

**LOWELL TOWN COUNCIL
REGULAR MEETING
OCTOBER 8, 2012**

The regular meeting of the Lowell Town Council was called to order on Monday, October 8, 2012 at 7:00 P.M. by President Phillip Kuiper. 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, Donald Parker, and Edgar Corns. Also present were Town Attorney Gregg Sobkowski, Director of Public Works Greg Shook, Police Chief John Shelhart, Town Administrator Susan Peterson, Building Official Tom Trulley, Street Superintendent Frank Lovely and Asst. Superintendent John Goad from the Lowell Street Department, two members of the media and twenty seven citizens.

APPROVAL OF MINUTES

Councilman Philpot made a motion to approve the September 24th regular meeting, seconded by Councilman Earley and carried by voice vote.

APPROVAL OF VOUCHERS

President Kuiper stated he reviewed the White Vouchers #2113 - #2177, White-Police #4173 - #4184, Water #2577 - #2615, and Waste Water #3506 - #3539 - Councilman Parker made a motion to approve the vouchers as listed, seconded by Councilman Corns and carried by voice vote.

MONTHLY REPORTS - September 2012

Councilman Corns made a motion to approve the monthly reports, seconded by Councilman Parker and carried by voice vote.

ORDINANCES & RESOLUTIONS

1st & 2nd reading - Ordinance #2012 - 20 - adopt 2013 Budget - Councilman Corns

made a motion to approve Ordinance #2012-20 - an Ordinance to approve the 2013 budget advertised in the amount of \$4,544,500 with a tax levy of \$3,207,930., seconded by Councilman Earley and carried by voice vote. A Public Hearing on the 2013 budget had been held on August 27th. Councilman Parker made a motion to set the rules aside, seconded by Councilman Corns and carried by voice vote. Councilman Parker made a motion to adopt Ordinance #2012-20 by name and title only, seconded by Councilman Corns and carried by roll call vote. Councilman Parker made a motion to put the rules back in to order, seconded by Councilman Philpot and carried by voice vote.

2nd reading - Ordinance #2012-09 - Annexation - Area #1 - N. Nichols, Ordinance #2012-10 - Annexation - Area #2 - Nammari, Ordinance #2012-11 - Annexation - Area #5 - W. 175th

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Avenue, Ordinance #2012-13 - Annexation - Area #7 - Holtz Road - Pendoski, Ordinance #2012-14 - Annexation - Area #8 - Holtz Road - Nichols, Ordinance #2012-15 - Annexation - Area #9 - Holtz Road - Pratt, Ordinance #2012-16 - Annexation - Area #10 - Holtz Road - Heiser - Councilman Parker made a motion to adopt by name and title only Ordinance #2012-09, #2012-10, #2012-11, #2012-13, #2012-14, #2012-15, and #2012-16, seconded by Councilman Corns and carried by a roll call vote.

UNFINISHED BUSINESS

Public Works Department Update - Mr. Shook stated himself and the Street Department Superintendent met with Town and Country Paving and they will be paving North Nichols Street from Commercial Avenue to just north of Deereway. Milling will be done Friday and the paving will be done Monday barring any issues. Mr. Earley asked what the final cost was. Mr. Shook stated it was \$80,000, which included the 200 feet on Seminole Drive.

WWTP Improvement Project - Approve Pay Request #20 to Commonwealth Engineers for engineering services - \$34,127.08 and Pay Request #21 - Payment #6 to Thieneman Construction - \$674,682.67 (\$640,948.54 to Contractor, \$33,734.13 to retainage - and forward to SRF for payment) - Councilman Parker made a motion to approve the pay requests, seconded by Councilman Earley and carried by voice vote.

Recommendation from Redevelopment Commission - designated downtown revitalization area -

Mr. Kuiper stated at the Redevelopment Commission meeting on September 27th, the Commission made a recommendation to the Town Council to begin the process of reviewing what will be considered the downtown area. Mr. Sobkowski stated this will be a sub-set of the Town's current tax abatement area where we would be able to provide enhanced benefits in the designated downtown area by statute. The area has to be created by ordinance, and it has to be less than 15% of the Town. An enhanced deduction would be for use of properties with vacant buildings on them to encourage the development and re-development of vacant properties. Mr. Earley asked if we could hear examples of the possible benefits that could happen to help improve these areas. Mr. Sobkowski stated what the statute allows is to approve 100% abatement of taxes for a maximum of three years. Mr. Philpot asked if that was a one-time thing. Mr. Sobkowski stated it was. Councilman Earley made a motion to approve the recommendation of the downtown revitalization area, seconded by Councilman Corns and carried by voice vote.

