

PORTER TOWN COUNCIL MINUTES

JUNE 13, 2006

President Paul Childress called the meeting to order by leading the Pledge of Allegiance to the Flag. Present were: Vice President Jennifer Granat, Council persons William Sexton and Sandi Snyder, Clerk Treasurer Carol Pomeroy, Attorney David Hollenbeck, Police Chief James Spanier, Public Works Director Karl Bauer and Building Commissioner Brenda Brueckheimer.

APPROVAL OF MINUTES

Sexton made a motion to accept the minutes of May 23, 2006 and Executive Session minutes of June 5, 2006 as written and Granat made the second. Vote 4-0.

CONSIDERATION OF CLAIMS

Granat made the motion to accept claims in the amount of \$65,441.91 and Sexton made the second. Vote 4-0

COMMENTS FROM THE FLOOR

- **MIDNIGHT PARADE FOR JULY 3RD**

Mike Smith of 212 Lincoln Street, of Smitty's Pub stated that on June 6th he turned in his application with his insurance. Smith also stated that he had sponsors, port-a- potties available, Able Disposal for garbage pick-up, and had talked to Chief Spanier about extra officers to cover the event.

- Sexton stated that the application needed to be in 30 days prior to the event and you (Smith) chosen to ignore the ordinance. This would be the second time the Council has waived the application for this event.
- Snyder stated that you (Smith) was on the agenda on April 11th and 25th, and was well aware of the 30day notice.
- Spanier said his application was in order except for the bond. Spanier said he has scheduled 13 officers for that night. Sexton asked what the cost of the officers would be. Spanier said since it is a holiday they would get paid time and half for 75 hours which amounts to roughly \$2,250.
- **Jennifer Klug, 302 Lincoln St.** asked if the Council should asked the Attorney if they can deny the parade because of the cost of Police? She stated that there was a lawsuit in Chicago about this. Hollenbeck said that it is a federal law to deny any assembly if it violates a person(s) 1st amendment. This is not the same situation so that laws does not apply for this event.
- **Linda Hodges, 470 East Oak Hill Road,** asked if there was a plan if there was no parade? Chief Spanier said he was still going to have extra patrol just in case people show up for the parade. Hodges then stated if there is an ordinance in place then it should be followed.
- **Charlie Wilson of the Village Tavern** This is his first year as owner of the Village for the 4th of July parade and feels the man hours for the police should not be taken into account since the Country is at war. If the Town Council decides to deny this parade they should at least do something for the 4th of July.
- **Granat** made the motion to waive the 30 day application and the bond to approve the parade, Childress made the second. Sexton said the Council should follow the rules of the ordinance and

if you (Smith) wanted this parade you should have had the application in on time. Snyder said that Smith needs to follow the rules and this is the about same amount of \$2,000 that is being asked to be cut from the Police Dept. budget. This would be a huge expense to the Town. Vote 2-2 with Sexton and Snyder voting no and Granat and Childress voting yes. The Council asked the Clerk Treasurer Carol Pomeroy to vote. Pomeroy said since Smith had already be to the Town Council meeting in April and was fully aware of the rule of submitting the parade application 30 days before the parade she voted no. Vote 3-2 denying the request.

CLERK TREASURER

Pomeroy asked the Council to revise the starting date of the new Building Commissioner Brenda Brueckheimer from May 30th to June 1st since the payroll for that position is monthly and quarterly. The Council and Brueckheimer agreed to amend the date to June 1st.

Pomeroy also stated that she has given back the CEDIT money in the amount of \$142,948. as requested from the Porter County Auditor that was given to the Town in error.

Pomeroy also requested a Budget Workshop for 2007. The Council agreed to June 23rd at 6:00pm. She was advised to have the Department heads have their budget done with a 3% increase so that the Council could review at this meeting.

ATTORNEY

In November 2004 a resident had quick claimed a retention pond in Porter Ridge to the Town of Porter with back taxes due. Since the Town had not taken action the remedy would be to quick claim it back. According to law in order for a quick claim to take place there has to be conveyance and acceptance which was not done. He will do the paper work to quick claim it back to the resident.

Regional Industries. The letter of credit in the amount of \$90,000. is in place.

Indiana American Water Company. There has been some small changes in the contract and he is advising Childress to sign the contract and he will have the signed contract for the Town at next meeting. He advised the Council that they would need to sign a resolution so that Indiana American Water Company will be able to turn water off to residents that do not pay their bill and he will also have that ready for next meeting.

POLICE DEPARTMENT

Chief Spanier asked the Attorney if a limousine was classified as a commercial vehicle according to the parking ordinance? Hollenbeck said it does not meet the requirements of a commercial vehicle because it has only 2 axles and weighs less than 10,000 pounds and is clearly an automobile.

Chief Spanier also gave the Council 3 assemblage applications:

- ❖ **Village Tavern. July 27, 2006.** Sexton made the motion to accept his application, liability insurance and waive the bond. Granat made the second. Vote 4-0.
- ❖ **Taste of Porter. August 26, 2006.** Sexton noted that in their application that they are providing their own police protection. Spanier stated that they hire off-duty police officers. Sexton made the motion to accept their application, liability insurance and to waive the bond. Granat made the second. Vote 4-0.

