

February 28, 2000

The Ellettsville, Indiana, Town Council met in regular session at 7:30 p.m., Monday, February 28, 2000. Members present were Geraldine McIntyre, President; Jerry Pittsford, and David Sorokoty.

Geraldine McIntyre announced John Dailey would not be here due to his work and Gina Hawkins is sick.

Jerry Pittsford gave the prayer, and David Sorokoty led the Pledge of Allegiance.

MINUTES AND CLAIMS:

David Sorokoty made a motion to approve the minutes and claims from the last meeting. Jerry Pittsford seconded. Motion carried 3-0.

Open Bids on Street Department Dump Truck:

Mike Spencer

There were two bids submitted. Bloomington Ford's bid was \$58,273.80. Sternberg International's bid was \$68,879.00. Jerry Pittsford made the motion to accept the bid for 2 dump trucks from Bloomington Ford at \$58,273.80 per unit. David Sorokoty seconded. Motion carried 3-0.

OLD BUSINESS:

Final Plat Approval For Replat of A Part Of Lots 40 And 43 And All Of Lots 44-56 Of Edgewood Heights Section III:

Matt Bailey with Applegate, McDonald, and Koch

Matt presented the covenant and restrictions for Edgewood Heights III. He pointed out there was a change in section four. Mike Spencer stated he reviewed the covenants and restrictions and he feels they are satisfactory. Mike also spoke with Jewel Echelbarger and she approves the changes. It now states that one person living in the home must be 55 years of age or older. Mike Spencer confirmed this complies with fair housing code and it is not age discriminatory. The covenant and restrictions are not listed on the plat. Rick Coppock said the covenant and restriction do not have to be on the plat. The covenant and restriction need to be recorded first and referenced on the plat, subject to the covenant and restriction as recorded book and page number. Matt showed that it states on the plat "subject to the declaration of covenant and restrictions and where they will be recorded.

Jerry Pittsford made the motion in favor of approving the final plat of a part of lots 40 and 43 and all of lots 44-56 of Edgewood Heights Section III with the stipulation that they not be signed until the information regarding covenant and restriction is completely filed in the County Records Office.

Mr. Bailey went on to say he has always felt you could limit the age of the residents of the housing without anything being recorded in the covenants and restrictions. The Indiana Code has no provision in regarding age in the sale or rental of housing. There is provision regarding national origin, religion, disability, color, familiar status, which is not per said age.

Mike Spencer said in his opinion people buying the property need to have notice. The best way for them to have notice is in the covenants and restrictions. That is where they would check.

Mike Spencer instructed the plat not be signed until the covenant and restrictions are recorded and the information entered, it could be done in one day.

David Sorokoty seconded. Motion carried 3-0.

Agreement for Sewer Line Replacement by Robinson Construction:

Mike Spencer has reviewed the contract and sees no problem with it. Rick Coppock stated it is the amount approved at the last meeting.

David Sorokoty made a motion to approve the agreement for sewer line replacement by Robinson Construction. Jerry Pittsford seconded. Motion carried 3-0.

NEW BUSINESS:

Community Access Television Station Presentation:

David Bucope Director of the Monroe County Library and Michael White, Director of Community Access Television Services

Mr. Bucope introduced himself and Mr. White. He said Community Access Television Services functions technically and legally as a department of the Monroe County Public Library. Presently it is a partnership with the Public Library, Insight Cable, City of Bloomington, and Monroe County Government. We would like to open dialogue with Ellettsville about including Ellettsville as one of those partners.

