

June 28, 1999

The Ellettsville, Indiana, Town Council met in regular session at 7:30 p.m., Monday, June 28, 1999. Members present were Michael Cornman, President, Geraldine McIntyre, Vice President, Patrick Stoffers Donald Ashley and Gina Hawkins. Mr. Cornman called the meeting to order.

COMMENTS:

PROPERTY ON MAIN STREET-ED BITNER:

Ed Bitner lives on Main Street. He owns 2 pieces of property. One has his house on it and the other was originally set up for a park for Kelli Heights when the addition was built. The park was never built because the homeowners around there prior to him moving in there didn't want to fund a park fund for Kelli Heights park. Therefore the guy, who owned the property, Cooper sold it and eventually he bought it from the guy who bought it from Cooper. The question he has is, is there is a restriction on that which says a residence shall not be built there on since it was originally set up for a park. What needs to be done to remove that restriction?

Mike Spencer said you are going to have to contact an attorney to assist you with that. It is in the covenant and restrictions of your plat and you are going to have to consult with an attorney.

Ed wanted to know what one would have to do have the property rezoned at the time they bring the highway through to rezone it into commercial?

Mike Spencer said rezoning is a different issue. You would have to petition the Council through the Clerk's Office and seek a petition to rezone.

Mike Cornman said he wants to interject at this time there has been talk and this is similar to what other towns have done. They have done a group rezone after a new highway has come in and that is something the town might favor. We don't know yet we are waiting for information from Indiana Department of Transportation on their suggestions on this because it is not something that is done every day. He discussed this further.

Ed wanted to know if he bush hogged his yard twice a year would that maintain and stay within the city ordinances. Mike Cornman said he didn't know that answer.

Ed said there is a property east of 400 Main Street. A guy came in here and petitioned to have it annexed into the city several years ago. At that time he questioned it in front of the Town Board and him while he was here. Are you going to maintain all city ordinances with that property when you do it. He said yes he will do anything the city says I have to do. The guy bush hogs the yard when it gets this tall every June and every September. That is the only time that yard is ever mowed.

Mike Cornman said some body in the town would have to know about it, has there been a complaint filed with that property. Diana said she had noticed it and was going to send them a letter but then they mowed it. Diana said if she doesn't see it or one of the Council members or department heads don't see it then you as a citizen can call and tell us and we go out and check it and then send a letter.

QUESTION ON NOISE ORDINANCE-DARLENE SOWDERS:

Darlene Sowders lives at 114 N. Temperance. She has a question about our noise ordinance. A garbage dump truck came around at 1:30 in the morning and not only picked up the trash but had one of these big dumpsters and he shook it and rattled it for about ½ hour at one thirty in the morning. What kind of ordinance do we have against that kind of thing?

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Mike Cornman said he knows we have an ordinance but is not sure all it initials. File a complaint with Diana and be reviewed and see what can be done about it.

Gina Hawkins said working dispatch over night we have a lot of complaints in Bloomington and we have to go out and issue situations to all the truck because they will start between 1, 2, and 3 in the morning.

Mike Cornman told Darlene to call Diana in the morning and she can get with Ron McGlocklin and see what we can come up with. We will certainly look into it.

Seth Easterday is the director for Youths for Christ in Ellettsville. They run programs for High School and Junior High. They want to hold a 1-day basketball tournament on July 23rd at the park. Who do I talk to about?

Mike Cornman said next to the fire station. The reply was yes. Mike said at the present time talk with the school system. The property is still theirs. We have somewhat of an agreement right now to maintain that area but they are still the ones that have to say yes or no at this time. It would be the Richland Bean Blossom School Corporation and start with the superintendent's office. By all means with that going on I urge you to contact our local Chamber of Commerce as well as the County Prevention Coalition.

Mike Curia is an Ellettsville Reserve Office and he read the following letter to the Council.

I am writing in support of placement of a security officer in the Ellettsville Junior and Senior High Schools in Ellettsville, Indiana. In support of the funding required to establish and maintain this placement in wake of recent tragic events in Colorado and other small town throughout the United States the Ellettsville Police Department and Superintendent of the Richland Bean Blossom School Corporation have come together to find a way in which to protect the students in Ellettsville. Children attend school to learn it is our responsibility to insure that the students are in an environment in which they can establish these goals. Young people are not able to concentrate and receive a full education if they are worried about their safety. The placement of a security officer in the schools would detour possible violence and ease the fear of the students. This officer will also be providing an additional service by providing law information and assisting to health education teacher. I strongly urge you to implement this safety program of the Richland Bean Blossom School Corporation and provide the funding for its implementation. If you have any questions please feel free to contact me at the State House, Senator Vi Simpson.

