

Pendleton Park Board Special Meeting Minutes

May 6, 2020

I. Call Meeting to Order

Meeting called to order at 6:00 pm by Park Board President Bryan Williams. Additional Board Members attending in person were Brian Slick, Laretta Gray, Joshua Ring and Steve Wills; those attending virtually were Jennifer Roberts and Ana Blake. Also attending in person were Park Attorney Bill Davisson, Park Director Aaron Burris, Director of Maintenance Donnie Meyer, Executive Assistant Denise McKee and Sports Complex Director Todd Miller. Public in person attendees include Dick Creger, Penny Creger and Tonya Newell.

II. Roll Call and Determination of Quorum

Roll Call was taken by Bryan Williams and all Park Board Members were present; therefore, quorum was verified.

III. Farmer's Market

A. Bryan Williams, opened discussions on this first topic on the Agenda. Williams commented that he believed that the Governor of Indiana answered the question as to whether the Farmer's Markets can be open this season. Williams also stated that he had asked Aaron Burris and Denise McKee if there was any formal agreement with the Farmer's Market and was informed that there was no such agreement in place. Further, Williams stated that the Town of Pendleton had thought an agreement was in place, yet apparently no agreement had ever been established. Williams then advised that the park staff was working on getting such agreement in place and that Aaron Burris had provided the Park Board Members a proposed vendor agreement for their review. Williams further commented that this Vendor Rules and Regulations Waiver was sent out by Aaron Burris today and asked the Park Board members if they have had a chance to review and have any questions and/or concerns. Williams also commented that he did have one question, specifically as to whether the Farmer's Market had their own legal entity and/or if there was one particular person in charge. Williams said that he had a phone call out on this and will need to address at a later date. For now, Williams asked the Park Board members if they had any questions regarding the Vendor Rules and Regulations Waiver that Aaron Burris distributed earlier that day. The following discussions took place:

1. Joshua Ring inquired as to the allowance of vendor vehicles at the market stating that the waiver indicated such vehicles would need to be spaced out every 10 feet from the centerline. Ring commented that he feels that all of the needs are adequately covered, however, wanted clarification as to the centerline. Aaron Burris replied that there should be markers painted on the roadway and if not already, park staff will make sure that this marking is done prior to the start of the season. Joshua Ring commented that if this marking is not already in existence, the park may need to get permission prior to marking the public road. Aaron Burris added that the park can also put our barricades to accomplish the same goal. Joshua Ring commented that he felt that the park would want to make sure it is clear as to the space limits.

2. Laretta Gray asked as to where the Vendor Rules and Regulations Waiver was obtained, such as from other Farmer's Markets. Aaron Burris replied that he looked at

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different vendors/markets and pieced together what terms were best for the park. Gray commented that the waiver looks great and looks as if all is covered.

3. Laretta Gray asked for confirmation of the start date of the market, that being June 6th. Aaron Burris replied yes and that per Tonya Newell, all Madison County Farmer's Markets plan to start the same day. Burris also commented that each individual vendor will sign and submit the waiver to the park. Further, the Farmer's Market group will need to fill out a Special Event Application through the Town of Pendleton with the police and fire departments signing off on the application and as a group will need to provide Certificate of Insurance as well.

4. Bryan Williams commented that he and the park are in full support of the Farmer's Market and will get all matters sorted out regarding the legal entity. However, Williams asked the Park Board members if they approved the Vendor Rules and Regulations Waiver. All members indicated that they approved the use of such waiver. Bryan Williams also added that a vote would not be necessary and that all are on board with the proposed terms.

IV. Opening of Park Facilities/Events

A. Fall Creek Golf Club: Bryan Williams stated that the opening of the golf course was addressed at last week's Park Board meeting and all is clear as to operating in compliance with the Board of Health.

