

September 3, 2009

The Ellettsville, Indiana Plan Commission met in regular session on Thursday, September 3, 2009 in the Fire Department Training and Conference Room located at 5080 West State Road 46. Sandra Hash called the meeting to order at 6:00 p.m. with the Pledge of Allegiance.

Conflict of Interest Statement

Sandra Hash 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.

Roll Call: Members present were: Sandra Hash – Vice President; Don Calvert, Ron Wayt, Dan Swafford, Frank Buczolich and Connie Griffin – Acting Interim Director of Planning and Secretary.

Members Absent: Terry Baker and Phillip Smith

Approval of the Minutes- August 6, 2009

Sandra Hash requested a motion for approval of the August 6, 2009 minutes. Dan Swafford so moved. Frank Buczolich seconded the motion. Motion carried.

Old Business

Satellite Dish Code Revision – PUD Section/Fees for Application

Connie Griffin requested this be tabled.

Sign Code Revision – LED lights and other code changes

Connie Griffin has started Code Enforcement and realized (more and more) the Town Code is “deficient”. Connie passed out a packet with many revisions. LED Signs have been added to the new code. The packet is for the Commissioners to review before the next meeting and to email any questions and/or concerns or changes they may have.

Connie went over the sign code changes in its entirety. The sign code is not intended to and does not restrict, limit or control the content or message of signs. The sign code allows for a variety in number and type of signs for a use.

Connie added two statements under “Purpose” outlining what the sign applicant is required to do. There will be an application packet. The term “Director of Planning or designee” will be used throughout the whole document.

The section “Approval Process” was added which gives more flexibility. The sign code provides three types of sign applications: Standard, Alternative and Limited. They will all have different requirements.

Connie would like to continue charging for changing signs. A new application will be required so the Planning Department knows they are still in compliance. Normal maintenance shall not be considered alteration or changed unless it exceeds 50 percent of the present value of the sign.

Connie has been working on different sign applications. She will take the code “apart” and put it into “checklist form”.

An Oversight Committee will be formed for special districts. Application for sign permits in or immediately adjacent to identified special districts (historic, Main Street area, trail) shall be reviewed as provided in this sign code with additional review and recommendations.

Application Denial: If an application is denied (either by the Director of Planning or designee for a Standard or Limited Sign permit or by the Plan Commission for an Alternative Sign permit) the Director of Planning or designee shall provide the applicant with a written notice of the denial within five business days of the denial. There will be a listing for Criteria for Approval. The “original” application fee will cover all appeals.

Connie will need more time to cross compare height and size restrictions.

Appeals can be made to the Plan Commission by filing a written notice of appeal with the Director of Planning or designee within ten days of the determination.

Permit Expiration; if there is no business after a certain length of time, the sign permit would be considered a lapsed period.

There are license requirements for sign installers. Sign installers shall have an electrical license to perform electrical work on illuminated or neon signs.

Connie Griffin added some definitions: Changeable Sign, Electronic Message, Illuminated Sign, Noncommercial Opinion Sign, Permanent Sign, Political Sign, Portable Sign and Real Estate Sign.

The definition of “Sign” is a message to attract the attention of the general public, wherever located and however constructed or affixed if visible from a public street or right-of-way.

The definition of Temporary Sign means a sign intended to display either commercial or noncommercial messages of a transitory or temporary nature. If the condition of a temporary sign becomes unsightly, torn, faded or in the process of decline, the sign shall be considered a public nuisance and litter and will be removed by the Ellettsville Police Department or the Department of Planning.

Special Promotion Inflatable/Wind Banners will be added and considered a little more in depth. A temporary sign application will be needed for these types of signs.

Sign Permit Fee

There will be a town zoning and compliance review fee and standard sign application on file for each sign. The standard sign permit fee is \$50 per sign.

The Alternative Sign permit will be based on a chart per sign. The example Connie gave was Hoosier Tire and Muffler shop hanging banners over their bays.

Sign Ordinance Violation Fine

Connie changed the violation to a Class D Ordinance Violation of \$100 not to exceed \$500. If a business, not for profit agency or public agency receives two notices of violation within one year for a sign code violation the sign permit shall be revoked and the signs removed from the premises by the sign permit applicant by order of the Ellettsville Town Council.

New Business

Zone Commercial 3, “Designated Truck Route”

Connie Griffin explained that while rezoning Ike Grimes property, he is surrounded by C-3. Mr. Grimes will be asking for a C-3 zoning in October. Section 152.068 Permitted Uses; Restricted states C-3 districts must have access from a “designated truck route”. The town does not have a “designated truck route” in code. Connie suggested a map be put together to show a truck route. It is not unreasonable but it will state that large trucks can not go through a neighborhood unless it involves trash pickup, moving services, delivers or for a short time use. If the code states we have this type of route then the town needs to have one or remove it from the code. Sandra asked if the Thoroughfare Plan could be revised to include truck routes. Connie stated she would look into it.

