

October 2, 2014

The Common Council met as the Water Utility Board at 7:00 pm the above date in the Meeting Room at City Hall Annex with Mayor Tucker presiding and members Jeffries, Hoehn, Curtis, and Higgins attending. Board member Fuelling was not present. Others attending were Supt. Gray; Attorney Higgins; Chief Beloat; Chief Dixon; Supt. Givens; Mindy Bourne – Area Plan Commission; Ed Adams; Nancy Sexton; and Lois Gray – Posey County News.

Mayor Tucker called the meeting to order by stating members were either mailed or hand carried copies of the minutes of their previous meeting, as well as those of the Executive Session, and by asking if there were any corrections or additions. He added if not, he entertains a motion to waive their reading and to approve the minutes as presented.

Board member Curtis moved the reading of the minute be waived and they be approved as presented. Seconded by Board member Hoehn.

Mayor Tucker asked if there were was any discussion ?

There was none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Supt. Givens arrived at the meeting.

Mayor Tucker requested action on the claims presented.

Board member Higgins moved the claims presented be allowed for payment. Seconded by Board member Curtis.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker stated they will now hear the report of the Water Chairman.

Water Chairman Curtis stated he has no report.

Supt. Gray stated he has no report.

Mayor Tucker asked if there were any questions ?

There were none.

Mayor Tucker asked if the Clerk-Treasurer had any Communications for the Board ?

Clerk-Treasurer Sitzman replied not at this time.

Mayor Tucker asked if there were any Legals for consideration ?

Board member Curtis stated at the last meeting they discussed on line billing for water bills.

Attorney Higgins stated Supt. Gray made that presentation at their previous meeting and added she has given the Board the statute on the city's options. She then stated they can collect a convenience fee up to \$3.00 per transaction, and if they will recall they had also discussed purchasing equipment for the office to enable folks to come in the office to use the feature. She then stated she also believes the county has a convenience fee for property tax on line payers.

Board member Hoehn agreed that the County Treasurer does have that fee.

Attorney Higgins stated the Council could pass an ordinance concerning the convenience fee.

Supt. Gray stated they would need the convenience fee for those that would come in and pay at the window.

Board member Curtis stated he really has no strong opinion either way, and from what he understands, they will not need a lot of new equipment.

Supt. Gray agreed.

Board member Curtis stated if people pay by credit card it could end up costing the water department. Or, they could log in at the office with no fee and they can pay on the computer in the office at no fee.

Supt. Gray agreed.

Board member Curtis stated if folks wanted to swipe a card, they would need the equipment for that, and they may not need to fee.

Board member Hoehn stated he doubts they will see many walk in card swipers, and they can still drop checks at the window.

Board member Jeffries stated he sees more and more of people getting paid on pre paid debit cards, still it isn't a big issue.

Board member Curtis stated he does not like the idea of a fee.

Board member Higgins stated Vectren has a \$12.50 convenience fee.

Board member Curtis stated it always something they could add later, but he really hates to add that on now.

Supt. Gray added the 3% per transaction fee would be a hit for him.

Board member Jeffries stated they could always revisit this is a year or six months.

Attorney Higgins agreed but added if they do decide to add an official fee that will need to be included in the ordinance, though no amount will be listed in the ordinance.

Supt. Givens asked about folks not paying the full amount, can they make payments instead, or pay just a portion of the bill.

Supt. Gray replied yes and added they can also sign up to go paperless. He added he also checked on the \$300 limit. If someone did have a \$900 bill, they would have to make \$300 payments, three days in a row. This is information per the bank.

Board member Jeffries asked if this was just for residential customers ?

Supt. Gray replied yes and added mainly because of the \$300 per day limit.

Attorney Higgins stated so currently there will be no convenience fee and the ordinance will be presented at the next meeting.

Mayor Tucker asked if anyone in the Audience wished to address the Board ?

There was no response.

Mayor Tucker stated they are now ready for Old Business.

