

July 11, 2011

The Ellettsville, Indiana, Town Council met for a Regular Meeting on Monday, July 11, 2011, 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 Sandy Hash.

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

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

Approval of Minutes

David Drake entertained a motion for the approval of the minutes for the Regular Meeting on June 27, 2011 and the Executive Session on July 6, 2011. Dan Swafford so moved. Scott Oldham seconded. Motion carried.

Accounts Payable Vouchers

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

Resolutions

Resolution 11-11 Transfer of Funds

Sandra Hash – This transfer is requested by the Planning Department to move \$100 from advertising into office supplies.

David Drake entertained a motion to approve Resolution 11-11 transfer of funds. Dianna Bastin made a motion to approve Resolution 11-11 moving funds from advertising into office supplies for Planning. Scott Oldham seconded. Roll Call Vote: David Drake – yes; Scott Oldham – yes; Dianna Bastin – yes and Dan Swafford - yes. Motion carried 4-0.

Ordinances on Second Reading

Ordinance 11-07 Condemning the Real and Personal Property of the Northern Richland Sewer Corporation

Dan Swafford – Made a motion to table the Ordinance to the next meeting. David Drake seconded. Roll Call Vote: David Drake – yes; Scott Oldham – no; Dianna Bastin – no; Dan Swafford – yes and Sandra Hash - Yes. Motion carried 3-2.

David Drake – Explained the Ordinance is tabled because the Town is still in discussions with Eastern Richland Sewer Corporation about an agreement.

New Business

Michael White, Community Access Television Services (“CATS”) – Requested franchise fee money toward the support of community television. Ellettsville has been very good to CATS. CATS is requesting 50% of the franchise fee. This is determined by looking at the franchise fee funding from the previous year and then they request half of that number toward the operation of the five channels operated out of the public library. In 2010, Ellettsville collected \$35,750 in franchise fees from Comcast. Therefore, CATS is requesting \$17,875 for the operation of CATS in 2012. By years end, CATS will have received \$5,000 and the year previous they didn’t receive anything. CATS is undergoing a conversion in the coming year wherein they will be transferring from standard definition to high definition and it is not cheap. Mr. White thanked the Town for their support and when it makes the decision on what to pay CATS.

David Drake – The Town is starting its budget process next week and, hopefully, they will find a way to make it work.

Michael White – Thanked Sandra Hash for being a joy to work with all of these years. She knows where everything is, knows what the amounts are and she is just a joy to work with. The Town has a great person.

Dan Swafford – Thanked CATS for covering all of the events.

Resolution from the Ellettsville Chamber of Commerce concerning Phase IV of I-69

Sandra Hash - This is not a Town resolution but a Chamber of Commerce resolution. The Chamber of Commerce is conveying their support for I-69. The Chamber is seeking the Town's support of Phase IV of I-69. David Drake, Scott Oldham and Dianna Bastin said they support Phase IV of I-69.

Dan Swafford – This involves the vote two months ago about the I-69 project. It came to the local MPO and it was voted down 8 to 5. Basically, this means they have to come back to the local MPO with a better plan. This should take place about October. It did not stop the I-69 project and he thinks this is what they are worried about. The MPO refused the proposal that was brought to them. There are a couple of items they need to work out. Mr. Swafford is on the local MPO and is a little concerned when I-69 comes back. Town Council members received copies of the emails and they need to read them to make sure everything meets with their approval. David Drake clarified Mr. Swafford's statement was regarding what he does on the MPO. His statement was broad and is not specifying what needs to be done. It's stating the Town Council, generally, supports the construction of I-69. Contrary to what the Herald-Times stated a few weeks ago, Mr. Drake is not on the MPO.

Sandra Hash - Will ask at the next Chamber of Commerce meeting whether or not they want a resolution from the Town or if the minutes from this meeting will be sufficient.

Russ Ryle – Asked what the issues are holding up I-69. Dan Swafford replied there is a lot of discussion on funding. The Vernal Pike intersection has no overpass and with adding I-69 to the mix, it will cut off the west side. A lot of people are against it because I-69 will go through the family farms. There are noise issues with the barrier walls and that they're being built around farm lands and not the residential areas. Dan Swafford thinks Phase IV of I-69 will pass with some improvements.

David Drake made a motion that the Town Council concur with the Ellettsville Chamber of Commerce in support of the continued construction of Phase IV of I-69. Scott Oldham seconded. Roll Call Vote: David Drake – yes; Scott Oldham – yes; Dianna Bastin – yes; and Dan Swafford – yes. Motion carried 4-0.

Written Request from Barry Mobley/Kenny's Tavern to have the temporary shed removed from the Town parking lot on Vine Street.

