

August 6, 2009

The Ellettsville, Indiana Plan Commission met in regular session on Thursday, August 6, 2009 in the Fire Department Training and Conference Room located at 5080 West State Road 46. Terry Baker called the meeting to order at 6:00 p.m. with the Pledge of Allegiance.

Roll Call: Members present were: Terry Baker, President; Sandra Hash – Vice President; Don Calvert, Ron Wayt, Dan Swafford, Frank Buczolic and Connie Griffin – Secretary.

Members Absent: Phillip Smith

Approval of the Minutes- July 9, 2009

Sandra Hash made the motion to approve the minutes of the July 9, 2009 Plan Commission meeting. Dan Swafford seconded the motion. Motion carried 6-0.

Conflict of Interest Statement

Terry Baker asked the commissioners if any of them have any conflict of interest on any items listed on the agenda for this evenings meeting. No conflicts of interest were stated by Plan Commission members.

Old Business

Satellite Dish Code Revision – PUD Section/Fees for Application

Connie Griffin went over page 17 Section J, K and Additional Standards. Connie asked for assistance on adding a PUD Section. The PUD Section will need to be brought into the Municipal Code section of the current Town Code to make them compatible. Connie will present that at the September Plan Commission meeting.

Section J will be Commercial and Industrial usages with any type of dish or antennas. The communication facility shall not be considered to be permanent principle usages and PUD that include any residential land uses in the list of approved uses.

Section K did not have any changes.

The “enforcement” section of the current code refers to the Director of Planning Services or “designee” reasonably determines our necessary insurance of safe construction, so forth and so on. This will stay the same until the Plan Commission sees it needs to be changed.

This is not retroactive. It will be for anything that comes up in the future.

Sandra Hash reviewed Connie’s job description and it states “in the absence of the Director of Planning Services, she will act on his behalf”.

Connie Griffin stated under the “Satellite Code” there needs to be fees set for the application. She found \$150 is a standard application fee and suggested the Town use \$150. There needs to be a determination which ordinance violation this needs to be set as. The “Satellite Code” is under Chapter 152 and it would be practical to leave it as a \$50 per day violation.

Sign Code Revision – LED lights and other code changes

Connie Griffin e-mailed the commissioners copies of Grafton, Wisconsin’s code. She spoke with one of their planners, who did a lot of research while developing this code. Connie would like to use the Grafton, WI code with their variance stating “Section Title 20 allow for other color uses with LED lights and full digital images”. It is well written and would like this code considered.

Sandra likes the section that states there is an option to review and deny. Connie stated adding a “review” process will give the Town control and flexibility. Sandra asked if this will encompass the interstate using “TV images” that change. Connie said yes if the Town moves in the same direction as Grafton. The zoning districts and size restrictions will also give the Town control. Connie will ask for a motion on the Sign

Code Revisions next month. Upon review of Grafton's signage code, their Planner stated it was better to start off more restrictive and then lighten the code up in the future. Connie will accept any questions by e-mail, research it and then respond to everyone.

Rental Codes – Bloomington, International Code comparison

Connie Griffin gave all commissioners copies of the Bloomington and International Code comparison. She recommended everyone review it for the meeting next month.

Updates

Status report on the Heritage Trail Project

Rick Coppock stated the Heritage Trail Project would not be receiving \$300,000 stimulus money for the following reasons:

- The Heritage Trail stimulus funding in the amount \$300,000 was to fund the pedestrian bridge over Jacks Defeat Creek parallel to and south of the west bound State Road 45 Bridge. The process to receive stimulus funds required the project do an environmental review and to meet the stimulus funding time frames the project would need to qualify as a Level 1 Categorical Exclusion.
- Since the pedestrian bridge project was being constructed on a previously disturbed area, the Town was confident that this project would qualify as a Level 1 project and the CE-1 form would complete the environmental documentation. The Town submitted a preliminary CE-1 form to the Environment Scoping Manager at the INDOT Seymour District office for review and comments. The INDOT Environmental Scoping Manager reviewed the document and stated that while the project did not meet many of the requirements of the Level 1 Categorical Exclusion the fact that the project was a bridge, did not meet the criteria and a full Section 106 review would be required. This review takes 4 – 6 months to complete. The stimulus projects need to be ready to go by September 1st.
- Bloomington was informed that Ellettsville would not have everything cleared by the September 1 deadline.
- Ellettsville made the request to Bloomington to utilize the stimulus money for the old rail bed section that runs 150 feet east of the SR 46 Bridge. A Level 1 Categorical Exclusion would be needed in order to use old rail corridors. An agreement between the federal highway authority and INDOT would be needed.
- Ellettsville requested \$150,000 of stimulus money from Bloomington for the old rail corridors but those phases would need to be completed by September 1. This review needs to be completed by INDOT and that takes 2 -3 weeks to do.
- In order for Ellettsville to get \$150,000 from Bloomington, the Transportation Improvement Plans need to be amended. A special meeting would need to be conducted for the amendment.

