

June 7, 2016

TOWN COUNCIL MINUTES

Council President Rick Ryfa called the June 7, 2016 meeting to order at 7:02 p.m.

ROLL CALL:

James Marker - Absent
Larry Ballah
Rick Ryfa - Absent
Patricia Schaadt
Tony Hobson

ALSO ATTENDING:

George Jerome - Clerk Treasurer
Greg Mance – Police Chief
Roy Schoon – Fire Chief
Steve McDermott – Building Commissioner
Bob Schwerd – Attorney for the Town

APPROVAL OF MINUTES:

1. Council Member Pat Schaadt moved to adopt the minutes of the May 17, 2016 meeting as presented, second by Council Member Tony Hobson. MOTION CARRIED

APPROVAL OF CLAIMS:

1. Claim No. 6892 - 7130 in the amount of \$1,434,986.88 (one million, four hundred thirty-four thousand, nine hundred eighty-six dollars and eighty-eight cents) were presented for payment. Council Member Pat Schaadt moved to accept the claims as presented, second by Council Member Larry Ballah. MOTION CARRIED

ANNOUNCEMENTS:

1. There will be a council study session on Tuesday June 14th at 5:30 p.m.
2. The next council meeting will be Tuesday June 21st at 7:00 p.m. A study session will be held at 6:30 p.m. before the meeting one will follow if necessary.
3. Griffith Boys Soccer will have a car wash at the Franklin Center June 11th
4. Griffith Boys High School Volley Ball will have a car wash at the Franklin Center June 18th

COMMUNICATIONS:

1. Council Member Larry Ballah, moved to approve a request from the Salvatorian Fathers to transit town during their annual pilgrimage, second by Council Member Tony Hobson. MOTION CARRIED
2. Council Member Pat Schaadt moved to approve a request from the Griffith Special Events Committee to conduct a pre-parade "Independence Day Run" along the parade route, second by Council Member Larry Ballah. MOTION CARRIED
3. Council Member Tony Hobson moved to allow the Griffith/Highland Chamber of Commerce permission to place banners on the fences at the Broad Street basketball courts and the detention basin on Pine, for the "Tour De Highland/Griffith", second by Council Member Pat Schaadt. MOTION CARRIED

REPORTS:

1. NIRPC – No Report
2. Director of Public Works – No Report
3. Police – No Report
4. Fire – No Report
5. Economic Development – No Report
6. Pending Items
 - a. Council President announced that the council has received an analysis of current water rates from Umbaugh Associates along with their recommendation for a rate increase. The council is reviewing the report.
 - b. Council President Ryfa announced that according to an analysis by Umbaugh Associates confirms that Calumet Township's Poor Relief Tax Rate exceeds the state average by more than 12 times. This is the point at which Griffith can petition to have a referendum to be placed on a special election ballot to allow Griffith residents vote to leave Calumet Township and petition an adjacent Township to absorb Griffith.

- c. Council President Ryfa outlined the procedures for the Town to apply for matching road repair funds.

PUBLIC COMMENTS REGARDING THE AGENDA:

Council Member Pat Schaadt claiming privilege as a resident commented that the Calumet Township issue has been a long-time coming. In her first campaign in 1979, that was one of her objectives but she couldn't get support from the rest of the council. She congratulated the council for establishing secession as a goal during the 2007 election campaign and continuing the fight until the "Griffith Bill" was finally passed and signed by Governor Pence on May 4, 2013.

BUSINESS FROM THE COUNCIL:

1. UNFINISHED BUSINESS

- a. Council Member Tony Hobson moved to authorize Council President Ryfa to make a counter-offer to HSD regarding settlement of outstanding issues, second Council Member Larry Ballah. MOTION CARRIED
- b. Council Member Larry Ballah moved to accept the finalized Trash Specification for distribution to the four vendors who previously picked up specifications, second by Council Member Tony Hobson. MOTION CARRIED
- c. Council Member Pat Schaadt moved to award the Animal Shelter Reconstruction Project to Precision Builders, second by Council Member Larry Ballah. MOTION CARRIED
- d. Council Member Tony Hobson acknowledged receipt of a proposal regarding Bike Trail Signage. The Council took the proposal under advisement.

