

Due to COVID-19, The Ellettsville, Indiana, Town Council met for a virtual meeting on Monday, November 23, 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 (joined late), 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: Jimmie Durnil, Mike Cornman, 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 November 9, 2020 and Special Session November 17, 2020. Scott Oldham made a motion to approve the minutes from the regular meeting November 9, 2020. Trevor Sager 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 approve the minutes from the special session November 17, 2020. Trevor Sager seconded. Roll call vote: Dan Swafford – yes; Scott Oldham – yes; William Ellis – abstain; Trevor Sager – yes; Pamela Samples – yes. Motion carried. Two different motions were done due to William Ellis not being present for the special session.

Accounts Payable Vouchers and Payroll

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

Resolutions

Resolution 26-2020 Master Lease Agreement to finance Pierce Saber Fire Engine with Equipment

Mike Cornman, Fire Chief, explained this is a standard resolution for municipalities when they intend to secure funds from a financial institution. The Town will be borrowing funds from the PNC group to purchase a fire engine with the related equipment. The resolution locks in the amount along with a 2.48% interest rate for 6 years. The pumper itself will not exceed \$529,800.00 and the loose equipment will not exceed \$106,225.08. They are receiving a prepaid discount of \$12,365.00 because PNC is formerly Osh Kosh Capital that owns the Pierce Fire Truck manufacturing company. The down payment is \$55,000.00 and as a reminder, the Richland Township Trustee will be providing these funds for payment as outlined in the supplemental fire service agreements. He requested approval of the resolution by title only naming himself and Michael Farmer, Town Manager as official signatories for the documents as requested in the resolution. Trevor Sager made a motion to approve Resolution 26-2020. Pamela Samples seconded. Roll call vote: Dan Swafford – yes; Scott Oldham – yes; William Ellis – yes; Trevor Sager – yes; Pamela Samples – yes. Motion carried. Dan Swafford entertained a motion to approve Mike Cornman and Michael Farmer as authorized representatives for purposes of negotiating the contract. William Ellis so moved. 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 2020-26 - 2021 Salary Ordinance

Sandra Hash, Clerk Treasurer explained that this is the second reading for the salary ordinance as discussed. All supervisors were asked to review and get back with her with any questions. She received none so it is as presented. William Ellis questioned how it differs from when it was presented from the wage study. Sandra Hash explained that the Fire Chief and the Police Chief, the Utility and Street supervisor were discussed at budget time to make them the same. The deputy clerk position was also different. William Ellis recommends that if changes are made that deviate from the wage study it is discussed but feels that wages should not be attached to a person but the positions. If one person is doing extra without reclassifying the job when that person leaves the next person will automatically receive that salary and not follow the same procedures. He expressed he will vote against approval of the Ordinance. Scott Oldham made a motion to approve Ordinance 2020-26 – Salary Ordinance. Trevor Sager seconded. Valerie Dewar from the public asked how the Salary Ordinance apply or compare to the wage study. Sandra Hash, Clerk Treasurer explained the

Salary Ordinance follows the wage study completely except for the positions mentioned. Michael Farmer, Town Manager explained the wage study was extremely helpful to determine the wages and positions compared to other municipalities of our size to keep it competitive for our employees. The Salary Ordinance was supported by those outcomes and will help aid in retention. Scott Oldham mentioned that at the time of the study, some employees have taken on additional duties not outlined in the descriptions. He supports it based on unforeseen changes that happen within to keep the Town running and critical functions are achieved. Dan Swafford mentioned that amendments can be made to the Ordinance before it takes affect so there is time to work on descriptions as needed. Roll call vote: Dan Swafford – yes; Scott Oldham – yes; William Ellis – no; Trevor Sager – yes; Pamela Samples – yes. Motion carried.

Ordinance 2020-27 to Amend Various Sections in Chapters 152 and 153 of the Ellettsville Town Code

