

August 10, 2020

Due to COVID 19, The Ellettsville, Indiana, Town Council met for a virtual meeting on Monday, August 10, 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: Mike Cornman, Jimmie Durnil, Kevin Tolloty, Danny Stalcup and Jeff Farmer.

Approval of Minutes

Dan Swafford entertained a motion for approval of the minutes of the regular meeting on July 27, 2020. William Ellis made a motion. Trevor Sager 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. Trevor Sager 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.

Resolutions

Resolution 06-2020 Waiver for KeHe filing for Tax Abatement after Construction Started

Darla Brown, Town Attorney, suggested moving from Old Business to discuss after Resolutions the Economic Development Agreement between Scannell Properties #399, LLC KeHe Distributors, LLC, and the Town of Ellettsville since they are involving the same parties. Kevin Tolloty, Planner discussed he did not have the SB-1 form needed for the Tax Abatement and would like to table Resolution 07-2020 and Resolution 08-2020. Resolution 06-2020 for the Waiver should not be affected. Darla Brown, Town attorney explained Indiana code requires a property owner to request either an Economic Development area to be declared or an Economic Revitalization area to be declared prior to construction beginning, however, it does allow the governing body to grant a waiver under certain circumstances. The circumstances are outlined as the warehouse facility was a critical need in KeHe's supply chain and would have had a detrimental impact on KeHe's business to delay the project schedule to establish Economic Revitalization area. The project will bring 225 new jobs to the town at an average wage of \$39,000.00. Scannell owns the property currently and KeHe will manage the warehouse and running the business. Scannell has applied for the property tax abatement and KeHe has applied for the personal property abatement. She further explained the waiver discusses the council recognizes that the scope of the project is such that non-compliance with the requirements would not have any detrimental impact. The benefits conveyed to the town out way any issues or problems caused by the delay in Scannell seeking the designation of an Economic Revitalization area. Scott Oldham made a motion to approve Resolution 06-2020. Pamela Samples seconded. Clark Greiner, business development director with Bloomington Economic Development Corporation, (BEDC) strongly encouraged the Town support the abatement to support the business community as well as the citizens of Ellettsville. Roll call vote. Dan Swafford – yes; Scott Oldham – yes; William Ellis – yes; Trevor Sager – yes; Pamela Samples - yes. Motion carried.

Dan Swafford made a motion to table Resolution 07-2020 and 08-2020 until the next council meeting on August 24, 2020 at 6:30. Trevor Sager seconded. Roll call vote: Dan Swafford – yes; Scott Oldham – yes; William Ellis – yes; Trevor Sager – yes; Pamela Samples - yes. Motion carried.

Old Business (Moved up)

Economic Development Agreement between Scannell Properties #399, LLC, KeHe Distributors, LLC, and the Town of Ellettsville

Darla Brown, Town Attorney explained KeHe and Scannell are both committed to supplying Economic Development payments to the Town in the amount of \$350,000.00. There will be 5 payments, first payment due on September 1, 2020 and the last payment on September 1, 2024 at \$50,000.00. Each payment in the middle is \$75,000.00 due on September 1 of each year. The purpose of the Economic Development payments is to provide additional funds to the Town of Ellettsville for public safety, specifically for the payment of firefighting personnel or other operating expenses related to firefighting services provided by the Town. Mike Cornman, Fire Chief explained the need is to provide additional services to cover the area and it will ensure they will have 5 firefighters a day, 7 days a week on duty compared to currently 5 for 55% to 60% of the time. Scott Oldham made a motion to approve the Economic Development Agreement between Scannell Properties #399, LLC, KeHe Distributors, LLC, and the Town of Ellettsville. William Ellis seconded. Roll call vote: Dan Swafford – yes; Scott Oldham – yes; William Ellis – yes; Trevor Sager – yes; Pamela Samples - yes. Motion carried. Clark Greiner, BEDC, agrees it is a wonderful thing and supports the agreement.

Resolutions (Continued)

Resolution 17-2020 Authorizing the Town Manager to Execute Documents on Behalf of the Town of Ellettsville at Loan Closing

Darla Brown, Town Attorney explained the Town is in the process of obtaining a loan from The Peoples State Bank (PSB) in the amount of \$190,000.00 to purchase the property at 104 W. Vine Street. There is a tentative closing scheduled for September 2, 2020 assuming the council approves the remaining Resolutions and Ordinances. This Resolution will allow Michael Farmer, Town Manager to sign the loan documents on behalf of the Town. He signed the documents related to the purchase of 105 W. Vine Street a year ago. Trevor Sager made a motion to approve Resolution 17-2020 Authorizing the Town Manager to Execute Documents on Behalf of the Town of Ellettsville at Loan Closing. William Ellis seconded. Roll call vote: Dan Swafford – yes; Scott Oldham – yes; William Ellis – yes; Trevor Sager – yes; Pamela Samples - yes. Motion carried.

