

June 25, 2012

The Ellettsville, Indiana, Town Council met for a Regular Meeting on Monday, June 25, 2012, at the Fire Department Training and Conference Room. Scott Oldham called the meeting to order at 7:01 p.m. Dianna Bastin led the Pledge of Allegiance followed with a prayer by Phillip Smith.

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

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

Approval of Minutes

Scott Oldham entertained a motion for the approval of the minutes for the regular meeting on June 11, 2012. Dan Swafford so moved. Phillip Smith seconded. Motion carried.

Accounts Payable Vouchers

Scott Oldham entertained a motion for action to pay Accounts Payable Vouchers. Phillip Smith so moved. Dianna Bastin seconded. Motion carried.

Resolutions

Resolution 06-2012 to Implement a Plan to Enforce its Anti-Nepotism Policy – Darla Brown, Town Attorney

Darla Brown, Town Attorney, explained also on the agenda for a second reading is an ordinance by which the Town of Ellettsville would adopt an anti-nepotism policy which basically parallels the state's statute. As part of that the Town is required to implement a written plan. In other words, how is the Town going to put in place the ordinance or policy? The proposal to implement the anti-nepotism policy includes having new employees sign verification forms indicating they are not related to anybody who may be in the direct line of supervision. It requires Town Council members to file certain forms with the State Board of Accounts at the end of the year. It also makes it clear there should be no favoritism in hiring or promotions.

David Drake made a motion to adopt Resolution 06-2012. Dianna Bastin seconded. Roll Call Vote: Scott Oldham – yes; Dan Swafford – yes; Dianna Bastin – yes; David Drake – yes and Phillip Smith – yes. Motion carried 5-0.

Darla Brown, Town Attorney, explained the purpose of this Resolution is to have something in place until the Town Codes can be modified with regard to the purchasing provisions and the personnel policy. If the Town Council is satisfied with the Resolution she can take the language and put it in the ordinances. If there are other thoughts, suggestions or ideas about other things they would like to see done they're to let her know so they can be incorporated into the ordinances. Then she can have them ready for the next Town Council meeting. Otherwise the language is what will be placed in the ordinances.

Scott Oldham confirmed barring Council comments through the week Ms. Brown should proceed with it as is.

Resolution 07-2012 to Dispose of Surplus Property – 1992 Chevrolet P32 Box Truck – Marshal Tony Bowlen

Town Marshal Tony Bowlen requested the Town Council declare a 1992 Chevrolet P32 Box Truck surplus. It is of no use to their department anymore. He would like to auction it on Ebay. Scott Oldham asked if this is consistent with what they've done with other vehicles including the Fire Department. Marshal Bowlen responded yes, and he thinks the Fire Department has done this. Mr. Oldham stated the Fire Department sold a truck last year. Ms. Brown added they also sold some radio equipment.

Dan Swafford asked Marshal Bowlen if he asked any of the other employees if they have any need for the truck. Marshal Bowlen replied no one wants it.

David Drake made a motion to adopt Resolution 07-2012. Phillip Smith seconded. Roll Call Vote: Scott Oldham – yes; Dan Swafford – yes; Dianna Bastin – yes; David Drake – yes and Phillip Smith – yes. Motion carried 5-0.

Resolution 08-2012 to Establish a Complete List of All Individuals Employed by the Town as of July 1, 2012 – Darla Brown, Town Attorney

Darla Brown, Town Attorney, explained the purpose of this resolution is to memorialize for the State Board of Accounts or Department of Local Government Finance who was actually employed by the Town as of July 1, 2012.

Scott Oldham advised number 23 should be redacted because Jimmie Durnil is an appointee and not an employee.

Diana Bastin asked if Michael J. Crouch is the last employee hired. Mike Farmer replied that was correct.

