

Burns Harbor Town Council
Regular Meeting
April 14, 2021

The Town Council of the Town of Burns Harbor, Porter County, Indiana met in its regularly scheduled session on Wednesday, April 14, 2021 in the Town Hall and virtually with Zoom. The meeting was called to order by Council President Nicholas Loving at 7:12 p.m.

This meeting was made available to the public in accordance with Governor Holcomb's Executive Order 20-09. It was streamed using Zoom and on Facebook Live.

The Pledge of Allegiance to the American Flag was recited.

Roll Call: Toni Biancardi ----- Present
Roseann Bozak ----- Present via Zoom
Eric Hull ----- Present via Zoom
Nicholas Loving ----- Present
Angie Scott ----- Present

Clerk-Treasurer Jane Jordan was Present. A quorum was attained.

Additional Officials Present: Attorney Clay Patton, Town Engineer Martin Bobcek, Fire Chief/Sanitation Superintendent William Arney, GM/Street Superintendent Robert Wesley, Building Commissioner Jack McGraw, Town Marshal Mike Heckman. Park Director Kim Burton attended via Zoom.

Approval of Minutes:

Councilwoman Biancardi made a motion to approve the meeting minutes of March 10, 2021. Councilwoman Scott seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak – Aye, Councilman Hull – Aye, Councilman Loving – Aye, Councilwoman Scott – Aye. **Motion passed.**

Councilwoman Scott made a motion to approve the meeting minutes of March 18, 2021. Councilwoman Bozak seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak – Aye, Councilman Hull – Aye, Councilman Loving – Aye, Councilwoman Scott – Aye. **Motion passed.**

Reports:

Clerk-Treasurer Jordan informed the Council of the proposed Senate Bill 336 pertaining to a business personal property assessment change that, if adopted, would cause a five-million-dollar loss in revenue to cities and towns in Indiana.

Attorney Patton informed the Council he has a schedule conflict for their May meeting and that Attorney Brazil would attend the meeting on his behalf.

Building Commissioner McGraw informed that there was nothing more to report that was not already in the monthly department report.

GM/Street Superintendent Wesley informed that there was nothing more to report that was not already in the monthly department report. Jason and Brooke Berry, Burns Harbor residents at 211 Trailcreek Drive, expressed their concerns of the newly located stop sign placed in front of their house, at the end of their driveway. After discussion of alternative sign locations, use of stop signs not permitted to slow traffic, safety issues at intersections, speed humps, Council directed the Street Department to remove the stop signs at that intersection.

Council discussed the three quotes submitted to replace the roofs on the street garage and the salt shed; Glooth Brothers \$40,160, Industrial Roofing \$23,995 and Korellis \$29,788. Korellis did not submit a quote for the salt shed. Councilwoman Scott made a motion to accept the bid from Industrial Roofing \$23,700 to replace the street garage and salt shed roofs. Councilman Hull seconded the motion. Councilwoman Scott stated, do I need to increase this in case they have to replace wood or anything. No one knows until you tear off, if you have to replace. Councilwoman Biancardi stated you can say not to exceed a certain dollar amount. I would suggest you increase your motion and do a not to exceed \$25,000. Councilwoman Scott amended her motion to accept the bid from Industrial Roofing to replace the roofs on the street garage and salt shed at a not to exceed \$25,000. Councilman Hull seconded the amended motion. Councilwoman Biancardi – Aye,

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Councilwoman Bozak – Aye, Councilman Hull – Aye, Councilman Loving – Aye,
Councilwoman Scott – Aye. **Motion passed.**

Town Marshal Heckman informed that there was nothing more to report that was not already in the monthly department report. Clerk-Treasurer Jordan asked if payment can be released to Chester Technology for the department's laptops. Town Marshal Heckman informed the Council that the laptops can be upgraded and would not need to be replaced therefore, the check can be released.

Fire Chief Arney informed the Council that the department has had a busy month. The Easter Bunny did not make it around the entire town before the Fire Department had to respond to an emergency call. The Department apologized for not getting to Shadyside Subdivision due to the call.

Council discussed the three quotes presented by Fire Chief Arney for an air filter system, Clean Air Concepts \$49,791 and \$39,961, Hastings Air Control, \$58,475 and \$45,550, Air Cleaning Specialists \$17,337. Councilman Hull made a motion that the Town accepts the Clean Air Concepts quote in the amount of \$49,791 for the track system that follows the trucks out the door. Councilwoman Scott seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak – Aye, Councilman Hull – Aye, Councilman Loving – Aye, Councilwoman Scott – Aye. **Motion passed.**

Sanitation Superintendent Arney informed the Council the department has been busy working on upgrades to lift station number five and number two.

Councilwoman Bozak informed the Council that the beach will open on May 29th. The Park Board would like to allow rentals and would like direction from the Council. Attorney Patton informed the Council that the State gathering limits have been lifted. Masks are not mandated at the State level. It is up to each business or local municipality to decide whether or not masks are mandated within their buildings. Council discussed that the buildings should be uniform across all town owned buildings, Town of Porter is charging COVID cleaning fee and has newer rules for renting their building, and if the park's need to have someone monitor the rentals to make sure safety rules are followed. Council consensus was to allow outdoor rentals and the rental of the Arts and Crafts building with masks and social distancing beginning May 1st. Councilwoman Biancardi stated as a Town, we will continue to operate our offices and our buildings in the manner in which we have been. Councilman Loving stated I think we should. Attorney Patton stated we are still under a public health emergency until the end of the month, so that is what I would suggest.

Redevelopment Commissioner Hull informed the Council that the west side of the Marquette Greenway Trail is 98.5 percent complete and encouraged people to use it. The Board is making progress with BP Pipeline and the trail on the east side.

