

Town of Hamilton

7750 S Wayne St – PO Box 249

Hamilton, In 46742

DRAFT – NOT YET ADOPTED

March 7th, 2011 Town Council Meeting

7:00pm

1. Council President Will Nuttle called the meeting to order at 7:00pm.

Roll call: Councilors John Damron, Will Nuttle, Jeff Bireley and Brent Shull were present. The Clerk Treasurer, Hester Stouder was present to record the meeting. Also present was Town Manager Milton Otero and Town Attorney Dan Brinkerhoff. Council member Gail Bartlett was absent from the meeting. Attached is a list of audience members.

** President Will Nuttle announced the council would be moving into executive session once the regular business of the Town council was complete.

2. Reading & Approval of February 7th, 2011 Minutes – Councilman John Damron made a motion to approve the minutes as presented. Jeff Bireley seconded the motion; motion carried with majority aye votes

*** Presentation from the Hamilton Improvement Team –

Mr. Dave Hawkins and Mr. Rich Sholl explained to the board how the Improvement Team was still moving forward with the boardwalk project and has met with INDOT & DNR regarding permits and right of ways. The improvement team may possibly use a new material for the boardwalk called Trex. The material would have a 25-year lifespan and would be purchased from a company in Fort Wayne. They explained how the appearance will resemble the current boardwalk and they hope to install lighting similar to what can be found in the downtown area. The Improvement team will be selling “legacy bricks” as a way to offset the cost and add a personal touch to the project. Mr. Sholl closed the Improvement Teams presentation asking if there were any questions and displaying visual concepts of the project for the board and audience members to view. No questions were asked and the Improvement Team thanked the board for their support.

3. Clerks Report -

- A.** Claims – Brent Shull made a motion to approve the claims presented. John Damron seconded the motion, a vote was taken and the claims were approved.
- B.** Delinquent Water Accounts– Clerk Treasurer Hester Stouder presented the list of delinquent water/garbage accounts, John Damron made a motion to accept the delinquent water/garbage accounts. Jeff Bireley seconded the motion; motion carried with unanimous voice aye votes.
- C.** Abandon Taps – Clerk Treasurer Hester Stouder requested approval from the council to abandon taps at 2 properties as supported by ordinance. Brent Shull

made the motion to abandon the 2 taps mentioned, John Damron seconded the motion, motion passed with all members present voting in favor.

- D. American legal – The clerk presented a quote from the ordinance codification company, American Legal. The quote was \$1261.08; it included updating 2009 & 2010 ordinances with inserts for the ordinance books. John Damron made a motion to approve the expense, Jeff Bireley seconded the motion, motion carried.
- E. 2nd & 3rd reading of ordinance 2011-1 – Off Street Parking – John Damron made a motion to suspend the rules and adopt Ordinance 2011-1 on 2nd & 3rd reading. Brent Shull seconded the motion, motion carried with all members present voicing aye' votes.

4. Reports –

- A. Town Manager – Mr. Milton Otero is still working on the Safe Route to School program with the engineer and INDOT, he will keep the board informed as the project moves forward.

The spillway project is in the final phases of planning for construction. The anticipated start date for the project is September 2012. After hearing some details, the board was concerned about the parking lot being removed and asked if Milton would find out what the plans were to create another parking area. Milton is starting the process of creating utility easements on the Towns property for the spillway project. Brent asked if this would make the lot un-buildable? Milton said yes it would but was necessary for the project. *The schedule for utility work is attached.*

The street department's paving and road maintenance plan needs to be discussed in detail with the Council. Mr. Otero suggested a separate meeting. A meeting was not set up at this time.

Milton asked for the Councils approval on the new Improvement Location Permit. Brent Shull made the motion to approve the new ILP knowing the Plan Commission had verbal approved it as well, John Damron seconded the motion, motion carried.

After receiving an agreement from the Railroad Company in regards to cleaning out the culvert on 800 S and underneath the railroad, Mr. Otero asked what the council would like to do? John Damron said he felt it was a good idea. The plan included taking the current 24" pipe, cleaning out up to 12" and re-inserting a clean and unclogged 10" pipe to allow for better drainage. The Town would utilize their own equipment and employees to do the work. Clerk Treasurer Hester Stouder asked what funds and plan was in place if the project didn't go as well as expected? That perspective had not yet been discussed, with that Brent Shull requested it be tabled until next months meeting to check on insurance coverage, cost and other things.

Mr. Otero asked the council how they would like to handle Ordinance 71.071 that restricts parking in the Municipal parking lot from 4am-6am. Currently tickets have been wrote to several renters in the downtown area that park in the municipal parking lot over night. Until the council could discuss it further, President Will Nuttle directed the Police Department to stop issuing tickets. The

property owner spoke insisting there wasn't enough parking available and felt they should be able to use the Town Parking lot that connects to their rental units. The council discussed different ideas for making amendments to the ordinance including permits the tenants could purchase to allow for overnight parking. The council decided to enforce the current ordinance and allow time for Milton, Will & Jeff to meet and come up with alternatives. They will present them to the board at a later date.

