

PORTER TOWN COUNCIL MINUTES

MAY 9, 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, Sandy Boothe, William F. Sexton and Paul Childress. Also present were Police Chief James Spanier, Fire Chief Lewie Craig, and Public Works Director Karl Bauer.

PUBLIC HEARING: TO ADOPT EXCESS LEVIES FOR BUDGET

Snyder opened the Public Hearing at 7:31pm by asking if there were any opponents. There were none. Snyder asked an additional 2 times if there were any opponents. Again there were none.

Snyder asked if there were any proponents. Jennifer Klug 321 Lincoln St. spoke in favor of the appeal for excess levy saying it is necessary to fund town services. Snyder asked two more times and there was no response. Snyder then closed the public hearing.

Snyder then entertained a motion to number and read the ordinance approving the excess levy. Boothe made the motion to number and read by title only and Granat made the second. The ordinance was numbered 2006-08, and read by title only by President Sandi Snyder. Vote was 5-0. Sexton made a motion to suspend the rules and Boothe made the second. Vote 5-0. Boothe made the motion to adopt and have 2nd reading by title only, Granat made the second. Vote 5-0.

APPROVAL OF MINUTES:

Sexton made the motion to approve minutes as written with Childress making the second. Vote 3-0 with Granat and Boothe voting present.

CONSIDERATION OF CLAIMS:

Sexton made the motion to approve claims in the amount of \$72,907.93 and Sewer claims in the amount of \$73,390.89. Granat made the second. Vote 5-0.

COMMENTS FROM THE FLOOR

Attorney Charles Lukman, 107 Broadway representing a motel developer asked for permission to draft an agreement whereby the Town of Porter would accept dedication of an easement from NIPSCO and in turn grant the developer access to his site to build the motel. The developer would assume all costs and responsibilities for the road to be built and would also maintain it thereafter. The consensus of the Council was 5-0 in favor.

Thomas Towle, 410 E. Oak Hill Road. Asked the Council to have an Iris Festival that is open to the public later this month. He was advised to submit an application under the Town ordinance

regulating public assemblages. The Council agreed to waive the time limit but advised him that the town needed a copy of his insurance. This matter will be placed on the May 23rd agenda.

Jerry Frye of Glacier Trail asked the Council to approve installing a guardrail at the north end of Glacier Trail by the stairs. Bauer was instructed to investigate the matter and get estimated if it is in town's right-of way.

REPORTS FROM TOWN OFFICERS AND DEPARTMENTS

CLERK TREASURER

Pomeroy advised the Council that she had received \$6,500 in delinquent sewer accounts from the last billing period. She also encouraged them to keep making payments to defer going to court. Pomeroy also commented that the General Fund was negative and she would be going to the Redevelopment Commission at its May 23rd meeting to borrow more money until she receives tax monies. She also noted that the Keystone software was running more smoothly.

ATTORNEY

Attorney Lyp said that he will be conferring with Pomeroy on who has paid and not paid on their delinquent sewer bills. He will be taking them to court on May 22nd.

Boothe asked Lyp about the bond for Regional Industries and he said he would have the bond at the May 23rd meeting.

POLICE DEPARTMENT

Chief Spanier urged all residents to report anything suspicious to the Police Dept.

FIRE DEPARTMENT

Chief Craig had nothing to report. In regards to fire contract, Sexton stated that he is not in favor of the Town doing the fire departments 1099's. Craig said the fire department will do the 1099's. Craig said the only changes in the contract are the amount the department is seeking which includes the salary ordinance and clothing allowance. The Council will review and put on next agenda.

PUBLIC WORKS

Bauer said he has spoken with Indiana American Water Co. about repairing the roads that were torn up during repairs that they had done.

Bauer asked the Council for permission to hire 2 part-time employees for summer help, since he is short by 2 full time employees. The consensus of the Council was unanimous. Bauer estimated the cost to be \$8,300.

Bauer said that Larry McCoy, Brad , Carl Copollo and himself had volunteered to help with Rebuilding Together.

Marquette Pointe Tree removal. The Council voted 5-0 to have a tree removed at the cost of \$1,350.

Specs & Standards Manual. Will be reviewed at the next TAC meeting in May.

Bauer urged residents not to mix brush, stones, bricks and any hard objects with leaves that are to be picked up. If these items are found in the leaves that they will not pick-up leaves.

Sherrill Newman has volunteered with Bauer to clean up around the Welcome to Porter signs.

James Ruge of Porter Bank has offered to replace the dead tree in front of Town Hall with a Weeping Alaskan Spruce The Council thanked him for his donation. The Council asked Bauer to remove the dead tree.

BUILDING COMMISSION

Sexton made a motion to accept the 9 new contractors that have met Town requirements and Boothe made the second. Vote 5-0. Total is now 279.

Acting Building Commissioner Childress asked direction from the Council about a resident at 215 Arrowhead Trail, who has removed a culvert on Town right-of-way when he replaced his driveway. He stated that since removal the neighbor's property is flooding. Attorney Lyp said he would send a letter to them stating that they need to replace the culvert. Childress also asked the Council how aggressive he should get about residents that have not mowed their lawns when he receives complaints. Sexton said to follow the ordinance that is in place. If the homeowner does not comply and the Town employees have to mow grass, the homeowners will be billed.

