

May 24, 2004

The Ellettsville, Indiana, Town Council met at 7:00 p. m. on Monday, May 24th, 2004 prior to the regular meeting to open bids for the Fire Department Generator, Furnishings and Communications Equipment.

Mike Spencer read the bids aloud. Only two bids were received.

- Cummins Mid State bid on the emergency generator and transfer switch in the amount of \$33,000.00.
- R. E. Anderson & Associates bid on the furnishings in the amount \$117,260.40.

William Evans made a motion to take the bids under advisement. Phillip Rogers seconded. Motion carried.

William Evans made a motion to adjourn. Phillip Rogers seconded. Motion carried.

The Ellettsville, Indiana, Town Council met in regular session on Monday, May 24th, 2004 at the Town Hall. Patrick Stoffers called the meeting to order at 7:30 PM. Sandra Hash led in prayer and William Evans led in the Pledge of Allegiance.

Roll Call: Patrick Stoffers asked for roll call of the Council Members. Members present were Patrick Stoffers, President; Phillip Rogers, Lisa Creech and William Evans. Also present were Sandra Hash, Clerk-Treasurer and Mike Spencer, Attorney. Jeffrey York, Planning and Zoning Administrator and Rick Coppock, Town Engineer were absent.

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

Proclamation for Kay Neal for thirty-two years of employment in the Utilities Office

William Evans read and made a motion to approve the proclamation for Kay Neal. Lisa Creech seconded. Motion carried.

Mike Farmer also recognized this month as the anniversary for two of the Utilities employees. He said at the five year anniversary, each Utilities employee receives a jacket, and they receive a star for every five years of service to be placed on the jacket. Jean Ramsey has been here for fifteen years and Dick Grubb has been here for ten years. He thanked them for their hard work and dedication.

Approval of the meeting minutes for May 10th, 2004

Lisa Creech made a motion to approve the minutes for May 10th, 2004. William Evans seconded. Motion carried.

Action to pay Accounts Payable Vouchers

Lisa Creech made a motion to pay the accounts payable vouchers. William Evans seconded. Motion carried.

Resolutions

Resolution 12-04 designating certain Real Estate as an Economic Revitalization Area (Smithville Telephone request for tax abatement)

Sandra Hash explained this is the second resolution for the tax abatement called the final economic revitalization area resolution deeming that area as an Economic Revitalization Area and it describes the ten year tax abatement. Attorney Steve Emery representing Smithville Telephone explained their request stating they will be bringing current positions into Ellettsville from various other locations and creating new jobs.

Lisa Creech made a motion to approve Resolution 12-04. William Evans seconded. Motion carried.

Resolution 16-04 Public Employers Retirement Fund to expand coverage

Sandra Hash explained this Resolution was previously passed to include the town's Planning and Zoning Administrator, however, PERF required the Resolution be their exact format. Therefore, PERF sent us their Resolution and it will need to be approved again.

William Evans made a motion to pass Resolution 16-04. Lisa Creech seconded. Motion carried.

Ordinances on Second Reading

Ordinance 03-22 an Ordinance concerning the Annexation of Adjacent and Contiguous Territory (Briargate / Richland Plaza Annexation Area)

Sandra Hash explained this Ordinance was introduced last year and it has been a long process. This is the final reading.

Public Comments:

Allen Shew, Vice-President of the Briargate Homeowners Association, passed out information stating in 1999 the Governor signed break through laws concerning annexation. He said there are four criteria that need to be met in order to oppose the annexation successfully. They are as follows:

1. 65% of the owners have to oppose the annexation. He said 72% are willing to sign the remonstrance.
2. The Police, Fire and Streets have to be maintained or serviced by other government entities. Currently Monroe County already provides Police protection and Street maintenance for Briargate and although Ellettsville Fire Department serves the area it is through a contract with Richland Township.
3. Impact on residents financially. The Town's taxes are higher than the Township's and most of the residents in this area are retired and living on fixed incomes.
4. The annexation might not be in the best interest of the proposed annexed area and the burden of proof that the annexation is in their best interest falls on the Town.

He said they have several points why it would not be in the best interest of the Briargate homeowners. He thinks they can beat this annexation, however, if they are defeated he doesn't think common sense was used.

John W. Williams reminded everyone that the greatest asset to Ellettsville are the schools and that 70% of the schools are paid for by Richland Township. He added there are 470 million dollars of taxable property in the Township and only 120 million dollars of taxable property in the Town of Ellettsville. Richland Township has contributed in many ways and continues to do so.

