

Madison City Council Meeting
Tuesday, August 4 @ 5:30 pm
Agenda

- A. Lord's Prayer/Pledge of Allegiance
- B. Calling of Roll and notice of absentees
- C. Reading, approving, correcting or disposing of minutes from prior meeting
- D. Presentation of petitions, memorials, remonstrance's, introduction of motions and guests
 - Distinguished Corporate Citizen Proclamation
 - Recognition of Interns: Carson Cheatham, Megan Hill, Trinity Marshall, Isaac Taylor
 - Swearing In of 2 MPD Officers: Mariann Nichole Midgett & Jordan S. Perry
 - MPD Commendations: Patrolmen Brian Ashcraft, Josh Nolan
- E. Resolutions or bills
 - Resolution 2020-____: Approving a Quitclaim Deed for Phoenix House
- F. Reports, recommendations and other business from standing/select committees of the city council
- G. Reports of City Officials
 - Utility Superintendent: Brian Jackson
 - Economic Development: Matt Wirth
 - MPD Chief: John Wallace
- H. Bills on third reading

I. Bills on second reading

- Ordinance 2020-10: Fair Housing (Thevenow)
- Ordinance 2020-11: Drug Free Workplace (D. Dattilo)

J. Miscellaneous

K. Public Comments

L. Mayor's Comments

M. Next Council Meeting Tuesday, August 18, 2020 @ 5:30 pm.

N. Motion to Adjourn

Title VI Voluntary Public Involvement Survey

The City of Madison is conducting a voluntary survey to gather information about the populations affected by proposed projects. The survey is located at the front entrance on the glass display case and the completion of the survey is strictly voluntary. If you choose to participate, simply complete the survey and place it in the box, next to the surveys.

As per Title II of the Americans with Disabilities Act, anyone requiring an auxiliary aid or service for affective communication, should contact the city at 812-265-8300 as soon as possible, but no later than 48 hours before the scheduled meeting.

**COMMON COUNCIL
JULY 21, 2020**

The Common Council of the City of Madison, Indiana, met in regular session at 5:30 P.M. at City Hall, 101 W. Main Street.

Mayor Courtney opened the meeting with the Lord's Prayer followed by the Pledge of Allegiance to the Flag.

Present: Thevenow, Rampy, Bartlett, D. Dattilo, Chatham and D. Dattilo. Creech had an excused absence. (6-1).

MINUTES:

Thevenow made a motion to approve the July 7, 2020 minutes, seconded by Bartlett. All in favor, motion carried (6-0).

DISTINGUISHING CITIZEN PROCLAMATION:

Mayor Courtney read a proclamation honoring Dave Adams and Steve Leach as Distinguished Citizens. Adams and Leach have both spent countless hours volunteering to help fellow citizens these past several months both with time and treasure.

RESOLUTIONS OR BILLS:

**RESOLUTION NO. 2020-42
A RESOLUTION OF THE COMMON COUNCIL
OF THE CITY OF MADISON, INDIANA
TRANSFERRING CERTAIN FUNDS**

Chief of Staff McGee and Chief Wallace explained that these funds were being transferred to cover the salary of a much needed permanent part time position of an evidence room manager for the police department. Bartlett made a motion to approve Resolution No. 2020-42, seconded by Chatham. Roll call vote: Chatham – Y, Bartlett – Y, L. Dattilo – Y, D. Dattilo – Y, Rampy – Y, Thevenow – Y. Resolution is passed (6-0).

**RESOLUTION NO. 2020-43
A RESOLUTION AUTHORIZING APPLICATION SUBMISSION
AND LOCAL MATCH COMMITMENT. RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MADISON, INDIANA AUTHORIZING THE SUBMITTAL
OF THE COVID-19 RESPONSE APPLICATION TO THE INDIANA OFFICE OF COMMUNITY
AND RURAL AFFAIRS AND ADDRESSING RELATED MATTERS**

Economic development director Matt Wirth addressed the Council and stated the importance of this resolution in enabling the City to apply for Community Development Block Grant (CDBG) dollars to aid small businesses that have been adversely affected by the Covid-19 virus. The

businesses must create or retain at least 51% low to moderate income employees. The City is applying for \$250,000.00 with a required match from the City of \$50,000.00 that will come from economic development funds. There will be a public hearing on Tuesday, July 28 to inform and help the public with questions. This will be part of the Mayor's Mobilize Madison plan. Rampy made a motion to approve Resolution No. 2020-43, seconded by D. Dattilo. Roll call vote: Rampy – Y, L. Dattilo – Y, Chatham – Y, Bartlett – Y, Thevenow – Y, D. Dattilo – Y. Resolution is passed (6-0).

BILLS ON FIRST READING:

**ORDINANCE NO. 2020-10 (THEVENOW)
FAIR HOUSING ORDINANCE**

Rampy made a motion that Attorney Jenner not have to read the lengthy document that is a slight rewording of an already passed Fair Housing Ordinance, seconded by Chatham. All in favor, motion carried. Ordinance No. 2020-10 will move to the second reading at the next council meeting.

**ORDINANCE NO. 2020-11
DRUG FREE WORKPLACE ORDINANCE (D. DATTILO)**

For the reasons above D. Dattilo made a motion that Attorney Jenner not have to read the document, seconded by Rampy. All in favor, motion carried (6-0). Ordinance No. 2020-11 will move to the second reading at the next council meeting.

