

## February 13, 2017

The Ellettsville, Indiana, Town Council met for a regular meeting on Monday, February 13, 2017, at the Fire Department Training and Conference Room. Scott Oldham called the meeting to order at 6:30 p.m. Dianna S. Bastin led the Pledge of Allegiance followed with a prayer by Sandra Hash.

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

**Supervisors present were:** Mike Cornman, Jimmie Durnil, Kevin Tolloty, and Mike Farmer.

### Approval of Minutes

Scott Oldham entertained a motion for approval of the minutes for the regular meeting on January 23, 2017. Kevin Farris so moved. Dianna S. Bastin seconded. Motion carried.

### Accounts Payable Vouchers

Scott Oldham entertained a motion for action to pay Accounts Payable Vouchers. Mr. Mobley asked questions on claims which were answered by the supervisors. Mr. Oldham asked Mr. Farmer if Utilities purchases were normal, routine and within their budget. Mr. Farmer answered yes. Ms. Bastin asked if they're typical expenditures when the weather is mild. Mr. Farmer replied it is correct and they're having a lot of requests for new services. Kevin Farris so moved. Dianna S. Bastin seconded. Motion carried.

### Appointments

#### Ellettsville Building Corporation Board of Directors

**Darla Brown, Town Attorney,** advised a candidate decided not to serve on the board so they're still looking for someone. Mr. Oldham mentioned it is a non-partisan position and is not a time consuming commitment but an important one.

#### Plan Commission

**Kevin Tolloty, Planning Department,** has two employees interested in the opening on the Plan Commission. Both would be a good addition to the Plan Commission. Ms. Bastin asked if his memo stated one of the employees attended the Plan Commission meeting. Mr. Tolloty answered yes, it was Brian Miller. That is the only difference between the two employees but he would be happy with either one.

Scott Oldham entertained a motion to appoint Brian Miller to the Plan Commission for the vacancy. Dianna S. Bastin made a motion to appoint Brian Miller to the Plan Commission for the vacancy. Kevin Farris seconded. Roll call vote: Scott Oldham – yes; Dianna S. Bastin – yes; Kevin Farris – yes; and Brian Mobley – yes. Motion carried.

### Resolutions

#### Resolution 04-2017 to Create a Local Option Income Tax (“LOIT”) Public Safety Fund

**Sandra Hash, Clerk-Treasurer,** explained the Town received a \$90,000 payout from the special distribution of the new Public Safety Fund for the Fire Department. The State Board of Accounts has directed it should be in a standalone fund labeled for Public Safety.

**Scott Oldham** asked if the \$90,000 went to Richland Township (“Township”) who then gave it to the Town. Ms. Hash answered the check came payable to the Ellettsville Fire Department directly to the Town on behalf of the Township. Mr. Oldham asked if this is for the 2016 or 2017 Local Income Tax (“LIT”). Ms. Hash replied they started collecting the tax in October. The Town will start getting a monthly distribution of \$13,305 for 2017 which will total \$146,000 because the special distribution came off the top. Mr. Oldham asked what happened to the money collected in October, November and December. Ms. Hash presumes it was held to get the fund going. Mr. Oldham stated they're discussing

two funds: LOIT which ended on December 31, 2016 and LIT which began on January 1, 2017. There should be a distribution for October through December. Would you inquire as to where those monies have gone?

**Fire Chief Mike Cornman** explained the county used the first six months as a cash balance before disbursing the money. After this year, there will always be money in the fund to be distributed basically serving as a cash reserve. Mr. Oldham stated it is two separate entities and not one continuing fund. Ms. Brown agreed. Chief Cornman understands from Mike Duffy of the Department of Local Government Finance (“DLGF”) there was a conversion and the LOIT is now the LIT so it is the same thing for the Public Safety aspect. Mr. Oldham asked Ms. Hash to have someone from the county explain this to her so everyone can understand it. Ms. Hash called the county because she didn’t understand the special distributions were going to come off the top and reduce the Town’s annual distribution. Mr. Oldham commented this was discussed during the negotiations. He is dismayed the county is taking it upon themselves to decide how they’re going to distribute the funds without sharing that information with anyone else. Ms. Brown thinks the problem goes back to the statute. The question is how the word “distribution” is interpreted. She may have received an email that explains this and provide it to Town Council.

