

## May 9, 2016

The Ellettsville, Indiana, Town Council met for a regular meeting on Monday, May 9, 2016, at the Fire Department Training and Conference Room. Scott Oldham called the meeting to order at 6:30 p.m. Dianna S. Bastin led the Pledge of Allegiance followed with a prayer by Scott Thomas.

**Roll Call:** Members present were Scott Oldham, President; Dianna S. Bastin, Vice President; Kevin Farris, Brian Mobley and Scott Thomas. 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, Mike Farmer and Jeff Farmer.

### Approval of Minutes

Scott Oldham entertained a motion for approval of the minutes for the regular meeting on April 25, 2016. Kevin Farris so moved. Dianna S. Bastin seconded the motion to approve the minutes. Motion carried.

### Accounts Payable Vouchers

Scott Oldham entertained a motion for action to pay Accounts Payable Vouchers. Dianna S. Bastin so moved.

**Brian Mobley** had questions on claims which were answered by the supervisors.

Kevin Farris seconded the motion to pay Accounts Payable Vouchers. Motion carried.

### Ordinances on First Reading

#### **Resolution 11-2016 to Propose an Ordinance to the Monroe County Income Tax Council Imposing an Additional County Option Income Tax Rate to Fund Public Safety Cost and Casting Ellettsville's Five Votes in Favor of the Ordinance**

**Darla Brown, Town Attorney**, explained Monroe County ("county") and the City of Bloomington ("city") are paying for the 911 system. The county gets a distribution from Public Safety Answering Point ("PSAP") through the state. A couple of years ago the county started this process to determine the best way to distribute the costs in a more equitable manner. The choices are to fund it through a County Option Income Tax ("COIT") or assess costs to the Town based on run volume or assessed value. In 2007, the General Assembly passed a statute allowing counties to pass an income tax to fund public safety. This allows a member of the Monroe County Income Tax Council ("Tax Council") to propose an ordinance asking that the COIT be passed. If the Town Council passes this, they're asking the Tax Council to impose an income tax of .25 of 1% (or .0025) on the adjusted gross income of county tax payers. If the Town Council approves this it will go to the auditor who will forward it to other members of the Tax Council. If they pass it then it is considered passed and takes place on October 1, 2016. There are 100 votes on the Council and Ellettsville has five. By passing this resolution, the Town Council is passing a resolution to propose an ordinance to the Tax Council. They will be casting all five of their votes for the proposed ordinance. By passing the resolution, they're passing an ordinance and the auditor will consider it passed and will count Ellettsville's five votes in favor of the ordinance.

**Scott Oldham** asked if this is a resolution to be voted on or is this a first reading of an ordinance that will come before them again in two weeks. Ms. Brown answered it is listed and treated as an ordinance. By statute they can waive two readings and pass it on one reading. If they decline to do so it will return it to Town Council for a second reading. The definition of public safety consists of every operating expense for public safety including courts. The ordinance proposes that once the tax is passed and collected 30% will fund Monroe County Central Dispatch and the remainder will be distributed to cities, towns and counties in proportion to property tax levies.

**Scott Thomas** asked if is proportionate to property taxes, but is an income tax, wouldn't it be proportional to income. Ms. Brown replied there is a formula for how it is distributed.

Mr. Mobley asked if they decide, for example, to build a youth detention center in the county does it reduce the Town's share. Ms. Brown answered Ellettsville's share is based on a formula. Ms. Hash asked how much revenue it will generate. Ms. Brown advised the estimate is \$6.9 million divided as follows: \$2,385,952 to the county, \$2,446,726 to the city, \$140,197 to Ellettsville and \$857 to Stinesville.

**Fire Chief Mike Cornman** commented this is a monumental undertaking and the biggest thing that has happened in the community in a long time. This is a very important step and he is thankful they're working together. He encourages them to pass this resolution/ordinance to get things started and move at a positive pace. Any delay down the road will affect the end-user, including fire departments, drastically. In the past the funding for dispatch has been terrible.

**Town Marshal Jimmie Durnil** is in favor of passing the ordinance. It will stabilize the budget and the dispatchers. Central Dispatch is the heart that pumps information to the police officers continually.

