

The Ellettsville, Indiana, Town Council met for a regular meeting on Monday, August 12, 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 led by Chris Clouse.

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

**Supervisors participating:** Chris Clouse, Kip Headdy, Jimme Durnil and Denise Line.

**Approval of the Minutes for the Regular Meeting July 22, 2024**

**Scott Oldham** entertained a motion for approval of the minutes of the regular meeting July 22, 2024. William Ellis so moved. Trevor Sager 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. William Ellis seconded. All in favor, motion carries.

**Award Bid Contract for the Heritage Community Center**

**Denise Line**, Planner explained that at the July 22, 2024 Town Council Meeting, 2 bids to construct the Ellettsville Heritage Center at Stewart Park were opened. The Ellettsville Heritage Center is made possible from a ready grant which is a state grant. They reviewed the bids and Valu Built Inc. had the lowest bid at \$398,700.00. She requested the bid be awarded to Valu Built Inc. Dan Swafford made a motion to approve the contract bid for the Ellettsville Heritage Center to Valu Built Inc. Pamela Samples seconded. Roll call vote: Dan Swafford – yes; William Ellis – yes; Trevor Sager – yes; Scott Oldham – yes; Pamela Samples – yes. Motion carries.

**Resolutions**

**Resolution 26-2024 Transfer of Funds**

**Jimmie Durnil**, President of the Ellettsville Parks and Recreation Board discussed the transfer was of normal business for the completion of sidewalks at Memorial Park. A transfer in the amount of \$8,000.00 is needed from Heritage Trail to Parks and Recreation Materials to cover the cost of the sidewalks. The second transfer is from CCD, Arms, Radar & Equipment Maintenance to Vehicles & Equipment to cover the costs for equipping the new vehicles in the amount of \$6,067.32. Trevor Sager made a motion to approve Resolution 26-2024 Transfer of funds for both the Police Department and Parks and Recreation. Pamela Samples seconded. Roll call vote: Dan Swafford – yes; William Ellis – yes; Trevor Sager – yes; Scott Oldham – yes; Pamela Samples – yes. Motion carries.

**Resolution 27-2024 Additional Appropriation**

**Jimmie Durnil**, Town Marshal explained that this Appropriation is for the High-Tech Crimes Unit (HTCU) for Interns. There are 2 no more than 3 that will be paid a minimum fee to help. This should cover the costs through the rest of year and will be reimbursed through the county. William Ellis made a motion to approve Resolution 27-2024 Additional Appropriation. Dan Swafford seconded. Roll call vote: Dan Swafford – yes; Trevor Sager – yes; William Ellis – yes; Scott Oldham – yes; Pamela Samples – yes. Motion carries.

**Ordinance on First Reading**

**Ordinance 2024-15 to Amend Salary Ordinance 2023-18 to add HTCU Interns Part-Time position**

Jimmie Durnil, Town Marshal explained this Ordinance is for the 2 no more than 3 interns to assist with the HTCU. They are students and will be paid \$10.00 per hour, no more than 25 hours a week and will be issued a W-2 as a Town employee. Chief Durnil requested this

**Kevin Patton**, Fire Chief discussed they had a busy couple of weeks having two structure fires, the Ellettsville Fireworks that was very well attended and the windstorm. Chris Clouse thanked the Police Department for their assistance with traffic at the Fireworks. Scott Oldham thanked the School Corporation for allowing the use of the property.

**Kip Headdy**, Street Commissioner explained they are still doing a lot of cleanup from the Storm and will be picking up debris for 30 days. Bluestone is still offering assistance and they are taking all the debris to them on Maple Grove Road. He also explained the liquid road is finished and when the storm hit, they were paint striping the road so they will be coming back to finish.

**Noelle Conyer**, Clerk Treasurer stated the Work Session will be July 15<sup>th</sup> at 6:30. She is working with Amber on closing out the month to have a full picture of the budget prepared for it.

