

Town Council Meeting
Monday, March 25, 2024
6:00 P.M.

Edinburgh Town Council met in a regular session on Monday, March 25, 2024, at 6:00 P.M. at the Town Hall, 107 South Holland Street, Edinburgh, Indiana.

President Ryan Piercefield called the meeting to order and led the Pledge of Allegiance.

Members answering roll call: Councilman Michael Bryant, Councilwoman Sherri Sweet, Councilwoman Debbie Buck, Councilwoman Miriam Rooks, and Council President Ryan Piercefield. Also present were Clerk Treasurer Rhonda Barrett, Town Manager Kevin McGinnis, and by phone Town Attorney Dustin Huddleston.

Minutes –Council meeting minutes of March 11, 2024.

Councilwoman Buck made a motion to approve March 11, 2024, council meeting minutes. Councilwoman Rooks seconded. Motion carried.

Claims – Clerk-Treasurer Rhonda Barrett said the council received a copy of two claim dockets in their council packet the end of month claim docket for 12/31/2023 in the amount of \$889,151.57 and the 03/25/24 claim docket in the amount of \$1,166,647.15.

Councilwoman Rooks made a motion to approve claim dockets as presented. Councilwoman Buck seconded. Motion carried.

Ordinance 2015-4 – Request for Reasonable Accommodation under Fair Housing Act – President Ryan Piercefield said this ordinance was passed in 2015 to put into place certain provisions about the control of animals within the town. He said that within this ordinance it states that it is unlawful for any person to keep poultry or pigeons unless they are a duly licensed poultry dealer pursuant to Indiana Law.

President Piercefield referenced the meeting from August 14, 2023, where Michelle Burton, Annette Young and Brad Rooks came before the council to request the Ordinance be modified to allow them to keep chickens that they had on their property and the council voted to deny those requests and keep Ordinance 2015-4 as it has been written since 2015.

President Piercefield referenced a letter received by the Town on September 19, 2023, from Sam Adams, an Attorney with the Indiana Disabilities Rights stating that he represents Jason Gradarczky, in claiming the Town denied Jason's request for reasonable accommodation which violates the Fair Housing Act.

President Piercefield referenced a letter sent by Town Attorney Dustin Huddleston on October 20, 2023, denying the claims contained in the September 19, 2023, letter.

President Piercefield referenced another letter issued by Attorney Sam Adams on December 21, 2023, making a request for the Town to make reasonable accommodation to allow for Jason Gradarczky to keep the chickens in his home per the Fair Housing Act.

President Piercefield said that tonight the council needs to vote to approve making an accommodation for Jason Gradarczky to keep no more than six chickens, hens, and no roosters at his residence at 513 Sunset Drive or deny the request and continue the Ordinance 2015-4 as it has been written.

Town Manager Kevin McGinnis presented a photo slide of the property showing where the chicken coop is located.

A discussion was held between the council members and a motion was made to keep Ordinance 2015-4 in place.

Councilwoman Rooks made a motion to keep Ordinance 2015-4 in place. Councilwoman Buck seconded. Motion carried.

TIF Report – Baker Tilly Scott Finley – Scott Finley with Baker Tilly presented the TIF management report for 2023 that is due to the Council and the DLGF by April 15, 2024. Mr. Finley gave a power point presentation which included the April 1 requirement for the Redevelopment Commission fiscal report, the 2024 new requirement to present the report at a Council meeting to be included in the minutes that the council received the report, as well as other date requirements including the June 15 Pass Through determination, August 1 TIF Neutralizations, December 1 new addition in 2024 for the Redevelopment Commission Annual Spending Plan and the annual presentation to taxing units which the Town historically has done around October. Mr. Finley discussed the purposes of a TIF district and how it

works to finance incentives or infrastructure needed to induce private investment, encourage orderly economic growth, and redevelop blighted areas. Mr. Finley said that the town has four TIF allocation areas that were established in 2018 and discussed the revenues that were received in 2023 with no expenditures, and the ending fund balances as of December 31, 2023.

Mr. Finley discussed how some of the TIF districts have some large negative parcels that affect the amount of TIF revenue received and that there are ways available to possibly remove some of those negative parcels.

Councilwoman Sweet asked Mr. Finley where the money comes from.

Mr. Finley said that within a TIF District before it is established, there is a Base Assessed Value at what everything is assessed at and once there is new development in that district after it is established, the taxes paid on the incremental assessed value go to the Redevelopment Commission to be used at their discretion, such as financing to incentivize more development in that area.

Water Treatment Plant Pay Application #22 – Clerk Treasurer Rhonda Barrett presented Water Plant Pay Application #22 to Graves Construction \$406,188.78.