**Brian Mobley** wants to make sure people understand \$90,000 does not go directly to the Ellettsville Fire Department for their use. Some of the money is a supplement because the Township Trustee could not fulfill the rest of their contract to the Town. Ms. Hash explained the payment of \$90,000 goes directly to the Fire Department. The Township Trustee will pay the amount pursuant to the agreement which is \$75,000 less than the previous year. This special LOIT distribution helps counteract the loss. Ms. Bastin confirmed it is under the Fire Chief’s control to use pursuant to guidelines. Ms. Hash agreed. Mr. Oldham explained the Tax Council pushed it to Ellettsville Fire Department for the county to make up the difference for the Township Trustee because he couldn’t meet his obligations and it is additional money for the Fire Department only. Ms. Hash advised the money can’t be spent until there’s an additional appropriation. The Fire Chief will provide information for the appropriation.

Scott Oldham entertained a motion to approve Resolution 04-2017 to Create a Local Option Income Tax Public Safety Fund. Dianna S. Bastin made a motion to approve Resolution 04-2017 to Create a Local Option Income Tax Public Safety Fund. Kevin Farris seconded. Roll call vote: Brian Mobley – yes; Kevin Farris – yes; Dianna S. Bastin – yes; and Scott Oldham – yes. Motion carried.

## **Ordinances on First Reading**

### **Ordinance 2017-02 to Amend the Stormwater System User Fee Base Rate**

**Darla Brown, Town Attorney**, explained a Council member at the last meeting requested an ordinance be drafted to raise the stormwater user base rate from \$3 to \$4 effective May 1, 2017, so Utilities will have sufficient time to get the paperwork in effect. The increase will be reflected on the Utility bills distributed in June. They need to have a public hearing and the notice will be published in the newspaper. Ms. Hash commented the dates need to be correct for Utility billing. When the dates go into effect Utilities need 60 to 90 days because the meter reading are throughout the month.

**Dianna S. Bastin** asked if the extra money will meet stormwater user guidelines. Ms. Brown answered the statutes says it has to be a just and equitable fee to pay all expenses incidental to the operation of the works which includes legal, maintenance, operating charges, repairs, lease rentals, interest charges on bonds, provide a sinking fund, provide adequate money to be used as working capital and provide adequate money for improving and replacing the works. Ms. Bastin stated if they choose to dig out the creek that really doesn’t fit under stormwater user. Mr. Coppock interjected it does fit under stormwater user because eventually all of the Town drains into the creek which is all stormwater. Improvements made to the creek are improvements to the stormwater system. Anything related to stormwater is eligible for those funds.

**Kevin Farris** opined if they pass the ordinance it is another tax increase of 33%. His monthly stormwater fees are \$77. Is there a point in time when the Town wouldn’t need

the additional \$1? Mr. Coppock answered possibly, if everything was fixed and operating properly. Mr. Farris asked if \$1 will fix the problem. Mr. Coppock thinks it's a start to fixing the problem. It will probably pay for the study to determine the construction work needed to help fix the flooding problem. Mr. Mobley added it will bring in approximately \$40,000 a year which is not much. Right now stormwater has no income coming in. Ms. Bastin thinks they're rushing to do this. At the last meeting Chad Stephens, the biggest business owner affected by the flooding said he was not part of the committee and had no input. She wants the flooding taken care of but thinks they need to take another look at it and involve Mr. Stephens. If they fix downtown, Mr. Stephens said they may cause him harm and vice versa. Mr. Mobley wants to post this for a public hearing at the meeting on February 27, 2017, and move on. Mr. Oldham stated the ordinance will be introduced for a second reading at the next Town Council meeting on February 27, 2017. The proposed ordinance will be posted on the website and if people are concerned can come to the next meeting.

### **Ordinance 2017-03 to Amend Ordinance 2016-14 Fixing of the Salaries for Budget Year 2017**

**Sandra Hash, Clerk-Treasurer**, advised the state has approved the 2017 budgets and there are sufficient funds for a 2% raise. She prepared the amended salary ordinance to reflect the 2% raise and initiated the additional appropriation to take care of those funds. The second reading of the ordinance will be on February 27, 2017. It is the Council's decision as to when the raise will take effect. There are sufficient funds to make it retroactive. Mr. Oldham asked Mr. Davis for his thoughts. Mr. Davis answered the funding is there and everyone will be happy whenever the raise starts. Ms. Hash noted when she calculated the additional appropriation it was for the full year starting January 1<sup>st</sup> and was less than she originally projected. Mr. Oldham would prefer to make it retroactive to January 1, 2017.

### **Ordinances on Second Reading**

#### **Ordinance 2017-01 Park Hours**

**Marshal Jimmie Durnil, Parks Board**, explained establishing hours for the parks gives them better control late at night. On Saturday, February 11, 2017, picnic tables were damaged during the night. Signage for the new hours will be put into place. Ms. Bastin reminded everyone parks are open from 7:00 a.m. or sunrise, whichever is later, to 9:00 p.m. or dusk, whichever is earlier.

