

CITY OF WINCHESTER
COMMON COUNCIL
MEETING MINUTES
MONDAY, FEBRUARY 4, 2019

Council Chamber/City Hall/113 E. Washington Street

Public Hearing for Additional Appropriation @ 6:30 pm.

Mayor Byrum opened the floor to receive public comment for an Additional Appropriation of the C.E.D.I.T. (County Economic Development Income Tax) Fund. The amount of the additional appropriation is Fifteen Thousand Dollars.

Kristopher Bilbrey asked for more information about the appropriation. Mayor Byrum explained the expenditures from the E.D.I.T fund needed to be approved by the council, and he gave mention of the expenditures included in the appropriation which included WIPB (Winchester Video), Journey Home Sponsorship, Alliance for Strategic Growth and Mendenhall Grant writer. Lynn Humphrey stated that she appreciated that the alleys were clear of snow but wonders why the City clears lots and cuts grass for landlords, which costs Seventy-Five Thousand Dollars (\$75,000), but there isn't a disclosure of that money. Humphrey states that it's unfair to use taxpayer money for landlords. Mayor Byrum replied that it's in the lease under limited tenant operational expenses that cutting grass, clearing snow, and security is provided by the council up to Twelve Thousand Dollars (\$12,000). It is a mutually beneficial agreement that creates new jobs. Humphrey asked for a report that stated this initiative created new jobs. Mr. Bilbrey responded that he was concerned that the VOA reported there were Thirty (30) jobs created, but he didn't believe they were filled. There was one single sheet of paper, including jobs that are no longer filled such as the therapist position. This position, has been filled. Councilor Friend stated she's asked Rachel Halleck to speak in March and give an update. In answer to the original question, the lease stated that Twelve Thousand Dollars (\$12,000) is used for operational expenses. It's cheaper for the public crew to mow the grass and shovel the snow in the long run. Humphrey asked for a point of contact with the advisory board so they could raise concerns and understand who's making decisions in her neighborhood. She also complained about problems in her neighborhood (cars, noise, and cigarette butts) that she doesn't feel as if she has a voice in.

There being nothing further to discuss, the floor was closed and the public hearing was closed at 6:46 pm.

Regular meeting @ 6:47 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
District 2	Councilor Tom Sells
District 3	Councilor Ron Loyd
District 4	Councilor Leesa Friend
At Large	Vacant Position

Additional Officials Present:

Jon Reed, Police Chief; Dwayne Wiggans, Fire Chief; Shean Bosworth, Street and Park Superintendent; Chris Martin, Wastewater Treatment Superintendent and Meeks Cockerill, City Attorney.

Citizens Present:

Tony and Julie Parrott, Kristopher Bilbrey, Doug Hill, Linda Rittenhouse, Debbie Henning, Niles Thornburg, Lynn Humphrey, Karen Wilkins, Anna Williams, Randy Miller, Rick Sanders, Joan Ashley, Jason Allen, Patrick Moore, Larry Plank, Kevin Carreno and, Brandon Barndollar

Media Present:

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

Approval of the Minutes:

Councilor Loyd moved to approve the meeting minutes of the January 21, 2019 meeting. Councilor Friend seconded. Motion passed 4-0.

Council Members Issues and Concerns

Councilor Sells, President, opened the floor for Councilors to share their issues or concerns or present citizens that approached them with issues or concerns.

Councilor Sells brought it to the attention of the council that Councilor Missy Williams has resigned and requested that the position be filled with another council person, which can wait until another person is appointed. Williams requested that she remain on the Blight committee. Councilor Friend said she would like to see Williams stay on the Blight committee, Councilor Sells agreed. Councilor Friend is on the Blight Committee. Councilor Loyd and Councilor Lennington chose to table the vote until the Republican chairperson had chosen the appointee. Councilor Sells then asked for public concerns, limited to three minutes and dealing with a city matter.

Kristopher Bilbrey, 801 North Main Street, requested a video recording of City council meetings. He did not like the answer given in a previous meeting that people need to come to the meeting to see it. He made the case for people who worked third shift, were caregivers, or were otherwise unable to come to the meeting. He cited a citizen who reached out to the mayor about getting information to the council. This citizen asked why there wasn't a live stream. Bilbrey doesn't believe this would cost the city any money, and with an existing city-owned tablet or computer, the city could live-stream the video. This would allow citizens to watch live, it would

remove the need for a server, and citizens could comment. Bilbrey asked that this could be a serious conversation amongst the council members.

Bilbrey asked about the contract with animal control and asked if the Forty-Five Thousand Dollars (\$45,000) from animal control was accounted for and where the money was going. Clerk-Treasurer Haney answered that the monthly distribution from the County was deposited into the animal control fund.

