

July 9, 2009

The Ellettsville, Indiana Plan Commission met in regular session on Thursday, July 9, 2009 in the Fire Department Training and Conference Room located at 5080 West State Road 46. Terry Baker called the meeting to order at 6:02 P.M. and lead the Pledge of Allegiance.

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

Members Absent: Frank Buczolich

Approval of the Minutes- June 4, 2009

Dan Swafford, I make a motion to approve of the June 4, 2009 Plan Commission meeting. Don Calvert seconded the motion. All in favor-minutes approved.

Terry Baker, Terry 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.

New Business

Request for Voluntary Annexation of approximately 2.95 acres at 7490 and 7502 W. SR 46 Garreth and Ann Blackwell petitioners-

Frank Nierzwicki- The director requests approval for the voluntary annexation, the land, once annexed would be zoned C-3. There would not be an added financial cost to the Town to annex the property, all town services are provided at this location. Any additional development costs would be the responsibility of the developer. Assessed evaluation is \$182,800. The development review meeting was held on June 30, 2009. Rick Coppock, Terry Baker and I attended the meeting. I talked to Tony Bowlen and he doesn't have a problem with the site as well as the fire department. A construction business and a used car lot are on the property.

Terry Baker- I would entertain a motion for a voluntary annexation of 7490 and 7502 W. SR 46 West, in Richland Township. Dan Swafford so moved. Don Calvert seconded the motion.

Roll Call:

Terry Baker-yes

Sandra Hash-yes

Don Calvert-yes

Phill Smith-came in late and missed this vote.

Dan Swafford-yes

Ron Wayt-yes

Frank Buczolich-absent

Sandra Hash- When will the fiscal plan and legal be done for the Town Council?

Frank Nierzwicki- I should have that ready for the July 27, 2009 meeting.

Sandra Hash- The annexation won't be recognized this year, but will go on the tax roll January 1, 2010.

Terry Baker- back to old business, satellite dish revision.

Satellite Dish Code Revision

Connie Griffin- I propose the title to be changed from Wireless Communication Facilities to reflect the additions to the updates to the code. The new title would be Antennas, Amateur Radio Facilities, Satellite Dishes and Wireless Service Facilities.

The new additions throughout the code will reflect the title change to antennas, amateur radio facilities, satellite dishes; wireless communication facilities is all that is mentioned in code.

This was the most complicated code to date. Our code didn't have an application process for satellite dishes, so this new code will add that process into the Town code. I looked at the City of Bloomington and Carmel and Matilda, Florida and worked with their code and their application process and this will include a site plan review and this has been added to code with the fees. There are also new definitions added to the code. I believe the code is tighter than as stated before.

The set back requirements and the location of placement are better defined and the process has been streamlined. I would like to get your comments on the section of painting the face of a satellite dish. The codes that I reviewed prohibited signage or logos to be placed on satellite dishes.

Plan Commission Comments-

- No signage on the dish, we don't know what would go on the dish and it blends better into the surroundings without signage or logos.
- Advertising that could be placed on the satellite dish, it could be treated like a billboard.
- The setbacks make it apparent as to where it should be located.
- Fines need to be per day after the abatement day has been established.
- This code corrects what was in error with previous code.
- This code excludes amateur radio facilities.
- Let's go ahead and move forward; everything looks good.

Connie Griffin- There is also the addition of landscaping, that wouldn't prohibit the satellites line of site that has been added to the proposed code changes. The application fees have not been set at this time, as well as fines, so the ordinance violations will be added.

Dan Swafford- I make the motion we approve the satellite revisions for chapter 152.235. Ron Wayt seconded the motion.

Russ Ryle- Stated concerns about amateur radio operators.

Terry Baker- Roll Call Vote:

Terry Baker-yes

Sandra Hash-yes

Don Calvert-yes

Phill Smith-yes

Dan Swafford-yes

Ron Wayt-yes

Frank Buczolich-absent

Connie Griffin- Sign Code revisions, I have presented a change, this is an additional sheet. You also have illustrations of the signs as used in our code definitions. We were talking last time about setbacks for signage from the paved road. In chapter 92.02 and this is in the Street Department Code, signs on public property and streets would assist with this prior sign code discussion.

I have submitted this sign code change to Jim Ragle and Tony Bowlen for their comments. I would like to add the right of way and easements as a violation for placement of signs, and the Planning Department would be in charge of the sign application and placement of signage, and strike that as a duty of the Town Council, since the Planning Dept. handles all other signage. And add the condition of the sign, if in a state of decline would be considered a public nuisance and can be removed, and the Dept. of Planning has been added to assist the Police Dept.

Dan Swafford would like to see LED signs researched; since technology has improved and they are attractive we should consider adding a section of electronic reader signs to our code. The newer signs are not as bright and not a traffic hazard. They can give a lot of information out to people that drive past them. We could have something about light pollution added to the code. They are expensive, so I don't see a lot of these locating into our town.

