

July 23, 2012

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

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

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

Approval of Minutes

Dan Swafford entertained a motion for the approval of the minutes for the regular meeting on July 9, 2012. Dianna Bastin so moved. Phillip Smith seconded. Motion carried.

Accounts Payable Vouchers

Dan Swafford entertained a motion for action to pay Accounts Payable Vouchers. Phillip Smith so moved. David Drake seconded. Motion carried.

Resolutions

Resolution 10-2012 Transfer of Funds

Sandra Hash explained this Resolution is to transfer funds in the Planning Department. From the Computer Software fund \$150 will be transferred to Printing and \$225 from the Computer Software fund will be transferred to Fleet Insurance.

Dan Swafford entertained a motion to adopt Resolution 10-2012. Dianna Bastin so moved. Phillip Smith seconded. Roll Call Vote: Dan Swafford – yes; Dianna Bastin – yes; David Drake – yes and Phillip Smith - yes. Motion carried 4-0.

Resolution 11-2012 Amending Resolution 01-2012 Changing the Permanent Cash Transfer to a Temporary Loan

Sandra Hash explained in January she asked to permanently move \$8,000 from the Rainy Day Fund to the Fire Debt Service. The revenues increased in 2012 so rather than make it a permanent transfer it should be a temporary loan. The money will go back to the Rainy Day Fund.

Dan Swafford entertained a motion to adopt Resolution 11-2012. David Drake made a motion to adopt Resolution 11-2012. Dianna Bastin seconded. Roll Call Vote: Dan Swafford – yes; Dianna Bastin – yes; David Drake – yes and Phillip Smith - yes. Motion carried 4-0.

Ordinances on First Reading

Ordinance 2012-18 to Amend Chapter 93 of the Ellettsville Town Code Regarding Public Health Nuisances

Darla Brown, Town Attorney, explained this is a proposed amendment to §§93.15, 93.16 and 93.17 regarding public health nuisances and the weed or tall grass statute. The changes she and Connie Griffin suggested are as follows:

1. Adding a definition in the statute for weeds and rank vegetation. They are making it clear in Section 1 that the definition applies throughout Chapter 93. Whereas, the way it reads currently is the definitions just apply to §93.16 and not §93.17.
2. They made some changes and incorporated the language from the new statute which allows the Town to serve homeowners with service by certified mail one time and then to post a continual notice of abatement at

the residence. This saves the Town the cost of having to send certified mail letters constantly. They'll just serve certified mail once and the notice of abatement gets posted so that's the purpose of Sections 3 and 4.

3. Section 6 simply changes to make §93.17 consistent with §93.16. This has been changed from a Class E ordinance violation at \$25 a day to a Class D ordinance violation at \$100 a day. This is consistent with the previous section.
4. A new section, 93.17(G), is added to tell citizens that they can appeal the written rule notice sent under §93.17.

Robert Lowers resides at 1119 Main Street. He's part of the reason for the change in the code. He owns intellectual property on Main Street, specifically his garden which has been isolated and has had complaints from members. This brought him to the attention of bringing in the recognition of the violation of the Indiana Code 36-7-10.1-3 of the Tall Grass Ordinance §93.17. He is glad to see some changes are being made. At the last week's Plan Commission meeting there were two or three comments that were made about his garden in specific. He is here for recognition of a wildlife garden. When Ms. Griffin made the comment that it's not what's growing in his yard, it's actually about the property value. Therefore, he has clearly shown his place is not in violation because of being a public nuisance. Photographs of the property were also shown. They don't clearly show exactly what's going on in the yard. The state does own a portion of the property and the Town of Ellettsville mows right up to the poison ivy. The area the Town mows is also state property according to the GIS. Cottage, floral, herbal, vegetable and wildlife gardens are not detrimental to public health. In fact, they are beneficial to the public health. The plants that grow in those gardens will grow higher than nine inches. They would be considered a weed if they were growing outside one of the gardens they were specifically designed to grow in. He is asking if can't they do something to co-exist. Why can't they do something for the wellbeing of people instead of appeasing somebody that is out there seeking control? His garden has been cut down and he has been tidying up the property. Some kind of motion needs to be made to establish and recognize no mow gardens.

