

**PORTER TOWN COUNCIL MEETING
OCTOBER 12, 2004
PORTER TOWN HALL**

President Jenny Granat called the meeting to order at 6:30 p.m. by leading the Pledge of Allegiance to the Flag. Roll call showed those present were: Vice – President Bill Sexton, Sandi Snyder, Paul Childress, Sandy Boothe, Deputy-Clerk Karen Spanier, Attorney Patrick Lyp, Police Chief John Lane, Public Works Director Scott Guy, Fire Chief Lewie Craig and Building Commissioner Dave Babcock.

APPROVAL OF MINUTES

September 28, 2004 - Paragraph under attorney's comments – should read Rupcich reported that the Lakeshore had everything they need. The letter will be sent.

Also, under Public Hearing on 2004 Appropriation – Sexton closed the Public Hearing after there was no public comment.

Sexton made a motion to approve minutes as corrected. Childress seconded. Vote 3-0 with Snyder and Granat voting present.

CONSIDERATION OF CLAIMS

Claims: September 25 through 30, 2004 totaled \$28,973.70. Childress made a motion to accept as presented. Boothe seconded. Motion passed 5-0.

Payroll: ending September 30, 2004 totaled \$48,377.43. Childress motion to accept payroll claims as presented. Sexton second. Passed 5-0.

Sewer Claims: None were presented. A claim was just received on October 14 from Haas and Associates. Sexton motioned to hold claim until next meeting. By consensus, the claim will appear on the next docket.

PETITIONS & COMMENTS FROM THE FLOOR

None

REPORTS FROM TOWN OFFICERS AND DEPARTMENTS

CLERK-TREASURER

Pomeroy was absent. Sexton reported that the rest of the draw totaling \$311,245.00 should be arriving on Thursday or Friday of this week. Also, there should be about \$700,000.00 in December.

ATTORNEY

Lyp had nothing to report. Sexton asked about the letter to the National Lakeshore, which had not arrived when Sexton checked on it October 7th and they had not received it at that time. Lyp assured Sexton that he would fax said letter to the Lakeshore by Thursday October 14, 2004.

Boothe asked about the violation ordinance that she had given to Rupcich to review. Lyp said he had a copy with him.

POLICE DEPARTMENT

Chief Lane addressed the option of days for Trick or Treat. He said Chief Nelson from Chesterton had

contacted him last week saying that the county was divided on what day to schedule. Portage was using Halloween night and County is using Saturday. Nelson's idea was that if we use Halloween night, we use earlier hours as a safety factor. He reported Chesterton had set their date for Sunday, October 31 from 4-6. It was Lane's personal recommendation to use the same date. The time changes that weekend so that 4:00 will be dusk. Boothe said that some church services are on Sunday night. Lane repeated that the County was split on the issue.

Snyder expressed her opinion that it was a bad idea to have it on Sunday. Sexton suggested it to be on Saturday, Boothe agreed. Granat suggested it be on Friday. Lane said that if we use a day different than Chesterton, residents will be hit with more trick or treaters. Boothe again said that Sunday was not good. She favored the early hours on Saturday. By consensus, the council agreed on Saturday, October 30, from 4-6.

Lane said that Sexton had asked him to look into Curfew Law. Indianapolis has such a law but Lane has been unable to contact anyone at the prosecutor's office to get a copy of their ordinance. He asked Attorney Lyp to assist him. There seems to be minor technical problems concerning children who are out with parent's permission after curfew. Lyp said he would look into the matter.

Lane said at the last meeting they were to talk about the remaining funds from CEDIT that would be used to pay for software for the Police Department. Childress asked for it to be put on the next agenda, Lane said he would prefer two meetings, as he will be on vacation during the next meeting. Childress asked if the police commission had reviewed this or not. Lane said no. Sexton said he thought it to be a good idea for the Police Commission to review it before it appears again on the agenda.

Granat asked about speeders on Franklin and Oak Hill Road as brought to their attention at the last meeting. Lane said they are doing extra patrols and it has been posted on the board for extra attention.

FIRE

Craig said that a business owner in the town, Chad Brooks donated some diving equipment (bottles, regulators, etc) to the Fire Department. Another resident, Lorain Bell donated a 1995 Chevy Step Van for dive team. It will be the new dive equipment truck and Craig hopes to have it on the road by spring. Granat asked that a letter of thanks be sent to both men.

PUBLIC WORKS BUILDING DEPT.

Guy announced that the Public Works family has grown by two with employee Tom Troy having a set of twins named Ethan Presley and Lana Marie.