Don Calvert- I think we need to be concerned about the choice of color, because north of here there is an LED sign and it flashes red and blue and from a distance it looks like it could be an emergency vehicle.

Connie Griffin - Chapter 152 Sign Code

Banners are used in multiple ways and are in rigid frames or they are above the ground between posts on lines. This is the new definition:

BANNER signs are made of lightweight fabric, plastic or similar material, which is not more than nine square feet in sign face area and which is mounted flush on a building in a rigid frame or is a freestanding sign in a frame. Banner signs not in a rigid frame shall be displayed between two points by use of ropes or lines near the ground or mounted flush on a building. If the condition of the banner becomes unsightly, torn, faded or in the process of decline, the sign shall be considered a public nuisance or litter and will be subject to a fine.

This definition will assist new businesses. If the banners are framed you can't tell the post haven't been painted. They look nice and they can change them easier; this is very pro business.

Plan Commission Concerns-

- Is there any limitation on where these banners can be placed and the number of signs they can display?
- Most businesses will want their signage to look good, but we run the chance of having someone come in that doesn't care about the way it looks or Ellettsville.
- Restrict the number of signs on the business property. It should be on the business premise.
- There has to be some form of restriction, we have a limit of 80 square feet of signage that can be used on a building.
- Size
- Seeing the new code changes put in the paper once we are through with these changes.

Connie Griffin - In new code coming up, we will have a review process and this will help determine the design and the location. We have gone back and forth about the number of signs that we will let people display. If a banner is displayed or hung with ropes, between two points, then we could limit the number of these signs because they are temporary.

Terry Baker believes most of the businesses will want the signs to look good. There will be someone who doesn't care and then what? Dan suggested restricting signs to business property only.

Dan Swafford asked about the hanging signs between columns that are attached to the building. Ron stated the columns would be allowed. Phill Smith suggested being able to govern signs depending on the building square footage.

Connie Griffin - Non-Commercial signs

Political signs were removed but the Non-Commercial sign will allow people to express an opinion or point of view. Non-Commercial signs come with a conditional statement to help the Town get rid of Political signs if they become trash, public nuisances or litter.

Under **“Temporary Signs”** Connie would like to add the statement regarding the condition of the sign and this will stay consistent throughout. **“Political Signs”** would be stricken. **“Special Occasion Signs”** would have an addition; *“signage shall not be placed in locations as to deter clear vision areas at street or highway intersections or drives”*.

Sandra Hash would like to have the sign changes posted in the paper.

Connie would like to add **“Special Promotion Inflatable Wind Banners”**. Example of these would be large balloons, gorillas, etc. The Town should allow people to have these types of banners for fourteen consecutive days, four times a year and a \$25 permit fees to help monitor the dates. The code will control the location of these types of banners. Connie suggested businesses with these types of banners have liability insurance. She will research this further.

Russ Ryle asked about “General Regulations”; separation from the street, Indiana Law restricts signage from an area of an intersection. Should the Town state something regarding intersection clearance that would be a “blanket statement”?

Connie went over **“Exempt Signs”**. The terms “public school, time and temperature” were added. Connie will research Section 152.259 Prohibited Signs (C) “permanent or free standing signs which have moving or rotating parts” and (E).

Terry Baker went back to “General Regulations” and clarified that Section (D) should cover the sight distance. Russ Ryle feels that Section (D) is too vague and something “concrete” needs to be stated. Under “Separation from Street”, Russ Ryle would like the verbiage to be “curb or edge of pavement”. There was ongoing discussion about how far the signs should be from roadways, alleys, pavement etc. The term “two feet” will be taken out.

Connie Griffin would like to add (14) Scrolling interior window display signs, which are located behind a glass window and do not exceed 9” x 32”.

The changes Connie suggested for Town Code 152.263 Sign Permit Fee; no charging when a sign face is changed. Also adding *“the final administrative interpretation of these design standards shall be at the sole discretion of the Department of Planning Director. Regular inspections of outdoor signage will be conducted by the Department of Planning. Failure to comply with sign regulations may result in sign permit revocation or code enforcement by the Planning Department”*.

152.264 Sign Ordinance Violation Fine will be added to say *“the Ellettsville Planning Department shall issue a written order or posted notice of violation to abate, remove or repair the issue in violation. If the issue is not addressed within seven days following the notice of violation the fine shall be daily. Any person (s), company, business or non-profit organization that violates any of the provisions of this section commits a Class E ordinance violation and shall be fined for each offense. Separate offenses shall be deemed committed on each day during or on which a violation occurs or continues”*.

Connie will research and review the LED questions.

