

**COMMON COUNCIL
TUESDAY, JUNE 9, 2015
7 P.M.**

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

Council Members

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

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

MINUTES Mayor Daniel noted a spelling correction. Motion was made by Ben Romine to approve an overview of the May 26, 2015 meeting minutes as corrected, Nicole Penrod seconded the motion, Penrod, Romine and Weigold voted aye, Simpson abstained.

ORDINANCE 2015-19: AMENDMENT TO THE STREETS AND SIDEWALKS

ORDINANCE 1ST READING This issue was tabled.

COMPLIANCE WITH STATEMENT OF BENEFITS – BLUE MEDICAL Bill Smith with Blue M Medical was present to discuss the compliance statement. Mr. Smith reported there was some delay in the timing of his funding so the project has been pushed back a little bit but is still ongoing and very promising. He shared that everything he has control of is going as planned. He advised financing was put in place at the beginning of the year and has spent the last few months getting the building ready for occupancy.

Ben Romine questioned as they occupy the building and have funding in place, would the employment of employees start. Mr. Smith advised that would happen later this year but has to get some work done with the FDA and ISO Certification.

Motion was made by Ben Romine to approve the abatement for the 2nd year of a 2 year abatement, Bill Simpson seconded the motion.

Mayor Daniel clarified Council found Blue M Medical in compliance going into the 2nd year. Ben Romine advised that was correct.

Upon the motion, all voted aye.

COMPLIANCE WITH STATEMENT OF BENEFITS – PRECISION PLASTICS Ryan Richey with Precision Plastics was present to discuss the compliance statement. Mr. Richey reported they were well above their employment estimate. They decided to cease the Safe

Quality Foods designation as the cost was going to be more substantial than originally estimated and have poured those funds into Automotive Safety Critical Programs and is part of the reason they have been able to increase employment.

Motion was made by Ben Romine to approve the abatement for both real and personal property for another year, Nicole Penrod seconded the motion, all voted aye.

ORDINANCE 2015-18: 2ND READING – AMENDMENT TO HANDICAPPED PARKING ORDINANCE Motion was made by Dan Weigold to read Ordinance 2015-18 by title only, Ben Romine seconded the motion, all voted aye. Clerk Treasurer Rosie Coyle read Ordinance 2015-18 an ordinance amending Chapter 75, Traffic Schedules, of Title VII of the Code of Ordinances of the City of Columbia City, Indiana.

Motion was made by Ben Romine to approve Ordinance 2015-18 on second reading, Dan Weigold seconded the motion, all voted aye.

BIKE RAMP – 202 S. WALNUT STREET Janelle Wood who lives at 114 S. Walnut explained the resident at 202 S. Walnut Street has constructed 2 bike ramps. She shared her biggest concern is that they live on the corner, the ramps are in the front yard and when they jump the ramps it puts them going out towards the street. She stated there is a large number of people who come and watch so there are cars parked everywhere; even when no one is out there people slow down to look at what is there. She noted it was a bus stop for Mary Raber's K-5 children; there is no adult there to supervise and even though a 'No Trespassing' sign was posted she was not sure the kids know what that means. She stated the safety concern is #1 on her priority; they feel their property values were being affected and were not all that wonderful to look at. She stated people try to keep up their yards and make them look nice. She noted it was on the books that if you pull a car in your yard you can be ticketed. She advised we had a skate park, and questioned why they need one in the front yard.

Bill Simpson questioned when they were jumping if they were landing in the street. Ms. Wood advised they were on the sidewalk and alley and has not seen anyone land in the street.

Danny Rumble advised he lives at 202 S. Walnut Street with his fiancé. He shared he was a professional athlete and has done all kinds of professional shows starting at age 12. He explained as far as safety he requires helmets when riding; there may be a few times when he may jump out there for a little bit without one but as far as anybody else goes it was mandatory for them to have a helmet. He advised he also has a waiver he makes people sign when they come over. He explained when they first built the box jump they did have people going into the street and was why they built the second ramp. He stated the police have stopped by and he cooperated with what they asked. He explained at the Columbia City Park the ramps are bowed up, small, slick and were hard for him to do any type of tricks.

