

June 14, 2010

The Ellettsville, Indiana, Town Council met for a Regular Meeting on Monday, June 14, 2010 at the Fire Department Training and Conference Room. Phillip Smith called the meeting to order at 7:30 p.m. Scott Oldham led the Pledge of Allegiance. Phillip Smith led in prayer.

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

Supervisors Present were: Jim Davis, Tony Bowlen, Connie Griffin, Jeff Farmer, Mike Farmer and Rick Coppock. Jim Ragle was absent.

Proclamation

Proclaiming the month of June as Limestone Heritage Month - The proclamation written by Steve Sturgeon of *The Ellettsville Journal* was read in its entirety by Phillip Smith. Dianna Bastin asked that if anyone is interested in the beautiful artwork, to go to the Indiana Limestone website to get the visiting hours and tours across from Bybee Stone Company. She asked that you adhere to those hours. Some of those people are true artists and they deserve the time undisturbed.

Approval of Minutes

Phillip Smith entertained a motion for the approval of the minutes for the Regular Meeting May 24, 2010. David Drake so moved. Dan Swafford seconded. Roll Call Vote: Phillip Smith – yes; Scott Oldham – yes; Dianna Bastin – yes; David Drake – yes; Dan Swafford – yes. Motion carried 5-0.

Accounts Payable Vouchers

Phillip Smith entertained a motion for action to pay Accounts Payable Vouchers. Dianna Bastin so moved. Scott Oldham seconded. Roll Call Vote: Phillip Smith – yes; Scott Oldham – yes; Dianna Bastin – yes; David Drake – yes; Dan Swafford – yes. Motion carried 5-0.

Scott Oldham – made a motion from this point forward to limit all initial public comment to three minutes on a timer that's kept by the clerk and they can appeal for more time if needed. Dan Swafford seconded. Roll Call Vote: Phillip Smith – yes; Scott Oldham – yes; Dianna Bastin – yes; David Drake – yes; Dan Swafford – yes. Motion carried 5-0.

Ordinances on First Reading

Ordinance 10-10 to amend Section 36 of the Ellettsville Town Code concerning Personnel policies

Jim Davis, Ellettsville Fire Department – stated this is merely a review of the personnel policy. In the policy, it says we will review it as needed, or at least yearly. It has actually been two years since the last review. It has been reviewed with supervisors, with clerk, and with counsel. We made recommendations and got an amended document and sent it to counsel to look over. She's reviewed it and now it is brought before Town Council for approval.

Ordinances on Second Reading

Ordinance 10-08 concerning the annexation of the Jerry and Norma Abbitt property

Connie Griffin, Director of Planning – displayed a map of the property. She reported all requirements have been met for the annexation. There have been no changes or additional concerns from the last meeting. David Drake made a motion to approve Ordinance 10-08 concerning the annexation of the Jerry and Norma Abbitt property. Dianna Bastin seconded. Roll Call Vote: Phillip Smith – yes; Scott Oldham – yes; Dianna Bastin – yes; David Drake – yes; Dan Swafford – yes. Motion carried 5-0.

Ordinance 10-09 to amend various sections of the Ellettsville Town code concerning Wireless Communication facilities

Connie Griffin, Director of Planning – This ordinance has been introduced and gone through first reading. She has not received any questions or concerns from Council. The code expanded its title and definitions. It has been reorganized and flows much better. The application process is much more thorough. We have a few different communication facilities that are considering locating in the community and the time was right to get this updated. We're also promoting co-location, if possible, to minimize the towers in the area. Also, their certifications for antenna support, tower conforms to structural standards was missing in the former document. We are not going to be allowing any signage on the facilities. We will require screening and landscaping requirements in this code as well as in the new landscaping code. Dan Swafford made a motion to adopt Ordinance 10-09 to amend various sections of the Ellettsville Town Code concerning Wireless Communication Facilities. Scott Oldham seconded. Roll Call Vote: Phillip Smith – yes; Scott Oldham – yes; Dianna Bastin – yes; David Drake – yes; Dan Swafford – yes. Motion carried 5-0.

