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CH29 - 2020 Ordinances

CH29 29 .0 - State of Emergency

WHEREAS, the undersigned, is the duly elected Town Council President, of the Town of Lapel, Indiana; and,

WHEREAS, Indiana Code 10-14-3-29(a)(1) permits the Town Council President to declare a local emergency; and,

WHEREAS, the Town Council has a duty to ensure efficient government of the Town; and,

WHEREAS, it was recently discovered by Town employees that there was a water pipe leak at or around 9220 Briar Drive, necessitating the need for immediate repairs; and

WHEREAS, in order to effectuate said repairs, it was necessary for Town employees to destroy and/or disturb a private driveway at 9220 Briar Drive; and

WHEREAS, it is necessary to restore affected pavement to its prior condition to benefit the private landowner; and

WHEREAS, OWING TO THE public purchasing statutes, a significant period of time would pass prior to proper bidding procedures being followed; and

WHEREAS, this delay would create a significant hardship for the private landowner and the Town of Lapel.

IT IS THUS DECLARED THAT A STATE OF LOCAL EMERGENCY EXISTS IN THE TOWN OF LAPEL

As a result of this local emergency, the appropriate Town agencies are directed to seek multiple verbal quotes from vendors to repair the damage on the private driveway and select the best and most responsive bidder without input from the Town Council.

The Agents of the Town of Lapel are hereby authorized to take lawful action necessary to effectuate the terms of this declaration, to aid the efficient operation of the Town.

This order shall expire in seven (7) days.

SO DECLARED THIS 15th DAY OF OCTOBER 2020.

CH29 29 .0 - Memorandums of Executive Sessions

SEPTEMBER 30TH, 2020 - EXECUTIVE SESSION

The Town Council of Lapel hereby certifies that no subject matter was discussed in the September 30th, 2020 Executive Session other than the subject matter specified in the public notice for said Executive Session.

OCTOBER 7TH, 2020 - EXECUTIVE SESSION

The Town Council of Lapel hereby certifies that no subject matter was discussed in the October 7th, 2020 Executive Session other than the subject matter specified in the public notice for said Executive Session.

CH29 29 .1 - Salary Ordinance for 2020

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, 2020 and ending December 31st, 2020 shall be as follows, to-wit:

Clerk/Treasurer

- General Fund \$1,298
- Gas Company \$8,657
- Water Company \$8,657
- Sewer Company \$8,658
- Total \$27,270

Town Council Members

- General Fund \$9,60
- Gas Company \$1,280
- Water Company \$1,280
- Sewer Company \$1,280
- Total \$4,800

Town Council President

- General Fund \$240
- Gas Company \$1,920
- Water Company \$1,920
- Sewer Company \$1,920
- Total \$6,000

As of 12/19/2019 the Town Council President shall receive \$100 more per month than the other Town Council Members. As of 1/16/2020 Vice President of the Council shall receive \$75 more per month than the other Town Council Members.

Attorney

- Annually \$4,600

Janitor on Contract

- \$50/weekly

Checks will be issued as follows: Council-monthly, the next pay period following the Council meeting.

Clerk/Treasurer weekly, Janitor-monthly, Town Attorney-semi-annually, and all other employees weekly.

Specific salaries for Town of Lapel employees beginning January 1st, 2020 and ending December 31st, 2020 are:

- **Part Time Officer** \$22/hour
- **Deputy Clerk** \$22.89/hour Office Administration
- **Accounts Payable** \$16.71/hour Office Administration
- **Seasonable Labor 1** \$12.50/hour Part Time General Maintenance
- **Seasonable Labor 2** \$16.32/hour Part Time Seasonable Labor
- **Seasonable Labor 3** \$11.00/hour Part Time Seasonable Labor
- **Wastewater Operator** \$20.35/hour
- **Contract Employee** \$40.00hr/5hr week Water Operator/Sewer Operator
- **Utility Director** \$60,000 annually
- **Gas Operator** \$17.22/hour
- **Gas Assistant/Labor** \$16.21/hour
- **Utility Labor** \$15.00-\$15.30/hour
- **Code Enforcement** \$49,378.20 annually
- **Water Operator** \$15.97/hour
- **Full time/Part time Office Employee** \$16.54/hour

Section - Bereavment Days

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, immediate grandparents; **one** day (1) for brother-in-law, sister-in-law and immediate aunts/uncles. *Aunts/Uncles and immediate grandparents amended 11/21/2019.*

Section - Paid Legal Holidays

All full-time employees are entitled to the following: New Year's Day, President's Day, Good Friday, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving (Thursday & Friday), Christmas Eve and Christmas Day. Holidays are paid at the employee's current pay rate. **As of January 1st 2020, Holidays will not be used in overtime calculations, or any special forms of compensation such as incentives, commissions, bonuses or shift differentials.**

Vacation/Personal Days for Full-Time Employees

The amount of paid vacation benefits an employee earns each year increases with the length of his or her employment. Once employees enter an eligible employment classification, they earn vacation benefits according to the schedule below.

- 90-days through December 31st of the employee's first year / 40-hours pro-rated based upon the number of months left in the year / Five-days pro-rated based upon the number of months left in the year.
- On January 1st of the employee's first year to the December 31st prior to the employee's second anniversary / 40-hours / Five-days.
- On January 1st prior to the employee's second anniversary to December 31st prior to the employee's fifth anniversary / 80-hours / Ten-days.
- On January 1st prior to the employee's fifth anniversary to December 31st prior to the employee's tenth anniversary / 120-hours / Fifteen-days.
- On January 1st prior to the employee's tenth anniversary and all subsequent years / 160-hours / Twenty-days.

