

CITY OF WINCHESTER  
COMMON COUNCIL  
MEETING MINUTES  
MONDAY, DECEMBER 17, 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 five City Council Members present.

District 1	Councilor Larry Lennington
District 2	Councilor Tom Sells
District 3	Councilor Ron Loyd
District 4	Councilor Leesa Friend
At Large	Councilor Missy Williams

Additional Officials Present:

James Fry, City Judge; Meeks Cockerill, City Attorney; Chris Martin, Wastewater Superintendent; Jon Reed, Police Chief; Dwayne Wiggins, Fire Chief; and Shean Bosworth, Street and Park Superintendent

Citizens Present:

Niles Thornburg, Kate Thornburg, Jim Nunez Jr., Nathan Goodman, Kristopher Bilbrey, Joan Ashley, Deb Henning, Lynn Humphrey, Kevin Carreno, Meelss Corleall, Jairo Correa, Tom Bigelow and Anthony Harless

Media Present:

Bill Richmond (Star 98.3 Radio and News-Gazette Newspaper)

Approval of the Minutes:

Councilor Sells moved to approve the meeting minutes of the December 3, 2018 meeting. Councilor Loyd seconded. Motion passed 5-0.

Presentation by Judge Fry

James Fry, City Court Judge, explained prior to this meeting he issued a written report for the City Court, 2018. Judge Fry asked if there were any questions. Councilor Lennington asked about the deferral program.

Councilor Loyd asked about the search for a collections agency. Judge Fry said it has been two weeks since he has heard from the collections agency, so the final agreement is still pending. Councilor Loyd asked if Judge Fry would sign off on this decision for the City or if it needed to come before the Council. Judge Fry was unsure. Councilor Williams asked what fee they charge. Judge Fry said the fee goes to the person that owes the money, not to the City, and if they never collect then the City never pays. Councilor Williams asked if he’s talked to other cities about their experience with collections agencies. Judge Fry said he spoke with Linda Wilcox, City Court Judge for the City of Union City. She said the agencies were very helpful and the process was self-explanatory, but Judge Fry has not found that to be

the case. Councilor Lennington asked the Judge if he felt it would be worth the time and effort. Judge Fry said he thought it would. Currently over fifty Thousand Dollars (\$50,000) is owed to the City in unpaid suspended tickets since 1999, and the collections agency would help to collect on these as well as on violations that can't be suspended by the BMV ( Bureau of Motor Vehicles). Councilor Williams asked what would happen to a person that refuses to pay their ticket. Judge Fry explained the collections agency would go through the collections process, file a county report, and then have a small claims hearing in front of the county court. If the person doesn't pay the fines from the county court then interest can accrue at the standard rate of eighteen Percent (18%) per year. Councilor Williams asked why the judge thought the City Court went from hearing One Thousand Two Hundred Fifty Six (1256) cases in 2017 to Seven Hundred Ninety Nine (799) in 2018. Judge Fry thought there were two causes for this. First, on many traffic tickets officers are finding evidence of drug use and other criminal charges which bumps the stop up to the County level bypassing the City Court completely. Second, Judge Fry said he hopes it is because fewer people are breaking traffic laws. The Council thanked Judge Fry for his presentation.

#### Public Concerns

Meeks Cockerill, City Attorney, wanted to remind the Council that these were public comments, not a public debate or a public hearing. He also reminded the Council that there is no statute requiring a public comments section in the Council meetings. He asks if the Council has any questions to please come to him or Mr. Bob Keen, Attorney for pending litigation.

Mayor Byrum opened the floor for public concerns.

Lynn Humphries, 312 S Main Street, reported that as a neighbor of the Winchester House, nothing has improved. This past Friday evening she once again had to ask a visitor of Winchester House to remove their car from a private driveway. She also reported people parking in the alley. Saturday night she woke to the sound of a loud truck and looked out to see people arguing and throwing bags in the truck bed as she assumed another client decided to leave Winchester House. She reminded the Council that the Volunteers of America (VOA) promised the community in a statement by Rachel Halleck that they would get to be involved in this project by participating in a community advisory board. She said she has not heard of any of her neighbors being invited to join such a board, and she feels the Winchester House has not done anything to remedy any issues brought forth by neighbors. She believes the board exists, but noted that she has been unable to find any contact information. She also noted that Mayor Byrum announced at the July 16, 2018 Board of Works meeting that he was stepping down from the community advisory board which means there is a vacancy. Ms. Humphries requests that someone that is opposed to the facility be put on the board. She listed Betty Ashley, Joan Ashley, Cheryl Ashley-Robbins, Kris Bilbrey, Marsha Cockerill or herself as potential board members. She feels having someone opposed to the facility on the community advisory board would not only be fair, but may lead to change and would certainly lead to the end of her reports to the City Council.

