

**Albion Town Council**  
**Tuesday, May 24, 2022, 6:00 pm**  
**TELECONFERENCE via GoToMeeting**  
**(Meeting ID# 280137509)**  
**Albion Municipal Building**  
**211 East Park Drive, Albion, IN, 46701**

**CALL TO ORDER:** Town Council President Vicki Jellison called the meeting to order at 6:00 pm. The Pledge of Allegiance was recited.

**ATTENDANCE:** Vicki Jellison, President  
Don Shultz, Vice-President  
Chris Magnuson, Member

**ABSENT:** Darold Smolinske, Member  
John Morr, Member

**OTHERS PRESENT:**

Carol A. Selby, Clerk-Treasurer	Matt Getts, KPC Media
Jacob Ihrle, Town Manager	Scott Cole, Police Dept
J. Darrick Brinkerhoff, Town Attorney	Robert Amber, Fire Dept
Gary Gatman, Be Noble	Lori Gagen, Be Noble & STAR Team
Brad Ebey, TBE-00 & TBE-111 Investments	

**APPROVAL OF MINUTES:** Minutes from the regular meeting on May 10, 2022 were approved. Motion by Shultz, seconded by Magnuson, carried 3 Ayes, 0 Nays.

**ANNOUNCEMENTS:**

1. Council members Darold Smolinske and John Morr had prior commitments and were not at tonight's meeting.
2. The annual Memorial Day Parade will be held Monday, May 30, 2022. It will start at courthouse square and proceed to Rose Hill Cemetery.
3. The Chain O' Lakes Festival will be held on Courthouse Square June 8<sup>th</sup> – 11<sup>th</sup>.

**OPEN DISCUSSION:**

Noble County Commissioner Gary Leatherman plans to attend the next Town Council Meeting to discuss the County Annex building connecting to the Town's wastewater system.

**DEPARTMENT HEAD REPORTS:**

**Fire Dept** – Council acknowledged receipt of the dept's monthly report. Fire Chief Robert Amber was present to discuss quotes received for an energy saving lighting project at the fire station. The project is eligible for a rebate from I&M/AEP. Amber has also reached out to an Avilla-based Solar company to set up a meeting to discuss additional, potential energy savings at the fire station. After discussion, Council voted to approve the lowest most responsive and responsible quote from Richard Rider Electric, Inc in the amount of \$9,647.00. Motion by Shultz, seconded by Magnuson, carried 3 Ayes, 0 Nays. The fire station is located in TIF #1, and Amber would like to use TIF funds to pay for the project. However, if that is not permissible, then CEDIT funds would be used to cover the cost. Discussion was had regarding using TIF funds for this project. Ihrle reported he is waiting for a response from the State Board of Accounts (SBoA), who is undergoing staffing changes and has a backlog of questions to answer, to see if

they would take exception to using TIF funds for this project, as well as other projects. Brinkerhoff reported he talked with attorney Thomas Pitman, Barnes & Thornburg, who is considered to be an expert in the area of TIF, about using TIF funds for an auxiliary fire building. Brinkerhoff said Pitman disagrees with the trend of SBoA opinions indicating they will take exception during an audit to certain TIF expenditures including for public safety purposes. He said Pitman recommended Resolutions authorizing the use of TIF funds include language tying the expenditure to economic development. Gary Gatman, Executive Director of the Noble County Economic Development Corporation was in attendance and was asked by KPC Reporter Matt Getts if he thought public safety was important for economic development. Gatman said not only is public safety such as police and fire important for economic development, but also expenditures on other infrastructure such as broadband, water, sewer, etc. He indicated businesses considering making investments in a community need the infrastructure to do so, and protecting that infrastructure is very important to economic development.

**Police Dept** – Town Marshal Scott Cole asked if there were questions on his monthly report. He noted his report included information on a recent IT Risk Assessment pertaining to the Town's upcoming liability package renewal. He said most of the information is tied to ransomware coverage. Council will consider the Town's insurance renewal, including cybersecurity coverage, at a future meeting. The department will be providing traffic control for the upcoming Memorial Day and Chain O' Lakes Festival Parades. The Parking & Traffic Committee meets tomorrow, and will be discussing potential options for addressing various issues around town. Delivery of the new Durango police vehicle is hoped to be by the end of May. The department is working to address properties with tall grass and weeds.

