

# Burns Harbor Advisory Plan Commission

Minutes of Monday, July 11, 2016

The Advisory Plan Commission of the Town of Burns Harbor, Porter County, Indiana met in its regular session on Monday, July 11, 2016 in the Town Hall. The meeting was called to order by Advisory Plan Commission President, Eric Hull at 7:00 pm.

The Pledge of Allegiance to the American Flag was recited.

## Roll Call:

Toni Biancardi .....	Present
Krista Tracy.....	Present
Gordon McCormick .....	Present
Bernie Poparad .....	Present
Crystal Westphal .....	Present
Andy Bozak.....	Present
Eric Hull .....	Present

## Additional Officials Present

Building Commissioner-Bill Arney  
Attorney-Christine McWilliams  
Secretary-Marge Falbo

## Minutes

Biancardi moved to approve the minutes of June 6, 2016 as written. Bozak seconded the motion.

Motion carried by unanimous vote.

## Communication, Bills, Expenditures

None

## Report of Officers, Committee, Staff

None

## Preliminary Hearing

None

## Public Hearing

None

## Old Business

### *Trail Creek Bond-Pat Kleihege*

### *Bond Renewal (Bond expired on June 1, 2016)*

Hull expresses the Trail Creek bond expired in June 1, 2016.

Arney says he called Patrick Kleihege regarding a project and received a voicemail from him right before he came into the meeting. Kleihege was very apologetic about the bond renewal because he thought the bond was already in our possession. Kleihege said the bond document needed one more signature and he would take care of it first thing tomorrow, July 12, 2016 and get it over to us. Biancardi says that if Arney doesn't have the renewal in his hand tomorrow, July 12, 2016

we need to issue a Stop Work Order. She says the bond expired June 1, 2016, we did extend it and still don't have it in hand. Biancardi asks Arney to call Kleihege to let him know about the Stop Work Order. It's important to have that on file. Arney says Kleihege is going to sign it first thing in the morning and we should have it by the end of the day. Biancardi says as long as we have it here by the end of the day for Hull to sign it.

Biancardi moved to issue a Stop Work Order if the bond renewal is not received by July 12, 2016 for President Hull's signature. Poparad seconded the motion. **Motion carried by unanimous vote.**

### **Corlin's Landing Phase 2-Tom Lightfoot**

#### **Labelling Phases on Plats**

Loving, a member of the Redevelopment Commission says he has the first plat and Lightfoot should be here shortly with the other copies. Loving says Phase 1 is in now, Phase 2 is what's in the dark black. There is a line between 78, 79, 119 and 120. Hull says, just so we understand, previously all of this was Phase 2 so we just chop that little part out. Loving says we have, but we left the two entrance rule. We still come in off of Stinson and it wraps all the way around and Golden is finished as well. There are two ins all the way around the whole way. Phase 3 is 55, 48 and 37.



Lightfoot apologies for being late and presents the other copies. Hull asks Arney if he has had a chance to see the plats. Lightfoot says he hasn't changed anything from what they had talked about a month ago.

Lightfoot says he would like to discuss locates for sewers. He is concerned because he isn't always on site and there will be no one to do the locates. He says he doesn't even know when they are going to be done and will need some cooperation. Hull asks Lightfoot if he is asking for our help. Arney says he has talked to Lightfoot about this before. Lightfoot has been good about locating them in the subdivision. But until we have accepted it and we have the final as-builts, we don't always know where the infrastructure is. If Lightfoot gives us the infrastructure and we get as call, we have no problem locating it. We get the notification for the locate as soon as they dig, as long as we have the as-builts for the infrastructure. Hull says we are not going to be liable, but we're willing to help out everywhere we can. Arney states we haven't accepted the infrastructure yet, but we get the locate and we are collecting the fee for the locate. So as long as I have copies of the as-builts indicating where his stubs are, we're good.

***Traditions Village Phase 3 – Core Construction – Jeff Ban  
Extension of Letter of Credit for Phase 4-B***

Biancardi tells Hull that Ban is on the phone and she will step out to see if he is coming. Biancardi states Jeff Ban will be here on August 1<sup>st</sup> because the bond expires on the 4<sup>th</sup>. She asked him to have the new dated letter in hand. If it's approved, it can be signed that night. Hull says he can submit that earlier. Biancardi says he would work to get that done early and have it in advance of the meeting so if it is extended we can sign it that night.

Hull asks where we stand on Phase 4A. Biancardi says it was accepted by the Council in April. They have still not provided the Letter of Credit Maintenance Bond for the Town to sign. They were also supposed to inspect all of the street lights to make sure they were in proper order and they have not done that and that will be a conversation for the Council on Wednesday, July 13, 2016 since they were the body who approved it. Hull asks if this is on the agenda. Biancardi says it's on her list of things to bring up. Biancardi says she has had weekly conversations with them. Hull asks if this Board wants to send any recommendation to the Council with that topic. McCormick asks if 4A is a done part of the project. Biancardi says the infrastructure was accepted and it is done and it's ours when we get the letter. Biancardi says Ban just told her now that the bank is waiting for the owner of the property to show up to sign the letter so they can send it to us. Hull says that will come into play next month if we choose to accept and extension for Phase B.

