

**BOARD OF WORKS
TUESDAY, OCTOBER 10, 2023
5:00 PM**

Mayor Ryan Daniel – Present
Clerk Treasurer Rosie Coyle – Present
Attorney Marcia McNagny – Absent
Walter Crowder – Present
Nicole Penrod – Present

The Columbia City Board of Works met in regular session with all members present, Mayor Daniel presiding.

MINUTES Mayor Daniel advised he sent changes to Rosie which included the misspelling of his name under the Childers discussion, and then under Department Head Reports, Copsgear is one word.

Having no other changes or corrections, motion was made by Mayor Daniel to approve the Board of Works minutes from September 26, 2023, with the noted changes, Nicole Penrod seconded the motion, all voted aye.

STREET CLOSING – LADIES NIGHT OUT Niki Keister with Columbia City Connect was present to request parking spots be closed in front of The Clugston as well as in front of Brew’ha for mobile vendors they have coming in for Ladies Night on October 20.

Mayor Daniel confirmed the idea was that those mobile vendors would be selling to the curbside. Ms. Keister advised that was correct. Mayor Daniel questioned in regard to the two spots at Brew’ha, since it is on a state highway, if we have approved spots there before. Rosie Coyle advised we have. Ms. Keister advised in the past that exact trailer, the Thunderbird, has set up there before.

Rosie Coyle brought up that they have to file for a mobile non-food truck permit and the cost is \$25 per day. Ms. Keister advised she received that form from the clerk's office but has not received the form back from those vendors yet. She stated they would like to request the \$25 fee be waived since they were participating in a larger event. She advised they do not require it during First Friday’s, so were hoping that fee would be waived for both of those vendors.

Mayor Daniel felt the position of the Board, at least in the past, has been that if there are mobile vendors that are a part of a larger organizational event, that we waive those fees. He felt the point of the mobile non-food and food vendor truck fee permit was explicitly for the ones that may just pull up and want to sell on a normal day when nothing else is going on. He shared since it was part of a bigger event, he did not have a problem with it.

Walt Crowder questioned if insurance was required. Rosie Coyle advised it was, as well as there were other restrictions according to the Ordinance; mobile vendors shall be located at least 20 feet from all posted crosswalks, driveways, alleyways, right-of-way lines or two or more intersecting streets, and then they cannot be located any closer than 15 feet of any fire hydrant. Mayor Daniel noted they would be located next to an alley so the Board would have to waive that requirement, unless they would waive the actual permit in and of itself because of being part of a larger event.

Walt Crowder brought up discussion from the last time in reference to mobility of the unit in case of a fire or emergency. Mayor Daniel thought at some point, there was a conversation about that, yes. He could not remember exactly but thought the idea was that if, God forbid, something would happen at The Clugston or Brew’ha and we have a big trailer that cannot be moved very easily, then there is a bit of a safety risk that comes

with it. He suggested that was something to consider from a safety perspective but noted because they would be next to an alley there would be a lot more area.

Motion was made by Mayor Daniel to approve the Ladies Night Out event request for the parking spaces in front of The Clugston and Brew'ha and waive the permit requirements and fees, Walt Crowder seconded the motion, all voted aye.

STREET CLOSING – LIGHTED CHRISTMAS PARADE Jennifer Zartman Romano was present to talk about the annual lighted Christmas parade and Santa's house. She advised the Christmas parade was scheduled for Friday, November 24 and have included November 25 in case it was needed as a rain date. She explained the closing request was the same, except they decided to request closing Van Buren between Line Street and Chauncey Street to parking during the parade because it has gotten very, very congested in that area. She advised it was a good problem that we have a lot of people coming out for the parade, but last year it got a little bit scary with kids and families moving closer and closer to the middle and especially with it being dark out.

Motion was made by Mayor Daniel to approve the street closing permit request for the 11th annual Whitley County Lighted Christmas parade as presented, Nicole Penrod seconded the motion, all voted aye.

