

SOUTH WHITLEY TOWN COUNCIL REGULAR SESSION MEETING MINUTES  
SOUTH WHITLEY TOWN HALL BOARD ROOM  
118 E FRONT ST  
SOUTH WHITLEY, IN 46787  
JULY 26<sup>TH</sup> 2016 6:30 PM

The South Whitley Town Council met in regular session on Tuesday, July 26<sup>th</sup> 2016 at 6:30 PM in the Town Hall Board Room. Those present were Council President Bill Boggs, Councilman Les Hoffman, Councilman Randy Cokl, Waste Water Operator/Utility Supervisor Kent Slater, Water Operator Ron Anderson, Town Marshal Mikel VanDevender, and Town Clerk-Treasurer Janet Howard. Absent was Town Attorney Gregg Hockemeyer.

The meeting was called to order at 6:32 PM and followed by the Pledge of Allegiance.

Approval of the minutes from the July 12<sup>th</sup> 2016 Public Hearing Meeting Minutes were presented and approved. Motion was made by Councilman Cokl, seconded by Councilman Hoffman and carried by unanimous vote 3-0.

Approval of the minutes from the July 12<sup>th</sup> 2016 Regular Session Meeting were presented and approved. Motion was made by Councilman Cokl, seconded by Councilman Hoffman and carried by unanimous vote 3-0.

Approval of Prepaid APV'S totaling \$24,896.27 were presented and approved. Motion was made by Councilman Cokl, seconded by Councilman Hoffman and carried by unanimous vote 3-0.

Approval of APV's totaling \$153,763.64 were presented and approved. Motion was made by Councilman Cokl, seconded by Councilman Hoffman and carried by unanimous vote 3-0.

Approval of Payroll for Week ending 7-18-2016 were presented and approved. Motion was made by Councilman Hoffman, seconded by Councilman Cokl and carried by unanimous vote 3-0.

Approval of Payroll for Week ending 7-25-2016 were presented and approved. Motion was made by Councilman Hoffman, seconded by Councilman Cokl and carried by unanimous vote 3-0.

OLD BUSINESS – Councilman Cokl gave the first reading for Amending Ordinance # 09-08-01 with amendments and modifications that he just went thru for the use of Golf Carts and off-road Vehicles on public roadways. Councilman Cokl explained that he and Councilman Hoffman looked at 17 different town ordinances thru out Indiana, took our ordinance and what Town Attorney had prepared and made some modifications to Ordinance 09-08-01 to attach ORV'S to original ordinance and come up with these modifications. Some of the modifications are initial registration fee to be \$25.00 with an annual fee for inspection of \$5.00. Municipal License fees shall be due and payable in advance of the first day of April of each year and shall be for one year, there shall be no Municipal License issued if in the previous year the applicant was cited and convicted three or more occasions. Regulated vehicles may only be driven from sunrise to sunset, unless the regulated vehicle is equipped with two headlights, one on each side of the vehicle and two operating tail lights with brake lights which are visible from a distance of five-hundred (500) feet, any person who violates and is convicted of any provision in this ordinance shall be fined pursuant to the following schedule. First offense in a calendar year is \$50.00, second offense in a calendar year is \$100.00 and third offense in a calendar year is \$150.00. All regulated vehicles shall be

equipped with the following: Brakes that are in proper working condition, DOT approved slow moving vehicle sign, bicycle safety flag on a staff holder at least five feet above the street surface, rear view mirror, manufacture vehicle identification number (VIN) and working headlights and tail lights, and brake lights if driven after sunset. The Council talked about garage sale weekend and special occasions would be exempt for vehicles coming into town for those events. Motion was made by Councilman Cokl, seconded by Councilman Hoffman and carried by 2-1 vote. President Boggs voted nay. Second reading will be at the August 9<sup>th</sup> 2016 Regular Session Meeting.

A letter from Norfolk Southern was presented to the Council with a proposal for closing the line street crossing. President Boggs asked for a motion to pass the closing of the line street crossing and no motion was made therefore was not passed.

In the July 12<sup>th</sup> Regular Session Meeting Code Red was introduced to the council. Town Marshal explained Nixle is what Whitley County and the surrounding area uses. Town Marshal said that Code Red does not offer a free version but Nixle does. Free version would be social media, text messaging and email. If you go with Code Red its cost is \$2000.00 a year but offers more services, Nixle also offers more services with a fee of \$3000.00 a year. To get around the fee with Nixle the county would put out silver alerts, amber alerts and weather alerts. Mikel said you can download Nixle.com for weather alerts. Public asked if there would be any liability if the town was sending out alerts and happened to miss one. Mikel said not that he knew but there is always a possibility of getting sued for anything. It was stated by the Council that Craig Wagner is going to touch base with property owner Brian Schaper. He is not being compliant with the unsafe property order.

