

December 1, 2005

The Ellettsville, Indiana Plan Commission met in regular session on Thursday, December 1, 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. leading the Pledge of Allegiance.

Roll Call: Frank Buczolich, President; Ed Bitner, Vice President; William Evans, Terry Baker, Don Calvert were present. Frank Nierzwicki, Director of Planning Services, was also present. Lisa Creech and Sandra Hash were absent.

Approval of the Minutes

William Evans made a motion to approve minutes from the meeting of November 3, 2005. Terry Baker seconded. Motion carried.

Old Business

Edgewood Village, Status Report

Frank Nierzwicki, Director of Planning Services, clarified the Town Council is committed to following the covenants and PUDs at Edgewood Village. They are not going to amend or change any of the covenants. They are going to enforce what is in place. He met with Mr. Dunn and Jewel Echelbarger at Area 10 on Aging. Items that were agreed upon were:

- ❖ The duplexes on the north side of Mustang Drive will be managed by Area 10 Agency on Aging. All units will have at least one person age 50 or above.
- ❖ A contract will be signed by Mr. Dunn and Area 10 before the Town Council meeting on December 27, 2005.
- ❖ The duplex area must be cleaned up by Mr. Dunn. The driveways and lawns need to be complete.
- ❖ Clean up of debris around his property.
- ❖ A cover for protection of erosion needs to be in place.
- ❖ A prepaid seeding bill must be presented to the Ellettsville Planning Department by December 27, 2005.
- ❖ The Town will issue occupancy permits when all the above items are complete.

Mr. Voils did not attend this meeting but some of the items concerning his property were:

- ❖ They will contact Mr. Voils (by registered mail) to have the trailer on the northeast corner of the property removed by December 27, 2005.
- ❖ The debris on Mustang Drive (east of the duplex to the cul-de-sac owned by Mr. Dunn) must be cleaned up by December 27, 2005.
- ❖ A six foot barrier fence needs to be erected from the northwest corner of the Ridge's property, between the property of Reeves Road and Mustang Drive to the west end. This must be completed by December 27, 2005.

Jewel Echelbarger and the Town have made a commitment to make sure the age requirement will be fulfilled and enforced.

The Town will not issue any additional building permits until the items listed above are taken care of. The Town will also enforce, to the letter of the law, all fines relating to all infractions, debris, high grass and the trailer. Don Calvert asked about contractors posting a bond like they do in Bloomington. Frank said a bond is something we are looking at. Mr. Dunn put up a \$29,500 bond for the whole area. Mr. Dunn will receive a copy of the registered letter sent to Mr. Voils (since his money is also part of the bond). Don Calvert clarified he was not asking about a bond for this particular situation but any future builders. Frank said this is something we can look at. The bond will be set higher than \$29,500 because this amount is from eleven years ago. Ed Bitner asked where the Dunn property starts and the Voils end. Frank said Mr. Dunn owns the multi family duplexes on the end of north side. There have been numerous, unsuccessful phone

calls to Mr. Voils. William Evans asked Frank to comment on the dead trees. Frank said if the tree is a public health issue, hanging over the side walk or street, then the Town can trim it or cut it down. If the tree is on private property the owner of the tree bears the responsibility if it falls and causes damage. Frank has taken a picture of the tree in question and will talk about it with the people involved. There is not a sidewalk and the tree does not hang over the street. He will also ask Jim Ragle to look at the tree. Several residents complained about not having a sidewalk in front of their houses and 4 or 5 dead trees in the area. Frank Nierzwicki stated the bond is to make sure the improvements are completed; the promise of street trees, sidewalks and fencing.

Mr. Ridge, owner of 7200 Reeves Road, main concern is Mr. Voils. If Mr. Voils does not attend any meetings or answer phone calls, the Town should revoke anything he wants to do in this Town again. He wants a fence or some of the trees behind his house to stay. William Evans believes a fence will be put up with the information Frank is sending to Mr. Voils.

Russ Ryle, owner 7350 Reeves Road, asked Frank if the fence will physically be on the property line or on the Voils' side of the utility easement on the south border of the property line. Frank said the fence has to be set back and constructed so the easement is open. Mr. Ryle's understanding is the utility service physically runs in the trench on the property line. He mentioned the easement is 10 feet putting the fence 10 feet north of the south edge of the property. He questioned what will the western most terminus of the continuous fence going towards Mustang Drive be due to the serious foot traffic problem from the schools and the children cutting through their yards. He would like to see a contiguous fence in place. Frank will look into this. If the fence goes all the way to the corner, at the west end, he will have to work with each land owner because those properties have been sold. Mr. Ryle feels where ever the fence ends will be where a path is created. Frank does not remember how far east the fence goes from the corner but there is already a fence line in place. Mr. Ryle stated if the fence is going on the north side of the property line, north of the utility easement on the south edge of the Voils property, it will be 20 feet north of the existing fence when you hit the west end. There needs to be some provisions for foot traffic from the school to get back into Town rather than coming out to Reeves Road because Reeves Road does not have the capacity for foot traffic. The Town has also eliminated half the road access to the property. Instead of a dead end on Mustang Drive, there was another road to Reeves. Something needs to be done because there is already a bottleneck. There will be 90 units when this development is complete with about 300 people.

