

## TOWN COUNCIL MINUTES

JUNE 12, 2007

President William F. Sexton called the meeting to order by leading the Pledge of Allegiance to the Flag. Present were Council members Sandi Snyder and Jennifer Granat. Also present were Clerk Treasurer Carol Pomeroy, Attorney Patrick Lyp, Police Chief James Spanier and Public Works Director Karl Bauer. Absent were Vice President Lorri Wickberg, Council member Paul Childress, Building Commissioner Brenda Brueckheimer, Fire Chief Lewie Craig and Park Superintendent James Miller.

### **PUBLIC HEARING: AMENDING ZONING ORDINANCE 2007-07.**

This is a technical amendment making things more explicit. Sexton asked if there were any opponents, there were none. Sexton asked if there were any proponents, there were none. Sexton then closed the public hearing.

### **APPROVAL OF MINUTES OF MAY 22, 2007**

Snyder made the motion to approve the minutes as written and Granat made the second. Vote 2-0 with Granat voting present because she did not attend the last meeting.

### **APPROVAL OF CLAIMS**

Snyder made the motion to approve the claims in the amount of \$91,761.74 and Granat made the second. Vote 3-0.

### **COMMENTS FROM THE FLOOR:**

**George Mrak** of 140 Pheasant Run asked the Council if they could get the stop connection order lifted that Chesterton has imposed on the Town. Sexton said that he has been in contact with Chesterton and the Town cannot at this time issue and sewer permits or occupancy permits until this is worked out. He said that he will attend Chesterton's June 18<sup>th</sup> Utility meeting to in hopes of getting the moratorium lifted. Granat stated that she also would attend that meeting. He also stated that the Town has done dye testing in Porter Cove and everything is in order and no infiltration. They feel that there is a malfunction in the meter because the capacity there has doubled on specific days and it has not rained in weeks and feels that this is impossible. Attorney Lyp stated that the Town is in technical non compliance. He also stated that Porter has a double whammy at this time because IDEM wants the problem fixed. Sexton also stated that Chesterton is also governed by IDEM the same as Porter. Lyp is going over the agreed order with IDEM. Mrak felt that Chesterton is being deplorable in this situation and when Chesterton needs a permit to expand their plant that Porter should take a hard line with them also. Sexton invited Mrak to also attend the Chesterton Utility meeting on Monday.

**Paul Scott** stated that he sold his home in Chesterton to move to Porter and now his contractor will not build his house until this moratorium is lifted because they would not be able to close on the house without an occupancy permit and sewer. Sexton said that an agreement could be reached at their meeting.

**Mike Smith**, 212 Lincoln Street, stated that he had turned in his application for the Midnight parade and wanted to amend it to include a beer garden. Smith said he has garbage pick-up in place and also port-a-potties ordered. Sexton asked Smith if he turned in the certificate of insurance and his reply was no. Sexton stated that he personally called him numerous times to make sure that he complied. Snyder said that since he did not comply there could not be a parade.

**Tim Winn**, 215 Rankin Street thanked the Street Department for removing a tree in the Town's easement before the storm last month. Bauer said that at a later date they will level the stump.

### **CLERK TREASURER**

Pomeroy said that she needs to have \$23,100 for the Debt/Lease payment for the Police Station that is due on June 30<sup>th</sup>. She said that the Debt/Lease Fund is short because of not receiving monies from County and only has \$16,401 in the account and the payment due is \$39,500. Pomeroy would like this money to be taken out of the Rainy Day Fund in case this Fund is short after receiving the monies from County. Last year the Fund was shorted around \$3,200 and she feels that if this happens again this year she will not have the monies to repay the entire amount and this is why this account was set up. She will put back as much as she receives after making all payments. Granat made the motion to number and read by title only **Ordinance 2007-08**. Snyder made the second, vote 3-0. Granat made a motion to approve 1<sup>st</sup> reading and Snyder made the 2<sup>nd</sup>, vote 3-0. Snyder made a motion to suspend the rules and Granat made the 2<sup>nd</sup>, vote 3-0. Granat made the motion to have 2<sup>nd</sup> reading and adoption with Snyder making the 2<sup>nd</sup>, vote 3-0.

