

Minutes and proceedings of the meeting of the Town Council of the Town of Hope, Indiana.

Be it remembered that the Town Council of the Town of Hope, Indiana held called meeting at the Hope Town Hall in said town at 5:30 p.m. on January 19, 2016.

A quorum was declared present based on the presence of the following council members: Jonathan Titus (President), Clyde Compton (Vice-President), Jerry Bragg, Greg Sims and Ohmer Miller. Clerk Treasurer, Diane Burton was also present.

The prayer was given by Jonathan Titus.

The meeting opened with the Pledge of Allegiance led by Jonathan Titus.

ELECTION OF OFFICERS

Greg made a motion for Clyde Compton to be our Council President for 2016. Greg stated I know, Jonathan, you would like to scale back a little bit of your responsibilities. You have been our Council President for three years. You have done outstanding job. **Jerry seconded. Motion carries 5/0.**

Greg made a motion for Jonathan Titus to be our Vice-President for 2016. Jerry seconded. Motion carries 5/0.

APPOINTMENTS

Jonathan made a motion for Mel Fox to remain as our Town Manager. Greg seconded. Motion carries 5/0.

Greg made a motion for Matt Tallent to remain as our Town Marshal. Jonathan seconded. Motion carries 5/0.

Greg made a motion for David Clouse to remain as our Utilities Supervisor. Jerry seconded. Motion carries 5/0.

Jonathan made a motion that we retain Cindy Boll as our Town Attorney. Greg seconded. Motion carries 5/0.

Greg made a motion to have Tim Shoaf as our Building and Zoning Administrator. Jerry seconded. Motion carries 5/0.

2016 MEMBERS OF BOARDS, COMMITTEES AND COMMISSIONS

Jonathan stated Mel & I spent quite a bit of time on the appointments for the 2016 members of boards, committees and commissions. They are waiting on a few confirmations on the Plan Commission Board and one for Board of Zoning Appeals. The list of the 2016 members of the boards, committees and commissions are available to view at the Clerk Treasurer's office or on the town website.

FIRE DEPARTMENT CHIEF CONFIRMATION

Jonathan stated we usually confirmed the Fire Departments selection of their chief for the record. Clyde asked why we have to do that. Clyde stated they are elected by their own people. They are not a paid organization and we don't appoint them. Edwin Stone stated when I was treasurer it was in the contract that you were to approve the chief's appointment. Clyde stated I have seen that but I still wonder why it has to be done. The council decided the confirmation was not needed.

APPROVAL OF THE MINUTES

Minutes 11/16/15

Greg made a motion for the approval of the minutes. Jerry seconded. Motion carries 5/0.

APPROVAL OF THE CLAIMS

Jonathan made a motion for the approval of the claims as submitted. Greg seconded. Motion carries 5/0.

OLD BUSINESS:

PROJECT UPDATES

Park Project

Trena Carter stated the park project is complete. We have done the final draw. It's been received. I have scheduled a monitoring with Indiana Office of Community and Rural Affairs on Feb 9 at 2:00 p.m. They want to go over all the information and they want to see the project.

Town Hall

Trena stated I'm working with Tim Shoaf to reschedule that meeting. I had to cancel due to a family situation.

Storm Drainage

Trena stated I'm still not sure where we are going with the storm drainage as far as whether we are looking at grants or loans through USDA or OCRA.

Hope Main Street

Trena stated we have had many discussions with the Office of Community and Rural Affairs and the Indiana Main Street Organization and they have encouraged the Main Street Organization and the town of Hope to cultivate your most important resource which they see as the town square, the historic commercial district. In other words it will be revitalizing the downtown area which will be basically your Hope square. They do have a planning grant that is available for downtown revitalization for up to 40,000 with 10% match. The town would have to apply. One of the groups that they would want to make sure was a stakeholder in the project would be the Main Street Organization. If you want to apply for a Main Street revitalization program grant through the Indiana Office of Community and Rural Affairs, this would be the first logical step to pursue the additional funding for a construction grant. To begin that process, we would complete a letter of intent to the Office of Community and Rural Affairs. They would come down and have a site visit. You would discuss the scope of work for the project. Then you would move forward with the application process. It's a rolling application process so they accept them at the end of the month every month throughout the year. You can have three Community Block grants now. Used to you could only have two. Mel stated I really think we should move forward with it. If we can do that in 2016 then in 2017 hopefully we can get the CDBG which is \$400,000 right now with a 20% match. OCRA has come to us twice. They have even started suggesting if we go through these first two steps then they are encouraging us to look even more ahead to being a Steller Community which is millions of dollars. **Jonathan made a motion to authorize Trena to move forward with the planning grant. Greg seconded. Motion carries 5/0.** Trena stated I will prepare letter of intent.

