

March 24, 2003

The Ellettsville, Indiana, Town Council met in regular session at 7:30 PM, Monday, March 24, 2003 at the Town Hall. David Drake called the meeting to order and Lisa Combs-Creech led in the Pledge of Allegiance. Geraldine McIntyre led in prayer.

Roll Call

David Drake asked for roll call of the Council Members. Members present were David Drake, Vice-President; Lisa Combs-Creech and Geraldine McIntyre. Also present were Sandra Hash, Clerk-Treasurer and Mike Spencer, Attorney.

Supervisors Present: Jim Davis, Jim Ragle, Ron McGlocklin and Mike Farmer.

Approval of Minutes of the regular meeting on March 10, 2003 and special session on March 13, 2003

Geraldine McIntyre moved to approve the March 10th and March 13th minutes. Lisa Combs-Creech seconded. Motion carried.

Action to pay Accounts Payable Vouchers

Geraldine McIntyre moved to approve the accounts payable vouchers. Lisa Combs-Creech seconded. Motion carried.

Resolutions

Resolution 06-03 Transfer of Funds

Geraldine McIntyre read the resolution in its entirety. This resolution transfers funds from MVH-122 Group Health Insurance to MVH-113 Street Overtime for \$1,700.00. Sandra Hash explained this transfer was necessary because we had exceeded our overtime budget due to all of the snow we've had this winter. Lisa Combs-Creech moved to accept Resolution 06-03. Geraldine McIntyre seconded. Motion carried.

Ordinances on First Reading

Ordinance 03-03 to amend Chapter 255-35 of the Ellettsville Town Code concerning Holiday Leave

Lisa Combs-Creech introduced this ordinance by reading it in its entirety. This ordinance proposes adding Veteran's Day and Election Day for both primary and general elections as scheduled Holidays for Town employees.

Ordinance 03-04 to amend Section 310-5, 310-10 and 315-10 of the Ellettsville Town Code concerning fine structure for removal of grass, weeds, trash etcetera

Lisa Combs-Creech, the Health Officer for the Town, explained she left this ordinance basically the same and only changed that fines are automatically assessed when the first complaint is received. It is costly to send out certified letters concerning grass and trash and she felt it would be more effective to have a fine system that is enforced. Lisa explained the ordinance reads for each section that "If after a complaint is received, a letter is sent, there will be a \$25.00 fine. Within 5 days from the date of the notification letter there will be an additional \$50.00 fine. If the problem is not corrected within 30 days from the date of the complaint letter and the fines are not paid in full by that time there will be an additional \$100.00 fine. Each day's violation shall constitute a separate offense."

Ordinance 03-05 to repeal chapters 805-840 of the Ellettsville Town Code concerning the Town Plan Commission, Zoning and the Town Master Plan and the adoption of the new chapters 804-840

David Drake explained the Ball State University graduate students that were contracted to do a Beautification project for the Town as a class project requested the Council postpone adopting this ordinance for a few months until their Master

Plan study is complete. The students have copies of the new zoning code and comprehensive plan. Bill Land said it would be okay to postpone this ordinance but informed the Council that two pages need to be added to the zoning ordinance concerning other residential and non-residential uses and definitions that were inadvertently omitted as well as changing the sign size from 4 square feet to 2 square feet in all references to home occupations. David Drake explained the Council needs to introduce the document tonight as a draft. It will be reformatted, corrected and presented again in May to allow time for the students to complete the project. A tentative public hearing of the finished document will be May 27th, 2003. Mike Spencer pointed out that technically zoning ordinances can be passed on first reading and suggested the Council introduce this document as a draft. Lisa Combs-Creech made a motion to introduce Ordinance 03-05 as a draft. Geraldine McIntyre seconded. Motion carried.

Ordinances on Second Reading

Ordinance 03-02 annexation of adjacent and contiguous territory to the Town of Ellettsville as amended by changing IC 36-4-3-5 to IC 36-4-3-5.1; IC 36-4-3-7 (a) to IC 36-4-3-7 (f) and sixty (60) days to thirty (30) days for the effective date

David Drake read the ordinance by title and explained the property to be annexed into Ellettsville is owned by Chester and Betty Martin. It is on Union Valley Road and is approximately 5 acres. It will be zoned R-1 and assigned to ward 4 for voting purposes. He also said we need to note that the ordinance has to be amended by changing the Indiana Code references because Sandra Hash received a memo from Attorney Mike Spencer stating the Indiana Code references needed to be changed. Lisa Combs-Creech made a motion to accept Ordinance 03-02 as amended. Geraldine McIntyre seconded. Motion carried.