B. Sports Complex: Bryan Williams commented that the Governor of Indiana has ordered that all recreational sports can resume June 14, 2020. Bryan Williams then asked Todd Miller as to the plans of Pendleton Junior Baseball League. Todd Miller replied that the Board of Directors are discussing if to play part of the season or if need to cancel the recreational league altogether. Todd Miller also added that there are pros and cons to this decision, especially considering the social distance and other guidelines that have been put into place. Miller further commented that they are concerned with 5 – 10 year olds having a difficult time with social distancing. Miller stated that PJBL will determine what they can and cannot do and what is the safest for the kids, players and parents. Miller acknowledged that they have 700- 750 playing at the Sports Complex at one given time. Miller advised that the President of PJBL will be having a zoom meeting with the Board of Directors to make the decision by this week or next so they can let everyone know. Miller stated that many are asking as to the status, but they are wanting to see what it would look like and also looking at other programs in the area. Miller stated that Mt. Vernon, New Palestine and Fishers have decided to cancel their recreational leagues for this year, but Yorktown is playing. Miller said that they will need to make sure they are comfortable with their decision and that he cannot speak on behalf of the Board of Directors. Miller projected that they will know more next week and plan to get information out to the public as soon as possible. Miller added that at this standpoint, they likely will not be holding due to the soonest start date of June 14th as well as running out of season time. Miller stated that they expect about 20-35% to drop-out due to concerns and will need to take all into consideration. The following discussions took place:

1. Bryan Williams asked Todd Miller if all of the tournaments on the schedule are still planning to be held. Todd Miller replied that the tournaments in July will most likely take place, but the April, May, and June are out. Miller said that the July 10th and 17th tournaments are still possible and will have to see what happens. Miller stated that individuals have signed up for these tournaments, but do not know what it will look like and if will work out to hold.

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2. Todd Miller stated that Indiana Baseball League, Men's League, only have two teams and spectators are not allowed; therefore, project to now start June 14th.

3. Bryan Williams commented that the question is that as a Park Board, if the Sports Complex is open, can the facility be rented. Williams stated that renting the facility would be okay so long as remain in compliance with all guidelines as set for the by the Governor of Indiana and the Board of Health. Brian Slick added that hopefully soon they will know more about the future of the programs.

C. Park Events: Bryan Williams opened the discussion by stating how he feels about the Sports Complex is the same as to how he feels about the Park Events. Specifically, Bryan Williams stated that as long as the events follow the guidelines as Governor Orders, the Park Board approves resuming the events scheduled in the park. Aaron Burris stated that from the park's standpoint, as long as the events stay in compliance and meet the requirements, the park can allow the events to take place. Bryan Williams asked the Park Board if there are any questions and/or comments. Dick Creger from Pendleton Lions Club commented that there has not been an official statement regarding the June Jamboree, yet that he had contacted Andy Luehrs from Luehrs' Ideal Rides whom advised that a phone call to the Governor of Indiana was soon to take place. Creger also stated that he has spoken with the State Board of Health and Aaron Burris and that no matter what comes of the call with the Governor, the Lions Club cannot proceed with the June Jamboree as originally scheduled in June due to safety and liability concerns. Creger added that they hope they can reschedule the event for later in the season, but the Luehrs are typically booked from mid-April to October each year. Creger advised that rescheduling will be difficult and completely up to the availability for the Luehrs. Penny Creger asked the Park Board for confirmation that they are following the Governor's guidelines. Bryan Williams confirmed yes. Bill Davisson commented that the Governor has amusement parks starting July 4th and not sure with the requirement of wiping down rides, etc how that could be done in June. Davisson further stated that he agrees with the decisions being made by the Lions Club.

D. Alvin D. Brown Memorial Pool: Bryan Williams commented that the Governor of Indiana has allowed the opening of community pools on May 24th and when saw this, was surprised. Williams added that with the crowd Brown Pool typically has, if open Memorial Day, cannot imagine that there would be a crowd large enough to break even. Bryan Williams stated that there are two (2) issues that need to be addressed: 1. Open Brown Pool or not?; 2. If the answer is no, the Park Board will then move to the Pendleton Swim Club proposal. Williams added that his initial thoughts are not to open to the public otherwise, considering all factors. The following discussions took place:

1. Laretta Gray stated that as for opening to the public, not to open on May 24th as originally scheduled, but if possible to work with Pendleton Swim Club (PSC), would like to leave open as could be a win-win situation if work with PSC. Gray further said that she does agree that not opening to the public on May 24th is best. Steve Wills asked Laretta Gray if she agreed that the park cannot open Brown Pool on May 24th. Laretta Gray replied yes, not on May 24th to the public as too complicated for the 24th – not a good situation. Gray further expressed that she thinks the park can think creatively and work with PSC and would like to keep open with the possibility to open July 4th to the public. Gray added that this is a time to look at other ways of doing things, depending on what the Governor says.