Dianna S. Bastin made a motion to approve Ordinance 2017-01 Park Hours.

**Mary Ann Rains** asked if this will affect the ball fields. Mr. Oldham suggested making an amendment because the ball games go later than the park closes and they are not an authorized Town activity. Ms. Rains commented their games are Monday through Thursday. Mr. Oldham thinks it will make it difficult for the officers to enforce by allowing one group to stay but individuals playing basketball would get told to leave. Mr. Durnil thinks common sense will weigh-in for the officers. They're looking for people causing the damage. There has been over \$6,000 in damage to the parks in the last one and a half years. Ms. Bastin wants the ordinance to apply across the board but ball players are in the ball parks and supervised. The ballplayers have meetings so they could be given the new hours and then it won't happen. Mr. Oldham suggested adding a waiver clause for the hours to the Mass Gathering Permit and the Shelter Rental Agreement so the Police Department will know who should or should not be in the parks. Ms. Brown noted the ordinance allows the Parks Board to extend or change the hours for special occasions. Do you want something more specific? Mr. Oldham wants it added in the wording so the officers will know there are functions in the parks. Mr. Durnil said the Clerk-Treasurer's office is good about letting them know when there are special functions so they'll have notice of it.

Kevin Farris seconded the aforementioned motion. Roll call vote: Kevin Farris – yes; Dianna S. Bastin – yes; Scott Oldham – yes; and Brian Mobley – yes. Motion carried.

### **Old Business**

## **Flood Report**

**Brian Mobley** showed a photograph of a culvert at the corner of Matthews and McNeely Streets that was cleaned out by the Utilities and Street Departments. The culvert was completely clogged. The Street Department will clean up around the culvert and the grid on top needs work. This is one little step forward and is one of the things Rick Coppock said could be done without a permit.

## **New Business**

### **Richland Bean Blossom Youth Sports Mass Gathering Permit – Mary Ann Rains**

**Mary Ann Rains, Richland Bean Blossom Youth Sports (“RBBYS”)**, advised Amy Slabaugh is no longer President of their organization. Trevor Powell is now President. Other than Amy Slabaugh, it has been the same Board of Directors for two years and there haven’t been any complaints. Can RBBYS get a waiver so they don’t have to apply for a permit every year? Mr. Oldham answered there isn’t a mechanism for waivers in the ordinance. Ms. Brown noted the permit fee can be waived. Mr. Oldham explained it is pro forma and they need to turn in the Mass Gathering Permit Application every year but they don’t need to appear at Town Council. They need to work with the Fire and Police Chiefs.

**Fire Chief Mike Cornman** asked if the Mass Gathering Permit is for the fall season and not for any tournaments. Ms. Rains answered yes. Chief Cornman mentioned there was one tournament last year that did not go through the Mass Gathering Permit and had 900 people in attendance that exceeded the requirements. Ms. Rains stated that was one of their tournaments during their ball season. Chief Cornman said the tournament was in August after the season was over. Ms. Rains advised Trevor Powell holds a tournament at the end of July every year after their season is over and the money is put back into RBBYS. It is another way for them to make more money at the end of the year. Mr. Oldham asked how many tournaments RBBYS is not involved in. Ms. Rains answered none. Chief Cornman agrees. The tournament in August 2016, was the biggest thing they’ve seen in that area in a long time. There were some minor issues that should have been addressed. They would like to have an amendment when they hold the tournament to ensure they have appropriate police and EMS protection. Mr. Oldham asked Marshal Durnil’s thoughts on the tournament. Marshal Durnil is fine with it as long as they’re notified. The fee for officers will increase to \$40. Ms. Hash asked Ms. Rains to provide updated information on the organization.

Scott Oldham entertained a motion to approve the waiver for the RBBYS baseball season. Brian Mobley made a motion to approve the waiver for the RBBYS baseball season. Kevin Farris seconded. Roll call vote: Dianna S. Bastin – yes; Scott Oldham – yes; Kevin Farris – yes; and Brian Mobley – yes. Motion carried.

### **Town Hall Change Order**

**Jim Davis Town Manager**, explained after the plans were completed the county found they were missing a mop basin sink, faucet and a bi-level water cooler so to add them resulted in a change order for \$1,285. Mr. Oldham asked if they’re still on schedule and under budget. Mr. Davis answered it is the first change order and the building is almost finished.

Scott Oldham entertained a motion to approve the Town Hall change order. Dianna S. Bastin made a motion to approve the Town Hall change order. Scott Oldham seconded. Roll call vote: Kevin Farris – yes; Brian Mobley – yes; Dianna S. Bastin – yes; and Scott Oldham – yes. Motion carried.