PARKING TICKET APPEAL Arthur Noel of 1120 N State Road 109 was present to appeal a parking violation. He explained the ticket was written for No Parking at 289 S. Chauncey Street but is not where he was located, he was at The Center for Whitley County Youth right across the street which is on Market. He advised he was very confused on the reason why he was issued a ticket in the first place.

Mayor Daniel questioned if that location was incorrectly put down. Mr. Noel advised that was correct as he was located at The Center. Mayor Daniel questioned what that address was. Mr. Noel advised it was 315 W. Market Street.

Mayor Daniel questioned Mr. Noel if there was anything else he would like the Board to know. Mr. Noel shared he received a call from the police to explain more about why they issued him a ticket. He advised he was told he was parked in the wrong direction but also with the violation saying no parking, he did not see any signs around there that said no parking. He shared he was under the assumption that was a public place to park. He reported he had parked there many years; Church plays basketball there almost every Sunday night. He noted there were no No Parking signs over there and did not see any sort of directions stating to park in a specific direction.

Mayor Daniel confirmed the appeal was both because of the wrong address, but also because the actual ticket references 71.06 - Violations - No Parking. Mr. Noel advised that was correct.

Mayor Daniel questioned the Board if they had any other questions for Mr. Noel. Walt Crowder and Nicole Penrod advised they had no further questions.

Mayor Daniel called Officer Zachary Crabtree to the podium to explain the ticket. Officer Crabtree explained he observed Mr. Noel's vehicle parked on Chauncey Street, just South of Market Street. He advised the vehicle was facing northbound along the West curb, he noted it should have been facing southbound because you have to have your right-side tires up against the curb. He shared in terms of the clerical errors, the system they use to write tickets is called ECWS and is a State program. He explained when the location is entered, one of the options is a map comes up then you click on the map about where the car is. He shared the program then auto generates a location approximate to where the car is located, which was why the ticket says 289 or 298 South Chauncey. He advised he did not write the address in there, that is just what the system put in. He explained in terms of the no parking, it was the correct code, or the correct ordinance and the no parking verbiage was just a catch all for all of their parking citations. Mayor Daniel confirmed, to have a good understanding, that when the violation is entered in the system with the actual code of 71.06 that is what pops up.

Officer Crabtree advised that was correct, the system only gives one option and it just says no parking.

Nicole Penrod questioned that even though he was at the address on Market Street, his car was parked on Chauncey Street. Officer Crabtree advised that was correct. He shared at the time he did not know where Mr. Noel was. Nicole Penrod confirmed that where Mr. Noel was going really did not make any difference, it was where the car was parked that matters. Officer Crabtree advised that was correct.

Mayor Daniel pulled up Section 71.06 of the Code and pointed out in Subsection D(1) that it states, 'a vehicle stopped or parked upon a roadway where there is an adjacent curb must be stopped or parked with the right-hand wheels of the vehicle parallel with and within 12 inches of the right-hand curb'. He noted the way in which Mr. Noel was parked was with the left wheels against the curb instead of the right wheels. Officer Crabtree advised that was correct.

Walt Crowder questioned Mr. Noel if that was something he normally did or just happened to be that particular night. Mr. Noel advised that was a spot he has parked in for many years and has parked both directions.

Mayor Daniel questioned Chief Parrett if he had anything more to add. Chief Parrett felt this was more of a safety concern; when parking the wrong direction on the road he has to cross left of center to get back across to go the right direction. He also added that at the time of the parking violation citation Mr. Noel's plates were expired. He advised Officer Crabtree did not tow the car or issue a citation for the expired plates.

Nicole Penrod did not think the fact that it had happened before was pertinent; Mr. Noel just got lucky.

Mayor Daniel appreciated Mr. Noel coming to the Board and what was being said. He felt because of the way in which the system is, we were at the mercy of the statewide system. He added because of the fact this is covered under our Ordinance 71.06, even though it is not 'No Parking', it is still part of that overall Ordinance.

Motion was made by Mayor Daniel to uphold the ticket, Nicole Penrod seconded the motion, all voted aye.

