

December 13, 2021

The Ellettsville, Indiana, Town Council met for a virtual meeting on Monday, December 13, 2021, by Zoom. Scott Oldham called the meeting to order at 6:30 p.m. Mike Cornman led the Pledge of Allegiance followed by a prayer by Jimmie Durnil.

Roll Call: Members participating were Scott Oldham, President; Pamela Samples, Vice President; William Ellis and Dan Swafford. Trevor Sager was absent. Michael Farmer, Town Manager, Sandra Hash, Clerk Treasurer, and Darla Brown, Town Attorney, were also present.

Supervisors participating: Jimmie Durnil, Kevin Tolloty, Mike Cornman, Kip Headdy and Jeff Farmer were also present.

Approval of Minutes

Scott Oldham entertained a motion for approval of the minutes of the regular meeting November 22, 2021. Dan Swafford so moved. Pamela Samples seconded. Roll call vote: Scott Oldham – yes; William Ellis – yes; Dan Swafford – abstain; Pamela Samples – yes. Motion Carried.

Accounts Payable Vouchers and Payroll

Scott Oldham entertained a motion to pay Accounts Payable Vouchers and Payroll. William Ellis made a motion to approve. Pamela Samples seconded. Roll call vote: Scott Oldham – yes; William Ellis – yes; Dan Swafford – yes; Pamela Samples – yes. Motion carried.

Resolutions

Resolution 22-2021 to dispose of Surplus Property for the Department of Public Works (DPW)

Kip Headdy, Street Commissioner explained they recently did some repositioning of service trucks within the DPW. One truck was taken from the Utilities division and is being used as a service vehicle for the Street division. As a result, they have a 1998 F-450 truck with a service body that is no longer being used. He is requesting it to be surplus and be sold at auction through govdeals.com. The resolution was written as the surplus being sold on E-Bay, an internet auction site, which has been approved by the Indiana Office of Technology or by sealed bid in accordance with I.C. 5-22-22-4.5 and Sandra Hash, Clerk Treasurer was advised by Town Attorney Darla Brown to amend the Resolution to state it was being sold by auction through govdeals.com. Pamela Samples made a motion to approve as amended. Dan Swafford seconded. Roll call vote: Scott Oldham – yes; William Ellis – yes; Dan Swafford – yes; Pamela Samples – yes; Motion Carried.

Ordinances on First Reading

Ordinance 2021-20 regarding the 1977 Police and Fire Pension and Disability Fund

Darla Brown, Town Attorney explained at the last meeting the council approved a resolution to agree for the Town to be a part of the 1977 Fund. The board of directors at the Indiana Public Retirement System (INPRS) have approved the resolution. There is nothing further required for the Town to be a part of the Fund. Scott Oldham had requested her to draft an Ordinance, which has been completed but feels some amendments may be necessary. She wanted to clarify a couple of issues and explained, according to the statute, it does apply to all full-time personnel, so there needs to be a distinction between current and future Fire and Police personnel. Current Fire and Police personnel still must pass the medical examination that is required of everybody, but the age requirement does not have to be met. All future employees after January 10, 2022, must meet both requirements. If for some reason they did not pass the medical requirement, the Town can still hire that person, but they would automatically still be a part of the Public Employees Retirement Fund (PERF). There have been some questions about if a person leaves another organization and is out for a couple of years and then decides to come to Ellettsville, she understands the statute to say if they were a part of the 1977 Fund in their prior employment, the Town would have to make up that employee's contributions for however long they were out. If you look at the statute the legislature attempted to address every employment question and iteration thought of, so she needs to know what the council wants her to do with wording this Ordinance and questioned if they really needed an Ordinance. She feels that if it is strictly to keep the employees informed of

