

March 22, 2010

The Ellettsville, Indiana, Town Council met for a Regular Meeting on Monday, March 22, 2010 at the Fire Department Training and Conference Room. Phillip Smith called the meeting to order at 7:30 p.m. Dan Swafford 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. Sandra Hash, Clerk-Treasurer and Darla Brown were also present. **Supervisors Present were:** Jim Davis, Jim Ragle, Tony Bowlen, Connie Griffin, Mike Farmer, Jeff Farmer and Rick Coppock.

Approval of Minutes

Phillip Smith entertained a motion for the approval of the minutes for the Regular Meeting March 8, 2010. Dan Swafford so moved. 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.

Accounts Payable Vouchers

Phillip Smith entertained a motion for action to pay Accounts Payable Vouchers. Scott Oldham so moved. 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.

Proclamation for Sexual Assault Awareness Month

Phillip Smith read the proclamation in its entirety.

Old Business

Town of Ellettsville and Indiana Department of Transportation Project Coordination Contract

Connie Griffin, Director of Planning Services – stated Town Council submitted a few questions last week and she sent those to INDOT as well as forwarding them to Council. There are no additional questions at this time. She is coming before Council with the Main Street agreement to have the INDOT contract signed. Scott Oldham moved to table the issue. 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.

New Business

Agreement between the Town of Ellettsville and Ellettsville Main Street, Inc. concerning the Heritage Trail

Jeanna Kapczynski, President Ellettsville Main Street – They were given a draft about a week ago but still waiting on the answers to some questions submitted to INDOT. She has not seen a final draft with corrections. Scott Oldham asked Connie Griffin when to expect a response from INDOT to the questions. Connie Griffin answered she received answers to all the questions Monday morning. Phillip Smith asked Connie Griffin how they were doing as far as the timeline for this and she answered they were fine. She asked INDOT if they could send over the score sheets prior to the contract being signed and they answered that was fine. The 20 year time clock starts ticking after the contract is signed. We've received quite a bit of positive support from the Monroe County Commissioners. Phillip Smith asked Connie Griffin what is holding us up with Heritage Trail agreement with Main Street. Connie Griffin answered there were just a few things that we wanted reworded with the contract between the Town and Main Street. Main Street wants to make me the person in charge since she is the employee and the responsible charge for the local public agency for scheduling meetings and making sure all the documentation and the reports are done in a timely manner. One of our major concerns was the 20 year contract period that would require us to pay all the money back if we did not complete the project. Scott Oldham reiterated we have an agreement in principle with all parties involved, just not a signed agreement. Connie Griffin agreed and went on to say we are almost complete with all the changes. Phillip Smith asked which phases are included in the 20 years. Connie Griffin answered it was Phase I and II which is from the one way pairs and the bridge. Dan Swafford commented he had a meeting with the Monroe County Commissioners last week. They are very positive on trying to help us receive additional funds once we get the project underway. Dianna Bastin asked for clarification on who wanted Connie Griffin to be the person in charge and Connie Griffin answered it was Main

Street. She added that as the ERC, that does fall under her duties. She and Rick Coppock work quite often on this project together and it makes sense for her to do all the scheduling. Scott Oldham asked when she predicted she would have a contract ready for their signatures. Connie Griffin answered they are just waiting on another revision to that agreement. Darla Brown stated she received Main Street's suggestions via email last Friday and she was out of the office on Friday. There was some issue on how the matching funds were going to be handled. She thought it best to wait to see what everyone's comments were tonight before putting together a re-draft. If everyone is happy with Main Street's suggestions, she can get everyone a copy tomorrow (Tuesday). Dan Swafford asked if Main Street was happy. Dianna Bastin asked for clarification regarding Main Street's suggestions and Darla Brown stated she was not aware she had not seen them. Dianna Bastin asked Connie Griffin if she could forward the minutes to the entire Council members when they begin having meetings about the Trail and Connie Griffin responded she would do that. Connie Griffin also stated she would re-send the email regarding the INDOT comments she received that morning. Scott Oldham asked Darla Brown to enumerate the changes Main Street wanted. Darla Brown stated:

- Asking for Connie Griffin to be the employee in charge
- Additional members may be needed on the Technical Advisory committee during the design and construction phase
- Other ideas regarding how the matching funds should be disseminated and she would prefer someone from Main Street speak to that

Jeanna Kapczynski said that one of the questions to INDOT was do you have to pay the entire 20% match up front before the Town starts paying anything. The answer seems to be the Town pays 100% of preliminary and the match would be towards the end. There was a Main Street meeting this afternoon before the Council meeting and it was decided that after the contract is signed between the Town and INDOT, Main Street would take \$5000 of the matching funds as a good faith contribution and put it into the special fund that has been set up for the donations. If the Town decides not to proceed with the environmental review and the preliminary engineering within one year of the contract, you would give the \$5000 back to Main Street. Whenever you get an invoice, Main Street would transfer their 20% within five business days. Scott Oldham asked if she thought there could be an agreement in place by next meeting. Jeanna Kapczynski answered she thought they could. She added that the funds that have been donated before March 1, 2010 – approximately \$42,000 – will be used for the matching for Phase I as specified by the donors. And then, any funds raised after March 1, 2010 will be set aside for further 20% matches or to be put in the fund to keep matching additional funds acquired by the Town. Or they might be used if the donor specifies for an amenity or something that's not a match. Main Street would like a little more control of those funds. Dan Swafford thanked Main Street for all their time and effort put into this. Jeanna Kapczynski went on to inform everyone of Main Street's first inaugural Heritage Hike on the morning of April 17th – a Saturday. It will be a 10K community hike starting out at Flatwoods Park. Others can pick up at the school area for a 5K. Some of the historic buildings will be open downtown. Hopefully, the sculptor will have his shed open in order to see the statues that will be going into the Masonic Lodge building. The hike will end at the shelter house on the Fall Festival grounds.

