

December 11, 2017

The Ellettsville, Indiana, Town Council met for a regular meeting on Monday, December 11, 2017, at the Ellettsville Town Hall Meeting Room located at 1150 W. Guy McCown Drive. Brian Mobley called the meeting to order at 6:30 p.m. Brice Teter led the Pledge of Allegiance followed with a prayer by Jimmie Durnil.

Roll Call: Members present were Brian Mobley, Vice President; Kevin Farris, Brice Teter and Scott Thomas. Scott Oldham 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, Jimmie Durnil, Kevin Tolloty and Mike Farmer.

Public Hearing on Request to Vacate the Northwesterly Public Alley between Lots 41 and 42 in Sharps First Addition

Rick Coppock, Bynum Fanyo and Associates, representing the Monroe County Public Library (“Library”), explained the Library has made a request to vacate the alley immediately west of their building so they can move forward with plans for an expansion. The Library owns the lot on the other side of the alley. The only infrastructure in the alley is a sewer which will be re-routed as part of the project. He and Jimmie Durnil have a meeting with the Library Director on Wednesday, December 13, 2017, to discuss the Park Board lighting proposal. Ms. Hash wishes they would put a curve in the alley. The alley is beside Memorial Park and she has driven through there many times. She hates to see the alley shut down but she would also like to see the library expand.

Approval of Minutes

Brian Mobley entertained a motion for approval of the minutes for the regular meeting on November 27, 2017. Scott Thomas so moved. Brice Teter seconded. Roll call vote: Brian Mobley – yes; Scott Thomas – yes; Brice Teter – yes; and Kevin Farris - yes. Motion carried.

Accounts Payable Vouchers

Brian Mobley entertained a motion for action to pay Accounts Payable Vouchers. Brice Teter so moved. Scott Thomas seconded. Motion carried. Roll call vote: Brian Mobley – yes; Scott Thomas – yes; Brice Teter – yes; and Kevin Farris - yes. Motion carried.

Resolutions

Ordinances on First Reading

Ordinance 2017-19 to Vacate Public Way – Monroe County Public Library Request to Vacate the Alley Located Between Lots 41 and 42 in Sharp’s First Addition

Brian Mobley advised it was discussed earlier in the meeting and there were no additional comments.

Ordinance 2017-20 Annexation of the Stewart Property

Kevin Tolloty, Planning Director, explained this was heard at the Plan Commission meeting on December 7, 2017. It received a unanimous vote for a favorable recommendation with Agricultural 1 zoning.

Ordinance 2017-21 to Amend Chapters 93.16 and 93.17 of the Ellettsville Town Code Concerning Tall Grass & Weeds

Kevin Tolloty, Planning Director, explained ordinance amendment was discussed at the December 7, 2017, meeting of the Plan Commission. No recommendation was required as it is outside of the zoning ordinance. The amendment effects the way Planning handles tall grass and weed violations. Currently, Planning is required to send notices by certified mail but state code allows them to be sent by first class mail. The amendment will allow notices to be sent first class mail and it also establishes a minimum charge for abatement. Currently, fees are on the low side and people are taking advantage of having the Town

mow their lawns because it is less expensive than doing it themselves. Mr. Farris asked the amount of the minimum fee. Mr. Tolloty answered it will be \$250 which is the same as the minimum fee for brush pickup. Mr. Teter asked why “Street Supervisor” was changed to “Supervisor”. Mr. Tolloty replied it allows someone else to make a decision in case the supervisor is not in. Mr. Farris asked what the current fee is. Mr. Tolloty answered there was no minimum fee. Ms. Hash added the Street Department has established costs for their equipment and manpower is calculated at the hourly wage plus benefits. The Street Department determines the manhours required and the equipment to be used. A \$20 administrative fee is included to cover the certified letters and the cost to prepare the documents. Mr. Tolloty noted the letters are more time consuming than they should be because of the amount of time needed to take calls, investigate the complaint, prepare and mail letters and record the liens. Ms. Hash stated the Planning Department has to go through a notification process and she goes through it again. They have 30 days to respond before a lien can be filed. The minimum fee of \$250 is for cleanup and there is an administrative fee of \$150 that will be added.

