

January 25, 1999

The Ellettsville, Indiana, Town Council met in regular session at 7:30 p.m., Monday, January 25, 1999. Members present were Michael Cornman, President, Geraldine McIntyre, Vice President, Donald Ashley, Patrick Stoffers and Gina Hawkins. Mr. Cornman called the meeting to order. Donald Ashley gave the prayer, which was followed by the Pledge of Allegiance.

COMMENTS:

None

MINUTES AND CLAIMS:

Mike Cornman asked is there a motion to approve the minutes and claims? Donald Ashley so moved. Geraldine McIntyre seconded. Motion passed 4-0.

OLD BUSINESS:

PAY FOR PLAN COMMISSION:

Mike Cornman said is that for the Clerk-Treasurer? Mike Spencer said he checked the Clerk-Treasurer and that is fine. Mike Cornman said we approved the Plan Commission members last time. Diana said right, but you didn't approve her because it had to be checked and he said it is okay.

Mike Cornman said he recommends to the Council that we approve pay for the Clerk-Treasure who sets on the Plan Commission to -----. Donald Ashley so moved. Geraldine McIntyre seconded. Motion passed 4-0.

NEW BUSINESS:

ORDINANCE 99-1: AN ORDINANCE TO AMEND VARIOUS SECTIONS OF
816, 817, AND 818 OF THE ELLETTSVILLE TOWN CODE
CONCERNING SIDE YARD AREA, LOT WIDTH, AND
INTENSITY OF USE:

Mike Cornman read by title only.

Donald Ashley said what we a basically doing is we are changing the setbacks. A one story house is 10 foot now and so is a 2-story house. They are asking for a 12 foot set back for a 2 story house, to get the house farther away because of fire regulations more than anything else. 10 feet doesn't seem like it is far enough for us and you get a 2-story house on fire you have got a problem. They thought you need a little bit ---- set back for 2-story house. With the houses they are building today getting larger and larger and being more square footage all the time they felt like they needed to increase the size of the lot for 70 by 120 to 80 by 120. Also they now require that whenever a contractor starts a new addition or builds a new addition that he has enough space for 2 automobiles, a drive way that large so he has to have a 2 car driveway.

Mike Cornman recommended to the Council that we submit Ordinance 99-1 for first reading. Geraldine McIntyre so moved. Donald Ashley seconded. Mike Cornman asked is there any questions.

Melvin Sutherlen asked if they are going on square footage on the lots? You just have distances. Donald Ashley said yes that the square footage would increase accordingly. Rick Coppock said 9,600 square feet. Motion passed 3-1, Patrick Stoffers voted nay.

PROCLAMATION FOR THE VFW:

Jim Arnold said he came before them today to ask if the town would like to sign the VFW 100th Anniversary Proclamation. The Mayor of Bloomington signed it last week for 604. Mr. Arnold read the Proclamation.

Mike Cornman made the motion that we authorize the signature for this Proclamation. Donald Ashley seconded. Motion passed 4-0.

Mr. Arnold said the exact date for the 100th anniversary is September 29th. He said he just got this in and it is from the National Headquarters of Veterans of Foreign Wars in Kansas City Missouri. It says they are pleased to notify you (which is Mr. Arnold)) as commander of the Ellettsville VFW, that you are appointed as AD ----- for 1999 administrative year. There was only 2 members of VFW in 7th District that got this award, himself and Mike Lankford from Clay City.

The Council said that is great.

Jim said he was notified Sunday that he won a trip to Washington DC for the national convention, Feb. 26th through March 3rd. He discussed this more with the Council.

APPOINTMENT OF GRIEVANCE OFFICER:

Mike Cornman said appointment of grievance officer is one thing we failed to do at the last meeting. A Grievance Officer is part of our Personnel Policy. He wants to recommend that we appoint Pat Stoffers as the Grievance Officer. Geraldine McIntyre so moved. Donald Ashley seconded. Motion passed 3-1, Pat abstained.

IDEM GRANT APPROVAL:

Mike Spencer said he has made significant changes to it and he thinks there is potentially a problem as to who owns the data material. He went over this with the Council.

Mike Cornman said he spoke with Brett Winegar at IDEM water section and he said it made no difference because everybody is going to have the information anyway so.

Mike Spencer said according to this they own utility pay and once you pay it goes wherever it goes.