REPORTS OF STANDING/SELECT COMMITTEES:

The Riverfront Alcohol Permit Committee submitted their approval of Mad Paddle Brewery for council consideration. Matt Wirth and Jerry Wade gave an overview of the company's plans for the future including food, a distillery and banquet facilities. Citizens Kevin Watkins, Dave Burnham, Bill Pekinpaugh, Rusty Bladen and Ed Ray all spoke in favor of Jerry Wade and Mad Paddle's endeavors and potential contribution to the local economy. Chatham made a motion to approve the application, seconded by Rampy. Roll call vote: L. Dattilo – Y, Thevenow – Y, Chatham – Y, Bartlett – Y, D. Dattilo – Y, Rampy – Y. The Mad Paddle application is approved (6-0).

REPORTS OF CITY OFFICIALS:

Building Inspector Brian Martin gave updates on the various projects going on around the city. The Eagle Cotton Mill is moving along at a very efficient pace. Martin hopes for an opening the Spring of 2020. Autumn Trace is close to opening. Riverview Tower Lofts is a steady work in progress in what Martin termed a very complicated renovation. Clifty Commercial Properties, Super ATV, is close to completion in two buildings while a third is under interior demolition and cleanup phase. Mad Paddle Brewery is in phase two of renovation. The Geyman Vet Clinic construction is underway, The MCHS new construction is in the final inspection phase. Bethany Home Health Care is nearing completion. Several restaurants – Tapatío, Mi Viejo, Al Forno and Rivertown Eatery are all still under some level of construction with reopening targeted for the end of July. There are five new homes under construction on the hilltop and four downtown. There are multiple renovation and rehabilitation projects under the PACE program. A city of

Madison Flood Plain Ordinance is in front of Mayor Courtney for approval and then to be submitted to the council.

Preservation Coordinator Nicole Schell submitted her report to the council. At the June 22nd meeting of the Historic Board of Review there were 5 applications that were approved. During COVID-19 the staff approved the following applications following a 15 day comment period: Restorations at 505 and 507 Walnut St., fences at 619 W. Main, 214 E. Third St., 938 W. Second and 301 W. Second. Windows were approved at 842 W. Third, restoration at 611 Mulberry and siding at 614 W. Second. The PACE Committee approved 8 applications at their July 15 meeting. With Stellar projects Sedam Construction continues off site work at the Tower Tack Factory. The Stellar team continues to work on plans for Crystal Beach and Clifty Drive sidewalks. Construction should start at Crystal Beach at the end of the season and Clifty drive will go to bid at the beginning of next year. Plans and an estimated cost for Georgetown Park are being finalized and a bid date will be determined. Work continues with the Friends of the Ohio Theatre and an architectural firm has been hired to complete the necessary plans. It is hoped that the Ohio Theatre project can be bid in the fall.

Assistant Park Director Matt Woolard gave an update on all park related activities. Adult leagues and leagues at Rucker Sports Complex were running smoothly until two positive cases of Covid-19 were detected of players at Rucker Sports Complex. On July 15 all events at the complex and adult leagues were postponed until August 1st. The city campground is at full capacity. Randy Gray has done a great job. Operations at Sunrise Golf Course remain the same. Work needed to be done on the sprinkler system and it is now back up and running. Bathrooms on the course are now open with proper sanitation procedures. Some machinery has needed repair. The new online software with ActivNet should be up and running in October. Playgrounds have re-opened. A seasonal lease program with John Deere for equipment is being looked at in conjunction with the street department. Legal teams with IKE and the city are looking at the city's takeover of the Madison Sports Courts. A sand volleyball tournament "Volley Vaughn" is scheduled for August 15th. A Yoga in the Park series is in the planning with potential instructors.

BILLS ON SECOND READING:

**ORDINANCE NO. 2020-9 (Thevenow)
AN ORDINANCE OF THE COMMON COUNCIL
OF THE CITY OF MADISON, INDIANA
AMENDING THE ZONING MAP OF THE
CITY OF MADISON, INDIANA**

This amends the zoning of 416-427 Cragmont from Local Business to Medium Density Residential. Rampy made a motion to suspend the rules and move to the third reading, seconded by Chatham. All on favor, motion carried (6-0).

BILLS ON THIRD READING:

ORDINANCE NO. 2020-9 (Thevenow)

**AN ORDINANCE OF THE COMMON COUNCIL
OF THE CITY OF MADISON, INDIANA
AMENDING THE ZONING MAP OF THE
CITY OF MADISON, INDIANA**

Roll call vote: Bartlett – Y, L. Dattilo – Y, Rampy – Y, Thevenow – Y, D. Dattilo – Y, Chatham – Y.
Ordinance No. 2020-9 is passed (6-0).

MAYOR’S COMMENTS:

Mayor Courtney reported the City is still under Phase 4.5 of the Governor’s plan. Courtney expressed his excitement that the city’s unemployment has gone from the mid 20’s to about 10%. The city’s Covid testing site is open and will operate from 8:00 AM until 8:00 PM. The testing is free and 80 people were tested today. There is much planning to do for the city takeover of Main Street. A design firm has been hired and a Steering Committee will be formed. Courtney anticipated the process will take place over the course of years. Mayor Courtney also described the volume of truck traffic on Main Street. He reiterated that a bypass for heavy truck traffic has been long in the making and that the city will begin enforcing its existing traffic ordinance regarding weight and speed limits on August 3rd, 2020. Courtney continues to invite anyone in the community to attend our City Council meetings which acts as a community town hall meeting twice a month.

Next council meeting is Tuesday, August 4, 2020 at 5:30 P.M. at City Hall.

D. Dattilo made a motion to adjourn, seconded by Rampy. All in favor, motion carried (7-0).

Meeting adjourned at 6:54 P.M.

