

TOWN COUNCIL MINUTES
January 28, 2020

Present were council members Greg Stinson, President, William Lopez, Vice President, Erik Wagner, Brian Finley and David Phillips, Attorney Gregg Sobkowski, Police Chief James Spanier, Fire Chief Jay Craig, Building Commissioner Michael Barry, Street Superintendent Sarah Olson and Park Director Brian Bugajski.

APPROVAL OF MINUTES

Finley made a motion to approve the January 14, 2020 minutes and Phillips made the second, motion passed 5-0.

APPROVAL OF CLAIMS

Lopez made a motion to approve the claims as presented and Finley made the second, motion passed 5-0.

Stinson asked for the person asking for permission to use the community building at the park to step up.

Bonnie Corson of the String Along Quilt Guild said that they meet once a month at Hawthorne Park and want permission to sell raffle tickets to their members during the February and March meeting. They are having a show at the Expo Center and want to raise money. Phillips made a motion to approve the String Along Quilt Guild to sell raffle tickets at their meetings in February and March, Wagner made the second, vote 5-0 to approve.

Stinson wants to clarify that this is not a public hearing and all five members were at the public hearing of the Plan Commission and heard all comments and concerns. This council has also heard all the comments at three different council meetings and does not want to rehash all the same comments. Stinson said he wants to make corrections to the statements on the flyer that was placed at residents homes called Preserve our Quality of Life. The first statement says our population will increase by 20% which is incorrect, actually the population will increase by 12%. Stinson noted that between 1990 and 2000 the population increased by 60% and he is not concerned about a 12% increase. The second statement is also incorrect that the residents taxes will increase due to non-paying apartment dwellers. The property taxes will be paid by the owner and at a higher tax rate than homeowners. The third statement concerning high density housing will increase crime rates, this statement is vague and does not consider high end

housing. The next statement that the owner is asking for three variances, this is true and not unusual in a PUD, the flyer states high-rise towers, the developer is asking to make one of the buildings a four story and this requires a variance of six feet for a total of 56 feet high. A building is not a high-rise at 56 feet which includes four floors. A high-rise building is many stories. The other variance is reduced parking spaces and if you reduce the number of parking spaces you are reducing the amount of concrete and that reduces drainage problems. Next is the rezoning violates the Master Plan, a master plan is not written in stone and can be amended. The master plan did zoning for the water park because it was a water park at the time the plan was approved. Next is the noise and light pollution will increase, yes at the water park there was very little lighting, if a commercial building that everyone is asking for would have more lightening than an apartment complex. Next is excessive traffic and this was addressed at the Plan Commission public hearing, the developer has presented a traffic study that shows a 140 to 180 vehicles at peak periods is less than the traffic patterns when the water park was open. Part of the problem is the water park has been closed and everyone is used to not having traffic. Secondary rentals will not be permitted. The last statement that the council is dismissing the concerns of residents, no one sitting up here has dismissed you, I just want to clarify that there has been a public hearing and this council has offered hours of public comment, please understand this council is not required to do that according to Indiana code. Stinson said that he has listened and studied what has been said and not he has to make a decision and said that disagreeing is not dismissing, if we were going to dismiss you, we would not have had any public comments. Someone said let the public vote on this matter and Stinson replied a public vote is not allowable according to Indiana code. Stinson said he is going to open the public comment and if you have something to say that is new he would be happy to hear it.

COMMENTS FROM THE FLOOR

Jim Eriksson, Porter Beach, I would like to thank the Porter police department and the Porter fire department, I had to call them numerous times for my wife and they came in all kinds of weather to help my wife and I thank you. I try to respect everyone's opinion and I have served on boards for over 20 years and 99% of these people I have never seen at a meeting. Referring to traffic is the state's and the towns problem not the owner and you can't over rule the state. If you own property you can't tell someone that they cannot build there as long as they build by the rules. If you really care about this town get involved.

Martha Gasparas, Summertree, I have an indirect question, our backyard backs up to a parking lot and the people demolishing the water park are taking huge pieces of concrete and debris and bringing it to this parking lot, who is going to remove this? Mike Barry said the owner is moving this to the parking lot and he has been in contact with IDEM and as long as it is clean debris it is allowable to sit there and the owner will have this all removed when it is done. Barry said he will give them a date as to when it will be removed.