**Town Manager** – Council acknowledged receipt of the monthly report. Town Manager Jacob Ihrle reported 100% compliance with submission of CF-1 Reports for Tax Abatements. The RDC held their annual presentation to impacted governmental taxing units. Construction of the Dollar Tree/Family Dollar to be located in North Ridge Village has been pushed to November. The company cited supply chain issues with building materials and labor shortage issues in causing the delay. Ihrle referenced revenue forecasts he submitted to Council, thanking Clerk-Treasurer Carol Selby and Deputy Clerk-Treasurer Shannon McFarland for supplying data to assist with the forecasting.

**OLD BUSINESS: NONE**

**NEW BUSINESS:**

**1. Special Event Applications**

After discussing the proposed events, Council voted to approve the following Special Event Applications as indicated below.

- a.) STAR Team – Life-sized games, cornhole tournament, food trucks – June 3, 2022**  
Motion by Shultz, seconded by Magnuson, carried 3 Ayes, 0 Nays.
- b.) STAR Team – Market on the Square – Mondays, May 30<sup>th</sup> – Sept 12<sup>th</sup>**  
Motion by Shultz, seconded by Magnuson, carried 3 Ayes, 0 Nays.
- c.) Lions Club – 13<sup>th</sup> Annual Dave Knopp Memorial 5k Run – June 11<sup>th</sup>**  
Motion by Shultz, seconded by Magnuson, carried 3 Ayes, 0 Nays.

**2. Consideration of RDC recommendation to approve Façade Grant Applications**

It was reported the Redevelopment Commission (RDC) reviewed the applications and is recommending approval. Donald Merriman, Doc's Hardware was unable to attend tonight's meeting. Brad Ebey, TBE-00 & TBE-111 Investments was present to provide information on his

proposed Façade Grant Applications. After discussion, Council took the following action on the proposed Façade Grants.

**a.) Doc’s Hardware, 110 E Jefferson St – \$8,502.50 (roof replacement)**

Tabled. This item is to be added to the June 14, 2022 agenda.

**b.) TBE-00 Investments LLC, 100 W Main St - \$3,655.00 (roof repair)**

Voted to approve. Motion by Shultz, seconded by Magnuson, carried 3 Ayes, 0 Nays.

**c.) TBE-111 Investments LLC, 111 W Jefferson - \$10,000 (roof repair & replace)**

Voted to approve. Motion by Shultz, seconded by Magnuson, carried 3 Ayes, 0 Nays.

**3. Consideration of Solar Ordinance No. 2022-05 – 2<sup>nd</sup> Reading**

It was noted a correction to the title of the ordinance was made to remove “Subdivision Control Ordinance” and replace it with “Zoning Ordinance.” The ordinance includes the addition of Section 5.3, Commercial Solar Energy Systems Over Lay District (CSES-OD), Section 6.21, Residential – Business Use Solar Array Standards, and amending Section 13.3, Definitions to include definitions pertinent to sections 5.3 and 6.21 regarding solar energy. The proposed ordinance includes information on setbacks within the Town and it’s 2-mile jurisdiction. After discussion, Council voted to approve Ordinance No 2022-05 on its second reading as follows:

**Second Reading**

Shultz caused Ordinance No. 2022-05, An Ordinance to Amend the Zoning Ordinance of the Town of Albion, Indiana to be read for the second time by title only. Shultz then motioned for adoption of the ordinance, seconded by Magnuson, carried 3 Ayes, 0 Nays.

**4. Lease Agreement – Be Noble, formerly Noble County Economic Development Corp**

Brinkerhoff reported he reviewed the agreement and found no issues. Be Noble Executive Director Gary Gatman was present and expressed appreciation for the Council’s continued willingness to support them. After discussion, Council voted to sign a lease renewal agreement between the Town of Albion and Be Noble, formerly the Noble County Economic Development Corporation (NCEDC) for the use of the Town’s building located at 110 S. Orange Street. Motion made by Magnuson, seconded by Shultz, carried 3 Ayes, 0 Nays. The agreement is for a period of 10 years.

