

August 23, 2021

The Ellettsville, Indiana, Town Council met for a virtual meeting on Monday, August 23, 2021, by Zoom. Scott Oldham called the meeting to order at 6:30 p.m. Mike Cornman led the Pledge of Allegiance followed by a prayer by Jimmie Durnil.

Roll Call: Members participating were Scott Oldham, President; William Ellis, Trevor Sager and Dan Swafford. Pamela Samples was absent. Sandra Hash, Clerk Treasurer; Michael Farmer, Town Manager and Darla Brown, Town Attorney; also participated.

Supervisors participating: Jimmie Durnil, Mike Cornman, Kip Headdy and Kevin Tolloty.

Approval of Minutes

Scott Oldham entertained a motion for approval of the minutes of the regular meeting August 9, 2021. Trevor Sager so moved. Scott Oldham seconded. Roll call vote: Scott Oldham – yes; William Ellis – yes; Trevor Sager – yes; Dan Swafford – abstain. Motion carries.

Accounts Payable Vouchers

Scott Oldham entertained a motion to pay Accounts Payable Vouchers and Payroll. Trevor Sager made a motion to approve the action to pay Accounts Payable Vouchers and Payroll. Dan Swafford seconded. Roll call vote: Scott Oldham – yes; William Ellis – yes; Trevor Sager – yes; Dan Swafford – yes. Motion carries.

Ordinances on First Reading

Ordinance 2021-16 to amend Ordinance 2020-26 fixing the Salaries for Budget Year 2021 – Fireman/Building Inspector

Sandra Hash, Clerk Treasurer explained there was a change in the Building Inspector position from part-time to full-time. The fire department position is covered in the salary Ordinance, but the building inspector section was not. After review she also found that the Laborer II went from part-time to full-time, so she added a Laborer II to the full-time line in the Street Department and Utilities Department. These changes will make the Salary Ordinance match the current positions.

Ordinances on Second Reading was moved to last on the agenda.

New Business

Ordinance 2020-29 Personnel Policy and Response Plan for COVID-19 Discussion

Michael Farmer, Town Manager had requested this be on the agenda to possibly amend the current amount of time off for COVID-19 related illnesses and quarantines. The current policy was put in place in early 2020 when the mandates were different than they are now. Due to the number of items on the agenda and the people in attendance on the meeting it would be best to wait until another time. He did mention that the current Ordinance is still in effect regarding responses to COVID, masks and social distancing but feels it does need some amendments.

Memorandum of Understanding between the Richland Bean Blossom Community School Corporation and the Town of Ellettsville concerning widening Sycamore Drive

Darla Brown, Town Attorney explained the Town intends to apply for grants to widen the Section of the street on the west side of Sycamore Drive between West Reeves Road and Colt Drive by 2 feet. It has been discussed with the school corporation and the agreement was approved by the Richland Bean Blossom Community School Corporation (RBBCSC) at their last meeting and is now for Board approval. The agreement states if the Town obtains the grant money, they will take responsibility to widen Sycamore Drive and maintain the road after it is widened. The school agrees to give the Town a permanent easement that it is 2 feet on the west side and an additional temporary easement of 5 feet for staging purposes. Dr. Jerry Sanders, RBBCSC Superintendent thanked Kip Headdy and the Town for all their work on this project and for being so mindful of the safety of the students, parents and buses that use Sycamore Drive. Trevor Sager made a motion to approve the Memorandum of Understanding between the Richland Bean Blossom Community School Corporation and the Town of Ellettsville concerning widening Sycamore Drive. William Ellis seconded. Roll

call vote: Scott Oldham – yes; William Ellis – yes; Trevor Sager – yes; Dan Swafford – yes. Motion carries.

Supplemental Fire Service Agreement between the Town of Ellettsville and Richland Township for 2022

Mike Cornman, Fire Chief recommended approval of the supplemental Fire Service Agreement between the Town and Richland Township for 2022 in the amount of \$808,741.00. This does include the \$103,411.00 for the trustee payment for the new fire apparatus they will receive later this year. The verbiage of the contract is identical to the previous agreement with only the amounts updated. It is an overall increase of \$78,428.40 from last year. William Ellis made a motion to approve. Dan Swafford seconded. Roll call vote: Scott Oldham – yes; William Ellis – yes; Trevor Sager – yes; Dan Swafford – yes. Motion carries.

