Burns Harbor Advisory Plan Commission

Minutes of Monday, November 14, 2016

The Advisory Plan Commission of the Town of Burns Harbor, Porter County, Indiana met in its regular session on Monday, November 14, 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:

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

Additional Officials Present
Building Commissioner-Bill Arney
Attorney-Christine McWilliams
Global Engineering-Scott Kuchta
Secretary-Marge Falbo

Minutes
Biancardi moved to approve the minutes of October 3, 2016 as written. McCormick seconded the motion. **Motion carried by unanimous vote**.

Communication, Bills, Expenditures
Hull says we received correspondence from Attorney McWilliams regarding an issue we talked about last month with the billboard sign for Pasternac. It is my understanding that we currently have not approved the permit for the billboard, is that correct.

Building Commissioner Arney says correct, it has not been released. The question came up regarding the zoning. Attorney McWilliams has spent a significant amount of time going back forty plus years trying to determine exactly how that property is laid out.

Hull says I believe at this time, based upon the information that I've read currently, Pasternac would not meet all the requirements to construct a billboard on that property and he would be required to seek a variance from the Board of Zoning Appeals.

Pasternac presented materials to the Board and repeated the same arguments as at the previous meeting.

Hull says the problem we have is you are currently a Special Use under the Town. Hull reads "a Special Use District shall not be used as a new zoning district for future use and we can't just come in and change the zoning on something that you are already there as. You were originally zoned as Residential based upon the plat that was set down in the County prior to the incorporation of the Town.

Attorney McWIlliams says, for clarification, that has not been determined yet. The problem is the archiving of the documents. They have not been able to be located thus far. That is part of why there isn't necessarily a clear decision at this point without being able to lay our eyes on the actual documents in comparison with what's in the Code currently. At the time Pasternac purchased the property it was zoned R3.

Pasternac says the State has it as Commercial and the State supersedes the Township.

Hull says we're not a ruling body on this matter tonight. There is too much gray area for this Board and without having more facts it is difficult to instruct the Building Commissioner to just sign off on it.

Building Commissioner Arney says speaking with Attorney McWilliams and President Hull, I will not release the permit at this point to protect myself and the recommendation of Attorney McWilliams. I feel comfortable sending Pasternac to Board of Zoning Appeals for a Use Variance.

Pasternac refers to contacting Indiana State Board of Tax Commissioners and they will answer your questions.

Attorney McWilliams says she has been in contact with several people including Indiana Department of Health, who actually regulates mobile homes and who gives you your license. There are different counties that classify this property in certain ways. The assessor and auditor do classify these types of properties as Commercial. However, there is Indiana Code that also basically makes any Municipal regulations of mobile home parks supersede that, as long as they are not contrary to law. Therefore, anything that is within this town Code touches on mobile homes that regulation does trump as long as it's not contrary to law; and just changing the classification being inconsistent with the State's classification of the property versus the Town's would not in my opinion be contrary to the law. It would just be essentially a difference of opinion and the Town under Indiana Code is allowed to do that. The problem that I am finding is that even within the Code there is a lot of gray area. And, without even looking at the particular requirement that requires this type of sign to be 300 feet away from a Residential district, the terminology for that requirement platted Residential development, in my opinion, isn't a clear definition in the Town Code. But, there are a lot of references within a mobile home chapter that regularly refers to these types of communities as residential modest income housing and dwellings. In the absence of having any ability to clearly put our eyes on the original plan, the other conflicting factor is the mobile home park was developed prior to the Town's incorporation. Without a definition of what "platted" means in the Town Code, we need to refer to whatever those original plans were, in my opinion, to actually see what it could have been platted at the time of this development and we are not able to do that. Inferring what is existing in the Town Code regularly refers to these as Residential developments.

Hull says that's about the extent of it and there is not much we can do here at this Board and other than that, at this point, I recommend you to the Board of Zoning Appeals. They will be able to make a decision that will be more final at that point.

