

## January 23, 2012

The Ellettsville, Indiana, Town Council met for a Regular Meeting on Monday, January 23, 2012, at the Fire Department Training and Conference Room. David Drake called the meeting to order at 7:00 p.m. Dan Swafford led the Pledge of Allegiance followed by a prayer led by Phillip Smith.

**Roll Call:** Members present were Scott Oldham, President; Dan Swafford, Vice President; Dianna Bastin; David Drake and Phillip Smith. Sandra Hash, Clerk-Treasurer; Darla Brown, Town Attorney, and Rick Coppock, Bynum Fanyo, Town Engineer, were also present.

**Supervisors Present were:** Jim Davis, Jim Ragle, Tony Bowlen, Connie Griffin, Mike Farmer and Jeff Farmer.

### Approval of Minutes

Scott Oldham entertained a motion for the approval of the minutes for the regular meeting on January 9, 2012. David Drake so moved. Dan Swafford seconded. Motion carried.

### Accounts Payable Vouchers

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

### Appointments

**Scott Oldham** – There is still an opening on the Board of Zoning Appeals (“BZA”). Sandra Hash advised no one had come forward to serve on the BZA. Mr. Oldham asked if anyone in the audience wanted to serve on the BZA. There was no response.

The Parks and Recreation Board has one vacancy which is appointed by the President. There are three people who are interested. They will schedule an appointment to talk to each of the people individually.

A vacancy remains on the Plan Commission. An individual, who is very well suited for this, has come forward and he is Russ Ryle. According to the statute, as it applies to Republican, Democrat or Independent, Mr. Ryle is qualified. Darla Brown, Town Attorney, advised the statute states, “*The municipal legislative body shall appoint three persons from the government and four citizens of whom no more than two may be of the same of the political party.*” It doesn’t state they have to be two Republicans or two Democrats. No more than two can be from the same political party and that could also be independent or libertarian. Mr. Oldham asked Mr. Ryle if he still wanted to serve on the Plan Commission. Mr. Ryle replied he did. Mr. Oldham appointed Mr. Ryle to the Plan Commission.

### Resolutions

#### Resolution 03-2012 Fiscal Plan for Annexation of Richards Small Engines

**Connie Griffin, Director of Planning** – Richard Gieselman is present to continue the annexation request. The annexation is for Richard’s Small Engines and Alfred Purdie located at 8273 West State Road 46 and 8201 West State Road 46. Petitioners are requesting Commercial 3 zoning classifications for both parcels. The Plan Commission heard the annexation petition on January 12, 2012 and granted a favorable recommendation to come before the Town Council. The Plan Commission has reviewed the fiscal plan. The fiscal plan showing the home of Alfred Purdie and Richard’s Small Engines was presented to Town Council. Dianna Bastin asked if it was the house that faced S.R. 46 in front of Richard’s Small Engines. Ms. Griffin replied that was correct. The legal acreage of Richard’s Small Engines is 11.41 and the Purdie lot is 2.51 acres. The annexed area is 54% contiguous to the Town of Ellettsville with the contiguity areas being Jerry Abbott to the east and Chapel Hill Wilderness Area to the north. They have requested any information or concerns from Town Council by email on March 23, 2011. The Plan Commission as well as the Town Marshal expressed some concern regarding the installation of a passing blister as the business continues to grow resulting in more traffic. Some discussions occurred

with the Indiana Department of Transportation (“INDOT”) and the Street Department. The Street Department conducted a seven day study of ingress and egress traffic patterns at the location. INDOT has inspected the site. INDOT is requiring a passing blister and it will be installed pursuant to INDOT standards. Mr. Gieselman has agreed to the passing blister. An agreement form has been developed for Town Council if they decide to proceed with the annexation. At the Plan Commission meeting, Mr. Gieselman requested a time frame be placed in the agreement. The Town Attorney has reviewed the agreement. The Petitioner will be replacing 15 white pines that had died due to drought conditions and they will add 27 white pines.