APPROVED:

President Pro Tempore,

Rick Berry, Clerk-Treasurer

PROCLAMATION

WHEREAS, the foundation of a humane and just society is the people's willingness to work together for the common good; and

WHEREAS, during the COVID-19 Pandemic, Madison Tool and Die, Inc.'s owners, Gary and Terry Sparks, along with their dedicated staff, decided to serve our great city with their time, talents, and resources, to make improvements throughout our Parks, by doing ground work, renovations and painting, wherever it was necessary; and

WHEREAS, it is essential that we continue this tradition of giving and sharing to preserve and improve the quality of life for all citizens in our community; and

WHEREAS, it is fitting and proper to officially recognize Madison Tool and Die, Inc.'s commitment to our community and the benefit it has brought to our community; and

NOW, THEREFORE, I, Bob G. Courtney, Mayor of the City of Madison, do hereby proclaim

MADISON TOOL & DIE, INC. a Distinguished Corporate Citizen

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Madison to be affixed this 4TH day of August, 2020.

Bob G. Courtney, Mayor, City of Madison

CITY OF MADISON RECOGNITION AWARD

This certifies that

CARSON CHEATHAM

Is being acknowledged for his work as

A CITY OF MADISON INTERN

During his breaks from college in the years of 2016-2020.

In recognition of this honor, your hard work, and your importance to the future of Madison, we present you with this award today.

Bob G. Courtney, Mayor, City of Madison

CITY OF MADISON RECOGNITION AWARD

This certifies that

MEGAN HILL

Is being acknowledged for her work as

A CITY OF MADISON INTERN-PUBLIC POLICY

During the summer of 2020.

In recognition of this honor, your hard work, and your importance to the future of Madison, we present you with this award today.

Bob G. Courtney, Mayor, City of Madison

CITY OF MADISON RECOGNITION AWARD

This certifies that

TRINITY MARSHALL

Is being acknowledged for her work as

A CITY OF MADISON INTERN - Community Relations

During the summer of 2020.

In recognition of this honor, your hard work, and your importance to the future of Madison, we present you with this award today.

Bob G. Courtney, Mayor, City of Madison

CITY OF MADISON RECOGNITION AWARD

This certifies that

ISAAC TAYLOR

Is being acknowledged for his work as

A CITY OF MADISON INTERN-Economic Development

During the summer of 2020.

In recognition of this honor, your hard work, and your importance to the future of Madison, we present you with this award today.

Bob G. Courtney, Mayor, City of Madison

OATH OF OFFICE

STATE OF INDIANA)

SS:

COUNTY OF JEFFERSON)

I, Mariann Nichole Midgett, do solemnly swear that I will support the Constitution of the United States of America and the Constitution of the State of Indiana, and that I will faithfully and impartially discharge the duties of a Police Officer for the Madison Police Department to the best of my ability and according to law, so help me God.

Mariann Nichole Midgett

Subscribed and sworn to before me this 4th day of August, 2020

Bob G. Courtney
Mayor, City of Madison, Indiana

CERTIFICATE OF APPOINTMENT
Madison Police Officer

STATE OF INDIANA)

SS:

COUNTY OF JEFFERSON)

KNOW ALL MEN BY THESE PRESENTS, that the Madison Police Department does hereby appoint, Mariann Nichole Midgett, as an Officer of the Madison Police Department.

I, Bob G. Courtney, Mayor of the City of Madison, IN, do hereby appoint Mariann Nichole Midgett, as a Police Officer of the City of Madison, IN.

IN WITNESS WHEREOF, I have hereunto set my hand, this 4th day of August, 2020.

Bob G. Courtney
Mayor, City of Madison

ATTEST:

Rick Berry
Clerk-Treasurer, City of Madison

CERTIFICATE OF APPOINTMENT
Madison Police Officer

STATE OF INDIANA)

SS:

COUNTY OF JEFFERSON)

KNOW ALL MEN BY THESE PRESENTS, that the Madison Police Department does hereby appoint, Jordan S. Perry, as an Officer of the Madison Police Department.

I, Bob G. Courtney, Mayor of the City of Madison, IN, do hereby appoint Jordan S. Perry, as a Police Officer of the City of Madison, IN.

IN WITNESS WHEREOF, I have hereunto set my hand, this 4th day of August, 2020.

Bob G. Courtney
Mayor, City of Madison

ATTEST:

Rick Berry
Clerk-Treasurer, City of Madison

OATH OF OFFICE

STATE OF INDIANA)

SS:

COUNTY OF JEFFERSON)

I, Jordan S. Perry, do solemnly swear that I will support the Constitution of the United States of America and the Constitution of the State of Indiana, and that I will faithfully and impartially discharge the duties of a Police Officer for the Madison Police Department to the best of my ability and according to law, so help me God.