Resolution 18-2020 Declaration of Official Intent to Finance a Property Purchase

Darla Brown, Town Attorney explained that under Indiana Code when a municipality borrows money it has to give notice to the public of its intent to do so and provide the public information about the debt. The notice was published in the paper of the intent to borrow \$210,726.90 which is the total to be financed with interest for a \$190,400.00 loan. It is a 5-year loan with semi annual payment at \$10,918.90 due on February 28 and August 1 of each year with a balloon payment in the amount \$112,456.80. Payments will be made from the Stormwater fund until the final balloon payment and it will probably need refinanced at that time. State Board of accounts verified the loan can only be held for 5 years. Trevor Sager made a motion to approve Resolution 18-2020 Declaration of Official Intent to Finance a Property Purchase. Scott Oldham seconded. Roll call vote: Dan Swafford – yes; Scott Oldham – yes; William Ellis – yes; Trevor Sager – yes; Pamela Samples - yes. Motion carried.

Ordinances on Second Reading

Ordinance 2020-21 to amend Chapter 73 of the Ellettsville Town Code adding All-Way Stops at the Intersections of Colt Drive and Sycamore Drive – Abigail Lane and Nicholas Lane

Danny Stalcup, Street Commissioner expressed his opinion that the requests do not meet criteria and are not recommended. At Colts Drive, in 5 years, there have been no reported accidents. The concern is the backup of traffic from busses and parents picking up kids that someone will pop over the hill and cause an accident if it is backed up to that point. He continued by discussing a second option for a flashing beacon with a push button at the crosswalk for additional safety for the kids. For two beacons, one for each road, it is \$6,560.00. The streets at Abigail and Nicholas he feels there is plenty of stopping distance and site distance. On average 202 cars pass per day on average before it became a through street. He does not have a count after it became a through street. Danny concluded with saying he has always been taught you should not over sign streets and do not use stop signs for speed control. Council had mixed opinions on Colt & Sycamore Drive, but all agreed the stop at Abigail & Nicholas was not warranted. They suggested partnering with the school

on getting the flashing warning signals at Colt & Sycamore Drive. Scott Oldham made a motion to approve Ordinance 2020-21 to amend Chapter 73 of the Ellettsville Town Code adding All-Way Stops at the Intersections of Colt Drive and Sycamore Drive – Abigail Lane and Nicholas Lane. William Ellis seconded. Roll call vote: Dan Swafford – no; Scott Oldham – no; William Ellis – no; Trevor Sager – no; Pamela Samples - no. Motion failed.

Ordinance 2020-22 to Utilize Storm Water Fees for the Purchase of Real Property for a Flood Remediation Project

Darla Brown, Town Attorney explained this is the last piece of the loan to purchase the property at 104 W. Vine Street. The Ordinance states Storm Water Fees will be used to pay for the property loan at The Peoples State Bank. Amount to be financed is \$190,400.00 with a total cost of the loan is \$210,726.90. The Resolution passed earlier states the bank is giving the Town a lien against the Stormwater fee revenue to pay back the loan and not taking a security interest in the property itself. Dan Swafford made a motion to approve Ordinance 2020-22 to Utilize Storm Water Fees for the Purchase of Real Property for a Flood Remediation Project. Scott Oldham seconded. Roll call vote: Dan Swafford – yes; Scott Oldham – yes; William Ellis – yes; Trevor Sager – yes; Pamela Samples - yes. Motion carried.

Old Business

Mass Gathering Permit – Alternative Care Solutions

Lora Hart from Alternative Care Solutions explained that it will be a community event and not for profit. They will have a bounce house and donated food from Carson's Barbeque, Domino's Pizza and Texas Roadhouse for anyone in the community to promote their business. They are a medical home health company and will provide masks, hand sanitizer and practice social distancing. They feel they can better provide that with reserving the entire park. There is no way to determine the amount of people that will attend. Based on previous events they have never had a large enough crowd to worry about obtaining a Mass Gathering Permit but with it being free to the community she wants to be prepared. Danny Stalcup, Street Commissioner expressed his concerns after a recent event held at the park and having multiple call outs for trash and other needs establishing a better way to fulfill those needs. The price of the rental does not cover multiple call outs. Darla Brown, Town Attorney advised if they felt they did not know how many people it would be better to contact the County and get an exemption and contacting the county health officer to answer questions regarding controlling the amount of people and violations. The Health Department is limiting commercial gatherings to one hundred fifty (150) people if the gathering is held outside and there is a monetary penalty for violations. Scott Oldham added concern with security and protection stating when they rent out the whole park for the Fall Festival, they have a written safety plan, and this does not. He feels the number of people there adding baseball will exceed what they think. The Town does not have the security resources to accommodate this on a regular day. Council agreed that it would be best to wait until a later date and get a better plan, hire security if needed and talk to someone on the Fall Festival committee to advise her on things they will need to take care of to host an event that size. Sandra Hash, Clerk Treasurer will provide examples from the other events such as the Fall Festival. Lora Hart added she will go in person to speak with Fire Chief Cornman and Marshal Durnil to get a better idea of what they require. It was agreed to wait until a later date and it would be brought back to council once a plan was developed.

