

**LOWELL TOWN COUNCIL
REGULAR MEETING
OCTOBER 24, 2011**

The regular meeting of the Lowell Town Council was called to order on Monday, October 24, 2011 at 7:00 PM by President John Alessia. The Pledge of Allegiance was recited. Clerk-Treasurer Judy Walters called the roll. Members present were Robert Philpot, John Alessia, Phillip Kuiper and David Gard. Absent was Don Huseman. Also present were Town Attorney Greg Sobkowski, Director of Public Works Greg Shook, Chief John Shelhart, Town Administrator Susan Peterson, Director of Community Development Wilbur Cox, three members of the media and interested citizens.

TREASURER'S REPORT – September 2011

Councilman Kuiper made a motion to approve the September 2011 Treasurer's Report, seconded by Councilman Gard, the motion carried by voice vote.

APPROVAL OF MINUTES

Councilman Gard made a motion to approve the October 11th regular meeting minutes, seconded by Councilman Kuiper, the motion carried by voice vote.

APPROVAL OF VOUCHERS

President Alessia stated that he had reviewed White Vouchers #2221 - #2301, Water #2639 - #2665, and Waste Water Vouchers #3506 - #3531. Councilman Kuiper made a motion to approve the vouchers as listed, seconded by Councilman Gard the motion carried by voice vote.

PETITIONS, COMMUNICATIONS, REMONSTRANCES, PROCLAMATIONS

Presentation of winners of 2011 Lowell Labor Day Parade:

- Best Adult Marching Unit - #56 Knights of Columbus
- Best Color guard - #4 LHS Air Force ROTC
- Best Youth Marching / Walking Unit - #97 Lowell Middle & High School Cheerleaders
- Best Union Entry - #17 Carpenters Local 599
- Best Business - #95 Corky's Dogg House
- Best Organizational Float - #99 UNF8FUL
- Best Non-Musical Organization Float - #84 Providence Baptist Church
- Best Motorized Entry - #49 Lowell's Distinguished Young Women
- Best Entry Overall - #80 Mi Ranchito
- Entry That Best Depict4ed The Theme Of the Parade - #59 C'est Moi Salon

STANDING COMMITTEES - Annexation Committee

ORDINANCES & RESOLUTIONS

2nd reading – Ordinance #2011-10 – amend Chapter 150.19 – Contractor’s License. President Alessia read the ordinance. Councilman Kuiper made a motion to adopt Ordinance #2011-10, seconded by Councilman Gard, motion carried by roll call vote – 4 ayes.

2nd reading – Ordinance #2011-11 – amend Salary Ordinance – Police Education Degrees. President Alessia read the ordinance. Councilman Gard made a motion to adopt Ordinance 2011-11 by name and title, seconded by Councilman Kuiper, motion carried by roll call vote – 4 ayes.

2nd reading - Ordinance #2011-12 – adopt 2012 Budget. Clerk-Treasurer Walters explained that a public hearing was held September 26th and advertised a budget of 4.6 million, of that budget only 2.9 of that is tax levy. There were 19 funds advertised and only 6 of them were taxing entities. They also advertised for a 2009 GO Ban to do street paving projects and they are paying that back through Local Road & Street and Gambling Revenue Funds, they would go outside their maximum levy and pay a debt of \$93,000 a year and it would free up that money to do future road projects. Councilman Gard made a motion to approve the 2012 Budget as advertised, seconded by Councilman Kuiper. Councilman Philpot stated that he has heard an outcry regarding the hydrant tax increase and another tax increase in the Storm Drainage fee to pay for the MS4 Operator and he would like to make a motion to transfer the money from the vacant sergeant position to the appropriate place to pay for the MS4 Operator’s position and therefore there would not be a tax increase required. Clerk-Treasurer Walters stated that the Storm Drainage fee was not in this budget and has nothing to do with the Town Budget that has been advertised. She further explained that there are no sergeant funds to transfer. Councilman Philpot stated that there is funding for sergeants and there are only 2 sergeants in the Police force and the \$55,000 could be moved to pay for the MS4 Operator. President Alessia explained that there is the same number of officers, the sergeant position is not filled and the only difference is between an officer and a sergeant is the difference in that pay. There is not an extra position; there are only 14 officers total. Clerk-Treasurer Walters explained that money cannot be moved out of the General Fund to the Sewer Utility Fund. There are three separate budgets in the town, the Water Utility, the Sewage Utility and the General Town’s funds. Motion carried by roll call vote – 4 ayes.

