

## August 26, 2024

The Ellettsville, Indiana, Town Council met for a regular meeting on Monday, August 26, 2024 at the Ellettsville Town Hall Meeting Room located at 1150 West Guy McCown Drive. Scott Oldham called the meeting to order at 6:30 p.m. Jimmie Durnil gave a word of prayer followed by the Pledge of Allegiance.

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

**Supervisors participating:** Kevin Patton, Jimmie Durnil and Denise Line.

### Approval of the Minutes for the Regular Meeting August 12, 2024

**Scott Oldham** entertained a motion for approval of the minutes of the regular meeting August 12, 2024. William Ellis so moved. Dan Swafford seconded. All in favor, motion carries.

### Accounts Payable Vouchers and Payroll

**Scott Oldham** entertained a motion to pay Accounts Payable Vouchers and Payroll. Trevor Sager so moved. Pamela Samples seconded. All in favor, motion carries.

### Resolutions

#### Resolution 29-2024 To Amend the Ellettsville Plan Commission's Proposed Unified Development Ordinance

**Darla Brown**, Town Attorney discussed at the end of the last meeting the council agreed to send her their proposed amendments. She took each suggestions and put them in its own amendment so each can be discussed separately. She explained that if council would vote on amendments A-G and pass them, the Resolution will be approved also. Scott Oldham read the Proposed Amendments:

A – Chapter 3 Standards for Specific Uses, 3:10 Non-Commercial Livestock. This section shall be struck in its entirety. Darla Brown explained the suggestion by a council member to keep the current code which is not in Planning and Zoning but is under the animal Ordinance 96.01.

B – Chapter 4 Site Development and Structure Standards, 4.9 Sign Standards Table 4.10 Prohibited Signs. Animated Signs was to be redacted and no longer prohibited. Scott Oldham questioned prohibiting Pole and Roof signs. There was a lot of confusion and discussion regarding existing signs in Town with no reasonable definition, so he moved to strike. Emitting signs were questioned in regard to audible sound. Scott Oldham felt that for people in Town that are visually impaired will need the audible sound. Michael Farmer, Town Manager asked council what they envisioned for the future for pole signs and such. Scott Oldham is concerned about the enforcement of it and feels if we can't even define it, how will we enforce it. Farmer feels that the pole signs and animated signs, billboards included, are a distraction and will not be attractive to the Town where people will be living around them. William Ellis feels the opposite, they are the future and a great way to advertise even for public service announcements. The definition is clearly the issue. If it goes back to Plan Commission it has to be a clear suggestion of the definition and not vague. Michael Farmer just doesn't feel that pole signs and such are just not the way he wants the Town to go if we want green, clean and serene. There is no question that pole signs are ok in certain areas but not in areas such as Vine & Main Streets. Council agreed to strike roof signs meaning they are not prohibited. Darla Brown, Town Attorney clarified that on proposed Amendment B strike Animated Signs and roof signs as amended.

C – Chapter 4 Site Development and Structure Standards 4.9 Sign Standards Table 4.10 Prohibited Signs. Inflatable Signs, Static or moving by electrical, mechanical or wind power. Trevor Sager moved to strike; he feels if we are talking about promoting business then why should we prohibit signs. Council agreed to strike.



D - Chapter 4 Site Development and Structure Standards 4.9 Sign Standards Table 4.10 Prohibited Signs. Pole Signs was covered with Amendment B and agreed to strike.

E - Chapter 4 Site Development and Structure Standards 4.9 Sign Standards Table 4.10 Prohibited Signs. Flags: Darla Brown, Town Attorney advised against, unless it is obscene, trying to prohibit those will be courting a lawsuit. Council agreed all flags are exempt unless they are obscene as defined under the IC Code.

F - Chapter 4 Site Development and Structure Standards 4.12 Miscellaneous Standards. Garage/Yard Sales; Expanded the days from seven days to ten times each calendar year for a maximum of three days for each garage sale. Children's Roadside stands were struck all together.

G - Chapter 9 Site Definitions 9.2 Billboards would be considered Pole Signs and will be withdrawn and adjusted under Chapter D.

Dan Swafford asked for clarification on yard signs. Temporary permits are required for yard signs, not 2x2 signs such as realtor signs, but for 16 square feet, 4x4, not regulating content. Temporary permits are \$40 good for 30 days. Non-profit and churches fees are waived. Denise Line, Planner said it wasn't specifically listed. Scott Oldham moved to add not-for-profits and religious institutions and governmental entities exempt from signage in regard to promotional and not informational.

**Jeff Schunn** from the public agreed with Michael Farmer on the sign clutter but feels it is important to safety for businesses to advertise when you are a driver you need to be able to visualize where the business is located.

