

SELLERSBURG TOWN COUNCIL

May 11, 1998

Executive Session

An Executive Session of the Sellersburg Town Council was held at the Sellersburg Town Hall at 6:00 p.m. to discuss pending litigation and personnel matters. Those present were: Aulton D. Eddings Jr., Council President; David Broady, Council Vice-president; Gary Fenner, Council Member; William Voyles, Council Member; Kenneth Alexander, Council Member; Linda Schafer, Clerk Treasurer; and William McCall, Town Attorney.

Called To Order

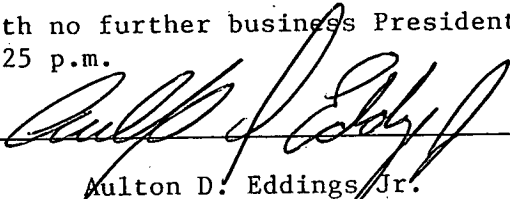
President Eddings Called the executive session to order at 6:02 p.m.

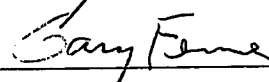
Topics Of Discussion

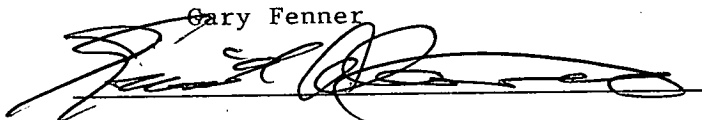
Umbaugh/OUCC/Rate Increase
Mondgold Apts.
Confort Inn
Welsh Property/Storm Sewer
Cracker Barrel
Flood Hazard Ord.
Ran Paige Property
Rod Pate Property
Schafer VS Town of Sellersburg Appeal
Town of Sellersburg VS Koetter Construction
New Albany Tractor VS Town Of Sellersburg
Garbage Ord./Mr. Long
EMC Contract Extension/Signature Page

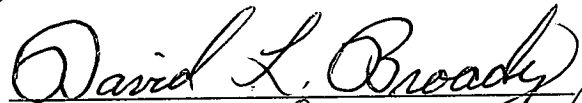
Adjournment

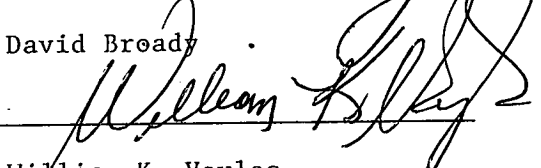
With no further business President Eddings adjourned the executive session at 6:25 p.m.

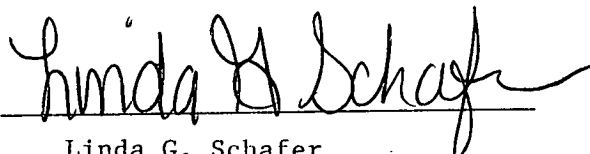

Aulton D. Eddings Jr.


Gary Fenner


Kenneth Alexander


David Broady


William K. Voyles

Attest: 
Linda G. Schafer
Clerk Treasurer

SELLERSBURG TOWN COUNCIL

May 11, 1998

Regular Meeting

A regular Meeting of the Sellersburg Town Council was held at the Sellersburg Town Hall at 6:30 p.m. Those present were: Aulton D. Eddings Jr., Council President; David Broady, Council Vice-President; William Voyles, Council Member; Gary Fenner, Council Member; Kenneth Alexander, Council Member; Linda G. Schafer, Clerk Treas.; and William P. McCall, Town Attorney.

Called To Order

President Eddings called the Regular Meeting to order at 6:30 p.m.

Prayer

Rev. Bob Hauselman offered up the prayer for this meeting.

Pledge

The Pledge of Allegiance to the flag was recited.

President Eddings Presents Minutes of Last Meeting

President Eddings stated, ok, everyone's had a copy of the minutes in their mailbox from the April 27th meeting, had a chance to review them, I'll entertain a motion to pass the minutes as presented.

Council Member Alexander stated I'll make that motion.

President Eddings stated motion made by Ken, do I have a second?

Council Member Voyles stated I'll second.

President Eddings stated second by Bill, any discussion on the minutes? If not, all those in favor signify by saying I, opposed nay, I's have it.

Vote 4-0

Petitions Or Comments From Citizens Present

President Eddings stated ok, petitions from the citizens, is Vivian Hayes here?

Clerk Treasurer Schafer stated ok, she's not here.

President Eddings stated ok, she's not here. Ms. Pixley or Ms. Diefenbach do you have anything tonight?

Ms. Pixley stated, not at this time.

President Eddings stated alright Mr. Kinder, he's not here. Alright, let's go this way, it's Ken's anniversary tonight, he's wanting to get out of here. Ken you want to go next?

Council Member Alexander Presents Asphalt Bid for 1998

Council Member Alexander stated the only thing I have is the uh, K & I Asphalt bid come

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in today. The amounts were with plus 3000 tons would cost \$24.00 unit price and milling came in at plus 500 tons would cost \$30.00 a unit price. I'll make a motion that we approve the bid from K & I.

President Eddings stated motion made by Ken to approve the asphalt bid from K & I do we have a second?

Council Member Fenner stated I'll second.

President Eddings stated second by Gary, do we have any discussion?

Council Member Fenner stated how does that compare with last year Ken?

Council Member Alexander stated, close.

President Eddings stated any other discussion? If not all those if favor signify by saying I, opposed, nay. I's have it. ok EMC.
Vote 4-0

Kendall Coleman Presents EMC Revenue Report

Kendall Coleman stated, what I have is the water and sewer revenue report for the last two weeks. From April 27th through May 8th, total monies collected was \$82751.22.

Mr. Coleman Presents Claims Fro Meter Deposit Refunds, NSF Checks, Sales Tax

Mr. Coleman stated that the next item I have is the one you need to sign Doug, it's my copy. It's the one for insufficient funds, meter deposits and monthly sales tax that I give to you each month and that's your copy that is being signed and uh NSF checks is \$353.61 and meter deposit refunds is \$186.92 and monthly sales tax \$1950.78 for a total amount of \$2521.31.

President Eddings stated I'll entertain a motion to pay the non-sufficient fund checks, meter deposits, and monthly salex tax for the total of \$2521.31.

Council Member Voyles stated I'll make that motion.

President Eddings stated motion made by Bill, do I have a second?

Vice-President Broady stated I'll second.

President Eddings stated second by Dave, any discussion?

Council Member Alexander stated uh, Kendall, how does the meter deposits come out with odd numbers?

Mr. Coleman stated because uh we reimburse the, we substract what they owe out of it.

Council Member Alexander stated Ok.

Mr. Coleman stated, back in December we discussed that.

President Eddings stated any other discussion? If not all those in favor signify by

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saying I, opposed nay, I's have it.
Vote 4-0

Kendall Coleman/EMC Presents Additional Cost for High Service Pump

Mr. Coleman stated the next item I have is back on January 12th uh the board approved to repair of the high service pump over at the water treatment facility. At that time we had a estimated cost of \$6000.00 uh the first invoice that was received was for the repair of the motor and that was a total cost \$3065.10. We just did receive the invoice for the uh pump itself from lane. The invoice was for \$4433.30, it puts the expenditure over the estimate, what we expected. Uh what we expected, the total cost was \$7898.40 and at this time I am asking the board to approve the additional expenses and pay the invoice to Lane Western Company in the amount of \$4833.30.

President Eddings stated I'll entertain a motion to pay the invoice from Lane Western Co.

Vice-President Broady stated I'll make that motion.

President Eddings stated motion made by Dave, do I have a second?

Council Member Voyles stated I'll second.

President Eddings stated second by Bill, any discussion?

Council Member Fenner stated do you know why it was so much higher than the estimate?

Mr. Coleman stated, it's just an estimate, you don't really know what it's going to be the motor was over run and it took more labor hours than what was anticipated, and the labor hours on the pump itself was higher than what we expected. Those estimates are done from the vendors.

President Eddings stated any more discussion, if not, all those in favor signify by saying I, opposed nay, I's have it.

Mr. Coleman stated and Perry I don't know if you've had a chance to talk about this.

Attorney McCall stated I told them.

Kendall Coleman Addresses EMC Contract Renewal

Mr. Coleman stated what I have is two copies of the contract adendum that was voted on in the last meeting uh those need to be signed, uh the town keeping one original and one original needs to come to me.

President Eddings stated ok we also need to pass and ordinance to adopt the contract for a period on one year, but, we can sign the agreement.

Attorney McCall stated you already approved it, just go ahead and sign the agreement today and then make it retroactive ordinance next meeting.

President Edding stated, do we need to vote on signing this?

Attorney McCall stated you've already approved it so go ahead and sign it. Have all

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the council sign it.

Mr. Coleman stated the next item I have is there have been some concerns that uh myself and some of the staff it has been difficult to contact us and I have for the board members all I'm giving out here is a list of staff, my business card uh, home phone, pager numbers, mobile phone, along with the water superintendent, all the employees at the, both utilities, and at the billing office and then some of the emergency numbers that go along with that. It just for your own records.

President Eddings stated, very good.

Kendall Coleman/EMC Addresses Money Collected for Water Taps

Mr. Coleman stated and the last item, clarification maybe more from Perry for the board. Since I took over in November the materials have been purchased for water taps is being paid for out of our maintenance and repair fund. Installation and service really isn't a maintenance and repair expenditure uh, from my understanding from a former utility manager that those items were passed through in the past to the town and paid for out of the tap fund. Aind I know since November the town has collected almost twelve thousand dollars in water taps and we buy those materials we're paying for that out of our maintenance repair fund. The reason I bring that up is the reason I caught it and done some research I'm running about 15,000.00 over our maintenance and repair fund right now and I expect to be over budget at the end of contract year about 18000.00.

President Eddings stated it just seem reasonable to me the tap-ins should cover the cost of.

Mr. Coleman stated in looking at the purposal and looking at the contract there is no language that says anything about water taps. It says maintenance repair items.

Vice-President Broady stated, how did it get off in that in the first place?

Mr. Coleman stated I don't know I wish I had an answer. Tom said that there was an agreement with the board, it was a verbal agreement, an verbal agreement doesn't hold much water, and he said at the time that we negotiated the contract we sat down and finalized the contract that an agreement that all expenditures that was related to water would be paid for out of water tap expenditures, which is what that fund is set up for.

President Eddings stated would anyone like to make a motion to cover the material cost out of the tap in fees instead of the.

Council Member Alexander stated yes, we're talking about the future.

Mr. Coleman stated, an example is the nursing home that is being built on Hwy 60, the cost right now are around 1800.00.

Attorney McCall stated would you want to amend the contract and a amendment to the contract to cover that issue?

Mr. Coleman stated, Perry, that is what I want to know, that's why I'm asking.

Attorney McCall stated well the only reason I'm saying that simply because the contract

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was drafted by someone in your...

Mr. Coleman stated it's an oversight and it's been an oversight since we've been here, and if we want to continue doing it that way then that's what we'll do. I want the board to understand that, especially the way your developing today and the amount of taps that we are doing.

President Eddings stated it's almost like we're double dipping. We're collecting the money EMC is paying for the materials.

Mr. Coleman stated through the winter we're averaging around four to five taps a month and in the summer it's going to go up it's the summer months.

Council Member Fenner stated, I'd like to hold off and let Perry research the contract a little bit just to check it out. Let's not just jump into it.

Mr. Coleman stated that's what I'd like to see.

President Eddings stated, can you do that for up Perry?

Vice-President Broady stated do you understand what...

Attorney McCall stated I will soon as I call Kendall we talk about it.

President Eddings stated great, is that it?

Mr. Coleman stated yes, I'm going to a ballgame unless you need me.

President Eddings stated ok Perry do you have the first ordinance real quick?

Attorney McCall Presents Ord. 98-690/Refuse and Garbage Regulations Within the Town

Attorney McCall stated Linda I need a number.

Clerk Treas. Schafer stated, uh 98-690.

Attorney McCall stated 690.

Clerk Treas. Schafer stated yes.

Attorney McCall stated great uh this in ordinance amending ordinance number 92-519 which is the refuse and garbage regulations within the Town of Sellersburg, it's collection. Uh, the significant portion of this would be amendment to section 6 article 9.

Attorney McCall Reads Amendment as follows;

ORDINANCE NO. 98- 690
AN ORDINANCE AMENDING ORDINANCE NO. 92-519
FOR REFUSE AND GARBAGE REGULATIONS WITHIN
THE TOWN OF SELLERSBURG

WHEREAS, the Town Council for the Town of Sellersburg did on February 24, 1992, pass Ordinance No. 92-519 which set forth the regulations for garbage and refuse within the Town of Sellersburg town limits; and

WHEREAS, the Town Council for the Town of Sellersburg determined that amendment to said ordinance is necessary to effectuate proper refuse and garbage collection for all residents of the Town of Sellersburg;

WHEREAS, the Town Council for the Town of Sellersburg has determined that said amendment to the ordinance is necessary for efficient and effective administration of Town Government;

WHEREAS, the Town Council for the Town of Sellersburg has considered this matter in an open meeting in which the public were invited to attend and participate;

BE IT NOW THEREFORE ORDAINED AS FOLLOWS:

Section 6-97 of Article 9 of the Sellersburg Town Code shall be amended as follows.

The Town of Sellersburg shall provide refuse and garbage collection to multiple housing units which have no more than eight (8) units per parcel and have single meters for each such unit.

Each unit shall be limited to only two (2) thirty-~~two~~^{two} gallon garbage cans.

The Town shall assess a fee of three (\$3.00) dollars per month to each dwelling unit for said service which shall be billed directly to the occupant on the monthly billing statement.

Refuse and garbage collection under this ordinance does not include yard waste collection.

All other provisions of said ordinance shall remain in full force and affect.

SO ORDAINED THIS 11 DAY OF May, 1998

David Broady
DAVID BROADY

Bill Voyles
BILL VOYLES

Ken Alexander
KEN ALEXANDER

Aulton D. Eddings
AULTON D. EDDINGS

Gary Fenner
GARY FENNER

ATTEST: Linda G. Schafer
LINDA G. SCHAFER
CLERK-TREASURER

Attorney McCall stated that is for you to consider on a first reading.

President Eddings stated I'll entertain a motion to consider ordinance number 98-

Clerk Treasurer Schafer stated 690.

President Eddings stated 690 on the first reading.

Council Member Voyles stated I'll make that motion.

President Eddings stated motion made by Bill, do I have a second?

Council Member Alexander stated I'll second.

President Eddings stated second by Ken, any discussion, if not all those in favor signify by saying I, opposed nay, unanimous.

Vote 5-0

President Presents Ord. 98-690/ Garbage Ord. For Adoption

President Eddings stated I'll entertain a motion to adopt ordinance number 98-. I keep forgetting the number.

Clerk Treasurer Schafer stated oh, I'm sorry number 98-690.

President Eddings stated 98-690.

Council Member Voyles stated I'll make that motion.

President Eddings Stated motion made by Bill, do I have a second?

Council Member Alexander stated I'll second.

President Eddings stated second by Ken, and discussion? If not all those in favor signify by saying I, opposed nay, I's have it.

Vote 5-0

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Attorney McCall stated, problem?

President Eddings stated we're just waiting to sign them.

Attorney McCall stated there you go.

President Eddings stated that should take care of you.

Mr. Long stated when does this take effect?

Council Member Alexander stated as soon as you go to the water department and get the address and the billing change.

Mr. Long stated go to the billing department and have the address.

Attorney McCall stated it's thirty days after the publication.

Council Member Alexander stated it's thirty days after the publication. You won't get it till next month. We have thirty days to get it registered.

Attorney McCall stated we have to publish it.

Mr. Long stated next month.

Attorney McCall stated about thirty days. We have to get it down there.

Mr. Long stated the problem with that is it's next month.

President Eddings stated we have notified the trash pick-up fellows.

Attorney McCall stated ok since you all are signing that ordinance, number 98-691 would be the second one.

President Eddings Presents Ord. 95-615 Regarding Flood Hazard.

An ordinance amending ordinance number 95-615, regarding the Indiana Model Ordinance for Flood Hazard Areas.

President Eddings stated uh it's about a fifteen page ordinance which is changing our previous ordinance which has been changed several times. I'd read it to you all but I don't have the time, and John Tombs. I'd read it to you all if you had the time but I don't have the time, and John put this together so we ask that you consider this tonight on a first reading.

President Eddings stated I'll entertain a motion to consider ordinance number 98-691

Council Member Voyles stated I'll make that motion.

President Eddings stated motion made by Bill, do I have a second?

Vice-President Broady stated I second.

President Eddings stated second by Dave, any discussion, if not all those in favor signify by saying I, opposed nay. I's have it.
vote 5-0

ORDINANCE NO. 98- 691

AN ORDINANCE AMENDING ORDINANCE NO. 95-615,
REGARDING THE INDIANA MODEL ORDINANCE FOR FLOOD HAZARD AREAS

WHEREAS, the Town Council for the Town of Sellersburg, Indiana, did on the 13th day of February, 1995, adopt Ordinance No. 95-615, regarding the Indiana Model Ordinance for Flood Hazard Areas; and

WHEREAS, the Town Council for the Town of Sellersburg has been informed by the Indiana Department of Natural Resources that said Ordinance No. 95-615 contains various information which must be corrected; and

WHEREAS, the Town Council for the Town of Sellersburg, Indiana, has determined in an open meeting in which the public was allowed to participate, that Ordinance No. 95-615 should be amended to reflect the changes requested by the Indiana Department of Natural Resources.

Be it ordained by the Town Board of the Town of Sellersburg, Indiana as follows:

SECTION 1. STATUTORY AUTHORIZATION. The Indiana Legislature granted the power to local units of government (I.C. 36-7-4) to control land use within their jurisdictions in order to accomplish the following.

SECTION 2. STATEMENT OF PURPOSE. The purpose of this ordinance is to guide development in the flood hazard areas in order to reduce the potential for loss of life and property, reduce the potential for health and safety hazards, and to reduce the potential for extraordinary public expenditures for flood protection and relief. Under the authority granted to local units of government to control land use within their jurisdiction, which includes taking into account the effects of flooding, the Sellersburg Town Board of Trustees hereby adopts the following floodplain management regulations in order to accomplish the following:

- a. To prevent unwise developments from increasing flood or drainage hazards to others;
- b. To protect new building and major improvements to buildings from flood damage;
- c. To protect human life and health from the hazards of flooding;
- d. To lessen the burden on the taxpayer for flood control projects, repairs to flood-damaged public facilities and utilities, and flood rescue and relief operations;
- e. To maintain property values and a stable tax base by minimizing the potential for creating flood blighted areas; and

To make federally subsidized flood insurance available for property in the Town of Sellersburg by fulfilling the requirements of the National Flood Insurance Program.

SECTION 3. DEFINITIONS. For the purpose of this ordinance, the following definitions are adopted:

- a. Building - see "structure".
- b. Development - any man-made change to improved or unimproved real estate including, but not limited to:
 1. Construction, reconstruction, or placement of a building or any addition to a building;
 2. Installing a manufactured home on a site for a manufactured home or installing a recreational vehicle on a site for more than 180 days;
 3. Installing utilities, erection of walls and fences, construction of roads, or similar projects;
 4. Construction of flood control structures such as levees, dikes, dams, channel improvements, etc.;
 5. Mining, dredging, filling, grading, excavation, or drilling operations;
 6. Construction and/or reconstruction of bridges or culverts;
 7. Storage of materials; or
 8. Any other activity that might change the direction, height, or velocity of flood or surface waters.

"Development" does not include activities such as the maintenance of existing buildings and facilities such as painting, re-roofing, resurfacing roads, or gardening, plowing, and similar agricultural practices that do not involve filling, grading, excavation, or the construction of permanent buildings.

Existing manufactured home park or subdivision - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is

completed before the effective date of the floodplain management regulations adopted by a community.

- d. Expansion to an existing manufactured home park or subdivision - means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- e. FHBM - means Flood Hazard Boundary Map.
- f. FIRM - means Flood Insurance Rate Map.
- g. FBFM - Flood Boundary and Floodway Map.
- h. FEMA - Federal Emergency Management Agency.
- i. Flood - a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.
- j. Floodplain - the channel proper and the areas adjoining any wetland, lake or watercourse which have been or hereafter may be covered by the regulatory flood. The floodplain includes both the floodway and the floodway fringe districts.
- k. Flood Protection Grade or the "FPG" - means the elevation of the regulatory flood plus two feet at any given location in the Special Flood Hazard Area (SFHA).
- l. Floodway - means the channel of a river or stream and those portions of the floodplains adjoining the channels which are reasonably required to efficiently carry and discharge the peak flood flow of the regulatory flood of any river or stream.
- m. Floodway Fringe - means those portions of the flood hazard areas lying outside the floodway.
- n. Letter of Map Amendment (LOMA) - An amendment to the currently effective FEMA map that establishes that a property is not located in a SFHA. A LOMA is only issued by FEMA.
- o. Letter of Map Revision (LOMR) - An official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations, and elevations.
- p. Lowest Floor - means the lowest of the following:

1. The top of the basement floor;
2. The top of the garage floor, if the garage is the lowest level of the building;
3. The top of the first floor of building elevated on pilings or constructed on a crawl space with permanent openings; or
4. The top of the floor level of any enclosure below an elevated building where the walls of the enclosure provide any resistance to the flow of flood waters unless:
 - (a) The walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters, through providing a minimum of two openings (in addition to doorways and windows) having a total area of one (1) square foot for every two (2) square feet of enclosed floor area subject to flooding. The bottom of such openings shall be no higher than one (1) foot above grade.
 - (b) Such enclosed space shall be usable for the parking of vehicles and building access.
- q. Manufactured Home - means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".
- r. New manufactured home park or subdivision - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.
- s. Recreation Vehicle - means a vehicle which is (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projections; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational camping, travel, or seasonal use.
- t. Regulatory Flood - means the flood having a one percent probability of being equaled or exceeded in any given year, as calculated by a method and procedure which is acceptable to and approved by the Indiana Natural Resources Commission. The regulatory flood elevation at any location is as defined in Section 5 of this ordinance. The "Regulatory Flood" is also known by the term "Base Flood".

- u. SFHA or Special Flood Hazard Area - means those lands within the jurisdiction of the Town that are subject to inundation by the regulatory flood. The SFHAs of the Town are generally identified as such on the Flood Insurance Rate Map of the Town prepared by the Federal Emergency Management Agency and dated August 1, 1980. The SFHAs of those parts of unincorporated Clark County that are within the extraterritorial jurisdiction of the Town or that may be annexed into the Town are generally identified as such on the Flood Insurance Rate Map prepared for Clark County by the Federal Emergency Management Agency and dated February 18, 1983.
- v. Structure - means a structure that is principally above ground and is enclosed by walls and a roof. The term includes a gas or liquid storage tank, a manufactured home, or a prefabricated building. The term also includes recreational vehicles and travel trailers to be installed on a site for more than 180 days.
- w. Substantial Improvement - means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. The term does not include improvements of structures to correct existing violations of state or local health, sanitary, or safety code requirements or any alteration of a "historic structure", provided that the alteration will not preclude the structures continued designation as a "historic structure".

SECTION 4. DUTIES OF THE ADMINISTRATOR. The Building Inspector for the Town of Sellersburg shall implement this ordinance and hereafter be referred to as the Zoning Administrator. The Zoning Administrator for the Town of Sellersburg is appointed to review all development and subdivision proposals to insure compliance with this ordinance, including but not limited to the following duties:

- a. Ensure that all development activities within the SFHAs of the jurisdiction of the Town meet the requirements of this ordinance.
- b. Provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques.
- c. Ensure that construction authorization has been granted by the Indiana Natural Resources Commission for all development projects subject to Section 7 of this ordinance, and maintain a record of such authorization (either copy of actual permit or letter of recommendation).

- d. Maintain a record of the "as-built" elevation of the lowest floor (including basement) of all new and/or substantially improved buildings constructed in the SFHA. Inspect before, during and after construction.
- e. Maintain a record of the engineer's certificate and the "as-built" floodproofed elevation of all buildings subject to Section 8 of this ordinance.
- f. Cooperate with state and federal floodplain management agencies to improve base flood and floodway data and to improve the administration of this ordinance. Submit reports as required for the National Flood Insurance Program.
- g. Maintain for public inspection and furnish upon request regulatory flood data, SFHA maps, Letters of Map Amendment (LOMA), Letters of Map Revision (LOMR), copies of DNR permits and letters of recommendation, federal permit documents, "as-built" elevation and floodproofing data; and all buildings constructed subject to this ordinance.
- h. Notify adjacent communities and State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notifications to FEMA.

SECTION 5. REGULATORY FLOOD ELEVATION. This ordinance's protection standard is the regulatory flood. The best available regulatory flood data is listed below. Whenever a party disagrees with the best available data, the party submitting the detailed engineering study needs to replace existing data with better data and submit it to the Department of Natural Resources for review and approval.

- a. The regulatory flood elevation and floodway limits for the SFHAs of Muddy Fork Creek and Silver Creek shall be as delineated on the 100 year flood profiles in the Flood Insurance Study of the Town dated February, 1980, and corresponding FIRM dated August 1, 1980, prepared by the Federal Emergency Management Agency.
- b. The regulatory flood elevation for each SFHAs delineated as an "AH Zone" or an "AO Zone" shall be that elevation (or depth) delineated on the Flood Insurance Rate Map of the Town.
- c. The regulatory flood elevation for each of the remaining SFHAs delineated as an "A Zone" in the Flood Insurance Rate Map of the Town shall be according to the best data available as provided by the Department of Natural Resources.
- d. The regulatory flood elevation and floodway limits for the SFHAs of those parts of unincorporated Clark County that are within the extraterritorial jurisdiction of the Town or that may be annexed into the Town shall be delineated on the 100 year flood profiles in the Flood Insurance Study of Clark County prepared by the Federal Emergency Management Agency and dated March, 1980, and the corresponding FBFM dated September 30, 1980, prepared by FEMA.

- e. If the SFHA is delineated as an "AH Zone or AO Zone", the elevation (or depth) will be delineated on the County Flood Insurance Rate Map. If the SFHA is delineated as "Zone A" on the County Flood Insurance Rate Map, the regulatory flood elevation shall be according to the best data available as provided by the Department of Natural Resources.

SECTION 6. IMPROVEMENT LOCATION PERMIT. No person, firm, corporation, or governmental body not exempted by state law shall commence any "Development" in the SFHA without first obtaining an Improvement Location Permit from the Town Zoning Board. The Zoning Board shall not issue an Improvement Location Permit if the proposed "Development" does not meet the requirements of this ordinance.

- a. The application for an Improvement Location Permit shall be accompanied by the following:
1. A description of the proposed development.
 2. Location of the proposed development - sufficient to accurately locate property and structure in relation to existing roads and streams.
 3. A legal description of the property site.
 4. A site development plan showing existing and proposed structure locations and existing and proposed land grades.
 5. Elevation of lowest floor (including basement) of all proposed structures. Elevation should be in National Geodetic Vertical Datum of 1929 (NGVD).
- b. Upon receipt of an application for an Improvement Location Permit, the Zoning Administrator shall determine if the site is located within an identified floodway or within the floodplain where the limits of the floodway have not yet been determined.
1. If the site is in an identified floodway, the Zoning Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Department of Natural Resources and apply for a permit for construction in a floodway.

Under the provisions of IC 14-28-1, a permit from the Natural Resources Commission is required prior to the issuance of a local building permit for any excavation, deposit, construction or obstruction activity located in the floodway. This includes land preparation activities such as filling, grading, clearing and paving, etc. undertaken before the actual start of construction of the building.

No action shall be taken by the Zoning Administrator until a permit has been issued by the Natural Resources Commission granting approval for construction in the floodway. Once a permit has been issued by the Natural Resources Commission, the Zoning Administrator may issue the local Improvement Location Permit, provided the provisions contained in Sections 7 and 8 of this ordinance have been met. The Improvement Location Permit cannot be less restrictive than the permit issued by the Natural Resources Commission.

2. If the site is located in an identified floodway fringe, then the Zoning Administrator may issue the local Improvement Location Permit provided the provisions contained in Section 7 and 8 of this ordinance have been met. The key provision is that the lowest floor of any new or substantially improved structure shall be at or above the Flood Protection Grade.
3. If the site is in an identified floodplain where the limits of the floodway and floodway fringe have not yet been determined (shown as Zone A on the Flood Insurance Rate Map), and the drainage area upstream of the site is greater than one square mile, the Building Official shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Department of Natural Resources for review and comment.

No action shall be taken by the Zoning Administrator until either a permit for construction in the floodway or a letter of recommendation citing the 100 year flood elevation and the recommended Flood Protection Grade has been received from the Department of Natural Resources.

Once the Zoning Administrator has received the proper permit or letter of recommendation approving the proposed development, an Improvement Location Permit may be issued provided the conditions of the ILP are not less restrictive than the conditions received from Natural Resources and the provisions contained in Section 7 and 8 of this ordinance have been met.