Scott Oldham entertained a motion to approve Resolution 03-2012 Fiscal Plan for Annexation of Richard’s Small Engines. Phillip Smith so moved. David Drake seconded. Roll Call Vote: Scott Oldham – yes; Dan Swafford – yes; Dianna Bastin – yes; David Drake – yes and Phillip Smith – yes. Motion carried 5-0.

### **Ordinances on First Reading**

**Ordinance 2012-08 to Annex Richard’s Small Engines/Alfred Purdie, 8273 West State Road 46 and 8201 W. State Road 46, Ellettsville, IN. Petitioners, Richard and Jennifer Gieselman, Kevin Potter, representing engineer, Monroe County Parcel Numbers: 0071852007, 53-04-05-100-006.000-011 and 0071852005, 53-04-05-100-008.000-011. Petitioner is requesting a Commercial 3 zoning classification for both parcels.**

**Phillip Smith** – This will be a great addition to Ellettsville.

### **Ordinances on Second Reading**

**Ordinance 2012-04 to amend the Town Personnel Policy Handbook regarding the Drug and Alcohol Policy**

**Darla Brown, Town Attorney** – There were some changes made to the Ordinances before the last meeting. Specifically the changes were made to Section 36.068, Post Accident, Return to Duty and Follow-Up Testing and Section 36.069, Reasonable Suspicion Testing.

Scott Oldham entertained a motion to approve Ordinance 2012-04 to amend the Town Personnel Policy Handbook regarding the Drug and Alcohol Policy as amended. David Drake made a motion to adopt Ordinance 2012-04 as amended. Dianna Bastin seconded. Roll Call Vote: Scott Oldham – yes; Dan Swafford – yes; Dianna Bastin – yes; David Drake – yes and Phillip Smith – yes. Motion carried 5-0.

**Ordinance 2012-06 to Amend the Town Personnel Policy Handbook Regarding Use of Town Property**

**Darla Brown, Town Attorney** – There were some changes at the last Town Council meeting specifically regarding §36.136, Use of Town Property, Use of Cell Phones. A sentence was added based on a comment. It states, “*The Marshal and Fire Chief shall determine the appropriate times for police officers and firefighters to use their personal cell phones.*” The reason being is they don’t work 8:00 to 5:00 shifts and have down time some days and not others. A suggestion was made that it would be better for the Marshal and Fire Chief to determine for those employees the appropriate time to use their cell phones.

In §36.136(F), based on an email she received, she changed it slightly to read “*Accordingly, employees shall not use cellular or mobile phones if such conduct is prohibited by law, regulation, or other ordinance.*” Right now you cannot text under Indiana law which is something new the legislature added last year. There is no prohibition against using cell phones. The prior sentence stated “*Employees shall not use their cell phones while driving.*” This has been changed to read as “*Employees should, if at all possible, refrain from using hand held cellular or mobile phones for business purposes while driving . . . should attempt to locate a lawfully designated area . . . use hands-free cellular or mobile phones . . . whenever possible.*” This is to discourage the use of cell phones while driving but not necessarily to say an employee can never under any circumstances use the cell phone while driving. There may be a

time when an employee would have to use a cell phone. Likewise, the final sentence states *“This policy shall not apply to the Town’s police officers, who may use Mobile Data Terminals and department issued cell phones while in their squad cars.”*

**Scott Oldham** – Asked Fire Chief Jim Davis if it should also exempt the Fire Department as well because of future plans to equip the engines with Mobile Data Terminals. Chief Davis replied the Fire Department did not have any plans to buy Mobile Data Terminals.

**Russ Ryle** – Asked if it would be cleaner to go ahead and exempt the Fire Department and then they wouldn’t have to revisit the issue. Mr. Oldham replied if the Chief is unconcerned about it he doesn’t know if it is currently an issue. The issue can be revisited more often than in the past and they can make an adjustment at that point.

