

September 13, 2021

The Ellettsville, Indiana, Town Council met for a virtual meeting on Monday, September 13, 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; Trevor Sager and Dan Swafford. Pamela Samples and William Ellis were absent. Sandra Hash, Clerk Treasurer; Michael Farmer, Town Manager and Darla Brown, Town Attorney; also participated.

**Supervisors participating:** Jimmie Durnil, Mike Cornman and Kip Headdy. Denise Line, Assistant Planner was present in the absence of Kevin Tolloty, Planner.

#### **Approval of Minutes**

Scott Oldham entertained a motion for approval of the minutes of the regular meeting August 23, 2021, and the Budget Work Session August 19, 2021. Dan Swafford so moved. Trevor Sager seconded. Roll call vote: Scott Oldham – yes; Trevor Sager – yes; Dan Swafford – yes. Motion carries.

#### **Accounts Payable Vouchers**

Scott Oldham entertained a motion to pay Accounts Payable Vouchers and Payroll. Trevor Sager so moved. Dan Swafford seconded. Roll call vote: Scott Oldham – yes; Trevor Sager – yes; Dan Swafford – yes. Motion carries.

#### **Pre-adoption hearing for the 2022 Budget**

**Sandra Hash**, Clerk Treasurer explained this is public hearing for the budget and the first introduction of the Ordinance. This is all the tax levied budgets for 2022 in the amount of \$4,993,838.00 increase of \$110,000.00 over last year in the general fund.

#### **Resolution**

##### **Resolution 16-2021 Additional Appropriation for Fire Department and Playground Equipment**

**Sandra Hash**, Clerk Treasurer explained this is appropriating the \$75,000.00 the Fire Department received from KeHE in 2020. It was received after the budget was passed so it has never been appropriated. She is also appropriating the \$140,000.00 for the Playground equipment that was previously discussed. Trevor Sager made a motion to approve. Dan Swafford seconded. Roll call vote: Scott Oldham – yes; Trevor Sager – yes; Dan Swafford – yes. Motion carried.

##### **Resolution 17-2021 Transfer of Funds – Police Department and Street Department**

**Sandra Hash**, Clerk Treasurer explained the Police Department had an additional bill for fleet insurance and the line was depleted. She will be moving \$984.00 from Other Supplies to Fleet Insurance. She is moving \$5,044.70 from Vehicle Maintenance to Equipment for the Street Department. Dan Swafford made a motion to approve. Trevor Sager seconded. Roll call vote: Scott Oldham – yes; Trevor Sager – yes; Dan Swafford – yes. Motion carried.

#### **Ordinances on First Reading**

##### **Ordinance 2021-17 for Appropriations and Tax Rates for 2022 Budget**

**Sandra Hash**, Clerk Treasurer explained they are the same as discussed just in Ordinance form.

##### **Ordinance 2021-18 to Adopt Supplements to the Town of Ellettsville code of Ordinances**

**Sandra Hash**, Clerk Treasurer explained this is to codify all the Ordinances for the last 18 months. All the code books are updated and on the website.

#### **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 (PUD)**



**Scott Oldham** explained, this is the 3<sup>rd</sup> or 4<sup>th</sup> time this Ordinance has been entertained. There is a continued issue with not having a full council present for the vote. There are two missing from this meeting and one scheduled off for the next month. He feels it deserves a resolution and a decision needs to be made if they should table it or go ahead with discussion and a vote tonight. He mentioned it would have to be a 3-0 vote to pass and if it wasn't it would fail again and be put back on the agenda. **Dan Swafford** said his concern was that it was previously stated that all council members were to be present for this to be voted on and there was two missing at this meeting. **Trevor Sager** agreed it should be an all-council vote. Scott Oldham agrees but the reality is there will not be a full council for at least 6 weeks or more and is unfair for the developer to have to wait so he feels it should be voted on with only the 3 members present. Trevor Sager made a motion to table. Dan Swafford seconded. Scott Oldham opened the floor for comments from the public on the motion to table.

**Lynne Coyne** legal representative for the petitioner from Bunger & Robertson Attorneys at Law explained they filed this in January the petitioner needs a resolution. It is a very expensive process and a great deal of money has been spent and the uncertainty is a financial issue and wants a resolution.

