

## SEPTEMBER 8, 2020

The Common Council of the City of LaPorte met in regular session in the Council Chambers on Tuesday, September 8, 2020 at 6:00 p.m.

### **Pledge**

Councilman Vincent led the Pledge of Allegiance.

Present: Brown, Feikes, Vincent, Galloway, Cutler, Franke and West (via Zoom)

Absent: None

### **Minutes**

Mayor Dermody stated each Council member received an advance copy of the minutes from the previous meeting and asked if there were any corrections or additions. Councilwoman Feikes moved to approve the minutes as presented; motion seconded by Councilwoman Cutler and unanimously carried.

### **Petitions & Comments**

Mayor Dermody opened public comment and stated there would be an opportunity for people to comment during a specific agenda item. There were no public comments at this time.

### **Standing Committee Reports**

**Tree Commission:** Councilwoman Brown reported the Tree Commission met on August 20<sup>th</sup> at which time Sarah Niemitz, Engineering Project Manager, who explained how she would like to partner with the Tree Commission going forward. Discussion was held regarding updating the website, managing the City's tree inventory and nursery and the possibility of having nursery programs with the schools. The next Tree Commission meeting will be held on September 17<sup>th</sup> at 5:00 p.m. at City Hall.

**Airport Authority:** Councilwoman Brown reported the Airport Authority will be meeting tomorrow evening at 5:15 p.m.

**Traffic Commission:** Councilwoman Feikes reported the Traffic Commission met on September 1<sup>st</sup>.

**Park & Recreation:** Councilwoman Feikes reported the Park Board met on August 19<sup>th</sup> at which time it was announced the water feature at Unity Park is up and running. Proposed changes to the field usage fees were approved which puts our fees more inline with surrounding fields. The Park Board approved Beechwood to sell nine of their older carts and take that money to put towards four new carts. They will either buy the carts outright or lease new ones. Councilwoman Feikes reported the shoreline improvements are continuing at Kiwanis-Teledyne Park and six outdoor AED units were installed throughout our parks thanks to a grant from the Healthcare

Foundation of LaPorte. The next Park Board meeting will be held on Wednesday, September 16<sup>th</sup>, 4:00 p.m. at the Park Office.

**Board of Zoning & Plan Commission:** Councilman Vincent reported the Board of Zoning and Plan Commission is meeting here this evening. Among other things they will be discussing improvements to the City's Sign Ordinance which depending on the outcome will be forwarded to the Council for approval sometime soon. The next meeting will be on October 13<sup>th</sup> at 6:00 p.m. at City Hall.

**Police Department:** Councilman Galloway reported the Police Merit Commission met this afternoon.

**Mayor's Veterans Committee:** Councilman Galloway reported the Mayor's Veterans Committee will meet next Monday at the Park Office.

**Fire Department:** Councilwoman West reported the Fire Department has moved into their new fire station on the east side of the City. September 17<sup>th</sup> is the tentative date for the ribbon cutting with more information to come once things have been finalized.

**Redevelopment Commission:** Councilman Franke reported the Redevelopment Commission met on August 26<sup>th</sup> at which time City Engineer, Nick Minich, gave an update on the Clear Lake Trail/Boardwalk Project. Work in NewPorte Landing is moving along as well. Their next meeting will take place on September 30, 2020 at 5:15 in the Council Chambers.

**School Board Liaison:** Councilman Franke reported the next School Board meeting will take place next Monday.

**Second & Final Reading of an Ordinance Amending Section 94-237, Loading Zones, of the Municipal Code of the City of LaPorte, Indiana**

Councilwoman Feikes moved to read an Ordinance for the second and final time by title only; motion seconded by Councilman Galloway and unanimously carried. Councilwoman Feikes read an Ordinance Amending Section 94-237, Loading Zones, of the Municipal Code of the City of LaPorte, Indiana by title only.

**Motion/Vote - Adopt Ordinance 13-2020**

Councilman Franke moved to adopt the Ordinance as presented; motion seconded by Councilwoman Feikes.

Mayor Dermody stated this is for a loading zone on Niesen Street in front of Sacred Heart Catholic Church. He asked if there was anyone in the audience who wished to address the Council regarding this matter. No one came forward. The Mayor asked if the Council had any comments or questions, there were none.

The motion to adopt the Ordinance was unanimously carried.

**ORDINANCE 13-2020**  
**ORDINANCE AMENDING SECTION 94-237, LOADING ZONES, OF THE**  
**MUNICIPAL CODE OF THE CITY OF LAPORTE, INDIANA**

**Second & Final Reading of an Ordinance No. 10-267 Establishing Condemnation of a Dwelling or Dwelling Unit**

Councilwoman West moved to read an Ordinance for the second and final time by title only; motion seconded by Councilwoman Feikes and unanimously carried. Councilwoman West read Ordinance No. 10-267 Establishing Condemnation of a Dwelling or Dwelling Unit by title only.

