

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 6:00 p.m. on July 18, 2016.

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

The prayer was given by Jonathan Titus.

The meeting opened with the Pledge of Allegiance led by Clyde Compton.

APPROVAL OF THE MINUTES

Minutes 6-1-16 & 6-15-16

Jonathan made a motion for the approval of the 6-1-16 minutes. Greg seconded. Motion carries 3/0. 1 Abstain.

Jonathan made a motion for the approval of the 6-16-16 minutes. Greg seconded. Motion carries 4/0.

APPROVAL OF THE CLAIMS

Greg made a motion for the approval of the claims. Jonathan seconded. Motion carries 4/0.

Diane requested approval for a claim to be paid to Strand Associates from our SRF loan for May service. The total of the claim is \$22,488.68. \$6,930.00 is for Contract Administration and \$15,558.68 is for Professional Personnel. **Jonathan made a motion for the approval of the Strand Associates claim. Greg seconded. Motion carries 4/0.**

OLD BUSINESS:

PROJECT UPDATES

Town Hall

Trena Carter, ARa, stated the building selection committee met with various firms that submitted statements of qualification in an interview format. The proposals were evaluated. We also received proposed cost from the highest ranking firm and should have a recommendation for the council at the next meeting in August.

Main Street Downtown Revitalization Plan

Trena stated we have interviewed three firms that submitted statements of qualifications. We have also receive a proposal. I think we may want to do some negotiating on that proposal. We will be contacting the firm and seeing what we can work out on that. That will be a contingent contract based on the application we will be submitting to the Indiana Office of Community and Rural Affairs.

Façade Revitalization

Trena reminded the council that there are some Downtown Enhancement Grant funding that can be applied for through your Main Street program. It's a dollar for a dollar fifty match. The application is due

August 26th. My plan is to go to Main Street Committee and see if they are wanting to move forward with that and potentially request EDIT funds to match that.

Volunteer Fire Department Grant

Trena state we are still waiting to hear something back from FEMA.

COPS Grant

Trena stated I spoke with Marshal Tallent. The application was submitted on June 22nd. There were issues with the system so it had to be resubmitted today.

Microphone

Clyde pointed out the microphone and speakers put in place due to a prior comment that it was hard to hear. Clyde stated we realize it's your right to hear. Hopefully this will take care of the situation.

INDOT GRANT / ASSET MANAGEMENT PLAN

JT Doane stated this came about from House bill 1001 that was passed. INDOT was given 450 million to hand out to locals for roads or bridges. It is to be allotted over the next three years. In 2016 it will be 150 million, in 2017 it will be 150 million and also in 2018 it will be 150 million. The fortunate part of this house bill 1001, Community Crossing Matching Grant, is that 75 million of this 150 million that is allotted per year, has to go to communities that are less than 50,000 in population. This is something that can be extremely advantageous to the community. INDOT is requiring an Asset Management Plan with application of this grant. I will bring in Ryan Mackos to discuss that plan and what it entails. It's done for a five year basis. In 2017 we will potentially do the same. At that point we would already have a draft Asset Management Plan so they can just update it. Ryan discussed the details of what would be involved with the Asset Management Plan. Ryan stated we have to identify every road, length of every road and give every road in town a rating. We used a rating system developed by Pacer. Pacer is an acceptable rating plan by INDOT. Next week we will put together an inventory and a rating of all your roads. The second part will also include a projective cost for each road since it is a matching grant. Ohmer asked if this is specifically for a designated area. Ryan answered they want you to try to do a whole street. JT stated he was excited to have found this on day two because the deadline to submit is July 29th. We should hear by the end of August if we receive the grant. Ohmer asked if the work will be done this year. Steve answered the work can still be done in 2016 depending on the amount of funding. Paving typically occurs up until around Thanksgiving. You will have to move quickly since you don't find out until August. You're still going to have to get a contract with a paving company. Diane stated \$60,000 is what we were given in LOIT Funds which I think will be a good start to try to double that. Chris Ogle asked if that was the full amount of funds given. Diane answered that is the 75% designated for roads. Clyde asked the amount of Strand's fee for the Asset Management Plan. Ryan answered our task order is set up as a not to exceed 3,000. Trena suggested doing several applications. If you only do one, it's all or nothing. **Greg made motion to move forward with the grant application and matching funds for \$59,168.95.**

