Eteck 100 16 100 100 TO

Town of Greenville P.O. Box 188 Greenville, In. 47124

<u>AGENDA FOR:</u> TOWN OF GREENVILLE, INDIANA

MONTHLY MEETING FOR MONDAY, AUGUST 9, 2010

- √1. MEETING CALLED TO ORDER BY COUNCIL PRESIDENT: Talbotte Richardson
- /2. OPENING MEETING WITH PRAYER AND PLEDGE OF ALLEGIANCE TO THE FLAG:
- /3. SPECIAL PRESENTATIONS: None
- /4. READING, REVIEW AND APPROVAL OF MINUTES FROM PREVIOUS MONTHLY MEETING MINUTES OF: JULY 12, 2010 / しいき ファルア
- **/5. SIGNING OF CONFIRMING RESOLUTION:**
- **/6. MARSHAL'S REPORT:** David Moore. {A}-Ceremony
- 8. FLOYD COUNTY OR STATE OF INDIANA REPRESENTATIVES:
- √9. WATER BUSINESS: WATER SUPERINTENDENT: Gary Getrost
 - {A} Report on water usage and leaks
 - {B} Superintendent's report
- 2010-12-045
- 1). FINANCIAL: GREENVILLE TOWN CLERK: Jack Travillian
- √ {A} Review and Approve Checks and Expenditures.
- / {B} Liability Insurance: Mike Whalen
- 11, COMMITTEE REPORTS:
 - √{A} Town Board President: Talbotte Richardson
 - **[B]** Emergency Services: Bob Wright
 - √{C} Streets and Roads: Talbotte Richardson
 - **⟨D⟩** Public Relations: Patti Hayes
 - {E} Property Cleanup: Jim Pearce
 - {F} Special Projects: Randal Johnes
 - {G} Attorney: Rick Fox
- 12. OLD BUSINESS:
 - $\{A\}$ 2010-T-027, second and third reading

Town of Greenville P.O. Box 188 Greenville, In. 47124

13. NEW BUSINESS: {A} - Ordinances First Reading: /2010-T-028 /2010-R-034 /2010-T-035 /2010-T-040 2010-M-044
{B} – Citizens requesting to speak and subject:
14. ADJOURNMENT: Council President Talbotte Richardson. Next Monthly Meeting Monday September 13, 2010 @ 7:00 PM
Town Board President:

Minutes 08.09.10 Page 1

Minutes of Greenville Town Council Meeting August 9^h, 2010

Council President Talbotte Richardson called the regular monthly meeting to order. Other Councilpersons present were Bob Wright, James Pearce, Patti Hayes, and Randal Johnes, along with Clerk Jack Travillian. Also attending the meeting were Water Utility Superintendent Gary Getrost, town attorney Rick Fox, and other concerned citizens. The meeting was opened with a prayer by Marshal Moore, and then followed by the Pledge of Allegiance.

Minutes: Minutes: The July 12th minutes were discussed. Motion made by President Richardson and seconded by Councilman Johnes to accept as amended. Motion passed 5-0. The June 22nd minutes was discussed. Motion made by President Richardson and seconded by Councilman Johnes to accept the minutes as amended

Award Ceremony:

The meeting was moved outside in the parking lot for an award ceremony for the Greenville Marshal's Department. Officer Tony Wisman was presented with a Certificate of Outstanding Commitment to Volunteerism for his long hours given to department training and service. Detective Bill Burkhart was given a Meritory Service award for his long hours of training and service giving to the department.

Water Business:

Loan from Drinking Water State Revolving Fund Loan Program: A meeting was held on July 26 via conference call.

Ordinance 2010-R-045 RESOLUTION CONCERNING THE ENGINEERING STUDY APPROPRIATION REQUIREMENTS OF THE INDIANA FINANCE AUTHORITY FOR THE GREENVILLE WATER UTILITY OF THE TOWN OF GREENVILLE, INDIANA Resolution for engineering study authorization with spending up to \$25,000 was read and discussed. Motion made by President Richardson and seconded by Councilman Johnes. Motion passed 5-0.

An executive session for one-year review of employee Crystal Burkhart was planned for 7:00 pm on August 16, to be followed with a special meeting at 7:30 pm.

