

## January 25, 2021

Due to COVID-19, The Ellettsville, Indiana, Town Council met for a virtual meeting on Monday, January 25, 2021 by Zoom. Pamela Samples called the meeting to order at 6:30 p.m. Mike Cornman led the Pledge of Allegiance followed with a prayer by Jimmie Durnil.

**Roll Call:** Members present were Pamela Samples, Vice President; William Ellis and Trevor Sager. Scott Oldham and Dan Swafford were absent. Sandra Hash, Clerk-Treasurer and Michael Farmer, Town Manager were also present. Darla Brown, Town Attorney joined late.

**Supervisors present:** Jimmie Durnil, Mike Cornman, Jeff Farmer and Kevin Tolloty.

### Approval of Minutes

Pamela Samples entertained a motion for approval of the minutes of the regular meeting on January 11, 2020. William Ellis so moved. Trevor Sager seconded. Roll call vote: Pamela Samples – yes; William Ellis – yes; Trevor Sager – yes. Motion carried.

### Accounts Payable Vouchers and Payroll

Pamela Samples entertained a motion to pay Accounts Payable Vouchers and Payroll. Trevor Sager so moved. William Ellis seconded. Roll call vote: Pamela Samples – yes; William Ellis – yes; Trevor Sager – yes; Motion carried.

### Resolutions

#### Resolution 02-2021 to Grant a Waiver to Scannell Properties #399, LLC

**Kevin Tolloty**, Planner explained this is regarding the Economic Development agreement between KeHE and Scannell Properties. Darla Brown, Town Attorney has been the contact person involved with this and she was not present at the meeting to explain. William Ellis made a motion to table Resolution 02-2021 to Grant a Waiver to Scannell Properties #399, LLC. Trevor Sager seconded. Roll call vote: Pamela Samples – yes; William Ellis – yes; Trevor Sager – yes; Motion carried. Darla Brown signed on late and agreed with tabling the Resolution. She sent the Resolution to her contact for the Economic Development Agreement and she has not heard anything back. She hopes to talk with Scannell to verify who is buying the property and that they have the financial capability to meet the obligations under the Economic Development agreement to pay the \$75,000.00 payments when they are due.

### Old Business - Fences

**William Ellis** recommended a motion for planning to waive the fence height requirement if there is a 4 way stop due to visibility issues. Other requirements would still apply but if they are specifically due to visibility and there is a 4 way stop that would not be considered. Due to Darla Brown, Town Attorney's absence at the meeting, they requested to table the discussion until the next meeting. Kevin Tolloty advised, text amendments that go back to the Plan Commission must have specific wording and it was suggested that it be drafted by Darla Brown to be sure it is done correctly. Council that was present, agreed with the wording of the recommendation of William Ellis. William Ellis amended his motion to table the discussion on Fences until next meeting. Darla Brown signed on to the meeting. Pamela Samples recapped the discussion and requested Darla's assistance on wording for the text amendment to the Plan Commission. Darla Brown stated that statute says you must create an Ordinance on a Planning and Zoning amendment that goes to the Plan Commission. They have a certain amount of time to vote on it and send it back with their suggestions for the Council to vote. She asked Council for the specifics, reasoning for the change and section of the Town Code it should be in. William restated waiving the fence height requirement if there is a 4 way stop which would reduce the need for cone of visibility. Darla asked for clarification on the cone of visibility. Kevin Tolloty said the sight triangle is 20 feet from the edge of the road in each direction then you connect the lines. Darla asked if it would apply to all lots or just corner lots with a 4-way stop. William suggested making the maximum height for all fence 6 feet in both front yard and side yards. Kevin said the current code is 6 feet in the back yards and 4 feet in the front and side if the side is on the street. Sandra Hash added if you allow 6 foot fences around the whole yard then neighbors will not be able to see when they back out of their driveway if the neighbor has a 6 foot solid fence. There is a reason to have a 4 foot in the front yard. Trevor Sager stated then we should keep