The following purchase orders were presented for discussion: #2811, 2829, 2830, 2831, 2832 & 2840.

Correspondence:

- Cleveland-Cliffs Inc. – Executed riders surety bonds changing the principal names to Cleveland-Cliffs
- IDEM – Notice of Public Comment Renewal Part 70 Operating Permit NLMK Indiana, Porter County
- IDEM – Notice of Public Comment Renewal Part 70 Operating Permit TMS International, Porter County
- IDEM – Notice of Approval Title V Operating Permit Renewal Tanco Terminals, Inc., Portage
- IDEM – Notice of Approval MSOP Renewal Crisman Sand Co., Inc., Valparaiso
- IDEM – Notice of Approval FRSOP Administrative Amendment AOC, LLC, Valparaiso

Presentations, Resolutions, Ordinances and Remonstrance:

Ordinance 304-2021 Amending the Text of Chapter 1 concerning traffic violations:

Attorney Patton stated it is seconded reading but, changed the amounts as you all received the information that I shared about other local municipalities, the County, the State. My advice was that the first offence be the \$2,500 amount, the second offence be \$7,500 and that again is based on what some other local communities and state statute have. I know

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Jane (Clerk-Treasurer Jordan) has on there a question about do we need to have language that the fines be placed in a fund for street repairs. I am not sure if other local ordinances have that with regards to fines.

Councilman Loving stated that we directed that last month so, I think we are okay, right?

Clerk-Treasurer Jordan stated I guess what we are getting at is, typical violations like this would go into the Local Law Enforcement Continuing Education Fund. I think the recommendation from the Board was that these particular funds go into a Fund that would be used to help with road repair. So, maybe if we have that clarification.

Attorney Patton stated unless other ordinances say this is where the funds go, to this or that, I don't think it needs to be in the actual ordinance. But if you want to make sure it is in the minutes just for historical clarification purposes. It does go for street repair.

Councilwoman Biancardi made a motion that the Town adopts **Ordinance 304-2021 An Ordinance of the Town of Burns Harbor Town Council Amending the Text of Chapter 1 Concerning Motor Vehicle/Traffic Violations Fees in the Town of Burns Harbor, Indiana** on second reading.

WHEREAS, in July 2009, the Burns Harbor Town Council passed Ordinance 223-2009 regarding various Town Code violations and associated fees relative to the same in Burns Harbor, Indiana; and

WHEREAS, upon a review of the previously established fees for Motor Vehicle/Traffic Violations, the Burns Harbor Town Council has determined the need to update and revise these fees in amounts that adequately deter such violations and to cover the costs associated with the violations; and

NOW THEREFORE, be it and it is hereby ordained by the Burns Harbor Town Council that Chapter 1, Article I, Section 1-12, VIOLATIONS BUREAU EXHIBIT A, Motor Vehicle/Traffic Violations of the Town Code of the Town of Burns Harbor shall be amended as follows:

Motor Vehicle/Traffic Violations

<u>Town Code</u>	<u>State Statute</u>	<u>Violation Type</u>	<u>Fine</u>	
			1st Offense/2nd Offense	
Section 8-6	9-21-16-8	Parking in a no parking zone	\$50.00	\$50.00
Section 8-5		Violating 8-ton weight limit on Town Roads	\$2,500.00	\$7,500.00
Section 9-1(3)		Parking as to obstruct traffic	\$50.00	\$50.00
Section 8-3		Leaving vehicle on street over 72 hours	\$50.00	\$50.00
Section 8-4	9-22-1	Junk or abandoned vehicle	\$50.00	\$100.00
Section 9-2(13)		Common nuisance	\$50.00	\$50.00

This Ordinance shall be in full force and effect from and after its passage, approval, recording and publication as provided by law.

Councilwoman Scott seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak – Aye, Councilman Hull – Aye, Councilman Loving – Aye, Councilwoman Scott - Aye. **Ordinance 304-2021 passed and was adopted.**

Ordinance 305-2021 Establishing the American Recovery Plan Coronavirus Local Fiscal Recovery Grant Fund:

Clerk-Treasurer Jordan explained that the Federal Government is sending additional relief. The Town is projected to receive \$380,000. We will get the first half by mid-June of this year and the second half twelve months later. The Council needs to create a plan which must be adopted before the money can be spent.

Councilwoman Biancardi made a motion that the Town adopts **Ordinance 305-2021 Establishing the American Recovery Plan Coronavirus Local Fiscal Recovery Grant Fund (#176).**

WHEREAS, the Town Council of the Town of Burns Harbor, Indiana, recognizes that a need now exists for the establishment of the American Recovery Plan (ARP) Coronavirus Local Fiscal Recovery Grant Fund (Fund #176) pursuant to Indiana Code 5-11;

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and

WHEREAS, the sources of funding for the newly established fund will include monies allocated to the Town from the American Rescue Plan Act of 2021 (ARPA). The monies within this fund shall be used for eligible purposes of the ARPA; and

WHEREAS, funds receipted into this Fund will require an additional appropriation approved by the Town Council and the Clerk-Treasurer will review the requested use of the monies along with the Town Attorney for compliance with ARPA requirements. The Clerk-Treasurer will also maintain detailed accounting records of the Fund to provide for future audits of the ARP Fund;

NOW THEREFORE, be it and it is hereby ordained by the Burns Harbor Town Council that this Ordinance shall be in full force and effect upon its adoption.

