

The Common Council of the City of LaPorte

February 01, 2010

Convene

The Common Council of the City of LaPorte met in regular session in the Council Chambers on February 1, 2010 at 7:00 p.m. Attendance: Councilman Logwood, Present: Councilwoman Renner, Present: Councilwoman Hammons, Present: Councilman Heichel, Present: Councilman Schmitt, Present: Councilman Luscomb, Present: Councilman Pressler, Present.

Minutes

As each Council member received an advance copy of the minutes from the previous meeting, Mayor Chroback stated they would dispense with the reading of same and asked if there were any corrections or additions.

Approval of Minutes

Councilman Pressler moved to approve the minutes as presented; motion seconded by Councilwoman Hammons and unanimously carried.

Petitions & Comments

Alex Schmitt, a student at Lincoln Elementary School, inquired if something could be done about the condition of the floor mats in the gymnasium at his school. Mayor Chroback informed Master Schmitt this is a matter to be addressed by the School Board and not the City Council, however, maybe Councilman Pressler, who is the City Council's liaison to the School Board, would bring the matter to their attention. Councilman Pressler stated he would be happy to pass on Master Schmitt's concerns.

Mayor Chroback welcomed the students who were in attendance.

Standing Committee Reports

Airport Authority: Councilman Luscomb reported the Airport Authority will meet next Wednesday, February 10, 2010, at 5:15 p.m. at the Airport.

BID Board: Councilwoman Hammons reported the BID Board met this evening at which time the contract with Perennials Galore was approved for planter flowers. Also, all the Christmas lights have been removed by the Boy Scouts and the Forester will resume trimming the trees downtown.

Fire Merit Commission: Councilman Heichel reported the Fire Merit Commission will meet Wednesday, February 3, 2010, at 6:30 p.m. at the 18th Street Fire Station.

Park & Recreation: Councilman Pressler reported the Park Board will meet Wednesday, February 10th, at 7:00 p.m. at the Park Office. Councilman Pressler read a notice from the Director of Parks & Recreation, Dean Heise, announcing the residents and neighbors of the Greater Koomler Park will have a public meeting to be held at the Agape Christian Church, 1601 I Street, on Tuesday, February 16, 2010, at 7:00 p.m. The notice stated the LaPorte Park Foundation has expressed a funding interest in Koomler Park for 2010. Park & Recreation as well as Foundation Members will be present to solicit ideas for potential

improvements from residents.

Sewer/Water Committee: Councilwoman Renner reported the Sewer/Water Committee was unsuccessful in trying to schedule a meeting for this week. She said they are tentatively set to meet before the next Council meeting at 6:00 p.m. on Tuesday, February 16th.

School Board Liaison: Councilman Pressler reported the School Board will have an executive session tomorrow evening at 5:30 p.m. after which time a special meeting will be held to review plans for the Handley School heating and cooling system upgrade. Also, the School Board will have their regular meeting on February 16th at 6:30 p.m.

Traffic Commission: Councilman Schmitt reported the Traffic Commission will meet tomorrow evening, February 2, 2010, at 6:30 p.m. in the Council Chambers.

Appointment to the Urban Enterprise Zone

Mayor Chrobak stated the Council has two vacancies to fill on the Urban Enterprise Zone, one resident and one business appointment. She inquired if the Council had anyone to nominate. The Mayor informed the Council she has a directory of residents who reside in the zone and if they want, she can make some inquiries on their behalf to see if someone is interested in serving on the committee. Councilman Pressler stated he would contact Mike Seitz, President of the LaPorte Chamber of Commerce, to see if he could recommend someone for the business appointment.

This matter will come before the Council at their next regular meeting.

Second & Final Reading of an Ordinance to Amend Chapter 82 of the Municipal Code to Re-Zone & Reclassify a Parcel of Real Estate (Philadelphia Street)

Councilman Heichel moved to read an Ordinance for the second and final time by title only; motion seconded by Councilman Logwood and unanimously carried. Councilman Heichel read an Ordinance to Amend Chapter 82 of the Municipal Code of the City of LaPorte and the Zone Map That is a Part Thereof in Order to Re-Zone and Reclassify a Parcel of Real Estate (Philadelphia Street) by title only.

Mayor Chrobak stated this Ordinance is to correct an error that was made when the area was rezoned in 1993. Councilman Heichel stated it is important to note the company who wants to develop the area in question, will be creating additional jobs. Councilman Schmitt informed the Council, Mike Seitz, President of the LaPorte Chamber of Commerce, informed him this evening the Chamber fully supports this Ordinance.

Motion/Vote - Adopt Ordinance No. 2-2010

Councilman Heichel made a motion to adopt the Ordinance as presented; Councilman Logwood seconded the motion. The motion passed by vote: Councilman Logwood (Yes), Councilwoman Renner (Yes), Councilwoman Hammons (Yes), Councilman Heichel (Yes), Councilman Schmitt (Yes), Councilman Luscomb (Yes), Councilman Pressler (Yes).