Bilbrey said he heard rumors that the mayor took a part-time job on top of his mayoral duties and asked if this was true. Mayor Byrum answered that this was not an accurate statement.

Councilor Sells answered that he thought the live video streaming was doable.

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

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". Clerk-Treasurer Haney raised a concern on the third page of the ordinance. The Board of Public Works and Safety (BOW) meets once a month, and she asked if the document could be amended to give the Mayor the full authority to grant the permit. Mayor Byrum disagreed because the board could meet at any time and the authority should belong to the board, not to the mayor. The council discussed the interpretation of the various items and who had the authority granted by the document. They stated that the mayor has the authority to authorize tree cuts or a new driveway. However, to close a roadway, the Board of Works needs to approve it. There was some agreement that perhaps the board should have the authority of the other actions. She additionally pointed the council to 96.34, Item B, and asked what the plan review was? That wasn't applicable. Clerk-Treasurer Haney asked if the Forty Dollar (\$40) charge was still applicable. She also asked who did the daily inspection and asked for clarification on the permit fee. Councilor Friend requested they table the issue for tonight.

Ordinance No. 2019-2

Proposed Ordinance No. 2019-2 was presented by Mayor Byrum and is entitled "AN ORDINANCE AMENDING CHAPTER 51:06 SEWERS" After reviewing the previous week's business and reviewing the sewage affidavit for the word "trash" there was a motion that a trash fee is not included in the sewage affidavit, and the word trash would be stricken from the ordinance. Superintendent Bosworth changed his mind and agreed that the trash cans stay at that property. Councilor Loyd said the trash should be stricken if it wasn't going Councilor Friend said it would not be charged unless it is an approved application, to which they would access the fee when they apply.

Councilor Loyd read Ordinance 2019-2. Councilor Sells motioned to strike where the word trash is included in the abatement and anywhere else that it is pertinent in the document. Councilor Loyd seconded. The motion carried 4-0.

Councilor Sells moved to amend the motion as Attorney Cockerill stated to add successful application onto the original motion. Councilor Sells asked for a vote to insert “successful or approved application” to be changed. Councilor Friend seconded. Motion carried 4-0. Councilor Sells moved to have Ordinance No. 2019-2 to be read by title only for the first reading, Councilor Lennington seconded. Motion carried 4-0. Reading Completed. Councilor Sells moved to approve the first reading of Ordinance No. 2019-1. Councilor Lennington seconded, Motion carried 4-0.

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”. In the first reading of the amendment of section 8 of Salary ordinance 2019-2, Councilor Friend moved to table the discussion until the next meeting so it could be rewritten and amended to be less wordy and simpler. It was tabled until the next meeting.

There was a discussion of the specifics of the amendment. The rule regarding reimbursement of meals purchased outside the city limits would remain the same; city-issued credit cards should not be used for the purchases. Reimbursement for meals would be limited to One (1) meal no more than Fifteen Dollars (\$15) a day, Two (2) meals no more than Thirty Dollars (\$30) a day, and Three (3) meals no more than Forty Dollars (\$40) a day. No alcoholic beverages. No more than Three (3) meals may be eaten per employee per overnight stay. Breakfast rules remain the same. Both gratuity and employees providing receipts to the Clerk-Treasurer stay the same. The addition would be the Fifteen (15), Thirty (30), and Forty (40) dollar limits per day. This would be tabled until the next meeting.

NEW BUSINESS

700 Short Street

Larry Plank, Sr. explained his property located at 700 Short Street, was put on the Randolph County Tax Sale; however he did not get any notice of whether it sold or not. 700 Short Street is on the list to be sold again. It is not eligible to get a tax sale certificate, but it is eligible to get a tax sale. He says he cannot apply to the county to receive the tax sale certificate until it goes through another step. The city can accept property on donation, which is what Plank would like the City to do. He is getting billed for the property now. There is an uninhabitable structure on the land that has been empty for Five (5) years, which is how long he’s been billed for sewage. Plank doesn’t think the building can be fixed up. The council will look at the property. The next City Council meeting is February 18 at 6:30.

Randolph County Board of Commissioners Tax Sale Properties

Several properties are being considered to be accepted by the City. Mayor Byrum recommended the Council consider accepting the parcels from the Randolph County Commissioners. The City Street Department currently is mowing the lawns at the properties. The 700 Short Street property is not eligible for this. Attorney Cockerill said the City takes the tax sale certificate to Jon Orlosky, Attorney- At-Law, to see if there are mortgage holders and he notifies them that there will be a tax deed. Any sale would require some sort of appraisal. They

should be available after Ninety (90) days. Each property would cost about Five Hundred (\$500) to Eight Hundred Dollars (\$800).