Pasternac refers to the "gray area". Because it could not have been platted before and because there is no record of it being platted, because mobile homes are not platted. Mobile homes can be removed in one day's time. They are "mobile" that's why they call them mobile homes.

Attorney McWilliams says correct. I am speaking of the development as itself. Those do, even in the current Town Code, have to go through a platting process similar to a Commercial, Residential

or Industrial development. They still have to go through a platting process, it is separate, which I think makes a mobile home community distinctly different but almost different as its own category, neither Commercial nor anything else. There are plans that exist for when the development went in play, in order for there to even be a license had, it's just with the County. The County has these documents archived because they go back so far and the surveyors are in the process of trying to locate them.

Pasternac says there is precedence set in regards to an appeal by me with the Appeals Court and the Town of Burns. It was established in the court records that mobile parks by the Health Department and the Health Department made it very clear that mobile home parks are not Residential plats or subdivisions. So that's already a precedent within the courts and I have the transcripts for that but the thing is in regards to the mobile home being platted or considered a Residential subdivision, it's not.

Hull says, currently it's a Special Use. That's the way it's zoned in town currently today. At this point if Building Commissioner Arney says he is not willing to sign off on it then that's where we're at today. There is no point in discussing it any further. I definitely recommend you to go to the Board of Zoning Appeals and take up the issue with them.

Report of Officers, Committee, Staff
Attorney McWilliams say the letter to Davis went out regarding the remaining items on the punchlist as far as recalling notice of recalling the bond. Davis says I did not get the letter, I don't know when you sent it, but I didn't get it. Attorney McWilliams says it was sent out on the 10th. Davis says I did not get it. Attorney McWilliams says I have a copy of it, if you want us to make copy. Davis says it wouldn't be necessary unless there is something tonight.

Preliminary Hearing
Hull says we have a preliminary hearing tonight for Manufactured Tags, an Ordinance referencing a proposed amendment for the Fee Table. Attorney McWilliams says Ordinance 242-2011 was a copy of the original ordinance that amended the fee for the manufactured tags but then it was discovered that the actual amount of those tags never found its way into the Code. This was discussed as one of the last Council meetings. It needed to either be added to the 242-2011 Ordinance or added to the Fee Table Schedule. It is my and Attorney Patton's opinion that it makes the most sense to add it to the Fee Table Schedule. In an effort to move things along I prepared essentially an informal proposed amendment to the Fee Table Schedule and that is what is you have in front of you.

Biancardi makes a motion to set the proposed amendment for a Public Hearing and a recommendation to the Town Council to adopt it and put it into the Code. Poparad seconded the motion. **Motion carried by unanimous vote**.

Public Hearing
None

Old Business

Curly's Custom Cycles

Final Site Plan Approval

Biancardi asks if there are changes from the last site plan we reviewed? Waugaman says there are, the entrance on U.S. Highway 20 is straight instead of curved. There are some façade items on the very last page. The retention pond changed. Biancardi says based on our engineers' concern. Waugaman says yes, they got that straightened out, and I think that's pretty much it. Biancardi asks if the engineers have seen the last updated plans. Waugaman says he doesn't know he just had them straighten the driveway. They got the retention pond, which is what they were worried about at the last meeting. Building Commissioner Arney says he spoke with Khalil today and the retention pond expansion was the only concern Global had with Waugaman. When Waugaman and I met, he had a concern with the driveway, and the way it was positioned, and he took it upon himself to have that changed and I agreed with him. Kuchta says he would like to add that there is also a landscaping requirement around the parking lot area, certainly with trees. Building Commissioner Arney says I think he submitted that and asks Waugaman if he submitted that. Waugaman says yes. Building Commissioner Arney says he also talked to Hicks about that. Biancardi asks Building Commissioner Arney if he has any concerns, everything appears to be in order. Building Commissioner Arney says he touched base with Global today and they were happy. Waugaman has met all the requirements other than the landscape requirements that will have to go in when the building is complete. Biancardi asks if he doesn't complete the landscaping does that hold up the occupancy permit. Building Commissioner Arney says yes.