Pomeroy also said that she asked all department heads to submit how much money they will need to have to borrow to get through September. Pomeroy is guessing when the Town will receive their June draw from County. All department heads except for Miller, Supt for Park, has submitted what they feel they will need.

Miller wanted to meet with the Park Board before giving an amount. Pomeroy used the amount that the Park has spent for the 1<sup>st</sup> five months of the year and divided by 5 to get an estimate for the Park. The amounts are as follows: Town Hall/Police \$310,400; MVH \$131,000; Fire \$11,600; and Park \$27,000 for a grand total of \$480,000.

Pomeroy noted that this not the amounts that was submitted because she subtracted the amount of money that they have in their accounts now and stated that this loan will be paid back as soon as receiving tax money from County. Sexton advised Pomeroy to attend the Redevelopment Commission at their June 26<sup>th</sup> meeting to ask to borrow this money.

Pomeroy said that there are 10 new contractors for a total of 260. Snyder made the motion to accept and Granat made the second. Vote 3-0.

## **POLICE DEPARTMENT**

Spanier stated that he received an assemblage permit from the **Chesterton Art Fair** on May 31 for the event at Hawthorn Park on August 4<sup>th</sup> and 5<sup>th</sup>. He noted that everything was in order and that the Park Board has given approval. Granat made the motion to accept and Snyder made the second. Vote 3-0.

Spanier said that he also received an assemblage permit from the **Village** on May 31<sup>st</sup> for a beer garden and band on July 3<sup>rd</sup> from 9:00pm to Midnight. Spanier asked the Council if the Village needed to provide insurance since this event will be on their private property. Sexton said that since it is on private property they do not need to provide insurance. Granat made the motion to accept and Snyder made the second. Vote 3-0.

Spanier also received a parade permit for **Midnight Parade** from Mike Smith on May 22<sup>nd</sup> but it did not have a certificate of insurance. Sexton stated that all assemblages and parades need to have everything in order 30 days prior to the event. Sexton noted that earlier in the meeting Smith said he has not submitted his insurance as of today (June 12<sup>th</sup>). By consensus the Council agreed to deny the permit.

Spanier also received an assemblage permit on June 12<sup>th</sup> for the **MS HOG Motorcycle ride** scheduled for June 16<sup>th</sup> and they did not submit their certificate of insurance. He stated that the gentleman that he talked to said they have insurance but cannot provide it before the event. Spanier said that they received their permit from Chesterton but forgot to apply in Porter. Lyp stated that if they are riding through the Town and not stopping they would not need insurance. Spanier said that there will be 100's and would be blocking streets. All Council members agreed that this is a good charity but they need to comply with Town rules and get better organized. Permit denied.

Spanier stated that the **Iris Festival** held last week on Oak Hill Road did not submit for a permit and there were parking problems. The Police Commission recommends prohibit parking on Oak Hill Road. Lyp said he will amend the ordinance and told Spanier to place no parking signs on Oak Hill Road when amended. Lyp said he will write a letter to them and if they have an event next year to let him know.

Spanier asked the Council if he could purchase a Toyota Prius this year instead of next year. He said it would not cost the Town any money this year. This car would replace the detective car which is not a pursuit vehicle. This vehicle gets about 60 miles to the gallon which is 4 times better than the detective car now. With the cost of gas now this would be a substantial savings. He noted that his budget for gas is on track now but probably won't be later. The cost would be \$18,638 from Lakeshore Ford. The Council by consensus agreed for him to move forward and buy it and finance from Porter Bank for 1 year.

## **PUBLIC WORKS DEPARTMENT**

Bauer noted that the “chipper” would cost between \$12,000 to \$15,000 to fix. Vermier said either a bolt came loose or a piece of metal was mixed with tree clippings. The Council advised him to get 3 quotes for a new chipper.

Lincoln Street landscaping. Bauer will meet with Sherrill Newman and Sexton to walk the downtown area and discuss what needs to be done.

