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## CH21 - 2012 Ordinances

### CH21 21 .1 - Change Zoning for 2799 State Road 13 From Residential to Commercial

BE IT ORDAINED, by the Board of Trustees of the Town of Lapel, Madison County, Indiana:

That a Petition for Variance, specifically, petition requesting the change of zoning from residential to commercial, was filed with the Town of Lapel on the 16th day of January 2008, requesting a change of zoning for the property described on the attached legal description and commonly known as 2799 State Road 13, Lapel, Madison County, Indiana (See attached Exhibit A).

Further that petition, Michael Ridsen, representing National Oil & Gas., Inc., is requesting the change in zoning classification with the intent to construct a gas station and convenience store on the above described property.

That upon the Petition for Variance, and in conjunction with the required procedure as specified in the Lapel Town Ordinances, a public hearing was conducted on the 17th day of April, 2008. (See attached exhibit B). The Town Board of Lapel did approve the Petition for Variance changing the zoning from residential to commercial with the condition that overhead directional lighting be installed, and storage tank equipment and safety devices as required by state and federal regulations.

BE IT ORDAINED, that the Town Board of Lapel now implements the zoning classifications of BUSINESS, for the above described property upon the terms and conditions as referenced above.

Read and Adopted this 5th day of January, 2012

**EXHIBIT A**

**LEGAL DESCRIPTION**

Commencing at a point 60 rods North of the Southeast corner of the East-Half of the Southeast Quarter of Section 28, Township 19 North, Range 6 East, and running thence West 327 feet, thence North 166.5 feet, thence East 327 feet, thence South 166.5 feet to the place of beginning being a part of the East-half of the Southeast Quarter of said Section 28, containing 1.25 acres more or less.

## EXHIBIT B

### MEETING MINUTES APRIL 17th 2008

The public hearing was conducted concerning the petition to change the zoning from residential to commercial for the property commonly known as 2799 State Road 13, Lapel. The proposed use for the property is a gas station and convenience store. Jamie Reddick said the proposed gas station would be too close to the elementary school; Joann Trimbell said the proposed gas station is too close to the elementary school; Jeff Risk said there will be pollution problems, noise problems, and light from the overhead fixtures will shine onto his property all night long; Donna Ward said she is in favor of the gas station, will provide additional competition in town; Billy Davis said she is against the new gas station because it will be a safety hazard for the kids, double backup for cars, buses and trucks in an already congested area, not in favor of the facility next to the school; Bill Davison (attorney for buyer) School Bd, approved the proposed facility, Indiana Department of Transportation approved, Alan Swindford (owner of CVS building) approved, overhead directional lighting will be used and all of the latest approvals of tank equipment and safety devices will be used on the facility; Dennis Molina (Town Marshal) traffic at that location is not a problem, 3 way stop is coming to that intersection which will greatly improve traffic safety; Lynn Wainscott said Noblesville has no rules concerning what can be built next to a school, everyone he has spoken to is in favor of the new facility, Bloom moved, seconded by Pearson, motion passed unanimously to request that Town Attorney prepare the ordinance changing the zoning of the subject property from residential to commercial.

#### Further Information

**1-2012**

**Date Passed: 1/5/2012**

## CH21 21 .2 - Change Zoning for 25 West 9th Street from Residential Commercial

BE IT ORDAINED, by the Lapel Town Council of the Town of Lapel, Madison County, Indiana:

That a petition requesting the change of zoning from residential to commercial, was filed with the Town of Lapel on the 13th day of January, 2012, requesting a change of zoning for the property described:

Lot #2 Wrights First Addition to the Town of Lapel Commonly known as 25 West 9th Street, Lapel, IN 46051

Further that petitioner Janice Montgomery, is requesting the change in zoning classification with the intent to have a barber shop and a rental home.

That upon the Petition, and in conjunction with the required procedure as specified in the Lapel Town Ordinances, a public hearing was conducted on the 1st day of March, 2012. The Lapel Town Council approves the Petition changing the zoning from residential to commercial.

BE IT ORDAINED, that the Lapel Town Council now implements the zoning classification of BUSINESS, for the above described property.

Read and Adopted This 15th Day of March 2012.