New Business

Jim Fielder, Monroe County Clerk request confirmation to use Town Hall as a Polling Place

Sandra Hash said she received a questionnaire to confirm Town Hall as a polling place which needs to be filled out and mailed in by March 28th. Geraldine McIntyre said she and Ray Freetage were looking at two new sites to hold elections due to last year's grievance. She explained that last year one of the Police Officers had filed a grievance because he did not receive another paid Holiday when the employees who work at Town Hall had because of the site being a polling place. David Drake said the Town Hall is where a lot of citizens vote and doesn't want to upset them by changing polling places. He also said adding Holidays was a separate issue and benefits can not always be fair to everyone due to different job descriptions. Lisa Combs-Creech explained that Ordinance 03-03 mentioned earlier would solve two problems, it would solve the grievance by giving all employees election days as paid holidays and would allow the Town to utilize Town Hall as a polling site on Election Day. Mike Farmer said he feels the Utilities office could work that day and use it as a catch up day but not be open to the public for business and still be a polling place. Lisa Combs-Creech made a motion to use Town Hall as a polling place. Geraldine McIntyre seconded. Motion carried.

Steve Chafin, ECO Systems concerning Rule 13 Compliance

Steve Chafin was with Commonwealth Biomonitoring in the 1990's when they performed studies on Jack' Defeat Creek for the Monroe County Commissioners, the City of Bloomington Planning Department and for the Ellettsville Town Council

(Mike Cornman was the contact at that time). They had received a grant from the Department of Environmental Management when doing the studies. He reminded the Council that the Town will have to comply with Rule 13 which will be finalized and in effect by this summer. He would like the opportunity to work with the Town

on collecting the documentation needed to comply with Rule 13 and has a lot of background data which could be utilized from the studies they had previously performed on Jack's Defeat Creek. The information collected will be necessary and give the Town a head start in putting together a Storm Water Quality Management Plan. They have done various projects including helping with the restoration of the creek along Vine Street and would like to assist bringing the Town into compliance rapidly and cost effectively. Eco Systems are a group of Environmental Scientists and have construction experience. David Drake said the Town was only recently informed of Rule 13 and is in the early stages of planning to comply and that Rick Coppock has been appointed as the Town's MS4 operator. Lisa Combs-Creech suggested that Mr. Chafin should contact Rick and if he felt the Council should seek assistance from ECO systems then they would proceed upon Rick's recommendation.

Contract with the Chamber of Commerce concerning maintaining the Ellettsville Web page

Sandra Hash explained the agreement was the result of a meeting with Darlyne Sowder, Jeana Kapcznski, and Amy Zakutansky of the Chamber concerning the web site. Sandra has worked with the Chamber and received some training in updating the web page. The contract states the Town and the Chamber of Commerce will agree to share a web site with each group maintaining its perspective information by agreeing that the Town will pay the hosting fee of \$25.00 per month for the web page and the Chamber of Commerce will in turn waive the cost of the Town paying dues to be a member. Darlyne said the Town was awarded a Platinum Membership. The contract is for 3 years unless earlier terminated by either party upon 60 days written notice. Lisa Combs-Creech suggested the type and cost for membership should be included in the contract. Mike Spencer created the contract and said he would be willing to change the contract's wording if needed. Darlyne Sowder, Treasurer of the Chamber said they may be restructuring membership fees and did not want to list the membership dues in the contract in case the fees changed. Geraldine McIntyre said she liked that any Council member could attend the Chamber luncheons without being charged and thought the contract was fine and doesn't want to change it. David Drake didn't have an opinion either way and said since there are only three Council members present then the vote would have to be unanimous to pass. Lisa Comb-Creech felt there is too much leverage with this agreement and that somewhere, perhaps in the minutes; it should be listed who has which pages and maintains them to keep a good working relationship between the Town and the Chamber. Denise Knell, Parks Board Member commented that she has web page experience and that it may not be possible to put in the contract exactly which pages belong to the Town or the Chamber. Geraldine McIntyre made a motion to table this until there is a full Council. Lisa Combs-Creech seconded. Motion carried.

Agreement with H. J. Umbaugh for a Capital Projects Plan

David Drake said we have not received a contract in writing; therefore, no action can be taken tonight.

Proclamation – Child Abuse Prevention Month

Lisa Combs-Creech read the proclamation in its entirety and made a motion to approve adopting the proclamation declaring April as Child Abuse Prevention Month. Geraldine McIntyre seconded. Motion carried.