Scott Oldham entertained a motion to approve Ordinance 2012-06 to amend the Town Personnel Policy Handbook regarding the Use of Town Property as amended. Dianna Bastin made a motion to adopt Ordinance 2012-06 to amend the Town Personnel Policy regarding Use of Town Property as amended. Dan Swafford seconded. Roll Call Vote: Scott Oldham – yes; Dan Swafford – yes; Dianna Bastin – yes; David Drake – yes and Phillip Smith – yes. Motion carried 5-0.

## **Old Business**

### **Flood Insurance**

**Sandra Hash** – They received the information on the flood insurance and she forwarded it to Town Council by email. It’s an additional \$14,368. In her email she explained the Town has been through a few floods and the buildings affected have taken precautions to avoid property damage. There has never been any structural damage to the buildings that she is aware of. The Street Department keeps everything elevated and the Utilities building has offices upstairs. It will be difficult for the Town to come up with the additional \$14,368.

**Dianna Bastin** – Reviewed the email and thought it was a lot of money. She knows the offices are upstairs but there is some equipment downstairs in all the buildings Ms. Hash mentioned. She doesn’t know what the answer is and will go along with whatever the Council wants to do. She hates for the Town Council not to have any insurance for some of the stuff.

**Dan Swafford** – Asked if the Town has never had any flood insurance. Ms. Hash replied no. Scott Oldham asked why the Street Department would be insured for contents only. Ms. Hash responded the Town no longer owns the building, it is leased from the Township.

**Dianna Bastin** – The supervisors know what’s in the buildings, what they would lose in a flood and what kind of damage they would sustain. Even if the supervisors have a different opinion than her, she would welcome their input.

**Sandra Hash** – The policy has a \$1,000 deductible. Ms. Brown commented if the deductible is raised it would make a difference. She will contact Paul May for a quote on a higher deductible amount. Scott Oldham asked if the Police and Fire Departments are not doing this because they aren’t in a floodplain. Ms. Hash replied that is correct. Mr. Swafford asked if there is a \$1,000 deductible or if she’s going to check on it. Ms. Brown responded according to the email, the quotes are based on an assumption of a \$1,000 deductible.

**Dianna Bastin** – She’s the Utilities’ liaison and is inviting their managers to let her know what they think of the insurance.

**Scott Oldham** – He thinks Ms. Hash is correct about whether they are insuring the building or the contents and are the contents and buildings truly at risk. Mr. Swafford said he agrees and thinks this needs to be tabled so they can investigate further.

Dan Swafford made a motion to table the Old Business on the flood insurance. Dianna Bastin seconded. Roll Call Vote: Scott Oldham – yes; Dan Swafford – yes; Dianna Bastin – yes; David Drake – yes and Phillip Smith – yes. Motion carried 5-0.

**Scott Oldham** – Requested the supervisors give their input on the buildings and contents and what is truly at risk.

## **New Business**

### **Plan Commission Request for Attorney Attendance at all Plan Commission meetings**

**Dan Swafford** – He is requesting that the Town Attorney be present during the Plan Commission meetings. As they've been getting further and deeper in investigating and with the Town's growth there have been a lot of questions. A lot of things come to the Town Council but there are some that stay at the planning level that sometimes require legal advice. It would be nice to have legal representation at the meetings, and it would also help the Planning Director.

**Dianna Bastin** – She has concerns. This is a timely matter that bears research. They have a contract with Darla Brown so they would be adding a duty. If they wait until budget time and bring this up they should do the research. Rarely is the attorney asked a question she can give a spot-on answer unless she has had a hint that she needs to research the law. The Planning Department is growing and she thinks they need to look into this but it needs to come up at budget time. In the meantime, she doesn't want to look cheap but this costs money. It's money and another meeting. They need to look at it. She understands where it's coming from and doesn't think it's a bad suggestion. She doesn't think this is the time. The Town Attorney may have some ideas or maybe they want to take on a second legal person in the Town.

