

TOWN OF GREENVILLE
ORDINANCE NO. 2009-R-075

**CONFIRMING RESOLUTION CONCERNING THE BUILDING
VARIANCE GRANTED TO MATT WOODS OF 9325 ARTHUR COFFMAN
ROAD LOCATED WITHIN THE CORPORATE LIMITS OF THE TOWN
OF GREENVILLE, INDIANA**

WHEREAS, the Town Council for the Town of Greenville, Indiana, is desirous to reaffirm a variance for construction of real property granted by a vote of 5-0 in the Town of Greenville Monthly Minutes dated December 12th, 2005 by the Greenville Town Council;

WHEREAS, property known as 9325 Arthur Coffman Road was annexed into the town of Greenville by Ordinance 2005-T-053 dated December 12th, 2005 by a vote of The Town of Greenville Council 5-0

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GREENVILLE, INDIANA, AS FOLLOWS:

1. This confirms a Verbal Resolution made by Councilman Johnes and seconded by President Richardson to reaffirm the variance granted to Matt Woods in the December 12th, 2005 Monthly Minutes that waved the road frontage requirements and allowed Matt Woods to construct a temporary living structure until such time he was to build his primary residence. No time limit for construction of the primary residence was mandated. No square footage restrictions shall apply to the primary residence that would require it to be the same size or smaller than the temporary living structure.
2. All Building Codes, Ordinances, Resolutions and the Inter-local Agreement between Floyd County Planning Commission passed or adopted by the Town of Greenville shall apply to the primary residence at time of construction except for those items stated in item 1 of this Resolution that was agreed to in the December 12th, 2005 Monthly Meeting of the Town of Greenville, Indiana.
3. See Monthly Minutes of December 12th, 2009 and Ordinance No. 2005-T-053 attached.
4. After signing of this Resolution a signed copy is to be sent by certified mail with return receipt to Matt Woods, 9325 Arthur Coffman Road, Greenville, Indiana 47124 by the Town of Greenville Clerk Jack Travillian.

Resolution passes 5-0

TOWN OF GREENVILLE
ORDINANCE NO. 2009-R-075

ADOPTED BY THE TOWN COUNCIL OF GREENVILLE, INDIANA, ON THE
12th DAY OF October, 2009.

PRESIDENT OF THE TOWN
COUNCIL OF GREENVILLE,
INDIANA


TALBOTTE RICHARDSON,


JACK TRAVILLIAN,
CLERK/TREASURER

PREPARED BY:
RANDAL JOHNES

Minutes of Greenville Town Council Meeting
December 12, 2005

President Dave Matthews called the regular monthly meeting to order. Councilpersons present were Hanzel Barclay, Janet Wright, David Moore, Talbotte Richardson and President Dave Matthews, along with Clerk Jack Travillian. Also attending the meeting was Town Attorney Rick Fox, Greenville Water Utility Superintendent Gary Getrost and other concerned citizens. Minutes were read and approved. T. Richardson made the motion and H. Barclay seconded. (Motion passed 5-0)

Ordinances:

Ordinance 2005-W-49: An Ordinance providing for an Increase in Water Utility Disconnect/Reconnect Fees was read and public comments were requested. Hearing none H. Barclay made the motion and D. Moore seconded. (Motion passed 5-0) The ordinance increases the disconnect/reconnect fee to \$50 from the present \$25. The effective date is January 1, 2006.

Resolution 2005-T-53 stating the services that will be provided for the proposed annexation property was read. Motion was made by T. Richardson and seconded by J. Wright. (Motion passed 5-0)

Ordinance 2005-T-53: Annexation for Daisy Lane Developers: Daisy Lane Developers has requested that the Town of Greenville annex all properties involved with a purchase of land and subdivision of that property located between Arthur Coffman Road and Clark Street. The ordinance was read for the final approval and public comment was asked for. Hearing no public comment motion was made by D. Moore and seconded by T. Richardson. Motion passed 5-0.

