

December 7, 2017

The Ellettsville, Indiana Plan Commission met in regular session on Thursday, December 7, 2017, at Town Hall located at 1150 W. Guy McCown Drive. Terry Baker called the meeting to order at 6:00 p.m. Don Calvert led the Pledge of Allegiance.

Roll Call: Members present were: Terry Baker, President; Don Calvert, Brian Miller, and Sandra Hash. David Drake, Kevin Farris and Pat Wesolowski were absent. Kevin Tolloty, Planning Director; and Darla Brown, Town Attorney; were also present.

Approval of the Minutes

Terry Baker entertained a motion for approval of the minutes for the regular meeting on November 2, 2017. Don Calvert so moved. Brian Miller seconded. Motion carried.

Monthly Conflict of Interest

Old Business

Comprehensive Plan

Kevin Tolloty, Planning Director, is still working on the Comprehensive Plan. A draft may be ready in January.

New Business

Petition for Voluntary Annexation, 21 Acres located along N. Hartstrait Road (“Stewart Property”); Petitioner: Town of Ellettsville; Case No. PC2017-22

Kevin Tolloty, Planning Director, explained the Town of Ellettsville owns the property and has requested to annex it. Proposed zoning is Agricultural-1. Staff recommends a favorable recommendation to Town Council.

Terry Baker entertained a motion. Brian Miller so moved. Don Calvert seconded. Roll call vote: Terry Baker – yes; Don Calvert – yes; Brian Miller – yes; and Sandra Hash – yes. Motion carried.

Zoning Map Amendment. Petition to Rezone Property from R-1, Single Family Residential to C-1, Neighborhood Commercial, 703 W. Temperance Street; Petitioner: Nick of Time Antiques, LLC; Case No. PC 2017-23

Kevin Tolloty, Planning Director, explained this is a request to rezone 703 W. Temperance Street. Currently, it is zoned Residential. Petitioner is renovating the house. Staff requests a favorable recommendation to Town Council.

Terry Baker entertained a motion. Sandra Hash made a motion to send the zoning map amendment to the Town Council as a favorable recommendation for 703 W. Temperance. Brian Miller seconded. Roll call vote: Terry Baker – yes; Don Calvert – yes; Brian Miller – yes; and Sandra Hash – yes. Motion carried.

Petition to Vacate a Portion of the Plat and Associated Covenants, 4354 N. Centennial Drive; Petitioner: Steven Emery, on behalf of Centennial Park, LLC; Case No. PC 2017-25

Kevin Tolloty, Planning Director, explained this is a request by Centennial Park, LLC (“Centennial”) to vacate a portion of the plat and covenants for Lot 15 of Highland Park Estates (“Highland Park”). The property was annexed in May 2017. An access easement to Centennial Park subdivision has been granted along the west side of the property. Staff recommends approval. Plan Commission will be looking at three requirements regarding the plat vacation: Conditions in the platted area have changed so as to defeat the original purpose of the plat; it is in the public interest to vacate all or part of the plat; and the value of that part of the land in the plat not owned by the petitioner will not be diminished by the vacation. There are three requirements for the covenant vacation but only one needs to be met: The platted area is within an area needing redevelopment and the covenant vacation would promote a recovery of property values in the area needing redevelopment by allowing or encouraging normal development and occupancy of the platted area; the covenant vacation is needed to secure for the public adequate light, air, convenience of access, or safety from fire, flood or other danger; or the covenant vacation is needed to lessen or avoid congestion in public ways. Ms. Hash asked if road construction at the site has started. Mr. Tolloty answered they have a grading permit and have done some utility work.

