

**Rising Sun City Council  
Meeting Minutes  
February 2, 2006  
7:00 P.M.  
City Hall**

Mayor Marksberry called the meeting to order with the Pledge of Allegiance. A quorum of Council was determined by Clerk Treasurer Gipson with all of Council present.

Minutes of the January meetings had not been distributed to Council prior to the meeting and will be addressed at the next Council meeting.

**REPORTS OF COMMITTEES AND BOARDS**

**MAIN STREET**

Tammy Elbright, Main Street Director presented a contract from Preservation Architecture Services Team (PAST) for Phase 1 Restoration & Renovation of the Historic Presbyterian Church in the amount of \$41,313. Attorney Siekman stated he had reviewed the contract and would request not to exceed be added. After discussion a motion was made by Councilman Slack to give the Mayor the authority to sign the contract with PAST in an amount not to exceed \$41,313, 2<sup>nd</sup> by Councilman Brown; motion carried 5-0.

**TOURISM**

Sherry Timms, Director of Tourism requested approval to purchase banners from Signage Grant funds received from the RS Regional Foundation. There are approximately 25 banners that will begin near the entrance of Grand Victoria on 56 through downtown Main Street. It was stated that RS Municipal Utilities has an Ordinance that does not allow anything to be placed on Utility poles. Utility Superintendent Trey Clifton stated there is an Ordinance addressing this—but the men don't actually climb the poles as often as they used to as they can use the bucket truck. After further discussion a motion was made by Councilman Padgett to approve the purchase of the banners as a joint venture between Tourism, Chamber of Commerce and Main Street and give a specific exception to hang these requested flag banners on Utility poles; 2<sup>nd</sup> by Councilwoman Siekman; motion carried 4-1 with Councilman Brown being against.

## **EDC**

Trey Clifton informed the Mayor and Council EDC had received a grant from the RS Regional Foundation for \$47,500 to be used for infrastructure at the new business park. He requested permission from Council to have a few signs displayed with information about the Riverfront Park wireless internet "Hot Spots". Council had no problem with displayed signs. Councilman Slack asked if there was much request for service in the County. Superintendent Clifton stated he had a lot of interest but the process was moving somewhat slower than he wanted. Clifton stated that Aberdeen Pate wanted \$1000 per month to use the tower, which was too much. They have been discussing options at the 911 tower on Dutch Ridge and have been given 100 foot of tower from John Shuler. Clifton stated there have been discussions with the County to set something up at the new County garage location.

## **OCCF**

Peg Dickson, Director of the Community Foundation informed Council the funds that had previously been approved for the Ivy Tech Scholarships with Lily matched funds could not all be held locally. The City had previously committed \$50,000 and the County had committed \$8,000. After discussion a motion was made by Councilwoman Siekman that the City contribute \$20,560 to add to the County commitment of \$8,000 to be used for Ohio County residents only, this was 2<sup>nd</sup> by Councilman Padgett; motion carried 4-1 with Councilwoman Scott abstaining.

## **POLICE DEPARTMENT**

Chief of Police, David Hewitt presented information to Council regarding the purchase of new radios for the department. He stated this topic has been discussed several times at the Board of Works meeting. According to Hewitt since 911 the goal of safety and EMS is to all be on the same page. He has a quote that breaks down the cost as well as the safety benefits. The radios will basically allow the Department access to every tower in the State. Hewitt said he didn't want to rely on grant funds for the radios as the department trades 4 radios back and forth as it is. He stated this will be a 1 time purchase including maintenance in the amount of \$37,405 purchased through Mobilcomm. After discussion a motion was made by Councilwoman Scott to approve this purchase, 2<sup>nd</sup> by Councilman Brown; motion carried 5-0. Chief Hewitt thanked Council for approval of this purchase and informed all present the department would be taking part in a lot of training for the next month or so.

## **FIRE DEPARTMENT CONTRACT 2006**

Mayor Marksberry presented the 2006 Fire Department Contract for city services to Council for approval. After discussion a motion was made by Councilman Slack to approve the 2006 Fire Department Contract, 2<sup>nd</sup> by Councilwoman Siekman; motion carried 5-0.

