

JULY 22, 2002

The Ellettsville, Indiana, Town Council met in regular session at 7:30 PM, Monday, July 22, 2002 at the Town Hall. David Sorokoty called the meeting to order and led in Prayer. Geraldine McIntyre led in the Pledge of Allegiance.

Roll Call

David Sorokoty asked for roll call of the Council Members. Members present were David Sorokoty, President; David Drake, Vice-President; Mike Cornman and Geraldine McIntyre. Also present was Sandra Hash, Clerk-Treasurer, Deborah Hudson, Administrative Assistant and Wes Marion, sitting in for Town Attorney, Mike Spencer.

Supervisors Present Jim Davis, Jim Ragle, Ron McGlocklin, Mike Farmer and Jeff Farmer.

Approval of Minutes of the regular meeting on July 8, 2002

Mike Cornman moved to approve the minutes. Geraldine McIntyre seconded. Motion carried.

Action to pay Accounts Payable Vouchers

Geraldine McIntyre moved to approve the accounts payable vouchers. David Drake seconded. Motion carried.

Mike Cornman moved to approve adding resolution 14-02 to the agenda amending resolution 09-02. David Drake seconded. Motion carried.

Resolution 14-02 to Amend Resolution 09-02 concerning a temporary loan

The resolution reduces the temporary loan from the General Fund to the Cumulative Capital Development Fund from \$21,196.72 to \$2,041.24.

Zoning Ordinance Update

Planning Director Bill Land told the council that a committee is assisting him on working on a new zoning ordinance. There have been committee meetings. The ordinance should be crafted with the idea that Ellettsville is pro-business, family, growth and quality. All these can work together as long as we use good planning tools. A 40-page document should be ready by next month. The committee will have one or two plan commission workshops to further fine-tune the draft. After plan commission workshops then a plan commission hearing should take place in the fall. The ordinance could be adopted before the first snow falls. Input is still highly desirable. The committee meetings are open to the public.

Resolutions

Resolution 11-02 To Adopt a Written Fiscal Plan to Establish a Policy for Provision of Service to an Annexed Area (Wanda Jones)

Matt Cascio, owner of Cedar Bluffs Gardens stated he was against this property having a gas station on it. He was worried possible gas station runoff might damage his business, which borders the edge of this property. He said this property was denied commercial zoning from Monroe County Commissioners. Cascio was also concerned about the legality of annexing a shoestring property. He was also concerned about planning for smart growth along State Road 46. He said patience was required in finding a use for this property. He also queried whether there were other types of commercial zoning for this parcel. David Drake noted this property owner petitioned Ellettsville for voluntary annexation. The town is required by Indiana Law to approve the annexation as long as they are fiscally able to provide the services to the area. This property was recommended C-3 or general commercial. He also said they were only approving annexation this evening. A site plan was not up for approval this evening. Wanda Jones' attorney Mike Carmin noted that the council would be correcting an anomaly by rezoning this property. He also noted the site plan would come before the Plan Commission at a later date.

David Drake read the resolution and moved approval of Resolution 11-02. Mike Cornman seconded. Motion carried 3-1. Geraldine McIntyre voted no.

Resolution 12-02 Insurance Reimbursement

Whereas the Town Council, the Town of Ellettsville of Monroe County Indiana received \$5,000 insurance reimbursement from EMC Insurance Companies for water damage to the Police Department. Whereas the Town Council should pay for the repairs made to the damaged facilities from Police arms, radar, and equipment appropriation P-443. Now be it resolved the Town Council hereby approves increasing appropriation P-443 by \$5,000. David Drake made a motion to adopt Resolution 12-02. Geraldine McIntyre seconded. Motion carried 4-0

Resolution 13-02 Transfer of Funds

Michael Cornman read Resolution 13-02. Sandra Hash explained the transfers. David Sorokoty requested a motion to adopt Resolution 13-02. Geraldine McIntyre made a motion. Mike Cornman seconded. Motion carried 4-0.

Resolution 14-02 concerning temporary loan

David Drake made a motion to adopt Resolution 14-02. Geraldine McIntyre seconded that motion. Motion passed 4-0.

Ordinances on First Reading

Ordinance 02-13 adopting Chapter 610 concerning use of safety equipment at the Ellettsville Skate Park

Town Council Administrative Assistant Deborah Hudson noted this was brought about for the safety of park users. Users will be required to wear ANSI approved equipment including: helmets, wrist, knee and elbow guards. Not wearing safety equipment would invoke a Class E violation. A minimum of \$25 dollars would be charged for this violation. Repeat violators could be charged \$100. This ordinance also stipulates that participants must wear shoes at all times. David Sorokoty thought some details should have been worked through before this came before the Council such as where the money collected will go and who would enforce the ordinance. Mike Cornman said Town Code states the Town Marshal shall enforce all ordinance violations unless otherwise specified. The obligation of the Council is to protect the Town the best we can and to consider liabilities issues. The fund unless otherwise specified would go into the General Fund. David Drake said this would give the Parks Board a leg to stand on in enforcing safety equipment rules.

Ordinance 02-16 to amend chapters 441, 442 and 443 of the Ellettsville Town Code designating speed limits, through/stop streets, and no parking areas.

