

April 8, 2019

The Ellettsville, Indiana, Town Council met for a regular meeting on Monday, April 8, 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. Dan Swafford led the Pledge of Allegiance followed with a prayer by Jimmie Durnil.

Roll Call: Members present were Brian Mobley, President; Dan Swafford, Vice President; Scott Thomas and Scott Oldham. Pam Samples was absent. Sandra Hash, Clerk-Treasurer; Darla Brown, Town Attorney and Mike Farmer, Interim Town Manager were also present. **Supervisors present were:** Mike Cornman, Jimmie Durnil, Danny Stalcup and Kevin Tolloty.

Approval of Minutes

Brian Mobley entertained a motion for approval of the minutes of the regular meeting on March 25, 2019. Scott Thomas seconded. All in favor, motion carried.

Accounts Payable Vouchers and Payroll

Brian Mobley entertained a motion to pay Accounts Payable Vouchers and Payroll. Dan Swafford so moved. Scott Thomas seconded. All in favor, motion carried.

New Business

Approval of Local Roads and Bridges Matching Grant Agreements for Community Crossings Matching Grants

Denise Line, Planning Department, explained she wrote 6 Community Crossings Matching Grants with the help of Kevin Tolloty, Planner, Kip Headdy and Danny Stalcup of the Street Department. The grant applications were to request funding for paving streets. They were awarded all 6 six grants totaling \$417,486.09 making the Town's 25% match \$139,162.13 bringing the total costs of all projects to \$556,648.22. There is a total of 24 streets to be paved divided by the following projects. Arrowhead-9 streets, Union Valley Farms-2 streets, Kelli Heights-3 streets, Old Ellettsville-3 streets, Ellettsville Westside-4 streets and Spring Valley/Greenbriar Knolls-3 streets. INDOT (Indiana Department of Transportation) requires for each grant to be signed by the Town. Denise Line requested approval for the agreements for the grants. Only one motion is needed for approval of all 6 agreements. She further stated, Darla Brown, Town Attorney has reviewed the agreements and she provided the following awareness statements. The grant lasts for 2 years, you have to procure materials and a contractor for the projects by July of 2019, INDOT reserves the right to amend the books, records are required to be kept for 10 years, the Town has to certify they are enrolled in E-verify and the Town has to agree not to discriminate. The agreements are the same for each grant, just different amounts. Brian Mobley entertained a motion to approve the Approval of Local Roads and Bridges Matching Grant Agreements for Community Crossings Matching Grants. Scott Thomas so moved. Dan Swafford seconded. Roll call vote: Brian Mobley – yes; Dan Swafford – yes; Scott Oldham – yes; Scott Thomas – yes. Motion carried.

Approval of Bids and Quotes for Paving Streets Pursuant to Funding Awarded in the Community Crossings Matching Grants

Denise Line, Planning Department, explained Danny Stalcup, Street Department, will be submitting the quotes for the work to be done on the street projects pursuant to Community Crossings Matching Grants. Milestone's quote has the incorrect project name, Arrowhead should be Spring Valley/Greenbriar Knolls. They will correct the name and initial accordingly on the contract. Danny Stalcup stated they have 1 bid and 5 quotes. He asked to table Project 1, the bid for Arrowhead. Scott Oldham questioned Darla Brown, Town Attorney, if accepting the lowest bidder is required to win the bid. She is requesting further review to answer that question. Scott Oldham made a motion to table the Arrowhead Project. Scott Thomas seconded. Roll call vote: Brian Mobley – yes; Dan Swafford – yes; Scott Oldham – yes; Scott Thomas – yes. Motion carried.

Danny Stalcup asked the council for approval for the following projects. Scott Thomas made a motion to approve the quote for Project 2, Union Valley Farms from E & B Paving

in the amount of \$74,915.76. Scott Oldham seconded. Roll call vote: Brian Mobley – yes; Dan Swafford – yes; Scott Oldham – yes; Scott Thomas – yes. Motion carried.

Dan Swafford made a motion to approve the quote for Project 3, Kelli Heights from E & B Paving in the amount of \$124,185.96. Scott Thomas seconded. Roll call vote: Brian Mobley – yes; Dan Swafford – yes; Scott Oldham – yes; Scott Thomas – yes. Motion carried.