December 13, 2021 Town Council Meeting continued

the requirements. There may be another way to do that rather than an Ordinance because the Indiana Code will control or the rules from the Retirement fund will control it. Dan Swafford was unclear about making up the employee contribution part or the Town contribution amount. Darla Brown read the code section 36-8-7 stating the following: A police officer or firefighter with service before May 1, 1977, who is hired or rehired after April 30, 1977, may receive credit under this chapter for service as a police officer or firefighter prior to entry into the 1977 fund if the employer who rehires the police officer or firefighter chooses to contribute to the 1977 fund the amount necessary to amortize the police officer's or firefighter's prior service liability. William Ellis and Darla Brown agree it is hard to understand. Sandra Hash, Clerk Treasurer explained that when they started looking at the plan, they provided a one-time amortization for all the employees and how much it would cost for the existing employees to join the 1977 Fund and it was cost prohibitive. There is a portion the employee must pay of 6% and the Town's portion is 17.2%. She feels if you hire a person that has been absent from the fund that wants back into the fund you would have to pay as if they had been in the fund for that time and responsible for both amounts. Mike Cornman, Fire Chief understands that for the crossover that it is all correct but after that they would have to meet the requirements as a condition of employment and yes, they would have to pick up everything to cross everyone over that wanted it so it was cost prohibitive. He also agreed we would have to pay the difference if they were to transfer in from another position but feels it does not happen often but does not know if they were gone for a period whether we would have to pay or not. Sandra Hash clarified that any new hires must pass the medical exam and complete the baseline application to go on to the 77-fund but because we still have the PERF and Police and Fire are active participants in the municipal PERF that option would be there to join to regular PERF. Sandy was told by an employee at PERF that in 13 years, they only knew of one person that did not pass the physical and baseline application. Scott Oldham disagreed and said it is not a rare event and people fail the physical all the time. He explained the reason he asked for the Ordinance was 2-fold, right now there seems to be a dual plan where you offer the 77 Plan or the regular PERF. The problem is that you will be in the other forever in at least some version of it and there will be multiple retirement plans. Then there is the temptation of not thinking they will pass the requirements so they will put them in the other fund and that is not good business practice or public safety practice. The main reason we have requirements is so we hire people that are suitable to do the job. The hiring standard should be set that all new employees after a certain date should be in the 77-Plan period. It will make it easier for the Town to manage and the State to manage. It can also be a detriment to the Town when an employee works for 25-30 years in a certain agency and retires from the 77-Plan to go to a smaller agency where they can still do that line of work but in a smaller volume. If a second plan is not offered for them to retire, someone could retire and continue your career somewhere else while still drawing your retirement from another 77 agency. Sandra Hash explained you cannot join the 77-Plan again, but you can retire on the 77-Plan and go to another agency with Municipal PERF and join. If you work long enough to be vested you can draw both retirements. Scott is concerned with the dual system once again where there is picking and choosing and at some point, someone will fail the physical requirement and not qualify for the 77-Plan and be hired under the other plan. He wants the Ordinance so that it simply states after a certain date you can only be in the 77-Plan with a provision exempting the top two within an agency to allow bringing in executives from outside the agency for new blood and ideas that a 25 to 30 year old veteran could bring for continuity and control. Sandra Hash did request leaving in the part stating the Town will pay the 6% and that the Town has been accepted into the plan. It is just a matter of getting the baseline applications and physicals completed. Darla Brown will work on the revisions requested for the Ordinance.

Ordinance 2021-21 to amend the Hook-On Fee Policy

Darla Brown, Town Attorney has put together an Ordinance that states that the owner of a piece of property cannot purchase a Hook-On fee for that property until the building permit is secure and the foundation is poured. The reason is to avoid developers from buying them in bulk and not building for years.

Ordinance 2021-22 Fixing of the Salaries for Budget Year 2022

Sandra Hash, Clerk Treasurer explained the budget Ordinance has been prepared reflecting the \$1,040.00 or .50 per hour raise for each employee as suggested in the budget.

