

May 14, 2001

The Ellettsville, Indiana, Town Council met in regular session at 7:40 PM, Monday, May 14, 2001 at the Edgewood Junior High Library. Members present were Jerry Pittsford, President; David Sorokoty, Vice President; Geraldine McIntyre, David Drake and Mike Cornman. Jerry Pittsford called the meeting to order. Geraldine McIntyre led the Pledge of Allegiance. Jerry Pittsford gave the prayer.

Peggy Welch, State Representative presented \$24,000 from a Build Indiana Grant to the Town of Ellettsville for the Ellettsville Skateboard Park.

Jerry Pittsford forwarded the check to Darlyne Sowder who in turn forwarded it to the Clerk-Treasurer to be place in a non-reverting fund designated only for use by the Skate Park.

Appoint project coordinator for underground utilities project

Geraldine McIntyre made a motion to move this to the last thing on the agenda. David Drake seconded, motion carried.

PUBLIC COMMENTS

Andy Dodds, School Board President for RBBSC commended the Utility department for the their hard work and the response time on the relocation of the water lines at the new construction site. It all went extremely efficient. He also thanked the community for their patience with the dust and road conditions.

OLD BUSINESS

Government Center

David Sorokoty and Geraldine McIntyre both agreed that we should proceed with the recommendations made by the committee to purchase the property west of the present Town Hall.

Jerry Pittsford announced the Fall Festival had purchased the garage on the corner of Matthews and Main and he agreed we should proceed with the purchase of the three properties between Town Hall and the garage.

David Sorokoty moved to purchase the two properties plus pursue getting the Shook house from the state. Geraldine seconded. Mike Spencer commented it would be better to look into the purchase of those two properties rather than make a motion to purchase. David Sorokoty rephrased his motion that we look into all three properties, the two houses and the Shook House, and start negotiations. Geraldine seconded. Motion carried.

Amended ordinance 01-5 an ordinance to amend the Ellettsville Town Code by amending Chapter 355-Unsafe Building Law

David Drake explained the amendment would make the Unsafe Building Law easier to understand and work with better defining an unsafe building.

Geraldine moved to amend Ordinance 01-5. David Drake seconded, motion carried.

NEW BUSINESS

Resolution 06-1 Transfer of Funds

Geraldine read the transfer as follows:

WHEREAS, it has been determined that more money is needed than is currently available in certain funds and appropriations:

THEREFORE, be it resolved that the following transfers or temporary loans are hereby authorized:

From:	MVH-112	Street Employees	\$ 7,650.00
To:	MVH-233	Other Supplies	\$ 7,650.00

Jim Ragle said this transfer is needed to purchase a lawn mower.

David Drake moved to accept Resolution 06-1. Geraldine seconded, motion carried.

Ordinance 01-8 an ordinance to amend Title 5 of the Ellettsville Town Code by Adding a provision concerning approving a contract between the Town of Ellettsville and insight Communications Midwest, LLC

David Sorokoty read the Ordinance by title.

Mike Spencer stated he prepared this ordinance that incorporated the proposed contract with Insight Communications. He and Insight have been passing contracts back and fourth trying to come up with something that is satisfactory. It has been forwarded to Insight and we are waiting for their reply. This contract calls for a 20-year term. There are provisions in the contract for Insight to comply with. If Insight does not comply with the terms of the contract or provides poor service we can review the contract. So there are some outs if it is necessary. He can understand the board's reservation to go with a 20-year contract just because it is such a long time. After some discussion it was agreed to request a 10-year contract from Insight. Mike Spencer will provide another version of the agreement with a 10-year term instead of a 20-year term. Mike Spencer suggested the agreement be tabled in order to revise.

David Sorokoty moved to table 01-8 an ordinance to amend Title 5 of the Ellettsville Town Code by adding a provision concerning approving a contract between the Town of Ellettsville and Insight Communication Midwest, LLC. Mike Cornman seconded, motion carried.

