

**LOWELL TOWN COUNCIL
REGULAR MEETING
NOVEMBER 24, 2014**

The regular meeting of the Lowell Town Council was called to order on Monday, November 24, 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, Phillip Kuiper, and Edgar Corns. Donald Parker was not in attendance. Also present were Town Attorney David Westland, Public Works Director Greg Shook, Building Administrator Tom Trulley, Police Chief Erik Matson, two members of the media, and twelve citizens.

APPROVAL OF MINUTES

Councilman Philpot made a motion to approve the November 10, 2014 regular meeting minutes, seconded by Councilman Earley and carried with four ayes.

APPROVAL OF VOUCHERS

President Corns stated he had reviewed White Vouchers #2118 - #2147, White-Police #4230 - #4241, Water #2808 - #2834, Waste Water #3631 - #3648, and Stormwater Utility #5117 - #5120, and recommended all of the vouchers for payment. Councilman Earley made a motion to approve the vouchers as listed, seconded by Councilman Philpot and carried with four ayes.

ORDINANCES & RESOLUTIONS

2nd Reading - Ordinance #2014-22 - amend Chapter 74, Stop Intersections/delete Yield Sign - Councilman Earley made a motion to approve the second reading of Ordinance #2014-22, seconded by Councilman Philpot and carried by roll call vote with four ayes.

2nd Reading - Ordinance #2014-23 - an Ordinance for Site Plan Review - Councilman Philpot made a motion to approve the second reading of Ordinance #2014-23, seconded by Councilman Earley and carried by roll call vote with four ayes.

1st and 2nd Reading - Ordinance #2014-24 - Establishing Due Process Procedures for Disconnection of Water Service - Councilman Earley made a motion to approve the first reading, seconded by Councilman Kuiper. Town Attorney David Westland explained that due to a recent case that is cited in paragraph one, the disconnect notice must state that the customer has the rite to a hearing. He stated the Town has an Ordinance that followed the hearing process, but we did not specify on the past due notices that you are allowed a hearing if it is asked for. Clerk-Treasurer Judith Walters stated there will be a committee established and the customer will go in front of that committee if they so choose. They will have ten days to request a hearing once the past due notice is received. She stated we always try to work with our customers to

avoid shutting off their water, but sometimes past due notices are sent out that are ignored, so we do need to have this in order to help them stay current on their bill. The motion carried by roll call vote with four ayes. Councilman Kuiper made a motion to set the rules aside, seconded by Councilman Earley and carried by roll call vote with four ayes. Councilman Earley made a motion to adopt the second reading of Ordinance #2014-24 by name and title only, seconded by Councilman Philpot and carried by roll call vote with four ayes.

1st and 2nd Reading - Ordinance #2014-25 - An Ordinance for Minor Subdivisions - Building Administrator Tom Trulley explained that a couple came in front of the BZA asking to build a garage and in order to build the garage, they needed to combine two lots in to one. Attorney Westland explained that it is a statutory procedure for minor subdivisions to allow them to go through technical review,

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rather than the drawn out subdivision approval process. He stated if this is not acted on tonight, they will have to put it off for another two weeks. Councilman Philpot made a motion to approve the first reading of Ordinance #2014-25, seconded by Councilman Earley and carried by roll call vote with four ayes. Councilman Earley made a motion to adopt the second reading of Ordinance #2014-25 by name and title only, seconded by Councilman Kuiper and carried by roll call vote with four ayes. Councilman Earley made a motion to set the rules back in to place, seconded by Councilman Philpot and carried by roll call vote with four ayes.

Resolution #2014-17 - Transfer of funds - Law Enforcement Training Fund - \$7,000 - President Corns read Resolution #2014-17. Councilman Kuiper made a motion to approve Resolution #2014-17, seconded by Councilman Philpot and carried by roll call vote with four ayes.

UNFINISHED BUSINESS

Public Works Department Update - Public Works Director Greg Shook stated he did not have any updates.