Rental Code

Connie Griffin and the Planning Department are proposing to mirror the City of Bloomington’s Rental Ordinance Code. The census data show Ellettsville has 620 (estimate) rental units. The Ellettsville Rental Code would help establish a data base of landlords and owner contact information. It will provide rental occupancy permits to protect our citizens. There will be an establishment of a rental hearing board, code enforcement and inspections (in time). The benefits to this will be:

- (1) track the rental properties and owners,
- (2) improve awareness and enforcement of occupancy limits
- (3) identify and upgrade substandard living conditions
- (4) insure safe living conditions
- (5) identify building maintenance needs with property managers and landlords
- (6) provide pro-active enforcement of building maintenance
- (7) enforce current codes and address nuisances
- (8) abandoned vehicle removal
- (9) documentation of complaints and resolutions
- (10) be able to condemn or demolish buildings
- (11) fees and fines are generated.

The Planning Department will help surrounding property owners increase property values, legal liability for owners of property, safer living conditions and improve quality of life. The city will maintain housing stock and reduces crime and blight.

A Rental Advisory Group has been established and they have focused on Indiana Landlord/Tenant relations, mobile home and manufactured housing and property maintenance code. Ellettsville's current code was discussed in this meeting. The Town has adopted, by State Law the Unsafe Building Laws, State and Fire Building Safety Standards which are updated as the other codes are updated by reference. The Housing and Neighborhood Development (HAND) Department require a rental occupancy permit program and maintain files every rental property of the city.

Connie is asking for permission to move forward with this code and continue the necessary work to take it to Council. There will be fees and inspection charges will be passed on to the user and not the tax payer. Any property can be questioned and according to HAND if it is not compliant, will be given sixty days to make the necessary repairs. The property is inspected and given fourteen more days extension if needed.

Sandra Hash stated, with the economy, one option to look at is trying to work with other communities and "tap into" places that have established facilities and use their services. The example she gave was the Town uses Monroe County for building permits. HAND is in place, they have a staff and directors. Sandra understands the Town could generate income through the permit process but she does not feel the permit process will be enough to cover the cost for personnel. The Town needs it and it is a big job. Sandra's "fear" is this will be put into place and with the Town's budgets restraints, not be able to enforce or care for it the way it needs to be monitored. Sandra can not see adding this on top of the workload the Planning Department currently has.

Ron Wayt agreed to contract with HAND to help get started. Frank Nierzwicki stated "until we go through and actually get the registration forms, we do not know how big of a situation we have". Phill Smith asked how the Planning Department plans on getting the registration forms. Connie said census data and county records have a lot of this information. Phill Smith stated the Town needs to find out whom, when and where. An inventory needs to be taken to find out who the property owners are and start the process. Ron Wayt asked what the fees run? Connie said an average of \$50 per inspection per unit. Sandra read on the HAND website there is a five year permit. Connie said "if they are compliant". Connie stated she has started a chart with different fees and fines depending on the demographics and population. HAND tries to fund their program with the money collected. Sandra spoke with Lisa Abbott (from City of Bloomington HAND) who stated the fees can not fund it alone in Bloomington and they are subsidized by the General Fund.

Don Calvert made a motion (with the help of Sandra and Connie) that we put it in place and have something to work with. We will mirror the Bloomington and State code. Phillip Smith seconded. Roll call vote: Terry Baker – yes; Sandra Hash – yes; Don Calvert – yes; Ron Wayt – yes; Phillip Smith – yes; Dan Swafford – yes. Motion passed 6-0.

Connie Griffin stated the Town Codes need to be updated.

Status Report on the Heritage Trail Project

Frank Nierzwicki announced:

- The survey work has been completed
- Permission was given to start on the legal description
- Will start working with adjacent property owners on securing area for the trail
- Public meetings in July and August for public input
- Bynum & Fanyo will be doing the design work
- A set of preliminary plans will be available for review at the Ellettsville Library
- Donations are still being collected
- Target date for the final design sent to INDOT – September 1, 2009

Sandra Hash stated Main Street is holding the money for "matching". The procedure for bill paying will be, the bills will be given to Main Street, they will write a check to the town and the town will write a check to the vendor to pay the bill. This provides the town accountability for the matching funds.

Privilege of the Floor

Russ Ryle thanked the Planning Staff and members of the Plan Commission for all the work they have done updating the codes. Russ Ryle suggested “taking opinions out” when revising codes.

Frank Nierzwicki is pleased with the excellent job the Plan Commission has done this year with questions, answers and research.

Terry Baker stated the Plan Commission is receiving information early enough for review to make better decisions. Sandra said meeting with Town Supervisors has been a big plus also.

Evelyn Ryle thanked Beverly, who works for an apartment complex and follows Federal code, for her input to the Rental Advisory Board.

Adjournment

Terry Baker- Meeting Adjourned. Next meeting will be August 6, 2009.

Terry Baker, President

Sandra Hash- Vice President

Frank Buczolich

Don Calvert

Phil Smith

Dan Swafford

Ron Wayt

Connie Griffin, Secretary