**Tyler Ridge**, developer for the project spoke his concerns and mentioned the master developer for the project has lost patience and is unsure if they will even continue if it is tabled again. They need a resolution so they can decide to put their money elsewhere or continue with this project.

**Brian Thomas**, homeowner, feels it is a decision to be made by a full council or close to a full council and asked for it to be held off for at least another meeting.

**Nick Brehl**, homeowner feels they should wait. He inquired about there being an alternative way to vote, Scott Oldham verified it had to be an in person vote according to the electronic meeting policy.

**Richard Pease**, homeowner feels he has a lot to lose if this development goes in. He understands the developer has a lot to lose also but wouldn't be able to tolerate living there any longer if it passes. There is nothing to gain for him and he knows other homeowners in the area feel the same way.

**Megan Pease**, requested to table for more representation from the board. She has an investment in the community and in their home and the people she would like to surround them. She would like to explore more of the options instead of this project.

**Linda Summers** would like to see it tabled. She has collected 50 signatures and listened to their concerns. She would love to share them with the council and asked for it to be tabled.

**Lynnette Porter**, lives on the corner of Deer Park and Ashbrook and would like full representation from the board to protect her investment as a homeowner.

**Thomas Spoonamore**, 27-year homeowner on Ashbrook requested to table for full representation and would like to discuss traffic accident reports/counts he has collected along with speeding issues and running stop signs.

**Lynne Coyne**, once again representing the petitioner, mentioned respecting the neighbors and their investment. He asks for procedural fairness to someone who petitions their government for action and just asks for a decision. He feels waiting for a full council is basically a no vote because it will continue without a full council and after 90 days without a full council it becomes a no vote. The 90 days started in at the Plan Commission meeting on July 8, 2021, when it became certified.

**Trevor Sager** and **Dan Swafford** agreed it should be voted on tonight. Motion to table Roll call vote: Scott Oldham – no; Trevor Sager – no; Dan Swafford – yes. Motion failed. Darla Brown, Town Attorney explained it will go back to council for action if it isn't a 3-person requirement on the vote.

**Scott Oldham** opened public comment for the Ordinance. **Dan Swafford** explained he contacted the developer about the 20 additional parking spots. Tyler Ridge shared the revised site plan on the screen and explained the additional parking came from the park area but there is still plenty of room for the amenities they outlined previously. There will now be 315 parking spaces for 168 units. **Dan Swafford** mentioned there was another plan to omit 5 of the additional spaces to allow for the shelter house and grills. Tyler Ridge confirmed if they omitted the 5 spaces, they would be able to move the shelter house and grill back to that area still adding an additional 15 spaces. He also mentioned having parking restrictions for all the tenants limiting parking spaces according to the unit size. These proposed changes are allowed under a PUD. **Trevor Sager** did not realize the clock started ticking on July 8<sup>th</sup> so he feels it needs voted on tonight. Scott Oldham opened the floor for public comment.



**Linda Summers** is extremely irritated they are discussing parking spaces and they are concerned for people's lives. She doesn't care about countertops or whatever they want changed, that doesn't impact the safety issues and the 50 signatures she collected to vote no to the apartments. She feels the Town council are elected officials to represent the people and she don't see that. They have been loud and clear about their concerns so show them they are listening. Everyone is concerned about the dangers of traffic. This would add 2,000 vehicles per day, that prospect is scary. Other concerns are lack of sidewalks, narrow streets and water runoff. The routes around are lengthy and nobody will do that, they will all take the shorter route out to 46.

**Lynnette Porter** echoed Linda Summers concerns. She feels she is the most affected due to her location. Her driveway is on the corner of Ashbrook and Deer Park and anyone who must back out runs the risk already of getting hit. In the winter the hill to 46 is slick and she has requested additional treatment, but the request was always heated. She has slid into 46 herself and there are issues coming in off 46 when people try to get up the hill. She mentioned again, with all the people not stopping at the stop sign at Ashbrook and Deer Park, it will add so much more danger to the area.

**Nick Brehl** expressed his feelings to the council about them being asked to decide on the best interest of the Town. He asked if they wanted an urban community that caters to transient renters seeking higher density housing or preserve the small town feel of single-family homeowners. The people who lived here moved here for that reason and does not desire to change it to higher density living adding the crime and blight the apartment complex will bring. Once the newness wears off so does the luxury appeal drawing less appealing renters and we will be stuck with this forever. It will be a community problem forever adding crime to those areas from the less desirable clientele. It is abundantly clear the community is not in favor of this plan and nowhere in the Ellettsville community plan does it say there is a need for multifamily housing, so we need to look at the documents that the government has made and start following them. The money earned on this project will not stay local and only go to the already over privileged out of Ellettsville and not the people of this community.

