

May 22, 2006

The Ellettsville, Indiana, Town Council met in regular session on Monday, May 22, 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. William Evans led the Pledge of Allegiance.

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

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

Open Bid for Aerial Fire Truck

Mike Spencer opened the bid from Midwest Pierce Manufacturing Inc. It included a signed non collusion affidavit. The bid is for an aerial fire truck with a proposed apparatus 100 foot dash aerial platform. The unit price is \$847,000. There was also an optional bid for a stock unit #17606 for \$810,000, which requires an additional \$33,000 for repainting and striping.

Dennis Williamson moved to take the truck bid under advisement. William Evans seconded. Motion carried.

Approval of the minutes

Lisa Creech made a motion to approve the minutes for the regular meeting of May 8, 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.

Council Appointment to the Redevelopment Commission

Dennis Williamson moved to appoint Amber Ragle and Ray Freetage as the Council Appointments to the Redevelopment Commission. William Evans seconded. Motion carried.

Prior to this evening meeting, Patrick Stoffers appointed Frank Buczolic, David Drake and Darby McCarty to the new Redevelopment Commission. Frank Nierzwicki will be working with them to schedule their first organizational meeting shortly.

Capacity Certification for Capitol Avenue Apartments

Jeff Farmer, Ellettsville Utilities, addressed the letter requesting flows of 12,080 gallons for the Sims development. Last year the average daily flow was 1.1 million of the 2.3 million gallon per day capacity at the plant. He sees no reason not to accept this flow.

Lisa Creech made a motion to approve the capacity certification for Capitol Avenue Apartments. William Evans seconded. Motion carried.

Resolutions

Resolution 09-06 selling surplus dump truck to the City of Brazil, Indiana

Sandra Hash explained a few months ago the Town declared this dump truck surplus and Indiana Code states we have the option to sell it to another municipality. In order to do this we need identical resolutions from each municipality. We have sold the truck and this is the back up resolution. We originally thought we would take the truck to an auction but that auction did not take place. Brazil showed interest in the truck and purchased it for \$5,000.

William Evans made a motion to adopt Resolution 09-06 selling of surplus dump truck to the City of Brazil, Indiana. Lisa Creech seconded. Motion carried.

Resolution 10-06 and Resolution 11-06

Patrick Stoffers announced these Resolutions are in error and do not exist. However he asked Frank Nierzwicki to discuss the last Plan Commission meeting relative to these Resolutions.

Frank Nierzwicki, Director of Planning Services, explained the issues discussed at the last Plan Commission meeting: Parking Zone and Sign Enforcement. The Plan Commission issued a resolution themselves concerning each issue which was presented to the Council tonight as an informational item.

Parking Zone Enforcement: Possibly having three different zones.

- New Homes/Subdivision
- Older Subdivisions
- Old Ellettsville

The Planning Department has been directed by the Plan Commission to draft a parking zone map and criteria by May 25th with input from the Plan Commission members. This information will be discussed at the June Plan Commission meeting with final approval by August 2006. The Planning Department will make an effort to distribute the parking zone information to the media as soon as possible. Some of the items in the Resolution are:

- Hours of enforcement: Weekdays 8:00 a.m. to 5:00 p.m. excluding Town Holidays.
- Notification: The parking offenders will be notified by mail of a parking violation once per calendar year. Any and all offenses after that initial warning letter will be ticketed by the Planning Department.
- Disability Parking: The Town of Ellettsville will make every effort to establish disability parking wherever and whenever possible.
- Special Situations: Situation such as washing a vehicle, delivering groceries or working/repairing a vehicle will not warrant a parking on lawn violation. These special situations will not be allowed for unattended vehicles.
- Parking Ticket Appeal Process: The Town should establish a formal parking ticket appeal process once the parking ordinance has been established.

This is not an ordinance or a change to a current ordinance. This is a resolution from the Plan Commission giving a starting point with Town Parking Enforcement. Frank Nierzwicki is hoping to have a fair amount of public input on this. The resolutions are Plan Commission recommendations for the Town Council.

Sign Enforcement: The Plan Commission requests the Planning Department enforce the following sign regulations.

- Yard Type Signs: Signs that do not conform to Town Code 152.256 should be considered illegal.
- Banners: These signs are temporary in nature and should only be used fourteen days at a time and only for twenty eight days per year.
- Mobile Signs: These signs are mounted on wheels or legs that can be moved. These signs should be considered illegal. A temporary fourteen day special permit could be granted by the Planning Department.
- Realtors Signs: According to Town Code, these signs could be placed in front of the homes for sale but not off premise. Open house signs can only be up for three days prior to the event and then taken down following the open house.
- Sandwich Boards: These permanent signs have size restrictions and can be used in addition to legal freestanding signs. Only one sandwich board on premise would be allowed.

