

March 25, 2019

The Ellettsville, Indiana, Town Council met for a regular meeting on Monday, March 25, 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. Scott Thomas led the Pledge of Allegiance followed with a prayer by Jimmie Durnil.

Roll Call: Members present were Brian Mobley, President; Pam Samples, Scott Oldham and Scott Thomas. Dan Swafford 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, Jeff Farmer and Kevin Tolloty.

Approval of Minutes

Brian Mobley entertained a motion for approval of the minutes of the regular meeting on March 11, 2019. Pam Samples made a motion to approve the minutes of the regular meeting on March 11, 2019. Scott Thomas seconded. Roll call vote: Brian Mobley – yes; Scott Oldham – yes; Pam Samples – yes; Scott Thomas – yes. Motion carried.

Accounts Payable Vouchers and Payroll

Brian Mobley entertained a motion to pay Accounts Payable Vouchers and Payroll. Scott Oldham so moved. Scott Thomas seconded. Roll call vote: Brian Mobley – yes; Scott Oldham – yes; Pam Samples – yes; Scott Thomas – yes. Motion carried.

Ordinance on First Reading

Ordinance 2019-12 amending Ordinance 2018-38 Fixing of Salaries for Budget Year 2019 adding the position title of Administrative Chief Deputy Marshal

Motion to strike, there are no changes in salary, only a change in the position title. Scott Oldham made a motion to strike Ordinance 2019-12 amending Ordinance 2018-38 Fixing of Salaries for Budget Year 2019 adding the position title of Administrative Chief Deputy Marshal. Pam Samples seconded. Roll call vote: Brian Mobley – yes; Scott Oldham – yes; Pam Samples – yes; Scott Thomas – yes. Motion carried.

Ordinance on Second Reading

Ordinance 2019-07 to amend Section 152.001 of the Ellettsville Town Code Regarding Definitions

Kevin Tolloty, Planner, explained it clarifies a definition of front yards as primary or secondary on lots with multiple street frontages, clarifies definition of the sight distance triangle and adds definitions of interior and double frontage lots (in conjunction with updates to the fencing section). A copy of the amended Ordinance was presented along with a graphics display for better definition. Those diagrams will be displayed with Section 152.054 online for public review. Scott Thomas made a motion to approve Ordinance 2019-07 to amend Section 152.001 of the Ellettsville Town Code Regarding Definitions. Pam Samples seconded. Roll call vote: Brian Mobley – yes; Scott Oldham – yes; Pam Samples – yes; Scott Thomas – yes. Motion carried.

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

Kevin Tolloty, Planner, explained the change in terminology regarding sight distance triangle to match definition. It further reiterates finished side of fence facing outward (currently stated in definition, but not in fencing section). It also permits fences to cross easements at 90-degree angles and that easements remain accessible either by gate or removable panel. This will prevent the removal of an entire fence if the easement needs accessed. In addition, it's required that fences are connected along the property line or maintain a minimum 4-foot separation to allow for maintenance between fences. If no fence is present, a new fence is either placed on the property line or setback a minimum of 2 feet. Scott Oldham, questioned the compliance of property owners to connect existing fences and it causing legal issues. Sandra Hash, Clerk Treasurer explained this will at least,

be in the code if there is a dispute. Scott Oldham disagrees it is not the best solution stating it becomes the issue of who gets to the property first. Kevin asked for direction on the matter. After much discussion, Sandra Hash, Clerk Treasurer clarified the situation by stating you must share a fence at the property line or, if you don't share it, it's required to be set back 2 feet on each side. This is only for new fences. Her hope is that new property owners seek the guidance of the Town before to installing a new fence. This should assist with maintenance. Darla Brown, Town Attorney, suggested to table and she and Kevin Tolloty will look at other surrounding communities to see what they do and report the findings at the next meeting. Scott Thomas made a motion to table Ordinance 2019-08 to amend Section 152.053 of the Ellettsville Town Code Regarding Residential Fencing, Hedges, Berms and Walls. Scott Oldham seconded. Roll call vote: Brian Mobley – yes; Scott Oldham – yes; Pam Samples – yes; Scott Thomas – yes. Motion carried.

Ordinance 2019-09 to amend Section 152.054 of the Ellettsville Town Code Regarding Fencing Height in Residential Districts

Kevin Tolloty, Planner, explained this amends the height requirements for front yard fences from 3 feet to 4 feet. He presented diagrams to better describe which yards are front yards and how the height of a fence is measured. Scott Thomas made a motion to approve Ordinance 2019-09 to amend Section 152.054 of the Ellettsville Town Code Regarding Fencing Height in Residential Districts. Scott Oldham seconded. Roll call vote: Brian Mobley – yes; Scott Oldham – yes; Pam Samples – yes; Scott Thomas – yes. Motion carried.