**Deputy Chief Joel Bomgardner, Bloomington Township Fire Department**, wanted to express their desire to have the Local Option Income Tax in place to help fund fire departments and central dispatch. Ms. Bastin noted Bloomington Township Fire Department assists Ellettsville Fire Department and thanked Deputy Chief Bomgardner for the same. Deputy Chief Bomgardner acknowledged they do have automatic aid between the fire departments and enjoy a good relationship with Ellettsville.

**Margie Rice, Monroe County Attorney**, thanked Ms. Brown for working with the county and city to develop this ordinance. Raising taxes is not an easy decision. She has been a municipal lawyer since 2002 and there are many complaints about not having the ability to raise taxes for the services they are obligated to provide at the local level. The General Assembly has given municipalities an opportunity to increase a tax for the important need of public safety not only for dispatch but for police and fire in Ellettsville, County and City. This ordinance was drafted after many conversations between she, Darla Brown, Ellettsville's attorney; Michael Flory, Attorney for Monroe County Council; Jeff Cockrell, Monroe County Attorney and Philippa Guthrie, Monroe County Corporation Counsel. There is an option to annually change the percentage or the PSAP. Thank you for the consideration.

**Fire Chief Dustin Dillard, Perry Clear Creek Fire Protection District**, represents the southcentral townships of Monroe County, unincorporated Perry Township and Clear Creek Township. They support and appreciate the opportunity to find a more stable method of funding 911 central dispatch which all local emergency responders rely on. It is important to every citizen when they call 911 that they have the proper middle man to get them the emergency response they need. It is also important to realize there are times emergency responders also rely on the 911 system in an emergency crisis. Thank you for the opportunity and he hopes they will support this resolution.

**Sheriff Brad Swain, Monroe County Sheriff's Department**, thinks half of the county isn't on the tax rolls, specifically Indiana University, Hoosier National Forest, Lake Monroe and Lake Lemon. Unlike a lot of counties where sheriff's offices have a robust budget our tax base, by geography and the ability to develop new homes is limited, and the other issue they have is the population between the City of Bloomington and the rest of the county is closely divided. However, the Sheriff's Department has one-third of staffing and five times the square miles for them to cover. Unfortunately, there is more of a tax burden that comes from living in a community with all that Monroe County has to offer. There are additional challenges such as the park system through Rails-to-Trails and he has made a commitment to provide them with staffing for security. If the ordinance passes he assures the public that he will be a good steward of the money and whatever revenue they receive will be going to boots on the ground rather than creating administrative positions.

**Bill Schneider, Ellettsville resident**, discussed a taxing body is extremely important in all communities. Sheriff Swain suggested excellent things to do which require extra funds. The new amount of funds are projected to be \$6.8 million. Other than dispatch what are they going to with the extra \$4.8 million? Fire and police departments do a great job and

they need more of them. How will the \$4.8 million be allocated? What is a reasonable tax increase in a single category? Do they want to increase dispatch 10% in one year? He understands taxing his property. They need to look at how this tax will effect existing taxes. Since he moved to Indiana there has been a ceiling on property taxes. They need to look at what the proposed tax will do to existing taxes. The cost for three telephone lines is \$36 a year. When you take .25% of 1% of their income it will be raised \$125 which is a 22% tax increase. Now, 911 receives \$1 for every phone number. Ten years ago there were more landlines. Last year Monroe County received \$555,000 from the 911 fees. They're asking someone at poverty level to pay 31% more. It is a substantially high increase for one category. It will generate \$6.8 million and dispatch will receive approximately \$2 million leaving an extra \$4.7 million. Dispatch will receive approximately \$500,000 from the 911 fees. The remaining funds are not designated. The voters of Monroe County deserve to see how they're going to spend the money. He is not against an increase. He is against the percentage of the increase and not seeing how it will be spent. The cost of living is reasonable but it is starting to increase. Isn't .25 supposed to be spent on categories in the property taxes because of shortages resulting from the 1% cap? How much money did the Town of Ellettsville lose last year? Ms. Hash answered the General Fund lost approximately \$91,000 due to the circuit breakers. Mr. Schneider thinks this tax should be used to recoup the General Fund. What is done at this meeting can influence the Monroe County Council decision.

