

October 23, 2017

The Ellettsville, Indiana, Town Council met for a regular meeting on Monday, October 23, 2017, at the Ellettsville Town Hall Meeting Room located at 1150 W. Guy McCown Drive. Scott Oldham called the meeting to order at 6:30 p.m. Brice Teter led the Pledge of Allegiance followed with a prayer by Sandra Hash.

Roll Call: Members present were Scott Oldham, President; Brian Mobley, Vice President; Kevin Farris and Brice Teter. Scott Thomas was absent. Jim Davis, Town Manager; Sandra Hash, Clerk-Treasurer; Darla Brown, Town Attorney; and Rick Coppock, Bynum Fanyo and Associates, Town Engineer, were also present.

Supervisors present were: Mike Cornman, Danny Stalcup, Kevin Tolloty, and Mike Farmer. Deputy Chief Jay Humphrey represented the Police Department.

Approval of Minutes

Scott Oldham entertained a motion for approval of the minutes for the Special Session on October 5, 2017, and the regular meeting on October 10, 2017. Kevin Farris so moved. Brice Teter seconded.

Accounts Payable Vouchers

Scott Oldham entertained a motion for action to pay Accounts Payable Vouchers. Kevin Farris made a motion to pay the Accounts Payable Vouchers. Brian Mobley asked questions on the claims which were answered by the supervisors. Brice Teter seconded the motion. Motion carried.

Police Reserve Bill Beningfield – Years of Service Recognition

Administrative Deputy Chief Tony Bowlen recognized Bill Beningfield for his service as a reserve officer for 27 years. Mr. Beningfield began his tenure with the Police Department on April 25, 1995. Deputy Chief Bowlen presented Mr. Beningfield with a plaque recognizing him for 27 years of Meritorious Service as a Reserve Deputy Marshal. Mr. Beningfield joined the Ellettsville Reserves because at the time it was a five man department. Mr. Oldham and Mr. Mobley thanked Mr. Beningfield for his years of service and dedication.

Public Hearing for Tax Abatement for Governor's Park Project (Lenzy Hayes)

Kevin Tolloty, Planning Director, explained the tax abatement request is for 10 years with 100% for year one and decreasing to 50% for years six through ten. After the expiration of the tax abatement, the Town will receive full taxes. The estimated investment is \$10.8 million. The proposed project is a 90-unit low income senior housing development.

Yvonne Delgadillo, Allied Real Estate Partners, is with the developer who will be submitting an application through the Indiana Housing and Community Development Authority for a Nine Percent Tax Credit Program. Over the last two years they have been looking at this project for developing 90 units of senior housing for low to moderate income families in Ellettsville. There will be 70 one bedroom and 20 two bedroom units. They have been discussing place based vouchers with the Bloomington Housing Authority ("BHA") for subsidizing the rent for seniors in the area as well as several providers about providing services to the residents. The Nine Percent Tax Credit is a competitive process throughout the state and it requires a lot of local, state and regional support. They've been conducting market studies and setting up relationships to make sure there is a need. They will be bringing an investment into a Town that is already doing a lot and can do more and, hopefully, they will establish a precedence for future development. The project will also leverage private resources to have more senior housing available. In conversations with housing authorities, Area 10 Agency on Aging ("Area 10") and Stone Belt, they know there is a huge need and they will have that support. They've been in discussions with the current owner about redeveloping that area. It is known the Town considers it a blighted area and they're hoping to address some of those challenges through the development. The tax abatement is a critical piece of making the application competitive in comparison to all other projects throughout the state. One bedroom apartments will be 675 ft² and two

bedrooms will be 875 ft². There will be office space for property management and service providers, a community room, gazebo, bike rack and transit services by Area 10. Not only will the project be apartments but they're building a community within the Town of Ellettsville. This investment will significantly increase what is currently being collected in taxes. The current revenue stream will remain and with the \$14.85 million being invested in the development it will significantly increase revenue. The tax abatement is on a sliding scale and only for the first year are they requesting 100% while it stabilizes and then it is progressively lowered to 50% for the final five years. She appreciates their consideration and support. Kevin Tolloty has been very helpful in making sure they're able to come before the Town Council and that they have a successful project.

