

**TOWN OF GREENVILLE
MAY MEETING**

Meeting Date: May 12th, 2003
Meeting Time 7:30 p.m.

PUBLIC MATTERS COMING BEFORE THE BOARD (To be put on agenda, contact Town Hall at 923-9821,
at least 10 days prior to the Town Council Meeting)

I. MINUTES OF APRIL MEETING: Read out loud, Post Minutes and Financial
Report on Bulletin Board.

II. LEGAL

A. Charles Murphy (Attorney/Annexation John Reisert Property US 150.

III. ORDINANCE MATTERS

- A. Walter Goodmen(Garage-Parkland Heights)
- B. Bonnie Stockdale(Garage-6774 Greenville/Georgetown Rd.)

IV. OTHER MATTERS

COMMITTEE REPORTS

- A. STREETS
- B. PUBLIC RELATIONS
- C. TOWN MARSHAL

V. WATER UTILITY(GARY GETROST)

VI. FINANCE (JACK SPRIGLER)

VII. ADJOURNMENT

MINUTES OF TOWN COUNCIL MEETING

MAY 12, 2003

The regular monthly meeting of the Greenville Town Council was called to order by Councilmember David Matthews (in the absence of President L. R. Gibson) with Councilmembers Ted Miller, Hanzel Barclay and Mike Receveur and Clerk Treasurer Jack Sprigler present.

Also attending was Gary Getrost, Janice Gibson, David Moore, Denise Franke, W. Goodman, Bonnie Stocksdale, John Reisert and his representatives.

The April minutes were approved 4-0 on motion by Ted Miller.

The Clerk Treasurer presented the Council a Petition for Annexation and Ordinance of Annexation by John Reisert. After much discussion as to whether the request was proper & legal Denise Franke, Fifer Law Office, stated she had reviewed the Petition and found it to be in order. She advised the Council they could vote without a public hearing if they desired. David Matthews stated he would like to have a hearing before voting. Ms. Franke also advised the Council should they not annex Mr. Reisert could sue in court for a judge's ruling. Mr. Matthews stated the Council should table the matter until the June meeting. This was approved 4-0.

Several individuals representing the interests of Mr. Reisert stated their reasons for annexation and plans for the area to be developed including construction, sewage, etc.

Mr. Goodman advised the Council he was contemplating building a garage on his property in Parkland Hts. subdivision. Based on the plat he provided the Council the members stated they believed he was in compliance with Town ordinances.

Mr. Stocksdale also was contemplating building a garage at his residence on the Georgetown/Greenville Rd. The Council advised him to submit to the Council a plat showing location, etc. in order for the Council to sure he was in compliance.

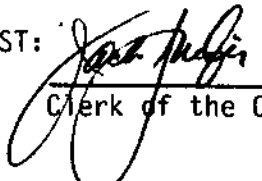
Council voted 4-0 to allow the Town attorney to send a letter to D. Meador regarding property located on the G/G Rd, and Building Inspections to be conducted by NA Bldg. Comm.

Gary Getrost apprised the Council of increased rates submitted by Anthem BC/BS; possible rate increases from our water suppliers and a letter from Promise Land, LLC (attached).

Council approved: Special Meeting of the Council, June 2, 2003 @ 7:30 P.M. (4-0)
Claims for the Town & Utility (4-0)
Customer Water Bill Adjustments (3-0)
Standard Operating Procedure (SOP) # 1 (3-0)

No further business coming before the Council, the meeting was adjourned.

