

June 7, 2012

The Ellettsville, Indiana Plan Commission met in regular session on Thursday, June 7, 2012, in the Fire Department Training and Conference Room located at 5080 West State Road 46. Dan Swafford called the meeting to order at 6:00 p.m. Sandra Hash led the Pledge of Allegiance.

Roll Call: Members present were: Dan Swafford, President; Phillip Rogers, Russ Ryle, Phillip Smith and Sandra Hash. Terry Baker and Don Calvert were absent. Connie Griffin, Director of Planning, was also present.

Approval of the Minutes – May 3, 2012

Dan Swafford entertained a motion for approval of the May 3, 2012 minutes. Phillip Rogers so moved. Phillip Smith seconded. Motion carried.

Old Business

Development Code, Chapter 152 Amendments Ellettsville Municipal Code

Connie Griffin, Director of Planning, provided a copy of the posted hearing notice. Under discussions, a new section, Purpose and Intent, has been added. Both she and the Town Attorney are still in discussion over including lands both within and outside of its municipal boundaries. A part of this code was taken from the Tell City Municipal Code. They want to make certain that it is something our jurisdiction needs to use. Under §152.125, Development Plans Required, they have tightened up the process as well. If there are amendments at the last minute they have to start back again. Typographical errors have been corrected. Determinations approval by the Town supervisors, because they do the development review, and Town Council have been added. References to other statutes and regulations were added. At the last Plan Commission meeting she requested any changes and she did not receive any. An As-Built Certification form has been prepared. This form includes a checklist that the site plan has been submitted, utilities, easements, provisions for access into the projects, buffering, streets, pathways, etc. It includes elements of the other code so that they can sign off on them. This will be part of the code for the certification.

Phillip Smith asked if this was something she has started to use or has she been using something similar. Ms. Griffin replied they have not required this and it will go along with the code. This will be part of the updated code.

Russ Ryle asked if it is possible to have the people at Monroe County who do the final building inspections and issue occupancy permits to make sure they know this checklist has to be signed off before they issue an occupancy permit. Ms. Griffin replied she can talk to them about it. Mr. Ryle commented he's not sure it would go in this section of the code but at some point it should be. It would state the checklist has to be completed successfully before they can get an occupancy permit. This would solve a number of past problems.

Sandra Hash asked if the checklist will come to the Plan Commission when they review the development plans. Ms. Griffin said it will be part of the development review.

Russ Ryle would like to see a uniform file structure. Every project that goes through Planning has a beginning, in progress and a final. On the final file structure there will be the checklist, who signed off when and if the sign off was done correctly. So, three years from now if there's a complaint or problem they can go back, know where to look and what they can look at to resolve future issues. Mr. Smith asked Ms. Griffin if she does this now. Ms. Griffin responded she does and her files are definitely getting better all the time.

New Business

Planning Department Updates by Connie Griffin, Director of Planning

Statistics and Monthly Tracking Reports

Connie Griffin provided statistics for May.

Code Enforcement Updates

Connie Griffin has a case she's trying to close out. Rick Coppock of Bynum Fanyo, Town Engineer, prepared a letter regarding the site inspection of Asher Fleet Services. Sandra Hash read the letter as follows:

"The site on McNeely Street was inspected on June 1, 2012 by Connie Griffin, Sandy Hash, Dianna Bastin and myself. Chad Stephens was on-site and walked the property with the group. The site did not have any of the previously observed recycling operations occurring and had been cleaned up from my last visit to the site. There were approximately 10 cars stored in the area south of the garage on the creek side of the property which had been towed by the company and Mr. Stephens was waiting on a title for the cars before they could be removed from the property. There was also an old motor home awaiting a title. There were containers of used vehicle fluids stored on the gravel lot which were approximately 4' x 4' and should be stored above the flood plain elevation and have spill protection provided. Mr. Stephens stated the vehicle fluids were recycled and used for heating the building in the winter. Four semi-trailers were parked in a line on the gravel lot in addition to the motor home and cars.

After Ms. Griffin and Ms. Hash left to perform other site visits Mr. Stephens discussed his plan to remove some of the gravel pavement around the garage and replace it with asphalt pavement and re-grade the ditch line between his property and the Roger New property to direct water to the ditch along McNeely Street."

Connie Griffin presented video clips from the site inspection of Asher Fleet Services.