4. If the site is in an identified floodplain where the limits of the floodway and floodway fringe have not yet been determined and the drainage area upstream of the site is less than one square mile, the Zoning Administrator shall require the applicant to provide an engineering analysis showing the limits of the floodway, floodway fringe and 100 year flood elevation of the site. Upon receipt, the Zoning Administrator may issue the local Improvement Location Permit, provided the provisions contained in Section 7 and 8 of this ordinance have been met.

SECTION 7. PREVENTING INCREASED DAMAGES. No development in the SFHA shall create a damaging or potentially damaging increase in flood heights or velocity or threat to public health and safety.

- a. Within the floodway identified on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map, or engineering analysis as provided in Section 6.6.4., the following standards shall apply:
 1. No development shall be allowed which acting alone or in combination with existing or future similar works, will cause any increase in the elevation of the regulatory flood; and
 2. For all projects involving channel modifications or fill (including levees), the Town shall submit a request to the Federal Emergency Management Agency to revise the regulatory flood data.

- b. Within all SFHAs identified as A Zones (no 100 year flood elevation and/or floodway/floodway fringe delineation has been provided), the following standard shall apply:
 1. The total cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the regulatory flood elevation more than one-tenth (0.1) of one foot and will not increase flood damages or potential flood damages.

- c. Public Health Standards in all SFHAs:
 1. No development in the SFHA shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the Flood Protection Grade, unless such materials are stored in floodproofed tanks or floodproofed buildings constructed according to the requirements of Section 8 of this ordinance.
 2. New and replacement sanitary sewer lines and on-site waste disposal systems may be permitted provided all manholes or other above ground openings located below the FPG are watertight.

SECTION 8. PROTECTING BUILDINGS. In addition to the damage prevention requirements of Section 7, all buildings to be located in the SFHA shall be protected from flood damage below the FPG.

- a. This building protection requirement applies to the following situations:
 1. Construction or placement of any new building having a floor area greater than 400 square feet.

2. Structural alterations made to an existing building that increase the market value of the building by more than 50% (excluding the value of the land) or any structural alteration made previously (one time only alteration);
 3. Any subsequent alterations;
 4. Reconstruction or repairs made to a damaged building that are valued at or more than 50% of the market value of the building (excluding the value of the land) before damage occurred.
 5. Installing a manufactured home on a new site or a new manufactured home on an existing site. This ordinance does not apply to returning the existing manufactured home to the same site is lawfully occupied before it was removed to avoid flood damage; and
 6. Installing a travel trailer or recreational vehicle on a site for more than 180 days.
- b. This building protection requirement may be met by one of the following methods. The Building Official shall maintain a record of compliance with these building protection standards as required in Section 4 of this ordinance.
1. A residential or nonresidential building may be constructed on a permanent land fill in accordance with the following:
 - (a) The fill shall be placed in layers no greater than one foot deep before compacting to 95% of the maximum density obtainable with the Standard Proctor Test method.
 - (b) The fill should extend at least ten feet beyond the foundation of the building before sloping below the FPG.
 - (c) The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulkheading. If vegetative cover is used, the slopes shall be no steeper than 3 horizontal to 1 vertical.
 - (d) The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.
 - (e) The top of the lowest floor (see definition of lowest floor in Section 3. Definitions) shall be at or above the FPG.
 2. A residential or nonresidential building may be elevated in accordance with the following:

- (a) The building or improvements shall be elevated on posts, piers, columns, extended walls, or other types of similar foundations provided:
 - (1) Walls of any enclosure below the elevated floor shall be designed to automatically equalize hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters, through providing a minimum of two openings (in addition to doorways and windows) having a total area of one (1) square foot for every two (2) square feet of enclosed floor area subject to flooding. The bottom of all such openings shall be no higher than one (1) foot above grade.
 - (2) Any enclosure below the elevated floor is used for storage of vehicles and building access.
 - (b) The foundation and supporting members shall be anchored and aligned in relation to flood flows and adjoining structures so as to minimize exposure to known hydrodynamic forces such as currents, waves, ice, and floating debris.
 - (c) All areas below the FPG shall be constructed of materials resistant to flood damage. The top of the lowest floor (including basement) and all electrical, heating, ventilating, plumbing, air conditioning equipment and utility meters shall be located at or above the FPG. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the FPG.
3. Manufactured homes and travel trailers (also called recreational vehicles) to be installed substantially improved on site for more than 180 days must meet one of the following anchoring requirements:
- (a) The manufactured home shall be elevated on a permanent foundation such that the lowest floor shall be at or above the FPG and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. This requirement applies to all manufactured homes to be placed on a site;
 - (1) Outside a manufactured home park or subdivision;
 - (2) In a new manufactured home park or subdivision;
 - (3) In an expansion to an existing manufactured home park or subdivision; or

(4) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood.

(b) The manufactured home shall be elevated so that the lowest floor of the manufactured home chassis is supported by reinforced piers or other foundation elements that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

This requirement applies to all manufactured homes to be placed on a site in an existing manufactured home park or subdivision that has not been substantially damaged by a flood.

4. Recreation vehicles placed on a site shall either:

(a) Be on the site for less than 180 consecutive days;

(b) Be fully licensed and ready for highway use (defined as being on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions); or

(c) Meet the requirements for "manufactured homes" in Paragraph 3 of this section.

5. A non-residential building may be floodproofed to the FPG (in lieu of elevating) if done in accordance with the following:

(a) A Registered Professional Engineer shall certify that the building has been designed so that below the FPG, the structure and attendant utility facilities are watertight and capable of resisting the effects of the regulatory flood. The building design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice.

(b) Floodproofing measures shall be operable without human intervention and without an outside source of electricity.

SECTION 9. OTHER DEVELOPMENT REQUIREMENTS.

a. The Planning Commission shall review all proposed subdivisions to determine whether the subdivision lies in a flood hazard area as defined elsewhere by ordinance. If the (review agency or official) finds the subdivision to be so located, the (review agency or individual)

shall forward plans and materials to the Indiana Department of Natural Resources for review and comment. The (review agency or individual) shall require appropriate changes and modifications in order to assure that:

1. It is consistent with the need to minimize flood damages;
 2. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;
 3. Adequate drainage is provided so as to reduce exposure to flood hazards;
 4. On-site waste disposal systems, if provided, will be so located and designed to avoid impairment of them or contamination from them during the occurrence of the regulatory flood.
- b. Developers shall record the 100 year flood elevation on all subdivision plats containing lands identified elsewhere by ordinance as within a flood hazard area prior to submitting the plats for approval by the Plan Commission.
- c. All owners of manufactured home parks or subdivisions located within the SFHA, identified as Zone A on the community's FHMB or FIRM, develop an evacuation plan for those lots located in Zone A and file it with the local Plan Commission and have it filed and approved by the appropriate community emergency management authorities.

SECTION 10: VARIANCES

- a. The Board of Zoning Appeals may consider issuing a variance to the terms and provisions of this ordinance provided the applicant demonstrates that:
1. There exists a good and sufficient cause for the requested variance;
 2. The strict application of the terms of this ordinance will constitute an exceptional hardship to the applicant; and
 3. The granting of the requested variance will not increase flood heights, create additional threats to public safety, cause additional public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.
- b. The Board of Zoning Appeals may issue a variance to the terms and provisions of this ordinance subject to the following standards and conditions:

1. No variance or exception for a residential use within a floodway subject to Section 7 (a) or (b) may be granted;
2. Any variance or exception granted in a floodway subject to Section 7 (a) or (b) will require a permit from Natural Resources;
3. Variances or exceptions to the Building Protection Standards of Section 8 may be granted only when a new structure is to be located on a lot of one-half acres or less in size, contiguous to and surrounded by lots with existing structures constructed below the flood protection grade;
4. Variances or exception may be granted for the reconstruction or restoration of any structure individually listed on the Register of Historic Places or the Indiana State Survey of Historic Architectural, Archaeological and Cultural Sites, Structures, Districts, and Objects;
5. All variances shall give the minimum relief necessary and be such that the maximum practical flood protection will be given to the proposed construction; and
6. The Board of Zoning Appeals shall issue a written notice to the recipient of a variance or exception that the proposed construction will be subject to increased risks to life and property and could require payment of excessive flood insurance premiums.

SECTION 11. DISCLAIMER OF LIABILITY. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods can and will occur on rare occasions. Therefore, this ordinance does not create any liability on the part of the community, Natural Resources, or the State of Indiana, for any flood damage that results from reliance on this ordinance or any administrative decision made lawfully thereunder.

SECTION 12. VIOLATIONS. Failure to obtain an Improvement Location Permit in the SFHA or failure to comply with the requirements of a permit or conditions of a variance shall be deemed to be a violation of this ordinance. All violations shall be considered a common nuisance and be treated as such in accordance with the provisions of the Zoning Code for the Town of Sellersburg. All violations shall be punishable by a fine not exceeding \$ _____.

- a. A separate offense shall be deemed to occur for each day the violation continues to exist.
- b. The Sellersburg Zoning and Planning Commission shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.

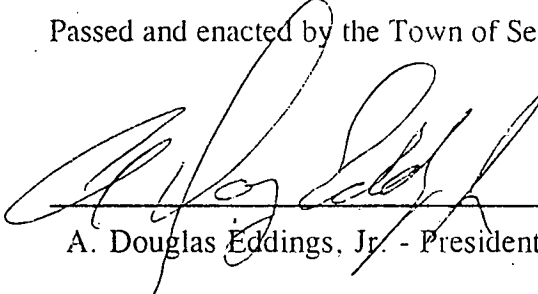
- c. Nothing herein shall prevent the Town from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

SECTION 13. ABROGATION AND GREATER RESTRICTIONS. This ordinance repeals and replaces other ordinances adopted by the Town Council to fulfill the requirements of the National Flood Insurance Program. However, this ordinance does not repeal the original resolution or ordinance adopted to achieve eligibility in the Program. Nor does this ordinance repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where this ordinance and other ordinance easements, covenants, or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall take precedence.

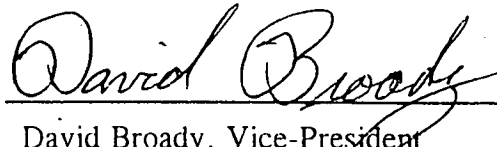
SECTION 14. SEPARABILITY. The provisions and sections of this ordinance shall be deemed separable and the invalidity of any portion of this ordinance shall not affect the validity of the remainder.

SECTION 15. EFFECTIVE DATE. This ordinance shall take effect upon its passage by the Town Council.

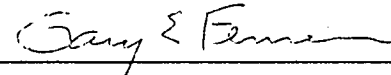
Passed and enacted by the Town of Sellersburg, Indiana, on the 11 day of May, 1998.



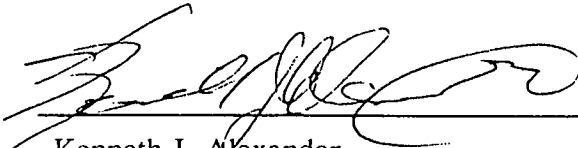
A. Douglas Eddings, Jr. - President



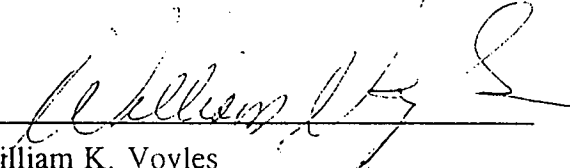
David Broady, Vice-President



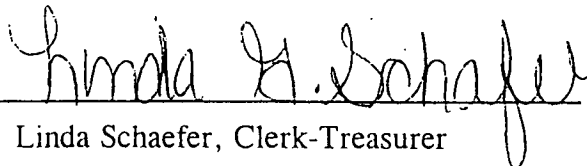
Gary E. Fenner



Kenneth J. Alexander



William K. Voyles



Linda Schaefer, Clerk-Treasurer

President Eddings Presents Ordinance 98-691 For Adoption/Flood Hazard Areas

President Eddings stated that he would entertain a motion to adopt ordinance 98-691.

Council Member Voyles stated he would make that motion.

President Eddings stated motion made by Bill, do I have a second?

Vice-President Broady stated I'll second.

President Eddings stated second by Dave, any discussion? If not all those in favor signify by saying I opposed nay. I's have it. Where do we sign?
Vote 5-0

Attorney McCall stated it's on the way down.

President Eddings stated that's it.

Attorney McCall stated those are the two I have.

President Eddings stated no resolutions tonight?

Attorney McCall stated oh I take that back, I have a resolution.

President Eddings Stated I thought so.

Attorney McCall stated yea, your'e right. Uh, Virgil Bolly who is the Attorney for the Sellersburg Vol. Fire Dept. Uh, indicated that their dept. will be paying off the 1991 bond adventure and retiring the bonds. They're going to do a new bond adventure for \$500,000. in order for them to be able to secure this bond through bank one they need the town council to do as they have in the past to put a waiver of diverter clause in the deed to the fire house which is in the town so that their business would revert back to the town, so that would not be able to for close if the somehow need to, so, uh, I have that, that would be resolution, Linda?

Clerk Treas. Shcafer stated 98-47.

Attorney McCall stated 98-47 resolution and I would just, I would consider this resolution the same way you did the ordinance. Do it twice.

President Eddings Presents Resolution 98-47/Fire Department Bond.

President Eddings stated I'll make a motion, I'll entertain a motion to consider resolution 98-47 concerning the firehouse.

Council Member Alexander stated I'll make that motion.

President Eddings stated notion made by Ken, do I have a second?

Vice-President Broady stated I'll second.

President Eddings stated second by Dave, any discussion, if not all those in favor signify by saying I, opposed nay. I's have it.
Vote 5-0

98-47

RESOLUTION OF THE
SELLERSBURG TOWN COUNCIL

Comes now the Town of Sellersburg, by its council members, on the 11 day of May, 1998 and hereby passes the following resolution:

WHEREAS, the Town of Sellersburg on the 25th day of September, 1989 conveyed and warranted unto the Sellersburg Fire Protection District a certain tract of land as stated in Deed Drawer 21, Instrument No. 10221 of the Recorder's Office of Clark County, Indiana.

WHEREAS, said Warranty Deed conveying this property contained a provision wherein if the property were to ever cease being used for the purpose of actively providing the Town of Sellersburg fire protection services, then said property shall automatically revert back to the Town of Sellersburg and the Sellersburg Fire Protection District shall have no ownership interest in said property.

WHEREAS, the Sellersburg Volunteer Fire Department has leased said property from the Sellersburg Fire Protection District for a period of fifty (50) years.

WHEREAS, the Sellersburg Volunteer Fire Department desires to pledge an assignment of its Lease of said premises for securement of a loan with the Liberty National Bank.

WHEREAS, the Sellersburg Fire Protection District has provided its consent to the pledge of an assignment of said Lease Agreement for security of said loan and now seeks the approval of the Town of Sellersburg of a waiver of the reverter clause as contained in the Warranty Deed specifically for the benefit of the Liberty National Bank and limited to this transaction and only for the duration of said debt obligation by the Sellersburg Volunteer Fire Department to the Liberty National Bank.

WHEREAS, it is in the best interest of the Town of Sellersburg to facilitate the advancement of its fire protection services and the granting of such a waiver will directly benefit the ability of the Sellersburg Volunteer Fire Department to provide fire protection services to the Town of Sellersburg.

WHEREAS, this Resolution is specifically and expressly contingent upon the Fire District's re agreement that they will be responsible for directly making the payment themselves to the Liberty National Bank for this loan. It is therefore,

RESOLVED that the Town of Sellersburg by and through its Town Council, hereby passes this resolution stating that the reverter clause as contained in the Warranty Deed as recorded in the Deed Drawer 21, Instrument 10221 of the Clark County Recorder's Office, is expressly waived for the purposes of permitting the Sellersburg Volunteer Fire Department to pledge an

assignment of its Lease Agreement for said property as security for a loan with BankOne. It is further,

RESOLVED that this waiver will be effective during the term of the outstanding debt obligation from the Sellersburg Volunteer Fire Department to the BankOne. It is further,

RESOLVED that said reverter clause shall remain in full force and effect as it relates to any other transaction or entity other than the BankOne. It is further,

RESOLVED that in consideration for the advancement of the fire protection services to the Town of Sellersburg and the increased value of said services, said reverter clause as contained in the Warranty Deed is hereby waived as it pertains to the interest of BankOne.

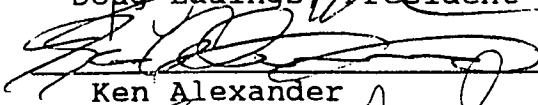
This resolution was voted on and approved by the Sellersburg Town Council on the 11 day of May, 1998.

TOWN OF SELLERSBURG
BOARD OF TRUSTEES

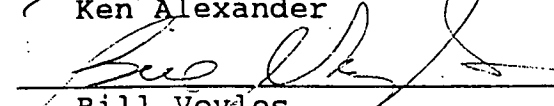
By:



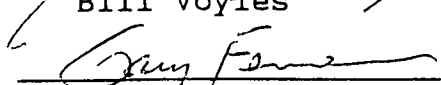
Doug Eddings, President



Ken Alexander

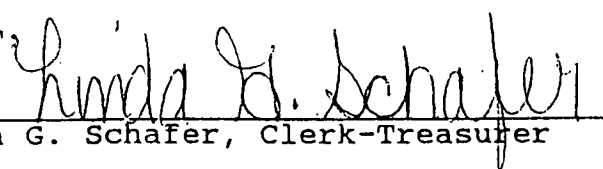


Bill Voyles



Gary Fenner

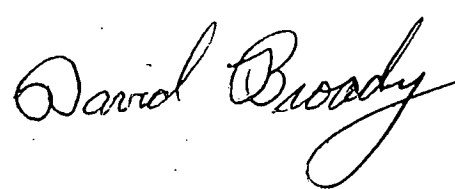
ATTEST:



Linda G. Schafer, Clerk-Treasurer

STATE OF INDIANA)
 :SS
COUNTY OF CLARK)

Before me, a Notary Public, in and for said County and State, personally appeared Doug Eddings, Ken Alexander, Bill Voyles and Gary Fenner, Board of Trustees, and Linda G. Schafer, Clerk-Treasurer, and being duly sworn upon their oath, say that they are the persons who executed the foregoing, that they have read the same and that the statements therein contained are true.



WITNESS my hand and notarial seal this _____ day of _____
1998.

NOTARY PUBLIC

COMMISSION INFORMATION:

Name:

Commission Expiration:

County of Residence:

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President Eddings Presents Resolution 98-47/Fire Dept. Bond For Adoption

President Eddings stated I'll entertain a motion to adopt resolution 98-47.

Council Member Alexander stated I'll make that motion.

President Eddings stated motion made by Ken, do I have a second?

Vice-President Broady stated I'll second.

President Eddings stated second by Dave, any discussion? If not all those in favor signify by saying I, opposed nay. I's have it.
vote 5-0

Attorney McCall stated that's it. Linda, I'll need you to make a copy of that one and give me the original back, and then also on what we just did. the same deal. I have to send the original.

Clerk Treasurer Schafer stated that's...

Attorney McCall stated no, just give me a copy you keep the originals, but give me the original of the uh, of the garbage refuge because I need to take it for publication. Linda can you certify a document? Do you have your seal? Certify one of those copies of the flood hazard.

President Eddings stated ok, Dave Broady.

Vice-President Broady stated I have several different claims here to be approved by the different contractors. Claim number one is uh, I make a motion we approve claim for team contractor for \$12147.44 for estimate number two on the retention basin.

President Eddings stated motion made by Dave. Do I have a second?

Council Member Voyles stated I'll second.

President Eddings stated second by Bill, any discussion? If not all those in favor signify by saying I, opposed nay, I's have it.
Vote 5-0

Council Member Fenner stated John how's that coming along? are they moving, I mean I haven't been down there for about a week.

Mr. Toombs stated I think until last Thursday they haven't been able to do anything because it's been raining so much. It's been muddy but with it not raining they....

Vice-President Broady Presents Claim For For Gray Fox For Drainage Improvement

Vice-President Broady stated I have a claim from Gray Fox for estimate number two on the drainage improvement for \$11242.96. I make a motion to pay that.

President Eddings stated motion made by Dave, do I have a second?

Council Member Voyles stated I'll second.

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President Eddings stated second by Bill, any discussion? If not all those in favor signify by saying I, opposed nay, I's have it.

Vice-President Broady Presents Claim From Gray Fox

Vice-President Broady stated I have a claim from Gray Fox for the same project for estimate number two, is that right?

Mr. Toombs stated no, they're's actually two one you did in November and one you did in September.

Vice-President Broady stated oh that's right. This is for the other storm sewer project going on. It's in the amount of \$5517.69. I make a motion we pay that.

President Eddings stated motion made by Dave, do I have a second?

Council Member voyles stated I'll second.

President Eddings stated second by Bill, any discussion? If not all those in favor signify by saying I, opposed nay. I's have it.
Vote 4-0

Vice-President Broady Presents Claim for Jacobi, Toombs, and Lanz

Vice-President Broady stated then I have claims for Jacobi, Toombs and Lanz, three, four of them, I'll make them together if that's allright? Uh, one in the amount of \$1450.00 for plan commission review etc. and different items. One of them is \$360.00 for the water project rate increase work on that. One \$2400.00 for the storm sewer retention basin and one is \$4044.00 for the drainage improvements that we're doing, part of those contractors. I make a motion we pay there claims.

President Eddings motion made by Dave, do I have a second?

Council Member Voyles stated I'll second.

President Eddings stated second by Bill, any discussion? If not all those in favor signify by saying I, oppose nay, I's have it.
vote 4-0

Council Member Fenner Gives Pool Information

Council Member Fenner stated just the information we will start filling the towns pool tomorrow and it will open on Saturday May 24th. If all goes well. It will be open for the first two weekends until school is out and when school is out it will be open full time. With a brand new paint job. They sandblasted all the way down, new paint job, new ladders and other new shower heads and other.

President Eddings stated it looks good.

Vice-President Broady stated who will manage the pool this year?

Council Member Fenner stated Kelly Fitchett, been our manager for the last two years, she is returning, everyone is hired.

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President Eddings Discusses Mr. Welsh's Property

President Eddings stated, anything else. I think I am next. On considering yours we've got one more phone call to make to River City or whatever, River Valley. Whoever the contract is out there. Uh, they're looking at doing some sodding work and that type of stuff and what we'd like to do is wait and get everything cleaned up and resod and then take an evaluation waiting of a phone call from them and see what we're going to do.

Attorney McCall stated see what kind of responsibility they're going to take also.

President Eddings Asked For Volunteers For Committee On Study For EMC

President Eddings stated the only other thing I have is I would like to ask for volunteers from the citizens to serve on a committee with at least two town board members and uh, to put together a scope for a study for EMC to see how efficiently they are running our utility operation, uh, what that would certail would be what we would like an efficiency group of a management consulting group to come in and study. What records we want them to look at, how we would want them to approach a study and what information we're going to try to gain from that, So, I'm looking for volunteers from the citizens to serve on a committee. We'll meet. I'd like to have one of you two, ok Pauline, and I'd like to get one of the board members.

Clerk Treasurer Schafer stated I'd like to be on there.

President Eddings stated we'll probably look at meeting Thursday.

Council Member Voyles stated Thursday, what time?

President Eddings stated probably around 7:00 or 6:30. 6:30 Thursday for the first meeting. It won't take very long. Kinda get an idea of what we want to outline and then get back together and put together something and I'll have uh, either Dave's secretary or my secretary at work print it up and we'll send it out for bids.

Council Member Voyles stated I'll do it.

President Eddings stated ok, in da?

Clerk Treasurer Presents Claims for this meeting

Clerk Treasurer Schafer stated I would like to present my bills to be paid.

President Eddings stated ok, everybody has a copy of the bills in their box.

Everybodies had a chance to review the bills, they've been in your mailbox, I'll entertain a motion to pay the bills as presented.

Council Member Voyles stated I'll make that motion.

President Eddings stated motion made by Bill. Do I have a second?

Council Member Fenner stated I'll second.

President Eddings seconded by Gary, and discussion? If not all those in favor signify by saying I, opposed nay. I's have it.
vote 4-0

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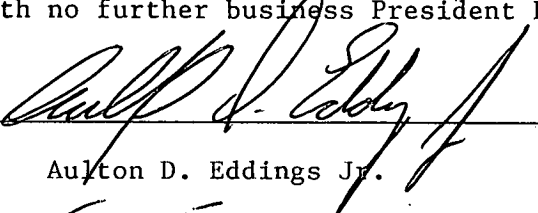
Adjournment

Vice-President Broady Stated I'll make a motion to adjourn.


President Eddings stated motion made by Dave. Do I have a second?

Council Member Voyles stated second by Bill, any discussion, If not all those in favor signify by saying I, opposed nay. I's have it.
vote 4-0

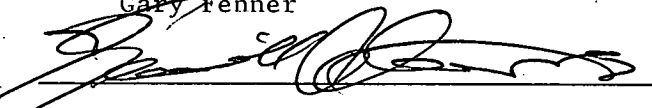
With no further business President Eddings adjourned the regular meeting at 6.55 p.m.



Aulton D. Eddings Jr.



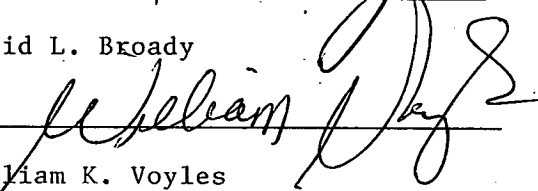
Gary Fenner



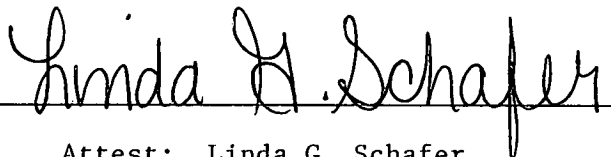
Kenneth J. Alexander



David L. Broady



William K. Voyles



Attest: Linda G. Schafer
Clerk Treasurer

SELLERSBURG TOWN COUNCIL

June 8, 1998

EXECUTIVE SESSION

An Executive Session of the Sellersburg Town Council was held at the Sellersburg Town Hall at 6:00 p.m. to discuss personnel matters and pending litigation. Those present were: Aulton D. Eddings Jr., Council President; David Broady, Council Vice-President; William Voyles, Council Member; Gary Fenner, Council Member; Kenneth Alexander, Council Member; William P. McCall III, Town Attorney; and Linda G. Schafer, Clerk Treasurer.

CALLED TO ORDER

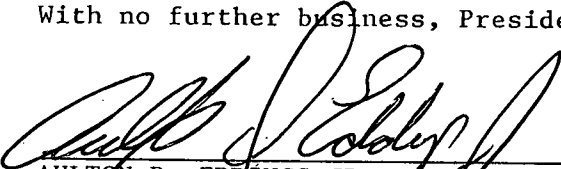
President Eddings called the Executive Session to order at 6:05 p.m.

TOPICS OF DISCUSSION

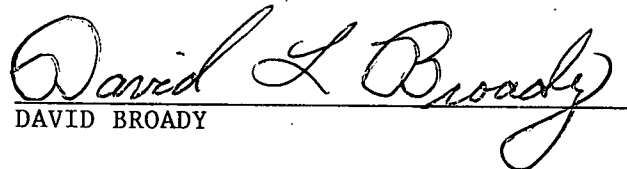
Notice on final hearing.
Annexation/Resolution and Ordinance for I.
Rate Ordinance for increase.
INAAP Cost/Army Ammo Plant
Town to City
Sign/Action Loan
Wreck/Stricker
Annexation
Maint. Property
Tap in Fees
Salary Ordinance
Schafer vs Town Of Sellersburg
Collier vs Town Of Sellersburg
New Albany Ford Tractor vs Town Of Sellersburg

Adjournment

With no further business, President Eddings adjourned the Executive Session at 6:40 p.m.



AULTON D. EDDINGS JR.

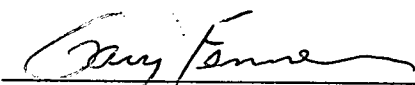


DAVID BROADY




KENNETH ALEXANDER

WILLIAM VOYLES



GARY FENNER



ATTEST: LINDA G. SCHAFER
CLERK TREASURER

SELLERSBURG TOWN COUNCIL

June 8, 1998

Regular Meeting

A Regular Meeting of the Sellersburg Town Council was held at the Sellersburg Town Hall at 6:30 p.m. Those present were; Aulton D. Eddings Jr., Council President; David Broady, Council Vice-President; William Voyles, Council Member; Gary Fenner, Council Member; Kenneth Alexander, Council Member; Linda G. Schafer, Clerk Treasurer; and William P. McCall, Town Attorney.

Called To Order

President Eddings called the Regular Meeting to order at 6:45 p.m.

Prayer

Rev. Bob Hauselman offered up the prayer for this meeting.

