

July 28, 2003

The Ellettsville, Indiana, Town Council met in executive session at 6:00 PM, Monday, July 28th, 2003. Members present were David Sorokoty, President; David Drake, Vice-President; Lisa Creech, Ray Freetage and Geraldine McIntyre. Ron McGlocklin, Town Marshal; Jay Humphrey, First Deputy Marshal; Mike Spencer, Town Attorney and Sandra Hash, Clerk-Treasurer also attended the session.

The Council received information concerning an employee as allowed by the following Indiana Code: IC 5-14-1.5-6.1

(b)(6)(A) to receive information concerning the individual's alleged misconduct; and
(b)(6)(B) to discuss, before a determination, the individual's status as an employee...

The meeting adjourned at 7:10 PM.

The Ellettsville, Indiana, Town Council met in regular session at 7:30 PM, Monday, July 28th, 2003 at the Town Hall located at 221 N. Sale Street, Ellettsville. David Sorokoty called the meeting to order and Ray Freetage led in prayer. David Drake 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; Lisa Combs-Creech, Ray Freetage and Geraldine McIntyre. Also present were Sandra Hash, Clerk-Treasurer; Mike Spencer, Attorney and Rick Coppock, Engineer.

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

Approval of minutes of the meetings on July 7th and July 14th, 2003

Lisa Creech moved to approve the July 7th and July 14th minutes and Ray Freetage seconded. Motion carried.

Action to pay Accounts Payable Vouchers

Geraldine McIntyre moved to approve the accounts payable vouchers. Lisa Creech seconded. Motion carried.

Ordinances on First Reading

Ordinance 03-12 Annexation of Cedar Bluff Gardens, Inc. and Matthew V. Cascio and Lorelei B. Cascio Property

Lisa Creech read the introductory section of Ordinance 03-12. Rick Coppock explained this is a voluntary annexation of the garden nursery area and the multi-family units adjacent to the nursery. This Ordinance has been before the Plan Commission and they recommend one property be zoned C-3 and the other be zoned R-3. There isn't any vacant land and the owners have no intent on changing anything.

Old Business

Public Hearing on Resolution 12-03 designating the former Ellettsville Elementary School building and lot as an "Economic Revitalization Area"

Michael Carmin, Attorney for Eagles, LLC explained this is the public hearing for the resolution that designates the school site as an Economic Revitalization Area which includes a ten-year tax abatement. It has been published and posted. He is asking for final action to be taken to pass the resolution as is with the ten year abatement. Sandra Hash explained Resolution 17-03 is a confirming resolution for Resolution 12-03. David Drake made a motion to adopt Resolution 17-03. Lisa Creech seconded. Motion carried 3-2 in favor. Ray Freetage and Geraldine McIntyre voted no.

Kathy Raver, H. J. Umbaugh – Capital Projects

She commented we are moving forward on the Fire Station and said her purpose tonight was to explain the financing structure options. She said the Police Station is approximately one month behind. She presented a document with charts showing rates

on mortgage bonds and terms for 20 years, 15 years and 10 years while we're in the preliminary planning stage of constructing the new fire station. Also included in the document was a summary of the estimated project cost and funding for the new Fire Station, an estimated annual lease rental payment and debt service tax rate and an estimated tax impact on homeowners per term. For example, a homeowner tax rate is calculated on the market value of the home. If the Council opts for a 20 year term then if a home is valued at \$50,000 they may pay \$32 annually and if a home is valued at \$200,000 they may pay \$214 annually. The estimated homeowner tax impact is calculated by multiplying the net assessed value of a home by the estimated tax rate per \$100 of assessed value. The length of the term issued is typically 20 years because it is more favorable for the taxpayer; however, the interest rate grows with the life of the bond. Therefore, if issued for 10 years then the interest rate will be cheaper overall but the tax rate per year will increase. When deciding the length of the term it basically comes down to the tax impact on the taxpayer. She pointed out, however, the more the Town grows as property is annexed the tax rate will go down or in other words the debt being paid back per individual is decreased. She suggested the Council choose the length of the amortization the bond will be issued for soon.