Ordinance 01-9 and ordinance creating a separate fund for Drug Education and Equipment Grant

Ron McGlocklin explained it was a grant from the Governors Task Force for educational equipment to be used in our DARE program or any social events where drug prevention could be promoted. The fund is needed to isolate the money and insure its use for the intended purpose.

David Sorokoty moved to approve Ordinance 01-9 an ordinance creating a separate fund for Drug Education and Equipment Grant on the first reading. David Drake seconded, motion carried.

Geraldine moved to adopt Ordinance 01-9. David Drake seconded, motion carried.

Ordinance 01-10 an ordinance creating a separate fund to receive funds for the Skate Park insurance

Sandra Hash explained this fund is needed to isolate and provide a paper trail of the donation received from the Skate Park group for the cost of one year's insurance for the Skate Park. The donation will pass through the town's records and on to the May Agency.

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David Sorokoty moved to accept Ordinance 01-10 an ordinance creating a separate fund to receive funds for Skate Park insurance on the first reading. Geraldine McIntyre seconded, motion carried.

David Sorokoty moved to accept Ordinance 01-10 an ordinance creating a separate fund to receive funds for Skate Park insurance. Jerry Pittsford seconded, motion carried.

Mike Cornman moved to adopt Ordinance 01-10. Geraldine McIntyre seconded, motion carried.

Ordinance 01-11 an ordinance creating a separate fund for a Build Indiana Grant to the Skate Park

Jerry Pittsford explained this is also a bookkeeping procedure need to provide a non-reverting fund for the Build Indiana Grant towards the Skate Park.

David Drake moved to accept Ordinance 01-11 an ordinance creating a separate fund for a Build Indiana Grant to the Skate Park on the first reading. Geraldine McIntyre seconded, motion carried.

David Drake moved to approve Ordinance 01-11. Geraldine McIntyre seconded, motion carried.

Ordinance 01-12 an ordinance amending Ordinance 00-26 fixing of salaries for budget year 2001

Mike Cornman explained the salary ordinance did not read correctly with the fire fighters salaries ranges. A new fireman salary was not included.

David Drake moved to approve Ordinance 01-12 an ordinance amending Ordinance 00-26 fixing of salaries for budget year 2001 and the motion should be retroactive to 2-13-01. Geraldine McIntyre seconded, motion carried for the first reading with Mike Cornman abstaining.

Planned Commercial Development Plan

Jeff Fanyo, of Bynum Fanyo and Associates, representing John Seeber in the Planned Commercial Development Plan asked for the PCD to be sent back to a special meeting of the Ellettsville Plan Commission to look at a modification to the plan as it exists today. Jeff had a discussion with two of the neighbors of the proposed project and it seems there might be some common ground. We might be able work with Mr. Seeber and the neighborhood to come to a reasonable conclusion to the project. We would then go back to the Plan Commission before returning to the Council.

Joe Sanders, 4355 Deer Park Drive, expressed his desire for all the neighbors to see the plans and not just a few. He does not like the idea of mobile homes or sub standard modular home as an alternative. He wants to know there will be an opportunity for input before a decision is final it effects the whole neighborhood and not just one or two.

Jerry Pittsford responded the choices are, send it back to the Plan Commission, vote to reject the plan, or we could vote to accept the plan for the Planned Commercial Development. If they want to come in with a residential usage for that land and it meets the criteria for the town plan commission and they meet the town building code there is nothing we can do to stop that.

Ann Stephens, 4250 N. Deer Park Drive, said she was one of the people Mr. Fanyo had talked to. She explained there was another plan on file, which is residential. It calls for 6 modular homes. If the Commercial plan doesn't pass they can put in these homes. She feels it does degrade the property values and put them in the mood to compromise. Mr. Sanders is referring to the fact we do feel strong armed into this position. We feel we have to compromise on safety, traffic, on a whole list of issues. Are we willing to compromise, yes we are, we are willing to talk to them and be reasonable, but that doesn't mean we don't have a bad taste in our mouth about the whole process. Ann called Mr. Fanyo because the plan looked like all the trees were to be destroyed and a modular would be placed in front of her home. This area is not in Spring Valley and therefore would not have to with covenants and restrictions governing the Spring Valley addition. This would be a subdivision within our subdivision. We feel bad about the whole process.