## **EMPLOYEE HANDBOOK**

A final proposed draft of Section III of the Employee Handbook had previously been distributed to Council for review. Clerk Gipson informed all present this proposed section was the current policy “cleaned up”. Attorney Siekman stated after the last meeting regarding the Employee Handbook it was understood that changes to the proposed employee handbook were to follow its original form. Clerk Gipson stated she had shared the SOP language “clean up” with Chief Hewitt. Hewitt stated he had no issues with the proposed SOP changes. Clerk Gipson informed the group of some of the changes:

- 80 hour cap on comp time accumulated
- No comp time earned or taken in December
- A week of vacation time given after 6 months of service
- Pro-rated vacation pay if/when employment terminated

Executive Secretary Mona Cook stated she earns comp time in Dec for the Tree Lighting ceremony—she would have to be paid overtime for this. After further discussion a motion was made by Councilwoman Scott to approve Section III Benefits of the City of Rising Sun Employee Handbook as proposed, 2<sup>nd</sup> by Councilman Padgett; motion carried 5-0.

## **AMERICA IN BLOOM**

Mayor Marksberry informed Council after reviewing last years project the City would be entering this contest in 2006.

## **STEVE PATZ—SUMMER BASEBALL/SOFTBALL PROGRAM**

Councilwoman Scott questioned the reason for the sponsorships of the summer baseball and softball programs? Patz stated the State Legislators have cut school funding. After some discussion Patz stated the State tells the school –here is this much money X. The school can defray the cost of the summer programs with sponsorships. Councilman Padgett questioned if the participants would still have to pay for their shirts? Patz stated they would. Councilman Padgett stated if he understood Patz right—the entire school budget is cut—and you——choose to cut here—the programs.?correct? Mr. Patz stated that was correct. Padgett stated so there could be some adjustment if the sponsorships exceed

anticipation? or If they are not what you need or don't meet anticipated funds... Do they just go away? Councilwoman Scott questioned Patz if the cuts had been all over the state. Patz stated a new school formula has been put in place and schools with more population get more dollars. He further stated the current administration has not been good for the schools. It was discussed if it was ok to make a decision at the March 2<sup>nd</sup> meeting. Patz stated there was a March 1 deadline—but it depended on how sponsorships—or funding was received.

## **COMMUNITY EVENT FUNDING GRANTS**

### **RON EADS CAR SHOW REQUEST 2006-1**

Ron Eads, representing the Shiner Pride Band Boosters requested a Community Event Funding Grant in the amount of \$18,925 to aid with the funding of the car show. Eads played a video of the marching band for the Mayor and Council. A lot of the members were in attendance with trophies in hand. Eads stated this is the 10<sup>th</sup> year for the car show and the show brings 3,000 plus visitors into town. The added costs for the 2006 show is due to securing contracts and funding not received through the school. According to Eads the Car Show is essential for raising funds for the Rising Sun Marching Band. Street closings for the event were included in the grant application—See attached Exhibit A. After discussion a motion was made by Councilman Slack to approve community event funding for application 2006-01 for the Car Show in the amount of \$18,925, 2<sup>nd</sup> by Councilwoman Siekman; motion carried 5-0.

### **NAVY BEAN—CONNIE ALTHOFF 2006-2**

Connie Althoff presenting as co-chair of the Navy Bean Festival with the assistance of the Chamber of Commerce requested a Community Event Funding Grant in the amount of \$44,975 to aid with funding the 2006 festival. According to Althoff the additional requested funds will be used for bigger name entertainment. After discussion a motion was made by Councilman Padgett to approve the event funding grant for the Navy Bean Festival 2006-2 in the amount of \$44,975, 2<sup>nd</sup> by Councilman Brown; motion carried 4-0.

### **RESOLUTION 2006-5 SUSCOM—CONSENT TO ASSIGNMENT OF FRANCHISE**

Mayor Marksberry presented Resolution 2006-5 “Consent to Assignment of Franchise” in reference to the Cablevision Contract with Suscom. There was some discussion about the switch from Suscom to Comcast—

according to Attorney Siekman the unpaid pole attachment fees were received by Superintendent Clifton on Tuesday. After further discussion a motion was made by Councilman Slack to approve Resolution 2006-5, 2<sup>nd</sup> by Councilman Brown; motion carried 5-0.

#### **RIVER DAYS—ED SULLIVAN, DARYL PADDOCK, DAVE HEWITT**

Information from the River Days Committee and a 2006 funding request in the amount of \$50,000 was distributed to Council at the January 26<sup>th</sup> meeting to allow Council time to review. The River Days Committee attendees gave a brief overview of the upcoming 2006 festival to be held August 18-20. They requested questions or comments from the Mayor and Council. Councilwoman Scott questioned why the request was not in the form of a community event funding grant? Sullivan stated he was unaware it needed to be in that format. Clerk Gipson stated it was not in that form last year. After discussion a motion was made by Councilwoman Scott to approve the event funding grant for River Days 2006-3 in the amount of \$50,000 and for the request to be put in the community event grant funding application format, 2<sup>nd</sup> by Councilman Padgett; motion carried 5-0.