Scott Oldham made a motion to approve the quote for Project 4, Old Ellettsville from E & B Paving in the amount of \$77,912.14. Dan Swafford seconded. Roll call vote: Brian Mobley – yes; Dan Swafford – yes; Scott Oldham – yes; Scott Thomas – yes. Motion carried.

Scott Oldham made a motion to approve the quote for Project 5, Ellettsville West Side from E & B Paving in the amount of \$74,675.10. Scott Thomas seconded. Roll call vote: Brian Mobley – yes; Dan Swafford – yes; Scott Oldham – yes; Scott Thomas – yes. Motion carried.

Dan Swafford made a motion to approve the quote for Project 6, Spring Valley/Greenbriar Knolls from Milestone Paving in the amount of \$39,643.04. Scott Oldham seconded. Roll call vote: Brian Mobley – yes; Dan Swafford – yes; Scott Oldham – yes; Scott Thomas – yes. Motion carried.

Shift Bidding Preference

Scott Thomas made a motion to table. He has forwarded it to Darla Brown, Town Attorney for further review. Scott Oldham seconded. Roll call vote: Brian Mobley – yes; Dan Swafford – yes; Scott Oldham – yes; Scott Thomas – yes. Motion carried.

Resolutions

Resolution 06-2019 to Re-establish the Cumulative Firefighting, Building and Equipment Fund

Mike Cornman, Fire Chief, presented the request to re-establish the Cumulative Firefighting, Building and Equipment Fund originally established in 1968. The fund is an easier way to keep up on equipment purchases. Drawbacks are the fund does change and reduces with reassessment and the Circuit Breaker tax. The current rate is 1.8% and the maximum rate is 3.3%, but it will take away from other funds with our cash balance. The Cumulative Capital Development Fund is outside the levy limit so it does not take away from the cash reserves. He further explained he will need to purchase a new Fire Truck next year and with dwindling funds and the tax rate, he won't be able to meet his part in buying that truck. It is a 50/50 split with Richland Township on major purchases. He is also looking at purchasing personal, protective gear every year due to the cost and re-establishing the fund will help with that. Sandra Hash, Clerk Treasurer explained, not taking in consideration the Circuit Breaker, at the 1.8% tax rate, in 2019 we will bring in \$41,021.00. If the fund is re-established it will bring in \$72,660.00 that is an additional \$31,638.83 to reduce the General Fund Levy. She feels like it's a good time to re-establish the fund since the General Fund is at a healthy level. Mike Cornman, Fire Chief, further stated that the H.J. Umbaugh report stated that the CB&E fund die and purchase from the Cumulative Capital Development fund. He doesn't feel this is the best option, but they have to purchase fire trucks and equipment at some point. He is in need of replacing the 1991 fire engine, but there are repeated issues on the 1999 fire engine so they might consider getting rid of that one first and using the 1991 as a reserve truck. The general idea at this point is replacing the 1991 truck and the new apparatus will go to the Curry Pike Station. The brush truck is not in demand as it used to be, it's holding its own but is on the way out as well. Scott Oldham made a motion to Re-establish the Cumulative Firefighting, Building and Equipment Fund. Dan Swafford seconded. Sandra Hash, Clerk Treasurer also mentioned after the vote that there is a 30 day remonstrance period through the county auditor before it is finalized and both funds can be used for emergencies. Roll call vote: Brian Mobley – yes; Dan Swafford – yes; Scott Oldham – yes; Scott Thomas – yes. Motion carried.

Resolution 07-2019 to Re-establish the Cumulative Capital Development Fund

Jimmie Durnil explained this fund is typically established for the purchase of police vehicles. He will be in need to purchase 2 vehicles in the fall of 2020. Sandra Hash, Clerk Treasurer, stated the current rate of 4.49% would bring in \$97,971.00 and if it goes to 5.00% it will bring \$109,099.00 for an additional \$11,128.00. Brian Mobley entertained a motion to Re-establish the Cumulative Capital Development Fund. Scott Oldham so moved. Dan Swafford seconded. Roll call vote: Brian Mobley – yes; Dan Swafford – yes; Scott Oldham – yes; Scott Thomas – yes. Motion carried.

