

**COMMON COUNCIL
TUESDAY, JULY 10, 2012
7:00 P.M.**

Mayor Ryan Daniel – Present
Clerk Treasurer Rosie Coyle – Present
Attorney Marcia McNagny – Present

Council Members

Nicole Penrod – Absent
Ben Romine – Present
William (Bill) Simpson – Present
Daniel Weigold – Present
Jacie Worrick – Present

The Columbia City Common Council met in regular session with all members except Penrod present, Mayor Daniel presiding.

MINUTES Mayor Daniel pointed out one grammatical error under the street department report.

Motion was made by Ben Romine to approve an overview of the June 26, 2012 meeting minutes as amended, Dan Weigold second the motion, all voted aye.

PERMITS FOR FENCING – DAVE SEWELL Dave Sewell with the Planning and Building Department was present to discuss permits for fencing; their office policy is that they do not issue permits for fencing and never have except for the Town of South Whitley. He explained they had an issue come up in their office where a homeowner had built a fence and the developer of a subdivision came in and questioned why they did not issue permits for fencing because this particular fence did not comply with the restrictive covenants of the subdivision. He explained their ordinance did not deal with that and they do not enforce restrictive covenants but the developers thoughts were that if we did issue permits then they could have checked it up front.

Mr. Sewell reported they do have some rules in the zoning ordinance regarding fences but since they do not issue permits they really do not have a way to verify that the requirements have been met. He reported to Council that they would start charging a \$25 improvement location permit for fences within the City but if there was an issue with them implementing the procedure he was willing to discuss it.

Dan Weigold advised with the number of concerns he has addressed in his office he felt it was a good time to seriously look at this.

Ben Romine confirmed what was being proposed would not change anything that was already on the books. Mr. Sewell advised not at all. Ben was not sure how the property owner would be any more protected. Mr. Sewell explained they would have to come in to the office and actually apply for a permit; show where the fence was going to be located, the materials being used and then his office would go back out and check it to make sure it was placed properly to the way they planned it and according to the ordinance. Dan Weigold explained people were sticking

them anywhere they assume their property lines are, then it results in a fight. Ben Romine questioned if there was a length that required a permit; he knew of several properties that had decorative fences across the front of their property. Mr. Sewell advised they would consider those landscaping and would not require a permit; they were basically talking about screen or enclosure fences, chain link, wood or vinyl. Mayor Daniel questioned if the current property owners who already have fences would be grandfathered in. Mr. Sewell advised they would.

Jacie Worrick questioned that even though there were stipulations there was no teeth in it that they could not enforce it. Mr. Sewell explained without issuing a permit there was no way of checking to verify it. He stated if they are going to enforce it they need to take the steps to make sure they are in compliance before it happens.

Discussion followed on requiring individuals to have a survey. Mr. Sewell advised they, right now, say that the neighbors have to agree and if they cannot agree then they either do not put the fence up or they put it inside the property line; assuming people know where their property line is. He stated he did not want to require a survey for every fence. Bill Simpson commented that he was not sure how this would solve the problem of people putting fences in the wrong place; unless we would require a survey. Dan Weigold stated we would not have to require a survey, a surveyor could go out and locate the pins which would be cheaper than a whole survey, and then they would know exactly where they stand. Bill questioned if we would require that then; if fences were being put on the wrong property then we would have to modify the ordinance so we have some mechanism to determine that the fence was on the right property.

Mayor Daniel felt what was being suggested was through an oversight process it would allow property owners to check if there were covenants, were there ordinances and would also allow the Department to double check where the fence is compared to the property line. Mr. Sewell explained for the most part they assume most people know where their property lines are, he was not aware of that many problems with fences being on the wrong property line. He advised they would treat this the same as they do for any other improvement; ask for a sight plan, if they have a survey, great, but if not they would not require one as long as they can verify there was a real good possibility they know where their property line is and it was in agreement with the neighbors.

Mayor Daniel questioned how the \$25 fee was decided. Mr. Sewell explained that was the minimum fee for an improvement location permit.

Ben Romine questioned if it was a normal process for the Building Department to inform homeowners of the covenants of their homeowners association. Mr. Sewell advised they were just talking about structures. Ben advised he understood and stated this whole issue came up because someone violated the covenants of their homeowners association and now the homeowners association, rather than enforce it themselves, wants County Government to enforce it. Mr. Sewell advised the association would enforce it themselves but if this process was in place maybe it would not happen again.

Jeff Walker questioned what the policy currently states about placement of fences in easements; he advised he could tell horror stories about us having to access our infrastructure in easements

behind homes by driving through side yards because easements were blocked by structures. Mr. Sewell explained every plat says no permanent structure shall be placed upon an easement; he questioned if a fence was considered a permanent structure. He stated right now for fences they do not have any enforcement for that, they do not have any checklist or verification. He suggested it could be a possibility to include that as another check off before placing a fence within a utility easement.

