

CITY OF WINCHESTER
COMMON COUNCIL
MEETING MINUTES
MONDAY, FEBRUARY 18, 2019

Council Chamber/City Hall/113 E. Washington Street
Meeting @ 6:30 p.m.

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	
District 2	Councilor Tom Sells	Absent
District 3	Councilor Ron Loyd	
District 4	Councilor Leesa Friend	
At Large	Councilor Jason Allen	

Additional Officials Present:

Jon Reed, Police Chief, Dwayne Wiggans, Fire Chief, Shean Bosworth, Street and Park Superintendent; Chris Martin, Wastewater Treatment Superintendent; Michael Wickersham, Randolph County Commissioner and Meeks Cockerill, City Attorney

Citizens Present

Jim Nunez, Jr., Marcia K Nunez, Merissa and Bryan Tippet, Missy Williams, Joan Ashley, Cheryl Robbins, Samantha Ceardon, Nicole Hemmerich, Linda and Larry Rittenhouse, Ashley Harris, Katie Heatherly, Larry Plank, Sr., Travis and Kate Thornburg, Karen Wilkins, Kristopher Bilbrey, Mitch Hansel, Lyn Humphrey and Doug Hill

Media Present:

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

Approval of the Minutes:

Councilor Lennington moved to approve the meeting minutes of the February 4, 2019 meeting. Councilor Loyd seconded. There was discussion about whether or not to approve the inclusion. Motion carried 3-1 with Councilor Friend casting the negative vote.

NEW BUSINESS

Next Level Trails Project

Out of respect for the time of the engineer who drove a significant distance, Mayor Byrum opened with this item. Mitch Hansel, senior project manager for Fleis&Vandenbrink, and Missy Williams reminded council that they granted permission to pursue the trail grant application one month prior. Mrs. Williams stated that Mr. Hansel and herself spent the last six weeks creating the application and then submitted the application to the Department of Natural Resources (DNR) for round one of the process. Mr. Hansel stated that it is a Thirty Million Dollar (\$30,000,000) grant. The application was submitted last Friday. He explained Next Level Trails Grant, which is funded by additional fees on the toll road and is for the purpose of funding trails in Indiana. They will have three rounds, of Thirty Million Dollars (\$30,000,000) a piece. Out of this, Twenty-Five Million Dollars (\$25,000,000) will be dedicated to regional trails—trails connecting one community to another. Five Million Dollars (\$5,000,000) will be dedicated to trails that are in a single community. Mr. Hansel said that the application attempted to show that the trail has regional significance. They chose the north side of the city, along Martin Street and through Goodrich Park. This trail will show connectivity to Ridgeville and potentially to Union City. It would require an Eight (8) foot wide sidewalk along the south side of Martin Street, measured from the edge of the road to the telephone poles. The bridge going in the park will be widened to Twelve (12) feet wide and designed with a metal structure to handle Ten Thousand (10,000) pounds so it can accommodate an ambulance. They'd recommend putting locks on either side, controlled by a key, so that traffic can't get through but emergency vehicles can go across. This bridge will also make the park more ADA accessible. They will also include a Ten (10) foot wide trail on the south side of the park's internal road that connects to the school. They believe the park and school are great destinations for the trail, but they would like to include spurs to the amphitheater, the baseball diamonds, and the playground. This would continue to make the park more ADA accessible. Mrs. Williams stated that the trail would continue to go south, with spurs off Willard Elementary and Baker Elementary so that kids can ride their bikes to school without riding on the streets. It's possible a trail would go to Beeson Park Clubhouse. They would start with the major trail and then later would have to contact business owners for right-of-way, apply for additional grants, and other extra legwork. This route doesn't need to acquire any additional properties. Meridian Street and West Street are optimal spaces because they are abandoned properties. Mayor Byrum asked if there is a barrier between the sidewalk and the street. Mr. Hansel answered that there will be a Six (6) inch high curb so that traffic can't get onto the trail. It's possible the road could be widened on the North side to pull traffic away from the trail. Councilor Allen stated that Richmond has an Eleven (11) foot bike path that is causing problems for parking. He asks if it has to be Ten (10) feet wide. Mr. Hansel replied that the Ten (10) foot width is a federal standard for bicycle and pedestrian walkway, though Eight (8) feet is the minimum. As for parking, the possibility on West Street is to have a sidewalk on both sides and a Three (3) foot bike lane on the street so as not to disturb parking. Mayor Byrum stated that the Cardinal Greenway is Ten (10) feet wide and the cyclists end up going relatively fast. Councilor Allen said that Cardinal Greenway also doesn't have much parking. He discussed a few possibilities for width, such as using green strips. Mrs. Williams stated that more deaths are caused on bike paths that share roads. Councilor Friend asked what other