Mr. Otero said the council previously allowed employees to participate in community functions during their regular workday without using PTO time. He asked if the council would like to continue allowing this? Mr. John Damron said he did not remember that being approved and asked for more clarification. Board member Brent Shull said he thought they discussed employees serving as a Volunteer Fire Fighter during the day and not having to use time, but didn't; remember any other events being approved. Mr. Otero said he couldn't specify when it was discussed, but would get back with the council and they could give their input at that time. *(Please see attached)*

- B. Street Department – *(Please see attached)*
- C. Police Department – Councilman John Damron asked when the canine would be joining the Police Department? Marshal Warner said Officer Geyer starts training March 28th, 2011 and the canine should be on active duty as of July 1st, 2011. *(Please see attached.)*
- D. Water Department –Town Manager Milton Otero requested the council's approval to upgrade the SCADA system estimated to cost around \$15,000.00. Councilman Brent Shull said he felt it was too important after the "brain" of the water plant was damaged last year. He motioned for the approval of the upgrade, John Damron seconded the motion, motion carried. *(Please see attached)*

5. Old Business –

- A. Downtown Dumpsters – Town Manager Milton Otero said no changes were made to the previous contract, as he received no feed back from the council. Brent Shull asked if the changes he sent via email were made? Mr. Otero said he was unaware of any changes being communicated. The contract was tabled until next months meeting so those changes can be made.
- B. Overtime Policy - Clerk Treasurer Hester Stouder introduced a policy outlining guidelines discussed with Will Nuttle, John Damron, Justin Stouder, Mark Gerardot and Hester Stouder. The policy allows for overtime to be paid only for hours worked at the compost site during April 1st – December 1st of every year. Other overtime earned will be given in comp time. The policy addressed several other items including timeframes in which the time should be used and the ability to convert the time to an employees Paid Leave Bank. President Will Nuttle asked if the overtime earned from January until March was already paid? The Clerk said the overtime had all been compensated either by comp time or monetarily. The last pay period where overtime was earned, comp time was given per the timecards, discussion with the Department of Labor and the Council President. Mr. Nuttle said he was now hesitant in doing so without a

policy in place. Mr. John Damron made a motion to approve the policy and to allow any employee, who would like monetary compensation prior to the policy being approved, be able to request that. Jeff Bireley seconded the motion, motion carried with all those present voting in favor.

- C. New ILP – This was discussed during the Town Managers report and approved.
- D. Safe Route To School – This was discussed during the Town Managers report.
- E. Cameron House Committee – Councilman John Damron said he had recruited Mr. Dave Hawkins and one other person for the committee. A date will be set and put in the paper for the first meeting. The Town Attorney Dan Brinkerhoff cautioned that if this committee was driven by the council that they make sure to comply with the open door law. As of now it is an exploratory committee encouraged by the council and intend on complying with the Open Door law.
- F. Park Board Transfer of Tractor – Board President Will Nuttle apologized for the confusion and took responsibility for the communication confusion. He stated that the tractor would not be transferred to the Park Board and would instead be auctioned. Jeff Bireley will get a “blue book” value and John Damron will be the auctioneer at next months council meeting when it is sold. The item will be advertised and the auction will be prior to the April 4th, 2011 council meeting.
- G. Road Maintenance/Paving plan – Another meeting has been set up to discuss this agenda item in more detail. The meeting is set for March 21st, 2011 at 6:30pm at the Town Hall.

6. New Business –

- A. EDC/Trine Initiative - Mr. Brent Shull is the Town’s representative and spoke in favor of the proposal. He mentioned the benefits for businesses, jobs, construction and economic growth. He shared the amounts surrounding communities were pledging in favor of the proposal and requested the council be willing to invest \$25,000 - \$50,000. Councilman John Damron said it was a big decision and would like to see if any of the audience had input to help them get a feel for how the community felt. President Will Nuttle did not allow for public input at this time. Another meeting for the public was set for March 10th, 2011 at 3:00pm at the Headstart. Board members shared their thoughts and will use the time between to prepare for questions and have a better understanding of how this proposal will affect Hamilton.
- B. Indianapolis Motor Speedway Promotion – Councilman John Damron said he didn’t believe anyone on the council would have the time for promoting a Speedway event, but thought maybe the Chamber could be asked. Chamber President Mary Vail was in the audience, she said she would ask other board members if they would be interested.

Public Comments/Questions –

Mrs. Mary Vail asked if the money was invested in the TRINE proposal, would it be a one-time thing or could they come back later and say they need more? Brent Shull said no, once the initial funding was in place the project(s) would be self-supporting.

With no other comments or items of business, the motion to recess the council meeting and reconvene in executive session, was made by Jeff Bireley and seconded by Brent Shull the meeting recessed at 8:27 pm.

Hester Stouder - Clerk Treasurer

Will Nuttle – Council President