

January 28, 2019

The Ellettsville, Indiana, Town Council met for a regular meeting on Monday, January 28, 2019, at the Ellettsville Town Hall Meeting Room located at 1150 W. Guy McCown Drive. Brian Mobley called the meeting to order at 6:30 p.m. Dan Swafford led the Pledge of Allegiance followed with a prayer by Jimmie Durnil.

Roll Call: Members present were Brian Mobley, President; Dan Swafford, Vice President; Pam Samples and Scott Thomas. Scott Oldham was absent. Sandra Hash, Clerk-Treasurer; Darla Brown, Town Attorney; Mike Farmer, Interim Town Manager; and Rick Coppock, Bynum Fanyo & Associates, Town Engineer; were also present.

Supervisors present were: Mike Cornman, Jimmie Durnil, Jeff Farmer, Danny Stalcup and Kevin Tolloty.

Approval of Minutes

Brian Mobley entertained a motion for approval of the minutes for the work session and regular meeting on January 14, 2019. Scott Thomas so moved. Dan Swafford seconded. Roll call vote: Brian Mobley - yes; Dan Swafford – yes; Pam Samples – yes; Scott Thomas – yes. Motion carried.

Accounts Payable Vouchers

Brian Mobley entertained a motion to pay Accounts Payable Vouchers. Scott Thomas made a motion for action to pay Accounts Payable Vouchers and Payroll. Dan Swafford seconded. Roll call vote: Brian Mobley - yes; Dan Swafford – yes; Pam Samples – yes; Scott Thomas – yes. Motion carried

Resolutions

Resolution 03-2019 - To Dispose of Surplus Property for the Police Department

Jimmie Durnil, Town Marshal, explained this is property from the Police Department to include 2 cars and excess parts and equipment that have been stripped from the cars that they will be selling on EBay. The cars should bring anywhere from \$3,500.00 to \$4,000.00 apiece. He further explained the parts and equipment that were stripped from the cars cannot be used in the newer cars and in the past they have reached out to local agencies in Stinesville and Gosport that might want to use them. Marshal Durnil asked for approval to dispose of the surplus property. Scott Thomas made a motion to approve the Resolution 03-2019 To Dispose of Surplus Property for the Police Department. Dan Swafford seconded. Roll call vote: Brian Mobley - yes; Dan Swafford – yes; Pam Samples – yes; Scott Thomas – yes. Motion carried.

Resolution 02-2018 – To Dispose of Surplus Property for the Fire Department

Sandra Hash, Clerk Treasurer explained this resolution was tabled January 2018 and never revisited. This is to dispose of a fire car. Mike Cornman, Fire Chief, explained the car was in need of repairs that exceeds the amount of what the car could be sold for. Brian Mobley discussed the possible bundling of all the vehicles to sell to avoid fees associated with listing on EBay. Sandra Hash further explained according to the ordinance, it could be sold by sealed bid or on EBay. Chief Durnil stated there is some local interest so he would have the sealed bids available at the next council meeting. Scott Thomas made a motion to approve the Resolution 02-2018 To Dispose of Surplus Property for the Fire Department. Dan Swafford seconded. Roll call vote: Brian Mobley - yes; Dan Swafford – yes; Pam Samples – yes; Scott Thomas – yes. Motion carried.

Old Business

Flood Report

Brian Mobley explained they were still waiting to hear back from the Engineers, but Mike Farmer explained all utilities have been removed from the property purchased at Vine Street and the fence has been taken down. Asbestos remediation is still pending so they are in a holding pattern at this point.

Agreement between Ellettsville Main Street and the Town of Ellettsville for the Garage on Main Street

Darla Brown, Town Attorney explained this agreement was previously presented before the council and council approved the draft of the agreement. Main Street asked to revisit it to change the term from year to year to a 10 year term and under paragraph 2 with regard to paragraph 10 for the default provisions they would like to have 10 business days to cure a default in the event there is one. Ms. Brown made those changes to the agreement and asks for approval. Scott Thomas made a motion to approve the Agreement between Ellettsville Main Street and the Town of Ellettsville for the Garage on Main Street. Dan Swafford seconded. Roll call vote: Brian Mobley - yes; Dan Swafford – yes; Pam Samples – yes; Scott Thomas – yes. Motion carried.