**Megan Pease** addressed the situation as what kind of neighborhood do you want to live in. Everyone she has talked to has discussed safety, high density, traffic and the kind of people high density attracts and is that what you want your neighborhood to be. People move to Ellettsville to get away from that and has no desire to create it in their community. She feels the Town is challenging her quality of life and her way of life and that is unfair. The community does not feel heard and that the Town is not representing them and it just keeps going on and on. She wants to move an apartment complex next to you and see how you feel. This is something we are stuck with forever. She wants to know her neighbors and she won't have that with this complex. She asked the council to consider if this was going in beside them if they would want that and to consider how they feel.

**Thomas Spoonamore** spoke about the accidents he collected from the Ellettsville Police Department and Automated Reporting Information Exchange System. It is used to log accidents. The section of the road between highway 46 and Deer Park Drive and Centennial Park is one of the most dangerous stretch of road in Ellettsville. In 2019 and 2020 Ellettsville Police reported there were 25 incidents on that stretch and \$200,000.00 in damage from the accidents. There were several accidents witnessed by neighbors that were not reported and that number does not include the money resulting in personal injury. This neighborhood cannot handle the traffic resulting from the 168 apartments and he realizes that there is no guarantee the apartments will be built but if they rezone to a PUD they will be built against the citizens of this community.

**Brandon Meyer** echoed the concerns of everyone else and had nothing else to add but asked for council to vote against it.

**Brian Thomas** is concerned with zoning. He understands the single-family homes and even the property up front being zoned commercial but does not understand if the Ridge Group doesn't agree that it isn't a good space for commercial properties, it must be because of traffic and the dangers of the flow on and off 46. He is asking council to vote no and he appreciates what Dan is trying to do with the additional parking, but more parking just means more traffic and the developer is only trying to make it look good to get it pushed through.

**Tyler Ridge** mentioned that the property is zoned as a C-3 so apartments are already permitted over retail and if they don't do the apartments themselves someone could come in and put in something that creates 3 times more traffic. The PUD was not to bypass the C-3 zoning, but to downgrade zoning.

**Richard Pease** responded as the last comment from Tyler Ridge as sounding threatening.



## Ellettsville Town Council Meeting continued September 13, 2021

**Dan Swafford** added that this did happen to him after buying his house they built apartments right in front of him within 6 months. The traffic increased 10-fold and it is difficult to get out on the highway. He feels after talking to some other builder that this is a better solution that what could be. He feels the property owners have been lucky nothing has been built there but when you buy property around a dead end you should anticipate something going in there eventually. He does want the whole council there but understands the frustration of it being put off with no resolution in sight. **Trevor Sager** agreed and feels they deserve an answer. Scott Oldham stated it comes down to him as do we allow the PUD which is the downgrade or allow the C-3 which will allow commercial that will create more and more traffic coming and going. If it goes with the C-3 the council will have little to no control with what goes in and could be potentially much worse. Trevor Sager made a motion to approve the Ordinance 2021-15 to Amend the Zone Maps at 3888 West State Road 46, Bloomington, Indiana from C-3 to a Planned Unit Development on the condition they add 15 additional parking spaces require residents to have parking passes. Scott Oldham seconded. Roll call vote: Scott Oldham – yes; Trevor Sager – yes; Dan Swafford – yes after inquiring about abstaining. Darla Brown, Town Attorney explained you only abstain when you are financially interest in the property that prohibits you from being fair. His hope was to abstain so the entire council could be there to vote. Motion carried.

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

Sandra Hash, Clerk Treasurer said since the salary ordinance was passed from last year the Building Inspector position has gone full time and the wages have changed. The Water superintendent also had a change reducing the minimum amount and the Laborer II needed an adjustment in the hourly wages for both Street Department and the Utility Department. These changes need corrected in the Salary Ordinance. Trevor Sager made a motion to approve. Dan Swafford seconded. Roll call vote: Scott Oldham – yes; Trevor Sager – yes; Dan Swafford – yes. Motion carried.

