**NEW WHITELAND TOWN COUNCIL**

**May 15, 2015**

**MEETING MINUTES**

Town Council President John Perrin opened the meeting at 1:30 p.m. with the pledge to the American flag. Council members present were Scott Alspach, Mike Rogier, John Perrin and Joe Noonan. Also present were Attorney Robbins, Clerk-Treasurer Maribeth Alspach and Town Manager Spencer. Councilman Alspach offered the opening prayer. Councilman Schilawski was absent.

**MINUTES**

Councilman Rogier moves to approve the minutes of the April 21st meeting and is seconded by Councilman Noonan. **Vote 4 affirmative.**

**HARDSHIPS / ADJUSTMENTS**

None.

**TREASURER’S REPORT**

Clerk-Treasurer Alspach presents copies of the May 5th and May 15th Fund Reports and Dockets for ratification and/or approval. Councilman Alspach moves to approve and ratify both and is seconded by Councilman Noonan. **Vote 4 affirmative.**

**OLD BUSINESS**

Real Estate Auction Update

Attorney Robbins states that the live auction was held at Noon today. There were no bidders on the 401 Mooreland property. A bid of $135,000 was offered on the 300 Tracy Road property but was withdrawn due to the bidder’s inability to meet the earnest money deposit requirement. Bidder did express an interest in the property if the amount of earnest deposit could be reduced.

Attorney Robbins states the council has several options, including;

* Schedule a second live auction without a reserve bid stipulation
* Advertise the buildings for sale and accept bids on our own for 30 – 60 days
* Christy’s can continue to advertise and accept bids online without reserve pricing
* Council could hire a commercial realtor to market one or both buildings for 60-90 days

Attorney Robbins adds that the council could amend the original purchase agreement to reduce the amount of non-refundable earnest money deposit that is required and to allow 60 days to close rather than 30 allowing the buyer additional time to secure financing.

President Perrin states he would like to revise the purchase agreement for the bidder that attended the auction today – reducing the non-refundable deposit from $10,000 to $1,000 and allowing up to 60 days for closing, if the $135,000 offer is still good. Perrin recommends retaining a realtor to market the Mooreland property.

Councilman Noonan moves to amend the original purchase agreement reducing the non-refundable deposit to $1,000.00 and increasing the time table for closing to 60 days. No other changes are authorized. Councilman Rogier seconds the motion. **Vote 4 affirmative.** Council directs Town Manager Spencer to relay this information to Christy’s and the interested bidder.

Attorney Robbins will bring a list of commercial realtors to the June 2nd meeting for council consideration. By that time we will know if we need to contract for one or both buildings. Councilman Rogier asks if we could trade the 401 Mooreland property for the design and construction of the WWTP pole barn. Attorney Robbins says it would be possible if you had a builder who was interested in the building. President Perrin asks about trading the building for the vacant lot beside our current building. Attorney Robbins states it could be considered if the property owner has an interest in trading, and states Town Manager Spencer could contact the owner to ask and report back to the council on June 2nd.

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Pole Barn Update

Town Manager Spencer has a proposal from Designhouse to prepare plans to submit to the State, handle the bidding process and provide Construction Administration for $3,700.00. This does not include drainage plans and will require that we hire a civil engineer as well. Councilman Rogier moves to accept the quote from Designhouse and is seconded by Councilman Noonan. **Vote 4 affirmative.**

**NEW BUSINESS**

New Whiteland Commons Association Meeting

Town Manager Spencer states that an organizational meeting was held May 14th and all property owners were in attendance. Attorney Robbins facilitated the meeting. Attorney Robbins explains there are six (6) lots or buildings in New Whiteland Commons and a limited amount of common area. There is a 24’ access easement that comes in off Tracy Road and extends through the parking lot of the doctor’s office, the town hall, the church and the Ohio Properties building and then out the frontage road at the east end of the property. Paving and maintaining that 24’ easement is the shared responsibility of all six (6) property owners. Attorney Robbins adds that all property owners should also share in the maintenance of the pond. Robbins has suggested that the New Whiteland Commons Association be comprised of six (6) members representing each of the properties with each property owner / association member having one (1) vote. Association members would meet to discuss maintenance issues and any action would require a minimum of 4 votes. This group will meet again in June to prioritize maintenance issues and work on a more straight forward plan for how voting rights are determined. Many parts of the original covenants with the property maintenance standards are well written but some minor amendments would need to be made for business to be conducted regularly.

