

June 11, 2018

The Common Council met with Mayor William McKean for a regular meeting on Monday, June 11, 2018 at 7:30 p.m. in the Council Chambers at City Hall according to the posted notice. Councilmen Gregg Sprunger, Curtis Wurster, Ron Dull, Mark Wynn and Philip Provost were present, along with City Attorney Dave Baumgartner and Clerk-Treasurer Gwen Maller.

Councilman Gregg Sprunger opened the meeting with the pledge of allegiance and Mayor McKean gave the invocation.

### **Citizen's Comments**

Mr. David Yardley came before Council again to express his opposition to the letter he received several weeks ago concerning the tree house he built in his front yard, and that it does not conform to the City of Berne setback rule. Mr. Yardley asked the council to change the ordinance to allow him to keep his platform as built and keep it at the same location. He stated that if his platform is considered a deck, then all the play structures on all of the streets need to be measured. Mr. Yardley was advised that he needs to go before the BZA and ask for a variance. He stated that with the next date being July 9, 2018, he doesn't have the \$325.00 for the hearing. Councilman Mark Wynn stated that with the exception of Decatur and Berne, he is the building and planning director for Adams County, and Mr. Yardley really does need to either go before the BZA for a variance or go before the Plan Commission to ask for the ordinance to be changed. Councilman Wynn stated that the BZA is the best place to start since they govern all aspects of zoning issues. If the Plan Commission were to request a change to the ordinance, it would then come to Council with the Plan Commissions recommendation. Councilman Wynn also stated that a tree house is supported by tree limbs and the tree. A deck/platform is supported by posts in the ground, making it a structure, not a tree house.

### **Minutes**

On a motion by Ron Dull and a second by Gregg Sprunger, the minutes of the May 29, 2018 meeting were unanimously approved.

### **Claims**

On a motion by Curtis Wurster and a second by Mark Wynn, the claims were unanimously approved for payment.

### **Walk-Up Window Quote**

At the last meeting, the Council requested a new estimate for ½" polycarbonate window instead of the ¼" that was presented for the new walk-up pay window in vestibule outside of the Clerk-Treasurer's office. They also asked for a slide tray for payments and a speaker system. Amstutz Construction submitted an estimate of \$3,978.89 for a 7/16" thick impact rated laminated glass window. This would have a 3 ½ inch hole with a speak thru and a 12' x 10" deal tray in the counter. Included in the quote for the council was information from Shannon Smitley that explained why Amstutz Construction, who received their quote for the glass from Hartford Glass Co, recommended using the 7/16" glass instead of the polycarbonate. The 7/16 inch glass would be less likely to scratch, easier to clean and still provide the safety of the polycarbonate. This is what Hartford Glass installs in movie theaters, gas stations etc. Mark Wynn made a motion to approve the Amstutz Construction quote for the walk-up window with 7/16" laminated glass with a speak thru and deal tray at a cost of \$ 3,978.89. Ron Dull made the second and the motion was unanimously passed.

### **BZA Hearings Update**

Plan Commission Director, Shannon Smitley, informed the Council that the Board of Zoning Appeals heard three variance requests as advertised prior to the Council meeting tonight. The first variance request BZA 2018-2 was filed by Adam Lehman on behalf of Lehman Feed Mill for a new electronic business sign. The Feed Mill stated that the electronic sign has a light sensor and will get dimmer when it starts to get dark. They also stated that when the office is closed, the sign will be shut off. The Board granted their request.

The second variance request, BZA 2018-3 was filed by Joseph M.R. Schwartz on property he owns on U.S. 27 South. The property is currently zoned I-1 light industrial and he is wanting to build a 40x24 sq. foot barn and using 24x24 sq. foot as their residence. The Board granted his request.

The third variance request, BZA 2018-4 was filed by Russel Keys on his property at 717 Clark Street. His home is on the corner of Clark and Lane and he is building an addition on the side of the home that faces Lane Street. The addition would be set back 10 feet from Lane Street and the City requires a 15 ft set back on the one side of a corner lot. The Board granted his request.

#### **Attorney Comments**

Attorney Baumgartner stated that there was a meeting last week with the Mayor, Shannon Smitley, Kurt Dailey, Chief Taylor and himself to work on reviewing and updating the nuisance ordinance. Most of the modifications concern the enforcement portion of the ordinance. The first draft is out for the committee to review and then it will go to the Board of Works before going to Council for their consideration.

#### **Mayor Comments**

Mayor McKean reported that work is continuing at Parr Road and the paving should be completed in the next two weeks.

Mayor McKean congratulated Addie Wanner, South Adams Senior, for receiving the coveted Mental Attitude Award at the IHSAA State Track and Field Meet on Friday, June 1, 2018 in Bloomington Indiana. Addie scored all of South Adams points finishing on the podium in her three events with a 6<sup>th</sup> in the 100 meter hurdles, 2<sup>nd</sup> in the long jump and 3<sup>rd</sup> in the high hurdles. South Adams placed 10<sup>th</sup> overall out of 67 schools competing.

#### **Councilman Comments**

Councilman Ron Dull informed the Council that the annual Run for the Fallen, which began on April 7, 2018 at Fort Irwin, CA, will be in Indiana on June 23, 2018. The route of the run covers 19 states and 6,000 miles and honors over 19,000 fallen service men and women who have died since October 12, 2000 as part of the War on Terror. The mile honoring Berne native SPC Nick Taylor, KIA July 16, 2012 in Afghanistan, will be run in Nashville TN on July 3<sup>rd</sup>. The nationwide run will finish on August 5, 2018 at Arlington National Cemetery.

Ron stated there will be a webcam to allow everyone to observe each mile of the run.

There being no other business to come before the Council and upon a motion duly made to adjourn by Mark Wynn and seconded by Phil Provost, adjournment followed.

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William F. McKean, Mayor

ATTEST:

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Gwen Maller, Clerk-Treasurer