Daniel Lowers also lives at 1119 Main Street. He has lived there for four years with the wildlife garden and the habitat growing as it has. The clover they grow helps with allergies. The poison ivy has helped him to become immune to it. He can now pull up poison ivy with his bare hands. The benefits far exceed the health detriments they say are happening. The things around there have helped him grow stronger as a person physically and mentally and they have given him immunities to a lot of things people find annoying such as poison ivy and clover that grows ten inches tall.

Ordinances on Second Reading

Ordinance 2012-14 to Amend Chapter 36 of the Ellettsville Town Code Regarding Nepotism – Darla Brown

Darla Brown, Town Attorney, explained this is the second reading on an ordinance that was introduced at the last meeting. The Town Council passed a resolution back in June which set forth their plan for the Town of Ellettsville in order to comply with the new anti-nepotism state statutes. She split the resolution into two parts and separated it into two ordinances. This particular ordinance discusses the Town's policy with regard to hiring and direct line supervision of relatives.

Dan Swafford entertained a motion to adopt Ordinance 2012-14. Dianna Bastin made a motion to approve Ordinance 2012-14, Chapter 36. Phillip Smith seconded. Roll Call Vote: Dan Swafford – yes; Dianna Bastin – yes; David Drake – yes and Phillip Smith - yes. Motion carried 4-0.

Ordinance 2012-15 to Amend Chapter 23 of the Ellettsville Town Code Regarding Purchasing Procedures – Darla Brown

Darla Brown, Town Attorney, explained the purpose of this ordinance is to set forth changes to the Ellettsville Town Code regarding purchasing procedures. It specifically discusses the Town's new procedures in order to comply with the contracting relative portion of the state anti-nepotism statute.

Dan Swafford entertained a motion to adopt Ordinance 2012-15. David Drake made a motion to adopt Ordinance 2012-15. Phillip Bastin seconded. Roll Call Vote: Dan Swafford – yes; Dianna Bastin – yes; David Drake – yes and Phillip Smith - yes. Motion carried 4-0.

Ordinance 2012-16 to Amend Various Sections of Chapter 152 of the Ellettsville Town Code Concerning Development Plan Requirements – Darla Brown

Darla Brown, Town Attorney, explained this is the ordinance in which the language was passed by the Plan Commission in its June 8, 2012 meeting. It suggests various changes to be made to the Town Code regarding development plans.

Dan Swafford entertained a motion to adopt Ordinance 2012-16. Phillip Smith made a motion to adopt Ordinance 2012-16. David Drake seconded. Roll Call Vote: Dan Swafford – yes; Dianna Bastin – yes; David Drake – yes and Phillip Smith - yes. Motion carried 4-0.

Old Business

Agreement between the Town of Ellettsville and Ford Motor Credit Company, LLC

Fire Chief Jim Davis thought this was voted on last March. This is the contract to purchase the vehicle and it needs signatures. Dan Swafford asked if this had been voted on. Sandra Hash replied yes, they agreed to purchase the vehicle in a couple of payments. This is to finalize the loan.

Dan Swafford entertained a motion to sign the loan documents. Dianna Bastin made a motion to have Scott Oldham sign the agreement. Phillip Smith seconded. Motion carried.