Russ Ryle stated the town has a Thoroughfare Plan. The Thoroughfare Plan defines weight and axle limits of trucks on certain streets.

Dan Swafford said the town does establish truck routes. If there is construction going on, the semi trucks need to be allowed to travel to those areas. If the town established truck routes, we need to make sure those roads are in good shape.

MPO Council Appointed Proxy Vote

Connie Griffin announced Mike Farmer and Mike Cornman will be the proxy votes for Dianna Bastin with the Metropolitan Planning Organization (MPO). Mike Farmer will be attending the MPO meetings along with Connie and Jim Ragle. Connie Griffin and

Jim Ragle met with Josh Desmond (Director of the MPO) and Raymond Hess (Senior Transportation Planner) who went over requirements for Ellettsville. A quarterly report is due in mid September for the town's Transportation Enhancement Grant. Mr. Desmond and Mr. Hess discussed federal funding and how it is ran through the MPO. They discussed the various documents and reports they compile.

Don Calvert suggested all acronyms be defined before using them (for example MPO, LED).

Multiple Checklist Establishment

Connie Griffin has the Site Regulations and the Plan Commission Checklist finished. She is working on the Sign Application checklist.

Connie announced a revision will be made to Toilet and Sanitary Sewer Connection Required in October stating "any home not connected to the Town of Ellettsville public sewer system must comply with 4.1.10 IAC 6-8.1-8".

Updates

Status Report on the Heritage Trail Project

Connie Griffin stated she and Rick Coppock will meet with INDOT around September 9, 2009. Connie would like for the area to be "bush hogged" before the Fall Festival. Rick Coppock will speak with the people who own the properties.

I-69 Grant – Quarterly Report, Consultant Selection, Bids, etc

Connie Griffin, Sandra Hash and Jim Ragle have met with several different consultants. She presented all the information on a chart for the Plan Commission members. During the initial description of the project, Connie stated many firms may be hired to complete all task aspects of the grant.

The consultants would be hired to conduct:

- Capital Improvement Plan (CIP) for the Town of Ellettsville
- Green Space Inventory (GSI)
- Well's Park Plant and Animal Inventory (WP)

Connie, Sandra and Jim will meet again to go over the bids. The consultants were asked to break down (in categories) the work they would do and what amount.

- Maximus – CIP \$5,000
- Schneider – CIP (\$18,000), GSI (\$6,000) and WP (\$5,200)
- Ecologic, Inc – GSI and WP \$6,329
- Adam Theis-Eden – GSI and WP \$24,500 (just the GSI \$20,500)
- Burgess and Niple- GSI, WP, and CIP \$42,250
- Green 3-GSI \$13,255
- Wetland Services- WP \$7,950

This grant is to maximize our natural resources in our community and to protect them.

Ike Grimes Annexation – October Annexation

Connie will present this annexation to the Plan Commission in October. Connie is working with Mr. Grimes on an outline and time frame for submitting his public hearing. Rick Coppock gave Connie a Fiscal Plan template. There are three parcels Mr. Grimes would like to annex. The GIS only shows two parcels and there are multiple addresses for one of the parcel numbers. Connie has all the documentation and verification of all the parcels. Mr. Grimes is asking for a rezone to a C-3 classification which is consistent with the surrounding adjacent property zonings.

General Office Information – Recent Statistics and Work Plan Info

Connie Griffin gave the Plan Commissioners the Planning Department recent work statistics to review. The Work Plan gives the Plan Commissioners the opportunity to review it and see if things have already been accomplished or if there is something that

should come to the forefront of a code revision. The Work Plan is for informational purpose only. The Code Enforcement statistics for August and September were also included.

Certification “Project Wet” – Stormwater Education

Connie Griffin attended a Stormwater Education Training workshop on August 26th and is now certified to go into schools to work with students and teach on stormwater education. This program did not focus on just kids; it was about educational outreach for adults also. Don Calvert asked if her time spent on “Project Wet” has been greatly reduced because the kids have not been in school or is Connie overwhelmed and not having the time. Connie said her time has been reduced with public education and outreach because of other priorities in the department.