**Darla Brown**, Town Attorney explained that at the May 13<sup>th</sup> meeting the Town approved a joint resolution between the Richland Bean Blossom Community School Corporation and the Town of Ellettsville for the dedication of a tract of land for a public right of way. Darla was authorized to work with the school corporation attorney to complete the language to be included in the resolution. The school corporation wanted a paragraph included and they have executed the deed to quit claim the section of the road to the Town, but they would like Council to ratify their decision to approve the resolution because the language changed slightly from that meeting to when they school board approved it. She requested the Council ratify the joint resolution. She read the paragraph that was added. William Ellis made a motion to approve the resolution between the Town of Ellettsville and Richland Bean Blossom Community School Corporation as amended. Trevor Sager seconded. Roll call vote: Scott Oldham – yes; William Ellis – yes; Trevor Sager – yes. Motion Carries.

#### **Council Comments**

**William Ellis** stated it was a great Fireworks Show


**Scott Oldham** cautioned everyone who had storm damage on who you contract with a reputable company, there are always people who run criminal enterprises after these types of events.

#### **Adjournment**

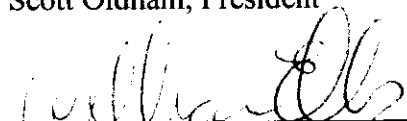
**Scott Oldham, President** adjourned the meeting at 6:47 p.m.



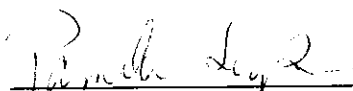
Scott Oldham, President



Dan Swafford, Vice President



William Ellis



Pamela Samples



Trevor Sager



Noelle M. Conyer Clerk Treasurer

~~be retroactive to July 1, 2024. This can also be passed on First Reading. William Ellis made~~

a motion to move Ordinance 2024-15 to Amend Salary Ordinance and 2024-18 to add HTCUI Interns Part Time position be submitted for First Reading. Pamela Samples seconded. Roll call vote: Dan Swafford – yes; Trevor Sager – yes; William Ellis – yes; Scott Oldham – yes; Pamela Samples – yes. Motion carries. William Ellis made a motion for Ordinance 2024-15 to Amend Salary Ordinance and 2024-18 to add HTCUI Interns Part Time position be adopted on same day it was introduced. Roll call vote: Dan Swafford – yes; Trevor Sager – yes; William Ellis – yes; Scott Oldham – yes; Pamela Samples – yes. Motion carries. William Ellis made a motion for Ordinance 2024-15 to Amend Salary Ordinance and 2024-18 to add HTCUI Interns Part Time position be adopted. Pamela Samples seconded. Roll call vote: Dan Swafford – yes; Trevor Sager – yes; William Ellis – yes; Scott Oldham – yes; Pamela Samples – yes. Motion carries.

#### **Resolution 28-2024 for the Annexation of 5517 N. Union Valley Road**

**Darla Brown**, Town Attorney discussed that at the Plan Commission's last meeting they voted to send the proposed annexation of 5517 N. Union Valley Road to the Town Council with a positive recommendation for annexation. The petition was filed from Valu Built Incorporated and is a parcel of land that is approximately 6.23 acres of land into the Town of Ellettsville. Copies of the Resolution, fiscal plan and the Ordinance approving the voluntary annexation of the property into the Town. The Resolution approves the fiscal plan and the Ordinance is to approve the Annexation. Trevor Sager made a motion to approve Resolution 28-2024 for the Annexation of 5517 N. Union Valley Road. Dan Swafford seconded. Roll call vote: Dan Swafford – yes, Trevor Sager – yes; William Ellis – yes; Scott Oldham – yes; Pamela Samples – yes. Motion carries.