Jordan S. Perry

Subscribed and sworn to before me this 4th day of August, 2020

Bob G. Courtney
Mayor, City of Madison, Indiana

RESOLUTION NO. ____-2020

**A RESOLUTION OF THE COMMON COUNCIL
OF THE CITY OF MADISON, INDIANA
FOR THE PURPOSES OF ACCEPTING
THE TRANSFER OF CERTAIN REAL PROPERTY
FROM PROJECT PHOENIX, INC.
TO THE CITY OF MADISON, INDIANA**

WHEREAS, the City of Madison, Indiana by Quit-Claim Deed dated February 17, 2011 and recorded February 22, 2011 as Instrument No. 2011-00710, transferred a certain residence and acreage to Project Phoenix, Inc., an Indiana not-for-profit (501(c)(3)) corporation, for the purpose of providing temporary housing for families who have been displaced from their homes due to fire, flood, or other factors. Said real property is more fully described as follows:

Being a part of the Southwest Quarter of Section 27, Township 4 North, Range 10 East, Madison Township, Jefferson County, Indiana and being more particularly described as follows:

Commencing at a Harrison Monument marking the Southwest Corner of said Section 27; thence along the southern line of said section North 88E49'01" East 1101.65 feet to a 5/8" Rebar; thence leaving said southern line North 48E25'16" East 26.81 feet to a 5/8" Rebar; thence North 00E34'11" West 381.97 feet to a Brass Cap Monument; thence North 89E22'40" East 49.92 feet to a Brass Cap Monument; thence North 34E55'32" East 395.37 feet to a Brass Cap Monument; thence North 00E05'21" East 30.59 feet to a Mag Nail with a brass collar; thence North 88E23'08" East 447.15 feet to a Mag Nail with a brass collar; thence North 88E12'36" East 145.86 feet to a Mag Nail with a brass collar; thence North 02E25'33" West 628.38 feet to a 5/8" Rebar and being the POINT OF BEGINNING; thence South 89E25'17" West 14.47 feet to a 5/8" Rebar; thence North 02E17'26" West 254.60 feet to a 5/8" Rebar; thence North 89E25'17" East 258.84 feet to a 24" Twin Locust tree; thence 265.36 along a curve to the right having a radius of 500.00 feet and a chord which bears South 13E24'15" East 262.26 feet to a 5/8" Rebar; thence South 89E25'17" West 173.40 feet to the POINT OF BEGINNING.

Containing 1.375 acres, and subject to all legal rights-of-way and easements.

This description is taken from a survey prepared by William E. Pettitt, Registered Land Surveyor #LS80900006, dated January 25, 2011 and recorded

March 18, 2011 as Instrument No. 2011-01004 in the Office of the Recorder of Jefferson County, Indiana.

(Parcel No. 39-08-27-000-014.009-007; 578 MSH East Lane, Madison, Indiana 47250.)

WHEREAS, the following stipulation was inserted in said Quit-Claim Deed:

In the event that the property should cease to be used as temporary housing for displaced families for a continuous period of one year, title to the above-described real property will revert to Grantor free and clear of all liens and encumbrances except easements and restrictions of record. This reversion clause will run with the land and be binding on Grantee's successors.

WHEREAS, the Project Phoenix, Inc., by and through its Board of Directors, has voted to discontinue using said residence and real property as temporary housing for displaced families;

WHEREAS, the Project Phoenix, Inc. is desirous of conveying said real property back to the City of Madison, Indiana pursuant to the above stated agreement;

WHEREAS, the City of Madison, Indiana desires to accept this gift of real property.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Madison, Indiana as follows:

1. The Common Council of the City of Madison, Indiana hereby approves of the conveyance of the real estate, more particularly described as follows, from Project Phoenix, Inc., an Indiana not-for-profit (501(c)(3)) corporation, by Quitclaim Deed to the City of Madison, Indiana:

Being a part of the Southwest Quarter of Section 27, Township 4 North, Range 10 East, Madison Township, Jefferson County, Indiana and being more particularly described as follows:

Commencing at a Harrison Monument marking the Southwest Corner of said Section 27; thence along the southern line of said section North 88E49'01" East 1101.65 feet to a 5/8" Rebar; thence leaving said southern line North 48E25'16" East 26.81 feet to a 5/8" Rebar; thence North 00E34'11" West 381.97

feet to a Brass Cap Monument; thence North 89E22'40" East 49.92 feet to a Brass Cap Monument; thence North 34E55'32" East 395.37 feet to a Brass Cap Monument; thence North 00E05'21" East 30.59 feet to a Mag Nail with a brass collar; thence North 88E23'08" East 447.15 feet to a Mag Nail with a brass collar; thence North 88E12'36" East 145.86 feet to a Mag Nail with a brass collar; thence North 02E25'33' West 628.38 feet to a 5/8" Rebar and being the POINT OF BEGINNING; thence South 89E25'17" West 14.47 feet to a 5/8" Rebar; thence North 02E17'26" West 254.60 feet to a 5/8" Rebar; thence North 89E25'17" East 258.84 feet to a 24" Twin Locust tree; thence 265.36 along a curve to the right having a radius of 500.00 feet and a chord which bears South 13E24'15" East 262.26 feet to a 5/8" Rebar; thence South 89E25'17" West 173.40 feet to the POINT OF BEGINNING.

Containing 1.375 acres, and subject to all legal rights-of-way and easements.

This description is taken from a survey prepared by William E. Pettitt, Registered Land Surveyor #LS80900006, dated January 25, 2011 and recorded March 18, 2011 as Instrument No. 2011-01004 in the Office of the Recorder of Jefferson County, Indiana.

(Parcel No. 39-08-27-000-014.009-007; 578 MSH East Lane, Madison, Indiana 47250.)

2. The Common Council of the City of Madison, Indiana hereby authorizes the Mayor of the City of Madison, Indiana to execute any and all documents necessary to effectuate the transfer of the above-described real estate to the City of Madison, Indiana.

This resolution shall be in full force and effect from and after its adoption by the Common Council of the City of Madison, Indiana.

DULY ADOPTED BY THE COMMON COUNCIL OF THE CITY OF MADISON,

INDIANA this _____ day of _____, 2020.

