

April 10, 2017

The Ellettsville, Indiana, Town Council met for a regular meeting on Monday, April 10, 2017, at the Town Hall located at 1050 W. Guy McCown Drive. Dianna S. Bastin called the meeting to order at 6:30 p.m. Kevin Farris led the Pledge of Allegiance followed with a prayer by Scott Thomas.

Roll Call: Members present were Dianna S. Bastin, Vice President; Kevin Farris, Brian Mobley and Scott Thomas. Scott Oldham was absent. Sandra Hash, Clerk-Treasurer; Darla Brown, Town Attorney; Rick Coppock, Bynum Fanyo and Associates, Town Engineer; and Jim Davis, Town Manager, were also present.

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

Approval of Minutes

Dianna S. Bastin entertained a motion for approval of the minutes for the regular meeting on March 27, 2017. Kevin Farris so moved. Scott Thomas seconded. Motion carried.

Accounts Payable Vouchers

Dianna S. Bastin entertained a motion for action to pay Accounts Payable Vouchers. Kevin Farris so moved. Scott Thomas seconded. Motion carried.

Resolution

Resolution 07-2017 Transfer of Funds

Sandra Hash, Clerk-Treasurer, explained this request is from Jimmie Durnil, on behalf of the Parks Board, to transfer \$1,000 from Electric to Materials for repairs to the Ellettsville Museum.

Dianna S. Bastin entertained a motion. Kevin Farris made a motion to accept Resolution 07-2017, Transfer of Funds for Electrical to Materials. Scott Thomas seconded. Roll call vote: Dianna S. Bastin – yes; Kevin Farris – yes; Scott Thomas – yes; and Brian Mobley – yes. Motion carried.

Resolution 0-2017 to Dispose of Surplus Property for the Police Department

Town Marshal Jimmie Durnil explained the Police Department has a 2010 Dodge Charger that needs an engine. They traded a box trailer for a trailer from the Bloomington Fire Department and they want to surplus it. They will list it on eBay.

Dianna S. Bastin entertained a motion. Scott Thomas made a motion to adopt Resolution 08-2017 to Dispose of Surplus Property for the Police Department. Kevin Farris seconded. Roll call vote: Brian Mobley – yes; Scott Thomas – yes; Kevin Farris – yes; and Dianna S. Bastin – yes. Motion carried.

Ordinance on First Reading

Ordinance 2017-05 to Amend Chapter 97.02 Concerning Street Trees Lying within a Public Right-of-Way

Danny Stalcup, Street Commissioner, thinks §97.02 puts them on private property to cut trees. Currently, there is a tall tree on public property with limbs growing over the house and if they cut it down it will create a liability. He would like to stay within the Town's right-of-way to prevent problems. The current code includes 15' from the property line which runs past the right-of-way. He is wanting to stay away from the 15' requirement.

Dianna S. Bastin asked if there is a tree on Town property that has a limb over the house does it mean they don't want to cut the tree down. Mr. Stalcup answered they will cut it down but only if it is in the right-of-way. Ms. Bastin didn't realize the Town removed trees from private property. Mr. Stalcup explained 15' from the edge of the street means a tree could be seven to eight feet into a yard and would have to be cut down if a citizen asked. Ms. Bastin asked Ms. Brown if the Town is liable for trees on private property. Ms. Brown answered it depends on the circumstances. If it is a tree that looks like it could fall over it

would be a good idea to suggest to the homeowner they remove it. Ms. Brown asked if the Street Department is more concerned about tree limbs. Mr. Stalcup replied he is concerned about having to cut trees that are not in the right-of-way. If trees are on the right-of-way and lean over onto private property they would cut them down. If the entire tree is on private property he doesn't feel the Town should have to remove it. Ms. Bastin commented this is the first reading and the second reading will be at the next meeting.

Brian Mobley asked Mr. Tolloty if there is anything in planning and zoning about trees. Mr. Tolloty replied if it is in the right-of-way it is usually the Town's responsibility and there are not any guidelines as it pertains to private property. Mr. Farris asked Mr. Coppock if there is a landscape requirement for Town Code. Mr. Coppock answered there is a requirement for planting street trees every 40' on center but they're always planted in the right-of-way. It is the Town's responsibility to maintain the right-of-way and anything outside of it is private property.

