**NEW WHITELAND TOWN COUNCIL**

**July 19, 2016**

**MEETING MINUTES**

Town Council Vice President Scott Alspach opened the meeting at 5:00 p.m. with the pledge to the American flag. Council members present were John Perrin, John Schilawski, Mike Rogier, Scott Alspach and Frank Vaughn. Also present were Clerk-Treasurer Maribeth Alspach and Attorney Lee Robbins. Councilman Perrin offered the opening prayer.

**MINUTES**

Councilman Rogier moves to approve the minutes of the July 5th meeting and is seconded by Councilman Vaughn. **Vote 5 affirmative.**

**HARDSHIPS / ADJUSTMENTS**

None.

**TREASURER’S REPORT**

Clerk-Treasurer Alspach presents copies of the Fund Report and Docket for ratification and/or approval. Councilman Perrin moves to approve and ratify both and is seconded by Councilman Schilawski. **Vote 5 affirmative.**

**OLD BUSINESS**

Police Department Hiring Status Report

Interim Town Marshal Joe Rynerson states that the interviews went well. Rynerson thanks Councilmen Rogier and Alspach for serving on the interview board. Rynerson states that he and Sgt. Polley have completed background investigations on the two candidates that had the highest combined scores on all phases of the testing, those men have taken and passed their drug tests and Rynerson is prepared make offers of employment. Both of these candidates are seasoned law enforcement officers. Rick Wilson has 12 years of experience with the Edinburgh Police Department and Craig Whited has 16 years of law enforcement experience, the last 8 years being with Marian University. Whited lives 6.7 miles from the New Whiteland Police Department and recently purchased a new home. Rynerson is asking that he be allowed to have a take home car and not have to relocate. Councilman Alspach states that he checked the distance on the internet and it came up 5.8 miles “as the crow flies”. Wilson lives approximately 16 miles from town but is willing to relocate and he and his wife have already begun looking at houses. Rynerson notes that the policy allows 12 months to meet the 6 mile requirement. Councilman Perrin moves to approve both hires with a starting salary of $41,200 each due to their previous experience and is seconded by Councilman Rogier. **Vote 5 affirmative.**

Rynerson states that Officer Wilson is available to start employment on July 22nd and Officer Whited would start on August 1st. Councilman Rogier asks about shift assignments. Chief Rynerson states that once they have completed their FTO phases, they will be assigned the mid shift for the remainder of the year. In January all shifts will be rebid based on seniority.

2016 Street Repair Bid Contract

Attorney Robbins sent the Notice of Award of Contract to Grady Brothers. They have executed all of the contract documents and returned them to the Clerk-Treasurer. PW Supt Johnson is completing some necessary repairs before Attorney Robbins can issue the Notice to Proceed. Grady Brothers will have seven (7) days to begin work after receiving the Notice to Proceed and the work must be completed within forty-five (45) days. PW Supt. Johnson states that 10 sanitary and storm sewers have been repaired or replaced and there are 4 more

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that need to be done before work can begin. Johnson says work should be finished by August 1st. Councilman Alspach states work should not start before August 3rd due to National Night Out.

Community Crossings Matching Grant

Clerk-Treasurer Alspach presents copies of the Street Asset Inventory that was submitted to LTAP on July 12th. She also presents a copy of the grant application along with a letter of funding commitment that needs to be signed and submitted with the application. We still need an Average Annual Daily Traffic Count for both cars and semis. After speaking with INDOT a traffic study is not required they advised an estimate will suffice. Attorney Robbins suggests checking with the County or Whiteland to see if they have done traffic counts on either Tracy or Whiteland Roads. If a traffic count is not available a public works employee will count vehicles from 7 – 8 a.m. at the intersection of Parkview and Sweetbriar one morning this week so that we have a good estimate to submit. She also needs to find a New Whiteland map that we can mark the streets that are being repaired on to submit with the application. Council authorizes President Perrin to sign the funding commitment letter.

Employee Handbook Revisions

Attorney Robbins asks if the Council has reviewed the revised language on Voluntary Termination as previously discussed and his recommendation to strike the Progressive Discipline policy as Indiana is an “at will” state. Robbins asks if the Council has any further changes they want made or if they are ready for him to prepare a new handbook with the approved revisions. Council is happy with all revisions that have been presented. Robbins will make the changes and email the revised handbook to all councilmen. This item will be placed on the August 16th agenda.

Town Code 7-304

Attorney Robbins states that our Town Code gives the authority to restrict parking. The Council needs to take action identifying the streets that they want to have posted with temporary No Parking signs during National Night Out. Councilman Rogier moves to place NO PARKING on August 2, 2016 between 2 PM - 10 PM signs printed and posted on the non-fire hydrant side of the street on

* Parkview from Sweetbriar to Mooreland
* Sweetbriar from Parkview to Hollybrook
* Mooreland from Bel Aire to Hollybrook

Councilman Schilawski seconds the motion. **Vote 5 affirmative.**

Council directs PW Supt. Johnson to have the signs out by 5 PM on Friday, July 29th.

