

PORTER TOWN COUNCIL MEETING

June 22, 2004

Porter Town Hall

President Jennifer called the meeting to order at 6:30 p.m. and led the Pledge of Allegiance. Roll call showed those present: Paul Childress, Sandi Snyder, Sandy Boothe, Bill Sexton, Clerk-Treasurer Carol Pomeroy, Attorney Patrick Lyp, Police Chief John Lane, Public Works Superintendent Scott Guy, Fire Chief Louie Craig, Animal Warden J.J. Craig Building Commissioner Dave Babcock and Attorney Dave Hollenbeck were absent.

APPROVAL OF MINUTES:

Childress made a motion to accept the minutes of the June 8, 2004 meeting. Boothe made the second. Motion carried 4-0 with Granat voting present.

CONSIDERATION OF CLAIMS:

Childress made the motion to accept the claims June 1-22, 2004 totaling \$132,444.43. Sexton motioned to approve the claims with Snyder making the second. Childress questioned the high cost of stamps. Pomeroy responded that two rolls were for the Town Hall and two rolls were for the Municipal building. Craig assured the Council that none of the stamps were used for the impending Fire Dept. raffle. Childress also questioned the resourcefulness of the department heads skirting \$100.00 cap on spending adding that he would like to see them pay closer attention to the rule. Motion passed 5-0.

Granat asked for a copy of the sewer claims dated June 22, 2004. The bottom line shows claims of \$291,211.41. She asked for a motion to approve the claims. Childress so moved with Sexton making the second. Childress explained why the number is so large. It was due to the Sewage Treatment payment to Chesteron and the transfer of funds to make the bond payment. Motion carried 5-0.

Sexton made a motion to approved the Payroll claims ending June 15, 2004 totaling \$42,754.95. Childress seconded. The motion carried 5-0.

Granat asked for approval of vacation pay totaling \$3,611.52 for two employees that their time was not in at the last meeting. Childress motioned with Snyder seconding. Motion carried 5-0.

Granat said that Pomeroy had held up paying of at least two claims pending their P.O. asking that the Council review them. One was from the Street Dept for \$201.70 for drug testing and then \$17,594.00 for the approved paving of Market, Brockmeier, and Dudley Streets. Another claim is from Haas and Assoc. totaling \$7370.81 for work they have done for Storm Water Management since the beginning of the year. The claims total \$25,166.51. Childress motioned to approve: Booth seconded. Motion carried 5-0.

Childress brought up the fact that after all claims have been paid, the town is now working on a balance of \$525,000.00 of which \$500,000 is due in December. The tax revenue is slow in coming and most likely will not arrive by August 1. He would like the Council to agree not to spend any money over payroll and utilities until Porter receives the Tax revenue money.

Granat asked if the individual departments are in the middle of any projects because she knows at least the Park Dept is in the middle of their summer program and will require a small amount of funding. Sexton said there is always Tax Anticipation Bond if necessary. Guy was told his plans to drain the holding/septic tanks would not be affected as they fell under the sewer fund. Lane said he would need to purchase badges for the proposed reserve program at a cost of \$700.00. Granat and Pomeroy said that the park would need approximately \$400.00 more for the summer program. The Council agreed that all departments must contact their liaisons for ANY purchase and

they are not to spend dollar one before contacting them.

PETITION & COMMENTS FROM THE FLOOR:

Barbara Miller spoke on the mosquito problem and steps that she feels need to be taken to reduce the threat of West Nile Virus. She was told that the cost is too great at this time with the town's financial crunch. When Childress questioned the safety of chemical control, Sexton offered to pay for Guy to attend a program at Purdue University for mosquito abatement. Granat urged all citizens to remove any standing water and eliminate potential problems.

