

## **May 29, 2018**

The Ellettsville, Indiana, Town Council met for a regular meeting on Tuesday, May 29, 2018, at the Ellettsville Town Hall Meeting Room located at 1150 W. Guy McCown Drive. Scott Oldham 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 Scott Oldham, President; Brian Mobley, Vice President; Kevin Farris, Brice Teter and Scott Thomas. Sandra Hash, Clerk-Treasurer; Darla Brown, Town Attorney; Mike Farmer, Interim Town Manager; and Rick Coppock, Bynum Fanyo & Associates, Town Engineer; were also present.

**Supervisors present were:** Mike Cornman, Jimmie Durnil, and Kevin Tolloty. Kip Headdy represented the Street Department.

### **Approval of Minutes**

Scott Oldham entertained a motion for approval of the minutes from the regular meeting and Executive Session on May 14, 2018. Kevin Farris so moved. Brice Teter seconded. Motion carried.

### **Accounts Payable Vouchers**

Scott Oldham entertained a motion for action to pay Accounts Payable Vouchers for May 29, 2018. Mr. Mobley had a question on a claim which was answered by the supervisor. Brian Mobley made a motion to pass accounts payable vouchers 2018. Brice Teter seconded. Motion carried.

### **Resolutions**

#### **Resolution 08-2018 Additional Appropriation to the Local Road and Bridge Matching Grant Fund**

**Sandra Hash, Clerk-Treasurer**, explained at the last meeting the transfer of funds to complete the matching for the grant to pave the streets was approved. An additional appropriation is needed to spend the money because there was not a budget for that line item.

Scott Oldham entertained a motion. Kevin Farris made a motion to adopt Resolution 08-2018 Additional Appropriation to the Local Road and Bridge Matching Grant Fund. Brice Teter seconded. Roll call vote: Scott Oldham –yes; Brian Mobley – yes; Kevin Farris – yes; Brice Teter – yes; and Scott Thomas - yes. Motion carried.

#### **Resolution 09-2018 Elected Officials Salary Adjustment for 2017**

**Sandra Hash, Clerk-Treasurer**, explained the Town Council set a salary ordinance in December 2016. Then, in 2017 there was an amended salary ordinance and a raise was made retroactive to January 1<sup>st</sup>. Indiana Code states an elected town officer may not have their salary changed in the year for which is fixed. Therefore, she and Town Council members will have to have a payroll reduction to repay the raise from 2017. It is \$185 for the regular Town Council members, \$203.06 for the President and \$906.88 for her. It will be done on the next payroll in a lump sum. Mr. Teter's amount will be different because he didn't work all year. Mr. Thomas asked how this can be prevented in the future. Ms. Hash answered they will have to remember not to change a salary ordinance for elected officials after it has been set.

Scott Oldham entertained a motion. Brice Teter made a motion to adopt Resolution 09-2018 Elected Officials Salary Adjustment for 2017. Kevin Farris seconded. Roll call vote: Scott Oldham –yes; Brian Mobley – yes; Kevin Farris – yes; Brice Teter – yes; and Scott Thomas - yes. Motion carried.

### **Ordinances on First Reading**

### **Ordinances on Second Reading**

### **Old Business**

### **Flood Report**



**Brian Mobley** advised they need to review the proposals and will have a presentation at the next Town Council meeting.

## **New Business**

### **2018 LIT Meetings/Selection of Town Representative to Attend Meetings**

**Scott Oldham** volunteered to represent Ellettsville at the LIT meetings. All agreed.

Kevin Farris made a motion to select Scott Oldham to be the Town's representative to attend the 2018 LIT meetings. Brice Teter seconded. Roll call vote: Scott Oldham – abstained; Brian Mobley – yes; Kevin Farris – yes; Brice Teter – yes; and Scott Thomas – yes. Motion carried with one abstention.

