

December 23, 2019

The Ellettsville, Indiana, Town Council met for a regular meeting on Monday, December 23, 2019 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. William Ellis led the Pledge of Allegiance followed with a prayer by Sandra Hash.

Roll Call: Members present were Brian Mobley, President; Dan Swafford, Vice President; Scott Oldham, Pamela Samples and William Ellis. Darla Brown, Town Attorney, Mike Farmer, Town Manager and Sandra Hash, Clerk-Treasurer were also present.

Supervisors present: Mike Cornman, Jay Humphrey for Jimmie Durnil, Denise Line for Kevin Tolloty, Danny Stalcup and Jeff Farmer.

Approval of Minutes

Brian Mobley entertained a motion for approval of the minutes of the regular meeting on December 9, 2019. William Ellis so moved. Dan Swafford seconded. All in favor, motion carried.

Accounts Payable Vouchers and Payroll

Brian Mobley entertained a motion to pay Accounts Payable Vouchers and Payroll. Scott Oldham so moved. Pamela Samples seconded. All in favor, motion carried.

Proclamation for Stephanie Holman Week – Sandra Hash, Clerk Treasurer presented an intro to the proclamation for the retirement of Stephanie Holman, children's librarian for the Ellettsville branch since 1990.

Proclamation Town of Ellettsville, Monroe County, Indiana To All Present Let It Be Known:

WHEREAS, *Stephanie Holman, Children's Librarian will be retiring from the Monroe County Public Library's Ellettsville Branch; and*

WHEREAS, *Stephanie Holman, has been the Children's Librarian at the Ellettsville branch since the branch opened in 1990; and*

WHEREAS *Stephanie Holman, has served the Ellettsville Community with loyalty and integrity; and*

WHEREAS, *Stephanie Holman has dedicated her time and resources to make the Children of our Community eager to learn and read; and*

WHEREAS, *Stephanie Holman has earned the title of "the best storyteller ever heard". Her personality jumps out gaining the total attention of the children intently listening to her stories.*

NOW, THEREFORE, *in recognition of Stephanie Holman's retirement the Ellettsville Town Council does hereby proclaim the week of December 23, 2019 through December 30th, 2019 as*

STEPHANIE HOLMAN WEEK!

And urge all our citizens to THANK her for her many years of dedicated service to our community.

ADOPTED *this 23rd day of December in the year of our Lord, Two Thousand Nineteen.*

Resolutions

Resolution 28-2019 Encumbrances for 2019

Sandra Hash, Clerk Treasurer explained this is standard procedure for every bill incurred prior to December 31st that is not able to be paid before the year end, It is carried over to January along with the appropriation to show it is an expense from 2019. The total for the general fund is \$31,707.33 and \$303,335.29 for all other funds. The biggest is the Community Crossings grant, a large portion has not been completed so it had to be carried over. It was a section of Arrowhead addition that did not get paved and should be completed hopefully in the spring. Brian Mobley entertained a motion to approve Resolution 28-2019 Encumbrances for 2019. Scott Oldham so moved. Dan Swafford seconded. Roll call vote: Brian Mobley – yes; Dan Swafford – yes; William Ellis – yes; Scott Oldham – yes; Pamela Samples – yes. Motion carried.

Resolution 29-2019 to adopt a Fiscal Plan for the Tree LA, LLC Annexation

Darla Brown, Town Attorney stated the Plan Commission voted to favorably recommend annexing the property owned by Tree LA, LLC for separate parcels consisting of 34 acres at 2 addresses. The Fiscal Plan needs to be adopted before the annexation Ordinance is adopted. Brian Mobley inquired about the pond there. Denise Line explained the pond will stay with some additional green space around it. It will be eventually developed for single family homes zoned residential. William Ellis made a motion to approve Resolution 29-2019 to adopt a Fiscal Plan for the Tree LA, LLC Annexation. Scott Oldham seconded. Roll call vote: Brian Mobley – yes; Dan Swafford – yes; William Ellis – yes; Scott Oldham – yes; Pamela Samples – yes. Motion carried.

