

# April 12, 2021

Due to COVID-19, The Ellettsville, Indiana, Town Council met for a virtual meeting on Monday, April 12, 2021 by Zoom. Scott Oldham 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 Scott Oldham, President; William Ellis and Trevor Sager. Pamela Samples and Dan Swafford were absent. Sandra Hash, Clerk Treasurer, Michael Farmer, Town Manager, Darla Brown, Town Attorney were also present.

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

## Approval of Minutes

Scott Oldham entertained a motion for approval of the minutes of the regular meeting on March 22, 2021. Trevor Sager so moved. William Ellis seconded. Roll call vote: Scott Oldham – yes; William Ellis – yes; Trevor Sager – yes. Motion carried.

## Accounts Payable Vouchers and Payroll

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

## Open Bids

There were no bids for the 1997 Ford Vactor. Michael Farmer, Town Manager explained they have listed it on eBay now, open ended waiting for any bids and the company that placed a bid previously has withdrawn their bid. He also mentioned listing the trailer on eBay and the government website since it did not meet the reserve. Danny Stalcup, Street Commissioner, would like to keep the reserve. Council agreed. Scott Oldham would like a link published on the website if possible. Sandra Hash, Clerk Treasurer will check on it.

## Resolutions

### **Resolution 09-2021 Additional Appropriation and Reduction of Appropriation – Moving Appropriations from the Police Department to the Street Department**

**Sandra Hash**, Clerk Treasurer stated for the record this is a considered a public hearing for this issue. **Jimmie Durnil**, Town Marshal explained that officer Dustin White had trouble qualifying for recruit school and they recently found out that he had ran out of time to be an active police officer and not attend the school. He is enrolled in the next session that will test late May and attend school early June. Jimmie Durnil feels he will be ready this time and he is worth the risk barely missing the last test by 1.5 seconds. He is requesting to transfer some money so he can be moved to the Street Department temporarily until his training comes up again. William Ellis made a motion to approve Resolution 09-2021 Additional Appropriation and Reduction of Appropriation – Moving Appropriations from the Police Department to the Street Department. Trevor Sager seconded. Sandra Hash, Clerk Treasurer further explained while this is tied to a personnel issue, the Resolution is for an additional appropriation of the Street Department budget and reduction of appropriation of the Police Department budget for \$15,100.00. Roll call vote: Scott Oldham – yes; William Ellis – yes; Trevor Sager – yes. Motion carried.

### **Resolution 10-2021 Waiver of the Sixty-Day Written Notice Requirement for Assignment of Rights and Obligations under an Economic Development Agreement**

**Darla Brown**, Town Attorney explained that last year in August we entered into an Economic Development Agreement (EDA) with Scannell Properties and KeHE Distributors, LLC for the property located at 8101 West State Road 46 for the KeHE Distribution warehouse. There was a clause in the EDA that the property could not be transferred without notification to the Town and the Town's written approval within a 60-day notice and further meeting the obligations contained within the agreement. Scannell Properties has transferred ownership to ET KeHE, LLC and ET KeHE, LLC wants to transfer the property to WEH LLC an Indiana limited liability company. The resolution is for a request to waive the 60-day notice requirement and approves of the assignment of rights. Assignment of rights forms are now signed by KeHe and the new owners. The Assignment states that the assignee agrees to perform all obligations under the EDA including but not limited to, making all the

firefighter payments. Frans VonKaenel, legal counsel to Elm Tree, thanked the council for considering the waiver and explained that the reason they are requesting the waiver is that the plant is now open and operating but has experienced some unforeseen delays in closing out the punch list that has deferred the closing. Scannell to ET KeHE, LLC closed on March 11<sup>th</sup> and if they are forced to defer the closing to WEH, LLC another 30 days, it will result in several thousand dollars incurred by the lender to extend the loan commitments. He further explained there is no change in the tenants or occupancy, it is strictly a change in ownership of the fee title to the property and the buyer has agreed to be bound to all obligations of the agreement. Trevor Sager made a motion to approve Resolution 10-2021 Waiver of the Sixty-Day Written Notice Requirement for Assignment of Rights and Obligations under an Economic Development Agreement. William Ellis seconded. Roll call vote: Scott Oldham – yes; William Ellis – yes; Trevor Sager – yes. Motion carried.

