

January 4, 2018

The Ellettsville, Indiana, Town Council met for a special meeting on Thursday, January 4, 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. Kevin Farris 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 and Brice Teter. Scott Thomas was absent. Sandra Hash, Clerk-Treasurer; Darla Brown, Town Attorney; and Rick Coppock, Bynum Fanyo and Associates, Town Engineer, were also present.

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

Approval of Minutes

Scott Oldham entertained a motion for approval of the minutes for the regular meeting on December 27, 2017. Brice Teter so moved. Kevin Farris seconded. Motion carried.

Accounts Payable Vouchers

Scott Oldham entertained a motion for action to pay Accounts Payable Vouchers. There was a discussion on when the claims were provided to supervisors and Town Council and whether or not to meet on January 8, 2017. Mr. Oldham made the determination to revisit these issues at the end of the meeting.

Election of Officers

Scott Oldham opened nominations for President. Kevin Farris made a motion to keep Scott Oldham as President. Brice Teter seconded. Roll call vote: Scott Oldham – yes; Brian Mobley – no; Kevin Farris – yes; and Brice Teter – yes. Motion carried, 3-1.

Scott Oldham opened nominations for Vice President. Mr. Mobley made a motion to be considered for Vice President. Scott Oldham seconded. Roll call vote: Scott Oldham – yes; Brian Mobley – yes; Kevin Farris – yes; and Brice Teter – yes. Motion carried.

Appointments

Board of Zoning Appeals: Fred Baugh's Term Ended in 2017

Scott Oldham entertained a motion to reappoint Fred Baugh to the Board of Zoning Appeals. Kevin Farris so moved. Brice Teter seconded. Roll call vote: Scott Oldham – yes; Brian Mobley – yes; Kevin Farris – yes; and Brice Teter – yes. Motion carried.

Parks and Recreation Board: Carol Hoobyar's Term Ended in 2017

Scott Oldham reappointed Carol Hoobyar to the Parks and Recreation Board.

Annual Appointments by the Town Council

Monroe County Ambulance Advisory Board – Mike Cornman

Scott Oldham entertained a motion. Kevin Farris so moved. Brice Teter seconded. Roll call vote: Scott Oldham – yes; Brian Mobley – yes; Kevin Farris – yes; and Brice Teter – yes. Motion carried.

Monroe County Emergency Management Advisory Board – Jim Davis

Scott Oldham made a motion that Jim Davis be appointed. Brice Teter seconded. Roll call vote: Scott Oldham – yes; Brian Mobley – yes; Kevin Farris – yes; and Brice Teter – yes. Motion carried.

Monroe County Solid Waste Management Board – Brice Teter

Scott Oldham made a motion to reappoint Brice Teter. Kevin Farris seconded. Roll call vote: Scott Oldham – yes; Brian Mobley – yes; Kevin Farris – yes; and Brice Teter – yes. Motion carried.

Ellettsville Chamber of Commerce

Brian Mobley made a motion to appoint Scott Thomas as the Town's representative. Scott Oldham. Brice Teter seconded. Roll call vote: Scott Oldham – yes; Brian Mobley – yes; Kevin Farris – yes; and Brice Teter – yes. Motion carried.

Metropolitan Planning Organization – Kevin Tolloty

Kevin Farris made a motion to appoint Kevin Tolloty. Scott Oldham seconded. Brice Teter seconded. Roll call vote: Scott Oldham – yes; Brian Mobley – yes; Kevin Farris – yes; and Brice Teter – yes. Motion carried.

Animal Control Commission

Sandra Hash, Clerk-Treasurer, advised the Town's representative on the Commission resigned. The Town does not have any one to serve on the Animal Control Commission. Mr. Mobley asked when they meet. Ms. Hash believes it is once a month. Mr. Mobley asked if it had to be filled by a Town Council member. Ms. Hash answered no, the last person to set on it was Pat Mitchell. Mr. Oldham asked Ms. Hash to find out when the meetings are held.

Scott Oldham made a motion to table this portion of the appointments until they can make a better judgment or until they have a volunteer whichever comes first. Brice Teter seconded. Roll call vote: Scott Oldham – yes; Brian Mobley – yes; Kevin Farris – yes; and Brice Teter – yes. Motion carried.