**Motion/Vote - Amend Ordinance**

Councilwoman West moved to amend the Ordinance; motion seconded by Councilwoman Cutler. Councilwoman West read the following amendment:

Section I (3) "Except individuals who are crime victims of a police response call to a "chronic nuisance property" shall not be vacated from the property when the property is vacated solely for a violation of this subsection."

The motion to amend the Ordinance was unanimously carried.

**Motion/Vote - Adopt Ordinance 14-2020**

Councilwoman Feikes moved to adopt the Ordinance as amended; motion seconded by Councilman Galloway.

Mayor Dermody opened the floor for public comment.

Brad Ake, 332 Grayson Road, stated this is an improvement to the Nuisance Ordinance that was passed in 2014. He stated he understands there are four or five places where the City is having problems of this magnitude. He stated the City is basically condemning a property based on who you are and what you are doing and putting it on the landlord. Mr. Ake stated a few years ago he had a rental property where there were several police calls and as a landlord, he was never contacted that there was a problem. He stated he does not know how the City can enforce this especially right now because you can't evict anyone due to COVID 19 until the end of the year. Jeff Batchelor, Director of Code Enforcement, advised the Governor's order regarding evictions is for non-payment, it does not affect condemnation. He stated the property must be considered a chronic nuisance property before this would go into effect. Mr. Batchelor stated he cannot say what happened in the past, but moving forward landlords will be notified if there is activity at a property they own notifying them that this property has issues prior to it being a chronic nuisance and/or the possibility of condemnation. He stated in the end this is a safety/security problem.

Mayor Dermody asked if there were any other comments or questions. The motion to adopt the Ordinance, as amended, was unanimously carried.

**ORDINANCE 14-2020**  
**ORDINANCE NO. 10-267 ESTALISHING CONDEMNATION OF A**  
**DWELLING OR DWELLING UNIT**

**Introduction of an Ordinance Amending Section 94-322 of the Municipal Code of the City of LaPorte, Indiana, placing a Stop Sign on Ohio Street at its Intersection with Lawrence Street**

Councilwoman Feikes moved to introduce an Ordinance for the first time in its entirety; motion seconded by Councilwoman Cutler and unanimously carried. Councilwoman Feikes read an Ordinance Amending Section 94-322 of the Municipal Code of the City of LaPorte, Indiana, Placing a Stop Sign on Ohio Street at its Intersection with Lawrence Street in its entirety.

Councilwoman Feikes reported several residents in the Ohio Street area requested the Traffic Commission look at Ohio Street as there are fifteen cross streets with only five stop signs. This is resulting in quite a bit of speeding through that area.

Mayor Dermody asked if there were any questions or comments. As there were none, he stated the second and final reading of this Ordinance will take place at the next regular Council meeting.

**Introduction of an Ordinance Amending Section 58, Article II - Human Rights Commission**

Councilman Franke moved to introduce an Ordinance for the first time in its entirety; motion seconded by Councilwoman Feikes and unanimously carried. Councilman Franke read an Ordinance Amending Section 58, Article II - Human Rights Commission in its entirety.

Mayor Dermody suggested in Section 58-28 a. the Council consider changing the language to the Mayor appointing three members and the other two members are appointed by the Council.

Councilman Galloway inquired where the budget would come from for this committee. Courtney Parthun, Clerk-Treasurer, advised there is currently \$5,000 set aside in the Council budget for the Human Rights Commission. She stated as we will no longer have a Human Rights Commission but a Diversity and Inclusion Committee those funds could be used by them.

Councilwoman Cutler stated in terms of the committee, Council members assigned to committees as a voting member and other times they are a liaison. She inquired if the Council would want someone on the committee as a voting member or as a liaison. Councilman Franke stated he believes a liaison would be a good idea and the rest of the Council concurred.

The Mayor opened the floor for public comment.

Elissa Wright, 303 Planett Street, stated she knows Councilman Franke and the City Attorney put a lot of effort in revamping this Ordinance. She stated she wanted the Council to know that they solidify that they are in support of this Ordinance and that they believe a Diversity and Inclusion Committee is probably a better use of City funds. She stated when they approached the Council before there was a bit of chaos that ensued. She stated she believes the City has made incredible measures to accommodate the things that we had asked for.

Councilman Franke stated basically the Human Rights Commission through the old Ordinance hasn't been operating for quite some time and really the City doesn't have the resources, such as a Judge in-house to try cases. He stated it didn't really make sense based on the scope of our abilities within the City government to do things that way. He advised they worked with members of the public who gave their input to redo the Ordinance to be something that will be a working structure be used to promote diversity within the City.

