

The Pendleton Town Council met in regular session at 6:00 p.m. on July 11 2019 at its regular place of business located at 100 West State Street Pendleton Madison County Indiana.

All documents presented during the same are on file in the Clerk Treasurer's Office

Town Council President Smith called the regular meeting of the Town Council to order, called for a moment of silent prayer and asked Ed DeWitt to lead the pledge to the flag.

Roll was called and quorum established.

Council members present: Robert Jones, Jessica Smith, Shane Davis, Jessica Bastin, Chet Babb and Clerk Treasurer Matt Roberts. Also present: Planning Assistant Rachel Christensen, Town Attorney Alex Intermill, Fire Chief Jeff Moore, Judge Gasparovic, Park Director Aaron Burris, Patrolman Sam Quiroga and Deputy Clerk Treasurer Linda Kreigh

APPROVAL OF AGENDA

A MOTION TO APPROVE THE AGENDA WAS MADE BY COUNCIL MEMBER BASTIN AND SECONDED BY COUNCIL MEMBER JONES. MOTION CARRIED

APPROVAL OF THE MINUTES OF THE JUNE 27 2019 TOWN COUNCIL MEETING

A MOTION TO APPROVE THE MINUTES FOR THE JUNE 27 2019 TOWN COUNCIL MEETING WAS MADE BY COUNCIL MEMBER JONES AND SECONDED BY COUNCIL MEMBER BASTIN. MOTION CARRIED

CERTIFY JULY 9TH 2019 EXECUTIVE SESSION

A MOTION TO CERTIFY THAT ONLY THE SUBJECT NOTICED WAS DISCUSSED AT THE EXECUTIVE MEEING ON JULY 9 2019 WAS MADE BY COUNCIL MEMBER SHANE DAVIS AND SECONDED BY COUNCIL MEMBER JESSICA BASTIN. MOTION CARRIED.

APPROVAL OF THE CLAIMS AND THE CLERK TREASURER'S REPORT

A MOTION TO APPROVE THE CLAIMS AND THE CLERK TREASURER'S REPORT AS PRESENTED WAS MADE BY COUNCIL MEMBER BASTIN AND SECONDED BY COUNCIL MEMBER DAVIS. MOTION CARRIED

Council Member Jones stated he appreciated the work Bose McKinney and Evans has done for the Town but the town's legal fees for this year have been rather significant, about \$103,000 so far this year. Explained there are several issues that were charge outside of the \$3500.00 monthly retainer fee that resulted into large fees. He stated he would like to make a motion that the Town Council would need to approve any additional attorney fees outside the retainer fee for the remainder of the year, excluding any TIF issues. A short discussion began with Clerk Treasurer Roberts explaining the budget of the monthly retainer, the fees concerning the Farrer

discipline and the general employee issues that have over spent the legal appropriation and the project fees that are included in the invoices but paid from other funds. Council Member Babb wanted to point out that the fees for the Farrer discipline and general employee issues are about \$84,000 of the \$113,000 spent for the year paid with tax dollars. Town Attorney Intermill briefly explained the fee structure of the current agreement the Town has with Bose McKinney and Evans. Town Attorney Intermill stated he had some concerns about the needed approval before an issue can be acted on, as time is limited in some issues.

A MOTION WAS MADE BY COUNCIL MEMBER JONES THAT ANY LEGAL ISSUE THAT IS OUTSIDE OF ANY TIF ISSUE AND IS NOT COVERED BY THE MONTHLY \$3500.00 RETAINER FEE THE TOWN COUNCIL WOULD NEED TO MEET TO APPROVE THAT EXPENDITURE BEFORE IT IS INCURRED THE MOTION WAS SECONDED BY COUNCIL MEMBER BASTIN. COUNCIL MEMBERS JONES, DAVIS, SMITH AND BASTIN VOTED YEA, COUNCIL MEMBER BABB VOTED NAY

DEPARTMENT REPORTS

Fire Department and Ambulance Report

Fire Chief Moore informed the Town Council and the Fall Creek Township board was invited to a presentation to view the new tanker truck, command truck and air tanks. The public will get to view the new equipment at the public open house.