2. NEW BUSINESS

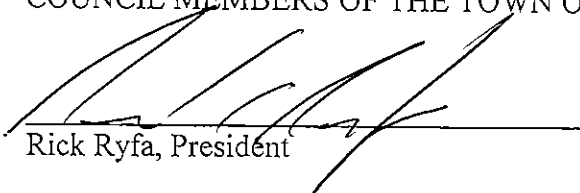
- a. Council Member Pat Schaadt moved to approve Connector Trail Supplemental Agreement #1, second by Council Member Larry Ballah. MOTION CARRIED
- b. Council President Rick Ryfa introduced a proposal from Antero Group regarding development support for the Ridge Road Cline Ave Center. The Council took the proposal under advisement.
- c. Council Member Larry Ballah moved to approve the Midwest Electric Maintenance Agreement for Streetlights and Traffic Signals and authorize Public Works Director Rick Konopasek to sign the agreement, second by Council Member Tony Hobson. MOTION CARRIED
- d. Council member Pat Schaadt moved to approve Public Works Director Rick Konopasek's request to advertise for Public Works Equipment, including pick-up trucks and a bucket lift truck, second by Council Member Larry Ballah. MOTION CARRIED
- e. Council Member Tony Hobson moved to authorize Public Works Director Rick Konopasek permission to enter into a contract for soffit and fascia replacement or repairs at the Public Works/Park Department Garage, second by Council Member Pat Schaadt. MOTION CARRIED

PUBLIC COMMENTS:

- George Smolka, 337 S Griffith Blvd asked if soil boring data for the golf course area were available, he was told that when the results were received, that they will be a public record and may be viewed.
 - Asked about the 395 homes that would be removed from the flood plain
 - Asked about the published water analysis data and asked about the sampling methodology and specific results

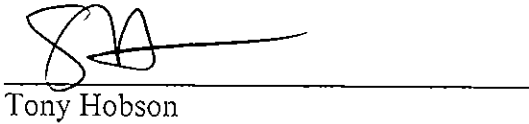
There being no further business to come before this Council, the meeting was adjourned at 7:38 p. m.

COUNCIL MEMBERS OF THE TOWN OF GRIFFITH, LAKE COUNTY, INDIANA

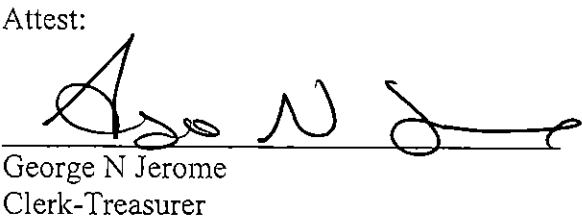

Rick Ryfa, President


Patricia Schaadt

ABSENT
James Marker


Tony Hobson


Larry Ballah

Attest:

George N Jerome
Clerk-Treasurer

ORDINANCE 2016-16

AN ORDINANCE AMENDING CHAPTER 86 ZONING ARTICLE XVI. SIGNS

WHEREAS, in order to protect the public health, safety, morals, and general welfare, as well as conservation of property values throughout the Town of Griffith, the Griffith Town Council believes it should regulate update and amend its existing zoning regulations concerning all signs within Town; and

WHEREAS, in order to provide for the orderly development of the Town of Griffith, and the Town of Griffith Plan Commission having held a public hearing, and the Plan Commission having recommended that the Town Council adopt this Ordinance; and

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Griffith, Lake County, Indiana, that Chapter 86 Zoning, Article XVI. Signs, Sections 86-228. - Same – Residence Districts and 86-229.- Same – Professional business districts be hereafter retitled so that the word “Same” in each aforementioned title be replaced with the words “Permitted signs” so that said Sections shall hereafter be referenced as “86-228. - Permitted signs – Residence Districts” and “86-229.- Permitted signs – Professional business districts”.

NOW, THEREFORE, BE IT FURTHER ORDAINED by the Town Council of the Town of Griffith, Lake County, Indiana, that Chapter 86 Zoning, Article XVI. Signs, Section 86-232. - Temporary signs, subsection (f) Special event banners of the Town ordinances is hereby amended in its entirety so that said subsection (f) shall hereafter read as follows:

(f) Special event banners. All weather banners, including sign or other devices which rotate, swing, inflate or move as a result of wind (natural or man-made), i.e. banners, posters, pennants, ribbons, streamers, strings of light bulbs, spinners, announcing and/or promoting any educational, charitable, philanthropic, civic or religious campaign drive, movement or event, may be hung upon approval of the town council. Said signs may be located for a period not to exceed 30 days preceding the event and shall be removed within five days after the event.