Privilege of the Floor

Chris Fisher, Representative from the Main Street Committee expressed her disappointment that there wasn't more participation from the Town during the work session with the Ball State University students last weekend. They met with interested citizens last Saturday and Sunday to discuss the Town's goals and explain their ideas on the beautification project during their presentation. The students will

be coming back again and she encouraged more people to get involved from the community next time. She also inquired if any decisions have been made about streetlights. Sandra Hash said the town has received bids on the lights only and one bid was received. She referred the question to Rick Coppock. Rick explained the Bowl pattern is the light that would be used since we only had the one bid. Chris said the Main Street Committee is working on a plan to raise funds for the streetlights and was wondering where the Town is on the lighting project so they can move forward with their fund raising. She closed by saying this is a great opportunity for the Town by using the services of the students and that they were more than willing to help the Town secure grants or point us in the right direction.

Lisa Combs-Creech agreed with Chris there needs to be more public participation. One suggestion that was mentioned was having the Boys and Girls Scouts hand out fliers and questionnaires. If the Scouts did volunteer their time, the students may be back in a couple of weeks after reviewing the feedback. Lisa said having the Scouts help is questionable but it is a good idea going door-to-door with information to get the community involved and personally invited everyone to join in the meetings. When the Ball State students are come back she would be glad to volunteer to help Chris Fisher get the word out about the meeting.

Bob Sowder added that he heard the Ball State students' presentation and they feel Ellettsville is a "gold mine" and that there is money available to develop it which could make it a wonderful place that people would like to visit.

Supervisor's Comments

Darlyne Sowder, Parks and Recreation Board President reported she went before the School Board earlier tonight and requested an easement along the northern edge of the new elementary schools property for a walk way access to the Wishing Well nature park and they voted to have their Attorney draw up an easement for the Town for a pathway to the park.

She was encouraged by the presentation by Ball State University and said this was the start of preparing the 5-year Master Plan for the Parks Board. The ideas and plans look too good to be true. She thinks they will do an excellent job for the Town and encouraged everyone to send the questionnaires back to the students.

Geraldine McIntyre said she had visited the students on Saturday and it was unbelievable what they were doing. They were taking pictures, drawing on maps and the ideas were flowing. If there is money out there she's sure they will find it for the Town and commended them for their efforts so far.

Rick Coppock, the Senior Citizen Board and she will be finalizing the plans for the road for the Senior Citizens' Housing on Friday, March 28th at 9:00 a. m.

Lisa Combs-Creech stated part of the reason she wanted to change the Health Ordinance is due to numerous complaints. She's received a complaint about a rental property from the renter, who is trying to get the owner to correct the problems and was having a hard time getting Monroe County Health Department to come out. The Town itself doesn't have any ordinances dealing with rental properties and if we did they would supercede Monroe County's ordinances. Lisa can only deal with violations concerning the Town's health ordinances but she found out that the Monroe County Health Department can do inspections on rental properties and is willing to work in conjunction with Ellettsville on rental violations. She said it is becoming costly to mail out letters that often times are not picked up, then an officer has to deliver it and many times the Town ends up cleaning up the property anyway. This new ordinance would force the property owners to clean up their messes more quickly.

David Drake said it was a good idea to start issuing fines for health ordinance violations to try to prevent habitual offenders. He offered the Council's

condolences to David Sorokoty and his family because his father-in-law passed away.

At the last Council meeting Ed Bitner suggested the Town impose an ordinance prohibiting the use of “jake brakes” in the town limits. David found out, however, that towns that have put up signs prohibiting the use of “jake brakes” have been sued for using that term. So areas have put up signs referring to them as engine brakes and have even went to the trouble to add that engine brakes are prohibited unless in the case of an emergency. The Police have no way to identify “jake brakes” so the only way to enforce prohibiting the use would be through a noise ordinance which the Town does have. It has not been enforceable because there are no decimals defined in the ordinance and the Police do not have a meter to measure decimals. He is going to research this further.

There was a Hearing today on Matt Casio vs. the Town of Ellettsville lawsuit in regards to the annexation of the Wanda Jones property and the judge dismissed the lawsuit which means unless he appeals, the land is annexed into the town limits. He has 30 days to appeal from the written judgment.

Adjournment

David Drake asked for a motion to adjourn. Geraldine McIntyre moved to adjourn. Lisa Combs-Creech seconded, motion carried. The meeting was adjourned at approximately 8:34 p. m.

David Sorokoty, President

David Drake, Vice President

Lisa Combs-Creech

Ray Freetage

Geraldine McIntyre

Sandra C. Hash, Clerk-Treasurer