Kevin Tolloty, Planner explained first is additional dwelling units as a special exception in residential zones. Currently it is not addressed and there have been several requests about it and no clear path on how to proceed with those. It will now be granted by special exception by the Board of Zoning Appeals. Second, abandoned vehicles are described in one section and then again in the Blight and Public Nuisance section. This will remove it from the second section. There was also 2 different time frames of 14 days and a month. It was previously changed to a month so this will take out any conflict. Third item is sign permit approval processes. It will clarify the amount of days are allowed in approving permits and in asking for complete applications. Finally, the guidelines for cul-de-sac radius. Listed in the subdivision regulations and in different spots, sections 153.079 and 153.081 gives specific guidelines for the size of a cul-de-sacs. The section he would like to amend is 153.074 that states it should have an 80-foot radius. He would like that removed. This was already approved by the Planning Commission and they serve as First reading for text amendments. Scott Oldham questioned the size being sufficient for firetrucks. Mike Cornman, Fire Chief stated that current Fire Code is that it must meet the distances of their longest truck which is the ariel truck. Kevin Tolloty stated that typical size is 80 to 100-foot diameter. The code to be removed is 80-foot radius which is 160-foot diameter. That is twice the size of any cul-de-sac in town. Trevor Sager made a motion to approve Ordinance 2020-27. Darla Brown, Town Attorney advised she would check the code for clarification before the vote. After review and conversing by email with Mike Cornman, Fire Chief she clarified section 153.079 of the Town Code requires a lot owner who's lot abuts a public street to provide a half right-of-way of 30 feet with a minimum width of a public right of way within a development including a subdivision shall be not less than 60 feet for a street, 100 feet outside diameter for local street Cul-de-sac and 120 feet outside diameter for an industrial street Cul-de-sac. Arterial streets or streets subject to widening may require a 50-foot dedication from centerline. Section 153.081 for pavement widths states for collector and local streets the Director of Planning Services uses the street department and thoroughfare plans. For Cul-de-sac, local street, 80 feet back-to-back of curb and gutter and Cul-de-sac, industrial street, 100 feet back-to-back of curb and gutter. Russ Ryle from the public asked the minimum requirement radius of a cul-de-sac to handle the largest fire rig. Mike Cornman, Fire Chief explained it is normally 106 feet, but Indiana Fire Code trumps the local codes to make sure that all access for fire apparatus can fit appropriately with the longest apparatus. From the Planning standpoint, if a developer proposed an 80-foot diameter cul-de-sac it would have to go through a Tech review and would be caught and worked out. Mike Cornman appreciates the fact that the Fire Department gets a Tech review and is part of the planning review process, the county does not. Roll call vote: Dan Swafford – yes; Scott Oldham – yes; William Ellis – yes; Trevor Sager – yes; Pamela Samples – yes. Motion carried.

Ordinance 2020-28 to Amend Section 152.363 of the Ellettsville Town Code Regarding Fees for various Permits and Applications

Kevin Tolloty, Planner explained there was a fee schedule passed earlier in the year and there were some things omitted that needed corrected. Also, he had asked for an increase in his budget for Advertising to send out legal notices and certified mail directly. Applicants typically do that on their own but there has been issues in the timeliness, so he prefers to do that on his own through the office. In doing so, the filing fees need raised to cover those expenses currently paid by the applicant. This was the primary driver for the amendments but there are several others that contribute. The BZA (Board of Zoning Appeals) and Plan Commission filing fees were compared to Bloomington and Monroe County. They are being

increased by \$50.00 more to cover the Town's cost of directly publishing the legal notice and notifying adjacent property owners. There are a select few that raised a little more than that. He discussed in detail the amounts for Appeals and Use Variances, Development Plans Planned Unit Development and Plats. He added a 3-times permit fee/fine for beginning construction without a permit. This was in the previous building code and missed so he requested it to be put back in. He has had several requests for inspections on Town holidays and after hours and should be considered overtime or holiday pay. Residential solar installation was added as an electric permit. These changes have been approved by the Plan Commission and overall lower than the County and Bloomington. There was some confusion about what the changes were for and some council members disagreed with raising them. Darla Brown, Town Attorney stated if the charges were not approved by the council it would have to go back to the Plan Commission with their suggestions or recommendations. Sandra Hash, Clerk Treasurer explained that she feels the fees are in line and with the Planning Department doing the work it assures them that all the legal notices were done correctly. For a developer, given the situation, it could easily be cheaper for the Planning Department to send the notices and do the work than for them to. The solar inspection fee is not to discourage people from getting them but to insure they get installed properly. Also, it isn't that they want to raise fees to keep up with the County and Bloomington it is because development plans have created more work and more detail and we are still considerably lower compared to others. Trevor Sager made a motion to approve Ordinance 2020-28. Dan Swafford seconded. Valerie Dewar from the public expressed that Ellettsville is much better to deal with than the City as a business owner and would be more than willing to pay a higher price and have them do the work and make sure it is done correctly. Dan Rarey from the public mentioned most people must hire attorneys to complete this work so it seems like a bargain to him. Russ Ryle from the public expressed his concern with doing solar inspections and how completely different it is from a regular installation. Roll call vote: Dan Swafford – yes; Scott Oldham – no; William Ellis – no; Trevor Sager – yes; Pamela Samples – yes. Motion carried.

