

June 4, 2009

The Ellettsville, Indiana Plan Commission met in regular session on Thursday, June 4, 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. and lead the Pledge of Allegiance.

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

Members Absent: Dan Swafford and Phill Smith.

Approval of the Minutes- May 7, 2009

Frank Buczolic, I make a motion to approve of the May 7, 2009 Plan Commission meeting, Sandra Hash, 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.

Old Business

Terry Baker- Proposed changes to the Ellettsville Municipal Code- Sign Ordinances

Connie Griffin-

- The term professionally made is a term that Mr. Spencer, the town's attorney, would like this removed from the proposed code changes.
- Addition- The final administration interpretation of these design standards shall be at the sole discretion of the Director of Planning Services. Regular inspections of outdoor signage will be conducted by the Planning Department failure to comply with sign regulations may result in sign permit revocation or code enforcement by the Planning Department. Since it was mentioned at the last meeting about not wanting "hand made" signs, so if the signs go through the review process and the compliance review this would help control the design of the sign from the beginning.
- Political signs to be stricken from the Ellettsville Municipal Code. The Indiana Civil Liberties Union believes current political sign codes that place time limitations on political signs is a violation of the Freedom of Speech Act.
- Indiana Code-proposed adoption of 9-21-4-6.
 - This code would restrict signs 10 feet from the curb line
 - Keeps signs out of the highway right-of-way
 - Public signs that become a public nuisance can be removed
- Ellettsville sign code- under D we state it as reduce traffic and safety hazards by prohibiting signs that are distracting to motorists and that cause unnecessary visual clutter. 152.257 (4) We allow signs to be 2 feet to the street.

Terry Baker- We need to set a distance and we need to specify that the signs can't be in the right-of-way for streets in Ellettsville.

Plan Commission comments/concerns/questions:

- We need to stick with the right-of-way. It's 25 feet from the center of the road. (But this isn't a uniform measurement, commented Frank Nierzwicki).
- Older subdivisions have right-of-way issues.
- We need to keep it simple.
- It sounds like we are trying to get it pretty well covered.
- At least we will be consistent in our signs.

Russ Ryle- Reeves road is a 1842 survey, two 8 foot wagon tracks, so technically if I had it two feet off the right-of-way I would be about a foot and a half into the paved area, because you have 11 and 1/2 lanes out there. You will have the same problem with the 1897 or 98 fire insurance maps. What is the right-of-way? How many of you know where the right-of-way is on your streets. The state requirements do not get into the value judgment of an inappropriate or clutter or distracting sign, they just say signs period and set the distance. The town may only want to address signs from a safety issue alone.

Given the right-of-way problems due to the development of our town over almost 200 years, would it be feasible to:

- Define the limits of putting a sign in the Town of Ellettsville from so many feet from the paved road, and say 5 feet.

- You could say curb line (edge of pavement); because there are places you don't have curbs. Ten feet may be pushing it.
- Do we need greater site distances at intersections?
- What is the state limit?
- What is the speed limit in the town of Ellettsville?
- The slower the speed they travel, the shorter the restriction on signage, what is the state limit on putting a sign near an intersection where the posted speed is 20 mph?

Terry Baker- We could go back to what the state code is and it says 10 feet from the curb line, and we could say the edge of the pavement. Proper site view is important and an issue.

Frank Nierzwicki- We are trying to do this uniformly through town. Site distances at intersections is an engineering issue. It depends on the speed of traffic. There is a chart. Rick Coppock could do that.

Terry Baker- On Sale Street it is 20 mph. We need to be in line with what the state is doing and try to make it consistent, so we know what it is when we see them on the highway or in town.

Connie Griffin- I'll work on these concerns and redraft some new proposed code.

Next item: Rental Codes

- Connie thanked the Ryle's again for helping with the review of this code.
- We have a time line that we are trying to work in.
- These are original codes.
- Please read the packet and then we will address questions and concerns at each chapter.
- Addressed chapter by chapter.
- These are Indiana codes and international codes.
- The same codes are used in the City of Bloomington, IN.
- These are tested codes and this is in our favor to move quickly.
- E-mailed the copies to you, so I've given you a printed packet.
- Mobile Homes and manufactured homes is included.
- E-mail or call in your comments on having a work session in July.

Plan Commission comments/concerns/questions:

- Having a work session, busy time for families.
- Not having a work session, this is a very detailed code to rush through.

Next item on the agenda:

Frank Nierzwicki- Development of a Review Committee for the Ellettsville Plan Commission

- Formal procedures for a developmental review.
- Function as a subcommittee for the Plan Commission.
- Assist in the review of annexations and new development.
- Town code revisions and how they affect other departments.
- Provide applicants with procedures.
- Forum for sharing information.
- Membership- to have Town Engineer, and representatives from Town departments, the applicant and commission members.
- DRC meetings prior to Plan Commission meetings.
- Resolution.
- Open to Public-hearing notice posted 72 hours.
- No public comment during the meeting.
- Meet during the day.
- We could go to a set date.
- If we have more of a quorum then it is actually a meeting.
- I suggest one member of Plan Commission.
- We will meet as needed.
- The meetings will be held at the fire station or the library.
- Amendments will be made.

Plan Commission comments/concerns/questions:

- It is interesting to see what other supervisors and departments say about the new developments, it is a good idea to be on board to the exchange of information.
- It gets everybody on the same page.
- It's good to have this before the Plan Commission meeting.
- This can shorten the meetings, because it's been discussed.
- We need to meet when the supervisors are working.
- Would two weeks be better?
- Since the department is so busy, two weeks would be better.
- Rotating the Plan Commission representative. This will give different views.
- It might be best not to have an elected official, a supervisor of the person(s) attending, or a town council member to attend. This should be spread out over several members.
- The board can choose.
- Extra Plan Commission members could come to observe.
- Some of us will have problems getting away during the day.
- We have the Plan Commission to express multiple opinions.