Bill Simpson stated as far as violating the covenants of a homeowners association he felt it was the association's responsibility to make sure the people involved have the information; he was not sure it was Government's responsibility. He was not sure we needed a permit to make sure people were following the rules of the neighborhood. Dan Weigold questioned the homes that were not part of an association and people who put a fence up without asking permission. Ben Romine advised the change being made would not change the resolution process at all.

Jacie Worrick questioned if everyone comes to the Building Department before putting a fence up. Mr. Sewell advised many do but there was no way of knowing whether everybody does.

Bill Simpson advised he was opposed to more regulations and permitting especially when it was spurred by private organizations where it was their issue; it seemed there was failure of communication between the association of people living there. He did not see how that was the City's problem.

Mayor Daniel questioned the thoughts of Council on how they would like to proceed. Dan Weigold felt there were a lot of issues and suggested tabling it. Ben Romine stated it was a Building Department issue anyway and could proceed forward without Council approval. Mr. Sewell advised there was no ordinance that says they cannot issue an improvement location permit for a fence. Jacie Worrick stated it was a building issue with which Council does not deal with everyday. She felt they must have seen a need for this or Mr. Sewell would not be here. Mr. Sewell stated, in general, having a regulation without any direct means of involvement in enforcing the regulation does not seem appropriate; it seemed they really needed a way in order to know that it is being applied and followed, in that regards, a permit is the way to do it. He felt it seemed to make sense but there were other structures they do not issue permits for.

Mayor Daniel requested to table the issue.

Attorney McNagny questioned if they do not come in for a permit what the violation or remedy for that was. Mr. Sewell felt theoretically it could be violation requirements for anyone not complying with the ordinance. Attorney McNagny questioned Mr. Sewell's thoughts that if there were restrictive covenants there would need to be approval from the association prior to issuing a permit anyway. Mr. Sewell advised that is what he would do.

ORDINANCE 2012-14 HANDICAPPED PARKING REGULATIONS AMENDMENT – 2ND READING Motion was made by Dan Weigold to read ordinance 2012-14 by title only, Ben Romine second the motion, all voted aye. Clerk Treasurer read Ordinance 2012-14 an ordinance amending Chapter 71, Parking Regulations, of Title VII of the Code of Ordinances of the City of Columbia City, Indiana.

Motion was made by Ben Romine to approve Ordinance 2012-14 on second reading, Jacie Worrick second the motion, all voted aye.

ORDINANCE 2012-20 AMENDMENT TO THE TREE ORDINANCE – 2ND READING

Motion was made by Ben Romine to read Ordinance 2012-20 by title only, Dan Weigold second the motion, all voted aye. Clerk Treasurer Rosie Coyle read Ordinance 2012-14 an ordinance amending Chapter 99, Tree Plan, of Title IX of the Code of Ordinances of the City of Columbia City, Indiana.

Motion was made by Dan Weigold to approve Ordinance 2012-20 on second reading, Jacie Worrick second the motion, all voted aye.

ORDINANCE 2012-15 AMENDMENT TO FIRE PREVENTION CODE – 2ND READING

Motion was made by Ben Romine to read Ordinance 2012-15 by title only, Dan Weigold second the motion, all voted aye. Clerk Treasurer Rosie Coyle read Ordinance 2012-15 an ordinance amending Chapter 94, Fire Prevention Code, of Title IX of the Code of Ordinances of the City of Columbia City, Indiana.

Motion was made by Ben Romine to approve Ordinance 2012-15 on second reading, Bill Simpson second the motion, all voted aye.

ORDINANCE 2012-23 AMENDMENT TO HOUSING AUTHORITY – 1ST READING

Motion was made by Ben Romine to read Ordinance 2012-23 by title only, Dan Weigold second the motion, all voted aye. Clerk Treasurer Rosie Coyle read Ordinance 2012-23 an ordinance amending Chapter 32, Administrative Departments and Boards, of Title III of the Code of Ordinances of the City of Columbia City, Indiana.

Mayor Daniel explained this was an ordinance to amend our ordinance that was counter to State Statute in regards to our Housing Authority. He stated we currently do not have an active Housing Authority but this would change the ordinance from 5 members to 7 members. He advised we would also be switching Sections 32.121 and 32.122 so that the purpose is listed before the appointments.

Motion was made by Dan Weigold to approve Ordinance 2012-23 as first reading, Bill Simpson second the motion, all voted aye.

ORDINANCE 2012-21 AMENDMENT TO THE NUISANCE ORDINANCE – 1ST READING

Motion was made by Jacie Worrick to read Ordinance 2012-21 by title only, Dan Weigold second the motion, all voted aye. Clerk Treasurer Rosie Coyle read Ordinance 2012-21 an ordinance amending Chapter 95, Nuisances, of Title IX of the Code of Ordinances of the City of Columbia, Indiana.

Attorney McNagny explained there was a change in the State Statute in regards to tall grass and weeds. She stated in looking at our current ordinance she separated out tall grass and weeds into one section. She explained the primary changes had to do with how we provide notice and only

having to provide one notice of abatement for the entire year. She advised she also added an appeals section. She also pointed out the lien portion of the ordinance as well as the violation provision.