ORDINANCE NO. 2-2010 ORDINANCE TO AMEND CHAPTER 82 OF THE MUNICIPAL CODE OF THE CITY OF LAPORTE AND THE ZONE MAP THAT IS A PART THEREOF IN ORDER TO RE-ZONE AND RECLASSIFY A PARCEL OF REAL ESTATE (Philadelphia Street)

Second & Final Reading of an Ordinance to Vacate Public Ways (Wile Street)

Councilman Logwood moved to amend the Ordinance to Vacate Public Ways (Wile Street) by adding the words “subject to retention of existing utility easements” after the word “same” in Section 1; motion seconded by Councilman Pressler and carried by the following roll call vote:

Ayes: Heichel, Pressler, Logwood, Hammons, Renner, Luscomb and Schmitt

Nays: None

Councilman Logwood moved to read the Ordinance for the second and final time by title only as amended; motion seconded by Councilwoman Hammons and unanimously carried. Councilman Logwood read an Ordinance of the City of LaPorte to Vacate Public Ways (Wile Street) by title only.

Public Hearing - Ordinance to Vacate Public Ways (Wile Street)

As this Ordinance requires a public hearing, the Mayor declared the public hearing open. Mayor Chroback noted this Ordinance is to vacate property that is a public way; Wile Street lying west of Fox Street and all of Hiawatha Street.

Teresa Ludlow, Clerk-Treasurer, presented proof of service to the landowners as well as proof of publication for the public hearing.

Dale Clingerman, Director Engineering and Building Services, came forward to answer questions from the Council. Mayor Chroback stated a map was provided to the Council indicating the area in question. Mr. Clingerman informed the Council the City has not maintained these streets for many years. He advised if these streets had been developed today, the City would not have accepted them as they are strictly for private use.

Don Baugher, City Attorney, asked the Director of Engineering the following questions:

1. Will vacating the land make access by any party by means of public way difficult or inconvenient?
2. Will vacation hinder public access to church, schools, public buildings or places?
3. Will vacation hinder the use of any public way?

Mr. Clingerman answered no to all three questions.

Mayor Chroback asked if there was anyone present who wished to address the Council regarding this matter. As no one came forward, she declared the public hearing closed.

Motion/Vote - Adopt Ordinance No. 3-2010

Councilman Logwood made a motion to adopt the Ordinance as amended; Councilman Heichel seconded the motion. The motion passed by vote: Councilman Logwood (Yes), Councilwoman Renner (Yes), Councilwoman Hammons (Yes), Councilman Heichel (Yes), Councilman Schmitt (Yes), Councilman Luscomb (Yes), Councilman Pressler (Yes).

ORDINANCE NO. 3-2010
ORDINANCE OF THE CITY OF LAPORTE TO VACATE PUBLIC WAYS
(Wile & Hiawatha Streets)

Second & Final Reading of an Ordinance to Vacate Public Ways (McCollum Street)

Councilman Heichel moved to read an Ordinance for the second and final time by title only; motion seconded by Councilman Pressler and unanimously carried. Councilman Heichel read an Ordinance of the City of LaPorte to Vacate Public Ways (McCollum Street) by title only.

Mayor Chrobak stated this is a public way; a portion of McCollum Street lying between Monroe Street and Rose Street. She noted the affected property owners were notified as well a proof of publication for the public hearing.

Public Hearing - Ordinance to Vacate Public Ways (McCollum Street)

As this Ordinance requires a public hearing, the Mayor declared the public hearing open.

Mr. Clingerman informed the Council this vacation is required as a result of the Monroe Street Project as the reconstruction landlocked one of the property owners. He noted INDOT, who is the owner of parcel #2, has disclaimed any right to the property that is being vacated. He reported the owner of parcel #1 has agreed to accept parcel #2.

Councilman Pressler asked Mr. Clingerman to identify the property owner of parcel #1 for the record. Mr. Clingerman replied Mayor Chrobak owns the property in question, however, when the Monroe Street Project began and the property was landlocked, she was not the Mayor.

The City Attorney asked the Director of Engineering the following questions:

1. Will vacating the land make access by any party by means of public way difficult or inconvenient?
2. Will vacation hinder public access to church, schools, public buildings or places?
3. Will vacation hinder the use of any public way?

Mr. Clingerman answered no to all three questions.

Councilman Heichel stated he believes the new configuration of the intersection is much less dangerous than what it used to be and it looks great.

Mayor Chrobak asked if there was anyone present who wished to address the Council regarding this matter. As no one came forward, she declared the public hearing closed.

Motion/Vote - Adopt Ordinance No. 4-2010

Councilman Heichel made a motion to adopt the Ordinance as presented; Councilman Logwood seconded the motion. The motion passed by vote: Councilman Logwood (Yes), Councilwoman Renner (Yes), Councilwoman Hammons (Yes), Councilman Heichel (Yes), Councilman Schmitt (Yes), Councilman Luscomb (Yes), Councilman Pressler (Yes).

**ORDINANCE NO. 4-2010
ORDINANCE OF THE CITY OF LAPORTE TO VACATE PUBLIC WAYS
(McCollum Street)**

Second & Final Reading of an Ordinance to Vacate Public Ways (East & West Alley North of Washington Street)

Councilwoman Hammons moved to read an Ordinance for the second and final time by title only; motion seconded by Councilman Logwood and unanimously carried. Councilwoman Hammons read an Ordinance of the City of LaPorte to Vacate Public Ways (East & West Alley North of Washington Street) by title only.

