

## December 28, 2020

Due to COVID-19, The Ellettsville, Indiana, Town Council met for a virtual meeting on Monday, December 28, 2020 by Zoom. Dan Swafford 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 Dan Swafford, President; Scott Oldham, Vice President; William Ellis, Trevor Sager and Pamela Samples. Sandra Hash, Clerk-Treasurer; Darla Brown, Town Attorney, Michael Farmer, Town Manager were also present.

**Supervisors present:** Jimmie Durnil, Mike Cornman and Danny Stalcup.

### Approval of Minutes

Dan Swafford entertained a motion for approval of the minutes of the regular meeting on November 23, 2020. The meeting December 14, 2020 was canceled. Trevor Sager so moved. Scott Oldham seconded. Roll call vote: Dan Swafford – yes; Scott Oldham – yes; William Ellis – yes; Trevor Sager – yes; Pamela Samples – yes. Motion carried.

### Accounts Payable Vouchers and Payroll

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

### Meeting Dates for 2021

**Dan Swafford** entertained a motion to approve the meeting dates for 2021 including Work Sessions. William Ellis made a motion to approve the meeting dates for 2021. Trevor Sager seconded. Roll call vote: Dan Swafford – yes; Scott Oldham – yes; William Ellis – yes; Trevor Sager – yes; Pamela Samples – yes. Motion carried.

### Resolutions

#### Resolution 27-2020 to amend Resolution 14-2018 regarding the Governor Park Tax Abatement Regarding a Date Extension

**Darla Brown**, Town Attorney explained the Council had approved a Resolution on July 9, 2020 confirming an ERA (Economic Revitalization Area) for the property located at 5665 West State Road 46 and confirmed on July 23, 2020. It was stipulated the project would be completed by 2022 and the contractor is unsure the work will be completed by then. They are asking for the date to be removed. Council is against leaving an open contract but is willing to extend the date 12 months. Darla Brown was unable to provide a projected date of completion and suggested to table until a representative from Governor's Park can comment further. Dan Swafford made a motion to table Resolution 14-2018. Trevor Sager seconded. Roll call vote: Dan Swafford – yes; Scott Oldham – no; William Ellis – no; Trevor Sager – yes; Pamela Samples – yes. Motion carried.

#### Resolution 28-2020 to Approve the Purchase and Finance of New Fire Equipment

**Darla Brown**, Town Attorney explained a couple of meetings ago the council approved a resolution prepared by PNC bank. The agreement stipulated that Mike Farmer and Mike Cornman were named agents to negotiate the finances but did not stipulate the type of equipment to be purchased or the details of the purchase agreement between the Town and MacQueen, which is who they are purchasing the equipment from. She feels for the purpose of State Board of Accounts, this resolution is more detailed. Trevor Sager made a motion to approve Resolution 28-2020. Pamela Samples seconded. Roll call vote: Dan Swafford – yes; Scott Oldham – yes; William Ellis – yes; Trevor Sager – yes; Pamela Samples – yes. Motion carried.

#### Resolution 29-2020 Transfer of Funds

**Sandra Hash**, Clerk Treasurer explained this is a request from the Fire Department to transfer funds received into the Fireman's salary line from the Coronavirus Grant for public safety to purchase EMS supplies. The request is for \$7,100.00 to be transferred from the salary line to EMS supplies. Mike Cornman, Fire Chief stated it will help prepare them for the next surge of Covid style responses for the Fire Department anticipating it could be more than before. William Ellis made a motion to approve Resolution 29-2020. Pamela Samples



seconded. Roll call vote: Dan Swafford – yes; Scott Oldham – yes; William Ellis – yes; Trevor Sager – yes; Pamela Samples – yes. Motion carried.

