

May 24, 2010

The Ellettsville, Indiana, Town Council met for a Regular Meeting on Monday, May 24, 2010 at the Fire Department Training and Conference Room. Phillip Smith called the meeting to order at 7:30 p.m. Dianna Bastin led the Pledge of Allegiance. Phillip Smith led in prayer.

Roll Call: Members present were Phillip Smith, President; Dianna Bastin; David Drake, and Dan Swafford. Absent was Scott Oldham, Vice-President. Sandra Hash, Clerk-Treasurer and Darla Brown, Attorney were also present. **Supervisors Present were:** Mike Cornman, Tony Bowlen, Connie Griffin, Jeff Farmer, Mike Farmer and Rick Coppock. Jim Ragle was absent.

Approval of Minutes

Phillip Smith entertained a motion for the approval of the minutes for the Regular Meeting and the Executive Session May 10, 2010. Dianna Bastin so moved. Dan Swafford seconded. Roll Call Vote: Phillip Smith – yes; Dianna Bastin – yes; David Drake – yes; Dan Swafford – yes. Motion carried 4-0.

Accounts Payable Vouchers

Phillip Smith entertained a motion for action to pay Accounts Payable Vouchers. David Drake so moved. Dan Swafford seconded. Roll Call Vote: Phillip Smith – yes; Dianna Bastin – yes; David Drake – yes; Dan Swafford – yes. Motion carried 4-0.

Resolutions

Resolution 05-10 to adopt the written Fiscal Plan and to Establish a Policy for the Provision of Town Services to an Annexed Area – Jerry and Norma Abbitt 5-2010 Annexation

Connie Griffin, Director of Planning – showed a map demonstrating Mr. Abbitt's property is contiguous and meets all requirements.

- Petition for voluntary annexation signed on 3/31/2010.
- Jerry and Norma Abbitt live at 6706 N. Starnes Road and have come before you to voluntarily annex in 20.21 acres of vacant land. The land area has been divided into a total of three tracts of land.
- The two smaller tracts of land are 2.50 acres (possibly to be given to their sons) and the larger tract is 15.21.
- A public hearing notice for Plan Commission was published on 4/14/2010 and a public hearing notice for Town Council which was published on 5/12/2010.
- A total of five neighbors were sent certified return receipt letters, and all have been returned and photocopied for the annexation file.
- No code violations were observed on the property. Requesting zoning for R1 – single family residential. The county listing on the property before was Agricultural Rural Residential. No code violations were reported by Monroe County.
- The fiscal plan has been written and submitted to you and to all supervisors.

Jerry Abbitt – stated they like where they live. It's a great town and a great community. He went on to say they want to be a part of the Town of Ellettsville for many reasons. Dan Swafford asked how large the tract of property is. Mr. Abbitt responded it is about 32 acres. The family has about 74 acres just due west of the Early Childhood Center and they are interested in annexing as well. Mr. Abbitt wanted to compliment Connie Griffin on what a great job she has done. The Town is really fortunate to have her.

David Drake made a motion to adopt Resolution 05-10. Dianna Bastin seconded. Roll Call Vote: Phillip Smith – yes; Dianna Bastin – yes; David Drake – yes; Dan Swafford – yes. Motion carried 4-0.

Ordinances on First Reading

Ordinance 10-08 concerning the annexation of the Jerry and Norma Abbitt property

Connie Griffin, Director of Planning – stated she had presented her information previously during the Resolution issue.

Ordinance 10-09 to amend various sections of the Ellettsville Town code concerning Wireless Communication facilities

Connie Griffin, Director of Planning – stated this is an introduction this evening. She presented a new application to Council for review. It was felt the application process needed to be tightened up for wireless communication facilities. The code changes are as follows:

- an expanded title
- more definitions have been included for clarification purposes
- a much greater approval process by the FAA, the FCC, the EPA and other environmental agencies
- promote co-location of facilities to not interfere with our landscape site
- certification of the antenna support system
- no signage on the facilities
- additional requirement by the Plan Commission for visual screenings

Dianna Bastin asked if this would be for new facilities only. Connie Griffin answered it would and everyone else would be grandfathered in. She went on to say there are two facilities that have been in contact with her asking to see this new code. They want to consider the Town of Ellettsville.

