

July 24, 2017

The Ellettsville, Indiana, Town Council met for a regular meeting on Monday, July 24, 2017, at the Ellettsville Town Hall Meeting Room located at 1150 W. Guy McCown Drive. Scott Oldham called the meeting to order at 6:30 p.m. Kevin Farris led the Pledge of Allegiance followed with a prayer by Scott Thomas.

Roll Call: Members present were Scott Oldham, President, Brian Mobley, Vice President, Kevin Farris, Brice Teter and Scott Thomas. Jim Davis, Town Manager; Sandra Hash, Clerk-Treasurer; Darla Brown, Town Attorney; and Rick Coppock, Bynum Fanyo and Associates, Town Engineer, were also present.

Supervisors present were: Mike Cornman, Jimmie Durnil, Kevin Tolloty, Mike Farmer and Jeff Farmer.

Approval of Minutes

Scott Oldham entertained a motion for approval of the minutes for the regular meeting on July 10, 2017. Kevin Farris so moved. Scott Thomas seconded. Motion carried.

Accounts Payable Vouchers

Scott Oldham entertained a motion for action to pay Accounts Payable Vouchers. Kevin Farris made a motion to pay the Accounts Payable Vouchers. Scott Thomas seconded. Motion carried.

Resolutions

Ordinances on First Reading

Ordinances on Second Reading

Old Business

Flood Report

Brian Mobley asked Monroe County for assistance with the flooding on McNeely Street. In response, he received an email from Lisa Ridge stating Monroe County will not be able to help the Town with any projects. Perhaps they can look at grants to help finance the projects.

New Business

Facility Use Request Form

Jim Davis, Town Manager, explained this form was presented to Town Council previously and various changes were made. Mr. Mobley stated it has a line for the Town Manager's signature and he is part-time. Mr. Davis noted it says "Town Manager or Designated Representative's Signature." Mr. Mobley added it states "will be issued and returned to the Office of the Clerk after the event." If someone comes in on a Thursday they should go to the Clerk's office.

Scott Oldham entertained a motion. Brian Mobley made a motion to approve the Facility Use Request Form as it stands. Kevin Farris seconded. Roll call vote: Scott Oldham – yes; Brian Mobley – yes; Kevin Farris – yes; Brice Teter – yes; and Scott Thomas - yes. Motion carried.

Letter of Credit Reduction, Litten Estates, Phase III

Kevin Tolloty, Planning Director, explained there is an outstanding Letter of Credit in the amount of \$37,281.25 for Litten Estates, Phase III. The Letter of Credit renews next month and the developer is requesting it be reduced by the amount of work done to date: 570' of sidewalk installed, six street trees planted, erosion control has been cut in half because of the work done on the finished houses and silt fencing is around all other areas where needed. The amount left on erosion control should cover seeding. It results in a reduction of \$11,656.25 which leaves a balance of \$25,625.

Scott Oldham asked if the balance is sufficient to cover everything else should they default. Mr. Tolloty answered it should cover it all. The only things left are sidewalks, street trees, signage and finish up the erosion control and seeding.

Scott Oldham entertained a motion. Scott Thomas made a motion to reduce the Letter of Credit reduction for Litten Estates, Phase III, to the amounts specified. Brian Mobley seconded. Roll call vote: Scott Oldham – yes; Brian Mobley – yes; Kevin Farris – yes; Brice Teter - yes; and Scott Thomas - yes. Motion carried.

Los Chachos Ordinance Violation

Darla Brown, Town Attorney, explained Mr. and Mrs. Grubb were served with Notice of an Ordinance Violation by the Sheriff. Mr. Grubb has offered to settle for \$250 but it does not include attorney's fees. When the ordinance violation was filed, the Town asked for \$500, excluding attorney's fees. She is requesting the Town Council's input as to how to proceed.

Scott Oldham confirmed the Grubbs have offered to pay \$250. Ms. Brown answered it is \$250 but she suggests they pay attorney's fees of \$331.50 for 2.5 hours and the cost of service. Mr. Teter asked if the fine for a normal violation is \$500. Ms. Brown replied the ordinance says up to \$500. Mr. Teter is concerned a precedent is being set by negotiating ordinance violations. Mr. Farris prefers to stay with what the law mandates. Mr. Thomas is concerned with the Grubbs selling the property they would have to pursue the purchaser of the property for the fine and he doesn't feel this is fair. Will it be more difficult to collect? Mr. Mobley knows they have tried to collect on different ordinances. Precedence is already set for ordinances because for some they collect the fine and others they don't. They're better off to collect the money with attorney's fees if they're willing to pay it. This is a new ordinance that has been put in place and it has done what it is supposed to do in that it got the attention of the business and they're willing to pay half of the fee. Mr. Oldham doesn't know if that is the case. They are the owners of the property but not the owners of the business. Is this correct? Ms. Brown filed against the property owners according to the ordinance. She was told by the daughter of the property owners there is a contract for the sale of the property. She has requested a copy of the contract but has not received it. Mr. Grubb has offered to resolve the matter and negotiate with the owner of the restaurant.