Attorney Greg Fifer requested the council grant a variance for lot 5 of annexed property allowing lack of 100-foot road frontage. Motion was made by T. Richardson and seconded by D. Moore. Variance granted by a 5-0 vote.

Water Business:

Water Contract: The contract with Indiana American Water Company is under review from Ramsey Water. Attorney Marcus Burghor IV has request different language regarding loss of clients for Ramsey Water.

Adjustments: The council reviewed the adjustments for November/December.

Review/Approval Checks and Expenditures: Clerk Travillian presented the forms for checks written from the utility and the town.

Pre-Trial: Heritage Springs has asked for an injunction to force Greenville Water Utility to provide water service for the development. Attorney Fox stated that the judge noted IDEM would need maps showing elevation and placement. Therefore attorney Fox pointed out that the development had not exhausted all administrative duties:

Revised

President Matthews recognized Jessica, James, and Lee who are students from North Harrison High School taking a government class. Attendance of a local council meeting is a requirement for the class.

Old Business:

Greenville Comprehensive Plan: The council revisited last month's decision to send the comprehensive plan to the Floyd County Commissioners. The plan was to be submitted in accordance with Indiana Code 36-7-4-(509-511). Larry Grindatti from the planning commission gave a presentation about the pros of having a fringe area. The area would have no new taxes and would simply come before town officials when requesting a permit, as it is now they must go to the county for the permit. Grindatti stated that 99.7 percent of the State of Indiana has zoning and we really need it for the protection of our community from becoming a target for unscrupulous builders.

Bill Burkhart also from the planning commission gave a presentation about the cons of a fringe area. First off it will increase the taxes for the town residents because building permits will need inspectors and someone to administer the permit process. The next problem would be that the town would be dictating to residents what they can do with their personal property. Burkhart feels this is taxation without representation since the fringe resident have no voice into who is on the zoning board. Burkhart feels that the town was based on the principle of taking care of your neighbor and he feels this is not the way he would want to be treated. Burkhart gave examples of the City of Seymour, which has a budget of \$192,000 and only brings in \$48,000 from the permits granted. There is a shortfall of \$144,000 that is passed on to taxpayers in the City.

Town Attorney Fox corrected Burkhart on a couple of minor points stating that the Floyd County Commissioners are the persons responsible for the two additional seat on the planning commission, pursuant IC 36-6-214 so the fringe residents do have a voice on the board. Also Fox pointed out that the Commissioners on the next step in the process must approve this proposal. Fox wants the comprehensive plan to be as clean of a transaction as possible so he suggested that the board revisit last month's vote to send the plan to the commissioners.

President Matthews reminded everyone present that what is in the best interest of the town should be motive for all proceedings.

Motion was made by T. Richardson and seconded by D. Moore to rescind November vote on approval for the comprehensive plan. Motion carried 3-2.

Motion was made by H. Barclay and seconded by D. Matthews to accept the comprehensive plan as purposed by the planning commission. Motion failed 2-3.

Attorney Fox has negotiated with D. Voyles from the Greenville Township Fireboard for a formula for annual firefighting contract, setting the rate at the same as the township

rate, the only change is deletion of last line with minimum amount the same as present rate. Motion was made by D. Moore and seconded by J. Wright. (Motion passed 5-0).

Property Ordinance Violations: Councilman T. Richardson presented the council with an update about property violation stating that every property should be cleaned up and that neighbors will be helping each other with this process.

Greenville Town Marshal position: Councilman Barclay has been reviewing the applications and will be giving a recommendation to the council soon.

Drainage: Councilman Moore has been accepting bids for a swell correcting the drainage problem on East 2nd Street south of Highway 150. Moore will be asking for additional bids (at least three needed).

New Business:

Chaplain for Town Council: Pastor Mark Avery made a request to be recognized as the Town Council Chaplain with a proposal to open meetings with a prayer. Motion was made by T. Richardson and seconded by H. Barclay. Motion passed 5-0.

Committee Reports:

Planning and Zoning committee report: The next meeting will be on December 19, 2005 at 7:00 PM at town hall on Clark Street.

