

CITY OF WINCHESTER  
COMMON COUNCIL  
MEETING MINUTES  
MONDAY, APRIL 15, 2019

Public Hearing – Future Properties Incorporated.

6:30 p.m.

Mayor Byrum convened the public hearing.

Jason Welch, Attorney, on behalf of Tyler McCoy, Future Properties Incorporated, explained they filed a petition to vacate an alley in a trailer court off Western Avenue. The reasoning is that Mr. McCoy has purchased a trailer park and would like to put in new trailers. It's going to be difficult to finance it until this is addressed. The area has never been used as a street and has never been maintained. There are actually trailers parked on the street. He would like to vacate it and parcel so it can be financed. Councilor Lennington asked if McCoy would get rid of the old trailers, and McCoy answered yes, Fifteen (15) trailers. Councilor Allen said the Area Plan Commission of Randolph County has approved and it can be joined into one parcel. Councilor Friend asked if the street had a name. They answered it was probably Williams Street. Councilor Allen asked what the vacation would mean for the City. He was answered that it would be adjoined to the parcel, and trailers would be put on it. The City would no longer own the street if the Council approves. There being no one desiring to speak, the public hearing was closed at 6:35 p.m.

Council Chamber/City Hall/113 E. Washington Street  
Meeting @ 6:35 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	
District 3	Councilor Ron Loyd	Absent
District 4	Councilor Leesa Friend	
At Large	Councilor Jason Allen	

Additional Officials Present:

Dwayne Wiggans, Fire Chief, Chuck Hoover, Police Chief, Shean Bosworth, Street and Park Superintendent; Chris Martin, Wastewater Treatment Superintendent; Bob McCoy, member of the Board of Works and Public Safety, and Meeks Cockerill, City Attorney

### Citizens Present

Dakota Raduenz, Niles Thornburg, Maci Beam, Kevin Carreno, Jim Nunez, Jr., Kristopher Bilbrey, Jason Welch, Judy Moody, Lynn Humphrey, Roger Miller, Tyler McCoy, and Linda Rittenhouse

### 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 April 1, 2019 meeting. Councilor Friend seconded. Motion carried 4-0.

### Council Member Issues and Concerns

Councilor Allen brought his concerns about phone calls for blighted issues, in which the callers ask what the city is doing. Councilor Allen said he knows they're waiting on attorneys before demolitions can be done. Even so, he's trying to reach out to contractors in order to minimize expense as this is the best way to get a flat rate and not a tonnage rate. He's talking to Wayne County, who did much of their legwork before the actual demo. For example, the asbestos work costs a considerable amount, but they put out the bid beforehand. If the City chose to have an abatement team bid the properties prior to demolition, then the bid can be opened up to other contractors for the demolition. This would increase competition and save money. It would also save money to package the multiple demolitions together. He's talked to Four (4) contractors, and Councilor Friend has contacted a few. Councilor Allen would like to create specifications in which rules, regulations, and procedures would be laid out for the demolition. If the policy is in place beforehand, it would help save money and make the process faster. He simply wanted to update the Council on this process. Mayor Byrum said we have Forty (40) tons of free dumpster disposal from a contract with Best Way Disposal.

### Public Concerns

Lynn Humphrey, 312 S Main Street, read from the February 27, 2017 newspaper article, which stated that VOA said there, would be 24-hour security monitoring of the building. Jon von Arx said the program was designed to keep participants who live in the building from having contact with anyone other than counseling services and their personal lives until after they complete the program. Humphrey said on several nights this last week two men parked in the alley at about 5:30 and drove away with two women, one with a baby's seat. They returned at 8:50 with hugs and kisses before going back in through the back door. This did not appear to be for counseling or career purposes. According to Humphrey, this happens every weekend, which involves a man hanging around and loitering. She says this goes against their loitering policy. She says that "not one issue has been changed, and that's on you [the City Council]."