### **Term Limit for Town Council Members – Scott Thomas**

**Brian Mobley** advised Scott Thomas was unable to make the meeting and wanted this item tabled.

Brian Mobley made a motion to table. Kevin Farris seconded. Roll call vote: Scott Oldham – yes; Dianna S. Bastin – yes; Kevin Farris – yes; and Brian Mobley – yes. Motion carried.

## **Community Crossings Grant Update – Denise Line**

**Denise Line, Clerk-Treasurer and Planning Departments**, explained the Town was awarded four Community Crossing Grants from the Indiana Department of Transportation (“INDOT”). The grants were for the paving of (1) North Robin Drive from N. Langley Drive to East Meadowlands Drive; (2) West Dewey Drive from South First Street to South Park Street; (3) South Ridge Springs Lane from West Temperance Street to North Sycamore Drive to South Cedar Drive; and (4) the east cul-de-sac of South Tulip Tree Court. On February 3, 2017, she and Danny Stalcup went with the INDOT representative to inspect the paving and he was satisfied with all of the streets. The project cost \$92,572.90 to complete. The grants totaled \$46,211.45. Ellettsville’s 50% matching portion was \$46,211.45 plus an overrun of \$150 for a manhole riser that was needed. The grant is in the process of being closed and this is the last public update.

## **Tecumseh Pocket Park- Jimmie Durnil**

**Marshal Jimmie Durnil, Parks Department**, explained Denise Line came to him about six months ago and had an idea about “pocket parks”. This is a pocket park at Tecumseh and Deer Run Streets. The creek meanders through one part of the pocket park, goes under the road and into what will be a wetland area which the Street Department will clear off. There will be a couple of picnic tables and an area for people to walk or sit to read. It is less than two acres. Ms. Bastin said the property has been used for some time for people to walk their dogs. There is very little trash there so trash cans are not necessary. People take their trash when they leave as well as cleaning up after their dogs. It is a great place and people enjoy being down there. Mr. Oldham asked if the Town needs to turn over control of the property from the Town Council to the Parks Board. Ms. Brown’s understanding is the Town still owns the parks but the Council decided to let the Park Board manage them. Ms. Hash added all deeds say “Town of Ellettsville”.

They have an easement on State Road 46 at Kenny Williams’ place. It’s a small area that will have a parking lot and maybe a picnic table. People will be able to step onto the trail from there.

On Wednesday, February 15, 2017, a crew will start sanding and polishing the concrete at old Town Hall and the cost will be \$2,000. Then, they’ll make a decision to put something down or paint it to make it look as nice as they can. They’re trying to get the concrete floor smooth so the building can be utilized for something.

## **Boys and Girls Club Signage – Mike Cornman**

**Fire Chief Mike Cornman** explained the Boys and Girls Club of Ellettsville has a fundraiser and the proceeds go to the Ellettsville Council for Youth. Over the years, people who donated during the fundraiser would get their name on a sign that was displayed along State Road 46 in front of Eagles Landing. Eagles Landing is no longer available so they’re looking for a place to put the signs. In the past, the Boys and Girls Club obtained sign permits from INDOT and the Town of Ellettsville. The Boys and Girls Club would like to use the Fire Station for this fundraiser. He thinks it’s a good idea but because it is out of the ordinary he is seeking Town Council approval to display the signs in front of the Fire Department until April. Town Council members agreed on displaying the signs in front of the Fire Department with the caveat that the signs be kept out of the sight line and a sign permit is obtained from the Planning Department.

## **Council Comments**

**Brian Mobley** conveyed prayers for Deputy Marshal A.J. Bohall.

**Dianna S. Bastin** and a friend toured new Town Hall. It looks great and is bigger than she thought. To whomever had something to do with it it’s more than she expected and really beautiful. Mr. Davis stated every department has had something to do with it.

## **Town Manager’s Comments**

**Jim Davis, Town Manager**, explained equipment needs installed at Town Hall which will probably be accomplished around March 1<sup>st</sup>. They will be doing a punch list inspection

this week. There is some work that needs done outside as well as cleanup. He anticipates completion to be about March 1<sup>st</sup>. They plan to have an open house after they move in.

Mr. Oldham asked if the March meetings will be held at new Town Hall. Mr. Davis answered the plan is to have the second Town Council meeting in March at the new Town Hall. The IT people have work to do after they install the meeting table donated to the Town. The current table will go in the Town Council chambers.

