

CITY OF WINCHESTER  
COMMON COUNCIL  
MEETING MINUTES  
MONDAY, FEBRUARY 5, 2018

Regular meeting @ 6:30 p.m.  
Council Chambers / City Hall / 113 E. Washington St.

Pledge – Mayor Byrum  
Moment of Silence – Mayor Byrum

Mayor Byrum called the meeting to order and presided over the meeting. Clerk-Treasurer, Vicki Haney, recorded the minutes.

The Clerk-Treasurer's roll call showed four City Council Members present.

District 1	Councilor Larry Lennington	arrived at 6:37
District 2	Councilor Tom Sells	
District 3	Councilor Ron Loyd	
District 4	Councilor Leesa Friend	
At Large	Councilor Missy Williams	

Additional Officials Present:

Meeks Cockerill, City Attorney; Rich Tucker, Police Chief; Gary Moore, Fire Chief; and Sean Bosworth, Street and Park Superintendent.

Citizens Present:

Brett Miller, Roger Muselman, Diana Manson, Chuck Stonebunner, Becky Symmes, Karen Wilkins, Donabel Sells, Isaiah Ashley, Eli Jones, Doris Wynn, Kathie Monroe, Bill Monroe, Jeff Straley, Joan Ashley, Lynn Humphries, Jakob Bilbrey, Nathan Goodman, Mike Wickersham, Lisa Morford, Debra Johnting, Randy Abel, Bob McCoy, Connie Yost and Tim Yost

Media Present:

Bill Richmond (Star 98.3)

Approval of the Minutes:

Councilor Williams moved to approve the meeting minutes of the January 15, 2018 meeting. Councilor Sells seconded. Motion passed 4-0.

Committee Reports

Blight Committee – Councilor Williams is requesting to meet on Monday, February 12, 2018 at 5:00 pm in the Council Chambers. This is a one-time meeting; more meetings may be scheduled in the future.

Building Oversight Committee – Councilor Loyd presented the information for the Building Oversight Committee. A summary of the information was discussed. The Contractor and City's Owner's Representative has met twice. Much of the interior demolition has been completed. Current timeline for the completion of the project is on or before May 27, 2018; it could be completed sooner. The contractor is committed to not exceeding the costs previously authorized by the Council.

Public Concerns

Mayor Byrum stated most of the audience members are here to discuss the proposed housing development. After that topic is discussed, the floor will be opened for public comments.

Kristopher Bilbrey, 318 S. Meridian Street, asked if the Public Oversight Committee meetings are open to the public. Councilor Loyd stated he does not know that they must be open to the public but sees no reason that they should be closed meetings. The meetings are currently being held every two weeks on Thursdays at 1:00 pm at the construction site. The next meeting will be on February 15, 2017. Mr. Bilbrey asked if the Advisory Board Meetings are open to the public. Councilor Lennington stated the Advisory Committee is to get local groups and churches involved in the process after the facility opens. The site director has not been hired. Mr. Bilbrey stated Ohio Valley Gas Company (OVGC) has been in negotiations with the Compass Church to sell a portion of the land on Highway 32. OVGC asked for the street to be dedicated to the City at the last meeting. Mr. Bilbrey asked if anyone on the Council or if the Mayor knew about the negotiations for this sale before the City decided to purchase the facility from the Compass Church. Councilor Sells stated the request to dedicate the street took place many years ago but was never legally recorded. The Council Members had heard of the negotiations, but did not know of anything official. Councilor Lennington stated only five acres of the 35 acres available may be purchased by the Compass Church.

Joan Ashley, 421 S. East Street, stated her mother is having an issue with the contractors turning around in her driveway at 313 S. Meridian Street. Councilor Loyd stated he will make sure the contractors know about this issue.