### **Reduction in Letter of Credit for Hidden Meadow, Phase 2, Phase 3a and Phase 3b**

**Kevin Tolloty, Planning Director**, explained Hidden Meadow has two outstanding letters of credit ("LOC") for Phases 2 and 3a and Phase 3b. One of the LOCs expires in a few weeks and the other in December. The developer has requested to allow the LOC due in June to expire and combine remaining items with the LOC that expires in December. One LOC is approximately \$100,000 and the other is approximately \$50,000. They've completed \$97,000 worth of work. The balance remaining is \$63,692.50 and would be sufficient to cover the items remaining in the LOC for Phase 3b which is the last phase. There are street trees remaining in Phase 3a and the work in Phase 2 has been completed.

**Scott Oldham** asked the amount of the reduction. Mr. Tolloty answered it would decrease by \$97,000. Ms. Brown clarified the LOC that expires in December covers \$64,000 worth of remaining work. Mr. Oldham asked how quickly they will be finished with it. Mr. Tolloty replied they're hoping to be done by the end of fall. They just applied for their last building permit. Mr. Farris asked Mr. Tolloty's recommendation. Mr. Tolloty explained he is for it. Kip Headdy and Danny Stalcup from the Street Department looked at Phase 2 and found everything in order. Phase 3b does not have the top coat and will be included in the LOC. Mr. Oldham confirmed their intent is to be finished with everything before the December LOC expires. Mr. Tolloty answered they're hoping to be.

Scott Oldham entertained a motion. Kevin Farris made a motion to accept the reduction of the letter of credit for Hidden Meadow Phase 2, Phase 3a and Phase 3b. Scott Thomas seconded. Roll call vote: Scott Oldham – no; Brian Mobley – yes; Kevin Farris – yes; Brice Teter – no; and Scott Thomas – no. Motion failed, 2-3.

**Kevin Tolloty** is uncertain how to proceed because the LOC expires about the same time as the next Town Council meeting. Mr. Farris asked the amount of the original LOC. Mr. Tolloty answered the LOC that expires in June for Phase 3b is approximately \$100,000. Mr. Oldham asked what the LOC is for that remains in effect until December. Mr. Tolloty replied it is for Phases 2 and 3a. The LOC for Phase 3b would have to be renewed for \$100,000. Ms. Brown asked when the first LOC expires. Mr. Tolloty answered it is the middle of June. Mr. Oldham's issue is with the phase still requiring work to be done. Mr. Tolloty commented all of the outstanding items would still be covered. Mr. Farris added they're not erasing money they owe but transferring it to the next phase. Mr. Tolloty stated all of Phase 2, most of Phase 3a and about half of Phase 3b have been completed. There was a discussion on developers and LOCs. Mr. Teter asked the name of the developers. Mr. Tolloty answered Henry's Fork, LLC. Mr. Mobley mentioned the same developers are preparing to begin another project in Ellettsville so they're willing to put money back into the Town. There was a discussion on timelines, prior subdivisions and the work that did not get completed. Mr. Tolloty noted the sidewalks, street signs and street trees are being completed as houses are being built. Once a majority of the houses are completed then they will put down the top coat. Ms. Brown confirmed there are two LOCs, Phase 2 and 3a and Phase 3b. The LOC for Phase 3b expires in June and they want to transfer the remaining items to the LOC that expires in December. Everything would remain covered if they should walk away. Ms. Brown asked if the LOC that expires in December is for Phases 2 and 3a. Mr. Tolloty answered yes. Mr. Oldham asked if this can be done without paperwork for assurance they're going to use one LOC to cover the other. Ms. Brown replied if the LOC specifically states it is for a specific thing they would have to redo the



