

June 14, 2021

The Ellettsville, Indiana, Town Council met for a regular meeting on Monday, June 14, 2021 at the Ellettsville Town Hall Meeting Room located at 1150 W. Guy McCown Drive. Scott Oldham called the meeting to order at 6:30 p.m. Jimmie Durnil led the Pledge of Allegiance followed by a prayer.

Roll Call: Members present were Scott Oldham, President; Pamela Samples, Vice President, William Ellis, Trevor Sager and Dan Swafford. Sandra Hash, Clerk Treasurer; Michael Farmer, Town Manager and Darla Brown; Town Attorney were also present.

Supervisors present: Jimmie Durnil, Kevin Tolloty and Jeff Farmer. Kip Headdy was present for Danny Stalcup and Kevin Patton was present for Mike Cornman.

Approval of Minutes

Scott Oldham entertained a motion for approval of the minutes of the regular meeting on May 24, 2021. William Ellis so moved. Pamela Samples seconded. Roll call vote: Scott Oldham – yes; Pamela Samples – yes; William Ellis – yes; Trevor Sager – yes; Dan Swafford – yes. Motion carried.

Accounts Payable Vouchers and Payroll

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

Ellettsville Chamber of Commerce, Jill Thurman – Luncheon with Governor Holcomb, August 31, 2021

Jill Thurman with the Ellettsville Chamber of Commerce explained the Chamber will hosting a Luncheon with Governor Eric Holcomb on August 31, 2021. He will address the business community through an interview format with questions selected by the Chamber. She invited council to attend and submit questions or topics that would be most important from an Ellettsville leadership perspective. Please contact her to attend and to submit questions or topics. She provided her business card with her contact information.

Resolutions

Resolution 14-2021 Transfer of Funds – Police Fleet Insurance and Town Hall Maintenance

Sandra Hash, Clerk Treasurer explained that it was discovered when paying the second half of the fleet insurance the Police side was short in the amount of \$5,231.80. Also, there is maintenance at Town Hall, painting and general catch-up items needed so she is transferring money from the Town Manager's Salary to Town Hall Maintenance. The insurance money will be transferred from Uniform's and Gear. William Ellis inquired about the change in the insurance amount. Sandra Hash explained after changing insurance this year the insurance went up, but the Police was hit harder than expected. Budgets were done in July and insurance changed in January leaving them in a bad spot sometimes after having a consistent budget for years. Jimmie Durnil, Town Marshal explained that they may have to do other transferring if they run short. Scott Oldham inquired about the fuel line and Jimmie Durnil explained it was right on the money. Sandra Hash said she probably would not be transferring from the Fuel line. Jimmie Durnil explained he was able to do a lot with the fuel money last year but probably not this year. Scott Oldham would like to revisit that topic at a later time. Trevor Sager made a motion to approve Resolution 14-2021 Transfer of Funds – Police Fleet Insurance and Town Hall Maintenance. Dan Swafford seconded. Roll call vote: Scott Oldham – yes; Pamela Samples – yes; William Ellis – yes; Trevor Sager – yes; Dan Swafford – yes. Motion carried.

New Business

2021 Review of Tax Abatements for KeHE – Real Estate and Personal Property

Sandra Hash, Clerk Treasurer explained this is an annual commitment. KeHE has submitted their forms to the Auditor and need the Town to confirm they are in compliance. Sandra Hash has created a form for the Council to sign and send to the Auditor. Darla Brown, Town Attorney explained if Town Council is going to deny the request for compliance, the Town needs to explain the determination and set a hearing date to discuss in a public hearing.

Sandra Hash confirmed they made their payment to the Town last year. Other requirements pertain to employees and salaries, and they met the requirements for those also. William Ellis made a motion that KeHE is in compliance with Real Estate and Personal Property for the Tax Abatement. Pamela Samples seconded. Roll call vote: Scott Oldham – yes; Pamela Samples – yes; William Ellis – yes; Trevor Sager – yes; Dan Swafford - yes. Motion carried.

