

May 12, 2016

The Common Council met as the Water Utility Board at 7:00 pm on the above date in the Meeting Room at City Hall Annex with Mayor Curtis presiding and members Williams; Hoehn; Johnson; and Higgins attending. Board member Jeffries was not present. Others attending were Attorney Higgins; Supt. Gray; Chief Alldredge; Chief Dixon; Kyle Haney; Nancy Sexton; Jeff Woodford; Paul Rudibaugh; Randy Adams; Jennifer Ladiner; Boy Scouts from Troop 397; Corey Woolsey – Mount Vernon Democrat; and Pam Robinson – Posey County News; and arriving during the meeting, Asst. St. Comm. Miller.

Mayor Curtis called the meeting to order by stating members were emailed copies of the minutes of their previous meeting 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 Williams moved the reading of the minutes be waived and they be approved as presented. Seconded by Board member Higgins.

Mayor Curtis asked if there was any discussion ?

There was none.

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

Mayor Curtis requested action on the claims presented.

Board member Johnson moved the claims presented be allowed for payment. Seconded by Board member Williams.

Mayor Curtis asked if there was any discussion ?

There was none.

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

Mayor Curtis stated they will now hear the report of the Water Chairwoman.

Chairwoman Johnson stated she has no report.

Supt. Gray stated they continue to flush the distribution system and some folks may notice discolored water. He then stated on May 19 there is an IRWA seminar in Huntingburg, including a leak repair contest. He added he will taking some of the guys up to enter this contest as he feels they have one of the best leak repair teams in the state. He concluded his report by stating they will also begin replacing the 10th Street water main from Canal to Harriet.

Chairwoman Johnson moved permission for Supt. Gray, and the leak repair team, to attend the seminar be given, as well as use of the city vehicle. Seconded by Board member Hoehn.

Mayor Curtis asked if there was any discussion ?

There was none.

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

Mayor Curtis asked if there were any questions ?

There were none.

Mayor Curtis asked if there were any Legals for consideration ?

Attorney Higgins replied she has none.

Mayor Curtis asked if anyone in the Audience wished to address the Water Utility Board?
Asst. St. Comm. Miller arrived at the meeting.

Supt. Gray stated he has a request for a tie-in from the Posey County Coroner's Office, which is being built behind the jail.

Attorney Higgins stated they will need water agreement, the standard for all those wanting to tap outside the city limits. Normal protocol that is also required by State Board of Accounts.

Board member Williams moved permission for the tie-in be given, pending the completion of all required paperwork. Seconded by Board member Hoehn.

Mayor Curtis asked if there was any discussion ?

There was none.

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

Mayor Curtis asked if there was any Old Business ?

There was none.

Mayor Curtis asked if there was any New Business ?

There was none.

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

Board member Hoehn moved the meeting be adjourned. Seconded by Board member Higgins.

Mayor Curtis 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.

Bill Curtis, 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 Curtis presiding and members Williams; Hoehn; Johnson; and Higgins attending. Councilman Jeffries was not present. Others attending were Attorney Higgins; Supt. Gray; Chief Alldredge; Chief Dixon; Kyle Haney; Nancy Sexton; Jeff Woodford; Paul Rudibaugh; Randy Adams; Jennifer Ladiner; Boy Scouts from Troop 397; Corey Woolsey – Mount Vernon Democrat; and Pam Robinson – Posey County News; and Asst. St. Comm. Miller.

Mayor Curtis called the meeting to order by stating members were emailed copies of the minutes of their previous meeting 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 minutes be waived and they be approved as presented. Seconded by Councilman Hoehn.

Mayor Curtis asked if there was any discussion ?

There was none.

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

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

Asst. St. Comm. Miller stated he has no report.

Street/Light Chairwoman Higgins stated she has no report.

Mayor Curtis asked if there were any questions ?

There were none.

Chief Alldredge stated he has no report.

Police & Dog Chairman Jeffries was not present.

Mayor Curtis asked if there were any questions ?

There were none.

Chief Dixon stated he has no report.

Fire Chairman Hoehn stated he has no report.

Mayor Curtis asked if there were any questions ?