Selection of Town Manager

Scott Oldham thinks with the retirement of Jim Davis it would be best to appoint an interim Town Manager. He spoke with Mike Farmer and he is willing to serve as Town Manager in the interim. At this point he asking Town Council to consider Mike Farmer as the interim Town Manager because he brings a wealth of experience and is more than capable of filling Mr. Davis' shoes. Mr. Farris asked why they are looking at an interim Town Manager. Mr. Oldham thinks Mr. Farmer wants to find out what the job is like. Mr. Oldham asked Mr. Farmer if this will be part of his overall contract. Mr. Farmer answered there will be no salary.

Kevin Farris made a motion to appoint Mike Farmer as interim Town Manager.

Brian Mobley has concerns. Mr. Farmer is not a Town employee and will still work for Bynum Fanyo and Associates ("Bynum Fanyo"). It would be a conflict of interest anytime they have to deal with Bynum Fanyo because it is his employer. Is this correct? Mr. Oldham replied no, because the Town Manager does not have the ability to enter into any contracts as it's the sole purview of the Town Council. Ms. Hash disagrees. The prior Town Manager had authority to sign certain agreements as outlined in his contract and that was changed in Town code. Mr. Oldham stated the Town Manager could sign off on certain purchases depending on the amount. There is already a contract in place with Bynum Fanyo over the next seven to eight years so it's not subject to renegotiation. Clearly, certain things exist with Mr. Farmer as with the previous Town Manager. The Town Council serves as the Board of Public Safety who controls the Police and Fire Departments. The Town Manager oversees the day-to-day activities while Town Council is not present. Mr. Mobley commented Town Council still deals with Rick Coppock who is a Bynum Fanyo employee. Does Bynum Fanyo want to get into being town managers? Mr. Oldham replied they're not contracting with Bynum Fanyo, they're asking Mike Farmer to take this on as a sole individual and not Bynum Fanyo. Mr. Mobley disagrees and reiterated he is an employee of Bynum Fanyo. Mr. Oldham said it can be because they're a contract employee of the Town. Mr. Farmer noted he does not intend to be a Town Manager anywhere else. If it wasn't his hometown he wouldn't even consider it. Mr. Mobley stated the prior Town Manager was an employee and Mr. Farmer is not. Town Code states new positions have to be posted. Mr. Oldham stated the prior Town Manager was on contract as an employee as Mr. Farmer is on contract. Mr. Mobley asked Mr. Farmer if he has an interest in Bynum Fanyo. Mr. Farmer answered yes, he is a junior partner. Mr. Mobley stated this should not be allowed. The Town has operated a month without a Town Manager. Brian Miller was

made a supervisor and he received a pay raise. Mike Farmer manages the water and Jeff Farmer manages the sewer. The Town should post the job. If there are any problems or questions, the Clerk-Treasurer is taking care of it. What about nepotism? Jeff Farmer, his brother, works at the sewer plant. Mr. Oldham asked Ms. Brown if she foresaw any problems. Ms. Brown thinks nepotism applies to employees and Jeff Farmer would not be considered an employee of the Town, he is an independent contractor with Bynum Fanyo. Mr. Mobley countered Mike Farmer is an independent contractor with Bynum Fanyo and not an employee. Both Mike Farmer and Jeff Farmer are not employees with the Town. Mr. Oldham reiterated the prior Town Manager was on contract with the Town as well. Mr. Mobley stated his benefits and salary were paid by the Town. Ms. Hash added the prior Town Manager had a contractual agreement but was paid through the Town so he was not an independent contractor such as Bynum Fanyo. Mr. Oldham asked Ms. Brown if she perceived any issues with Mike Farmer being appointed as an interim Town Manager. Ms. Brown doesn't see any legal issues.

Brice Teter seconded the aforementioned motion. Roll call vote: Scott Oldham – yes; Brian Mobley - abstained; Kevin Farris – yes; and Brice Teter – yes. Motion carried with one abstention.

Resolutions

Resolution 01-2018 Cancellation of Warrants

Sandra Hash, Clerk-Treasurer, explained this is the cancellation of warrants that have been outstanding for numerous years. Mr. Oldham asked why there were more than years prior. Ms. Hash answered these are checks outstanding on bank statements. If they can't locate a person and the check isn't cashed then it can be written off after three years. Mr. Farris asked what the checks were issued for. Ms. Hash replied for water deposits.

Scott Oldham entertained a motion. Kevin Farris so moved. Brice Teter seconded. Roll call vote: Scott Oldham – yes; Brian Mobley - yes; Kevin Farris – yes; and Brice Teter – yes. Motion carried.