Mayor Chrobak stated this vacation is a portion of an east and west alleyway north of Washington Street and south of Norfolk Southern Railroad from its' intersection with Detroit Street eastward a distance of approximately 40.3 feet.

Public Hearing - Ordinance to Vacate a Public Way (East & West Alley North of Washington Street)

As this Ordinance requires a public hearing, the Chair declared the public hearing open.

Mr. Clingerman advised the proposed area is right in front of the main entrance to Ringers Tavern. He stated there was an incident where a patron from Ringers Tavern who slipped and fell sued the City because we had not maintained the alley.

The City Attorney asked the Director of Engineering the following questions:

1. Will vacating the land make access by any party by means of public way difficult or inconvenient?
2. Will vacation hinder public access to church, schools, public buildings or places?
3. Will vacation hinder the use of any public way?

Mr. Clingerman answered no to all three questions.

Mayor Chrobak stated the affected property owners were duly notified and publication for the public hearing was advertised as required by law.

The Mayor asked if there was anyone present who wished to address the Council regarding this matter. As no one came, she declared the public hearing closed.

Motion/Vote - Adopt Ordinance No. 5-2010

Councilwoman Hammons made a motion to adopt the Ordinance as presented; Councilman Logwood seconded the motion. The motion passed by vote: Councilman Logwood (Yes), Councilwoman Renner (Yes), Councilwoman Hammons (Yes), Councilman Heichel (Yes), Councilman Schmitt (Yes), Councilman Luscomb (Yes), Councilman Pressler (Yes).

**ORDINANCE NO. 5-2010
ORDINANCE OF THE CITY OF LAPORTE TO VACATE PUBLIC WAYS
(East & West Alley North of Washington Street)**

**Introduction of an Ordinance Amending Section 94-167 of the Municipal Code,
Decreased Speed Limits**

Councilman Pressler moved to introduce an Ordinance; motion seconded by Councilman Logwood and

unanimously carried. Councilman Pressler read an Ordinance Amending Section 94-167 of the Municipal Code, Decreased Speed Limits in its entirety.

Councilman Pressler reported it was brought to the attention of the Traffic Commission there was a speed limit zone, which conflicted with the school zone posting. He stated this Ordinance would correct the problem. Councilman Logwood noted it is posted if you are traveling northeast, however, if you are going southwest it is not.

Second and final reading will take place at the next regular Council meeting.

Introduction of an Ordinance Amending Section 94-234 of the Municipal Code, 15-Minute Parking Limit

Councilman Schmitt moved to introduce an Ordinance; motion seconded by Councilman Heichel and unanimously carried. Councilman Schmitt read an Ordinance Amending Section 94-234 of the Municipal Code, 15 Minute Parking Limit in its entirety.

Councilman Pressler advised this Ordinance is a result of a request, which was forwarded from the Clerk-Treasurer to the Traffic Commission. He read an e-mail from Dan Zeilbeck, Zeilbeck Group, LLC, requesting either a handicap parking space or 15 minute parking space in front of their business for dropping off of clients. The business caters to mentally and physically handicapped people as a day service to teach them life skills. Councilman Pressler reported he informed Mr. Zeilbeck that if a 15-minute parking space was created there was no way to ensure that their clients would be the only ones using it; the space would be available for whomever. The property in question is next to the building that was formerly occupied by Dominos Pizza.

Second and final reading of this Ordinance will take place at the next regular Council meeting.

Other Business

Mayor Chrobak reported the 2040 Plan Steering Committee, through the Northwest Indiana Regional Planning Commission, has conducted several meetings and open houses trying to get input from the public. She stated the next step is to create scenarios on what this region is going to look like in 2040. The Mayor informed the Council the Steering Committee is asking for input and have created a survey for people to take, which can either be filled out online or if they choose they can actually fill out the survey and send it to NIRPC. She stated she has copies of the survey for those who are interested in participating.

Mayor Chrobak informed the Council she has created a Parking/Permit Study Committee, which Councilman Pressler and Councilman Logwood have agreed to be on. She stated Mike Seitz, President of the LaPorte Chamber of Commerce, will chair the committee.

Mayor Chrobak reminded the Council the next meeting will be held on Tuesday, February 16th, instead of Monday, which is Presidents' Day.

Councilman Logwood reported he received a telephone call from Don Decker, Access LaPorte, stating ALCO is actively seeking donations in order to continue the televising of public meetings. Anyone interested in making a donation should contact Don Decker or ALCO directly. Mayor Chrobak stated ALCO has been very gracious in continuing to televise both the Board of Works and Council meetings even though the City is unable to pay for the service.

Adjourn

There being no further business, Councilman Logwood moved to adjourn; motion seconded by Councilman Pressler and unanimously carried.

Signatures

APPROVED: _____
Kathleen A. Chroback, Mayor

ATTEST: _____
Teresa L. Ludlow, Clerk-Treasurer

Approved: February 16, 2010