Steve Emery, Member of Centennial Park, LLC, explained Centennial Park was originally approved for 78 lots in 2008. At that time, it was believed a 50’ easement connected the north cul-de-sac of Centennial Drive to the south of the Centennial Park property. In 2010, a judge ruled the 50’ strip is not an access easement. Sometime later, the original owner, Development Group Network, Inc. (“Development Group”), listed the property for sale and Centennial purchased it knowing there was an access issue. In September 2016, Development Group petitioned and the Plan Commission granted a waiver from the 10 to 25 lot maximum that could be developed with one access point to 40. The front yard of Lot 15 is 70’ to 80’ wide which is sufficient room for a 50’ roadway. The street will be built to Ellettsville’s specifications of 24’ of pavement with 2’ curbs on each side and 35’ of yard between the house and street. Development started last summer. Crider & Crider (“Crider”), the developer of Highland Park is developing additional lots to the east of Centennial Park. Crider filed a lawsuit against Centennial alleging it is in violation of the covenants and restrictions from a 1977 subdivision to prevent them from using the access. A trial was held in the case today. Therefore, they are petitioning the Plan Commission to clear up any doubt and vacate the plat and covenants for Lot 15. The lot will remain Residential zoning. After the project is completed they will list the house on Lot 15 for sale. The concern is additional traffic on Centennial Drive. At trial, a Monroe County Highway Engineer testified the capacity of Centennial Drive can adequately handle the traffic. There is a signal at the intersection of State Road 46. They will remove the cul-de-sac and replace it with a 24’ or 26’ wide street built to county standards because most of the curb is in the county. Lots on either side will be extended out to the curb street that will run through the center of the cul-de-sac and across the 50’ easement. Traffic traveling either direction would have appropriate signage for the curve and 20 mph speed limit. After the approval of Centennial Park, the 50’ right-of-way was not available. Public interest is served by enhancing public safety tremendously. A lot of residents in the Woodgate Subdivision (“Woodgate”) and the 40 lots built in Centennial Park will all have to exit through Woodgate if the access doesn’t remain. Many people use Deer Park Drive to get onto State Road 46 which has a steep grade and does not have a signal. If they don’t use Deer Park Drive, they

go north onto Lost Man's Lane and then to Union Valley Road which carries a lot of traffic. There is no indication that the value of land in the remaining part of the subdivision will be adversely affected. The road is adequate if built for this level of traffic and it's needed to avoid congestion of the public ways. It will improve traffic flow in the area and safety access for emergency vehicles will be improved. If the petition is granted it will eliminate the need for the court decision. The covenants aren't fair and cannot be applied on this lot and, therefore, there is not a potential nuisance or annoyance. Any increase in traffic does not rise to the level of a substantial nuisance or annoyance.

Patricia Fowler lives in Woodgate and supports the petition to vacate the plat.

Mike Carmin, attorney representing Highland Park Estates, LLC, declared they will sue if the Plan Commission approves the petition. There are two different issues. They have been advised of the three findings the Plan Commission must have before vacating part of the plat for Lot 15. There are separate findings to vacate the covenants. The plat can be vacated and not the covenants. The first finding to vacate the plat is conditions in the platted area have/have not changed so as to defeat its original purpose. Its original purpose was a 26-lot residential subdivision platted and recorded in December 1977. There is not a condition that has changed within the plat since it was recorded, other than building homes on the lots. Mr. Emery wants to throw in the road to serve public interest. The vacation of the plat does not create the road because it requires the vacation of the covenants. Consideration for the road is not consideration for vacating the plat.

Marlow Smethurst, President of Woodgate Homeowners' Association ("HOA"), stated the HOA is in favor of the petition. If there is no access to State Road 46 from Centennial Park, all of the traffic from 40 homes will go through Woodgate. This increases the risk of everyone living in Woodgate and compounds the difficulty in getting onto State Road 46. Getting onto State Road 46 from Deer Park Drive is very dangerous. They favor access to State Road 46 at the intersection with the traffic signal because it is a safer access for all involved.

Jeff Crider, Highland Park Estates, LLC, stated the plat has not changed since 1977 and there was never an easement through the property. The Plan Commission approved it on false pretenses. People who purchased the lots in the Highland Park subdivision thought they were on a cul-de-sac and now they want to put in a road through a lot. Centennial wants to vacate the plat and covenants of everybody else in the 26-lot subdivision. Putting a street through there will affect lot values. In the plan for the next phase of Highland Park there is an access point called Hull Street which will be built as development progresses to the north. The plat and covenants do not need vacated to go through there because of a planned access point to the north. When the Plan Commission approved Centennial Park that was the only access point through there. It will affect the people in Highland Park on Centennial Drive who bought thinking it was a dead-end cul-de-sac which it won't be if the plat and covenants are vacated. They will do what they have to do if the Plan Commission approves this. Let the Judge rule on it and see what he says.