Biancardi makes a motion to approve the plans for Curly's Custom Cycles. McCormick seconded the motion. **Motion carried by unanimous vote**.

Current Code Review

Discussion of Garbage and Refuse

Attorney McWilliams says she believes this is still in discussion by the Plan Committee. Hull says we will table this for now and come back to it next month. We'll have a couple of the Board members put something together for us just to continue it. Biancardi says she thinks it's in a format for us to review and possibly move forward like Attorney McWilliams suggested. Attorney McWilliams says yes, it would just need to be reduced to the formal ordinance. Biancardi says so it's technically a final review of what we discussed. Attorney McWilliams says so any changes or suggested revisions the members would like to see or think would carry out the intent better, that's really the stage that it's at in my opinion.

Signage

Biancardi says that Poparad and I in our façade discussions with Kuchta, that signs are something addressed in Chapter 15 and something that I believe Kuchta had mentioned would be addressed in Facades as we move forward. We had some discussion of that but we wanted to get through the facades and then look at the Sign Ordinance.

Poparad says I think our we have an Ordinance on Signage, but it's been flags, pennants and anything that've been popping up lately. So we are going to have to sit down and think about what we want to do with that. For example, do we want to allow the feather flags or how many per feet. Pole banners and pennant flags. Building Commission Arney and I have talked about it.

Hull says in the last month or so you've had a couple instances where you've had to talk to some business owners.

Building Commission Arney says really over the last six months, summertime especially, different signage, like feather flags are popping up and they're using them. We don't address them in our Code. I guess you could really look at them as temporary use signage. We have been letting business owners use these signs and they have removed them, when requested, if they look faded or tattered. Westphal had brought up the freedom of speech more or less or do we have the right to regulate those and I think that is when Attorney McWilliams was asked to research the issue for us.

Hull says we had a little bit of feedback on that last month as well.

Attorney McWilliams says in her opinion at one of the last meetings where this was discussed that there are serious constitutional implications anytime we do anything with sign ordinances. I think that is why a sub-committee would be assigned to go through to see what's lacking. Then at that point I can compare it to the constitutional implications that it would have, and how we could regulate it if it would fall within that. In my opinion it's going to be a lengthy process just to ensure that any changes to that ordinance are done constitutionally only because of the 1st Amendment implications.

Hull asks for volunteers to start this project. Biancardi and Poparad volunteer to work on this with the facade. Hull says everything else in the Code is good it's just temporary signage.

Building Commission Arney says we just need to either add to address that type of signage or include it into temporary signage. But if you do that, we need to look at the time allotment and the permitting of that.

New Business

Review Bonds, Maintenance Guarantees, Letters of Credit

Hull asks Attorney McWilliams for a copy of the letter that Davis would have received it he had gotten it. Attorney McWilliams gives Hull a copy of the letter and says it included a copy of the final punchlist she received from Global Engineering. It outlines that there are three items remaining that have not been repaired:

1) Outlet at the east end of detention area is silted up and needs to be cleaned out with end treatment put in place. (partially complete)

2) Outlet in detention area coming from Inlet #4 needs cleaned out with end treatment put in place.

3) Rout and seal all cracks in asphalt pavement on Stanley Street and Lake Park Road.

There was an estimation of $4,400 to complete these repairs. The breakdown was $4,200 for the rout and seal. $200 for the outlet treatment.

Hull says basically at this point if we do not resolve these issues then we will call the bond and we estimated the repairs to be $4,400. $200 for the outlet treatment and $4,200 for the rout and seal.

Westphal says he did the rout and seal. Building Commissioner Arney says he spoke with Khalil today and his understanding is everything is complete. Kuchta says it is his understanding as well.

