

May 11, 2006

The Ellettsville, Indiana Plan Commission met in regular session on Thursday, May 11, 2006, 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; Terry Baker, Don Calvert, William Evans and Dennis Williamson. Sandra Hash, Secretary; Rick Coppock, Town Engineer and Frank Nierzwicki, Director of Planning Services were also present. Ed Bitner, Vice President was absent.

Approval of the Minutes

William Evans made a motion to approve the minutes of the April 6, 2006 meeting. Terry Baker seconded. Motion carried.

Old Business

Town Code- Non Moving code violations (parking issues)

Frank Nierzwicki read the memorandum he sent to the Plan Commissioners regarding the “wording” for enforcements.

Parking Zones It is the desire of the Plan Commissions to create three separate zones within the Town. The Plan Department will prepare a draft parking zone map and criteria by May 25, 2006 with input from the Plan Commission. This draft parking zone map and criteria will be discussed at the June Plan Commission meeting with the final approval in July or August 2006. The Planning Department will make an effort to distribute the parking zone information to the media as soon as possible. Dennis Williamson asked how the three areas would be identified. Frank Nierzwicki answered he would need to start identifying the three areas with Kevin Patton (Fire Department). He will put together a colored draft map to be distributed to the Pan Commission members and The Journal for public comment. Dennis asked if only criteria years would be looked at. Frank Nierzwicki replied it is more important to look at the type of parking area rather than the year. The streets must be measured to find streets with sufficient width to allow on street parking and still allow emergency vehicles through safely. Rick Coppock added the State inventory has street width listed. Frank will use that list as a starting point and verify the information.

Parking Zone Enforcement: It is the desire of the Plan Commission that the Planning Department use active enforcement of the parking ordinance. The active enforcement policy will incorporate any citizen complaints concerning parking violations. The hours of enforcement shall be from 8:00 a.m. until 5:00 p.m. Monday through Fridays excluding Town holidays. 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. Special situations such as washing a vehicle, delivering groceries or repairing a vehicle will not warrant a parking on lawn violation. These special situations will not allow unattended vehicles. The Town will also setup a parking ticket appeal process.

William Evans suggested the second sentence; *the active enforcement policy will incorporate any citizen complaints concerning parking violations* include “seen by the Planning Department and its staff”. It was explained that was covered in the first sentence.

Don Calvert reiterated, the Town Council President would not sign anything that states “complaint based”. He sees no reason to send this to the Town Council worded this way. Frank Nierzwicki feels this is not the intention to be “complaint based”. The intention on this was to convey “this would be active enforcement and complaints would be taken”. The complaints will not govern how we actually enforce it. Sandra suggested taking out the word “complaints” to say “the policy will incorporate citizens concerns on parking violations”. Frank Nierzwicki read “the desire of the Plan Commission that the Planning Department use active enforcement of the parking ordinance. The

active enforcement policy will incorporate any citizen concerns about parking violations”. William Evans also questioned the provisions for the handicapped people; whether temporary or permanent. Frank Nierzwicki stated this is “special situation wording”. He said “consideration will be given for handicapped parking and accessibility within the Town of Ellettsville”. It was suggested the term “disability” be used instead.

Terry Baker said the Town should establish a parking/parking ticket appeals process so no particular group is identified. Frank Nierzwicki suggested the wording be “the Town will consider disability issues in the violation process”. Terry Baker said parking must be in a safe area for disabled people. Frank said “the Town will make efforts to establish disability parking when and where ever possible”. He would like to have a good starting point and the wording together before trying to get a resolution. Sandra informed Frank that if he wants this to be a permanent change in Town Code it needs to be an ordinance rather than a resolution. Frank went on to say we should write this as a resolution first, take comments from the public and come back with an ordinance. There was discussion about parking in the street denying emergency access.

Dennis Williamson asked about “Loading Zones”. Frank Nierzwicki says we have Loading Zone options and a permit process.

Frank Nierzwicki read the “Parking Zone Enforcement” with the changes. It is the desire of the Plan Commission that the Planning Department use active enforcement of the parking ordinance. The active enforcement policy will incorporate any citizen concerns about parking violations. The hours of enforcement shall be from 8:00 a.m. until 5:00 p.m. Monday through Fridays excluding Town holidays. 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. The Town will make every effort to establish disability parking where ever and when ever possible. Special situations 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 allow unattended vehicles. The Town will also setup a parking ticket appeal process.

Frank Nierzwicki will use other Town models on the appeal processes. Sandra stated the Town has the Ordinance which authorizes the Clerk- Treasurer to collect fines. It also explains that fines can be appealed.

Terry Baker made a motion to generate a Resolution for the Parking Zones and Enforcement as read. William Evans seconded. Frank Buczolic called for a roll call vote. Don Calvert – yes, Terry Baker – yes, William Evans – yes, Frank Buczolic – yes, Dennis Williamson – yes, Sandra Hash – yes. Motion carried.

Town Code – Signs: Legal and non legal

Frank Nierzwicki explained there have been some local comments concerning the use of advertising signs in the Ellettsville area. It is the desire of the Plan Commission that the Planning Department hold one additional public information meeting with business and interested citizens before June 23, 2006 concerning the proper use of signage within the Town. The Planning Department will review procedures for sign variance and how Town Code can be amended at the public information meeting. The Plan Commission requests the Planning Department to enforce the following sign regulations.

William Evans commented on the above statement. There are so many businesses and people that take offense to this sign ordinance. A meeting was advertised and held last year and only three business owners attended to voice an opinion. If there is a concern; there has to be more interest in it somehow. The suggestions to get more people at the meetings were: more advertising in The Journal, mentioning it at a taped Town Council meeting and having Rick Sipes advertise it on the Chambers website.

