

CITY OF WINCHESTER  
COMMON COUNCIL  
MEETING MINUTES  
MONDAY, APRIL 1, 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 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 Jason Allen

Additional Officials Present:

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

Citizens Present

Linda Rittenhouse, Kevin Carreno, Deb Henning, Danny Hudson and Bob McCoy

Media Present:

Bill Richmond (Star 98.3 Radio)

Approval of the Minutes:

Councilor Sells moved to approve the meeting minutes of the March 18, 2019 meeting. Councilor Allen seconded. Motion carried 5-0.

Council Member Issues and Concerns

There being no council member issues and concerns, the council moved on.

Public Concerns

There being no public concerns, the floor was closed.

## UNFINISHED BUSINESS

### 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 third and final reading to amend the fees for the sewage application.

Councilor Friend moved to have the third and final reading of Ordinance No. 2019-2. Councilor Sells seconded. Motion carried 5-0.

Attorney Cockerill did the third and final reading. Councilor Sells moved to approve the third and final reading of Ordinance No. 2019-2. Councilor Friend seconded. Motion carried 5.0. Thus it becomes Ordinance No. 2019-2.

### Ordinance No.2019-4

Proposed Ordinance No. 2019-4 was presented by Councilor Friend for the third and final reading and is entitled “AMENDED SECTION 8 OF ORDINANCE NO. 2018-12, SALARY ORDINANCE”.

In Section 8 Salary Ordinance amendment, Mayor Byrum asked to change the word ‘may’ in the phrase “city may reimburse” to ‘shall.’ Councilor Loyd says that’s fine as long as it’s not contradictory to the last line in the last paragraph. Clerk-Treasurer Haney said the word “may” allowed room in case there was any question. Councilor Loyd recommended that the language be changed to “and/or board of works.” And in that case, the language “in its absolute and sole discussion” should be removed.

Councilor Friend moved to amend Ordinance No.2019-4 to include where it says “the common council and/or the board of public works and safety shall make the final determination as to whether any such claims shall be paid” as opposed to reading “the common council in its absolute and sole discretion shall make the final determination as to whether any such claims shall be paid.” Councilor Loyd seconded. Motion carried 5-0.

Councilor Loyd moved to have the first reading of Ordinance No. 2019-4 read by title only as amended. Councilor Allen seconded. Motion passed 5-0.

The first reading was completed. Councilor Sells moved to approve the first reading of Ordinance No. 2019-4. Councilor Loyd seconded. Motion passed 5-0.

Councilor Sells moved to suspend the rules and have Ordinance No. 2019-4 as amended be read the second time by title only. Councilor Friend seconded. Councilor Lennington asked if this was only for the amendment or for the whole ordinance. It was for the whole ordinance. The motion carried 5-0.

The second reading was completed. Councilor Sells moved to approve the second reading of Ordinance No. 2019-4 by title only. Councilor Friend seconded. Motion carried 5-0.

Councilor Allen moved to suspend the rules and have Ordinance No. 2019-4 as amended to be read by title only for the third and final reading. Councilor Friend seconded. Councilor Lennington said he originally thought the use of credit cards was out of control, but this amended ordinance over managed the process and didn’t give enough leeway. Motion carried 4-1, with Councilor Lennington casting the negative vote.

The third and final reading was completed. Councilor Allen moved to approve the third and final reading of Ordinance No. 2019-4 as amended. Councilor Friend seconded. Motion carried 4-1 with Councilor Lennington casting the negative vote. Thus it becomes Ordinance No. 2019-4.

## NEW BUSINESS

### Request for Public Hearing -Future Properties Inc., Petition to vacate a Portion of Platted Street In Simmons Addition

Mayor Byrum stated the City Council has a request from Future Properties Inc., for a public hearing at 6:30 p.m. on Monday, April 15, 2019.

City Attorney Cockerill explained the situation at the Hawley Trailer Court. Tyler McCoy bought Hawley Trailer Park at Western Avenue and Kem Street. He's requesting to have an alley vacated because it's never been approved and he'd like a trailer moved out. He needs a public hearing because he's filed a petition with the City Council to vacate a portion of a platted street in Simmons Addition. City Attorney Cockerill said it may be a street in part, it may be a street. It's possible it's a part of Williams Street.

Councilor Sells moved to allow a public hearing on April 15 at 6:30 pm. to decide on this matter. Councilor Loyd seconded. The motion carried 5-0.

### Ordinance No. 2019-7

Proposed Ordinance No. 2019-7 was presented by the Area Plan Commission of Randolph County, Indiana, and is entitled "AN ORDINANCE TO AMEND THE TEXT OF THE UNIFIED ZONING ORDINANCE OF RANDOLPH COUNTY, INDIANA".

Councilor Allen explained he is on the Area Plan Commission that created the ordinance, on which everyone voted favorably. The ordinance allows an area to display a sign that's no more than Thirty-Six (36) square feet and there is no language not allowed. City Attorney Cockerill said there is both temporary and a permanent signage rules and they could not be put side by side. There's currently a lawsuit that Randolph County is in, and it will go away once it's passed. The old ordinance was probably unconstitutional because it limited the speech. City Attorney Cockerill says the normal rules of speech apply, so the sign can't contain anything. Other than those rules, content cannot be restricted.