Vacation benefits may be used in minimum increments of one hour. New employees are not entitled to paid vacation benefits during their first 90 days of employment. After 90 days of employment, employees will be eligible to use a pro-rated amount of vacation benefits for the remainder of the calendar year. Requests for vacation benefits will be honored on a "first come/first serve" basis. Employees should request approval from their Supervisors in writing at least 24 hours in advance of the requested time off. Approval of vacation benefits requests is the responsibility of a Supervisor and is subject to the operational needs of the Town. The Town reserves the right to deny vacation benefits requests when such vacation benefits would interfere with busy times, limited staff, or other circumstances which jeopardize the operations of the Town. All vacation benefits must be exhausted before an employee requests the use of unpaid time off.

Personal Days

The Town of Lapel provides paid personal days to all eligible employees for periods of temporary absence due to illness, injuries, or personal pursuits. Employees in the following employment classification(s) are

eligible to earn and use personal days as described in this policy:

*Regular full time employees

Eligible employees receive eight personal days (64 hours) per calendar year which are available to employees on January 1st of each year. New employees are not entitled to paid personal days during their first 90 days of employment. After 90 days of employment, employees will be eligible to use a pro-rated amount of personal days for the remainder of the calendar year.

Employees should request approval from their Supervisors prior to the start of their shift. If a Supervisor cannot be reached, the employee should contact Town Hall prior to the start of their shift and leave a voicemail. Approval of personal day requests is the responsibility of a Supervisor and is subject to the operational needs of the Town. The Town reserves the right to deny personal day requests when such personal days would interfere with busy times, limited staff, or other circumstances which jeopardize the operations of the Town.

Effective with the implementation of the handbook, personal days may not be carried over year to year.

All earned but unused personal days will be paid out on the last pay period in 2019. Beginning in 2020, earned but unused personal days will be forfeited at the end of the calendar year. Upon involuntary termination of employment, employees will not be paid for all earned but unused personal days. Upon voluntary termination of employment, employees who provide a minimum of two weeks' notice and work thru the final day of employment according to their notice will be paid for all earned but unused personal days.

Personal days are paid at the employee's current pay rate at the time of the personal day. Paid time off for personal days will be used in overtime calculations, and any special forms of compensation such as incentives, commissions, bonuses, or shift differentials thru December 31st, 2019. **As of January 1, 2020, personal days will not be used in overtime calculations, or any special forms of compensation such as incentives, commissions, bonuses, or shift differentials.**

Section Overtime

Overtime compensation will be paid to nonexempt employees in accordance with federal and state wage and hour restrictions, which includes any time worked over 40 hours in a standard workweek. Paid time off (vacations, holidays, personal days and bereavement leave) will be used in overtime calculations and any special forms of compensation such as incentives, commissions, bonuses, or shift differentials thru December 31st, 2019.

As of January 1st, 2020 vacation time used, personal time used and holidays will not count toward the calculation of overtime.

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.

"ON CALL" Employees: The employees who are assigned to utilities duties on weekends that is is considered part of the essential duties and responsibilities of their job and is not considered an emergency will be paid at their straight time rate for all hours worked. Overtime will be paid to nonexempt employees in accordance with federal and state wage and hour laws, for any time worked over 40 hours in a standard workweek.

The definition of "on call" is being designated to be available to answer emergency calls from the Town during nonscheduled hours. Employees in an "on call" status are required to respond to an "on call" emergency within 30 minutes. Employees will be paid for a minimum of two hours of pay, regardless of the amount of time worked. Employees will receive premium pay at a rate of time and one half for all hours worked when in an employee is "on call". Premium pay will not be included in overtime calculations.

Section - Meeting Attendance Payment

Non-council members that are authorized members of the Planning Commission, Park Board, Board of Zoning Appeals and Storm Water Subcommittee will be paid \$10 per meeting attended. Disbursements 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 8am to 4pm. The Utility/Street Department hours are 7am to 3:30pm.

Section - Police Officers

The workweek consists of seven (7) days from Sunday to Saturday. 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 1/1/2 x hourly pay = overtime pay. Overtime must be approved by the Town Marshall or the Town Council.

Pay Scale for Lapel Police Officers

- **3rd Class Patrolman** Non Certified Employee \$17.30/hour /\$35,984 annually
- **2nd Class Patrolman** Non Certified Employee after 6 month employment or Certified Officer New Hire \$17.80/hour /\$37,024 annually
- **1st Class Patrolman** Completion of 6 month probationary period for all employees \$18.30/hour /\$38,064 annually
- **Police Captain** \$20.50/hour /\$42,640 annually
- **Police Chief** \$52,000 annually

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.

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.

Police - Compensation Pay

May be taken in lieu of overtime pay, this will be capped at 40 hours and will transfer between fiscal years.

Police - Longevity Pay

1 - 5 years employment \$100.00 5+ years employment \$250.00

Police - Take Home Vehicle

Issued to Officers residing in Madison County or 20 miles from Town limits and per department policy. Vehicles are non-personnel use. Estimated value is \$3000.00 per year.

Police - Jan-April 2020

The pay period consists of seven (7) days beginning on Sunday and ending on Saturday. If a police officer works more than 40 hours in a paid period, they will be in overtime status.

Police - May-Dec 2020

The pay period consists of fourteen (14) days beginning on Sunday and ending on Saturday. If a police Officer works more than 86 hours in a pay period, they will be in overtime status.

Police - Overtime/Holiday

Overtime = Overtime hours worked x 1.5 x hourly pay. Overtime must be approved by the Police Chief or the Town Council. Sick hours used, Vacation time used, nor Holiday hours earned will not count toward the calculation of overtime hours.

Holiday pay will be paid at the hourly rate and will be in addition to any pay for time worked. Officers may be compensated with paid time off in lieu of Holiday pay at the discretion of the Police Chief or the Town Council. Holiday pay = Hourly pay x 8 hours.

Section - Educational 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 carrier 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 Certificates.

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

When a Lapel Utility employee acquires a **Class 2** operator's certification for water or wastewater, their salary will increase **75** cents per hour.

If a Lapel Utility employee receives an initial gas operators certification, their salary will be increased by **50** cents per hour.

