

Town Council Meeting
Monday, January 8, 2024
6:00 P.M.

Edinburgh Town Council met in a regular session on Monday, January 8, 2024, at 6:00 P.M. at the Town Hall, 107 South Holland Street, Edinburgh, Indiana.

Town Attorney Dustin Huddleston called the meeting to order and led the Pledge of Allegiance.

Members answering roll call: Councilwoman Miriam Rooks, Councilwoman Debbie Buck, Councilman Ryan Piercefield, Councilwoman Sherri Sweet and Councilman Mike Bryant. Also present were Town Manager Kevin McGinnis and Town Attorney Dustin Huddleston.

Election of Officers

Councilwoman Buck made a motion to elect Ryan Piercefield as President. Councilwoman Rooks seconded. Motion carried.

Councilwoman Buck made a motion to elect Miriam Rooks as Vice President, President Piercefield seconded. Motion carried.

Clerk Treasurer Appointment

Town Attorney Dustin Huddleston said due to the resignation of Scott Finley on December 31, 2023, with his being an Independent, there is not a caucus, and it is up to this board to appoint someone into the Clerk Treasurer position. Dustin also said that there is a new ruling that went into effect that any newly elected Clerk Treasurer must complete 5 hours of training before taking office.

Councilwoman Buck made a motion to appoint Rhonda Barrett as Clerk Treasurer subject to completion of the 5 hours of required training. Councilwoman Rooks second, Motion carried.

Minutes – Council meeting minutes of December 28, 2023, Town Attorney Dustin Huddleston said that as there were only two members of this board in attendance at that meeting, he would need to do some research on them and suggested they be tabled until the next meeting.

Councilwoman Buck made a motion to table the December 28, 2023 minutes to allow Town Attorney Huddleston time to research. Councilwoman Rooks seconded. Motion carried.

Ordinance 2024-1 Amending Fee Schedule (1st Reading) – Town Manager Kevin McGinnis said this is the 1st reading of fee schedule and asked Town Attorney Dustin Huddleston to explain to the new council members. Town Attorney Dustin Huddleston said that Ordinance 2024-1 sets certain fee schedules for permits, fines, and other things. He said that we periodically modify those fees. He said that this is the 1st reading and it can be waived, or no action is needed at this time. If no action is taken, it will be on the next agenda for the 2nd reading.

No action was taken.

Blue River Township Trustee 2024 Contract – Town Manager Kevin McGinnis said this is annual contract with Blue River Township Trustee, Ray Walton, for Ambulance and Emergency services.

Councilwoman Rooks made a motion to approve the Blue River Township Trustee 2024 Contract. Councilwoman Buck seconded. Motion carried.

Councilwoman Rooks made a motion to approve for President Piercefield to sign on behalf of Council. Councilwoman Buck seconded. Motion carried.

Resolution 2024-1 Leasing Real Estate – Town Attorney Dustin Huddleston said to give the two new council members the history behind this Resolution, that in a prior Council meeting the Council approved a Possible Conflict of Interest form that is required by the State whenever a Council Member has some type of conflict or where they can possibly gain financially, it has to be disclosed.

In this case, President Piercefield is wanting to rent space from the town and pay rent to the Town. The first step was to disclose that potential conflict.

This Resolution is the second step, to appoint two appraisers, required by Indiana Law, to create a value of the space President Piercefield is wanting to rent. These appraisals are required anytime a piece of Town property is leased out. The Resolution requires naming two appraisers, in the past the Town has used Integra Realty and Don Scheidt to appraise property, but if the Council would like to research and use someone else to do the appraisals, they could do that. Once the appraisals come back, the council will decide the rent and publicly advertise the space for rent.

Councilwoman Rooks made a motion to approve Resolution 2024-1 with Integra Realty & Don Scheidt to do appraisal of property located at 203 S Walnut Street. Councilwoman Buck seconded President Piercefield abstained from voting Motion carried.

Vacating Public Ways – Town Manager Kevin McGinnis said the request is to vacate Union Street just north of the Water Treatment Plant to expand the area around the plant.

Attorney Dustin Huddleston explained the process to vacate, this is the application from the Town, if Council approves the application, there will need to be a Public Hearing, advertisement in the papers and notification to surrounding property owners.

Town Manager Kevin McGinnis said the property owner to the north of the plant is okay with it being vacated.

Councilwoman Debbie Buck asked if the traffic had been monitored in that area.