LTAP (Local Technical Assistance Program) Training

Connie attended the LTAP training on August 6th. This training is for people that are the ERC (Employee in Responsible Charge) and the Consultant Project manager of grants. This workshop was for Level I Certification training. There are a lot of manuals and chapters to read; you can not say you are certified just because you attended the training. This training stated “you saw their presentation and you developed an understanding of how much detail is required to be the ERC”. INDOT wants to get away from some of the extra burden of doing this for the local planning agencies and putting more responsibilities on the local public agencies. The ERC will oversee the grant and make sure all the reports are submitted. There is a two page listing of the ERC responsibilities. The Town needs to review the list and select the right candidate to become the ERC of the Town of Ellettsville and oversee the grant processes. There are different opinions as to who should be the ERC.

Indianan Association for Floodplain and Stormwater Management (INAFSM) Annual Conference

Connie Griffin will be attending this conference, in Northern Indiana, from September 15-18, 2009. The conference agenda is available for anyone to review. Connie went over the classes she was interested in taking if they are still available and how they will be able to help with her position in the Planning Department.

Privilege of the Floor – non Agenda Items

Town Code Enforcement

Russ Ryle, Reeves Road complained of high ragweed on Mustang Drive. Mr. Ryle asked if the town could bush hog it. Sandra Hash stated the Plan Commission does not have the authorization to order that. Mr. Ryle can file an official complaint with the Planning Department. He commended Connie on the great job finding conflicts and deficiencies in the Town Code. Enforcement is still a problem. There was a discussion about Town Code Enforcement. Sandra Hash stated the “mechanics” are in place but Russ Ryle stated “you don’t have the will to use it”. Sandra went on to say in July, seven properties were cleaned up by the Street Department and liens were filed. There are notices on other properties but the storm, which came through Ellettsville recently, has caused the Street Department to deal with a huge amount of trash. Sandra went over the procedure for lawn clean up.

- The Planning Department informs the Street Department who assess the job and schedules time to clean up the property
- A bill is sent to the property owner
- They have 30 days to pay
- If the bill is not paid, the Town can put a lien on the taxes (before the property is sold)

Sandra explained the “effort” is there but it has been sporadic; one administration wanted enforcement by patrolling not “complaint driven”. It was hurtful to the people enforcing it at that time and they “backed off”. The Town did not have the manpower to do patrolling and it reverted back to “complaint driven”.

Connie Griffin added it starts out “complaint driven” but when driving to the property, she finds other violations. Fifteen violation letters were recently mailed and hand delivered. Bloomington and the County use their Property Maintenance codes. If the town incorporates a Property Maintenance code, the work could be subcontracted. The Town Council has asked her to work on specific things; as time allows, she will go back to Code Enforcement. The Planning Department is in the process of change and Connie gave some examples of how enforcement might be handled:

- Someone else may be hired to assist Connie in the near future
- Another department may handle it

Connie will look into the tall grass on Mustang Drive for Russ Ryle. Russ Ryle feels that as the town develops plans and codes, additional enforcement is needed causing

additional hardship on the town to enforce. Sandra stated the town has “fines” in place for violations but has issues with collecting. Liens can not be filed on “fines”. Ron Wayt asked if a collection agency could be hired. Sandra has explored the possibilities of using collection agencies but it has not been finalized. Russ Ryle asked if the town has the legal basis to collect. Sandra reiterated fines collected from code violations are not assessable in property taxes only fees from expenses incurred.

Russ Ryle asked “are we overstepping the practical limits of town government by putting these unenforceable fines on the books?”

Sandra explained a procedure for collecting fines was established by ordinance:

- A list of delinquent fines were given to the Town Attorney
- The Town Attorney would take them to small claims court
- The Town Attorney advised this was not feasible to do

It was discussed at a conference, when you take someone to court, you can attach attorney fees to the fines. This would allow payment for the person filing the case to collect their fees along with the town’s fines. There is good and bad about every situation that has been looked at for collections. Sandra suggests an independent person take violators to small claims court, for a reasonable fee.

Ron Wayt asked how many ordinance violations are there in a month. Sandra said not too many and that Frank Nierzwicki put hefty fines on some properties. Ron Wayt stated the enforcement for fines should come from the Clerk-Treasurer’s office. This duty could be added to a job description since it will only need to be done a few times a year. Most people know when they receive a collection letter, they have done something wrong.

Smithville Cable

Don Calvert stated the Smithville Cable Company is doing a good job. They came in, put the lines in and took care of the lawns.

Adjournment

Frank Buczolich made the motion to adjourn. Dan Swafford seconded. Sandra Hash adjourned the meeting at 7:22 p.m. The next meeting will be October 1, 2009.

Terry Baker, President

Sandra Hash- Vice President

Frank Buczolich

Don Calvert

Phil Smith

Dan Swafford

Ron Wayt

Connie Griffin, Secretary