**Darla Brown** advised the formula is found in I.C. 6-3-5-6-31 and reads in relevant part, *"The amount that shall be distributed to the county or municipality is equal to the result of the portion of the certified distribution that is attributable to a tax rate under this section multiplied by a fraction equal to the total property taxes being collected in the county by the county or municipality for the calendar year divided by the sum of the total property taxes being collected in the county, by the county, and each municipality in the county that is entitled to a distribution under this section for the calendar year."*

**Scott Thomas** commented when this was presented a couple of weeks prior it was presented as a way to fund central dispatch. This is why he voted yes to moving forward. Then he learns only 30% will go to central dispatch and 70% goes to public safety which is too broad in his opinion. He has yet to see a government who manages its funds frugally when it gets an open pot. If they need to fund central dispatch then do so for the amount that is needed and not just have an open fund. He does not support this.

**Scott Oldham** asked Ms. Brown if there is a delineation in the law of how funds can be spent. Ms. Brown answered the statute provides a list under public safety such as police, law enforcement, firefighting and fire prevention, emergency ambulance service, emergency medical, probation department and things of that nature.

**Brian Mobley** asked if the fire territory has been approved. Deputy Chief Bomgardner answered they're waiting on approval from the Department of Local Government Finance. Mr. Mobley remarked when it is approved the citizens will be taxed for the fire district and then get the additional income county tax increase. He knows dispatch is the heart and soul of law enforcement and EMS. They have been operating in a deficit for two years or longer so why are they reducing money for dispatch? He doesn't see leaving the checkbook open for getting \$140,000. They're talking about adding a police officer next year costing \$80,000 to support it and there would go most of the additional \$140,000. Then, they're back to square one and people have an increase in tax.

**Dianna S. Bastin** thinks this is new and they can't expect the county and city to tell what they're going to do with every dollar of their part. She is curious about it as a taxpayer and citizen. She agrees that dispatch is the heart of law enforcement and in order to dispatch you have to know the equipment and officers are out there to dispatch. She has faith these funds will be used in the right way and she is for it. It is a good start. As Ms. Rice stated, "finally they can direct money to where it needs to be."

**Scott Oldham** has been on both sides of this issue. Police departments in the area and the sheriff's department have grown in size. Over the last 30 years, dispatch has remain fairly consistent in size. Call volume continues to increase geometrically with the same five or six people answering calls 24/7. We can't say what the city or county is going to do with their portion of the funds, it isn't this board's purview. As for the Town Council, they can

fund the police officer they added in 2015 and that is all that is relevant to them. It will also make up for what the Town's portion of Central Dispatch would be if they have to fund it with a different method. That would be a giant hit to the Town's budget. If they have to put in \$40,000 to \$60,000 a year from now on top of the \$91,000 lost last year to Circuit Breakers it would be a loss of \$151,000. This impacts other services and amenities the Town can provide to grow the Town. Not lost is the fact of I-69 as it continues its progress north. It will continue to bring growth which brings a tax base and other issues that will further exacerbate law enforcement, fire, EMS and dispatch problems. They need to get ahead of the curve and they're decades behind doing that. He will support this.

Scott Oldham entertained a motion that Resolution 11-2016 be submitted for first reading. Dianna S. Bastin made a motion that Resolution 11-2016 be submitted for first reading. Kevin Farris seconded. Roll call vote: Scott Oldham – yes; Dianna S. Bastin – yes; Kevin Farris – yes; Brian Mobley – no; and Scott Thomas – no. Motion carried 3-2.

Scott Oldham entertained a motion that Resolution 11-2016 be adopted on the same day on which it was introduced. Dianna S. Bastin made a motion that Resolution 11-2016 be adopted on the same day on which it was introduced. Kevin Farris seconded. Roll call vote: Scott Oldham – yes; Dianna S. Bastin – yes; Kevin Farris – yes; Brian Mobley – no; and Scott Thomas – no. Motion failed 3-2.