DeeAnn Sparks lives one house over from the street that's going to get all of the traffic if the easement is not approved. They mentioned this was greed but it's not it is safety issue. Sit at Shadow Wood Drive and watch cars fly by their house and around the corner and they get a tremendous amount of traffic from Lost Man's Lane. Deer Park Drive to State Road 46 is a steep hill and in the winter time it is not one of the first roads to get plowed. The safety issue for the people on Shadow Wood Drive and the people going onto State Road 46

is what needs to be considered and not the money. This is the 21st Century and people are moving forward. They did not want the subdivision behind them but it came and that's alright. They want to make sure their road stays safe.

Deborah Hackman lives west of the lot in question. One of the reasons they purchased the property in 1998 was the assumption it was a cul-de-sac. The field behind them has been harvested for a number of years and they knew Crider owned the property between them and Lot 15. The capacity to enjoy her property has been greatly diminished because of the work being done behind the property. Mr. Crider told her Indiana Code 36-4-3-1.5, contiguous territory, is not applicable because Lot 15 is 134' and not 150' wide. It is highly unethical to annex one piece of property. The safety issue is huge. She has never had to deal with the amount of traffic they have now. There will be an access road built east of them.

Steve Ritter, a resident of Woodgate, doesn't care what went on in the past or what's going on that they're being threatened with a lawsuit. Getting out on to State Road 46 from Deer Park Drive is chaotic. Nobody has mentioned the road that comes from the strip mall across the street so they face each other. He coaches at Edgewood so coming from the west in the evening and turning left onto Deer Park Drive is chaotic. At times he's stops trying to let people out of Deer Park Drive. The access road is needed for public safety. There are going to be serious accidents like there has been in the past. In the future, someone will be requesting a stoplight be put in. He feels for the people who live there this is a safety issue because Deer Park Drive cannot take the traffic.

Steve Dyer owns 4346 N. Centennial Drive. Appreciates the opportunity to comment and find out what is going on. They purchased their property thinking it was going to be a cul-de-sac and now they feel the rules are changing. A lot of traffic will be coming through there. He has no problem with developing the field. He understands Woodgate comments but there will be another road that can be used. He thinks there is a trust issue as well. He opposes it and thinks the rule are being changed.

Anthony Barnes lives on Ribbon Lane where the development will take place. There are four houses on his street. They have children who will no longer be able to play on the street. People have stated there was going to be future development to the north or east. Forty homes will be built and then there will be no other road until a later date when additional homes are built. There's no way to tell when that will happen. There is land available and people are worried about property values but it will only raise them in an area where there are higher valued homes. They purchased their home in Woodgate thinking it was going to be a dead-end street. It wasn't a cul-de-sac but there wasn't development on either side. There home is next to the woods where the development is happening. He can't say his life has been disrupted with trucks going through and all the trees that got pulled down because it is progress. His children still get to play in their yard and street for now but Deer Park Drive is not a safe place to go out. If you're coming back across the street, you're facing an offset street and it is very hard to manage traffic and he has seen multiple accidents. How many lives will have to be lost waiting on an additional ingress because someone wants to hold onto money? Next time when they try to expand another road into a subdivision are they going to have to oppose it over and over again threatening lawsuits? He supports it and thinks it will be safer, increase property values and do what it is intended to do. It will help save lives.

Raymond Moore, Partner in Centennial Park, LLC, wanted to address an earlier comment that he misrepresented a 50' strip as being an easement to the Plan Commission.

He never misrepresented that to the Plan Commission or said it was an easement. As far as the proposed second entrance, there are five sections for Highland Park and the last would have the entrance. Sections 1 and 2 are not quite completed. Before they get to Section 5 it may be another 27 years or it may never get done because there are only five lots on it and they do not want their competition. He offered Bob Crider \$80,000 for the 50' strip which should've been an easement/entrance and would have been if he had owned the property to the north.