Board member Curtis stated they have been discussing plant improvements. JCI (Johnson Controls, Inc.) continues to work on the plans, and unfortunately some prices were coming in higher than what they believe they should be. He added they are now reworking the plans and should have final numbers soon to develop the final scope of work. He added they want to maximize the use of their current location or there is the possibility of adding another plant to the east of town. He stated they do not want to rush any of this as they want to get the best bang for the buck. Hopefully within a month they have the numbers and along those lines, Umbaugh is looking at rates – there are lots of things happening.

Mayor Tucker asked if there was any New Business ?

There was none.

Mayor Tucker stated if there was no further business, he entertains a motion to adjourn.

Board member Curtis moved the meeting be adjourned. Seconded by Board member Jeffries. Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously and adjourned the meeting.

John Tucker, Mayor

ATTEST:

Cristi L. Sitzman
Clerk-Treasurer

The Common Council met immediately following the Water Utility Board on the above date in the Meeting Room at City Hall Annex with Mayor Tucker presiding and members Jeffries, Hoehn, Curtis, and Higgins attending. Councilman Fuelling was not present. Others attending were Supt. Gray; Attorney Higgins; Chief Beloat; Chief Dixon; Supt. Givens; Mindy Bourne – Area Plan Commission; Ed Adams; Nancy Sexton; and Lois Gray – Posey County News.

Mayor Tucker called the meeting to order by stating members were either mailed or hand carried copies of the minutes of their previous meeting, as well as those of the Executive Session, and by asking if there were any corrections or additions. He added if not, he entertains a motion to waive their reading and to approve the minutes as presented.

Councilwoman Higgins moved the reading of the minute be waived and they be approved as presented. Seconded by Councilman Hoehn.

Mayor Tucker asked if there were was any discussion ?

There was none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker stated they will now hear the reports of the Standing Committees.

Street & Light Chairman Hoehn stated he has no report.

Mayor Tucker stated Comm. Dieterle was ill and asked if there were any questions ?

There were none.

Police & Dog Chairman Jeffries stated he has no report.

Chief Beloat stated he has no report.

Mayor Tucker asked if there were any questions ?

There were none.

Fire Chairwoman Higgins stated she has no report.

Chief Dixon stated he has no report.

Mayor Tucker asked if there were any questions ?

There were none.

Sewer Chairman Fuelling was not present.

Supt. Givens stated he has no report.

Mayor Tucker asked if there were any questions ?

There were none.

Mayor Tucker stated they have the Financial Report before them and any questions could be directed to Clerk-Treasurer Sitzman.

Mayor Tucker asked if the Clerk-Treasurer had any Communications for the Council ?

Clerk-Treasurer Sitzman replied not at this time.

Mayor Tucker stated they are now ready for the Legal portion of the Agenda.

Attorney Higgins stated the first item is a public hearing on the 2015 budget. She then asked if the hearing was duly advertized ?

Clerk-Treasurer Sitzman replied yes.

Mayor Tucker stated the time is now 7:23 pm and he will open the public hearing by asking if anyone in the audience wished to address the proposed budget, either for or against ?

There was no response.

Mayor Tucker closed the public hearing at 7:25 pm.

Councilman Curtis moved the Ordinance Establishing Appropriations and Tax Rates for the City of Mount Vernon for the Year Ending December 31, 2015, be passed on second reading. Seconded by Councilman Hoehn.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Jeffries – yes; Fuelling – absent; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Attorney Higgins stated the next item is the second reading of the proposed Ordinance Establishing Salaries and Wages for the Appointed Officers and Employees of the City of Mount Vernon for the Year Ending December 31, 2015.

Councilman Hoehn moved the ordinance pass on second reading. Seconded by Councilman Curtis.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Jeffries – yes; Fuelling – absent; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Attorney Higgins stated the next items comes from the Area Plan Commission and Mrs. Bourne is present this evening.