Mike Cornman said this is combination pollution and flood study where we annualize our storm water run off, where it is coming from and what is in it. This is a matching grant he thinks it was \$70,000 and the matching part we will do with in kind services from our Street Department mainly and he thinks the Utilities Department a little bit milked of it as the Street Department. They are going to have catch basins in town, analyze the water and try to determine where it is coming from and why is it coming the way. This is the first step in our water improvement which will be a requirement in the next couple of years be a Federal Law. We are not necessarily a head of the game but we are right in step by getting this first ----- . This was presented to us in November.

Geraldine McIntyre said on the attorney saying the contract should be okay she makes a motion that we accept the IDEM grant approval. Donald Ashley seconded. Motion passed 4-0.

AGREEMENT WITH COMMONWEALTH BIO MONITORING, INC.,
STEVE CHAFIN:

Mike Cornman said Steve Chafin is the person who will be administrating the grant and doing a lot of the work with the catch basins. That is what Mike (Spencer) had a question on, who owned the data. They made significant changes on Commonwealth Bio Monitoring and it is all tied in with IDEM grant.

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Mike Cornman recommends we approve the agreement with Commonwealth Bio Monitoring, Inc. Geraldine McIntyre so moved. Donald Ashley seconded. Motion passed 4-0.

ADDITION TO THE AGENDA:

Mike Cornman said he wants to add Ordinance 99-3 to the agenda, which will be an amendment to the salary ordinance. Is there a motion to do so? Geraldine McIntyre so moved. Patrick Stoffers seconded. Motion passed 4-0.

ORDINANCE 99-3: TO AMEND ORDINANCE 98-33 FIXING OF SALARIES
BUDGET YEAR 1999:

Mike Cornman read Ordinance 99-3.

Donald Ashley moved that Ordinance 99-3 be submitted for first reading. Geraldine McIntyre so moved. Motion passed 4-0.

Donald Ashley moved that Ordinance 99-3 be adopted on the same day at which it is introduced. Geraldine McIntyre so moved. Motion passed 4-0.

Donald Ashley moved that Ordinance 99-3 be adopted. Geraldine McIntyre so moved. Motion passed 4-0.

UTILITY DEPARTMENT APPOINTMENTS:

Mike Cornman said under Mike Farmers recommendation that they appoint Jason Brown and Tim Vaught who are currently the temporary full time employees to the regular full time employee positions. Is there a motion to that effect? Geraldine McIntyre so moved. Donald Ashley seconded. Motion passed 4-0.

UTILITY DEPARTMENT PRESS RELEASE:

Mike Cornman read the following;

The Town of Ellettsville announces joining the Indiana Underground Plant Protection Service, (IUPPS). This is the organization responsible for operating a state-wide one-call system to receive notification prior to any activity which may damage underground facilities and to relay the notification to the Corporation's Members in order to reduce dig-in damages, periods of utility service disruptions, and the risk of injury to excavators and the public.

Effective immediately, all requests for line locations from the Ellettsville Utilities will need to be requested by calling 1-800-382-5544. Prior to calling, know your requested line-location's address, township, county, and nearest cross street. Call two full working days prior to the start of any excavation for utility line locations. Remember, not only is it a good idea to call before you dig, it's the law?

TOWN MARSHAL OPENING REQUIREMENTS:

Mike Cornman said we need to discuss the requirement for the Town Marshal opening. He wants to recommend to the Town Council that we advertise for the Town Marshal position the Bloomington Herald Times as well as the Indianapolis Star. Set a date of Feb. 19th at 5:00 to be the dead line that they have to have the resumes turned in. They have 3 more weeks to do so if we put it in this week expect 2 weeks to get it done.

Mike Cornman said is there a motion to that effect. Geraldine McIntyre so moved Donald Ashley seconded. Motion passed 4-0.

SUPERVISORS:

FIRE DEPARTMENT-JIM DAVIS:

CONTRACT FOR THE INGRESS AND EGRESS AT CURRY PIKE:

Jim Davis presented the contract for the ingress and egress at Curry Pike to the Council. Dave Coffee prepared by our attorney who sent to Dave Coffee for approval. He approved it and signed it. Jim brought it back to the Council for their approval. This is the agreement we have had for the pass 5 years. Jim explained this to the Council.

Mike Cornman said is there a motion to approve this agreement with E & N Trailer Court. Geraldine McIntyre so moved. Patrick Stoffers seconded. Motion passed 4-0.