### **Supervisors Comments**

**Fire Chief Mike Cornman** explained they had an opening at the Fire Department for a full time firefighter. They are promoting Steven Medley from part-time to full time status. Mr. Medley has been with the Fire Department for five years. The starting pay with the current salary ordinance is \$14.86 per hour. Mr. Oldham asked if Mr. Medley comes with a skill set that would bring him in at a higher rate. Chief Cornman answered not really. He's entry level but highly qualified.

Dianna S. Bastin made a motion to make Steven Medley full time at \$14.86 an hour. Kevin Farris seconded. Roll call vote: Scott Oldham – yes; Dianna S. Bastin – yes; Kevin Farris – yes; and Brian Mobley – yes. Motion carried.

**Sandra Hash** asked when the new salary ordinance is passed will Mr. Medley get a 2% raise. Chief Cornman answered yes.

**Fire Chief Mike Cornman** explained Bloomington Mayor John Hamilton has proposed a resolution for the City Council to consider an extensive annexation plan that includes the Richland Township area that encompasses Station 8 on Curry Pike. They are waiting to work with Monroe County who wants to do an impact study. Bloomington has a very nice fiscal plan. He doesn't want to wait for the DLGF to tell them they have to reduce their budget. This is a larger issue than just Ellettsville or Richland Township. This also includes the areas of their mutual aid partner, Van Buren Township. If the proposed annexation goes through they're taking a lot of their assessed valuation. The Fire and Deputy Chiefs of Van Buren along with him and Deputy Chief Kevin Patton have been working on preliminary plans for a Fire Territory because of the numerous issues in the funding mechanism of the Circuit Breaker that has caused the Town to lose \$630,000 but Richland Township has not lost that much. Van Buren Township was working off of emergency loans which has been done away with. Further, there won't be much tax base left in Van Buren Township after the annexation goes through. Their mutual aid comes from Van Buren Township on a regular basis. It's up to people to decide which fire protection they would like to see. They're working diligently to have a decent financial plan but there is not a lot to work with on the west side with regard to the tax base. They're starting behind because of the Circuit Breaker and previous Richland Township boards who decided not to increase their budget which affectively caused the problems for this year. They want to make sure people are well covered but it will be challenging. They're also looking at what will happen after the annexation goes through as proposed. Fire protection in Monroe County is going to take a completely different look in the next two years. They are working on it and will keep the Town Council updated.

**Scott Oldham** stated a lot of people have heard about the annexations and there are people who are going to think they may not have fire protection. He wants to ensure the public someone will show up when they dial 911. They will not let calls go unanswered and will work out the finances and logistics. Chief Cornman agrees and thinks it is the larger issue more than ever that Bloomington has brought to everyone's attention. This is not a surprise. They have not made improvements to Station 8 because of the possibility of being annexed. Station 8 is on five acres, provides infrastructure for the county and radio communications and the state is looking at possibly putting a 800 MHz tower on the property. There is value to the Station 8 property. He is convinced, with the exception of a few far reaching areas, that people do not care about which fire truck responds. Mr. Mobley asked if they still run mutual aid for Bloomington. Chief Cornman answered they have automatic aid with Bloomington City. Now that Vernal Pike is in there's a new area they've been responding to because they can get there faster than Bloomington units. Ellettsville Fire Department receives 29% to 33% of their operating budget from the tax base in Highland Village that will be annexed. The International Association of Firefighters Local 586 is pushing to

make certain career firefighters do not lose their jobs. Mr. Oldham commented Ellettsville’s equipment is in very good condition which puts us miles ahead of everything

else. He does not see any firefighters at Van Buren or other places ever having to leave. Chief Cornman commented the Fire Territory will increase taxes but will bring a higher level of service to Richland and Van Buren Townships and the Town of Ellettsville. However, the annexation plan has changed this.

**Jim Davis, Town Manager**, said they are working on taking care of the problem they’ve had with lightning strikes the last few years with the antenna towers at the Police and Fire Departments.

**Privilege of the Floor**

**Dorian Davis, Boys and Girls Club of Ellettsville**, announced their wine and cheese social which they open for the Ellettsville community will be on March 2, 2017, from 6:30 p.m. to 8:30 pm. in the Liberty Ball Room in Bloomington. It is not a fundraising event but an opportunity for the Ellettsville community to come together to network and learn about the club and what they do. Everyone is invited.

**Adjournment**

Scott Oldham entertained a motion to adjourn. Dianna S. Bastin so moved. Kevin Farris seconded. Scott Oldham adjourned the meeting at 7:40 p.m.

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Scott Oldham, President

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Dianna S. Bastin, Vice-President

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Scott Thomas

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Kevin Farris

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Brian Mobley

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Sandra Hash, Clerk-Treasurer