Ordinance 2017-22 to Amend Chapters 94-03 – 94.07 of the Ellettsville Town Code Concerning Abandoned Vehicles

Kevin Tolloty, Planning Director, explained this amendment was heard at the Plan Commission on December 7, 2017, but did not require a formal recommendation. In the past, abandoned vehicles had been delegated to both the Planning and Police Departments. He would like for abandoned vehicles revert back to the Police Department. There are things involved with abandoned vehicles for which the Planning Department does not have the ability to do. The portion that allows the Planning Department to send notices for abandoned vehicles will be moved to the zoning section.

Brian Mobley commented in the past citations have written for abandoned vehicles. Marshal Durnil stated if they’re setting on a street the Police Department can handle it. If it is in the yard the Planning Department will notify them. Mr. Mobley noted it is a \$25 fine.

Ordinances on Second Reading

Ordinance 2017-18 Fixing of the Salaries for Budget Year 2018

Sandra Hash, Clerk-Treasurer, explained raises will be given to the Planner, Assistant Planner and the Police Department Administrative Assistant. A few small changes were made and an error in longevity pay for one of the employees was corrected.

Brian Mobley doesn’t understand why three positions get a raise and not across the board. Hopefully, the supervisors can watch their spending for December so maybe there will be money to carry over for raises in 2018.

Brian Mobley entertained a motion. Brice Teter made a motion to approve Ordinance 2017-18 Fixing of the Salaries for the Budget Year 2018. Kevin Farris seconded. Roll call vote: Brian Mobley – no; Kevin Farris – yes; Brice Teter – yes; and Scott Thomas - yes. Motion carried, 3-1.

Old Business

Flood Report

Brian Mobley spoke with Rick Coppock and Mike Farmer about getting prices to start some minor projects next year.

Community Access Television Service for the Town of Ellettsville

Sandra Hash, Clerk-Treasurer, advised representatives from Smithville and Community Access Television (“CATS TV”) were present. When CATS TV brought their contract to the Town there were questions and a proposal from Smithville was requested.

Scott Thomas asked how Smithville’s proposal compared to CATS TV. Ms. Hash answered the CATS TV contract totals \$16,056 and Smithville’s proposal is for \$17,500.

CATS TV has regular television stations that everyone can watch and Smithville broadcasts on Channels 1 and 601 for their customers.

Annette Bruner, Smithville, explained channels 1 and 601 are available only on Smithville TV. Meetings will also be broadcast simultaneously on the web so anyone can watch them. Mr. Thomas asked if the meetings will be archived and accessible over the internet for people who can't watch the live broadcast. Mr. Bruner answered yes and they would also be broadcast throughout the week. Mr. Mobley asked what channel 601 is. Ms. Bruner replied that is the HD version.

Michael White, General Manager of CATS TV, also carries meetings with two other video providers. Members of the public can watch meetings in the Library and they can make copies which is a free service unless they have to furnish the media it is saved on. Funds for the coverage also provide assistance for other community productions and train individuals on how to use the media. Mr. Mobley asked if the equipment belongs to CATS TV. Mr. White answered yes. Mr. Mobley asked Ms. Bruner if Smithville has to provide the cameras will it increase the cost. Ms. Bruner answered no, equipment cost is included based on 54 meetings, special meetings and includes the school board. Mr. Farris asked Mr. White if CATS TV broadcasts live. Mr. White replied yes, it can be seen all over the world which is freely accessible by anybody. CATS was the first station in the country to offer both live and archived meetings and has been doing so six years longer than C-Span. Mr. Mobley asked if speeds over the internet make a difference.

