

December 27, 2021

The Ellettsville, Indiana, Town Council met for a virtual meeting on Monday, December 27, 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 Pamela Samples.

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

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

Approval of Minutes

Scott Oldham entertained a motion for approval of the minutes of the regular meeting December 13, 2021. William Ellis so moved. Dan Swafford seconded. Roll call vote: Scott Oldham – yes; William Ellis – yes; Trevor Sager – yes; Dan Swafford – yes; Pamela Samples – yes. Motion Carried.

Accounts Payable Vouchers and Payroll

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

Appointment to the Parks Board to fill a vacancy created by Shanna Wooten – Katey Arthur

Jimmie Durnil, Parks Board President explained there is a vacancy that needs filled on the Parks Board and Katey Arthur is interested in filling the position. She is connected to the Town by officer Zach Michael. Sandra Hash explained it was a 4- year appointment beginning January 1, 2022. Scott Oldham inquired about the position being split by party. Sandra Hash, Clerk Treasurer explained she has recorded parties in the past but is not sure of Katey's party or the previous person's party. Scott Oldham believes the Parks Board is non-partisan but isn't positive, he made a motion to table to ensure this is correct. Pamela Samples seconded. Roll call vote: Scott Oldham – yes; William Ellis – yes; Trevor Sager had technical issues; Dan Swafford – yes; Pamela Samples – yes. Motion Carried.

Resolutions

Resolution 23-2021 to Dispose of Surplus Property for the Police Department

Jimmie Durnil, Town Marshal explained they have a 2005 Dodge Durango that needs to be disposed of. The vehicle will be listed on E-bay. Pamela Samples made a motion to approve. Trevor Sager seconded. Roll call vote: Scott Oldham – yes; William Ellis – yes; Trevor Sager – yes; Dan Swafford – yes; Pamela Samples – yes. Motion Carried.

Resolution 24-2021 Transfer of Funds

Sandra Hash, Clerk Treasurer explained this is standard procedure needed to move money around at the end of the year. There is a request from the Police Department to move \$589.94 from Electric to Vehicle Maintenance and \$2,386.44 from Natural Gas to Gas and Oil for the Street Department. Pamela Samples made a motion to approve. Dan Swafford seconded. Roll call vote: Scott Oldham – yes; William Ellis – yes; Trevor Sager – yes; Dan Swafford – yes; Pamela Samples – yes. Motion Carried.

Resolution 25-2021 Encumbrances for 2021

Sandra Hash, Clerk Treasurer explained this is done for purchases made in December from 2021 money that needs carried over to next year. For the General fund, the total is \$169,212.13, Motor Vehicle Highway (MVH) \$6,735.23, Parks and Recreation \$8,033.00, Local Roads and Streets \$32.96, Law Enforcement \$975.65, Cumulative Building & Equipment (CB&E) \$27,116.68, Cumulative Capital Development (CCD) \$28,430.79 and MVH- Restricted \$123,913.59. The MVH – Restricted total is due to receiving the Community Crossing Grant, the money has to be carried over to meet the percentage for next year. Pamela Samples made a motion to approve. Trevor Sager seconded. Roll call vote:

Scott Oldham – yes; William Ellis – yes; Trevor Sager – yes; Dan Swafford – yes; Pamela Samples – yes. Motion Carried.

Ordinances on First Reading

Darla Brown, Town Attorney explained this was discussed at the last meeting and was on the agenda as First Reading, but the documentation was not provided so it is back on First Reading. The purpose of this is so 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.