A MOTION TO APPROVE THE FIRE AND AMBULANCE REPORT AS PRESENTED WAS MADE BY COUNCIL MEMBER BASTIN AND SECONDED BY COUNCIL MEMBER DAVIS. MOTION CARRIED

Police Department Report

Patrolman Quiroga explained that data was pulled from the speed sign located on West State Street to analyze speeds in the area. From January 1, 2019 to June 28, 2019 there were 1,063,568 vehicles recorded ingoing at an average speed of 33.25 mph and 845,714 vehicles outgoing at an average speed of 38.71 mph. From June 1 2019 to June 28 2019 there were 171,476 vehicles ingoing at an average speed of 33.78 mph and 126,694 vehicles outgoing at an average speed of 39.11 mph. Stated Interim Chief Randy Sidwell will work on a traffic study concerning Water Street.

A MOTION TO APPROVE THE POLICE REPORT AS PRESENTED WAS MADE BY COUNCIL MEMBER BASTIN AND SECONDED BY COUNCIL MEMBER DAVIS. MOTION CARRIED

Town Court Report

A MOTION TO APPROVE THE TOWN COURT REPORT AS PRESENTED WAS MADE BY COUNCIL MEMBER BASTIN AND SECONDED BY COUNCIL MEMBER JONES. MOTION CARRIED

Town Manager's Report

A MOTION TO APPROVE THE TOWN MANAGER'S REPORT AS PRESENTED WAS MADE BY COUNCIL MEMBER JONES AND SECONDED BY COUNCIL MEMBER BASTIN. MOTION CARRIED

Falls Park Report

Park Director Aaron Burris wanted to inform that the park's master plan public forum meeting has been reschedule for August 15th at 6:30 at the community building.

A MOTION TO APPROVE THE PARK REPORT AS PRESENTED WAS MADE BY COUNCIL MEMBER BASTIN AND SECONDED BY COUNCIL MEMBER DAVIS. MOTION CARRIED

OLD BUSINESS

Update regarding proposals for legal service

Council President Smith informed the legal notice stating the qualification to accept proposals for legal service has been published and sent to different law firms in the area, she thought the deadline date stated in the publication was within the next six weeks.

NEW BUSINESS

Presentation by Long Term Recovery Group Steering committee Members

Luke Renner representing the Long Term Recovery Group explained that a great many things have been learned through different kinds of disasters and how best to respond to them; best practices have emerged and are continually refined. Stages have been developed to help in disaster recovery, the initial phase is the crisis stage covering the basis needs needed, the next phase is the early recovery stage assessing damage, cleaning up, insurance assessment and declaring a disaster, the next phase is the long term recovery stage.

Disaster experts with Indiana Homeland Security and the Indiana Voluntary Organization Active in Disaster (VOAD) visited Pendleton and shared manuals of best practices with the Town. They advised the town to form a committee which should not include government officials and residence who has suffered significate damage due to the disaster. But include residences who understand finance, building standards, which are experience in volunteering, managing resources, communication and are compassionate. The volunteer group includes himself, Carl Lamb, Tom Whitesell, Frank Zebedis, Norma Gasparovic, and Bill Hutton. The South Madison Community Foundation has agreed to host and facilitate the meetings of the long term recovery group.

The disaster recovery intake assessment form is the first step to make the committee aware of the needs; the committee then can harness resources to meet the needs. The form needs to be completed and returned by July 31 2019.

Federal loan funds have been made available with low interest rates and is managed by the small business administration, the application is for anyone not just for business owners. If the federal loan is denied the applicant becomes eligible for another group of funding by Homeland Security. The deadline for the loan for personal property is August 12 2019 and the business owner deadline is March 2020.

Resolution R19-03: A Resolution to Sell Fire Equipment to another Entity

Fire Chief Moore explained that the fire department of Dunreith was in need of the surplus air masks, frames and tanks the town's fire department has and would like to purchase the equipment in the amount of \$600.

A MOTION TO ADOPT RESOLUTION R19-03 WAS MADE BY COUNCIL MEMBER BASTIN AND SECONDED COUNCIL MEMBER JONES. MOTION CARRIED

PUBLIC COMMENTS

Council President Smith addressed some issues that were brought up at the last Town Council meeting

- Regarding the employees' complaints. She stated the employees' complaints were investigated and discussed by the Town Council which also included discussions with the Town Manager. The Town Council met in three executive sessions and supports the recommendation and actions taken by the Town Manager.

Debbie Nunley 981 South Pendleton Avenue asked if the Town's employee handbook addressed social media use. Town Attorney Intermill replied yes it does in a general sense.

Council President Smith

- Regarding the allegations that dirt had been stolen from the Town. The Town Council investigated and discussed the issue with the Town Manager and determined there was no wrong doing. The dirt has no monetary value; it was dirt in excess from digging a cemetery grave. The Town Manager stated the accumulated dirt has been used by other employees in the past but he has put an end to that practice.

