

Board of Public Works and Safety
Berne City Building, 158 W Franklin Street
Wednesday September 23, 2020
Minutes

Mayor Sprunger-Present
Ron Dull- Present

Curtis Wurster-Present

All members of the Board of Public Works and Safety met at City Hall at 8:00 am on September 23, 2020 along with City Attorney Dave Baumgartner and Recording Secretary Becky Sprunger. Mayor Sprunger called the meeting to order and verified a quorum. An agenda was posted at the door and on the City of Berne website homepage.

Others present at the meeting; Clerk Treasurer Gwen Maller; Building and Planning Director Shannon Smitley; Justin Haines with Bear Brothers Real Estate LLC, and Clint Anderson, Berne Witness.

Approval of the Minutes: Ron Dull made a motion to approve the minutes of August 15, 2020 as written. Curtis Wurster made the second. Motion unanimously carried 3-0

Outdoor Seasonal Sidewalk Café Seating Encroachment Agreement Form City Attorney Dave Baumgartner advised the board that they could discuss the agreement as presented today, and they could also approve the agreement between Bear Brothers Real Estate LLC and the City of Berne, contingent on the City Council approving the elimination of parking spots on the east side of Fulton Street.

In presenting the request that the board approve the agreement, Justin Haines, who is a partner along with Alex Subler, Bear Brothers Real Estate LLC, reviewed renderings of the outdoor seasonal sidewalk seating area. This will be on the sidewalk on the east side of Fulton Street for their Fulton and Main Restaurant (former Palmer House) which is still undergoing renovations. The sidewalk would be 10 foot in total width with 6 feet being tables and chairs and four feet being sidewalk. The fencing barrier will extend on the east side of Fulton street from the corner of their building on Fulton to the alley between Fulton and Franklin Streets.

When asked by Ron Dull if the state has to get involved because Main Street is also Highway 218, Shannon Smitley, Building and Planning Director said that he does not see the state getting involved because the seating will be from the corner of the building on the north end of Fulton and will have no impact on Main/Highway 218.

Curtis Wurster asked Dave Baumgartner how the fee of \$75.00 for the Outdoor Seasonal Sidewalk Café Seating Encroachment Agreement was figured. Dave said that he talked with the City of Fort Wayne, who has a large number of outdoor seating venues and basically followed their agreement with businesses and also it is the same fee that the City of Fort Wayne charges. Dave advised the board that the agreement indemnifies the city of any liabilities and the city cannot be held liable.

After further discussion and on a motion by Ron Dull and a second by Curtis Wurster, the Board of Public Works and Safety unanimously approved the Outdoor Seasonal Sidewalk Café Seating Encroachment Agreement between the City of Berne and Bear Brothers Real Estate LLC., contingent on the Berne City Council eliminating parking spaces on the east side of Fulton Street. 3-0

Discussion of City Wide Trick or Treat Night

Mayor Sprunger reported that he has a call into the Adams County Health Department for any guidance they might offer as to whether there should be a city designated Trick or Treat Night this year because of the COVID-19 pandemic and the rising numbers of positive cases in the state and in Adams County. The mayor advised that he has not heard back from the County. Dave Baumgartner reported that the Berne Community Development Corporation is meeting next Tuesday to decide if they will be having the annual Treats at the Tower, but his feeling is that it unlikely this year. The event draws over 1,000 participants and even though it outside, it is congested. The city normally tries to coordinate Trick or Treat Night with Treats at the Towers. Mayor Sprunger stated that this will be an item for discussion at the upcoming Council Meeting. The mayor also stated that at this time, the Center for Disease Control and Prevention is discouraging trick or treating this year nationwide because of the pandemic.

Board Comments None

With nothing further to come before the board Curtis made a motion to adjourn, Ron made the second, and adjournment followed.