Ordinances on Second Reading

Ordinance 2017-04, an Ordinance to Amend Various Sections of Chapter 152, the Floodplain Overlay District

Kevin Tolloty, Planning Director, explained the revisions are the result of an Indiana Department of Natural Resources ("DNR") audit in January 2017. The DNR explained in order to be in compliance with the National Flood Insurance Program through the Federal Emergency Management Agency ("FEMA"), the Town would have to update its regulations to meet their requirements. DNR provided a model ordinance tailored for Ellettsville. The ordinance received a favorable recommendation at a public hearing on March 2, 2017, before the Plan Commission. No comments have been received from the public. The ordinance is designed to further minimize the effects of flooding and to help prevent future flooding. It is less restrictive for accessory structures in that they don't have to be brought to full code if they're in a flood zone. It is more stringent with how things are built within a floodway with the idea of the less built in a floodway is less of an impact on flooding in the future thus resulting in less damage. The ordinance increases the number of inspections required so that if something is not being developed correctly the better chance of it being caught so it can be corrected. It clarifies technical requirements and talks about what can/cannot be done without a permit in a floodplain. This came about from interior remodel work downtown and whether or not it triggers the clause that requires something to be either elevated or flood proof.

Brian Mobley asked if a new business comes into downtown and wants to remodel does it have to be brought up to the floodway code. Mr. Tolloty answered something can be remodeled up to 50% of the assessed value of the building.

Bill Schneider lives in Autumn Ridge and wants to know how someone finds out if they're in a floodplain. He is 24' above Branch Creek. Neighbors hired surveyors and completed a government form to get removed from the floodplain. He is located above them so how does he prove he's not in the floodplain to whomever may purchase his home. Mr. Tolloty explained the ordinance does not change the flood maps but pertains to future development. Mr. Schneider asked how to get something in writing stating he is not in the floodplain without paying a surveyor. Mr. Tolloty does not have the answer to that. FEMA is the authority for whether or not you're in a floodplain. Mr. Schneider was told by Monroe County eight years ago he had to complete forms and have it surveyed which doesn't make since when he is 24' above the creek. Mr. Tolloty advised he needs a Letter of Map Amendment. He is uncertain if there is another way to get out of the floodplain without hiring a surveyor. Mr. Farris is also on Branch Creek which is a tributary to Jack Defeat's Creek and in the last 15 years FEMA has changed the flood map two times. He hired an engineer to create a 100 year flood mark and FEMA signed off on it indicating he is not in the floodplain. Mr. Tolloty will do further research into this issue. There was further discussion on floodplain and flood insurance requirements for mortgages.

Dianna S. Bastin entertained a motion for Ordinance 2017-04. Scott Thomas so moved. Kevin Farris seconded. Roll call vote: Kevin Farris – yes; Scott Thomas – yes; Brian Mobley – yes; and Dianna S. Bastin – yes. Motion carried.

Old Business

Sewer Rates

Dianna S. Bastin understands the Town has not heard from the other entity regarding their concerns. They’re going to give them two more weeks. The Town needs to keep moving forward and this also affects other matters. Ms. Brown will contact Mike Carmin to let him know the Town would like to receive a proposal within two weeks and that it will be discussed at the May 8, 2017, Town Council meeting.

Flood Report

Brian Mobley will provide an update at the May 8, 2017, Town Council meeting.

New Business

Town Hall Change Order No. 3

Jim Davis, Town Manager, explained there were some odds and ends that needed done totaling \$1,076.06. There may be one more change order for a handrail and interior signs.

Dianna S. Bastin entertained a motion. Kevin Farris made a motion to pay Change Order No. 3 for Town Hall. Scott Thomas seconded. Roll call vote: Dianna S. Bastin – yes; Kevin Farris – yes; Scott Thomas – yes; and Brian Mobley – yes. Motion carried.

Council Comments

Scott Thomas had a bonfire in his back yard and someone called the Fire Department. The Fire and Police Departments responded. Thank you for everything you do. He was impressed with the immediate response and the number of people who came.

Dianna S. Bastin toured the new Town Hall. Jim Davis and his committee did a nice job. She thought the furniture was reasonable. When they have the open house she encourages people to tour the building. It is a nice setup and everything is neat and orderly. Some pictures need to be put up and they’re trying to figure out the echo in the building. The people in charge of moving and setting up did a really good job. It is above and beyond what they do for the Town of Ellettsville. Well done Ellettsville.

Town Manager’s Comments

Jim Davis, Town Manager, is having a company look at the sound echo in new Town Hall.

Adjournment

Dianna S. Bastin entertained a motion to adjourn. Kevin Farris so moved. Scott Thomas seconded. Dianna S. Bastin adjourned the meeting at 6:50 p.m.

Scott Oldham, President

Dianna S. Bastin, Vice-President

Scott Thomas

Kevin Farris

Brian Mobley

Sandra Hash, Clerk-Treasurer