David Drake made a motion to adopt Resolution 08-2012. Dianna Bastin seconded. Roll Call Vote: Scott Oldham – yes; Dan Swafford – yes; Dianna Bastin – yes; David Drake – yes and Phillip Smith – yes. Motion carried 5-0.

Ordinances on Second Reading

Ordinance 2012-12 to Amend Chapter 73, Schedule 1 of the Ellettsville Town Code Concerning the Speed Limit on Sale Street

Dan Swafford reiterated the proposed ordinance is for housekeeping. He thinks the speed limit is not current with today's needs. This is one of a few speed limits that needs evaluated.

Phillip Smith stated there are 33 homes up and down Sale Street excluding the addition and apartments. He still thinks the speed limit should remain 20 mph.

Dan Swafford asked Jim Ragle, Street Superintendent, to summarize the traffic count.

Jim Ragle, Street Superintendent, explained from Association Street to the Ellettsville Apartments there were 5,000 automobiles. The average speeds from 0 mph to 20 mph was 12%, 21 mph to 26 mph was 28%, 27 mph to 32 mph is 38%, 33 mph to 38 mph is 18% and 39 mph to 45 mph is 1%.

Dan Swafford again reiterated this is housekeeping that needs to be done. It is a main collective with 5,000 vehicles a day.

Scott Oldham asked when the study was done. Mr. Ragle replied it was done from June 6, 2012 to June 8, 2012. Thirty-five percent of the vehicles were driving 21 mph to 32 mph. A copy of the traffic study was provided to Town Council members. Mr. Smith commented 88% of the people who go down that stretch of the road are breaking the law.

David Drake stated the Town shouldn't base speed limits on how fast people want to drive. He agrees it is a major thoroughfare and 30 mph is a more appropriate speed. It has some issues but a lot of places have 30 mph. A lot of places where the speed limit is 30 mph also have issues such as no sidewalks.

Dan Swafford asked Mr. Ragle the cost of the signs. Mr. Ragle replied approximately four signs would have to be changed resulting in a cost of \$300 to \$400.

Bill Schneider provided photographs of speed limit and school crossing signs. On Ridge Springs the speed limit is 20 mph. He thinks they need to look at the areas that are posted with children present signs and do not have 30 mph. They need to look at more than Sale Street when it is one and a half miles with a 20 mph speed limit. It is a major artery but Sale Street was built decades ago with no curbs or sidewalks. Mr. Swafford asked Mr. Schneider to provide copies of anything posted on the screen viewer for the public record.

Scott Oldham entertained a motion to adopt Ordinance 2012-12 to amend Chapter 73, Schedule 1 of the Ellettsville Town Code concerning the speed limit on Sale Street. Dan Swafford made a motion to adopt Ordinance 2012-12 to amend Chapter 73, Schedule 1 of the Ellettsville Town Code concerning the speed limit on Sale Street. David Drake seconded. Roll Call Vote: Scott Oldham – no; Dan Swafford – yes; Dianna Bastin – no; David Drake – yes and Phillip Smith – no. Motion failed 2-3.

Ordinance 2012-13 to Establish Anti-Nepotism Policy – Darla Brown, Town Attorney

Darla Brown, Town Attorney, explained this ordinance was introduced for first reading at the last Town Council meeting. It states the Town of Ellettsville is adopting an anti-nepotism policy which parallels the requirements of the new state statute.

Scott Oldham entertained a motion for Ordinance 2012-13. David Drake made a motion to adopt Ordinance 2012-13. Phillip Smith seconded. Roll Call Vote: Scott Oldham – yes; Dan Swafford – yes; Dianna Bastin – yes; David Drake – yes and Phillip Smith – yes. Motion carried 5-0.

New Business

AmVets Post 2000, Les Compton Request to Hold a Raffle at the Marci Jane Lewis Park Shelter to Benefit Verda Savage, Choir Director at Edgewood High School

Les Compton, Primary Gaming Operator at AMVETS Post 2000, explained in order to conduct a raffle in Indiana you have to have a charitable gaming license. When they started planning the benefit, they asked if they could use the AMVETS license for the raffle. He applied for the license and everything is in order except he found out he needs permission from the Town Council to do the raffle at the shelter house.