Kristopher Bilbrey, Winchester, said he sent Mayor Byrum and Councilor Friend a message about a citizen. Mayor Byrum responded that in response to the wonderful things the citizen did, he created a Citizen's recognition of honor, which is in the development stage. The mayor hoped the nominator would award the citizen. Bilbrey hoped the award would be given by someone who would honor the citizen. Mayor Byrum said the award is a great idea to build

community pride and spirit. Bilbrey said he would reach out by May 6, which is when the award would be given.

Councilor Lennington spoke in response to Lynn Humphrey and the list she gave him about a month ago. He spent an hour with the director of VOA, who answered all Humphrey's questions. He knocked on Humphrey's door twice but wasn't able to reach her. He wanted to make it clear that the Council wasn't ignoring her. He said he has the answers to her questions. For example, the smoking curfew was 9:00 instead of 8:00, like she thought. Humphrey believes that information was incorrect. Councilor Lennington said he gave the director Humphrey's concerns.

There being no further concerns to discuss, the floor for public concerns was closed at 6:55.

#### Fountain Park Cemetery

Jim Nunez, president of Fountain Park Cemetery, gave the update on the monthly meeting. It was a good month at the cemetery. The repairs done were in-house repairs. They are working on the light for the columbarium area and the fountain area. The Bobcat has been purchased and the incident has been repaired. They borrowed money to purchase it, and have paid the first Thousand Dollars (\$1,000) toward it. They have about Nine Thousand Dollars (\$9,000) left to go on the excavator. Councilor Lennington is helping them get information to cut down and replace the old rotting trees around the cemetery. They've cut down approximately One Hundred and Forty Trees (143) but haven't replaced them yet. They have guidelines for what sort of trees will be used. There's a committee that's working on that. OVG has donated Six Hundred Dollars (\$600) toward the project. He reminded everyone of the alumni tour through the cemetery, open to the public, on May 18. The next tour will be on Memorial Day, May 27. Hopefully, the mayor will speak and there will be a time capsule closing. Letters have been sent out to encourage people to pay for their lots. Councilor Lennington has been working with the cemetery to help this process. There is also a meeting open to members. Councilor Lennington commented that there are some people who haven't paid for Twenty (20) years or more. In an update for the WCCPC, Nunez invited everyone to their annual Easter Egg Hunt on Saturday, April 20 at 11 a.m. at the north end of Goodrich Park; open to everyone ages One (1) to Twelve (12). They said they would have Two (2) bunnies hopping around and CVS Store taking pictures. Plan B is to gather in the high school parking lot if the ground is too soft. Walmart is helping by providing bicycles to give away.

#### UNFINISHED BUSINESS

##### Ordinance No. 2019-2

The council, having previously adopted Ordinance No. 2019-2 for the amendment for the sewer application fee, signed the ordinance in accordance with how they voted.

## NEW BUSINESS

### Ordinance No. 2019-6

Proposed Ordinance No. 2019-6 was presented by Jason Welch representing Future Properties Group and is entitled "AN ORDINANCE VACATING A PORTION OF A PLATTED STREET IN SIMMONS ADDITION IN THE CITY OF WINCHESTER, INDIANA, AND PROVIDING FOR THE ABANDONMENT OF THE VACATED PORTION TO THE ADJOINING AND CONTIGUOUS LANDOWNER". A public hearing held previous this evening explained the purpose of Ordinance No. 2019-6

Councilor Allen moved to read Ordinance No. 2019-6 for the first reading by title only. Councilor Friend seconded. Motion carried 4-0.

The ordinance was read by Attorney Cockerill. Councilor Sells moved to approve the first reading. Councilor Allen seconded. Motion carried 4-0.

Councilor Sells moved to suspend the rules and conduct the second reading of Ordinance No. 2019-6 by title only. Councilor Friend seconded. Motion carried 4-0.

Attorney Cockerill read Ordinance No. 2019-6. Councilor Sells moved to approve the second reading. Councilor Allen seconded. Motion carried 4-0.