Sandra Hash noted Mr. Stephens said they are all operable vehicles. Ms. Griffin noted the site has multiple vehicles stored and they are part of his towing service. Fifteen cars and mini-vans were counted.

Connie Griffin observed approximately 15 containers with oil in them. There is no secondary containment around them as Mr. Coppock mentioned in his letter. There are some buses, trucks and trailers as well as recreational RVs that were parked on site. The detention pond has some gravel built along the north edge. It is in a C-3 zoning classification. In January 2012, the PUD did not pass at Town Council level. An auto storage yard as in Chapter 152 states, "A lot or part thereof used for the temporary storage of damages, abandoned or impounded motor vehicles." The term does not include a junk yard, salvage yard or scrap metal processing facility. According to §152.083(A) Permitted Uses, I-1 District; Restricted, "Industrial and light manufacturing . . ." includes an auto storage yard. In §152.083(B), it does discuss oil and LP storage. By Town Code, Mr. Stephens needs to be zoned an Industrial 1 and not a Commercial 3 to have that land usage. This was a follow-up inspection to close the case and present it to the Plan Commission for future discussion.

Russ Ryle appreciates the video. Physically he was unable to make the site visit and he was concerned about it being wet and impassible in a wheelchair. As an added benefit to Ms. Griffin doing the video, they now have a new tool for their files and meetings. He would like her to consider taking photos and videos of specific issues when there is a follow-up site visit. A picture says a 1,000 words. Ms. Hash commented Ms. Griffin has taken a lot of pictures.

Phillip Smith asked what the purpose was of the gravel around the pond. Ms. Griffin replied Mr. Stephens did not say and she didn't hear the discussion about it. It was new because it isn't in previous photos.

Russ Ryle asked if there was an update about the DNR after the fact permitting process for his movement of dirt both on his property and the fill dirt adjacent to Jack's Defeat Creek. Ms. Griffin replied she continually

visits the DNR site and as of today there is nothing new on that site to say the case is closed. They're still reviewing it. She has been in discussion, by email with Brad Baldwin, who is the DNR permitting agent on this particular case, and they are still in review. Mr. Ryle commented it looks to him that there is no auto salvage going on at this time. Ms. Griffin stated that is correct. Mr. Ryle said now what they're dealing with is a business operating on a commercial site and the business is a truck repair shop that is compliant. Ms. Griffin said there is some concern about secondary containment storage and they have addressed those in the past. Mr. Ryle thanked Ms. Griffin for standing by until conclusion. The non-compliant activity which was the source of a lot of their concern has ceased and what is there now is mostly compliant. Ms. Griffin advised they are looking at some rezoning and there are a few emails out now so they are gathering research on this case. Mr. Ryle complimented Ms. Griffin on a job well done.

Dan Swafford asked what was mentioned in Rick Coppock's letter about the gravel. Ms. Griffin replied she and Sandra Hash had left at that time to do another inspection so she did not hear the discussion and couldn't answer any questions about it at that time. Ms. Hash said she didn't have any first hand knowledge either but he said he would add asphalt in the letter. Mr. Swafford is curious to know if they're going to be doing any re-grading and will there be any permits required for that. Ms. Griffin responded that is currently being researched.

Russ Ryle stated the day after the last flood event he drove down to look at the bridge adjacent to Cooks across Jack Defeat's Creek because he had a friend report part of the pavement has washed off it. In fact, the water had been so intense going over the bridge it had stripped asphalt off the concrete decking. In coming back he noticed Mr. Stephens cleaning up the interior of his garage. It's obvious to him that there was a significant amount of water on his property. There was some debris a foot to fifteen inches stuck in the fence along Matthews Street in front of his garage. Ms. Hash stated the reason it goes uphill behind the building is because of the fill Mr. Stephens added. Mr. Ryle said it's the same on the opposite side of Jack's Defeat Creek and that is also an open DNR issue.