Hull asks if all the work has been completed.

Davis says he has been in touch with Building Commissioner Arney on a regular basis and the only thing that wasn't done up until yesterday was the crack and seal. I called Building Commissioner Arney this morning and asked if there are any surprises and he said no.

Building Commissioner Arney says that's when I reached out to Khalil. We had a discussion about this and the inspecting of the crack seal which he said was going to get done today. With the approval of the Village, everything would be complete. I drove the crack seal and everything looked good to me.

Attorney McWilliams says for clarification the date on the final inspection punchlist was November 1st. Davis says I don't want to get anybody in trouble but I didn't get the letter. Attorney McWilliams says it may come in the mail tomorrow, I don't know what to tell you. It was mailed out on the November 10th and today is the 14th. So, it is very possible you just haven't received it yet. Hull says the only reason is that this is our last meeting prior to the expiration of the bond. Davis says he has been doing everything in his power. I think there were some things that were new to me as a developer. The crack seal was new to me. The asphalt has no imperfections whatsoever and I don't know how they came up with crack seal. It is unheard of in the industry, but we did it just to be done with it.

Hull says the bond is set to expire and everything is completed on the punchlist, so I believe everything would be complete and we would be good. Hull asks if there are any questions.

Poparad asks Davis how many lots are not built on, is it full. Davis says its full. Poparad says so we are not going to be driving any heavy trucks in there.

Hull says at what point do we accept that. Biancardi says this is maintenance, so it's ours, it's been ours for two years. But Davis is responsible for maintenance and this is what we are finishing up now.

Davis asks about the bond. Biancardi says once the bond expires it releases itself, we don't do anything with it.

Global Engineering, Scott Kuchta
Façade Standards

Biancardi says Poparad and she have been working with Kuchta and Hicks to come up with some façade standards around town. We expressed to the Board several months back they we had decided to take the approach of the whole town starting with a minimum standard so that we could adopt something that we could start working with. Then it's our intention to go back by zone and look to see what we could do specifically in each zone. What we have for you tonight is four pages of text that will explain the facades that we are proposing and then Kuchta is going to be showing some images that go along with those. There are nine design guidelines that we have come up with and he will briefly explain those and then show us some pictures. We are looking for feedback or questions and based on that Poparad and I are proposing that we move forward and work on adopting these.

Kuchta of Global Engineering introduces himself and says as we have met with the Committee over the last few months we basically came to the opinion that we should create a core group of guidelines. The key issue for developing design guidelines is making sure they are legally defensible and basically it's a public restriction on property development, so public consensus and public input is part of that process to make sure that it is documented. These guidelines were developed out of the SEH plan and the downtown area from years ago. Those guidelines were good but they are very specific to the downtown zoning development ordinance which frankly there aren't many examples of that.

Burns Harbor – Draft design guidelines
November 14, 2016

<u>No. 1: Transparency (windows + doors)</u>
Mirrored, dark-tinted and opaque glass, and/or glass block, should not be used on the Ground Floor level of any (Street) Frontage walls, and their use in other facade locations should not be permitted to count toward any window and/or door opening minimum amount requirements as defined in this Guideline.

Glass doors and windows should be clear or lightly-tinted, allowing for views into and out of the interior of the building.

Any door openings employed to fulfill the minimum transparency requirements as defined in this Guideline should consist of a minimum of fifty percent (50%) glass.

Minimum amount requirements for Non-Residential or Mixed-Use buildings:

- At Ground Floor locations:
  - Window and/or door openings should comprise at least 70 percent (70%) of the length and at least 50 percent of the total area of the Ground Floor level facade of the Primary (Street) Frontage wall(s).

  - Window and/or door openings should comprise at least 50 percent (50%) of the length and at least 35 percent of the total area of the Ground Floor level facade of the Secondary (Street) Frontage wall(s).