Department of Public Works, Street Division – Pending Vacancy of the Street Commissioner Position

Pamela Samples, Vice President asked for this to be on the agenda and suggested that Kip Headdy be promoted upon Danny Stalcup's retirement. He is set to retire July 1, 2021. Michael Farmer, Town Manager agreed and stated he has more than proven his leadership and ability for filling this position. Pamela Samples made a motion to promote Kip Headdy to the Department of Public Works, Street Division Street Commissioner effective July 2 pending the retirement of Danny Stalcup. Trevor Sager seconded. Roll call vote: Scott Oldham – yes; Pamela Samples – yes; William Ellis – yes; Trevor Sager – yes; Dan Swafford - yes. Motion carried.

Water Emergency Contingency Plan – Emergency Operation and Disaster Planning in the Event of Groundwater/Water Contamination – Adam Hershberger

Adam Hershberger on behalf of Bynum Fanyo Utilities introduced himself and discussed the Water Emergency Contingency Plan. It is an EPA (Environmental Protection Agency) and State requirement plan to respond to emergencies that would impact the drinking water system and public health. It is a comprehensive plan that covers natural disasters, flooding and accidental or intentional contamination. After review, the plan will need signed by Council and submitted to IDEM (Indiana Department of Environmental Management) and a copy will need retained on file. This will be placed on the next agenda due to non-receipt of the copy emailed early last week.

Greater Ellettsville Area Chamber of Commerce, Dan Rarey – Envision Ellettsville Plan

Dan Rarey, fund raising chair for Envision Ellettsville and board member for Greater Ellettsville Area Chamber of Commerce and Ellettsville Main Street spoke and gave an update on the project. He stated after a year delay due to the pandemic, the plan has moved into the action stage. On June 2nd, Taylor Siefer, project consultant, and Williams Design Group met for a kick-off event at Town Hall with over 20 members on the project team giving the consulting team an overview and history of the community by Mike Cornman and Leasa Siscoe. Kevin Tolloty, Planner, gave an overview of the Town's comprehensive plan. They were then given a bus tour provided by Cook Medical to tour the area to familiarize the consultants with all the features of the community. The afternoon session was held at the Chamber office where they heard about Taylor Group web and social media strategies and the branding and design of the project. They will collect and analyze data about the community and report back to them by the end of July. This past Friday, Envision Ellettsville was the topic of the Chamber of Commerce power luncheon and reported they have had great success in their fundraising efforts by raising over half of the goal of \$45,000.00. He thanked the Town for the use of Town Hall and being a part of the project along with allowing him to speak tonight. Michael Farmer, Town Manager spoke to the council about the Town donating to the project. He proposed it be discussed and hopefully everyone will agree to donate. Dan Rarey said they are at \$30,000.00 and also received a \$30,000.00 donation from the Community Foundation. William Ellis asked for a summary of what the plan is and what the money will be used for and mentioned he remembered something similar in the past that failed and wanted to know how to avoid that happening this time. Dan Rarey explained they hired Taylor Siefer and Williams Design Group that have worked with several small towns in Indiana and been successful to conduct surveys to see what interests people have for industry, housing, businesses, parks, beautification, and trails and create a plan for the community called branding, "What/Who is Ellettsville", "Why are people wanting to come to Ellettsville". They will help create the plan and it will be up to us to implement it and make things better for everyone. The Chamber wants the board to partner with them on this project to help spread the word and make the Town what we want it to be instead of what it will only be. William Ellis also mentioned that Envision Ellettsville will be a part of every council meeting as an agenda item like the Flood report to give updates. Scott Oldham suggested being a Philanthropist Level donor at \$5,000.00. Sandra Hash confirmed there was money available that can be transferred from other appropriations to accommodate the

donation. Scott Oldham made a motion to commit to Envision Ellettsville at the Philanthropic level of \$5,000.00. William Ellis seconded. Roll call vote: Scott Oldham – yes; Pamela Samples – yes; William Ellis – yes; Trevor Sager – yes; Dan Swafford - yes. Motion carried.

