

## NEW WHITELAND TOWN COUNCIL

JULY 6, 2022

### MEETING MINUTES

Town Council President John Schilawski opened the meeting at 5:00 p.m. with the pledge to the American flag. Council members present were John Schilawski, John Perrin, John Purdie and Dennis Combs. Also present were Attorney Lee Robbins and Administrator Maribeth Alspach. Councilman Chad Waltz was not present. Councilman Dennis Combs offered the opening prayer.

#### MINUTES

Councilman Combs moves to approve the minutes of the Executive & Special Meetings and the regular May 25<sup>th</sup> Council meeting and is seconded by Councilman Purdie. **Vote 4 affirmative.**

#### TREASURER'S REPORT

Administrator Alspach presented copies of the Fund Report and Docket for July 6<sup>th</sup> for approval. Councilman Perrin moves to approve and ratify both reports and is seconded by Councilman Purdie. **Vote 4 affirmative.**

#### ADDITIONAL APPROPRIATION PUBLIC HEARING

Public hearing opened at 5:03pm

Administrator Alspach presents that communities received American Rescue Plan money. We have our \$700,000 that was distributed but can't spend it until appropriated. The purpose of the public hearing is to do that. Ordinance 2022-09 has been prepared for Council to review and vote on during the Legislative Business portion of the meeting. Questions and public comment were welcomed. Being none, the public hearing is closed at 5:06pm.

#### OLD BUSINESS

2022 Manhole Rehabilitation Contract

Attorney Robbins reminds that at our last meeting we received quotes. Bids were reviewed and the lowest bid has been responsive and complies with statutes. Since opening those bids and reviewing them, it was discovered that additional amounts were owed to Wessler regarding a previous project from last year. Funds that would have been available to use towards the manhole project have to be diverted to Wessler. Attorney Robbins explains that there are a couple of options. One option is to reject the bids, elect not to do the project this year, and move on. Another option is to allow Utility Supervisor Gillock to find the money to do this project somewhere else in his budget. Utility Supervisor Gillock states that the project needs to be done but it would be okay to postpone it a year or two if necessary. The lowest quote is from Culy at \$105,000. Attorney Robbins recommends we call a special meeting to allow Utility Supervisor Gillock to collect more details, since there is a timeline and if we wait until the next meeting the bid will be past the 60 day deadline. Councilman Combs asks how much money is owed to Wessler. Utility Supervisor Gillock says that an engineer working on it stated everything had been billed, we closed out the purchase order, however in January or February they issued an invoice for that work that was not included on the previous purchase order. We had already closed the purchase order and had to rewrite one, which pulled the funds out of this year's budget. Those funds weren't available in this



year's budget for that project. A Special Meeting was tentatively set for Wednesday, July 13<sup>th</sup> at 5pm.

#### Brownstone Maintenance Bond Agreement

Attorney Robbins explains that when a developer plats a new subdivision, they must make improvements before pulling permits. Those must be inspected & approved and then they still have to maintain them for three years after. They had asked for us to accept them and we didn't act on it at the last meeting. Attorney Robbins has prepared maintenance agreements which will start the clock running as of today. The Town will then have taken dedication of improvements. Councilman Purdie asked if they've been inspected it was stated that they have. Councilman Combs moves to approve the four maintenance agreements presented and is seconded by Councilman Purdie. **Vote 4 affirmative.**

#### Culpepper Merriweather Circus

Administrator Alspach refers to emails traded recently about the circus. When they originally met with us they said they had telemarketers who would reach out to businesses to sell tickets. That was part of the contract. However, now they are saying they aren't able to do that. Administrator Alspach referred to previous discussions regarding what we really want to accomplish with the circus. The goal was not to raise a lot of money but to bring something affordable to the community to enjoy. However, we do want to make sure to have a successful event if we choose to move forward. To sell out the show we need to sell 1200 tickets. Today Administrator Alspach is asking the Council to confirm whether we're going to move forward with this event or not. Culpepper Merriweather would be pulling any necessary permits and bringing in port-o-lets. We would have to provide a dumpster, identify some outlets to sell tickets, have people to work the ticket booth, and provide a ringmaster. Discussion ensued regarding the costs, timeline, insurance rider for the day/weekend. Culpepper Merriweather has their own proof of insurance. Attorney Robbins says that unless the Council wanted to change course they didn't need to take any action on this matter.