opportunities were for funding. Mr. Hansel said there were two more rounds for this grant program if it didn't get accepted. The application will stay in the system. There's also a Federal 80/20 grant that is coming up later in the year. DNR also has a Two Hundred and Fifty Thousand Dollar (\$250,000) grant given every year. Councilor Friend asked how likely it would be to get accepted multiple rounds. Mr. Hansel said it was unlikely. Councilor Loyd asked how close the application rounds would be to one another. Mr. Hansel said this round would be announced in Two (2) months, though the money wouldn't be available until the next fiscal year, July 1st. The next round would be after July 1st and the last one would be in January. Councilor Friend asked how much money the city would be responsible for if the grant was awarded to Winchester in 2019. Mr. Hansel answered the whole project would be approximately Six Hundred and Thirty Thousand Dollars (\$630,000). The city's portion would be One Hundred and Twenty-Three Thousand Seven Hundred and Twenty Dollars (\$123,720). The majority of that would be billed for next year when the project is bid out. This year the city's portion would be around Twenty Thousand Dollars (\$20,000). It would be roughly Twenty Percent (20%) of the first number. Councilor Allen asked how the project would be broken up and if they could see it before they applied for the grant. Mr. Hansel reviewed the rough estimate of the corridor that was given at the last meeting. The bottom line is One Million Eight Hundred Thousand Dollars (\$1,800,000) and the city's portion is about Four Hundred and Fifty Thousand Dollars (\$450,000). Councilor Allen asked if there was a picture design, which there wasn't. Mrs. Williams reminded the council that this work to apply costs them nothing. The engineer will be paid only if the grant goes through. She said it allows parents a safe place for their kids and it would help get an ambulance into the park, which is difficult now. Councilor Friend mentioned the Goodrich trust may be able to help out. Mr. Hansel said yes, the bridge is a Two Hundred Thousand Dollar (\$200,000) project and the trust could help out about Twenty Percent (20%) of that. Councilor Lennington clarified that there is a four-tenths (4/10) of a mile stretch that will cost Six Hundred and Eighteen Thousand Dollars (\$618,000). Mrs. Williams gave anecdotal evidence of adult bike riders not having access to a path in town. Moe asked if both the city and county would pay for the connecting path. Mrs. Williams said it would appeal to citizens because it would provide an option for the heavy-traffic Greenway trail. Mayor Byrum recommended that the council demonstrate their sincerity by scheduling additional appropriation for 2019 for the 20 percent match. Councilor Friend said the council should wait until it's accepted. Mayor said that they need to demonstrate commitment. Councilor Friend said they needed to talk to those in charge of the Goodrich Trust before any appropriation can happen. Mayor Byrum said there wasn't space for that on the application. Councilor Friend said we could still ask. Mayor Byrum said it absolutely matters where the money comes from and it would be best to appropriate the money for the trail in case it gets approved. If it doesn't, some of that money can go toward working on the trail in the park. He wants the council to demonstrate seriousness. Councilor Friend believes this is the first time the council has been fully informed. She said there shouldn't be a rush to appropriate tonight. Mayor Byrum asked if they wanted a trail without the grant. Councilor Allen said they wanted to be fiscally responsible. They want a trail, but they want to do it responsibly. He stated the city shouldn't spend Six Hundred Thousand Dollars (\$600,000) without a grant. Mayor Byrum said it wouldn't cost that much to get started. Councilor Allen said he didn't want to commit to it until they knew if they had the grant.

Councilor Loyd motioned to defer any decisions to add any appropriation to the E.D.I.T. Fund for this particular purpose until we have further discussion. Councilor Allen seconded. The motion died.