Councilor Sells said that because this was an ordinance to vacate property, it may be best to wait until the next business meeting to read Ordinance No. 2019-6 for the third and final time; however, Councilor Lennington moved to suspend the rules and have Ordinance No. 2019-6

read for the third and final reading by title only. Councilor Friend seconded. Motion carried 4-0.

Attorney Meeks read Ordinance No. 2019-6 by title. Councilor Lennington moved to approve the third and final reading of Ordinance No. 2019-6. Councilor Friend seconded. Motion carried 4-0. Thus it becomes Ordinance No. 2019-6.

### Ordinance No. 2019-4

Mayor Byrum explained Ordinance No. 2019-4 titled "AMENDED SECTION 8 OF ORDINANCE NO. 2018-12, SALARY ORDINANCE" has been on the table since March 18. This has been brought up for overriding of a Mayoral veto. Attorney Meeks said this doesn't need to be brought; it automatically comes up at the meeting following a veto. Four (4) votes override a veto; Three (3) votes do not. At the previous meeting, the ordinance passed 4-1. Councilor Allen said the majority of the council agreed to move forward with the ordinance, which had been discussed for Three (3) months. If the majority of the council is supposed to represent the majority of the city, then the ordinance should've gone through. The employees involved will be paid and if something happens in which they're not, they'll bring it to the Council. In addition, this is a common practice and it works well. If the county does it and the majority of the council approves it, then he believes this should pass. Councilor Sells says Mayor Byrum shouldn't have vetoed it because the majority of the Council approved it. Councilor Lennington said he voted no because he thought it was the wrong approach. However, he thinks that if Four (4) of Winchester representatives voted to approve it, then it should pass. He says he backs the Council. He is changing his position because though he doesn't completely agree with the policy, he thinks the representative Council is more important. Mayor Byrum said he vetoed the Ordinance because it's "gross micromanagement," and it's "fishing for a problem to a solution." He believes its dangerous ground for a legislative body to abuse its position. They've previously

tried to handle the problem with credit cards by doing purchase orders, which didn't work. He doesn't see the problem as being extensive enough to justify this ordinance. While he appreciates the Council's desire to make a difference in the community, he believes that a hands-off approach needs to be taken in order to keep things running efficiently. He vetoed it because it's inappropriate to pay for your lunch and "hope" that you'll be reimbursed. He doesn't think that's a valid or fair thing to say to a city employee. And, as he said before, he believes its micromanagement. He respects the Council's authority and control over the City. Councilor Allen clarified that the ordinance doesn't say "hope" it says "shall." Mayor Byrum said the word in the ordinance was "may." Councilor Allen says he doesn't foresee a future in which a Councilor doesn't approve a request that an employee makes. Councilor Friend says the common council doesn't even approve it anymore, the Board of Works does. Councilor Sells agreed with Councilor Lennington that the Council didn't believe that anyone was doing anything dishonest, but they thought it was necessary to put parameters around what could become excessive. He appreciates the government's balance of powers, and affirms the Mayor's right to veto. He doesn't believe the spirit of the veto was one of ill-intent or maliciousness. He doesn't think that micromanagement is inherently a bad thing. For example, stop signs are important and a bit micromanaging. He says it may behoove the Council to get a written job description of their position. He knows it's to pass ordinances and resolutions and to oversee the budget of the city. He knows the Council will pay and they're just asking employees to limit the spending. Councilor Lennington said it is not the Council's job to legislate. The Mayor said it's not his job to legislate. He explained the role of a third-class city was different than that of a town board, which would more commonly manage departments. Councilor Friend said that the ordinance is simply giving regulations for credit cards. She cited previous discussions and said that department heads didn't seem to have any major issues with the ordinance. She said these are reasonable parameters--the County's set amount is Twenty-Six Dollars (\$26) and the City's is Thirty Dollars (\$30). They are following the State Board's Fifty-Mile (50) radius. They're not making it difficult for staff. Councilor Sells says he's considering whether or not he has overstepped his authority, and says time may prove the Council wrong. But, as it stands now, he believes the Council was correct to pass the ordinance. Councilor Lennington moved to override the veto. Councilor Friend seconded. Roll call vote Councilor Lennington, Councilor Sells, Councilor Friend and Councilor Allen, all favorable votes. Motion carried 4-0. Thus it becomes Ordinance No. 2019-4. Councilor Sells says he appreciates everyone's veneer and candor. Mayor Byrum said it's a good thing that this rarely happens, so the ordinance may not matter.