David Sorokoty expressed concerns about roomers that somebody in a position said "I will get this through for you". It is troublesome that one person feels they can bypass the whole process or seem to have that much influence over the Council or Planning and Zoning Board to get a certain plan through. Secondly when the owner of Video World heard this we saw advertisement that Video World was coming to Ellettsville, which is another step over the whole process. David doesn't like the way the whole thing has been done. We are going back and forth. These people are left in limbo. Six modular homes would be within the town code, but he looks at it as hard balling them period.

David Drake requested an answer from Mike Spencer, regarding three options:

1. We can approve the planned commercial development as applied for
2. We can deny the planned commercial development as applied for
3. Or we can table it.

Mike Spencer answered if you deny it you end that petition. What they do with their land after that is their prerogative.

Jeff Fanyo added after June 1st his client would own the property; there is no way to get out of the option to purchase. He has instructed us if the commercial plan does not go through he will be paying interest as of June 1st and he wants to get on with doing what the land is zoned for. So on June 7th the back up plan will be considered.

David Drake feels it would be cleaner to deny the PCD that is before us now and deal with the residential plan that has been filed.

Don Calvert said of the 3 options 2 of them are final. One of them gives everyone something to work with. He would like it to stay open for discussion and would request the presence of the Council and Mr. Land at that discussion. If there is room for negotiations then let us continue to work toward an agreement.

Jerry Pittsford gave a review of the Plan Commission vote and the fact that it came to the Council without a recommendation from the Plan Commission. He also stated when Ellettsville entered into an agreement with Bloomington to enter into their fringe a part of the plan included the maintaining of green space between Bloomington and the Town of Ellettsville. An intense commercial structure would not be consistent with trying to maintain a green space. The Town of Ellettsville looks at the commercial development and says if it is done properly, if it doesn't take up too much green space, if it doesn't destroy too many trees then possibly we can still comply with our agreement. There are no good options, what we are seeking to do is something that does the least damage to the neighborhood and maintains the integrity of the town's plan for annexation as well.

Mr. Calvert added the Council has a potential loose cannon, someone running around making decisions and guarantees without discussing with the council or the

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communities. It should be seriously addressed. He added the Council works for the people; they hired you by their votes.

Mike Spencer responded to a question on referring the plan back to the Plan Commission, answering unless you amend the proposal you cannot refer it back to the Plan Commission. You have 90 days from the date of that meeting to make a decision. If they meet and come up with another proposal in the interim that is fine but you only have 90 days from the original Plan Commission meeting to make a decision.

Jerry favorably requested a motion to table the question on the Planned Commercial Development. David Drake moved to table the Planned Commercial Development for Highway 46 and Deer Park Drive. David Drake seconded, motion carried.

Mike Spencer requested the final date be recorded. The Planned Commercial Development went before the Plan Commission on May 3, 2001. The 90-day deadline would be August 1, 2001.

Jeff Fanyo asked for a neighborhood contact person. Both Ann Stephens and Tom Wedemeyer agreed to be contacts.

Rob Hood, 4345 N. Deer Park Drive, asked if the green space requirement was the same for both commercial and residential. Geraldine answered there were different requirements.

Jeff Fanyo clarified if the Planned Commercial Development was approved that would become the zoning of the property.

Tom Wedemeyer, 4260 Deer Trail Ct. #9, asked if the Planned Commercial Development is approved can they later build behind or to the side of us or is this plan final.

Jeff Fanyo stated the plan included the entire two acres. What we are asking for is a specific use for the entire two acres. The only way it could change would be to ask for an amendment to the original plan. Any further development of changes would have to come back to the Plan Commission for approval. Jerry added it would require the whole process over again. It would require notifications, publications, and public meetings. If it was divided and sold it would also require the same procedure.

Jerry thanked the residents for their cooperation and courtesy in dealing with this matter.