Supervisor Comments

Connie Griffin, Director of Planning, advised she was approached by Indiana University for a service learning opportunity which would be of no financial cost to the Town. It is under an urban development and planning course being taught at the University and it is an opportunity for students to use some real life work experience in working within a local government agency. A few of the things she proposed they might possibly do to contribute to the Town would be to conduct some research on the Comprehensive Plan revision. This would be to introduce possibly some new land use ideas for undeveloped properties in the Town of Ellettsville. Perhaps they could also work on creating redevelopment scenarios for some revitalization concepts for the Town of Ellettsville. They've looked into a couple of different things and those are the ones that would be most beneficial. There is a partnership agreement to be signed by the Town and there is no liability of any concern. The school takes care of those types of issues with waiver forms. The students would prepare an analysis of what their research has yielded and then they would come and present those findings to the Town. Then the Town Council would decide whether or not to implement them into the Comprehensive Plan.

Dan Swafford asked Darla Brown, Town Attorney, if she had looked at the agreement. Ms. Griffin advised she had not yet looked at the agreement. Ms. Brown commented she's received an email from Ms. Griffin about the generalities but hasn't looked at it. Mr. Swafford asked if this needs tabled until she has time to look at the agreement. Dianna Bastin stated it should be tabled until the Town Attorney has had time to review it. Mr. Swafford advised the Town Attorney will need to look over the agreement before a decision is made. He asked Ms. Griffin if this is a class project where one or two students may work in the Town or come to her office. Ms. Griffin replied they will be conducting most of their work outside of the office. They will work in I.U. facilities. Mostly, they will be looking at maps and things of that nature. The time in her office will be limited. Stipulations can be set such as emails. She doesn't anticipate it being a strain on the Planning Department. It is an opportunity to work with students and find out how it goes. Mr. Swafford commented from past experiences the students have been super and brought a lot to the Town for little or no

money. It has been a great asset for the Town. Ms. Griffin stated this is a little different than the SPEA interns. This will be of no cost to the Town.

Dianna Bastin received a copy of the agreement and read it. Is it time sensitive or can Darla Brown review it? Is this for the fall? Ms. Griffin replied it is for the fall and there's time for Ms. Brown to review it. It's a simple document and once it's been reviewed then they can get a signature if there are no additional conditions. Ms. Brown stated if she looks at the contract and there aren't any problems, Connie Griffin could sign it unless Town Council prefers to have it on the agenda for the next meeting. Ms. Bastin commented the signature page has a place for Scott Oldham to sign it. Ms. Griffin can bring it to the next meeting for Mr. Oldham's signature.

Jim Ragle, Street Commissioner, is requesting approval to replace two pickup trucks. They have two trucks in bad shape and they've about patched everything they can on them. One truck is a 1995 and the other is a 1998. Mr. Swafford asked if the funds are in their budget. Mr. Ragle replied yes, except for the stormwater which will be made in two payments. They would rather make it in two payments than to have to take it out all at once. The money is in place in the Local Roads and Streets fund. A mild winter really helped their budget. Quotes for the trucks were provided to Town Council. Mr. Swafford asked if the trucks have mainly rusted. Mr. Ragle responded they've patched floor boards and beds. They both have over 90,000 miles and most of those miles were from plowing snow. This is what he needs the trucks for. Mr. Swafford asked if he ever put the rhino lining in a truck. Mr. Ragle answered no because salt gets under it. Mr. Swafford asked if salt would get in a spray lining. Mr. Ragle said no, if it got cracked the salt would get under it.

Dan Swafford entertained a motion to adopt Ordinance 2012-16. David Drake made a motion to authorize the Street Department to purchase two new pickup trucks pursuant to the quotes they received. Dan Swafford seconded. Roll Call Vote: Dan Swafford – yes; Dianna Bastin – yes; David Drake – yes and Phillip Smith - yes. Motion carried 4-0.

Mr. Ragle commented there was a little storm damage on Thursday, July 19, 2012. It took them a couple of days to clean it up.

