

**PORTER TOWN COUNCIL MEETING
March 22, 2005
PORTER TOWN HALL**

CALL TO ORDER

President William Sexton called the meeting to order by leading the Pledge of Allegiance to the Flag.

ROLLCALL Present in addition to Sexton were Vice-President Sandi Snyder, Paul Childress, Jennifer Granat, Atty. Patrick Lyp, Police Chief Jamie Spanier, Building Commissioner Bill Lewis, and Supt. of Public Works Karl Bauer.

PUBLIC HEARING – Sexton opened the Public hearing portion of the meeting for additional appropriations from LECED funds (\$6,000.00) and Police donations (\$1,400.00) to Other Services. Sexton asked 3 times if there were any opponents or proponents wanting to speak. There were none. Sexton closed the public hearing. Granat make a motion to number and read resolution 2005-03. It was seconded by Childress. Lyp read the resolution. Motion passed 4-0.

APPROVAL OF MINUTES:

March 8, 2005 – Sexton said there was an error on Page 2 – Lewis will attend a seminar with Karl Bauer. Another mistake was noted by Childress that the subdivision is Dune Meadows. Snyder made said motion to approve as corrected. Granat seconded. Vote to approve was 4-0.

CONSIDERATION OF CLAIMS:

Sewer Claims – totaling \$87,882.95. Childress said that \$6,479.00 for the Chart Recorder should have been taken from the Redevelopment Commission lowering the amount to \$81,403.95. He added that the 62.5% being charged by Chesterton will soon make Porter bankrupt. With the correction, Childress made a motion to approve as amended. Granat seconded. Motion carried 4-0.

Claims – March 1-15, 2005 – totaling \$54,986.42. Childress made the motion to accept with Granat seconding. Vote was unanimous.

Payroll Claims – March 15, 2005 totaling \$41,078.08. Granat made the motion to approve with Childress seconded. Vote was unanimous.

PETITIONS & COMMENTS FROM THE FLOOR

Gary Cutter of 326 Indiana spoke thanking the American Legion Post 503 and the Porter Park Board for the Easter Egg Hunt on March 19th. Cutter said he had spoken with Bud Tilden, President of the Porter Park about the possibility of having a Road Race during the Taste of Porter at no cost to Porter. There will be about 200 runners traveling about four miles between Yost, Downtown, Lincoln and Waverly Road. Spanier asked how long the roads would have to be closed. Cutter said finalists will begin coming in about 20 minutes after the start and continue not more than one hour. Childress said that this will fall under

the ordinance concerning a parade permit. Sexton told Cutter to meet with Spanier and Bauer to work out details. By consensus, the Council agreed. Spanier will then present it to the Council.

Carl Dahlin, taxpayer of Porter Indiana at 101 W Johnson Beach Rd was given permission to address the Council. He presented a proposal that the Town of Porter approve the National Park Service's request to vacate twelve feet of public alley (approximate 270 feet in length) in return for the widening of Dabbert Drive for additional parking. Sexton said the petition is still before the Plan Commission who has yet to make a recommendation. Dahlin said that the Park Service would like to build restrooms and a second parking lot on Wabash.

REPORTS

CLERK TREASURER Pomeroy asked the Council's pleasure on the Westchester Twp Fire contract for the year 2005 that she had received. By consensus, they tabled the issue in order to take under advisement until Fire Chief Craig can have input. Snyder motioned to table and Childress seconded. Vote was unanimous 4-0.

ATTORNEY Atty.Lyp said he would have Water Turnoff policy ready for the next meeting. Sexton reminded that Council is still waiting for the Fire Department contract with the Town's own Department.

POLICE - Chief Spanier said that the computer company will be getting back to the department in about three weeks to move forward with the set up of new computer software. Officers Jason Casbon and John McMahon recently completed an evidence seminar.

FIRE DEPARTMENT - Chief Craig was not in attendance.

PUBLIC WORKS – Supt. Bauer said that in Wagner Hills, developer Doug Bonin has contracted Ellis Electric to change the receptacle on the electrical panel. He had just received the bill from Haas and Associates that the Duneland Group has prepared. Bauer said he would review them to see where the Town is at with Wagner Hills.

He has been quite busy at Marquette Pointe. He had done a walk through road inspection and found problems with the curbs and some spots in the streets. Bauer will make a complete report at the next meeting. He will also send a letter to the developer Doug Bonin stating they had found areas to be repaired. He had also inspected between 6-8 manholes that needed attention by the developer before the Porter accepts them.