LETTER OF RESIGNATION-ROBERT JOHNSON:

Mike Cornman read the following;

To whom it may concern:

I would like to take this opportunity to thank the Town of Ellettsville for nine years of employment with town's fire department.

I would especially like to thank Fire Chief Jim Davis and the departments' firefighters. They are truly the best of the best to work with. My time here was short, but it was rewarding and educational.

Due to my career goals, I have accepted an administrative position with the Van Buren Fire Department. I am submitting my two-week notice of resignation with the town as Captain fire fighter/EMS. My last day of employment will be the 24th of February 1999. I am looking forward to continuing a professional working relationship with the town's fire department in the future.

LETTER CONCERNING ROBERT JOHNSON'S SICK DAYS:

Mike Cornman read the following letter:

To the Ellettsville Town Council:

As the Town Council knows I have resigned my position with the towns Fire Department for an administrative position with the Van Buren Fire Department.

Over the years, I have accumulated Twenty-eight unused sick days. With the town's approval I would like these days to be transferred equally amount the eight full time paid firefighters sick bank accounts. To Jim Davis, Mike Cornman, Bill Carter, Kevin Patton, Ron Vandeventer, Rocky Sexton, Joe Bolinger and Bill Baxter.

Jim Davis said he would like to state he has no problem however the council decides, that is your decision and it won't upset him one way or the other.

Mike Cornman said it was a good idea this policy was put in place but it was also for a need. If another employees was really in need because of illnesses and ironically he was one of them and the very first one as an employee. He feels those days were earned by people and to the graciousness of our nice community, employees and Town Councils that has been granted. However the recent one we had was a resignation and transfer of several days to different people but there really wasn't a need there. The intent of the Ordinance was for somebody in need of it. We all need sick days in our accounts he guesses but everybody else has to earn those days. He is not in favor of transferring days as it is set up.

Donald Ashley wants to ask a question since he has that many days. Is there a pool we put those days in?

Jim Davis said several years ago when we did the Personnel Policy we discussed that and however that never happened and he thinks even Mike has some input on that and they decided then it was just best to put it in to the individual employees accounts for what

ever the circumstances was. As Mike said we never addressed the issue of if some employee resigned that his sick days would go to other people. That was never part of our thought whenever the sick leave policy came about. Our policy states that when he resigns those days just disappear unless in this case you chose to transfer somewhere else. Personally he agrees with Mike, he would rather see them transferred somewhere anywhere in the town if somebody needs them. He has 110-115 sick days himself, he didn't think 3 days is going to make any difference.

Geraldine said when we set up this sick day thing we set it up for the people who were in need of them. There were several people who needed them at the time. She feels since he wants to do it this way and he is quitting it doesn't fill what we intended for it to do and to her he just loses them.

There was more discussion on this. Jim Davis said you could table that for now and he could ask him to reconsider and see what he says and he guesses if he doesn't why they just disappear.

Mike Cornman recommended to the Council that we table the request for the transfer of sick days for Robert S. Johnson. Donald Ashley seconded. Motion passed 4-0.

REQUEST TO ADVERTISE OPENINGS IN FIRE DEPARTMENT:

Jim Davis said as the council knows and with out reading each one of these figures we have X number of dollars budgeted for part time personnel. They have had several turnovers in part time personnel in the past few months. They have a difficult time covering vacations and holidays for the 9 currently full time paid staff. His proposal to the Council is to merely do this. Within his budget of part-time personnel, he took away the money that has already been spent or will be spent up to March 1st of this year. That is his anticipated date of hire. He took out the money of the part-time of the station here in Ellettsville and the Division Chief salary here and Ellettsville which left him he felt ample enough money to try to hire a, should say convert from part-time to full time employee the annual salary in the neighborhood of \$24,000. Convert the part-time at the Curry Pike Station into a full time employee, that employees job description will include working vacations and holidays and so on. The problem trying to get part-time to do that is you train 2, 1 leave, train 3, 2 leave. There was more talk on this matter.

Jim Davis will probably post Wednesday the opening for the 24-48 hour person and at the same time he would post this job. He will run them both at the same time.

Mike Cornman said is there a motion to change the, convert the part-time positions to full time second class fire fighter position. Geraldine McIntyre so moved. Donald Ashley seconded. Motion passed 3-1, Mike Cornman abstained.