Section - Special Pay/Year End

Employees with 1 to 5 years of service will receive \$100.00, employees with more than 5 year' of service will receive \$250.00 at year end.

Salary Ranges

The Council may use these ranges when hiring new Town Employees. Ranges may be increased or decreased depending upon qualifications of the new applicant.

- Deputy Clerk \$20-\$23/hour Office Administration
- Accounts Payable \$14-\$17/hour Office Administration
- Seasonal Labor 1 \$10-\$14/hour Part Time General Maintenance
- Seasonal Labor 2 \$14-\$17/hour Part Time Seasonal Labor
- Seasonal Labor 3 \$9-12/hour Part Time Seasonal Labor

- Wastewater Operator \$18-\$21/hour
- Utility Superintendent \$19-\$22/hour
- Gas Operator \$15-\$18/hour
- Gas Assistant/Labor \$14-\$17/hour
- Utility Labor \$13-\$16/hour
- Water Operator \$13-\$16/hour
- Full time/Part Time Office Employee \$14-\$17/hour

CH29 29 .3 - Amending and Supplementing Emergency Order and Resolution 6-2020

RECITALS

The President of the United States, the Governor of Indiana, the Council President of the Town of Lapel and this Town Council have declared a state of emergency in the Town of Lapel related to the Covid-19, Coronavirus (Coronavirus) Pandemic (Pandemic);

In order to slow the spread of the Coronavirus and respond to the global, national, and local pandemic, this Council has passed a Resolution Amending and Extending Emergency Order; and

In order to slow the spread of the virus and respond to the Pandemic, the Governor of the State of Indiana has issued a series of Executive Orders, some of which conflict with or enhance earlier orders and some of which conflict with this Council's Resolution; and

Therefore, this Council finds it in the best interest of the Town of Lapel to amend supplement, and clarify the March 19th, 2020 Resolution in order to promote the safety, welfare, and well-being of the citizens of the Town of Lapel.

NOW, THEREFORE, BE IT ORDAINED by the Lapel Town Council, as follows:

1. **Incorporation of local, state and federal law:** Any and all local resolutions, orders or ordinances and any and all federal or state orders related to the Pandemic shall be followed to the extent they are applicable to the Town of Lapel, its officers, employees, and residents. In the event that any laws, orders, resolutions, or ordinances conflict, preempt and choice of law shall prevail.
2. **Stay at Home Order:** All residents of the Town of Lapel are required to "stay at home" as specifically declared by Indiana Governor's Executive Order 20-08 or subsequent Order. All terms and provisions of Executive Order 20-08 and any other Orders related to the Pandemic are incorporated as though fully set forth herein;
3. **Public Meetings:** All non-essential public meetings are cancelled until the lifting of the public health emergency; any essential public meeting shall be held electronically. No member of any board, commission, or council need be physically present at the public meeting; however members of the public may be allowed to attend with no more than 50 people present at any meeting. All attendees

shall make an effort to stay more than 6 feet apart and be in good health. Further, members of the press or media shall be given preference in attending such meetings.

4. **Access to public facilities:** All municipal buildings shall be closed to the public and open only to essential employees or medical relief workers. All public parks shall remain open, however, any and all playgrounds, skate parks, basketball courts, tennis courts, or other shared activity spaces shall be closed to public access. The Town Council is hereby authorized and directed to make provisions for the closing of such shared activity spaces.
5. **Notices:** For special meetings or essential meetings, notice shall be given at least 48 hours in advance and be delivered electronically to local news media as requested. Notice shall also be posted on the Town of Lapel Facebook page. No physical notice shall be posted.
6. **Agendas:** No paper agendas will be available. If any agenda is prepared for a meeting, it shall be available electronically to the members of the applicable governing body and shall be posted on the Town of Lapel Facebook page for community review.
7. **Records requests:** Until April 7th, 2020, or as that date may be extended by Executive Order, no in-person requests for public records shall be accepted. Any and all public records requests must be made electronically or by mail. For information regarding how to request a public record, requesters may contact the Clerk-Treasurer's office by phone or email. Moreover, the requirement to respond to public records requests within a reasonable time shall be extended to a reasonable time after April 7th 2020 or its extension as needed.
8. **Employee benefit policies during emergency:** While the emergency is in effect, as defined by the Town Council of Lapel, no employee shall be terminated for lack of attendance. Moreover no employee shall be required to expend his or her sick leave, vacation leave, paid time off, or comp time.
9. **Emergency Paid Sick Leave:** In accordance with state and federal leave law and the Emergency Paid Sick Leave provisions of the state and federal government, if any employee is absent because:
 - i. The employees are subject to a federal, state, or local quarantine or isolation order related to COVID-19.
 - ii. The employees have been advised by a health care provider to self-quarantine due to COVID-19 related concerns.
 - iii. The employees are experiencing COVID-19 symptoms and are seeking medical diagnosis.
 - iv. The employees are caring for individuals experiencing symptoms of and seeking diagnosis for COVID-19 or are subject to a governmental order or medical recommendations to quarantine or self-isolate.
 - v. The employees are caring for children whose schools or places of care have been closed or whose care providers are unavailable due to COVID-19.
 - vi. The employees are experiencing any other substantially similar conditions specified by the Secretary of Health and Human Services, except employers of health care providers or emergency responders who can elect to exclude those employees from receiving paid sick leave.
 - vii. Any leave shall be subject to The Emergency Family Medical Leave Expansion Act and its amendments from time to time.
 - viii. The Town of Lapel Shall:
 - a. Provide full-time employees with 80 paid hours of sick time, or

b. Provide part-time employees with sick time equal to the average number of hours the part-time employee works in a 2-week period.

