

March 12, 2012

The Ellettsville, Indiana, Town Council met for a Regular Meeting on Monday, March 12, 2012, at the Fire Department Training and Conference Room. Scott Oldham called the meeting to order at 7:00 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. Sandra Hash, Clerk-Treasurer and Rick Coppock, Bynum Fanyo, Town Engineer, were also present.

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

Approval of Minutes

Scott Oldham entertained a motion for the approval of the minutes for the regular meeting on February 27, 2012. Dan Swafford so moved. Dianna Bastin seconded. Motion carried.

Accounts Payable Vouchers

Scott Oldham entertained a motion for action to pay Accounts Payable Vouchers. David Drake so moved. Dan Swafford seconded. Motion carried.

Clerk-Treasurer’s Report

February 2012 Fund Balances

	Beginning 2012 Balance	February Beginning Balance	MTD Revenue	MTD Expenses	February Ending Balance
General	\$ 462,248.72	\$ 367,876.25	\$ 46,599.41	\$ 158,399.90	\$ 256,075.76
MVH	\$ 50,830.82	\$ 48,727.49	\$ 10,656.12	\$ 37,574.46	\$ 21,809.15
Water O&M	\$ 199,135.80	\$ 209,501.72	\$ 133,526.21	\$ 140,445.00	\$ 202,582.93
Waste Water O&M	\$ 190,643.47	\$ 219,407.10	\$ 168,065.77	\$ 165,953.31	\$ 221,519.56

Appointments

Park and Recreation Board – Appointment by the President, Term Ending 2015

Scott Oldham – The Parks Board recently met and interviewed candidates. They are requesting Claudetta Kelly be appointed to the Parks Board and her term will end on December 31, 2015. Ms. Kelly was appointed to the Parks Board.

American with Disabilities Act Transition Plan, Public Hearing Introduction to the Town’s Transition Plan – Connie Griffin

Connie Griffin, Director of Planning – Introduced her assistant, Denise Line. They are here to present the process for drafting the American with Disabilities Act (“ADA”) Transition Plan. The presentation is a brief overview of the process the Town will undertake to become compliant pursuant to Title II of ADA. This is ADA Awareness Month and a good time to kick-off the program. A person with a disability can have a physical, developmental or mental impairment. According to the American Community Survey of 2008, 54 million people in the United States have a disability. On July 26, 1990, the American with Disabilities Act was signed into law and the date for all governmental entities to have a transition plan in effect was January 26, 1992. All public agencies are required to adopt a transition plan identifying physical obstacles limiting access by persons with disabilities. The Federal Highway Administration mandates the ADA Transition Plan. The Department of Justice is over compliance with the ADA. The City of Madison, Indiana, received a complaint that several city facilities were inaccessible to persons with disabilities and the city failed to provide an assisted listening device for a person with a hearing disability during public meetings. The Department of Justice and the City of Madison reached a settlement

agreement on all requirements necessary to complete a transition plan. The Monroe County Planning Organization has supplied the Town with \$10,000 in funding to complete the ADA Transition Plan. They chose not to hire a consultant but to do the work in-house with an 80% reimbursement and 20% match. To date, the Town has received approximately \$4,700 to assist with the development of the ADA Transition Plan. Title II compliance requires the development of a transition plan, designation of an ADA coordinator, providing notice to public about the ADA requirements, establishing a grievance procedure, developing internal design standards, specifications and details, conducting self-evaluations and monitoring the progress of the implementation of the transition plan. Exceptions are a fundamental alteration in the nature of the program, services, meetings and activities; a result in an undue financial and administrative burdens; and a threat to destroy the significance of a historic property. It is very important that the Town complete the ADA Transition Plan by December 31, 2012.

At this point and time, she did not bring the mapping processes the Planning Department will be undertaking as well as the forms Denise Line has been working on and the various documents that will be necessary in the preparation of the transition plan. Those items have been drafted and are ready for review. The self-evaluations are ready to disperse to the supervisors. The Town Council, supervisors, employees and citizens will have an important role in this challenging process. An email was received from a gentleman who lives in the City of Bloomington which stated, *"I have worked on ADA compliance for the past twenty years and am still working on better access in Bloomington. I have been in a wheelchair for the past 15 years which means I was working on this issue five years without a disability. I think experience has given me insights from both personal as well as a disability but also how the general population views this issue."* He basically wished the Town good luck this evening and thanked the Town of Ellettsville for taking on the ADA Transition Plan.

Phillip Smith – Asked if the Town does not have an ADA coordinator. Ms. Griffin responded that was correct. The Planning Department has undertaken this because of its association with the Metropolitan Planning Organization ("MPO"). She attends the MPO meetings. On a couple of occasions she has mentioned to Town Council if they felt there was a different department that would do a better job or someone else then that would be their discretion but they have started the process. Mr. Smith asked if they have come up with a public notice and grievance procedure. Ms. Griffin responded yes, the public notice has been developed. The grievance procedure is also drafted. The Town has a grievance procedure in the personnel policy but there are some changes that need to be made as part of the transition plan. Phil Smith stated it is his opinion since she and Denise Line have worked so hard on transition plan up to this point that the Town needs to get a coordinator assigned and make it permanent.

