

WHITELAND TOWN COUNCIL  
OCTOBER 14, 2014

ROBERT ZEHR CALLED THE MEETING TO ORDER AT 7:02PM

PLEDGE TO THE FLAG

INVOCATION BY ROGER FORD

PRESENT: ROBERT ZEHR, S. ED TICHENOR, KENT BEESON, CHRIS HADLEY, AND ROGER FORD

OTHERS PRESENT: MICHELLE R. RICHARDS-CLERK/TREASURER, DENNIS CAPOZZI-TOWN  
MANAGER/BUILDING COMMISSIONER, NATHAN BILGER-PLANNING AND ZONING DIRECTOR, NORM  
GABEHART-MS4/STREET SUPT., RUSTY SNYDER-PLANT SUPT., JASON CLAYMAN-WATER SUPT., STEPHEN  
WATSON-TOWN ATTORNEY, AND DEREK COX – SERGEANT ( IN PLACE FOR TOWN MARSHAL)

OTHERS ABSENT: RICK SHIPP-TOWN MARSHAL

KENT BEESON MADE THE MOTION TO APPROVE THE MINUTES FROM SEPTEMBER 8, 2014. S. ED  
TICHENOR SECONDED THE MOTION AND PASSED 5-0.

ROBERT ZEHR MADE THE MOTION TO APPROVE VOUCHER PACKET 14-10. CHRIS HADLEY SECONDED  
THE MOTION AND PASSED 4-0-1 TICHENOR ABSTAINED.

MICHELLE R. RICHARDS REVIEWED THE FINANCIAL REPORTS.

DENNIS CAPOZZI STATED THE SEWER INCREASE OF 5% WILL SHOW ON NEXT BILL.

DENNIS CAPOZZI REVIEWED THE WATER/SEWER REPORT. JASON CLAYMAN REVIEWED THE WATER  
PURCHASE REPORT. THIS REPORT COMPARED 2013 TO 2014. 2014 WATER USAGE WAS LOWER THAN  
2013.

DENNIS CAPOZZI REVIEWED THE PROPOSED ORDINANCE 2014-10; 2015 BUDGETS FOR  
CASINO/RIVERBOAT, RAINY DAY, GENERAL, LOCAL ROAD AND STREET, MOTOR VEHICLE HIGHWAY, PARK  
AND RECREATION, CUMULATIVE CAPITAL IMPROVEMENT, AND CUMULATIVE CAPITAL DEVELOPMENT.  
ROBERT ZEHR OPENED THE PUBLIC HEARING.

SCOT FORD ASKED ABOUT THE AMOUNT OF MONEY FOR REPAVING STREETS. DENNIS CAPOZZI AND  
NORM GABEHART SAID THAT ABOUT A MILE OF ROAD COULD BE REPAVED IF NO OTHER PROJECTS  
WERE DONE.

ART REIFEIS ASKED ABOUT THE PARKS BUDGET SINCE THERE ARE NO PARKS IN TOWN. DENNIS CAPOZZI  
STATED THAT IT HAS BEEN USED TO HOLD MONEY RECEIVED SEVERAL YEARS AGO AND THE AMOUNT  
ROLLS OVER FROM YEAR TO YEAR UNTIL THE PARK BOARD IS RESTARTED.

ROBERT ZEHR CLOSED THE PUBLIC HEARING

ROGER FORD MADE THE MOTION TO APPROVE ORDINANCE 2014-10 IN FIRST READING. KENT BEESON  
SECONDED THE MOTION AND PASSED 5-0.

DENNIS CAPOZZI PRESENTED A RELATED RESOLUTION THAT THE STATE REQUIRES AS PART OF AN  
APPEAL FOR ADDITIONAL LEVY. THE APPEAL COULD PROVIDE FUNDING FOR A NEW POLICE OFFICER.  
KENT BEESON MADE THE MOTION TO APPROVE RESOLUTION 2014-06, A RESOLUTION TO PETITION TO  
APPEAL FOR AN INCREASE TO THE MAXIMUM LEVY IN THE AMOUNT OF \$60,000.00 AS PRESENTED.  
CHRIS HADLEY SECONDED THE MOTION AND PASSED 5-0.