There were none.

Mayor Curtis stated Acting Supt. Moss was out all night and he therefore excused him from the meeting.

Sewer Chairman Williams stated he has no report.

Mayor Curtis asked if there were any questions ?

There were none.

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

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

Clerk-Treasurer Sitzman replied not at this time.

Mayor Curtis stated they are now ready for the Legal portion of the Agenda, possible first reading of An Ordinance Addressing Chronic Problem Real Properties Within the City of Mt. Vernon, IN.

Councilman Williams asked if Attorney Higgins was in contact with the Fair Housing folks ?

Attorney Higgins replied she contacted the local housing authority as well as the Vanderburgh County Attorney, who sent a HUD pamphlet to her. She added she shared that pamphlet with Councilman Hoehn.

Councilwoman Higgins stated she would like to wait for Councilman Jeffries to be present since he is on the committee.

Councilman Hoehn asked the Council if they still have issues with the ordinance, since it was just amended ? He added after the last meeting, Attorney Higgins amended the ordinance to address their issues.

Councilwoman Higgins stated what if people move around a lot, and have the same landlord ? They get their three calls, then move, does that mean they start over ?

Councilman Hoehn replied yes.

Attorney Higgins stated they really need to put a motion on the floor before they have discussion.

Councilman Williams moved the ordinance pass on first reading. Seconded by Councilman Hoehn.

Mayor Curtis asked if there was any discussion ?

Councilwoman Higgins asked if someone has the same landlord, but they move around from house to house, in the same year, and have three or four calls....will they get a clean slate all over again each time they move ?

Attorney Higgins replied yes. She added in Evansville's ordinance they are more proactive. They keep track of that and they are put on a list for a year and the police department can file for eviction. Our city is NOT getting in the landlord business.

Councilwoman Higgins added that the landlord will be taking a gamble then keeping them on as tenants.

Councilwoman Johnson stated if someone is on Section 8 and they are evicted, they lose their Section 8. She added she talked to several people and done quite a bit of research on this. She stated her concern is that Council hurries and passes this and it isn't correct and can't be enforced. Council needs to make sure all the T's are crossed and I's are dotted before this is passed. She stated the police department made a total of 6700 calls in 2015, 384 were at Southwind Apartments. There is a new property manager there and she has made a big difference so far. She then stated she doesn't want residents to be afraid to call 911. But, that is the nature of the beast.

Councilman Williams stated they will never have the answer to this, he agrees with Councilwoman Johnson. They need a good ordinance that folks can follow. He then stated he wants to get this issue fixed. He then stated he keeps hearing that Council is "going after" Section 8, and that is not true.

Councilman Hoehn added there is a nuisance problem, and they are not "going after" any one section of town, in fact, there are three repeated problem areas.

Councilwoman Johnson asked if they could have a trial period with this ordinance ?

Attorney Higgins replied not really. Once it is passed, it can be reviewed and/or repealed at anytime.

Councilman Hoehn stated this ordinance comes from another city's ordinance, so it does work. He then stated he has spent over a year working on the draft ordinance they have before them.

Councilman Williams stated he would like more time to review it. He would also like to get the police department more involved in actual policing.

Mayor Curtis replied they have gotten more involved and stepped up enforcement, as well as looking at problem areas. He would also like to see community policing as well as policing.

Councilman Williams stated the police department knows this is on folks minds.

Mayor Curtis added they have been working a solid year and a half to two years on this as a committee. He then stated he would like to see what the trend is – the 300 or so calls.

Councilman Hoehn stated that is what was initially reported yes. But not all of the 300 were nuisance calls, and as such, were not logged, so they really do not have a strong number.

Mayor Curtis again stated he is interested in the trend. He realizes that James Street pays for additional off-duty officers to be there, but again, he would like those numbers. He believes

Councilman Jeffries is working on that.

Councilman Hoehn stated if the trend is up or down doesn't matter. This ordinance may never trigger.

Councilman Curtis agreed but added numbers never hurt. Numbers will follow people, leading to evictions. He stated if he is a landlord and has a tenant that causes trouble, and he evicts them, then he has done his part. Does that mean the number goes away ?