Phillip Smith made a motion to make Connie Griffin, the Director of Planning, the American with Disabilities coordinator as part of the ADA Title II requirements. Dan Swafford seconded. 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 make Denise Line, the Administrative Assistant of the Planning Department, the American with Disabilities assistant coordinator as part of the ADA Title II requirements. David Drake seconded. 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 approve the policy of public notice for the Town of Ellettsville under the American with Disabilities Act, approve the policy of non-discrimination on the basis of disability public and the grievance procedure under the Americans with Disabilities Act. Dan Swafford seconded.

Sandra Hash – Asked if by passing the policy of public notice and grievance procedure, do they become part of the transition plan and will the plan eventually make it into Town code. Or, will it be a separate document. Ms. Griffin replied the documents will make it into code revisions. They are basically looking at the employee part which will utilize a complaint form. There will be an alternative means

for filing the complaint to consider the disability. The time period will be changed to 60 calendar days after the alleged violation and there are procedural changes. Ms. Hash stated by accepting this without it being in resolution or ordinance form is what confuses her. Will that come later? Ms. Griffin answered it will come before the Town Council for modifications to the Town Code at a later date. Phillip Smith stated this is basically a procedure to follow.

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

Hiring a Replacement Full-Time Firefighter – Jim Davis

Fire Chief Jim Davis – September of 2011 one of their fireman retired and they need to fill the vacant position. There is a provision in the Town Code that states if a person has unused PTO time they can cash in their PTO time upon retirement. The gentleman retired and got paid for his unused PTO time. They have to wait a given period of time so they are not paying for the same position twice. The Board of Officers, Lieutenants, council liaison, David Drake and Chief Davis all met on March 10, 2012, and reviewed six applicants. On behalf of the Board of Officers, he is recommending Jason Webb, who has been a part-time firefighter for eight years, be transferred to full-time status effective March 13, 2012. David Drake commented Mr. Webb has been working the part-time slots to fill this position. They went through a lot of scenarios and it was an extensive process to make this selection.

Scott Oldham entertained a motion to transfer Jason Webb from part-time employment to full-time employment with the Ellettsville Fire Department. David Drake made a motion to transfer Jason Webb from part-time employment to full-time employment with the Ellettsville Fire Department. 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.

Supervisor's Comments

Fire Chief Jim Davis – Provided Town Council with information on replacing one of the Crown Victorias driven by Deputy Chief Mike Cornman. It is a 2000 they bought used eight years ago and it has 104,000 miles on it. It has some mechanical issues, but nothing major. The vehicle has more rust issues than anything which they have repaired three times. Their proposal is to replace one of the emergency medical vehicles they call Squad 7 at the Fire Station. Squad 7 will be transferred to the station on Curry Pike, Deputy Chief Cornman will drive the vehicle they're replacing at Curry Pike and the new vehicle will go into the front line replacing Squad 7. They have several quotes. There is a state bid on the vehicles. The state bid saves them approximately \$4,700. His proposal is to take the funds from their Cumulative Fund. They will have to borrow money through Ford Credit for 12 months and the interest will be approximately \$1,000. He provided a summary of the balance in the Cumulative Fund. There will be two payments with one being this year and one next year. They do have the money in the budget for this. Scott Oldham asked if he was buying a Ford Explorer. Chief Davis replied that was correct. Dianna Bastin asked if the Squad he has now is a Ford Explorer. Chief Davis answered it is.

Dan Swafford – Asked what vehicle Deputy Chief Cornman will be driving. Chief Davis replied it will be vehicle at Squad 8 which is a 2007 Ford Explorer. Sandra Hash asked what year the vehicle is Deputy Chief Cornman will be driving. Chief Davis answered it is a 2007. He reiterated the new vehicle is replacing an older one at the fire station, then the older one is going to Squad 8 and Deputy Chief Cornman will drive the vehicle at Squad 8. Mr. Swafford asked if he is making two payments because he doesn't have enough in the fund. Chief Davis replied they didn't appropriate enough to pay it off and he doesn't like to see the fund get too low. A loan for 12 months will cost \$1,000 but he thinks it is well worth it. He has worked out the financing. It will be financed through Ford. Ms. Hash requested a copy of the proposal. Dianna Bastin said if Ford does like they do when you buy a personal car meaning they actually give

the best deal. They don't just deal with one finance company. Scott Oldham commented this is a government promotion and a state bid. It's a little different than a consumer buying the car. The \$1,000 is more of a processing and carriage fee. It's clearly Ford's best interest to have their product in a municipality. This is a good deal. Chief Davis commented if they were to purchase this car outside of the state bid it would cost them almost \$5,000 more. Ms. Bastin asked if the financial papers won't be available until they make the deal. Chief Davis replied the vehicle is not on the Ford lot and he doesn't think it's been built yet. The vehicle will be available in April. They are seeking preliminary approval to purchase the car and when it comes in they will get the paperwork. Mr. Oldham commented the vehicle they're purchasing shares the same commonality with police cars because it is a special service vehicle and can't be bought off of the lot. It's pursuit rated which means it's rated for lights, sirens and everything else. Phillip Smith asked when the vehicle is purchased does the fire department have to put the lights, sirens and everything else on it. Chief Davis responded that is correct and the money is in the budget for these items.

