

PORTER TOWN COUNCIL MINUTES

MAY 23, 2006

PORTER TOWN HALL

Vice President Jennifer Granat called the meeting to order at 7:30pm by leading the Pledge Allegiance to the Flag. Present were Council members Sandy Boothe, William F. Sexton, Sandi Snyder and Paul Childress. Also present were Attorney Patrick Lyp, Police Chief James Spanier, Fire Chief Lewie Craig, Public Works Director Karl Bauer and Park Superintendent James Miller. With the resignation of Sandi Snyder effective May 10, 2006, Granat asked for nomination for President, Boothe nominated Paul Childress and Sexton made the second, vote was 4-1 with Snyder voting nay. Boothe asked Granat if she would stay as Vice President and Granat replied yes. Before turning over the gavel to Childress, Granat thanked Snyder for her tenure as President and Snyder thanked the Council for their help

APPROVAL OF MINUTES:

President Childress asked approval of May 9, 2006 minutes. Snyder wanted the minutes be corrected to read (last paragraph of May 9, 2006 minutes) her vote was nay on having the Attorney proceed with an ordinance to amend the Police Commission to 5 from 3, Vote was 4-1. Sexton made a motion to approve the minutes with above correction, Boothe made the second. Vote 5-0.

APPROVAL OF CLAIMS:

Granat made a motion to approve claims as presented in the amount of \$111,731.14, Boothe made the second. Vote 5-0.

COMMENTS FROM THE FLOOR:

None

CLERK TREASURER REPORT

- Pomeroy advised the Council that the Town received \$214,422.00 in CEDIT monies.
- She advised the Council that she had received notification from the DLGF that they have approved the Excess Levy in the amount of \$215,166., but have not given the approved budgets amounts yet. They should be finalized in a few days.
- Pomeroy attended the Redevelopment Commission meeting earlier and asked to borrow \$300,000. She was granted \$200,000. and the other \$100,000. was taken under consideration for a later time. Pomeroy advised residents that the summer rate for sewer does not go into effect until June 18th so be careful when filling pools and watering yards. Granat asked Fire Chief Craig if the Fire Department filled swimming pools for residents. Craig said yes but only Porter residents. The fee is \$30.00 for a tanker which holds 3,100 gallons. Granat asked where do you fill the tanker and he responded at the Fire Station because their meter is not metered.

ATTORNEY REPORT

Lyp advised the Council that he had gone to court on May 22nd for the first 10 residents that have delinquent sewer bills, all but 1 has made payment arrangements, and he will proceed with the next 10 in June.

Regional Industries will have a letter of credit in early June. They have posted \$50,000 cash and will post the other \$40,000. in early June when a CD will expire.

POLICE DEPARTMENT

IRIS FESTIVAL. Chief Spanier reported that Tom Towle, who was approved at last meeting to have an Iris open house, had provided him with the necessary insurance. Granat told Council members that he is advertising in the newspaper, has flyers and a website stating that he will be selling plants. It was her impression that it was just a hobby and there would be no selling. She asked if that was a zoning issue. Childress asked Bruce Snyder, who was in attendance, and President of the BZA, if a use variance was needed. Snyder replied that seems to be the case. Lyp advised the Council that they could approve the festival for this weekend with the stipulation that there could be no sales, and deal with the zoning issue later. Sexton made the motion to approve the May 27th, 28th and 29th festival with no commercial sales and Boothe made the second. Vote 4-1 with Childress voting nay.

PERMISSION TO TAKE APPLICATIONS. Spanier told the Council that he had only received 2 applications for a Police Officer and asked if he could restart the process over again. He stated that it takes approximately 4 months to have the process completed. By consensus the Council agreed.

FIRE DEPARTMENT

FIRE INSURANCE RATING. Chief Craig advised the Council that he had received a report from the Insurance Service Office (ISO) that the town's rating had gone down to a class 4/9. Last years rating was a class 6. This will save the Town and its resident's money on their house insurance. The new rating goes into effect in August. Residents were told to notify their insurance companies and he would handle calling the Town's insurance agent.

PUBLIC WORKS DEPARTMENT

- ✓ Bauer reported that he had hired Delbert Arroyo and Jerimie Vallangeon for part time summer help at the rate of \$8.00 an hour effective May 25th and May 30th respectively until September 1, 2006.
- ✓ **Auction.** Bauer asked the Council instead of having an auction if he could accept sealed bids for cars, trucks and etc. and also include any other department that wanted to participate. Attorney Lyp asked how much the vehicles were worth, if more than \$500 the Town would need to have an auction. Bauer replied yes they were. Bauer was advised to give Lyp a list and description of all vehicles and he would get back with him.
- ✓ Bauer asked if he could put together a paving list. He was advised he could do so but do not go over the amount of money in the LRS fund.
- ✓ He also advised residents not to put paint cans in Regional's trash cans.
- ✓ The Spec's & Standards manual will be reviewed at the TAC meeting and be forwarded to the Council.
- ✓ Bauer asked the Council if he could have permission to build a yard waste container so that the public could drop off grass clippings and brush. The consensus was to get prices.
- ✓ Guard rail at Glacier Trail. Bauer had prices for a pipe rail in the amount of \$928.14. The Council advised him to also get prices for a guard rail.