OLD BUSINESS

Violations Ordinance 2006-07. Sexton made a motion to have 2nd reading and adoption with Childress making the second. Vote 5-0

Beach Parking Ordinance 2006-09. Childress made a motion to number and have 1st reading by title only after stating that the Police Commission had sent a favorable recommendation to the Council, Boothe made the second. After debate the Council agreed to replace the language on the last page to state Town Council designee instead of Code Enforcement Agent. Vote 5-0. Sexton made a motion to suspend the rules and have 2nd reading by title only, Boothe made the second. Vote 5-0. Sexton then made a motion to adopt with Boothe making the second. Vote 5-0

Building Commissioner Update. Childress and Granat will interview applicants as soon as possible. Since Bill Lewis is also acting as Building Commissioner except is not handling complaints the Council has agreed that he should be paid for doing the work.

NEW BUSINESS

Hotel at Dunes State Park. Granat wanted residents to know that the Council is keeping abreast on important issues and wants to hear from the residents their point of view. Granat stated that she is keeping an open mind. Granat said that she would welcome another hotel in Porter. Granat said that the Council needs to listen what the impact would be. She said that the State Park is funded with tax monies but yet a private firm would be allowed to build a hotel there.

Snyder said she believes that some sort of lodging would be good as long as it is family friendly, environmentally sensitive and limited in size. She also said that the PCCRVC is supporting this issue. Snyder also stated that it would encourage tourist to stay in the area longer and allow them to spend more money while here, which would benefit store owners.

Linda Hodges, 471 East Oak Hill Road. Hodges said initially she was in favor of the hotel but now it bothers here that a private firm will benefit financially from this and the other benefit is for tourist only not the people of Chesterton or Porter.

William Cantrell 371 Waverly Road. Cantrell said when it comes to public land the public should have a voice not the DNR. He reminded the Council how the public was thwarted with the closure of the license bureau in Chesterton. He feels the hotel is a bad idea.

Jennifer Gadzala, 772 Admiral Drive. Gadzala is President of Saves the Dunes. She encouraged the Council to educate themselves on this issue and had the following information. She questioned the need for additional hotel rooms when there hotels available within 1 1/2 miles of the Park that are not full in the summertime. She also questioned if privatization of public land is appropriate and whether the location inside the park is appropriate environmentally.

Park Manager Brandt Baughman said request for proposals from developers for the 100 room inn are being solicited by the Indiana Dept. of Natural Resources and are due May 31st. Until then they won't know what is being proposed.

Dunes Grass Hollow PUD 2006-10. Childress recused himself. The Council received a favorable recommendation from the Plan Commission with the following requirements: 1. a bridge across the retention pond. 2. a fountain in the pond for circulation. 3. a fence on the South side of the property. Childress attorney Gordon Etzler said he viewed the bridge as a shortcut which makes no sense and unnecessary costs and would raise liability concerns for the developer. Opponents were there from Summertree Subdivision. Granat said 2 years ago when Childress proposed an indoor water park on this site Summertree residents objected and told the Plan Commission that they wanted the parcel to stay residential and not commercial. Granat said there is no favoritism here this is what the residents asked for. Granat made a motion to number and have 1st reading of the PUD subject to town planner, James Mandon, review prior to adoption and to strike the bridge requirement and Boothe made the second. The ordinance was numbered 2006-10 and read, the motion passed 4-0 with Childress being recused.

Vacation of alley located north of Duneland Drive between State and Wabash Ave.

The Council received an unfavorable recommendation from the Plan Commission. This matter will have a Public Hearing on May 23rd. Sexton asked if they had contacted the Board of Health if they could put in their septic system and then dedicated the alley back to the Town? He said he did not have time to investigate this option. Patrick Lyp, Town Attorney instructed the petitioner to go to the Porter Health Dept. to discuss his alternatives plus he was told to meet with the Clerk Treasurer so that we could coordinate what needs to be done.

COUNCIL COMMENTS

Granat had a problem with the Council from last meeting when the Council voted to keep the Police Commission at 5 until the end of the year since she is liaison to the Police Department and was absent. She said since the General Fund is in the negative and the Police Department has been instructed to reduce its budget \$10,000, the \$2,000 that could be saved by reducing the Commission to 3 would save lot of money. Granat said she is more concerned about safety and welfare of officers than having a 5 member commission. She hopes the Council will not say the Police cannot get cars fixed or buy bullets. Snyder stated that she is concerned about safety also but would rather not change the Commission in the middle of the year. Snyder also stated that Granat supported expanding the Commission to 5. Attorney Lyp said state law gives councils wide latitude in removing Police Commission members and felt that financial reasons would be a sustainable reason. Childress made a motion to remove Arthur Heredia from the Police Commission because of financial reasons, Snyder made the second. Vote was 2-3. Childress voting yes, Snyder voting yes, Sexton voting no, Boothe voting no and Granat voting no. Granat made a motion effective immediately to remove 2 members Arthur Heredia and Brian Dahlin for financial reasons from the Police Commission, Boothe made the second. Vote 4-1 with Snyder being the no vote. Sexton reminded the Council that the Ordinance establishing the Commission would have to be amended. Sexton made the motion for the Attorney to proceed with amending the Commission from 5 to 3 and Boothe made the second. **Vote 5-0.** Attorney Lyp said he would have the Ordinance ready for the next meeting on May 23rd. Granat made the motion to adjourn with Boothe making the second. Vote 5-0. The meeting ended at 9:50 pm.

***amended to read Vote 4-1 with Snyder voting nay.**

Dated this _____ day of May, 2006.

President Sandi Snyder

Vice President, Jennifer Granat

William F. Sexton

Sandy Boothe

Paul Childress

ATTEST: _____
Carol Pomeroy, Clerk Treasurer