10. **Sick or at-risk employees:** Any employee who has contracted the virus shall remain away from work for a period of at least 14 days. No employee who has been sick with the virus shall return to work unless he or she has been free of symptoms for at least three days without medication. Any employee who has traveled to a high-risk location as defined by the Center for Disease Control or has been in direct contact with the virus shall not attend work for at least 10 days and may return to work only if free of virus symptoms.
11. **Essential employees:** All employees essential to the continued function of the Town and provision of essential services shall continue to report to work but shall make every effort to maintain a distance of 6 feet between the employee and any other individual. Essential employees must also regularly wash their hands, use appropriate sanitization procedures, and take action to sanitize their work spaces regularly. All public in-person interaction should be limited to only essential interaction, and employees shall work to put telephone or electronic measures in place to limit public interaction.
12. **Immuno-compromised or increased risk employees:** Any employee who deems him or herself immuno-compromised or who may have a health condition that creates an increased risk for virus complication may elect to use his or her sick leave, paid time off, comp time, or FMLA during the course of the emergency. No further description or information is required, but the employee must inform his or her supervisor and the clerk-treasurer of his or her decision to make appropriate ongoing benefit and pay accommodations.
13. **Employees and childare:** Any essential employee who is unable to attend work due to the closure of school, daycare, or adult care programs are eligible to continue to receive benefits as described above.
14. **Remote employees:** Any employee who is working remotely must email his or her supervisor at the beginning of his or her prescribed work time to establish his or her start time and communicate regularly with his or her supervisor during the date to apprise the supervisor of progress with tasks. Any remote employee shall track his or her remote work time and the tasks completed.
15. **Clerk-Treasurer's ongoing payment of claims:** In order to insure the continued efficient operation of Town government, the Clerk-Treasurer is hereby authorized to process the payment of all claims, including payroll and pension, which have been electronically or telphonically approved by a majority of any governing body with the authority to pay such claims. Moreover the Clerk-Treasurer is specifically authorized to pay any and all claims to vendors or service providers, public or private, which have provided services or good to the municipality and for which a delay of payment incurs penalties or late payment charges or payments that must be paid because of emergency circumstances. Any claim so paid shall be presented to the appropriate governing body at the first meeting after the emergency and approved.
16. **Payroll and sick or absent employees:** The Clerk-Treasurer may include in claims any payroll due a sick or absent employee who misses work due to the emergency or benefits as outlined above or by further order, resolution or ordinance.
17. **Timely Deposit of Funds:** In accordance with I.C. 5-13-6-1, the Clerk-Treasurer shall direct that public funds be deposited on Tuesday and Thursday and shall take action to secure public funds on those days when a deposit is not made.

18. **Utility service and disconnections:** The Town of Lapel shall not disconnect any utility service during the time of the emergency, and any and all late fees are waived for the periods between March 24th and April 7th 2020 or until the emergency is lifted. Nothing in this provision shall limit or eliminate any regular charge, service fee, or deposit. Any request for connection shall be honored in a timely fashion.
19. **Special Appropriations:** this Town Council shall consider requests for additional appropriations of additional funding to provide local assistance in responst to the virus. Such appropriations may be used for purchasing supplies, paying works, or providing shelters for infected persons. A separate fund shall be created to receive such additional appropriations, donations, or relief funds.
20. **Public awareness:** The Town Council shall make reasonable efforts to apprise the Town of Lapel of this resolution and its effect; cange in hours, services, and access; and other restrictions or recommendations to help slow the spread of the virus. Nothing in this resolution shall be interpreted to interfere or supplan any state or federal order, ddeclaration or other law.

CH29 29 .4 - Coronavirus Relief Fund

The Town of Lapel has experienced an emergency due to the Coronavirus Pandemic and a local state of emergency has been delcared by both the Town Council President and the Town Council of the Town of Lapel.

Residents, employees, relief workers, and local business have all experienced personal and economic distress due to the emergency, the Stay at Home orders, and the closure of local business.

The Town of Lapel may appropriate additional funds, receive donations, or apply for or receive local, state, or federal grants related to the Coronavirus pandemic and the detrimental impact to the community.

The Town of Lapel, pursuant to I.C. 36-1-4-10, may accept donations or receive money or property from the state or federal government or any other source; and acceptance of donations.

The Town Council of the Town of Lapel now finds that a separate fund for coronavirus relief is necessary and prudent for the care and relief of the community.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAPEL THAT:

1. The Town of Lapel Coronavirus Relief Fund is hereby established and may be used only as follows:
 - a. To aid the Town of Lapel or adjoining units purchase supplies to manage or slow the spread of the virus;
 - b. To pay relief workers or other employees during the time of emergency;
 - c. To provide space for homeless who may be infected with the virus and who may need to be removed from regular homeless facilities;
 - d. To pay for additional claims, expenses, fees, or other charges related to the coronavirus;
 - e. To purchase emergency supplies;
 - f. To purchase emergency supplies for local hospitals, emergency workers, public safety personnel, or public health workers;

- g. To fund or establish safe areas for emergency workers who may contract the Coronavirus to provide for their care instead of returning home;
 - h. To aid or assist local businesses that are negatively impacted by the emergency;
 - i. And for all other uses properly related to the Coronavirus and the emergency pandemic.
2. It is further ordained that the Clerk-Treasurer shall maintain detailed records of emergency expenditures in case future reimbursement from the state or federal government becomes available.
3. Any funds deposited and not used for Coronavirus relief shall, upon closing this fund, be deposited into the General Fund of the Town of Lapel or in such other fund as may be required by an local, state or federal grant received.