New Business

Request to Place a Dumpster in the Parking Spaces in front of 211 North Sale Street

Tim Lewis, CEO of Midpoint Properties explained they own the property previously occupied by the Ellettsville Journal and they are going to market that property for sale. The building needs cleaned out and they are requesting a dumpster be placed out front for them to make that process easier. He is hoping it will only be a one-day process to avoid a community dumpsite. Mike Cornman, Fire Chief ask for him to be mindful of the size so it does not come out into the street. Mr. Lewis stated all old negatives and photos will be salvaged and looked at by the History Center in Ellettsville and Monroe County. He will get with Michael Farmer and Jimmie Durnil before destroying those items. Michael Farmer, Town Manager will have it barricaded. Sandra Hash, Clerk Treasurer stated that a few years ago Ellettsville Main Street did a project with the Journal to scan a lot of those documents so it could be already preserved. Determining what has been and what has not been will be the main concern. Scott Oldham made a motion to approve the placement of the dumpster not to exceed 8 feet in width and no longer than 72 hours. William Ellis seconded. Roll call vote: Dan Swafford – yes; Scott Oldham – yes; William Ellis – yes; Trevor Sager – yes; Pamela Samples – yes. Motion carried.

Request to move a Utility Employee from Laborer II to Laborer I

Michael Farmer, Town Manager explained when Greg Vagedes was hired, he did not have his CDL (Commercial Driver License). As part of his agreement, after completing the CDL, it allows his salary to be raised from \$19.46 to \$23.08 per hour and his classification will be changed from Laborer II to Laborer I. He is requesting approval of that change. Trevor Sager made a motion to approve the Request to move a Utility Employee from Laborer II to Laborer I. Pamela Samples seconded. Roll call vote: Dan Swafford – yes; Scott Oldham – yes; William Ellis – yes; Trevor Sager – yes; Pamela Samples – yes. Motion carried.

Request to move Officer Jared Myers to Part time and Hire Jason Brown as a Part time Police Officer

Jimmie Durnil, Town Marshal explained that Jared Myers has asked to be changed to part time to move into a different full-time position outside of the department. His knowledge as fire instructor is important to keep him on part-time. He also requested permission to hire Jason Brown as a part-time officer. The Brown family goes back a long time in Ellettsville

and he just completed the academy for work at the IU Police department. If approved they would like to swear him in tomorrow and his first day of work would be on Monday, November 30th. Scott Oldham made a motion to approve the request to move Officer Jared Myers to Part time and Hire Jason Brown as a Part time Police Officer. Pamela Samples seconded. Trevor Sager thanked Jared Myers for his service. Roll call vote: Dan Swafford – yes; Scott Oldham – yes; William Ellis – yes; Trevor Sager – yes; Pamela Samples – yes. Motion carried.

Thirty Day Filing for Changes in the Schedule of Rates and Charges for Ellettsville Water Utility

Michael Farmer, Ellettsville Utilities explained that with some of the new buildings coming to town, the size of their fire protection. The domestic water meters were not large enough. It made them outgrow our rates and charges. He requested Baker Tilley to prepare a rate and charge schedule for the KeHE building but also wanted to add sizes of other meters for future growth. They added 6 and 8 inch meters, 4 inch fire line, 6 inch fire protection charge and a 10 and 12 inch auto sprinkler charge. These must be approved by the IURC (Indiana Utility Regulatory Commission). Baker Tilley will prepare the schedule and will present it to the IURC. This is called a 30-day filing for changes in the schedule of rates and charges. Scott Oldham made a motion to approve the changes and the Thirty Day Filing for Changes in the Schedule of Rates and Charges for Ellettsville Water Utility. Trevor Sager seconded. Michael Farmer clarified for William Ellis that this will not cause the rate increase for residential customers, it is specifically for commercial entities. Roll call vote: Dan Swafford – yes; Scott Oldham – yes; William Ellis – yes; Trevor Sager – yes; Pamela Samples – yes. Motion carried.

Engagement Letter Agreement for Advisory Services from Baker Tilly US, LLP

Michael Farmer, Town Manager explained this is a standard engagement letter agreement to set out the rates and changes for their staff before it goes to the IURC. Sandra Hash, Clerk Treasurer confirmed it is just to re-affirm we want their continued service, and this is not a new agreement. Darla Brown, Town Attorney stated we get one every year or so. Trevor Sager made a motion to approve the Engagement Letter Agreement for Advisory Services from Baker Tilly US, LLP. Dan Swafford seconded. Roll call vote: Dan Swafford – yes; Scott Oldham – yes; William Ellis – yes; Trevor Sager – yes; Pamela Samples – yes. Motion carried.