**Flood Report**

**Michael Farmer**, Town Manager explained he has spoken with Andrew Miller of Christopher Burke Engineering and they are preparing an estimate to complete the project on Vine St. If it goes out to public bid, they estimate around \$709,000.00. A local engineer estimated around \$300,000.00 so it will be in that range. They also discussed Phase II which is a plan to work at the McNeely Bridge where the water backs up. Michael Farmer also met with Baker Tilley and discussed what can and can't be done using the American Rescue Plan (ARP) money. He feels Stormwater and Flood remediation should be top of the list, Vine Street being first and then move into the second phase of flood mitigation to enhance the work done at the Vine Street project. Baker Tilley is looking into some matching grants to maximize using the ARP money. He should have a more detailed report at the next meeting.

**Envision Ellettsville Update**

**Dan Rarey** with Ellettsville Chamber of Commerce and Envision Ellettsville explained that on Wednesday, September 15<sup>th</sup> they will hold their first public visioning workshop at the Town Hall from 6:00 to 8:00 and encourages everyone to attend.

**New Business****Request to hire 2 Full-Time Laborer I for the Department of Public Works – Utility Division**

**Michael Farmer**, Town Manager & Utility Director explained they had the two top positions in Utilities open due one person taking another position outside the company and one retiring. After promoting within they are left with a couple of open Laborer I positions. With all the work planned within the next 5-10 years and the next 5-10 days he needs a full staff as soon as possible. He recommends Tim Vaught, a previous employee and has 20 years' experience in Water, Sewer, Stormwater, maintenance and a Class A CDL. He will start on the 20<sup>th</sup> at full salary at \$23.64. The other person is Robert Hoene, he has a Class B CDL and experience in heavy equipment and recently promoted to Lineman at the City of Bloomington Utilities. He also recommends starting at full salary of \$23.64. Trevor Sager made a motion to approve at the rates specified by Michael Farmer. Dan Swafford seconded. Roll call vote: Scott Oldham – yes; Trevor Sager – yes; Dan Swafford – yes. Motion carried.



**2022 Animal Control Interlocal Agreement**

**Sandra Hash**, Clerk Treasurer explained she received this by email a week ago. Darla Brown, Town Attorney has reviewed the contract. They sent statistics and they use from a previous year to estimate. They had 66 animals picked up and the cost is about \$252.00 per animal. The amount of the contract is \$18,612.00. It is a couple of hundred dollars up from the budget. Trevor Sager made a motion to approve. Dan Swafford seconded. Roll call vote: Scott Oldham – yes; Trevor Sager – yes; Dan Swafford – yes. Motion carried.

**Bond Release for Centennial Park, Phase IV**

**Denise Line**, Planning Assistant discussed about a year ago TDML, LLC petitioned Plan Commission for preliminary and final plat for approval of Lot 79 in Centennial Park. TDML dedicated a 50 foot right of way to the Town. They obtained a cash bond \$16,525.00 to put in ADA ramps, sidewalks, curb, retaining wall and asphalt. Denise Line and Kip Headdy done an inspection and a compaction test and all has been completed and looked good. They are requesting permission to release the cash bond. Dan Swafford made a motion to approve. Trevor Sager seconded. Roll call vote: Scott Oldham – yes; Trevor Sager – yes; Dan Swafford – yes. Motion carried.