Building Inspector

Kevin Tolloty, Planner, explained one of his inspectors is going to have to take a large amount of time off for personal reasons. He has would like to hire Sam Ferguson as a part-time inspector. He has experience in Commercial Building inspections so that will take care of aspect as well. Michael Farmer, Town Manager added they have plenty of money in the budget to cover hiring him and they can do some cross training at the same time. Scott Oldham added moving forward and due to the recent issues with the position, to allow Michael Farmer, Town Manager to approve the hiring for this position instead of having to keep bringing it to council. Darla Brown stated according to Town Code the council hires and fires but will allow a delegation to allow the Town Manager to hire someone and ask the council later to ratify it. Dan Swafford agreed but asked for a heads up for anything other

than a part-time position. Michael Farmer agreed. Scott Oldham made a motion to allow the Town Manager to hire a part-time person for the Building Inspector as he sees fit.

Dan Swafford seconded. Roll call vote: Dan Swafford – yes; Scott Oldham – yes; William Ellis – yes; Trevor Sager – yes; Pamela Samples - yes. Motion carried. Scott Oldham made a motion to hire Sam Ferguson as the new part-time Building Inspector. William Ellis seconded. Roll call vote: Dan Swafford – yes; Scott Oldham – yes; William Ellis – yes; Trevor Sager – yes; Pamela Samples - yes. Motion carried.

New Business

Fire Department Request to Hire 3 Part-time Fire Personnel

Mike Cornman, Fire Chief there is a need to hire some part time employees due to current part-time employees scaling back hours. Money is budgeted and he is currently paying a significant amount of overtime to cover shifts. He requested to hire 3 part-time firefighters. Wade Henderson presently is employed part-time with Van Buren fire department. Heather McGlocklin is a part-time firefighter with Northern Monroe fire department and Kyle Stierwalt is a volunteer for Pargaon fire department. William Ellis made a motion to approve the Fire Department Request to Hire 3 Part-time Fire Personnel. Trevor Sager seconded. Roll call vote: Dan Swafford – yes; Scott Oldham – yes; William Ellis – yes; Trevor Sager – yes; Pamela Samples - yes. Motion carried.

Utility request to purchase a 2019 F-250 4X4 Truck

Jeff Farmer discussed recently selling the Planning Department a truck for \$1.00 but was due to replaced anyway. They have funds in equipment replacement fund in Water and Sewer. The lowest bid was Ruxer Ford F-250 with a service body already in the price. Jeff Farmer explained the price did contain a municipal discount of \$11,500.00 making the final price \$38,751.00. Trevor Sager made a motion to approve the Utility request to purchase a 2019 F-250 4X4 Truck. Dan Swafford seconded. Roll Call vote: Dan Swafford – yes; Scott Oldham – yes (voted later, lost power); William Ellis – yes; Trevor Sager – yes; Pamela Samples - yes. Motion carried.

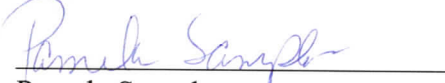
Complaint for Declaratory Judgement to be filed against TDML, LLC, Centennial Park, LLC and Highland Park

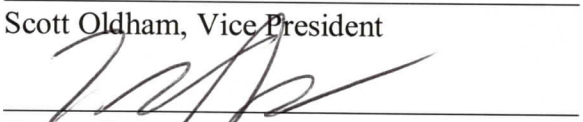
Darla Brown, Town Attorney explained the town owns a dedicated right of way 50 feet wide along the west side of former Lot 15 in Highland Park Estates, now Lot 79 in Phase 4 of Centennial Park. The Plan Commission decided it is no longer a part of that lot but a right of way that belongs to the Town. There has been litigation with the lot regarding the right of way. She anticipates Highland Park Estates and Debra Hackman, owner of Lot 16, will continue to argue that no road be placed through there based on the covenants and restrictions of Highland Park. Darla has drafted a complaint to get a decision from the court as to what can/should happen to the right of way. Her thought is the Town owns the right of way and the covenants and restrictions of Highland Park no longer apply and have been vacated. The court will decide if the Town has the right to allow the developer to put a road through there and avoid future litigation. William Ellis made a motion to approve the Complaint for Declaratory Judgement to be filed against TDML, LLC, Centennial Park, LLC and Highland Park. Trevor Sager seconded. Roll call vote: Dan Swafford – yes; Scott Oldham – yes; William Ellis – yes; Trevor Sager – yes; Pamela Samples - yes. Motion carried.

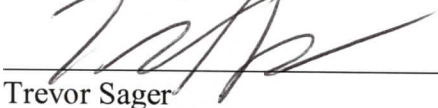
Except for Darla Brown, Town Attorney and William Ellis, all parties of the meeting lost power. William Ellis made an announcement to the public that there is no longer a quorum to continue the meeting. Meeting was adjourned at 7:53.

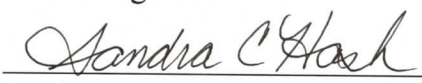

Dan Swafford, President


William Ellis


Pamela Samples


Scott Oldham, Vice President


Trevor Sager


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