#### **Ordinance on First Reading**

#### **Ordinance 2024-16 Annexation of 5517 N. Union Valley Road**

**Denise Line**, Planner explained the petition is with Valu Built Inc. to annex 6.23 of land located at 5517 N. Union Valley Road, annexation area is 59% contiguous to the Town of Ellettsville and 100% of the property owners are parties to the petition. The property is currently zoned AG/RR Agricultural/Rural Reserve by Monroe County and is recommended to be designated as Residential 1 Single Family Residential upon annexation. Property will be located in Council ward 4, property serviced by Water, the annexation will not require any capital projects to extend services and any costs for extension of Utilities is born by the developer, the Town will provide Police, Fire and EMS and other governmental services immediately upon annexation and staff recommends approval with R-1 zoning. William Ellis made a motion to approve Ordinance 2024-16 Annexation of 5517 N. Union Valley Road. Pamela Samples seconded. Roll call vote: Dan Swafford – yes, Trevor Sager – yes; William Ellis – yes; Scott Oldham – yes; Pamela Samples – yes. Motion carries.

#### **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**

**Scott Oldham**, President started the discussion by stating that all public comments will be limited to 3 minutes. Shawn Dade of Taylor Siefker Williams Design Group who facilitated the draft of the UDO. He explained specifics by chapter as follows:

1. Administration and General Provisions – Includes language on statutory authority, establishes provisions for administration of the UDO for the Administrator, Advisory Plan Commission and BZA and Provides transition policies for pending applications, plats and issued permits.
2. Zoning Districts – Establishes zoning districts, describes the Official Zoning Map, Sets policy for administrative decisions for land uses not listed in the UDO and includes criteria for classifying unlisted land uses.
3. Standards and Specific Uses – Accessory Dwelling Units (ADU's), Adult Oriented Businesses, Bed & Breakfasts, Campground & RV Parks, Home-Based Businesses, Home Occupations, Junkyard & Salvage, Manufactured Home Parks, Non-Commercial Livestock, Short-Term Rentals, Solar Energy Systems, Storage Units, Wind Energy Systems, Wireless Communication Facilities
4. Site Development and Structure Standards – Accessory Structure Standards, Architectural Standards, Entrance, Drive and Access Management Standards,

Landscaping and Buffer Standards, Lighting Standards, Parking and Loading Standards, Property Maintenance and Blight Standards, Sign Standards, Storage Standards, Structure Standards, Miscellaneous Standards

5. Subdivision Types – Exempt Subdivisions, Minor Residential Subdivisions, Major Residential Subdivisions and Commercial and Industrial Subdivisions
6. Subdivision Design Standards – Establishes standards for blocks and lots, sidewalks and trails and utilities, Establishes new requirements for open space and amenities for new commercial and industrial subdivisions and mailboxes for residential development, Includes new standards for subdivision entrances and Provides minimum public road design requirements
7. Procedures – Includes procedures for all application types: Appeal of Administrative Decision, Development Plan, Major Subdivision, Minor Subdivision, Zone Change & PUD, Special Exception & Variances and Waivers. Provides flowcharts for clarity and ease of use and Establishes standards for document and drawing requirements, complaints and violations and required sureties for development
8. Non-Conforming Lots, Structures and Uses – Defines legal non-conforming vs illegal non-conforming and Establishes standards for non-conforming lots of record, non-conforming structures, non-conforming uses of land as well as non-conforming uses and structures combined.
9. Definitions – Defines uses and terms within the UDO, Includes graphics to explain terms, Provides guidance on the use of terms such as “shall” “may” and “must” and Establishes standards for defining terms not included within the UDO

Shawn Dade also discussed the Proposed Zoning Map

Major updates included:

1. Properties along Sale Street will be zoned D1
2. Some properties along IN-46 in the downtown area will be zoned C1

He concluded that they are requesting adoption of the UDO and Official Zoning Maps from a unanimous and favorable recommendation from the Ellettsville Plan Commission on July 11, 2024 with the following amendment to the UDO:

Typo found on page 89 of 209 in the Example of Buffer yard Requirements” graphic. Updated to reflect language in table on page 90 of 209.

