

June 16, 2020

The Mooresville Town Council met in regular session on Tuesday, June 16 th at 6:30 P. M. at the Mooresville Government Center.

Council members physically present were, Council President Shane Williams, Councilman Tom Warthen, Councilman Jeff Cook, and Councilman Dustin Stanley. Councilwoman Jessica Hester was present via telephone. Town attorney Chou-Il Lee was present.

Councilman Warthen gave the prayer.

A motion was made by Councilman Stanley to approve the minutes of the June 2, 2020 meeting and seconded by Councilman Warthen. Motion Carried 4-0, Councilman Cook abstained from the vote.

**Unfinished Business –**

Summer Sewer Rate Program- Scott Miller from Baker-Tilly presented the analysis of the rate study, and how it would affect the rates. It was determined that to implement the summer usage program by using an average of the winter usage, and there would be a revenue reduction of about \$17,400, which he believes could be absorbed without any further adjustment to proposed rates. He mentioned to the Council to be mindful of the administrative processes that would be needed in order to implement the summer rate option. Councilman Warthen asked if this could be specified for residential use only, and Town attorney Lee affirmed that it would be possible to adopt an amendment. Councilman Warthen asked about building a stopgap from the Food and Beverage Fund to cover the potential shortfall, Scott mentioned that it might be prudent to wait and see what additional funds may be needed to make the necessary improvements. The Council will need to discuss and determine the process by which the waivers would be issued. Town Attorney Lee said that this would need to be enacted by ordinance.

John Earhart presented himself before the Council in support of the summer rate program but mentioned that September should be included in the summer rate program, making it four months rather than three months. He thanked the Council for finally taking the time to act on this issue.

Lester White presented himself before the Council to express his support of the action.

Pam Melbourne presented herself before the board to talk about her specific bill and how not having a summer program affects her specifically.

Councilman Warthen made a motion to move forward with an ordinance addressing the Summer Sewer Rate. Councilman Stanley seconded. Motion carried 5-0

Innovative Performance Technologies LLC Tax Abatement Public Hearing. This would create the tax abatement on personal property of Innovative Performance Technologies LLC. Council President Williams opened the public hearing. There were no public comments at the hearing. Councilman Warthen moved to close the public hearing; Councilman Stanley seconded motion. Motion carried 5-0 Councilman Stanley made the motion to approve Confirmatory Resolution 7-2020 and Councilman Cook seconded. Motion carried 5-0

Gateway Maintenance Bids - Dave Moore spoke about the bids that were gathered for the maintenance of the Gateway. Only one bid was submitted, it was a joint bid from Parks Outdoor Maintenance and Justin Grounds Quality Lawn Care. There were two parts of the bid part A was for SR 67 Gateway for mulching, hedging, bed maintenance, turning the mulch three times a year, irrigation totaling \$66,595. The B section is for the beds on South Indiana Street, clean up mulch turning bush trimming, fall and spring cleanup \$9,070 for the first year. Stephanie Parks with Parks Outdoor Maintenance and Justin Grounds from Grounds Quality Lawn Care were present at the meeting to explain the bid that was submitted. This bid would be a joint effort to take care of the North and South Gateway, Torch Island and South Indiana St. total comes to \$75,665. This bid includes the clean up as there is a lot of work to be done to bring the beds back to a good status. There are approximately 1.5 acres of mulch beds. The continuing cost may be less going forward, but there is a tremendous amount of work to do to get the beds cleaned up and mulched. Justin Grounds mentioned that Dan with Forrest Commodities gave a discounted rate to be able to have his mulch used in the beds. Justin and Stephanie discussed the things that need to be fixed and updated to bring the beds up to par as well as the maintenance that would be required going forward. Councilman Stanley made a motion to take the bid under advisement and have

Dave Moore look at it and review that the specs match up. Councilman Warthen seconded. Motion carried 5-0.

Mooreville Kids Children's Fund -Town attorney Lee gave an update on this and stated that \$30,376.13 had been deposited into this fund. It was determined by Mr. Mathis to consolidate the fund. The entirety of the account was deposited into the public fund for the Children. Town Attorney Lee expressed that he believed this was the best outcome for this situation. Councilman Cook thinks this is a good outcome, and stated the program will continue. Councilman Williams expressed concern that there was a lot of money designated for kids that was not used on kids and he asked about restricting the fund to a certain amount spent each year for the program. Town Attorney Lee said that that stipulation was not built into the ordinance, but that it is a non-reverting fund and can only be used for this purpose. Chief Julian explained how the kids are chosen for the program and what the funds are used on. Council President expressed concern that there are no limits put on this fund other than what it can be spent on. There were no public comments.

655 State Rd 267 Sewer Hookup - Mike Cottrell presented himself before the board to request permission to hook into the city sewer system at his residence due to a failing septic tank. He is already using Indiana American water and they would like to hook into the sewer system. There was some discussion on the process that is needed to be followed to allow this. Mr. Cottrell, Mr. Moore and the Council discussed the various options that that may be available to allow Mr. Cottrell to be able to hook into the sewer system. Town Attorney Lee wanted to make sure that everyone understood that any lateral off the main is the homeowner's responsibility. To allow for more time to explore the feasibility of this project this item was tabled until the next meeting.