Kevin Farris asked if the two bedroom apartments will be on ground level. Ms. Delgadillo explained it will be three stories with the two bedrooms spread throughout the project. The first floor will have a majority of the amenities such as the community room and laundry. The other two stories will have the laundry close to the elevator and the main area. The third floor will have a green house.

Brian Mobley asked what this tax base will do for the Fire Department. Chief Cornman answered it would be one of the larger tax basis the Town would have. Mr. Mobley asked if BHA issues vouchers for Lenzy Hayes. Carson Hayes answered there are two divisions of Housing and Urban Development ("HUD"). There is a project based division that is low management set aside which is what all senior citizen housing in Ellettsville is at this time. There are others that go through the housing authority. Within the housing authority two different things can happen. They can either give the voucher to the individual and when the individual leaves they take the voucher with them or it can be project based. The housing authority is going to give this project based. The only difference is rather than a subsidy directly from HUD it will go to the housing authority who will give the owner a subsidy. The rent will be exactly the same as it has been. Mr. Oldham asked what they anticipate the overall occupancy number to be. Ms. Delgadillo replied because of the place based vouchers, and there being a waiting list in the area and within the housing authority, they anticipate 100% occupancy. Mr. Oldham asked how many people this would equate to. Ms. Delgadillo answered there will be 90 total units and including two people in the two bedrooms and one person in the one bedroom it would be 110 or more. Mr. Oldham asked if there will be a specificity as to how many people can live in a structure within the rent contract. Ms. Delgadillo would need to confirm this. The regulations will require that tenants must be 55+. They will not allow three people to live in one bedroom apartments which will be controlled by property management. One of the units will be for an onsite manager. Mr. Oldham confirmed they anticipate 150 people or less living there. Ms. Delgadillo stated the maximum would be 150 but in reality the biggest demand is for one bedroom apartments.

Kevin Farris asked if they have projects elsewhere. Ms. Delgadillo answered a majority of the developments they've had are existing because they do acquisition rehab. They're working on another new construction project for 36 units for adults with developmental disabilities in California. They have a couple of properties in Indianapolis and have been working with Hayes Gibson on several other projects. Mr. Mobley asked how this would work with sewer lines. Jeff Farmer answered it would be attached to Eastern Richland Sewer Corporation ("ERSC") lines. Mr. Mobley asked if ERSC's lines are insufficient to service the project. Mr. Farmer replied they have sufficient lines until it rains. Mr. Mobley asked who will be responsible for installing new lines. Ms. Delgadillo will have to look into it. Mr. Farmer noted it will be addressed by the Indiana Department of Environmental Management. Ms. Delgadillo commented there will not be any gas lines as they're looking at all electrical appliances and utilities. Their general contractor will address the sewer lines. Mr. Farris asked the timeline for the project. Ms. Delgadillo explained the application is due in two weeks and the announcement of the tax credits will be in February. If they're successful construction will start in May 2017. Mr. Mobley asked if they have determined retention ponds for flooding. Ms. Delgadillo believes they have. This particular parcel is not in the floodplain and a contractor is doing a Phase I environmental assessment which will address any requirement for retention ponds. Mr. Tolloty added grading and drainage will be addressed during the site plan review which will be conducted when their application is approved. Mr. Oldham asked if roads leading into the project will

be maintained by their personnel or do they plan on the Town adopting them. Ms. Delgadillo answered the assumption has been that they will maintain them. Mr. Farris confirmed the project hinges on the tax credit and tax abatement and if either one of them falls through then the project is off the board. Ms. Delgadillo answered yes, until the next tax credit opportunity. They're also requesting gap financing for \$500,000 from the state and they will be taking over a loan to offset additional expenses.

