

FEBRUARY 05, 2020

TOWN COUNCIL MEETING

Those present:

Allen Miracle	Matt Mize	Ben Vineyard	Eric Christiansen - NJ
Jim Smith	Jim Kirk	Dan Renz	Warsaw Paper
Laura Rager	Cam Kissinger	Kody Cook	Don Lewis
Tom Dale	Craig Walters	Carla Gebert	Deb Chinworth
Gary Montel	Jennifer Hotchkiss	Chad Owen	Ashley King
Adam Penrod	Aaron Popplewell	Mike Oberg	Mike Larson
Carrie Mugford	Steve Shumaker	Jamie Hotchkiss	Bob Sklar

Those absent: None. A quorum was attained.

The February meeting of the North Manchester Town Council was held at the Public Safety Building, 709 W. Main Street, North Manchester, Indiana, on February 5, 2020 at 7:00 p.m., pursuant to notice duly given in accordance with the rules of the Council. The meeting was called to order by Council President, Allen Miracle, who presided.

MINUTES

Minutes of the 12/04/19, 12/18/19 and 01/08/20 regular meetings were presented for approval. Motion to approve the minutes as presented: Rager/Smith. Motion passes unanimously.

VISITOR COMMENTS

Council President Allen Miracle announced some recent changes. Each council member now has an email at nmanchester.org. A visitor wishing to speak to the council at the regularly scheduled meeting will have no more than 3 minutes to speak. No more than 10 minutes will be allowed for all comments. Visitor contact information can be left with the Clerk-Treasurer. A response to visitor comments will be given when council feels a response is necessary. However, please don't expect an immediate response.

Bob Sklar, 116 W Main Street, stated in October he asked for a response to his concerns about issues around town. At the December council meeting Sklar presented his concerns about the negligence of the police department; however, he hasn't received a response. Sklar then called for the resignation or termination of Town Manager Adam Penrod stating that a town manager should enforce all ordinances and legislative measures. Sklar exclaimed that enforcement of ordinances is not discretionary and the term "shall" makes a directive mandatory. Sklar alleges to have documented over 20 instances where the police department failed to take action on an ordinance violation or have taken action where no violation exists. Sklar remarked that the council has been made aware of blatant disregard for the law yet nothing has been done. Sklar once again put the council on notice.

Council President Miracle explained that the open door law requires the public be allowed to attend meetings of the council; however, allowing input from the public is not required. We appreciate input from the public. Comments from residents are a valuable tool for us. However, it is difficult to listen to disparaging comments from the public. Miracle is proud to work with the appointed and elected officials of the town who are forced to deal with constant criticism from Bob Sklar. Common complaints from Sklar include improper snow removal, unenforced ordinances, or incompetent employees. Emails from Sklar often include cited statutes and demands for action based on statutes while questioning if officials are acting legally and responsibly.

Miracle declared Town Manager Adam Penrod is a valuable asset and knowledgeable steward. The council relies on Attorney Matt Mize for guidance. Police Chief Jim Kirk is a professional. Clerk-Treasurer Carrie Mugford is a member of the board of directors for AIM (formerly IACT) and immediate past president of the Indiana League of Municipal Clerks and Treasurers. We all want to do things legally and responsibly. We use state resources to ensure compliance. We are only human. We do our best. If an issue is brought to us by legal authority, we will make the necessary changes. Sklar has initiated court cases against the town at the county, state and federal level; the outcome of which are all in the towns favor. Miracle feels town officials are on the right track because courts are reaffirming. As the new council president, I appreciate the people I work with. Sorry you are continually subjected to these accusations.

UNFINISHED BUSINESS

None

NEW BUSINESS

1. Extended Alley Closure Request – Clerk-Treasurer Carrie Mugford read resolution #1 verbatim. Town Manager Adam Penrod explained that the Strauss Family Partnership intends to rehabilitate 218 E Main Street after it was damaged by fire. The area needs to be fenced off but the fence prohibits traffic in the adjacent alley. Construction should be finished by September. No services or trash pick-up in the back alley will be affected. This is an extended closure not a typical short-term closure. Motion to approve resolution #1: Rager/Montel. Motion passes unanimously.
2. 2017 Stale Check Write-Off – Clerk-Treasurer Mugford explained the seven checks from 2017 that have not been cashed. A check is considered stale after December 31 two years after it is written. The two town checks and five utility checks will be documented and voided from the software system. Motion to approve writing off stale 2017 checks: Smith/Dale. Motion passes unanimously.
3. Parkview EMS Update - Carla Gebert, Parkview EMS Manager, gave an update on Parkview EMS Services from the past year. Parkview EMS is surpassing projections for utilization in the town and surrounding area. Gebert gave several statistics on utilization by geographic area and most common reasons for calling an ambulance. Almost 90% of calls have an EMS on scene in under 13 minutes. Mike Oberg presented 342 hours of training to the local team. Parkview EMS attended several community events and looks forward to being present in the community. An investment was made in equipment to make it easier to move patients with less strain on employees. The second floor sleeping quarters in the Public Safety Building were renovated with Parkview Foundation dollars at no cost to the town. Gebert mentioned that Parkview is always looking for new team members and finished by thanking the town for their continued partnership. Councilmember Tom Dale acknowledge the good care he received when he needed an ambulance several months ago. Councilmember Jim Smith asked if the patient can request to go to a different facility possibly even to Indianapolis. Gebert explained that in an emergency situation a patient is taken to the closest, most appropriate hospital depending on needs. A medical transport can go wherever the patient wants. Smith asked if insurance can direct where a patient is taken. Gebert stated that most insurance will accept emergency care at any facility. However, insurance may have a say in a long-term care transport.