Cleaning of City Hall

Three bids were submitted for the cleaning of City Hall. The bids are as follows:

Shawn Tucker	\$110.00 per week
Midnight Maintenance	\$120.00 per week
D&R Cleaning Services	\$390.00 per month

The cost per week of D&R Cleaning Services is \$90.00. Midnight Maintenance is currently cleaning City Hall. Councilor Friend asked if everyone is satisfied with Midnight Maintenance's services. Clerk-Treasurer Haney and Mayor Byrum stated they are very satisfied. Councilor Friend stated D&R Cleaning Services will charge extra for certain services, but the costs are not disclosed. That could result in costing the City more money. The current janitor does not have a contract. Councilor Lennington moved to use D&R Cleaning Services for City Hall. Councilor Loyd seconded. Councilor Lennington stated this is not a yearly contract; if the City is not satisfied with the service it can be changed. Motion passed 5-0.

SMD Winchester LLC

Roger Muselman, owner of SMD Winchester LLC, has owned real estate in Winchester for 14 years. A family history was presented. A printing company, a publishing and media company, and a furniture manufacturing company are owned in Berne, Indiana; as well as the newspaper, Clock tower and Hotel and numerous other businesses. Four concerns will be discussed this evening: traffic, population density, quality of neighbors, and property values. The proposed project may create more traffic on Fifth Street. 28 villas may seem like a significant addition to the neighborhood, but it is not what most people expect. Each villa will have a garage and a driveway, so no cars will need to be parked on the streets. Another project similar to this was completed in Winchester; information from this project was presented. This project meets all State requirements. The second concern is too many people in too small of an area. Mr. Muselman stated these villas would have less density than the neighborhood to the south. A map of Winchester was presented with neighborhood statistics. Other uses for the property were presented. A cohesive development plan has been presented. If the lots are less than

10,000 square feet a drainage plan would not need to be developed. For the Goodrich Villa project, a dry retention pond must be developed. These homes will not be Section 8 Housing; this will not be a low-income housing unit. Each unit would cost Seven Hundred Fifty Dollars (\$750.00) per month with no government assistance options. All the properties owned by SMD Winchester are managed by Diane Manson and are maintained immaculately. The average length of residency is 6.5 years and a waiting list is inevitable. The property values of neighborhood will not decrease; they will more than likely increase with newer homes in the neighborhood. Eight properties will adjoin this addition. The total investment in this project will be over Two Million Dollars (\$2,000,000.00). The parcel has been vacant for over 60 years. The assessed values and selling prices of the surrounding properties were presented. An assessor's report of the area was read to the Council. These villas are estimated to create Fifty Thousand Dollars (\$50,000.00) per year in revenue for Winchester. Tax abatements and incentives are not being asked for. SMD Winchester provides a great product for great residents. Mr. Muselman stated if this decision is tabled tonight he will go elsewhere looking for opportunities. Councilor Williams wants to know why Mr. Muselman is in such a hurry for a determination on this project. The Council is just receiving the information; everything needs to be reviewed. Councilor Williams stated other locations may be beneficial to the City; the area needs to be reviewed before a decision can be made. Councilor Lennington stated he has spoken to Mayor Byrum about this project; no investment has been made in the north side of Winchester if many years. Mr. Muselman asked when the next meeting is. February 19, 2018 at 6:30 pm is the next meeting. Councilor Loyd asked if the retention pond will be fenced. Mr. Muselman stated that should be discussed with the planner. The drainage issues in the area around the Goodrich Park were discussed. Councilor Loyd asked if the tenets would be current residents of Winchester or if they would be moving to the area. People from all over are current tenets in Winchester; the average age is 65-70 years old. The biggest advantage to the other villa location is that it is close to businesses. Mr. Muselman stated they are up against a deadline and state permits still need to be received for this project. Councilor Lennington stated he spoke to Randy Able, Area Planning Commission, who stated the zoning, may not be appropriate for this type of dwelling. Mr. Able explained the process of rezoning and what the property should be rezoned; many of the other areas that seem like good places to build a subdivision of homes are zoned commercial. The Council does not want to place residential homes in an area zoned commercial because of the regulations. The different types of zoning were discussed. This item was tabled until the next meeting.