  - Window and/or door openings should comprise at least 20 percent (20%) of the total area of the Ground Floor level facades of all Side and Rear walls not fronting a public street (i.e. non-Frontage walls).

- At Upper Story locations: a minimum of 20 percent (20%) of the total area of any upper story facade should consist of window and/or (balcony) door openings.

Minimum amount requirements for Residential buildings:

- Window and/or door openings should comprise at minimum 30 percent (30%) of the total area of the Ground Floor level of any Primary and Secondary (Street) Frontage facades.

- Window and/or door openings should comprise a minimum of 15 percent (15%) of the total area of all non-Ground Floor (Street) Frontage facades including all upper stories.

Up to 15% of the cumulative length of the building's perimeter walls may be exempt from this guideline to accommodate building service areas, loading docks, interior (window-less) storage rooms, or any other needs, provided that the exempted area is not located on a Primary or Secondary facade. The exempted wall area(s) need not be continuous, so long as the total of the exempted wall area does not exceed that 15% maximum. This rule only applies to the building's ground floor level; all other facade areas, including those second-floor areas located above the exempted wall areas below, are required to meet the minimum requirements of the Guideline as described above.

<u>No. 2: Building Width and Facade Articulation</u>

Visually "flat" facades should be avoided by employing a varied and layered use of architectural elements such as windows, columns, varying roof lines, and varying building materials to create an articulated facade surface over the length of the building wall(s).

The varying of colors may be used to reinforce other design articulation methods; however, colors should not be the sole nor primary articulation design method used.

The Primary and Secondary Facade(s) of buildings of 40.0 feet or greater in width should be articulated into smaller increments of no more than 40.0 feet through the following or similar techniques:

- Stepping back or extending forward a portion of the facade or building form
- Use of different textures or contrasting, but compatible, materials
- Division into storefronts with separate display windows and entrances
- Use of arcades, awnings, window bays, balconies or similar ornamental features
- Variation(s) in roof line(s) to visually enhance or reinforce wall design articulation

No. 3: Building Orientation

The Primary Facade of the building shall be aligned to be parallel to the Primary (Public) Street. The total minimum length of the building's Primary Facade should not equal less than 15 percent (15%) of the cumulative length of the building's total perimeter, or less than 70% of the buildable lot width, whichever is least restrictive.

No. 4: Building Entrances

The **Primary Building Entrance**(s) for all buildings should face or address the Primary (Public) Street, and should be located on the building's Primary Frontage facade. Exceptions may be allowed if the location of the Primary Building Entrance is located on a facade wall other than the Primary Frontage facade but within the 2nd Tier of the site configuration, when said entry is directly linked to the Primary (Public) Street by a well-defined walkway or courtyard, clearly visible from the Primary Street.

If building users park to the rear of the building, a well-defined and lighted **Secondary Entrance** located toward the rear of the building is strongly encouraged. In lieu of this entrance, a signed and lighted walkway to the Primary Building Entrance should be provided.

For Non-Residential or Mixed-Use Buildings:

- Secondary Building Entrance(s) should be oriented to any Secondary (Public) Street and/or parking area for the building.
- In Mixed-Use buildings, the design of Residential entries should be clearly separate and distinct from entrances to Commercial areas of the building.
- The Primary Entrance should be placed at sidewalk grade.
- All building entries should be designed with one or more of the following:
  - Canopy, portico, overhang, arcade or arch above the entrance
  - Recesses or projections in the building facade or building form at the entrance
  - Unique architectural detailing such as brick work or ornamental moldings
  - Landscape areas

For Residential Buildings:

- Porches, steps, pent entryway roofs, roof overhangs, hooded front doors or similar architectural elements should be used to define the primary entrances to all residences.

- When the Primary Entrance is accessible by steps, a secondary at-grade entrance should be provided.