Fire Department Grants

Trena stated I do want to commend Chad Emmitt, First Assistant Chief with the Hope Volunteer Fire Department. I worked with him on two applications: One for personal equipment & one for a fire truck. I don't know if they will be funded but he was very proactive in getting everything ready to submit. We submitted it early. Greg stated that is great. We have encouraged that for so long. Trena stated it was a pleasure working with Chad. I reviewed his narratives and it was a nice collaboration. Clyde asked how long before you will hear something. Trena answered they just closed the application submission deadline which was January 15th. I don't know how quickly they review them. We will probably find out I would say in October. They will let us know one way or another. Clyde asked if this is the only one they can do at this time. Trena confirmed.

WATER IMPROVEMENT PROJECT UPDATE

Ryan stated contracts are fully executed now. The notice to proceed date will be January 20th. The Preconstruction Meeting will also be on January 20th. Those attending the Preconstruction Meeting will be Lykins, several employees of the town, Strand, SRF, Ara, IDEM, someone from the school and someone from Miller's. They have given us a preliminary schedule and they are looking to start mobilizing, pending weather, beginning of February. They have been working on the preconstruction video.

UPDATES/REPORTS

Cindy Boll stated the Verizon contract is completed. They have been out working on the tower.

Cindy stated she wanted to make the Town Council aware of a new court of appeals case from the state of Indiana that has brought into question the constitutionality of the City of Carmel's speeding ordinances. I haven't really had a chance to read through it to know how it might or might not impact all the other cities and towns, including Hope, in the state of Indiana. It is going to go up to the Supreme Court. It could have some huge repercussions. It could potentially affect the city of Indianapolis and the revenue they receive from that. Cindy will keep the town informed on the outcome. This could affect the town's revenue received from local ordinance violations. Matt stated the town only charges \$25 for a speeding ticket. The city of Carmel charges \$225. Carmel charges the same price as state ticket.

Cindy stated she has two zoning cases ready to file. She also needs to call an Executive Session on some pending litigation matters in the next couple of weeks.

ORDINANCE 2015-08 RATIFYING FARM ANIMALS

Cindy Boll asked for consideration of Ordinance 2015-08 which was presented last month. Cindy stated what prompted this was the Clerk Treasurer and office staff could not find a signed copy of the definition of farm animals that was passed and adopted by ordinance in 2011. Ordinance 2015-08 is just affirming the ordinance was adopted on October 17, 2011, that the minutes of the meeting show the adoption of the ordinance and that you're acknowledging, basically ratifying that was the ordinance adopted at that time. Cindy stated she knows there is some controversy about this topic but what she suggested was for council to consider adopting this ordinance and then if they wish to review it and possibly make changes then do it in that order. Clyde stated that it can't be a legal ordinance if it doesn't

have the council signatures. Tim Saylor read IC-36-4-6-17 which states the clerk shall record ordinances in a book kept for that purpose. It also states who must sign the ordinances and the document must be dated. Tim stated in my opinion it has never been an ordinance. Clyde agreed. Clyde suggested grandfathering in Tim Saylor and have a new ordinance as it is currently written. Clyde asked if anybody in this room had a complaint about Tim Saylor's chickens. No complaints were made. Clyde said this is our second meeting that nobody has had a complaint. To me this is the only fair way to do it. Tim Saylor also brought up the issue of rabbits being listed twice, both as a domestic and a farm animal. Tim Shoaf said I set on that council when the original ordinance went through. I recall it came about because of someone raising goats. Tim stated making it clear and grandfathering it in will resolve the whole situation. Clyde asked Tim Saylor how many chickens he has. Tim answered eleven. Clyde stated if you are grandfathered in, there will be no increase to that number. Jonathan stated my concern has always been where is the stopping point. Everything we have heard from Mr. Saylor and his neighbors tells me he is responsible and tells me he is a good neighbor. I would be willing to go ahead with the idea of a new ordinance, addressing the rabbits. I am okay as long as it is legal to grandfather him in. Ohmer suggested adopting this ordinance and then do an amendment to grandfather him in to keep from having a lapse. Cindy stated I think that would be a great way to go. **Ohmer made motion to accept Ordinance 2015-08. Jonathan seconded. Motion carries 5/0.** Matt clarified that he can have no more than eleven chickens. Can he replace chickens that die? Clyde confirmed he can have eleven chickens. Jonathan clarified that that Tim Saylor should not be fined during the time it took to clear up the ordinance. Matt confirmed. He had only been given a warning. Cindy suggested for the record to consider a motion that due to the fact there was some questions about the status of the ordinance that the town council does not find Mr. Saylor in violation with eleven chickens. **Greg made a motion the council does not find Mr. Saylor in violation. Jerry seconded.** Ohmer stated Mr. Saylor needs to continue to be responsible in his conduct in the community and with his animals. If it becomes a nuisance and it comes back to this council, we are going to take another hard look at it. The council asked Cindy to also make the change to list the rabbit as a domestic and not a farm animal. **Motion carries 5/0.**