Mike Curia said this is a project we are trying to undertake and there is funding that is available for this position which we are not quite aware of. We are working on it right now in cooperation with Peggy Welch and Senator Simpson. There is money available through the Governors educational grants to implement school resource officers ----- through out the State of Indiana.

CLAIMS:

Mike Cornman asked is there a motion to approve the claims? Geraldine McIntyre so moved. Gina Hawkins seconded. Motion passed 5-0.

OLD BUSINESS:

None

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NEW BUSINESS:

CHERRY HILL-MR. NORRIS:

Mike Cornman said we will table it one more time.

RESOLUTION 99-6 RESOLUTION SUBMITTING TO THE TOWN'S VOTES
THE QUESTION OF WHETHER THE TOWN SHOULD
CHANGE INTO A CITY:

Mike Cornman read Resolution 99-6. Mike Cornman said is there a motion to adopt Resolution 99-6. Gina Hawkins so moved. Patrick Stoffers seconded.

Mike Spencer said in reviewing the petition, the petition has the correct number of signatures, however the petition is not on proper form. The statute requires that petition to submit for placement of a local public question on the ballot petition must 1. State the day of the election in which petitioners seek placement of the question on the ballot. This petition does not do so. Therefore it is deficient. He thinks the board has the ability tonight to either one, request the resolution, two, pass the resolution, because the board has the inherent power to pass that resolution whether or not you have signatures. You can do it on your own motion if you want to. That is the way it is at this point.

Mike Cornman said based on information from our attorney he still recommends to the Council we move ahead with this because in all probability those signatures would be obtained in the legal fashion. He doesn't see any reason why to stop now. Do the Council members have anything to add to that?

Geraldine McIntyre said she would just like to state that she is not in favor of this. Something of this should have come before the Town Council. The Town Council should have known before it went this far. She will vote for it because she thinks the people have the right to either vote it in or vote it out.

Patrick Stoffers said he would just add that any citizens could do this petition. It didn't have to evolve any Council members.

Donald Ashley said he feel like Geraldine does, he doesn't think it is a good idea at this time. There is not much we can do but pass it.

Ed Bitner said he read the article in the paper by whoever it was that got the petition. In the paper in the Herald Telephone it did say that if this was done the tax base would not raise. The questions he has with that is you each get X amount of dollars for being on the Town Board. Ed said lets just estimate \$5,000, that is \$25,000, the mayor is going to get a whole bunch more than that plus a whole staff that he has to maintain through this ----- secretaries and all this stuff. It is also his opinion that there will also still be City Council, which also gets paid. The benefits package for employees that what ever they get for retirement and what have you that would be raised. The Town Marshall he would assume would become Chief of Police, which is appointed by the Mayor. Which every time a Mayor changes that could change and if you have a good thing like we do now why fix it if it ain't broken. Wages will also rise accordingly also. Cities back in 83, somewhere around that area. The Town of Ellettsville raised taxes to buy a trash compactor so they could continue trash pick up for the city people of Ellettsville. The following year they said we can no longer have trash pick-up, so here is the number for Rumpke, have them pick-up your trash. But our taxes didn't go down for that. Cities pick-up trash, towns don't have to. Are they going to raise our taxes again so they can buy another trash compactor? You add all this up and it comes up to several thousands of dollars. How can a tax base not raise? I can show you my tax bills from when I bought the house and what I am paying now. It is whole bunch more that I am paying now. You tell me it is

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not going to rise, when I'm already paying over a \$1,000 a year. How came up this, it's not going to raise the tax base? Did the Herald Times report it wrong?

Mike Cornman said no.

Patrick Stoffers said that was offered by the Cities and Towns personnel.

Mike Cornman said the tax base does not raise the base you draw your money from. The rate may change but the base does not.

Ed Bitner said the rate may change therefore. Should you not tell that to the people of town before they have a chance to go vote on this? They could say we could have a mayor and our taxes aren't going to rise anyway.

Patrick Stoffers said tell me if I'm wrong but by statute the levee can only go up 5%, is that correct?

