

February 3, 2011

The Ellettsville, Indiana Plan Commission met in regular session on Thursday, February 3, 2011 in the Fire Department Training and Conference Room located at 5080 West State Road 46. Dan Swafford called the meeting to order at 6:00 p.m. Phillip Smith led the Pledge of Allegiance.

Roll Call: Members present were: Phillip Smith - President; Don Calvert; Phillip Rogers and Sandra Hash, Secretary. Dan Swafford arrived late. Clayton Sullivan and Ron Wayt were absent. Connie Griffin, Planning Director, was also present.

Approval of the Minutes – January 6, 2011

Phillip Smith entertained a motion for approval of the January 6, 2011 minutes. Phillip Rogers so moved. Don Calvert seconded. Roll call vote: Phillip Smith – yes; Don Calvert – yes; Phillip Rogers – yes; and Sandra Hash – yes. Motion carried 4-0.

New Business

The Development Group Network, Inc., Centennial Park Subdivision – 31.39 Acres, Preliminary Plat Approval for 78 lots. The petitioner is requesting an additional twelve month extension of the preliminary plat approval in accordance with Section 153.00(A) of the Ellettsville Town Code. (The Plan Commission had granted a twelve month extension which will expire in March 2011).

Rick Coppock, Bynum Fanyo & Associates, is representing the developer, The Development Group Network, Inc. This is the same developer who also developed the Union Valley Farms Subdivision. They are seeking a twelve month extension of the preliminary plat approval due to the housing market.

Phillip Smith entertained a motion to approve a twelve month extension of the preliminary plat approval for the Centennial Park Subdivision. Sandra Hash made a motion to approve a twelve month extension for the Centennial Park Subdivision. Phillip Rogers seconded. Roll call vote: Phillip Smith – yes; Don Calvert - yes; Phillip Rogers – yes; and Sandra Hash – yes. Motion carried 4-0.

Smithville Development Project Amendment – 7640 W. SR 46, Ellettsville: Proposed use of ten acre parcel for warehouse and office building, truck garage, truck shed, trailer shed, equipment and storage yard, driveways, parking lots for Smithville Telephone. Petitioner: Smithville, Will Harris Builders and Kevin Potter

Phillip Smith stated this has returned before the Plan Commission because Smithville was going to go with Ellettsville for water but has decided to go with Patricksburg. Connie Griffin responded this was correct and that the change requires a plan amendment.

Kevin Potter, Civil Engineer with Smithville Telephone Co. – Since the previous plan approval there has been a change of water service. Bean Blossom Patricksburg Water Corporation (“Bean-Blossom”) will be upgrading their water mains on the north side of State Road 46. They will be connecting a couple of mains going east and west together to improve water pressure and quality of water to the site. Phillip Smith asked if the 8” main is already installed on 46. Kevin Potter responded they have a smaller main at this time.

Robert Curry of Robert E. Curry & Associates, Inc., Consulting Engineer for Bean-Blossom Patricksburg Water Corp. – Explained the size of the water mains at Flat Woods is 8” and Red Hill Road is 6” and 8”. They are proposing a 12” water main between Red Hill and Flat Woods Road. This is part of a master plan for Bean-Blossom Patricksburg Water Corp. There is an existing 500,000 gallon tank on Reeves Road. A new 12” water main is in the preconstruction stage to extend to just east of the Owen-Monroe County

Line. The insurance company has asked for 700 gallons per minute. Phillip Smith asked if by dumping the two 8" lines, it will keep the 12" line full of pressure. Mr. Curry said that was correct. Ultimately, there will be a 12" line all the way down to County Line Road. Dan Swafford asked Rick Coppock if there was a 12" line running from Ellettsville to Smithville's proposed site. Mr. Coppock responded there is a 12" line to Litten Estates. Dan Swafford asked Fire Chief Jim Davis how much pressure is needed to operate the current equipment. Chief Davis responded there is no doubt that Bean-Blossom Patricksburg Water Corp. will be able to meet the required PSI. Ellettsville's line is 1,000 gallons per minute. Bean-Blossom's area is traditionally residential customers only as they do not provide fire protection water. As a result of that the hydrants shut off in the ground. He has had Bean-Blossom people show up and tell him they couldn't use the hydrants because they're for customers. Dan Swafford said the Town is going to need some kind of written guarantee that no matter what happens there will be adequate fire protection. Chief Davis agrees there needs to be some type of agreement. The project shouldn't be held up. It will take a little while, but the fire department could lay a 5" line and provide water from the hydrant which is 750 feet from the entrance. The fire code states Bean-Blossom can meet the requirements by putting in an underground storage tank.