*Councilwoman Buck made a motion to approve Graves Pay Application #22 for \$406, 188.78.
Councilwoman Rooks seconded. Motion carried.*

Sewer Project Funding – Baker Tilly - Mitchell Eschweiler with Baker Tilly gave a presentation on financing for the Sewage Works sewer lining project. Mr. Eschweiler said that with this project the Town has funds on hand to finance the project without seeking outside funding. Mr. Eschweiler discussed the project which would cost a total of \$685,000 and includes the cost of Priority 1 and Priority 2, construction contingencies as well as design and engineering fees. Mr. Eschweiler discussed the proposed project funding which includes the debt service reserve account amount of \$406,300 for the 2015 sewage bonds that mature on July 1, 2024, making those funds available on July 1, 2024, that could be transferred to either the Sewage Operating or Sewage Depreciation account and can be used for this project. Mr. Eschweiler said that the additional funding of \$278,700 could be obtained through a temporary loan from the Town's Rainy-Day fund to be paid back monthly by the Sewage Fund. Mr. Eschweiler said that Rainy Day is a special revenue fund that could be used for any legal purpose of the municipality that would require approval by the Council and would require additional appropriations request to use those funds.

Councilwoman Rooks asked about the time frame of the project. Mr. Eschweiler said that Wessler would be covering that in their presentation, but from what he understood this project is dealing with State Road 252-time frame of September 2024.

Town Manager Kevin McGinnis said that these are improvements that need to be in place before the State comes through and does upgrades to 252.

The council held further discussion on the time frame for the 252 project and other utilities in that area including AT & T and the pole contract between them and the Town of Edinburgh.

President Piercefield thanked Mr. Eschweiler for his presentation.

Wessler Services Agreement for Sewer Lining on SR 252 – Town Manager Kevin McGinnis presented the Wessler Services Agreement for Sewer Lining on SR 252.

Council President Piercefield said that Attorney Huddleston had drafted the agreement, Wessler has signed the agreement, and now the council needs to make a motion to approve the agreement and a motion for him to sign the agreement.

*Councilwoman Buck made a motion to approve Wessler Services Agreement for Sewer Lining on SR 252.
Councilwoman Rooks seconded. Motion carried.*

Councilwoman Buck made a motion for Town Manager Kevin McGinnis to sign Wessler Services Agreement for Sewer Lining on SR 252. Councilwoman Rooks seconded. Motion carried.

Bob Straugh IT Consulting Agreement – Town Manager Kevin McGinnis presented the IT Consulting Agreement with Bob Straugh to assist with IT needs within the Town. Kevin said that Mr. Straugh has voluntarily assisted with IT needs in the past and does not charge the Town any fees for his work.

Councilwoman Buck asked if we had paid him in the past. President Piercefield said that Bob has never accepted any payment from the Town for his work, and that Attorney Huddleston had drafted the Consulting Agreement.

Councilwoman Rooks made a motion to approve Bob Straugh IT Consulting Agreement. Councilwoman Sweet seconded. Motion carried.

Approval to Auction Surplus Items – Town Manager Kevin McGinnis presented a list of items that are surplus. Kevin said that with input from Attorney Huddleston, items that have an estimated value over \$5,000 would need to be auctioned off, any items below that \$5,000 estimated value could be disposed of in another manner. Kevin is proposing to Auction the higher valued items either with an onsite auction or through an online Auction, items below that value could be sold by sealed bid, and some of the items with little or no value could be donated to local foundations in the community, and some of the nonworking items could be disposed of in a dumpster.

Council President Piercefield said that the Town had previously used the online site GovDeals to sell used equipment and it was a beneficial site compared to having an in-house auction.

Councilwoman Rooks made a motion to approve GovDeals.com to auction off the surplus items listed as Auction and Bid items to be bid on the GovDeals.com auction site. Councilwoman Sweet seconded. Motion carried.

Leasing of Fire Station #1 - Town Manager Kevin McGinnis said that we followed Attorney Huddleston's procedures on getting rent appraisals for an average and publishing in the local papers for leasing of the Fire Station which resulted in no response from any possible tenants. Mr. McGinnis said that he is looking for directions on what to do next.

Councilwoman Buck asked where the postings were listed.

Clerk-Treasurer Barrett stated that it had been advertised through legal ads in the local newspapers.

Council President Piercefield asked Fire Chief Lollar if he had plans to use the location during the Eclipse. Chief Lollar stated that it could be used for that.

Council President Piercefield said that he was initially interested in leasing the facility, but the appraised rent cost was too high for what he was needing for storage. He suggested that the Town advertise again for tenants as it is a good building and has a lot of potential, possibly advertise online and be selective with who we lease the building to.

Further discussion took place regarding readvertising for the leasing of Fire Station 1. Town Attorney Dustin Huddleston said that if the council would like to send him ideas, that he could work on a proposed advertisement for the next meeting.