Martin O'Neal, Production/Assistant Manager of CATS, explained the speed to get to the internet depends on the speed of the network. There is a minute lag in the line feed as it processes and goes through the servers. Ms. Bruner commented the network is a Smithville fiber connection with a 1 gig circuit so there is plenty of bandwidth. It can affect the home viewer depending on their connection. Ms. Hash asked if they decide to go with Smithville would past meetings still be archived at the library. Mr. O'Neal answered yes, they would remain on the website. Ms. Hash stated there is a link to the Library on the Town's website for those individuals who may have an impairment. Would the Town be able to have a link to Smithville? Ms. Bruner answered yes. Ms. Hash asked if there is a limit for how long meetings would be archived at Smithville. Ms. Bruner replied no.

Brian Mobley asked Ms. Brown if they had to accept the lowest bid. Ms. Brown explained when it comes to services they're not obligated to accept the lowest bid. The Town Council can use the criteria they see fit when it comes to contracting for services. Ms. Hash noted Smithville has submitted a proposal and not a contract. Mr. Mobley prefers to see a contract. There was a discussion on proposal versus contract and tabling this agenda item.

Brian Mobley made a motion to table it to the next board meeting. Scott Thomas seconded. Roll call vote: Brian Mobley – yes; Kevin Farris – no; Brice Teter – no; and Scott Thomas - yes. Vote tied.

Sandra Hash thinks the picture quality on Smithville is excellent and the internet quality of the meetings through the Library is as well. Televised meetings through the Library is accessible to more people than Smithville. Mr. Mobley understands what CATS has done for the Town. The Town needs to get back to its roots. Smithville has done a lot for the Town. The loyalty is to what Smithville has done. Smithville has never hesitated to donate when asked and it means a lot to him as a hometown boy.

Brice Teter requested clarity on the motion. Is it a motion to table? Ms. Hash answered yes. Mr. Teter asked if it is correct that they're not voting on a certain proposal? Ms. Hash replied that was correct and if they don't table it then they will be voting on it. Mr. Teter doesn't know what Smithville has done for the Town because he moved to Ellettsville in 2009. However, since moving to his house in 2009, Smithville still doesn't have fiberoptic in his neighborhood so he doesn't know what they're doing for the citizens of Ellettsville. It's great Smithville has their base of operations here but they need to do what is best for the Town. Mr. Thomas thinks they're both great proposals. There was a discussion on the meetings that would be televised and equipment.

Sandra Hash voted no on the aforementioned motion. Motion failed, 2-3.

Brian Mobley entertained a motion. Kevin Farris made a motion to vote on the Community Access Television Service for the Town of Ellettsville. Scott Thomas seconded. Roll call vote: Kevin Farris – yes; Brice Teter – yes; Scott Thomas – yes; and Brian Mobley – no. Motion carried, 3-1.

Kevin Farris thanked Smithville for submitting their proposal.

Local Roads and Bridges Matching Grant Agreement for Street Paving

Denise Line, Clerk-Treasure and Planning Departments, is requesting approval for two Local Roads and Bridges Matching Grant Agreements for the Indiana Department of Transportation (“INDOT”) Matching Grant Funds. The grants are a 75%/25% match. INDOT’s portion is \$213,494.15 and the Town’s match is \$71,164.72 for a total of \$284,658.88 for street paving and culvert repair. The first agreement is for street paving totaling \$202,492.49. All bids approved at a prior Town Council meeting have been submitted to INDOT and approved. The agreement has been reviewed by Ms. Brown.