New Business

Ellettsville Chamber of Commerce

Jill Thurman, Office Administrator for the Ellettsville Chamber of Commerce, asked for a round table discussion be scheduled at 5:30, prior the regular scheduled Council Meeting on February 11 or February 25 to establish a dialog between the Town Council and Ellettsville Board of Directors. She stated “They believe it’s imperative in creating high quality of life in our community, we have much to gain by working together and creating a shared vision for a stronger Ellettsville”. Darla Brown explained that if more than 2 council members attend, it has to be advertised as a work session and opened to all the community. Scott Thomas expressed his support and encouraged, not only the Council, but the community, be involved in the direction the Town is going. Dan Swafford expressed his interest in attending. Brian Mobley set a tentative date of February 25 and asked for everyone to correspond with Sandra Hash, Town Clerk, by email regarding their availability to attend.

Request to Purchase a paver for the Street Department

Danny Stalcup explained they were in need of a new paver and after comparing prices they would like approval to purchase a used paver for the cost of \$14,000.00. New pavers average cost is around \$100,000.00. This purchase will include a damaged paver, with only wire damage, be thrown in for parts. Scott Thomas made a motion to approve the purchase of the paver for the Street Department. Dan Swafford seconded. Roll call vote: Brian Mobley - yes; Dan Swafford – yes; Pam Samples – yes; Scott Thomas – yes. Motion carried.

Eminent Domain – 104 West Vine Street – Chad Stephens, Pipjay Properties

Darla Brown explained this was previously discussed in detail, at the December 27, 2018 meeting. Scott Oldham had requested a summary of the Eminent Domain procedure be provided to all the council members. She stated she had completed that task and was open for any questions or discussion. Ms. Brown explained one offer had been made and rejected based on 2 appraisals of \$130,000.00. Asking price was over \$200,000.00. They had previously discussed combining another property and making another offer or proceeding with Eminent Domain. The Town can only offer what the property is appraised for so Eminent Domain might be the best solution to achieve overall happiness between the owner and the Town for the purchase. Dan Swafford questioned the reason for the purpose of purchasing the property. Mike Farmer explained the intent was for flood remediation and he believes due to the property being in the floodplain, the purchaser having to do 50% of the assessed value of the building worth of work to the property before having to bring it up to current flood code making it challenged as far as anyone purchasing the property and making it acceptable to neighbors and esthetically pleasing to the Town. Rick Coppock, Bynum Fanyo Associate, answered questions from Dan Swafford in regard to the flood study outlining the benefit of obtaining the property for flood remediation. Mr. Coppock reported the DNR reports state the recommendation of the removal of the fill above the high water level. Dan Swafford asked for some time to review the situation and meet with Mike Farmer and Rick Coppock to discuss any further questions and concerns he has being new to the situation. Darla Brown again explained the process for Eminent Domain.

Sandra Hash explained the council has previously voted on the purchase of the property and to make an offer. The offer was rejected resulting in the discussion of Eminent Domain. Ms. Hash offered to send Mr. Swafford, Pam Samples and Kevin Tolloty the copy of the DNR report along with the pictures taken by Brian Mobley of the area. Dan Swafford made a motion to table the Eminent Domain – 104 West Vine Street – Chad Stephens, Pipjay Properties. Pam Samples seconded. Roll call vote: Brian Mobley - yes; Dan Swafford – yes; Pam Samples – yes; Scott Thomas – yes. Motion carried.

Supervisors Comments

Mike Cornman encouraged the citizens to stay home during the next several days due to the extreme weather and advised there will be a warming station available at the Fire Station for anyone in need. He further explained the danger in using an oven for heat and the safe practice on the use of space heaters. They should only be plugged directly into the wall and do not use extension cords or power strips. Make sure there is a 3 foot clearance surrounding the heater and do not use at night.

