

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 a called meeting at the Hope Town Hall in said town at 5:30 p.m. on July 21, 2020.

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

The prayer was given by Jerry Bragg.

The meeting opened with the Pledge of Allegiance led by Jerry Bragg.

#### **APPROVAL OF THE MINUTES**

**Minutes 6/16/2020**

**Nellie made a motion for the approval of the minutes. Ed seconded. Motion carries 5/0.**

#### **APPROVAL OF THE CLAIMS**

**Ed made a motion for the approval of the claims. Ohmer seconded. Motion carries 5/0.**

#### **OLD BUSINESS:**

##### **DOWNTOWN REVITALIZATION GRANT PROJECT**

Steve Robertson stated the Poole Group has requested electronic files to help with the layout of the park. We have a new policy that requires us to get the owner's permission in order to do this. If approved, there will be a form for Jerry to sign. **Ed made a motion to grant them permission to use the electronic files. Clyde seconded.** Ohmer asked whenever you release that information is there a time frame that is good for or is it ongoing. Steve explained we are just giving them an electronic version of the plans. Ohmer clarified that it is a onetime deal. Steve confirmed. Steve stated they cannot change the plans. **Motion carries 5/0.** Steve stated as you can see they have started. They have fenced off the playground area. They have gotten equipment in. They will be back tomorrow to start the demo work. Clyde stated they don't have the whole fence done. Steve answered correct. They did not fence off the south side since they don't need to be on the south side. They only fenced off the north and west side. It was a consensus of the Council to leave it as it is unless it starts causing problems.

##### **FENCING ORDINANCE 2020-01 (1<sup>st</sup> Reading)**

Scott Andrews stated I provided everybody with a draft ordinance. After our last meeting, everyone was on a consensus when Clyde brought up that we didn't really have any fence standards. I kind of based it off of what Columbus has in their ordinance. It is before the Council for a first reading tonight. Ed asked if the exemptions should include commercial. There was Council discussion. Scott suggested a variance be requested in those situations. Scott stated the ordinance should be posted on the door for public view. **Clyde made a motion to approve ordinance 2020-01 for a first reading. Ohmer seconded. Motion carries 5/0.**

## **HOUSING REGULATIONS – MINIMUM SQUARE FOOT ORDINANCE 2020-02 (1<sup>st</sup> Reading)**

Scott Andrews stated as you recall at the last meeting it was the desire of the Council to make a minimum square footage requirement for houses within residential zoning area in Hope. I have provided an updated ordinance which changes the definition of dwelling to indicate that any dwelling within the town of Hope must be a minimum of 1,000 square feet of living area. We also wanted to amend to have some standards for accessory structures. The model that was given to me is what the city of Columbus uses in their ordinance. It basically indicates an accessory use or structure will only be permitted after the dwelling is placed on that lot. This ordinance will need to be posted on the door as well to allow the public to view prior to the final reading. Nellie asked about suspending the rules to pass it tonight. Scott answered you can but I discourage it to allow the public to have some input before the final passing. **Ed made a motion to approve Ordinance 2020-02 for a first reading. Ohmer seconded. Motion carries 5/0.** Matt read a Facebook comment asking if it should be published on HSJ Online and in the Republic. Scott answered after the passage.