#### **Ordinance 2016-05 Establishing Internal Control Standards and a Materiality Threshold for the Town of Ellettsville**

**Darla Brown, Town Attorney**, explained the legislature has passed a statute asking municipalities to pass internal control standards and procedures. It imposes a duty on municipalities to do several things, i.e., adopt the internal control standards and procedures that have been adopted by the State Board of Accounts (“SBA”); the fiscal officer is to certify in writing that control standards have been adopted; train personnel in the internal control standards and procedures; set a materiality threshold with regard to what's considered a significant loss; and requires a public officer who has actual knowledge of or reasonable cause to believe there has been a misappropriation of public funds or assets to report it to the local prosecutor's office. The purpose of this statute is to ask municipalities to think about how to reduce theft loss and the policy has to be in place by July 1, 2016. Part of the policy is the Clerk-Treasurer's directive on materiality and process for reporting material losses. The ordinance states *“The Clerk-Treasurer is to report to the SBA a loss, shortage or theft of cash in excess of \$100 or a loss, shortage or theft of non-cash items in excess of \$250.”* The Town Council can choose another amount. The SBA suggests the size of the community makes a difference. The SBA guidelines can be found online. The SBA says to find a way to curtail loss and theft and it has to be reported when it happens. Ms. Hash noted it also requires all employees to watch a training video along with the Town Council then everyone will have to sign off they watched it.

**Brian Mobley** asked who holds the credit cards. Ms. Hash answered each department has a credit card and maintains a log of who uses the credit card. Mr. Mobley asked if this has been audited. Ms. Hash replied she has not audited the individual departments. She maintains logs for all other credit cards kept at Town Hall. VISA cards are maintained by the supervisors and they have never had an issue. The supervisors provide a receipt for every transaction on the billing statement and it is balanced every month.

**Scott Oldham** asked Town Council's thoughts on numbers or direction on how to proceed. Ms. Brown stated Ms. Hash is required to report the following to the SBA: irregular variances, losses, shortages or theft of cash in excess of \$100 and variances, losses, shortages or thefts of non-cash items in excess of \$250.

**Dianna S. Bastin** understands the internal theft of surrounding communities and other states. She has been in the office when the bills are being balanced for the different departments. Although she is in favor of this, she hopes it doesn't turn into them finding the need to stand over a supervisor's shoulder every month wanting to see their receipt. They do a great job and it is sad there is a need for this law but she understands it. She hopes it doesn't turn into them looking at their people sideways. If they ever do have a problem they should deal with it swiftly and harshly.

**Scott Thomas** asked when they discussed non-cash items at a \$250 value is that the purchase price or is it being depreciated. Ms. Brown said something could be added about replacement value but it does say estimated market value. Mr. Thomas would support it because it removes the variability. Mr. Oldham asked, for example, if they have a theft of \$300 and report it what does the SBA do with the information. Ms. Brown suggested it could trigger an audit or questions. They're putting an imposition on communities or municipalities to self-report any problems they notice and to bring it to the attention of the SBA. Ms. Hash added the SBA no longer does a thorough audit and instead does an exam.

**Ordinance 2016-06 to Amend Section 36.123 and 36.124 of the Ellettsville Town Code Concerning Education pay for the Clerk, Planning and Street Departments and Relocating the Longevity Pay**

**Jim Davis, Town Manager**, explained some of the departments did not have education pay listed in their section of the policy, specifically the Street, Clerk-Treasurer, Police and Planning Departments. Each of those categories would create \$250 per certification per year. Ms. Brown cleaned up §§36.123 and 36.124 and each department head came up with the list of certifications.

**Scott Thomas** doesn't see Utilities' employees listed. Mr. Davis commented they chose not to be. Mr. Thomas asked why it wasn't offered to all employees. Mr. Davis replied it was. Mr. Thomas and Mr. Mobley want Utilities employees added into the ordinance. Mr. Oldham said they will need a list of Utilities certifications. Ms. Brown confirmed they want a list of Utilities' employees certifications listed under §36.124. Mr. Mobley answered yes.

**Scott Oldham** asked if there is a cap and is this in their budgets or should it be implemented at the next budget cycle. Mr. Davis answered yes at the next budget cycle. Mr. Oldham thinks they're all in favor of continued training and certification. Mr. Davis said the certification will be relative to the department and there has to be a need. He will talk to Utilities and see what they can come up with.