Ordinances on First Reading

Ordinances on Second Reading

Old Business

Flood Report

Brian Mobley explained culvert repairs under McNeely Street will cost approximately \$300,000. Mr. Oldham asked why it cost so much. Mr. Farmer answered six structures cost approximately \$40,000/each, a great deal of excavation work is needed, materials and back fill and restoration to the road will expensive. These are preliminary numbers so it could cost more. There would be equipment rental for a crane and operator which would be needed for several days or a couple of weeks. He had asked Mr. Coppock if they could use smaller corrugated structures but there are weight limits and considerations that do not allow it. They need the box concrete structures. Mr. Oldham asked if this is something they could ask the Metropolitan Planning Organization for funds. Mr. Coppock thinks it would more practical to look for grant funding for stormwater funds from other sources. The numbers are based off of the calculations in the report from the Indiana Department of Natural Resources ("DNR"). However, a more detailed study needs done and then submitted to the DNR for approval.

New Business

Discussion on Economic Development

Scott Oldham explained there have been discussions in the past about trying to find someone to work with economic development. There are a lot of opportunities presenting themselves from the completion of this phase of Interstate 69 ("I-69"). A lot of property in Town has become vacant. They need to attract businesses. He would like for the Town

Council to discuss and think about hiring someone on a part-time basis for economic development. Right now, they're not doing a lot for economic development.

Sandra Hash, Clerk-Treasurer, asked if this is a function of the Planning Department. Mr. Oldham answered there are two people in the Planning Department who are maxed-out with what they're doing. He sees this as someone who actually seeks out businesses and markets Ellettsville. Ellettsville is near a multi-million dollar stadium complex and the Town doesn't capture any of that business. There are approximately 60,000 to 100,000 people who travel on State Road 46 every day. He wants to do more to develop the Town to make certain they have a solid tax base for residents and employees. They aren't pulling in what they can on property taxes because of vacant structures. Every year they ask themselves if they can give the employees raises and they aren't paying top dollar as it is. Ms. Hash asked if he wants to fill the position this year or in 2019. Mr. Oldham would like to do it this year, however, he doesn't know where the money would come from.

Kevin Farris thinks the first place to start would be demographics to find out what the population is in a one, three and five-mile radius. Cinergy used to do it at no cost. He is uncertain if Duke Energy does it. Businesses will want to know demographics. Ms. Hash thinks the Census Bureau tracks that information. When Town Hall was being built, the Census Bureau sent her affidavits requesting the progression and the cost of the building. A lot of census information is updated continually.

Scott Oldham stated it all goes back to who does it. Everyone is making suggestions then state they're too busy. The Planning Director is at another meeting so they don't know what he may have in his files. This portion could be put on hold until they find out what the Planning Director does/does not have. Mr. Farris will contact Duke Energy. Mr. Oldham asked if the Town Council is willing to consider this job duty with suggested conditions attached. Mr. Farris is opposed to the position because he knows what it entails to operate and set up a business. There are tons of developers who have done this for five decades and they could never lure businesses. Mr. Mobley thinks the surroundings have changed. A medical facility will be built in the next two to three years. Hotels and apartments downtown have changed. Mr. Farris was on the Redevelopment Commission for years when they conducted a study for a hospital to be built on Crider land twelve years ago and it still has not been developed. Nobody is going to put up the kind of business and tax base they want to lure until the interstate is completed. Contact the businesses they want to lure and send them the demographics to find out if there is an interest. Mr. Mobley commented there is no one representing Ellettsville to talk to businesses. Mr. Farris stated there are so many developers who try to recruit businesses and they can't make it happen. He and Bill Land met with Jim Murphy, Cook and Steve Ferguson about doing some development in Ellettsville and they said they weren't interested for various reasons such as parking. There is so much involved in this. They're talking about paying someone with experience and the very first thing they will ask to see are the demographics. Someone with no experience who would have to compete with other people in the county would be a waste of money. Ms. Hash suggested contacting Bloomington Economic Development Corporation ("BEDC") for assistance.

Fire Chief Mike Cornman hopes the Council considers this an idea for the first quarter and then get something solid for the year. Based on his experience 20 years ago with the lack of improvements the infrastructure is being taken care of today. Now, there are new challenges with I-69. The Fire Department receives telephone calls periodically about fire protection in areas that may be of economic development interest. He suggested starting a conversation as a Town now. If they work with the Ellettsville Chamber of Commerce (ECC), BEDC and the Greater Bloomington Chamber of Commerce, they can work everything out in a positive manner. The Town has the power because of the Waste Water Treatment Facility and a solid contract with the City of Bloomington for water. It behooves the Council to move ahead for the community and employees. The problems they have to deal with in public safety will increase if they do not maintain, improve or build upon the infrastructure of the Town. If they don't, then the community will become blighted. It is important to start the conversation and move forward whether it be added to someone's responsibility or someone is brought in.