Valerie DeWar is concerned about traffic. Is the thinking because it is for senior citizens there won't be much traffic? Mr. Tolloty answered there are approximately 100 parking spaces. Typically, for a senior housing complex .4 and .8 spaces are needed per unit. For 90 units, there will probably be a maximum of 60 to 70 vehicles. Ms. Delgadillo added they are requesting a parking variance because they know in other senior housing projects many don't drive so parking is not required. Transportation arrangements with Area 10 are based on existing routes. Ms. DeWar commented they have a bike rack. Ms. Delgadillo stated it is an amenity that is required by the state. Ms. DeWar asked if all units are ADA accessible. Ms. Delgadillo answered the apartments are 100% accessible and adaptable according to state requirements.

Brian Mobley commented tax abatements usually bring in employees with higher wages. If it is built they're going to fill up because there is a waiting list for the senior citizen homes on Allen Street. If Cook was going to build a \$30 million factory that would be a reason for a tax abatement. The company is going to have two and a half employees and they will fill the 90 units. Mr. Farris commented the tax abatement is on property tax and has nothing to do with income tax and it is a \$14 million project.

Brice Teter asked Mr. Tolloty if this is good for the Town from a Planning Department prospective. Mr. Tolloty thinks overall it will be a good project for the Town. There is definitely a need for senior housing as everyone has demonstrated. Existing senior housing in Ellettsville are tax-exempt properties and the Town receives nothing from them. This project will provide a benefit to the Town for years to come.

Scott Oldham commented this has been a long term residential area. The number of mobile homes has dwindled because they're not being replaced. There is a need for people in this income range to have a home. The developer is bringing forth a plan that is desirable because it is in a community that is very safe. If there are 150 people or less he does not see it being a gigantic impact on police, fire or EMS runs. He would be concerned if it was a larger project. He doesn't believe it adds much to the density. In the long run the tax abatement benefits the Town.

The following resolution was moved from the Resolution section of the agenda:

Resolution 25-2017 Tax Abatement for Governor's Park Project (Lenzy Hayes)

Brice Teter made a motion to accept Resolution 25-2017 Tax Abatement for Governor's Park Project also known as Lenzy Hayes. Kevin Farris seconded. Roll call vote: Scott Oldham – yes; Brian Mobley – no; Kevin Farris – yes; and Brice Teter – yes. Motion carried, 3-1.

Award Bid for the Fire Department's 2001 Ford Crown Victoria – VIN 2FAFP71W41X185177

Darla Brown, Town Attorney, explained at the last Town Council meeting, the Town had solicited bids for the surplus Ford Crown Victoria from the Fire Department. There was a bid for \$327 and the question was could the Town reject the bid. It is her opinion based on the procedure the bid cannot be rejected. It was advertised and bids were solicited. Her understanding of the statute is it goes to the highest responsible bidder. There may be procedures the Town can use in the future if they have one item worth \$1,000 or several items worth \$5,000 to get a little more money out of it. Mr. Oldham asked if they can have a reserve amount. Ms. Brown replied the statutes do not address that.

Scott Oldham entertained a motion. Kevin Farris made a motion to accept the awarding of the bid for the Fire Department's 2001 Ford Crown Victoria, VIN 2FAFP71W41X185177.

Brice Teter seconded. Roll call vote: Scott Oldham – yes; Brian Mobley – yes; Kevin Farris – yes; and Brice Teter – yes. Motion carried.

Resolutions

Resolution 21-2017 to Adopt a Written Fiscal Plan for 61.75 Acres Along W. Harbison Road – Goodman Nikirk

Kevin Tolloty, Planning Director, explained this is a 100% voluntary annexation and the land is currently undeveloped. The Fiscal Plan states it would have little effect on the Town. It is proposed to be developed in the future. Mr. Oldham asked what it is zoned. Mr. Tolloty answered the petitioner is asking for it to be Residential 3 (“R-3”) because they want to build mostly single family homes and some condominiums or townhomes. Mr. Oldham asked the Fire Chief if there will be an effect on their departments if the resolution is adopted. Chief Cornman answered no. Mr. Mobley asked if R-3 zoning is the same as where the apartments will be located in Litten Estates. Mr. Tolloty answered the location of where the apartments will be located is zoned Commercial 3.