Financial:

Mike Whalen, our current insurance agent gave a presentation to the council. A renewal for the liability insurance for both the Town and the Water Utility, which had been submitted for review, was discussed. Verbal Resolution was made by Councilman Johnes and seconded by President Richardson to accept the written proposal presented by ISU Insurance. Motion passed 5-0

The annual budget meeting was scheduled for August 30 and the budget will be voted on September 13, 2010. Councilman Johnes requested that the proposed budget be forwarded electronically to him before the meetings.

Minutes 08.09.10 Page 2

Committee Reports Property Cleanups:

The court date for the Perkins property was August 3. The date has been postponed until October 19, 2010 at 1:30 PM. Councilman Johnes withdrew variance Ordinance 2010-T-028 and will be issuing a letter to the property owner's attorney. The letter will note that the variance ordinance has been withdrawn. The Town also requires a design release from the State of Indiana. Separate offenses for all violations of ordinances will be in effect. The Town will be pursuing a court order to clean up the property.

An executive session was scheduled for August 16 at 7:00 to discuss annual review of employee Chrystal Burkhart followed by a special meeting at 7:30. The Municipal Zoning Ordinance was tabled until a later date.

Ordinance 2010-T-027: ORDINANCE CONCERNING THE REGULATING OF MOBILE RETAIL FOOD ESTABLISHMENTS WITHIN THE TOWN OF GREENVILLE, INDIANA: Second reading of the ordinance was completed and motion was made by President Richardson and seconded by Councilman Johnes. Motion passed 3-1-1. Voting for the ordinance were President Richardson, Councilman Johnes and Councilwoman Hayes. Voting against was Councilman Wright. Abstaining was Councilman Pearce.

Ordinance 2010-R-034 RESOLUTION CONCERNING THE SERVICES TO BE PROVIDED TO PROPOSED PROPERTIES TO BE ANNEXED BY THE TOWN OF GREENVILLE, INDIANA Motion was made by Councilman Johnes and seconded by President Richardson. Motion passed 5-0.

Ordinance 2010-T-035 AN ORDINANCE ANNEXING TERRITORY INTO THE TOWN OF GREENVILLE, INDIANA, ON VOLUNTARY PETITION BY TERRY AND LAURIE STRIHA THE OWNERS OF LANDS WITHIN SUCH TERRITORY PURSUANT TO THE PROVISIONS OF IC 36-4-3-5: First reading was completed. Motion was made for unanimous consent by President Richardson and seconded by Councilman Johnes. Motion passed 5-0. Second reading was completed. Councilman Johnes made a motion to accept the ordinance and seconded by President Richardson. Motion passed 5-0. Third reading was completed. A motion was made by Councilman Johnes and seconded by Councilwoman Hayes accept the ordinance. Motion passed 5-0.

Ordinance 2010-T-040 ORDINANCE CONCERNING THE VACATING OF TWO UNIMPROVED PUBLIC WAYS WITHIN THE TOWN OF GREENVILLE, INDIANA CORPORATE LIMITS First reading was completed motion for unanimous consent by President Richardson and seconded by Councilman Johnes. Motion passed 5-0. Seconded reading was completed. Motion was made by Councilman Johnes and seconded by Councilwoman Hayes. Motion passed 5-0. Third reading was completed. Motion made by Councilman Johnes made a motion, seconded by Councilwoman Hayes. Motion passed 5-0.

Minutes 08.09.10 Page 3

ORDINANCE 2010-R-043 CONFIRMING RESOLUTION CONCERNING THE REPAIR OF PAVED ROADWAYS WITH-IN THE TOWN OF GREENVILLE, INDIANA; Motion was made by President Richardson and seconded by Councilman Johnes. Motion passed 5-0.

Ordinance 2010-M-044 ORDINANCE TO ESTABLISH GREENVILLE MARSHAL'S TOWING IN FEE WITHIN THE TOWN OF GREENVILLE, INDIANA First reading of the ordinance was completed and motion was made for unanimous consent by Councilwoman Hayes and seconded by Councilman Wright to accept the ordinance as amended. Motion passed 5-0. Second reading was completed. Councilman Wright made a motion to accept the ordinance and seconded by Councilman Johnes. Motion passed 5-0. Third reading was completed. Motion was made by Councilman Wright and seconded by Councilman Johnes to accept the ordinance as amended. Motion passed 5-0.

