

**LOWELL TOWN COUNCIL
REGULAR MEETING
AUGUST 11, 2014**

The regular meeting of the Lowell Town Council was called to order on Monday, August 11, 2014 at 7:07 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, Donald Parker, Phillip Kuiper, and Edgar Corns. Also present were Town Attorney David Westland, Public Works Director Greg Shook, Building Administrator Tom Trulley, Police Chief Erik Matson, Fire Chief Clint Gorbali, one member of the media, and twenty-nine citizens.

TREASURER'S REPORT - July 2014

Councilman Kuiper made a motion to approve the June 2014 Treasurer's Report, seconded by Councilman Earley and carried with five ayes.

APPROVAL OF MINUTES

Councilman Earley made a motion to approve the July 28, 2014 regular meeting minutes, and the July 28 and August 5, 2014 work session minutes, seconded by Councilman Parker and carried with five ayes.

APPROVAL OF VOUCHERS

President Corns stated he reviewed White Vouchers #1744 - #1801, White-Police #4149 - #4159, Water #2524 - #2583, Waste Water #3423 - #3461, Stormwater Utility #5082 - #5086, and recommended all of the vouchers for payment. Councilman Philpot made a motion to approve the vouchers as listed, seconded by Councilman Parker and carried with five ayes.

PETITIONS, COMMUNICATIONS, REMONSTRANCES, PROCLAMATIONS

Proclamation - Childhood Cancer Awareness Month - September - President Corns read the proclamation. Linda Whitman, Board Member of the NICK Foundation, thanked the Council for declaring September Childhood Cancer Awareness Month. She stated since the Council had received the proclamation, the foundation has lost a little boy and added four new families to the foundation. Ms. Whitman also announced that there would be an awareness walk on Sunday, September 7th at Lemon Lake and mentioned that Indiana was the first state in union to proclaim September Childhood Cancer Awareness Month. Councilman Kuiper made a motion to accept the proclamation, seconded by Councilman Earley and carried by roll call vote with five ayes.

MONTHLY REPORTS - July 2014

Councilman Earley made a motion to approve the July 2014 reports, seconded by Councilman Parker and carried by roll call vote with five ayes.

ORDINANCES & RESOLUTIONS

2nd Reading - Ordinance #2014-13 - additional appropriation - Gambling Revenue Fund \$250,000 - Rt. 2 Curb & Sidewalk Project - Councilman Parker made a motion to approve Ordinance #2014-13, seconded by Councilman Philpot and carried by roll call vote with five ayes.

2nd Reading - Ordinance #2014-14 - Establishment and Requirements of Firefighter - Councilman Philpot made a motion to approve Ordinance #2014-14, seconded by Councilman Parker. Councilman Earley stated a few weeks ago we had agreed to sit down with the townships and discuss the Public Safety money that

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they would be receiving from Lake County, which would be in direct reflection to the amount of money that this town is going to be paying for the firefighter. He stated since we have approved the salary ordinance, he has realized that the residents in town pay more for their fire service than the residents in un-incorporated areas, and that the townships are going to be receiving a sizable amount of money that is earmarked for public safety. Councilman Earley stated, "Apparently we are not going to be meeting with the townships because there was a meeting earlier this week between two councilmen and the Fire Chief who decided that the Fire Chief would negotiate with the townships during their contract negotiations. Our Fire Chief has talked to them and apparently has not had a lot of luck negotiating or even having them return his phone calls. If we take this last step, our Fire Department is going to be looking to put that man on right away. I have been an advocate for the Fire and Ambulance Department since I have been on the Council, but I am concerned that the people the Council represents are paying more for fire service than the community outside. If we pass this ordinance and pick up another \$72,000 that will be forwarded to pay for this firefighter, our residents will end up paying close to 70% of the Fire Department's budget." Fire Chief Clint Gorball stated he had spoken with the Cedar Creek and West Creek Township Trustees, but has not received a phone call back from Eagle Creek. West Creek is going to put a lot of funds towards Tri-Creek EMS, and then whatever is left over, will be split up between Lake Dale Fire, Lowell Fire, and Lake Township Fire. He does not know what that amount will be, therefore he is reluctant to add that to our contract. Cedar Creek Township also had said that she has Lowell Fire, Lake Dale Fire, and Shelby Fire to provide those funds to, however no amount was talked about. She has some ideas of creating a possible part-time fire position so we would have two firefighters during the daytime hours. Discussion followed.

