

## **October 1, 2009**

The Ellettsville, Indiana Plan Commission met in regular session on Thursday, October 1, 2009 in the Fire Department Training and Conference Room located at 5080 West State Road 46. Terry Baker called the meeting to order at 6:11 p.m. with the Pledge of Allegiance.

**Roll Call:** Members present were: Terry Baker, President; Sandra Hash, Vice President; Ron Wayt, Dan Swafford and Connie Griffin, Acting Interim Director of Planning and Secretary.

**Members Absent:** Phillip Smith, Frank Buczolich and Don Calvert.

### **Approval of the Minutes- September 3, 2009**

**Terry Baker** requested a motion for approval of the September 3, 2009 minutes. Dan Swafford so moved. Ron Wayt seconded. Motion carried.

### **Conflict of Interest Statement**

Terry Baker asked the commissioners if there were any conflict of interest with items listed on tonight's agenda. No conflicts of interest were stated by Plan Commission members.

### **Old Business**

#### **Sign Code Revisions**

**Connie Griffin** went over the revisions in Chapter 152 Sign Code Changes:

Under 152.255:

Purpose:

- Adding statement of purpose
- Add codes (a) – (e) and (g) to current codes
- Adding a statement at the bottom of Page 1
- Delete (A) – (G) except (D) Reduce traffic and safety hazards by prohibiting signs that are distracting to motorists and cause unnecessary visual clutter.
- The sign permit applicant will be able to appeal any decision made by the Planning Department. Connie will research the State levels of appeal.
- Approval Process; Sign code provides three types of sign applications. Standard, Alternative and Temporary
- Application required; A permit and fee are required before display or alteration. Director of Planning or designee should be able to waive fees for minor alterations.
- The sentence "The Department of Planning is authorized to establish fees for all applications and permits required by the sign code" will be deleted from Section (1) Application Required.
- Normal maintenance will not be considered an alteration unless it exceeds 50% of the present value of the sign.
- A sign that has been erected, altered or changed without a permit shall be considered an illegal sign and shall be subject to the penalties described in this sign code.

- Applications will become a “working document” and “checklist” establishing a paper trail.
- The Planning Department has ten days to review sign applications for a permit. Incomplete items will be put in writing for the applicant to fix and resubmit in the ten day period.
- Standard and Alternative sign permit applications shall include specifics on the application and include items (a) – (l) of this section.
- Information Required for Temporary Sign permit application will include size, all reasonable measurements, location, materials and time duration, along with such information as deemed necessary by the Director of Planning or designee.
- Oversight Committee: This is for “future” use if a historic district is created.

Ron Wayt stated there can not be a non governmental agency “telling” the town what they can or can not do. There should be no oversight committees unless it is part of the

Planning Commission or Town Council. Terry Baker agreed. Section (6) Oversight Committee will be deleted.

- Review and Action: Upon submission of a complete application, the Director of Planning or designee shall process the application within 15 working days.

#### Appeals:

- There will be some slight modifications to this section since some of the applications may go before the BZA.
- Any final determination, made by the Director of Planning Services or designee may be appealed to the Plan Commission by filing a written notice of appeal with the Director of Planning Services or designee within ten days of the determination.
- Appeals will then be made to the Town Council.
- Inspections and Certificates of Compliance: The installer will have five days to notify the Planning Department for an inspection notice of completion. If there are problems with the sign, they will have thirty days to fix it unless there is imminent danger.
- If deficiencies are not corrected by the date identified by the Director of Planning or designee, the sign permit shall lapse and the sign shall be removed immediately.
- It is unlawful to maintain a sign or sign structure without a validly issued sign permit unless the sign is exempt from a permit requirement pursuant to this sign code.
- Issued permits shall expire and become void if the work authorized by the permit is not completed within 180 days from the date of permit issuance or if the work is abandoned.
- A sign permit shall lapse and be of no further effect if the business activity on the premises or business is discontinued for a period of 90 days.
- All sign installers shall have an electrical license to perform electrical work on illuminated or neon signs.
- The “Exception” statement will keep all non licensed workers from doing work.

#### Updates

#### Status Report on the Heritage Trail Project

**Connie Griffin** will start working with John Russell from INDOT on the public notice “Request for Proposals for Heritage Trail”. Connie has been working with Rick Coppock on the request for proposal advertisement, they are waiting for INDOT's approval before it can be posted to the INDOT website.

#### **I-69 Grant**

**Connie Griffin** met with Town Council to review contracts from EcoLogic, Inc and Schneider. There were several items the Town Attorney felt needed to be revised.

#### **Safe Routes to School Grant**

**Connie Griffin** will be meeting with Mr. Kain (School Superintendant) and one of the selected consulting firms to begin the negotiation/scope of services process. Sandra Hash stated that when the consultant is selected, they handle the grant requirements. Connie will still have reporting requirements due in October with INDOT. The MPO reports were sent September 30<sup>th</sup> and quarterly reports will still need to be submitted.