Councilman Hoehn this was never intended to go after individuals – it is the address that is becoming a nuisance.

Mayor Curtis stated he doesn't want to debate this with Councilman Hoehn, but asked that he continue. He added if they are wanting consequences, and the landlord is taking action, isn't that a consequence ?

Councilman Hoehn stated the Board of Works is the final authority on if a call is valid or invalid.

Attorney Higgins added they number of calls is reset after 90 days.

Chief Alldredge left the meeting.

Attorney Higgins stated she put an appeals process through the Board of Works in the ordinance, meaning if someone wants to appeal that they are the actual owner of a property, or to contest complaints.

Councilman Williams stated they are putting everything on the owner and not the tenant. Where is the incentive to solve the problem in reference to the tenants ? Arrest ?

Councilman Hoehn stated the committee never looked at this with the intent of getting in the middle of the landlord/tenant relationship. Take for example Kramers Lake – back in the day they had music and parties and over the years they grew and grew until it became a nuisance. The city is tying up manpower and assets to the tune of \$125/hour making these nuisance runs.

Ms. Ladiner interjected that the numbers they are throwing out are incorrect.

Councilwoman Johnson questioned commercial properties. If they have five shoplifting cases, is a report filed ?

Councilman Williams stated this ordinance does not apply to businesses.

Councilman Hoehn agreed and added businesses are open to the public, they are talking about private residences.

Councilwoman Higgins asked if Councilman Hoehn feels good about this ordinance ?

Councilman Hoehn replied it isn't perfect but it is a good starting point. He added he talked Mr. Angel and Mr. Alldredge about it and they feel they can do this and start logging calls. He stated it is the only rational step to take. He then stated his neighborhood is more comfortable and some folks in town are not getting what he is getting with being comfortable in their neighborhoods. All residents should be protected equally and right now, there is an imbalance. Again, this ordinance it not perfect, but it is a step in the right direction and holds legal ground as is.

Councilwoman Johnson stated there is a different demographic they also need to keep in mind. They won't know until they try.

Councilman Hoehn stated people make mistakes, there is a little allowance in the ordinance for that.

Councilman Williams stated he has had parties at his own house that have gotten out of control pretty quickly – some when he was home, others when he wasn't. They aren't really talking about that, they are trying to go after the hard core cases and get them out of here.

Councilman Hoehn stated he would like to see NO calls, no fights in the street.

Mayor Curtis asked if anyone in the audience wished to address the Council about this ordinance ?

Jennifer Ladiner stated she is the manager at Southwind. Is their complex perfect ? No. she would really like Councilman Hoehn to stop saying 300 calls in a two year period. That is not true. It would be 300 for ALL calls, not nuisance calls – including medical calls, etc. She again asked that Councilman Hoehn stop using that number. If residents do not follow their lease, they are dismissed.

Councilman Williams asked if she logs calls ?

Ms. Ladiner replied no, but she feels they are down. She stated she feels that they have a target on their back. She wants to provide a safe, comfortable place to live, but feels they are being unfairly targeted.

Councilman Williams stated he can see why she feels that way, but they are not doing that.

Ms. Ladiner questioned Councilman Hoehn that if there are five calls made, the police get there and the suspects are already gone...how is this ordinance going to change that ?

Councilman Hoehn replied that is the problem now. He added there were 300 calls in a 10 month period.

Ms. Ladiner stated Councilman Hoehn is misrepresenting that.

Councilman Hoehn stated he said ALL calls, not just nuisance calls.

Ms. Ladiner replied tonight is the first time he made that distinction. She added everyone in the room tonight grew up differently and some of these folks won't be snitches. If they don't want to snitch, they won't. She stated she doesn't know why this is a landlord issue, some of the things that are going on are parenting issues. Why hold a landlord responsible for the actions of others ?

Councilman Hoehn replied because landowners have been responsible for what happens on their property for the last 200 years. Again, he referenced Kramers Lake.

Ms. Ladiner stated she called about a nuisance neighbor shooting a gun and she was told nothing could be done about it.

