

June 26, 2006

The Ellettsville, Indiana, Town Council met in regular session on Monday, June 26, 2006, at the Fire Department Training and Conference Room. Patrick Stoffers called the meeting to order at 7:30 p.m. Lisa Creech led in prayer and William Evans led the Pledge of Allegiance.

Roll Call: Members present were Patrick Stoffers, President; William Evans, Vice President; Lisa Creech, Phillip Rogers and Dennis Williamson. Sandra Hash, Clerk Treasurer; Mike Spencer, Attorney and Rick Coppock were also present.

Supervisors Present: Jim Davis, Jim Ragle, Ron McGlocklin, Frank Nierzwicki and Mike Farmer were present.

Approval of the minutes

Lisa Creech made a motion to approve the minutes for the regular meeting of June 12, 2006. William Evans seconded. Motion carried.

Action to Pay Accounts Payable Vouchers

Lisa Creech made a motion to pay Accounts Payable Vouchers. William Evans seconded. Motion carried.

Schedule of Budget Meetings for Approval

Sandra Hash explained this was on the last agenda; it was approved but needs to be revised. Patrick Stoffers said the July 5, 2006 meeting was not conducive for many people. He suggested having the round table discussion July 12, 2006. Lisa Creech seconded. Motion carried.

Ordinances on Second Reading

Ordinance 06-11 to add Section 92.10 through 92.25 to the Ellettsville Town Code concerning Public Right -of-way Excavations or Borings

Rick Coppock, Bynum Fanyo explained this ordinance would require a permit and bond to work within the Town's right-of-ways for any type of excavation or borings. This will give the Town protection as far as who can work in right-of-ways and if something is damaged there will be a mechanism in place to have it repaired without additional cost to the Town.

Lisa Creech made a motion to adopt Ordinance 06-11 to add Section 92.10 through 92.25 to the Ellettsville Town Code concerning Public Right-of-way Excavations or Borings. William Evans seconded. Motion carried.

Ordinance 06-12 to amend Sections 152.140 through 152.152 of the Ellettsville Town Code Concerning Grading and Erosion Control

Rick Coppock explained this ordinance will develop a permitting process to regulate new development grading and erosion control. There is no grading permit required if a developer wants to start a subdivision. This ordinance will create a process for grading and let the Town know when it will begin. The erosion control part of this ordinance helps the Town regulate erosion control on the site and help the Town with Rule 13 IDEM requirements. This will bring the code up to date with the surrounding areas.

Lisa Creech made a motion to adopt Ordinance 06-12 to amend Sections 152.140 through 152.152 of the Ellettsville Town Code Concerning Grading and Erosion Control. William Evans seconded. Motion carried.

Ordinance 06-13 to annex Putter's Park

Frank Nierzwicki, Planning Department, reviewed the proposal to annex Putter's Park as a commercial zone. There have been comments and input through the Plan Commission.

Ed Bitner, Ellettsville Plan Commission missed the voting on Putter's Park annexation. He sent e-mails to voice his opinion. His opinion is "this is being done in a deceitful type of way". He explained last November; a lady came to have this property annexed in. At that time it was unknown whether an alcohol permit was going to be available. He explained to

her if she was annexed into the Town she may not be able to get an alcohol permit. She said it was all right because she just wanted a nice family restaurant. She wanted annexed because she liked the area and the people. Ed explained to her she will be able to have smoking in Ellettsville but not an alcohol permit. She said she was aware of that and within the next week she withdrew her petition to be annexed into the Town. She then applied and got an alcohol permit through the County. Since then she came back to Ellettsville to be annexed in. Everything was done legally but Ed feels this was a deceitful way of trying to advert the process. He would not have voted for this if he were at the meeting. There was also a comment that smoking will not be allowed in the establishment but Ellettsville does allow smoking and Ed feels smoking goes on in bars.

Lisa Creech made a motion to adopt Ordinance 06-13 to annex Putter's Park. William Evans seconded. Motion carried.

