

**MINUTES/MEMORANDUM
EXECUTIVE MEETING
SEPTEMBER 8 2021**

The Centerville Town Council met in an Executive meeting on September 8, 2021, in the Council Chambers of the Municipal Building, 204 East Main St., Centerville, IN 47330.

Present: Gary Holbert, James Bullen, Mark Tucker, Jack Bodiker, and Dan Wandersee. Also present: Ed Buchholz, Kevin Slick, Janice Roberts, Attorney Ed Martin, and Attorney Blake Burgan.

The meeting was called to order at 5:30 p.m. by Ed Martin.

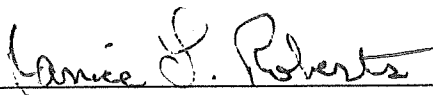
Business was conducted under I.C. 5-14-1.5-61 (b) (6) (A).

There was no other business conducted or discussed at this meeting other than the business conducted under I.C. 5-14-1.5-61 (b) (6) (A).

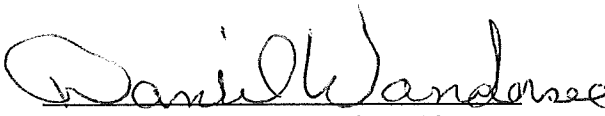
Meeting adjourned at 6:25 p.m.

CERTIFICATE

I hereby certify that there was no other business conducted or discussed at this meeting other than the business conducted under I.C. 5-14-1.5-61 (b) (6) (A).



Clerk-Treasurer



Dan Wandersee, Council President

**TOWN COUNCIL MEETING
SEPTEMBER 14, 2021
7:04 P.M.**

Prayer by Dan Wandersee

The Centerville Town Council met in regular session on September 14, 2021, at the #1 Fire Station, 414 South Morton, Centerville, IN 47330.

The meeting was called to order at 7:04 p.m. with Pres. Wandersee presiding.

Roll call of council members present: Mark Tucker, Gary Holbert, Dan Wandersee, Jack Bodiker, and James Bullen.

MOTION to accept the minutes of the August 31, 2021, meeting was made by James Bullen and seconded by Mark Tucker. Roll call vote:

James Bullen	aye
Jack Bodiker	aye
Gary Holbert	aye
Mark Tucker	aye
Dan Wandersee	aye

Motion carried with five (5) ayes.

MOTION to accept the minutes of the Executive meeting held on September 8, 2021, was made by Mark Tucker and seconded by Jack Bodiker. Roll call vote:

James Bullen	aye
Jack Bodiker	aye
Gary Holbert	aye
Mark Tucker	aye
Dan Wandersee	aye

Motion carried with five (5) ayes.

The list of claims was not ready for this meeting so they will be approved at the next regular council meeting.

Ms. Stephanie Wright was present representing the Main Street Group. She reported the Archway Festival was a huge success this year. Seventy-one people were registered at their booth. A seven thousand dollar award received; some of the money will go for four (4) self-watering planters and an art project. Sherry Markley is looking for volunteers.

Greg White was present representing the Railroad Group. The Archway Days Festival was a success and the caboos was well received. He thanked council for the setting. Their next project will be working on the interior of the caboos, possibly around October 14-15. The group is working on Christmas in Centerville.

Police Chief Ed Buchholz has been contacted by the school for the parade to be held September 22nd at 6:00 p.m. **MOTION to allow the High School to hold their parade on September 22nd at 6:00 p.m.** was made by Jack Bodiker and seconded by Mark Tucker. Roll call vote:

James Bullen	aye
Jack Bodiker	aye
Gary Holbert	aye
Mark Tucker	aye
Dan Wandersee	aye

Motion carried with five (5) ayes.

Trick-or-treat is a month away so the council will get it on the next agenda.

Mike Wright approached council about allowing all-terrain vehicles to briefly be on town streets to get to an acceptable location. A county ordinance has been approved. As of December 31, 2003, side-by-sides are allowed to be on streets/roads; they must be registered with the state the same as a car with two small stickers. There can be no license fees imposed. He is referring to off-road vehicles. County ordinance allows them to be on county roads; must register; under the age of 18 years must wear a helmet; riders must have a driver's license and insurance; depending on the number of seats will have limited occupancy; can cross US40; must have at least one (1) working head and tail lights; must travel in single file. Fines would occur at a rate of \$100 for first offense and \$250 for each offense thereafter to go to the General Fund. State statute allows this to be enforced. Riders would like to legally leave home and get to country roads briefly cutting through the town. Fines would be handled by the town. Riders would have 72 hours to pay any fines. The attorney would handle any unpaid fines. This would be a separate ordinance than for a golf cart. Ed Buchholz will get with Attny. Ed Martin and put something together for council to look at.