Mowing Service Agreement between the Town of Ellettsville and Jason Scott

Kip Headdy explained that the Conard family is no longer interested in mowing the hay field behind Bobcat in Ellettsville. He has contacted Jason Scott and would like to cut it. The agreement is the same as the Conard family, he will cut the hay and in exchange, keep the hay. Trevor Sager made a motion to approve the mowing service agreement between the Town of Ellettsville and Jason Scott. Dan Swafford seconded. Roll call vote: Scott Oldham – yes; Pamela Samples – yes; William Ellis – yes; Trevor Sager – yes; Dan Swafford - yes. Motion carried.

Fire Department request to hire a Part-time Fireman – Rylan Clouse

Kevin Patton, Deputy Chief explained Rylan joined as an intern and moved up to volunteer rank. He has completed his agility, physical and interview process and is requesting to move up to a part-time position. Pamela Samples made a motion to approve Fire Department request to hire a Part-time Fireman – Rylan Clouse. Kevin Patton reported they are still short-handed and competing against everyone else in the state hiring. Dan Swafford inquired if things were improving and wanted to encourage council to think about how they can be more competitive and help come up with a plan to make things better for hiring the needed firefighters. Scott Oldham agreed and believed Covid has played a major role in the lack of personnel. Kevin Patton stated Mike Cornman, Fire Chief has been working on getting a better retirement plan called Police and Fireman PERF, that he feels will help with the turnover.

ARP (American Rescue Plan)

Michael Farmer, Town Manager feels it is important to create a group of Town professionals with the help of Baker Tilley, accountants for the Town, and make a plan for the use of the ARP money that the Town will receive. The plan should outline what the funds should be used for, contingency plans, other funds available that could double our money by matching grants and track the funds to be in compliance with the ARP rules. There are a lot of moving parts to the ARP plan, and he feels we need professional help with it. He has several projects and ideas for some of the money and wants to utilize it the best we can. Sandra Hash, Clerk Treasurer agreed it is very complex because it is Federal Funds and will be highly scrutinized and carefully watched and welcomes the professional assistance. Scott Oldham agreed it is too complex and we need the assistance to avoid error and cause the Town to pay back money or have to back out of promises. He proposes a motion to retain Baker Tilley for their professional guidance. Mike Farmer would like to start meeting weekly to go over the plans starting Wednesday, June 16th. The agreement has the costs detailed by hour depending on the level of job classification but not to exceed \$15,000.00. Sandra Hash added there is a budget line for Miscellaneous Professional with appropriations to cover the costs, but it is a possibility that the funds from the ARP Plan can cover consulting fees, but it is unsure. The appropriation has a balance of \$20,000.00 that in the past was used for the MS 4 operator, Rick Coppock when he did things for the civil side of the Town and Stormwater Utilities. He no longer provides those services so there is nothing designated to come from that appropriation. The functions are now paid through the Planning Department for Stormwater. Sandra Hash also mentioned Baker Tilley would also help with other facets of the plan such as grants to cover the projects we want to do but not covered under the ARP plan. Darla Brown, Town Attorney stated in her opinion Baker Tilley would be helpful because they will cover the category to help recover the Town's revenue losses. There is a calculator to determine how to calculate your losses and they would best to do that to have an accurate total acceptable to the Federal Government to be reimbursed for revenue losses. It was originally projected the Town would receive \$1,400,000.00 but it is up to the state to distribute the money and if they incorporate the Townships, it will greatly reduce the amount. The bigger cities labeled as entitled towns, get direct payment from the Federal Government but we are not an entitled town. Non-entitled towns distributions go through the state. There is a time frame to spend the money and there is plenty of time, but Michael Farmer feels he does not want to be complacent with it. Darla Brown also mentioned that if funds are transferred to a not for profit or special purposes unit of the state or local government, you

have to help the recipient to track the fund to make sure they are using the money for what they are supposed to and that level of management from Baker Tilley would be beneficial. William Ellis made a motion to approve the engagement letter between the Town and Baker Tilley. Trevor Sager seconded. Roll call vote: Scott Oldham – yes; Pamela Samples – yes; William Ellis – yes; Trevor Sager – yes; Dan Swafford - yes. Motion carried. Michael Farmer invited council to attend the first meeting on Wednesday, June 16th at 2:00 at Town Hall.

