

Danville Town Council Meeting Minutes
November 16, 2009

- I. CALL TO ORDER: Council President, Jeff Martin, called meeting of the Danville Town Council to order at 7:00pm on November 16, 2009 in the Danville Town Hall, 147 W Main Street.
- II. ROLL CALL: President, Jeff Martin, acknowledged a quorum of the Council and led everyone in the Pledge of Allegiance to the American Flag. Clerk-Treasurer noted the following Council members in attendance: Jeff Martin, Richard Burrows, Mike Neilson, Marcia Lynch, and Steve Hartsock. Clerk-Treasurer noted the following Administrative officials present: Gary Eakin, Town Manager; Kevin Dogan, Legal Counsel; and Amy Roberts, Clerk Treasurer.
- III. APPROVAL OF MINUTES: Motion was made by Marcia Lynch to approve the minutes as read for the Town Council Budget Meeting of 7/27/2009 and the Town Council Meeting of 11/2/2009, seconded by Mike Neilson. Motion passed 5-0.

IV. AGENDA ITEMS:

Results of Executive Session

An Executive Session of the Town Council was held on 11/16/2009 at 6:00 p.m. Two items were discussed:

1. Property at 147 W. Main Street – Hendricks County proposed to purchase the property over a 5 year period at a rate of \$60,000/year for total of \$300,000.00. The Town Council would like to make a counter offer over a 6 year period of \$87,500/year for a total of \$525,000.00 or a lump sum of \$450,000.00. Mike Neilson made a motion to propose a counter offer to Hendricks County based on the appraisal of the property, seconded by Marcia Lynch. Motion passed 4-1. Dick Burrows voted “nay” noting that this would not be enough money.
 2. Properties identified for procurement by the Town for parking during August 24, 2009 Town Council Work Study – Town Manager Eakin requested that Council grant authority to negotiate properties based on the appraisals received. Motion made by Marcia Lynch to grant Town Manager Eakin the authority to negotiate these properties, seconded by Mike Neilson. Motion passed 5-0.
- a) Ordinance No. 22-2009 – Codification of Ordinances
New inserts were distributed at previous Council meeting for updating the Codification of Ordinances. This ordinance certifies these updates. Motion to suspend the rules was made by Mike Neilson, seconded by Marcia Lynch. Motion passed 5-0. Motion to certify the updates was made by Mike Neilson, seconded by Marcia Lynch. Motion passed 5-0.
 - b) Fire/EMS Contract with Center Township
The contract with Center Township for Fire/EMS was introduced. Staff recommends adoption of this contract with the changes made based on the procurement of the SAFER grant. Center Township requests a list of employees, by name, being paid from the SAFER grant (Exhibit A). The list will be affixed to the contract. Consensus of the council to act on at next meeting when list has been attached to contract.
 - c) Hiring of Sports Coordinator and Repayment by Parks Department to HOST
Originally, it was intended that a Sports Coordinator would be hired beginning July, 2010 because of the budget constraints. Because the Fitness Center is opening January 1, 2010, it was deemed necessary to hire a Sports Coordinator to begin January 1, 2010. Total salary for this position, including benefits, is \$41,641.38 – This will be paid for solely from the Parks non-reverting funds. Clerk-Treasurer Roberts and Parks Superintendent Andrews discussed the necessity of hiring a Sports Coordinator in January instead of July, 2010. Superintendent Andrews is comfortable that this position can be paid for out of the non-reverting. Clerk-Treasurer Roberts noted that the revenue is unpredictable and there will be the need for overtime. She believes that \$10,000 of the savings needs to be set aside in the Park’s Department Overtime appropriation. With regard to repaying the HOST – Clerk-Treasurer suggests that the Town complete one year at which time we can determine if we are in the black or red. After the

first year, this can be reviewed on an annual basis as to the amount to pay back to the HOST. Total repayment is in the amount of \$61,941.70. This is the amount that is being used to buy the equipment. Motion was made by Marcia Lynch to approve the plan presented by Clerk-Treasurer Roberts and Superintendent Andrews relating to the total salary for the position of Sports Coordinator to come from the non-reverting fund, seconded by Steve Hartsock. Motion passed 5-0.