Town Marshal Jimmie Durnil wants to send a message they were misled on the gathering, they need to have the Mass Gathering Permit Applications filled out and need to know what is going on. Ms. Brown thinks Mr. Grubb now understands there is a Mass Gathering Ordinance. Fire Chief Cornman concurs with Marshal Durnil in that the Town has rules. He followed up with courtesy fire inspections at the occupant's request. There was one critical violation and they took care of the others fairly quickly. It is okay with him to proceed with the fine as suggested including attorney's fees. Mr. Davis agrees. Mr. Oldham asked if they want to go with \$250 plus attorney's fees or continue with \$500 as the ordinance is written and take it to court. Mr. Farris asked if we settle but have not collected the amount can a lien be placed against the business. Ms. Brown explained if there was a judgment against them that would show up as a lien but the case would not be dismissed until they paid. If they do not pay then they go to court on August 22, 2017. Ms. Hash asked if Mr. Grubb, as the owner, had knowledge of the event. If the person running Los Chachos is the violator then he is not suffering any consequence for subletting the facility. Mr. Oldham answered it is between the owner and sublessee. The owner is offering to make the payment so they will proceed from there. Is the fee for the first violation \$500 and it increases with subsequent violations. Ms. Brown answered the fee can increase up to \$2,500 for each subsequent offense. Mr. Oldham suggested allowing Mr. Grubb to pay what he has offered and to stipulate they were in violation and this is their first offense. He wants both property owners to sign the agreement before moving forward. Ms. Brown can draft an agreement to include Mr. Oldham's suggestions. There was a consensus of Town Council members to agree to the offer of the Grubbs to pay \$250 for the fine plus \$331.50 in attorney's fees payable before the court date of August 22, 2017, with the stipulation this is their first offense pursuant to the ordinance with both the Grubbs and the owner of the restaurant signing it.

Reclassification of Employees in the Utility Department

Mike Farmer, Ellettsville Utilities, is requesting approval to reclassify their top two positions. They want to reclassify the Lineman to the Foreman's position and Working Foreman to Water Superintendent. The reasons for the reclassification were proffered in an earlier email to Town Council. This is not only in the best interest of Utilities but the Town in general.

Brian Mobley asked how many years of service they have. Mr. Farmer answered they were hired in 1998. Mr. Mobley asked if this will affect the General Fund. Mr. Farmer replied it will not affect the General Fund. Their unique abilities from past projects have benefited the General Fund.

Scott Oldham entertained a motion. Kevin Farris made a motion to reclassify the employees with the Utilities Department, Brian Miller and Tom Cornman. Brian Mobley seconded. Roll call vote: Scott Oldham – yes; Brian Mobley – yes; Kevin Farris – yes; Brice Teter - yes; and Scott Thomas - yes. Motion carried.

Sandra Hash commented the change in salary will not become effective until the salary ordinance is amended.

Town Council Comments

Brian Mobley reminded the public July 31, 2017, is the deadline for all information to be in for the hearing on the apartments at Litten Estates. Be aware in case the judge makes a ruling on the apartments at Litten Estates during the first part of August.

Brian Mobley asked Fire Chief Cornman if they met with the Trustee on the budget. Chief Cornman answered the Trustee has agreed to start working toward a 4% increase over the current year contract. Ms. Hash added 4% is the growth quotient this year and it is the levy increase allowed by the state. Mr. Mobley asked if it will still fall short. Chief Cornman replied not as approved but in considering the past four years, yes by \$115,000.

Town Manager’s Comments

Jim Davis, Town Manager, advised the sound absorbing boards have been installed and, hopefully they’ll make a difference. Sound absorbing boards will also be put in the Town Council meeting room.

There will be a meeting of the Chamber of Commerce on August 10, 2017, and Lieutenant Governor Suzanne Crouch will be the guest speaker.

Supervisors Comments

Jeff Farmer, Ellettsville Waste Water Treatment Plant, reported construction of the phosphorus removal building has started and should be finished by the end of September. They have a gator and loader that need replaced.

Privilege of the Floor

Valerie DeWar, member of the Executive Board for the Ellettsville Chamber of Commerce, announced they’re hosting Lieutenant Governor Suzanne Crouch at their luncheon on August 10, 2017. This will help promote Ellettsville as a community as well as businesses.

Valerie DeWar, on behalf of the Trustees for the Ellettsville United Methodist Church, thanked the Fire Department for coming to their rescue.

Valerie DeWar, as a member of Hoosier Family Eye Care, mentioned they have been a business in Ellettsville for 40 years. Thank you to the Town of Ellettsville for being a likeable place to be for 40 years. There will be e a celebration at their office on August 26, 2017, and they hope to see everyone there. Details of the celebration will be published in the newspaper.

Adjournment

Scott Oldham entertained a motion to adjourn. Kevin Farris so moved. Scott Thomas seconded. Scott Oldham adjourned the meeting at 6:54 p.m.

Scott Oldham, President

Brian Mobley, Vice President

Kevin Farris

Brice Teter

Scott Thomas

Sandra Hash, Clerk