No further business coming before the Council the meeting was adjourned.

Next Monthly Meeting to be held at 7:00 P.M. on August 9th, 2010.

PRESIDING OFFICER
TOWN OF GREENVILLE, INDIANA

TALBOTTE RICHARSON

ATTESTED:

JACK TRAVILLIAN CLERK / TREASURER

Ge	General Fund Budgeted		Spent		Remaining		
101001111	Council Salary	\$	9,600.00	\$	4,725.00	\$	4,875.00
101001112	Clerk Salary	\$	3,000.00	\$	1,750.00	\$	1,250.00
101001113	Marshal's Payroll	\$	14,000.00	\$	8,966.95	\$	5,033.05
101001115	Deputy's Payroll	\$	600.00	\$	600.00	\$	-
101001116	Marshal Reserve Pay	\$	6,500.00	\$	_	\$	6,500.00
101001117	Detective Payroll	\$	11,000.00	\$	5,000.00	\$	6,000.00
101001131	Employee Benefits	\$	8,250.00	\$	3,641.05	\$	4,608.95
101002231	Computer Software	\$	1,500.00			\$	1,500.00
101001210	Office Supplies	\$	1,050.00	\$	661.46	\$	388.54
101001290	Marshal's Fuel	\$	3,000.00	\$	1,885.12	\$	1,114.88
101001397	Election Expenses						
101001315	Legal	\$	8,000.00	\$	2,609.50	\$	5,390.50
101001323	Travel	\$	300.00	\$	280.80	\$	19.20
101001332	Legal Notices	\$	700.00	\$	161.36	\$	538.64
101001140	Insurance					\$	•
101001361	Equipment &	\$	1,500.00	\$	939.42	\$	560.58
101001394	Offical Bonds		•				
101001591	Town Promotion	\$	1,000.00	\$	331.00	\$	669.00
101001396	Trash Collection	\$	1,000.00	\$	300.00	\$	700.00
101001398	Organizational Dues	\$	800.00	\$	736.00	\$	64.00
101001511	Audit Expense						
101001343	Fire Protection	\$	9,000.00	\$	4,200.00	\$	4,800.00
	Total	\$	80,800.00	\$	32,062.66	\$	44,012.34
	Balance in Account					\$	2,402.83
Local Roads and Streets				i,			
202001312	Legal & Engineering					\$	-
202001332	Legal Advertising	\$	50.00			\$	50.00
202001361	Maintenance ROW	\$	2,250.00			\$	2,250.00
202001362	Streets & Alleys by Contract	\$	25,500.00	\$	3,995.00	\$	21,505.00
202001363	Road Repairs	\$	863.82			\$	863.82
	Total	\$	28,663.82			\$	24,668.82
	Balance in Accoun	nt				\$	15,342.54

	 			7		
	Motor Vehicle High			<u> </u>		
	2 Streets Signs	\$	250.00			\$ 250.00
	1 Materials	\$	677.06			\$ 677.06
	2 Legals Published					
	2 Engineering	\$	500.00	ļ		\$ 500.00
	Insurance Streets	\$	2,000.00			\$ 2,000.00
	4 Telephone	\$	2,300.00	\$	934.56	\$ 1,365.44
	Equipment Repairs	\$	2,000.00	\$	166.65	\$ 1,833.35
20100135	Street Lights	\$	6,000.00	\$	2,487.18	\$ 3,512.82
20100136	Snow Removal &	\$	14,000.00	\$	14,161.75	\$ (161.75
20100131	Streets & Alleys by	\$	9,500.00			\$ 9,500.00
20100136	Other Maintenance	\$	75.00			\$ 75.00
	Total	\$	37,302.06	\$	17,750.14	\$ 19,551.92
Balance in Account						\$ 31,889.93
Cum	ulative Capital Imp	rov	ement			
	Inter Fund Operation		6,000.00	\$	3,260.00	\$ 2,740.00
Balance in Account						\$ 3,032.82
	<u>EDIT</u>					
444001520	Other Capital	\$	10,000.00			\$ 10,000.00
Balance in Account						\$ 14,997.15
Law Enforcement						
445001362	Donations	\$	250.00	\$	40.82	\$ 209.18
233001399	Training	\$	1,000.00		\$665.68	\$ 334.32
	Gun Permits	\$	50.00			\$ 50.00
	Balance in Accoun					\$ 593.50
	Riverboat				· · · · · · · · · · · · · · · · · · ·	
	Inton Eural Trongfor	\$	6,100.00	\$	187.50	\$ 5,912.50
242001520	Balance in Account			Ψ	107.50	
242001520		t				\$ 8,423.66
242001520	Balance in Accoun			F F F.,		\$ 8,423.66
242001520 245001520			+ <u>-</u>	\$	300.00	\$ 8,423.66



