

**LOWELL TOWN COUNCIL
REGULAR MEETING
MARCH 24, 2008**

The regular meeting of the Lowell Town Council was called to order on Monday, March 24, 2008 at 7:20 P.M. by President Phillip Kuiper. The Pledge of Allegiance was recited and a moment of silence was observed. Clerk-Treasurer Judith Walters called the roll. Present were Council Members Donald Huseman, Shane Tucker and Phillip Kuiper. David Gard arrived at 7:30 P.M and John Alessia was out of town. Also present were Town Attorney Greg Sobkowski, Director of Public Works Greg Shook, Town Administrator Susan Peterson, Director of Community Development Wilbur Cox, Police Chief John Shelhart, two members of the media and fifteen interested citizens.

TREASURER'S REPORT

Councilman Tucker made a motion to approve the Treasurer's Report for February, 2008 as presented, seconded by Councilman Huseman. The motion carried by voice vote.

APPROVAL OF MINUTES

Councilman Huseman made a motion to approve the minutes from the March 10^h regular meeting and the March 11th and March 20th executive sessions, seconded by Councilman Tucker. The motion carried by voice vote.

APPROVAL OF VOUCHERS

President Kuiper stated that he had reviewed White Vouchers #1282-1324, Water Vouchers #2156-2183 and Waste Water Vouchers #3123-3146 and recommended them for approval. Councilman Tucker made a motion to approve the vouchers as listed, seconded by Councilman Huseman. The motion carried by voice vote.

PETITIONS, COMMUNICATIONS, REMONSTRANCES, PROCLAMATIONS

Proclamation - April - Indiana Child Abuse Prevention Month - President Kuiper read a proclamation naming April as Indiana Child Abuse Prevention Month.

Councilman David Gard arrived at the meeting.

Presentation - Lake County Convention & Visitors Bureau - Speros Batistatos said that since his return as President and Chief Executive Officer of the Lake County Convention & Visitors Bureau, he has determined that they need to do a little more local government outreach and have a little more open dialog on what they are doing and how it helps communities in the county. He said that Violet Mika and Patty Wolter were appointed by the Lake County Commissioners to serve on the Lake County Convention & Visitors Board to represent Lowell's part of the county. The Convention & Visitors Bureau is funded exclusively by the hotel/motel tax and the river boat

admissions tax. Hospitality in Lake County is an \$840 million a year industry providing 25,000 jobs. The savings per Lake County household because the industry exists, bringing new money from those who don't reside here, is about \$900 per year. Lake County is the second-most visited part of Indiana, with 9.4% of the market share, right after Indianapolis, which has 14.3%. When combined, Lake, Porter and LaPorte counties are just as large as Indianapolis in economic impact at \$1.1 billion, employment of 40,000 and market share. The Lake County Convention & Visitors Bureau has a fifteen member board of directors and Mr. Batistatos reports directly to them. They are a special district of state government and no longer report to the county. Their budget is somewhere in the neighborhood of \$4 million a year, 47% river boat and 41% innkeepers tax. They have brought in several awards over the past few years, including the 6th Best Place to Work in Indiana last year and they are a finalist again this year. He commended the Lowell Downtown Merchants Association which have been great to work with. He took a few minutes to discuss amateur sports, primarily the soccer that is being played out by Route 2 and I-65. He said that they, meaning the visitor's bureau, the town and the merchants, need to work harder at getting those people into the downtown since Lowell has not seen the full economic impact of what those people can bring to the community. He said that last year there were approximately 3,000 kids participating and they expect it to increase to 6,000 this year. Each child brings along an average 2.3 parents, siblings or grandparents with them. He said there needs to be a way to get those people to look west before getting back on the highway and looking north to go home. President Kuiper asked Mr. Batistatos if there was something in the works on their part to try to draw those people into Lowell. Mr. Batistatos said their staff was working with the Chamber of Commerce and the Downtown Merchants Association leveraging the money from the hotel/motel tax. He said the Lowell group does very well in the matching grant program where they go to the convention & visitors bureau for matching grants on how to promote events and they match it. He said he thinks they need to have an anchor event in downtown Lowell where there is some kind of live entertainment or some reason for people to come into town. He said there needs to be some discussion about the possibility for a shuttle or bus of some kind. People do not want to drive into town and try to park since parking downtown is very limited. He said that there is a waiting line for people to park at the sports fields and they do not want to give up their parking space once they get one. They actually had traffic backed up onto I-65 for people waiting to park. If the town offered a free shuttle service into town and an event or activities for them to attend, he feels they will get people to come. Councilman Huseman asked how long the 6,000 are in the area. Mr. Batistatos said he thought there were two different events, one in May and the other in September. He wondered about possibilities of anchoring the September event with the Labor Day festivities. Mona Kuechenberg, LDMA, reported that they got in on the second event last year in a small way. They had very short notice about the event, but some banners and flyers helped bring some business into town. Depending on who you asked, some businesses saw no impact at all and others were swamped. She said that Hallmark Properties were very good to work with and were very willing to put up billboards on their property and help with promotion in directing traffic into Lowell. Discussion took place about security used during games and that last year only Crown Point police were used. The possibility of including Lowell in that was discussed. Mr. Batistatos suggested working with Crown Point and Cedar Lake businesses in making up a regional map with restaurant and other business information for distribution to the soccer participants. This would bring additional funds from more local businesses to help pay for the promotional materials and would increase