Kevin Farris asked if this is for the upcoming year. Ms. Line answered this is the award for 2017. After the agreements circulate through the state for signatures and then the Town will receive their funds. Work has to be completed by June 1, 2018. Mr. Teter asked what the April 15, 2018, date is and can they make it. Mr. Stalcup answered the work is being contracted and E & B Paving says they can meet the date. Ms. Brown added the contractor has to be signed up and materials purchased by April 15, 2018, but the project does not have to be completed by that date. Ms. Line mentioned when she attended an INDOT meeting they said April 15, 2018, is the start date because contracts are to be signed and submitted and the funds should be received by that date. After the agreements are signed the Street Department will have to purchase supplies for the culvert repair. Ms. Hash reminded the Town Council that a certain percentage of MVH monies from 2017 have to be used on this road project and will be encumbered so the funds can be carried over to 2018. Mr. Farris asked if the money has to be spent or the project completed by June. Ms. Line answered project completed by June which is partially due to the state’s fiscal year which runs July 1st to June 30th and it gives INDOT time to complete the work they need to do. Ms. Hash commented INDOT will start another award process next year. Ms. Line added if the Town doesn’t finish its projects timely they won’t receive grant funds in 2018.

Brian Mobley entertained a motion to approve the agreement. Brice Teter made a motion to approve the Local Roads and Bridges Matching Grant Agreement for Street Paving. Kevin Farris seconded. Roll call vote: Brian Mobley – yes; Kevin Farris – yes; Brice Teter – yes; and Scott Thomas – yes. Motion carried.

Local Roads and Bridges Matching Grant Agreement for Materials

Brian Mobley entertained a motion to approve the agreement. Brice Teter made a motion to approve the Local Roads and Bridges Matching Grant Agreement for Materials. Kevin Farris seconded. Roll call vote: Brian Mobley – yes; Kevin Farris – yes; Brice Teter – yes; and Scott Thomas – yes. Motion carried.

Agreement between the Town of Ellettsville and T-Mobile

Darla Brown, Town Attorney, explained in January 2009, Town Council approved a Tower Lease with Option (“Lease”) with T-Mobile Central, LLC (“T-Mobile”) so they could place antenna equipment on one of the Town’s water towers. The initial term was for five years and T-Mobile had the option to renew the contract for five additional five-year periods. In 2018, T-Mobile will be in the last year of their first renewal. With regard to the original Lease, they agreed to pay \$1,500 in rent per month. Pursuant to the terms of the Lease the rent was to increase three percent per year. Presently, T-Mobile is paying the Town approximately \$1,900 a month. T-Mobile has proposed a Lease extension and is guaranteeing to pay rent of \$180,000 for a period of 120 months or 10 years. Even if T-Mobile decides that it is economically not feasible for them to maintain the antenna on the structure and they want to remove their equipment they’re still guaranteeing the Town \$180,000. In return, they are asking the Town to give up the 3% increase every year. T-Mobile wants to go back to a base rent of \$1,500 in exchange for a 10-year guarantee. Because T-Mobile is close to the end of their first renewal, pursuant to the terms of the

contract if they don't want to renew the contract with the Town they can give 30 days' notice before the term ends. If the Town Council approves this, T-Mobile will provide a lengthier contract to review and approve. In summary, it is guaranteed rent for 10 years in exchange for the Town giving up its right to a Consumer Price Index ("CPI") increase.

Kevin Farris confirmed T-Mobile has five-year extensions for five years. Ms. Brown agreed and 2018 will be year five of round two. Mr. Farris asked if they're the only antenna on the tower. Ms. Brown answered no, AT & T and Community Radio also have antennae on the tower. Mr. Farris asked if more antennae could go on the Tower.