**Michael Farmer**, Town Manager explained there has been extensive work on the UDO beginning in 2022. They created a steering committee held 6, 3-hour meetings that consisted of homeowners, assistant planning director, representatives for the Chamber of Commerce and Main Street who is also a Realtor and local active developers, a business owner which was a previous board member, 2 board members, 2 Plan Commission members that were on the BZA also, an Engineer, Town Manager, Attorney and Planning Director. After the draft went out, they held a public meeting on June 24<sup>th</sup> with little turnout. He feels they went through a very thorough process, but it is a living document that is meant to be changed. According to Darla Brown, Town Attorney, the council can initiate the Planning Commission for a change under Indiana Code, Section 36-7-4-602. The Planning Commission may initiate the proposal under the advisory planning law any participating legislative body may initiate the proposal and require the Planning Commission to prepare it. The Planning Commission may not like the suggestion, but they have to hear it and may send it back with a negative recommendation, but they have to hear it and then it comes back to council for a vote. Pamela Samples had concerns regarding chickens. There was considerable debate on passing the UDO and making recommendations for changes after and rejecting it and sending it back to Planning Commission. Council requested hearing from the public for further discussion.

**Bobby Bristoe** spoke to recommend not adopting and sent back for review particularly in regard to the sign permits.

**Jim Perry** on Zoom – feels it is great progress but had questions regarding administration of blight and property maintenance standards particularly public nuisances.

**Kari Bennett**, Habitat for Humanity was pleased with the UDO and happy with it being a living document. She felt it is a promotion of responsible development which includes affordable housing which Habitat in Humanity stands for.

**Christa Curtis** on Zoom – Chamber Board president and Envision Ellettsville advisory committee. She was in favor of passing the UDO. She stated in order to create the community we want to have in Ellettsville we have to have some foundational pieces in place that included the Comprehensive Plan, the Land Use Plan and the UDO and this is just the next step in the process. She feels there are some things that needs addressed but it would be easier and faster to pass it tonight and then make the necessary changes.

**Thomas Landis**, community member, supports the housing component in the UDO. He feels the tighter lots adds density and will shape our fundamental reality and paradigm.

**Ernest Xi**, local developer and member of the Steering Committee. He stated no document is perfect but they worked hard to be fair and good for everyone. He feels sending it back will lose progress.

**Pam Fargo** on Zoom – resident has issues with communication and would like to have a better way of getting things out to the public to be aware of what is happening within the Town.

**Cameron Gentry** has issues with the sign standards. He feels it is poorly written, violates the first amendment and it doesn't support the well-being of the community.

**Jeff Schunn** is strongly against passing the UDO and things should get fixed first or they will get pushed under the rug and forgotten.

**Valerie Dewar** is a business owner and read a letter on behalf of the Chamber of Commerce.

The Greater Ellettsville Chamber of Commerce is supportive of the updated Unified Development Ordinances. As a driving force behind the community visioning process that resulted in the town's Envision Ellettsville plan, the Chambers believes that the UDO is critical to fulfilling the vision that was created by our community.

Here are the key reasons why we are supportive of affirmative vote by the town council:

1. The UDO was crafted thoughtfully after months of work with a steering team and a seasoned consultant. The steering team included perspectives from the town council, the town plan commission, town staff members, local business, the chamber, and local developers.
2. The UDO provides local developers the criteria and guidelines they need to ensure their development projects align with the Envision Ellettsville plan for strategic growth.
3. A no vote will result in a delay of several months which makes it difficult for town staff to manage the current situation of multiple inquiries and potential development projects that will impact how our town grows.
4. Finally, we recognize that there is some language in the UDO that may be confusing and needs to be clarified. For example, the language regarding flags and signs. We believe the Envision Ellettsville Advisory Board and Chamber Board can work with the town to address these issues in a modification process that will be easier and faster once the UDO is approved rather than sending the UDO back to the plan commission, which will result in a more complicated and lengthy process.

Finally, the Chamber is committed to our continued collaboration with the town to implement the Envision Ellettsville Plan. We will continue to invest time in the UDO process, to ensure we represent not only the voice of business, but of our broader community. Thank you for your leadership and your commitment to implementing our community's vision for the future.