Scott Oldham asked Mr. Compton to explain how the raffle will benefit Ms. Savage. Mr. Compton replied Janice Walker is the person organizing the raffle but he doesn't know what they're going to do with the raffle. He has to provide an operator from their charitable gaming to conduct it. They will report the income from the raffle and then it will be in and out. The income will go right back to them for the fundraiser.

Diana Bastin commented at Edgewood High School graduation, Ms. Savage returned to lead the seniors in choir one more time. It was announced that she had been in an accident out of state and it was her first time back. The fundraiser may be to help her with the costs incurred from the accident. She's been on leave for quite some time.

Phillip Smith has talked with Ms. Savage since she's been back home. Her boys had to spend a lot of time in St. Louis to help take care of her while she was in the hospital and convalescent center. He's not for sure but he thinks they got behind on their bills just like everybody else would and this is the reason for the fundraiser.

Scott Oldham asked Ms. Brown if a roll call vote was necessary. Ms. Brown replied a roll call vote was not necessary but it would be appropriate for the record if there was a motion.

Phillip Smith made a motion to give permission for AMVETS Post 2000 to hold a raffle at the Marci Jane Lewis Park Shelter to benefit Verda Savage, Choir Director at Edgewood High School. Dianna Bastin seconded. Motion carried.

Les Compton requested a letter approving the raffle. Mr. Oldham advised the Clerk-Treasurer had prepared a letter and it would be signed shortly.

Dan Swafford asked when the fundraiser will be held. Mr. Compton replied he thinks it's August 12, 2012, but he's not positive. People can contact Janice Walker with any questions. They have her phone number at AMVETS Post 2000.

Amendment to the Town of Ellettsville Municipal Code Title IX; General Regulations Public Health Nuisances; Excessive Vegetation – Connie Griffin, Director of Planning

Connie Griffin, Director of Planning, explained this is a state level code change that will come into effect on July 1, 2012. It has to do with weed abatement law. This particular code change will help save money for municipalities because they will only need to send one certified return receipt mail. Currently the code is 9" or taller on weed abatement. Basically, the first letter will serve as a continual abatement notice. If they notice a tall grass violation, they can basically serve the notice that the Town is there to mow the grass at that time. This will help with repeat offenders.

Scott Oldham asked if we send them one notice and then the Town can cut their grass. Ms. Griffin replied that was correct. Then a lien can be placed on the property for the mowing. Mr. Oldham asked if there was a lot of this. Ms. Griffin responded yes. There are four or five people they send letters to throughout the summer.

Dan Swafford asked if a public announcement could be put in the local newspapers. Ms. Griffin replied they could do a press release. This does not need a public hearing notice which the Clerk-Treasurer has confirmed. A press release for the Journal and Express News would be a good idea.

SPEA Intern – Dan Swafford

Dan Swafford announced the intern is no longer interested in working for the Town.

Supervisor Comments

Connie Griffin, Director of Planning, explained at the last Town Council meeting draft self-evaluations for the ADA were handed out. They had hoped to have completed forms by this date but there were a few things that came up and all of the changes haven't been made. There are very few changes that need to be made. Drafts of the self-evaluations have been provided to the supervisors. This will give them an idea of the types of questions, help them to decide who they want to do the self-evaluations and allow them to ask questions before they launch this process. There are a few forms and it needs to be decided who will complete them. They are the Emergency Management Shelter, Emergency Management and Accessible Play Areas. Some of the questions on the forms may be non applicable but they do have to be answered. In the case of the Emergency Management Shelter the questions would be answered as non applicable because the Town does not have one. The Town needs to acknowledge that in the future if we do build an emergency shelter for the Town that it will be built ADA accessible.