DEPARTMENTAL & COMMISSION REPORTS

Appointments – Gary Montel will replace Chalmer Tobias on Traffic Commission. Last month's appointment of Chalmer Tobias to Plan Commission was already filled by Andy Brown. That appointment was made in error. Motion to approve the changes to appointments: Rager/Dale. Motion passes unanimously.

Police Dept. – Report included in packet. Police Chief Jim Kirk reported that he recently attended an annual Police Chief conference in Indy. Approximately 300 police chiefs were in attendance. Several off-duty officers escorted 6 buses of kids to the Shrine Circus in Fort Wayne.

Fire Dept. – Report included in packet.

Code Enforcement – Report included in packet.

Plan Commission –

Board of Zoning Appeals – Building Commissioner Steve Shumaker noted that BZA will meet in February to consider a variance request.

Traffic Commission –

Parks & Recreation – Report included in packet. Parks and Recreation Director Jennifer Hotchkiss reported that the new Chevy Silverado was picked up from Shepherds. The 20-year-old truck that is being replaced will be put up for bids to be opened at next month's council meeting. The Daddy-Daughter dance is being planned for later in the month. Havel Brothers have worked on the desert air system several times in January. It should be fixed now which will allow CMS Roofing to investigate where moisture in the roof is coming from.

Town Life Center – Report included in packet.

Tree Advisory – Tree Committee Chairman Ben Vineyard commented that the Tree Commission is off and running in the new year. There is a long list of tree removal requests that have been accumulating since November. Vineyard noted that every year the Tree Commission approves the removal of many more trees than what is planted. The major goal for this year is to plant more trees than are removed. Vineyard estimates the Worth M. Walrod fund, held at the Community Foundation, has enough money to plant 30-35 trees. The plan is to more aggressively advertise the Walrod program using social media and local newspapers.

Grow Wabash County – Penrod mentioned that next Wednesday (February 12) will be the State of Our Communities breakfast. Each Wabash County community will have a representative speak and give an update. Penrod noted this is a great event to attend especially if you enjoy listening to Allen Miracle give a presentation.

RDC – Penrod reported that the Redevelopment Commission met and elected officers for the year. Penrod updated the RDC on the current status of the housing addition. Over the next few meetings the RDC plans to review reporting requirements to ensure compliance with overlapping taxing districts.

MEDCOR – Councilmember Laura Rager reported that MEDCOR recently purchased the house at 308 S First Street. The closing went smoothly. The intention is to tear down the house and clean up the property. It may be sold for a building lot or may turned into a park.

Solid Waste – Councilmember Dale commented that tipping fees have been going down for several years. However, this past year tipping fees went up which is helpful to bring in more revenue for the Solid Waste District. Dale remarked that 210,000 pounds of just electronics was collected. Residential usage continues to go up and unfortunately Solid Waste has to pay to get rid of all that material collected. Dale reported that Solid Waste was able to make enough money to cover the budget this past year.

Storm Water Board – Penrod reported that the Stormwater Board met and approved the docket. The board discussed the Fourth Street stormwater project. The project is substantially complete except for some grading and reseeding in the spring. Penrod explained the amount of stormwater that will no longer be going into the sanitary sewer from this area.

Public Works – Reports included in packet. Street Superintendent Craig Walters remarked that the guys are out salting and sanding the streets tonight. This is only the 6th time this year for salt and sand which is unusual.

TOWN MANAGER'S REPORT

Town Manager Adam Penrod reported that the spring round of Community Crossings grant applications will be submitted this week. Projects include: Wayne Street from Seventh Street to College Avenue, Wayne Street from College Avenue to State Road 13, West Main Street, and crack sealing multiple streets.

Penrod confirmed that the first building permits have been issued for Chester Heights. A single-family home and villaminium will be the first structures. The foundations are formed and the concrete will be poured as weather allows.

CLERK-TREASURER'S REPORT

1. Financial Reports – Approved subject to audit.
2. Claims - The Town claim docket totaling \$472,287.95 and the Public Works docket totaling \$209,075.19 were submitted for payment. An additional claim was presented for NIPSCO in the amount of \$9,343.20. This amount is a portion of the contract to bring new service to the Chester Heights addition. The contract was not presented to the town manager until the day before the council meeting. Mugford is asking for approval of the additional claim which brings the docket amount to \$481,631.15. Motion to pay our obligations: Smith/Rager. Motion carried by unanimous voice vote of members present.

VISITOR COMMENTS

Ashley King, 101 ½ E Second Street, presented a complaint against Officer Isaac Adams. King was pulled her over by Adams for failure to stop at a stop sign. King alleges Adams did not ask the normal questions when he approached her car but instead was repeating himself and had an attitude. King stated she started recording the incident after Adams was aggressive. A complaint has already been filed with Chief Jim Kirk. King stated she was told a sergeant would respond to her concerns but when no one contacted her she called Kirk again. King again commented that Adams did not act appropriately and did not turn on his body camera when she thinks he should have. King asserted that she doesn't think she did anything wrong.

COUNCIL COMMENTS

Jim Smith expressed his appreciation for Allen Miracle's comments at the beginning of the meeting and would second all that was said.

Meeting adjourned at 7:48 pm.

TOWN COUNCIL, TOWN OF N. MANCHESTER

Allen Miracle, President

Jim Smith, Vice-President

Tom Dale

Laura Rager

Gary Montel

ATTEST

Carrie Mugford, Clerk-Treasurer