New Business

Ellettsville Main Street has nominated Town Hall to the National Register of Historic Places – Hearing date July 26, 2006

Patrick Stoffers read some information from the Department of Natural Resources. The Indiana Historic Preservation Review Board will consider the nomination during their upcoming meeting July 26, 2006 at the Indiana Government Conference Center. The meeting is open to the public and you are welcome to attend. More information on the National Register program may be obtained by writing to the address listed on the letter or calling 317/232-1646. He asked Sandra to make some copies of this letter to have available. Dennis Williamson asked if the Town has a copy of the application that was submitted. Sandra said a copy of the application was not forwarded to her but she will request one.

Supervisors' comments

Ron McGlocklin, Ellettsville Police Department received a copy of House Bill 1186 on the firearm section. The State of Indiana has raised the fees for handgun permits, licenses and applications. This will also affect the local side. We will need to amend our ordinance to regulate the fee structure. They added a lifetime handgun license for personal protection. If you currently carry a handgun permit the lifetime license will be \$40.00 locally (\$30.00 refundable if rejected) for the application and \$60.00 payable to the State. The fees for not having a current license are \$50.00 locally (\$30.00 refundable if rejected) for the application and \$75.00 payable to the State.

Dennis Williamson announced events for July 1, 2006. Fireworks will start when it gets dark. The Ellettsville Volunteer Fire Department is still collecting donations. Starting at 6:00 p.m. is the Quarters for Kids put on by the Exchange Club of Ellettsville. Registration starts at 4:30 p.m. until 6:20 p.m. The kids' races start at 6:00 p.m. with registration being a quarter. The 5k walk and run starts at 6:30 p.m.

Lisa Creech congratulated Rick Coppock for all hard work with erosion control. She also congratulated Jim Ragle on his 50th Wedding Anniversary.

William Evans announced the Reserves put in a total of 321.7 hours for the month of May. He also thanked Tony Bowlen for working at a Boy Scout meeting last Thursday.

Privilege of the Floor – non Agenda Items

Todd Royer is representing The Meadowlands subdivision. They have been trying to get a handle on the speeding through their neighborhood. Six weeks ago a petition was drafted and it circulated through the neighborhood. He read the petition in its entirety:

To the Town Council and Municipal Officers of Ellettsville, Indiana:

We the undersigned residents of The Meadowlands residential neighborhood, in an effort to reduce persistent and dangerous speeding on our streets, do hereby request that the Town of Ellettsville install a gate across Meadowlands Drive near the intersection with Robin Drive.

We request that the gate be installed so as to restrict all private and commercial vehicles and allow access only by emergency vehicles or other municipal vehicles. We

also request that a “No Outlet” sign be installed on Daisy Drive at the entrance to The Meadowlands. We believe such action will result in a much safer neighborhood for residents of The Meadowlands.

- Total 84 homes
- 80 homes signed (76 owners/4 renters)
- 2 opposed
- 2 not surveyed
- 116 total signatures – all registered voters

They are requesting a “break away gate”. A gate that prevents private commercial traffic but not impede emergency vehicles. The “No Outlet” sign would let people know the Meadowlands can not be used anymore as a cut through. Frank Nierzwicki analyzed some of the speeding data. The average speeds on the streets are 10 mph over the posted speed limit. Peak speeds are 30 -35 mph over the posted sign. People are driving 50-55 mph down residential streets. The residents are not sure what the next step is for getting this done. A large number of homeowners are overwhelming in favor of this.

Lisa Creech said when the street is closed off with no outlet; people still go in then turn around in driveways. Instead of flash through traffic flying through there it will be a flash through driving 55 mph looping back around. She thinks there should be a community meeting with surrounding areas to voice their opinions and give their input. Todd Royer agrees with Lisa’s comments on the initial first days (weeks) after the gate is installed. The situation is unique in the way there are two peak traffic flows (people going and coming home from work). This will not unduly restrict the residents of Kelli Heights and Paddington Park because they have multiply access to the highway by McNeely. Lisa went on to give the information from the community meeting she attended for her neighborhood and what the outcome was. Lisa recommended having a meeting with the other neighborhoods and bringing the outcome to the Council because she feels the Council owes them a decision.