John Beckman, 160 Roskin Rd as Vice-President of Lake County Fish and Game Protective Assoc. distributed to the Council a copy of a resolution to reduce the airborne pollution by shifting all truck traffic from US 12 and US 20 to the Indiana Toll Road. They are suggesting Toll Free hours to encourage trucks to change their routing. He asked the Council to review the resolution saying that if local government would support such an idea, that perhaps State and Federal Government will listen. The council will take it under advisement.

Brian Finley, 965 Wayside said he was told that his subdivision problems were to be on the agenda. The Building Commissioner was on vacation so that matter could not be addressed. Finley said that the contractor has not made good a promise to build an access road into the Marquette Pointe Subdivision. It has been at least three years. Sexton said that Babcock and Attorney Lyp would investigate the matter. Childress said the town had not accepted the road or the lift station. A neighbor, Tim Conroy also spoke on the matter urging the Council to put pressure on the developer (Doug Bonin) to address this situation. He voiced objection to Bonin receiving permission to build other subdivisions from the town without fulfilling his obligation to Marquette Pointe. Granat apologized for the confusion of having the matter on the agenda and said the matter will be addressed. Linda Hodges, 470 E Oak Hill Rd asked if there wasn't a bond and couldn't it be revoked. Childress said there is a bond and that the Plan Commission would be the place to do that.

Jeff Gumz, 700 S 23rd spoke against vacating any more roads or alleys in favor of the National Park citing Main St between U.S. 20 and US 12 which has now had no parking signs posted. As a disabled person, he feels these vacations make it harder and harder for others to visit and enjoy access to the National Park.

Jennifer Klug of 302 Lincoln welcomed President Jennifer Granat back after her leave. There was applause from the audience.

REPORTS FROM TOWN OFFICERS AND DEPARTMENTS

CLERK-TREASURER

Pomeroy reported for the Building Department there are twelve new contractors bringing the total to 253 for the year. Childress motion to accept the licenses. Snyder seconded. Motion carried 5-0. She had a request from the Duneland Economic Development for \$100.00 dues for 2004. Childress asked that Pomeroy call Chesterton and find out what the dues is for. It was tabled from the last meeting.

ATTORNEY

In Atty. Hollenbeck's absence, Patrick Lyp spoke on the interaction between the Council and the Plan Commission. He suggested that after the Plan Commission has completely finished their findings, made their recommendation and approved the minutes of said meeting; it would then be forwarded to the Town Council for their approval. It will not appear on the Council agenda until one month later.

POLICE

Chief Lane said he had been working on some surplus Government Property. In 2001, former Chief Smith had submitted for Chevy Blazer and a 60-kilowatt emergency generator. The items are in Indianapolis. There is no cost. Questioned about a hitch to retrieve these items, both Sexton and Childress said they have pinto hitches that the Chief can use.

FIRE

Chief Craig said he had just returned from Martinsville and signed the State Contract and we should be receiving a check by August 1st. The new gear has arrived and is already in service. After receiving a voice mail at home in regard to a smoke alarm, he reminded the public that if they have any problem to call 911 or the Porter Police Department. The dispatcher will handle it.

PUBLIC WORKS

Supt. Guy said everything is fine and we are working toward a better community.

BUILDING

Commissioner Babcock was absent.

ANIMAL WARDEN

Craig reported he was working on the guinea hen problem at Westchester Animal Clinic. He had contacted Dr. Reed about the problem with them roaming US 20. He currently has a Lab Mixed, and a multicolored cat up for adoption. He said he would willingly accept donations for the much needed new kennels and fencing. He would also like permission to purchase live traps, which can catch animals without harming them. The council will advise.

Roger Abrahams, 402 Lincoln commended Craig on the job he has done since taking it on in January. He said Craig has done five times the work previously done by the Porter County Animal Society. He feels it is a very good investment having Craig. Jennifer Klug of 302 Lincoln also spoke – congratulating Craig on a good job.

OLD BUSINESS

AMENDMENT TOWN CODE PARKING REGULATIONS

Tabled until the next meeting pending legal opinion of Atty.Hollenbeck.