The Planning Department will collect and store illegal signs at the Planning Office. The Planning Department will make a good faith effort to contact owners of the illegal signs and allow them to be picked up at the Planning Office. Any unclaimed signs will be destroyed one month after their collection.

The Planning Department will hold one additional public information meeting with businesses and interested citizens before June 23, 2006 concerning the proper use of

signage within the Town. The Planning Department will review procedures for sign variances and how Town Code can be amended at this public information meeting.

Lisa Creech commented she likes the Sign and Parking Ordinances and thinks the Plan Commission is making some good progress. She thinks the wording needs to be worked on to stress there will be enforcement all the time.

Ordinances on Second Reading

Ordinance 06-08 to adopt supplement 2006-03 to the Town of Ellettsville, Indiana Code of Ordinances

Sandra Hash explained this ordinance will accept our Code updates. The Codes were updated from May 2005 through the beginning of April 2006.

Lisa Creech made a motion we adopt Ordinance 06-08 to adopt supplement 2006-03 to the Town of Ellettsville Indiana Code of Ordinances. William Evans seconded. Motion carried.

Ordinance 06-10 to amend Ordinance 05-25 fixing of salaries for budget year 2006

Patrick Stoffers explained this is the final step relative to the Redevelopment Commission that was established the beginning of this year. This amendment includes an increase in salary of \$87.50 per pay period for the Director of Planning Services who is assuming the responsibilities for this department. Salaries for Redevelopment Commission members will be \$25.00 per meeting. An additional appropriation has already been passed for these sums of money.

William Evans made a motion to adopt Ordinance 06-10 an ordinance amending Ordinance 05-25 fixing of salaries for budget year 2006. Lisa Creech seconded. Motion carried.

New Business

Request for Final Plat on Overbrook Lots 32-34 and Lots 6-8 amended.

Rick Coppock, Bynum Fanyo, requested an amendment to the final plat. Lots 32 & 34 were originally two lots but were combined to make it more desirable. He went on to explain the property was originally 55 acres and sold with a two acre life estate on it. Just recently, E. Deckard passed away and they gained the property. The balance of the two acres life estate was subdivided. They are asking for final plat approval which is part of a 53 acre tract that has previous final plat approvals. The roads, sewer and water have been constructed and in place.

Lisa Creech made a motion to approve the final plat for Overbrook Lots 32 – 34 and Lots 6 – 8 amended. William Evans seconded. Motion carried.

Supervisors' comments

Mike Spencer addressed the fence issue in Edgewood Village. It was questioned to where the fence should be placed either on the property line that divides the two subdivisions or should it be inside of the property line on the other side of the utility easement. This is up to the Town Council to make this decision. The fence can not be placed on the easement because it would interfere with drainage and there are only two drainage easements running a long that line where the fence could be a problem. It is his understanding there are some homeowners that have built fences on the other side of the utility easement and there is an issue of fences not being lined up. The draw back to building on the other side of the utility easement is the confusion down through the years to where the property line is. If both adjacent property owners built fences in different areas and leave a corridor between them this could create property line disputes. Frank Nierzwicki commented Mike Spencer has done a good job outlining the situation. Frank's concern is with the vegetation maintenance and enforcement in the corridor. He thinks the fence should be on the property line. William asked if the fences that are currently up are correct. Lisa Creech clarified the fences currently up are on the utility line and will need to be moved.

Frank stated a lot is being constructed with a fence on the property line. Some of the other more established areas have fences on the easement.

Russ Ryle put his fence up five years ago and was told then not to put it on the property line because there is both a sewer and telephone line running along the property line. He does not mind if the new fence lines up with his on the south side of the utility easement or goes down the property line on the north side. He then went on to thank everyone for all the progress that has been made in Edgewood Village. Russ Ryle and Mike Spencer went on to discuss Mr. Ryle's property deed and utility easement placement. Mike Spencer agreed with Mr. Ryle the actual underground utilities need to be located before any holes are drilled. Mr. Ryle does not want someone telling him in five years the fence is in the wrong place.

Sandra Hash informed the Council she and Amber will be attending the State Board of Accounts meeting June 6 – 8 in Indianapolis. She is expecting this will be a joint conference with the Clerk's League starting in 2007.

Dennis Williamson congratulated Ron and his staff working with the car parked on the sidewalk. He also attended some Volunteer Firemen interviews with the Fire Department. He was very impressed with the candidates. He asked Mike Cornman to comment.

Mike Cornman explained the process for hiring and firing volunteer fire fighters is the same as with all the staff. All applicants go through a series of aptitude testing, agility testing and interview process with the Town Council liaison sitting in on the interviews. They started with 70 applicants and only 3 were chosen: Kyle Drescher, Marty Cornwell and Joe Hinton. They will start an orientation process this Wednesday.