Mike Cornman said yes it is.

Patrick Stoffers said this town consistently has raised the levy 3 to 5 percent at least every year he has been on the Council. So there is a cap correct?

Mike Cornman said yes that is correct.

Ed Bitner said but people are reading that the tax base will not raise and then you turn around and say we have got a mayor now we got hundreds of thousands of dollars we got to pay these wages with and he is not in favor of this at all. People have known him here know that he is very well placed in his opinion. If he has to advise people himself prior to the vote that you guys have already approved or going to approve he will put an ad in the paper himself telling people all these things and what ever else he can think up to. What it actually will cost them.

Gina Hawkins said it is true that Pat got this petition and what ever and like he said it could have been any resident out there not just one of us. This is not something as you heard Geraldine and Don that we necessarily are for as a Council. She has not made her decision. In talking with Steve Salters today from State Board of Accounts as you said there is a lot of money that has to be raised. She is not making an opinion one way or the other until she knows what some of these cost are going to be. However the point that she was trying to make was that once this petition, which could have been done by anyone is filed with the Clerk's office it is not up to the Town Council.

Ed Bitner said he doesn't have a problem with that. He has a problem with the deception, telling people their tax base won't rise. They would be like him, assume that the tax rate isn't going to rise and we won't have to pay more for this.

Gina Hawkins said she doesn't know who said that.

Ed Bitner said the Herald Times. How about saying your taxes will go up.

Mike Cornman said we don't know that. He is reserving judgement of speaking on yes or no. For this resolution he is going to pass it because our backs are against the wall, Indiana Code says we have to pass it. There has been a lot of talk the last 4 or 5 years so it is time to let the people decide what they want. But before they decide we need to make sure they have the information. The information is not tonight, it is going to be over the summer. They don't have any information from the Public Employees' Retirement Fund. We have to wait and see what they have to say. With the Indiana State Board of Tax Commissioners they're the ones with a very important role in this. A phone call was made late afternoon and they haven't got back with us. The people need to know and you are exactly right. Maybe the cart is maybe a little ahead of the horse at this point

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at least perception is and that really is not the case because this is just the first step. The petition has been filed; in this case we will say it has to put it on the referendum. That is really all this is at this point. He can't help it if people don't understand what tax base and tax rate

is. Tax base sounds better than assessed valuation, because nobody knows what that is. There is a lot of information yet to come in. If somebody like yourself and a few other people in our town will eventually link up and say this is not good as well as people out there say yes this is good. We are following the law and we have heard some of the opinions, mine being reserved until we get all the information exactly. When the information comes in and we got it people will know what it is going to cost. We have roughly 16 paid policemen and firemen together. If the case is it is going to go up, retirement funds then each one is going to be different because it depends on your age, years of service. Diana has got a lot of work to do yet figuring out what it is going to be for everybody and try to project it with our current tax information we have now. She has to figure how it is going to effect that versus what we are now. It is really early on in this venture.

Ed Bitner said one of the things you didn't bring up the mayor is not going to be in the town hall you will have to build a building for him, how much? There is no way you can say that is not going to raise your taxes.

Mike Cornman said the town has to file 2 budgets, one for town and one for city.

Clorinda from the Herald Times said to address your concerns, she is the one who wrote the article and she ----- with the information she is being told. There will be an article tomorrow morning with additional information. As they are learning she is learning. She is working on it.

Jim Davis said he has a question and he had it explained to him you don't have much choice to pass this resolution. Is the Council going to hold meetings so that the public has the opportunity to attend to either voice the opinion or gain information or is that something the Council does? Whether you are pro or against or really makes no difference. How are you going to get the word out other than the newspaper. Other than the newspaper it thinks it would be healthy if the Council through whatever means got the information together whether it is going to cost more or not cost more then hold public meeting so that the public has an opportunity to come and hear it from the Clerk-Treasurer, hear it from the Council, whether it is pro or con and let them make up their own minds. He thinks it is going to be very detrimental if these people try and make a decision and as Ed said they really don't have all the facts. He doesn't know what happens in other towns but he watched the news when Fishers tried to do it and they were in a gymnasium and there was a couple hundred people in there. He thinks Fishers turned it down. Mike Cornman said that is correct. What is the procedure to get the public informed?

Mike Spencer said there is not a legal procedure.

