

Due to COVID 19, The Ellettsville, Indiana, Town Council met for a virtual meeting on Monday, July 13, 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, Mike Farmer, Town Manager were also present.

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

**Award the Bids for the Community Crossing Matching Grant – Road Resurfacing – Milestone \$360,844.65**

**Denise Line, Assistant Planner,** explained she was requesting approval of the bid to pave 11 streets and add a sidewalk along Edgewood Drive as part of the Community Crossings Matching Grant. The bid was awarded to Milestone in the amount of \$360,844.65. William Ellis requested a list of the streets. Streets include Hartstrait Road, Turtleback Creek, Independence St, Heritage St, Concord St, Court St, Campbell's Park Drive, Capital Avenue, Association St, East & West Chester Drive and Edgewood Drive. Paving will begin after approval by the State and funding is triggered. It will likely be September or October due to budget concerns at the State level causing a delay in funding. Danny Stalcup, Street Commissioner explained streets are chosen by a Paser rating which is a 1-10 rating system based on cracks in the street and how busy the street is. Scott Oldham made a motion to approve the bid. Pamela Samples seconded. Roll call vote: Dan Swafford - yes; Scott Oldham - yes; William Ellis - yes; Trevor Sager - yes; Pamela Samples - yes. Motion carried.

**Approval of Minutes**

Dan Swafford entertained a motion for approval of the minutes of the regular meeting on June 22, 2020. William Ellis made a motion. Pamela Samples 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 made a motion. Pamela Samples seconded. Roll call vote: Dan Swafford - yes; Scott Oldham - yes; William Ellis - yes; Trevor Sager - yes; Pamela Samples - yes. Motion carried.

**Resolution 09-2020 Additional Appropriation for School Resource Officer and Fire Equipment**

**Sandra Hash,** Clerk Treasurer explained this was for funds received after finalizing the budget last year. \$75,000.00 was received from the school for the additional school resource officer and Mike Cornman explained the \$60,000.00 allotment was from the Public Safety Local Income Tax committee on behalf of Richland Township. Along with the money they were allotted though their supplemental fire agreement they will use the funds to purchase fire gear. Pamela Samples made a motion to approve Resolution 09-2020 Additional Appropriation for School Resource Officer and Fire Equipment. Trevor Sager seconded. Roll call vote: Dan Swafford - yes; Scott Oldham - yes; William Ellis - yes; Trevor Sager - yes; Pamela Samples - yes. Motion carried.

**Resolution 16-2020 Fiscal Plan for the Burns Annexation – 4760 N. Loudon Road, Ellettsville, Indiana**

**Kevin Tolloty,** Planner explained this is a Fiscal Plan resolution required by the state for the annexation of the property at 4760 N. Loudon Road to the town. It will add \$280,000.00 assessed value to the Town which helps lower the tax rate. Scott Oldham made a motion to approve Resolution 16-2020 Fiscal Plan for the Burns Annexation – 4760 N. Loudon Road, Ellettsville, Indiana. William Ellis 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 2020-20 Burns Annexation – 4760 N. Loudon Road, Ellettsville, Indiana**

Kevin Tolloty, Planner explained the property is located at 4760 N. Loudon Road south of an empty subdivision and backs up to Prominence Pointe. They are wanting to subdivide the property into 3, 5 acre lots. Scott Oldham made a motion to approve Ordinance 2020-20 Burns Annexation – 4760 N. Loudon Road, Ellettsville, Indiana. Trevor Sager seconded. Roll call vote: Dan Swafford – yes; Scott Oldham – yes; William Ellis – yes; Trevor Sager – yes; Pamela Samples - yes. Motion carried.

### **New Business**

#### **Septic Pumping Services Agreement between the Town of Ellettsville and Medley Septic Service, LLC**

**Jeff Farmer** discussed the contract suggested by Darla Brown, Town Attorney for all future septic haulers. Discussion was tabled from the June 22, 2020 meeting until a full board was present to discuss. Jeff Farmer explained not all haulers who request to dump at the plant are accepted but Medley Septic Service is a local business and Steve Medley is a part time employee at the Fire Department. William Ellis inquired about conflict of interest. Darla Brown explained if the contract is mentioned to the public before being entered into there is not a conflict issue. Steve's wife is the owner of the business which creates less of a conflict of interest. Acceptance of future haulers will be between Jeff Farmer and Town Council. Moving forward, all current haulers will be entered into the same agreement as Medley. Jeff Farmer explained the plant has never had a violation and has created steps to help trace waste if there is ever a concern. The Town will have the right to terminate the contract if any issues arise. He also mentioned the dump fees more than cover the waste fees paid to haul the sludge to Terre Haute for disposal. Scott Oldham made a motion to approve the Septic Pumping Services Agreement between the Town of Ellettsville and Medley Septic Service, LLC. William Ellis seconded. Roll call vote: Dan Swafford – yes; Scott Oldham – yes; William Ellis – yes; Trevor Sager – yes; Pamela Samples - yes. Motion carried.