Dennis Williamson added the Town has a very good Fire and Police Department and we should be proud.

William Evans announced the total for the "bulk day" trash collection. The county total was 82.19 tons and Ellettsville had 29.3 tons. Patrick Stoffers, Phillip Rogers, Jim Ragle and William worked all day. Since May 9th, the Police gave out more than 35 citations just on State Road 46. An effort has been made to slow people down. This coming weekend is Memorial Day and he would like everyone to remember what that is all about.

Privilege of the Floor – non Agenda Items

Nancy Dixon, resident of 501 West Vine Street, showed pictures of the house next door to her at 409 West Vine Street. She would like to know if the house is going to be torn down or is the Town going to buy it? Lisa Creech announced Jeff was working on this and had made some progress. She asked Frank what was left. Ms. Dixon has pictures of 34 inch tall grass in the yard. She spoke with Frank who informed her grass will be cut the beginning of June. Ms. Dixon went on to emphasize the trash, debris and rats. Thom Dixon is more concerned about this house being a fire hazard. He does not think anyone will be rebuilding this house and it should be torn down. Kids are throwing rocks through the windows and he is afraid someone will throw a cigarette butt and start a fire. He suggested making the lot a "green space". Lisa Creech was concerned with the pigeons bringing out histoplasmosis and making it a public health concern. Lisa apologized because she thought Jeff had this well under way and taken care of. Frank Nierzwicki said the Town mowed this property last year once or twice. He presently has a certified letter out to the owner. The Town will go in and clean this up but there are procedures to follow concerning notification. This is the first property his office has sent a certified letter to regarding enforcement. There are 7 -8 more properties that need to be cleaned up. He has also been working with the Indiana Housing Authority regarding some other homes in neighborhoods. Patrick asked if this house was on the market and Frank said yes. Patrick asked Frank to talk about the "hypothetical" hoops the Town would jump through to purchase this property. Frank explained the process. If the property is under \$25,000 the land would need to be appraised and inspected. The boundaries need to be located and the deed found. If this is the interest of the Town Board he will proceed. Patrick suggested Frank begin investigating this. Dennis Williamson asked who the owner of this property is. Frank does not have the name at this time but the people do live in Monroe County and they have been signing the "return receipt" cards from the post office. Frank has left messages but have not spoke with them.

Dorothy Wampler has lived across the street from the house since 1949. She feels it is time someone gets busy and does something about this house. It has been 2 ½ years since this house has burned and there has been nothing done. The house was used as storage with refrigerators on the porch and other building supplies have been pushed through the windows. The porch has not been swept since the fire. There has also been building supplies piled along the side of the house making it look like remodeling will be started.

Thom Dixon reiterated pigeons and rats are not the problem. The kids have kicked down a fence and there is a lot trash. A car backed into a wall of the house on the alley side. The chimney is beginning to fall. Rebuilding this house would be a joke and it needs to be bulldozed. The last two years this house has turned into a bigger dump with higher grass and more mattresses.

Ted Robertson has lived on the other side of the abandoned house for about 7 -8 years. The last three years it has gotten worse with juveniles hanging out. Someone smashed the window in his van last December. There were multiple dents and \$2,000 damage to his new car. He feels this is the “broken down” part of Town. He builds harpsichords in his home and his customers are afraid to park their cars in front of his house. It would improve the property value and the people’s peace of mind if this was cleaned up.

As Patrick Stoffers was ready to adjourn the meeting, Lisa Creech announced she saw residents of the Meadowlands. Patrick asked if there was a Public Comment relative to the Meadowlands. A comment was made in the audience that a petition was going around but a lot of the people who have been involved with this have sick children and could not attend.

Todd Royer spoke with Frank about a petition he has drafted requesting a gate and “no outlet” sign be installed. He is hoping to have the petition ready to present in two weeks.

Frank Nierzwicki will meet the Meadowlands residents before the next Town Council meeting. A “speed board” has been installed in the neighborhood to let the people see what the actual speeds are going through.

Nikki Faletic feels the “speed board” is not effective because it is located at the corner where the traffic is the slowest. To get a better idea of the speed, the board should be moved. Frank Nierzwicki announced the “speed board” is electrical and needs an outlet. He asked for homes that would be willing to foster a “speed board” cord for a few days. Ed Bitner asked if the ‘speed board” sign meets the lighted sign ordinance. Frank said the safety issue over rides that.

Adjournment

Patrick Stoffers adjourned the meeting at 8:23 p.m.

Patrick Stoffers, President

William Evans, Vice-President

Lisa Combs-Creech

Phillip Rogers

Dennis Williamson

Sandra C. Hash, Clerk-Treasurer