

SELLERSBURG TOWN COUNCIL MEETING

January 12, 2009

TOWN COUNCIL MEETING:

The Sellersburg Town Council met on January 12, 2009 at the Sellersburg Town Hall. Present were Council President Brian K. Meyer, Council Vice-President Paul J. Rhodes, Council Member Terry E. Langford, Council Member Michael N. Lockhart, Council Member James H. LaMaster, Clerk Treasurer David L. Kinder and Town Attorney William P. McCall III.

CALL TO ORDER:

President Brian K. Meyer called the meeting to order at 7:00 p.m.

PRAYER:

Offered by Michael N. Lockhart.

PLEDGE OF ALLEGIANCE:

All present.

JAMES H. LaMASTER makes a motion to approve the minutes of the December 29, 2008 meeting and the claims as submitted by the Clerk-Treasurer seconded by Terry E. Langford. 5-aye, 0-nay, motion approved.

PRESIDENT MEYER advises that appointments need to be made to the Board of Zoning Appeals and Charles J. Ridenour has agreed to be reappointed for a four year term.

PAUL J. RHODES makes a motion to appoint Charles J. Ridenour to a three year term on the Board of Zoning Appeals, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

PRESIDENT MEYER states the Cobra Insurance Plan is available for the Town Court Judge, R. Thomas Lowe.

PAUL J. RHODES makes a motion to approve the Cobra election plan for 90 days and the Judge participates at the rate he is participating now. Cost of the Cobra Insurance is \$1,599.93 (one thousand five hundred ninety-nine and 93/100 dollars) and he pays \$600.00 (six hundred dollars), seconded by Michael N. Lockhart. 4-aye, 1-nay, motion approved.

PAUL J. RHODES makes a motion to nominate Brian K. Meyer to continue as Council president for another year, seconded by Terry E. Langford. 5-aye, 0-nay, motion approved.

MICHAEL N. LOCKHART nominates Paul J. Rhodes as Council Vice President for another one year term, seconded by Brian K. Meyer. 5-aye, 0-nay, motion approved.

MICHAEL N. LOCKHART makes a motion that the liaison positions and the Board appointments, for Council members, remain the same as in 2008, seconded by Brian K. Meyer. 5-aye, 0-nay, motion approved.

PRESIDENT MEYER presents letter from Jim Blincoe requesting that he be paid for eight sick days he had left in 2008 at the rate of 2 sick days 1 day of pay, (32 hours).

MICHAEL N. LOCKHART makes a motion to pay Blincoe for 32 hours of pay that he earned in 2008.

PAUL J. RHODES states that since this is in the 2008 Policy Manual we do not need a motion. Lockhart withdraws his motion and the Council directs the Clerk-Treasurer to pay Blincoe for the 32 hours.

KENNETH J. ALEXANDER, (Municipal Works Director) request authority to purchase a generator for the sewer department. He has four quoted prices and recommends the second lowest bidder, Wayne Supply – 80KW generator, at a price of \$30,863.22 (thirty thousand eight hundred sixty-three and 22/100 dollars).

MICHAEL N. LOCKHART makes a motion to authorize the purchase from Wayne Supply the 80 KW generator for \$30,863.22 (thirty thousand eight hundred sixty-three and 22/100 dollars), seconded by Paul J. Rhodes. 5-aye, 0-nay, motion approved.

ALEXANDER presents contract from Systems East, Inc, reference credit/debit card and electronic check payments for the billing office at a cost of \$595.00 (five hundred ninety-five dollars) with annual renewal fee of \$495.00 (four hundred ninety-five dollars).

MICHEL N. LOCKHART makes a motion to proceed with Systems East, Inc for \$595.00 (five hundred ninety-five dollars), seconded by Paul J. Rhodes. 5-aye, 0-nay, motion approved.

WILLIAM P. McCALL, III, (Town Attorney), presents **ORDINANCE 2009-001, AN ORDINANCE AMENDING ORDINANCE NO. 488 AS IT CONCERNS THE ELEMINATION OF THE REFUNDABLE SEWER DEPOSITS AND THEN ESTABLISHING A NON-REFUNDABLE ADMINISTRATION FEE FOR CREATING A SEWER SERVICE ACCOUNT AND/OR A WATER SERVICE ACCOUNT IN THE TOWN OF SELLERSBURG.**

MICHAEL N. LOCKHART makes a motion to consider Ordinance 2009-001 on the first reading, seconded by Paul J. Rhodes. 5-aye, 0-nay, motion approved.

McCALL introduces **ORDINANCE NO. 2009-002, ORDINANCE AMENDING NUISANCES ORDINANCES FOR THE TOWN OF SELLERSBURG REGARDING ABANDONED VEHICLES.**

TERRY E. LANGFORD makes a motion to consider Ordinance 2009-002 on the first reading, seconded by James H. LaMaster. 5-aye, 0-nay, motion approved.

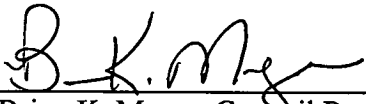
TERRY E. LANGFORD makes a motion to approve Ordinance 2009-002 on the first reading, seconded by James H. LaMaster. 5-aye, 0-nay, motion approved.

Sellersburg Town Council Meeting

January 12, 2009

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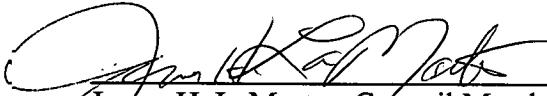
PAUL J. RHODES makes a motion to adjourn, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved and meeting adjourned 8:24 P.M.



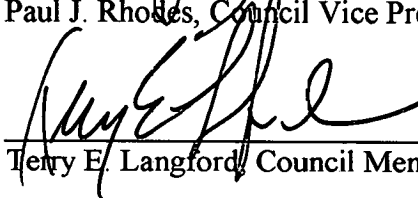
Brian K. Meyer, Council President



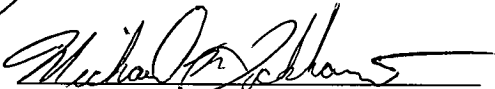
Paul J. Rhodes, Council Vice President



James H. LaMaster, Council Member



Terry E. Langford, Council Member



Michael N. Lockhart, Council Member

ATTEST: David L. Kinder
Clerk Treasurer

Date: January 26, 2009

To: Sellersburg Town Council

From: David L. Kinder, Clerk Treasurer

RE: Cancellation of Warrants – Old Outstanding Checks

The following is a list of checks that have been outstanding for two or more years as of December 31, 2008.

Check Date	Check #	Name	Amount	Fund
05/04/2006	38358	Richard K. Goodwin	\$ 1.11	Payroll
05/02/2006	22204	Heather & Anthony Stepp	\$ 33.37	Water
08/09/2006	22442	Adams Creek Development	\$ 27.89	Water
08/29/2006	22502	Grangier Glass	\$220.00	Water
09/26/2006	22583	Faye Bailey	\$ 13.37	Water
12/12/2006	22755	Debra Howard	\$ 61.68	Water
07/25/2006	14782	G&K Services	\$124.83	WasteWater
07/25/2006	14783	Environmental Laboratories	\$210.00	WasteWater
07/25/2006	14784	ESR Electronics	\$289.80	WasteWater
01/03/2006	19417	The Evening News	\$ 25.31	Civil
01/10/2006	19443	Jackson Jennings Co-Op	\$2163.76	Civil
03/01/2006	19651	Clark County REMC	\$ 375.11	Civil
05/23/2006	19958	CVS Systems	\$ 493.00	Civil
01/03/2006	5103	Justice Fine	\$ 5.00	Court

In accordance with I.C. Code 5-11-10.5 the above list of old outstanding checks shall be declared void and will be receipted back into the Fund in which they were written.

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CALL TO ORDER:

President Brian K. Meyer called the meeting to order at 7:00 p.m.

PRAAYER:

Offered by Paul J. Rhodes.

PLEDGE OF ALLEGIANCE:

All present.

MICHAEL N. LOCKHART makes a motion to approve the minutes of the January 12, 2009 meeting and the claims as submitted by the Clerk-Treasurer seconded by James H. LaMaster. 5-aye, 0-nay, motion approved.

DAVID L. KIKNDER, Clerk-Treasurer presents invoices from PAUL PRIMAVERA AND ASSOCIATES, for preparation of legal description and drawings for TIF project in the amount of \$3000.00 (three thousand dollars) and an invoice from STITES & HARBISON, PLLC, for professional services for Redevelopment Organization in the amount of \$7,589.40 (seven thousand five hundred eighty-nine and 40/100 dollars). Both of these invoices are to be paid from CEDIT funds.

JAMES H. LaMASTER makes a motion to pay the claims submitted by Primavera and Stites & Harbison, seconded by Terry E. Langford. 5-aye, 0-nay motion approved.

CLERK-TREASURER submits letter of warrants and out standing checks over two years old, in accordance with IC Code 5-11-10.5.

PRESIDENT MEYER presents **ORDINANCE 2009-003, AMENDMENT TO ORDINANCE 2008-044, HOURLY AND SALARY PAY FOR EMPLOYEES AND ELECTED OFFICIALS OF THE TOWN OF SELLERSBURG, INDIANA FOR CALENDAR YEAR 2009.**

JAMES H. LaMASTER makes a motion to consider Ordinance 2009-003 on the first reading, seconded by Terry E. Langford. 5-aye, 0-nay, motion approved.

JAMES H. LaMASTER makes a motion to approve Ordinance 2009-003 on the first reading, seconded by Terry E. Langford. 5-aye, 0-nay, motion approved.

TERRY E. LANGFORD nominates (Raymond) "Alex" Thompson to serve on the Recreation Board in the place of Fred Everett whose term expired, this will be a four year appointment, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

DAVID L. KINDER, Clerk-Treasurer administers the Oath of Office to Raymond A. Thompson.

CLERK-TREASURER presents the Council with a Hold Harmless Agreement for the vendors doing business with the Town.

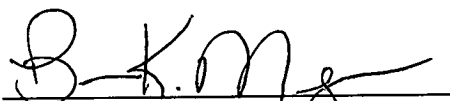
JAMES H. LaMASTER nominates Stephanie Smithers to replace Linda C. Whitlatch who has resigned from the Recreation Board, seconded by Terry E. Langford. During the discussion President Meyer states he would like to meet Mrs. Smithers and have a resume from her before appointing her to the Board. 2-aye, 3-nay, motion fails.

PRESIDENT MEYER states he would like to have Mrs. Smithers and Craig McGuffey present at the February 9, 2009 Council meeting and the Council select one of them for the position on the Recreation Board.

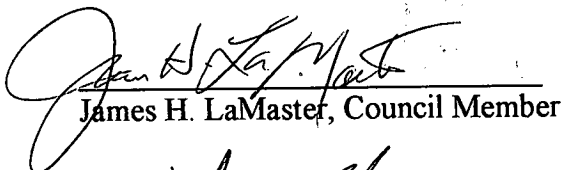
PRESIDENT MEYER presents proposal from STANTEC Consulting Services, Inc. for Silver Creek High School Wastewater Pump Station Rehabilitation and Improvement.

MICHAEL N. LOCKHART makes a motion to approve Stantec Consulting Services, Inc. for Rehabilitation and Improvement to the high school lift station, seconded by Paul J. Rhodes. 5-aye, 0-nay, motion approved.

PAUL J. RHODES makes a motion to adjourn the meeting, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved and meeting adjourned at 7:55 P.M.

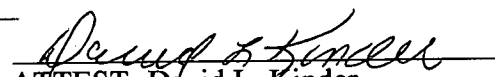

Brian K. Meyer, Council President


Paul J. Rhodes, Council Vice President


James H. LaMaster, Council Member


Terry E. Langford, Council Member


Michael N. Lockhart, Council Member


ATTEST: David L. Kinder
Clerk Treasurer

SELLERSBURG TOWN COUNCIL MEETING

February 9, 2009

TOWN COUNCIL MEETING:

The Sellersburg Town Council met on February 9, 2009 at the Sellersburg Town Hall. Present were Council President Brian K. Meyer, Council Vice-President Paul J. Rhodes, Council Member Terry E. Langford, Council Member Michael N. Lockhart, Council Member James H. LaMaster, Clerk Treasurer David L. Kinder and Town Attorney William P. McCall III.

CALL TO ORDER:

President Brian K. Meyer called the meeting to order at 7:00 p.m.

PRAYER: Reverend Mike Donahue, Speed Memorial Church.

PLEDGE OF ALLEGIANCE:

All present.

TERRY E. LANGFORD makes a motion to approve the minutes of the January 26, 2009 meeting and the claims as submitted by the Clerk-Treasurer seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

PRESIDENT MEYER presents Tax abatement compliance for Sellersburg Station, LLC and J.L. Gilbert Company, Inc. Both firms are in compliance And President Meyer signs the CF-1 Form.

PRESIDENT MEYER introduces Stephanie Smethers and Craig McGuffey, candidates for the opening on the Parks Board. The Council will appoint one of you at the Council meeting on February 23, 2009.

WILLIAM P. McCALL, III, Town Attorney, There will be a public hearing at the February 23, 2009 Town Council meeting reference Ordinance 2009-001, Amending Ordinance 488 as it concerns refundable Water/Sewer deposits.

PRESIDENT MEYER presents Clerk-Treasurer with signatures of 144 tax payers of the Town of Sellersburg on a petition to lease Real Property located at 5010 Progress Way, (Nolan Field house), Sellersburg as required by I.C 36-1-10-7.

WILLIAM P. McCALL, III, Town Attorney presents Lease Agreement with Pinnacle Properties Development Group, LLC for consideration of the Council.

TERRY E. LANGFORD makes a motion to move forward to preliminarily approve the lease of property at 5010 Progress Way between Pinnacle Properties Development Group, LLC and the Town of Sellersburg, seconded by Paul J. Rhodes. President Meyer asks for a roll call vote: James H. LaMaster, Nay, Terry E. Langford, yea, Paul J. Rhodes, yea, Michael N. Lockhart, yea and Brian K. Meyer, yea, 4-yea, 1 nay, and motion is approved.

Sellersburg Town Council Meeting

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TOWN ATTORNEY will post a public hearing notice for the Lease Agreement at the Town Council meeting on March 9, 2009.

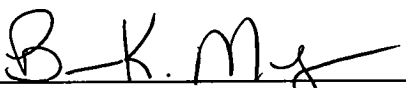
JONAS "JAY" TANNER, Building Commissioner, presents quotes for demolition of the old Sausage Plant: Team Contracting, LLC price of \$5,903.88; Dadisman Builders Inc. price \$9,750.00 with option to haul concrete away for \$2,350.00; Dan Cristiani Excavating Company, Inc, price \$5,948.00.

TOWN ATTORNEY: A question has come up about the zoning of the Summit property. Based on the way the documents were written I believe that certain conditions in the agreement were not met so I believe it is whatever the Plan Commission wants to do.

Paul J. Rhodes and Michael N. Lockhart were on the Plan Commission when this came up and it was discussed that the property would revert back to agriculture if Summit did not develop the property according to the agreement.

PAUL J. RHODES makes a motion to accept the quote of Dan Cristiani Excavating Company, Inc. for demolition of the old sausage facility to include hazardous mitigation, if necessary, and granting them salvage rights, seconded by Terry E. Langford. 5-aye, 0-nay, motion is approved.

PAUL J. RHODES makes a motion to adjourn the meeting, seconded by Terry E. Langford. 5-aye, 0-nay, motion is approved.



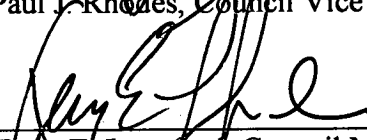
Brian K. Meyer, Council President



Paul J. Rhodes, Council Vice President



James H. LaMaster, Council Member



Terry E. Langford, Council Member



Michael N. Lockhart, Council Member



ATTEST: David L. Kinder
Clerk Treasurer

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CALL TO ORDER:

President Brian K. Meyer called the meeting to order at 7:00 p.m.

PRAYER: Paul J. Rhodes.

PLEDGE OF ALLEGIANCE:

All present.

JAMES H. LaMASTER makes a motion to approve the minutes of the February 9, 2009 meeting and the claims as submitted by the Clerk-Treasurer seconded by Terry E. Langford. 5-aye, 0-nay and the motion is approved.

PRESIDENT MEYER opens the Public Hearing on Ordinance 2009-001, Ordinance concerning refundable Water/Sewer deposits. Town Attorney McCall advises that the notice of the public meeting was published in the EVENING NEWS 10 days prior to this meeting.

SANDRA CARVER speaks about the current customer deposit for rental property.

GEORGE TALEO questions current customers paying another deposit fee.

PAUL J. RHODES makes a motion to close the public hearing, seconded by James H. LaMaster. 5-aye, 0-nay and motion is approved Public Hearing closed at 7:26 P.M.

MICHAEL N. LOCKHART makes a motion to pass Ordinance 2009-001 as amended, that a waiver for rental property for anyone that is a customer of Sellersburg water and sewer when proof of non residency of the owner in that particular property, seconded by Paul J. Rhodes. 5-aye, 0-nay and motion is approved.

DAVID L. KINDER, Clerk-Treasurer, presents Compliance with Statement of Benefits, Form CF-1, tax abatement, for IRJ, LLC that is in compliance.

JAMES H. LaMASTER makes a motion to appoint Stephanie Smethers to the Parks and Recreation Board, seconded by Terry E. Langford. President Meyer calls for a roll call vote, LaMaster, aye, Langford, aye, Rhodes, aye, Lockhart, aye, Meyer aye motion is approved.

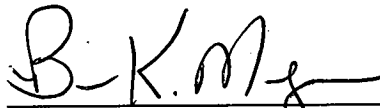
KENNETH J. ALEXANDER There were no responses to the advertisement for bids on a new sanitation truck so I called the one company that I knew had a truck exactly like the one we used, it has 11,000 miles on it, they increased the warranty on it and the quote came in at \$223,279.00 (two hundred twenty-three thousand two hundred seventy-nine dollars), there it a typographical error on the quote sheet that contains a price of \$224,279.00 but company will accept the lower quoted price. I would like for the Council to consider this at the next Council meeting.

MR. ALEXANDER recommends that the sanitation fee be increased from \$3.00 (three dollars) to \$8.00 (eight dollars) per customer and that the Council also consider this at the next Council meeting.

WILLIAM P. McCALL, III, Town Attorney, presents, **ORDINANCE NO. 2009-004, AN ORDINANCE RESCINDING ORDINANCE 2005-018 CHANGING THE ZONING MAP DESIGNATION OF THAT CERTAIN 77.892-ACRE TRACT OF REAL ESTATE LOCATED AT THE COMMONLY KNOWN ADDRESS OF 7615 STATE ROAD 31, SELLERSBURG, CLARK COUNTY, INDIANA.**

PAUL J. RHODES makes a motion to approve **ORDINANCE 2009-004**, seconded by Michael N. Lockhart. 5-aye, 0-nay and motion is approved.


JAMES H. LaMASTER makes a motion to adjourn the meeting, seconded by Terry E. Langford. 5-aye, 0-nay and motion is approved and meeting adjourned at 8:20 P.M.



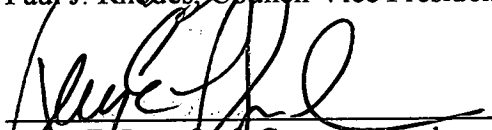
Brian K. Meyer, Council President




Paul J. Rhodes, Council Vice President



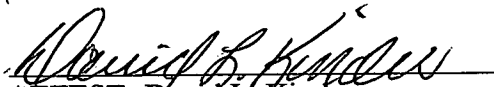
James H. LaMaster, Council Member



Terry E. Langford, Council Member



Michael N. Lockhart, Council Member



ATTEST: David L. Kinder
Clerk Treasurer

SELLERSBURG TOWN COUNCIL MEETING

March 9, 2009

TOWN COUNCIL MEETING:

The Sellersburg Town Council met on March 9, 2009 at the Sellersburg Town Hall. Present were Council President Brian K. Meyer, Council Vice-President Paul J. Rhodes, Council Member Terry E. Langford, Council Member Michael N. Lockhart, Council Member James H. LaMaster, Clerk Treasurer David L. Kinder and Town Attorney William P. McCall III.

CALL TO ORDER:

President Brian K. Meyer called the meeting to order at 7:00 p.m.

PRAYER: Reverend Larry Poe, Faith Community Church.

PLEDGE OF ALLEGIANCE:

Lead by Nathan Marriott and Tyler Rice of Boy Scout Troop 7 and said by all present.

JAMES H. LaMASTER makes a motion to approve the minutes of the February 23, 2009 meeting and the claims as submitted by the Clerk-Treasurer seconded by Terry E. Langford. 5-aye, 0-nay and the motion is approved.

PRESIDENT MEYER opens the Public Hearing reference leasing Nolan Fieldhouse at 7:04 P.M.

WILLIAM P. McCALL, III, Town Attorney, presents proof of publication of the Public Hearing in the Jeffersonville Evening News.

ADAM KOCH presents letter from Louisville and Indiana Railroad concerning railroad crossing into the industrial park, reference any liability for the Town if accident should occur going to or from the fieldhouse should the Town lease it.

RUSSELL L. OLINICK speaks in favor of leasing the fieldhouse.

DEXTER WILSON presents letter from Gabe Howard in favor of leasing the fieldhouse.

CHRIS NOLAN speaks for the lease, would be good for the Community, and says it can pay for itself.

DEBBIE BARTLEY says that we (Krista's Tumblers) will guarantee half of the monthly payment.

CHARLIE POPP suggests buying the fieldhouse instead of leasing. Believes it can break even.

ROBIN BOARD suggests maybe turning it into a boys and girls club for Sellersburg. Could also be used for a disaster relief center during a disaster.

Sellersburg Town Council Meeting

March 9, 2009

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MARJORIE LANGFORD speaks in favor of doing something for the kids and everybody in town.

BRYAN RILEY just wants to know if these facilities will take away from other facilities offering the same services.

PAUL J. RHODES makes a motion to close the public hearing, seconded by Terry E. Langford. 5-aye, 0-nay, motion is approved and public hearing closed at 8:15 P.M.

TERRY E. LANGFORD makes a motion to lease for two years the Nolan Fieldhouse for \$7,000.00 (seven thousand dollars) per month, seconded by Brian K. Meyer.

PRESIDENT MEYER calls for a roll call vote; LaMaster, nay; Langford, aye, Meyer, aye, Rhodes, aye, Lockhart, nay, 3-aye, 2-nay, motion is approved.

KENNETH J. ALEXANDER, Municipal Works Director, Presents quote from Best Equipment Company, Inc. for new garbage packer. When advertisements for bids were put out there were no bids received. Best Equipment Company, Inc. was the only company that presented a quote and it met the specifications. The total price is \$220,000.00 (two hundred twenty thousand dollars).

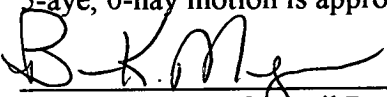
PAUL J. RHODES makes a motion to purchase the garbage packer as quoted from Best Equipment for \$220,000.00 (two hundred twenty-two thousand dollars), and pay for it from CREDIT funds, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion is approved.

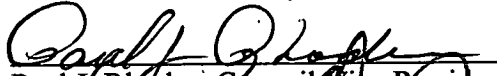
DAVID L. KINDER, Clerk-Treasurer presents Compliance with Statement of Benefits for Tyler Rose Properties, LLC for approval of tax abatement.

Kinder also presents a claim from Advertising Invoice Sunnyside Classified for Notice of Public Meeting in the amount of \$42.81 (forty-two and 81/100 dollars).

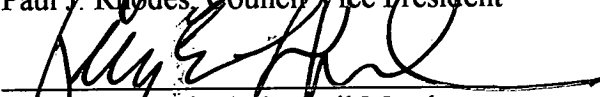
MICHAEL N. LOCKHART makes a motion to pay the claim, seconded by Paul J. Rhodes. 5-aye, 0-nay, motion is approved.

PAUL J. RHODES makes a motion to adjourn the meeting, seconded by Michael N. Lockhart. 5-aye, 0-nay motion is approved and meeting adjourned at 9:06 P.M.

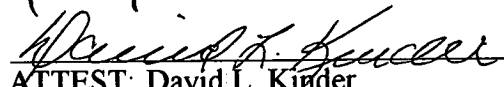

Brian K. Meyer, Council President


Paul J. Rhodes, Council Vice President


James H. LaMaster, Council Member


Terry E. Langford, Council Member


Michael N. Lockhart, Council Member


ATTEST: David L. Kinder
Clerk Treasurer

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Town Attorney William P. McCall III was not present.

CALL TO ORDER:

President Brian K. Meyer called the meeting to order at 7:00 p.m.

PRAYER: Michael N. Lockhart.

PLEDGE OF ALLEGIANCE:

By all present.

JAMES H. LaMASTER makes a motion to approve the minutes of the March 9, 2009 meeting and the claims as submitted by the Clerk-Treasurer seconded by Terry E. Langford. 5-aye, 0-nay and the motion is approved.

PRESIDENT MEYER introduces **ORDINANCE NO. 2009-005, AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT TO THE CODE OF ORDINANCES FOR THE TOWN OF SELLERSBURG, INDIANA AND DECLARING AN EMERGENCY.**

PAUL J. RHODES makes a motion to consider Ordinance 2009-005 on the first reading, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion is approved.

PAUL J. RHODES makes a motion to approve Ordinance 2009-005 on the first reading, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion is approved.

PRESIDENT MEYER introduces **ORDINANCE NO. 2009-007, AN ORDINANCE RESCINDING PORTIONS OF ORDINANCE NO. 2005-002 AND AUTHORIZING REMOVAL OF SECTION 70.20 THROUGH SECTION 70.23 (B) OF THE SELLERSBURG CODE.**

PAUL J. RHODES makes a motion to consider Ordinance 2009-007 on the first reading, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion is approved.

PAUL J. RHODES makes a motion to approve Ordinance 2009-007 on the first reading, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion is approved.

MICHAEL N. LOCKHART introduces **ORDINANCE 2009-006, AN ORDINANCE AMENDING THE ZONING ORDINANCE OF SELLERSBURG, INDIANA** and makes a motion to consider Ordinance 2009-006 on the first reading, seconded by James H. LaMaster. 5-aye, 0-nay, motion is approved.

MICHAEL N. LOCKHART makes a motion to approve Ordinance 2009-006 on the first reading, seconded by James H. LaMaster. 5-aye, 0-nay, motion is approved.

PRESIDENT MEYER presents **CONTRACT FOR EMPLOYMENT OF ATTORNEY** for the Town.

MICHAEL N. LOCKHART makes a motion to approve the contract for Town attorney as presented, seconded by Terry E. Langford. 5-aye, 0-nay, motion approved.

PAUL J. RHODES makes a motion to table discussion about increase in sanitation fees and retirement supplemental pay until the April 13, 2009 Council meeting, seconded by James H. LaMaster. 5-aye, 0-nay, motion approved.

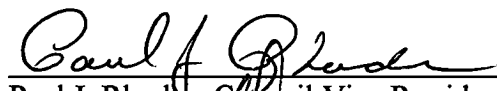
KEVIN WRIGHT, Assistant Public Works Director, presents quote for removal of concrete flooring and fill for old Locker Plant on Sellers Avenue by Dan Cristiani Excavating Company, Inc. in the amount of \$4,200.00 (four thousand two hundred dollars).

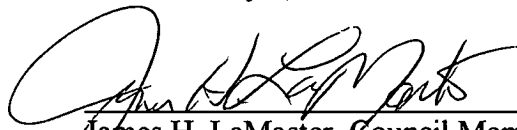
JAMES H. LaMASTER makes a motion to approve the quote from Cristiani, seconded by Terry E. Langford. 5-aye, 0-nay, motion approved.

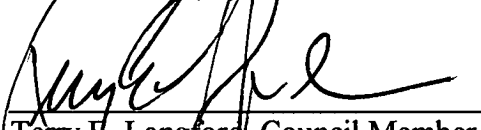
TERRY E. LANGFORD sets Friday, April 3rd at 2:00 P.M for meeting of Town Council and all Town employees.

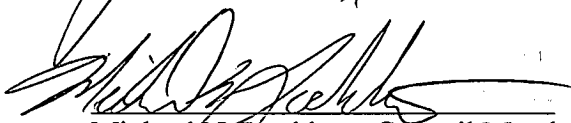
PAUL J. RHODES makes a motion to adjourn the meeting, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved and meeting adjourned at 7:53 P.M.

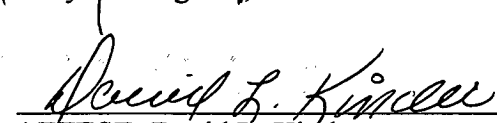

Brian K. Meyer, Council President


Paul J. Rhodes, Council Vice President


James H. LaMaster, Council Member


Terry E. Langford, Council Member


Michael N. Lockhart, Council Member


ATTEST: David L. Kinder
Clerk Treasurer

**EXECUTIVE SESSION
SELLERSBURG TOWN COUNCIL
April 13, 2009**

EXECUTIVE SESSION:

The Sellersburg Town Council met in Executive Session April 13, 2009. Present were Town Council President Brian K. Meyer, Council vice- President Paul J. Rhodes, Council Member James H. LaMaster, Council Member Terry E. Langford, Council Member Michael N. Lockhart, Town Attorney William P. McCall, III and Chief Deputy Clerk-Treasurer Michelle D. Eve.

CALLED TO ORDER:

President Brian K. Meyer called the meeting to order at 6:01 P.M.

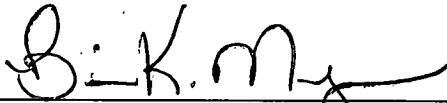
TOPICS OF DISCUSSION:

Information about perspective employees I.C. 5-14-1.5-6.1(5)

No subject matter was discussed in the executive session other than the subject matter specified in the public notice.

ADJOURNMENT:

James H. LaMaster makes a motion to adjourn the meeting, seconded by Terry E. Langford. 5-aye, 0-nay, meeting adjourned at 6:55 P.M.



Brian K. Meyer, Council President



Paul J. Rhodes, Vice-President



James H. LaMaster, Council Member



Terry E. Langford, Council Member



Michael N. Lockhart, Council Member



ATTEST: Michelle D. Eve

Chief Deputy Clerk-Treasurer

SELLERSBURG TOWN COUNCIL MEETING

April 13, 2009

TOWN COUNCIL MEETING:

The Sellersburg Town Council met on April 13, 2009, at the Sellersburg Town Hall. Present were Council President Brian K. Meyer, Council Vice-President Paul J. Rhodes, Council Member Michael N. Lockhart, Council Member James H. LaMaster, Council Member Terry E. Langford, Chief Deputy Clerk Treasurer Michelle D. Eve and Town Attorney William P. McCall III.

CALL TO ORDER:

President Brian K. Meyer called the meeting to order at 7:02 p.m.

PRAYER:

Offered by Bob Hauselman.

PLEDGE OF ALLEGIANCE:

Offered by all present.

APPROVAL OF MINUTES AND CLAIMS:

James H. LaMaster makes a motion to approve the minutes of the March 23, 2009 meeting and the claims as submitted by the Clerk Treasurer, seconded by Terry E. Langford. 5-aye, 0-nay. Motion approved.

Ordinance 2009-043 An Ordinance for the Transfer of Appropriations Regarding the Town of Sellersburg Cumulative Capital Development Fund:

Michael N. Lockhart makes a motion to approve Ordinance 2009-043, seconded by James H. LaMaster. 5-aye, 0-nay. Motion approved.

Don Bingham:

Presents tax abatements for Pinnacle Properties (Nolan Fieldhouse) for 2007 and 2008.

Paul J. Rhodes makes a motion to approve the tax abatements, seconded by Terry E. Langford. 5-aye, 0-nay. Motion approved.

Ordinance 2009-009, An Ordinance Amending Ordinance Regarding Salary, Holiday and Longevity Pay (for Pool Employees):

Terry E. Langford makes a motion to consider Ordinance 2009-009 on its first reading, seconded by Paul J. Rhodes. 5-aye, 0-nay. Motion approved.

Terry E. Langford makes a motion to approve Ordinance 2009-009, seconded by Paul J. Rhodes. 5-aye, 0-nay. Motion approved.

Greg Chancey addresses the Town Council in reference to an ongoing drainage issue on his property in Forrest Estates:

President Brian Meyer advised Mr. Chancey that he will speak with Bob Lynn and advised Mr. Chancey to contact him in a couple of days, that he would get him an answer.

Chief Whelan:

Presents recommendation from the Police Commissioners to hire Jarin M. Dodds for Patrolman, upon PERF approval.

Paul J. Rhodes makes a motion to hire Jarin M. Dodds, seconded by Michael N. Lockhart. 5-aye, 0-nay. Motion approved.

Kenneth J. Alexander, Public Works Director:

Advised the Council that the paving project in Hill-N-Dale has been completed and presents a change order in the amount of \$12,113.50 for MAC Asphalt.

Michael N. Lockhart makes a motion to approve the change order, seconded by James H. LaMaster. 5-aye, 0-nay. Motion approved.

Paul J. Rhodes makes a motion to approve the quote from Bastin Logan for Filter Air Wash Piping Replacement Filter #1 and #2 at the Water Plant to be paid for out of CEDIT Funds, in the amount of \$15,541.00, seconded by Michael N. Lockhart. 5-aye, 0-nay. Motion approved.

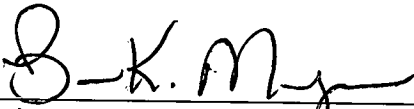
Michael N. Lockhart makes a motion to approve the bid from Palmer Roofing, in the amount of \$27,332.00, for the roof at the Water Plant, to be paid out of Water Operating, seconded by James H. LaMaster. 5-aye, 0-nay. Motion approved.

Terry E. Langford makes a motion to hire Mitchell D. Speedy for Manager at the Fieldhouse, in the amount of \$35,000.00 (pro-rated) annually effective April 15, 2009 to December 31, 2009 with a 5% bonus over and above the annual operating cost of the Fieldhouse, seconded by Paul J. Rhodes. 5-aye, 0-nay. Motion approved.

Terry E. Langford makes a motion to pay the monthly lease payment for the Fieldhouse in the amount of \$6,953.06 from the CEDIT fund, seconded by Paul J. Rhodes. 5-aye, 0-nay. Motion approved.

ADJOURNMENT:

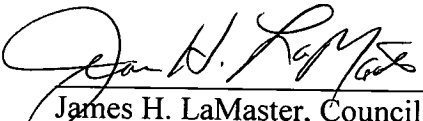
Terry E. Langford makes a motion to adjourn the meeting at 8:33 p.m., seconded by James H. LaMaster. 5-aye, 0-nay. Motion approved.



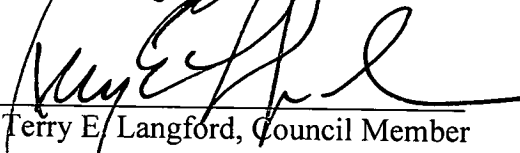
Brian K. Meyer, Council President



Paul J. Rhodes, Council Vice President




James H. LaMaster, Council Member



Terry E. Langford, Council Member



Michael N. Lockhart, Council Member



ATTEST: Michelle D. Eve
Chief Deputy Clerk Treasurer

SELLERSBURG TOWN COUNCIL MEETING

April 27, 2009

TOWN COUNCIL MEETING:

The Sellersburg Town Council met on April 27, 2009 at the Sellersburg Town Hall. Present were Council President Brian K. Meyer, Council Vice-President Paul J. Rhodes, Council Member Terry E. Langford, Council Member Michael N. Lockhart, Council Member James H. LaMaster, Town Attorney William P. McCall III and Clerk Treasurer David L. Kinder.

CALL TO ORDER:

President Brian K. Meyer called the meeting to order at 7:00 p.m.

PRAYER: Paul J. Rhodes.

PLEDGE OF ALLEGIANCE:

By all present.

JAMES H. LaMASTER makes a motion to approve the minutes of the April 13, 2009 Executive Session, the Regular Council Meeting with a correction of and the claims as submitted by the Clerk-Treasurer seconded by Terry E. Langford. 5-aye, 0-nay and the motion is approved.

PAUL J. RHODES requests discussing the contract for Mitchell Speedy as manager of Nolan Fieldhouse.

After discussing the \$35,000.00 (thirty-five thousand dollars) salary as mentioned during the Council meeting of April 13 and reading a request from Mitchell Speedy for a salary of \$45,000.00 (forty-five thousand dollars) for 2010 the Council suggests a pro rated salary based on the \$45,000.00 (forty-five thousand dollar) salary.

TERRY E. LANGFORD makes a motion to pay Mitchell Speedy \$45,000.00 (forty-five thousand dollars) pro-rated for the remainder of this year plus \$300.00 (three hundred dollars) per month to defray the cost of insurance and \$50.00 (fifty dollars) per month for a cell telephone.

KENNETH J. ALEXANDER, Public Works Director presents the Council members with a copy of the Identity Theft Prevention Program to be used by the billing department.

WILLIAM P. McCALL, III, Town Attorney Presents Council members with annexation information about the requirements to be met for annexation; tax abatement and a target schedule for annexation.

McCALL advises council that CEDIT money may be used for any funds for which other funds can be used.

Sellersburg Town Council Meeting

April 27, 2009

Page 2 of 3 pages

McCALL presents RESOLUTION R-2009-001, A RESOLUTION AUTHORIZING THE TRANSFER AND CONVEYANCE OF A CERTAIN TRACT OF REAL PROPERTY OWNED BY THE TOWN OF SELLERSBURG TO ANOTHER GOVERNMENT ENTITY, THE SILVER CREEK TOWNSHIP TRUSTEE, ON BEHALF OF THE SILVER CREEK TOWNSHIP.

MICHAEL N. LOCKHART makes a motion to consider Resolution R-2009-001 on the first reading, seconded by Paul J. Rhodes. 5-aye, 0-nay, motion approved.

MICHAEL N. LOCKHART makes a motion to approve Resolution R-2009-001 on the first reading, seconded by Paul J. Rhodes. 5-aye, 0-nay, motion approved.

McCALL presents ORDINANCE 2009-010, AN ORDINANCE AMENDING ORDINANCE NO. 96-640 REGARDING SECTION 8(A) OF THE TOWN OF SELLERSBURG BUILDING CODE.

TERRY E. LANGFORD makes a motion to consider Ordinance 2009-010 on the first reading, seconded by James H. LaMaster. 5-aye, 0-nay, motion approved.

TERRY E. LANGFORD makes a motion to approve Ordinance 2009-010 on the first reading, seconded by James H. LaMaster. 5-aye, 0-nay, motion approved.

McCALL presents ORDINANCE 2009-011, AN ORDINANCE ESTABLISHING A PETTY CASH FUND FOR THE SELLERSBURG/NOLAN FIELDHOUSE.

PAUL J. RHODES makes a motion to consider Ordinance 2009-011 on the first reading, seconded by Terry E. Langford. 5-aye, 0-nay, motion approved.

PAUL J. RHODES makes a motion to approve Ordinance 2009-011 on the first reading, seconded by Terry E. Langford. 5-aye, 0-nay, motion approved.

McCALL presents RESOLUTION R-2009-002, A RESOLUTION APPOINTING THE DIRECTOR OF THE SELLERSBURG/NOLAN FIELDHOUSE AS THE PURCHASING AGENT FOR THE TOWN OF SELLERSBURG FOR THE NECESSARY PURCHASES OF THE SELLERSBURG/NOLAN FIELDHOUSE.

MICHAEL N. LOCKHART makes a motion to pass Resolution R-2009-002, seconded by James H. LaMaster. 5-aye, 0-nay, motion approved.

DAVID L. KINDER, Clerk-Treasurer presents contract from H. J. Umbaugh and Associates for Sellersburg Municipal Sewage Works Revenue Bonds for signature by Council President.

JAMES H. LaMASTER makes a motion that the Town purchase a Vest for Valor for the Swat team. The cost of the vest is \$1,725.00 (one thousand seven hundred twenty-five dollars), seconded by Terry E. Langford. 5-aye, 0-nay, motion approved. This is to be paid from the Council Promotional Fund.

Sellersburg Town Council Meeting

April 27, 2009

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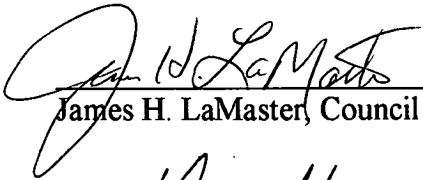
JAMES H. LaMASTER makes a motion to adjourn the meeting, seconded by Terry E. Langford. 5-aye, 0-nay, motion approved and meeting adjourned at 8:40 P.M.



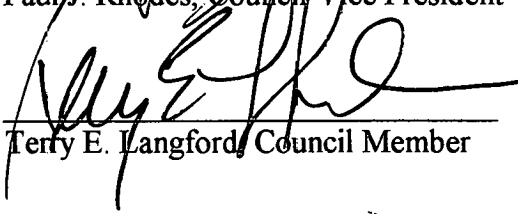
Brian K. Meyer, Council President



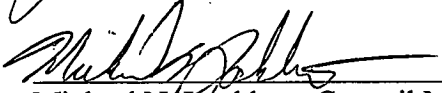
Paul J. Rhodes, Council Vice President



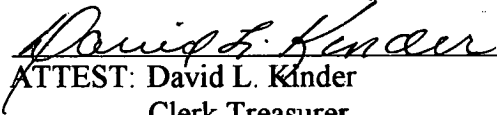
James H. LaMaster, Council Member



Terry E. Langford, Council Member



Michael N. Lockhart, Council Member



ATTEST: David L. Kinder
Clerk Treasurer

SELLERSBURG TOWN COUNCIL SPECIAL MEETING

May 9, 2009

TOWN COUNCIL MEETING:

The Sellersburg Town Council met in special session on May 9, 2009 at the Sellersburg Town Hall. Present were Council President Brian K. Meyer, Council Vice-President Paul J. Rhodes, Council Member Michael N. Lockhart and Clerk Treasurer David L. Kinder.

Council Member Terry E. Langford, Council Member James H. LaMaster and Town Attorney William P. McCall III. was absent.

PRESIDENT BRIAN MEYER called the meeting to order at 9:08 A.M. and then turned the meeting over to David C. Duggins, Jr. President of the Sellersburg Redevelopment Commission.

Persons attending this meeting were Brian Meyer, Council President, Paul J. Rhodes, Council Vice-President, Bruce Paul, attorney with Stites & Harbison, PLLC, Michael N. Harmless, LLP, Crowe Horwath, Paul Wheatley, Sellersburg Redevelopment, Dennie Amos, Redevelopment Commission, William Voyles, Redevelopment Commission, Francis Conroy, Planning and Zoning Board and Zoning Appeals Board, Michael Hostetler, Redevelopment Commission, Michael N. Lockhart, Council Member and Planning Commission, Paul Privavera, Primavera and Associates Engineer and Land Surveyor, Floyd M. Combs, Zoning Appeals Board, Rob Poff, Ivy Tech Community College, Ron Hess, Sellersburg Resident, Monty Schneider, West Clark Schools Superintendent, Charlie Popp, Zoning Appeals Board, Keith Cheney, Axis Architecture, Tricia Smallwood, Randell Ernstberger Associates, Eric Ernstberger, Randall Ernstberger Associates, David C. Duggins, Jr. Main Source Bank and Redevelopment Commission, Kenneth J. Alexander, Municipal Works Director and David L. Kinder, Clerk-Treasurer

DAVID C. DUGGINS, JR., President of Redevelopment Commission introduces Michael M. Harmless of Crowe Horwath to discuss the Comprehensive Plan and Redevelopment matters.

Mr. Harmless introduces himself and gives some background about his education and experiences a Mayor of Greencastle, Indiana. Mr. Harmless then solicits ideas from member of

Sellersburg Town Council Meeting
May 9, 2009
Page 2 of 2 pages

the audience about what they would like to see develop in Sellersburg. In excess of 80 different topics were mention and listed by Mr. Harmless.

Each member of the audience was asked to put a star next to the items they thought were the most important (each member was given six stars). Mr. Harmless said he would take all the material with him and consolidate the different projects and return in approximately 90 days, (August 8, 2009), and this same group will meet again and go over each.

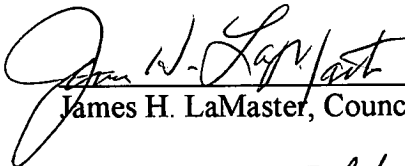
MICHAEL N. LOCKHART made a motion to adjourn the special meeting, seconded by Paul J. Rhodes. 3aye, 0-nay and the meet was adjourned at 12:12 P.M.



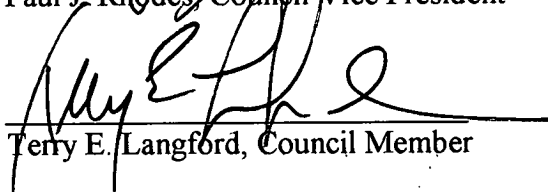
Brian K. Meyer, Council President



Paul J. Rhodes, Council Vice President



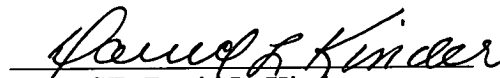
James H. LaMaster, Council Member



Terry E. Langford, Council Member



Michael N. Lockhart, Council Member



ATTEST: David L. Kinder
Clerk Treasurer

SELLERSBURG TOWN COUNCIL MEETING

May 11, 2009

TOWN COUNCIL MEETING:

The Sellersburg Town Council met on May 11, 2009 at the Sellersburg Town Hall. Present were Council President Brian K. Meyer, Council Vice-President Paul J. Rhodes, Council Member Terry E. Langford, Council Member Michael N. Lockhart, Council Member James H. LaMaster, Town Attorney William P. McCall III and Clerk Treasurer David L. Kinder.

CALL TO ORDER:

President Brian K. Meyer called the meeting to order at 7:00 p.m.

PRAYER: Reverend Gary Fenner, Calvary Christian Church.

PLEDGE OF ALLEGIANCE:

By all present.

MICHAEL N. LOCKHART makes a motion to approve the minutes of the April 27, 2009 Regular Council Meeting, May 9, 2009 Special Council Meeting and the claims as submitted by the Clerk-Treasurer seconded by James H. LaMaster. 5-aye, 0-nay and the motion is approved.

PRESIDENT MEYER presents Ordinance 2009-012, AN ORDINANCE AMENDING PREVIOUS ORDINANCES CONCERNING THE COLLECTION OF REFUSE AND GARBAGE WITHIN THE MUNICIPAL LIMITS OF THE TOWN OF SELLERSBURG. Paul J. Rhodes states he is not ready to vote on this ordinance and President Meyer also advises that he is wanting some changes in the ordinance.

MICHAEL N. LOCKHART makes a motion to table the Ordinance until the June 8, 2009 meeting, seconded by James H. LaMaster. 5-aye, 0-nay, motion is approved.

JAMES "BUTCH" BARNETT, Coach of Silver Creek 7th and 8th grade girls basketball team introduces the players who won the State AAU Basketball Championship and assistant coach Mark McFarland. The girls won the Clark/Floyd tournament 2 years in a row. They won the Clark/Floyd tournament with just 6 players and the State with 7 players.

The players are Brooke Barnett, Emily Clayton, Danni Densford, Kira Jamros, Alexis McFarland, Krist Molck and Alex Tinsley.

PRESIDENT MEYER directs Town Attorney McCall to prepare a proclamation with the date the girls won the State Championship and the Council will declare that day a day for the Silver Creek 7th and 8th grade basketball team.

CLAUDIA SCHUSTER and her husband Tom discuss recent flooding of their property in Forrest Estates. Bryan Harris, also of Forrest Estates discusses flooding at his residence.

President Meyer advises the Town is looking into this matter and will get back with them.

ADAM KOCH addresses the council about the railroad crossing into the two industrial parks on US 31.

TOWN ATTORNEY McCALL advises Mr. Koch that the Town does not have to petition to make these public crossings. The Town is not liable nor responsible to install railroad crossing arms or lights.

MR KOCH then addresses the Council about sewage in his back yard. Attorney McCall advises that this matter is still in litigation and cannot be discussed by the Council at this time.

MR. KOCH then addresses the Council about the purchase of Nolan Fieldhouse and President Meyer advises Mr. Koch that he is not a resident of Sellersburg and that the matter is not going to be discussed.

TERRY E. LANGFORD presents the pricing for Nolan Fieldhouse activities and concessions, also a schedule of events through September. (Copies attached).

LANGFORD makes a motion to accept the price list for Nolan Fieldhouse, seconded by Paul J. Rhodes. 5-aye, 0-nay, and motion is approved.

WILLIAM R. WHELAN, Chief of Police, advises the Council about a broken water pipe at the police department. The pipe has been repaired and the damaged records sent to a company that dries records and restores them. The estimate so far is around \$6,000.00 (six thousand dollars) which has been submitted to the Town Insurance carrier, there is a \$2,500.00 (two thousand five hundred dollar) deductible.

GLENNIS WISDOM, President Parks Department advises that the Town swimming pool will not be open until May 30, 2009, instead of May 23, because of painting and getting everything prepared.

WILLIAM P. McCALL, III, Town Attorney presents **RESOLUTION 2009-003, A RESOLUTION OF THE SELLERSBURG TOWN COUNCIL, ADOPTING IDENTITY THEFT PREVENTION PROGRAM.**

PAUL J. RHODES makes a motion to approve Resolution 2009-003, seconded by James H. LaMaster. 5-aye, 0-nay, motion is approved.

ATTORNEY McCALL advises the Council that the fiscal plan and Ordinance for annexation will be ready for the June 22, 2009, Town Council Meeting.

ATTORNEY McCALL advises that there is a State Statue, 8-1.5-3-7 that provides retirement for employees.

KENNETH J. ALEXANDER, Municipal Works Director presents drafts for Sellersburg Municipal Sewage Works Revenue Bonds for the Council to review. One is a new five year

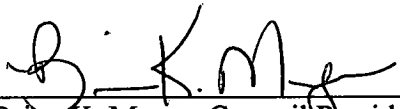
Sellersburg Town Council Meeting

May 11, 2009

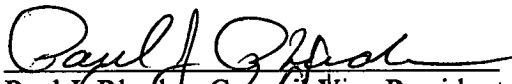
Page 3 of 3 pages

Bond Anticipation Note and the other is an EDIT (Economic Development Income Tax) pledge to cover interest payments through January 1, 2016.

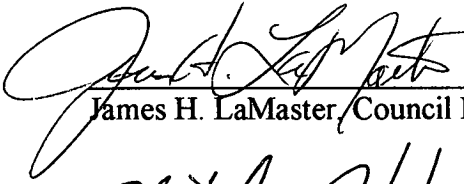
MICHAEL N. LOCKHART makes a motion to adjourn the meeting, seconded by Paul J. Rhodes. 5-aye, 0-nay, motion approved and meeting adjourned at 8:18 P.M.



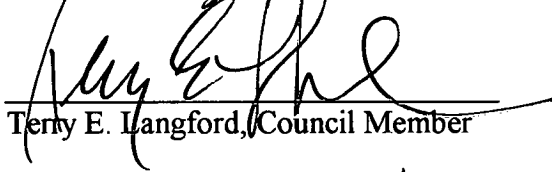
Brian K. Meyer, Council President



Paul J. Rhodes, Council Vice President



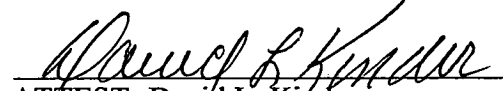
James H. LaMaster, Council Member



Terry E. Langford, Council Member



Michael N. Lockhart, Council Member



ATTEST: David L. Kinder
Clerk Treasurer

Attachments: Pricing for Nolan Fieldhouse and Schedule of Events
Identity Theft Prevention Program

PRICING FOR NOLAN FIELDHOUSE

- OPEN GYM - \$5.00
- YOUTH BASKETBALL LEAGUE \$65.00/INDIVIDUAL
- ADULT BASKETBALL LEAGUE \$450.00/TEAM
- BASKETBALL LESSONS \$30.00/HOUR OR 4 LESSONS FOR \$100.00
- BIRTHDAY PARTIES \$75/HOUR
(CAN BRING IN DRINKS, PIZZA, CAKE, ICE CREAM)

VENDING (CONCESSIONS)

- VENDING COKE AND WATER \$1.50
- VENDING POWERADE \$1.75
- HOT DOGS \$1.25
- POPCORN .75¢
- NACHOS w/cheese \$2.50
- CANDY BARS \$1.00

Identity Theft Prevention Program

For

Town of Sellersburg

Water and Wastewater Utilities

103 South New Albany Street

Sellersburg, IN 47172

April 27, 2009

Town of Sellersburg Identity Theft Prevention Program

This Plan is intended to identify red flags that will alert our employees when new or existing accounts are opened using false information, protect against the establishment of false accounts, methods to ensure existing accounts were not opened using false information, and measures to respond to such events.

Contact Information:

The Persons responsible for this plan are:

David L. Kinder, Town of Sellersburg Clerk Treasurer
Kenneth J Alexander, Director of Municipal Works
Lana G. McCutcheon, Billing Manager
(812)246-7049

The Governing Body Members of the Utility are:

The Town Council of Sellersburg

Definitions

For the purposes of this Article, the following definitions apply:

- (a) 'Town' means the Town of Sellersburg.
- (b) 'Covered account' means (i) An account that a financial institution or creditor offers or maintains, primarily for personal, family, or household purposes, that involves or is designed to permit multiple payments or transactions, such as a credit card account, mortgage loan, automobile loan, margin account, cell phone account, covered account, checking account, or savings account; and (ii) any other account that the financial institution or creditor offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the financial institution or creditor from identity theft, including financial, operational, compliance, reputation, or litigation risks.
- (c) 'Credit' means the right granted by a creditor to a debtor to defer payment of debt or to incur debts and defer its payment or to purchase property or services and defer payment therefore.
- (d) 'Customer' means a person that has a covered account with a creditor.
- (e) 'Identity theft' means a fraud committed or attempted using identifying information of another person without authority.
- (f) 'Person' means a natural person, a corporation, government or governmental subdivision or agency, trust, estate, partnership, cooperative, or association.
- (g) 'Personal Identifying Information' means a person's credit card account information, debit card information bank account information and drivers' license, mother's birth name, and date of birth.
- (h) 'Red flag' means a pattern, practice, or specific activity that indicates the possible existence of identity theft.
- (i) 'Service provider' means a person that provides a service directly to the town.

Policy and Procedures

It is the policy of the Town of Sellersburg to follow all federal and state laws and reporting requirements regarding identity theft. Specifically, this policy outlines how the Town of Sellersburg will identify, detect, and respond to "red flags" as defined by this policy includes a pattern, practice, or specific account or record activity that indicates possible identity theft.

It is the Policy of the Town of Sellersburg that this Identity theft prevention and detection and Red flags Rule compliance program is approved by the Town Board of Sellersburg as of May 1st 2009, and that the policy is reviewed and approved no less than annually.

It is the policy of the Town that Director of Municipal Works is assigned the responsibility of implementing and maintaining the Red Flag Rule requirements with the cooperation of the Utility Billing Manager. Furthermore, it is the policy of this Town that these individuals will be provided sufficient resources and authority to fulfill these responsibilities. At a minimum, it is the policy of the Town that there will be one individual or job description designated as the privacy official.

It is the policy of the Town that its business associates must be contractually bound to protect sensitive utility customer information to the same degree as set forth in this policy. It is also the policy of the Town that business associates who violate their agreement will be dealt with first by an attempt to correct the problem, and if that fails by termination of the agreement and discontinuation of services by the business associate.

It is the policy of the Town that all members of our workforce have been trained by the May 1, 2009 compliance date on the policies and procedures governing compliance with the Red Flags Rule. It is also the policy of the town, that new members of our workforce receive training on these matters within a reasonable time after they have joined the workforce. It is the policy of the town to provide training should any policy or procedure related to the Red Flags Rule materially change. This training will provided within a reasonable time after the policy or procedure materially changes. Furthermore, it is the policy of the town that training will be documented, indicating participants, date and subject matter.

Risk Assessment

Town of Sellersburg has conducted an internal risk assessment to evaluate how at risk the current procedures are at allowing customers to create a fraudulent account and evaluate if the current (existing) account are being manipulated. This risk assessment evaluated how new accounts were opened and the methods used to access the account information. Using this information the Town was able to identify red flags that were appropriate to prevent identity theft.

- New accounts opened in Person
- Account information accessed In Person
- Account information accessed via Telephone (person)
- Identity theft occurred in the past from someone falsely opening a utility account

Detection (Red Flags):

Town of Sellersburg adopts the following red flags to detect potential fraud. These are not intended to be all-inclusive and other suspicious activity may be investigated as necessary:

- Identification documents appear to be altered
- Photo and physical description do not match appearance of applicant
- Other information is inconsistent with information provided by applicant
- Other information provided by applicant is inconsistent with information on file
- Application appears altered or destroyed and reassembled
- Lack of correlation between the SS# range and date of birth
- Information commonly associated with fraudulent activity is provided by applicant (e.g. address that is a mail drop or prison, non-working phone number or associated with answering service/provider)
- SS#, address, or telephone # is the same as that of other customer at utility
- Customer fails to provide all information requested
- Personal information provided is inconsistent with information on file for a customer
- Applicant cannot provide information requested beyond what could commonly be found in a purse or wallet
- Identity theft is reported or discovered

Response

Any employee that may suspect fraud or detect a red flag will implement the following response as applicable. All detections or suspicious red flags shall be reported to the Director of Municipal Works or Billing Manager.

- Ask applicant for additional documentation.
- Any utility employee who becomes aware of a suspected or actual fraudulent use of a customer or potential customers identity must notify the Municipal Works Director, Billing Manager, and the Clerk Treasurer.
- Notify Law enforcement: The utility will notify the Sellersburg Police Department at (812)246-4491 of any attempted or actual identity theft.
- Do not open the account
- Close the account
- Do not attempt to collect against the account, but notify authorities

Personal Information Security Procedures:

Town of Sellersburg adopts the following security procedures:

- All new accounts must be opened in person at the Sellersburg Utility Office.
- All new accounts must contain a SS# or Current Drivers License Number
- Paper documents, files and electronic media containing secure information will be stored in locked file cabinets.
- Employees will not leave sensitive papers out on their desks when they are away from their workstations.
- Employees will store files when leaving their work areas.
- Employees will log off their computers when leaving their work areas.
- Visitors who must enter areas where sensitive files are kept must be escorted by an employee of the Town
- No visitor will be given any entry codes or allowed unescorted access to the offices.
- Access to sensitive information will be using passwords. Employees will choose passwords with a mix of letters, numbers, and characters. User name and passwords will be different. Passwords will be changed a t least monthly
- Password will not be shared or posted near workstations.
- Anti-virus and anti-spyware programs will be run on individual computers and on servers regularly
- When installing new software, vendor-supplied default passwords will be changed

- The computer network will have a firewall where the network connects to the internet.
- References will be checked and background checks will be done before hiring employees who will have access to sensitive data.
- Access to a customer's personal identify information will be limited to employees with a "need to know"
- Procedures will be developed to ensure that workers who leave the employ of the Town or transfer to another department no longer have access to sensitive information.
- Employees will be trained on a regular basis.
- Employees will be alert to attempts at phone phishing.
- Paper records will be shredded before being placed into the trash
- Any data storage media will be disposed of by shredding, punching hole in, or incineration.

The Town of Sellersburg will monitor identity theft schemes reported on the internet, and in the mainstream media such as radio and television, in order to continually reevaluate the appropriateness and adequacy of its Theft Prevention program.

SELLERSBURG TOWN COUNCIL SPECIAL MEETING

June 1, 2009

These minutes are not intended to be a verbatim transcripts.

TOWN COUNCIL MEETING:

The Sellersburg Town Council met in special session on June 1, 2009 at the Sellersburg Town Hall. Present were Council President Brian K. Meyer, Council Vice-President Paul J. Rhodes, Council Member Terry E. Langford, Council Member James H. LaMaster and Town Attorney William P. McCall, III and Clerk Treasurer David L. Kinder.

Council member Michael N. Lockhart was absent.

PRESIDENT BRIAN MEYER called the meeting to order at 5:00 P.M.

PAUL J. RHODES led the prayer.

PLEDGE OF ALLIGENCE recited by all present.

Deen Rogers and Adam Gremmer with H. J. Umbaugh and Associates were introduced.

JAMES H. LaMASTER made a motion to suspend the rules, seconded by Paul J. Rhodes. 4-aye, 0-nay, motion approved.

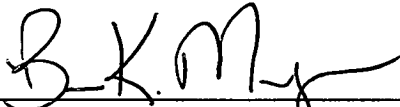
WILLIAM P. McCALL, III, Town Attorney, presented proof of publication for the sale of bonds, as advertised in Jeffersonville The Evening News on May 22, 2009 and again May 27, 2009.

PAUL J. RHODES makes a motion to approve **ORDINANCE 2009-016, AN ORDINANCE AMENDING ORDINANCE NO. 2003-007 (Sewer Works Revenue Bonds)** seconded by James H. LaMaster.

DEEN ROGERS, H. J. Umbaugh and Associates, explained the ordinance and the annual pledge of \$65,000.00 (sixty-five thousand dollars), as necessary to help with the sale of the Bonds for a better rate and guarantee the 125% of the maximum annual interest and principal requirements of all bonds payable from the Net Revenues of the sewage works.

PRESIDENT MEYER calls for the vote; 4-aye- 0-nay, and the motion is approved.

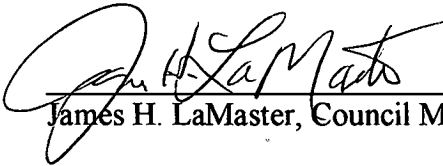
TERRY E. LANGFORD makes a motion to adjourn the meeting, seconded by Paul J. Rhodes. 4-aye, 0-nay, motion is approved and meeting adjourned at 5:17 P.M.



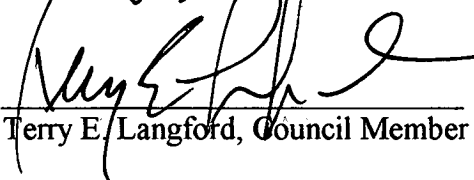
Brian K. Meyer, Council President



Paul J. Rhodes, Council Vice President

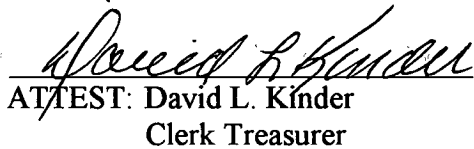


James H. LaMaster, Council Member



Terry E. Langford, Council Member

Michael N. Lockhart, Council Member



ATTEST: David L. Kinder
Clerk Treasurer

SELLERSBURG TOWN COUNCIL MEETING.

June 8, 2009

These minutes are not intended to be a verbatim transcript.

TOWN COUNCIL MEETING:

The Sellersburg Town Council met on June 8, 2009 at the Sellersburg Town Hall. Present were Council President Brian K. Meyer, Council Vice-President Paul J. Rhodes, Council Member Terry E. Langford, Council Member Michael N. Lockhart, Council Member James H. LaMaster, Town Attorney William P. McCall III and Clerk Treasurer David L. Kinder.

CALL TO ORDER:

President Brian K. Meyer called the meeting to order at 7:00 p.m.

PRAYER: Michael N. Lockhart.

PLEDGE OF ALLEGIANCE:

By all present.

PRESIDENT MEYER request Vice-President Paul J. Rhodes conduct the meeting as Meyer is recovering from surgery.

PAUL J. RHODES presents the minutes from the Special Council Meeting June 1, 2009.

TERRY E. LANGFORD makes a motion to approve the minutes of the Special Meeting as written, seconded by James H. LaMaster. 4-aye, 1-abstains (Lockhart was not present at the meeting).

JAMES H. LaMASTER makes a motion to approve the minutes of the May 11, 2009 Town Council meeting along with the claims as submitted by the Clerk-Treasurer, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion is approved.

WILLIAM P. McCALL, III, Town Attorney, presents **ORDINANCE 2009-012, AN ORDINANCE AMENDING PREVIOUS ORDINANCES CONCERNING THE COLLECTION OF REFUSE AND GARBAGE WITHIN THE MUNICIPAL LIMITS OF THE TOWN OF SELLERSBURG.**

TERRY E. LANGFORD makes a motion to consider Ordinance 2009-012 on the first reading, with the fee for one container being seven dollars (\$7.00) per resident and ten dollars (\$10.00) per residence to pick up two (2) containers, seconded by Brian K. Meyer. 5-aye, 0-nay, motion is approved.

TERRY E. LANGFORD makes a motion to pass Ordinance 2009-012, with the above amendments, on the first reading, seconded by James H. LaMaster. 5-aye, 0-nay, motion is approved.

Sellersburg Town Council Meeting

June 8, 2009

Page 2 of 4 pages

PAUL J. RHODES presents ORDINANCE 2009-013, ORDINANCE ESTABLISHING THE SELLERSBURG/NOLAN FIELDHOUSE FUND.

MICHAEL N. LOCKHART makes a motion to consider on the first reading Ordinance 2009-013, establishing Sellersburg/Nolan Fieldhouse Fund, seconded by James H. LaMaster. 5-aye, 0-nay, motion is approved

MICHAEL N. LOCKHART makes a motion to pass Ordinance 2009-013 on the first reading, seconded by James H. LaMaster. 5-aye, 0-nay, motion is approved.

PAUL J. RHODES presents ORDINANCE 2009-014, ORDINANCE ESTABLISHING PROCEDURE FOR THE HANDLING OF EXISTING CUSTOMER WATER DEPOSITS.

JAMES H. LaMASTER makes a motion to consider Ordinance 2009-014 on the first reading, seconded by Brian K. Meyer. 5-aye, 0-nay, motion is approved.

JAMES H. LaMASTER makes a motion to pass Ordinance 2009-014 on the first reading, seconded by Brian K. Meyer. 5-aye, 0-nay, motion is approved.

PAUL J. RHODES presents ORDINANCE 2009-015, AN ORDINANCE ESTABLISHING THE SHOP WITH A COP FUND.

BRIAN K. MEYER makes a motion to consider Ordinance 2009-015 on the first reading, seconded by Terry E. Langford. 5-aye, 0-nay, motion is approved.

BRIAN K. MEYER makes a motion to pass Ordinance 2009-015 on the first reading, seconded by Terry E. Langford. 5-aye, 0-nay, motion is approved.

PAUL J. RHODES presents ORDINANCE 2009-017, AN ORDINANCE ESTABLISHING THE VEST FOR VALOR FUND.

MICHAEL N. LOCKHART makes a motion to consider Ordinance 2009-017 on the first reading, seconded by Terry E. Langford. 5-aye, 0-nay, motion is approved.

MICHAEL N. LOCKHART makes a motion to pass Ordinance 2009-017 on the first reading, seconded by Terry E. Langford. 5-aye, 0-nay, motion is approved.

PAUL J. RHODES presents ORDINANCE 2009-018, AN ORDINANCE AMENDING THE 2008 SALARY, HOLIDAY AND LONGEVITY PAY FOR SELLERSBURG TOWN EMPLOYEES.

BRIAN K. MEYER makes a motion consider Ordinance 2009-018 on the first reading, seconded by Terry E. Langford. 5-aye, 0-nay, motion is approved.

BRIAN K. MEYER makes a motion to pass Ordinance 2009-018 on the first reading, seconded by Terry E. Langford. 5-aye, 0-nay, motion is approved.

Sellersburg Town Council Meeting

June 8, 2009

Page 3 of 4 pages

PAUL J. RHODES presents a letter for the American Legion Post 204, Sellersburg for a donation for the annual 4th of July fireworks.

BRIAN K. MEYER makes a motion to donate twenty-five hundred dollars (\$2,500.00) to the American Legion Post 204 out of the Town promotion fund for 4th of July fireworks, seconded by James H. LaMaster. 5-aye, 0-nay, motion is approved.

PAUL J. RHODES closes the Town Council Regular Meeting and open a Public Hearing for a Storm Water Drainage Project. 7:39 P.M.

MELISSA WOODS, Economic Development District and the Town of Sellersburg is requesting a grant for Storm Water Drainage Improvement, this is from last years disasters and that has made the Town eligible for these disaster relief funds. There is no local match required so it is a 100% grant in the amount of five hundred thirty-one thousand seven hundred seventy-five dollars (\$531,775.00).

JOHN TOOMBS, Jacobi, Toombs and Lanz, Inc. presents the maps showing where the drainage repairs will be made and how this should help the drainage problem in Sellersburg.

PAUL J. RHODES closes the Public Hearing and re-opens the Regular Town Council Meeting at 7:51 P.M.

CAROL WISDOM addresses the Council concerning drainage in Creston sub-division. Kenneth Alexander, Public Works Director, advises the ditch will be cleaned as soon as it dries so that they can work in that area.

MRS. PATRICIA SLAUGHTER addresses the Council about the drainage between Lakeview Apartments and her residence in Diamond Heights. She states the Town Attorney wrote a letter to the owners of Lakeview Apartments last year and the management promised that they would dig a ditch reference the drainage. They have never dug the ditch or made corrected the problem. She is requesting the Town write another letter and ask for them to fulfill their promise.

LES D. MERKLEY, Attorney for Sellersburg Fire Department, addresses the Council about parking on Miller Avenue across from the fire department. The fire department is requesting a twelve foot no parking zone across from entrance into the fire department. Merkley advises there is a State Statue, in our opinion, that a person cannot stop, stand or park a vehicle except when necessary to avoid conflict with other traffic within 20 feet of driveway entrance to a fire station and on the side of the street opposite entrance to a fire station within 75 feet of the entrance when properly posted.

Council advises that they are not going to pass any type of ordinance for this, at this time, but Brian K. Meyer and Michael N. Lockhart are willing to meet with the fire department and also the owner of the property and see if something can be worked out.

KENNETH J. ALEXANDER, Public Works Director advises he is working with Bob Lynn reference drainage behind Forrest Estates.


ALEXANDER request a new employee for the billing office. He send the Council a letter and hope they have considered the matter.

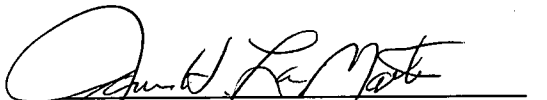
Council advises for him to prepare an ordinance for the hiring of the person.

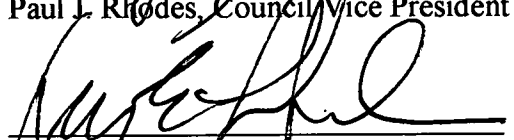
WILLIAM P. McCALL, III, Town Attorney advises that the time line for the annexation needs to be increased and he will keep the Council advised.

BRIAN K. MEYER makes a motion to adjourn the meeting, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion is approved and meeting is adjourned at 8:36P.M.

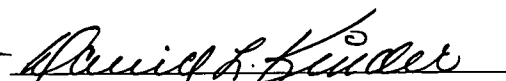

Brian K. Meyer, Council President


Paul J. Rhodes, Council Vice President


James H. LaMaster, Council Member


Terry E. Langford, Council Member


Michael N. Lockhart, Council Member


ATTEST: David L. Kinder
Clerk Treasurer

Attachments: Pricing for Nolan Fieldhouse and Schedule of Events
Identity Theft Prevention Program

SELLERSBURG TOWN COUNCIL MEETING

June 22, 2009

These minutes are not intended to be a verbatim transcript.

TOWN COUNCIL MEETING:

The Sellersburg Town Council met on June 22, 2009 at the Sellersburg Town Hall. Present were Council President Brian K. Meyer, Council Vice-President Paul J. Rhodes, Council Member Terry E. Langford, Council Member Michael N. Lockhart, Council Member James H. LaMaster, Town Attorney William P. McCall III and Clerk Treasurer David L. Kinder.

CALL TO ORDER:

President Brian K. Meyer called the meeting to order at 7:00 p.m.

PRAYER: Paul J. Rhodes.

PLEDGE OF ALLEGIANCE:

By all present.

JAMES H. LaMASTER makes a motion to approve the minutes, as written, and approve the claims as submitted by the Clerk-Treasurer, seconded by Terry E. Langford. 5-aye, 0-nay, motion is approved.

PRESIDENT MEYER introduces **ORDINANCE NO. 2009-019, AN ORDINANCE AMENDING ORDINANCE REGARDING SALARY, HOLIDAY AND LONGEVITY PAY (hiring of additional personnel in the utility billing office).**

After brief discussion it is decided to hold a workshop meeting July 13, 2009 at 6:00 P.M. to discuss this matter.

PRESIDENT MEYER presents a letter from Sellersburg Celebrates Committee asking for a donation.

MICHAEL N. LOCKHART makes a motion to donate five thousand (\$5,000.00) to the committee from the Town Promotional Fund, seconded by James H. LaMaster. 5-aye, 0-nay, motion is approved.

WILLIAM R. WHELAN, Chief of Police advises the Council about the live concerts at Silver Creek Bowling Lanes and Sids Pub this past weekend and the fact that both establishments are zoned B-1 and to have this type of entertainment they need to be zoned B-3 or granted a variance.

WILLIAM P. McCALL, III, Town Attorney presents leases for Dance Department of Indiana United Cheer, Dance and more and Krista's Tumblers for consideration at Sellersburg/Nolan Fieldhouse for Council to consider.

Sellersburg Town Council Meeting
June 22, 2009
Page 2 of 2 pages

McCALL got memo about annexation on one tax abatement is possible to do agriculture but it doesn't do one particular section but the whole area. Annexed area must be assigned to at least one municipal legislative body district. I would have to check with John Toombs and divide that area into the population of that area.

About the waiver remonstrance I found IC 36-9-22-2, about contracts for sewer hook ups.

McCALL discusses Adult Entertainment ordinance for the Council to consider. Council desires an Ordinance forbidding any adult entertainment within the Town limits.

JAMES H. LaMASTER advises that he had a call from the County Assessor requesting copies of all Building Permits issued by the Town so that the Town can have accurate tax assessment. Kenneth Alexander states that the building permits will be taken to the assessor tomorrow by the Building Commissioner.

TERRY A. LANGFORD questions past due money from Indian Oaks. McCall got a letter that they will get the final check issued.

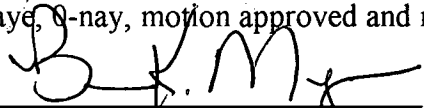
LANGFORD advises that Sellersburg/Nolan Fieldhouse needs additional part-time employees and an assistant manager.

TERRY E. LANGFORD makes a motion to consider **ORDINANCE 2009-020, AN ORDINANCE AMENDING ORDINANCE 2009-018 (seasonal employees for Sellersburg/Nolan Fieldhouse)** on the first reading, seconded by Paul J. Rhodes. 5-aye, 0-nay, motion is approved.

MICHAEL N. LOCKHART makes a motion to approve Ordinance 2009-020 on the first reading, seconded by Paul J. Rhodes. 5-aye, 0-nay, motion is approved.

McCALL states the property at the Silver Creek Park has not been sold as the Housing Authority has rescinded the letter they signed because they do not have authority to sign the letter.

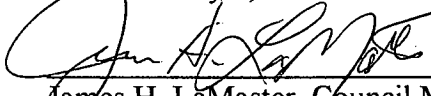
PAUL J. RHODES makes a motion to adjourn the meeting, seconded by Terry E. Langford. 5-aye, 0-nay, motion approved and meeting adjourned at 8:27 P.M.



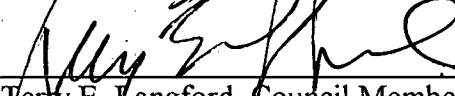
Brian K. Meyer, Council President



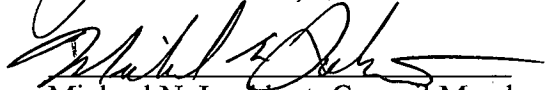
Paul J. Rhodes, Council Vice President



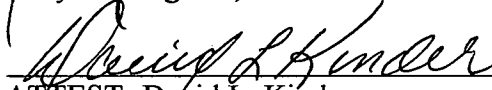
James H. LaMaster, Council Member



Terry E. Langford, Council Member



Michael N. Lockhart, Council Member



ATTEST: David L. Kinder
Clerk Treasurer

**SELLERSBURG TOWN COUNCIL
SPECIAL MEETING**

June 25, 2009

TOWN COUNCIL MEETING:

The Sellersburg Town Council met on June 25, 2009, at the Sellersburg Town Hall. Present were Council Vice-President Paul J. Rhodes, Council Member James H. LaMaster, Council Member Terry E. Langford and Chief Deputy Clerk Treasurer Michelle D. Eve.

Council President Brian K. Meyer and Council Member Michael N. Lockhart were absent.

CALL TO ORDER:

Vice President Rhodes called the meeting to order at 5:00 p.m.

PLEDGE OF ALLEGIANCE:

Offered by all present.

APPROVAL OF CLAIM:

Terry E. Langford makes a motion to a claim for Brian James/SIOA as submitted by the Clerk Treasurer, seconded by James H. LaMaster. 3-aye, 0-nay. Motion approved.

ADJOURNMENT:

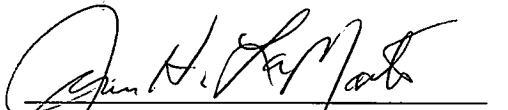
Paul J. Rhodes makes a motion to adjourn the meeting at 5:01 p.m., seconded by James H. LaMaster. 3-aye, 0-nay. Motion approved.



Brian K. Meyer, Council President



Paul J. Rhodes, Council Vice President



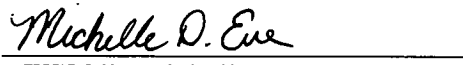
James H. LaMaster, Council Member



Terry E. Langford, Council Member



Michael N. Lockhart, Council Member



ATTEST: Michelle D. Eve
Chief Deputy Clerk Treasurer

SELLERSBURG TOWN COUNCIL MEETING

July 13, 2009

These minutes are not intended to be a verbatim transcript.

TOWN COUNCIL MEETING:

The Sellersburg Town Council met on July 13, 2009 at the Sellersburg Town Hall. Present were Council President Brian K. Meyer, Council Vice-President Paul J. Rhodes, Council Member Terry E. Langford, Council Member Michael N. Lockhart, Council Member James H. LaMaster, Town Attorney William P. McCall III and Clerk Treasurer David L. Kinder.

CALL TO ORDER:

President Brian K. Meyer called the meeting to order at 7:00 p.m.

PRAYER: Michael N. Lockhart.

PLEDGE OF ALLEGIANCE:

By all present.

JAMES H. LaMASTER makes a motion to approve the minutes of the June 22, 2009 Regular Council Meeting and Special Council Meeting of June 25, 2009, as written, and approve the claims as submitted by the Clerk-Treasurer, seconded by Terry E. Langford. 5-aye, 0-nay, motion is approved.

MICHAEL GILLENWATER, Attorney for Creekers LLC, relocation of water line on Cooper's Lane. Need to vacate the old easement and approve the relocation on a new easement. Need to relocate the new water line before vacating the old easement. Developer will be responsible for all costs.

MICHAEL N. LOCKHART makes a motion to approve **Resolution R 2009-004, VACATE EASEMENT AND APPROVE RELOCATION OF WATER LINE AS STATED WITH DEVELOPER FURNISHING BOND WHILE LINE IS BEING MOVED**, seconded by Paul J. Rhodes.

