

March 26, 2001

The Ellettsville, Indiana, Town Council met in regular session at 7:30 PM, Monday, March 26, 2001. Members present were Jerry Pittsford, President; David Sorokoty, Vice President; Michael Cornman, David Drake, and Geraldine McIntyre. Jerry Pittsford called the meeting to order and gave the prayer. Mike Cornman led the Pledge of Allegiance.

Mike Cornman made a motion to move the Monroe County Youth Bureau-40 Developmental Assets of young people to the first item on the agenda. Geraldine McIntyre seconded. Motion carries.

Monroe County Youth Bureau/40 Developmental Assets of Young People:

Christopher Koscica

Christopher introduced himself as the Program Specialist at the Monroe Youth Services Bureau. His job is to educate the Monroe County community on the 40 developmental assets of young people. He explained The Search Institute developed 20 external assets and 20 internal assets by giving examples of each. The more assets a child has access to the better chance of positive youth development for that particular child. Neighborhood, communities, churches, and schools play a huge role in this. What is being seen now in growing communities such as Ellettsville, Bloomington, and Stinesville the juvenile crime rate is going up. It is becoming an epidemic and we want to put a reverse cycle to that. I am here to introduce our program and services. If your community would like to enrich the life of young people we are here to help you. This is paid for by your tax dollars and we are here to be of service to you at no additional charge. He left handouts with the developmental assets information. He also added he is working with the Richland Bean Blossom School System to create some after school programs the next school year.

OLD BUSINESS

CFC property at Deer Park and Hwy 46 zoning recommendation:

Jerry Pittsford read the recommendation: At the March 1, 2001 meeting of the Ellettsville Plan Commission meeting the Plan Commission voted to assign a zoning designation of R-1 for the 2.0 acres on the northwest corner of State Road 46 and Deer Park Drive in the Springs Valley Subdivision. Please consider this recommendation when making your decision at the Town Council meeting.

David Sorokoty moved to accept the Planning and Zoning's recommendation for R-1 zoning. Geraldine McIntyre seconded.

Mike Spencer explained he had provided an Ordinance for the zoning, which should be included in the motion.

David Sorokoty resented his original motion to accept the Planning and Zoning recommendation for R-1 zoning. Geraldine resented her seconded.

David Sorokoty moved to accept Ordinance 01-6 an ordinance to amend the zone maps in accordance with the recommendation for R-1 zoning. Geraldine McIntyre seconded.

Kevin Farris, President Ellettsville Plan Commission

Kevin addressed the Council saying the R-1 zoning was an inefficient zoning for this piece of property, but it was the best starting point. This will allow the developer to come back with alternative plans and ask for a rezone. It lets us look and decide if there is a way to work with the developer and PUD the property.

Mike Spencer informed the Council the ordinance had been written for R-3. He instructed Jerry to correct it to read R-1 adding his initials and the date by the change. Jerry complied with Mr. Spencer's instructions.

Mike Cornman stated he prefers the R-1 zoning. Geraldine McIntyre questioned if the developer would be able to still request a rezone? Kevin replied yes.

Jerry Pittsford stated the immediate concern was to assign a zone to the piece of property and without regard to further development, which is not relevant at this time. We have corrected a 30-year omission.

Ann Stephens, 4250 Deer Park Drive

Ann stated the community supports R-1 zoning. Any project that goes into the property is restricted to using Deer Park as the access route. This creates a problem for the neighborhood. Deer Park Drive is just that a drive not a street not a road. We do not have sidewalks or lines it is just a simple paved road. It creates a problem for cars to come off of 46 onto a residential drive then trying to make a turn into a commercial project. We have problem getting out now. It will only get worse. There is no light planned for this intersection. The state has told her they will not allow any more accesses onto 46. She discussed the expense of living in the subdivision due to taxes and water – sewer cost. She expressed concern for the property that will be extremely close to Deer Trail Drive, which will be the access for the commercial development. There is water run off problems and lots of green space now. The problems with water will only get worse with development and less green space. The community likes the lifestyle they have and do not want commercial development. They want responsible growth.