David Drake commented Ellettsville's Town limits are already to the east, north and west of this area and many of the businesses in this area have the word Ellettsville in their name and are considered a part of it. He thinks this is a "no-brainer" and the annexation should go through. He added the Ellettsville Fire Department who has Ellettsville in the name are building currently to the west of this area which is farther away from the Town tax payers who are paying for the new station but closer to those who are not helping pay for it. He said the people in this area receive their water from the Ellettsville Water Company and their sewer is treated at the Ellettsville Waste Water Plant. Their fire service is already thorough Ellettsville and many of their calls are responded to by the Town's Police force. As a citizen he wants to see the Town annex areas like this because it helps spread out the tax base for everyone. He said there are 45 parcels in that area so they would need approximately 30 votes to remonstrate against the annexation. A Judge will have the ultimate say if the remonstrance continues. He urged the Council to approve the annexation ordinance. He closed by saying "a town that doesn't grow is going to die".

William Evans agreed with David saying it would be a Judge's final decision. He added he feels the area receives a lot of benefits from the Town already.

Lisa Creech said she was torn between if it was good for the citizens or if they were just pursuing what's in the best interest for the Town. She thinks some issues need to be resolved in the Town first before trying to annex more areas.

Phillip Rogers thinks it should be annexed. They receive all the benefits of being in Town but aren't in Town. He added that out of 87 calls from the businesses in that area that the Ellettsville Police had responded to 47 of the calls.

Patrick Stoffers said his instinct is to proceed with the annexation and whatever happens in the circuit court happens.

William Evans made a motion to annex the Briargate / Richland Plaza annexation area into the Town of Ellettsville.

Patrick Stoffers requested William to rephrase his motion.

William Evans moved the Council adopt Ordinance 03-22. Phillip Rogers seconded. Motion carried with 3 in favor. Lisa Creech abstained.

Old Business

Final Plat Approval for Autumn Ridge

Bernie Guerrettaz of Bledsoe, Tapp and Riggert explained the plat is the same as the preliminary plat. There will be nine condominium units. They have a letter of credit for \$40,000. Lisa Creech made a motion to approve the final plat for Autumn Ridge. William Evans seconded. Motion carried.

New Business

Letter of support for relocation of the United States Post Office in Ellettsville

Sandra Hash explained the Post Master, Clint Sherrill had spoken to her about his wishes to relocate the Post Office. Their lease at the current location, 104 N. Sale Street will be ending soon. It has become more difficult for the public to access the Post Office due to the restructuring of State Road 46 and the fact they do not have any parking to accommodate the public. Currently it is especially difficult for handicapped individuals. The current 7-Eleven gas station and convenience store located at 214 West Temperance Street was closing making the building available for lease. Clint has expressed an interest in the building. Therefore, he requested the Town Council write a letter to his supervisor supporting the relocation of the Post Office.

The Council agreed it was a good move for the Post Office and was glad the 7-Eleven building, if approved by Clint's supervisor, would not set empty for years.

Lisa Creech made a motion to approve the letter of support for the relocation of the Ellettsville Post Office in Ellettsville to 214 W. Temperance. Williams Evans seconded. Motion carried.

Agreement with the Indiana Department of Transportation for decorative street lights reimbursement

Sandra Hash explained the Town had received a Transportation Enhancement grant for decorative street lights. She and Rick Coppock met with Steve Dilk from the Indiana Department of Transportation. He outlined the procedure to secure the funding. Rick has submitted the required information. The signed agreement will be returned to INDOT for final review. After their approval Ellettsville will receive an order to proceed. Then we can start installing the decorative lights. As we install the lights the Town will submit a claim for reimbursement. The amount is for \$62,297.57.

Lisa Creech made a motion to approve the agreement with INDOT for the decorative street lights reimbursement. William Evans seconded. Motion carried.

Privilege of the Floor

Glenn Benninger stated he lives across from Don Kinser's new storage units facility and he thinks Mr. Kinser needs to have a better landscape buffer to improve the situation since his facility is a C-3 in a Residential-1 area. Mr. Kinser has planted one foot tall deciduous dogwood trees and they only grow approximately one foot a year according to Abell Nursery. He also planted burning bush which is deciduous and even slower growing. Since they are deciduous they will not have any leaves during the winter months. This is not an adequate buffer and he doesn't think this coincides with the Town's idea for beautification. He's read the Town's code which mentions evergreens and decorative fencing for landscape buffers. He assumed Mr. Kinser would be landscaping the same way. The ugly light poles which make it look more industrial need to be removed. The lighting is excessive and reflects back off of the all white building. He stated this is an ugly, trashy development and wants the Town to force Mr. Kinser to follow the rules to make it more appealing to the eye. He said he is selling his house but hasn't gotten any offers due to this decreasing his property value and appeal.

Lisa Creech suggested reviewing Ridge Springs' covenants and restrictions for landscaping ideas to make Don's facility match even though it isn't technically in that subdivision.

Sandra Hash asked if the Council could put a freeze on issuing Don any more building permits until he complies with all issues.

Mrs. Benninger said Mr. Kinser has a 24 hour access facility and customers are revving up their engines at 2 in the morning. She said it is not working or appropriate for the neighborhood.