Mr. Rumble advised he does have 'No Trespassing' signs up and has zero injuries recorded. He explained the construction of the ramps. He stated they are inside by 8:30 p.m. and if it's any later it's usually he and a couple other guys putting stuff away. He advised he always tries to keep the ramps tarped. He stated they were just trying to have fun and keep it safe. He shared

that he has thought about talking with the Park Department about doing a professional rebuild but was not sure where to start. Mayor Daniel felt Mark Green would love to talk with him about that as it was in the 5 year Park plan and it does talk about rebuilding/relocated the skate park. Mr. Rumble explained for his kids it was a different style of playground and for him it was a way to train and stay close to home.

Nicole Penrod questioned when the tarps are on the ramps if kids could still climb on it. Mr. Rumble advised they could not climb on it. Nicole questioned if the tarps are on the ramps whenever he was not using it. Mr. Rumble advised he tries to keep tarps on it whenever they are not riding but has slacked on it lately. He brought up privacy fences and thought there was an ordinance against them. Mayor Daniel stated it falls under the zoning ordinances and there were some restrictions but that was not to say something couldn't be done.

Bill Simpson stated he did not see the difference between a bicycle ramp and a large swing/tower set; we do not require people to fence in their play sets or trampolines. He advised he understood folks not wanting to look at it, he was not sure he would like it next door to him, but unless it was violating an ordinance by being there.

Dan Weigold respected Mr. Rumble's talents but noted they were in a small area and a lot of people live in a small area. He stated the cosmetic look of other's keeping their homes up to a standard he could understand where the neighbors were coming from. He felt they needed to look at how the neighborhood 'works'. Mr. Rumble stated he does not want the ramps to go and wants to be able to work something out with the neighbors.

Mayor Daniel noted there was a petition that was signed by a fair amount of the neighbors. He advised there currently was not an ordinance that addresses this type of situation.

Mike Shoda shared that he lives in the neighborhood as well and questioned if the issue was because the ramps sit out front all of the time if there would be a way to put on wheels on the ramps to move them out of the front yard when they were not being used. Mr. Rumble advised they could work on it; he was willing to compromise.

Karen Hawkins of 116 S. Walnut expressed her biggest concern was the traffic when they have people over. She shared they park on both sides of the road and she cannot park at her own house because she does not have off-street parking. She explained riding on the sidewalk at a high speed and the crowds were a deterrent for other people to go around. She expressed a safety concern to people driving or walking because when you see a bike flying through the air you do not know it is going to land on a ramp and assume it is going to come out into the street.

Mr. Rumble shared there has been about 5 police officers that have stopped by and have informed him that pedestrians have the right of way and they always try to respect that. He noted that bicycles were allowed on the sidewalks.

Nicole Penrod felt the biggest issue should be the safety of the kids in the neighborhood. Mr. Rumble agreed and was why he had the waiver. Ben Romine felt the bigger concern was when

they were at work or not there. Mr. Rumple felt that would be the same thing as a play set or trampoline.

Gaylord Miller of 112 S. Walnut Street shared that when he was getting the petition signed there was a resident with a 4 year old child who advised their child would not be able to read the 'No Trespassing' signs. He stated the ramps were only about a foot away from the public sidewalk and expressed a concern that someone on the sidewalk would get hurt. He added that they have cookouts and the fire ring was close to the ramp and house. He expressed a concern for the trash that was on North Walnut and now this was coming into the neighborhood. Bill Simpson appreciated what was being said but the problem was that it was so subjective of what trash was; what is great for one may not be for another and where do they draw the line. Mr. Miller noted it was so close to the public sidewalk.

Dan Weigold questioned where we stood as a City to enforce this; is it us or a civil matter between the property owners.

Tim Longenbaugh shared that his office has fielded some complaints regarding this property and has done research in looking at City Ordinances, State Statutes and has talked with some of the council members. He did not feel there was one that applies at this time. He advised he has told his officers to watch the area for illegal parking or bikes coming out into the street, etc. those things they can deal with. He stated as it stands right now he did not feel it was in violation of City ordinance. He understood that some of the things they do may be dangerous and felt it was for those using the ramps and homeowners to decide for themselves. He stated as far as the 4 year old child he understood the concern but the parents should not have a 4 year old out running he neighborhood unsupervised anyway.

Attorney McNagny supported the idea of having the property owners sit down to see if something could be worked out. She advised she could still look at the ordinances but right now she did not see anything to support the removal. She stated the concern she would have is the danger or attractive nuisance of it.