Joan Ashley, 318 S East Street, reported a dump truck (on Will Street) damaged her mom's yard. She asked who would she need to see to get it fixed and if she needed to talk to the VOA. Councilor Friend said if it is a Best Way dumpster then they need to speak to Best Way because they're the one providing the service.

Kristopher Bilbrey, 318 S Meridian Street, had some questions for the Council. He said that during the July 16, 2018 Board of Public Works meeting Councilor Williams stated on the record that if a claim of more than Seventy Five Thousand Dollars (\$75,000) was brought before the Council she would have to

recuse her vote; however when a claim was brought before the Council on November 19, 2018 she took part in the vote. He wanted to know why that change occurred. His second question was about the Seventy Five Thousand Dollar (\$75,000) claim the Council approved on November 19, 2018 for training and employees. He assumed this meant the City was helping the VOA pay for this, so he wanted to know how many full time and part time employees work at the Winchester House. Of those employees, how many are from Winchester or Randolph County? What is the pay scale? If the Council doesn't know the answers to these questions, do they feel they should reconsider the City paying the VOA such a large sum? He also wanted to know how many patients are currently being treated at Winchester House, specifically how many of them are from Winchester or Randolph County? Mr. Bilbrey also noted that Councilor Williams comment about recusing herself from the vote was recorded in the audio from the Board of Public Works meeting, but it was not included in the written minutes. He wanted to know why that was not included in the written minutes.

There being no further concerns, Mayor Byrum closed the floor.

#### Council Member's Concerns

Councilor Lennington wanted to discuss Ordinance No. 2000-8. According to this the Clerk Treasurer must send the property owner, a letter, but they do not have to take the person to court. Once the letter is sent, that person has ten (10) days to clean something up at their property before the City can go and clean the property. He wanted to know why the City hasn't been doing that. Attorney Cockerill explained that in order to get it on a tax bill you must have an order from a judge. If you did not want to put it on the tax bill, you may write them a ticket. However, Cockerill felt that it is often best to be under a court order before entering private property. Councilor Williams brought up the fact that City employees enter private property without court order to mow. Cockerill said it's different because you are not removing anything from their property when you mow. He said that there have been instances where after the ten (10) days the City has issued a ticket and brought the property owner to court so the judge can rule it as a nuisance and subject the owner to a large fine. Councilor Williams said she understood the need for a court order to tear down a house, but felt they shouldn't need a court order to clean up trash that is not only a nuisance, but a danger as well. Councilor Lennington said he cared less about collecting the money and more about cleaning up the properties. Cockerill said, and Chief Reed confirmed, that most people clean up their properties after being ticketed. Chief Reed also noted that with both the grass and rubbish ordinance, the process takes so long that property owners may only have to mow their grass or clean their property three times a year. Chief Reed also said the process becomes difficult with renters because the property owner may live in another state. Cockerill said they have a lot of success with citing both owners and local renters. Councilor Loyd said he felt there was a disconnect between the ordinance and the advice from the city attorney that questioned the legality of enforcing the ordinance. Councilor Loyd felt that a letter detailing the issue and the action that he City would take if the issue was not dealt with was enough to allow City employees to clean up the property according to this ordinance. Cockerill said that these property owners receive two such letters and a ticket. Chief Reed expressed concern that at some point removing things from private property could be considered theft. Councilor Williams said that in her three (3) years on the Council there are some properties that have continued to be an unresolved issue. It is very frustrating for neighbors.

Councilor Friend asked if she could get a Blight Committee report handout. Councilor Williams said she'd get that for her. Attorney Cockerill suggested letting the Council know when the next Blight Committee meeting takes place. Councilor Williams set the meeting for Wednesday, January 16, 2019 at 5:00pm.

### Fountain Park Cemetery

Jim Nunez reported a lot of positive improvements at the cemetery including the completion of the sidewalk from the columbarium to the street, new concrete next to the office, and new Plexiglas windows in the crypt. He also told the Council that the time capsule ceremony will take place on January 12, 2019. He requested the Council include a list of their board appointments in their time capsule. He also reported that they have nearly paid off the cemetery excavator by appropriating their own funds. He also provided the Council with the Fountain Park holiday schedule and board meeting times, as well as, the budget and plans for the new signs. He also reminded the Council about the new entrance and the squaring off of the field, both of which led to the creation of new plots.

