

**TOWN COUNCIL OF LEO-CEDARVILLE
MEETING MINUTES
MARCH 27, 2012**

The town council of Leo-Cedarville met in regular session on March 27, 2012 at 7:00 PM at the Leo-Cedarville Park Pavilion, located at 9825 St. Joseph's Street, Leo, IN 46765. As advertised, council will resume its next regularly scheduled session on April 10, 2012 at the Town Hall of Leo-Cedarville, located at 13909 Pony Express Run, Leo, IN 46765.

ATTENDANCE: In attendance were John Clendenen, president; Tim Richards, vice president; Ted Garton, and Paul Steffens, council members; John Eastes, Clerk-Treasurer; and Peggy Garton, Town Manager. Councilman Kevin Veatch was absent.

AGENDA: Mr. Richards moved to accept the agenda and Mr. Garton provided a second to the motion, which passed by unanimous voice vote.

MINUTES: Council approved the minutes of March 13, 2012 as written.

PUBLIC HEARINGS: Council held three (3) public hearings as noted below. In summary, they were:

- At 7:00 PM, a hearing on an alcoholic beverages' enabling ordinance request received from JR's Pub;
- At 8:00 PM, a hearing on a draft resolution that would permit the establishment of an "Economic Revitalization Area" that would pave the way for granting a tax abatement request received from Leo-CHS, LLC; and
- At 8:30 PM, a hearing request for tax abatement received from Leo-CHS, LLC.

PUBLIC COMMENT and SPECIAL PRESENTATION(S): President Clendenen reviewed a copy of the evening's "Public Hearing Agenda and Rules of Order," as distributed. On a "Meeting Sign-In Sheet," attendees were asked to provide their name, address and intent to speak during the hearing process. Five minutes were allowed per speaker; written statements will be accepted at the town hall up to seven (7) calendar days after the close of any public hearing, as noted herein.

- **Public Hearing for an Alcoholic Beverages' Enabling Ordinance:** President Clendenen began the hearing by reading the ordinance draft entitled "*Alcohol Sales Enabling Ordinance.*" Council received public comment regarding the ordinance under consideration for adoption by the town and requested by the petitioner, JR's Pub, located at 15011 and 15013 State Road One, Leo, IN 46765. The "Meeting Sign-In Sheet" contains details of those that were in attendance for the hearing. This was the first reading of the ordinance draft; the second reading and potential adoption of the ordinance is scheduled for April 10 at the town hall of Leo-Cedarville.
- **Public Hearing for Creation of an ERA (Economic Revitalization Area):** President Clendenen began the hearing by reading the resolution draft entitled "*Establishing an Economic Revitalization Area.*" If adopted, the resolution would create an "Economic

Revitalization Area,” to be located on Center Street, State Road One, Hosler, Wayne, Main and Walnut, in the downtown commercial district of “old Leo.” Speaking in support of the creation of an ERA, Diana Parent, project engineer for Sperry Van Ness and consultant for Lutheran Medical Group, expressed appreciation for the manner in which the town had expedited the ERA process. No one spoke against the adoption of the resolution draft. The “Meeting Sign-In Sheet” contains details of those that were in attendance for the hearing. Mr. Richards moved to adopt the resolution; Mr. Steffens provided a second; and the motion to adopt the resolution passed by unanimous voice vote.

- **Public Hearing for Request for Tax Abatement:** Upon passage of the above-noted resolution entitled “*Establishing an Economic Revitalization Area,*” Mr. Clendenen began the hearing by referencing tax abatement as a tool for economic development. Speaking in support of the tax abatement request were Diana Parent, project engineer for Sperry Van Ness and consultant for Lutheran Medical Group; Lutheran Medical Group’s Patricia Hays, Senior Vice President for Regional Service Development; and a local resident. No one spoke against granting a tax abatement to Leo-CHS, LLC. Mr. Clendenen moved that Council grant a ten-year real estate tax abatement to Leo-CHS, LLC, subject to receiving a letter from the lessee, Lutheran Medical Group, noting its ten-year lease agreement and commitment to the property; Mr. Richards provided a second; and the motion passed by unanimous voice vote. The “Meeting Sign-In Sheet” contains details of those that were in attendance for the hearing.