No Truck Parking Ordinance on Kyle Street – Town Manager Kevin McGinnis said that Danzer Veneer has received several complaints about semis parking overnight on the road with the truck running all night long. Mr. McGinnis said that we need to put up no semi parking signs in that area and also draft an ordinance that prohibits semi parking on Kyle Street.

Discussion took place between the Council, Police Chief Little, and Town Manager McGinnis regarding the complaints, installing no parking signs and enforcement of the no parking.

Council President Piercefield asked Town Attorney Huddleston about drafting an ordinance to establish the no semi parking in that area. Town Attorney Huddleston said that he could draft an Ordinance for modification.

Councilwoman Rooks made a motion to allow Town Attorney Huddleston to draft an Ordinance for modification of the No Semi Parking. Councilwoman Buck seconded. Motion carried.

Comcast Pole Attachment/Replace Agreement – Electric Superintendent Steve Clark said that at a previous board meeting he had mentioned that Comcast is coming through town. Mr. Clark said that Comcast's schedule is to have their backbone in service by the end of this year and start serving customers.

Mr. Clark said that Comcast will need to attach to approximately 1300 of our utility poles and they have worked with Comcast's engineering firm to identify the areas and poles that need replaced. Mr. Clark said that Comcast has paid Alpha to go through and do the same thing.

Mr. Clark said that Attorney Huddleston has drafted an agreement to cover the costs of replacing these poles, which includes both labor and material, so we as a utility are not funding a private business.

Mr. Clark said that Comcast has agreed to the first two sections which includes approximately eighty-six poles and would cost approximately \$300,000. Mr. Clark said that the last section still needs reviewed by Comcast and the cost for that section would be approximately \$450,000.

Mr. Clark said that Comcast has signed the drafted agreement prepared by Attorney Huddleston, which is being presented to the council for approval and to have Council President Ryan Piercefield sign it to move forward with the pole replacements.

Town Manager Kevin McGinnis said that it should be approved subject to Dustin's review as the proposed contract sent to Comcast was received back today signed and needs to be reviewed by Dustin to verify there have been no changes made to the agreement by Comcast.

After some further discussion, President Piercefield asked for a motion on the agreement.

Councilwoman Rooks made a motion to approve Comcast Pole Attachment/Replace Agreement after Attorney Dustin Huddleston's review and approval. Councilwoman Sweet seconded. Motion carried.

Councilwoman Rooks made a motion to approve Council President Ryan Piercefield to sign Comcast Pole Attachment/Replace Agreement after Dustin's review and approval. Councilwoman Buck seconded. Motion carried.

Request to Purchase Ten (10) Sets of Firefighting Turnout Gear – Fire Chief Justin Lollar gave a presentation to request the purchase of ten sets of Firefighting Turnout Gear that have either passed their 10-year expiration date or are mismatched between vendors. Chief Lollar said that it is not recommended to mismatch gear. Mr. Lollar provided three quotes and is requesting to go with the middle quote that is approximately \$400 higher than the lowest quote due to the fabric being more rip resistant. Chief Lollar said that the quote is for \$27,300 to purchase the ten sets of turnout gear, which is the coat and pants only.

Councilwoman Rooks asked Chief Lollar if there is money in his budget for the purchase. Chief Lollar said that there are funds in his budget.

Councilwoman Rooks made a motion to approve the purchase of Ten Sets of Firefighting Gear in the amount of \$27,300. Councilwoman Sweet seconded. Motion carried.

President Piercefield asked Chief Lollar if he had anything else.

Chief Lollar said that the same vendor that we are buying these sets of Turnout Gear from informed him that he had about a \$4,000 credit that he was unaware of that can be used to help purchase the boots and stuff that will go along with the turnout gear. Chief Lollar also said that they had taken delivery of the self-contained breathing apparatus today that you guys had purchased last year. Chief Lollar said that these are a huge tool in replacing the old ones.

Indiana Landmarks Proposal – Town Manager Kevin McGinnis discussed the structural problems of the building at 115 East Main Cross Street, the signed agreement with a contractor to demolish the building and the demolition which is slated to start in the middle of April. Mr. McGinnis said that Indiana Landmarks Foundation found out about the building and wants to present a possible different alternative route and would like to make a proposal to see if there is any interest. Mr. McGinnis said that if there was interest in that, then we may have to reach out to the demo contractor to see if there would be any penalties for breaking the contract or negating the contract. Mr. McGinnis then asked Mark Delossi with Indiana Landmarks to give a presentation.

Mark Delossi Vice-president of Indiana Landmarks spoke on behalf of historic preservation and Indiana Landmarks' desire to preserve the 115 E Main Cross building rather than demolishing it. Mr. Delossi said they would like to see the building able to be reused for vibrant business down the road.