Phil Bastin, General Manager of Bean Blossom-Patricksburg Water Corporation - distributed a letter from the Board of Directors of Bean-Blossom. Basically, the letter states Bean-Blossom will do whatever improvements are necessary to satisfy the growth along the Smithville area. As their engineer stated, they are in the process of increasing the line size from County Line Road heading east and this will be accomplished within the next six months. When the water company first started out 40 years ago it was a small water company. It has grown into three counties. As well, they realize everything has to improve. They have improved the size of the water lines and the hydrants as well. Sandra Hash confirmed their territory covers three counties and asked if Bean-Blossom goes all the way to the White River in Spencer. Mr. Bastin said that was correct. Sandra Hash stated since this was a voluntary annexation into the Town of Ellettsville would it not change the Town's boundaries and the agreement with Bean-Blossom. As a property is annexed into the Town it is only logical to think they would use Ellettsville's utilities and would provide for the growth in the area to be Ellettsville's growth. Therefore, the Town would provide the water and sewer. If Bean-Blossom is providing the water and the Town providing the sewer, it becomes difficult as it provides no recourse for the people who don't pay their sewer bills. Since Bean-Blossom has such a wide area, Ms. Hash asked Mr. Bastin the following:

- Why this property is so important?
- Why Bean-Blossom is not willing to let Ellettsville service this area since the owners voluntarily annexed into the Town?
- Why doesn't the annexation adjust Bean-Blossom's boundaries?

Mr. Bastin responded Bean-Blossom feels I-69 along with the growth on S.R. 46 is very important. Bean-Blossom serves water for four sewer companies so this is not an issue. Sandra Hash asked if Bean-Blossom would turn the water off for non-payment of a Town sewer bill. Mr. Bastin responded he doesn't know if the law will allow them to do it. State law would have to be researched. Sandra Hash asked although Bean-Blossom has grown into three counties does Bean-Blossom feel by not servicing this little parcel that it will be detrimental to their growth in the future. Mr. Bastin responded yes and it may not be the only parcel as there could be other parcels. Ms. Hash stated as a Plan Commission for the Town of Ellettsville they feel it is detrimental for their growth also. It will cost Bean-Blossom a lot of money to supply Smithville with water and Ellettsville is prepared to run the water lines. Mr. Bastin responded they are prepared to run the water lines as well. Ms. Hash asked so no matter what the cost Bean-Blossom wants to run water to the Smithville property. Mr. Bastin responded their letter basically states this. Dan Swafford asked when were the territory boundaries established, who set the boundaries and is there a map of the boundaries. Mr. Curry responded he didn't have a copy of the map but there is an agreement with the Town of Ellettsville and Bean-Blossom establishing the boundaries. Their funding source is the U.S. Department of Agriculture and one of the conditions is that the utility not be in the same location as another utility. Sandra Hash asked if the loan was for the area around the

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property. Mr. Curry responded it was for all the improvements. Dan Swafford asked how long it will take for the water service to be ready. Mr. Curry stated as far as water construction is concerned, it can be provided immediately, with weather

permitting. Dan Swafford asked if they would have to run the water lines under the highway. Mr. Curry responded the mains are already under the highway. Dan Swafford asked Rick Coppock, as this portion is annexed into Ellettsville, is there anything in the Town Code which would prevent them from connecting with Bean-Blossom or mandate that Smithville use the Town utilities. Rick Coppock stated there is nothing that mandates an annexed property hook onto the Town utilities.

Phillip Smith read an excerpt from the Town of Ellettsville and Bean-Blossom Patricksburg Water Corp. Agreement as follows:

“The Town will provide water service to the area bounded by Starnes Road on the west, Flatwoods and State Road 46 on the north, Vernal Pike on the south and the Town limits to the east. Also included shall be the area around Bakers Drive on the west . . . Bounded the north south section, lined between sections 5 and 6 to the west.”