Brice Teter stated Rome wasn't built in a day and neither was Ellettsville. Hopefully, it doesn't take 25 years to finish I-69. They should get a position in place for someone who has reached out and built relationships so when it is time they are on board and ready to go.

Scott Oldham suggested a Work Session and inviting BEDC and others. Would the Council be willing to entertain this? Mr. Farris suggested inviting members of the County Council, people in government whom deal with businesses every day and developers such as Mike Ferguson. Mr. Oldham suggested everyone provide dates they're available for a Work Session to Ms. Hash. Council members are free to invite whomever they want to the meeting. Ms. Hash mentioned the ECC discusses economic development at their meetings and they would like to see more development in Ellettsville. Mr. Mobley thinks a work session is a good idea but a lot of people take care of themselves but not Ellettsville. Mr. Farris noted developers in the county know Ellettsville is easier to work with than Bloomington. Developers would come to Ellettsville if it attracted something like a big box store. There was a discussion on stores that have closed and those currently struggling. Mr. Oldham again asked if the Council would entertain a work session. If they're destined to become a bedroom community then they need to consider what they're doing because employees are not getting paid what they need and eventually they won't be able to provide the services for everybody. Ms. Hash commented if there is more to take care of then it requires more personnel. Mr. Oldham opined as a Council they have not delved deeply enough into the possibility of economic development. They're at the point wherein there are opportunities with the build-out of I-69. Indiana University is investing a tremendous amount of money in their campus and hospital. He is wanting a discussion on bringing more money into the Town which may include annexations. There are a lot of people not in the Town but may be surrounded by it and enjoy all the services. Mr. Farris suggested setting three tentative work session dates until they contact people to find out what works best for them. Mr. Oldham suggested Council members provide three dates they can attend work sessions in February to Ms. Hash. Ms. Brown advised there is a provision in Indiana Code that allows the Town to formulate an economic development commission. Mr. Farris is more amenable to that than paying someone with no experience. He would be willing to serve on an economic development commission. Mr. Oldham asked Ms. Brown to email the particulars on establishing an economic development commission. Chief Cornman recommended for the first work session that it possibly be the Town, ECC, BEDC and main players of the community before contacting others. Mr. Oldham asked if there is one night consistently every week that is better than others. Ms. Hash answered the Park Board meets on the first Monday, Town Council meets on the second and fourth Mondays and Plan Commission meets the first Thursday of the month. Mr. Farris suggested inviting Bill Land, former Planner, to the meeting.

Discussion on Combining the Street and Utilities Departments

Scott Oldham advised the Council would like to have a discussion about moving forward with combining the Street and Utilities Departments. He would like to hear a plan on how this could be done equitably from both departments. Mr. Mobley would like to have more discussion between the departments and Town Council. He would like to find out if there would be a cost savings. How would this be divided pay-wise? How will it work if a Street Department employee works for the Utilities Department and vice versa? If the departments are combined it will result in billing and payroll issues which is an issue for the Clerk-Treasurer who has been denied part-time help two times. Mr. Oldham asked if billing is done internally as far as who is paid out of what line. Ms. Hash answered it would be tracked on time sheets. Utilities employees are a water/sewer split and the Street Department is paid out of MVH. Payroll would require additional data input. Mr. Mobley conveyed the Street Department drivers are concerned about overtime during the winter. Mr. Oldham commented there needs to be an equitable share.

Mike Farmer, Ellettsville Utilities, advised they met with the Street Department today. In the Town's future, it would be beneficial for this to happen. It would eventually help all employees. Through efficiencies in planning it could be very economical. They can compliment each other at peak times without having a redundant work force of the same size in both departments. As far as billing concerns it is easily taken care of with project

numbers. They think they can put together a good plan that will at least garner a good discussion.

Danny Stalcup, Street Commissioner, met with the Utilities Department today. He knows they're for it but he is not certain about everything. Before they combine departments, they need a standard operating procedure both agree on.

