

PORTER TOWN COUNCIL MINUTES

MARCH 14, 2006

President Sandi Snyder called the meeting to order at 7:30pm by leading the Pledge of Allegiance to the Flag. Present were Council members Jennifer Granat, Vice President, William F. Sexton and Paul Childress and Clerk Treasurer Carol Pomeroy, Attorney David Hollenbeck, Police Chief James Spanier, Fire Chief Lewie Craig, Building Commissioner Bill Lewis and Public Works Director Karl Bauer.

PUBLIC HEARING: LASALLE STREET SHEDS

Snyder asked the audience to state their name and address and be brief as possible, with that said Snyder asked if there were any proponents?

Attorney Robert Welsh representing Ray Cahnman said that approximately 10 years ago was issued a permit to build a stairway and deck in the public right-of-way of LaSalle St to the beach. Eventually Cahnman got tired carrying his beach equipment back and forth and built a storage shed to store the beach equipment. All residents were allowed to store their equipment also. The Cahnman shed eventually was full and then Eric Gastrovich built his shed, which also available to all residents. Welsh showed pictures of the deck in the summer and winter showing that the deck was almost invisible.

- Eric Gastrovich 2930 Glenwood, he stated that he was one of the owners of the sheds that were torn down last year. He stated that was saddened with his neighbors not coming to him in the first place when they complained about the sheds. Eric said that he asked the former Council if he needed a permit to add his shed and was told no.

Snyder asked two more times if there were any proponents? There were none. Snyder then stated that she had received 7 letters in favor of the shed. With that said she asked if there were any opponents.

- Robert Hawk of Florentine, he stated that the permit was issued for the stairs only and no deck. He has a problem with the sheds because anyone can use them and who knows what is stored in the sheds. He thinks the sheds are a liability to the Town because of gas being stored in them.
- Francis Masterman 3021 LaSalle St, said she had the a copy of the permit and only the stairs were to be built. She said there were 123 properties at the beach what if all wanted to build decks in the right-of-way? She asked the Council to uphold the law.

Snyder then asked again if their were any opponents

- Julie Brown of Porter Cove, said if the Council allows these sheds to be built on public property then she will build a shed at Hawthorne Park so that she does not have to carry her play equipment back and forth.

- Roger Carnell 2933 State St, said that the sheds were visible to anyone walking on the beach. He said public access to the beach is good but not public storage.

Snyder asked again if there were any opponents.

Attorney Welsh said he asked his client if any gas was ever stored in the sheds and he said no. Welsh said are these sheds a possible liability to the town, yes they could be but the streets are also a liability to the town. He said mail boxes are also in public-right-of-way but they are permissible.

- Ray Cahnman 311 Duneland Dr, he also was an owner of one the sheds that was torn down. He stated that 10 years ago he asked the Town Council if he could build the stairs and deck leading down to the beach at his own expense and was granted permission by that Council. He built them to the highest standards and they were a gift to the town. The reason he added the shed was to keep the beach area neat and clean. Sexton told him that the permit did not include the deck, and he (Sexton) has a problem with building in public right of way.

Snyder then closed the public hearing.

Granat made a motion to deny the petition for storage sheds, Paul made the second. Vote 4-0.

COMMENTS FROM THE FLOOR;

None

APPROVAL OF MINUTES: February 28, 2006

Sexton wants the minutes corrected to show on Page 3 under Fire that he made the motion to approve the **Westchester Mutual Aid** contract.

Granat made the following corrections: on Page 2 under Clerk Treasurer report a typo error **some** glitches and under Attorney report that Indiana American **offered**.

Sexton made the motion to approve the minutes as amended, Childress made the second. Vote 4-0

APPROVAL OF CLAIMS:

Payroll: \$51,103.42

Payroll: \$370.02

Payroll: \$11,111.81

Childress made the motion to approve and Sexton made the second. Vote 4-0

CLERK TREASURER

Pomeroy said that Sewer had collected \$17,000. in the last 2 weeks from residents paying on their delinquent accounts.

The Clerk Treasurer's office was closing March 15th to work on the software problems and have training on the software. They will be open the next day.