#### **INAFSM Annual Conference**

**Connie Griffin** stated the conference she attended provided a lot of Stormwater information on containment. Jim Ragle is putting a roof over the fuel tank area and does not need secondary containment, because the current fuel tanks have built in secondary containment. The Street Department is beginning to label their containers and putting secondary containment around cans and containers of fluids. Connie will be working with the Utility Department on getting “our own house keeping measures in line”. Containing chemicals that are detrimental to stormwater and the environment is a best management practice. Regina “Reggie” Korthals of IDEM will be conducting inspections for the Stormwater permit renewal in February of 2010. Sandra Hash suggested incorporating the informational educational training; Connie has received, into Kid’s Day at the Fall Festival next year.

Connie would like to focus on “storm decal marking” in subdivisions that do not have a lot of traffic.

#### **Privilege of the Floor – non Agenda Items**

##### **Safe Route to School**

**Russ Ryle** asked:

- What part of the project is being negotiated with the consultants?
- Will the consultants be “doing the actual work” or just the plans?
- Does the Planning Department have a design? Connie will be meeting with people regarding designs on Monday.

Sandra stated the consulting firm will develop the design and start the acquisitions process. The actual labor will be bid out. There is currently no design for this project.

Russ Ryle is concerned with the current drainage issues in the area. Will their design be broad enough to address the drainage problems? Sandra Hash stated the Plan Commission can not answer that at this time. Terry Baker said the engineering firm will look at the stormwater, drainage and cover all aspects. The engineering firm will need to bring plans to the Plan Commission to review and comment on. Russ Ryle stated this is more than laying concrete for sidewalks because the current ground does not have adequate right of ways for the road itself. The yards on Reeves Road rise and

fall off from the pavement which would not be a good foundation for sidewalks on either side. The land contour will cause stormwater issues because the sidewalks will run east to west across the main stormwater drainage path for two sections of land but the water wants to flow south to north.

Terry Baker is not sure what the actual right of way is in that area. Russ Ryle stated the property deeds all say “you have eight foot from the center line”. The only right a way in the deeds is from the 1842 survey when Reeves Road was the old Spencer Pike. Russ Ryle said the pavement on Reeves Road is eleven foot, a lane, with three foot on the outside of the original eight foot road. There are major substructure issues on Reeves Road. Terry Baker feels the engineers will look into everything thoroughly.

### **Penalties and Fines**

**Russ Ryle** informed Terry Baker that at the last meeting Sandra Hash, Ron Wayt and he had a discussion about the fine structure and penalties that have been put into code with little or no success enforcing. Russ Ryle asked Terry Baker to review the minutes from that meeting. The town recently hired a new attorney, who does not know all the issues she is “walking into”. Sandra has spoken to the new attorney and has made her aware.

### **Sidewalk**

**Ron Wayt** stated Reeves Road will eventually need to be curved and drainage put in; will this sidewalk (we are talking about) be torn out when this happens. Ron Wayt suggested the engineers engineer this into the plan when the road is eventually expanded. Terry Baker said this will need to be brought up to the engineers.

### **Collections**

**Ron Wayt** explained his business turns collections over to a company; who handle everything. If the collection agency does not receive satisfaction they, as a collection agency, have an attorney who will collect. There are fees involved. It may be feasible to use a collection agency. Sandra has already spoken to one collection agency.

### **Reeves Road Drainage/Sidewalk**

**Russ Ryle** stated the town will have a major land acquisition cost and resistance. To update Reeves Road to the size thoroughfare shown on the master plan there will be sidewalks within five feet of some houses. The neighborhood will be destroyed. Ron Wayt agrees and stated this happened when State Road 46 went through. A temporary concrete sidewalk can not be placed. A “conservative option” could be to put a storm drain under the sidewalk. The green space between the sidewalk and the road would be sacrificed to do this. Ron Wayt stated that when the town applies for grants; a lot of this information being discussed tonight should be taken into considered. What is the “backlash” of the grant requirements are not completed. Will the sidewalks be used? Will this cause drainage issues?

Terry Baker stated “anytime you go after grants, it will always end up costing money”.

Russ Ryle suggested the schools desperately need “bus access” by bringing Sycamore Drive to State Road 46. It was his understanding that was being quietly pushed together and part of the “Safe Sidewalks” plan. Sandra Hash stated the Plan Commission has had very little involvement in the “Safe Route to School” grant application. It has been discussed at Town Council meetings but it is the school system that has presented the

plans. The Plan Commission can not speak to what the “Safe Route to School” involves.

Russ Ryle asked what level of approval will be needed from the Plan Commission and Town Council to proceed. Sandra answered there will be a design made and many public hearings to receive public input. Sandra has not received any grant documents. The total grant amount is for \$269,000. Once the plan is in place, the town can apply for additional assistances. Sandra asked Frank Nierzwicki if he wanted to comment on any of this, since he was talking in the audience, he did not.

### **Adjournment**

Terry Baker entertained a motion to adjourn. Dan Swafford made the motion to adjourn. Ron Wayt seconded. Terry Baker adjourned the meeting at 7:11 p.m. The next meeting will be November 5, 2009.

---

Terry Baker, President

---

Sandra Hash- Vice President

---

Frank Buczolich

---

Don Calvert

---

Phil Smith

---

Dan Swafford

---

Ron Wayt

---

Connie Griffin, Secretary