the fence at 6 foot in the back and four feet in the front even if it is a corner lot. This raised additional questions about children's safety with the taller fences. Sandra Hash, Clerk Treasurer advised in these unique situations it is best to just request a variance. William Ellis expressed the landowner of this discussion is willing to do that it was just not was advised in the beginning and it has been very confusing. There was a great deal of concern with safety with changing the Ordinance. Sandra Hash expressed that there is no rule that will fit every situation perfectly, that is why there is a Board of Zoning Appeals (BZA) to make those decisions based on applications for variance. She feels it should go back to them to decide. Michael Farmer, Town Manager feels the Ordinance is okay, this is just a unique situation and it should be a simplified process through the Planning Department and the BZA. Kevin Tolloty, Planner feels the process is fine the way it is, this situation is unusual because a variance is done before building and not after. William Ellis expressed his statement of support for the petitioner in granting his variance and encouraged the other council members to also. William ask Kevin what the criteria is for a variance. Kevin explained there are three in our code and three set by the state. It can't harm public safety, it cannot devalue your neighbor's property and there has to be some type of practical difficulty along with the reason they are asking for a variance. Kevin added our process does run smoothly for the most part. This situation is different because variances are usually requested before something is built so you don't have to worry about there being an appeal of the decision. Usually they ask for the variance and then build so you don't run in to what they did last time. William feels three of the concerns are already addressed. The neighbors don't have a problem with the fence and it definitely doesn't lower property values. He asked Kevin about the third one, practical difficulty. Kevin replied is there something unique about your situation that you should be exempt from the ordinance. William feels the issues created by COVID-19 and that is was ordered and planned before the side road was put in make this a unique situation. Kevin said the petitioner can bring up any point they want taken into consideration. This would make it something the BZA could consider, correct? The Council agreed they are in support of the variance and it should go back to the BZA. William offered to contact the petitioner and ask him to file a variance with no additional fees. Kevin Tolloty will send the landowner the information for the variance.

## **New Business**

### **Enterprise Fleet Management**

**Michael Farmer**, Town Manager discussed a project with Enterprise Fleet Management to lease purchase vehicles. The Town has 30-40 vehicles and are purchased on average one or two every couple of years. This project will ensure the Town to have new, reliable dependable vehicles. To start, we will lease purchase 2 vehicles a year for 5 years in a row. After year 2 it will be re-evaluated based on maintenance savings reports. The plan also included purchasing a half ton truck for Planning that will be rotated out every year. The Police Department is on a 5-year rotation of 10 vehicles at the end of year 5. Jimmie Durnil, Town Marshal explained this plan will be a significant savings on maintenance and will provide mileage information every year on how many miles on average they drive. In addition, the resale of the vehicles in a few years will bring them out ahead. Sandra Hash, Clerk Treasurer explained that in the last 5 years the Town has purchased 7 new police cars and the turnover rate is slower than Enterprise. Through Enterprise, the vehicles are financed for 5 years at the percentage rate at time of close, currently it is 3.67 %. There is an annual fee of approximately \$1,200.00. They purchase the vehicles at their cost at a good price because they purchase so many. The Police vehicles will be completely equipped. Payments will be made semi annually instead of monthly. Instead of buying the cars outright, one a year or financing and getting 2 at a time for 24 months through the bank, Enterprise will be the bank and will hold the titles until paid in full. If the contract is canceled, the Town can finish paying out the term and will not demand full payment at the end and can continue to finish the term at 5 years. The contract can be canceled anytime and when it is time to resell the vehicles at the end of the 5 years, Enterprise will sell them and will get a better revenue to get a better price that will benefit the Town. The annual fee will eat some of the profit of from the resale, but it will save the Town in maintenance costs and they will not have to do a bidding process to sell. She concluded with it is a longer finance term, but the Town will benefit by renewing vehicles quicker. Michael Farmer is optimistic about trading in the half ton trucks every other year and feels the Town will have safer vehicles with up-to-date equipment and will be even more successful than the Police vehicles side of the plan. William Ellis made a motion to accept the lease agreement with Enterprise Fleet