the exposure of all of the local communities. Ms. Kuechenberg stated that a lot of the soccer people just got back on I-65 last year and headed north to Merrillville to their hotels and activities there since they did not know what was available in the local area.

CDBG PUBLIC HEARING

President Kuiper stated that Mitch King from the Lake County Community Economic Development Department was present regarding the CDBG program. He read opening remarks for the CDBG public hearing that explained that the public hearing process is a requirement in order to obtain input from local citizens on the proposed uses of the new funding through the CDBG program from U.S. Department of Housing and Urban Development (HUD). The Town of Lowell CDBG allocation for FY2008-09 is \$46,450. Some of the most common uses of CDBG funds is infrastructure, handicapped access projects and the elimination of slums and blight through demolition of unsafe buildings. Infrastructure projects may only be done in areas where the neighborhood is at least 51% low/moderate income according to HUD guidelines. An income survey must be done to qualify the area for eligibility. Income information is kept strictly confidential. Handicapped access projects and demolition may be done anywhere in a community without the need for area income determinations. Once the public hearing is held, there are a series of legal advertisements and comment periods with final grant approval from HUD in late August. New CDBG funding is released to the county around September 1st and needs to be expended by June 18th of the following year. After the public hearing, three documents need to be read and adopted and project applications with supporting documentation need to be submitted no later than April 18th for review by Lake County. President Kuiper opened the public hearing. There being no public comment, President Kuiper closed the public hearing. President Kuiper read Resolution #2008-06 a Resolution authorizing and directing the Town Council President of the Town of Lowell to submit a Project Proposal for Community Development Block Grant Funds for Federal Fiscal Year 2008. Councilman Gard made a motion to adopt Resolution #2008-06, seconded by Councilman Huseman. The motion carried by voice vote. Councilman Gard made a motion to accept the Lake County, Indiana Section 3 Understanding and the Affirmative Action Program Implementing Section 3 of the Housing and Urban Development Act of 1968, seconded by Councilman Huseman. The motion carried by voice vote. Mitch King, LCCEDD, commented that they have a couple of other programs available through their entity with regard to a first time home buyers assistance program, which is a \$5,000 grant if they qualify under HUD guidelines. They also have a \$25,000 rehab program available. If an individual qualifies under HUD guidelines, they can come in for assistance to rehab their house. The phone number at their office is 755-3236. His number for CDBG infrastructure is 755-3237 and he is in the office from 7:30 to 3:30. President Kuiper read a letter from South Lake County Community Services, Inc. requesting consideration of allocating \$15,000 of the town's CDBG funding for fuel expenses for bus service. Councilman Gard made a motion to allocate \$15,000 of CDBG funds for bus service fuel expenses, seconded by Councilman Huseman. The motion carried by voice vote. Dorothy Gwyn-Maas, 351 Joe Martin Road, reported that last year 1,240 rides were given. She said the cost to riders is \$2.50 unless they are unable to pay and then they are not charged. The cost to provide bus service is \$16 per trip.

