

**LOWELL TOWN COUNCIL MEETING  
REGULAR MEETING  
JUNE 23, 2014**

The regular meeting of the Lowell Town Council was called to order on Monday, June 23, 2014 at 7:00 P.M. by President Edgar Corns. The Pledge of Allegiance was recited followed by a moment of silence. Clerk-Treasurer Judith Walters called the roll. Members present were Craig Earley, Robert Philpot, Donald Parker, Phillip Kuiper, and Edgar Corns. Also present were Town Attorney Jack Kramer, Public Works Director Greg Shook, Building Administrator Tom Trulley, Police Chief Erik Matson, two members of the media, and twenty-five citizens.

**APPROVAL OF MINUTES**

Councilman Kuiper made a motion to approve the June 5, 2014 special meeting and the June 9, 2014 regular meeting minutes, seconded by Councilman Philpot and carried with five ayes.

**APPROVAL OF VOUCHERS**

President Corns stated he had reviewed White Vouchers #1536 - #1570, White-Police #4115 - #4122, Water #2402 - #2434, Waste Water #3322 - #3350, and Stormwater Utility #5065 - #5068, and recommended all of the vouchers for payment. Councilman Philpot made a motion to approve the vouchers as listed, seconded by Councilman Earley and carried with five ayes.

**PETITIONS, COMMUNICATIONS, REMONSTRANCES, PROCLAMATIONS**

Plaque presented to Town of Lowell - ICE Program - Jacob Lang, ICE Program participant and Town of Lowell employee, presented the Town of Lowell with a plaque that recognized their participation in the Lowell High School ICE Program. Mr. Lang thanked the Town for the opportunity and sponsorship and stated that he had learned a lot about the work place and how to present himself in a professional manner. MS4 Coordinator, Greg White, stated that Mr. Lang came in to the Town Hall with no prior government or record keeping experience, but has really stepped up and done a great job with scanning the land documents and learning some technical aspects in the field for our GIS Mapping.

Executive Fire Officer - Lowell Resident Chris Van Dyke - President Corns read Chris Van Dyke's biography and presented him with the certificate of completion for the Executive Fire Officer Program at the National Fire Academy in Emmitsburg, Maryland. Mr. Van Dyke stated this course is extremely hard and has a success rate of only 35%. Since 1985, they have only had 8,500 graduates. He stated he chose to have the certificate presented to him in his hometown rather than the community he worked for because Lowell means much more to him.

**ORDINANCES & RESOLUTIONS**

Resolution #2014-09 - additional appropriation - Police Grant Hours - President Corns read Resolution #2014-09 appropriating \$2,781.93 . Councilman Kuiper made a motion to approve Resolution #2014-09, seconded by Councilman Parker and carried by roll call vote with five ayes.

### **UNFINISHED BUSINESS**

Public Works Department Update - Public Works Director Greg Shook stated we did receive the environmental study back from INDOT, which has been approved, for the State Road 2 Curb and Sidewalk Project. He stated they have discovered there are sixty-one parcels that will require right-of-way

### **LTC REGULAR MEETING - JUNE 23, 2014 - Page 2 of 4**

acquisition of some sort, with a total of fifty-one different owners. Director Shook stated he had received the easements for the Powell Ditch project from Carlson Farms, one easement is for the new forty-two inch pipe that we are going to install, and the other is for the existing thirty inch pipe which will allow us to do maintenance repairs. He stated he would need the Council to approve the easements so that President Corns can sign off on them, and they can be recorded.

Permission to advertise additional appropriation for Curb & Sidewalk Project - Councilman Kuiper made a motion allow the advertisement of additional appropriations for the Curb and Sidewalk Project in the Gambling Revenue Fund, seconded by Councilman Earley and carried by roll call vote with five ayes.

Councilman Parker made a motion to approve the two easements for the Powell Ditch project from the Carlson Farm, seconded by Councilman Philpot and carried by roll call vote with five ayes.