#### **Appeal of a Code Enforcement Decision Resulting from a Violation of §96.02, Keeping of Domestic Livestock or Exotic Animals, Specifically Ducks, and a Request for a Variance of §96.02(4)(b)(5), Specifically to Enlarge to Coop/Run (109 W. Ritter Street)**

**Denise Line**, Assistant Planner explained she received a complaint about ducks being held on the property and chickens running at large at 109 W. Ritter Street. Owner, Craig Allen requested an appeal of §96.02, Keeping of domestic livestock or exotic animals. Denise mentioned June 11, 2018 there were ducks allowed at the residence of Samantha Burnette after requesting an appeal. The appeal was granted on the condition that after the flock passed away, she would not replace them. The current code does not allow ducks. The ducks are housed in a coop and there is no water feature on the property. William Ellis has received some complaints of ducks running around and roosters crowing in his district. Sandra Hash, Clerk Treasurer and Scott Oldham recalled it was quite a debate years ago. It was agreed that if they are cooped and following proper guidelines there should be no issue. After much discussion, the council agreed on allowing a variance to enlarge the coop to 200 square feet from the existing maximum of 100 square feet with a minimum of 12 square feet per hen. Darla Brown, Town Attorney mentioned code revisions need made to allow for the changes. Dan Swafford made a motion to approve the variance of §96.02 to enlarge the Coop/Run size at 109 W. Ritter Street to 200 square feet. William Ellis seconded. Darla Brown and Denise Line will work on revisions and bring it back to Council for approval. Roll call vote: Dan Swafford – yes; Scott Oldham – yes; William Ellis – yes; Trevor Sager – yes; Pamela Samples - yes. Motion carried.

#### **Approval to pay for three appraisers for their services on 104 W. Vine Street**

Darla Brown, Town Attorney requested payment for the three appraisals done at the property located at 104 W. Vine Street. Total payment is \$7,000.00. Scott Oldham made a motion to approve the payment of \$7,000.00 to the three appraisers for the property at 104 W. Vine



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

### **Mandatory Mask Usage**

**Darla Brown**, Town Attorney, discussed that Dan Swafford and Jimmie Durnil along with herself, participated in a phone conference with members of Monroe County Emergency Management Services, City of Bloomington Chief of Police, Monroe County Sheriff, Jill Lee of IUPD (Indiana University Police Department), Penni Cottle of Monroe County Mayor's office and Judie Thomas Monroe County Commissioner. It is being proposed that there be an Ordinance for mandatory mask usage. Local law enforcement would be educating individuals encouraging mask wearing and as a last resort issuing a citation. Scott Oldham does not want to have Police saddled with this responsibility. Dan Swafford agrees masks are important but feels the repercussions could escalate and they should have code enforcement officers to handle it. In comparison to the Smoking Ordinance passed by Monroe County several years ago, Ellettsville did not go along with it and the Town won a lawsuit to overrule that Ordinance. Until the final draft comes out to be sure, Darla Brown, Town Attorney feels the County has certain authorities regarding a pandemic or emergencies that are different than those that apply to a Smoking Ordinance. Monroe County can pass the Ordinance and enforce the Ordinance, but she does not know whether Ellettsville is required to help enforce it, that is a different issue. William Ellis feels the police are being used as a tool of the political apparatus by being asked to enforce the mask mandate and feels they have more important things to do and should not put them more at risk. The council all agreed and will re-address once the final draft of the Ordinance comes out. Public Comment from Dan Rarey, agreed it will be detrimental to police to be asked to enforce such an issue.

### **Supervisors Comments**

**Danny Stalcup** needs to purchase a street marking paint sprayer. They have an upcoming crosswalk project at the junior high school to do and it can also be used to do the 5 parking lots in town along with curbs, crosswalks, stop bars and handicap spaces. The cost is estimated at \$9,976.00 and he requested approval to purchase. Per Sandra Hash, Clerk Treasurer, they have the money in the budget to purchase it. Michael Farmer, Town Manager apologized for the surprise, but he supports it and would like to get the crosswalks done before school starts. They have only received the one bid, but to comply with statute they are giving Michael Farmer the authority to purchase after receiving the required estimates. Scott Oldham made a motion to allow the Town Manager the authority to carry out the purchase as he sees fit if he complies with Indiana State Law. Dan Swafford seconded. Roll call vote: Dan Swafford – yes; Scott Oldham – yes; William Ellis – yes; Trevor Sager – yes; Pamela Samples - yes. Motion carried.

**Jimmie Durnil**, Town Marshal expressed his thanks on the support of the mask mandate.

### **Council Comments**

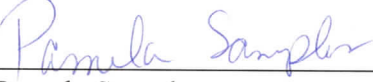
**Trevor Sager** inquired about continuing with Zoom meetings. Darla Brown, Town Attorney believes it has been extended until mid-August to allow public meetings by Zoom. Trevor is in favor of using it if they can. Town Council all agree. Sandy Hash, Clerk Treasurer requested setting up times for the council to come in so she can get the required signatures she needs to prevent a back log of paperwork. All agreed and will set up times by email.

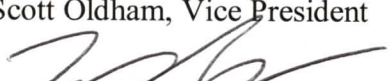
### **Adjournment**


Dan Swafford entertained a motion to adjourn. William Ellis made a motion to adjourn. Dan Swafford 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 7:44 p.m.

  
Dan Swafford, President

  
William Ellis

  
Pamela Samples

  
Scott Oldham, Vice President

  
Trevor Sager

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