Resolution 30-2019 to adopt a Fiscal Plan for the Meier Annexation

Darla Brown, Town Attorney explained this is the second annexation considered at the Plan Commission meeting in December. They and voted to favorably recommend the annexation of the Meier Property into the Town. The Fiscal Plan was presented to adopt. Brian Mobley entertained a motion to adopt Fiscal Plan for the Meier Annexation. Dan Swafford so moved. Pamela Samples seconded. Roll call vote: Brian Mobley – yes; Dan Swafford – yes; William Ellis – yes; Scott Oldham – yes; Pamela Samples – yes. Motion carried.

Ordinances on Second Reading

Ordinance 2019-23 Voluntary Annexation of 7691 West Reeves Road and 5453 North Loudon Road, Bloomington into the Town of Ellettsville – 34 Acres Tree LA, LLC

Denise Line, Assistant Planner discussed this as a super voluntary annexation of 34 acres consisting of 7691 West Reeves Road which has 4.76 acres and 5453 North Loudon Road which has 29.72 acres. The annexation is 21% contiguous to the Town of Ellettsville, recommended zoning is Residential 1 in council Ward 2. 5453 North Loudon Road is currently undeveloped and the property at 7691 West Reeves Road contains 1 single family home that will remain on the property. The annexation does not require any capital projects to extend services and any costs for an extension of Utilities will be borne by the developer. On December 5th, 2019 the Plan Commission met and voted unanimously for a favorable recommendation to Town Council, petitioners present, if you have any questions. Josh Clark, developer for Tree LA, LLC was addressed at the podium in concern for the traffic flow on Reeves Road if exits are built from the property with the school being located across the road. He stated he was aware of the traffic issues at school start and end but hasn't got that far in the development process to address that question. He will meet with the engineers along with the Superintendent and others at the school in the future to decide what is best. Sandra Hash added there was a new homeowner on Loudon Road that was happy the pond would be staying. Denise Line also added that the developer has mentioned he will do what he can to preserve the view. Scott Oldham made a motion to approve Ordinance 2019-23 Voluntary Annexation of 7691 West Reeves Road and 5453 North Loudon Road, Bloomington into the Town of Ellettsville – 34 Acres Tree LA, LLC. William Ellis seconded. Roll call vote: Brian Mobley – yes; Dan Swafford – yes; William Ellis – yes; Scott Oldham – yes; Pamela Samples – yes. Motion carried.

Ordinance 2019-24 Voluntary Annexation of 8635 West Flatwoods Road, Gosport into the Town of Ellettsville – 1 acre – Meier Annexation

Denise Line, Assistant Planner explained this was a super voluntary annexation by petitioner Curt Meier for 1 acre of land located at 8635 West Flatwoods Road, Gosport. It is 62% contiguous to the Town of Ellettsville, recommended zoning is C3, Monroe County zoning was a light industrial. It was previously home to a storage facility but was severely damaged by a tornado and will be rebuilt the same. Property is located in council Ward 1 and the annexation does not require any capital projects to extend services and any costs for an extension of Utilities will be borne by the developer. On December 5th, 2019 the Plan Commission met and voted unanimously for favorable recommendation to Town Council, petitioner not present. Sandra Hash added that at the Plan Commission meeting the petitioner mentioned he had requested to rebuild the existing structure adding outside storage and

Monroe County wouldn't approve it. It was believed to be due to the outside storage being added is why it wasn't approved. Denise Line mentioned there was another business that came to Ellettsville from Monroe County for the same reason. Brian Mobley entertained a motion to approve Ordinance 2019-24 Voluntary Annexation of 8635 West Flatwoods Road, Gosport into the Town of Ellettsville – 1 acre – Meier Annexation. Dan Swafford so moved. Scott Oldham seconded. Roll call vote: Brian Mobley – yes; Dan Swafford – yes; William Ellis – yes; Scott Oldham – yes; Pamela Samples – yes. Motion carried.

Old Business

Flooding

Brian Mobley inquired if there was ever a cost determined for the work suggested from Christopher Burke Engineering for the Flood Remediation. Mike Farmer, Town Manager said everything has been put on the back burner until all property needed is acquired.