Congress recognized cable systems were being laid through out the United States in many places where there was no hope of the community ever having their own broadcast stations. They questioned how communities could make use of the cable. So congress passed legislation allowing the creation of community access television service and Bloomington is one of the communities that first took advantage of it. It started out 26 years ago. The then current mayor of Bloomington met with Bob Trinkle the director of the Public Library and said we have to do something to get people to use the community access television services. The city gave their first years entire cable franchise fee to the Monroe County Public Library to get it started. It has about \$3,000 the first year. They bought a VCR and a camera to help people learn how to produce tapes to be put on cable. The community quickly caught on to the benefit of this and it was not long until the money increased and community access television were expanded to include the coverage public meetings. It was discovered in the Bloomington community this was one of the ways to improve the relationship between the government and the people. It takes the information out to the people. When Monroe County government started collecting franchise fees we started to cover County Council meetings, County Commissioners meetings, County Plan Commission meetings and some of the other County meetings. We have expanded that to include the County School Boards. Mr. Colton thinks they are the first in the country to offer community access television on the Internet. It holds meetings for about 60 days that you can look at your own free will.

The cable in this are is not currently able to show your meetings live. When an agreement is reached for them to come this way your meetings can be shown live all over the world on the Internet. You can even hook up a telephone and they call and ask question. Now we would come in and record the meetings and set up a schedule to show your meeting at least 3 times.

Concerning the franchise fee when Bloomington was getting 3% we were getting 75% of the 3%. When it increased to 5% we received 50% of the 5%.

It would take 2 people to tape the meetings. The room would accommodate the camera.

The cable user pays franchise fees. The cable has to pay the Town for use of their right of way. This fee is passed on to the customer.

Channel 3 is the soapbox and is equivalent to letters to the editor. Channel 12 is now used to broadcast meetings. They are trying to expand to another channel.

David wants to do this when it is budgeted. Mr. Colton would like to get it started. He could like to work with us this year if the expense could be picked up next year.

The expense includes 2 people to come out set up and record the meeting, scheduling the meetings viewing time, adding the credits, and the broadcasting.

Ellettsville collected \$16,500 in franchise fees in 1999 at a 3% fee. The cost at 75% would be around \$12,000 annually or \$500 per meeting.

David Sorokoty said the Council would discuss it and get back to them as soon as possible. He is real anxious to get this set up. He feels it would be good for the people of Ellettsville to bring the government to them. The more people informed the better decisions and it would help the council.

Westbrook Downs Annexation Area Fiscal Plan:

Rick Coppock, Bynum Fanyo and Associates and Brian Colton, H J Umbaugh and Associates

Rick presented a map of the proposed annexation area. Working with the Town official they have prepared the fiscal plan for the area call the Westbrook Downs Annexation Area. The area to be annexed is approximately 174 acres. About 42% of the boundary of this area are adjacent and contiguous to the town present boundaries. Eastern Richland Sewer Corporation provides the sewer and the Town of Ellettsville provides the water. Some of the capitol improvements required will be paving the streets in Westbrook Downs, installing new street name signs, stop signs, and street lights. These are cost that would come out of the revenue generated by annexing this area. We have also looked at adding a police office and patrol car to increase the town capability to provide police protection to not only the town but also this additional area. The water customers are currently charged an out of town rate. Once they become town residents they would be charged the in town rate. That would decrease revenue approximately \$11,100 to the town water utility.

Brian Colton focused mainly on the revenue projection. The approximate property tax revenue would be \$69,000 using the 99 pay 2000 tax rate. There is about \$2.9 million assessed valuation in the area. The county option income tax, excise tax, gasoline tax, and cigarette tax will all increase according to the assessed value.

The police vehicle is considered on a two year lease with about a 6% interest on the loan.

The paving will be over a three-year period.

David Sorokoty asked if the income would increase over time. Brian replied there were several variables contributing to that information. It would depend on the tax rate and other projects going on in the area.

Jerry Pittsford asked about the police officer, we plan to add an officer in July would this be an additional officer or would it be the one we hire in July. Rick replied this would be an additional officer. Jerry asked about expanding the street department to provide services in this area. Rick said we could not add both and it was felt the need was greater in the police department at this time. Rick said the Motor Vehicle Highway money increase is not included in this fiscal plan. There could be enough income from that to increase the street department.