Pledge

The Pledge of Allegiance to the flag was recited.

PRESIDENT EDDINGS PRESENTS MINUTES OF LAST MEETING.

President Eddings stated ok everyone's got a copy of the minutes from May 11th of the Executive Meeting and General Session. I'll entertain a motion to adopt the minutes as presented.

Council Member Fenner stated I'll make a motion to accept the minutes as presented.

President Eddings stated motion made by Gary do I have a second?

Council Member Voyles stated I'll second.

President Eddings stated second by Bill, any discussion? If not all those in favor signify by saying I, opposed nay. I's have it.

President Eddings stated ok petitions from citizens tonight. I guess Cracker Barrel and Mark's not here. They are not going to be on the agenda.

Clerk Treasurer Schafer stated they're not here.

President Eddings stated ok is uh Mr. Weaver here?

Clerk Treasurer Schafer stated they're not here.

President Eddings stated he's not here. Dorthea Barton?

Clerk Treasurer Schafer stated she's not here either.

President Eddings stated moving right on down the list, uh Mrs. Hicks.

JOAN HICKS ADDRESSES THE COUNCIL MEMBERS CONCERNING THE DRAINAGE DITCH BEHIND HER HOUSE.

Mrs. Hicks stated somebodies going to have to help me out, I've not been here before.

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JOAN HICKS ADDRESSES THE COUNCIL MEMBERS CONCERNING THE DRAINAGE DITCH BEHIND HER HOUSE.

President Eddings just come up to the board.

Mrs. Hicks stated ok I've come to ask someone to look at the drainage system in the back of my property which is actually in the property of Hamstead Heath. There is a drainage ditch which there is a lot of work going on in Hill-N-Dale in other places. This has at one point was a ditch and now it's now barely a trinkle trench. It is constantly filled with mosquito's and this has been an ongoing problem for the twelve years that I've lived there. I had talked with someone here at the Town Hall or in the Town Office, I believe it was Mark and he said that he was not going to do anything. I spent time at the courthouse trying to find out where the storm drains go. There's nothing on the plats or in the recorded paperwork from the developer, and at this time I can't ascertain that Sellersburg has anything showing the storm drain or not. What we do have is with all the problems that they have in Hamstead Heath they have got four drains two of them on Hampton Court that run under the street that feed into two drains that go from one side of Regents Park to the other side which would be on the north end, flows through a pipe that stops at the last, at the very first lot on that end. The next two flows into an open ditch which then feeds into a storm drainage ditch that runs between 713 and 719 Alabama and runs under the street. Over a course of time this ditch has been aroding and as I said it was a ditch at one point now there are place's that are less than a trench. You might have two inches to five inches. And it's just a constant breeding ground for mosquito's and anything else that decides to live there. In the mean time, I mean I have just two months ago had a drainage system in my basement where all the water was coming across my property. And I have been told by contractors this was ten years ago that which each basement that was built in Hamstead Heath it moved the water table. And I mean at this point I'm concerned about getting this drainage ditch taken care of feeding the water flowing it away and taking care of the mosquito's. I can't let my kinds or myself out in the backyard and the one couple that I do know that lives on the adjoining property on Hampton Court I've been at their house just as it's going to be about dusk and the mosquito's are so bad in their front or back yard that you can't go outside. And I'd like somehow, somebody to tell me where I go? Or what needs to be done.

Council Member Alexander stated where exactly are you talking about?

President Eddings stated 709 Alabama.

Council Member Alexander stated I know where is it in the backyard?

Mrs. Hicks stated yes this is Hamstead ok I'm trying to look at here's Regents here are the street drains. Here's the two that are on Hampton Court that feed back in: There is a street drain here and here this pipe. There is a drainage pipe here. It stops at the corner of this property. This at one time was a ditch. It's suppose to be a ditch and then from that point it runs between 713 and 719 Alabama.

Council Member Fenner stated is this your house here?

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JOAN HICKS ADDRESSES THE COUNCIL MEMBERS CONCERNING THE DRAINAGE DITCH BEHIND HER HOUSE.

Mrs. Hicks stated uh this is part of Hamstead there's one ok three houses. I'm in section four, ok I'm on lot 169.

Council Member Fenner stated ok.

Mrs. Hicks stated ok this...

Council Member Fenner stated so you're going to be right about here.

Mrs. Hicks stated this lot is also mine, yes it's right about in here.

Council Member Alexander stated here in between where the ditch runs.

Mrs. Hicks stated right this would be my lot, and there's a second lot that's with this piece of property. Running this way and comes out, I'm trying to read this up side down. Right along this property.

Council Member Alexander stated there's a little catch basin here.

Mrs. Hicks stated right and there's a street drain right here that runs underneath Alabama comes through that ditch.

Council Member Alexander stated let me do this. Let me uh, uh, I know I can't remember the name of the elderly couple that has the drive that goes back to the garage.

Mrs. Hicks stated Sutton.

Council Member Alexander stated Sutton yes, uh that main drain let me look at it, coz I know this feed that comes off of this water really floods. We redid the ditch down below.

Mrs. Hicks stated the water flowing down through here. I mean we can't flow water up, so it's gotta flow this direction and then across there. And if that that's the case and nothing can be done then something has got to be reworked.

Council Member Alexander stated let me take a look at it. What was your name again?

Mrs. Hicks stated Joan Hicks.

Council Member Alexander stated could you give me your phone number?

Mrs. Hicks stated I'll copy it here. All right Thank You.

President Eddings stated ok, Pauline do you have anything tonight?

Mrs. Pixley stated not right now.

President Eddings stated Mr. Kinder.

Chief Kinder stated nothing Thank You.

President Eddings stated EMC.

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EMC/KENDALL COLEMAN ADDRESS THE COUNCIL ON/MONTHLY REPORT'S.

Mr. Coleman stated first item I have is since we didn't have a board meeting during last this is April's monthly report of operation of the utilities. The next item is the water and sewer revenue for the period of 5-11-98 through 5-22-98 and 5-25-98 through 6-5-98. The revenues collected for 5-11 through 5-22, \$74,038.89 and for the last two weeks uh 5-25 through June 5th, 98 were \$67,279.60. The next item is the monthly invoice reinversement of insufficient funds, meter deposits refunds, there's one on there for water tap refund and a sewer refund. Uh payment was made and the tap was already paid for. And the one's you have there is the one everyone needs to sign.

President Eddings stated what was the water tap and sewer tap? What is that water tap and sewer tap refund?

Mr. Coleman stated uh the tap was a , the tap was purchased out at Covered Bridge, it was discovered that when they went out there, the tap was already made and we need to reimburse it.

President Eddings stated ok.

Mr. Coleman stated the water tap refund uh, you're playing on my memory a little bi. I believe was the same situation, uh, the water tap was purchased and they didn't need it.

President Eddings stated ok, I'll entertain a motion uh, to approve the invoices for non-sufficient funds checks, meter deposits, water tap refunds, sewer tap refund and monthly sales tax.

Mr. Coleman stated the water tap was at 3002 Newberry road.

Vice-President Eddings stated I'll make that motion.

President Eddings stated motion made by Dave, do I have a second?

Council Member Voyles stated I'll second.

President Eddings stated second by Bill, any discussion? If not all those in favor signify by saying I, opposed nay, I's have it.

Mr. Coleman stated the next item I have is uh, due to the water main break on Holman's Lane in March uh, the City Of Jeffersonville requested theat uh, we patch the section of road that we had to excavate uh, Striegel Asphalt Company done that work for us in the amount of \$2,340.00 and I ask the boards approval.

President Eddings stated I'll entertain a motion to pay the claim for \$2,340.00 for the street repairing from the Striegel Asphalt Company.

Vice-President Broady stated I'll make that motion.

President Eddings stated motion made by Dave, do I have a second?

Council Member Alexander stated I'll second.

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EMC/KENDALL COLEMAN ADDRESSES THE COUNCIL.

President Eddings stated second by Ken, any discussion? If not all those in favor signify by saying I, opposed nay. I's have it. Vote 4-0

Mr. Coleman stated next item uh, the Ford F-700 dump truck is a 1987 model that's the original needed some repair work done to it. The stirring mechanism went out of it as well as the brakes. It's a piece of equipment that has been borrowed by all departments, throughout the town in the past I believe the sewer and water utility doesn't use it that often, but when we need it, we need it and uh, Wheatley Trucks Services performed the work and the total cost of that is \$2,350.27 and that is out of the sewer utility.

President Eddings stated ok I'll entertain a motion to pay for repairs on the dump truck.

Council Member Voyles stated I'll make that motion.

President Eddings stated motion made by Bill, do I have a second?

Vice-President Broady stated I'll second.

President Eddings stated second by Dave.

Mrs. Pixley stated are there any bids put out on these at all on these jobs?

Mr. Coleman stated I did not get a bid on that. Wheatly does most of our service work.

Mrs. Pixley stated maybe you could get it done cheaper.

Mr. Coleman stated the only other Ford Dealer in this area is Jim O'Neal Ford and they did not want to touch it.

Mrs. Pixley stated well you should try.

Council Member Alexander stated we have tried before and Wheatly is the only one who would do it.

Mr. Coleman stated all the heavy equipment goes to Wheatly.

Vice-President Broady stated is the street department going to continue to use this vehicle or is it now.

Mr. Coleman stated they have the new dump truck. The truck is available to the street department any time they need it.

President Eddings stated it's not uncommon that they borrow them back and forth. You all use street department equipment too don't you. They have in the past.

Mr. Coleman stated nope.

President Eddings stated not even the ditch digging device?

Mr. Coleman stated nope.

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EMC/KENDALL COLEMAN ADDRESSES THE COUNCIL.

Council Member Alexander stated I don't think they have, last year we purchased new equipment.

President Eddings stated any further discussion? If not all those in favor signify by saying I, opposed nay. I's have it. Vote 4-0.

Mr. Coleman stated the last item I have is uh due to the storm water line replacement in the Hill-N-Dale subdivision the water line had to be lowered uh to allow for the storm line to be laid, uh, and the contractor Gray Fox construction requested that we purchase some of the materials to make the necessary alignment for the water line. And what I have in front of you is the invoice from Water Works in the amount of \$342.04. Talking with John Toombs should be charged off against that project because there's going to be some later charges as well. I guess from Gray Fox.

President Eddings stated ok.

Clerk Treasurer Schafer stated yes it's a civil. It's charged off against that project.

Council Member Alexander stated it should be civil.

Clerk Treasurer Schafer stated yea, it's a civil.

Attorney McCall stated I don't have a civil voucher.

Clerk Treasurer Schafer stated that's all right.

President Eddings stated can you take care of it. Just put civil on the front of it. Ok I'll entertain a motion to pay for the materials on changing the water lane for the storm drain project for \$342.04 to Water Works.

Council Member Voyles stated I'll make that motion.

President Eddings stated motion made by Bill. Do I have a second?

Council Member Alexander stated I'll second.

President Eddings stated second by Ken, any discussion?

Council Member Fenner stated that will come out of the sewer?

President Eddings stated the storm drain project.

Clerk Treasurer stated out of civil.

President Eddings stated out of of the civil budget. Any further discussion? If not all those in favor signify by saying I, opposed nay, I's have it. Vote 4-0

Mr. Coleman stated that's it, uless you have any questions.

President Eddings stated nope.

STEVE WELCH ADDRESSES THE COUNCIL.

Mr. Welch stated uh, Mr. Eddings I have a question. I heard him mention the name of Gray Fox construction and the man that is the construction, that is the manager of that company and man named Trinidad uh, Orondo uh he came by to see us last Wednesday and said that they may have to completely redo the receptales in our yard. He said it was done wrong and I'm not going to lie to you he said these things, are a good eight inches higher than they're supposed to be. Somehow we've got to cut this off and this may involve taking them up out of the ground. And then cutting them off and this may involve taking them up out of the ground. And then cutting them off and sitting them back down again. They have to be redone. Also while we're on the topic this last big rain we had, I believe it was over the weekend on Sunday. I called Ken Alexander and made him aware of the problem right in behind us water was flowing over New Albany Street and boiling up out of the sewer. It's actually on the what used to be Mr. Fry's property and now he has since sold it. But this water was boiling up out of the sewer and coming over both sides on New Albany Street. It looked like it was coming from all the way over on Maple Drive. It circulated around to the back of our garage and completely flooded our garage and back yard. And for all the noise that they have been making, all this digging and everything, its still not done. The excuativing, the great big sinkhole in our yard and everything they have not solved the water drainage problem. There is something going on over on New Albany Street and futher over than that. Because we pulled in our drive we was in Clarksville when the storm hit, we pulled up in the drive and we were just stunned the water was boiling out of the sewer cap and after it finaly receded I went over there and the sewer cap on Fry's property is tiny compared to what's in our yard. It's entirely to small and perhaps that the problem. It's not a large enough hold on this water. The water was just flowing across New Albany Street.

President Eddings stated ok, we'll have to take a look at that to see if something can't be done. To see if there's something being backed up or what's going on. Ok, alright Gary.

COUNCIL MEMBER FENNER ADDRESSES THE COUNCIL/POOL.

Council Member Fenner stated uh, we the pool is up and running. It looks better than it has in years and we do have a problem with a leak that we're going to be working on but hopefully it won't affect the operation of the pool this year. We will be looking at some expense to fix it, hopefully it won't be till after the season is over with. Uh, also we have been working with the Korean War Veterans in Wilkerson Park and trying to make several improvements there. We're replacing some lights, we didn't even have any lights on the flag pole at all and put a light on the flag and we're doing several other things along with them in preparation for July the 4th when they will unveil and dedicate the Korean War Memorial. And so we are glad for that. Then also I have been talking with the people from Tarc. Uh last year I think it was they came and talked to us about establishing a route in Sellersburg and that is to take place. It is all set, it will begin June the 15th and there will be a ribbion cutting cermoney in front of the Town Hall. It will be at 11 o'clock in the morning and they have invited us, as a Town Council to come a be a part of that. They, it will run from Monday through Friday from 6 a.m. to approxmialely 6 p.m. Uh there will be 14 runs each day from Clarksville at the River Falls Mall to Sellersburg and back. There will be approximately 16 stops in the Sellersburg area. Just turn it around the other way Dave, that will probably do it. There will be 16 stops in the Sellersburg area. The route will be basically from the Mall across Progress Way, up 31 north to route 60, across 60 west to 311, and then north on 311,

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all the way up into the middle of town, Utica and New Albany, come down Utica, go down to Fern make a loop around Fern and Popp and the come back out.

Mr. Welch stated will they have connecting buses to Louisville.

Council Member Fenner stated absolutaly, you're ahead of me. They, each of those runs will be a direct connection to the Second Street Louisville route. The Second Street Louisville route will take you to downtown Louisville. It will take you to Kentucky Kingdom, it will take you to the airport, all right, non-stop route not non-stop direct ok, you will have to transfer and change buses again. And also it will connect to the New Albany shuttle as well. There will be a delay if you want to get to Jeffersonville but it will be a direct connection to New Albany and a direct connection to second street in Louisville. I really think that is a great thing for Sellersburg. It will probably be a small mini bus. It won't be able to catch that. It will put them in access to a lot of area for a lot of different reasons.

Mr. Welch stated is this being done on a trail basis?

Council Member Fenner stated they haven't said it was a trail basis. They have not approched it as a trail basis. They said this is what we are doing.

Mrs. Hicks stated with the 16 stops how are you going to faciliated parking?

Council Member Fenner stated there will be some of those stops that will be in areas where there will be some parking places. I think however probably for many people it's designed for people who can't drive anyway. And so they won't have a car to park.

Mrs. Hicks stated they have to get to the bus stop is what I am saying. They have to get to the bus stop generally speaking you would have a vechicle that is going to be parked.

President Eddings stated a lot of people are dropped off or walk to the bus stop.

Mrs. Hicks we're talking new routes in Sellersburg.

Council Member Fenner stated they won't come to your house to pick you up. It will be up to the people to get to the bus also. And however they choose to do that. I'd say with 16 stops and some of them being at say uh, what's the name of the, offical name of Jay C and the drug store is?

President Eddings stated Hertigage Square.

Council Member Fenner stated Hertigage Square, one will be at Hertigage Square and one will be at Ivy Tech.

Mr. Welch stated is one of them going to be out here on Utica?

Council Member Fenner stated yes it will stop, like I said 16 places and it will stop and it will come past the Town Hall here, down Popp and turn and go around and come back up and go back out.

Mr. Welch stated you know a question like this is coming. What about parking in the lot across the street? Could people park their car there and take the bus?

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President Eddings stated I don't know.

Council Member Fenner is it a public parking place.

Clerk Treasurer Schafer stated it belongs to the post office.

President Eddings stated it's post office owned I wouldn't know.

Vice-President Broady stated the post office owns 1/2 and the other 1/2 is owned by a private resident.

President Eddings stated I wouldn't know without checking with them.

Resident stated will there be maps and schedules that you have?

Council Member Fenner stated yes, there will be maps available at the Town Hall by the end of the week. Uh, they have just got them today and they promised me they would have they would have them here this week.

Resident stated if we come here we can ask for one, right?

Council Member Fenner stated hopefully they will be sitting out here on the counter.

Mr. Welch stated do you know how late those buses are going to run?

Council Member Fenner stated between six and seven thirty. From six in the morning, there are going early enough in the morning so people who want to get a job at UPS, they can get on a bus and ride the bus to the job at UPS. It will go right past UPS.

Mrs. Welch stated well, last year that would of been a God send for me with him in the hospital I had several emergencies and I had to get there without any transportation. And I could of had one just drive right and drop me off.

Council Member Fenner stated yea, like I said I think it's going to be a very good think for Sellersburg.

President Eddings stated all right Dave you got anything?

VICE-PRESIDENT BROADY ADDRESSES THE COUNCIL/APPROVE CLAIMS FOR GRAY FOX.

Vice-President Broady stated I have some claims to approve from Gray Fox for drainage improvement for \$6,739.70 uh I've got another three for Gray Fox for doing work on the Sellersburg general storm drains for \$10,976.32. I have a claim from Team Contracting for \$86,650.30 for the storm water retention project going on at the wastewater plant.

President Eddings stated I'll entertain a motion to pay the claims.

Vice-President Broady stated I'll make a motion to pay the claims as presented for the engineer.

President Eddings stated motion made by Dave, do I have a second?

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Council Member Voyles stated I'll second.

President Eddings stated second by Bill.

Council Member Fenner stated may I ask a question?

President Eddings stated any discussion?

Council Member Fenner stated uh, Dave, how much more do we still owe to Gray Fox?

Vice-President Broady stated well you're always ten percent retained. These are not closing the account.

Council Member Fenner stated ok.

President Eddings stated any further discussion? If not all those in favor signify by saying I, opposed Nay. I's have it. Vote 4-0

Vice-President Broady stated I have more.

Mr. Welch stated Mr. Eddings in other words you all hired Gray Fox to straighten out the problems down here on Hanger?

President Eddings stated they were part of the storm drain project. I don't know if they were doing the whole thing or not. They were doing some of it.

Mr. Welch stated I see.

President Eddings it's a seven year long project. There are several contractors put together most of the work is bid every time. Sometimes Team gets it and sometimes Gray Fox gets it, and sometimes other people.

Vice-President Broady stated I have claims presented by Jacobi, Toombs and Lantz for \$1,680.00 on Sellersburg uh, what is done on some annexation reviews and stuff, uh for \$2,104.25 for the drain improvement project, here in town for \$1,200.00 for storm water retention basin, for \$400.00 the plan commission reviews, and \$900.00 for the water project, the rate increase the work done on the water project rate increase. I make a motion we approve the claims for Jacobi, Toombs and Lantz as presented.

President Eddings stated motion made by Dave, do I have a second?

Council Member Alexander stated I'll second.

President Eddings stated second by Ken, any discussion? If not all those in favor signify by saying I, opposed nay. I's have it. Vote 4-0

Vice-President Broady stated for information uh, the project going on over at your house is suppose to be completed in to weeks, uh they are going to resod it completely uh, so that's what is going on. They are supposed to have everything done in two weeks.

Mr. Welch stated well thats great Mr. Broady.

Resident stated what about the big ruts on Hanger Avenue? You have where they tore up

Sellersburg Town Council
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the asphalt and there are great big ruts and Hanger is the same.

Vice-President Broady stated as far as I know from the calls everything is going to be taken care of.

Mr. Welch stated what's happening Mr. Broady is the people are tearing up their struts on their car. I mean you just creep across and it tears up your tires. But these struts are hardly the problem. They are, when you have to replace expensive to replace.

Vice-President Broady stated yes, uh, Nat can you check into that as a representative get a address and see if we can get those repaired right away.

Nat stated whats the address.

Mr. Welch stated 128 Hanger Ave.

Resident stated right across from your house on Miller needs to be repaired too. That one is deeper.

President Eddings stated ok Bill Voyles do you have anything?

Council Member Voyles stated no, I don't have a thing.

President Eddings stated ok I'll go ahead and give my things.

Mr. Welch stated Uh, Mr. Broady I would like to Thank You all for getting on top of that, getting somebody together to solve that problem. I do want to Thank You.

Council Member Broady stated it's all done, you know certainly want to take a look at it and make sure your satisfied with...

Mr. Welch stated I appreciate that, sir.

PRESIDENT EDDINGS ADDRESSES THE COUNCIL/SALARY ORDINANCE.

President Eddings stated ok we prepared the Salary Ordinance for next years budget it's that time of year again. Uh, everybody has had a chance to look at it and talk about it in the Executive Session, I like to go ahead so Linda can get started on the budget and try to pass the Salary Ordinance. Uh, that we talked about it in the Executive Session. On the Police Department dispatcher's we've got some changes uh, 1st change for number one dispatcher 9.06 will change it to 9.25 all other dispatcher at 8.81 will be change to 9.00 the last dispatcher uh, wait a minute we've got one between 8.52.

Clerk Treasurer Schafer stated that goes to 9.00 also, three in between the 9.06 and 8.52.

President Eddings stated there was four...

Council Member Alexander stated four.

President Eddings stated 1, 2, 3, 4 there were four.

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Clerk Treasurer Schafer stated yea.

President Eddings stated four.

Council Member Alexander stated that's right four.

Clerk Treasurer Schafer stated they didn't start at 8:50, the ordinance covers that.

President Eddings stated hold on a second.

Clerk Treasurer Schafer stated they have to be...

President Eddings stated ok and once they reach the seniority rate they'll go to 9 is that the way you said that.

Clerk Treasurer Schafer stated they are, yes.

President Eddings stated ok, 9.25 then 4 at 9.00 and part time 8.50 that would be the changes.

Clerk Treasurer Schafer stated that's right yes.

President Eddings stated with those changes in there I'd like to entertain a motion to...

Clerk Treasurer Schafer stated there's another change.

President Eddings stated ok, there's another change with the part time clerk comes out of the sewer department and into the general fund. I'll entertain a motion to adopt, I've got to do this thing in two readings don't I.

Attorney McCall stated two motions, consider it on a first reading and then...

President Eddings stated what ordinance is this.

Attorney McCall stated I've got 692 and 693 Linda...

Clerk Treasurer Schafer stated 98-694.

Attorney McCall stated its 94.

Vice-President Broady stated do we do it in two or three readings.

Attorney McCall stated two readings.

President Eddings stated I'll entertain a motion to consider ordinance 98-694 on a first reading.

Council Member Alexander stated I'll make that motion.

President Eddings stated motion made by Ken, do I have a second?

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Council Member Voyles stated I'll second.

President Eddings stated second by Bill, any discussion if not all those in favor signify by saying I, opposed nay. Vote 3-1.

Vice-President Broady stated Nay.

President Eddings stated ok we can't go any further.

Attorney McCall stated go ahead and do the first reading on the ordinance.

Vice-President Broady stated we can pass it the next time.

Attorney McCall stated do a first reading on the ordinance to consider vote on it, put it in the minutes, then you bring it back for a second reading, at the next meeting then you can...

President Eddings stated I got you, I'll entertain a motion to consider on the first reading ordinance number 98-694.

Council Member Voyles stated I make that motion.

President Eddings stated motion made by Bill, do I have a second?

Clerk Treasurer Schafer stated we just did that.

Attorney McCall stated that's to consider.

Clerk Treasurer Schafer stated ok.

Attorney McCall stated he's now doing a first reading on the ordinance.

President Eddings stated I'm doing a first reading.

Attorney McCall stated it won't be a valid ordinance if they pass it today. Next meeting it can be voted on again.

President Eddings stated motion made by Bill, second by Ken any discussion? If not all those in favor signify by saying I opposed nay. Vote 3-1

Vice-President Broady stated Nay.

President Eddings stated ok.

Attorney McCall stated ok you need to put it in the agenda for next meeting Linda.

President Eddings stated next meeting, with a 3 to 1 vote you can probably go ahead and get cranking on it.

Clerk Treasurer Schafer stated ok.

President Eddings stated that's all I have let's see, Ken.

ORDINANCE _____

98-694

1999 SALARY, HOLIDAY AND LONGEVITY PAY

WHEREAS, the Town of Sellersburg desires to pass the herein Ordinance in order to establish and clarify the salary, holiday and longevity pay of employees of the town; and

WHERE, said Ordinance is necessary for the efficient administration of the Town.

NOW, THEREFORE, BE IT ORDAINED, this _____ day of _____ 1998, by the Town Council of the Town of Sellersburg, that;

The following annual/weekly/hourly wage, holiday and longevity pay, as indicated, shall be paid to the following employees, from the funds as indicated, effective January 1, 1999.

GENERAL FUND

TOWN COUNCIL MEMBER (PRESIDENT)	6066.24 PER YEAR
TOWN COUNCIL MEMBER	4866.24 PER YEAR
TOWN COUNCIL MEMBER	4866.24 PER YEAR
TOWN COUNCIL MEMBER	4866.24 PER YEAR
TOWN COUNCIL MEMBER	4866.24 PER YEAR
TOWN ATTORNEY	28000.00 PER YEAR
CLERK TREASURER	27309.88 PER YEAR
TOWN MANAGER	30000.36 PER YEAR
CHIEF DEPUTY CLERK	384.00 PER WEEK 9.60 PER HOUR
TOWN HALL CLERK	341.20 PER WEEK 8.53 PER HOUR
POLICE COMMISSIONER	500.00 PER YEAR
POLICE COMMISSIONER	500.00 PER YEAR
POLICE COMMISSIONER	500.00 PER YEAR
POLICE COMMISSIONER	500.00 PER YEAR
POLICE COMMISSIONER	500.00 PER YEAR
PARKS BOARD MEMBER	300.00 PER YEAR
PARKS BOARD MEMBER	300.00 PER YEAR
PARKS BOARD MEMBER	300.00 PER YEAR
PARKS BOARD MEMBER	300.00 PER YEAR
PARKS BOARD MEMBER	300.00 PER YEAR
PLANNING COMMISSION MEMBER	300.00 PER YEAR
PLANNING COMMISSION MEMBER	300.00 PER YEAR
PLANNING COMMISSION MEMBER	300.00 PER YEAR
PLANNING COMMISSION MEMBER	300.00 PER YEAR
PLANNING COMMISSION MEMBER	300.00 PER YEAR
ZONING APPEALS MEMBER	300.00 PER YEAR
ZONING APPEALS MEMBER	300.00 PER YEAR
ZONING APPEALS MEMBER	300.00 PER YEAR
ZONING APPEALS MEMBER	300.00 PER YEAR
ZONING APPEALS MEMBER	300.00 PER YEAR
ZONING APPEALS SECRETARY	300.00 PER YEAR

STREET AND SANITATION DEPARTMENT

SUPERINTENDENT	632.32 PER WEEK
TRUCK DRIVER	417.60 PER WEEK 10.44 PER HOUR
LABORER/CREW LEADER	417.60 PER WEEK 10.44 PER HOUR
LABORER	352.80 PER WEEK 8.82 PER HOUR
LABORER	352.80 PER WEEK 8.82 PER HOUR
LABORER	352.80 PER WEEK 8.82 PER HOUR
LABORER	373.60 PER WEEK 9.34 PER HOUR
LABORER	352.80 PER WEEK 8.82 PER HOUR

SEWER DEPARTMENT

PART-TIME DEPUTY CLERK	222.08 PER WEEK 6.94 PER HOUR
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Council Member Alexander stated this next Saturday Sellersburg Celebrates is having their test you may call it of the backyard classic car show back at the Silver Creek Township Park. Uh, I have been asked to ask if we could a no parking posted on North Fern St. for Saturday June 13 so that if there is a high volume of traffic it will make it safer going up North Fern Street because of the cars that park. When you turn up North Fern Street it kinda turns into a one lane road. Do I need to put that in the form of a motion?

President Eddings stated I think the Police Chief can do that.

Chief Kinder stated the Town Board can, if you can just pass an ordinance for that one day. Then we can do it.

President Eddings stated Resolution?

Chief Kinder stated yea, resolution, if it is posted we can do it.