d) Les Rice – Request to Waive Fees

Les Rice requested that the fees of \$150.00 regarding the property at 448 E. Mill Street. Les reported that the property to the west at 442 E. Mill is in violation of the set-back requirement due to Town's failure to inspect and allowing building without mandatory setback. Les Rice and his neighbor have been working on a solution where Rice would quit claim to his neighbor a 6' wide portion of his property so that his neighbor is then in compliance with the setback (air conditioning unit for 442 E. Mill currently sits on property at 448 E. Mill). This reduce the Rice lot from 75 to 69; making the property at 448 E. Mill substandard according to the ordinance. Mr. Rice will ask for variance at the BZA meeting in January. Mr. Rice feels that the Town should bear some of the responsibility for this issue because the original permit was deficient because of the placement of the house on the property. He believes that due diligence was not performed by the Town to ensure that the original builder remained in compliance with the ordinance. Town legal counsel, Kevin Dogan, informed Council that they have the authority to waive the permit fees of \$150.00; however, he is not in agreement that the Town is at fault. Mr. Dogan also pointed out that even if Council waives fee, the BZA may not necessarily grant the variance because the BZA has different criteria when making decisions to grant a variance. Motion was made by Mike Neilson to waive fee of \$150.00, seconded by Dick Burrows. Motion passed 5-0.

V. DEPARTMENT HEAD REAPORTS

- a. Jeff Rigdon – New Town Hall (not present)
- b. Planning – Laura Parker – nothing to report
- c. Fire – Mark Morgan
Training has started on the Project Lifesaver Program and will be completed for all shifts on Wednesday. This program will begin December 1, 2009.
- d. Public Works – Rob Roberts
Paving project complete other than striping on Mackey and Lincoln
The leaf program is behind because of equipment downtime.
- e. Water – Jim Russell
The circulator is installed and working
Hydrants were flushed last week
DLZ will come before Council in December to request to go to bid on Activated Carbon Filters – they would like to start construction in February and be up July, 2010.
- f. Waste Water Treatment Plant – Kieran Tansey and Bill Lush
Bill reported that the plant is running fine. A letter has gone out to residents on Urban Street because of a discharge of suds – dye testing to be done on 4 residents.
- g. Police – Jerry Cunningham
Distributed statistics report from last month.
- h. Park – Will Lacey
Sports Coordinator position is posted on website and also on Indiana Parks and Recreation website. The amphitheatre was completely re-wired – Will's brother in law is in a journeyman's program and approximately \$7,000.00 worth of wire was donated. They installed all new receptacles, lights and replaced wiring that had been stolen.

The rates for the Fitness Center will be presented at the first Council meeting in December. Will plans to speak to Kevin Dogan and current insurance carrier concerning liability waiver.

Christmas decorations are 99% complete.

COMMENTS

Town Manager Eakin

Jeff Rigdon was to speak on progress of the new Town Hall – he did not show up for this meeting; therefore, Town Manager Eakin informed Council that the remodel should be complete by 11/30/2009. The Town Hall offices will close on December 16, 2009 and reopen on December 21, 2009 to facilitate the move to the New Town Hall offices. In-house staff will move some items; however, Town Manager Eakin is receiving quotes from professional movers.

VoIP is in place

Steve Hartsock

Reported to the Council of an incident that had occurred that involved cardiac arrest resuscitation. He gave kudos to Chief Morgan and Julie Cooney regarding the SAFER grant – the much needed additional staffing paid for with the SAFER grant is truly paying off.

Mike Neilson

Happy Thanksgiving!

- VI. CLAIM DOCKET: Mike Neilson made a motion to approve claim docket, seconded by Steve Hartsock. Motion passed 5-0.
- VII. ADJOURNED: President of the Council, Jeff Martin, adjourned the meeting at 7:45 p.m.

Minutes submitted by:

Approved by:

Amy J. Roberts, Clerk-Treasurer

Jeff Martin, President