Leaf pick-up will continue aggressively.

Brush pick-up will be the third week of the month through the winter.

Problem spots can be reported to Guy as he appreciates the extra eyes.

Mosquito abatement needs to be addressed for the spring. He asked to look into that at the next meeting.

Poles and signposts have been received and installed in some of the problem places.

BUILDING

Three new contractors have been registered bringing the total to 305. Eleven election signs have been paid for. He asked for magnetic signs for his truck and identification badge. Babcock asked again about gas allowance for himself and the inspectors.

Babcock expressed concerns about the drainage in the newer subdivisions.

On the matter of Dune Meadows, he said he had checked Tuesday morning and there was no evidence of anyone running their washer into the sump pump. Sexton said that on the weekend there was evidence. Another resident near the pond has done everything the town has asked of her. The previous building commissioner signed everything and she could have put a septic in. But the town said she had to go with sewers, which is a long way in a small 4-inch system. Babcock's opinion is that it should have a tank

because it is fouling up the system. There is a building permit in file and permission to run the sewer across the park. Anyone involved in that decision has not come forward to discuss the problem.

Granat asked for motion to approve contractor's list. Boothe made the motion and Snyder seconded with it carrying 5-0.

By consensus, the council agreed to get Babcock magnetic signs for his truck. Sexton asked that Lane provide Babcock with a badge.

Babcock spoke about the sewer outside the Town Hall. He cannot find out if the bond has been released on the building. He called Gerometta (architect) because it has to be about a year since the final. Babcock wants a walk through but the man at Gerometta is out of town on vacation. Nothing has been held back. The previous Council paid out everything before they left office.

Granat asked the Council's pleasure about the gas allowance. When asked, Babcock said that the amount of \$50.00 for the inspectors and \$75.00 for the Building commissioner. He said mileage adds up covering the town. During January, he does not expect to use much gas. After discussion, Granat said she would like to put it on the next agenda for more input. An allowance for the Animal Warden should also be considered. Childress asked if there was a line item for the building commissioner and was told it was \$1000.00.

OLD BUSINESS

SALARY ORDINANCE 2004-15 Childress questioned Guy on the earlier issue from the Street Department had been addressed to his satisfaction. Upon check with Spanier, it was learned the discrepancy had been fixed. Childress made a motion to adopt by title only. Boothe seconded. Granat commented that the Park Department's salaries are not included. She asked Bud Tilden, president of the Park Board and he had no knowledge of it. Tilden thought that Jim Miller had submitted it. Granat said she would contact Miller and when received, the salary ordinance can be amended at that time. Motion passed 5-0.

NEW BUSINESS

TRACY FRYE - DUNELAND MILITARY HERO FUNDRAISER – owner of the Rainboutique said she would like to collect have a campaign to raise money for the military in Iraq. She has a nephew serving and realizes that many of the staples they could use are not available. She would like to be outside the local business on October 30 from 9-2. She is also devoting one of the windows in her business for local servicemen. If anyone has pictures, they may drop them off. She would like a letter from the Council introducing her and supporting her endeavor. Granat agreed with Frye and asked by consensus of the Council to furnish the letter. She also offered her personal services to help.

BZA PRESIDENT BRUCE SYNDER – LAGESTEE PROPERTY - Snyder said that he had just received information that Judge Kickbush had ruled in favor of the Town of Porter in the BZA case of Schoenfeld/Brewer.

He spoke concerning the property at 420 Wagner Road owned by the Lagestee's. They had petitioned the BZA for a variance on their structure.

The Lagestee's, despite being denied a variance to park a semi in 2003, still feel they have the right to park the semi in their drive. They said that the request for a variance was unnecessary because everyone knows it is perfectly legal in the town of Porter to park the truck in their backyard. They continue to park the truck.

The BZA voted to notify the Council that the denial of that variance be enforced.

The Plan Commission is working on updating the Parking Ordinance, however in referring to existing ordinance in Section 23 there is no permission for parking these vehicles.

Secondly, he mentioned another non-conformance with an illegal billboard. The town billboard was removed and a new commercial billboard was put in place. They have issued a letter to the Lagestee's that they are in violation of a town ordinance. Babcock has asked that the sign be removed and has not heard back for the Lagesteess.

He referred to a recent denial of Paul Nelson's petition to move a billboard. Nelson has appealed and the town is now involved in litigation on the matter. The BZA believes that because of that litigation, it is imperative to move forward to enforce the zoning.

