

COMMON COUNCIL
TUESDAY, AUGUST 25, 2009
7:00 P.M.

Mayor James Fleck – Absent
Clerk Treasurer Rosie Coyle – Present
Attorney Lindsey Grossnickle – Present

Council members

Walter Crowder – Present
Nicole Penrod – Present
Roger Seymoure – Present
Donald Sexton – Present
Daniel Weigold – Present

The Columbia City Common Council met in regular session with all members present, Council President Crowder presided in Mayor Fleck's absence.

MINUTES Upon the motion of Weigold second by Penrod to approve an overview of the August 11, 2009 meeting minutes as presented, all voted aye.

RFP BID OPENINGS GRANT ADMINISTRATOR – CHAUNCEY STREET Rosie Coyle opened a read the one bid received from Region 3A in the amount of \$66,000.00 for the sanitary sewer project. She advised the bid would be turned over to a review committee.

The bid was taken under advisement.

ORDINANCE 2009-13: GOLF CART ORDINANCE – 1ST READING Upon the motion of Sexton second by Penrod to read Ordinance 2009-13 by title only, all voted aye. Clerk Treasurer Rosie Coyle read Ordinance 2009-13 an ordinance amending the traffic schedules of Chapter 73 of the Code of Ordinances of the City of Columbia City, Indiana.

A motion was made by Seymoure and second by Sexton to accept Ordinance 2009-13 as first reading.

Dan Weigold stated he was not upset with the fact that people could use golf carts and felt they could be used in a very wise manner around town. He stated he, as well as the people he had been talking to, have a problem with allowing use on Main Street, Line Street and Van Buren Street between Oak Street and Rolling Hills. He explained on Van Buren Street there was no place for them to pull off to the side and Main Street was extremely busy between 7 a.m. – 7 p.m. He stressed the number one concern in looking at this was safety and the hindrance in the flow of traffic. He advised he did not have a problem with any other areas but it was a safety thing between those two times and asked to maybe bring in another option to the ordinance. Attorney Grossnickle questioned Dan if he was suggesting all of Main Street and all of Line Street. Dan felt Main Street all the way out to Countryside. He stated he was just looking at between 7 a.m. – 7 p.m. Monday through Friday not allowing golf carts on Main Street, Line Street and Van Buren Street between Oak Street and Rolling Hills.

Nicole Penrod agreed with the safety thing but could see a need for people to be on Main Street to get to Kroger, etc. She added that it was impossible to turn left on to Main Street from Diplomat Drive on a Friday afternoon.

Walt Crowder advised he totally respected both opinions but felt there was accountability and responsibility of the person driving the golf cart. He felt it was Council's job to make sure the ordinance writes into a safety manner that whatever they are riding or driving is safe. He understood the comments and had the same thoughts but felt it would be really tough for the police officers to manage and patrol. He advised he was focusing on making sure the ordinance gives safety direction. He explained he read in a recent paper of communities who had already passed an ordinance where there were no additional safety features and was just a basic golf cart. He commended the Council for taking it to the next level to make sure the golf cart has every possible safety feature felt reasonable.

Dan Weigold questioned if there was a permit that could be required for the people so they would understand all of the rules. Rosie Coyle advised it was originally in the ordinance to charge them for a permit but it was decided not to add another fee. Nicole Penrod suggested that even if they were not charged for the permit they could still be required to come in and get one. Walt Crowder felt it would be a way to educate.

Nicole Penrod questioned if the ordinance was passed in this form and then find out is a big problem on those streets what the procedure was to get it amended. Walt Crowder explained suggestions would be brought back to Council to request an amendment. He felt if it gets to that point Chief Petersen and Captain Anspach would be involved.

Dan Weigold advised he fully appreciated the research that went into this but in talking with the people they would like to see something written in for protection. He stated you hope common sense goes a long way but if they are not bound by something they are going to do it. Nicole Penrod confirmed they would be bound by other traffic rules. Walt Crowder advised they would. Attorney Grossnickle advised they would have to be a licensed driver too.