BOYCE ADAMS, Sellersburg Fire Department requesting the Council considers creating an access to Forrest Estates from Lakeside sub-division for emergency entrance and exit.

MEDORA BARTEL requesting a sewer tap at 476 North Indiana Avenue. She advises that for five years she has paid sewer fees on this property and the property is on a septic system. Council advises Ken Alexander to have her meet with Kevin Wright to discuss the situation.

PAUL J. RHODES makes a motion to wave the sewer tap fee in consideration for release of past sewer fees paid, seconded by Michael N. Lockhart. 5-aye, 0-nay motion is approved.

RAMONA HARSHEY states that a drainage grate in front of neighbor Welsh being covered with some type of rubber material and another grate half covered with mud caused water to back

Sellersburg Town Council Meeting
July 13, 2009
Page 2 of 3 pages

up into her sewing shop. Mrs. Harshey submits bill for one thousand dollars and thirteen cents (\$1,000.13) for damages.

PRESIDENT MEYER asks her to give the bills to Kenneth Alexander, Municipal Works Director, for him to submit to our insurance company. He also directs Alexander to check the drainage grates and make certain they are open.

GLENNIS WISDOM, President Recreation Department advises that the swim team finished their season tonight and it has been a very positive and successful season. Also the Band will play at the gazebo on Sunday, July 19, from 3 until 5 P.M. Also there will be a wedding in the gazebo on July 28th.

DAVID FRANKE advises the council that the flooding on US 31 recently was caused because the railroad has inserted a small sleeve into the culvert under the railroad restricting the flow of water.

MARK LAUGHNER explains the causes of flooding in Adams Creek sub-division. He walked the creek from Adams Creek sub-division to Interstate 65 and found several places where debris has blocked the creek. He is asking the Council to, in some way, get the creek cleared of the debris so the water can flow.

William P. McCall, III, Town Attorney will look and see if any legal action can be taken by the Town to have residents' clear debris from the creek where it crosses their property. Perhaps the Corp of Engineers, DNR and property owners can get with property owners and Town officials and work to solve the problem.

JULIA BULLARD, of 4304 Bridge Court, complaining about stagnant water accumulating behind her home. States there are two drains above the accumulated water but they are too high for the water to drain.

PRESIDENT MEYER directs Kenneth Alexander, Municipal Works Director, to contact Mrs. Bullard and see what can be done to resolve the problem.

DOROTHY WILLOUGHBY addresses the Council about weeds in Lakeside on the embankment beside US 31. There are muskrats, rats and other animals there and the weeds need to be cut. Kenneth Alexander, Municipal Works Director, will contact the owners of the property and get the weeds cut.

PAUL J. RHODES introduces **ORDINANCE 2009-019, AN ORDINANCE AMENDING ORDINANCE REGARDING SALARY, HOLIDAY AND LONGEVITY PAY**, (the hiring of a billing clerk).

After discussion **Michael N. Lockhart** makes a motion to table the Ordinance until the July 27, 2009 Council meeting, seconded by Paul J. Rhodes. 5-aye, 0-nay, motion is approved.

Sellersburg Town Council Meeting

July 13, 2009

Page 3 of 3 pages

PAUL J. RHODES introduces **ORDINANCE 2009-021, ORDINANCE ESTABLISHING A CASH CHANGE FUND FOR THE SELLERSBURG/ NOLAN FIELDHOUSE AS AUTHORIZED BY I.C. 36-1-8-2.**

MICHAEL N. LOCKHART makes a motion to consider Ordinance 2009-021 on the first reading, seconded by Terry E. Langford. 5-aye, 0-nay, motion is approved.

MICHAEL N. LOCKHART makes a motion to approve Ordinance 2009-021 on the first reading, seconded by Terry E. Langford. 5-aye, 0-nay, motion is approved.

PAUL J. RHODES introduces **ORDINANCE 2009-022, AN ORDINANCE AMENDING ORDINANCE REGARDING SALARY, HOLIDAY AND LONGEVITY PAY, salary correction for Hinkle.**

TERRY E. LANGFORD makes a motion to consider Ordinance 2009-022 on the first reading, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion is approved.

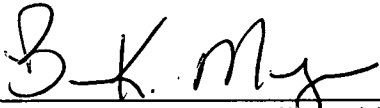
MICHAEL N. LOCKHART makes a motion to approve Ordinance 2009-022 on the first reading, seconded by Terry E. Langford. 5-aye, 0-nay, motion is approved.

KENNETH A. ALEXANDER, Municipal Works Director presents Tax Abatements for Rodefer Moss & Company, PLLC, Larry G. Messina and Jesse Ballew. Alexander states the businesses are in compliance.

MICHAEL N. LOCKHART makes a motion to approve the tax abatements, seconded by Paul J. Rhodes. 5-aye, 0-nay, motion is approved.

PAUL J. RHODES advises that he has a request to postpone until August the passage of Annexation Ordinance for Covered Bridge. The Ordinance will be ready for the second meeting in August (August 24, 2009).

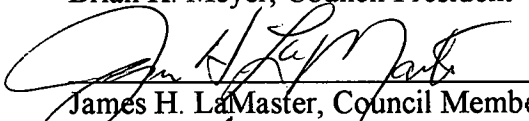
TERRY E. LANGFORD makes a motion to adjourn the meeting, seconded by Paul J. Rhodes. 5-aye, 0-nay, motion approved and meeting adjourned at 9:33 P.M.



Brian K. Meyer, Council President



Paul J. Rhodes, Council Vice President



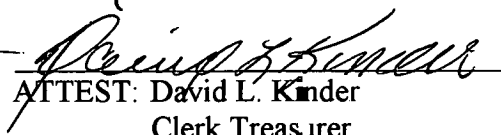
James H. LaMaster, Council Member



Terry E. Langford, Council Member



Michael N. Lockhart, Council Member



ATTEST: David L. Kinder
Clerk Treasurer

SELLERSBURG TOWN COUNCIL MEETING

July 27, 2009

These minutes are not intended to be a verbatim transcript.

TOWN COUNCIL MEETING:

The Sellersburg Town Council met on July 27, 2009 at the Sellersburg Town Hall. Present were Council President Brian K. Meyer, Council Vice-President Paul J. Rhodes, Council Member Terry E. Langford, Council Member Michael N. Lockhart, Council Member James H. LaMaster, Town Attorney William P. McCall III and Clerk Treasurer David L. Kinder.

CALL TO ORDER:

President Brian K. Meyer called the meeting to order at 7:00 p.m.

PRAYER: Paul J. Rhodes.

PLEDGE OF ALLEGIANCE:

By all present.

JAMES H. LaMASTER makes a motion to approve the minutes of the July, 13, 2009 Regular Council Meeting and claims as submitted by the Clerk-Treasurer, seconded by Terry E. Langford. 5-aye, 0-nay, motion is approved.

PRESIDENT MEYER asks about **RESOLUTION R-2009-004, VACATE EASEMENT AND APPROVE RELOCATION OF WATER LINE.**

ATTORNEY McCALL states that Michael Gillenwater must have the Resolution and he will get it and have it prepared for Council signatures at the August 10th meeting.

CLERK-TREASURER KINDER advises the Quit Claim Deed vacating water line easement of James and Diane Harbeson has never been signed. Also the granting of the Utility Easement from the Harbesons and the Agreement to Relocate Water Line and Vacate Easement has not been signed.

PRESIDENT MEYER advises that all this will be taken care of at the August 10th meeting.

PRESIDENT MEYER presents **ORDINANCE 2009-019, AN ORDINANCE AMENDING ORDINANCE REGARDING SALARY, HOLIDAY AND LONGEVITY PAY. (Billing Department Clerk).**

PAUL J. RHODES makes a motion to consider Ordinance 2009-019 on the first reading with the addition of a ninety day evaluation of performance and a six month satisfactory training accomplishment that merit a pay scale of \$14.99 per hour, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion is approved.

Sellersburg Town Council Meeting

July 27, 2009

Page 2 of 2 pages

KEVIN WRIGHT, Assistant Public Works Director, advises that the Southern Indiana Operators will be held at the Sellersburg/Nolan Fieldhouse on August 19, 2009 at 4:30 P.M. The Council is invited to attend the dinner starting at 5:00 P.M.

PAUL J. RHODES makes a motion to approve Ordinance 2009-019 on the first reading, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion is approved.

JAMES H. LaMASTER requests the Town contact the County Animal Control Officer reference skunks in the neighborhood. President Meyer advises he also has that problem and suggests the Town purchase two or three skunk traps to trap the skunks and then they will dispose of them into the country.

PAUL J. RHODES advises that he has been communicating with Larry Gupton, President of Covered Bridge Homeowners Association reference annexation. Some of the things to be incorporated into the annexation ordinance are: 1. Police protection: 2. trash collection: 3. recycling, Rhodes advised this is under Clark County Solid Waste District: 4. Street and road maintenance: 5. Fire protection: 6. maintaining covenants of Covered Bridge: 7. tax abatements: 8. Council membership, will be a five member Council with districts being set by population.

WILLIAM P. McCALL, III, Town Attorney states he has talked to Homeland Security about permits for events taking place at Sellersburg/Nolan Fieldhouse and other locations within the Town and will update the Council at the August 10th meeting when he has more information.

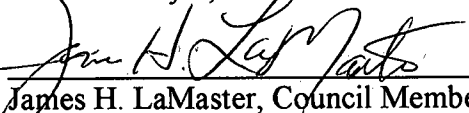
McCALL will write a letter to the Department of Natural Resources seeking their advice about the flooding problems as discussed in the July 13, 2009 Council meeting.

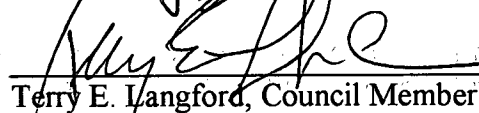
McCALL will have the Adult Entertainment ordinance ready for passage at the August 10th meeting.

PAUL J. RHODES makes a motion to adjourn the meeting, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved and meeting adjourned at 7:47 P.M.

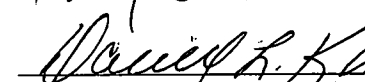

Brian K. Meyer, Council President


Paul J. Rhodes, Council Vice President


James H. LaMaster, Council Member


Terry E. Langford, Council Member


Michael N. Lockhart, Council Member


ATTEST: David L. Kinder
Clerk Treasurer

**SELLERSBURG TOWN COUNCIL
EXECUTIVE SESSION**

August 10, 2009

TOWN COUNCIL MEETING:

The Sellersburg Town Council met in Executive Session on August 10, 2009 at the Sellersburg Town Hall. Present were Council President Brian K. Meyer, Council Vice-President Paul J. Rhodes, Council Member Terry E. Langford, Council Member James H. LaMaster, Chief Deputy Clerk Treasurer Michelle D. Eve.

Council Member Michael N. Lockhart was not present.

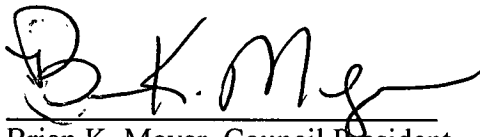
CALL TO ORDER:

President Brian K. Meyer called the meeting to order at 6:00 p.m.

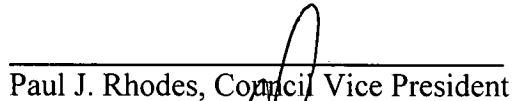
TOPIC OF DISCUSSION:

Initiation of litigation or litigation that is either pending or has been threatened specifically in writing. I.C. 5-14-1.5-6.1(b)(B)

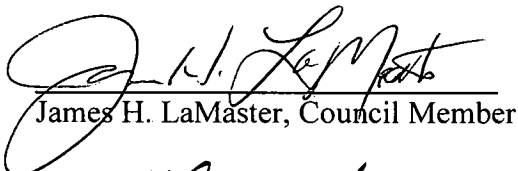
TERRY E. LANGFORD makes a motion to adjourn the meeting, seconded by James H. LaMaster. 4-aye, 0-nay, motion approved and meeting adjourned at 7:53 P.M.



Brian K. Meyer, Council President



Paul J. Rhodes, Council Vice President




James H. LaMaster, Council Member



Terry E. Langford, Council Member



Michael N. Lockhart, Council Member



ATTEST: Michelle D. Eve

Chief Deputy Clerk Treasurer

SELLERSBURG TOWN COUNCIL MEETING

August 10, 2009

TOWN COUNCIL MEETING:

The Sellersburg Town Council met on August 10, 2009 at the Sellersburg Town Hall. Present were Council President Brian K. Meyer, Council Vice-President Paul J. Rhodes, Council Member Terry E. Langford, Council Member James H. LaMaster, Chief Deputy Clerk Treasurer Michelle D. Eve.

Council Member Michael N. Lockhart was not present.

CALL TO ORDER:

President Brian K. Meyer called the meeting to order at 7:00 p.m.

PRAYER: Reverend Mike Donahue, Speed Memorial Church.

PLEDGE OF ALLEGIANCE:

By all present.

JAMES H. LaMASTER makes a motion to approve the minutes of the July 27, 2009 meeting and the claims as submitted by the Clerk-Treasurer seconded by Terry E. Langford. 4-aye, 0-nay and the motion is approved.

ADAM KOCH: Addresses the Council in reference to railroad crossings and drainage issues on his property on Highway 31.

MIKE WHELAN, ISU: Presents General Liability Insurance renewal.

PAUL J. RHODES makes a motion to approve the General Liability Insurance as submitted by Mike Whelan, seconded by Terry E. Langford. 4-aye, 0-nay, motion is approved.

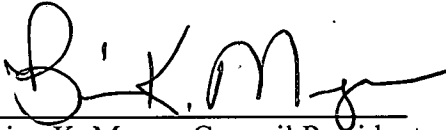
PAUL J. RHODES makes a motion to approve a Professional Services Agreement from Stantec, seconded by James H. LaMaster. 4-aye, 0-nay, motion is approved.

JOHN TOOMBS, JACOBI, TOOMBS & LANZ: Presents bid opening results for Perry Crossing Road Force Main Relocation. Recommends Team Contracting, lowest bidder, in the amount of \$144,300.00 (one hundred forty-four thousand three hundred dollars).

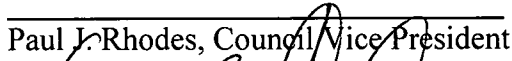
JAMES H. LAMASTER: makes a motion to approve the lowest bid for the Perry Crossing Road Force Main Relocation to Team Contracting, LLC, for \$144,300.00 (one hundred forty-four thousand three hundred dollars), seconded by Paul J. Rhodes. 4-aye, 0-nay, motion is approved.

Sellersburg Town Council Meeting
August 10, 2009
Page 2 of 2 pages

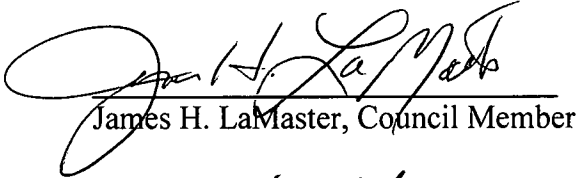
JAMES H. LAMASTER makes a motion to adjourn the meeting, seconded by Terry E. Langford. 4-aye, 0-nay, motion approved and meeting adjourned at 7:53 P.M.



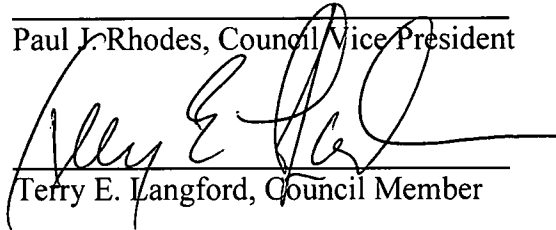
Brian K. Meyer, Council President



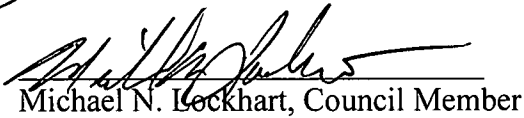
Paul J. Rhodes, Council Vice President



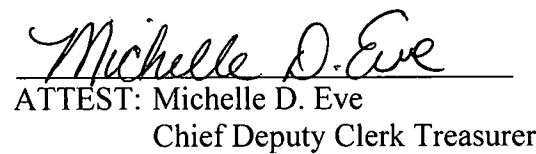
James H. Lamaster, Council Member



Terry E. Langford, Council Member



Michael N. Lockhart, Council Member



ATTEST: Michelle D. Eve
Chief Deputy Clerk Treasurer

SELLERSBURG TOWN COUNCIL MEETING

August 24, 2009

TOWN COUNCIL MEETING:

The Sellersburg Town Council met on August 24, 2009 at the Sellersburg Town Hall. Present were Council President Brian K. Meyer, , Council Member Terry E. Langford, Council Member James H. LaMaster, Council Member Michael N. Lockhart, Town Attorney William P. McCall, III and Clerk-Treasurer David L. Kinder.

Council Vice-President Paul J. Rhodes was not present.

CALL TO ORDER:

President Brian K. Meyer called the meeting to order at 7:00 p.m.

PRAYER: Michael N. Lockhart.

PLEDGE OF ALLEGIANCE:

By all present.

JAMES H. LaMASTER makes a motion to approve the minutes of the August 10, 2009 meeting and the claims as submitted by the Clerk-Treasurer seconded by Terry E. Langford. 4-aye, 0-nay and the motion is approved.

DAVID L. KINDER, Clerk-Treasurer recommends to the Council that the Department of Local Finance has cut the 2009 budget, \$13,896.00 from Motor Vehicle Highway (MVH) fund and \$11,879.00 from Rainy Day Fund. I recommend the Council approve these cuts.

MICHAEL N. LOCKHART makes a motion to approve the cuts as recommended, seconded by James H. LaMaster. 4-aye, 0-nay, motion is approved.

LOUIS MEYER, Blue Goose Leasing, requesting information about zoning change for 325 North Indiana Avenue.

COUNCIL PRESIDENT advised him to contact Building Commissioner Jay Tanner about getting on the Planning Commission agenda.

ADAM KOCH addressed the Council about overflow problems at the lift station on his property.

COUNCIL ATTORNEY McCALL advises that this matter is part of on-going litigation and cannot be discussed at this meeting.

KENNETH J. ALEXANDER, Public Works Director, will provide the Council with paving schedule. Storm drain is currently on hold.

WILLIAM P. McCALL, III, Town attorney, advises that Covered Bridge wants to incorporate into a town.

Sellersburg Town Council Meeting
August 24, 2009
Page 2 of 2 pages

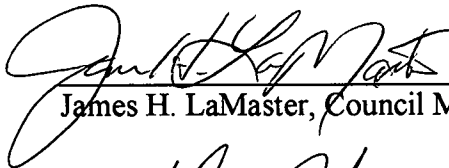
McCall has ask John Tombs to determine if it is possible to define a boundary which is at least one-fourth (1/4) of the aggregate external boundary of the territory to be annexed as opposed to one-eighth (1/8) aggregate external boundary.

TERRY E. LANGFORD wants to publish a news letter to residence about the accomplishments of the Council during these first two years in office.


MICHAEL N. LOCKHART makes a motion to adjourn the meeting, seconded by James H. LaMaster. 4-aye, 0-nay, motion is approved and meeting adjourned at 7:30 P.M.

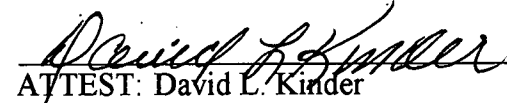

Brian K. Meyer, Council President


Paul J. Rhodes, Council Vice President


James H. LaMaster, Council Member


Terry E. Langford, Council Member


Michael N. Lockhart, Council Member


ATTEST: David L. Kinder
Clerk-Treasurer

SELLERSBURG TOWN COUNCIL MEETING

September 14, 2009

TOWN COUNCIL MEETING:

The Sellersburg Town Council met on September 14, 2009 at the Sellersburg Town Hall. Present were Council President Brian K. Meyer, Council Vice-President Paul J. Rhodes, Council Member Terry E. Langford, Council Member James H. LaMaster, Council Member Michael N. Lockhart, Town Attorney William P. McCall, III and Clerk-Treasurer David L. Kinder.

CALL TO ORDER:

President Brian K. Meyer called the meeting to order at 7:00 p.m.

PRAYER: Reverend Larry Poe, Faith Community Church.

PLEDGE OF ALLEGIANCE:

By all present.

MICHAEL N. LOCKHART makes a motion to approve the minutes of the August 24, 2009 meeting and the claims as submitted by the Clerk-Treasurer seconded by James H. LaMaster. 5-aye, 0-nay and the motion is approved.

TOM TINSLEY, 1016 Equestrian Drive, addresses the Council reference high grass and weeds behind the home at 6810 highway 60. "This problem has been going on for three years", Mr. Tinsley says "and the residents would like to have something done".

PRESIDENT MEYER turns the matter over to Kenneth Alexander, Public Works Director and asks Mr. Tinsley to keep in contact with him or Terry E. Langford, Council Member, for that district.

KENNETH J. ALEXANDER, Public Works Director, addresses the Council concerning a resident at 109 Allhands that wants to address the Council at their next meeting reference parking on Allhands.

Mr. Alexander also presents the paving schedule for the Town and will have price quotes at the next meeting.

W. RUSSELL WHELAN, Chief of Police, requests two corporal positions for the police department.

PAUL J. RHODES makes a motion to approve the two corporal positions as per letter from Chief Whelan dated September 14, 2009, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion was approved.

TERRY E. LANGFORD states that December 12, 2009 Santa will be at the Sellersburg/Nolan Fieldhouse. Also, light up Sellersburg will be at 6:00 P.M. November 27, 2009.

Sellersburg Town Council Meeting
September 14, 2009
Page 2 of 2 pages

DAVID L. KINDER, Clerk-Treasurer, presents contract from Duke Energy for Street lighting for Silver Glade Estates at a cost of \$28,568.05 (twenty-eight thousand five hundred sixty-eight and 05/100 dollars), a onetime lump sum for equipment.

TERRY E. LANGFORD makes a motion to approve the contract with Duke Energy for the street lighting in Silver Glade Estates at a cost of \$28,568.05 (twenty-eight thousand five hundred sixty-eight and 05/100 dollars).

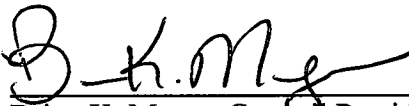
WILLIAM P. McCALL, III, Town Attorney, requests the Council meet in Executive Session Thursday, September 17, 2009 at 6:00 P.M. to discuss possible litigation.

Council agrees to this Executive Session.

PAUL J. RHODES requests that the Town Attorney look into an ordinance concerning newspapers being thrown on streets and driveways that cause litter.

RHODES also wants the Town Attorney to check on infringement on the Town Seal as it has been abused in the past.

PAUL J. RHODES makes a motion to adjourn the meeting, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion is approved and meeting adjourned at 7:52 P.M.



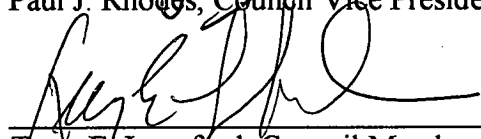
Brian K. Meyer, Council President



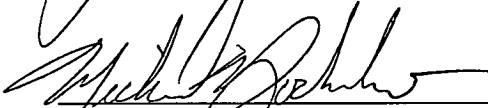
Paul J. Rhodes, Council Vice President



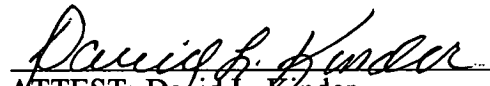
James H. LaMaster, Council Member



Terry E. Langford, Council Member



Michael N. Lockhart, Council Member



ATTEST: David L. Kinder
Clerk-Treasurer

**EXECUTIVE SESSION
SELLERSBURG TOWN COUNCIL
September 17, 2009**

EXECUTIVE SESSION:

The Sellersburg Town Council met in Executive Session September 17, 2009. Present were Town Council President Brian K. Meyer, Council vice- President Paul J. Rhodes, Council Member James H. LaMaster, Council Member Terry E. Langford, Council Member Michael N. Lockhart, Town Attorney William P. McCall, III and Chief Deputy Clerk-Treasurer Michelle D. Eve.

CALLED TO ORDER:

President Brian K. Meyer called the meeting to order at 6:00 P.M.

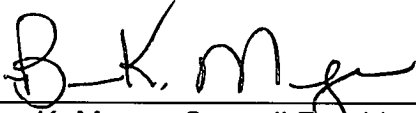
TOPICS OF DISCUSSION:

Initiation of litigation or litigation that is either pending or has been threatened specifically in writing. I.C. 5-14-1.5-6.1(b)(B).

No subject matter was discussed in the executive session other than the subject matter specified in the public notice.

ADJOURNMENT:

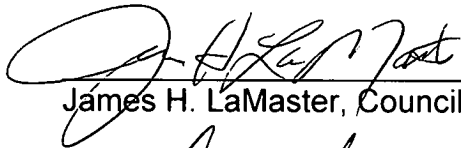
Paul J. Rhodes makes a motion to adjourn the meeting, seconded by Michael N. Lockhart. 5-aye, 0-nay, meeting adjourned at 6:55 P.M.



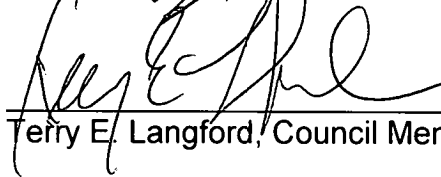
Brian K. Meyer, Council President



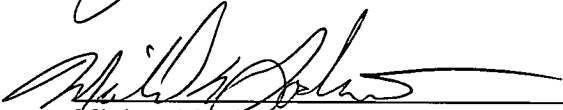
Paul J. Rhodes, Vice-President



James H. LaMaster, Council Member



Terry E. Langford, Council Member



Michael N. Lockhart, Council Member



ATTEST: Michelle D. Eve
Chief Deputy Clerk-Treasurer

SELLERSBURG TOWN COUNCIL SPECIAL MEETING

September 21, 2009

These minutes are not intended to be a verbatim transcript.

TOWN COUNCIL MEETING:

The Sellersburg Town Council met in special session on September 21, 2009 at the Sellersburg Town Hall. Present were Council President Brian K. Meyer, Council Vice-President Paul J. Rhodes, Council Member Michael N. Lockhart, Council Member Terry E. Langford, Council Member James H. LaMaster and Town Attorney William P. McCall, III and Chief Deputy Clerk Treasurer Michelle D. Eve.

PRESIDENT BRIAN MEYER called the meeting to order at 7:00 P.M.

PAUL J. RHODES led the prayer.

PLEDGE OF ALLIGENCE recited by all present.

WILLIAM P. McCALL III, TOWN ATTORNEY: Presents Resolution R2009-005, A RESOLUTION AMENDING RESOLUTION 2008-001 AND ADOPTING THE UPDATED FISCAL PLAN ESTABLISHING A DEFINITE POLICY FOR THE PROVISION OF NON-CAPITAL AND CAPITAL SERVICES TO CERTAIN REAL ESTATE THAT IS CONTIGUOUS TO THE EXISTING BOUNDARIE OF, AND WHICH MAY BE ANNEXED BY SUBSEQUENT ORDINANCE INTO THE TOWN OF SELLERSBURG, INDIANA

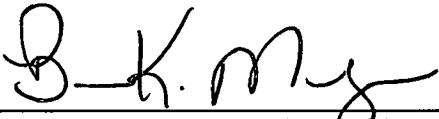
TERRY E. LANGFORD makes a motion to consider Resolution R2009-005 on it's first reading, seconded by Paul J. Rhodes. 5-aye, 0-nay, motion approved.

JAMES H. LAMASTER makes a motion to approve Resolution R2009-005, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

Sellersburg Town Council Special Meeting
September 21, 2009
Page 2 of 2 pages

WILLIAM P. McCALL states that the Public Hearing will be Wednesday, November 25, 2009 and the meeting to adopt the annexation ordinance will be December 28, 2009.

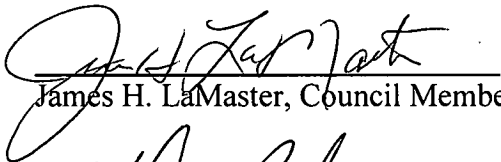
TERRY E. LANGFORD makes a motion to adjourn the meeting, seconded by James H. LaMaster. 5-aye, 0-nay, motion is approved and meeting adjourned at 7:10 P.M.



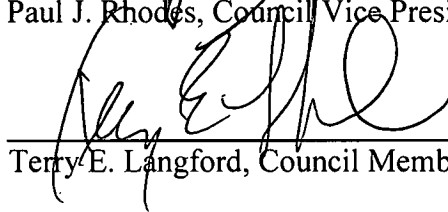
Brian K. Meyer, Council President



Paul J. Rhodes, Council Vice President



James H. LaMaster, Council Member



Terry E. Langford, Council Member



Michael N. Lockhart, Council Member



ATTEST: Michelle D. Eve

Chief Deputy Clerk Treasurer

SELLERSBURG TOWN COUNCIL MEETING

September 28, 2009

TOWN COUNCIL MEETING:

The Sellersburg Town Council met on September 28, 2009 at the Sellersburg Town Hall. Present were Council President Brian K. Meyer, Council Vice-President Paul J. Rhodes, Council Member Terry E. Langford, Council Member James H. LaMaster, Council Member Michael N. Lockhart, Town Attorney William P. McCall, III and Clerk-Treasurer David L. Kinder.

CALL TO ORDER:

President Brian K. Meyer called the meeting to order at 7:00 p.m.

PRAYER: Michael N. Lockhart.

PLEDGE OF ALLEGIANCE:

By all present.

MICHAEL N. LOCKHART makes a motion to approve the minutes of the September 14, 2009; September 17, 2009 and September 21 2009 meetings and the claims as submitted by the Clerk-Treasurer seconded by James H. LaMaster. 5-aye, 0-nay and the motion is approved.

PRESIDENT MEYER presented Ordinance 2009-023, an ordinance regulating live adult entertainment businesses within the municipal limits of the town of Sellersburg.

TOWN ATTORNEY McCALL recommends that this be tabled until the October 12th meeting as he is meeting with the group ROCK and New Albany reference amending this ordinance.

JEFF PARRISH, local contractor, addresses the Council reference the Town Building Inspector giving him a stop work order on a home construction project at 114 Indianola Avenue on September 15, 2009 and the next morning Ken Alexander came to the worksite and canceled the work order and told Mr. Parrish to precede with construction.

Parrish contends that the present building inspector is not keeping appointments and that he has been harassing Mr. Parish.

GREGORY L. CHANCEY, resident at 724 Forrest Drive South, presents the Council with insurance claims for past floodings of his basement and the expenses he has incurred to correct the problem. Copies of receipts were furnished by Chancey in the total amount of one thousand thirty-six dollars and eighty-nine cents (\$1,036.89) and he is requesting reimbursement for this amount.

PRESIDENT MEYER directs Ken Alexander, Public Works Director, to contact Bob Lynn, contractor for Crystal Glades sub-division (directly behind Chancey residence) reference these expenses and advise him that he should be responsible for payment.

STEVEN K. PALMQUIST, Attorney, representing Sellersburg Housing Authority, addresses the Council concerning property (8.659 acres, Survey No. 111 of the Illinois Grant in Silver Creek Township of Clark County) on North Fern Street in Silver Creek Park.

Mr. Palmquest states the property belongs to the Housing Authority of the Town of Sellersburg and the Quit Claim Deed filed with the Clark County Auditor, May 14, 2009 conveying the property to the Town of Sellersburg is rescinded and the property becomes an asset of the Housing Authority.

Council agrees to look into the matter and will give a response to Mr. Palmquist and the Housing Authority at the next meeting.

WILLIAM P. McCALL, III, Town Attorney advises he has checked on the infringement use of the Town Seal by Adam Koch and he will notify Mr. Koch to cease using the Seal. He will further request that Mr. Koch furnish proof that he has discontinued use of the Seal.

KENNETH J. ALEXANDER, Public Works Director, requests permission to check into costs related to connection of two sink holes near the Sellersburg/Utica Road and Bean Road reference flood relief.

Council advises Mr. Alexander to go ahead and obtain cost estimates.

MR. ALEXANDER presents quotes, for Council approval, for paving of streets.

Project A, Pennsylvania Allentown-Georgian and Pennsylvania Georgian-Alabama is awarded to MAC construction & Excavating, Inc at the price of \$4,949.04 (four thousand nine hundred forty-nine dollars and four cents) for milling and \$19,157.25 (nineteen thousand one hundred fifty-seven dollars and twenty-five cents) placing one and one-half compacted asphalt. Total quote for Project A is \$24,106.29 (twenty-four thousand one hundred six dollars and twenty-nine cents).

Paving Project B, Edgeland and Dreyer Lane to Beechwood is awarded to Gohmann Asphalt & Construction, Inc. at the price of \$3,400.00 (three thousand four hundred dollars) for milling and \$29,348.00 (twenty-nine thousand three hundred forty-eight dollars) for approximately 667 (six hundred sixty-seven) tons of hot asphalt surface mix. Total quote for Project B is \$32,748.00 (thirty-two thousand seven hundred forty-eight dollars).

Paving Project C, Alden Road and Emerald Drive, is awarded to Gohmann Asphalt & Construction Inc. at a price of \$3,800.00 (three thousand eight hundred dollars) for milling and \$27,632.00 (twenty-seven thousand six hundred thirty-two dollars) for approximately 628 tons hot asphalt surface mix. Total quote for Project C is \$31,432.00 (thirty-one thousand four hundred thirty-two dollars).

Council approves the quotes as submitted.

Sellersburg Town Council Meeting

September 28, 2009

Page 3 of 3 pages

W. RUSS WHELAN, Chief of Police, advises the Council that the roof on the police department building needs to be replaced and that he will have bid proposals at the October 12, 2009 Council meeting.

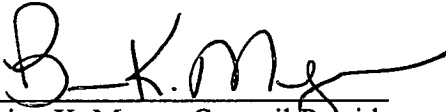
WILLIAM P. McCALL, III, Town Attorney states that notices of annexation have been mailed and also published.

The Clark County Commissioner hearing on Covered Bridge becoming its' own Town is scheduled for December 9th; time has yet to be set by the Court.

The Ordinance on distribution of unsolicited written material will be presented at the October 12th Council meeting.

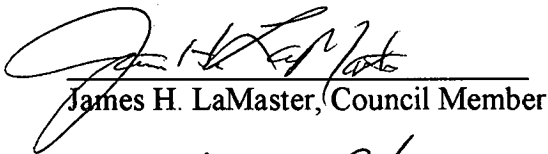
PRESIDENT MEYER advises the Council that health insurance for retirees will be discussed at the October 12th Council meeting.

TERRY E. LANGFORD makes a motion to adjourn the meeting, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion is approved and meeting adjourned at 8:57 P.M.

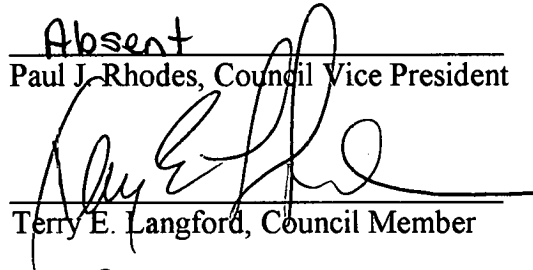


Brian K. Meyer, Council President

Absent
Paul J. Rhodes, Council Vice President



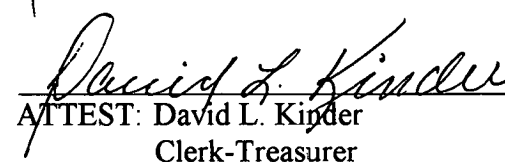
James H. LaMaster, Council Member



Terry E. Langford, Council Member



Michael N. Lockhart, Council Member



ATTEST: David L. Kinder
Clerk-Treasurer

SELLERSBURG TOWN COUNCIL MEETING

October 12, 2009

TOWN COUNCIL MEETING:

The Sellersburg Town Council met on October 12, 2009 at the Sellersburg Town Hall. Present were Council President Brian K. Meyer, Council Member Terry E. Langford, Council Member James H. LaMaster, Council Member Michael N. Lockhart, Town Attorney William P. McCall, III and Clerk-Treasurer David L. Kinder.

Council Vice-President Paul J. Rhodes was absent.

CALL TO ORDER:

President Brian K. Meyer called the meeting to order at 7:00 p.m.

PRAYER: Reverend Gary Fenner, Calvary Christian Church.

PLEDGE OF ALLEGIANCE:

By all present.

JAMES H. LAMASTER makes a motion to approve the minutes of the September 28, 2009 Town Council Meeting and the claims as submitted by the Clerk-Treasurer seconded by Terry E. Langford. 4-aye, 0-nay, motion approved.

MR. GREEN, OWNER OF GREEN BANNER PUBLICATIONS: Opposing Ordinance 2009-024 in regards to printed litter distribution.

Ordinance 2009-024 is tabled until the first meeting in January 2010.

CHIEF WILLIAM R. "RUSS" WHELAN: Presents bids for replacing the roof on the Police building. He recommends the bid from Palmer Roofing in the amount of \$38,500.00 (thirty-eight thousand five hundred dollars) which includes a 15 year labor and material warranty and a 5 year workmanship warranty.

MICHAEL N. LOCKHART: makes a motion to accept the bid from Palmer Roofing in the amount of \$38,500.00 (thirty-eight thousand five hundred dollars), seconded by James H. LaMaster. 4-aye, 0-nay, motion approved.

KENNETH J. ALEXANDER, PUBLIC WORKS DIRECTOR: Presents bids from Mac Construction and Gohmann Asphalt for milling and paving on Pennsylvania, Georgian and Foothill.

TERRY E. LANGFORD: makes a motion to accept the bids for Mac Construction for paving and milling of Pennsylvania and Georgian in the amount of \$21,441.90 (twenty-one thousand four hundred forty-one and 90/100 dollars) and Gohmann Asphalt for paving and milling of Foothill in the amount of \$18,000 (eighteen thousand dollars), seconded by Michael N. Lockhart. 4-aye, 0-nay, motion approved.

Sellersburg Town Council Meeting

October 12, 2009

Page 2 of 2 pages

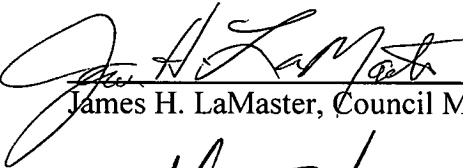
TERRY E. LANGFORD makes a motion to adjourn the meeting, seconded by Michael N. Lockhart. 4-aye, 0-nay, motion is approved and meeting adjourned at 8:27 P.M.



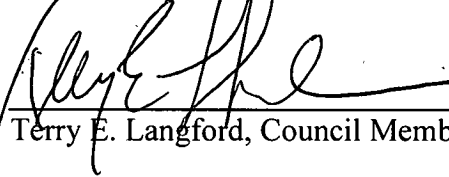
Brian K. Meyer, Council President

ABSTAINS


Paul J. Rhodes, Council Vice President



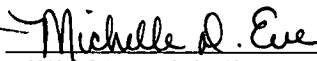
James H. LaMaster, Council Member



Terry E. Langford, Council Member



Michael N. Lockhart, Council Member



ATTEST: Michelle D. Eve
Chief Deputy Clerk-Treasurer

SELLERSBURG TOWN COUNCIL MEETING

October 26, 2009

TOWN COUNCIL MEETING:

The Sellersburg Town Council met on October 26, 2009 at the Sellersburg Town Hall. Present were Council President Brian K. Meyer, Council Vice-President Paul J. Rhodes, Council Member Terry E. Langford, Council Member James H. LaMaster, Council Member Michael N. Lockhart, Town Attorney William P. McCall, III and Clerk-Treasurer David L. Kinder.

CALL TO ORDER:

President Brian K. Meyer called the meeting to order at 7:00 p.m.

PRAYER: Paul J. Rhodes.

PLEDGE OF ALLEGIANCE:

By all present.

JAMES H. LAMASTER makes a motion to approve the minutes of the October 12, 2009, Town Council Meeting, seconded by Terry E. Langford. 4-aye, 1-abstains, 0-nay.

JAMES H. LaMASTER makes a motion to approved the claims as submitted by the Clerk-Treasurer seconded by Terry E. Langford. 5-aye, 0-nay, motion approved.

DAVID L. KINDER, Clerk-Treasurer, introduces **RESOLUTION R-2009-006, A RESOLUTION AUTHORIZING THE CLERK-TREASURER OF THE TOWN OF SELLERSBURG, INDIANA TO DEPOSIT, INVEST AND REINVEST FUNDS IN LOCAL FINANCIAL INSTITUTIONS DESIGNATED AS DEPOSITORIES.**

MICHAEL N. LOCKHART makes a motion to pass Resolution R-2009-006, seconded by James H. LaMaster. 5-aye, 0-nay, motion is approved.

DAVID L. KINDER, Clerk-Treasurer, introduces **RESOLUTION R-2009-007, A RESOLUTION ESTABLISHING A CELLULAR TELEPHONE ALLOWANCE.**

TERRY E. LANGFORD makes a motion to pass Resolution R-2009-007, seconded by James H. LaMaster. 5-aye, 0-nay, motion is approved.

Reimbursement for Gregory & Danielle Chancey for storm drainage is tabled while Dan Cristiani contacts Bob Lynn reference this reimbursement.

WILLIAM P. McCALL, III, Town Attorney, advises the infringement on use of Town Seal has been filed in Court.

KENNETH J. ALEXANDER, Public Works Director, presents Retirement health care supplement for Town Employees.

Council approved Kenneth J. Alexander, William R. Whelan and David L. Kinder to review this and present a plan at the November 6, 2009 Town Council meeting.

Sellersburg Town Council Meeting
October 26, 2009
Page 2 of 2 pages

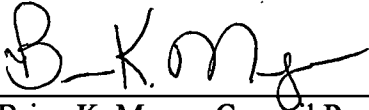
KENNETH J. ALEXANDER, Public Works Director, presents proposal from SimplexGrinnell, LP to replace emergency lights in Sellersburg/Nolan Field House in the amount of \$1,428.00 (one thousand four hundred twenty-eight dollars).

MICHAEL N. LOCKHART makes a motion to approve the proposal, seconded by Terry E. Langford. 5-aye, 0-nay, motion approved.

KENNETH J. ALEXANDER, Public Works Director advises Council that he has passed the Qualified Professional Inspector Examination offered by the Southern Indiana Stormwater Advisory Committee and is now a registered examiner.

KENNETH J. ALEXANDER, Public Works Director, announces that Kevin Wright, Assistant Public Works Director, has won the L.L. Larson Award from the Indiana Water Environmental Association.

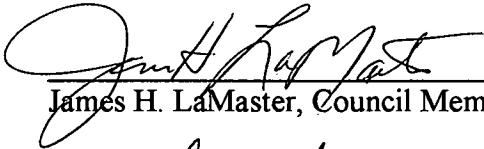
TERRY E. LANGFORD makes a motion to adjourn the meeting, seconded by Paul J. Rhodes. 5-aye, 0-nay, motion approved and meeting adjourned at 8:24 P.M.



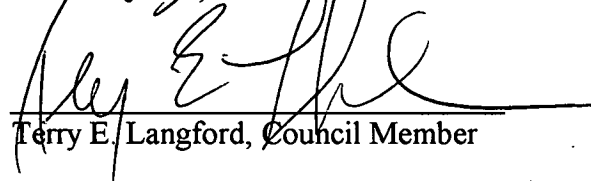
Brian K. Meyer, Council President




Paul J. Rhodes, Council Vice President



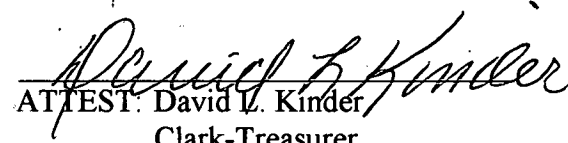
James H. LaMaster, Council Member



Terry E. Langford, Council Member



Michael N. Lockhart, Council Member



ATTEST: David L. Kinder
Clark-Treasurer

Clark-Treasurer

SPECIAL SELLERSBURG TOWN COUNCIL MEETING

Budget Approval for 2010

November 2, 2009

TOWN COUNCIL MEETING:

The Sellersburg Town Council met on November 2, 2009 at the Sellersburg Town Hall. Present were Council President Brian K. Meyer, Council Vice-President Paul J. Rhodes, Council Member Terry E. Langford, Council Member James H. LaMaster, Council Member Michael N. Lockhart, Town Attorney William P. McCall, III and Clerk-Treasurer David L. Kinder.

CALL TO ORDER:

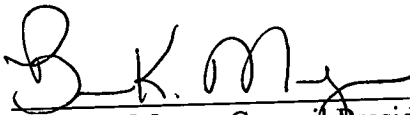
President Brian K. Meyer called the meeting to order at 7:00 p.m.

PRESIDENT MEYER presents **ORDINANCE NO. 2009-025, AN ORDINANCE FOR APPROPRIATIONS AND TAX RATES.**

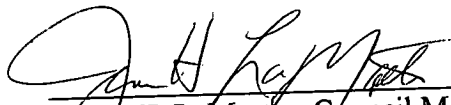
JAMES H. LaMASTER makes a motion to pass on the first reading Ordinance 2009-025, seconded by Terry E. Langford. Roll call vote: LaMaster-yea, Langford-yea, Rhodes-yea, Lockhart-yea, Meyer-yea. Motion approved.

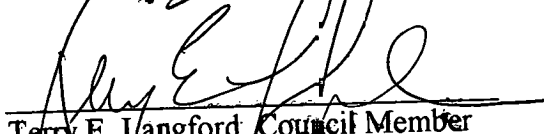
JAMES H. LaMASTER makes a motion to approve, on the first reading, Ordinance 2009-025, seconded by Terry E. Langford. Roll call vote: LaMaster-yea, Langford-yea, Rhodes-yea, Lockhart-yea, Meyer-yea. Motion is approved.

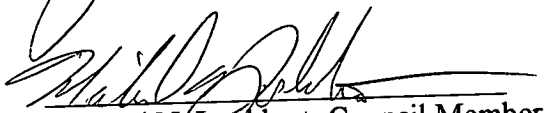
JAMES H. LaMASTER makes a motion to adjourn the meeting, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved and meeting adjourned at 7:05 P.M.

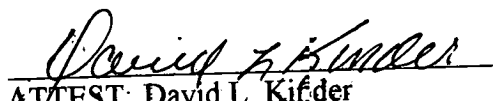

Brian K. Meyer, Council President


Paul J. Rhodes, Council Vice President


James H. LaMaster, Council Member


Terry E. Langford, Council Member


Michael N. Lockhart, Council Member


ATTEST: David L. Kinder
Clark-Treasurer

SELLERSBURG TOWN COUNCIL

WORKSHOP MEETING

November 2, 2009

TOWN COUNCIL WORKSHOP MEETING:

The Sellersburg Town Council met for a workshop session on November 2, 2009, at the Sellersburg Town Hall. Present were Council President Brian K. Meyer, Council Vice-President Paul J. Rhodes, Council Member Terry E. Langford, Council Member James H. LaMaster, Council Member Michael N. Lockhart Clerk-Treasurer David L. Kinder.

CALL TO ORDER:

President Brian K. Meyer called the meeting to order at 7:06 p.m.

TOPIC OF DISCUSSION:

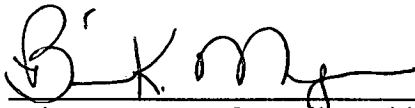
Employee salaries for 2010.

KENNETH J. ALEXANDER, Public Works Director proposes an additional fifty cents per hour for five of his employees in addition to the regular pay raise.

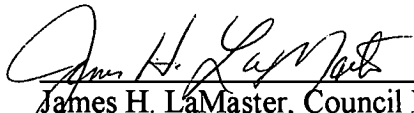
After discussion the Council agrees that this would not be possible without giving this incentive raise to all departments.

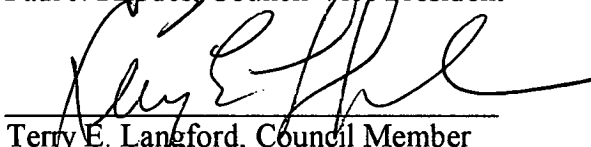
Council agrees upon one thousand two hundred dollars, (\$1,200.00 dollar), across the board raise for all employees.

JAMES H. LaMASTER makes a motion to adjourn the meeting, seconded by Paul J. Rhodes. 5-aye, 0-nay, motion approved and meeting adjourned at 7:44 P.M.



Brian K. Meyer, Council President


Paul J. Rhodes, Council Vice President


James H. LaMaster, Council Member


Terry E. Langford, Council Member


Michael N. Lockhart, Council Member


ATTEST: David L. Kinder
Clerk-Treasurer

SELLERSBURG TOWN COUNCIL MEETING

November 9, 2009

These minutes are not verbatim.

TOWN COUNCIL MEETING:

The Sellersburg Town Council met on November 9, 2009 at the Sellersburg Town Hall. Present were Council President Brian K. Meyer, Council Vice-President Paul J. Rhodes, Council Member Terry E. Langford, Council Member James H. LaMaster, Council Member Michael N. Lockhart, Town Attorney William P. McCall, III and Clerk-Treasurer David L. Kinder.

CALL TO ORDER:

President Brian K. Meyer called the meeting to order at 7:00 p.m.

PRAYER: Reverend Paul Richert, St. Paul's Catholic Church.

PLEDGE OF ALLEGIANCE:

By all present.

JAMES H. LAMASTER makes a motion to approve the minutes of the October 29, 2009, Town Council Meeting, the November 2, 2009 Budget Hearing, the November 2, 2009 Workshop meeting and the claims as submitted by the Clerk-Treasurer, seconded by Terry E. Langford. 5-aye, 0-nay.

SANDY CARVER address the Council concerning sidewalks on South New Albany Street, they have deteriorated and need to be replaced.

PRESIDENT MEYER advises that bids are being taken to get them replaced before the end of this year.

MS. CARVER then speaks about house on Fern Street that has tall grass that has needed cutting all summer and another home on Adkins Court with buses, cars and heavy equipment in yard.

KENNETH J. ALEXANDER, Public Works Director, will speak with the home owner on Fern Street about getting the grass cut. There is no ordinance about vehicles being parked on property as long as they are registered and licensed in the current year.

TOM MENENDEZ, DC addresses the Council about persons under the age of 18 years soliciting money at roadblocks at State Road 60 and State Road 311, also U. S. 31 and State Road 311. Dr. Menendez furnishes a letter for each council member to read about his complaint.

D. J. HINES, representing TBD, LLC concerning sewer taps approved at the March 22, 2007 Town Council Special Meeting. Mr. Hines states that Keith E. & Jennifer L. Alexander were given one tap fee and William L. & Patricia Alexander were given two tap fees, it should have been two taps for Keith E. & Jennifer L. Alexander and one tap fee for William L. & Patricia Alexander.

PRESIDENT MEYER will have Clerk-Treasurer Kinder check the minutes of the March 22, 2007 meeting and if corrections need to be made it will be brought up at the November 16th Town Council Meeting.

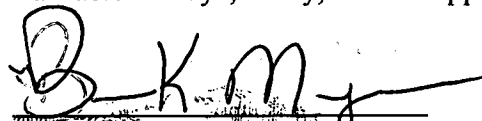
MICHAEL N. LOCKHART makes a motion, after December 31, 2009, the Town shall provide an active member of the police department of the Town with body armor for the torso. The Town shall replace the body armor for the torso according to the replacement period recommended by the manufacturer of the body armor for the torso, seconded by Paul J. Rhodes. 5-aye, 0-nay, motion approved.

WILLIAM P. McCALL, III, Town Attorney, presents **ORDINANCE NO. 2009-026, AN ORDINANCE AMENDING ORDINANCE NO. 2008-04 REGARDING VEHICLE TOW IN FEE.**


TERRY E. LANGFORD makes a motion to consider Ordinance 2009-026 on the first reading, seconded by James H. LaMaster. 5-aye, 0-nay, motion is approved.

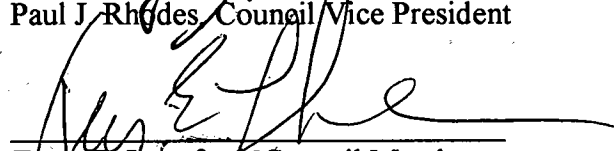
TERRY E. LANGFORD makes a motion to approve Ordinance 2009-026 on the first reading, seconded by James H. LaMaster. 5-aye, 0-nay, motion approved.

MICHAEL N. LOCKHART makes a motion to adjourn the meeting, seconded by James H. LaMaster. 5-aye, 0-nay, motion approved and meeting adjourned at 7:47 P.M.

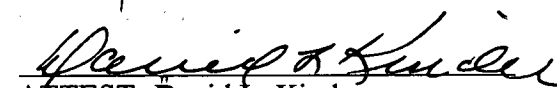

Brian K. Meyer, Council President


Paul J. Rhodes, Council Vice President


James H. LaMaster, Council Member


Terry E. Langford, Council Member


Michael N. Lockhart, Council Member


ATTEST: David L. Kinder
Clark-Treasurer

SELLERSBURG TOWN COUNCIL MEETING

November 23, 2009

These minutes, as written, are not verbatim from the meeting.

TOWN COUNCIL MEETING:

The Sellersburg Town Council met on November 23, 2009 at the Sellersburg Town Hall. Present were Council President Brian K. Meyer, Council Vice-President Paul J. Rhodes, Council Member Terry E. Langford, Council Member James H. LaMaster, Council Member Michael N. Lockhart, Town Attorney William P. McCall, III and Clerk-Treasurer David L. Kinder.

CALL TO ORDER:

President Brian K. Meyer called the meeting to order at 7:00 p.m.

PRAYER: Michael N. Lockhart led everyone in prayer.

PLEDGE OF ALLEGIANCE:

By all present.

JAMES H. LAMASTER makes a motion to approve the minutes of the November 9, 2009, Town Council Meeting and the claims as submitted by the Clerk-Treasurer, seconded by Terry E. Langford. 5-aye, 0-nay.

PRESIDENT MEYER presents **ORDINANCE NO. 2009-027, HOURLY AND SALARY PAY FOR EMPLOYEES AND ELECTED OFFICIALS OF THE TOWN OF SELLERSBURG, INDIANA FOR CALENDAR YEAR 2010.**

PAUL J. RHODES makes a motion to consider Ordinance 2009-027 on the first reading, seconded by James H. LaMaster. 5-aye, 0-nay, motion is approved.

PAUL J. RHODES makes a motion to approve Ordinance 2009-027 on the first reading, seconded by James H. LaMaster. 5-aye, 0-nay, motion is approved.

PRESIDENT MEYER states that the Town Council and Town Court Judge do not accept pay raises this year, their salaries are the same as their 2009 salaries.

Also for the Clerk-Treasurer to correct Ordinance 2009-027, Under Public Works-General Fund the hourly rate for a Team member w/CDL should be \$17.57 and the Team Member salary should be \$17.07.

JOSEPH G. OLSON, Insurance Agent of Record, presents the medical and life insurance proposal for 2010. He recommends Humana Plan; the rate increase is 6.25 per cent.

MICHAEL N. LOCKHART makes a motion to accept the Humana Health and Life Insurance for Town employees for 2010, seconded by James H. LaMaster. 5-aye, 0-nay, motion is approved.

Sellersburg Town Council Meeting

November 23, 2009

Page 2 of

JERRY L. DENBO presents a proposal to talk to the employees about identity theft. The presentation will take about one hour and if the employee wants they can purchase a plan to protect themselves from this type of theft.

JAMES H. LaMASTER makes a motion to table this until the first meeting in December, seconded by Michael N. Lockhart.

TERRY PURLEE, President of Sellersburg Celebrates Committee, offers the Town some type of beautification plan, of the Council's choosing, to help the Town for all the Town has done for them.

KENNETH J. ALEXANDER, Public Works Director, presents quotes for sidewalk replacement on South New Albany Street. These quotes are for the Council to study and will be brought up at the December 14, 2009 Council meeting.

ALEXANDER presents the Council an invoice from Team Contracting reference Perry Crossings Force main Relocation due to emergency repairs to the force main in the amount of \$23,305.09 (twenty-three thousand three hundred five and 09/100 dollars, Team Contracting Contract No. 8126.

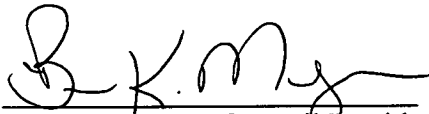
PAUL J. RHODES makes a motion pay the additional expense, seconded by Terry E. Langford. 5-aye, 0-nay, motion is approved.

JOHN McCOY, Isgrigg Surveyors request the re-platting of the Rite Aid property on State Road 311. This was presented to the Planning and Zoning Commission and they approved it at their last meeting.

MICHAEL N. LOCKHART makes a motion to approve the re-platting, seconded by James H. LaMaster. 5-aye, 0-nay, motion is approved.

DAVID L. KINDER, Clark-Treasurer asks the Council for permission to pay for the emergency fire alarm system at Sellersburg/Nolan Fieldhouse and if Mr. Nolan decides to pay for it the money can be deposited into the General Fund. Council agrees to this request.

PAUL J. RHODES makes a motion to adjourn, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion is approved and meeting adjourned at 8:05 P.M.



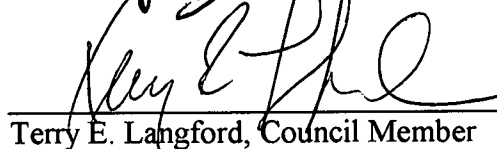
Brian K. Meyer, Council President



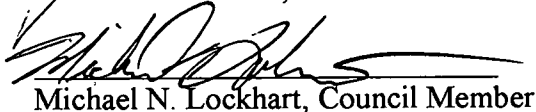
Paul J. Rhodes, Council Vice President



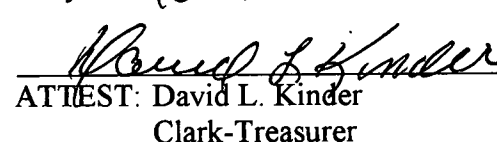
James H. LaMaster, Council Member



Terry E. Langford, Council Member



Michael N. Lockhart, Council Member



ATTEST: David L. Kinder
Clark-Treasurer

SELLERSBURG TOWN COUNCIL SPECIAL MEETING

Public hearing regarding annexation

November 25, 2009

These minutes are not intended to be a verbatim transcript.

TOWN COUNCIL MEETING:

The Sellersburg Town Council met in special session on November 25, 2009 for a Public Hearing of Town's Annexation. Present were Council President Brian K. Meyer, Council Vice-President Paul J. Rhodes, Council Member Michael N. Lockhart, Council Member Terry E. Langford, and Town Attorney William P. McCall, III and Clerk-Treasurer David L. Kinder and Deen C. Rogers, CPA with H. J. Umbaugh and Associates.

Council Member James H. LaMaster was absent.

PRESIDENT BRIAN MEYER called the meeting to order at 6:00 P.M.

PLEDGE OF ALLIGENCE recited by all present.

WILLIAM P. McCALL III, TOWN ATTORNEY: Presents the September 25, 2009 notice of publication concerning this public hearing that was certified to be published in the Evening News on that date and time to be part of the minutes of this meeting.

PRESIDENT MEYER introduces the Council and Deen C. Rogers of H. J. Umbaugh and Associates to the members of the audience. Then states what the guidelines of the meeting are; this is a public hearing by statute to allow for public input concerning the Town's proposed annexation.

The Town Council has already introduced and approved the annexation ordinance on a first reading and a fiscal plan for the area has been developed and approved by Resolution of the Council.

The public hearing is not for the purpose of debate; the Town Council will listen to and consider all public comments and input, but will not answer any questions from the public.

Each speaker will be given three (3) minutes to present their comments. There will be no reservations of time or passing of the three (3) minute time limit to other speakers to allow the extension of a speaker's time limit.

LARRY GUPTON, Member of Covered Bridge Homeowner's Association, 12614 Covered Bridge Road speaks in opposition to the annexation. I have talked with a lot of people and they are opposed to annexation. The territory described in the ordinance is not contiguous at least one acre aggregate external of the boundary may not coincide with the present boundary; the resident population in this territory is less than three (3) persons per acre; less than 60 % of the area is sub-divided; the territory to be annexed is not needed and cannot be

Sellersburg Town Council Special Meeting
Public Hearing Proposed Annexation
November 25, 2009
Page 2 of 4 pages

used by the Town of Sellersburg for it's development in the near future; police protection, presently provided by Clark County is adequate; fire protection is adequate; emergency medical service is adequate; the area proposed for annexation has access to private and public parks; the area is presently under the jurisdiction of Clark County Planning Commission; road maintenance is adequate; solid waste disposal is adequate. The annexation will have a significant adverse financial impact on the residence of the territory, due to the fact a significant increase in real estate taxes will occur without corresponding increase in public service.

BOB LEWIS, 2215 Perry Crossing Road, you cannot give us anything we don't already have other than raise our taxes. This is all farm land and if we get annexed we will not be able to kill coyotes that are on the land. I also hunt on this farm, and if you annex us you are taking these rights away from us.

DON WEBER 1710 Allentown Road, all we are getting is more taxes. Also the zoning will not change but you will not be here for ever and the next Council may change the zoning and we may not be able to hunt and shoot on this land. If you are going to do this then put a time limit on how long the present zoning will remain.

ANDREW WRIGHT, Attorney for Covered Bridge Home Owners Association, I have reviewed the Ordinance and Fiscal Plan and I would just like to be more specific about what Mr. Gupton referred to. The fiscal plan does not state what effect it will have on the Town's tax rate or what effect it will have on the tax rate of those being annexed and I just tried to put this together, but the plan says the net assessed value for Sellersburg now is a little over \$234,000,000.00 dollars, of the 1852 acres you propose that value you say is a little over \$92,700,000.00 if the annexation is successful then the assessed valuation would total up to \$326,900,000.00 rounded off. \$72,200,000.00 of this evaluation is in Covered Bridge who I represent.

Your current tax levy according to Department of Local Government Finance is \$1,449,044.00. Your fiscal plan says your levy increase because of this increased value becomes \$219,000.00 so that would get you up to maximum levy of \$1,668,044, according to the DLGF your current tax rate is .6187 cents per \$100.00 of assessed valuation. If you add in all this assessed valuation with the levy you are going to be allowed your tax rate would drop to .5163 cents, but their tax rate would increase by .5163 cents based on those numbers. My client does not believe for an extra .50 cents on their tax rate they are going to get any services that they do not already have either through the same means that you get them or through private means or other private means that you share. So Covered Bridge Homeowners Association basically requests that you consider this and not continue forward with this proposed annexation.

JOHN YOUNG, 2805 Allentown Road, we are afraid that we will loose our hunting privileges and you will raise our taxes. Will you maintain Allentown road like you presently do your streets?

KATHY ELLENBRAND, 1703 Midway Drive, I am opposed to this as we live in the County and there are more restrictions when you live in Town. We have adequate roads and when you

**Sellersburg Town Council Special Meeting
Public Hearing on Proposed Annexation
November 25, 2009
Page 3 of 4 pages**

go down the roads in Sellersburg they are pothole ridden, we get plow service and all you want to do is raise our taxes.

MIKE GILLENWATER, 2504 Allentown Road, I remind you that you have legal duties to provide similar services to us that you do in Town. I know that your plan says I am not getting sewers and that is a problem you are going to have a law suit over that; also I want sidewalks or at least a bike path as several ride bikes. During the winter our roads are serviced and as I drive to work I don't have snow until I get into Town.

SANDY CARVER, I have two rental properties in Town and I have been promised sidewalks for the past three years and nothing has been done to complete the sidewalks. I do not want my taxes increased with no increase in benefits.

JOHN ADAMS, 2806 Perry Crossing Road, I raise cattle and hogs and part of my farm is in a flood plain and all I want to know is what you can do for me. Your garbage pick up is not sufficient for my farm.

MARK CRUM, 1221 Perry Crossing Road, we have adequate police protection, we have fought government forever. We can hunt on our land, shoot anytime we want and you can say that this won't change but there is not a guarantee this won't change.

PHYLLIS POOLER 2307 Allentown Road gives President Meyer a memo with 27 questions to be entered into the minutes and since she cannot ask questions she would like to have documentation and the cost for it.

JAY RAKICH, 12406 Humming Bird Way, asks the audience how many of them are for annexation then comments to the Council "get the picture". He also wants to yield the rest of his time to this gentleman (pointing to Mike Gillenwater).

REBECCA MULLIGAN, 12408 Covered Bridge Road states she will boycott all business in Sellersburg if the annexation goes through. Presently she and her family trade at local shops but that will stop and Sellersburg will hurt because of this annexation.

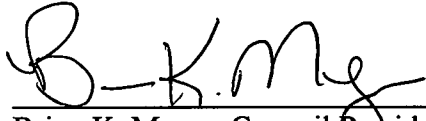
DAN GRAF 2020 Allentown Road just wants to know why this meeting was called on Wednesday before a holiday and just what can the Town offer him. He has lived on Allentown Road and been a resident of Sellersburg all his life.

DAN CRISTANI 815 St. Joe Road does not want to be annexed into the Town and wants to opt out. Sellersburg needs to fix the problems they already have.

PRESIDENT MEYER states the Town Council will consider Annexation Ordinance 2008-017 for passage on December 28, 2009, at 7:00 P.M.

Sellersburg Town Council Special Meeting
Public Hearing Proposed Annexation
November 25, 2009
Page 4 of 4 pages

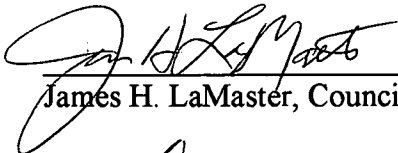
TERRY E. LANGFORD makes a motion to adjourn the meeting, seconded by Paul J. Rhodes.
4-aye, 0-nay, motion approved and meeting adjourned at 6:37 P.M.



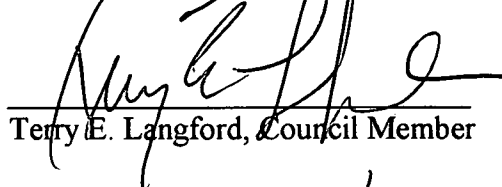
Brian K. Meyer, Council President




Paul J. Rhodes, Council Vice President



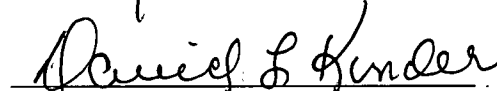
James H. LaMaster, Council Member



Terry E. Langford, Council Member



Michael N. Lockhart, Council Member



ATTEST: David L. Kinder
Clerk-Treasurer

Attachments: Proof of Publication
Memo (Phyllis Pooler)

Memo

To: Sellersburg Town Council and Clerk-Treasurer
From: Phyllis J. Pooler
CC:
Date: November 25, 2009
Re: Proposed annexation testimony

What is Sellersburg policy for providing public documents and/or freedom of information requests? Is there a cost? How much notice is needed to be given before being able to read and possibly copy documents?

Only "a detail summary of the updated fiscal plan" was provided when and where can I get a copy of the complete detailed fiscal plan?

The following are questions that should already be addressed in the fiscal plan if it is detailed. No reasonable person can determine from the fiscal plan what the impacts are going to be to newly annexed people and the existing citizens of Sellersburg.

Complete and timely answers to the following questions are needed for an intelligent examination and review of the fiscal.

The fiscal plan is neither complete or detailed the standard and manner of providing services is detailed or definite.

The following are a few of the questions a reasonable person needs answered to determine if annexation is beneficial for either the annexed area or the town.

Your timely response is appreciated.

1. The plan says on page 8 that "due to the effect of tax caps, *the Town may not realize the entire estimated increase*. How are you going to afford to provide the required services?

2. How many garbage trucks/packers does Sellersburg own and/or serve?
3. What model years are they? What is the mileage of each? Do you plan to replace any of these or purchase new ones? If so when?
4. How many employees are assigned to collect refuse and garbage? _____
5. How many police patrol officers do you have on each shift?
6. How many police cars do you have? _____ What are model years? _____ What is each of the cars mileage? . ? Do you plan to replace any of these or purchase new ones? If so when?
7. How many employees are in the storm water department? _____
8. What day will our scheduled garbage pick be? _____
9. How many trucks are equipped or can be equipped with snow blades? _____? Do you plan to replace any of these or purchase new ones? If so when?
10. What is the snow-clearing route? When will Allentown Road be plowed after it it snows? Is there an established snow plow route?
11. How many employees are assigned to plow snow? _____
12. How is Sellersburg going to meet the requirements of IDEM and EPA's MS 4 requirement?
13. Have all the inlets and storm water outfall points been mapped?
14. What zone in the present zoning ordinance for designation of agricultural land?
15. What uses are permitted by right in that zone district? _____
16. Will a storm water fee be imposed to fund the requirements of your MS4 IDEM permit?
17. Is a copy of Sellersburg's MS4 annual reports available to review for the program years 2008 and 2009?
18. Do you presently meet all the requirements of the MS4 program and your permit? Do you have a certified professional responsible for managing storm water?
19. How are you going to solve the existing storm water flooding issues that presently adversely affect your citizens? How are you going to pay for the solutions?
20. Where are the proposed 25 street lights going to be installed?
21. What levels of service do you presenting provide to the citizens of Sellersburg? Include park acreage/capita, police/capita, garbage collection/capita, street maintenance/capita, planning and zoning staff/per capita, administrative staff of the clerk-treasure and the town council/capita, snow removal/capita, all these including capital and noncapital costs

MS4
MS4 permit

22. When was the garbage fee started?

23. I would like copies of the 2008, 2009, and the proposed 2010 budgets of the Town.

24. Because the town will not receive any tax money from the proposed annexation area until 2011 payable 2012 [best-case scenario for the town], how will you pay for services that have to be provided in the first year after annexation? Do you have a balance of funds? Will services to the present citizens be reduced because you have to provide services to another 1,842 acres and an estimated 1,250 people?

25. The fiscal plan does not indicate if the estimated new cost will be for additional employees. Do you have too many employees on the payroll now and they are available to provide services to the proposed annexation area? Or if you do not have too many employees how are you going to afford to employ more people to serve another 1,250 people and 1,852 acres?

26. What qualified person assessed the needs of the proposed annexation area?

27. How are you going to pay for and resolve the IDEM violation regarding sewage solids being surcharging out of manholes? November 3, 2009 IDEM letter and the other bypass/overflow incidents that have happened in 2009 that flow into Silver Creek?

**Proof of
Publication**

NOTICE OF PUBLIC HEARING BEFORE THE TOWN COUNCIL OF THE TOWN OF SELLERSBURG, INDIANA, REGARDING A PROPOSED ANNEXATION ORDINANCE

Notice is hereby given that the Town Council of the Town of Sellersburg, Indiana (hereinafter the "Town Council"), will hold a public hearing on a proposed annexation ordinance (Ordinance No. 2008-17) (the "Annexation Ordinance"), at 6:00 o'clock p.m. (prevailing local time) on Wednesday, November 25, 2009, at Sellersburg Town Hall, 316 East Utica Street, Sellersburg, Clark County, Indiana. Notice is further hereby given that the Annexation Ordinance proposes to annex an approximately 1852-acre tract in the unincorporated territory of Clark County, Indiana, to the municipal boundaries of the Town of Sellersburg (the "Annexation Area") which Annexation Area is more particularly described as follows, to-wit:

DESCRIPTION OF THE TOWN OF SELLERSBURG, INDIANA 2008 ANNEXATION AREA

A part of Surveys No. 129, No. 147, No. 165, and No. 182 of the Illinois Grant in Clark County, Indiana, beginning at a point in the existing boundaries of the Town, which is in the northerly right-of-way line of St. Joe Road East, which point is in the line with the easterly right-of-way line of Dreyer Lane if it were extended northerly. Thence, including the assignment of the following courses of the boundary of the Annexation Area (the "Fiscal Plan") was passed on September 21, 2009, and (iii) the map showing both the current municipal boundaries of the Town of Sellersburg and the proposed boundaries subsequent to the proposed annexation, are on file and may be inspected and/or copied during regular business hours in the office of the Sellersburg Clerk-Treasurer, Sellersburg Town Hall, 316 East Utica Street, Sellersburg, IN 47172, during regular business hours. The Town will also provide a copy of the Fiscal Plan without charge to any landowner within the Annexation Area who requests a copy. Notice is further hereby given that all interested parties shall have the opportunity to testify at the above-described public hearing regarding the proposed Annexation Ordinance, including with

**STATE OF INDIANA
COUNTY OF CLARK - SS**

Melissa Tolnay On oath says that she is the bookkeeper of The Evening News and in the employ of the publisher of

THE EVENING NEWS,

a daily newspaper of general circulation printed and published in the city of Jeffersonville, Clark County, State of Indiana, and further says that the annexed advertisement was published in said paper for #() time(s) to-wit: In issue of said The Evening News dated: September 25, 2009.

(X) Melissa Tolnay

**STATE OF INDIANA
COUNTY OF CLARK**

subscribed and sworn to before me this 29TH day of September, 2009.

(X) Joann Galligan
JOANN GALLIGAN

Notary Public, Clark County, Indiana
(My Commission Expires August 27, 2014.)

Publication
Fee \$ 216.60
06521949

SELLERSBURG TOWN COUNCIL MEETING

December 14, 2009

These minutes are not intended to be a verbatim transcript.

TOWN COUNCIL MEETING:

The Sellersburg Town Council met on December 14, 2009 at the Sellersburg Town Hall. Present were Council President Brian K. Meyer, Council Vice-President Paul J. Rhodes, Council Member Terry E. Langford, Council Member James H. LaMaster, Council Member Michael N. Lockhart, Town Attorney William P. McCall, III and Clerk-Treasurer David L. Kinder.

CALL TO ORDER:

President Brian K. Meyer called the meeting to order at 7:00 p.m.

PRAYER: Reverend Bob Hauselman, Restoration Christian Church led everyone in prayer.

PLEDGE OF ALLEGIANCE:

By all present.

JAMES H. LAMASTER makes a motion to approve the minutes of the November 23, 2009, Town Council Meeting, the November 25, 2009 Special Council Meeting (Public hearing regarding annexation) and the claims as submitted by the Clerk-Treasurer, seconded by Terry E. Langford. 5-aye, 0-nay.

PRESIDENT MEYER presents **ORDINANCE NO. 2009-024, ORDINANCE FOR THE TRANSFER OF APPROPRIATIONS REGARDING THE TOWN OF SELLERSBURG GENERAL, CUMULATIVE CAPITAL DEVELOPMENT, PARKS AND RECREATION AND SELLERSBURG/NOLAN FIELDHOUSE FUNDS.**

MICHAEL N. LOCKHART makes a motion to consider Ordinance 2009-024 on the first reading, seconded by Paul J. Rhodes. 5-aye, 0-nay, motion is approved.

MICHAEL N. LOCKHART makes a motion to approve Ordinance 2009-024 on the first reading, seconded by Paul J. Rhodes. 5-aye, 0-nay, motion is approved.

D. J. HINES address the Council requesting sewer taps Kenneth E. and Jennifer L. Alexander two (2) taps and William L. and Patricia Alexander one (1) tap.

PAUL J. RHODES makes a motion to approve the sewer taps as requested, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion is approved.

BRIDGET REDMON, representing ISU Insurance & Investment Group presents Group Dental renewal for Town employees.

MICHAEL N. LOCKHART makes a motion to renew the Dental renewal as presented, seconded by Terry E. Langford. 5-aye, 0-nay, motion is approved.

Sellersburg Town Council Meeting
December 14, 2009
Page 2 of 2 pages


PRESIDENT MEYER presents request for Utility Hardship in accordance with Ordinance 93-554, Article 6. Miscellaneous Regulations, as requested by Public Works Director Kenneth J. Alexander.

MICHAEL N. LOCKHART makes a motion to approve the Utility Hardship Case payment plan as submitted by the Public Works Director, seconded by Paul J. Rhodes. 5-aye, 0-nay, motion is approved.

WILLIAM P. McCALL, Town Attorney, presents easement for dedicated sewer easement for Theodore Graf, Juanita Popp and Virginia Townsend.

PAUL J. RHODES makes a motion to approve exclusive easement, as written, for sanitary sewer easement for Theodore Graf, Juanita Popp and Virginia Townsend, seconded by James H. LaMaster. 5-aye, 0-nay, motion is approved.

TERRY E. LANGFORD makes a motion to adjourn the meeting, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion is approved and meeting adjourned at 7:47 P.M.



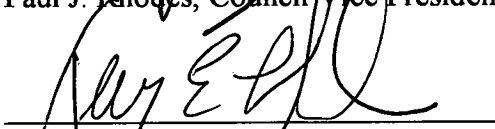
Brian K. Meyer, Council President



Paul J. Rhodes, Council Vice President



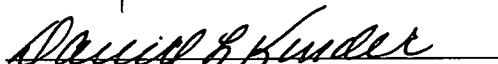
James H. LaMaster, Council Member



Terry E. Langford, Council Member



Michael N. Lockhart, Council Member



ATTEST: David L. Kinder
Clark-Treasurer

SELLERSBURG TOWN COUNCIL MEETING

December 28, 2009

These minutes are not intended to be a verbatim transcript.

TOWN COUNCIL MEETING:

The Sellersburg Town Council met on December 28, 2009 at the Sellersburg Town Hall. Present were Council President Brian K. Meyer, Council Vice-President Paul J. Rhodes, Council Member Terry E. Langford, Council Member James H. LaMaster, Council Member Michael N. Lockhart, Town Attorney William P. McCall, III and Clerk-Treasurer David L. Kinder.

CALL TO ORDER:

President Brian K. Meyer called the meeting to order at 7:00 p.m.

PRAYER: Paul R. Rhodes led the prayer.

PLEDGE OF ALLEGIANCE:

By all present.

TERRY E. LANGFORD makes a motion to approve the minutes of the December 14, 2009 Town Council Meeting seconded by James H. LaMaster. 5-aye, 0-nay, motion approved.

PRESIDENT MEYER presents **ORDINANCE NO. 2008-017, ORDINANCE ANNEXING CERTAIN REAL ESTATE INTO THE TOWN OF SELLERSBURG, INDIANA** for second reading.

PAUL R. RHODES makes a motion to approve Ordinance 2008-017 on second reading, seconded by James H. LaMaster.

PRESIDENT MEYER opens discussion of Ordinance 2008-017 to the public.

BILL WEBER, 1708 Allentown Road, speaks against the annexation as people do not want it.

MARK CRUM, 1221 St. Joe Road East, speaks against the annexation as he hunts on his property and it has always been farm land and he is just opposed to being annexed.

BOB LEWIS, 2215 Perry Crossing Road, speaks against annexation as he hunts on his farm, his septic tanks are good and he has good roads so there is no need for annexation.

MIKE GILLENWATER, 2504 Allentown Road, states he sent each Council member a letter but received no response. He requests that now we can use our property as we want to use it. He can shoot or do what ever. He further requests gravity sewers along Allentown Road and that the Town provides sidewalks and bike trails if they are annexed.

PRESIDENT MEYER calls for a roll call vote on the motion. James H. LaMaster, aye; Terry E. Langford, aye; Brian Meyer, aye; Paul J. Rhodes, aye and Michel N. Lockhart, aye. 5-aye, 0-nay, motion is approved.