Scott Oldham stated they have previously discussed an emergency shelter and had an area in mind at the time. It would be an ad hoc facility. Would they answer the emergency shelter questions for that or just let it go? Ms. Griffin replied at this time they would answer they do not have an emergency shelter. If the Town does decide to build an emergency shelter it would be ADA accessible.

Dan Swafford asked the deadline for the supervisors to complete the self-evaluations. Ms. Griffin replied thirty days after they receive the self-evaluations. She did tell the supervisors if they felt they need additional time they can work around it. They do need to get them back to start filtering them into the Transition Plan. Mr. Swafford said if the supervisors can get them back to her by August 13, 2012.

Connie Griffin, Director of Planning, provided an update on the passing blister that will be located by Richard's Small Engines. The INDOT permit should be released to them soon so they can get it started.

Connie Griffin, Director of Planning, provided an update on the First Assembly of God Church. She conducted an inspection prior to this meeting. There has not been any rain, there have been high temperatures and the site has clay soil. There has been very little change of vegetative growth. The good thing is there have not been any torrential rainfalls that would wash sediment onto the highway. The site does not have 70% vegetative cover at this time. It is highly unlikely that it will be established until the fall when the temperatures are lower. They have put additional seed and straw out.

Scott Oldham asked if they have made the attempt to get vegetative cover. Ms. Griffin replied yes. Mr. Oldham asked if it is her opinion that it is only due to lack of

rain and the dryness of the soil. Ms. Griffin responded that was correct and also the heat is preventing vegetative growth. This is not the time of year to seed for grass. It is really best done in the spring or fall. Mr. Swafford confirmed it is no fault of the church because there hasn't been any rain. Ms. Griffin replied it was a late start. Mr. Swafford asked Rick Coppock if there were any tricks of the trade that could help them. Mr. Coppock replied they could do a rain dance.

Council Comments

David Drake explained in 1994 a resolution was passed that pertained to how the Town Council conducts its meetings. Since 2000 he has been on the Town Council the meetings have not been conducted as outlined in the 1994 resolution.

David Drake made a motion that Resolution 5-94, Proceedings at Council Meetings, be suspended until there is a new policy that reflects the way the meetings are currently be conducted. Diana Bastin seconded.

Dan Swafford asked Darla Brown, Town Attorney, if she was alright with preparing this. Ms. Brown replied she was and will having something ready by the next meeting.

Roll Call Vote: Scott Oldham – yes; Dan Swafford – yes; Dianna Bastin – yes; David Drake – yes and Phillip Smith – yes. Motion carried 5-0.

Phillip Smith made a motion to uphold Town Marshal Tony Bowlen's disciplinary actions for employee numbers 203 and 206. Dianna Bastin seconded. Roll Call Vote: Scott Oldham – yes; Dan Swafford – yes; Dianna Bastin – yes; David Drake – abstained and Phillip Smith – yes. Motion carried 4-0 with one abstention.

Dan Swafford stated there are going to be some days with 100°+ temperatures. Give employees of the Street and Utilities Departments all the water they can drink. If it gets too hot find something for them to do in the shop. Be very careful it is to get really hot.

Phillip Smith commented on the Sale Street utility construction going gangbusters. They've done a great job between them tearing up the road and the Street Department helping to cover it up. Have people been hooked up? Mike Farmer replied there will be one more day of testing and then they will start hooking up on Wednesday, June 27, 2012. Mr. Smith reiterated they've done an excellent job.

Privilege of the Floor

Scott Oldham reminded everyone wanting to address the council on an item not on the regular agenda has a three minute time limit.

Bill Schneider explained there are six homeowners from the Autumn Ridge subdivision attending the meeting. He is speaking for a lot of them in a situation they want to bring to the public's attention.