**5. Consideration of Public Safety LIT split for Fire & Police Budgets for 2023**

Council voted to keep the same split of 60% Fire and 40% Police for the proposed Public Safety LIT budget for the 2023 budget, as recommended by Town Marshal Scott Cole and Fire Chief Robert Amber. Motion by Shultz, seconded by Magnuson, carried 3 Ayes, 0 Nays. (This amount does not include encumbrances or carry over/re-appropriation of unused appropriations from prior year budgets.)

**6. Approval of 3-Year CEDIT Plan - Resolution No. 2022-07**

Town Manager Jacob Ihrle provided a summary of the CEDIT Plan. Ihrle reported he did not make any substantial changes to the CEDIT Plan or Budget. He removed some items no longer needed, and reallocated those amounts to other appropriations. He also provided a forecast of future expenditures and revenues based on historical data. The forecast demonstrates the plan is feasible when considering forecasted revenue and the current cash balance. After discussion, Council voted to approve the 3-Year CEDIT Plan, and Resolution No. 2022-07, A Resolution of the Town Council of the Town of Albion, Noble County, State of Indiana authorizing the appropriation of County Economic Development Income Tax (CEDIT) funds per the budget included in the CEDIT Capital Improvement Plan adopted by the Albion Town council and filed with the Noble County Auditor’s Office. Motion to approve made by Shultz, seconded by

Magnuson, carried 3 Ayes, 0 Nays. (A copy of the approved plan is to be filed with the Noble County Auditor as required.)

**7. Procurement Policy - Consideration of increasing purchasing threshold**

This item was tabled to allow additional time for department head input, and will be placed on the June 28, 2022 council meeting agenda for consideration.

**8. Approval of Letter of Engagement for URT rate elimination and increasing Tap fees**

In a prior email to Council, Clerk-Treasurer Carol Selby explained recent legislation (HB1002) repeals the Utility Receipts Tax (URT) and requires all municipal utilities to reduce their rates commensurately with the change effective July 1, 2022. Selby reported receiving Letters of Engagement from Baker Tilly and Peters Franklin LTD, both reputable firms experienced in assisting municipalities. Both submitted quotes not-to-exceed a total of \$5,000. Baker Tilly's hourly rates are higher than Peters Franklin's hourly rates. Selby also sent an email to FSG to see if they provide these types of services, but has not heard back from them. The timeframe for compliance is short, with the legislation requiring notices to be sent to customers, and rate, ordinance, and billing software updates needed. After discussion, Council voted to approve a recommendation by Town Manager Jacob Ihrie and Clerk-Treasurer Carol Selby to hire Peters Franklin LTD to calculate changes in water rates to factor out the Utility Receipts Tax, and to assist with revision of Water and Sewer Tap fees as outlined in the Letter of Engagement dated May 11, 2022 and not-to-exceed \$5,000. Motion made by Shultz, seconded by Magnuson, carried 3 Ayes, 0 Nays.

**9. Approval of Cemetery Deed**

Council voted to approve the following cemetery deed. Motion by Magnuson, seconded by Shultz, carried 3 Ayes, 0 Nays. **Cindy McGill – Section N, Lot 186, South Pathway.**

**APPROVAL OF ACCOUNTS PAYABLE & PAYROLL VOUCHERS:** Magnuson motioned to approve Accounts Payable & Payroll Vouchers as of May 19, 2022 and May 24, 2022. Shultz seconded, carried 3 Ayes, 0 Nays, attested by Carol A. Selby.

**ADJOURNMENT:** There being no further business to be brought before council in regular session, the meeting adjourned at 7:12 pm. Motion by Magnuson, seconded by Shultz, carried 3 Ayes, 0 Nays. The next regularly scheduled meeting is to be held on June 14, 2022 at 6:00 pm, at the Albion Municipal Building, 211 East Park Drive, Albion, IN.

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VICKI E. JELLISON, PRESIDENT

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JOHN D. MORR, MEMBER

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DONALD J. SHULTZ, VICE-PRESIDENT

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DAROLD R. SMOLINSKE, MEMBER

\_\_\_\_\_  
CHRISTINA K. MAGNUSON, MEMBER

ATTEST: \_\_\_\_\_  
CAROL A. SELBY, CLERK-TREASURER