

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 7:00 p.m. on December 15, 2014.

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

The meeting opened with the Pledge of Allegiance by Paula Pollitt and a prayer by Jonathan Titus.

APPROVAL OF THE MINUTES

Minutes 11/3

Jonathan made a motion for the approval of the minutes. Jerry seconded. Motion carries 4/0. 1 Abstain.

APPROVAL OF THE CLAIMS

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

OLD BUSINESS

PROJECTS REPORTS

WATER SYSTEM IMPROVEMENTS PROJECT

Trena Carter stated on the water project SRF and CDBG Funding that she needs your guidance on whether we are using the procurement done for the planning study to select Strand or go through the procurement process again. That is the towns call. Based on what Steve has said, the SRF, which is the funding source that they are working on the application form now, the source of funds pay for their services. They stated that as long as you went through a procurement process that you should be fine. So we can provide that documentation to SRF for their approval. Steve and I need your guidance as to whether you want to go through that process again or whether you are satisfied with where we are to move forward with that as the engineer. Steve stated that OCRA will pay a portion and all that money if you want to pay the engineering firm, you have to go and select an engineering firm. SRF is saying we are not going to make you go through that process again. We are fine that you selected an engineering firm for the PER. You can use that same firm for design so that if and when you do get an OCRA grant, that money can go 100% to construction and the SRF loan can go to pay for the engineering and the rest of the construction because the OCRA grant won't be enough to pay everything. What that allows you to do is help with the eighteen month deadline because, I have checked with Tony and, please correct me if I'm wrong, the eighteen months starts counting once they award the town the grant for that. Trena indicated that was correct. He continued that you can get a tight time-frame in there. If you select an engineering firm but say you don't have to do any work yet, because we would have to get a contract put together, and wait until we are sure we have the SRF loan before we do anything. There could be some months in there where we could be starting on the design before you get the OCRA grant to move things along. We can set it up where you say its okay for Strand to do it but we don't do any work until we are given a notice to proceed. That way you are not out any money if something would fall through project funding wise. Correct? Trena said she was hoping that SRF would notify us through Strand by the

end of the year or January whether the funding is allocated. So my recommendation, and I'm sure Cindy would back me up on this, is that you don't sign any contract until SRF comes through. Steve indicated that he would like to put together a contract that indicates that the contract is pending approval of receiving the funding. Steve indicated that the price of putting together the contract is on us. We have a General Services Agreement so it's not as complicated. We just do what we call a Task Order. We would make sure all the language is there. That will give Cindy time to review everything so you can have all of that taken care of up front. If SRF says no, then you politely tell us no and life goes on. The council will not be obligated for any funds until you tell us to move forward. **Jonathan made a motion that we use Strand on a contingent basis. Greg seconded. Motion carries 5/0.**

Trena indicated that we need to meet with SRF. Steve stated we sent in the second group of information that SRF requested and Trena and Mel were copied on it so they both have copies. Part of the communication is that SRF is offering to come to the town and put on a meeting and explain SRF and how SRF works, and what has to happen for these loans. This is not a requirement. It is a courtesy meeting. They wanted us to ask if the council would be interested in some of you or whoever. We felt that since Diane and Mel were new that it might be beneficial to them to be able to ask some questions directly to SRF on paying back and other information. All of you are welcome to attend. Everyone can attend, the only issue is if it's a public meeting or not. They typically hold the meeting sometime Monday through Friday between 8:00 and 5:00. Tim suggested it be posted as a public meeting. Steve stated it's more of the mechanics of how an SRF loan works. Even if Diane and Mel are the only ones who can attend it will still be beneficial. It will be in January. Mel will gather dates for a January meeting. Trena said as soon as SRF lets them know and has the environmental information for me then I will begin the environmental based on the CDBG regulations.

PARK PROJECT

Trena stated Place Based Investment met last week. Those in attendance were me, Mel, Diane, myself, Randy Sims and David. We met to discuss places where we think we can reduce cost such as things David and his crew can do like excavation, demolition, that type of things. It is still a work in progress. We don't have any recommendation to make at this time. We would be working with lowest proposer. We are going to reach out to various organizations to see if we can raise some additional funds as well.

TOWN HALL CUMMINS FOUNDATION

Trena stated we are pulling information for that. Tim is going to get some square footage information for her. Once we get that application put together we will forward it on to Cummins and see if they like the idea and will help fund it. Once Cummins approves it, we will need to go through a selection process.