2. Bryan Williams asked if the park were to open the pool, how long is the process to open. Aaron Burris replied that it is a three (3) week process, including two (2) water tests to

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open the pool as well as cleaning and loading water and chemicals. Bryan Williams asked for clarification that if the park were to open the pool on July 4th, the opening process would need to start three (3) weeks before that date. Aaron Burris answered yes. Williams then asked the Park Board members as to their thoughts about opening the pool to the public before talking about the swim club. Brian Slick commented that he was in agreement and understands the good thoughts of Laretta Gray, but unsure how the park can have one and not the other.

3. Bryan Williams stated that he thinks the Park Board needs to breakdown the two (2) issues and address separately. Also, Williams commented that if the decision is yes to open the pool to the public, they the park does not have to pursue PSC's proposal right now. Yet, if decide to not open the pool, Williams asked if the Board wishes to consider the proposal from PSC.

4. Bryan Williams in addressing question #1 – Is the park okay with opening the pool on May 24th? Williams asked the members if they believed May 24th or Memorial Day is a good idea and/or feasible date? Steve Wills shared that he does not think the park should open on this date. Joshua Ring agreed that this date would not work. Jennifer Roberts commented no, but also wondered if it will cost over \$50,000.00 to open the pool. Laretta Gray stated that she thinks the park can have a win-win or win situation, if the park leaves its options open. Bryan Williams stated that the question is if it is possible to open Memorial Day and expressed feelings that everyone agrees that this will not happen. Laretta Gray asked if they needed a motion. Bill Davisson replied yes. Williams asked if he had a motion to not reopen the pool on Memorial Day weekend as usual. Steve Wills made a motion to not open Brown Pool as originally scheduled on Memorial Day Weekend; second motion by Laretta Gray, all in favor, approved by all. Bryan Williams in closing of this topic stated that the park will not be opening the pool on Memorial Day Weekend as scheduled.

5. Bryan Williams then moved to the second part of Pendleton Swim Club proposal as received. Williams stated that he has spoken with Aaron Burris earlier in the afternoon and in discussions as to what things will look like, Burris expressed his biggest concern is the cost of \$50,000.00 to get the pool open and uncertain that PSC realized how much it cost when they made the offer to cover all of the costs. Aaron Burris stated that his guess is that PSC did not know the actual costs. Joshua Ring asked if the park was expecting PSC to just cover the operating costs after the pool was opened at the cost of the park. Burris replied that the proposal states that PSC is to cover maintenance, chemicals and opening of the pool. Laretta Gray stated that if PSC covers the maintenance, chemicals and opening costs without locker rooms and also provides their own insurance, then she expects costs should be less than \$50,000.00. Further, Gray commented that should the park open to the public on July 4th, the PSC should not be looking at this much expense. In addition, Gray expressed her concern that should the building/facility sit empty, it will deteriorate and use of the building is a good thing that the park should consider. Bryan Williams added that there are some health concerns and need to reach out to other clubs regarding this concern and how they are addressing.

6. Bryan Williams stated that should PSC be fully aware of the costs and okay to take on, he is fine with the proposal. Laretta Gray commented that she does not believe it will cost this much. Gray also stated that with this option, the park would not be opening to the public during this time; therefore, should not have any staff costs. Aaron Burris commented yes. Gray commented that it sounds like a decent proposal, win for the park and eliminates some costs to the park with PSC doing some of the work and park not having the expense of concessions and restrooms. Bryan Williams asked Gray for confirmation that her thoughts is

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that the park incur some of the costs with the hope that the park can open to the public on July 4th. Laretta Gray replied yes. Gray further stated that she thinks this is a win situation at this point and may be a win-win situation – that this is not a wash and good public relations, trying to do something, thinking creatively. Gray also suggested that the park not open until July 4th, but acknowledged that there will be people wanting to get out and will cost us, but gaining public relations and service is what the park needs to do. Bryan Williams asked Gray if her thought that it is a risk we run and when July 4th comes, we open to pool to the public. Gray replied that she does not believe that the Park Board needs to make a decision to open on July 4th right now.