TERRY E. LANGFORD makes a motion to consider **ORDINANCE NO. 2009-023, AN ORDINANCE REGARDING PROCEDURES OF THE TOWN COUNCIL**, on the first reading, seconded by James H. LaMaster. 5-aye, 0-nay, motion is approved.

JAMES H. LaMASTER makes a motion to approve **Ordinance No. 2009-023** on first reading, seconded by Terry E. Langford. 5-aye, 0-nay, motion is approved.

JAMES H. LaMASTER makes a motion to consider **ORDINANCE NO. 2009-028, AN ORDINANCE ESTABLISHING A RETIREES INSURANCE FUND FOR RETIRED EMPLOYEES OF THE TOWN OF SELLERSBURG** on the first reading, seconded by Terry E. Langford. 5-aye, 0-nay, motion approved.

MICHAEL N. LOCKHART makes a motion to approve **Ordinance No. 2009-028** on the first reading, seconded by Terry E. Langford. 5-aye, 0-nay, motion approved.

JAMES H. LaMASTER makes a motion to consider **ORDINANCE No. 2009-029, AN ORDINANCE FOR THE TRANSFER OF FUNDS REGARDING THE TOWN OF SELLERSBURG RETIREE'S INSURANCE FUND** on the first reading, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

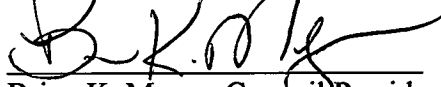
JAMES H. LaMASTER makes a motion to approve **Ordinance No. 2009-029** on the first reading, seconded by Michael N. Lockhart. 5-aye, 0-nay, motion approved.

WILLIAM P. McCALL, III, Town Attorney, introduces **ORDINANCE 2009-030, AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF PROPERTY WITHIN THE BOUNDARIES OF THE TOWN OF SELLERSBURG, INDIANA.**

MICHAEL N. LOCKHART makes a motion to approve **Ordinance No. 2009-030** on the first reading, seconded by James H. LaMaster. 5-aye, 0-nay, motion is approved.

PAUL J. RHODES makes a motion to approve payment to Gregory and Danielle Chancey for storm water repairs to their property in the amount of one thousand thirty-six and 89/100 dollars (\$1,036.89), seconded by Michael N. Lockhart. 5-aye, 0-nay, motion is approved.


MICHAEL N. LOCKHART makes a motion to adjourn the meeting, seconded by James H. LaMaster. 5-aye, 0-nay, motion is approved and meeting adjourned at 7:36 P.M.



Brian K. Meyer, Council President



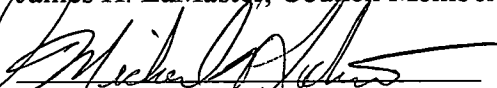
Paul J. Rhodes, Council Vice President



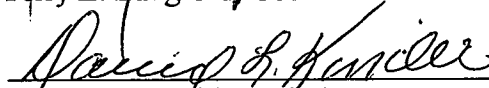
James H. LaMaster, Council Member



Terry E. Langford, Council Member



Michael N. Lockhart, Council Member



ATTEST: David L. Kinder
Clark-Treasurer

SELLERSBURG TOWN COUNCIL

August 23, 1999

Public Hearing
Regular Meeting

A Public Hearing and 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 President; Doug Eddings, Council Vice-President; William Voyles, Council Member; Gary Fenner, Council Member; Kenneth Alexander, Council Member; William P. McCall, Town Attorney; with Linda G. Schafer being present for the Public Hearing and being absent for the Regular Meeting.

Called To Order

President Broady called the Public Hearing to order at 6:30 p.m.

Prayer

The prayer was offered up by Rev. Bob Hauselman.

Pledge

The Pledge of Allegiance to the flag was recited.

PRESIDENT BROADY CALLED THE PUBLIC HEARING MEETING TO ORDER.

I'll call the Public Hearing Meeting to order, concerning the 19 or the 2000 Budget. And as I said this is a Public Hearing concerning the 2000 Budget. We need to read the totals on the budget I think, Linda please.

Clerk Treasurer Schafer stated I'll let Kenny do it.

President Broady stated ok.

Clerk Treasurer Schafer stated start off at the top.

Council Member Alexander stated total budget estimated for the incoming year. One million six hundred five thousand eight hundred and twenty. This is the General Fund, do you want me to read everything?

President Broady stated no.

Council Member Alexander stated or do you just want to go with the tax rate?

President Broady stated read just a little in the tax rate the top line would give you the amount right.

Council Member Alexander stated this is for the General Budget, total budget estimate is 1605820.00. The net tax rate on that is 3.2901. The LRS Fund which has no tax rate has a total budget estimate incoming year of 107000.00. The Motor Vehicle Highway which has no tax rate total budget estimate for the incoming year is 211700.00. The Parks Department total budget estimated for the incoming year is 88252.00 with a tax rate of .1570, the CCD which has no tax rate total budget estimate for the incoming year is 98000.00, the CCD total budget estimate for the incoming year is 75700.00 with the tax rate of .12, and the Police Pension total budget estimate for the incoming year is 62888.00 with a tax rate of .067 which gives us a total tax rate of...

SELLERSBURG TOWN COUNCIL

Public Hearing

Aug. 23, 1999

Page 2.

PRESIDENT BROADY CALLED THE PUBLIC HEARING MEETING TO ORDER.

Clerk Treasurer stated 3.636 rounding it off, that is going in, I used last years assessed evaluation when I did calculate I thought that would be the safe thing to do. The tax rate at the time they adjusted the assessed evaluation and run out the estimated revenues that I sort of underestimated that should bring the budget in line. I did have a brief meeting with the Tax Commissioner, Denny Shroud and he said perfect leave it alone.

President Broady stated basically we left almost all same other than the raises, we raised 3% we left alot of item except some of the ones we had to raise like the electric bills and things like that, that we new were going up.

Clerk Treasurer Schafer stated yeah, the street lights because of the newly annex. area, I had to raise that up and this coming year is leap year which the salary ordinance calculated on a weekly salary based on 52 weeks that your actual budget because its a weekly pay so there are differences there that I had to adjust for the new Clerk Treasurer coming in I had to estimate the worst scenario that the budget would be that way everything would be covered, in the year 2000 no matter what happens.

President Broady stated ok, is there any comments from the floor? And comments from the floor? Any comments from the board at this point?

Clerk Treasurer Schafer stated I would request, I'm not going to ask Perry would it be possible that the Town Council to consider this in the first reading tonight that way if something happens emergency one of the Council Members on the adoption of the hearing September 13th it will only take three to be able to pass it.

President Broady stated right, ok, I will have to handle that at a Regular Meeting won't it?

Clerk Treasurer Schafer stated no, you'll have to consider it is what I requested.

President Broady stated yeah, but I mean can I do that at a Public Hearing Meeting?

Attorney McCall stated Yes, this is what this is for.

President Broady stated ok, alright.

Clerk Treasurer Schafer stated I've only done an additional appropriation only one in the almost eight year's I've been here. And would hate for the new Clerk Treasurer know matter which one it is, I know its not going to be me. But I would hate for them to have to go in for a few million dollars worth of appropriation. Does that say two thousand, yeah and then will give it a number, Cindy.

Chief Deputy Shelton stated 99-722.

Clerk Treasurer Schafer stated 722, 99-722.

President Broady stated do I need to put...

Clerk Treasurer Schafer stated just write it on the top.

President Broady stated 99-722, ok I'll entertain a motion to consider on the first reading ordinance number 99-722 concerning the budget estimate for the Town Of Sellersburg for the year 2000.

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PRESIDENT BROADY CALLED THE PUBLIC HEARING MEETING TO ORDER.

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

President Broady stated I've got a motion on the floor, do I have a second?

Council Member Voyles stated I second.

President Broady stated and duly second, is there any discussion?

Council Member Fenner stated I have one thing I wanted to, you know it's not a big change at all, and I don't know Linda under the CCD the Cumulative Capital Development last year we had a line item in there for the pool I forget the exact figure I've got it here somewhere but yeah, for the pool repair this year there's nothing in there for the pool.

Clerk Treasurer Schafer stated it's probably in CCD then.

Council Member Fenner stated that's what I'm looking at its not there.

Clerk Treasurer Schafer stated then it's in CCI. You can only squeeze so much blood out of one turnip, I had to do that.

Council Member Fenner stated here's my question you know we put alot of money into sidewalks in the hole budget. We've only got a 100.00 in storm drains what I was wondering is can we put a hundred dollars in pool just to get the pool in there so that in the event that its needed and its not used somewhere else it can be transferred around.

Clerk Treasurer Schafer stated is there a line item there you can adopt the budget and the New Council can like they want to do on the other create a line item reduce one an creating the other. You can't put it in there and one say, I wish I had more of a notice.

Council Member Fenner stated I mean we can make that change right now before we vote on it.

Clerk Treasurer Schafer stated you can't make the change right now.

Council Member Fenner stated because it's been published this way.

Clerk Treasurer Schafer stated you can transfer around if theres something in maybe CCI, amount there maybe storm drain you can do a transfer of appropriation ordinance transferring whatever into that category.

President Broady stated we can come back an do something maybe later, is that what I'm hearing.

Council Member Fenner stated the New Council if they desire sometime during the year go through the process.

President Broady stated ok.

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PRESIDNET BROADY CALLED THE PUBLIC HEARING MEETING TO ORDER.

Clerk Treasurer Schafer stated line item in by resolution, reducing...

Council Member Fenner stated Perry because it's been published we can't make any changes at all tonight?

Attorney McCall stated good question, what I believe is and Linda can tell me if I'm wrong she may know better she's in the accounting part of it. But because your considering the budget in close view and it is written and you don't agree with an item in the budget I would imagine you could amend it or change that item. And since we're doing it not on the first reading to be approve. I mean she said if there's any problem in the first reading we can do it later on. I don't know why if there's a change now. You couldn't make that change or suggest they change that account.

Council Member Fenner stated it can be changed later on. I mean in antoher administrative.

Clerk Treasurer Schafer stated and they may not want to change it. I was told for seventy-five thousand dollars in sidewalks they need the program and that's what I did I had no other input from anyone else in that budget. So you know if it's not correct its not my fault.

Council Member Fenner stated CCI 1000.00.

Clerk Treasurer Schafer stated what else is in CCI. Well I mean he probably...

Council Member Alexander stated Police Autos.

Council Member Fenner stated Police Autos well I mean there...

Clerk Treasurer Schafer stated well I mean he probably could care less.

Council Member Fenner stated ok, here we go we've got some money over here. Ok my only concern was, last year we had a substancial amount in both of those funds for the pool.

Clerk Treasurer Schafer stated when you get your own budget I assume that, that is what you need so anything extra I thought they would, plus for the Park Department.

Council Member Fenner stated and my concern was 30 year old pool next year would be 31 year's old and it's require lots of tinkering and maintenance and some...

Clerk Treasurer Schafer stated it has 5,000 in pool repair and maintenance there's 7,700.00 in storm drains we wouldbe able to transfer that.

Council Member Fenner stated ok, alright that's good enough, good enough.

Clerk Treasurer Schafer stated ok, if the council wanted to.

President Broady stated ok, I have a motion on the floor and I think I have a duly second is there any further discussion? If not all those in favor signify by saying I, oppose nay, I's have it. Vote 5-0

Attorney McCall stated the second reading next week.

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PRESIDENT BROADY CALLED THE PUBLIC HEARING MEETING TO ORDER.

President Broady stated yeah, we'll go ahead and do the second reading next week.

Clerk Treasurer Schafer stated September 13th is the next, the adoption.

President Broady stated ok, if there be know further adoption business will go ahead and close the Public Hearing at 6:45 and open the normal meeting at 6:45.

PRESIDENT BROADY CLOSED THE PUBLIC HEARING MEETING AT 6:45 P.M.

PRESIDENT BROADY CALLED THE REGULAR MEETING TO ORDER.

President Broady stated ok, the first thing on the adenda tonight is the minutes August 9th had them in you box and I hope you've had a chance to review them. So I'll entertain a motion to approve the minutes for August the 9th as presented.

Council Member Alexander stated I'll make that motion.

President Broady stated got a motion on the floor do I have a second?

Vice-President Eddings stated second.

President Broady stated and duly second, any discussion? If not all those in favor signify by saying I, oppose nay, I's have it. Vote 5-0
Ok, next on the agenda is Mr. Bonniville with Montgomery Insurance.

PRESIDENT BROADY ADDRESSES THE COUNCIL MEMBERS CONCERNING THE TOWN'S INSURANCE.

President Broady stated do you have any comments Earl. Ok, and pardon, does the board have any further question with the Insurance that was presented. Bill...

Council Member Voyles stated I don't.

President Broady stated Gary, ok Mike, Hinton and Corby Insurance you're here to represent your insurance. Do you have any comment's at this time. Does the board have any question with Mike? Ok, I'll bring the book and get this out of my hands. Ok, we've got two presentation for insurance for the town and hopefully everbody reviewed them, and had a chance to go over them and compair them. At this time do we have any question on the board and if not I'll entertain a motion to approve on way or the other.

Council Member Fenner stated I had a couple of question's last week and I talked with both Earl and Mike about them. There seem's to be a little bit of a difference in the upper limit's of the amount of coverage.

President Broady stated uh-uh.

Council Member Fenner stated between the two and so Mike has come back with a change in those coverages to raise them up to a fairly same amount. So if we go with the increased coverage we, Mike, was it 1314 additional total premium?

Mr. Whalen stated yes.

Council Member Fenner stated so, I think that we need to consider that figure. You know, I don't want to see us go down.

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PRESIDENT BROADY ADDRESSES THE COUNCIL MEMBERS CONCERNING THE TOWN'S INSURANCE.

President Broady stated comparing apples to apples.

Council Member Fenner stated yes, and I don't want to see us lower in coverage, any at all, so that way they would be comparable and also we would maintain the same amount of coverage.

President Broady stated ok, do you have a report, do you have a difference in.

Council Member Fenner stated I haven't, but I will.

President Broady stated 12990.00, ok, any other comment on the insurance? If not, I'll still entertain a motion to approve or disapprove whatever you want to do with the insurance.

Council Member Fenner stated I would say that we're in an indubitable position because we got representatives reputable companies and two good agents and of them have served the town in the past. I think both of them have done outstanding in the past and, but I think there's a large enough difference that I think we have to pay attention to that. It's not a position I don't think anyone of us want to be in but we're intrusted of doing what is right for the town. So I mean, I make a motion that we accept the lower bid.

President Broady stated ok, with that being with the Hinton and Corby Insurance Agency and, where was I, I forgot.

Council Member Fenner stated Alliance.

Council Member Voyles stated Alliance.

President Broady stated ok, I've got a motion on the floor, do I have a second?

Council Member Voyles stated I'll second it.

President Broady stated and duly seconded, any discussion? And I too would like to say, I know them both, they are both friends of mine. Under the circumstances, in a situation like this, I don't know of any other fair way that we can do it as a board and have to look at it this way. With that being said, any other discussion? If not, all those in favor signify by saying I, opposed nay, I's have it. Vote 5-0 And I think our insurance ran out on the 15th, I believe.

Council Member Fenner stated that was the renewal date.

Mr. Bonniville stated you were...

President Broady stated ok, you were going to send me...

Mr. Bonniville stated whatever day you were going to write the changes, whatever day you were going to write the actual changes.

President Broady stated ok, we might as well make it effective as of today. Is that correct Mike?

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PRESIDENT BROADY ADDRESSES THE COUNCIL MEMBERS CONCERNING THE TOWN'S INSURANCE.

Mr. Whalen stated we can back date it if there is no known loss, then we can go back and...

President Broady stated I mean, does it mess you up if we cancel as of the 15th, so you are going to send us a bill as of tomorrow?

Mr. Bonniville stated yes.

President Broady stated I mean, I don't know what else we can do.

Mr. Whalen stated you want me to make it effective as of tomorrow, is that correct?

President Broady stated yes, make it effective tomorrow.

Council Member Fenner stated I would like to thank Earl for the service he has given to us. And we appreciate it and I'm sorry that we had to do what we had to do.

President Broady stated it has been many years that the town has bid out the insurance and I think that it's good for the community and I think it's good for, well good for the winner and not so good for the loser, I guess sometimes. But still yet, I hope it continues to be that way and alot better. Ok, with that being all of that subject, Mr. Stan Richard for Jesse, is either one here?

Attorney Perry stated no, I talked to Stan last week and he said he would try to touch base with each council member regarding the revitalization area 1. There has been no information directly from INDOT that he has received from the railroad. But he has been in contact with the gentleman from CSX and he has proposed that we sit up a meeting with myself and the town representative and Mr. Richards sometime in mid-September when he gets back and then on these tax abatements, he's going to re-submit information to the town council. He has talked about approaching in the future about how it is submitted prior to the construction. He also talked about the time issue. So he will be here at the next meeting to do so.

Council Member Fenner stated Perry, have we found out about the railroad crossing that is right down the road from...

Attorney McCall stated I haven't found out anything about it. I got a call from them, I mean from INDOT about the towns petition and Charles Chucks, I think that's it. And I called him back and left a message for Charles whatever that is and will discuss that with him also how that came about in the meantime.

President Broady stated they were at the last Planning and Zoning Meeting and requested a zone change from agricultural to industrial which would fit into the rest of the area around there. The Zoning Board approved that change, as far as the crossing that we have obviously nothing to do with it. They have completely handled it by themselves.

Attorney McCall stated and I would assume it would be similar to what Jesse had done on Bean Road and...

President Broady stated they can go and fight that out with the railroad and pay the price, I don't know if, at the time they changed it, they are not sure exactly what they are

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PRESIDENT BROADY ADDRESSES THE COUNCIL MEMBERS CONCERNING THE REVITALIZATION AREA.

going to put in there yet, but it would fall under industrial, which could be warehousing or etc. Also at the Planning and Zoning the other night we changed the Zoning from a R, from a R-2, I...

Council Member Voyles stated R-1 to an R-3.

President Broady stated yeah, and I think he is here tonight to talk about that. I'll put him on the agenda here in a minute. Ok, is that all you have from Mr. Richards?

Attorney McCall stated yeah, just to let you know they will be back.

President Broady stated Linnie Lane.

LINNIE LANE ADDRESSES THE COUNCIL MEMBERS CONCERNING HER WATER BILL.

Ms. Lane stated what am I supposed to do?

President Broady stated come right up here and tell us what...

Ms. Lane stated I was under the impression that I was supposed to talk to a Tom.

President Broady stated Tim.

Council Member Voyles stated Tim.

Ms. Lane stated Tom, well anyway, while I was gone on vacation, when I came back I received this waterbill and I about had a stroke.

President Broady stated 234.44, ok.

Ms. Lane stated and they said to bring my other bills. Because my bill in only like 24.00 at tops. I had no leaks or whatever and I bought my plane ticket to show you that I was out-of-town for a week.

President Broady stated that's all right.

Ms. Lane stated that's what they told me.

Council Member Fenner stated you could have took us with you.

Ms. Lane stated I should have told you all I was going to be gone so you could shut me off or something. I thought oh my God.

President Broady stated it kind of takes away your vacation plans for next year.

Ms. Lane stated yeah, it sure did, yeah.

President Broady stated ok, seen how I new she was on the agenda, talked to Tim today and he has no explanation what so ever, they went out two or three time's and read the readings. The best they can tell the readings are correct, there is no leaks and the water usage is back to normal it's just one of those things, I mean I don't know.

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LINNIE LANE ADDRESSES THE COUNCIL MEMBERS CONCERNING HER WATER BILL.

Tim do you have any comment further on this?

Mr. Crawford stated no, other than what you and I spoke about earlier today the only explanation is to pull the existing meter there, there's a history of a bad meter in the past, and replace it with a new meter and send it out to be tested, other than that just like I told you the numbers are what the numbers are. I have no other explanation.

President Broady stated you know I thought maybe somebody went over and helped themselves with the garden hose and left it on and if they did they were awful smart and went back over and turned it off.

Mr. Crawford stated I will make the comment that she would average 1.5 to 1.8th, 1500 to 1800 gallons a month average she right back on that line now. And its just that one period that it comes up that high.

Ms. Lane stated are you sure you didn't have your pool filled?

Council Member Alexander stated yeah really.

Council Member Fenner stated I asked if your grass was really green?

Ms. Lane stated no not really.

Council Member Fenner stated you want a motion?

President Broady stated yeah, I think I'd better entertain a motion on this.

Council Member Fenner stated I make a motion that we adjust the bill, both water and sewer to reflect a twelve month average.

President Broady stated ok, I got a motion on the floor, do I have a second?

Council Member Voyles stated I second.

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 5-0 Tim will you do so then and also follow-up with changing a meter on that?

Mr. Crawford stated I'll do it tomorrow.

President Broady stated you'll do it tomorrow.

Ms. Lane stated Thank You very much.

President Broady stated ok, Mr. Adkins.

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MR. ADKINS ADDRESSES THE COUNCIL MEMBERS CONCERNING A ZONING CHANGE.

Mr. Adkins stated yes sir.

President Broady stated Mr. Adkins was at the Planning and Zoning meeting, the last two or three times as a matter of fact, trying to get a zoning change from R-1 to R-3 which to build a 4-plex. Ok, and this is what we did give him permission. He bought plans and we gave him permission to build a 4-plex provided he met state requirements and all the other requirements as required by the laws. So it would be the recommendation that the board does approve that building change. Is that by ordinance, Perry?

Attorney McCall stated I'm sorry.

President Broady stated the zoning change like that, is that by ordinance?

Attorney McCall stated yes.

Mr. Adkins stated I have an ordinance, and I wrote it down as best I could from the example that...

President Broady stated ok, do you have that with you?

Mr. Adkins stated I gave that to, what is his name? Boz.

President Broady stated Boz, ok.

Mr. Adkins stated I gave that to him six weeks ago, he should be turning it in. But I will follow up on it to make sure that it does get done. I don't want to get caught like I did before.

President Broady stated ok.

Council Member Alexander stated I'd like to make a few comments on it. The only thing on the building that is purposed it we passed a zoning ordinance, two or three years ago that dealt with modular homes coming in box size. And he is putting it in exactly in like that. It's 32x50.

Mr. Adkins stated 34x52.

Council Member Alexander stated 34x52, something like that. It's against the ordinance.

President Broady stated well, it's against the ordinance for modular homes.

Council Member Alexander stated no, we couldn't be specific against modular homes because we would be discriminating against whatever, the ordinance had to reflect all building to where the front door faced the road.

President Broady stated ok, well I had Boz research it.

Mr. Adkins stated I had, I have, a our discussion the other day or last Tuesday, I went back, and put side doors on it so it would have doors on the front.

Council Member Alexander the idea was so that the neighborhoods would look beautiful.

MR. ADKINS ADDRESSES THE COUNCIL MEMBERS CONCERNING A ZONING CHANGE.

Council Member Voyles the doors will be in the front of it?

Mr. Adkins stated there will be three doors on it actually.

Council Member Voyles three.

Mr. Adkins stated there will be one, two, three, four, five. There will be five, one on t side that you go up stairs to and one on each end upstairs and downstairs.

Council Member Fenner stated I just have one question, where are you talking about?

President Broady stated Fern Street.

Mr. Adkins stated right next to the property I have there.

Council Member Fenner stated where is your property at on Fern?

Council Member stated South Fern.

Council Member Fenner stated the Planning and Zoning has not brought us up to speed on this.

Mr. Adkins stated ok, sorry.

Council Member Fenner stated on North Fern, South Fern?

Mr. Adkins stated South Fern, I've got a duplex on the property now and will...

Council Member Fenner stated on that property, are you going to take that one down?

Mr. Adkins stated no, I'm just adding beside it.

Council Member Fenner stated and you're going to go from a duplex to four.

Mr. Adkins stated yes.

Council Member Fenner stated so you went from an R-1, past R-2, all the way to an R-3 in R 2 allows a duplex right, and R-3 allows four.

Mr. Adkins stated actually it allows all the way to mutiple.

Vice-President Eddings stated but we only granted a four plex there.

Council Member Fenner stated ok.

President Broady stated he's got a duplex right here and he's got to get it approved by the state.

Mr. Adkins stated and I've already got the foundation plans approved. They have been approved.

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Council Member Alexander stated the thing is, in the R-3, how many square feet is the property?

Mr. Adkins stated it's 100x150, so it would be 15,000.

Council Member Alexander stated 100, you're making where the duplex is part of this structure? Part of the R-3?

Mr. Adkins stated yes.

Council Member Alexander stated you're making all of the R-3? See if it was for the most part you couldn't do it because of the 1000 square feet, or let's see the minumn open space between buildings is 20 feet deep.

President Broady stated the open space between buildings.

Mr. Adkins stated it is only 10 feet.

Council Member Alexander stated no, 20 feet, you're dealing with R-3, you're not dealing with, when you deal with multi-family, is a whole different animal that doing the R-2 which fits into the regular, looks like a house and so forth and so on. R-3 is a totally different animal.

Mr. Adkins stated all those other 4-plexes that are up in the same area are...

Council Member Alexander stated there is no other 4-plex, the only other 4-plex up there is an 8 plex that is, we talked about that area on several occasions and most of us had said that R-2 was the most that we would put there. We would never put on R-3. But I mean an R-3 is a different animal. You could sell the property tomorrow and even though we're saying we're doing a 4-plex, by law, if its an R-3 property he can put in whatever he wants as long as he fits our code. The other thing is, is there is a fire code that there is a door and a window on the same part.

Mr. Adkins stated it'll meet the fire code.

Council Member Alexander stated no it won't.

Mr. Adkins stated it always has to go to the state.

Council Member Alexander stated right.

Mr. Adkins stated and...

Council Member Alexander stated I'm just telling you what the cose is, the code says if there is an opening here and there is a opening here on the side of the building you can't have it, it has to be 20 feet. And you would never make 20 feet. I'm just, is that right Mark? Is that the code?

Mr. Ball stated say that again.

Council Member Alexander stated is it 20 feet space between openings of a building.

Mr. Ball stated I don't know right off hand, but he's got to submit these plans up to the state anyway.

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Council Member Alexander stated but I'm saying is that the code at the local level that's what we're supposed to do, we're supposed to look at these things and make sure that the stated doesn't over look them.

Mr. Ball stated I didn't know your job was enforcing the fire code.

Council Member Alexander stated no, our job is everything, safety, we're supposed to look at these plans, make sure that, if we know something isn't going to pass there that we don't let the state overlook it. I'm assuming that's our job, maybe it's not. I mean there is just alot of things, I know it's 8000 square feet, minimum lot area.

President Broady stated the building inspector was there at those meetings and he went over those plans and assured us that everything matched our ordinances.

Council Member Alexander stated how did he miss the 1000 or I mean the minimum space between buildings.

President Broady stated I don't know.

Council Member Alexander stated I mean it's right here, it's ordinance number 374, minimum open space between buildings is 20 feet and that's only going to be 10.

President Broady stated if Boz was here we would ask him, I don't know.

Mr. Ball stated I don't know either, about as deep as I got into is when the meeting was for the zoning change, that's about as deep as I got into it.

Council Member Alexander reads as follows:

Sec. 10-22 Intensity of Use Specifications.

(a) Single-Family Dwelling and Two-Family Dwelling in all permissible Districts (R1, R2, LB, and GC):

(1) Minimum lot area - 8,000 square feet.

(2) Minimum lot width

(i) In R1 District - Sixty-five (65) feet.

(ii) In all other permissible Districts - Fifty (50) feet.

(b) Multi-Family Dwelling in all permissible Districts (R2, LB, and GC):

(1) Minimum apartment tract area

plus (i) 8,000 square feet for first four (4) dwelling units per building,

(ii) 1,000 square feet for each additional dwelling unit per building.

(2) Minimum open space between buildings - Twenty-two (22) feet. (Ord. No. 374, Art. IV, Sec. 4, 4-19-83)

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Mr. Ball stated sounds pretty plain to me.

Council Member Alexander stated I mean it's, you know...

Attorney McCall stated where did you get this?

Council Member Alexander stated that's in 83.

Attorney McCall stated we changed it.

Council Member Alexander stated not.

Attorney McCall stated we did the whole change in the building code.

Council Member Alexander stated we just had a change, this is the updated one. This is the updated book.

Attorney McCall stated no, it doesn't have it in there then, because we changed it. I'll have to look. We've got that separate book that it didn't make it in.

President Broady stated that's a green...

Council Member Alexander stated no, that's when this ordinance was passed, we didn't have to change every ordinance, we adopted a whole of ordinances. I know the one where the buildings have to face the front is a new ordinance that was a...

Attorney McCall stated John Toombs was instrumental in helping put together and it hasn't been that long ago that is was put together, which has been...

Council Member Fenner stated and he's has kept up with the annual; when they send out the annual update.

Attorney McCall stated I don't think that, that would have, what I'm thinking is that new building code that we passed was for zoning and changes didn't make it into the book in time. Because it was that thick and I don't think that it made it.

Council Member Alexander stated this is the one that we got after the, I got this in 96.

President Broady stated the book.

Attorney McCall stated the book, yeah I understand the book.

Council Member Alexander stated and this was all updated from the master plan wasn't it?

Attorney McCall stated I think we need to look at it.

Council Member Alexander stated there were just a lot of questions that.

Attorney McCall stated you don't have an ordinance in front of you tonight to pass.

Mr. Adkins stated he was supposed to have presented that ordinance to you folks. I get caught in a catch-22 here and I'm trying my best to spend money in the town and create rental units and tax rebates. I'm not fussing at anybody but every time I turn around

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somebody is telling me something else that I have to do and I would just like to know it all at one time. If there are people, you know, I mean, that ordinance should have been here.

Attorney McCall stated I don't know anything about the ordinance that you're talking about.

Mr. Adkins stated because if I don't get this approved today, here I am backed up again, I've got people ready to go to work.

Attorney McCall stated I understand, I don't, this gentleman sitting here, he is going to present an ordinance here today for a zoning change also and he put it together. I haven't seen the ordinance, or I haven't seen the request. I know when Dave first came to me and asked me about this particular situation, can we consider, I looked at the updated code and said yes.

Mr. Adkins stated let me look for this ordinance.

Council Member Fenner stated today is the first day that I've heard, first mention of this that I've heard. There seems to be some confusion and I really believe we need to table it. I'm not going to vote for something that I haven't seen.

Mr. Adkins stated that you haven't seen.

Council Member Fenner stated sure.

Mr. Adkins stated what else do you need to see?

Council Member Fenner stated well there seems to be a lot of confusion about our own codes.

Mr. Ball stated the attorney just told that he researched it and that it was up to code.

Attorney McCall stated the one issue. The one issue that I was asked to look at. Which was if we do approve...that we could regulate that.

Council Member Alexander stated we could regulate that?

Attorney McCall stated yeah, it's just a zoning change.

Council Member Alexander stated even if it's restricted on the deed then..

Attorney McCall stated yeah.

Council Member Alexander stated I mean you are actually recording a restriction on the deed that says...

Attorney McCall stated that it is restricted to R-3, 4-plex.

President Broady stated that is the exact words that would be put.

Council Member Alexander stated it is recorded.

President Broady stated and Boz is going to write a letter, I think...

Attorney McCall stated I think Ken that you're looking, you need to look at real quick, I think that you're looking off the old building code. That new code didn't make it in there, with all the zoning changes which are that thick and I know its not in there.

Mr. Ball stated that doesn't seem like it's the book that we've got.

Attorney McCall stated no, it's not.

Mr. Ball stated I was going to say, I've got a call into Boz, and we'll see what he comes up with on the ordinacne.

Attorney McCall stated my suggestion is, even thought it's not that palpable to do that for the person submitting it, if you have any questions about it, and it's not on the agenda tonight either. And again, I'm not blaming anybody for that either, I'm just saying that it's something that I did not write.

President Broady stated the agenda was full, I think.

Council Member Fenner stated I've made the request several times that there be a little bit more communication between the different boards and the council. And to give us a little bit of notice of when we are going to have to vote on something so that we can look into it. Like I said, I just worry about passing something and we don't know what we're passing.

Attorney McCall stated are you getting ready to vote on it tonight? Is that simply asking you to do what he's already asked the Planning and Zoning to do, approve it tonight.

Vice-President Eddings stated the zoning ordinance follows the town code according to the master plan. You can change the zoning all day long, but if the building has to face the road, then the building has to face the road.

Council Member Alexander stated he would have to get a variance. I mean all he would have to do is change to a variance, but I'm just saying there are several things in here that I think would have to have variance for.

Attorney McCall stated that's the first I've heard about this protion of it.

Council Member Alexander stated I didn't understand the multi-family square footage, are the rooms 1100, or each apartment 1100, I think the rooms are only 900. On R-3 it requires 1100 square feet for the first two dwellings, and then, I don't understand the part where it says plus 200 square feet for the each additional dwelling unit. They are saying the first two have to be 1100 and they are only 9, again you hit another roadblock. R-3 is a totally different animal and we have talked about this and you know we have all said at sometime that, that area would not be another R-3 area.

Attorney McCall stated Doug's absolutely right, you can change the zoning but then if he comes back and says ok I want to do this and it doesn't get approved then he's stuck at that point. I think he said he was ready to break ground, or already has borke ground.

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Mr. Adkins stated no, I already have a foundation approval from the state.

Attorney McCall stated ok.

Mr. Adkins stated I'm ready to start construction.

Council Member Alexander stated are you done, is there a house that has to come down?

Mr. Adkins stated I've got a duplex on it.

Council Member Alexander stated there's a house that sits next to the duplex.

Mr. Adkins stated that belongs to somebody else.

Council Member Alexander stated when I went down and looked I must have been on the wrong side, there's an empty lot next...

Mr. Adkins stated there's a trailer beside it, what I getting ready to ask, is what do I have to do to be able to, I've got a duplex on the property now, what do I have to do to build a 4-plex the way I'm proposing? If it's not going to be an R-3 can I do it on an R-2.

President Broady stated as far as you know has Mr. Adkins followed in what he is going to do? Ok, this ain't going to work anyhow. Ok, never mind. Thank You. Well, I'm going to table this for just a short time. Mr. Boz is on his way and then we can talk about it again. So just sit tight. What we are getting in here, is what we have a Planning and Zoning Board for is they are supposed to check all this stuff. The Building Commissioner and all that and present all this stuff. This has been going on for 3 weeks and thoroughly was investigated and passed it on what the concern was we really didn't want no more than a 4-plex on that property. And now we're here discussing it again. I guess the board needs to tell me exactly what we want to do with this other board. Make a recommendation in what we get passed and send a recommendation to them and how do you all want, do you want a two-week notice or, how thoroughly do you want to investigate it after they have done their job or what? And I'm not asking anybody to rubber stamp any recommendation they give you. And I thought that's what we're paying the gentleman for that is on his way here was to give us that information and you can see the predicament I'm in so we'll wait for him to get here and move on. Somebody else, I don't have you on the agenda either. Did you call for the agenda?

Mr. Hopper stated is John Kragt on the agenda for zoning?

President Broady stated ok, we're easy tonight.

Mr. Hopper stated we have some copies of the ordinance here and we faxed this to Perry this afternoon so he could take a look at it. This is one to change the zoning from agricultural to an I-1, industrial. I believe it's on 31 next to the treatment plant. For the record my name is Allen Hopper, appearing on the behalf of John Kraft representing the Bingham Property as an LLC.

President Broady stated is everybody familiar with it.

Mr. Hopper stated on the ordinance you will notice there are two different legal descriptions. The first one you will notice is 14.9 acres that is what is going to be on

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the deed. Later on the property has now been surveyed and it actually came up a little less. It's 13.5 acres more or less. So that's the reason for the two descriptions so whichever way you look at the property you will know where it is and how you found it. So basically, I believe it was last Monday that the Zoning Board approved unanimously the rezoning and that's why I'm here tonight with an ordinance to that.

Council Member Alexander stated we have talked about this area several times.

President Broady stated ok, two readings.

Vice-President Eddings stated I make a motion that we consider ordinance number 99-723 on a first reading.

Council Member Voyles stated I'll second it.

President Broady stated I got a motion on the floor to consider ordinance number 99-723 on a first reading and duly seconded, is there any discussion?

Council Member Alexander stated I mean this probable is irrelevant, since that area is annexed, once is become a different use other than agricultural, and started paying taxes, how does that record, who records that?

President Broady stated Silver Creek Township Assessor.

Council Member Voyles stated here he comes.

President Broady stated Perry, did you have this ordinance in your possession and look at it?

Attorney McCall stated never made it, it kept ringing but it never came through.

Mr. Hopper stated I had a confirmation.

Attorney McCall stated I talked to John Kraft about it and he said what it was, and he told me what property it was for, that's why I knew he was coming. I didn't have any problems with it. That's all I can tell you.

President Broady stated ok, I have a motion on the floor and duly seconded, any further discussion? If not all those in favor signify by saying I, opposed nay. I's have it. Vote 5-0.

Vice-President Eddings stated I make a motion to adopt ordinance number 99-723.

President Broady stated I've got a motion on the floor to adopt ordinance number 99-723.

Council Member Voyles stated I'll second.

President Broady stated and duly seconded 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 Alexander stated Perry, we were discussing the way they had that remonstrat did you notify the proper...

Ordinance No. 99-223

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF
SELLERSBURG, INDIANA

WHEREAS, an application was properly filed with the Sellersburg Plan Commission by BRINGHAM PROPERTIES, LLC., for the rezoning from Agricultural to Industrial (I-1) of certain real estate located in the County of Clark, Town of Sellersburg, the legal description of which is more specifically described as follows, to-wit:

BEING THE SAME REAL ESTATE CONVEYED TO BRINGHAM PROPERTIES, LLC BY DEED AS MORE PARTICULARLY DESCRIBED IN THE DEED AS FOLLOWS, TO-WIT:

BEGINNING AT A STONE IN THE GRANT LINE DIVIDING NOS. 89 AND 67 SAID STONE IS SOUTH 51 DEGREES 30 MINUTES WEST 149.76 POLES FROM THE SOUTHEAST CORNER OF NO. 89 AND IS ALSO THE SOUTHWEST CORNER OF THE UNION CEMENT AND LIME COMPANY'S LAND; THENCE WEST SAID COMPANY'S LAND NORTH 37 DEGREES 45 MINUTES WEST 95.32 POLES TO THE CENTERLINE OF THE P.C.C. & ST. L. RAILROAD TRACT; THENCE WITH THE CENTERLINE OF SAID RAILROAD COMPANY'S TRACT SOUTH 10 DEGREES EAST 108 POLES TO A STAKE IN THE GRANT LINE DIVIDING NOS. 89 AND 67; THENCE WITH SAID DIVIDING LINE NORTH 51 DEGREES 30 MINUTES EAST 49.8 POLES TO PLACE OF BEGINNING, CONTAINING 14.934 ACRES, MORE OR LESS.

AND HAVING A STREET ADDRESS OF 7616 HIGHWAY 31 EAST, SELLERSBURG, INDIANA 47172.

AND AFTER SURVEY BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS TO WIT:

THE FOLLOWING IS A LEGAL DESCRIPTION PREPARED THIS 5TH DAY OF AUGUST, 1999, OF REAL PROPERTY BEING PART OF ILLINOIS GRANT #89, IN SILVER CREEK TOWNSHIP, CLARK COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A STONE FOUND MARKING THE EAST CORNER OF SURVEY #89 OF SAID GRANT, THENCE WITH THE SOUTH LINE OF SAID GRANT, SOUTH 54 DEG. 56 MIN. 34 SEC. WEST 2475.50 FEET TO A STONE FOUND AS CALLED FOR IN DEED DRAWER 30, INSTRUMENT #10854, THIS BEING THE POINT OF BEGINNING, THENCE CONTINUING WITH SAID LINE

SOUTH 54 DEG. 56 MIN. 34 SEC. WEST 785.63 FEET TO A POINT ON THE EASTERN RIGHT OF WAY OF THE LOUISVILLE & INDIANA RAILWAY, THENCE WITH SAID RIGHT OF WAY NORTH 07 DEG. 32 MIN. 03 SEC. WEST 1698.14 FEET, THENCE LEAVING SAID RIGHT OF WAY SOUTH 35 DEG. 05 MIN. 30 SEC. EAST 1505.95 FEET, TO THE POINT OF BEGINNING, CONTAINING 13.580 ACRES, MORE OR LESS.

WHEREAS, the time and place of the meeting for the Plan Commission were noticed and advertised for a meeting to take place on August 16, 1999 at 6:30 o'clock p.m. at 316 E. Utica Street, Sellersburg, Indiana; and

WHEREAS, the Plan Commission members present and voting on August 16, 1999, at the hour scheduled and noticed for said meeting, voted unanimously to approve said rezoning application and to recommend to the Town Board of Trustees the Zoning Ordinance of Sellersburg, Indiana, as now written, be amended to provide for said rezoning;

BE IT THEREFORE ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF SELLERSBURG, INDIANA, that the Zoning Ordinance of Sellersburg, Indiana, be, and hereby is amended such that the zoning map of the Town of Sellersburg shall hereinafter indicate the real estate located at 7616 Highway 31 East, Sellersburg, Indiana, which is more particularly described herein is hereby rezoned from Agricultural to Industrial (I-1).

PASSED AND ADOPTED by the Board of Trustees of the Town of Sellersburg, Indiana, on the 27th day of August, 1999.

BOARD TRUSTEES
TOWN OF SELLERSBURG, INDIANA

David L. Broady

William Taylor

[Signature]

Gay Stuy

Gary & Ferris

ATTEST:

Linda L. Schaefer

JS58/CARNEY.ZON

Attorney McCall stated it will get filed and it will change. The only restriction on it was it said that this property will not be changed from agricultural to anything else as long as the people who owned it lived there and that was Mr. Bringham and of course he is gone. That puts that restriction out of the way. That's the only thing that I know would in any way affect it.

President Broady stated ok, one signed copy stays here with Linda, did everyone sign a copy to give to him. Ok, Boz there was a question to whether he met the classifications on his request for zoning change if the, there seems to be a difference of opinion with Kenny and the book that he has and obviously the book that you looked at or whatever. Does everything on this set of plans...

Mr. Adams stated this if the first time I've seen this set of plans, ok, it looks like the thing...

Council Member Alexander stated the main thing was the square footage of the unit, since he went with the duplex, with the difference between the duplex and the 4-plex with the opening and plus we have an ordinance that says it has to be...on an R-3 or was it an R-2?

Council Member Alexander stated on an R-2 everything would be different.

Mr. Adams stated go to an R-2 with an R-3 endorsement. So he could put a 4-plex in an R-2 that takes you to a 5-plex sidelines.

Council Member Voyles stated I think it was R-3.

Attorney McCall stated according to the ordinance you just submitted it was from an R-1 to an R-3.

Council Member Alexander stated the minimum space between building is 22 feet. Now we're objecting, I didn't understand the multi-family dwelling 1100 square feet for the first two dwelling units plus 200 feet for each additional.

Mr. Adams stated now this one, this is 93, that the old, when you get into here then you've got a lot of area.

Council Member Alexander stated right.

Mr. Adams stated you got 36, 30 for dwelling unit, when you get up to here with the front side yards, front yard not less than 25 foot and side yard should be at least 5 foot.

Council Member Alexander stated so then...

Mr. Adams stated like I said I haven't got the plans back. I would have to assume since this is in October of 93, it would be when it came in.

President Broady stated Perry, what does the ordinance basically say that we're changing from an R-1 to an R-3.

Attorney McCall stated the bottom line is that the property described on the attachment shall be is here by rezoned from R-1 to R-3 and that's all it basically says.

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President Broady stated do we need to put the stipulation in there that there will be no more 4-plexes built under the R-3.

Attorney McCall stated what did they do in the Planning and Zoning?

Mr. Adams stated we talked about a bunch of different options, we may of went with the R-3.

Council Member Voyles stated we went with the R-3, it couldn't be anything more.

President Broady stated I didn't bring the minutes with me.

Mr. Adkins stated the ordinance should say that.

Attorney McCall stated R-1 to R-3 restricted to 4-plex only.

Council Member Voyles stated 4-plex only.

Mr. Adkins stated that's what the zoning...

Attorney McCall stated 93 is in effect.

Vice-President Eddings stated he passed the zoning part of it, but still...

President Broady stated we're going to get this thing one way or the other, we're going to vote it down or we're going to move on here. I'll entertain a motion to approve ordinance number.

Attorney McCall stated 99-724.

President Broady stated 99-724, and present it with the stipulation in that ordinance it can, it's an R-3 with the stipulation that it can only be an 4-plex built on the property.

Vice-President Eddings stated I make a motion that we consider ordinance number 99-724 on the first reading with the stipulation.

President Broady stated I've got a motion on the floor, do I have a second?

Council Member Voyles stated I'll second.

President Broady stated and duly seconded, any discussion? If not all those in favor signify by saying I, opposed nay.

Council Member Alexander stated nay.

President Broady stated 4-...

Council Member Fenner stated I abstain.

President Broady stated 3 yes, 1 nay, and 1 abstention.

Mr. Adkins stated and I want to Thank You.

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President Broady stated ok, we got to pass it on two, ok, an ordinance has to be passed on two readings Bobby, and the only way you can pass it on the same concessive night is if it was an unanimous vote, it wasn't an unanimous vote. You have the first reading passed so I can't do anything else until the next meeting and we can pass it on the second reading.

Mr. Adkins stated when is that?

President Broady stated September 13th. My hands are tied by law on that. Chief Kinder do you have anything?

CHIEF KINDER ADDRESSES THE COUNCIL MEMBERS CONCERNING THE SPEED LIMIT.

Chief Kinder stated yes, you don't have to read it..

President Broady stated you want us to read it? And consider it at the next meeting?

Chief Kinder stated yes, I would like for you to review this, we've got a lot of complaints, you know from, Kenny can identify with this over by BF where people park their cars, it goes with the law that was passed in the last legislature to address these problems.

President Broady stated ok, we'll consider it at the next meeting, you're going to make one up for the next meeting.

Chief Kinder stated did you ever pass the one on the speed limits?

Attorney McCall stated I've got it for tonight.

Chief Kinder stated Thank You.

President Broady stated EMC.

EMC/TIM CRAWFORD ADDRESSES THE COUNCIL MEMBERS CONCERNING THE MONTHLY REPORT'S.

Mr. Crawford stated the monthly report for the month of July. If you will open the front page you will notice the water and sewer revenues is on the inside cover for the period of August 10th through August 23rd and the total of 86,663.07. Second I'd like to submit your monthly invoice for your water tap for the month. What I have done is attach to the invoice itself is the breakdown or the actually projects that was listed on the front cover giving you total prices on those.

President Broady stated what are you doing?

Mr. Crawford stated on the contract it stated that we will submit a monthly invoice for water taps reimbursements for materials only no later. I believe the first one is associated with the highway I-65 project for a 2 inch water tap. We put a 2-inch meter up there for Gohmann Construction and the second one is for a residential tap made at 612 St. Joe East.

Council Member Alexander stated the highway construction tap they have paid us for...

Mr. Crawford stated yes, both taps have been paid for.

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Council Member Alexander stated we're just giving you the money for the material.

Mr. Crawford stated just for the material. With the understanding for example the water tap for the Highway Department, their total fee was 390.00 over and beyond what you are looking at on this invoice.

President Broady stated does everyone understand this.

Council Member Voyles stated yes.

President Broady stated if so, I'll entertain a motion to approve the water tap materials cost of the month of August, I'll entertain a motion to do so.

Council Member Voyles stated I'll make that motion.

President Broady stated I've got a motion on the floor, do I have a second?

Vice-President Eddings stated second.

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 5-0

Mr. Crawford stated the second item is concerning a Capital Expenditure as far as the rebuilding of one of the pumps in the main Lift Station at the Covered Bridge Community. This is a two-pump station. The other pump was rebuilt back in January of this year and this one failed and on August 11th it was sent to Clark which done the previous pump. And the quote is for 4250.00.

President Broady stated this is something we've already done.

Mr. Crawford stated no, this is the second pump in the same station.

President Broady stated it has already been repaired.

Mr. Crawford stated no, it's over there and he give me a quote and I held him with that until I got approval from the board.

President Broady stated ok, so you need approval for this amount.

Mr. Crawford stated yes.

President Broady stated ok, I'll entertain a motion to approve the amount of 4250.00 to Clark Electric Company for the repair of the pump.

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

President Broady stated I've got a motion on the floor, do I have a second?

Council Member Voyles stated I'll second.

President Broady stated and duly seconded, any discussion? If not all those in favor signify by saying, opposed nay. I's have it. Vote 5-0.

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Mr. Crawford stated the next item I have is an invoice from Silver Creek Water. We purchased water through them during the month. With the high demand and the main line from number 4 pump at the well fields breaking. We done this as a precautionary measure so that in case of any fires or any kind of emergency situation there would be no problems incurred.

President Broady stated ok, the bill is 1080.55, does everyone see, does everyone understand what the bill is about. I'll entertain a motion, what's this utility surcharge?

Mr. Crawford stated I'm not real sure of that Dave that brings up a good question. I can investigate it, I don't know. That is something I came unprepared for, I can get with Scott Hamm and get it answered.

President Broady stated I'll entertain a motion to approve the payment of it with the pending that Tim checks and see about this 194.88 surcharge and see what that's about. If we have to pay it, we have to pay it, if we don't take it off. Is that satisfactory to everybody?

Council Member Voyles stated yes.

President Broady stated ok, I'll entertain that motion then.

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

President Broady stated I've got a motion on the floor by Doug, do I have a second?

Council Member Voyles stated I'll second.

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

Mr. Crawford stated the last item I have is an invoice, this invoice is associated with a Capital Improvement or request made on July 12th and approved. This is Hydro-Stop at Stout, this is a portion of that. The total amount was 3524.86. The only thing that is outstanding on this that all the invoices have not been in. I didn't want to hold these individuals up from getting paid is the water meter set portion of that project.

President Broady stated ok.

Vice-President Eddings stated I thought we already approved this.

Mr. Crawford stated you approved it to be done.

President Broady stated I'll entertain a motion to approve this for 3524.86 as part of the project that we already approved for the Stout location water meter.

Council Member Voyles stated I'll make that motion.

President Broady stated I've got a motion on the floor, do I have a second?

Vice-President Eddings stated I'll second.

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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 5-0

Mr. Crawford stated Thank You Gentleman.

President Broady stated I have a bill here you may want to stay up here and comment on.

Mr. Crawford stated sure.

President Broady stated concerning the Water Department, Mr. Robert Smith. On Tuesday August the 10th, 1999 a contractor working on the 5th Third Bank Building Project severed the water line on that property that feeds by building on 300 Triangle Drive, are you familiar with that?

Mr. Crawford stated 5th Third Bank.

Council Member Fenner stated Sellersburg Motors used to be...

Mr. Crawford stated where the BP Station in going in, yes I am aware of it.

President Broady stated the Water Department did an excellent job in a timely fashion in repairing the line, however dirt got in the line and clog faucets and commodes in three of my four units. However Bernie Hiser was called to repair the problem and the price was 105.00 and I have paid Mr. Hiser's bill and I am not sure who is liable, whether the town or the construction company. But it should not be me. And he's asking for reimbursement for the 105.00 and he's got a copy of the bill. Evidentially they accumulated a lot of rust in there and bust it.

Mr. Crawford stated no it's a plastic line, the only accumulation that I'm aware of and the only accumulation that I'm aware of and the only thing that I'm aware of was any particular problems was at the main water meter for that unit he's talking about. Clark Henson and myself went up and changed the meter out, it did have gravel in because of that break.

President Broady stated ok, evidentially, he's got a bill here, the little screens and everything, it must of clogged them up.

Mr. Crawford stated the day that I was up there, I can't recall right off the top of my head, it was last week, we were up there and replaced the meter. We got the gravel out of the meter itself. I went into the beauty shop and made sure that their water was flowing fine after we replaced the meter. And it was at that time.

President Broady stated ok, he siad the beauty shop had to shut down for a while.

Mr. Crawford stated I'm not aware of that. The contractor interrupted the service.

President Broady stated do we need to back charge for contracting or...do we need to go back and back charge the contractor or how do you, that is just a simple letter.

Mr. Crawford stated that is the same date that Boz Adams and myself was up there and this particular contractor did not indicate any locates to be done.

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President Broady stated have you billed him for the repair of the line?

Mr. Crawford stated no, I haven't.

President Broady stated bill him for the repairs of the line and also that cost right there. I mean, that would be the way I do it. And the way everybody else does it. It certainly isn't our fault.

Mr. Crawford stated I agree.

Vice-President Eddings stated and then we can reimburse Mr. Smith when we get paid.

President Broady stated I don't think we'll have any problem getting paid. I mean if they didn't do a locate, it wasn't located.

Mr. Crawford stated ok.

Attorney McCall stated bill the contractor?

President Broady stated sure, let's do it that way. Bill him for the repair cost plus that amount. He didn't have it located.

Mr. Crawford stated payment to be made to the Town Of Sellersburg.

President Broady stated yes, when you get that, let me know and then we can, I'll have him sign an invoice or voucher. Ok, Boz, you have anything else?

Mr. Adams stated no, Mark does.

President Broady stated ok.

Mr. Ball stated I'd like for the board to consider going ahead and enforcing this sign or putting a yellow line out there. This is a state law on parking around the Fire Stations. It's been on the books alot of years, we have had no problem up until recently but I think with some of the longer trucks that we've got and the more traffic on that street and that this would be a good time to do that. We have more and more trouble getting out of there. It is a existing law. Basically what the town has to do is just put up a sign or a yeallow line. What ever you want to do. You got the people living directly, the house across the street is vacant, the timing might be right, starting out with new tenants if you want to do that.

President Broady stated we just need to put up signs on both sides of the fire house. Can you get Mark to follow up on that Ken?

Council Member Alexander stated aren't we going to do an ordinance on no parking?

Chief Kinder stated if they sign it, can they paint it also?

President Broady stated what.

Chief Kinder stated if they sign it, can they paint it also?

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Attorney McCall stated I guess they could it just says within 20 feet of the drive entrance of a fire station on the side of the street opposite the fire station and 75 feet of the entrance property signed and posted.

Council Member Alexander stated 75 feet is the opposite side of the fire station, because there is no parking on this side. But you want 75 feet from center?

Mr. Ball stated I guess.

President Broady stated ok, Roy did you have something?

Mr. Everitt stated Yes, Dave, the parking and I haven't talked to Ken about it, but they were talking about closing the alley behind us. There are several of us that use that alley to go in and out all the time. I would rather they did not close that alley.

Council Member Alexander stated we weren't talking about closing it Roy, we were talking about putting a road closed so that you wouldn't have other people going through it. You can go through it. You can put the signs up that says road closed but keep enough where you and the others can go through it. It's pretty easy.

Mr. Everitt stated all right.

President Broady stated anything else Mark?

Mr. Ball stated no.

President Broady stated ok, Doug.

Vice-President Eddings stated no.

President Broady stated Bill.

Council Member Voyles stated nothing.

President Broady stated Gary.

Council Member Fenner stated nothing.

President Broady stated Ken.

COUNCIL MEMBER KEN ALEXANDER ADDRESSES THE COUNCIL MEMBERS CONCERNING THE TRAFFIC/SELLERSBURG CELEBRATES.

Council Member Alexander stated up at the meeting at the park, I think that the recommendation was as far as the traffic flow, you were part of making those decisions, Dave, as far as the traffic flow going in.

Chief Kinder stated up on Fern St.

Resident stated up Service Drive.

Chief Kinder stated up Service Drive.

Council Member Alexander stated one way out and do the same thing we doing on the alley

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on Adkins Court, they were going to put a road closed sign and leave enough for the residents to go by. They passed out passes to all the residents so that they can go to and from their houses.

Chief Kinder stated we need a temporary something so that we can enforce that.

Council Member Alexander stated can we do something temporary, like we did the parking? A temporary resolution.

Attorney McCall stated yeah.

President Broady stated can we do it next week.

Council Member Alexander stated it'll be too late.

Attorney McCall stated too late.

Chief Kinder stated to late the next meeting, it's this weekend.

Attorney McCall stated you can make a resolution to be followed by a written document. Just give us a number 99-...

Chief Deputy Shelton stated 54.

Attorney McCall stated what.

Chief Deputy Shelton stated 99-54.

Attorney McCall stated 99-54 and whats the style of the resolutions?

Council Member Alexander stated the resolution will be that Fern, North Fern St. will be one way, from the park to East Utica.

Attorney McCall stated 26th.

Council Member Fenner stated Friday, Saturday and Sunday.

Attorney McCall stated 27th, 28th and 29th, so you make a motion to make North Fern Street one way from the Town of Sellersburg Park to East Utica Street on the dates of August 27th, 28th and 29th.

Council Member Fenner stated that's not the Town of Sellersburg Park, it's Silver Creek Community Park.

Attorney McCall stated Silver Creek Community Park.

Council Member Alexander stated I'll make that motion.

President Broady stated ok, I've got a motion on the floor the pass resolution 99-54, do I have a second?

Vice-President Eddings stated second.

President Broady stated and duly seconded, any discussion? If not all those in favor

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signify by saying I, opposed nay. I's have it. Vote 5-0

Chief Kinder stated are they also going to put up no parking signs on...

Council Member Alexander stated Mark is going to take care of all that.

President Broady stated ok, I'd entertain a motion to adopt resolution 99-54.

Council Member Alexander stated I'll make that motion.

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

Vice-President Eddings stated second.

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 5-0 Anything else?

Council Member Alexander stated yes, if anyone wants to see the Titanic sink, be up at the park and the Gensis Book of World Records Sunday afternoon. That's it.

Attorney McCall stated you got that change speed limits on Utica Street.

President Broady stated no.

Attorney McCall stated it's the one the Chief went back and did the particulars on. Heres the ordinance, the Chief outlined it. It's ordinance 99-725 changing the speed limit on Utica Street.

President Broady stated we're changing th speed limit on West Utica Street from US: 31 to Dreyer Lane. And then from Dreyer Lane to St. Joe Road East from 20 to 30. We're changing it from East Utica Street from Penn Street to the town limits shall be changed to 30. That's from the intersection down to the town limits. As a matter of fact it's 30 on one side, 20 on the other and 25 in the middle. From this area, past here, past the Fire Department will remain. Does everybody understand that? If so, I'll entertain a motion to consider ordinance number 99-725 on a first reading.

Vice-President Eddings stated I've got a motion on the floor, do I have a second?

Council Member Voyles stated I'll second.

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 5-0 I entertain a motion to adopt ordinance 99-725.

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

President Broady stated I've got a motion on the floor, do I have a second?

Council Member Voyles stated I'll second.

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 5-0

Chief Kinder stated how many days will it be?

ORDINANCE NO. 99- 725

**ORDINANCE CHANGING SPEED LIMIT ON UTICA STREET,
TOWN OF SELLERSBURG, INDIANA**

WHEREAS, the Town Council for the Town of Sellersburg desires to change the speed limit on Utica Street, Town of Sellersburg; and

WHEREAS, the Town Council for the Town of Sellersburg has determined that the herein Ordinance is necessary for the efficient and effective administration of Town Government; and

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

BE IT NOW THEREFORE ORDAINED by the Town Council for the Town of Sellersburg that the speed limit on Utica Street, Town of Sellersburg, Indiana, shall be changed as follows:

The speed limit on West Utica Street from US 31 to Dreyer Lane shall be changed from 20 mph to 30 mph.

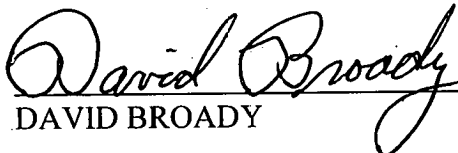
That the speed limit from Dreyer Lane to St. Joe Road East shall be changed from 20 mph to 30 mph.

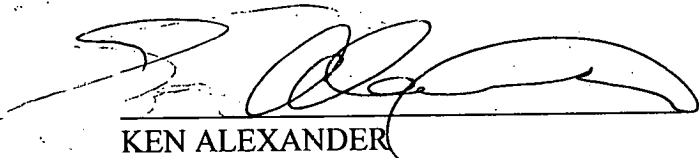
The speed limit being at the railroad crossing on East Utica Street at Penn Street to the Town limits shall be changed to 30 mph.

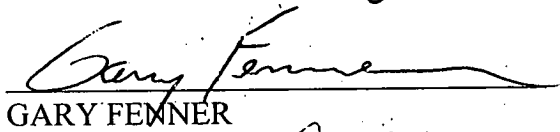
That the speed limit on East Utica Street US 31 to Penn Street to the Town of Sellersburg limits shall remain 20 mph.

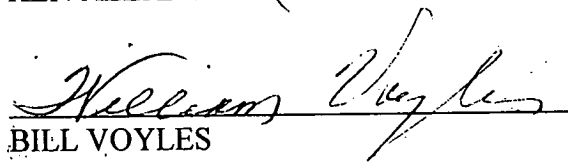
The Town Council of the Town of Sellersburg hereby directs that signage be posted in the areas indicated above where speed limits have changed 20 mph to 30 mph.

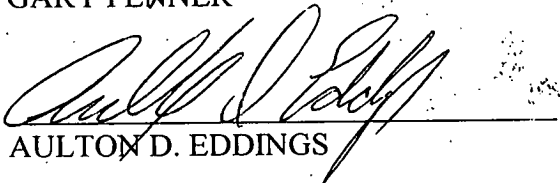
SO ORDAINED THIS 23 DAY OF August, 1999.


DAVID BROADY


KEN ALEXANDER


GARY FENNER


BILL VOYLES


AULTON D. EDDINGS

ATTEST: _____
LINDA SCHAFFER
CLERK-TREASURER

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Council Member Alexander stated 30 days.

Attorney McCall stated no, we have to codify it, so we just need to make sure it gets sent to the Codification Company and gets in the books.

President Broady stated we'll let you know when it's effective. We are going to codify it and he says it will be effective immediately.

Attorney McCall stated that's what the statute says.

Chief Kinder stated Thank You.

Council Member Alexander stated will you get with Mark, Dave to make sure he gets it done in the proper areas.

Chief Kinder stated all we have to do is take down in the proper areas.

President Broady stated ok.

Council Member Fenner stated in conjunction with that, we're we going to change the parking on West Utica Street.

President Broady stated we are going to consider that and start looking at that and try to come up with a reasonable area there on changing them. Does anyone have any idea right now. I mean we talked about from 31, on the parking, from 31, no parking both sides, is that correct? From 31 to Ehringer, is that correct? Or do we want to go...

Council Member Voyles I thought we were going to go all the way down to the cabinet, Haas.

Chief Kinder stated Ehringer, that's the main problem.

Council Member Fenner stated very much so, with the hill there, with side streets on the right. I had suggested that we leave the speed limit 20 down to Ehringer because of that problem. But we just passed it and raised it to 30. Now we're going to leave the parking there too.

President Broady stated well, would you prepare an ordinance to be voted on for no parking on West Utica Street from right up here by, US 31 to Ehringer, yeah let's try that one.

Attorney McCall stated ok.

President Broady stated ok, Perry you got anything else?

Attorney McCall stated no, I got something I need to talk to Mark about, but I'll talk to him after the meeting.

President Broady stated ok, Sunflower Valley have you heard anything at all?

Attorney McCall stated no I haven't.

President Broady stated ok, I've got a letter here from the Indiana Department of

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Transporation. Ok, everybody got a copy of the bills and I hope everybody's had a chance to review them. If so I'll entertain a motion to approve the bills as presented.

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

President Broady I've got a motion on the floor, do I have a second?

Council Member Voyles stated I'll second that.

President Broady stated and duly seconded, any discussion?

Council Member Alexander stated Cirdy, I was curious, on the water portion, EMC was twice on here and I didn't see them on the sewer. Usually when you pay those bills you split them between the two.

Chief Deputy Shelton stated you'll have to show me what you're talking about.

Council Member Alexander stated you've got on 7/2 you got an EMC collection and you've got a collection where you paid the bills. I know you all paid them.

Chief Deputy Shelton stated yeah we did.

President Broady stated your having a problem.

Chief Deputy Shelton stated yeah.

President Broady stated ok, which one is it?

Council Member Alexander stated one of them is the, we don't think the collection is supposed to be on there, the \$25,000. We think the EMC bill was presented on...

President Broady stated the last two times there wasn't.

Council Member Fenner stated it wasn't even there.

President Broady stated is she going to...

Council Member Alexander stated she's going to check...

President Broady stated ok, we're going to take a five minute recess. I'll call the meeting back to order.

Chief Deputy Shelton stated it's DSR.

Council Member Alexander stated DSR, ok.

Chief Deputy Shelton stated these two right here, don't go here, they go with Capital Improvement.

Council Member Alexander stated ok, then what about the, was there any payment to them?

Chief Deputy Shelton stated there was two one on 8/19 and...

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Council Member Alexander stated what's the amount on that.

Chief Deputy Shelton stated 45,000.

Council Member Alexander stated ok, now we can approve it.

President Broady stated approve what?

Council Member Alexander stated I'd like to approve the bills with the correction which we can sign at the next meeting as follows on the sewer on 8-19-99 EMC \$45,690.29 check #12728. And on 8-19-99 Jacobi, Toombs and Lanz check #12729, for \$1,808.70. And on the water, where it says EMC collections, should be water B&I Sinking and where it says EMC miscellaneous should be Capital Improvement.

President Broady stated is that a motion.

Council Member Alexander stated yeah so they can go ahead and pay the bills and we can sign that?

President Broady stated does anyone have a problem with that?

Vice-President Eddings stated I'll second.

President Broady stated I've got a motion on the floor and duly seconded, is there any further discussion? With no further discussion all those in favor signify by saying I, opposed nay I's have it. Vote 5-0 Any other further business? One thing I will say, and I'll direct it to Planning Commission, anything that comes across the Planning Commission will not be approved or whatever after they do whatever they are going to do with it. It will not be brought before this board before at least two weeks until the minutes of that are brought before the board. Put in the box, that will give somebody a chance to pick it up and if they don't get their stuff done, then we just won't approve it. From the time it's approved there it cannot be put on the agenda for, what do you all want? At least two weeks.

Council Member Alexander stated the first regular meeting.

President Broady stated this was the first regular meeting, we had it last Monday and this is the first regular meeting.

Council Member Alexander stated how about the first regularly scheduled meeting on the next month?

President Broady stated the first regular scheduled meeting of the next month.

Council Member Alexander stated which would give you two weeks.

President Broady stated all right, I've got to get with the.

Council Member Voyles stated who's responsibility is it to get minutes.

President Broady stated there's nobody responsible to get the minutes to us, that's the problem. Nobody has been delegated that responsibility. The secretaries takes care of her stuff there but doesn't necessarily forward it onto us. So what I've got

to do is get it straightened out and have her get copies. If nothing else, have her deliver a copy down here and Cindy or somebody make copies of it and put them in our boxes so we have time to look at it and everybody will have time to investigate whatever on the matter. Does that satisfy everyone?

Council Member Voyles stated it would have to be two weeks, wouldn't it?

President Broady stated yes, it will, it can not be brought any sooner than two weeks before the board. Is there any other business? If not, I'll entertain a motion to adjourn.

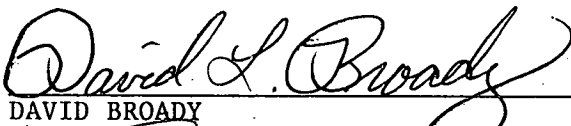
Vice-President Eddings stated I'll make that motion.

President Broady stated do I have a second?

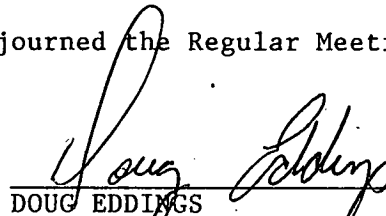
Council Member Voyles stated second.

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 5-0


With no further business President Broady adjourned the Regular Meeting at 8:15 p.m.



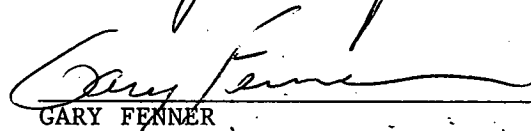
DAVID BROADY



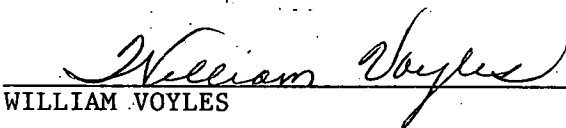
DOUG EDDINGS



KENNETH ALEXANDER



GARY FENNER



WILLIAM VOYLES



ATTEST: LINDA G. SCHAFER
CLERK TREASURER

SELLERSBURG TOWN COUNCIL

September 13, 1999

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: David Broady, Council President; Doug Eddings, Council Vice-President; Kenneth Alexander, Council Member; William Voyles, Council Member; Gary Fenner, Council Member; Linda G. Schafer, Clerk Treasurer; and William P. McCall, Town Attorney.

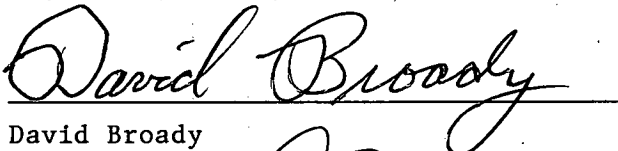
Called To Order

President Broady called the Executive Session to order at 6:02 p.m.

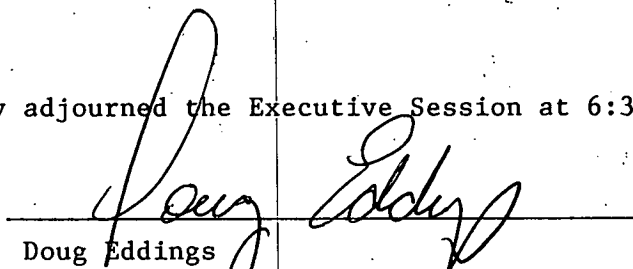
Topics Of Discussion

Application Permit
Southern Indiana Economic Development/Tax Abatement
Highway Department Office
Paul Primavera
Bringham's Property
Adkins Court
Lisa Ave.
St. Pauls
31 & Fern St./Bids
Waste Water Treatment Plant
Tree's
Sun Flower Valley
Motel/Water Line & Sewer Line
Claims/Jacobi, Toombs & Lanz
Mark Robinson/Contract

With no further business President Broady adjourned the Executive Session at 6:35 p.m.



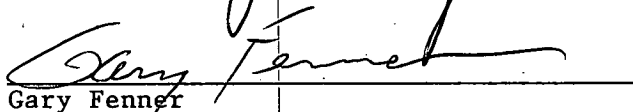
David Broady



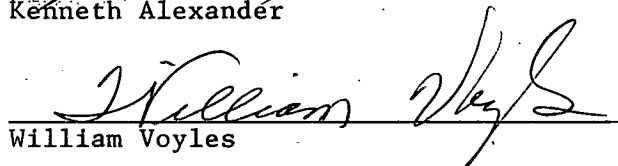
Doug Eddings



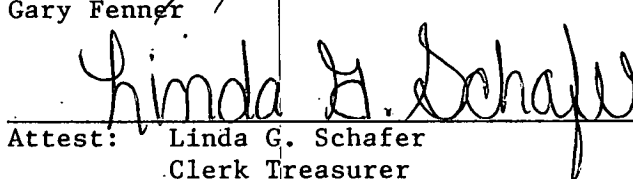
Kenneth Alexander



Gary Fenner



William Voyles



Attest: Linda G. Schafer
Clerk Treasurer

SELLERSBURG TOWN COUNCIL

September 13, 1999

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 President; Doug Eddings, 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 Broady called the Regular Meeting to order at 6:40 p.m.

Prayer

Rev. Frank Brand offered up the prayer for this meeting.

Pledge

The Pledge of Allegiance to the flag was recited.

PRESIDENT BROADY ADDRESSES THE COUNCIL MEMBERS ON THE MINUTES.

President Broady stated tonight we have the minutes of August 24th presented to us and had a chance to read them. If so, I'll entertain a motion to approve the minutes as presented.

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

President Broady stated I've got a motion on the floor, do I have a second?

Vice-President Eddings stated second.

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 5-0)
Ok, the petition for tonight, the adoption of the 2000 Budget. Last meeting we had the Public Hearing on the Budget for the Year 2000. Tonight I'll entertain a motion to consider the adoption of the 2000 Budget.

Vice-President Eddings stated is there an ordinance number?

Clerk Treasurer Schafer stated yeah, there is an ordinance number, it's 99-722 is the number assigned.

President Broady stated 99-722.

Vice-President Eddings stated I make a motion to consider ordinance number 99-722 on a first reading.

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

Council Member Voyles stated I'll second.

President Broady stated and duly seconded, any discussion? If not, all those in favor

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PRESIDENT BROADY ADDRESSES THE COUNCIL MEMBERS CONCERNING THE 2000 BUDGET.

signify by saying I, opposed nay. I's have it, 5-0. Now I'll consider a motion to adopt ordinance 99-722.

Vice-President Eddings stated I make a motion to adopt ordinance number 99-722.

President Broady stated I've got a motion on the floor, do I have a second?

Council Member Voyles stated I second.

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 5-0)
Gentlemen don't leave until we sign.

Clerk Treasurer Schafer stated except for Gary, and I'll see him in the morning.

President Broady stated ok, first on the agenda tonight for comments, the Baptist Church, is John Staup here?

Clerk Treasurer Schafer stated he couldn't make it.

MR. STEPHEN MCMANUS ADDRESSES THE COUNCIL MEMBERS CONCERNING A HIGH WATER BILL.

Mr. Stephen McManus stated he couldn't make it, so I'll be here. I'm the other deacon trustee at Maranatha Baptist Church. We had a broken waterline and just got it repaired. Here is a copy of the invoice where the repair was made and obviously we had one month where the water bill was high and we are looking to get an adjustment on that. That particular month I think it was 78.32, I think our normal bill runs about 12.22 is what it was for the last month and that's pretty typical.

President Broady stated is this water only?

Mrs. Crawford stated water only.

President Broady stated water only, ok you say you did have it repaired?

Mr. McManus stated yes.

President Broady stated ok, let's see, what's the pleasure of the board?

Mr. McManus stated you want to see the copies?

Council Member Fenner stated they spent 370.00.

President Broady stated anybody want to see it?

Council Member Voyles stated no.

President Broady stated I'll entertain a motion to...

Vice-President Eddings stated I make a motion that we adjust the water bill to a 12-month average.

President Broady stated I've got a motion on the floor, do I have a second?

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Council Member Voyles stated second.

Council Member Fenner stated second.

President Broady stated and duly seconded, any discussion? If not, all those in favor signify by saying I, opposed nay. I's have it, Tim will you take care of it please. Vote 5-0 Ok, Sandy Bragg. Mrs. Bragg, Tim do you know anything about Mrs. Bragg.

Mr. Crawford stated I've got her taken care of, I'm sorry.

President Broady stated you got her taken care of, Mrs. Brooks.

Clerk Treasurer Schafer stated Gina.

GINA BROOKS ADDRESSES THE COUNCIL MEMBERS CONCERNING A WATER BREAK.

Ms. Brooks stated mine is the same thing pretty much, between the time our water broke and the time that we got it fixed they read the bill. So it was then two months, I've got the check where I got it fixed. The first month it was like 159.00 and the next month it was 212.00. I just wanted to see if I could get the sewer adjusted.

President Broady stated how much was it?

Ms. Brooks stated we got fixed on the 8th and apparently they read the bill on the 4th.

President Broady stated you're asking for a sewer adjustment.

Ms. Brooks stated right.

President Broady stated ok, she's asking for a sewer adjustment for two months. If that's the pleasure of the board, I'll entertain a motion to adjust the sewer.

Council Member Alexander stated I make the motion.

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

Council Member Voyles stated I'll second.

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 5-0 Tim will take care of it for you. Mrs. Mullins.

SHARON MULLINS ADDRESSES THE COUNCIL MEMBERS CONCERNING A WATER LEAK.

Ms. Mullins stated the same thing.

President Broady stated it's been a bad year for leaks, I guess.

Ms. Mullins stated yes, the first time I noticed it was a little high, I sent my bill in I asked them to check into it. No one did apparently, the next bill I got was 141.00 and that's when I realized that something was wrong and I came up here I asked them to adjust it and they said they could only do it for one month and that I had to come and see you and it ran into the next month and it's 205.00.

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President Broady stated ok, you're asking for the same, sewage.

Ms. Mullins stated sewage.

President Broady stated ok, so Tim you have any comment on this?

Mr. Crawford stated yes I did check with Mrs. Mullins and she received an adjustment on her July bill for 66.75 and that would have been for June and we adjusted it down to 27.25 at that time.

Mrs. Mullins stated I've got 74.46.

Mr. Crawford stated it's just prior to this.

Council Member Fenner stated so this went on for 3 or 4 months.

Mrs. Mullins stated no.

Mr. Crawford stated I think this is another incident, it's one adjustment.

Mrs. Mullins stated that's what they told me, was one month could be adjusted and I had to come back for the second one because it ran into the second.

President Broady stated ok.

Council Member Fenner stated did you find your leak.

Mrs. Mullins stated Fry Plumbing did, but it ran into the second month.

President Broady stated ok.

Mrs. Mullins stated but it was taken care of right away just as soon as I got this 141.00 bill, I took it over to Fry Plumbing. They fixed it.

President Broady stated ok, then I'll entertain a motion to adjust the sewer if that's the pleasure of the board.

Council Member Alexander stated I'll make that motion.

President Broady stated I've got a motion on the floor, do I have a second?

Vice-President Eddings stated I'll second.

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 5-0

Mrs. Mullins stated Thank You.

President Broady stated Karen Elliott.

KAREN ELLIOTT ADDRESSES THE COUNCIL MEMBERS CONCERNING MR. AND MRS. EISENBURG ON PURCHASING PROPERTY ON BUTLER ROAD.

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KAREN ELLIOTT ADDRESSES THE COUNCIL MEMBERS CONCERNING MR. AND MRS. EISENBURG ON
PURCHASING PROPERTY ON BUTLER ROAD.

Mrs. Elliott stated Hi, I'm Karen Elliott and I'm with Klein Reality and I'm here for Mr. and Mrs. Eisenburg. They are purchasing property over on Indiana Ave. actually it's Butler Road but it carries an Indiana Ave. address in the Town Of Sellersburg. I've made up some packages with the plat and you all can follow along if you want too. What we're trying to do is see if we can get sewer approval. We're on for a variance on Wednesday evening before the Clark County Planning and Zoning for a variance to add a modular onto Butler Road. This is one of those places where the Town's all around it, the sewer's there, the water's there but it actually sits in the county, so we have to get our variance from Clark County and that's on Wednesday evening. But what the Eisenburg have done, is written in the offer and we've gotten that all accepted but it's subject to getting approval for sewer's on the property. They are going to place 1976 square foot modular on a basement and I got a copy of the tract that is being drawn off the original tracts owned by Mr. and Mrs. Costin. They are purchasing tracts one and two there, it will need to do is from what I understand from Mr. Tim Crawford has been out with Terry Rainey, who has drawn, we have a cite plan, plot plan on the property. Terry and Tim have met out at the property this week, and they are talking about they have to go down the center of the road in order to lay the sewer line and the water line because of the easement is presently filled up and I think also get a approval from the adjacent property owners because that road has to be torn up. But in our quote from Terry Rainey it does put the road back together again. It has that written up on the last page. But they just wanted to be approved if they get the approval for variance down at Clark County to go ahead and put the sewer and water in. There is a manhole that is in very bad condition too, Tim Crawford had said too, I've got a picture of it, the town would replace and he said they would replace it. So we just took a picture of that.