#### Public Concerns

Mike Wickersham, Randolph County Commissioner, stated he is a member of the County Drainage Board and the retention pond for this project has been approved; Ed Thornburg, County Surveyor, recommend this project be approved. Commissioner Wickersham stated he is part of the Eastern Indiana Regional Planning Commission who partners with Purdue University to complete regional housing studies. This study will cost approximately Twenty Eight Thousand Dollars (\$28,000.00); donations have been received for this study. The preliminary notes state this type of proposed housing is valuable to the area. The Randolph County Comprehensive Plan also states this type of housing is needed in Randolph County. Councilor Williams wants to know for sure if anything has been offered to Mr. Muselman (tax abatements, road construction, etc.) for these homes to be built. Mr. Muselman stated as of right now SMD Winchester LLC is asking for nothing. If issues arise in the future, the Council may be approached for collaboration.

Karen Wilkins, 638 N. Residence Street, stated many houses are currently vacant and on the market to be sold or rented. The disk golf course is located close to where the proposed retention pond will be located. People will be in that area to retrieve their equipment. The time was spent to research this location; Mrs. Wilkins asked why the time cannot be spent to research another location. Many other locations could be a better fit for this project. Only three villas in this area will even have a view of

the park. Mrs. Wilkins stated she measured Fifth Street today and it is 17.3 feet wide close to the stop sign at Residence Street.

Jeff Straley, 805 N. Residence, stated everything Mr. Muselman said during the meetings sounds good. He is assuming 28 new families will be coming to Winchester. 13 people live from Fifth Street to the Phi Delt and 100 more people could be moving to the area. The car traffic could be a huge issue. The property values could decrease. Residence Street traffic moves very fast and the traffic is very heavy. Mr. Straley stated there is no guarantee of the type of people that will be moving into the area.

Bill Monroe, 645 Residence Street, stated he has lived on Residence Street for 37 years and the assessed value of his home is Sixty Two Thousand Dollars (\$62,000.00). The assessed value does not represent the value of the home. The residents in the area were never approached about this project. The width of Fifth Street at Mr. Monroe's driveway is 17.6 feet. If the road is made one way, it should be going west because he can only get to his driveway going west. Mr. Monroe cannot park in front of his home because of where the fire hydrant is placed. Mr. Monroe stated SMD Winchester LLC is a class act; nothing bad can be said about the company. Diane is a very good person. Mr. Monroe does not know if this is the best place to put a 28-unit villa complex. Mr. Monroe stated the plat map shows North East Street extending to Martin Street; this has never been completed.

Eli Jones, 201 S Clem, stated the latest economic development study from Ball State University states all development should be eliminated because population is not growing. Instead of investing in new projects for economic growth, the focus should be on maintaining and improving what is already established. This is a new study and is primarily focused on areas such as Muncie. This model could be used in the Winchester area.

Becky Symmes, 520 S Main, stated her family owns the properties along Symmes Center Drive. Five acres of this land abuts Mr. Muselman's property. Someone looked at this property for development and decided it was not large enough. The current proposed development will be on 3.5 acres. Other apartments are available in Winchester; local property owners will lose business. Ms. Symmes asked if Mr. Muselman has a complex close to his own home. Mr. Muselman stated there is a complex within a mile of his home. Fifth Street will need to be widened to make room for more traffic; the traffic flow will increase. Ms. Symmes believes the Council was threatened when Mr. Muselman stated he needed the Council's decision today. Councilor Friend asked how much Ms. Symmes rentals cost per month. Ms. Symmes states some are Seven Hundred Dollars (\$700.00) per month and others are Four Hundred Fifty Dollars (\$450.00) per month. All properties are usually rented.