7. Aaron Burriss expressed his concern that if the park were to open on July 4th, that it may be difficult to find staff to cover the needs. Burriss further commented that the applicants may have already found other employment by then and tough to hire someone for only a three (3) to four (4) week timeframe. Burriss also asked where one would suggest that the park find help to open to the public this late in the season. Laretta Gray commented that she thinks the applicants will not find other jobs this summer. Bill Davisson commented that should other local pools not open, perhaps the park can pull staff from those pools. Davisson also suggested that in thinking out of the box, if the swim clubs were using the facility during the week only, perhaps the park can open the pool to the public on the weekends. Joshua Ring suggested the consideration that should the park open to the public, making it a requirement that PSC provide the necessary lifeguards. Laretta Gray commented this option would not be appropriate and feel that all will work out anyway.

8. Brian Slick commented that if PSC is to cover the maintenance/costs, the park will need to talk about lane rentals and if these other clubs can adequately share with these costs. Laretta Gray asked if the park is expecting PSC to have enough money to cover all of the costs. Joshua Ring stated that he did not feel that it is their intention to cover all of the opening costs. Bryan Williams commented that if PSC is thinking of the park to cover all of the costs, plus maintenance, that he is not okay with this proposal. Laretta Gray expressed the understanding that PSC was to cover all of the chemicals and opening costs per the proposal.

9. Bryan Williams stated that the question is whether PSC is expecting to use the facility after the schools are reopened and if not reopened, do they expect to keep using the pool as had been and therefore not allow the park to open to the public. Brian Slick commented that he thought that as of June 30th, the lane rentals would go away. Slick also raised concern about allowing the pool to be used for private use, but not allow the public to use. Laretta Gray made comment that had not PSC been allowed to use the pool in previous seasons. Aaron Burriss replied yes, but was only one swim club and would need approximately 10 hours of rental to cover the costs; therefore, would not have timeslot left for the public. Brian Slick asked if it would be okay to open for 2 months for swim clubs, but not to the public. Laretta Gray commented that she feels that PSC will be very considerate of the community.

10. Steve Wills asked about the \$50,000.00 and if it covers the cost to open only or open and maintain. Brian Slick commented that should one look at last year's operating budget of \$123,000.00 in pool expense, take out all miscellaneous expenses such as sales tax and food/beverage, it leaves about \$50,000.00, but unsure if this is to open only or for the entire season. Aaron Burriss stated that probably \$5,000.00 per month in chemicals -- \$6,000.00 per month for all maintenance costs, equally a total of \$18,000.00 for the season; therefore leaving \$32,000.00 of the \$50,000.00 to open the pool, not including utilities. Laretta Gray stated that with the lockers and concessions being down, she does not think it

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will be that high. Burris stated that he is completely okay with PSC's proposal so long as they are in agreement to manage the pool & facility 24/7; therefore, making it a good option.

11. Bryan Williams suggested that the park reach out to PSC and let them know of the estimated cost to open and seek their thoughts. Denise McKee stated that on the contrary, should the park find rental lane revenue projection a desirable number, would the park not want to consider renting directly to the swim clubs. Brian Slick commented that this is a good thought worth considering and appears many missing pieces to the PSC proposal. Joshua Ring asked if the park would want to rent the lanes and if the park is in the business to rent lanes to other clubs. Denise McKee replied that should the park decide to rent direct, the park can schedule out hourly sections just as PSC. McKee also stated that the Governor of Indiana Orders stated that all sport leagues and tournaments can resume June 14th and would want clarification if this would not apply to the swim clubs and not May 24th per their proposal. Laretta Gray commented that the guidelines state that community pools can open May 24th. Brian Slick stated that swim clubs are organized sport, but this seems to be a grey area. Joshua Ring asked if the park should broadcast to other swim clubs for lane rental. Laretta Gray commented that PSC would have all of the contacts.

12. Bryan Williams stated that it is his opinion that the park not open to the public on Memorial Day and that Aaron Burris reach out to PSC to go over the costs and go from there. Williams asked if the Park Board members were okay with this approach. Laretta Gray replied that she does not the park to miss a good opportunity – everything costs something and thinks the park needs to keep in contact with PSC as would likely be a win-win situation. Gray further stated that once a building sits, it is like a vacant house, it deteriorates.