REPORT of the TOWN MANAGER: Mrs. Garton reported that

- The new 61-inch Grasshopper mower had been delivered to the town and placed in service.
- The 2012 Freedom Festival and 5K Run will be held on June 30, 2012. The 5k Run and Freedom Festival Committees are now meeting; the committees would like to add an outdoor concert to the event as well.
- As a brand new 501(c)3, the Leo Cedarville Foundation will hold its first meeting on Wednesday, March 28, 2012, with the intention of supporting future projects and events within the community of Leo-Cedarville.

REPORT of the CLERK-TREASURER: Mr. Eastes reported that

- On March 16, the town’s portion of the February unemployment claim was paid in the amount of \$1,000.00 to the Indiana Department of Workforce Development. Based upon a phone conversation with Indiana Department of Workforce Development, Mr. Eastes stated that he was told the town’s maximum liability for a past employee’s unemployment claims is \$3,456.00, against which \$1,120.92 in payments have been applied to date of this writing.
- Upon further review of customer nonsufficient-funds’ check charges deducted on the February 2012 bank statement, it was determined that a \$450.00 bank service charge

error had occurred; the processing error has been corrected by the bank, resulting in a March 23 deposit back into the General Fund of \$450.00, as originally charged against the town's checking account.

- All employment taxes for the month of March 2012 have been deposited with the appropriate agencies of the federal and state government; at the direction of legal counsel, garbage bins are being collected from those residents that are significantly past due on their account, resulting in customers beginning to pay past-due accounts to reinstate service; on March 20, representatives from Boyce Systems Keystone Division presented Mr. Veatch, Mr. Clendenen and Mr. Eastes with a demonstration of the software vendor's fund accounting software upgrade module; the "Consultation Agreement" between the town and Mrs. Spannuth has been properly executed by President Clendenen and Mrs. Spannuth, and became effective on March 23, 2012; as currently budgeted, Mr. Eastes confirmed a process with the State Board of Accounts that provides the town with flexibility within the Rainy Day Fund to move line item appropriations as needed; a rebalancing of appropriation line items within various funds occurred on March 17; on an as-needed basis, Mr. Eastes will continue the process of rebalancing line-item appropriations.
- Upon review of Ordinance 2007-01 ("An Ordinance Establishing a Returned Check Fee") currently in effect, an update to Ordinance 2007-01 should be drafted, sufficient in scope, to cover costs incurred when the town is presented with a customer's nonsufficient-funds' check.
- The outstanding balance on an original \$850,000.00, 3 ½% loan, due to mature on September 15, 2015 and supported by CEDIT funds, was \$579,304.78 as of March 21, 2012. Interest paid in 2011 was \$25,657.38, with interest paid to date in 2012 of \$5,337.65.
- Mr. Eastes attended 2013 "Gateway Budget Forms" training at Fort Wayne's IPFW campus on Thursday, March 15. On Friday, March 23, the Department of Local Government Finance (DLGF) and State Board of Accounts (SBOA) released a combined DLGF-SBOA new receipt classification and code list for use on both the Budget and Annual Report applications in Indiana's new Internet Gateway reporting system. This directly affects the 2013 budget process, as every line item will have to meet the new reporting standards as set forth by the above-noted departments. Thus, it is anticipated that a significant amount of time will be required to recode budgetary accounts. Gateway enhancements will go live April 1, 2012.
- Mr. Proctor, legal counsel for the town, recommends that council update the codification of ordinances on no less than annual basis. On March 13, council received pricing information for said service from Sunshine Publishing.

The following items were distributed for discussion:

- A registration form to attend the “Indiana League of Municipal Clerks and Treasurers 76 Annual Conference and State Board of Accounts School,” as scheduled June 24 through June 28, in Indianapolis;
 - National Fire & Casualty Company letter of March 16, 2012;
 - 2012 Circuit Breaker Allocation memo; and
 - 2012 County Auditor's Certificate of Circuit Breaker Allocation-Leo Cedarville
- President Clendenen moved to purchase Boyce Systems’ fund accounting software upgrade module, at an install cost of \$6,750.00; Mr.Garton provided a second; and the motion passed by unanimous voice vote.

VOUCHERS APPROVED BY COUNCIL SIGNATURES:

- March 27, 2012 line-item form totaling \$63,105.29.

Summary: The total amount of all vouchers approved by council was \$63,105.29.

MOTION TO ADJORN: Without objection, President Clendenen adjourned the meeting.

APPROVE:

ATTEST:

JOHN CLENDENEN, Council President

JOHN EASTES, Clerk-Treasurer