#### Department Heads

Town Marshal Mikel VanDevender said that SRO Officer Gilbert is in his 3<sup>rd</sup> week of training and is doing well. Mikel stated that every police officer is having back problems and would like to buy one leather vest to try and see if his back gets better. They went to Nylon vests 14 years ago and if he decides the leather vests are better will want to buy rest of the officers one next year within his budget. The leather vest is stronger and molds your back which supports the back better. Mikel said he will look into pricing the stickers for the golf carts/ORV's and get them ordered.

Waste Water Operator/Utility Supervisor Kent Slater stated that the Council needs to decide if they want to go with the LTCP Two Phase for the Waste Water with Donohue. Phase A for waste water would start in Sept. 2017 and Phase B would start in Sept. 2023 and construction in 2024. He explained if you wait until a later date the cost would go up at an estimate rate of 2.34% more. IDEM has ordered the town that they have to do something with this situation and will cost more if put off like in the past. Kent said that INDOT has concurred with Town Attorney's decision that the right away for the ADA sidewalk projects are cleared and are waiting on the right away certificate from INDOT. 20% of the project will be needed in March of 2017 before we can start and has talked with Clerk-Treasurer about budgeting for this. Project will be submitted in October and letting (bids) will be in March 2017. Kent said that Ron's AC has been installed in the well house.

Water Operator Ron Anderson said he checked with the Clerk-Treasurer as to funds in the G-meter charge fund to see about purchasing 900 new meters for all households and would be roughly \$52,000.00.

Ron said that 2003 is the last known time that electric meters were checked and he is proposing that we buy the meters with this fund money and change every residential meter. The town has been losing money by not checking the meters to see if they work correctly. We would also have to notify the public when we know that we will be installing these because the power will be off for short period of time while being installed. Motion was made to purchase new electric meters with ERT out of the G meter

fund for the whole town by Councilman Cokl, seconded by Councilman Hoffman and carried by unanimous vote 3-0.

Discussion on the location of the new Welcome to South Whitley signs provided by IMPA at no cost to the town is on SR 14 near the cemetery about 100 feet to the west of the old sign and also in the easement at intersection of SR 205 and SR 5. Motion to install the new signs at these locations was made by President Boggs, seconded by Councilman Cokl and carried by unanimous vote 3-0.

Park Board – Teresa was absent but Ron Anderson stated that Judy had talked with him and said they are looking into getting more benches for the park but they will not be free standing and will give more information.

Clerk-Treasurer Janet Howard presented the June Meter Deposit Refunds totaling \$474.29 for approval. Motion was made by President Boggs, seconded by Councilman Hoffman and carried by unanimous vote 3-0.

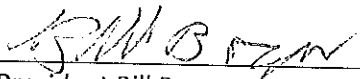
June 2016 Cash Reconciliation with the Depository Statement was presented and approved. Motion was made by Councilman Cokl, seconded by Councilman Hoffman and carried by unanimous vote 3-0. The Whitley County EDC 2017 Budget that was proposed in the July 12<sup>th</sup> 2016 Regular Session Meeting and needs approval. The Town of South Whitley portion is 4% of the Budget which totals \$16,530.00. Motion to approve was made by Councilman Hoffman, seconded by Councilman Cokl and carried by unanimous vote 3-0. Clerk-Treasurer Howard informed the Council that a draft from American Legal came in and will be in the office to look at.

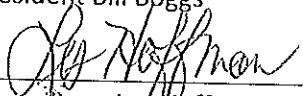
Public Input – Eel River Manor residents were in attendance to talk about the trash charge of 9.50 on their billing when they are not provided trash service from us because their landlord decided to have a dumpster. The board mentioned that the town is billed by garbage company per electric meter for every resident. Landmark has decided to have a dumpster there and told residents they could not have single trash containers for each apartment. The council will check into options but the town contract does not end until December 2017.

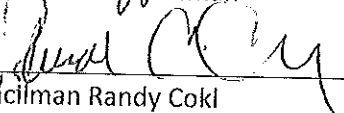
They also mentioned that there is a drain in their parking lot and wanted to know if it was the towns. Residents stated the it is a problem with water standing and mosquitos. The Council stated that the drain is the property owners and Town Marshal commented that they should contact the Whitley County Health Department about this.

They said the road entrance to the Eel River Apartments is very rough and in bad shape. President Boggs said that the town just got the rights to the driveway and once the construction from the new Dollar General is done, the town would pave it.

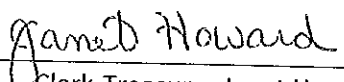
Motion to adjourn was made by Councilman Cokl, seconded by Councilman Hoffman and carried by unanimous vote 3-0 at 8:08 PM

  
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President Bill Boggs

  
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Councilman Les Hoffman

  
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Councilman Randy Cokl

ATTESTED:

  
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Clerk-Treasurer Janet Howard