Review of Sign Ordinance

Scott Oldham requested this be put on the agenda from the recent request from KeHe for additional signage. He asked Kevin Tolloty if we owned a light meter. Kevin reported no we did not. Scott Oldham explained this creates a problem because there is a Code that puts brightness levels not to exceed .5-foot candles above the ambient light but we have no way to measure that thus no way to enforce it. He has found that a lot of the items on the Sign Ordinance is this way, it is hard to follow and feels it needs to be updated. Dan Swafford agreed there is a lot of holes in the Ordinances and Codes, but many were copied from other Towns originally and customized as different situations arose but does feel it needs updated. Scott Oldham stated with all the new annexations it needs to be easier to read or list some waivers for specifics. It also needs to be enforceable. Dan Swafford asked if that would be Council or would it go through Plan Commission first. Darla Brown, Town Attorney stated that statute says if the legislative body wants to initiate a proposal to amend an Ordinance the proposal has to be referred to the Plan Commission for consideration and recommendation. Then the Plan Commission has 60 days to hold a public hearing and give a favorable or non-favorable recommendation and then it comes back to Town Council. Another way it can be done is the current members that serve on both boards can recommend changes in the next Plan Commission meeting and Plan Commission initiate the changes to go through the normal process. William Ellis feels that many of the regulations need more explanation. They give you the rule, but it does not list why it needs to be that way. He gave his opinion that if the why is not big enough than the need to do it, it needs to go away. Sandra Hash, Clerk Treasurer has been a member of the Plan Commission for a long time and in one period of time, signs were a big issue. It has always been an ever-evolving issue and they have spent a great deal of time on it. It was mostly during the time of transition to the one-way pair and times have really changed along with the amount of traffic, so she feels it is appropriate to revisit this. She stated in 2006 the sign code was the amended and again in 2017. It will be a lengthy process, but she advised council to look over them and make recommendations on what they like and do not like. Scott Oldham explained that the reason he has looked into these so carefully is because of KeHE and the new Starbucks. He has found KeHE has little road frontage but a very large building. Large trucks have a hard time locating the turn due to the small sign allowed causing traffic hazards. The new Starbucks is also a hazard being on the North side of the roadway, which is great if you are going West, but most people are traveling East during the popular time to get coffee causing traffic hazards because they do not see the sign until they are right on it. While he understands there has to be guidelines on size, but it will alleviate some of the issues if there were larger signs allowable. Dan Swafford agrees but it does have to be regulated. They also have to be reviewed from time to time. Scott Oldham just feels it needs to be easier to read and understand. Michael Farmer believes it is important for our business owners to be able to advertise but it does have to be carefully worded to balance out the esthetics of the Town. Scott Oldham stated this issue dovetails with Envision Ellettsville and people wanting to be a part of our Town, if the sign ordinance will not allow their trademark signage and they have issues like that to start, they will not be interested in being a part of our Town. Sandra Hash mentioned that KeHE had a small temporary sign, and their permanent sign is much larger. Scott Oldham agrees it is better, but when you have a building that size, they should be allowed a larger sign. Michael Farmer explained that he spoke with Dave Boyer at KeHe, and they are going to go through the Board of Zoning Appeals (BZA) regarding their issue. Council agreed that Plan Commission will address this within 90 days and if not, the Council will take it back and work the project to send back to Plan Commission. Darla Brown, Town Attorney advised it would be helpful for the council members to email their thoughts to the Plan Commission, so they have some idea of what they want addressed. Sandra Hash gave a general summary of what they wanted to address and those include road frontage, language we cannot monitor needs removed or modified to have a better guideline and simplify the information to make it more understandable. Scott Oldham also would like to see an alternative to going to the Board of Zoning Appeals, they should be able to petition for a

larger sign before the building is completed. He would like it built into the ordinance that the Plan Commission can waive things ahead of time before waiting to go to the BZA, but Darla Brown believes the state supersedes that, but she will talk with Kevin Tolloty. Darla Brown believes that if someone wants something that is not set forth in the ordinance it must go through the BZA for the variance and said at some point there will be a situation that does not fit the code and that is the purpose of the BZA to deal with those as they come along. It either needs to be allowed up front or a simpler process to fix it.