Michael Farmer, Town Manager requested to amend the Assistant Planner and Building Inspector. He explained that a couple of months ago the current MS4 operator for the Town retired and he has been looking for someone to take over those duties and decide which current employee he could incorporate the duties in with their duties. The previous MS4 operator worked part-time, one day a week and was paid out of the Stormwater budget with an allowance of \$5,000.00. The part-time hours did not work for rain events, work schedules and other developments that occurred outside of those hours. He needs flexibility that an existing full-time employee can allow. He decided that the Building Inspector, Ronnie Vandeventer was a perfect fit to match IDEM requirements and the flexibility needed for the position. He asked Kevin Tolloty, Planner to come up with a plan to allow to utilize the Stormwater money to increase the pay for two employees and help establish the MS4 operator within the confines of the Planning Department. He is requesting the Assistant Planner salary for 2022 to be increased from \$24.00 to \$25.73 per hour, \$49,923 to \$53,523.00 a year making an increase of \$3,600.00 and the Building Inspector from \$25.00 to \$25.67 per hour, \$52,000.00 to \$53,400.00 a year making an increase of \$1,400.00. The \$5,000.00 allowed in the Stormwater budget for the MS4 operator will be split between the Assistant Planner and the Building Inspector. Dan Swafford questioned the reason for increases. Michael Farmer clarified that Ronnie Vandeventer recently passed the MS4 operator certification and is currently acting as the MS4 operator and he best suits the position along with his duties as Building Inspector. Michael Farmer feels for now this will suffice for staffing in the Planning Department is holding their own, but in the future as the Town grows and there is more development, they may need to hire an additional Building Inspector part-time. The \$3,600.00 increase for the Assistant Planner is due to the increase for the Building Inspector. Which will raise the salary above the Assistant Planner and it should be above his and is not appropriate with the levels of classification. Eventually another possible increase may be requested to be at the same level of pay as the other second in commands within the Town. Dan Swafford understands the increase in duties but advised to stay within the Wage Study results. Michael Farmer appreciates the Wage Study but doesn't feel it was completely accurate for the Assistant Planner position. Dan Swafford feels it could trigger an event with the wording of we need to raise someone's pay because of being paid less than another employee in a lower position. Sandra Hash, Clerk Treasurer explained that when the Wage Study was done, each employee filled out their own job description and the increases were based on those. Kevin Tolloty, Planner understands that but stated it was done before the Building Department came in and it has really taken up so much more of their time and needs revised. Scott Oldham commented that he was not a supporter of the Wage Study for the fact that the economy has changed so much in the last few years that he is seeing increases across the board in a variety of professions that are boggling his mind. He requested that this discussion needs to stop every year and moving forward it needs to be settled now and not again and again, it isn't fair for that employee to be singled out every year. He feels if we have quality employees, we should try to retain them. William Ellis agreed, if the job description changed the increase should be based on that and not on other employees pay. He also supports another Wage Study as he feels this is the case for other employees in the Town but doesn't know that now is the time because of Covid and it is a concern of his that back when the Building Department was created that the salaries keep going through the roof and the ongoing costs were never mentioned. Michael Farmer added that Kevin Tolloty did have a sufficient narrative explaining the actions being taken and not just due to the salary comparisons, the timing is just bad because of the MS4 position opening up. Kevin Tolloty did make an effort to increase at budget time and it was decided to stay with the universal .50 cents per hour. Sandra Hash, Clerk Treasurer added that the suggestions made tonight are not incorporated in the salary ordinance and inquired if it needed amended tonight or at the next meeting. Darla Brown, Town Attorney feels it is in the best interest to make the amendment before the next meeting so that everyone is aware of the changes. Sandra Hash read the amendment as follows: To amend Ordinance 2021-22 Fixing of the Salaries for Budget Year 2022 the Planning section, Assistant Planner will change from \$24.00 per hour to \$25.73. The biweekly from \$1,920.12 to \$2,058.58. The Building Inspector hourly from \$25.00 to \$25.67 per hour and the biweekly rate from \$2,000.00 to \$2,053.85. William Ellis felt the increases should be flipped making the Building Inspector get the majority since he was the one that received the certification. Kevin Tolloty again clarified the reason was for the higher archy of the department and will not support anything other than what is proposed. Michael Farmer agrees that Ronnie does have the certification and as he moves forward learning the different aspects of the positions, he will become more valuable and will support increases as a MS4 operator, Kevin is just trying