Councilman

Bob G. Courtney, Mayor
City of Madison, Indiana

(SEAL)

ATTEST:

Rick Berry, Clerk-Treasurer

Presented by me to the Mayor of the City of Madison, Indiana, on this _____ day of
_____, 2020.

Rick Berry, Clerk-Treasurer



City of Madison

WATER AND SEWAGE DEPARTMENT
Indiana's Oldest Water Company

101 W MAIN STREET
MADISON, INDIANA 47250
(812) 265-8312
FAX (812) 273-0575
madutil@madison-in.gov

UTILITY MANAGER COUNCIL REPORT:

August 4, 2020

1. Budget/Planning

- a. Water Rate Study – Ongoing, still waiting for SBM to get us a preliminary report to review before moving forward.

2. High Priorities

3. Capital Projects

- a. At Lorenz Park, we are in the process of doing a sewer project to upgrade the meter at one of the points where the city takes in the Ryker's Ridge Sewer. Should be completed in August.
- b. Recently, the city sewer dept. received approval for monies from the Economic Development group to upgrade the sewer lines along Hentz Alley between West and Mulberry Streets. These lines serve several of the small businesses in this area and should greatly benefit them and help with the sewer issues they have been having.
- c. On Monday, August 3rd, Pittsburgh Tank & Tower Maintenance began the inspection, cleaning and maintenance of our water tank and tower infrastructure. We have 2 – 1 million gallon ground tanks by DOC/MSH; 2 Towers along Wilson/Shun Pike; 1 tower near Hanover at the junction & 1 Hillside tank. Water pressure in some locations at various times through the month could be affected.
- d. INDOT stormwater project at the intersection of SR 56 & Ferry Street; Per INDOT, the city's 12" Water Main needs to be relocated – estimates for the relocation are approximately \$30,000.

4. Staffing

5. Issues/Solutions

- a. Moratorium on disconnects extended to August 15th. If disconnects would have been done in July: [2 Billing Cycles]
HT: 162 services disconnected; Past Due amount=\$20,500
DT: 77 services disconnected; Past Due amount = \$10,600

6. Other Housekeeping

- a) Council/Boards
- b) News/Recognition
- c) Travel/Schedules
 - INDOT Construction Meeting Monday, August 10th @ 9:00 am
- d) Ideas

Tammy Acosta

From: Matt Wirth
Sent: Friday, July 31, 2020 12:07 PM
To: Tammy Acosta
Subject: July Staff Report

City Council:

Please see below my staff report and summary of the immediate strategic issues I am working on:

A quick summary of what the COVID 19 Pandemic has done to our local economy:

Our June unemployment rate has dropped to 10.4%, which is almost half of what it was back in April.

Our major employers continue working in the “new normal” environment and making sure employees are monitored through health checks and social distance where possible on the manufacturing floor. In some cases, issues with finding employees due to \$600 federal unemployment benefit, however that just ended so hopefully folks will go back to work. Still a slow recovery ahead.

Economic Development current Strategic Initiatives I am working on.

Clifty Plaza Shopping Center:

We had a meeting with the owners and had a good exchange of information. The COVID-19 crisis has pushed our process back by 9-12 months.

The owners were going to review our option to purchase and see if they are possibly able to extend that.

Focus remains on retail and Multi Family Housing. We have a conditional purchase agreement in place, however the Pandemic has slowed the process.

Downtown Grocery Store:

Continues to be a top priority.

We are also pursuing concepts from existing grocery owners, as well as determining a suitable building downtown.

Data does show a demand for a grocery in downtown.

OCRA COVID-19 Response Grant

Working on pursuing funding through OCRA for a grant to assist our small business community which has been hit very hard by the Pandemic.

Should know if successful by end of August.

Lead Generation:

Working with 2 small companies that may want to relocate to Jefferson County/Buffer Zone, however currently performing due diligence on each.

Have been meeting and cooperating with county commissioners and state officials in helping locate each one here.

As always, please reach out to me with any questions or concerns.

Thank You

Matt



Matt Wirth
Director of Economic Development
Office of the Mayor
City of Madison, Indiana
(812)-265-8300

Tammy Acosta

From: John Wallace <jwallace@madisonpd.com>
Sent: Friday, July 31, 2020 11:39 AM
To: Tammy Acosta; Bob G. Courtney; Mindy McGee
Attachments: image002.png

MPD report to the City Council; August 4, 2020.

- * Monthly stat review
- * Update on Standard Operating Procedure committee.
- * Kick Off: foot / bike / gator / traffic program starting August 10, 2020
- * Evidence room update
- * Swearing in of Officers Midgett & Perry
- * Recognition of officers who have gone above and beyond the call of duty.

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John I. Wallace
Chief of Police
621 West Street
City of Madison, Indiana
812-265-3347

Fair Housing Ordinance

GENERAL ORDINANCE #2020-10 sponsored by Thevenow

WHEREAS, in accordance with the Civil Rights Act of 1968, as amended, the Housing and Community Development Act of 1974, as amended, and Indiana Code 22-9.5-1, et. Seq., the following provisions are necessary and appropriate to prevent discrimination in the area of housing because of race, color, religion, sex, handicap, familial status or national origin:

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
THE City of Madison, Indiana, AS FOLLOWS:

Section 1 Policy Statement

It shall be the policy of the City of Madison to provide, within constitutional limitation, for fair housing throughout its corporate limits as provided for under the federal Civil Rights Act of 1968, as amended, the federal Housing and Community Development Act of 1974, as amended, and Indiana Code 22-9.5-1 et. seq.

