

DECEMBER 20, 2016

The Town Council met in regular session at the Town Hall at 8:00 a.m.

The Pledge of Allegiance was led by President Blaylock.

Present were: BLAYLOCK, ALSOP, FLANDERS, WADE, and WATSON along with Clerk-Treasurer Karla Atkins and Attorney Thomas Clowers.

The following visitors were present: Dan Barton, David Campbell, Michele Almon, Tommy Short, Don Alsop, Linda Warrum, Don Hatfield, Gary Gerard, Pam Robinson, Ann Rains, Tom Stahl, Tim Wiley, and Bobby Grider.

Councilman Watson made and Wade seconded a motion the minutes of the previous regular meeting be approved. All were in favor. Motion carried.

Councilman Wade made and Watson seconded a motion the Executive Session Memorandum for November 16, 2016, be approved. All were in favor. Motion carried.

Councilman Watson made and Wade seconded a motion the Executive Session Memorandum for November 29, 2016, be approved. All were in favor except Councilman Flanders. Motion carried.

Councilman Alsop made and Wade seconded a motion the Executive Session Memorandum for December 8, 2016, be approved. All were in favor except Councilman Flanders. Motion carried.

Councilman Watson made and Wade seconded a motion the minutes of the December 13, 2016, special meeting be approved. All were in favor. Motion carried.

Gas/street superintendent Bobby Grider reported that leaves will need to be bagged beginning December 22. He also encouraged residents to complete the Pipeline Safety Survey that will soon be mailed.

Councilman Alsop announced the Town has received funding for the Community Crossings Matching Grant in the amount of \$43,665. The paving will be done in the spring when the weather breaks. She also reported that since both upcoming holidays are on the weekend, trash pick-up will be on Friday.

Councilman Flanders reported the Park Board has received a \$1,500. grant from the Blaffer Foundation for Playtopia maintenance.

Councilman Watson reported the Town's new marshal is Max Aaron Straub, and he will be starting January 1.

President Blaylock reported four fire hydrants have been replaced and one has been rebuilt.

President Blaylock reported the boilers at the school have been repaired.

President Blaylock read Resolution 2016-2 in full. This resolution acknowledges December 11, 2016, as Indiana Statehood Day. Councilman Wade made and Watson seconded a motion that Resolution 2016-2 be approved. All were in favor. Motion carried.

President Blaylock read a list of suggested accounts to be written off as prepared by Clerk-Treasurer Atkins in a total amount of \$123.89. Councilman Alsop made and Flanders seconded a motion the accounts be written off as requested. All were in favor. Motion carried.

President Blaylock read Ordinance 2016-13 in full. This ordinance establishes a Community Crossings Matching Grant Fund. Councilman Wade made and Watson seconded a motion that Ordinance 2016-13 be adopted. All were in favor. Motion carried.

Tommy Short addressed Council about a proposal to perform his Eagle Scout project at Maple Hill Cemetery. He proposed to remake the handrails, and repair the benches. President Blaylock offered the Town's assistance with the project.

Councilman Also made and Wade seconded a motion to appoint Rose Back to a four-year term on the Park Board to replace Lora Arneberg. All were in favor. Motion carried.

President Blaylock reappointed Donald Alsop and Annette Buckland to four-year terms on the Plan Commission.

President Blaylock read Resolution 2016-3 in full. This Resolution authorizes appropriation transfers within the General Fund. Councilman Watson made and Wade seconded a motion that Resolution 2016-3 be adopted. All were in favor. Motion carried.

President Blaylock read Resolution 2016-4 in full. This Resolution authorizes appropriation transfers within the Park Fund. Councilman Flanders made and Wade seconded a motion that Resolution 2016-4 be adopted. All were in favor. Motion carried.

President Blaylock presented Ordinance 2016-14, which sets the salaries of elected officials for 2017. Councilman Watson made and Wade seconded a motion that the Clerk-Treasurer's salary be increased \$1,200 for 2017. All were in favor. Motion carried. Councilman Watson made and Wade seconded a motion that the Town Council salary remain the same as 2016. All were in favor. Motion carried.

