



## Common Council Agenda

**MEETING DATE:** March 7, 2023, at 5:30 PM

**MEETING PLACE:** Madison City Hall- Council Chambers

- A. Lord's Prayer/Pledge of Allegiance
- B. Calling of roll and notice of absentees
- C. Reading, approving, correcting, or disposing of minutes from prior meeting
- D. Presentation of petitions, memorials, remonstrances, introduction of motions and guests
- E. Resolutions or bills
  - Resolution 3C-2023: Accept Sunrise Crossing Blvd as Street Sponsor Schafer
  - Ordinance 3-2023: Vacating Alley at 117 Ferry St. Sponsor Thevenow
- F. Reports, recommendations, other business of standing/select committees of city council
- G. Reports of City Officials
  - Katie Rampy
- H. Bills on third reading
- I. Bills on second reading
- J. Miscellaneous
- K. Public comments
- L. Mayor's comments
- M. Next Council meeting: Tuesday, March 21, 2023, at 5:30 PM
- N. Motion to adjourn.



# MADISON *Indiana*

## Common Council Minutes

**MEETING DATE:** February 21, 2023

**MEETING PLACE:** Madison City Hall – Council Chambers

The Common Council of the City of Madison, Indiana met in regular session at 5:30 P.M. at City Hall, 101 W. Main St.

Mayor Courtney opened the meeting with the Lord's Prayer followed by the Pledge of Allegiance to the Flag.

**Present:** Thevenow, L. Dattilo, J. Bartlett, D. Dattilo, Chatham, and J. Schafer. Krebs was absent and excused. (6-1).

**Minutes:** Bartlett moved to approve February 7, 2023, minutes, seconded by Thevenow. All in favor, motion carried (6-0).

**Presentation of petitions, memorials, remonstrances, introduction of motion & guests:** None.

### Resolutions or bills:

#### RESOLUTION 2C-2023: APPROVING CLASS ACTION SETTLEMENT

The City of Madison has been a plaintiff in multiple types of litigation involving the misuse of opioid drugs both by pharmaceutical companies and manufacturers. The named defendants include Walgreens, Walmart, CVS, Teva, and Allergan. A settlement has been reached with the previously named defendants and the City of Madison will be entitled to a portion of the settlement funds, which are listed in Resolution 2C-2023.

Bartlett moved to approve Resolution 2C-2023, seconded by D. Dattilo. All in favor, motion carried (6-0).

**Roll Call Vote:** Bartlett – Y, Chatham – Y, Schafer – Y, L. Dattilo – Y, Thevenow – Y, D. Dattilo – Y (6-0). Motion carried.

### Reports, recommendations, and other business from standing/select committees of City

**Council:** The mayor recommended one appointment to the Tree Board, Thomas Stark. Stark recently completed a term on the Historic District Board of Review. The mayor requested approval for Thomas Stark to join the Tree Board.

D. Dattilo moved to approve the Tree Board appointment of Thomas Stark, seconded by Schafer. All in favor, motion carried (6-0).

**Report of city officials:** Brian Jackson, the city's Utilities Superintendent, gave council a brief update and review regarding the Water and Sewer Department in 2022. Last year, the department had some changes in its superintendents in the Water Department. In March of 2022, the Water Superintendent at the time, Ron Geyman retired. Mr. Geyman was replaced with an existing employee, Jay Mitchell, who has his water license and was the certified operator for a significant amount of time. Mitchell has been with the water depart since 2007. In the Wastewater Department, the Wastewater Superintendent, Jay Thompson, resigned in October of 2022. He was replaced several months later by

Rebecca Frakes, who is a class 4 operator and was the prior Wastewater Superintendent for the town of Edinburgh, IN.

Jackson also updated council on the Capital improvements water project. For Division A, supply and water treatment improvements- O'Mara has done an initial assessment and some preliminary work but is still waiting on materials that were ordered. For Division B, tank improvements plans on beginning work the second week in March. Division C has already begun working on East Street and Flint Street.

**Bills on third reading:** None.

**Bills on second reading:** None.

**Public comment:** Annalisa Strickland, Mulberry Street, asked a question regarding the chemical spill in Palestine, Ohio. She asked if the city was actively testing our water or if we were in contact with Cincinnati to see if anything has come through their water systems. Brian Jackson was brought up to address the question. Jackson is having a conference call Wednesday, February 22, 2023, to go over this. Jackson explained that the chemical spill does not affect us at all. They have done testing in Cincinnati too and by the time it gets to Madison, the chemicals would be so diluted and well below EPA standards. The City of Madison tests water daily.