Marie Gingras explained she and her husband, Andy Sonagy, own the home in Autumn Ridge development that directly faces the tree line that runs down the south side of Harvest Lane. They moved in three years ago and bought with the anticipation they would be selling fairly soon. She is deeply concerned about the loss of the trees across the street from their home. Photographs of the tree line and her home were shown to Town Council. When they moved in the tree line was much deeper and went further down the hill. Dirt has been heaped up onto the roots of the trees which is very unhealthy for them. They are a long standing resource. They're deeply concerned at the loss of these trees. The trees protect them from noise and from silt coming off the open lot. They want to protect the trees for the resale value of their home. The Department of Natural Resources ("DNR") said they are now assigning a dollar value to tree lines that are visible or on properties. They are looking at leaf spread area. The largest tree would have 162 feet of leaf surface area to the value of their home. Maintaining the tree line just isn't good for the environment, the aesthetic view but it is also good for the resale value of her home. Taking trees away to look over a field that has been partially developed could really harm them financially. She pays property

taxes and is a good citizen in Ellettsville. She hopes the board will consider her concerns for a lot of different reasons over the loss of these trees.

Andy Sonagy is a homeowner in Autumn Ridge and he donated his three minutes to Bill Schneider.

Bill Schneider showed a photograph of a hickory tree that is 40’ to 50’ tall and 18” in diameter. Mr. Suttle of the DNR in Brownsburg told them the tree in one year will hold back 4,000 gallons of drainage water. An inventory of the trees that accidentally got buried was shown to the Town Council. The DNR is going to do a detailed report of the total value of the 38 trees to the environment. A letter from Abell Nursery stating the trees could be saved was shown. Pastor Carter got one opinion that said the trees need to be unburied and one opinion that said they didn’t need to be unburied. The DNR says the trees need to be unburied. All homeowners are concerned for what will happen in three to five years because they don’t die overnight. It is a problem that was an accident.

Ray Nelson lives in Autumn Ridge and his house also faces the tree line. Mr. Nelson gave his time to Bill Schneider. Mr. Oldham reminded Mr. Schneider he has already had six minutes and they’re not going to continue with this discussion. Mr. Schneider said he had one last point and needed one minute.

Bill Schneider stated last December he talked to Pastor Carter and he told him in due time he would unbury the trees. On December 29, 2011, he offered to tithe the cost of unburying trees. According to Abell Nursery the cost would be \$1,500 to \$1,800 depending on how far they had to move the dirt. He presented a check for 10% of the higher cost estimate to Ken Cook, one of the elders with the First Assembly of God Church. Mr. Cook refused the check.

Max Dixon lives in Autumn Ridge. The Town Council approved the project with conditions which the church failed to uphold. It should be the Town’s responsibilities to see that all codes relative to the approval of the project were strictly adhered to. Last fall they were at the Town Council meeting with basically the same issues. There has been no resolution. They have been threatened with a lawsuit if they trespass on the property. The Town Council needs to step up and do its duty.

Roger Havranek lives in Autumn Ridge and he can see the trees. They’ve heard people say the trees may or may not survive. Someone needs to look at this and find out who is right or who is wrong. The church doesn’t care if they die. This is sad because they’re killing trees. Look at the bypass and you’ll see how many trees have been killed. His wife refuses to drive the bypass because they took out so many trees. Someone needs to get together and find out whether or not it is a problem. Something needs to be done other than letting the trees die.

Dianna Bastin noticed the flyer for fireworks put on by Ellettsville Fire every year. The fireworks will be on July 4, 2012. It’s a great program and is always different. Donations are accepted. Come and out and join the community for the fireworks display.

Adjournment

Dianna Bastin made a motion to adjourn. Dan Swafford seconded. Motion carried. Scott Oldham adjourned the meeting at 7:51 p.m.

Scott Oldham, President

Dan Swafford, Vice-President

Dianna S. Bastin

Phillip Smith

David Drake

Sandra Hash, Clerk Treasurer, IAMC,
MMC