Scott Oldham entertained a motion. Brice Teter made a motion to adopt Resolution 21-2017 to Adopt a Written Fiscal Plan for 61.75 Acres along West Harbison Road which is the Goodman - Nikirk property. Kevin Farris seconded. Roll call vote: Brice Teter – yes; Kevin Farris – yes; Brian Mobley – yes; and Scott Oldham – yes. Motion carried.

Resolution 24-2017 to Declare a 1982 GMC P30 Step Van Surplus Equipment for the Fire Department

Fire Chief Mike Cornman explained they no longer need a support box truck. It was originally a single axle and they made it into a double. Nobody needs one at this time. Mr. Farris asked why it was needed. Chief Cornman answered years ago it was used for a support truck and to store auxiliary equipment including the Cascade Air System. Due to the advances in breathing apparatuses over the last 15 years the need for the Cascade Air System has been a lot less. Mr. Oldham asked if the Cascade Air System stays with the truck. Chief Cornman replied no. Mr. Oldham asked if this will be bid or sold on eBay. Chief Cornman replied it is their preference. Ms. Brown advised their choices are to hire an auctioneer, online, public sale or bids. How much is it worth? Chief Cornman thinks \$2,000 at the most. Ms. Brown noted if he thinks it is over \$1,000 they need to select one of those methods. After a discussion, it was decided to auction the truck on eBay. Ms. Hash advised the resolution will need to be modified accordingly.

Scott Oldham entertained a motion concerning 24-2017 as requested to be amended. Brice Teter made a motion to pass Resolution 24-2017 to declare a 1982 GMC P30 Step Van as surplus equipment for the Fire Department and additionally allow for the modifications to the resolution to allow it to be sold online. Kevin Farris seconded. Roll call vote: Kevin Farris – yes; Brice Teter – yes; Brian Mobley – yes; and Scott Oldham – yes. Motion carried.

Resolution 26-2017 to Approve the Development Plan

Kevin Tolloty, Planning Director, explained this resolution is related to the application of the project seeking the tax abatement. As part of the application for the entire project the developer needs to reference a development or comprehensive plan. The current Comprehensive Plan was determined to be inadequate. Revisions to the Comprehensive Plan will be completed in approximately two months. He worked with Ms. Delgadillo to put together a Development Plan that meets their requirements. Essentially, they are chapters that will be included in the Comprehensive Plan so it wasn't additional work. The Plan Commission heard this at its October 5, 2017, meeting and it received a favorable recommendation with a vote of 5-1 for approval. The Development Plan would remain in effect until the Comprehensive Plan is passed. Mr. Farris asked if there was input from the public. Mr. Tolloty answered there is a Steering Committee which met several times, a survey was conducted, an open house was held and there have been several public hearings. Most everything in the Development Plan came from the survey responses. Three chapters of the Development Plan are Current Land Use, Housing and Future Development Plan.

Scott Oldham asked if passage of the Development Plan is absolutely crucial for the developer. Ms. Delgadillo answered it covers three critical points in the application. Basically, two years ago when they approached the Planning Department and Town Manager, they discussed some of the housing priorities and making sure it was priority. Part of the application is making sure the Town not only has a Development Plan but that it has been approved and adopted by the time they submit the application.

Brian Mobley asked if the existing Comprehensive Plan did not match what is needed to get the tax abatement. Mr. Tolloty answered the current Comprehensive Plan is not sufficiently specific to help them. Mr. Mobley disagrees with changing policy to satisfy one person. Mr. Tolloty stated the Comprehensive Plan is being revised because it should be at a minimum of every five years. Ms. Delgadillo commented that was not their intent and it is not the Comprehensive Plan their needing to get a vote on. It is a Development Plan which is a component of the Comprehensive Plan. As mentioned earlier, they're hoping that the project and process will not only spur the development of 90 units of senior housing but future developments as well.

Brice Teter thinks the Development Plan was very well done and put together. Excellent job.

Scott Oldham entertained a motion. Kevin Farris made a motion to adopt Resolution 26-2017 to approve the Development Plan. Brice Teter seconded. Roll call vote: Scott Oldham – yes; Brian Mobley – no; Kevin Farris – yes; and Brice Teter – yes. Motion carried, 3-1.

