

June 28, 2021

The Ellettsville, Indiana, Town Council met for a regular meeting on Monday, June 28, 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 and Dan Swafford. Trevor Sager was absent. Sandra Hash, Clerk Treasurer; Michael Farmer, Town Manager; and Darla Brown, Town Attorney; were also present.

Supervisors present: Jimmie Durnil, Mike Cornman and Kevin Tolloty.

Police Officer of the Year

Jimmie Durnil, Town Marshal announced Mark Freeman as Police Officer of the Year. Mark has 13 years' experience with Ellettsville, devoted to the citizens of Ellettsville and is continuously involved with the training each year. Marshal Durnil read the award and Council congratulated Mark on the award. Mark thanked everyone for the support over the years and the award.

Approval of Minutes

Scott Oldham entertained a motion for approval of the minutes of the regular meeting on June 14, 2021. William Ellis so moved. Dan Swafford seconded. Roll call vote: Scott Oldham – yes; Pamela Samples – yes; William Ellis – yes; Dan Swafford - yes. Motion carried.

Accounts Payable Vouchers

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

Sale of Utility Vector Truck

Michael Farmer, Town Manager explained they have a bid in the amount of \$50,000.00 and he feels it is in our best interest to accept the bid. Darla Brown, Town Attorney explained this did not meet the reserve, but it is the only bid the Town has and they have tried for several months advertising on eBay with no results, so the Town has exercised its due diligence and should accept the bid. Pamela Samples made a motion to accept the \$50,000.00 bid for the sale of the utility vector truck. Dan Swafford seconded. Roll call vote: Scott Oldham – yes; Pamela Samples – yes; William Ellis – yes; Dan Swafford - yes. Motion carried.

Resolutions

Resolution 15-2021 Transfer of Funds for Promotion of Town Business

Sandra Hash, Clerk Treasurer explained the transfer is to cover the \$5,000.00 to Ellettsville Chamber of Commerce for Envision Ellettsville. William Ellis made a motion to approve Resolution 15-2021 Transfer of Funds for Promotion of Town Business. Pamela Samples seconded. Roll call vote: Scott Oldham – yes; Pamela Samples – yes; William Ellis – yes; Dan Swafford - yes. Motion carried.

Ordinances on First Reading

Ordinance 2021-13 Pilot Agreement with Ellettsville Senior Citizens Housing LLC (Richland Citizens Housing and Maple Shades)

Kevin Tolloty, Planner introduced Yvonne Delgadillo on Zoom with Allied Affordable Housing. She discussed that previously the Town approved the tax abatement for the new construction on Matthews Drive coming soon. She explained that the state has a new regulation to implement Pilot programs for affordable housing projects. It basically preserves the tax exemption for affordable housing for lower income families and senior citizens. In order to qualify for the tax exemption, they must enter into the Pilot Agreement. The agreement states the owner will continue to operate as an affordable multifamily residential rental housing development to include all existing projects and new construction.

She shared materials from the state and the bond council that she has been working with so that projects follow the regulations. Nothing changes, it only puts all the projects under the same Pilot Agreement and makes it more consistent for reporting with the Town. The new construction would be in perpetuity versus having to come back to Council after 10 years. Scott Oldham questioned the agreement covering Governors Park at the Lenzy Hayes property. Yvonne Delgadillo confirmed it only included Richland properties and not Governors Park. Scott also asked about the wording of multi-family. Yvonne confirmed it is only senior citizens and will remain senior citizens even for the new construction. Scott Oldham asked for something in writing to define that for clarification.

Ordinances on Second Reading

Ordinance 2021-12 to amend the Zone Maps – Rezones Property located a 415-421 Constable Drive, Ellettsville from R-1 to R-3