Resolution #2011-11 – Approving the Interlocal Agreement to establish Consolidated Communications Centers. President Alessia read the Resolution. President Alessia asked Chief Shelhart what would happen in 2014 with this agreement if downstate says the consolidation is not going to happen. Chief Shelhart stated that they would have to

change the law for that to happen. And if that does happen, they would still retain the ownership of all of their radio equipment, but, he does believe that the consolidation of all the dispatch centers is in the best interest of public safety for the Town of Lowell and the other communities. President Alessia asked Chief Shelhart to explain the benefits of going in early as opposed to waiting until 2014. Chief Shelhart explained that going in as a pilot program would be beneficial to the employees and tap into some of the grant money that Congressman Visclosky secured for the consolidation of these pilot programs. Councilman Kuiper explained that the Fire Department is also involved. Chief Shelhart stated that Charlie Scott was selected as the representative for all unincorporated Lake County. Councilman Philpot asked what would happen to the dispatchers who do not get employed by the County, who would pay their unemployment. Chief Shelhart answered that he would assume that the Town would be responsible for that, but the dispatchers would not be paid by the County, but they would be County employees and under the jurisdiction of the consolidated dispatch. Councilman Philpot asked if the current dispatchers are qualified to operate the IDAC machine. Chief Shelhart explained that all dispatchers have to be qualified to operate this machine. Councilman Philpot wanted to know if a dispatcher is not present who will be able to operate this equipment. Chief Shelhart stated that all that would take place at the consolidation center. Councilman Philpot asked if an officer needs an IDAC report would they have to go to the County to get it. Chief Shelhart stated that the report would be run through the County but can be printed out at the station. Councilman Philpot asked who would be qualified to take the reports off that machine other than a dispatcher. Chief Shelhart stated that no one would operate this machine at the station once the consolidated dispatch is in place, it is just a matter of where the printer is set and any officer could get the report off of the machine because all the officers are also qualified to use this machine. Councilman Philpot asked if there was no dispatcher and a person is arrested, it was his understanding that an officer would have to be pulled off the street to watch that prisoner in the cell. Chief Shelhart answered that when a person gets arrested the arresting officer stays with that person and they do not keep individuals and as soon as they are done with their processing they are either bailed out or taken to the Lake County Jail. Councilman Philpot asked if they are taken to Lake County Jail, they would have an officer off the street, which would affect the safety of the citizens and the officer's safety. Chief Shelhart stated that this is what is done now and all departments have to transport their individuals to Lake County Jail. Councilman Philpot referred to articles in the paper reporting that consolidation in other communities such as Valparaiso and Marion County are going in the red and are going over budget instead of saving money. He was wondering if this could happen here. Chief Shelhart stated that Valparaiso does not run their dispatch center, it is run by Porter County dispatch and the reason that happened is because Valparaiso and other communities in Porter County did not contribute to the consolidation and left it up to the Porter County Sheriff's Department. The consolidated dispatch that is being proposed will not be handled the same way as Porter County and each community will pay a share of the cost of the operation. Councilman Philpot stated that he understood that there has been 14 million dollars already spent on this consolidation and have asked for more money and that was cut back because there are concerns about the spending for this consolidation. Chief Shelhart stated that he was aware of the spending and the money is brought in through the 911 fund and the County receives all that. He further stated that in