I & I

Councilman Perrin asks that this item be tabled until the August 16th meeting.

Community Day

Clerk-Treasurer Alspach received an email today asking that a team of 8 town employees or elected officials be prepared to participate in the Town Olympics at Community Day on September 24th. Team members can be from the Police, Fire or Public Works Departments and can also include Councilmembers.

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Cumulative Capital Development Fund

Attorney Robbins states the paperwork for reestablishing the $0.05 rate was filed with the DLGF and the approval was received earlier today.

**NEW BUSINESS**

Town Code 7-400

Attorney Robbins reads existing Town Code 7-400 from the Zoning Ordinance. Attorney Robbins states that we have had some complaints about chickens in town since the last meeting. In reviewing our code and ordinances, Robbins recommends that we rewrite the Animal Ordinance to more clearly state which animals are permitted in New Whiteland and which ones are prohibited. The new ordinance would also address how dogs are to be kept and maintained including language about vicious dogs.

VFW 9-11 Ceremony

Clerk-Treasurer Alspach was contacted by the Ladies Auxiliary at the New Whiteland VFW with a request to use Proctor Park for a 9-11 Ceremony on Sunday, September 11th. The ceremony would start at 1:00 p.m. and immediately following the service they will be serving lunch at the VFW for Veterans and members of the military, police and fire departments. Council approves use of the park.

Commendation Letter

Councilman Alspach states Whiteland Police Chief Rick Shipp has written a letter commending our police officers for the job they have been doing and their positive attitudes while operating the department three (3) officers short for the last several weeks. Alspach asks that a copy of the letter be placed in each officer’s personnel file.

**LEGISLATIVE BUSINESS**

Ordinance 2016-11

Clerk-Treasurer Alspach presents and explains the ordinance to transfer funds in Properties to pay to have two (2) dead trees removed from West Park. Councilman Perrin questions the amount being charged for the work ($3,000) and asks PW Supt. Johnson if he got three (3) quotes for this work. Johnson states he did not but that he can. Johnson states that 5 – 6 trees in West Park have been damaged by the Ash Bore. Councilman Vaughn request three (3) quotes to remove the tree that has fallen and the dead tree and another set of three (3) quotes to remove the remaining damaged trees. Councilman Vaughn moves to adopt Ordinance 2016-11 on first reading and is seconded by Councilman Perrin to allow two (2) trees to be removed after receiving the required quotes. **Vote 5 affirmative.**

Councilman Perrin moves to suspend the rules and consider the ordinance on final reading and is seconded by Councilman Schilawski. **Vote 5 affirmative.**

Council Vice President Alspach reads Ordinance 2016-11 in title only on final reading. Motion to adopt by Councilman Schilawski with second by Councilman Rogier. **Vote 5 affirmative.**

**Reminder there will not be a Town Council Meeting on August 2nd due to National Night Out being hosted in East Park from 6 – 9 p.m.**

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**OPEN TO THE PUBLIC**

C. Phelps, 330 Hollybrook is asking the Council to include permitting domesticated ducks in the new Animal Ordinance. She states that the unidentified person attending with her was given a violation warning and was told she needed to get rid of her ducks within two (2) weeks. She states the ducks are brought into the house and they wear diapers. She says the ducks are unable to fly and cannot be released in the wild. She is asking the Council to make an exception.

Attorney Robbins states that ducks are clearly prohibited by our Zoning Ordinance. He advises that the duck owner could file a variance petition with the Board of Zoning Appeals to ask for a variance. Attorney Robbins explains the variance process and some of the fees involved and explains that the variance request could not be heard until the 4th Tuesday in August. He goes through the Findings of Fact criteria that have to be met in order for a variance to be approved and cautioned the young lady that based on the information shared tonight she should not be overly optimistic. She asks if she does not get rid of the ducks how often can she be fined. Fines can be levied every day. She asks about keeping the ducks until the variance can be heard. Councilman Perrin recommends having someone outside of New Whiteland keep the ducks until the August meeting – the woman says that is not possible as no one would keep them in their house and the ducks would die. Woman is asked where the ducks came from – she says she bought them at Tractor Supply. C. Phelps asks for an extension on removing the ducks. Attorney Robbins states the Council does not have that authority. When the 2 week period expires if the ducks are still in New Whiteland a fine will be levied on the owner. Robbins could withhold citing the ticket into court if a variance packet is filed before the 2 weeks period expires. Again, he explains that there are only three (3) current members of the Board of Zoning Appeals and they would all have to agree to grant a variance, noting past experience has not shown that there is an inclination to change the Animal Ordinance to allow farm type animals.

Being no further business the meeting was adjourned at 5:50 p.m.

Respectfully submitted,

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Maribeth Alspach, Clerk-Treasurer

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

John Perrin, Council President