President Eddings stated put it in the form of a resolution. Do we need to have one written in front of us to do it.

Attorney McCall stated no you can still pass a resolution, it's always nice but you have to state it very precisely.

Clerk Treasurer Schafer stated do you have any resolution?

Attorney McCall stated I've got 1998-48 so this would be 49.

Clerk Treasurer Schafer stated yea, 49.

Attorney McCall stated resolution 1998-49.

Council Member Alexander stated I make a motion to...

Attorney McCall stated make a resolution to...

Council Member Alexander stated I make resolution to 1998-49 not to allow parking on North Fern Street Saturday June 13, 1998.

President Eddings stated is there a time...

Council Member Alexander stated all day really it starts the cars start coming in at 9:00 in the morning and it lasts till 11:00. Let's just all day June 13th.

President Eddings stated motion on the floor, do I have a second?

Council Member Voyles stated I'll second.

President Eddings stated second by Bill, any discussion? If not all those in favor signify by saying I, opposed nay. I's have it.

Council Member Alexander stated Thank You very much.

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Clerk Treasurer Schafer stated who's going to post it?

Council Member Alexander stated the Street Department is going to post it.

President Eddings stated do you have anything else?

Council Member Alexander stated yea, we have been looking at various problems with the sides of roads with ditches, we have nothing that actually mows into the ditch uh, last year we spent 8000.00 cleaning the ditch out going down Penn Street which has been very helpful, but now we're not able to maintain the ditch we just cleaned out because of the growth or whatever. The reason we haven't brought in the last three years is because our moral was too small and the only recommendation they had to us was too small and the only recommendation they had to us was a new tractor with a new flare mower and everything and it ran 30 to 35000.00 uh, we could contract it easier than that. Uh, but we have found one that will fit to the belly mower we have called the micro mower. It's a little flare mower, but we have not had the opportunity to see how it works and apparently are going to. This is a non bid item unless we want to bid it and I've only got one tractor, it's a John Deere. This is the only company I've found that has something that will fit. The type mower we have, the cost would be 10000.00 or below. Is there any thought behind it?

Vice-President Broady stated why don't you go check it out first and see if it works?

Council Member Alexander stated right, because if it does work it's something we desperately need as you can see it will go up in and trim back anything less than an inch. It will get you out in the ditches. So where we're making a six inch we well actually be able to see the ditch when we are done. It will be the only thing we purchase this year unless something majorly breaks. For the Street Department. This company is out of Ohio and I really don't want them to have to load it all the way down if we don't want them here.

Vice-President Broady stated how much does it cost?

Council Member Alexander stated 10 or under, does anyone have any thoughts on it?

President Eddings stated I don't have a problem with it if it works. I'd like to see it work.

Council Member Alexander stated right, if we get our demonstration, no one is adamantly opposed to it.

President Eddings stated No.

Council Member Alexander stated that's all I have.

President Eddings stated Linda.

CLERK TREASURER PRESENTS CLAIMS FOR APPROVAL FOR COURT TRANSCRIPTS.

President Eddings stated, ok, Linda.

Clerk Treasurer Schafer stated I would like to present these claims, uh, with the entry order from the court. Janet Mathews in the amount of 217.50 for down payment of

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CLERK TREASURER PRESENTS CLAIM FOR APPROVAL FOR COURT TRANSCRIPTS.

Transcript in accordance with local rule 22 and the other from Jo Ann Strickland in the amount of 170.00 for a down payment on transcript in accordance with local rule 22.

President Eddings stated, are these for the same thing?

Attorney McCall stated ok.

President Eddings stated, yes.

Attorney McCall stated, yes, there's an entry of order, uh I filed a motion to correct errors today, so you don't have to pay them yet.

President Eddings stated ok.

Attorney McCall stated, I filed a motion to correct errors. You have thirty days to do that. I did it today uh, you go with the motion to correct errors.

President Eddings stated ok, I'd like to entertain a motion to pay the bills, pay the claim. Do you make a motion or not? Dies for lack of motion.

Council Member Alexander stated I'll make the motion.

President Eddings stated motion made by Ken.

Vice-President Broady stated I second.

President Eddings stated second by Dave, any discussion? If not all those in favor signify by saying I, opposed nay. I's have it. Vote 4-0

President Eddings stated anything else?

Clerk Treasurer Schafer stated yes, I have a letter from Attorney McCall requesting information uh, on behalf of the IURC on the water rate increase. We are coping and we haven't ignored the letter but, we're so far behind, everybody's been out sick. I need some one to come to help get that. Uh, unless Perry doesn't mind waiting on it. We're working as fast as we can and I need additional help to do it.

Attorney McCall stated the initial, I mean there is no hurry. As you get a piece, I think my letter was if you get it sent it to me and I'll sent it off.

Clerk Treasurer Schafer stated there's too much of it.

Attorney McCall stated if you get one piece, if you don't get it one, if you don't get it, if you can't even comply because it's voluminous, just let me know that, because they made 69 requests. The one's we got here are just, maybe for...

Clerk Treasurer Schafer one thing is like 400.00. Who's paying for the copies?

Attorney McCall stated it's town, it's part of litigation. It's a town expense. It's going to be our expense.

ORDINANCE NO. 1998-693

AN ORDINANCE OF THE TOWN OF SELLERSBURG, INDIANA,
ADOPTING A NEW SCHEDULE OF RATES AND CHARGES
FOR WATER SERVICE

WHEREAS, the Town of Sellersburg, Indiana owns and operates a municipal water utility (the "Utility") for the purpose of providing water utility service in and around said Town; and

WHEREAS, the Utility's existing rates and charges for water service were approved by the Town Board and placed into effect following the Indiana Utility Regulatory Commission's ("IURC") approval thereof in Cause No. 39064, Order dated October 9, 1991; and

WHEREAS, the Town of Sellersburg has employed H.J. Umbaugh & Associates to perform a study of the Utility's revenue requirements under IC 8-1.5-3-3; and

WHEREAS, the Town Board of the Town of Sellersburg now finds that (i) the Utility's existing rates and charges for water service should be increased, and (ii) the proposed rates and charges attached hereto as Exhibit A are designed to that they are nondiscriminatory, "reasonable and just charges" for services within the meaning of IC 8-1.5-3-8; and

WHEREAS, it is desirable to provide funds to compensate the Town of Sellersburg for taxes that would be due said Town on the Utility's property were it privately owned; and

WHEREAS, on January 12, 1998, the Town of Sellersburg filed a Petition with the IURC seeking approval of a new schedule of rates and charges, which Petition was docketed as Cause NO. 41107; and

NOW, THEREFORE, BE IT ORDERED, by the Town Board of the Town of Sellersburg, Indiana, as follows:

Section 1. That the rates and charges of the Sellersburg Municipal Water Utility be increased as proposed in Exhibit A, which is made a part hereof.

Section 2. That the above and foregoing described rates and charges provide compensation to the Town of Sellersburg for taxes that would be due the Town on the Utility's property were it privately owned.

Section 3. All ordinances and parts of ordinances in conflict herewith are hereby repealed effective at such time as the schedule or rates and charges herein set forth become effective.

Section 4. This ordinance shall be in full force and effect from and after its passage, provided that the schedule of rates and charges herein set out shall not become effective until it is approved by the IURC, or said rates and charges may otherwise be lawfully imposed.

PASSED AND ADOPTED by the Town Board of the Town of Sellersburg, Indiana, this

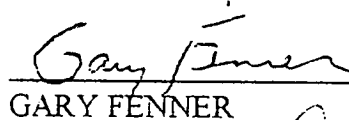
8th day of June, 1998.




DAVID BROADY



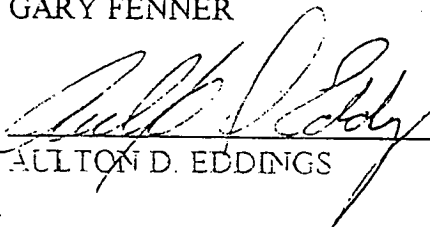
KEN ALEXANDER



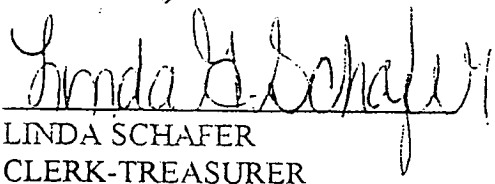
GARY FENNER



BILL VOYLES



ALTON D. EDDINGS

ATTEST: 

LINDA SCHAFFER
CLERK-TREASURER

PREPARED BY:

William P. McCall, III
Attorney for the Town of Sellersburg
332 Spring Street
Jeffersonville, Indiana 47130
(812) 282-9000

SELLERSBURG (INDIANA) MUNICIPAL WATER UTILITY

SUMMARY OF PRESENT AND PROPOSED WATER RATES AND CHARGES

			Monthly Rate	
			Per 1,000 Gallons	
			Present (1)	Proposed (2)
<u>Metered Consumption</u>				
First	2,500	gallons	\$3.10	\$3.77
Next	500	gallons	2.55	3.10
Next	2,000	gallons	2.11	2.57
Next	15,000	gallons	1.69	2.06
Next	30,000	gallons	1.25	1.52
Over	50,000	gallons	0.96	1.17
 <u>Wholesale Customers</u>				
Rural Membership Water Corporation of Clark County			\$1.03	\$1.25

<u>Minimum Charge</u>	Gallons Allowed For Minimum	<u>Per Month</u>	
5/8 - 3/4 inch meter	2,033	\$6.31	\$7.56
1 inch meter	6,410	15.65	19.02
1 1/4 inch meter	13,360	23.17	28.24
1 1/2 inch meter	19,394	37.55	45.77
2 inch meter	37,254	60.24	73.24
3 inch meter	133,495	156.63	190.30
4 inch meter	221,000	240.93	292.59
6 inch meter	439,769	451.78	548.64

Notes

- (1) Present base rates and charges adopted by the Town Council pursuant to IURC Order in Cause No. 3905- dated October 9, 1991.
- (2) Proposed rates and charges reflect an across-the-board increase in present rates and charges.

(Continued on next page)

(The Accountants' Compilation Report and the accompanying comments are an integral part of this statement.)

SELLERSBURG (INDIANA) MUNICIPAL WATER UTILITY

SUMMARY OF PRESENT AND PROPOSED WATER RATES AND CHARGES

		Per Annum	
		Present (1)	Proposed (2)
Private Fire Protection - Sprinklers			21.71%
1 1/2	inch connection	\$26.37	\$32.09
2	inch connection	46.31	56.97
2 1/2	inch connection	73.17	89.06
3	inch connection	105.36	128.23
4	inch connection	187.42	228.11
6	inch connection	421.65	513.19
8	inch connection	749.59	912.33

Fire Protection - Hydrants

		Per Annum	
Private hydrants (inside and outside Town) - per hydrant		\$421.65	\$513.19
Public hydrants			
Inside Town - per hydrant		421.65	513.19

Outside Town - surcharge per customer within
1,000 feet of a fire hydrant

		Per Month	
		\$2.35	\$2.36

Notes

- (1) Present base rates and charges adopted by the Town Council pursuant to IURC Order in Cause No. 39064, dated October 9, 1991.
- (2) Proposed rates and charges represent an across-the-board increase in present rates and charges.

(The Accountants' Compilation Report and the accompanying comments are an integral part of this statement.)

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Council Member Voyles stated I'll make that motion.

President Eddings stated motion made by Bill, do I have a second?

Council Member Alexander stated I'll second.

President Eddings stated second by Ken, any discussion? If not all those in favor signify by saying I, opposed nay, I's have it. Vote 4-0

Attorney McCall stated now ask the town, now present this to the Town Council to approve the first reading ordinance 98-693.

President Eddings stated I'll entertain a motion to approve ordinance number 98-693.

Vice-President Broady stated I make a motion to do so.

President Eddings stated motion made by Dave, do I have a second?

Council Member Voyles stated I'll second.

President Eddings stated second by Bill, any discussion? If not all those in favor signify by saying I, opposed nay, I's have it. Vote 4-0.

Attorney McCall stated you need to sign that. I need the original back. Linda you can make a copy and I'll need the original back. Ok, the next thing I have on the agenda it's concerning possible annexation the Town Council has considered doing. Regarding the area I before the Town Council can do annexation they must adopt a fiscal plan for the purposed area to be annexed. The purposed area is set out from pursentant to a map. It runs along stated route 60 across to Poindexter Road all the way down Poindexter road to County Line Road and then back toward the Twinbrook area to a point to state road 60. That is called area I, it is part of an area the Town attempted to annex before the boundry is a little bit greater now. I have prepared the resolution John Toombs has prepared for you and put in each of your prospective boxes the fiscal plan and analysis uh, if there is any question about those you may be able to address that. About the fiscal plan, they're straight forward. Partially Police Protection was set forth in here. And I don't think there is any problem with this fiscal plan as we have had in the past. In order to proceed foreware with your annexation you must adopt your ficsal plan tonight, or adopt it by resolution, you don't have to do it tonight. There for I have resolution number 1998-48.

President Eddings stated I'll entertain a motion to adopt resolution number 1998-48.

Vice-President Broady stated is this the annexation?

Attorney McCall stated no this is just the resolution adopting the fiscal plan.

Presidnet Eddings stated I'll entertain a motion to adopt resolution 1998-48 concerning the fiscal plan concerning area I.

Council Member Alexander stated I'll make that motion.

President Eddings stated motion made by Ken, do I have a second?

Council Member Voyles stated I'll second.

President Eddings stated second by Bill, any discussion? If not all those in favor signify by saying I, opposed nay, I's have it. Vote 4-0

RESOLUTION NO. 1998-48

A RESOLUTION ADOPTING A WRITTEN FISCAL PLAN ESTABLISHING A POLICY FOR THE PROVISION OF SERVICES TO PROPOSED ANNEXED AREA

WHEREAS, the Town of Sellersburg, Indiana, desires to annex contiguous area located on its southwestern boundary, known as "Annexation Area I," which are is more specifically described in Ordinance No. 98-692; and

WHEREAS, responsible planning and Indiana Law requires adoption of a fiscal plan and a definite policy for provision of services to annexed areas; and

WHEREAS, such plan has been developed and presented to the Town Council for the Town of Sellersburg, Indiana, entitled "Analysis and Fiscal Plan Annexation Area I" and

WHEREAS, said Fiscal Plan addresses the need and the implementation of noncapital services to the annexed areas, including police protection, fire protection, street and road maintenance, and other noncapital services normally provided within the corporate boundaries, which will be provided to the annexed territory within one (1) year after the effective date of annexation, and that said noncapital services will be provided in a manner equivalent in standard and scope to corporate boundaries that have similar topography, patterns of land use, and population density; and

WHEREAS, said Fiscal Plan addresses the need and the implementation of capital services to the annexed area, including street construction, street lighting, sewer facilities, water facilities

and stormwater drainage facilities, which will be provided to the annexed territory within three (3) years after the effective date of the annexation, and that said capital services will be provided in the same manner as those services are provided to areas within the corporate boundaries that have similar topography, patterns of land use, and population density, and in a manner consistent with federal, state, and local laws, procedures, and planning criteria.

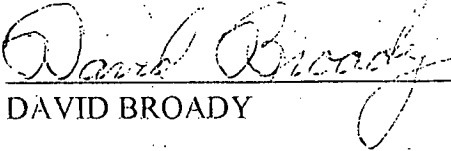
NOW, THEREFORE, BE IT RESOLVED by the Town Council for the Town of Sellersburg, Clark County, Indiana, that:

1. That the Town Council for the Town of Sellersburg, Indiana, hereby approves the adopts the fiscal plan. "Analysis and Fiscal Plan Annexation Area I", which plan is attached hereto and made a part hereof, and hereby approves and adopts specific policies for implementation of the plan as set forth therein;

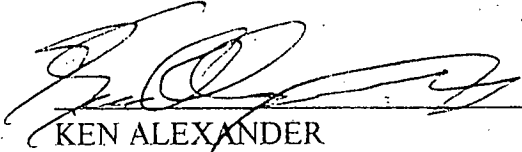
2. Any monies necessary for provision of services as described and itemized in the attached plan shall be budgeted and appropriated from the applicable funds, pursuant to Indiana Law and the Town's budget procedures;

3. It is anticipated that this annexation will not result in the elimination of jobs for employees of other governmental entities, but in the event that it does, the Town Council for the Town of Sellersburg, Indiana, and all of its departments are hereby directed to assist such employees in obtaining new employment, but nothing herein shall require the Town to hire any such employees.


PASSED AND ADOPTED this 8th day of June, 1998, by the Town Council for the Town
of Sellersburg, Indiana.



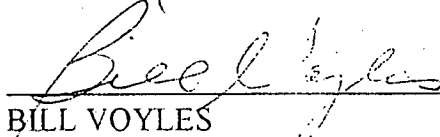
DAVID BROADY



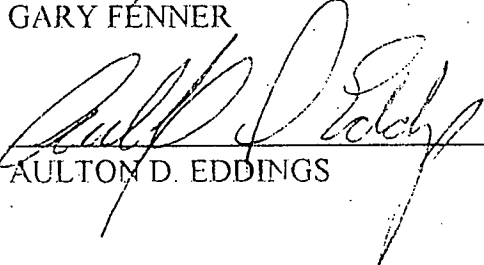
KEN ALEXANDER




GARY FENNER



BILL VOYLES



AULTON D. EDDINGS

ATTEST: 

LINDA SCHAFFER
CLERK-TREASURER

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Clerk Treasurer Schafer stated as long as there is no deadline.

Attorney McCall stated well, what I am asking rather than getting letters back that we can't do it, if you would just simply askme about it, then I would, if it is 400 pages and you can't copy those then that's the response I'll send them. If they want to see it then come down here and look at it.

Clerk Treasurer Schafer stated we're doing it and they did for six hours.

Attorney McCall stated and they will come down again. If it's the same response. If it's 400 feet high.

Clerk Treasurer Schafer stated it is four feet high, but it's going to take us awhile to do it.

Attorney McCall stated the point I'm trying to make if it is that vertimous just please express that and then we will make that response to them. There well aware Linda what the request of them. Because the letter that I sent to you went to them, they called me and asked me about it then. I understand that your having problem's. If it's too vermouism then let me know that and that's the response we'll make.

Clerk Treasurer Schafer stated but it would not be if I had the appropriate help to do it.

Attorney McCall stated but you don't and then it's...

Clerk Treasurer Schafer stated no I do not.

Attorney McCall stated and then it's going to be to burdenism to do and that is my point about it.

President Eddings stated which is ok, just let Perry know that.

Clerk Treasurer Schafer stated I've got some done already.

Attorney McCall stated I'll take it and send to them.

Clerk Treasurer Schafer stated come back to my office and I'll give it to you.

President Eddings stated anything else.

Clerk Treasurer Schafer stated I don't think so. Do you want to address the sanatition pick-up Lakeside? We have one home.

President Eddings stated that's something I'll talk to Ken about after the meeting, Perry.

Attorney McCall stated just ordinance number 98-693 an ordinance of the Town of Sellersburg is adopting a new schedule of rates and charges for water service. I'll read this ordinance for you to consider tonight on a first reading, unanimous vote to consider it for a first reading. For those people that are here the ordinance states (Perry reads the ordinance) I ask you to consider this on a firs reading.

President Eddings stated I entertain a motion to consider ordinance unumber 98-693 on a first reading.

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Attorney McCall stated if the Town is so inclined I'm going to not present the annexation ordinance to you tonight Present it at the next, once this is done it gives the residents a opportunity to talk to the Town Council about various matters and express their concern and then after the next meeting if you consider it and pass it would be effective 60 days after publication. The last thing is a claim and again they sent it on a claim form they always do it's from Hackman, McClaren, Hewett and Craycraft for the rate council of the Town of Sellersburg regarding IURC for current charges for the month April 1998 the bill is dated May 22. It's 2080.77 and I would present that claim to the Town Council for approval. By the way for those people that are here there is a field hearing on June 11 here in this hall at 7:00 regarding the rate increase. So all those that the newspaper and those people that are here to attend it will be at 7:00 in this room.

Resident stated are they talking about just water increase? Or sewer increase.

Attorney McCall stated just the water.

Resident stated the water isn't so bad it's the sewer bill is three to four times what the water is.

President Eddings stated ok, I'll entertain a motion to pay Hackman, McClaren, Hewett and Craycraft the amount of 2080.77.

Vice-President Broady stated I'll make that motion.

President Eddings stated motion made by Dave do I have a second?

Council Member Voyles stated I'll second.

President Eddings stated second by Bill, any discussion? If not all those in favor signify by saying I, opposed nay. I's have it.

Attorney McCall stated one other thing on July 7th, 1998 at 10:30 a.m. local time, Indianapolis time we're going to have the formal hearing of the IURC for those who would like to attend it will be in Indianapolis at the IURC. I think some of you know the directions if you need additional information we'll post it so you can find your way there. That is the formal hearing, at that particular point I believe that is all I have.

President Eddings stated Chief do you have something?

CHIEF KINDER ADDRESSES THE COUNCIL ON/POLICE CAR'S.

Chief Kinder stated Perry we have two Police Cars. A 92 Taurus and an 89 Tempo and I would like for the board to decide if we need to sell those at...

Attorney McCall stated what do you think the value of them are?

Chief Kinder stated I don't know, but we need to sell them sealed bid for Sherrif's sale, whichever the board wants to do.

Attorney McCall stated last time we sold them we got into the whether we were going to sell in alot or separately this time.

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President Eddings stated can this go to next meeting?

Chief Kinder stated yea, next meeting.

Mr. Welch stated before you adjourn can I ask one question?

President Eddings stated yea, make it quick, we've been here long enough.

Mr. Welch stated Perry mentioned something about annexing someone. And of course you know the Plum Run Area was annexed by Clarksville which a lot of people in Sellersburg is upset about that but with the new up scale subdivision called the Lakes. You know what I'm refering to, has Sellersburg annexed that?

Council Member Alexander stated no, Clarksville.

Clerk Treasurer Schafer stated Lake Pointe.

Mr. Welch stated Lake Pointe.

President Eddings stated we already have that.

Mr. Welch stated so there is no way Clarksville can come in on that?

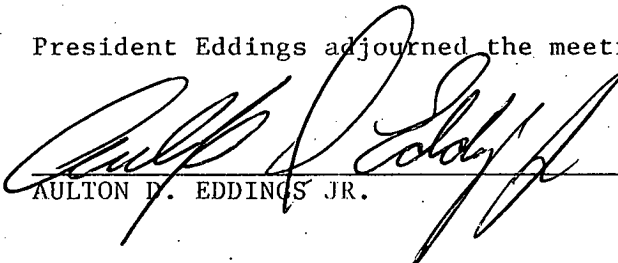
Vice-President Broady stated I make a motion to adjourn.

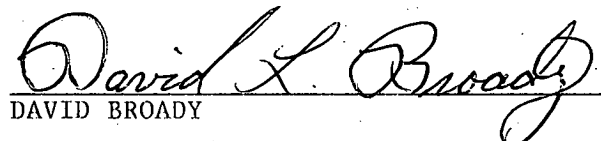
President Eddings stated motion made to adjourn, do I have a second?

Council Member Alexander stated I'll second.

President Eddings stated second by Ken, any discussion? If not all those in favor signify by saying I, opposed nay. I's have it.


President Eddings adjourned the meeting at 7:45 p.m.

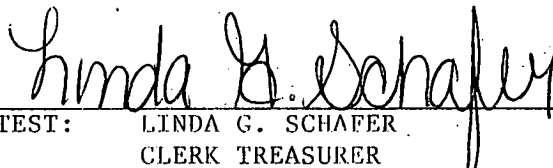

AULTON D. EDDINGS JR.


DAVID BROADY

WILLIAM VOYLES


KENNETH ALEXANDER


GARY FENNER


ATTEST: LINDA G. SCHAFER
CLERK TREASURER

SELLERSBURG TOWN COUNCIL

June 22, 1998

Regular Meeting

A Regular Meeting of the Sellersburg Town Council was held at the Sellersburg Town Hall at 6:30 p.m. Those present were; Aulton D. Eddings Jr., Council President; David Broady, Council Vice-President; Gary Fenner, Council Member; Kenneth Alexander, Council Member; William P. McCall, Town Attorney; with William Voyles, Council Member; and Linda G. Schafer, Clerk Treasurer being absent.

Called To Order

President Eddings called the Regular Meeting to order at 6:30 p.m.

Prayer

Rev. Charles Voit offered up the prayer for this meeting.

Pledge

The Pledge of Allegiance to the flag was recited.

PRESIDENT EDDINGS PRESENTS MINUTES OF LAST MEETING.

President Eddings stated Ok each board member's got a copy of the uh, minutes from our last board executive meeting and our regular board meeting. I'd like to entertain a motion to accept the minutes as presented.

Council Member Alexander stated I'll make a motion to accept the minutes as presented.

President Eddings stated motion made by Ken, do I have a second?

Council Member Fenner stated I'll second.

President Eddings stated second by Gary any discussion? If not, all those in favor signify by saying I; opposed nay. I's have it. Vote 3-0

President Eddings stated ok, petitions from the citizens tonight, is Greg Furnish here?

GREG FURNISH ADDRESSES THE COUNCIL ON/ALLENTOWN ROAD PROPERTIES.

Mr. Gurnish stated I'm Greg Furnish uh, what we are purposing is to get some discussion, some premiter discussion for myself and Paul Premiveria. We are discussing Allentown road property and some sewers into the Town Of Sellersburg.

Paul Premiveria stated Greg is uh purchasing some property on Allentown road just a little North of St. Joe Road, and he want's to develop this as a residential subdivision. Uh, we were talking with Mr. Toombs about the possibility of extending sewers, we've also talked with Covered Bridge as far as going with them to do what's necessary to bring the sewage from the next session of Covered Bridge along with his development to Sellersburg sewer system. The reason that we are talking to you this evening is so that uh, Greg has a bid to go ahead with the preliminary study, as far as the feasible of doing that, and in the manner that will be suitable to the town, the town's engineers. But, before doing so, he feel's like he would like to get some sort of indiciation from the town if it is feasible. If the town would be willing to accept the sewage from this project.

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GREG FURNISH ADDRESSES THE COUNCIL ON ALLENTOWN ROAD PROPERTIES.

Right now he is probably around 130-150 lots on his present project. Covered Bridge is real close to starting their next stage and they will have somewhere between 100 to 150 lots in this phase. So, it's an opportunity for these parties to go together to implement the uh, construction necessary to handle the sewage and uh, at this point we would like to initially get some indication from the Town Board uh, to do things that are acceptable, if they would commit to the sewage treatment of this project.

Council Member Alexander stated my first question is will this new sewer system uh, take care of any or I mean any of the residents that are existing along Allentown Road to Covered Bridge?

Mr. Premiveria stated at this stage, what we are planning on doing is the existing lift station on Allentown Road just before St. Joe road is where the discharge plant, the Covered Bridge sewage and the additional sewage from this project and there is going to need to be a new pumping station to deliver the sewage all the way over to the Lift Station at the high school. The answer to your question would be a gravity inlet there for sewers on the north side of the road, yes.

Council Member Alexander stated I guess my question is if someone halfway up uh, Perry Crossing, or Allentown want's to hook on the sewer they would be allowed?

Mr. Premiveria stated well, the existing force line uh, Covered Bridge with the uh, with the addition of the second phase will basically be operating at capacity. Mr. Furnish's project will probably also. At this point will probably have to have a force, a Lift Station on his side. However, it will open the opportunity for others to tie into this Lift Station with gravity extended north but to tap on to the force line uh, Covered Bridge would not be feasible. Possibly uh, Furnish's might be able to be tapped on somewhere. Right now your Lift Station at just north of St. Joe road is from my understanding at capacity this would eliminate, make it available for a lot more sewer's to be picked up at this point. It would be up to other developers to get the sewage to the Lift Station.

Vice-President Broady stated is this going to also increase are we talking about an increase in the line underneath 65 to pick up uh, have we discussed that? I mean have you discussed that with him Paul?

Mr. Toombs stated well we have talked back and forth about how to go about it. But basically this is, it takes sewage. It is sewage, where the existing Lift Station is by some route to the high school. Either wiggle your way over to 31 along the creek or make a new route or something like that.

Vice-President Broady stated has our capacity on the first link to the high school to the treatment plant are we well...

Mr. Toombs stated we have a pretty good size line from that.

Vice-President Broady stated we do have, we can get it to the Lift Station there at the high school, we probably have, I think you said possibly uh, up upgrade that Lift Station with bigger pumps. We don't know yet.

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GREG FURNISH ADDRESSES THE COUNCIL ON/ALLENTOWN ROAD PROPERTIES.

Mr. Toombs stated it's possible that we need a pump or two-in there but we don't know that yet. It's just a matter of how much. And we can't just guess we have to find out how much somebody own's that we're talking about. How much capacity that we've got, if any.