Wendy Poppy, resident of Woodgate, has served on the HOA board in the past. When the property was annexed what did they find in the plat maps? She knows the lot is there and is on the Monroe County GIS. She thinks the Plan Commission, at that time, had to realize how the lot was zoned. The opposition is now saying it was misrepresented so she is uncertain what was on the plat map when it was annexed by Ellettsville. Ms. Hash was serving on the Plan Commission at that time and the map they were shown in 2007 had a designated 50' easement at the end of the cul-de-sac. The property owners on each side were unaware of the easement. Mr. Tolloty stated it was reflected in the minutes from the 2008 preliminary plat hearing. County highway and planning officials stated it was an access and right-of-way. Mr. Baker noted they were wrong. Ms. Hash questioned if they were truly wrong but it was the judge's ruling. Mr. Tolloty added it is a poorly recorded plat. It is not a buildable lot and it is the same size as the right-of-way. The Plan Commission was correct in their assumption that it should have been right-of-way. Ms. Poppy continued. Everyone in Woodgate is concerned about safety and they're a subdivision of 289 lots. In addition to that, Meadow Estates property owners travel through their subdivision to get to State Road 46. Coming into Woodgate there are four roads to get to State Road 46. Two of the roads go into Lost Man's Lane and visibility is tough because of the hills and trees. People can go onto Union Valley but there is a hill so visibility is poor and traffic is fast. The last option is Deer Park Drive with curves and a hill going onto State Road 46. Centennial Drive would be a much safer access to get to State Road 46. There are no sidewalks on Deer Park Drive going to Spring Valley subdivision and a lot of children wait for school buses standing on the corner or in the street. This is a huge concern if 40 homes are added with possibly 80 cars because it is the quickest way to State Road 46. Highland Park was started in the 70s. How many years do they wait for them to construct Phase 5?

Tracee Lutes is a realtor and related to the developers but is not involved in the project. Years ago, she sold a lot across from the future drive that is stubbed in. Directly west there is an area determined to look like an easement. Approximately five years ago, before any of this was happening, she told the client they can always assume they will connect to the field behind it when it gets developed. She had no idea what the plans were, it is a realtor's experience. When she learned Crider owned property around there she made the assumption the plan was to connect to something. If you bought in that neighborhood and had a realtor helping most realtors are going to look at that and tell people to always assume it could connect to the field behind it for development. It's a rule to go by to keep them safe as agents.

Tom Wininger is the builder in Highland Park. They're not afraid of competition because it isn't the same market. Crider has offered to make the access or have Mr. Moore build it. Ms. Hash and other Plan Commission members were confused by that statement. Mr. Hash asked what road to be built he is referring to. Mr. Wininger showed Plan Commission members a map that depicted the other route referred to in Mr. Crider's statement. Ms. Hash

asked if any lots have been sold on either side of the proposed roadway. Mr. Crider answered they have not yet developed back that far. Ms. Hash commented the map shows three entrances off of Centennial Drive into their new subdivision. Mr. Crider stated they obtained approval in the fall for the rest of the subdivision which will give them a third entrance. A map showing different phases of the proposed subdivision and entrances were reviewed with the Plan Commission. Crider offered to give Centennial access through a different road in their proposed subdivision. They told Centennial if they couldn't wait they would give them an easement to build a road at their expense if they need it that bad. Ms. Hash commented it is a long road for them to build. Mr. Crider stated Centennial wouldn't build all of it but would build out the stub. In their agreement with the county they have to go back in and mill the road to the new standards.

Darla Brown, Town Attorney, asked Mr. Crider to summarize what he told the Plan Commission members so the audience could hear it. Mr. Crider explained between Highland Park and Centennial Park there will be road access/stub point that will go to the east of where existing Centennial Drive is now. It will stub up to the property line at Centennial Park. They have a road that should be stubbed according to their plat. Connecting those two roads would give connectivity down to Centennial Park and get them onto State Road 46. It would not come through the cul-de-sac. The access was always planned for the county. One of Mr. Moore's earlier comments was the entrance might not happen for 25 or 30 years or never. It only has five lots on it. They will not specify when they will put it in but wants Centennial to put it in at their cost.

Steve Emery opined the statute gives the Plan Commission the authority to vacate the plat and covenants. Their petition is to vacate both. The findings in the Staff Report sufficiently do this. The Plan Commission is being threatened with litigation and he disagrees. They have legitimate authority to do this. The platted area has changed and it includes the 50' strip. It may not have ever been an easement. In 2010, the judge said it wasn't and no one disputes this. It is clear, as Ms. Hash recalls, that people believed it was as recently as 2008. Therefore, the belief has changed and has been proven to be wrong. Furthermore, it talks about the platted area. The area could include lands surrounding the plat. Those lands are certainly changing. Centennial Park and Highland Park are being developed. To put a narrow definition that only the land is subject to the plat and to change is incorrect. Courts give the Plan Commission's decision and factual findings great deference when they review these types of cases. Should Crider decide to sue there is considerable deference given to the findings. The final fact that appears on Highland Park's preliminary plat is the whole drive that goes to the north as shown by Mr. Crider. They do not dispute that it may someday render this mute but they have no clue when it will be built. Given the time that has elapsed since Highland Park, Section 1, was built and the animosity and difficulty they're having, he wouldn't be surprised if it never got built. It is only five lots and there is no requirement by the county or anybody else that it actually has to be constructed. If this is approved, it will ensure they have reasonable access, traffic flow will be improved and public safety will be enhanced in that area.