**Resolution 11-2021 to amend Resolution 03-2020, which confirmed the Designation of an Economic Revitalization Area, Approved a Statement of Benefits, and Authorized Periods of Abatement for Real Property Improvements – Richland Senior Citizens Housing, Inc.**

**Kevin Tolloty**, Planner explained the request is for additional time to complete their project. Richland Senior Citizens Housing, Inc. received a tax abatement last year and in it the project was supposed to be completed by June of 2022 and due to Covid they would like to move that to June of 2023 and trim back the area within the tax abatement. This has no impact on the Town it is just cleaner for their records. Yvonne Delgadillo with Allied spoke on behalf of Richland Senior Citizens Housing, Inc. She confirmed what Kevin had stated that they have been unable to close on the financing due to Covid and some other reasons. They have secured the bonds and hope to close by the end of the month or mid-May. The extension is requested because of the timing of the Fannie Mae loan. She clarified that one of the adjustments made was of the construction of the 50 units will be on only one of the parcels instead of two that were referenced. She thanked the council for their consideration of the extension. Scott Oldham questioned if the Resolution covered the changes mentioned because it is limited to one parcel and not two. Darla Brown explained it was covered because the extension only effected the southern half of a parcel and the project was split in to two phases and only involves the southern half of Lot 2A. William Ellis made a motion to approve Resolution 11-2021 to amend Resolution 03-2020, which confirmed the Designation of an Economic Revitalization Area, Approved a Statement of Benefits, and Authorized Periods of Abatement for Real Property Improvements – Richland Senior Citizens Housing, Inc. Trevor Sager seconded. Roll call vote: Scott Oldham – yes; William Ellis – yes; Trevor Sager – yes. Motion carried.

**Ordinances on First Reading**

**Ordinance 2021-09 Establishing Rates and Charges for the use of and Services Rendered by the Water Works system of the Town of Ellettsville**

**Darla Brown**, Town Attorney discussed that in 2016 the Town passed a water ordinance after IURC approved an increase in rates and charges to get a bond to build a secondary water line and some other projects associated with it. This is the follow through of that Ordinance. In January of 2021, Baker Tilley was asked to do a 30-day filing on only 4 separate issues. Those issues are to add a \$50.00 customer meter deposit, increased from \$30.00, to add new charges to 6- and 8-inch meters, add new charges for 4- and 6-inch fire protection charges and a 10- and 12-inch automatic sprinkler charge. Darla Brown discovered that the rates and changes are the same as the IURC initially approved and the numbers in the Ordinance do not match the true up. Nobody has been overcharged and they are using the correct amounts, but the Ordinance needs updated to match the true up. She will prepare a new Ordinance to be ready at the next meeting. Michael Farmer added that the main reason for this Ordinance is because prior to KeHE the Town did not have charges for the sizes of lines they were putting in. It will be beneficial for unknown future projects by adding charges for larger sizes. William Ellis clarified to the public that this does not affect current customers it is for the growth the Town is experiencing.

**Ordinances on Second Reading**

**Ordinance 2021-05 to Amend Section 36.197 of the Ellettsville Town Code to establish the minimum work hours for part time Firemen**

**Mike Cornman**, Fire Chief explained this amendment is to establish set hours required for a part time firefighter to a minimum of 24 hours per month or the equivalent of 24 hours per month over a 3-month period starting January 1 of the current year. Failure to comply will result in disciplinary actions. This is a necessary change to set the expectations up front required to be considered part time. This will only affect the Fire Department section of the personnel policy. William Ellis made a motion to approve Ordinance 2021-05 to Amend Section 36.197 of the Ellettsville Town Code to establish the minimum work hours for part time Firemen. Scott Oldham seconded. Roll call vote: Scott Oldham – yes; William Ellis – yes; Trevor Sager – yes. Motion carried.