NOW, THEREFORE, BE IT FURTHER ORDAINED by the Town Council of the Town of Griffith, Lake County, Indiana, that Chapter 86 Zoning, Article XVI. Signs, Section 86-230 of the Town ordinances is hereby retitled and amended in its entirety and shall hereafter read as follows:

Section 86-230 Permitted Signs – Business Districts, and Signs located in all other Zoning Districts used for Business Purposes

In all business districts, and also including all signs which are situated upon land in any other zoning district whatsoever and which signs are appurtenant to a business, the following classes of signs and no others are permitted, in accordance with the regulations set forth herein.

- (a) All signs and nameplates permitted in the residence districts.
- (b) Business signs, excluding flashing and portable signs, directing attention to a business or profession conducted or to a commodity, service or entertainment sold or offered upon the premises where such sign is located or to which it is affixed.

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(c) Advertising signs, including billboards and poster panels, directing attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the premises where such sign is located or to which it is affixed permitted only as a use variance in the B-3 district. For any such advertising sign the copy area shall not exceed 600 square feet. In addition to the copy area, all trim, apron and embellishment shall not exceed 400 square feet in area.

(d) Signs on marquees and canopies may extend into the public right-of-way no more than 15 feet but in no case beyond a point which is within two feet of the vertical extension of the curb line or paved portion of the street where no curb exists. Any sign on a marquee or canopy shall have a minimum vertical clearance of at least 14 feet above the ground below it, further such sign on a marquee or canopy shall be affixed flat to the surface thereof and no such sign shall extend vertically or horizontally beyond the limits of such marquee or canopy; except, that individual free standing letters may project to a height not exceeding 24 inches above same.

(e) Signs on pylons, standards and separate supports. Business and advertising signs, (except billboards and poster panels), which are erected upon pylons, standards or separate supports shall be placed so as to be entirely within the property lines of the premises upon which the sign is located.

(f) Signs on masonry pylons. Signs may be placed on the face of a masonry pylon when the pylon is constructed as an integral part of the building and such pylon does not project above the roof line more than five feet.

(g) Temporary "a-frame" type signs, no greater than five feet in height and three feet in width, which are self supported and temporary in nature. Such signs will not be erected outside of business hours for the businesses they serve and should be placed on the business property they serve. However, if unable to be placed on the business property, an a-frame type sign may be placed in the public right of way, but not on any street or surface used by motor vehicles, and not in a manner that, in the sole opinion of the Town of Griffith Police Department interferes with the safe movement of pedestrians along a sidewalk.

(h) One restaurant menu may be mounted within a framed enclosure upon the wall of a structure as near as possible to a public entrance to the restaurant. Said menu signs may be internally illuminated during normal business hours of the restaurant. The area of the restaurant sign is not included in calculations of maximum allowable sign area, though no more than three pages of menus will be allowed, nor shall the dimensions of such a sign exceed 18 inches in height by 30 inches in width.

(i) In all business districts, permitted signs are subject to the following:

(1) Area. The gross area in square feet of all signs on a zoning lot shall not exceed the lineal footage of frontage of the lot, except on lots with frontages of 50 feet or less between buildings, where the gross area in square feet of all signs on such lots shall not exceed 50 square feet of frontage of the lot. (Example: a lot with a frontage of 100 feet may have a total gross area of all signs added together of no more than 1 x 100, or 100 square feet). For businesses located in B-3 or business PUD districts with building setbacks greater than 50 from a principal arterial roadway, the maximum size of the permitted signage may be increased by ten percent for every 25-foot increments of setback beyond 50 feet. In no case shall the signage due to excessive setback exceed two times the original maximum.

(2) Location. Signs shall front on the principal street, an off-street parking area or in the case of a corner lot, on that portion of the side street within 50 feet of the principal street.

(3) Projection. No signs may extend into the public right-of-way, except as allowed for in subsections (d) and (g), above.

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(4) Height. In a B-1 district, no freestanding sign shall project higher than 15 feet above the curb, and no sign shall project above the principal building to which it is affixed. In the B-2 and B-3 districts no sign shall project higher than 35 feet above the curb level or where no curb exists, above the average level of the ground on which the sign exists, and in no case shall a sign project more than 12 feet above the roof line or above the parapet line should one exist.

(5) Window signs (including temporary for sale/for rent signs) of paper, cardboard, painted letters, etched in glass, or other material hung inside the window that is intended to be viewed from the outside are allowable to the extent that they do not cover more than 25% of the window.