Jerry would like to have a street employee outlined in the plan. Rick said in the overall annexation there would be an increase in the street department. They would pick up a police officer on this annexation and a street department person with the next annexation. Jerry complemented the presentation of the fiscal plan. It was easy to read and understand.

David Sorokoty made the motion to accept Resolution 3-00 Resolution to adopt written fiscal plan to establish policy for the provisions and services to be annexed area Westbrook Downs's area. Jerry Pittsford seconded the motion. Motion carried 3-0.

Ordinance 00-3 an Ordinance Concerning the Annexation of Adjacent and Contiguous Territory of the Town of Ellettsville:

Westbrook Downs

David Sorokoty read by title Ordinance 00-3 an Ordinance concerning the annexation of the Westbrook Downs area, which is adjacent and contiguous territory to the town of Ellettsville.

Jerry Pittsford made the motion for the approval of Ordinance 00-3 for the first reading. David Sorokoty seconded. Motion carried 3-0.

Rick Coppock added the notice would be mailed to all the people affected by the annexation, which will include notice of the public hearing, a summary of the fiscal plan and maps of the proposed annexation. They will be sent by certified mail. The public hearing will be May 8th.

Ordinance 99-20 an Ordinance Concerning the Annexation of Adjacent and Contiguous Territory of the Town of Ellettsville:

Belcher/Coffee final adoption

David Sorokoty read by title Ordinance 99-20 an Ordinance Concerning the Annexation of Adjacent and Contiguous Territory of the Ellettsville Town Code. This is the second reading of the Belcher / Coffee annexation ordinance.

Rich Coppock

Rick pointed out the area on the map. The fiscal plan was previous approved. It is one acre. It is next to First Choice Self-Storage. It will not require any capitol improvement expense to the town. Any thing that happens to it will be at the expense of the developer. It is a voluntary annexation.

Jerry Pittsford moved for approval of Ordinance 99-20 an Ordinance Concerning Annexation of Adjacent and Contiguous Territory of the Ellettsville Town Code known as the Belcher / Coffee property. David Sorokoty seconded. Motion carried 3-0.

Exchange Club Request:

Darlyne Sowder, Secretary of Ellettsville Exchange Club announced their upcoming annual Quarters for kids drive in April. For the past several years they have had a roadblock at the traffic light. They do not stop the traffic they approach them when they are stopped for the light. They collect fund for the Quarter of Kids Campaign. It is used for prevention of child abuse and other things. They are requesting permission to do this Friday, April 28th in the afternoon with a rain date of May 5th. Both days are Fridays.

David Sorokoty made a motion to approve it. Jerry Pittsford seconded. Motion carried 3-0.

Ron McGlocklin asked them to wear orange vest while doing traffic stops.

Plan Commission Communication Tower Report:

Kevin Farris, President of the Ellettsville Plan Commission

Kevin asked the attorney if the Plan Commission could request a moratorium concerning communication towers. Mike Spencer replied it must be handled as an amendment to the zoning code, which requires a public hearing with notice they are considering a moratorium and allow the public to come. It requires a notice be published in the newspaper at least 10 days prior to the hearing. After the hearing they can present a proposed ordinance requesting a moratorium to the council.

Rick Coppock said he spoke to Steve Paulley the agent for GTE who want to build the tower. They want to be a good neighbor and work with the town. They were not trying to slide something in. They just started the process by applying for a building permit.

Ordinance 00-4 an Ordinance to amend the Ellettsville Town Code by amending Chapter 255 Concerning the Town of Ellettsville Personnel Policy:

Geraldine announced this ordinance was not on the agenda but is being placed on the agenda. David Sorokoty read the title at shown above.