**Dianna S. Bastin** is all for certification pay but are any of the categories required for the job. Mr. Davis replied they looked at that and anything that is required for the job is part of their salary and is not a certification

**Ordinance 2016-07 to Amend Section 36.224.1 of the Ellettsville Town Code Concerning Education Pay for the Police Department**

**Jim Davis, Town Manager**, explained the Police Department is doing the same thing as 2016-06. The Police Department has received education pay for several years but there has never been anything in the Personnel Policy to back it up. There is not an ordinance that says the Town has to pay them.

**New Business**

**Proposal to Purchase Notebooks for Council, Town Manager and Clerk-Treasurer to Reduce Paper Usage**

**Brian Mobley** had Deputy Fire Chief Kevin Patton review availability and pricing for tablets. Deputy Chief Patton found an HP Pavilion x2, 64 GB for \$299.9 but he prefers the 32 GB for \$249.99. The office package is \$99, they have USB ports and free training is available. This would be a cost savings to the Town and in case of emergencies they can control it from their tablets. Ms. Bastin thought Deputy Chief Patton recommended 64 GB.

**Kevin Farris** asked why they need this, what the purpose is, what are they going to do with them and how will they serve the Town Council. Mr. Mobley answered Ms. Hash was spending approximately \$100 a person to print out the meeting packets and the tablets will save the Town that cost. Town Council emails will be on the tablets and not personal computers. If everyone is on the same program and same tablet there shouldn't be any issues with opening documents. Mr. Thomas added there's the ability to have information at a ready touch versus reams of paper. Mr. Mobley mentioned payment for the tablets will

come from Attorney's Fees in the Clerk-Treasurer's budget. Mr. Farris doesn't see the need for the HP tablet and has an iPad® he would rather use to save the Town money.

**Dianna S. Bastin** thinks Best Buy is an excellent business and a great place to go but she doesn't want them in her device. It is her understanding they are in the device once they're allowed to help set it up and work on it. Their prices are excellent. She agrees with Mr. Farris. She doesn't need or want it.

**Scott Oldham** doesn't need another device but the utility of this has proven to be what it is. Mr. Farris asked if someone drops it in a swimming pool or it gets stolen who is responsible for it. Mr. Mobley answered if it is damaged inside there is a one year guarantee. Mr. Oldham thinks it would be covered by Town insurance.

Scott Oldham entertained a motion to purchase tablets from Best Buy for 64 GB with Office and the warranty for those listed. Brian Mobley made a motion to purchase tablets from Best Buy for 64 GB with Office and the warranty for those listed. Scott Thomas seconded. Roll call vote: Scott Oldham – yes; Dianna S. Bastin – no; Kevin Farris – no; Brian Mobley – yes; and Scott Thomas – yes. Motion carried 3-2.

**Sandra Hash, Clerk-Treasurer**, asked if she should purchase the tablets, deliver them to the Town Council and they will take them to Best Buy. Mr. Oldham answered they need to decide if they want them or not and then the Clerk-Treasurer can purchase them accordingly.

**Brian Mobley** asked Ms. Brown to draft a policy stating the tablets are Town equipment and are to be returned when they leave office. Ms. Brown will review the Town code regarding Town property.

**Scott Oldham** remarked there are three Town Council members who do not want a tablet. After a discussion it was decided to put inventory tags on the tablets.

### **Salary Increase for Part-Time Utility Billing Clerk**

**Mike Farmer, Ellettsville Utilities**, has an employee, Kim Weddle, in the Utilities Billing Office who has worked for them 2½ years and is fully trained in all aspects of the office. He is recommending they bring her to full pay. Ms. Weddle is regular part-time and works for them when they need her full time.

**Brian Mobley** remarked this is over a \$2.00 per hour increase. Employees are given a 3% raise every year. In the future, he would like to see them not spend the money just because they have it; instead of taking them from \$0 to the top. Mr. Farmer responded after six months of employment Utilities raises them to less than full pay and after 12 months they're raised to full pay. They're following a protocol that has been in place since she's been here. Mr. Oldham asked if what they're doing is customary and normal. Mr. Farmer answered it is customary and normal and should have been done. Mr. Mobley asked if it is in the handbook. Mr. Davis replied yes. Mr. Farmer added they have been doing this for 18 years and it is what the Town ordinance says they can pay. The Town has had a policy of promoting and supporting their employees since he has been here and it follows in line with that.

