

**COMMON COUNCIL  
TUESDAY, APRIL 24, 2018  
6:00 P.M.**

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

**Council Members**

Walter Crowder – Present  
Nicole Penrod – Present  
Jennifer Romano – Present  
Tad Varga – Absent  
Daniel Weigold – Absent

The Columbia City Common Council met in regular session with all members except Tad Varga and Dan Weigold present, Mayor Daniel presiding.

**MINUTES** Motion was made by Jennifer Romano to approve an overview of the April 10, 2018 meeting minutes as presented, Nicole Penrod seconded the motion, all voted aye.

**REZONE – TONKEL – 981 S. 50 E.** Nathan Bilger, Planning & Building Director, was present to discuss the rezone request for 981 S. 50 E. He reported it was currently zoned I-1 Light Industrial and has been zoned that way since the 1960's. He advised the request was to rezone to residential; staff recommended R-3 Residential as that was the residential zoning surrounding this property. He explained this was next to what use to be Precision Plastics, is ChromaSource now. He advised the house has been there since the 1960's and has been in residential use for many, many years but it appeared the zoning was Industrial as an outgrowth of the factory 50+ years ago. He shared there were 2 reasons for seeking the rezone; to make it legal conforming and the Tonkel's had a desire to locate a mobile home on the same property. He explained R-3 does not allow for type 2 manufactured homes and the general zoning code does not allow for two single family dwellings on one property. He advised they discussed the issue but the Tonkel's still wanted to proceed with the rezone which would reduce the setbacks appropriate to a residential zoning and then potentially just put on an addition since two family dwellings were allowed in the R-3.

He advised the Plan Commission sent a favorable recommendation on the rezone.

**REZONE – TONKEL – 981 S. 50 E. – ORDINANCE 2018-14** Motion was made by Jennifer Romano to read Ordinance 2018-14 by title only, Nicole Penrod seconded the motion, all voted aye. Rosie Coyle read Ordinance 2018-14 an Ordinance amending the Zoning Classification of certain property from the "I-1" Light Industrial District to the "R-3" Multi-Family Residential District.

Jennifer Romano questioned if they had a sense of how the neighboring property owners felt of the request. Nathan Bilger explained on the NE and South sides it is all owned by the industrial property and on the west the side of 50 E. it was all R-3 residential.

Jason Brooks, owner of 722 Swihart Street, was present and advised he did not have a problem with the request necessarily, as long as it would not impede his ability to expand on that property. He shared they do business with Fortune 500 companies; they are growing quickly and advised there was not much industrial warehousing space available anymore. He shared there was potential for future growth but if the zoning was to be changed to residential they would not be able to build out as far as they would like to.

Discussion followed on residential and industrial setbacks.

Jennifer Romano was unsure how to feel about the rezone because they (Council) have made a statement in the past that they do not want to do spot zoning and this request felt like that. Nathan Bilger shared, as mentioned in the staff report, there were a couple pieces of text in the Comprehensive Plan that talk about protection of single family homes, owner occupied homes and historic homes, which this is. He advised it was not easy to balance when you have a map showing one thing, 60 year old zoning showing another thing as well as a couple recommendations. He explained if zoned Industrial they could not rebuild.

Mayor Daniel wondered if it would be worthwhile to table the request until Mr. Tonkel could present his case further.

Nicole Penrod shared she understood the spot zoning but they have invested in this property and if the house would burn down and they could not rebuild, they would lose everything. She agreed they should look at the industries but also felt they needed to consider the people too; they could not help that the property was not zoned properly as it should have been.

Walt Crowder confirmed even if they would rezone it to R-3 there would still be restrictions as to what type of structure that could be placed. Nathan Bilger advised that was correct. Walt Crowder felt if they would change it to R-3 that would help resolve the issue of if the house would burn down but if they look at it from the standpoint of growth, taking  $\frac{3}{4}$  of an acre and making two residentials out of it, that would not fall within the guidelines that have been given.

Nathan Bilger reminded Council they had 90 days to act upon the rezone from the date of certification which was April 12. Mayor Daniel questioned what would happen if Council did not act upon it. Nathan Bilger explained the Plan Commission's favorable recommendation would be upheld as though the Ordinance was adopted.

Jon Myers, President of the Whitley County Economic Development Corporation, expressed a concern for his working with companies to invest in our older buildings and the possibility of expanding their business. He did not feel it seemed fair to put the burden back on ChromaSource when they did the due diligence.

Walt Crowder felt it was important to give the Tonkel's an opportunity to come in and talk with Council. He advised it would give all parties an opportunity to share their side.

Motion was made by Walt Crowder to table the issue until the May 22 meeting and ask that the Tonkel's be present, Nicole Penrod seconded the motion, all voted aye.

