

**May 22, 2023**

The Ellettsville, Indiana, Town Council met for a regular meeting on Monday, May 22, 2023 at the Ellettsville Town Hall Meeting Room located at 1150 West Guy McCown Drive. William Ellis called the meeting to order at 6:30 p.m. Town Marshal Jimmie Durnil said a prayer followed by Chris Clouse leading the Pledge of Allegiance.

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

**Supervisors participating:** Denise Line, Chris Clouse, Jimmie Durnil were present.

**Approval of the Minutes for the Regular Meeting May 8, 2023**

**William Ellis** entertained a motion for approval of the minutes of the regular meeting May 8, 2023. Scott Oldham so moved. Pamela Samples seconded. Roll call vote: William Ellis – yes; Trevor Sager – abstain; Scott Oldham – yes; Dan Swafford – abstain; Pamela Samples - yes. Motion Carries.

**Accounts Payable Vouchers and Payroll**

**William Ellis** entertained a motion to pay Accounts Payable Vouchers and Payroll. Dan Swafford so moved. Pamela Samples seconded. Roll call vote: William Ellis – yes; Trevor Sager – yes; Scott Oldham – yes; Dan Swafford – yes; Pamela Samples - yes. Motion Carries.

**Resolutions**

**Resolution 07-2023 Richland Senior Housing: Resolution to Rescind Abatement Resolution**

**Darla Brown**, Town Attorney requested to table. She explained that the Town Council designated property owned by Richland Senior Housing as an Economic Revitalization Area that allowed Richland to have a tax abatement. Thereafter the Town Council passed an Ordinance giving Richland a Payment in Lieu of Taxes (PILOT). The project is nearing completion and the auditor's office requested the Town Council pass a Resolution or an Ordinance to clear up the matter because it is not allowed to have a Tax Abatement and a Pilot at the same time. Darla Brown drafted a Resolution and passed it along to Allied and their attorney but they had a different idea so she would like to table it until the first meeting in June. Dan Swafford made a motion to table Resolution 07-2023 Richland Senior Housing. Pamela Samples seconded. Roll call vote: William Ellis – yes; Trevor Sager – yes; Scott Oldham – yes; Dan Swafford – yes; Pamela Samples - yes. Motion Carries.

**Michael Farmer**, Town Manager requested to move Police Officer of the year to the next agenda item.

**New Business**

**Jimmie Durnil**, Town Marshal presented Officer of the Year on behalf of himself, the board and Town Manager Michael Farmer to Alva Bohall. He has served the Town of Ellettsville for 25 years and this award is being presented for his outstanding work effort for the calendar year 2022 and his 25 years of dedication. He has shown himself to be a professional, dependable officer at all times and achieved success when confronted with limited resources. He has excellent ability to control situations that require police intervention has been noted by his superiors.

**Fire Department Request to hire Sam Saft – Part-time Firefighter**

**Logan Burpo, Brenden Johnson and Matt Siebott – Full-time Firefighter**

**Chris Clouse**, Deputy Fire Chief requested to hire Sam Saft as a Part-time Firefighter. He has been a volunteer since June 2022 and is currently finishing his EMT training. Pamela Samples made a motion to move Sam Saft from a volunteer position to a part-time position. Scott Oldham seconded. Roll call vote: William Ellis – yes; Trevor Sager – yes; Scott Oldham – yes; Dan Swafford – yes; Pamela Samples - yes. Motion Carries. Chris Clouse

also requested to hire Matt Siebott for a full-time position that is available from someone leaving the department. Matt is currently a PERF 77 member working part-time and his transfer will be contingent on his fit for duty physical. Trevor Sager made a motion to promote Matt Siebott to full-time firefighter contingent on his PERF physical. Dan Swafford seconded the motion. Roll call vote: William Ellis – yes; Trevor Sager – yes; Scott Oldham – yes; Dan Swafford – yes; Pamela Samples - yes. Motion Carries. Chris Clouse explained the next 2 positions are for the new positions to start in July. Logan Burpo has been with the department since December 2021 part-time. Chris is requesting to hire him for a full-time position contingent on PERF 77 recommendation. Scott Oldham made a motion to offer Logan Burpo a conditional offer of employment contingent on PERF 77 recommendation. Pamela Samples seconded the motion. Roll call vote: William Ellis – yes; Trevor Sager – yes; Scott Oldham – yes; Dan Swafford – yes; Pamela Samples - yes. Motion Carries. Chris Clouse requested Brenden Johnson as a full-time employee. Brenden has been with the department since August 2021 and is contingent on PERF 77 recommendation. Pamela Samples made a motion to approve Brenden Johnson for a full-time position pending PERF recommendation and a favorable physical. Trevor Sager seconded. Roll call vote: William Ellis – yes; Trevor Sager – yes; Scott Oldham – yes; Dan Swafford – yes; Pamela Samples - yes. Motion Carries.

### **Ordinances on Second Reading**

#### **Ordinance 2023-04 Water Rate Increase**

**William Ellis** explained there was a presentation explaining the rate increase back in April and Michael Farmer, Town Manager welcomed questions. Pamela Samples inquired what the increase will pay for. Michael Farmer, Town Manager explained the increase will be used to replace aging water lines upsizing to meet current standards and to allow better firefighting services. Also, inflation is causing increased costs for normal Operation and Maintenance (O&M) materials and the Town will be building a new Utility Building that will require a bond. The old building is over 70 years. Scott Oldham made a motion to approve Ordinance 2023-04 Water Rate Increase. Trevor Sager seconded. Roll call vote: William Ellis – yes; Trevor Sager – yes; Scott Oldham – yes; Dan Swafford – yes; Pamela Samples - yes. Motion Carries. William Ellis added that after speaking with other Towns, the costs are higher not fixing current infrastructure and replacing during an emergency. Mike explained that in 2013 they improved the water infrastructure and they done a bond to install a secondary water line into the Town. There has been a plentiful water supply since then after a water shortage in 2012.