**Scott Oldham** – Asked Darla Brown if she would foresee a conflict working for the Town Council as opposed to the Plan Commission. Darla Brown replied this is what the Town Council needs to think about.

**Darla Brown, Town Attorney** - She thinks there would be advantages and disadvantages for her serving as the Plan Commission's attorney. The advantage would be if she's the Town Council attorney and she's responsible for doing an appeal, responding to a declaratory judgment action or doing an ordinance enforcement or injunction on something that originated at the Plan Commission. It would be helpful if she was involved in the beginning. The disadvantage is a potential conflict does exist. The attorney general did an opinion on this in 1978 and specifically talked about county attorneys serving multiple government units and she thinks it would apply in this case. The opinion of the legal ethics subcommittee was that a county attorney or members of his firm may represent multiple government units provided certain conditions are cannonfied and that's when certain conflicts are met and satisfied. The county attorney must make a full disclosure and obtain consent of the affected government unit. If the Town Council and Plan Commission agree and everyone understands there is a potential for conflict and they waive that, then there's no problem. There is a potential for conflict because the Town Council's opinion on things may very well be different from the Plan Commission. The Town Council's duties are different and the Plan Commission's are very narrow and limited by statute. A situation could arise where the Plan Commission wants her to take one course of action and then it comes to the Town Council level and they want her to take another.

**Dan Swafford** – Asked if the Plan Commission wants her to do something different from the Town Council wouldn't she be representing the Town Council at their meetings. Mr. Oldham stated the problem he would see is the Plan Commission voting one way and the Town Council voting another and Ms. Brown would be caught in the middle. Mr. Swafford understands this but doesn't think it would be any different than he and Phillip Smith who also sit on both the Plan Commission and Town Council. He wears a Plan Commission hat and a Town Council hat. Mr. Oldham said Mr. Swafford's also an elected official which gives him some qualified immunity where Ms. Brown doesn't enjoy the same. The Town Attorney may have a conflict of interest trying to serve both boards.

**Darla Brown** – There may be an issue when the Plan Commission wants her to go one direction and then it gets to the Town Council level and then some of the council members tell her to go the other direction. If someone on the Plan Commission asks

her a question, she always tries to tell what she thinks the law is and whether or not you can do something. A lot of times on various subjects, the issue is it can be done but as a matter of policy do they want to do it. There may be times she would spend a lot of time on something for the Plan Commission then it gets to Town Council and they want to go a different direction. How often would this come up? She doesn't know but there's the potential for it to come up. Mr. Swafford stated he would like to try and avoid there being a special need and try to bring her in on different occasions no matter what the agenda is. Does Bloomington have a separate attorney for the planning commission and council? Ms. Brown replied she doesn't know about Bloomington but in Monroe County the attorneys divide the work. Someone represents the commissioners and someone represents the council. Mr. Swafford said he thinks they're not at the level to hire another attorney. Ms. Brown stated she thinks that's why the attorney general addressed this because there are some issues about budgets in smaller towns. If everybody understands there is the potential for conflict that would also be her concern as an attorney.

**Dianna Bastin** – Asked if the Planning Department has money in their budget for this. Ms. Hash replied the Planning Department does not have a budget for this.

**Scott Oldham** – Asked if this is akin to a council's attorney and clerk's attorney because they've had this discussion in this past. Mr. Swafford said he's a Planning Commissioner and he could say this is also his problem and he's also a councilman. Which side would she have to listen to? There is no difference because they do the same thing. Ms. Brown said this is something they need to think about. Mr. Swafford said Ms. Bastin had a good idea and maybe this needs to be addressed at budget time. Ms. Bastin said there are plenty of times when either Connie Griffin, Dan Swafford, Phillip Smith or herself have a need to contact the attorney. Maybe somebody could keep track of the legal expenses then they would know how much to fund in the budget if they did decide to do so. The Planning Department is growing and she does see the need for it. She's uncertain if she wants it to be the Town Council attorney. Ms. Brown commented she thinks representing the BZA and the Plan Commission would not be as big of a potential problem as trying to represent the Plan Commission and the Town Council. The powers and concerns are different. She's not saying there would be a problem she's just saying the potential is there and everybody has to understand what they're signing on for if they want one attorney to do both jobs.