Councilwoman Scott seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak – Aye, Councilman Hull – Aye, Councilman Loving – Aye, Councilwoman Scott - Aye. **Ordinance 305-2021 passed on first reading.**

Councilwoman Biancardi made a motion that the Town declares an emergency and suspends the rules of adopting an ordinance in two separate meetings. Councilwoman Scott seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak – Aye, Councilman Hull – Aye, Councilman Loving – Aye, Councilwoman Scott – Aye. **Motion passed.**

Councilwoman Biancardi made a motion that the Town adopts Ordinance 305-2021 Establishing the American Recovery Plan Coronavirus Local Fiscal Recovery Grant Fund on second reading. Councilwoman Scott seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak – Aye, Councilman Hull – Aye, Councilman Loving – Aye, Councilwoman Scott - Aye. **Ordinance 305-2021 passed and was adopted.**

Resolution 2021-04 Child Abuse Prevention Month Proclamation:

Councilwoman Biancardi made a motion that the Town adopts **Resolution 2021-04 Child Abuse Prevention Month Proclamation**

WHEREAS, child abuse prevention is a community problem and finding solutions depends on involvement among people throughout the community;

WHEREAS, statistics of children who are abused and neglected escalate each year;

WHEREAS, the effects of child abuse are felt by whole communities, and need to be addressed by the entire community;

WHEREAS, effective child abuse prevention programs succeed because of partnerships created among social services agencies, schools, religious organizations, law enforcement agencies, and the business community;

WHEREAS, youth-serving prevention programs offer positive alternatives for young people and encourage youth to develop strong ties to their community;

WHEREAS, all citizens should become more aware of child abuse and its prevention within the community, and become involved in supporting parents to raise their children in a safe, nurturing environment;

NOW THEREFORE, the Town Council of the Town of Burns Harbor, Porter County, Indiana does hereby proclaim the month of April, 2021 as CHILD ABUSE PREVENTION MONTH in the Town of Burns Harbor, and calls upon all citizens, community agencies, religious organizations, medical facilities, and businesses to increase their participation in our efforts to prevent child abuse, thereby strengthening the communities in which we live.

Councilwoman Scott second the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak – Aye, Councilman Hull – Aye, Councilman Loving – Aye, Councilwoman Scott - Aye. **Resolution 2021-04 passed and was adopted.**

Council consensus was to place the Child Abuse Prevention banner provided by Duneland Exchange Club at the intersection of U.S.20 and North Babcock Road.

Resolution 2021-05 Amending 2021 Salary and Wages:

Councilwoman Biancardi explained that the Sanitation Board always had a part-time laborer and when Rob Wesley moved up to GM/Street Superintendent, that position opened. In speaking to the Sanitation and Street Superintendents, they felt it would be advantageous for them to cross-train the Street Department and from there began the

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conversation to have Sanitation pay twenty-five percent (25%) of each of their salaries. They would be able to work between both departments and be accessible when needed. It was just the two laborers to make up the half time they paid Rob Wesley.

Councilwoman Biancardi made a motion that the Town adopts **Resolution 2021-05 Amending 2021 Salary and Wages**

RESOLUTION 2021-05

Amend Resolution 2021-01 2021 SALARY and WAGES for the TOWN of BURNS HARBOR, PORTER COUNTY, INDIANA

WHEREAS, pursuant to I.C. 36-5-3-2 the Burns Harbor Town Council must annually fix the compensation for all elected officials, and Town Marshal prior to January 1 of the ensuing year; and,

WHEREAS, the annual salary ordinance must define the compensation, including fringe benefits, of all employee of the Town of Burns Harbor; and,

WHEREAS, I.C. 36-5-7-6 requires the town legislative body to fix the number of deputy town marshals by ordinance;

NOW THEREFORE BE IT RESOLVED, by the Town Council, that the Salary and Wages for all employees, elected and appointed members of boards and commissions, and other compensations matters for the year of 2021 in the amount and manner hereinafter be set forth:

Officer/Employee	Frequency of Payment.	Amount of Compensation
Council Members (5)	Monthly	\$ 5,000.00 each per year.
Clerk-Treasurer	Bi-weekly	2,308.80 Exempt 75% from General Fund 25% from Sanitation Fund
Deputy Clerk Full-time	Bi-weekly	16.00 – 22.50 hourly. 50% from General Fund 50% from Sanitation
INDOT ERC (Employee in Responsible Charge certified)	Bi-weekly	1,000.00 Exempt 25% from General Fund 75% from RDC Operating Fund
Town Marshal	Bi-weekly	31.26 hourly.
Assistant Deputy Marshal	Bi-weekly	28.89 hourly
Deputy Marshal	Bi-weekly	19.75 - 25.56 hourly.
Probationary Deputy Marshal	Bi-weekly	17.50 - 20.00 hourly.
Deputy Marshal Part-time	Bi-weekly	16.00 - 20.00 hourly.
Police Clerk Full-time	Bi-weekly	16.50 - 20.50 hourly.
Police Clerk Part-time	Bi-weekly	10.00 - 13.00 hourly.
GM/MVH Superintendent	Bi-weekly	31.26 hourly.
GM Laborer Full-time	Bi-weekly	18.00 - 23.59 hourly.
MVH Eqpt. Operator Part-time	Bi-weekly	13.00 – 17.00 hourly.
GM/BLDG Clerk Full-time	Bi-weekly	16.00 – 21.88 hourly. 100% from Blding General Fund
GM/BLDG Clerk Part-time	Bi-weekly	10.00 – 13.00 hourly.
Part-time Building Commissioner/Inspector	Bi-weekly	20.00 hourly.
Building Inspector	Bi-weekly	35.00 per inspection
Fire Department Secretary	Monthly	9,000.00 per year.
Paramedic Part-time	Bi-weekly	18.00 hrly from Fire Non-Reverting Operation Fund
EMT Part-time	Bi-weekly	14.00 hrly from Fire Non-Reverting Operation Fund
Plan Commission Board Members (7)	Yearly	750.00 each per year.
Plan Commission Secretary	Monthly	3,000.00 per year based upon 12 meetings per year and additional \$200.00 per special meeting.
BZA Board Members (5)	Yearly	750.00 each per year
BZA Secretary	Monthly	3,000.00 per year
Fire Chief/Sanitary Sewer/Storm Water Superintendent	Bi-weekly	31.26 hrly. 50% from Fire General Fund and 50% from Sanitation Fund
Sanitary Sewer/GM Laborer Full-time	Bi-weekly	19.00 – 23.96 hourly
Sanitation Clerk	Bi-weekly	15.00 – 21.10 hourly
Sanitary Sewer/GM Laborer Part-time	Bi-weekly	13.00 – 17.00 hourly

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Sanitary Sewer Resident Board Members (3)	Yearly	750.00 each per year.
Redevelopment Commission Secretary	Monthly	3,000.00 per year from Redevelopment Operational Fund
Redevelopment Commission Resident Board Members (1)	Yearly	750.00 each per year.