Dan Swafford – This issue keeps coming up. The temporary shed is there to store limestone for the local Masonic Lodge. Sandra Hash said they're carving statues in the shed. Mr. Swafford said he is concerned with how long the statues are going to take because it has been discussed over several years. Ms. Hash commented the shed has probably been there for ten years. Scott Oldham asked if the carver came to Town Council approximately two years ago.

Dianna Bastin – Asked if the carver said it would take one year to complete the statute. Mr. Swafford said that was his understanding. Ms. Bastin stated in the interest of fairness, it is a work of art for the Masonic Lodge. Perhaps we need to find out when he will be finished. Scott Oldham stated he can also understand Kenny's request as being realistic. Mr. Oldham will talk to the carver.

Sandra Hash – Will look for the carver's contact information in previous Town Council minutes.

Larry Newton would like to discuss the fire hazard of tall weeds on undeveloped property.

Larry Newton, 867 Abigail Lane in Overbrook Estates – Moved to the Ellettsville area four years ago. He is a semi retired safety and health professional and is an instructor at Indiana University in safety and industrial hygiene. He understands there is an ordinance for the control of weeds within the city. The ordinance is 93-17. Basically, the ordinance states weeds should be maintained within the city at no higher than 9 inches. In the four years he has lived in Ellettsville they have had the mowing of the grass/weeds about once or twice a year. Typically, the weeds grow to three or four feet. He talked to Connie Griffin, Director of Planning, and she talked to the developer and the weeds were cut this week. Mr. Newton spoke to the developer while they were mowing and he reminded them there is an ordinance to be enforced by the Planning Department. The developer told them they were going to mow the lot in August. His concern isn't so much the health side but the grass becoming very high, drying out and then becoming a potential fire hazard. It would also be a hazard to life and property. When the grass gets a certain height it has the ability to jump across roadways and bridge easily across a small property such as his. His house sits between two undeveloped lots. His biggest concerns are the wild weeds getting so high and someone throwing a cigarette that could ignite the grass. He could lose his house. Besides a fire hazard, Ordinance 97-17 talks about a detriment to public health and constitutes a nuisance. The weeds on the various properties contain noxious weeds and one of them is Canada Thistle. There is a state code with regard to Canada Thistle. It is controlled by a federal plant protection code which prohibits Canada Thistle because of the crop problem that comes with it. His biggest concern is with allowing the growth to become too high and fire. He is requesting enforcement of Ordinance 93-17. He understands from talking to the developer that he isn't selling any lots. A compromise would be if there is undeveloped property on either side of a sold property, why not cut the lots on either side which also becomes a fire barrier. In Ordinance 93-17, he is requesting it include a reference of potential fire hazard for excessive weed height. Mr. Newton suggested initiating a weed control board which would then impact the entire County. This could be setup by a Monroe County Commissioner.

David Drake – Asked if the 9" limit actually dealt with most of the fire hazard issue and if it wouldn't be redundant to add fire control. It can be enforced at 9". Part of the problem is, obviously, manpower situations. The Planning Department until recently had one person who has a lot on their plate. Recently, a new part-time code enforcement officer was hired. Hopefully, this will make things a little bit easier. Most code enforcement is complaint driven. The Town Council received information last week that there are several subdivisions under construction that have problems with grass and weeds. Will check and find out what other municipalities have in regard to their regulations similar to his issues.

Larry Newton – When he talked to the developer, the comment was it just wasn't his subdivision but other areas that still had high weeds. Larry drove around other subdivisions and the weeds weren't 4' to 6' tall. David Drake commented Overbrook is a more rural area than some of the other subdivisions.

Scott Oldham – Shares Mr. Newton's concerns. Three to four feet is definitely too much and definitely not 9".

Larry Newton – Isn't asking for the whole field to be cut. Where there is a home and on either side you have 3' to 5' feet, it is a potential fire hazard. If the grass is cut as low as possible then the fire goes along the ground and doesn't jump across the properties. Mr. Newton reiterated a compromise would be to cut the grass on either side of a lot where there is a house and not every undeveloped lot. Protecting homes in the area of \$200,000 to \$300,000 where there is a substantial investment should be important.

David Drake – Commented it is also an eye sore. The bottom line is the Town has an ordinance which states it shouldn't be more than 9" and it needs to be enforced.

Supervisor Comments

Jim Davis, Fire Chief – Last September five part-time firefighters were hired. Their first review is past due as well as the possibility for their wage to be increased by \$.50 an hour. They are currently earning \$9.00 an hour. Their names are Tyler Andis, Charlie Belden, Jr., Tania Daffron, Randy Roudebush and Joshua Tapp. He is requesting they be moved from \$9.00 an hour to \$9.50 an hour.

David Drake – Stated there is only so much money in the part-time budget. The budget is not being increased. Chief Davis commented the positions have not been increased in seven or eight years. The \$.50 increase is in the budget.

Dan Swafford – Asked what the current part-time rate is. Chief Davis said \$10 is the maximum amount.