Mike Farmer, Ellettsville Utilities, explained a collar would have to be placed under the bowl to add another entity on the tank. It is crowded so nothing else could go on top. For comparison, AT & T is currently paying \$1,500 and their lease will increase 7.5% after the fifth year and they also have extension clauses. Ms. Brown advised the Town Council can make a counter proposal. Mr. Teter asked how the \$180,000 will be paid if they decide to go with the 10-year Lease. Ms. Brown understands it is to be paid over 10 years even if they decide to remove their equipment. She will ask T-Mobile how they will pay if they remove their equipment. Mr. Teter suggested making it heavier on the front end so by the end of the 10th year they're not out as much if they remove their equipment. Can they renew now with a 3% increase locked in for five years as opposed to being locked in for 10 years? Ms. Brown replied that is correct. Mr. Farris asked if they're currently paying \$1,900 a month. Mr. Farmer answered it is \$1,957.16. Blackdot, a third party has initiated this and he thinks they're willing to negotiate. Blackdot's point is technology will change in the future and that antennae on top of the tank may not be necessary. The lease money is used to maintain tanks and half of it goes to the prior property owners as they retained their communication rights. Mr. Thomas asked if there is any cost to the Town for maintenance of the antennae. Mr. Farmer replied no, they have been good tenants and have done anything asked of them. It does not inhibit maintenance of the tank for which they have a contract with Utility Services. AT & T and T-Mobile customers in Town get better reception.

Kevin Farris asked if they want to negotiate with a counter proposal would this be tabled. Mr. Farmer answered yes, they can take as much time as they want. Mr. Teter asked their thoughts on the Lease. Mr. Farris wants to compare the terms. Mr. Farmer suggest if this is going to be tabled he will talk with Ms. Brown and they will circulate an email to discuss a counter proposal.

Brian Mobley entertained a motion. Kevin Farris made a motion to table the agreement between the Town of Ellettsville and T-Mobile. Brice Teter seconded. Roll call vote: Scott Thomas – yes; Brice Teter – yes; Kevin Farris – yes; and Brian Mobley – yes. Motion carried.

New Business

Town Council Comments

Kevin Farris stated before the meeting they were discussing an eight-day trip he took from Hawaii to San Diego, California, on the Nimitz. The Nimitz was returning from a six-month deployment as part of the Seventh Fleet. The sacrifices our servicemen and women make are phenomenal and there are a lot of folks who aren't going to be home for Christmas. Big shout out to anyone in the community who is serving our country and won't be home for Christmas. They make a phenomenal sacrifice.

Brian Mobley commented Santa on Sale Street was held, it went well and there was a decent size crowd. The History Center was open. Marshal Durnil added Old Town Hall looked nice inside. A Christmas tree was up and they had several photographs making it a nice display.

Town Manager's Comments

Brian Mobley announced this was Jim Davis' last meeting. Mr. Mobley appreciates his service. Thank you for being here for the Town of Ellettsville. All Town Council members agreed.

Supervisors Comments

Town Marshal Jimmie Durnil wished Mr. Davis well. He enjoyed working with him over the last few years and has known him since they were in first grade. He wishes him well. He’s been a friend to him and Ellettsville.

Brian Mobley asked people to pay attention to the Police and Fire Departments’ Facebook pages. Some people have taken advantage of our citizens. There have been some break-ins around Town. Be cautious with your belongings and lock vehicles and homes.

Fire Chief Mike Cornman commented Santa on Sale Street this past weekend was sponsored by Ellettsville Main Street and the volunteers did a lot of work. It was a tremendous effort by all involved. This is the first year he wasn’t tired after the event because of all of the hard work.

Thank you to Jim Davis for being part of the Town for all of these years. He has also known him since he was in first grade. It’s been a great ride. Thank you.

Mike Farmer, Ellettsville Utilities, thanked Jim Davis for being the Town Manager for the last couple of years. It worked out really well. As a citizen of the community and part of the Utilities Department, he really appreciates him taking the lead on building Town Hall. The Town needed it and it makes him proud to have a Town Hall like this. Mr. Davis deserves all of the kudos for it. He will be missed. Thank you, it’s been great working with him.

Privilege of the Floor

Adjournment

Brian Mobley entertained a motion to adjourn. Kevin Farris made such a motion. Scott Thomas seconded. Brian Mobley adjourned the meeting at 7:29 p.m.

Scott Oldham, President

Brian Mobley, Vice President

Kevin Farris

Brice Teter

Scott Thomas

Sandra C. Hash, Clerk-Treasurer, IAMC, MMC