Councilman Earley explained to the Council the figures of last year's budget and what the townships paid versus what the town has paid and how hiring a full-time firefighter that is a Town employee would affect that. He stated he wants to help the fire department, but that he also has a responsibility to the residents. Councilman Parker stated one thing that sparked this decision is that we are having very little success finding daytime volunteer firefighters to respond to daytime calls. He stated he agreed that money was an issue and that we needed to continue to pursue ways to make this more equitable and fair, but if we do not do something we do not have firefighters responding to calls during the day. That is a huge liability and an injustice to the people of this community. Councilman Earley stated he could not agree more that having a daytime firefighter is

a benefit, but there has been other options that this Council and the other townships will not even sit down and talk about. He stated he had brought some of those options up, and was immediately terminated as the liaison, but there are other avenues to pursue these things that would not cost as much money to our residents in town. President Corns stated he would like to see us get the fireman, and maybe somehow work out the financial differences between everyone concerned. The trustees would have to understand that fact. Councilman Earley asked, "What if they do not understand? The firefighter will still have to wait for other volunteer firefighters to show up in order to answer the calls. It is going to be better, and it will help, but there was some discussion previously about hiring another firefighter next year which will just put that percentage even higher for Lowell. If we start carrying that great of a percentage of the fire department, then why would the department not be part of our responsibility."

Councilman Philpot stated the Town Council has already agreed to start with a daytime firefighter. He stated, " Now after the fact that we have agreed to this, Councilman Earley brings up the involvement of the townships, who had no say from the beginning. We are forcing it down their throats, and they must now come to the table and say yay or nay in their participation. If we are going to involve them, maybe we should start from ground zero to see if they are for hiring a firefighter or not." Councilman Earley stated that was his reason for possibly revisiting this. Discussion followed. The motion to approve Ordinance #2014-14 carried by roll call vote with five ayes. Councilman Earley stated he would like to see the Council seriously pursue what their responsibility is, which is the residents and their tax money.

1st & 2nd Reading - Ordinance #2014-15 - additional appropriation - Police Grant Hours - Councilman Kuiper made a motion to hold Ordinance #2014-15 over for a second reading, seconded by Councilman Earley and carried by roll call vote with five ayes. Councilman Earley made a motion to suspend the rules,

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seconded by Councilman Philpot and carried by roll call vote with five ayes. Councilman Parker made a motion to approve the second reading of Ordinance #2014-15 by name and title only, seconded by Councilman Philpot and carried by roll call vote with five ayes.

1st & 2nd Reading - Ordinance #2014-10 - correct re-establishing CCD Fund - due to an erroneous error on the previous ordinance, that listed a maximum property tax rate of not to exceed 0.0333 and should of stated .05. Councilman Parker made a motion to hold Ordinance #2014-10 over for a second reading, seconded by Councilman Philpot and carried by roll call vote with five ayes. Councilman Parker made a motion to approve the second reading of Ordinance #2014-10 by name and title only, seconded by Councilman Philpot and carried by roll call vote with five ayes. Councilman Kuiper made a motion to set the rules back in to place, seconded by Councilman Philpot and carried by roll call vote with five ayes.

UNFINISHED BUSINESS

Public Works Department Update - Public Works Director Greg Shook stated he is to receive the bid package for the Powell Ditch project on Tuesday from SEH and will then be able to put it out for bid.

He also stated that Craig Hendrix from SEH will have something for the next meeting regarding the paving project, and water documents regarding annexing west and north west. The water source will not be done, but the distribution will be.

Interlocal Agreement to Support the Extension and Improvement of Commuter Rail Services from Congressman Visclosky - Act on Resolution #2014-07 - Councilman Kuiper made a motion to approve Resolution #2014-07, seconded by Councilman Parker. Attorney David Westland stated a Resolution was put together, but has not been forwarded to Clerk-Treasurer Walters, so there is no resolution to sign. He advised the Council to table the approval until the next meeting, when there will be a physical resolution to sign. Councilman Kuiper retracted his motion, and Councilman Parker retracted his second. Councilman Earley asked if the resolution would include the actual cost.