Tom Wedemeyer, 4260 Deer Trail Court Unit #9

Tom is a property owner on Deer Trail. The road is 18 feet from the front door. He is concerned for the safety of his child. The audience raised their hands in support for the R-1 zoning. (100% were in favor of R-1) Tom said at the Planning and Zoning meeting he was told that the traffic and water runoff problems were only going to get worst. He would hope his tax dollars are going to improve these problems not make them worse. CFC has always taken good care of this property and we do not have any complaints against them. But at the same time his feels he has put a lot of money and effort into fixing up his property and this will decrease the property value and I can't absorb the loss like they could. He doesn't see them taking a loss on the property. He was also told that his home was out of compliance and he would not be able to build a duplex there, so if he is out of compliance and can't build a duplex there then how could they build duplexes there? He also forwarded copies of the petition from the neighborhood against the commercial development.

Joe Sanders, 4355 Deer Park Drive

Joe's concern is drainage. If concrete and blacktop are added there are only two places the water can go, onto Highway 46 or through his yard. All the water in the addition funnels down to his property. Two areas of his yard are constantly wet even in the driest part of summer. Any development should do something to

prevent water run off. It is a nice neighborhood and he hates to see additional traffic brought into the area by commercial development.

Don Calvert, Springwood Court

Don said his family had grown up in Ellettsville, as did his Mother and Grandfather. His Great Grandfather was a custodian at the old Ellettsville High School. His roots go way back. Don talked about an old stone fence and shelter that used to be along Highway 46 and the pretty pastoral setting he remembered of Ellettsville. He wants the community to remain a small pastoral community. He doesn't want to see Ellettsville become another Greenwood. He talked about the shell of buildings on the corner of 46 and Smith that looks like a European town from World War II. That is setting on a desert where beautiful woods used to be. They have rearranged the area several times because of run off. He can't understand why someone would want to open a strip mall across from an existing area that they can't get renters in. That is still sitting there empty. We are losing our identity as a community. We are going to look like a strip mall all the way to Ellettsville and he resents that. He discussed the fact that school buses were not required to enter the addition to pick up the children, instead they could require the children to walk to the front of the addition. We need to minimize traffic on that corner as much as we can. We were promised a road going out the back of our addition. We did not get that. We were promised a three lane road on Deer Park and it is only two. The stop light on Smith Road and Union Valley are not coordinated making it extremely hard to exit onto the highway. A friend coming out of Lakeview onto

46 waited 23 minutes. I don't want to wait 23 minutes to get out on 46. He asked please do not destroy our neighborhood. Do not turn our green fields brown.

Jennifer Gunderman, 4260 Deer Trail Court Unit 10

Jennifer's concern is with the success of the development. If it not successful and the building sets empty, she feels it would be opening up the area for criminal activity. She expressed her desire to remain residential forever.

Dennis Jones, 4380 N. Castlewood Ct.

Dennis read from the Ellettsville Town Code the definition of C-1 zoning as a neighborhood-shopping district. The neighborhood doesn't want it. Therefore you are removing neighborhood from the shopping district and you are just going to get a commercial dwelling. The neighborhood will hold resentment to the area and we will not shop there.

David Drake

This location has to many potential problems to open it to commercial zoning. We need a Planned Development or PUD plan that allows some flexibility and allows us to address some issues that can't be addressed by simple zoning. A lot of planning is through compromise and maybe we can work something out. He agrees with the R-1 zoning.

Mike Cornman

Mike said the planning meeting the Council had with the City of Bloomington and Monroe County Officials over the past five years all three entities intent to make sure we have identifiable space between Ellettsville and Bloomington. This is a very pretty area that could experience growth. We need to maintain some green space between here and Bloomington. With the new 46 coming he could only trust the city and county officials with the influence from the state that they maintain that as well to the east of that location. Mike feels this should be R-1 and remain

that way. It was the intent many years ago that the commercial district of Ellettsville was roughly from Lakeview Drive to the entrance to the High School. He feels we need to maintain that as best as we can.