**Mayor's comments:** Mayor Courtney wanted to acknowledge EMA week and Troy Morgan and team. Courtney thanked Troy and his staff for all the great services they provide throughout the community. A proclamation was read from Gov. Holcomb regarding emergency staff. The mayor also read Gov. Holcomb's proclamation for the FFA, as it is also FFA week. The city resubmitted a couple of plans for Destination Madison for READI 1.5 which could result in additional project funding. The city will know in May if there are additional monies to be returned to the RDA for reallocation. The groundbreaking for Gaines Park will be Wednesday, February 22, 2023, at 5:30 pm.

The next regular meeting will be held on Tuesday, March 7, 2023, @ 5:30 pm in City Hall.

**Adjourn:** Thevenow moved to adjourn, seconded by Bartlett. All in favor (6-0).

Attested:

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President Pro Tempore

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Kathleen M. Rampy, Clerk-Treasurer

**RESOLUTION ACCEPTING THE DEDICATION OF A CERTAIN  
STREET WITHIN THE CITY OF MADISON**

WHEREAS, a recent commercial development known as the “Shoppes at Sunrise Crossing” is nearing completion; and

WHEREAS, pursuant to an Economic Development Agreement signed by the Developer, Madison Plaza Group, LLC, and the City of Madison, Indiana on the 1<sup>st</sup> day of March 2022, the Developer shall designate, grant, and transfer to the City of Madison a developed portion of said property to be dedicated and utilized as a City street; and

WHEREAS, the Developer shall transfer a proposed roadway to the City of Madison that is more fully described in “Exhibit A” attached hereto; and

WHEREAS, said development and roadway is further described and depicted in a Survey recorded on November 17, 2022, as Instrument No. 202204865 and as Tract 5 of a Warranty Deed recorded on December 7, 2022, as Instrument No. 202205157 in the Office of the Recorder of Jefferson County, Indiana; and

WHEREAS, said street shall be dedicated and utilized for public use and shall hereafter be considered property of the City of Madison, Indiana; and

WHEREAS, the Common Council of the City of Madison, Indiana agrees to accept said property to be utilized as a public street and hereby declares that said street shall be named “Sunrise Crossing Boulevard” and shall be added to the City’s existing street and road inventory.

NOW THEREFORE BE IT RESOLVED, by the Common Council of the City of Madison, Indiana as follows:

1. That the Common Council of the City of Madison, Indiana hereby accepts the dedicated street described herein and authorizes the Mayor to execute the requisite documents upon completion and inspection of the road.
2. That the street accepted pursuant to this Resolution shall be added to the City of Madison’s existing road and street inventory and shall be maintained in the same manner as all other roads and streets within the City’s jurisdiction.
3. That the street accepted herein shall be named “Sunrise Crossing Boulevard” and shall continue to be named as such until changed by the Common Council of the City of Madison.
4. This Resolution shall be in full force and effect from the date of its adoption by the Common Council of the City of Madison, signature of the Mayor and enrollment in the book of Resolutions.

**DULY ADOPTED BY THE COMMON COUNCIL OF THE CITY OF MADISON,  
INDIANA** this 7th day of March 2023.

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Councilman

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Bob G. Courtney, Mayor  
City of Madison, Indiana

(SEAL)

ATTEST:

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Kathleen M. Rampy, Clerk-Treasurer

Presented by me to the Mayor of the City of Madison, Indiana, on this 7th day of March, 2023.

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Kathleen M. Rampy, Clerk-Treasurer

**“EXHIBIT A”**

**DESCRIPTION OF PROPOSED ROADWAY (1.053 ACRES):**

LYING IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 4 NORTH, RANGE 10 EAST, MADISON TOWNSHIP, JEFFERSON COUNTY, INDIANA, AND BEING A PART OF THE SAME PROPERTY CONVEYED TO MADISON PLAZA GROUP, LLC BY INSTRUMENT NUMBER 201103607 OF THE JEFFERSON COUNTY RECORDER'S RECORDS AND BEING THAT 1.053 ACRE TRACT AS SHOWN ON ORIGINAL SURVEY OF SAID TRACT AS SURVEYED BY PAUL RANEY, PS #20400061, LAST REVISED DATE JULY 19, 2022, HREZO ENGINEERING PROJECT NUMBER SVY16210:02 AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND MAG NAIL MARKING THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 4 NORTH, RANGE 10 EAST, THENCE ALONG THE NORTH LINE OF SAID QUARTER SECTION S 89° 51' 33" E, A DISTANCE OF 968.11 FEET TO A SET 5/8" REBAR WITH CAP IN THE SOUTH RIGHT OF WAY LINE OF STATE ROUTE 62, THENCE S 76° 38' 06" W, A DISTANCE OF 79.44 FEET TO A SET 5/8" REBAR WITH CAP, THENCE S 81° 37' 26" W, A DISTANCE OF 173.99 FEET TO A SET 5/8" REBAR WITH CAP AT THE NORTHEAST CORNER OF LOT 1A, THENCE ALONG THE EAST LINE OF LOT 1A S 00° 00' 00" E A DISTANCE OF 314.76 FEET TO MAG NAIL SET AT THE NORTHEAST CORNER OF LOT 1B, THENCE ALONG THE WESTERN LINE OF MADISON INDIANA REDEVELOPMENT COMMISSION (INSTRUMENT NUMBER 2022-02881), S 00° 00' 00" E, A DISTANCE OF 387.67 FEET TO A SET 5/8" REBAR WITH CAP AND THE TRUE POINT OF BEGINNING:

THENCE CONTINUING ALONG THE WESTERN LINE OF MADISON INDIANA REDEVELOPMENT COMMISSION (INSTRUMENT NUMBER 2022-02881), S 00° 00' 00" E, A DISTANCE OF 60.00 FEET TO A SET 5/8" REBAR WITH CAP,

THENCE ALONG THE SOUTH LINE OF PROPOSED ROADWAY THE NEXT FIVE (5) CALLS:

N 90° 00' 00" W, A DISTANCE OF 286.51 FEET TO A SET 5/8" REBAR WITH CAP,

THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 200.00 FEET, AN ARC LENGTH OF 66.42 FEET AND A LONG CHORD OF N 80° 29' 07" W, A DISTANCE OF 66.12 FEET TO A SET 5/8" REBAR WITH CAP,

THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 200.00 FEET, AN ARC LENGTH OF 64.29 FEET AND A LONG CHORD OF N 80° 10' 43" W, A DISTANCE OF 64.01 FEET TO A SET 5/8" REBAR WITH CAP,

N 88° 21' 57" W, A DISTANCE OF 5.09 FEET TO A SET 5/8" REBAR WITH CAP, AND

N 89° 29' 36" W, A DISTANCE OF 249.44 FEET TO A FOUND 5/8" REBAR WITH CAP AT  
THE EAST RIGHT OF WAY OF MICHIGAN ROAD,

THENCE ALONG SAID RIGHT OF WAY N 00° 15' 54" E, A DISTANCE OF 96.16 FEET TO A  
SET 5/8" REBAR WITH CAP,

THENCE ALONG THE NORTH LINE OF PROPOSED ROADWAY THE NEXT TEN (10)  
CALLS:

ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 1024.00 FEET, AN ARC  
LENGTH OF 141.39 FEET, AND A LONG CHORD OF S 84° 14' 06" E, A DISTANCE OF  
141.28 FEET TO A SET MAG NAIL,

S 80° 16' 46" E, A DISTANCE OF 18.72 FEET TO A SET MAG NAIL,

THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 207.00 FEET, AN  
ARC LENGTH OF 15.39 FEET, AND A LONG CHORD OF S 78° 08' 57 " E, A DISTANCE OF  
15.39 FEET TO A SET MAG NAIL,

THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 207.00 FEET, AN  
ARC LENGTH OF 4.33 FEET, AND A LONG CHORD OF S 75° 25' 11" E, A DISTANCE OF  
4.33 FEET TO A SET MAG NAIL,

S 74° 49' 14" E, A DISTANCE OF 64.48 FEET TO A SET MAG NAIL,

THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 19.50 FEET, AN ARC  
LENGTH OF 3.81 FEET, AND A LONG CHORD OF S 80° 25' 09" E, A DISTANCE OF 3.80  
FEET TO A SET MAG NAIL,

THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 988.00 FEET, AN  
ARC LENGTH OF 31.53 FEET, AND A LONG CHORD OF S 86° 55' 55" E, A DISTANCE OF  
31.53 FEET TO A SET MAG NAIL,

THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 200.96 FEET, AN  
ARC LENGTH OF 34.36 FEET, AND A LONG CHORD OF S 82° 57' 30" E, A DISTANCE OF  
34.31 FEET TO A SET MAG NAIL,

THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 260.00 FEET, AN  
ARC LENGTH OF 28.01 FEET, AND A LONG CHORD OF S 74° 03' 24" E, A DISTANCE OF  
28.00 FEET TO A SET 5/8" REBAR WITH CAP,

THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 140.00 FEET, AN ARC LENGTH OF 46.50 FEET, AND A LONG CHORD OF S 80° 29' 07" E, A DISTANCE OF 46.28 FEET TO A SET 5/8" REBAR WITH CAP, AND

S 90° 00' 00" E, A DISTANCE OF 286.51 TO THE POINT OF BEGINNING CONTAINING 1.053 ACRES MORE OR LESS.

BEING AND INTENDED TO BE A PART OF THE SAME PROPERTY CONVEYED TO MADISON PLAZA GROUP, LLC BY INSTRUMENT NUMBER 201103607 OF THE JEFFERSON COUNTY RECORDER'S RECORDS.