### WCCPC (Winchester Community Cultural Preservation Committee)

Jim Nunez wanted to thank the City, especially the City workers, for their help with Mardi Gras. He also reported the WCCPC gave some money to Freedom Life Church for their Thanksgiving meals that they deliver in the community. WCCPC also helped out Secret Families and Santa Parade. He also reported WCCPC, Walmart, and seven people from the City Street Department adopted thirty (30) children from Angel Tree at One Hundred Dollars (\$100) per child. He wanted to thank the Street Department for their contribution to that as well as their work to decorate downtown. He also told the Council they were still working on finding a time for the January 12 time capsule ceremony. Mr. Nunez was also involved in the "Now Entering Winchester" PBS special that will include Twenty Five (25) stories about Winchester. The special should air sometime in February.

## NEW BUSINESS

### Chapter 96 - Ordinance No.2002-02 (Street Cut Permits)

Mayor Byrum reported that according to item B of this ordinance it only costs a utility company Twenty Dollars (\$20) per day to cut into City streets. He feels this amount should be increased to encourage utility companies to work more quickly. He also reminded the Council that according to the 2016 report Winchester was the City in Indiana with the highest percentage of lead based pipes. This past summer Indiana American Water began cutting into the streets on the north side to replace pipes from the main to the homes. IAW will continue this work on the south side in the coming year. He presented the Council with a proposition to change the ordinance created in 2006. This change would mean that utility companies wouldn't just repave a 2x2 foot block around each cut. Instead if the cuts were within One Hundred (100) feet of one another, the utility company would have to repave that entire section of street or reach a settlement with the Board of Public Works and Safety. He recommends they change the ordinance to both increase the rates per cut and to give the Board of Works the authority to enforce this new paving method. Councilors Lennington and Williams agreed. Superintendent Martin agreed and said he felt the companies were destroying the City's streets. Superintendent Martin also said that it was a constant fight for Street Superintendent Bosworth to get these companies to do their work right. The issue will be tracking how long these companies have the street cut open. Councilor Williams asked if anyone had a recommendation concerning the cost for these companies to cut open the streets based on what other Cities are doing. Superintendent Martin recommended charging One Hundred to One Hundred Fifty Dollars (\$100-150) to cut the street and have it closed and paved within Thirty (30) days because it is too difficult to track the number of days the street is cut open. Mayor Byrum said the Council could write their own ordinance or someone else could present one to them for approval next meeting. Councilor Loyd presumes surrounding towns and cities must have working ordinances similar to these they could look at for reference. Councilor Williams felt the City should charge high because of all the damage being done to the streets. The Council approved the Mayor to look into this issue and present something at the next meeting for debate.

### Chapter 51 - Sewage Affidavit

Mayor Byrum said that a lot of property owners request sewage affidavits to take their properties off trash and sewage for six (6) months while they are remodeling. Mayor Byrum thinks property owners should have to pay a fee to do so. This will encourage people to get their work done in the six (6) months' time so they don't have to pay an additional fee every six (6) months. Councilor Williams asked how much the fee would be or if any other cities have such a fee. Mayor Byrum said the Board of Works discussed starting the fee at Fifty Dollars (\$50) and seeing if that has the desired effect. He also said the BOW discussed tap in fees, but decided that would be an accounting nightmare. Councilor Lennington asked if there is a fee to reconnect. Mayor Byrum said there is not because they automatically come back on after six (6) months. Mayor Byrum would like to add an amendment to Chapter 51 under Sewage Works to charge a Fifty Dollar (\$50) fee for sewage affidavits. This money would go into the Wastewater (sewage) budget. Councilor Loyd fully supported the Mayor's idea, but had questions about the ordinance numbering system. Councilor Friend asked why the City doesn't charge Fifty Dollars (\$50) to come off and Fifty Dollars (\$50) to be put back on. Mayor Byrum and Meeks Cockerill explained it would probably even out in the end and this way would keep the Clerk Treasurer's life easier. Councilor Williams felt that Fifty Dollars (\$50) was too cheap.