Mr. Monroe stated two cars have been totaled in front of his home because of the lack of space in the area. Brenda Fritz also had a car totaled. Diane Manson, manager of the Crossings, Sunny Knoll, and Sunny Ridge, stated she has lived in Winchester her entire life. She understands the traffic issues. Most of the residents of this area will not have children; they will be older people. The traffic will not be as big of an issue as most people think. There is a need in Winchester for senior housing. This housing will be a decent place to live. All of the current tenants are very happy with the management of their complex. Mr. Straley stated it is crazy to think the traffic in the area will not change with the addition of 28 homes; he is not against houses or change, he is against 28 apartments being placed in the area. Ms. Symmes called around the area to determine if any apartments were available for rent. Every place she contacted had vacancies in Winchester. The only places with no vacancies were SMD Winchester's properties. Councilor Williams stated it is very hard to compare the location Mrs. Symmes suggested with the apartments Mr. Muselman is proposing. The housing is targeted towards senior citizens, but it is not exclusive to them. Mrs. Manson stated the only younger residents at the Crossings are people from TOA that have come here from Japan. Councilor Friend asked Chief Moore what the fire code occupancy level is for a 900 square foot apartment. Chief Moore stated he would have to call the Fire Marshall to be sure but he does not believe there is a maximum occupancy for residential properties.

Lisa Morford, 706 N. Main Street, asked if an older couple lives in the area where is their company going to park. The traffic in the area is a major concern for people with grandchildren. Mrs. Morford is concerned she will have people walking through her back yard to go to VanNote's. Mrs. Morford asked if sidewalks would ever be put in on Fifth Street. If the street is widened and a sidewalk is put in she will have a sidewalk right outside her bedroom window.

Nathan Goodman, 705 Lawn Street, stated the targeted citizens will be 65-70 years old. These elderly people will not be walking through people yards and they will not have four cars in each driveway.

Isaiah Ashley, 638 Residence Street, stated the location of the proposed retention pond is a low spot in the area and floods regularly. Mayor Byrum stated the retention pond will drain into Salt Creek. Mr. Randy Able, Randolph County Area Planning Director, said the maximum capacity is three feet of water in the retention pond and maintenance for mosquitoes will be considered.

Mr. Able stated this property is for sale and is going to sell. When the owners purchase a permit for their properties the neighbors have no say what can or cannot be done with the property. The County cannot stop people from building on vacant lots. Randolph County does not have a lot coverage clause in their zoning ordinance, so every inch of the property could be built on if the property owner wanted to do so. Setbacks are included in the ordinance and were explained. Councilor Williams moved to table this discussion until the February 19, 2018 meeting. Councilor Loyd seconded. Motion passed 5-0.

#### Ordinance No. 2018-2

Ordinance No. 2018-2 was presented by the Area Planning Commission and was entitled, "AN ORDINANCE TO AMEND THE TEXT OF THE UNIFIED ZONING ORDINANCE OF RANDOLPH COUNTY, INDIANA."

Councilor Sells moved to have the third and final reading of Ordinance No. 2018-2 by title only. Councilor Williams seconded. Motion passed 5-0. Third and final reading complete. Councilor Sells moved to approve the third and final reading of Ordinance No. 2018-2. Councilor Lennington seconded. Motion passed 5-0. Thus it becomes Ordinance No. 2018-2.

#### Ordinance No. 2018-3

Ordinance No. 2018-3 was presented by Rich Tucker, Police Chief, and was entitled, "AN ORDINANCE ESTABLISHING FEES FOR ANIMAL CONTROL." Rich Tucker, Police Chief, stated the fees for Animal Control should be adjusted. The effective date of this ordinance would be June 1, 2018.

Councilor Sells moved to have the first reading of Ordinance No. 2018-3 by title only as amended. Councilor Lennington seconded. Motion passed 5-0. First reading complete. Councilor Sells moved to approve the first reading of Ordinance No. 2018-3. Councilor Lennington seconded. Motion passed 5-0.