#### Further Information

2-2012

Date Passed: 3/15/2012

## CH21 21 .3 - 4 Way Stop at 9th Street and Ford Street

BE IT ORDAINED by the Town Board of Lapel, Madison County, Indiana:

That the following intersection, which is in the corporate limits of the Town of Lapel and currently identified as 9th Street and Ford Street shall be designated as follows:

1. That the intersection of 9th Street and Ford Street shall be designated as a four way stop.

NOW, BE IT ORDAINED, by the Town Board of Trustees, of the Town of Lapel, Madison County, Indiana:

That the intersection of 9th Street and Ford Street is hereby designated as a four way stop intersection.

That the Ordinance shall become effective on the posting of the four way stop signs.

Read and Adopted this 15th Day of March, 2012.

#### Further Information

3-2012

Date Passed: 3/15/2012

## CH21 21 .4 - Annexation of Patrick Daugherty Property

BE IT ORDAINED by the Town of Lapel, Madison County, Indiana:

An ordinance annexing adjacent and contiguous property to the Town of Lapel, a municipal, of Madison County, Indiana.

WHEREAS, Patrick R. Daugherty and Tracy N. Daugherty filed their Petition for Annexation of real property adjacent and contiguous to the corporate limits of the Town of Lapel, which property is described hereinafter; and

WHEREAS, the Petition is properly before the Town Board pursuant to Indiana Code [36-4-3-5.1](#); and

WHEREAS, the Town Board of Lapel, as the Board of Trustees, finds the Petition in proper order and that the property sought to be annexed, by Patrick R. Daugherty and Tracy N. Daugherty, is adjacent and contiguous to the corporate boundaries of the municipal corporation of the Town of Lapel and that the Petition and all things comply with the above-referenced Indiana Code.

NOW BE IT ORDAINED BY THE TOWN BOARD OF LAPEL, AS THE BOARD OF TRUSTEES, LAPEL, MADISON COUNTY, INDIANA:

**Section 1.** That the following described real estate owned by Patrick R. Daugherty and Tracy N. Daugherty is adjacent and contiguous to the corporate limits of the Town of Lapel, Madison County, Indiana.

**Section 2.** That the following described real estate, to wit:

204 Kerr Drive, Lapel, IN 46051

Commencing at the Northwest corner of the Northeast Quarter of the Northeast Quarter of Section 28, Township 19 North, Range 6 East; thence North 89 degrees 17 minutes 19 seconds East 701.05 feet along the North line of said Northeast Quarter of the Northeast Quarter to the place of beginning; thence continue North 89 degrees 17 minutes 19 seconds East 635.69 feet to the Northeast corner of the Northeast Quarter of said Section 28; thence South 00 degrees 07 minutes 52 seconds East 503.71 feet; thence South 90 degrees 00 minutes West 270.65 feet; thence South 00 degrees 00 minutes 00 seconds 54.59 feet; thence South 90 degrees 00 minutes 00 seconds West 190.00 feet; thence South 00 degrees 00 minutes 00 seconds 25.00 feet; thence South 90 degrees 00 minutes 00 seconds West 217.14 feet; thence North 00 degrees 00 minutes 00 seconds 110.00 feet; thence North 90 degrees 00 minutes 00 seconds East 13.00 feet; thence North 00 degrees 00 minutes 00 seconds 340.00 feet; thence North 90 degrees 00 minutes 00 seconds West 2.00 feet; thence North 00 degrees 00 minutes 00 seconds 125.40 feet to the place of beginning.

Being a part of the Northeast Quarter of the Northeast Quarter of Section 28, Township 19 North, Range 6 East in Stony Creek Township, and containing 7.889 acres, more or less. Subject to legal rights-of-way.

Said parcel contains 0.175 acres, more or less.

Be and is annexed into the Town of Lapel Madison County Indiana.

## Further Information

4-2012

Date Passed: 6/21/2018

# CH21 21.5 - Establish Police Concerning Nepotism

AN ORDINANCE PERTAINING TO EMPLOYMENT PRACTICES AND POLICY CONSTITUTING NEPOTISM AND CONFLICTS OF INTEREST.