Terry Baker- Do I have a motion?

Frank Buczolich- I move that we accept the amendments to the resolution establishing a development review commission committee. Ron Wayt seconded the motion. All in favor.

Frank Buczolich- I move that we establish a development review committee for the Ellettsville Plan Commission as amended with resolution 01-09. Ron Wayt seconded the motion. All in favor.

Next item on the agenda:

Frank Nierzwicki- American Planning Association's Ethical principles in Planning- Adoption as Ellettsville Plan Commission rules on ethical behavior.

- I didn't put this in resolution form this is for operating procedures.
- You have the right to express your concerns on potential conflict of interests; this would need to be passed on to Town Council.
- You can initiate operating procedures as a commission.
- Having different engineers becomes a monetary issue.

Plan Commission comments/concerns/questions:

Don Calvert-Conflict of interest with the Town Engineer and Bynum Fanyo, although he can do that, the workshop we attended at McCormick's recommended that anyone with a conflict leave the meeting area completely. I felt at our last meeting it didn't look like there was a division, it was statements of support, instead of staying in the background. I know this is legal, we've lost members, we've had bad press and I can understand why people feel that way. We need to stop projecting the idea that Rick Coppock is wearing two hats. We need to minimize the opportunities for people to criticize us, with what appears to be valid criticism. I like all of these people, but in some cases, we've had meetings that go on and on because of these issues.

Sandra Hash- Discussed a neighboring community's engineer to handle these cases, and it could be a trade off and do some engineering review for us when we do have a conflict like this.

Terry Baker- I think we are getting off course. What we are looking at is what pertains to us as an appointed members and not someone that is hired by the town, so the engineer is out of our control and the Town Council is the only one that has control over that. We need to move on. As a private citizen you have every right to approach the Town Council. As this commission we don't have the right to say we don't want this person doing our engineer review.

Ron Wayt- We may understand this, but the public doesn't understand. The Town Council can adopt this also; it would show good support between the two commissions.

Terry Baker- When they see where we were standing, wanting to get ethical principles here, then to me, that's a start, we've never had anything before. This is a good starting point. Let's move on.

Frank Nierzwicki- Do you want to go ahead and make a motion?

Ron Wayt- I make a motion that we adopt the ethical principles in planning set by the APA. Don Calvert seconded the motion. All in favor.

Update on Heritage Trail-Frank Nierzwicki

- Planning Dept. has progressed to receive formal approval by the Town Council.
- Preliminary work can proceed on the trail.
- MPO award to start work on the trail.
- \$25,000 of the \$30,000 local match obtained.
- Bynum Fanyo has given us a figure and Main Street will be donating money for the survey work.
- Incorporate Barry's designs as a starting point, but we have to have an engineer's design.
- We have discussed flowers and other things for the trail.
- We need releases from donors.
- We have an offer for "in kind" service for the environmental review.
- I've spoken with property owners that are adjacent to the trail. We are asking for right-of-way and to be owned and maintained by the town.
- The survey needs to be worked on and then we will sit down with the land owners.
- We don't have the money to buy large tracks of land.
- Maintaining the creek bank and property owner concerns.
- I'm constantly asking for more money and more groups to be involved.
- We'll get more money in, I've had major presentations and I think we'll get more money to come in.
- My walking orders from council on this, I will not commit the Town to spend more money than they have committed from private donations.
- We have preliminary work that has to be done, that is taken care of with the money we have.
- Then we use the federal dollars.
- The maintenance of the trail is a good question. My recommendation to Town Council on this is has been to work with community groups
- The maintenance of the trail is a good question. My recommendation to Town Council on this is has been to work with community groups.
- Main Street created an endowment (\$15,000) and part of the mission is to assist with the maintenance of the trail that could be gas for mowing, it could be for weed eaters....
- My recommendation to council is to work with friends of the trail and Main Street and actually have someone else to maintain it, and to have an agreement to maintain it.

Plan Commission comments/concerns/questions:

- Will Barry Fisher be doing the work
- He will have the opportunity to make comments and suggestions and his design work will be reviewed.
- If we can get the first two phases done with the money that we have, we'll be doing very well; the B-line trail was compared.
- There are only a few residents that live adjacent to the trail area.
- What happens if the trail goes over the money that we have.
- Who is going to maintain the trail?

Our unpaid intern has started and we will be doing a number of things with her to help on the trail. I'll be on vacation next week and Connie will be in the office. I'll be back on the 15th.

Sandra Hash- All of the ordinance revisions that we've been working on a bunch of them went before council, and they have issues with the sidewalk/snow, we put in there that the street dept. would have to clean them if the public didn't, and the council didn't like it, so that one may not pass Monday night. The privy definition became a discussion, and we were just adding a definition. You can watch this meeting on cable.

Privilege of the Floor

Russ Ryle- The presented ethics and standardized rental code, could these be placed in the public library and maybe if you have two binders, one could be the last month and the next topics in the other. It would be kept on reserve. This would be a good faith effort.

Frank Nierzwicki- This will be worked on and the packet could be placed in the library.

Frank Nierzwicki- Acknowledged Connie Griffin's work and the article featured in The Journal this week.

Terry Baker-The Stormwater presentation by Connie Griffin is next on the agenda for the remaining members of the commission or public to attend.

Adjournment

Terry Baker- Adjourned. Meeting time ended: 7:22 P.M. 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