Bauer asked for permission to work with Haas and Association on lift stations and utilities reviewing and keeping in line with Chesterton. He was given permission by consensus. Haas said that Jim Mandon had already started on the infrastructure issue. Bauer said he would prefer to work with Tim Haas.

On Woodlawn drainage issue, he had met with Chesterton and left a message for Atty. Hollenbeck. Bauer said the plans have been completed.

Bauer asked for permission to attend Road school in West Lafayette. Sexton said to work it out with the street department's liaison.

He had attended the Storm Water Management workshop. The public works is going to start making their own sewer inspection and make the laterals for Porter's own in house information and have an information sheet available. He sent two men to South Bend for their OSHA certification.

Spring clean up will be the last week of April.

Bauer announced that the new hours for Public Works employees are 7:00am to 3:30pm.

The inventory has been completed and he will prepare it for the liaison to view it. Sexton said the insurance company should receive the list also. Granat asked that Spanier prepare an inventory of the Police Department also. She then said she felt all departments should do the same.

Sexton brought up the fact that Bauer was traveling back and forth to Valparaiso (sometimes after hours). Bauer requested to have a take home vehicle. Childress asked what the police procedure was and Spanier said a radius of 25 miles. Granat said that Bauer has saved the town at least \$6,000.00 since joining the department. By consensus, he was given approval.

BUILDING DEPARTMENT– Bldg. Commissioner Lewis said there were fourteen new contractors fulfilling their obligations and that brings the total to 223. Granat moved and Snyder seconded. Vote was unanimous.

Lewis also spoke on his findings when he went to Dune Meadows. Childress said the streets and drives had been accepted long before this Council took office. Bauer said that perhaps the town could address the driveways and smooth them out for a nice transition that would alleviate the water build up. Lewis was able to find the outlet in Dune Meadows where the water was draining from the Sump Pump.

Tim Haas said that Howard Engineers has responded regarding connecting to LEL to the town's system. He has forwarded the information to everyone via e-mail.

PARK DEPARTMENT - No report

OLD BUSINESS

SNOW BAN PARKING ORDINANCE – Sexton asked that the five options be narrowed to one for consideration. Childress asked exactly what the ordinance is saying. Snyder said

there is definitely a parking problem in the snow and suggested the second of the two options be considered. She suggested a warning prior to an actual ticket. Granat said there are problems throughout the town and not just in the downtown area.

From the audience, Jennifer Klug of 301 Lincoln asked for clarification of the days parking would be allowed on which side of the street. She wanted to know if there was no snow during the designated period of October 1 – April 1 would the parking still be limited. She also wants the Council to consider the downtown area where residents do not necessarily have driveways to park their vehicles off streets. She also asked if it had been considered to making the narrower streets one way to accommodate the plows. Granat said at one time that was discussed and dismissed as too confusing. She pointed out there was good and bad to the one side street parking. Snyder insisted that the ordinance must remain simple.

Sherrill Newman of 301 Franklin said that she has no off street parking and for her to park on the opposite side of the street would block the Town Hall street parking. Every day (even without the snow) there is bumper to bumper parking up and down Franklin. She suggested that residents would not like to park two blocks from their home. Newman would like the residents to work together without the benefit of an ordinance to take care of the issue. Newman said that perhaps a flyer could be sent out asking for residents help. Snyder said moving the vehicle by 10:00 a.m. most people are off to work and it would not be a problem. Newman also sighted that the plows go entirely too fast up and down the street.

Rita Newman of 315 Franklin St said she has no problem with the proposed ordinance as she has a garage but her next door neighbor does not have off street parking and it would be an issue for her. With so many cars on Franklin St, she sees no way for them to find a place to park. She also said that many times the forecast says two inches and there is much more snow. She said Chesterton has two lane streets that provide more parking and it accommodates the amount of on street parking that they do have.

Bruce Snyder of Hunters Glen said that in his subdivision cars park on both sides of the streets. Emergency equipment would never be able to come down those streets. They had addressed the matter with their homeowners association and there was no enforcement. With an ordinance, it could be enforced.

