

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

The regular meeting of the Lowell Town Council was called to order on Monday, March 24, 2014 at 7:05 P.M. by Vice-President Donald Parker. 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, and Phillip Kuiper. Edgar Corns was not in attendance. Also present were Town Attorney David Westland, Public Works Director Greg Shook, Police Chief Erik Matson, Building Official Tom Trulley, two members of the media, and fifteen citizens.

APPROVAL OF MINUTES

Councilman Kuiper made a motion to approve the March 10, 2014 regular meeting minutes, and the March 17, 2014 work session minutes, seconded by Councilman Earley and carried with four ayes.

APPROVAL OF VOUCHERS

Vice President Parker stated he reviewed White Vouchers #1237 - #1281, White-Police #4051 - #4069, Water #2187 - #2209, Waste Water #3143 - #3164, Stormwater Utility #5029 - #5032, and recommended all of the vouchers for payment. Councilman Earley made a motion to approve the vouchers as listed, seconded by Councilman Kuiper and carried with four ayes.

PETITIONS, COMMUNICATIONS, REMONSTRANCES, PROCLAMATIONS

Proclamation - April - Month of the Military Child - Vice President Parker read the Proclamation. Councilman Kuiper made a motion to adopt the proclamation, seconded by Councilman Earley and carried by roll call with four ayes.

UNFINISHED BUSINESS

Public Works Department Update - Public Works Director Greg Shook stated there was no update.

Councilman Kuiper stated a few months ago he had a conversation with our auditor, Steve Pestikas, regarding a follow-up for the Police Department at no cost to the Town. Attorney David Westland stated he did receive a call from Mr. Pestikas regarding a follow-up for the week of April 13th at no additional cost to the Town because it was already included in the initial cost of the audit. He would like to talk to various Officers, Police Commission members, and the Chief.

NEW BUSINESS

Permission to advertise for Public Hearing for CDBG Hearing - Director Shook stated later on this year we are going to receive \$49,000 for a Community Development Block Grant. We usually use the funds to do handicap ramps, sidewalks, etc. We have to hold a public hearing to allow the public to propose any projects they would like to see that would qualify under the CDBG. He stated he is asking to schedule the public hearing for the next regular Council meeting. Councilman Kuiper made a motion to schedule the public hearing for the next regular Council meeting, seconded by Councilman Philpot and carried by roll call vote with four ayes.

Enter into a Use Restriction & Covenants for stormwater drainage - 6245 Anne Avenue - Building Official Tom Trulley stated the property owner has a water issue, so the attorney has written up an agreement for an easement, and for the property owner to install an inlet drain and swale the property so that all of the

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drainage goes in to that inlet. Director Shook stated the owner wants to do an addition to his house so he has to show how he is going to handle the additional stormwater. Mr. Shook stated in discussions with Mr. Trulley, Mr. Hendrix, and Mr. Mandon, this is the solution that we have come up with. Councilman Kuiper asked if we would be inspecting everything. Mr. Shook stated we will be looking at it, but he will be the one maintaining it. Mr. Trulley stated this should solve all of the problems with the neighbor's drainage issues as well. Attorney Westland stated this document gives you the right to inspect the structure, and the right that if it is not working correctly, to go in, fix it, and then charge the owner for the cost. This will be recorded so that it runs with the land and any future owner will have to do the same. Councilman Earley made a motion to approve the agreement, seconded by Councilman Philpot and carried by roll call vote three to one with Councilman Kuiper abstaining.

Permission to advertise for Public Hearing to re-establish Cumulative Capital Fund - Clerk-Treasurer Walters stated we currently have a Cumulative Capital Fund, and because of re-assessment it is adjusting the rate we are getting, so by re-establishing the fund every year, we will be sure to get the rate we are entitled to. We will advertise the public hearing for the maximum rate, but that does not mean that we will be using the maximum rate. Councilman Kuiper made a motion to advertise for the public hearing, seconded by Councilman Earley and carried by roll call vote with four ayes.

ANNOUNCEMENTS

Vice President Parker announced that the next regular meeting will be held Monday, April 14, 2014 at 7:00 P.M.

MEDIA QUESTIONS/PUBLIC COMMENTS

Councilman Earley stated last week our Bike and Trail Committee met and reviewed the proposed plan. We have approved that plan for recommendation to the Council, and we are hoping to have a copy in time for the Council to review before the next meeting so that we can act on the recommendation.

Councilman Earley stated he would like the Council to consider a joint work session with the Police Commission prior to the audit to sit down and review how far we have come with the recommendations that came from the previous audit, and plan on how we are going to complete the rest of the recommendations. He stated he believed it would be important for that meeting to happen before the audit.

Councilman Earley also stated that he had been to a presentation by Motorola regarding the radios that will be provided for the 911 Consolidation to whichever municipalities decide to purchase their radios from Motorola. The meeting was very hands-on and it was impressive to see the new technology. We have one big hurdle that we still have to get over. Lowell has an unusual situation where the townships and the Town of Lowell fund our Fire Department. Since the townships responsibility will be covered by the County to purchase these radios, we need to find out how much they are going to pay, and how much we are going to pay. He stated there has been some confusion on how to approach this, so he has emailed Nicole Bennett, attorney to the 911 Commission, to see if this issue could be put on the agenda for the next 911 Commission meeting. If we do not get any results from that, we may want to call a meeting with the Commissioners and/or Council members to try and figure out the percentages. The Town of Lowell is responsible for all of the Police Department mobiles and portables, and some percentage of the Fire Department. Combined it will add up to several hundreds of thousands of dollars.

Vice President Parker stated he believed it was a good idea to have the joint meeting with the Police Commission, but stated he thought that Mr. Pestikas should be there because he will not be interviewing the whole Police Department or Police Commission this time. Attorney Westland stated he believed he was only going to talk to the Chairman of the Police Commission, the whole Town Council, and Chief Matson. **LTC REGULAR MEETING - 3/24/14 - Page 3 of 3**

Mr. Parker stated he would like to let Mr. Pestikas complete his interviews, and then sit down to receive the results and identify issues where we need improvements. Councilman Earley stated the only issue he has with that is that there has not been a joint meeting with the Police Commission in several months regarding the previous audit and the results or recommendations, so we do not know what has been addressed. Discussion followed. Vice President Parker stated we do need to have a joint meeting to discuss the hiring of a new fireman, and the possibility of hiring a new police officer next year, but that discussion can come after the follow-up. Councilman Earley stated he would like to know what has been accomplished before this next interview. Councilman Earley made a motion to set a date for a joint work session with the Police Commission before Mr. Pestikas comes in, seconded by Councilman Kuiper. The

motion was tied two to two by voice vote with Councilman Earley and Councilman Kuiper voting aye, and Councilman Philpot and Vice President Parker voting nay, therefore the motion died.

Clerk-Treasurer Judith Walters stated the Town Hall will be a satellite location for people to do early voting beginning April 7th. The are scheduled to be open Monday through Friday from 9:00 AM-3:00 PM and two Saturdays, April 26th and May 3rd from 9:00 AM-2:00 PM.

Councilman Earley stated that INDOT has secured an office area in town for people who will be directly affected by the Illiana through land acquisition, to hold meetings and discuss further planning. He stated he did not believe it was for the public to go in and voice their opinion.

ADJOURNMENT

Councilman Earley made a motion to adjourn at 7:27 P.M., seconded by Councilman Kuiper and carried with four ayes.

Attest:

Donald Parker, Vice-President

Judith Walters, Clerk-Treasurer