#### **New Business --**

Line1 (Division of Mestek, Inc.) CF-1 The compliance statement has been presented to the Council for a tax abatement consideration. There was some discussion on if the CF1 submitted covered all of the tax abatements for this company. Town Attorney Lee will be conducting more research on this CF1. This item was tabled until the next meeting.

Additional Appropriation -- Public hearing opened by Councilman Warthen, seconded by Councilman Stanley. Motioned carried 5-0 Clerk-Treasurer Dianna Wamsley ask for additional appropriation for \$126,555.00 for the purpose of constructing a new street department garage. There were no public comments during the public hearing. Councilman Warthen made a motion to suspend the rules to be able to approve Ordinance 8- 2020 on the first reading. Seconded by Councilman Cook. Motion carried 5-0 Councilman Warthen made a motion approve Ordinance 8-2020 on the first reading. Seconded by Cook. Motion carried 5-0. Councilman Cook made a motion to close the public hearing. Motion was seconded by Councilman Stanley. Motion carried 5-0.

ISI Contract - Ken Elliot came before the Council to present the contract for signatures for Phase 1 of the Southside Sewer Project. Town Attorney Lee had read over and approved the contract. Councilman Warthen made the motion to approve the ISI Contract for \$2,210,000 to begin construction. Councilman Stanley seconded. Motion carried 5-0

#### **Department Head Reports --**

Police Department FMLA -- In the absence of the FMLA paperwork from the doctor the FMLA was tabled until the next meeting.

Chief Julian gave an update on the new cars and the status of the pool cars. He requested to be able to keep the four current vehicles in the pool. There was some discussion of the condition of the vehicles, and the uncertainty of the budget for next year to be able to purchase more cars next year. Chief Julian mentioned that he might need additional radios, but the equipment for the four new vehicles has already been bought and paid for. Chief Julian also presented reports for the Council to review in anticipation of a request for some computer and server replacements and upgrades for the police departments. Chief Julian gave an update on the upgrade and repair of the tornado sirens. He also gave an update of the hiring process restarting after the COVID-19 emergency.

Councilman Cook had a question on the hiring process for legal in the case a family member of

the chief wanted to apply to the Police department would it be allowed under the state nepotism statute. Town attorney Lee affirmed it would be permitted under the state statute, but it would not be allowed under the current town ordinance as it is stricter than the state statute.

To change the Nepotism Ordinance, an amendment would have to be passed. Councilman Cook expressed his desire to bring the town ordinance in line with the state statute. Chief Julian son has applied to become an officer in the Town of Mooresville. Chief Julian said that he has nothing to do with the hiring process and Chief Kays is solely handling the hiring, interviewing, and initial screening of potential officer candidates.

David Moore from the street department reported on the current activities of the street department. He thanked the Council for considering the possibility of bringing in professional landscapers for the Gateway. Councilman Warthen expressed concern about a newly installed guardrail at Indiana and Washington. Council Williams stated that a guardrail had been requested at that location, and because some materials were leftover from the project on Franklin they were able to install that guardrail.

Council President expressed concern over not having the wastewater treatment department head present to give a report.

**Legal --**

Town attorney Lee gave an update on Mr. Clark's request for an easement on property has been determined to have an easement, but the use of which will be a personal matter between Mr. Clark and that property owner. The other parcel of land, however, is land locked and would have a right to an easement by necessity. Councilman Warthen asked if the Council would entertain the idea of purchasing Mr. Clark's property. There was some discussion of what the land could be used for. Town Attorney Lee will contact Mr. Clark about the possibility of the purchase of the property.

**Public Comments --**

Justin Birchfield, 234 Lehr Drive, presented himself before the Council to address his concern over a broken street light in the Brookmoor subdivision that has been out for three years. There was some discussion as to who was supposed to be responsible for the maintenance of the streetlights there because the subdivision at one time was a county subdivision, but it has since been annexed into the Town of Mooresville. He also expressed some concerns about over growth culverts and ditches in the neighborhood that have been brought to the Town's attention, but Dave believes that issue may be a private property issue.


A motion was made by Councilman Stanley with a second by Councilman Warthen to approve claims in the amount of \$483,429.72 Motion Carried 5-0

**Town Council Comments --**

Councilman Cook requested that the modification to the nepotism ordinance be put on the agenda for the next meeting.

The next regular scheduled meeting of the Mooresville Town Council will be held on Tuesday, July 7, 2020 at 6:30 P. M. at the Mooresville Government Center

There being no further business to come before the Council at this time, a motion to adjourn was made by Councilman Stanley with a second from Councilman Cook. Motion Carried 5-0.

  
Shane B. Williams, President

ATTEST:

  
Dianna L. Wamsley, Clerk-Treasurer