Resolution 08-2019 for Eminent Domain – 104 West Vine Street

The purpose of this resolution is to memorialize the council's vote at the last meeting authorizing Darla Brown, Town Attorney and Mike Farmer, Interim Town Manager to negotiate for the real estate located at 104 West Vine Street. By signing this resolution, the council has not committed to condemning yet not authorizing her to file a complaint condemnation but authorizing them to attempt to negotiate for the property. She also spoke about the decisions from the tax court in regard to the Stormwater fees being fees or taxes and after review, she stated, for budgeting purposes you should assume that the Stormwater fees are taxes and it will result in having \$35,000.00 less. This is a follow up from March 25, 2019 council meeting while discussing the declaration from the Indiana Tax Court Judge received from Judy Sharp. If anything changes with that she will advise the council accordingly. Brian Mobley entertained a motion to approve Resolution 08-2019 for Eminent Domain – 104 West Vine Street. Scott Thomas so moved. Scott Oldham seconded. Roll call vote: Brian Mobley – yes; Dan Swafford – no; Scott Oldham – yes; Scott Thomas – yes. Motion carried.

Resolution 09-2019 to Dispose of Surplus Property – Fire Department – 1986 Chevrolet Pickup Truck

Mike Cornman, Fire Chief received a 1996 Ford pickup truck from the Utility department for odd jobs around the station so they are no longer in need of the ex-military vehicle that the volunteers purchased in 1996 from the department of defense also known as the 1986 Chevrolet pickup truck. It has outlived its usefulness and they have a replacement so he is asking approval to dispose of this surplus property. Scott Oldham asked Chief Cornman if this was a direct purchase from the DRMO (Defense Reutilization and Marketing Office) and not through the governmental program. Chief Cornman confirmed and as per the contract of the volunteer Fire Department any purchases made by the volunteers are automatically property of the Town. Mike Farmer, Interim Town Manager also added it was part of the request of the Council to share equipment and handing down what they can utilizing it in the best interest of the Town. They recently moved a service truck from Utilities to the Street Department following the lead of the Council in sharing equipment. Brian Mobley entertained a motion to approve Resolution 09-2019 to Dispose of Surplus Property – Fire Department – 1986 Chevrolet Pickup Truck. Dan Swafford so moved. Scott Oldham seconded. Roll call vote: Brian Mobley – yes; Dan Swafford – yes; Scott Oldham – yes; Scott Thomas – yes. Motion carried.

Ordinances on Second Reading

Ordinance 2019-08 to amend Section 152.053 of the Ellettsville Town Code Regarding Residential Fencing, Hedges, Berms and Walls

Kevin Tolloty, Planner, explained his findings with other communities in regard to property owners must share a fence at the property line or, it's required to be set back 2 feet on each side. Other communities do not require set-backs for fences so he has no data to compare it to. Planning Commission recommended a standard 2 foot set-back for every fence if no agreement can be made from the Council. Currently there isn't any set-back. Scott Oldham disagrees. He feels it becomes an issue of who gets there first and we have an Ordinance to enforce weed control it deprives them of 2 feet of their property and not for the existing fence. Sandra Hash, Clerk Treasurer expressed her opinion of how difficult it is to maintain a 2 foot space between fences. Scott Oldham feels that because the government doesn't trust you to maintain this it would only create another Ordinance keeping you from exercising your property rights because we want you to maintain the 2 foot space even though we have an Ordinance that you will maintain the space. Brian Mobley consulted

with Dan Rarey, Realtor for his experience in the matter. Mr. Rarey explained that typically it is outlined in the covenants and restrictions of the subdivisions and fences are joined at the property line leaving no dead space to be maintained. He doesn't know a good solution for the issue because he has seen property owners disagree over 2 inches. Scott Oldham feels it should be left alone to avoid other problems such as trespassing and property owners should work it out between themselves. Sandra Hash reiterated the fact that is impossible to maintain a small space and this will help with outlining it to prevent future issues and the new Ordinance sounded like a great solution. His intent was not to argue, he feels that taking an Ordinance that is already in place and replacing it with one that will lead to criminal violations costing the Town time and resources. Valarie Dewar, audience member, based on her recent addition of a fence on the church property, the issue should be up to the property owners to maintain and not waste Town time and money regulating it. Darla Brown, Town Attorney explained if there is an objection to paragraph 6, the council needs to pass it with paragraph 6 redacted or excised and it will go back to the Planning Commission for their consideration. If accepted it stands as it is passed tonight, if it is rejected then it comes back for another vote. Scott Oldham made a motion to pass Ordinance 2019-08 to amend Section 152.053 of the Ellettsville Town Code Regarding Residential Fencing, Hedges, Berms and Walls with paragraph 6 being struck. Scott Thomas seconded. Roll call vote: Brian Mobley – yes; Dan Swafford – yes; Scott Oldham – yes; Scott Thomas – yes. Motion carried.