No. 5: Ground Floor Prioritization

For buildings in excess of one (1) story, the ground floor should appear visually distinct from the upper stories, through the use of varying building materials, window and door shapes or sizes, recessing or extending the building form, use of an intermediate architectural cornice line, continuous awning, arcade or portico, or similar design techniques.

No. 6: Facade "Tops" (aka cornice lines)

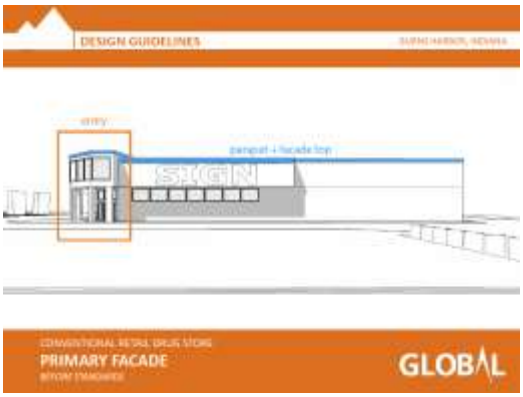
The top portions of building wall facades should be articulated with discernable cornice lines, parapets and/or fascias.

No. 7: Roof Design (parapets)

Buildings may be designed with pitched, flat or bowed roofs.

Facades on buildings with non-pitched roofs should be defined with a discernable cornice line or similar design technique; reference: "Facade Tops" guideline.

Variations in roof type, height, and/or distinction of separate roof segments should be employed on mixed-use buildings to identify changes in use and on buildings with Primary Facade widths in excess of 40.0 feet as a means of creating greater visual interest.



Pitched roofs such as gable, hip, shed or mansard roofs should be clad with highly durable materials such as commercial-grade standing seam metal, slate, ceramic or fireproof composite tiles. Use of asphalt shingles is prohibited.

A continuous parapet or similar wall element shall be employed on all portions of buildings with flat and/or bowed roofs in order to render not-visible the roof membrane (e.g. EPDM, PVC, etc.) from the Ground level of the property.

No. 8: High-Quality Building Materials

Building facades should be constructed of durable, high-quality commercial-grade building materials, such as:

- Brick
- Natural stone
- Manufactured stone
- Textured, patterned and/or integrally-colored cast-in-place concrete
- Integrally-colored, precast CMU (concrete masonry units), provided that surfaces are molded, serrated or treated to give wall surfaces a three-dimensional texture.
- Stucco or EFIS (exterior insulating finish system) above the ground line (+3 ft.)
- Architectural metal; decorative panels, structural elements and decorative support or trim members
- Commercial glass curtain wall systems

Materials to avoid:

- Unadorned, plain or painted CMUs
- Unarticulated or blank tilt-up concrete panels
- Pre-fabricated metal building systems
- Aluminum, vinyl, fiberglass, asphalt or fiberboard siding

No. 9: Design Continuity, All Sides

Because buildings are viewed from a variety of vantage points, continuity of design around all sides of the building is required. Consistency of building materials, placement of doors, windows and balconies, differentiations of roof height, etc., should be designed to provide an attractive and harmonious design as viewed from the front, side, rear and top.

Hull says good work and thank you to Kuchta for his presentation. Poparad says Hicks and Kuchta worked hard on this. We bounced ideas back and forth to get to where we are tonight. We will now begin incorporating the flags and pennants into these guidelines. Hull asks Kuchta to forward the guidelines to Attorney McWilliams so she can start reviewing it. Hull thanks Biancardi and Poparad for their hard work on this project. Hull says so we may have something to review next month. Biancardi says if Attorney McWilliams has time to review everything and if she needs anything else to please let them know.