Dan Swafford stated the Plan Commission needed to meet with the Town Council and Bean-Blossom to discuss water service to Smithville. However, the Plan Commission does not want to delay the project.

Brad Williams, Will-Harris Builders – Bean Blossom has mentioned the possibility of a lawsuit if Smithville gets its water service from Ellettsville. An item playing a major role in water service to Smithville, however, is a \$50,000 charge from the Town of Ellettsville and the connection with Bean-Blossom will be free. Dan Swafford confirmed the Town would charge \$50,000 for Smithville’s water connection. Mr. Williams responded this is what he was told by Mike Farmer. Dan Swafford asked Mike Farmer if this charge was for the complete infrastructure or the main. Mike Farmer advised Smithville has asked what it would take to get water to their building and they came up with an estimate of \$50,000. Sandra Hash asked if the \$50,000 was for materials or did it also include labor. Mr. Farmer responded the estimate was for materials. Sandra Hash if the \$50,000 would take the pipes up to the building. Mr. Farmer stated that was correct. Sandra Hash asked Phil Bastin if Bean-Blossom would run the pipes to the building for free. Mr. Bastin stated that was correct. Sandra Hash asked if the rate payers would incur the cost for Bean-Blossom to run the pipe or if they would absorb the cost. Mr. Bastin said the Bean-Blossom Board of Directors has agreed to incur the cost for water service to Smithville.

Phillip Smith stated the main goal of this meeting is for Smithville to start construction. Mr. Smith confirmed Smithville had construction water on the site. The Town Attorney will have to review Bean-Blossom’s letter. Sandra Hash stated the Town has not received a tort claim and there has not been a threat to sue. Dan Swafford commented the Plan Commission needed to approve the project to proceed. Then, the Town needs to meet with Bean-Blossom and clearly define territories. Don Calvert commented there are two issues. The first being whether or not Smithville can begin to build and the second being the water. Both of these issues need to be looked at separately. Connie Griffin commented she had a grading permit ready and only needed two signatures. Smithville has provided new drainage calculations but the Plan Commission has not had an opportunity to review them.

Russ Ryle – Unfortunately, this is going to be a situation we’re going to run into as Ellettsville expands. The water issue isn’t going to be resolved at this meeting. It is an issue before the Town Council. He suggests the water issue be tabled until there can be a much needed discussion. No one wants to get in a legal situation.

Sandra Hash – Read an excerpt from the December 2, 2010, meeting:

“The other concerns were adequate water, sewage and adequate fire protection and Dan Swafford asked if those issues had been addressed. Kevin Potter responded Smithville met with

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Ellettsville Utilities and Rick Coppock and there has been an agreement wherein they're going to extend a 12" water main further west along State Road 46 in front of the project. Then, Ellettsville Utilities will run an 8" water main back to the building so they will be tied into the Ellettsville water system and there will be adequate flow for the sprinkler system which is required for the building. As for the sewage system, they have obtained approval from the Indiana State Board of Health to do a septic system but there is a sanitary force main along State Road 46 so they have decided to install a grinder pump system and pump into the force main the Town owns rather than a septic system."

Mike Farmer – Stated even though Bean-Blossom serves the project, they would recommend Ellettsville service the sewer. It's still an issue but it is not an issue worth fighting over or holding up the project. Obviously they are going to get water and will be served well by fire protection. Mr. Farmer suggested the amendment be approved.

Dan Swafford – Commented he would like for Bean-Blossom to meet with the Town to discuss future development, territories and try to work everything out.

Sandra Hash - Asked how many customers are in Bean-Blossom's system. Mr. Bastin responded over 4,000. Ms. Hash stated when a property is annexed into the Town limits, it should become our jurisdiction. Lines are drawn but they're always subject to change. Everything in life is subject to change and this is the big issue. The water issue doesn't have any bearing on the plan the Commission approved. However, it is part of it because of it being included in the December 2, 2010 minutes.

Phillip Rogers – In big towns and cities in Indiana you will find more than one utility servicing the area. When you start annexing properties you are going to have this problem. The water issue is a problem for the Town Council and water companies to resolve. The Plan Commission cannot make the decision.