Scott Oldham entertained a motion to approve the salary increase for the part-time Utilities Billing Clerk. Dianna Bastin made a motion to approve the salary increase for the part-time Utilities Billing Clerk. Kevin Farris seconded. Roll call vote: Scott Oldham – yes; Dianna S. Bastin – yes; Kevin Farris – yes; Scott Thomas – yes; and Brian Mobley – no. Motion carried 4-1.

### **Local Option Income Tax ("LOIT") Special Distribution**

**Sandra Hash, Clerk-Treasurer**, explained Indiana Senate Enrolled Act "SEA" 67 (PL126) removed the trust that held County Option Income Tax. Ellettsville received \$180,156 from distribution of the trust. SEA67 directs that 75% of the distribution be used on local roads and street infrastructure and a fund created titled "Special LOIT Distribution". The Town has received the funds and they have deposited all of the money into that fund. The Town Council has leeway with 25% or \$45,039.13. It can be used for

any Town expense or be set aside in the Rainy Day Fund. Mr. Farris asked for a recommendation. Mr. Davis suggested the funds be put into the Rainy Day Fund. The Clerk-Treasurer will have to report how the funds have been distributed. Mr. Oldham thinks this would be a good opportunity to “pad” the Rainy Day Fund for future emergencies. Ms. Hash commented she will have to do an appropriation for the Street Department to be able to spend the funds. It can stay in that fund or they can budget it for 2017. She will work with Mr. Stalcup about scheduling projects for this year. Ms. Bastin agrees with the Rainy Day Fund deposit and expediting the other money in case the Street Department has a list of projects this year. Mr. Oldham asked Mr. Stalcup if he has a list. Mr. Stalcup replied he has projects for using the funds.

Scott Oldham entertained a motion to take the LOIT special distribution and put 25% or \$45,039.13 into the Rainy Day Fund. Kevin Farris made a motion to take the LOIT special distribution and put 25% or \$45,039.13 into the Rainy Day Fund. Dianna S. Bastin seconded. Roll call vote: Scott Oldham – yes; Dianna S. Bastin – yes; Kevin Farris – yes; Brian Mobley – yes; and Scott Thomas – yes. Motion carried 5-0.

### **Council Comments**

**Brian Mobley** welcomed Bender Lumber Company to Town. He sees the Street Department has been buying from them. It’s good to do business in Town.

### **Supervisors Comments**

**Town Marshal Jimmie Durnil** announced the Police Department will have an open house on Saturday, July 2, 2016. It has been put on Facebook. He has talked to supervisors about having displays.

The Heritage Trail Grand Opening is Saturday, June 18, 2016, at 5:30 p.m. The Parks Board is heavily involved and is excited about it.

**Fire Chief Mike Cornman** advised Seven Oaks Charter School (“School”) is coming to Town. There was an issue wherein he advised the School that they had to have a change of occupancy from the building as it is currently being used. They met with the Indiana Department of Fire and Building Service Commission because the current owners filed for a variance from having sprinklers in the building. The vote was 6-5 in favor of the variance. The School can now move forward. As a fire protection technologist the building is in good shape and at the minimum a fire safe building as long as they do what is needed to keep the building safe. He looks forward to working with the School, he thinks it will be a good thing and they need to support it as best they can.

**Dianna S. Bastin** asked Ms. Brown if the Town Council members can all attend the same social gathering. Ms. Brown answered that’s correct. The Open Door Law doesn’t prohibit social gatherings of the Town Council members. Ms. Bastin stated the public can see all five Town Council members in the same social gathering.

### **Adjournment**

Scott Oldham entertained a motion to adjourn. Dianna S. Bastin made a motion to adjourn. Scott Thomas seconded. Scott Oldham adjourned the meeting at 7:54 p.m.

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Scott Oldham, President

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Dianna S. Bastin, Vice-President

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Scott Thomas

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Kevin Farris

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Brian Mobley

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Sandra Hash, Clerk Treasurer