UTILITY RATE STUDY

Trena stated we have received a total of six proposals. The next step is to look through them to see if they have the submission requirements and be scored out. Trena asked if we wanted to put together a selection committee of three people. In the selection committee, she would recommend that you have at least one Council member representative and possibly two others from the community. Diane Burton and David were recommended. Trena would attend the meeting and can guide them through the process. Trena passed out copies to the selected committee. It was decided the committee would get together to go through the selection process at the same time. Paula will head up the committee and

Diane and David will complete the committee. Council agreed. By next council meeting we should have something to present. Diane will get some dates together for the meeting.

POLICE VEHICLE

Trena stated we are waiting to hear from the USDA. It has been submitted. They have everything they need. They just need to make sure they have their allocation money.

STOKES PROPERTY

Cindy Boll stated I usually don't like to talk about litigation at public meetings but I need to. The bottom line is when the judge entered the findings and facts and judgment on the Stokes place back in July, he set a status hearing date for December 19 which is this Friday at 8:30 in the morning to see if the defendants have complied up to that point with the order. I was approached by email by the attorney for the Stokes last week basically saying do we need to have a status hearing on that Friday morning. Knowing that you have been following this case and are interested in it, I felt better about bringing it to the Council to talk about it. My opinion is that they have done what they needed to do up to this point. Tim asked what those things were. Cindy indicated that they applied for a building permit, including a spreadsheet and timeframe and then the town would issue a building permit. They have done that. I know the town is not particularly happy with their timeframe but they have complied with order up to this point. It is my opinion that we don't have to have a Status Hearing just to go into court and say this. We set the next status hearing for right after when the windows are supposed to be done. That is a really concrete thing and I just wanted to discuss it with you before I did that. Tim asked about what she meant about the windows. Cindy replied that on the spreadsheet they turned in when they got their building permit, five windows are supposed to be put in by June 30. The rest of the stuff is September 30. Greg asked what has been completed up to this point. Cindy replied that they have submitted their application for a building permit and have gotten it. I think the judge, if I had to speculate, wanted to make sure they were at least doing something toward the end. If they had not gotten their building permit, we would have the hearing for sure. Greg asked if any work had been done. Cindy stated she doesn't know what work has been done. Greg thought we had a time-line like siding was supposed to be on by this time, windows by this time, gutters by this time. Cindy stated that's what we asked for. Tim stated that the judge gave the order but they got to pick the times, we did not. Cindy stated that they have done what the judge has ordered them to do. She said she did not want to waste our money, so she can handle this by phone. Tim stated that if that's all he required from them, I can't see that anything has physically been done on the property. Tim asked who the judge was. Cindy replied that it was the Magistrate from Superior Court #2, Joseph Meek. Jonathan indicated that when that deadline hits, something has to be done and if it doesn't then we go back to court. Cindy agreed and said she wants a date set. Greg asked if there was a date set for the entire house to be done. Cindy answered it was September 2015.

Tim asked Cindy if she had an update on the Davis property. Do we have court action. Greg said he drove by and the property is empty, he is gone. He has left everything. Matt confirmed. Matt stated that the certified letters are coming back. Not accepted. Cindy stated that this might be our very first unsafe building case when we get our statute in order in January. This would be the perfect first one. Jonathan stated that it's going to fall down. Cindy asked if we knew where he went. Jonathan replied Edinburgh, but its hearsay.

Cindy stated this isn't on the agenda, but I wanted us to know that I talked to David about the \$.02 water increase issue and she would recommend that it be brought up at the working session, if that's possible, because I'm looking to you for some guidance on how you want to handle that situation. If you want to leave it the way it is, with the ordinances we have passed, I think we can do that. If you would rather retract that \$.02 increase we can adopt something to get that done as well. Cindy also indicated that it might make sense to not do anything until you get the Rate Study back. Tim stated that it's not like it's a lot of money but to remember that at the next increase. Trena stated that what they will do with the Rate Study is look at it overall with what it currently is, so it may need to go up, but they will take that into account when they are doing the study.

FIRE DEPARTMENT REPORT

Bruce Neal had 35 total runs. 27 medic, 4 fire related. We had 2 fire alarms and 1 transformer fire. 14 runs were in town. 9 of those were with the squad and 4 without. One alarm no one responded.

NEW BUSINESS

UTILITY BILL EXTENSION REQUEST

Teresa Stewart – not in attendance.