### New Work Truck for Park and Street Department

Mayor Byrum proposed the purchase or lease of a new work truck vehicle for the Park and Street Department. He has personally ridden in the truck to witness its disrepair. It is over a decade old and has issues that create inefficiencies. Councilor Williams asked Clerk Treasurer Haney if she felt they should purchase or lease a vehicle. Clerk Treasurer Haney said they should purchase the vehicle. She pointed out that the disbursement amount as to date for expenses in the Motor Vehicle Highway (Street Budget) Fund totaled Seventy Nine Thousand Dollars (\$79,000) of the Two Hundred Seventy Two Thousand Dollars (\$272,000) appropriated for paving, so there were funds available. Mayor Byrum stated this new truck could be paid for out of MVH or Beeson Farm. Mayor Byrum asked the Council to approve a dollar amount and then allow Superintendent Bosworth to purchase the truck he thinks will suite the role. The mayor also recommends that one third of this budget come from Beeson Farm. Councilor Sells wanted to make it known that the MVH disbursements are low because they received a matching grant from the state for street paving. He also asked if the Council had approved the purchase of a new trailer for Superintendent Bosworth as well. Clerk Treasurer Haney reported the MVH budget is currently at Seventy Nine (79%) for 2018. She reminded the Council they requested all department heads keep their budgets at Ninety Percent (90%). Several expenditures requests had been made for the remaining MVH budgeted including three plows for Twenty Thousand Fifty Five Dollars (\$20,055) a mower for Ten Thousand Dollars (\$10,000), a trailer for Two Thousand Dollars (\$2000), a gate for Seven Thousand Four Hundred Dollars (\$7400), and a work truck for Fifty Two Thousand Dollars (\$52,000). Those requests amount to Ninety One the entire expenditures, his budget will be at Eighty Seven Percent (87%). Superintendent Bosworth told the Council he gave Clerk Treasurer Hany a few different dollar amounts for the truck based on the vehicles he'd been researching. Councilor Friend asked what this vehicle was used for. Shean reported it was used for transportation to conferences, putting up temporary signs when streetlights go out, putting up barricades, and other things. Basically, it will be a lot of hauling. Councilor Friend said she didn't see spending Forty Thousand to Fifty Six Thousand Dollars (\$40,000-56,000) on a work truck. Shean pointed out that all the trucks he listed were work trucks. He gave the Council three dollar amounts, but would like to avoid purchasing the least expensive option, because it runs on gas and not diesel. Councilor Friend asked if he felt they needed to purchase a brand new

vehicle. Superintendent Bosworth pointed out that he put a lot of time into finding these quotes and reminded the Council that a new truck comes with a five (5) year warranty on the transmission and an eight (8) year warranty on the motor. Councilor Friend asked how many miles Shean puts on his truck each year. He said he wasn't sure because the pedometer is broken and he'd never been asked to track his mileage. Mayor Byrum reminded the Council that once Superintendent purchases a new truck, the truck he currently drives will become a Park truck to replace the truck that desperately needs to be put out of commission. Councilor Loyd asked if any of the quotes included tool boxes. Bosworth reported they don't, but his current truck didn't have a tool box and he wasn't necessarily looking for one. Mayor Byrum asked if any of the trucks were single cab. He reported they were not. Mayor Byrum thought having a crew cab was important for the kind of work this truck will be doing. Councilor Lennington felt they should allow Superintendent Bosworth to purchase a new diesel truck to have the warranties as well as get more miles per gallon. He recommended the second option. Shean told the Council that the truck Councilor Lennington recommended could be purchased locally. Councilor Loyd asked if the City maintained its own diesel fueling station. They do not. Councilor Friend asked if Shean had checked with local dealerships to see if there were any 2018 hold overs that may have better rebates. Shean said he hadn't looked into it, but would be willing to.

Councilor Williams made a motion to approve three plows, the mower, the trailer, and the truck with the truck cost not to exceed Fifty Two Thousand Dollars (\$52,000). Councilor Sells seconded. Motion passed 5-0.

Shean pointed out that the automatic gate for the street barn did not get approved. He reminded the Council this will benefit multiple departments, and that this is standard set up for most cities' Street Departments. Councilor Sells recommended paying for the gate out of the Beeson Farm. Mayor Byrum disagreed and said there was plenty in the MVH. Councilor Sells conceded. Councilor Williams made a motion to approve the purchase of the gate. Councilor Sells seconded. Motion carried 5-0.

## UNFINISHED BUSINESS

### Beeson Community Building

Councilor Lennington reported that the renovations at the Beeson Clubhouse look great, but now they need new countertops. He plans to explore countertop pricing and bring a proposal before the Council at a later date. Councilor Williams asked what exactly needed to be done. Councilor Lennington said they were replacing the countertops so the old and new match.