#### **TRANSFER RESOLUTION 2006-4**

Clerk Gipson proposed Resolution 2006-4 to transfer appropriations within the City. After discussion a motion was made by Councilman Padgett to approve the transfer request—Resolution 2006-4, 2<sup>nd</sup> by Councilman Brown; motion carried 5-0.

#### **MISCELLANEOUS**

Mayor Marksberry presented a contract with the Schneider Corporation in the amount of \$36,500 to design a skateboard park/ice skating rink. Information had been presented to Council at the January 26<sup>th</sup> meeting—there were discussions of possibly doing a survey at the school to get a feel of the interest level. It was discussed that this was not approving the construction. After further discussion a motion was made by Councilman Slack to give authority to Mayor Marksberry to sign the contract with Schneider Corporation in the amount of \$36,500, 2<sup>nd</sup> by Councilman Padgett; motion carried 5-0.

Mayor Marksberry read a Thank You from the Toys for Tots for the participation by the Mayor's Youth Council in the toy drive at Christmas and the Rotary Club for the window raffle items.

Mayor Marksberry informed the Council that Clerk Treasurer Gipson had received notification of acceptance into the International Institute of Municipal Clerks-- Master Municipal Clerk Academy.

Marksberry informed all that the Street Department would be taking training at the Ohio County Garage on Friday.

Marksberry gave an update from the Statehouse. He informed Council to be aware of Major Moves and HB 1077 and SB 239.

Marksberry informed Council he had spoken with Superintendent Clifton and Council could be set up on ORVComm wireless internet and use the lap tops vs. mailing to allow for better communications. Council concurred—Mayor Marksberry will work with Trey to get this done.

After the reviewing and signing of claims a motion was made by Councilman Brown to adjourn, 2<sup>nd</sup> by Councilman Padgett; meeting adjourned at 9:35.

Attest:

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Rae Baker Gipson,  
Clerk Treasurer

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William A. Marksberry,  
Mayor

RESOLUTION 2006-4

**AN EMERGENCY RESOLUTION PROVIDING FOR THE TRANSFER OF APPROPRIATIONS FOR SEVERAL DEPARTMENTS OF THE CITY OF RISING SUN, INDIANA, FOR THE YEAR 2006, AS REQUIRED BY THE DEPARTMENT HEADS AND FORWARDED TO THE COMMON COUNCIL FOR THEIR ACTION AND PASSAGE PURSUANT TO IC 6-1.1-18-6**

WHEREAS, Certain extraordinary conditions have developed since the adoption of the existing annual budget for the year 2006 and it is now necessary to transfer appropriations into different categories than was appropriated in the annual budget for the various functions of the several departments to meet the emergencies.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF RISING SUN, INDIANA THAT:

SECTION 1. For that expenses of the City Government, the following appropriations are hereby transferred and set apart out of the funds hereinafter named for the purposes specified, subject to the laws governing the same, such funds herein transferred unless otherwise stipulated by law.

SECTION 2. Where it has been shown that certain existing appropriations have obligated balances, which will be available for transferring as follows:

General Fund  
Mayor

\$ 15,000	From	Deputy Mayor 101001114	To	101001331 Public Relations
\$15,000.00		Total Mayor Transfer		

Riverboat Council

\$ 33,000	From	Special Projects 270011451	To	270011341 2006-07 HRA Account
\$ 2,500	From	Special Projects 270011451	To	270011453 Riverfront Cleanup
\$ 35,500		Total Riverboat Council		

Riverboat Street

\$ 20,000	From	Special Projects 270005451	To	270005455 Additional Lighting
\$ 10,000	From	Special Projects 270005451	To	270005456 Electrical Upgrades
\$30,000		Total Riverboat Street		

Adopted this 2nd day of February 2006.

NAY

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AYE

Agel Suckman  
Mike Padgett  
Steve Clark  
Ken Brown  
Stephanie Scott

William A. Marksberry  
William A. Marksberry, Mayor

Rae Baker Gipson  
Attest: Rae Baker Gipson  
Clerk Treasurer

RESOLUTION NO. 2006-5

CONSENT TO ASSIGNMENT OF FRANCHISE

WHEREAS, SBC Cable Co. ("Franchisee") is the duly authorized holder of a franchise, as amended to date (the "Franchise"), authorizing Franchisee to serve the City of Rising Sun, Indiana (the "Franchise Authority") and to operate and maintain a cable television system therein (the "System"); and