Pomeroy reminded the Council about the Resolution for the Excess Levy Appeal. Snyder said that would come under the Attorney's report.

ATTORNEY

- ❖ Indiana American Water Company. Hollenbeck has talked to them about their draft of taking over billing for the Town. Indiana American said that there would be no problem adding the MS4 billing to the bills for a fee. Hollenbeck will contact them for a second draft.
- ❖ Regional bond. He is still working on.
- ❖ Municipal Building Corp. Hollenbeck will continue working with Ice Miller to get the police generator paid for.
- ❖ Violation Ordinance. He will update and add new codes to the ordinance.
- ❖ Excess Levy Appeal. Hollenbeck said that bill 355 has been passed and was sent to the Governor for signature. He recommended the Council to pass this resolution. Sexton made the motion to number this resolution 2006-03 and read. Sexton made the motion to approve and Granat made the second. Vote 3-1 with Childress voting no.
- ❖ Consensus of the Council was to cancel the Financial Workshop 2 scheduled for March 15th until further notice.
- ❖ Sewer Use Ordinance. Is still working with Bauer and Council that would mirror Chesterton's requirements. It may be ready next month.

POLICE DEPARTMENT

Spanier thanked the Public Works department for installing a new water heater for the Dept.

FIRE DEPARTMENT

Craig had nothing to report.

PUBLIC WORKS DEPARTMENT

- Specs and Standards manual is almost done and may be ready for review and adoption in May.
- H2O helped out after the heavy rainfall at the lift stations.
- Spring Cleaning is coming. Do not put debris in Street.
- Bonar is in process of surveying Porter Beach.
- Thanked the Police Dept. for giving them an old laptop computer.

BUILDING DEPARTMENT

Lewis said that there were 7 new contractors issued licenses making the total 237 for the year. Sexton made the motion to accept the new contractors and Childress made the second. Vote 4-0.

OLD BUSINESS

✓ MINERAL SPRINGS PUD – ORDINANCE 2006-05

Sexton made 2 amendments to Ordinance 2006-05. 1. To change the sidewalks on Beam St. from 5' concrete to an 8' asphalt and Mineral Springs Rd. from 5' to 8' in asphalt from Beam Street to the North side of Howe Road and 2. replace the oak trees on Beam Street that will be removed to make room for the east bound passing lane to the subdivision.

Granat made a motion to review the variances, it died for a lack of a second.

Sexton stated that the density of this subdivision compares to the Old Town lot sizes.

Mike Henkel 1021 Beam St. was also concerned about removal of the oak trees and asked why does there have to a turning lane? Shem of Haas & Assoc. stated that the TAC committee recommended it to keep traffic flowing. Henkel was also very concerned about the 41 variances for this subdivision. He asked the Council is this the precedent that you want to set, there is a reason you have these rules.

Snyder said that the Plan Commission sent their 4-2 recommendation to the Council and that the Council should take their recommendation. Granat stated that the Town Council not the Consultants should decide how the Town should be developed.

Sexton made the motion to have 2nd reading, as amended, by title only. Childress made the second. Vote 3-1 with Granat voting no. Hollenbeck asked the Villa's Attorney Greg Babcock to amend the ordinance with corrections for next meeting.

✓ SEWER COLLECTIONS.

The Council advised Pomeroy to accept the terms of payment, as long as reasonable, of residents that have sent in a payment schedule. Hollenbeck will provide a letter to send to residents and have them sign agreeing to the terms that they have put forth. Hollenbeck will check into the \$200. fee that Attorney Lyp said should be collected for the residents that were served subpoena's.

Snyder stated the Poppyday has been changed to May 28th & 29th .

Snyder also announced that the Town has 2 vacancies: 1 on the Building Corp. and 1 on the Park Board that must be a Democrat.

Granat asked for the Animal Ordinance be placed on next agenda. Spanier and Granat have been working on revising it.

Sexton made the motion to adjourn at 9:35pm and Childress made the second. Vote 4-0.

Dated this _____ day of March, 2006.

Sandi Snyder, President

Jennifer Granat, Vice President

William F. Sexton

Paul Childress

ATTEST: _____
Carol Pomeroy, Clerk Treasurer