13. Steve Wills asked the other Park Board members if the park should set a dollar amount to open the pool. Laretta Gray replied no and that she does not want to tell them 'no' right now as have a lot of 'ifs'. Brian Slick commented that if PSC has lane rentals, they may possibly be able to give back to the park, yet hard to have number as many details unknown. Bryan Williams stated that there is a lot of unknowns and not going to be able to decide tonight, but do know that the park is not opening the pool on Memorial Day Weekend. Laretta Gray asked when the park will have an answer for PSC. Williams stated that Aaron Burris will be talking to PSC the next day and hope to have an email out soon with update. Laretta Gray commented that she feels PSC is making effort and the park loses all of the time and a part of the community, one of our amenities and the park owes to the community to take the offer as a consideration.

E. Farmer's Market Continued: Bryan Williams announced that Tonya Newell, leader of the Pendleton Farmer's Market, arrived after the discussion of the Farmer's Market. Bryan Williams started out by saying that the Farmer's Market has the full support of Falls Park. Williams also stated that at last week's meeting, there was a question as to whether there was an agreement between the park and the market and learned that no such agreement has been in place. Williams also asked Tonya Newell if the group had a legal entity established. Tonya Newell replied that the Pendleton Farmer's Market has been around for a very long time and has been involved for thirty (30) years. Newell also stated that if one wants to be a participant, one must make the product and/or produce - have hands on it. Newell also stated that there has always been a Market Master with three (3) people serving on a Board. Newell stated that for the last three (3) years, she has not had anyone willing to help; therefore, has been doing all of the work. Newell stated that the group is not a nonprofit group and has not operated as a not-for-profit. Newell further commented that they do have bank account and give back to

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the park and to other charities. Bryan Williams asked if there were any kind of paperwork to establish the group as a LLC for the Farmer's Market or anything of that nature. Newell replied no and that they did not have a meeting last year nor this year with the restrictions in place. Bill Davisson asked the individual name that the bank account is under. Newell answered that the account is under her name. Davisson then asked if the account is under her social security number. Newell answered that the account is under her personal social security number. Additional discussions took place:

1. Joshua Ring asked how the market typically is ran in general, as a business or board. Tonya Newell replied that a lot of markets have huge sponsors in which Pendleton Farmer's Market does not, with many rules that vendors must follow. Joshua Ring asked who enforces these rules. Newell replied that she enforces the rules and that as a group they try to be as safe as possible for everyone.

2. Bill Davisson stated that the waiver that Aaron Burris put together is really good and as the group is not an official corporation, each vendor will need to sign this waiver. Davisson further stated that Burris will work with Newell to have each vendor fill out. Davisson also stated that group insurance still needs to be figured out to make sure that the park's insurance company is happy. Davisson said that the park will handle it this way and will make this work.

3. Steve Wills asked if the Friends of Falls Park could take this program over. Bill Davisson this could work so long as they want to own the program. Tonya Newell stated that she is not paid and would be open to the help.

4. Ana Blake asked if there were thoughts about the change of time of the market. Tonya Newell replied that it has been talked about before, but the farmer vendors usually like to get out of there before the afternoon as veggies and eggs do not do well later in the day. Newell said that the timeframe is up to the vendors and typically make this decision at the beginning of the season. Newell stated that she can ask if there is a nomination for a change in the hours.

5. Ana Blake asked Tonya Newell if she will have time to meet with the vendors before the start of the season. Tonya Newell replied that she doubts that she will have time as opening June 6th and have more than 25 vendors. Newell further commented that they will only be selling produce and essential items. Newell also said that they normally do not set up before Mother's Day and this year the second Saturday in May fell earlier. Newell expressed that it would be easier to add two (2) more weeks to the end of the season as is not worth risking things.

6. Laretta Gray asked Tonya Newell if she can get the waiver to all of the vendors. Newell replied yes. Gray added that she assumed that the park will need these waivers before the vendors can start. Bill Davisson commented that if they cannot get until the first day, that will be fine. Newell commented that she will be able to get them signed the first day.

VI. Meeting Adjournment

Bryan Williams asked if there was a motion to adjourn the meeting. Motion made by Laretta Gray, second by Brian Slick, to adjourn the meeting, all in favor, motion approved and meeting was therefore adjourned by Bryan Williams at 6:50 pm.