

## August 4, 2005

The Ellettsville, Indiana Planning Commission met in regular session on Thursday, August 4, 2005, in the Fire Department Training and Conference Room located at 5080 West State Road 46. Frank Buczolich called the meeting to order at 7:00 p.m. with the Pledge of Allegiance.

**Roll Call:** Frank Buczolich, President; Ed Bitner, Vice President; Terry Baker, William Evans, Lisa Creech and Sandra Hash, Secretary were present. Frank Nierzwicki, Director of Planning Services and Rick Coppock were also present.

### Approval of the Minutes

Ed Bitner made a motion to approve the Plan Commission Meeting minutes for May 5, 2005 and July 7, 2005 as written. Terry Baker seconded. Motion carried.

### Old Business

#### Soft-sided swimming pool discussion

**Frank Nierzwicki**, Director of Planning Services, received calls on the lack of fencing around soft-sided pools. Indiana State Code does not require fencing around them. There has been concern about children getting into the pools, drowning and other safety issues. He has been in contact with the Monroe County Building Department, who conduct the inspections in Ellettsville, and they also have this issue in the County and Bloomington. From their stand point, there is not much that can be done because the Indiana State Law; town, cities and counties can not have a law more restrictive than the state. Some towns and cities are writing to the State with updates on what is going on. There is a possibility the State may change their code. Technology and cheap pools have progressed faster than the updates of the Indiana State Codes. Julie Speaker, an Ellettsville resident, attended last month's meeting and was quite concerned about this issue. Frank explained some recommendations he has made to the Town Council. He plans to write a letter to the State explaining concerns for fencing around soft-sided pools and have the Council sign it. The Town's Planning Department will stay in contact with the Monroe County Building Department to see if there are other local problems with the soft-sided pools.

Frank Buczolich asked since in ground and above ground pools have fencing requirements why would these not have fences. Frank Nierzwicki answered that in ground pools do have requirements but the soft-sided pools used to be the blow up type and not such a problem. Now the soft-sided pools are so much larger in size. The designs of these pools is also an issue because the sides are concaved making it difficult for small children to get out. These pools are fairly inexpensive. The manufacturer recommends draining the water nightly. Lisa Creech mentioned detention ponds needing to be fenced in also. Adult supervision and trespassing issues also need to come into play. Frank Buczolich said it should not be the material used but the size of the pool. Ed Bitner talked about the perspective of the pool in the picture. By looking at the picture, it looks bigger than the garage behind it. The ladder in the pool gives a better perspective of the size of the pool with the steps being twelve inches apart, the pool looks to be 4 ½ feet deep. Frank Nierzwicki is not recommending that we take a very active role in this but acknowledge there is a concern.

### Noise Ordinance

Frank Nierzwicki reviewed other City Noise Ordinances and read the memorandum on his observations.

- ❖ The Town **can not** exclude a brand name of truck/car brakes, because of noise.
- ❖ The Town **can not** post noise ordinances signs along SR 46 without permission from the Indiana Department of Transportation.
- ❖ The Town **can** issue a noise ordinance, but there should be a noise level threshold and a time table for these noise levels.
- ❖ The Town would need to purchase decibel meters if a noise ordinance is passed by Town Council. Police Officers would be required to be trained in use and maintenance of these decibel meters.

- ❖ The cost of the decibel meters would be approximately \$2,000 - \$3,000. The meter would have to be calibrated every six months or so to maintain their certification.

- ❖ The Police Department would have to dedicate personnel for training and enforcement of the noise ordinance.

If the Planning Commission feels a noise ordinance is needed, he will work with Mr. Spencer on a draft ordinance for review at the September Plan Commission meeting and then for Town Council approval later in September. He is asking for direction from the Plan Commission for the next step. Sandra reminded Frank that Mike Spencer did not speak favorably on a noise control ordinance at the last council meeting. Bloomington has tried and it is incredibly hard to enforce. He didn't think it was a good idea. This has surfaced in the past when David Drake was on the council. He suggested putting signs up at both ends of town asking truck drivers not to use these braking devices in Town. Frank added that legally INDOT does not want to discourage the use of brakes. Ed Bitner would like to see this pursued especially after they opened the new highway. Sandra added that realistically by the time the police are called, they respond to the scene, the truck will be in Spencer or Bloomington. Why create something we can not enforce. Terry Baker said in the State of Indiana, the officer has to physically witness the violation. Frank said the officer has to be there to monitor this with the equipment. He feels that if we do this, we need to understand the cost and manpower involved. If he is directed, he will sit down with Mike Spencer to start the process. Sometimes people have false expectations that if we have an ordinance, things will change. It may or may not and the result may not be as good as some people want it to be. Ed Bitner feels that word of mouth is good advertisement and after half a dozen truckers receive tickets the news will travel and the noise will stop. Terry Baker thinks it is a dream to expect the police department to enforce this. There are a lot of other things going on. Bloomington can not enforce a noise or boom box ordinance so why pass another ordinance on sound when we can not enforce what we have. He suggests the police run radar before the trucks get to this point. Sandra mentioned local ordinances can not enforce moving violations; they have to go through a regular court. Frank Nierzwicki added the cost for each decibel meter is \$3,000; there is the cost for installing each meter and calibration costs every six months. He thinks speed is a major portion of this problem. It might be more productive to request more speed control and radar patrol. He spoke with Ron McGlocklin about this and they would like an agreement for some assistance from the State Police on the speeding. He feels the braking noise is 75% speed. Terry Baker feels we would have more success with stepped up radar patrols. The rule of thumb is usually allowing 10 mph above the speed limit but through the one way pairs they should receive a ticket going 5 mph above the speed limit. It is usually the prerogative of the police officer but the council could have them write citations at 6 mph above the speed limit, this will slow people down. Frank Nierzwicki asked if the preference of this group would be to ask for more speed enforcement. The majority of the Plan Commission agreed to speed enforcement. Ed Bitner answered the *majority not unanimously*.