Sandra Hash received a call she would like to share with the other Plan Commissioners. When Chad Stephens' case was going on, Mae Cassidy and other neighbors came to the hearing to say if they had issues with a salvage yard. Mae Cassidy made the statement at that time she didn't have any problems with Chad keeping the salvage business as long as it didn't create any flood waters up the creek. Ms. Cassidy has a storage facility across the creek behind some other structures on Main Street. She called and said it was the worst they had ever flooded and her building was a total loss. They were thinking about demolishing the building. The water came more from the tributary toward Main Street. Ms. Cassidy asked her if Chad's fill made the problem worse. She told her she wasn't qualified to answer it and told her to call Connie Griffin. Ms. Griffin showed photographs of Mae Cassidy's site. There was a stormwater inspection on Mae Cassidy's property on May 18, 2012. Ms. Hash stated in his plans Mr. Stephens said he was willing to put a fence around it. A fence is still an obstacle and traps anything that goes by and that creates a barrier. Ms. Griffin said the photographs show the flooding actually pushed down one of their fences.

Connie Griffin played a telephone message from Patricia New stating *"They have had the horses for 19 years. She has given the gray horse away and they're going to a different place. All of the equipment is going to North Dakota as Roger New can get it out there. He is living out there now and building his garage. There's nothing she can do about it now by herself."* They were not given permission to go on site. By Indiana Code they can do this but they are trying to be courteous and get a right-of-entry form. It is a C-3 zone. There are tractor trailers stored on site and they're uncertain if there are items in them. The horses are on the property. It's not that the Planning Department has an issue with horses. It is a matter of the code definition for agricultural animals and uses on Commercial 3 and zoning and storage issues. This is also being reviewed for a potential land use violation.

Connie Griffin and Sandra Hash also inspected Mr. Knickerbocker's property on June 1, 2012. There was an inoperable bus that has been converted into a storage shed unit and there are some other items stacked to the

side of that property. When compared to photos and maps from several years ago by Google Earth images, it does appear as if the property has been cleaned up considerably. She doesn't consider it to be a salvage yard.

Russ Ryle asked if the vehicles except for the inoperable bus have been removed. Ms. Griffin answered that was correct. Ms. Hash asked if there were two buses. Ms. Griffin replied she only saw one bus. Ms. Hash asked if it looked as if there were two buses in a photograph. Ms. Griffin responded it does. The location has actually changed as well. Mr. Rogers asked where the property is located. Ms. Griffin replied it is located off of Matthews and McNeely. It sets behind the Richland Senior Citizen's housing. Mr. Ryle asked what it is zoned. Ms. Griffin answered it is Residential 1. Mr. Ryle asked if it is used as residential or as a business. Ms. Griffin responded it is mixed use but upon inspection it looked more like a residential property on June 1, 2012.

Russ Ryle asked if she could comment on a couple of the other open cases. How are they doing on the nursery property on State Road 46 that has been a problem for a couple of years? Ms. Griffin replied some mowing has occurred within the last week and a half. She and the Town Attorney are in discussion about making sure they follow through with their commitments from last year. Shortly, another letter will be sent regarding this property.

Russ Ryle noticed there has been some activity on the First Assembly of God property. It looks as if they've even gone as far as watering the grass to abate that problem. What feedback are you getting on their property? Ms. Griffin replied they are waiting to do a final inspection on Monday, June 11, 2012. From the last Town Council meeting they were given until June 11, 2012 to get the vegetation cover established as well as inlet protection to stop soil erosion and to dredge the detention pond. Those elements have been completed. They're just waiting and hoping the grass will come up on the steep slopes. Right now, they're close to being compliant. Mr. Ryle asked her if she could think of any other open cases in the Planning Department that has gone before Town Council in one form or another.

Connie Griffin replied Lenzy Hayes was before the Plan Commission more so than the Town Council. They are really making a lot of strides. They're doing a good job of cleaning up. They're installing some lights for safety purposes. Several trailers have been demolished and removed off of the site. They're tightening up their protocol for the tenants living there including background checks. Over the last few years, this site has really improved including working with the Planning and Health Departments. Mr. Ryle asked if they're in compliance with the state office that handles trailer parks. Ms. Griffin responded they are getting very close to that. They're doing last inspections and that is issued from the State Department of Health. They're getting very close to getting everything resolved and paying any fees. She will confirm the date it occurred or is going to happen. The next inspection is scheduled for June 23, 2012.