Disclosure and Waiver of Conflict of Interest – Bynum Fanyo and Associates

Rick Coppock, Bynum Fanyo and Associates – explained Bynum Fanyo and Associates does the engineering work for the Town and from time to time also does private work for developers and other parties who want to do some building in Ellettsville. According to State Board of Accounts they need to file a conflict of interest statement. Sandra Hash said after the Council signs the statement, she forwards it to the State Board of Accounts and they keep a copy on file. It needs to be done yearly. A copy was provided to each Council member. Dianna Bastin made a motion to approve the disclosure and waiver of conflict of interest by Bynum Fanyo and Associates. 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.

Supervisor Comments

Mike Farmer, Ellettsville Utilities – comes before the Council to ask permission to hire a temporary full-time employee for up to six months to work in the Ellettsville Utilities office building. One of the employees is taking a six-month leave of absence. He stated

there was an opportunity to hire a previous employee who is fully trained and will require minimum supervision. Dan Swafford asked what hours she would be working. Mike Farmer answered it would be flexible hours. She drives a school bus, so until school is out, she will work from 9 a.m. until 2 p.m. She is also employed elsewhere and will try to remain there as well. She is going to try to work Monday thru Thursday and once school's out, the hours will be 8 a.m. to 5 p.m. except on Wednesday and Thursday 8 a.m. to 4 p.m. Her hours will be between 30 and 40 hours per week. Dianna Bastin added she had sat in on the interview and she encouraged her to maintain her current jobs because this was a temporary position. Phillip Smith confirmed that money is in the budget to cover this person's salary. Mike Farmer informed Council that the person on leave would not be paid and the money was there to pay the temporary person. David Drake asked to enter the person's name in the record. Mike Farmer answered it is Shawn Meadows. Dianna Bastin made a motion to hire the temporary full-time employee. 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.

Jim Davis, Ellettsville Fire Chief – The Federal Communications Commission (FCC) is running out of radio communication channels nationwide. All police and fire departments that operate in the 150-174MHz band currently use 25KHz radios. The FCC is proposing to split that into two 12.5KHz channels. The radios at home with the firefighters are 40 years old and will not accommodate the split. The only options are to revert to using the phone to notify firefighters or buy new equipment. 45 new radios at \$710 would cost \$31,950. One of the employees found radios on eBay for \$160 each which would be a total of \$7,200. The FCC has said they will fine anyone not using the new bandwidth beginning 01-01-2011. There is no choice but to upgrade the equipment. Also, the FCC states there may be an additional split some time in the future – but they have not stated when that might be. That split would bring the radio frequency down to 6.25KHz. The Town has money in a tower fund that is non-reverting and earmarked for use by the Fire Department. The balance is \$16,176 at the present time. Jim Davis proposed using this money to purchase the radios. He also informed the Council that there are 13 mobile radios in the trucks and those radios were purchased before 1997 which means they will not accommodate the first split, much less the second split. Those will need to be replaced at some point, but the most critical are the 45 home monitors at this time. Dan Swafford asked if the radios he is proposing to buy will accommodate the second split. Jim Davis answered in the negative. There are no radios on the market right now which will accommodate both splits. Dan Swafford asked if there was any grant money available to buy the radios. Jim Davis stated that the federal government does not give grant money for the purchase of VHF radios. Scott Oldham verified that buying these radios guarantees communications up until the second split. We will then have to deal with buying radios for the second split at that time. It doesn't make sense to buy new now since we don't know when that second split will come. Scott Oldham made a motion to purchase these radios. 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 Services – informed the Council that hearing notices have been published for the next April 1 Plan Commission meeting. They will be reviewing landscape ordinances, sign code revisions and zoning classifications. The new proposed codes have been placed in the Library for public review. They will be releasing a small article in the Journal regarding those proposed changes and some of the goals for the Planning Department for 2010. She and Rick Coppock will be working this week on some of the revisions to the landscape ordinance. Often, after placing the proposed codes in the Library, there will be changes based on comments received back from Council or from Plan Commissioners. She has also received eight thank you letters from students of Judy Morran's fifth grade class concerning the Wishing Well Park's preservation as a nature preserve. Connie Griffin read those to the Council members.

Privilege of the Floor

Larry Barker, Executive Director Monroe County Solid Waste Management District – Returned to remind Council members of the Spring Bulky Item Days which will be Friday, April 9th and Saturday, April 10th at the Fairgrounds entering in from gate 3 from 8 a.m. till 4 p.m. For more information you can go to our website – www.mcswmd.org Also, Electronic Waste Collection Days for IU will be Saturday, April 10 from 9 a.m. to 2

p.m. at the IU Memorial Stadium purple lot for the public drop-off day. Please go to their website – www.indiana.poweron.com – for a full list of what they will accept, as well as, what they will not accept. Dan Swafford thanked Larry Barker for the work their organization does on an ongoing basis. Phillip Smith added now is a perfect time to be a good neighbor and offer to haul for those who don’t have the ability to get the items to the recycle center.

Adjournment

Phillip Smith entertained a motion to adjourn. David Drake so moved. Dan Swafford seconded. Motion carried. Phillip Smith adjourned the meeting at 8:25 p.m.

Phillip Smith, President

Scott Oldham, Vice-President

Dianna S. Bastin

David Drake

Dan Swafford

Sandra C. Hash, Clerk-Treasurer