

October 12, 2020

Due to COVID 19, The Ellettsville, Indiana, Town Council met for a virtual meeting on Monday, October 12, 2020 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, Vice President; William Ellis and Trevor Sager. Dan Swafford and Pamela Samples were absent. 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.

Approval of Minutes

Scott Oldham entertained a motion for approval of the minutes of the regular meeting on September 28, 2020. 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.

Ordinances on First Reading

Ordinance 2020-25 to amend Ordinance 2020-20 Burns Annexation correcting legal description

Darla Brown, Town Attorney explained when Ordinance 2020-20 was passed, the legal description was stated as North instead of South. This is to correct the description, so the Auditor's Office has an accurate description of the property that was annexed. She further explained that since it has already been passed the council can use the procedure Indiana code authorizes to pass an Ordinance on the first reading. Sandra Hash, Town Clerk explained she sent that guideline by email earlier today. William Ellis made a motion to approve Ordinance 2020-25 to amend Ordinance 2020-20 Burns Annexation correcting legal description and be submitted for first reading. Scott Oldham seconded. Roll call vote: Scott Oldham – yes; William Ellis – yes; Trevor Sager – yes. Motion carried.

William Ellis made a motion Ordinance 2020-25 be adopted the same day as it was introduced. Trevor Sager seconded. Roll call vote: Scott Oldham – yes; William Ellis – yes; Trevor Sager – yes. Motion carried.

William Ellis made a motion Ordinance 2020-25 be adopted. Trevor Sager seconded. Roll call vote: Scott Oldham – yes; William Ellis – yes; Trevor Sager – yes. Motion carried.

Old Business

Animal Shelter Interlocal for Fiscal Year 2021

Darla Brown, Town Attorney explained after the agreement was tabled at the last meeting, she had spoken with the director at the Animal Shelter regarding her questions. He was able to provide figures that outlined what the animal shelter charges and what they have collected from out of county residents. That figure was approximately \$4,500.00 and was not included in the figures provided by the City or the County but they are charging when animals are dropped off at the shelter from out of county residents. Scott Oldham entertained a motion to approve the Animal Shelter Interlocal for Fiscal Year 2021. Trevor Sager so moved. William Ellis seconded. Roll call vote: Scott Oldham – yes; William Ellis – yes; Trevor Sager – yes. Motion carried.

Flood Report

Michael Farmer, Town Manager discussed the town now owns 104 W. Vine Street that adds to the purchase last year of 105 E. Vine Street and combined with G.L. Chandler's property they have a proposal from Christopher Burke to do a flood plan for mitigation to improve the flooding of the downtown area. Financing was a main concern from a previous conversation, and he explained that there is \$142,904.00 of unused funds in the Storm Utility. He recommends taking some of those funds and pay to have the flood plan developed by

Christopher Burke. The fee was estimated at \$56,500 a year ago and will be a few thousand more after data gathering and surveying is included but he requests the Town move forward with the proposal from Christopher Burke. Darla Brown, Town Attorney stated we need a signed contract from Christopher Burke to be presented at the next council meeting for approval. Michael Farmer explained he had one and will send it to her tomorrow to be added to the agenda for the next meeting. Russ Ryle from the public questioned the area covered by the contract. Michael Farmer explained the different phases of the plan and what was covered. He feels it covers everything they need to start the project.

New Business

Memorandum of Understanding between the County of Monroe, Indiana and the Town of Ellettsville, Indiana concerning the resurfacing of Ratliff Road

Danny Stalcup, Street Commissioner explained Monroe County is wanting to apply for a Community Crossing grant to resurface Ratliff Road. The town owns approximately .26 miles of that road and they have asked to pave the entire road including that section belonging to the town. Lisa Ridge, Director of Monroe County Highway Department explained they desire to resurface Ratliff Road from Loudon Road to Hartstrait Road. If awarded the project, they will address any drainage issues adding pipes where needed before resurfacing begins and asked for the town to support them in this project. Trevor Sager made a motion to approve the Memorandum of Understanding between the County of Monroe, Indiana and the Town of Ellettsville, Indiana concerning the resurfacing of Ratliff Road. Scott Oldham seconded. Roll call vote: Scott Oldham – yes; William Ellis – yes; Trevor Sager – yes. Motion carried.