Ordinance 2019-10 to amend Section 152.181 of the Ellettsville Town Code Regarding Easements

Kevin Tolloty had asked to table this amendment because it was tied to Ordinance 2019-08 to amend Section 152.053 also tabled at the March 25, 2019 meeting. This Ordinance is ok as it reads and only pertains to fences in easements and that section in Ordinance 2019-08 Section 152.053 passed. Brian Mobley entertained a motion to approve Ordinance 2019-10 to amend Section 152.181 of the Ellettsville Town Code Regarding Easements. Scott Thomas so moved. Scott Thomas seconded. Roll call vote: Brian Mobley – yes; Dan Swafford – yes; Scott Oldham – yes; Scott Thomas – yes. Motion carried.

Old Business

Flood Report

Brian Mobley discussed the building is down on Vine Street. He hopes to soon move forward with getting another building down to start digging. Mike Farmer, Interim Town Manager discussed the update from the Christopher Burke report on April 5, 2019 is they expect to finalize the report and have it by the middle of May 2019.

Council Comments

Dan Swafford mentioned, he had asked Sandra Hash, Clerk Treasurer, to purchase him a laptop or tablet and asked if there were any objections. The Utility department has some available to borrow and will loan him one.

Supervisor Comments

Mike Farmer expressed his appreciation to everyone involved in receiving the grants for the paving projects to make Ellettsville a better place for our citizens. He praised Denise Line for her approach, delivery and diligence and feels she was a huge part in the success of receiving the grants.

Jimmie Durnil, Town Marshal, discussed the need for a part time officer. They lost one in January to Greene County and the need is for the shift of 11-7. He has a reserve that his status could be changed to a part time status for a year which is what could cover the officer going on extended military leave. He questioned if they could approve that tonight or does he have to submit it with the part time request. He has people out on medical and he needs to fill in those holes. He explained that he could be part time up to a year without having to complete the full academy training and at the point the officer on military leave would return and the part time position would go back to a reserve. It does have to show a break in pay to go back in to a reserve position. He further explained the pay for the officer on leave would be used for the new part time position. After much discussion over utilizing reserves and the existing part time officers, it was decided for safety and proper coverage

the need is there for a part time officer, especially to cover vacations. Scott Oldham made a motion to hire Dustin White to a part time status from a reserve status. Scott Thomas seconded. Roll call vote: Brian Mobley – yes; Dan Swafford – yes; Scott Oldham – yes; Scott Thomas – yes. Motion carried.

Mike Farmer addressed Brian Mobley that this issue goes hand in hand for all the departments regarding recruitment and retaining employees. He stated we have to fight for our employees and give them raises in order to survive in this environment. He also believes that good help is hard to find and sometimes you have to act immediately to get what you need. Between the Street department and Utilities, they are in need of 3-4 temporary/seasonal workers and they can't seem to find them. Dan Swafford asked Mr. Durnil to compile salaries from town to town so he has something to compare it to and feels we should advertise to fill these positions.

Kevin Tolloty, Planner, mentioned his annual report is up on the website and if anyone has any questions to please feel free to contact him. He also has hard copies for anyone who is interested.


Privilege of the Floor

Valerie Dewar, Trustee of the United Methodist Church, expressed her appreciation for the Fire Department. They recently came and done a safety walk through with her and she learned a lot from that for the safety of the parishioners. She thanked them for their kind work as many times we overlook our unsung heroes.

Adjournment

Brian Mobley entertained a motion to adjourn. Scott Thomas so moved. Dan Swafford seconded. Brian Mobley adjourned the meeting at 7:49 p.m.

Brian Mobley, President




Scott Oldham

Scott Thomas



Dan Swafford, Vice President



Pam Samples



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