Kevin Tolloty, Planner explained that the petitioner was in attendance and has a slide presentation he would like to show. Kevin also mentioned this did go before the Plan Commission and received a favorable recommendation by 4-3 vote to rezone from R-1 to R-3. R-1 is single family residential, and R-3 is multi-family residential. Thomas Landis began by explaining he bought his first investment property in 2012. He stated that when he started investing in property, he realized that real estate could offer value and that is the core of his business strategy. He purchased a property on Constable Drive in Ellettsville that had previously suffered extensive fire damage. The previous owner purchased it for a great price and put a lot of work into it. It was turned into a duplex and a single-family residence due to the breezeway between had burnt down that created a mother-in-law suite. This makes the property unable to qualify for personal financing and it will always have to be under a commercial loan because it is two separate houses under one address. Whoever buys this property in the future will only be able to have it as an investment property. His request complies with a comprehensive plan that allows the most desirable use of the property for multi-family options. There is a small lot next to the property that only gets mowed and it could provide opportunity for additional housing. The surrounding property will not be impacted as it is surrounded by multi-family homes, and it promotes responsible development possibly adding additional parking spaces for not only this property but the surrounding properties. The empty ½ acre lot offers the building envelope of 2700 square feet, and it meets all the code requirements for best building practices, setbacks, parking spaces and such. It is a small space, but he feels a small duplex would be the best fit offered within the 30% income to rent ratio. Scott Oldham expressed concern if in the future the property was sold, the new owner could destroy the existing property and build an apartment complex. Kevin Tolloty explained it could be an option but would be limited to 8 for apartments and 5 for duplexes and as an investor it doesn't seem financially viable to destroy existing property to build new unless it was a much bigger structure which is not reasonable. Scott Oldham asked if Council did not take action, does it revert to the Plan Commission ruling. Darla Brown, Town Attorney explained that if Council does not take action within 90 days and does not adopt or reject the proposal it will be as if it passed with the Council. William Ellis made a motion to reject Ordinance 2021-12. Pamela Samples seconded. Roll call vote: Scott Oldham – yes; Pamela Samples – yes; William Ellis – yes; Dan Swafford – no. Motion carried. Property will remain R-1 for the primary concerns of the density of the area, street size and general safety reasons being next to the Richland Senior Citizens apartments concerning sight lines and traffic.

Old Business

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

Michael Farmer, Town Manager explained the plan is an example of what Bynum Fanyo Utilities does to satisfy IDEM (Indiana Department of Environmental Management) and IURC (Indiana Utility Regulatory Commission). It doesn't need approved and is being presented for educational purposes. Scott Oldham fees the plan is very well thought out. Michael Farmer explained that people take for granted the plethora of things they have to do and report to have water. Michael Farmer mentioned when the secondary water line was brought in from Bloomington, it has alleviated a lot of concern for water especially during drought or natural disasters.

Open Door Law Update

Darla Brown, Town Attorney asked this to be on the agenda due to Indiana Legislature passing a couple of new code sections which would allow Town Council if it so chooses, to adopt a policy to allow the members of Town Council to participate in meetings electronically and wanted to get a feel for what they wanted. She stated they don't have to do anything, and some boards choose not to do the hybrid. She refreshed the guidelines mentioned at the previous meeting explaining that they would have to adopt a policy allowing all members of the governing body to communicate with each other and allow the public to simultaneously attend and observe the meeting, excluding Executive Sessions. There still has to be a quorum present in person and the Council members attending on Zoom must be able to be seen and heard. It cannot be a picture or just a name but an actual face of the member. You can limit the number of members who participate electronically and cannot use electronic meetings to taking final action on adopting a budget, personnel reduction, initiating a referendum, establish or increase a fee or penalty, Eminent Domain authority, or establish or raise a tax. This was discussed at the Municipal Lawyers conference last week and most entities have found this cumbersome and were not going to adopt a hybrid policy. Darla Brown was able to check into one of the questions asked about adopting a policy for the whole town or does each board have their own policy. She explained each board has its own policy, but the Town can create its own policy and encourage the other boards to follow it. Scott Oldham is in favor of the hybrid policy and feels Zoom is advantageous to the Town on many levels. There was a misunderstanding of public attending by Zoom, the policy is strictly for Council to be able to attend. The public can attend by Zoom with no issue other than public hearings and that each person is identified individually with their comments clearly identified. Council members are limited to 2 meetings in a row by Zoom. They cannot attend more than 50% percent of the meetings by Zoom in a 12-month period to be in compliance unless it is an emergency, military deployment, death of family member or illness. Attendance would need to be tracked and record why the member was unable to attend. It is also encouraged to be in the policy to inform the Council president of your absence so they can be sure to have a quorum in the room. It was suggested to have the policy for emergencies and agreed to have it for that reason. Thomas Landis and Russ Ryle from the public agreed. Darla Brown will prepare the policy and have it ready for the next meeting.