### NEW BUSINESS

#### Computer Request

Police Chief Rynerson presents a bid that he received for 10 computers. The current computers have a lot of problems due to age. The current ones are anywhere from five to ten years old. We end up spending a lot of money fixing issues with the old ones. Normally we expect them to last five years but we have been keeping them longer. Wright Tech has done a great job keeping them running. However, the price for 10 new computers is reasonable. This would equip all 8 cars plus 2 reserve cars for \$8800. Police Chief Rynerson is asking if this could be paid from the ARPA money. Administrator Alspach says this purchase would qualify for ARPA, or it could come from the Rainy Day Fund. Councilman Schilawski says this would be a good use of the ARPA money. Councilman Combs moves to approve this computer purchase from the ARPA money and is seconded by Councilman Perrin. **Vote 4 affirmative.**

#### CPCSC MOU Approval

The MOU outlines objectives between the school corporation and any of the officers that work there and includes expectations and specifies training. Police Chief Rynerson is okay



with it if council is okay with it. Police Chief Rynerson says he does their training internally at no extra expense. Councilman Schilawski asks what kind of document we're working under currently. Police Chief Rynerson says none. The only previous requirement was to go through SRO school which is not much different than what they're already doing anyway. Councilman Schilawski states that Town officers become Clark Pleasant employees during that time. These expectations would be on the part of Clark Pleasant as the employer. Compensation is from Clark Pleasant. Attorney Robbins found an MOU from 2016 but didn't find a signed version of it. The only expense the Town incurs is that we provide their uniform and they drive our cars. At first there were issues with workmen's comp but those have been worked out. The only risk is if there's an incident and one of our officers gets hurt and Police Chief Rynerson must deal with being down an officer. If there is an incident the Town of New Whiteland will be listed as a party. In the past we've asked our insured to ask for confirmation that the coverage will cover liability while working for someone else. Concern was expressed as to whether our officers are spread too thin and affecting their work for the Town. Police Chief Rynerson says that is not an issue. Councilman Purdie moves to adopt the MOU presented and authorize John Perrin to execute it and is seconded by Councilman Combs. **Vote 4 Affirmative.**

#### Enterprise Lease Presentation / Proposal

Presentation by Nicola Jones from Enterprise, an account executive with Enterprise Fleet Management. There have been several meetings with department heads including Council President Perrin and Administrator Maribeth. Nicola provides a synopsis and analysis specifically for the Town based on the needs expressed during meetings. The goal is to shorten vehicle life cycle from a 7 year pattern to a 4 year pattern, selling vehicles at their optimal life cycle time, reduce fuel spending and maintenance costs. Nicola states the Town would have a potential savings of \$407,180 over 10 years. Council President Perrin shares that he has spoken with several municipalities and people seem pleased with using Enterprise. Councilman Purdie asks if any of our current vehicles are under loans; Administrator Alspach says no. Currently the only vehicle expenses are purely maintenance. Councilman Purdie refers to page 5 and the suggested vehicles to purchase, asks what was in the budget to purchase this year, how many cars, etc. Councilman Purdie says he'd like to look at the benefits of getting into a lease program and understand it better. Both Councilman Purdie and Councilman Schilawski state they would like to see additional quotes before making a decision. Attorney Robbins states that we would need to get it added that the Town has the option to purchase at the end of the lease agreement. There is more discussion about the values of leased vehicles, who benefits from the sale at the end of the lease, and how that information will be worded in the agreement. Councilman Schilawski indicates he'd like this to be more informational this evening and explore the topic deeper before making a decision. He reiterates that we need to be frugal and conservative. This is a longevity decision. Tabled for further discussion.