THE BASIS OF BEARINGS FOR THIS DESCRIPTION IS A BEARING CREATED BY GPS OBSERVATIONS BASED ON THE INDIANA STATE PLANE COORDINATE SYSTEM (NAD83) INDIANA CORS NETWORK, GEOID (G2012A07).

THE ABOVE-DESCRIBED PARCEL IS SUBJECT TO THE RIGHT OF WAY OF MICHIGAN ROAD AND ALL OTHER EXISTING EASEMENTS AND/OR RIGHT OF WAY OF RECORDS.



**ORDINANCE NO. 2023-3**

**AN ORDINANCE OF THE COMMON COUNCIL OF THE  
CITY OF MADISON, INDIANA VACATING A PORTION OF  
A CERTAIN ALLEY IN THE CITY OF MADISON, INDIANA**

WHEREAS, Petitioners, Scott Koerner and Susan Koerner, presently own certain real estate located in the City of Madison, Jefferson County, Indiana, said real estate being situated at 920 East Vaughn Drive (Parcel No. 39-13-01-223-049.000-007) and 117 Ferry Street (Parcel No. 39-13-01-223-048.000-007) and which properties are described as follows:

Eighty (80.00) feet by parallel lines off the east side of Lots 18, 19, 20, 21, 22, 23, 24, 25, 26 and 27 of the John Sheets' Addition to the City of Madison, bounded on the north by High Street; on the east by Ferry Street; on the south by Vaughn Drive.

ALSO, that portion of a 14-foot platted alley; lying between Lots 22 and 23, in said Addition.

WHEREAS, Petitioners have proposed that the City of Madison vacate the following alley which lies between Petitioners' Parcel No. 39-13-01-223-049.000-007 and Parcel No. 39-13-01-223-048.000-007 in the City of Madison, Indiana:

That portion of a 14-foot platted alley lying between Lots 22 and 23 in John Sheets' Addition to the City of Madison. Said alley runs east and west and is located between Parcel No. 39-13-01-223-048.000-007 and Parcel No. 39-13-01-223-049.000-007.

WHEREAS, the Board of Public Works and Safety of said City, at its regular meeting held on February 21, 2023, pursuant to a request by Petitioners, took official action recommending the vacation of said alley to the extent set forth above; and

WHEREAS, platted streets and alleys may be vacated within a municipality in accordance with I. C. 36-7-3-12; and

WHEREAS, pursuant to I. C. 36-7-3-12 concerning the vacation of public ways, required notice of hearing before the Common Council has been given pursuant to I. C. 5-3-1-2 by the

advertisement of a notice of hearing by publication in *The Madison Courier*, a newspaper of general circulation in the City of Madison, which notice and proof of publication are both on file in the Office of the Clerk-Treasurer of said City; and

WHEREAS, all adjacent landowners have been notified of said vacation pursuant to I. C. 36-7-3-12.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MADISON, INDIANA, that:

Section 1. Pursuant to the recommendation of the Board of Public Works and Safety adopted at its regular meeting on February 21, 2023, the Common Council hereby adopts an ordinance vacating the above-described alley.

Section 2. That the following alley is now and hereby vacated as a public alley:

That portion of a 14-foot platted alley lying between Lots 22 and 23 in John Sheets' Addition to the City of Madison. Said alley runs east and west and is located between Parcel No. 39-13-01-223-048.000-007 and Parcel No. 39-13-01-223-049.000-007.

Section 3. The City of Madison hereby reserves for its benefit or the benefit of any private utility which may presently have utilities located upon the above-described alley an easement for public or private utilities located upon the above-described alley and for the maintenance, replacement, improvement, and repair thereof. The City of Madison further reserves for its benefit, or for the benefit of any private utility authorized by the City of Madison, an easement allowing future underground utilities to be installed, maintained, repaired, and replaced in said vacated alley.

Section 4. The Clerk-Treasurer of the City of Madison, upon the final adoption of this ordinance and signature by the Mayor, shall cause a certified copy of this alley vacation ordinance to be entered upon the transfer records in the Office of the Auditor of Jefferson

County, Indiana, and further recorded in the deed records in the Office of the Recorder of Jefferson County, Indiana.

Section 5. This ordinance shall be in full force and effect immediately from and after its passage, enrollment, and signature by the Mayor.

The foregoing Ordinance was passed and adopted by the Common Council, City of Madison, Indiana at a regular meeting held on the 7th day of March 2023.

PRESENTED BY:

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Councilman

\_\_\_\_\_  
Bob G. Courtney, Mayor

(SEAL)

ATTEST:

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Kathleen M. Rampy, Clerk-Treasurer