Jonathan seconded. Greg asked in prioritizing the roads will we receive the cost to figure out what we can afford to do. Steve confirmed. Steve also suggested doing separate applications. Greg stated he would like to see the square done. Steve stated you can rate them as streets. Ohmer stated we need better street markings for the downtown. Trena reminded the council that we are looking at a Downtown Revitalization grant as well. Some of this may be included in that. She cautioned the council

in the fact that you may end up reworking what has been done. David stated you also have Local Roads and Street and MVH money. If this grant won't let you do the square, it may be able to be paid out of that. David asked if that only pays for paving or can it pay for crack sealing. JT answered it was not that specific. It just states for roads or bridges. Steve stated no infrastructure. **Motion carries 4/0.**

DRINKING WATER PROJECT UPDATE

Steve Robertson stated we do have the same contractor but different crew. All the water main including the additional blocks on Harrison and Elm Street have been completed. They have passed the pressure test and they are in the process of the bacteria test. They will start changing services over. All equipment for the interconnect out at Miller's Merry Manor is here. They will be out there tomorrow. Eastern Bartholomew has done their connection. Hopefully here in a couple more weeks Hope will have a second connection that will supply the town with water. When that's complete, they will go to 600 north and rework the original connection. The town of Hope has a water line that runs all the way to Miller's Merry Manor at the corner of Schaefer Lake. It stops about 300 feet away from Eastern Bartholomew's water main. Eastern has put in a tap. Now there is a six inch line that runs up and will be connecting into Hope's main. There is a meter there. The idea is that it won't get used very often. There's a pressure valve. If the pressure in town drops so low because there is an issue on 600 north, this valve automatically turns on and supplies water to the town. If there is an issue between Liberty Place and Miller's, Dave can shut some valves off. Miller's can still be supplied with water. The rest of the town can be supplied. He can isolate some areas if he needs to repair some things. Indiana Utility Regulatory suggested this. If one goes down, you have another way to supply water. I do want to compliment the crew for helping out the people in town. At the last meeting we talked about the work they needed to do out at the school. That work has been completed and that payment was released.

Ryan request approval on the payout application for Lykins. The amount is \$374,923.03. The amounts will start increasing because of the paving. **Jonathan made motion to approve that pay application. Ohmer seconded. Motion carries 4/0.**

SEWER LINING PROJECT

Ryan Mackos stated back in May you asked us to go ahead and get started on design for the sewer lining project on the north side of town. We've completed everything. Dave has taken a look at what has been proposed to you. We've divided it into a base bid plus an alternative bid in the event that the base bid comes in well since you have approved a certain amount it will allow you to get more done for a better price basically. The design is complete. Ryan asked the council if they want to proceed with advertising at this point in time. Ryan said the total amount is around \$175,000. It was approximately \$143,000 for construction. Clyde asked if it had to be placed for bid. Ryan replied the projected cost is under \$150,000 for construction which means you don't have to bid it if you don't want to. Ryan explained the differences between quoting and bidding. Ryan stated realistically the prime contractors for this type of work, there are only four or five in Indiana. You are allowed to bid if it's under \$150,000. It is up to you if you want to put it out for a competitive bid or if you just want to release it to several contractors. Either way is fine. Sometimes people go with what the Engineer's estimate is. Sometimes people go with what the costs is that it comes in at. Ohmer asked Steve what he recommends. Steve answered bidding it. Greg agreed. **Ohmer made motion to submit this project for bid. Greg seconded. Motion carries 4/0.**

VIOLATION ENFORCEMENT

Cindy Boll stated you should have each received a copy of the statutes that deal with the establishment of an ordinance violation bureau and also a purely draft ordinance for your initial review. Basically what an ordinance violation bureau does if it's established, is it would permit the town of Hope to directly receive those fines through the clerk's office if someone were fined for an ordinance violation. That is a plus because that is money we are not receiving now. There are some other considerations that need to be taken into consideration in looking at this and those are potential down sides. The statutes do require a certain process be followed so that if somebody doesn't agree with it, they can say you have to take me to court and prove it in front of the judge. There is going to be a manpower costs too involved with tracking these and receipting things in and keeping track of the complaints or ordinance violations that go out. If somebody does contest this and you have to go to court, you are going to have to pay an attorney. This is an overlay I think of what you'll need to consider when you are considering this idea. When you look at the draft ordinance you have, you guys can determine what ordinance violations you want to be included. The ones that I have listed there are not required. Not every town has those. It's kind of a compilation of what I have seen in other small cities and towns. You can also make a decision as to the fines or penalties to be assessed and whether or not that they should be assessed in an increasing amount. Cindy suggested JT and a small study group sit down and crunch some numbers to be sure that fiscally this is the right thing to do. JT suggested we have our Town Marshal generate a report to get an idea of what our number of violations are and to reach out to some communities that are similar to our size and get some thoughts from them as to how they approach the same concern. Then base a study for what could potentially be best for our community. There was a discussion on our current process versus the ordinance violation bureau. Steve asked how many are currently not paying for violations. Matt answered probably one in five do not pay. Ohmer asked if a lien can be placed on their property. Cindy stated she did not think so. **Jonathan made a motion to treat this ordinance to establish a town of Hope Ordinance Violation Bureau as a first reading. Ohmer seconded. Motion carries 4/0.**