## **NEW BUSINESS:**

### **PARK REQUEST – CRUISE-IN TO HOPE**

Susan Thayer Fye stated as we all know Heritage Days got cancelled. Susan requested use of the square on Saturday, September 26<sup>th</sup> from 10:00 a.m. to 2:00 p.m. for a Studebaker car show on the square. The Studebaker car show was originally scheduled to be part of the Hope Heritage Days. Susan stated we will invite any cars clubs that want to come like we do at all of our cruise-ins. Studebaker will be highlighted. Based on response that we've had so far, we expect eighty to ninety cars. We are looking at using the parking on the north side and the east side with overflow on the south side. People are going to want to put chairs on square. We will want to use the bandstand. On that same day Debbie Slone, who is well known throughout the state, wants to do a 100 anniversary for the women suffrage movement. We want to use the bandstand for a rally. We will do a march around the square in costume and a photo op. This will be during the hours of the cruise-in. We are looking at closing some streets from 9:00 a.m. until about 2:30 p.m. Susan asked permission to use the square and the bandstand depending on where they are at on the construction. Ohmer stated the construction is going to have a major impact on this. Susan stated we can move everything out of the square onto the sidewalks. David suggested to not have it in the grass. Nellie stated there is always the chance that the Governor is not going to allow that many people. We do have to go by his rules. Susan stated I don't think we are going to exceed 250. Susan confirmed use of the bandstand. Ed suggested using a flatbed trailer for a stage. Susan stated the Fire Department is talking about doing a fish fry at the event. Pastor Ed Cottrell stated no decision has been made on that yet. Nellie stated the Republic online is talking about everyone in Bartholomew County having to wear a mask. That is very likely going to be coming. We don't know what is going to happen. The Governor has held it still at stage 4.5. It appears that there are a lot more cases. We can't just give a yes answer and stick to it. Susan stated I need to know what to tell Studebaker. We can just tell them this is what we know today. I need to know what that is. Ohmer stated if construction is done, I fine with the event. If they are still out there working and there is a safety issues, we are going to have to take a look at it then. It's almost going to be on a day by day basis. Clyde stated we don't know if the park will be done. They have asked for a thirty day extension. We cannot guarantee what the State of Indiana is going to do. Ed stated we can decide contingent upon the Governor's order. **Ed made a motion to approve use of the streets on Sept 26<sup>th</sup> dependent upon the Governor's orders. Clyde seconded. Motion carries 5/0.**



Susan stated for all the cruise-ins we have the same situation needing to use the bandstand. We have a band scheduled. Do you want to avoid use of the square at that time? David asked if it will be done by 9:00. David voiced concern about lights. Susan confirmed. Susan asked the Council if the restroom in the town hall can be used at the events. Susan stated we will also be using the Library Annex. It was a consensus of the Council to not allow use of the town hall restroom.

#### **PARK REQUEST – STUDENTS FUND OF HOPE**

Whitney Budd stated I think I got my answer. I didn't realize there was a park project going on in the square. I'm sorry to waste your time. I was just here to ask for permission to use the park for the annual prayer circle that we do before school. We worked with local pastors. We all came together and prayed for the school, prayed for the students and prayed for the staff. We feel at this point right now more than ever that needs to happen, even more than last year. Our intent was to be spaced out on the sidewalk but we also have school supplies to give away for children in need and to the staff. It is scheduled for Sunday, August 2<sup>nd</sup> for about 30 minutes. Ohmer offered the lot beside the town hall. Pastor Ed offered use of the church parking lot. Whitney stated we have other alternatives.

Whitney stated we are wanting to have a movie night on Oct 2<sup>nd</sup>. We are piggy backing again off of the cruise-in. The intent of the movie night is to provide memories for children who don't typically have good memories. If something tragic were to come up before the movie night, arrangements would be made to go to that traffic event relief. We have always set up in the square. We have typically had a bouncy house which has brought in a lot of donations. We serve food. It draws a crowd. Last year we had over 500 people. Obviously we wouldn't do that if we didn't have the Governor's approval. Jerry asked if she was going to find an alternative for that as well. Whitney answered if the Governor doesn't give us the allowance, We would likely be over the 250. The first night we had over 500 people. Until we get the approval or we completely open up, we kind of have to halt it for now. It is on the calendar with the intent to go ahead so we will need the approval. The Council voiced concern with having that many people on the new grass or if the construction will even be done at that point. Whitney decided it might be better to find an alternative spot. The Council agreed.

#### **ORDINANCE REVIEW**

Nellie Meek stated the ordinance is about picking up signs within ten days after an election. Also, we have had three incidents lately where one Council member is making a decisions for all of the Council members. That can't be done. It has to be here. It has to be in front of people. It has to be a decision made. One person can't just call a friend and say you do this and you do that. It is not a workable solution at all. Jerry sent Scott some information on Friday. Scott said he has not had time to completely check into it. Scott stated I'll have to research it. The jest is you can't treat political signs any differently than you do other signs. If you restrict any sign, it has to be all of them. So you either have to say they stay up all the time or they stay up none of the time. But there is also an argument that you are going to be in violation of first amendment rights, someone's freedom of speech. There's no clear answer. In the short period of time that I have looked at it, there has been some cases where towns have tried to restrict political signs and the courts have overturned those and said you can't pick on those signs based upon political speech only. Nellie stated then like you said we would open it up to where everybody could just have signs out all over the place. Scott answered there are certain reasonable restrictions that