December 13, 2021 Town Council Meeting continued

to correct the pay and structure within his department and it was triggered by the recent certification of the MS4 operator and he supports Kevin but will also support the board decision. William Ellis will only support the increase if they are flipped around, he doesn't feel it should be a hierarchy, there is just 3 employees and they should report to Kevin, he has the certification and should get the pay. Dan Swafford feels it doesn't seem right that someone that got the certification and not the pay. Sandra Hash states that according to the Salary Ordinance, if you get a certification, it is worth \$250.00 annually so if you tie it a certification it goes against the guideline. Scott Oldham feels that this is the best use of the money to correct several different errors since the money is there to use. Mike Cornman feels the certification is void since the MS4 operator is required to be certified and isn't an extra. Scott Oldham suggested to move on with the agenda and allow the department heads to go forward with justifications they need and run this as an amendment to the basic salary ordinance at the next meeting.

Flood Report

Michael Farmer reported that Christopher Burke Engineering is sending Andrew Miller who has been working on the plan to meet with Planning, Street Department, the Town Engineer and himself to hash out the rest of the plan so he can finish it. After that there will be permitting and bidding for the job. He feels it is exciting to finally be at this point and with the ARPA money the timing is perfect.

Envision Ellettsville Update

Dan Rarey reported there will be a steering committee meeting on Tuesday at the Town Hall at 11:00 to review the Taylor Group's information shared with them last week leading to the vision statement. He would like to join a Work Session in January with Town Council to discuss the outcomes. William Ellis suggested that since Ellettsville has so many pizza places they should host a Pizza Festival. Dan Rarey suggested it could be like the Taste of Bloomington but the Taste of Ellettsville for Pizza. William Ellis will see what he can do.

New Business

Bond Release for Greenbrier Meadows, Phase V/Greenbrier Meadows, Phase III

Kevin Tolloty, Planner explained these are two separate items. He requested to table the request to release the bond for Greenbrier Meadows Phase III. Dan Swafford made a motion to table. Pamela Samples seconded. Roll call vote: Scott Oldham – yes; William Ellis – yes; Dan Swafford – yes; Pamela Samples – yes. Motion carried.

Kevin Tolloty, Planner explained that Chris Smith, developer for Greenbrier Meadows Phase V was present and he would let him explain what he is requesting. He stated that a portion of the right of way in Phase V is not complete. Chris Smith explained he is the developer for section 1 & 3. His first request is acceptance of Phase V Section 3 which is 100% built out to include 2 streets, Harrison Court and a portion of Benjamin. Second request is for Phase V Section 1 but didn't know if they needed to be done separately. Kevin Tolloty explained they are both under the same line of credit but separate plats. He is not sure if there are any concerns in Section 3 and isn't prepared to look at them separately. Darla Brown suggested if they are both covered under the same line of credit, she is concerned with releasing part of it and not the other. Chris Smith stated the current letter of credit is for some sidewalk and street trees and everything completed in Section 1, nothing is specific to this phase. The letter of credit was submitted a month ago and is good for a year it in excess of \$33,000.00 and remaining work in Section 1 is less than \$10,000.00 so it is covered twice over from a bonding standpoint. Harrison and Benjamin streets are complete. He was unaware that the 2 separate plats when he combined the letter of credit would be tied together. He would be glad to do a new letter of credit to specify the next phase. He also was unaware they had to release the bond, he was just looking for them to take over the road and doesn't know the language for it. Kevin explained as part of the roads they have to take in the entire right of way which includes street trees and sidewalks as part of the right of way and they are not finished. Chris Smith stated in Section 3 all infrastructure and all houses are complete along with street trees. He wanted to discuss Section 1, because of Deer Run it was explained that the plat included Lucy Lane and it was not complete, you couldn't split up the plat and had to take all streets on the plat. He stated Deer Run is a thoroughfare and it was pushed to be open and is complete except some of the sidewalks and