Mike Farmer advised leaving water running for the next several days to avoid freezing/busting pipes of at least a pencil size stream. If there is an emergency with a busted pipe with running water, the Utility department will respond to shut off the water, but not to frozen pipes without running water for the safety of the workers. He encourages closing outside vents, skirting for mobile homes and turn up the heat. Frozen lines can be more vulnerable after the lines start to thaw so be aware after it starts to warm up.

Jimmie Durnil, Town Marshal, introduced Mark Freeman, part time officer for the Ellettsville Police Department, he explained the DUI (Driving Under the Influence)/Opioid grants and the benefit it has to the Town. Mr. Freeman explained that the state dedicates millions of dollars to local agencies, counties, cities and towns across the state to run Traffic Safety Initiatives. Each county has formed a partnership as part of this grant program, for several years, the Monroe County Traffic Safety Partnership, which includes Bloomington Police Department, Monroe County Sheriff's Department and Indiana University joined this year. The Grant is awarded to towns and cities to put officers on the street outside of their normal shifts for approximately \$2.00 per hour, including benefits. Over the last 3 years, they have worked 1470 hours on the grant averaging 9-10 hours a week especially during large crowd events such as Little 500 weekend. Every quarter there is a target area of enforcement to participate in, called Blitzes. They focus on DUI, aggressive driving, seat belts or a combination of any of the above. These target areas of training have had a big impact on Ellettsville taking the DUI's from around 60 a year to 30. By participating in the grant they have also received a lot of equipment that would have cost the town money. They received a grant for Portable Breath Tests in the amount of \$5,500.00, \$10,000.00 of computer equipment and paper. They are asked to stop 3 cars an hour, no tickets have to be written, no quotas have to be met, but to make the stops at their discretion basically focusing on traffic safety. The State also has a program for every arrest made for DUI or drug offense that is convicted, part of the money goes back to the individual counties, in turn, given back to the agencies that apply for the money to use for different programs. He stated in the last 3 years they received \$20,000.00 from the Monroe County Grant user fees earned for the drug programs as well as the convictions. They used that to purchase the in car camera system for all the cars. He asked for the council to support this effort going forward. Jimmie Durnil added they should have a presentation within the next couple of weeks from the Alliance Group, formerly the Reserves to outline the money they contribute and the hours they put into the system.

Mike Farmer also discussed the kickoff of the Big Hearts Campaign with the Boys & Girls Club of Ellettsville. The campaign is for financial support to raise funds to provide after school care until 6:00 p.m. for 200 children in the community. The kids receive homework help, structured care and a snack. The program helps many single income families in the area. You can direct any questions to him and asked to please support the Boys & Girls Club.

Council Comments

Darla Brown discussed the information from the Executive session before the regular meeting announcing that the case between the Planning Commission that went to the Supreme Court, in November the Supreme ruled against the Planning Commission. The winning litigant, Joseph Despirito, made a demand upon the town, through his council to settle the matter for attorney fees. She advised, with consensus being, we reject the offer and to offer him nothing. She asked for a vote from the council to begin correspondence with Despirito's council rejecting their settlement demand. Scott Thomas made a motion to reject the settlement demand from Despirito's council. Dan Swafford seconded. Roll call vote: Brian Mobley - yes; Dan Swafford – yes; Pam Samples – yes; Scott Thomas – yes. Motion carried.

Dan Swafford asked for the supervisors to put together a report of all their equipment and the condition it is in and if you are aware of a possible upcoming, large purchase to give the council a heads up. The supervisors agreed to get that together within the next couple of meetings. Mike Farmer did advise Mr. Swafford of the monthly department head meetings that discussed needs and possible property that could be swapped between the departments.

Brian Mobley concluded the meeting and advised everyone to use caution the next several days due to the inclement weather, being sure to check on elderly friends and neighbors and bring your animals inside for safety.

Adjournment

Brian Mobley entertained a motion to adjourn. Scott Thomas so moved. Brian Mobley adjourned the meeting at 7:12 p.m.

Brian Mobley, President

Dan Swafford, Vice President

Scott Oldham

Pam Samples

Scott Thomas

Sandra C. Hash, Clerk-Treasurer, IAMC, MMC