

MINUTES

THE COMMON COUNCIL

April 06, 2020

6:30 P.M.

THE REGULAR MEETING OF THE COMMON COUNCIL FOR THE CITY OF CHARLESTOWN WAS HELD ON MONDAY, APRIL 06, 2020 AT 6:30 P.M. AT CITY HALL WITH MAYOR TREVA HODGES PRESIDING.

Council members present were: Ruthie Jackson, Brian Hester, BJ Steele, John Cox and Bo Bertram. Also present were Clerk Treasurer Donna Coomer, Common Council Attorney Michael Gillenwater and City Attorney Mickey Weber.

Pledge

None - Council Meeting is being held virtually and teleconferencing.

Invocation

Mayor Treva Hodges asked everyone to do a moment of silence for all those who are being treated because of the virus and those who have passed away.

Agenda

Mayor Hodges asked for approval on the agenda.

Councilman Hester asked to add Resolution 2020-R-08 to the agenda. Mayor Hodges said she did not receive a copy of the Resolution.

Councilwoman Jackson made a motion to approve adding Resolution 2020-R-8 to the agenda, seconded by Councilman Hester. Approved 5-0.

Councilman Bertram made a motion to approve the agenda, seconded by Councilwoman Jackson. Approved 5-0.

Minutes, Claims and PR Voucher

A motion was made by Councilman Cox to approve the Minutes, Claims and the PR Voucher from 03/02/2020 to 04/04/2020, seconded by Councilman Hester. Approved 5-0.

Public Comment

None

Ordinance 2020-OR-06

This Ordinance is amending Ordinance 2020-OR-01. This amended salary ordinance allows for an additional hourly position for a Planning & Zoning inspector and building code enforcer. This will allow Tony Jackson to move from a contract to an employee position and is included in the budget.

Councilwoman Jackson made a motion to approve the Ordinance 2020-OR-06 on the first reading, seconded by Councilman Hester. Approved 5-0.

Councilman Hester made a motion to suspend the rules on Ordinance 2020-OR-06, seconded by Councilwoman Jackson. Approved. 5-0.

Councilwoman Jackson made a motion to approve Ordinance 2020-OR-06 on the second and final reading, seconded by Councilman Steele. Approved 5-0.

Ordinance 2020-OR-07

This Ordinance is annexing territory contiguous to the City of Charlestown. This is the public hearing for that annexation concerning approximately 3 1/2 acres. This annexation was published and is a voluntary annexation. Mayor Hodges opened up the public hearing for any discussion and there was no one in the audience for comment. Mayor Hodges closed the hearing.

Councilman Cox made a motion to approve Ordinance 2020-OR-07, seconded by Councilman Steele. Approved 5-0.

Brad Benson with Applegate, Fifer & Pulliam
428 Meigs Avenue
Jeffersonville IN 47130

Councilman Hester asked Mr. Benson what are the intentions for this land? He said Shamrock Properties wants to purchase the property to build apartments once the annexation is completed. His client Southern Indiana Development Partners LLC. currently owns the land and is under contract asking the city to annex the property. Director of Planning & Zoning Tony Jackson said the buyers are wanting to build 3 buildings with 16 apartments each. The first 3 apartment buildings will be built on the southwest parcel behind the water plant and they own this parcel. The other 3 apartment buildings that need to be annexed would be built on the Southeast parcel across from the current complex.

Council Attorney Mike Gillenwater said if you want to pass this Ordinance on the first reading you can, but you can't suspend the rules and pass it today. There is a period of time you have to wait for residents to remonstrate against the annexation. This will give the public until the May meeting to respond to the public hearing either by email, video or mail before you pass this Ordinance. They could show up at the May meeting if this Executive Order has been rescinded by then.

Mayor Hodges said due to the governor's Executive Order to stay home and a local travel advisory and not to have public meetings instead have them electronically,

we will give the public time to remonstrate concerning this annexation. They can send it to the Mayor's email at mayor@cityofcharlestown.com or call the Building Commissioner with any questions or concerns and it will be on a recorded line. This Ordinance will be presented for the second and final reading at the regularly scheduled May Council meeting.

City Attorney Mickey Weber said for the record at the meeting on March 18th the Council did invite residents to give a response either electronically, email or mail. Those who did not take advantage of that opportunity may still do so with this Ordinance.

Mayor Hodges said this Ordinance will be tabled until the Council's regularly scheduled meeting in May for the second and final reading and give residents the opportunity to comment.

Resolution 2020-R-8

Mayor Hodges said she has not seen a final copy of this Resolution. Councilman Hester is sponsoring Resolution 2020-R-8. It allows the Council Members the right to approve any public comment or public announcements before they go to the public. She asked Councilman Hester to do a motion and put it on the table for approval.

Councilman Hester to make a motion to put Resolution 2020-R-8 on the table, seconded by Councilwoman Jackson, Approved 5-0.