Mike Cornman said one thing he has checked on is that on Merrillville, Fishers, and Edinburg is that the Town Councils stayed out of it. Jim Davis said does it mean the Town Council can't host a public meeting? Mike Cornman said the Clerk-Treasurer would be the one to host the meeting because she knows more about the money and taxes. She is the money holder of the town. If the Council wants to have one I guess we can vote to have one. She is the one that has all the hard work ahead of her.

Jim Davis said he would be very interested as a supervisor of the town he would be very interested as Ed said and as you all know he knows Ellettsville's financial situation as well as Diana, he asks her all the time. Diana keeps on top of it. He is kind of with Ed he doesn't know where the money is going to come from. He is not saying it is a bad idea but is he going to have to cut something out of his budget that he can't afford to cut in

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order to accomplish this? I will leave you with this thought, 4 or 5 years ago Diana called all the Supervisors into a meeting in about March and said we got problems, you are going to have to cut \$20,000 out of your budgets because I don't have enough money to pay the bills until the next distribution comes in June. We did that and we kept our budgets under

a certain figure the next year to make up some of this deficit. It has taken us until, he asked her this morning, and she has been having to borrow money to so call live from payday to payday, the June distribution, and December 30th distribution.

Mike Cornman said explain that, we are not going to the bank and borrowing money.

Jim Davis said like town government get their money June 30th and December 30th, every town in the state of Indiana. When she gets her money on June 30th with what is called an operating balance, is like a cash reserve, it is supposed to run her though the next 6 months. The Town government spent more money than was taken in 1992 and 1993. We used all of our tax reserve. It has taken us approximately 5 years to come to a point where, I have money in this pocket and money in the pocket, I can't take the money out of this pocket and put it over here because the law won't let me that. But I can borrow it from this pocket and put it over here and spend it but as soon as I get my money in June I have to put it back. He asked Diana, have you had to borrow from inside the town in other budget lines this June for this last meeting because this will be the last meeting before she gets her June 30th distribution. She said this is the first time I have not had to borrow money since she discovered the problem in 93. He went through a period in 1980 when the new Clerk-Treasurer he thinks about 2 months of office walked in the door and said hey town you are \$30,000 in the red and there is no money in the bank to pay the bills and I quit. When it came time for payday they handed out paychecks and whoever had the hottest car got to the bank and got a paycheck first. He doesn't particularly want to go back to that. He would be very interested to see what this comes up to. If it comes up to we can afford it, hey from some of the things he has heard about PERF he is for it because he likes it and so will the policemen. But if it is going to mean that he has to cut X number of dollars out of his budget, he doesn't have enough money to make it the way it is, he can't even afford to buy a fire truck without the townships help.

Mike Cornman said speaking of the Township Don Lewis is not here but it would require, if it requires more money he would have to pay more money also. He would have to help get that retirement fund is in fact higher, we have to pay more into, he would have to put his fair share into.

There was more discussion on the matter.

Mike Cornman said he will ask the Chamber of Commerce if they would be interested in hosting a serious of hearings to hear what this was all about.

Darlene Sowders asked how many votes does it take do what ever has to be done in November. Mike Cornman said majority.

Bob Sowders said ----- grants to.

Donald Ashley said he heard Bob mention grants remember we have to compete with 3rd class cities for those grants. We are know longer competing as a town and that makes quite a difference, you are kind of like a small fish in a big pond when you become a city.

Mike Cornman said according to the 2 towns that he did talk to that changed over they did not receive any additional grant money. The towns that defeated it said they couldn't find any different, except for the fact the Indiana is a very strong mayoral state and that Senators and Congressmen like to talk with one mayor verses a Town Council and Town manager. That is why there is an illusion that you get more grants. There is nothing in the books that say a city gets more money.

Mike Cornman said we have a motion and a second. Motion passed 5-0.

SUPERVISORS:

FIRE DEPARTMENT- JIM DAVIS

Jim informed the Council that they will be picking up the new fire truck July 13th or 14th.

COMMENTS:

None

ADJOURNMENT:

Mike Cornman made the motion we adjourn. Gina Hawkins made the motion to adjourn. Patrick Stoffers seconded. Motion passed 5-0.

Michael D. Cornman
President

D. Geraldine McIntyre
Vice President

Donald Ashley

Patrick Stoffers

Gina M. Hawkins

Diana K. Evans
Clerk-Treasurer