Ordinances on Second Reading

Ordinance 10-06 to amend Section 94.02 of the Ellettsville Town Code concerning Abandoned, Salvaged and Scrapped Vehicles

Connie Griffin, Director of Planning – remarked that it can only be assumed this was a minor typographical error when the code booklet was put together. The wording needs to be changed from “unincorporated” to “incorporated”.

Dianna Bastin made a motion to approve Ordinance 10-06 to amend Section 94.02 of the Ellettsville Town Code concerning Abandoned, Salvaged and Scrapped Vehicles. David Drake seconded. Roll Call Vote: Phillip Smith – yes; Dianna Bastin – yes; David Drake – yes; Dan Swafford – yes. Motion carried 4-0.

Ordinance 10-07 to amend the Ellettsville Town Code concerning Signs

Connie Griffin, Director of Planning – informed the Council of some of the most obvious changes:

- Purpose statements were combined, modified, or added
- Sign application required
- Permanent and temporary signs
- Sign inspections more on a regular basis
- An appeal process has been added
- License requirements for installers
- Additional definitions have been added for clarification purposes
- Removal of off premise advertising
- Political signs will no longer be under this jurisdiction – it is a violation of civil liberties
- Special promotional signage has been added
- Changeable copy signs and electronic message signs added; they require Plan Commission review and approval with the application

David Drake made a motion to adopt Ordinance 10-07. Dan Swafford seconded. Roll Call Vote: Phillip Smith – yes; Dianna Bastin – yes; David Drake – yes; Dan Swafford – yes. Motion carried 4-0.

New Business

Autumn Ridge subdivision street repair/resurface project

Dan Swafford – updated the Council regarding this issue. He stated the process still needs to go through the Plan Commission to look into whether or not we are going to leave the sidewalks in or out. The contractor wants to reduce the bond once the re-surfacing has been completed. Until this goes through the Plan Commission, we can't give an answer yes or no. Connie Griffin provided Autumn Ridge maps for the public. The residents of Autumn Ridge were invited to the June 10 Plan Commission meeting.

Bruce Frye, resident of Autumn Ridge – asked how the Town will oversee the road project by the contractor. Dan Swafford responded they had spoken with the Utilities and Street Directors and the Town Engineer who will oversee the project. Mr. Bruce asked specifically, will the areas be marked that will be affected. Dan Swafford informed Mr. Bruce that he could guarantee that the work will be done properly by the developer because, if not, that would only mean the Town would be liable to come back in a couple of years to re-do it. Mr. Frye then asked at what point they would know if the bond is going to be reduced. Dan Swafford said the bond will not be reduced unless approved by the Plan Commission. Mr. Frye asked if the Council's position was that trees are required. Dan Swafford stated as the project was approved, there were trees and sidewalks. As of right now, they must be put in. Now, if the developer wants a variance on that, it has to go back to the Plan Commission. It is on the agenda for the 10th of June. Mr. Frye asked if the developer had informed them of what he wants the variance for. Dan Swafford replied he is concerned about the sidewalks and the neighborhood is concerned about the sidewalks.