David Campbell inquired as to the background and experience of the new Town Marshal, how many applications were received for the position, and was the position advertised in a broader area. He also questioned the decision of Council to send the marshal to the three-week marshal academy as opposed to the 16-week police academy. President Blaylock responded that six applicants were interviewed, and five had no police experience. The sixth applicant had served as a special deputy a number of years ago in northern Indiana. He stated Council is doing what they were elected to do, and they feel the applicant that was chosen is the best suited for the job. President Blaylock commented the marshal academy will consist of three sets of one week at the academy and three weeks of computer and on the job training, for a total of twelve weeks. He continued that this decision was made in an attempt to keep the marshal from leaving to go to another department. By attending the marshal academy, this makes the marshal only able to transfer to another Town Marshal position.

Tom Stahl asked the amount of the Council salary. President Blaylock replied the annual salary is \$3,600.

Gary Gerard thanked the Council and Town employees for helping at the food pantry recently.

President Blaylock asked that Council members submit any questions they have for Jason Hoehn to Attorney Clowers, who can then provide them to Mr. Hoehn's attorney, Adam Farrar. Councilman Flanders stated he would prefer that Mr. Hoehn attend a Council meeting and answer questions in an open forum. President Blaylock noted that Mr. Hoehn agrees that the rent was not raised in 2012 as it should have been, and he has agreed to pay \$894.03 in back rent to cover that. Mr. Hoehn has calculated the new yearly rental amount to be \$1663.51. Councilman Watson made and Wade seconded a motion that the Town accept the \$894.03 in back rent, and increase the yearly rent to \$1663.51, effective in 2016. No vote was taken. Councilman Flanders asked if Council's acceptance of the rent has any bearing on the issue he previously brought up about the lease still being in effect. President Blaylock stated he has been assured by Mr. Hoehn that all paperwork has been filed with the State and the lease is on the up and up. Attorney Clowers stated that if Council accepts the back rent and the new yearly rental amount, they are in essence saying they feel the lease is valid. Councilman Flanders pointed out he feels the lease has been breached, and he could probably find several areas where it has been breached. Attorney Clowers pointed out this was discussed at a previous meeting, and that the Town is in receipt of a letter from Mr. Hoehn's attorney. He stated if Council wants to pursue this, it is his recommendation that this potential litigation be discussed in an Executive Session in order to build a strategy going forward. Councilman Flanders stated he had received a letter from VanHaafte and Farrar in his mailbox at Town Hall, and he was unsure how it got there. He noted the letter was not dated by the sender, receiver, or Clerk. He asked if this is the letter Attorney Clowers is referring to and if it is legitimate. Attorney Clowers stated he had received the letter and distributed it to Clerk-Treasurer Atkins. Councilman Flanders stated Mr. Farrar was formerly the Town Attorney, and he is now representing a client who is suing the Town. He asked if this is a potential violation of the rules of professional responsibility. Attorney Clowers stated they are not suing the Town at this point, and any violation would need to be decided by the Judicial Commission. Councilman Flanders stated he takes exception to the Council affirming the lease until the issue is settled. He feels Hoehn Plastics should proceed with paying the rent due without Council affirming the validity of the lease. President Blaylock pointed out it sounds as if Councilman Flanders is still pushing for the Town to take ownership of the building. He asked what he would like to do with it if that happens. Councilman Flanders feels the Town could put it to better use than its current use. President Blaylock stated that in his opinion, it is not in the best interest of the Town to take ownership of the building, as it will end up costing the Town money. Councilman Flanders commented he does not agree with President Blaylock's assessment.

Councilman Watson made and Wade seconded a motion the claims be allowed and the Clerk pay the same. All were in favor. Motion carried.

Councilman Wade reported that Indiana Landmarks will be conducting a survey on the Harmony Way Bridge, and it is scheduled to begin in June.

President Blaylock reported some representatives from DNR will be coming to do an inspection of the riverbank.

There being no further business, the meeting was adjourned at 8:47 a.m.

Alvin Blaylock, President of Town Council

Attest:

Karla L. Atkins, Clerk-Treasurer