Jim Davis said they signed a contract to purchase the fire truck and the lending institution is Bank One. Bank One has rather lengthy pages that they liked signed. He will read them by title only and he has talked briefly to Mike about it and Mike said he got his copies about 5 o'clock today so obviously he hasn't had time to look them over either. They want them to look these over and sign then. They are standard leases, there is nothing special about them, it is a master lease purchase agreement, lease schedule, Schedule A-1, Payment schedule, incumbent certificate resolution, insurance request form, opinion of council letter, vehicle schedule addendum, agreement concerning the year 2,000 compliance, escrow agreement, escrow funding schedule addendum, IRS form, UCC financing statement, and escrow distribution instructions. His request to the Council is if they have a problem with, they are trying to get this funded by Feb. 1st, so they can put the funds into escrow so they can be earning interest. That will help pay part of the truck and the truck is suppose to be done and ready to pick up by August 1st. They have to hold the CD in escrow for 180 days. His question to the Council is if they didn't have a problem if Mike (Spencer) looks this over. If he is uncomfortable with anything it

merely comes back to the Council. If we could get authorization for Mike (Cornman) and Diana to both sign the documents pending Council approval.

Geraldine McIntyre made the motion that we sign the documents tonight with the approval of our town attorney. Donald Ashley seconded. Motion passed 2-2, Mike Cornman abstained and Pat Stoffers said he is uncomfortable with that motion.

Jim Davis said nothing will be signed until Mike Spencer approves it. Pat said that was his biggest concern.

Mike Spencer said what he would propose you do is bring it back after they have signed and you can ratify that -----.

Patrick Stoffers made the motion pursuant to the Council's approval we authorize Mike and Diana to sign the contract and the contract upon signing needs to come back before the Council to be ratified. Geraldine McIntyre seconded. Motion passed 3-1, Mike Cornman abstained.

POLICE DEPARTMENT-RON MCGLOCKLIN:

Ron informed the Council that he has posted the part time position. We are paying \$7.00 an hour for a part-time police officer. He has one part-time guy that is leaving for the military for basic training, Feb. 2nd and he will be gone for 12 to 13 weeks. That leaves one part-time guy which is officer Chaudion and he is a building contractor and he is sure the building boom is going to be going. The officers will start taking vacation. What he is asking is that he has one guy that is part-time right now but he has lost his police powers due to the fact that he hasn't been to the academy within the year of employment. He has talked with Mike (Spencer) and he sent him some notification by fax that he is a town employee but he has no arrest powers, which doesn't help us any. In Mike's letter back to him, they could send somebody to the academy and we are legally bound to pay them minim wage to go to the academy. The question is the Council willing to do this to find one more guy to send to the academy.

Mike Cornman asked how long is the academy? Ron said 12 weeks, 480 hours. Mike wanted to know when does it start? Ron said the next session would start in April.

Mike Cornman said no matter what you are going to be in the same boat then aren't you? If we send him to the academy we are still in the same boat as for as lack of personnel.

Ron said unless we hire a guy now and be covered for a year. He can work for one year and before that year is up you must be enrolled in the academy. We can pay them minim wage while they are going to the academy. Possibly if I'm right Mike, we would have to still pay them the minim wage while we are working them.

Mike Spencer said his thought is you could pay them minimum wage until he gets through the academy.

Mike Cornman said that is still \$2,400 that is what we figured up right that is what it is going to cost us to send this person. At part-time we go back on the same thing that Mike Farmer told us last week and Jim Davis just told us before you got up here about bring people on training them and then shipping them some where else.

Ronnie said what is rough is to find somebody part-time even from the sheriffs department or another agency to come over here and work for \$7.00 an hour. If they are another full time police officer somewhere else to come over and work for \$7.00 hour basically within a given call I need you in 2 days to work. It would be hard with their schedule. It is hard to get good help for \$7.00 an hour.

Mike Cornman said he believe in the interim he wants to suggest to the Council, for you first and the Council, is that we maybe go ahead and maybe advertise for part-time

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position with the requirement that they have already attended the Law Enforcement Academy or pursuant to the law. Try that because you sound like you are in a pinch. To send somebody to the academy is still not going to do you any good for the next 4 months or so.

Ron said he is still at a dilemma with Gatlin, what do we do, he is asking for your advice and the attorneys advise also is that his year to effect arrest is up and over. He is still an employee basically like a civilian employee of the Ellettsville Police Department but he has no arrest powers.