### **NEW BUSINESS**

Request to waive transient permit fees for Circus - Lowell Lion's Club - Leon Morrow, 271 Trenton Drive, requested that the background check and transient merchant fees be waived for the Circus that is coming in August. Councilman Parker made a motion to waive the background check and transient merchant fees, seconded by Councilman Philpot. Councilman Earley asked how many background checks were needed. Police Chief Erik Matson stated he had received applications for fifty-seven employees. Councilman Earley asked how much each background check was. Clerk-Treasurer Judith Walters stated they are \$15 each. Councilman Earley asked if their hope was for this to be an annual event. Mr. Morrow stated that was correct. Councilman Earley asked if there was a way to talk to the Circus and have them bring that to the Lion's Club so that the Council does not have to waive this year after year. Mr. Morrow stated there were some employees from out of the country that they received information on for their background checks. Discussion followed regarding the information that the Circus had already

obtained for background checks. Councilman Parker stated our police department does not have the capability of running thorough criminal background checks so we are having to send them to the Indiana State Police. Councilman Parker stated that the Council needed to address the Ordinance of how background checks are done, which is why he was in favor of waiving the fees this time. Discussion followed. The motion carried by roll call vote with five ayes. Mr. Morrow stated that the fees that would have been collected will be made as a donation to Freedom Park.

Act on annual bulk chemical quotes - A recommendation had been presented by Water Superintendent Dan Myers for the following chemicals: Alexander Chemical Corporation - chlorine at \$72.00/cylinder; sodium hypochlorite at \$13.00/case; and sodium silicate at \$426.25/drum. From Carmeuse Lime - hydrated lime at \$194.95/ton; and from Airgas North Central - carbon dioxide-CO2 at \$0.081/lb. Councilman Kuiper made a motion to approve the chemical quotes, seconded by Councilman Earley and carried by roll call vote with five ayes.

Permission to dispose of old vehicles - Councilman Parker made a motion to approve the disposal of the old vehicles as stated in a letter from Public Works Director Greg Shook, seconded by Councilman Kuiper. Councilman Earley asked if the term "dispose of" could be explained. Clerk-Treasurer Walters stated an ad will be run in the paper and we will accept sealed proposals for each vehicle that we would like to get rid of. The motion carried by roll call vote with five ayes.

Act on request to release Performance Bond No. 7638826 - \$20,000 for Lowell Dollar Store - Triple S Partners Development LLC - Councilman Kuiper made a motion to approve the release of the Performance Bond, seconded by Councilman Earley and carried by roll call vote with five ayes.

### **LTC REGULAR MEETING - JUNE 23, 2014 - Page 3 of 4**

Permission for temporary sign permit - Lowell American Legion - Chester Rebieke, American Legion Post 101, stated they had the sign up before for a short period of time last year during their flea market and would like to do that again. Mr. Rebieke stated there is a small four foot by eight foot lighted sign they would like to place by the stop sign near Legion Park, and eventually would like to possibly have that sign there permanently to advertise different events throughout the year. Councilman Kuiper asked what dates he was requesting. A discussion was held between Mr. Rebieke and a member of the audience regarding all of the different functions they would like to advertise throughout the year. Councilman Parker asked if they had ever talked to anyone about putting up a permanent sign. Building Administrator Tom Trulley stated the Town has a ninety-nine year lease with the American Legion for that park. Under the lease everyone has to come to the Town Council for permission to do anything on that property. Councilman Parker asked if they should be addressing something more of a permanent nature. Discussion followed. Clerk-Treasurer Walters asked if it was an electrical

sign because the Town pays the NIPSCO bill at the park. Mr. Rebieke stated we would not have the flashing arrow on the sign without the electric. Mr. Trulley stated it would not be safe to run an extension cord in that area and since there is no permanent hook-up, it would have to stay un-lit. Councilman Parker made a motion to grant the Legion a temporary sign for two weeks beginning Tuesday, June 24<sup>th</sup>, reminding them that they must abide by the conditions that the Town has. Councilman Kuiper seconded the motion and it carried by roll call vote with five ayes.