RESERVE OFFICER PROGRAM

Granat asked for a motion to number and have first reading, which Childress made and Sexton seconded. Motion was unanimously carried 5-0. The ordinance was number 2004-06 and then read in its entirety by Atty. Lyp. Questions arouse concerning insurance coverage for the reserves. Lane had put a call in to the carrier and had not received a reply. Granat then asked for a motion to read by title only for the second and third reading. Snyder made the motion and Boothe made the second. Motion carried 5-0. With no comment from the audience, Sexton then made a motion to adopt. Boothe seconded and the reserve officer program ordinance passed 5-0.

ALCOHOL ORDINANCE

After Granat received a motion and a second by Snyder and Sexton respectively, to number and have first reading, the ordinance was numbered 2004-07. Lyp read the ordinance. Discussion followed concerning whether the ordinance can be amended after the first reading since there was no penalty listed for offenses, Granat also asked if the fine would come through the town and was told yes. Lane also reiterated that the open container law does not apply to walkers and that public intoxication can be enforced. Roger Abraham of 420 Lincoln asked if the ordinance was specifically written for the Porter Midnight Parade He was told it was for all public gatherings

but that the Council would like it in place before the parade. He spoke against the ordinance saying that it was too rigid. Sexton said that the ordinance is not being banned; it can be done under proper circumstances.

NEW BUSINESS

PARADE PERMIT REQUEST (YOUTH & MIDNIGHT PARADES)

Steve Neitzel of Franklin Mart provided the Council with information on his actions concerning the Parade. Granat asked if the insurance is pending the number of entries in the parade. Neitzel said basically he was told all he would need is a binder. He is proposing two parades; one at 10:00 a.m. on July 3, 2004 and for children running from Porter Bank west to Wagner Rd. Sexton made a motion to accept the parade permits. Boothe seconded and the motion carried 5-0 pending insurance coverage. Neitzel explained that this year will be a transitional period for the parade and he plans to distribute donation cans and entry forms for both parades. Sherrill Newman, 301 Franklin asked about crowd control before and after parade. Neitzel said he planned on volunteers at every intersection to remove entries from parade who were not following the rules. He also said he planned on being in the last entry – with garbage bags to clean up street as they went. The Council complimented Neitzel on his work on changing the parade for the better. Linda Hodges, 470 E Oak Hill Rd asked Neitzel if he had spoken to downtown businesses about the parade and if he is going to have their co-operation. He said he had spoken to them and that two were probably going to have a beer garden. Granat said that with the passing of the alcohol ordinance, these businesses would have to apply for a permit for the beer gardens.

DUNELAND SCHOOL FOUNDATION PARKING REQUEST

Granat explained the request to Atty. Lyp and that the Luau would be held on private property but the Foundation is asking for a parking permit at the town's parking lot at Porter Beach. Last year, the Foundation used the town property and served alcohol on town party. Lyp said we have control of the parking lot and need to approve the use of the lot and porta-potties. The luau is scheduled for August 21, 2004 from 5:00 – 10:00 p.m. Motion was made by Booth and seconded by Sexton. During discussion, Childress said he was adamantly opposed to this whole concept. He said that the Town Council had been actively involved in the Alcohol and Drug Awareness and that he felt it was wrong for the Town to endorse drinking by the parents of the same kids they are trying to help. What kind of message is that sending to the kids? From the floor, Jackie Ruge-Perkins said they are not asking permission for the luau, just for the parking. Childress said by the very definition, it is condone the event. Ruge-Perkins explained that the money is used toward events and projects that are not state funded and they also offer a scholarship. Granat said she was not really comfortable with the project. Sexton said that all the Council is asking for would be responsible drinking. Granat stressed that they are not asking for alcohol permit; it will be on private property. Vote – 3-2 with Snyder and Childress voting no. Motion carried. Granat said she was expecting good things with this.