Bill Schneider, resident – asked what they needed to do before the June 10 meeting to present to the Plan Commission. Dan Swafford responded that the developer is who asks for the variance on the sidewalks. Mr. Schneider asked what if the developer doesn't ask for a variance. Dan Swafford answered the sidewalks originally approved will have to be completed before they will release any type of credit. Dan Swafford asked for Connie Griffin's input regarding the developer's plans. She stated Jason is seeking an amendment to the PUD. First off, we need to find out if the Council is willing to amend the PUD and she was not sure about the term of variance. Mr. Schneider went on to say he believed the asphalt bid is from Lentz who offered Jason a reduced bid since he was in the area. Lentz wants to start on Thursday, May 27, but says he hasn't received permission from Town Council. Dan Swafford informed Mr. Schneider the reason he hasn't received anything from them is because he has to go through the Plan Commission first and then it comes to the Council. Mr. Schneider went on to say he does not want to see the project go on and on. Dan Swafford informed Mr. Schneider the letter of credit was only extended until September, so something must be done before then. If not, at that point, the Town would step in and do something and the Town doesn't want to become the contractor. Mr. Schneider requested Dan Swafford call the developer and inform him of this. Dan Swafford went on to say the Council can not reduce the bond without the Plan Commission review and currently, it should be bonded as designed. Sandra Hash suggested to the residents to canvas the community and find out how many are in favor of sidewalks and how many are not. She recommended they bring this to the Plan Commission meeting so the Commissioners could be aware of how the residents felt. Mr. Frye asked if the final decision lies with the Plan Commission, or, if they approve it, does it also need to be approved by the Town Council. David Drake stated he thought it would need to come to the Council for the PUD approval. Mr. Frye went on to say, if giving a concession to the developer on the sidewalks, perhaps they could set up a timeline for the work to be completed.

Agreement between the Town of Ellettsville and JA Benefits concerning use and disclosure of Protected Health Information

Darla Brown, Attorney – This agreement sets forth the guidelines of protected health information regarding JA Benefits use and disclosure of that information and the Town of Ellettsville. She went on to say she has drafted a letter to Town Council with a summary of the contract. Dianna Bastin made a motion to accept the Agreement between the Town of Ellettsville and JA Benefits concerning use and disclosure of Protected Health Information. Dan Swafford seconded. Roll Call Vote: Phillip Smith – yes; Dianna Bastin – yes; David Drake – yes; Dan Swafford – yes. Motion carried 4-0.

Supervisor Comments

Michael Farmer, Ellettsville Utilities – asked the Council to approve the Utilities Department extending a request for proposals for the painting and maintenance program for McNeely water tank. It was built in 1997. Normally, they get painted every ten or so years. Our tank is in need of painting. It will be a bid process and we anticipate at least \$200,000 worth of work. The other tank on Loudon is a steel, glass-lined tank and doesn't need the same type of maintenance. It doesn't need painting. It needs a cleaning. It's bolted together and the bolts need some maintenance to them. We are going to ask they be

capped so they don't rust again. There will be some inside work to be done to the seams where the plates come together – somewhere in the \$25 – 30,000 range. We will ask that to be a quote. Dan Swafford asked if Council had budgeted for this. Mr. Farmer responded they did not. When it was built, there was no mechanism in place to budget for this. So, it is part of the O&M Budget that is in the rate increase and then this maintenance program will allow us to budget it from now on going forward. Dianna Bastin made a motion to allow Utilities to get bids and the proper paperwork for any maintenance, painting, or general upkeep for the tanks. David Drake seconded.

Discussion prior to vote:

Dan Swafford asked how long this process will take before coming back to the Council. Michael Farmer responded a month or two. Darla Brown added they could do two different procedures; one for each tank. Michael Farmer commented they would not want to maintain both tanks at the same time. The quote process will allow us to proceed with the less demanding upkeep of Loudon Road. It will probably go first. We also have to coordinate this with peak use of our tanks. We won't want to do this in the middle of summer. But, we also have to be aware of weather conditions that won't allow them to paint it correctly. Phillip Smith asked if the tanks have to be emptied. Michael Farmer answered they will have to be completely emptied. Phillip Smith then asked what that would do to water pressure. Michael Farmer answered it shouldn't effect water pressure. However, there may be some effect on the west side when they empty Loudon Road. When we take down McNeely, there will be some effect to fire fighting. Dan Swafford asked if they would inform Jim Davis at the Fire Station when they do this. Michael Farmer responded they are the first ones they notify. They send out notifications to several on a list they have. Just like when a big main break happens.