- ✓ Air Compressor. Bauer asked the Council if he could have permission to buy an air compressor for the Street Department and have the Fire Department buy their own, since the air compressor that they share has broke. Sexton was bothered that they could not share equipment. He felt it was a waste of money. Sexton made the motion for Bauer to buy a \$399. air compressor with the cost being shared by the street department and the fire department. Granat made the second. Vote was 4-1 with Boothe voting nay.

PARK DEPARTMENT

- Miller told the Council that the Park Board held a workshop on May 13, 2006. Three topics were discussed: the 5 year plan, wish list and rental increases.
- Chesterton Kiwanis Club donated \$300.00 to the Park Department to be earmarked for the Kids Summer Program only. Zathoe Sexton attended the luncheon and gave a short talk on the Summer Program.
- Landscaping in front of the Hawthorne Park Community Center is nearing completion.
- Memorial Services will be held at Hawthorne Park Community Center on Monday 29, 2006 starting at 1:00pm. Immediately following there will be a dedication of the new entrance to the Community Center with past park board members attending. Following that there will be an honorarium honoring three past park board members: Bud Tilden, Nancy Whisler and Juan Magana. Three ornamental pear trees were planted in their honor near the beginning of the Gazebo walk with a bronze plaque installed in the ground.
- Zathoe Sexton, President of the Park Board, asked the Council if the Town could start buying supplies in bulk to save money and to share equipment. Bauer said that he has loaned equipment to other departments and sometimes things come back broken and he has the expense of fixing it. The Council by consensus asked Lyp to write a resolution for sharing materials and equipment between departments.

BUILDING DEPARTMENT

Childress reported 4 new contractors making the total 283. Sexton made a motion to accept the contractors and Boothe made the second. Vote 5-0.

Granat and Childress have been interviewing applicants to fill the opening of Building Commissioner. Grant made a motion to hire Brenda Bruckheimer as Building Commissioner and Boothe made the second. Vote 5-0 Granat made a motion to place Bruckheimer on the Plan Commission to replace Sexton who was filling in until a Building Commissioner was hired, Boothe made the second. Vote 5-0.

OLD BUSINESS

- ❖ **DUNES GRASS HOLLOW ORDINANCE 2006-10.** Childress recused himself since he is owner and developer of this development. Granat took the gavel. Granat asked Gordon Etzler, Childress's attorney for this project, if all issues were resolved regarding this development. Etzler said that James Mandon, Porter Town Planner, had 2 issues that needed attention 1. a fence between this subdivision and Summertree Subdivision. They will install a wooden fence between the subdivisions. 2. aeration in the retention pond, this will also be complied with. Attorney Lyp asked Etzler to strike the word "excellent" access from Ordinance 2006-10 on page 3. Etzler agreed to do so. Granat asked for a motion to adopt and have final reading on Ordinance 2006-10. Sexton made the motion to adopt Ordinance 2006-10 and have final reading by title only and the restrictive covenants must contain language that requires the Homeowners Association to do all items contained in the PUD ordinance, Boothe made the second. Vote 4-0.

❖ **INDIANA AMERICAN WATER COMPANY BILLING AND COLLECTION CONTRACT.**

Sexton stated that the Town will realize significant savings to have Ind. Am. Water company take over the billing and collections. Granat asked Attorney Lyp to look into why the rates changed from the last proposal. Granat made the motion to approve the contract, after Attorney Lyp reviews and approves, the Indiana American Water Company agreement, Boothe made the second. Vote 5-0. Pomeroy was told to have Childress sign the contract, pending Lyp’s approval, and mail.

NEW BUSINESS

ORDINANCE AMENDING THE METROPOLITIAN POLICE COMMISSION. Childress entertained a motion to number and read the Ordinance to amend the Metropolitan Police Commission from 5 to 3. Granat made the motion, the Ordinance was numbered 2006-11 and read by title only. Vote 3-2 with Sexton and Snyder voting nay. The proposed final reading and adoption will be at the next meeting lacking a unanimous vote.

COUNCIL COMMENTS

GRANAT: Asked the Council if the liaisons would change for the Town Hall and Park Department since usually the President is liaison to the Town Hall? The Council agreed by consensus that Childress would be liaison to the Town Hall and Snyder would be liaison to the Park Board. Granat also asked the Council for an Executive Session regarding the pending contract with Chesterton regarding capacity for sewer. The Council agreed to June 5th at 7:00pm following the Redevelopment Commission Executive session. Granat also wants town engineer, Hesham Khalil and Public Works Director Karl Bauer to attend.

SEXTON: Stated that the Council needs to get moving on the proposed contract with Chesterton regarding capacity. He also stated that it is critical to get this resolved. Attorney Lyp also stated that the Council should review this final draft.

SNYDER: Said that the contract looks good except for a little tweaking and felt that the Executive session was not needed since they have been over this before. She said Sexton and her have spent a great deal of time reviewing and going to meetings with Chesterton.

Sexton made the motion to adjourn and Granat made the second. Vote 5-0.

Dated this _____ day of June, 2006.

Paul Childress, President

Jennifer Granat, Vice President

Sandy Boothe

William F. Sexton

Sandi Snyder

ATTEST: _____
Carol Pomeroy, Clerk Treasurer