(6) Signs, illuminated only by non flashing light with no moving parts, are permitted subject to the following regulations and other applicable regulations set forth elsewhere in the Ordinances of the Town of Griffith.

(7) Where a sign is illuminated by light reflected upon it, direct rays of light shall not beam upon any part of any other parcel, lot of any type, real property, or into a street. A sign in direct line of vision of any traffic signal shall not have red, green, yellow or amber illumination.

(8) No sign attached to a building shall project more than thirty (30) inches from the outside wall, awning, or mounting from the building nor project in such a manner as to impede movement on a public sidewalk, street, alley, or other public way.

(9) A sign projecting more than 15 inches from a building wall shall have its bottom level not less than 14 feet above the grade below it.

(10) Signs shall be maintained in an attractive and structurally safe condition. All exterior parts shall be painted, coated, or made of rust inhibitive material. Any supporting structure shall be free of any bracing such as guy wires or cables and shall be designed as an architectural feature of the building.

NOW, THEREFORE, BE IT FURTHER ORDAINED by the Town Council of the Town of Griffith, Lake County, Indiana, that Chapter 86 Zoning, Article XVI. Signs, Section 86-234 of the Town ordinances is hereby enacted so that it hereafter reads as follows:

Section 86-234 Prohibited Signs

The following signs are prohibited in any zoning district whatsoever, unless specifically allowed by another provision of law or of the Town of Griffith's ordinances. Determinations as to prohibited signs will be made by the Town of Griffith's Building Department. All appeals from an adverse determination by the Building Department may be brought before the Board of Zoning Appeals

- (a) Roof signs;
- (b) Signs on vehicles or trailers or those that are placed or parked on a premises for purposes of advertising;
- (c) Signs that, by their wording, color or location, resemble or conflict with traffic control signs or devices;
- (d) Signs that create a safety hazard;
- (e) Signs that obstruct any door, window, fire escape, or other emergency exit;
- (f) Signs erected in the public right-of-way or on any public pole, bench, bus shelter, or other public structure, except when posted by a public officer in the performance of a public duty;
- (g) Signs on fences;
- (h) Portable electric signs;
- (i) Beacons.
- (j) Flashing signs, except flashing signs which give safety warnings or public service information;

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- (k) Signs which rotate, move or give the visual impression of rotation or movement, except rotating signs which give safety warnings or public service information;
- (l) Signs that emit audible sound, odor or visible matter;
- (m) Obscene signs, including signs depicting or containing graphics or content of an adult nature as defined in Ordinance 86-7, et seq.
- (n) Signs identifying past services performed on a building or to a premises;
- (o) Signs on trees or flag poles, including painted signs;
- (p) Signs using reflecting material, except governmental signs and name plate signs displaying the address of the occupant;
- (q) Signs which are confusingly similar or in any way imitate any official marker erected by the Town, State, or other governmental unit or agency, or which by reason of position, shape, or color would confuse or conflict with the proper functioning of any traffic sign or signal or railroad device;
- (r) Signs on any property, without the consent of the property owner;
- (s) Vehicle-mounted signs, or other similar signs placed on vehicles parked on public or private property primarily for the purpose of displaying advertising, except for the following:
 - (1) Business identification signs mounted on vehicles for the purpose of lawfully making deliveries, sales or service calls, or transporting persons or goods;
 - (2) Vehicles parked at a driver's place of residence or place of business.
- (t) Neon signs in any Residential district or Open Space district.
- (u) Signs not specifically allowed by the provisions of this Article or any other Ordinance.
- (v) Abandoned signs advertising a use, facility, product or event that is no longer sold, conducted or available on the premises, which sign shall be removed within ninety (90) days of the discontinuance. Signs remaining after ninety (90) days shall be considered abandoned signs and may be removed by the Town, with the cost of such removal charged to the property owner(s). In the event that the property owner(s) fails to pay for the expense of removing any abandoned sign, the Town may place a lien on the property for the amount due in the same manner as work performed by the Town on an unsafe building.
- (w) Signs that use string lights or any unshielded light within public view if used in connection with commercial premises for commercial purposes except that this shall not include:
 - (1) Holiday decorations at holiday time; or
 - (2) Non-flashing neon window signs.
- (x) Any business that dispenses gasoline products at the pump to the public for motor vehicles may display, in addition to all other signs permitted in its zoning district, not more than two additional signs. Each of these signs shall not exceed eight square feet in surface area and shall be for the purpose of indicating the pump price of fuel sold or the announcement of special offers. Said sign or signs may be attached to an existing ground sign, lighting standard, the pump, or the wall of a building. The area of such signs shall not be counted against the total sign area limit.
- (y) Signs which swing, inflate or move as a result of wind (natural or man-made), i.e. banners, posters, pennants, ribbons, streamers, strings of light bulbs, spinners or similar devices.
- (z) Signs which are located in such a manner as to obstruct the view of the intersection of a street, highway, or trail crossing.
- (aa) Signs which are established on trees, utility poles and fences.
- (bb) A business or other venture commencing its activities on a site shall be, for a period of one week prior to such opening and for two weeks after such opening, if such business applies to the Town Council for an exemption, and is granted an exemption from the prohibitions in subsections (h), (l), (j), (o), (p), (w), (y) and (aa) above. Such signs shall not be counted toward the maximum sign surface area permitted, nor subject to any height regulation.