Section 2 Definitions

The definitions set forth in this Section shall apply throughout this Ordinance:

- A. Dwelling means any building, structure, or part of a building or structure that is occupied as, or designed or intended for occupancy as, a residence by one (1) or more families; or any vacant land which is offered for sale or lease for the construction or location of a building, structure, or part of a building or structure that is occupied as, or designed or intended for occupancy as a residence by one (1) or more families (I.C. 22-9.5-2-8).
- B. Family includes a single individual (I.C. 22-9.5-2-9), with the status of such family being further defined in subsection (H) of this Section.
- C. Person (I.C. 22-9.5-2-11), includes one (1) or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, non-incorporated organizations, trustees, trustees in cases under Title 11 of the United States Code, receivers, and fiduciaries.
- D. To Rent (I.C. 22-9.5-2-13), includes to lease, to sublease, to let and otherwise to grant for a consideration the rights to occupy the premises owned by the occupant.
- E. Discriminatory Housing Practice means an act that is unlawful under Sections

4,5,6,7 or 8 of this Ordinance or I.C. 22-9.5-5.

- F. Handicap means, with respect to a person:
1. a physical or mental impairment which substantially limits one or more of such person's major life activities.
 2. a record of having such an impairment, or
 3. being regarded as having such an impairment,
 4. an impairment described or defined pursuant to the federal Americans with Disabilities Act of 1990.
 5. Any other impairment defined in 910 IAC 2-3.

The term 'Handicap' shall not include current illegal use of or addictions to a controlled substance as defined in Section 802 of Title 21 of the United States Code 910 IAC 2-3-2(14); nor does the term 'Handicap' include an individual solely because that individual is a transvestite 910 IAC 2-3-2(14).

- G. An Aggrieved Person includes any person who (I.C. 22-9.5-2-2):
1. claims to have been injured by a discriminatory housing practice; or
 2. believes that such person will be injured by a discriminatory housing practice that is about to occur.

- H. Familial Status means one or more individuals who have not attained the age of 18 years being domiciled with a parent or another person having legal custody of such individual or the written permission of such parent or other person.

The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.

- I. Commission (I.C. 22-9.5-2-3) means the Indiana Civil Rights Commission created pursuant to I.C. 22-9-1-4, et. Seq.
- J. Complainant (I.C. 22-9.5-2-4) means a person, including the Commission, who files a complaint under I.C. 22-9.5-6.

Section 3 Unlawful Practice

Subject to the provisions of subsection (B) of this Section, Section 9 of this Ordinance and Title 22-9.5-3 of Indiana Code, the prohibitions against discrimination in the sale or rental of housing set forth Title 22-9.5-5-1 of Indiana Code and in Section 4 of this Ordinance shall apply to:

- A. All dwellings except as exempted by subsection (B) and Title 22-9.5-3 of Indiana Code.

B. Other than the provisions of subsection (C) of this Section, nothing in Section 4 shall apply to:

1. Any single-family house sold or rented by an owner where the private individual owner does not own more than three such single-family houses at any one time; provided that in the sale of such single family house by a private individual owner not residing in the house at the time of sale or exemption shall apply only to one such sale within any twenty-four (24) month period. The private individual owner may not own any interest in, nor have owned or reserved on his behalf, title to or any right to all or a portion of the proceeds from the sale or rental of more than three such single-family houses at any one time. The sale or rental of any such single family house shall be exempted from application of this section only if such house is sold or rented:
 - a. without the use in any manner of the sales or rental facilities or services of any real estate broker, agent or salesman, or any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent or salesman, or person and
 - b. without the publication, posting or mailing, after notice of advertisement or written notice in violation of Section 4(C) of this Ordinance, but noting in this provision shall prohibit the use of attorneys, escrow agents, abstracters, title companies and other such professional assistance as necessary to perfect or transfer this title, or
2. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

C. For the purposes of subsection (B), a person shall be deemed to be in the business of selling or renting dwellings if:

1. They have, within the preceding twelve (12) months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein, or
2. They have, within the preceding twelve (12) months, participated as agent, other than in the sale of his own personal residence, in providing sales or rental facilities or services in two or more transactions involving the sale or rental of any dwelling or any interest therein, or
3. They are the owner of any dwelling unit designed or intended for occupancy by, or occupied by, five (5) or more families.

Section 4 Discrimination in the Sale or Rental of Housing

As made applicable by Section 3 and except as exempted by Section 3(B) and 9, it shall be unlawful:

- A. To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, handicap, familial status or national origin.
- B. To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, handicap, familial status or national origin.
- C. To make, print, or publish, or cause to be made, printed, or published any notice, statement or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, handicap, familial status or national origin, or an intention to make any such preference, limitation or discrimination.
- D. To represent to any person because of race, color, religion, sex, handicap, familial status or national origin that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.
- E. For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or perspective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, handicap, familial status or national origin.
- F. To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a handicap of:
 - 1. that buyer or renter;
 - 2. a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or
 - 3. any person associated with that person.
- G. To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a handicap of:
 - 1. that person; or

2. a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or
3. any person associated with that person.

H. For purposes of this subsection, discrimination includes:

1. a refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises except that, in the case of a rental, the landlord may where it is reasonable to do so condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modifications, reasonable wear and tear excepted;
2. a refusal to make reasonable accommodations in rules, policies, practices, or services when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling; or
3. in connection with the design and construction of covered multi-family dwellings for first occupancy after the date that is 30 months after September 13, 1998, a failure to design and construct those dwellings in such a manner that;
 - a. the public use and common use portions of such dwellings are readily accessible to and usable by handicapped persons;
 - b. all the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by handicapped persons in wheelchairs; and
 - c. all premises within such dwellings contain the following features of adaptive design:
 - i. an accessible route into and through the dwelling;
 - ii. light, switches, electrical outlets , thermostats, and other environmental controls in accessible locations;
 - iii. reinforcements in bathrooms such that an individual in a wheelchair can maneuver about the space.