#### E.D.I.T. (Economic Development Income Tax) Fund Proposal

Mayor Byrum explained he gave Council a proposal for a request for an additional appropriation from the EDIT Fund. Councilor Allen said he understands the pay back for the WINGS program, but wonders why? Mayor Byrum explained that in November 2017 the Indiana Housing Community Development Authority (IHCDA) approved the City's request for a modification of the City's development fund loan of Eight Hundred and Fifteen Thousand Dollars (\$815,000). The modification included the loan being paid back over Six (6) years with payments at no less than Twenty-Five Thousand Dollars (\$25,000) a year. The modification included paying into the Welcoming Indiana's Next Generation (WING) fund, administered by the Community

Foundation of Randolph County, and reinvested back into Winchester. Each annual payment would be credited to the reduction of the IHCDAs outstanding principle. At the conclusion of the Six (6) year term, the IHCDAs would forgive up to the amount but not to exceed Five Hundred and Twenty-Five Thousand Dollars (\$525,000). Currently, the WING fund has a balance of Twenty-Three Thousand Eight Hundred and Nine Dollars and Seventy-Six Cents (\$23,809.76). The Stellar grant made between the City and the IHCDAs is a loan of Eight Hundred and Fifteen Thousand Dollars (\$815,000) at no interest plus payback terms of (\$290,000) to the WING fund that solely benefits Winchester. When that payment is completed, the IHCDAs will forgive the remaining (\$525,000). IHCDAs will forgive 65% of the loan. If the city puts Two Hundred and Ninety Thousand Dollars (\$290,000) into the WINGS fund, it will grow at Four Percent (4%). The City is responsible for building maintenance under the terms of the lease. Mayor Byrum recommends that Winchester seek ways to eliminate their role and ownership in the operations of the Winchester house. As the building ages, its needs will rise for ongoing maintenance and repairs. He recommends that the City appropriate Two Hundred Sixty-Five Thousand Dollars (\$265,000) from the E.D.I.T. fund to the WINGS fund and begin negotiating terms for the transfer of the property. It is guaranteed that 3 of the original members of the Winchester City Council who led the City Council House Project will not remain members after 2019. This is also true of the Mayor. It's crucial to finish what they started and allow the Winchester house to be in control of its own destiny. If the City transfers the money, then it will satisfy the IHCDAs requirement. The total cost for the City is One Hundred Eighty-Two Thousand Seven Hundred Seventy-Eight Dollars and Twenty-Eight Cents \$182,778.28, but that changes as more maintenance is needed. The total project to date has cost One Million Forty Thousand Seven Hundred Seventy-Eight Dollars and Twenty-Eight Cents (\$1,040,778.28). Mayor Byrum believes it is better to finish what they started rather than leaving the controversial project in the hands of people who didn't begin the project. Currently, the E.D.I.T. fund has a balance of Four Hundred Sixty Two Thousand Seven Hundred Forty Eight Dollars and Ninety Seven Cents (\$462,748.97). There is yet to be positive funds going into the E.D.I.T. fund. If the Council agrees to the project, then Three Hundred Forty-Three Thousand Dollars (\$343,000) would be the balance in the E.D.I.T. fund for the next administration. The tenant, VOA (Volunteers Of America) does not bear the ultimate responsibility of the building maintenance, which means the City could be burdened with further responsibility in the future. In three years, the fund should be able to give out Eleven Thousand and Sixty-Five Dollars (\$11,065) a year. After Mayor Byrum read the proposal, Councilor Sells said he's reaching out to individuals in the community and checking if part, or all, of the amount can be taken from someplace other than the E.D.I.T. fund in order to give relief to the taxpayer. Councilor Allen asked what the VOA can do as far as their best efforts. For example, what can they do to start reaching out to their sponsors? Mayor Byrum noted that VOA did create jobs and the income tax from those jobs went into the E.D.I.T. fund. Councilor Allen said that the City has already put a lot of money into the fund compared to what the VOA has paid. Councilor Friend asked if there have been any expenses after the initial One Hundred and Eighty-Two Thousand Dollars (\$182,000), and it was answered that they had to clean out the sewer lines; however the City did not pay for that expense. Councilor Friend asked what the Council was responsible for in regards to the lease. She wonders if the City has done enough, especially since VOA will be set up well as it is. Mayor Byrum said it's his due diligence to bring this proposal to the Council because this is what

