

September 4, 2014

The Ellettsville, Indiana Plan Commission met in regular session on Thursday, September 4, 2014, 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. Dan Swafford led the Pledge of Allegiance.

Roll Call: Members present were: Terry Baker, President, Russ Ryle, Vice President, Don Calvert, David Drake, Dan Swafford, Pat Wesolowski and Sandra Hash. Connie Griffin, Director of Planning, and Darla Brown, Town Attorney, were also present.

Approval of the Minutes – July 10, 2014

Terry Baker entertained a motion for approval of the minutes for the regular meeting on June 5, 2014. Dan Swafford so moved. Russ Ryle seconded. Motion carried.

Old Business – Comprehensive Plan (Revision)

Due to an error with recording equipment the following is taken from notes of the Secretary: Table of Contents will include Plan Commission, Geography, Limestone and Natural Resources, Town Departments/Public Facilities and Services, Growth, Future Land Development Areas, Economic Development, Developments, Preservation, Historical District, Historical and Cultural Features, Conserving Community Character and Identity, Ellettsville Main Street and Conservancy Area.

Continuing with the recording of the meeting:

Connie Griffin, Director of Planning, explained Ellettsville parks and recreational areas are included as well as the township's ball diamonds. The school system may be mentioned. A report from Ecologic, Inc. on green space provided the information on Well's Park. The total acreage of the parks is 33 acres. Current information on Heritage Trail is provided. Mr. Ryle asked the location of the mid-block crosswalk. Ms. Griffin replied the design of the project has it already in place and it is near Chandler Drive. Information on the process for annexations will be included. Ms. Hash asked if information in the Town Code needs to be included in the Comprehensive Plan. Ms. Griffin replied it will not lay out the code but will be a summary with goals and a vision. The annexations from 2009 through 2014 have been listed. Since 2009, 183 acres have been annexed. A zoning overlay district was discussed in 2008 when there was a Redevelopment Commission. They may want to consider a zoning overlay for light industry. Under economic development it would be nice to include zoning. Mr. Baker remarked it would make it better if a light manufacturing business wanted to come into Town. Mr. Ryle asked if there was a functional definition of what can or cannot be put in a light industry overlay area. Ms. Griffin answered it would come in time by defining what light industry encompasses. Mr. Ryle suggested creating a definition of what would or wouldn't be included in light industry and what land would be applicable for the definition. Ms. Griffin continued. Neighborhood revitalization and blighted areas will state the purpose from the Town Code. Main Street has researched historic districts, type of architecture and preservation. A Historic Commission is mentioned in the Town Code but is not active. There may be a possibility of expanding the Historic Commission in the future. There are codes in place to protect historic properties. Mr. Ryle asked if there is a map available of the historic district. Ms. Griffin replied yes. They're trying to locate the heart of Ellettsville. Conserving community character and identity would be a good starting point. Business opportunities will include Cook, Smithville, school systems and large employers. Information on the Chamber of Commerce, transportation system, infrastructure, accessibility and the Americans with Disabilities Act, State Road 46 traffic counts, phases for I-69, bicycle transportation, health and safety, public outreach, park system, land usage policies, forestry, municipal

public districts, light and heavy industry, residential housing, home occupations, planned unit developments and intergovernmental cooperation. She will review the Monroe County Comprehensive Plan. Revisions are to be sent to her by email.

Non Agenda Items

Connie Griffin, Director of Planning, has received complaints about a perpetual yard sale. Ms. Hash commented there was a code regarding permits for yard sales. It had been some time since the code was updated and it has been written over by another ordinance. Mr. Baker noted the previous Town Code was almost identical to the Indiana statute. Mr. Ryle asked if there are signage restrictions. Ms. Griffin answered yes and it is in Section 152. Signs may be placed on private property for no more than three days prior to the event and they are not to exceed six square feet. Section 152.262 states unlighted temporary signs are permitted for one week or less to notify the public. Examples include yard sales signs. This is contradictory to yard sale signs mentioned in §152.256(5) which talks about three days prior to the event. She suggests cleaning up the codes. Three days prior to the event is plenty of notice to remove yard and garage sale signs. Construction signs are allowed to be up while they're working and for one week after the job has been completed. Ms. Hash stated the good thing about a permit process was being able to give them the rules. Notices are put in the paper. When she receives calls about violations many people have said they didn't know the rules. A gentleman who had just moved here this year did not know he would have to check on the policy for yard sale signs. She doesn't know the best way to get the information to people who do not read the newspapers. Mr. Wesolowski asked how it is policed if some people get a permit and others don't. Ms. Hash replied at the time this was put in place to prevent the continuous garage sales. Not everyone was caught who didn't get a permit. It did put something in place so that when there were problems or complaints there were rules to fall back on.

Dan Swafford suggesting putting it on the agenda next month so the public will know what is being discussed. Ms. Griffin will issue a public hearing notice for a code change. Ms. Hash advised she received the code updates today so it should be up-to-date online.

Darla Brown, Town Attorney, clarified she is to draft an ordinance that addresses both yard sale signs and the duration of the actual yard sale. Mr. Swafford suggesting waiting until after it is discussed with the public at the next meeting. Ms. Hash doesn't want to rule out permits and would like to discuss it at the next meeting. The fee for permits was \$3. Ms. Griffin would like to have the fines from yard sales be put into a line for repairs of the infrastructure. Ms. Hash explained the fines go into the General Fund and there is a line in the administrative budget for street light repair. Ultimately, it is generating revenue. In order to capture funds and use them for specific reasons, a non-reverting fund has to be created and the money isolated. Ms. Brown asked how many permits she received in a week. Ms. Hash answered it was 40 to 50 a year. Mr. Drake stated someone who has long yard sales is violating state laws by not having a retail merchant license. Mr. Wesolowski asked if the Town prepares an ordinance will the perpetual yard sale be grandfathered in. Ms. Brown replied no because it is not a land use issue because it is not permanent. Mr. Ryle asked Ms. Brown when she drafts the ordinance to review the state sales tax code. There is a very limited exemption in applying for a sales tax license for an individual who has a one or two day yard sale. Beyond one or two days a year, people are supposed to have a sales tax license. Ms. Brown added when a municipality grandfathers someone in it is going to be on a different type of land use issue. Mr. Baker added it is a non-conforming use.

Russ Ryle had three people express concern about potential stormwater runoff at Cedar Bluff due to the lack of hay bales for controlling erosion. Ms. Griffin advised after Saturday's rain there was not any runoff. Rick

Coppock, Town Engineer and MS4 operator, has inspected the site and it is not subject to Rule 5 requirements because they are not changing the contour of the land. They could put number 2 stone at the entrances to get rid of the sediment on tires. Overall, the site has been well maintained. There is no lack of enforcement on grading or erosion control because in the month of August two people were cited for this. Mr. Ryle asked what Rule 5 is. Ms. Griffin answered Rule 5 is a requirement for keeping sediment out of the water pursuant to 327 IAC 15-5-1, Stormwater Run-off Associated with Construction Activity.

Adjournment

Terry Baker entertained a motion to adjourn. Dan Swafford made a motion to adjourn. Russ Ryle seconded. Terry Baker adjourned the meeting at 6:46 p.m.