the courts say you can put in place. There is a reasonable standard. I think if the issue is you want to revisit the sign ordinance, it's going to take a whole lot more conversation and research to determine how we put that together. Nellie asked does there have to be a disclaimer on a political sign. Scott confirmed. Clyde stated no. Scott corrected there does. Clyde stated unless the person running for office is requesting money to be contributed to his campaign there does not have to be a disclaimer. Scott stated I'm not aware of that exclusion. That would be enforced by the Election Commission not necessarily by the Town Council. Nellie stated we don't want to do anything to harm anyone but the rule is the rule. Scott recommended having a work session to revisit the sign ordinance. Clyde read a ruling from a 2015 US Supreme Court rule on a political sign case. They unanimously said that all Town sign ordinances were illegal. It stated that it cannot be restricted by the Town. The American Civil Liberties Union states campaign signs will not survive a court challenge. Another one says Supreme Court on signs states that all Towns will have to change their political sign laws because of the Supreme Court ruling or they will face large legal costs. Scott stated that is not any different than what I said. There was another Town that had ordinance. The Court struck it down. They said you can't restrict political signs and treat them differently than other signs. You can't restrict signs based on content. Jerry said my bottom line is whatever it is, it has to be right. I want it to be right. Scott stated looking at your current ordinance I think it is subject to being attacked. It's probably too restrictive based on Supreme Court ruling. Ohmer stated I think for this to even be brought up in front of this Council has created a bunch of turmoil and any prudent and unselfish person would take their signs down and campaign in a normal way instead of being so self-centered that they feel they have to have their signs up until November. This is all about our community and keeping it clean and a good place to live. Its being part of the community and being part of the solution instead of part of the problem. Clyde stated there has been Donald Trump sign that has been out in my subdivision for almost a year and there has not been a word said about it until they get this anonymous letter whining about a local politician sign and the Presidential signs. The sign that has Donald Trump on it doesn't have a disclaimer on it. Are you going to make Donald Trump pull those signs up? It's kind of strange that its all Republican signs being complained about. Nellie said it is because the Democrat's pick theirs up. Clyde stated they haven't put them out. Jerry said let's schedule a working session and look at our ordinance on signs. Let's move on. Nellie said the final question then is can one person go ahead and privately decide on things or do we have to do that together. Scott answered I don't know what you are talking about. Nellie said set up a committee or to do anything that they want to do. Scott said generally I would say no. There might be some things that can be done by an individual Council member. You can't make a blanket statement. I don't know how to answer the question. I'm sorry. Nellie stated right now Ed Cottrell has a letter that he has been asked by Clyde Compton to take over the Town cleanup day. Nellie clarified to Ed that this is not about him. Nellie stated one person cannot take someone and say you do this and you do that. We didn't know anything about it until we just happened to find out. Clyde had to have asked him to do this. That is what he said in the letter. That is the third thing that had been done like that so I'm just saying there has to be a stop to it. We have to make any decisions together that affect this Town. Scott stated I don't know if that is a committee that has already been established or if it's in an ordinance. Clyde stated I'm not even commenting to that rambling. I did speak to Ed. When he stated he was part of Main Street that was looking at doing the cleanup day, I asked him if he would get with Matt Tallent. Matt Tallent has done it before. I asked him to see if they could get together and have it go a little more smoothly and get prices because no one had said anything about it and that was it. It's just because I'm trying to get stuff done is



why she's whining because she just sits at home. Nellie stated that's a lie. Jerry stated let's get back to the agenda.

#### **CLEAN-UP DAY**

Pastor Ed Cottrell stated I've been involved with Main Street and we were looking into the clean-up day. I was asked to get information because we haven't done anything recently due to COVID. That is the main reason we hadn't done any work on it but things seem to be easing up. You have in your possession a packet. Ed reviewed the letter he prepared for the Council which summarized the request as well as pricing. Ed stated we might be able to get some help from Cummins to assist. We do not have a specific date yet. I am looking to Matt and his wife because they do have good insight on getting other things done. I have got some quotes for you. I don't know if I should bring this to you at this moment or go straight to Edit. Ed shared the quotes from Best Way and CGS. Ed stated I have called Rumpke. They have not gotten back with me. Ed also discussed a shredding option to be on-site the day of the clean-up. Ed shared possibly giving the people an option of making a donation on clean-up day and having it be an avenue for a local charity. It was a consensus of Main Street to have it go to the Hope food pantry. Ed stated the Town will need to enter into these contracts where the Town will be billed. Ed asked for guidance from the Council on how to proceed. It was a consensus of the Council that the Town does need a clean-up day. The Council discussed if it is necessary for this request to go before Edit first. It was a consensus the clean-up day can wait until September, therefore, it has time to follow protocol. The request will need to be presented to the Edit Committee and the Edit Committee will then make a recommendation to the Council. Diane will provide Pastor Ed with the necessary paperwork.