Mike Spencer said if this facility was approved under the old Town Code then he should follow the old Code. He said this was a different situation with a landscaping problem. He suggested looking at the plans to see what landscaping was approved. He said he would speak with Jeff York on the landscaping, lighting issues and the hours of use the facility should operate.

Lisa Creech suggested Don Kinser and the Benninger's meet with the Council to discuss a landscape plan that both parties are happy with. She has asked Jeff to work on a light ordinance and she is checking into getting a noise ordinance.

Phillip Rogers stated Mr. Kinser changed the lighting from shining directly on to Mr. Benninger's property from his first complaint and he has checked the new lighting situation and doesn't think it is excessive. He added nothing can be done until Mike Spencer checks into it but "you can't change the rules in mid stream".

Elmer Allen, 925 Wildflower Drive (The Meadowlands). He stated people drive like it's a race track through The Meadowlands, racing at 60 and 70 M.P.H. even though 20 M.P.H. signs are posted. He has observed the Police getting radar readings of 45 M.P.H. and still not ticketing speeders. He suggested adding stop signs to slow down traffic. He address concerns on another issue, this neighborhood is supposed to be single family residences and he believes there is more than one family living in 905 Wildflower because there are six cars at this home; four in the driveway and two on the street. Recently the Town put up no parking on the street signs but people are still parking on the streets and the rules are not being enforced. He and other neighbors want a full time officer up there and he is willing to get a petition from the neighbors to get it done.

Darlyne Sowder, President of Parks and Recreation Board, stated May 3rd was the ribbon cutting to open the new multi purpose storage and restroom facility by the skate park. The Street Department and other outside contractors did a wonderful job on the facility, however, since the ribbon cutting the facility has already had vandalism occur numerous times. They purposely moved the restroom facility from its original location due to vandalism and thought the new location would be less likely to be vandalized due to better lighting. She explained all of the vandalism that has occurred. She has contacted Monroe County Parks and Recreation Department and they lock their

facilities at night and suggested offering a reward for information on the vandals. If it would be locked at night it would have to be at 4:00 p.m. as the Street Department leaves work for the day. Many people use the basketball court, skate park and baseball fields later than 4:00 P.M. and if the Parks Board is forced to lock the facility at that time it won't be available during the heavy time of use which defeats the purpose of having a facility. Jim Ragle reported the vandalism to the Police Department and the Reserves have been asked to patrol the area. She is open for suggestions on what to do and asked the Council for their help. She is trying to contact someone from Youth Sports to lock it up for them but hasn't gotten a response yet. The next Board meeting is June 7th and they will make a decision then on what to do.

Lisa Creech and Jim Ragle have discussed camera surveillance and locking up the facility. The parents are ultimately responsible to pay for any damages and suggested meeting with the parents of the kids who frequent the park area. She requested an officer looking into the situation.

Ron McGlocklin said they could do it but suggested the Park Board hire a security guard to monitor the facility.

Ashley Stoffers asked who the Grounds Keeper for the park was.

Lisa Creech stated the Street Department. She said she had some ideas and wanted to talk to Jim Ragle and Darlyne Sowder later.

Supervisor's Comments

Ron McGlocklin said the Police Station building had some change orders. Ron Gellenbeck from Sanders and Larry Neidigh from Neidigh Construction were here to explain the change orders and the reasons for the changes.

Larry Neidigh explained the list of change orders and the reasoning behind the order.

Ron Gellenbeck added comments to the orders Mr. Neidigh read.

A few items were delayed for further action to be presented later. The total adjustment is for \$76,801.85.

William Evans made a motion to accept the change order and move it on to the Building Corporation. Phillip Rogers seconded. Motion carried.

Ron McGlocklin said the 1997 police car they have available for Jeff York has been striped down of Police equipment and cleaned and will be ready for him soon. He's already called the credit card company and a gas card will be here soon for Jeff and it will come in on the Police Department's bill for now.

Sandra Hash asked if the car was to be a take home vehicle or to be used while on duty here.

Patrick Stoffers said is his intent that it be a take home vehicle with municipal license plates. He stated it will be a taxable fringe benefit.

Ron McGlocklin suggested it be a take home vehicle because if it stayed parked out the Town Hall it could possibly be vandalized.

Sandra Hash stated Amber and she will be attending State Board of Accounts training on June 17th & 18th.

William Evans read a letter to Captain William Benningfield of the Police Reserves from Judith DeMuth, Superintendent of Schools for Richland Bean Blossom Community School Corporation thanking him for their services and stating they will not be able to retain their services for the next school year. He added the hours the Reserves worked in March were 383.75 hours.

Lisa Creech said her prayers went out to Rick Coppock who is in the hospital.

Adjournment

Patrick Stoffers asked for a motion to adjourn. Lisa Creech made a motion to adjourn. Phil Rogers seconded. Motion carried. Meeting adjourned at 9:30 p. m.

Patrick Stoffers, President

vacant

Lisa Creech

Phillip Rogers

William Evans

Sandra C. Hash, Clerk-Treasurer