Scott Oldham asked for the departments to provide something in writing in 30 days. Mr. Mobley would like to have the plan address replacing employees who may leave the Town. Mr. Oldham noted job descriptions have an "all duties as assigned" clause. Mr. Mobley wants to meet with all employees so everyone knows what page they're on. Mr. Farmer agrees. However, it is not their intent to do away with anybody's current job. Through attrition a leaner work force might be called the "Department of Public Works" would be more economical and still provide all services the Town needs. Mr. Stalcup has a snow route and after 12 hours the overtime is depleted, it is the next day and they're in a serious situation where people are out on the road, tired and weary, when snow storms decide to go for two days in a row. This is when this consideration will make the Street Department stronger. There will always be a Street Department but they will be much stronger because there will be personnel who can work a second shift to take care of any event without safety concerns to the community and making certain the streets are safe to drive. The same applies to the Utilities Department. Mr. Teter commented if both departments are confident in what they bring to the Council and it saves the Town money they will take a hard look at it. It was agreed they will provide something everyone can agree on by the second Council meeting in February.

Town Council Comments

Brice Teter will be out of the state for extended training in Virginia until mid to late March. He will be back for the March 26, 2017, Town Council meeting.

Brian Mobley thinks it is strange to have an emergency meeting and knows it is because two Council members will not be present. It appears there were politics in place. There have been prior meetings with only three members in attendance. There were set agendas that should not have been done. He is not going to follow suit and be a "yes" man and that's the reason people don't call or talk to him. Is there going to be a meeting on Monday? After a discussion, all agreed to cancel the Town Council meeting on Monday, January 8, 2018, as there was no business to discuss.

Kevin Farris advised the Planning Director told him there is someone interested in the Plan Commission. He has to decline that position.

Supervisors Comments

Sandra Hash, Clerk-Treasurer, received quotes on the property and liability insurance renewal. Quotes were provided from the following: HCC, current carrier, Brit, Travelers and Trident. Brit was the low bidder at \$100,047. There is \$5 Million in coverage for earthquakes and \$15 Million for buildings.

Mike Farmer, Ellettsville Utilities, reminded everyone it is still cold outside. They've had some freeze-ups and customers have called with problems. It appears there will be a warm up next week. A lot of people have partial freeze-ups and they need to remember when everything thaws out a lot of times the pipe has burst and that's when the water will start running. Customers can call Ellettsville Utilities at (812) 876-2297 and there is an emergency service for shutoffs.

Scott Oldham announced schools will be on a two hour delay tomorrow morning. The weather will be atrocious. Please do not send children to the bus stop.

After a discussion, it was determined Zach Michael would be permitted to replace Kevin Farris on the Plan Commission.

Scott Oldham entertained a motion concerning Mr. Michael. Kevin Farris made the motion. Brian Mobley seconded. Roll call vote: Scott Oldham – yes; Brian Mobley - yes; Kevin Farris – yes; and Brice Teter – yes. Motion carried.

Scott Oldham readdressed approval of the Accounts Payable vouchers. Brian Mobley made a motion to approve accounts payable. Brice Teter seconded. Motion carried.

Sandra Hash requested a decision on the insurance renewal discussed previously. Both HCC and Brit are very close, work together, have the same underwriters but have different claim groups. Mr. Oldham asked if she would be comfortable with Brit. Ms. Hash doesn't know anything about them. She recommended Brit because their quote is \$4,000 less. Mr. Mobley asked about the flood coverage in Brit's quote. Ms. Hash answered it is for structures not in a floodplain. Mr. Farris asked about Trident. Ms. Hash explained the Town's agent did not discuss it. Mr. Oldham asked if the Town paid \$114,000 in 2017. Ms. Hash stated that was correct. The coverage for Law Enforcement is \$3 Million instead of \$1 Million, Employment Practices is \$3 Million instead of \$1 Million and Wrongful Acts with Zoning is \$3 Million instead of \$1 Million. There is an issue with police reserves as they require a death benefit and that is in place with Brit.

Brian Mobley made a motion to accept Brit.


Kevin Farris asked if the increases mentioned above were per occurrence or total. Ms. Hash thinks it is per occurrence, but she should verify that with the agent. Mr. Oldham noted the increases were substantial and decreases were not.

Kevin Farris seconded the aforementioned motion. Roll call vote on the aforementioned motion: Scott Oldham – yes; Brian Mobley - yes; Brice Teter – yes; and Kevin Farris – yes. Motion carried.

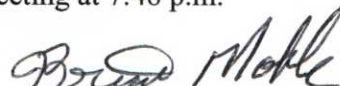
Privilege of the Floor

Adjournment


Scott Oldham entertained a motion to adjourn. Kevin Farris made such a motion. Brice Teter seconded. Scott Oldham adjourned the meeting at 7:48 p.m.



Scott Oldham, President



Brian Mobley, Vice President



Kevin Farris

Brice Teter



Scott Thomas



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