Council Member Babb stated in his opinion it is not right if the Town has a project and there is excess dirt hauled away, then the excess dirt is used by a Town employee for personal use before it is realized the dirt is needed to finish the project. This would cause the Town to purchase dirt to complete the project in which he had the issue.

Steve Denny 303 Pearl Street explained he did not have an issue with the dirt so much but wanted to know how the dirt was hauled, personal or town vehicle? Council President Smith did not have knowledge of what vehicle was used. Steve stated he would have an issue if a town vehicle was used to move the dirt to the employee's personal property, if the issue was fully investigated then it should have been known which vehicle was used. Council President Smith stated she would get him an answer concerning the vehicle used.

Council President Smith

- To address the questions concerning the requirements of a town building inspector. The issue was discussed by the Town Council and Town Attorney with the Town Manager and the Public Works Supervisor, she stated both of them are qualified to do the building inspections and code enforcements. They both have the necessary training and the Town Manager had been certified in the past. Indiana code does not require a municipal to have a license inspector.

Sandy Butler 178 Fall Creek Parkway stated she was the one who posed the question concerning the license needed for a building inspector. She was fine with learning the Town was not required to have a license inspector but felt that the Town Manager was not being truthful with his answers when she asked him the question at the public meeting. So she is filling a formal complaint against the Town Manager which has eighteen concerns and is requesting he be terminated or resigns. Council President Smith stated this complaint would be looked at and discussed with all council members.

Council President Smith

- The issue of posting minutes to the town's website was addressed by requiring the staff to post the minutes after they are approved by the boards and commissions the next day and if no meeting occurred that month it would be noted as to why there were no minutes posted.

Dave Avery 135 Ashbury Street asked about the outcome of any action that was taken concerning the Town Manager, explaining the incident was similar to the incident that caused Marc Farrer to be demoted.

Bernice Avery 135 Ashbury Street explained her daughter stated at the last Town Council meeting her concerns about the Town having no weather warning sirens. Bernice explained her daughter was working at the pool without access to her cell phone and was unaware of the weather situation that day. Council President Smith stated the Town Council will continue to look into the weather warning situation. Council Member Davis asked if the pool has a weather radio. Council Member Babb suggested the Park Director pick up a weather radio for the pool.

Julie Schnepf 427 East State asked if the Town should consider having a certified building inspector to protect and hold the Town to a higher standard especially with the large number of home being proposed. She also wanted to make the point that she has heard the Town Council say, employees have made mistakes but let's move forward; personnel matters have happen

with Jeff Barger, Hunter Barger, Tim McClintick and Marc Farrer but the only person that has paid the consequences is Marc Farrer.

Jo DeWitt 802 South Pendleton Avenue wanted the Town Council to recognize what has taken place tonight, she thought it was important for the Town Council to know the Tim McClintick has been Town Manager for several years and has not followed through on many issues that have been brought to his attention, she stated he was feckless as a Town Manager.

Shannon Mingle 360 Old State Road 132 West wanted to know if there was a way to obtain the information that is presented at the Town Council meetings as the screen was hard to read. Council President Smith stated it was a very good point and the town would work to improve that.


Sam Thatcher 5429 West State Road 132 questioned Council President Smith about where the dirt the employee obtained actually came from. Council President Smith stated the council received information about where the dirt came from during their investigation. Sam stated that the information was incorrect the dirt came from the project at Country Farms.

Rick Kuhns 210 Pearl Street explained he made an email complaint on May 8th 2019 about a pothole on the intersection of Oak and Pearl, he knew there was storm cleanup but patching was not done until late June and the pothole he complaint still did not get filled. He stated on March 22 2017 made an email complaint about a hollow tree that need to be removed and during the storm on May 27 2019 the tree fell, the tree was marked but never was taking care of, he was feed up with the incompetence of the office.

Jack Radford 6340 South 425 West made a complaint about the sound system in the room and asked if something could be done.

Helen Reske 405 Pendleton Avenue stated she attended the planning commission last night in which two new subdivisions were approved. She stated if the town cannot handle the issues citizens have concerns about now how the town can handle the issues with the amount of homes coming from the new subdivision. The major issues will be traffic and the amount of children coming into the town's school system.

Prepared by: 
Linda Kreigh
Deputy Clerk Treasurer

Approved by: 
Jessica Smith
Town Council President