In addition, the Town will pay all full-time employees longevity compensation in the amount of \$100.00 per year to be paid on the payroll following the employee's anniversary full-time hire date.

Employees, as approved by the Town Council, receive \$60.00 per month cellphone allowance.

Employees participating in the Civilian INPRS shall have an amount paid by the Town equal to the employer contribution rate (11.2% effective January 1, 2021) as established by INPRS.

Employees will contribute ten percent (10%) each month of the premium cost for medical insurance; the remainder paid by the Town. The Town will provide dental insurance, vision insurance, life insurance, short term disability and long-term disability insurance.

Employee use of a privately owned vehicle driven on official town business shall be reimbursed at the state mileage reimbursement rate established by the latest Indiana Department of Administration determination for business miles driven.

All newly hired employees of the Town of Burns Harbor will not be eligible for a pay increase prior to completing one-year of employment with the Town.

The Clerk-Treasurer shall participate in all aspects of the full-time employee benefits programs, less mandated deductions and withholdings.

For all other benefits and paid time off, refer to personnel handbook adopted on September 1, 2018 & its updates.

Salaries contained in this Ordinance are to be deemed the maximum allowable salary payable for each position. See attached salary listing. Salary ranges do not include overtime compensation, deferred compensation, longevity, insurance and retirement contributions paid by the Town, tax liability added for personal use of Town vehicles, compensation for accrued vacation liability, reimbursement for business related expenses, and imputed income derived from other employee benefits.

New pay rates will take effect with the first payroll check written beginning in January, 2021.

FURTHERMORE, the Town Marshal with, the approval of the Town Council, shall appoint such number of Deputy Town Marshals as the interests of the Town may require, not exceeding twenty (20), who shall, on taking the oath of office, have all powers, duties, responsibilities and limitations of the Town Marshal.

Passed and adopted this 14th day of April, 2021.

Full Time Employee 2021 Salary & Wage

Town Department:

Corinne Peffers	Deputy Clerk ERC	21.10 hourly $\frac{1}{2}$ Town General $\frac{1}{2}$ Sanitation 38.46 salary Exempt $\frac{1}{4}$ Town General $\frac{3}{4}$ RDC Operating Fund
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Police Department:

Michael Heckman	Town Marshal	31.26 hourly
Austin Haynes	Corporal	26.00 hourly
Timothy Lucas	Sergeant	28.17 hourly
Jeremy McHargue	Assistant Town Marshal	28.89 hourly
Kyle Poracky	Corporal	26.00 hourly
Shayna Dujmovich	Deputy Marshal/Clerk	25.56 hourly

Street/Building Department:

Robert Wesley	Superintendent	31.26 hourly
Brandon Downey	Laborer	18.00 hourly $\frac{3}{4}$ GM General $\frac{1}{4}$ Sanitation
Jose Reyes III	Laborer	19.04 hourly $\frac{3}{4}$ GM General $\frac{1}{4}$ Sanitation
Loretta McCormick	Clerk	21.88 hourly from Blding General Fund

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Sanitation Department:

William Arney	Superintendent	31.26 hourly ½ Fire General ½ Sanitation
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The following positions are approved to receive a monthly cell phone allowance:

- Town Marshal
- Assistant Town Marshal
- Sergeant
- Corporal
- Full-time Deputy Marshal
- Full-time Probationary Deputy Marshal
- GM/MVH Street Superintendent
- Full-time GM/MVH Street Laborer
- Building Commissioner
- Fire Chief/Sanitary Sewer/Storm Water Superintendent
- Plan Commission/BZA/Redevelopment Commission Secretary paid ½ from Plan Comm General Fund & ½ Redevelopment Operational Fund

Councilwoman Scott second the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak – Aye, Councilman Hull – Aye, Councilman Loving – Aye, Councilwoman Scott - Aye. **Resolution 2021-05 passed and was adopted.**

Ordinance 306-2021 Amending Text of Chapter 15 Zoning in regards to Shipping/Cargo Containers:

Councilman Hull informed that the Planning Commission was working on this for some time and there is a fee associated with the use.

Councilman Hull made a motion that the Town adopts **Ordinance 306-2021 Amending Text of Chapter 15 Zoning in regards to Shipping/Cargo Containers AN ORDINANCE OF THE BURNS HARBOR TOWN COUNCIL AMENDING THE TEXT OF CHAPTER 15 ZONING CONCERNING STORAGE AND THE USE OF SHIPPING/CARGO CONTAINERS WITHIN THE TOWN OF BURNS HARBOR, INDIANA.**

WHEREAS, the Burns Harbor Town Council has adopted a Zoning Ordinance codified as Chapter 15 of the Town Code of Burns Harbor, Indiana; and

WHEREAS, the Burns Harbor Advisory Plan Commission has initiated certain amendments to the text of the Zoning Ordinance in order to better regulate Storage and the use of Shipping/Cargo Containers in the Town by adding definitions to distinguish between different types of storage and amending the Zoning Form & Function Table to include Cargo/Incidental Storage; and