Flood Report

Michael Farmer, Town Manager reported information regarding the recent storm. Crews were dispatched for flooded streets, Highway 46 and some of the side streets were flooded. They sandbagged Old Town Hall and there was some clean up necessary along Vine Street and surrounding areas. The flood wasn't as bad as in 2018 but it will continue to flood until we do something about it, and he is glad they are trying to make some progress on it. Scott Oldham added that he has had several people ask about the recent purchases made by the Town for the Flood remediation and whether it was necessary. The issue of flooding is whether emergency vehicles such as ambulances from Spencer or Stinesville have access to the hospital. He understands the Town pays the bill for correcting these issues, but it isn't for convenience, it is a matter of life and death in some situations. Michael Farmer also discussed he met with Christopher Burke Engineering, and they recommended contacting all the property owners along Vine Street to Sale Street and incorporate their yards in with the shelving project. He is going to start canvassing those homeowners and try to get easements to incorporate them into the plan. Christopher Burke further suggested to look into installing a culvert box on the North side of the bridge on McNeely Street. This was Phase II of the water model. Council and Michael Farmer feel the timeframe is still undetermined and could possibly be ongoing but at least they are trying as it has been an ongoing problem for many years with little progress. Carl Thurman, Thurman Body Shop and resident of Vine Street spoke from the public. He inquired about when they would be starting the actual work and not just studies. He is very much vested in Ellettsville and very patient, but he would love to see some action before the next big flood. Scott Oldham explained that the plans and the studies all have to be completed before they can get the permits necessary to start the work. Carl Thurman encouraged the board to do what they can to get take action. Michael Farmer expressed it is a frustrating, back and forth slow process and he understands, but it does take time and he assured everyone that he will do what he can to get this taken care of sooner than later. Jack Harbridge resident at the corner of Vine Street and Sale Street, discussed his concern with the sediment that collects at the bottom of the creek after each flood and was

curious of what they would do about the buildup. Scott Oldham explained that each step is a process and there will be a long-term preventative maintenance plan but it won't alleviate the problem because of the way the state does things, as soon as you get one permit, they won't give you a permit that extends over 10 or 15 years so you have to go back at a regular pace. There is also a certain number of times a creek can be entered in so many years, so it won't be something done on an every 90 day process. Scott also explained that they are dealing with DNR (Department of Natural Resources), IDEM and DOT (Department of Transportation) and each state agency deals with different areas, so everything has to happen in sequence and go to the right person at the right time. Michael Farmer added that INDOT has plans to reconstruct the bridge in 2024 so hopefully they will remove some of the sediment at that time. Russ Ryle discussed the difference in structures from 2008 ariel photos to now and how he is concerned with the amount of development that in the future it will only increase the water runoff from all the structures and the water not having enough ground surface to soak up the water. He feels it will aggravate the flooding in the Jack's Defeat Creek flood basin and should maybe try to decrease the density in that area. Michael Farmer feels with good, engineered retention and paying close attention to Stormwater runoff, the new developments will actually create less flooding instead of more. He mentioned KeHE has Stormwater retention and is working well and believes that there is a lot of small fixes from old retentions that will help with the total problem.

Envision Ellettsville Update

Dan Rarey, representing Greater Area Chamber of Commerce, downtown Ellettsville and Envision Ellettsville project updated the last meeting. The project is now in the hands of the consultant, Taylor Seifer and Williams Design group and they are currently working on the branding and the identity of the Envision Ellettsville project, their website development and collection of base data. Those tasks should be completed and reported back to them by the end of July. In addition, they are going to begin the demographic and social economic data review and existing physical conditions diagram later this month. They are expanding their list of stake holders that they want to participate in the community visioning process and surveys. The fundraising is making great progress in reaching the goal. He thanked everyone for their support of the project and the outstanding financial support.

New Business

Replacement of the 2011 Right Hand Drive Meter Reading Vehicle

Michael Farmer explained the vehicle is a Utility vehicle used for meter reading. The Jeep is a 2011 Right hand drive model, important for safety. It has had numerous problems and needs replaced. It is on the list of vehicle replacement approved through our rates and charges, the board and the IURC. He would like approval to move forward. He only has one quote due to it being a right-hand drive and a Jeep which is an American made vehicle and has looked high and low for any others. He would like approval now so that he can order the vehicle and have it by next year. The quote is for \$43,145.98 from a local group, Community Auto Group which is Dodge and Chrysler. The funds are budgeted by putting \$2,500.00 a month from Sewer Utility and \$2,500.00 from Water Utility so they have a good reserve on hand for vehicle replacement. Darla Brown, Town Attorney stated the one quote was acceptable since they have an explanation, and it is an unusual item to get quotes for. Dan Swafford made a motion to approve the Replacement of the 2011 Right Hand Drive Meter Reading Vehicle from Community Auto Group. Pamela Samples seconded. Roll call vote: Scott Oldham – yes; Pamela Samples – yes; William Ellis – yes; Dan Swafford - yes. Motion carried.