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NOW, THEREFORE, BE IT FURTHER ORDAINED by the Town Council of the Town of Griffith, Lake County, Indiana, that Chapter 86 Zoning, Article XVI. Signs, Section 86-235 of the Town ordinances is hereby enacted so that it hereafter reads as follows:

Section 86-235 Legal Non-Conforming Signs

A Legal Non-Conforming Sign shall immediately lose its Legal Non-Conforming designation if:

- (a) The sign is not kept in good repair and in a safe condition and the state of disrepair or unsafe condition continues for six (6) months;
- (b) The sign is relocated;
- (c) The complete sign and sign structure are replaced; or
- (d) The Variance under which the sign was allowed or permitted expires.

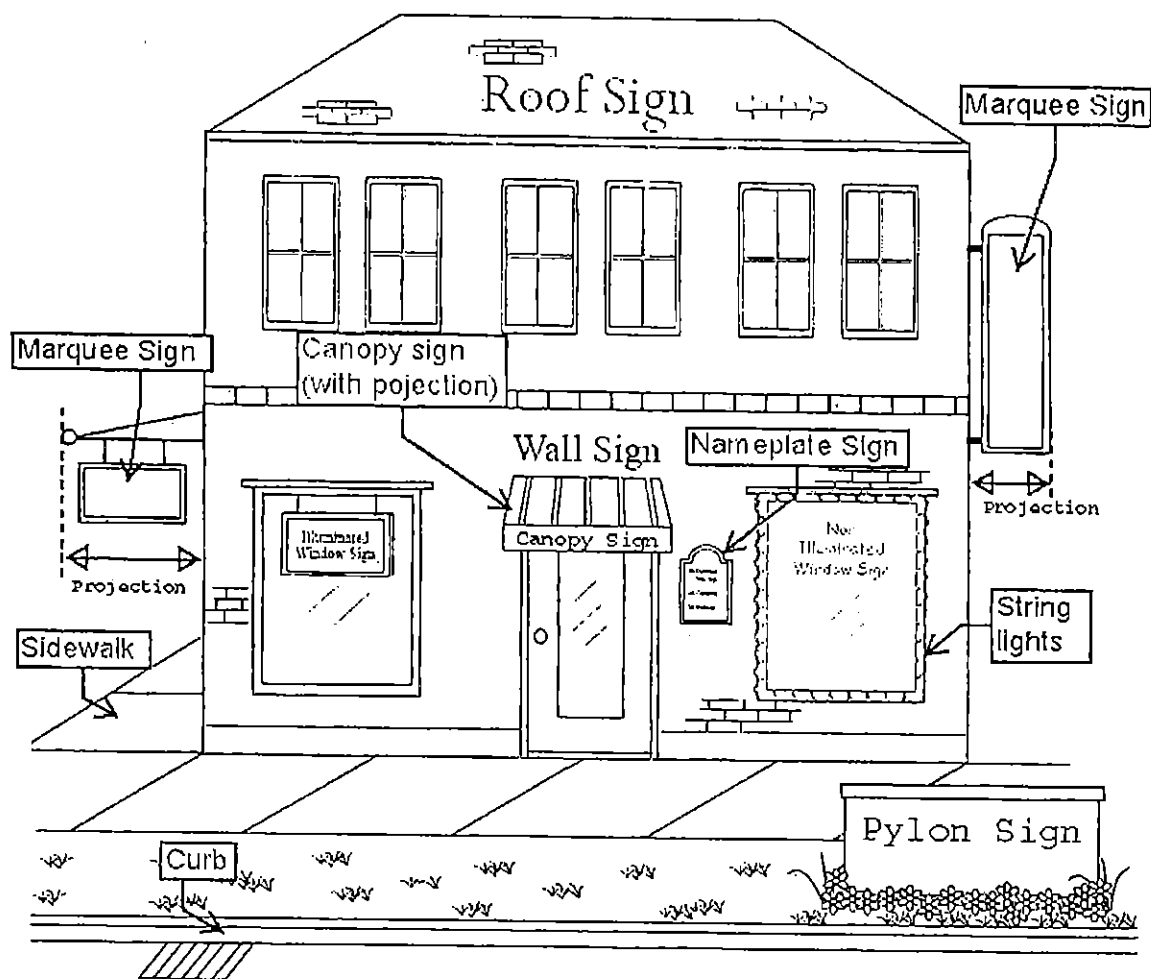
On the happening of any one (1) of the above conditions the sign shall be immediately brought into conformance with this Ordinance, or else it will be removed immediately. Nothing in this Ordinance shall relieve the owner or user of a Legal Non-Conforming Sign or owner of the property on which the Legal Non-Conforming Sign is located from the provisions of this ordinance regarding safety, maintenance and repair of signs.