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

Kevin Tolloty asked to table this amendment because it is tied to Ordinance 2019-08 to amend Section 152.053 tabled earlier. Scott Thomas made a motion to table Ordinance 2019-10 to amend Section 152.181 of the Ellettsville Town Code Regarding Easements. Pam Samples seconded. Roll call vote: Brian Mobley – yes; Scott Oldham – yes; Pam Samples – yes; Scott Thomas – yes. Motion carried.

Ordinance 2019-11 to amend Section 152.190 of the Ellettsville Town Code Regarding Minimum Yard Setback Requirements

Kevin Tolloty clarified it defines which yard is designated as the primary front yard and the secondary front yard for corner and double frontage lots. It allows accessory structures in secondary front yards as long as they meet all other setback requirements. Scott Oldham made a motion to pass Ordinance 2019-11 to amend Section 152.190 of the Ellettsville Town Code Regarding Minimum Yard Setback Requirements. Pam Samples seconded. Roll call vote: Brian Mobley – yes; Scott Oldham – yes; Pam Samples – yes; Scott Thomas – yes. Motion carried.

Old Business

Flood Report

Brian Mobley discussed deterioration of the Blue Utility Building as a result of flooding after review of pictures from previous years. He consulted with Mike Farmer to run numbers on renovating or deciding to relocate and bring the council up to the future.

Eminent Domain – 104 West Vine Street – Chad Stephens, Pipjay Properties

Darla Brown, Town Attorney discussed she received the title searches back on 104 West Vine and the property referred to as 6500 block of McNeely Street and it showed only one lien and it is a mortgage. She asked for direction to proceed on Eminent Domain to prepare the offer letter to Mr. Stephens to purchase both parcels of properties for the flood remediation plan. Brian Mobley asked Mike Farmer, Interim Town Manager, to explain the Eminent Domain process. Mike Farmer explained they received 2 appraisals and the first offer was the average of the two. Both appraisals came back at \$130,000.00 resulting in the initial offer of \$130,000.00. The offer was rejected. The Town wishes to continue with the purchase of the property and Eminent Domain offers a different path on negotiating the price. The purchase is a vital necessity to proceed with the flood remediation plan. Pam

Samples asked what the limit is for negotiation. Mr. Farmer proceeded to lift the limit to keep the Town in a good position to negotiate. He assures the council he would not put the Town in an embarrassing predicament or a situation that would cause trouble for him or the Town. Sandra Hash, Clerk Treasurer, further discussed Judy Sharp contacted Becky Wines, Utilities Office Manager, explaining an Indiana Tax Court Judge has declared that Stormwater fees are a tax and not a fee. If that passes, we are subject to lose approximately \$35,500.00 in Stormwater fees due to non-profits not having to pay tax. That excludes churches and the schools who currently pay the fees and the question becomes whether we can afford the debt in a 10 year range with that possibility hanging over our heads. She stated, at this time, she is not comfortable with guaranteeing for 10 years out with the current expenditures, we would be able to maintain that debt without additional funding or make changes to what is being taken from Stormwater. Brian Mobley asked when this could take effect. Darla Brown, Town Attorney, did not know the time frame of when this could possibly take effect. Scott Oldham presented the question to Jeff Farmer if there was funds available in Utilities to borrow and extend the term out to make this affordable. Jeff Farmer agreed there is money available currently. Sandra Hash, Clerk Treasurer, explained the loan process on the first property, unless they do a bond, it is a 5 year note with a balloon on the end that would be refinanced making it a 10 year note. The second property would be the same. She wanted the council to be aware of the situation and that the Town would be able to cover it. Brian Mobley asked to approve to proceed with Eminent Domain to start negotiations and then later review the budgets on which way to proceed.

Brian Mobley entertained the motion to proceed with Eminent Domain on both properties at 104 West Vine Street. Scott Thomas so moved. Scott Oldham seconded. Roll call vote: Brian Mobley – yes; Scott Oldham – yes; Pam Samples – yes; Scott Thomas – yes. Motion carried. Darla Brown asked if she was to proceed with the 6500 block of McNeely Street. Scott Oldham asked for clarification if it's included in the Eminent Domain process. Ms. Brown explained they were hoping to bundle so it would be helpful to approve to proceed to negotiate both properties. Scott Oldham moved to give permission to negotiate for those properties they deem applicable to this transaction. Scott Thomas seconded. Roll call vote: Brian Mobley – yes; Scott Oldham – yes; Pam Samples – yes; Scott Thomas – yes. Motion carried.