Comments:

Chuck Radke questioned if Richland Township would share the burden of cost since the Fire Department covers Richland Township? He added that other counties have fire protection districts that help share the burden.

David Sorokoty explained the Town will carry the burden because it is the Town's responsibility since we provide the fire protection.

Jim Davis added that Richland Township does contribute to having fire protection services because the Township is paying 4 fifths on the new fire truck and the Town is paying only 1 fifth. (Richland Township also pays almost 50% of the annual operating budget through a fire protection contract.)

Lisa Creech moved to take a 20 year maturity on the lease. Geraldine McIntyre seconded. Motion carried.

Lisa Lee, Ice Miller Bond Council – Resolutions Necessary for Projects to Proceed

Lisa explained both the Fire and Police Departments have circulated the taxpayer petitions for signatures of Town property owners and have already verified and certified them with the County Auditor. She explained to proceed with the projects the Council need to approve three Resolutions. Resolution 13-03 is a Resolution of need for the Police Station and Resolution 14-03 is a Resolution of need for the Fire Station. These resolutions accept the petitions and verifies the need for the buildings. Resolution 15-03 is a Declaration of Official Intent to Reimburse Expenditures for the Fire Station project; this resolution allows the Town to be reimbursed. Resolution 15-03 is retroactive for sixty days prior to tonight's meeting. The first two resolutions also approves the appointment of appraisers if required and the appointment of members to the common wage committee. A wage determination hearing will need to be held prior to August 8th, 2003 on the proposed project as well. She added that in a lease financing project a Building Corporation needs to be established for the purpose of issuing bonds to acquire the real estate and to fund the cost of the project. She will have a Resolution drawn up that approves the Building Corporation and the names of the members for a future meeting after the three individuals are chosen. She will need their names before August 11th, 2003. The three Building Corporation members will actually own the building while the bonds are outstanding and once the bonds are paid off the buildings are deeded over to the Town. She passed out revised timetables of the lease financing for the Fire Station and for the Police Station.

Geraldine McIntyre moved for approval of Resolution 13-03 a Resolution of need for the Police Station. Ray Freetage seconded. Motion carried.

Lisa Creech moved to accept Resolution 14-03 a Resolution of need for Fire Station. Geraldine McIntyre seconded. Motion carried.

Lisa Creech moved to adopt Resolution 15-03 a Declaration of Official Intent. Ray Freetage seconded. Motion carried.

Announcements:

David Sorokoty announced that CINergy will be installing the pole for the new weather siren at the school some time next week. He thanked Emergency Management Director John Hooker, CINergy and Vectron for their contributions on the project. He added this will give Ellettsville 100% coverage in case of storms and will help in the growth of the west side of Town.

Privilege of the Floor

Ruby Duncan has lived in Spring Valley Addition for the past nineteen years. She now has drainage problems and her yard is always muddy which wasn't a problem until they built 20 plus homes on Ashbrook and more houses are planned on Greentree. She is concerned about the impact these other new homes will contribute to the problem.

David Sorokoty asked Rick Coppock to look into the situation and he agreed to do so.

Lisa Creech agreed that standing water drainage problems is a real issue in the Town that needs to be addressed. She has similar problems in her yard. She questioned if Planner Bill Land has addressed this issue?

David Sorokoty told Lisa to check with Bill to see if he has addressed this issue and if not could he look in to it.

James Wagner said he was here to talk about the new zoning ordinance. He commented three years ago he and his wife noticed that Kelli Heights was becoming populated with abandoned vehicles. Through the help of the Police Department approximately 18 abandoned vehicles have been removed over a period of 10 months. He went on to say that he and his wife were told by the Council then that the Town needed a stronger ordinance. He's read the Town's new zoning ordinance that Bill Land has updated but his concern, as with the last ordinance on abandoned vehicles, is whether it will be enforceable. He read a portion of letter that he and his wife received in October 2001 stating that the Town's Attorney agreed according to the Town Code that vehicles are not to be parked in yards in residential districts. Therefore, back in October 2001 it was considered illegal and according to the new ordinance it is still illegal, however, his main concern is enforcement. These are just words on paper until we decide to enforce the ordinance. It was hard to do in the past and it could still be a problem with the new ordinance. He volunteered to serve as the Zoning Administrator.