NEW BUSINESS:

HVFD 2016 CONTRACT

Randy Wood stated I sent out on the 9th of January all of our information you requested for us to do for new contract. It outlined everything we have done. Our law suit has been settled. The 2016 contract was sent to you. We would like to negotiate the contract with the town tonight. It was stated at the October meeting that if we got everything resolved with the building, you would discuss a contract with us. Clyde stated I went through your contract and I have quite a few questions I don't want to get into tonight. I think we need to instead of jumping into this situation, go through it piece by piece, each council member, so when we do hopefully come to an agreement it will be fair not only for the citizens of this town but the fire department itself. Clyde suggested the council go through the contract and bring questions they have about it to the next meeting. Randy stated the contract that we presented is pretty much the same contract we have presented for years with a few exceptions. We took out EMS. I don't see where that will be hurting the people in the town in any way. I sent it on the 9th of January. I sent it early so everyone would have enough time to review it and if you had questions that it would be brought to tonight's meeting. Greg asked how the MOU is working. Are your bills getting paid? Randy confirmed. Greg asked what has been paid and if October was when we signed the MOU. Diane answered that sounds right. Claims were submitted in November but actually got paid in December

because of documentation issues. This month I disbursed \$4,657.41. The council report shows who it was disbursed to. Anything listed from the fire department appropriation would have been theirs. Randy clarified it was put in place on the 19th of October. I know there was one question that was brought up that was sent to everybody, why did we only submit so much and didn't fulfill what the contract asked for. It was because we didn't have the money to do our truck maintenance, we had some trucks that were down that we had to deal with, our ladder test, our pump test. An email was sent to me along with you guys asking about that and that is why. If we would have had the money at the time, we would have submitted at least \$69,000. Jonathan clarified so basically you had to push it to this year. Randy confirmed. Jonathan clarified if we approve the contract those things will happen, will have to happen more or less. Randy confirmed. Randy stated it is in the budget I presented. Jonathan stated I don't want to draw the process out. He suggested having the Emergency Services Committee look at that first. Jonathan stated Randy and Chad are on that committee. They can answer those specific questions. Ohmer and Jerry are on it. We have some citizens which I feel are unbiased. If it would be possible for them to meet, I think we can treat it similar to some of our other committees and let them bring the council a recommendation. I have looked at it. I am comfortable with almost everything. There are a couple of things I wanted to be able to ask you. I don't have those notes with me. I think the fire department has tried to adjust to what we have asked them to do. I'm impressed that Mr. King came this evening. I'm not fully prepared to vote for it tonight, I think I could be within a month. Jonathan commended them on what they've been doing. Randy said we have pushed so hard to get this taken care of, to get this contract so we can move on with what we need to do. Greg asked Randy if they are asking for the same amount of money as they did last year from township. Randy confirmed. Greg asked if they are asking for the same from the town of Hope also. Randy confirmed. Bruce Neal added Ronnie Hatton, Township Trustee, has asked for an increase in our contract money. I'm not sure who all he has to talk to. Greg asked on the MOU I know there is a cap that they can only turn in so much a month but can they go back. Randy was talking about the maintenance that they couldn't do. But if they had done that, could they have turned those receipts in. Can they turn in January of 2015 utilities? Diane confirmed they did turn those in. Diane stated it was about \$31,000. Clyde asked is there a way the difference between what we did give them and the \$69,000 that we give them now to take care of vehicles from last year. Diane stated it is my understanding no because that was in that budget year. Everything in January starts over. I can clarify that. Jonathan stated the MOU stays in place until the contract is signed. They can still get expenses paid in February. Greg stated he agreed with Jonathan in having the Emergency Services Committee look at it and to also get Reedy Financial involved. Clyde said we may not be paying them enough. This is where Reedy Group could possibly come in. Clyde requested Mel to find out what Reedy would charge to sit in on the meeting and give their evaluation. **Jonathan made a motion to have the Emergency Services Committee give a recommendation and to involve Reedy Financial for their expertise. Clyde seconded.** Ohmer requested the committee meet right away. Mel said she will see when the chair is available. Jonathan stated we want it to happen before the next council meeting. Greg stated they are still getting their money. The fire department is operating. The sense of urgency might be there but it needs to be done right. Diane added we do have to watch that if we continue to disburse monthly and then a contract gets signed, we have to be careful not to go over our budget amount for the year. **Motion carries 5/0.**