911-Consolidated Dispatching - Mr. Kuiper stated for several years there has been the discussion of dispatch consolidation and there are still a lot of things that are not known about it. Two weeks ago there was a meeting in St. John about the consolidation where Representative Soliday spoke, and most of what he said was concerning. He stated he asked Jeff Cicillian, Director of 911 in Lake County, to come tonight and let us know the situation.

Jeff Cicillian, Director of 911 for the Lake County Commissioners, stated the consolidation we have now is set forth by State Statute 345 that states all Counties in the State have to consolidate

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down to two PSAP's, which is a Public Safety Answering Point. The State recommends one as a main PSAP and the other as a dark center which is there in case the main center goes down. He stated Senate Bill 345 took away a lot of the usage of the monies we were allowed to use 911 funds for. With the passing of this bill, everyone pays \$.90 a month on their home phone and cell phone lines. All of that money comes through the State, which is currently being reissued monthly. We are guaranteed by the State statute an average of our three years income, which came to be \$2.6 million dollars a year, which will come back to Lake County. The issue we are fighting against is that we will be paying an approximate \$4.2 million to the State, with the charge of \$.90 per phone line, but are only getting back \$2.6 million. The reason for that is because we were only at \$.39 for wire lines, and there were some counties that were paying \$3.50 per line. Those counties went down to \$.90, we went up to \$.90, so they have taken

the difference of ours that we are not using to make up for the other counties, which we are against. We are requesting the Senate make ourselves whole and give us back our money that we have. Mr. Cicillian continued to describe in detail the different radio systems as well as the costs. Mr. Kuiper asked Mr. Cicillian what the deadline was to consolidate and what may happen if they do not meet that deadline. Mr. Cicillian stated the deadline is December 31, 2014 and if we do not consolidate by then, we will lose the \$2.6 million that we have coming in. Out of the \$2.6 million, it costs \$1.4 million a year to operate currently.

Mr. Cicillian stated there is an inter local agreement, by State statute, that all 18 jurisdictions have to sign saying they will participate in the consolidation. As soon as two jurisdictions say they will not do it, the consolidation is halted. If we can not consolidate, we lose the money. If one department holds out, we can operate that way, but there is no department here that can handle the 911 calls if the main center went down. In Lake County, we do 1.1 million 911 calls a year, and 2.4 million non-emergency calls. We are looking at seating 35 dispatchers per shift to handle all of the calls. Part of the problem with the inter local is it requires, by IC codes from the State, each municipality to pay in to this. At first you will pay 50% of what your operating budget is for 911. If your budget is \$200,000, the first year you will pay \$100,000 in to it. After that, annually it goes 50%, 70%, 80%, and 90%. Some of the cities and towns feel they should not have to pay if this is a consolidation for the County. The Indiana Association for Cities and Towns agree, and they are fighting to get that out so they do not have to pay in. Even with that, the rough figures we have are about seven million dollars and the operating budget currently is anywhere from ten to eleven and a half million a year. Until the inter local is signed by all eighteen agencies, we can not move forward.

Mr. Kuiper asked if there were any meetings coming up with the elected officials that will be signing these agreements. Mr. Cicillian stated we are looking in to that and it will probably be after election time. Mr. Earley stated he had spoken with the EMS directors and the Fire Chief recently, and they have some good questions. He asked if and when the consolidation does happen, and a dispatch for fire and police happens at the County level, the moment we are paged out does the dispatch continue a conversation with our guys to see if anything else is needed out in the field that was not known at the time of the call. Mr. Cicillian stated the way the call center will be set up is there will be people who take the calls, and then two other groups, one for fire
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and EMS and one for police, that handle those types of calls. Those two groups will be

the people that stay in contact until the call is completed in the field. The design of the building and dispatchers are not set in stone.

Mr. Parker asked as we go in to the consolidation and we start losing 911 funds, when we have equipment that needs to be purchased, will the Town or County be responsible for coming up with that money. Mr. Cicillian stated he can not speak for the County, but the back bone of the program will pretty much stay the same. The County is looking at bonding once we get the prices back from the different vendors on what this entire package will cost. Mr. Cicillian continued in detail about the different radio systems and costs. Mr. Corns asked how they plan to deal with different language barriers. Mr. Cicillian stated the largest second language we have in this area is Spanish and there will be Spanish speaking dispatchers. As far as any other language, we have access to a language line that we can transfer calls to for those who speak a language other than English or Spanish. Mr. Kuiper asked if Mr. Cicillian could let the Council know about public meetings that are scheduled so they can attend.

Tabled from previous meetings:

8/27 - Ordinance #2012-12 - Annexation - Area #6 - Novak - remained tabled.