ATTEST:

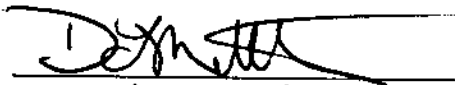

Clerk of the Council


Presiding Officer

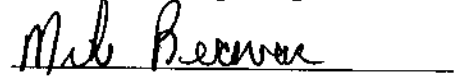
ADJUSTMENTS APRIL 9TH THRU MAY 12TH 2003

01-2150	Douglas Hartfield	entered wrong reading	\$ 697.01
01-2850	Donna Herron	Leak	64.93
02-3210	Jack Endler	Leak	59.78
04-2300	Eric Hertog	Leak	17.17
04-2300	Louanne Shields	meter read wrong	36.31
03-1260	John Caperton	leak	63.55
02-3040	Steve Rainbolt	leak	38.16
02-2011	Linda Smith	meter read wrong	32.45
02-0160	John Harper	leak	28.02
04-0520	John Mattingly	meter read wrong	2,712.00
07-5670	Karen LeBlong	should not been billed	13.97
02-0520	Jim Hartfield	Meter read wrong	46.84

\$3,810.19







Memorandum

ATTORNEY WORK PRODUCT

To: Greenville Town Council
From: Denise D. Franke, Fifer Law Office *ddf*
Date: 5-12-03

I. Building Inspections

A. Cost for Motion for Inspection Warrant:

1. Per Georgia in the Clerk's Office, the cost is \$107.00 to file the Motion for the Inspection Warrant.
2. Per Judge Cody, Circuit Court, the format of the Motion for Inspection Warrant is correct.

B. Cost for Building Inspection.

Per Gary House, New Albany Building Commission: if the Judge issues an order allowing for a building inspection, the New Albany Building Commission will conduct the inspection at no cost to Greenville. This is a town-to-town service they are willing to provide. Mr. House stated he had spoken with the Mayor, who was supportive of this plan.

II. Planning and Zoning Questions

A. If Greenville opts for Planning and Zoning, does the two (2) mile fringe automatically come with it?

I.C. 36-7-4-205 (f) provides as follows (*emphasis added*):

- (f) ADVISORY. Each municipal plan commission in a municipality located in a county having:
- (1) a population of less than ninety-five thousand (95,000); and
 - (2) a county plan commission that has adopted, in accord with the advisory planning law, a comprehensive plan and ordinance covering the unincorporated areas of the county;

may, at any time, after filing notice with the county recorder and the county plan commission, exercise or reject territorial jurisdiction over any part of the area within two (2) miles of the corporate boundaries of that municipality and within that county, whether or not that commission has previously exercised that jurisdiction, if the municipality is providing municipal services to the area. Within sixty (60) days after receipt of that notice, the county plan commission and the county legislative body shall have the county comprehensive plan and ordinance revised to reflect the decision of the municipal plan commission exercising the option provided for in this subsection. If the municipality is not providing municipal services to the area, the municipal plan commission must obtain the approval of the county legislative body of each affected county before exercising jurisdiction.

B. Can the Town Board selectively classify areas as commercial and residential without zoning?

I.C. 36-7-4-601(a) provides as follows (*emphasis added*):

- (a) The legislative body having jurisdiction over the geographic area described in the zoning ordinance has exclusive authority to adopt a zoning ordinance under the 600 series. However, *no zoning ordinance may be adopted until a comprehensive plan has been approved for the jurisdiction under the 500 series of this chapter.*

*Approved by Council
4-0
5-12-03*

*will be billed as
legal expense.*

PROMISE LAND, LLC.

April 21, 2002

Board of Trustees of Town of Greenville
Town of Greenville
9706 Clark Street
Greenville, Indiana 47124

RE: FORMER GREENVILLE RESERVOIR

Dear Town of Greenville:

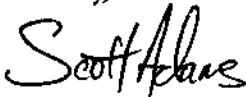
Promise Land, LLC. is the current owner of thirty acres of real property located at 8271 Voyles Road, of which 21.5 acres is the site of the former Greenville Reservoir which was owned and operated by the Town of Greenville until 1995. As Managing Partner of Promise Land, LLC., I am in receipt of a letter from the Indiana Department of Environmental Management (IDEM) requesting access to the property for the purpose of conducting various soil and water samples at the request of a neighboring property owner, Mr. Charles "Bud" Ollis.

Upon advice from legal counsel at the law office of Young, Lind, Endres, & Kraft in New Albany, I am temporarily denying IDEM access to the property and desire a dialogue with the Town of Greenville to discuss the matter and to review and obtain copies of all relevant files and records pertaining to the former water treatment facility operations on the property. As such, I respectfully request a meeting with representatives of the Town at your earliest convenience.