Frank Nierzwicki met with the Meadowland residents last Thursday at the library. One of the issues was the speeds; most averaged 10 mph over the posted speed limit. Another issue is with the speeders. The Police Department has been helping out with the enforcement. During the meeting he went over the different options to reduce the speed short of closing off a street. The “No Outlet” sign would need to be posted at SR 46. He is prepared to work with the neighbors on the different options. From a Planning Department view; you would like to have more areas connected than fewer. A new subdivision will be completed, eventually, at Overbrook that will connect to the Meadowlands giving another way in and out giving more options and fewer cars. Frank is suggesting to new developers natural curves within the street system to slow traffic down. Lisa spoke with someone after one of the last meetings and they would consider having a gate temporarily to pass on a message. She thinks this would be a good possibility to help correct the situation.

Darlyne Sowder is a resident on Temperance Street, which is a highway, and the back of her house is on Vine Street. She has speeding on both sides of her house. She does not think the issue in the Meadowlands is access but of speeding. Instead of eliminating access it is important to eliminate the speeding. Lisa thinks Darlyne makes a good point and she went on to tell about an article she read about Carmel. They are having the same issue and citizens received some speed radar guns from the Police Department. The people are writing down license plates and those people are receiving letters stating they were caught speeding through this neighborhood. They said it has worked even though there are no violations written. In Lisa’s neighborhood they wrote down speeders’ license plate numbers and call the police. They would receive something worse than a ticket. It did help. Community support programs work.

Tammy Milah resident on Clover Drive in The Meadowlands stated one of her neighbors wrote down a license number and it was tracked with the speed tracker that was installed. The Police Department was called but they could not do anything about it. In regards to the speeding; it is a pretty loud statement to have an average speed 10 mph over the limit when a neon speed tracker sign is flashing and the problem is the speeders do not care. When the sign was originally put up, it would slow the cars down quite nicely and then

sped up. The signs are more for the residents seeing how fast the cars are going more so than slowing the cars down. They are not exaggerating on the speeds 45 – 55 mph. The drivers do not care.

Jennifer Pursell lives on Meadowlands Drive. She does not think putting up a temporary gate will help because Frank discussed in the meeting there are multiple houses that have received multiple tickets. They have not learned from getting the first ticket. She does not think having the gate up for three or four months is going to do any good because as soon as the gate is gone it will start over.

Tara McWhirter lives on the middle street in The Meadowlands. When the speed trackers are on the two main streets, the cars avoid it by driving down the middle street. This is a behavior pattern that will not be fixed with a temporary gate. A few months ago she brought up the semi truck problem on North Lakeview Drive. She spoke with Frank and they learned the zoning for 5080 N. Lakeview Drive was Monroe County. Since that time she has been speaking with Monroe County and long story short she is back to the Town Council to ask if this is a Police issue and what do we do now? Two weeks ago she and her husband were almost hit by a semi backing into the roadway. Lisa clarified this address is in Monroe County. Tara spoke with Planning Commission for two months and she thought she was making headway until the lady she was speaking with said this was not going to be a home business issue, the owner of the semis have been “grandfathered” and the property was actually better than it had been. Frank Nierzwicki reiterated this property was in Monroe County and Ellettsville does not have jurisdiction. He has a good working relationship with Monroe County Planning Department and will bring this up this week. Dennis Williamson recommended calling the County Commissioners office because this is their jurisdiction. Frank will work with the County on this and get back to Tara McWhirter. Sandra added the gentlemen with the semis have lived on Lakeview when it was a dead end road with no outlet for years before the Meadowlands was built. He had the business there when the road was a dead end and unfortunately if they are there first, you have to put up with them.

Adjournment

Patrick Stoffers adjourned the meeting at 8:12 p.m.

Patrick Stoffers, President

William Evans, Vice-President

Lisa Combs-Creech

Phillip Rogers

Dennis Williamson

Sandra C. Hash, Clerk-Treasurer