Mr. Delossi discussed how Indiana Landmarks operates and the type of funding they have available to preserve historic buildings through their Endangered Places fund. Mr. Delossi feels that he has an alternative to save the town some money from the \$140,000 contract for demolition.

Mr. Delossi discussed conversations with the current owner about the structure and whether there is a way for Indiana Landmarks to acquire the building from him. Mr. Delossi said that the current owner has a \$64,000 investment in the building and would consider an offer from Indiana Landmarks for less than \$47,000 to acquire the building.

Mr. Delossi further discussed information from a structural engineer on cost to stabilize the building, possible funding from the Conover Foundation and Indiana Landmarks matching the Conover donation.

Mr. Delossi is proposing that the town flip their demolition contract and put some of that money into the stabilization project for this building to preserve the 115 E Main Cross building. Mr. Delossi said that he would like that number to be \$100,000 of the \$140,000 that is budgeted for the demo contractor.

Other Business

Councilman Michael Bryant asked why the town is liable to pay for that building? Why isn't the owner liable to sell that?

Council President Piercefield referred to the email that he asked Dustin to send out to everybody concerning this property. Mr. Piercefield said that we are acting as a broker right now, which we should not be, in his opinion.

Mr. Piercefield discussed how the Town has a court order by a judge to make the building safe because we as a town need to make it safe for the community. Mr. Piercefield stated that if we proceed with the demolition then we will go back to the property owner and try to redeem the cost.

Mr. Piercefield stated that he is concerned about what will happen when we go back to the Judge on June 5th, and we had a court order to tear down a building because it was unsafe, and it did not happen. Mr. Piercefield is also concerned about the amount of money already spent on legal fees, and what the demolition contractor will do if we go back on the contract.

Councilwoman Buck said that she would like to save the building if possible.

After some further discussion between the council members, Mr. Delossi and Attorney Huddleston, it was decided to have Attorney Huddleston investigate and report back to Town Manager McGinnis before the next council meeting.

Town Manager McGinnis gave an update on his Town Managers report: force main relocation starting in a couple of weeks, street project grant starting around May, Blue River dam removal scheduled for middle of July, Indot project they will be submitting out for bids in September, Comprehensive plan this Wednesday, the 27th, there will be six different group input meetings here at the town to give us information on how to proceed with the comprehensive plan.

Departmental Comments

Police Chief Doyne Little gave an update on plans for the Solar Eclipse and said there is a final eclipse meeting on April 2nd with the county. Chief Little invited the council to a reception in the council chambers on Saturday March 30th for two officers that are graduating. Chief Little discussed and invited the council to a mock prom crash on May 1st.

Sarabeth Drybread gave an update on the mural on the Sakura downtown building, solar eclipse plans on April 8th, which include a chainsaw carver, vendors downtown and photography and paintings of the Blue River dam that will be on display inside the community center.

Sarabeth said that she has shown three different buildings downtown over the past couple of weeks to some prospective business owners.

Sarabeth discussed receiving a call from Cliff's Bar, about an opportunity to host a charity ride for Cody's Ride on June 29th, that they would like to make Cliffs in downtown Edinburgh their second stop on their memorial ride. She said that the charity ride is expecting four hundred motorcycles, and she is looking for guidance on if there could be a way to block off that downtown block of East Main Cross and work with the downtown businesses to make it more of a block party.

Council President Piercefield asked Mr. Delossi from Indiana Landmarks about the process of what happens when they acquire the building, would Indiana Landmarks be the owner and once the

construction is done, if they will sell it or retain the property. Mr. Delossi said that it is not their intention to be a long-term owner and would sell it to another property owner.

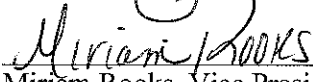
Town Manager McGinnis discussed an upcoming meeting this week concerning the Opioid Distribution and how those funds can be used.

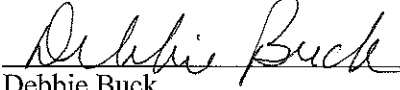
Adjourn

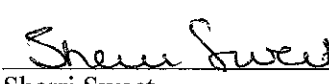
Being no further business or comments, Councilwoman Rooks made a motion to adjourn Councilwoman Buck seconded. Meeting adjourned.

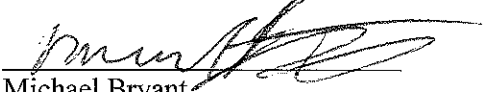
EDINBURGH TOWN COUNCIL


Ryan Piercefield, President


Miriam Rooks, Vice President


Debbie Buck


Sherri Sweet


Michael Bryant

ATTEST:

Rhonda Barrett, Clerk-Treasurer