Old Business - None

New Business - None

Supervisor Comments

Tony Bowlen, Town Marshal – informed the Council a part-time officer has resigned effective June 15, 2010. He has taken full-time employment with the Monroe County Sheriff's Department. Mr. Bowlen asked to hire Zachary Grant Michael in his place as a part-time officer. He is currently a part-time officer with the Indiana University Police Department. If hired tonight, he will be giving his notice to them to take up employment with us. Phillip Smith asked who was leaving. Mr. Bowlen responded it was Ryan Davis. Dianna Bastin stated they wished Ryan all the best and thanked him for his service. He has filled in many times at the last minute and has proven to be an asset. Mr. Bowlen stated Ryan had wanted full-time employment and he wanted to stay local, so this was a good opportunity for him. David Drake made a motion to hire Zachary Grant Michael as a part-time officer of the Ellettsville Police Department. Scott Oldham seconded. Roll Call Vote: Phillip Smith – yes; Scott Oldham – yes; Dianna Bastin – yes; David Drake – yes; Dan Swafford – yes. Motion carried 5-0. Tony Bowlen informed Council Mr. Michael will go to Town Hall Friday to be sworn in.

Tony Bowlen continued with a second matter. He stated he had two people he would like to bring on as reserve officers. The first is Jacob Taylor who would be returning to us. Jake was with us in the past and was a very valuable asset. The other is Aaron Waltz who is a full-time lieutenant at Crane Naval Base, Department of Defense Police who has served as a County reserve for a number of years and would like to join our department as a reserve. Dianna Bastin asked if he was still with Monroe County. Tony Bowlen answered that he tendered his resignation about a month ago and is no longer with them. Dianna Bastin made a motion that we accept Jacob Taylor and Aaron Waltz as reserves for Ellettsville. David Drake seconded. Roll Call Vote: Phillip Smith – yes; Scott Oldham – yes; Dianna Bastin – yes; David Drake – yes; Dan Swafford – yes. Motion carried 5-0.

Connie Griffin, Director of Planning – announced she would like to respectfully submit the I-69 Grant findings to the Council to be kept in Town Hall. Today the report has been submitted to INDOT and the Office of Community and Rural Affairs. We have the Planning Grant Analysis Report, a Capital Improvement Plan, a Green Space Inventory, the Wells Park Inventory and the Five Year Master Park and Recreation Plan and all supporting documents. Connie Griffin added the main documents are posted on the Planning Department website. Scott Oldham stated on behalf of all the Council members he wanted to thank her for making sure this got done and shepherding it through since it was clearly a project and a half to finish out. Dan Swafford asked what could be expected after this. Connie Griffin replied they would review it and analyze all the documents. If there are any changes or anything they wish her to come back on they will let her know. There is a balance of \$11,000 and she noted what it could be spent on. If they feel generous and

would like us to keep the money, we might go for a strategic plan or an income analysis of the community which would allow us to seek grant funding through the Office of Community and Rural Affairs.

Jeff Farmer, Ellettsville Utilities – informed the Council he has a need to purchase a lawn tractor for the Ellettsville Wastewater plant. They got a couple of quotes and the one they feel is a better fit is the lesser expensive of the two. Dan Swafford asked if the money for this is in the budget. Jeff Farmer responded that it is. It will come out of the Equipment Replacement Account. The piece of equipment we will be replacing was purchased for the plant to take care of the grounds in 1997. We are starting to have a lot of problems with it and feel its time to replace it. The purchase price for the Kubota F3680 is \$20,800.

