

**LOWELL TOWN COUNCIL
REGULAR MEETING
JANUARY 10, 2011**

The regular meeting of the Lowell Town Council was called to order on Monday, January 10, 2011 at 7:00 P.M. by President Phillip Kuiper. The Pledge of Allegiance was recited and a moment of silence was observed remembering the Fuerstenberg family and welcoming home Meghan McDonald from the military. Clerk-Treasurer Judith Walters called the roll. Members present were Robert Philpot, John Alessia, Phillip Kuiper and David Gard. Councilman Don Huseman was absent. Also present were Town Attorney Gregory Sobkowski, Director of Public Works Greg Shook, Town Administrator Susan Peterson, Director of Community Development Wilbur Cox, Police Chief John Shelhart, three members of the media, and twenty five interested citizens.

ELECTION OF OFFICERS - 2011

President Kuiper made a motion to nominate Councilman John Alessia as President, seconded by Councilman Gard. The motion carried by voice vote.

Councilman Gard made a motion to nominate Councilman Phillip Kuiper as Vice President, seconded by Councilman Alessia. The motion carried by voice vote.

APPROVAL OF MINUTES

Councilman Kuiper made a motion to approve the minutes from the December 27th regular meeting, seconded by Councilman Gard. Councilman Philpot asked that reassurance be incorporated into the minutes that if a business owner calls the Police Department for non-compliance to the smoking ordinance that they will not be cited. The motion carried by voice vote.

APPROVAL OF VOUCHERS

White Vouchers #1000-1047 and #2731-2747 from 2010, Water Vouchers #2000-2020 and #2812-2814 from 2010 and Waste Water Vouchers #3000-3020 and #3723-3725 from 2010 were recommended for approval. Councilman Kuiper made a motion to approve the vouchers as listed, seconded by Councilman Philpot. The motion carried by voice vote.

MONTHLY REPORTS

Councilman Kuiper made a motion to accept the monthly reports from December, 2010 as presented, seconded by Councilman Gard. The motion carried by voice vote.

NEW BUSINESS

Appointment of Department Heads - Council appointment - Councilman Kuiper made a motion to reappoint Department Heads for 2011 - Greg Shook - Director of Public Works; Susan

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Peterson - Town Administrator; Wilbur Cox, Directory of Community Development; Frank Lovely - Street Superintendent; Dan Myers - Water Superintendent; Terry Wright - WWTP Superintendent and Tom Sullivan - Park Superintendent. The motion was seconded by Councilman Gard and carried by voice vote.

Board Representatives (all Presidential appointments) - The following appointments were approved on motion by Councilman Kuiper, seconded by Councilman Gard and carried by voice vote:

Lake County Economic Opportunity Council - Dorothy Gwyn-Maas

Board of Finance - President John Alessia and Clerk-Treasurer Judy Walters

Lake County Solid Waste District - Phillip Kuiper

N.W. Indiana Cities & Towns -David Gard

Cable T.V. Consortium - Susan Peterson

Northwest Indiana Regional Planning Commission - Judy Walters - Councilman Gard noted that Councilman Philpot may take this position in the future due to his road experience.

Freedom Park Committee - John Alessia

Annexation Committee - Don Huseman, Mike Walters, Marcia Carlson, Doug Niksch, the Plan Commission President, and the BZA Chairman

Tri-Creek Ambulance Board - Phillip Kuiper

Appointment of Emergency Management Director - Fire Chief Clint Gorbali

The following board/commission appointments were approved on motion by Councilman Gard, seconded by Councilman Kuiper and carried by voice vote:

Plan Commission - Town Council Members - Town Council appointment (3) - 1-year term - Don Huseman, Robert Philpot and Greg Shook

Plan Commission - Presidential appointment (1) - 4-year term - Matt Felder

BZA - Presidential appointment (1) - 4-year term - Chad Evenhouse

Police Commission - Town Council appointment (1) - 3-year term - Aron Schuhrke

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Storm Drainage Board - Presidential appointment (3) - 2-year term - Tom Cartwright, Gerald Hoffman, and Paul Grabstanowicz

Traffic Commission - Presidential appointment (5) - 1-year term - John Shelhart, Jim Konradi, Dennis Rosengard, John Ammons, Eric Barnhill

Historic Review Board - Town Council appointment (2) - 3-year term - Susan Riley, Linda Gunning

Permission to invest excess funds during 2011 - Councilman Kuiper made a motion to grant Clerk-Treasurer Walters permission to invest excess funds, seconded by Councilman Philpot. The motion carried by voice vote.

