

February 23, 2015

The Ellettsville, Indiana, Town Council met for a regular meeting on Monday, February 23, 2015, at the Fire Department Training and Conference Room. Scott Oldham called the meeting to order at 6:30 p.m. Dianna Bastin led the Pledge of Allegiance followed with a prayer by Sandra Hash.

Roll Call: Members present were Scott Oldham, President; Dianna Bastin, David Drake and Kevin Farris. Scott Thomas was absent. Sandra Hash, Clerk-Treasurer, Jim Davis, Town Manager, and Darla Brown, Town Attorney, Rick Coppock, Bynum Fanyo and Associates, Town Engineer, were also present.

Supervisors present were: Mike Cornman, Tony Bowlen, Kevin Tolloty, Mike Farmer and Jeff Farmer.

Approval of Minutes

Scott Oldham entertained a motion for approval of the minutes for the regular meeting on February 9, 2015. Dianna Bastin so moved. David Drake seconded. Motion carried.

Accounts Payable Vouchers

Scott Oldham entertained a motion for action to pay Accounts Payable Vouchers. David Drake so moved. Dianna Bastin seconded. Motion carried.

Proclamation for Tri Kappa Week February 15 – 21, 2015

Sandra Hash, Clerk-Treasurer, explained this is an annual proclamation acknowledging their service to the community. Mr. Oldham stated this is the 114 year celebration of Tri Kappa serving community and charity programs statewide. Let it be proclaimed Tri Kappa Week February 15 – 21, 2015.

Ordinances on First Reading

Ordinance 2015-02 Authorizing Loans from the Town's Municipal Wastewater Works and Ordinance 2015-03 Authorizing Wastewater Utility to Make a Loan to the Town of Ellettsville

Darla Brown, Town Attorney, explained these are two ordinances with regard to borrowing money from Utilities in order to help the Town purchase property for a future municipal building next to the Police Department. There are two ordinances and one resolution the Town Council needs to pass. Ordinance 2015-02 is the home rule ordinance by which the Town sets forth the method by which it will borrow money. The second ordinance authorizes the waste water utility to make a loan to the Town. The resolution is a declaration of the Town Council's intent to reimburse Utilities from the bond proceeds. Mr. Oldham clarified they're Ordinances 2015-02 and 2015-03. Ms. Brown advised they still may have a little work to do on the ordinances. At a previous Town Council meeting there was a question about whether or not the Town should divide the land it proposes to purchase with Utilities. The Town's financial advisor, Umbaugh and Associates ("Umbaugh"), has suggested the Town do this as soon as reasonably possible. They're still trying to figure out how to do this. If there is an amount set aside for construction costs, the purchase price of the land gets applied to that total. If they separate it now, or what the Town gets versus what Utilities gets, Utilities could pay for it and then it can be added back into the purchase price. The way the ordinances are drafted the money the Town would borrow comes strictly from the wastewater fund. Utilities would like for the Town to borrow from both wastewater and water and they're trying to figure out how to do it. Umbaugh is recommending it be borrowed only from wastewater. When the ordinances come for a second reading they may look a little different. She is recommending the Resolution be tabled because the ordinances and resolutions have to be passed in certain order. The Resolution should not be passed until the ordinances are passed. Mr. Oldham commented the ordinances will be on the website.

Ordinances on Second Reading

Ordinance 2015-01 to Establish Garage Sale Guidelines and Restrictions

Darla Brown, Town Attorney, explained this is a proposed ordinance to establish garage sale regulations. This ordinance came from the Plan Commission with a positive recommendation at its last meeting. It defines what a garage sale is, imposes duration and frequency limitations of three days no more than three times a year and all items have to be removed from public display within eight hours of the conclusion of the sale. There is a penalty of \$25 and it is a Class D Ordinance Violation. The subsection makes it clear that there is another sign regulation for individuals posting garage sales have to comply with. There is another section in the Town Code that instructs individuals not to post signs on public property and there is a limit of three signs.