Mike Cornman also mentioned in the next couple of months he will have additional agreements for IU Health Lifeline to finish out the contract of 2021 and a new contract for 2022.

Mike Cornman requested the following three people be considered as part-time firefighters with the town. They all have been through the testing and interviews. These are for present openings within our budget. They are not new positions. We've had a few regular part-time personnel reduce their hours along with two regular part-time personnel moving on to full-time positions, this has created a void. The names are Brendan Johnson, Alex Priesol and Ron McManus for part-time firefighters. William Ellis made a motion to approve. Trevor Sager seconded. Dan Swafford inquired about where they stand on both full-time and part-time positions. Mike Cornman stated he has 11 full-time and 17 part-time personnel. They are at minimum staffing for part-time at 2 and 2 at each station rather than 5. He hopes to get the new firefighters up to speed quickly to get staffing back to 5 a day.

Request to Hire a Laborer for the Department of Public Works – Street Department

Kip Headdy, Street Commissioner explained they have an opening due to the recent promotions. They have a Laborer I position open and he advertised in house and received a few outside applications. After conferring with Jay Humphrey and Town Manager, Michael Farmer, they would like to recommend Cody May for the full-time Laborer I position. Cody is from Ellettsville, Edgewood graduate and is well qualified. He has his CDL license, experienced in plowing snow, operating equipment and experience in asphalt/paving and extensive history in mechanics with heavy equipment, diagnostic and general automotive repairs. He recommends hiring Cody May for the Laborer I position starting at \$23.64 per hour. Trevor Sager made a motion to approve to hire Cody May for the Laborer I position at the specified rate. Dan Swafford seconded. Roll call vote: Scott Oldham – yes; William Ellis – yes; Trevor Sager – yes; Dan Swafford – yes. Motion carries.

Ordinances on Second Reading

Ordinance 2021-15 to Amend the Zone Maps at 3888 West State Road 46, Bloomington, Indiana from C-3 to a Planned Unit Development

Darla Brown, Town Attorney stated she updated the Ordinance referring to Lots 1 & 2 should be Lots 15 & 16. She added a section 3 that the above, described land shall be developed on a lot depicted on the outline plan, a copy of which is attached hereto and incorporated herein as Exhibit "A." It shows the basic outline of the lots and not the buildings.

Dan Swafford asked for an overview, Kevin Tolloty explained this is a Planned Unit Development (PUD) asking for a rezone of property from a C-3. A C-3 zone allows apartment with commercial underneath. Tyler Ridge, developer from the Ridge Group explained under the PUD, it reduces the height and parking requirements with no commercial space underneath. He further explained there will be 6 buildings consisting of 168 luxury units and 293 parking spots. The units are broken down to 48 studio, 72 one bedroom and 48 two-bedroom units. They requested the reduced parking spaces because of the number of studio units. The studio units would be difficult to house more than one person. There is a clubhouse and a 24-hour fitness center, a flex office space with a large conference room, indoor/outdoor lounge, leasing office, coffee bar and a park with a dog run and covered grill stations for the community and

not just tenants. The buildings are equipped with Access control and CCTV in the interior and exterior, stainless-steel appliances, laundry centers, patio or balcony for each unit, central air and heat, granite countertops, LED light fixtures, luxury plank or LVP flooring, valet trash service and high-speed internet. He explained the target audience is young professionals for 1-4 persons at an income level from \$25,337.00 to \$94,500.00. Industry standards show a household cannot pay more than 35% of their income on rent or mortgage payments. The expected absorption rate is approximately a year, so the need is there. Project timeline is estimated to begin construction in October or November 2021 and completion by March or April of 2023. Stabilization or 95% occupancy in 12-13 months or by May 2024. He concluded by explaining that multifamily developments are a safer investment as opposed to commercial or retail according to the investors and the climate we are in. Dan Swafford asked about the traffic patterns. Lynne Coyne, legal representative for the petitioner from Bunger & Robertson Attorneys at Law explained there was a traffic study done that showed a 70% reduction in what a C-3 would permit compared to what they are proposing. Dan Swafford is more concerned with the pattern and not the counts. Katie Stein, Smith Design Group, site civil engineers, explained the pattern from the main entrance off Highway 46 into the subdivision will be a limited access making it a right in, right out and a left in access meaning there is no left turn lane out of the subdivision. This was dictated by INDOT, so the only option for leaving this neighborhood is turning right going west on Highway 46 or going north on Kemp Road through the Ashbrook neighborhood. There will be a curved, full traffic island on the driveway going out to Highway 46 to prevent traffic from turning left on to the highway complete with signage stating no left turn.