#### Health, Dental, Vision Insurance Renewals

Administrator Alspach presents regarding insurance renewals. After a review by department heads which shows new deductions for our employees, the recommendation is to renew with Anthem with the 6.69% increase. They suggested we split the increase between the Town and the employees. Dental had a 2.4% increase and the recommendation is to renew with Delta Dental. Vision stayed the same with no increase. The voluntary life also has no



increase. A decision is needed tonight because new rates go into affect August 1<sup>st</sup>. We need to withhold deductions with the July payrolls. Councilman Schilawski asks what the 16.2% was and Administrator Alspach states that was the first renewal quote Anthem sent. A risk rate of 7 is the best and we were at 6.9, so our agent negotiated a better rate and got it down to 6.69% Councilman Perrin moves to adopt the new prices and the 50/50 split and is seconded by Councilman Purdie. **Vote 4 affirmative.**

### **LEGISLATIVE BUSINESS**

Ordinance 2022-07

Regulations for golf carts

Attorney Robbins refers to the previous discussion at the previous meeting. He added language to include contractors, otherwise the document is the same. This was presented on first reading previously and Attorney Robbins states that on the second reading tonight we can change the last paragraph. Councilman Purdie moves to adopt Ordinance 2022-07 on second reading and is seconded by Councilman Combs. **Vote 4 affirmative.**

Ordinance 2022-09

Appropriating the ARPA money in the 2022 budget

This Appropriation has been advertised as required and the public hearing occurred earlier in the meeting tonight. Councilman Combs moves to adopt Ordinance 2022-09 and is seconded by Councilman Purdie. **Vote 4 affirmative.**

Ordinance 2022-10

Amending of Salary Ordinance

This Ordinance adds a line for Administrator. Per the Special Meeting the decision was made that the Administrator would be paid monthly. The exact same amount of money will be paid but will be paid bi-weekly instead of once a month. Councilman Perrin moves to adopt Ordinance 2022-10 on first reading and is seconded by Councilman Combs. **Vote 4 affirmative.** Councilman Perrin moves to suspend the rules and is seconded by Councilman Purdie. **Vote 4 affirmative.** Councilman Perrin moves to adopt Ordinance 2022-10 on second reading and is seconded by Councilman Combs. **Vote 4 affirmative.**

Ordinance 2022-11

Transfer Ordinance

Administrator Alspach presents that we need to transfer funds from the Town budget from Town Manager to the Administrator. We also need to transfer in the Sanitation budget from the Town Manager to the Administrator. We also need to transfer from MVH, employee insurance to insurance, within that budget to cover insurance renewal. Councilman Purdie moves to adopt Ordinance 2022-11 on first reading and is seconded by Councilman Combs. **Vote 4 affirmative.** Councilman Perrin moves to suspend the rules and is seconded by Councilman Purdie. **Vote 4 affirmative.** Councilman Combs moves to adopt Ordinance 2022-11 on second reading and is seconded by Councilman Purdie. **Vote 4 affirmative.**



**OPEN TO THE PUBLIC**

James Farno; 29 Rypma Row shares about issues with 55 Sunny Lane, which is directly behind his house. The owners of 55 Sunny Lane purchased the 8.2 acres a Baptist church sold them and built a house. He received a letter saying they were going to put in a concrete driveway but they put asphalt down (against ordinance). There are other issues such as not maintaining the property. Last week there were 7 dump trucks going back there for a parking lot. Mr. Farno contacted Code Enforcement who went out and spoke with Aaron Ohler. Mr. Farno hasn't seen any permits but also received a letter regarding putting gravel in. He heard they're thinking of putting in-law housing there and he sees more trailers and RV trailers there on the 8 acre plot. Mr. Farno is asking for diligence on the Town to take care of what's going on there. He refers to the ordinance which states 1 trailer per property. The neighbors are also wanting to put up a 6 foot fence. Ordinance states residents can't have a 6ft fence in front of their house. Attorney Robbins indicates there are upcoming Planning Commission and Board of Zoning Appeals meetings in which the homeowners are going to request relief and/or variances and states that it is a public hearing and that there is nothing the Town Council can do this evening about these matters. However, if the property isn't being maintained or there are ordinance violations, those can be addressed by our Code Enforcement and Police officers. On the issues of the trailers, fences, driveways, gravel, etc., Mr Farno would need to attend the upcoming Planning Commission and Board of Zoning Appeals meetings.

Sheila Wimmer, 25 Rypma Row, attended and spoke in agreement with the things Mr Farno shared.