Snyder then addressed the enforcement of penalties. Article 22, section 258 sub-section E. The BZA is asking that the town do whatever is necessary (i.e. fines) to bring the property into compliance.

Granat thanked Snyder. Sexton said there is still the issue of whether they are running a tractor-trailer business out of their home. If incorporation papers show that address, that is wrong.

Childress said the billboard sign issue should be pursued immediately. If it has to be done with fines, so be it. With Lyp's suggestion, Childress made the motion to send a letter to the Lagestee's saying they have thirty days to remove the sign after which a fine of \$200.00 will be imposed. Sexton seconded the motion. It passed 5-0.

Childress said the parking issue is a touchy subject. The Plan Commission is reviewing the Parking Ordinance. He suggested that an update of the Parking and Zoning Ordinance be complete before the town addresses this problem.

Jim Mandon, Town Planner, was present and suggested that the Council get advice from the attorney as to what their rights are without updating the Parking Ordinance. When the Lagestee's applied for the variance they were told they could not park there. The code currently says there is absolutely no commercial parking at all. The update that is being worked out is more lenient than the one in effect at that time.

Sexton noted that the property also has three buildings, which is against town ordinance.

AMMENDMENT VIOLATIONS ORDINANCE - Childress made a motion to number and read amendment 2004-16. Sexton seconded it. Motion carried 5-0. Childress read the ordinance. Granat questioned no moving violation penalty. Lyp said that moving violations remain with state. Granat asked for a motion to suspend the rules and have second reading. Sexton made motion, Snyder seconded. Childress spoke again suspending rules. All agreed. Motion failed 0-5.

RESOLUTION 2003-03 RESCINDING TIF REPLACEMENT LEVY - Sexton said he was informed that if we don't rescind, we would get around \$80,000.00 replacement fund. If they vote not to rescind the tax rate goes from \$1.92 per \$100.00 assessed value to \$1.95. However with the homestead deduction it reduces it by 22 cents to \$1.73. Childress suggested the way to receive more TIF money is to extend the actual TIF area. Sexton said that was another issue. After discussion, Granat asked for and received a motion from Childress to number and read the resolution to rescind the tax levy. Snyder seconded. Motion carried 5-0.

RESOLUTION 2003-04 CORRECTING FUNDS – Childress said it is actually correcting fund report. Item #

113 showing Riverboat Revenue sharing which also shows Park revenue fund gives the illusion there is extra money available. The figures are shown in two places when the money has already been budgeted in another place. Sexton made a motion to number 2004-04 and read. Childress seconded. Motion carried 5-0. With this correction, money is available to pay money back to the TIF fund.

PRESENTATION/DISCUSSION LIABILITY INSURANCE- Snyder said he had asked for two companies to submit proposals by October 15 on liability insurance. The town has finished a comprehensive inventory. The town needs to be thoroughly insured and protected. Pending the submission of the proposals, the matter was tabled until the October 26, 2004 meeting. The insurance is up for renewal on October 29th.

Granat said that insurance claims for the year have totaled \$19,609.36 compared to \$23,386.23 paid to the former company insuring the town. The town is realizing a saving of \$3,776.87 per month. She said she has received no negative comments from employees. Granat thanked the agent, Steve Brady for his cooperativeness and especially thanked Snyder and Sexton for their hard work.

COMMENTS FROM COUNCIL

Boothe reminded the Council of the Handbook Workshop on Friday October 15, 2004 from 5:30-7:30. She asked that all department heads be in attendance.

Childress brought up the Drainage project. There is now money to complete. Sexton said Cender said that as long as there is money allotted for streets and alleys, there doesn't need to be a motion to begin.

Looking ahead, Childress said next year the LR & S fund should be able to support a program in the \$125,000 - \$130,000 range. He asked again for a list of priorities on all streets and sidewalks. Granat said she had already asked for such a list.

Granat said there is still a position on the Store Water Management Board. Applications may be dropped at the Town Hall. An appointment needs to be made by the end of October.

A discussion followed on retaining someone to clean and buff Town Hall floors. The Council will look into the matter.

Sexton reported that he has met with Bernie Poparad from Burns Harbor and Mike Bannon of Chesterton on the Drug issue. They are working on establishing a website and a steering committee. He will have more information as it becomes available.

With no further business, Sexton made a motion to adjourn and Childress seconded. Meeting adjourned at 8:10 p.m.

President Jennifer Granat

Vice President William Sexton

Sandy Boothe

Sandi Snyder

Paul Childress

ATTESTED: _____
Carol Pomeroy, Clerk-Treasurer

This _____ day of _____ 2004