2014 Street Paving Project - Approve Change Order #1 - \$37,784.62 decrease and approve White Voucher #2148 to Town and Country Construction - \$120,962.80 - Councilman Kuiper made a motion to approve the Change Order for a decrease and White Voucher #2148, seconded by Councilman Philpot and carried by roll call vote with four ayes.

NEW BUSINESS

Permission to advertise and set deadline for applications for board/commission appointments - Clerk-Treasurer Walters asked for permission to set the deadline for applications for December 31st. Councilman Earley made a motion to approve the request, seconded by Councilman Philpot and carried by roll call vote with four ayes.

President Corns shared Marcia Carlson's Shared Ethics Committee report from the November meeting.

ANNOUNCEMENTS

President Corns announced that the Holiday Magic and Parade of Lights would be November 28th beginning at 6:00 P.M. and that the next regular meeting will be held Monday, December 8, 2014 at 7:00 P.M.

MEDIA QUESTIONS/PUBLIC COMMENTS

Melanie Csepiga, The Times, asked if it was a rare occasion that water had to be shut off. Clerk-Treasurer Walters stated it depends, but it is not a rare occasion, sometimes we may shut off around ten to fifteen citizens.

Robin Johnston, The Lowell Tribune, asked if she could receive a copy of the list of appointments once the meeting is adjourned. Melanie Csepiga asked if she could receive one as well.

Doug Ward, Tri-Creek School Corporation, stated the reality of the proposed Cedar Lake annexation could have a big effect on our school system. He stated, "They will be coming in to the three townships that make up our district if they come any further south. This will also give them the ability to have TIF districts within our system, which takes any property that they deem to be in a TIF district outside of our

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taxation. The reality of that is that they will be able to put more tax burden on the remaining tax payers of the three townships if they decide to do a TIF district. I am not sure what anyone could do about it, but it would effect the rest of the population of our three townships. We have a seat on Lowell's Redevelopment Commission, but we will not have a seat on Cedar Lake's so we will not have a say in losing valuable land." President Corns stated he would not comment on the proposed annexation right now, but when we received the news a week ago Tuesday, we were very unhappy with the situation. We will need to sit down and study all of our options. Councilman Earley asked Attorney Westland if he knew anything about the TIF district that Mr. Ward was explaining as far as it being ammunition to help fight this. Attorney Westland stated Mr. Ward made some valid points as far as the options we need to consider.

Michelle Dumbsky, 17506 Cline, stated the annexation does not directly affect her, but she is worried about how it will affect Lowell. She stated, "To the north of us is where most of the taxes and population growth will be. If Cedar Lake takes that money, the future for Lowell would be more like Schneider or Shelby. There is nothing south of us other than economically depressed areas. How much have we looked in to this because they told us at the meeting in Cedar Lake that you were very well aware that this was coming and that Lowell "got greedy" and was not willing to work with them. We need to figure out the best way to do the right thing for

our community members.” She stated she hoped that the attorney and planners have been working extremely hard in the last week to find out how to make this work for Lowell and not Cedar Lake. If not, the future of Lowell is going to be quite sad. President Corns stated we sent two people, our attorney and Councilman Parker, earlier in the year to discuss annexation along the toll road. When they say we have not offered to talk to them, we did offer. The Council needs to discuss this, find out what the legal status is, and what we can do. We are not going to give up like “scared chickens”. Ms. Dumbsky stated she was glad to hear that and that if we contacted those homeowners, they would be much more willing to work with Lowell than Cedar Lake. President Corns stated he would love for her to contact those homeowners and make them aware of the public hearing on February 17th. Ms. Dumbsky stated that is why she came to the Council to find out the plan of action so she would know what to tell homeowners. President Corns stated we are still finding out our options, and we will fight hard.

ADJOURNMENT

Councilman Philpot made a motion to adjourn at 7:25 P.M., seconded by Councilman Earley and carried with four ayes.

Edgar Corns, President

Attest:

Judith Walters, Clerk-Treasurer