President Broady stated so you're asking permission to hook on the sewer and water and this is in the county.

Mrs. Elliott stated right.

President Broady stated Tim are you aware of where this is at?

Mr. Crawford stated yes, it's on Butler Road, we got a situation out there and it doesn't really affect the Eisenburg's any. But we've got 4 existing houses out there now, like the lady stated, everybody's got a separate force main and what I had suggested when I talked to Terry today, is maybe the homeowners wanted to get together and put in a common force main and I don't see any problem. It's not any different than what's already out there.

President Broady stated ok, I'll entertain a motion to let them do it.

Council Member Fenner stated Tim, do you know any of the other people, there are some that aren't on the sewer, is that right?

Mr. Crawford stated there are two other individuals out that are on the sewer right now that I know of.

Council Member Fenner stated ok, but then there are some that live back.

Mr. Crawford stated there is other properties, I don't know if Mr. and Mrs. Eisenburg

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are planning, they are buying two lots, I don't know if they are planning on combining the two lots together for one residence or putting in an additional residence in the future.

Mrs. Esienburg stated well, we were just putting the one there for now. But when I was talking to Mr. Rainey, he said he was talking to you because there is other property back there they will sell. He was talking to you about a bigger pump and all that. He was going to give me a price on all that separate from this but he wanted to show you all what it was going to cost me to do it. Instead of what it's going to cost everybody to do it. You know on going off my line and all...

Council Member Fenner stated my question is how many other property owners back there are not on our sewers, do you know...

Mrs. Esienburg stated everybody.

Mr. Crawford stated everybody that has built back there right now are on our sewer's.

Council Member Fenner stated ok.

Mrs. Esienburg stated there are just on their own line.

Mr. Crawford stated they are on individual force mains.

Council Member Fenner stated ok.

Mrs. Esienburg stated they just have to go down the middle because they are full.

Council Member Fenner stated ok.

Vice-President Eddings stated I make a motion to allow them to tap on the sewer system.

President Broady stated I've got a motion on the floor, do I have a second?

Council Member Voyles stated second.

President Broady stated and duly seconded, any discussion? If not all those in favor of the motion signify by saying I, opposed nay. I's have it. Vote 5-0

Mrs. Elliott stated Thank You.

President Broady stated ok, Stan Richards, representing Jesse Ballew.

Mrs. Elliott stated is that for water also.

President Broady stated would you like to amend the motion for water.

Vice-President Eddings stated I'll amend my motion to also include the water line.

President Broady stated will you amend your second.

Council Member Voyles stated yes.

President Broady stated ok, we have an amended motion, everyone in favor signify by saying I, opposed nay. I's have it. Vote 5-0

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Mrs. Elliott stated Thanks.

Council Member Broady stated Stan Richards, nobody's here for Jesse. I have a reading on ordinance, do you all, have the copy.

Clerk Treasurer Schafer stated there was no hard copy, are you talking about the Adkins ordinance.

President Broady stated yes.

Clerk Treasurer Schafer stated 99-724, I don't have it.

Attorney McCall stated 724.

President Broady stated and we passed it on a first reading prior to that, do you have a copy of that?

Attorney McCall stated I have a copy of it, I've got the ordinance that was submitted to you that day.

Vice-President Eddings stated do you need a motion on it?

President Broady stated I guess so, this will be on a second reading.

Vice-President Eddings stated I make a motion that we adopt ordinance number 99-724.

President Broady stated ok, I've got a motion that we adopt ordinance number 99-724 on a second reading, do I have a second?

Council Member Voyles stated I'll second.

President Broady stated and duly second, now is there any discussion? If not further discussion, all those in favor of adopting ordinance number 99-724 signify by saying I, opposed nay.

Council Member Alexander stated nay.

President Broady stated I's have it 4-1, Ok, with no further petitions before us, Chief Kinder is not here, Mark Warren is not here. Is Mark going to put the speed limit signs up down here?

Council Member Alexander stated I don't think he does, because he was asking Dave about that because it goes 20 back to 30.

President Broady stated no we made it 30 from the railroad tracks to the end.

Council Member Alexander stated because he was asking Dave about that because it goes 30 for that little section then it goes 20 back to 30. So before he put's it up he wanted to make sure, because it's 20.

President Broady stated yeah coming back into town.

Council Member Alexander stated the county is 20 and then there was going to be a little section of 30.

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President Broady stated no the county is 20, ok, EMC.

EMC/TIM CRAWFORD ADDRESSES THE COUNCIL MEMBERS CONCERNING WATER AND SEWER REVENUE.

Mr. Crawford stated Thank You, first thing I'd like to pass out is the water and sewer revenue for the month of August 24 to 9/13 in the amount of 104784.37. The second thing is have it the monthly invoice for NSF'S, Meter Deposit Refunds, and Monthly Sales Tax.

President Broady stated ok, I've got the invoice in the amount of 3965.53 for these three items. I'll entertain a motion to approve the invoice as presented for 3965.53.

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

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

Council Member Voyles stated I'll second.

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 5-0

Mr. Crawford stated the next thing I have is your monthly Water Tap Invoice, it's actually the Stout School, actually associated with a project that we discussed at the last meeting. It's the replace of the 2-inch Water Meter that was inside the building that they wanted moved outside the building.

Vice-President Eddings stated we've already approved this?

Mr. Crawford stated you approved the project to be done and that's the invoice.

Vice-President Eddings stated I make a motion that we approve the invoice as presented.

Council Member Voyles stated I second.

President Broady stated I've got a motion on the floor and duly seconded, 1637.15 any discussion? If not, all those in favor signify by saying I, opposed nay. I's have it. Vote 5-0

Clerk Treasurer Schafer stated is this the reimbursement to you?

Mr. Crawford stated yes, the next item I have, what we have here is we've got 2 invoices from the same company, I just combined them on the same voucher. The top one is for lighting damage incurred at the Bean Road Lift Station in the amount of 3591.26 the additional amount of 943.74 is what we considered preventive and routine maintenance which we have taken care of that portion. Your portion of the 3591.26 which is what Mrs. Schafer has a check for in her possession.

Clerk Treasurer Schafer stated is this lightening damage to the sewer.

Mr. Crawford stated to the pump.

Clerk Treasurer Schafer stated sewer pump.

Mr. Crawford stated yes.

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President Broady stated ok, so this is what we were reimbursed by the insurance.

Mr. Crawford stated on the top invoice.

Clerk Treasurer Schafer stated less 1000.00 deductible.

Mr. Crawford stated right, the second invoice in line was for a pump that was rebuilt for the Covered Bridge Lift Station. Once again, this was a project that was approved at a prior board meeting and the, that is the stated amount at that time, 4250.00.

Clerk Treasurer Schafer stated ok, so this is 2 separate.

Mr. Crawford stated right, I just put them on the same voucher.

Clerk Treasurer Schafer stated ok.

President Broady stated ok, so actually we are approving 7841.26 with 3591.26 being reimbursed, is that the way I understand it.

Mr. Crawford stated a portion yes, it's a portion 35.

Council Member Fenner stated not all of that will be reimbursed.

Attorney McCall stated less 1000.00 of that Dave.

President Broady stated does everybody understand it? Ok, I'll entertain a motion to approve these vouchers.

Council Member Voyles stated I'll make that motion.

President Broady stated I've got a motion on the floor, do I have a second?

Vice-President Eddings stated I'll second.

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 5-0

Mr. Crawford stated the invoice that you have before you now, is to Reschar Construction. This is the replacement of a damaged Fire Hydrant that a citizen ran into. This was actually done back in June, May, June. We have been, Mr. Bonnaville has been dealing with this particular persons insurance company. They wanted to reduce the price on it. I think he is still working on the price of it with them Mr. Reschar has called me a couple of times wanting payment on it, so I told him that I would at least present it tonight. There is a check attached on the back of your invoice Dave from the insurance company. Mr. Bonnaville just advised us to go ahead at this time us that much of the check anyway. But he is still dealing with this particular individuals insurance company to try to get them to pay what they are supposed to pay.

President Broady stated ok, by signing this, endorsing this we're not releasing them from.

Attorney McCall stated who's it from.

Council Member Fenner stated the insurance company, they're disputing with them.

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Attorney McCall stated his carrier or your's?

Mr. Crawford stated his.

Attorney McCall stated Earl's the agent, so I would assume you can sign it and...

President Broady stated soon as we do that would that release.

Attorney McCall stated no.

Council Member Fenner stated they are offering about half of what the invoice is.

Attorney McCall stated right, I understand, it's been going on for a long time.

Council Member Fenner stated can we go ahead and pay it without endorsing the check?

Attorney McCall stated If you got the funds, go ahead and deposit the check.

Council Member Fenner stated would that be...

Vice-President Eddings stated you can't deposit the check without signing it.

Attorney McCall stated right.

Clerk Treasurer Schafer stated right.

Clerk Treasurer Schafer stated we don't have to deposit the check, we can go on pay our debt with Mr. Reschar and hold the check.

Vice-President Eddings stated hold the check.

Council Member Fenner stated don't sign the check.

Vice-President Eddings stated lets do that.

Attorney McCall stated let me call Earl tomorrow and just see if.

Council Member Fenner stated the contract has been put off and put off!

Vice-President Eddings stated I make a motion that we pay the invoice of the contract.

Council Member Fenner stated I'll second.

President Broady stated I've 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 5-0

Clerk Treasurer Schafer stated will this be a water.

Mr. Crawford stated yes.

Clerk Treasurer Schafer stated it's a fire hydrant.

Mr. Crawford stated the next item, once again, is an insurance claim due to lightening

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damage to the computer system in the Billing Office in the Town Hall as well as the Unix System used by both departments. Once again Mrs. Schafer has a check in her possession to cover all but 1000.00 these.

Clerk Treasurer Schafer stated that one I deposited.

Mr. Crawford stated right.

President Broady stated do you have the invoice.

Mr. Crawford stated yes, I have 3 invoices, thats just to cover the first invoice and...

Vice-President Eddings stated where's the voucher.

Clerk Treasurer Schafer stated Tim where's the voucher.

Mr. Crawford stated I don't know I forgot to put that on there, I signed them and to get them to you.

Clerk Treasurer Schafer stated they can approve it.

Vice-President Eddings stated how much is it.

Mr. Crawford stated 3553 is what you portions is, or what the check is and, but is 4553, 26 or something.

Clerk Treasurer Schafer stated yes with a 1000.00 deductible.

President Broady stated yes with a 1000,00 deductible.

President Broady stated how much? 4000 and...

Mr. Crawford stated 553.26.

Clerk Treasurer Schafer stated 324.50, 1949.25 and 495.00, my invoice total is 3279.00.

Vice-President Eddings stated 2279.00.

Clerk Treasurer Schafer stated yeah, and the bottom line on this one is 2279.50, 1949.25, 324.50 I have recieved a check from the insurance company less 1000.00 and I have already deposited. So all we're waiting on is the approval from the council.

President Broady stated so all it's costing us is 1000.00.

Clerk Treasurer Schafer stated yes that's right.

President Broady stated I'll entertain a motion to approve this contingent upon Tim getting a voucher to Linda.

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

President Broady stated I've got a motion on the floor, do I have a second?

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Council Member Voyles stated I'll second.

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 5-0

Mr. Crawford stated ok, last but not least is the utility reimbursement according to your Electrical Expenditures, Chemical Expenditures, and your maintenance and Repair Expenditure according to the contract. The Electrical Expenditure was 11349.88 over budget, no reimbursement due. Chemical Expenditure was 29406.97, the cap was 36582.30 for a savings of 7178.33, reimbursement to the town, 1794.58. The check is attached to the back of your pages there Dave. M & R was the Capital of 66236.33, Total Expenditures for the contract was 82115.97, for a total of 15879.64 over budget. No reimbursement is due.

President Broady stated we have three different caps of the contract, if anything runs over that cap, EMC eats it. Anything under that cap, we get 25%.

Mr. Crawford stated 25% on the Electrical and the Chemical, 100% payback on M & R.

President Broady stated ok and the other thing we were under on was the Electrical.

Clerk Treasurer Schafer stated Chemical.

President Broady stated Chemical, I'm sorry, Electrical they end up eating over the cap of several thousand on each of them.

Vice-President Eddings stated 11000.00.

President Broady stated ok, you got any questions about it. Ok, Boz, you got anything?

BUILDING COMMISSIONER/BOZ ADAMS ADDRESSES THE COUNCIL MEMBERS CONCERNING GUIDELINE'S FOR THE TOWN/AND SWIMMING POOL'S AROUND TOWN.

Mr. Adams stated I've got a couple of things for you to look at. Some of it's not in real good order. It's a page on the back, most of them are on the back, its list of proposed property, and the guideline for the town. It will make it a little easier if you want to lay the subdivisions out or something like that. Elevate some of the confusion on that. Just wanted you to take a look at that and see if you could think of anything else that may need to be added to it or changed. There are two or three things in there. I really don't see that needs any action or anything tonight. I just wanted you all to take a look at it and see if there was anything you can think of that needs to be added or anything. Another thing on there is a letter to the Harrison Group. I got a fax from them this afternoon, or picked it up this afternoon where they are proposing or starting construction on their next of the Cracker Barrel Development. I figured it was probably time to send them a letter addressing the water and sewer issues over. I didn't know if that was something the board wanted to send them or do you want me to go ahead and send something like that to Mrs. Patenaude

Clerk Treasurer Schafer stated probably Tim would like to have his hands in it.

Mr. Adams stated I talked to Kevin for a minute today on that. And I talked to Clark on the water and John on the sewer a couple of times. I was kind of firming up on what we need couple of months or so on the Hotel right behind Cracker Barrel on the interstated side.

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President Broady stated are you asking whether you are.

Mr. Adams stated you all want to put something together and send it to Mrs. Patenaude or do you want me to send one?

President Broady stated in regards to the water and sewer that is going to have to be brought up to standard for, John, aren't you handling the water and sewer in regards to the Harrison Group?

Mr. Toombs stated that's what, he and I had talked today, about what he's talking to you about and I talked to you about.

President Broady stated does he need to follow up with a letter of any sorts or do they understand?

Mr. Toombs stated he and I are going to prepare a letter for you to sign.

Mr. Adams stated ok, I just wanted to check with you and see if there was anything else you wanted to add, I have to get with John for the map. There is a map of it, I'll give you my copy of it. The other thing that is in there is addressing the swimming pools around town. Ok, the state has a swimming pool code that says you can have a five-foot fence and some minimum safety requirements around a residential swimming pool. We have a lot of pools around town that don't meet these requirements. Ok, some of them probably redate the thing and some of them were overlooked in the past. If the board wants to start picking them up and kind of address the issues with the property owners or let by-gone's be by-gone's

President Broady stated let by-gone's be by-gone's and start with the new.

Mr. Adams stated ok.

Council Member Fenner stated there is possibly a grandfather clause in there.

Mr. Adams stated there is no grandfather clause on this one, but it's one of them that you know, I can see some of the people have held pretty firm on, some of them have said well last summer we did, and I said well last summer was last summer, it wasn't worth dealing with but...

President Broady stated do it for the new construction, that would be the time that.

Mr. Adams stated yeah, ok.

President Broady stated I imagine a lot of it was out of ignorance.

Mr. Adams stated it was, there wasn't anything that was in, and I just wanted to see how the board felt about it and go from there. That's about all I had on it. John and I talked a little bit more in detail on the maps and stuff. So, we'll just put it together and you can sign it and send the letter on the Harrison.

President Broady stated yeah.

Mr. Adams stated ok that's all I had.

President Broady stated ok, Doug.

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Vice-President Eddings stated I don't have anything.

President Broady stated Bill.

Council Member Voyles stated no.

President Broady stated Gary.

Council Member Fenner stated nope.

President Broady stated Ken.

Clerk Treasurer Schafer stated Ken.

COUNCIL MEMBER KENNETH ALEXANDER ADDRESSES THE COUNCIL ON/ORDINANCE ON THE ZONING CHANGE.

Council Member Alexander stated 12 pages, what I'd like to talk about, I wanted to go ahead and let the last ordinance on the zoning change because I was asked to investigate. Which I had a lot of fun, the internet was very useful. There was, even though it wasn't the most perfect zoning change we have ever done, there were people that came, that wanted to know about one particular meeting and so forth and so on. What I found out was, what is the responsibility of the Planning Board? Well I think I know half of it, but the main responsibility is that we're not, all we're doing is certifying a document that comes to this board to make a decision on. And if they fail, if it fails at the Planning Board it can still move onto this one. In the past year we've required people that did not get a favorable answer from the Planning Board to go back through the Planning Board and pay their money again and I think that's where some of the friction became evident on this one too. Because there was a vote of a rejection. It wasn't tabled, if it would have been tabled it would have been different. But then the next Planning Board they made a motion and voted in favor of it. Well, on the standards that we have been using for the year before it would of actually required an additional 100.00 an additional sending of the letter, leaving the sign in the yard and so forth and so on. But, after looking through most of the state codes, and real interesting appellant, from the Supreme Court which was really neat to get into and watch. I mean they went through the same thing basically the residents around sued and said everything was illegal. They didn't properly post Public Hearings and so forth and so on. Every-time the Planning Board meets, it is a Public Hearing. If it makes a decision on one, it's done. It's over, the person then can come to the Town Board and ask for them to receive or not receive the area. But to go back to the Planning Board, and get a reverse decision on it. From what I'm reading, would require you, you could restart it, and go through it or you could come to the Town Board, make some recommendation and I guess the Town Board could send something back to the Planning Board to avoid all this confusion. Anyway, what I'm getting to is, we don't have a clear line, what the Planning Board it suppose to do. What's really interesting is, the little package we got from the resident wanting water and sewer is what we should be getting as Town Board Members. If you will look through this, you get a Clark County Board of Appeals, it's a legal notice. You flip it over and you get the description, you flip over get where it was put into the newspaper. The next page it gives you a map of the area, not just the one track. It gives you a map of the whole area, which our board, I mean our plans say you should have. You know, which I didn't see any of this the last time. It also gives you the water and sewer hook-ups, how they are going to be done. Any storm drain, what the proposed construction is going to look like. You know, it's like wow, and this is for a zoning change. All I'm asking is we figure out...

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exactly, I mean I think I understand what the Planning Boards responsibility, we can't hear everything that comes through. Ok, but they have an important job, they can't be bypassed they can't be just skipped and say hey I'm going to come to the Town Board. It must initiate from the Planning Board. And then whether they pass or don't pass it, you still have the, you still can come to the Town Board and put your case up. One of the things about the Planning Board, after all the reading, you all can screw up and still be ok. It still can go through. I mean there wasn't a sign down there and we voted on it, the thing about not having a description at the Town Hall, well that was a little confusing because usually the commissioner would be at the Town Hall. So since he had a copy of it and it was available to the public that actually was ok, It was very interesting. I would like us, we have 7 meetings left before we retire, and then we get the green horns in and they will spend 5 years wondering what the Planning Board does. I would like to get this.

Mr. Pate stated I would like to ask a question, this thing went on in this individual case that we're discussing right now went on, started, was initiated in February. The guy seemed to be confused as to what to because he was repeatedly over and over to get a legal description and plat mount. In May he sent the letters out, maybe he didn't certify them. He told them to show up at the Board of Zoning appeals. Of course he never did bring a legal description or a plat mount anyway. It was tabled and then in June he still did not bring it and in July he brought a sketch on a piece of grant paper that did not even tell what street it was or what city it was or what country it was. So at that time, he was rejected. He then asked Boz could he address the Planning and Zoning Commission and I was out of town. He addressed the Planning and Zoning Commission and I was out of town. He addressed the Planning and Zoning Commission and then it was approved. He did not pay his 100.00, he did not go back through, so my question is this, what do we do? Do we go back and refund the money that we charged before, do we not charge in the future, and what do we do with the minutes of August, which was a public meeting that it was approved, nothing was on the agenda?

Council Member Alexander stated well, see I mean those were the questions I went searching for answers on. What the ~~commission~~ was, the August meeting to me whether it happened or didn't happen, if there was someone to come in a pursue it ok, and they would say the August meeting was illegal, there was no public notice on it. Granted that, but he still had the option from the rejected meeting in July to pursue coming to the Town Hall. So he really hasn't broke anything other than the actual conclusion of the Planning Board was it was rejected. And for the reason of not having the maps and so forth. So he could go ahead and pursue and go to the Town Board and he did have his maps and so forth which gave us the perfectly ok to say yea or nay.

Mr. Pate stated what do we do in the past for the people that we have double charged?

Council Member Alexander stated I would like to see anybody in the past year because, there really haven't been a whole lot of cases of where we have double charged.

Mr. Pate stated what do we do in the future?

Council Member Alexander stated the future should be real simple, once, I mean I would assume, once there is a vote, yea or nay ok, their option should be told to them directly. Which you may, if rejected, go to the Town Board. Ok, and then the Town Board can say if they want to change something, if they want to send it back for your all recommendation and see if it will change. I mean that's what they did in this, they did it three times. They affirmed one and said it was ok. It came to the Town Board and the Town Board didn't like it, so they wrote, they amended it and they sent it back to the Planning Board and

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said hey will you all certify there amendment changes that we made. And they say yes. And see there shouldn't be any charges there because once it's went through once to get it. If the individual wants to get the Planning Board to change it's mind I think it should pass.

Attorney McCall stated I think once you pay your fee, that is the fee until there is a final determination either one way or the other.

Council Member Alexander stated from which body though?

Attorney McCall stated from the Town Council, because it's an Advisory Board that makes a recommendation, whether you don't believe should pass, or we believe it should pass. The Town Council has the final vote in that regard. Or they could simply table it here and send it back to the Planning and Zoning with additional recommendations. They are the same.

Vice-President Eddings stated they are.

Council Member Alexander stated but they were charged though.

Attorney McCall stated I understand that and maybe you need to take some steps to refund those people their money. Figure out who those people are and get their money to them. But that's a final determination yes, we're going to approve it or not it's not the type of thing we want to change our zoning.

Attorney McCall stated this is the Planning and Zoning out there, the state it's a bigger municipality than that.

Council Member Alexander stated right.

Attorney McCall stated this is an Advisory Board.

Council Member Alexander stated will even the Advisory Board have mainly, when you get to the bigger ones, the only difference don't affirm it certify it from the bigger community it doesn't go for it. But from the advisory aspect it still has to go through the Planning, you can't skip that.

Attorney McCall stated its got to go through the Planning.

Council Member Alexander stated it goes through all the steps and makes sure everything as laid out like its suppose to or like this here shows. And once its been certified or rejected they still have the option to come to the Town Board for its final conclusion. The problem is people trying to do it with out any assistance and trying to present it to the Planning Zoning and say yeah, this is what I've got, isn't this enough? No its not, were a small town and its a little different atmosphere then Clarksville. But what you need to do is probably, is get yourself guide lines if your going to do a Planning and Zoning here, this is what you need to bring heres your piece of paper fill it out. And if you don't get it to you first time its not there. I guess you guys can table it and say bring it back again, bring it back again and bring it back again.

Council Member Fenner stated Rod, I have two questions one is do you have a ball park figure of how many people we have double billed in the last couple of years. And secondly how hard would it be to find them and refund that 100.

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Mr. Pate stated it probably wouldn't be that hard.

Council Member Fenner stated if we want them to refund it would we need to make it a motion or can they do that on their own or is that a decision they can make.

Attorney McCall stated you'll need to approve it.

Council Member Alexander stated we need to approve it. Ok, I mean Rod, how do you feel about refunding that money?

Mr. Pate stated I think whatever the decision is, regardless of the outcome, whatever the decision you know I don't have a problem with it.

Council Member Fenner stated ok.

Mr. Pate stated whatever we do we do it straight across the board.

Council Member Fenner stated ok.

Mr. Pate stated and now that we know that this fee is good until you guys make the final determination with yes or no. Will just say there's no need to bring it back to us, go straight to the Town Board if you were rejected here your options are go to the Town Board or not go to the Town Board.

Council Member Fenner stated ok.

Mr. Pate stated if you guys turn them down that's it. Now I think if you guys turn it down I'm not sure, I think once you guys turn it down they have to wait 6 months. Ok, I read that somewhere before they can resubmit and go back to the Planning Commission and go back, I'm not sure.

Council Member Fenner stated ok.

Attorney McCall stated there is a waiting period again you just can't come back next month.

Council Member Fenner stated Mr. Chairman can I make a motion?

President Broady stated yeah, I've got something I want to say first. First of all, I'm the chair position here and also a member on the board that Rod chairs. I'll be one to first admit it sounds like we made and I'll count myself in and Bill Shank, we probably have made a bo-bo I don't know unfortunately as perfect as we are we do make mistakes once and awhile. My apology to Rod and his board. They've worked very very hard and very efficient in what they do and try to really run a good show. And there was no intention to second guess you all and go around you and I think there was some confusion on exactly and you know the difference between tabling it and doing it. I've missed a couple of meetings in the process there and I know Rod missed I think absent a couple of times, and I even shared one of them and Bill shared one and just started wrong maybe. I want to apologize to Rod and his group, and also any other people that we have made wrong and charging them to go back and do it I think that we should resolve here tonight and the apology if we have hurt anybody's feelings because you do a fantastic job. And if we get it all squared away and get it put exactly what we all suppose to do we won't make these kind of mistakes again. So I'll entertain a motion to...I'd like to make a motion that we ask the ...

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Council Member Fenner stated Planning and Zoning to research the meetings back as far as they can up to the term of this board. And if there are people that we have double billed the 100 to refund them that extra.

Mr. Pate stated can I suggest why don't we just couple of years. I mean they're not going to know, I mean there's only one individual not that I'm trying to slight the people in the past, but to go back through all the records, to double check the records to see...

Council Member Fenner stated ok, I'll be glad to amend that to just the last 2 years.

President Broady stated I've got a motion on the floor, do I have a second?

Council Member Voyles stated I'll second.

President Broady stated and duly second, any discussion? If not all those in favor signify by saying I, oppose nay. I's have it. 5-0

Council Member Alexander stated I would like to conclude with just that you know have something like this we be...If we had a sample, when somebody came in they want to do this by there self, I say here this is what its suppose to look like. Because I'm not going to be a Council Member next year, but really when it comes to this Board it should look like this. We should be able to thumb through and say hey exactly whats gong on. And we should have time to look it over and stuff before so were not confused and start running around in circle.

Attorney McCall stated that goes back to the responsibility of the petitioner. They need to come with the material in hand and present it to them and all there doing is looking at it and passing it on to you with a check mark or an F.

Council Member Alexander stated I mean this is probably insignificant but where the problem comes from here in favor of the motion you can care less what they say. If your not in favor of the motion you want every bit of information you can get. So if theres a majority that's in favor of it, the little minority set over there and say hey I would really like to investigate this one. Sure it doesn't mean a hill of beans whether I investigate it or not, but you know I want to do that and if we don't stand up and say look this is the way it is going to come to the Town Board or you cannot present it. Don't come to us don't even let it be able to be on the agenda until we have something like this coming to here, so that the minority doesn't have to be responsible.

Council Member Fenner stated can we just ask the Planning and Zoning to consider a better process.

Council Member Alexander stated well, I think it's already laid out it's, just have really never enforced it hey, don't come to the Planning Board with out all your I's and T's crossed and dotted you know before will even make a motion. And then it should be passed on to a Council in some form of a package.

Council Member Fenner stated but some people are going to come no matter, will you can say we're not going to except that and but there still going to bring it to you anyway.

Council Member Alexander stated well if they have to go through the Planning Board they

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can't come to the Town Board until the Planning Board has made a yes or no, if they leave it in limbo they can't come they have to get a yes or no.

Council Member Fenner stated that's right, that's right that's the way its sit up now.

Council Member Alexander stated right, well it's set up so if they demand, hey look if your going to put it together like this were not going to give you an answer. It will be together when it come's to the Town Board. And way thats enough on this. Sellersburg Animal Control report Thank's Mark you'll have to look to see what they look like in case you ever want to see one. Fourty-Four calls, what he does, and how many impounded, so forth and so forth. And lets see is that 12 pages yet Patty or should I keep going?

Deputy Clerk Crawford stated that's entirely enough.

Council Member Alexander stated that's all I have.

Council Member Fenner stated can you see it Doug, do you want it down there?

Vice-President Eddings stated just leave it down there.

President Broady stated Linda.

Clerk Treasurer Schafer stated yes.

President Broady stated do you have anything?

Clerk Treasurer Schafer stated yes, I have the bills from the last meeting. I think they were tentatively approved on condition of a correction, and one for this week.

President Broady stated ok, I've got bills for, were in your box, you've had a chance to look at them if not. If so I'll entertain a motion to approve the bills as presented.

Council Member Voyles stated I'll make that motion.

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

Vice-President Eddings stated second.

President Broady stated and duly second, any discussion? If not all those in favor signify by saying I, opposed nay, I's have it. 5-0 That's for the new one we already approved this one on the corrections.

Clerk Treasurer Schafer stated the corrections.

President Broady stated we just need to sign this one. Ok, I have two claims for Jacobi, Toombs and Lanz one is for the sanitary sewer project that they've been working on 2,252.50, and the other is for Adkins Court Project for a 100.00. I'll entertain a motion to approve them.

Council Member Voyles stated I'll make a motion.

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

Vice-President Eddings stated second.

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President Broady stated and duly second, any discussion? If not all those in favor signify by saying I, oppose nay, I's have it. 5-0 Linda do you have anything else?

Clerk Treasurer Schafer stated no, I just need you all to sign the Budget so I can turn it in to the Tax Commissioner.

President Broady stated nobody leaves until they sign these.

Clerk Treasurer Schafer stated you still have to sign all that.

President Broady stated ok, I have one other thing I need the members attention. We need to have a meeting set up to go over the new Police Chief applications to get that on the road and then set up for interviews. What is a good night or day or whatever how you all want to handle that, all the spare time we've all got. The other Board Members have been invited to participate. Is everybody going to be in town next week or can we call a Special Meeting for that? I think all we need to do first is have a meeting and go over and go over the application, and then decide who were going to have interviews with, maybe. That sounds reasonable.

Clerk Treasurer Schafer stated there's only five applications.

Council Member Fenner stated 6.

Clerk Treasurer Schafer stated 6.

Council Member Fenner stated yes, next week I'll be out of town every night, I'll be in town late at night, and I'll get back about 1:00 in the morning and be gone every evening. So it will have to be in the morning or early afternoon.

President Broady stated Ken what's a good time for you to get away?

Council Member Alexander stated it doesn't matter accept for Tuesday at 9:30.

President Broady stated do you want to make it 7:30 in the morning, 7:30 Tuesday.

Council Member Alexander stated I can't do it Tuesday.

President Broady stated 7:30 Wednesday.

Council Member Alexander stated I can do it 7:30 as long as were out of here by...

President Broady stated the first one should be quick, 7:30 Tuesday, Tuesday the...

Council Member Alexander stated call and wake me up.

President Broady stated Tuesday the 21st at 7:30 in the morning. To read through the applications and decide basically how were going to proceed from there. And then can we set up another date?

Attorney McCall stated yes.

President Broady stated it will be a week away or so.

Clerk Treasurer Schafer stated this is a Special Executive Session?

Attorney McCall stated are you going to do it in an Executive Session?

Clerk Treasurer Schafer stated or do you want it open to the public?

President Broady stated if we do an Executive Session, can the new members participate?

Vice-President Eddings stated no.

Clerk Treasurer Schafer stated no, Special Meeting.

Attorney McCall stated Special Meeting.

President Broady stated Special Meeting, Tuesday.

Attorney McCall stated I'll contact the Evening News.

President Broady stated ok, if there will be know further business anything else?
If know further business I'll entertain a motion to adjourn.

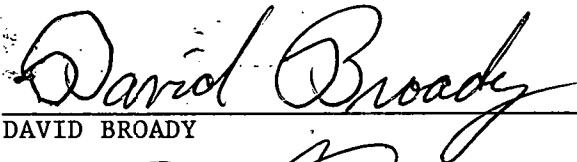
Vice-President Eddings stated I'll make that motion.

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

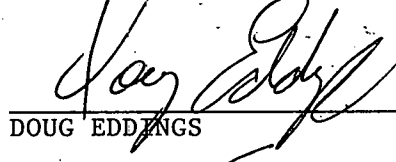
Council Member Voyles stated I'll second.

President Broady stated and duly seconded, any discussion? Adjourned.

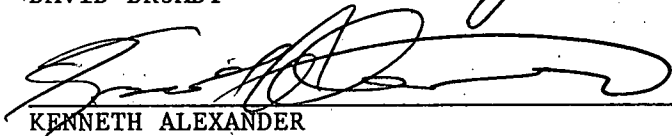
With no further business President Broady adjourned the Regular Meeting at 7:45 p.m.



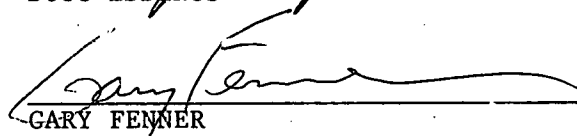
DAVID BROADY



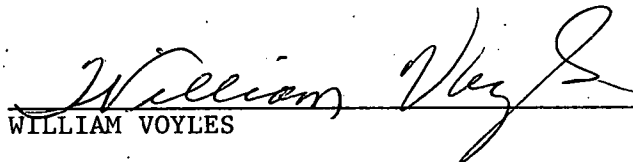
DOUG EDDINGS



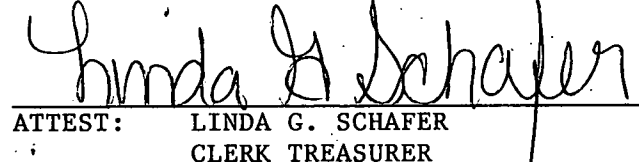
KENNETH ALEXANDER



GARY FENNER



WILLIAM VOYLES



ATTEST: LINDA G. SCHAFFER
CLERK TREASURER

SELLERSBURG TOWN COUNCIL

September 21, 1999

SPECIAL EXECUTIVE SESSION

An Special Executive Session of the Sellersburg Town Council was held at the Sellersburg Town Hall at 7:30 a.m. To review applications for the Sellersburg Chief Of Police. Those present were: David Broady, Council President; Doug Eddings, Council Vice-President; William Voyles, Council Member; Gary Fenner, Council Member; Linda G. Schafer, Clerk Treasurer; and William P. McCall, Town Attorney.

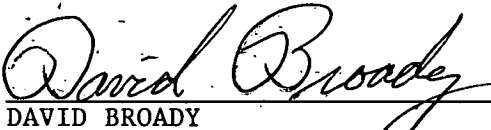
Called To Order

President Broady called the Special Executive Session to order at 7:30 a.m.

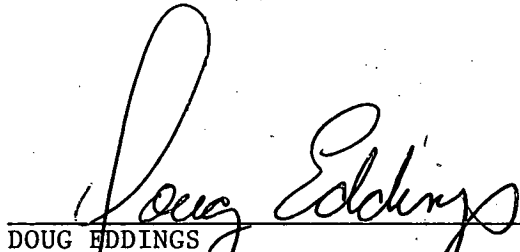
Topic Of Discussion

Review Applications for Chief Of Police

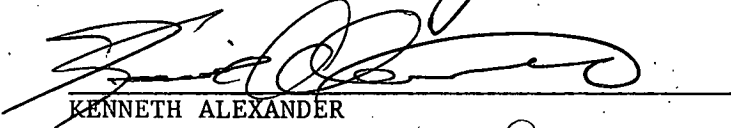
With no further business President Broady adjourned the Special Executive Session at 8:00 a.m.



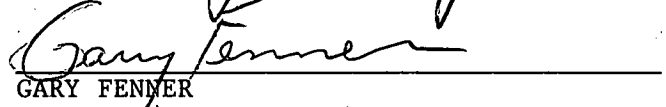
DAVID BROADY



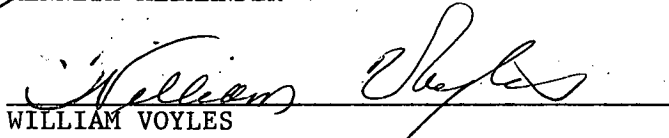
DOUG EDDINGS



KENNETH ALEXANDER



GARY FENNER



WILLIAM VOYLES



ATTEST: LINDA G. SCHAFER
CLERK TREASURER

SELLERSBURG TOWN COUNCIL

September 28, 1999

Special Executive Session

A Special Executive Session of the Sellersburg Town Council was held at the Sellersburg Town Hall at 7:00 p.m. To interview applicants for the position of Chief of Police. Those present were: David Broady, Council President; Doug Eddings, Council Vice-President; Kenneth Alexander, Council Member; William Voyles, Council Member; Gary Fenner, Council Member; Linda G. Schafer, Clerk Treasurer.

Called To Order

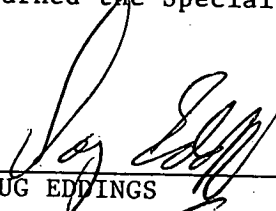
President Broady called the Special Executive Session to order at 7:00 p.m.

Topics Of Discussion

Interview's For The Chief Of Police.

With no further business President Broady adjourned the Special Executive Session at 9:12 p.m.

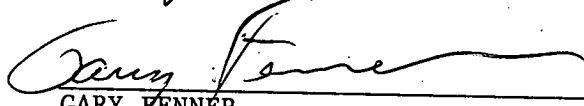
DAVID BROADY



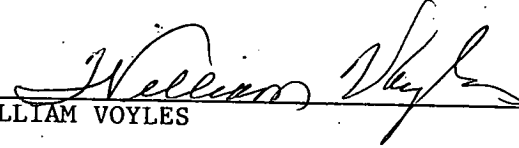
DOUG EDDINGS



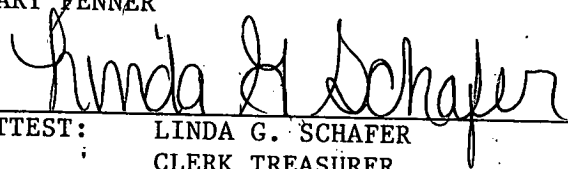
KENNETH ALEXANDER



GARY FENNER



WILLIAM VOYLES



ATTEST: LINDA G. SCHAFER
CLERK TREASURER.

SELLERSBURG TOWN COUNCIL

September 30, 1999

Special Executive Session

A Special Executive Session of the Sellersburg Town Council was held at the Sellersburg Town Hall at 7:00 p.m. To interview applicants for the position of Chief of Police. Those present were: David Broady, Council President; Doug Eddings, Council Vice-President; Kenneth Alexander, Council Member; William Voyles, Council Member; Gary Fenner, Council Member; Linda G. Schafer, Clerk Treasurer.

Called To Order

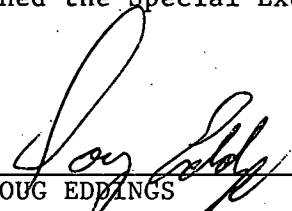
President Broady called the Special Executive Session to order at 7:00 p.m.

Topics Of Discussion

Interview's For The Chief Of Police.

With no further business President Broady adjourned the Special Executive Session at 7:55 p.m.

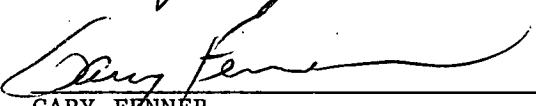
DAVID BROADY



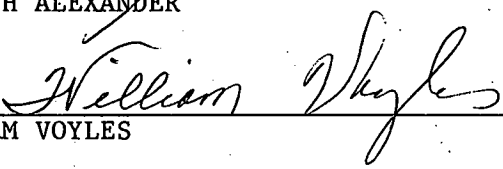
DOUG EDDINGS



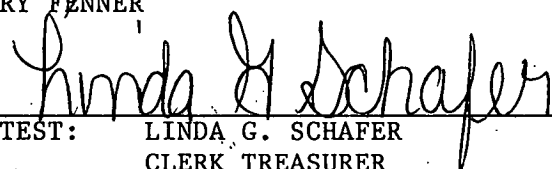
KENNETH ALEXANDER



GARY FENNER



WILLIAM VOYLES



ATTEST: LINDA G. SCHAFFER
CLERK TREASURER

SELLERSBURG TOWN COUNCIL

September 27, 1999

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 President; Doug Eddings, Council Vice-President; William Voyles, Council Member; Gary Fenner, Council Member; Kenneth Alexander, Council Member; William P. McCall, Town Attorney with Linda G. Schafer, Clerk Treasurer being absent.

Called To Order

President Broady called the Regular Meeting to order at 6:35 p.m.

Prayer

The prayer was offered up by Rev. Bob Hauselman.

Pledge

The Pledge of Allegiance to the flag was recited.

PRESIDENT BROADY ADDRESSES THE COUNCIL MEMBERS CONCERNING THE MINUTES.

President Broady stated I have the minutes before you for September the 13th Executive Session the September the 21st Executive Session and September 13th, at the Regular Meeting. You all have had an opportunity to read them and approve them. I'll entertain a motion to approve the minutes as presented.

Council Member Alexander stated I'll make a motion to approve the minutes.

President Broady stated I got a motion on the floor do I have a second?

Council Member Voyles stated I'll second.

President Broady stated and duly second, any discussion if not all those in favor signify by saying I, oppose nay. I's have it. 5-0 First on the agenda tonight is Mr. Keeney at 599 Catalpa with a water bill problem.

MR. KEENEY ADDRESSES THE COUNCIL MEMBERS CONCERNING HIS HIGH WATER BILL.

Mr. Keeney stated yes sir, I have a very substantial water leak at 599 Catalpa. I would ask for your consideration regarding my bill please.

President Broady stated ok, you found the leak and got it all taken care of.

Mr. Keeney stated it's all taken care of.

President Broady stated have you approved any part of, done any of the dusting on it at all.

Mr. Crawford stated no, no, not today.

President Broady stated is it just, what have you got two months or do you think its all in one month?

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MR. KEENEY ADDRESSES THE COUNCIL MEMBERS CONCERNING HIS HIGH WATER BILL.

Mr. Crawford stated the clarification the first month they get it through the Clerk's Office and they advised me I need to come in before this board for the second one.

President Broady stated ok, alright, do you all understand it. What's the boards pleasure?

Vice-President Eddings stated adjust to the 12 month...

President Broady stated ok, what we usually do is adjust the sewer back to were you normally are, and then the water doesn't usually amount to, to much.

Mr. Keeney stated I have a substantial amount this time.

President Broady stated how much is the whole total.

Mr. Keeney stated the whole total is \$1,023.00.

President Broady stated thats a big one.

Council Member Fenner stated what kind of leak did you have?

Mr. Keeney stated you know it never did come to the top it never did.

Council Member Fenner stated did you pay someone to come out and dig it up.

Mr. Keeney stated no, I did it mayself. The first month was \$491.00 the first bill.

Council Member Fenner stated the water is still \$226.00.

Mr. Keeney stated that first line item is a mistake were they failed to adjust it out on the first bill, that's the first bill there.

Council Member Fenner stated ok, the first...

Mr. Keeney stated yeah that's the first month that they did through the Clerk's Office.

Mr. Fenner stated ok, ok.

Mr. Keeney stated we were diggin all weekend.

President Broady stated how much was the total water?

Council Member Fenner stated the water was \$226.24.

Mr. Keeney stated around 100.00.

Council Member Fenner stated total bill.

Mr. Keeney stated what about a 12 month average.

Vice-President Eddings stated the water did not go in the sewer system, the water did not go in the sewer system.

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President Broady stated I know I ain't worried about the sewer.

Council Member Fenner stated it was our water, it was our water that was treated.

President Broady stated I'll entertain a motion whatever the boards pleasure is.

Vice-President Eddings stated I make the motion to adjust the 12 months.

Council Member Voyles stated and I'll second it.

President Broady stated I've got a motion on the floor and duly second it. Does everyone understand the motion? If so all in favor signify by saying I, oppose nay. I's have it. Tim just adjust it, take the whole thing and adjust it to 12 months average.

Mr. Keeney stated see the clerk tomorrow.

President Broady stated yeah, that's kind of an unusual one.

Mr. Keeney stated yeah.

President Broady stated just opened up a can of worms.

Council Member Fenner stated I was going to say I hope we didn't sit a precedence because we've got how many more?

President Broady stated ok, Ms. Hostettler.

MS. HOSTETTLER ADDRESSES THE COUNCIL MEMBERS CONCERNING A HIGH WATER BILL.

Ms. Hostettler stated I'm glad mine isn't that high, mine has always run around 26, 28 sometimes 30, 32 all of a sudden two months straight it was 48.03 exactly the same usage. I don't understand that, exactly the same usage. And it started going down but like in August I was at the Y I took nine showers, 10 showers down there and I washed six loads of clothes and I know its going to be cheaper this month. But I don't know what it will be, but there has to be something wrong jumping out that fast.

Vice-President Eddings stated same usage.

Ms. Hostettler stated well the two that was 42.03 was exactly the same usage there's no way you would use exactly the same amount. I think something was copy^{ed} down wrong or...

Mr. Crawford stated yes, I totally agree with you, we've tried to be real active at this point here the months that Ms. Hostettler is referring to is the months of April and May were it shows 5.7 or 5,700 gallon of usage. So on June 18, 1999 we pulled the old meter and replaced a new meter in its service. After that point the next bill 4,900 gallons the next bill was 3,000 gallon's, and the last bill was for 4,700.

Ms. Hostettler stated well see I've never been, used alot of water for one person for it to jump up that much. The last one I paid was \$42.00.

Mr. Crawford stated pior to 5.7 or 5,700 gallon's run the usage her usage was average 26 to 2,900 gallon's a month granted its an old meter the red flag went up when we got 25.7 readings in two months back to back therefore we've replaced the existing or the

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MS. HOSTETTLER ADDRESSES THE COUNCIL MEMBERS CONCERNING A HIGH WATER BILL.

old meter that was there the accuracy ratings on the current meter's I've got them there right at 100%. I don't have an explanation for none of it.

Ms. Hostettler stated will just like August though, I mean I didn't use any practically in August.

Council Member Fenner stated Ms. Hostettler have you checked to see if you have a leak any where at all?

Ms. Hostettler stated they've been down there a couple of times.

Council Member Fenner stated our fellows from the Water Department have been down there.

Ms. Hostettler stated yes.

Council Member Fenner stated ok, and there's nothing showing as far as a leak goes.

Ms. Hostettler stated this is with the new meter, I just wondering if the new meter is registering an extra number when it goes over.

Council Member Fenner stated well I think what Tim just said was he check the new meter and it's accurate. I think thats just what he said.

President Broady stated so are we back, go ahead.

Ms. Hostettler stated did he check it, did he check it as like, goes over to 100 or however it goes. I mean if it doesn't show any leakage when it gets to a certain number does it, can it double.

Council Member Fenner stated not if it checked accurate.

President Broady stated no.

Ms. Hostettler stated if it didn't show any leaks it wouldn't, the meter wouldn't run wrong.

President Broady stated no.

Council Member Fenner stated not since he checked it. No, I mean that is why they changed the meter out the first time because they questioned whether it was accurate or not. So they replaced it with a new meter and now they have gone back and checked the new one and they determined that it is accurate.

Ms. Hostettler stated this is the first year I haven't done any cleaning, I haven't washed my windows outside, and I haven't washed my car. I mean, if I did all I was doing before I would have a \$100.00 water bill.

Mr. Crawford stated it may be a situation too, and I'm not, I'm strictly speculating here, with the old meter in service prior to the 5700 gallons for the two month period, could have been reading low also. Not only can they read bad, and make the reading look too high, they can also read bad and make the reading look too low.

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MS. HOSTETTLER ADDRESSES THE COUNCIL MEMBERS CONCERNING A HIGH WATER BILL.

Ms. Hostettler stated I don't know, I just don't think one person uses that much water.

Council Member Fenner stated when did you replace the meter Tim?

Mr. Crawford stated June 18th.

Council Member Fenner stated June the 18th and what have her, what have your bills been?

Ms. Hostettler stated now the last one I paid was 42. But now the one that is coming up I would like to see what that is going to be because I know exactly what water is used then.

Council Member Fenner stated and before it was running how much?

Ms. Hostettler stated it was running around 26, well under 30.

Council Member Fenner stated ok.

Ms. Hostettler stated 31 sometimes.

Council Member Fenner stated ok.

President Broady stated I don't know what we can do, does anyone have any ideas?

Vice-President Eddings stated have we issued any type of adjustment on that the two months the meter was bad?

Ms. Hostettler stated do you think an adjustment going to help? If it's not working right that's not going to help.

Council Member Alexander stated two months were low, I mean they were inaccurate they were low. What she is saying is now she feels like they are high. She wants something to where it doesn't continue to be at the 42. But if the meter is been checked out, they certify those when you get a new one, right?

Mr. Crawford stated that is what this certification is and what it actually reads is when it is running full flow it's 98.9% accurate or medium or normal flow it's 100.6% accurate and if it is low it's 99.4% accurate.

Ms. Hostettler stated is there two different rates for summer and winter?

Council Member Alexander stated no, no.

Council Member Voyles stated it looks like to me we're going to have to have some more months so we can get a true picture of what's going on. Like you know with a new meter where you have about 3 months.

Mr. Crawford stated 3 months.

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MS. HOSTETTLER ADDRESSES THE COUNCIL MEMBERS CONCERNING A HIGH WATER BILL.

Council Member Voyles stated it looks like to me we're going to have to have about 3 more months to find out you know.

Ms. Hostettler stated if the meter is working.

Council Member Voyles stated if everything is, if that is the way your bill is going to run. You know a lot of times these old meters give you a false reading and you know it looks like your bill is real low and then when you put a new one in all of the sudden.

Ms. Hostettler stated I know a lot of single people that water all the time and their bill is around 28. They water the flowers and garden and lots of stuff.

Council Member Voyles stated there is a lady in our neighborhood Mrs. Strom, she had a low water bill, low water bill and they checked her water and they replaced it and her water bill went up and leveled off and her meter was running low. She was having 20, 22, 23.00 water bills and now they are with mine around 38, 39 and 40.

Ms. Hostettler stated well mine was a little higher than that.

Council Member Fenner stated maybe we need to wait, I mean, because we don't have an answer. I don't think any of us have an answer other than the fact that it is possible for several years you've been using a lot more than you have been paying for. And that's why we've got a program set up where we are trying to change the water meters out, the ones that are very old. We have a program set up to where we are changing so many each year to try to catch up on those things. It's just that yours you know apparently went bad before we got to it in the routine maintenance. So, I mean can you give us a couple of more months and see what happens but we don't have a good answer.

Ms. Hostettler stated when you're on a limited income I mean you don't get anymore.

Council Member Fenner stated I understand. Try to notice your water usage, 41.00 does seem high for a single person. I mean...

Ms. Hostettler stated well, like now for August, I don't know what it will be for August, this one here is for 42.00, the one I paid last wouldn't that have been for July?

Council Member Fenner stated yeah.

Ms. Hostettler stated July.

Council Member Voyles stated what part of that is water?

Ms. Hostettler stated uh, of the 42.00?

Council Member Voyles stated 15.

Council Member Fenner stated about 20.

Ms. Hostettler stated 12.61,

Council Member Voyles stated 12.71

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Ms. Hostettler stated now for August I had six loads of cloths and like I say I was down at the Y for 9 different times, I showered down there rather than come home.

President Broady stated there isn't much we can do until we get...

Council Member Fenner stated you kind of stumped us.

Ms. Hostettler stated I was stumped too when I got this bill.

Council Member Fenner stated I'm sure.

President Broady stated we don't have anything to suggest because...

Council Member Voyles stated I think we need to wait about 3 months and have her let us know what's going on then.

Ms. Hostettler stated should I keep track of what I use and what I do?

Council Member Fenner stated yes, I mean we've got it on the computer in the office.

Ms. Hostettler stated well I know, but what as far as...

Council Member Fenner stated what you are doing.

Ms. Hostettler stated it has to be a lot cheaper than 42.00.

Council Member Fenner stated we should know that in a week or so.

Ms. Hostettler stated I usually average about 6 loads of clothes a month, like I say I haven't done any house cleaning. I haven't done anything as far as the water part.

Council Member Fenner stated yeah.

President Broady stated let's just do that then.

Council Member Fenner stated Tim will you kind of keep that as a red flag and watch that for us please.

Mr. Crawford stated I sure will.

President Broady stated Kimberly Tharp.

KIMBERLY THARP ADDRESSES THE COUNCIL MEMBERS CONCERNING A HIGH WATER BILL.

Ms. Tharp stated I'm coming here tonight over a water bill. I rent at 325 which is attached to Tro-Play and I'm sorry that I'm not more prepared. It's really the first time I've had to keep up with a water bill. I really only have my current. In March we spent a few months trying to go through the water company. They take my number and I don't hear anything but, so finally after talking to several people that I should come here. It jumped up in March to almost 500.00 and now it's 471.50 and the water company keeps saying that I have a leak. Like I said I rent, so if it was anything like that it wasn't my responsibility but I do pay the water. With out any work being done or anything I also have my current and it's 30.00. Only in March it jumped up to 500.00. I live by St. Paul

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and I don't know if it was right around the time that they were building or what, but the gentleman that lives right in front he said his bill also doubled. And I don't know if he came to a board meeting or just went through the company but they adjusted his bill.

President Broady stated ok, so let me make sure I understand, Since sometime in February or March it jumped up how much? 4 or 500.00?

Ms. Tharp stated like 500.00 and the last bill I have is 471.50.

President Broady stated and you haven't done anything and you haven't had a leak repaired and what was last months?

Ms. Tharp stated it went back down after a couple of months, I don't have a washer, it's just me and my son.

Council Member Fenner stated so it went to 500 and then it went back down and then it's gone back up and down?

Ms. Tharp stated no, just the one-month it jumped, I have been making payments on it and the water company keeps saying....

Council Member Fenner stated you're talking about the 400 is the balance due?

Ms. Tharp stated that's now, this is the most current, the water company keeps saying as long as you keep paying they won't cut me off but I need something to go on. Last month I just paid the current charges.

Council Member Fenner stated have you got her?

Mr. Crawford stated I've got her history right here.

Council Member Fenner stated ok, what's her usage been doing?

Mr. Crawford stated her usage for the last 4 months, it started out 65 on 4/4, 6500, 4400, 900 and 2500. So, it is a little erratic, I think what the situation through here is and I don't know where the miscommunication was. Until I seen Ms. Tharp's name on this agenda it's the first time I've heard of any problem that you were having, and I don't dispute any contact that you have made. I think what the situation might be here is back in February when the 49800 gallons is when the computer problems were in the billing office. But not having heard anything here until recently actually it wasn't adjusted, and I think there is an adjustment due. Ok, but I think that in the following 2 months and I really can't point my finger at any type, we got the computer problems fixed apparently quickly. It started out 49800 gallons and goes to 20100 gallons and then it went to 15800 gallons and then all of the sudden it dropped to 6500 gallons.

President Broady stated I mean what, how could that be?

Mr. Crawford stated the only thing that I can really point my finger to is back in February when the computer.....

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President Broady stated yeah, I remember that.

Mr. Crawford stated and I think that can account for the 49800 gallons. What I'm saying is I don't know where the 20100 gallons went and I don't know where the 20100 gallons went and I don't know where the 15800 gallons went.

Ms. Tharp stated I don't have a washer.

Council Member Fenner stated and you never done any repairs what-so-ever, the landlord has done no repairs.

Ms. Tharp stated the water company keeps telling me I have a leak but I haven't had any repairs.

Council Member Fenner stated the landlord has not been there to do anything?

Ms. Tharp stated no, the landlord is in Florida but I have told him that the water company says I may have a leak. But I haven't had any work or adjustment. It was 30.00 is the one I just paid.

President Broady stated ok, well.

Ms. Tharp stated I apologize for waiting so long, but I have been going through the water company.

Mr. Crawford stated you will find a message on your machine tomorrow.

Council Member Alexander stated so adjusting the 49000.

Council Member Fenner stated is a starter.

Council Member Alexander stated is a start, so how much of is water.

Mr. Crawford stated it will reduce the bill 242.68.

Council Member Fenner stated she's still got two months that is extremely high. And then they, what was her average before February?

Mr. Crawford stated I don't know but I can find out.

Council Member Fenner stated that might be interesting to see. How long have you lived there?

Ms. Tharp stated it will be two years in December. My bill before then averaged like 40 to 50, which I even thought was high, I come from Louisville, and I don't even have a washer. But that's fine.

Council Member Fenner stated ok.

Council Member Alexander stated my suggestion would be that we take care of the 49000 but normal practice is that somebody goes in and at least checks for leaks so that we're

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not adjusting water the next month and then adjusting water the next month and since no one has checked for an actual leak, tonight go ahead and approve the adjustment for the 49000 and then by the next meeting or within the next month if you will have somebody check and at least report on whether there is a leak or not then we can make a decision on whether we adjust the rest of it or not.

Ms. Tharp stated ok, who would I go, would that be my landlord to do that?

Mr. Crawford stated I can issue a work order from my, for our personnel to come out and long as there is someone in the residence that can actually shut the main water feed line off to the home we can look and tell if there is leak between the meter and the house.

President Broady stated ok that's what we're going to do then.

Council Member Fenner stated do you need a motion?

President Broady stated yeah.

Council Member Alexander stated I make a motion for the February bill to be adjusted.

President Broady stated I've got a motion on the floor, do I have a second.

Council Member Voyles stated I'll second.

President Broady stated and duly seconded, any discussion? If not, all those in favor signify by saying I, opposed nay. I do have it. Vote 5-0 If you will adjust that Tim, and check to see if we got a leak and then if there is no leak, or whatever the case bring us back the information and let us take a look at it.

Council Member Fenner stated and check her previous history.

Mr. Crawford stated do you want one or both, water and sewer or just water.

Council Member Alexander stated I think February.

Council Member Fenner stated both.

President Broady stated whatever the 49000 represents.

Council Member Fenner stated that was a computer error.

President Broady stated Madeline James.

MADELINE JAMES ADDRESSES THE COUNCIL MEMBERS CONCERNING A HIGH WATER BILL.

Mr. James stated this is another water thing, I'll just hand you the things. This is all I have.

President Broady stated ok, 599.

Mr. James stated this is my son too and he lives there but it is my house and there was

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MADLINE JAMES ADDRESSES THE COUNCIL MEMBERS CONCERNING A HIGH WATER BILL.

a water problem and evidently it went through two months. There is a bill for 274 or 224 something and the other one was 374 and they said I had to come to a meeting because they could only adjust one bill and we have had it fixed and we brought the receipts in and if you will look at the bottom of that paper it tells you what the current bill is.

President Broady stated ok, 34.

Mr. James stated they don't have a 12 month bill, they have only been there about 6 or 7 months.

President Broady stated ok.

Council Member Fenner stated so you had a leak and you got it fixed.

Mr. James stated yes sir.

Council Member Fenner stated ok.

President Broady stated you have adjusted the first month, this is the second month?

Mr. Crawford stated yes.

President Broady stated ok, I'll entertain a motion to do what the boards pleasure is.

Council Member Fenner stated I make a motion that we adjust the second month.

President Broady stated I've got a motion on the floor, do I have a second?

Council Member Voyles stated I'll second.

President Broady stated and duly seconded, any discussion? Is that water and sewer or just sewer? You adjusted sewer on the first one. That's going to knock it down to, that's the biggie. That's what they did on the first bill and you paid for the water is that correct? Adjust the sewer, I've got a motion on the floor and duly seconded. All those in favor signify by saying I, opposed nay. I's have it. Vote 5-0 He'll take care of it for you.

Mr. James stated Thank You.

President Broady stated ok, Stan Richards.

STAN RICHARDS ADDRESSES THE COUNCIL MEMBERS CONCERNING A TAX ABATEMENT.

Mr. Richards stated ok, last time I was here August the 6th we talked about the tax abatements on the Sellersburg Industrial Park properties and I've got, the address at that time was the 30000 square foot facility. Also, since that time, I have some other projects that we have and I'd like to give you all each, here's the original.

President Broady stated ok, this is the one that I have.

Mr. Richards stated right, the top one, and I can go over them one by one. The first one is the 30000 square foot building that we are constructing. The second one is a 150000

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square foot facility, along with that I have attached the agreement, and this is strictly upon the tax abatement. If they don't get it there are going to the, along the River Port. That is the one that is D & I Distribution Inc., from Delaware Ohio. They have approximately 12 Distribution Centers across the United States. They have 3 in Indiana, Ohio, Georgia, Tennessee, and some other areas. The next one is one that is confidential. And again attached to that is the realtor letter stating the confidentiality and the fact that they do have a \$100,000.00 deposit that they have deposited with us. However, that it is based on the tax abatement or they will be moving to the Louisville area. The next one is as we had talked at the last meeting, was the Sand Pit Volleyball Facility, the resubmission of it. Then the last one is Southern Indiana Soccer, building a 28800 square foot indoor Soccer Facility. With the plans of adding two additional 26000 square foot facilities.

Council Member Alexander stated I'd like to comment, I don't think I'm on record for switching. I did review what we did back in as far as going through the minutes. It was kind of there was somebody coming into the development. We were kind of in a hurry, we did make it a revitalization area and we did say we would take things one at a time. Then we came in with something else and I guess I looked more at what was going into the building more than what the actual building was. If you look in here I mean most of these buildings are 30000 square feet and up. And areas we've already given abatements to, Avco Building, Service Drive. You know, it falls into that same, 30000 square foot and up. Avco isn't a lot of equipment or manufacturing, it's more trucking industry. I mean I understand, I guess the hardest part is when you saw volleyball in there, giving a tax abatement for that, but when you look at the structure of the building, I'm very impressed with the way the masonry is coming up halfway, that has a very good appeal. We did make it a revitalization area. So I would like to...

Mr. Richards stated I might also add in there in reference to the Volleyball Facility, 50% of the people will be people coming from across the river. That is additional dollars that is not being spent in the community now. They will also be having tournaments of which teams from out of town will be coming in and at time they will need food and lodging. And in reference to the Southern Indiana Soccer, the numbers that they have given me is that they are looking at in the neighborhood of a 1500 rooms per year, 1500 nights when they will need motels. And they will be having 3 tournaments per year. So there is a substantial impact even though they are not the traditional, as Ken said, the manufacturing facilities going in.

Council Member Voyles stated you're also going to have to have more police protection because you're going to have alcohol, drinking.

Mr. Richards stated on that particular facility, yes.

Council Member Fenner stated will the soccer have alcohol too?

Mr. Richards stated not to my knowledge, in my conversation with Dan, there is no intent, they will have a concession stand.

Council Member Alexander stated the only one in here I'm concerned with is the one that doesn't have a name on it.

Mr. Richards stated the volleyball.

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Council Member Alexander stated no the confidential.

Council Member Fenner stated there are two of them, the first one doesn't have a name either.

Mr. Richards stated the first one, that's the 30000 square foot, that's a Spec Building.

President Broady stated you don't know what's going to be in that one.

Mr. Richards stated no, and again we have as discussed prior, we do have restrictions of what can locate in the facilities. We're trying to make this a first class Industrial Park and so we do have requirements as far as landscaping, paving, the masonry.

Council Member Fenner stated I don't know about the rest of the board, but it might be helpful to me if I had a copy of those restrictions to review those. I mean, this is what I said the last time, my concern is just approving a tax abatement for some company that we don't know who they are. We don't know what they do. We don't know what they manufacture. We don't know what they process. We don't know what they distribute. We want to attract business to our community especially to the Industrial Parks but yet we have an obligation to make sure that we're not giving the business a great advantage when it isn't the kind of business we would go out and really go after. So like I said I don't feel comfortable doing it blind. And I'm speaking for me, I don't know about the rest of the council.

Mr. Richards stated well I think, obviously we're not going to let someone in our facility that's going to decrease the value of that facility.

Council Member Fenner stated I understand that.

Mr. Richards stated nor decrease the value of the park itself. That would cause people not to come, that's one of the reasons the 150000 square foot Distribution Center wanted to come is because of the requirement we do have. They said in their case even though our restrictions require 40% of the front of the building and 40% 20 foot of the rap around on the sides to be brick they are doing the entire facility in 9 foot height, with some type of brick. The facility has to be food cleanliness even though they don't doubt the things you say, maybe it would be helpful if we could see and review the restrictions, is that possible?

Mr. Richards stated extremely possible.

Council Member Fenner stated mostly just because, you guys want to have a good Industrial Park, but we're the ones that were elected by the people of the town to protect them and to be sure. I just take that responsibility seriously.

Mr. Richards stated I understand, one of my concerns is we've got people with lots of money out there and we've got to give answers to or we're going to lose the possibility of bringing them in.

Council Member Alexander stated well, I mean...

Council Member Fenner stated I'd be ready to vote on three of them tonight.

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Council Member Voyles stated I would too.

Council Member Fenner stated but the other two without knowing...

Council Member Alexander stated let me bring you up to date on some of the things we've already given tax abatements to, and what transpired. I guess one of the buildings would have been over on Independent Drive where it was, it was a lease, and there has been three businesses since then. But the abatement is still there. I found it real difficult, unless we're going to set a higher bar, or standards for everybody else to come in, it's going to be tuff to turn this down. Because we've already done it and a lot of them don't meet the standards that they have already constructed.

Council Member Fenner stated but Kenny, we knew what was going into those...

Council Member Alexander stated but they have changed.

Council Member Voyles stated I know that.

Council Member Alexander stated they have changed, unless you raise the bar up to where we're not going to do rented manufacturing space and that is basically what you are doing. We have to put a little faith into the person that is coming into town that has made the investment as far as roads and sewers and so forth. I know as far as dealing with contractors for the last four year, I know that's tuff but you usually get 70 to 90% of what the project was going to be.

Mr. Ballew stated can I say something? The other people of confidentiality, they don't want out. They are still working. I guarantee you it will be nothing people do not want.

Mr. Richards stated if you look at their time frame, they want to begin 10/99. The end of October, but that's after they've got everything in place.

Council Member Voyles stated well if Jesse gives his word, I have no problem with that.

Mr. Ballew stated you've got my word.

Council Member Voyles stated I have no problem with that, but I would want your word. Because it will come back to haunt you.

Mr. Ballew stated there is no one that has anymore interest in that place than me. So we're not going to dump off some little awful shop. You've got my word on that.

President Broady stated I've got something to say here. First of all I hate tax abatements, I wish they did not exist. But they do, I've been looking at these buildings, 1.5 million, 2.5 million. One thing about tax abatements whatever we do you know, within 5 years, you're going to see 50% of that taxes come rolling in. What it cost the town to do that, nothing. The interstructure is there, the police is there, the streets are there. It doesn't cost us nothing. What it cost us if we don't do it, 5 years down the road we don't have any. As far as looking at any undesirable businesses that's good that we can use this. But what if the undesirable business met the zoning regulations, and can we stop them from going in there, no. Because that is what the zoning regulations, our covenants, Jesse's covenants ar for. So this is kind of what your looking at. I thought about this and like I said I don't like abatements, we've turned it down once,

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I've been hit the last two months from other communities where one business goes from one community and two other businesses come to our community. And the tax abatement was the whole story. These people are putting up 2.5 million up and everything else. They might as well go here. If we don't do it there are places down the road that will. That's my feelings.

Council Member Fenner stated you know after our discussion I mean I would feel comfortable, with Jesse's word about the confidential business, I'd feel very comfortable approving 4 out of the 5 tonight. The one that's just a spec building, I still want to hold off on that one.

Mr. Ballew stated well let me ask you, why would you? When you know it's going...

Council Member Fenner stated let me...

Mr. Ballew stated if I didn't have any integrity between I could tell you anything could go in that building. I could lie to you to get that done, but I'm not going to lie to you. When I see you all the next time I want to be able to say I done what I told you I was going to do.

Mr. Richards stated and the thing of it is our whole thing is a lease. We would rather be able to lease those buildings.

Council Member Fenner stated can we do it this way Jesse, if the rest of the board agrees to this with us approving the 4 out of the 5 can you get us a copy of your covenants and restrictions and then let us study them till the next meeting and if we all agree that those covenants and restrictions look fine and we know Jesse and we know where he is and we know he's not going to go anywhere.

Mr. Richards stated you mean our building?

Council Member Fenner stated yes.

Mr. Ballew stated why not let us give you restriction and everything and you approve it, why come back and bother your all's time and my time.

Council Member Fenner stated you won't even have to come back.

Mr. Richards stated if we can get you copies this week...

Council Member Fenner stated Jesse, that is just me personally, I want to see and understand things before I vote on something. I've been that way about everything else we have voted on this council.

Mr. Richards stated let me give you an example, Tim needed some trees cut down. Well, for our park it would look better for our park if those threes were left up, ok, however, we went in and cleared those out. Now, hopefully that is where the soccer facility will go and block us from them. Also there is another development going in the Triangle Area, again we're pro-business. We granted them an easement to run the sewer over at no charge. We want to see this grow and flourish.

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Council Member Fenner stated I appreciate that.

Council Member Alexander stated I'd like to make a motion a motion to approve them all but still have the covenants come up for the next go.

President Broady stated ok, I've got a motion on the floor to approve them all 5 requests. Do I have a second?

Council Member Voyle stated second.

President Broady and duly seconded, any further discussion?

Council Member Fenner stated I vote no, just because I want to hang on to that one and consider that one for the next meeting.

Council Member Voyle stated the only thing I have to say is I believe Jesse wants to make this a good park. He is a businessman and he can bring business in.

President Broady stated any other discussion? If not, all those in favor signify by saying I, opposed nay.

Council Member Fenner stated nay.

President Broady stated I's have it 4 to 1.

Mr. Richards stated one last thing, did you receive...

Attorney McCall stated I just recieved it.

Mr. Richards stated did you want to.

Attorney McCall stated take it up at the next meeting.

Mr. Richards stated this is in regards with the railroad, I know Perry has not had a chance to look at it.

President Broady stated ok, Chief.

Chief Kinder stated I heard you make a motion on the and I heard you ask for comments and everything and I heard Gary say he was going to vote no, but I never heard the rest of the vote.

Council Member Fenner stated we did, it was 4 to 1.

Chief Kinder stated just wanted to know, I didn't hear it.

President Broady stated ok, you used your time up for questions, EMC.

MR. CRAWFORD/EMC ADDRESSES THE COUNCIL MEMBERS CONCERNING THE MONTHLY REPORTS.

Mr. Crawford stated a couple of quick items tonight, the monthly reports, from the utilities.

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MR. CRAWFORD/EMC ADDRESSES THE COUNCIL MEMBERS CONCERNING THE MONTHLY REPORTS.

Another good month.

Council Member Fenner stated if I was on this council for another 4 years I'd need another garage to hold this stuff.

Mr. Crawford stated last item I have is your bi-weekly water and sewer revenue in the amount of 54824.60. That's all I have this evening unless you have any questions of me.

President Broady stated Boz, do you have anything?

BUILDING COMMISSIONER/BOYCE ADAMS ADDRESSES THE COUNCIL MEMBERS CONCERNING REZONING.

Mr. Adams stated the only thing I got is a request for rezoning. He was at the Planning & Zoning meeting and it's for the property out there at Orval Heckers. I talked to Ron tonight he didn't have that typed. He will have the formal request typed up and I'll have it in your boxes sometime tomorrow. He is going to rezone it from agricultural to residential. He is asking to have it rezoned to a B-3. Once again, I apologize for not having a copy, but Ron said he would have it typed up tonight and I'll put it in your boxes.

President Broady stated you all will have that in you boxes, it will be the minutes of the meeting and...

Mr. Adams stated the minutes of the meeting and the resolution.

President Broady stated so you can study it and we'll be ready for the next meeting. Is that it Boz?

Mr. Adams stated that's all I've got.

President Broady stated Thank You, Dave.

Chief Kinder stated no.

President Broady stated Bill.

Council Member Voyles stated nothing.

President Broady stated Gary.

COUNCIL MEMBER GARY FENNER ADDRESSES THE COUNCIL MEMBERS CONCERNING THE HEALTH COVERAGE AND THE GENERAL ELECTION IN NOVEMBER.

Council Member Fenner stated a couple of questions, have we finally resolved the health coverage for the employees, is that settled?

President Broady stated no, Joe Olson is working right now, trying to get the stuff to us to take a look.

Council Member Fenner stated have we talked to that one employee, the anyone talked to them?

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COUNCIL MEMBER GARY FENNER ADDRESSES THE COUNCIL MEMBERS CONCERNING THE HEALTH COVERAGE AND THE GENERAL ELECTION IN NOVEMBER.

President Broady stated I've been waiting on Joe, I think to bring us that information and then we'll...

Council Member Fenner stated so we're still paying the increased rate right now?

President Broady stated right.

Council Member Fenner stated can we hurry Joe Olson along any you think? Do you think that would be proper?

President Broady stated I'll make a note.

Council Member Fenner stated since we're paying an inflated premium each month while we're waiting for them.

President Broady stated I'll call him tomorrow.

Council Member Fenner stated the other question is the general election in November, Perry are we absolutely set up for the question of the IURC is it on the ballot?

Attorney McCall stated it is on the ballot.

Council Member Fenner stated ok, do we as a council want to do anything to promote that to do any education on that?

President Broady stated I, are you asking me personally?

Attorney McCall stated it might be something you may want to take up in Executive Session.

Council Member Fenner stated ok, I have nothing else.

President Broady stated Ken.

Council Member Alexander stated nothing.

President Broady stated put that down.

Council Member Alexander stated wait a minute, I have the bill...

President Broady stated Perry I know you've got some stuff for us.

ATTORNEY MCCALL ADDRESSES THE COUNCIL CONCERNING ORDINANCE.

Attorney McCall stated first thing real quickly on the 20th we passed that zoning, changing zoning from R-1 to R-3 now one signed it so we need to pass it down sign it for the 20th so I can give a copy to John, here's a map for Linda. That, also at some point there was an ordinance passed but there was no written document for the stop sign on Utica and Sellersburg Road, Service Drive we did that I don't know what day we did that but there was no ordinance. Some point it was probably a couple of months

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if you sign that I will get the information. The next thing is, start with the probably hardest and go on the easiest. We've been, request to look at an area within the limits of the Town Of Sellersburg the Bean Road area to make that a revitalization area I've prepared a resolution 1999-55 for the particular area with the description of the area that was prepared by John Toombs. In order to make that a revitalization area and to let you know what you're getting into this is similar to what you did with Jesse Ballew her today and Stan Richards that type of area to let you know what your perimeters are before you can vote on this tonight, and consider this tonight. The designated body which is you, the revitalization area can't limit the time period to a certain number of calendar year's because the area will be so designated. And I'm reading from the statute. These type of deduction which you've did before as a matter of fact you put it in the real property. We need the dollar amounts of deduction to allow to accept the new manufacturing equipment. The deduction have not been filed before July 1, 1987 for that equipment same also for regarding the real property impose other reasonable condition led to the purpose of this Chapter...Sub Chapter G. So that gives you some different, this gives you some additional control over what to do on the revitalization area. This resolution is drafted similar to the one we did back in 95 in the other area. Once this area is termed to be a resolution, revitalization area...resolution that will be filed in the Assessor's Office and then a Public Hearing would have to be held at some point in the immediate future after giving notice to the public that is the purpose of allowing any remonstrators to come in and file rejection to the Town Council. After that occurs and the proper local tax, taxing agencies are notified you can go ahead and vote on that particular resolution make it a final resolution. Uh, and then at that point they agree to file a remonstrance in 10 days after the final action which must be heard promptly 30 days after time the, notice of the appeal is filed with the court. If its filed in the Circuit or Superior Court with out a jury. I think there was some concern about some time limits here, you know what could possibly go wrong, if it could go wrong and that is the down side of the remonstrance. I don't anticipate there will be a remonstrance. We've never had any remonstrance in regards to a tax abatement. And I will present this resolution to you tonight, it's 99-55 regard the area where it's anticipated that a business by the name of Rhodes Machinery.

President Broady stated is this a 2 reading or is this just a resolution?

Attorney McCall stated even though it's a resolution, I would ask that you do it on a first reading, then you can do a second if everyone is in agreement with that.

President Broady stated I'll entertain a resolution to consider resolution 99-55 or a first reading.

Council Member Voyles stated I'll make that motion.

President Broady stated I've got a motion on the floor, do I have a second?

Vice-President Eddings stated I'll second.

President Broady stated and duly second, any discussion? If not all those in favor signify by saying I, oppose nay. I's have it. 5-0 I'll now entertain a motion to accept resolution number 99-55.

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

President Broady stated ok, I've got a motion on the floor, do I have a second?

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Council Member Voyles stated I'll second.

President Broady stated and duly second, any discussion? If not all those in favor signify by saying I, oppose nay. I's have it. 5-0

Attorney McCall stated the other, the Chief contacted me there's an abandoned vehicle ordinance I'll bring in, I prepared it. But he indicated that he thought and uh, he was right that we needed to change the Sellersburg Town Code particular Section 6114 Sub-Section 2 regarding the sign, the signage on the utility poles. The new section is going to read it shall unlawful for a person or firm or association placing a sign refuses or neglect to abate the violation after such a notice given then that person, firm or accociation shall be subject to a penalty by the here in. In addition, the Sellersburg Town Council may cause such violation to be abated in any manner authorized by law including sign's this is to be Civil suit against the owner, person to person, firm or association having placed a sign on the utility pole. In the event of a Civil action the Town Of Sellersburg may recover the expense perbatement of the violation in addition to the fines, cost and other fees associated with the enforcement of the her in ordinance. That would be ordinance number 99-726 which has a typographical error in it that I will correct, but would ask you to consider it on the first reading tonight.

President Broady stated ok, do you all want to look this ordinance over, or do you want to go ahead and consider it on the first reading.

Vice-President Eddings stated lets go ahead.

Council Member Alexander stated yeah.

Council Member Fenner stated how does the old ordinance read?

Attorney McCall stated the old ordinance reads, it shall be unlawful for any person, firm or association to place or attach any posters, cards or signs or any other form of political or commercial advertising upon any utility pole located in the Town Of Sellersburg without first obtaining permission from the Sellersburg Town Council.

Council Member Fenner stated so that's the only change.

Attorney McCall stated that's the change, that's correct, in that section. In paragraph, Sub-Section 2, the owner, person, firm or association placing the sign refuses or neglects to abate the violation in designated time after such notice is given, then that person, firm, or association shall be subject to the penalties within. In addition, the Town Council may call such violation to abate in any manner authorized by law including removing signs.

Council Member Fenner stated Chief do you think it's important for us to pass that especially tongiht?

Chief Kinder stated I would like to, I mean it's just some verbiage.

Attorney McCall stated yeah, the second part is just some verbiage. It's something you guys have been doing for awhile.

President Broady stated ok, what's the number of that?

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Attorney McCall stated 99-726.

President Broady stated ok, I'll entertain a motion to consider ordinance number 99-726 on a first reading.

Council Member Voyles stated I'll make that motion.

President Broady stated I've got a motion on the floor, do I have a second?

Vice-President Eddings stated I'll second.

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 5-0 Do you all want to do it on a second reading.

Resident stated if you all will forgive me, can I just ask one quesiton about 99-55?