**Valerie Dewar** feels we need a community that is relaxed and pleasant, but we need to be welcoming to businesses. She explained that people come to Ellettsville because Bloomington and Monroe County have so many restrictions on businesses and hopes we don't become that with all these new amendments. She also expressed concern for churches holding a holiday bazaar regarding temporary sign permits and to think about our community. She thanked council for their hard work but to think about our community and our businesses.

**Christa Curtis** explained we need to think about zoning districts and how we should treat zoning differently and not be all or nothing. She also feels yard signs should be exempt and clarify the language.

**William Ellis** clarified that there was a question earlier about Pride Signs and that content will not be regulated.

**Scott Oldham** agreed with Christa Curtis on zoning and would be open for discussion if Plan Commission comes back with specifications on what is in specific areas, but he has an issue with all or nothing at this point. Darla Brown, Town Attorney explained you have 90 days to get suggestions to Plan Commission.

William Ellis made a motion to pass Resolution 29-2024 To Amend the Ellettsville Plan Commission's Proposed Unified Development Ordinance as amended. Trevor Sager seconded. Roll call vote: Scott Oldham – yes; Dan Swafford – yes; William Ellis – yes; Trevor Sager – yes; Pamela Samples – yes. Motion carries.

Scott Oldham entertained a motion to approve Proposed Amendment A as amended in discussion. Dan Swafford so moved. Pamela Samples seconded. Roll call vote: Scott Oldham – yes; Dan Swafford – yes; William Ellis – yes; Trevor Sager – yes; Pamela Samples – yes. Motion carries.

Scott Oldham entertained a motion to approve Proposed Amendment B as amended in discussion. William Ellis so moved. Pamela Samples seconded. Roll call vote: Scott Oldham – yes; Dan Swafford – yes; William Ellis – yes; Trevor Sager – yes; Pamela Samples – yes. Motion carries.

Scott Oldham entertained a motion to approve Proposed Amendment C as written. William Ellis made a motion to approve Proposed Amendment C as written. Pamela Samples seconded. Roll call vote: Scott Oldham – yes; Dan Swafford – yes; William Ellis – yes; Trevor Sager – yes; Pamela Samples – yes. Motion carries.

Scott Oldham entertained a motion to approve Proposed Amendment D as written. Trevor Sager so moved. William Ellis seconded. Roll call vote: Scott Oldham – yes; Dan Swafford – yes; William Ellis – yes; Trevor Sager – yes; Pamela Samples – yes. Motion carries.



Scott Oldham entertained a motion to approve Proposed Amendment E as amended in discussion. William Ellis so moved. Pamela Samples seconded. Roll call vote: Scott Oldham – yes; Dan Swafford – yes; William Ellis – yes; Trevor Sager – yes; Pamela Samples – yes. Motion carries.

Scott Oldham entertained a motion to approve Proposed Amendment F as written. William Ellis so moved. Pamela Samples seconded. Roll call vote: Scott Oldham – yes; Dan Swafford – yes; William Ellis – yes; Trevor Sager – yes; Pamela Samples – yes. Motion carries.

Scott Oldham entertained a motion to withdraw Proposed Amendment G. William Ellis so moved. Dan Swafford seconded. Roll call vote: Scott Oldham – yes; Dan Swafford – yes; William Ellis – yes; Trevor Sager – yes; Pamela Samples – yes. Motion carries.

### **Ordinance on Second Reading**

#### **Ordinance 2024-17 Repealing the Town of Ellettsville, Indiana, Zoning Ordinance, Subdivision Control Ordinance and Maps and Adopting the town of Ellettsville, Indiana, Unified Development Ordinance and Maps and Public Hearing Thereon**

William Ellis made a motion to table at legal's request. Dan Swafford seconded. Roll call vote: Scott Oldham – yes; Dan Swafford – yes; William Ellis – yes; Trevor Sager – yes; Pamela Samples – yes. Motion carries.

### **New Business**

#### **Authorization for Town Council President to Sign Construction Agreement for the Ellettsville Heritage Center**

**Denise Line**, Planner explained that at the August 12<sup>th</sup> meeting of the Town Council the low bid was from Valu Built Inc. to construct the Heritage Center at Stewart Park was awarded. The contract price to construct the Heritage Center was \$345,300.00. She is requesting approval for Town Council president to sign the agreement with Valu Built Inc. Town Attorney, Darla Brown has reviewed the agreement. The funding is made possible by a READI Grant that is state funded. William Ellis made a motion to approve Authorization for Town Council President to Sign Construction Agreement for the Ellettsville Heritage Center. Pamela Samples seconded. Roll call vote: Scott Oldham – yes; Dan Swafford – yes; William Ellis – yes; Trevor Sager – yes; Pamela Samples – yes. Motion carries.