**David Drake** – He's not going to say it's something that may not be necessary. For him, it's a matter of priorities. They have a scarce amount of limited legal resources and the Town can't afford to hire an additional attorney. He doesn't know if it would be fair to add more duties after Ms. Brown's contract was just renewed without further discussion. It's definitely something to be discussed and considered but he doesn't think they're anywhere close to make a decision to do so at this time.

**Dan Swafford** – He doesn't think he expected a decision he just wanted to bring it up for discussion so it's kept in the back of everyone's mind. As the Town grows and things get more complicated they are eventually going to need counsel.

**Russ Ryle** – Any time he sees the word "all" on something he starts to cringe. It's a blanket disclaimer. He thinks the Planning Department staff, at times, needs the advise of counsel outside the meeting more than in the meeting. There may be times when something is going to be on the meeting agenda that could obviously require the presence of counsel. It's access to counsel that's needed more by Planning than just to have someone show up at the meeting. The other thing to remember is the Plan Commission works for the Town. If you look at its authority it's very limited and the final decision is with the Town Council. Since the Plan Commission isn't an autonomous body with its own budgets, authority and revenue strain, he is personally a little less concerned with the conflict, although he appreciates what Ms. Brown is saying.

## **Supervisor's Comments**

**Fire Chief Jim Davis** – In 2010, they hired four part-time firefighters. They brought those firefighters up to their first raise which was a 50¢ an hour raise approximately six

months ago. He is requesting that those firefighters be raised to the maximum rate which is \$10.00 an hour which is the same as what the rest of the part-time firefighters earn. Their names are Tyler Andis, Tania Daffron, Randy Roudebush and Charles Belden. Scott Oldham asked if the raises are covered in the budget. Chief Davis responded they are in the budget. Dan Swafford asked if the raises were also in the policy. Chief Davis replied yes, just as he read it. David Drake asked if three of the firefighters are full time and well qualified for the position. Chief Davis responded that was correct. Dianna Bastin commented all four are beyond qualified.

Scott Oldham entertained a motion. Dianna Bastin made a motion to raise the Tyler Andis, Tania Daffron, Randy Roudebush and Charles Belden up to \$10.00 an hour for full pay. David Drake seconded. Roll Call Vote: Scott Oldham – yes; Dan Swafford – yes; Dianna Bastin – yes; David Drake – yes and Phillip Smith – yes. Motion carried 5-0.

**Jeff Farmer, Ellettsville Utilities** – They are trying to move forward on their equipment and vehicle replacement. A couple of years ago when they did their rate increase they had all of their vehicles listed as line items. They put some money back in the budget over the last couple of years. Last year they purchased the meter reading Jeep to replace the old one. They want to move forward on taking some bids on a service truck and some other equipment such as a back hoe. Outside of the Jeep the newest piece of equipment is a 1999. They have a service truck they're going to get specs on, send it out to bid and bring those numbers to the Town Council. They'll be sending emails showing how they plan on paying for the pieces of equipment and where it's in the budget.