Mayor Daniel questioned if the Council could make a request to install the wheels and move the ramps out of the way when not being used. Attorney McNagny advised Council could not order that but could certainly help facilitate an agreement and working together.

Nicole Penrod was not sure she was comfortable ordering or requiring something since there is no ordinance but felt it was a really good idea to act as a facilitator.

Mayor Daniel questioned the neighbors if it would be a potentially workable solution if Mr. Rumple would move the ramps when not being used. One of the neighbors felt if they could get the ramps mobile that would be better.

Ben Romine felt if they could come to an arrangement that both sides could live with that would probably be the best route at this point. Dan Weigold agreed and felt there needed to be a mediator.

Mayor Daniel shared he was not trained in mediation but advised he would be more than happy to try and facilitate something. He stated he would try to get something set up within the next two weeks.

PIG WRESTLING – 4-H FAIR Mayor Daniel shared there has been a request from a resident to review our current ordinance 90.03 (E) in regards to pig wrestling at the 4-H grounds. He stated the resident was challenging that we were not enforcing the ordinance as it was currently written as that section does describe that we do not allow ‘combat between animals and humans’. He stated it does fall to the purview of the City Council to make a determination as to what is the intent of that ordinance. He pointed out in the definition section there is a section that talks about rodeo which includes examples like greased pig contest, steer wrestling, etc. He stated the 4-H has come to us to say this is not harming the pig or putting the pig in jeopardy. He shared there was also an article written by the individual who brings the pigs in for these contests that advised none of the pigs were damaged, harmed or bruised.

Dan Weigold explained his interpretation was that this was in no way close to being considered combat. He advised the pigs were well taken care of and the judge is there to ensure the safety of the pigs. He felt it needed to stay.

Bill Simpson agreed and did not feel combat would be defined in any way as anything other than intentionally harming or an attempt to harm. He stated those people involved were not trying to hurt the animal and the intent of the ordinance from his perspective was to prevent people from causing animals to fight each other. He did not feel a 4-H program was ever intended to be affected by that ordinance.

Nicole Penrod advised she has not actually seen the pig wrestling but her impression was they were just trying to catch the pig not fight the pig.

Ben Romine advised he has seen it and agreed with Nicole. He stated the person who puts it on is very detailed in what is allowed. He felt they have made every effort to keep the animal safe. He felt if we go down that road of combat that catching any loose animal at the 4-H grounds could be determined as combat or roping them around in the show ring.

Attorney McNagny pointed out that the ordinance says the owner of the pig has to be a resident of the City of Columbia City; as she understood the owner was not even from Whitley County. Ben Romine advised that was correct. Bill Simpson confirmed the ordinance would not apply even if the City wanted to enforce it. Attorney McNagny advised it would not as written.

Mayor Daniel confirmed with Chief Longenbaugh that he had enough information regarding the intent of the law. Chief Longenbaugh advised he did.

DEPARTMENT REPORTS **Jeff Walker** – surface drainage remedy in Deer Chase, 213 W. Van Buren demolition completion, SR 205 update, Blue River Trail extension update, rain event data for LTCP. **Mike Cook** – cleaning lift stations, ICE students. **Kelly Cearbaugh** – concrete work, Cambridge Crossing issues, street sweeping, limb pickup, North Elm curb replacements. **Tim Longenbaugh** – update on 3 new officers, sold car #20, hostage call update, training.

Shawn Lickey – stump grinding, fiber project update, new services, South Whitley long term plan, truck out for repair, specs for north substation project. **Mike Shoda** – Stickler Drive drainage issue, easement acquisitions from US 30 to the entrance of Eagle Glen. **Mark Green** – Burnworth Pool update, Every Kids Dreamland update, JFL registration, air horns for park evacuation, quotes for additional parking at Morsches Park, fireworks July 3rd. **Tom LaRue** – Flag Day, ladder testing, training.

MAYOR REPORT Mayor Daniel reported he was elected President of the Indiana Conference of Mayors. He met with numerous individuals concerning the US 30 proposal; in general it seems there is a lot of disagreement with the J Turn idea. He advised the project was not definite nor off the table.

Having no further business to discuss the meeting was adjourned.

Mayor Ryan Daniel

Attest:

Clerk Treasurer Rosie Coyle