Vice-President Broady stated what Kenny was talking about I think the answer to that was then if I understand what you are saying that persay they won't be any gravity going into this phase of the project going up Allentown road. You will operate off this station to capacity on your Lift Station could be upgraded to the fact that we wanted to run gravities up Allentown we could tie in the Lift Station or whatever is that what I'm hearing.

Council Member Fenner stated yes, all gravities you're talking about will be gravities for the new homes that you're going to be consturcting has Covered Bridge?

Mr. Premiveria stated yes, any existing force main that comes from is all the way down to the existing Lift Station. If they go with phase two, Covered Bridge the capacity will be used up. Houses that live along there now will not have an opportunity to connect anything new, they won't be anything new going out that way.

Council Member Alexander stated well what about just the existing? I mean I know if the town would ever want to take the option to annex as far as Covered Bridge I mean by not having this line to where it would at least take the existing home on Allentown road the annexation would be almost impossible.

Mr. Toombs stated that's why you extend it to the existing too.

Council Member Alexander stated right, I mean you're talking about almost what I mean most of them won't hook up to it. Just the existing homes there, is no way to take into calculation the existing homes going up Allentown road.

Mr. Toombs stated not on the existing pipe. The existing pipe was designed along time ago for Covered Bridge.

Mr. Premiveria stated but it does give you the option now to run gravity to a point, north on St. Joe road which you don't have at this point. So out of respect it does open that area up for the system to reach the new pumping station which would go along with this type of project.

Vice-President Broady stated we're getting the capacity I think underneath 65.

Council Member Fenner stated did he ever answer your question about the capacity of going under 65?

Vice-President Broady stated he did, I assume that's what I heard.

Mr. Toombs stated we've had this discussion many time's before way back when it first came to the town, anything more than the phase one of Covered Bridge came in out there somebody had to do something. We've never been able to get group of people together.

Mr. Fenner stated we want to make sure whatever we do, as Kenny said we don't mess ourselves up in the future, as far as possibly doing annexation out to Covered Bridge.

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GREG FURNISH ADDRESSES THE COUNCIL ON ALLENTOWN ROAD PROPERTIES.

Council Member Alexander stated what I am hearing tonight is annexation is probably going to cost 500,000 of our own.

Vice-President Broady stated it would be X number of dollars to run your own gravity if that's what you wanted to do, but however you wouldn't be building a Lift Station or adding a larger capacity under 65. That would be there and be able to handle what we wanted to do.

Council Member Fenner stated that would already be there.

Mr. Toombs stated as you will remember when we gave Covered Bridge permission they had to agree to not only they themselves but the people they sell to someday could not object to annexation.

President Eddings stated that will be included in this also.

Mr. Toombs stated and approval to do something like this is always one of the conditions.

Council Member Alexander stated but you can't skip the blank spots. You could never annex point B. So I mean I don't see where there would be you know everybody talks about they're agreeing to come into town but that's along way out there as far as Sellersburg having monetary capability of putting a gravity sewer in there just to make that happen you know. All I'm saying is there's only about what 30 or 40 houses out that way that run along. We only have to take care of the existing homes, not anything new.

Mr. Toombs stated we don't have any obligation to do anything.

Council Member Alexander stated if we annex we do...

Mr. Toombs stated I wouldn't advise you to. Where is this thing we're talking about? Is it adjacent to the town now?

Mr. Premiveria stated go north on Allentown road. It's, take a quick left then a quick right and it's on the left.

Council Member Fenner stated about a mile out there past the Lift Station.

Council Member Alexander stated I'm not talking about the second phase of Covered Bridge. I'm just saying is there not any, we're just changing the I-65 and were using the existing line.

Mr. Premiveria stated I think the advantage to the town is that right now we want to add somemore homes at gravity north of St. Joe road you cannot get to your treatment plant because you are at capacity now. Once this, if this project went through, you approved it and made feasible there would be extra capacity built in the Lift Station so now if you wanted to add gravity you would be able to get the sewer to your treatment plant.

Council Member Fenner stated there will be that extra capacity, that is what you are saying.

GREG FURNISH ADDRESSES THE COUNCIL ON/ALLENTOWN ROAD PROPERTIES.

Mr. Premiveria stated yes, we plan to work with Mr. Toombs and work up the numbers that he recommends that would not only work with this project, but with other projects as well. Once we get the force line it's not real expensive.

President Eddings stated the only thing that I ask is doesn't Wilson have some project working out there as well? You have Rick Wilson and other developers as well just make sure everybody's communicating and working with each other when they put these systems in. We don't want to have to settle any disputes among them later on. That happens alot, when we're sitting up here.

Council Member Alexander stated I just want to clarify it for myself one more time. If we want to go to Covered Bridge there will be capacity all the way down to the St. Joe Lift Station which is next to the creek, correct.

Mr. Premiveria stated yes sir.

Council Member Alexander stated the St. Joe road Lift Station is the one down there by the creek. Ok, if we want to go North ok our only option is going to be running another gravity line to covered, I mean basically if we want to go to Covered Bridge we got to serve all the houses in between and go to Covered...

Mr. Toombs stated you can go to covered Bridge if you wanted to or to certain areas.

Council Member Alexander stated we can't take out the old line and resize it.

Mr. Toombs stated no, Covered Bridge was originally planned more that one phase.

Council Member Alexander stated right.

Mr. Toombs stated so the design of the Lift Stations that are out there will accommodate those phases and also design the force main that starts way out there to Covered Bridge goes all the way down to our Lift Station for all of Covered Bridge, but not for any of the houses in between not even for Rick Wilson's. What they are proposing now is something dramatic for St. Joe road, so once it gets to that point then the high school. The expensive part is getting from there to the high school. Not to the Lift Station. The Lift Station is a lot less, it doesn't cost as dramatic dollar. Capacity will be added at that point, Any future development. You could extend uh, a gravity sewer up to a certain distance up hills in all four directions and then you run into limitation of the gravity.

Council Member Alexander stated so we need more Lift Stations and more lines. Ok, I think I've got you. It has nothing to do with the existing line that is there.

Mr. Toombs stated it is something we have talked about when Covered Bridge came around. Once they got things to they were going to have find a different way to get things around.

Council Member Fenner stated as far as we're, I mean as long as we're thinking 20 years down the road, where we are and what we might do, what would be best for the town 20 years from now, I think that's the key.

President Eddings stated ok Thank You.

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Mr. Premiveria stated Thank You.

Mr. Furnish stated Floyd Riggle property, you probably know that name. That's the property I purchased.

President Eddings stated ok Mr. Bolly.

VIRGIL BOLLY ADDRESSES THE COUNCIL ON/RITE AID.

Mr. Bolly stated I'm Virgil Bolly and I'm here tonight on your request on the rezoning of the property over on 60 and 311 uh the Wells and the Johnson property and adjoining the Wells property uh, the board of Zoning Plan Commission, has approved I think coupla weeks ago for I think to approve this after quite a bit of time studing the input, the roadway and things of this nature I think that board felt like the, that uh it was something that the highway department should address and they approved it four to nothing which brought us up here to you all. Uh my question is to you do you want additional testimony, want anything else at this point?

Council Member Alexander stated the only thing I have is, is there any way for the state to approve or disapprove the uh, entry way ahead of time?

Mr. Bolly stated for the zoning to be B-3 uh, the Johnson property which uh, adjoins the Wells property which is already zoned B-3.

President Eddings stated in the Planning Commission meeting they voted to go ahead and rezone or change the zoning to a B-3. And it only makes sense to coz the sections of property around there is B-3. Uh, the plans that were brought to us, showed that there was additional cut outs on limited access to highway 60. Some of us on the Zoning Board had a problem with the additional cut out. We didn't like them. Uh, there's meetings going on with the Department of Transportation, but they are the governing body for those cut outs for the access on highway 60. Not the Sellersburg Town Board. We felt it was alright to go ahead and change or recommend to go ahead and change the zoning to B-3 and then leave the jurisdiction up to the Department of Transportation for the State of Indiana. Personally I still have a problem with additional cut outs on highway 60. The last time that they put cut outs on 60 was back when they put the Hunter Station and Hertiage Square cut outs in on 60. And we got a letter here from the Indaina Department of highways that stated in 1988 when the Hertiage Square property went in and this three things that the State Highway Department wants. And the very first one said the developer must work with and get the agreement of the property owner on the opposite side of S.R. 60 for the development of one "intersection" which would potentially serve both properties. This intersection is to be situated for optimun traffic flow on S.R. 60 irregardless of impact on proposed development plans. The Indiana Department of Highways has the sole right to determine if any proposed location is acceptable. This proposal is to have the written support of the local board (Planning/Zoning) which have jurisdiction must commit not to support any future request to cross the limited access right-of-way of S.R. 60. So what I'm saying is basically we support the changing of the zoning, residential to B-3, but as far as my position and I would, may make it in a form of a motion uh, to see if we can get the rest of the Board either to submit, support or not support. I do not support any additional cut outs on Highway 60 less than a thousand yards from the traffic light.

Mr. Bolly stated I understand where you're coming from. And again I would request the zoning but let the State work out the details.

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VIRGIL BOLLY ADDRESSES THE COUNCIL ON/RITE AID.

President Eddings stated to Highway 60. We have no jurisdiction there. I would like just to make it in a form of a motion that we uh, do not support any additional cut outs less than a thousand feet. You know however you all feel about it let your, let the board and the people know how you feel about it.

Mr. Bolly stated I would add one other thing to it, that whole strip of homes and lots along side and behind these folks property on 311 that adjoins the Wells property all those need to be rezoned because that's a B-3. I don't know if that's, it only indirectly ties you into what you're doing.

President Eddings stated none of those pieces of property touch Highway 60.

Mr. Bolly stated right.

Council Member Alexander stated only, I guess where I'm coming from is when I rezone something to have adequate roads, so forth not just... I'm rezoning because that would make a good place to have a business. I mean when we rezone something we're suppose to look at the whole picture and see if it's got adequate reads, seperate factors. This would be a good location for a business, let's change it to a B-3. Right now it's residential, you have maybe three or four cars coming in during the day. But I mean for us just to. I mean if the state approves it and everythings done according to what Sellersburg feels like is safe for a business and so forth yea, I'd be more than happy to rezone it. I mean just to blindly turn it into a business location without seeing the full picture-it's gonna be kinda tuff.

Mr. Bolly stated the only other thing I might add is we're kinda going around in circles is that I don't think there's any of us disagree that this has turned into a commercial area. And very honestly the input needs to come from the highway in terms of what they allow and what they don't allow. And thats why I, you know request that you rezone it and let's pass that on in terms of how they handle it.

President Eddings stated would anybody like to make a motion to go ahead and change it.

Vice-President Broady stated I'd like to make a motion we rezone it from a residential zoning to a B-3.

Attorney McCall stated do you have an ordinance.

Mr. Bolly stated yes sir.

Attorney McCall stated do you have an ordinance..

Mr. Bolly stated yes I have an ordinance right here.

Attorney McCall stated give it to them. This is an zoning ordinance, and you do it on a first reading. I know there is six sections.

Vice-President Broady stated do we have to do it on a full board.

Attorney McCall stated I'm not positive, I can't remember the statue of the first, excuse me, everything other than zoning and...

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VIRGIL BOLLY ADDRESSES THE COUNCIL ON/RITE AID.

Mr. Bolly stated I don't, we've done it in the past.

Attorney McCall stated I think we've always do it on a unanimous decision. So this would be considered ordinance number 98-694.

Chief Deputy Shelton stated 95.

Attorney McCall stated 95-695.

Mr. Bolly stated 695.

Attorney McCall stated 695 to...

Vice-President Broady stated you want to consider it on a first reading.

Attorney McCall stated do a first reading on ordinance number 98-695.

Vice-President Broady stated I make a motion to consider ordinance number 98-695 on the first reading.

President Eddings stated motion made by Dave, do I have a second.

Mr. Bolly stated I have a whole bunch of copies. I'm not sure how many you need.

Attorney McCall stated keep one and give it to Dave. Keep the other one for the next meeting ok.

Mr. Bolly stated If you're unanimous you don't need to do that to this.

Attorney McCall stated no coz you don't have a full board.

Mr. Bolly stated ok.

Attorney McCall stated Mr. Voyles isn't here. That's why I was asking about the statue.

President Eddings stated I've got a motion on the floor, looking for a second. Any one want to second. This is recommended by your Planning and Zoning Board.

Council Member Fenner stated my, my hesitancy. The Planning and Zoning.

Attorney McCall stated wait a second if you're going to have discussion, you need a second to that before you get into all the discussion.

President Eddings stated ok motion dies for lack of second.

Mr. Bolly stated can I interject anything further before you go into this. This is something like a million dollar project that's going in there. It's going to be good for the area, and they need to work it out, but I hate to see it die, because of the problems we got here. It truly is a commercial area.

Council Member Fenner stated in general discussion can I express my hesitancy, Perry?

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VIRGIL BOLLY ADDRESSES THE COUNCIL ON/RITE AID.

Attorney McCall stated you can.

Council Member Fenner stated I mean Doug and Ken may have been involved in the Planning and Zoning.

President Eddings stated Ken's not on the Board.

Council Member Fenner stated you haven't been involved in this.

Council Member Alexander stated no.

Council Member Fenner stated ok, This is the first I've heard of it. I mean I'm being asked to vote on something that I've never even set eyes on. I have no idea even what you are talking about. And I'm not going to vote on something I'm not aware of what we are talking about. Dave are you familiar with all of this?

Vice-President Broady stated yea, I know where the property is and familiar with what they are talking about. I know the property all around it is B-3. You know, that's what we've got the zoning and...

Mr. Bolly stated would you consider revoking the, any discussion and setting it for the next meeting to where we can, you know I don't have a problem with giving you a full discussion of it. Doing it at the next meeting. I really think it is just as important to the community and if it's dying because of a lack of information then you know that's part of my problem. I have Tim Rudy from Hocker and Assoc. that's who is putting this thing together. And I guess a little bit of the other thing as the normal rule. You got your uh Plan Commission the one's that given the job of looking into this and approving it, and then giving it to you all. Uh, your not a rubber stamp as such, as a normal rule it's something that's looked upon a little more favorable.

Council Member Fenner stated and I'd be glad to do that. But I want to see something, I mean I've seen nothing.

Mr. Bolly stated would you prefer me to go into detail with what we're getting ready to do? But it sounds to me like maybe it might be better to reverse what you've done and let us come back to next meeting.

Attorney McCall stated we haven't done anything. It just died for lack of second.

President Eddings stated the other board member that is part of the Planning Commission isn't here tonight.

Council Member Fenner stated I mean I don't know whether it's the Planning Commission that needs to inform the board. The Town Council Members, I don't know whether it's you who should inform the Town Council Members um, I mean I've been asked to vote on several things that I just don't even have a clue, and I'm not going to do that anymore.

Mr. Bolly stated I don't have a problem, and I recognize that and that's a little bit of why I was asking you know, how much do you want me to do? Uh, I do think unless Tim has an objection I'd rather put it off until the next meeting I mean where there is some hesitancy to put things back together again.

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VIRGIL BOLLY ADDRESSES THE COUNCIL ON/RITE AID.

Mr. Ruby stated he understands what we're asking here. Let's put it off till the next meeting.

Council Member Fenner stated whether you come back personally and explain it in detail or put it in writing I mean all I ask is I want to be informed before I'm asked to vote on something. I don't care how you do that.

Mr. Bolly stated If Tim don't have any problem, what I'd like you to do is put us back on the agenda for your next meeting and we will come back and give you everything we have given the Plan Commission.

Council Member Fenner stated I don't want to drag our meetings out. That's not my purpose, for us to vote on something significant as this is, I think we need to be informed before we make that vote.

Mr. Bolly stated I don't have any problem with that.

Vice-President Broady stated Mr. President on item number one that we talked about I think we need to give them a vote to...

Attorney McCall stated vot on request.

Vice-President Broady stated yea, vote on request that when we give preliminary approval to proceed on this project or...

President Eddings stated you want to make it in the form of a motion?

Vice-President Broady stated I think we ought to.

Council Member Fenner stated but Dave will you make it uh, as long as we're, our Town Engineer is involved and we are planning in the future that we're not going to limit ourselves.

Vice-President Broady stated yea, I mean you can make the motion if you want.

Mr. Toombs stated I think what they asked from you is to give your permission and then develop this thing, to do it with myself, Kendall and Dave, and whoever before it's formalized. They just don't want to uh, go through that expense if you all agree that they meet your conditions. Take it from there.

Attorney McCall stated if those are your conditions.

President Eddings stated waiting for a motion.

Vice-President Broady stated I make the motion that uh, to have John uh, give them a letter of uh, approval to proceed with their project as long as they meet the conditions and the concerns of the board for future expansion of Allentown road. We'll let John decide basically in their doing so. Our Town Engineer...

Attorney McCall stated with final approval of the Town Council.

Vice-President Broady stated is that good enough?

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VIRGIL BOLLY ADDRESSES THE COUNCIL ON/RITE AID.

President Eddings stated motion on the floor, do I have a second?

Mr. Fenner stated I'll second.

President Eddings stated second by Gary, any discussion? If not all those in favor signify by saying I, opposed nay. I's have it. Vote 3-0.

President Eddings stated ok Tarc Bus Company, are they here tonight?

Council Member Fenner stated uh, I'm supposed to represent them.

President Eddings stated ok.

COUNCIL MEMBER FENNER ADDRESSES THE COUNCIL ON/TARC BUS COMPANY.

Council Member Fenner stated can I talk now? They were asking what our requirements are and procedures are for them to put signs out that say's bus stop? Tarc bus stop boarding here. Uh, I've gone thorough ordinances and I can't find anything specifally in those terms and so they have basically asked for us as a council to approve putting those signs. They will be standard street signs that will say bus stop.

Attorney McCall stated Ken called me about this and I called him back and I guess we just missed each other. I would say that in conjunction with Chief Kinder making sure we don't put them anywhere that obsquire's any other sign that you get the specific locations that Tarc desires to put those signs and then just pass a simple resolution approving those locations. Tarc bus signs, just to be on the safe side.

President Eddings stated ok.

Attorney McCall stated have them place them somewhere obscure as a stop sign of cause's a hazard.

Council Member Fenner stated they would like to go ahead and do that immediately. So can we go ahead and do the resolution on the uh, conditions that they work with the Chief and make sure they don't obscure other signs?

Attorney McCall stated and a hazard or a risk, that would be fine.

Council Member Fenner stated ok.

Attorney McCall stated to approve the placement of signs on town property.

President Eddings stated ok.

Council Member Fenner stated ok, I'd like to go ahead and make a motion then that we approve Tarc placing bus stop signs at the proper locations in conjunction with working with our Chief to make sure the are not a hazard and that they are safe and in an appropriate place.

President Eddings stated I have a motion on the floor, do I have a second?

Council Member Alexander stated I'll second.

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COUNCIL MEMBER FENNER ADDRESSES THE COUNCIL ON/TARC BUS COMPANY.

President Eddings stated second by Ken, any discussion? If not, all those in favor signify by saying I, opposed nay. I's have it. Vote 3-0

Council Member Fenner stated Thank You.

President Eddings stated that was it for Tarc. Mr. Nolan.

TONY NOLAN ADDRESSES THE COUNCIL ON/SHUT DOWN OF PARKING ON FERN ST./SPEEDERS.

Mr. Nolan stated my name is Tony Nolan, I live on North Fern St. and I wanted to uh, bring your attention to and discuss the traffic on North Fern. First of all let's just say this is in no way a complaint about the Park itself. We all like the park, and it's been a service to uh, the community, however we see a tremendous amount of traffic on North Fern, especially with the activities going on at the park. Some of the things we see is just the regular car traffic, pesterdain, people on the roadway, bicycles, uh trucks, the semis going to the business and motercycles and anything else that transports people up and down this road. Uh, it's basically safety that I'm concerned with. I have several children and there's really no way to keep the uh, the speeders to slow to a reasonable pace. Uh, I don't know any real solution, I don't have any specific solutions other than uh, there seem to be only one access to the park. And that's North Fern. You can go up Adkins take a left on Adkins and go in on another route. You can take a little alley right next to the Carpet Barn and that's not safe because it's extremely narrow and that takes you into the park. Uh, there is another access but that's not really, I wouldn't say it's really for that purpose and that's to go through business, using service drive. Some people have started doing that and they don't like that but it is open. It seems to me like it needs another access to that park. We need to at least to have some signs up saying slow down, children playing or whatever. There's nothing there now except one 20 mile an hour speed limit sign. Uh, solutions you could open it up to Helbig, there's an access road that goes around the track, and an entrance to 403 that's probably not feasible. You could cut into the American Legion, that area, that's close. It looks to me like there's probably several solutions to it. Uh, I'm not in a position to dictate as what to do other than to. North Fern is becoming a hazard. Maybe a sidewalk for the pedestrian, kids riding bicycles or whatever, mothers with strollers or whatever. I called the police several times and they have responded and uh, juradication seems to be a problem. The park is in the county and all the access roads are in the city. So there's a little bit of run around on who to call. Well that's not us that's in the county, no the county, it's in the city. So some clairfication need to take place there. Uh, I would just try to uh, I just really need to bring it to your attention, so some solution could take place. Maybe, I don't know if we close off North Fern and go in through the access road or what. But uh, that's a problem that's not going to go away until somebody addresses it. And it would be better to do it before somebody gets hurt. Uh, this came to a head the other day when they closed off parking on Fern. I'm fortunate my property has a lot of parking areas, we do park on the street, but we don't have to. Parking on the street does slow on the traffic some. It's the only thing that does slow the traffic some. Coz everybody has to stop for a one lane approach, that slows everyone down. So that was a uh, only contention when they took the parking off. Actually the Rod Run or whatever they had the other day there was really no traffic on the end for some reason. Everybody used the access road. So it didn't really become a problem that day.

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TONY NOLAN ADDRESSES THE COUNCIL ON/SHUT DOWN OF PARKING ON FERN ST./SPEEDERS.

Council Member Alexander stated used which access road?

Mr. Nolan stated I guess they used Adkins Court.

Council Member Alexander stated they used Adkins Court, but they actually allowed the parking on the road coz most of them didn't, there wasn't a lot of high traffic cars as far as speeding and so forth. It went smoother because you didn't have the back up because of the one lane road. I mean I agree with you on the one thing, it does slow them down, but it does present a problem when you have alot of traffic both ways as far as backing up.

Mr. Nolan stated that is exactly the plus.

Council Member Alexander stated yes, it slows people down.

Mr. Nolan stated that's a problem I like. Well, that's it basically.

Vice-President Broady stated we still getting truck traffic on there? Why.

Mr. Nolan stated semi's go up, there is a sign for that, telling them to use the access road. I think the truckers that know about it go down and use the access road. We probably get two a day.

Council Member Alexander stated two a day.

Mr. Nolan stated yea, two or three a day.

President Eddings stated same two.

Council Member Alexander stated probably, I mean they come down Adkins Court too. I mean it's nothing for six o'clock in the morning to hear a big semi come through or trying to back out of Adkins Court coz he went the wrong way.

Mr. Nolan stated my neighbor had an entrance torn out last year because of a big truck. I'm not as concerned about that as I am the speed. But there is a concern. There is an access road, I think the agreement was before I moved there they would use the access road rather than use the uh, North Fern Road. I don't have any purposals or anything like this for you. I would like to be enlightened to what could be done there.

Council Member Alexander stated the possibility would be looking at another entrance. Theree's always been talk about it, uh if things grow there, you know I, what I look for is there's going to be a need for another entrance. No one disagrees with what you are saying. There are some people there right across the railroad tracks that have no parking in their yard at all.

Mr. Nolan stated that's right.

Council Member Alexander stated there's really no way to widen Fern Street. Uh, coz of the houses on the south side of the track. The only options are basically what you listed, Service Drive, Helbig, over by the American Legion, or through the church area, Uh although there is an area that would be a lengthy road.

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TONY NOLAN ADDRESSES THE COUNCIL ON/SHUT DOWN OF PARKING ON FERN ST./SPEEDERS.

Mr. Nolan stated if something could be done their, signs, or somesort of watch closer. Nobody wants to get a ticket, I don't want to get a ticket either, it could be my kids that get a ticket. I'll pay the ticket if it slows them.

President Eddings stated do we have any slow children playing signs that we could put up?

Council Member Alexander stated we could put slow, but what, really we haven't seen I mean a lot of the time is children ramping the uh, railroad at 10:30 at night. I mean I can sit out on my back porch on a Friday night and we can watch the mufflers off the bottom of the road. Durning baseball season and football season and so forth uh, there are parents that are late that go faster then they should there. But I don't think a sign will make the difference. I know we could maybe put something else...

Mr. Nolan stated the only thing that slows them down right now is the fact that people park on the road. They have to stop for a one lane road for passing, just enough to get by. That dows slow them down. But...

Council Member Fenner stated has the Town Council ever had discussions with the trustees of the park to address this problem?

Council Member Alexander stated I don't.

Council Member Fenner stated I know it has been before the Town Council many times, have we actually sit down with the park people and said ok lets lay something out, let's work together and try to correct the problem. Is that something maybe we need to do.

Council Member Alexander stated I think it would be a good start.

Council Member Fenner stated if we need to we could drag in businesses over there.

President Eddings stated that would be a good place to start.

Council Member Fenner stated because it's been a problem ever since they put the park in, and it's been talked about I know. You know it's been thought about, I don't know whether anything's ever been done about it. I think we're going to need...

Council Member Alexander stated I think the options we looked at, most of the options I think the one over to Helbig is a residential and going over the railroad tracks the cost woud be astronomical. The 403 one if it would have been closer to 403 would have been your best option as far as creating a new road. And I think there has been discussion with Mr. Gilbert as far as going around. I think it has been discussed and thought through I...

Vice-President Broady stated we can't get a right a way out the back, back through the road that goes out through, what stoped us. I thought Sellersburg Stone bought the property. You know we got an existing gravel road that. Not improving Diefenbach Lane. Sitting that aside, getting a outlet on Diefenbach, would get another enterance to the back. They would have to go around Diefenbach some way or another. I believe we could get a right away out there now. That property was at one time was deadlocked up, not in an estate but in, I think Sellersburg Stone bought that.

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TONY NOLAN ADDRESSES THE COUNCIL ON/SHUT DOWN OF PARKING ON FERN ST./SPEEDERS.

President Eddings stated I think so too. Mr. Nolan you got the thing rolling anyway.

Council Member Fenner stated can we appoint two council members to approach the parks, the trustees of the park to do.

President Eddings stated would any two council members like to volunteer to do that?

Council Member Alexander stated I'll do it.

President Eddings stated there's one, Dave would you want to do it?

Vice-President Broady stated nope.

Council Member Fenner stated if Dave doesn't want to I will.

President Eddings stated there's two.

Mr. Nolan stated I appreciate it, what can I do?

President Eddings stated keep on us.

Council Member Fenner stated if you don't here from us in three years, call back.

President Eddings stated Kim Beasil.

KIM BEASIL ADDRESSES THE COUNCIL ON/STORM DRAIN PROBLEM BEHIND HER HOUSE ON NEVADA DR.

Ms. Beasil stated I'm Kim Beasil and I live at 620 Nevada Drive and I'd like to show you some pictures of the flooding I've had in the past and still have in the future. I'd like to see what you guys could do for us and like to say I think as long as you don't do anything to the property I won't be able to sell my property because I'm afraid if I was to move and sell the house to someone else, they would have the flooding problem that I have I could be sued for this and I think something needs to be done. Mr. Alexander has lived across the street and he knows about the flooding. The gentleman at the end has been out to my house and heard and seen about the problems we've had. And I'd like to show you my pictures and see what you could do.

Vice-President Broady stated are you familiar with this area here.

Council Member Alexander stated yea, it's plenty, it's just, what did we guess John? Four to five. I mean it's just something we don't have in a year's budget and because they're at the back of the line instead of the front of the line. I mean we did put some kind of purposal together maybe to do sections from one end all the way up. But we wanted to wait to see, it's the two pipes that run through uh, Hill-N-Dale that go from Nevada over.

Ms. Beasil stated we have, uh, storm drains or easements that when they get sofull they come to the top and they flood yards. We have a concrete pipe that comes out three doors down from our house that water floods into and comes from Sharps. When everything comes down the easement it all comes in my yard. I have all kinds of debris I have to go out and clean up you know like I said I can't sell my house knowing that this is happening. An I supposed to be forced to live there? You know and deal with the flooding and not be able

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TO MOVE.

Council Member Alexander stated that house is the lowest level.

Ms. Beasil stated Yes.

Council Member Fenner stated what we have just done or are in the process of...

Council Member Alexander stated we're not even close to being done.

Ms. Beasil stated what you have done my flooding goes to Lane when my yard floods it goes across the street. You can see the pictures there is actually a picture in there of the easement of Nevada and Lane where all the water goes to. What you all have done over there has nothing to do with my problem.

Council Member Fenner you're above that. And your's is coming, alot of your's is coming from Sharps.