Council Member Issues and Concerns

No Concerns

Public Concerns

Mayor Byrum said speakers have Three (3) Minutes and to state their name and address.

Doug Hill, 1024 N Old Highway, shared his thoughts on Ordinance Chapter 51 of the Sewage Affidavit Application. He's been considering the One Hundred and Twenty Dollars (\$120) cost for Six (6) Months. He suggests that people who violate that trust should pay it, but refund if they don't. He also asks if the street cut permit is to motivate the street cut to be done quicker.

Kristopher Bilbrey 801 No Main Street welcomed Councilor Allen. He hopes that the council and the citizens can work together moving forward with more transparency, communication, and accountability. He said that the last few years have been political for him, not personal. He says communications must improve. He will never ask about ongoing litigations. If he asks questions or sends emails that councilors don't know the answer to, he would like a response of "I don't know" instead of silence. He says if councilors are doing their job, he won't have a problem. He will praise where he believes praise is due. He asks that calls for accountability will not be perceived as personal attacks. He thanked the councilors for the two public meetings a month with the forum for public concerns. He calls for communication, accountability, and transparency. He asks for respect for citizens' rights to this relationship.

After asking for other public concerns and receiving no response, Mayor Byrum closed that portion of the meeting.

Fountain Park Cemetery Report

Mr. Nunez Jr., reported the winter has been rough. The stats are up at the cemetery and there's a lot of construction happening. The equipment is getting older. They've had the older Bobcat for Twelve (12) years and say the need to buy a used or new Bobcat. They bought the excavator Three (3) years ago and are now looking for a small Bobcat. They have a bid for a Bobcat now for Sixty-Seven Thousand One Hundred and Twenty-Two Dollars (\$67,122). They would discount that to Thirty-Eight Thousand Four Hundred and One Dollars (\$38,401) for the new Bobcat. This is easier to handle and store. They still owe Ten Thousand Dollars (\$10,000) on the excavator, but other concerns this winter have put that on the backburner. They still have another year on the excavator and are following the pattern laid out by the lawyer. They're borrowing from the cemetery fund. Other projects include ordering parts for mowers and removing trees and planting trees where needed. He appointed Mike Shannon as a program director for that. They've cut down One Hundred and Seventy-Six (176) trees in the last Six (6) years. They're open to donations. On May 18 they'll do tours of the cemetery. On May 27 they'll do a memorial service time capsule. They are preparing letters for the June 11th election to the board.

Mr. Nunez, Jr., then gave the community reports. The WCCPC is working on the April 20 Easter Egg hunt, donations have typically been One Hundred Dollars (\$100) in the past. The Now

Entering Winchester project, helped by the Mayor, on February 7 at 8:00 pm was a success. They were the first to have donations up to One Thousand Six Dollars (\$1,006) before they went on the air. They were the first to have over Seven Thousand (\$7000) donated in the Two (2) hours. Right now, they have over Eight Thousand Dollars (\$8000) and they have Seventy-Six (76) new members from Winchester. People can still donate and some churches are going to use the DVD to teach kids about Winchester.

Mr. Nunez, Jr., then reported on the Cultivating Community project. The campaign is to take pictures of Winchester and write something you like. It's very important to be proud of living in Winchester.

UNFINISHED BUSINESS

Ordinance No. 2019-1

Proposed Ordinance No. 2019-1 was presented by Mayor Byrum and is entitled "AN ORDINANCE FOR THE CITY COUNCIL OF THE CITY OF WINCHESTER AMENDING 96.30-96.37 A RIGHT OF WAY USE PERMIT".

Mayor Byrum said we need to take action on street cut permit and get it off the agenda.

Councilor Loyd said Attorney Cockerill provided an alternative to Ordinance 2019-1 that we've been talking about. The council had been talking about changes to section 96-30-37. Councilor Loyd believes there need to be more changes to that section. But, alternatively, they would only revise section 96.34 which talks about the fee. It's unchanged from the original one: One Hundred and Fifty Dollars (\$150) for a Thirty (30) day permit and other miscellaneous fees. He would like to change only this section.

Councilor Loyd moved that only section 96.34 for the fee change would be changed. Councilor Friend seconded. Motion carried 4-0.