**Dan Swafford** – His biggest concern is the backhoe which is quite a sizable price. How much will a new backhoe cost? Mr. Farmer replied a new backhoe will cost anywhere from \$100,000 to \$110,000. Mr. Swafford asked how old the backhoe is they currently have. Mike Farmer answered it's a 1997 or 1998. Mr. Swafford asked what the biggest problem is with the current backhoe. Jeff Farmer answered the age of it. When it stops and the booms swing another 1½ feet, it's time to replace it before someone gets injured. They live out their lives. They've used the backhoe to do a lot of line replacement and it's something that's been put in the budget as well as the rate study they did. When they start talking about 15 years, do they want to wait another ten years? If they've faulted at anything, their guys do a really good job of taking care of their equipment. Most of it is housed indoors. It's time to move forward and start replacing equipment. Mr. Swafford stated he would like to see an estimate on what it would cost to fix the existing backhoe compared to a new one. He asked Mr. Farmer to get an estimate for repairing the backhoe. Mr. Farmer stated their plans are to get one back up to today's standards, if they can, instead of replacing both of them. Mr. Swafford asked how old the other backhoe is. Mr. Farmer replied one is a 1997 and one is a 1998. More than age is hours and he can't recall the hours at this time. As they move forward and before they buy anything, they'll bring it before the Town Council for approval. Mr. Swafford said some of the other departments have older equipment than that. Maybe they can do some shuffling around. He'll appreciate it if Mr. Farmer will provide them with an estimate for repairs.

**Scott Oldham** – He agrees with Mr. Swafford in some regards. At least one of them can be brought up to standards. For both of them to be repaired is throwing good money after bad because eventually they know they're going to have to replace them. He doesn't want to get to the point where they have four or five major pieces of equipment that have to be replaced at the same time because they can't be repaired. Instead of \$100,000 they would then have a \$700,000 bill. He thinks capital replacement slowly over time is probably much less expensive than continued patches and repairs. He reiterated he does think they need to look at capital replacement and whether it's something for Utilities, the Fire Department or for something that may be a major cost to the Town.

**Dan Swafford** – The Utilities Department already has a capital replacement fund established. The fund will be there and added to whether a new one is purchased now or five years from now. Will the money still be in that fund? Mr. Farmer replied that

is correct. Mr. Oldham commented the equipment won't be as cheap five years from now as it is today. Mr. Farmer stated the fund can be used for anything in Utilities. As things increased the money wasn't always there. That's why they have 10+ years on every piece of equipment they own. Mr. Swafford thinks it was a great idea when Umbaugh pitched that to them when the study was done. He's glad to see the capital replacement fund. He thinks Mr. Oldham's correct that this needs to be established throughout the Town but, unfortunately, they don't have money to put aside.

**Dianna Bastin** – Asked Mr. Farmer if what they're doing at this meeting is notifying the Town Council that they're going to start shopping. Mr. Farmer said they have to follow the state guidelines on purchasing. They'll take bids, present them to the Town Council and show why they think the equipment should be replaced. It will be the Town Council's decision. They will continue to use the same equipment they have if the Town Council says no and the money can build in the account. Mr. Swafford commented he appreciates that and the only thing he is asking for is the cost to repair the equipment. Ms. Bastin had occasion to take Christmas decorations down to store and she can testify to the repairs. The box wasn't that big. The backhoe was sitting in there and they were working on equipment. So, they are maintaining it. It was interesting. Mr. Farmer commented what they're noticing is they're making \$5,000 repairs to dump trucks that are 18 to 20 years old. They think there's a point where they're throwing good money after bad. In addition, in their line of work if they're trying to repair a 10" or 12" main break they want reliable equipment because they're talking about fire protection and taking care of the Town. They think they've done a real good job of keeping the equipment. When he starts watching booms swing out it becomes dangerous and endangers workers, the people who mean the most to them. He thinks he knows when it's time to replace a backhoe. Mr. Swafford said he's not questioning his judgment, he's just asking for a price on the repairs so he can make an educational decision. Mr. Farmer stated he will get the estimate.