ORDINANCES & RESOLUTIONS

2nd Reading - Ordinance #2008-06 - amend Chapter 35.01 Membership - Councilman Huseman made a motion to adopt Ordinance #2008-06, an Ordinance amending Chapter 35-Finance and Revenue - Organizational Membership, seconded by Councilman Tucker. Roll call vote carried with four ayes.

UNFINISHED BUSINESS

Lowell Utilities Update - Nothing was reported for any of the following items: WWTP JMOB Requests; WWTP Phase II Project; Water Infrastructure Improvement Plan; Storm Sewers/Lift Station, East Side Sewer Project.

Storm Water Project at Hilltop and Joe Martin - Director Shook reported that he has received an estimate from the engineer. The replacement of the 15 inch corrugated pipe that goes under East Hilltop Court is estimated to cost \$14,000 and would change it to a 24-inch pipe for about 150 feet. He believes that is something that can be done in-house. He will be discussing the project with the Clerk-Treasurer with regard to funding but anticipates being able to begin the project within three weeks. With regard to Joe Martin Road, discussion with Councilman Huseman resulted in information about an existing storm sewer line along the east side of the road that has not been working well. They found a plug in the drain in the area of Northview Drive which has been opened up. Their plan is to dig out some of the ditches and grade along the road. The water cannot get into the ditches as they are now because the level of the ditch and grass is about four inches higher than the pavement. The engineer has taken a closer look at putting an estimate together for the project along Joe Martin Road. One problem they are facing is the fact that there utilities on both sides of the street and power lines on the east side of the street. The poles would have to be moved back behind the sidewalk to be out of the way. That would entail easements and NIPSCO moving the poles, which is not going to be an easy thing to do. It appears that years ago, the storm sewer on the east side was put in very shallow. That is probably why it doesn't work. When it gets close to Northview Drive, the pipe opens up into a ditch, runs the length of two or three lots and then goes back into another pipe. They are looking at this situation and hoping they can make some changes, clean it up and get it to work.

Director Shook said there was one other thing he would like the Council to think about. Several weeks ago, a news program showed a truck being used in Chicago called Total Patching or Dura-Patching. It eliminates the use of cold patching like they now use. When cold patching is put into a hole, by the end of the week, it is out and they have to go back and do it again. The Total Patch or Dura-Patch system works similar to chip and seal. The machine uses air to blow out the hole, sprays an oily emulsion into the hole and then fills it up with small stone chips in layers until it meshes with the surface of the pavement and then it stays in place. Director Shook said he thought Cedar Lake and Crown Point both have one of these machines, but he has not spoken with them yet. The machinery and the tank to store the emulsion in is somewhere around \$100,000. He is in the process of gathering more information at this time but would like the Council to give this some thought. President Kuiper commented that he told Director Shook this is something they need to think about seriously because Lowell is like all of the rest of the local

communities in that budgets are going to be cut, along with street funding and if they can't pave as many roads, the town needs a better way of fixing them.