paperwork to show it is covering all three phases for the lessor amount. Mr. Tolloty added they would have to have a revised LOC because the total is a slightly more than the LOC for Phases 2 and 3a. The LOC would be itemized to include everything. Mr. Oldham would like to see the amended LOC ahead of time or their intention to file for the same. Mr. Teter is confused as to why they wouldn't do the work on Phase 3b when the LOC expires before the work they did on Phases 2 and 3a. Mr. Tolloty answered it is because they have been renewed for several years. Mr. Thomas is uncertain how they get assurances it is going to happen. Mr. Tolloty stated it would be shown on their LOC when it is amended. The developer can't amend the LOC until the number is reduced and they can't move forward without Town Council approval. Mr. Oldham asked Ms. Brown how they can reduce their LOC and make sure the Town is covered. Ms. Brown is comfortable if the LOC is for the amount of the work outstanding. Mr. Oldham clarified they're renewing a LOC that doesn't reflect the phase they're in. The phase they're in remains to be completed, they're letting it go and there's no paperwork telling them they're using the money to renew the current phase. Mr. Farris added there can't be a release on LOCs until the work is done. Mr. Thomas is seeking assurances it will be completed. Mr. Oldham asked Ms. Brown if she is comfortable enforcing what they have. Ms. Brown answered yes, if she understands the facts that have been submitted. For the last LOC that expires in December, they will still have \$64,000 for all of the work that hasn't been done for all three phases.

Scott Oldham entertained a motion to reconsider. Kevin Farris made a motion to reconsider the reduction in the letter of credit for Phase 2, Phase 3a and Phase 3b. Brian Mobley seconded. Roll call vote: Scott Oldham – yes; Brian Mobley – yes; Kevin Farris – yes; Brice Teter – no; and Scott Thomas – yes. Motion carried, 4-1.

Scott Oldham entertained a motion. Kevin Farris made a motion to accept the letter of reduction in credit for Hidden Meadow, Phase 2, Phase 3a and Phase 3b. Brian Mobley seconded. Roll call vote: Scott Oldham – yes; Brian Mobley – yes; Kevin Farris – yes; Brice Teter – no; and Scott Thomas – yes. Motion carried, 4-1.

### **Samantha Burnette Request to Keep Ducks at Her Residence**

**Kevin Tolloty, Planning Director**, advised Ms. Burnette called the Planning Department late in the afternoon and said she was very ill and unable to make the Town Council meeting. Ms. Burnette would like this matter tabled to the next meeting. There is an ongoing dispute between the Burnettes and their next-door neighbor. Ms. Burnette had ducks on her property which are not permitted by Town Code. It is enforced by the Planning Department but does not fall under a Planning or Zoning Chapter so it is appealed to Town Council rather than the Board of Zoning Appeals.

**Brian Mobley** spoke with Ms. Burnette and the ducks are two and a half years old. They grew up with the children and are like a family pet. They use the eggs from the ducks to cook with because they're low in cholesterol. When they moved to their current home, they took the ducks with them.

Scott Oldham entertained a motion to table. Scott Thomas made a motion to table the request by Samantha Burnette to keep ducks at her residence. Kevin Farris seconded. Roll call vote: Scott Oldham – yes; Brian Mobley – yes; Kevin Farris – yes; Brice Teter – yes; and Scott Thomas – yes. Motion carried.

### **Town Council Comments**

**Kevin Farris** thanked the veterans who served in the armed forces.

**Brian Mobley** attended the Ellettsville Memorial Service and the crowd is growing. Food Truck Wednesday seems to be going well. There have been crowds and there seems to be safety concerns. The Marshal and Fire Chief will talk about safety concerns. It seems popular with everybody.

### **Supervisors Comments**

**Marshal Jimmie Durnil** wants to hire Cameron Frye, a graduate from Eastern-Greene High School and he will soon graduate from Indiana University. Mr. Frye has certifications



as an Indiana Law Enforcement Officer, IS/NCIC and bike patrol. His plan is to have Mr. Frye ready to help extensively with the scheduling problem they're going to have next year when Sgt. Craig Davis is out for an extended period of time. Mr. Frye will be part-time. Ms. Hash is checking on whether or not PERF is included. He requested approval of Mr. Frye as a part-time officer.

**Brian Mobley** asked if Mr. Frye will work the 3:00 p.m. to 11:00 p.m. shift. Marshal Durnil replied he is able to work the shifts they need him to work. Mr. Mobley asked if Mr. Frye understands this is part-time until Sgt. Davis returns. Marshal Durnil answered yes. Mr. Mobley asked what the starting wage will be. Marshal Durnil replied it will be \$18.73/hour.