DISAGREEMENT ON WATER BILL CHARGE

David Howell stated several months ago I was working on my property on Depot Street. I had the water turned on on a temporary basis because I was with the understanding that my tenant let the water pipes freeze up. I needed to see where it was leaking. I had it turned on. I guess there was some miscommunication on the billing address. I needed the bill sent to my Washington Street address because no one resides at 431 Depot Street. Due to communication error, the water got shut off for non-payment which I was fine with. I had done what I needed to do. I went in and paid the water bill. I told Debbie I did not need the water turned back on to finalize this. I assumed that was done. A month later I get another bill for 431 Depot Street. You will see there are no readings and no consumption. It just states that a deposit was applied, however, there is no difference between the bill that they quoted between the water and sewer and the total on the bill. I was told that as long as there's a deposit at that address that I would still get a minimum bill and that was the minimum bill for no service and no usage because I did not have the service turned back on. Paula asked if the service was off now. David stated that it was off now. After it was turned off I paid the bill and requested that it not be turned back on because I don't need water service there. No one is living there. Whenever I get a tenant there, they will be responsible for turning it on. There was discussion regarding the bill. Tim asked if he was refunded his deposit. David stated that he was not but he assumed it went to the previous tenant's bill because they left an outstanding bill. David Clouse stated that it had to be a 2-month bill. David Howell stated that there is no consumption because he told her not to turn the water back on. Greg said that's the question, if you have your water turned off, is there still a minimum due. Tim said no, not if you have your service disconnected, but he would have been refunded his deposit. Paula stated that his deposit was applied to the bill. David Howe stated they told me if it wasn't paid by December 15th which is today, that I would be disconnected at my 1124 Washington Street house. Tim clarified again the conversation. David said I assumed when I said don't turn it back on that was it because I told her I wasn't going to put water back on in that place. I was done in there. Tim stated am I right that is a totally

different thing than disconnecting. David Clouse stated this is probably where this misunderstanding was. I've got caught on this with my rentals, getting a minimum bill. There's an ordinance with the deposit. Greg stated I don't think his water on Washington Street should be shut off due to this right here. Paula and Tim agreed.

Tim stated it needed to be investigated by David Clouse and Debbie with David Howell.

RESOLUTION 2014-12 FOR TRANSFER OF FUNDS

Diane Burton presented the resolution for transfer of funds to request \$100 be transferred from appropriation 101001362 General Unexpected to 101001331 Legal Advertising.

Tim made a motion. Greg seconded. Motion carried 5/0.

SCHRADER PROPERTY

Matt Galbraith stated that last Monday we had two meetings at the Town Hall. The first one was with the Board of Zoning Appeals. The reason that was necessary was because Victor and Alice Schrader own the property at 319 Elm Street. On that property are 2 houses. Those 2 houses were built in the 70's prior to our zoning ordinance being in full force. They had a non-conforming use. The Schrader's want to sell the property and they can't sell the property because there are two houses on one lot. So, the Schrader's are asking for a variance from the relative standards to allow a lot of less than 7500 square feet in a R2 Zone. The Board of Zoning passed the request. Plan Commission went through the public hearing process. The Plan Commission is bringing a favorable recommendation to approve the Robert Spagh Addition 2nd Re-plat. Greg asked about separating the sewer. Matt clarified that David Clouse has asked to review the petition and found out that there is only one sewer connection for the two properties so part of the condition for approval was that each house has its own connection to the sewer and the Schrader's were good with that and we set a May 1 deadline for that to happen. **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 asked about the Shop With a Cop. Matt answered that they only had a couple of people call in for that this year and the people that I spoke with had already signed up for the Angel Tree through the Salvation Army and Columbus Shop With a Cop. I found out when Hope Elementary had their angel tree, about a week before it was done, they had about 40 names left on their Angel Tree so I took 6 off and went shopping for them. Greg asked about the Sheriff Department calls. Matt answered that there were 19 calls. Tim asked what the nature of the calls were. Matt answered one was to assist with a pursuit with the US Marshal's office on 252, some were animals in the roadways. It really runs the gambit. Tim asked if we were serving warrants. Matt stated we do not go outside the town limits to serve warrants. Mel stated that they want to meet the new Sheriff once he gets sworn in. Mel suggested a MOU – written understanding about what we would cover but first have a discussion with the sheriff. Mel and Matt have talked about it several times since it has been brought up.

Greg stated make Davis property a top priority. It needs to be resolved. Matt Galbraith agreed.
Discussion. Matt stated he emails Cindy monthly about the Davis property. I get calls about it weekly.

PUBLIC COMMENT

Tim Shoaf gave his farewell speech. I wanted to point out encouragement. I think that the two best things that have happened to this town, long before I was here, is Diane taking the Clerk Treasurers job and hiring a Town Manager. I just want to encourage everybody to keep supporting that effort. In the short time they have been here we are seeing a lot of difference and I hope the Council keeps giving them the backing they need to get things done. Paula gave Tim a Certificate of Recognition to be awarded for his dedication and years of service to the Town of Hope.

Meeting adjourned at 7:55 p.m.



Attest