THE COUNCIL HAD EXTENSIVE DISCUSSION ON THE FIREWORKS "ISSUE". RESIDENTS FROM THE  
AUDIENCE ASKED QUESTIONS, DEREK COX PRESENTED HIS EXPERIENCE IN ENFORCEMENT, AND THE

COUNCIL EXPRESSED THEIR CONCERNS. SEVERAL SUGGESTIONS AND RECOMMENDATIONS WERE DISCUSSED, INCLUDING CITIZEN COMPLAINT AFFIDAVITS AND STRENGTHENING THE NOISE ORDINANCE. NATHAN BILGER, THE POLICE DEPARTMENT, AND LEGAL COUNSEL WILL WORK TOGETHER TO COME UP WITH AN ORDINANCE.

DENNIS CAPOZZI REVIEWED THE WASTEWATER TREATMENT IMPROVEMENT PROJECT- PAY REQUEST #2 GRAVES PLUMBING CO. IS REQUESTING PAYMENT IN THE AMOUNT OF \$69,275.02. THE ORIGINAL CONTRACT AMOUNT IS \$909,909.00. CURRENT CONTRACT WITH CHANGE ORDERS IS \$853,393.00. KENT BEESON MADE THE MOTION TO APPROVE PAY REQUEST #2 TO GRAVES PLUMBING COMPANY IN THE AMOUNT OF \$69,275.02. ROGER FORD SECONDED THE MOTION AND PASSED 5-0.

NORM GABEHART PRESENTED A DRAFT REVISION OF THE WHITELAND TOWN TRAFFIC CODE. HE SUGGESTED HAVING "NO PARKING ANYTIME" FOR THE FOLLOWING: WEST ST- ON CURVE – BOTH SIDES OF THE ROAD, AND ON JOSEPH LANE – ON CURVE- SOUTHSIDE OF THE ROAD. THESE SUGGESTED RESTRICTIONS ARE BASED ON LIMITED LINE OF SIGHT THROUGH CURVES. ALSO BOTH SIDES OF THE ROAD ON WHITE STREET AND WARRIOR TRAIL IS SUGGESTED NO PARKING ANYTIME. ADDITIONAL REVISIONS WOULD BE MADE TO TRUCK STREETS, INTERSECTION TYPES, AND PERMITTED SPEED LIMITS. THE COUNCIL WILL REVIEW THE DRAFT AND MAY CONSIDER IT FOR FIRST READING NEXT MONTH.

DENNIS CAPOZZI STATED THAT IN SEPTEMBER THE TOWN VEHICLE JASON CLAYMAN WAS DRIVING WAS HIT BY ANOTHER VEHICLE NEAR THE CVS ON MAIN STREET. THE OPPOSING INSURANCE COMPANY TOTALED THE TOWN'S TRUCK. THE TOWN HAS RECEIVED A CHECK IN THE AMOUNT OF \$8729.06. JASON IS LOOKING FOR A ¾ TON TRUCK WITH A UTILITY BED WITH A PROPOSED RATE ON A LEASE @ 2.9% FIXED. THIS LEASE IS INCLUDED IN THE PROPOSED 2015 WATER BUDGET.

JASON CLAYMAN PRESENTED THE PROPOSED 2015 WATER BUDGET. KENT BEESON MADE THE MOTION TO ACCEPT THE 2015 WATER BUDGET AS PRESENTED. ROGER FORD SECONDED THE MOTION AND PASSED 5-0.

RUSTY SNYDER PRESENTED THE PROPOSED 2015 SEWER BUDGET. DUE TO SOME QUESTIONS REGARDING THE PROJECTED REVENUES AND EXPENSES, THE COUNCIL WILL WAIT UNTIL THE 27<sup>TH</sup> MEETING TO APPROVE.

DENNIS CAPOZZI STATED THAT SUPERINTENDENT PATRICK SPRAY OF CLARK/PLEASANT SCHOOL CORPORATION HAS ASKED TO SELL TICKETS TO THE EDUCATION FOUNDATION COMPETITION BASKETBALL GAMES IN THE UTILITY OFFICE. THE COUNCIL DOES NOT HAVE A PROBLEM WITH THIS.

RUSTY SNYDER STATED GRAVES PLUMBING IS RUNNING TWO WEEKS BEHIND AND UPDATED THE COUNCIL ON THE PROGRESS. RUSTY STATED THAT 45 SUMP PUMP INSPECTIONS HAD BEEN COMPLETED IN OAKVILLE SO FAR, WITH TWO SUMP PUMP VIOLATIONS FOUND.