- ❖ **Don Nelson Harley Davidson Muscular Dystrophy Fund Raiser. June 24, 2006.** Granat noted that the application that she has was faxed on June 2nd. Spanier said that he had the original application in time but did not have the finalized route because they had to coordinate all the Towns since it is starting in Valparaiso. Granat made the motion to accept their application and waive the 30 day application notice and waive their bond. Sexton made the second. Vote 4-0

Becky Miata, 1105 Dune Meadows asked if she could speak since she missed Audience Participation due to being ill. The Council granted her permission. She said she would be willing to help with the midnight parade. She feels that local businesses could contribute to the parade. She also said that there should be entry fees for floats etc. and that would make it possible to have money for the following year.

FIRE DEPARTMENT

Sexton asked the Council if they had Craig's reports and all agreed. Sexton said that Craig was at Chief School.

PUBLIC WORKS DEPARTMENT

Bauer reported that on Monday June 12 a trailer carrying a modular home was blocking Waverly Road. The trailer had damaged the road and knocked down signs plus had the trailer in the ditch when he arrived. He called Chief Spanier for assistance.

Porter Beach Survey. is winding down and should be completed soon. He stated that bills are coming in from Bonar and Ticor Title Company. The Council agreed that they are to be paid from CEDIT.

1470 Waverly Road. The NIPSCO has fixed the sewer that they had broke while installing a new pole.

Munson Ditch. Bauer is working with Save The Dunes group for a plan to handle the water and maybe receive a grant.

Tree removal at Porter Park. The Street Dept. is removing a tree at Rankin and Porter Ave. They bought a bigger chain saw to finish the job.

Storm drain at Porter Park. He is working on plans and the cost with his Assistant Stan Potter.

Sewer holding tanks. Eagle Services will be cleaning holding tanks at the cost of \$170.

Glacier Trail guard rail. The cost for installing a guard rail is \$250.00 By consensus the Council told him to proceed with the guard rail

BUILDING COMMISSIONER

Brueckheimer thanked Bill Lewis for all his help and guidance. Lewis was the Building Commissioner but is an inspector now. She said that there were 7 new contractors with a grand total of 290. Sexton made the motion to accept and Granat made the second. Vote 4-0.

OLD BUSINESS

- ✓ **Ordinance 2006-11 reducing the Police Commission from 5 to 3.** Granat made the motion to adopt and have final reading by title only, Childress made the second. Hollenbeck read. With no discussion Childress asked for the vote. Snyder and Sexton voted no and Granat and Childress voted yes. Vote 2-2. The Council asked Pomeroy to vote. Pomeroy said that the Council had already removed two commissioners and this was finalizing the paperwork. Pomeroy voted yes. Vote 3-2 to reduce the Police Commission.
- ✓ **Resolution 2006-04 To encourage better use of Town Property and Equipment.** Sexton made the motion to number and adopt, Granat made the second. Vote 4-0

NEW BUSINESS

- **ORDINANCE 2006-12 BEACH PARKING AMENDMENT.** Chief Spanier stated that this Memorial Day was the worst that he has ever seen at Porter Beach. Granat said that she had received calls from Beach residents complaining of illegal parking. Sexton asked Spanier if officers will enforce this ordinance and write more tickets or at least tell them to move. Spanier said without the signage the officers cannot enforce the no parking. Sexton made the motion to number and read by title only and Snyder made the second. Vote 4-0. Sexton made the motion to suspend the rules and have second reading by title only, Granat made the second. Vote 4-0
- **RESOLUTION 2006-05 INTERFUND LOAN FROM CEDIT.** Pomeroy asked the Council to approve a temporary loan from CEDIT to Debt Service in the amount of \$49,600 and \$16,500 for the Fire Fund, \$40,500 to pay the June 30th loan and \$9,100 for the money that was borrowed in January 2006 from CCI. Debt Service will then pay the loan that is now due in the amount of \$40,500 and repay CCI \$9,100 that was borrowed in January. Sexton made a motion to number, read by title only and have final approval, Snyder made the second. Snyder asked that the resolution title be changed from “an” resolution to “a” resolution, Sexton amended his motion is include the correction. Vote 4-0.

COUNCIL COMMENTS

Childress stated that the Council had received 2 weeks notice for Christopher Avery who is leaving for another job. Childress also stated that the Council had received notice from Carmen Lorenz that she is resigning October 1, 2006. Childress asked the Council if anyone was attending the NIRPC meeting on June 29, 2006, if no one is going let him know and he will attend.

Sexton made the motion to adjourn at 9:20pm and Snyder made the second.

Dated this _____ day of June, 2006.

Paul Childress, President

Jennifer Granat, Vice President

William F. Sexton

Sandi Snyder

ATTEST: _____
Carol Pomeroy, Clerk Treasurer