Councilor Loyd moved to have the first reading of Ordinance No. 2019-1 by title only. Councilor Lennington seconded. Motion carried 4-0.

Attorney Cockerill did the first reading.

Councilor Loyd moved to approve the first reading. Councilor Lennington seconded. Motion carried 4-0.

Councilor Friend moved to suspend rules and have the second reading of Ordinance No. 2019-1 by title only. Councilor Loyd seconded. Motion carried 4-0.

Attorney Cockerill did the second reading.

Councilor Loyd motioned to approve the second reading. Councilor Friend seconded. Motion carried 4-0.

Councilor Allen motioned to suspend rules and have the third and final reading of Ordinance 2019-1. Councilor Lennington Seconded. Motion carried 4-0.

Attorney Cockerill did the third and final reading.

Councilor Loyd moved to approve the third and final reading of Ordinance No. 2019-1. Councilor Lennington seconded. Motion carried 4-0. Thus it becomes Ordinance No. 2019-1.

Ordinance No. 2019-2

Proposed Ordinance No. 2019-2 was presented by Mayor Byrum and is entitled "AN ORDINANCE AMENDING CHAPTER 51:06 SEWERS"

Mayor Byrum asked if Council would like a second reading to amend the fees for the sewage application. Attorney Cockerill said he had no comments about it. Councilor Loyd would like to add that if the application is denied that of the One Hundred and Twenty Dollar (\$120) fee, One Hundred (\$100) of the application would be refunded.

Councilor Loyd moved to have the second reading of Ordinance No. 2019-2 read as amended in the last statement. Councilor Friend seconded. Motion carried 4-0.

Attorney Cockerill did the second reading. Councilor Lennington moved to approve the second reading, Councilor Loyd seconded. Motion carried 4-0.

Council agreed to table the third and final reading until the next meeting.

Ordinance No. 2019-4

Proposed Ordinance No. 2019-4 was presented by Councilor Friend and is entitled "AMENDED SECTION 8 OF ORDINANCE NO. 2018-12, SALARY ORDINANCE".

Councilor Loyd moved to approve the first reading by title only of Ordinance 2019-4 amending section 8. Councilor Friend seconded. This deals with the new limitations on city credit cards, limiting meal reimbursement costs, and it puts in place procedures for reimbursement. Motion carried 4-0. Attorney Cockerill did the first reading. Councilor Loyd moved to approve the first reading of 2019-4. Councilor Friend seconded. Motion passed 3-0 with one reading due to Councilor Lennington abstaining.

700 Short St

This is concerning the 700 Short St request to relinquish property, as was tabled at the last meeting. Councilor Lennington said Mr. Plank owns a property of 700 Short Street that he wants to donate to the city. It was supposed to go up for a tax sale. The back taxes are One Thousand Four Hundred Dollars (\$1,400) plus the Seventy Five Dollar (\$75) appraisal. It's eventually going to be torn down. If Mr. Plank doesn't do anything, it goes to tax sale in the spring. Attorney Cockerill recommends Council accept the property because it's the cheapest path. Attorney Cockerill said the City would get about Four Hundred Dollars (\$400) back, so it will cost about One Thousand Dollars (\$1000) for the city to acquire it. Mr. Plank would like to get rid of it because of bills and mowing. Attorney Cockerill printed up the property record card, which had a history on the back.

Councilor Lennington moved to acquire Mr. Plank's property. The motion died for lack of a second. It will go on the Board of Works agenda, where Mr. Plank will get information on the sewage costs and ask for abatement.

Resolution No. 2019-3

Proposed Resolution No. 2019-3 was presented by Attorney Cockerill entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINCHESTER, INDIANA REQUESTING THE TRANSFER OF CERTAIN REAL ESTATE FROM THE RANDOLPH COUNTY BOARD OF COMMISSIONERS TO THE CITY OF WINCHESTER, INDIANA". The question is if the city wants to request from the Randolph County Board of Commissioners to transfer the properties

within the City limits which are neglected and abandoned to the City. Councilor Friend moved to adopt Resolution No. 2019-3. Councilor Loyd seconded. Motion carried 4-0. Thus it becomes Resolution No. 2019-3.