The special meeting was held by phone and Ellettsville was told that based on all the constraints, Bloomington had another project that was ready to go. The money will be programmed to that project instead. Rick Coppock stated the \$300,000 is gone for the bridge project.

Rick Coppock met with Main Street members, Karla and Connie Griffin and they worked out some options for how to proceed with the trail project.

- \$169,000 Transportation and Enhancement grant still available with a 20% match
- Talk to INDOT Scoping Managers to see if the Town could build the trail section on their own and utilize the money in the future for a bridge
- Full Section 106 review on the whole trail to make all phases eligible for federal funds. The Section 106 study costs about \$20,800
- Build the trail, using town work force utilizing the rail beds

Rick went over some items that have been completed and/or in the works

- A topographic survey has been completed for the trail project
- Process of determining all the property owners
- Determining easement descriptions

- Waiting for documentation from the railroad showing what they originally acquired

Frank Buczolic asked what the environmental survey will be looking for or at what? Rick stated the survey looks at adjacent properties for historical value. What affect the trail and the bridge might have on the historical district. All the research and public records are evaluated then submitted to Federal Highway Administration to review.

Sandra Hash asked Rick Coppock how he knew about the Environmental Review requirements. Rick stated he deals with the INDOT Environmental Scoping Manager in Seymour.

Ron Wayt asked if the funds that are set a side can be used for something else other than a trail in Town. Rick said not the \$169,000; that is Transportation and Enhancement Program that was received for a trail. If the location of the trail is moved or any changes are made from what they approved, there needs to be a “rescoping” meeting to change the limits. The money needs to be used for a trail.

Sandra asked if Main Street was “accepting” of using their money for the Section 106 review. Rick stated Main Street is “for” anything to get the trail built. Everyone needs to get together and form a plan of action to proceed. Rick said there is a 20% match of \$32,000. Sandra thought Main Street has been fundraising for the match and had accomplished it. Rick explained Main Street has raised some funds to pay for costs of the surveying, easements and designs. Some of the funds raised could go towards the “match” but all of it needs to be approved by INDOT to be allowed. Connie stated an Environmental Study needs to be done first.

Dan Swafford asked what should be told to the people who gave donations “under the assumption” there was \$469,000 and now there is only \$169,000. Sandra answered the money was donated to Main Street and they will take care of it. Should they be told there is only \$169,000? Connie Griffin stated some of the donors have been thinking about their original gift and there is chance we could lose some money. Main Street had “pledges” for about \$30,000 and has not spent more than they received.

Ron Wayt asked how long ago the \$300,000 grant was promised to the Town. Rick stated the stimulus money was available around April (early spring). The \$169,000 has been available since 2003. Ron questioned “none of this was known this whole time, none of the stipulations with INDOT, the environmental study by any body”? Rick stated no one has worked on this. The previous Councils did not want to proceed with the trails. It was thought the trails could be established under a Categorical Exclusion but after more research it was found the Full Section 106 needed to be completed which takes six months.

Rick Coppock explained Categorical Exclusions and other agencies (IDEM, INDOT) have different rules and regulations.

I-69 Grant

Connie Griffin spoke with Steve Smith from INDOT who went over contractual items and the scope of work that the Town had agreed to do. Mr. Smith stated the Town was “unique” in wanting to do all the work “in house”. INDOT is concerned with the changes happening in Ellettsville and whether or not the Town will be able to live up to the contractual agreements. Steve Smith informed Connie the May 15th quarterly report was not submitted and there will be another due August 15th. Connie told Steve Smith she will find out where things were left off with the grant.

- There is a Capital Improvement Plan Development
- Training was received
- Green space at the Wishing Well Park

Steve Smith will furnish Connie a copy of the January report and she will go through files to put together the reports needed.