Pat Stoffers asked when is the last time he worked? Ron said he don't know probably last year. Mike Cornman said October or something like that. Geraldine said September wasn't it. Mike Cornman said I think you are right.

There was more discussion on this.

Geraldine said she agrees with Mike that we should advertise for someone who has already had the academy and that way you wouldn't be losing time.

There was more discussion on this.

Mike Cornman said address the status of Jeff Gatlin and rightfully so sounds like we could probably send him to the academy but a promise made under the previous Town Marshal they would send him. His understanding is he was offered to go once but did not go because of a personal situation. Mike asked Ron, why couldn't he go to the second one? Ron said he doesn't know he only knows of one. Mike Cornman said he can remember the second one was that is when it came out about pay the 3 police officers that went and the money wasn't there to send him at that point. Ron said that is correct.

Mike asked Mike Spencer what legality do we have with this situation, he is a bonafide part-time employee of the town. There are requirements he go to the Law Enforcement Academy.

Mike Spencer said he doesn't think it is a requirement you are suppose to send him, you have the option of sending him. At this point in time he did not go and then there was no money for him to go so he can no longer function as ----- powers. I don't think you are obligated to send him. Budgetary considerations that you have to keep in mind as to whether you are going to make that choice to send him.

Mike Cornman said I guess it is hard for the Council to swallow spending even a minim of \$2,400 for an investment for a part worker that may only work 200 to maybe 240 hours. He maybe to one we call more, he knows he was called and couldn't work the shift. You have to have that availability. That is a tough call to make. He thinks in the interim and he will ask other Council members that we put something out there and see what we get as for as somebody with the job description that says they have to have gone to the Law Academy.

Donald Ashley said I feels pretty much the same way, he feels like we need to advertise and get somebody that has already been through the academy for a couple reasons, you need the help and he doesn't see any other way of doing it.

Patrick Stoffers said he guesses his preference would be to go ahead and advertise.

Mike Cornman said attempt this as best we can. There was more discussion on this.

Mike Cornman said you need to advertise in the Herald Times, it will make the newspaper at the Journal. He also thinks the paper in Bedford and Martinsville. It is your choice but at least those 3.

Ron wants to know what they do with Gatlin. Mike Cornman and Geraldine said I don't know. Mike Cornman said he even mentioned this to him because he briefly talked to him about it resigning and going back into the reserves and then reapplying again to start a new year again and get it in there. We are still in the position of having to pay him to go and we have a little bit of difference among the Council about whether we should be paying somebody to go to the academy or not when the Council years before said yeah everybody hired from this point on needs to be from the academy. Different Councils different opinions have changed through out the years.

Mike Cornman said for he will be status quo.

INDOT MEETING CONCERNING THE VILLAGE INN:

Rick Coppock said we met last week with INDOT considering the street dedication in front of the Village Inn. They discussed it a length with representatives from INDOT and their consultants. What they finally ended up doing was that they decided they would extend the curb and sidewalk past where they wanted to put the street in front of the Village Inn and request that they give the Village Inn a driveway cut at the far east end of their property which seemed agreeable with them and agreeable to the property owner. The property owner sent a letter that withdrew the request to vacate the street right of way there. We will keep the right of way there and the current Vine Street location in place in case the town needs it in the future. There won't be any street running in front of the Village Inn as part of the highway 46 project.

INDOT MEETING CONCERNING THE SCHOOL BUSES:

Rick said at the same meeting with INDOT one side of town had a similar mistake, concerns with the west end of the project where it turned and where the one way pairs came together and the buses had to cross them. The west bound busses would have to go down and make a U-turn back to go into the high school and then revise their design to provide some stacking distance so you don't get a couple busses there stopped and wait of traffic to clear before they make that turn so they have enough area for 3 busses to stack up there if there is heavy traffic. That is an improvement that will help out.

Rick said they are continuing to work with them on the Utility relocation on Phase one. They hope to get something resolved with that in the next couple of weeks.

ADJOURNMENT:

Geraldine McIntyre made the motion to adjourn. Donald Ashley seconded. Motion passed 4-0.

Michael D. Cornman
President

D. Geraldine McIntyre
Vice President

Donald Ashley

Patrick Stoffers

Gina M. Hawkins

Diana K. Evans
Clerk-Treasurer