NEW BUSINESS

E.D.I.T. (Economic Development Income Tax) Committee Recommendations Deep Roots Salon Request for Forgivable Loan

Mayor Byrum said the EDIT Committee met February 4 and recommended providing a Forgivable Loan to Deep Roots Salon in the amount of Twenty Four Thousand Dollars (\$24,000.00). Councilor Friend and Councilor Lennington met earlier this evening. Merissa Tippet, owner of the Deep Roots Salon is in the audience and has a comprehensive booklet about her proposal for a loan from the city. She listed the services she will be adding in the new location at 110 W Pearl Street, Winchester, Indiana. She will be adding facials and would like to rent out the banquet area. Councilor Friend said she has been in the business for Eighteen (18) years and at her current location for Six (6) years. She also said the booklet outlined how she would pay the city back if the business closed for some reason. Councilor Loyd said she has already bought the building and is requesting the money for remodeling. Councilor Loyd motioned to approve the E.D.I.T. committee recommendation option 2. Councilor Lennington seconded. Mayor Byrum stated the recommendation is to enter into a forgivable loan for Twenty Four Thousand Dollars (\$24,000) over Six (6) years as written in the proposal. Councilor Allen chose to abstain from the vote as he's related to Mrs. Tippet. Motion carried 3-0 with Councilor Allen abstaining.

Mayor Byrum said additional appropriations need to be scheduled and his EDIT Plan would need to be presented to the Randolph County EDIT board. Clerk-Treasurer Haney asked if she ought to prepare for an additional appropriation public hearing to be held on March 18 and give notice to the paper for the amount of Twenty-Four Thousand Dollars (\$24,000) and include the additional appropriation for the Shovel Ready in the public hearing for Fifteen Thousand Dollars (\$15,000). After discussion Council decided the total amount request to be advertised for the additional appropriation is for Thirty-Eight Thousand Dollars (\$38,000). Councilor Friend made a motion for Clerk-Treasurer Haney to advertise the public hearing for the additional appropriation for March 18 in the amount of Thirty Eight Thousand Dollars (\$38,000). Councilor Loyd seconded. Motion carried 4-0.

Purchase Orders

Mayor Byrum asked Council to give Clerk-Treasurer Haney the authority to use purchase orders. Councilor Lennington asked for how much. Mayor Byrum said everything. Councilor Friend asked Clerk-Treasurer Haney what her recommendation was. Clerk-Treasurer Haney did not want to use purchase orders. She doesn't understand the purpose. Mayor Byrum said that it may be because some employees are nervous to spend money on something using the city credit card. His employees are asking for a black and white policy or to remove credit cards altogether. Councilor Friend asked Clerk-Treasurer Haney if she's ever received complaints about using credit cards. Clerk-Treasurer Haney said she hadn't and she would not advise doing purchase orders. In discussion it was mentioned you cannot deny a claim on a credit

card. In discussion, Councilor Allen said the budget could be vague and a purchase order provides security. He is opposed to purchase orders because it could be done better with communication and teamwork instead of overloading the clerk. He said it should be clarified in the budget. Councilor Friend said that meals were under specific scrutiny. These were turned in by Department Heads. She said she would take Clerk-Treasurer Haney's word for it. Mayor Byrum made a last case for purchase orders as a guard against misappropriation. Clerk-Treasurer Haney said we have to trust our department heads.

Ordinance 32.45 Purchasing Agency

Councilor Friend asked for clarification on Ordinance 32.45 purchasing Agency. Attorney Cockerill said that a purchasing agent had the authority within the budget to make purchases including department heads without approval from the council. Items that may be purchased are those within their budgets. Mayor Byrum said it was to help people who needed to make quick decisions.

Accounts Payable Vouchers

Clerk-Treasurer Haney presented the Accounts Payable Vouchers (APV) for the end of January equals One Hundred Five Thousand Four Hundred Seventy-Two and Eighty-Five Cents (\$105,472.85).

General	1,738.60
MVH	1,089.21
Ambulance Non-Reverting	67.06
Employees Welfare Benefit Plan	102,121.92
Weed Assessment	375.00
Animal Control	81.05

APV for February 1-13 equals Thirty-Four Thousand Four Hundred Twenty Dollars and Thirty-Seven Cents (\$34,420.37).