Set Lowell Tribune/Pilcher Publishing - publication requirement - Councilman Gard made a motion to set the Lowell Tribune/Pilcher Publishing for publishing legal notices for 2011, seconded by Councilman Kuiper. The motion carried by voice vote.

Appoint committee to disburse 2010 hotel/motel tax funds and set deadline for requests - The deadline will be March 31, 2011, and the committee will be John Alessia, Phillip Kuiper, Judith Walters, and Susan Peterson.

Act on agreement with Lowell Volunteer Fire Department for 2011 - \$116,750.00 - Councilman Kuiper made a motion to approve the annual agreement in the same amount as 2010, seconded by Councilman Gard. The motion carried by voice vote.

ANNOUNCEMENTS

President Alessia announced the next regular Town Council meeting will be held on Monday, January 24th at 7:00P.M

Congressman Visclosky will hold a Town Forum on Friday, January 14th at 5:00P.M at the Lowell Town Hall.

MEDIA QUESTIONS/PUBLIC COMMENTS

A member of the media asked for a list of the board and commission appointments.

Martha Vasquez Boezeman, owner of Country Lanes Bowling Alley, commented on the recently enacted smoking ban. She stated she has lost \$3,000 in revenue from the bar since January 1st. She stated she is willing to make the bowling alley smoke-free but not the bar. She stated, "You guys are killing me", and asked how she is suppose to make payroll. She said the Council did not think about small businesses.

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Discussion followed among Council members to open up the meeting for discussion, since it was not an agenda item. Someone in the audience commented that they have to be heard. Attorney Sobkowski stated that Council meetings are held in public for the public to attend and observe but unless it is a Public Hearing and an agenda item they do not have to open the meeting up for public comments. Councilmembers agreed to allow four or five business owners address the Council.

Bob Hill, owner of Rock N Roll Outpost, stated business is down about 40% in one week. He stated he has seen six new faces, non-smokers, but has loss three times that due to not allowing smoking in the bar.

Bryan Boswell, 379 Briar Court, stated he is a disk jockey and can't get work because the Council can't get their act together.

Mike Patz, 16967 Red Oak, stated he is a smoker and in this country we have free choice. He stated he follows politics and this should be left up to the State Legislature. He said his friends have stopped going out in Lowell and will drive five minutes to do what they want to do.

Theresa Swank, 1150 Lincoln Street, stated she is a bartender at the Rock N Roll Outpost and her tips have gone from \$80 a night to \$14/\$26. She said customers have been rude and said they won't come back. She asked who was going to help pay her rent and Nipsco bill.

A citizen who lives at 132 W. Commercial Avenue stated it should be left to each individual establishment.

Councilman Kuiper stated he is not surprised by the comments. He reminded everyone that several discussions were held and a public hearing. He stated we know this is about economics, and didn't want to see anyone go out of business. He said the Council expected the business owners to propose a comprehensive plan for places that only allow 21 and older like they have in Crown Point. He stated the Council represents everybody and when we asked the people what they wanted a large percentage wanted a no-smoking ordinance. He stated he has always been willing to meet with any individual or group to discuss.

Bob Hill stated he posted on his sign that his establishment was no-smoking and some people thought it was a sarcastic comment. He stated he was giving the Town Council their due to make the Town smoke free and also wanted people to know that he felt the businesses were not on a level playing field, because the VFW still allows smoking because they are in unincorporated limits. Mr. Hill stated he presented the Council with a drawing to make his establishment non-smoking in the restaurant and still allow smoking in the bar and never heard from the Council.

Councilman Gard stated the Council would listen to any responsible plan, but didn't feel they could change the ordinance for one business owner. He stated they asked for a proposed comprehensive plan, but nothing came forward.

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Mr. Hill stated they are trying to give it an honest try but didn't know how many months they could survive. He said the people who supported this ordinance need to support our businesses.

Councilman Philpot asked about the exemptions brought forward by Councilman Huseman. President Alessia stated those were not exceptions but exclusions to the Ordinance. Councilman Kuiper agreed that people need to support these businesses. He reminded people that Mr. Hill supported the Ordinance, he just wanted his bar exempted.

There being no further business or discussion, Councilman Gard made a motion to adjourn, seconded by Councilman Kuiper at 7:58 P.M.

John Alessia, President

Attest:

Judith Walters, Clerk-Treasurer