

New Carlisle Town Council Work Session Memoranda, August 11, 2016

The work session was held in the Council Chambers at 5:30 PM.

Present were President Carter, Council Member Vermillion, Council Member Budreau and Clerk-Treasurer Susan Moffitt. Vice President Vojtko and Council Member Rypma were absent.

Also in attendance: Jared Huss, Bob Middlebrook Josh Schweizer, Jeff Roseboom, Tonya Mckee, Carol Middlebrook, Kathy Aurenz, Jennifer Moore, Werner Moser, John Gelow and Margaret Czarnecki.

President Carter stated that the work session was scheduled to get everything in line for permitting of the sidewalk cafes for 2017. He wanted to clarify that it has never been the intention of the Council to stop sidewalk cafes but only to ensure compliance with the ordinance. He stated that the sidewalk café requirements include a completed permit application be returned to the Clerk's Office by November 1 for the following year and this has not been followed by some.

President Carter also stated that possible changes regarding concrete anchoring are being reviewed with a decision to be made by the Council.

Code Enforcement Officer, Bob Middlebrook addressed those in attendance to explain that he is responsible for enforcement of the Town's code. The current sidewalk café code states that the Town is responsible for periodic updates.

A letter from resident Marcy Kauffman was read supporting both the sidewalk cafes and also compliance with the sidewalk café requirements by those that have them.

Bob stated that, as a firefighter and someone who teaches ladders for the FD, the fences being secured to the concrete would hinder the ability to rescue people from the upstairs apartments if that should ever be necessary.

Bob addressed the flags that some businesses are currently using. He reported that these flags are not currently allowed in the Town Center District by code but feels that they do not cause a problem and it might be something that the town will want to change.

Bob stated that he feels that uniform enforcement in the downtown is crucial but that is hindered when any of the businesses chooses not to comply.

There was discussion regarding securing the fencing into the concrete with screws. Engineer Jared Huss reports that, should they be bolted into the concrete, both leaving the fences up and also removing them each year, will essentially have the same result. He explained that leaving them in will eventually result in the need for tightening and the need to move them to another spot in the concrete. Taking them down each year will necessitate new holes being drilled to secure the fences.

Jared suggested that the town look at not allowing the fences to be mounted to the sidewalk and that other options be used by the businesses to stabilize them such as flat plates welded to the existing fences. He also suggested that possibly a fee be attached to the permit that would cover the

cost of sidewalk repairs should we decide to continue to allow anchoring into the concrete. He reminded everyone that the sidewalks were done by using tax dollars and are for the benefit of the entire community and that businesses that use them should bear the cost of repair/replacement.

Jennifer Moore asked whether umbrellas are allowed.

Fire Chief Josh Schweizer has completed the State Fire Inspector Course through the State of Indiana and briefly explained some of the code that is relevant to sidewalk cafes:

- If umbrellas are used they must be fire-rated and must not impede egress coming out of a door.
- The square footage of a sidewalk café must be factored for the calculated occupancy

Josh explained that he cannot say that businesses can't have fixed fences but it does impede firefighting as they would not be able to ladder a building if the fence is not moveable.

Indiana Fire Code requires fire inspection and Josh's goal is to send letters to all of the businesses and begin inspecting.

Council Member Budreau asked if Bob's number is a direct line as human error could be a problem. Sue stated that Bob does have a town provided cell phone and should the Clerk's office take messages for him they are immediately sent by text and/or email. Council Member Budreau stated that, again, it could be possible for human error to be a problem.

Jennifer Moore apologized for the issue with the umbrellas at Moser's and stated that because the fences have been allowed to be secured to the sidewalks, they assumed the umbrellas would be as well. She questioned whether the Town will be rewriting the café ordinance and if the fences would be allowed to remain up all year.

Jared stated that there are several issues to be looked at and after speaking with Chief Schweizer we have learned of quite a number of things that would become far more restrictive. He encouraged everyone to attend and give input when the ordinances are reviewed.

President Carter reiterated that permits must be filled out and turned in by November 1st for the following year. The permits will be made available on-line. He thanked everyone for attending.

The work session was adjourned at 6:20 PM.

Ken Carter, Council President

Attest: Susan I. Moffitt, Clerk-Treasurer