If you have any questions, I can be reached as follows:

Cellular Telephone: 502-376-7745
Home Telephone: 812-945-7784
Office Telephone: 812-949-3624
Office Fax: 812-949-3620
Email: scottadams@discoverybuilders.net
Mailing Address: 410 Mills Lane, New Albany, Indiana 47150

Yours truly,



Scott Adams
Managing Partner
Promise Land, LLC.

C: John Kraft, Law Office of Young, Lind, Endris, & Kraft
Robert Adams, Law Office of Adams & Cramer
George Gesenhues, Law Office of Lorch & Naville
Alan Grosheider, ESA1
Deborah Sandy, Promise Land, LLC.
Jennifer Adams, Promise Land, LLC.

410 MILLS LANE • NEW ALBANY, INDIANA • 47150

*My letter apprised Council members
5-12-03.
Meeting w/ Town City & others
scheduled for 5-13-03.
Council decision Denise
to inform of Town's position - the
matter is closed.*

PROMISE LAND, LLC.

April 21, 2002

Mr. Mark Jaworski
Indiana Department of Environmental Management
Office of Land Quality
100 North Senate Avenue
P.O. Box 6015
Indianapolis, Indiana 46206-6015

**RE: FORMER GREENVILLE RESERVOIR/RICHLAND CREEK/CHARLES OLLIS
PROPERTY**

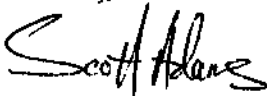
Dear Mark:

Thank you for your letter of April 14, 2003. While we are sympathetic to Mr. Ollis' concerns and the State's desire to investigate his claims, your request to access the property is temporarily denied. We have engaged legal counsel and have been advised to seek the cooperation of the Town of Greenville with respect to this matter.

If you have any questions, I can be reached as follows:

Cellular Telephone: 502-376-7745
Home Telephone: 812-945-7784
Office Telephone: 812-949-3624
Office Fax: 812-949-3620
Email: scottadams@discoverybuilders.net
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Yours truly,



Scott Adams
Managing Partner
Promise Land, LLC.

C: John Kraft, Law Office of Young, Lind, Endris, & Kraft
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Memorandum

ATTORNEY WORK PRODUCT

To: Jack Sprigler and Greenville Town Council
From: Denise D. Franke *DF*
Date: 4/17/03
Re: Public Sale and Sealed Bids

- A. Mr. Sprigler contacted Fifer Law Office on Monday, April 14, 2003 with a question about public sales and sealed bids. Specifically, he asked if I would review Indiana Code 5-22-22-5 to see if sealed bids by responsible bidders on a public sale could be refused.
- B. I.C. 5-22-22-5 provides as follows:
- Public Sale or Sealed Bids; Advertisements
- (a) If:
- (1) an auctioneer is not engaged under section 4 of this chapter; or
 - (2) the surplus property is not sold through an internet auction site under section 4.5 of this chapter,
- the purchasing agency shall sell the property at a public sale or by sealed bids delivered to the office of the purchasing agency before the date of sale.
- (b) Advertisement of the sale shall be made in accordance with IC 5-3-1.
- (c) All sales shall be made to the highest responsible bidder.
- C. There are no Indiana cases which reference I.C. 5-22-22-5, nor are there any Indiana cases which reference "public sales" and "sealed bids."
- D. I.C. 5-22-22-5(c) specifically states, "All sales *shall* be made to the highest responsible bidder (*emphasis added*)." The plain language of this statute indicates that the sale is to go to the highest responsible bidder. There is no provision in the statute that provides for a rejection of that bid.

IN ST 5-22-22-5
IC 5-22-22-5

WEST'S ANNOTATED INDIANA CODE
TITLE 5. STATE AND LOCAL ADMINISTRATION
ARTICLE 22. PUBLIC PURCHASING (SECOND VERSION)
CHAPTER 22. DISPOSITION OF SURPLUS PERSONAL PROPERTY BY A GOVERNMENTAL BODY

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Current through End of 2002 1st Special Sess.