NELSON REZONE

Atty. Greg Babcock spoke on behalf of petitioner Paul Nelson. On the table is a request for zoning change, subdivision, and BZA request for a billboard. Babcock explained what Nelson had done – step by step and asked the board to change the zoning from residential to Business 3 along I-94 allowing State mandated 600 ft between signs. The Planning Commission had previously voted 4-2 against recommending the rezoning. Town Planner Jim Manden recommended the rezoning. Those voting against were against spot zoning. Snyder pointed out that the petitioner had met the criteria with Building Commission Babcock and Town Planner Manden were in favor of the change. After a presentation on Nelson's plans to let owners of the Strawberry Patch to live and work the property for the next five years, Granat asked for a motion to approve the change. Sexton questioned setting a precedent but Granat and Lyp said each request should be judged individually. Sexton questioned the use of the rest of the land. Snyder said trees would be planted around sign to keep the lights from shining in the neighbor's houses.

Granat asked if the variance went with the property owner or does it stay with the property. Lyp said it up to the BZA to put the restrictions on the sign. He will relay the concerns the Council's feeling for the sign. Childress made a motion to approve subject to favorable action on Petitioner's pending petitions before the town's BZA and immediately withdrew and made the following motion. Childress made a motion to approve subject to favorable action on Petitioner's pending petitions before the town's BZA and Plan Commission. Boothe seconded it. From the floor, Linda Hodges thought that the Council should be aware that the Plan Commission had made a recommendation to reject the matter and that they should rethink their position. Previous council was criticized for not accepting the recommendation of a commission they had authorized to investigate. Neitzel said the property in question for the sign would be of no good use for any other reason. Motion passed 5-0.

AMMEND SALARY ORDINANCE 2004-02

Granat explain that the wording in the salary ordinance under secretary pay for the BZA and Planning Commission should read, "not to exceed \$200.00 monthly" (instead of yearly). Granat asked for a motion to number and read 2004-08. Childress made the motion, Sexton seconded. Childress read the ordinance and the motion passed 5-0. Snyder made a motion to suspend the rules to read 2nd and 3rd by title only. Sexton made the motion and Sexton seconded. Motion carried 5-0. Snyder made a motion to accept the ordinance, with Boothe seconding. Carried 5-0.

NATIONAL LAKESHORE VACATION OF PROPERTY

This has been forwarded from Plan Commission for approval with a favorable recommendation pending negotiations. The property in question is concerning S. Bailey Dr. Childress volunteered to look into the matter with Atty. Lyp. It will be tabled until further notice.

COMMENTS FROM COUNCIL

Snyder asked about the open container ordinance. She would like a special meeting. Consensus by the Council will be to set up a special meeting prior to the Workshop on Tuesday June 29 at 6:00 p.m. From the floor, Jennifer Klug asked if the special meeting was held, would there be enough time to actually pass it before the parade. Is there a time limit? Chief Lane said it is imperative that the ordinance be in effect at parade time. Lyp said if there is a penalty aspect to an ordinance, it needs to be published and then it will be in effect within 30 days.

Sexton said they have submitted all the paper work to the insurance companies. However, one of the companies involved requires a 100% refundable deposit of \$7000.00 to work on the package to put it together. He asked the Council's opinion if they should continue with John Alden Insurance and the deposit or just go with United. After discussion, it was decided that Sexton will get in touch with the Alden to see if they will waive the \$7000.00. By consensus, the council expressed the desire not to pay the \$7000.00.

Granat said the Storm Water Mgmt. is requesting a workshop so they may get the Town Council's ideas on their projects. A meeting will be set up for July 19, 2004 at 6:00 p.m.

ADJOURNMENT

Boothe made a motion to adjourn, seconded by Childress. Meeting adjourned at 9:10 p.m.

President Jennifer Granat

Vice President William Sexton

Sandy Boothe

Sandi Snyder

Paul Childress

ATTESTED: _____
Carol Pomeroy, Clerk-Treasurer

This _____ day of _____ 2004