Councilor Sells moved to have Ordinance No. 2019-7 read by title only for the first reading.

Councilor Allen seconded. Motion carried 5-0.

City Attorney Cockerill read Ordinance No. 2019-7 by title only for the first reading. Councilor Sells motioned to approve Ordinance No. 2019-7. Councilor Friend seconded. Motion carried 5-0.

Councilor Sells moved to suspend the rules and have Ordinance No. 2019-7 read by title only for the second reading. Councilor Allen seconded. Motion carried 5-0.

City Attorney Cockerill read Ordinance No. 2019-7 by title only for the second reading. Councilor Sells motioned to approve Ordinance No. 2019-7. Councilor Allen seconded. Motion carried 5-0. Councilor Sells asked if this process affected Casey's, which it didn't according to City Attorney Meeks. Councilor Sells moved to suspend the rules and have Ordinance No. 2019-7 read by title only for the third and final reading. Councilor Allen seconded. Motion carried 5-0.

City Attorney Cockerill read Ordinance No.2019-7 by title only for the third and final reading. Councilor Sells motioned to approve Ordinance No. 2019-7. Councilor Lennington seconded. Motion carried 5-0. Thus it becomes Ordinance No. 2019-7.

#### Beeson Community Building Funding Request

Councilor Lennington said that Superintendent Bosworth installed new lights inside the Beeson Community Building and it looks nice, but another item needed is a replacement for the laminated counter. It can be installed for Two Thousand and Sixty-Three Dollars (\$2,063), which includes labor and material. The funding for the countertop would be disbursed from the Beeson Farm Fund. Councilor Lennington moved to approve the purchase of a new countertop for Beeson farm in the amount of Two Thousand and Sixty-Three Dollars (\$2,063). Councilor Friend seconded. Motion carried 5-0.

#### Ardagh Glass Inc.

Clerk-Treasurer Haney reported Ardagh Glass Inc., has submitted their Compliance with Statement of Benefits for Personal Property Form CF.1, and is requesting Council to review and approve Ardagh is in substantial compliance. Councilor Sells moved to approve, seeing as Ardagh Glass Corporation has complied with the statement of benefits for personal benefits. Councilor Friend seconded. This was the third year of the Ten year abatement. Motion passed 5-0.

#### INDOT (Indiana Department of Transportation) Community Crossings Matching Grant Fund Program

Mayor Byrum announced the City was awarded Five Hundred Sixty Seven Thousand Seven Hundred Three Dollars and Fifteen Cents (\$567,703.15) from INDOT and the City's match is One Hundred Forty One Thousand Nine Hundred Twenty Five Dollars and Seventy Eight Cents (\$141,925.78) to be used to invest in our City street projects. Mayor Byrum stated a second round can and will be submitted to INDOT. The City's Paser road plan will aid in making decisions on our street projects and the MVH Fund account is healthy. With the state's help, a lot of road work can be done. Mayor Byrum distributed a Community Crossings Grant Map.

#### Mayor's Report

The Economic Development Corporation asked Mayor Byrum to write a letter affirming that he would commit Five Thousand Dollars (\$5,000) toward a Randolph County Chamber of Commerce. He said he could not do that, but he said they could come to the council to request Five Thousand Dollars (\$5,000) a year for Three (3) years, from the E.D.I.T. (Economic Development Income Tax) fund. He said there would be a representative from the Winchester Area Chamber of Commerce coming to a future meeting. He reminded the council of the hanging flower baskets project around the downtown square and asked if they would like to do that again this season. The cost for the flowers is approximately Five Hundred Dollars (\$500). Last year during the spring season the Garden Club organized the hanging flower baskets and the City Street Department was responsible for the watering of the baskets. Councilor Friend said she would contact them (the Garden Club).

Mayor Byrum also said that in the E.D.I.T. plan number three, Fifteen Thousand Dollars (\$15,000) to cover expenses for the quality of life infrastructure, including Christmas lights. The plan was to do half in 2016 and the other half in 2018. This still needs to be used. Councilor Friend asked for an estimate for the Christmas lights expenditure. Superintendent Bosworth stated he can provide an estimate at the next meeting.

He also got a quote back from a construction firm for the demolition of the property located at 214 W. South, which they believe will be ready to go in May. He makes the request for Fifty Thousand Dollars (\$50,000) from E.D.I.T. fund to appropriate it and use it for these four projects. Councilor Friend said there was money in the CCI (Cumulative Capital Improvement) Fund for demolition. Councilor Allen would rather use the money from the CCI. There was a discussion about the various items he brought to the council. He has requested bids from Three (3) different construction firms. They had until the end of the month, which is why Councilor Friend would like to wait and ultimately use money from the CCI fund.

Adjournment

There being no further information to discuss, the April 1, 2019 meeting was adjourned at 7:22 pm.

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Mayor, Shon Byrum

ATTEST:

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Clerk-Treasurer, Vicki Haney