5-22-22-5 Public sale or sealed bids; advertisements

Sec. 5. (a) If:

- (1) an auctioneer is not engaged under section 4 of this chapter; or
- (2) the surplus property is not sold through an Internet auction site under section 4.5 of this chapter;

the purchasing agency shall sell the property at a public sale or by sealed bids delivered to the office of the purchasing agency before the date of sale.

(b) Advertisement of the sale shall be made in accordance with IC 5-3-1.

(c) All sales shall be made to the highest responsible bidder.

CREDIT(S)

2002 Main Volume

As added by P.L.49-1997, SEC.1.

2002 Electronic Update

As amended by P.L.31-2002, SEC.6.

<General Materials (GM) - References, Annotations, or Tables>

HISTORICAL AND STATUTORY NOTES

2002 Main Volume

Formerly:
IC 4-13-2-12.
IC 17-2-47-8.

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IN ST 5-22-22-5
IC 5-22-22-5

IC 18-4-5-6.
 IC 18-6-11-5.
 IC 18-6-11-6.
 IC 36-1-11-6.
 IC 36-2-2-21.
 IC 36-4-8-10.
 IC 36-5-4-8.
 Acts 1907, c. 271, s. 8.
 Acts 1943, c. 226, s. 1.
 Acts 1947, c. 279, s. 12.
 Acts 1951, c. 88, s. 1.
 Acts 1967, c. 186, ss. 5, 6.
 Acts 1969, c. 173, s. 506.
 Acts 1971, P.L.258, SEC.8.
 Acts 1974, P.L.66, SEC.1.
 Acts 1975, P.L.25, SEC.1.
 Acts 1975, P.L.195, SEC.8.
 Acts 1977, P.L.2, SEC.60.
 Acts 1978, P.L.87, SEC.1.
 Acts 1978, P.L.91, SEC.1.
 Acts 1980, P.L.73, SECS.11, 21.
 Acts 1980, P.L.212, SECS.1, 3, 4.
 Acts 1981, P.L.32, SEC.10.
 Acts 1981, P.L.57, SEC.37.
 P.L.32-1983, SEC.1.
 P.L.32-1983, SEC.11.
 P.L.15-1984, SEC.1.
 P.L.215-1986, SEC.2.
 P.L.27-1989, SEC.2.
 P.L.214-1989, SEC.6.
 P.L.18-1990, SEC.2.
 P.L.20-1990, SEC.2.
 P.L.218-1991, SEC.3.
 P.L.29-1993, SEC.2.
 P.L.253-1993, SEC.1.
 P.L.311-1995, SEC.1.

CROSS REFERENCES

Auctions and auctioneers, see IC 25-6.1-1-1 et seq.
 Conflict of interest, criminal offense, see section 35-44-1-3.
 General corporate powers, sale or exchange of property, see IC 36-1-4-6.
 Library and historical board, disposition of library materials, see IC 4-23- 7-5.3.
 Public employee's retirement fund board, exemption, see IC 5-10.3-5-3.
 Sale, lease, or exchange of historic site by commission, see IC 14-20-1-23.

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IN ST 5-22-22-5
IC 5-22-22-5

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LIBRARY REFERENCES

2002 Main Volume

Municipal Corporations \Leftrightarrow 225(4).
States \Leftrightarrow 89.
WESTLAW Topic Nos. 268, 360.
C.J.S. Municipal Corporations \S 887.
C.J.S. States $\S\S$ 149 to 150.
I.L.E. Agriculture \S 5.
I.L.E. Counties \S 39.
I.L.E. Municipal Corporations \S 162.
I.L.E. State \S 72.

UNITED STATES SUPREME COURT

Intergovernmental tax immunity, state sales and use tax, bankruptcy liquidation sales, see California State Bd. of Equalization v. Sierra Summit, Inc., U.S. Cal. 1989, 109 S.Ct. 2228, 490 U.S. 844, 104 L.Ed.2d 910.