Resolutions on Second Reading

Resolution 23-2017 Proposing an Ordinance Modifying Local Income Tax (“LIT”) Allocations in Monroe County and Casting Five Votes in Favor of the Ordinance

Scott Oldham explained this is a change in the LIT proposal which decreased the Town's contribution in proportion as it did with cities, counties and Stinesville in order to bolster the funding for Monroe County Central Dispatch which urgently needs the funding increase. Mr. Mobley stated Bloomington still has 58 votes, is that correct? Mr. Oldham answered Bloomington has over 50% of the vote by way of population.

Scott Oldham entertained a motion. Kevin Farris made a motion to adopt Resolution 23-2017 proposing an Ordinance Modifying Local Income Tax Allocations in Monroe County and Casting Five Votes in Favor of the Ordinances. Brice Teter seconded. Roll call vote: Brice Teter – yes; Kevin Farris – yes; Brian Mobley – no; and Scott Oldham – yes. Motion carried, 3-1.

Ordinances on First Reading

Ordinances on Second Reading

Ordinance 2017-16 to Annex 61.75 Acres Along W. Harbison Road – Goodman Nikirk

Kevin Tolloty, Planning Director, explained this ordinance adopts the annexation for 61.75 acres of land. The Plan Commission heard this at its October 5, 2017, meeting and it received a favorable recommendation with a 4-1 vote. Zoning is R-3. The new owners are planning to develop the land but are working on access to the property. Mr. Oldham asked if this opens up the possibility of annexations for several other property holders. Mr. Tolloty answered this property borders Westbrook Downs. Mr. Mobley asked if the property is in a floodplain. Mr. Tolloty replied a portion of it is.

Scott Oldham entertained a motion. Brice Teter made a motion to adopt Ordinance 2017-16 to Annex 61.75 Acres of land along W. Harbison Road, the Goodman Nikirk property. Kevin Farris seconded. Roll call vote: Brian Mobley – yes; Kevin Farris – yes; Brice Teter – yes; and Scott Oldham - yes. Motion carried.

Old Business

Flood Report

Brian Mobley met with the Honorable Trey Hollingsworth, U.S. Representative, Ninth Congressional District, his staff, Carl Thurman and Mae Cassidy downtown on October 17, 2017. They walked the area outlined in an Indiana Department of Natural Resources report. Representative Hollingsworth is concerned about bringing businesses downtown. He will get back to the Town with any grant information.

Pay Application No. 3 for the Chemical Phosphorus Removal Building

Sandra Hash explained this is formal approval for a request for payment. An application is included with the request for payment that requires the Town Council President's signature. Mr. Farmer noted this was at his request because being a contract operator he thought it was best Town Council approve the payments. The work is 75% completed. Mr. Farris asked if the project is on schedule. Mr. Farmer answered it is ahead of schedule.

Scott Oldham entertained a motion. Kevin Farris made a motion to pay Application No. 3 for the Chemical Phosphorus Removal Building. Brice Teter seconded. Roll call vote: Kevin Farris – yes; Brice Teter – yes; Scott Oldham – yes; and Brian Mobley – yes. Motion carried.

Sale of Surplus Equipment for the Street Department – 1988 Mauldin Drum Roller and 18' Trailer

Danny Stalcup, Street Commissioner, previously received approval to surplus the drum roller and trailer. The auction company looked at the equipment and said the only way they would do it is if they purchase it and then auction it. The auction company offered \$1,500 for the two items and he thinks this is a good price. It is a 1974 trailer and the Mauldin Drum Roller is a 1988. He spoke with the Town Manager who contacted the Town Attorney and it is his understanding the Town can sell them to the auction company if Town Council approves the same. Mr. Farris asked what type of trailer it is. Mr. Stalcup answered it is a tilt-top and it has problems. Mr. Mobley asked Mr. Davis if he thought it was a decent deal. Mr. Davis thinks it is. Ms. Brown advised if there is a group of items less than \$5,000 this procedure can be used. A price can be negotiated without having to advertise or hire an auctioneer.