Streets and Roads: Snow Removal contract has been activated and begun the first snow of the year last week. The steep grade at Parkland Heights and Highway 150 was done properly and completely.

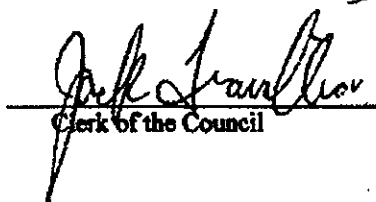
Election of Officers for 2006:

Nomination of Talbott Richardson for President of the Council was made by D. Moore and seconded by T. Richardson. A second nomination of David Matthews was made by H. Barclay and seconded by D. Matthews. Ballots were passed out and a vote was cast. T. Richardson was elected the new council president for 2006.

No further business coming before the council, the meeting was adjourned.


Presiding Officer

ATTEST:


Clerk of the Council

**ORDINANCE NO. 2005-T-053
ORDINANCE OF ANNEXATION**

**SECTION I. BE IT ORDAINED BY THE TOWN COUNCIL OF
GREENVILLE, INDIANA:**

THAT: WHEREAS, The Town Council of the Town of Greenville is empowered pursuant to the provisions of I.C. 36-4-3 to annex property; and
WHEREAS, the owner of the certain real estate, Daisy Lane Developers Inc. has requested that said real estate be annexed into the Town of Greenville, Indiana; and
WHEREAS, said real estate is described as follows:

BEING A PART OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 2 SOUTH, RANGE 5 EAST, GREENVILLE TOWNSHIP, FLOYD COUNTY, INDIANA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SECTION 32, TOWNSHIP 1 SOUTH, RANGE 5 EAST, THENCE ALONG THE TOWNSHIP LINE COMMON TO SAID SECTION 5 AND 32, NORTH 89°56'41" EAST, 363.47 FEET TO THE NORTHEAST CORNER OF THE TRACT CONVEYED TO LARRY THACKER BY INSTRUMENT 200203416, ALSO BEING THE NORTHWEST CORNER OF A PARCEL DEDICATED FOR RIGHT-OF-WAY AS DESCRIBED BY INSTRUMENT 200511158, THENCE ALONG THE EAST LINE OF SAID THACKER TRACT, SOUTH 02°00'01" WEST, 300.7 FEET TO THE SOUTHWEST CORNER OF SAID DEDICATED RIGHT-OF-WAY, THENCE ALONG THE SOUTH LINE OF SAID RIGHT-OF-WAY, NORTH 89°56'41" EAST, 425.45 FEET TO A POINT ON THE GREENVILLE TOWN BOUNDARY AND BEING ON THE NORTH LINE OF LOT 1, AS DESCRIBED IN INSTRUMENT 200511159, AND BEING THE TRUE PLACE OF BEGINNING.

THENCE CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY LINE, NORTH 89°56'41" EAST, 99.31 FEET TO THE NORTHEAST CORNER OF SAID LOT 1, THENCE SOUTH 00°02'16" EAST ALONG THE EASTERY LINE OF SAID LOT 1 AND LOT 5, AS DESCRIBED IN INSTRUMENT 200511163, 1054.81 FEET TO THE SOUTHEAST CORNER OF SAID LOT 5, THENCE NORTH 55°30'08" WEST ALONG THE SOUTHERLY LINE OF SAID LOT 5, A DISTANCE OF 301.89 FEET TO THE SOUTHEASTERY LINE OF PLAT 134, SAID POINT ALSO BEING ON THE GREENVILLE TOWN BOUNDARY, THENCE NORTH 28°09'33" EAST ALONG SAID SOUTHEASTERY LINE OF PLAT 134, AND SAID TOWN BOUNDARY, 30.76 FEET TO THE NORTHEASTERY CORNER OF SAID PLAT 134 AND A CORNER OF SAID TOWN BOUNDARY, THENCE NORTH 08°56'20" EAST ALONG THE SAID TOWN BOUNDARY, 862.67 FEET TO A POINT OF BEGINNING, CONTAINING 3.92 ACRES.

