's curb appeal. He also feels there is substantial public opposition. Gregg Ballinger and Jerry Deeter both spoke in favor of the rezoning. The Town should support new business. It is Mr. Duckwall's money and he should be allowed to pursue a business venture. Both have known Mr. Duckwall both personally and as business associates and have seen the way he maintains his home and current business. They have no doubt that this property would be maintained in the same manner. Mr. Jagers then spoke. He feels like this is one of the most important issues that have come before the Council since he has been serving. The issue should be really thought through and be careful about the decision. We have heard good presentations on both sides. His hat is to decide what is in the best interest for the Town. He feels like the concerns of curb appeal, signage, lighting and alternative use have all been addressed satisfactorily. His struggle is with the orderly development of the Town. He suggested that since we received some new information tonight and some signed petitions, that the Council should table the issue until the next meeting. Mr. Bonham then withdrew his motion from the table and Mr. Cooper agreed.

**TABLE REZONING ISSUE:** Motion by Jagers seconded by Bonham to table rezoning until the October 24<sup>th</sup> meeting. Those voting aye: Bonham, Jagers, Romine, Cooper, Martz. Nays: No one.

**DIGITAL ORDINANCE AND RESOLUTION ORGANIZATION:** Clerk-Treasurer recommended that the Council accept the proposal from Innovation Mapping to complete the work related to the digital ordinance and resolution organization in the amount of \$3900.00. There was a motion by Bonham seconded by Jagers to approve the Scope of Services with Innovation Mapping for Digital Ordinance and Resolution Organization for the cost of \$3900.00. Those voting aye: Bonham, Jagers, Romine, Cooper, Martz. Nays: No one.

**TRICK OR TREAT HOURS:** It was the consensus of the Council to set Trick or Treat Hours for Wednesday, October 31<sup>st</sup> from 5:00 p.m. to 8:00 p.m.

**SIDEWALK REPAIR:** James Gowin of 16 Taylor St. is concerned about the condition of the sidewalk in front of his home. At this time, there is about a three year list of sidewalks to be done. The Council has committed to doing so many each year as money allows. Chip Long will work with Mr. Gowin with removing the sidewalk and filling with dirt until a new sidewalk can be installed.

**ATV'S ON THE ROAD:** Brad Thurman asked again about riding ATV's on the streets. Exceptions will be made for riding during special events such as Labor Day Week-end, Strawberry Festival, etc.

**ROBERT COPPOCK:** Mr. Coopock asked if anymore had been done with the vacation on the property on South St. Clerk expressed that Mr. Ross had called her before the last meeting and said there would be no Public Hearing on the matter that night because of some issues with getting things prepared. Mr. Ross said they would be getting in touch with us at a later date for the Public Hearing.

**STREET LIGHTING:** Upland Police Department has requested additional street lights north on the curb. There was a motion by Jagers seconded by Bonham to approve lights past the guard rail area going north out of town on the curb up to 200 watt lamps to be consistent with Main St. Those voting aye: Bonham, Jagers, Romine, Cooper, Martz. Nays: No one.

There being no further business, the meeting was adjourned. The next regular meeting will be Wednesday, October 24<sup>th</sup> at 7:00 p.m. There will be an Executive Session at 6:00 p.m. for the purpose of discussing personnel

ATTEST: \_\_\_\_\_ SIGNED: \_\_\_\_\_  
JANE E. ROCKWELL COUNCIL PRESIDENT  
CLERK-TREASURER