Town Manager, Kevin Slick, gave his report: Main Street lighting project is moving forward. He is getting a quote for the CYL lighting upgrade. The US40 project stage one is completed and stage 2 is underway. Submitted a mileage change on August 31, 2021. Total change requested is for 2.8 miles to be added. Moving forward 2020-2 GCMG—will be scheduling time frame soon. The street sweeper is running as time allows. Potholes being patched throughout town as time allows. Sign upgrade is ongoing as funding allows.

Fire Chief, Dennis Spears, reported that two (2) new trucks are getting lights. In about a week he will have one in service. Concerning a contact at the gas company, he will get with Richard on this. Jack reported around \$30 will be taken out of each department for the sprinkler system. Comment was made that the Fire Department did a great job at the Archway Days Festival.

Kevin reported we are moving forward with SCADA upgrades at the lift stations and rain gauge at CYL station. Equipment maintenance is being done. Under Electric: Duke easement is being reviewed. Warm Glow charging station is in the design stage. Power outage on August 22nd was due to an animal. IMPA is replacing poles as scheduled. We are replacing street lights and service requests as needed. He is working with IMPA on transformers at the Antique Mall.

Pres. Wandersee introduced Richard Tincher as the new Clerk-Treasurer. Dan also thanked Janice Roberts for stepping in for the last two or three weeks.

Information for the ARP money, which is over \$500,000, was passed out. The state has given a 30-day extension. A report is due by the end of October.


MOTION to adjourn this council meeting of September 14, 2021, was made by James Bullen and seconded by Mark Tucker. Roll call vote:

James Bullen	aye
Jack Bodiker	aye
Gary Holbert	aye
Mark Tucker	aye
Dan Wandersee	aye

Motion carried with five (5) ayes

Meeting adjourned at 7:45 p.m.


Richard Tincher, Clerk-Treasurer


Dan Wandersee, Council President

Council Minutes

September 22,2021

4:30 pm

OPEN SPECIAL COUNCIL MEETING:

Call to order by Dan Wandersee, President

Attending roll call:

Jack Bodiker on zoom

James Bullen on phone

Gary Holbert on zoom

Mark Tucker on zoom

Dan Wandersee on zoom

NEW BUSINESS:

Request by Centerville Senior High School for Home Coming Fireworks display .

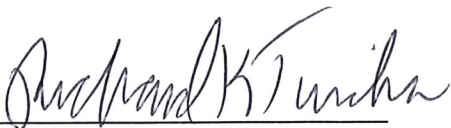
Motion by Mark Tucker , second by Gary Holbert and James Bullen

Vote : Five (5) Ayes

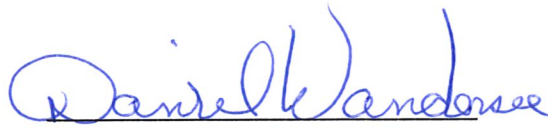
Dan Wandersee motion to adjourn at 4:35 PM. ,second by Jack Bodiker

Vote: Five (5) Ayes

CLOSE: 4:30 PM



Richard Tincher Clerk Treasurer



Dan Wandersee Town Council President

Plan Commission Meeting Minutes
September 23, 2021

Meeting came to order by Vice President Travis Wake at 7:01pm.

Commission Members present: Travis Wake, Mike Duke, Mark Tucker, Jack Bodiker, Kevin Slick & Lynnette Allen

Building Commissioner: Gene Kates

Attorney: Ed Martin

Public Members: No community members in attendance

Reviewed minutes from August 26, 2021 Enforcement Order: Mark Tucker motioned to approve, Kevin Slick 2nd, Unanimously approved.

Reviewed minutes from August 26, 2021 Public meeting: Travis Wake motioned to approve, Kevin Slick 2nd, Unanimously approved.

Richard Tincher resigned as a member and President of the Town of Centerville Plan Commission to accept the position as the Town of Centerville Town Clerk. It was discussed that the town council President will have to appoint a new person.