9/10 - Street Sweeping Bids - Mr. Philpot stated himself and Mr. Kuiper went out and saw two different demos from two different companies that were bidding for the street sweeper. He stated they viewed the Elgin and the Johnston and did some comparisons with some of the Street Department employees. Mr. Kuiper stated he was looking at three things; how to clean, how loud it was, and how dusty it was. Mr. Philpot stated he was also looking in to the safety of the vehicle. He also went up to Griffith to view their Johnston that they have and asked about any issues with it. They found the machines are so low the PDF muffler does not burn out doing the everyday, so they have to take it down a fast road for a little bit to burn it out. One other issue they had in Griffith was over heating on the street engine. He stated he also looked at how the beds were lined. The Elgin is poly lined where the Johnston is stainless steel throughout. The Johnston also had their electric encased, where the Elgin had it exposed, but it is supposed to be weather proof. He stated he had some concern with the Elgin's sweeper heads running underneath the door as well. Mr. Kuiper stated they all got together and decided their recommendation to the Council would be to purchase the Johnston street sweeper. Mr. Shook stated his recommendation was the same as the members of the Council that viewed them and the Street Department employees that were out there. Mr. Sobkowski asked if the Johnston was the most expensive unit out of the all that bid. Mr. Shook stated it was in between and listed the prices and machines as follows; the Tymco, which was air and vacuum and was dustier, priced at

\$198,000, the Elgin demo was \$211,000, which was dusty and it missed on some of the specs, the new Elgin was \$227,000, and the Johnston at \$217,000. Councilman Parker made a motion to approve the purchase of the Johnston at \$217,794, based on the machine meeting the required specs and the fact that it was the most responsive and responsible proposal made, seconded by Councilman Philpot. Mr. Corns made mention that he would have liked to have been included in the demonstrations of the machines since he has experience in buying large equipment and that

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the entire Council should have been involved as well. The motion was carried by voice vote.

NEW BUSINESS

Request for Tax Abatement - Approve Form SB-1 - Real Estate Improvements - Kouli Enterprises, LLC - Act on Resolution #2012-23 - Mr. Kuiper stated Kouli Enterprises is requesting a tax abatement on a new business, they are planning on building a 9,000 square foot banquet hall next to the existing George's restaurant creating about 48 construction jobs and 22 operational jobs once the facility is open. He stated the project is just shy of a million dollars. This abatement would be on real estate improvements only and we can do these abatements for a maximum of ten years. Mr. Sobkowski stated you can grant a real estate tax abatement for a period of three, six, or ten years under the statute. Mr. Kuiper stated they are looking at breaking ground in November or December weather permitting. Discussion followed. Mr. Parker asked if it was a progressive abatement. Mr. Sobkowski stated it was. Councilman Parker made a motion to adopt Resolution #2012-23 to give Kouli Enterprises a ten year tax abatement, seconded by Councilman Earley and carried by voice vote.

Mr. Parker stated he had some discussions with different people and in March the Annexation Committee made a recommendation to annex the 80 acres on the southeast corner of Austin and Route 2. They also made a recommendation to look at the property on the southwest corner. Mr. Parker stated he would like to make a motion to look at those three parcels of property on the southwest corner of Austin and Route 2 and include the Stroller property and the landfill to do a financial study on them only. There are some issues out there that we need to be concerned about and some things that may benefit the Town. The motion was seconded by Councilman Corns. Mr. Earley asked if the study will include the revenues of the landfill. Mr. Sobkowski stated you need to ask Mr. Guerrettaz to include that. Mr. Earley stated he did want that included in the study. The motion carried by voice vote.

ANNOUNCEMENTS

President Kuiper announced the next regular meeting will be Monday, October 22nd at 7:00 P.M.

Halloween Trick or Treat Hours will be Wednesday, October 31st from 5:00 to 7:00 P.M.

MEDIA QUESTIONS/PUBLIC COMMENTS

Melanie Csepiga, Times, asked if the motion for the downtown revitalization area was to review the area or approve it. Mr. Kuiper stated he believed they wanted it approved. Mr. Sobkowski agreed. Ms. Csepiga asked if an ordinance would be prepared and if she could see the map. Mr. Kuiper stated an ordinance will be prepared and they will get her a copy of the map as well.

Michael Kopek, 14801 Euclid, stated he has been a resident in Lowell for about four years and

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wanted to introduce himself to the Council and let the area know he will be starting a new business in Lowell. Currently he has an Edward Jones office in St. John that will be moving to the Lowell downtown area.

ADJOURNMENT

There being no further comments or questions, Councilman Parker made a motion to adjourn, seconded by Councilman Corns and carried by voice vote at 8:01 P.M.

Phillip Kuiper, President
Attest:

Judith Walters
Clerk-Treasurer