WHEREAS, notice has been given in accordance with Indiana Code of all proceedings concerning these text amendments; and

WHEREAS, a public hearing has been held before the Burns Harbor Advisory Plan Commission and said Commission has paid reasonable regard, in preparing and considering the proposal, to the factors set forth in Indiana Code § 36-7-4-603, including the Comprehensive Plan; and

WHEREAS, the Commission now certifies its proposal to amend the text portions of the Zoning Ordinance to the Burns Harbor Town Council; and

WHEREAS, the Burns Harbor Town Council concurs with its Advisory Plan Commission and accepts this proposal;

NOW THEREFORE, be it and it is hereby ordained by the Burns Harbor Town Council as follows:

Section 1. That section 15.2 of Chapter 15 of the Town Code of the Town of Burns Harbor Zoning Ordinance shall be amended to include the following definition:

15-2-2 Definitions. 181.2. SHIPPING CONTAINER: a container fabricated for the purpose of transporting freight or goods on a truck, railroad or ship, including cargo containers, shipping containers, storage units, or other portable structures that are placed on private property and used for storage of items, including, but not limited to, clothing, equipment, goods, household or office fixtures or furnishings, materials and merchandise. This definition will include shipping containers used as accessory buildings for temporary storage and shipping containers used as sheds for residential storage. “Shipping Container” shall also include, but is not limited to, storage box shipping

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containers, storage moving “pods”, or any other similar portable storage containers, whether with or without wheels, and whether with or without a chassis.

Section 2. That Section 15.5 of Chapter 15 of the Town Code of the Town of Burns Harbor shall be amended as follows:

15.5 Districts. Table 5-2 Zoning Form & Function Table – k. ACCESSORY USES, add Shipping Container. Permitted in Special Use District. Special Exception in RC1, RC2, and BP.

Section 3. That section 15.13 of Chapter 15 of the Town Code of the Town of Burns Harbor Zoning Ordinance shall be amended to include the following:

15–13–6.1 SHIPPING CONTAINERS

1. A Shipping Container shall conform to the standards found within each corresponding zoning district. However, nothing in this Ordinance shall restrict the placement of a Shipping Container utilized as a temporary moving pod on any parcel when said shipping container is placed on a parcel for no more than ten (10) consecutive days when the occupant(s) of the residential or business parcel are moving in or out of the residence or building located on that parcel, provided that no Shipping Container shall be located in a circulation aisle/lane, fire access, public utility easement or public right-of-way, including streets, alleys, sidewalks, park strips and/or otherwise impede traffic or pedestrians.
2. No Shipping Container shall be located in a circulation aisle/lane, fire access, public utility easement or public right-of-way, including streets, alleys, sidewalks, park strips, and/or otherwise impede traffic or pedestrians.
3. Except for the use stated above, the use of any Shipping Container requires permit approval from the Burns Harbor Building Commissioner.
4. A Shipping Container may be used for shipping and receiving merchandise and goods in a commercial use, provided that the Shipping Container does not remain on a parcel for more than ten (10) days, and provided that the Shipping Container is not kept in the front setback area or landscaped area, designated parking area, fire access, public right-of-way, in an area visible from the property’s primary street.
5. A single Shipping Container may be used in all residential zoning districts when a building permit has been issued for construction of a residential unit on that parcel. The Shipping Container shall be allowed on the residential parcel during construction only. The Shipping Container shall be removed within ten (10) days after the final building inspection upon completion of the residential unit or ten (10) days after the end of construction period defined within the building permit issued for the parcel, whichever comes first.
6. Each Shipping Container used for construction purposes must be approved by the Burns Harbor Building Commissioner prior to placement when used during construction for less than twelve (12) months.
7. No Shipping Container shall be permitted on a vacant parcel unless the vacant parcel is adjacent to the parcel where a construction or a remodeling project has been approved by the Burns Harbor Building Commissioner.
8. No Shipping Container shall otherwise be allowed when any portion of the property contains a residential dwelling unit.
9. A Shipping Container may not be used as a dwelling or living quarters, nor for camping, cooking or recreation purposes for any amount of time in any district.
10. The number of shipping containers allowed per business is limited to one (1).
11. In all districts, any Shipping Container must be kept in good repair, be secured against unauthorized entry, and comply with health regulations.
 - A. A Shipping Container is not in a state of good repair when it is incapable of being moved intact, holes in the container exist due to damage or rust, or it has been infested with vermin or other pests.
 - B. Any Shipping Container that has deteriorated and is not in a state of good repair must be removed immediately.
12. Vertical Stacking of Shipping Containers and stacking of any other materials on top of or around any Shipping Container shall be prohibited in all districts.
13. Any Shipping Container existing on any property in the Town of Burns Harbor

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on the date of final passage of this ordinance shall either be removed from such property or be brought into compliance with the provisions of this section within ninety (90) days of final passage of this ordinance.