Jerry Pittsford

Jerry said at this point and at all points in the future concerning this piece of property the Town and the Planning and Zoning Board will be considering this property in relationship to the comprehensive plan for Ellettsville and the State Road 46 East Corridor. Which is currently in the hands of the steering committee and Town Planner Bill Land. The issues addressed directly effect what is currently being done in the development of Ellettsville Plan. This is a current issue the Town of Ellettsville is dealing with. All these things are funneling right into a group that is working on this information. We are guided by defining the most

desirable use for a piece of land. The highest and best use is the standard used by planners across the country. We also want to look at the property values that are directly affected not just in the neighborhood but also in all areas surrounding the property. Obviously the residences contiguous to that piece of property and immediately adjacent have the greatest or feel the greatest impact of the development of this property. There are other pieces of property in that area Cedar Bluff Gardens, banking, a car dealership, and another residential district across the street and all these things have to be taken into consideration. We should all be working together. One way to do this is by working with the program Vision 2020, and the steering committee for the Plan Commission.

Jerry called for the question, all in favor of approving the motion to accept Ordinance 01-06 an ordinance to amend the zone maps specifically dealing with the property at Highway 46 and Deer Park Drive signify by saying aye. Motion carried.

David Drake asked if the other side of Deer Park was every zoned? Rick Coppock, Bynum and Fanyo Associates replied there is a seven-acre piece on the other side to the east that has never been zoned. The town initiated the action to assign the zoning west of Deer Park so they could also do the east area or they could wait until the time when we redo the zoning map for the whole town. Bynum and Fanyo can start the process by notifying the adjacent property owners and giving a zoning designation to the other remaining vacant parcel.

Jerry Pittsford then directed Kevin Farris as Plan Commission President at the Plan Commission meeting in May to make a recommendation for zoning on the piece of property to the east of this property.

Mike Spencer requested a legal description of the property so he can prepare a proposed ordinance in advance for the people to consider and assign a zone to. Rick Coppock agreed to provide the information and mail the notifications.

Ann Stephens asked if the developer is still interested in developing this particular piece of property, the 2 acres that we have been talking about can he present his development as a PUD at the next Planning meeting on April the 5th? Jerry answered no. Rick said you have to have 10 days notification prior to the meeting to the adjacent property owners. Rick said if they would do that it would have to be at the May meeting unless there were a special meeting or something like that.

David Drake added that to get a PUD it would have to go to the Plan Commission first then come before the Council. Ann asked if the Plan Commission went along with the PUD then the Council would still have the final say. David Drake replied, correct.

Jerry Pittsford then asked Mike Spencer, the Plan Commission makes recommendations to the Council but the Council approves Zoning Ordinances? Mike Spencer replied yes. Jerry said the Plan Commission recommendation does not necessarily reflect what the zoning ordinance will be they do not have legislative authority.

Someone asked how many times would they have to go through this? Is this going to happen every time until this property is actually zoned? Is there a time frame where it will be R-1 and we never have to worry about it again. Jerry responded you would never be able to say that you never have to worry about it again until there is something on that property that is the way it will be.

Resolution 4-01 concerning Diana Evans accrued vacation time:

Mike Cornman moved to approve the Resolution. Geraldine McIntyre seconded. Motion carried Resolution is approved.

Ordinance 01-4 an ordinance to amend section 725-30 of the Ellettsville Town Code concerning sewer rates:

Mike Cornman read Ordinance 01-4.

Section 725-30 the charge for connection of sewage works shall be amended by adding paragraph c to read as follows:

(c) In calculating the sewer availability fee for all other proposed users referred to in paragraph b above, the estimated flow in gallons per day shall first be determined. This amount shall then be divided by 310 gallons per day to ascertain the number of units. Each unit will then be assigned a value of \$1,000. The resulting hook-on fee will equal the number of units times \$1,000.

Geraldine McIntyre moved to approve Ordinance 01-4 an ordinance to amend the sewer rate on the first reading. Jerry stated a motion to approve Ordinance 01-4 an ordinance to amend section 725-30 of the Ellettsville Town Code concerning sewer rates has been made do we have a seconded. David Sorokoty seconded.

Rick Coppock

Rick explained that this is how they have figured connection fees in the past. It is based on the state guideline for residential uses. When applying for a construction permit to extend a sewer line the flow is calculated out by 310 gallons per day per unit that is usually for a 3-bedroom house. One or two bedroom apartments would reflect an equal share of the plant based on 310 gallons per day. The 310 gallons is the excepted number used by the Indiana Department of Environment.

Mike Cornman, and David Sorokoty agree it would be good to have this on the books for a uniform way to establish the fees.