now he is responsible for it and are holding a \$30,000.00 line of credit he pays for every year so he would like to keep them separate and accept Harrison and Benjamin and discuss Deer Run. He said the sidewalks are weather dependent, but they are working on them currently. He is frustrated because when this was first being discussed he was told it was an 80% build out rule to dedicate the streets and now he is being told 100%, especially because of Deer Run. There are buses, trash trucks and other construction vehicles that will tear up the road he is currently maintaining and is liable for. Darla Brown agrees the letter of credit doesn't have to be released in order for the Town to approve the rights of way and suggests getting another letter of credit to cover the remaining \$10,000.00. He believes it just needs renamed because now it says both names. Darla Brown said that seemed fine if the bank was willing to do that. He feels that we would say at \$33,000.00 is in the Town's best interest to keep it at that and if something goes wrong, we are holding his letter of credit, reducing it won't help him, he has already paid for it. In summary, Chris Smith is asking for the Town to take Deer Run, Harrison Street and Benjamin and leave Lucy Lane until he has completed the required work. Kip Headdy agreed those streets are acceptable. Scott Oldham is reluctant to release a bond when work is not completed and we have been burnt in the past by developers. Darla Brown suggested the best solution is to table it and talk to Mr. Smith in the interim to find the best solution. Kevin Tolloty will verify the right of ways and Kip Headdy will meet with him to go over everything before the next meeting. Dan Swafford made a motion to table the Bond Release for Greenbrier Meadows, Phase V. Pamela Samples seconded. Roll call vote: Scott Oldham – yes; William Ellis – yes; Dan Swafford – yes; Pamela Samples – yes. Motion Carried.

Request for Waiver of Fee for Extension of the Building Permit for Governor Park by Allied Argenta, LLC.

Kevin Tolloty, Planner explained that building permits lasts for one year and then expire. They can be renewed but the permit fee is 50% of the original permit cost. In this case it is around \$8,000.00-\$9,000.00. The petitioner is requesting the fee be waived. Hayden Lockhart with Allied Argenta, LLC explained he was not aware of any time limits or additional fees when they presented the construction plan to the newly formed Building Department. They explained it was at least 15 months construction and if it needed extended to just let them know. Because of the nature of the project being low income housing it is approved and funded. They can't go back for additional funding for unexpected fees such as these. Kevin Tolloty verified the construction is moving forward, it is a large project and Covid has delayed the development. Scott Oldham stated at the time of the tax abatement they were represented by legal counsel so they should have been aware of the fees. Yvonne Delgadillo with Allied confirmed they were not aware of the fees and not expecting them. They have suffered greatly with additional construction costs due to Covid on so many of their projects already. She also feels due to the size of the project and what it is bringing to Ellettsville it should be waived. Ronnie Vandeventer, Building Inspector verified the project is moving along as much as possible with the struggles of getting product for construction due to Covid. Kevin Tolloty did verify that the fee schedule was in place at the time of the permit. The current building permit expired on November 12 so they are currently operating on an expired building permit. Denise Line, Assistant Planner stated she allowed them to continue until the waiver was resolved. Hayden Lockhart stated they have brought in approximately \$41,000,000.00 in two projects to Ellettsville and is all affordable housing and projects are only successful with Bond issues, tax credit subsidies and if they are able to control costs. William Ellis made a motion to Waive the Fee. Scott Oldham seconded. Roll call vote: Scott Oldham voted yes, but stated expressed that Hayden Lockhart's comment regarding waiving the fee for them to continue building was not well received on his part and felt it was threatening. William Ellis – yes; Dan Swafford – no; Pamela Samples – no; In the event of a tie vote, Sandra Hash, Clerk Treasurer must vote to break the tie. Sandra Hash – yes. Motion carried to waive the fee. Yvonne Delgadillo thanked council for waiving the fee and apologized for the previous comments and appreciates everything the Planning Department and everyone has done to make this project successful.