Scott Oldham entertained a motion that they allow the Fire Department to buy the new squad truck, put Deputy Chief Mike Cornman in Squad 8 and Squad 7 goes to Station 8. Dianna Bastin made a motion that they allow the Fire Department to buy the new squad truck, put Deputy Chief Mike Cornman in Squad 8 and Squad 7 goes to Station 8. David Drake seconded. Roll Call Vote: Scott Oldham – yes; Dan Swafford – yes; Dianna Bastin – yes; David Drake – yes and Phillip Smith – yes. Motion carried 5-0.

Mike Farmer, Ellettsville Utilities – He sent an email to the Town Council about changing companies that service the buildings with floor mats, paper towels, air fresheners and uniforms. They are requesting permission to enter into an agreement with Plymate. They are a family business in Indiana and are located in Shelbyville. Sandra Hash asked if he has notified the old company because there's a clause they have to give notification by a certain date. Scott Oldham replied Mr. Farmer addressed this in his email to Town Council. Mr. Farmer stated they have a contract with the current supplier until 2013 but they can meet the minimum agreement which will service the Town Hall with floor mats. This will be a considerable savings. In the last three years the contract increased by \$1,000 a year. The company took full advantage of the contract they had with the current supplier and raised it the maximum allowed. They paid \$12,000 in 2011 and they're looking to reduce that by 35% to 40% so it will be a considerable savings. Mr. Oldham commented the Street Department has been using Plymate for awhile. Phillip Smith commended Mr. Farmer on doing some double checking and checking with the Street Department to try and get lower prices. This can make a big difference over the long run. Mr. Oldham stated he believes the contract has a provision that avoids major price increases. Mr. Farmer replied that is correct and Plymate agreed to C.P.I increases with no more than a 4% increase each year. They have a guarantee if Utilities is dissatisfied with the service they can send notice and get out of the contract. Dan Swafford asked Mr. Farmer to forward a copy of the contract to the Town Attorney. Mr. Farmer replied he'll get a copy to her. Dianna Bastin thanked Mr. Farmer for constantly comparing prices.

Council Comments

Dianna Bastin – Read an article in the newspaper that Edgewood girls and boys teams both brought home sectional titles. The Town has a slightly vested interest in the boys team with Coach Farmer. Congratulations to both teams on a job well done.

Mary Boutain, Area 10 Agency on Aging – They work with older adults and people with disabilities. They updated their senior services guide and she brought some with her. They will have these books at various business locations. The guides contain services for people with disabilities and older adults in both Owen and Monroe County. It's also available on their website at area10agency.org. It will be updated on line as needed. The guide was printed through a grant from the Smithville organization.

Dan Swafford – The MPO vote for I-69 which was the inclusion of the Transportation Improvement Program ("TIP") of Section 4 passed by 7-6.

Privilege of the Floor

Michael Hill – Has been a local business owner in Ellettsville for four years. He read an article in the Herald-Times about Town Council considering a smoking ban in the Town of Ellettsville. If this action is taken the Council would do nothing more than taking another freedom away from the citizens who support the community. He is not advocating smoking but defending the freedom of people to smoke and have a place they can smoke without standing in the elements and being harassed. From what he read in the paper it seems as if the Town Council is considering following in the footsteps of the liberal minded council of Bloomington. In Ellettsville people seem to stand up for their freedoms and not care what the rest of the county is doing. He suggests stickers to state “this is a smoke free establishment”, “smoking is allowed in this building” or “smoking is not allowed in this building” and require it to be placed at the entrance of the business. This would allow for people to make their own decision as to whether or not they want to enter the business. The businesses could purchase the signs and generate revenue for the Town. This is a diverse community. If people can vote they should be able to make their own choice of whether or not to enter a building that allows smoking. He urges the Town Council to stand up for the freedoms of the people and allow them to make their own decisions. Scott Oldham commented that currently there is no resolution before the Town Council concerning smoking. Anything the Town Council may or may not do has been preempted by the state. The state is considering a state wide ban on smoking. If it should come before the Town Council everyone will be heard.

Adjournment

Dianna Bastin made a motion to adjourn. Dan Swafford seconded. Motion carried. Scott Oldham adjourned the meeting at 7:47 p.m.

Scott Oldham, President

Dan Swafford, Vice-President

Dianna S. Bastin

Phillip Smith

David Drake

Sandra C. Hash, IAMC, MMC
Clerk-Treasurer