Larry Starrett, Burwell, I have a question for each council member and I would like you to each answer, how many residents have you spoke with in your ward about this issue, I will start with Ward 1, Wagner answered he has spoken to dozens residents and some were for this development and some were totally against it. Ward 2, Stinson, I can't tell you specifically if all people that I spoke with were just from my ward, I have been on the council for 9 years and some people recognize me, I did not keep track of whether they live in my ward, as residents I serve them all. I have talked with dozens over the last few weeks and some were with total opposition and some had questions and some said maybe it is not a bad idea. I cannot tell what the percentage was for and/or against. Ward 3, Lopez, I have talked to some residents and I can tell you that I have had very few people reach out to me on this issue but people that did I responded to them. Ward 4, Phillips, I have had some residents come forward to speak with me and some were for and some were against and they were from different wards because this decision is going to affect the whole town and because of that I have to take everyone's comments. I have had phone calls and letters sent to me and some are for it and some against it. I have not kept a running tally. Ward 5, Finley, I have talked to dozens also and it has also been both ways that residents are for it and residents are against it. Starrett said what I have learned tonight is a couple of things that in each ward only a couple of dozen residents were talked to and with all due respect it is not the your ward's job to contact you, I think you should have done a better job of connecting with the people in your ward and what it sounds like to me that you are not representing people in your ward. You are representing yourself and speaking with all due respect that quite frankly it is why we do not believe a lot of the stuff that comes out of this board.

Kyle Wimmer, 748 Lana Oaks Dr. Chesterton, from the proposal you stated that it was 314 units and Stinson said he did not state a number, he said that was in the flyer. Stinson state that at the Plan Commission meeting the occupancy number came out to 590. Wimmer asked if he has seen the plans for the units, are they two bedrooms and Stinson replied that there is one, two and three bedrooms, there are multi units. Wimmer said the biggest problem is apartments bring crime and

property values go down. It is a big thing have you looked at Valpo Vale Park area they have put their own police station because all the crime happens there because of the apartments. That is everyone's concern is what the apartments bring in. Stinson says that these apartments have a starting price of \$1,200 a month. Wimmer said that \$1,200 is a standard starting point for a house in Porter.

Rob Pieters, Baillytown, stated that this should not be zoned from business that the town is missing an opportunity. We need retail in northern Porter county, you can't even buy a pair of socks in town without driving to Michigan City or Valparaiso. We are missing a big opportunity by rezoning this property, we need retail business in town. We do not even have a grocery store in town. Porter is not going to get as much tax revenue as you think we are. Rezoning goes against our town planning book. It is shortsighted to rezone one large parcel. Thousands of tax dollars have gone into these plans but you are ignoring them. At one time you agreed with this plan that business should be developed and I am suggesting that you stick to this plan. With a new National Park that is bringing 60% of new traffic, and a brand new double track South Shore that will be increasing our property values, this is very valuable land and I think retail will do very well there to serve us and people from out of town. I would love this developer to develop something that would be nice to build something that would benefit our town. This should not be rezoned. You stated that the traffic issue will be resolved, where is that study for Waverly and Route 12 that is the most dangerous intersection in town. The developer mentioned that condos do not sell in northwest Indiana.

Androne Ambrozaitis of Clark Street read many studies about major highways from NIRPC. She is concerned about traffic from 94, beach traffic, shift change, school buses and congestion on Waverly Road. These are very serious issues. The fire chief was against this until someone changed his mind, it will stress all emergency personnel. Stinson asked Chief Craig were you against this project and he responded that he had questions but that doesn't mean he was opposed. I want more discussion on this project.

Sandra Setlik of Waverly Road, is also concerned about traffic, rezoning the property, drainage, crime and non-paying tax payers. And how we will pay for the schooling of children. This town needs small businesses instead of these apartments. The town is not respecting our master plan of supporting small business. She feels the town needs to make smart choices.

Jennifer Klug, Franklin Street, she said there is talk about tax abatements, will that be done at a public meeting. Stinson stated that the town will need to for an

Economic Development Committee with three residents and they will work with all developers down the road and they will bring recommendations to the council regarding tax abatements etc. They will meet at a public meeting. Stinson said that under council comments he will announce how to apply for this Commission. She stated that earlier it was discussed that the town would receive about a half million in taxes and Chief Craig stated that the town will need an aerial fire truck that would cost a million dollars, how many years will it take the town to see a positive growth from that tax money. She also stated that she rents and has always rented and would like to note that all renters are not transient and criminals.

Steve Wallace of Fieldstone, he is very concerned about the traffic and feels the council owes him more traffic studies. The council needs to look into a walking lane down Waverly Road.

