

July 9, 2001

The Ellettsville, Indiana, Town Council met in regular session at 7:30 PM, Monday, July 9, 2001. Jerry Pittsford called the meeting to order. Jerry Pittsford led in prayer. Geraldine McIntyre led the Pledge of Allegiance. Jerry asked for roll call of Council Members. Members present were Jerry Pittsford, President; David Sorokoty, Vice President; Geraldine McIntyre, Mike Cornman and David Drake.

Approval of the minutes of the Regular Meeting of June 25, 2001

Jerry asked for approval of the minutes for June 25, 2001. Geraldine motioned to approve the minutes and David Drake seconded the motion. Motion carried 5-0.

First reading of the following Ordinances amending Town Code

Ordinance 01-13 to amend Town Code chapter 255 by adding 200-41 concerning mileage and Ordinance 01-14 to amend Town Code chapter 255-46 concerning mileage allowance. Mike Spencer summarized the above amendments.

Resolution 07-01 Transfer of Funds for the Parks Department and Fire Department

Whereas, it has been determined that more money is needed than is currently available in certain funds and appropriations: Therefore, be it resolved that the following transfers or temporary loans are hereby authorized:

From: Parks-115 Secretary	\$ 300.00
To: Parks-211 Miscellaneous Supplies	\$ 300.00
From: Fire-355 Water at Station 8	\$ 250.00
To: Fire-352 Natural Gas	\$ 250.00

David Drake motioned to approve Resolution 07-01 and Geraldine seconded the motion. Motion carried 5-0.

NEW BUSINESS

Marci Jane Lewis Park and The Ellettsville Family Skate Park

Marci Jane Lewis Park and The Ellettsville Family Skate Park have been approved as the official name by the Park and Recreation Board and now asks for the Town Council’s approval of the name as well. Darlyne Sowder of the Park and Recreation Board informed the Council they were ready to move forward with managing the Town’s park areas and that there would be a grand opening of the Marci Jane Lewis Park under the new management in the near future but that no date was set for the event as of yet. David Drake motioned to approve The Marci Jane Lewis Park and The Ellettsville Family Skate Park as the names for the Parks. David Sorokoty seconded the motion. Motion carried 5-0.

Request for Leave of Absence from Fire Fighter Joe Bolinger

Joe Bolinger prior to this meeting submitted a letter to the Council according to the personnel Policy procedures requesting a six-month leave of absence. Mr. Bolinger is not present at tonight’s meeting; therefore, his letter is referred to stating his need for the leave of absence as “personal and professional concerns”. Jerry spoke to Mike Spencer on this topic and his opinion was that the explanation in the letter was “not sufficient” to take any action on.

Mike commented that this issue should be addressed soon in the personal Policy to clarify Leave of Absence because it is too vague.

A decision was reached to deny Mr. Bolinger's request due to no hardship displayed in the letter or any additional information that would prove that a leave of absence would be beneficial to the Town or to the well being of the employee. David Drake made the motion to deny the request for a six months leave of absence for Joe Bolinger. David Sorokoty seconded the motion. Motion carried by 4 with Mike Cornman abstaining from voting.

Action to Pay Accounts Payable Vouchers

David Sorokoty motioned to pay accounts payable vouchers and Mike seconded motion. Motion carried 5-0.

SUPERVISORS

Jim Davis, Building Inspector - At the last Town Council meeting homeowner, Lisa Creech made comments and concerns about her home and the way it was inspected. Jim has contacted Lisa Creech (she is present at this meeting) about these issues.

The following is a summary of complaints by the homeowner along with the findings.

These items below I (Jim) checked on are contractor problems not in violation of our Building Code:

- The complaint was Ms. Creech had no heat for the first two weeks, but when the house was inspected a gas furnace and water heater was installed and working. However, I found out that the contractor had installed the wrong types and changed both units to electric.
- The complaint was that the carpet and inlay was coming up, therefore, I told her to contact the contractor or the company who installed them to have them fixed.
- There was low water pressure in bathroom and a plumber has already repaired this.
- Grass won't grow and the yard does appear to be lacking in grass for a house almost one (1) year old. When the house was inspected for the final time, however, the grass would not have come up yet.
- Foundation will wash out but the land is graded to deflect water away from the house but with adjoining lots there is probably a lot of water that flows towards the house.

After investigation of her home I found that the items below were not her house:

- One woman had carpet replaced four times.
- Two people had busted water lines.
- Foundation cracking.
- Lumps in floor.

The items listed below are not part of the Building Department's authority and therefore are not part of our inspection realm:

- Draining washing out road.
- Ditch beside house.
- Street signs.
- Speed bumps.

There is no code in the Building Department concerning these items:

- Port-a-Jon needs moved.
- Trash on empty lots.