**ORDINANCE 2018-6 PANHANDLING AND SOLICITATION – 2<sup>ND</sup> READING** Motion was made by Nicole Penrod to read Ordinance 2018-6 by title only, Jennifer Romano seconded the motion, all voted aye. Clerk Treasurer Rosie Coyle read Ordinance 2018-6 an ordinance amending the Panhandling and Solicitation Regulations for the City of Columbia City, Indiana.

Motion was made by Jennifer Romano to approve Ordinance 2018-6 on second reading, Nicole Penrod seconded the motion, all voted aye.

**ORDINANCE 2018-7 MISCELLANEOUS AMENDMENTS – 2<sup>ND</sup> READING** Motion was made by Jennifer Romano to read Ordinance 2018-7 by title only, Nicole Penrod seconded the motion, all voted aye. Clerk Treasurer Rosie Coyle read Ordinance 2018-7 an Ordinance of the Common Council amending the Municipal Code of the City of Columbia City, Indiana.

Motion was made by Jennifer Romano to approve Ordinance 2018-7 as first reading, Nicole Penrod seconded the motion, all voted aye.

**ORDINANCE 2018-8 AMENDMENT TO PARK ORDINANCE – 2<sup>ND</sup> READING** Motion was made by Nicole Penrod to read Ordinance 2018-8 by title only, Jennifer Romano seconded the motion, all voted aye. Clerk Treasurer Rosie Coyle read Ordinance 2018-8 an Ordinance amending Chapter 96; Parks Department, of Title IX of the Code of Ordinances of the City of Columbia City, Indiana.

Motion was made by Jennifer Romano to approve Ordinance 2018-8 as first reading, Nicole Penrod seconded the motion, all voted aye.

**ORDINANCE 2018-11 VACATE ORDINANCE – 1<sup>ST</sup> READING** Motion was made by Jennifer Romano to read Ordinance 2018-11 by title only, Nicole Penrod seconded the motion, all voted aye. Clerk Treasurer Rosie Coyle read Ordinance 2018-11 an Ordinance of the City Council of the City of Columbia City vacating a public way in the Brand's 1<sup>st</sup> Addition to the Town of, now City of Columbia City.

Nathan Bilger explained the alley vacate request was located west of Line Street and east of Walnut Street and runs north behind the Mattress Outlet store. He advised this was for a platted but never constructed alley that would run behind the retail development going in on Line Street. He noted in order to accommodate the parking for this development they needed additional depth and by vacating this alley that would allow them just enough room for what is required. He provided an aerial map to better clarify the location of the request.

Mayor Daniel opened the meeting as a public hearing.

Tim Crutchfield owner of 514 N. Walnut Street expressed a concern for being able to back his 30 foot trailer into the driveway there. Mayor Daniel confirmed he would get 50% of the grassy alleyway. Nathan Bilger advised that was correct. Mayor Daniel noted nothing would really

change from an alley perspective. Mr. Crutchfield advised as long as the alleyway stays open he would be fine.

Hearing no further comments or concerns the public hearing was closed.

Jennifer Romano shared she was pleased to see development happening in that location and converting a space that has been an eye sore for a long time. She advised she was not typically a fan of giving away alleys but this was compelling because it was never developed and felt if it were turned into an alley at this point it would be somewhat awkward.

Motion was made by Jennifer Romano to approve Ordinance 2018-11 as first reading, Nicole Penrod seconded the motion, all voted aye.

**ORDINANCE 2018-13 PEDDLERS/MOBILE VENDORS AMENDMENT – 1<sup>ST</sup> READING** This issue was tabled.

**PROFESSIONAL ENERGY SERVICE AGREEMENT** Rosie Coyle advised any concerns Attorney McNagny had have been addressed. Mayor Daniel explained agreements typically go before the Board of Works but the State requires this agreement be approved by the City Council.

Motion was made by Jennifer Romano to approve the Professional Energy Service Agreement with Perfection Group, Walt Crowder seconded the motion, all voted aye.

**DEPARTMENT REPORTS** **Mark Green** – update on Aquatics Facility, Baseball and Softball games officially started, trout fishing day at Morsches Park. **Kelly Cearbaugh** – sidewalk repair on South Elm and sewer inspections in Chesapeake Landing. **Tony Hively** – extended offer of employment to Hunter LaRue, Officer Archbold and Cas to be recognized nationally in June, picked up the new K9 and will begin training late May with Officer Fearnow, getting Dispatchers certified with Power Phone, Dispatch Center committee meeting for console replacement. **Mike Shoda** – storm water projects, finishing up on Squawbuck.

**MAYOR REPORT** Mayor Daniel reported Mary Raber held Arbor Day celebration, they held the neighborhood pre-construction meeting with the residents of Wooddale and the US 30 Coalition will be meeting in Warsaw.

**YOUTH COUNCIL** Payton Hall with the Youth Council was present to give an update on their activities.

Having no further business to discuss the meeting was adjourned.

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Mayor Ryan Daniel

Attest:

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Clerk Treasurer Rosie Coyle