14. Districts: ***Except as noted above in 15-13-6.1*** -
- A. Residential Open Space District: The use of a Shipping Container in a Residential Open Space (“ROS”) District is prohibited.
 - B. Residential District: The use of a Shipping Container in a Residential (“R”) District is prohibited.
 - C. Downtown District: The use of a Shipping Container in a Downtown (“DD”) District is prohibited.
 - D. Residential/Commercial District 1: The use of a Shipping Container in a Residential/Commercial 1 (“RC1”) District is prohibited.
 - E. Residential/Commercial 2: The use of a Shipping Container in a Residential/Commercial 2 (“RC2”) District is prohibited, except for the following uses:
 - i. Shipping Container may be used for shipping and receiving merchandise and goods in a commercial use, provided that the Shipping Container does not remain on a parcel for more than ten (10) days, provided that the Shipping Container is not kept in the front setback area or landscaped area, designated parking area, fire access, public right-of-way, alleys, or in an area visible from the property’s primary street.
 - ii. A Shipping Container may be used for storing merchandise or goods, including long-term storage, provided that the Shipping Container is not kept in the front setback area or landscaped area, designated parking area, fire access, public right-of-way, alleys, in an area visible from the property’s primary street.
 - iii. A Shipping Container shall not impede traffic or pedestrians. No Shipping Container shall be located in a circulation aisle/lane, fire access, public utility easement or public right-of-way, including streets, alleys, sidewalks, and park strips.
 - iv. Any Shipping Container intended for more than ten (10) days use and visible from any public right of way must be a solid neutral color or match the structure.
 - F. Business Park District: The use of a Shipping Container is permissible.
 - i. A Shipping Container may be used for storing merchandise or goods, including long-term storage, provided that the Shipping Container is not kept in the front setback area or landscaped area, designated parking area, fire access, public right of way, alleys, or in an area visible from the property’s primary street.
 - ii. Any Shipping Container intended for more than ten (10) days use and visible from any public right of way must be a solid neutral color or match the structure.
 - G. Special Use District: The use of a Shipping Container is permissible in a Special Use District, except where the Special Use District’s primary use is residential, and provided the Shipping Container is not stored on public right of way, in fire access, alleys, in landscaped or front setback areas or in an area visible from the property’s primary street.
15. Permit Fees: No application for any permit shall be considered unless it is accompanied by payment for fees pursuant to the fee schedule.
16. Penalties for Violations:
- A. Any person found in violation of any provision of this chapter shall be punishable by a fine of: \$500.00 for a first offense; \$1,000.00 for a second offense, and an additional \$250.00 for each subsequent day the violation occurs after receiving notice of a second offense; and \$2,500.00 for a third offense and the Town will remove the storage container. The owner will be held responsible for all costs of removal and storage of the storage container, the Town will lien property for all costs and fines, and any further permits will be revoked.
 - B. For the purpose of this section, a second and third offense occurs when: a violation of the provisions of this chapter is committed by

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the same person and the violation is of the same provision of this chapter as the previous violation; or the person found to be in violation of the provisions of this chapter fails to remove the storage container in violation of the provisions of this chapter within 7 days of receiving notice of the first or second offense.

Section 4. This Ordinance shall be effective upon its adoption and publication.

Storage Containers (refer to 15-13-6.1)	
Construction Containers	\$200, \$50 renewal
Temporary Use for Commercial Purposes (max 10 days)	\$50
Long Term Use for Commercial Purposes	\$200 annual fee \$50 annual inspection fee

**Permit fee is per container*

Councilwoman Scott second the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak – Aye, Councilman Hull – Aye, Councilman Loving – Aye, Councilwoman Scott - Aye. **Ordinance 306-2021 passed on first reading.**

Ordinance 307-2021 Speed Hump draft:

Councilman Loving explained this is the language that allows for the installation of speed humps in town, how they are installed and when they are removed.

Attorney Patton stated this is obviously for discussion. I did not forward it to the Police Chief or Chief Arney or Rob (Street Superintendent Wesley) or the engineer but, I think they all need to take a look at this and provide any comments that they may have. I wanted the Council to see it first. Any suggested changes, there is not many municipalities in the State that have such an ordinance. Although, there are speed humps in a lot of communities so, this is modeled off another community in the State that has them.

Councilwoman Biancardi stated I read through it and my only comment was to have a recommendation from the Police Department or the Street Department. I know it involves the town engineer but, having more people involved in the conversation to make sure it is a good fit.

Attorney Patton stated normally these are residential streets. We had the discussion at the beginning of the meeting and there is a desire, obviously, to have those residential streets slowed, when there is snow and what these speed humps present with regards to the plowing. You will see in the draft, the location of the speed humps, a lot of things are taken into consideration as far as distance, sight distance to react, drainage, you don't want to be blocking drainage on a street, close to any street lighting there may be, not in front of driveways, not within intersections, all the issues that were discussed earlier.

Councilwoman Biancardi made a motion that the Town adopts **Ordinance 307-2021 An Ordinance of the Burns Harbor Town Council Amending the Text of the Motor Vehicle and Traffic Ordinance**

WHEREAS, the Burns Harbor Town Council has adopted regulations regarding Motor Vehicles and Traffic codified as Chapter 8 of the Town Code of Burns Harbor, Indiana;

WHEREAS, the Town Council seeks to efficiently reduce excessive speeds on residential streets to ensure the safety of motorists, cyclists and pedestrians traveling upon or adjacent to the public streets within the Town;

WHEREAS, the Town Council seeks to ensure for the safety and well-being of all living, working and/or visiting the Town;

NOW THEREFORE, be it and it is hereby ordained by the Burns Harbor Town Council that Chapter 8 of the Town Code of the Town of Burns Harbor shall be amended as follows:

Article VI. SPEED HUMPS

Section 8-21. Definition. The following definition shall apply through this Article.

“Speed Hump” is defined as a raised area in the roadway pavement surface extending across the roadway which creates a gentle vehicular rocking motion that causes most vehicles to slow to approximately 15 m.p.h. or less at each hump, and for applications of more than one speed hump, to approximately 25 m.p.h. to 30 m.p.h. between properly spaced humps.

Section 8-22. Installation.