The Mayor asked if there were any other comments or questions. As there were none, he stated the second and final reading of this Ordinance will take place at the next regular Council meeting.

**Introduction of an Ordinance Amending Ordinance 18-2019 of the City of LaPorte, Indiana to Establish Salary for a New Position in the Wastewater/Stormwater Department**

Councilwoman Brown moved to introduce an Ordinance for the first time in its entirety; motion seconded by Councilwoman Feikes and unanimously carried. Councilwoman Brown read an Ordinance Amending Ordinance 18-2019 of the City of LaPorte, Indiana to Establish Salary for a New Position in the Wastewater/Stormwater Department in its entirety.

Jerry Jackson, Director of Wastewater, reported when the Stormwater Utility was formed two years ago the plan was to always have a someone on staff to guide the program and be a technical asset to the program. He reported the City got a slower start on the stormwater program than we wanted but as we are gearing up to do a bond issue which will start several stormwater projects it feels like the right time to hire an individual so that they are on the ground floor as we move forward. Councilwoman Cutler inquired if there is a start date anticipated for this new position. Mr. Jackson if we find the right person it could be soon. He reported this person will be designing projects under the guidance of the City Engineer.

Mayor Dermody asked if there were any other questions or comments. As there were none, he stated this Ordinance will be placed on the next agenda.

**Introduction of a Resolution Approving Use of Enterprise Zone Investment Deduction Credits within a Tax Increment Financing District (125 East Shore Court)**

Councilwoman Cutler moved to introduce a Resolution; motion seconded by Councilwoman Feikes and unanimously carried. Councilwoman Cutler read a Resolution Approving Use of Enterprise Zone Investment Deduction Credits within a Tax Increment Financing District (125 East Shore Court) in its entirety.

Bert Cook, Executive Director of LEAP, reported the Resolution read by Councilwoman Cutler is an old version and the actual name should be Infinite Development LLC. Mr. Cook reported this is for a development of a 5,470 square foot professional office building. He advised as this is the first phase, the Council will see additional requests for use of Enterprise Zone Investment Deductions in the coming years as this project progresses.

**Motion/Vote - Amend Resolution**

Councilman Vincent moved to amend the Resolution to reflect the correct name to Infinite Development LLC; motion seconded by Councilman Galloway and unanimously carried.

**Motion/Vote - Adopt Resolution R-13-2020**

Councilwoman Cutler moved to adopt the Resolution to adopt the Resolution as amended; motion seconded by Councilman Vincent and unanimously carried.

**RESOLUTION R-13-2020**  
**RESOLUTION APPROVING USE OF ENTERPRISE ZONE INVESTMENT**  
**DEDUCTION**  
**CREDITS WITHIN A TAX INCREMENT FINANCING DISTRICT**  
**(Infinite Development LLC - 125 East Shore Court)**

**Introduction of a Resolution Approving Use of Enterprise Zone Investment Deduction Credits within a Tax Increment Financing District (160 West McClung Road)**

Councilman Vincent moved to introduce a Resolution; motion seconded by Councilman Galloway and unanimously carried. Councilman Vincent read a Resolution Approving Use of Enterprise Zone Investment Deduction Credits within a Tax Increment Financing District (160 West McClung Road) in its entirety.

**Motion/Vote - Amend Resolution**

Councilwoman Cutler moved to amend the Resolution to reflect the correct name to Infinite Development LLC; motion seconded by Councilman Vincent and unanimously carried.

Mr. Cook reported this request is to construct a new ten thousand square-foot townhomes, building #1.

**Motion/Vote - Adopt Resolution R-14-2020**

Councilman Galloway moved to adopt the Resolution as amended; motion seconded by Councilman Vincent.

Mayor Dermody stated the City is in desperate need of housing.

The motion to adopt the Resolution as amended, was unanimously carried.

**RESOLUTION R-14-2020  
RESOLUTION APPROVING USE OF ENTERPRISE ZONE INVESTMENT  
DEDUCTION  
CREDITS WITHIN A TAX INCREMENT FINANCING DISTRICT  
(Infinite Development LLC - 160 West McClung Road)**

**Other Business**

Mayor Dermody reported we are currently working on the 2021 budgets and have met with Department Heads and the Finance Committee. He stated the Council should be seeing something in the very near future.

**Adjourn**

There being no further business, Councilwoman Feikes moved to adjourn; motion seconded by Councilwoman Cutler and unanimously carried.

**Approved:**

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**Thomas P. Dermody, Mayor**

**Attest:** \_\_\_\_\_  
**Courtney Parthun, Clerk-Treasurer**

**Approved: September 21, 2020**