#### **Resolution 30-2020 Encumbrances for 2020**

**Sandra Hash**, Clerk Treasurer explained this is a customary procedure at year end for equipment and supplies purchased but not paid for to carry over appropriations to pay for purchases in 2020 into 2021. General Fund total is \$36,799.63, Motor Vehicle Highway is \$21,809.72, Parks \$10,436.05, Local Road and Streets \$51,169.87, Law Enforcement \$2,595.14, Cumulative Capital Development \$3,958.24 and Motor Vehicle Highway-Restricted \$18,681.59 making total encumbrances for 2020 \$145,450.24. Scott Oldham made a motion to approve Resolution 30-2020. Pamela Samples seconded. Roll call vote: Dan Swafford – yes; Scott Oldham – yes; William Ellis – yes; Trevor Sager – yes; Pamela Samples – yes. Motion carried.

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

##### **Ordinance 2020-29 Town of Ellettsville's Response Plan for COVID 19**

**Darla Brown**, Town Attorney explained this is a proposed personnel policy and response plan for COVID 19 setting forth the general policy goals, how the Town plans to identify the sick or potentially sick to isolate, pandemic leave policy that is twice that is required by federal law and to nominate Mike Cornman as the Town health officer. His responsibilities will include notifying council and supervisors of changes in CDC maps and guidelines. Darla Brown and Michael Farmer, Town Manager listened to comments from Town Council expressing disagreement in reporting travel to hot spots, requiring a Covid test before returning to work, identifying a close contact, employees using their own Paid Time Off or sick time and quarantine time off. It was agreed that the subject at hand is difficult to make solid but Michael Farmer, Town Manager feels a policy is necessary to avoid abuse, protect fellow employees and not result in financial loss for any employee. Dan Swafford suggested a revision based on the opinions and comments from Council and brought back to council at the next meeting for the Second Reading. Public comment from Valerie Dewar mentioned that based on information she had on some other businesses, report of travel from employees, was not to stop them but to inform them that they could be subject to quarantine after so that employees could make the decision whether to travel or not. Council also agreed that this situation is unique and any other emergency situation or national disaster be dealt with in their own plan and not put forth as a permanent section in the personnel policy.

#### **Flood Report**

**Michael Farmer, Town Manager** reported he has received some calculations to look at for the project to let him know they are working on the project. Work has begun to take down the old fence around the Vine Street property to prepare for demolition. The Town will be responsible for the demolition project and not hired out.

#### **New Business**

##### **Fire Department: Personnel Change – Sergeant Matt Siebott from full-time Firefighter/Sergeant to part-time Firefighter**

**Mike Cornman**, Fire Chief announced Sergeant Matt Siebott has accepted a full-time Sergeant position with the Monroe Fire District starting January 3, 2021. He is requesting to stay on part time requiring council approval for an employee status change from full time to part time. Trevor Sager made a motion to approve the Fire Department request for Personnel Change Matt Siebott from full-time Firefighter/Sergeant to part-time Firefighter. William Ellis seconded. Roll call vote: Dan Swafford – yes; Scott Oldham – yes; William Ellis – yes; Trevor Sager – yes; Pamela Samples – yes. Motion carried.

##### **Agreement between the Town of Ellettsville and Richland Bean Blossom Community School Corporation Regarding the School Resource Officers**

**Jimmie Durnil**, Town Marshal explained the contract prepared by Darla Brown, Town Attorney was approved by the School Board and is a 2-year contract. The kids are scheduled to return to school Monday, January 4, 2021 and the officers are looking forward to going back to work. Pamela Samples made a motion to approve the Agreement between the Town of Ellettsville and Richland Bean Blossom Community School Corporation Regarding the



School Resource Officers. Scott Oldham seconded. Roll call vote: Dan Swafford – yes; Scott Oldham – yes; William Ellis – yes; Trevor Sager – yes; Pamela Samples – yes. Motion carried.