Speed Humps should only be installed in locations where all of the following conditions are met: (i) there is a demonstrated traffic or speeding problem and alternate measures have not

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sufficiently addressed the problem; (ii) it is not anticipated that the installation of the Speed Hump will cause the diversion of significant amounts of traffic to another local or residential street; (iii) the road slope and curvature allow for safe installation; (iv) the current posted speed limit on the street where the Speed Hump is to be placed is no greater than 30 m.p.h.; (v) the average daily traffic (ADT) on the street where the Speed Hump is to be placed is no greater than 3,000 vehicles per day (VPD) and no less than 200 VPD; and, (vi) the installation of the Speed Hump is deemed advisable by the Town Engineer or their designee, based upon sound engineering judgment. When more than one Speed Hump is to be installed on a street, the Speed Humps should be spaced between 250 and 600 feet apart, and should not be placed on City blocks or cul-de-sac streets that are less than 500 feet in length.

Section 8-23. General Conditions.

The following general conditions will be considered when locating speed humps:

- (A) A motorist should have adequate sight distance to react to the speed hump.
- (B) Speed humps will be placed only over clear, unencumbered paving (no manholes, etc.).
- (C) A speed hump will be located downstream from a drainage inlet, where at all possible.
- (D) A speed hump should be placed near existing street lighting, if possible.
- (E) A speed hump will not be placed in front of a driveway.
- (F) A speed hump will not be placed within an intersection.

Section 8-24. Neighborhood support.

In addition, Speed Humps should only be considered for installation in neighborhoods or subdivisions where 75% or more of the homeowners in the affected neighborhood or subdivision have indicated in writing that they are in favor of Speed Hump installation, except in instances where the Town Council, with the concurrence of the Town Engineer, determines that a Speed Hump may nevertheless be appropriate in an area where such homeowner support has not been demonstrated. For purposes of this section, the requesting neighborhood's Home Owners Association ("HOA") shall be responsible for circulating the petition and obtaining the requisite signatures requesting the installation of a Speed Hump. In neighborhoods that do not have an active HOA, the petition requesting the installation of a Speed Hump may be circulated by any property owner located within 2,000 feet of the proposed Speed Hump. The petition in a non-HOA neighborhood must be signed by 75% of property owners located within a 2,000 foot radius from the proposed Speed Hump. Petitions containing less than 20 signatures of property owners will not be considered for approval.

Section 8-25. Design, approval and maintenance.

All Speed Humps installed in the Town after the effective date of this section shall be designed and/or approved by the Town Engineer, or their designee, using current, locally-accepted standards. All Speed Humps installed in the Town after the effective date of this section shall be constructed and maintained by the Town Street Department or its designee, using current, locally accepted standards. The Town Street Department, or its designee, shall post appropriate signs and markings on all public streets on which Speed Humps have been installed, clearly indicating thereon the existence of same, in compliance with the Indiana Manual on Uniform Traffic Control Devices.

Section 8-26. Removal.

The Town Council, after consultation with the Town Engineer, may cause to be removed an existing Speed Hump when it has been determined by the Town Council that the Speed Hump: (i) has proven ineffective in resolving the speeding or traffic problem in the area; (ii) has caused the diversion of significant amounts of traffic to neighboring streets, thereby creating a traffic or speeding problem thereon; (iii) has been requested to be removed by the written petition of 75% or more of the homeowners in the affected neighborhood or subdivision; and/or, (iv) has otherwise become an inappropriate or unsafe means of calming traffic.

This Ordinance shall be in full force and effect from and after its passage, approval, recording and publication as provided by law.

Councilwoman Scott second the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak – Aye, Councilman Hull – Nay, Councilman Loving – Aye, Councilwoman Scott - Aye. **Ordinance 307-2021 passed on first reading.**

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Council directed Clerk-Treasurer to send ordinance to Town Engineer, Town Marshall, Street Superintendent, and Fire Chief for review. They should make any recommended changes to Town Attorney and Town Council before end of April.

New Business:

Staff anniversary recognition:

Council recognized Corinne Peffers for her five years of service to the Town.

Ambulance service abatements:

Clerk-Treasurer Jordan presented two hardship abatement requests to the Council. The first request did not complete the requirement of including documents to prove hardship so, hardship could not be determined. The second request has submitted supporting documentation that showed they qualify for abatement based upon the Council's adopted Collection and Write Off Policy.

Councilwoman Biancardi made a motion to abate the seconded request that has the evidence provided of a hardship (Call #20200060, Pat #BH-000649); and asked that Clerk-Treasurer Jordan contact the first one asking for supporting documentation, and bring it back to the Council if provided. Councilwoman Scott seconded the motion. Clerk-Treasurer Jordan stated my understanding of the policy is that you would make a recommendation in a meeting. I would then, if this moves forward and you approve it, I would contact the billing company and tell them to remove this person from aging list that their bill is forgiven. I would assume, I would contact the customer so they would know. Then at the end of the year, similar to the Sanitation Board, all the people that you made a recommendation to abate, throughout the year, would then be presented and written off officially for State Board of Accounts records. That is my understanding of the policy. If that is not correct, certainly, this is all new. Councilman Hull stated I would think one letter if you make copies could go to the billing company. Councilwoman Biancardi – Aye, Councilwoman Bozak – Aye, Councilman Hull – Aye, Councilman Loving – Aye, Councilwoman Scott - Aye. **Motion passed.**

Large Item trash pickup May 13th:

Councilman Loving informed that large item trash pickup will be May 13th.

Burns Harbor Scholarship applications due May 31st:

Councilman Loving reminded everyone scholarship applications are due by May 31st and can be found on the town website and Chesterton High School guidance office. The program is open to all town residents.

Schedule town rummage sale dates:

Council consensus was to hold the town rummage sale this year on Friday, July 30th and Saturday, July 31st.

Street/Building Department roof quotes:

Discussed under department reports.

Fire Department exhaust system quotes:

Discussed under department reports.

CF-1 statement reviews for 2022 abatement:

Attorney Patton stated I have reviewed MasterLink's and everything appears to be in order. So, I would recommend that you signoff on saying that they are in substantial compliance and I would just note that the CF-1 form says must be updated each year. It is filed with the County Auditor and designating body before May 15th or by the due date of the real property owner's personal property returns as filed with the township where the property is located. So, they have about another month. So, perhaps when you are back here on May 12th you might have Cleveland-Cliffs and Praxair's.