## New Business

### **Voluntary Annexation of two parcels located at the intersection of Chester Drive and Deer Run with R-1 descriptions**

Frank Nierzwicki explained there are two lots on Chester Drive and Deer Run. The planning staff recommends approval of a voluntary annexation for these two lots.

Rick Coppock, Bynum Fanyo and Associates, described the property is at the entrance of Deer Run on the east side of Chester Drive. This piece of ground is owned by Mr. Frye and Mr. Robinson. They would like to make it two lots for a couple of houses similar to the ones in Deer Run. It is already served by the water and sewer plants. They are requesting R-1 zoning. The total annexation is .53 acre. There is a little section that is in the town due to some earlier surveying errors when Greenbrier and Deer Run were created. Terry Baker made a motion to accept the voluntary annexation of two parcels located at the intersection of Chester Drive and Deer Run with an R-1 designation. William Evans seconded. A roll call vote was made with Lisa Creech abstaining. Motion carried.

## I-69 Update

Frank Nierzwicki updated the Plan Commission on I-69. There are some preliminary alternatives with interchanges. He attended a meeting on access issues. Bloomington and Monroe County will be well served. Southern Monroe County will not receive interchanges because of the karsts cave limestone deposits. When and if I-69 is developed, development will be pushed in and north of Bloomington. Ellettsville is involved in that because of our proximity to Bloomington. He went on to explain the alternative interchanges. *In preliminary I-69 traffic analysis, it appears that*

*Ellettsville will continue to experience strong growth along the SR 46 corridor. This growth will add traffic in the North Park development area near the SR 46/I-69 interchange. There could be a need to have a second interchange to accommodate the growth in and near Ellettsville.* He will be watching to make sure we have a good access road. The Town needs to be heard on what we want and don't want. When nothing is said then Indianapolis feels we will take anything that comes down the road. He included maps to show the alternatives. He can answer questions when the Plan Commission has time to look over the maps. Development is coming to Ellettsville and it is important that we stay ahead of the curve on this.

This fall we may have more voluntary annexations. He will be returning calls to St. John's Church and also CVS who are interested in annexation. Ed Bitner questioned the annexation of a church stating it would not help the tax base because churches are tax free. Frank Nierzwicki said the church's water bill would decrease and save \$500 a year. The CVS water bill would also decrease but their tax bill would off set that. Frank would like to round off the boundaries of the Town making it easier for the Street Department during snow season. Frank mentioned he will be learning about the Monroe County tax rate and Ellettsville's tax rate. Ed added "Bloomington is cheaper to live in right now than Ellettsville". He is hoping that will change soon. Sandra said next year's tax rate will go down due to the County Option Income Tax reducing the rate on the new Police and Fire buildings. The largest portion of our property tax rate is for the School. Frank met with the new school Superintendent. It is important for the town to coordinate with the school system to remain updated on expansion and tax rates. He added the final plat for the Hearne Development is coming up at the next Town Council meeting.

Frank Nierzwicki will be passing out flyers to local businesses to attend a Brown Bag lunch August 11 at noon at Eagle's Landing to discuss what is legal and illegal in signage. There will be a speaker from the Bloomington sub district of INDOT to give information from their stand point. The Planning Department can remove signs and cite people. He has had numerous problems with the lighted mobile signs being placed in right of ways. They are being moved as soon as he hears about them.

Sandra mentioned she would like to see parking allowed on one side of the street in Ellettsville. It would slow the traffic and take care of the parking problems.

Terry Baker made a motion for the meeting to be adjourned. Lisa Creech seconded. Motion carried. Meeting adjourned at 7:50 p.m.