President Corns stated he had a request from the Three Creeks Historical Society to hang a banner on the fence in front of the Halsted House advertising an ice cream social on July 9<sup>th</sup>. The sign will be 2 ½ feet by 8 feet. Mr. Trulley stated they do not need permission. Someone had mentioned it was a banner, but they did not mention how long it was going to be there. With it only being hung for a few days, that is just a normal temporary sign, which is fine.

Act on favorable recommendation from Plan Commission - Adoption of Thoroughfare Plan - Councilman Parker made a motion to adopt the Thoroughfare Plan, seconded by Councilman Earley and carried by roll call vote with five ayes.

Fire Committee - Councilman Philpot made a motion to appoint Greg Shook, Councilman Donald Parker as President Corns' designee, Fire Chief Clint Gorboll as Ex-Officio Non-Voting member, and Randy Small to the Fire Committee, seconded by Councilman Parker. Councilman Earley asked about the Fire Chief not being able to vote. Councilman Parker stated everything will come through the Council anyway. The motion carried by roll call vote with five ayes.

## **ANNOUNCEMENTS**

President Corns announced that the next regular meeting will be held Monday, July 14<sup>th</sup>, 2014 at 7:00 P.M.

## **MEDIA QUESTIONS/PUBLIC COMMENTS**

Carl Ferro, 1310 Harrison Street, asked if the Performance Bond that was released was for Family Dollar. President Corns stated that was correct. Mr. Ferro asked if the Council realized the traffic issues at that intersection. Councilman Parker stated he had the same concerns, but that was not part of the review or part of the requirement in them building. We are taking steps through the Plan Commission to discuss these traffic issues. Mr. Ferro also asked if anything was being done about the entryway in to Subway from Route 2 where the median is. Councilman Parker stated they have spoken with INDOT and currently there is nothing they can do. Director Shook stated that he is planning on painting lines and arrows to try and help people understand how to use that entrance in to Demotte State Bank and Family Dollar.

Mark Schwartz, 207 Timbersprings Road, stated, "On Saturday June 20<sup>th</sup>, my wife and I received some news that our home had been recorded by our neighbor using a camera mounted on their roof for the past two years. The images taken by this camera were posted on a website called Weather Underground. We were never aware of this happening and are quite upset. We have seen images of our kids, times when we were home, and times when we were not home. The site gives the name of the town, state, and street for everyone to see. Although it was for a weather site, there were not many images pertaining to weather." Mr. Schwartz stated he did

make the other neighbors, whose houses were in the images aware as well, and all of the homeowners got together and wrote a letter to the neighbor asking them to take the images down

**LTC REGULAR MEETING - JUNE 23, 2014 - Page 4 of 4**

from the site, which they did. He stated he had spoken to the Code Enforcement Officer, Police, State Police, FBI, State Representatives, Attorneys, and the newspaper who could not give an answer as to what to do to protect himself. Mr. Schwartz stated some sort of law or ordinance needs to be put in to place in order to not allow people to do that. President Corns asked if there was a law against posting those images. Town Attorney Jack Kramer stated there is not. Mr. Schwartz stated there should be laws to protect people like myself. Councilman Earley stated he believed more of the liability would lie with the site rather than the homeowner, and stated the Town does not create laws, only ordinances. Discussion followed. Councilman Parker stated that a petition to the representative that Mr. Schwartz spoke to from the State would probably carry more weight.

Roger Seramur, 122 Center Street, stated there is currently a stormwater issue at his property which is near the Powell Ditch. He requested that someone from the Town come and check out the issue. Councilman Kuiper stated a member of the staff would be out there.

**ADJOURNMENT**

Councilman Parker made a motion to adjourn at 7:45 P.M., seconded by Councilman Philpot and carried with five ayes.

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Edgar Corns, President

Attest:

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Judith Walters, Clerk-Treasurer