### **2025 Summer Concert Series Presentation**

**Tony Calumet**, General Manager B-97 and Hoosier Country gave a presentation for a Summer Concert Series. The concerts will be free to the public and offer all genres of music to bring the local community together. Concerts will be on Saturdays at the Marci Jane Lewis Park from 6:30-9:00, May 24 through July 26<sup>th</sup> 2025. Businesses will be offered 3 x 4 sponsorship signs around the stage; Food Trucks will be onsite and prizes will be given out during intermission.

### **Introduction of Updated Employee Handbook**

**Michael Farmer**, Town Manager was pleased to announce that after a couple of years working on this they have a draft to present and be voted on for adoption at the next council meeting. He thanked Kelley Cantrell, Deputy Clerk for all her persistence and hard work to get it drafted. Any questions should be directed to him before the next meeting.

### **Privilege of the Floor**

**Cindy Chavez**, Pantry 279 explained they have outgrown their new site already but currently have a 3–6-year lease at the new location. Their envision is to have their own building on 3-5 acres of land with a 15,000 square foot building that includes a loading dock. They have a man from Indianapolis that has promised to build a hydroponic greenhouse to provide produce all year round. They serve 9500 customers a month from 36 counties. She asked that the Town keep this in the back of their minds as part of Envision Ellettsville.

**Cameron Beatty** thanked council for amending the UDO and for making it friendly to express their opinions.



**Russ Ryle** asked a question about daily rentals such as Air B&B's restrictions in the area. Denise Line, Planner explained there was a registration process for monitoring in the UDO. Darla Brown stated you could require a local manager on site or to be within a certain distance of the home.

**Supervisors Comments**

**Michael Farmer**, Town Manager stated construction of the Heritage Center will begin on Tuesday, August 28<sup>th</sup>. Also, the first connection to the Karst Trail at Stewart Park with some pavement and will move to connect it to the two pieces at the North end and then the original trail with the extension to McNeely Street. He also discussed bringing in to do communications that create a Facebook page that will create organization to communicate for all the questions that the public has. He also mentioned the urgency in creating a redevelopment commission. He feels there should be a team to work with Baker Tilly and Ice Miller on a TIF. He mentioned having Darla Brown, Town Attorney, Denise Line, Planner, Amber Ragle-Wright, Noelle Conyer, Clerk Treasurer and at least 2 board members and possibly someone with the BEDC. The board will work on making appointments by next meeting.

**Kevin Patton**, Fire Chief explained they have a full time opening at the Fire Department and are accepting applications. Applications can be picked up at Town Hall.

**Michael Farmer**, Town Manager also mentioned the meetings regarding the Fire District taking over coverage for Bean Blossom Township. He encouraged the community to attend. There is a meeting tonight, Tuesday and Wednesday. Kevin Patton, Fire Chief explained that the meeting will consist of what it will cost Bean Blossom taxpayers if they go with the district and there are no other proposals. Scott Oldham was disappointed that Ellettsville's proposal wasn't considered more fully. The hard fact is that Ellettsville and the taxpayers of Richland Township are footing the bill for a lot of resources being sent to Bean Blossom Township. The Town isn't going to deny service, but decisions are being made that are going to make tough decisions on our part. Kevin mentioned that if they chose the district and get it in this year it will be 2026 before it starts so they will need to figure out what to do in 2025. The Town will have to evaluate the costs per run and what continued services we are going to extend. There is a lot of misinformation out there and Chris Clouse has been dealing with those as they occur.



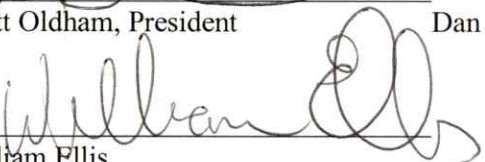
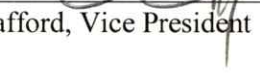
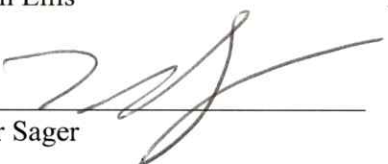
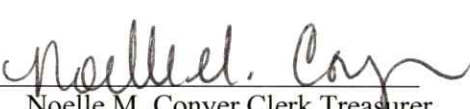
**Pamela Samples** inquired about outside movies within the Town, she thinks it would be a great idea. Michael Farmer stated that as we develop the Parks it would be a great idea.

**Council Comments**

**Scott Oldham** stated that the cow on the old barn at Stewart Park will make its return at a later date.

**Adjournment**

**Scott Oldham, President** adjourned the meeting at 8:28 p.m.

 _____ Scott Oldham, President	 _____ Dan Swafford, Vice President
 _____ William Ellis	 _____ Pamela Samples
 _____ Trevor Sager	 _____ Noelle M. Conyer Clerk Treasurer