Old Business:

- 209 W Walnut St: April 2021, Gene Kates issued enforcement order to re mediate and US Bank ignored. July 22nd, 2021 enforcement order was amended to demolish the building and US Bank ignored. Public Hearing was held on August 23, 2021, with no appearance from US Bank. Plan Commission affirmed the order August 23, 2021. Ed Martin mailed the Continuing Order to US Bank, in Chicago, IL. was received per USPS on 9/9/2021. US Bank has 15 days to comply with the Enforcement Order which would expire on September 24, 2021. The Town of Centerville has 2 years to enforce this order or it will expire unless 1) US Bank appeals 2) proceed with public bids 3) file civil action under Section 17.

If we are going to go out for bids there are requirements in the statute that states: after service of the order and haven't received appeal, then if work is under \$10,000 and the Town has a qualified work force and equipment than the Town could do the work without a bid. If the job over \$10,000 the project has to be presented for public bid. Have to invite quotes by communication to at least 3 licensed contractors. Any time you do a project that requires retaining records, we have to record the notice for bid and post within 48 hours of public meeting requesting sealed bids to be opened at public meeting.

Kevin Slick motioned to open bids at public meeting on October 28, 2021 at 7:00pm during our regular meeting. Lynnette Allen 2nd, unanimously approved.

Mark Tucker motioned to forgo any civil action toward US Bank, Kevin Slick 2nd, unanimously approved.

Gene received 2 budgetary quote to estimate the cost of the job to see which statute we have to abide by.

-Alayne Hope Investments LLC- Application is currently at the third stage of the Town of Centerville ordinance to grant final approval. The 2nd and 3rd approval is based on Statue for final approval of plat. Per Ed Martin, there is no requirement to make notice to approve/deny, if we are intending to deny this for Alayne Hope, we need to make a motion to deny the final approval. Since we haven't signed off on any plat, there hasn't been any final approval. Ed Martin mentioned that the person signing the documents wasn't an authorized signer for the LLC. Which makes the documents invalid per Mark Tucker. Mike Duke motioned to deny 2nd approval, Mark Tucker 2nd, unanimously approved. Mark Tucker is going to make a recommendation to the Town Council to drop from their agenda.

-OCRA or ARP funds to help updated ordinances: The ARP funding amount is constantly changing, last mentioned possibly \$576,000. Lynnette Allen mentioned a conversation she had with the Wayne County Commissioner that there has been a conversation between Town Council President Dan Wandersee and a member of the Wayne County Commission in regards to the town becoming a member of the application for

HELP for the entire Wayne County Area. According to town council members there had been a quick discussion about this. The draw back in attaching our town to this application was the requirement of 30% of funding needed to be held set aside for the plan. Council members felt that the 30% could be better used and planned by our community and not the plan project. Also the requirement that our community would be required to set aside \$20,000 the first year and a minimum of \$40,000 for subsequent years pay for the salary of planner hired. Lynnette mentioned that if the County really wanted our input in this, shouldn't they been at our Council meeting to discuss. Lynnette Allen mentioned that since we are getting ARP funding, and we will not be able to use any of this funding to update our Comprehensive plan or update our Town Ordinances that we could use the ARP funding for some of budgeted items and use our budget money to proceed with updates.

-115 E Main St: Gene Kates stated that he has made two phone calls to Kevin McCurdy with no response. Gene Kates also emailed a letter to Mr McCurdy in regards to needing the Letter of action. Travis Wake stated that we really want to work with them and get the building up to code, wants to wait till next month before adding any other pressures. Mike Duke motioned to table to next month and Lynnette Allen 2nd, unanimously approved.

-9th Commission member: Lynnette Allen handed out Walking voting lists for Democratic Center 1, 2, & 3. This position was a County Commission appointee, has to be in the unincorporated area or have property in this area and vote opposite of Rob Doty, Republican. Mark Tucker wanted the complete lists sent to him via email and I gave him my hard copies of all the files I had. Gene Kates stated that if we come up with a name, make a list and give to Gene Kates and he can reach out to them.

- National Oil: No new information

-Sunset View, AMD Clean up: Gene Kates, sent letters out, there are now dumpsters. Travis mentioned how bad it gets in this neighborhood with the high grass, trash and blowing bags. He mentioned that it sometimes resembles an abandoned housing addition and it just isn't right.