#### **B & Z VIOLATION UPDATE**

Clyde Compton stated basically I think we all got the email from Matt Galbraith questioning when he turns something over to the attorney what happens to it after that. He said he has six cases. One of the cases has been pending since 2019 and nothing has been done about it. Matt Galbraith stated Scott and I have been email corresponding. We have a meeting set up Thursday at 10:00 a.m. at his office. We're going to discuss each case. I will bring the results of that discussion back to you.

#### **POLICE RULES & REGULATIONS**

Matt Tallent stated I want to get permission from the Council to change our Police Rules and Regulations to extend the living distance for officers to twenty miles. It is currently five miles. **Ed made a motion to approve the extension to twenty miles. Clyde seconded.** Ohmer stated I think this needs to be on a case by case basis. **Ed changed his motion to approve the twenty miles with permission from the Council. Clyde seconded. Motion carries 5/0.** Ed complimented Joseph Gordon. **Ed made a motion to accept Joseph Gordon who lives outside the normal requirements. Nellie seconded. Motion carries 5/0.**

#### **EMPLOYEE HANDBOOK UPDATE ORDINANCE 2020-03 (1<sup>st</sup> Reading)**

Diane Burton stated you received copies of the employee handbook. Our contract with New Focus HR provides us with updates to our employee handbook when needed which helps our Town stay in compliance. We have the recommended changes from New Focus HR. It's also a good opportunity to make any changes that we may want to make which was pretty minimal this time. One change has already been approved by you. It will just now officially go into the handbook. That was a simple change

where sick pay is earned on their anniversary date instead of at the first of the year. Another one that I am going to let Matt discuss with you is on floating holidays. Matt stated currently officers get holidays as they pass whether they work that holiday shift or not and they are required to take them within the following two pay periods. I want to change it to where the officers has to work the holiday shift before he earns that floating holiday. That way we are not getting such a backlog of holidays that the officers are trying to get caught up on. There was Council discussion. The Council agreed with the change. Diane stated the updated employee handbook does get passed by ordinance. Scott and I were discussing some changes that may need to be made with the actual ordinance. **Ohmer made a motion to approve ordinance 2020-03 for a first reading. Clyde seconded. Motion carries 5/0.**

#### **METER INSTALLATION AGREEMENT**

Diane Burton stated we have a Meter Installation Agreement between the Town of Hope and Long Family Properties at 209 Raymond Street. It is for a water tap in the amount of \$1,000 and a sewer tap in the amount of \$750. **Ohmer made a motion to approve the Meter Installation Agreement. Ed seconded. Motion carries 5/0.**

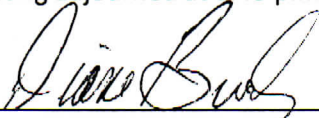
#### **QUESTIONS/COMMENTS ABOUT SUBMITTED REPORTS**

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

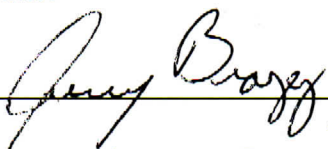
Nellie stated I'm happy to see they are starting the park project.

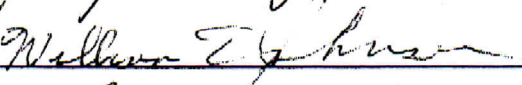
Nellie stated I want to apologize to the public for the ugliness in here tonight.

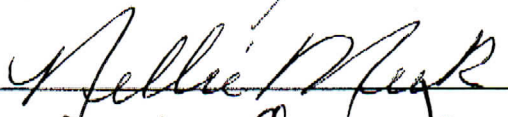
Meeting adjourned at 6:43 p.m.

  
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Attest

  
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