a landlord does. He would like to give the incoming council and mayor a clean slate. Councilor Lennington said its sad how much the City is putting in and how little VOA is putting in. Councilor Friend said the VOA should continue to pay the payments. Councilor Allen said they need to clarify with VOA what their best efforts are. Mayor Byrum said the City is responsible if anything happens to the building, and he doesn't want to give that to a new group of people. Councilor Allen said that money could be better spent. Councilor Sells said he would like to look at it more.

Councilor Sells moved to table the proposal. Councilor Friend seconded. Roll call vote Councilor Lennington, Councilor Sells, Councilor Friend voted to table the proposal with Councilor Allen casting the negative vote. Motion carried 3-1.

Accounts Payable Vouchers

Clerk-Treasurer Haney presented the Accounts Payable Vouchers (APV). The end of March accounts payable vouchers (APV) totaled Eighty Seven Thousand Six Hundred Fifty Two Dollars and Thirty One Cents (\$87,652.31).

General Fund	\$4,651.02
Motor Vehicle Highway	\$1,003.63
Ambulance Non-Reverting	\$67.10
Employee Welfare Benefit Plan	\$57,93.056
E.D.I.T.	\$24,000.00

The April 1 thru April 10 accounts payable vouchers totaled Twenty Six Thousand One Hundred Ninety Seven Dollars and Fourteen Cents (\$26,197.14).

General Fund	\$9,654.83
Motor Vehicle Highway	\$1,577.51
Light Fund	\$5,341.57
Court Cash Due County	\$826.00
City Court User Fee	\$902.00
Fireman's Pension	\$5,201.58
Cumulative Capital Improvement	\$1,711.60
Beeson Farm	\$517.19
Animal Control	\$464.86

The Payroll accounts payable vouchers totaled Fifteen Thousand Nine Hundred Thirty One Dollars and Twenty Three Cents (\$15,931.23).

The total of all accounts payable vouchers is One Hundred Twenty Nine Thousand Seven Hundred Eighty Dollars and Ninety Five Cents (\$129,780.95).

Councilor Friend moved to pay the claims. Councilor Allen seconded. Motion carried 4-0.

Clerk-Treasurer Report

Clerk-Treasurer Haney stated the TIF (Tax Increment Fund) 2018 annual report has been submitted for the 2018 year which is available on the DLGF (Department of Local Government and Finance) website.

Mayor Report

The Union City Mayor and Fire Chief signed a memorandum for an understanding of mutual aid. Mayor Byrum gives a lot of credit to Chief Wiggans for bringing this about.

Adjournment

There being no further information to discuss, Councilor Sells motioned to adjourn. Councilor Friend seconded. Motion carried 4-0. The April 15, 2019 meeting was adjourned at 7:40 p.m.

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Mayor, Shon Byrum

ATTEST:

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Clerk-Treasurer, Vicki Haney