LAW OFFICES

Young, Lind, Endres & Kraft

NEW ALBANY, INDIANA 47150 AREA CODE BIZ TELEPHONE \$46-2555

TELECOMER 948-6989
WWW.ylak.com

LEWIS A. SADAGE

(IDAS-BOOL)

G. THOMAS YOUNG

August 5, 2010

County Attorney Rick Fox 409 Bank Street New Albany, IN 47150

Re:

Town of Greenville v. Don Perkins

Dear Mr. Fox:

I have had an opportunity to review the ordinance violations and the issues of the construction of the building on Mr. Perkins' neighboring lot with Mr. Perkins. As a result of that conversation, Mr. Perkins has asked that I look into what permits, if any, are necessary from the State in order to attempt to assure the town of Greenville of his compliance. As such, I see no reason to have Mr. Perkins' variance issue on the agenda for Monday night. I do not believe I'll have an opportunity to get full resolution of that matter with the State prior to that meeting. Therefore, I and my client request that item again be tabled for a period of at least thirty (30) days or until the next regular meeting thereafter. This will give us an opportunity to address the potential variance before any items are due in the ordinance violation case.

This letter shall also serve to memorialize our conversation in Court with the President of the town Board. Therein, the town agreed that if Mr. Perkins acquired the necessary permit from the State they would believe themselves to be relieved of any liability and would agree to pass a variance allowing him to build the building as requested. It is my understanding that the building of the building would also serve to alleviate all of the complaints against Mr. Perkins, as he would be moving cars, etc. into the building, rather than maintaining them outside on the lot. Should any of the above be incorrect, please contact me immediately to discuss. Also, please confirm that Mr. Perkins' item is being removed from the agenda for Monday. Feel free to contact me via email regarding that issue. Thank you for your attention to this matter.

Respectfully

ENDRES & KRAFT

Mason A. Lopp

JAL/jlb

Town of Greenville P.O. Box 188 Greenville, In. 47124

Date: August 13, 2010

Attorney Jason A. Lopp Law Offices: Young, Lind, Endres & Kraft 126 West Spring Street New Albany, Indiana 47150

Subject: Perkins Variance and Ordinance Violations.

Mr. Lopp,

A copy of the letter dated August 5th, 2010 written to the Greenville Town Attorney Mr. Fox was presented to the Greenville Town Council in the Monthly Meeting on Monday August 9th, 2010.

To begin with, I need to make the correction that Councilman Johnes is not the President of the Greenville Town Council. Councilman Johnes is the Vice President; Talbotte Richardson is the President of the Greenville Town Council at the present time.

After reading your correspondence to Attorney Mr. Fox to the Town of Greenville Council, the following decisions as stated below were agreed to by all the Council Members.

Subject One:

- 1. Council Member Johnes has withdrawn Ordinance 2010-T-028.
- 2. Council Member Johnes stated that Mr. Perkins has been instructed on three different occasions as to what was needed to obtain a Design Release from the state of Indiana.
- 3. Mr. Perkins will need to contact the Indiana Department of Homeland Security in Indianapolis to inquire of what type plans, specifications and what the fees will cost him to obtain the <u>Design Release</u> to be presented to the Town of Greenville Council {Original, no copies} BEFORE constructions on <u>his</u> 40' x 65' building can resume.
- 4. The Majority of The Greenville Town Council has agreed that after Mr. Perkins submits his Design Release that Ordinance 2010-T-028 will be revised to remove any reference of restricting Mr. Perkins from using the 40'x 65' building, as well as any fines or penalties for commercial purposes. Furthermore, Majority of The Greenville Town Council has agreed to give him his variance.