Council Attorney Gillenwater said a couple of things caused this to be put forward, prior to COVID-19. There had been discussion about creating a Cumulative Capital Development Fund. After the governor's executive orders, the Council and Mayor determined it would be a hardship placed on the residents who are out of work and businesses who can't get their employees to come into work. This would not be a good time to discuss the possibility of a new tax, based upon the financial advice of some consultants. The consultants drew up some legal ads and made arrangements to have those advertised in the paper. The financial consultants were not aware there were discussions to hold off running the ads.

Council Attorney Gillenwater said there are two things the council wants to make clear. The first is the council does not intend to create a Cumulative Capital Development Fund that would cause people in the city to be taxed with an additional tax in these economical times. The second thing this requires is if an advertisement needs to be placed in the paper under the council or is being described or any council action, they want it to be approved by the council before it goes out. If for some reason the administrative or whoever is going to put it in the paper needs to obtain approval from the Council President at that time and make sure the council knows what is going on. He doesn't think there was any intent to cause a false impression. There are two things the council wants to make very clear there will be no new tax and if any ads are put in the paper the council knows about it. Mayor Hodges said this resolution does what a press release did on March 24, 2020 in recalling those ads that the tax will not be considered. It also says the Council wants to approve anything that goes out publically if it refers to them.

Councilwoman Jackson said the ads were put in the paper and she has never had a discussion with anyone. She was called on March 20, 2020 to come to a meeting on March 23, 2020. That meeting was cancelled. On March 26, 2020 the ad ran in the paper. It was also on the City of Charlestown's Facebook on March 24, 2020.

The adoption of it had been discussed at a Board of Works meeting and a Council Meeting. It was originally anticipated the additional property tax would be considered by the Council and open for public hearing on a regularly scheduled council meeting on April 06, 2020. Councilwoman Jackson said she wants clarification on who sent the ad and who authorized the ad. It said there were two discussions about the ad. She has had no discussions with anyone. She was told there would be a meeting to discuss it and explain it to her.

Councilwoman Jackson asked Councilman Hester if he had a conversation about the ads Councilman Hester said they had a brief conversation, but were supposed to have a meeting and it was cancelled due to the virus. Councilwoman Jackson asked if anyone else had a meeting about the ads.

Bo Bertram replied no.

JT Cox replied no

BJ Steele replied no

Councilwoman Jackson said on Facebook it says we had a meeting on this and she wants to clarify. There is nothing in the minutes and no conversation about this tax. They did not know anything until they started getting phone calls about the tax.

Mayor Hodges said on February 11 at an update she did mention that she was looking at getting financial reviews and the Cumulative Capital Development Fund was one of those reviews. She did mention it to Councilman Hester. Charlestown is one of the communities that does not have a Cumulative Capital Development Fund. That was the purpose of the ad on February 19, 2020. The Board of Public Works met with the financial consultants Baker & Tilly. She did mention it to Councilman Hester that we were going forward and the way to do it was to call a council meeting. Baker & Tilly wrote the ad and submitted it to our city attorney. Mayor Hodges said she was sponsoring the ordinance and Baker & Tilly has a common practice to list the governing body that actually votes on the ordinance. This ordinance applies the council is the governing body and the authority to approve it. Mayor Hodges said her and Clerk Treasurer Donna Coomer discussed and decided this is not the right time to do a new tax.

City Attorney Weber said he sent the ad to the newspaper that Baker & Tilly prepared. It ran the seconded week in March and was supposed to run for the second time a week later just 3 days before the next Council meeting. Due to things happening in the upcoming days. He did not think to cancel the ad the first time. He said they were instructed not to run the second ad, but he did not check to see if it was published on April 3, 2020. Councilwoman Jackson asked if it was sent to the council attorney. City Attorney Weber said he did not send it to Council Attorney Gillenwater.

Ordinance 2020-OR-04

Mayor Hodges said this Ordinance is the Unsafe Building Law for the second & final reading. She asked for a motion on the ordinance.

Councilman Hester made a motion to approve Ordinance 2020-OR-04 on the second & final reading. seconded by Councilwoman Jackson. Approved 5-0.

Council Attorney Gillenwater said City Attorney Weber sent him a copy and there are some small minor changes and is recommending this ordinance be passed.

Councilman Hester said the fund is set up to do normal operations. If the city has to cut some one's grass because it gets to tall and they don't cut it, then it is paid from the fund. If a building burns and has to be demolished, then this fund will take care of it. Council Attorney Gillenwater said the purpose of this ordinance is that any fines collected can be put into this fund.

Ordinance 2020-OR-05

Mayor Hodges said this ordinance adopts the property maintenance code.

Councilwoman Jackson made a motion to approve Ordinance-OR-05 on the second and final reading, seconded by Councilman Steele. Approved 5-0.

Mayor Hodges said there were a couple of circuit court changes. Council Attorney Gillenwater said there were some minor changes. One change was on page 8 section (6) to enter the appeal to the circuit courts it must be done within 30 days after the vote from the Board of Public Works approval.

Adjournment

Councilman Cox made a motion to adjourn, seconded by Councilman Steele. Approved 5-0.

Treva E. Hodges
MAYOR, TREVA HODGES

05/05/2020
DATE

ATTEST:
Donna S. Coomer
CLERK TREASURER, DONNA S. COOMER

5/4/2020
DATE