Revised 2020 Animal Shelter Interlocal Agreement for Fiscal year 2020

Zachary Michael Ellettsville Police Department appointee to Animal Management Commission was asked to present numbers to the council for calls for service. These numbers are only for calls for service that the county has been assigned to whether it is from them being referred from us or by fax, email or any other source and not necessarily animals that were taken from the calls. Scott Oldham inquired about the number of dual calls between Ellettsville PD and the county. He did not have a breakdown of the cases, but he estimated 15-20 calls per year that Ellettsville PD had an officer assigned and an estimated half of those calls were dual calls. William Ellis asked if the Town receives any revenue from citations issued. Zach responded by stating the Town Code doesn't allow for the Police Department to issue citations for animal control, those are designated to the Planning Department or Animal Control officers from the county. Denise Line, Assistant Planner stated that there was a policy in place by the previous Planning Director that they wouldn't handle those cases and they would be handled by the county. The county issues the citations and the revenue goes to the county. Scott Oldham inquired about having actual animal control ordinances. Darla Brown, Town Attorney clarified by saying other than Ordinances under Planning for Chickens, they were revised so that animal control ordinances were not opposite or conflicting with County ordinances. Darla Brown further explained the Town operates by enforcing County animal control Ordinances and not Town Ordinances. She also quoted the contract amount for 2019 is \$23,259.41 which is down from previous years. Sandra Hash recalled from an incident with a stray dog biting her daughter years ago that the county advised her that if they Town enforced their own animal control laws that we would need our own animal control officer. Darla Brown quoted an email from 2013 county attorney that stated if the Town adopts animal regulations that differ from the County regulations the agreement between the County and the Town does not provide for the County's administration and enforcement of those Town regulations. If that happens there should be a discussion between County and Town representatives on any changes that should be made with the current enforcement regulations. Scott Oldham continues to question why if it's the county's obligation to provide animal control services why we are paying for them to do it. Darla Brown stated that 10 years ago she concluded that the Town couldn't force the county to provide animal control services free of charge to the Town. There are no case laws that in one governmental unit successfully argued that another had the obligation to provide a service other than Sewer services. The question becomes if we don't agree and sign the Interlocal agreement she can't find anything evident that states we can we force the County to provide animal control services here. Mike Cornman, Fire Chief asked if the Town pays for County Health Code Inspections and violations in the Town. Denise Line stated that no we didn't but if they have a septic issue on a property the County Health Department will assist. Scott Oldham again stated he isn't arguing against the payment of the service, he is arguing the point that we pick and choose what we pay for and not pay for and the county seems to pick and choose and then just gives us a number to pay for it and his question is if the other municipalities paying the same amount. He further stated it is a 3-way contract and not a 4- or 5-way contract and he is sure there are animal control calls to the University. He feels if it is a county ordinance it should be taken care of by the county. Sandra Hash quoted David Drake by saying if the service is provided by the county and not the town it is the county's obligation to provide that service. William Ellis questioned Darla Brown as to if that is the county's obligation. She stated it would be difficult to make an argument to force

the county to do it and what she concluded 10 years ago it would be a problem. Sandra Hash recalls it being because the Town is incorporated. Dan Swafford remembers that it was determined that paying the County for services would be cheaper than providing our own animal control services. The system used now was based on how many animals were surrendered as a starting point for discussions. William Ellis has several questions he would like to address one being the difference in other things the County enforces that we don't pay for. Sandra Hash recalls that all these questions were addressed when the contract came about years ago because it was always a point of contention that the Town wasn't helping with animal control fees or costs. Dan Swafford recalls the meeting and it was basically discussed and presented as if we didn't agree with the county, we could provide our own animal control. Sandra Hash further stated that it is a 3-way contract between the Town, County and City of Bloomington. The Town is invoiced by the City of Bloomington. The difference amount in the contract has been encumbered and we do have the funds to pay it. There are several questions that the council would like to address before the next contract is presented. Scott Oldham feels that it would be leaving others holding the bag if it isn't agreed on and paid but moving forward, we should negotiate ahead of time. Darla Brown and Scott Oldham agreed there are questions that need answered especially how the funds are distributed from the general fund and from the payment to animal control. Sandra Hash believes the money from the payment of the contract is strictly for the care and housing of animals at the shelter. It is determined by the number of animals taken to the shelter which fluctuates from year to year. Scott Oldham made a motion to approve the Revised 2020 Animal Shelter Interlocal Agreement for Fiscal Year 2020. The council agreed that the contract needs re-visited. William Ellis seconded. Roll call vote: Brian Mobley – yes; Dan Swafford – yes; William Ellis – yes; Scott Oldham – yes; Pamela Samples – yes. Motion carried.