Jim Davis

Jim stated one of the goals of the fire department this year is to clean up some of the structure of the fire department and get some accountability on different shifts when Mike Cornman or myself are not on duty. One of the firemen approached Jim with the idea of better coverage by changing two of the 40 hour per week firemen into 24-48 shift firemen. Jim felt it was a good idea. He also wanted to capitalize on the opportunity to redo the job descriptions they have had for several years. Jim gave some history on fire department structure. In 1971 the chief of the department was elected by the volunteer fire department. Prior to 1970 there was only a volunteer fire department. In late 1971 they hired 3 people. The chief was still elected by the volunteers with the approval of the council. In the 80's they developed a deputy chief position which was also appointed by the council. We did have captains and lieutenants elected by the volunteers, never appointed by the council. Never any pay structure from the council for these officers. The volunteer corporation paid them. For the past several years there have been no volunteer officers. The trend seems to have been more toward the paid personnel since they are there on a regular basis. Therefore we added some positions and ranks with job descriptions. Mike Cornman put together flow chart and job descriptions and showed the membership of paid staff for approval. They made a few changes and we forwarded it to Mike Spencer. He

made some changes. The paid personnel reviewed the revised proposal. The proposal remains the same for the chief, deputy-chief, and division-chief. We will have a captain, one lieutenant, and one sargent. In the budget for 2001 we would like to add a pay increase for these position. The highest would be \$1000 for the captain, \$500 for the lieutenant and \$250 for the sargent.

David Sorokoty made a motion for the first reading of Ordinance 00-4. Jerry Pittsford seconded. Bill Carter stated he concurred with the chief it has been long due coming and they do appreciate the council possible recognizing this ordinance if it takes place. Motion carried 3-0 on the first reading.

SUPERVISORS:

Ron McGlocklin

Ron requested a policy for police chaplain. Mike Spencer has reviewed and made changes to the policy. This extends the standard operating procedure to cover the chaplain. Mike Hendricks is the Police Chaplain. He has taken training at the Police Academy. Mike Spencer gave his verbal approval.

David Sorokoty made a motion to accept the police change. Motion carried 3-0.

Mike Farmer

Mike announced there would be flow testing on Smith Pike the next day, February 29th, 2000. He also presented the council with a request for comp time for the utility employees. He brought it up about a year ago and it was voted down. His employees asked him to bring it up again. He proposes a change in the personnel or at least permission to allow his employees to get comp time. They have asked for several times. Some of the reason it would be a good idea are it would be allowed inlieu of payment for overtime worked and it would be accumulated at the same rate as pay. No more than 40 hours could be accumulated at one time Comp time could not be taken without proper notification. He suggest it be used it 4 or 8 hours increments. It is a benefit to the employee. It allows for more time off to regain personal time lost to their families, recreations and any other activity that would accrue after work hours. We ask our people time and time again to work extra hours. They come out in the middle of the night. When we have emergencies we ask them to come in and forget about their personal lives. Sometime comp time allows them that time back. Sometimes we could use it on rain days. That helps the town out. The town only gives one week of vacation the first year. This is a disadvantage to draw good employees. Mike is a firm believer in getting the work done but he also feels it is good to have time with their families when it is possible. This would save money when work is slow and we could allow them time off. The supervisors would give approval of comp time to be taken.

David said he and John will be getting together to discuss the personnel policy. They will look this over and report back to the other council members with a recommendation.

Sandra Hash

Sandra informed the council of Pat Mitchell's resignation from the Plan Commission.

Jerry Pittsford

Jerry thanked Bill Land for meeting with him and sharing information.

Geraldine McIntyre

Geraldine announced Don Ashley, former council member, is recuperating at home from a recent extensive surgery.

ADJOURNMENT:

Jerry Pittsford made the motion to adjourn. David Sorokoty seconded. Motion passed 3-0. Meeting adjourned at 9:20 PM.

Geraldine McIntyre, President

Gina Hawkins, Vice President

John Dailey

Jerry Pittsford

David Sorokoty

Sandra C. Hash, Clerk-Treasurer