Terry Baker asked how much money the Town could lose by not having enough people in Planning Department. Should the Town hire someone else into the office to receive more money from the grant?

Sandra Hash shared her opinion. Most of the I-69 grants are for plans and a lot of plans are contracted to groups who do those on a regular basis for multiply other municipalities. The Town has received \$13,000 out of the \$50,000 grant. If the Town does not full-fill the obligation of the grant they will have to pay the \$13,000 back. It clearly states that in the grant document. The other option would be to take the remaining funds and hire a contractor who does Capital Improvement and Green Space plans. These are valuable documents that we need. I-69 gave these grants because of the close proximity of Ellettsville to I-69. They are encouraging Ellettsville to be ready for the growth. Sandra thinks the Town needs to get estimates from contractors to see how much this would cost.

Terry Baker clarified it would be better to collect \$50,000 and not pay back \$13,000 by hiring a contractor to do the work. The Plan Commission does not have the authority to do this but can make a recommendation to the Town Council.

Ron Wayt asked what the \$50,000 is being used for. Connie stated the contract listed Capital Improvement Plan, training for elected officials and the Green Space Plan for the Wishing Well Park. Dan Swafford asked what the \$13,000 has been spent on. Sandra stated "the hours that were turned in toward accomplishing that requirement". It was asked "what do we have to show for these hours?" The answer was "a \$13,000 bill". The Planning and Zoning Board does not see any of the papers. Sandra Hash, as Clerk-Treasurer, has never seen any documentation other than the billing. There was a \$3,000 training session held.

Sandra explained capital projects are things the Town needs to grow. What the Town needs to have in place in order to manage the growth in the best possible way. Rick added that a capital improvement plan is "what you plan on building to improve the quality of life in the Town of Ellettsville". Rick stated a lot of information was turned in to Frank Nierzwicki. Connie will be putting together a report to isolate what has been done, break down what has been submitted and what reports have been filed. Don Calvert stated there needs to be assistance in the Planning office.

Terry Baker suggested making a motion to recommend hiring a consultant for the Planning Department. Ron Wayt asked what will that cost. Sandra Hash stated we will not know until we start looking. Sandra explained even if it costs \$20,000 to hire a consultant, there is still money left on the grant to pay the town back.

There was conversation regarding what could be done with the grant money since the Town Council already approved the hiring of the Code Enforcement Officer using the grant money.

Sandra Hash explained how the grant money was used to pay for the Code Enforcement Officer's salary. Frank Nierzwicki did the work and was being reimbursed for his work on the I-69 grant. When the reimbursement came in, the Council transferred that money to the Code Enforcement line. The Code Enforcement Officer salary was not part of the grant. The Code Enforcement Officer's salary was being off set by Frank's work on the I-69 grant. All transfers were made with Resolutions and the Council was aware of all transfers and amounts.

Don Calvert made a motion that the Town Council obtains quotes to complete the I-69 grant requirements. Dan Swafford seconded. Ron Wayt voted no. Motion carried 5-1.

Sandra Hash asked Connie Griffin to prepare a letter for Sandra to present to the Town Council.

Ike Grimes Annexation

Connie Griffin explained Mr. Grimes approached the Planning Department, two months ago, requesting to be annexed into town limits. None of the paperwork has

been completed at this time. Terry Baker discussed this with Frank Nierzwicki and Rick Coppock. There was discussion on where the property is located. Sandra Hash stated it is the position of the property owner, when requesting a voluntary annexation, to provide information before coming to the Plan Commission.

Multiple Checklist Establishment

Connie Griffin will establish multiple checklists for accountability for all processes coming out of the Planning Department, with sign offs to make sure everything is done.

General Office Information

Connie Griffin stated the Planning Department has been very busy with people wanting information and things completed. Connie’s main task will be to take care of the I-69 grant. Connie will be looking for support and availability from the Plan Commission members when she calls with questions and assistance. Sandra Hash stated some people (like Mr. Grimes) could be sent to her office to assist in the interim.

The Planning Department will not be getting another SPEA intern; they have to work under a Planner.

Adjournment

Frank Buczolich made the motion to adjourn. Dan Swafford seconded. Terry Baker adjourned the meeting. Next meeting will be September 3, 2009.

Terry Baker, President

Sandra Hash- Vice President

Frank Buczolich

Don Calvert

Phil Smith

Dan Swafford

Ron Wayt

Connie Griffin, Secretary