Councilwoman Biancardi made a motion that the Town approves MasterLinks' CF-1 as in substantial compliance and authorizes Council President Loving to sign the form on the Town's behalf. Councilwoman Scott seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak- Aye, Councilman Hull – Aye, Councilman Loving – Aye, Councilwoman Scott – Aye. **Motion passed.**

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Approval to Pay Vouchers:

Councilwoman Biancardi moved to approve vouchers with three or more signatures with the exception of a receipt that should be paid by the Sanitary Department which will be pulled and added to the Sanitary Board claim book for next week. Councilwoman Scott seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak- Aye, Councilman Hull – Aye, Councilman Loving – Aye, Councilwoman Scott – Aye. **Motion passed.**

Approval of March 2021 financial report:

Councilwoman Biancardi made a motion to approve the March 2021 financial report. Councilwoman Scott seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak- Aye, Councilman Hull – Aye, Councilman Loving – Aye, Councilwoman Scott – Aye. **Motion passed.**

Old Business:

COVID-19 Safety and Action Plan:

Councilman Loving reminded that as Attorney Patton stated the emergency is extended until the end of this month so, we should probably do ours through the Friday after our May meeting.

Councilwoman Biancardi stated maintain except what we gave the park permission to do.

Attorney Patton informed the Council that his understanding is that even if the Governor's public health emergency ends, there will be a draw down on the ability to have electronic meetings. You could still have some of your members meeting virtually on that May 12th meeting date.

Councilman Hull informed the State is working on some legislation that may allow electronic meetings permanently.

Councilwoman Biancardi made a motion to extend the Town's COVID emergency safety protocols though Friday, May 14, 2021. Councilwoman Scott seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak – Aye, Councilman Hull – Aye, Councilman Loving – Aye, Councilwoman Scott – Aye. **Motion passed.**

Advisory Plan Commission open seat:

Councilwoman Biancardi and Councilwoman Scott volunteered to interview the three applicants and make a recommendation to the Council at their May meeting.

Time clocks status report:

Councilwoman Scott requested that the matter be removed from the agenda until more information is available.

Waiving waste water late fees due to State Health Emergency:

Councilwoman Biancardi made a motion to affirm the waiving of sanitary late fees for the month of April due to Indiana's state of emergency. Councilwoman Scott seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak – Aye, Councilman Hull – Aye, Councilman Loving – Aye, Councilwoman Scott – Aye. **Motion passed.**

Ambulance service delinquency process:

Clerk-Treasurer informed the Council of the ambulance billing process as it pertains to customers more than 180 days delinquent and their adopted Hardship and Write-off Policy.

Council discussed the billing process, collection process, and the need to send a letter after the billing service stops sending notices and before Attorney Patton's office begins the collections process.

Council directed the Fire Department Secretary send delinquent letters as described in the Hardship and Write-off Policy.

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Rainbow Community Mobile Home Park condemned under Indiana's unsafe building statute:

Council directed Building Commissioner McGraw to meet with former Building Commissioner Wesley to get up to speed on the matter and report back at their next meeting.

Instate trash service fee:

Councilman Loving informed the Council that he has not received the Republic Services extension quote or competitive case study and will contact Mr. Metros for the status.

INDOT Town road inventory update status report:

Town Engineer Bobcek informed the Council he received one email from John Schill with Cleveland-Cliffs but, Mr. Schill has not responded since.

Verplank Road offloading area:

Town Engineer Bobcek discussed the estimate for a pull-off shoulder lane extension on the northside's existing shoulder in the amount of \$13,000.

Councilman Loving asked is Bosak has been approached requesting that they offload at the old Arnell dealership on the north side of U.S. 20 rather than pulling onto Verplank Road.

Street Superintendent Wesley and Fire Arney informed that off-loading is happening at Phantom Fireworks, 219 Verplank Road and the trucks are then pulling onto Old Porter Road and coming out.

Council discussed options that would allow semi-trucks to off-load without having to pull onto Verplank and Old Porter Roads which is causing traffic issues and road damage.

Councilman Hull volunteered to discuss the matter with Boask.

Councilman Hull asked what it cost the Town to repair Old Porter Road. The estimate was approximately \$4,000.

Councilman Hull informed the Council of an asphalt pile at the Street Department that needs to be hauled away. The estimated cost to remove the pile came in at \$265 per truck load estimating there is about twenty to twenty-five loads. Councilman Hull made the motion that the Town pays RV Sutton not to exceed \$6,700 to remove the asphalt pile at the Street Department. Councilwoman Biancardi seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak – Aye, Councilman Hull – Aye, Councilman Loving – Aye, Councilwoman Scott – Aye. **Motion passed.**

Good of the Order of the Community:

GM/Street Superintendent Wesley informed that street sweeping is scheduled for May 12th and finishing up on the 13th if necessary.

Councilman Hull asked if there was a need to have a town auction. The Council consensus was to decommission and sell by bid.

Councilwoman Biancardi made a motion that we adjourn. Councilwoman Scott seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak – Aye, Councilman Hull – Aye, Councilman Loving – Aye, Councilwoman Scott – Aye. **Motion passed.**

There being no further business to discuss, the meeting concluded at 9:03 p.m.

Approved at May 12, 2021 meeting.

TOWN COUNCIL OF THE
TOWN OF BURNS HARBOR
Nicholas Loving, President
Eric Hull, Vice-President
Toni Biancardi
Roseann Bozak
Angie Scott

ATTEST:

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Jane M. Jordan, IAMC, MMC, CPFA, CPFIM
Clerk-Treasurer