New Utility Maintenance Building

Michael Farmer, Town Manager discussed the building of a new Utility Maintenance Building. He explained the existing building on Matthews Drive is old, has a rotting foundation and flooded several times. His plan is to build a new modern maintenance facility on the 20 acres owned by the town behind Townhall. Future hopes would include a water tank on the same site. He requested to start the process and the first part would be placement of the building. Mike Farmer and several others met at the property earlier and discussed different perspectives. The different perspectives brought up numerous questions about cost difference in placement, tree removal and esthetics. He requested input from the council to discuss in a work session and possibly walk the property to direct him. The placement of the building will determine the next discussion on the agenda about Tree Harvesting. He also suggests public consideration in the matter because of the plan to build a park, trails, and baseball fields in the future. Scott Oldham agreed it should involve council and the public, this is a 50- or 60-year fixture and not just a 10 year structure and part of the center stone of the Town and should be a decent looking structure. Michael Farmer will work with Sandra Hash to schedule a work session. She will check with Pamela Samples and Dan Swafford if they are available on October 19th since those dates were originally set aside for scheduled work sessions. Scott Oldham further inquired about a discussion years ago about the Post Office relocating to the Government Complex. Michael Farmer has not addressed that for quite some time but probably should be discussed as well. He will contact them and see if someone could be present for the work session.

Tree Harvest – Town Hall Property

This discussion was put on hold until after the Work Session since the location of the New Utility Maintenance Building will impact the harvest.

Charlestown Manor Phase I Erosion Control Bond – Release Bond

Kevin Tolloty, Planner explained that Charlestown Manor has an Erosion Control Bond in the amount of \$31,000.00 for Phase I. They have finished all the work and most of the lots are sold. They would like to get that released and applied to Phase II. Trevor Sager made a motion to Release Charlestown Manor Phase I Erosion Control Bond. William Ellis seconded. Roll call vote: Scott Oldham – yes; William Ellis – yes; Trevor Sager – yes. Motion carried.

Truck Purchase – Fire Department, Mike Cornman, Fire Chief stated according to Town Code Section 33.03 he would like to request the purchase of a fire truck within budgeted

amount in the Cumulative Building Equipment Funds. He will be replacing a 1997 Ford truck received from the Utility Department. It is being purchased from state bids per the state quantity purchase agreement.

He is requesting permission to purchase a new, simple Ford 4-wheel drive pick-up truck in the amount of \$29,454.25. He will need a letter from the Clerk Treasurer stating they have the funds available. William Ellis made a motion to approve the truck purchase for the Fire Department. Trevor Sager seconded. Roll call vote: Scott Oldham – yes; William Ellis – yes; Trevor Sager – yes. Motion carried.

Privilege of the Floor

Russ Ryle asked if when the walk through is complete on the 50 acres for the location of the new maintenance building if he could be provided a rough sketch or plan of how it will be utilized. He appreciates not cutting trees until necessary. He is concerned with the access problem on to 46 with the addition of KeHE and daily traffic that would occur with having the Post Office on the property. Scott Oldham stated all those things are part of the overall planning process. They would be sure to get him the information requested.