Council Member Alexander stated yes.

Ms. Beasil stated it's coming down the easement from Sharps Lane and all that Debris and the flooding that's in my yard. I can't even landscape. I mean coz it's all going to be washed away. I've had landscaping timbers in the front yard be washed away because of all the flooding coming.

Council Member Fenner stated has it always down that since you have lived there?

Ms. Beasil stated yes.

Council Member Fenner stated how long have you lived there?

Ms. Beasil stated uh, I moved there in October of 89.

Council Member Fenner stated 89.

Ms. Beasil stated yes, and I have been in here with these pictures before and I'm here again and I would like to be able to move. You know, not 20 years from now you know and I can't sell because I don't want to be sued. When it rains, water will sit there for three or four days, mosquito's. You know the neighbors have seen snakes over there. You know I have holes in the ground on my easement. They have come out and put concrete and still grows and I keep grass trimming in there. Next to the storm drains the concrete around the strom drains is washing away because it's gotten worse and I need to take pictures of that and bring them in and let you worse and I need to take pictures of that and bring them in and let you take care of that problem too.

It's just getting worse and worse back there. I mean you can come back there and a day and it might and you saw what I had to deal with. I'd like to know what could be done about this.

Vice-President Broady stated you got any idea of estimated cost of I mean of...

Mr. Toombs stated not right off hand. Ken and I have been out there and looked at it.

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KIM BEASIL ADDRESSES THE COUNCIL ON/STORM DRAIN PROBLEM BEHIND HER HOUSE ON NEVADA DR.

Council Member Fenner stated where is it on the list?

Council Member Alexander stated well like I said it's going to exceed the one-year budget. I mean the only way to solve this one is would be...

Ms. Beasil stated Sellersburg buy my house so I can move.

Council Member Alexander stated a short term loan.

Council Member Fenner stated you're not moving out of town are you?

Ms. Beasil stated no, I didn't say that. I just want to move out of that house if I'm going to continue to have a flood problem. No one's going to want to by my house and they get flooded.

Council Member Alexander stated we talked about two months ago that there were certain problems in Sellersburg that we were not going to be able to fix on a normal budget year. Uh, we have put them all together in order to get a short term like four or five years to work on it. Or find some feasible way to start to at one end and work your way up. Haven't forgot about you, it's just...

Ms. Beasil stated we fixed our basement up a year ago on Christmas ok. Three months later our basement flooded. The carpet got wet, all the drywall got wet. I can't put new furniture down in my basement. I can't do nothing else to it.

Council Member stated yes.

Ms. Beasil stated I mean how would you feel if you had a house that you could not sell because you were afraid of being sued by someone else because of a flooding problem? I mean I would like to move I really would, I don't want to get sued.

Vice-President Broady stated is this a three hundred thousand-dollars project or...

Mr. Toombs stated this is a big, big project.

Council Member Fenner stated where does it rank on the priority scale? I mean is it the worst...

Mr. Toombs stated we don't have the three hundred thousand, there is no priority. We don't have the money.

Ms. Beasil stated well can you hold off on other projects and solve my problems so I can at least move someday? I mean...

Council Member Alexander stated it's not something that easy.

Council Member Fenner stated it's the budgeting process. And you can't carry money over from one year to the next and so in this fund we a certain amount of money each year, that money has to be spent in the year and you can't save it for the next year. And we don't even have close to the amount of money we need in that fund in any one-year to do what needs to be done for you. Uh, or for that area.

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KIM BEASIL ADDRESSES THE COUNCIL ON/STORM DRAIN PROBLEM BEHIND HER HOUSE ON NEVADA DR.

Ms. Beasil stated it's not only going to benefit me but it's my other neighbors. I have a neighbor right next door and his house gets flooded too.

Council Member Alexander stated after this if we fix this is it going to benefit everybody.

Ms. Beasil stated yes because the water starts from Sharp and ends in my yard and comes on both sides of my house and travels on over to Lane.

Council Member Fenner stated yes.

Council Member Alexander stated and none of the catch basins or pipes over there were even close to them.

Council Member Fenner stated did we lose the idea completely for the catch basins, building a retention pond back there on Sharps Lane, did that go any where at all?

Mr. Toombs stated no we didn't we didn't abandon anything yet.

Council Member Fenner stated but we haven't pursued that? Is that, would that be a three hundred thousand -dollar project to do that or is that the easier way to do it?

Mr. Toombs stated I think probably what we need to do is take a look at the problem again and get some suggestions make some budget estimates, see what will work and what won't work I go out with Mark every year and ride around and look at stuff to see which is the worst problems.

President Eddings stated how far are we on the Storm Drain Project? Are we close to the end of the...

Council Member Alexander stated we've haven't had to close Penn Street.

President Eddings stated I thought it was awful close. Maybe we ought to put, John what do you think about going and putting another.

Council Member Alexander stated well we've done right now Penn Street and has not been closed this year. Uh we do real well in, we're doing better I should say in with the pond, Uh, most of Hill-N-Dale we've solved some of the little problems in water standing. We still have had Hamstead Heath that is inadequate in the Storm Drains. We still have her problem over there.

Ms. Beasil stated I mean I have a galvanized pool that has floated out to the street because of so much water.

Council Member Alexander stated we've got Shirley Avenue.

Mr. Toombs stated I can tell you this is over the years besides Mr. Heverns House down there being a house in the middle of a pond, her's is the worst I've seen.

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Ms. Beasil stated I mean is still have water in my, I have a pipe that comes in my sup pump hole, where this water comes from I have no idea. But if we get any rain like we did today.

Council Member Alexander stated ironically we was talking about you three weeks ago I didn't.

Ms. Beasil stated I mean it's frustrating to own a house that you can not sell because of the flooding. It's like your stuck with something, you know and I don't want to feel like that.

Vice-President Broady stated Mrs. Beasil has got a real problem here. Somehow we've got to get some numbers here and take a real hard look at it and see...

Ms. Beasil stated I mean I don't know how many meetings I've got to come to, to get something done. And the ground just keeps washing away.

Vice-President Broady stated can you get back with us in about a month.

Ms. Beasil stated excuse me.

Vice-President Broady stated can you go back and draw up something and recheck it and maybe get a better idea of what...

President Eddings stated Kim why don't you come back to our schedule for the next one month meeting, last meeting in June, July.

Ms. Beasil stated ok.

President Eddings stated we should have something put together that maybe able to address you. I don't promise anything but at least we'll look at it and see if there something available and what alternative we've and see if there isn't some way help alleviate the problem.

Ms. Beasil stated I would like to bring one of my neighbors he had a garage that I'm talking about on, in his yard the drainage is on the easement and it has washed it away the ground behind his garage. If something's not done the garage is going doen to the ditch. And I will make sure we get pictures of that before we come to the next meeting and I'll get other pictures of that drainage area.

President Eddings stated ok, Thank You.

Ms. Beasil stated Thank You.

President Eddings stated Chief Kinder.

Chief Kinder stated nothing.

President Eddings stated ok, EMC.

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EMC/KENDALL COLEMAN ADDRESSES THE COUNCIL ON/MONTHLY REPORTS.

Mr. Coleman stated I've handed out everything already. The first thing I handed out to you was the Bi-Monthly water and sewer revenue report for the period of June 8th through June 19th, 1998, the total amounts collected was \$89,200.00. The next item I gave you was the monthly report for May. It details the water, wastewater and the billing office operation. The next item, everyone's got a copy of is a request for reimbursement for the installation for water service for highway 60 nursing home the expenditures came in a little at a time, the total expenditure's that EMC paid for is \$2,159.34 along with that there's an invoice for Wallar's Meter Incorporated and that's for 4 inch compound meter for that site and that's a cost of \$2,228.12. Copies of all the invoices are attached to the packet along with the original invoice.

President Eddings stated I'll entertain a motion to reimburse EMC for the water service for the New Nursing Home on highway 60.

Mr. Coleman stated that is money that has been collected.

Vice-President Broady stated I make a motion to do so.

President Eddings stated motion made by Dave, do I have a second?

Council Member Alexander stated I'll second it.

President Eddings stated second by Ken, any discussion? If not all those in favor signify by saying I, opposed nay. I's have it. Vote 3-0

Mr. Coleman stated a couple of things that you don't have in front of you I need to bring to the board's attention, we have two sewer lines, one on Edgewood and one on Foothill. Uh, I gave a rough drawing to John the one on Edgewood these lines are deteriorated beyond repair and uh, the guys now are continually going out there. We had complaints on them for several years now, uh, the one on Edgewood is deteriorated. It's an old pipe and it's paper-thin, we're repairing it three times a year. We're getting several customer complaints out of that area. And I'd like the board to recommend on how to proceed on that. The estimate for replacement on Edgewood will be around \$35,000.00. That is engineering estimates. We received on bid from a contractor and it was a little over \$35,000.00. That is replacing 750 liner feet and three manholes. Uh, the one on Foothill I don't think is going to be quite that expensive. We're looking at 670 liner foot. It's only about three foot deep, we won't be able to put the manholes in coz it's so shallow. It will save a little bit of cost on manholes, but we are getting several complaints from the customers on the service line. We need to look at replacing both those lines.

President Eddings stated which one's worse?

Mr. Coleman stated toss of the coin, toss of the coin. You've got taproots in both lines. Taproots get in the laterals and the service to the homes and going down into the main lines. Once they're there you can't get them out. Not unless you cut all the trees down.

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Mrs. Pixley stated how come there's only one bid on it, on estimate.

Mr. Coleman stated just, I just got a bid to see what a contractor might charge us.

Mrs. Pixley stated are you going to put it up for bid?

Mr. Coleman stated yes, I have to.

Mrs. Pixley stated would that just be a Capitol Project out of the...

Mr. Coleman stated I'm looking.

Vice-President Broady stated it's obviously, they certainly need it.

Mr. Coleman stated the thing the board has to realize it's all over town. Sooner or later we're going to have to start doing this as one major project or we're going to have to start appropriate a certain amount of money each year and say we're going to spend one hundred thousand, one hundred and fifty thousand to two hundred thousand each year and start replacing these lines. These lines aren't getting any better. We've got I and I problems. We were talking about the High School Lift Station earlier, we've got a lot of infiltration problems at the high school. It overflows during rainy weather events. The High School Lift Station. We have to start eliminating these problems and start repairing and replacing these lines.

Vice-President Broady stated even if we had the money, there's certainly not more appropriated for the retention basin. I mean it's certainly lower. We can't sit on the money, we're going to have to start spending it. We can't ignore the problem, it just cost more and more, and it just gets worse. I would say if there, from just talking here. I would say let's go ahead and do it, let's get bids on that 35,000, and no let's get bids on both those projects. Can we break them down separately so it won't be such a shock?

Mr. Toombs stated if you remember according to the law anything under \$50,000.00 we don't have to put a notice in the paper. We can get the three prices and then take and see which one.

Vice-President Broady stated that would be my suggestion.

Council Member Alexander stated I also think we need a Capitol Improvement Program.

Mr. Coleman stated we got the projects.

Council Member Alexander stated right, we need to format that into a certain amount of...

Mr. Coleman stated sit down and prioritize and say we're going to do this in 98, and these will be done in 99, these will be done in 2000. We have enough for four or five years. We need to formalize it. You're right.

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President Eddings stated you want to make that in a motion or what.

Council Member Alexander stated no.

President Eddings stated just tell him to get the bids and go.

Council Member Alexander stated get the bids.

President Eddings stated get the bids.

Mr. Coleman stated the second item at the Water Treatment Facility the discharge off the lagoons, we have a new NPDES Program by the state. Late February, early March uh, we started having tests with new primeters starting in April and we cannot comply with one of those primeters. It's chlorine residual. Either the chlorination of the water before we sent it to the distribution center, we back wash our filters with that water. That goes into the laggons, we got chlorine residual left. We have a level of point 05 milgrams per liter. Right now we're reporting one to one and half milgrams per liter. Also with that our TSS limits are hovering right at our primeters limit. Uh, TSS that was one of the reasons why we recommended a Capitol Improvement for cleaning our Lagoons. We're getting the solids to settle up properly, they're going through the lagoons too fast before getting discharged. So right now just to make the board aware, I mean you're looking at probably what we'll have to do is install a sulfur dioxide system before we can discharge in the ditch.

Council Member Alexander stated what if we went sewer down?

Mr. Coleman stated it's going to be expensive. I mean you're looking at we back wash three days a week, about 25,000 gallons of backwash, about 75,000 gollons a week in discharge in sewer. Two hundred fifty to 300,000 gallons.

Vice-President Broady stated it wouldn't matter.

Mr. Coleman stated we're going to look at options, I mean it's, I think it's going to be costly. And you continue to develop here, the more water we're processing, the more water we're producing, the more we're going to be back washing and the more will be discharged into that sewer system.

President Eddings stated would the uh, system be needed even after the uh, retention ponds are clean?

Mr. Coleman stated that something I'm going to bring our experts from our Evansville Facilities. They have a lot more knowledge than I do Doug and I want to get their recommendation and talk to John as well and see if they think that would correct the problem. The residual is so high, I don't think that's going to correct the problem.

President Eddings stated anything else?

Mr. Coleman stated uh, we have 18 months from the date to correct this problem, come to compliance.

President Eddings stated when was the...

Coleman stated February 1st.

President Eddings stated ok.

Mr. Coleman stated we have 18 months from February 1st to correct it. And we have to install an system.

President Eddings stated what are you talking about to install a system? That can't be that.

Mr. Coleman stated it's not that time consuming but, uh, what we need to do is if we have a location in an existing building coz that SO2 system has to set for the chlorine, for building where at the site we're going to inject.

President Eddings stated ok, do we have anything from the Building Commissioner tonight?

BUILDING COMMISSIONER/BOB STEWART ADDRESSES THE COUNCIL ON/WEEDS.

Mr. Stewart stated at this time of year we get a lot of complaints about weeds, uh grass being too high. I can appreciate some of the complaints we're getting. Some people think that I don't have anything else to do but go around and ask people to cut their grass. It's not that tough of job to do if there is someone home to talk to. You have several absentee owneres who are difficult to find. Councilman Voyles helped me out this past week with going to the courthouse and getting some information, where these people might be hiding. What I ask the council for now is I have no thing in my budget to finish the postage. These have to be sent certified mail, return reciept about 2.50 a crack. And there's, about eight or ten I've got here ready to go. They can be mailed tomorrow. Can the Clerk Treasurer's office do the postage on that?

President Eddings stated yes, that would be fine. Dave.

Vice-President Broady stated uh, the last meeting I believe it was, we had a request from the County Commisioner for \$25,000.00 to go to the ICI budget, I would like to see us write a letter and see what, first of all what they are going to do with the money what they are doing with the money they've already had. and how would we get our money back. Right now we are part of the program are we not? This very well could be.

Attorney McCall stated I think we are part of the program by, by the fact that you did the check, I think that's how you will be included.

Vice-President Broady stated I'm going to be darn foolish here, if we're going to get revenue off this thing I would just like some more information. I'm going to invest 25 and get 50 back I'm not going to give them 25 and not get anything back. Why not just ignore it?

Attorney McCall stated I'll draft it and put the letter in your box.

President Eddings stated explain the benefits to us. Kendall do you have someting else?

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Mr. Coleman stated yea, I put a packet in everyone's mailbox, three items you need to look at and discuss probably at the Executive Session next meeting. One of them is on the water tap expenditure that we talked about at the June 8th meeting. Also you need to look at uh, the sewer tap fees. When the ordinance was passed last summer uh, you didn't specify what the fee would be for institutional or governmental building that either needs to be an addendum or however Perry thinks it needs to be. That needs to be discussed and you need to decide what the board wants to do for governmental and Institutional hookups and the other hookups on the schedule sewer rates, you need to look at uh, there's been an error in how sewer billing has been handled since I don't know when. Since the new rates have been passed I guess. That needs to be corrected either by a change of ordinance or you can direct to me that you want me to contact the old customers that would be involved in that, coz their rates are going to be a little higher.

President Eddings stated ok, you got anything else? Dave

Vice President Broady stated nope.

President Eddings stated Gary.

Council Member Fenner stated nothing.

President Eddings stated Perry.

ATTORNEY MCCALL ADDRESSES THE COUNCIL ON/ANNEXIATION.

Attorney McCall stated just about one thing in regard to proposed annexation of area I it's been discussed where you passed the physical plan uh, the change in the statute from the previous annexation has been, now you have to uh, have a public hearing and uh, not to suggest you have, it's required by statute. So I have uh, anticipated perhaps uh, the first meeting in July that we would have a public hearing on the annexation of area I at eight o'clock or soon after the regular meeting. I have to give notice uh, of the public hearing. It's got to be published at least 10 days before the meeting uh, I anticipated to do that um, I just want to let you know that does have to occur. I have been getting some phone calls on this uh, both in favor and opposed. And I think it's going to be important to public meeting uh, you can vote on the annexation ordinance. I've sent notice New Albany and anticipate by that particular meeting we will have that indication they have no objection and us proceed to vote.

SELLERSBURG TOWN COUNCIL

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ATTORNEY MCCALL ADDRESSES THE COUNCILON/ANNEXIATION.

Council Member Alexander stated will go on inside the meeting or will we have open up for a special meeting?

Attorney McCall stated well, uh, you probably won't be able to do it at that particular meeting and take it up at the next meeting.

Council Member Alexander stated couldn't we have the Public Meeting before?

Attorney McCall stated you could, then you could have the regular meeting. It's up to you, have it at six O'clock, well since we're going to have Executive Session that day anyway, that was the one thing I didn't. You could have it at five thirty. Whatever you decide to do. I'm looking for a time, I just picked the eight o'clock because I thought it would fall, but I haven't noticed anybody yet so if you let me know what you think you want to do.

Council Member Alexander stated can we not do what we've done in the past and open the meeting then close the meeting and open the Public Hearing and close public hearing and...

Attorney McCall stated and you would be cleaner to have the Public Hearing.

Council Member Alexander stated separate.

Attorney McCall stated separate and I would have it first and go into the regular meeting, get all the input close up the Public Hearing and take it up, if all members are going to be there.

President Eddings stated I'm not going to be here, I'm going to be on vacation.

Attorney McCall stated you're going to be gone.

President Eddings stated we've already did the...

Attorney McCall stated you haven't passed the uh, annexiation? You adopted the Fiscal Plan.

President Eddings stated we didn't do the consideration.

Attorney McCall stated no, no you simply left it and Ken was indicating he wanted to have a public hearing jsut to have public imput.

President Eddings stated but you don't need me for a public hearing.

Attorney McCall stated no, you...

President Eddings stated you just need me if we're going to vote.

Attorney McCall stated yes, that's right. You have the Public Hearing, then, you do it on a first reading, and you would have...

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ATTORNEY MCCALL ADDRESSES THE COUNCIL ON/ANNEXIATION.

Council Member Fenner stated I will not be here the last meeting.

Attorney McCall stated question, hold on we haven't done anything yet. You don't need a full, if Doug's not going to be here you can do a first reading. Then the next meeting you're not going to be here, you can do a second reading, you could pass that way, so that...

President Eddings stated it would take two meetings. Ok we're not going to have a full board.

Attorney McCall stated and that would probably be a good thing to take it slower. Just for the public. Now.

Resident stated this has to do with the annexation on Poindexter Lane? Is that right.

President Eddings stated right.

Attorney McCall stated Area I, yes.

Resident stated ok, uh, I on the 14th I went to church and one of the members told me that they were annexing Poindexter Lane. Now I live in New Albany, my property is on Poindexter Lane. At the corner of Poindexter and County Line Road. Uh, a week ago today I come here to get information on this annexation. Friday I was able to get the annex piece of paper.

Attorney McCall stated the purposed ordinance.

Resident stated yes, I, that came from your office.

Attorney McCall stated yes I faxed it up here and they...

Resident stated now, were are we at the present time?

Attorney McCall stated that's what we're are just talking about.

Resident stated I thought you were, I'm a little hard of hearing...

Attorney McCall stated that's ok, that's ok, what is happening is they are purposing to do the annexation of the area. The fiscal plan concerns the resolution for the particular area that is defined there. That was done by the engineer with the discription. What will happen is at the next meeting or there will be a Public Hearing before the next meeting I believe is what we deicided on.

President Eddings stated I thought you said our next meeting will be the 13th of July.

Attorney McCall stated whatever the next meeting is, you want to do it at the next meeting.

President Eddings stated that's right, that's the next meeting.

Attorney McCall stated at the next meeting there will be a Public Hearing were that...

SELLERSBURG TOWN COUNCIL
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June 22, 1998
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ATTORNEY MCCALL ADDRESSES THE COUNCIL ON/ANNEXIATION.

Resident stated when is the next meeting?

Attorney McCall stated the 13th.

Resident stated the 13th.

Attorney McCall stated of July, at the point that will be the opportunity for a person such as yourself to uh, voice their opinion on this purposed annexation.

Resident stated now I live in New Albany.

Attorney McCall stated I understand.

Resident stated and I would like to be notified about this. I think that you put a legal notice in the paper.

Attorney McCall stated I will put a legal notice in the paper.

Resident stated I live in New Albany I would like to be notified on that meeting.

Attorney McCall stated I'm telling you now, it will be on the 13th.

Resident stated what time?

Attorney McCall stated what time do you want to have it? Before or after?

President Eddings stated I won't be here. You can have it during the regular meeting can't you?

Council Member Alexander stated six thirty.

Attorney McCall stated have it at six.

Council Member Alexander stated well we have Executive Session.

Attorney McCall stated yea, but you still have...

Vice-President Broady stated have the Executive Session then have the Public Meeting at six thirty, it doesn't matter to me.

Attorney McCall stated at six thirty then go into the Regular Meeting. Have your Executive Session then go into the Public Hearing then go into the Regular Meeting.

Resident stated ok, six thirty, on the 13th of July.

Resident stated another question, at that time will you have the fisical plan for capitol and non capitol services.

Attorney McCall stated I already have adopted that.

Resident stated where can I get that?

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ATTORNEY MCCALL ADDRESSES THE COUNCIL ON/ANNEXIATION.

Attorney McCall stated it should be available at the office, if it is not I'll get you a copy. Just call me if you don't have, I thought you had a copy attached to that resolution. If not, I'll send you a copy.

Resident stated will there be more than one meeting on this?

Attorney McCall stated there will be one Public Hearing. That's all the statute requires.

Resident stated ok.

Attorney McCall stated one Public Hearing and then uh, it's my understanding the Town Council just indicated there won't be a full board that there will be one, a first reading of the annexation ordinance and a vote and the next there will be a presentation of the ordinance or reading and then a vote then...

Resident stated all right.

Attorney McCall stated there will be at least two more times based upon what...

Resident stated may I ask when the second meeting will be?

President Eddings stated you want to give that to him now?

Council Member Fenner stated the 27th.

Attorney McCall stated what was your name sir?

Lawson Very stated first name is Lawson.

Attorney McCall stated here's a copy of the Fiscal Plan.

Mr. Very stated ok Thank You.

Attorney McCall stated and that way...

Chief Deputy Shelton stated he's got the map and this is the paperwork on the ordinance right.

Attorney McCall stated that's the ordinance that hasn't been past yet.

Mr. Very stated ok, the 13th and the 27th.

Attorney McCall stated right ok, so I'll notice that in the Evening News. Doug you called and asked about the uh, the agreement, understanding the agreement between the Town Of Sellersburg and those residents of what you would do uh, for the Lakeview Apts. I found a copy, I didn't find a executed copy, I found a copy of the unsigned agreement. I mean if you're wanting proof of that...

President Eddings stated I thought there was something you put together for all of us to sign.

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ATTORNEY MCCALL ADDRESSES THE COUNCIL ON/ANNEXIATION.

Attorney McCall stated you did, and I don't know where the original of that is. I don't have the original. I have just a copy that is unsigned. If we can't find the I could...

President Eddings stated bring it back and we could sign it again.

Attorney McCall stated we could take a copy of the minutes and attach it to it and say yes this was passed, here it is.

Council Member Fenner stated isn't it in the minutes.

Attorney McCall stated it's in the Town Council minutes, so I'll do what I can for you.

President Eddings stated find one and bring it back and we'll all sign it again.

Attorney McCall stated yea and just put that particular date and it will be just like the original. Lastly you talked about redrafting the nuisance ordinance. Bob just mentioned about the yards and trying to put some teeth in that thing, uh, before I take a stab at it, I'd like to sit down and talk to someone Bob, or yourself or Ken. I think Ken probably got a lot of ideas on this as he expressed before just to see exactly where we want to go and how we want to change it. Ken was talking about lein's on property, wants the town to be able to go ahead and take action you know to make the area nice by mowing it themselves and then put lein's for that particular service and figure out how we're going to charge for this service, what the value of that's going to be, you know you can't put...

Council Member Alexander stated we figure we could contract that out to an individual lawn service. That way it wouldn't be a bear to us to have...

Attorney McCall stated and also to even go further about private yards and the easements uh, or areas that are easements. Get notice to people how to correct that and various things that continue to come up every summer. We get those complaints but if it gets into fall we forget about it and we get into spring and it comes up again. So uh, maybe...

Council Member Fenner stated this is my second year of mowing the grass at the corner of Edgewood and Wildwood.

Attorney McCall stated and it looks good. It really does, but anyway...

President Eddings stated you might start looking at the Planning Commission too.

Attorney McCall stated the Planning Commission, ok.

President Eddings stated I mean it might be a good thing, to get an idea of what direction.

Attorney McCall stated you know once you get it in place it's going, making sure you're enforcing it on a regular basis, you know in keeping up with what you do you know when you have regular offenders. What happens at some point when they come in to contest that, consider how to approach that, all the little problems that can arise. People will say gosh I can't believe you did that to me. So none the less, but I guess is could do that and meet the Planning Commission and try to get that together. Uh, I think that's it right now.

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President Eddings stated Kenny.

KENNETH ALEXANDER ADDRESSES THE COUNCIL ON/ST. PAUL'S.

Council Member Alexander stated I'm going to be as short as I can. St. Paul's has given us a diagram of their lot as far as how they would like it to go. The only problem is at the corner of St. Paul's and Oak Street. For some reason the Town's property make a sharp corner there.

Vice-President Broady stated this...

Council Member Alexander stated right.

Vice-President Broady stated what you're asking to do is...

Council Member Alexander stated I think that needs to be at a wider radius, everything else I think is, John you've seen a picture of this have 'nt you. Did you see a picture of the whole parking lot over ther when we were all there?

Mr. Toombs stated I think so.

Council Member Alexander stated that way was to be, that way the parking lot was defined of being blacktop probable came up to Oak and...

Vice-President Broady stated what's this survey line here? Is that our right-of-way?

Council Member Alexander stated possibly.

Vice-President Broady stated is that our right-of-way here Kenny?

Council Member Alexander stated it's where it makes the sharp corner.

Vice-President Broady stated what is this survey line here? Is that our right-of-way?

Council Member Alexander stated possibly.

Vice-President Broady is that our right-of-way here too?

Council Member Alexander stated uh, who whoever makes the sharp corner, see it is here and comes over there.

Vice-President Broady stated this is our property.

Council Member Alexander right.

Vice-President Broady stated so what you're saying is for them to give us around.

Council Member Alexander stated around that all.

Vice-President Broady stated around that all and they can use it.

Council Member Alexander stated right and that way the property uh, and parking lot will be designed.

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KENNETH ALEXANDER ADDRESSES THE COUNCIL ON/ST. PAUL'S.

Vice-President Broady stated are you purposing that we deed this.

Council Member Alexander stated I don't know whether it would have to actually be deeded since it's natural concret curb.

Mr. Toombs stated it's not their's and it belongs to you, you don't have to do anything, it's a public right-of-way.

Council Member Alexander stated can we give them, to construct a curb?

Mr. Toombs stated sure.

Council Member Alexander stated that is what this is.

Mr. Toombs stated yea, we do that all the time.

Vice-President Broady stated we don't have to give the ground away, we can just give them permission to go ahead and...

Mr. Toombs stated as long as it is public right-of-way.

President Eddings stated I don't have a problem with it. I mean I don't think we need to give the land away but we can give them permission to.

Vice-President Broady stated just give us a little more rounding area for that corner and have at it.

President Eddings stated let's have a motion.

Council Member Alexander stated I make a motion that St. Paul's be given permission to put curbs on the right-of-way.

President Eddings stated motion made by Ken, do I have a second?

Council Member Fenner stated I'll second.

President Eddings stated second by Gary, any discussion? If not all those in favor signify by saying I, opposed nay. I's have it, anything else?

Council Member Alexander stated everyone's got a copy of Mark Robinson's contract in their box. Mr. Robinson has with us here and uh, we talked several times and he's got some letters of recommendation.

Vice-President Broady stated is this any different than the contract we have?