NOW, THEREFORE, BE IT FURTHER ORDAINED by the Town Council of the Town of Griffith, Lake County, Indiana, that Chapter 86 Zoning, Article XVI. Signs, Section 86-236 Attachments of the Town ordinances is hereby enacted so that it hereafter reads as follows:

Section 86-236 Visual Guide and Reference

The below graphic is intended to serve as a visual guide and reference to assist in the interpretation of the various sign regulations contained in this Article.

ORDINANCE 2016-16



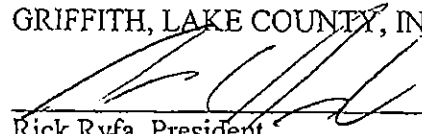
ORDINANCE 2016-16

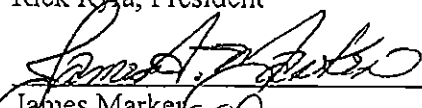
NOW, THEREFORE, BE IT FURTHER ORDAINED, that any and all such Ordinances or parts of Ordinances of the Town of Griffith that are in conflict with the provisions of this Ordinance are hereby repealed and of no further force or effect.

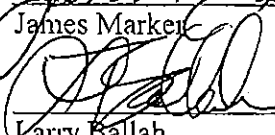
NOW, THEREFORE, BE IT FURTHER ORDAINED, that this Ordinance shall be in full force and effect from and after its passage and posting in accordance with Indiana Code 36-5-2-10.

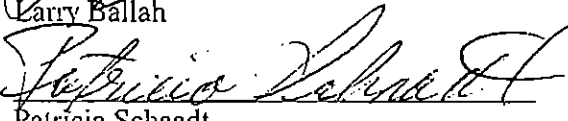
PASSED AND ADOPTED by the Town Council for the Town of Griffith, Lake County, Indiana this 5th day of July, 2016.

COUNCIL MEMBERS OF THE TOWN OF GRIFFITH, LAKE COUNTY, INDIANA

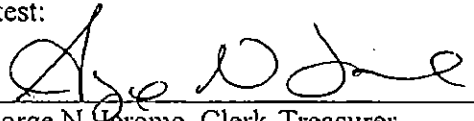

Rick Ryfa, President

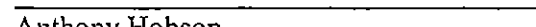

James Marker


Larry Ballah


Patricia Schaadt

Attest:


George N. Jerome, Clerk-Treasurer


Anthony Hobson

ORDINANCE NO. 2016-24

AN ORDINANCE REZONING CERTAIN REAL ESTATE WITHIN THE TOWN OF GRIFFITH, LAKE COUNTY, INDIANA, AS PLANNED UNIT DEVELOPMENT FOR ZONING PURPOSES AND AMENDING THE TOWN OF GRIFFITH ZONING ORDINANCES AND ZONING MAP.