President Broady stated yeah.

Resident stated can you all give me just a little bit of a time frame.

Attorney McCall stated yeah, I'll talk to you after the meeting and give you it.

President Broady stated this gentleman is representing Rhodes Machinery.

Council Member Fenner stated ok.

President Broady stated he'll get with you right after words, we're about done believe it or not.

Resident stated ok.

President Broady stated ok I'll entertain a motion to adopt ordinance number 99-726.

Council Member Voyles stated I'll make that motion.

President Broady stated I've got a motion on the floor, do I have a second?

Council Member Alexander stated I'll second.

Preisident Broady stated and duly seconded, any discussion? If not, all those in favor signify by saying I, opposed nay. I's have it. Vote 5-0 Anything else Perry?

Attorney McCall stated no that's all I have.

President Broady stated one thing we do need to do is revise our road cutting permit procedure. Right now they, we have a road cutting, you go in and you buy, pay your fee at the town office and they issue a road cutting permit. Is that not right?

Council Member Alexander stated yeah.

President Broady stated what we need to do is revise that to where if they have any intention of closing the road they ahve to come to the Town Council to get that permission

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and give us a time period of what they are going to do and how they are going to go about it. The thing is now they go and buy a road cutting permit and cut and road.

Council Member Fenner stated and close the road.

President Broady stated and the phones ring.

Council Member Alexander stated if they close they have to notify, isn't there a law they notify the Fire Department and Police?

Chief Kinder stated they didn't notify anybody.

President Broady stated they closed the main artery, and I went out there and I was upset and the guy said did I do something wrong. Unfortunately I said no, I did something wrong. So, if you will take care of that.

Attorney McCall stated ok.

President Broady stated ok, you've got the bill before you.

Council Member Alexander stated yes, I'd like to make a motion to approve the bills.

President Broady stated I'll entertain a motion to approve the bills as presented.

Council Member Fenner stated he did.

President Broady stated I've got a motion on the floor, do I have a second?

Vice-President Eddings stated I'll second.

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 5-0 John

JOHN TOOMBS ADDRESSES THE COUNCIL MEMBERS CONCERNING SANITARY SEWER/ADKINS COURT.

Mr. Toombs stated Lisa Avenue Sanitary Sewer is complete and I have a one and only claim from Cab-X. It turned out to be, they did a very nice job, although we found some very unusual sewer laterals that not only come from the houses around there but they come from across the street, between houses from across the street. But it is fixed and it is actually two new connections. One of which I think is already hooked up. And one of which a guy named Gibbons has said he paid his tap in fee 5 years ago and he has been mad every since and he is the last one. So I have a claim for that one to turn in.

President Broady stated I'll entertain a motion to approve the claim from Cab-X in the amount of 46,074.98.

Council Member Alexander stated I'll make that motion.

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

Council Member Voyles stated I'll second.

President Broady stated and duly seconded, any discussion?

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Council Member Fenner stated was that on budget?

Council Member Alexander stated it better be...

President Broady stated the change order was, how much did we draw.

Mr. Toombs stated 4269.88, one gentleman, no wonder he's been haveing trouble, his house lateral all these years, it went uphill instead of down.

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

Mr. Toombs stated I also have a change order which normally I give to Linda, to put in your records other than the one attached to that claim.

Council Member Fenner stated we have a file for Linda.

Mr. Toombs stated I have a claim for Jacobi, Toombs and Lanz for 195.00 for the bids we took last time and tabled because we are waiting on our bids on the water plant.

President Broady stated do you have another claim?

Mr. Toombs stated yes, this one is for 4500.00, it has to do with the big storm sewer job that I'll get to in a minute.

President Broady stated I have two claims from Jacobi, Toombs and Lanz in the amount of 195.00 and one in the amount of 4515.00, one is for the storm sewer project that he is doing work on and one for a water main.

Mr. Toombs stated we already took bids and we're going to wait and see if we have enough money.

Council Member Fenner stated which one is that, under 31?

Mr. Toombs stated I'm waiting on the Highway Department to give us our permit.

Council Member Fenner stated ok.

President Broady stated ok, I'll entertain a motion to approve these.

Council Member Alexander stated I'll make a motion to approve these.

President Broady stated I've got a motion on the floor, do I have a second?

Council Member Voyles stated I'll second.

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 5-0.

Mr. Toombs stated the next item has to do with the Adkins Court Area. You might remember when Mrs. Barton came in over lots and he and his son-in-law are going to divide it up in 4 and they are in the process of giving us an easement. The bids will be opened on October the 1st and I'll give you the results of that at the next meeting.

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And that will straighten out the storm sewer and the sanitary sewer and will add six additional taxpaying sewer customers.

Council Member Fenner stated did we ever decide if they have to pay a tap in fee or not.

President Broady stated no.

Mr. Toombs stated I wasn't here on that day. I'm sure that most of you know that Boyce Adams sent a letter to Mrs. Patenaude about the motels and restaurants that are going to go behind the BP Station and Cracker Barrel, and we have officially instructed them along with maps that show that they are going to have to extend their 8-inch water line on out Triangle Drive over across over the highway in the cemetery. That will route their system through and that will make for good fire protection.

Council Member Fenner stated have you heard back from them?

Mr. Toombs stated no, and Boyce just asked me.

President Broady stated I heard something, and they said that was no problem with the sewer that was in their agreement. They're still wondering about the water, they didn't think there was any agreement about the water. I told them the best place to voice their opposition was here at this Town Board Meeting.

Mr. Toombs well, this has to do with the fire code. I mean, I don't see how you can have all those restaurants and hotels on a 6-inch water line that is not looped into anything. And this is common everywhere.

Council Member Fenner stated I'm sure their question is whether they have to pay for it or we have to pay for it.

President Broady stated yeah, anything else John?

Mr. Toombs stated yes sir, I sure do. St. Paul and Oak, that has to do with the church and all that. I talked to Phil Rogers, you gave me the phone number and I finally got a hold of him down in Florida and he don't care what tree we cut down. We can cut down all the trees we want too. So, I've made up a plan and that is actually a portion of the storm sewer, sanitary sewer project which includes St. Paul and Oak. Once I get it drawn up nicely I want to go out with you and make sure of what I think I was supposed to do and what you think I need to get the guy from the church.

Council Member Alexander stated no, because it's down to the end of the parking lot.

Mr. Toombs stated it also includes an area in Hill-N-Dale and Hamstead Heath. And a ditch on Banner Ave. We have a piped that collapsed on Penn. Also Mr. Conroy has got a pond in the back yard and we'll get a ditch in there and let it drain. A culvert on Dreyers Lane and then I guess it is Haas, there is water and everything that sits in there. And the biggest part of that is Allhands and Ehringer we're straightening out the problems on Allhands and Ehringer and for Mr. LaMaster and the storm sewers which will begin at Millview and run up West Utica all the way to Sellers Ave. and that's all in the one large project. And we'll get the wage rate established a 9:30 Thursday and I don't know if the 2 people will show up or not, I will call them because I can't, one time I got them to establish it at 5:30 at night. But they don't like that because

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the state guys, the guy from the union has to drive down from Indianapolis. So they do it themselves. Once we get the wage rate, Jim Blincoe, or Robin is going to go over with one of my guys to Mr. LaMasters yard. He showed me where he thinks they dug before but we got to probe around and dig a little hole to find his sewer lateral to make sure that the sanitary is lower. You have in front of you some maps and letters, the state has invited me go to a meeting on the 17th which was a Friday, what it has to do with is the new interchange of State Road 60, and so you have a map that looks like this. What they are going to do is take bids and start construction nextspring in the year 2000, of the portion of the project down at the 76 Truck Stop and Ken Alexander's BP. And they are going to build the part where the new highway will begin north of 76 Truck Stop and all the way to the corner of Greenwood Road and Bean Road. They are going to raise the intersection and raise the tracks and actually do some work on Bean Road. They are going to take that slag out and make it smoother. Then they are going to cut off the part of Greenwood Road, where Charles is. So Celesta Way will continue across Greenwood and then connect in and then 60 will be rerouted and connect in. I think Mr. Mullencamp gets a new entrance across to one or both of those roads he's got lawyers involved. But all of that part will be built beginning in 2000. And then once they get that done, they will get into the real ripping and tearing and building the whole thing beginning the next year. And they're going to reroute Payne Koehler around in front of the Mobile Home Park, through Avco Blvd., across and then reroute and make a new connection between New and Old 60. And the reason for the meeting was is they want to give you a portion of Greenwood Road, which is already yours. So that nothing new. They want to give you a part of Old 60, and they want to give you a part of rerouted Payne Koehler Road. And I marked all of that on our town so you could see what all that means and I really doesn't mean all that much. Because most of that is already in the town. So we will get some increased road mileage for your LRS which you don't have. And as far as I know legally if they want to they can just give it to you and you have no choice. But I'm going to work with a guy representing Clarksville and we're going to see if there is any kind of deal we can work out with them where they will agree to pave the whole thing one more time or give you a whole bunch of money or whatever. Because we negotiated with Indot and the City Of Jeffersonville for Highway 62 between I-65 and almost to 265 and they repaved the whole thing and gave them 1.5 million dollars. And the worse part of that is the county gets the bridge over Silver Creek. And on our Water Treatment Plant, we're about done with the plans, Nathan Grimes is showing Tim what is going on. We're probably going to add a couple of flow meters, and I think that's it.

Council Member Fenner stated are we goin to drag the lagoons this summer.

Mr. Toombs stated we think that the cost of what we're going to do I'm going to be under 50,000.00. And if it is then we can take the same kind of bids I take projects. We don't have to have all that notice in the newspaper.

Council Member Fenner stated yeah.

Council Member Alexander stated I make a motion to adjourn the meeting.

President Broady stated are you done John? I've got a motion on the floor, do I have a second?

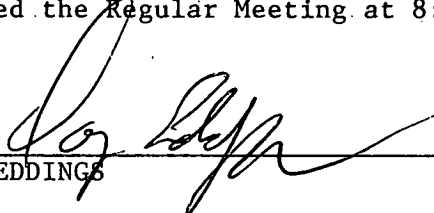
Council Member Voyles stated I second.

President Broady stated and duly seconded, any discussion? If not, all those in favor signify by saying I, opposed nay, I's have it.

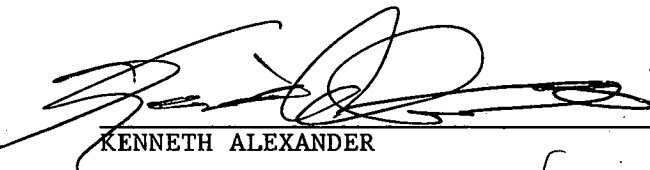
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With no further business President Broady adjourned the Regular Meeting at 8:00 p.m.

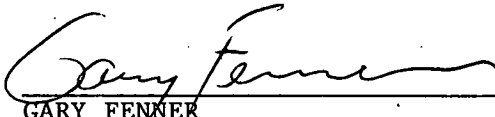
DAVID BROADY



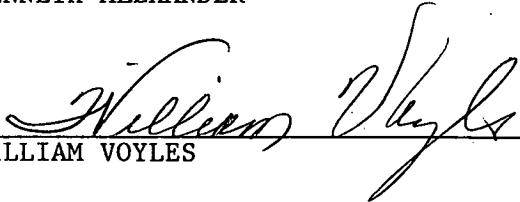
DOUG EDDINGS



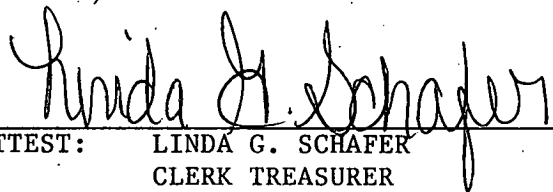
KENNETH ALEXANDER



GARY FENNER



WILLIAM VOYLES



ATTEST: LINDA G. SCHAFER
CLERK TREASURER

SELLERSBURG TOWN COUNCIL

October 11, 1999

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: David Broady, Council President; Doug Eddings, Council Vice-President; Kenneth Alexander, Council Member; William Voyles, Council Member; Gary Fenner, Council Member; Linda G. Schafer, Clerk Treasurer; and William P. McCall, Town Attorney.

Called To Order

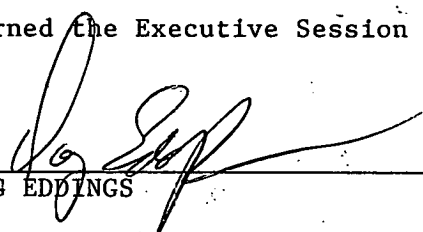
President Broady called the Executive Session to order at 6:00 p.m.

Topics Of Discussion

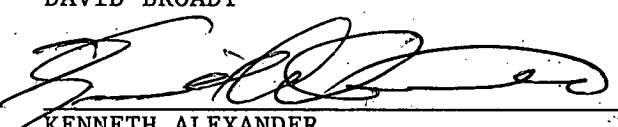
- Tax Abatement
- Harrison Group
- Joe Olson
- Bob Smith
- John Toombs/Bill's
- Recording Utility Easement/Marion Barton
- Gerald Dixon VS Town Of Sellersburg
- Public Hearing October 25th at 6:00
- Animal Control
- Railroad
- President Broady/Resignation

With no further business President Braody adjourned the Executive Session at 6:22 p.m.

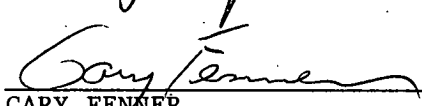
DAVID BROADY



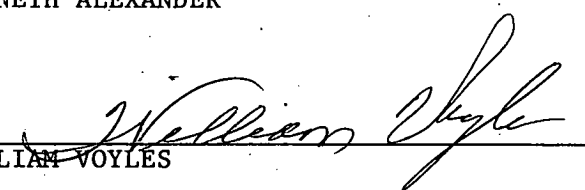
DOUG EDDINGS



KENNETH ALEXANDER



GARY FENNER



WILLIAM VOYLES

ATTEST: LINDA G. SCHAFER
CLERK TREASURER

SELLERSBURG TOWN COUNCIL

October 11, 1999

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: Doug Eddings, Council Vice-President; Kenneth Alexander, Council Member; William Voyles, Council Member; Gary Fenner, Council Member; Linda G. Schafer, Clerk Treasurer; and William P. McCall, Town Attorney.

Called To Order

Council Vice-President Eddings called the Regular Meeting to order at 6:35 p.m.

Prayer

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

Pledge

The Pledge of Allegiance to the flag was recited.

Vice-President Eddings stated ok, the first order of business tonight, I guess if you have been to a lot of Town Board Meetings, or a few of them, you know, notice that I'm sitting up here in the President's chair tonight instead of Dave. Dave has issued us all a letter that says...

Vice-President Eddings reads letter as follows:

October 11, 1999

Mr. Doug Eddings, Vice President
Sellersburg Town Council
Sellersburg, IN 47172

Dear Mr. Eddings and other members of the board,

Due to my building a new home outside the Sellersburg Town limits, I can no longer hold my office as council member from the first district.

I respectfully request that you accept this as my resignation effective immediately. It has been an honor and a pleasure to serve the people of this community, and I will miss the challenges that accompany the position of councilperson.

I would like to thank my fellow colleagues who have served with me as elected officials of the town for their honesty and sincere dedication to the betterment of the town. It has been a pleasure to have served with you.

Sincerely,

David L. Broady
David L. Broady

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VICE-PRESIDENT EDDINGS ADDRESSES THE COUNCIL ON MINUTES FROM THE LAST MEETING AND THE SPECIAL EXECUTIVE SESSIONS.

Vice-President Eddings stated ok, everyone's got a copy of the minutes from the last meeting and the Special Executive Sessions. If you've had a chance to review those minutes, I'll entertain a motion to accept the minutes as presented.

Council Member Alexander stated I make a motion that we accept all three as presented.

Vice-President Eddings stated I've got a motion on the floor, do I have a second?

Council Member Voyles stated I'll second.

Vice-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 Ok, petitions from the town tonight, Virgil Bolly.

VIRGIL BOLLY ADDRESSES THE COUNCIL MEMBERS CONCERNING RE-ZONING OF PROPERTY ON HWY. 60.

Mr. Bolly stated I'm on the agenda first. I'm here on two different things tonight, the first of which was the ordinance for what is Nova Star, and also some property on Old Highway 60. Straight across from the area where my client has an office building. Are you familiar of where I'm talking about? That is I think 2.8 acres, and a 5 acre piece I can get more detailed and if you want to see pictures and things of that nature of it. The planning commission approved it to be rezoned. It is partially business and partially agricultural and they rezoned it subject to your alls approval to be B-3. And my opinion that whole area needs to be redone because I think this is the 3rd time that I've been here asking for this type of thing right in that general area. I can go into a lot more detail if you need me to.

Vice-President Eddings stated the only property you're dealing with right now though is just that which is owned by...

Mr. Bolly stated right, it is owned by the Hardy's but it is actually Nova Star LLC.

Vice-President Eddings stated right.

Mr. Bolly stated right.

Vice-President Eddings stated I'll entertain a motion, does this have to be done by ordinance?

Attorney McCall stated yeah, it's an ordinance.

Vice-President Eddings stated you probably have one prepared don't you?

Mr. Bolly stated pardon me, yes I have one prepared.

Vice-President Eddings stated the only thing with ordinance's now with one vacancy on the board.

Attorney McCall stated do it on the first reading and bring it back at the next meeting on a second reading.

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VIRGIL BOLLY ADDRESSES THE COUNCIL MEMBERS CONCERNING RE-ZONING OF PROPERTY ON HWY. 60.

Mr. Bolly stated all right.

Vice-President Eddings stated ok.

Mr. Bolly stated why don't I just leave it here?

Clerk Treasurer Schafer stated you still have to do it on the first reading.

Mr. Bolly stated ok.

Vice-President Eddings stated what's the ordinance number Linda?

Mr. Bolly stated I've got it labeled ordinance, do you want it a resolution?

Vice-President Eddings stated ordinance.

Attorney McCall stated we can change it.

Vice-President Eddings stated is a resolution the original copy?

Attorney McCall stated we have been doing them by ordinance.

Vice-President Eddings stated ok.

Clerk Treasurer Schafer stated is it an ordinance or?

Vice-President Eddings stated ordinance.

Attorney McCall stated Linda, it's an ordinance.

Clerk Treasurer Schafer stated 99-727.

Vice-President Eddings stated ok, I'll entertain a motion to consider ordinance number 99-727 on a first reading.

Council Member Voyles stated I'll make that motion.

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

Council Member Fenner stated I'll second it.

Vice-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 4-0

Attorney McCall stated second reading, just keep it and bring it back again.

Vice-President Eddings stated can you bring that back with you at the next meeting.

Clerk Treasurer Schafer stated yes.

Vice-President Eddings stated ok.

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Mr. Bolly stated I'm on the agenda for the next one too?

Clerk Treasurer Schafer stated yes.

Vice-President Eddings stated ok.

Vice-President Eddings stated Harrison Group, are you representing the Harrison Group.

Mr. Bolly state yes, the Harrison Group, ok, what I'm here tonight, is we are getting ready to build the first motel. While we were moving along, ready to go, we got some indications that there may or may not be adequate waterflow over there. With that in mind, that's why I'm here tonight because we had been under the impression that when they care of any sewer upgrades and there was no mention of water, but there is no mention of upgrades. We are now looking at the possibility, I'm not 100% sure that there is not adequate flow there, and of course John Toombs can give you some information relative to that. There is water coming from two different directions, but I don't have enough insight to fill you in totally as to how much is coming from each direction. You got 6-inch lines there now, and there is some discussion that there needs to be more. My client reviewed this and there was no mention it made all kinds of mentions of what the sewer would be done. And it did say that the town would serve water and sewer but it did not mention that part of it. I think it's awfully easy to incur that you all would be responsible for that, you may or may not agree at this point. But...

Vice-President Eddings stated do you have any estimates on what it's going to take?

Mr. Bolly stated at this point, I think John Toombs is suggesting that they run an 8-inch line, which means that you would have to bore underneath Indiana Avenue, right there by the Cracker Barrel entrance. And the cost could be 30 to 35000.00 and that's what is creating the real problem. If we had some small amounts I don't think we would, and the real question I am still not convinced is to the, two things, for the need for more water for just the one complex, there is going to be two of them there. The other one will be just a little bit larger. From that standpoint what is the best direction to go? I don't know, I've tried to determine a little bit more of how much flow is coming from each direction. John may have more knowledge, he's had a chance to look at it a little bit more as to if there is some special things that are keeping the water from coming from both directions, I don't know the answer to that truthfully. I think what our situation is, they are hurrying to move and then all of the sudden this has come up from the Building Inspector that we needed to do other things on it. That's why I'm here tonight. I think they might help fill us in and then if you all have any input or knowledge about it.

Council Member Alexander stated I remember when we went through that, I assumed the water was ok, I mean John do you remember? I know they were pretty thorough as far as going over what...

Mr. Toombs stated a few meetings ago, there was some discussion about this. And you all sent a letter and the reason why it's not me who originated this idea. That they run an 8-inch across the street because of the fire code. I think it was the Fire Departments feeling that they don't have adequate fire protection. Similar to the idea, when you do a subdivision or any other type of building you move your system around as many times

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as you can like when you talked going around the back side of Hill-N-Dale and all that. That's why you wrote them the letter previously. And I don't have any calculations about how much water that is going to be pumped into a 6-inch line which is going down that street and across the interstate along time ago. I think to serve Ivy Tech and then some businesses around there they have a complex back in there they have run a 8-inch out and back in this direction which serves Cracker Barrel and I don't know if it's going to serve the new BP.

Vice-President Eddings stated is the water flow that we have at the present time enough to serve the Cracker Barrel and the new construction of the bank and BP?

Mr. Toombs stated I think that the Fire Department thought that they should be drawing the two directions off the line across the street, not just from that one line.

Vice-President Eddings stated ok, it sounds like to me need to...

Attorney McCall stated are you talking about the Building Inspector or the Fire Department?

Mr. Toombs stated I think it's the Fire Department. But I mean, it's essentially one in the same since your Building Inspector is a member of the Fire Department.

Council Member Alexander stated I think where the difficulty is going to come in, we spent quite some time putting this together as far as what they were going to do, and I think they were pretty much under the understanding that yes, they knew they had sewer work to do, but at the time when we packaged all this together we did not make any thoughts toward the water.

Mr. Bolly stated let me find something else to, what I'm seeing over there that you got the water tower at Hamburg that is around, a little over 11000 feet away and from that water tower. And from the water tower, you've got a 6-inch and an 8-inch that goes all the way over to 311. From there on and over to town to this location you've got a 6-inch line. The other thing that I saw is that you have a supply of water coming from the Sellersburg Tower. And roughly 3700 feet coming down there and all kinds of water coming down to Indiana Avenue and then I think it comes to a 6. But you've got, and this is what I'm not sure of, is there any restriction relative to the flow coming from both directions? You've got flow coming from both directions and it sounds like to me there is an excellent chance they have adequate water.

Vice-President Eddings stated Boz, do you have anything to do with this?

Mr. Adams stated when we started out with this, in the town's own subdivisions regulations is you know, the water lines, any type of development, residential or non-residential, will be supplied by an 8-inch water main. And there is an 8 that was ran to Cracker Barrel that is feed off a 6 and...

Vice-President Eddings stated do they have some type of, does the Fire Department have some type of a calculation based on you know, like two incoming 6-inch lines, does that provide enough water based on square footage?

Mr. Adams stated I don't know exactly what it, it depends alot on the c-factor, what

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type of pipe that you are feeding from, like a 6-inch plastic will run more water than a 6-inch cast iron. We just do the calculations in the lines.

Vice-President Eddings stated it sounds like we don't have enough information yet, we're going to have to put the engineer and the building inspector on it and see if they can come up with some type...

Council Member Alexander stated well, are we just talking about, I mean, there is enough water coming to it with what they put in the first time to take care as far as construction, they can flush their toilets, right?

Mr. Bolly stated yes.

Council Member Alexander stated ok, so all we are talking about fire protection, I mean, if we don't have a loop coming out there, can we not put another hydrant at the corner there at the cemetery on another line. We're working on a worse scenario's right, line bust, the...

Mr. Bolly stated you're still close enough across the road.

Council Member Alexander stated aren't they every 2 or 400 feet? Hydrants...

Mr. Adams stated it just depends, over there you've got one in the graveyard and one right in front of Cracker Barrel. But in subdivision regulations you have to have them every 500 foot. The AWWA standards and industrial complexes are 100, 200 with valve space.

Council Member Alexander stated but instead of boring under the highway and so forth, do we not just put a hydrant and if there is a problem where you can't get sufficient water from the line, that they put in behind it.

Mr. Bolly stated I think you need to ask the Fire Department that, not me.

Vice-President Eddings stated we're going to have to do some more investigation.

Mr. Bolly stated the way I'm familiar with this, is that often industrial complex and for instance, when you all built the Servend Water Tower some years back, Servend is right next to it. Those guys told me, but they saved an enormous amount on the insurance because the guys could look out there and see the half million gallons of water right there next door that you could pull the plug on if there was a fire. My concern is they are hurting on time, and this always happens as you understand, but they would still not resolve the issues, are they responsible for, or are you all responsible for, you know that type of thing too. If we need to delay it, I don't know, suggest we possibly put a committee together that might have a couple of reviews on it. I don't know, maybe Perry and I involved in it and maybe somebody on the Fire Department so that we can try and resolve this quickly.

Vice-President Eddings stated sounds like...

Council Member Alexander stated I mean, I would like to have this resolved, I mean the worse part of it, it looks bad on myself, because, we sat down and we spent close to 3 or 4 months putting this thing together for them to come to the point where they are ready to lay stone and then all of the sudden they say well wait a minute you all got to do something. I mean, that makes us look bad, because I thought we were very thorough as far as

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what we did, when we did it.

Council Member Voyles stated and how much water we had.

Council Member Alexander stated I mean, we didn't just walk over and say hey we're going to build a Cracker Barrel and whatever else comes we'll figure it out. I thought we were thorough as far as what we were doing and it's a little upsetting to me to boom, they're ready to do something. Now we're holding things up and sitting here figuring out which ear to clean out to get the job done.

Attorney McCall stated well, just from a standpoint of what Virgil is saying, who is responsibility it is, that puts you in the situation perhaps there could be legal action to enforce an agreement that is alleged to exist. So, there needs to be discussion in that regard in exactly what was the intent of the parties and at time certain which I guess can be best reflected by the town council, minutes of the meeting for one. Secondly, then I know they are on a time crunch and again we're talking about 30 to 35000.00 that would need to be spent, rough estimate at this point of course. I don't think they are in a position to lay out 30 to 35000.00 to do that without knowing exactly what your responsibilities are. But I don't know if you guys can meet in the time frame that Virgil is requesting and, if he has a time frame. I mean, I would be happy to sit down and look at those things and...

Vice-President Eddings stated I probably would be best for you two figure out a time and get with Mark Ball and see if you can get with a representative from the Fire Department.

Attorney McCall stated but with what Boz is saying, I don't think he is saying it's necessarily a Fire Department problem but, it's in the regulations.

Mr. Adams stated it's in the subdivision regulations, the regular fire codes, I can't swear to what the estimate is, I don't know what the...

Vice-President Eddings stated that's the information we're going to need. We may not even have a problem.

Mr. Bolly stated that's one of the things I've been concerned with. We got two sixes feeding and we got adequate flow. I know it doesn't make a difference whether it's an 8 or 2 sixes.

Vice-President Eddings stated the only person that can tell us is the fire...

Mr. Bolly stated if there is adequate flow, it would make sense that the 2 sixes would be, if you were not going to get technical and say no. it's got to be an 8 because it says 8 rather than...

Vice-President Eddings stated right.

Mr. Bolly stated if you're saying it's got to have the flow of an 8, then you know I think we got something to work for.

Vice-President Eddings stated ok.

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Mr. Bolly stated and if we can't accomplish that then we need to again put, who's responsible for doing it. I didn't realize this but Kenny just mentioned one other thing that might be very helpful, is that a fire hydrant on, right there at the cemetery is going to get us awfully dang close to this location anyway. It may be, in fact I would almost bet money it would get service to part of it.

Ms. Patenaude stated just as a point of clarification, we've already done the estimation on the sewer. Now we are fully prepared to spend probably 40000.00 plus to run a sewer line. So, I did want to make that point clear that the agreement we feel clearly spells that out. But as Ken Alexander says we felt as though the agreement simply says the town shall provide water and sewer and then it goes on with all the ramifications about the sewer and water is not mentioned any where else in the agreement. Nor was it mentioned in our various negotiations. So, I think...

Vice-President Eddings stated you felt like water was after, and it still may be.

Ms. Patenaude stated yes.

Vice-President Eddings stated what we need to do is just something in form and get some people to sit down and look at it.

Mr. Bolly stated of course, and just one other piece of information the change in the sewer system is going to help that whole area and of course the water is going to help the whole area. But if we could take some look at this and try to get back to the next meeting, but I'd love to shoot for half so we could see where we're going at the next meeting.

Council Member Alexander stated would they only have to come back if it wasn't adequate?

Vice-President Eddings stated yeah, I think we may, we may get this resolved and find out we don't have a problem.

Council Member Alexander stated if we don't have a problem.

Vice-President Eddings stated you may not even have to come back to the next meeting.

Mr. Bolly stated the only other thing I can say, if we find that we have no problem is there a way that I could get with some of you all to see what we could work out?

Vice-President Eddings stated if we do have problems where you would have to come back to the next meeting we would have to make a decision at that point.

Attorney McCall stated my intent Virgil is to make contact with you later this, tomorrow or the next day and see what we can get together.

Vice-President Eddings stated you guys know who you're going to need to talk to...

Attorney McCall stated and see where we stand and, I mean if we meet and everything's fine but if there a conflict in regarding what your responsibility is and they don't decide that is a responsibility of course we may have a legal conflict we would have to deal with and we don't want that necessarily if we can avoid it. And so that would put us in a different light with having the Town Council would have to deal with that in a different frame work in Executive Session to discuss that options.

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Mr. Bolly stated if you all have no objections then we'll call and stick with Perry and if I need to with him and have that opened door to where we can try to get it resolved at the next meeting.

Attorney McCall stated Thank You Virgil.

Vice-President Eddings stated Thank You.

Mr. Bolly stated Thank You Very Much.

Vice-President Eddings stated Mr. Craig Mull, is he here, taken care of.

Clerk Treasurer Schafer stated yeah, he's taken care of, right Tim?

Vice-President Eddings stated Mull's taken care of. Roban and Chris Costen.

Mr. Crawford stated taken care of.

Clerk Treasurer Schafer stated taken care of.

Vice-President Eddings stated moving right on down the list here, Stan Richards.

Mr. Crawford stated I haven't taken care of him.

Mr. Richards stated I took care of you though.

Clerk Treasurer Schafer stated here you are.

STAN RICHARDS ADDRESSES THE COUNCIL MEMBER CONCERNING TAX ABATEMENTS.

Mr. Richards stated basically there's two things, one is to make sure that you all get the copy of the restrictive covenant that I left and that everything is as presented. I just bought that in case there was any question or discussion. The second thing is we had briefly discussed again the railroad crossing and at the last meeting I had left each of you all copies of the letter for John Celco. That was addresses to myself and Perry. Basically just to review a couple of things is that, I know that day at the meeting when Perry was out there and the people from INDOT that there was some figures that INDOT was kind of throwing up in the air as far as maintenance and monthly maintenance fees and everything and so what we wanted to do was get John Secour of Louisville and Indiana Railroad involved to basically give us the facts in regards what the maintenance generally runs. And in that he has stated that in there and again he said generally those cost aren't even passed along to the town. Ok, and I believe at the time Perry, weren't they referring that it could be 500.00 a month or something. There were some pretty heavy numbers that...

Attorney McCall stated the understanding that I took from the meeting was that there would be a fund established which the town would have to deposit town monies and it would be drawn upon from the railroad as repairs needed to be made as they saw fit. And you would have to keep the fund viable or accessible to them to make those repairs. So I don't know.

Mr. Richards stated right, but then Mr. Secour to, is President to Louisville and Indiana Railroad ok, in stating generally the cost in maintaining is 450 to 1200 but in most cases they do not pass it on to the road authority.

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There is, you look like there is a question.

Council Member Fenner stated well, that is just the track itself. That has nothing to do with the pavement and the around the crossing.

Mr. Richards stated correct, but that would be no different than any other road in any municipality. So, and the question here is in regard to the actual railroad crossing, not, at least that is my understanding of where the question is.

Council Member Fenner stated I read that completely different. I read it that they are going to take care of the tracks themselves, all right. The tracks are going to be more expensive for them because they are going to have cars and trucks going over them. So, therefore it's going to cost them to take care of the tracks but they generally assume that cost themselves. All though they don't have to. But then he talks about the, he says it's two elements, track maintenance and crossing surface. That's the 3rd sentence in the second paragraph. Ok, and then the rest of the letter deals with crossing surface and thats what we're responsible for or whoever owns the crossing is responsible for.

Mr. Richards stated correct.

Council Member Fenner stated ok.

Mr. Richards stated and down there, one of the things that Perry just mentioned, was talking about a fund. Mr. Secor did stated verbally and we had discussed this with Perry and the Town Board that, he says thats not a requirement and a you know he says I really don't feel that, that would really have to be put into effect in regards with the town. So, again that would be where the town would discuss that with him. But he really didn't feel that, that would be necessary to make that deposit, yearly deposit, ok. Just at that point and time, somewhere down the road and he said that the life expectancy is approximately 25 years. He said there is some reduced life obviously as additional vehicles continue to cross. Then he discussed the monthly inspections required by the Federal Railroad Administration, again are not generally passed on to the road authority. He did talk about the cost depending on what would be required, or would possibly be required from INDOT and it would possibly run from 100,000.00 to 150,000.00. Now, additionally what is mentioned is that there is federal funding available. Not for individuals, but for municipalities, that there is federal funding available to fund 90% of the cost of that. Ok, and with that, he said him or I neither one could apply for that. That would have to be the town, but he said there is federal funding available at 90%. So, looking at that, I think that kind of, what we feel that would be an issue would really eliminate the major cost that the town would be looking for and additionally to the fact to the tax dollars that would be coming in as the development continues to develop. He also mentioned, and one thing that I asked him about, obviously it's not a decision that he could make but he said that he really feels that if it was petitioned to INDOT is that the crossing, the lighted crossing, not having to be done until there was sufficient traffic flow to require it.

Vice-President Eddings stated because of the occupancy of the park.

Mr. Richards stated right, and whether thats 2 years from now, 5 years from now, or 10 years from now. He said that would be a legitimate question to bring up to INDOT. At this point they admitted it was not needed. Rather than having the requirement of going ahead and putting in that.

Vice-President Eddings stated who makes that decision, INDOT?

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Mr. Richards stated INDOT makes that decision based on the traffic flow.

Attorney McCall stated by the way, they haven't made a decision as of today, it's been since June.

Mr. Richards stated something like that.

Attorney McCall stated since June that they've taken the information, we went out there and there is nothing to report, generated as of today. I would assume that any decision would be based with that information in hand. But I understand what Stan is saying, and I have been in contract with Mr. Secor and hopefully these are things that could be put into writing and verified, and a agreement reached with the railroad after we learn what the intent of the Department Of Transportation was.

Mr. Richards stated again, from this point I don't know.

Attorney McCall stated I mean you're not going to seek any federal funding until you know what you are going to have to do.

Mr. Richards stated right.

Attorney McCall stated if you have to do anything at all.

Mr. Richards stated and see us, we're kind of at a stand still because, INDOT has been down here, but you all did make, it was the town that made the request.

Attorney McCall stated we petitioned.

Mr. Richards stated and they haven't responded to you ok, so we are sitting here and we're still, as we are going through these other issues, the people that we're dealing with, trying to get the insurance companies to write mortgage insurance for these guys. It's just kind of slowing down the process. So, I don't know what can be done from the towns aspect to try to speed that up. What we were trying to do is provide the information based on conversations that we had with Louisville and Indiana Railroad that were somewhat pre-contradictory to some of the figures that INDOT was just throwing out.

Attorney McCall stated right, and the only problem would be is that the town council says yeah, that sounds great, let's do it today. But it still, they haven't agreed to make it a public crossing at this point. We have petitioned for it, but there has been no report that says that we recommend that it be a public crossing and that the town be allowed to take that crossing over, and then this is what must happen after that. There has been none of that and I don't know what the time frame is. I would assume if it was adverse to the town, that we do not want to make it a public crossing, they would have an opportunity to appeal that decision to an administrative law judge and have him make that determination on various proof that could be provided. So, I know that you are on a time crunch, everybody's on a time crunch, and it seems like it is. Until we can get them to say here, this is what we recommend happens. I don't know how they can vote.

Council Member Fenner stated Perry, is there anything we can do to hurry them up or to get an indication of when they are going to make a decision?

Attorney McCall stated like I said, I contacted, it's Chuck Smoots. I don't know who Chuck Smoots is other than the fact that he is with Indiana Department of Transportation

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Railroad Division. And we've, I've called him and this will be the 3rd time today that I've left a message for him and I have not received any feed back from him. And he initiated the contact with me. But I haven't recieved anything back.

Council Member Fenner stated so you just left messages.

Attorney McCall stated just on his voice mail to find out what he needs. Maybe he just needs new information or additional information. I would assume that they would follow-up in writing if they need anything. But I haven't seen anything like that. And I would assume because it's you're area there and your park that they would contact you also.

Mr. Richards stated and there has been no contact with John Secor or Louisville and Indiana Railroad either. So I don't know where to go with it, we're just trying to...

Council Member Fenner stated Perry, would you be willing to contact them tomorrow again and just say my Town Council ordered me to call you again.

Attorney McCall stated ordered?

Council Member Fenner stated it makes us the bad guys and not you. You're not bucking them.

Attorney McCall stated I'll call them again. I'll talk to Mr. Smoots.

Council Member Fenner stated you need to get his sympathy, because we're mean.

Attorney McCall stated ok, I'll call tomorrow and I'll make contact with Stan, with either yes he's talked to me or no, and ask him when we can expect a report.

Mr. Richards stated at this point, obviously I don't want to be sitting up to attend a meeting if we don't need to. Do you want to just leave it that you are going to get back with me? I'll continue to contact, and you get back with me and then if we need to contact and if we need to come back.

Attorney McCall stated right, hopefully by the 25th maybe something in hand that they can look at before and maybe go to the next step.

Vice-President Eddings stated we just need to have.

Attorney McCall stated I mean, just one fund, I would anticipate they would want to know that there is federal funding available if we're talking about \$100,000.00 you know, to put a lighted crossing there.

Mr. Richards stated ok, Thank You.

Attorney McCall stated Thank's Stan.

Vice-President Eddings stated ok, Louie.

MR. IMHOFF ADDRESSES THE COUNCIL MEMBERS CONCERNING A WATER ADJUSTMENT.

Mr. Imhoff stated I talked to Dave previously and he's not here, but it's for a reduction in the sewer rate because of a water leak that we had. They've got a copy of the work

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MR. IMHOFF ADDRESSES THE COUNCIL MEMBERS CONCERNING A WATER ADJUSTMENT.

order down here at the office. It's for the month of September.

Vice-President Eddings stated is it our fault or your's?

Mr. Imhoff stated it was our fault. We had a leak in the line and we just replaced the entire line from the main all the way down.

Vice-President Eddings stated ok, I'll entertain a motion to adjust the sewer bill.

Clerk Treasurer Schafer stated I have a question, this is more, is this not more than one time it's been adjusted?

Mr. Imhoff stated this is the time they said I needed to come before the board with this one.

Mr. Crawford stated right.

Mr. Imhoff stated it took almost a month to get a plumber out there.

Vice-President Eddings stated so have you got more bills coming?

Mr. Imhoff stated no, that's it.

Council Member Alexander stated I make a motion that we adjust the sewer.

Vice-President Eddings stated I've got a motion on the floor, do I have a second?

Council Member Voyles stated I'll second.

Vice-President Eddings stated seconded, any discussion? If not, all those in favor signify by saying I, opposed nay. I's have it. 4-0 Ok, Mr. Kinder.

Chief Kinder stated nope.

Vice-President Eddings stated EMC.

Chief Kinder stated well...

Vice-President Eddings stated it's too late.

Attorney McCall stated I'll get it.

Chief Kinder stated your going to bring it up.

Attorney McCall stated I'll bring it up Chief, yes.

Vice-President Eddings stated EMC.

MR. CRAWFORD/EMC ADDRESSES THE COUNCIL MEMBERS CONCERNING THE MONTHLY REPORTS.

Mr. Crawford stated I'll try to do this as quickly as I can this evening. The first thing I'll give you is your bi-weekly water and sewer revenue report for September 28th to October 11th in the amount of \$89,558.05.

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MR. CRAWFORD/EMC ADDRESSES THE COUNCIL MEMBERS CONCERNING THE MONTHLY REPORTS.

The second thing, I have is your Quarterly Corporate Income Tax in the amount of 2418.50.

Vice-President Eddings I'll entertain a motion to pay the 3rd quarter income tax for July, August and September in the amount of 2418.50.

Council Member Voyles stated I'll make that motion.

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

Council Member Alexander stated I'll second.

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

Mr. Crawford stated the next thing I'd like to hand to you is the invoice for NSF'S, Meter Deposit Refunds and Monthly Sales Tax in the amount of 4106.90.

Vice-President Eddings stated I'll entertain a motion to pay NSF'S, Meter Deposit Refunds and Monthly Sales Tax in the amount of 4106.90.

Council Member Alexander stated I'll make that motion.

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

Council Member Voyles stated I'll second.

Vice-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

Mr. Crawford stated the invoice for your monthly Water Tap Fee's for the month of September 326.70.

Vice-President Eddings stated I'll entertain a motion to pay the invoice of 326.70.

Council Member Alexander stated I'll make that motion.

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

Council Member Fenner stated I'll second.

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

Mr. Crawford stated this is a Capital Expenditure request for the rebuilding of a pump at the Wastewater Treatment Plant, one of the processed pumps, in the amount of 2173.12. There is a quote attached to the back of it.

Vice-President Eddings stated which pump is this?

Mr. Crawford stated it's a grit pump. It actually takes the organic materials such as eggshells, sand, those type of materials out of the system prior to the process.

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MR. CRAWFORD/EMC ADDRESSES THE COUNCIL MEMBERS CONCERNING THE MONTHLY REPORTS.

These pumps have been in service since day one.

Council Member Fenner stated has this already been done?

Vice-President Eddings stated this is a request to do it.

Mr. Crawford stated no.

Council Member Fenner stated is it in service right now?

Mr. Crawford stated there is two, one is out and one is in.

Council Member Fenner stated would it be too much of a problem to ask for another bid?

Mr. Crawford stated no, if the board wishes, I can do that. It's just that when you get into this type of situation you ship the pump off to, in this case it's Spencer, we do use Arch over in Louisville also. They have to physically take the pump apart to access the condition of it. But I would be more than glad, I mean we may incur some cost if we find it would be cheaper.

Vice-President Eddings stated because they have already taken it apart.

Mr. Crawford stated right, they have to take it apart to be able to access it.

Council Member Alexander stated I make a motion that we approve the bill, or the Capital Improvement.

Vice-President Eddings stated I've got a motion on the floor by Ken, do I have a second?

Council Member Voyles stated I'll second.

Vice-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

Mr. Crawford stated lastly we have a brochure that needs to be sent to all water consumers in the system. It's the CCR Report or a Consumer Competence Report. This is an EPA written, mandatory program that has to be done in all water suppliers in the State of Indiana. What it amounts to is it gives the actual testing procedures for the year of 1998 and it goes on to stated that we were in compliance in our last spec's at the Water Treatment Plant or the water that we supply to the consumers. But once again, this is something that come out last year. The EPA has instructed all water utilities to do. What I've done is developed this brochure which started out to be 15 pages long. We condensed...

Council Member Fenner stated I read the original.

Mr. Crawford stated right, so I, I took the incentive to get in contact with one of the local printing companies, it's going to be approximately 3 to 400.00 to print, about 3500, about 3228 customers that we have to mail them to. I would probably get about 3500 printed. You biggest expense in this program would be your postage will would run between 900 and 1000.00 for postage.

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Vice-President Eddings stated you need to know today for this?

Mr. Crawford stated to proceed.

Council Member Fenner stated is that the mailing it first class or bulk?

Mr. Crawford stated I worked with the Postal Service and thats going to be a bulk rate. And I'll give the approval to the printing company to actually print the bulk rate stamp on each one of them.

Vice-President Eddings stated ok, I'll entertain a motion to proceed with the Quality on Tap Report.

Council Member Voyles stated I'll make that motion.

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

Council Member Alexander stated second.

Vice-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. Crawford stated Thank You, after looking through these brochures if you have any questions please feel free to call me.

Vice-President Eddings stated Boz, anything?

Mr. Adams stated no, I don't have anything.

Vice-President Eddings stated ok, Gary.

COUNCIL MEMBER GARY FENNER ADDRESSES THE COUNCIL MEMBERS CONCERNING WATER CUSTOMERS.

Council Member Fenner stated have any of you recieved any phone calls from any of our water customers asking, or any of our sewer and water customers for us to match the rebate that Jeff City is giving to their customers as far as, because of the drought, watering the plants and flowers and a high sewer bill. I've had two people ask me about that and I said that we'd be glad to talk about it. What Jeff did, I don't know if the rest of you are aware of it, but they Dave offered a one time only sewer adjustment and they are calling it rebate, but it is a sewer adjustment based upon, and it would be an adjustment for July, August and September's sewer bills and its based on their 3 months previous to that average.

Council Member Voyles it was just the ones that had excessive high bills.

Council Member Fenner stated it's ones that come in and ask for it. If you think you have a bill, you come in and ask for it and then they, I mean, if you ask for it, they give it to you. That was my understanding.

Council Member Alexander stated they don't have the sprinkler coming in?

Council Member Fenner stated apparently not, and our sprinkler things are only for inground sprinklers. This is for anybody who feels like they've got a high water bill

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because of, or a high sewer bill because of the draught and it's a opportunity for their sewer, they're going to pay for the water because they used the water but you know they would like to reimbursed for the sewer.

Clerk Treasurer Schafer stated due to the 1995 sewer bond issue the income revenue that we have coming in supports the bond. I would think, what's the issue on that Perry and...

Attorney McCall stated I don't think it would affect it.

Clerk Treasurer Schafer stated it could probably be rebated out of the sewer tap in.

Attorney McCall stated you would have to...

Clerk Treasurer Schafer stated because it is committed to that bond.

Attorney McCall stated you would have to pass an ordinance in order to, and when the State Board of Accounts did their audit, they would have something to justify these across the board rebates or adjustments whatever you want call them and I would assume that you could, I mean we're out of the drought period now and perhaps if you passed it now it's not going to help anyone. I mean, you may be able to if something would have been done eariler.

Council Member Fenner stated it will just be for the months of, if they have an excessive high bill for the months of July, August and September.

Attorney McCall stated but just from an accounting standpoint at this late stage and having to go back in, you may open yourself up a can of worms for not only EMC, the Clerk Treasurers Office, but for yourself having to deal with it. I mean, you guys can do what you want of course but I mean, you've got a couple of requests, I would feel out and see what other type of requests there are for that type of thing and then perhaps consider it and lets look at it in conjunction with the State Board of Accounts to see what kind of ramifications would cause there. And Linda may have a valid point that it may effect the bond issue in some way. I don't know that it would but perhaps it could. So it's something to think aobut and consider.

Council Member Fenner stated Linda could you check with the Stated Board of Accounts?

Clerk Treasurer Schafer stated I can, they are working at the school.

Council Member Fenner stated ok, I mean, I was approached with it and I felt like I needed to bring it up and I don't know how many people would even take advantage of it to be honest with you.

Council Member Voyles stated I didn't have any phones calls.

Attorney McCall stated it's somehting to look at.

Vice-President Eddings stated Bill.

Council Member Voyles stated I don't have anything.

Vice-President Eddings stated Perry.

ATTORNEY WILLIAM P. MCCALL ADDRESSES THE COUNCIL MEMBERS CONCERNING ORDINANCES.

Attorney McCall stated I have 3 ordinances. The first one is going to be 99-928 is that correct? This is on the Transfer of Appropriations regarding the Town of Sellersburg Police Department. It's been a request made by the Chief Of Police.

Clerk Treasurer Schafer stated 728, 99-728.

Attorney McCall stated 728, 728 Chief of Police has made a request that there is a need for a transfer of appropriations to continue the department. He's asking to transfer 1500.00 from account 361 which is Cleaning Supplies Service to account 363 Maintenance to Police Auto's. Since we don't have a full borad you would have to do it in 2 readings. Do a first reading tonight and then consider it on the next reading at the next meeting on 10/25. That's ordinance 99-728.

Vice-President Eddings stated I'll entertain a motion to consider ordinance number 99-728 on a first reading.

Council Member Alexander stated I'll make that motion.

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

Council Member Voyles stated I'll second.

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

Attorney McCall stated hand that to Linda for the next meeting. The next ordinance is 99-728. This was something that concerned the Chief, he brought to the attention of the Town Council, a meeting or two back. It was concerning the removal and disposal of abandoned vehicles in the Town of Sellersburg. This ordinance allows the Police Department in conjunction with the office of the Building Commissioner to dispose of abandoned vehicles which will be defined as...

Attorney William P. McCall reads following from ordinance:

ABANDONED VEHICLES

- (A) A vehicle located on public property illegally;
- (B) A vehicle left on public property in such a manner being removed for seventy-two (72) hours;
- (C) A vehicle located on public property in such a manner as to constitute a hazard or obstruction to the movement of pedestrian traffic or vehicle traffic on a public right of way;
- (D) A vehicle that has remained on private property without the consent of the owner, or person in control, of that property, for more than forty eight (48) hours;
- (E) A vehicle from which there has been removed the engine, the transmission, or differential, or that is otherwise partially dismantled or inoperable and left on public property;
- (F) A vehicle that has been removed by a towing service or a public agency upon

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Attorney William P. McCall reads following from ordinance.

request of an officer enforcing a statute or ordinance other than IC 9-22-1 et seq., if the vehicle once impounded is not claimed or redeemed by the owner or his agent within fifteen (15) days of its removal; or

- (G) A vehicle that is six (6) or more model years old and mechanically inoperable and is left on private property continuously in a location visible from public property for more than thirty (30) days.

Attorney McCall stated that is the definition of an abandoned vehicle for purpose of this ordinance. It gives the authority to notify those individuals that may have control of that vehicle. It accesses penalties and time periods in which the vehicle should be removed. So it may be something you want to take up tonight or you may want to read through or consider at the next meeting and it's ordinance number 99-729.

Vice-President Eddings stated you want to do it on consideration tonight? Ok, I'll entertain a motion to consider ordinance number 99-729.

Council Member Voyles stated I'll make that motion.

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

Council Member Alexander stated I'll second.

Vice-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 the last ordinance is number 99-730. If you recall, you may want to table this until the next meeting, there had been talk about at a previous meeting, making a no parking, pass a no parking ordinance for vehicles on both sides of West Utica Street, from State Road 31 to Ehringer Street. This is the ordinance that does that. You may want to consider it tonight and take it up at the next meeting. But it's been talked about for some period of time and I didn't know if you wanted to consider it. And this was talked about before and it's in conjunction with the Chief. This was straight from the meeting of what we discussed.

Council Member Fenner stated Ehringer is the first road on the left, is that correct?

Attorney McCall stated right.

Council Member Fenner stated ok.

Council Member Voyles stated I think we should consider it tonight.

Council Member Fenner stated I was the one that brought it up, because we raised the speed limit on Utica Street and I, my preference would have been to leave the speed limit at 20 from 31 down to Ehringer. But we didn't do that. We raised the speed limit there and but if you are coming out of Sellers and other places there, with that hill, it's very, very dangerous. I hate to deprive people the opportunity to park there but then again there is a safety issue too and so I have mixed feelings about it.

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Vice-President Eddings stated let's table that one.

Attorney McCall stated ok, I'll bring it back the next meeting. Just for those that are here, resolution number 99-55 was passed at the last meeting where it was the Town Council's desire to make an area off of Bean Road a enomic revitiazation area and that matter is going ot be scheduled for Public Hearing on the 25th at 6 p.m. in this room here to discuss or to get public comment and input in regard to that revitiazation area. So thats just kind of an announcement. That's all I have.

Vice-President Eddings stated ok, John.

MR. JOHN TOOMBS ADDRESSES THE COUNCIL MEMBERS CONCERNING BIDS.

Mr. Toombs stated I think you have in front of you a letter that we took bids on the Adkins Court Area. This is both Sanitary and Storm Sewers. It also has to do with the Barton property which is such a problem for so long. Now, those lots are being combined into 4 lots and Mr. Barton and his son-in-law are going to develop. We are now going to put in a new sewer and there is an old storm sewer that runs diagonally across the property so we've agreed to put it on a lot line. One thing I brought is the signed easement doing that, signed by Mr. Marión Barton and we took bids. We had 4 bids, you have a copy of the tabulation underneath my letter. The lowest bid was from L.D. Rice Construction at \$39629 and my letter recommends that you award it to Mr. Rice. The high bid was 67000.00.

Vice-President Eddings stated where does this put us at John on the entire project? Are we...

Mr. Toombs stated this is a small project, it's been around for along time, since like 93 and we did a part of it then in that neighborhood. This will repair the storm sewer, fix the sanitary sewers and will also, a lot of those homes in there have the old, bad, connections to the sanitary that is there now. It will not only fix all that it should stop getting rainwater in the sewer over there. Which I think has been acting like a big sewer. And that was part of the orginial reason that we attempted to do this in the first place.

Council Member Fenner stated this just isn't a repair this is more of a relocation of it.

Mr. Toombs stated it is both.

Council Member Fenner stated the storm sewer was new wasn't it?

Mr. Toombs stated I don't think so because the; what we did went along the tracks. I don't know how it got ran diagonally across the lots instead of straight, but it didn't. That was done quite awhile ago, I don't really know when.

Vice-President Eddings stated I'll entertain a motion to accept low bid from L.D. Rice for the Adkins Court Project.

Council Member Voyles stated I'll make that motion.

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

Council Member Fenner stated I'll second.

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Vice-President Eddings stated second by Gary, any discussion?

Council Member Alexander stated yeah, we still haven't made a decision whether they're going to have to pay tap-ins or not.

Mr. Toombs stated this provides a sewer tap for each of those 4 lots as well as across the street.

Council Member Alexander stated we were kicking around, I mean that would recoup almost \$10000.00.

Vice-President Eddings stated why would they pay a tap-in?

Council Member Fenner stated their contention is that they own the property and there were already sewer tap-ins there. Then the town abandoned the sanitary sewer so therefore we owe them.

Vice-President Eddings stated they had a sewer tap, we abandoned the sewer.

Council Member Fenner stated that's their contention, yes.

Mr. Toombs stated I'd agree, but I don't know anything about it. All I know is when I came on the scene there was nothing on this about it.

Vice-President Eddings stated I think they did check it out and did he tell us that there was a sewer there at one time.

Council Member Alexander stated yeah, there is a sewer there now.

Attorney McCall stated they were abandoned, I mean not abandoned, but I mean they were vacant lots and that was the discussion we had that we had.

Council Member Fenner stated but when they bought the property there were houses on the lots, they tore the houses down.

Council Member Alexander stated half the property in Sellersburg got taps sticking out of a line.

Vice-President Eddings stated what's the legal...

Attorney McCall stated I don't think you owe them taps. I mean, we event into it before. You can, it's going to be new construction, it's a new project, you can do what you want. But I don't think you owe them taps at this point.

Vice-President Eddings stated we don't have to make that decision now.

Council Member Alexander stated well, it kind of falls together, I know we can't it with a motion on the floor but I was hoping we'd take care of it afterwards.

Attorney McCall stated have you got a motion on the floor?

Vice-President Eddings stated yes, we got a motion on the floor and seconded. Any further discussion? If not, all those in favor signify by saying I, opposed nay. I's have it. Vote 4-0

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Mr. Toombs stated here's 2 copies, I'll need everybody to sign them. Then I will take both of them and put all the paperwork and the original bids back together and give them to Linda so she can file them. Also I want to present claims, 5 claims for a total of \$4162.78. That covers the water basin plans, which that bid will be opened on 15th at 1:30 p.m. and it will be ready to be awarded at the next meeting. The rest of the work we did finishing Lisa Avenue. The sewer, we're just about to bid on Alhands, which reroutes down Ehringer, what you were talking about, the storm sewer and there having to do with you all being presented with part of Old 60. And that's all I have.

Vice-President Eddings stated what were the 5 projects John? The Water Basin Plan...

Mr. Toombs stated the Water Basin Plans, the rest of them were on Lisa, Alhands, Ehringer, which is the rerouteing of the storm sewer that doesn't go down, it goes up-hill. The storm sewer plans and my attending the meeting with the Highway Department for discussions about the interstate and then giving you Old 60 when they are finished with it.

Vice-President Eddings stated ok, the Water Basin Plans, Lisa Avenue, Alhands, Ehringer, Highway Department and Storm Sewer. I'll entertain a motion to pay the claims to Jacobi, Toombs and Lanz in the amount of 4161.78 for the Water Basin Plans, Lisa Avenue Project, Alhands, Ehringer Project, Highway Department meeting and the Storm Sewer Project.

Council Member Voyles stated I'll make that motion.

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

Council Member Alexander stated I'll second.

Vice-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 Ok, is that it John?

Vice-President Eddings stated Ok, Ken.

COUNCIL MEMBER KEN ALEXANDER ADDRESSES THE COUNCIL MEMBERS CONCERNING FALL CLEAN-UP.

Council Member Alexander stated the Town of Sellersburg's fall clean-up is October 25th through October 30th at the Wastewater Treatment. It works as usual. Also starting November 1st which I will remind you at the next meeting we go back to the unlimited paper bags for leaves. That's all I have.

Council Member Voyles stated when does that start?

Council Member Alexander stated November.

Vice-President Eddings stated Linda.

CLERK TREASURER SCHAFFER ADDRESSES THE COUNCIL MEMBERS CONCERNING BILL'S.

Clerk Treasurer Schaffer stated I have my bill's.

Vice-President Eddings stated ok, everybody's got a copy of the bill's in their mail-box and had a chance to review them. I'll entertain a motion to pay the bill's as presented.

Council Member Alexander stated I'll make that motion.

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

Council Member Fenner stated I'll second.

Vice-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 4-0 Any other business?
Yes Sir.

Chief Kinder stated October 30th, Saturday, will be Halloween night.

Vice-President Eddings stated October 30th.

Chief Kinder stated 6 to 9.

Vice-President Eddings stated yes sir.

Resident stated when I come I like to listen and hear what is going on. The people get 'up there and they get over your table there and they talk to you with their backs to us and we can't hear.

Vice-President Eddings stated this ain't picking it up?

Resident stated no, I have a hard time picking it up. I can see your mouth moving, I kind of understand what your saying.

Vice-President Eddings stated ok, maybe we need to move these out a little more. Ok, if there is no other business, I'll entertain a motion to adjourn. I guess I need to make a statement concerning the Chief of Police and the Executive Session. We're not allowed to talk about what goes on in Executive Sessions however our present board feels at this time that we are not making a decision on the Police Chief. We have our present Police Chief until December 31st at midnight. He serves our board and the future board, whoever that may be during the election process. We will continue with the review of the active candidates for Police Chief or by recommendations or form up committees or whatever the new board decides to do. Yes sir.

Resident stated somebody has spread the word around that he's done been picked, the Chief of Police. Is there any truth in that?

Vice-President Eddings stated nothing has been made official.

Resident stated well I don't see why you have to look for a Chief of Police when we've got qualified people right here.

Council Member Voyles stated you need to take that up with the new board.

Vice-President Eddings stated with no other discussion, I'll entertain a motion to adjourn the meeting.

Council Member Voyles stated I make that motion.

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

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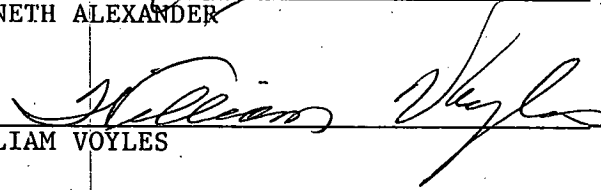
Council Member Alexander stated I'll second.

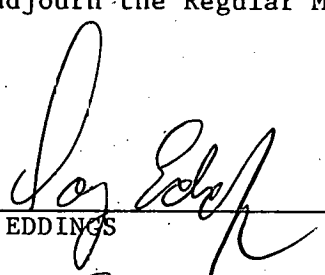
Vice-President Eddings stated second by Ken, all those in favor signify by saying I, opposed nay, I's have it. Vote 4-0

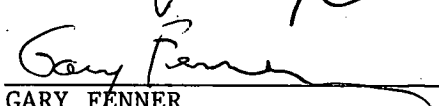
With no further business Vice-President Eddings adjourn the Regular Meetin at 7:45 p.m.

DAVID BROADY


KENNETH ALEXANDER


WILLIAM VOYLES


DOUG EDDINGS


GARY FENNER

ATTEST: LINDA G. SCHAFER
CLERK TREASURER

SELLERSBURG TOWN COUNCIL

October 25, 1999

Regular Meeting/Public Hearing

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

Called To Order

Vice-President Eddings called the Regular Meeting to order at 6:03 p.m.

Prayer

Bro. Dale Offutt will offer up the prayer for this meeting.

Pledge

The Pledge of Allegiance to the flag was recited.

VICE-PRESIDENT EDDINGS OPENS THE PUBLIC HEARING MEETING/ZONING CHANGE.

Vice-President Eddings stated ok, our first order of business tonight is to open up a Public Hearing on the zoning change. Perry has all the information.

Attonrey McCall stated actually it's, the Public Hearing that is required to designate an area, a Revitalization Area. A notice was published one time as required dated October 15, 1999, 10 days prior to this meeting. For those of you that are here for the Public Hearing, this is the opportunity for those citizens in the affected area or simply have comments to address those concerns or comments to the Town Council. Then after the Public Hearing, citizens are given the opportunity to express their opinions, present additional evidence to the Town Council, then they will make a final vote on the Revitalization Area. This resolution has been on file with the Assessors Office as required by statute for those that were interested could review the resolution there, the described area, the area that was affected and what type of tax abatement would be called for. That is what we are here for tonight and those that have public comment concerning this area, if you will come up to the microphone and speak.

Mr. Bill Stewart stated Perry, if I can interrupt for one minute.

Attorney McCall stated sure.

Mr. Stewart stated I'm Bill Stewart the Democrat Chairman, we just held a caucus in there and Jim LaMaster has been selected as the Board Member for the district to take Dave Broady's place and he will fulfill this term and will next term. So, congratulations.

Mr. James LaMaster stated Thank You, Thanks Bill.

Attorney McCall stated now, back to the business at hand, for those that have public comment regarding this Revitalization Area now would be the time to speak and give their comments to the Town Council.

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Vice-President Eddings stated is anyone here concerning?

Mrs. Pixley stated is anyone going to explain it? I've not known what it is.

Attorney McCall stated it's been in the newspaper, I mean, I can explain it, ask me a question and I'll try to explain it to you. It's an area off of Bean Road that was purchased by Rhodes Machinery and they are here today if you are interested and they have asked for that area to be designated as a Revitalization Area, an Economic Revitalization Area for the purposes of constructing a building there and the process of by which to make it a Revitalization Area is through Resolution and a Public Hearing and give the public an opportunity to voice their concern about it being a Revitalization Area, not necessarily what the...

Mrs. Pixley stated is it just that one area?

Attorney McCall stated that one area that Rhodes Machinery purchased, yes. It is not the whole area. There had been talk about doing that, but they decided not to make the whole area a Revitalization Area, but that could occur in the future by petition. But, it is that area that they are doing now.

Vice-President Eddings stated anyone else? Ok, I believe we have a Resolution.

Attorney McCall stated Resolution Number 1999-55 would be tonight. The Town Council takes final action to determine whether the qualifications have been met concerning this Resolution and either confirm, modify, or resend the Resolution. I urge the Town Council to confirm as submitted, September 27, 1999.

Vice-President Eddings stated do we do that in the Public Hearing?

Attorney McCall stated do that in the Public Hearing. It says in the Public Hearing Ordinance it shall, in the Public Hearing it shall take final action.

Vice-President Eddings stated ok, I'll entertain a motion to accept Resolution Number 1999-55, submitted at the September 27 meeting.

Council Member Voyles stated I'll make that motion.

Vice-President Eddings stated I've got a motion by Bill, do I have a second?

Council Member Alexander stated second.

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

Attorney McCall stated the other thing in regard to this from my understanding is that there is going to be submitted to you a statement of benefits concerning the area, the Revitalization Area for the purpose of tax abatement for real property and equipment. Uh, pursuant to the statute any of each party would have the right to remonstrant within 10 days of today's date to the Circuit Court or the Superior Court of Clark County. From my understanding that they are going to submit that to you. And it would be my recommendation to consider that with the time line of 10 days from today's date and to approve, if you approve there would be a 10 day window before it would be effective.

Vice-President Eddings stated that would take place in the Public Meeting.

Attorney McCall stated in the Public Meeting.

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Vice-President Eddings stated ok, if there is no further discussion we will close the Public Hearing and we will continue with the Regular Town Board Meeting. Everyone's had a copy of the minutes in their box and had a chance to review them, I'll entertain a motion to accept the minutes.

VICE-PRESIDENT EDDINGS CLOSE'S THE PUBLIC HEARING AND OPEN'S THE REGULAR TOWN BOARD MEETING.

VICE-PRESIDENT EDDINGS ADDRESSES THE COUNCIL MEMBER'S CONCERNING THE MINUTES OF THE LAST MEETING.

Council Member Alexander stated I make a motion to accept the minutes.

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

Council Member Voyles stated I'll second.

Vice-President Eddings stated second by Bill, any discussion?

Council Member Fenner stated I think they need to go through and make some corrections, especially on page numbers. My set, my copy had 3 page 5's, 2 of them were different, and they had 2 pages 4, 6 and 7. And the originals also have 2 pages 5's. Just a note.

Vice-President Eddings stated ok, with those then can we make a motion to accept the minutes with those changes?

Attorney McCall stated yeah.

Vice-President Eddings stated do you want to amend the motion?

Council Member Alexander stated I'll amend the motion.

Vice-President Eddings stated motion amended by Ken, do I have a second?

Council Member Voyles stated I'll second.

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

Council Member LaMaster stated I abstain.

Vice-President Eddings stated ok, petitions from citizens, Virgil.

VIRGIL BOLLY ADDRESSES THE COUNCIL MEMBER'S CONCERNING NOVA STAR.

Mr. Bolly stated good evening, Jim, and welcome to the board.

Council Member LaMaster stated Thank You Sir.

Mr. Bolly stated I've got 2 things on the agenda, first of which is a ordinance relative to the rezoning over in Hamburg, that was passed at the last meeting. Due to the fact you didn't have enough members so it needs to be passed again tonight. Perry has that. It might be Jim, you might not want to vote and it's not necessary because you haven't

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been involved in it. And worst of all I don't have your name on it.

Council Member LaMaster stated I would rather not vote on it.

Mr. Bolly stated it's not necessary and because we still would have I think, 4 members, unless we don't have 4 members that want to vote for it but I think they all did before and if we could do that, it's ready to be executed.

Vice-President Eddings stated ok, this is ordinance number 99-727, it's been passed on the consideration at the last meeting. Vote 4-0 I'll entertain a motion to tonight to accept ordinance number 99-727.

Council Member Fenner stated I make the motion that we accept ordinance number 99-727.

Vice-President Eddings stated motion by Gary, do I have a second?

Council Member Alexander stated I second.

Vice-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

Council Member LaMaster stated I abstain.

Mr. Bolly stated Thank You very much gentlemen. The next item that I have is on the Harrison Group and this is on the fire hydrant situation over there where they are building the new motel. I think Doug here is probably familiar with it and might, I think he looked into it and found that the water is adequate over there, the supply and stuff. Is that not correct and I guess at this point if that is the case where the board is in the position to make the resolution I'll try to proceed on with the, or do you have other things that you want to report on?

Vice-President Eddings stated if anyone has any other information, from what I gather and Boz you're here, and the Fire Chief is here. From what I gather what we found out in the area is that it is not up to suggested code by the State Of Indiana for some type of prior protection code. We have a lot of other areas in town that are the same way. It's a code that we probably should follow, and probably should incorporate in the future, something the future town board should consider doing. From my understanding, there is a 6-inch water line going into the property and an 8-inch water line adjacent right across the street where another fire hydrant could be tapped, put in and tapped into the 8-inch line which would provide in my opinion, personal opinion adequate fire protection. We have some developments here in Sellersburg, we have an entire 200 and some odd home subdivision that I think is on a 3-inch water line. So, we've got a lot of development here in Sellersburg that we done along time ago that is not near what the State's suggested standard code is. This particular development where the Cracker Barrel and the hotel complex is and the Bank and the C-Store is going in, like I say has a 6-inch water line feeding into that system right now and an 8-inch water line right across the road. It would seem like common sense would prevail, yes, the standard code said it should be 8-inches going and 8-inches there is no sense of the town spending 30000.00 to go underneath 31 with an 8-inch line just to meet a suggested code. If the 8-inch line wasn't directly across the street, yeah, it might be something we'd want to look into, but my personal feeling and to let the board vote on it, that an 8-inch line bored underneath 31 just for that development is not necessary. Does anybody have any thing they would like to add to that?

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Mr. Bolly stated unless I'm wrong, the line on the other side of the highway is a 10-inch.

Vice-President Eddings stated I thought it was an 8.

Mr. Adams stated I've got a little bit of information on that. Like I said, it's the town's own standard on the 8-inch. You talked about the recommended, we talked about the recommended, was there a formula for the recommended fire flow of protection for any designated area. Ok, I've got 2 pieces of paper here, front and back, and the other one is just the front, ok. On that first part is section 903.2, it talks about the water supply for fire protection ok, which is for a reference on the, ok, strongly suggests that the water supply be within 150 foot of any class one building. Ok, then it talks again on any type of water supply, reference you again to appendix 3A, out of the 1998 Indiana Fire Codes. I copied that in it's entirety for you. I had to make a few assumption, because I still don't have a set of plans on the hotel and don't know what size of building it's going to be. Is that a 79 room hotel?

Mr. Bolly stated 79.

Mr. Adams stated ok, probably what, 14000 foot floor? Seventy time's Two Hundred somewhere in that area, ok, 3 story ok, some of them 42000 square foot. If I go back to the table on the back page of the thing and like I said once again I'm assuming this will be a wood frame building.

Mr. Bolly stated yes.

Mr. Adams stated ok, so since its a wood frame building it's going to be a type 5 structure, ok. Right now with the current building codes in place a type 5 for a R-1, for this type residence is going to have to be of a type 5, 1-R construction. So I go down my chart and get to uh, what did we say, they were 14000 foot floor, roughly 42000 square foot. I come down the chart on that and it's going to take me to about 3,750 gallons a minute. Ok, is where I had serious reservations as to whether the lines over there is going to be able to supply that or not. Short of a home game up here at the high school that is going to be the highest life flow that you're going to find anywhere around town. Hopefully this is all the...point and it will never come to that. But I would really hate to...

Council Member Alexander stated when the State Fire Marshall, when they submit their plans to the state, ..

Mr. Adams stated no, thats the thing that you have to do at local review. What they'll take a look at, is they'll reference the sprinkler occupancy. That is sprinkler occupancy right?

Clair stated right.

Mr. Adams stated the sprinkler occupancy is going to fall in PA13 or PAB-R, I'm not for sure which one you all are running with, do you use the residential one, or do you know?

Clair stated I don't know.

Mr. Adams stated ok, so either one of them, I've got the standards, it will take you back to minimum water requirements, those in the 13 and 13-R refer you to PH-24 which is the standard for private fire main. Then it references you over to, is going to apply your

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to public ones too. Because it's a general rule is a public main is going to have to be stronger than a private fire main. And it says right here in the middle of it, that standard fire mains are not suggested at any point, if there is a failure at any one place it kills the whole set up.

Council Member Alexander stated the state code follows the NFPA?

Mr. Adams stated yes, the state code actually has adopted NFPA-13, 13-R and like I said, I didn't bring the page that actually had that on it. But all of the sprinkler codes, the fluid systems, they are all straight out of the NFPA and then they all refer you to NFPA-24 to set a standard on the water.

Vice-President Eddings stated what does the, I'm sure that there are fire hydrants in the scope of the plans, in the building, what does a fire hydrant on a 6-inch line get you on a...

Mr. Adams stated I don't know what it has over there. Another thing, we have to look at is the side, the fire protection side of it, is what your residual pressure is. Say it's pulling 3500 gallons a minute on a 6-inch line, I just personally don't see that it's going to maintain 20 lbs of pressure in that line, then you end up having to have all of your people on a boil water advisory because you just dropped a part of the water system down below acceptable levels.

Council Member Voyles stated what about the 8-inch across the street?

Mr. Adams stated I really couldn't tell you, like I said, your best bet...

Council Member Voyles stated looks like if you got an 8 and 6, I don't know how, how big of a pipe would it take?

Mr. Adams stated once you get it together you get, it's just like trying to draw a, I can't give you a good example. If you group it altogether you've got to feed from both directions. Ok and the chances of...is going to be slim, but it's not impossible but it is going to be slim. Like I said,

Council Member Alexander stated that lines not considered.

Mr. Adams stated well it's a 6-inch line and like I said it does have a tank one each end ok, there is a tank on each end of it the 6-inch line. But where Servend, we're up here in town. The one at Servend, let's face it with the growth that's go on out there and the water usage that is there, your probably not going to see much. I've talked to Clark Henson a couple of times on it and the, when the town tank up here is filling, water is going into the tank down there at Hamburg and it's not necessarily, the tank in Hamburg can be filled but anytime there is water going into this tank it's still having to shove water down to that end too.

Vice-President Eddings stated John, is the 8-inch line on 31 is that feed directly from the wells, directly from the treatment plant, or is that coming from the tank?

Mr. Toombs stated it actually is from both.

Vice-President Eddings stated it's fed by both.

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Mr. Toombs stated when you have water in the system everything is fed by both, everything is fed by the creek.

Mr. Bolly stated if I could I wouldn't mind taking just a minute showing you a drawing, just a little bit of a diagram of, we're talking about the tank over at Hamburg and it comes up. New 60, there is also a line that comes up Old 60. One of these is an 8 and one of them is a 6 and it comes to a 6 and that line crosses the interstate. It serves the whole area in there as well as a lot of growth in that area. You got a new motel over here that is served off of that 6 as well. We get over here and if I am correct, this line goes past the motel and goes on over and it comes off and it ties in to the other tank. This right here probably is roughly 3760 feet from here down to here and something like 11,000 feet to that area there. Now this is our location we're talking about and also you've got I thought it was 10 but I have been told it was an 8-inch main right there. Of course, this 8-inch main is 4 to 500 feet to, that they have 4 to 500 feet to that location and then of course there is a fire hydrant here that goes back to Cracker Barrel right there. We've got the 8 here and the 6 here, we've got an 8 right there, and trying it altogether you've got 12's coming from both directions. All I can see right now is that quite honestly is that I'm under the opinion which is 97% is what you've got right now.

Vice-President Eddings stated Mark, you have anything to add?

Mr. Ball stated it might be better than what you've got in 99% of the area, when I heard the statement was made, you know this is better common sense would tell you, common sense don't play into this. I've asked for flow readings, on what these lines have, I've heard you've got plenty of water, you've got plenty of flow, what these lines will flow. I can guarantee the NFPA is a suggested medium, the NFPA is accepted by the industry. Whether it's adopted or not. If there is a lawsuit, the NFPA code is what this is used in court. I'm personally telling you I have spent time trying to find a way to make this work for you, where I feel safe but this is a situation where it falls under the guidelines of everything...(TAPE QUIT'S)

Council Member Alexander stated up to 75% as approved when allow, when the building is provided within approved with the automatic sprinkler system.

Mr. Adams stated that is possible there is also one on the next page the next blue page it shows you can do the same thing and double the requirements if your life hazard is going to be high enough, I mean what were looking at one it is right now we're talking about this single hotel. Ok, by this hotel we have a Cracker Barrel and with the potential of another hotel some were in the near future. Ok we've got to plan ahead instead of just trying to say will just squeak this one by right now, right now and go on. I would hate to have this same discussion at this point in the future.

Vice-President Eddings stated well see that's the problem of what's happened here the Cracker Barrel Development we've known and had those plan's in the community and the Cracker Barrel has been up and running for a year now, and...

Mr. Adams stated and the Cracker Barrel was built, and authorized under the 1994 Building Code.

Vice-President Eddings stated right.

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Mr. Adams stated ok, and April 30 of 98 they adoped the new fire and building codes who have somethings are a little tuffer standers.

Vice-President Eddings stated I understand that my problem is that now were going to have to try the town may be in the position to have to spend Thirty Thousand Dollar's to bore underneath the highway to meet todays standards. When this Cracker Barrel Project and Hotel Project first hit the board two years ago.

Council Member Voyles stated that is right.

Vice-President Eddings stated and it was ok then and today Sellersburg has always operated is we've tried to get the developers to pay for all the enhancements to the utilities. Because the town can not afford it, and the developer usually in negotiation stage and tax abatement or whatever come up with the funding to build the utilities into whatever their developing, and they pay for it themselves. Doing this after the fact I'm trying to make us meet a 1998 code is going to except Sellersburg to dip back into the water fund which is very lean to begin with and come up with Thirty Thousand Dollars plus to bore underneath 31 for an 8-inch line. Which you know I don't think anybody on the baord has an objection of doing that if the code says 8-inch and the only thing available in the area was a 6-inch line there was no 8-inch line in close proxcmity of that area I think the board up here, I maybe speaking out of turn I think the board would really look seriously at having to cough up the Thirty Thousand Dollars and do whatever we need to do or come up with something out of the water fund to bore underneath 31 or put an 8-inch line in so we can meet that code, but we've got an 8-inch line in right across the street. Surely to God fire hoses will go across 31 and into Cracker Barrel and into the Hotel complex if we need to shut 31 down while if a fire should take place you need to shut 31 down you know thats...

Mr. Adams stated I have know problem shutting a road any were down I've done it before and will probably do it again. However you all have me on board to bring these things to the board members.

Vice-President Eddings stated and I think its great I mean 8 year's ago a discussion like this would not even happened in Sellersburg it would not of even taken place. Like I say we've got some 200 some odd houses in Hill-N-Dale being fed off of a 3-inch line underneath I-65, have a fire up there some time.

Mr. Adams stated I have.

Vice-President Eddings stated you know that's how the development took place in Sellersburg 8 years's ago. And now were talking about meeting 1998 standard's and codes. So I think it's great were even having this discussion, but I can't see being penny wise and pound foolish.

Mr. Ball stated but my understanding you have money in the sewer project it could be used for some reason, water is broke...

Vice-President Eddings stated right.

Mr. Ball stated why can't you work a deal out with these people you got the money you can spend in the sewer take over the percentage of the sewer situation to spend this thing around it works both ways.

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Vice-President Eddings stated we've tried that before and we always get...