Sandra Hash was approached the evening of June 6, 2012, from a citizen who expressed concern about the appearance of the property that was discussed several times last year and they claim to have a nature preserve. The property looks really horrible. There's not just overgrowth but trash. Did the Town ever mow that property? Ms. Griffin answered it is with the new Code Enforcement Officer. A letter was mailed to the property owner. INDOT has also been contacted to do the cleanup in their right-of-way area. This is to be inspected again. They are using Town Council's opinion about keeping the nine inch code even on development sites and vacant lots. They're working really hard to get those completed. The office has not had time to work on a landscape or nature preserve ordinance. They're trying to find a compromise about urban gardening, urban chickens and natural habitats. She requested Ms. Hash send her a note about the complaint so she can put it with the file. At this point, the Planning Department has not received a complaint.

Russ Ryle knows it's a headache but she's making progress. Phillip Smith commented he appreciates all the hard work.

Privilege of the Floor

Phillip Smith announced Sale Street will be closed starting June 11, 2012, from Ritter to Thomas for 11 weeks. The people who live in that area can still go in and out but no one can drive through there. Mr. Ryle stated the Indiana State Police issue a road closure report daily for Monroe County. He's wondering if it's possible to get the closure listed on their report. There's also a report on AM 1370. It would be nice to get a notice to the public and, if possible, include a detour. The local station, 97.7, also has a State Police report but he doesn't know if they will read the detour routes.

Russ Ryle commented everyone should be very thankful for the wonderful performance of the girls' softball team and support them on to winning the state title this weekend.

Phillip Smith asked Ms. Griffin to discuss the SPEA intern. Ms. Griffin stated the Planning Department has the opportunity to use a SPEA intern for no cost. The intern is interested in getting some work related experience from the Town of Ellettsville. One of the goals of the Planning Department is a revision of the Comprehensive Plan. This is something that interests the intern and she likes to conduct research. She has addressed this at the Town Council level. It still hasn't been decided whether or not to allow the intern to work at the Planning Department. It would be nice for the Plan Commission to recommend this go to Town Council with a favorable recommendation to have the SPEA intern. The research can be conducted on campus. She can minimize the hours to work with her just to keep the work going. She thinks it's something they could accomplish and it's something the Town could benefit from. Mr. Smith said he knows there was a question about the extra time she would be spending working with the intern. Isn't it going to be on nights she would be in the office anyway? Ms. Griffin replied yes, she's trying to accommodate not working additional overtime hours. She misstated the 46 to 48 hours she works each week. She recalculated the average hours she works each week and it's 44.8 hours. There won't be an increase in her hours. She has to be more organized and finished earlier before meetings with the intern.

Dan Swafford thinks for clarification purposes there was a misunderstanding on the statement she made. An intern will not cause her any additional hours of overtime. Is that correct? Ms. Griffin replied that is her feeling. She is already in her office working anyway so she could divert herself to work with the intern. Mr. Swafford asked if the intern will not create any additional workload or overtime. Ms. Griffin said there will eventually be an additional workload. Mr. Swafford said eventually it could help her workload. Ms. Griffin said that's correct. This has been a Planning Department goal list for several years. The last time the Comprehensive Plan was revised was in 2007. They really need to start working on a revision as well as adding some strategic planning elements into the plan. Mr. Smith said he thinks it's a great idea. Mr. Swafford agreed it's a good idea.

Dan Swafford entertained a motion to recommend that the Planning Department goes ahead and accepts Amber Gress as a volunteer to work in the Planning Department on the Comprehensive Plan. Phillip Smith made a motion to recommend that the Planning Department goes ahead and accepts Amber Gress as a volunteer to work in the Planning Department on the Comprehensive Plan. Phillip Rogers seconded.

Dan Swafford stated this will be a great opportunity for the Town. In the past they have used an intern, Ashley and Micah, from Indiana University and it was a wonderful thing.

Frank Nierzwicki is familiar with the individual. She has an undergraduate degree in planning from Ball State. She is a graduate student at SPEA and was one of his students. Ms. Gress is from Dubois County.

Roll Call Vote: Dan Swafford – yes; Phillip Smith – yes; Phillip Rogers – yes; Russ Ryle – yes and Sandra Hash - yes. Motion carried 5-0.

Adjournment

Phillip Rogers made a motion to adjourn. Russ Ryle seconded. Dan Swafford adjourned the meeting at 6:53 p.m.

Dan Swafford, President

Terry Baker, Vice President

Don Calvert

Sandra Hash, Secretary

Phillip Rogers

Phillip Smith

Russ Ryle