#### **Ordinance 2023-05 Moratorium on the New Construction of Certain Structures in Commercial and Industrial Districts**

**Darla Brown**, Town Attorney explained the Town has joined with the Taylor Group to do a number of projects one of which is to revise the Town's Planning and Zoning Code and to combine and organize it into a Unified Development Ordinance (UDO). The Town has some businesses that are defined in the definition section of the code but are not really used in the code. There are also some businesses that might pop up that have no definition or the code has no place to put them. It was agreed between the Planner and the Town Attorney that they should issue a Moratorium on the building of certain facilities or businesses until the UDO can be completed and there is a clear definition of certain businesses in the code. The Plan Commission passed this proposed Ordinance with a favorable recommendation and if the council passes this there will be a Moratorium on the development of mini storage facilities, gas stations, convenience stores, vape shops, head shops or paraphernalia shops, tobacco shops and adult entertainment businesses. Pamela Samples reminded Darla Brown that when the Plan Commission approved it under the now therefore clauses, the Plan Commission passed it with the amendment that there would be a Moratorium until February 1, 2024. She suggested it should be later since the Taylor Group is not even starting on the UDO until February 1<sup>st</sup>. Darla Brown suggested changing it to until the Town adopts the new UDO. Scott Oldham questioned the timeframe and it was clarified that it will be a year long Moratorium. Denise Line, Planner did confirm that it will be a lengthy process. Michael Farmer supports it and we should decide how the Town grows. Denise Line confirmed this only applies to new construction and not existing structures. People attending

Plan Commission meetings are expressing concerns wanting clarity on types of businesses that can go into commercial areas creating this issue. Language can be changed to make it clear that it is for new construction development and that pre-existing structures are not included. It would have to meet the current definition of code but would be allowed to go in. William Ellis referred to this as the Ship of Theseus philosophy meaning a business could take all the inside parts and replace them to the point of not knowing what was the original. There were a lot of scenarios and discussions on remodeling existing structures which resulted in the question of whether the Moratorium would be effective until the UDO is completed. Scott Oldham is in support of the Moratorium; he is bothered by the wordage that is used and expressed concern regarding stating the protection of 11 specific properties rather than were going protect areas of Town and how we develop the UDO. He has an issue with providing protection for certain areas and not others when they have already been spec'd out the properties. Michael Farmer explained the intent is innocent enough they just need time to put together the UDO and what the Town, Plan Commission and the board wants. Darla Brown, Town Attorney requested suggestions from council to redo the language or does it need rejected to go back to Plan Commission. Dan Swafford felt it was being overthought and it was only for a year. It was agreed that the wording of the Ordinance needed to be changed for a clear understanding. Scott Oldham made a motion to approve Ordinance 2023-05 Approving a Moratorium on the New Construction of Certain Structures in Commercial and Industrial Districts striking the words (and Development of). Dan Swafford seconded the motion. Darla Brown, Town Attorney also explained to change on page 2, paragraph 1 reading There shall be a Moratorium on the new construction of mini storage facilities, gas stations, convenience stores, vape shops, head shops, tobacco shops and adult entertainment businesses in the Town's zoning jurisdiction. Roll call vote: William Ellis – yes; Trevor Sager – yes; Scott Oldham – yes; Dan Swafford – yes; Pamela Samples - yes. Motion Carries.

#### **Flood Report**

**Michael Farmer** stated all the easements are in and he hopes to put out bids at the next meeting.

#### **Envision Ellettsville**

**Dan Rarey** explained there was a Community Town Forum on Tuesday of last week and around 60 people attended. Hailey Roark from the Taylor Group gave a presentation and it was very well received.

#### **Supervisor Comments**

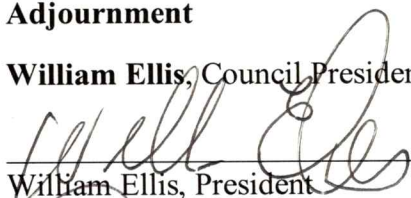
**Michael Farmer**, Town Manager discussed a visit during the Supervisor's meeting from Dan Elliott, State Treasurer. They had a great meeting and he is a really nice guy and he was impressed.

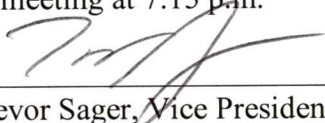
**Chris Clouse**, Deputy Fire Chief thanked council for all the new hires and he also mentioned the Fire Department is working with the Police Department on the 4<sup>th</sup> of July celebration plans. They have dates and are waiting on permits.

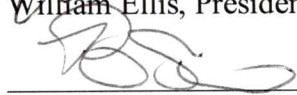
**Sandra Hash**, Clerk Treasurer stated she will be gone for the next 2 meetings but will have the position covered.

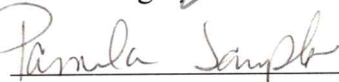
#### **Adjournment**

**William Ellis**, Council President adjourned the meeting at 7:15 p.m.

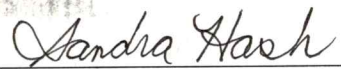
  
William Ellis, President

  
Trevor Sager, Vice President

  
Scott Oldham

  
Pamela Samples

  
Dan Swafford

  
Sandra Hash, Clerk Treasurer, IAMC, MMC