Attorney Westland stated the resolution will just adopt the interlocal, and the interlocal itself describes the 15% that will be pledged. Councilman Kuiper made a motion to table the resolution until the next meeting, seconded by Councilman Philpot and carried by roll call vote with five ayes. Councilman Earley asked if there was an estimated figure that could be included so the general public knows. Clerk-Treasurer Walters stated that \$28,939 has been budgeted for 2015 for the agreement.

Councilman Earley stated that will be for the next thirty years. Attorney Westland stated it is an obligation that you have committed to, if the project moves forward, for the next thirty years. Discussion followed on the possibility of that amount increasing if income taxes increase.

2015 Budget - Clerk-Treasurer Walters stated there have been two work sessions, and out of those, three priorities were made. The first was to budget for another police officer, which we have done out of our public safety money, with his benefits being paid out of the General Fund. She also made aware them aware the th Town levy is going to be cut because of the 911 dispatching. The second priority was giving the employees a 3% raise, and the last thing discussed was hiring a town manager. She stated she needed to know how to proceed with the budget because it does have to be turned in to the County by September 1st. Councilman Parker made a motion to table the discussion and to hold an executive session within the next week with a special meeting following to discuss the 2015 budget, in particular hiring a town manager or town administrator. Councilman Kuiper seconded the motion which carried by roll call vote with five ayes.

Tabled from previous meetings:

7/28 - Memo of Understanding with Tri-Creek School on School Resource Officer - Councilman Kuiper stated that at the last work session, President Corns was demanding answers from the administration at the schools, and noted that they were present at the meeting and would like to answer some of those questions. Dr. Debra Howe, Tri-Creek School Superintendent, introduced the administrators that were present at the meeting. She explained some of the programs that have been put in place over the last three years such as student support advisors, instructional coaches and specialists to help teachers better manage the classroom, the 6-6 program where students come in from 6:00 AM - 6:00 PM and parents attend parenting classes for five days, the opportunity center where students who are about to be expelled can come in for on-line learning, attendance court, summer school, and after school tutoring. Dr. Howe stated she is asking that the Council approve the Memorandum of Understanding to help take them to the next level of safety. Through doing all of this, the attendance rate has gone from 95.8% at the middle school and throughout the district to

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97%. The graduation rate has gone from 87.5% in 2010-2011 to 95% and higher. Dr. Howe went on to give statistics regarding expulsions and in-school suspensions that showed a decrease in the past three years. Dave Wilson, Assistant-Principal at the Lowell High School, stated they are hoping to continue their partnership with the police department, and take it to the next level. He explained the benefits of adding a school resource officer such as safety and building a trust between the

students and that officer. Mr. Wilson stated they are asking to make this more formal since the officers already respond to the calls at the various schools. They would like to see, out of the twenty hours a week, ten to twelve hours at the high school, four to five hours at the middle school, and one hour at each elementary school. Those times will vary since they will still be responsible for responding to calls on the street. Mr. Wilson informed the Council that he did have a brochure of five schools that did a case study on having a School Resource Officer, and the affect that it had on that school within the first year.

President Corns stated after speaking with the Chief of Police he learned that they will typically receive five to seven calls per week at the schools. He stated his questions were concerning the punishment schedule, how repeat offenses work, and when the parents are brought in because he did not feel that the police officers should be doing the school's babysitting. Mr. Wilson stated the police officer is not there for punishment, rather as a resource for the students and the support staff. President Corns asked what types of offenses occur when the schools call the police department throughout the week. Mr. Wilson stated it is typically a criminal offense such as drugs or a physical assault, not tardiness or truancy. Putting something in place like this with an SRO will give them a partnership with the officers where they can develop a better way to avoid having repeat offenders. Discussion followed regarding the schools authority in discipline and what was considered a criminal offense in the eyes of the administration and Indiana State Code.