Accept extended Letter of Credit to 9-30-08 - Meadowbrook, Limited Partnership #HACH 167051OS - Phase 5 & 6 - \$69,630 and #HACH 167057OS - Phase 7 & 9 - \$10,879 - Director Cox reported that these are letters of credit extending the amounts due to finish the work out in Meadowbrook. This is about the ninth time they have been renewed but the town is assured that this will be the 90 days. The town will be able to draw down on the bonds to get the work done. In the interim, he said he has spoken with Attorney Sobkowski and was requesting permission from the Council to go ahead and prepare specs, ask for proposals and return to the Council with a recommendation for the project to be done. Councilman Gard made a motion to accept Letter of Credit #HACH167051OS for Phase 5 & 8 in the amount of \$69,630 and Letter of Credit #HACH167057OS for Phase 7 & 9 in the amount of \$10,879 to expire September 30, 2008 and grant permission to prepare specs and solicit proposals to do the paving work in Meadowbrook Subdivision, seconded by Councilman Huseman. The motion carried by voice vote. Councilman Huseman stated he had gotten a preliminary actual measurement and a verbal estimate and it was well within what the bonds are.

Tabled from previous meetings:

12/10/07 - Paving of street in Meadowbrook Subdivision

01/14/08 - No parking snow ordinance - Director Shook reported that he has been spending his time working on the storm water issues and has not had time to prepare anything for this matter yet.

NEW BUSINESS

Act on Conflict of Interest Statement - Chad Evenhouse, Park Board Member - Councilman Gard made a motion to accept the Conflict of Interest Statement for Chad Evenhouse, Park Board Member, seconded by Councilman Tucker. The motion carried by voice vote.

Act on favorable recommendation from Plan Commission:

Approve zone change from A-1 to R-2 subject to receipt and execution of recorded zoning commitment - Director Cox explained that this is a tract of ground that is west of North Meadow Estates at the corner of 173rd and Cline Avenue. The property owners are requesting a zone change from A-1 to R-2, subject to an agreement that they made with the Plan Commission that none of the homes built in that subdivision will be less than 1,800 square feet. They could have asked for R-1, which would have given the same stipulation, but R-2 was already advertised. A contract is being prepared for the property owners and the Plan Commission. Until they are in receipt of that signed agreement, he asked the Council to table action on this matter. President Kuiper commented that a newspaper article reported that citizens in attendance at the Plan Commission meeting seemed to be happy with the results of the agreement and Director Cox confirmed that information. Councilman Gard made a motion to table, seconded by Councilman Huseman. The motion carried by voice vote.

ANNOUNCEMENTS

President Kuiper announced the next regular meeting on Monday, April 14, 2008 at 7:00 P.M.

MEDIA QUESTIONS/PUBLIC COMMENTS

Rose Hall, 711 W. Commercial Avenue, commented that she was hoping she could get some help for herself and her neighbors regarding the music coming from the Chevy dealer. She said it is very loud so that it can be heard inside their homes. She said she has made complaints to the police department and has gone over and spoken with the dealer and manager and she is not getting anywhere. She said the music is played outside over loudspeakers in the parking lot six days a week until 7:00 in the evening. She said they have a paging system and every time they get a call, everyone in the neighborhood knows. She said it just bounces off of buildings and is loud even in their back yards and asked if anything could be done. Chief Shelhart reported that it was the first he had heard of it and he would be glad to go over and speak with the dealer. Ms. Hall said when she spoke with the dealer, he told her that he was aware he had some neighbors that were unhappy but he was trying to run a business. She said she understood, but at the same time, she didn't feel she should have to listen to their radio station all day long. She said she was told there is a Noise Ordinance in town and if she played her music loud enough that her neighbors complained she would be in violation of the ordinance. She felt it was the same for the dealership. Councilman Tucker said the Noise Ordinance does not have any hour restrictions. It is applicable any time a complaint is made and she is right, the volume should be turned down. President Kuiper said they would have Chief Shelhart pay the dealership a visit and if that doesn't work, someone else will pay them a visit.

There being no further business or discussion, Councilman Huseman made a motion to adjourn, seconded by Councilman Gard at 8:03 P.M.

ATTEST:

Phillip Kuiper, President

Judith Walters, Clerk-Treasurer