

May 6, 2004

The Ellettsville, Indiana, Plan Commission met in regular session on Thursday, May 6th, 2004 at the Town Hall. Frank Buczulich called the meeting to order at 7:00 PM and all said the Pledge of Allegiance.

Roll Call: Frank Buczulich, President; Don Calvert; Terry Baker; Lisa Creech; Sandra Hash, Secretary and Jeffrey York, Planning and Zoning Administrator were present. David Drake and Ed Bitner were absent.

Approval of Minutes

Terry Baker made a motion to approve the minutes for April 1st and April 7th, 2004. Lisa Creech seconded. Motion carried.

Old Business - None

New Business

Chester Martin request for a street name

Chester Martin requested a street be named in memory of his grandson David Martin who passed away from Leukemia a few years ago. He would like the street to be called David Alan Court. It is a cul-de-sac in the Union Valley Homestead Condominiums subdivision. He has spoken to the Fire Department about the name. Ellettsville already has a street named Allen Street but he felt with it having the two names David Alan it wouldn't be a problem.

Jim Davis said he doesn't have a problem with that name. He explained the background to the addressing system prior to the 911 system. The public would call the individual fire departments with their problems so there was more direct communications with the public. When the 911 system came into play the calls were dispatched via radio from the Monroe County Sheriff or Bloomington City and similar sounding road names were hard to distinguish over the airwaves. Therefore, the County Fire Chiefs and County government decided in order to decrease the confusion on addresses there needed to be unity to avoid duplicate street names. Now all calls go through the 911 Central Dispatch System which is aided by CAD and we receive our calls via radio as well as Rip and Run computer print out sheets eliminating a lot of the confusion on addresses. Cell phones are used when necessary. Chester was turned down by Mike Cornman and the County Addressing Board. Jim stated the Ellettsville Plan Commission is not bound by the County Addressing Board. The Town can name streets whatever they want. However, there should be cooperation among entities. If he was naming it Alan or David Street we would have to object because those names are already in the County but since he's wants David Alan, it is okay. Jim encouraged The Plan Commission to accept the name.

Terry Baker made a motion to forward a recommendation to allow Chester Martin to name the street David Alan Court. Don Calvert seconded. A roll call vote was taken. Frank Buczulich – yes, Don Calvert – yes, Terry Baker – yes, Lisa Creech – yes, Sandra Hash – yes. David Drake and Ed Bitner were absent. Motion carried. Now this will go to the Town Council.

Discussion concerning final plat review to be Administrative review, rather than Plan Commission review

Jeff York passed out and read Indiana Code 36-7-4-710 titled "Subdivision control; secondary approval of plat; authority to grant; time; prerequisites for legal effect of plat". It reads:

Sec. 710.

(a) The plan commission may grant secondary approval of a plat under this section or may delegate to the plat committee or staff the authority to grant such secondary approvals.

(b) Secondary approval may be granted, after expiration of the time provided for appeal under section 708 of this

chapter.

(c) No notice or hearing is required, and the provisions of this series concerning notice and hearing do not apply to secondary approvals.

(d) A plat of a subdivision may not be filed with the auditor, and the recorder may not record it, unless it has been granted secondary approval and signed and certified by the official designated in the subdivision control ordinance governing the area. The filing and recording of the plat is without legal effect unless approved by the commission or committee.

In the past all final plats have went through the Plan Commission and Rick Coppock has worked with them to determine the cost of bonds. Jeff suggested and volunteered to take on the responsibility of **final plat approval** to help speed up the process, but if there would be significant changes it would have to go before the Plan Commission then. He added Rick Coppock and several others agreed with him this will be faster.

Sandra Hash asked if the Plan Commission President's and Secretary's signature needed to be on the final plat approval or if it was just the Town Council's signatures.

Jeff York said he believed it was the Town Council's signatures.

Terry Baker said most of the final plat approvals have been signed off by the Plan Commission's Secretary.

Sandra Hash suggested changing the form to allow the Planning and Zoning Administrator to sign off on the final plat approval.

Terry Baker suggested having the form read either Jeff's signature or the Plan Commission's Secretary's signature.

Jeff York suggested having a stamp of the signatures as a possibility also.

Lisa Creech made a motion to designate our Planning and Zoning Administrator, Jeffrey York as the authority to give final plat approval unless there are changes that are necessary deemed to go through the Plan Commission. Terry Baker seconded. A roll call vote was taken. Frank Buczolic – yes, Don Calvert – yes, Terry Baker – yes, Lisa Creech – yes, Sandra Hash – yes. David Drake and Ed Bitner were absent. Motion carried.

Sandra Hash said in the past when preliminary plats have come before the Plan Commission our engineer advised us if it met or exceeded all of our Town requirements. The Plan Commission can ask questions but they are obligated to pass the plat?

Jeff York stated yes State Code requires that the Plan Commission approve a plat if it meets the zoning regulations and the Town Code requirements. If it doesn't then the Plan Commission has the right to deny a plat. He added he would have to take a look at the plats on a case by case basis. As a general rule, if it doesn't meet the code then the Plan Commission has the right to deny approval or continue it to another hearing and instruct them to meet the standards.

Privilege of the Floor

Lisa Creech commented a developer within the Town limits has allowed three different homeowners to move into their homes before the Certificate of Occupancy was issued. The yards were not finished and the sidewalks were not poured. Two of the homeowners moved in on August 1st, but the Final Inspection was not done it August 15th and the Certificate of Occupancy wasn't issued until August 20th. The other moved in approximately a week before Jeff York started. She said Jeff witnessed on the tour she took him on that they had already moved in. She spoke to Jim Davis and she said Jim said he was surprised they moved in since the Rough Inspection was just recently performed. The Certificate of Occupancy was just issued on April 16th which is about 30 days after they had already moved in. She

has complained to the Attorney General and they are now investigating. Jeff is also investigating.

Jeff York said just for information he has spoken with Jim Davis and has met with the Monroe County Building Department about having the County issue our building permits and perform the inspections. He plans to discuss this at the Council meeting Monday. He added that Jim Davis had originally taken on the position of Building Inspector as a favor to the Town Council but is very busy with the Fire Department as Fire Chief. Jim Gertzbauer with the Monroe County Building Department is anxious and willing to take on this responsibility. As far as the problems we have, he plans to speak to Mike Spencer about remedies we can enter into with this particular developer.

There was further discussion of the issue of homeowners moving in prior to receiving their Certificate of Occupancy and who was at fault either the developer or the Town.

Lisa Creech said when the Town knows that a homeowner has moved in prior to receiving their Certificate of Occupancy then the Town needs to take action and the Town has not done so. She said it is a Class C Infraction if you know about this and allow it to happen.

Adjournment

Terry Baker made a motion to adjourn. Lisa Creech seconded. Motion carried. Meeting was adjourned at 7:35 PM.

Frank Buczulich, President

David Drake, Vice-President

Ed Bitner

Don Calvert

Lisa Combs-Creech

Sandra C. Hash, Clerk-Treasurer
and Secretary for Plan Commission

Terry Baker