

November 6, 2008

The Ellettsville, Indiana Plan Commission met in regular session on Thursday, November 6, 2008 in the Fire Department Training and Conference Room located at 5080 West State Road 46. Sandra Hash called the meeting to order at 7:00 P.M. and lead the Pledge of Allegiance.

Roll Call: Members present were: Sandra Hash, President, Terry Baker, Vice President, Dan Swafford, and Don Calvert. Frank Nierzwicki, Director of Planning Services, Connie Griffin and Micah Austin were also present.

Members absent: Phillip Smith and Frank Buczolich

Approval of the Minutes

Sandra Hash- October 2nd and October 21st meeting minutes, are there any additions or corrections?

Dan Swafford- I make a motion to approve of the October 2 and October 21, 2008 meeting minutes. Terry Baker seconded. Motion carried.

Old Business -None

New Business

Request for a one lot subdivision at 4770 and 4724 West SR 46

Sandra Hash- Is Robert Myers here to speak?

Robert Myers- I am the Chairman of the Board for Kocolene Marketing; we own the Fast Max gasoline station. Our neighbors are Mr. and Mrs. John Williams. They own the property immediately to the west of our property. Between our two properties are a line of trees, owned by the Williams'. They are an elderly couple and he doesn't want any responsibilities for the trees.

Our survey indicates they own the trees. We had the property surveyed again to prove to Mr. Williams he owns the trees. He said he can't take care of the trees. He asked if we would take over the property. He wanted to gift us the property.

At this time we have taken over the property. He has deeded it over to us, by a quick claim deed. I thought the process was completed, but then we were told that we need to get this taken care of with the county and the Town of Ellettsville. We were informed it needed to be subdivided. I spoke with Frank and we've advertised in the newspaper, so that is why I'm here tonight.

We want this on the role, so we will pay the taxes on this property.

Sandra Hash- I think this is a nice gesture for you to take over this property. I've spoken with the prior owners.

Frank Nierzwicki- Just to follow up on this, they had to go thru the Planning Department to get a parcel number assigned to the lot.

Dan Swafford- What about the zoning?

Frank Nierzwicki- The zoning would be the same as the mother parcel; it would be a C-3.

Dan Swafford- It is C-3 now?

Frank Nierzwicki- Actually, it was residential before.

Dan Swafford- So, we need to do two things.

Frank Nierzwicki- This is a subdivision; this is what we have to do on a one-lot subdivision. If you accept it as a one lot subdivision, we could assign a C-3 designation to it, which would be consistent with the 46 corridor, and with the property it will be adjoined too.

Dan Swafford- Would this be a two lot subdivision? What would the original stay?

Frank Nierzwicki- The original would stay the same. This creates one new subdivision lot.

Sandra Hash- What does the rest of the line indicate?

Robert Myers- This is the Williams property. The reason for two lines, one was from an older survey, it was the west line, and the new survey shows the east line. There is a dispute to which line is the most accurate, although the new line has the newest GPS technology.

Sandra Hash- Do you have any comments Rick?

Rick Coppock- This is fairly common. As far as the zoning goes, unless you advertise it a C-3, it should probably stay an R-1.

Frank Nierzwicki- The lot is too small; you can't put anything on the lot.

Dan Swafford- But, if he would later rebuild the station, where you would expand, you may want to absorb some of the property.

Robert Myers- I'm not sure if the county would allow this, because when we built this facility originally, I was involved with the development of that corner. The county required us to put in \$30,000 worth of landscaping. I don't think the county would allow us to remove the landscaping.

Dan Swafford- But now you are in Ellettsville, so you would deal with Ellettsville from now on, which we aren't as tough. We annexed that property about four years ago.

Robert Myers- We don't have any plans to remove the trees/landscaping.

Sandra Hash- So, if we approve of the one lot subdivision then the zoning will stay R-1, but it doesn't matter one way or the other.....

Frank Nierzwicki- because it isn't usable, and for some reason if you want to come back later on, and have that changed again, you can.