Lisa Creech also volunteered to serve as the Zoning Administrator.

David Sorokoty said we have to be careful with appointing anyone making the Town liable if the person would write a citation that the Town could not back up legally. He informed everyone that Town Planner Bill Land has submitted a proposal to serve as the acting interim Zoning Administrator for the remainder of the year and to add these duties to his position in his contract for next year. He said the Council will review Bill's proposal to enforce the code on Tuesdays and Saturdays increasing his hours to 16 per week. He added that Bill is educated in the field and currently enforces ordinance violations in his position at Huntingburg. David said the Council has already been discussing funding for a Zoning Administrator in the Budget Meetings and that within the next two weeks someone will officially be appointed as the Zoning Administrator. They would like to have a full-time person in 2004, but guidelines, benefits and salary needs to be addressed.

Lisa Creech said the Zoning Administrator will have a lot of ordinance violations, including building issues to deal with not just parking violations and that enforcing all the Code violations can't be done in just 16 hours per week and Bill may need help. She suggested getting an assistant to Bill possibly with some police experience and added the Council should get Bill's, Ron McGlocklin's and Mike Spencer's input.

Mr. Wagner said the Council should have appointed a Zoning Administrator before adopting the new zoning ordinance. He added this paper doesn't protect his property rights if it is not enforced. He requested the Council take a stand on this issue and if no

one is appointed by the next Council meeting he is prepared to take action with the Attorney General.

Lisa Creech urged the Council also to take action soon in appointing the Zoning Administrator because it is becoming a legal issue in some cases that even she herself has had to deal with.

Supervisor’s Comments

Jim Davis announced they are moving dirt at the site. He explained elevations were taken, the Architect was consulted and it was verified that some of the dirt at the new fire station site needed to be removed before beginning construction. INDOT needed clay for the Highway project on Temperance to have a better base for the roads so he spoke with Jerry Barnes, the project manager, and the soil test came back okay to use in the project. So, he worked out a deal with the State and Crider to remove some of the dirt to benefit us by having the dirt removed for free and to benefit them for the new road. The timing was just right for us to remove the dirt which saved us several thousands of dollars in site work. We have not officially broken ground for the station yet; after they remove the dirt then they will put a cap of topsoil over the top and re-seed the area.

Sandra Hash said American Legal is still working on the code update. She referenced question #57 which concerns our excessive weed and vegetation ordinance. American Legal said this ordinance is outdated and suggested replacing it with a model ordinance. Sandra asked permission to give them the okay to proceed to replace it with the current State code. The Council agreed to leave the ordinance the same for now.

Geraldine McIntyre commented that Ron McGlocklin, Mike Hendricks and herself attended the meeting at Crane last week and it was very interesting. A copy of the information will be sent to her and when she receives it, she will share it with the rest of the Council.

Lisa Creech thanked Ron McGlocklin, Jay Humphrey and the rest of the officers for all their help. She asked Mike Spencer for clarification on Town Ordinances. If a Town Ordinance doesn’t address a specific problem but the County Ordinance does, would the County’s Ordinance supercede in the situation?

Mike Spencer said if it is a Planning and Zoning issue the County’s ordinance would not apply even if there are “holes” in the ordinance.

David Sorokoty said “Shop Ellettsville” because it helps our local businesses.

Ray Freetage presented the preliminary plans for the new Police Station. The entry way leads into a lobby area. The County is requesting we provide backup for Dispatch, so we have allotted a space for them in the drawings. There’s an area for training, an evidence room, a supply / storage room, a mechanical room, interview rooms, offices, restrooms and locker rooms plus a drive-thru garage to unload prisoners. Skylights are added in the squad room. He invited the public to view the plans after the meeting if anyone wanted to.

Adjournment

David Sorokoty asked for a motion to adjourn. Geraldine McIntyre moved to adjourn. Ray Freetage seconded, motion carried. The meeting was adjourned at 8:46 p. m.

David Sorokoty, President

David Drake, Vice President

Lisa Combs-Creech

Ray Freetage

Geraldine McIntyre

Sandra C. Hash, Clerk-Treasurer