Ordinance Committee update: Gene Kates recommended to adopt the handicap sidewalk ordinance to update the sidewalk ordinance.

Wayne County Plan Commission meeting: Per Lynnette Allen, they are still working on updating their ordinances and codes.

New Business:

Sunset View sign removal: Need to wait until the name change, until then need to leave as is per Gene Kates.

Street Curb Weed Control: Travis Wake mentioned the weeds that are growing between the curb and road and wanted to know who was responsible to keep the weeds sprayed. He stated that his neighbors are very upset about this and come to him to see who is responsible. Not just in Sunset, but on McMinn South where the curbs are also. If the home owner is responsible for this and on the sidewalk, should this be in the weed control ordinance also? Per Ed Martin, this would be a case by case scenario, Gene Kates could issue a letter on weed control, but it would be based on who is exercising the right of way at this particular spot. Mark Tucker mentioned that we need to make sure we are doing what is best for the entire town, not just our particular neighborhoods. If we were to update the ordinance to include the sidewalk, street weed control, it would be for the entire town, not just specific areas and the town would require the budget and man power to be able to perform the duty.

Other Business:

Kevin Slick motioned to adjourn the meeting at 8:25 pm with Mark Tucker 2nd, unanimously approved
Next meeting October 28, 2021 @ 7:00pm

Plan Commission Meeting Minutes
Special Meeting August 26, 2021

Meeting came to order by Vice President Travis Wake at 7:00 pm.

Commission Members present: Mike Duke, Travis Wake, Jack Bodiker, Mark Tucker, & Lynnette Allen

Building Commissioner: Gene Kates

Town Attorney: Ed Martin

Public Members: No public members or owners of subject property present

This meeting was in regards to the Enforcement Order issued on April 22, 2021 by Gene Kates, Building Commissioner of the Town of Centerville, for 209 West Walnut, Centerville, Indiana. The order finds that the owners are maintaining a structure on this property that has been determined to be an unsafe building.

Vice President Travis Wake started the meeting by reading the legal rules of the meeting.

Vice President Travis Wake asked if there were anyone in attendance that may have issue with the order that had evidence that they want to present. No public response.

Vice President Travis Wake swore in Gene Kates before he presented evidence. Gene Kates, Town of Centerville Building Commissioner who resides at 2740 S. Centerville, Road, Centerville, Indiana. Stated that the property has been abandoned since February of 2019 upon foreclosure by US Bank Trust. The Town of Centerville has shut off all utilities. Gene Kates, Town of Centerville Building Commissioner recommended the Order of Demolishing of the property, due to the property being a fire hazard, vacant, floors are caving in. Foundation is eroding, not habitable. Gene Kates also stated that all notices had been mailed with required signature on the mailing. Gene Kates also entered into evidence that has of July 22, 2021, US Bank has not responded to notices, publication and didn't attend the meeting. Ed Martin, Town Attorney went through the list of evidence, Is the property a fire hazard? Gene Kates answered yes, due to abandonment. Is the Structure a hazard to public health? Gene Kates answered yes, the town has mowed the property, the backyard is enclosed in a 6 foot privacy fence and the weeds are above the fence which lots of vermin now reside in the backyard. Has there been any trespassing on the property? Gene Kates could not answer yes or no on this questions. Is the property a public nuisance? Gene Kates answered yes to this has they have had several neighbor complaints. Is the structure fit for habitation? Gene Kates answered, No based on the fact that the floors are caving in. Is the structure dangerous? Gene Kates answered yes, because of persistent foundation erosion. Has the town issued previous notices under the town and state Unsafe building statutes? Gene Kates answered yes.

Vice President Travis Wake asked if anyone present had further questions or evidence. No one else presented evidence or cross examined the witness.

Mike Duke motioned to adopt the findings of fact Mark Tucker 2nd, unanimously approved

Lynnette Allen motioned to affirm the order with Mark Tucker 2nd, unanimously approved

Mark Tucker motioned that US Bank Trust was willful in failure to comply with the Order and Lynnette Allen seconded with unanimously approved.

Mike Duke motioned to assess the \$5,000.00 fine and Lynnette Allen 2nd, unanimously approved.

Travis Wake motioned to adjourn the meeting at 7:20 pm with Mike Duke 2nd, unanimously approved.