JASON CLAYMAN STATED REPLACEMENT OF ALL RESIDENTIAL METERS ARE COMPLETE; ONLY TWO LARGE METERS ARE REMAINING TO COMPLETE. HYDRANT FLUSHING WAS COMPLETED THURSDAY. TEST FOR DISINFECTANT PASSED. THE RESULTS OF THE RECENT ISO RATING WERE RECEIVED – THE TOWN WAS RATED A 6 AND IS NOW A 5 (WHICH IS BETTER).

NORM GABEHART STATED HE HAS QUOTES FOR EMERSON AVENUE PAVING BUT DOES NOT RECOMMEND DOING ANYTHING AT THIS TIME DUE TO CURRENT CONSTRUCTION SURROUNDING THIS

AREA. HE IS STILL WORKING ON THE RETENTION POND AT THE BUS GARAGE LOCATION. EMULSION PATCHING IS IN PROGRESS AGAIN. STICK AND LIMB PICK-UP WILL BE THE 27-31<sup>ST</sup> OF THIS MONTH. PILOT AND LOVES TRUCK STOPS AGREED TO DONATE \$25,000.00 EACH TO REPAVE WARRIOR TRAIL. NORM PRESENTED A RESTRICTIVE DONATION AGREEMENT FOR THE COUNCIL'S CONSIDERATION. WHITE STREET WAS EVALUATED AND WILL PROCEED WITH THE PROJECT AFTER WARRIOR TRAIL IS COMPLETED. KENT BEESON MADE THE MOTION TO ADOPT THE RESTRICTIVE DONATION AGREEMENT AS PRESENTED AND AUTHORIZE ROBERT ZEHR AS THE SIGNEE. ROGER FORD SECONDED THE MOTION AND PASSED 5-0.

DEREK COX STATED THERE WERE 308 POLICE RUNS FOR SEPTEMBER. THE ANNEXED AREA HAD 21 RUNS. TOTAL RESERVE HOURS WAS 110.5.

DEREK UPDATED THE COUNCIL ON SEVERAL CALLS AND ARRESTS MADE IN SEPTEMBER. BRIAN SMITH WAS HIRED ON SEPTEMBER 2<sup>ND</sup> TO FILL OFFICER LUCID'S POSITION. BRIAN WILL ENTER THE ACADEMY IN MARCH. THERE WAS A FIREARM INVESTIGATION AT CLARK PLEASANT FRESHMAN ACADEMY. A STUDENT BROUGHT HANDGUN TO SCHOOL AND WAS ARRESTED. CHIEF SHIPP MET WITH DR. SPRAY, SCHOOL FACULTY AND PARENTS CONCERNING THE OCTOBER 2<sup>ND</sup> INCIDENT AND DISCUSSED THE IMPORTANCE OF FIREARMS SAFETY Y AT HOME. A BUS ACCIDENT ON 65 INTERSTATE SHUT THE INTERSTATE DOWN FOR 4 HOURS THIS MORNING.

NATHAN BILGER – SEPTEMBER 2014 NUISANCE/VIOLATION WRITTEN NOTICES: NINE OVERGROWN VEGETATION, 2 SETBACK/NO PERMIT, AND 1 UNPERMITTED USE. THE US 31 VISIONING WORKSHOP KICKOFF IS TENTATIVELY SCHEDULED FOR NOVEMBER 19<sup>TH</sup> AT 7PM.

DUKE ENERGY SITE ASSESSMENT RECOMMENDATIONS WERE PRESENTED SEPT. 17<sup>TH</sup> GENERALLY FOUND THE SITE TO BE FAVORABLE. RED FLAGS INCLUDE: HOW TO PROVIDING ADEQUATE WATER TO SITE, HOW TO PROVIDE ADEQUATE SEWER CAPACITY TO SITE AND (ORANGE FLAG) INITIAL SITE INVESTIGATION REPORTS.

NEIGHBORWOODS PROGRAM TREES WERE PICKED UP AND WILL BE PLANTED SOMETIME NEXT WEEK.

DENNIS CAPOZZI STATED HE IS RETIRING AT THE END OF THE YEAR. NOVEMBER 21<sup>ST</sup> IS HIS LAST WORKING DAY.

PUBLIC COMMENTS:

SCOT FORD 17 HILLSIDE COURT, WHAT IS THE OCTOBER 27<sup>TH</sup> MEETING? ANSWER: THIS IS A BUDGET MEETING. HE ALSO WANTED TO KNOW HOW THE 8.5 ACRES FOR SALE AT THE SOUTHEAST CORNER OF WHITELAND ROAD AND SOUTH SAWMILL CAN ADVERTISE AS COMMERCIAL LAND. DENNIS CAPOZZI SAID THAT IT HAS NOT BEEN REZONED AND THEY MARKET IT ANY WAY THEY WANT TO. SCOT ALSO ASKED HOW THE SUMP PUMP PROGRAM INTERFERES WITH 4<sup>TH</sup> AMENDMENT RIGHTS. STEPHEN WATSON ADDRESSED THE QUESTION.