Bill Simpson questioned if we had an inventory on the homes in the City limits that were in bankruptcy or sitting empty. Mayor Daniel did not believe we did but would love to have that information. Rosie Coyle advised she could pretty well tell by the billing report. Mayor Daniel questioned if that was something Rosie could work on then put in the drop box. Rosie advised she could.

Motion was made by Ben Romine to approve Ordinance 2012-21 as first reading, Jacie Worrick second the motion, all voted aye.

ORDINANCE 2012-22 AMENDMENT TO TREE TRIMMERS ORDINANCE – 1ST

READING Motion was made by Dan Weigold to read Ordinance 2012-22 by title only, Jacie Worrick second the motion, all voted aye. Clerk Treasurer Rosie Coyle read Ordinance 2012-22 an ordinance amending Chapter 116, Tree Trimmers, of Title XI of the Code of Ordinances of the city of Columbia City, Indiana.

Attorney McNagny explained she tried to bring this into the same language of the Tree Ordinance so that the terms matched up; to coordinate the two ordinances.

Ben Romine questioned if this was just for trees in the City right of way. Rosie Coyle advised it would be for any tree.

Motion was made by Dan Weigold to approve Ordinance 2012-22 as first reading, Bill Simpson second the motion, all voted aye.

WASTEWATER DEPARTMENT Mike Cook gave an update on some miscellaneous projects and repairs they have been doing.

COMMUNITY DEVELOPMENT Jeff Walker reported Alan Tio requested follow up information on some projects. He advised he has talked with IDEM and Burgess & Niple on the long term control plan project. He stated he had a request from the Indiana Finance Authority regarding completing a survey on all the Brownfield sites in Columbia City.

Ben Romine advised he had an inquiry on the status of the 205 project and also saw that we had been paying StructurePoint. Jeff explained the bill considered tonight was for work on the lighting design and the 6(f) mitigation. He explained the processes they had to go through and advised it was very time consuming. He advised we were just short of final approval of Stage 3 of the design phase.

WATER DEPARTMENT Mike Dear reported they fixed a 6” main break on Countryside Drive and repaired 3 service line leaks; they installed a new meter setting in Eagle Glen and turned on a new service at 515 N. Line for a new business. He advised they leveled up trenches

and repaired driveways at the City Ford project; they started laying more 8" main on South Line Street and have another 4" main break to fix on South Oak Street.

It was questioned if the water was still holding up. Mike Dear advised the levels have not gone down. Mayor Daniel explained a letter was received from the DNR and IDEM suggesting voluntary conservation methods among cities and towns. He advised he and Mike had an extensive discussion and decided not to take part in the voluntary conservation program, at least currently but if forced to we will. He stated we have not seen a tremendous drop in the water level and were still at half of our pumping capacity.

STREET DEPARTMENT Kelly Cearbaugh reported on storm damage from Friday, old settlers clean up and limb pickup.

POLICE DEPARTMENT Tim Longenbaugh advised they have been reviewing stats and activity for 2012 and evaluating budgets; they have a command/staff meeting scheduled and were working on some policy changes. He reported they have a new reserve policy in effect; 5 new bullet proof vests ordered and all officers were qualified with their new duty weapons. He advised they continue to take reports of thefts from vehicles, mostly unlocked vehicles.

ELECTRIC DEPARTMENT Mayor Daniel reported Larry Whetstone was at the South Whitley Town Council meeting to discuss a potential partnership.

PARK DEPARTMENT Mark Green reported they have a 5K race at the park on Saturday to benefit the fireworks; the fireworks were rescheduled for September 22; the pool was running well; the in house tournaments finish up this week and JFL registration has started.

FIRE DEPARTMENT Tom LaRue reported they had ladder testing and they all passed but had to replace some hose; the burn ban was still in effect and they were preparing for the 4-H fair.

IS/COMMUNICATIONS DEPARTMENT Terry Wherry reported he met with the new draftsman on his computer needs; installed a new network switch; he has a meeting scheduled with a group regarding the Government Access Channel on July 18 at 10 a.m. at the Peabody Library and he has created a Twitter account for the City.

MAYOR INTERN Mayor Daniel reported Friday would be the last day for Zach to be in the office. Zach Taylor reported he had been working on a welcome packet for new residents and finished up with the department head videos.

MAYOR REPORT Mayor Daniel reported a student from Huntington University would be in next week to work on a special electronic project for the City. He reported the Mayor's and Commissioners Caucus met to announce they would be working together for the advancement of Northeast Indiana. He spoke with the Leatherneck Coffee Club and reported the new draftsman and H.R. employees have started.

OLD SETTLERS Ben Romine reported he has talked with a couple businesses downtown who questioned if it would ever be considered to move Old Settlers out of downtown. Mayor Daniel could not say this was the first time he has heard that and was sure there had been discussions through the years on that. He stated the decision as to the placement of Old Settlers was up to the Old Settlers Committee; however, the Board of Works would have the oversight as to whether or not to allow the closing of streets. He advised he would be more than happy to have an open forum about it.

Having no further business to discuss the meeting was adjourned.

Mayor Ryan Daniel

Attest:

Clerk Treasurer Rosie Coyle