BE IT ORDAINED by the Town Board of Lapel, Madison County, Indiana:

Whereas, in 2012 the Indiana Legislature passed, and the Governor signed, HEA 1005 entitled Nepotism; Conflict of Interest;

WHEREAS, Indiana Code [36-1-20.2](#), as added by P.L. 135-2012. SECTION 7, requires the Town of Lapel to establish a policy concerning nepotism;

WHEREAS, Indiana Code [36-1-21](#), as added by P.L. 135-2012, SECTION 8, requires the Town of Lapel to establish a policy concerning contracting with relatives of elected officials;

WHEREAS, these two new chapters, Indiana Code [36-1-20.2](#) Nepotism and Indiana Code [36-1-21](#) Contracting with a Unit, respectively, are effective July 1st, 2012;

WHEREAS, in both of the new Indiana Code chapters, the municipal legislative bodies are mandated to adopt a policy that includes, as a minimum, the requirements set forth in those new chapters;

WHEREAS, in both of the new Indiana Code chapters "relative" is defined as a spouse, parent, step parent, child (natural or adopted), step child, brother, half brother, sister, half sister, step brother, step sister, niece, nephew, aunt, uncle, daughter-in-law or son-in-law;

WHEREAS, after thoughtful consideration and in order to comply with the two new chapters of the Indiana Code mentioned above, the Town of Lapel believes it is in the best interests of the citizens to adopt as its policies the minimum requirements of Indiana Code [36-1-20-2](#) Nepotism and Indiana Code [36-1-21](#) Contracting with a Unit as stated in the said new chapters of the Indiana Code; and

NOW, BE IT ORDAINED, by the Town Board of Trustees, of the Town of Lapel, Madison County, Indiana, that:

1. The Town of Lapel finds that is necessary and desirous to adopt a policy of conduct with regard to nepotism in the employment with the Town of Lapel and in contracting with the Town of Lapel in order to continue to be able to provide local government services to its residents and to comply with the new laws effective July 1st 2012, known as Indiana Code [36-1-20.2](#) and [36-1-21](#), respectively.

2. On July 1st, 2012 the Town of Lapel shall have a Nepotism and a Contracting with a Unit policy that complies with the minimum requirements of Indiana Code [36-1-20.2](#) (hereinafter "Nepotism Policy") and Indiana Code [36-1-21](#) (hereinafter "Contracting with a Unit by a Relative Policy") and implementation will begin.
3. The Town of Lapel's Nepotism Policy is hereby established effective July 1st 2012 by adopting the minimum requirements provisions of Indiana Code [36-1-20.2](#) and including all future supplements and amendments thereto which become law from time to time, and making them a part hereof as it fully set out herein. In addition, the policy shall be supplemented by adding to the definition of "relative" the relationships of grandson and granddaughter.
4. The Town of Lapel's Contracting with a Unit by a Relative Policy is hereby established effective July 1st, 2012 by adopting the minimum requirements provisions of Indiana Code [36-1-21](#), and including all future supplements and amendments thereto which become law from time to time, and making them a part hereof as it fully set out herein. In addition, the policy shall be supplemented by adding to the definition of "relative" the relationships of grandson and granddaughter.
5. The Town of Lapel finds that both Indiana Code [36-1-20.2](#) and [36-1-21](#) specifically allow a unit to adopt requirements that are "more stringent or detailed" than any provision contained in either [36-1-20.2](#) or [36-1-21](#).
6. The Town of Lapel further finds that a single member of the legislative body cannot act for the body to make work assignments, compensation, grievances, advancement or a performance evaluation without prior authority of a majority of the body and therefore without such authority by the majority, he/she will not be in the direct line of supervision.
7. The Town of Lapel finds that a single member of governing bodies with authority over employees in the Town of Lapel cannot act for the governing body to make work assignments, compensation, grievances, advancement or a performance evaluation without prior authority of a majority of the body, when a statute provides that a majority is needed to act, and therefore without such authority by the majority, the single member will not be in the direct line of supervision.
8. All elected and appointed officials and employees of the Town of Lapel are hereby directed to cooperate fully in the implementation of the policies created by this Ordinance and to demonstrate compliance with these same policies.
9. Failure to abide by or cooperate with the implementation, compliance and certifications connected with the Nepotism Policy is a violation and may result in the discipline, including termination, of an employee or a transfer from the direct line of supervision or other curative action. An elected or appointed official of the Town of Lapel who fails to abide by or cooperate with the implementation, with the compliance and with the mandated certifications of the Nepotism Policy may be subject to action allowed by law.
10. Failure to abide by or cooperate with the implementation, compliance and certifications connected with the Contracting with Unity by a Relative Policy is a violation and may result in the discipline, including termination, of an employee or a curative action. An elected or appointed official of the Town of Lapel who fails to abide by our cooperate with the implementation, with the compliance and with the mandated certifications of the Contracting with Unit by a Relative Policy may be subject to action allowed by law.
11. The policies created by this Ordinance are hereby directed to be implemented by any of the following actions:

- a. posting a copy of this Ordinance in its entirety in at least one of the locations in the Town of Lapel where it posts employer posters or other notices to its employees;
- b. providing a copy of this Ordinance to its employees and elected and appointed officials;
- c. providing or posting a notice of the adoptions of this Ordinance;
- d. or any such other action or actions that would communicate the policies established by this Ordinance to its employees and elected and appointed officials. Upon taking any of these actions, these policies are deemed implemented by the Town of Lapel.

12. Indiana Code Links [36-1-20.2](#) and [36-1-21](#) which are effective July 1st 2012

13. Two (2) copies of Indiana Code [36-1-20.2](#) and [36-1-21](#), and as supplemented or amended, are on file in the office of the Clerk for the Town of Lapel for public inspection as maybe required by Indiana Code [36-1-5-4](#).

14. This Ordinance shall become effective immediately from and after the date of passage by the Town Board of Lapel.

15. All ordinances or parts of ordinances which are inconsistent with the Ordinance are hereby repealed to the extent of such inconsistency.

Read and Adopted this 5th Day of July, 2012

#### Further Information

**5-2012**

**Date Passed: 7/5/2012**

## CH21 21 .6 - Stop Sign at Pendleton Avenue and State Road 13

BE IT ORDAINED by the Town Board of Lapel, Madison County, Indiana:

That the following intersection, which is in the corporate limits of the Town of Lapel and currently identified as Pendleton Avenue and Indiana State Road 13 shall be designated as follows:

1. That the intersection of Pendleton Avenue and Indiana State Road 13 shall be designated that Pendleton Avenue, maintained by the Town of Lapel, shall be designed as a stop street for traffic traveling in the direction from the southeast where Pendleton Avenue intersects with Indiana State Road 13.

NOW, BE IT ORDAINED, by the Town Board of Trustees, of the Town of Lapel, Madison County, Indiana:

That the intersection of Pendleton Avenue and Indiana State Road 13 shall be designated as a stop for all vehicular traffic traveling in the direction from the southeast.

Further, that vehicles traveling on Indiana State Road 13, in a northerly direction, shall remain subject to the stop sign maintained and controlled by the State of Indiana.

That this Ordinance shall become effective on the posting of the stop sign, on Pendleton Avenue, for all vehicular traffic traveling in the direction from the southeast.

Read and Adopted this 19th Day of July, 2012.

#### Further Information

**6-2012**

**Date Passed: 7/19/2012**

## CH21 21.7 - 2013 Salary Ordinance

Be it ordained by the Town of Lapel, Madison County, Indiana: Section #1 the salaries of the town officials, police officers, utility/park employees, and all others employed by the Town of Lapel, IN, effective for all pays after January 1st, 2013 and ending December 31st, 2013 shall be as follows, to-wit:

- Clerk/Treasurer
  - General Fund \$7,900
  - Gas Company \$5,526
  - Water Company \$5,527
  - Sewer Company \$5,527
  - Total \$24,480
- Town Council Members
  - General Fund \$500
  - Gas Company \$1,100
  - Water Company \$1,000
  - Sewer Company \$1,000
  - Total \$3,600
- Attorney, \$4,600 annually
- Building Inspector \$600 per month
- Development Inspector \$300 per month
- Janitor \$50 per week

Checks will be issued as follows:

- Council, monthly, the next pay period following the Council meeting
- Clerk/Treasurer, weekly
- Building Inspector, monthly
- Development Inspector, monthly
- Janitor, monthly
- Town Attorney, semi-annually
- all others weekly



Specific salaries for Town of Lapel employees beginning January 1st, 2013 and ending December 31st, 2013 are:

- Dennis Molina, Town Marshall - \$46,957 annually
- Mike Barnes, Captain - \$41,964 annually
- Jon Hosier, Police Officer - \$34,272 annually
- Ryan Daniels Police Officer - \$34,272 annually
- Robert Kowalski, Part Time Officer - \$17 per hour
- Non academy graduate - \$30,000 annually
- Academy graduate - less than 2 years experience - \$33,000 annually
- NEW HIRES
  - Part Time General Maintenance - \$9.00 to \$13.00 per hour
  - Full Time General Maintenance - \$9.50 to \$12.00 per hour
  - Office Staff - \$9.00 to \$12.00 per hour
- Matthew McDole, Utility Superintendent - \$16.65 per hour
- Paula Lee, Office Administration - \$15.45 per hour
- Donna Lawther, Office Administration - \$15.45 per hour
- Gary Swaim, Building Inspector - \$600 per month
- Robert Kowalski, Development Inspector - \$300 per month
- Nathon Owens, Utility/Street - \$16.22 per hour
- Virgil Hobbs, Part Time General Maintenance - \$11.022 per hour
- Cameron Clawson, Utility/Street - \$14.23 per hour
- C.J. Taylor, Water Operator/Sewer Operator - \$40 per hour/5hrs per week
- John M. Johnson, General Maintenance - \$12.93 per hour
- Daniel Barker Sewer/Utility - \$12.63

### **Section - Personal Days**

All full-time employees are entitled to eight (8) personal days per calendar year. Bereavement days three (3) per family member, which includes and is limited to the following; wife, husband, children, stepchildren, father, mother, stepfather, stepmother, father-in-law, mother-in-law, brothers, sisters; one day (1) for brother-in-law, sister-in-law and (2) for grandparents.

### **Section - Paid Legal Holidays**

All full-time employees except Police Officers, are entitled to the following:

- New Year's Day
- President's Day
- Good Friday
- Memorial Day
- Independence Day

- Labor Day
- Thanksgiving (Thursday and Friday)
- Christmas Eve (Half Day)
- Christmas Day

### **Section - Sick Leave/Personal Days for Full-Time Employees**

All new employees will be under a probationary period for the first six months of their employment, starting with the first day on the job. During this probationary period the employee will not be entitled to paid vacation benefits or sick leave benefits. After six (6) months on the job the employee will receive two (2) paid vacation days for the remainder of the first year of service.

All eligible employees will receive eight (8) paid Personal days per calendar year. Accumulated Sick days (those earned prior to January 1st, 2009) are designed and intended to be used for the employee's illness or medical appointments. Absences may be subject to investigation. A physician's statement of "fitness of duty" will be required if an employee is off work for 3 consecutive days or more. The Town also reserves the right to request a "fitness of duty" statement at any time. Accumulated Sick days, if not used, can be carried over to future years. Accumulated Sick days will not be paid upon termination of employment. Personal days, if not used, can be accumulated up to 30 days. At the accumulation of 30 days, this accrual will be capped.

### **Section - Vacation**

Time worked reports must be submitted weekly to the Town Hall for all employees that are eligible for either Personal Days, Paid Legal Holidays, Insurance, Paid Vacation, or Accumulated Sick Leave.

At the anniversary date of employment, the full-time employee will be eligible for the following vacation schedule:

- One year of employment, one week paid vacation.
- Two thru four years of employment, two weeks of vacation.
- Five thru nine years of employment, three weeks of vacation.
- Ten or more, four weeks of vacation.

Following the first year of employment additional weeks will be earned on a calendar year basis beginning January 1st.

All vacations are mandatory (cannot work and collect pay plus vacation). Vacations must be scheduled one (1) week in advance with a supervisor. Vacations cannot be held over until the next year.

Unused vacation days will be paid upon termination of employment. Vacation days must be used before unpaid days off are granted.

### **Section - Overtime**

Overtime is defined for all full-time employees, except Police Officers, as the hours worked, on a daily basis, over 8 hours. Overtime hours will be paid at 1 1/2 their hourly pay. The payroll clerk will prepare on a weekly basis, a report to the Council illustrating the amount of and who were paid overtime. It will be the job of the department supervisors to limit overtime whenever possible.

### **Section - Meeting Attendance Payment**

Non-council members, that are authorized members of the Planning Commission, Park Board and Board of Zoning Appeals will be paid \$10 per meeting attended. Disbursement of amounts owed will be semi-annually July and January.