William McCormick of 121 Franklin wished Childress good luck with his project he has in the works for an Indoor Water park. He said he has no alley parking and no off street parking. Having three cars, he asked where he should park. He mentioned a neighbor who is a truck driver and is gone for weeks at a time and would not be there to park on the right side of the street at the right time. When he returns he would have to pay the impound fee and the ticket totaling approximately \$150.00. McCormick said everyone realizes the reason for the Snow Ban is because a car was hit by a snowplow. He believes it is overkill by passing this ordinance. He believes the insurance the town has is cheaper than the amount of money the residents will have to pay for ignoring the ordinance. There are just not enough parking spaces in the downtown area. He suggested using the pick-up truck on the narrow streets and alleys and using the big truck on bigger right-of-ways and

slow down. He said he had spoken to many people who felt as he does. He said this is not Chesterton; we live in Porter and let's do it our way.

The Council said they were not aware of any vehicles being hit by a snow plow.

Granat moved to table the issue for further review. Childress seconded. Vote was unanimous.

2004 PARKING ORDINANCE – Childress asked this be tabled until the Council receives a letter from the Plan Commission. They are working on amending the Zoning Ordinance. Lyp said the ordinance needs to come through the Council and be put on the next agenda.

NEW POLICE SQUAD CARS – Spanier asked permission to order two new vehicles (one Ford and one Chevrolet) totaling \$51,000.63. They will need to be ordered by the end of the month to be delivered before July. There will be a trade in with a car having over 100,000 miles. The other car will be retired and be offered during the town's sale. Childress questioned the amount in the CCD account. Pomeroy said there was \$78,000. Granat made the motion to approve the purchase with Childress making the second. Vote was unanimous.

NEW BUSINESS

BZA / PLAN COMMISSION APPOINTMENT - Sexton made the Presidential appointment after reviewing the background. His appointment is Dr. Robert Vodnoy of Pheasant Run and has served on several boards. He is a registered Democrat. Sexton feels he will serve the town well and looks forward to working with him.

23RD STREET TAP ON- Dave Tiemanns representing Spencer Homes asked that a project on the west side of Porter Ave on Wood St. The lot is in Chesterton and zoned R-2 and the sewer is in Porter. He needs permission to hook on. Sexton asked if they are willing to pay Porter's rate and tap on fees he is in favor of it. Tiemanns agreed. Granat said that the town is setting precedent without having negotiated capacity. Lyp said if it is within jurisdiction, the town must allow it. Sexton reported at the previous night's Chesterton Utility meeting, Chesterton had no problem with this tap on. Childress made the motion to approve. Snyder seconded. Vote carried unanimously. Sexton directed Tiemanns to fill out proper permits.

EMPLOYEE MANUAL WORKSHOP – Picked by consensus April 4, 2005 at 6:00 p.m.

COMMENTS FROM COUNCIL -

Childress asked for a proposal on the TIF expansion to be placed on the next agenda. He said the Redevelopment Commission makes a recommendation to the Council and they approve or denies it.

Childress also asked Sexton to report on the Chesterton Utility meeting he had attended the previous evening. Chesterton was to respond by March 21st on a letter from Karl Cender

on the Rate Structure. Sexton said this second letter received on March 8th was a lot more in detail. After pushing for an answer, the Utility Board said they needed at least another week to address. Sexton reminded that Porter had been promised an answer. Attorney Parkinson said he had not even talked to all members of Chesterton's board. Sexton said Porter is waiting for their reply. Childress asked how Porter would initiate judicial review of the appropriateness of the rate hike. Lyp said Porter is looking for just and equitable rates and if a complaint is filed the utility provider has a legal requirement to provide that. Lyp advised the Council to give Chesterton one final shot. Granat asked at what time do you say "enough is enough?" She said giving them until the March 21st date was more than fair since they have been given three different dates with no reply.

Sexton said if Porter does not have the information they requested by March 28th, Porter will have to draw a conclusion just what the next step will be. Lyp suggested the matter be put on the agenda for the next meeting.

Childress again asked that the enlargement of the TIF district be put on the next agenda. He said if a special meeting is needed prior to the next Council meeting, they will call one.

With no further business, Snyder made a motion to adjourn. Granat seconded and meeting was adjourned at 9:08.

President William F. Sexton

Vice President Sandi Snyder

Sandy Boothe

Paul Childress

Jennifer Granat

ATTESTED BY

Carol Pomeroy, Clerk-Treasurer

This _____ day of _____ 2005.