### Fencing Regulations

**William Ellis** discussed an issue reported to him last month regarding construction of a fence on a property at a cross street. He was unaware that a property owner had to get approval to build a fence on his own property. The property owner purchased the materials before the pandemic and before the street went in making it a cross street. William Ellis expressed his opinion that the Ordinance needed revisited and in certain situations, the property owner be grandfathered in if a road was constructed after construction began. The property owner had an administrative hearing that resulted that the law was enforced properly but was informed he needed to file for a variance hearing. William Ellis does not feel like the owner should have to pay twice for the hearing and would like the fee to be waived. Darla Brown, Town Attorney was unable to answer if the fee could be waived and would have to check on that. The Ordinance states you are only allowed a 4-foot fence at a cross street. The existing fence does not impede traffic and is clearly not a hazard and he felt this situation should be grandfathered in and the Code revisited. He expressed disappointment that the Town is micromanaging property owners and that they move to Ellettsville to avoid situations such as these. Darla Brown, Town Attorney stated that the Town Council can initiate a proposal to change the Planning and Zoning Ordinances and then the Plan Commission will take it in to consideration and refer it back to the legislative body for adoption or rejection. **Sandra Hash**, Clerk Treasurer and Plan Commission member, stated that when the Plan Commission established those rules and brought them to the council, the main concern on fence height was to maintain the sight triangle for intersecting streets and it was written for that purpose and explained every rule has an exception and this fence had some exceptions. It was on the Plat that there would be a road there but the sideroad was not installed when construction began, and it does not obstruct the sight triangle. She had listened to the BZA (Board of Zoning Appeals) meeting and it was confusing on the type of administrative appeal that they requested. Normally people ask for a variance of the rules. If they cannot meet the rules, they ask for a special exception to their fence because it has a special situation. In this case, the way it went to the BZA it was questioned if the Planner interpreted the code properly which did not help the homeowner. She feels instead of changing all the rules just ask for a variance for this fence and waive the fee because of all the confusion. Russ Ryle, member of the BZA expressed his opinion that there was a lot of confusion in the petitioner's mind which way he should proceed, and he chose to challenge the rules were improperly interpreted and they were not. The BZA was instructed they could only rule on that issue and could not rule like they normally would on an appeal or request for variance because it was not published as a variance hearing. If the petitioner reapplies for a variance then they can have a public hearing and they can hear the facts and the matter handled judicially. He agrees we should not change all the Planning documents just to handle one case, there will be many others as the Town grows and they should be handled individually. That is the purpose of the BZA to deal with all these issues as they come along. It was clear from the beginning that the property owner was going to file a variance but was instructed that he would have more flexibility from an administrative hearing. After a long discussion regarding codes and how fences vary, it should be dealt with on a case-by-case basis and that some people are not aware of the regulations and or if it must be approved before construction. **Michael Farmer**, Town Manager feels work sessions should be considered for matters like these. **Scott Oldham** expressed his opinion that a work session would be best to revisit the Codes and work out details to not change the entire code but to amend them to where they make sense and not make more issues for the BZA and the Plan Commission. **Sandra Hash**, Clerk Treasurer confirmed there were scheduled work sessions for 2021. Council agreed all fines should be held off and it will be recommended to the Planning Department, until this matter can be resolved within a reasonable time.

### Supervisors Comments

**Michael Cornman**, Fire Chief gave a shout out to the Department of Public Works for their assistance in a fire that occurred on December 23<sup>rd</sup>. He is happy that he can depend on them whenever he needs it.

**Jimmie Durnil**, Town Marshal thanked Mark White, Chris Clouse and Michael Cornman from the Fire Department for preparing packets for their instruction on the proper personal protective gear needed to handle a COVID scene.

#### **Council Comments**

**Dan Swafford** thanked everyone for the past year and is looking forward to 2021 and wished everyone a safe and Happy New Year.

**Pamela Samples and William Ellis** wished everyone a Happy New Year.

#### **Adjournment**

Dan Swafford entertained a motion to adjourn. William Ellis so moved. Pamela Samples seconded. Roll call vote: Dan Swafford – yes; Scott Oldham – yes; William Ellis – yes; Trevor Sager – yes; Pamela Samples - yes. Motion carried. Dan Swafford adjourned the meeting at 8:13 p.m.

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Dan Swafford, President

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William Ellis

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Pamela Samples

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Scott Oldham, Vice President

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Trevor Sager

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