**Sandra Hash** – At the last Town Council meeting, Dan Swafford asked if reductions in appropriations would create a balanced budget. She prepared a worksheet for their review. Chief Davis had asked why on the revenue she had subtracted out the 2010 revenue received in 2011. In January 2011 they received the final payment of property tax that should have been received in December 2010. In her opinion, to have a balanced budget you look at the revenue that you should get in the current year versus the expenditures for that year. There are cash balances and the budget is not in the negative anywhere. A balanced budget is when you have enough revenue to cover all of your expenses in the current year. Dan Swafford asked about the police debt service. Ms. Hash replied the expense is more than the revenue because when the police facility was built they did not spend \$250,000 of their \$2,000,000. They had a year to spend the bond proceeds. The remainder was held in a trust to be used as a benefit to the taxpayers. The benefit was to pay the interest on the bonds until the funds in the trust were depleted. This built up the cash balance in the Debt fund. In 2011 the tax was reduced and the payment was paid from the cash balance. Another example is the Cumulative Capital Development Fund (CCD). The fund had built up a cash balance and a few years ago there were expenses moved into it from the General Fund and maybe MVH. Any computer related expenses were shifted to the CCD creating a bigger demand on the fund. This was a temporary change and the spreadsheet shows the Town is using up its cash balance. In a couple more years, they'll have to transfer some of those items back into the General fund. Scott Oldham added there were several onetime purchases from that fund this year that will not be recurring.

## **Privilege of the Floor**

**Robert Pettijohn, Ellettsville Boys and Girls Club** – They are kicking off their Big Hearts campaign which runs from January until April. They are requesting permission to have signs in front of the Boys & Girls Club that recognize the folks who pledge money. Last year they put out signs. They had sent a request to Connie Griffin for much more than what they're allowed. Ms. Griffin had asked that they come before the Town Council and request permission to put up the signs. He asked Connie Griffin how many signs they want to put up for the campaign. Ms. Griffin replied it is 75 yard signs and one 4 x 8 sign.

**Scott Oldham** – Asked if they are requesting an exemption. Mr. Pettijohn replied they’re seeking permission to put the signs in front of the Boys and Girls Club along the highway.

**Dan Swafford** – Asked if the signs are put on the fence. Mr. Pettijohn responded they put them in the grassy area along the sidewalk. Mr. Oldham asked if the signs will be put in the Town’s right-of-way. Mr. Pettijohn replied yes, as traffic traveling east can see the signs. He’s uncertain if it’s in the Town’s right-of-way.

**Connie Griffin** – If it’s behind the utility poles then it is out of INDOT’s right-of-way. But, if the signs are located about 50 feet from center then they could possibly be in INDOT’s right-of-way. Last year the Town granted them permission to put up the signs. She could follow-up with Tony Moore of the INDOT Seymour office to see if he would have a problem with the signs being in their right-of-way. Mr. Swafford commented they need to make sure the signs do not block drivers’ vision. Ms. Griffin stated visual clutter is in the sign code and this does deviate from the Town Code. She’ll work with Mr. Pettijohn and contact INDOT tomorrow. At this meeting, if the Town Council and INDOT don’t have a problem with the signs would it be alright to sign the permit and allow this? Darla Brown asked when Mr. Pettijohn would need an answer. Mr. Pettijohn replied the Boys and Girls Club meet on January 31<sup>st</sup>.

Scott Oldham entertained a motion to grant the exemption from the sign ordinance for the temporary signs for the Boys and Girls Club program. David Drake made a motion to grant the exemption from the sign ordinance for the temporary signs for the Boys and Girls Club program. Phillip Smith seconded. Roll Call Vote: Scott Oldham – yes; Dan Swafford – yes; Dianna Bastin – yes; David Drake – yes and Phillip Smith – yes. Motion carried 5-0.

**Scott Oldham** – The Town Council received a letter from the Monroe Election Board requesting permission to use the conference room at the Ellettsville Fire Department for a poling place during the 2012 primary election on Tuesday, May 8, 2012 for Richland 1 and Richland 8. Permission was granted.

**Adjournment**

Dan Swafford made a motion to adjourn. Dianna Bastin seconded. Motion carried. Scott Oldham adjourned the meeting at 7:54 p.m.

\_\_\_\_\_  
Scott Oldham, President

\_\_\_\_\_  
Dan Swafford, Vice-President

\_\_\_\_\_  
Dianna S. Bastin

\_\_\_\_\_  
Phillip Smith

\_\_\_\_\_  
David Drake

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