Mike Carmin stated the standard is not just whether conditions have changed. They haven't. It specifies conditions of the platted area and not the neighborhood. It states "*Have changed*

so as to defeat the original purpose of the plat.” There has been nothing that shows it has changed the purpose of a 26-lot residential subdivision plat. What has changed that defeats the creation of a 26-lot residential subdivision plat? In good faith, you cannot find that. There has to be factual basis for their findings. They have to find a change that has defeated the purpose of the plat or they cannot approve the plat vacation request. He doesn't know what to tell Ms. Hash about what she thought she saw earlier. If someone showed her a plat with an easement they were misleading her. A plat with an easement has never existed. The preliminary plans were different. That is the only plat of Section 1 that has ever existed, been approved and it has never been changed. It is exactly the way it looked in December 1977, when it was signed off and approved. It was recorded and has never changed. If she was shown something different she was misled. No one contacted the property owner and asked them if it is an easement. They took someone else's word for what was going on but they were wrong. Nothing has changed and has a matter of law they can't approve the plat vacation.

Jeff Crider heard the reference Highland Park, Phase I, has been from the 70s, which it was. His father built those lots and nothing else was done with it until 2007, when they were going to develop the next phase and had a contract with Gentry. Then the market went tumbling down and they couldn't make it work. His father wants to see Highland Park finished. They started last fall, contracted with Mr. Wininger to build houses and they are going to continue to build-out until it is finished. The street will be built at a later date. The market seems to be pretty good. The stub street will open it up for Woodgate to come through but it is not a straight connection through a lot that has covenants. The people they sold to in Highland Park years ago anticipated that being a cul-de-sac where their children could play and now they want to make it a thoroughfare street. He doesn't think it is right. He wouldn't think to change the covenants and a plat in someone else's subdivision done in the 70s. Now they want to put a street through there when there is going to be a connection to the east. There will be connectivity.

Wendy Poppy suggested the lot at the end of the cul-de-sac is not wide enough to have a house. If the developer did not plan on that being an easement why didn't he split it and sell it to the two adjacent homeowners? It doesn't make sense to hold it when a house can't be built on it. Ms. Hash noted the 50' strip of land they thought was the easement at the time is owned by Crider. Mr. Tolloty noted it was presented as right-of-way by a number of people at the preliminary plat hearing in 2008.

Dee Ann Sparks asked the parties to do the right thing. Come together, build a road and do it now. Do it for the safety for the people who live in Woodgate and who are going to buy homes. Talk to each other and figure out how to do the road. They're talking about lives, children and dogs. Park their car in her driveway and watch the cars flying down the road. Get together and get it done.

Steve Dyer can't think where there is a street built coming out of a cul-de-sac. The people who originally purchased there thought it would stay a cul-de-sac. The new developers are going to collapse it and make a street which means they're not going to stay with the cul-de-sac design.

Pat Fowler said things change and progress happens. You've got to move forward and do what's best for everyone. This option of trying to vacate the plat and bring a road through benefits children and everyone.

Holly Barnes lives on Ribbon Lane in Woodgate with her husband and four children where the street ends and the new homes are going to be built. As her husband said earlier, all four of those homes have children living in them. Teachers in the Edgewood School District own those four homes and it is a very busy area. The road they live on is going to be connected is a very narrow road. If that road is going to be the only ingress/egress for those 40 homes in addition to their four homes it either needs to be expanded or there needs to be another outlet. She understands they're trying to do what's best for the Town but this is something that seriously needs to be considered because there are several people who park on their street. They live on a steep incline and when they have guests at their home there is no other place for them to park but on the street.