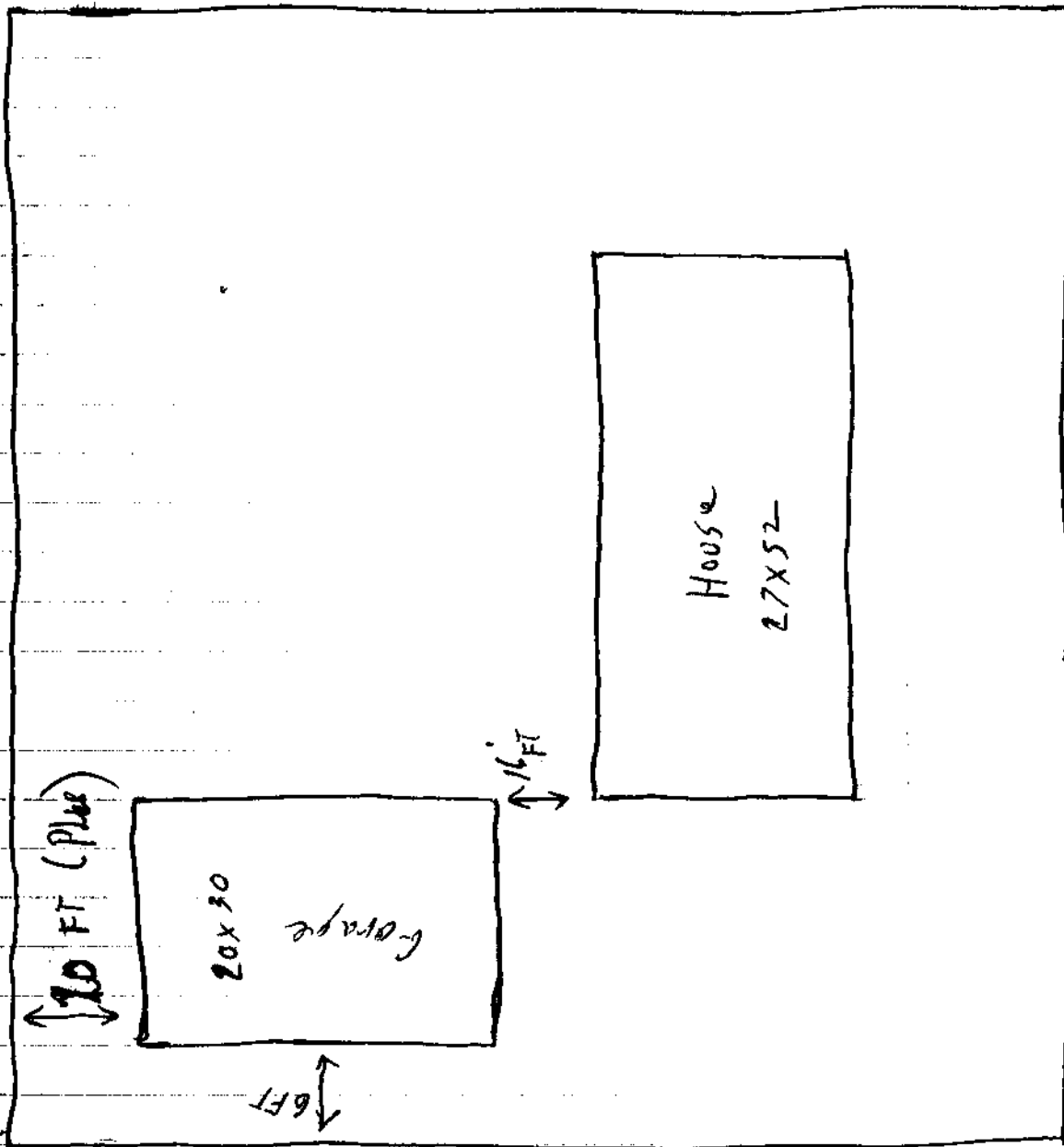
I.C. 5-22-22-5

IN ST 5-22-22-5

END OF DOCUMENT

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Bonnie & David Stockdale
6774 Giville G Town
923-0619



WALTER GOODMAN - PARKLAND HTS