Roll Call Vote: Phillip Smith – yes; Dianna Bastin – yes; David Drake – yes; Dan Swafford – yes. Motion carried 4-0.

Michael Farmer added the only other update he had was they are finishing the upgrade on First St. and Ritter St. with the eight inch water main and fire hydrants. They will be finished in about a week.

Jeff Farmer, Ellettsville Utilities – In light of the newspaper article today, he stated he would like to share a few comments with them. No one from Utilities was contacted or called about the article. Obviously, the Ellettsville Utilities would see no monetary gain from a take over of Northern Richland Sewer. In 2008, in Richland Manor, we spent \$75,000 replacing the same kind of pipe which we were having problems with. You can see the investment we would have to make if it did happen. He added, for the public's knowledge, it's not about the money. There would be no increase in the contract with Bynum Fanyo Utilities as a result of either one of the utilities coming under the Ellettsville Utilities umbrella. That's not what this is about. In 1995, when he came to Ellettsville, on a warm summer night there was a bad smell downtown. In the '90's, there were sewer overflows, IDEM was down Ellettsville's throat wanting to fine them, and sometimes you just have to get up and tell the truth. The fact is, the Town made the investment to build a new sewer plant. It cost each rate-payer to invest in that. When he was hired, his job was to protect that investment. He said his goal has always been to make it to 2017, when that investment is paid off, and still have a good wastewater treatment plant out there. It is still his goal. It's not personal, it's business. He went on to say it was ironic in the article they show they have no paid employees. That should tell the Council the same thing he is trying to tell them. They showed last meeting the video of their system – it is what it is. Those things need to be fixed. That's all this is about. Sometimes articles are not written the way they should be. It's not about money. David did a good job of explaining that in the article. He reiterated it was not about the money for them as the Town's managers. He emphasized they were not looking to add to their contract. That contract pays for four licensed water and wastewater treatment professionals, their vehicles, their phones, their pagers, their health insurance, their retirement, liability insurance, they are on call 24 hours a day, they have computers at home they can watch the plant with, they take care of the lift stations, they have a service truck on site, we bring in additional employees to mow the grass, back up when operators are off. He added his job is not only to protect Ellettsville's customers, but to protect Northern's customers. However you look at it, they are still our customers. We just want to protect our sewer system as well as the environment. He went on to say when he came here, he didn't want to express what he saw running down the streets, but it wasn't a pretty sight. That was going into our creeks, our streams and where

our kids play. We’ve eliminated that and the Town should be congratulated on that. Since 1995 this Town has not had a violation. That wastewater plant has never had a violation. Dianna Bastin stated she would like to personally thank him for coming forward and saying this. Bob Sowder added the Farmers have done a good job. The Vine Street sewer lids used to pop off.

Connie Griffin, Director of Planning – gave a breakdown of where her time has been spent on the job since the beginning of the year. To date, 60% of her time has been spent on Planning related duties, which includes SRTS, Heritage Trail, annexations, permits, stormwater, requests for information, and other duties. 17.5% of her time has been spent on the I-69 grant deliverables, which are due the second week of June. 22% of her office time is spent on code enforcement and code revisions, which continues to grow. She stated she has compiled a list of code enforcement issues which may need additional attention by Ms. Brown to close the case files. Some of the sites have been non-compliant for some time, and she has received numerous complaints from citizens about the status of these properties. There has also been the creation of an inoperable abandoned vehicle database started. Those letters will start going out in July. There are a growing number of foreclosure properties and properties that have not been mowed. She will be asking for assistance on how the Council would like those approached because a foreclosed property, on the average, degrades other property values in a neighborhood by \$3,000.

Adjournment

Dianna Bastin made a motion to adjourn. Dan Swafford seconded. Motion carried. Phillip Smith adjourned the meeting at 8:29 p.m.

Phillip Smith, President

Scott Oldham, Vice-President

Dianna S. Bastin

David Drake

Dan Swafford

Sandra C. Hash, Clerk-Treasurer