Dan Weigold questioned if anything were to happen if the City could be held liable. Attorney Grossnickle explained when a municipality is being sued there are certain levels of immunity. She stated it would have to be extreme, almost intentional recklessness before municipalities become liable.

Roger Seymoure commented in comparing our ordinance with other communities ours was a lot more restrictive.

Nicole Penrod felt if the ordinance was passed in this form she wanted the police to be aware that if it does become a problem Council could make a quick fix.

Walt Crowder questioned if they could amend the ordinance to include the permit so that it would be in the document for second reading. Attorney Grossnickle advised they could pass it on first reading with the understanding that second reading would have the amendment.

Roger Seymoure questioned if there would be fees for the permit. Rosie Coyle advised they could have a charge or it could be free. Walt questioned if we charged for bikes. Rosie advised we did and thought it was \$3.00. Tom LaRue suggested having them register through the state like ATV's, snowmobiles, etc. Walt felt that could get expensive. Rosie advised she could write something up. Roger questioned if they would have to carry the permit with them. Attorney Grossnickle felt it would be a good idea to require them to carry it. It was suggested to include the VIN on the permit. Roger Seymoure questioned if there would be a fine if they did not have the registration with them. Attorney Grossnickle advised if any of the sections were violated there was a fine up to \$100. Walt stated it would be up to the officer to enforce.

The motion was amended to approve for first reading with an amendment on second reading to include permit required at no cost with permit required to be with the cart and the VIN registered on the permit, Crowder, Penrod, Sexton and Seymoure voted aye, Weigold abstained.

Walt Crowder shared with Dan Weigold that if he had recommendations those could be brought back to the next Council meeting.

Rosie Coyle confirmed the permit would be free. Walt advised it would be.

PARKING COMMITTEE Tom LaRue advised they were still working on the parking issues and Attorney Grossnickle had the information to draft. Roger Seymoure advised they would be sending letters to the area affected before the first reading.

Walt Crowder questioned if they were 50% through the list. Chief LaRue thought this would take them over the 50% mark.

WATER DEPARTMENT Mike Dear reported they fixed a leak at the wastewater plant on a 2" hydrant. He advised they were still painting hydrants and they put in a new meter pit at Chesapeake and relocated a meter pit on West Market Street for Habitat.

STREET DEPARTMENT Kelly Cearbaugh reported they would be trimming limbs that were hanging out into the streets and alleys.

Walt Crowder questioned if all of the street projects were done. Kelly advised they were having Niblock pave some of the alleys and still had a little to do on Market Street.

ELECTRIC DEPARTMENT Larry Whetstone reported they were waiting on the surveying of Chesapeake so they could get the primaries in. He advised they were working on the hot spots on the system and continuing with pole and meter replacements.

FIRE DEPARTMENT Tom LaRue advised they had submitted a grant for their compressor but have not heard anything yet. He reported their breathing air compressor failed testing so is down right now. He advised they do have some air in the bottles to fill a limited number. He stated they were not down and out by any means but was more of an inconvenience.

IS/COMMUNICATIONS DEPARTMENT Terry Wherry reported one of the digital recorders suffered lightening damage at the Park and has been sent back to the factory. He stated SDS has set up a temporary one. He advised they finished the rebanding project.

SEGWAY – POLICE DEPARTMENT Don Sexton questioned the status of the segway. Rosie Coyle advised it was sent back today. Don advised he had received a lot of negative comments regarding it.

Walt Crowder reported he had conversation with Chief Petersen and advised it was strictly a demo. He advised there was no budget or line item and was strictly a demo.

EMPLOYEE APPRECIATION LUNCHEON Walt Crowder reminded everyone of the employee appreciation luncheon scheduled for Friday, September 4 at 12:00 p.m.

REMC ANNUAL MEETING Rosie Coyle reported she put information in the Council packets regarding the REMC annual meeting and advised if anyone wanted to attend they needed to let her know.

Having no further business to discuss the meeting was adjourned.

Council President, Walter Crowder

Attest:

Clerk Treasurer Rosie Coyle