Privilege of the Floor

Russ Ryle thanked the council for allowing him to attend the meeting by Zoom. He discussed how Ellettsville has seen an increase in population density and traffic volume over his time in Ellettsville. There will probably never be an Ordinance to regulate human behavior, speed, and common courtesy to prevent traffic incidents on highway 46 specifically at Starbucks where you must cross traffic usually early morning when the sun is blinding to get to Bloomington. He feels it is poorly sited and additional signage will not help and only cause congestion. Additionally, with the upcoming residential developments, it will add even more traffic. He questioned the definition of a sign and feels a water tower is not a sign.

Supervisor Comments

Michael Farmer, Town Manager reported on the Flood Report that Andrew Miller from Christopher Burks is coming for a site visit on Wednesday at 10:00 on Vine Street and invited council. After that they will go out to Hartstrait Road. Kip Headdy explained that Jack's Defeat Creek is encroaching the edge of Hartstrait Road which is part of the Town now. While Andrew Miller is in town, they will have him look at it and then decide if they need to act on it.

Michael Farmer also mentioned he is working on a project with the Parks Board on replacing the playground equipment at Campbell's Park that was recently removed for being unsafe. He explained that there is currently nothing for kids to play on unless they go to the school playground. He is working on a proposal to replace Campbell's Park equipment and he has been given permission from Marty Stephens, Richland Township Trustee to use the property at Marci Jane Lewis Park by the basketball courts to add an additional playground. He also has plans to add a playground by Town Hall as part of the promotion of the Next Level Trails and part of the grand plan for the trails and park system. He stated the proposal will be costly, but the Town has the money. He will have something to present at the next meeting but if anyone is interested, he can provide the background, so it is not a shock. He did mention we would not be able to compete with the County and City and there is nothing in the plan for a Splash Park but maybe in the future and is very excited about it. He also gave a quick update on the new maintenance building. The trees have been cleared but he has been busy and needs to get a site plan done before they can proceed.

Jimmie Durnil, Town Marshal mentioned that Cassady Electric has started installing the new lights on the Trail this week if anyone noticed the big equipment there. There will be 8 new lights on the trail and 2 in the parking lot area. He also expressed his excitement for the new playground equipment project.

Jeff Farmer discussed he will be sending an email to the council about several needed updates on the wastewater treatment plant (WWTP). It has been there for about 25 years now and some of the equipment and technology is antiquated. The UV system requires approximately \$50,000.00 in bulbs and ballasts a year due to the age. SCADA (Systems Control and Data Acquisition) is the original technology. The Oxidation Ditch needs an updated technology, they spend \$10,000.00 to \$14,000.00 monthly on electricity to run it. Overall esthetics to the plant such as black top, painting metal structures needs sand blasted and painted and the tanks all need painted. He stated taking care of these issues now will hopefully keep the plant around another 25 years. Other projects to include will be a dump station for the septic haulers. The current one will be vacated, and it should be located at the WWTP. Along with that, there needs to be automatic gates to track who is dumping and how much to have better control. He will be getting with council in the future and hopefully they will get in an agreement with Eastern Richland and be able to move forward on some of these items. They are looking at ARP and State and Federal funding for some of it to

mitigate the impact on the rate payers. There is already \$600 million in projects that have been submitted for the \$50 million dollars the state is going to get so it will be tough to get any of those funds.


Michael Farmer, Town Manager also invited everyone to the Governor's luncheon and would love to see council present.

Council Comments


Scott Oldham requested a work session immediately following the June 28th meeting with the purpose of discussing annexations and other town business related to that. The regular meeting will adjourn and then they will hold the work session after a short break.

Adjournment

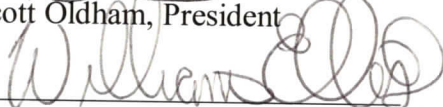
Scott Oldham entertained a motion to adjourn. Dan Swafford so moved. Pamela Samples seconded. Roll call vote: Scott Oldham – yes; Pamela Samples – yes; William Ellis – yes; Trevor Sager – yes; Dan Swafford - yes. Motion carried. Scott Oldham adjourned the meeting at 8:12 p.m.



Scott Oldham, President



Pamela Samples, Vice President



William Ellis

Trevor Sager



Dan Swafford



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