Compliance with the appropriate requirement Americans with Disabilities Act of 1990 and of the American National Standard for Buildings and Facilities providing accessibility an usability for physically handicapped people (commonly cited as ANSI A117.1") suffices to satisfy the requirements of paragraph (3) (C)(iii).

Nothing in this subsection requires that a dwelling be made available to an individual

whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

Section 5 *Discrimination in Residential Real Estate-Related Transactions*

- A. It shall be unlawful for any person or other entity whose business includes engaging in residential real estate-related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of race, color, religion, sex, handicap, familial status, or national origin.

- B. As used in this section, the term residential real estate-related transaction means any of the following:
 - 1. The making or purchasing of loans or providing other financial assistance:
 - i. for purchasing, constructing, improving, repairing, or maintaining a dwelling; or
 - ii. secured by residential real estate.

 - 2. The selling, brokering, or appraising of residential real property.

- C. Nothing in this Ordinance prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, religion, national origin, sex, handicap, or familial status.

Section 6 *Discrimination in the Provision of Brokerage Service*

It shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership, or participation, on account of race, color, religion, sex, handicap, familial status or national origin.

Section 7 *Interference, Coercion, or Intimidation*

It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by sections 3, 4, 5 or 6 of this Ordinance.

Section 8 *Prevention of Intimidation in Fair Housing Cases*

Whoever, whether or not acting under code or law, by force or threat of force willfully injures, intimidates or interferes with, or attempt to injure, intimidate or interfere with:

- A. any person because of his race, color, religion, sex, handicap, familial status, or national origin and because he is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing or

occupation of any dwelling, or applying for or participating in any service, organization, or facility relating to the business of selling or renting dwellings; or

- B. any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from:
 - 1. participating, without discrimination on account of race, color, religion, sex, handicap, familial status, or national origin, in any of the activities, services, organizations or facilities described in subsection (A); or
 - 2. affording another person or class of persons opportunity or protection so to participate; or
- C. any citizen because he is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, sex, handicap, familial status, or national origin, in any of the activities, services, organizations or facilities described in subsection (A), or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to participate shall be fined according to local, state and federal law; and if bodily injury results shall be fined not more than \$10,000 or imprisoned not more than ten years, or both; and if death results shall be subject to imprisonment for any term of years or for life.

Section 9 Equal Access to Housing in HUD Programs

Pursuant to 24 CFR Part 5.403 and 24 CFR Part 574.3 the definition of “family” is revised to include families regardless of the actual or perceived sexual orientation, gender identity, or marital status of its members.

Section 10 Exemptions

- A. Exemptions defined or set forth under Title 22-9.5-3 et. seq. of Indiana Code shall be exempt from the provisions of this Ordinance to include those activities or organizations set forth under subsections (B) and (C) of this Section.
- B. Nothing in this Ordinance shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color or national origin. Nor shall anything in this Ordinance prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodging to its members or from giving preference to its members.

- C. Nothing in this Ordinance regarding familial status shall apply with respect to housing for older persons. As used in this Section, 'housing for older persons' means housing:
1. provided under any state or federal program that the Secretary of the Federal Department of Housing and Urban Development or the state civil rights commission determines is specifically designed and operated to assist elderly person (as defined in the state or federal program) or;
 2. intended for, and solely occupied by, person 62 years of age or older; or
 3. intended and operated for occupancy by at least one person 55 years of age or older per unit.

Section 11 Administrative Enforcement of Ordinance

- A. The authority and responsibility for properly administering this Ordinance and referral of complaints hereunder to the Commissioner as set forth in subsection (B) hereof shall be vested in the Chief Elected Official of the City of Madison, Indiana.
- B. Notwithstanding the provisions of I.C. 22-9.5-4-8, the City of Madison, Indiana, because of lack of financial and other resources necessary to fully administer enforcement proceedings and possible civil actions under the Ordinance, herein elects to refer all formal complaints of violation of the articles of this Ordinance by complainants to the Indiana Civil Rights Commission for administrative enforcement actions pursuant to Title 22-9.5-6 of Indiana Code and the Chief Elected Official of the Town of Americana, Indiana, shall refer all said complaints to the Commission as provided for under subsection (A) of this Section to said Commission for purposes of investigation, resolution and appropriate relief as provided for under Title 22-9.5-6 of Indiana Code.
- C. All executive departments and agencies of the City of Madison, Indiana shall administer their departments, programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of this Ordinance and shall cooperate with the Chief Elected Official and the Commission to further such purposes.
- D. The Chief Elected Official of the City of Madison , Indiana, or the Chief Elected Official's designee, shall provide information on remedies available to any aggrieved person or complainant requesting such information.

Section 12 Severability of Provisions

If any provision of this Ordinance or the application thereof to any person or circumstances shall be determined to be invalid, the remainder of the Ordinance and the application of its provisions to other persons not similarly situated or to other circumstances shall not be affected thereby.