**Agreement between the Town of Ellettsville and the Eastern Richland Sewer Corporation**

**Darla Brown**, Town Attorney explained that before them they have an agreement, if council approves it, to put to rest the litigation that has been pending between Eastern Richland Sewer Corporation (ERSC) and the Town of Ellettsville since 2016. This was initiated by ERSC because they objected to the Town's new rate Ordinance. ERSC filed suit and the Town filed a counter claim. Mike Carmen, Joe Peden, and Carson Hayes from ERSC met with Michael Farmer, Jeff Farmer, Rick Coppock, Darla Brown and Dan Swafford at Darla's office on September 2<sup>nd</sup> and took the agreement of the draft that was discussed by some Town Council members and Eastern board members and toggled with it a little bit and after working out some misconceptions and grievances that each had with each other regarding the sewer plant. Jeff Farmer took some Eastern board members on a tour of the plant and Mike Carmen told Darla, Jeff done a really good job and the Eastern board members learned a lot from it. She felt the meeting on the 2<sup>nd</sup> was beneficial and they were able to talk to each other for the first time. There are some changes from the original agreement. Earlier Eastern agreed to pay \$540,000.00 and now they will pay \$660,000.00 within 2 weeks of the approval of the final agreement. Also, there were 3 accounts that caused confusion where the money would go. There was a Capital account, the money Eastern was going to pay the Town was going to go into a separate account and they had an Equipment Replacement Account. They agreed to have one account called Capital Reserve account in addition to the Operation maintenance account. In the Capital Reserve account, the \$660,000.00 will go there and the \$10,000.00 monthly payments the Town and Eastern will make to be saved for a new plant or will go to capital expenditures. Section 4 outlines what qualifies as a capital expenditures and section 4 references exhibit A that lists treatment plant processing equipment with a cost over \$5,000.00. That is the baseline for what qualifies as a capital expenditure. If it is over \$5,000.00 the Town can use the money in the Capital Reserve account to purchase that. Dan Swafford stated he felt the meeting went well and everyone is happy. Dan Swafford made a motion to approve. Trevor Sager seconded. Roll call vote: Scott Oldham – yes; Trevor Sager – yes; Dan Swafford – yes. Motion carried.

**Agreement between the Town of Ellettsville and Larry Tippin for Accounting Consultation Services – Fixed Asset Depreciation**

**Sandra Hash**, Clerk Treasurer explained fixed asset depreciation has been around for many years but was not a requirement for the civil side as much as it was for Utilities. It is now a requirement from the State Board of Accounts. After much effort to reconcile the figures, they consulted with Larry Tippin. He is retired from the State Board of Accounts and understands the process and will help put a price on the street mileage, water and sewer lines, curbs and sidewalks and come up with a master plan and teach us how to depreciate it correctly. His cost is \$75.00 per hour and estimated \$2,000.00 with a \$5,000.00 cap if there was more work than



anticipated. Sandra Hash requested approving the agreement to get the help she needs to get this done. She explained that the State Board of Accounts used to do this on full audits, but they no longer do those, it is only an examination. She has figures where they left off and figures on our books that they can't reconcile so we need this to catch up for more appropriate reporting on the Financial Statement. Michael Farmer, Town Manager agreed and stated we just don't have the staff or the expertise to dedicate to the project. Dan Swafford made a motion to approve. Trevor Sager seconded. Roll call vote: Scott Oldham – yes; Trevor Sager – yes; Dan Swafford – yes. Motion carried.

**Privilege of the Floor**

Russ Ryle discussed that in 2037 it will mark the 300<sup>th</sup> anniversary of the founding of Ellettsville. The way things are going people will not be able to tell where Ellettsville is because will be a mix of development with Bloomington. The Town continues to increase population density and traffic creating drainage issues. His concern is that in 2037 we will be talking in the past tense of what we are trying to protect today.

**Supervisor Comments**

**Jeff Farmer** wanted to thank Darla Brown on her work with ERSC, she did an exceptional job and he wanted to extend his appreciation to her.

**Kip Headdy**, Street Supervisor mentioned they had started crack sealing the streets this week and it should help with how long they will last.


**Michael Farmer** echoed Jeff Farmer on all Darla's efforts ERSC and was glad the boards could meet in the middle and compromise. He thanked Joe Peden for turning things to a positive note since he came in as president of ERSC. He also encouraged people to become involved with the Envision Ellettsville project after hearing comments and concerns of traffic and drainage issues. He feels the Town is going to grow no matter what so be involved in how it grows. The project is sponsored by the Chamber of Commerce that has a huge stake in Ellettsville. **Dan Rarey** clarified that Envision Ellettsville project is not only the Chamber of Ellettsville but Ellettsville Main Street, the Town of Ellettsville and surrounding businesses.


**Council Comments**

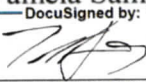
**Scott Oldham** commended Darla Brown for a tremendous job on not only the ERSC project but on many jobs for years and years. He also thanked the Farmer's for working through all the ERSC issues along with other help. He thanked Joe Peden for all the trust and appreciated all the straight conversations and cutting through a lot of the things that has happened over the years.

**Adjournment**

**Scott Oldham** entertained a motion to adjourn. Dan Swafford so moved. Trevor Sager seconded. Scott Oldham adjourned the meeting at 8:04 p.m.

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Scott Oldham, President

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Trevor Sager

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