Council Member Alexander stated it would be ok if we were at the beginning and we were spending it but it's already been spent. They've already put the sewer lines in.

Vice-President Eddings stated that and it's very, very difficult to get around those issues with the State Board of Accounts. They will not let you borrow from one utility into the next.

Mr. Ball stated I'm not talking about borrowing.

Vice-President Eddings stated I know essentially you are.

Mr. Ball stated you know I might have, do what you want to do you're on the board.

Mr. Bolly stated I might add to that comment is two year's ago this group paid for the up enhancements for the sewers and paid the tap-in's for all of them. All but the extra...

Vice-President Eddings stated right, right, but that's what I'm saying, if this would have been brought up at the original on set the Development Group and Cracker Barrel would have probably had to of come up with the money to bore underneath 31 with an 8-inch line, in order to put those facilities in that location.

Mr. Adams stated if the facility was erected, it would be on, it would have follow the guide's that were in place then and we wouldn't be having this discussion. Ok, it wasn't the discussion was made for what ever to hold on until this point of time to look further under the development. That wasn't my choice.

Vice-President Eddings stated right.

Council Member Alexander stated these chartshave changed since 94 is that what your saying?

Mr. Adams stated I don't know, like I said what went on in the past...

Council Member Alexander stated no, what I'm saying is did you say the code changed? Did this all change?

Mr. Adams stated I don't know if the flow changed are not. Like I said I wasn't in on the earlier negotiation.

Council Member Alexander stated that would be what would change that would make it harder to get on in 94 then it would be now wouldn't it.

Mr. Adams stated no, some of it is separation of forms I don't know there so many different things that changed in them from one edition to the next that I'd be scared to say flow changed most of the time hydraulic are hydraulic they haven't changed for thousand's of year's.

Council Member Alexander stated so it hasn't changed since we approved this project of the code as far as the requirements of water has that changed?

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Mr. Adams stated I don't know, I didn't go back and look and see what the flow chart was.

Mr. Ball stated is that a revision, I don't know?

Council Member Alexander stated I mean that is what I'm asking there saying it was different in fact when we did it you said we rebuilt it but yet we don't know what was different.

Mr. Adams stated I mean if it was, I mean that's...

Council Member Alexander stated it may not of been different when we first started talking about it, it may be the same as the way it was that's were I'm confussed. Your telling me the requirements are higher.

Mr. Adams stated no, I said they could be, the thing had changed, the only thing I can go on was currently in place. Ok

Council Member Alexander stated I would still like, I still don't understand I mean you told me what this reduction requires, what's that mean it says it's up to 75% what's that mean when you take that chart back there you take 75% off if you've got a fire.

Mr. Adams stated yeah, yeah, its entirely possible. And like I said there's another one that says you can double it if you want.

Council Member Alexander stated well even if you doubled it and took 75% off of that your going to be...less then what's on this chart.

Mr. Adams stated yeah, like I said it's one of those things that you can turn just about anything you want to around to where your at. The key to it is where it comes down at the uh, in setting the requirements for the fire flow the chief maybe guided by appendix 3-A that's what this whole thing is for is to take a look and see what we need to do.

Council Member Alexander stated but I mean it has a clear exception in here of 75% is approved.

Mr. Adams stated yeah, and like I said I uh...

Council Member Alexander stated I mean 75% is alot, if this thing is different it say 10% it would even...

Mr. Adams stated 75% is alot like I said the same thing I've got a exception that we could of doubled the requirements. But we don't, like I said we started out looking at the local ordinance on it and where we came up with the uh, recommended fire flow for the same, I told you I'd try to find that at the last meeting and this is the recommendation's on it. Not being you know fully aware of what buildings its going to be I can't swear whether its one that would get by with less water or more. It depends on the construction lets face it one's made out of wood frame with vinyl its going to be alot more problems to a heavy fire load than one that is steel or masonry.

Council Member Alexander stated I guess my other question is the fire flow may be modified upward by the Chief were conditions incicate an unusual to group fires susceptible. Ok, is this one of those area's?

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Mr. Adams stated I don't know, I don't know the lay, I don't have a sight plan on what...

Council Member Alexander well I mean over here there's a Hotel say let's make it a 120 is that what will follow under that. Does it have...

Mr. Ball stated were not going to play with this Kenny. You can't give me direct factor's I can't deal with it. This has been part of the problem all along here it is you want to put this in, what is, what you want to put in a bunch of motels how big of a motel we ain't never....

Council Member Alexander stated well what would you consider, could you tell me at least what you would consider?

Mr. Ball stated I gave you may opinion on this situation I don't care to converse or argue with you any further.

Council Member Alexander stated I'm not arguing, I'm trying to get an answer here. It says that there's group fires. Ok, is a motel a consider a group fire that you would put a higher increase in an area.

Mr. Ball stated yes sir, yes sir I would.

Council Member Alexander stated just like, just like the I guess Hap's Airport would be or Clark County Airport that kind of area because of the flammable.

Mr. Ball stated possibly not.

Council Member Alexander stated even with the flammable's and all that.

Mr. Ball stated how much flammable's down there?

Council Member Alexander stated I don't know airplane fuel and airplane's flying.

Mr. Ball stated I didn't come up here to play game's with you. I gave you my opinion awhile ago.

Council Member Alexander stated ok, I'm sorry I thought I could talk to somebody but that's fine.

Mr. Ball stated no.

Council Member Alexander stated I don't want to play game's.

Mr. Ball stated no, what you want to do is talk to every body behind my back, and bring me up here and start fighten, were not going to do that Kenny I gave you...

Council Member Alexander stated I don't start fights Mark.

Vice-President Eddings stated hold up, hold up, that's enough. Ok, were going to talk until were blue in the face. Go ahead Perry.

Attorney McCall stated Boz, in reading this seciton 903.2 which is were your at right pretty much talking...

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Mr. Adams stated that's were...

Attorney McCall stated that's were you start. Ok I understand, and we determined a water supply, cable supply and require fire flow for fire fighting purposes that in term by local ordinance. What do we have...

Mr. Adams stated the local ordinance...

Attorney McCall stated what is our local ordinance say?

Mr. Adams stated our local ordinance says that any sub-division may be supplied by a minimum of an 8-inch.

Attorney McCall stated any subdivision?

Mr. Adams stated and this is a non-residential subdivision and its saying goes out by the same group on more then one parcel. Uh, ok, here's the one on do you want...

Attorney McCall stated ok, no I'm just saying look at that ok.

Mr. Adams stated that's where we started out with that where the local ordinance came into affect.

Attorney McCall stated and then water supplie showing provided as follows when the public; when the water supply is provided to the public there shall be provided fire hydrants in the required flow, which is 8-inch, is that right?

Mr. Adams stated on this chart it's the 3750 but by local ordinance its going back to our local ordinance it's the 8-inch, the hydrants a maximum of 500 foot apart that can be increase, or reduced...

Attorney McCall stated are we there now...feet apart.

Mr. Adams stated no.

Attorney McCall stated ok, then the next section again I don't know, the Public Water Supply is not available does that mean not a accessable or not available.

Mr. Adams stated not available not there.

Attorney McCall stated not there at all.

Mr. Adams stated not there, that's were you get in, you have to have a lay or an on sight water tower.

Attorney McCall stated swimming, pressure tank, elevated tank, etc, etc. And then the last part, the owners shall verify the water supply requirements with the services of the Fire Department prior to the final design and construction.

Mr. Adams stated right.

Attorney McCall stated have we got the final design and construction.

Mr. Adams stated no we don't have the final design and construction.

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Council Member Fenner stated Perry, my question is that sentence that applies only to on sight water supplies such as ponds, stream, rivers, canals, lakes, reservoir, blah, blah, blah. That doesn't have any thing to do with the Public Water Supply that we supply.

Attorney McCall stated no, no on sight water...should be accessible to the Fire Department located 100 feet.

Council Member Fenner stated but that whole paragraph #2 does not apply this situation is what I'm suggesting.

Attorney McCall stated and I agree with that. What I'm saying is, does that term mean not available, does that mean it can't get there or there is not anything assessable, not available.

Council Member Fenner stated ok.

Vice-President Eddings stated ok Virgil what is it that you are requesting?

Mr. Bolly stated what they are talking about at this point and time is 79 units. Of course, ultimately they will put on the other side 1 unit with 78 or something like that. My true concern, I understand where we're going and I think everything needs to be up-graded but we're so close to this in terms of having fire, flows coming from a tank over here, and them also coming, I guess from the river which would be your 8-inch line. If we are going to say you've got to have an 8-inch right there, it's not there, don't you have something close to equivalent that, and in most cases far better than most of the community has got. And my feeling is, hey, we're jumping into something, and it's something the future Town Board's are going to have to look at and start to up-grade and it's not going to be cheap to do it. But this is so close to being right there and to my understanding and your all's agreement was that when they entered into what they are doing 2 years ago you told them they paid you for the sewer and there was no mention that anything needed to be up-graded on the water, and you agreed to furnish them water. I think we're both in a bind. They want to go and you very well have an obligation that you all would have to pay for it and we feel comfortable that this is going to do a much better job in the future and also there's also some other areas of growth over and beyond that. One of these days that's going to happen and the next time that something of that nature comes along then you're not going to be in the situation where you agreed to do something.

Mr. Beams stated just on behalf of the Harrison Group should that occur, where the town needs to go ahead and expand that, we will contribute Ten-Thousand Dollars back toward that operation to assist you. Depending on what needs to be done and how, and your working permits with the State and whatever. But my partner Clair and I would like to you know, put that on the table if that is required that you decide to do that. We want to commit that back to the town. We've had a great working relationship and we think that it is very important that we try to make...

Clair stated but as a point of clarification you're saying, or I think we're saying that if you all decide that needs to be done relative to our motel development not,

Vice-President Eddings stated if somebody else wants to so something.

Clair stated not come to us and say where's your check?

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Vice-President Eddings stated yes Mark.

Mr. Ball stated I have one thing to say then I'm done. I didn't come up here to antagonize anybody or I didn't come up here to be antagonized by anyone I feel like our job is to give you the best advice we can give you.

Vice-President Eddings stated yep.

Mr. Ball stated and we've done it.

Vice-President Eddings stated yep, I appreciate that. Like I say, 8 years ago this conversation.

Mr. Ball stated it falls to you.

Vice-President Eddings stated would even take place.

Mr. Ball stated I just wanted to make that clear. That's what we're here to do is to advise you with the best information we have to give you. The buck stops there.

Vice-President Eddings stated right here.

Mr. Ball stated Thank You.

Vice-President Eddings stated Virgil you're just wanting to hook onto the water line. Is there any signed agreements, you just want permission to tap to the water line.

Mr. Bolly stated well, they want to start construction and they need to know if you know, we've got to get a grant permit to get start building and if we don't have that order we don't get a permit.

Vice-President Eddings stated whats it take legal, just a vote?

Attorney McCall stated yeah, I mean you're going to vote to approve that but I would, I think that this is something and again this is my advice is this is something, I know there is a time line, I haven't heard what the exact time line is, and this is no reflection on the Harrison Group but, legal, because there is some legal aspects of this thing that you may need to consider, that you need to take this up in Executive Session and have a frank discussion about what you do and don't want to do. I know I hear Virgil saying that the town has promised or guaranteed water at some point, I haven't found that anywhere. If there, we're talking about Thirty Thousand Dollars is what we're talking about.

Vice-President Eddings stated that's just a rough estimate it could be Forty-Thousand.

Attorney McCall stated it could be forty, it could be less, I don't know that but in relationship to what is being recommended, I mean you've got a Building Commissioner that you've hired and he looked at it and made a recommendation and he's looking at it from the safety stand point and I think Mark's got a good point about potential future liability. You know, if someone is burned in a fire whats the cost of one life? Thirty Thousand Dollars, alot more, than that. So I think it's something you should, and I don't know what the time line is, you've got your next Executive Session first Monday of the month, that would take you into the 7th or the 8th, excuse me the 8th and

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perhaps thirty minutes or however long the Executive Session is going to be and make a determination at that point. You have not adopted, if you recall, the fire code, the Indiana State Fire Code, you have not incorporated it in your ordinances by reference for it to be referred to but it's there for a reason and it's there for administrative regulations that are written for a reason and are to be considered. And just for the future and see where you are on this particular project. I would get a firm number if I were you and consider the firm number on what the cost is and to do it right, or to do it again, I mean you are the Town Board, and...

Council Member Alexander stated can I intervene here for a moment? I watched the Nursing Home in Hamburg go in ok, it isn't exactly like this but it is on a 6-inch line, and what they required them to do is run a test on the line to make sure it had sufficient flow to operate the sprinkler and follow, I mean, and that's why I was asking questions. I wish I could of got answers but that's why I was asking questions. If we know what we're going to spec it at, if we're going to take it and double that or just take it a quarter up or whatever, I mean, it gives you a reduction up to 75% as long as you don't fall below 15000 gallons per minute. You're not going to know anything until somebody puts a meter on that fire hydrant or that line and finds out what the flow is.

Attorney McCall stated well, then you've answered what I...

Council Member Alexander stated I mean, and that's all you do it's not that difficult.

Attorney McCall stated plus you might have a question about the effectiveness this Administrative Code is April 30, 1998. And whether or not perhaps the Harrison Group would be grandfathered in because the agreement, not the actual construction, but the agreement would have been executed before that time. So that's another aspect on that, I'm not trying to delay it, you guys do, like the guy says, the buck stops there.

Vice-President Eddings stated ok.

Mr. Bolly stated may I suggest one other thing, if you go back to the agreement that the town entered into with them on the 28th day of July 1997 which the town agreed to furnish the water and sewer and it spells out that they would pay so much for the taps and so forth on the sewer up-grade it refers to street improvements but there is no mention of them paying any extra cost for water.

Vice-President Eddings stated right.

Mr. Bolly stated my suggestion might be is go ahead and approve this because I think they are entitled to proceed on. Let the town look at it to see whether they need to increase the flows and if they do then he's offered you 10 grand to help contribute towards doing it.

Attorney McCall stated again, first of all, that doesn't refer to the Fire Protection District requirements for water supply for one. Also if there is a Ten Thousand Dollar offer on the table and we don't know the exact cost and the towns willing to do the right thing then it would be best to consider that Ten Thousand Dollars in that light. I mean, as far as being down the road.

Vice-President Eddings stated what Virgil is saying is irregardless whether we decide to put an 8-inch line under there or not put a 8-inch line we have still promised them water.

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Attorney McCall stated I understand that and...

Vice-President Eddings stated the decision is whether we're going to spend the money to put the 8-inch line in.

Attorney McCall stated and you are going to let them hook up to water, what we are talking about is a whole different aspect in that we're looking at water supply for the hotel and etc, as opposed to the fire protection aspect of it.

Vice-President Eddings stated yes sir, Mark.

Mr. Ball stated I'll agree with Councilman Alexander on one thing, it's the something I talked to Virgil about, what is the flow?

Vice-President Eddings stated well, we're going to get Tim to tell us.

Mr. Ball stated that's the man that needs to tell us.

Vice-President Eddings stated and then we'll take it up in Executive Session, we'll hash it out then.

Mr. Ball stated that could make a difference on the whole program.

Vice-President Eddings stated but for right now for the development group I think we need to have a vote and make a decision on whether we're going to submit to supplying them water.

Council Member Alexander stated I think we owe it, I mean,

Council Member Voyles stated well, this is 2 different things. We're talking about water to the hotel and then we're talking about the fire protection. So, the water to the hotel, the 6 is ample, right?

Vice-President Eddings stated right.

Council Member Voyles stated so, we could give them that permission to do that and then we could...

Vice-President Eddings stated long before the hotel is constructed we would have an answer and have the project under way. So, I'll entertain a motion to allow the Harrison Group to top into the 6-inch line for further development of their complex.

Council Member Alexander stated I make that motion.

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

Council Member Voyles stated I'll second.

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

Mr. Bolly stated Thank You Very Much.

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Vice-President Eddings stated Susan Mosley.

SUE MOSLEY ADDRESSES THE COUNCIL MEMBERS CONCERNING A SIGN FOR MOSLEY PARK.

Mrs. Mosley stated I'm Sue Mosley, my husband Bill Mosley was President of the Town Board when he died in January of 1989. The following month the board voted to name this park where the pool is after him and so I have bought a sign and I'd like to present it to the town. I didn't know whether the town would put it up or if I needed to have someone put it up.

Vice-President Eddings stated we'll have the Parks Department take care of it.

Council Member Fenner stated we'll be glad to take care of it. If you would like to come out you know, we can talk about where you would like to put it.

Mrs. Mosley stated ok.

Council Member Fenner stated ok.

Mrs. Mosley stated to me, the logical place would be right there where the entrance to the park is there. I don't even know what street it is.

Council Member Fenner stated ok.

Council Member Alexander stated Mosley Park Road.

Mrs. Mosley stated ok, and I appreciate all that you all do and all the things you are dealing with, I have an appreciation for that.

Council Member Fenner stated call me and we'll get together and we'll go out and look at it together.

Mrs. Mosley stated ok.

Vice-President Eddings stated ok, Mr. Engle.

JOHN ENGLE ADDRESSES THE COUNCIL MEMBERS CONCERNING WATER AND SEWER HOOK-UPS FOR A DUPLEX HE IS BUILDING.

Mr. Engle stated hello, my name is Jeff Engle, and myself and my partners are proposing to put in 12 to 14 duplex construction site at the address of 8208 Old Highway 60 and we're asking for permission to hook on to the sewer and water system for this project. It would be 12 to 14 buildings so it would be 24 to 28 units.

Vice-President Eddings stated ok, has this been submitted to the....

Council Member Alexander stated has the plans been submitted.

Vice-President Eddings stated Planning Commission yet?

Mr. Engle stated it's zoned R-2 which is acceptable for duplex units.

Council Member Fenner stated may I back up and ask a question?

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Mr. Engle stated yes.

Council Member Fenner stated prior to that, is this within the town limits of Sellersburg or is this in the County or is this in Clarksville?

Mr. Engle stated it's the, the complex itself is in the County. The sewer and water is in the city.

Council Member Fenner stated ok.

Mr. Engle stated so, the building will go through County but the sewer and water have to go through the city.

Council Member Fenner stated that's what I thought.

Mr. Toombs stated he's here on my recommendation.

Vice-President Eddings stated ok.

Mr. Toombs stated this is Old 60, where he is talking about is right in here.

Council Member Alexander stated where the church is?

Mr. Toombs stated behind the church, you have the sewer and in the road, and he wanted to know what to do and I told him the best thing to do is come here and show you guys what he wanted to do and ask to get on the sewer and water because he can't do anything without that. And he is in the County. And there is a sewer right in front, which is right there, I think it's St. Paul Methodist Church and he's talking about behind that.

Council Member Fenner stated ok, a couple of things come to my mind, Mr. President and number one is in the past whenever someone outside the town limits has asked to be connected to the sewer and water we have also asked them to sign an agreement saying that if we chose to annex them sometime in the future that they would not oppose that annexation you know that is what we have done in the past.

Vice-President Eddings stated right.

Council Member Fenner stated and I would like for us to still consider that as important. Secondly we need to talk to our facilities manager to see if we have the capabilities, if we have the capacity to handle what we've got here. So I think we're going to have...

Vice-President Eddings stated this is something we normally don't make a decision on in one night. We want to see your plans, see what you're going to do.

Mr. Engle stated right.

Vice-President Eddings stated look at what water lines, converse with EMC, with John, in case anything additional needs to be done.

Council Member Fenner stated but the annexation, would that be a problem?

Mr. Engle stated annexing, meaning it would be switched over to city instead of county?

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Council Member Fenner stated yes.

Council Member Alexander stated only if we annex.

Council Member Fenner stated if we chose to annex that area, we would have to annex everything around you too, but in the event we chose to annex, you would not oppose that annexation.

Mr. Engle stated no, we would not.

Council Member Fenner stated ok.

Mr. Toombs stated and this site is not anywhere near your boundary.

Council Member Fenner stated we understand, but it is within an area that had been...

Mr. Toombs stated a target area.

Council Member Fenner stated an area that had been pursued in the past.

Mr. Toombs stated yes.

Vice-President Eddings stated we can probably have you an answer in 2 weeks.

Mr. Engle stated 2 weeks.

Vice-President Eddings stated yes.

Mr. Engle stated ok, Thank You Very Much.

Vice-President Eddings stated Lewis Miller.

MR. LEWIS MILLER ADDRESSES THE COUNCIL MEMBERS CONCERNING A WATER LEAK.

Mr. Miller stated I'm up here, well first of all I reside at 527 Popp Avenue for the last forty-five years and I'm up here in regard to my water bill. Now, there is just 2 of us in the house and it's a small home and my normal usage runs like in the 2200 gallon, 2800 gallons and what's happened is, I did have a leak. And the leak was on me, it was on my side of the meter. And Clark read the meters on, well, my May to June bill, I used 2500 gallons, my June to July bill I used 2800 gallons. My July to August bill I used 3000 gallons, now that was getting up there. I was a little skeptical of that but I didn't check into that. I let it go, but then the August bill and September bill was 9700 gallons and Clark noticed that when he read the meters. And said he usually had tags in his truck, when he sees something like this out of range, he hangs a tag on the door. He went to his truck and he didn't have any tags, and he came back to the office and got busy and had other obligations and forgot to get the tags and put one on my door.

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*****TAPE QUIT*****

Council Member Alexander stated made a motion to adjust sewer bill.

Council Member Voyles stated I'll second. Vote 4-0.

Council Member LaMaster stated I abstain.

CHARLIE HEISHMAN OF SUNFLOWER VALLEY WATER CORP. ADDRESSES THE COUNCIL MEMBERS
CONCERNING SUN FLOWER VALLEY WATER CORP.

Council informed Charlie Heishman he needed to up-grade lines and send a letter to Clark County Commissioners informing them that they no longer want to be over the Water Corp.

EMC/TIM CRAWFORD ADDRESSES THE COUNCIL MEMBERS CONCERNING THE MONTHLY BILL'S.

Tim Crawford presented the bill'S for the meeting.

Superior Print	271.85
Postage (Paid to EMC)	774.80
Labels	24.17
Commonwealth Biomonitoring	5,000.00
Total Bill'S Submitted	6,070.82

Council Member Fenner stated I'll make the motion.

Council Member Voyles stated I'll second. Vote 5-0

Kevin Wright informed Council that they are ready for Y2K and that will have someone at the Water Treatment Plant on December 31, 1999 in case there is a problem.

COUNCIL MEMBERS APPROVE ORDINANCE NUMBER 99-729.

Council Member Voyles stated I make a motion to accept Ordinance 99-729.

Vice-President Eddings stated motion made by Bill, do I have a second.

Council Member Alexander stated I'll second.

Vice-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 5-0 Now I'll entertain a motion to adopt ordinance number 99-728 concerning...

Attorney McCall stated a tranfer of appropriations in the amount of 1500.00 from account 361 Cleaning Supplies, to account 368 Maintenance for Police Auto Repairs.

Vice-President Eddings stated ok.

Council Member Alexander stated I make the motion.

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

Council Member Voyles stated I'll second.

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Vice-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 Anything else Chief, is that it. Ok, Boz you got anything else tonight?

Mr. Adams stated No, I think I put a letter in your all's box today you need to take a look at. But other than that, that's about it.

Vice-President Eddings stated ok, Gary.

Council Member Fenner stated nothing.

Vice-President Eddings stated Bill.

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

Vice-President Eddings stated Perry.

ATTORNEY MCCALL ADDRESSES THE COUNCIL MEMBERS CONCERNING JESSE BALLEW/RAILROAD CROSSING.

Attorney McCall stated I got a response back, I'm was hoping Stan would be here since he was on the agenda but he's not. I got a respone back from the Indiana Department of Transportation regarding the petition the town filed to make the railroad crossing into, the Jesse Ballew Project there, a public railroad crossing. They have approved it subject to the request requirement that the town would install standard flashers and gates. They have estimated this cost to be 125,000.00. They have requested that I within a reasonable time, they haven't set a deadline, advise the Indiana Department of Transportation whether or not they have decided to proceed with the petition or withdraw the petition from INDOT. So, coming up shortly the town I believe the Town Council is going to have to make a decision of how you wish to proceed. I know that Stan Richards has been here before, that there would be federal funding available for this project that would pay up to 90%. The town would be responsible for 10%. I have been unable to find where that funding is and where that source is and where we go to obtain that type of funding. Then you have the issue of the maintenance or up-keep. There is one or two, maybe three approaches you can take in this particular case. Have Ballew enterprises pay the 125,000.00 cost for the public crossing or seek out any federal funding and have Ballew enterprises agree to pay the 10% town share, if there is federal funding available or do nothing and let it remain a private crossing. I think if you are going to do one of the first two, you probably need to have some type of plan or agreement with Ballew Enterprises concerning the up-keep or maintenance there, or at least have some type of understanding with CSX for that they will be responsible for that maintenance up-keep and so it doesn't become a burden for the town. It's apparent that Indiana Department of Transportation believes that you are going to and it confirmed that with this particular correspondence. And I asked Chuck Smoots, not this gentleman, but Chuck Smoots about where we could get funding and all I got was a snicker, good luck. So I assume it may be out there but getting to it is very difficult.

Council Member Fenner stated the idea of the funding came from Stan Richards and you know, I attended a meeting sponsored by Congressman Hill for projects and he had different federal and state agencies there to talk about grants for communities and after the meeting was over and they made the presentations I went up and talked to 3 of them and they didn't have a clue that there was anything available for a community for a railroad crossing especially for our community.

Attorney McCall stated well, I guess you need to make a decision about how you want to

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proceed and about the cost, you know who it benefits and how, oh I'm sorry.

Mr. Toombs stated and I have heard there are...

Attorney McCall stated I couldn't find any source. I heard it and checked and checked with these people to see if they could direct me to anyone that dealt with railroad crossing and they didn't know of any. If they could find it I would be happy to pursue it but they didn't know of any. So you need to make a decision because this thing is not going to hang out there that long. They will send you a notice and close the file at some point. Maybe enter in discussion with Mr. Ballew and ask Stan Richards about who it benefits and see what kind of cost they would assume. Because the bottom line based on what has been presented to me I believe that it is going to be a financial burden on the town to some extent, whether it be 125,000.00 or an ongoing financial burden. It's going to be there and it's going to be your responsibility. That's all I have on that.

Council Member Fenner stated I would hope that the council would agree that the town should not bear the burden of that railroad crossing. That is a private development and I don't see where we're responsible for that. Now if he needs us just to act as a public entity to have that as a public crossing as long as he's willing to sign the agreement to bear the costs that are related to it then I think it would be fine for us to enter into that agreement. But, unless he's willing for us to do that then I wouldn't want us to get involved.

Attorney McCall stated it may be something to take up at the next Executive Session and discuss how you want to proceed and I will get back in touch with Mr. Richards unless you want to sign that now.

Vice-President Eddings stated no.

Attorney McCall stated last meeting there was an ordinance that was tabled, it was an ordinance enforcing no parking on Utica Street, Town Of Sellersburg. It was no parking vehicles on both sides of the road on West Utica Street from State Road 31 to Ehringer Street. And it was tabled and Bill asked me to bring it back up to see where we stood on that. You want to assign it a number and consider it, or if you want to further discuss it or...

Council Member Voyles stated the reason I wanted it brought up is I was driving down that road, the people on the road not only do they park, they park going the wrong direction. When you come up that hill there is no taillights what so ever and someday somebody is going to get hurt. And I know it's going to be an inconvenience for the neighbors to be off that road but that section we really need to look at this and have no parking. Since it's been raised to 30 it's really dangerous area, very dangerous area and we need to act on it. I know we tabled it for a long time but we need to, and the reason we're doing it, because we don't want to offend anybody, but somebody is going to get hurt.

Council Member Fenner stated do we have a number for it?

Deputy Clerk Laura Lee stated 99-730.

Attorney McCall stated 99-730, ordinance enforcing no parking on Utica Street in the Town Of Sellersburg. You need a motion to consider it on a first reading.

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Council Member Voyles stated I make the motion to consider it.

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

Council Member Fenner stated I'll second.

Vice-President Eddings stated second by Gary, all those in favor signify by saying I, opposed nay.

Council Member Alexander stated nay.

Vice-President Eddings stated nay.

Attorney McCall stated you don't get to do it on a first reading, so you can make a motion to present or consider ordinance 99-730 on a first reading.

Vice-President Eddings stated oh, that's right, we have 5 people here now. We can do that in one reading.

Council Member Voyles stated I make a motion to consider on a first reading.

Council Member Fenner stated and I'll second it so we can discuss it.

Vice-President Eddings stated motion made and seconded, any discussion?

Council Member Alexander stated I'm sorry, you lost me, what are we doing now?

Vice-President Eddings stated same motion.

Council Member Fenner stated the same ordinance we just voted on but in other words we're doing it on a first reading, which we're not going to do. We're going to consider the first reading and then do it again. If we pass it.

Vice-President Eddings stated it's open for discussion.

Council Member Voyles stated am I the only one that feels like it's a bad area?

Vice-President Eddings stated what it is...

Council Member Voyles stated you've got people parking the wrong way on that street and if you would ever come up behind a car that turned the wrong way and your lights hit it there is no reflectors on the front of a car to show that there is a car or truck parked there. It's a bad intersection and everybody goes from 31E down Utica Street. We're talking about that area where you get to Ehringer were all the cars park on both sides of the street. It's 30-miles per hour now and it's with a hill there and somebody is going to get wiped out. For the board to keep kicking it underneath the table because it's going to hurt somebody's feeling we need not to do that. We need to take a stand, get them off the street. It's not going to hurt anybody. They just parking there about 1 1/2 years ago. They just started.

Council Member Alexander stated they only reason I'm voting no right now is maybe they don't care but, I would like to see more public input down through that area. I mean it's going to be a big change for them and...

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Council Member Voyles stated you've got 2 people.

Vice-President Eddings stated 9, one of them is my brother.

Council Member Voyles stated oh, is it.

Council Member LaMaster stated 3 blocks and you're saying no parking on either side. Well, I think seems how I live right on the other side of Ehringer I should go and talk to the folks and see how they feel.

Council Member Voyles stated when you are talking to them, now, the board, we're talking from this end not just them because if somebody get's killed out there, we're going to be the one's voting whether or not we have parking in that area.

Council Member Alexander stated well, I mean...

Council Member Voyles stated we might being inconvinceing somebody but you know.

Council Member Alexander stated I agree with you Bill, but most people don't pay that close of attention of what's going on here to have something that drastic come up and I think we ought to make an effort to go out and say we're getting ready to say we're going to make it where you can't park on your street. At least let them come in and talk. I mean, we can do it but...

Council Member Fenner stated we raised the speed limit without asking them.

Council Member Voyles stated I think everybody wanted that.

Mr. Toombs stated and they might as well get used to it because in about a month I'm going to have the whole thing tore up from Sellers Avenue all the way down.

Council Member Voyles stated now would be a good time to put no parking.

Vice-President Eddings stated Jim, you're going to go out and talk to the neighbors and get some input from them.

Council Member LaMaster stated yes, I will.

Attorney McCall stated motion on the floor and seconded.

Vcie-President Eddings stated motion on the floor and seconded.

Council Member Fenner stated I have mixed emotions about it and my suggestion originally was to change the speed limit from Ehringer on down and leave it at 20, because it is dangerous. But we went ahead and changed the speed limit to 30 all the way down and I just believe it's a dangerous situation because I've been there. I come back and forth from the pool all the time and I've had problems there. So I'm concerned about the dangér, that's all I'm concerned about.

Vice-President Eddings stated Chief.

Chief Kinder stated something else to take in consideration is there is buses now that use that street to make those turns and come out since they changed routing at St. Paul's.

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Council Member Fenner stated and there is more traffic also.

Council Member LaMaster stated you're talking that it should be no parking that's what you mean by that remark.

Chief Kinder stated I'm worried about Sellers and Schellers Avenue, those two streets.

Vice-President Eddings stated when that road gets put in on the other side of Tro-Play there that is going to help elevate those buses having to come out that way and make that turn.

Council Member Fenner stated and I guess the thing that swayed me is the fact that there is an alley behind there. They do have, not just their drives in the front but they also have access to the rear. So I don't think we're going to cause a hardship. It may be a change, it may be different, but I don't think it will be a hardship on anyone.

Council Member LaMaster stated you still want to talk.

Vice-President Eddings stated yes, get some input from the neighbors. Motion on the floor and seconded. All those in favor signify by saying I, opposed nay.

Council Member Alexander stated nay.

Vice-President Eddings stated nay.

Council Member Voyles stated two and two.

Council Member Fenner stated you want to vote here Jim?

Council Member LaMaster stated Now are we votng for...

Attorney McCall stated voting on, there is a motion and second on the floor on this ordinance.

Council Member LaMaster stated I'm opposed because I'm going to talk.

Vice-President Eddings stated I should not have voted.

Council Member LaMaster stated I'm opposed, I'm sorry, excuse me, this is all new to me.

Vice-President Eddings stated that's ok.

Council Member Voyles stated you're doing ok.

Council Member LaMaster stated ok.

Vice-President Eddings stated it was your first night and you were the swing vote.

Council Member LaMaster stated the first night and I'm already being hard to get along with.

Attorney McCall stated also, Jim Williamson is here and he represents Rhodes Construction regarding the request for tax abatement in the area that you just made a Revitalization

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Area. You want to present these documents?

Mr. Morrison stated yes is, we are prepared to help with the presentation if you have some questions.

ATTORNEY MCCALL ADDRESSES THE COUNCIL ON TAX ABATEMENT RHODES MACHINERY.

Attorney McCall stated he submitted, you may want to explain this a little better Jim about why you have asked for two statement's of benefits, one concerning Rhodes Construction and the other Rhodes Machinery International Inc.

Mr. Jim Morrison stated Good Evening, I appreciate you taking the time to see us. We have 2 petitions before the board as a follow-up to the determination of the ERA. The first on has to do with Rhodes Construction LLC. Which has been formed to construct improvements on the real estate in the Revitalization Area. The second petition is one by Rhodes Machinery International Inc. and that is the petition of the entity that's goint to actually occupy and operate our facilities and install machinery and equipment and other personal property. So you have both tax abatement issues on this agenda and the request of the petition filed is for the full 10-year abatement on both the improvement to the real estate and also on the machinery and equipment.

Vice-President Eddings stated ok, I'm not sure, Perry do you...

Attorney McCall stated our Resolution is for a 5 year.

Council Member Fenner stated 10 and 5.

Attorney McCall stated 10 and 5 on Real Property and 5 on equipment.

Mr. Morrison stated it should be 10 and 10.

Attorney McCall stated I understand, what I'm saying is the Revitalization Area Resolution that as approved and submitted and filed gave those businesses a 10 year on Real Property.

Council Member Fenner stated that's our rules.

Vice-President Eddings stated you're submitting 10 and 10 but our Resolution only dictates 10 and 5.

Mr. Morrison stated ok, I wasn't aware, we have submitted our request and obviously it is up to the board. We would appreciate any consideration on both petitions.

Attorney McCall stated and again and looking at the statute it says in declaring any area a Revitalization Area you may determine any change or deduction for dollar amounts not filed before July 1, 1987 for that equipment. So it be redone for 10 and 10.

Mr. Morrison stated I would just like to point out briefly for the boards information we are consolidating and two industrial facilities and both are presently operating in Kentucky. One in Louisville and one in Henderson into the Sellersburg Plant Facilities. And considering the financial investment and the obligations and the cash flows and all that was the basis for requesting 10 and 10. And as the statement of benefits indicate there is a substantial.

Council Member Fenner stated Perry do you have copies of that for us?

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Attorney McCall stated I just have these that were provided, the statement of benefits you mean?

Council Member Fenner stated yes.

Attorney McCall stated I've got a faxed copy.

Council Member Fenner stated we haven't seen those, that's why we're sitting here.

Mr. Morrison stated the statement of benefits indicate with respect with both of the entities that, we are bring an approximately 700,000, actually it's 800,000.00 on the combination of salaries for the total number of employees. Approximately 500,000.00 although that is a conservative estimate on the cost of improvements to be constructed on the real estate. And at this point although I think the numbers are going to be larger the proposed investment in machinery and equipment will be something in the neighborhood of 70 to 100,000.

Vice-President Eddings stated now let me understand something, you're still requesting a 10 year tax abatement on equipment.

Mr. Morrison stated yes sir.

Vice-President Eddings stated a 5-year abatement is not beneficial to you? It's the same abatement money wise, it's just accelerated.

Attorney McCall stated after 5 years you end up with 25% after 10 years on equipment.

Vice-President Eddings stated do we have the ability to...

Attorney McCall stated I'm trying to read the statute and...

Mr. Morrison stated on the approval which is what is before the board tonight of the statement of benefits, the board does have the right to make determination on the length for each of the abatement requests.

Council Member Voyles stated we could go 10 and 10.

Vice-President Eddings stated that's not how our Resolution is written.

Attorney McCall stated the Resolution that was published dealt with a 10 and a 5-year. So the Resolution that...

Vice-President Eddings stated the Resolution to claim it a Revitalization Area.

Attorney McCall stated only gave it a 10 and a 5.

Mr. Morrison stated I think that's only tentative though. As to the initial, a consideration can be revised and resubmitted. Which I did tonight, as long as it's here before the Public Hearing. Which I think I submitted at the hearing, a couple of days ago, actually on Friday. That was the 10 and 10 so that's what I think is appropriately before the board. The Economic Revitalization Area is based on preliminary determination if you will of what the proposed benefits are. And we are presenting to you a more definite statement of that tonight.

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Vice-President Eddings stated right.

Mr. Morrison stated based on the 10 and 10.

Council Member Fenner stated I think we understand it's just that in the past our guidelines have been we offered and 10 and 5 year and we're asking our attorney for advise on whether or not you know, we have something in our ordinances that we can only offer and 10 and 5. That's our rules, ok, we're trying to do something in house here.

Attorney McCall stated I understand what he's saying but if you read different here in the statute that I don't I'd be happy to take a look at it. I'm not trying to complicate this. We did it for 5 years and the next page deals with taking the final action after the Public Hearing. That is what they did just a minute ago. That was the final action that's the only hang-up I've got.

Vice-President Eddings stated you have a 10 year personal property in front of us, that's no problem. That can be voted on right now. The problem is can we change a 5-year on equipment to 10 year on equipment. We don't know if we can or not.

Attorney McCall stated if we had a person that was opposed to what was done, and they say well it should be 10 they would have 10 days to file that remonstrate. So that's why I'm saying but can it be changed I don't know. And I...

Vice-President Eddings stated is it possible to do this, can we vote on personal one tonight, hold the real property until Perry gets a chance to see if we can.

Council Member Fenner stated would you rather us hold the personal property, or would rather have us go ahead and vote on the 5 year personal property tonight?

Mr. Morrison stated it's a real problem, because where ever this plant facility is built it's got to be started or we are going to lose the construction window. One of the important aspects of this is to be able to proceed with getting permits. The one request that I would make is that the board go ahead if it is so inclined to approve both and then Perry and I will take a look at it more closely in the next day or so and we need too...

Council Member Fenner stated can they come back and resubmit it then for a 10 year.

Attorney McCall stated I think what he's asking is go ahead and approve 10 and 10 and if it is not possible to do that then it would be a 5 year. If we have already locked our self in then that's what it would be and we would have to go back and by Resolution and change that.

Vice-President Eddings stated can we do that, can we go back and change it?

Attorney McCall stated yes, I think once you've had the Public Hearing and Resolution and submitted this and published it and given public notice on what you intended to do and then you do not do what is in your Resolution at the next meeting and the statement of benefits is presented to you, that doesn't jive with me for some reason.

Mr. Morrison stated the only issue is as I see it that's why I say we can talk about this I think there is ample authority to show that it is the abatement that is being acted

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upon now and it wasn't being finally determined and in the process of the ERA determination.

Attorney McCall stated I agree with that.

Mr. Morrison stated there was only a, so that's why part of the decision was not final and can be made final in this particular action on these two Resolutions.

Attorney McCall stated tonight vote 10 and 10 subject assuring you can do it over a 5 year on the equipment.

Vice-President Eddings stated we can present it in a motion.

Attorney McCall stated you've still got a 10 day window anyway.

Vice-President Eddings stated ok, I'll entertain a motion to approve the abatements for Real Property and Personal Property for 10 years each subject to we have the authority to do that on the equipment only.

Council Member Voyles stated I make that motion.

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

Council Member Fenner stated I'll second it.

Vice-President Eddings stated second by Gary, any discussion?

Council Member Fenner stated should we add if we don't have the authority for 10 we'll automatically drop back to 5?

Mr. Morrison stated I would ask that you not do that for a couple of different reasons. But to be...

Attor

Attorney McCall stated it can be presented.

Council Member Alexander stated nothing against you all, I really like that you came to us, but we're going to be changing gears here as far as what we have done for the last 5 years. Ten minutes worth of thought it's going to be tuff.

Attorney McCall stated you've never had anyone come in and ask you for 10 years on equipment.

Vice-President Eddings stated no.

Council Member Voyles stated no,

Council Member Alexander stated I mean that is what we have always offered and it was pretty much standard that was what we were going to give. I mean as far as changing it now even though I'm not going to be here in two months, you know I think there should be some more thought put into it. But I know they are in a hurry.

Mr. Morrison stated it's just that there is something realistic out there and it's called construction window and we are dealing with that.

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Mr. Sillinger stated if I might just make a comment I was in on the original meetings on behalf of Mr. Rhodes and Mr. Rhodes was present when we met with the Economic Development Board and also the lady the State Department and Mrs. Kellerman and Dave Broady. And there was never any discussion about a 10 and 5. The discussion was always 10 and 10. And that's what Mr. Rhodes understood and that's what I heard and that's also what Mike Barnes informed me was available as well as David Broady in that meeting. Now, this is hear say from me.

Council Member LaMaster stated this is my first night and it's been a dandy, but where does the 10 and 5 come from then? I mean if everybody else gets 5 then why should you get 10?

Mr. Morrison stated that's a real good question and here's the answer to it, we were told we got 10 and 10 and nobody every said anything about 10 and 5. And you...

Council Member LaMaster stated where did this 10 and 5.

Vice-President Eddings stated that's something we've done for the last 4 years.

Council Member LaMaster stated well then how come nobody knows nothing about it?

Mr. Sillenger stated that's a good question from my standpoint, because I was in the meetings and we were assured that we would get the 10-year tax abatement.

Council Member Fenner stated the missing link is a former Council member that is no longer iwth us and I don't think it was anything intentional on his part. It was just an oversight and miscommunication that he failed to let us know.

Mr. Sillernger stated and Mike Barnes was also was in on that meeting and that's the very first time I heard of a 5 year was tonight. Just a few moments ago. And that's going to have an effect on Mr. Rhodes.

Mr. Morrison stated I understand that thngs can get lost in the translation in these meetings and that happens and all the documation that I've submitted to Perry, all the response that has been carried on has been based on a 10 and 10. We're very serious about this project, we want to go forward with it as soon as possible and we would appreciate your consideration. I think if you give us the 10 and 10 I think Perry and I could work out the legal issues and we would do that and if you could make it an approval they company would greatly appreciate. We would start tomorrow on getting the issue resolved.

Council Member Fenner stated my thoughts are I know this is something that Dave Broady was involved in very deeply and he was committed to it. He was very interested and he did his best to push this through. He was very interested in having you come to Sellersburg. so I'm ready to vote.

Vice-President Eddings stated ok, we have a motion on the floor and seconded, no further discussion, all those in favor signify by saying I, opposed nay.

Council Member LaMaster stated opposed.

Council Member Alexander stated I'm going to give it an I on this issue because I understand.

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Vice-President Eddings stated Perry, it's 4 to 1.

Council Member LaMaster stated and no reflection on you, I don't see why one guy should get 10 and every body else get 5.

Mr. Morrison stated Thank You.

Vice-President Eddings stated Perry are you done? Ken.

Council Member Alexander stated no.

Vice-President Eddings stated do you have something John?

JOHN TOOMBS ADDRESSES THE COUNCIL MEMBERS CONCERNING THE BID'S.

Mr. Toombs stated all I need you to do is to reject the bids on October 15th for this Sellersburg Water Project.

Council Member Alexander stated I make a motion to reject the bids.

Vice-President Eddings stated motion on the floor to reject the bids for the 1998 Sellersburg Water Project.

Council Member Voyles stated I second.

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

Mr. Toombs stated that's all I've got.

Vice-President Eddings stated with no further business, yes sir.

LARRY MYERS ADDRESSES THE COUNCIL MEMBERS CONCERNING A LEAK.

Mr. Myers stated I've got the same problem the other Gentleman had, I had a leak. And as soon as I found the leak I fixed it. Ok, we got a water bill for 173.00 and our normal water bill runs 60 to 70 Dollars all the time and I've been in the same house for about 5 years now.

Vice-President Eddings stated do you have bills with you?

Mr. Myers stated no.

Council Member Fenner stated how many months are you talking about?

Mr. Myers stated over a month and a half.

Council Member Fenner stated what's your address?

Mr. Myers stated 633 Hampton Court.

Council Member Fenner stated 633 Hampton Court.

Mr. Myers stated when I came in to pay the bill which was about a week after I got the bill

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we called and said that must be a wrong reading. I got on my wife because she watered the spruce tree for a couple of days about 3 or 4 hours at a time. A few days after that she was in the basement and heard water in the wall there by the valve. As soon as she found out I dug it up and I fixed it.

Council Member Fenner stated where was the leak at?

Mr. Myers stated right outside the wall, between my house and the meter.

Council Member Fenner stated I make a motion that adjust your sewer for the 2 Month period upon the contingency that our facility manager verifies it.

Vice-President Eddings stated I've got a motion on the floor, do I have a second?

Council Member Voyles stated I'll second.

Vice-President Eddings stated second by Bill, any discussion? All those in favor signify by saying I, opposed nay. I's have it. Vote 5-0 Everybody's got a copy of the bills, had a chance to look over them. I'll entertain a motion to opay the bills as presented.

Council Member Alexander stated I'll make that motion.

Vice-President Eddings stated motion by Kenny, do I have a second?

Council Mneber Fenner stated second.

Vice-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 5-0 I'll entertain a motion to adjourn the meeting.

Council Member Alexnader stated I make that motion.

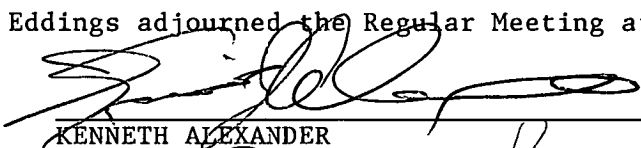
Vice-President Eddings stated motion by Kenny, do I have a second.

Council Member Voyles stated I'll second.

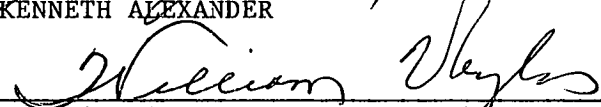
Vice-President Eddings stated second by Bill, meeting adjourned.

With no further business Vice-President Eddings adjourned the Regular Meeting at 9:00 p.m.

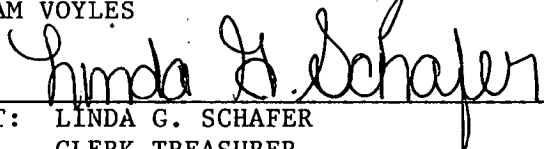

DOUG EDDINGS


KENNETH ALEXANDER


GARY FENNER


WILLIAM VOYLES


JAMES LAMASTER


ATTEST: LINDA G. SCHAFER
CLERK TREASURER

SELLERSBURG TOWN COUNCIL

November 8, 1999

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 Vice-President; Gary Fenner, Council Member; James LaMaster, Council Member; William Voyles, Council Member; Kenneth Alexander, Council Member; William P. McCall, Town Attorney; and Linda G. Schafer, Clerk Treasurer.

Called To Order

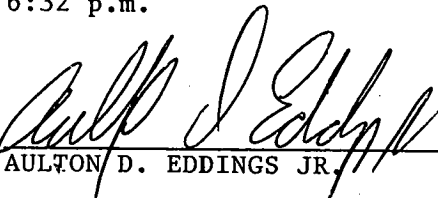
Vice-President Eddings called the Executive Session to order at 6:00 p.m.

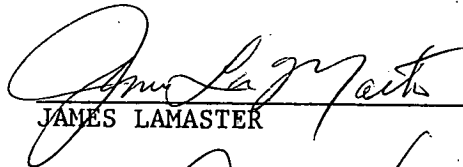
Topics Of Discussion

Building Commissioner
Building Code
John Kraft
New Apt. Complex

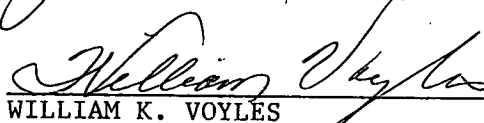
Adjournment

With no further business, Vice-President Eddings adjourned the Executive Session at 6:32 p.m.

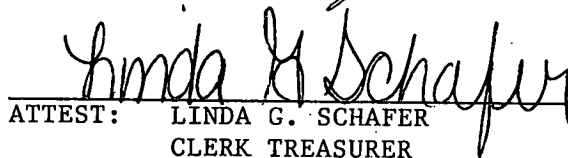

AULTON D. EDDINGS JR.


JAMES LAMASTER

KENNETH ALEXANDER


WILLIAM K. VOYLES


GARY FENNER


ATTEST: LINDA G. SCHAFER
CLERK TREASURER

SELLERSBURG TOWN COUNCIL

November 8, 1999

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 Vice-President; William Voyles, Council Member; Kenneth Alexander, Council Member; James LaMaster, Council Member; Gary Fenner, Council Member; Linda G. Schafer, Clerk Treasurer; and William P. McCall, Town Attorney.

Called To Order

Vice-President Eddings called the Regular Meeting to order at 6:36 p.m.

Prayer

Rev. Larry Poe offered up the prayer for this meeting.

Pledge

The Pledge of Allegiance to the flag was recited.

VICE-PRESIDENT EDDINGS ADDRESSES THE COUNCIL ON THE MINUTES.

Vice-President Eddings stated ok, everyone's got a copy of our minutes from the last meeting, had a chance to review those minutes.

Council Member Alexander stated I make a motion to approve the minutes.

Vice-President Eddings stated motion made to approve the minutes, do I have a second?

Council Member LaMaster stated second.

Vice-President Eddings stated any discussion on the minutes?

Council Member Fenner stated there is a correction that needs to be made. It's kind of, I expect important to either John Beams or Stan Richards on page 13, it states that Stan Richards made an offering of \$10,000.00 for the project and in fact, that was John Beams that did that instead of Stan Richards. I think Stan Richards would appreciate us changing that.

Clerk Treasurer Schafer stated I think he would too.

Council Member Alexander stated I amend my motion with the correction.

Vice-President Eddings stated motion amended with the correction. Do I have a second?

Council Member LaMaster stated second.

Vice-President Eddings stated any further discussion? If not all those in favor signify by saying I, opposed nay. I's have it. Vote 5-0. Ok on the agenda Lewis Miller.

LEWIS MILLER ADDRESSES THE COUNCIL MEMBERS CONCERNING A WATER ADJUSTMENT.

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LEWIS MILLER ADDRESSES THE COUNCIL MEMBERS CONCERNING A WATER ADJUSTMENT.

Mr. Miller stated I attended the Board Meeting on October 25th hopeful of resolving the water problem. However I believe I was misunderstood I would like to explain again, on September 2nd my water meter was read. I had a high usage, 9700 gallons. Clark noticed at the time he read the meters. The meter indicated a more than normal flow. He thought that there may be a leak. So Clark was going to leave me a tag on my door to inform me of the high usage. He returned to his truck and he noticed that he did not have any tags in his truck. He continued to read meters in the subdivision, then he returned to the town office and forgot about the tag. Therefore, I did not learn high usage until I got my water bill on October the 1st. I went to the town office 3 or 4 times asking for someone to come to my house and look at my meter. They told me that they would send someone to my house as soon as they could, they had other problems to work on elsewhere. Finally about 1 week after my first visit to the Town Water Department, Clark came to my house and I think that was on October the 13th, and he and I together found the leak. An underground line was leaking. I closed the value off between the house and garage and the leak stopped. Now, my feeling are if Clark had not forgotten and notified me somehow this leak from 9/2 to 10/6 on the water as well as the sewer. That was 18000 gallons used during that period. They did not adjust the sewer for the, they did adjust the bill for the sewer on 8/2 to 9/2. This I feel was fair because that was before we discovered the leak. And Clark had no knowledge of the leak, so that was all on me. I think that was fair. The bill from 9/2 to 10/6 is the bill that I feel is unfair because Clark knew there was something wrong and he didn't notify me. I don't condemn Clark for forgetting because everyone, everybody forget's at sometime or another. But it is unfair that I have to pay for his forgetfulness. And also, that was from 9/2 to 10/6 and I think that meter when he come up there. I think it was on Friday, October the 13th. I don't know if that's right or not, but it actually would add another week. The next bill I'm going to get will probably have somemore. Now, I explained that to you when I left here that night and I understood that you were going to average both months there, because I was telling you that I was going to have an extra high bill the next month and I got a bill that, hadn't had anything done to it. Actually they did average the first one to \$44.28 and I paid it, on the back it's stamped paid. This bill they've got it up there again. You can read across there and see what it is, and then they didn't average anything, not even the sewer on that bill. I think the water ought to be averaged too, because they knew about it. That's like me driving by Clark's house and see smoke coming out underneath the roof on the attic and I just drive on by and say he's got good insurance, they'll take care of it for him. It's my duty to stop and inform him.

Vice-President Eddings stated ok.

Council Member LaMaster stated what's the cost on it? What's the cost on the 1000 gallons of water? What's the cost per 1000 gallons?

Vice-President Eddings stated what's the cost?

Clerk Treasurer Schafer stated I'd have to get the sheet on ...

Mr. Crawford stated 6.31 for a minimum.

Council Member LaMaster stated for how many, for 2000, 6.31 for 2000.

Mr. Miller stated like I say, on the next bill there is going to be a week, I think there is going to be a week in there, it's going to show up maybe 4000 gallons.

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Council Member LaMaster stated he's talking about \$54.00.

Mr. Crawford stated the reason this, why this particular bill that you have right now is not adjusted is because you were going to come back tonight. I elected to hold off.

Mr. Miller stated no you didn't know that either. Because I bought this bill in to pay it or check on it, that was the day that put my name on the agenda.

Mr. Crawford stated you called and said that you wanted an adjustment.

Mr. Miller stated no, I got on the agenda right then, that day. I come up here to pay that bill, I don't know, I think it's that lady here, come in there. I was talking about I wanted to get that water adjusted and they said well we can't do it. I said put me back on the agenda.

Council Member LaMaster stated ok.

Council Member Fenner stated I'd like to make a motion, regardless of the communication presicley but we know that you had a leak. We know that, so I would like to a motion that we adjust this particular month for both water and sewer.

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

Council Member LaMaster stated I second it, but next month if he comes up with a messed up bill, I propose to adjust that also. And get this thing put to bed and forget it.

Vice-Preisdent Eddings stated ok.

Council Member LaMaster stated and you shouldn't have...

Mr. Miller stated I think there's one week in there because I think if you look on Clark's work order I think it will show about the 13th that he got up there to look at that.

Council Member Fenner stated when did you get your leak fixed?

Mr. Miller stated I fixed it the day Clark was there.

Council Member LaMaster stated I second the motion.

Council Member Voyles stated but the leak has been fixed?

Mr. Miller yes, I turned off the pipe.

Vice-Preisdent Eddings stated ok.

Mr. Miller stated it won't be used. I've got to dig that up back there at the garage and find out where it is and run a new line or something.

Vice-President Eddings stated we got to ask Gary if he will amend his motion to include the next bill. If it is high, adjust it to the average bill.

Attorney McCall stated wait till the next bill.

Vice-President Eddings stated can we do that, can we wait till we get the bill?

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Mr. Miller stated just as long as you know about it, and communication gets from you to the next person that makes these bills out. That's where we messed up the last time.

Vice-President Eddings stated the motion on the floor still stands to adjust this bill to an average.

Mr. Miller stated the water and sewer.

Vice-President Eddings stated water and sewer.

Council Member LaMaster stated second.

Vice-President Eddings stated motion made and seconded, any more discussion? If not, all those in favor signify by saying I, opposed nay. I's have it. Vote 5-0

Mr. Miller stated do you want to hold that bill? And that \$44.28 has been paid I've got it right here.

Council Member Fenner stated it's marked right there paid.

Council Member Eddings stated is Vencor here tonight?

Clerk Treasurer Schafer stated no.

Vice-President Eddings stated Vencor is not here, Jeff Engle.

JEFF ENGLE ADDRESSES THE COUNCIL CONCERNING HIS DUPLEX'S ON OLD HIGHWAY 60.

Mr. Engle stated hello, I'm Jeff Engle and I was at the last meeting and myself and my partners have a 12 to 14 duplex development at 8208 Old Highway 60. We're just here to follow up on sewer and water connection approval.

Vice-President Eddings stated ok, had a chance to check that out and the recommendation was made during the Executive Session. Would anybody like to make a motion to go ahead and approve for hook-up on sewer and water.

Council Member Voyles stated I make that motion.

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

Council Member LaMaster stated second.

Vice-President Eddings stated motion seconded, any discussion?

Council Member Fenner stated we will have them sign a statement that they do not oppose annexation if and when that might occur.

Mr. Engle stated sure.

Vice-President Eddings stated you do agree to sign something.

Council Member Fenner stated it's just a statement isn't it?

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Mr. Engle stated when will this have to take place, as far as signing it?

Council Member Alexander stated earliest convenience.

Vice-President Eddings stated earliest convenience.

Mr. Engle stated can we just come down to the Town Hall?

Council Member Fenner stated our attorney will have to do it for us.

Attorney McCall stated I'll draft it. They are the owner of the property?

Council Member Fenner stated yes.

Mr. Engle stated yes, we do own the property.

Vice-President Eddings stated notion made and seconded by Jim, any further discussion? If not, all those in favor signify by saying I, opposed nay. I's have it. Vote 5-0

Mr. Engle stated Thank You Very Much.

Vice-President Eddings stated is Paul Primavera here tonight?

Council Member Voyles stated I didn't see him.

Mr. Toombs stated that may be in error, because I talked to him today, and...

Vice-President Eddings stated Mark Robinson.
MARK ROBINSON WILL ADDRESS THE COUNCIL CONCERNING HIS EMPLOYMENT.

Council Member Alexander stated he's here for his employment. Back in August or September we had requested that we wait till November to cancel his contract and make him a employee.

Vice-President Eddings stated so, how do we do that?

Council Member Alexander stated well, basically we can make it effective January the 1st that he is an employee and terminate his contract effective December 31st, 1999.

Vice-President Eddings stated do you want to make that in a form of a motion?

Council Member Alexander stated I make a motion that we terminate, go ahead.

Mr. Robinson stated my title, we had discussed beforehand, can I ask another thing?

Council Member Alexander stated sure.

Mr. Robinson stated can my probation be waived? I been with the town probably 2 1/2 years and...

Council Member Alexander stated oh, probation, as far as...

Mr. Robinson stated I don't want that to count against me.

Council Member Alexander stated I don't have a problem with that, I mean that's ok

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with me to do that. I make a motion that we cancel the contract with Animal Control, with Mark Robinson, effective 12 midnight, December 31st, 1999 and re-hire Mark Robinson as Animal Control Officer, Superintendent of Animal Control. There we go, waiving his probation period.

Vice-President Eddings stated I've got a motion on the floor, do I have a second?

Mr. Robinson stated what day was that?

Council Member Alexander stated January 1st, 2000.

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

Council Member Voyles stated I'll second it.

Vice-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 Alexander stated you've been fired and hired.

Vice-President Eddings stated Mr. Kinder, EMC.

EMC/TIM CRAWFORD ADDRESSES THE COUNCIL MEMBER'S CONCERNING THE WATER AND SEWER REVENUE.

Mr. Crawford stated the first item this evening is your water and sewer revenue for October the 26th to November the 8th in the amount of \$63,565.38. The second item that I have is your water taps for the month of October. That has to be voted on for the payment of that.

Vice-President Eddings stated ok, I have an invoice for 3 water taps for the month of October in the in the amount of \$942.56. I'll entertain a motion to pay the water taps as presented.

Council Member Voyle stated I'll make that motion.

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

Council Member Alexander stated I'll second.

Vice-President Eddings stated second by Ken, any discussion?

Council Member LaMaster stated I want to ask one thing, how come they're being sent to Washington Missouri?

Mr. Crawford stated that is where the bank for reimbursements to the corperations, that is the bank that takes care of those matters for the company.

Council Member LaMaster stated ok.

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

Mr. Crawford stated the next item is your invoice for NSF Checks, Meter Deposit Refunds

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and Monthly Sales Tax.

Vice-President Eddings stated three separate invoices, right?

Mr. Crawford stated yes.

Vice-President Eddings stated I'll entertain a motion to pay the invoices for NSF Checks, in the amount of \$305.61, Meter Deposit Refunds in the amount of \$318.41, and Monthly Sales Tax in the amount of \$2,996.51.

Council Member Alexander stated I'll make that motion.

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

Council Member Voyles stated I'll second.

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

Mr. Crawford stated Thank You.

Vice-President Eddings stated ok, next on the agenda, any report from the Building Commissioner?

BUILDING COMMISSIONER/BOYCE ADAMS ADDRESSES THE COUNCIL MEMBER'S CONCERNING PLANNING AND ZONING/EMC ON THE WATERLINE.

Mr. Adams stated I've just got the minutes from the October 20th meeting of the Planning and Zoning. I want to give you all a copy of that and ask if you all got the flow data from EMC on the waterline we discussed last time? Did you all get a chance to talk about that?

Vice-President Eddings stated yeah, we discussed it during the Executive Session. Other than that, I don't have any new business right now. If anybody has any questions or concerns anybody?

Council Member Alexander stated Boz is the permit for the building or the foundation permit going to be given out?

Mr. Adams stated on the hotel?

Council Member Alexander stated for the hotel?

Mr. Adams stated I thought they were going to be here tonight to figure out where things were going. I can't find any record of where we discussed the traffic flow or anything over there. If that is going to be a concern.

Council Member Alexander stated we already addressed it.

Council Member Fenner stated that was part of the original consideration.

Council Member Alexander stated right.

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Mr. Adams stated I can't find anything on it. So I don't know what else. I know at one time they talked about some scrutiny over South New Albany and Triangle Drive. I finally got the building plans Wednesday or Thursday, but I don't have an overall site view of what they've done in there. I don't know if you want another intersection like we've got at McDonald's and 311 or if you want to just stack cars up trying to come out. So I didn't know if the traffic consideration was in the earlier minutes or the agreement with them or...

Council Member Fenner stated it's not in the original agreement as such. But they made a presentation here to the council. She had pictures on the board there. They gave us copies.

Vice-President Eddings stated I seen copies.

Council Member Fenner stated I don't know if I've got them with me or not.

Council Member Alexander stated they, but the reduction in the acceleration lane going in. I mean, it's a state highway; we really don't have much jurisdiction over that.

Mr. Adams stated in the acceleration, in the deceleration and the...lane was put in specifically for the BP Station, the only thing we have control over is the traffic flow. Like I said, I didn't know if that was something that had been addressed.

Vice-President Eddings stated I think it had already been addressed.

Council Member Alexander stated it had been discussed.

Mr. Adams stated at one point and time there was some discussion that there was going to be some improvements to South New Albany to try to alleviate some of the traffic.

Council Member Fenner stated I don't remember that at all.

Council Member Alexander stated we touched on it.

Mr. Adams stated there were a lot of things that was around it, but nothing was firmed up on it for any kind of development in that area.

Council Member Alexander stated we touched on it, but it was something that was wait and see. We waited to see what the state did with their recommendation.

Mr. Adams stated the state...thing that they are not going to change the access to, because there is no direct entrance to a State Highway from this proposed development. It's going to be entering off Triangle Drive, which is an existing intersection. The declaration and passing lane were put vertically from the gas station.

Council Member Fenner stated but what, specifically what's the hold up on the foundation release?

Mr. Adams stated specifically what's the hold up on the foundation release is they opted when they originally put the package together was to do everything individually. I couldn't find where anything, the only thing that, the only thing that I couldn't find anything on a secondary development. I heard a lot of stuff talked about it. So I called down to the Records Office to see if they had everything recorded as far as easements and things that were going to be in there and the only thing that is down there is the

materials pertaining to the Cracker Barrel site itself. But...

Council Member Alexander stated it showed the classification of it being changed from residential doesn't it? That all went through.

Mr. Adams stated that's actually on the towns zoning map. That's all zoned business. You still have to take, you need to make the decision whether it was a non-residential subdivision where you approve everything in the block. You have a drainage plan, a grating plan, the traffic flow patterns and everything developed. If everything is going to be done on an individual basis, they need to be looked at and seen. You know how much of an impact it is going to make on your infrastructure that is in place. I think we've all been stuck sitting in a line on Ohio and 311.

Council Member Voyles stated not with the Cracker Barrel, there hasn't been any problem with the Cracker Barrel.

Mr. Adams stated no, like I said that's the intersection that I've come to know what was there. We've got a lot more cars coming out of the one that was actually designed for. This one we are looking at 79 rooms in it. Assume they're running at 80%, that's going to be another 50.

Council Member Voyles stated but they are not all coming out at the same time.

Mr. Adams stated they are generally going to come in and out.

Council Member Voyles stated not at the same time.

Council Member Alexander stated we've already discussed it.

Mr. Adams stated there again that was the hold up, I couldn't find that, the details on the sewer portion. They agreed to the principal but I didn't know is Primavera and Toombs had got together and put anything down. So, that is the thing, I had some questions that I felt that needed to be addressed and they may have been addressed but I couldn't find anything on it that said that those items had been handed to you.

Council Member Fenner stated John, do you recall, have you had conversations concerning the sewer upgrade that needed to be done?

Mr. Toombs stated yes.

Council Member Fenner stated have we got anything in writing that tells them exactly what needs to be done?

Mr. Toombs stated not exactly, no. About a month ago I talked to Claire Patenaude and I asked her if she had called whoever was doing make their own site plan to show there's this road and that road, motel and parking lot, you know, are you going to be able to drive in one road and through and out the other or whatever. And then that they were going to have to replace all the sewer and then all drainage. And they were going to have Paul Primavera make that drawing and I haven't seen neither one of them.

Council Member Fenner stated are those things necessary, we need to tirm those up before we approve the foundation release?

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Mr. Toombs stated well, I think what he's trying to get is what they must have had to have in order to get the foundation permit. You can't go up there from my experience. So all they need to do is get with Paul and get it so they can see the site plan. You know what I mean, because it's part of his responsibility is to make sure that ok, you're going to build a foundation and it's not going to be out in the middle of the street or on the property or what.

Council Member Fenner stated ok.

Mr. Toombs stated but no, they have not given and by his discussion apparently gave him the site plans which they must have.

Council Member Alexander stated you've got one now.

Mr. Adams stated I've got a set of prints and there are a few things on there and I've got to find out exactly what they are saying. There is some things on there that I don't quite understand.

Mr. Toombs stated does it show parking lot and...

Mr. Adams stated it shows parking lot but it had some elevations on there. Like I said I got that Thursday and I've taken a look at it but I haven't gotten real far yet. Like I said, I was under the impression they were going to come here tonight and they were going to get these items addressed. But like I said, if it's been done in the past I apologize for holding them up but I can't find anything where we had any concrete plans on what they were going to do. So it's basically if we go a 79 unit motel here that's going to be less of an impact than if they would have decided to spent the money and gone to a 400 room to.

Council Member Fenner stated so you defiantly need still need that cover sheet, that site plan?

Me. Adams stated I...

Council Member Fenner stated ok.

Mr. Adams stated like I said, I don't if it had been addresses and it was just a blanked approval.

Council Member Alexander stated what was the upgrade on the sewer when we put the Cracker Barrel in?

Mr. Adams stated what was it.

Council Member Fenner stated there wasn't one.

Vice-President Eddings stated there wasn't one.

Council Member Voyles stated didn't have too, it was just the water line.

Mr. Toombs stated yeah, that's what was being brought.

Council Member Alexander stated then there had to be discussions as far as if they build

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the motel this is the size sewer they are going to put in, this is where we're going to put it, this is where we're going to connect and so forth and so on.

Mr. Toombs stated I think it was way back when they first came here and you guys had the original discussion about the fact the 6-inch is no where big enough for Cracker, or even in any kind of condition for the motel.

Council Member Alexander stated but I mean, there had to be discussion, because I know there was discussion on.

Mr. Toombs stated yes, that's what, that's when you told them they were going to have to do it and that's why they agreed yes they will.

Council Member Alexander stated and they've stayed with the number of rooms they said they were going to do back then. We pretty much approved the sewer with the original agreement, we approved the water the last time as far as site plans, you have that now?

Council Member Fenner stated no, he doesn't have that.

Council Member Alexander stated you don't have a picture of the parking lot and where the foundation is going to be?

Mr. Adams stated well, I have that foundation plan, I don't have a release foundation ok, I have what I'm assuming probably is, but I don't have is, but I don't have the set back from Indianapolis.

Council Member Alexander stated they don't have a signed release from the state yet?

Mr. Adams stated I've got the signed release, but I don't have the documents that was sent up ther for the release ok. I don't have anything that is stamped saying that this is the foundation that they submitted, ok. Like I said, my primary thing was the one on the flow of traffic patterns and everything had been addressed. Like I said, I talked with Mr. Pate today and he said the only thing that he could remember they had addressed was when the Cracker Barrel, the access for that went in the original thing was laid out.

Council Member Alexander stated I mean it was addressed with 2 motels, the Cracker Barrel, and Service Station. We talked about traffic patterns and what we could do, what we might have to do. I think it was the consensus we weren't too sure about the Dairy Queen entrance but, if that became a problem we would look at making it a one-way in maybe a one-way out through South New Albany. We looked at if we had to widen the bridge on South New Albany if it became necessary to make that the entrance. We were pretty through with everything. So, yeah it was all addressed. So, what do they need to get to get the foundation permit released? I guess is the question.

Mr. Adams stated I will still need to see their things, I need...
Council Member Alexander stated you need the stamped copy from the state?

Mr. Adams stated I'll need a stamped copy from the state before we go any further on the stuff. I'll call upthere on the foundation release. The traffic patterns, I'm still not sure how, we've got it in the minutes somewhere on what.

Council Member Alexander stated I'm confused as far as maybe again titles around here, do traffic paterns fall into the as far as Building Inspector? I thought they were Street Department, because that's who went down and looked at it the first time. If it's

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not I'll let Mark know he doesn't have to do it anymore.

Mr. Adams stated actually traffic patterns by your regulations fall back to be approved by the town engineer. Actually there is a set of traffic pattern that were sent in. But I don't see how we could of done anything as far as traffic patterns and stuff because we didn't find out until the last meeting actually how large the motel was supposed to be.

Council Member Alexander stated well, they told us 79 way back when and I...

Mr. Adams stated like I said, this is all in the conversations prior to...

Council Member Alexander stated right.

Mr. Adams stated my doing it. I had to make sure that these things are in place before we get going because if not we've got a problem with bottlenecks and everything else.

Council Member Alexander stated how do you propose we do a traffic pattern? I mean the only traffic pattern we've looked is we looked at the development, we've estimated how many vehicles were going to come in. The Town Council discussed it and made a recommendation and we agreed to it.

Mr. Adams stated I've never seen the agreement or recommendation on it.

Vice-President Eddings stated there's probably minutes.

Council Member Alexander stated there's probably minutes that have that discussion in it. But I mean...

Vice-President Eddings stated that would have been 2 years ago.

Council Member Voyles stated at least 2 years.

Clerk Treasurer Schafer stated there was discussion of making one-way and putting a light up.

Vice-President Eddings stated get your hands on those minutes and that should clarify.

Council Member Alexander stated if we would of seen it...we would make a motion to correct. I don't remember us every making a motion that everything was ok. If there is a problem we make a motion to correct, if there is not a problem, most of the time we don't make a motion that yeah, everything's ok.

Council Member Fenner stated I guess I'm a little bit confused because I'm not sure when you talk about traffic patterns, traffic flow, we're talking about this is a piece of private property. We have vacated Triangle Drive to them, it's their property.

(TAPE QUIT)

Mr. Adams stated I have it specifically showing the lot itself ok, where the thing is, and I don't have...

Council Member Fenner stated I remember because I asked a question and they said you can actually get out of the motel and go back out Triangle Drive if you want, but they are

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going to funnel the traffic out the back way. Does anybody remember that?

Council Member Voyles stated I remember.

Council Member Fenner stated they said that you know you could wind around and get back out if you really wanted to go Triangle Drive but they are going to set it up so that it is going to flow out to New Albany Street. I mean I specifically remember that. So, I...

Mr. Adams stated that's it, it's just making sure that there is something in place that addresses the things. Like I said we've got a few places that wasn't looked at in the recent years.

Mr. Toombs stated I'll talk to Paul tomorrow to get him to bring me what we need. I'll look at it.

Council Member Alexander stated so, you'll do that, and if they bring a stamped of the foundation and the engineer approves it, they get their foundation permit?

Vice-President Eddings stated I think Boz that was directed to you.

Mr. Adams stated I know it was, I'm trying to think, I met with Mr. Baines for about an hour and a half the other day on this and he gave me a list of the things and concerns. Like I said I was planning on coming on trying present or argue their case one way or the other. I figured they were going to be here.

Council Member Fenner stated I guess Boz, we're a little bit concerned because we felt like at the last meeting that we had things worked out so they were going to go ahead and start construction as soon as they got the stuff back from the state. And we weren't aware of all these other issues that you have waiting for them so, I mean we're just concerned we, we want to make sure that everything is done properly. We don't want to cut any corners. But at the same time we don't want to make it any harder for them and we want them know ahead of time what they need to do and not surprise them with things along the way.

Mr. Adams stated none of this should have been a surprise. I've talked to them about this a couple of different times and it's just came into the 11th hour and it's time to get everything done.

Council Member Fenner stated but the traffic pattern is the thing, we've already said yes to that and you're holding, I mean that's part of the reason you're holding them up because you say you don't know. Come back and ask us and we'll tell you.

Mr. Adams stated I've been up here 2 or 3 different time and gone back through the minutes on all kinds of different things to see what we can find out and give everybody a fair shake on this. I don't know if you all think I'm making a game out of this or not, like I said there are some areas of concerns.

Council Member Fenner stated we want it done properly but we also don't want to make it any harder than it has to be.

Mr. Adams stated like I said, all I asked them for was the agreement where it had been addressed, and I didn't get any hard copy confirmation of what there was.

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Council Member Alexander stated ok, well, back to my original question, if the engineer or site plan, as far as if everything is agreed to where the sewer is going to hook up, blah, blah, blah.

Mr. Adams stated if there is an approved site plan and everything is falling down to where.

Council Member Alexander stated and they get a stamped copy of their foundation, will they get their permit, or is there anything else going to come up?

Mr. Adams stated I don't think there is anything else, I'm pretty sure that is the only, what is the decision on the water supply?

Vice-President Eddings stated we voted to go ahead with the present water supply at the last meeting.

Mr. Adams stated ok and we'll go ahead and issue that that's not a natural water supply for the area under development.

Vice-President Eddings stated but it still shouldn't hold the permit up, right? I mean if the board votes to use that water supply the permit should be issued. Am I correct?

Mr. Adams stated I'm not real sure, it will have an impact on the permit of occupancy. The permit for occupancy has to be attested that everything there meets all the... standards.

Council Member Fenner stated what standards will it not be meeting?

Mr. Adams stated the NFPA 13 standards on the existing.

Council Member Fenner stated are those standards or requirements, or recommendations?

Mr. Adams stated those are standards NFPA 13, 13.

Council Member Fenner stated whose standards are they?

Mr. Adams stated those are the State Of Indiana, who adopted NFPA 13, 13 or a whole list of them for the sprinkler code for the state. They deleted the recommendations in the uniform building code to a base standard for all building codes in the State Of Indiana. They adopted by reference NFPA 13, 13R, I don't remember the whole list of them. It goes down to the 13, the 13 is commercial buildings.

Council Member Fenner stated ok, before you go through all of them, can you get us a copy of those in writing so we can see those please.

Mr. Adams stated they are in my office, I can go up and get them and be back in.

Council Member Fenner stated no, I mean get us an individual copy for each of us so we can see them. So we can have them to study.

Mr. Adams stated I can do that.

Council Member Fenner stated the one's that you are talking about that relate to this issues.

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Mr. Toombs stated I think that he's saying he can do that right now. Go get a copy and give it to you.

Mr. Adams stated I've got it on my disk.

Council Member Fenner stated I don't think there's emergency that you have to do it right away, because we're, they're not checking in tomorrow so we've got time.

Council Member Alexander stated the only thing I want to ask is which hat are you wearing when you say you won't give them the occupancy, are you wearing the Fire Inspector's Hat or Building Inspector's Hat?

Mr. Adams stated I'm wearing the Building Inspector's Hat. As you know in the State Of Indiana there are very few things that I can hold up as Fire Inspector. And I don't try to push that. Unfortunately, they have to go hand in hand. The whole point on Building Inspection and Fire Inspection both is they...State. No if ands or buts, they go hand in hand. As a matter of fact I had to go through more training to become Fire Inspector than you have to in the State Of Indiana to become Building Inspector. Ok, I had to go be certified in building codes of the state. I did my first one in 88 and have been doing classes every year. Like I said, did that strictly on the building code side.

Council Member Alexander stated I would be scared to build in Sellersburg. I mean if they get their building permit and if they are going in who knows, there might be something later on we're ready to put occupancy in there and nope sorry, you've got a nice building your paying payments on you can't put anything in.

Mr. Adams stated I'm not here to be, the permit for occupancy requirements are addressed at every level, I mean that's the whole.

Council Member Alexander stated I know, I mean at the end of the game they could end up not having anything but a nice building.

Mr. Adams stated right, but I thought it was better to get everything hashed out before you started and like you said to go.

Council Member Alexander stated I think we need to have an Executive Session to discuss this.

Vice-President Eddings stated ok, we'll set one up. What day would be good for everybody? This week sometime, Thursday, 6:30.

Clerk Treasurer Schafer stated A.M.

Vice-President Eddings stated P.M.

Clerk Treasurer Schafer stated sorry guys.

Council Member Alexander stated would it be ok to go ahead and invite Clair and the Harrison Group in?

Vice-President Eddings stated can we do that, invite the Harrison Group?

Attorney McCall stated just have an Executive Session without them.

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Council Member Fenner stated we do want Boz to be there is that correct?

Council Member Alexander stated yes.

Council Member Fenner stated Boz, can you make it Thursday night.

Vice-President Eddings stated Executive Session.

Mr. Adams stated I believe so.

Attorney McCall stated have them available.

Vice-President Eddings stated ok, let's move on. Jim you got anything?

COUNCIL MEMBER JAMES LAMASTER ADDRESSES THE COUNCIL MEMBERS CONCERNING PARKING ON UTICA STREET.

Council Member LaMaster stated yeah, I want, I got a proposal for parking on West Utica or no parking and I would like to propose that they have signs put up for no parking from 6 A.M. to 6 P.M. on Monday through Friday. And that's due to the raising of the speed limit and there is a crest of the hill by Schellers, I believe it's Schellers Avenue. And it's causing some problems and I went through to all the residents and talked to them. Some of them were not real happy with it, but there's still going to need to be something done. So that's what I propose.