New Business

Putter's Park Annexation – Claire Kerr, Petitioner

Frank Nierzwicki spoke for Claire Kerr on behalf of the Kerr Corporation concerning annexing 2.815 acres into the Town of Ellettsville. They are the sole owners of this property. The area is contiguous to the corporate boundaries. This property is located along the south east corner of State Road 46 and Ridgewood Drive. The petitioners have been in contact with Rick Coppock and there would not be any cost to the Town providing water and sewer service to the property. The assessed valuation of this property is \$493,800 according the Monroe County Auditor. The anticipated Ellettsville property tax revenue would be \$11,150.50. There would not be any street or road improvements needed in this area. They will be requesting C-3 zoning. Ed Bitner questioned whether or not their sewer service would change from Eastern Richland to Ellettsville Utilities. Frank said the fees to hook on are different with the three sewer systems for new homes. Since this area is already hooked on, they will not see any changes in their sewer bill. Their water rate will be less as Town users. Someone commented on the liquor license request. Frank said he read the letter in the newspaper also but is only looking at the annexation issue on this property. Ed Bitner brought the newspaper and read they can either have a smoking permit (if they annex into Ellettsville) or alcohol permit (if they stay in the County).

Claire Kerr said they purchased the property and would like to be annexed into Ellettsville. She was born and raised here. She and her son own A-Z Mortgage. She has already put \$50,000 into the Putter's Park building. She wants to make a nice restaurant for Ellettsville. She will comply with any rules that she needs to comply with. She assured the Town she will not open the restaurant until it is real quality. Ed Bitner asked if everything on the Annexation Schedule has been followed. Frank said this is information only tonight and will not be going to Council on December 12, 2005.

He does not have a detailed Fiscal Plan at this point. They have not fulfilled all the requirements on the Annexation Schedule.

Frank Buczulich clarified we will wait for another meeting for any type of action from this board.

White Oak Drive Annexation – Mr. and Mrs. Peters, Petitioners

Frank Nierzwicki received a request from Mr. and Mrs. Peters to annex 4.07 acres into the Town of Ellettsville. They are the sole owners of this property located just north of McNeely. This property is contiguous to the Town and meets the requirements. The property is served by Northern Richland Sewer Corporation and water is provided by the Town of Ellettsville. After conferring with Rick Coppock, the Town would not experience any cost in providing service to this area. Any future cost for water, sewer or street lights would be the responsibility of the land owner. The assessed valuation of this vacant land is \$5,700. The anticipated property tax revenue for this property will be \$125.75. The zoning would be residential (R-1) on this property. Ed Bitner asked when the property would be developed. Mark Peters, property owner, said it would depend on their engineering. Right now they are working on the annexation and changing the zoning. Ed asked how many units they are thinking of developing on the four acres. Mark said they would be half acre lots. Ed questioned the property Mark has on Main Street that was annexed into the Town years ago. Ed feels Mark has not kept up with the Town's Codes and Ordinances on this property. There have been multiple complaints on high grass. Ed asked Mark if he would maintain this current property even if he is not going to develop on it right a way. Mark said this property is rural and has been mowed a few times a year. Ed's concern is the Town ordinance does not allow for grass to be over nine inches. Mark says this property has calves on it and there should not be a problem. Frank Nierzwicki stated if the property is annexed, he will monitor it like all the other Town property. Ed also asked if everything on the Annexation Schedule has been completed. Mark said yes.

William Evans recommended the Peter's property along White Oak Drive be annexed into the Town of Ellettsville as R-1 zoning. Terry Baker seconded. Frank Buczulich asked for a roll call vote. Frank Buczulich – yes, William Evans – yes, Terry Baker – yes, Don Calvert – yes, Ed Bittner – abstained. The motion passed 4-0-1.

Parking and other non-moving violations, discussion of ticketing authority by Planning Department

Frank Nierzwicki has sent out over 200 letters since July for violations. There is still parking on the grass. He reviewed the procedures on the violations. When there is a violation, a letter is sent, the property is monitored for two weeks if the violation remains another letter is sent out to meet with people in noncompliance. A registered letter is sent out to collect fines on the properties. On high grass, after a registered letter is sent, if no reply, the street department is sent out to mow the property and the property owner is billed. After proper notification from the Clerk's office, a lien is placed against the property. If no movement is made, eventually the Town will receive income when the property is sold. Frank's new procedure idea is:

1. Start with new calendar year.
2. If there is a violation, send a letter.
3. If there a second violation (for the same address) they will receive another letter.
4. Then third violation (for the same address) automatic ticket.

The fines are between \$25 and \$50 per violation. We can site daily on a daily basis up to \$2,500. This is something he would like to consider but would like some input. The Police Department would like to be involved in updating the Code and Ordinance.