Council Member Alexander stated yes the uh, pay has been increased to uh, 250.00 per week. It's up 50 dollars. I would like to say in behalf of Mr. Robinson if you'll notice going thourgh the monthly report uh, I would say uh, 20 times would justify what he's doing compared to what we used to do. The response time as far as being called out uh, he's there. When we have a dog he's there. He's also helping residents with domestic or not-domestic problems. He's been very helpful. He's been very professional. He's been an asset to this corner of our job duties. And he's very kind to animals.

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COUNCIL MEMBER ALEXANDER ADDRESSES THE COUNCIL ON/ANIMAL CONTROL/MR. ROBINSON?

Mr. Robinson stated I've got 24 this month already. I've been on, can I speak Ken?

Council Member Alexander stated sure.

Mr. Robinson stated I've impounded 97 animals in the first nine months as animal control officer. Now it's 24 animals so far this month. And part of the 250 that I'm asking, I will provide and pay for my own cell phone. Which is provided by the town at this time. I'd like to thank the town, resident's, Town Council and the Chief everybodies been wonderful. I'm on call twenty-four seven. And lately I've gotten more calls, with the construction, it seem like Hill-N-Dale is my opposum area. Linnwood is my skunks, I get the larger dogs in the downtown area.

Council Member Alexander stated I would like to make a motion that we approve the contract as written.

President Eddings stated we've got a motion on the floor, do I have a second?

Council Member Fenner stated I'll second.

President Eddings stated second by Gary, any discussion?

Mrs. Pixley stated I'll third it. He's been really good on our strip.

Chief Kinder stated and I'll vote he's the best-dressed dog catcher.

President Eddings stated you mean he goes on calls like that. Any further discussion?
If not all those in favor signify by saying I, opposed nay. I's have it.
Vote 3-0

Council Member Alexander stated we will be having a uh, yard waste cleanup that will be the 20th of July but I will bring it up next meeting.

Mrs. Pixley stated could I ask Kenny a question? I don't know whether who else I could talk to. I got a bill the other day on recycling. I don't even have a garbage pick-up. Why am I getting a bill for recycling?

Attorney McCall stated if you read that editorial everybody got a bill.

Mrs. Pixley stated excuse me.

Attorney McCall stated you should read the editorials. everybody got a bill.

Mrs. Pixley stated I don't know I...

Attorney McCall stated uh, the Town of Sellersburg entered into an agreement with the other communities and with the Solid Waste Recycling. Is it Solid.

President Eddings stated Solid Waste Recycling.

Attorney McCall stated Solid Waste Recycling District to do that. They send a bill out regardless if you do it or not for the cost of recycling.

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COUNCIL MEMBER ALEXANDER ADDRESSES THE COUNCIL ON/YARD WASTE CLEANUP.

Mrs. Pixley stated I don't even have garbage pick-up. Why don't. I mean uh, don't you have to have something for what you pay for. Get something for what you pay for. Is it just another...

Attorney McCall stated I assume that, you see it's not the same as our garbage trash pick-up that we have here in town. It's a separate group that comes by and picks up these items. And I would assume that if you would notify them they would put you on thier route and they would pick up your recycleables.

Mrs. Pixley stated they wouldn't come back where I live.

Attorney McCall stated I know where you live. But I'm saying, the point I'm trying to make is if you would notify them they would have to pick that up. You're part of the town since you're part of that road that is part of the town and you could have that pick-up.

Mrs. Pixley stated I don't live on the road though.

Attorney McCall stated I mean you live off what is it? Bean Road.

Mr. Toombs stated Bean Road.

Attorney McCall stated Bean Road, then you're drive goes back and...

Mrs. Pixley stated I'm not going to carry things a quarter of a mile up there.

Attorney McCall stated well I know I'm just. I didn't say it was across the board. And you're not alone in that complaint. I mean even residents of you know Clark County clear out in the county even uh, Charlestown. I've seen editorials in the paper compaining about that. In Jeffersonville the same complaints that I don't use it, why am I having to pay for it? It's because...

Mrs. Pixley stated put an editorial in the paper you guys. I want something done about it.

Attorney McCall stated what will happen though is if you don't pay it, they will put a lein on property and it's not us that's doing it. Not the town that's doing it.

Mrs. Pixley stated yes, BFI is the one's who are picking that stuff up isn't it. Why should we pay that if we're not doing anything? This is what I can't understand.

Council Member Fenner stated they are under contract to the Solid Waste. It's not us.

President Eddings stated right, we don't have anything to do with it.

Mrs. Pixley stated I mean why can't you do something about it then.

Attorney McCall stated I mean why can't you do something about it then.

Attorney McCall stated well because I think that they and correct me if I'm wrong the big picture was that for all the residents of Sellersburg that recycling was going to be needed to be done and that, while not everybody would be covered, but if you were part of the town you would be responsible for the cost of recycling and that it was in the

COUNCIL MEMBER ALEXANDER ADDRESSES THE COUNCIL ON/YARD WASTE CLEANUP.

long run going to benefit everyone.

Mrs. Diefenbach stated I'll be darn if I was going to pay for something I didn't get.

Mrs. Pixley stated that's the way I feel about it.

Attorney McCall stated I mean don't yell, I mean there's nothing that says you have to pay it, don't pay it, and then you go to court Paulene and say hey I'm not getting that service I shouldn't pay it and see what the judge says. And...

Mrs. Pixley stated this is terrible, I mean we're on a limited income we don't have the money, we don't have anything to pay for something like that. That's terrible.

Attorney McCall stated I, ok I'm on you side ok, you're not getting the service you don't pay for it.

Mrs. Pixley stated I wondered what your advise was.

Attorney McCall stated I'll talk to you after the meeting. If I didn't believe it was justified I told you what I would do. I'll tell you what I would do. I wouldn't pay it and I would make them collect it and then I would go and have somebody determine that I'm responsible even though I'm not receiving the service and I think probably what would happen they would say well the community has entered this agreement, you're part of the community, there for you're responsible.

Mrs. Pixley stated I didn't.

Attorney McCall stated under that local agreement.

Mrs. Pixley stated I didn't say I wanted it.

Attorney McCall stated you voted people, you know you voted and you, these people for your representatives.

Mrs. Pixley stated I didn't vote for them.

Attorney McCall stated well they were voted in you might not of voted for them, because of the long term benefits of recycling I hate to wash those cans, I hate to do that myself, but we do it.

Mrs. Diefenbach stated if I wasn't getting the service I would not pay for it.

Attorney McCall stated I understand that, my point being that you contact Solid Waste District and say I'm not paying, I do not get recycling I don't want recycling and they will say well maam you're community has entered into this agreement, and if you put out your recycables we will pick them up.

Council Member Fenner stated is this a good analgy, we pay taxes for a lot of things we don't get services for. If you don't have children you still have to pay school taxes.

Mrs. Pixley stated we do that too, we don't have kids.

ORDINANCE 98-694

1999 SALARY, HOLIDAY AND LONGEVITY PAY

WHEREAS, the Town of Sellersburg desires to pass the herein Ordinance in order to establish and clarify the salary, holiday and longevity pay of employees of the Town; and

WHERE, said Ordinance is necessary for the efficient administration of the Town.

NOW, THEREFORE, BE IT ORDAINED, this _____ day of _____ 1998, by the Town Council of the Town of Sellersburg, that;

The following annual/weekly/hourly wage, holiday and longevity pay, as indicated, shall be paid to the following employees, from the funds as indicated, effective January 1, 1999.

GENERAL FUND

TOWN COUNCIL MEMBER (PRESIDENT)	6066.24	PER YEAR	
TOWN COUNCIL MEMBER	4866.24	PER YEAR	
TOWN COUNCIL MEMBER	4866.24	PER YEAR	
TOWN COUNCIL MEMBER	4866.24	PER YEAR	
TOWN COUNCIL MEMBER	4866.24	PER YEAR	
TOWN MANAGER	30000.36	PER YEAR	
TOWN ATTORNEY	28000.00	PER YEAR	
CLERK TREASURER	27309.88	PER YEAR	
CHIEF DEPUTY CLERK	384.00	PER WEEK	9.60 PER HOUR
TOWN HALL CLERK	341.20	PER WEEK	8.53 PER HOUR
PART-TIME DEPUTY CLERK	222.08	PER WEEK	6.94 PER HOUR
POLICE COMMISSIONER	500.00	PER YEAR	
POLICE COMMISSIONER	500.00	PER YEAR	
POLICE COMMISSIONER	500.00	PER YEAR	
POLICE COMMISSIONER	500.00	PER YEAR	
POLICE COMMISSIONER	500.00	PER YEAR	
PARKS BOARD MEMBER	300.00	PER YEAR	
PARKS BOARD MEMBER	300.00	PER YEAR	
PARKS BOARD MEMBER	300.00	PER YEAR	
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PLANNING COMMISSION MEMBER	300.00	PER YEAR	
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ZONING APPEALS MEMBER	300.00	PER YEAR	
ZONING APPEALS MEMBER	300.00	PER YEAR	
ZONING APPEALS MEMBER	300.00	PER YEAR	
ZONING APPEALS MEMBER	300.00	PER YEAR	
ZONING APPEALS MEMBER	300.00	PER YEAR	
ZONING APPEALS SECRETARY	300.00	PER YEAR	

STREET AND SANITATION DEPARTMENT

SUPERINTENDENT	632.32	PER WEEK	
TRUCK DRIVER	417.60	PER WEEK	10.44 PER HOUR
LABORER/CREW LEADER	417.60	PER WEEK	10.44 PER HOUR
LABORER	352.80	PER WEEK	8.82 PER HOUR
LABORER	352.80	PER WEEK	8.82 PER HOUR
LABORER	352.80	PER WEEK	8.82 PER HOUR
LABORER	373.60	PER WEEK	9.34 PER HOUR
LABORER	352.80	PER WEEK	8.82 PER HOUR

1999 SALARY, HOLIDAY AND LONGEVITY PAY
CONTINUED

POLICE DEPARTMENT

DISPATCHER	9.25 PER HOUR
DISPATCHER	9.00 PER HOUR
DJSPATCHER	9.00 PER HOUR
DISPATCHER	9.00 PER HOUR
DISPATCHER	9.00 PER HOUR
PART-TIME DISPATCHER	8.50 PER HOUR

Holiday pay for DJspatchers will be determined on 3 persons for 9 holidays which will be 27 days x 8 hours which equals 216 hours x an average of 9.05 per hour.

CHIEF OF POLICE SALARY	37685.44 PER YEAR (18.118) PER HOUR
CHIEF OF POLICE, INSURANCE	1617.24 PER YEAR 134.99 PER MONTH
CHIEF OF POLICE HOLIDAY	1304.49 PER YEAR
CHIEF OF POLICE LONGEVITY	1231.56 PER YEAR
CHIEF OF POLICE PERF	6322.12 PER YEAR 1580.53 PER QUARTER

	<u>SALARY</u>	<u>HOLIDAY</u>	<u>LONGEVITY</u>
ASSISTANT CHIEF	656.56 (16.414)	1181.80	1505.24
CAPTAIN (TBA)	573.60 (14.340)	1032.48	-0-
SERGEANT	565.96 (14.149)	1018.72	2736.80
SERGEANT	565.96 (14.149)	1018.72	1778.92
PATROLMAN	527.96 (13.199)	950.32	1915.76
PATROLMAN	526.32 (13.158)	947.37	410.52
PATROLMAN	526.32 (13.158)	947.37	410.52
PATROLMAN	526.32 (13.158)	947.37	273.68
PATROLMAN	526.32 (13.158)	947.37	273.68
PATROLMAN	486.28 (12.157)	947.37	-0-
PATROLMAN	486.28 (12.157)	947.37	-0-
NEW PATROLMAN (TBA)	486.28 (12.157)	875.30	-0-

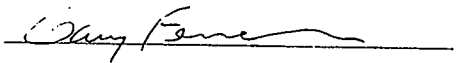
*Patrolman hired in 1998 will receive an increase in pay on their one year anniversary date to equal a 1st class Patrolman's pay. Holiday pay will also be adjusted to equal that of a 1st class Patrolman.

The Salary Ordinance is subject to change due to section 03.2 - vacations in the policies and procedures manual adopted by the Sellersburg Town Council 05/11/92.


SO ORDAINED THIS _____ DAY OF _____, 1998 FOR THE COMING YEAR OF 1999.


AULTON D. EDDINGS JR.

DAVID BROADY


GARY FENNER

WILLIAM VOYLES


KENNETH ALEXANDER

ATTEST: _____

LINDA G. SCHAFER
CLERK TREASURER

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Council Member Fenner stated another example is you pay taxes for the overall good of the community even though you specifically may not take advantage of, you pay taxes for the Sellersburg Swimming Pool do you use it.

Mrs. Pixley stated there's another thing too, look along my mailbox and see all the bottles and cans and other things that are thrown out. Uh around the mailbox around the highway there.

Attorney McCall stated put one of the recycling bins out there and maybe they'll throw them in.

President Eddings stated we need to move the meeting along. I still have some control over it. The only thing I have is a salary ordinance we looked over last meeting. We're going to have a second reading on the salary ordinance tonight. It did not go the first reading. Uh, I entertain a motion to approve salary ordinance number 98-694 on the second reading tonight.

Council Member Alexander stated I'll make that motion.

President Eddings stated motion made by Ken, do I have a second?

Council Member Fenner stated I'll second.

President Eddings stated second by Gary, any discussion? If not all those in favor signify by saying I, opposed nay.

Vice-President Broady stated nay.

President Eddings stated ok, I's have it. Ok Cindy anything tonight?
Vote 2-1

Chief Deputy Shelton stated yes I've got two claims. One from Janet Matthews in the amount of 217.50 and one from JoAnn Strickland for \$170.00 even for a down payment on transcript in accordance with local rule 22. I'd like to present these.

Attorney McCall stated what is it?

Chief Deputy Shelton stated it's the same two from last meeting.

Vice-President Broady stated are we not on an appeal?

Attorney McCall stated no, we have a motion to correct to correct errors. I'll probably be dealing with this on the 8th, I think there is a hearing scheduled the 8th to come back and deal with this.

President Eddings stated should we bring it up and let it die again?

Attorney McCall stated she made motion for it to be approved, somebody has to make the motion.

President Eddings stated to go ahead and approve? I'll entertain a motion to pay the invoices as presented. Dies for lack of motion.

Chief Deputy Shelton stated ok, I've got the bills to be approved.

CHIEF DEPUTY SHELTON ADDRESSES THE COUNCIL On/BILL'S

President Eddings stated ok, everyone's got a copy of the bills in their mailbox and had a chance to review them and I'll entertain a motion to pay the bills as presented.

Council Member Alexander stated I'll make a motion to pay the bills as presented.

President Eddings stated motion made by Ken, do I have a second?

Council Member Fenner stated I'll second.

President Eddings stated second by Gary, any discussion? If not all those in favor signify by saying I, opposed nay. I's have it. Vote 3-0

President Eddings stated I'll entertain a motion to adjourn the meeting.

Council Member Alexnader stated I'll make that motion.

President Eddings stated motion made by Ken, do I have a second?

Vice-President Broady stated I'll second.

President Eddings stated second by Dave, any discussion? If not all those in favor signify by saying I, opposed nay. I's have it.


With no further business, President Eddings adjourned the Regular Meeting at 8:15 p.m.

AULTON D. EDDINGS JR.

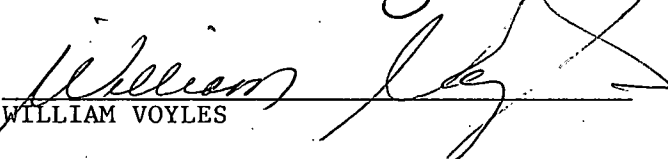


KENNETH ALEXANDER

GARY FENNER



DAVID BROADY



WILLIAM VOYLES

ATTEST: LINDA G. SCHAFER
CLERK TREASURER

SELLERSBURG TOWN COUNCIL

July 13, 1998

EXECUTIVE SESSION

An Executive Session of the Sellersburg Town Council was held at the Sellersburg Town Hall at 6:00 p.m. to discuss personnel matters and pending litigation. Those present were: David Broady, Council Vice-President; William Voyles, Council Member; Kenneth Alexander, Council Member; with Doug Eddings, Council President; Gary Fenner, Council Member; Linda G. Schafer, Clerk Treasurer; and William P. McCall, Town Attorney being absent.

Called To Order


Vice-President Broady called the Executive Session to order at 6:00 p.m.


Topics of Discussion


Kinder/Problems with property next to Kid Tech.
Problems with property at Linnwood and 31.
Tarc Signs.
Sausage Plant
Ken Alexander/Transfer from DSR to Cap. Imp.
John Toombs/Changes on Flood Hazard.
David Broady/Rezoning on Wells Property.


Adjournment

With no further business, Vice-President Broady adjourned the Executive Session at 6:30 p.m.


AULTON D. EDDINGS, JR.


DAVID BROADY


KENNETH ALEXANDER


WILLIAM VOYLES

GARY FENNER

ATTEST: LINDA G. SCHAFER
CLERK TREASURER

SELLERSBURG TOWN COUNCIL

July 13, 1998

Regular Meeting

A Regular Meeting of the Sellersburg Town Council was held at the Sellersburg Town Hall at 6:30 p.m. Those present were; David Broady, Council Vice-President; William Voyles, Council Member; Kenneth Alexander, Council Member; with Doug Eddings, Council President; Gary Fenner, Council Member; Linda G. Schafer, Clerk Treasurer; and William P. McCall, Town Attorney being absent.

Called To Order

Vice-President Broady called the Regular Meeting to order at 6:30 p.m.

Prayer

Father Paul offered up the prayer for this meeting.

Pledge

The Pledge of Allegiance to the flag was recited.

VICE-PRESIDENT BROADY ADDRESSES THE COUNCIL/PUBLIC HEARING.

Vice-President Broady stated our first thing on the agenda tonight is a Public Hearing in regards to the proposed annexation of area I which is Poindexter area and I will now open the Public Hearing for comments from those present if anybody wishes to make a comment on the proposed annexation. Pro, con or whatever.

Mr. Lawson Very stated I am Lawson Very and I own the property at the corner, 28 acres more or less on the corner of your map. Uh, I have here your analysis of you're Fiscal Plan and Annexation of area I. I turn to the second page. It say's these services with Capitol Improvement Nature including street construction, street lighting, sewer facility, water facility, storm water drain facilities will be provided for the annexed territory within three years. Is that right?

Vice-President Broady stated yes, I would say so.

Mr. Very stated prior to that it says the planed sewer is a Non-Capitol Services normally provided within the corporate boundaries will be provided to the annexed territory within one year of the effective date of annexation and they will be provided in a manner in an equivalent standard and scope of those uncapitol services provided in area within the corporate boundaries that have similar type of patterns they use and population and density. All right, you make a comparison against Wood-Haven area on St. Joe Road east of I-65 North and West of Dreyer Lane. I assume that is already in the Town Of Sellersburg. Is that right?

Vice-President Broady stated yes I think so.

Mr. Very stated ok, the Fire Protection will be the same as we have now. On the County Line Road. My half of the road which is Clark County. There will be no change in that.

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Council Member Voyles stated yes, that's correct.

Mr. Very stated ok, water service we're served by Silver Creek water out there, which you mention in here. Recreation all municipal recreation facility can accommodate and can be available to residents of 1998 Annex Area I immediate with out effecting the capacity of the facility by the responsible administration at no total cost to the municipality Police Protection you purpose to add one Policeman and one vehicle.

Vice-President Broady stated correct whatever is in there.

Mr. Very stated Garbage Collection, the Town Of Sellersburg provides one garbage pick-up per week for residents businesses and industries. There will be a three-dollar's a month charge. For the first pick-up and an additional charges providing of dumpster type containers. The annex of area I will not effect an additional personal equipment. And that is because you are using BFI are you not? Or do you have your own?

Vice-President Broady we have our own.

Mr. Very stated all right, it will be an expense the sewer this is under sanationary services to serve the existing residents of the area not now on sanitary services. Now, I'll go back to that later. Over here on page eight under streets. Fire Protection we have the same thing as we have now because the Volunteer Fire Department covers the Township. The Clark County roads are located within the area I for which town will assume maintain responsibility. Now I have a question. The law says when two counties come together on the line halfway between the two ends of the road the each uh member of each group faces it and the one on the right goes to the in this case to Clark County and the one on the left goes to Floyd County and this on the County Line Road which runs approximately to the church on St. Joe goes to the corner pole. And so the half is being taken care of Floyd County goes right down by your annexation. Who's going to take care of this road? Clark County, Floyd County, or the Town Of Sellersburg?

Vice-President Broady stated do we have any of that annexation on County Line Road John?

Mr. Toombs stated we're not annexing County Line Road.

Vice-President Broady stated it's Poindextrer just to Poindexter isn't it?

Mr. Toombs stated yes.

Resident stated it shows on your map that you're annexing all three of us. On County Line.

Mr. Toombs stated we're annexing the property, I don't think we have to annex the roads as well.

Vice-President Broady stated the road will stay as it is we're annexing the property.

Mr. Very stated the water service, we will have the same water service. Garbage Collection, Police Protection you're gonna have one more vehicle I believe and one more person in the vehicle to cover that area. Upon annexation Garbage Collection Service for the area will begin upon request in a manner of equipment to standard and scope of this service now being provided at existing and existing upon annexation Garbage Collection area service of the area will begin upon request. In a manner equivalent and standard and scope of this service now being provided to existing

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corporate residents and will not submit significantly effect the capacity of the ordinance providing this service. Now here sanitary service do you have a map here of the annexation?

Chief Deputy Shelton stated she's getting it.

Mr. Very stated you don't have it marked on your map.

Council Member Alexander stated not on this map, it's on the town map.

Mr. Very stated this right here you have a map here it is in the back of the annexation area. We're talking about, my question on sewer's and I got a blow up here of all the annexed areas. This come's from uh the geologically map in New Albany-Floyd County Library and this is a blow up of it. And what you've got, all right you're going to take in this section in right through here which is the whole section here and two things I want to comment about. This is my property here and this is a small piece of ground there. This top of getting near of the crest of a hill. I don't know how far you're sewer goes out. Can anyone tell me?

Council Member Alexander stated to the top of the hill, that's Virginia Heights subdivision.

Mr. Very stated the top of Virginia Heights.

Council Member Alexander stated past Virginia Heights.

Mr. Very stated basically right here. All right and you're going to have and this is. I'm sorry I don't have it in color it's going to have a slope from that all the way down here and then you're going to have one here. Now how are you going to service this lady right here? It say's all and I think that you mean all, is that right?

Vice-President Broady stated yea, I mean what we're trying to do was put in a Lift Station.

Mr. Very stated all right but I mean are you going to service, I got one house on my property are you going to service that house?

Vice-President Broady stated we've got what three years to do so. Yes sir you have to, that's in your ordinance here. You have three years.

Mr. Very stated three years.

Vice-President Broady stated three years.

Mr. Very stated you're going to put the one down there at the bottom of the...

Vice-President Broady we're actually obligated by law to put it down there.

Mr. Very stated is somebody recording this meeting?

Vice-President Broady stated yea.

Mr. Very stated ok I'm glad to here that. I want a copy of it. All right, now because from this corner here it goes down and comes up and goes on over to this point here and

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that's the high point so you're going to have to have a Lift Station in there someplace. All right now let's see what else I can talk about. And this upon the existing residents of 1998 annex area are being sewerred by the town system. Mostly it says not all. Then the last sentence there are however some sewer, all residents, so you think you can do it?

Vice-President Broady stated yea.

Mr. Very stated all right, would you like to have this or not.

Vice-President Broady stated we've got more maps around, we just...

Mr. Very stated ok.

Vice-President Broady stated Thank You, any one else like to comment either pro or con?

Resident stated I'm Janet Elder, I own the property towards Clarksville, right adjacent to Mr. Very's property and I really don't want to be annexed. I don't see what you can offer me other than higher taxes and I really, is there a way to get out of being annexed?

Vice-President Broady stated well right now we're in the process of me, myself of listening to everybody to see what the scory is. Uh, I thought at one time, we were approached by some who said that they would like to be annexed back into town. They were kind of mislead somethime, the last time of the annexation so we thought they're we're some pro annexation out there. Uh, I'm speaking personally if everybody against it I'm not going to jump up and get them.

Ms. Elder stated I'm very against, I mean one of you is going to get me eventually, but I want it to last as long as it can.

Vice-President Broady stated I understand.

Ms. Elder stated and I mean Clarksville can least offer me a sewer immediately.

Council Member Voyles stated well, right now they're having problems with uh, Hunter Station.

Ms. Elder stated well I know and with three hundred people there...

Council Member Voyles stated I know but they're, they uh...

Ms. Elder stated oh I know they turned me down last year.

Council Member Voyles stated they have no more hook ups I don't think, they're going to have to do a lot of work.

Ms. Elder stated well I'm right there by their main so it's...

Council Member Voyles stated they're at capacity now.

Ms. Elder stated I don't know but, I'm highly against and I'll do what I can to prevent this annexation.

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Vice-President Broady stated ok any other comments?

Resident stated is everything annexed up to Poindexter?

Vice-President Broady stated yea.

Resident stated that's what I thought.

Vice-President Broady stated any other comments?

Resident stated just a comment.

Vice-President Broady stated yes sir.

Resident stated I see on Page two that you're estimated population for acre's is 1.73 people per acre. It hardly seems like the population density to justify annexation.

Vice-President Broady stated well you look back, I guess that would be a matter of opinion on what you're doing but you know a lot of, Clarksville annexed a large area in here. They weren't after people persia at all. They were after vacant ground. So if you look on the other side you know what they might be able to do with some thing. Uh, I don't know what, I think the reason the town is interested in this is basically we're providing sewer's in you're particular case. I guess in Mr. Very's they're not, but most of the town out there we are providing sewer's uh, the services and it just seems like it would. The community always seemed to have been Sellersburg and we caught a lot of heck for, by not being aggressive by letting Clarksville annex a lot of ground that maybe we should of annexed you know and this is just another opportunity to see if the people want in town. Uh, if they want to be part of the government that seems to be closest to their community that they live in.

Resident stated well speaking for Mr. Very here, I don't live in that area but I'm his son-in-law, I just looks to me like uh, the services offered are probably not gonna to be as great as the some of the taxes purposed.

Vice-President Broady stated I understand.

Resident stated for some time and I think that's why there's a certain reluctance for people to jump right in and say that's great.

Vice-President Broady stated and I agree with that. As Mrs. Elder said she said somebody's going to get you sooner or later.

Resident stated I think people would rather be in Sellersburg than Clarksville.

Vice-President Broady stated I think so too. It seems like they're closer related to Sellersburg than Clarksville.

Resident stated but I think want to wait for the population density to increase that way the services will be more immediate and uh more in depth.

Vice-President Broady and another thing I talked to the people that maybe had of looked us, is that the government here controls the sewer and a lot of things we do as a government here doesn't necessarily, I mean we don't put a stop sign up on his street, but things that we do make the decisions as far as the annexation, not annexation but

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uh, zoning and such like that. even though it's not in your backyard but it is a part of this community or is going to be somewhat of a reflection or is going to be involved with the people that are over there. And the people that would be annexed would have an opportunity to have a, related to and the decisions they make. That's another thing. So there's all kinds of ways to look at it. Nobody wants to pay higher taxes. Anybody that would say that be either they got more money than they know what to do with or they're plum foolish to say that.

Resident stated as far as those taxes are much higher than Sellersburg I know that. Having lived in Clarksville and uh, they have acquired land just for just for the sake for acquiring land. They look on their government out there as a business I think.

Vice-President Broady stated uh.

Resident stated a business for the people who are in the town government.

Vice-President Broady stated Donny did you have a comment?

Donny stated I'd like to ask a question, does uh, anybody get involved with the roads do they zone that area in there. Do you talk to the Commission or anybody about the roads? Has that ever been discussed?

Vice-President Broady stated we uh,

Donny stated traffic over there in that area is getting so congested.

Vice-President Broady stated I can image that.

Donny stated check that out, are you required to do that?

Vice-President Broady stated no actually I think the annexation of what we're purposing would be, we're not taking in Poindexter would we? We'd annex over to Poindexter. Poindexter would stay in the County and the part of County Line Road would stay in the County and the Floyd County. As the gentleman said there.

Donny stated it looks like to me somewhere along the line someone's gonna have to get us some more roads there.

Vice-President Broady stated yea I agree it's building up so bad in that area that there's going to be road problems. And there again is the County going to take care of it or Clarksville going to annex there or is Sellersburg going to address the problem. You know I don't know.

Resident stated is the light at 311 and 60 Sellersburg or Clarksville?

Council Member Alexander stated State.

Vice-President Broady stated State Highway.

Resident stated the stated is going to keep the road in front of my house? You're not. How can you do that?

Resident stated the Stated is going to keep the road in front of my house? You're not. How can you do that?

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Vice-President Broady stated State Highway 60? Yea that's.

Resident stated no I mean County Line Road.