Scott Oldham entertained a motion. Kevin Farris made a motion to accept Jimmie's recommendation to add Cameron Frye to part-time status for the Ellettsville Police Department. Scott Thomas seconded. Roll call vote: Scott Oldham –yes; Brian Mobley – yes; Kevin Farris – yes; Brice Teter – abstained; and Scott Thomas - yes. Motion carried with one abstention.

**Sandra Hash, Clerk-Treasurer** administered the Oath of Office to Mr. Frye.

**Marshal Jimmie Durnil** advised there have been discussions about blocking the street off for a few hours on Food Truck Wednesday. The streets will be blocked from 5:00 p.m. to 7:30 p.m. as it seems to be the busiest time. *The Ellettsville Journal* will put something in the paper. It will make the evening seem more like a festival. They've set out chairs in front of Old Town Hall. Fire Chief Cornman agreed as long as there is someone who can open the barricades so they can get a fire truck through if they have to. Mr. Mobley asked if they're not that busy at lunch time. Marshal Durnil can't answer that. It wouldn't go well to close the street for eight hours. Mr. Oldham reminded Town Council they decided to leave these matters for the Fire and Police Departments because it is about safety. Personally, he doesn't mind showing support because he is definitely in favor of Food Truck Wednesday. It will only be a one block detour. All agreed.

**Kip Headdy, Street Department**, advised Clint and Justin Connor would like to cut the hay on the Stewart property located on Hartstraight Road. It takes approximately 51 hours for one guy to bush-hog. The Connors would bale hay twice a year. Ms. Brown will prepare a contract for the Town Manager to sign.

Scott Oldham entertained a motion. Scott Thomas made a motion to approve the taking of the hay for the mowing of the Stewart property as prescribed. Brice Teter seconded. Roll call vote: Scott Oldham –yes; Brian Mobley – yes; Kevin Farris – yes; Brice Teter – yes; and Scott Thomas - yes. Motion carried.

**Brice Teter** asked if playground equipment is in. Mr. Headdy answered yes, the playground equipment came in last week. They will line the swing set area with 6' x 10' timbers. They will put down mulch this week. The slides are in.

**Brian Mobley** asked the status of the playground equipment in Evansville. Marshal Durnil answered the playground equipment won't be ready until October.

**Sandra Hash, Clerk-Treasurer**, explained earlier there was a special distribution of Local Income Tax but the Town wasn't on the list. A new letter came out and Monroe County will get a distribution of \$1,688,806 and Ellettsville should receive \$35,478.15.

**Sandra Hash, Clerk-Treasurer**, advised the Town received notice it will not get a SPEA fellow for the next school year. The Bloomington Economic Development Corporation ("BEDC") is willing to share their SPEA fellow if the Town would like assistance with data collection and analysis. They would work out of the BEDC office.

**Sandra Hash, Clerk-Treasurer**, explained the Town received written notice from the Monroe County Redevelopment Commission that they have no excess assessed value available to be allocated to other taxing units. They represent the State Road 46, Westside and Fullerton Tax Increment Financing Districts.



**Sandra Hash, Clerk-Treasurer**, provided a letter from Richland Bean-Blossom Community School Corporation explaining the property tax error and how they will use the tax to reduce the interest on the new bonds.

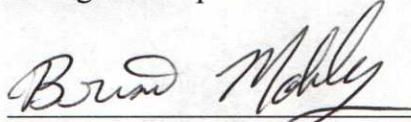
**Privilege of the Floor**

**Adjournment**

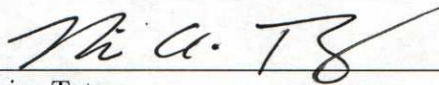
Scott Oldham entertained a motion to adjourn. Kevin Farris so moved. Scott Thomas seconded. Scott Oldham adjourned the meeting at 7:17 p.m.



Scott Oldham, President



Brian Mobley, Vice President



Kevin Farris

Brice Teter



Scott Thomas

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