Water Superintendent Bill Jones said there has not been any traffic in that area since the construction of the Water Treatment Plant was started in 2022 as the street has been blocked off due to construction trailers.

Attorney Dustin Huddleston said that if the Council is okay with the application the only thing needed tonight is a motion to allow him to advertise a public hearing for the vacation of Union Street.

Councilwoman Buck made a motion to authorize Attorney Dustin Huddleston to advertise the request to vacate Union Street. Councilwoman Rooks seconded. Motion carried.

BOT GM Development Corp Pay Application Draw #10 – Mr. McGinnis said this pay application is for the final pay for the Fire Station BOT project.

Councilwoman Rooks made a motion to approve final BOT payment application #10 for the Fire Department. Councilwoman Sweet seconded. Motion carried.

Ecosystems Contract Approve and Sign – Town Manager Kevin McGinnis said we have a contract with Ecosystems to remove the dam. The removal will be fully funded at no cost to the town. Ecosystems has provided the specifications for the dam removal.

Councilwoman Rooks made a motion to approve the Ecosystems Contract. Councilwoman Buck seconded. Motion carried.

Councilwoman Rooks made a motion to approve President Piercefield to sign the Ecosystems contract. Councilwoman Buck seconded. Motion carried.

Utility Easement Access – Electric Superintendent Steve Clark gave a presentation on issues with access to utility easements that are in the rear property lines. He said that when some of the subdivisions were platted, they allowed 7 ½ feet on each side of the property lines for utility easements. Over time fences, garages, sheds, etc. have been installed on those properties, prohibiting access to the poles and infrastructure. When regular maintenance is needing done, that can be attempted to schedule with homeowners in advance to make their property accessible if the homeowner will allow access. When there is an emergency during a storm or in the middle of the night, there is no time to wait and schedule. There is no procedure in place or method to access the properties. On callouts property owners have refused access to their property even when the power outage affects other customers. As a utility it is our responsibility to restore service. He is looking for a solution to accomplish that when a resident's personal property is obstructing that access.

Councilwoman Buck asked if he had talked with other towns to see what they do in these situations.

Mr. Clark said that it varies, a lot of the Investment Owned Utilities, like IPL and Duke, take the stance that it is a right of way, they move things out of their way, and proceed with the emergency at hand. He said that legal action could possibly be taken as we have rights to these easements which could take a lot of time and money. The other problem is that when infrastructure was installed, most of it was installed on property lines, with a 7 ½ foot easement, if sheds/garages/fences are moved back 7 ½ feet, the trucks to repair are over 8 feet wide, and there is still not enough room for access.

Councilwoman Rooks asked Mr. Clark if he had a plan in mind.

Mr. Clark said that he does not, he is looking to the council for legal clarification, if a resident says no to allow access, what can we do?

Town Manager Kevin McGinnis said that Johnson County REMC is going through the same issues when utilities are located in the back of the property. He said that when homeowners buy a property, they may not be aware of any easements, or understand what an easement is. His understanding is, although he is not legal counsel, is that with the easement we have rights to access the property and remove the obstruction to access what we are legally able to do, and that we are not required to put back the obstruction as the property owner put it in our easement. He feels that the first part of a solution would be to create a flyer explaining easements and distribute them to residents.

Councilwoman Sweet asked if the utilities have ever had to knock down any personal property to access poles.

Mr. Clark said yes, they have. When the power is out residents are typically a little more forgiving because they want their power restored, but sometimes they are not. Mr. Clark said that they have issues when they are trying to do tree clearings for power line maintenance, so if access is not granted by a resident, they have to wait for a tree to fall and cause a problem before they can access the tree.

Councilwoman Buck asked Attorney Huddleston if it was something that he could look into. Attorney Huddleston said yes.

Town Manager Kevin McGinnis said that for new subdivisions to come in he is pushing for all the utility lines to be in the front, underground.

Councilwoman Rooks made a motion to allow Attorney Huddleston to look into the legality portion of the utility easement accesses for the Town. Councilwoman Buck seconded. Motion carried.

Parks & Recreation BOT – Parks Superintendent Daniel Teter gave a presentation on the property adjacent to the Sports Complex that is owned by Mr. Greg Simpson. A couple of years ago the Town explored purchasing a smaller piece of the property which was about an acre. At the time two appraisals were obtained and the average value of those appraisals was less than what Mr. Simpson was asking for the property. Other ways were explored on how to potentially fund, or gap fill the project. The Parks Department received pledges of over \$38,000, but even if the pledges were paid, the Town still could not pay more than the average of the two appraisals.