Management. Trevor Sager seconded. Trevor Sager thanked everyone for the hard work on this project and is excited about it. Jimmie Durnil agreed it was the most common-sense way to get new police vehicles. Valerie Dewar, public comment, questioned if the Town compared plans from other companies. Jimmie Durnil stated he checked with Indiana University Police and they have a similar plan that has been successful for them, but no other companies were consulted. Russ Ryle, public comment, asked if the project required formal bid. Darla Brown, Town Attorney stated it was a service and council by statute can enter in to contracts for services. He argued that at the end of the term the vehicles are being purchased and should be put out for bid. Michael Fitzpatrick from Enterprise explained that the Town is partnered with Source Well and recommends that Ellettsville partner off with Source Well that solicited 70 dealerships and other fleet management companies with 6 finalists of which Enterprise was awarded the contract. He would be happy to supply that document to allow to partner off the Source Well contract in place. In conclusion, it has been successfully bid because of that partnership with Source Well. Roll call vote: Pamela Samples – yes; William Ellis – yes; Trevor Sager – yes; Motion carried.

Trevor Sager made a motion to accept the maintenance agreement. William Ellis seconded. Roll call vote: Pamela Samples – yes; William Ellis – yes; Trevor Sager – yes; Motion carried.

William Ellis made a motion to appoint Sandra Hash, Michael Farmer and Jimmie Durnil as agent/s for final negotiation with Enterprise. Trevor Sager seconded. Roll call vote: Pamela Samples – yes; William Ellis – yes; Trevor Sager – yes; Motion carried.

Michael Farmer concluded the conversation with discussing some concern on local companies losing our business for maintenance and detail work on vehicles. After speaking with Michael Fitzpatrick from Enterprise, he was able to confirm that they will approve to maintain our relationships by keeping our money local.

#### **Fire Department Request to Move Lt. Rayman Warthan from Full-time to Part-time Firefighter**

**Mike Cornman**, Fire Chief explained Rayman started with Ellettsville Fire Department as a volunteer and has worked his way up to Lieutenant. He has recently found other employment with the Monroe Fire District as a Sergeant and is requesting to be moved from full-time employee status to part-time status. Mike Cornman recommends the change and stated that Town Council serves as the safety board and any changes in employment status must be approved by the Council. William Ellis made a motion to approve the request to Move Lt. Rayman Warthan from Full-time to Part-time Firefighter. Trevor Sager seconded. Roll call vote: Pamela Samples – yes; William Ellis – yes; Trevor Sager – yes; Motion carried.

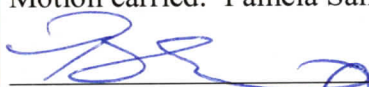
#### **Supervisors Comments**

**Jimmie Durnil**, Town Marshal thanked everyone for the support on the Enterprise Fleet Management agreement. He feels it will work out great for them.

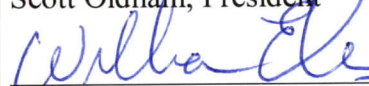
**Mike Cornman**, Fire Chief agreed the Fleet Management was a good idea and they plan to look into to it down the road for their administrative vehicles. He also requested to hire Garrett Nolan as a part-time firefighter. He currently works part-time for Lawrence County Fire Department and full time EMT for Seals Ambulance Service. Trevor Sager made a motion to approve to hire Garrett Nolan as a part-time firefighter. William Ellis seconded. Roll call vote: Pamela Samples – yes; William Ellis – yes; Trevor Sager – yes; Motion carried.

#### **Adjournment**

Pamela Samples entertained a motion to adjourn. Trevor Sager so moved. William Ellis seconded. Roll call vote: Pamela Samples – yes; William Ellis – yes; Trevor Sager – yes. Motion carried. Pamela Samples adjourned the meeting at 7:26 p.m.



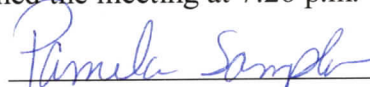
Scott Oldham, President



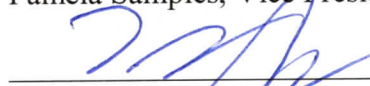
William Ellis



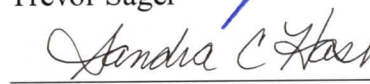
Dan Swafford



Pamela Samples, Vice President



Trevor Sager



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