Vice-President stated no that would be the same whoever owns it now or maintains it now would be the same. In other words we would annex up to that road. And if we annexed the other side of the road then we're obligated to take the road.

Resident stated well then it's Floyd County then.

Vice-President Broady yea, I think in that particular case Floyd Counties one way and Clark County is the other.

Resident stated as nearly as I can tell.

Vice-President Broady stated Poindexter would still be maintained by the County is that not right?

Resident stated isn't that slick.

Vice-President Broady stated if we ever annex further some day then we would be obligated, once we're annexing the other side of the road then we're obligated that road becomes part of our community.

Resident stated ok so if I want a street light if anyone asked me I would get a street light. Hydrants

Vice-President Broady stated Hydrants would fall.

Council Member Alexander stated Silver Creek Water.

Vice-President Broady stated Silver Creek Water.

Council Member Alexander stated or you would go through you're Fire District.

Vice-President Broady stated Fire District or it would be requested for that. Street Lights, I don't know John, how does that work?

Council Member Alexander stated I thought we had Street Lights.

Mr. Toombs stated you treat them just like anyone else. If the neighbors come in here and live on one street and one guy wants a Street Light and all the nine other people don't want one you can decide whether you're going to get one or not.

Vice-President Broady stated ok no matter who's.

Mr. Toombs stated no matter's, as long as you pay the bill once a month.

Vice-President Broady stated I think that we would be obligated to run Street Lights.

Resident stated well I would you know want one.

Vice-President Broady stated we'll mark you down, any other comments? If not I'll close the Public, yes ma'am.

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Resident stated uh, I'd just like to comment. The monitotium on Clarksville annexation is going to run out ten years would be up in March of 2000. So we're not far away of possibly being annexed. They do have continuity from highway 60 all the way to County Line Road behind our properties. And I think if we don't do something now I think we're going to wind up in Clarksville.

Council Member Alexander stated well actually you're, I don't think your first tax draw or the extra tax from Sellersburg would actually take place until the moratorium was over. So basically you're new tax rate coming through would be the year Clarksville or the...

Resident stated that's not going to be immediate. I never did get a copy of the annexation.

Council Member Voyles stated it would be three years wouldn't it.

Council Member Alexander stated no it would be...

Council Member Voyles stated how many years? Two

Council Member Alexander stated it would be 2000 because you have to be in arrears.

Resident stated so the tax rate would change in 2000 and we pay it in 2001.

Council Member Alexander stated no it would change in 99 and you pay your first one in March, or May installment.

Resident stated 2000.

Council Member Alexander stated I would like to make just one comment. And it's probably not a real popular one. I hope you can get an understanding of uh, at least where I'm coming from. The annexation even though the Capitol expenditures for the sewer is a little high for the property that Sellersburg would be acquiring as far as putting in the, but in the longevity of Sellersburg looking at the bigger picture ten, fifteen, twenty years down the road it's does draw a line and say as you may said to where the threat of losing. Righth now Hunter Station is estimating all the way through back to Clarksville is estimating 40 million dollars of tax base that could have been Sellersburg. But we chose to sit and wait and see and uh, and if Clarksville came in March of 2000, Sellersburg doesn't get to say oh by the way we would like it. I mean we either have to be first or they're first. Uh, even though I lived over there I would not want to pay the higher taxes I would hope that because of the close knit community that we are the people would understand. This would draw a line in the sand where Clarksville would be persia boxed in unless they could go into Floyd County and go around and the threat of other properties that Sellersburg could develop would be reduced to where we can develop as a community in the pace we want instead of the pace of the neighboring community. Because we have no say in what goes in there or what doesn't go into Hunter Station even though you could pick a stone up ;and throw it across the street. And you know having at least a public opinion this is what we want to build or what we don't want to build or how fast we want to grow or how slow we want to grow. I don't know if that's worth the dollar or not but at least that's a positive look as far as uh, a local government being close to home.

Resident stated I'd like to make one more comment. In the recent event that happened on Poindexter I think the extra Police Protection would be a plus for us. I'm sure you know what I'm speaking of.

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Vice-President Broady stated yea, any other comment.

Mr. Very stated can I make a comment on the garbage?

Vice-President Broady stated yea.

Mr. Very stated uh, when BFI is supposed to service this area or at least part of it. My tenant chose not to use them. The reason is directly across from the house is another hose and behind that is a manufacturing company. It has about 4 or 5 people so she can take here garage over there and put it in Dad's Dumpster. Who's going to collect the uh fee.

Vice-President Broady stated ok the way it's sit up now in this community you pay the three dollar garbage tax and we collect your garbage. If you choose not to give us your garbage you still pay the three bucks. So that solves the problem. If she wants to take it over there and put it in somebody else's she can do it, but she's going to pay it.

Mr. Very stated two weeks from tonight you're having another meeting, the town meeting and you're planning to annex this area is that right?

Vice-President Broady stated yea, the way it's sit up is uh, we're supposed to have an it takes two meetings or two votes to make the annexation uh, legal ok. We had the Public Hearing tonight and we're going to close the Public Hearing shortly. Then we will vote tonight on a first reading. Ok it takes two readings tonight and the next reading which is July 27th to activate the annexation ordinance. Ok

Mr. Very stated ok now I will be out of the country on the 27th can I give my daughter and her husband the right if they choose to come and speak for me?

Vice-President Broady stated ok to be honest with you they can be on the agenda, the Town Board Agenda.

Chief Deputy Shelton stated it's full.

Vice-President Broady stated that one is full ok this will be the only Public Hearing that we will have on the annexation if you want to speak to us you know speak again you would have to be on the regular Town Board Agenda. We allow four or five people on the agenda and the next one is full. You're welcome to come but I won't be able to get you on the speaking part.

Mr. Very stated I know that you will charge me for copies. You tape that do you not?

Chief Deputy Shelton yea as soon as the after the meeting and they're all typed out word for word but it usually takes about a week.

Mr. Very stated and you're going to charge me for it.

Chief Deputy Shelton stated yea it's twenty-five cents a copy.

Mr. Very stated twenty-five cents a copy or a sheet.

Chief Deputy Shelton stated a sheet.

Vice-President Broady stated ok any other comments? If not I'll close the Public...

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Ms. Farnsley stated My name's Melissa Farnsley and we own the last piece of property on County Line next to the Elder's and next to Mr. Very and we too uh, you know we knew Clarksville was coming in and didn't look forward to the annexation but the taxes verses Sellersburg and Clarksville aren't different enough to really to make a difference on who's going to get who. I see this just like you say a chance to block them out to continue any further. We don't want to be annexed at this point and time, we wish to stay in the county. So we too I don't see that this is a big enough population to be annexed at this time.

Vice-President stated Thank You.

Resident stated I'd like to say just one more thing. I understand the properties at the end of the road there does not have all the services but Sellersburg has already expended you know the money to put sewer's in our area. Most of us are already on sewer's and water it's not like you know they haven't put services out there.

Vice-President Broady stated we've both had our comments and I'm going to close the Public...

Resident stated to summarize I think what you're saying is that most of the people out there in that area would like to be in Sellersburg community. That is the community that they feel the most kinship and also to more or less knock Clarksville out. Because ;they will expand into that area no question in my mind that they will and I disagree I think the taxes will be quite a bit higher also.

Vice-President Broady stated I think that's the feeling here that the majority of the people call Sellersburg home than Clarksville and that's fortunate for us. If this annexation goes through and everybody's happy it will also serve as a blocking tool. That's just icing in the cake for us. But I think the majority of the people feel more closer to Sellersburg than they do Clarksville.

Resident stated what actions are available to prevent the annexation? By either Clarksville or Sellersburg.

Vice-President Broady stated you go to a court of law, what we do is uh, if we pass the ordinance and it becomes so then you can hire an attorney and fight it and uh, you kown.

Resident stated nobody likes to do that.

Resident stated yea, but they lost last time.

Vice-President Broady stated right, we lost last time. You're messing with the loser's.

Mr. Johnson stated I'd like to make a comment if you don't mind.

Vice-President Broady stated sure go ahead.

Mr. Johnson stated I'm a Sellersburg resident I live up highway 311. If you guys sit around any longer and wait for Clarksville they're going to take me too. Now I'm just going to tell you this, they're all around my place. How many more of you are going to want to wait they might take the whole damn place? They might take Sellersburg.

Vice-President Broady stated Thank You, ok I'm going to close the Public Hearing at it's ten minutes after seven. Thank You.

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VICE-PRESIDENT BROADY OPEN'S THE REGULAR MEETING.

Vice-President Broady stated now I'm gonna, you need a break. Does anybody need a break? I'm going to open the Regular Meeting of July 13th meeting of Sellersburg Town Council. Uh, first on the agenda is uh, Mr. Bolly concerning the rezoning.

Mr. Bolly stated Mr. Chairman I'm here again on the Johnson rezoning on the 311 and 60 property. I understand that there's a good possibility that you all are quite familiar with it. I'm prepared to make a lengthy discussion on it and it would sound to me like you possibly feel like you don't need that. That you pretty much got what you want to do and that is the term and I would wave that and just pass it on for you all to make a motion.

Vice-President Broady stated at this time I'll entertain a motion to on a first reading to uh, what's the word there? I'd like...

Chief Deputy Shelton stated rezone.

Mr. Bolly stated rezone, yes.

Vice-President Broady stated to consider as uh, ordinance number, do you have a number there?

Mr. Bolly stated number 98-695 is what it is assigned sometime before.

Vice-President Broady stated 98-695 to consider ordinance number 98-695 on a first reading.

Council Member Voyles stated I'll make that motion.

Vice-President Broady stated I have a motion on the floor, do I have a second? I'll second it. Any discussion on the motion? If not all those in favor signify by saying I. Opposed nay.

Council Member Alexander stated nay.

Vice-President Broady stated I's have it two to...Ok in order to do that because we haven't, everybody we're going to have to consider on the next regular meeting on July the...

Chief Deputy Shelton stated July 27th.

Vice-President Broady stated July 27th.

Mr. Bolly stated ok you want to keep that of that, or whichever.

Vice-President Broady stated uh...

Mr. Bolly stated I really need to show it where it's passed on to occasion assuming it's passed.

Vice-President Broady stated ok why don't you present this to her.

Mr. Bolly stated ok I'll be more than glad to.

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Vice-President Broady stated you'll be back next meeting.

Mr. Bolly stated I'll be back the next meeting. Thank You.

Vice-President Broady stated Thank You Virgil. Ok Mrs. Barton.

Ms. Barton stated I'm Dorthea Barton and I'm here to speak about concerning the property on Hanger Avenue. Uh, I here a lot about development and I'm here to find out what you're going to, what your intent is concerning survey stakes of mine on Hanger.

Vice-President Broady stated I talked to John tonight on that and now that and now that they're all done he's coming back and resetting the property line stakes uh, I think yours and Mr. Welch's is.

Mr. Toombs stated yes everybody's surveyed up and now all the sod's down all the mess is cleaned up. We're going to do them all at the same time.

Vice-President Broady stated do them all at the same time. We'll get them all back in.

Ms. Barton stated I'm glad to hear that but I have one other question. I have a question after this. They've surveyed it but I don't think they're in the right place.

Mr. Toombs stated they will be put back where Mr. Moffett put them in the first place. After that we're out of the game.

Vice-President Broady stated Mr. Moffett surveyed them before is that what it was?

Ms. Barton stated yes they have surveyed twice. I just want to make certain that put back in the proper place. Ok Thank You.

Vice-President Broady stated Thank You, ok Chief Kinder.

Chief Kinder stated yes sir.

Vice-President Broady stated you got anything?

Chief Kinder stated well no not at this time.

Vice-President Broady stated Mr. Warren, EMC Kendell.

EMC/KENDELL COLEMAN ADDRESSES THE COUNCIL ON/MONTHLY INVOICE'S/WATER AND SEWER REVENUES.

Mr. Coleman stated the first item I have is the monthly invoice.

Vice-President Broady do these come to me.

Mr. Coleman stated yes, those need to be signed if you to wait for Doug's signature it can wait. It doesn't have to be done tonight. That's the monthly invoice for insufficient funds, meter deposits and monthly sales tax in the total amount of \$3,345.13. Cindy do I leave the copies for Gary and Doug with you or...

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Chief Deputy Shelton stated put them in their box.

Mr. Coleman stated ok, that's your copy.

Vice-President Broady stated Cindy where did I get this?

Chief Deputy Shelton stated I'd like to have that back. I'd like to have the other one back too.

Vice-President Broady stated the ordinance.

Chief Deputy Shelton stated yea.

Vice-President Broady stated ok I'll entertain a motion to pay the claim that was presented by EMC for insufficient funds, meter deposits and sales tax in the amount of \$3,345.13.

Council Member Alexander stated I'll make the motion.

Vice-President Broady stated I have a motion on the floor, do I have a second?

Council Member Voyles stated I'll second.

Vice-President Broady stated motion on the floor and duly seconded, any discussion? If not all those in favor signify by saying I, opposed nay. I's have it. Vote 3-0.

Mr. Coleman stated the second bit of information I handed you was the water and sewer revenues. The first sheet is for June 22 through July 3rd, 1998. The total amounts of revenues for that period was \$49,792.29 on the back sheet of that was for the week of July 6th through July 10th and the total revenues was \$48,125.56. That's all I got.

Vice-President Broady stated Thank You Kendall I have looked at the envelopes that I'm sure everybody had in there box concerning some information that you give us on rates I believe it was...

Mr. Coleman stated sewer rates, sewer tap in fees and uh...

Vice-President Broady stated we're going to table it until we have a full board and our attorney is back to come up with some idea on that.

Mr. Coleman stated if anyone has any questions give me a call at the plant.

Vice-President Broady stated ok Bill.

Council Member Voyles stated nope I'll wait till next week.

Vice-President Broady stated Ken.

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COUNCIL MEMBER ALEXANDER ADDRESSES THE COUNCIL ON/YARD WASTE/ORDINANCE CONCERNING THE ANNEXATION.

Council Member Alexander stated first thing I have is yard waste will be from July the 20 through July 25th. It basically follows the same rules that we sit up during the spring.

Vice-President Broady stated 20th through 25th.

Council Member Alexander stated 20th through 25th, that will be open till 8 p.m. with the summer time we do have light and on the 25th it will be open till twelve o'clock p.m. The other thing I have is the ordinance concerning the annexation. I'd like to make a motion to approve ordinance number 98-696 on the first reading.

Vice-President Broady stated ok we have a motion on the floor to approve ordinance number 96-696.

Chief Deputy Shelton stated 98.

Council Member Alexander stated 98.

Vice-President Broady stated 98.

Council Member Alexander stated 696.

Vice-President Broady stated 696, concerning the ordinance of annexation of area I.

Council Member Voyles stated I'll second it.

Vice-President Broady stated motion on the floor and duly seconded, any discussion? If not all those in favor signify by say I, opposed nay. I's have it. Approved on the first reading. Vote 3 to 0.

Council Member Alexander stated that's all I have. Oh there was one other thing. Residents on Hanger here if they wish to water, Mr. Welch has uh, expressed an interest in watering when they lay sod does the board have a problem with keeping their bills level for June and August. Uh July and August.

Vice-President Broady stated make a adjustment.

Council Member Alexander stated just to keep them happy.

Vice-President Broady stated with the construction I don't have a problem with that.

Council Member Alexander stated ok.

Vice-President Broady stated in the hurried state that I run I forgot to uh, everybodys got a copy of the minutes of the regular meeting o June the 22nd before them. Uh, I'll make a motion to approve uh, minutes.

Council Member Voyles stated I make a motion to approve the minutes of June 22nd.

Vice-President Broady stated motion to approve, do I have a second?

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Council Member Alexander stated I'll second.

Vice-President Broady we got a second, is there any discussion? Yes, I have one correction. uh on...

Chief Deputy Shelton stated its on page 23.

Vice-President Broady stated page 23 it is there was some discussion about the County Commissioners and we inadvertently put Town Commissioners and it has been changed. So they will be approved as amended then. Is that ok.

Council Member Voyles stated that's fine.

Vice-President Broady stated all those in favor of signify by saying I. Opposed nay. I's have it. Vote 3-0

Vice-President Broady stated uh, ok I got about two thousand claims here. I got a claim from Hackman, McClarin, Hewlett and Cracraft attorney's concerning our rate increase for the water department for \$3,561.62 and is laid out in several sheets of what they've done here and looked over by our attorney with the recommendation to approve. At this time I'll entertain a motion to approve these claims.

Council Member Alexander stated I'll make that motion.

Vice-President Broady stated got a motion on the floor, do I have a second?

Council Member Voyles stated I'll second.

Vice-President Broady stated got a motion on the floor and duly seconded any discussion? If not all those in favor signify by saying I, opposed nay. I's have it. Vote 3-0
Ok I got four Jacobi, Toombs and Lanz in the amounts of \$150.00 for Sellersburg Planning Commission 1800.00 for the Storm Water Retention Basin, 765.00 for Sellersburg Annexation work and 3108.50 for the drainage improvement project going on. I'd like to entertain a motion that we approve the claims from Jacobi, Toombs and Lanz as presented tonight.

Council Member Voyles stated I'll make the motion.

Vice-President Broady stated got a motion on the floor do I have a second?

Council Member Alexander stated I'll second.

Vice-President Broady stated and duly seconded any discussion? If not all those in favor signify by saying I opposed nay. I's have it. Vote 3-0
Ok I have a claim for the Storm Water Retention Basin estimate number four in the amount of \$60,772.50. This is a estimate number four approved by our engineer. I'll entertain a motion to approve number four.

Council Member Alexander stated I'll make the motion.

Vice-President Broady stated got a motion on the floor, do I have a second?

Council Member Voyles stated I'll second.

RESOLUTION NO. 1998-50

**RESOLUTION OF THE TOWN OF SELLERSBURG, INDIANA
APPROVING THE TRANSFER OF THE CABLE TELEVISION FRANCHISE**

WHEREAS, Insight Communications Company, L.P. ("Franchisee") owns, operates, and maintains a cable television system ("System") in the City of Sellersburg, Indiana (the "Franchise Authority"), pursuant to a contract dated May 24, 1966, a Cable TV Franchise Amendment dated March 13, 1979, Ordinance No. 425 dated April 28, 1986, and Consent to Assignment dated May 12, 1986 (the "Franchise"), and Franchisee is the duly authorized holder of the Franchise; and

WHEREAS, Franchisee, TCI of Indiana Holdings, LLC ("TCI"), and Insight Communications of Indiana, LLC ("Transferee"), together with certain other related parties, are parties to an Asset Contribution Agreement and an Operating Agreement, pursuant to which the System and the Franchise will be transferred to Transferee (the "Transfer"); and

WHEREAS, Franchisee and Transferee have requested consent by the Franchise Authority to the Transfer in accordance with the requirements of the Franchise and have filed an FCC Form 394 with the Franchise Authority; and

WHEREAS, the Franchise Authority has investigated the qualifications of Transferee and finds it to be a suitable transferee;

**NOW THEREFORE BE IT RESOLVED BY THE FRANCHISE
AUTHORITY AS FOLLOWS:**

SECTION 1. The Franchise Authority hereby consents to the Transfer, all in accordance with the terms of the Franchise.

SECTION 2. The Franchise Authority confirms that (a) the Franchise was properly granted or transferred to Franchisee, (b) the Franchise is currently in full force and effect and will expire on May 23, 2006, subject to options in the Franchise, if any, to extend such term, (c) the Franchise supersedes all other agreements between the parties, (d) the Franchise represents the entire understanding of the parties and Franchisee has no obligations to the Franchise Authority other than those specifically stated in the Franchise, and (e) Franchisee is materially in compliance with the provisions of the Franchise and there exists no fact or circumstance known to the Franchise Authority which constitutes or which, with the passage of time or the giving of notice or both, would constitute a material default or breach under the Franchise or would allow the Franchise Authority to cancel or terminate the rights thereunder.

SECTION 3. Transferee may transfer the Franchise or control related thereto to any entity controlling, controlled by, or under common control with Transferee.

SECTION 4. The Franchise Authority hereby consents to and approves the assignment, mortgage, pledge, or other encumbrance, if any, of the Franchise, the System, or assets relating thereto, as collateral for a loan.

SECTION 5. This resolution shall be deemed effective upon the closing of the Transfer (the "Closing Date").

SECTION 6. The Franchise Authority releases Franchisee, effective upon the Closing Date, from all obligations and liabilities under the Franchise that accrue on and after the Closing Date; provided that Transferee shall be responsible for any obligations and liabilities under the Franchise that accrue on and after the Closing Date.

SECTION 7. This Resolution shall have the force of a continuing agreement with Franchisee and Transferee, and Franchise Authority shall not amend or otherwise alter this Resolution without the consent of Franchisee and Transferee.

PASSED, ADOPTED AND APPROVED this ____ day of _____, 1998.

By: David L. Brady V.P.

ATTEST:

City Clerk

I, the undersigned, being the duly appointed, qualified and acting Clerk of the City of Sellersburg, Indiana, hereby certify that the foregoing Resolution No. ____ is a true, correct and accurate copy as duly and lawfully passed and adopted by the governing body of the City on the ____ day of _____, 1998.

City Clerk

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Vice-President Broady stated and duly seconded any discussion, if not all those in favor signify by saying I, opposed nay. Nay. No Nay's, all I's. Vote 3-0
How are we doing on this? Is he about done? Are we getting close?

Mr. Toombs stated yes, he's got all the mostly sod, black liner in there and getting close. We got one problem with the control mechanism, he ordered the wrong one. Now they got to send it back to California.

Vice-President Broady stated do you expect the next claim to be a final claim?

Mr. Toombs stated no.

Vice-President Broady stated ok I've got two claims presented by Gray Fox group. They are doing work Sellersburg drainage improvement, one job are Sellersburg General Storm Sewer items and the amount of one claim is \$2,035.53 which is estimate number four. And estimate number four on the other in the amount of \$1,620.10. These have been approved by our engineer. I'll entertain a motion to approve the claims.

Council Member Voyles stated I'll make that motion.

Vice-President Broady stated got a motion on the floor, do I have a second?

Council Member Alexander stated I'll second.

Vice-President Broady stated motion on the floor and duly seconded. Any discussion? If not all those in favor signify by saying I, opposed nay. I's have it. Vote 3-0. Soon as I read this book we'll be out of here. Ok I have a resolution presented to us by Perry for his uh, to approve by insight communications which is our uh, I guess it goes under the legal right to operate Cable TV in our community. Is what it's about. Everbody familiar obviously about. I think uh, by your Local Cable Company and operated by Insight. As such exchange agreement as such contribution agreement will be operated by TCI blah, blah, blah. Any how I give them authority to operate in the Town Of Sellersburg until uh, I think it's 2000, 2006. Ok I'll entertain a motion to approve resolution number.

Chief Deputy Shelton stated 1998-50

Vice-President Broady stated 1998-50

Council Member Alexander stated I'll make that motion.

Vice-President Broady stated resolution 98-50 to form a Cable Franchise here in town. Do I have a second.

Council Member Voyles stated I'll second.

Vice-President Broady stated seconded by Bill, any discussion? All those in favor signify by saying I, opposed nay. I's have it, now let's see all it's got back here is for Linda to sign I think. Ok I need approval by the board to sign this on behalf of the board then.

Council Member Voyles stated I'll make it.

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Vice-President Broady stated motion on the floor and duly seconded any discussion if not all those in favor signify by saying I, opposed nay.

Resident stated David I have a question.

Vice-President Broady stated yea.

Resident stated does that give Insight exclusive rights in Sellersburg, no competition.

Vice-President Broady stated I can't answer that.

Resident stated for the next eight years.

Vice-President Broady stated I can not answer that.

Council Member Voyles stated does it really.

Vice-President Broady stated I don't think this is a franchise for release.

Chief Kinder stated it sure does.

Council Member Voyles stated it probably give them the right to...

Council Member Alexander stated give it to the franchise.

Council Member Voyles stated that they can do anything they want to in Sellersburg.

Chief Kinder stated somebody else wants to have Cable in Sellersburg they can't come in to Sellersburg during that time.

Council Member Alexander stated it also requires them to put service in anywhere in the Town limit. They are required to provide service regardless to where we annex the Town. No one else has come to show interest.

Vice-President Broady stated that is what is usually done. It isn't nothing new. It's been done for years. It was recommended by our Attorney to do so. It's normally standard its something we've always done. Nobody's knocking on our door to put a Cable Franchise in. Ok I have a motion on the floor and duly seconded. Any discussion, if not all those in favor signify by saying I, opposed nay, I's have it. Vote 3-0

Chief Kinder stated does Sellersburg have a representative on the board, on the Cable Board.

Vice-President Broady I do think we can do that if we want to.

Chief Kinder stated we don't have one do we?

Vice-President Broady stated I'm not for sure. Uh, ok at least but not last my stuff. Another ordinance amending another ordinance for the floor hazard area in Sellersburg. It's the sixth time we've revised it. John

Mr. Toombs stated one of the things you each have before you on page 10 where it's got little green marks on it where she marked it up again and I remarked it again uh, the one thing of signifence actually on the bottom of page 14 called violation.

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Where there is a blank line where it says by fine not exceeding blank dollars. We have to put something on that line.

Vice-President Broady stated do we have to approve this tonight?

Mr. Toombs stated well our attorney isn't here I'd just wait till he's here next time. I'm not sure how you go about establishing a fine unless you do it arbitrailary or rules and regulations. The other change is on page 15. It's just more words. If you have times on your other Planning and Zoning violations, whatever.

Vice-President Broady stated would everybody like to table this for tonight? All right that's everything I have. Cindy.

CHIEF DEPUTY SHELTON PRESENTS CLAIMS.

Chief Deputy Shelton stated ok I've got two claims one from Janet Matthews and one from JoAnn Strickland uh one of them in the amount of \$217.50 and the other is 170.00. It's for a down payment on transcript in accordance with local rule 22. I'd like to give those to you.

Vice-President Broady stated local rule 22.

Chief Deputy Shelton stated they've been twice.

Vice-President Broady stated would anybody like to make a motion. It dies for lack of motion.

Chief Deputy Shelton stated ok I want to present the bills for this meeting.

Vice-President Broady stated ok everybody's got a copy of the bills, I'll entertain a motion to pay the bills a presented.

Council Member Alexander stated I'll make that motion.

Vice-President Broady stated motion on the floor, do I have a second?

Council Member Voyles stated I'll second.

Vice-President Broady stated duly seconded, any discussion? If not all those in favor signify by saying I, opposed nay. I's have it. Any other business?

Council Member Alexander stated I'll make a motion to adjourn.

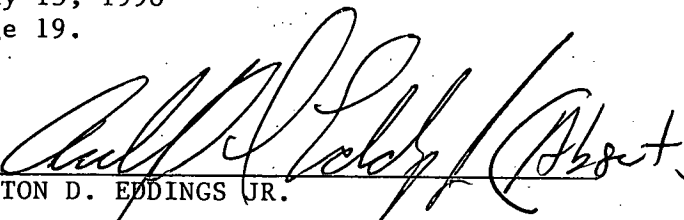
Vice-President Broady stated motion to adjourn do I have a second.

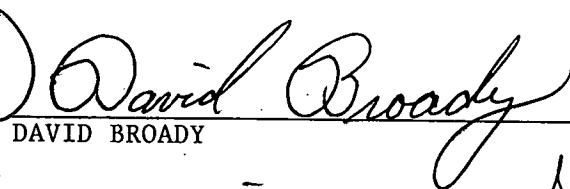
Council Member Voyles stated I'll second.

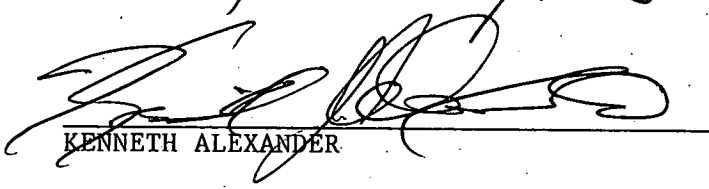
Vice-President Broady stated duly seconded any discussion? If not all those in favor signify by saying I, opposed nay. I's have it.

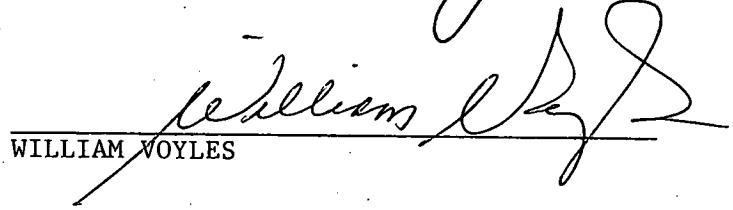
With no further business, Vice-President Broady adjourned the Regular Meeting at 7:30 p.m.

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AULTON D. EDDINGS JR.


DAVID BROADY


KENNETH ALEXANDER


WILLIAM VOYLES

GARY FENNER

ATTEST: _____
LINDA G. SCHAFER
CLERK TREASURER