Police Department request to hire 2 Full-time Police Officers

Jimmie Durnil, Town Marshal is requesting to hire Richard Hall, currently with the IU Police Department, previously employed at Capital Police Department (PD) and Indianapolis Metropolitan PD. He started here as a reserve officer and would like to return here. He is a current resident of Monroe County. He has been to the academy and the transition time to Ellettsville is 2-3 weeks. It is budgeted to replace the officers that have recently left. Dan

December 13, 2021 Town Council Meeting continued

Swafford made a motion to hire Richard Hall. Pamela Samples seconded. Roll call vote: Scott Oldham – yes; William Ellis – yes; Dan Swafford – yes; Pamela Samples – yes. Motion carried.

Jimmie Durnil, Town Marshal requested to move John Newcomer from reserve status to full-time officer. Dan Swafford made a motion to hire John Newcomer from reserve status to full-time status. Pamela Samples seconded. Scott Oldham – yes; William Ellis – yes; Dan Swafford – yes; Pamela Samples – yes. Motion carried.

Fire Department request to hire 3 Part-time Firefighters

Mike Cornman, Fire Chief explained he has recently had 2 part-time firefighters leave the department and he is requesting to hire Logan Burpo, David Pemberton and Clayton Young pending medical examination as part-time firefighters. They are budgeted and not new positions. Dan Swafford made a motion to hire Logan Burpo, David Pemberton and Clayton Young as part-time firefighters. Pamela Samples seconded. Roll call vote: Scott Oldham – yes; William Ellis – yes; Dan Swafford – yes; Pamela Samples – yes. Motion carried.

The Republican Party would like to use the Town Hall for a caucus on December 18, 2021, at 11:00

William Ellis explained he is stepping down on as chairman and December 17, 2021 is his last day. He is requesting to use Town Hall on December 18th, 2021 for a caucus to appoint a new chairman. Dan Swafford inquired if this was an allowable function. Darla Brown, Town Attorney explained as long as it is offered to the Democratic Party the same opportunity. William Ellis explained it isn't a political rally or political function and considered more of an administrative function, so it is allowed with approval according to Town policy. Dan Swafford made a motion to approve. Scott Oldham seconded. Roll call vote: Scott Oldham – yes; William Ellis – abstain; Dan Swafford – yes; Pamela Samples – yes. Motion carried.

Schedule a Work Session for January

Michael Farmer, Town Manager is requesting a Work Session be scheduled Tuesday, January 18, 2022, at 6:00 to discuss American Relief Plan Act (ARPA) money and changes in the zoning Ordinances. He will be sending out information outlining his proposed uses for the ARPA money and Baker Tilley's comments on the plan for comments prior to the Work Session.

Privilege of the Floor

Denise Line, Assistant Planner wanted to make everyone aware that the Lions Club planted 15 trees along the Heritage Trail. The trees were planted at the Eastern end of the southside of the trail to provide shade to walkers on the trail. The Lions club had a grant for the trees. They are Kousa Dogwood trees approximately 4-5 foot tall. The Street department dug the holes and the Lions Club did the remaining work.

Supervisor Comments

Michael Farmer thanked Main Street for Santa on Sale Street. He was busy with Storm damage but appreciates the event and heard it was a lot of fun.

Dan Swafford inquired about the Storm damage. Michael Farmer reported several trees down and emergency line locates for Duke Energy because of downed poles and power outage on Thomas Road and one tank overflowed but overall not too bad.

Jimmie Durnil, Town Marshal thanked council for their support on his new hires.

Council Comments

Dan Swafford thanked everyone for Santa on Sale Street and everyone who helped with the Storm cleanup.

Adjournment

Scott Oldham entertained a motion to adjourn. Dan Swafford so moved. Pamela Samples seconded. Roll call vote: Scott Oldham – yes; William Ellis – yes; Pamela Samples – yes. Motion carried. Scott Oldham adjourned the meeting at 8:40 p.m.

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Scott Oldham

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Scott Oldham, President

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William Ellis

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William Ellis

Sandra Hash
Sandra Hash, Clerk Treasurer, IAMC, MMC

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Pamela Samples

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Pamela Samples, Vice President

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