### Council Appointments

Mayor Byrum reminded the Council that new appointments would be decided on at the next meeting. He asked the Councilors to come with their recommendation so that meeting may go smoothly. Councilor Williams asked if anyone does not wish to remain in their current appointments. No one replied. Councilor Sells pointed out that there is currently not a Councilor appointed to serve on the Fountain Park Cemetery board. Mr. Nunez told the Council Janet Winbigler would be happy to continue serving on the Fountain Park Board. However, the board still needs a Council member. Mayor Byrum told the Council they had time to think about it.

### Accounts Payable

Clerk Treasurer Haney reported the accounts payable for the end of November amount to Ninety One Thousand Eight Hundred Seventy Eight Dollars and Eighteen Cents (\$91,878.18). The accounts payable vouchers for December 1-13 equal One Hundred Twenty Thousand Nine Hundred Fifty One Dollars (120,951). Payroll amount of One Hundred Thirty Two Thousand One Hundred Twenty Two Dollars and

Eighty Seven Cents (\$132,122.87). Total accounts payable equal Three Hundred Forty Four Thousand Nine Hundred Fifty Two Dollars and Five Cents (\$344,952.05).

Councilor Lennington asked about a claim for Four Hundred Forty Three Dollars and Seventy Seven Cents (\$443.77) for reimbursement for care of horse. Chief Reed explained that animal control had to seize and rehabilitate a horse, and they will sue the owner to reimburse that cost.

Councilor Lennington also asked about the Three Thousand Eight Hundred Dollar (\$3800) claim for emergency sales and service annual pump certification. Chief Wiggins explained that the pumps on every firetruck must be certified annually. The cost listed was for five (5) trucks.

Councilor Lennington also asked about the claim for reimbursement for plumbing repair at the VOA. He wanted to know if they'd agreed to pay that amount. Mayor Byrum explained that plumbing repair was considered an operating cost, so the City pays. Councilor Williams asked why there had been so many issues with the toilets from the get go. Mayor Byrum said the toilet worked during construction, but they didn't know there was so much sludge in the pipes.

Councilor Friend asked Chief Reed if the officers room together at training. Chief Reed said they often do. Councilor Friend said she noticed that they had three bills for three officers on the same night. Chief Reed said he was unsure why they did not share rooms. Mayor Byrum said he was surprised officers would ever share a room. Councilor Williams agreed.

Councilor Sells made a motion to pay the bills. Councilor Lennington seconded. Motion passed 5-0.

Clerk Treasurer Haney asked if the Council would consider she preapprove end of the year claims. She said she would contact the Council if there was anything outside of the established budget before approving them. Councilor Sells made a motion to pay the bills between now and the first of the year, to pay the bill from Jason Detro out of the Beeson Farm fund for his improvements to Beeson Community Building, and to pay for the survey fees for Jim Martin's business property. Councilor Lennington seconded. Motion passed 5-0.

General	\$7,194.53
MVH	\$660.69
Ambulance Non Reverting	\$192.06
Employee Welfare Benefit Plan	\$82,879.93
Animal Control	\$950.97
Total November End of Month APV	\$91,878.18
General	\$44,224.20
Motor Vehicle Highway	\$45,294.66
Light	\$3,933.55
DUI Task Force Grant	\$6,045.90
City Court User Fee	725.00
Court Cash Due County Fee	\$622.00
Beeson Farm	\$2,648.49
Fireman's Pension	\$5,201.58
Ambulance Non Reverting	\$7,361.21
CEDIT	\$3,733.28
Employee Welfare Benefit	\$75.00
Animal Control	\$1,086.13
Total December 1-13 APV	\$120,951.00

Clerk Treasurer's Report

Clerk Treasurer Haney reported that she is working on reports for the end of the year; it looks like the City will have a balanced budget for 2018.

Mayor's Report

Mayor Byrum was visited by WIPB asking for a sponsorship for the "Now Entering Winchester" project. There are two levels: Three Hundred Twenty Five Dollars (\$325) and One Thousand Two Hundred Ninety Five Dollars (\$1295). Mayor Byrum requests the Council amend the EDIT plan to allow him to purchase the larger logo sponsorship. Councilor Lennington made a motion to approve the sponsorship for One Thousand Two Hundred Ninety Five Dollars (\$1295). Councilor Sells seconded. Motion carried 5-0.

Adjournment

There being no further matters to discuss, Councilor Sells moved to adjourn. Councilor Friend seconded. Motion passed 5-0. The December 17, 2018 meeting was adjourned at 8:10 pm.

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Mayor, Shon Byrum

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