Bailly Drive. Shem is gathering information about the corrugated pipe that runs under Bailly Drive and check on the water shed to see how the flow will affect residents.

Bauer said the bike rack is installed at Porter Beach and the monument will be installed next week.

Meter readings for sewer were good for May and June.

IDEM – Bauer asked the Council if Attorney Lyp could be the point of contact until an agreed order is in place.

Oak Hill lift station contract has been signed and will see activity starting in July. The new pumps have been ordered.

2007 paving project and Beam Street. The bids will be opened June 20<sup>th</sup> at 3:00pm at the Town Hall.

Delta 3 has submitted a bid of \$6,500 to clean sewer lines North of Woodlawn to the sewer plant. Snyder made a motion to accept the bid of Delta 3 not to exceed \$6,500 for cleaning the line to the sewer plant, Granat made the second. Vote 3-0. Snyder noted this money will be taken out of the sewer fund.

Michigan Scale Company. The Council advised Bauer to proceed with receiving a demo meter for 30 to 60 days from the above company.

## **OLD BUSINESS**

Signature Graphics. Mr. Robert Welsh, attorney for Signature Graphics was present and explained that they did file the appropriate paper work on March 23<sup>rd</sup> for their 2000 tax abatement. When they double checked with Porter County they could not find the paperwork. When they tried to re-file the paperwork with Porter County they had changed the format for figuring the salaries which further delayed the paper work. Mr. Welsh stated that he had given the Council the form and figured that was all he had to do. Pomeroy told Mr. Welsh that the Town Hall needs a copy of everything for the files. He said he would make sure that the Town Hall would also receive a copy in the future. Mr. Welsh also wanted to point out that some citizens were not in favor of the tax abatement because they felt Signature Graphics were not paying their taxes. He pointed out that Signature Graphics is one of the top taxpayers for the Town. There are only 3 years left on the tax abatement and then they will be paying the full amount. He

felt this abatement was very successful for Signature Graphics and also the Town. They also donate the graphics for all Town vehicles plus all emergency vehicles. Karen Pisowicz of McDashwicz Drive stated that the bottom line they did not file their paperwork on time. The Council tonight did not issue permits because they had filed late. Lyp stated that the paperwork is filed correctly now and the Town cannot revoke their abatement. Sexton added that when the abatement was issued it did not state that the new employees that were hired had to be residents of Porter.

PEDDLERS ORDINANCE 2007-05. Snyder made a motion to have 2<sup>nd</sup> reading and adoption by title only, Granat made the 2<sup>nd</sup>, vote 3-0.

FIREWORKS ORDINANCE 2007-09. Granat made a motion to number and have 1<sup>st</sup> reading by title only; Snyder made the 2<sup>nd</sup>, vote 3-0.

### **NEW BUSINESS**

ORDINANCE FOR COLLECTING FEES 2007-10. Granat made a motion to number and read by title only; Snyder made the 2<sup>nd</sup>, vote 3-0.

CURFEW ORDINANCE 2007-11. Pomeroy was told to correct Section 3 to read officer. Granat made a motion to number & read by title only; Snyder made the 2<sup>nd</sup>, vote 3-0. Granat stated that the Police Commission has given a favorable vote for this ordinance and also recommended that the fee that currently is \$40 be raised to \$50 for first offense and \$100 after that.

### **COUNCIL COMMENTS.**

Sexton said that the Town has received the renewal quote for health insurance. The State of Indiana also has a health insurance plan and wants Pomeroy to submit to see the cost. The Town is under no obligation to join this plan. By consensus the Council advised Pomeroy to proceed by July 6<sup>th</sup>. Sexton also reminded residents to take down garage sale signs when the sale is over.

Snyder made the motion to adjourn and Granat made the 2<sup>nd</sup>. Vote 3-0

Dated this \_\_\_\_ day of June 2007.

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William F. Sexton, President

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Sandi Snyder

\_\_\_\_\_  
Jennifer Granat

ATTEST: \_\_\_\_\_  
Carol Pomeroy, Clerk Treasurer