***Discussion of Chickens in Residential Districts***

McCormick and Bozak both say they were not able to get together this month due to vacations and other conflicts. Hull says discussion will be tabled for the August meeting.

***New Business***

***Review Bonds, Maintenance Guarantees, Letters of Credit***

Hull states everything is looking good.

Biancardi says Parkwood Estates' Maintenance Bond expires this December and she thought we might want to ask Arney for the engineers to walk that to make sure there isn't anything that we would need to fix with the maintenance bond prior to it expiring. Arney says his suggestion would be the engineers did a punch list on that. Hull says he definitely wants to address that prior to

expiration. Biancardi says once it expires all costs are ours. Arney says they are completing two more homes and everything should be done within 30 days.

Arney says he wants to the Board to know he received the drawings from PraxAir as far as elevations. It was the cooling tower items that were missing. Hulls asks if it was for as-builts. Arney replies yes.

### **Signage**

Bozak says recently one of the citizens put up 12 or 13 “No Trespassing” signs within a small area of his property. He had them on all sides of his trees and on the NIPSCO pole. Bozak says he has no problem with trespassing signs but the problem is how many are being displayed. The gentleman had them up for about a week and then took them down. Arney talked to the citizen and asked for the reasoning behind all the signs. Bozak says he wanted to bring this up for discussion to see what we can do to prevent this from happening again.

Westphal asks Arney why he had so many signs displayed. Arney replies he had some people trespassing on his property and in his garage. He called the police but the people were gone by the time they arrived. Other times he had people coming on his property just photographing and unless you post a “No Trespassing on the private property or the police literally catch them, there is nothing he can do. Arney says, if someone walks through your yard right now there isn’t much you can do about it. You may not like it but unless you post a “No Trespassing” sign it is not a violation.

McCormick says that is a question for our attorney to decide. Do you have to post a sign on all four corners of your property or just the front? McWilliams says she has no idea; she would have to research that as she is not well versed on “No Trespassing” sign laws.

Arney says the gentleman got his point across, and once things got taken care of he promised me he would take them down; and he did. Hull asked if he was in violation. Arney says he was not violation because we don’t regulate “For Sale signs or “Garage Sale” signs. However, we do as far as “Temporary” signage. There are rules in place for that. Westphal says the numerous signs were very unsightly. Hull says before he changes anything he wants to know what is legally allowed. Bozak says if we don’t do something about it, it can become a problem and we saw that it was. Westphal says she looked up Indiana State law about signs and it didn’t state how many are allowed. The law is very vague. Arney states he looked up some local laws after Andy notified him and they all address them as we do our signage and how large they can be. But, when you get into other temporary signage they’re called marketing or posting signs and no one regulates the number.

Hull asks about homeowners’ associations and how they handle them and is curious how it mirrors. Arney says the difference is how each would regulate them. Hull asks if they have a stricter town code than a homeowners’ association would have, does the town code override? Bozak says the town code always overrides. Arney says the POA has to adhere to our town code.

Hull says we can take a look at other local ordinances. Arney states Porter and Chesterton list how many and they did size again and listed a reference to it. Hull says we have absolutely nothing at this point. Arney says we do the same thing, we have the size by description, “For Sale”, “Garage Sale” and “Beware of Dog” as examples, and it says the size it can be, but that is it. Hull says if you are going to regulate the number it would be based on square footage. Arney references temporary signs and believes it is no closer than 20 feet apart. Hull asks if we can have permanent signage tie into temporary signage.

Biancardi refers to personal property rights or if there is case law where someone has done it and they have gone to court and the court rules in their favor. So maybe that is why there is a law, I would be interested to know. McWilliams says the question is the ability to even regulate it. Biancardi says so maybe someone tried, went to court and were told no. Then we would at least have a basis to start from. McWilliams says it possible you may not be able to. Hull asks McWilliams if she has enough information to move forward. McWilliams says yes.

#### **Good of the Order of the Community & Any Other Business**

Biancardi says Bob Rohrman is parking on the grass between him and Phantom Fireworks. Arney says he is sealcoating and striping his lot. Arney says he addressed that with him today, July 11, 2016 and was told they were working on it. Arney notes they are loaded on the side of the Phantom Fireworks too. Biancardi agrees. Poparad says they were on the east side and front but then he came down Old Porter and saw they were sealcoating and striping. Arney says he will be watching them.

#### **Announcements**

None.

#### **Adjourn**

Poparad moved to adjourn at 7:40 pm. Biancardi seconded the motion. **Motion carried by unanimous vote.**

**APPROVED on August 1, 2016**

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Andy Bozak, Vice President in absence of Eric Hull, President

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Marge Falbo, Secretary