

**COMMON COUNCIL
REGULAR SESSION
NOVEMBER 2, 2009
7:00 P.M.**

The Common Council of the City of Warsaw met in a Regular Session on Monday, November 2, 2009 at 7:00 P.M. in the Council Chambers at City Hall. Mayor Ernest Wiggins presided and the following persons were noted as present or absent:

PRESENT: Councilmen Jeff Grose, Kyle Babcock, Charles Smith, George Clemens, Joe Thallemer, and Daniel Hampton. Also present Mayor Wiggins, Clerk-Treasurer Elaine Call, City Attorney Michael Valentine, City Planner Jeremy Skinner, Cemetery Sexton Hal Heagy, Park Superintendent Jon Garber, Fire Chief Mike Rice, President of the WCDC Mary Ellen Rudisel-Jordan, Attorney Steve Snyder, representatives from BDI Engineering, Inc. – Vern Johnson and Tina Mevis, local resident Gary Parker, Stacey Page, reporter with News with Stacey Page.com, and Warsaw Times Union Reporter Jennifer Peryam.

ABSENT: Councilman Jerry Patterson.

The meeting was called to order by Mayor Wiggins followed by the Invocation and the Pledge of Allegiance.

MINUTES –

The minutes from the October 13, 2009 Special Session and October 19, 2009 Regular Session were presented for approval. Motion made by Councilman Smith to approve the minutes as presented, seconded by Councilman Hampton and carried by unanimous vote.

REPORTS –

The following reports were presented:

- (1) Article from “Metalfinishing” magazine RE: DANCO Anodizing.
- (2) Clerk-Treasurer Call presented October Investment report.

UNFINISHED BUSINESS –

TAX ABATEMENT COMPLIANCE/BDI ENGINEERING –

This item of business was previously tabled at meeting held on October 19, 2009. Mayor Wiggins turned the meeting over to Council President Thallemer since Mayor Wiggins was on vacation during the public hearing held on the 19th of October. Attorney Steve Snyder, representing petitioners BDI Engineering, Inc., provided corrected documents (CF-1 Forms) and legal references as to why the City should consider allowing BDI to continue with the tax abatement on real and personal property. He presented for approval Resolution #2009-10-04, a Resolution of the Warsaw Common Council Waiving the Noncompliance of BDI Engineering and DeBradley Madison Properties in regard to the filing of Deduction Applications. Attorney Snyder stated that there are seven years left on the tax abatement. They are requesting waiver for years 2008 – 2009. Discussion followed. It was agreeable by all to add language to the resolution to make it clear that the 10-year abatement works off of LRC’s original Statement of Benefit, leaving seven years remaining on the abatement. Motion made by Councilman Smith to approve Resolution #2009-10-04 with the language change as described and reviewed by City Attorney, seconded by Councilman Grose, carried by unanimous vote.

NEW BUSINESS –

TRANSFER ORDINANCE/CEMETERY –

Ordinance #2009-11-01, an ordinance transferring \$45,000 within the Cemetery Perm Budget, more specifically set forth within the ordinance was presented for approval. Cemetery Sexton Hal Heagy was present to answer any questions. Discussion followed. Councilman Babcock stated that he is not opposed to necessary transfers. However, when it comes to an expenditure of this size, he believes it should be budgeted and planned for, rather than transferring the money for another purpose late in the year. Discussion continued. Motion made by Councilman Smith to approve the transfer, seconded by Councilman Grose, carried by a vote of five (5) Ayes to one (1) Nay – Councilman Babcock voting Nay.

TRANSFER ORDINANCE/PARK –

Ordinance #2009-11-02, an ordinance transferring \$8,500 within the Park Budget, more specifically set forth within the ordinance was presented for approval. Park Superintendent Jon Garber was present to answer any questions. Motion made by Councilman Hampton to approve the transfer, seconded by Councilman Clemens, carried by a vote of five (5) Ayes to one (1) Nay – Councilman Babcock voting Nay.

ORDINANCE - PREAPPROVED PAYMENT OF CLAIMS AMENDMENT –

Clerk-Treasurer Elaine Call requested approval of Ordinance #2009-11-03, which sets forth an amendment to Ordinance #2007-10-03, authorizing the Clerk-Treasurer to make claim payments in advance of the Board of Public Works & Safety Meetings for certain expenses, more specifically set forth within the ordinance. This amendment adds “cell phone billings”. Motion made by Councilman Thallemer to approve Ordinance #2009-11-03, seconded by Smith, carried by unanimous vote.

VOLUNTARY ANNEXATION/MINER -

City Planner Jeremy Skinner presented Ordinance #2009-11-04, an ordinance annexing property owned by James and Nancy Miner, legal description more specifically set forth within the documents. This was previously annexed in 2008; however, the legal was incorrect. Motion made by Councilman Babcock to approve the annexation as set forth within the Ordinance, seconded by Councilman Thallemer, carried by unanimous vote. Motion made by Councilman Grose to suspend the rules and pass on second and final reading, seconded by Councilman Clemens, carried by unanimous vote.

BAIR PETITION FOR ANNEXATION/OFF OF LAKE STREET –

City Planner Jeremy Skinner presented a “Petition for Voluntary Annexation” from Roger Bair. The property address is 305 Gilliam Drive. The Council acknowledged the receipt of the petition. The adoption of an ordinance on the annexation will be considered at a later date.

DEER REDUCTION ZONES –

Councilman Grose reported the deer reduction zones are active and running at this time.

ADJOURNED -

There being no further business to come before the Council by a motion duly made and seconded, the meeting was adjourned.

ATTEST:

Elaine Call, Clerk-Treasurer