Dan Rarey asked if members of the public could attend the work session when they are planning the walk through of the property. Scott Oldham confirmed the public was allowed and would come back to council chambers after the walk through. Russ Ryle asked about if it would be by Zoom due to his physical limitations, he would only be able to attend by Zoom for the walk through. Scott Oldham stated he would try to make it happen. Darla Brown, Town Attorney explained Zoom meetings have been extended until November 1, 2020. William Ellis offered and asked if he could do a Facebook live on his personal page if they were not able to figure out the technology to provide the Work Session by Zoom or other means. Darla Brown, Town Attorney was not able to give a definitive answer and would have to check on the laws of video as public record whether it is by CATSTV, (Community Access Television Services) or other. William Ellis was concerned with using his personal page and it being used as an official page of the Town. Russ Ryle was curious about the legal issue stating people can make written comments which are written into the record of an in-person meeting what is the legal difference in doing it written or by video live. The laws were written before all this technology came in play. Scott Oldham feels at some point the Public Access counselor will weigh in on this issue. Russ Ryle feels from a public access standpoint and ADA, (American Disability Act) standpoint it should be allowed as a routine part of business. Darla Brown will have to check the statutes to determine whether Town Council could adopt a policy to allow it if legislature does not.

Dan Rarey also expressed his thanks to the Ellettsville Police Department for reacting to a call at his mother's house recently after she had an adverse effect of one her medications making her believe someone was in her house. They responded within 5 minutes of the call and treated her so kindly and compassionately until she felt everything was okay and felt safe. He commended them for everything they done for her. Jimmie Durnil, Town Marshal thanked him for the kind words, they are nice to hear with so much going on about defunding the Police.

Supervisors Comments

Michael Farmer, Town Manager asked to clarify the plan of the Work Session. Scott Oldham is not sure about the video capabilities. Mike Farmer will check with CATSTV but believes they do not have outside capabilities. He is willing to put up one of the tents near the site if it looks like rain. He will follow up with everyone after discussing with CATSTV so they can figure out a plan to be able to include everyone that is unable to attend.

Michael Farmer, Town Manager mentioned that KeHE has moved in partially to their new facility and are utilizing cold and freezer storage. They hope to be completely moved in soon and welcomed board members to come for a tour.

Sandra Hash, Clerk Treasurer mentioned she had applied for the Cares Act reimbursement and is waiting to hear back from them. She completed the last paperwork on Friday but expects it will be a couple of weeks. She has heard from other Clerk Treasurer's that it has been a quick turnaround.

Council Comments

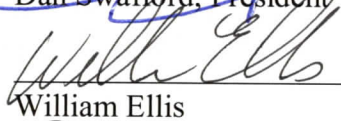
William Ellis discussed he had received several emails and a phone call about chicken coops. He drove through the area between Dewey and Ritter Street that he received the complaint and verified it had a very strong odor of feces from 2 blocks away. He asked what can be done and if the fowl could be removed if they are not keeping in compliance with the Ordinance. He reported that neighbors are complaining the smell is so bad they cannot keep their windows open during the day and one is considering putting their house up for sale to move out of Ellettsville. William Ellis also mentioned they have been talked to multiple times and it is still happening. He inquired about if we were able to make it a permit process where they be required to apply for it and if violated the permit revoked. Scott Oldham believes it would need to be a change in the Ordinance since the town had one in place. Kevin Tolloty, Planner will check into it, but Planning is limited with code enforcement especially with doing it quickly and is trying to find a way around that. The biggest concern is, does the Town have the force to correct issues. William Ellis verified that it is the same coop that was recently granted permission for a variance in the size. Scott Oldham asked Kevin Tolloty to try to come up with a plan to make things easier to enforce. He agreed and will see what he can and cannot do and make a solid plan.

Trevor Sager asked for the policy of leaf removal. Danny Stalcup, Street Commissioner stated leaves should be put at the edge of the yard and not in the road to be picked up.


Adjournment

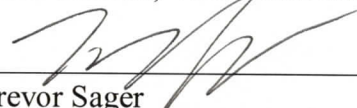
Scott Oldham entertained a motion to adjourn. Trevor Sager so moved. William Ellis seconded. Roll call vote: Scott Oldham – yes; William Ellis – yes; Trevor Sager – yes. Motion carried. Scott Oldham adjourned the meeting at 7:24 p.m.



Dan Swafford, President

William Ellis

Pamela Samples

Scott Oldham, Vice President

Trevor Sager

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