Dog Park – Grant from the Smithville Foundation

Scott Oldham spoke and asked for this to be put back on the agenda after some questions from the council about the placement of the Park and concern from the Planning Department that they could not move it from the spot the grant designated. He had a recent conversation with Darby McCarty from Smithville Foundation, and she indicated that she had no cause if we wanted to move it that it can be moved to a better location. A letter would need to be sent on the Town letterhead to notify them of the change in location. There were several personal suggestions on a new location, one being the Stewart property. Michael Farmer, Town Manager explained that in order to put a fence up they would have to get a permit from the Department of Natural Resources (DNR) and that could use up a lot of the grant money. Denise Line discussed the Stewart property needs a master plan, doing one thing there could prevent them from doing the other things they want to do with that property. Michael Farmer suggested getting some costs together for the mechanics of putting a dog park there and report it to the council to be decided on. It was promised to the family at the sale of the property that it be used for a park after flood control usage. It is in the plan from the Planning Department to use it as a park. Sandra Hash explained that it shouldn't matter what property we use as long as it is within the grant specifications. Scott Oldham suggested looking at Bloomington's dog park and get some mechanics and determine what can be afforded.

New Business

New Hire Full-time Utilities Labor I and Temporary Full-time Labor 1

Mike Farmer, Town Manager announced Utilities has an opening for a full-time employee due to a resignation. Jordan Lentz has applied for the position and has been offered the position with the agreement to get his CDL within 12 months. He is a temporary full-time employee currently and will be hired as full-time at \$18.00 per hour with the raise in 2020 he will increase to \$18.96 per hour. After completion of his CDL he will increase to \$23.08 per hour. He is requesting the approval to hire Jordan Lentz. Brian Mobley entertained a motion to hire Full-time Utilities Labor I – Jordan Lentz. William Ellis so moved. Scott Oldham seconded. Roll call vote: Brian Mobley – yes; Dan Swafford – yes; William Ellis – yes; Scott Oldham – yes; Pamela Samples – yes. Motion carried.

Mike Farmer requested the re-hire of Greg Vagedes for a 2-3-month period as a temporary full-time position to help fill an opening due to medical leave and an employee on limited use. Greg works as a seasonal employee elsewhere and is currently off for the winter. He

can be utilized for snow removal and doesn't require a CDL. He will start at \$19.46 at the same rate as when he left. Brian Mobley entertained a motion to hire Temporary Full-time Labor I – Greg Vagedes. Scott Oldham so moved. Dan Swafford seconded. Roll call vote: Brian Mobley – yes; Dan Swafford – yes; William Ellis – yes; Scott Oldham – yes; Pamela Samples – yes. Motion carried.

Supervisor Comments

Mike Farmer thanked Brian Mobley for his service on the council and for everything he and his family has done for Ellettsville. He appreciates his hometown boy attitude.

Mike Cornman, Fire Chief wished everyone a Merry Christmas.

Council Comments

Scott Oldham thanked Brian Mobley for his time and effort on the council

William Ellis thanked Brian Mobley for his dedication to the Town and wished everyone a Merry Christmas.

Dan Swafford thanked Brian Mobley for his contribution to the Town and wished him good luck and Merry Christmas.

Brian Mobley thanked the citizens of Ellettsville and spoke about how proud he was of his achievement to be President of Ellettsville Town Council and his hometown boy connection. He further discussed his opinion on a matter related to an issue at an earlier council meeting where he felt personally attacked. He expressed his heart is in Ellettsville and he won't be knocked down.

Adjournment

Brian Mobley made a motion to adjourn. Dan Swafford seconded. Brian Mobley adjourned the meeting at 7:34 p.m.

Brian Mobley, President

William Ellis

Pamela Samples

Dan Swafford, Vice President

Scott Oldham

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