WHEREAS, said parcel of real estate is contiguous to the Town of Greenville, as at least one-eighth of the aggregate external boundaries of the property to be annexed coincide with the current corporate limits of the Town of Greenville.

NOW THEREFORE BE IT ORDAINED that the following described real estate be the same hereby is, annexed to and made a part of the Town of Greenville, Indiana, to wit:

BEING A PART OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 2 SOUTH, RANGE 5 EAST, GREENVILLE TOWNSHIP, FLOYD COUNTY, INDIANA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

... OF THE SOUTH QUARTER CORNER OF SECTION 32, TOWNSHIP 1
... EAST, THENCE ALONG THE TOWNSHIP LINE COMMON TO SAID
... NORTH 89°56'44" EAST, 562.47 FEET TO THE NORTHEAST
... OF THE TRACT CONVEYED TO LARRY THACKER BY INSTRUMENT
... ALSO BEING THE NORTHWEST CORNER OF A PARCEL DEDICATED FOR
... RIGHT-OF-WAY AS DESCRIBED IN INSTRUMENT 200511158, THENCE ALONG THE
... EAST LINE OF SAID THACKER TRACT, SOUTH 02°00'04" WEST, 30.02 FEET TO THE
... SOUTHWEST CORNER OF SAID DEDICATED RIGHT-OF-WAY, THENCE ALONG THE
... SOUTH LINE OF SAID RIGHT-OF-WAY, NORTH 89°56'44" EAST, 425.45 FEET TO A
... POINT ON THE GREENVILLE TOWN BOUNDARY AND BEING ON THE NORTH LINE
... OF LOT 1, AS DESCRIBED IN INSTRUMENT 200511159, AND BEING THE TRUE PLACE
... OF BEGINNING;

THENCE CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY LINE, NORTH 89°56'44"
EAST, 99.31 FEET TO THE NORTHEAST CORNER OF SAID LOT 1, THENCE SOUTH
00°02'16" EAST ALONG THE EASTERY LINE OF SAID LOT 1 AND LOT 5, AS
DESCRIBED IN INSTRUMENT 200511163, 1054.81 FEET TO THE SOUTHEAST CORNER
OF SAID LOT 5, THENCE NORTH 55°30'08" WEST ALONG THE SOUTHERLY LINE OF
SAID LOT 5, A DISTANCE OF 301.89 FEET TO THE SOUTHEASTERY LINE OF PLAT
134, SAID POINT ALSO BEING ON THE GREENVILLE TOWN BOUNDARY, THENCE
NORTH 28°09'33" EAST ALONG SAID SOUTHEASTERY LINE OF PLAT 134, AND SAID
TOWN BOUNDARY, 30.76 FEET TO THE NORTHEASTERY CORNER OF SAID PLAT
134 AND A CORNER OF SAID TOWN BOUNDARY; THENCE NORTH 08°56'20" EAST
ALONG THE SAID TOWN BOUNDARY, 862.62 FEET TO A POINT OF BEGINNING,
CONTAINING 3.92 ACRES

NOW BE IT FURTHER ORDAINED that this Ordinance shall be in full force
sixty (60) days after its' final publication.

This annexed territory is assigned to the Third (3rd) Legislative District (Ward) of
the Town of Greenville.

NOW BE IT FURTHER ORDAINED that all Ordinances of the Town of
Greenville, Indiana that are in conflict with this Ordinance are hereby repealed to the
extent of such conflict and any ordinances not in conflict with this Ordinance shall
remain in full force and effect.

Adopted by the Town of Greenville, Indiana on this twelve (12th) day of
December 2005.

Greenville Town Council

David Matthews
David Matthews, Council President

Hazel Barclay
Hazel Barclay, Member

Janet Wright
Janet Wright, Member

David Moore
David Moore, Member

Talbotte Richardson
Talbotte Richardson, Member

ATTEST:

Jack Travillian
Jack Travillian, Clerk of the Council

This Ordinance prepared by Jack Travillian, Clerk-Treasurer,
Subscribed and sworn to before me this twelve (12th) day of December 2005