I have no comment on these two complaints Ms. Creech mentioned:

- Someone repairing siding on her house broke a glass table.
- Robinson Construction Company cussed her out.

July 9, 2001 - Ellettsville Town Council Minutes Continued

Ms. Creech said that the electricity was not all hooked up:

- After investigation I found only one light in the upstairs hall closet that did not work.

Ms. Creech commented that she thought the Building Inspector was not doing his job:

- The homeowner has the wrong idea what the Building Department inspected for. She thought our job was to certify that everything was in working order for a given period of time. I told her that our responsibility is to look for code violations and that we do our best to find any and have them corrected but that we can only write up code violations.

Bill Headley, Division Chief, has brought the following items to the attention of the contractor and has already spoken with the contractor and he has corrected some of the problems and has agreed to correct the others:

- Has dug a ditch beside her lot to help direct the water.
- Installed new heating elements in water heater.
- Moved Port-a-Jon.
- Ask her to give him a list of problems so he could fix them.
- Contractor was not aware of a furnace problem.
- Had no knowledge about light not working.
- Grade the lots around her to change the water flow.
- Fix bathroom water pressure.
- Encouraged the Building Inspector to check the house for Code Violations.

The Building Department is more than willing to check on any complaints by Homeowners if we are contacted, but in this case we had never been contacted. The Building Department has three people that are capable of inspecting homes. We do make appearances at the sight of each home and inspect for code violations.

Jim Ragle, Street Commissioner - mentioned crew has been cleaning up after the storm damage.

Jeff Farmer, Wastewater Treatment Manager - mentioned starting a new NPDS permit for the Wastewater Treatment Plant in March which requires enacting within ninety days a biomonitoring test which is a one-time test by Commonwealth Engineering. It is a ninety-day test that has to be done once every five (5) years. It begins in July and would cost approximately \$6,000. This is in the claims to pass and he thought it should be explained. The Plant sustained no damage this last storm and the repairs are complete from previous storm damage.

Ron McGlocklin, Town Marshall – Steve Bartlett will be returning to work on the July 15, he has been released to come back to work. Today he was taken out to the range for handgun qualification, and he passed his qualification on handgun and shotgun.

Jim Davis, Fire Chief - I spoke to you briefly about the building permits for the two new schools. I spoke to the construction manager Jerry Rone approximately three months ago and he asked for the permit fees as they were in the process of figuring their budget. I told him it would be seven cents per foot, our ordinance has no provision for institutional buildings, it has commercial. He caught me at a restaurant on my day off, so I quoted him seven cents since that is what most everything is since we have very little commercial here. It was probably two months later that I realized it should have been ten cents per foot but we don't really have anything that says institutional. Since they have already figured the seven cents into their budget, my recommendation to the board is that we keep it at the seven cents. Jerry Pittsford asked Mike Spencer if we need a resolution to do that? We will go with what we quoted them however steps need to be taken to make sure that what we are doing complies with our guidelines as we set them. We probably need to review our per

foot fee and establish a ordinance regarding this. Mr. Spencer and Jerry will discuss this and see how this issue may be resolved.

Rick Coppock, Town Engineer, Bynum Fanyo Associates – One thing I've been working on for the town is the annexation of the well property twenty acres which is contiguous to the town because of the annexation of the two new schools. The other one is Campbell's Park and the new fire station site. I need the town board to give Jerry approval to apply to the town to annex these properties. We will be going to the August Plan Commission. Mike is reviewing the new changes in the annexation law to make sure that our time schedules are correct. I am asking for the town's permission for Jerry to sign off on the petition to voluntary annex your property. Jerry Pittsford asked for a motion, Geraldine McIntyre made a motion that we grant Jerry the right to sign the petition for the annexation of the town property and other property. David Sorokoty seconded. Motion carried 5 –0.

Sandra Hash, Clerk-Treasurer, reminded the council that tomorrow (July 10) is the third local government summit meeting at the Ellettsville Monroe County Library from 3 to 5 P.M. The town will be the host.

David Drake spoke to Kevin Farris and he indicated that he has resigned effective immediately from the Plan Commission. We need to be thinking of whom we want to fill that position. Secondly, all the Council Members have a copy of the letter that has been mailed to the Bells at 703 West Temperance, the ongoing saga there with their fifteen vehicles in the back yard. They are being informed that they are in violation of the town-zoning ordinance because if you have more than six vehicles parked in a residential area it needs to be enclosed with a privacy fence and the parking area has to be paved.

Jerry Pittsford questioned if it is his responsibility to replace Kevin Farris on the Plan Commission. Mike Spencer confirmed that it is.

Geraldine McIntyre thanked the Fire Department for such lovely fire works.

David Sorokoty thanked CATS TV after a year of negotiations to get them into town. This will be the first televised meeting bringing government into the homes.