CH29 29 .5 - Extending Emergency Paid Sick Leave in Response to C19

WHEREAS, on March 30th, 2020, the Town of Lapel Town Council adopted Ordinance #3-2020, an Ordinance of the Town of Lapel, Madison County, Indiana, Amending and Supplementing Emergency Order and Resolution #6-2020 in Response to Covid-19; and,

WHEREAS, Ordinance #3-2020, in compliance with the federal Families First Coronavirus Response Act ("Families First Act"), provided all Town of Lapel employees with up to eighty (80) hours of Emergency Paid Sick Leave as that term is defined in Ordinance #3-2020; and,

WHEREAS, the Families First Act similarly requires the Town of Lapel to provide employees who have worked for the Town for at least thirty (30) days an additional ten (10) weeks of Emergency Sick Leave, at a minimum rate of two-thirds (2/3) the employee's regular rate of pay; and,

WHEREAS, the Town Council has determined that in recognition of the continuing exemplary service being provided by the Town of Lapel's employees during this global pandemic, the Town Council deems it necessary, for the purpose of continuation of government, to pay its employees who have been employed by the Town of Lapel for thirty (30) or more days at one hundred percent (100%) of their regular rate of pay, for an additional ten (10) weeks of Emergency Sick Leave after their initial eighty (80) hours of Emergency Sick Leave have expired, or until which time the state of emergency is lifted.

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Lapel as follows:

That in recognition of the vital services provided to the citizens for Lapel by town employees, and in compliance with the federal Families First Coronavirus Response Act, employees of the Town of Lapel who have been employed by the Town for at least thirty (30) days shall receive ten (10) additional weeks of paid Emergency Sick Leave, at the employee's regular rate of pay; and

BE IT FURTHER ORDAINED that the abovementioned ten (10) additional weeks of paid Emergency Sick Leave shall be in addition to the eighty (80) hours of paid leave provided by the Families First Coronavirus Response Act and Ordinance #3-2020; and,

BE IT FURTHER ORDAINED that for the purpose of this Ordinance "Emergency Sick Leave" shall be defined as set forth in Ordinance #3-2020; and

BE IT FURTHER ORDAINED that Emergency Sick Leave shall no longer be paid as described herein in the event the federal, state and local COVID-19 emergencies are lifted.

CH29 29 .6 - Health Benefits for Certain Elected Officials and Part Time Employees

WHEREAS, the Town Council of the Town of Lapel has established health benefits for certain full-time employees of the Town; and,

WHEREAS, the Town Council deems it desirable, in order to attract and retain talented individuals to elected office and as part time employees, to offer health benefits to elected officials and part-time employees as permitted by the Town's insurance plan.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Lapel, Indiana as follows:

All elected officials and part-time employees of the Town of Lapel shall be eligible to participate in the Town's group medical, dental and vision insurance programs, provided however, that the elected officials and part-time employees who choose to participate in the Town's health insurance program shall be responsible for 100% of the premium costs of said insurance.

CH29 29 .7 - Monthly Service Charge for Trash/Recycling

WHEREAS, the Town of Lapel ("Town" or "Lapel") passed Ordinance #3, 2015 that established a monthly service charge of \$.50 for Trash/Recycling services within the Town; and,

WHEREAS, the monthly service charge was in addition to the monthly contract amount as established and set forth in the contract entered into by the Town and the service provider; and,

WHEREAS, the Town now desires to increase the amount of the monthly service charge that was established in 2015 due to the increased cost the Town has incurred in providing trash/recycling service to residents; and,

WHEREAS, the Town held a public hearing on the service charge increase on July 16th 2020 wherein the Lapel Town Council received public comment regarding the proposed service charge increase.

NOW, THEREFORE, BE IT ORDAINED, by the Town Council of the Town of Lapel, Madison County, Indiana, that Ordinance #3, 2015 is hereby repealed in its entirety and replaced as follows:

1. That the recitals stated herein are hereby incorporated by reference.

2. That the service charge for Trash/Recycling services within the Town of Lapel is \$2.00 per month.
3. That the service charge is in addition to the current monthly contract amount charged to customers as set forth in the contract between the Town of Lapel and the service provider.
4. That the increased service charge is reasonable and just as it will generate necessary revenue to pay for the costs that the Town incurs in providing this service.
5. That the service charge and the contract amount then in effect will appear on the customers' monthly utility bill as one total amount for Trash/Recycling services.
6. This Ordinance shall become effective upon the adoption and signature of the Lapel Town Council and publication as required by law.

Further Information

7-2020

Date Passed: 3/30/2020

CH29 29 .8 - Amend Vol 1.10.5, 2.1.2, 2.3, 6.1.2, 7.1.2, 8.1.2, 9.1.2, 10.1.2

WHEREAS, the Town Council of the Town of Lapel, Indiana, has heretofore enacted what is commonly referred to as the Unified Development Ordinance and/or Zoning Code; and

WHEREAS, since the enactment of the Unified Development Ordinance, it has come to the attention of the Town Council of the Town of Lapel, Indiana and the Town of Lapel Plan Commission that event centers have been precluded from the list of uses in the aforementioned volumes and corresponding zoning districts; and

WHEREAS, the Town Council of the Town of Lapel, Indiana and the Town of Lapel Plan Commission has a need to distinguish between event centers located in the agricultural zoning district (Ag) and event centers located in the General Commercial (C1), Downtown Commercial (C2), Industrial and Social (Is), Light Industrial (II), and General Industrial (Ig) zoning districts; and

WHEREAS, on the 13th day of August, 2020, the Lapel Plan Commission held a hearing after due publication of notice of the same, regarding the proposed change to the Unified Development Ordinance proposed by staff and has forwarded the same to the Town Council of the Town of Lapel, Indiana, with a favorable recommendation that the amendment contained herein be approved; and

WHEREAS, the Town Council of the Town of Lapel, Indiana believes the recommended amendments to the Unified Development Ordinance is in the best interest of the health, safety, and welfare of the citizens of Lapel, Indiana.

THEREFORE, BE IT ORDAINED by the Town Council of the Town of Lapel, Indiana that:

SECTION I

Volume 1.10.5 Glossary of Defined Words, shall be amended to include the following:

Agricultural Event Center: A facility located on agriculturally zoned land of five (5) acres or larger that has an ongoing viable agricultural use that provides a facility for any type of social gathering consisting of multipurpose meeting and/or recreational facilities, typically consisting of one or more meeting or multipurpose room and a kitchen and/or outdoor barbecue facilities, that are available for use by various private groups of four hundred (400) or fewer persons for such activities as meetings, parties, weddings, receptions, and dances.