Subject Two:

1. The issue of the violations of the Ordinances 2007-T-71, 2008-T-086, 2009-T-006 and 2009-T-027 that Mr. Perkins has been cited for by the Greenville Marshal Department per instructions by the Greenville Town Council is a <u>COMPLETELY SEPARATE ISSUE</u>. This has been made very clear to Mr. Perkins by The Greenville Town Council on more than one occasion.

Town of Greenville P.O. Box 188 Greenville, In. 47124

- 2. The statement has been made {true or not} Mr. Perkins says he can not clean up his property because The Greenville Town Council issued a stop work order for his building. He has made the statement he wants to build the building to enclose the items in violation on his property to become compliant with The Town of Greenville Ordinance.
- 3. Mr. Perkins has stated in the Monthly Meeting that he has a 40' Motor Home he wants to store in this building; he wants to have a tire changer and repair vehicles in the building.
- 4. Mr. Lopp, you were provided with a set of digital pictures taken on August 2nd 2010. I assume you will be able to understand that because of the amount of junk and junk vehicles along with Mr. Perkins other statements to The Greenville Town Council that to do what he has stated is physically impossible.
- 5. Mr. Lopp, The Greenville Town Council has viewed your letter to Attorney Fox as another delay by Mr. Perkins to delay the clean up in the hopes the Town Council will drop this issue. I have witness this myself going back to 2007 and that is supported by the history of my correspondents I gave to you.
- 6. Mr. Lopp, please encourage your client to clean up his property <u>NOW</u>. The Council position is not to punish Mr. Perkins with the fines, but we do not have any choice. We must and shall enforce all Ordinances passed by The Greenville Town Councils upon <u>all residences</u> within the Corporate Limits of The Town of Greenville.
- 7. Mr. Lopp, if Mr. Perkins, in good faith, would show a <u>MAJOR</u> effort <u>NOW</u> and clean up his property to the satisfaction of The Greenville Town Council, we would be willing to wave all fines except <u>ATTORNEY FEES</u> accumulated to this date. If not, we will have no choice but request that the court award the maximum The Town of Greenville can be awarded as stated in our Ordinances.

Respectfully,

Randal Johnes Vice President

Greenville Town Council

Greenville, Indiana

Richard Fox Attorney Greenville Town Council

Greenville, Indiana

2

johnesdrafting

From:

"Don Lopp" <dlopp@floydcounty.in.gov>

To:

"johnesdrafting" <johnesdrafting@insightbb.com>
Wednesday, July 14, 2010 3:40 PM
06 11 10 - Memo for Town revised.doc

Sent: Attach:

Randy -

I am attaching the staff memo regarding the ordinance. I had been waiting on any final comments from Plan Commission Director and Building Commissioner. I would suggest that a meeting with Rick Fox to discuss these points in further detail. Please let me know your thoughts and possible times.

Sincerely

Don Lopp

Don Lopp Director of Operations and County Planning Floyd County, IN (812)948.4110

FLOYD COUNTY, INDIANA Director of Operations and County Planning

311 West First Street City-County Municipal Building Suite 214-A
New Albany, Indiana 47150
Phone (812) 948.4110 Fax (812) 948.4744

To: Town Council of Greenville, Rick Fox, Linda Barksdale, Floyd County Plan Commission Executive

Director, and Joe Diehl, Floyd County Building Commissioner

From: Don Lopp Date: June 8, 2010

RE: Town of Greenville - Municipal Zoning Ordinance

A staff review has been conducted regarding the proposed Town of Greenville Zoning Ordinance which would be administered by the Floyd County Advisory Plan Commission. In this following memo, I have divided the comments into two sections. The first set of comments (1-11) are major topics of discussion regarding the ordinance. The second section deals with minor topics which deal with general formatting and flow of the document.

1. General Comments on other ordinances that were attached to Zoning Ordinance

Several legal issues are raised with the attachment of these additional ordinances as part of the zoning ordinance for the Town. There are several legal issues that will need to be discussed before the ordinance moves forward to the Floyd County Plan Commission.

Greenville 2009-T-065 — This ordinance establishes setbacks for building. This appears to be in conflict with the proposed zoning ordinance. A discussion will need to take place regarding its relationship to the proposed zoning ordinance standards.