Council Member Fenner stated we have to have that in the form of an ordinance?

Attorney McCall stated I told him and I'll put it together.

Council Member Fenner stated ok.

Attorney McCall stated same area.

Council Member LaMaster stated right, from the highway to Ehringer Lane.

Vice-President Eddings stated we'll just vote on it when you get the ordinance written.

Council Member LaMaster stated can you vote on that in one meeting?

Vice-President Eddings stated if everybody is here.

Council Member Fenner stated if everybody is here we can do it in one meeting.

Council Member LaMaster stated and you don't have to have a first reading.

Vice-President Eddings stated you do, but if you have all 5 and all 5 agree to consider it then you can vote on it on the same night.

Council Member LaMaster stated ok, that's all I have.

Vice-President Eddings stated Bill.

Council Member Voyles stated I have nothing.

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Vice-President Eddings stated Perry.

Attorney McCall stated no.

Vice-President Eddings stated Gary.

COUNCIL MEMBER GARY FENNER ADDRESSES THE COUNCIL MEMBERS CONCERNING BILL MOSLEY PARK SIGN/STATE BOARD OF ACCOUNTS THE AUDIT FOR 1998.

Council Member Fenner stated two things real quick, one is we have installed the sign at the Sellersburg Pool. It now declares the area to be Bill Mosley Park. And I invite you all to go over and take a look at it, it's very attractive. Our Street Department helped us in constructing it and I want to Thank them for doing that. It looks good, so I'm going to call, Mrs. Mosley was out of town last week and get her to come out and take a look at it and make sure that she agrees. The other thing is I was invited to the exit interview by the, with the State Board Of Accounts, and I meant to tell you this at the last meeting and it slipped my mind. And Linda was there also and Tim was there, and gave us the results of their findings of our audit for 1998. And they did have some issues and I'll make copies for each of you. There are some things that we can do to maybe make things run a little bit better. I'll make sure that you all get a copy.

Vice-President Eddings stated great.

Council Member Fenner stated we're not in real bad shape, they're not going to come in and close us down anytime soon.

Clerk Treasurer Schafer stated I think we did great, what do you think Tim?

Mr. Crawford stated I thought it was very, a productive meeting.

Clerk Treasurer Schafer stated tell them Gary, go on give us a compliment.

Council Member Fenner stated it was very good.

Clerk Treasurer Schafer stated Thank You.

Vice-President Eddings stated Ken.

COUNCIL MEMBER KENNETH ALEXANDER ADDRESSES THE COUNCIL MEMBERS CONCERNING ANIMAL CONTROL SHELTER IN JEFFERSONVILLE.

Council Member Alexander stated the only thing I have is the, I gave you all a copy at the beginning of the meeting of the Animal Control Shelter in Jeffersonville. This is all leading up to the addendum to the existing interlocal agreement. It has been extended for 1 year and we're going to start working on the new agreement in December.

Mr. Robinson stated December the 2nd.

Council Member Alexander stated you know, my first impressions of what we were paying for and my impressions now have changed since they have produced some information. We took a vist of the new facility. You'll see in my short paragraph that at first appearance with Clarksville and Jeffersonville and the county having offices, having dispatchers, it seemed

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a little bit, I don't know what the correct word would be. It looked like they were getting more favors than we were. But after they gave us the breakdown of our use compared to our payment, we use close to 6 and 1/3% of the facility as far as animals that we bring through the shelter. And we're only charged right at about 3 and 3 quarters %.

Mr. Robinson stated that does not include dead animals. That is a very, very low number actually.

Council Member Alexander stated the new agreement that they are trying to work out resembles this. Actually it goes down for the first year and increments like a 5%. But I will bring whenever, some agreement on that I'll bring before the board. Right now I'm perfectly happy with making a motion to sign the addendum to continue the services till December of 2000.

Vice-President Eddings stated ok, I've got a motion on the floor, do I have a second?

Council Member Voyles stated I'll second.

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

Council Member Alexander stated it just has a place for the President's signature, and give this back to Perry.

Council Member Fenner stated and something else in connection to that. Mark you were able to talk to them about our fees, our fines, or where that money goes.

Mr. Robinson stated right now they collect a 15.00 fine for first offense on any kind of animal, 25.00 for the second offense and a 3.00 pick-up fee. Right now that money is going back into the Jeffersonville General Fund for use for the city. We're not seeing any of this. Now come the year 2000 I've insisted that this money, my fines, my pick-up fee, be put in escrow and be accounted for the yearly interlocal agreement. So our interlocal agreement should go down.

Vice-President Eddings stated should go down.

Mr. Robinson stated should go down a lot and Jeffersonville and Clark County are all behind me on this and they agree to this in writing.

Council Member Fenner stated I think we need to commend Mark for picking up on that because that is something that is very important and it saves us money.

Mr. Robinson stated I've thought that from day one, because they are using our money basically.

Council Member Fenner stated we Thank You.

Council Member Alexander stated the only other thing is we had talked previously in the summer only paying 1000.00 to the shelter, I want to go ahead and approve that we go ahead and pay our share to the shelter. And also work at transferring some funds to since we really didn't appropriate next year. We kind of put it on the assumption of 1000.00; see if we can't appropriate some money to pay next years. It will probably come out of Town Manager or something like. Because it's still in the Town Council.

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Clerk Treasurer Schafer stated how much did you want to transfer?

Vice-President Eddings stated enough to cover the 5000.00.

Clerk Treasurer Schafer stated I just need to fix a transfer of appropriations for the next meeting.

Council Member Alexander stated we can wait till next meeting to approve, that's all I have.

Vice-President Eddings stated any other business before the town tonight? Go ahead John.

MR. JOHN TOOMBS ADDRESSES THE COUNCIL MEMBERS CONCERNING BID'S.

Mr. Toombs stated you have a piece of paper in front of you, I would like to recommend that you award the bid we took on September the 10th for the State Road 311, State Road 60 water main relocation be awarded to Reschar Construction for \$39,875.00. We didn't think we had that much money in the budget. But as it turns out we have 300,000.00.

Vice-President Eddings stated I'll accept a motion that we accept the bid from Reschar for...

Council Member Fenner stated 39,875.00.

Vice-President Eddings stated 39,875.00.

Council Member LaMaster stated so moved.

Vice-President Eddings stated motion made, do I have a second?

Council Member Voyles stated I'll second.

Vice-President Eddings stated second by Bill, any discussion?

Council Member Alexander stated this is being relocated because of the...

Mr. Toombs stated you have an old 6-inch under there that is not in very good shape and they are going to redo the intersection this spring. So, we wanted to reroute out of the way and doing a nice main across there before they did their destruction.

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

Mr. Toombs stated ok, now the second letter that you have there is we took bids on November the 5th which was last Friday actually for the second time for the improvements to our water treatment plant whcih our flow meter chemical treatment and cleaning out the two retention basins we have because they have apparently never been cleaned out at all.

Vice-President Eddings stated that is something the state is making us do, right?

Mr. Toombs stated yes, and I'm recommending that we award it to the low bidder, Clark

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Nickles, Inc. for 126,664.51.

Vice-President Eddings stated ok I'll entertain a motion that we accept the bid from Clark Nickles for dredging the lagoons at the Water Treatment Plant.

Council Member Voyles stated I'll make that motion.

Vice-President Eddings stated I've got a motion by Bill, do I have a second?

Council Member Alexander stated I'll second it.

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

Mr. Toombs stated ok, then I would also like to turn a claim for our engineering services on the same water project for 2786.14 and a claim for 1287.00 which I have had these on my desk for a month and forgot to bring them in here. They are on Adkins Court which is under construction right now, where we are redoing the storm drainage and redoing the sanitary sewers. From my understanding we will get 6 new lots and building's constructed. And also this Wednesday, we're going to take a bid opening on our sewer that is going to go under US 31 just unstream from Foothill almost to Villa Drive. We have a problem where we have our sewer laying under the street under the bridge, out in wide open spaces and it took a while to get the permit from the Department of Highways, so we can bore under the road. And then on November the 22nd in the afternoon we're going to take bids on the storm sewers and the sanitary.

Council Member Fenner stated and all these projects are going to be completely finished by the time we leave office.

Mr. Toombs stated absolutely, certainly, maybe.

Vice-President Eddings stated ok, I'll entertain a motion to pay the engineering bills for the Water Project on the lagoons and the Storm Sewer Project at Adkins Court. The Lagoon Project in the amount of 278 6.14 and the Adkins Court Project in the amount of 1287.00.

Council Member Alexander stated I'll make that motion.

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

Council Member Voyles stated I'll second.

Vice-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 Anyone else?

Mr. Williamson stated Mr. President, we've got a timer here with us tonight and we'll only be here for 2 minutes.

Clerk Treasurer Schafer stated did he say 10 minutes?

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MR. WILLIAMSON ADDRESSES THE COUNCIL CONCERNING SEWER TAP AND THE EXTENSION OF THE SEWER LINE.

Mr. Williamson stated I think that we have submitted through Linda and Perry a copy of the resolution that addresses two issues. One is the sewer tap and the other is the extension of the sewer line in connection with the development of the Rhodes Machinery Project that was on the agenda for the October 25th meeting. John Sellinger is the Rhodes Machinery Construction Manager and I'm going to let him address if you will John, the encertices of point 2 of this resolution, which is the extention of the sewer line and a couple of the reasons why that we bough that before you.

Mr. Sellinger stated Thank You, the manhole now at present at the end of the sewer line is about 120 feet from our property and I understand that there are easements there where we can bring the sewer line in. In talking to Kevin and Tim the other day, I went by their office and they said they didn't see any problem on the extention of the sewer in talking with Dave Broady originally when the property was declared a Economic Revitalization Area we were told that the utilities would be extended to the infrastructure of our property. I guess what I'm asking for this evening is how is that done? Is it, if I understood Dave Broady orionally he was talking about the fact you all could use grant to pay for the extention of the extention of the sewers. And from what I understand the water is there, the gas is there, and you don't have any problem with the electric. The only thing we need to know is what is going to happen on the sewers as far as bringing it into the property.

Council Member Alexander stated there is grant money available but you are looking in the time period of 6 months to a year.

Council Member Fenner stated has anyone talked to Dave Broady about this? We just got this information that you are sharing with us, we just got that this evening when we first came in here. So we haven't had time to really investigate it. I think we need to talk to Dave to find out exactly where you know, what he had in mind and where he was coming from before we just blindly say yes or no.

Council Member Voyles stated I agree.

Mr. Williamson stated well, I can appreciate that, I didn't know if it was standard procedurè once the property had been designated as an ERA.

Vice-President Eddings stated most cases on something like this the developer ends up paying that cost. If the line needs to brought into, to the edge of the property or whatever the cost is absorbed by the developer. And the tap in fees are tap in fees.

Mr. Williamson stated we understand that we have the tap in fees and that's not a problem at all. I've got the resolutions or the amount on that. That's not a problem. What I wanted to make sure of was whether you all we're going to pay for the extention of the sewer line to our property or whether that was something we were going to have to pay for. And the other thing to consider and I was over there again today, there's quite a bit of acreage to the, east of us that could be sold and developed down the tract, that still not in the flight pattern of the airport and with all the concrete we're going to be pouring on this property it might even be to your alls advantage to extend the sewer line across the property. So as to get away from anything that we're building to be able to extend sewer lines to the other property.

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Council Member Fenner stated can you give us a couple of weeks so we can look into it and talk to Dave Broady, John.

Mr. Toombs stated we need a site plan.

Council Member Fenner stated have you shared that site plan with anyone yet?

Mr. Williamson stated no, I just tiked to John before the meeting tonight and you all cal the meeting to order and I said I'll bring it to you as soon as the meeting is over.

Council Member Fenner stated alright, good.

Council Member LaMaster stated you all were told that you have 10 and 10?

Mr. Williamson stated yes, Mr. Rhodes said how much he appréciated.

Council Member LaMaster stated at the last meeting I asked you why you wanted 10 and everybody else gets 5. But you were told that and I have since found that out.

Mr. Sellinger stated the only question then, Perry maybe this is one of the procedures, w were under the impression, John was from Mr. Crawford that we needed to get your confirmation of you will on the tap in fee. Not that we're asking you to pay the 1200.00 but that category tap-in was the one it fell into.

Clerk Treasurer Schafer stated I think you misunderstood, Tim.

Mr. Crawford stated no, no, we can take care of that tomorrow.

Mr. Sellinger stated there was a paragraph in your alls information that, paragraph E says that the Town Council shall determine that tap fees for industrial use on a case b case basis after considering the location of the facility, quality of flow and its quanity. The Board shall make written findings outlining, the factors considered in each industrial case. I'm not sure whether we are considered industrial or commercial.

Attorney McCall stated I think industrial.

Mr. Williamson stated what are we considered?

Vice-President Eddings stated what's the zoning, I thought that was light industrial.

Mr. Williamson stated it's M-1, light industrial.

Vice-President Eddings stated that's what I thought, light industry so it's industrial.

Mr. Williamson stated I'm not trying to open a can of worms here, I'm just saying that I was reading, but I'm not trying to, if they say thats ok and you say its ok, I'm happy. I was just, paragraphs and I wanted to make sure we weresall on the same page with it.

Vice-President Eddings stated ok.

Mr. Williamson stated so you don't see any differance.

Vice-President Eddings stated so the only real issue is paying for the water extention,

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I mean the sewer extention.

Mr. Williamson stated and the other thing would be that we make sure that the easement is there to extend that sewer line.

Vice-President Eddings stated is the easement on your property.

Mr. Williamson stated no it's not on our property because we'd be happy to give the easement.

Vice-President Eddings stated ok.

Mr. Williamson stated if you want to extend it across the property that's no problem. But see it's on the corner of Mr. Perkins property next door and it's on the far corner.

Vice-President Eddings stated ok.

Mr. Williamson stated and so we just want to make sure we can come through there with that.

Mr. Sellinger stated if I understand this correctly is between now and a couple of weeks is get a site plan for you to review and I'll make sure that, but I've got the preliminary site plan. Thank You Very Much.

Vice-President Eddings stated ok, Thanks, ok Linda.

Clerk Treasurer Schafer stated I thought you were never going to get to me. The Town Council had discussed at a previous meeting that there were some people that we charged twice for rezoning request. Going through the records the Fire Department determined there was only one and that was Keith Alexander.

(TAPE QUIT)

Council Member LaMaster stated made a motion to reimburse Keith Alexander with a second by Council Member Fenner. Motion passed 4-0 with Council Member Alexander abstaining.

Clerk Treasurer Schafer stated we tried girls.

Vice-President Eddings stated any body want to make that motion.

Clerk Treasurer LaMaster stated I'll so move.

Vice-President Eddings stated motion made by Jim, do I have a second?

Clerk Treasurer Schafer stated come on guys.

Council Member Fenner stated alright I'll second it.

Vice-President Eddings stated seconded by Gary, any discussion? If not all those in favor signify by saying I, oppose nay. I's have it. 5-0

Council Member Alexander stated hot dang, in Jeffersonville that will be a no.

Clerk Treasurer Schafer stated no, you abstained from voting. I would like to present the

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bills one of these I marked off, at Mr. Fenner's request.

Vice-President Eddings stated ok, everybody's had a copy of the bills and has had a chance to review them. Ones been marked off, No Hassel Pool for \$910.00 can not be paid this time, I'll entertain a motion to pay the rest of the bills as presented.

Council Member Alexander stated I'll make that motion.

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

Council Member LaMaster stated second.

Vice-President Eddings stated second by Jim, any discussion? If not all those in favor signify by saying I, oppose nay, I's have it. 5-0 I'll entertain a motion to adjourn the meeting.

Council Member LaMaster stated so moved.

Vice-President Eddings stated a motion made by Jim, do I have a second.

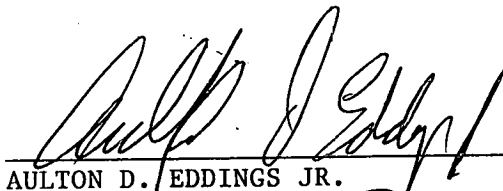
Council Member Voyles stated I'll second.

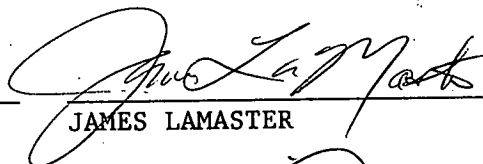
Vice-President Eddings stated any discussion, if not all those in favor signify by saying I, opposed nay, I's have it. Meeting Adjourned.

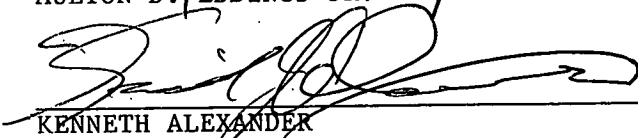
Clerk Treasurer Schafer stated 7:45, 7:44.

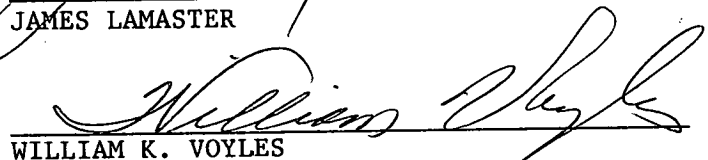
Vice-President Eddings stated yeah.

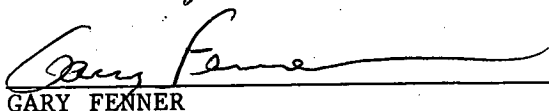
With no further business, Vice-President Eddings adjourned the Regular Meeting at 7:44 p.m.


AULTON D. EDDINGS JR.


JAMES LAMASTER


KENNETH ALEXANDER


WILLIAM K. VOYLES


GARY FENNER


ATTEST: LINDA G. SCHAFER
CLERK TREASURER

SELLERBURG TOWN COUNCIL

November 11, 1999

Special Executive Session

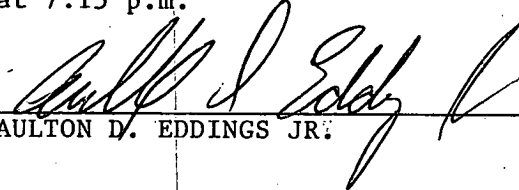
A Special Executive Session of the Sellersburg Town Council was held at the Sellersburg Town Hall at 6:30 p.m. to discuss the Building Commission's duties. Those present were: Aulton D. Eddings Jr., Council Vice-President; James LaMaster, Council Member; Kenneth Alexander, Council Member; Gary Fenner, Council Member; William Voyles, Council Member; William P. McCall, Town Attorney; and Linda G. Schafer, Clerk Treasurer.

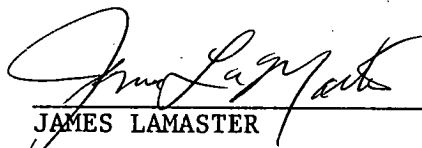
Called To Order

The Building Commissioner's duties.

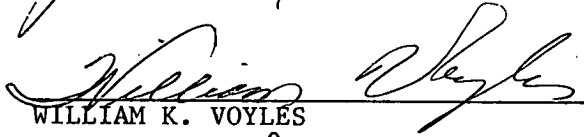
Adjournment

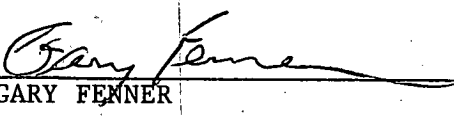
With no further business, President Eddings adjourned the Special Executive Session at 7:15 p.m.

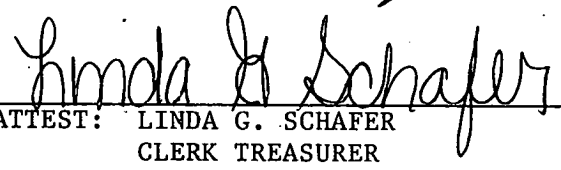

AULTON D. EDDINGS JR.


JAMES LAMASTER

KENNETH ALEXANDER


WILLIAM K. VOYLES


GARY FENNER


ATTEST: LINDA G. SCHAFER
CLERK TREASURER

SELLERSBURG TOWN COUNCIL

November 15, 1999

Public Meeting (Special)

A Public Meeting of the Sellersburg Town Council was held at the Sellersburg Town Hall at 8:00 p.m. to discuss the contract with the Sellersburg Fire Department. Those present were: Aulton D. Eddings Jr., Council Vice-President; James LaMaster, Council Member; Kenneth Alexander, Council Member; Gary Fenner, Council Member; William P. McCall, Town Attorney; with Linda G. Schafer, Clerk Treasurer; and William Voyles, being absent.

Called To Order

Vice-President Eddings called the Public Meeting to order at 8:00 p.m.

VICE-PRESIDENT EDDINGS READS LETTER FROM THE SELLERSBURG FIRE DEPARTMENT.

Vice-President Eddings stated I've got in front of me a letter from Sellersburg Fire Department, Vice-President Eddings reads letter as follows:

Gentlemen:

In regards to the contract that is currently in place between the Town Of Sellersburg and the Sellersburg Fire Department addressing building inspections in the Town Of Sellersburg. It is our opinion that if it is agreeable to both parties that this contract be vacated with all of the monetary issues settled at this time.

This will allow the incoming Council the opportunity to place whomever they wish in this position.

We suggest that the current Council name a temporary replacement immediately. If necessary we will serve out the 45 days or until a replacement is named.

Sincerely,
Mark Ball
Chief
Sellersburg Fire Department

Charles Reynolds
President

Teresa Ball
Corporate Secretary

Vice-President Eddings stated ok, I'll entertain a motion to vacate the contract with the Sellersburg Fire Department for Building Inspections.

Council Member Alexander stated that's effective immediately?

Vice-President Eddings stated If we vote it would be effective immediately and then we have to decide if we want to name a temporary replacement or have them, they will serve the next 45 days like the contract states.

Attorney McCall stated you need a motion to accept the proposal to vacate as of November

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15, 1999.

Vice-President Eddings stated ok, does anyone want to make that motion?

Council Member Fenner stated I make a motin that we accept the proposal by the Fire Department to vacate the contract between the Town and the Fire Department concerning the Building Commissioner Services effective November 15, 1999.

Vice-President Eddings stated motion made, do I have a second?

Council Member Alexander stated I'll second.

Vice-President Eddings stated second by Ken, any discussion?

Council Member LaMaster stated I'm going to abstain because I'm going to be on the new board and I don't want any, I'm going to try to make my start out on the new borad to where is is as clean as can be. So I'm going to abstain, no vote.

Vice-President Eddings stated yes sir.

Mr. Imhoff stated why does the Fire Department want to pull out?

Vice-President Eddings stated you would have to ask the Fire Department.

Mr. Pate stated can I address the board?

Vice-President Eddings stated yes you can.

Mr. Pate stated why was the Special Meeting called. I assume the Special Meeting was called to fire the existing Building Commissioner, is that correct?

Vice-President Eddings stated the Special Meeting was to have this vote, right?

Mr. Pate stated why is the board so adamant about getting rid of Boz? Because he's done a hell of a job. He's followed the law to the letter, so what does this board find so disagreeable following the ordinances that you guys have signed.

Vice-President Eddings stated would anybody like to address that?

Council Member Fenner stated Rod, you have sat up here on this side of the table and you know you get alot of feedback up here that the general public has no idea of what is going on behind the scenes. There has been, you know we have gotten alot of feed back, we have had alot of discussions, both with, on both sides of the fence. And we have found it very difficult to get direct answers and to understand the things that have been done and been said and you know we have been very frustrated in doing that.

Mr. Pate stated should the board, I mean thinking of the city and the citizens of this community, does the board have anyone that they can replace Boz with in the community? If not, everything is going to be in limbo because there is a number of things on the drawing board right now and who would issue the permits?

Council Member Fenner stated I think thats the next issue we're going to discuss in just a few minutes is what we're going to do. So, I mean we will discuss that. Perry we can

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discuss that tonight?

Vice-President Eddings stated this is an open meeting, you can discuss anything.

Council Member Fenner stated ok.

Attorney McCall stated the topic of discussion was the Building Commissioner and the contract with the Building Commissioner. So that is on the agenda.

Bonita Pate stated is there a conflict on feelings, problems or straight answers, is there a certain subject or a certain incident that this arises from?

Council Member Fenner stated it wasn't one specific, there were several.

Bonita Pate stated I would like to say, I am the Secretary of the Planning Commission and the Zoning Board and I have worked along the last two Building Inspectors and I have always got straight answers, and they have all done a very good job. And I would like that to be on the record. And I don't do it for the money, it's not, you know, I just think that people, it's too bad that people can't do, work together, to do the best things for the community and the town.

Council Member Fenner stated I agree.

Mrs. Imhoff stated he does know the laws. Last meeting he did know his law. Quite truthfully when I was up here before this whole situation. I called him and I had no problem with saying Inspector Garget to him, he did not know the law. Every law he did quote was incorrect. He is the first one that is a professional. It may not be what you like, it might slow things up, but sometimes it's better to go slow to make sure it's down correctly the first time. We teach our children that from early on.

Mr. Ball stated Mr. President I would like to go on record saying that I am the Chief Executive Officer of the Fire Department that holds this contract with the town. I've never recieved a written, verbal complaint of any kind about Mr. Adams services. We've had some disagreements at the meetings, but there has never been a complaint. We have submitted our letter and it says in the contract you have 45 days notice. We gave 45 days notice, it was recieved today. You have a copy of where the town signed for it. The Clerk Treasurer's Office got it. We're not willing to work under these circumstances anymore.

Vice-President Eddings stated I understand. Yes Sir.

Mr. Imhoff stated dealing with the previous Inspector before Boz, if you didn't call him before 10 o'clock he didn't return your calls. And when you did talk to him he didn't have a clue what you were talking about. At least when you call him, he will return your call within an hour. Anytime of the day. I can't see, and I'm only looking at it from my end of it and from the meetings that I've been too, I don't see anything the mans done wrong other than he's done his job right and now he's being critized for doing his job.

Mrs. Imhoff stated he's found things right now on the specs that are not right. I wonder if Mr. Stewart would of found them.

Vice-President Eddings stated just a note, let me say one thing, in terminating this

contract, and I've talked to Mark if the new Town Board elects to hire the Fire Department right back as Building Commissioner that's not going to be any problem.

Mrs. Imhoff stated then what's the problem Doug just leave this gentleman in there for two more months and let the new Town Board make that decision why are you so adamant about firing this gentleman. You've only got two months left in your term anyway. Why not let the new board make their decision and make their mistakes as, why are you so adamant about making their decision for them.

Vice-President Eddings stated the Fire Department has issued this letter to us saying they want out of it as well. It is evident that there is a personal conflict between some of the Board Members and the Building Commissioner that cannot be resolved throughout the rest of our six week, eight week term, that's just all it is. So, we'll just resolve it by removing them or voluntarily getting out of it and they can go right back into it if they don't have that conflict.

Mrs. Imhoff stated but what is the Fire Department, I don't understand, what's the Fire Department, what's their stance on this? I mean why.

Vice-President Eddings stated that they want out of it as well, because...

Mrs. Imhoff stated for what reason, there has to be a reason?

Vice-President Eddings stated for no more than personal conflict.

Mrs. Imhoff stated conflict of interest between the Town and the...

Vice-President Eddings stated personality conflict.

Mrs. Imhoff stated with who?

Vice-President Eddings stated with some of the Board Members and the Building Commissioner.

Mrs. Imhoff stated why can't you all not be adults and solve it? You have a personal conflict and I saw it, deal with it and move on. Let's be adults here. You're not going to always agree. Work from that disagreement and, sometimes you do not always win, as I do not always win. We have apartments in behind us, we did not win. But that don't mean I don't respect you anymore.

Council Member Fenner stated I would, you know I would disagree with Doug on the fact that it, there is obviously some personality conflicts but that's not, that's not my reasoning. That's not mine you know, that's not the basis of my decision by any means. You know, I know Boz, I respect him, we've had a great relationship and I told him my concerns and asked him my questions and he's answered them the best he can. So, you know, I don't think it's just personality.

Mr. Ball stated I would like to ask, If there was a problem why wasn't there anything brought up to his Supervisor or any discussion before you all decided to set a meeting up to bust the contract? Which is exactly what you did a week ago. Which is exactly what you intend to do tonight.

Mr. Imhoff stated when you are displeased with an employee you write them up or you put it on record but what I'm hearing here is all of a sudden you want to get rid of them.

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Mrs. Imhoff stated is there anything documented anywhere, or does he not get a job description, or does he any type of you know the appraisals. What type of...

Vice-President Eddings stated this is contract, this is not an employee of the Town, this is a contracted position.

Mr. Imhoff stated if he's not an employee how can you get rid of somebody?

Vice-President Eddings stated the complaints come's from within the board. One of the issues that came up was with the Harrison Group and with certain things that may be in our code that stipulate, to follow State Regulation, that follow State suggested guidelines in our codes. Well when our codes are written the plans, the master plans and the specifications were written, yeah some can be used as a rule book, but more to be used as a guide. You know, we do try to follow everything we can up to a point and it's all written and documated and that's what it's there for, you give people a pathway to go down. But then if the Building Commissioners sees that guideline he supposed to get with the board or whatever and work out, ok, we're not meeting this current guideline now what do we want to do? That kind of got into a match back and forth. We were holding up progress of one of the developers in the Town because we couldn't agree between the Board and the Building Commissioner on what's right and what's wrong.

Mr. Imhoff stated what's the ordinances, or what's the code or the law say?

Vice-President Eddings stated the contract and the codes say the Board has the final say so. That they make suggestion to the Board, tell us what it is and the Board has the right to make the decision.

Mr. Ball stated Mr. President, I'd like to state on that line I don't know if you can show me any place in the minutes, to where this Board took a vote directing the Building Commissioner what action to take other than, we've researched this and asked for direction.

Vice-President Eddings stated I know and what happened was, there was a water issue to start with on flow rated on an existing water line that's up there. The project had started in the past. It started in 1996.

Council Member Fenner stated 1996.

Vice-President Eddings stated the state changed their recommended flow rate you know in 98.

Council Member Fenner stated we don't know that, we've never seen that in writing yet.

Vice-President Eddings stated but that's what we're being told and no where in Sellersburg do we meet the recommended flow rates by the State now and this project is already. You know 2 or 3 years down the road. We also felt like the, that 6-inch water line while it may or may not be adequate, we think it would be adequate simply because it's one of the biggest water lines we have in the system over any commercial development in the Town Of Sellersburg.

Mr. Ball stated Mr. President, we recieved those directly from the Board, but it didn't say what you were going to do.

Vice-President Eddings stated in that meeting we did vote for the Harrison Group to hook

onto the water line and Boz is going to stop them from hooking up to the water line because it didn't follow that State recommendation. Well, I guess, we didn't turn around and directly tell Boz and vote on issue. We told them to go ahead and we just assumed maybe Boz knew that, that meant to go ahead and issue the permit. Then at the next meeting we find out that ok, we don't know that, that issue is resolved or not but now we've got an issue over whether the State has stamped, have stamped some foundation plans and Boz does or does not have a copy of the foundation plans so he can't issue a permit for foundation release. So there is another permit that he is holding up because he hasn't got something he is supposed to have.

Mr. Ball stated and your point is sir?

Vice-President Eddings stated that it seemed like during that meeting every time we would try to get the development group what they needed to continue to go on there was something else that would pop up. You know it's not like here's a list of the stuff I need, it's I don't have this ok, let's vote on that, let's see what we can do to correct that. Ok, now we've corrected that, now let's go, well wait a minute I don't have this. Ok let's see what that is. Let's see what we've got to do to take care of that. And we get that taken care of, now well now wait a minute I don't have this.

Mr. Ball stated and I still have to ask, your point is what? You know...

Vice-President Eddings stated that's the kind of stuff that was going on between.

Mr. Pate stated let me readdress this problem, being very familiar with it. One of the problems that this thing being bought back and forth is the Harrison Group has never given anyone a plat map. Nobody knows what they are doing there, they have carte blanche to do anything they want to do there. And if anybody questions what they do there, then they run to you guys and say hey this guy is holding up the whole show here. Every developer in the 8 years, 9 years I've been on the Planning Commission has bought a plat map in showing the streets, showing the elevations, addressing storm sewer, sanitary and storm drainage. These people have addressed not one problem, and one of the problems I think is everybody is so eager to get Cracker Barrel. That is the only thing that came before the Planning Commission. Cracker Barrel is in here so now all of the sudden this other stuff is coming and nobody is trying to stop the growth of Sellersburg. What we have to do is address the situation. Sometimes this can turn around and bite you if you're not careful. We don't know what they are doing even though street has been changed. They have bought all these properties and lumped them together. Now when they are subdividing they say no, no, no, we are not a subdivision. We are not a non-residential subdivision. So each time this has to go back before the Board, they go before you guys and say this guy is holding up the show. He is stopping progress in Sellersburg. He is not stopping progress, nobody knows what they are going to do. Maybe they're going to put in a hotel, maybe they're going to in a football stadium, we don't know. But we, the map that we have is a drawing on a cocktail napkin. I've seen better drawings on cocktail napkins than they have submitted. We don't know and you guys don't know what they are doing there. We don't know how big the sewer lines is. The water issue was addressed a few years ago, a couple of years ago. If you agreed, at the time agreed that the 6-inch line was ok, by-golly it's ok. You know there is nothing you can do about the past, but we should address the future because the concerns of the taxpayers here, we would expect the Town Board to confront the issues and say what is good for Sellersburg. If not the traffic, there is going to be a traffic problem. If they build 2 hotels there and everybody's going to come out of Dairy Queen, there's going to be a traffic problem there. That's never been addressed. What do we do later. Do we put in a street for them

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and put in stoplights for them. You know the Planning Commission is what...the plan, not to go blindly forward.

Mr. Ball stated Rod, let me step in just one second. The traffic flow was addressed. Boz attempted to address it and he was told by Mr. Alexander that was Mark Warren's job to take care of the street. So I mean you know.

Mrs. Imhoff stated what was the issue of the water?

Council Member Alexander stated may I interject here Mr. President? Mr. President may I interject please?

Vice-President Eddings stated go ahead.

Council Member Alexander stated the roads, the water, the sewer, the motel, yes maybe missed a step from the planning because the Cracker Barrel was going in. They were addressed, they were addressed by Mr. Broady and by Gary.

Mr. Pate stated do you guys have maps?

Council Member Alexander stated we do not have maps. When the Cracker Barrel came in we did have a map and we had a proposed site as far as two motels. We had our engineer look at where the new sewer line would go, what size it would be, who's cost it would be to build it. All that was looked into. We had a meeting.

Mr. Pate stated if you don't have a map Ken, you're winging it. And that's not good.

Council Member Alexander stated the site plan map should be in now. We're not winging it.

Mr. Ball stated is any of this approved on the minutes?

Council Member Alexander stated it was approved when we approved their, when they bought their package together they asked for.

Council Member Fenner stated have you seen this?

Bonita Pate stated this is what you need.

Council Member Alexander stated before the build the motel, they'll turn in a site plan.

Bonita Pate stated I just think, on the Planning Commission we require everybody else to do this, why does this group get to be open and can get ready and then bring it in. It's not fair to be partial to one and make everybody else do the other things.

Council Member Alexander stated but we're not Bonita. We talked with them, it had to be three months and yes we probably did miss a step because the Board Members were taking care of the important issues as far as we sat in a Public Meeting with the traffic.

Bonita Pate stated they come to the Planning Commission and I've recommend they come to the Town Board. There has been no plat plan recommended to the Town Board.

Council Member Alexander stated exactly, and probably the step we missed because we did have so much conversation with the Board.

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Bonita Pate stated and this is where alot of the problem has arose, correct?

Council Member Alexander stated no.

Bonita Pate stated with the conflict.

Council Member Alexander stated no.

Bonita Pate stated no.

Council Member Alexander stated nope.

Council Member Fenner stated let...

Mr. Ball stated you spent three months talking to them, you spent three minutes talking to your Building Commissioner.

Council Member Fenner stated let me explain, I guess, you know, where it all came together for me. It was basically in two issues, one was you know over the water thing. That has not been resolved. You know, as far as the Town Council is concerned it's been resolved. But, you know the last meeting we went through this list as Doug said of asking ok if they do this, then is it ok, and we kept backing up and backing up until finally Boz says well he couldn't issue the occupancy permit. Once they got the building completely finished he couldn't issue an occupancy permit and we asked why not and he said because of the water situation. You know, and after all we've been through that just, that said to me that...

Mrs. Imhoff stated what situation?

Council Member Fenner stated the fact that the contention of the Building Commissioner is there is not enough, water flow there. So you know, that was a major crises as far as I was concerned. That bought to my mind that we're never going to be able to resolve this because no matter what they do, you know, they're still going to oppose anything that comes down the pike. And the major thing that I questioned before that was according to the figures that the Building Commissioner has given us on flow rates and what is required. We don't have any place in this entire town that will ever, ever, meet those requirements. We couldn't even add a dog house to the town water system based upon those requirements.

Mr. Ball stated that's not true.

Council Member Fenner stated those requirements are so far out of our, we're not even in the same ballpark.

Mr. Ball stated that's not true, and that's coming from the Fire Chief, Mr Fenner.

Council Member Fenner stated I don't have those figures right in front of me.

Mr. Ball stated Gary, we gave you those figures, we tried to talk to you, we've asked you for some direction, all we've got is dot, dot, do this. Now if this Board would have set down and told us what you wanted. Like I said, you spent three months talking to these people but not three minutes talking to your Inspector. Now, this deal you all are trying to pull here is only second to the appointment of your Police Chief. This is a bunch of lame ducks quacking. To put it quite frankly sir. A bunch of lame

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ducks quacking.

Council Member Alexander stated Mr. President I'd like to call a vote please.

Mr. Ball stated Mr. President I hope you do.

Council Member Fenner stated let me say this, you know Mark, I have spent how many hours have I spent talking to you Boz. I've talked with him several hours down through the last couple of months.

Mr. Ball stated and you expressed to him one time that you had a problem with his decision.

Council Member Fenner stated I expressed to him Boz I don't understand how we could be ok last year and this year we can't do anything.

Mr. Ball stated there was a change in the law.

Mrs. Imhoff stated you had Mr. Stewart that didn't know one law.

Council Member Alexander stated Mr. President I'd like to vote.

Mr. Ball stated we've submitted a letter requesting resignation and I say let's vote the damn thing and you all do what you want to do with it.

Vice-President Eddings stated ok, let's call it to a vote. We have a motion on the floor and seconded and discussed. All those in favor of accepting the current, I mean accepting the contract be vacated signify by saying I, opposed, three to nothing. Vote 3-0 one abstained. Ok, now I'd like to...

Council Member Alexander stated since we have a week before, our next meeting and it's not, it's six days away. I'd like to ask that we have time to think about...I'd like to make a motion that we close the meeting.

Vice-President Eddings stated we'll we're going to have to pay up. So I'll entertain a motion to pay the invoice that has been presented to us by the Fire Department for Building Inspection services, once reviewed by the Clerk Treasurer and found out to be ok, I'd like to, I'll entertain a motion to pay the current bill from the Sellersburg Fire Department for \$11,349.16.

Council Member Alexander stated how much.

Vice-President Eddings stated 11,349.16.

Council Member Alexander stated can I see that please?

Mr. Ball stated I'd like to go on record, one more thing. Boz or I never asked one person in this room to come to this meeting. This is what people picked up on this in the last 40 minutes of what was going on. So Boyce you ought to be real proud of them guys, you see what you got. I never thought I'd ever hear myself say it but I believe Paulene Pixley was right.

Mr. Pate stated I would also quote to the Board whoever they appoint as the Building Commissioner that they appoint a Building Commissioner not a yes sir man.

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Mrs. Imhoff stated and not just somebody that is a local.

Mr. Pate stated because you should take concern of the citizens.

Mrs. Imhoff stated if you are not going to vote for a replacement for 6 days who steps in for those 6 days?

Council Member Alexander stated nobody, no permits are allowed. I'd like to let the Clerk Treasurer review that and bring it up at the next meeting.

Attorney McCall stated can I bring up one other point that you've got. Based upon the letter that you got a kind of a proposal that says that you can according to the contract 45 days period of time. There is 45 days left in the year, for one. Something to think about. Secondly, I believe and I don't know Mark can tell you more so than I can. He's probably suggesting or asking for something to be said tonight whether or not they are going to continue the 45 days because you're going to have 6 days from now until the next meeting that...

Mr. Ball stated you are not going to issue any permits for Mr. Alexander.

Attorney McCall stated I know, hold on.

Mr. Ball stated I'm just trying to help you out there.

Attorney McCall stated the contract says 45 days that they can serve the 45 days at the most and you've got that proposal here in this letter and I assume, are we saying that they're not serving the 45 days, remaining 45 days.

Mr. Ball stated we would prefer it be immediately but if it will help the town, we will do that. We're looking at the best interest of the town here folks. That's why it says that in the letter.

Attorney McCall stated ok, you've got some days left and I don't know...the meetings not closed yet.

Vice-President Eddings stated right.

Council Member LaMaster stated if I could say something, and it's been interesting all ready, I can say that for no longer than I've been on here. But, I'll make a motion that we let them serve the 45 days so that any permits that have to be issued can be issued and try to work our way through this for the 45 day and, just for the interest for the town and also the other night with this foundation permit that wasn't issued. I wasn't happy about that but I mean, I'm learning everyday up here and all I'm trying to do and I think all these boys is trying to do is the best they can. I mean, we know alot up here maybe, that's not public record. Things happen and I don't think that these boys is as bad as everybody thinks they are, ok? But still we have to go on, we have to go forward and...

Mr. Ball stated is that why we gave you those...

Council Member LaMaster stated so I'll make a motion to go the 45 days and we'll go from there. That's all I've got to say.

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

Council Member Fenner stated I'll second it so we can discuss it.

Vice-President Eddings stated motion made and seconded, open for discussion.

Council Member Fenner stated my first question is, is Mark I mean, would you guys be willing to and would you be willing to try to work with us for the 45 days or do you really want to stop right now?

Mr. Ball stated we gave you that answer in there. We would be willing to do that. If I had my first choice...

Council Member Fenner stated I'm sorry.

Mr. Ball stated If I had my first choice.

Attorney McCall stated it's 45 days or until a replacement is named.

Council Member LaMaster stated you've got 46 days left in the year and that's January 1st.

Council Member Fenner stated ok, it says that we suggest that the Council name or temporary replacement immediately. If necessary we will serve out the 45 days or until a replacement is named, ok.

Mr. Pate stated I think this board is jeopardizing the welfare of the citizens if you guys go hastily and terminate the contract. Unless you've got somebody really highly qualified, because number 1, where is he going to get the permits at, and the paperwork and the books and everything that is necessary to do this job? You guys terminate tonight, tomorrow morning there is no Building Inspector. He may be a Building Inspector, he is not going to know what to do, he may not even have the permits to issue a permit. So I would say I'll advise this Board to be somewhat judicious in there actions here and at least if you've got a man that you want to put in this position. You need at least 15 days or so. If you guys want to terminate his contract that is your prerogative but you are jeopardizing the welfare of the citizens in this community. Go on go, we've got somebody, there he is, because he can't do it. You cannot make that transition that fast. So whatever you guys think, if it's 6 days you need to get a man in position. Don't terminate this contract tonight and then vote on somebody else 6 days from now because you've got 6 days of nothing here.

Mr. Ball stated that's how well you planned this thing out when you came prepared to terminate this contract tonight. If you had the Towns best intentions in mind, you, you know, like the man's telling you. This is your Planning and Zoning committee appointed by you all. You know, where's your interest in the Town? I think you boys are sitting on a rock by yourself there.

Council Member Alexander stated you can put that in a letter and send it to the Council with my name on it.

Mr. Ball stated if you wish.

Council Member Fenner stated Mark you came tonight to discuss the contract and you know

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and my thoughts all along have been, and that is if we terminated the contract, the contract is very clear. It says 45 days notice and I knew 45 days would take us to the New Council and the New Council could then make their own decision and be able to you know to take things into their own hands.

Mr. Ball stated part of that discussion was why do we have to give a letter, it don't even deserve a letter? Is that right Kenny?

Council Member Alexander stated you can just make one out to me personally to me Mark.

Mr. Ball stated I'm just asking you...

Council Member Alexander stated I'm just saying make one out personally to me.

Council Member Fenner stated Mark, I didn't have any part of that discussion and that was not in my thinking what-so-ever.

Council Member Alexander stated because when you come to talk to somebody and every-time you talk to them and the fire a letter to the other Town Council Members it makes it very difficult to sit down on a professional level to talk to them. Because both times you jumped out of your chair the other night at that meeting I was being professional. I was calm, I was asking questions that you all could not answer and because you could not answer them you decided to jump out of the chair and just play the games that you're playing tonight and critizing somebody and attacking them, because that seems to be your way around the issue instead of going through the issue.

Mr. Ball stated Mr. Alexander I did not jump out of my chair. I stood up to...

Council Member Alexander stated from here it looked like you jumped up out of your chair.

Mr. Ball stated you shouldn't have such a guilty conscious then.

Council Member Alexander stated I don't, I was just, a good observance from up here.

Mr. Ball stated go on with your crying.

Council Member Alexander stated nobody's crying, I'm glad, I'm glad you're gone.

Vice-President Eddings stated ok, ok.

Mr. Ball stated you're not as glad as we are.

Vice-President Eddings stated ok, let's move on.

Mr. Ball stated you're gone too, see...

Council Member Alexander stated that's fine.

Vice-President Eddings stated Mark.

Mr. Ball stated I'm sorry.

Council Member Alexander stated this is exactly why, this here is exactly why, I wasn't going to say anything tonight because it was personal. But now I am. This is exactly why,

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this is exactly what it is.

Mrs. Imhoff stated you all shouldn't be up there arguing, for God's sake.

Vice-President Eddings stated all right people that's it. We're going to call this meeting off.

Attorney McCall stated you've got somebody else on the floor.

Mr. Doug Reiter stated I'd like to speak a little but, I've been sitting a little bit listening you know I've worked a little bit of legalities and stuff, if they terminate the contract and we've got 45 days, and you're saying that's at the time the new board takes over, why don't you leave it up to the new board to get a new Building Inspector. We're going to have a lag in that time before we even get the new Building Inspector. Now what's going to happen on that note? So you guys got to get a new Building Inspector before that new Board comes in.

Mr. Pate stated no, that's not necessarily true. The Fire Department, we were in a contract with the Fire Department, they served as the Boards pleasure. In the termination of the contract is they can stay on, it's 45 days. They new that this meeting tonight was to terminate the contract. So they pretty much said they were going to terminate, they said if we're going to get fired. We might as well quit first. So they quit. So the Fire Department can serve on that 45 days. But with the contract void, terminated and they ask the Fire Department to serve. The Fire Department can set their fee.

Attorney McCall stated in the previsions of the contract it can still carry over.

Mr. Reiter stated theres 46 days left and you said it yourself there is one day.

Vice-President Eddings stated one day makes the differance.

Mr. Pate stated they're terminating tonight and now you've got, they don't even have a new Building Commissioner. One day over the Christmas holiday we will be without a Building Commissioner. The very next day these people could appoint a man and say we'd like for you to serve temporarily.

Mr. Reiter stated well, that's what I'm asking does the new board ready to do something like that? Do they have someone that they can appoint?

Mr. Pate stated they've already got somebody in place. It's not like you're, you know, you're reshuffling the deck or anything. They've already got someone in place, it would just be 1 day that the town would be without a Building Inspector. And they would be happy to serve the new Town Board until they found a new person. One day is better than 15 days.

Mr. Reiter stated but under the same stipulations of this contract.

Mr. Pate stated I'm sure the Fire Department...

Attorney McCall stated you've got 2 options, one to do that or to do that and seek a replacement. To serve it out now, if Mark is willing to do that, if he is willing to do that, as Executive Officer of the Fire Department operate under the same terms, you can do that until a replacement or until the 45 days, if you want to do that.

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Mr. Ball stated we came here years ago to help you with this problem. This board had the worse mess of anything they had with their Building Inspector. We straightened this thing out for you. We have not kissed up and have not played to all the rules to all of these Board Members. And again, maybe this is personal between me and 1 or 2. But you know, we have asked for guidance and direction. We don't feel like we're getting it. We have tried to research the minutes of these meetings to find some of these agreements were made. They are not in there. Then we try you know present the things to you. You know, these are the problems you're going to deal with. But you all are going to can our ass. Now, we came up here to help, we're still willing to help. But like I said, I don't want to work with this board no more than I have too. But if that's the best interest of the Town to finish this out until somebody else can get appointed it's like we say in the letter we will do this. But we will not do it under the current conditions.

Vice-President Eddings stated ok, we've got a motion on the floor, to serve the 45 days.

Attorney McCall stated to accept there...

Council Member LaMaster stated a motion on the floor and seconded by Mr. Fenner.

Vice-President Eddings stated all those in favor signify by saying I, opposed nay.

Council Member Alexander stated nay.

Vice-President Eddings stated I's have it. Vote 3-1 Ok the current bill, you want to just keep this going until...

Attorney McCall stated you've already voted and was going to check with the Clerk Treasurer.

Vice-President Eddings stated we did not do that.

Mr. Ball stated what's best for you?

Vice-President Eddings stated just keep a tab on it.

Mr. Ball stated that's fine with us.

Vice-President Eddings stated I'll entertain a motion to adjourn the meeting.

Attorney McCall stated hold it, one more piece.

Vice-President Eddings stated what's that?

Attorney McCall stated the 45 day period of time would be under the same terms, billing terms, and you owe that to the Fire Department tomorrow, do you understand what I am saying?

Mr. Ball stated run that one around again Perry.

Attorney McCall stated you got the previous contract ok. Presuitant to the agreement it was terminated, you don't have a contract you opted to stay on the 45 days and they accepted the 45 days.

Council Member Fenner stated just under the same terms.

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Attorney McCall s
of pay ect.

f this previous contract meaning, rate

Mr, Ball stated i

as I'm concerned its the something.

Vice-President Ed
for the 45 days.

a then to abide by the current contract

Council Member La

Vice-President Ed

I have a second?

Council Member Fe

Vice-President Eddings stated second by Gary, any discussion? If not, all those in favor signify by saying I, opposed nay.

Council Member Alexander stated nay.

Vice-President Eddings stated I's have it. Vote 3-1

Council Member Alexander stated I mean quack.

Vice-President Eddings stated I'll entertain a motion to adjourn.

Council Member LaMaster stated so moved.

Vice-President Eddings stated motion made by Jim, do I have a second?

Council Member Alexander stated Quack.

Council Member Fenner stated I'll second.

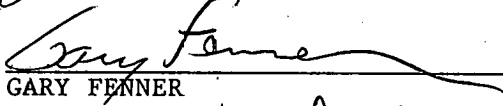
Vice-President Eddings stated second by Gary, all those in favor signify by saying I, opposed nay. Vote 4-0

With no gurther business, Vice-President Eddings adjourned the Special Public Meeting at 7:44 p.m.


AULTON D. EDDINGS JR.



JAMES LAMASTER

KENNETH ALEXANDER


GARY FENNER

ABSENT

WILLIAM VOYLES


ATTEST: LINDA G. SCHAFER
CLERK TREASURER

SELLERSBURG TOWN COUNCIL

November 22, 1999

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 Vice-President; William Voyles, Council Member; Kenneth Alexander, Council Member; James LaMaster, Council Member; Gary Fenner, Council Member; and William P. McCall, Town Attorney.

CALLED TO ORDER

Vice-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.

VICE-PRESIDENT EDDINGS ADDRESSES THE COUNCIL ON THE MINUTES.

Vice-President Eddings stated ok, everybody's had a copy of the minutes from the last Town Board Meeting, the Executive Session and Special Meeting. You had a chance to review those minutes, I entertain a motion to approve those minutes as presented.

Council Member Fenner stated I'll make a motion that we approve the minutes as presented.

Council Member Eddings stated motion by Gary, do I have a second?

Council Member Voyles stated I'll second.

Vice-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 There are four sets Jim. Ok, I'm going to let John go first, he's got a family matter he needs to take care of.

JOHN TOOMBS ADDRESSES THE COUNCIL ON CLAIMS AND BIDS.

Mr. Toombs stated Thank You, the first thing I've got is a claim from L. D. Rice. They are the one's building the sanitary sewer, storm sewer over in the Industrial Park and I have a claim from us for the St. Paul and Oak and High Street area over there where we designed drainage, curbing, gutter in the street and all that stuff that the town promised.

Vice-President Eddings stated when will that be ready to bid?

Mr. Toombs stated It has been today, all of it was bid today.

Vice-President Eddings stated ok.

Mr. Toombs stated and I have a claim that, we talked about it at the last meeting on the, for some reason on your tax abatement they sent me the bill on the notification

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in the paper so I just paid it and I'm asking you to pay me back.

Vice-President Eddings stated is this on the reimbursment on the tax abatement?

Mr. Toombs stated advertising, for some reason the Courier Journal billed us instead of you, I don't know why but we just paid it.

Vice-President Eddings stated ok.

Mr. Toombs stated and then here is a claim for a little tiny bit of work that we did on water main. The next item I have is, Wednesday a week ago we took bids on sanitary sewer which run from Fern to Villa Drive. You have an existing sewer. You have an existing sewer that lays in the mud and the water underneath the bridge under US 31 to the other side and when they were putting the manhole in last summer they discovered this so we obtained a permit from the Highway Department to bore under the highway and put in a sewer that is on grade that would drain so that the sewer on the other side, Foothill and the perimeter and all that will drain. So we took bids and I have my letter to you recommending, we got two bids one from Dan Christini Excavating for \$29478.04 and one from L.D. Rice for \$21900.00. I'm recommending you award it to L.D. Rice for that number.

Vice-President Eddings stated I'll make that motion to award the bid to L.D. Rice.

Council Member Voyles stated I'll make that motion.

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

Council Member Fenner stated I'll second it.

Vice-President Eddings stated second by Gary, any discussion?

Council Member Voyles stated this is right there be the video store?

Mr. Toombs stated yes, it starts over there and bores under to the other side, 21900.00.

Vice-President Eddings stated motion made and seconded, is there any discussion? All those in favor signify by saying I, opposed nay. I's have it. Vote 5-0

Mr. Toombs stated ok, I need everybody to sign these two contracts then I'll process the paperwork. This afternoon at 1:30 we took bids on the Storm Sewer Projects and I'm going to try to remember them all. There is a calloped pipe over behind the elementary school over on Penn Street, that is 1 portion of it. There is a pond up on the back side of Mrs. Cook, I believe her name is, up on Popular, that's one small part. There is a portion over on in Hill-N-Dale in Hamstead Heath where we need to put a pipe in some back yards. There's, over at the enterance of Clearva Drives off the corner of Dreyer Lane, there is a hump in the road there is water sitting in the mans front yard. So we're going to cut that off and put a piece of curbing in there which will straighten up the mess, repave on down on Clearva there is a problem with 3 catch basins at the corner and a pipe that goes between some houses. Down on Dreyer Lane just as you come up West Utica and turn around the corner there is an old culvert that the bottom is rusted out of it and we are going to replace that. And then the big one is both a combination of Storm Sewer and Sanitary Sewer where the Sanitary Sewer starts at Millview and runs up West Utica to correct some problems where a property owners house sits lower than the sewer that is there so the sewage backs up in their houses. At the

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corner of Millview and West Utica there is a sewer that ying yangs through the guys front yard on the diagonal instead of staying in the street and it's all plugged up and it doesn't drain well. There is no drainage to speak of as you go up past Haas. We're going to put some catch basins there and then up to Ehringer and put some catch basins and then go all the way up to the corner of Sellers and put catch basins to drain all that stuff down into the storm sewer that runs behind the houses on Millview and that will eliminate a 12-inch that floods that building that sits back there. I don't know what it is, I think it's next door to you isn't it?

Council Member LaMaster stated you're talking about the old church?

Mr. Toombs stated yes, and in connection with that, you had a problem on Allhands where the sewer that runs down to the corner of Allhands and Ehringer is meant to go downhill all the way through, but it doesn't. That manhole right there is low. So when we investigate that in order to fix it we we're going to have to have to go all the way down Allhand, pretty far down to the drug store and take out the old sewer and all the old manholes and put in all new. It's actually cheaper to put in a new manhole at Allhands and run it into Ehringer and down into this one. So all those things are a part of this project. So today we took three bids. Low bidder was K & I Construction at 288647.70 and within that bid, there are 2 sections. But most of it is storm sewer, but a portion of it is sanitary. So I'm recommending that you award the bid to K & I Construction for 288647.70 which is bid items 1 through 24 and 36 through 76 which is 173414.92 and also bid items 25 through 35. Which is sanitary items for 115232.78 which add up to that total. And I'm also recommending as you did at this time last year that you encumber funds in order of about 200,000.00 in storm sewers to be used in this year and next year and about 140,000.00 in sanitary, that way we'll have money to build their things and if we have to make any further changes that come up during the project, if we got to have the inspector up there while we're doing it there will be funds from this years budget.

Vice-President Eddings stated so what are we wanting to encumber?

Council Member Alexander stated we can only encumber the amount, we can't add to it.

Mr. Toombs stated well, I wasn't sure about that, so...

Council Member Alexander stated yeah, and the sewer doesn't matter. We don't have to worry about that.

Mr. Toombs stated well.

Council Member Alexander stated the civil all we can do is a signed contract.

Mr. Toombs stated but basically what I'm recommending is of course is you encumber whatever you can from this year and then award it for 288647.70.

Vice-President Eddings stated the entire 288 is K & I Construction right?

Mr. Toombs stated yes sir, we can encumber 173 for the...

Council Member Alexander stated the project probably won't be finished until 2000.

Mr. Toombs stated oh, absolutly, it won't all get done this year.

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Council Member Alexander stated so, if they get something done in December and get a draw, they'll draw off this year and whatever is left encumbered they will have a contact from 99.

Vice-President Eddings stated so we don't have to...

Council Member Alexander stated well, we'll just make a note so that the Clerk Treasurer's Office knows that it is encumbered money from 99.

Vice-President Eddings stated ok, I'll entertain a motion then for the Strom Sewer Project and Sanitary Sewer Project to award the construction contract to K & I Construction for 288647.70.

Council Member Alexadner stated I'll make that motion.

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

Council Member Voyles stated I'll second it.

Vice-President Eddings stated second by Bill, any discussion?

Council Member Alexander stated this puts us way ahead in the storm drain. The only real problem as far as streets go is Utica and Penn.

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

Mr. Toombs stated ok, now I need you all to sign both these by the X's and thats all I've got.

Vice-President Eddings stated ok, while you all are signing those I'll go ahead and take care of the invoices on the Adkins Court Project we have an invoice, this finishes this one doesn't it?

Mr. Toombs stated yes, well, it's not a 100% done. He's fixing the paving. I just went over there and looked.

Vice-President Eddings stated ok, I'll entertain a motion to pay the claim to L.D. Rice Construction for the Adkins Court Sewer Project 29240.10.

Council Member Voyles stated I'll make that motion.

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

Council Member Fenner stated I'll second it.

Vice-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 5-0 Ok, I'll entertain a motion to pay the engineering fees for the Water Main Project on State Road 60, the advertising for the Tax Abatement reimbursement for J.T.L. and the Haas Street, engineering for the Haas Street Project, to widen the street, remove the trees, put the curbing in and so forth. The Haas Street Project is 2532.00, advertising was 194.58, and the water main project was 130.00 even. I'll entertain a motion to pay these invoices to Jacobi, Toombs and Lanz.

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Council Member Voyles stated I'll make that motion.

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

Council Member LaMaster stated second.

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

Mr. Toombs stated Thank You.

Vice-President Eddings stated ok, petitions from the citizens, is that all John?

Mr. Toombs stated yes.

Vice-President Eddings stated Thank You, is Morris Lanham here tonight?

MORRIS LANHAM ADDRESSES THE COUNCIL MEMBERS CONCERNING A RESTURANT.

Mr. Lanham stated good evening, I've just come before the board to let them know that I have signed a lease with Bill Frye and we're going to be putting in a restaurant up there. I just wanted to make sure that the board knew about it. So if there wouldn't be any complaints on it.

Council Member Alexander stated that would be great, there's nothing in there and it's already zoned.

Vice-President Eddings stated it's already zoned, Rod does he have to turn in, does he still have to get all the permits and stuff doesn't he?

Mr. Pate stated yes.

Vice-President Eddings stated it's already zoned but you still have to apply for all the permits and all that type of stuff.

Mr. Lanham stated right.

Vice-President Eddings stated Thank You, ok, Father Paul.

Council Member Voyles stated he's not here.

Vice-President Eddings stated not here, Jason Wherle.

JASON WHERLE ADDRESSES THE COUNCIL CONCERNING WATER BILL.

Mr. Wherle stated you can read this or I can explain it. Basically we had 48000 gallon over usage on water due to a water softener that malfunctioned. My wife's out of work with a new baby. Basically I'm asking for liennessacy or whatever. Basically averaging the whole bill, I've got the figures if you want me to read them to you. My normal bill is around 25 to 35.00. last, during September I used 5500 and the bill was 24.19. My bill that I will recieve for the October billing 48,600, 265.10 which is substainally more than I normally pay. I talked with Tim Crawford with EMC and they said that they can average the sewer, but that still brings the bill to \$106.37 which is still 3 or 4 times what I normally pay, which is not budgeted, not planned for. If

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you average both of them, we're looking at about 34.60 which is within my means and that's what I'm asking for.

Vice-President Eddings stated did you get the water leak fixed?

Mr. Wherle stated yes, I turned the value off, the water softener had been disconnected for several months. We thought we had it turned off, but apparently it still had another valve running into it. It ran to a floor drain, out to the back yard and we never knew it was leaking or anything.

Vice-President Eddings stated ok, I'll entertain a motion to average the water and the sewer bill.

Council Member Voyles stated I'll make that motion.

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

Council Member Alexander stated I'll second it.

Vice-President Eddings stated I'll second it.

Vice-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 5-0 Give your bill to that gentleman right there with the gray sweater on. Mike Cozzin.

MIKE COZZIN ADDRESSES THE COUNCIL MEMBERS CONCERNING EASY-EYE ADVERTISING.

Mr. Cozzin stated yes, I'm the owner of Easy-Eye Advertising, Bench Advertising, which I have done business with the town. I was here last year to present you all with a new contract and evidently it got lost, But, I have, I have talked to Perry about it, the only change with this contract and the other contract is 6 years, instead of 5 years. I want it retroactive back to 1999. I talked to Linda and she went back through the files and everything and I just want to go ahead tonight and present the contract and everything. Perry had it, do you see any problems with it Perry?

Attorney McCall stated it's just like the one before.

Vice-President Eddings stated I'll entertain...

Council Member Fenner stated I'll make a motion that we accept this contract retroactive to January 1st, 1999.

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

Council Member Voyles stated I'll second.

Vice-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

Mr. Cozzin stated Thank You.

Vice-President Eddings stated ok, Harrison Group.



AGREEMENT

Agreement made this 15th day of January, 19 99 between the Town of Sellersburg, Indiana, by and through the Town Council hereafter referred to as the "Board" and the E-Z Eye Advertising Company of Indiana. The Board hereby grants to the Company the exclusive right to place benches within the Town of Sellersburg, Indiana; benches for the use of the public, which benches may contain advertising there on as may be approved by the "Board".

This agreement shall continue for a period of six (6) years from date of this agreement. The Company shall pay to the Town of Sellersburg the sum of five (\$5.00) dollars per bench annually for advertising placed on said benches.

The Company hereby covenants and agrees not to assign this agreement without written consent of the Board, not to place immoral or offensive publications on said benches; to maintain and keep said benches in good repair, to carry sufficient liability insurance to protect and save harmless the Town of Sellersburg from any claim for personal injury or property damage of any kind which may arise from the placing of said benches within the Town and to completely and totally hold the Board harmless from any claims, lawsuits or damages of any type or nature which may arise from placing said benches within the Town of Sellersburg. The Company shall provide a Certificate of Insurance demonstrating liability insurance in an amount no less than one million (\$1,000,000.00) dollars and shall have the Town named as additional insured.

The Company shall provide a list of the locations of said benches to the Board annually and said benches shall be constructed of materials equal in appearance and the bench will not be any longer than six (6) feet in length.


It is expressly understood by and between the above parties that this agreement shall not in any sense amount to an endorsement by the Town of Sellersburg of any advertising placed upon said benches and further that the granting of this privilege shall not be an endorsement of the Company.

Violation of the terms of this agreement shall constitute a breach, which makes this contract violable at the option of the non-breaching party. In the event that a non-breaching party incurs any expenses, including, but limited to court costs or attorney's fees, in an effort to have this contract declared to be breached or to enforce any right under this contract the breaching party shall be responsible for those expenses.

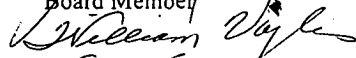
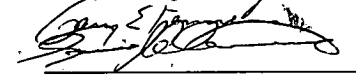
Town Council
Sellersburg, Indiana



President of the Board



Board Member

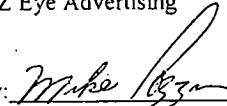



Board Member

Attest:

Clerk-Treasurer

E-Z Eye Advertising

By: 

Mike Cozzin

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HARRISON GROUP ADDRESSES THE COUNCIL CONCERNING WATER AND SEWER AND ALL THAT GOOD STUFF WITH OUR PROJECTS.

Clair Patenaude stated first of all, Virgil normally represents us, but he is concerned about a conflict of interest, he has withdrawn as our representative. I would like to suggest that we try to figure out away to resolve the water and sewer and all that good stuff with our projects. Perry McCall has had the benefit, unfortunately you all haven't. This is as circulated to you all a couple of weeks ago, with the exception of the last two paragraphs on page 1. What we are proposing is, since the water doesn't seem to be resolvable whether we need the 8-inch loop, or don't need the 8-inch loop, We are and there are so many loose ends out there we took the liberty of contacting 3 bidders based on the drawing that John Toombs and Boyce Adams had done. We took bids on putting in that waterline. They are very informal bids because there was not a great deal of time. Southern Indiana, Dave Broady sent me a hand written bid approximately 19000.00 excluding the stated permit fees and excluding any special interruption value that had been recommended. I got a verbal bid from Estes over the phone and it was \$25,000.00 and that also excluded those same items. The 3rd bidder did not have time to prepare and it has been suggested that I contact L.D. Rice, which I will do. Regardless, to try to move forward quickly, we are suggesting, we had made an offer that we would pay 10,000.00 toward the system. At that time it was very up in the air what it was going to cost. We are suggesting that we reverse it. We're asking the town to commit a total of \$15,000.00 which is less than you all anticipating paying. We will pay all the rest. Now we may get burned. It may cost us more than the 10,000.00 we said we would kick in. It may cost us a little less. We're just trying to take a fair minded figure and say can we move forward. As I say I'm, I had some meetings today and following those meetings, put this proposal together and in it's present form and faxed it over to Perry who who at least had the opportunity to look at in terms of his legality.

Attorney McCall stated I got it this afternoon about 4:45 and I had a chance to look at it and it speaks for itself in regards to what's required.

Council Member Alexander stated do you know how many private hydrants you will have over there?

Ms. Patenaude stated I do not know now I do know, I talked to Paul Primavera and John Toombs today and relative to both the water and sewer we are totally comfortable doing that which is recommended. We're not trying to shave anything. I think it's one or two but we're not sure.

Council Member Alexander stated the reason I'm asking is because the private hydrants, and they will be paying an annual fee of, I think it's 400.00.

Ms. Patenaude stated I think Linda Schafer said it was 400 per hydrant per year.

Vice-President Eddings stated Tim where do we stand on Capital Improvement Funds for projects? I know we've got the ponds being done and the Water Tower Project.

Mr. Crawford stated I have not heard a final figure on the water tower itself. The lagoons are going to consume approximately 1/2 of the Capital Improvement Funds.

Council Member Alexander stated If this is something that could be considered to make it do where it could come out of the sewer we could draft it so it would read 15000.00 toward the sanitary sewer line and let them assume the whole cost of the water line.

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Ms. Patenaude stated that wouldn't matter to us.

Council Member Alexander stated it's still the same. They have to put, they have to rebuild the sewer system, plus they have rebuild the water system. Whenever we give the 15000, I know it doesn't make any difference to them.

Vice-President Eddings stated but it does to us.

Council Member Alexander stated right, I mean if it would make it more comfortable since it's more readily available.

Ms. Patenaude stated the rough estimate on the sewer cost, just for your information is between 35 and \$40,000.00. We are waiting to get, we can't get that refined until, I think as of today, Paul and John Toombs pretty much got together what is going to be required.

Vice-President Eddings stated ok, if that's an option, what does the board feel, I wouldn't, myself I would much rather see any funding that we do toward the project be taken out of sanitary sewer and not out of the Capital Fund.

Attorney McCall stated this is just an agreement to do that and you can determine where you are going to take the funds out of at a later meeting. My understanding is based on reading this and talking with Clair briefly this afternoon was the town will not have to bid, will not have to have a time delay in that regard and their project will be able to go forward quicker with this agreement.

Council Member Alexander stated I think it would have to be rewritten in order for it to come out of this.

Attorney McCall stated you would have to pass an ordinance whichever way you do it.

Ms. Patenaude stated well I, perhaps if you're more comfortable with it, I'll go ahead, it just says...

Council Member Alexander stated you still have to pass.

Attorney McCall stated you have to pass an ordinance to take the funds out of where ever you are going to take the funds out of to do this project.

Council Member Alexander stated right, it's pretty...

Attorney McCall stated it says for a Water Project I mean, if you want to enter a contract with the sanitary sewer (Tape Stops)

Council Member Fenner stated that the sewer tap in fee and the other hotel was on it's own.

Ms. Patenaude stated our understanding was we wrote two separate checks. Our understanding was one check was for the Cracker Barrel the \$12000.00 check and the other check was for a hotel development, which was two phases, the same brand of hotel or potentially two hotels. That had been our understanding.

Council Member Fenner stated I disagree, the agreement reads specifically saying you

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know the sewer tap-in fee for Cracker Barrel shall be \$12,000.00. Sanitation and sewer tap-in fee shall be assessed for the hotel shall be \$8,000.00.

Mr. Crawford stated I, excuse me, I don't mean to interrupt was that assessment made, was that \$8000.00 fee based on usage rate of a 150 room unit?

Council Member Fenner stated it was based on a total of 20,000 gallons per day. Where does that put us, do you know?

Mr. Crawford stated that's a large amount of flow. That sounds like it would be probably, I'm speculating here, I've not seen the agreement myself, but it sounds like it would be around 150 rooms. But it sounds like to me, once again speculation on my part.

Council Member Alexander stated the first plan through the Planning Board was for 150.

Council Member Fenner stated I wasn't privy to that, but I...

Mr. Crawford stated was the original agreement written up for two taps?

Council Member Fenner stated pardon.

Mr. Crawford stated was the original agreement written up for two taps?

Council Member Fenner stated it was written up as one tap for the Cracker Barrel, one tap for the hotel.

Mr. Patenaude stated and we wrote both checks at the same time.

Council Member Fenner stated that was a, I mean, I really, I don't think it was intended for both of those hotels. But I will go along with the rest of the council if you guys want to run this thing on through.

Ms. Patenaude stated my understanding was, it was for both and I know you all, because you all did the flow and if you're saying the flow is more appropriate for 150 rooms then I'm inclined to think...

Council Member Fenner stated Clair, I'm sorry, the 20000 was for both the restaurant and the hotel. Ok, so we're talking, so you're talking 20000 for two motels and a restaurant.

Mr. Crawford stated I don't see how you can sit and speculate \$8000.00 for the tap fee for the hotel alone. Once again, I can investigate that and get back with you on it.

Council Member Fenner stated like I said, I don't want to cause a problem to hold it up but...

Vice-President Eddings stated ok, sounds like we've got two separate issues here. The water line issue, I think it is something we need to have resolved tonight, this is another issue that we need to look into and check out. Unfortunately I think it's all part of the same agreement. What would just a vote to...

Attorney McCall stated you can agree to accept it and delete additional tap-in fee and

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it's subject to modification to the tap-in.

Vice-President Eddings stated ok.

Attorney McCall stated because you got, that's the only thing basically that was raised.

Vice-President Eddings stated subject to review and possible modification of tap-in fees.

Attorney McCall stated the town agrees to say 15000.00 subject to modification of paragraph 1,2,3,4,5 regarding tap-in fees, impact these for water service. If they agree to do that then you can modify that. If they agree to modify that. If they agree to modify it since she represents the Harrison Group, then the town accepts that.

Ms. Patenaude stated I agree to that modification in review as relates to the water, excuse me, as relates to the sewer tap-in fees. Yes sir.

Vice-President Eddings stated ok, alright.

Attorney McCall stated the issue of additional tap-in fees to be determined at a later date.

Vice-President Eddings stated do you write that down on something to be signed.

Attorney McCall stated well, we might as well since we, the town council minutes, we have trouble finding what we, I'll write it.

Vice-President Eddings stated go ahead and write it and then we'll vote on it.

Ms. Patenaude stated perhaps we can specify for the 2nd hotel development that later we don't think that we needed this.

Council Member Alexander stated John left me a note that he said it is not a subdivision you still need a site plan that shows the...

Ms. Patenaude stated we're working through that, I've have a second little letter, once we get this resolved and so John Toombs did leave a letter.

Council Member Alexander stated yes he did leave a letter.

Ms. Patenaude stated ok, and I have a letter from Paul Primavera, his opinion is also the same.

Council Member Alexander stated ok, it says Paul Primavera knows what to do.

Attorney McCall stated what I've changed is this agreement does not determine if a sewer tap-in fee will be required for a subsequent hotel development. The parties acknowledge that all tap-in fees have been paid for the initial development which includes the first hotel phase, of the first phase of the hotel and the Cracker Barrel.

Vice-President Eddings stated ok, while he's finishing that you want can we go ahead and vote on it?

Attorney McCall stated yes.

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Vice-President Eddings stated ok, I'll entertain a motion to accept the clairification agreement with the Harrision Group and the Town Of Sellersburg as it is presented with Perry's modifications.

Council Member Alexander stated are we changing the line where it says providing the Town Of Sellersburg agree's to pay for necessary engineering for the sewer line.

Council Member Fenner stated the agreement says water line, you need to change it to sewer.

Attorney McCall stated sanitary sewer, as amended. This agreement does not determine if a sewer tap-in fee will be required for a subsequent hotel development. The parties acknowledge that all tap-in fees have been paid afor the initial development whcih includes thefirst hotel phase or the first phase of the hotel and the Cracker Barrel. The amount of any additional tap-in fees will be determined at a later date pursant to the Town Of Sellersburg's schedule for the tap-in fees.

Ms. Patenaude stated I may have listened too quick. Did you say, did you clearly referance the water fee so we don't get it confused with the sewer or did I listen too fast?

Attorney McCall stated no we're going to put that in here.

Ms. Patenaude no, I mean the future discussion on tap-in fees.

Attorney McCall stated right.

Ms. Patenaude stated does that specifically relate to water, the way it's written?

Attorney McCall stated do you want it to relate to water only.

Vice-President Eddings stated no, we want it to.

Ms. Patenaude stated I mean, to relate to sewer only.

Vice-President Eddings stated sewer only.

Ms. Patenaude stated ok, Thank You.

Vice-President Eddings stated ok, I'll still entertain a motion to accept the agreement with Perry's modification.

Council Member Voyles stated I'll make that motion.

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

Council Member Fenner stated I'll second it.

Vice-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 5-0

Ms. Patenaude stated ok, Thank You, I'll be out of here in a minute, I promise. This is just a request for a clairification from the town after talking to John

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Toombs and Perry today as well as meeting with Boz and the Fire Chief and it seems as though we just need a little directive of exactly what we can provide, or what the town wants us to provide and I talked to Paul at some length also about it and quoted him in the 2nd paragraph at the bottom. The 3rd paragraph from the bottom.

Council Member Fenner stated ok, that paragraph reads if it was ruled a subdivision they would have to provide what we're asking for there but since it's not a subdivision it's not necessary that they provide that information.

Attorney McCall stated that's the question, we've been dealing with, if it's a subdivision type project which...

Council Member Fenner stated I was just basing it on what John Toombs says it's not a subdivision.

Attorney McCall stated I haven't talked to...

Council Member Alexander stated John has left, but he has discussed it with Paul, right?

Mr. Primavera stated we talked at some length.

Council Member Alexander stated and these were just the notes he dropped off to me.

Mr. Primavera stated what's it say?

Council Member Alexander stated he's just got, number one, it's not a subdivision, and we also have something from Paul also.

Vice-President Eddings stated ok, Boz is there a difference on what's required for the subdivision or what would be for commercial developments?

Mr. Adams stated there are a few differences, not a whole lot. I've got the subdivision requirements out in the truck if you want me to get them and show you what I'm basing that on.

Vice-President Eddings stated but I mean, should we be basing it on subdivision? I mean, is it really...

Mr. Adams stated yes sir it is, when they vacated the street for, when they vacated Triangle Drive it turned it into a ... and...

Vice-President Eddings stated and that makes it a subdivision?

Mr. Adams stated yes, that's what the guidelines for the Town Of Sellersburg say. That's the way I understand it. I'd be happy to go out and get it and let Perry take a look at it and see.

Mr. Pate stated excuse me, Mr. Chairman could I address the board for just one moment.

Vice-President Eddings stated yeah.

Mr. Pate stated the reason we are in this today is because we never had a site plan. Had a site plan been presented to the Town Board they would have been able to address

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the water problem, they would have been able to address the sewer problem and you guys would not be in this mess because the Planning Commission never saw it, you guys never saw it so in essence you're shooting blanks. Now my definition of a subdivision is when you buy a group of property, vacate a street build a new street, you know, they are developers. Their clients are developers and when you break up an area you're subdividing it and had the lines remained the same everyone of those properties remained the same and the street had remained the same, then no it is not a subdivision. These are pieces of properties that were bought and sold. So once you changed those lines you are subdivided and it becomes a subdivision. We don't, at the courthouse there is no record that the road was even changed. And if Mr. Primavera does not deem that this is a subdivision I would like Mr. Primavera to define to me what is a subdivision.

Council Member Fenner stated Rod, have you or Boz talked to John Toombs about this particular issue?

Mr. Pate stated it is very difficult to talk to anyone because there is nothing to talk about. If it's not on paper then it's impossible to talk about it. Everything is suggested.

Vice-President Eddings stated ok, so where, right now, do we have site plans for the immediate hotel that is being put up?

Mr. Pate stated no, we don't have site plans for anything yet.

Ms. Patenaude stated excuse me, I think...

Mr. Pate stated we had a meeting this morning with Clair and she agreed that there is no problem once she addressed the problem with the water with you guys then she would address the site plan..

Ms. Patenaude stated right, following that conversation I called Paul Primavera and John Toombs to try and execute what had been requested of me. I was advised that we can't put on a master site plan, first of all, it isn't appropriate, they did not think because it is not a subdivision, you can't put on a master site plan what is going on a piece of property yet to be developed because we don't know what's going to go on it. We don't know if we're going to sell it off. We are projecting that is probably going to be a 70 room or smaller hotel, or perhaps a restaurant but nothing is committed and so when I asked them about getting something on paper I was told well Clair tell us what it's going to be and we'll get you something on paper. So that's the problem I ran into when I tried to comply with our meeting..