This sets a schedule of maximum speed limit of 20 mph for Lantern Lane, Militia Court, Musket Drive, Ironsides Drive, Cannon Court, and Deer Run. These are all in Deer Run and Green Briar Knolls subdivisions. Through streets would be Lantern Lane, Cannon Court and Deer Run. Stop streets would be Militia Court, Musket Drive and Ironsides Drive. No Parking would be allowed for Lantern Lane, Militia Court, Musket Drive, Ironsides Drive, Cannon Court and Deer Run. David Drake noted that he would have thought roads in the new subdivisions would have been constructed wide enough to park on both sides.

Ordinances on Second Reading

Ordinance 02-10 concerning the annexation of adjacent and contiguous territory known as the Wanda Jones Property

The property is located at 4200 and 4204 West State Road 46. It should be assigned a zoning of C-3, general commercial. Mike Cornman noted it was good to have other avenues to explore inside the county such as Bloomington, or Monroe County or Ellettsville or Stinesville. David Drake said the county planning approved this. The

rezone was denied by the Monroe County Commissioners. Drake also hoped the plans for the property would have the same protections approved by the Monroe County Plan Commission so we can do the best we can for the surrounding property owners. Ellettsville's standards are probably not as strict as the counties are. Geraldine McIntyre commented that she voted no with concerns about what will be done about businesses along S.R. 46. David Drake made a motion to adopt Ordinance 02-10. Mike Cornman seconded. Ordinance passed 3-1. Geraldine McIntyre voted no.

Ordinance 02-14 to re-establish a Cumulative Capital Development Fund

David Drake made a motion to adopt Ordinance 02-14. Mike Cornman seconded. Motion passed 4-0.

Ordinance 02-15 to re-establish a Cumulative Firefighting, Building and Equipment Fund

Geraldine McIntyre made a motion to adopt Ordinance 02-15. David Drake seconded. Motion carried 3-1 with Mike Cornman abstaining.

Ed Bitner asked about re-establishing these funds. Sandra Hash noted the Firefighting fund was established in the 1960s and the Cumulative Capital Development Fund was established in 1994. David Drake said it was due to the fact that the state was changing the way property is assessed and how it is valued. The town must, in turn, change how it values the property for these funds. This will be published in the newspaper for remonstrance. If the community wishes to remonstrate against this, they must follow a petition process that needs to be filed with the Monroe County Auditor. Ellettsville is not at the peak of these funds. Sandra added by re-establishing these funds it will prevent a further reduction of the tax rates due to the upcoming reassessment.

Old Business

American Legal Publishing agreement

Deborah Hudson researched the proposal and concluded that other towns using American Legal were not using them to do their minutes on the internet. She also expressed concern that the personnel policy and zoning ordinance, which are now being revised, would be addition cost since it was not specified in the agreement. The FOLIO views software disk is only updated annually. Other town's prices were different. American Legal also asked for the copyright, which gives them the right to sell it, creating a profit for them. Of the customers currently using American Legal some are pleased with the service and some are seeking ways to do it themselves. Bloomington does their code. She feels the cost is too high. David Sorokoty was concerned about the price and was talking with someone who could teach the staff how to update the minutes for online access. He will get the information from him and get a proposal to the Council. He agrees the information should be on the web site. Sandra Hash feels the town code needs checked to make certain the old codes are not contradictory to any new ordinances, or to Indiana law and that the Ellettsville Town Code references Indiana Code, this portion should be professionally done. The Ellettsville Town Code is very difficult to navigate. Mr. McDonough verbally confirmed the personnel policy and zoning ordinance would be included in the quoted price of \$8950. Mike Cornman agreed that the code is unwieldy. Cornman recommended tabling the issue. Hudson did mention that the town attorney should be responsible for citations referenced in the town code. She agrees this needs to be done just not at this price. She also added the per-page price for updates would increase according to the consumer price index. David Sorokoty assured we do need to have this work done but we need further negotiations and proposals. Mike Cornman made a motion to table this. Geraldine McIntyre seconded. Motion to table passed 4-0.

New Business

Agreement with Meadowlands Inc. concerning sewer easements

Town engineer Rick Coppock noted this agreement is with the Meadowlands for them to grant easements across their property to undeveloped property that they own for a sewer line that is going to be constructed by Union Valley Farms Subdivision. Originally a lift station was to be constructed. Now a gravity sewer will be constructed from the Union Valley Farms Subdivision that will connect with Meadowlands. This sewer will run through property owned by Dr. Headdy and four or five other homes. Mike Cornman made a motion to approve this agreement. Geraldine McIntyre seconded. Motion carried 4-0.

Privilege of the Floor

Supervisor’s comments

Sandra Hash – Presented council with a conflict-of-interest disclosure statement. The lowest bid for a new roof on town hall was from Weiss Roofing. The spouse of Lynnella Weiss, a town employee, owns Weiss Roofing.

David Sorokoty – He showed all present a five-minute film highlighting Bybee Stone and their participation in rebuilding the Pentagon after 9-11. Sorokoty thanked all the workers at Bybee Stone for making Ellettsville proud.

Adjournment

David Sorokoty asked for a motion to adjourn. Geraldine McIntyre moved for adjournment. Mike Cornman seconded. Meeting was adjourned at 8:58 p. m.

David Sorokoty, President

David Drake, Vice President

Mike Cornman

Geraldine McIntyre

Sandra C. Hash, Clerk-Treasurer