Mrs. Bourne stated this is an amendment to the consolidated zoning ordinance and it addresses a new item – residential storage structures. She then stated this would encompass things such as pole barns and garages on lots without a principle structure (residence), called accessory structures. In other words, people can not just have a garage without a house. She added Councilman Hoehn had concerns

for Mount Vernon as there are a lot of vacant lots that are too small for houses to be put back on. She added he feels this is needed in the city to allow these types of structures. She then explained that before anything could be put on a lot, they would have to get a Special Use, and they will only be allowed in Agricultural, RT, R-2, RM and R-3 Districts. They will not be allowed in other districts. She concluded by stating the Area Plan Commission passed this amendment on September 11 by a 7-0 vote. She then asked if there were any questions ?

Councilman Jeffries asked if any of the other jurisdictions have heard this yet ?

Mrs. Bourne replied the county heard it last week and approved it.

Councilman Jeffries questioned the special use, a single family residence...

Mrs. Bourne replied that wouldn't even be an option in that care – not allowed in subdivisions.

Attorney Higgins stated mobile homes area also excluded and at first, some of the smaller communities didn't buy into this, but everyone is comfortable with it now.

Mrs. Bourne agreed and added this amendment had taken quite a long time – they wanted it to be good before it came before the jurisdictions.

Councilman Hoehn added any that are already in existence will be grandfathered in.

Mrs. Bourne agreed and added this will be new and address things now going forward.

Attorney Higgins reminded Council that violations are different than ones that are being grandfathered in.

Ed Adams asked through the Redevelopment Commission they are attacking blight elimination and many homes are being torn down. What if a neighbor buys the lot adjacent to his property and puts a pole barn on it.

Mrs. Bourne replied they can do that currently.

Attorney Higgins stated they would have to apply for a Special Use.

Mayor Tucker added Mrs. Willis had addressed up to 90 properties that will either be repaired or torn down, and there could be another 25 properties coming down.

Councilman Curtis then moved the Ordinance to Amend the Zoning Ordinance of the City of Mount Vernon, The Town of Cynthiana, the Town of Poseyville and Unincorporated Posey County Chapter 153-Zoning code, Section 153.147-Use Unit 2-Area-Wide Special Exception Uses, 153.270-Definitions, Appendix A: Use Unit by Zoning District pass on first reading. Seconded by Councilman Hoehn.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Jeffries – yes; Fuelling – absent; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Attorney Higgins stated the final item is a Resolution of Temporary Loan to the Park & Recreation Department from COIT in the amount of \$10,000.00 as prepared by the Clerk-Treasurer.

Councilman Hoehn moved the Resolution pass. Seconded by Councilman Curtis.

Mayor Tucker asked if there was any discussion ?

Councilman Curtis stated they need to pass this and as they have said before, this is a recurring situation. He added cash flow may be a part of it, but he feels they need to meet with the leadership there and the Park Board, and review some operational practices – look at that maybe to try to resolve this. Obviously there are some issues there.

Councilman Hoehn agreed and added he spoke with Park Board President Ron Bennett and he is open to that. A lot needs to be fixed. He then wondered when there would be openings under the Park

Board and suggested they look at a new board for that group, replacements. He understands there are some health issues with some, etc and possibly they need to change up direction.

Councilwoman Higgins asked why they have to have their own special board

Attorney Higgins replied it is set up by state statute, not a local ordinance establishes the park board.

Councilman Jeffries questioned the Park Board minutes ? He asked if they are delivered to the Clerk-Treasurer's Office ?

Clerk-Treasurer Sitzman replied no.

Councilman Jeffries added he would like to see those minutes.

Councilman Curtis agreed and added he requests that they be furnished a copy of those minutes.

Councilman Jeffries agreed and added it will help to know what is going on there.

Mayor Tucker stated in reference to the Park Board appointments, they are staggered terms, and bipartisan, with four member appointed by him and one by the Circuit Court Judge. He added he believes Mr. Bennett's term is up at the end of this year.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Jeffries – yes; Fuelling – absent; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Clerk-Treasurer Sitzman added it will be numbered 14-19.

Councilman Hoehn stated for the record, he would like to see Mr. Bennett retained on that Board.

Maybe they could look at some youth baseball folks, or just some younger people – that would be a good pool to look at.