some counties within the State those 911 funds are given back to the municipalities. In Lake County the 911 money has all stayed at the County level and they use that money to run their dispatch center and purchase the equipment that operates the 911 system. Councilman Philpot read an article from the Times written by Bill Dolan on May 15, 2011 which spoke about the 14 million dollars that has already been spent. Chief Shelhart explained that they have probably spent more than 14 million dollars in the past 10 years, this money was not used for the consolidation but for the cost of the 911 operation. He stated that he did not know how they were going to fund money for new buildings but were looking at utilizing buildings that were already in place. Councilman Philpot stated that there was another article that stated Sheriff Buncich said the the 911 user fee would jump from 39 cents to \$1.00 and raise the rate on cell phones. Chief Shelhart explained that land lines would eventually not exist and that money is not coming in to the County and they are looking at raising the rates on cell phones and track phones to keep up with the changing technology to bring in enough money for the new system. Councilman Kuiper made a motion to adopt Resolution # 2011-11, seconded by Councilman Gard. Councilman Gard stated that he is not a fan of this and still feels that they could best service the Lowell residents because they know the area better. He further stated that he did not have a lot of confidence in the County to run just about anything. He finds it unfortunate that they can keep all the 911 funds and because of that, our dispatch equipment is in terrible condition and we do not have funds to take care of it. He stated that if we do not become part of this consortium, then the Town will have to find funds to replace their equipment and on the other hand if we do say yes to this and someone doesn't understand the streets the way we do, and an ambulance doesn't get to someone quick enough and they die, he would have a hard time living with that. He stated that the only reason he supports this is because the town is mandated by the State to be part of this and if something happens downstate to change this, he would do everything he could to bring it back to the town because he feels in the long run this would be best for the town. Motion carries by voice vote – 3 ayes with Councilman Philpot voting nay.

Resolution #2011-12 – Establishment of Lowell Economic Development Area. President Alessia read the resolution. Councilman Gard made a motion to adopt Resolution #2011-12, seconded by Councilman Philpot, motion carried by voice vote.

UNFINISHED BUSINESS

Act on agreement with Cornerstone Design to assist with Section 106 Documentation of Old Grad School building. Community Development Director Wilbur Cox stated that this was a requirement from the State Preservation Officer in order to ask for Federal Funds which requires documentation of the building and Mr. Kaiser is under the State's qualification list to do the work. The fees would for the architect would be \$95/hr and for Staff \$40/hr these fees are not to exceed \$5,000. Councilman Gard made a motion to approve the contract, seconded by Councilman Philpot, motion carried by voice vote.

Tabled from previous meeting:

9/26 Park Rules. Attorney Sobkowski stated that Chief Shelhart has given him some written rules which he will turn into an ordinance. This item was tabled.

10/10 Request transfer of 2002 Crown Vic & 2004 Chevy Impala – LVFD. This item was tabled.

NEW BUSINESS

Act on favorable recommendation from Plan Commission: Adopt Lowell Zoning Ordinance & Subdivision Ordinance. Community Development Director Wilbur Cox stated that the Zoning and Subdivision Ordinance is done but has requested from Attorney Sobkowski to create an ordinance extracting the building code out of the Zoning Ordinance, this was done and he is reviewing this ordinance and is asking the Council to table this until their November meeting. Councilman Kuiper made a motion to table this until the November meeting, seconded by Councilman Gard, motion carried by voice vote.

ANNOUNCEMENTS

DEA – National Pharmaceutical Take Back Initiative at Lowell Police Department Saturday, October 29th 10 AM to 2PM.

Trick or Treat Hours – Monday, October 31st 5 – 7 PM.

Next regular meeting – Monday, November 14, 2011 – 7:00 PM.

MEDIA QUESTIONS / PUBLIC COMMENTS

Melanie Csepiga asked Mr. Cox where he was as far as a time line for the Old Grade School. Mr. Cox stated he was pushing Mr. Kaiser to work as fast as possible and once his paperwork is turned in and reviewed by the State Preservation Officer and once the State approves it, the Feds will approve it, they are hoping to start demolition in the Spring of 2012.

Carrie Napoleon asked Mr. Cox about the pending court case. Mr. Cox stated that he is deferring that to the attorney. Attorney Sobkowski stated that the appeals pending briefs have been submitted and the pending appeal does not stop the demolition.

Connie Shrombeck asked for a list of the ordinances and resolutions, and she would like to know what the difference was between an ordinance and a resolution. Attorney Sobkowski explained that the ordinance is the more formal of the two and is reserved for laws and regulations and a resolution is a more informal method for taking public action.

Sara Pierce, 111 E. Main St. stated that she was extremely disappointed tonight. At the debate, Mr. Gard voiced his opposition to the 911 and shows again that they have both sides of the mouth going. This consolidation is not proved successful, it is not mandated until 2014 and she thinks that they a very premature in jumping into it and is very much afraid for the safety of the community and for the safety of the police officers.

There being no further business or discussion, Councilman Gard motioned to adjourn, seconded by Councilman Gard at 7:42 PM.

John Alessia, President

Attest:

Judith Walters, Clerk-Treasurer