Appointment of Project Coordinator

Mike Cornman explained the State of Indiana requested one person be appointed as project coordinator for the processing of information for the underground utility project and to sign documents. This will expedite the project. Mike Cornman moved to appoint Mike Farmer as the project coordinator for the burial of the utility lines in conjunction with the Highway 46 project. David Drake seconded, motion carried. Mike Cornman instructed a letter be forwarded to the state to inform them of the decision.

MINUTES AND ACCOUNTS PAYABLE VOUCHERS

Mike Cornman made a motion to approve the minutes and the accounts payable vouchers. David Sorokoty seconded the motion. Motion carried.

SUPERVISORS

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Jeff Farmer requested permission to purchase a mower at the Waste Water Treatment Plant. Permission was granted.

Jeff also announced the meeting on May 29th will be at the Waste Water Treatment Plant with open house at 6:30.

Ron McGlocklin announced the upcoming calendar sales for the Police Department. It is an annual project and is handled by a firm that secures the advertisements and forwards a portion of the fees to the Police Department as a fundraiser. The money is deposited with the Clerk-Treasurer.

He has turned the Police Reserves hours into Mike Cornman.

Ron also introduced the COPS grant to the Council. It is available to us. It is a three-year grant through the Federal Government. It is a School Recourse Officer. The Town qualifies for this \$125,000 grant. The deadline is June the 15th.

Ron requested approval of a new officer to replace Jeff Thomas who went to work for the Indianapolis Police Department. They received 27 applications, which they narrowed to 8 for interviews. It came down to 4 candidates. The application information and recommendation was placed in the council mailboxes on Monday May 6th. In the cover letter we requested the three other applicants remain on file in case another vacancy became available.

We would like to recommend to the Council, Anthony Bowlen, he is currently an Indianapolis Police Officer, he has a Bachelor's degree, and is certified through the Indianapolis Police Department. He also worked for a short time in our department before he was hired by Indianapolis. He would like to return to Monroe County; this is where his family is from. Ron introduced Tony to the Council.

David Sorokoty moved to hire Mr. Bowlen. Geraldine McIntyre seconded, motion carried.

Mike Cornman requested further discussion for the three people to remain on a list for 12 months. He asked this be placed on the next agenda.

Mike Spencer updated the Council on the Canine case. They have offered \$4,000. The dog cost \$6,000. I have consulted with the council in Michigan and he advised the board to accept the money. Economically speaking it is also Mike Spencer's advice to accept the money and call this a day and go home. It is not satisfactory but the cost of litigation will eat up the money you are trying to collect. Even if you get the judgment the question of being able to collect the judgment is another issue. You would again have to use an attorney in the collection process in Michigan. Mr. Petrangelo said if you want to continue they will reschedule it for trial and we will continue. We have used the entire \$2,000 retainer; any further action will require more fees.

It was asked if we could purchase the dog Brian was currently using. Ron stated that had never been expressed or discussed. Ron's dog Sarge will soon be 9 years old and has reached the end of his useful years. Ron doesn't feel \$4000 is enough. He suggested a counter offer of \$5,000.

Jerry reaffirmed if we continue and it goes to court we might never receive payment. He suggested we counter offer for \$6,000 and settle for \$5,000. Mike agreed to counter offer.

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Sandra Hash requested permission to attend the State Board of Accounts conference in Indianapolis on June 19th and 20th for both herself and Lynn Weiss her Deputy.

Geraldine McIntyre moved to allow Sandy and Lynn to go to the State Board of Accounts meeting. David Drake seconded, motion carried.

David Sorokoty took three truckloads of large items to the Solid Waste drop site from the residents in the Heights Neighborhood Association. They are also planning a community garage sale.

ADJOURNMENT

Geraldine McIntyre moved to adjourn. David Drake seconded, motion carried. Meeting adjourned at 9:10 P.M.

Jerry Pittsford, President

David Sorokoty, Vice President

Mike Cornman

David Drake

Geraldine McIntyre

Sandra C. Hash
Clerk-Treasurer