Local Road and Street	1,983.50
General Fund	12,114.61
Motor Vehicle Highway	2,343.83
Light Fund	5,233.07
City Court User Fee	575.00
Fire Dept. Non-Reverting Training	161.62
Donation K-9	143.94
Fireman's Pension	5,201.58
Ambulance Non Reverting	155.08
CEDIT Fund	4,437.50
Economic Development Non-Reverting	15.15
Employee Welfare Benefit Plan	85.00
Animal Control	1,119.38
Court Cash Due County	851.00

Payroll equals Six Thousand Five Hundred and Forty-Eight Dollars and Twenty Cents (\$6,548.20). Total APV equals One Hundred Forty-Six Thousand Four Hundred Forty-One Dollars and Forty-Two Cents (\$146,441.42).

Councilor Friend moved to approve claims. Councilor Loyd seconded. The motion carried 4-0.

Year-End Procedures

Clerk-Treasurer Haney asked the council to accept the cancelation of warrants. These are outstanding warrants (checks) for two years. The outstanding warrants total Two Hundred and Twenty-Three Dollars and Sixty-Eight Cents (\$223.68).

Councilor Friend moved to accept the cancellation of the warrants. Councilor Lennington seconded. Motion passed 4-0.

Resolution No. 2019-1

Clerk-Treasurer Haney presented proposed Resolution No. 2019-1 entitled "RESOLUTION OF THE CITY OF WINCHESTER, INDIANA, ADDITIONAL APPROPRIATION FOR VARIOUS FUNDS" The amount of the additional appropriation for the E.D.I.T Fund is for Fifteen Thousand Dollars (\$15,000) and was discussed and approved at a public hearing at the previous Council meeting; however it needs to be adopted by resolution.

Councilor Loyd moved to approve Resolution No. 2019-1. Councilor Friend seconded. The motion carried 4-0. Thus it becomes Resolution No. 2019-1

Resolution No. 2019-2

Clerk-Treasurer Haney presented proposed Resolution No. 2019-2 entitled "RESOLUTION FOR TRANSFER OF APPROPRIATIONS OF DEPARTMENTAL BUDGETS OF VARIOUS FUNDS, CITY OF WINCHESTER, INDIANA". This is a yearly resolution for budget line items. The line items may need to be increased or decreased within their classifications. It has no change for the overall budget.

Councilor Loyd moved to approve Resolution No. 2019-2. Councilor Friend seconded. The motion carried 4-0. Thus it becomes Resolution No. 2019-2.

Resolution No. 2019-4

Clerk-Treasurer Haney presented proposed Resolution No. 2019-4 entitled "RESOLUTION FOR TRANSFER OF DORMANT FUND BALANCE CITY OF WINCHESTER, INDIANA". Included in the year-end report are two funds that balances need to be transferred into the general fund thus the reason for the resolution.

Councilor Friend moved to approve Resolution No. 2019-4 to transfer dormant funds to the general fund. Councilor Allen seconded. Motion carried 4-0. Thus it becomes Resolution No. 2019-4.

Clerk-Treasurer Haney said the annual report for 2018 will be published in the newspaper on February 25. She asks the council to approve for the publication in the newspaper. The annual report includes all City funds. She read portions of the report. The receipts for the total amount of funds of the City of Winchester totaled Twelve Million Eight Hundred Eighty-Five Thousand Four Hundred Sixty-Eight Dollars and Thirty Cents (\$12,885,468.30). The disbursements totaled Twelve Million One Hundred and Thirteen Thousand and Seventeen Dollars and Fifty-Four Cents (\$12,113,017.54). The ending cash balance totaled Nine Million Six Hundred Eight-One Thousand and Seventy-Three Dollars and Forty-Nine Cents (\$9,681,073.49).

Councilor Friend moved to approve the publication of the annual report for 2018. Councilor Loyd seconded. The motion carried 4-0.

Adjournment

There being no further information to discuss, Councilor Loyd motioned to adjourn. Councilor Friend seconded. Motion carried 4-0. The February 18, 2019 meeting was adjourned at 8:20 pm.

Mayor, Shon Byrum

ATTEST:

Clerk-Treasurer, Vicki Haney