Ordinances on Second Reading

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

Darla Brown, Town Attorney explained she has revised the Ordinance based on comments from council at the last meeting. Each council member was provided a copy of the old Ordinance and the revised Ordinance. She removed previous Section 4 that stated any Police officer or Firefighter who fails to pass the minimum baseline statewide physical examination and is thereafter hired by the Town shall be included in the Town's Public Employees' Retirement Fund and was substituted in place of that this Ordinance does not apply to the Town Marshall, the Chief Deputy Marshal, Fire Chief or Deputy Fire Chief. In other words, anyone hired other than the #1 & #2 on the Police or Fire Department must pass the minimum physical examination and must be in the 1977 Fund. Scott Oldham questioned if there needed to be a line added for part time officers or firefighters not being in the 1977 Fund. Darla Brown explained it was not necessary because the statute explains it only applies to full time. Pamela Samples made a motion to accept as amended. Trevor Sager seconded. Roll call vote: Scott Oldham – yes; William Ellis – yes; Trevor Sager – yes; Dan Swafford – yes; Pamela Samples – yes. Motion Carried. Mike Cornman, Fire Chief added his thanks and explanation for the revision is because it is common to hire outside of the departments for the Chief and Deputy positions and didn't want to saddle the Town with the decision down the road if there isn't a suitable candidate within. He also clarified that a new Chief or Deputy isn't already in the 1977 Fund it just means they don't have to be.

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

Michael Farmer, Town Manager recommended the board approve the budget as presented originally and just asked for the vote withdrawing the amendments from the last meeting. After reading the comments from the minutes, he decided it was best to get the comments and ideas in order for Planning and be in the budget for 2023 to keep the budget tight and being in line with the Wage Study. Pamela Samples made a motion to approve. Scott Oldham seconded. Roll call vote: Scott Oldham – yes; William Ellis – yes; Trevor Sager – yes; Dan Swafford – yes; Pamela Samples – yes. Motion Carried.

Old Business

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

Kevin Tolloty, Planner reported the work is not done in either Phase of this project and moves to not accept any of the right of ways at this time. Michael Farmer asked for a list of what was not done, he understood it from the last meeting that the petitioner was only looking for the street to be taken in for maintenance and there was enough money in the letter of credit to cover the sidewalks whether they got done or not. Kevin Tolloty explained they don't take in right of ways until all the work is done and the letter of credit is released. He feels taking in the street without having the right of way is a messy situation and it has never been done before and shouldn't start now. It was agreed by council that isn't a good idea and could become a messy precedent. After discussion, Scott Oldham summarized by stating he isn't advocating to take in the street or releasing the bond but feels it would be a major inconvenience to see the street closed and it is in the best interest of the Town the road remain open and only questioned about adopting the road and leaving everything else in place. His concern is there is an exposure here and whether it needs acted on. If it isn't adopted as a Town street there are no regulations such as speed limit or parking so there is no way to

December 27, 2021, Town Council Meeting continued

enforce anything. Kip Headdy confirmed Deer Run has been accepted into the road inventory from Ratliff Road to Lavender Court past Lavender Court to the bottom of Antler Court. Kip inquired about the liability of cleaning and maintaining a road that isn't adopted and agrees it should be all or nothing. Dan Swafford explained it was accepted into inventory but only because the bond expired and the previous developer went belly up. Darla Brown explained that the road is not part of the letter of credit and could not be used if the road was damaged from construction traffic or by using it as a thoroughfare. It was agreed that it would be a major inconvenience to have a major thoroughfare to the Town shut down and it would benefit the Town more to accept it than not. It was also agreed to not release any funds and there are some major holes but for the Town and the citizens convenience as opposed to the developer's convenience. Scott Oldham made a motion to deny the Release of the Bond Greenbrier Meadows, Phase V/Greenbrier Meadows, Phase III. Pamela Samples seconded. Roll call vote: Scott Oldham – yes; William Ellis – yes; Trevor Sager – yes; Dan Swafford – yes; Pamela Samples – yes. Motion Carried. Scott Oldham made a motion to accept Deer Run from Ratliff Road to the intersection of Tecumseh. Sandra Hash, Clerk Treasurer asked Darla Brown to create an Ordinance to back it up and pass it at the next meeting on first reading. Trevor Sager seconded. Roll call vote: Scott Oldham – yes; William Ellis – yes; Trevor Sager – yes; Dan Swafford – yes; Pamela Samples – yes. Motion Carried.

Flood Report

Michael Farmer, Town Manager met with Andrew Miller from Christopher Burke Engineering for Flood Plans. They went through suggested revisions one being adding several backyards of homes along Sale Street to First Street to help mitigate flooding. They will need to get easements from homeowners but doesn't feel it will be an issue and he will start the process. Fine details and esthetics were agreed on and will be ready for permitting by mid spring next year to begin construction by October. They also discussed Phase II of flood mitigation for a study to lead to plans for the McNeely Street area. There should be a proposal before the board in January for around \$60,000.00 and ARPA money be used for that which will be discussed during the next work session.