Scott Oldham – Asked if these employees were the only ones being paid below \$10 an hour. Chief Davis said they are and the personnel policy states they be reviewed in six months and give him half of the difference between the starting and ending salary. Dan Swafford asked how much was in the part-time budget. Chief Davis responded the same amount of hours are budgeted each year.

David Drake – Commented the Town is getting the employees at bargain basement prices. These are people who are already certified fire fighters, who work full time at other fire departments, very experienced, highly trained and the Town is getting a real bargain \$9.50 an hour to help supplement the Town's full time firefighters and to try to keep our cost down as much as possible. The Town is still able to provide highly trained certified firefighters. Chief Davis commented two are Van Buren firefighters, one is a Bloomington City firefighter and one is a Perry Clear Creek firefighter. Scott Oldham commented two of them are instructor level paramedics.

Dianna Bastin made a motion to approve the raise for the part-timers, Tyler Andis, Charlie Belden, Tania Daffron, Randy Roudebush and Joshua Tapp from \$9.00 an hour to \$9.50 an hour. Dan Swafford seconded. Roll Call Vote: David Drake – yes; Scott Oldham – yes; Dianna Bastin – yes; and Dan Swafford – yes. Motion carried 4-0.

Connie Griffin, Director of Planning – Around June 15, 2011, the Town had a storm water audit. The Town did really well as a community. There are some things to work on and the Town has 30 days to do so. They will be working on developing a stormwater pollution prevention plan within the Street and Utilities Department. Some signage needs to be corrected and a salt-sand area needs worked on. Waste oil needs to be changed to used oil, adding some filters by a drainage outlet next to the Street Department, website update and the formation of a community advisory board. David Drake asked in reading through the stormwater report if there were any areas that were determined to be unsatisfactory. Ms. Griffin stated there were not and the Town did really well. Mr. Drake said thanks to Connie Griffin and Rick Coppock for all of their hard work. Ms. Griffin noted the Street and Utilities Department, Rick Coppock and all Town employees going through the training process also assisted in the audit. The stormwater audit report shows water quality is a large concern and the community believes this and will continue to work on water quality awareness. Mr. Drake commented the report states the Street Department, Utilities Department, Planning Department and Rick Coppock assisted with the audit.

FEMA – There have been a lot of people coming to the office to seek assistance on their flood insurance. Information was provided to Town Council. In this process, it was discovered the Department of Natural Resources doesn't establish base flood elevations for areas less than one square mile because it is up to the Town to do so. One of the ways to get around the paperwork is a "Community Acknowledgement Form." An example is Autumn Ridge. This was an approved condo subdivision and it sits approximately 30 feet above an unnamed tributary of Jacks Defeat Creek and is also an intermittent stream which means there is not water always flowing through it. When it does get water it comes up a little bit but quickly recedes. This is one of the areas that is causing the subdivision to now have flood insurance. The Community Acknowledgement Form is a form that can be signed but certain communities will not sign it because it has liability issues. This will need to be reviewed by Darla Brown, Town Attorney, to protect the Town. If Ms. Griffin is able to sign the form, this would

help the people of Autumn Ridge to no longer have to pay the flood insurance even though they carry a mortgage.

Plan Commission – The meeting earlier this month had to be postponed because there was not a quorum. The August agenda will be full. One of those items is a PUD request from Chad’s Salvage Yard. With a PUD, the Plan Commissioners will give the Town Council their advice such as a favorable, non-favorable or no recommendation. Typically, Town Council has a couple of weeks after the Plan Commission meeting before hearing a case. However, she’s requesting to bring it before the Town Council immediately following the next Plan Commission meeting date.

Council Comments

Sandra Hash – Reminded everyone there is a budget meeting Wednesday of this week.

Privilege of the Floor

Russ Ryle – Stated perhaps this is something that should or should not be placed on the agenda but he did not hear the Clerk-Treasurer’s Report with the balance of the funds. Ms. Hash apologized and said she forgot. She will present the report at the next meeting. Mr. Ryle said going into the budget process, there is a \$100,000 loan that has to be repaid out of the General Fund by the end of the year. Ms. Hash replied that was correct. Mr. Ryle stated his personal property assessment was lowered and didn’t know whether or not Ms. Hash had any gross numbers for the Town yet. These are things that need to be taken into consideration when the Town writes its budget. The Town is gradually having to borrow less money but he, personally, doesn’t think the economy is going to get better anytime soon. The Town really needs to be cautious with their pennies when thinking about the budget next time.

Adjournment

Dianna Bastin made a motion to adjourn. Scott Oldham seconded. Motion carried. David Drake adjourned the meeting at 7:46 p.m.

David Drake, President

Scott Oldham, Vice-President

Dianna S. Bastin

Phillip Smith

Dan Swafford

Sandra C. Hash, IAMC, MMC
Clerk-Treasurer