#### **Ordinance 2021-06 to Amend Chapter 74 of the Traffic Schedule Designating No Parking Areas**

**Darla Brown**, Town Attorney explained this amendment is to add Abigail Lane, Jackie Court, Nicholas Lane, and Rachel Way to the Traffic Schedule for designated No Parking Areas. Trevor Sager made a motion to approve Ordinance 2021-06 to Amend Chapter 74 of the Traffic Schedule Designating No Parking Areas. William Ellis seconded. Roll call vote: Scott Oldham – yes; William Ellis – yes; Trevor Sager – yes. Motion carried.

#### **Ordinance 2021-07 to Amend Chapter 73 of the Traffic Schedule of Maximum Speed Limits**

**Darla Brown**, Town Attorney explained this amendment is to add specific streets to the Traffic Schedule for maximum speed limits. Abigail Lane from McNeely to Nicholas Lane, Jackie Court, Nicholas Lane and Rachel Way from end to end to 20 mph. William Ellis made a motion to approve Ordinance 2021-07 to Amend Chapter 73 of the Traffic Schedule of Maximum Speed Limits. Trevor Sager seconded. Roll call vote: Scott Oldham – yes; William Ellis – yes; Trevor Sager – yes. Motion carried.

#### **Ordinance 2021-08 To Amend Chapter 73, Schedule III Stop Intersections at Through Streets**

**Darla Brown**, Town Attorney explained this amendment is to add specific streets to the Traffic Schedule specifying stop streets. Abigail Lane will be a through street and the stop streets will be Jackie Court, Nicholas Lane, and Rachel Way. On McNeely Street the stop street will be Abigail Lane. This is not a change, only adding it to the Traffic Schedule for the record. Once Ruby Creek is completed, Abigail Lane from McNeely to Nicholas Lane will be amended to Clover Drive. Trevor Sager made a motion to approve Ordinance 2021-08 To Amend Chapter 73, Schedule III Stop Intersections at Through Streets. Scott Oldham seconded. Roll call vote: Scott Oldham – yes; William Ellis – yes; Trevor Sager – yes. Motion carried.

#### **Flood Report**

**Michael Farmer**, Town Manager sent an update to council of the latest work they are doing.

#### **New Business**

##### **2 Appointments to the Ellettsville Building Corporation**

**Darla Brown**, Town Attorney explained Dennis Williamson has resigned from his position on the Ellettsville Building Corporation. Along with David Drake and Jack Neal, they have served as fine members of the board. Unfortunately, the Articles of Incorporation state that the position cannot be held by a town employee and she feels they need to replace David Drake. The position is completely open at 3-year terms. It is not designated that you must live in Town, but they should have an interest in the Town's building projects since the members hold the deeds for Fire Department, Police Department and Townhall. That means the deeds are in the Building Corporation name and not the Town's name until the bonds are paid off. The position is a once-a-year meeting and unless there is new bond paperwork to be signed and is usually very quick. William Ellis nominated Carley Woodruff. Carley Woodruff was present and explained she has lived in the Town of Ellettsville since 2014 and works for the County. Trevor Sager seconded. Roll call vote: Scott Oldham – yes; William Ellis – yes; Trevor Sager – yes. Motion carried. This will be added to the next agenda for any potential appointments from the absent council members or any new interest.

#### **American Rescue Plan Act (ARP)**

**Darla Brown**, Town Attorney discussed this is on the agenda to get suggestions of what the council wants the money used for. There are limits on what it can be used for. The State is