QUOTE FOR 2016 DAVEY SERVICES

David Clouse presented a quote for pest inspection and treatment for the trees in the park. David stated we haven't been fertilizing every other year because of the expense. We skipped last year because of the treatment on the Ash trees. Last year you guys decided to put that off until this year to even out the amount. The total is \$2,063 fertilization plus \$1,840 inspection and treatment. **Greg made a motion to approve the maintenance from Davey Tree Service as presented. Ohmer seconded.** Randy Sims asked if this includes all the parks. David stated no just the downtown park. When they treat the Ashes that includes the two at Norman Park. **Motion carries 5/0.**

QUESTIONS/COMMENTS ABOUT SUBMITTED REPORTS

*A Police, Animal Control, Utilities and Town Manager's report has been given to the council prior to the meeting to review and kept on file at the Clerk Treasurer's Office.

Jonathan commented on how to handle the 15% of bills that were not delivered by the post office per David's utility report. Jonathan suggested forgiving any late fees for that cycle. Jonathan stated Debbie is very good at following up on bills. **Jonathan made motion that the late fees be waived this month. Greg seconded. Motion carries 5/0.**

David Clouse stated his diagnosis on the truck is correct. It's a 22 year old truck and it's snowing in the morning. We've got 50% of our plow trucks. It's supposed to snow again Friday and Tuesday or Wednesday. How much do you want to spend on old truck that has issues? It's the red 1994 tool truck. Ohmer asked about renting something or subbing the snow plowing. Jonathan stated he did not want to spend a lot of money on that truck and asked about replacing it. David answered I do not recommend replacing it with a new truck. Hopefully I can find a good used one. Greg suggested David seek replacing the truck and find a contractor for what is coming up to get us by. David stated the truck is used primary for water and streets but the current one has a material lift to pull wastewater pumps. Wastewater could share with the payment on one. Greg confirmed and Jonathan agreed. David will keep them informed. Cindy Boll stated this fits under an emergency situation. **Ohmer made a motion that David use best his judgement in either procuring another vehicle or services to take care of the snow removal. Discussion. Clyde seconded. Motion carries 5/0.**

Diane asked for clarification on the salary increases for the Building and Zoning Administrator and Town Manager. Do you want to keep it same as last year? A 2% increase? Clyde stated he thought it was 2% across the board. Diane clarified the range increases 2% but then it's the supervisor's decision on where they want to put those people in that range. Jonathan stated he feels that since we have the financial resources to do it, we should. **Jonathan made a motion that the raises are commensurate with their appointments. Clyde seconded.** Diane clarified 2% for both of them. Jonathan confirmed. **Motion carries 5/0.**

Matt Galbraith stated going back through my records I found where I first applied for the Building and Zoning Administrator in 1993. It has been an honor and a privilege to serve the town and the council past and present. I am really thankful for the opportunity. (Applause) The council thanked Matt as well.

Randy Wood asked on the late water fees, what about the people that have paid the late water fees? David answered they haven't yet. That will be on next month's bill.

Greg Sims stated I saw on TV that Indianapolis has an ordinance with dogs left outside when the temperature gets to 20 degrees or below, they have to come in. Mel added and 90 degrees. Greg stated it something to try to enforce. I'm just throwing that out there. We might want to think about that. Mel agreed. Mel stated it is on my list to find the ordinance to give to Cindy.

Nellie Meek, 306 Scott Street for 42 years, I have heard so many times, possibly it's just me and I just hear it this way, when it comes to the fire department that we have to be sure that we watch the tax payer's dollars. I don't hear you talking about watching the tax payer's dollar on anything else other than the fire department. I think you guys all would realize when they had this fish fry and made \$25,000 and the number of people that came, or I think that's what it said in the newspaper, and the number of people that came and supported them to realize how much this town does support this fire department. I lot of people didn't know what was going on during this last year and they were very surprised to hear it. They've been talking about they didn't know they were having that problem. I just want to say that I do support our fire department and I hope that they can get this worked out in a speedy time.

Randy Sims stated I would like to commend the Main Street and the town council for moving forward with the downtown. It is the jewel of Hope and we need to keep making it better.

Meeting adjourned at 6:48 p.m.



Attest