**Jerry Sanders** as a citizen of Ellettsville and not representing the school corporation. Feels the UDO issues are small and is in support of passing the UDO.

**Dan Rarey**, Chamber Board member is in support of passing the UDO and not halting progress.

**Cory Byrd** citizen of Ellettsville is excited for the Envision of Ellettsville and is in support of passing the UDO.

**Clark Greiner**, Bloomington Economic Development Committee, feels Ellettsville is doing a great job with the UDO and no document is perfect. He recently witnessed the

~~process of the UDO with the City of Bloomington. He recommends passing the UDO and~~ feels it is very organizational, informational and purposeful documented program to guide future Economic Development.

**Zion Sylvester** concerned citizen of Ellettsville, doesn't feel it is a good document and is a glaring violation of the first amendment regarding signs.

**Maverick Gardner** citizen of Ellettsville is against the UDO in regard to signs, it is too general and needs to be more specific.

**Michael Farmer**, Town Manager thanked everyone for coming tonight to express their concerns.

**Dan Swafford** feels we will not hinder growth if we don't pass the UDO. If a development comes to Town and doesn't abide by the new UDO they do have avenues to go. He feels it needs to go back to Planning and do this correctly.

**Denise Line**, Planner clarified the question of Blight from Jim Perry. They work by trying to get compliance and if not they declare the property Blight. The Town will either clean it up or take it to court. She also clarified there are no permits to put up a sign to find a missing animal.

**William Ellis** doesn't see the harm in getting things right before and that 5 weeks would not hinder growth. Evidence tonight has proven that fixing later is a downside and we are putting in things that they public are clearly against. He does agree with the high density so current residents are not paying for new growth.

**Trevor Sager**, questioned the sign code and going back to Planning to fix it do they have the opportunity to fix other things or only the sign code. Darla Brown, Town Attorney clarified it has to be sent back to Plan Commission with a written reason or how you want it fixed. If you want other things fixed it has to clarified what needs to be fixed.

**Pamela Samples**, has a problem with children's roadside stands and garage sales.

**Scott Oldham** feels the need to pass the UDO for stability. He recognizes the issues but doesn't wish for it to be a push/pull between Council and the Planning Commission. The majority of the issues lie within a few sections and is willing to fix those but not the mass majority of the document. He doesn't want to cost developers or landowners by the shifting UDO and causing doubt with the growth of Ellettsville. He appreciates all the comments and he hopes everyone sees the reasoning behind what they are talking about. If the enforcement of the issues are stayed by council order the effect, is essentially, suspended until the time they do fix it without having to go back to Plan Commission and gives them the opportunity to work through the legalities of it.

**Dan Swafford** made a motion to move the documents back to Plan Commission to amend. Pamela Samples seconded. Roll Call vote: Dan Swafford – yes; Trevor Sager – no; William Ellis – yes; Scott Oldham – no; Pamela Samples – yes. UDO will be returned to the Planning Commission, council will format amendments and by next meeting publish those and move forward from there. Council will send their suggestions personally no later than Friday, August 16<sup>th</sup> close of business.

## **New Business**

### **Introduction of Everbridge Emergency Alert Management System**

**Shawn Meadows**, Utilities Billing Manager explained the new Everbridge Emergency Alert Management System is now functioning. The alert system is an easy way to send out mass notifications or individual alerts to alert customers on all main breaks and emergency announcements. There is a QR code that you scan to set it up and it has been advertised on Facebook, the Town's website, flyers are at Ellettsville IGA and local banks. There will also be decals on all the Public works vehicles and on the water bills.

### **Easement for Duke Energy – DPW Building Project**

Michael Farmer, Town Manager requested to table. William Ellis made a motion to table the Easement for Duke Energy – DPW Building Project. Pamela Samples seconded. Roll call vote: Dan Swafford – yes, Trevor Sager – yes; William Ellis – yes; Scott Oldham – yes; Pamela Samples – yes. Motion carries

### Appointment of New Parks Board Member

**Scott Oldham**, President discussed this is an appointment by president. He is delaying this due to several people being interested in it.