#### Resolution No. 2018-2

Resolution No. 2018-2 was presented by Mayor Byrum and was entitled, "RESOLUTION ESTABLISHING A COMMITTEE REGARDING BUILDING OVERSITE." The Building Oversight Committee will be formally established with the passing of this resolution. Councilor Williams understood that the Council would be able to determine the duties of the Building Oversight Committee. A more detailed description of the committee could be included in the Resolution as an exhibit. Councilor Loyd stated only two of the three appointees have attended any of the meetings; he is the only member who has attended both meetings. Councilor Loyd believes the resolution that was presented will be adequate for the committee to function. It will be over in two or three months. Councilor Williams stated this resolution does not allow the Council's appointees to have any say in the project because it is not outlined in the resolution. No additional funds can be appropriated for this project without prior consent by the

Council. Councilor Loyd stated the additions to the ordinance are not essential to the operations of the committee. Councilor Loyd will bring reports back to the Council during meetings. Councilor Sells moved to have the reading of Resolution No. 2018-2 by title only. Councilor Williams seconded. Motion passed 5-0. Councilor Sells moved to approve the reading of Resolution No. 2018-2. Councilor Williams seconded. Motion passed 5-0. Thus it becomes Resolution No. 2018-2.

#### Building Oversight Committee Rules

Councilor Sells moved to approve the rules for the Building Oversight Committee. Councilor Loyd seconded. Mayor Byrum stated the Council will give rules and instruction to the Building Oversight Committee. Councilor Lennington stated this is restricting the power of the committee. Councilor Williams stated the committee members wanted to know what was expected of them on this committee. These are the guidelines for the committee. Councilor Loyd stated Bret Dodd is the Owner's Representative for this project. He is very professional and detail oriented; Councilor Loyd believes Mr. Dodd has the best interests of Winchester in his heart. Motion passed 5-0.

#### Purchase Orders

Councilor Williams moved to strike purchase orders from old business. Councilor Sells seconded. Councilor Loyd asked if this can be discussed at a future meeting. Councilor Williams stated can be discussed again, just not at this meeting. Motion passed 5-0.

#### Alumni Association

Councilor Lennington presented a request for a donation to the Alumni Association Scholarship Fund. Last year the City donated Two Thousand Dollars (\$2,000.00) but this year less is needed.

#### Recycling Survey Results

Councilor Friend stated the results from the recycling survey have been received. The results will be reviewed and a full report will be given at the next meeting. Councilor Williams believed Solid Waste District would be sending information to the citizens before the surveys were sent. Mayor Byrum stated the information will still be sent. Mayor Byrum stated on October 2, 2017 the Council decided to approve the grant and develop a survey for this program. The totes have not been ordered. Once the totes are ordered, Solid Waste District will partner with the High School to present the needed information to the citizens. 217 surveys were returned: 191 were in favor of the program, 17 were against the program, and 9 surveys with undetermined information. Councilor Williams stated as long as she sits on the Council she will never vote for recycling to cost the citizens anything. Councilor Friend asked how many totes will be purchased for this project if only 191 people took the time to respond to the survey. Councilor Friend wants to know how much it will cost per household for the recycling program. Councilor Williams asked if Bestway sorts their recycling by bag color before it is put in the landfill. Superintendent Bosworth stated Bestway has a program where people can purchase recycling bags if the City contracts Bestway to receive the recyclables. The City will be hauling directly to the Muncie facility; a location may be available in Richmond. The Muncie facility is part of Bestway. The old trash truck will be used for collections. Superintendent Bosworth stated the program needs to be started before some answers can be determined. Trash can be collected from approximately 700 homes before the truck needs to be dumped. If the recycling truck is not full, it will not be dumped. Extra money was set aside in the budget for recycling in case this program was approved. Councilor Williams stated she is for recycling, but it is already available in Winchester. Councilor Williams stated having curbside versus alley pickup could make a difference to a lot of people. Recycling will be collected on Tuesdays so both trucks are not running on the same day.

AIM Legislative Dinner

Clerk-Treasurer Haney asked if any of the Council Members are interested in attending the AIM Legislative Dinner on February 26, 2018. The reservations are due February 9, 2018.

Adjournment

There being no further matters to discuss, Councilor Williams moved to adjourn. Councilor Lennington seconded. Motion passed 5-0. The February 5, 2018 meeting was adjourned at 8:34 pm.

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Mayor, Shon Byrum

ATTEST: \_\_\_\_\_  
Vicki Haney, Clerk-Treasurer