154 ELM STREET

Cindy Boll stated I had a brief chance to talk to JT about the Elm Street situation. I propose that he and I get together and get the process solidified and present it at the next meeting. I think it would be good for him to be involved in that process as well. I have the statutes pulled up. Diane asked if the appraisals have been done. Cindy answered we have some very informal appraisals. JT and I can look at them and see if we think they are good numbers to use.

SHELTER HOUSE / PARK USAGE ORDINANCE

Cindy Boll stated you should have received a draft ordinance at last month's meeting basically a list of activities for you to consider that should not be allowed on the square unless prior approval was granted by you all. I have formatted that into a proposed ordinance for your consideration. It is set up to go under a part of town code that we have that's titled "Town Park Regulations". The list is the same as you saw last week. Tonight can be consider first reading. We can add or strike items on the list. Clyde reminded Cindy that he asked her to check on guns. Cindy confirmed and stated she will do that first thing in the morning. **Jonathan made a motion to treat this as a first reading of ordinance amending chapter five of the town code with fire arms included on the list. Ohmer seconded. John Clark with**

White River Broadcasting asked if he can have a list of what is being banded. Clyde confirmed. **Motion carries 4/0.**

NEW BUSINESS:

ABANDONED VEHICLES

Lou Kujawski passed out some information to the council. Lou stated I'm a twenty-three year resident of Hope. My father was a police officer. I, therefore, wanted to be one too. It didn't happen. I have great respect for law enforcement and that respect was shaken recently because of a second notice that I received that a vehicle in my possession, my property that was licensed, registered with the department of motor vehicles and insured was classified as abandoned with a sticker. It took about nineteen days because I was working on the vehicle. I had twenty days to either remove it or hide it in the backyard. I wasn't finished working on it so I pushed the vehicle around back. I let Marshal Tallent know that I moved the vehicle around back and that I had been working on it. He reminded me I still had twenty days and then he would be there to get it if I didn't move it. The next day, day twenty, I called the police department and I got a different officer. I let him know my vehicle was parked in the backyard. You couldn't see the vehicle from a public street. Number seven under abandoned vehicle is where they use that particular code as their standard of proof of abandoned vehicle. Number seven sites that the model year is three years old or more. The next thing is that it be considered mechanically inoperable. Lou stated you can't tell this just by looking at the vehicle. Last but not least is left on private property. Of course it is. It's my home, my driveway. That's where I park my car is on my property. Here is my concern. When you get pulled over by a police officer, he asks for your driver's license, registration and proof of insurance. If you are speeding, you get a ticket. You are fined anywhere from \$25 to \$200. When they apply this standard of abandoned vehicle, section number seven, they are taking your private property from you. A car can mean the difference of getting to work, getting to the grocery store, getting anywhere to do anything. If they take that vehicle from you, they could conceivably be taking thousands of dollars out of your driveway without your permission just because you didn't take the time to hide it from them on day twenty. My proposal would be to the town council is ask or propose that the police department use a higher standard of proof of abandonment by including what they do all day long. Ask for driver's license, registration, and proof of insurance. If those three things are affirmative, that means the vehicle has not been abandoned at all. However, if the vehicle isn't licensed properly, isn't registered with the BMV and is not insured, that would constitute legitimate reasons to move forward with subsection seven and further inquire as to whether or not a vehicle is abandoned and use subsection seven as the recourse for taking that vehicle in twenty days. My vehicle was almost taken. When I pulled it around back, I called the next day another officer says why did you pull your car in the backyard. Is it not licensed? I answered yes. Is it insured? I said yes. Then you didn't need to move it around back. So there is some miscommunication going on with police department. I wanted to make the town council aware that I believe a higher standard of proof of abandonment should be applied when taking private property from the legitimate owner of that property. And a fine example of the taking of that property would be my neighbor two doors down, Mr. Kevin Minnemann. Clyde asked Lou if a picture he held up was his vehicle. Lou confirmed. Clyde asked on a jack. Lou confirmed. Clyde asked was it on a jack for over 20 days. Lou answered yes because I was working on it.