### MOU Addendum Between Town of Ellettsville and Monroe County Prosecutors office for HTCUs Interns

**Jimmie Durnil**, Town Marshal discussed it is a continuation of the MOU between the Monroe County Prosecutors Office and the Town of Ellettsville for the High-Tech Crimes Unit. The Town is responsible for providing the office. This addendum is for the proposal of 3 student interns to be paid \$10.00 per hour for no more than 25 hours per week retroactive to July 1, 2024 for a term of 2 years. William Ellis made a motion to approve MOU Addendum Between Town of Ellettsville and Monroe County Prosecutors office for HTCUs Interns. Trevor Sager seconded. Roll call vote: Dan Swafford – yes, Trevor Sager – yes; William Ellis – yes; Scott Oldham – yes; Pamela Samples – yes. Motion carries

### Baker Tilly Proposed Engagement Scope Agreement for Economic Projects

**Michael Farmer**, Town Manager discussed a proposal from Baker Tilly quoting financial amounts for creating a TIF allocation area and the proper steps to put it together. Scott Oldham reminded everyone this is only a financial prospective of what it would cost and not a vote on the actual TIF itself but an investigatory document to inform us what we may do in the long run. William Ellis made a motion to approve the Baker Tilly Proposed Engagement Scope Agreement for Economic Projects. Pamela Samples seconded. Roll call vote: Dan Swafford – yes, Trevor Sager – yes; William Ellis – yes; Scott Oldham – yes; Pamela Samples – yes. Motion carries

### Future Digital Sign at the Fire Department

**William Ellis** discussed a suggestion by the public in regard to public notices posted that are hard to read. He would like to discuss the possibility of having a digital sign at the Fire Department to better inform the public of public hearings and notices that will affect their taxes. There were several questions regarding the UDO and what is allowed but council agreed it was a great idea. William Ellis do some research and bring back to council for further review.

### Public Hearing on the Office of Community Development Block Grant Program

Denise Line, Planner discussed The Town of Ellettsville intends to apply for an Office of Community and Rural Affairs Owner-Occupied Rehabilitation Grant.

The goal of the grant is for communities to create a program for low-moderate income residents to repair their primary residences. To be considered, projects must meet the *Benefit to Low- and Moderate-Income – Housing* National Objective of the Housing and Community Development Act of 1974, as amended.

Grant funds will be used to assist current homeowners with the repair or rehabilitation of owner-occupied units.

Projects need to be ready to proceed upon grant award and will be completed within 18 months.

Eligible activities for the rehabilitation activities of privately owned residences are as follows:

Roof repair or replacement

ADA accessibility modifications up to the threshold of the home

Heating and cooling replacement

Select lighting features and electrical upgrades

Water heater replacement.


~~Denise Line added that just because she is applying it doesn't mean it is granted but she is~~  
required to do a public hearing for any comments. OCRA has an application and they specify requirements needed from the applicant.


**Council Comments**

**Dan Swafford** thanked everyone for coming out and getting involved.

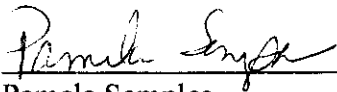
**Adjournment**

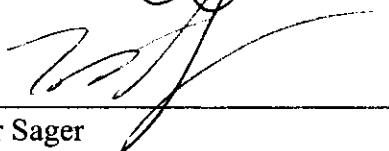
**Scott Oldham, President** adjourned the meeting at 8:29 p.m.

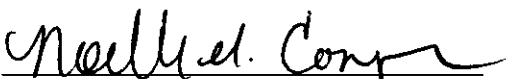
  
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Scott Oldham, President

  
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Dan Swafford, Vice President

  
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William Ellis

  
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Pamela Samples

  
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Trevor Sager

  
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Noelle M. Conyer Clerk Treasurer