David Drake sits on the Plan Commission and they tried to come up with something that would establish regulations for garage sales but not to go to the extreme of having permits. It really wasn't worth the trouble of what the license cost. It was a lot of work for the Clerk-Treasurer's office and a lot of people didn't do it anyway. Basically, they were trying to come up with a way to at least establish some guidelines realizing it is more difficult to enforce when they don't have to have a permit. If someone can only have three a year how do you know how many they've had? There are ways to enforce it that they can try to solve what the problems are without being too over-regulatory or too overbearing by having people get a permit each time they have a garage sale. It's not perfect but was a compromise.

Dianna Bastin asked if this will solve the calls she gets about eternal yard sales. Mr. Drake answered yes. Mr. Oldham is concerned about the wording of flea markets. There are businesses who deal in a flea market type enterprise. Mr. Drake noted this is in a residential zone. Ms. Brown said flea market was included as an example because if you have the perpetual garage sale someone could say it is not a garage sale it is a flea market. The Plan Commission was trying to come up with a definition that included everything that might look like a garage sale.

Carl Thurman, Thurman Body Shop, has had situations in the past where a club or organization from the school would want to use his parking lot for a fundraising garage sale. Could this scenario be addressed for businesses? Mr. Drake replied his property is zoned business so this ordinance does not apply as it only applies to residential. Mr. Thurman confirmed if charitable causes wanted to use his parking lot for that purpose it will be suitable. Mr. Drake said that is correct. Ms. Brown noted if it was in a residential area, he could still have the sale and be limited to three days per sale, three times a year.

Scott Oldham entertained a motion to adopt Ordinance 2015-01. David Drake made a motion to adopt Ordinance 2015-01. Dianna Bastin seconded. Roll call vote: Scott Oldham – yes; Dianna Bastin – yes; David Drake – yes; Kevin Farris – yes. Motion carried 4-0.

Old Business

Flood Abatement

Scott Oldham explained the ground is too hard to do the design work. They still have to have a quote to look at the drainage.

Resolutions

Resolution 03-2015 Declaration of Official Intent to Reimburse Expenditures

Scott Oldham entertained a motion to table Resolution 03-2015 because of the continuing work on the ordinances. Dianna Bastin made a motion to table Resolution 03-2015 for the continuing work on the ordinances. David Drake seconded. Roll call vote: Scott Oldham – yes; Dianna Bastin – yes; David Drake – yes; Kevin Farris – yes. Motion carried 4-0.

Council Comments

Dianna Bastin explained when the snow fell some people who are essential employees have to get to work so she sees the snow plows out. As she was coming home in her neighborhood, she saw a lady crowding the snow plow and the driver couldn't see her. It could have been a horrible accident. The snow plow driver saw her and realized she was waiting on someone else so he pulled up and everything turned out fine. These guys have great vision, know the roads and know what they're doing but they can't drive their vehicles and your's too. Please be aware of the snow plows. Mr. Farris agrees.

Jim Davis, Town Manager, announced the Town's offer on the 49 acres has been accepted.

Supervisors Comments

Fire Chief Mike Cornman explained Ryan Fipps will have been with the Fire Department full time for one year on February 24, 2015. In accordance with the salary ordinance they start them out at a little less and then at six months they get half the difference of the salary for a full time fire-fighter. He gave him a review with a positive recommendation that he receive the remainder of his salary which is an additional \$515. He is requesting approval to bring Mr. Fipps' salary up to full pay.

Scott Oldham entertained a motion to raise Firefighter Ryan Fipps to full pay for a full time firefighter. Dianna Bastin made a motion to raise Firefighter Ryan Fipps to full pay for a full time firefighter. Kevin Farris seconded. Roll call vote: Scott Oldham – yes; Dianna Bastin – yes; David Drake – yes and Kevin Farris – yes. Motion carried 4-0.

Fire Chief Mike Cornman presented their annual report for 2014.

Adjournment

Scott Oldham entertained a motion to adjourn. Dianna Bastin made a motion to adjourn. Kevin Farris seconded. Scott Oldham adjourned the meeting at 6:57 p.m.

Scott Oldham, President

Scott Thomas, Vice-President

Dianna S. Bastin

David Drake

Kevin Farris

Sandra C. Hash, Clerk-Treasurer, IAMC, MMC