Kevin Minnemann stated I also called in. I talked to two different officers who said its fine as long as it is properly plated, registered and insured. This has happened before. I got the same answer this time. I was trying to understand how it can be taken. I believe that the discerning factor is that it is properly plated, insured and licensed. I figured that would be the discerning factor of an abandoned or not. I'm just trying to figure out what possibly can be done. Clyde asked Kevin If a picture he held up was his vehicle. Kevin confirmed. Clyde stated this vehicle has year fourteen plates on it. Kevin answered that is correct which I fixed. Clyde stated you didn't do it within twenty days. It was sitting there with plates on it that was two years old. That is part of the ordinance. It was not plated legally. Kevin answered it wasn't at the time they gave me the first notice. This is the paper they left in the door after they took it and they have 2016 plate on here. When I figured out I had a problem, I fixed it and I have the registration here also for the proper year. As I was told by the officer that I called into if it is properly plated, registered and insured, it's fine so that's what I went by. Greg stated obviously there is more than one criteria to abandoned vehicles to where an officer can remove after twenty day timeframe. I don't have it in front of me but I think one of them is sitting forty-eight hours. There are several areas there that would consider a vehicle to be abandoned. Lou stated those don't apply to private property. They apply to public property. Clyde stated we have to go by Indiana state code as a minimum. We have to at least go by the state code. We can make our own codes stricter which I believe our own codes are stricter than the state. Clyde asked if they had read our codes. Lou confirmed. Kevin stated for the record my car did run. It just didn't run well. It was moved. Nellie Meek asked Matt if she understood him to say that if a car is not moved in forty-eight hours from one spot that it is sitting in that it is abandoned. Matt answered Lou is correct. That is on public highway. Our ordinance says twenty days. Someone asked what about snowbirds. Matt answered generally we only tag once a year. Usually it is sometime early spring to summer. Jonathan stated I think, Clyde, Mr. Kujawski has asked us to consider a higher standard. I'm willing to review what we've got. Lou stated I would appreciate that. That is all I ask. Clyde agreed. Clyde asked JT and Matt to get together. I will get with you sometime and we can take a look at it and present maybe some possible changes to the council. Kevin asked if something could be done about his vehicle. He stated he had been working fifty to sixty hours a week and working on his grandmother's house in Brookville. I would be happy and respectful if something can be done about my vehicle. Clyde answered we will look into it and see.

CHANGE IN BUILDING AND ZONING ADMINSTRATOR

Clyde Compton had informed the council about a month ago that Tim Shoaf would like to give up the position of Building and Zoning Administrator due to the fact that his business is doing so well he doesn't have enough time to do the job properly. Tim requested the council look for someone else to fill the position. Clyde stated about ten days ago I received a phone number of a gentlemen that I have known for many years who was possibly interested in the position. He has tremendous qualifications. Clyde confirmed with Tim Shoaf to be sure he wanted to resign. Tim stated yes. Tim requested that we wait until Sept 1st to appoint him due to a vacation. He wanted to go over everything with him. **Clyde made a motion to replace Tim Shoaf with Greg Potts effective Sept 1st. Jonathan seconded. Motion carries 4/0.**

EDIT REQUEST

HSJ Online

Clyde stated we had a request last Wednesday from HSJ Online, Media Division of Heritage of Hope. They had four different expenses for consideration which are: Operation Expenses \$2,000, 1Up! Website \$1,188.00, Promotion Efforts (Heritage Days, Brochures, Cards, Programs, Magnets) \$812 and Freelance Writers (Town & School) \$2,000. The Edit Committee unanimously voted to approve the operation expenses, 1Up! Website and the promotion efforts for a total of \$4,000. **Motion carries 4/0.**

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.

PUBLIC COMMENT

Nellie Meek stated I think Greg Potts will be an excellent person to take over that position but why do we not advertise when we have an opening like that. Clyde stated we did advertise with HSJ Online. John Clark clarified he posted a story. Clyde stated we wanted someone local. To advertise in The Republic would be costly.

Meeting adjourned at 7:28 p.m.

Attest