Public Comment

Brian Thomas expressed he isn't against the apartments but feels it is a bad location and the traffic is already bad from Deer Park and this will make it worse. His other concern is there is not a guarantee there will be any open roads leading out to the stop light. He does feel the single-family homes discussed would be in line with what people in the existing neighborhood expected but hopes this project is not approved.

Richard Pease asked what would be done to protect kids, senior citizens and school buses with all the extra traffic with no sidewalks. He also mentioned the danger of people disregarding the stop signs getting out of Ashbrook to Highway 46 and it is already an issue.

Megan Pease feels the traffic pattern is an issue and that nobody obeys the in and out by CVS which would be the same for this neighborhood and pulling out into the middle lane to merge will be a problem.

Linda Summers knocked on 70 doors in the Spring Valley subdivision requesting signatures to support a no vote from Council on amending the zoning maps at 3888 W State Road 46. She submitted 50 signatures from concerned neighbors regarding the extra traffic from the 168 apartments and possible commercial property traveling the narrow roads endangering the people and pets that walk along these roads. They were all happy to share their concerns with this project. There is additional concern with water runoff and sewer usage. She stated the apartments are beautiful to look at and would be happy to live there, nobody is talking about the impact of this addition on the people that have lived there for many years.

Thomas Spoonamore was concerned with the zoning of C-3 and that it allows for an amusement park. He was not aware of this until recently and doesn't understand the reasoning for that. He also is concerned with traffic and the dangerous hills, especially in winter in Deer Park. Cars are backing up already and there is misuse of the center lane on to Highway 46, the addition of the apartments will only make it worse.

Nick Brehl lives on the Eastern border of this property. He expressed that these apartments just don't belong in Ellettsville. It is drawing people away from the already existing 20,000 apartments in Bloomington City. His question is do we want the Town to become an urban community that caters to transient renters or preserve the small-town, close-knit community with single-family homeowners. He questions who benefits from this building. The average cost of a single-family home is \$250,000.00 and you can buy a home for as much or less than

the costs of these apartments. He feels building homes instead of apartments will uplift our community and give people the opportunity to join the middle class. He also feels it should be a function of government to encourage home ownership.

Andrew Dolgner homeowner in Spring Valley also feels traffic and safety are a big concern with no sidewalks. He also owns a property with a water runoff and is concerned from an ecological standpoint how it will impact his property adding runoff from this property. He must maintain it to keep it from eroding and feels it will get much worse at his expense. He also feels it will de-value the existing homes in the area if this is approved and urges them to vote no or at least add some safeguards to protect the existing citizens.

William Ellis made a motion to table after discussing on chat with Russ Ryle, tabling the issue until there is access to the light on Centennial Avenue and it would alleviate a lot of these issues with traffic and safety on to Highway 46. The Town doesn't have the infrastructure to support it. **Kevin Tolloty**, Planner, explained this is something the petitioner has no control of and is not part of this PUD. **Dan Swafford** understands the concern with access but is more concerned about taking away parking at the units and the fact that this doesn't prevent other plans for this property under the C-3 zoning. It could be a gas station or anything else that would add more to the mess. He definitely feels it is a difficult situation. **Darla Brown**, Town Attorney reminded the Council that if they continue to table, there is a 90-day limit to decide. If it extends past the 90 days, it is no longer tabled but defeated. **Dan Swafford** seconded the motion. Roll call vote: Scott Oldham – no; William Ellis – yes; Trevor Sager – no; Dan Swafford – yes. In the event of a tie, Clerk Treasurer, **Sandra Hash** is the deciding vote. She votes no, not to table. The hearing will continue with further questions.