Certification of Adoption

It is hereby certified that this Ordinance Number _____ was passed by the Common Council of the City of Madison, Indiana, at its legally convened meeting on July 21, 2020

Signature, Mayor of Madison

Name and Title, City Council

Date

Attest By, Clerk-Treasurer

Drug Free Workplace Ordinance

GENERAL ORDINANCE # 2020-11 sponsored by *D. Dattilo*

Section 1 Overview

WHEREAS, the City of Madison, Indiana makes a commitment to provide employees a safe working environment, to ensure that employees, equipment and operating practices comply with health and safety standards, and to maintain public confidence in the City and its employees. Since the City of Madison values each employee, the City offers employees assistance in dealing with alcohol and drug abuse problems.

Section 2 Policy

WHEREAS, the City of Madison requires all employees to report for work in a condition that allows them to perform their duties in a safe and efficient manner. Employees will not be permitted to work under the influence of alcohol or with prohibited drugs in their systems thereby affecting job performance.

Violation of any provision of this Ordinance will be considered just cause for disciplinary action up to and including discharge, even for a first offense. In addition, refusal to adhere to any part of the policy may be considered an act of insubordination and also may lead to disciplinary action up to and including discharge.

This Ordinance and related procedures may be modified by the City at any time in order to comply with any applicable federal, state or local laws or to better serve the needs of the City.

Section 3 Prohibited Drugs

Prohibited drugs are defined as illegal substances, including controlled substances as defined in the Controlled Substance Act (21 U.S.C. 8120 and the Code of Federal Regulations (21 C.F.R. 1308.11-1308.15) and prescription controlled substance which have not been prescribed by a licensed physician or dentist for specific treatment purposes for the employee. Abuse of prescription or over-the-counter drugs will also be treated as a substance abuse problem under this Ordinance.

This Ordinance prohibits the illegal use, sale, transfer, distribution, possession, or unlawful manufacture of narcotics, drugs, or other controlled substances while on the job or on City premises (including vehicles used for City business). These include but are not limited to marijuana, cocaine, crack, PCP, heroin, LSD, amphetamines, hallucinogens, and barbiturates. Any illegal substances found on such premises will be turned over to the state police and may lead to criminal prosecution.

Section 4 Alcohol

The use of alcohol on the job or on City premises is prohibited, unless such use is non-abusive and is part of an authorized official event held off City premises. The use of alcohol in vehicles

used for City business is strictly prohibited.

Alcohol possession applies to all open or unsealed alcoholic beverage containers. Such containers are not allowed on the job or on City premises, unless their possession is part of an authorized official event. Possession of such containers in vehicles used for City business is never authorized.

Section 5 Reporting Violations

Employees must as a condition of employment, abide by the terms of this Ordinance and report any conviction to the City under a criminal drug statute for violations occurring on or off City premises when conducting City business. Report of a conviction must be made to the City within five (5) business days after the conviction. The City will then notify the appropriate contracting officer within ten (10) days after receiving notice from either the employee or from another source. (These requirements are mandated by the Drug-Free Workplace Act of 1988.)

An employee who is involved with off the job illegal drug activity may be considered in violation of this Ordinance. In determining whether disciplinary action will be imposed for this activity, the City will consider the circumstance of each incident, including but not limited to any adverse effect the employee's actions may have on its customers, other employees, the public, or the City's reputation and image.

Any questions regarding the reporting of violations should be directed to the Clerk-Treasurer.

Section 6 Employee Rehabilitation

Health maintenance is primarily a personal responsibility and it is the individual's responsibility to correct unsatisfactory job performance or behavioral problems caused by alcohol or drug abuse. In an effort to assist employees, the City will provide various means for employees and their family members to remain aware of the dangers of substance abuse in the workplace and to overcome drug and alcohol related problems.

Employees with a personal, alcohol or drug related problem are encouraged to volunteer to participate in a approved rehabilitation program upon referral from the Employee and Family Assistance Program, before work performance becomes affected.

Participation in a rehabilitation program will not be considered a barrier to employment nor a cause for disciplinary action. Employees will not be disciplined merely because of participation in a rehabilitation program or excused from the disciplinary consequences of conduct which is in violation of this Ordinance or any other City policies or job requirements.

Any employee identified through a City investigation as having a substance abuse problem also may not avoid disciplinary action by requesting to participate in an approved rehabilitation program.

Circumstances in each case will be evaluated to determine the course of action to be taken (i.e., whether the employee will be offered the opportunity to participate in a rehabilitation program and/or will be subject to discipline.)

Section 7 Testing

The City of Madison, Indiana will not ask employees to submit to random alcohol or drug tests.

Alcohol or drug tests may be required for employees in the following circumstances:

- 1 When unsatisfactory job performance or other employee behavior is reasonably indicative of substance abuse.
- 2 During and after participation in a drug or alcohol rehabilitation program for a reasonable period of time as determined by the City.
- 3 When required by law.

If a supervisor identifies an employee with a behavior pattern and/or job performance reasonably indicative of substance abuse, the supervisor (with the concurrence of the next level of supervision) may recommend that the employee have a fitness for duty examination by a physician designated by the City. The physician will determine whether a fitness for duty examination is necessary and whether alcohol or drug tests will be required.

Pre-employment drug testing is part of the pre-employment physical. The method of testing will be determined by the City. Applicants who test positive for prohibited drugs in their systems will not be offered employment. Any questions regarding reapplication opportunities should be directed to the Clerk-Treasurer.

Certification of Adoption

It is hereby certified that this Ordinance Number _____ was passed by the City Council of the City of Madison, Indiana, at its legally convened meeting of July 21, 2020.

Robert Courtney
Mayor of Madison

Signature

Attested By:

Rick Berry, Madison Clerk-Treasurer

Signature

Date _____