There was some discussion of the surrounding areas rates. There was also a clarification that this would be for a commercial hook-on.

Jerry Pittsford stated there is a motion and a second to approve on first reading Ordinance 01-4 an ordinance to amend section 725-30 of the Ellettsville Town Code concerning sewer rates calling for the vote. Motion carried on the first reading. This motion was to accept on the ordinance on the first reading.

David Sorokoty moved to accept Ordinance 01-4. David Drake seconded. Motion carried.

Ordinance 01-5 an ordinance to amend the Ellettsville Town Code by amending Chapter 355-Unsafe Building Law:

David Drake read the above ordinance by title. He followed with a description of the changes. This expands the current Unsafe Building Law, it doesn't really make any new law it explains it more. It described specifically what a unsafe building is in great detail and incorporated the Indiana Code concerning unsafe buildings into our code by giving definitions. Mike Spencer has reviewed the information.

Mike Spencer provided a revised document at that time. Therefore the revised ordinance will be submitted as an amended Ordinance 01-5 at the next meeting.

Proclamation for observe April as Child Abuse prevention month in Ellettsville:

WHEREAS, child abuse is a serious and growing problem affecting more than 3.2 million of our nation's children annually; and

WHEREAS, this societal malignancy called child abuse respects no racial, religious, class, or geographic boundaries, and in fact, has been Declared a national emergency; and

WHEREAS, The Exchange Club of Ellettsville, through its support of parent aide programs, parenting classes, educational programs, and community service activities, is making significant progress in stopping this crime against families and children; and

NOW, THEREFORE, as President of the Ellettsville Town Council, I hereby proclaim that the entire month of April shall be observed as ***CHILD ABUSE PREVENTION MONTH*** in Ellettsville, and I urge citizens to use this time to better understand, recognize, and respond to this grievous problem;

AND, FURTHER, I congratulate The Exchange Club of Ellettsville for its continued success in helping families break free from the cycle of child abuse.

David Sorokoty moved to approve the Proclamation to observe April as Child Abuse Prevention Month in Ellettsville. Geraldine McIntyre seconded.

Darlene Sowder, Secretary of the Ellettsville Exchange Club, explained this is an annual event across the nation Town and City Councils pass proclamations to draw attention to the problem of child abuse. One of the things we do is to distribute blue ribbon pins to create questions and an opportunity to share with others the concerns over child abuse.

Jerry called for the vote. Motion carried.

Request for roadblock:

Darlene Sowder requested permission to approach cars on Sale Street as they stop for the light and offer the blue ribbon pins in exchange for a donation. The donation help fund the Parent Aide program in Monroe County. They are requesting April 27th from 2 through 6 PM with a rain date of May the 4th. Both days are Fridays. She also invited the Police and Fire Departments as well as the Town Council to participate in the roadblock.

Darlene also said the Parent Aide is a group whom by request have been asked to help a family with a child abuse problem. The group is in Monroe County and will help anyone regardless of income.

David Sorokoty made a motion to accept the request for the roadblock by the Exchange Club on April 27th and a rain date of May 4th. Geraldine McIntyre seconded. Motion carried.

Minutes and Claims

Geraldine McIntyre made a motion to approve the minutes and claims. David Drake seconded the motion. Motion carried.

Supervisors

Rick Coppock spoke for Jeff Farmer

Jeff Farmer and the wastewater plant employees have been working on implementing a computerized maintenance management program at the plant. They are entering the required data. This will then inform them when required maintenance is due to be done. It will provide history on the equipment to identify problems to help with the replacement requirements, which will help with budgeting. The name of the software is Jobs cal. It will integrate with the operating system.

Ron McGlocklin

Ron reported a job opening was posted on March 7th through March 22nd. We have received 20 to 30 applicants. We are in the process of reviewing the applications and plan to meet with our liaison Mike Cornman to set up the interviews.

David Sorokoty

David followed up with grant information from the previous meeting concerning a request made by the Ellettsville Police Reserves. At 8:30 a.m. Tuesday following the meeting David instructed Lynn Weiss, Clerk-assistance, to call Senator Vi Simpson's office to find the deadline for grant request. By 9:15 a.m. Lynn found the deadline was March 5th. She also found the request made by the Reserves was a duplicate request. The Police Department had also submitted a grant request for a training facility, as did the Reserves. Senator Simpson's office requested all grants go through the Town Council for submission to avoid duplication.