COVID-19 Personnel Policy

Michael Farmer, Town Manager explained there is a need for a resolution to allow the department heads with the board input to create an internal control policy for the protection and flexibility during the pandemic for our employees. He is encouraging everyone to stay home if they are sick, use common sense while out doing personal business so it does not affect the workplace. Cold weather is moving in and crews will be confined to worksites that are small and not well ventilated. He would like to create something to be able to send people home on call or send them offsite without being considered as ghost employment. Darla Brown, Town Attorney explained she has reviewed several personnel policies enacted by other municipalities. She compared it to the Resolution 11-2020 passed in March when the pandemic started. After review, she found a pandemic leave policy from Avon that outlined a list of situations describing when an employee should stay home. Other suggestions she had that she feels need covered are compensation for stay at home, who will determine leave, out of state or international travel, following CDC guidelines, work from home and call in procedures. That is something not covered in the current Resolution. Scott Oldham made a sample motion that we move to establish that the Town Manager may assign personnel with the exception of public safety personnel to a rotating schedule, work at home schedule or an on call schedule as he sees fit based on the needs of the Town in order to preserve the Town's workforce. The employees sent home will receive their full pay and benefits as they would for a normal 40-hour work week or their normal week. Public Safety personnel will be governed by the chiefs of various departments with the provision of adequate minimum staffing and any employee sent home for illness, exposure, or suspected exposure or to preserve the workforce will receive their full compensation as normal through their workweek. He feels the Town Manager would be best to determine these specific situations as opposed to council. Darla Brown, Town Attorney will put this together as open-ended or until the council rescinds the declaration of emergency. Mike Cornman, Fire Chief wanted to make sure the wording does not conflict with Indiana Code Title Ten on state of

emergencies. There could be a situation down the road that could receive reimbursement and does not want it to cloud the issue. Scott Oldham retracted his motion in order for Darla Brown, Town Attorney to formulate her Resolution. He would like for it to be worded to also include emergency or other situations to be handled in the same manner and not just limited to Covid-19 policy.

Health Insurance for 2021

Sandra Hash, Clerk Treasurer wanted confirmation on the changes with the health insurance. William Ellis was not present at the special session to vote so it is being brought back to this meeting for the vote. She explained our current policy is with Anthem and the rate was going to increase 5.9%. IU Health offered a policy that would be a 28% decrease making a total savings to the Town and employees of \$109,000.00. \$22,000.00 is savings to employees and \$87,000.00 is to the Town. With \$20,000.00 of the savings the Town can pay for employees to join the Activate clinic. The IU Health plan requires employees to use an IU Health provider, or you are out of network decreasing the savings. The clinic offers blood work and prescriptions along with general care all free of charge to the employee. This will give employees time to find an IU Health provider. Life insurance will be raised from \$20,000.00 to \$50,000.00. The Town would still see a \$60,000.00 savings and she would like to earmark that for any proposed increases in 2022. Scott Oldham made a motion to approve the Health Insurance for 2021. William Ellis seconded. Roll call vote: Dan Swafford – yes; Scott Oldham – yes; William Ellis – yes; Trevor Sager – yes; Pamela Samples – yes. Motion carried.

Privilege of the Floor

Russ Ryle thanked the Town for the revised website. He suggested they look at what Monroe County has done for the meeting schedule that would include a list of meetings with the link to attend those meetings.

Supervisors Comments

Mike Cornman, Fire Chief explained they had a wildfire this week and they have not had one of that size in over 40 years or in the Ellettsville fire jurisdiction since 1970. He wanted to let the council know that if this were to happen within the Town limit, there are repercussions with whoever started the fire but not in the county. He is working with the Department of Natural Resources state fire control out of Morgan Monroe forest along with the state Fire Marshal's office to see what they can do to remind people not to burn and for something of this size you will be held accountable. Dan Swafford suggested putting burn warnings on the website. Mike Cornman explained that open burning Ordinance in the Town is limited to social gatherings, if it is not a social gathering, you are not allowed to burn.

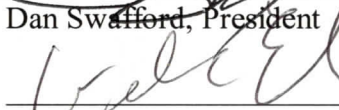
Council Comments

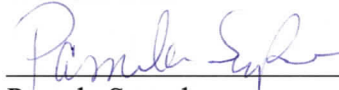
Pamela Samples wanted to request, if possible, to have the agenda on the screen during the meeting. Sandra Hash, Clerk Treasurer said that could be done anytime. Dan Swafford suggested the meeting host could do that and follow along. She agreed.

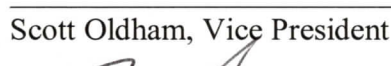
Adjournment

Dan Swafford entertained a motion to adjourn. Scott Oldham 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. Dan Swafford adjourned the meeting at 8:08 p.m.


Dan Swafford, President


William Ellis


Pamela Samples


Scott Oldham, Vice President


Trevor Sager


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