Sandra Hash stated she is sympathetic with their situation on Ribbon Lane but anytime people purchase property and there is a stubbed street, you know some day that road is going to lead to somewhere else. Unfortunately, that is a sign of progress. Interconnecting streets are pluses to subdivisions so you can travel within the community and not get on the highway. She appreciates the clarification on the strip of land. As a Plan Commission member years ago when that was presented and the 50' strip was isolated, and not owned by those property owners, the natural thought was it was going to be roadway. There is never a guarantee in life when you buy a property that you will always be on a cul-de-sac, dead-end road or that there will never be any interconnecting streets. Her addition has led to two other additions and her road serves as a connector road to another major road. She has a lot of traffic and understands. She raised three children there and they could never play in the street as it was a busy thoroughfare. Having served on the Plan Commission for 17 years, this is the first time she has heard an attorney come to the podium and threaten litigation before a decision is made. When the annexation was approved for development behind Centennial Park, they as a Plan Commission, approved it based on the 50' strip of unknown land. They thought at the time the best thing for those communities would be to go to a light. State Road 46 is terribly busy and any time you go on and off of it without a light it is scary and the turn lane has to be used to merge onto the highway especially on Deer Park Drive. In her opinion, and with her years of experience, it is so logical that the 50' foot strip would be an interconnecting roadway.

Raymond Moore thinks they may be correct in that the 50' strip of land did say ingress/egress easement when it was presented to the Plan Commission in March 1976. Between then and when it was approved the easement was removed. Ms. Hash asked what year it was annexed. Mr. Tolloty answered 2007. Mr. Moore stated Crider is trying to enforce the covenants but have not done so. Specifically, there's not to be parking on Centennial Drive, trucks parked outside of garages or trucks parked outside with advertising but it happens all the time. Every 10 years the covenants expire and automatically renew if there haven't been any comments. Crider turned down an offer of \$80,000 to purchase the 50' strip of land to avoid competition.

Jeff Crider stated it wasn't about the money as his father was always going to give them access through the stub street to the east. There shouldn't be overnight parking but there are people who sometimes do it as well as parking a truck with advertising. Mr. Moore cleared up the plat issue. The final plat recorded with Monroe County never had an easement on it.

Sandra Hash asked if vacating the covenants means that lot would withdraw from all covenants of the subdivision. Mr. Tolloty answered yes, vacation of the plat would remove them from the plat. Vacation of the covenants removes them from the recorded plat. Ms.

Hash asked for Ms. Brown's interpretation of whether or not they're within their realm to vacate the covenants of that property per the owners' request. Ms. Brown explained Mr. Tolloty's report quoted the statutes. They're to decide under I.C. 36-7-4-711 which discusses vacation of the plat or I.C. 36-7-4-714 which pertains to vacation of recorded covenants and they have to decide whether or not facts have been presented to support the vacation of either one. Mr. Tolloty outlined in his report what the Plan Commission needs to find in order to vacate either one of them.

Ron Duly lives in Woodgate. Why are they in this predicament? When the additions were approved why weren't demands made for having proper roads in/out? Ms. Hash answered when they annexed the property they thought people would enter on Ribbon Lane and that there was an easement at the back of Centennial Drive. The judge ruled Centennial Drive was not an entry point so they struggled because with only one entry point off of Ribbon Lane. The Plan Commission limited the number of houses they could build until they got a secondary point. Mr. Duly asked if the secondary drive could be changed. His dad has a house on Shadow Wood and it is a steep drive. People drive fast around the curve. There is the potential for 40 to 80 more cars to travel on the street. Why can't they build another street? He loves progress. Ms. Hash explained Centennial Park is undeveloped land to the east. Mr. Moore noted they attempted to purchase a right-of-way to Lost Man's Lane but the homeowners said no because they had just inherited the property. Ms. Hash stated when it was annexed they knew there was no access to Lost Man's Lane but there was possible access through Woodgate. Spring Valley is in the Town of Ellettsville for which they have jurisdiction but not Woodgate because is a county subdivision. The county made a connector road into Spring Valley. Can you imagine how that community felt when everybody in Woodgate opened the gates to come through their subdivision? This put much more stress on that intersection. When they got the chance to make another connection to a street with a stoplight they thought it was great. Now, they're being threatened with litigation to what they thought would be a wonderful idea of opening the new subdivision of Centennial Park and Woodgate up to the stoplight. It was a win-win for two big communities. They thought they were doing what was in the best interest for Woodgate, Spring Valley and Centennial Park because they thought they had a 50' easement. The court proved them wrong.