Building Inspection/Fire Inspector Combined Position

Michael Farmer, Town Manager has been working with Planning on the Building Inspection Department. There has been 2 or 3 regular part-time people and there has been a problem with getting the correct talent for the amount and type of work as a Building Inspector. Commercial Inspections involve the Fire Department as well, so they feel getting the type of employee that has the skill set to do digital recording, digital communications, trained in a regimented atmosphere they decided to work within the budget and create a hybrid employee that is a Firefighter and a Building Inspector and will serve as the Fire Departments representative on commercial inspections. The employee will also work in Utilities and do hydrant testing and fire flow information gathering. They have worked out

a schedule and a protocol and it will serve the Planning Department to have a full-time employee and be at a pay scale that will allow someone to take the job and embrace it and fulfill what they need and have an extra hand as a Firefighter when needed. It will also benefit Utilities from field operations being interrupted and still maintain a good fire hydrant inventory. Mike Cornman, Fire Chief discussed the ISO (Insurance Service Organization) give most residential and some commercial rates for insurance. Having a good ISO rating is very important so having the fire inspections and building inspections done correctly with the right kind of person is very important. Water flow is a large part of the ISO rating and having the fire hydrants tested on a regular basis. They have received several calls lately about for hydrant testing to determine water flow rate for future development. The Fire Department would oversee the employee and Building Inspections would still go through the Planning Department and make sure inspections are being made for all permits. The pay would be 50% Building Inspector budget, 25% from the Fire Department budget and 25% from the water department budget. Overall, with the Fire Department doing the plan review for Commercial inspections, it gives them credit on the ISO ratings and will be the best served for the Town and have a better service than we have today. William Ellis questioned the need for the future and would it change again in a year needing 3 separate people for the positions and was concerned in finding someone qualified for this position. Michael Cornman believes it will grow and it won't solve the problems of the Fire Department but as they grow it will be part of the process to adjust, the issue is for the community and the insurance rates are in jeopardy if they don't take care of the fire hydrant testing system and the commercial fire inspections. Pamela Samples asked who would be the boss? Mike Cornman stated the Fire Department will be the main supervisor, but they will report to and work with the Planning Department daily. Kevin Tolloty, Planner was in agreement with the plan. Dan Swafford asked about the additional certifications needed. Mike Cornman explained it requires a combined Building Inspector program through the International Code Council. He is hoping to find someone already experienced, but they will be able to get the training needed to fulfill the requirements. Kevin Tolloty believes making it a full-time position with benefits will open it up to the more qualified people to apply as opposed to when it was a part time position. It will be a trial-and-error process, but overall, Kevin Tolloty, Mike Cornman and Michael Farmer all feel it will be beneficial for all the departments involved. William Ellis made a motion to approve the Building Inspection/Fire Inspector Combined Position. Pamela Samples seconded. Roll call vote: Scott Oldham – yes; Pamela Samples – yes; William Ellis – yes; Dan Swafford - yes. Motion carried.

Supervisor Comments

Mike Cornman made a recommendation concerning Ordinance 2021-13 The Pilot Agreement with Ellettsville Senior Citizens Housing LLC (Richland Citizens Housing and Maple Shades) the Town utilizes Baker Tilley for an analysis before moving forward.

Jimmie Durnil, Town Marshal and Parks Board President mentioned the new lights on Heritage Trail are completed if you get the chance to get down there after dark, they look really nice.

Adjournment

Scott Oldham explained there will be a Work Session after a short break after the Council Meeting is adjourned. **Scott Oldham** entertained a motion to adjourn. Dan Swafford so moved. William Ellis seconded. Scott Oldham adjourned the meeting at 8:29 p.m.

Scott Oldham, President

Pamela Samples, Vice President

William Ellis

Trevor Sager

Dan Swafford

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