William Evans asked about the amount of the fine. Frank said a \$50 fine for parking on the grass and the existing \$25 trash fines are fine. Illegal parking on the streets needs to be raised to \$25. The Code needs to be changed to allow the Planning Department and Code Enforcement Officer be allowed to write out tickets. All changes would go to Mike Spencer for a review before it is brought to the Council. Don asked about a "reward program" (the ticket being less if paid before the due date). Frank said the City of Bloomington does this. Don also asked how often a ticket would be written on a car sitting in the grass. Frank said as often as necessary according to the way the code is written. The cost of the Town going to court on some of these tickets is high. He mentioned the issue of having a court in Town on some of the tickets. There is some room at the Police Station for this if needed. Ed asked if Frank's plan consisted of calendar year to calendar year to keep tabs of habitual offenders. Frank said after his first year, he has a good idea where the problem areas are. A calendar year is an easy way to monitor this. The public wants to know which neighbor turned them in for high grass or parking on the grass not knowing Frank and Laura are out patrolling.

A citizen asked several questions on parking. Frank summarized the answers.

- ❖ Holiday parking – call the Police Station to notify them of street and grass parking
- ❖ Birthday parties – let the Planning Department know ahead of time.
- ❖ Driveway enlarging permits are \$5.00.

One concern was not answered. If his teenage daughter has five friends over and he only has enough parking for four; would he get ticketed for a car being in the yard for an hour? There is a difference between visiting for an hour or two and having the wheels taken off and the car abandoned. Frank answered he would need public discussion on the issue.

Barbara Stafford, resident of Kelli Heights, agreed temporary parking in the yard should be okay. Some of the homes were built long enough ago and the driveways do not accommodate many cars. Her main complaint is the cars that do not run parked in front yards. A car was tagged last week and the people moved it into the yard. Frank replied this is what continues to go on and is why he would like some input on how to handle the problem.

William Evans suggested Frank look at some other Towns and see what types of fines they have. Frank agreed and will go ahead and put together some information for the next meeting.

Plan Commission Meeting Schedule for 2006, request for approval

Frank Nierzwicki presented a tentative schedule for the meetings. There are four dates out of sync from the normal meeting dates. In July, the Thursday after the 4th holiday is the toughest week to have a meeting. The meeting in September is after Labor Day. He has family obligations in January and March and he will not be available for those Thursdays. His attendance may not be required but he would prefer to be at the meetings. It would be easier to make changes before the dates are posted. William Evans feels this is a good thing for people who might want to schedule those weeks for vacation. In the past Frank has tried to schedule 10 of the 12 months for meetings, allowing July for vacations and December for the holidays. If we plan meetings in advance then developers are aware of our schedule and can plan accordingly. Ed Bitner added he will also be out of town this July. He was out of town last July and the meeting went on without him. He questioned the September 14th date. Frank Nierzwicki thought this date would be better for September due to Labor Day and school starting. Ed understands changing the January and July dates because those are the big holidays. Frank Buczolic said we are trying to get people here to do business. It seems from the board that this is the way to proceed. He suggested Frank Nierzwicki check on the procedures for changing the dates. He is unsure how to make the changes. The dates and time of the month for the meetings have been set for a long time. Don Calvert requested adding a reminder of the next meeting when e-mailing the minutes to the Plan Commission members.

Privilege of the Floor – non Agenda Items

Reed Hodges, owner of A-Z Mortgage, brought up the grass infraction. There was an accident a few weeks ago with fuel spillage. The Fire Department hosed it all away but tore up his grass. He wants to know if the Town will be replacing his grass or will it be his responsibility? William Evans said it is State property and they will relay the question to the Town Council.

Russ Ryle talked about a walking path along the utility easement by the fence between the Reeves Road residents and the Rex Voils development. The problem would be on the east end not having anywhere for the path to go other than private property. He suggested having something coming off the east end of Mustang Drive connecting to the street or sidewalk system. There needs to be some provision made there. Is there a way the Plan Commission can improve pedestrian flow from the school area, down Reeves Road, to the Town area. Frank Nierzwicki said a sidewalk makes good sense but the issue is money. The City of Bloomington, through a grant, purchased property on Adams Street to help connect their trail system. We need to have a plan and strategy of what we want to do in the future. Russ questioned if there is something short of spending a lot of money to come up with a master plan with some options. There are a lot of undeveloped fields in this area. In the next 20 years this land will be developed with 1,000 housing units. He asked Frank Nierzwicki if the Voils property to the north borders the school property. Frank said yes and the property borders private homes on the east. Russ clarified the only access off the Voils' property, other than the developed residential property, would be on the school property to the north. Frank thinks the Park Board and Plan Commission need to work together in the future. There is a park plan on trails and connections already.

There was more discussion on what was planned and talked about five years ago and other suggestions. Frank Nierzwicki suggested putting a package together for the Metropolitan Planning Organization on their “Safe Route to School” federal funding.

Evelyn Ryle wanted to know if there was some way the children living in the subdivisions across Reeves Road could have a cross walk. She suggested a sidewalk on the south side of Reeves Road and a stop at Terry Court to slow traffic and provide a place to cross the road.

Adjournment

Terry Baker made a motion for the meeting to be adjourned. William Evans seconded. Motion carried. Meeting adjourned at 8:30 p.m.