Mr. Pate stated this is, if the board and my prediction if they saw a full site plan and it may not come true, it's just a proposal, tonight what you are proposing to the board is you guys are going to build another hotel there. For example if you're going to build another hotel there if there is not adequate water then how are you going to build another hotel? It's like how do you plan when you don't have a plan. And that has been our contention from the beginning. How do you plan without a plan? Even tonight I hear we are planning a Cracker Barrel, a hotel and a water tap. You know, Gary's questioning it, I'm not making acousticiations or making whatever. It doesn't matter, but still one should plan what they are going to do. The Planning Commission is what it implies. It is the Planning Commission. If you do not have a plan of what you plan to do, if you want to keep this in the air and then at the last minute say we're going to put

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a 400 room hotel there. There's not adequate sewer, there's not adequate water, you know, what do we do then.

Ms. Patenaude stated we have always specified that it would not be more than a 70 room motel. The other most likely will be a restaurant. However if Paul says that he can comply with your wishes and do a site plan, a utility plan. I guess that is what's the difference. He will be more than happy to do a master plan. My second answer to a earlier question, comment and question that I think there is some misunderstanding on. As far as the Ramada Hotel is concerned as stated in my letter that I just handed out a full site plan, utility plan, foundation plan, all of those pieces in total were handed over by myself to Boz and John Toombs as related that track of property and that hotel development, right Boz?

Mr. Adams stated yeah, I've got a set of plans on the hotel, I don't have the released ones but they are going to be the same. The whole development is what came in question.

Vice-President Eddings stated can permits be issued on site plans for specific things like just the hotel and the other part is just out in no-mans-land until site plans are developed. Or, if you issue a permit, does that mean that you got that hotel you got the site plans, does that mean they can do whatever they want to? Does more site plans have to be issued before the development?

Council Member Alexander stated if they go to develop the empty lot then they will have to issue another site plan. But what they are talking about is a subdivision.

Mr. Pate stated this is our contention all along, if they were going to treat this as a individual property and not do a site plan then each piece of property should come back before the Planning Commission so we can make a recommendation to this board. Again she said 70 rooms and then we hear 150 rooms.

Ms. Patenaude stated 150 total.

Vice-President Eddings so what we're doing I think is we're by passing the Planning Commission for each new step of the project is that what we're doing Rod?

Mr. Pate stated you have to pick one or the other, are you a subdivision?

Vice-President Eddings stated Chief.

Mark Ball stated I've heard opinions about who thinks what it is, whether it's a subdivision or not. I'd like to know what the Town Attorney's opinion is. His opinion is about as valuable as anybody here.

Attorney McCall stated my opinion, huh, I don't know what my opinion is, that's a good one. Reading what the letter from Clair is today, what's been submitted my question is back to the Building Commissioner is what is the necessity for an overall site plan if the project has been done in phases with the town council and has been submitted to the town council in phases, one, Cracker Barrel. The second project is regards to the hotel and then the proposed third project. If there has been a site plan submitted or has been sent to the State and has been approved and sent back for this one project that we're dealing with now, what is the necessity for the whole site plan for the project? And that would be my question. If they comply with that part of it.

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Mr. Adams stated there has never been a formal presentation other than, what was it, the last meeting, the meeting before last that you bought the site plans in for the hotel.

Attorney McCall stated and again, I'm going back to the other things that have gone on in the meantime, you've talked and submitted to John and submitted to Boz and that type of thing. Bottom line, what, I don't know, what do they need to do for you, Boz at this particular point, from the Building Commissioner to the town to get them on track. Because obviously they want to come here, I assume because she's here again tonight. What do we need to do, what does she need to do to do that? I guess is the bottom line.

Mr. Pate stated we addressed that this morning and I thought we were in agreement but I guess Clair thought it was easier to get the opinion than the site plan.

Ms. Patenaude stated please don't misunderstand, I called Paul Primavera and asked him could we do this and got the response I just reiterated and I called John Toombs and talked to him about it and he said they're not a subdivision, Paul and I have worked out the overall sewer system. Can we do this because I don't want to, I'm not up here to argue or settle principle. You raised a question a moment ago when we do the last phase which is the old Andres Property. When we do it or we sell it off and somebody else does it, are we just going to by pass everybody and do our thing? Of course we're not, can I propose or sign a letter saying that when it comes time to develop that, that we will of course present it and request and get it approved in advance and move forward. But in the meantime, can we move forward and also in the meantime certainly we'll ask Paul to do the utility layout and anything else that he reasonably can do to meet your requirements. Is that fair enough?

Mr. Pate stated I don't think we should approve something, when they sell the property, I think you should wait until they develop the property and then present it to the board and let them see if everything is accurate.

Ms. Patenaude stated we don't intend to sell it, we intend to develop it later.

Mr. Pate stated the whole key Clair to this whole this whole thing was to make sure the infrastructure has adequate water. It's like I told you this morning if the site plan had been presented to the board so everybody could see what you're building and then they could make a recommendation to the Town Council, the Town Board could have taken it to John Toombs and get a professional opinion from him. And if he ok'ed it and the town ok'ed it, bang, run with it. But what we've done is piece mill, and nobody is cooperating. You know it's like you know this hand does not know what this hand does not know what his hand is approving. Right now, now the town is in here for paying 15000.00 you know, to go ahead and rectify the problem. And I, in respect they are saying hey, we gave our word so now we're going to go ahead and bite the bullit and go with it. And then Gary says that and I read the same thing, we've built the Cracker Barrel, now we find out if two hotels and a Cracker Barrel. We need to get some, we need to find out what is going on here and are the tap-in fees. I think there is alot of unknown verbals in this thing here. And I think it could have been eliminated had we used a little bit of planning in the beginning.

Ms. Patenaude stated I don't, it wasn't intentional on our part. I'm sure it wasn't intentional on the town's part. If we get a total utility layout on the whole property.

Mr. Pate stated and designate where the street is at, because again, this needs to be

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recorded at the court house. This street does not exist and if you guys vacate a street it doesn't exist anymore. As far as the county and city is concerned it does not exist. As far as they are concerned it's private.

Ms. Patenaude stated that's a private road now.

Mr. Pate stated ok, yes, but someday as soon as this...you know that I know the first thing you guys want to do is get rid of this raschal.

Ms. Patenaude stated no, actually no we won't, but I can see where you're coming from you know its that thought process, but we actually, its become an intrical part of the Ramada.

Mr. Pate stated well let me ask you this question if you guys was selling if off piece mill, whose private drive is it. Is it the BP's?

Ms. Patenaude stated no.

Mr. Pate stated is it the Harrison Group?

Ms. Patenaude stated no, the front in, the only part the town vacate, the town vacated the part way down into the hotel property. The front part of it the town did not vacate the part by the Dairy Queen and the BP and the front enterance to Cracker Barrel. The town did not vacate they think they did the rest of it and we siad we allow to be a true...but it is private and we have to maintain it. And that's why the lay out that Paul Primavera did and it's been approved by the State that's an intrical part and that is part of the Ramada property as far as there right-a-way on that road its the way it's laid out and designed. We won't be vacating that road.

Council Member Fenner stated Rod can I ask a question?

Mr. Pate stated sure.

Council Member Fenner stated you know this is out of my own ignorance. Uh, when something comes before Planning and Zoning to be rezoned such as that area, was you know was rezoned. Then when its been rezoned and they fall within the perimeter of the proper usage do they have to come back everytime they want to you know to, to, to build something on that property or do they just have to go get the permits through the Building Commissioner?

Mr. Pate stated actually, actually Gary it was never resolved, it was never resolved. It was already zoned B-3.

Council Member Fenner stated all of it was zoned B-3.

Mr. Pate stated yeah, so initially when they 1st project they came before the Planning Commission.

Council Member Fenner stated ok.

Mr. Pate stated if there going to do piece mill it is not a subdivision then yes because again how do you know what's going in there. Do you know, an individual builds this 150 room hotel, and it's 8 stories high and you guys do not have the adequate water to supply this and they turn around and sue you because of your

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incompetance because you didn't furnish the water.

Council Member Fenner stated ok, alright so that is, I mean I guess...

Mr. Pate stated the liability lies with you guys if you let people go ahead. So yes if it's going to be piece mill then it should each time should...

Council Member Fenner stated my question was I guess the distinction between the responsibility of the Planning and Zoning and the Building Commissioner. Uh, whether or not it was necessary to go back to Planning and Zoning or whether they just had to meet the guide lines of the Building Commissioner.

Mr. Pate stated if it is zoned again this is why we initially wanted a site plan and we in advacted a site plan form the beginning. And why the Harrison Group is determined not to give a site plan is beyond me. Because again you guys we merely make a recomendation to you guys but you guys can not plan on what's going there if you don't have a site...infrastructure. Because this is what we got ourselves into tonight, now this is why the water is not adequate. And then if they build another hotel there is it going to be adequate and how big is the hotel so, yes typically in a piece mill like that they come before the Planning Commission a total subdivision which they say there not if it is a total subdivision then it is totally approved one time and that's it, and then they run with it.

Vice-President Eddings stated which can't be done because see we don't have a site plan for the overall project. So everything has to be done in piece mill, one at a time..

Council Member Alexander stated just for clarification they did send something to the Planning Board that was recomendated to the Town Council that did state that they were going to build motels and that's when we talked aobut...

Mr. Pate stated that was an etcetera there, you tell me what an etcetera is?

Council Member Alexander stated well I mean...

Mr. Pate stated they say Cracker Barrel.

Council Member Alexander stated and...

Mr. Pate stated purpose hotel's and etc..now I don't know what etcetera is. Ken maybe you can tell me what etceter is?

Council Member Alexander stated no, I'm not arguing with you Rod. I'm just saying that was talking through that was presented to the Town Council, the Town Council then took two months set down...

Mr. Pate stated the only thing, the only thing the Planning Commission, Planning Commission approved was Cracker Barrel. They purpose thats the only thing they brought us was Cracker Barrel. And they said in the future they were going to build hotel and etc.

Council Member Alexander stated right, I'm agreeing with you ok...

Mr. Pate stated alright.

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Council Member Alexander stated ok, let me finish ok. When they brought that threw in there it was not a mystery that they were looking at bringing motel's. It states in there that there was going to be a motel and they went through the process of explaining because there might be one might be two might be one that set's across Triangle Drive they spent two months with Mr. Fenner, Mr. Broady going over, this is what we need to have to make this development work. And then it came to the Town Council and we made it an Economics Development Area in order to get the Tax Abatement. I'm mean you know everybody keeps presenting this like we look at it one day and approved it the next day, and that was not what happen. It did go through the process, were we probably should of stopped the process is when Cracker Barrel was first being purposed if we were going to make it a subdivision that was the day we should of said it's a subdivision not after the Cracker Barrel was built and then the BP was built and now were on the third phase and now all of a sudden we want to call it a subdivision. If we were going to do that, you know you learn through this job we've been here 5 years and probably the next property that comes through the Planning Board they'll probably make it a subdivision to start out with. But we did we let it go on for almost two years and now were two years three were putting a motel in we've had numerous discussion for 2 or 3 months you know, Planning should of be done with Cracker Barrel.

Mr. Pate stated the only thing that came before the Planning Commission was this the Cracker Barrel. They said they intended to build a motel and etc.

Council Member Alexander stated but it was still part of the subdivision that you all are referring to....

Mr. Pate stated no, we're merely making a comment. You know China plans on putting...

Council Member Alexander stated I understand that but...

Mr. Pate stated this is planned but a lot of times plans do not come to the reality.

Council Member Alexander stated if the Cracker Barrel was part of this subdivision then the whole site plan should of been developed from day one.

Mr. Pate stated absolutely.

Council Member Alexander stated not day three.

Mr. Pate stated absolutely.

Council Member Alexander stated ok.

Mr. Pate stated Ken we would not be in the position...

Council Member Alexander stated exactly, but let's get the process, I mean I keep watching that we weren't doing everything we could. I don't think we were being maybe as precise as we should of been.

Mr. Pate stated Ken, I said we cannot plan unless we have a plan.

Council Member Alexander stated exactly.

Mr. Pate stated and we've never had a plan, you guys never had a plan...

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Council Member Alexander stated yet we still approved, and I think, I mean we still approved two sections of this property. We approved the BP Bank, we approved the Cracker Barrel and the back side of the property. I just don't see, I mean yes I agree with you the next property they get done like this should be called a subdivision, get it all done up front. But I just can't see stopping half way with you know what's going there they got a site plan for one they can draw us a line as far as imaginary, of well we except the sewer and water and electric to come in here and it could be totally different.

Mr. Pate stated and then again you know when Clair does the work can we go ahead and... the other motel but we don't know if were going to build a hotel but we would like to get it approved for a hotel tonight. That is you just can't put a lid on it and send it off you know.

Council Member Alexander stated but they will have to bring a site plan in for that property when it comes open.

Mr. Pate stated I would hope so.

Attorney McCall stated well hold on, let me, I'm taking some notes. The question becomes are we classifying as a subdivision or not as a subdivision is that number one? In the classification now if it's classifying as a subdivision what does the Building Commissioner need for them to move forward? As soon as possible would that be an overall site plan?

Mr. Pate stated this overall site plan...

Attorney McCall stated overall site plan, ok if it's not classified as a subdivision what does the Building Commissioner need from the Harrison Group to move forward.

Mr. Pate stated if it's not a site plan.

Attorney McCall stated if it's not classified as a subdivision.

Mr. Pate stated if it's not classified as a subdivision, well you guys approved this hotel I assumed haven't you?

Attorney McCall stated approved way back.

Council Member Voyles stated approved a long time ago.

Attorney McCall stated long time ago.

Council Member Fenner stated the sewer tap-in has been paid for 2 1/2 years.

Vice-President Eddings stated and does Boz have the site plan for the one hotel do you have everything it takes to build the one hotel?

Attorney McCall stated if its not classified as a subdivision whats needed today for them to move forward.

Mr. Pate stated if its not a subdivision since the hotel has been approved they don't need anything. If they got adequate water.

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Attorney McCall stated the issue about the water.

Mr. Pate stated once they get that issue resolved then they need nothing. But you know in the future they want another hotel there then again the problem should be addressed.

Vice-President Eddings stated and they should go right back to the Planning Board first.

Council Member Voyles stated go back to the Planning Board first.

Attorney McCall stated so to get it clear the overall site plan regardless if we believe it's we were asking it, need to be done for them if there going to classified as a subdivision.

Mr. Pate stated I would think this board we want it, yes.

Attorney McCall stated right, right I'm just trying, and this is just trying to figure it out and to move it along because obviously there, there and were here and we need to try to get it done.

Mr. Pate stated we had a meeting this morning Perry and this is exactly what we told Clair. You know the only thing you guys can do is address the water problem with the State and iron it out get a site plan.

Attorney McCall stated well, and again I think...over all site plan verse site plan maybe thats were the distinction lies.

Ms. Patenaude stated utility.

Mr. Pate stated the utility plan.

Attorney McCall stated right, so the utility plan submitted and lets just say for the benefit of the argument it's clasified Boz say's residential in nature and that needs to be submitted and then they can move forward. That's what you need to see as soon as possible.

Mr. Adams stated yes, that should get it, you've addressed everything else here, we'll get an idea and then we'll...

Attorney McCall stated then I need to make a determiation based on reading our town code whether are not it falls in residential or non-residential. Is that what you ask me to do?

Mr. Adams stated no, it was subdivision or non subdivision.

Attorney McCall stated excuse me, subdivision or non-subdivision.

Mr. Ball stated that's what I ask you to do your opinion. Your opinion...

Attorney McCall stated then I'll read it.

Mr. Ball stated you should be the one to make the call. I hate to say the buck stops here. But it slides down to you this time, I think.

Attorney McCall stated I'll read it then, I'll reat it tonight if you want me to.

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Ms. Patenaude stated ok if you read it I just want to be sure before we leave here and I know what were doing. If you read it and you say no I don't think it's a subdivision what else do I need to provide the Building Commissioner to get going.

Attorney McCall stated and what was just said an overall site plan utility plan, whatever you want to call it to be submitted to the Building Commissioner.

Ms. Patenaude stated if it's not a subdivision?

Attorney McCall stated if it is a subdivision.

Ms. Patenaude stated right if its, first question. If it is not in your opinion a subdivision what else do I need to provide.

Attorney McCall stated then I believe it's been fully approved the whole package and you can go forward. Subject to the water restriction.

Mr. Adams stated if it's not a subdivision then the Planning Commission needs to see the entire package on the building site.

Attorney McCall stated which is...

Mr. Adams stated I've got it.

Attorney McCall stated which is what you've got.

Ms. Patenaude stated so.

Mr. Primavera stated whether it's a subdivision or not, if we provide a site plan it wouldn't make any difference.

Attorney McCall stated no, lets just do that.

Ms. Patenaude stated ok, but, now Boz is saying something all together new.

Mr. Adams stated I was saying the same thing. If it is determined a subdivision then each individual project have to go before the Planning Board.

Ms. Patenaude stated I have to...

Mr. Adams stated I'm suggesting to get the utility plan and go ahead and have it in place.

Attorney McCall stated but.

Council Member Alexander stated I'm confused now, if we make it a non-residential subdivision, she'll have to get on the agenda for the Planning Board in order to get approval there and then go to the Town Board for approval for the site plan.

Mr. Adams stated if it's an individual project then each one gets looked at.

Council Member Alexander stated so, she would have to get on the agenda and go through the letter writing.

Attorney McCall stated and that's with the next phase that you want to make this

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determination whether or not it is residential or not-residential.

Council Member Fenner stated but regardless, right now all they need is the utility plan.

Attorney McCall stated which they are going to provide.

Ms. Patenaude stated I want to make sure when we walk out of here then tomorrow there be some confusion. I'm not hearing the same thing from Boz that I'm hearing from Paul and other people.

Council Member Alexander stated I'm not either.

Ms. Patenaude stated and I think it's impearitave from our point of view.

Council Member Fenner stated all right, the question is if you do a utility plan, where does that plan go to. Does it go to Boz or does it go to the Planning Commission?

Attorney McCall stated my understanding is they are going to provide it regardless of what the determination is tonight. All right, and then we're going to look at it.

Mr. Adams stated if it is the boards pleasure and they provide us with a site plan, I'll call Rod and we can take a look at it and give you all a copy. If everything is stroking on the utilities then...

Council Member Fenner stated Mr. President, May I make a motion.

Vice-President Eddings stated yes.

Council Member Fenner stated I'd like to move that we approve the, that we give permission to the Harrison Group to proceed with this motel development subject them providing the utility layout to Boz and Rod approving it.

Mr. Primavera stated and Mr. Toombs.

Mr. Pate stated John needs it and he will present it to the board and you guys to approve it.

Council Member Fenner stated but I thought you guys wanted it.

Mr. Pate stated we've insisted that this be done. I personally don't want it, I want it for you guys and to give to John Toombs and let John Toombs look at it so he can advise you.

Attorney McCall stated well, part of issuing the permit, that is going to happen.

Council Member Fenner stated it's still going to go to Boz anyway. Subject to the approval of John Toombs and Boz Adams.

Vice-President Eddings stated ok, I've got a motion on the floor.

Council Member Fenner stated repeat it, would you?

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Vice-President Eddings stated no sir, do I have a second?

Council Member Voyles stated I'll second that.

Vice-President Eddings stated second by Bill, any further discussion? If not, all those in favor signify by saying I, opposed nay. I's have it. Vote 5-0. Now, do we have to vote on this \$15,000.00? I don't think that was voted on.

Attorney McCall stated I think you approved it subject to the contract change.

Vice-President Eddings stated are you sure?

Attorney McCall stated yes, you did and I've got to make these changes.

Vice-President Eddings stated ok, that should take care of your immediate need.

Ms. Patenaude stated ok, Thank You Gentleman, Thank You All and I did not mean to make problems.

Vice-President Eddings stated ok, next on the agenda, Rhodes Machinery.

RHODES MACHINERY/JOHN SELLINGER ADDRESSES THE COUNCIL MEMBERS CONCERNING THE SEWER TAP-IN FEES FOR PROPERTY LOCATED ON BEAN ROAD.

Mr. Sellinger stated I think Mr. McCall has a resolution on.

Attorney McCall stated I have a faxed copy of the resolution there is no number, 1999.

Chief Deputy Shelton stated 56.

Attorney McCall stated 56.

Attorney McCall reads resolution as follows: continue on next page:

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RESOLUTION # 1999-56

**RESOLUTION OF THE TOWN BOARD OF
SELLERSBURG, INDIANA, DESIGNATING
CERTAIN SEWER TAP-ON FEES FOR
PROPERTY LOCATED IN THE TOWN
OF SELLERSBURG ON BEAN ROAD**

WHEREAS, the Town Board of the Town of Sellersburg, Indiana, has previously determined that the certain land ("Land"), owned by Rhodes Construction, LLC, ("RHODES") located on Bean Road, Sellersburg, Indiana, and more particularly described in Exhibit A attached hereto, is designated an Economic Revitalization Area pursuant to IC 6-1.1-12.1, et seq. by Resolution 1999-55, adopted September 27, 1999, modified October 25, 1999, in relation to development of the project ("Project") more particularly identified in the Statement of Benefits attached to said Resolution;

WHEREAS, as an inducement to the Project, the Town Board of Sellersburg has determined to set the total sewer tap fee to be paid by the Project owner and to provide at no cost to the Project certain sewer extension facilities more particularly described below for the Project.

BE IT RESOLVED, by the Town Board of the Town of Sellersburg as follows:

1. The total sewer tap fee for the Project shall be \$1,200, which is based upon an estimated usage of 300 gallons of daily flow.
2. The Town Board of Sellersburg has agreed that Rhodes may tap into and use the public sewer system and at Rhodes' expense may extend a six (6) inch sewer line from the existing sewer manhole nearest the Land, approximately 120 feet to the property line of the Land through existing easements or the public right of way of Bean Road.
3. The Town Board of Sellersburg has also agreed to use its best efforts to assist Rhodes to obtain any available grants to enable Rhodes to recover the cost of said sewer line extension.

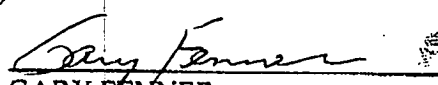
PASSED AND ADOPTED this 22nd day of November, 1999.



JAMES LEMASTER



KEN ALEXANDER



GARY FENNER



BILL VOYLES



AULTON EDDINGS

ATTEST: _____

LINDA SCHAFFER
CLERK-TREASURER

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Council Member Fenner stated I guess we need to ask Tim, 6-inch sewer line, is that what we need?

Mr. Crawford stated yes.

Council Member Fenner stated that will work?

Mr. Crawford stated yes.

Council Member Alexander stated is it to Bean Road?

Mr. Toombs stated the other side of Bean Road.

Mr. Wright stated what if a business on the other side of them would want the sewer service?

Mr. Crawford stated we can put an extention in.

Vice-President Eddings stated if they developed it, they would have to enlarge the sewer line at their own expense if they want it bigger.

Mr. Toombs stated I had made a comment at the last time I was here abut possibly extending it across our property in the event of that, but that was before I found out we were going to have to pay for it.

Mr. Crawford stated for the existing structure that is going in there a 6-inch is fine.

Council Member Fenner stated ok.

Vice-President Eddings stated I'll entertain a motion to accept resolution 99-56.

Council Member Fenner stated I make a motin that we accept resolution 99-56.

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

Council Member Voyles stated I'll second that.

Vice-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

Attorney McCall stated done.

Mr. Toombs stated do I need a copy of that tonight?

Attorney McCall stated I'll see if they can make you a copy in just a minute.

Mr. Toombs stated ok, Thank You.

Vice-President Eddings stated ok, Mr. Kinder.

CHIEF DAVID KINDER ADDRESSES THE COUNCIL MEMBERS CONCERNING TWO THINGS.

Chief Kinder stated I've got two things.

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Attorney McCall stated I got both of them Chief.

Chief Kinder stated ok.

Vice-President Eddings stated Mark, not here. You want to present them now Perry?

Attorney McCall stated at the end.

Vice-President Eddings stated ok, EMC.

EMC/KEVIN WRIGHT ADDRESSES THE COUNCIL MEMBERS CONCERNING REVENUE FOR OCTOBER.

Mr. Wright stated good evening, I have, the treatment plant, the billing office and the water system operated very well for the month of October. We didn't have any problems. I have the revenue for October which is a total of 149,965.70. Also I have a couple of inventory sheets to give to you all.

Vice-President Eddings stated does the insurance people have these?

Mr. Crawford stated yes.

Mr. Wright stated yes, they do.

Mr. Crawford stated those are updated and current.

Council Member Fenner stated and that is part of the request of the State Board of Accounts?

Mr. Crawford stated yes.

Council Member Fenner stated make sure the Clerk Treasurer's Office gets one of those.

Mr. Wright stated also I have an invoice here for a Capital Expenditure for replacing the water meters in the town.

Mr. Crawford stated that is associated with your meter change out program.

Vice-President Eddings stated it's already been approved, right?

Mr. Crawford stated yes.

Council Member Fenner stated how many did you replace?

Mr. Crawford stated 54.

Vice-President Eddings stated I'll entertain a motion to pay the invoice to EMC.

Council Member Alexander stated I'll make that motion.

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

Council Member Voyles stated I'll second.

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Vice-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

Mr. Wright stated I also have an invoice for repair of a pump in the treatment plant that you all approved on October the 11th.

Vice-President Eddings stated I'll entertain a motion to pay the invoice to EMC for the repair of the grid pump at the treatment plant.

Council Member Alexander stated I'll make that motion.

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

Council Member Voyles stated I'll second.

Vice-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.

Mr. Wright stated and last, I'd like to inform all of you that Tim and I went to the Indiana Water Pollution Control Association in Indianapolis last week and recieved for the 3rd year in a row the safety award and to recieve this you have to have a 92% or better score. Out of all the treatment plants in Indiana that we inspected 4 received a perfect score of 100 and Sellersburg was one of them. Which put us in qualification for the prestage work award which goes to one facility in Indiana and unfortunately we didn't get it this year, but the guys are going to work hard and try to get this award next year. We are very proud of our employees, they worked hard.

Council Member Fenner stated I addition to that, I don't have the letter, but appararently, I received a letter from Merle Allen the manager of Indian Oaks Trailer Park, did you get that letter also?

Council Member Voyles stated yes.

Mr. Crawford stated yes.

Council Member Fenner stated give us the names of the 2 of the employees of EMC who represent the town.

Mr. Crawford stated actually it was just Tim Coulter.

Council Member Fenner stated Tim Coulter, ok, one of the residents at Indian Oaks had a fire in her mobile home and she was very panicky and he came to her aid and took care of it before the Fire Department could get there. And they were thanking that employee and the town and wanted us to know about it and we would like to express our appreciation too.

Mr. Crawford stated I will tell him.

Council Member Fenner stated does he know that this letter was sent.

Mr. Crawford stated yes, a copy of the letter is in his file.

Mr. Wright stated ok.

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Vice-President Eddings stated ok, Boz you got anything tonight?

Mr. Adams stated I got site plans from Jesse, down there for the park he's putting in on 31. He started an extention and he has ran this through the Planning Commission. What he is doing, is he is bringing this part of the road into about here and putting the 8-inch water line and the same sewer system that he's got Bob Isgregg is supposed to be getting the complete submission together for the board.

Vice-President Eddings stated ok, I assume John has copies of these.

Mr. Adams stated yes, John has copies.

Vice-President Eddings stated ok, Jim.

Council Member LaMaster stated I don't have anything.

Vice-President Eddings stated Gary.

GARY FENNER ADDRESSES THE COUNCIL MEMBERS CONCERNING ICE, MILLER, DONADIO AND RYAN.

Council Member Fenner stated I've got this one item. We have an outstanding account with a law firm out of Indianapolis named Ice, Miller, Donadio and Ryan. We've had this for a couple of years now and you know I questioned it from, and I still have alot of problems with it because the total bill is like 2600.00. But they billed us something like 882.00 before they billed us that much just to talk to us about whether or not they would work for us or not. They charged us that much for the engagement letter. And to do all this kind of stuff. Anyway, we've gone back and forth with them, I still don't like it, but we need to clear the decks for the new council and I don't want them to have to deal with it. So, you know I'd like to make a motion that we pay this in the amount of 2665.34.

Vice-President Eddings stated it comes out of water, right?

Council Member Fenner stated yes.

Vice-President Eddings stated motion on the floor to pay the invoice to Ice, Miller, Donadio and Ryan in the amount of 2665.34 for the water rate studies.

Council Member Alexander stated I'll second it.

Attorney McCall stated bond issues.

Vice-President Eddings stated Bond issues, ok, I'm sorry. Motion made and seconded any discussion? If not, all those in favor signify by saying I, opposed nay. I's have it. Vote 5-0 Ok, anything else Gary?

Council Member Fenner stated no.

Vice-President Eddings stated Bill.

Council Member Voyles stated no.

Vice-President Eddings stated Perry McCall.

ATTORNEY MCCALL ADDRESSES THE COUNCIL MEMBERS CONCERNING ORDINANCE'S.

Attorney McCall stated ordinance, I need an ordinance number.

Chief Deputy Shelton stated 731.

Attorney McCall stated this is a ordinance regarding Sellersburg Police Department.

Attorney William P. McCall reads ordinance as follows:

ORDINANCE NO. 99- 731

AN ORDINANCE FOR THE TRANSFER OF APPROPRIATIONS REGARDING THE TOWN OF SELLERSBURG POLICE DEPARTMENT

WHEREAS, the Town of Sellersburg Chief of Police has determined there exists a need to transfer appropriations to continue efficient and effective law enforcement within the Town of Sellersburg; and

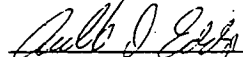
WHEREAS, the Town Council for the Town of Sellersburg has determined that the requested transfer of appropriations is necessary for continued efficient and effective law enforcement within the Town of Sellersburg; and

WHEREAS, this matter was considered in an open public meeting at which the public were invited to attend and participate.

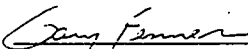
BE IT NOW THEREFORE ORDAINED AS FOLLOWS:

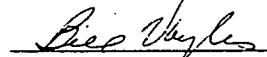
- 1.) A transfer of appropriations in the amount of Two Thousand Five Hundred (\$2,500.00) dollars from Account #354, Heat and Gas to Account #413, Police Radios.

SO ORDAINED THIS ^{22nd} DAY OF ^{NOVEMBER} 1999.


AULTON D. EDDINGS


JAMES LAMASTER


GARY FENNER


BILL VOYLES


KEN ALEXANDER

ATTEST:
LINDA SCHAFFER
CLERK/TREASURER

DATE: _____

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Attorney McCall stated we need to do this on...

Vice-President Eddings stated 2 readings.

Attorney McCall stated well, no, unanimous consent on the first and do it today.

Vice-President Eddings stated what's the ordinance number?

Attorney McCall stated 99-731.

Vice-President Eddings stated 99-731.

Vice-President Eddings stated I'll entertain a motion to accept ordinance number 99-731 on the first reading.

Council Member Voyles stated I'll make that motion.

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

Council Member Alexander stated I'll second it.

Vice-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 5-0 I'll entertain a motion to adopt ordinance number 99-731.

Council Member Voyles stated I'll make that motion.

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

Council Member Alexander stated I'll second.

Vice-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 5-0.

Attorney McCall stated ok, the Chief bought this up at that last meeting, they have two police cars that they desire to sell, and they have entered into negotiations with Utica Fire Department. I have resolution 99-57 to sell the two 1994 Crown Victoria's to the Utica Fire Department the sum to be paid is 3200.00 per car and the statute Indiana Code 5-22-10 authorizes the town to sell these. They have entered this negotiation and they are ready to be sold.

Vice-President Eddings stated ok, what's the resolution?

Attorney McCall stated 1999-57.

Vice-President Eddings stated I'll entertain a motion to accept resolution 99-57 on a first reading.

Council Member Voyles stated I'll make that motion.

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

Council Member La Master stated second.

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

RESOLUTION NO. 1999- 57

A RESOLUTION OF THE TOWN OF SELLERSBURG TOWN COUNCIL
TO SELL TOWN OF SELLERSBURG PROPERTY TO-WIT:
TWO (2) 1994 CROWN VICTORIA POLICE VEHICLES TO THE TOWN OF UTICA
VOLUNTEER FIRE DEPARTMENT

WHEREAS, the Town Council for the Town of Sellersburg has been advised by the Town of Sellersburg Chief of Police of the existence of surplus property to-wit: which is in need of disposal; and

WHEREAS, the Town of Utica Volunteer Fire Department has offered to purchase the two (2) 1994 Crown Victoria police vehicles for the amount of \$3,200.00 per vehicle; and

WHEREAS, the Town Council for the Town of Sellersburg has agreed to sell the two (2) 1994 Police vehicles for the amount of \$3,200.00 per vehicle; and

WHEREAS, said vehicles are more specifically described as a 1994 Crown Victoria VIN# 1FALP71W6RX186586 and a 1994 Crown Victoria VIN# 1FALP71W4RX186585; and

WHEREAS, IC 5-22-22-10 authorizes the sell of surplus Town property by private sale; and

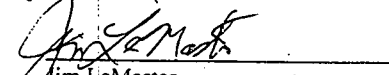
WHEREAS, this matter was considered at an open meeting to which the public were invited and allowed to participate; and

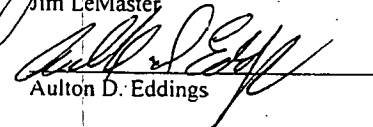
WHEREAS, the herein Resolution is necessary for efficient and effective administration of Town Government.

BE IT NOW RESOLVED by the Town Council for the Town of Sellersburg that the two (2) 1994 Crown Victoria police vehicles shall be offered for sale and sold to the Town of Utica Volunteer Fire Department for the amount of \$3,200.00 per vehicle, further, the Town of Sellersburg Chief of Police shall coordinate the sale and receipt of funds for said vehicles.

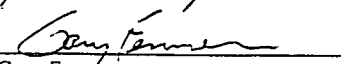
SO RESOLVED THIS 22ND DAY OF NOVEMBER, 1999.

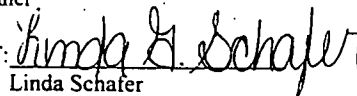

Ken Alexander


Jim LeMaster


Aulton D. Eddings


Bill Voyles


Gary Fenner

ATTEST: 
Linda Schafer
Clerk/Treasurer

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Attorney McCall stated I don't have anything else.

Vice-President Eddings stated you didn't bring the one on the no parking on West Utica tonight?

Attorney McCall stated I didn't bring it tonight, but there is someone here tonight to talk about it.

Vice-President Eddings state ok.

Attorney McCall I don't have the hard copy with me.

Vice-President Eddings stated I can do it when it's my turn, when you are done. Ken

KENNETH ALEXANDER ADDRESSES THE COUNCIL MEMBERS CONCERNING A ORDINANCE.

Council Member Alexander stated yes, I have a ordinance, I think you all have a copy of it. It's a transfer of appropriations.

Kenneth Alexander reads ordinance number 99-732 as follows:

ORDINANCE 99-732

AN ORDINANCE PROVIDING FOR THE TRANSFER OF APPROPRIATIONS FOR THE TOWN OF SELLERSBURG, INDIANA, FOR THE YEAR 1999, AS REQUESTED BY THE CLERK TREASURER AND FORWARDED TO THE TOWN COUNCIL FOR THEIR ACTION AND PASSAGE PURSUANT TO IC6-1.1-18-6.

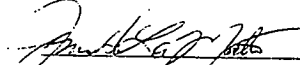
WHEREAS, certain extraordinary conditions have developed since the adoption of the existing annual budget for the year of 1999 and it is now necessary to transfer appropriations into different categories than was appropriated in the annual budget for the various functions of the several departments to meet the emergencies.

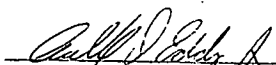
SECTION 1. BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SELLERSBURG, INDIANA, that for the expenses of the Town Government, the following appropriations are hereby transferred and set apart out of the funds hereinafter named for the transferred unless otherwise stipulated by law.

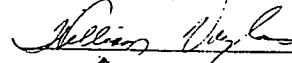
SECTION 2. Where it has been shown that certain existing appropriations have unobligated balances which will be available for transferring as follows:

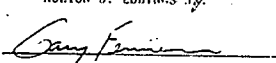
ACCT. #, NAME, & AMOUNT		TO ACCT.#, NAME, & AMOUNT
<u>GENERAL FUND</u>		
TC-112 Town Manager Salary	5100.00	TC-371 ANIMAL CONTROL/SHELTER 5100.00
<u>LOCAL ROADS & STREETS</u>		
LRS-313 Road Engineering/Const.	6500.00	LRS-398 Drainage 6500.00
LRS-397 Paving	1000.00	LRS-398 Drainage 1000.00
LRS-401 Land Acquisition	25000.00	LRS-398 Drainage 25000.00
LRS-434 Local Road Construction	33000.00	LRS-398 Drainage 33000.00
<u>MOTOR VEHICLE HIGHWAY</u>		
MVH-355 Street Light	10000.00	MVH-397 Paving and Culverts 10000.00
MVH-313 Consulting	3000.00	MVH-397 Paving and Culverts 3000.00

SO ORDAINED THIS _____ DAY OF _____ 1999.


JAMES H. LAMASTER


AULTON D. EDDINGS, JR.


WILLIAM K. VOYLES


GARY FENNER


KENNETH ALEXANDER

ATTEST: LINDA G. SCHAFER
CLERK TREASURER

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Council Member Alexander stated I make the motion to approve the ordinance on the first reading. It's number 99-732.

Vice-President Eddings stated motion made to accept ordinance number 99-732 on a first reading.

Council Member Voyles stated I make that motion.

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

Council Member LaMaster stated second.

Vice-President Eddings stated second by Jim, any discussion? If not, all those in favor signify by saying I, opposed nay. I's have it. Vote 5-0 I'll entertain a motion to accept ordinance number 99-732.

Council Member Voyles stated I'll make that motion.

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

Council Member LaMaster stated second.

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

Council Member Alexander stated I'd like to make a motion to pay the Animal Shelter two years.

Vice-President Eddings stated there is a motion on the floor to pay the Animal Shelter for 99 and 2000, do I have a second?

Council Member Voyles stated I'll second it.

Vice-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 Alexander stated the last thing I have is back, it's been 4 years ago, we paid half of the sidewalk for Hinton and Corby downtown Kentuckina Insurance Company and they asked that consideration be extended to them.

Vice-President Eddings stated we have...

Council Member Alexander stated we did it for Hinton and Corby.

Vice-President Eddings stated we have funding in there?

Council Member Alexander stated yes, we only pay 50%, so it will be 1100.00.

Vice-President Eddings stated I'll entertain a motion to split the cost of the new sidewalk.

Council Member Voyles stated I make that motion.

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

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Council Member Alexander stated I'll second it.

Vice-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 5-0 Is that all you have?

Council Member Alexander stated yes.

Vice-President Eddings stated ok, I've got a couple of things, one, the Planning Commission has recommended to us that we change the zoning for the Hecker Property. All that is zoned agricultural right now, the surrounding are B-3 and the Planning Board has recommended we change it to B-3. It has to be done by an ordinance and that ordinance has been prepared. It's number 99-733. I'll make a motion to consider ordinance number 99-733 on a first reading.

Council Member Alexander stated I'll make that motion.

Vice-President Eddings stated motion by Jim, do I have a second?

Council Member LaMaster stated I'll second.

Vice-President Eddings stated second by Jim, any discussion? If not, all those in favor signify by saying I, opposed nay. I's have it. Vote 5-0 I entertain a motion to accept ordinance number 99-733.

Council Member Alexander stated I'll make that motion.

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

Council Member LaMaster stated I'll second.

Vice-President Eddings stated second by Jim, any discussion? If not, all those in favor signify by saying I, opposed nay. I's have it. Vote 5-0 Ok, the last thing I have is we are considering an ordinance to make West Utica no parking from 6 am. to 6 p.m. We have concerns from some citizens tonight that would like to express their concerns. Perry would you like to say something?

PERRY EDDINGS ADDRESSES THE COUNCIL MEMBERS CONCERNING 311 WEST UTICA STREET.

Perry Eddings stated yes, I'm Perry Eddings and I live at 311 West Utica Street and I would like to point out some of the hardships, that this would cause on my family and myself. The way I understand it's from 6 to 6 on weekdays. Ok, so Thanksgiving falls on Thursday and I can't have my family over because I can't accommodate them, so that's one hardship. Also I have two teenage daughters both of them play on the high school volleyball team, during the sectional time we had some meetings over at our house after school before the sectional and I can accommodate a few cars in my driveway but I cannot accommodate cars of that many. So this is another hardship, we are not going to be able to help our kids. Also as far as the safety issue which is why I think is why the ordinance is being drawn up anyway, is that correct?

Vice-President Eddings stated yes.

Perry Eddings stated I've lived on that stretch of road for 20 years and I have not to my knowledge, I cannot remember one accident. Maybe there has been, I don't know.

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I'm not sure that we have a safety concern on that stretch of road. Also if you pass an ordinance from 6 to 6 my teenagers have a lot of visitors after school that are new drivers and the only way that they will be able to get in and out of my house is through the alley behind my road. In that alley I've got sheds, trees, bushes, garages and this all sits right next to the alley. I think we're going to create more of a safety problem if we pass this ordinance. For now that's basically all I have to say. Now what happens from here?

Vice-President Eddings stated the ordinance has not been voted on yet, it has not even been prepared yet. So there will have to be a two reading, just like any other ordinance it has to be considered, a unanimous vote has to take place for it to be passed that same night.

Perry Eddings stated do you anticipate this at the next meeting.

Vice-President Eddings stated yes, the ordinance will be prepared and presented at the next town board meeting.

Perry Eddings stated and then I will have another opportunity to speak in front of the board at the next meeting.

Vice-President Eddings stated ok, if there is no other business, you all have had a copy of the bills in your box, had a chance to review them, I'll entertain a motion to pay the bills as presented. Yes

Mr. Primavera stated I thought I was on the agenda, but I guess...

Vice-President Eddings stated I don't have you written down.

Mr. Primavera stated can I go ahead.

Vice-President Eddings stated sure, why not.

PAUL PRIMAVERA ADDRESSES THE COUNCIL MEMBERS CONCERNING MR. LYNN/BUG-A-BOO.

Mr. Primavera stated I'm here this evening representing Mr. Lynn, he has some developments on Bug-a-Boo Lane and County Line Road in Floyd County Line Road in Floyds County. He is responsible for upgrading the Allentown Lift Station. This particular project, I'm going to ask Mr. Lynn to give you all the details of why we're here and how all of this came about. This is actually out of the limits of the Town of Sellersburg, it's in Floyd County, right across the County Line. It's approximately 1500 ft. from the town boundary and about 3 to 500 ft. from an existing 8-inch sewer line which we would like to be able to tie on. The Andres subdivision was approved by the Floyd County Planning Commission. Before approval was even started the Town of New Albany assured us that sewers would be no problem. Until after we got approval. Then all of the sudden the sewer is not available.

Mr. Lynn stated I've done about 12 residential developments over a 25 year career and I have been used to working with different boards trying to comply with what they want. We have found it necessary to get everything in writing. We met with Don Sistloff in New Albany and he assured us even though they were having problem with their sewers that they had already had enough credits so I would be allowed to hook on that line and system. Floyd County said proceed with it. Well, New Albany the problem is you

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have to deal with the standards of two different forces. But anyway we got the approval through Floyd County and as Paul had indicated when it came time to sign off on the sewer which is 6 tenths of a mile, we were told because of their problems, the line we were going to go in was at full capacity. But now we are on a 2, 3 maybe a 5 year hold until they get their line upgraded. And Paul suggested since we are close to the Town of Sellersburg and upgrading for our new development that perhaps you would consider letting us hook on. So I thought I would be open to considering an advanced payment of tap fees. Maybe a tap fee in excess of the normal tap fee. Maybe a surcharge on my cost of handling the sewer certificate. I would build all the houses myself. There is only 52 lots in there. It's about a 24 month project for us max. So I'm willing to do some things that would make the town some immediate money for the sewer in excess of the normal fees. We talked to Mr. Toombs and he didn't seem to have any reservations. I don't know whether he's talked to any of you about it.

Vice-President Eddings stated we would want to talk among ourselves too.

Mr. Lynn stated I'm here to answer any questions you might have.

Council Member Alexander stated my first question is, you're willing to put in the sewers right, with a lift station.

Mr. Lynn stated right.

Council Member Alexander stated will the residents on both sides of Poindexter be able to hook onto this?

Mr. Primavera stated it will be a force line.

Council Member Alexander stated I mean will it be feasible for these residents from where our 8-inch ends?

Mr. Primavera stated individual homes are very difficult to tap in a force line.

Council Member Alexander stated the reason I bring this up is we are going to have to do this since we annexed this. How will we be able to help each other.

Mr. Primavera stated what we might be able to do is take some of the dollars that Mr. Lynn is offering. Perhaps we could...

Council Member Fenner stated it sounds like something we need to look into.

Vice-President Eddings stated investigate.

Council Member Fenner stated can you give us a couple of weeks so we can have time to...

Mr. Lynn stated sure, Thank You for your time.

Vice-President Eddings stated ok, everybody has a copy of the bills had a chance to review them. I'll entertain a motion to approve the bills as presented.

Council Member Alexander stated I'll make the motion.

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

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VICE-PRESIDENT EDDINGS ADDRESSES THE COUNCIL MEMBERS CONCERNING THE BILL FOR THE TOWN.

Council Member Voyles stated I'll second.

Vice-President Eddings stated second by Bill, any discussin? If not, all those in favor signify by saying I, opposed nay. I's have it. Vote 5-0 I'll entertain a motion to adjourn.

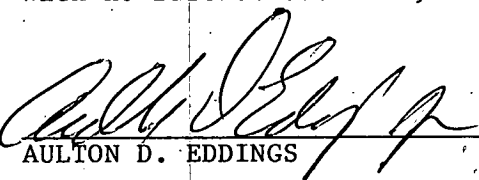
Council Member Alexander stated I'll make that motion.

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

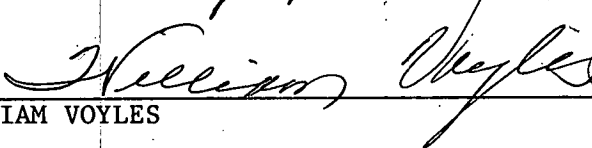
Council Member Voyles stated I'll second.

Vice-President Eddings stated second by Bill, any discussion? All in favor signify by saying I, opposed nay. I's have it.

With no further business, Vice-President Eddings adjourned the Regular Meeting at 8:30 p.m.

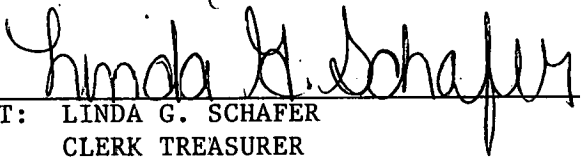

AULTON D. EDDINGS

KENNETH ALEXANDER


WILLIAM VOYLES


JAMES LAMASTER

GARY FENNER


ATTEST: LINDA G. SCHAFFER
CLERK TREASURER

SELLERSBURG TOWN COUNCIL

December 13, 1999

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 Vice-President; James LaMaster, Council Member; William Voyles, Council Member; Linda G. Schafer, Clerk Treasurer; William P. McCall, Town Attorney; and Kenneth Alexander, Council Member; and Gary Fenner, Council Member being absent.

Called To Order

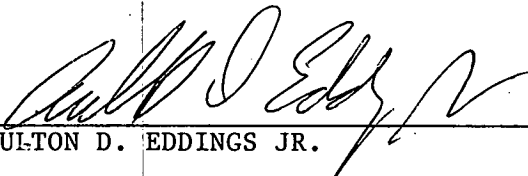
Vice-President Eddings called the Executive Session to order at 6:00 p.m.

Topics Of Discussion

Police Department Phone Bill/EMC
Pump #4
Holman Tank
Manwhole Carmercia
Shields
Adkins Ct./Watermain
Lambert/Water Treatment Plant
Kevin Harper/Full Time

Adjournment

With no further business, Vice-President Eddings adjourned the Executive Session at 6:32 p.m.


AULTON D. EDDINGS JR.


JAMES LAMASTER

ABSENT

KENNETH ALEXANDER

WILLIAM K. VOYLES

ABSENT

GARY FENNER

ATTEST: LINDA G. SCHAFER
CLERK TREASURER

SELLERSBURG TOWN COUNCIL

December 13, 1999

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 Vice-President; William Voyles, Council Member; James LaMaster, Council Member; Linda G. Schafer, Clerk Treasurer; with Kenneth Alexander, Council Member; Gary Fenner, Council Member; and William P. McCall, Town Attorney being absent.

CALLED TO ORDER

Vice-President Eddings called the Regular Meeting to order at 6:32 p.m.

Prayer

Father Paul Richart offered up the prayer for this meeting.

PLEDGE

The Pledge of Allegiance to the flag was recited.

VICE-PRESIDENT ADDRESSES THE COUNCIL ON THE MINUTES.

Vice-President Eddings stated we are two members short tonight but we do have a quorum and can conduct tonight's meeting. Everybody's had a chance to look at the minutes. They've been in your mailbox from the last meeting, November 22nd, I'll entertain a motion to approve the minutes as presented.

Council Member Voyles stated I'll make that motion.

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

Council Member LaMaster stated second.

Vice-President Eddings stated second by Jim, this is going to be easy tonight. All those in favor say I opposed nay. I's have it. Vote 3-0. Ok, petitions before the town tonight Norman Lambhart.

Mr. Lambhart stated I live at 114 Thompson Lane and the water, Sellersburg Water has this behind my house. I am a registered professional engineer in the State of Indiana and Kentucky, retired with a masters in Environmental Engineering. The water has raised the water tables and has caused my house to start sinking, and stop running the water behind my house or do something to keep it from happening or continuing to.

Vice-President Eddings stated ok, right now the state has mandated us to do the dredging of the lagoons back behind the Water Treatment Plant and we're in the process of the project right now. Now, that should help on the flow situation.

Mr. Lambhart stated if it runs, the water runs all the time, even in the summer when its dry it runs enough to keep the water table up to where the clay soil which is there is liquidifying and is sliding into the ditch and being washed away. Now, it used to be that there was enough grass that grew there, that when it rained water would get

SELLERSBURG TOWN COUNCIL

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Dec, 13, 1999

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NORMAN LAMBHERT ADDRESSES THE COUNCIL MEMBERS CONCERNING THE HOLMANS LN. WATER TREATMENT PLANT.

up but the roots would hold it and it wouldn't erode. But now that is wet and liquidified it's washing away. So even if you make larger lagoons and do not have them large enough to retain the water so that it will allow the soil to dry off and lower the water table so that the grass and vegetation may grow again. It will do absolutely no good.

Vice-President Eddings stated ok, now I respect that you got all education in the world and that's your analysis of what's happening. We would have to have further information from the state, further information from engineering groups, further information from our engineers to tell us that's what's happening, that we are causing your entire problem.

Mr. Lambert stated I understand that, that is why I am here to start the process and to be happy to meet with you people and go over, whatever I need to go to help them.

Vice-President Eddings stated ok.

Mr. Lambert stated it's a problem we have and I'm here to look for a solution.

Vice-President Eddings stated that's sounds great. We'll have our engineers look at it and then we'll contact you personally and see what our next step has to be from there.

Mr. Lambert stated Thank You Very Much.

Vice-President Eddings stated all right, John Kraft.

MR. KRAFT IS WITH THE LAW FIRM YOUNG, LIND, ENDRES AND KRAFT IN NEW ALBANY, IS HERE TO ADDRESSES THE COUNCIL MEMBERS CONCERNING THE PLAT OF THE AIRPORT BUSINESS CENTER.

Mr. Kraft stated yes, my name is John Kraft and I'm with the law firm Young, Lind, Endres and Kraft in New Albany, 126 W. Spring St. I'm here this evening to present to you the plat of the Airport Business Center. You might recall this was, we were before you earlier in the year, getting a change in zoning on this property, changing it to industrial. That was approved, this was presented to the Plan Commission for review on Nov. 15, 1999. The plat was approved by the Plan Commission on Nov. 15, 1999 and we're here this evening to submit the plat to you for final approval. In reviewing the plat ahead of time it appears the Town Council does not sign, or there is not a signature spot for the Town Council. The Planning Commission did approve it on November 15. One of the requirements of that was to present to the Town of Sellersburg a reputable letter of credit with regards to this. I do have the original for presentation to you this evening. As well as copy that upon approval, I do need a signed copy to take back to the bank so that they do have a copy in their files with regards the reputable letter of credit. Paul Premavera who is the project surveyor is with me this evening to answer any questions you may have in relation to the presentation of the plat. Again, it was approved by the Plan Commission and forwarded to you all for your final approval.

Vice-President Eddings stated Boz, anything?

Mr. Adams stated that's the one you did in November's meeting, it came through alright. John has reviewed the water and sewer part of it.

SELLERSBURG TOWN COUNCIL

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Vice-President Eddings stated ok, I'll entertain a motion to approve the Plat Plan for the Airport Business Center.

Council Member Voyles stated I'll make that motion.

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

Council Member LaMaster stated second.

Vice-President Eddings stated second by Jim, any discussion? Are any of these sold to anybody?

Mr. Kraft stated not at this point.

Vice-President Eddings stated anybody interested yet?

Mr. Kraft stated not to my knowledge, not to the extend of committing on paper yet.

Vice-President Eddings stated all those in favor signify by saying I, opposed nay. I's have it. Vote 3-0 Robert Lynn.

ROBERT LYNN ADDRESSES THE COUNCIL MEMBERS CONCERNING SEWAGE HOOK-UP ANDREW ESTATE.

Mr. Lynn stated Good Evening, I want to give you a copy of the proposal letter that I am here about tonight. I'll give you a copy so you can follow me. If you will recall at the last meeting we discussed, and the board asked me to bring is a proposal for the possibility of accepting some sewage for a subdivision I am developing on County Line Road, at Bugaboo, the Andrew Estates. It's 52 lots. Paul has given you a location map of the development. This is my proposal letter, and I'll read it. It's pretty much self explaintory and that covers what we're interested in trying to get accomplished.

Mr. Lynn reads letter as follows:

Robert Lynn Company, Inc., hereby proposes that for and in consideration of the Town of Sellersburg accepting and treating sewage for Andrew Estates that the Lynn Company, at its own expense, will instatll five hundred forty-two (542) lineal feet of gravity flow sanitary sewer main, including two manholes, along Poindexter Lane. This is the maximum length of gravity flow main that grade elevation allows. We had Paul go out and check what could be extended as far as the Sellersburg Town sewer main down Poindexter and we found that would be the 542 feet. In addition, the Lynn Co, will remit a lump sum advance payment to the Town of Sellersburg in the amount of seventy-nine thousand forty dollars (\$79,040.00) for fifty-two (52) lot sewer taps, inspection taps, and inspection fees for Andrew Estates. So I will pay that up front, in advance if you decided to accept my proposal. The 3rd paragraph, The Lynn Co, requests that after all homes have been built that the lift station be turned over from the Lynn Co., to the Town of Sellersburg. The Town of Sellersburg would not be obligated to accept any other sewer taps that may gravity flow into the Andrew Estates Lift Station. However. if in the future any additional taps were accepted, then the Robert Lynn Co. would be due proportional reimbursement for its sanitary main and force main expense with said funds to be paid by the connecting developer. So I'm just saying if you ever decide to accept more sewage it might gravity flow into that same lift area, because someone else might

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present a question. But, I think I would be due a proportional reimbursement of the main extention. So, none of that would be at the cost to the Town of Sellersburg of course. The Town of Sellérsburg will set the monthly rates for sewage treatments payable by all homeowners. That's kind of the heart of what we wanted to request, that we thought would be workable and good for both the Town of Sellersburg and good for our development too.

Vice-President Eddings stated ok.

Mr. Lynn stated if you have any questions I would be glad to answer them or Paul would also.

Vice-President Eddings stated this is something I would have to take under review. Hey Tim, the 52 taps outside the Town of Sellersburg what would be the cost of that?

Mr. Crawford stated in the service area, or outside the service area?

Vice-President Eddings stated outside the service.

Mr. Crawford stated well, we really don't, that's kind of a unique situation, you don't have any outside your servuce area. The taps that are in your service area right now, outside the cooperate boundries of the town is \$1520.00. That is what is...

Vice-President Eddings stated per tap?

Mr. Lynn stated that is what the advance payment is equivalent too, that I'm proposing.

Vice-President Eddings stated so, you are proposing to pay extacly what.

Mr. Lynn stated yeah, outside the cooperate, but all of it up front and in advance.

Vice-Preisident Eddings stated ok.

Mr. Lynn stated and also that I would put the entire amount of sanitary mains in at our expense.

Vice-President Eddings stated ok.

Clerk Treasurer Schafer stated I have a question.

Vice-President Eddings stated ok.

Clerk Treasurer Schafer stated is this in New Albany, is it close to their sanitary sewer system?

Mr. Lynn stated it is in, it's a little bit closer to a manhole there than it is to yours, however, they don't have any line capacity and cannot accept us.

Vice-President Eddings stated the New Albany system.

Mr. Lynn stated yeah.

Vice-President Eddings stated all right, this is something we'll take under review and then...

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Mr. Lynn stated we would ask that you take a real good look at it. It's been done in other parts of the state. There is even some presidence paperwork where the communitties need to look at that if there is a situation where there is no other way to do it because everybody knows that sanitary sewer is much more preferred than septic tanks. Septic tanks just cause a problem down the road as a whole.

Vice-President Eddings stated right.

Mr. Lynn stated ok, Thank You.

Vice-President Eddings stated Adam Koch.

ADAM KOCH ADDRESSES THE COUNCIL CONCERNING A WATER LEAK.

Mr. Koch stated we had a small leak down at our residence down there by the shop at 6609 Highway 31. We went in with a backhoe and we dug up around the pipe. It's a 2-inch line coming from the meter to the house. When we relieved the pressure of the earth around the pipe, the coupler came apart. And the 2-inch main was shooting up in the air. We tried to turn the meter off, we couldn't. I've got every tool snap-on makes, it seems like. Nothing I had would turn the meter off. We called the Police Department, they sent the Water Company down there. They couldn't get it off. Three or four hours had gone by and we're all out there like a bunch of nuts beating on this meter trying to get it to twist and turn. Meanwhile, my water bill is going up. And when we talked to the girls in the office they just said oh well, so I think, I don't thing that the city should compensate total relief on the water bill because there was a leak there for X amount of time. It wasn't very long. Because where it was at, we were able to see it, luckily. It never did get into a exbortable bill, but the Town to be aware of where a problem where their water meter won't turn off. And just to set there and say oh well, I think that a little bit of a different attitude needs to be taken on that on the compensation on the customers part.

Vice-President Eddings stated have you gotten your water bill yet?

Mr. Koch stated yeah, it's 80 or 90 bucks where it's usually like 30.

Vice-President Eddings stated did you bring it in?

Mr. Koch stated no.

Vice-President Eddings stated ok, we need to see a copy of the water bill and see how much more it was and regular and maybe we can make a decision on what to do at that point.

Mr. Koch stated it was like 60 or 70 dollars more. What I was going to ask you all to do is split the differance. Because we know with the amount of pressure that we got, because we are on the end of the loop. We've got a ridiculous amount of pressure. I was just talking to Boz back there. He's a little bit more familiar with what the water flow would be. But you're probably looking at 15 to 20 gallons a minute with the pressure down there.

Mr. Adams stated that would be pretty close.

Vice-President Eddings stated ok, just bring us a bill in and we'll take a look at it and, by next meeting or whatever and we'll try to take a look at it.

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Mr. Koch stated just drop it off.

Vice-President Eddings stated no bring it in at the next meeting, either one.

Mr. Koch stated all right, Thank You.

Council Member LaMaster stated Thank You.

Vice-President Eddings stated Phil Reed.

PHIL REED ADDRESSES THE COUNCIL MEMBERS CONCERNING A ROAD CUT PERMIT.

Mr. Reed stated I appologize for coming in earlier, I didn't know that was a closed meeting I'm here to get an application for a excavating permit signed. I don't know, we've had all different kinds of discussions about this, nobody seems to know anything about it besides Mr. Lee down at Clark County. I'm trying to get a road cut permit to put in a sanitary sewer. And he says this has to be signed but nobody has never seen one of these before. I've never had one the town has had to sign before. We've always went down and got the permit to cut the road.

Clerk Treasurer Schafer stated in the 8 years I've issued those permits, this is the first.

Mr. Reed stated we put a saddle on the sewer and have it inspected and fill it up with gravel. Then concrete it and pave it and go on down the road. Now he says we need a permit signed.

Vice-President Eddings stated is this outside the Town of Sellersburg or inside? Outside.

Clerk Treasurer Schafer stated this is the one I gave you. It is outside the town limits.

Mr. Reed stated East St. Joe Road.

Vice-President Eddings stated ok, and it's our sewer system.

Mr. Reed stated it's your sewer system.

Vice-President Eddings stated ok, so I don't understand.

Mr. Reed stated here's the original.

Vice-President Eddings stated do we need.

Clerk Treasurer Schafer stated this is what I put in your box.

Council Member Voyles stated is this the one where we're going to be responsible.

Clelk Treasurer Schafer stated that's exactly right.

Vice-President Eddings stated that's the problem we discussed during the Executive Session. We are, you are tapping into our sewer system and you are on a county line Road, the way...

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Mr. Reed stated yes sir.

Vice-President Eddings stated we read the proposal is that we're responsible for the road.

Mr. Reed stated but I had to give Mr. Lee the bond instead of giving it to the city. I don't understand why he requested a 1500.00 bond for a road cut. So, we're going to have to cut about a foot further across the road so I gave him 2500.00 bond per year. And he says now we've got to get the Executive Board to sign it. And I don't know, Kenny Alexander was going to try to get a hold of him to see what it was all about. I don't know if he did and Linda was going to try to contact him.

Council Member Voyles stated the way we read it is that we're going to be responsible for, if this pipe settles, we're going to be responsible for it after 1-year of fixing.

Mr. Reed stated right, that would be the way it is on any of your sanitary sewers.

Vice-President Eddings stated after 1-year we would be responsible. But during the 1-year the contractor.

Mr. Reed stated during the 1-year we would be responsible, that is what the bond is insured for.

Vice-President Eddings stated ok.

Mr. Reed stated the only thing I'm going to have to change on that is the date. Because I don't think I'm going to have it done by January 7th.

Vice-President Eddings stated still though, even though it is our sewer system it would look like this would be a complete county issue.

Clerk Treasurer Schafer stated that's exactly right.

Mr. Reed stated he keeps throwing it back to you.

Vice-President Eddings stated because it's our sewer system.

Mr. Reed stated because it's your sewer system.

Clerk Treasurer Schafer stated I wonder if Perry...

Vice-President Eddings stated Yeah, we may have to have the attorney look at this. I'm sorry that we can't make a decision on it at this time. But in our eyes you're cutting to tap into our sewer system which is going across a county road and if it was inside the Town of Sellersburg the way it would be is you would be responsible for that road, for that cut up to a period of 1-year, after our inspection and passed. And if you passed our inspection we would take the responsibility after 1-year. I don't know what the county...

Mr. Reed stated that's what he's telling me this is for.

Vice-President Eddings stated we should not even be involved in this.

Mr. Reed stated I said if you're not going to be responsible why am I giving you a bond

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permit instead of the Town of Sellersburg.

Vice-President Eddings stated I don't even understand why we are even involved.

Mr. Reed stated just because it's your sewer.

Vice-President Eddings stated right, so we need to have our attorney look at it to see why we have to be involved just because it's our sewer system. The main issue is the road cut. It's not the sewer system, tapping in the sewer is irrelevant.

Mr. Reed stated right, it's just a road cut.

Vice-President Eddings stated so a decision cannot be made tonight.

Mr. Reed stated the next meeting.

Vice-President Eddings stated can we get a copy of this?

Mr. Reed stated I think, made some.

Clerk Treasurer Schafer stated I made a copy for everyone with a note, a letter.

Vice-President Eddings stated I've got it in somewhere. We'll bring it back to the next meeting and maybe he can tell us, advise us as to why we're involved in this.

Mr. Reed stated I would like to know too.

Vice-President Eddings stated EMC.

EMC/KEVIN WRIGHT ADDRESSES THE COUNCIL MEMBERS CONCERNING THE MONTHLY REVENUES.

Mr. Wright stated I've got quite a bit of info for you. I have the water and sewer revenue for the week of 11/23 to 12/6 is \$27933.00. And then for 12/7 to 12/13 it was \$54873.00. Also I have here a invoice for the NSF'S, Meter Deposit Refund and Monthly Sales Tax. It comes up to \$3,899.70.

Vice-President Eddings stated I'll entertain a motion to pay the NSF Checks, Meter Deposit Refunds and Monthly Sales Tax in the amount of \$3,899.70.

Council Member Voyles stated I'll make that motion.

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

Council Member LaMaster stated second.

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

Mr. Wright stated I also have for November the Water Taps that we installed in November. That comes up to 3,680.05.

Vice-President Eddings stated ok, I'll entertain a motion to pay the Water Tap Invoice in the amount of 3680.05.

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Council Member Voyles stated I'll make that motion.

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

Council Member LaMaster second.

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

Mr. Wright stated next I have a Capital Expenditure to replace number 4 well-field pump and motor at an expense of \$10,215.00. The pump itself is beyond repair. The motor is at the point where it has, they can put it back in but they won't guarantee that it will last, one week, a month, six months. The contractor feels that, to cut down on future problems that we need to put a new motor in and then everything would be brand new and we can get that well-field back in operation. This is one of our better well-fields and as soon as we get it back in operation we can get pumping clearer water to the treatment plant to where we can get the pond back in operation. We have to back-flush every two days right now, but with this well-field we can flush every three days and give them a little more time to get that repaired.

Vice-President Eddings stated this is just the quote on it right now, right?

Mr. Wright stated yes.

Vice-President Eddings stated you're just looking for approval to spend it, right?

Mr. Wright stated yes.

Vice-President Eddings stated you're just looking for approval to spend it, right?

Mr. Wright stated yes sir.

Vice-President Eddings stated ok, this is something that we talked about in Executive Session. I called you guys on, the well #4 has been completely out. It looks like it would be a \$10,215.00 repair to well #4. I'll entertain a motion to go ahead and have #4 repaired.

Vice-President Eddings stated motion made, do I have a second?

Council Member Voyles stated I'll second.

Vice-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 3-0

Mr. Wright stated I have another Capital Expenditure, it's for a manhole, or a cleanout put out on Highland Avenue where Carmerica is going to be hooking a force main up to our sewer line. There is no manhole there at this time for any inspection, for any cleaning, for any servicing like that. Before we would let them hook onto that line we need some type of manhole cleanout. So we can take care of any problems that may come about.

Vice-President Eddings stated ok, this is also another Capital Expenditure that I talked to you guys about. It does not fall under maintenance, normal maintenance of the operation.

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However it is needed at that location. I'll entertain a motion to approve the Capital Expenditure and the quote they have for \$1250.00 to install manholes.

Council Member Voyles stated I'll make that motion.

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

Council Member LaMaster stated second.

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

Mr. Wright stated also, Phyllis Rhodes wanted me to bring up about a leak that she had and she had repaired and she asked if we could adjust her water and sewer to compensate for the leak that she had.

Vice-President Eddings stated everybody here is familiar with Phyllis, she had Scroggins Plumbing do the work to repair the leak. It looks like it come up to around \$109.10, 119.10 to have the leak repaired. I'll entertain a motion to adjust the water and sewer bill for her leak to a 12-month average.

Council Member Voyles stated I'll make that motion.

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

Council Member LaMaster stated second.

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

Mr. Wright stated also, I have an annual report that, dated from August of 1998 to July 1999. Also, I want to bring up about the rainfall that we had over the week of Friday. We had quite a bit of rain, some of our lift stations overflowed and if we allow anymore development to come into town these lift stations possibly are going to need to be rebuilt. And it's something we need to start looking into especially if we have to take these overflows off at Camp Schlan and the high school. If we get a heavy rain and we continue getting all this water, where's it going to go? I'm afraid that we're looking to probably flooding people's basements if nothing is done. We did find some manholes that we're surcharging that we thing could be a possible blockage. I think I could work with John to see about getting this line cleaned and T.V.'ed. The problem is, it's a 12-inch line. It carries alot of flow. It runs along the railroad tracks, behind Camp Schlan, which is not a good area, or an easy area to get a truck to clean or a T.V. unit to televise. And it's something we need to look into and see if that will eliminate some of our problem.

Vice-President Eddings stated ok.

Mr. Wright stated Thank You.

Mr. Crawford stated I have another gentleman. I'm doing our monthly accounting proceedure during the month of October it was brought to my attention for the past 22 months, inavertily, I'm sure, a portion of the police phone bills have been passed onto us. Within the agreement we have with the town or the town has with us, we pay

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2/3 of the utilities at the Town Hall. The Police Department is not at the Town Hall. So I think that there should be a reimbursement in this area. As you see, I've done a month by month rundown based on customer service records that I requested from Ameritech. It come's to a total of 6927.49. By verture that the town has already paid 1/3 of that bill, we're asking that 2/3 of that be reimbursed to us in the amount of \$4,618.33.

Vice-President Eddings stated and you have paid the whole 6927.00?

Mr. Crawford stated no sir, the portion, we paid the 4618.00.

Vice-President Eddings stated ok, I'll entertain a motion that we reimburse EMC for the \$,618.33 for the Police Department phone bill.

Council Member Voyles stated I'll make that motion.

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

Council Member LaMaster stated second.

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

Mr. Crawford stated Thank You.

Vice-President Eddings stated Boz, you got anything tonight?

Mr. Adams stated no sir.

Vice-President Eddings stated Jim.

COUNCIL MEMBER JAMES LAMASTER ADDRESSES THE COUNCIL CONCERNING THE SCHOOLING/IACT.

Council Member LaMaster stated I wanted to bring up about our schooling tomorrow that we're supposed to go to and I was asked to bring it up that it be taken out of part of the budget that it's supposed to for...

Vice-President Eddings stated we've got it in this years budget don't we?

Clerk Treasurer Schafer yeah, do you know how much it is?

Council Member LaMaster stated no maam, I don't.

Clerk Treasrer Schafer stated if the council will give me approval, it is to IACT or ...

Council Member LaMaster stated it's to the...

Vice-President Eddings stated Indiana Association of Cities and Town...

Clerk Treasurer Schafer stated is that who you make it payable to?

Vice-President Eddings stated I make a motion to, I'll entertain a motion to reimbures the new council members that want to attend IACT out of this years budget.

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Council Member Voyles stated I'll make that motion.

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

Council Mneber LaMaster stated I guess I can second.

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

Clerk Treasurer Schafer stated will they need to take a check with them?

Council Member LaMaster stated no, they'll bill it.

Vice-President Eddings stated anything else Jim?

Council Mneber LaMaster stated no.

Vice-President Eddings stated Bill.

Council Member Voyles stated I have nothing.

Vice-President Eddings stated John.

MR. JOHN TOOMBS ADDRESSES THE COUNCIL CONCERNING BIDS.

Mr. Toombs stated as Kevin discussed, today we took, what you might call informal bids on the elimination of the overflow pipes at Camp Schlan and the high school lift station which the state has mandated that we do. I'm here to recommend that you award it to the low bidder, you will notice that the bids are rather unusual spread. The top bid is \$12,000.00 and the low bid is \$4108.00. However, after you award this I'm going to recommend that we hold this for a little while until we find out whether we actually should comply with what the state is requiring us to do and eliminate the overflow. Because I don't want to shoot ourselves in the foot, spend money to cause a problem somewhere else and then we'll have to fix that. And with what's happening with the rain we're overwhelming our lift stations. It's hard to tell if we can find something clogging up our sewer, whether we unplug it, the flow will start coming in early and we can keep up with it or not. So I will recommend that you award this bid and then with your permission we will not give them a notice to proceed till we get a little bit better handle on whats going on with the lift stations themselves.

Vice-President Eddings stated ok, I'll entertian a motion to award the bid to Cab-X Construction upon review by John Toombs to see if this work is necessary or if the system can be unclogged.

Council Member Voyles stated I'll make that motion.

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

Council Member LaMaster stated second.

Vice-President Eddings stated second by Jim, any discussion? If not, all those in favor signify by syaing I, opposed nay. I's have it. Vote 3-0 Ok John, these engineering invoices, there are four in this package?

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Mr. Toombs stated yes sir.

Vice-President Eddings stated all right, John has turned in his invoices for engineering fees for the Town of Sellersburg. We have invoices for the Sellersburg Wastewater Treatment Plant system on the overflow removal plans of \$2990.00, State Road 60 and 311, Sellersburg Watermain Project, \$3250 Adkins Court Sanitary Sewer Project for \$1947.74, and water treatment plans, specifications and bids. I'm assuming this is on the dreaging of the lagoons for \$3152.50. Total of all four claims in this package is \$8122.74. I'll entertain a motion to pay the claims to Jacobi, Toombs and Lanz as presented.

Council Member LaMaster stated so moved.

Vice-President Eddings stated motion by Jim, do I have a second?

Council Member Voyles stated I'll second.

Vice-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 3-0 Ok, I have two more claims from Jacobi, Toombs and Lanz, one is for the Adkins Court area sewer, these are contractor claims, not from the engineer. One is for, I assume this is from the Storm Sewer Project from L.D. Rice.

Mr. Toombs stated that's actually sanitary, over there, it's sort of a combination of things.

Vice-President Eddings stated ok, I'll entertain a motion to pay the invoice to L.D. Rice Construction for \$9274.90, part of the Storm and Sanitary Sewer Project.

Council Member Voyles stated I'll make that motion.

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

Council Member LaMaster stated second.

Vice-President Eddings stated second by Jim, any discussion? If not, all those in favor signify by saying I, opposed nay. I's have it. Vote 3-0 I have another invoice from Reschar Construction on the 311 and State Raod 60 water main relocation project. This invoice is 39875.00. I'll entertain a motion to pay the invoice as presented.

Council Member Voyles stated I'll make that motion.

Vice-President Eddings stated motion by Bill.

Council Member LaMaster stated second.

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

Mr. Toombs stated yes.

Vice-President Eddings stated that was ao but 100,000.00 well spent. Linda do you have anything?

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Clerk Treasurer Schafer stated just my bills, thats all.

Vice-President Eddings stated ok, we've had a copy of the bills in our mailbox and had a chance to review those bills. I'll entertain a motion to pay the bills as presented.

Council Member LaMaster stated so moved.

Vice-President Eddings stated motion by Jim, do I have a second?

Council Member Voyles stated I'll second.

Vice-President Eddings stated second by Bill, any discussion? If not, all those signify by saying I, opposed nay. I's have it. Vote 3-0. If there is no other business before the town, I'll entertain a motion to adjourn the meeting.

MR. ALLEN ADDRESSES THE COUNCIL MEMBERS CONCERNING THE ZONING ON A PIECE OF PROPERTY.

Mr. Allen stated sir.

Vice-President Eddings stated are you on the agenda sir?

Mr. Allen stated I don't know, I was told that we were, Melvin Wahls.

Vice-President Eddings stated I have no clue.

Clerk Treasurer Schafer stated I bet it was on the next meeting Melvin Wahl..

Vice-President Eddings stated what was your concern?

Mr. Allen stated I'm the President of American Lenders down there, 480 North Indiana Avenue. I need to acquire a license from the State of Indiana for Auto Sales. There a, I bought the business from Mr. Wahl, is my landlord. He built the building in 1986. In order for me to get my license I need an authority to sign that we are zoned properly and we can't find that out. There are some things, I guess there is confusion in the 86 minutes, in the 86 meeting.

Vice-President Eddings stated have you been to a Planning and Zoning Commission Meeting.

Mr. Allen stated no.

Clerk Treasurer Schafer stated I think he is on the agenda for the next meeting.

Vice-President Eddings stated next board meeting or Planning and Zoning Meeting?

Clerk Treasurer Schafer stated the next board meeting.

Mr. Allen stated is that when it is?

Clerk Treasurer Schafer stated yes.

Mr. Allen stated when is that?

Clerk Treasurer Schafer stated the 27th.

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Vice-President Eddings stated I'll tell you what, yeah John.

Mr. Toombs stated the way this kind of thing, it should normally be handled.

Mr. Adams stated I've talked to him.

Mr. Toombs stated he finds out either he is or is not properly zoned.

Vice-President Eddings stated right.

Mr. Toombs stated and if he is not, then he has to apply, I think to the Board of Zoning Appeals for him to grant him a change in zoning. And then if they do, then you all, and then Perry has to prepare a zoning ordinance.

Vice-President Eddings stated Boz is he zoned correctly?

Mr. Adams stated no, he's zoned B-1, and car sales has to be a B-3.

Mr. Allen stated this business has been operating in that facility since 1986.

Vice-President Eddings stated as a used car lot?

Mr. Allen stated yes sir.

Clerk Treasurer Schafer stated it's automotive.

Mr. Allen stated Egale Automotive.

Clerk Treasurer Schafer stated they want to have a dealership there and they need a signature from the Town Council to get their license.

Vice-President Eddings stated is this something Boz, that needs to go before Zoning Appeals Board before it comes to us?

Mr. Adams stated Mr. Wahls is operating the thing, but when it gets down to more or less splitting hairs on the thing, actually getting into selling cars. The B-1 allows them to have the storage and everything that is there. It takes a B-3 to actually do car sales.

Mr. Allen stated somebody would have had to sign this for him, I mean when he originally occupied the building.

Vice-President Eddings stated ok, we're not sure how it is exactly zoned. I think you're best bet would be to come to next Monday nights Zoning Appeals Meeting which starts at 6:00.

Mr. Allen stated ok.

Vice-President Eddings stated to be here and plead your case to the Board of Zoning Appeals, tell them what you are there for. The Planning meets right afterward at 6:30 so you might want to hang around for that.

Mr. Allen stated ok.

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Vice-President Eddings stated and then at that point and time once everything at those two committies, they'll make the rocommendation to, as to what we need to do. Ninety-Nine point nine percent of the time we follow that recommendation.

Clerk Treasurer Schafer stated you want me to keep you on the agenda for the 27th?

Vice-President Eddings stated for the 27th, it maybe settled next Monday. If they make the recommendation. You may not have to show up at the following Town Board Meeting. But I would come to those two meetings so we can get it straightened out.

Mr. Allen stated ok, Thank You.

Vice-President Eddings stated any further business before the town, if not I'll entertain a motion to adjourn the meeting.

Council Member Voyles stated I'll make that motion.

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

Council Member LaMaster stated second.

Vice-President Eddings stated second by Jim, any discussion? If not, all those in favor signify by saying I, meeting adjourned.

With know further business Vice-President Eddings adjourned the meeting at 7:25 p.m.



DOUG EDDINGS

ABSENT

KENNETH ALEXANDER


WILLIAM VOYLES



JAMES LAMASTER

ABSENT

GARY FENNER



ATTEST: LINDA G. SCHAFER
CLERK TREASURER