Bob Kennedy, 126 Parc Aux Vaches, wants to know what benefit these apartments bring to the community? He feels that all the concern of the residents have been brushed over for the last few meetings. Stinson replied and said that you may not be satisfied but I will try. He said the first thing and everyone must agree that the water park is gone. Everyone is saying that the town needs to attract businesses, our director of development and consultants have said that it is very difficult to get anyone to build anything by Highway 20, they would see that water park and no one was interested in building. These will be attractive residential and that they will create an anchor for the rest of highway 20 will be more attractive to businesses. A grocery store will not build in a community of only 5,000 people. We need residents. The infrastructure, the roads and sewers are fixed costs that need to be paid for building and maintaining. This gets more expensive every year. This is a very expensive piece of property for small business to buy. What you are saying this development is going to save the residents a couple of bucks in taxes, I would rather pay more taxes. This is a 17 acre parcel if google this property you would have to pan out at least 2 square miles before you can count 300 residents right at the entrance to the dunes. He does not see the benefit.

Mark Lecy, Parc Aux Vaches, he appreciates this area and the dunes and he stated that this property is a gem, we have to be responsible that the right things happen there. He asks the council to be patient this is a big deal.

Erica Brandstetter, Porter beach, she does not believe the traffic issue has been resolved or taken care of in a satisfactory way. Ever since they restructured highway 49 taking it from 4 lanes to 2 lanes, it has created more traffic on Waverly Road. She stated she is not opposed to apartment building but is opposed to the

density of these and they will create more traffic problems. She is not satisfied that they have dealt with the traffic issues.

CLERK TREASURER REPORT

Pomeroy asked the Council for permission to write-off accounts that are over two years old. We send out bills every other month for the last two or more years and The residents do not reply. The first write off is for \$549.58 from Deutsche Bank that they have owed since 2014. I have talked to our attorney and he advised writing it off since it would cost more to go to court, Phillips made the motion to write off Deutsch Bank in the amount of \$549.58 and Wagner made the second, vote 5-0, motion passed. Pomeroy also asked to write off the following credits for 2016 in the total amount of \$372.42 and for 2017 \$92.39. Lopez made a motion to write off a total of \$464.81 and Phillips made the second, vote 5-0, motion passed.

ATTORNEY REPORT

None

POLICE DEPARTMENT REPORT

None

FIRE DEPARTMENT REPORT

Craig presented a mutual aid agreement from the National Park Service and Porter Fire department and the council approved the agreement.

Craig also said that he was picking up the new fire truck this week.

PUBLIC WORKS REPORT

None

PARK DEPARTMENT REPORT

Park Director Bugajski. Said the new 2020 schedule is on the park's facebook page.

BUILDING COMMISSION REPORT

Building Commissioner Barry presented 22 new contractors for council approval, Finley made a motion to accept the 22 new contractors and Wagner made the second, vote 5-0, motion passed.

Barry gave an update to Porter Beach erosion from storms. He said he met with Army Corps of Engineers regarding the erosion. He stated that they made recommendations for the west end where a walkway off of Dudley was washed out and the curb in front of Johnson's Inn. Barry also stated that the town and the Dunes state and national park are talking how to combat the traffic problems that arise during peak visitation. One options that they are considering includes another route out of Porter beach and the state park more walkable.

OLD BUSINESS

Ordinance 2019-16 Weiss Apartments PUD

The attorney suggested that we change the ordinance number to a 2020 ordinance.

ORDINANCE 2020-01 Weiss Apartment PUD

Stinson read Ordinance 2020-01 by title only and Wagner made a motion to adopt Ordinance 2020-01 and Lopez made the second, vote 5-0 motion passed.

Wagner stated that this is in the best interest of the town. He said he loves Porter and would never vote in a way that would hurt the town. Phillips responded that he appreciated all the public input and if anyone is going to be affected by this he will be because he lives in this area. Finley stated that tax revenue from this project will help the infrastructure and infrastructure takes money. Lopez said that all the council members have put a lot of time and thought into this project.

NEW BUSINESS

Ordinance 2020-01 Amending Zoning map Anderson Trucking Service

Since the above ordinance number was changed this ordinance will change also to Ordinance 2020-02 Amending Zoning map

Stinson read by title only and Phillips made the motion to adopt Ordinance 2020-02 and Wagner made the second, vote 5-0, motion passed.

COUNCIL COMMENTS

Stinson announced that the Town is forming a three-member economic development committee that will hold public meetings and research and make recommendation to the council about whether future developments should receive tax abatements. The committee will be citizens, not elected officials or employees

of the town. The requirements are that they be a resident over the age of 18. One member will be appointed by the council president, one member by the council and one member by the Porter County council. If interested send a letter of email to cpomeroy@townofporter.com or it can be hand-delivered to the town hall no later than February 4th at 4:30pm.

Dated this 11TH day of February, 2020.



Greg Stinson, President



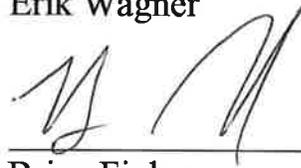
William Lopez, Vice President



Erik Wagner



David Phillips



Brian Finley

ATTEST 

Carol Pomeroy, Clerk Treasurer