Attorney Higgins stated she had mentioned that maybe Umbaugh be retained to do a study and see if they have any suggestions. She added she is sure they would be happy to do that.

Mayor Tucker asked if anyone in the Audience wished to address the Council ?

Nancy Sexton approached and stated she has some questions – are Park Board meetings open to the public ?

Mayor Tucker replied yes.

Ms. Sexton stated Attorney Higgins indicated their board was set up according to state statute – does it HAVE to be separate from the Council ?

Attorney Higgins replied yes.

Ms. Sexton questioned the Park Budget – they are going over budget....

Attorney Higgins and Clerk-Treasurer both replied they are not over budget, they are out of cash. A cash flow issue – more going out than coming in.

Ms. Sexton stated in other words, they do not anticipate making money.

Mayor Tucker replied that is true.

Ms. Sexton asked if Council can make suggestions on their budget ?

Councilman Hoehn replied it is their budget, which they create and submit based on Council recommendations. It is a mix.

Ms. Sexton asked who Ruth Fulwider is ?

Councilwoman Higgins replied she is the pool manager and community center director.

Ms. Sexton stated the article in the Democrat is confusing.

Councilman Hoehn stated folks need to be careful with that article.

Attorney Higgins agreed and added get the facts.

Ms. Sexton questioned skateboarding in Riverbend Park – the signs prohibiting it have been stolen. She added these aren't little children skateboarding, they are teenagers. There are cracks in the sidewalk already. She admits it is great exercise, but that is brand new concrete, don't break it up.

Attorney Higgins suggested even if the signs are gone, there is still an ordinance prohibiting that and she should call dispatch when she sees them there.

Mayor Tucker stated he will be meeting with some young skateboarders to see what everyone can work out.

Ms. Sexton next asked about Main Street tree trimming – who would she contact ?

Mayor Tucker replied St. Comm. Dieterle.

Ms. Sexton stated in reference to the sign at Riverbend Park – she understands that has been paid for already ?

Clerk-Treasurer Sitzman replied not yet.

Mayor Tucker stated the city has appropriated up to \$17,000 towards it.

Ms. Sexton stated she would rather give that \$17,000 to the Park & Recreation. She then wondered if it was too late to possibly change the location ?

Councilwoman Higgins stated she is hearing that a better location for the sign would be at the new police and fire station.

Mrs. Bourne added they would have to go through the zoning process again to change location.

Councilman Jeffries added that Friends of the Park may not want to pay their share of the sign if the location is changed.

Mayor Tucker added that the Park & Recreation is in charge of maintenance on the sign.

Councilman Jeffries stated location was discussed at the Board of Works meeting and one concern to him at the time was the light it gives off but they were told that it can be programmed to shut off at a certain hour.

Ms. Sexton replied that is not an issue. She added she can't imagine that it won't be vandalized.

Mayor Tucker asked if there was any Old Business ?

Councilman Hoehn stated he saw today where there are forms laid out by the crossing on W. 4th Street – it looks like the equipment is coming in.

Councilman Curtis agreed and added Lower New Harmony Road crossing will also be fixed after the 4th Street crossing is fixed. Work should start on October 20.

Mayor Tucker asked if there was any New Business ?

There was none.

Mayor Tucker stated they will now hear the reports of the Districts.

1st District Councilman Jeffries stated they had a presentation at the Board of Works today concerning erosion at Riverbend Park. Friends of the Park have been in contact with the Indiana DNR for strategies to that under control.

2nd District Councilman Fuelling was not present.

3rd District Councilman Hoehn stated he has no report.

4th District Councilman Curtis stated they are fixing the railroad crossing at Lower New Harmony Road.

Councilwoman-at-Large Higgins stated she has no report.

Mayor Tucker stated there may be a big press conference October 17 at 10:00 am – location to be announced. He then stated if there was no further business, he entertains a motion to adjourn.

Councilman Jeffries moved the meeting be adjourned. Seconded by Councilwoman Higgins. Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously and adjourned the meeting.

John Tucker
Mayor

ATTEST:

Cristi L. Sitzman
Clerk-Treasurer