Councilman Hoehn stated if they were in the county that is true, but no one can fire a gun in the city limits period.

Attorney Higgins stated a written report need to be made for it to count.

Mayor Curtis stated Chief Alldredge says they will write up an incident report if they see something going on. If the police arrive and everyone is gone, they can not write up a complaint. He then cited neighbors not liking each other and calling in constantly on each other. That is going on now and it happens frequently.

Ms. Ladiner agreed.

Councilman Williams stated he grew up in the Evansville projects in the 1960's and he has been a victim of that. In fact, he added, his sister is a master of this. It happens.

Ms. Ladiner stated in reference to an incident or a criminal report, sometimes people just have a misunderstanding. Can it get loud ? Yes. They are not fighting, but now they have created an incident report.

Mayor Curtis replied that Ms. Ladiner's tenants get irritated with their neighbors, just like we all do. It's tough.

Councilman Hoehn stated he doesn't see this as hard. There are unwarranted calls to Child Protective Service (CPS) going on now. How is this valid to the discussion ?

Mayor Curtis agreed it happens.

Councilman Hoehn stated they can't stop the world. There are laws for false calls.

Councilman Williams stated it is hard to prove.

Councilman Hoehn replied it is what it is.

Attorney Higgins stated victims were mentioned...the Council is not trying to make people fear calling 911 for their safety. Especially in the case of domestic violence.

Councilman Hoehn stated folks have left their neighborhoods because of this. So far, the city has been all talk and no action on this issue. He added they need to step off center. Mount Vernon is in trouble and the citizens deserve better than not doing this.

Mayor Curtis agreed that all citizens deserve to be safe.

Councilman Williams agreed and added that he is not scared to step off center, but he doesn't want to jump off with both feet. The landlords aren't the ones actually causing the problem – the tenant needs to be responsible too.

Councilman Hoehn stated that is between them. Landlords are responsible when it comes to utilities.

Councilman Williams replied that is money, not actions.

Councilman Hoehn added it is the same thing.

Mayor Curtis stated they also have the case of family members calling in on other family members to get even over something. Who deserves the consequence ?

Councilman Hoehn stated the police can that make that call, if it is even a viable complaint. They can do that by means of their education and experience. It is the officers' call.

Mayor Curtis stated the police can and do make timely responses – nothing is going on when they get there so it doesn't count.

Councilman Hoehn agreed. He then stated they have a built in referee in the form of the officer. He added at least the city will be doing what it can as a city to make this fair, honest and effective.

Mayor Curtis stated he would like to see the number of actual criminal calls, and he bets it won't be 300.

Councilman Hoehn replied does that mean that 150 is ok ?

Councilman Williams stated he would like to see the trend.

Councilwoman Johnson stated in 2013 the total number of calls to the James Street/Vine Street area was 364 – just police calls. In 2015 there were 313 total.

Councilman Hoehn stated he doesn't believe the calls are broken down. The data was not collected for good delineation.

Mayor Curtis stated that's why they can't put a number on it.

Councilman Hoehn stated this ordinance will start the process.

Councilman Williams stated this will cause an increased workload for the police department.

Councilman Hoehn agreed and added money has been allocated for that. He has talked with the police department and they have plans in place. This is also a good time of year to get this going as more and more people are out and about.

Councilwoman Johnson asked if this passes first reading tonight, and then second and third and becomes an ordinance, can it be amended at any time ?

Attorney Higgins replied yes.

Councilman Williams stated it may also need to be reviewed every six or nine months.

Kyle Haney approached and stated he lives at 403 W 8th Street. He is in support of this ordinance, if it is done correctly. There is a real problem in Mount Vernon that needs addressed. He stated if he is out in his yard working, he can not leave his garage door up for even a minute to run into the house. No one should feel like that. Landlords should have some accountability, they have a contractual agreement and can do something about it. He added he has done some research on the effects of an ordinance of this type. South Bend has a population of over 100,000 and they have eight properties on their nuisance list. He stated he would hope Mount Vernon wouldn't even have that many. He stated South Bend does an excellent job of putting data out there on their ordinance. He added he has many friends at work and from school and when he asks them why they don't live here they say it is because problems don't get solved. There is crime here and they don't feel safe here.