Sandra Hash- Changed to a C-3 instead of an R-1.

Dan Swafford- If he were to come back later on and he's wanting to expand his building and relocate it on the parcel a different way, then it would be nice to make it a C-3 now, instead of dealing with it in 10 to 15 years.

Robert Myers- Would it be easier to do that tonight?

Frank Nierzwicki- Well, it hasn't been advertised as that, to be honest. I didn't really consider that, because the sliver was so small, that you can't really use it in any different way than what it is right now. As it stands right now, it would be an R-1.

Sandra Hash- Is this a preliminary plat?

Terry Baker- It's a subdivision.

Sandra Hash- So, it just requires approval by the Plan Commission and doesn't have to go on to the Town Council?

Frank Nierzwicki- No.

Sandra Hash- Are there anymore questions?

Dan Swafford- I'll make a motion to approve of the one lot subdivision at 4770 W. SR 46, Bloomington, IN 47404.

Terry Baker- Second.

Sandra Hash- All those in favor, say aye, all in favor, motion carries.

Sandra Hash- Next we have town code changes.

Frank Nierzwicki- At the meeting on the 21st we had lots of items to discuss, Connie have we had any other comments from the Plan Commission?

Connie Griffin- No, not at this time.

Sandra Hash- The only thing I have a concern about is- Indiana Code lays out a certain way we are to enforce the grass and weeds and I thought it was a requirement on the certified. I know you are requesting to do away with the certified mail and post on the door and do first class mail. So, I would ask before we finalize that you confirm, because right now it mirrors Indiana Code, and I know we can do some things different than Indiana Code, and there are some things we can't.

Frank Nierzwicki- If it's approved tonight, what we'll do next is to take this information to Mike Spencer to put in ordinance form to make actual changes. We didn't want to spend too much of Mike's time, if something wasn't going to be considered. So, the next step is to have the legal opinions of these items.

Sandra Hash- I would still like to see what Indiana Code says, before you send it to Mike.

Frank Nierzwicki- The issues we have, refers to slides, one of the basic items, is Jim Ragle the town's Street Commissioner. He was named as the deputy health inspector by code. He asked to be relieved of that and at the last meeting we discussed possibly having all deputy health officers, street department employees and Town Marshall and deputies be involved.

We are looking at the issue on that, which was requested by Jim Ragle. We are also looking at identification badges with photos and deputies being able to issue fines. So, basically from our standpoint is to actually have better id. I'm the only one on staff that has ID.

Sandra Hash- Have you talked with the Police Dept. they make their own badges.

Frank Nierzwicki- It would be nice to have a standardized id for the whole town, so each department doesn't have their own look.

Dan Swafford- Where were these changes, did you put them in the packet?

Connie Griffin and Terry Baker- They're in the minutes.

Sandra Hash- There was a packet on the 21st.

Frank Nierzwicki- Would the board like a few minutes to review the code changes?

Dan Swafford- I would like some time to review the proposed code changes.

Micah Austin- I have a power point with some of the proposed code changes, but not the new code language.

Frank Nierzwicki- Let's go ahead and go through the slides and then we will explain where we are on this.

Sandra Hash- So far I don't see a problem with anything.

Micah Austin- This one really reduces our liability if you want to think of it that way. For the last few weeks I've been going into yards and knocking on doors, and I'm just Micah. I don't have any identification. I think this will help, Connie and I have gone out in the town vehicle, but that is our only identification. This is really a must for us.

Don Calvert- They are also asking for the ability to issue fines.

Sandra Hash- Would you need all deputies to have the ability to issue fines? The deputies would do the inspections and keep things organized, but as long as you sign off on the fines.

Frank Nierzwicki- The issue on this was to look at the ability to have more people in the field being able, if they have to come back to me, it's allowing staff to have the ability to write a ticket or a notice of violation. It defeats the purpose of having staff, if I have to be there to sign off.

Sandra Hash- I think they could write the violations, but to say they are issuing the fines.

Frank Nierzwicki- My name is on the citations.