Scott Oldham entertained a motion. Kevin Farris made a motion to adopt the sale of the surplus equipment for the Street Department, a 1988 Mauldin Drum Roller and 18' trailer for \$1,500. Brice Teter seconded. Roll call vote: Scott Oldham - yes; Brian Mobley – yes; Kevin Farris – yes; and Brice Teter – yes. Motion carried.

Scott Oldham asked if the money will go back into the Street Department's budget. Ms. Hash answered yes, it is supposed to go back in to the fund it was purchased from but because it is so old it will go into the MVH fund.

New Business

Scott Oldham read the following letter addressed to the Town Council dated October 23, 2017:

Council Members, I wish to notify the Council that I have decided to terminate my employment with the Town. Starting December 12, 2017 through January 3, 2018, I will be off on PTO and holiday pay. My last day on the payroll will be January 3rd. After I was rehired I stated I didn't want to work past the age of 70. I will turn 70 years old at the end of October. My contract states I can terminate my employment with the Town early by providing 60 days' notice. However, I intend to stay a volunteer with the Fire Department for a few more years. I enjoyed most aspects of working for the Town of Ellettsville and look forward to my complete retirement. Sincerely, Jim Davis.

Scott Oldham thanked Mr. Davis and expressed gratitude for his long service to the Town. We wish Jim nothing but the best. Regretfully, they accepted Mr. Davis' resignation.

Town Council Comments

Brian Mobley observed the Utilities Department has crossed Woodyard Road. Mike Farmer commented they're about to make the last run of 1,000' of pipe and then the secondary waterline will be ready to be energized.

Town Manager’s Comments

Jim Davis, Town Manager, advised \$24,413 remains in the bond from building Town Hall. Originally, they had planned to get a backup generator for Town Hall. He is requesting Town Council consider purchasing a generator. The lowest bid is \$36,934 from Generac. Utilities Department has agreed to pay two-thirds which is comprised of \$6,260 from water and \$6,260 from sewer for a total \$12,520, and the bond will pay the remainder. Part of the installation for the generator is complete. A concrete slab will have to be poured and some pipes brought to the top of the ground. Delivery time is 10-12 weeks. Mr. Farris asked where it will be installed. Mr. Davis answered outside of the building where the electric meter is located. Mr. Oldham asked if there is a diesel tank for the generator. Mr. Davis replied no, it is built in. Generac will provide the fuel for the first fill-up. Mr. Mobley asked if there is a maintenance agreement with the generator. Mr. Davis answered it is not included but a maintenance agreement can be purchased. Mr. Mobley would like to table this to review the specifications.

Scott Oldham entertained a motion. Kevin Farris made a motion to purchase the 2017 Generac 100,000-watt generator diesel from Showcase Electric. Brice Teter seconded. Roll call vote: Scott Oldham – yes; Brian Mobley – yes; Kevin Farris – yes; and Brice Teter – yes. Motion carried.

Supervisors Comments

Sandra Hash is working on an insurance application. Does the Town have any generators over 1,000 kilowatts? Jeff Farmer answered there is a generator at the Waste Water Treatment Plant. He will let her know its size. Ms. Hash advised she has asked the insurance company to go out for bids and she is working on the first application. She will be out of the office the next two days to attend a conference with Amber Ragle-Wright so her office will be closed.

Kevin Tolloty, Planning Director, announced the Town has been awarded a grant totaling \$14,000 from the Smithville Charitable Foundation. The Planning Department worked on this in coordination with the Street Department. New signs will include directionals and block numbers for all streets.

Scott Oldham advised there have been several inquiries to the Police Department concerning the official Trick-or-Treat hours for Halloween. After a discussion it was decided, based on a Town Council decision years prior, the hours for Trick-or-Treating on Halloween will be from 5:30 p.m. to 8:30 p.m.

Privilege of the Floor

Adjournment

Scott Oldham entertained a motion to adjourn. Kevin Farris so moved. Brice Teter seconded. Scott Oldham adjourned the meeting at 7:38 p.m.

Scott Oldham, President

Brian Mobley, Vice President

Kevin Farris

Brice Teter

Scott Thomas

Sandra Hash, Clerk-Treasurer, IAMC, MMC