Commercial Event Center: A facility located on private property located in a commercial district that primarily functions to provide a facility for any type of social gathering and consisting of multipurpose meeting and/or recreational facilities, typically consisting of one or more meeting or multipurpose room and a kitchen and/or outdoor barbecue facilities, that are available for use by various private groups for such activities as meetings, parties, weddings, receptions, and dances.

SECTION II

Volume 2.1.2 Permitted and Special District Uses, shall be amended to include Agricultural Event Centers as a Special use in the Agricultural District (Ag).

SECTION III

Volume 2.3. Appending, shall be amended to include Subsection v2.3.2 Amendments, and shall include the following:

V2.3.2.1

Agricultural Event Center

Development and Operational Standards

The following development and operational standards apply to event centers located in the Agricultural District.

i. Parking

Agricultural event centers shall provide parking at a ration of one (1) parking space for each two and one-half (2.5) guests permitted on-site, at maximum capacity, as identified by the Fire Inspector. Additionally, there shall be one parking space provided for each permanent employee. Off-site parking is not permitted. Parking surfaces may be constructed of asphalt, concrete, pervious pavement, gravel, or grass so long as the primary agricultural use of the property is not impeded.

ii. Access Standards

- a. Access roads to an agricultural event center shall comply with all local and state regulations and fire safety standards as determined by Indiana Code and the Fire Inspector.
- b. All new points of ingress/egress shall require a permit and shall adhere to the entrance/drive standards and sight visibility standards in this ordinance.
- c. If an agricultural event center is accessed by a private road, the applicator shall provide an affirmative written statement of the legal right to access and use the said road for the purposes requested in the application and as may be conditioned. Said statement shall be supported by written approval of two-thirds (2/3) of the property owners served by the private road. Both the written statement and written approvals shall be included with the initial application submittal. The applicant shall include the proposal for road maintenance or provide evidence of an existing road maintenance agreement. The applicant shall be required to indemnify the town for any claims resulting from said road access, which requirement shall be included as a condition of approval of the permit.

iii. Minimum Lot Size

Agricultural event centers shall have a minimum lot size of five (5) acres.

iv. Setbacks

All outdoor activities associated with an agricultural event center shall have a minimum setback of 150 feet from all exterior property lines. Parking areas are excluded from this requirement but are still required to meet setback standards for the Agricultural District.

v. Event Size

Agricultural event centers shall have a maximum capacity of 400 guests.

vi. Number of Events

Agricultural event centers may be allowed a maximum of sixty (60) events per calendar year.

vii. Hours of Operation

Agricultural event centers shall be permitted to operate between the hours of 10:00am and 12:00am on Fridays and Saturday and from 10:00am to 9:00pm on Sundays through Thursdays.

viii. Noise Regulations

Agricultural event centers shall be subject to the Town of Lapel's noise ordinance. All noise generating activities, such as music, shall be required to be in an enclosed structure if they occur during permitted operating hours that are beyond those allowed by the Town's noise ordinance. Noise generating activities located inside an enclosed structure and outside of the hours permitted by the Town's noise ordinance shall not exceed twenty (20) decibels as measured at the exterior property lines.

ix. Lighting

Lighting for agricultural event centers shall be designed in a manner that reduces light pollution while providing the maximum light necessary for security and safe pedestrian movement.

- a. All ground lighting used to cast light on building facades, features of buildings, or signs must have shields to assure that light does not project beyond the building or sign and must utilize the least amount of light necessary to light the facade, building feature, or sign. The light fixture and any bulb must be shielded from view of any street, sidewalk, or other public rights-of-way.
- b. All freestanding lights and lights mounted on walls or facades shall have cut-off luminaires with 90 degrees or less of an angle (downlighting).

x. Prohibited Lighting

The following lighting types shall be prohibited from use for event centers in the Agricultural District: Searchlights, Laser source lights, Neon or fluorescent lighting (excluding CFLs), Blinking, Flashing or lights resembling those used by emergency vehicles.

xi. Food Regulations

Commercial kitchens approved for agricultural event centers shall only be used in conjunction with on-site events. Restaurants are not allowed as a part of an agricultural event center.

xii. Bathroom Facilities

- a. Permanent public bathroom facilities shall meet the regulations provided in the Indiana Building Code as well as those required by the American's with Disabilities Act.
- b. Agricultural event centers without permanent restroom facilities available on site shall be required to provide a minimum of one (1) portable restroom per every 50 guests (rounding to the nearest 50), regardless of the duration of an event.

SECTION IV

Volume 6.1.2 Permitted and Special District Uses, shall be amended to add Conference / Event Centers as a permitted use in the General Commercial District (C1)

SECTION V

Volume 7.1.2 Permitted and Special District Uses, shall be amended to add Conference / Event Centers as a permitted use in the General Commercial District (C2)

SECTION VI

Volume 8.1.2 Permitted and Special District Uses, shall be amended to add Conference / Event Centers as a permitted use in the Institutional and Social District (Is)

SECTION VII

Volume 9.1.2 Permitted and Special District Uses, shall be amended to add Conference / Event Centers as a permitted use in the Light Industrial (II)

SECTION VIII

Volume 10.1.2 Permitted and Special District Uses, shall be amended to add Conference / Event Centers as a permitted use in the General Industrial District (Ig)

SECTION IX

Introduced and filed on the 20th day of August, 2020.

WHEREAS, It has been determined that it is now necessary to appropriate more money than was originally appropriated in the annual budget.

THEREFORE be it ordained by the Town Council of the Town of Lapel, Madison County, Indiana that for the expenses of the taxing unit the following additional sums of money are hereby appropriated out of the funds named and for the purposes specified, subject to the laws governing the same.