Mike Cornman reported Richard Hartung was here at the last meeting requesting what we can do to look at his situation with his rental property regarding the water and sewer fees. I wanted to report that Geraldine, myself, Mike Farmer and Becky Wines the office manager of utilities met with Mr. Hartung and we are continuing to look for a plan of action to remedy the problem, if we can.

PRIVILEGE OF THE FLOOR

Lisa Creech, 853 Deer Run - I am here about what Jim Davis was talking about things and the board has to know about this. I am asking the Town of Ellettsville to help by making him finish and sod the yard. Geraldine McIntyre asked Rick Coppock about the swells in the yard, Rick said that usually the grading is done per the individual site.

James Wagner, 646 Robin Drive, I am here with my wife Kathy who is the Vice-President of the Heights Neighborhood Association. We are here about not just our neighborhood but also the Town of Ellettsville and the problem of cars being parked in yards, and the problem it causes with homeowners being able to maintain their lawns. Today in Kelli Heights alone there are 38 cars parked on the lawns, and we have a junkyard sitting in the middle of town. The current ordinance that has been enacted by the Town of Ellettsville is more than inadequate. If a car can move forward or backwards it is considered suitable to be parked in the yard. David Drake stated that

we cannot supercede State Law but we can put provisions in the zoning ordinance regarding abandoned vehicles. Mr. Wagner said that most of the vehicles he is talking about are vehicles that are not used; they are just parked there. They look like a piece of junk; they are a piece of junk. That is not something I want in my neighborhood it lowers property values and invites crime, it's a safety issue for the children in the neighborhood and it is a health concern. The Town Council needs to look in to strengthening the ordinance for parking in the yard. Our covenants, which the town council in the 70's, signed off on, is an enforcing document, which prohibits cars from being parked in the yard. Jerry Pittsford said the town couldn't enforce your covenant and restrictions. There is a provision that says for extra cars parking should be paved and sealed. Mr. Wagner says he wants his investment saved. Ron McGlocklin said he has never written any parking citations for parking in the yard. Mr. Spencer stated if it is a zoning issue it would not be enforced by the Police. The Ellettsville Town Code says the Building Inspector is the person to enforce matters concerning zoning. Mike Cornman remembered in the early 80's the Council gave the residents in Kelli Heights to park in their yards. This came after the posting of the no parking signs on both sides of the street. Mr. Wagner requested the Council give this matter some serious consideration. David Sorokoty agreed adding the complaints are coming from all areas of town.

David Drake said we need to look at the requirements of the zoning codes and find a way to enforce these violations and access a fine that would help pay for a code enforcement person.

There was move discussion on the definition of abandoned vehicles and the town's requirement for double driveways.

Jim Cummings, Ameri Corp Vista worker with Area 10 Agency on Aging in the area of housing for older persons, presented the Council a petition. The petition says we, the undersigned, petition the Ellettsville Town Board and other interested parties to keep Edgewood Village apartments and homes for senior citizens only as originally planned. The petition contained 42 signatures. Jerry Pittsford responded as far as the Council is concerned there has been no change. The Edgewood Village is a retirement community for people 50 and above.

Jerry Pittsford summarized the change in age restriction by the developer of Edgewood Village. The change did not go through the Planning and Zoning Board or the Council. Therefore a moratorium is in effect on the building permits for the peoples who do not meet the age restriction.

Scott Dwyer, 900 North Curry Pike #103, submitted a letter to the Council describing his situation with the purchase of a home in Edgewood Village. He has sold his home and put money down on a new home in Edgewood Village. His 2 children will be going to Edgewood schools. He will now have to move in with his parents until they problems are resolved. He would like a resolution to the problem. He asked why there would be a senior community in the middle of all the schools?

Jewel Echelbarger, Area 10, explained to the audience some reasons why a senior citizen facility and community was places in close proximity to the schools. There are programs offered at the Endwright Center that enabled the senior citizens to work the school children on reading programs. This is a benefit for both groups. There is a positive interaction between the seniors and the schools. A group of Junior High students planted flowers for the senior apartments this spring.

Jerry Pittsford reintegrated that the Council placed a PUD on the development requiring property owners to be at least 50 years of age. No one has come before us to request a change. On April 25th our attorney, Mr. Spencer, notified the attorney representing the developer that they were in violation of the zoning ordinance. They knew as early as April 25th they were not going to allow this to happen. David

July 9, 2001 - Ellettsville Town Council Minutes Continued

Drake asked who is going to receive the greater harm, the new buyers or the homeowners living there. It is the Council’s position to protect the assigned zoning.

ADJOURNMENT

Geraldine McIntyre moved to adjourn; Mike Cornman seconded the motion. Motion carried. The meeting adjourned at 8:55 PM.

Jerry Pittsford, President

David Sorokoty, Vice President

Mike Cornman

David Drake

Geraldine McIntyre

Sandra C. Hash
Clerk-Treasurer