Frank Nierzwicki read the proposed sign definitions as follows:

Yard Type Signs: (on-premises and off premises): 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 (14) days at a time and only for twenty eight (28) day per year.

Mobile Signs: These are signs that are mounted on wheels or legs that can be moved. These signs should be considered

illegal. A temporary fourteen (14) 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 premises. 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.

Terry Baker asked if banners could be attached to a fence. Frank responded the way it is written in the code it could be strings or ropes attached to buildings, but fences are not mentioned; therefore he reads that as being outside of a legal banner.

Sandwich boards were discussed and it was decided only one sandwich board on premise would be allowed. Frank Nierzwicki stated situations have changed since our code was updated. Richland Plaza and Eagle's Landing were not in the town when the current code was written. Sandra questioned the Sandwich Boards being permanent signs. Frank Nierzwicki responded that is the way it is currently represented in the Town Code.

Don Calvert brought up the need for mobile signs occasionally. Frank Nierzwicki said exceptions could be made if it is written so that it prohibits them being used as permanent signs. Sandra suggested a permit be required for a mobile sign. That would give Frank the opportunity to inform the user of the restrictions. Frank agreed a temporary sign permit might work for both banners and temporary signs with a permit charge of \$25.00. If there are exceptions to be made for the temporary sign permit fee such as not for profit groups, criteria should be developed to insure uniform enforcement.

Frank then returned to the memorandum concerning signs by reading the following paragraph.

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 (1) month after their collection. Everyone agreed with this wording.

Frank amended his memorandum on Sandwich Boards as follows:

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.

There was some discussion on how to add the temporary signs requiring a \$25.00 permit fee and a limited number of days. Dennis suggested temporary should be 14 days or less. Frank Nierzwicki suggested working on those issues at a future meeting.

Terry Baker made a motion we limit the banner signs to 14 days beginning on the first day it goes up, 14 days after that the banner has to be removed. The motion was interrupted by discussion on how to clarify the 14 days. Terry restated the motion, limit the banner signs to 14 consecutive days starting the first day it goes up. Bill Evans seconded. Frank Buczolic called for a roll call vote. Don Calvert – yes, Terry Baker – yes, William Evans – yes, Frank Buczolic – yes, Dennis Williamson – yes, Sandra Hash – yes. Motion carried.

The chair then called for a motion to accept the resolution as presented. Bill Evans made a motion that we accept the sign enforcement as presented for a resolution. Terry Baker seconded. Frank Buczolic called for a roll call vote. Don Calvert – yes, Terry Baker – yes, William Evans – yes, Frank Buczolic – yes, Dennis Williamson – yes, Sandra Hash – yes. Motion carried.

Erosion Control – Public Right of Way Excavations Ordinance

Rick Coppock, Bynum Fanyo, passed out new copies of the Grading and Erosion Control Ordinance along with the Public Right-of-way Excavations or Borings Ordinance. He explained the changes made since the last meeting was shown with strike outs and bold italics. He also included a copy of the City of Bloomington's Code concerning remedies for violations. He reviewed the changes with the Plan Commission. He asked the Plan Commission to read over the Ordinances and be prepared to discuss them at the next meeting. Frank Nierzwicki requested changing the

language on the Excavations Ordinance under 152.149(E). The Monroe County ordinance has a minimum of \$100 per acre and anything over an acre is \$200. It doesn't say the top number of acres. This would encourage developers to plan the drainage systems for the whole project rather than an acre at a time. Sandra suggested a 100 acre sight would be a lot to look at for \$200. Maybe a \$500 maximum would be more appropriate. It was the general consensus to change the maximum to \$500.

Rick suggested adding to 152.151 (C) remedies for violations to provide more options to encourage compliance. The members discussed different scenarios that could arise with enforcement and who should be responsible for issuing stop work orders. Rick agreed to make additional changes and bring it back next month.

Rezoning request at 7350 West State Road 46 from R-1 to C-3

Frank Nierzwicki gave a description of the location of the property requesting the rezone. It is on the corner of State Road 46 West and Judy Street. The entrance to the property is on Judy Street. The petitioner is looking at light business for professional use. There is a convenience store – gas station one block away. Frank has not received their legal advertisement or copies of their certified letters. There was no one at the meeting to represent the petitioner. Therefore Terry Baker made a motion to table the request until we have confirmation that the neighbors have been notified. William Evans seconded. Motioned carried.

Privilege of the Floor – non Agenda Items

Frank Nierzwicki thanked the members of the Plan Commission for attending a joint training session with Monroe County and the City of Bloomington Plan Commissions and Board of Zoning Appeals. He also added there will be a couple of annexation issues on the next agenda.

Sandra Hash passed out copies of Indiana Code 36-7-4-223 (d) which states a member of a plan commission may not receive any mileage or compensation under section 222.5 of this chapter for attendance at a meeting if the member is disqualified under subsection (b) during any part of the meeting. 36-3-4-223 (b) states a member of a plan commission or a legislative body may not participate as a member of the plan commission or legislative body in a hearing or decision of that commission or body concerning a zoning matter in which the member has a direct or indirect financial interest. The commission or body shall enter in its records the fact that its member has such a disqualification.

At the beginning of the year it was pointed out in the Ellettsville Town Code that if a member of the plan commission abstains from voting they will not be paid for that meeting. The plan commission members thought this was not fair since there is usually more than one issue voted on at each meeting. The request to remove the requirement from the town code was forwarded to the attorney. Mike Spencer provided the above IC code in response.

Adjournment

Terry Baker made a motion for the meeting to be adjourned. William Evans seconded. Motion carried. Meeting adjourned.