Phillip Smith made a motion to approve the 7640 W. State Road 46, Smithville Project Amendment, as subject to the Town Council approval of Bean-Blossom Patricksburg Water Corp. to provide sufficient pressure and flow standards as subject to the Town of Ellettsville's requirement to provide fire protection. Dan Swafford seconded. Roll call vote: Phillip Smith – yes; Don Calvert – yes; Phillip Rogers – yes; Dan Swafford – yes; and Sandra Hash – no. Motion carried 4-1.

Planning Department Updates – Connie Griffin, Director of Planning

Transportation Enhancement Grant for Heritage Trail Phase II for a 12 X 120 foot long pedestrian bridge was submitted on January 31, 2011. The Town is seeking \$223,530 from the Metropolitan Planning Organization ("MPO"). This is an 80/20 grant which will require local match funds in the amount of \$55,880. Thank you to everyone who assisted with the grant and 42 letters of support were received.

Grant for the Street Department – The Planning Department will start working next week on seeking grant funding through the MPO to help the Street Department obtain new reflective signage. They are applying for highway safety improvements fund. Ms. Griffin will help Jim Ragle get started on the grant which is due within a couple of weeks.

Monroe County Comprehensive Plan – A request has been received from the President of the Monroe County Plan Commission to meet with the Town to begin working on a future extensions map. The County is starting to question what the Town's fringe is going to be. They want to know how far the Town is annexing so they can tighten up those boundaries for their comprehensive plan. There are two meetings on the Monroe County Comprehensive Plan. One is at the Courthouse on February 9, 2011 at 5:30 p.m. The other meeting is at 5:30 p.m. on March 2, 2011 at the Ellettsville Fire Department conference room. A copy of the comprehensive plan

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will be at the Planning Department office and it can also be found on the Monroe County Planning Department website.

Americans With Disabilities Transition Plan – All research has been given to Denise Jenkins, an Administrative Assistant in the Planning Department. She will begin working with the research and develop a table of contents that our plan will be required to have along with an annotation of each of those requirements. Then a time frame will be developed. This is an opportunity for the Town to receive \$7,500 annually from the MPO to get the transition plan started. The Town will have about two years to update the areas where the Town is negligent. The Federal Highway Administration is going to start cracking down on communities because it has been 20 years since the American With Disabilities Act was enacted.

Chad's Recycle & Refuse – A cease and desist order will be issued by the Secretary of State's Office very soon.

Lenzy Hayes – They have been working very well with the Planning Department. Unfortunately, nine people were evicted and two trailers have been demolished. The Planning Department is working very diligently on the compliance issues with Lenzy Hayes. At this time, their license has not been reissued.

Privilege of the Floor

Russ Ryle – Questioned the status of the greenhouse operation's safety issues located on S.R. 46. He understands it is with the Town Attorney but he hasn't heard anything about the safety issues. Phillip Smith advised the owner has applied some mortar and some of the weeds have been cut down. Mr. Ryle stated his main concern is with the pond. Connie Griffin stated the last she had heard the lawsuit was ready to be filed.

Russ Ryle – Complimented the Planning Staff on how they have handled a couple of very sensitive issues.

Phillip Smith – Walked from the Shell Station down to the parking lot in front of the Town Council building. There was enough dog waste in front of the apartment building that you could not stand the smell. Connie Griffin stated she had received a complaint about the dog waste and she contacted the apartment owner. The apartment owner said they would issue letters discussing the dog waste to each of the tenants. The letters are to state the dog waste has to be picked up, put in a trash bag and then put into the apartment's trash receptacle for a weekly pickup. She will follow-up with the apartment owner. Mr. Smith advised when he was walking down the street, a property owner was showing a building and the potential buyer wouldn't even walk in the building because of the dog waste.

Adjournment

Phillip Smith made a motion to adjourn. Dan Swafford seconded. Phillip Smith adjourned the meeting at 7:11 p.m. The next meeting will be March 3, 2011, at 6:00 p.m.

Phillip Smith, President

Ron Wayt, Vice President

Sandra Hash, Secretary

Don Calvert

Dan Swafford

Phillip Rogers

Clayton Sullivan