scheduled to receive the first distribution on May 11<sup>th</sup> and then to municipalities not later than 30 days later. The Town must keep strict records of the money and if ever audited by the State Board of accounts and records are not strictly kept to their standards, the Town could be required to pay the money back. There is to be no co-mingling of funds of other Town funds, so it requires its own fund. It cannot be used for pensions. According to section 603 of the Social Security Act, the payments must be used for one of 4 categories. Investments in Water, Sewer or broadband, provision of government services that are due to the reduction of revenue, workers performing potential work by providing premium pay, to respond to the public health emergency or reimburse the Town for negative economic impacts. Sandra Hash, Clerk Treasurer added the Town is to monitor revenue from income tax 2019 is the base year and if it runs lower than the 2019 figure, they can reimburse lost revenue from these funds. Darla Brown explained that you look at your income tax flow and the money that the Town has received from Utilities because the IURC put a ban on collecting late fees from households so the Town may have lost income from that and non-payment of Utility bills. The Town can also do grants to small businesses and not for profits, or give aids to industries in tourism, travel and hospitality. There is extensive paperwork involved if grants are given to explain how the money will be used. William Ellis asked about the timeframe the money must be used. Darla Brown believes it must be used by December 2024. Sandra Hash concluded with stating the projected revenue is \$1.4 million to be distributed in 2 payments, the fund must be created before receiving the money and the fund must designate the uses according to the guidelines. Darla Brown and Sandra Hash will work together on an Ordinance to create the fund. The Ordinance must state the purpose in which the Town intends to use the money so Darla Brown needs an idea of how it will be spent. It was suggested to schedule a Work Session to discuss. Tentative date Monday, April 19<sup>th</sup> pending absent council members availability.

**Scott Oldham** took a moment to thank Scout Troup 119 and 1119 for attending the meeting tonight to earn their communication badge.

#### **Fire Department request to hire 2 Full-time Firemen and 2 Part-time Firemen**

**Mike Cornman**, Fire Chief requested to hire Adam Yelich and Cole Jones as Full-time Firemen to replace previous positions pending the outcome of their health physicals. Trevor Sager made a motion to approve Fire Department request to hire 2 Full-time Firemen Adam Yelich and Cole Jones. William Ellis seconded. Roll call vote: Scott Oldham – yes; William Ellis – yes; Trevor Sager – yes. Motion carried.

**Mike Cornman**, Fire Chief requested to hire Kyle Britton and Andrew Wittington as Part-time Firemen. They are coming in from other departments and have availability to work for the Town part-time. William Ellis made a motion to approve the Fire Department request to hire 2 Part-time Firemen Kyle Britton and Andrew Wittington. Trevor Sager seconded. Roll call vote: Scott Oldham – yes; William Ellis – yes; Trevor Sager – yes. Motion carried.

#### **Supervisors Comments**

**Michael Farmer**, Town Manager discussed that there has been some talk and concern on the use of Town Hall. He is planning some meetings in the Council room and that is contrary to having Town Hall closed. With respect to those concerns, he will be hosting a meeting next week regarding initiative by IU Health to provide a trail system that would connect Ellettsville to Owen County and Monroe County to promote getting out and exercising. IU Health is willing to contribute a large sum of money to make that happen. They feel a regional approach to the problem might be helpful to making it a success. Monroe County and Owen County will have some officials present and it should not be more than 8-10 people. They will practice social distancing and will wear masks. Another meeting he is planning is with the Chamber of Commerce to discuss the work to be done with Envision Ellettsville. He feels a face-to-face meeting would be beneficial and more productive. Council agreed they had no concerns with the meetings.

**Sandra Hash**, Clerk Treasurer inquired about starting in person Council meetings at Town Hall. Scott Oldham feels the Zoom works for everyone and is still allowed but would like the opinions of the other council members. William Ellis is okay with in person meetings but feels he does not want to exclude those meeting on Zoom who are unable to attend in person. Sandra Hash reported she has purchased some equipment to accommodate the meetings on Zoom but would need someone to monitor the meeting for any questions. Scott

Oldham questioned the recent proposal from Legislature that mentions a provision to allow certain officials a certain number of times to meet by Zoom but does not see where the public can comment from home and wondered if it would be excluded. Darla Brown, Town Attorney said she would have to investigate that and report back at the next meeting. She believes it must be a written policy in the Code. She is willing to create a policy if its appropriate and bring it back to council for consideration.

**Council Comments**

**Scott Oldham** thanked Mike Farmer for his leadership this last year and through Covid. He has really kept the Town moving forward despite a whole lot of things getting thrown his way. He is constantly looking forward, constantly looking out for the betterment of Ellettsville, the Town, and the employees. Mike always has something that comes up that he has an answer for and if not, he will within a 36-hour period and he appreciates him making things happen.

**Adjournment**

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

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Scott Oldham, President

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Pamela Samples, Vice President

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William Ellis

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Trevor Sager

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Dan Swafford

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