Greenville 2009-T-039 – This ordinance established development standards for the Town. This ordinance is in conflict with the proposed zoning ordinance. A discussion will need to take place regarding its relationship to the proposed zoning ordinance standards.

Greenville 2009-T-027,028, and 029 – These ordinances are not applicable to a community zoning ordinance and state statute requirements for zoning ordinances.

Greenville 2009-T-086 - This ordinance established development standards for the Town. This ordinance is in conflict with the proposed zoning ordinance. A discussion will need to take place regarding its relationship to the proposed zoning ordinance standards.

Greenville 2009-T-71 - This ordinance established development standards for the Town. This ordinance is in conflict with the proposed zoning ordinance. A discussion will need to take place regarding its relationship to the proposed zoning ordinance standards.

2. Section 1.07 (A, B and D) - Jurisdiction

Section 1.07 (A) -A communities zoning ordinance should be the only document that deals with land uses and development standards for a community. The language suggests that there would or could be other documents that surspecede these ordinance. The proposed zoning ordinance is a Town of Greenville ordinance which does allow for the Town to amend the document.

FLOYD COUNTY, INDIANA Director of Operations and County Planning

311 West First Street City-County Municipal Building Suite 214-A New Albany, Indiana 47150 Phone (812) 948.4110 Fax (812) 948.4744

Section 1.07 (B) - This section can be placed in a different section of the ordinance dealing with building permits. It is redundant to have it twice in the document.

Section 1.07 (D) - Section 3 of the ordinance deals with legal non-conforming uses. This is also redundant to have it in the ordinance.

3. Section 3.06 (Special Exception Issue)

The County ordinance has a mechanicism called a special exception. This is also called a use variance. A use variance is a process that only includes the Board of Zoning Appeals. The Town would not be involved in this process as would be the case regarding re-zoning. I believe there needs to be discuss regarding this process and whether the Town is interested in having this process available to the public.

4. Section 4.08 (Residential Suburban Development Standards)

The Minimum lot size needs to read 12,000 square feet for dwelling units on sanitary sewer for continunity with County Ordinance.

5. Section 4.15 (Permitted Uses in Mixed Use Zone District)

There is a need for discussion regarding what or any permitted by right uses in this district will be allowed by ordinance.

6. Section 5.37 - Temporary Uses

Staff suggests removal of this section and creation of a Town stand alone ordinance regarding the issuance of temporary use standards.

7. Section 6.0 - Flood Hazard Area Standards

Recommended that Town and staff meet with Indiana Department of Natural Resources regarding the development of flood standards if the Town does not have a current ordinance regarding Flood Hazards, it is possible that separate Town ordinances may need to be in place prior to the inclusion of this section in the Zoning Ordinance.

8. Removal of Section labeled misc. uses

By not defining standards for these uses and eliminating these uses from the land use matrix, theses uses would require a zoning amendment to allow for the development of these particular uses since the use would not be listed in the land use matrix.

8. Section 10.06 - Sexually Oriented Business Licensing

The County has a separate stand alone licensing ordinance for businesses. The Town would need to adopt such an ordinance or eliminate this section.

FLOYD COUNTY, INDIANA Director of Operations and County Planning

311 West First Street City-County Municipal Building Suite 214-A
New Albany, Indiana 47150
Phone (812) 948.4110 Fax (812) 948.4744

9. Section dealing with violations -

Enforcement of the ordinance, it would be advisable that the Town Marshall Office be named as the enforcement office for the zoning ordinance.

10. Residential Building Code

Recommend a meeting with the County Building Commissioner regarding the placement of residential building codes if the County Building Commissioner will be conducting inspections.

11. Town adoption of County's Rules of Procedure for Petitions

These rules dictate the rules that applicants must follow in order to have a petition in front of the County Plan Commission and/or Board of Zoning Appeals. Theses rules also define the due process requirements for residents in the Town. The placement of a zoning ordinance without some type of due process and public vetting is unadvisable.

12. Minor Changes

The following are minor changes made to the ordinance; replacement of County Commissioners throughout document with Town Council, numbering of sections, spelling errors, grammar errors, removal of zoning districts that would not apply to Town zoning ordinance such as multi-family and agricultural-residential districts, and the needed discussion regarding buffering yards development standards.

13. Zoning Map

Staff would like to confirm that Comprehensive Land Use Plan Map will be used as Zoning Map.