Council Comments

Dianna Bastin, Council Member – informed other Council members the Edgewood High School Alumni are having a party at the big shelter house this Saturday night and would like to close the road at Campbell's Park Drive to the entrance to Turtleback. They are going to put up a couple of signs in the islands. They're going to put them up and take them down and not bother the landscaping. She requested a Council vote for this matter. Dan Swafford asked Tony Bowlen if he knew anything about this. He responded the Association contacted him three weeks ago and wanted to know about shutting the road down but did not confirm their intent. Dianna Bastin added it would be nice if the Town could assist them and she could call the lady and have her touch base with the Street Department. Scott Oldham responded he would like to have the Street Department close the road for them or provide them with the materials to do it. Tony Bowlen asked if Dianna Bastin knew what time they wanted it closed. She did not. Tony Bowlen told her to have them get in touch with him and he would have the guys do it. Dianna Bastin made a motion we allow the Edgewood High School Alumni Association to shut the road down from Campbell's Park Drive to Turtleback without shutting off Turtleback. Scott Oldham seconded. Roll Call Vote: Phillip Smith – yes; Scott Oldham – yes; Dianna Bastin – yes; David Drake – yes; Dan Swafford – yes. Motion carried 5-0.

Privilege of the Floor

Bruce Frey, Autumn Ridge resident – would like to talk about the Autumn Ridge street. He stated it was his understanding from what he has been told that Jason Walls has said that the future of the street resurfacing project is now in the hands of Council because he has submitted a written request that the Council agree in writing they will reduce the amount of his bond once he puts in the street resurfacing. This is where it's been for the last two months and, as near as he can tell, there are two more Council meetings before the bond expires. He says he's not going to do anything until he hears from Council apparently. His questions to Council are: What have we done for the last two months? What are you going to do about his request to agree in writing to reduce his bond? When are we going to get a street? Phillip Smith referred to Darla Brown, stating the bond would not be reduced until the road is done, correct? Darla Brown answered this was correct. We would not agree to reduce the bond until the road is finished and Rick Coppock and/or Jim Ragle and/or anybody else the Town Council asks for the chance to inspect it. Phillip Smith asked wasn't Jason Walls informed of this and Darla Brown responded he was. Mr. Frey stated, as of this last Plan Commission meeting, Jason Walls is telling all of them that the street finishing project is in the hands of the Council and that would presumably be because he thinks you have not yet told him you are not going to reduce his bond. Mr. Frey added they are stalemated and he is panicked. Scott Oldham added the bond has been extended. Mr. Frey said it is September and the Council has two more meetings before then. Dan Swafford said they have more than two meetings before then. He added they have three months of meetings until then. Mr. Frey asked if they have formally notified him that the bond will not be reduced. Dan Swafford stated Jason Walls has presented them with a letter to reduce his bond if he paves the street. To this point, the Town has not answered that yet. Mr. Frey responded that was the problem – he was not going to do

anything. Dan Swafford added he should not be waiting on them. If he has an opportune time, which he has said he has, he can save money by getting it done now, then he needs to continue along with the original plat agreement and repave the street. He is also asking something about sidewalks and a PUD amendment, which has nothing to do with the original plat agreement that was agreed to. He went on to say, we have until September 15 until that bond goes. If he does not extend that bond or if he does not pave the streets or does everything that's included in the letter of credit, then the Town will step in before then and resolve this matter. Mr. Frey asked will Council set up some time frame so that they're not trying to do this as the bond expires because he thinks Council has to give Mr. Walls a deadline. Mr. Frey remarked Mr. Walls has Council right where he wants them because he's not going to do anything because he thinks Council hasn't done what he thinks Council should do. Dan Swafford stated this goes back to the original plat. He's asking for a PUD amendment when we tabled that at the last meeting. Mr. Frey added that has nothing to do with the street. Dan Swafford responded "Exactly." That is what he is trying to say. There is no reason why he should be asking the question on when he is to pave his own project. He needs to pave his project as he sees fit. Phillip Smith notified Mr. Frey he was past his three minutes and did he want to ask for more time. Mr. Frey responded yes, he did. Scott Oldham interjected there was an issue that needed to be dealt with quickly. He went on to say the meeting needed to be adjourned due to the possibility of imminent danger due to the weather. Dianna Bastin made a motion to adjourn the meeting due to the tornado warning. Scott Oldham seconded. Phillip Smith adjourned the meeting at approximately 8:00 p.m.

Phillip Smith, President

Scott Oldham, Vice-President

Dianna S. Bastin

David Drake

Dan Swafford

Sandra C. Hash, Clerk-Treasurer
Minutes recorded by Cathy Sater