Fund Name: General Fund	Amount Requested	Amount Approved
Major Budget Classification:		
30000: Other Services and Charges	\$40,000	\$40,000
TOTAL for General Fund	\$40,000	\$40,000
Fund Name: MVH		
Major Budget Classification:		
10000: Personal Services	\$12,000	\$12,000
30000: Other Services and Charges	\$176,000	\$176,000
TOTAL for MVH	\$188,000	\$188,000
Fund Name: Park Fund		
Major Budget Classification:		
10000: Personal Services	\$3,000	\$3,000
40000: Capital Outlays	\$8,000	\$8,000
TOTAL for Park	\$11,000	\$11,000
Fund Name: CCMG		
Major Budget Classification:		
30000: Other Services and Charges	\$21,173	\$21,173
TOTAL for CCMG	\$21,173	\$21,173

CH29 29 .10 - Appropriations and Tax Rates

Be it ordained/resolved by the **TOWN OF LAPEL** that for the expenses of **LAPEL CIVIL TOWN** for the year ending December 31, 2021 the sums herein specified are hereby appropriated and ordered set apart out of the several funds herein named and for the purposes herein specified. subject to the laws governing the same. Such sums herein appropriated shall be held to include all expenditures authorized to be made during the year, unless otherwise expressly stipulated and provided for by law. In addition, for the purposes of raising revenue to meet the necessary expenses of **LAPEL CIVIL TOWN**, the property tax levies and property tax rates as herein specified are included herein. Budget Form 4-B for all funds must be completed and submitted in the manner prescribed by the Department of Local Government Finance.

This ordinance/resolution shall be in Full force and effect from and after its passage and approval by the **TOWN OF LAPEL**.

Date of Adoption: 10/15/2020

Adopting Entity: TOWN OF LAPEL

Fiscal Body: TOWN COUNCIL

- 0061, RAINY DAY FUND, Adopted Budget \$10,000, Tax Levy \$0, Tax Rate 0.0.
- 0101 GENERAL, Adopted Budget \$633,874, Tax Levy \$251,210, Tax Rate 0.4605
- 0254 LOCAL INCOME TAX, Adopted Budget \$22,429, Tax Levy \$0, Tax Rate 0.0.
- 0706 LOCAL ROAD & STREET, Adopted Budget \$30,000, Tax Levy \$0, Tax Rate 0.0.
- 0708 MOTOR VEHICLE HIGHWAY, Adopted Budget \$144,630, Tax Levy \$20,000, Tax Rate 0.0367.
- 1303 PARK, Adopted Budget \$52,545, Tax Levy \$59,711, Tax Rate 0.1095.
- 2379 CUMULATIVE CAPITAL IMP (CIG TAX), Adopted Budget \$19,000, Tax Levy \$0, Tax Rate 0.0.

FUNDS NOT REVIEWED BY DLGF

- 9500, COMMUNITY CROSSING GRANT FUND, Adopted Budget \$340,000.

CH29 29 .11 - Amending the Official Zone Map as to Certain Real Estate

WHEREAS, the Lapel Town Council has adopted, pursuant to I.C. 36-7-4-602, a Zoning Ordinance, contained in the Town of Lapel Code of Ordinances, and

WHEREAS, on or about August 28th 2020, Chad Lukens ("Petitioner") filed with the Town of Lapel Plan Commission, his Petition under Docket #6-2020, which is attached (contact Town Hall for a copy of this document), hereto as "Exhibit A";

WHEREAS, Petitioner seeks to have one parcel in the Town of Lapel reclassified from its present agricultural (Ag) zoning classification to residential (R2) classification; and

WHEREAS, the parcel originally sought to have reclassified may be particularly described as follows: Lot 2 in the Final Plat of William Woodward's 6th Addition.

Parcel No: 48-10-27-300-070.000-032

WHEREAS, the Town of Lapel Plan Commission, at a duly noticed Public Hearing on September 24th, 2020 heard evidence and made findings of fact and certified the proposed change to the Town of Lapel maps with a favorable recommendation attached hereto as "Exhibit B" (contact Town Hall for a copy of this document);

WHEREAS, the Town Council hereby finds and adopts the findings of the Plan Commission that the change in the Town of Lapel zoning map is (a) consistent with the Town's comprehensive plan; (b) that the current conditions and the character of current structures and uses in the affected area are and have been consistent with residential R2 classification; (c) that a residential R2 classification is the Real Estate's most desirable classification to the Town and its citizens as a whole; (d) that the zoning change will not result in a diminution of property values in the area near the Real Estate; and the proposed zoning reclassification results in responsible development and growth of the Town.

NOW, THEREFORE, IT IS HEREBY ORDAINED by the Lapel Town Council, under the authority of Indiana Code 36-7-4-608, and all acts amendatory thereto as follows:

Section 1: That the Zoning Ordinance of the Town of Lapel, Indiana, as shown by the records of Lapel, Indiana, shall be amended to change the Zone Map as incorporated therein and the following described real estate in Madison County, Indiana, to wit:

Commonly known as: Lot 2 in the Final Plat of William Woodward's 6th Addition

Parcel No: 48-10-27-300-070.000-032

And the same is hereby rezoned from the present Agricultural (Ag) zoning classification to residential (R2) zoning.

Section 2: This Ordinance shall be in full force and effect from and after its passage by the Town Council of Lapel, Indiana, and publications as provided by law.

CH29 29 .12 - Amending the Official Zone Map as to Certain Real Estate

WHEREAS, the Lapel Town Council has adopted, pursuant to I.C. 36-7-4-602, a Zoning Ordinance, contained in the Town of Lapel Code of Ordinances, and

WHEREAS, on or about August 7th 2020, Courtney Duncan ("Petitioner") filed with the Town of Lapel Plan Commission, her Petition under Docket #5-2020, which is attached (contact Town Hall for a copy of this document), hereto as "Exhibit A";

WHEREAS, Petitioner seeks to have one parcel in the Town of Lapel reclassified from its present General Commercial (C1) zoning classification to residential (R2) classification; and

WHEREAS, the parcel originally sought to have reclassified may be particularly described as follows:

Lot Numbered 52 in William Woodward's Second Addition to the Town of Lapel, as recorded in Plat Book 3, Pages 68-69, in the Office of the Recorder of Madison County, Indiana.