Supervisor Comments

Michael Farmer, Town Manager mentioned a work session earlier. He will send out an agenda for suggestions. He feels it will be long, 90 minutes to 2 hours. Envision Ellettsville would like to speak for 30 to 40 minutes to wrap up everything they are working on. Zoning and annexations, growing pains, growth and utilizing bonding for future projects are other subjects that need discussed. Also, how our taxes have been affected by the assessed value and grows daily, and possible TIF (Tax Increment Financing) districts for the West side. He would like to discuss with the department heads and council, plans for trails and parks to provide Baker Tilly with information to use the ARPA money. He needs the boards' vision and input on how the plans for the trails and the parks will tie into Envision Ellettsville and the growth of the Town. It is going to require a lot of discussion and he feels 2022 is going to be a huge year and we need to get organized. He needs input daily or at least weekly from here on out. Scott Oldham agreed and stated in order to do Envision Ellettsville, businesses, or homeowners any justice they need a vision themselves to move the needle. The work sessions need split and on a regular schedule. Michael Farmer agrees but needs more time from everyone to begin with and then set up a schedule and involve Plan Commission as well. There also needs to be a discussion on Utility rates and impact fees. Dan Swafford suggested an outline of everything that needs discussed and then pick meeting dates to discuss them. Michael Farmer could not express the importance enough that the Town get together and get organized and be of one mind on our future and 10 years from now. He is currently overwhelmed with the growth and people are looking at the Town on a daily basis and now is the time to get organized.

Supervisor Comments

Mike Cornman, Fire Chief explained their new fire apparatus arrived today. It is a 2021 Pierce Saber built in Bradenton Florida. The vehicle is being purchased with money from the Richland Township Trustee, Marty Stephens but is a Town owned vehicle and the Town will be responsible for the upkeep. It will go to the station on Curry Pike around January 10, 2022. Chief Cornman thanked Kevin Patton, Chris Clouse and Mark White who served on the committee to help make this happen and traveled to Florida to complete the inspection.

He also thanked the Clerk's Office, Darla Brown, the Fire Department Staff and the Union leadership to help make the 1977 Plan happen.

Sandra Hash, Clerk Treasurer made the council aware for informational purposes that Gary Ruba dropped off FCC paperwork to keep on file in the Clerk's office to start a new radio station in Ellettsville.

Council Comments

William Ellis discussed a resident that has been in contact with him several times about speeding in his area. William stated he emailed Kip Headdy and Mike Farmer about putting a traffic counter to track speed between Dewey Drive and Second Street and hasn't heard back so he is following up. Kip Headdy apologized and he will follow up with William on the exact address and getting something done.

Pamela Samples requested for the Work Sessions to start with Envision Ellettsville, so they know what direction the Town is going before starting talk about annexation and everything. Scott Oldham agreed and felt annexation is very important and necessary, it's been talked about for long time and now is the time to act on it. Michael Farmer explained that Envision Ellettsville needs that input also to move forward with all their plans and need to be a key role in the Work Sessions.

Dan Swafford commented about the trail being open from Karst to Ellettsville. Dan Rarey explained the trail is complete from Ellettsville to past Walcott Road where Woodyard crosses the railroad tracks. There are plans to cross the railroad at Loesch Road and that is what is holding things up to complete the mile left to connect all the way to Karst Park. The trail runs across his property and he has seen a lot of people using it. It very nicely built and beautiful. People are really enjoying it.

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 7:47 p.m.

Scott Oldham, President

DocuSigned by:
William Ellis

DF085DCCE9824B7...
William Ellis

Sandra Hash

Sandra Hash, Clerk Treasurer, IAMC, MMC

DocuSigned by:
Pamela Samples

0031067F9F6D40F...
Pamela Samples, Vice President

DocuSigned by:
DS

2CCF0A4E251D425...
Dan Swafford

DocuSigned by:
Trevor Sager

DEC1FAD30590463...
Trevor Sager