ENCROACHMENT - 216 S EAGLE GLEN TRAIL Chad Nicodemus of 216 S. Eagle Glen Trail was present to discuss the encroachment request. He advised he wanted to put in an in-ground pool and shared there was a 30-foot easement running through the center of their back yard.

Mr. Nicodemus reviewed pictures and layout with the Board

Mayor Daniel shared his only concern with the plan was if for some reason the City would need to dig up the sewer line. He questioned if there was anything in that 10-foot area. Mr. Nicodemus thought the only thing in line would be the steps. He suggested he could move the pool far enough out in case the City would have to come through. Mayor Daniel advised that was his biggest concern, we do not want to destroy anything and obviously we would not destroy the pool, but making sure that we can get an excavator through there. He questioned if 10-foot would be enough to get our people and machines through there. Kelly Cearbaugh felt 15-foot would probably be better. Mr. Nicodemus felt they could probably do the 15-foot, that would be fine.

Motion was made by Mayor Daniel to approve the encroachment agreement for the Nicodemus family at 216 S Eagle Glen Trail with the caveat of a 15-foot set back from the sewer line, Nicole Penrod seconded the motion, all voted aye.

BILLS Motion was made by Nicole Penrod to pay all accounts payable in the amount of \$732,564.23 from the allowance of accounts payable vouchers for checks, Walt Crowder seconded the motion, all voted aye.

Motion was made by Nicole Penrod to pay all accounts payable in the amount of \$565,390.14 from the allowance of accounts payable vouchers for EFT payments, Walt Crowder seconded the motion, all voted aye.

PAYROLL Motion was made by Nicole Penrod to pay all paytypes except overtime in the amount of \$10,725 for police and fire fourth quarter clothing allowance from the pay file ending 10/03/2023, Walt Crowder seconded the motion, all voted aye.

Motion was made by Nicole Penrod to pay all paytypes except overtime in the amount of \$1,002.00 for two employees HSA City share for the payfile ending 9/23/2023, Mayor Daniel seconded the motion, all voted aye.

Motion was made by Nicole Penrod to pay all paytypes except overtime in the amount of \$254,218.65 plus overtime in the amount of \$4,408.97 for the payfile ending 09/22/2023, Walt Crowder seconded the motion, all voted aye.

DEPARTMENT REPORTS **Shawn Lickey** – 69 KV conversion project complete and will require an entire system outage on or around October 26 to tie in the new feed, still working on Morsches Road, attended Utility EXPO in Louisville, working with group to quote line clearing and vegetation control for our rural lines, a lot of new businesses coming to town. **Gary Parrett** – First Fridays done for the year, replaced 30+ year old shotguns, preparing for Halloween and Veteran’s Marathon. **Kelly Cearbaugh** – finished limb pickup for the year, starting leaf pickup October 23, finished concrete work in Eagle Glen, Grove Park paving, sweeper repairs, working on asset management plan, attended Indiana Street Commissioners meeting, installed flashing stop lights at Jefferson Street and Deer Path. **Matt Heiden** – working to put on a Certified Pool Operator class, preparing for Mother/Son Halloween event, high school art class started painting projects by the splash pad. **Mike Shoda** – finished painting hydrants in Deer Chase, piping in for South Chauncey Street and have the pipe for Eagle Park. **Mike Cook** – quote to repair clarifier, update on SCADA project, received parts for sludge recirculation pumps.

YOUTH COUNCIL Alina Houser was present representing the Youth Council and reported on their activities.

FIRE DEPARTMENT Mayor Daniel reported for Tom LaRue in that he has a firefighter retiring at the end of the year and has requested approval to begin the hiring process to fill that vacancy. The Board was in agreement to move forward with the process. He also reported that Truck 102 will be taken to Ohio for repairs.

MAYOR REPORT Mayor Daniel reported he attended a Community Crossings workshop in Plainfield. He shared they were getting close to having our insurance renewal rates for 2024. He advised they may need to look at another date for the second Board of Works meeting in October due to conflicts in schedules.

Having no further business to discuss, Mayor Daniel called the meeting adjourned.

Mayor Ryan Daniel

Attest:

Clerk Treasurer Rosie Coyle