Don Calvert asked Mr. Crider if they shouldn't wait to see what the judge has to say before they move any further. He resents someone coming in and threatening a lawsuit before they have had a chance to discuss it. It is not necessary. He suggested tabling this until the judge issues his ruling. Then they would have something to go on. All agreed. Mr. Calvert was on the Plan Commission when the situation evolved at the end of Centennial Drive. It was presented as a 50' right-of-way.

Terry Baker entertained a motion. Brian Miller made a motion to table this until hearing from the court. Don Calvert seconded. Roll call vote: Terry Baker – yes; Don Calvert – yes; Brian Miller – yes; and Sandra Hash – yes. Motion carried.

Darla Brown, Town Attorney, asked if they're tabling it to the January meeting. Mr. Calvert answered until the judge makes his ruling. Ms. Brown asked when it comes back before the Plan Commission are they inclined to hear additional evidence. Mr. Calvert thinks they should and he appreciates everybody's comments. Ms. Hash wants everyone to understand the Plan Commission would not have approved the subdivision if they thought at the time there would only be one way in/out. The access to the stoplight was a big plus.

Terry Baker recessed the meeting for five minutes.

Terry Baker called the meeting back to order.

Proposed Amendments to Chapters 93.16 & 93.17 (Tall Grass & Weeds); 94.03 - 94.07 (Abandoned Vehicles); 152.001 (Definitions); 152.056 (Lawn Maintenance); and 152.062 (Prohibited Parking)

Kevin Tolloty, Planning Director, explained Chapters 93.16, 93.17 and 94.03 – 94.07 are not under zoning so a recommendation is not needed. However, they're tied into the zoning code. The Planning Department is requesting to modify the code to allow tall grass and weed violation notifications to be sent by first-class mail which is allowed by the state. It will save approximately \$6 per letter because notices are sent certified mail. There is not a minimum charge for mowing yards so people are using the Town for a mowing service. A portion of Chapter 94, abandoned vehicles on private property, got moved into zoning. Mr. Calvert asked if there is a definition for abandoned vehicles. Mr. Tolloty answered it is the state's definition. Abandoned vehicles, both on the street and private property, fell under the jurisdiction of both the Police and Planning Departments. Planning does not have the ability to check license plates or have vehicles towed. The Town Marshal is in agreement to move it solely under the Police Department and vehicles on private property will be under the Planning Department.

He is seeking recommendations for definitions of motor vehicles, recreational vehicles and trailers under §152.062. Mr. Calvert asked if they are state definitions. Mr. Tolloty replied they're from the Planners Dictionary. Planning regulates vehicles in yards, gravel parking and abandoned vehicles. Most of the changes reflect new definitions. Actual changes remove the framing requirement for parking areas. As it is written, everything should be framed. Mr. Baker suggested removing hard surfaces and changing it to gravel. Ms. Hash suggested guidelines for the frames.

Don Calvert asked before they go through another meeting on Centennial Drive could they meet as a group. After a discussion, it was decided to wait until the judge issues his ruling.

Sandra Hash questioned the administrative fee of \$150. It takes paperwork from Planning and her office to file the lien. The State Board of Accounts says they can't charge more than the actual cost of the documents. Mr. Tolloty reviewed remediation of violations for tall grass and weeds in Indiana Code. It does not mention how much to charge for the administrative fee. After a discussion, it was decided Ms. Brown will research the statutes on recording a lien and charges for work done to bring properties in compliance with Town codes.

Kevin Tolloty is seeking a recommendation on §152.056 only and he will make corrections to the other zoning chapters.

Don Calvert made a motion to cleanup §152.056 and amended as proposed by the Planning Director. Brian Miller seconded. Roll call vote: Terry Baker – yes; Don Calvert – yes; Brian Miller – yes; and Sandra Hash – yes. Motion carried.

Planning Department Update

Kevin Tolloty, Planning Director, advised there are no upcoming cases.

Terry Baker announced the next meeting will be on January 4, 2018.

Privilege of the Floor

Adjournment

Terry Baker entertained a motion to adjourn. Brian Miller so moved. Don Calvert seconded. Motion carried. Terry Baker adjourned the meeting at 8:08 p.m.

Terry Baker, President

David Drake, Vice President

Don Calvert

Kevin Farris

Brian Miller

Pat Wesolowski

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