Councilor Lennington moved that the city accept all Seven (7) tax sale properties. Councilor Friend seconded. Motion passed 4-0.

Ordinance No. 2019-3, Casey's General Store Request for Re-zoning

Mayor Byrum explained zoning for Casey's General Store was previously approved on a technicality; thus the reason for Ordinance No. 2019-3 entitled "AN ORDINANCE TO AMEND THE ZONING MAP OF WINCHESTER, IN THE COUNTY OF RANDOLPH, STATE OF INDIANA". Casey's had to re-apply because of an error made by Casey's. The Area Planning Commission of Randolph County has unanimously approved this. It was brought to the council's attention that the south side mailboxes would be removed. Councilor Friend asked about lighting, it was confirmed that all lights would be shielded and directed into the parking lot. He also said the traffic study has been approved by INDOT (Indiana Department of Transportation). There was approval on the INDOT permits. Randolph County approved the drainage reports. Councilor Lennington asked when the completion date was, it was answered that they're looking toward April. The start date would be sometime in the middle of July, if weather permits. Randy Miller, 781 E Washington St, said it would not be safe for him to cross the street to get the mail. Councilor Friend asked if there were any other mailboxes the other side of the street, but the answer was no. Casey entrance goes out on State Highway 32, across the street from Miller's house. The council pointed Mr. Miller to the post office. He also asked about water contamination. Patrick Moore, representative for Casey's, replied that everything was under pressure and the monitors will shut down the whole system in case of a leak. Williams asked about runoff from leaks on the ground. Mr. Moore explained the process to pick up any fuel drips and wash it toward the inlet. There is concern that the hours will not be restricted to the 11:00 pm curfew. Casey's rezoning is restricted. Casey did a traffic study in response to the concerns of safety in terms of the mailbox. Councilor Loyd asked if these concerns were voiced to the planning committee. He also asked if they talked to INDOT. Everything went through the public office. Casey has put in applications for a 60 feet highway sign. The mayor stated that goes in front of the Randolph County Board of Zoning Appeals (BZA) one of the city appointments voted no on that high of a sign.

Councilor Lennington moved to have the first reading of Ordinance No. 2019-3 by title only. Councilor Sells seconded. Motion carried 4-0.

Reading completed. Councilor Sells moved to approve the first reading. Councilor Lennington seconded the motion. Motion carried 4-0.

Councilor Sells moved to suspend rules and have the second reading of 2019-3 by title only. Councilor Loyd seconded. Motion carried 4-0.

Reading completed Councilor Sells moved to approve the second reading. Councilor Lennington seconded. Motion carried 4-0.

Councilor Sells moved to suspend the rules for the third and final reading and read ordinance 2019-3 by title only. Councilor Lennington seconded. Motion passed 4-0.

Meeks Cockerill read the ordinance for the third and final time. Councilor Lennington moved to approve the third and final reading. Councilor Friend seconded. Motion carried 4-0. Thus it becomes Ordinance No. 2019-3.

Clerk Treasurer's Report

Clerk- Treasurer Haney brought the additional appropriation of Fifteen Thousand Dollars (\$15,000) to the council's attention. Councilor Friend moved to approve the additional appropriation. Councilor Loyd seconded. Motion carried 4-0.

Mayor's Report

Mayor Byrum received the AIM (Accelerate Indiana Municipalities) Legislative Dinner invitation for Council members. It's an opportunity to attend the legislative dinner. If anyone is interested, they should let the mayor know by March 20 for the RSVP.

Mayor Byrum received from Ball State University an invite to nominate a person to attend to the 38th Annual Institute of political participation by the Bowen institutes. Nominations should be made by March 8th.

Mayor Byrum received a letter from Larry Rittenhouse, owner of the properties located at 982 Short Street, 125 Railroad Avenue and 731 Beeson Drive, which was read to the Council and audience.

Adjournment

There being no further matters to discuss, Councilor Lennington moved to adjourn. Councilor Sells seconded. Motion carried 4-0. The February 4, 2019 meeting was adjourned at 7:47 pm.

Mayor, Shon Byrum

ATTEST: _____
Vicki Haney, Clerk-Treasurer

Request by the Mayor for the following to be included on the minutes of February 4, 2019:

At 1:12:00 Council President Tom Sells returns the meeting to Mayor Byrum following public concerns. Mayor Byrum asks each Councilor if they have anything for 'Council Members' Issues and Concerns'. Specifically, the Mayor asks Councilor Friend if she would like to talk and get a vote for the Good Luck advertisements for the Girls Basketball team. Councilor Friend replied, "I thought we were going to talk about that after the additional appropriation. We have to vote on additional appropriations because the money is not allotted yet."