Good of the Order & Any Other Business

Paulene Poparad in the audience addresses “Tiny Homes” and the attraction to them is they are mobile. They are not permanent structures. Does our ordinance, as it is written, address those? You can supposedly bring these tiny homes in and live at someone else’s house for a while and then move out. I don’t know whether that is something that we need to address. If it’s a fad, if it would legitimately happen, but it would be good to have something so they don’t proliferate in an interim while we’re waiting to do something. Was it Muncie…they bought a bunch of them for the

homeless. They made like a “village” of these tiny homes in some bigger town in Indiana. There certainly may be very good uses, but I don’t know if you want to have them here without regulation.

McCormick says our loophole, our escape would be sewers, electric, water.

Building Commissioner Arney says we just had a request. It’s exactly what McCormick said. By the time I read the Code, I advised the requester that we don’t address them but I would have to do it under the Ordinance of mobile homes and where they could be permitted. Also, we do have a small blurb, that allows for it for very temporary use. If you read it, for temporary residence for someone that is sick, or for a short period of time or for a hardship. But it talks about campers, so I guess you could probably maybe fit that in there because they are that type of a unit. But, it’s only for a very temporary basis is what I explained to him. It was literally last week we got a request that somebody wants to move one in to the back of another resident’s property and utilize it. Paulene is right, the fad is there, as well as containers. There are container boxes that are being turned into homes.

Hull asks if it is more a camper or mobile home. Building Commissioner Arney says he would say they are a camper-based that they build them out of. They come in all different sizes. Some are built out of U-Haul frames. They are really becoming popular. Hull says there’s a different title for a mobile home than there is for a camper. I guess it would come back to how they were originally manufactured. Brad from the audiences says tiny homes can be built as a permanent unit without ever having a trailer. Most of them are built offsite and trailered in. Shoved off the trailer like a shed. It is conceivable that someone could come in and say I’m not going to have any wheels. I want to build this as my home. Although I think you do have a minimum square footage requirement, but there are for instance in the Village, which allows for a secondary dwelling of some sort, for example, a mother-in-law’s apartment and so depending on how much ground you’ve covered already you could be a tiny home. Hull says wouldn’t that be considered manufactured housing once you pushed it off of the trailer. Building Commissioner Arney says I think what Brad is saying is some of them would actually construct a foundation and put it on there. But again, we do have a minimum square footage and there are a lot of things that come into play, but my general answer to this person, this one was mobile. We have also had on Rak Road, a gentleman who wants to build a house out of containers and that’s another thing we don’t talk about. These are also becoming very popular. McCormick says if they don’t meet the minimum square footage, we just tell them no. Hull says it’s just a different building material. Building Commissioner Arney says, yes, that’s what I explained to him. It has to be on a foundation, it has to meet the requirements and that particular one it was going to be a two residential dwelling on the same plat. So, there were a lot of things that came into play on that one. It was feasible but it depended on how much work they wanted to do. The tiny home I got a call on last week I considered more of a mobile home because they did tell me that it was on wheels. It was small, it wasn’t even 10 x 15 or something like that, it was tiny. Bernie Poparad says it is something we need to look at.

On another note, McCormick says Highway 20, west of the liquor store, how do we fill that property two or three feet deep. Building Commissioner Arney says that property started to dump dirt without any permission. There was a huge dilemma and Poparad was there to witness it. It got to the point we had to call the police. The dirt is still there and I was on the phone with them today. They need to get me drawings of the final grade. Because if it exceeds more than 24 inches by our Code. They need to appear before the Plan Commission for an Excavation Permit. Biancardi asks how long they have to do that. Building Commissioner Arney says he told them they had until the end of next week to get me everything by their engineer that is stamped otherwise I’m

doing a Stop Work Order on the Traditions project where the dirt came from. Just so you know, this is the second property, I've already chased them off one property. This is a lot deeper than what we probably want to discuss tonight. Hull asked Building Commissioner Arney to keep him updated on the situation.

Announcements
None.

Poparad moved to adjourn at 8:45 pm. Biancardi seconded the motion. **Motion carried by unanimous vote.**

APPROVED on December 5, 2016

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Eric Hull, President

_____
Marge Falbo, Secretary