JANE JASINSKI COMPLIMENTED JASON CLAYMAN AND HIS CREW FOR THE WORK PERFORMED AT HER HOUSE AND PROFESSIONALISM. SHE ALSO THANKED MICHELLE RICHARDS FOR HAVING INFORMATION AVAILABLE FOR HER BEFORE FILING A PUBLIC REQUEST FORM. JANE WANTED TO KNOW IF THE SUMP PUMP INSPECTIONS WILL CONTINUE AND FOR HOW LONG. THE COUNCIL STATED THIS WILL BE AN ONGOING PROGRAM THAT HAS BEEN BUILT INTO THE SEWER DEPARTMENT'S WORK SCHEDULE.

KIM LEE, 740 CYNTHIA LANE STATED THE TOWN SPENT \$5,000.00 FOR A RATE STUDY AND WANTED TO KNOW WHAT THE MONTHLY GALLON CONSUMPTION WAS USED TO SET THE RATE. KIM ALSO ASKED ABOUT BALLOON PAYMENTS ON THE BONDS AND HOW THE TOWN WILL PAY FOR THIS. THE COUNCIL

RESPONDED THAT THESE QUESTIONS SHOULD BE ADDRESSED AT THE 27<sup>TH</sup> BUDGET MEETING. SHE ASKED ABOUT THE PLANS OF THE NEW OWNERS OF THE MILLSTONE SUBDIVISION. NATHAN BILGER SAID THAT THE NEW OWNERS WERE LOOKING FOR A HOMEBUILDER TO BUY IT, BUT HE DID NOT THINK THEY HAD A DEAL WITH ANY YET.

ART REIFEIS, THANKED THE COUNCIL FOR THE THOROUGH DISCUSSION OF THE PROBLEMS WITH FIREWORKS. HE ASKED WHAT THE FOLLOWING EXECUTIVE SESSION WOULD BE FOR. THE COUNCIL STATED THAT IT WAS TO DETERMINE HOW TO PROCEED WITH HIRING A NEW TOWN MANAGER.

DEBORAH HENDRICKSON, 330 BRIAR HILL DRIVE ASKED ABOUT THE UTILITY CLERK AND DEPUTY CLERK POSITIONS. WHO WILL TAKE THESE POSITIONS AND WILL IT BE ADVERTISED. THE COUNCIL STATED THIS WAS TO BE DISCUSSED AT A LATER TIME.

DENNIS CAPOZZI STATED THAT IN RESPONSE TO COMPLAINTS, NATHAN BILGER HAD TAKEN PICTURES OF A SUSPECTED BUSINESS BEING RUN OUT OF A RESIDENTIAL PROPERTY. THE PHOTOS SHOWED THE OWNER WORKING ON A VEHICLE ON THE DRIVEWAY. THE PROPERTY OWNERS STATED THESE PHOTOS VIOLATED THEIR 4<sup>TH</sup> AMENDMENT RIGHTS. STEPHEN WATSON STATED THAT THE PHOTOGRAPHS DID NOT VIOLATE THE 4<sup>TH</sup> AMENDMENT SINCE THEY WERE TAKEN FROM A PUBLIC STREET OF A PUBLICLY-VISIBLE ACTIVITY. THE COUNCIL DISCUSSED THE ISSUE AND AGREED WITH STEPHEN WATSON.

THE MEETING ADJOURNED AT 9:35PM

PASSED BY THE TOWN OF WHITELAND TOWN COUNCIL ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014.

AYE

NAY

\_\_\_\_\_  
ROBERT ZEHR

\_\_\_\_\_  
ROBERT ZEHR

\_\_\_\_\_  
KENT BEESON

\_\_\_\_\_  
KENT BEESON

\_\_\_\_\_  
ROGER FORD

\_\_\_\_\_  
ROGER FORD

\_\_\_\_\_  
S. ED TICHENOR

\_\_\_\_\_  
S. ED TICHENOR

\_\_\_\_\_  
CHRIS HADLEY

\_\_\_\_\_  
CHRIS HADLEY

ATTEST:

\_\_\_\_\_  
MICHELLE R. RICHARDS, IAMC, CMC