### **Section - Office Hours and Utility/Street Department Hours**

Town Hall office hours are Monday-Friday, 8:00am to 5:00pm. The Utility/Street Department hours are 7:00am to 3:30pm. On disconnect day, one utility employee will work from 10:00am to 6:00pm so that paid disconnected services can be returned to service.

### **Section - Police Officers.**

The work week consists of seven (7) days from Saturday and ending Friday. If a Police Officer works more than 40 hours per week, overtime will be paid. Holiday pay is calculated by annual salary divided by 260 days divided by 8 hours=holiday pay. Overtime hours x 1 x hourly pay=overtime pay. Overtime must be approved by the Town Marshall and the Town Council.

The salary of a Lapel Police Officer, without academy certification is \$30,000 per year. The salary of a Lapel Police Officer with less than two (2) years of experience, with an academy certification is \$33,000 per year.

If a Lapel Police Officer is sent to the Police Academy, and compensated by the Town of Lapel, the Police Officer is required to remain on the department for two (2) years after graduation from the Academy. If for some foreseen or unforeseen reason the officer has to leave the department or fails to complete the academy assignment, said officer must repay all training compensation of the Town of Lapel.

Non-academy graduates will be in a probationary status until one year from graduation date.

Academy graduates will be on a probationary period of one year from hire date.

New hire without academy certification will be sent to the academy within one year of hire date.

### **Section - Education Reimbursement**

It is the desire of the Town of Lapel that all employees gain more education in their specific disciplines. If the employee quits a course, paid by the Town of Lapel, the employee must repay to the town the cost of the course. This would include tuition fees, cost of books and materials, and mileage reimbursements. If the employee

completes the course work and attendance requirements, but fails the final test, reimbursement is not required. Retesting is at the discretion of the Council.

## Section - Insurance

The Town of Lapel will pay 100% of the employee's health insurance premium, employees will have to pay dependent coverage, if desired. This benefit is available to full-time employees only. Employees who are eligible to enroll in the group medical program may choose to waive participation in the plan. Only employees covered under another group health plan will be permitted to waive coverage. Employees are required to complete the appropriate form to waive their election and provide verification of coverage.

- Health Life and Vision - Health Application
- Life Only - Health Application (check life only, indicate waiver/other coverage)

An optional dental insurance benefit plan is offered to all full-time employees. The premium for the insurance policy is split 50%-50% between the employee and the employer.

## Section - Utility Certifications

When a Lapel Utility employee acquires a Class 1 operators certification for water or wastewater, their salary will be increased **25** cents per hour. If a Lapel Utility employee receives an initial gas operator's certification, their salary will be increased **75** cents per hour.

## Salary Ordinance Amendments During 2013 to Ordinance 7-2012

1. January 7, 2013 John Marlin Johnson named Utility/Street Supervisor with an hourly pay rate of \$13.50.
2. January 7, 2013 Matthew McDole resigned as supervisor for Utility/Street. McDole will be utility/street employee.
3. June 2nd, 2013 Daniel Barker passed class I wastewater operator license requirements. Mr. Barker's hourly pay to increase by \$0.50.
4. Daniel Barker resigned his position as wastewater plant operator Mr. Barker resigned his position as of August 23rd, 2013.
5. September 5th, 2013 Council agreed to Donna Lawther to go to part time status working two days per week.
6. Dennis Price was hired as wastewater operator at an hourly rate of \$12 at the August 26th, 2013 meeting.
7. Effective August 29th, 2013 Jeffrey Weaver was hired as a part time Utility/Street employee at an hourly rate of \$11.50.

8. September 19th, 2013 meeting John Marlin Johnson's hourly pay rate was increased to \$16.75 retroactive to July 10th, 2013.
9. October 3rd, 2013 meeting Jennifer Jett was hired as a part time utility employee at an hourly rate of \$9 effective September 30th, 2013.
10. Dennis Price terminated his employment as a wastewater plant operator effective September 28, 2013.
11. September 29th, 2013 Jeffrey Weaver is moved to fulltime and Matthew Matthew McDole is in charge of operating the wastewater treatment plant.
12. Jeffrey Weaver terminated his employment October 25th, 2013.
13. Jennifer Jett terminated her employment November 21st, 2013.

### Further Information

**7-2012**

**Date Passed: 12/5/2012**