Mr. Teter said that the BOT process allows an opportunity to acquire property with new construction through a contractor.

Mr. Teter said that approximately 6 months ago, Mr. Simpson came back with an offer to purchase approximately 2.25 - 2.5 acres that includes a barn and Eisenhower Drive access for \$250,000. If the property is acquired, it could potentially be used to later to construct a Gym/Fitness center, which could potentially bring in revenue of \$111,000 based off surrounding communities. Other assets that could be beneficial from a Gym/Fitness Center, is the ability to house our own basketball leagues and not be dependent on using Church/School facilities and scheduling around them. It could also expand rental facilities, as well as add space for travel ball basketball leagues, community wellness, adult leagues, and a possible new aquatic center on the property. The existing barn on the property will also provide extra garage space for the Parks Department to store equipment and vehicles that are currently parked in the Sports Complex parking lot.

Mr. Teter said that GM Development proposed BOT for \$318,350, that could possibly be paid for with Rainy Day Funds.

President Piercefield said that he would like to have some figures from the Clerk-Treasurer. He said that the Town just went through the first BOT process with the construction of the new Fire Station and that there would need to be due diligence to do another BOT. He feels it would be in the best interest to hear some numbers and table this until information is received.

Councilwoman Rooks asked Daniel if the purchase price was the final figure from Mr. Simpson, as the assessed value of the entire 3.09 acres is only \$144,000. Nearly 80% of the BOT program is just for the purchase price of the property.

Mr. Teter said that in conversations with Mr. Simpson that is his bottom dollar.

Councilwoman Rooks also questioned on the survey cost of the closing cost all being paid by the purchaser with no closing cost being paid by the seller.

Councilwoman Rooks made a motion to table until Clerk Treasurer can provide funding information.
Councilwoman Buck seconded. Motion carried.

Other Business

Councilwoman Rooks welcomed the new board members.

Councilwoman Buck welcomed the new board members and looks forward to working with them.

Councilwoman Sweet thanked everyone for listening to her questions and providing help with them.

President Piercefield thanked Hector Mercado and the police department in the close call they recently had with an individual, he also thanked all other town employees for their hard work and welcomed the new board members.

Attorney Huddleston welcomed the new board members.

President Piercefield and the other members welcomed Rhonda Barrett aboard as the new Clerk Treasurer.

Departmental Comments

Kevin McGinnis Town Manager gave an update on current projects including moving forward on a contractor for the Main Cross Building, the force main relocation on Main Street, Comprehensive Plan. Mr. McGinnis asked for 1 or 2 council members to help come up with the Comprehensive Plan. The Comprehensive Plan is a vision for the community that comes about by leadership of the town, citizens of the town, so when a new piece of property comes up for rezoning or development, it gives guidance on whether that is something that the Town would want. He would like to have a couple of members of the Town Council, Planning Department, Police department to volunteer as part of a committee to help with the Comprehensive Plan. President Piercefield, and Councilwoman Rooks volunteered to be part of the planning for the Comprehensive Plan.

Councilwoman Buck asked about the chicken ordinance. Mr. McGinnis said that it was in legal hands now.


Water Superintendent Bill Jones said that there is a progress meeting on the Water Treatment Plant tomorrow morning at 10:00 a.m., they will do a walkthrough and be able to start producing water on Wednesday. It will be periodic this week and after the holiday on Monday, the plan is to start producing water full time on Tuesday, January 16th.

Kevin McGinnis said that he would be at the Water Treatment Plant meeting.

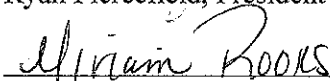
Community Center Director Sarabeth Drybread welcomed the new council members. She said that there is a new business in town at 405 Eisenhower Drive called A Better Tomorrow. It is a health and wellness shop with retail for vitamins and other health products, massage chairs, infrared saunas as well as doing breakfast and lunch, teas and coffees.

Being no further business or comments, Councilwoman Buck made a motion to adjourn the meeting.
Councilwoman Sweet seconded. Motion carried.

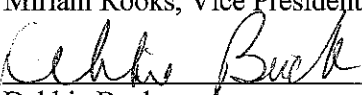
EDINBURGH TOWN COUNCIL




Ryan Piercefield, President




Miriam Rooks, Vice President



Debbie Buck



Sherri Sweet



Mike Bryant

ATTEST:


Rhonda Barrett, Clerk-Treasurer