Angela Eck, 415 Pleasant Drive, New Whiteland has recently been talking to other residents about allowing backyard chickens. She started a petition on Change.org and has over 250 signatures. She brought the signatures and research with her. Ms. Eck states that a lot of other cities/town allow backyard poultry – Indianapolis, Ft. Wayne, South Bend, Evansville, etc. She researched different ordinances to address concerns people might have including lot size, disturbance of neighbors, prohibiting roosters, limiting maximum number of hens, only in a fully fenced-in yard, rules about animal by-products, etc. She has suggested language for a new ordinance for the Town based on research. The positives outway the negatives: increased food security, organically raised, kids in Town can participate and learn, and there are similar benefits to owning any other type of pet. There are concerns but there are definitely ways to address those. Regarding concerns about bird flu, she states that just as there are ways to prevent the spread of rabbies in cats and dogs, there are proven ways to help prevent the spread of bird flu including keeping poultry in their own enclosure, limiting exposure to wild birds, and securing their feed. For every concern there are potential ways to mitigate those concerns. Ms. Eck asks what the process is to get an ordinance changed. Attorney Robbins explains the process to change an ordinance. A proposal must first go to the Planning Commission, which has interest in land use development. Ms. Eck could initiate a proposal or the Town Council could initiate it by sending it to the Planning Commission. The Planning Commission could draft a proposed ordinance and hold a public hearing. At the conclusion of that public hearing the Planning Commission would vote either to send a recommendation to the Town Council to adopt the change, to not adopt the change, or to leave it as is. After their vote it goes to the Town Council to make a decision.



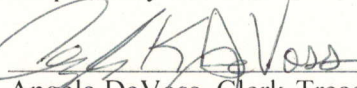
Dee Appleton, 103 Sawmill Rd asks how best to reach members of the council. She states that it's not easy to access council members and send them a message. Ms. Appleton states that in Whiteland the council information is on their webpage. She asks why is it different here? Councilman Schilawski answers that he gets contacted by the office when someone from his ward (ward V) has a question. Questions are directed to the council member where the concern is from. Councilman Schilawski states that historically they've had so few who have reached out that there probably hasn't been a need for a direct line but we could explore options. Administrator Alspach states that on the website if there's a concern, it goes to a mailbox and gets directed to the person who needs it. She further explains that the Town employees work full time however the council members work regular jobs during the day and aren't always available to talk during regular business hours.

Dee Appleton, 103 Sawmill Rd, comments representing Gina Luttrell, 829 Westview (not present). Ms. Luttrell had explained at a previous meeting that the house across the street from her at 824 Westview continually has problems. An old vehicle is there with grass growing all over it. The vehicle hasn't moved. She's not sure if there are plates. There is also a house at Parkview & Sweetbriar that has an odor and is full of junk. Ms. Appleton, on behalf of Ms. Luttrell, states that she can't believe with the ordinances we have that there haven't been fines and clean-ups.

Erica McCoy, 91 Hilltop Farms Blvd, states that she has enjoyed hearing the meeting. She believes our Town Council is trying to be fair and trying to make the best decisions for the good of everyone. Ms. McCoy got involved because of the chicken petition. She explains that there are food distribution places being destroyed and prices are on the rise. She refers to Indiana Code 36-5-2-9 concerning adopting ordinances for the performance & function of a town. She explains that an ordinance is for the purpose of designating a local law of a municipal corporation, on conduct relating to corporate affairs of the municipality. Ms. McCoy further states that a supreme court case states that unless someone is an employee of the municipal corporation, the ordinances don't apply. Governments were created to make sure all the rights we were born with are not taken away from us. That's what we pay taxes for. Ms. McCoy appeals to the council to please make sure her rights are protected. She refers to a supreme court case, Cruden v. Neale, which states that every man is independent of laws except those prescribed by nature. She states that if any of our public servants have power it is by our consent. The laws were created to control the behavior of the bureaucrats and were never given the authority to control the behavior of the people. All laws that rob us of life, liberty, and the pursuit of happiness are wrong and can be discarded.

Being no further business, the meeting was adjourned at 7:51 p.m.

Respectfully submitted,

  
Angela DeVoss, Clerk-Treasurer

Approved:   
John Perrin, President