David announced the next neighborhood Association meeting would be April 5, 2001. Peggy Welch is the planned speaker.

Michael Cornman

Mike spoke of the importance of the Vision 2020 meeting on February 27th at the Endwright. He encouraged the public to attend and get input on the plan that will sculpt the future of Ellettsville.

Mike also said there had been a couple of high profile accidents in the past couple of weeks in which had involved the Police Department and he wanted to say the Police Department and Reserves have done a fantastic job. It was rewarding for him to have the opportunity of working with them.

Jerry Pittsford

Jerry said he is one member away from reconstructing the Park Board. He has commitments from three people and he has requested a member from the School Board. It is essential that we make these appointments at the next meeting. The Skateboard Park have request to be officially recognized as part of the Park and

Recreation Department. This is necessary for them to receive the remaining \$22,000 of their grant money and to receive insurance. This will allow them to complete the development of the Skate Park.

Mike Spencer instructed it would be the position of the Park Board to make the recommendation of assuming the responsibly of the Skate Park.

This was a discussion on the status of the Park Board, filling the positions, and the School's appointment.

Jerry also indorsed the Vision 2020 meeting.

Mike Spencer

Mike Spencer stated, "Mike Farmer and I have been talking about the purchase of the new piece of equipment. He has submitted to me the documents. I have reviewed them and made

some changes.” Mike Farmer interjected “lease”. Spencer “yes, thank you, lease. I would like the board to essentially approve the lease which I have reviewed with the subject to the changes that I have suggested.” Jerry asked if that would be put to them later. Mike answered, “ no I have looked at it, we have the lease and I have looked at it. The lease requires that this board approve. Jerry said you want us to take action. Mike Spencer said, “ I want you to take action tonight so we can get this done.

Jerry asked to entertain a motion on the lease of this piece of equipment.

Geraldine made the motion we approve the lease with the attorneys suggestions of the changes that were made from the last lease agreement that we voted on at the last meeting. Mike Spencer suggested a phrasing for it. “ Approve the lease subject to the changes that he has given to Mr. Farmer in writing.” Geraldine said “that is my motion”. Mike said “for the council information there were only two changes. It is his opinion there should be a provision for attorneys fees if either party breaches the lease the winning party should get attorneys fees. As it is now written only they get attorneys fees. There was an issue of the schedule of payments, the way I saw the schedule of payments it looks like we are obligated to make a \$90,000 payment at the end of the lease. I want to make sure that is not our obligation. This board approved a 24-month lease period. We have the option to purchase for \$90,000 and I wanted to make sure that was disclosed. Those are the two changes.”

David Drake seconded.

The question was asked if this was the excavator. David Sorokoty answered I think so.

Motion carried.

Sandra Hash

Sandra requested permission to attend the annual conference of the Indiana League of Municipal Clerks and Treasurers in South Bend, Indiana. The conference is from April the 22-26, 2001. Sandra will attend the conference April 24-26. Geraldine McIntyre made a motion to approve Sandy going to school. David Drake seconded. Motion carried. Sandy added Lynn would keep the Clerk’s office open.

PUBLIC COMMENTS

Darlene Sowder asked for a clarification on the Police Reserves grant request being a duplicate of one already sent in. David Sorokoty replied Ron McGlocklin sent in a request for \$150,000 for a training center. The Reserves grant was for \$100,000 for a training center, which was a duplicate request for the same facility even though it was a different entity.

Darlene thought the Police grant request had been thrown out.

Mike Cornman added and grants that were submitted prior to the Town's streetlight grant request were still on record. The Police had submitted their request before the streetlight request.

David Sorokoty said according to the Herald-Times the Town of Ellettsville has been awarded \$190,000 there is so specification on what it is for at this time.

Bob Sowder publicly thanked Vi Simpson and Peggy Welch for helping Ellettsville secure a portion of the grant money.

Geraldine McIntyre made a motion to adjourn. David Drake seconded the motion. Motion passed. Meeting adjourned at 9:15 PM.

Jerry Pittsford, President

David Sorokoty, Vice President

Mike Cornman

David Drake

Geraldine McIntyre

Sandra C. Hash
Clerk-Treasurer