New Business

Administrative Deputy Chief – Position Change

Jimmie Durnil, Town Marshal, presented an official job description for the Deputy Chief Marshal position. Scott Thomas motioned to strike paragraph F, second sentence, stating Administrative Deputy Chief's daily shift assignment is slated as day shift coverage with the hours of 6:45 am till 3:00 pm, working a rotation of six (6) days on and three (3) days off due to an in house program to work out shifts within. Scott Thomas explained this was a clarification of duties not assigned previously at the time of the previous position change. Scott Oldham made a motion to approve the job description as amended. Pam Samples seconded. Roll call vote: Brian Mobley –yes; Scott Oldham – yes; Pam Samples – yes; Scott Thomas – yes; Motion carried.

Service Proposal from Plymate

Mike Farmer explained the contract for Plymate that provides linen service, floor mats, hand sanitizer, paper towels etc. to the Town. They have a proposal to offer a 5% discount to service all 4 of our locations in Town in return of a 12 month extension on our current agreement. We are entering the second year of a 4 year agreement signed May 2018. We currently pay \$777.00 a month for their services. With the discount, it would result in approximately \$466.00 a year in savings. They would create a new contract once approved. Mr. Farmer complimented their services and recommends the proposal. Brian Mobley requested waiting until the new council can make the decision. Scott Oldham disagreed and stated there was no reason to wait, this is a savings to the Town and felt new council would approve. Scott Oldham moved to extend the Plymate contract. Scott Thomas seconded. . Roll call vote: Brian Mobley –yes; Scott Oldham – yes; Pam Samples – yes; Scott Thomas – yes; Motion carried.

Council Comments

Brian Mobley and Mike Farmer attended the ribbon cutting ceremony at the library. He encouraged everyone to go check out the new facility, it was very nice and he enjoyed the new teen area.

Mike Cornman announced the Fire Department was able to do fire training in a property provided by Lakeview Apostolic Church at the 3500 block of 46 that they are going to tear down for their new spot to keep up on their skills.

Supervisor Comments

Jimmie Durnil, Town Marshal, announced Jared Myers graduated from the Indiana Law Enforcement Academy Fire Arms Instructor's School. He further discussed that 11 bullet resistant vests will expire in July 2019. Cost is \$750.00 per vest for a total of \$8,250.00. The Town will receive reimbursement for half of that cost through a federal grant application over a period of time. To date, there is \$3100 in the fund and our initial cost is \$5,150.00 making the final replacement cost \$1,025.00. He also discussed they were working on a plan to upgrade the weapons to a 9mm stating the 9mm is easier and cheaper to use. He should have that plan out to the council in the next couple of days for review.

Mike Farmer spoke concerning demolition on the property at 105 E. Vine Street. The road may be closed overnight. He also seconded the thoughts on the new library and encourages everyone to take a tour.

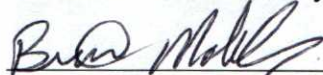
Sandra Hash informed the council that we have a new representative from the Department of Local Government Finance. Whom asked if the Town planned to reestablish the Cumulative Capital Development fund and Cumulative Fire fund? After discussing it with her, she felt since it had dropped in rate from .05% to .0449% raising it back to the maximum would bring in an additional \$11,000.00. She spoke to Mike Cornman because the General Fund is doing pretty well the same thing happens to the Cumulative Fire fund. It's less than the maximum of .0333%. She has placed an ad in the paper to reestablish those funds to meet an April 30th deadline. She will have Resolutions at the next meeting, but had to go ahead and advise the public that we are considering it. The Cumulative Fire Fund will reduce the General Fund but very minimally.


Kevin Tolloty announced a grant they are working on for the ROI (Regional Opportunity Initiatives) Ready Communities Quality Place and Workforce Retainment. With this grant, there is no match required from the Town and it will cover what the Next Levels grant had to break off, the shelters, dog park and the playground. The total grant is between 100 to 250 thousand dollars that put them over 700 thousand they have applied for this year.

Kevin Tolloty also mentioned a lot of code enforcements were sent out recently. There were 17 letters and 10 violations sent. One violation is a camper between Litten Estates and Mayfield duplexes that is discharging sewage on to the ground. The Health Department has visited and have that issue stopped. They are working on getting the rest of the property remediated. They are still working on repeat offenders not offering a courtesy letter, they will receive a violation letter, only, hoping this will stop the year after year repeat process. He also stated he should have his annual report out at the next meeting.

Adjournment


Brian Mobley entertained a motion to adjourn. Scott Oldham so moved. Scott Thomas seconded. Brian Mobley adjourned the meeting at 7:27 p.m.


Brian Mobley, President


Dan Swafford, Vice President


Scott Oldham

Pam Samples


Scott Thomas


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