Councilman Philpot stated he questioned the section in the agreement that stated that the Police Chief had the right to decide whether or not to renew the contract. He asked if that meant that the Council did not have a say. Attorney Westland stated he believed that knowing Chief Matson, he would not approve a renewal without first bringing it to the Council. He stated if you want to get extremely technical, he could approve it, but Mr. Westland did not see it as an issue. Mr. Westland stated at the last work session he was asked to contact Sheriff Buncich's attorney in regards to jurisdiction, but he has not heard back from him yet. Councilman Kuiper stated he was concerned on that issue as well and reached out to some people and received a message from someone who teaches criminal law and jurisdiction at the college level who said there is no jurisdiction issue. All of the County, State and local officers are sworn by the State and have the same jurisdictions as well as authority. He stated, knowing that information, he believed jurisdiction was a dead issue. Councilman Parker stated he did not believe it was a dead issue because we had recently heard about how we need more officers and right away that posed the question of do we take an officer off of the streets to be in the school, when we are short handed anyway. He stated he did not believe the resource officer was a priority, but that he would go along with Chief Matson's recommendation, however this was tabled waiting on the attorney for the sheriff's department and our attorney to get together, not just someone you can call, and if they deem that it is allowable then it would be brought up and voted on. Mr. Wilson stated he spoke with Deputy-Chief Murchek about similar programs that are already in place and if there were any concerns with Lowell responding to Lake Prairie or the middle school. He had said the understanding that they have is if there is a call, then whoever is closest will go. If it is a serious enough call then they will share responsibility and wait for backup or resolve the matter if they can. He felt the program would be doable. Councilman Parker stated he spoke with Sheriff Buncich and he thinks it is doable too, but he wants to look it over and he wants his attorney to look it over as well because it is not as cut and dry as people think. Mr. Wilson stated if you look at the DUI Task Force and the Seatbelt Task Force, Lowell officers are patrolling outside of the town limits. Councilman Parker stated that is written in a grant. Mr. Wilson stated, "This is a grant too, which is the point that I am trying to make." Discussion followed and it was decided that the item would remain tabled until the attorneys could review.

NEW BUSINESS

Request from Redevelopment Commission to become member of Northwest Indiana Forum - Councilman Kuiper made a motion to include the \$2500 membership fees in the 2015 budget, seconded by Councilman Earley and carried by roll call vote with five ayes.

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Renew annual contract at WWTP - Keithley Farms - Councilman Kuiper made a motion to renew the annual contract with Keithley Farms, seconded by Councilman Parker and carried by roll call vote with five ayes.

Request for Temporary Sign Permit - American Legion Post 101 - Chester Rybicki, 211 East Street, stated about a month ago they put up a temporary sign, and they would like to put that up again beginning this Friday through August 30th. He explained that the sign would be to advertise some functions they would be having at the American Legion. Councilman Parker stated there was some discussion about installing a permanent sign and asked where they were on that. Building Administrator Tom Trulley stated that Mr. Rybicki came in with President Corns and he had told them that they need a survey of their property to determine where their property lines are, but no one has come back with that. Councilman Parker asked how many temporary permits are normally given until they are not given anymore. Mr. Trulley stated he normally does not get that many from the same person. Discussion followed regarding the placement and size of the sign. Councilman Earley made a motion to approve the request for a temporary sign, seconded by Councilman Philpot. Councilman Parker stated that Mr. Rybicki needs to get with Mr. Trulley to discuss a permanent sign because he cannot keep getting temporary sign permits. Councilman Earley stated the sign at Route 2 and Mill Street for the Lion's Club sits there for quite a while because they keep renewing there temporary sign permit, so we cannot tell someone that they need to stop coming in if we allow another community organization to keep coming in. The motion carried by roll call vote with five ayes.

Act on proposal to repair overhead doors at Fire Station - Councilman Philpot asked if this particular item was on the list from last year. Fire Chief Gorball stated it was. Councilman Philpot stated he believed that was supposed to have been addressed. Councilman Parker stated it was supposed to have been, but it was not. Councilman Parker made a motion to approve the repair, seconded by Councilman Earley. Clerk-Treasurer Walters recommended using the money from the CCD Fund for the repairs. Councilman Kuiper made a motion to use the funds from the CCD Fund to pay for the repairs, seconded by Councilman Parker and carried by roll call vote with five ayes.

Councilman Parker made a motion to allow Director Shook to work with Fire Chief Gorball in hiring a new firefighter, seconded by Councilman Philpot and carried by roll call vote with five ayes.

ANNOUNCEMENTS

President Corns announced that the next regular meeting will be held Monday, August 25, 2014 at 7:00 P.M.

MEDIA QUESTIONS/PUBLIC COMMENTS

ADJOURNMENT

Councilman Parker made a motion to adjourn at 8:12 P.M., seconded by Councilman Kuiper and carried with five ayes.

Attest:

Edgar Corns, President

Judith Walters, Clerk-Treasurer