Commonly known as: 501 S. Walnut Street, Lapel, IN 46051

Parcel No: 48-10-28-401-062.000-032

WHEREAS, the Town of Lapel Plan Commission, at a duly noticed Public Hearing on October 8th, 2020 heard evidence and made findings of fact and certified the proposed change to the Town of Lapel maps with a favorable recommendation attached hereto as "Exhibit B" (contact Town Hall for a copy of this document);

WHEREAS, the Town Council hereby finds and adopts the findings of the Plan Commission that the change in the Town of Lapel zoning map is (a) consistent with the Town's comprehensive plan; (b) that the current conditions and the character of current structures and uses in the affected area are and have been consistent with residential R2 classification; (c) that a residential R2 classification is the Real Estate's most desirable classification to the Town and its citizens as a whole; (d) that the zoning change will not result in a diminution of property values in the area near the Real Estate; and the proposed zoning reclassification results in responsible development and growth of the Town.

NOW, THEREFORE, IT IS HEREBY ORDAINED by the Lapel Town Council, under the authority of Indiana Code 36-7-4-608, and all acts amendatory thereto as follows:

Section 1: That the Zoning Ordinance of the Town of Lapel, Indiana, as shown by the records of Lapel, Indiana, shall be amended to change the Zone Map as incorporated therein and the following described real estate in Madison County, Indiana, to wit:

Lot numbered 52 in William Woodward's Second Addition to the Town of Lapel, as recorded in Plat Book 3, Pages 68-69, in the Office of the Recorder of Madison County, Indiana.

Commonly known as: 501 Walnut Street, Lapel, IN 46051

Parcel No: 48-10-28-401-062.000-032

And the same is hereby rezoned from the present General Commercial (C1) zoning classification to residential (R2) zoning.

Section 2: This Ordinance shall be in full force and effect from and after its passage by the Town Council of Lapel, Indiana, and publications as provided by law.

CH29 29 .13 - Amending the Official Zone Map as to Certain Real Estate

WHEREAS, the Lapel Town Council has adopted, pursuant to I.C. 36-7-4-602, a Zoning Ordinance, contained in the Town of Lapel Code of Ordinances, and

WHEREAS, on or about September 11th 2020, Roscoe Dorsey and Chad Galloway ("Petitioner") filed with the Town of Lapel Plan Commission, their Petition under Docket #7-2020, which is attached (contact Town Hall for a copy of this document), hereto as "Exhibit A";

WHEREAS, Petitioner seeks to have one parcel in the Town of Lapel reclassified from its present agricultural (Ag) zoning classification to General Industrial (Ig) classification; and

WHEREAS, the parcel originally sought to have reclassified may be particularly described as follows "Exhibit B" (contact Town Hall for a copy of this document):

Commonly known as: 6208 S. State Road No. 13, Pendleton, IN 46064

Parcel No: 48-15-15-200-011.000.044

WHEREAS, the Town of Lapel Plan Commission, at a duly noticed Public Hearing on October 8th, 2020 heard evidence and made findings of fact and certified the proposed change to the Town of Lapel maps with a favorable recommendation attached hereto as "Exhibit C" (contact Town Hall for a copy of this document);

WHEREAS, the Town Council hereby finds and adopts the findings of the Plan Commission that the change in the Town of Lapel zoning map is (a) consistent with the Town's comprehensive plan; (b) that the current conditions and the character of current structures and uses in the affected area are and have been consistent with general industrial classification; (c) that a general industrial (Ig) classification is the Real Estate's most desirable classification to the Town and its citizens as a whole; (d) that the zoning change will not result in a diminution of property values in the area near the Real Estate; and the proposed zoning reclassification results in responsible development and growth of the Town.

NOW, THEREFORE, IT IS HEREBY ORDAINED by the Lapel Town Council, under the authority of Indiana Code 36-7-4-608, and all acts amendatory thereto as follows:

Section 1: That the Zoning Ordinance of the Town of Lapel, Indiana, as shown by the records of Lapel, Indiana, shall be amended to change the Zone Map as incorporated therein and the following described real estate in Madison County, Indiana, to wit:

Lot numbered 52 in William Woodward's Second Addition to the Town of Lapel, as recorded in Plat Book 3, Pages 68-69, in the Office of the Recorder of Madison County, Indiana.

Commonly known as: 6208 S. State Road No. 13, Pendleton, IN 46064

Parcel No: 48-15-15-200-011.000.044

And the same is hereby rezoned from the present Agricultural (Ag) zoning classification to General Industrial (Ig) zoning.

Section 2: This Ordinance shall be in full force and effect from and after its passage by the Town Council of Lapel, Indiana, and publications as provided by law.

CH29 29 .14 - Modifying Ordinance Chapter 8 Section 1

WHEREAS, the Lapel Town Council has deemed it necessary to amend Chapter 8, Section 8-1, Removal of Weeds and Rank Vegetation, of the Town of Lapel's Ordinance Code.

NOW THEREFORE, IT IS HEREBY ORDAINED, that Chapter 8, Section 8-1, paragraph "a" "3" shall be modified in its entirety so that the same will now read as follows.

"Weeds' subject to removal under this ordinance shall be those weeds or grasses which are eight (8) inches or longer in length and "other rank vegetation" subject to removal under this ordinance shall be vegetation growing in excessive luxuriance and vigor which is at least eight (8) inches in length or more. For the purpose of this ordinance, the term "length" and "height" shall be synonymous. A weed or piece of vegetation if standing in eight (8) inches or greater in height and the same bend or falls over, such that its length continues to be equal to eight (8) inches in length or more, is in violation of the terms of this ordinance."

Further Information

14-2020