Councilman Hoehn stated the counting of incidents stops if the landlord is moving forward on action, if they are making steps in that direction. He added they need to sort this out and solve this.

Mayor Curtis stated South Bend has a model program.

Mr. Haney stated their ordinance is working, it is curbing issues at problem properties and having a positive impact. Council needs to do this correctly. There is a real problem in this city regardless if they pass this or not. People deserve safety and to be outside and have things without fear of them being stolen.

Councilman Williams stated from the economic development side he can assure folks that they know the issues and they need help. They need neighborhood watches, etc. and for people to get involved.

Mr. Haney replied he will help and get involved. The landlords don't pay attention and don't have a clue what is going on at their properties. It is just a check to them.

Councilman Williams stated those are the landlords they are going after. They don't want to penalize the good ones.

Councilman Hoehn agreed and added this ordinance won't come into effect with the good landlords, once the word gets out. They can also write this ordinance into their contracts.

Mayor Curtis stated if there was no other discussion, there is a motion and a second on the floor to pass on first reading.

There was no discussion.

Mayor Curtis requested a roll call vote.

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

Jeffries – absent; Williams – yes; Hoehn – yes;

Johnson – yes; Higgins – yes.

Mayor Curtis stated the motion carried unanimously.

Attorney Higgins added there are two more readings so if anyone has any questions or anything they would like to see added or changed, get with Councilman Hoehn or herself.

Attorney Higgins stated the next item, a much friendlier item, is a Resolution Establishing a LOIT Special Distribution Fund and Directing the Deposit of the One-Time Special LOIT Distribution. She then asked the amount of the distribution they received.

Clerk-Treasurer Sitzman replied \$510,000.00.

Councilman Hoehn moved the Resolution pass. Seconded by Councilwoman Johnson.

Mayor Curtis asked if there was any discussion ?

There was none.

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

Clerk-Treasurer Sitzman added it will be numbered 16-7.

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

There was no response.

Mayor Curtis asked if there was any Old Business ?

Councilman Williams asked if, considering their main topic this evening, any effort is being made to find grant money on these nuisance issues.

Mayor Curtis replied the police department is aware and they are constantly looking for grants. They get announcements on that kind of thing and are constantly looking.

Mayor Curtis asked if there was any New Business ?

Councilwoman Higgins stated they have a Scout Troop here tonight. They picked an exciting night to come and observe.

Mayor Curtis agreed and added they have seen folks agree, disagree, and agree to disagree. He thanked them for coming.

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

1st District Councilman Jeffries was not present.

2nd District Councilman Williams stated he has no report,

3rd District Councilman Hoehn stated they had a good rain last night and he is happy to report that the west side area had no puddles. He added he was pleasantly surprised. That rain was a major hit, but the work done there stands up. It is one of the better projects they have done.

Mayor Curtis stated Asst. St. Comm. Miller and the Street Department took corn stalks out of the storm drains down there.

4th District Councilwoman Johnson stated she would like to thank everyone for their support of the Water Street Wine Fest. She added she really appreciates it.

Councilman Williams added Councilwoman Johnson and her staff should also be commended.

Councilwoman-at-Large Higgins stated on May 21 Cabelas will be having a national fishing tournament here. She added she knows of a team coming in all the way from Florida to compete. Should be a great event.

Mayor Curtis stated he has been getting complaints about storm drains being clogged up with grass clippings and such. No one should blow their grass into the streets, it goes directly to the storm

sewers. He asked that folks do what they can to help enforce this. It is Ordinance 97-10, the littering ordinance. If someone sees this happening, remind folks that this is an ordinance violation and if there are repeated warnings, a citation will be issued.

Councilman Hoehn stated they may need to take a look at that ordinance since the city tells folks to stack their leaves in the street in the fall for the leaf vac.

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

Councilman Williams moved the meeting be adjourned. Seconded by Councilwoman Johnson.

Mayor Curtis 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.

Bill Curtis, Mayor

ATTEST:

Cristi L. Sitzman
Clerk-Treasurer