TURNBERRY AT TRAIL CREEK

WHEREAS, IC 36-1-3-2 confers upon all local units the powers that they need for the effective operation of government as to local affairs; and

WHEREAS, the Town Council of the Town of Griffith, Lake County, Indiana, sees fit to update and revise its Zoning Ordinance and Zoning Map pursuant to recommendation by its Planning Commission;

WHEREAS, Westpark Development, Inc., doing business as Turnberry at Trail Creek, filed a petition with the Plan Commission of the Town of Griffith, Indiana (hereinafter the "Commission"), to re-subdivide certain real estate within the Town of Griffith and to cause it to be rezoned to Planned Unit Development - Residential, which real estate (hereinafter the "Real Estate") is described as follows:

A part of the Northeast Quarter and the Northwest Quarter of Section 11, Township 35 North, Range 9 West of the Second Principal Meridian in Lake County, Indiana, and being more particularly described as follows:

Beginning at the Northeast corner of said Section 11; thence South 00°33'53" East, along the East line of Section 11, a distance of 1,189.55 feet; thence South 61°52'15" West, a distance of 649.94 feet to the easterly line of a 99 foot wide right of way for Northern Indiana Public Service Company (previously known as the Chicago and Erie Railroad right of way) as recorded in Deed Record #034038 in the Office of the Recorder of Lake County, Indiana, thence North 29° 03' 08" West, along said Easterly line, a distance of 1,720.68 feet, to the North line of said Section 11; thence South 89° 39' 39" East, along said North line, a distance of 1,397.05 feet, North line, a distance of 1,397.05 feet, to the point of beginning containing 31.91 acres more or less, all in the Town of Griffith, Lake County, Indiana.

WHEREAS, the Plan Commission, after public hearing, has approved the Petitioner's re-subdivision and the development plan which was submitted under Chapter 86 the Zoning Ordinance of the Town of Griffith (hereafter the "Development plan"), and has recommended that the Zoning Ordinance be amended, and, has certified said recommendation to the Council pursuant to Indiana Code Section 36-7-4-605, as required by Indiana Code 36-7-4-608(b), so as to provide that the Real Estate be classified as a Planned Unit Development - Residential, and has made the following findings as required by said Chapter 86 of the Zoning Ordinance

- 1) The uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under any other district
- 2) An amendment to the requirements of this Chapter 86 of the Zoning Ordinance is warranted by the design and amenities incorporated in the Development Plan
- 3) Land surrounding the proposed development either can be planned in coordination with the proposed development or will be compatible in use.

ORDINANCE NO. 2016-24

- 4) The proposed change to a planned unit development district is in conformance with the general intent of the comprehensive master plan.
- 5) Existing and proposed streets are suitable and adequate to carry anticipated traffic within the proposed district and in the vicinity of the proposed district.
- 6) Existing and proposed utility services are adequate for the proposed development.

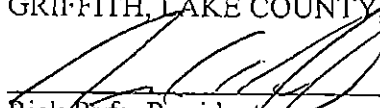
NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Griffith, Lake County, Indiana, that its Zoning Ordinance is hereby amended and modified and that the Real Estate, all lying within the municipal corporate limits of the Town of Griffith, Lake County, Indiana, be re-zoned as a Planned Unit Development – Residential, and the Zoning Map of the Town of Griffith should be amended accordingly.

NOW, THEREFORE, BE IT FURTHER ORDAINED, that any and all such Ordinances or parts of Ordinances of the Town of Griffith that are in conflict with the provisions of this Ordinance are hereby repealed and of no further force or effect.

NOW, THEREFORE, BE IT FURTHER ORDAINED, that this Ordinance shall be in full force and effect after its passage and posting in accordance with IC 36-5-2-10.

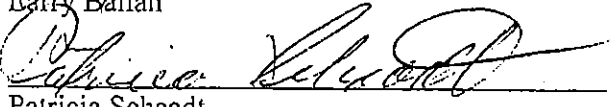
PASSED AND ADOPTED by the Town Council for the Town of Griffith, Lake County, Indiana this 5th day of July, 2016.

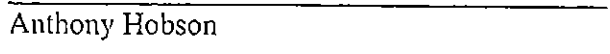
COUNCIL MEMBERS OF THE TOWN OF GRIFFITH, LAKE COUNTY, INDIANA


Rick Ryfa, President

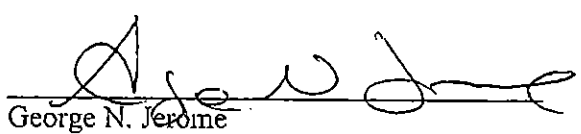

James Marker


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Anthony Hobson

Attest:


George N. Jerome
Clerk-Treasurer