Dan Swafford asked if they would consider adding the extra parking back. The developer said they could add more parking, but it would take away from the park and some of the islands and consolidate the dumpster area to accommodate the request. The needed number of spots is 252 and they have 293 with 41 guest spaces, but the Town wants 336 spaces. **Scott Oldham** expressed concern with changing the parking would it have to go back to Plan Commission because it was a change in the original plan. **Darla Brown**, Town Attorney said it was not a substantial change and Town council can allow reasonable conditions that the developer has control over or ask the developer to make certain commitments. **Kevin Tolloty** agreed. **Darla Brown** added the development plan must be approved by the Plan Commission anyway so if the developer adds parking and we have a number for the record, it doesn't have to go back to Plan Commission. It is helpful to have in writing, but if is stated and clear in an open meeting and Council is accepting or agreeing to the reason to rezone because of the commitment they are locked in. **Scott Oldham** is not supportive of adding parking just to change the vote of other council members. The developer did some figuring and feels he could add 15-20 spaces to meet in the middle at 310-315 spaces. **Trevor Sager** is fine with the plan as is, **William Ellis** is against it completely. **Dan Swafford** is adamant on the extra parking and feels it should be voted on as is if everyone else is okay with it and see what happens. **Scott Oldham** explained adding the extra spaces will take away from the green space that goes against the initial issue of the C-3 zoning with commercial space. If they add the commercial spaces under the C-3 zone, there will be a lot more parking spaces than with this PUD which is what they are trying to avoid. **William Ellis** inquired about the traffic study. **Kip Headdy** explained the traffic count on Ashbrook Lane was 1,129 per day and 900 on Saturday and Sunday with the speed limit of 8-14 mph. The traffic counter was located at 4111 Ashbrook Lane close to Ridgemoor.

Trevor Sager made a motion to approve Ordinance 2021-15 to amend the Zone Maps at 3888 West State Road 46, Bloomington, Indiana from C-3 to Planned Unit Development as amended by Darla Brown changing it to Lots 15 & 16 and not adding any conditions to additional parking spaces. **Scott Oldham** seconded. Roll call vote: Scott Oldham – yes, because when the property came into the Town it was zoned C-3. The developer has followed every rule and Ordinance as described and they can legally go in and build the apartments with or without the Town's permission with commercial underneath them at this point. They are showing their due diligence by addressing issues with traffic and other issues by downgrading it the way they

are. William Ellis – no but suggested everyone watching and all concerned that they get involved with Planning when this stuff is changed. We have to get things right with Planning and Zoning and feels this is a failure of something from years ago that we are paying the price for now. The Town is moving forward with Envision Ellettsville and this is not a vision for Ellettsville. Trevor Sager – yes. He feels their hands were tied when it was zoned C-3 and thanked the Ridge Group for working with them to make the best possible outcome. Dan Swafford – no. He has been a member of the Plan Commission for many years and received a lot of complaints about adequate parking so that was a deal breaker for him. In the event of a tie, Clerk Treasurer, **Sandra Hash** is the deciding vote. She was hoping originally for a resolution so that it wouldn't have to be tabled another time but hates to be the tie breaker because she voted against it in Plan Commission. She did offer a solution by going through Woodgate, through Ribbon Lane and Raymond Moore subdivision which will be complete long before the construction of the apartments. **Sandra Hash** felt this was a council decision and she abstained. **Darla Brown**, Town Attorney explained this will be placed on the next agenda and is considered a no action vote and not a pass or denied decision. **Scott Oldham** explained it will be placed on the next agenda and forewarned everyone involved that if full council is not present, it will probably be tabled again.

Privilege of the Floor

Russ Ryle discussed seeing 2 head on collisions on Wednesday around noon at both intersections of Capital Avenue and Highway 46 and Centennial Drive and Highway 46. He wanted to express this was just with the existing traffic and adding additional traffic to Ellettsville will be very negative on the citizens of Ellettsville.


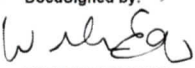

Council Comments

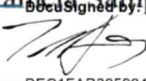
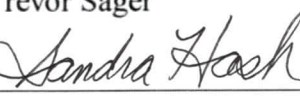
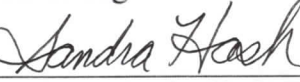
Dan Swafford apologized to the developer and all concerned but appreciated everyone waiting for him to be included in the vote. His vacation had been planned for a long time so he knew he would miss the last 2 meetings but hopes next meeting they will have a full council.

William Ellis mentioned he has a cruise coming up the end of September so if it continues to be tabled, he will be missing from that meeting. Darla Brown explained the 90 days starts when the Plan Commission certifies it. They certified it at their July meeting so it is 90 days from that time and will be considered defeated if not acted on by then.

Adjournment

Scott Oldham entertained a motion to adjourn. Trevor Sager so moved. Dan Swafford seconded. Scott Oldham adjourned the meeting at 8:00 p.m.

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Scott Oldham, President
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William Ellis
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Dan Swafford

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Pamela Samples, Vice President
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Trevor Sager

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