Trash and Recycling Contract

Clerk-Treasurer Alspach asks the councilmen to review the bid specs and bring any proposed changes they would like to see made to the June 2nd meeting. Alspach would like to put this out to bid in July as our current contract expires December 31, 2015. Town Manager Spencer states that both Whiteland and Franklin have expressed an interest in being included in the bid with New Whiteland to try and get better rates for all three (3) municipalities. Spencer will find out when their contracts expire to see if they would be ready for a new contract starting January 2016. President Perrin states he would like to see heavy trash pick-up go back to the first pick-up of the month. He believes it is too confusing for residents with the changes that have been made. Councilman Noonan commends Rumpke on the excellent service they have provided. Clerk-Treasurer Alspach notes that a substitute driver for Rumpke informed the office this week that they would no longer accept mattresses or box springs unless they were wrapped in plastic due to problems with bedbugs. Alspach has asked that Rumpke notify our residents of this change in their policy.

**LEGISLATIVE BUSINESS**

Resolution 2015-04

Clerk-Treasurer Alspach reads the resolution reducing the 2015 Fire Department budget by $1,100.00 due to the Circuit Breakers. Motion to adopt by Councilman Alspach with second by Councilman Rogier. **Vote 4 affirmative.**

Ordinance 2015-05

Clerk-Treasurer Alspach reads the transfer ordinance and explains on first reading. Motion to adopt by Councilman Rogier with second by Councilman Alspach. **Vote 4 affirmative.** This item will be placed on the June 2nd agenda.

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Ordinance 2015-06

Clerk-Treasurer Alspach reads and explains the ordinance declaring certain items surplus and allowing for disposal. Town Manager Spencer states that the Whiteland Fire Department has asked for the telephone poles that were removed from the old ball diamond, Clark Pleasant Schools has asked for the chain link fence and Indian Creek has asked for the old ball field lights. Councilman Rogier moves to approve ordinance 2015-06 and is seconded by Councilman Noonan. **Vote 4 affirmative.**

Councilman Rogier moves to suspend the rules and consider the ordinance on final reading. Councilman Alspach seconds the motion. **Vote 4 affirmative.**

President Perrin reads the ordinance in title only on final reading. Councilman Rogier moves to adopt the ordinance and approve the requests for the surplus items with second by Councilman Noonan. **Vote 4 affirmative.**

Town Manager Spencer states the old trailer that is on the list is unsafe and Crossroads won’t take it. Councilman Rogier suggests that they disassemble it and cut it up and then dispose of it.

**OPEN TO THE PUBLIC**

Donna Poteet, 939 Nicole Way, thanks the council for their help in getting the property near them cleaned up. Two of the sheds have been removed. There are still some weed issues. Ms. Poteet asks about home childcare. Is this regulated by the town? Her neighbor has seven children and babysits several others. Poteet states that she does not believe it to be a licensed day care and notes that at one point there were more than 20 children there on a regular basis. Poteet says it is causing noise and traffic/parking issues. Attorney Robbins states licensing is handled by the State and not the Town. Noise and parking issues can be handled by our Police Department if they are notified when the violations are taking place. Ms. Poteet adds that they have a fire pit and burn in it causing heavy smoke in the neighborhood. Fire Chief Wilson states open burning is not permitted and when that happens they need to call 911 and the Fire Department will respond. Attorney Robbins adds that many of the issues could be addressed by their Homeowner’s Association.

Being no further business the meeting was adjourned at 2:36 p.m.

Respectfully submitted,

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Maribeth Alspach, Clerk-Treasurer

Approved: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 John Perrin, Council President