Dan Swafford- I don't think the citation should have the officers name, it should have Frank's name.

Sandra Hash- They could sign off as the investigative officer, but to have everyone from the street, police and planning dept. to issue violations, the fines go with the violations.

Russ Ryle- Is there a process to appeal.

Frank Nierzwicki- Yes, we will get to that.

Sandra Hash- Yes, we are going to have an appeals board, we've discussed that before.

Russ Ryle- If you have 8 to 10 people going around town issuing tickets what keeps two or three of them from giving me the same violation notice on the same day? When they don't know each other has been there.

Micah Austin- We are a long way from having 8 to 10 people issuing fines.

Russ Ryle- Well, not if you have police and everybody running around, especially with the different shifts.

Connie Griffin- We are each assigned different codes to enforce and the police department will not be enforcing the same violations we will enforce.

Micah Austin- We are not suggesting how the code should read, that's Mike Spencer's job, we are suggesting changes.

Frank Nierzwicki- and the issue with what Micah was saying, what we had at the last study meeting was a longer version and what Micah has tried to do here, is to put it on slides for us to discuss. It won't be verbatim from the slides.

Sandra Hash- But, see that's where it becomes an issue, Mike Spencer that's something he's not going to do, and there are some town's where the police officers enforce all of their codes, including weeds and grass. So, you need to decide if they are going to have the right to write, because we are talking about the grass and weed violations, including the Marshal and deputies. In the minutes, anyway.

Frank Nierzwicki- Let's go, from the standpoint on this let's go with from a staff proposal, what we need to do is make it clear tonight is that the planning staff will be actually the ones to issue citations other town employees could assist by bringing it to our attention. How does that sound?

Russ Ryle- Under what instructions are you going to give him when you give him this document? It seems like you are asking him to create the document.

Frank Nierzwicki- No. What you will have from tonight, are minutes, recordings on this, Connie is making a lot of notes. We

will go through an item and repeat it and I'll ask for, from the chairperson, if that is something the commission wants to approve, then a motion will be made then a second and then you approve that motion. That language will be sent to Mike Spencer to make it a legal document.

Sandra Hash- So, are you saying you want each point to have motions and accept them tonight?

Frank Nierzwicki- Then we will repeat that, so it will be on the record, so you'll know exactly what you are voting on.

Frank Nierzwicki- Basically, what we have received, we had this spelled out in verbiage from the last meeting.

Sandra Hash- I understand. I don't have a problem with having additional deputy health officers in the street department, they make great eyes, and I don't care if the Town Marshall and his deputies assist you and they definitely have the authority to enter into premises with you, they have more authority than other health officers.

Dan Swafford- Do you guys carry radios?

Frank Nierzwicki- We have two old fire dept. radios.

Dan Swafford- What does the Street Department have?

Frank Nierzwicki- Our radios work on the Utilities line. We are not on the police frequency.

Dan Swafford- What I was thinking if there was a violation someone could report back to Connie or whoever is in the Planning Department at the time by the radio, and she could make notes. That way we won't have people issuing the same violation.

Frank Nierzwicki- This is a long process. We are keeping detailed records on each of the properties we have and actually sending them a written notice before a violation is issued.

Sandra Hash- I understand the issue with the certified letters, once you have a person that violates multiple times they learn they don't want to pick up the letters, and then the money is wasted. I understand you are trying to fine tune it a little bit. It is a good idea, but maybe we need to look at Indiana Code to fine tune it.

Frank Nierzwicki- I think you need to go back to the document from the 21st.

After the discussion went on for several more minutes, it was found that the method of presenting the code changes was too confusing. It was suggested to revise the method of presentation with strike thru lines and highlighting, as well as having the original code, with the proposed changes underneath, for easier review and discussion. The meeting closed with this suggestion.

Privilege of the Floor- Non Agenda Items -None

Adjournment

Terry Baker made the motion we adjourn. **Dan Swafford-** I second. **Sandra Hash-** All in favor say aye. Meeting adjourned at 8:43 P.M. Next meeting will be December 4, 2008.