WHEREAS, Susquehanna Cable Co. ("Susquehanna Cable") is the parent company of Franchisee; and

WHEREAS, on October 31, 2005, Susquehanna Cable and Comcast Corporation ("Comcast") entered into an Asset Purchase Agreement (the "Agreement"), pursuant to which Comcast will acquire the cable assets held by Susquehanna Cable and its subsidiaries, including those that comprise the System (the "Transaction"); and

WHEREAS, in order to implement this Transaction, Comcast will assign its right to purchase the cable assets held by Franchisee that comprise the System, including the Franchise, to Comcast of Indiana/Kentucky/Utah ("Assignee"), its wholly-owned, indirect subsidiary; and

WHEREAS, Franchisee now seeks approval of the Transaction and has filed an FCC Form 394 with the Franchise Authority with respect thereto; and

WHEREAS, the Franchise Authority has considered and approves of the Transaction.

NOW, THEREFORE, BE IT RESOLVED BY THE FRANCHISE AUTHORITY AS FOLLOWS:

1. The foregoing recitals are approved and incorporated herein by reference.
2. The Franchise Authority consents to the Transaction.
3. The Franchise Authority hereby confirms that, to its knowledge: (a) the Franchise is valid and outstanding and in full force and effect; (b) Franchisee is currently the valid holder and authorized grantee of the Franchise; (c) there have been no amendments or modifications to the Franchise except as set forth herein; (d) Franchisee is in compliance in all material respects with the provisions of the Franchise; and (e) there are no defaults under the Franchise or events that, with the giving of notice of passage of time or both, could constitute



events of default thereunder. Subject to compliance with the terms of this Resolution, all action necessary to approve the transfer of the Franchise to Assignee has been duly and validly taken.

4. Assignee may (a) assign or transfer its assets, including the Franchise, provided that such assignment or transfer is to an entity directly or indirectly controlling, controlled by or under common control with Assignee; (b) restructure debt or change the ownership interests among existing equity participants in Assignee; (c) pledge or grant a security interest to any lender(s) of Assignee's assets, including, but not limited to, the Franchise, or of interest in Assignee, for purposes of securing any indebtedness; and (d) sell equity interests in Assignee or any of Assignee's affiliates.

5. This Resolution shall be deemed effective upon adoption.

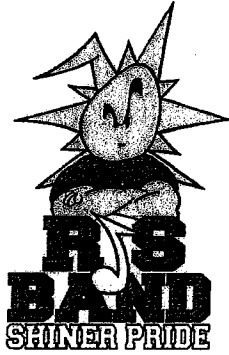
6. This Resolution shall have the force of a continuing agreement with the Franchisee, and the Franchise Authority shall not amend or otherwise alter this Resolution without the consent of the Franchisee and Assignee.

PASSED, ADOPTED AND APPROVED this 2 day of Feb, 2006.

By: WILLIAM R. MARKSBERRY  
Name: W. R. Marksberry  
Title: Mayor

ATTEST:

Rae Ann Lynn  
Clerk



# Shiner Pride Band

400 S. Mulberry Street  
Rising Sun, IN 47040  
(812)438-2626 Fax 438-2456  
Ron Eads, Director  
rkeads@hotmail.com

February 2, 2006

Dear Council,

The following is a list of streets we are requesting to have closed on Sunday, July 9 for our car show. **THIS IS OUR 10TH ANNIVERSARY!!!** Please feel free to post or publish this list. We are asking that the streets be closed from 6:00 am until 6:00 pm. We will post signs on cars the week prior to the show to remind people of the upcoming street closings and car show.

- MAIN STREET:** from Walnut to Front
- FRONT STREET:** from Fourth to Plum
- FIRST STREET:** from Walnut to Front - We only want this shut down to cut down on people driving through. We will keep it open for boat traffic.
- SECOND STREET:** from Walnut to Front (for traffic purposes)
- FOURTH STREET:** from Front to Poplar
- POPLAR:** from Sixth Street to Williams
- WALNUT:** from Main to Sixth Street (overflow only)
- WILLIAMS:** from Walnut to Front (for traffic purposes)
- UTILITIES LOT:** for overflow parking
- CITY POLICE GROUNDS:** for overflow parking
- CITY HALL:** parking lot for parking for Car Show  
Staff (workers, judges, etc.)

We have been averaging 350 entrants for our show. We expect similar numbers this year. If we have 350, the cars will be parked on Front, Main, Fourth, and Poplar. The other street closings are to help with keeping traffic out of the show area and would be used for parking show cars if we would happen to get more than 400 entrants.

Sincerely Yours,

Ron Eads, Band Director