Michael Farmer, Ellettsville Utilities, reiterated the Utilities Department request for customers to practice water conservation. They're using 30% more water than the normal daily average while they're meeting demand. It's stressing the tank levels and they're having a hard time keeping them up to where they would like them to be all the time. People shouldn't be irrigating during the heat of the day. They've asked customers to irrigate if they have an odd numbered address on an odd numbered day and vice versa for even numbered days. Spread out irrigation as much as possible. They aren't even into the normal high demand months of the year which are August, September and October. With that, high temperatures continuing and students coming back to Bloomington, they're trying to ask customers to conserve when possible. They're trying to avoid going to the next option which would be to demand they curtail their irrigation all together. Everyone needs to practice conservation anytime they can.

Dan Swafford asked if Mr. Farmer could do a press release and give it to the Express and the Journal. Mr. Farmer replied they have been doing that weekly. They have also been sending notice to high domestic users and businesses. In addition, they have made personal phone calls to some of the bigger users. They're trying to get the word out. They've had weekly meetings with the City of Bloomington Utilities and they're making a concerted effort to be prepared for any event that might interrupt water service. Mr. Swafford asked if the tanks have recovered. Mr. Farmer answered it's interesting when they have rain such as the previous week. They'll recover for a night which is normal during high use months such as July, August and September. During the day the levels will go down like they're suppose to and then at night they pop back up. They have constant use 24 hours a day and everything has been a record this year. The tanks are there as a reservoir when the demand is higher than the ability to supply. Those reservoirs kick in and that's where they get their extra water. During the middle of the night normally demand is down and the supply goes to the tanks. They're suppose to turn over so it's good they go up and down. But, when they go down and

they don't come back up it shows how much water has been used since June 1, 2012. Demand is down a little over the last 10 days since they've asked for conservation measures. It remains 30% over the normal daily average.

Dianna Bastin receives weekly calls and updates as the utility liaison. She wants to tell people common sense things such as don't power wash their house and to really conserve. Everyone is doing a really good job of not issuing a water ban like so many other communities all around us. The managers are doing a good job. It's hard to talk to somebody about the tanks because they panic. If anything big happens they need the water to be there. She reiterated not to power wash houses as well as cars but water flowers and gardens.

Sandra Hash, Clerk-Treasurer, wanted everyone to know Marilyn Skirvin from the Bloomington Area Economic Development Corporation contacted her and left magazines for anyone who is interested. It's their marketing tool and they want to help market Ellettsville as well as Bloomington. They would really like a contact person to keep them informed of any available areas for development in Town. She gave them Connie Griffin's name and telephone number as the contact. It's interesting they're reaching out to Ellettsville and wants us to know they're available to help.

Privilege of the Floor

Marion Jacobs, along with his wife, owns property at 1119 W. Main Street in Ellettsville. Recently, they were notified by the Plan Commission that the owner wasn't in compliance about keeping the weeds mowed and so forth. Is this selective targeting of the current tenant because of the weeds? Just across the street, beyond the sidewalk, the weeds are rampant. In the 800 block of Main Street which is three blocks to the east, the weeds are approximately 4' to 5' tall. He knows the guy that owns it and the last he heard he hadn't even recorded it with the Recorder's Office so it could be put on the tax roll. He wants to know why he isn't being selected for not being in compliance. He's not there to defend Mr. Lowers, who is the current tenant, because he sometimes raises cain with him about how he takes care of the property. In his defense he pays his rent in a timely manner and tries to be a good tenant. He has consulted with the neighbors and they haven't complained to him. He asked again if this is selected targeting.

Dan Swafford advised this is the Town Council's responsibility to make a decision. Mr. Jacobs is not being targeted. He has seen the list of violations and it is numerous so it is just not him. If he wants any further information he needs to submit his request in writing to Town Council and they will try and answer to the best of their knowledge.

Adjournment

Dianna Bastin made a motion to adjourn. David Drake seconded. Motion carried. Dan Swafford adjourned the meeting at 7:39 p.m.

Scott Oldham, President

Dan Swafford, Vice-President

Dianna S. Bastin

Phillip Smith

David Drake

Sandra Hash, Clerk Treasurer, IAMC, MMC