

CITY OF WHITING – MARCH 6, 2007

**MINUTES OF A REGULAR MEETING OF
THE COMMON COUNCIL OF THE CITY OF WHITING, INDIANA**

The Common Council of the City of Whiting met in regular session on Tuesday, March 6, 2007, at 6:30 p.m. with Mayor Stahura presiding. The Pledge of Allegiance was recited, followed by the invocation from Councilman Spebar.

I. ROLL CALL

Councilmembers Greer, Jennings, Sarvanidis, Spebar, Stolman, Unate and Zubeck were present. Also present were Clerk-Treasurer Drewniak, City Attorney Sejna and interested citizens.

II. MINUTES

Mayor Stahura asked for consideration of the minutes of the February 20, 2007, regular Common Council meeting.

Councilman Jennings moved to approve said minutes, as submitted. Councilman Zubeck seconded the motion. Roll Call: (Voice) All Councilmembers voted aye. Motion carried unanimously.

III. COMMUNICATIONS, PETITIONS, MEMORIALS OR REMONSTRANCES

Councilman Sarvanidis presented a letter dated March 1, 2007, from Steven Spebar, President of the Whiting Plan Commission, to Chris Sarvanidis, President Pro Tempore of the Whiting Common Council, regarding the Planned Unit Development (PUD) at Lakefront Commons. The Whiting Plan Commission gave a favorable recommendation at their February 27, 2007 meeting for a Minor Modification to replat Unit 2 Block 3 of the Lakefront Commons PUD, and approved the covenants for same.

Councilman Sarvanidis moved to include said letter verbatim in the minutes of this meeting. Councilman Stolman seconded the motion. Roll Call: (Voice) All Councilmembers voted aye. Motion carried unanimously.

IV. REPORT OF THE MAYOR

Mayor Stahura informed the Common Council that he will be in Indianapolis on City business tomorrow, and will return to his office on Thursday morning.

Mayor Stahura reported that the Whiting Police Department conducted an out-of-state license plate check yesterday, resulting in 25 tickets/warrants being issued. The Police Department does these checks for the School City of Whiting periodically to help ensure that students attend Whiting schools live in the city, and that vehicles dropping off students are properly plated and their drivers properly licensed. The Whiting Police Department is also checking City neighborhoods to make sure cars of Whiting residents have Indiana license plates. The Mayor asked the Council members to report any problems with license plates to the Police Department.

Mayor Stahura presented his petition to the Lake County Election Board to cancel the Primary Election in the City of Whiting due to the fact that all races are uncontested. The Mayor noted that, although he has not been officially notified, the newspapers have reported that this year's Whiting Primary Election has been cancelled, which will save taxpayer dollars.

Mayor Stahura reported that the City has been making an effort in the last few years to improve the City ISO fire protection rating, which is the rating insurance companies use as the basis for property casualty insurance premiums sold for City buildings. Mayor Stahura announced that the City of Whiting has changed from a rating of 6 to a rating of 5, which is a marked improvement. The Mayor noted that various water main and water plant improvements planned for this year should significantly improve our rating again, so the City can submit a request for a new rating in the first quarter of next year. Mayor Stahura noted that communication systems also impact this rating, so improvements to the Whiting Police Department radio equipment planned for this year should also help increase the City rating. The latest ISO rating will be effective May 1, 2007.

Mayor Stahura was informed that BP has selected Duke Energy of Indianapolis to build a new energy plant on their property in Whiting, which will be an investment of \$1.5 billion. This should significantly and positively impact City jobs and property tax rates. The creation of a Development Agreement and Contract between the City of Whiting, BP Products North America, Inc. and Duke Energy is underway.

V. STANDING COMMITTEES

Councilman Spebar stated that Ordinance No. CC-2007-1766, which concerns the Planned Unit Development on Center Street, will be presented for first and possibly second reading tonight.

VI. REPORT OF THE CLERK-TREASURER

Clerk-Treasurer Drewniak presented Civil City Accounts Payable Vouchers #859 - #955 inclusive for approval.

Councilwoman Greer moved to approve said Vouchers for payment, seconded by Councilman Stolman. Roll Call: (Voice) All Councilmembers voted aye. Motion carried unanimously.

VII. REPORT OF THE CITY ATTORNEY

City Attorney Sejna explained that the Planned Unit Development (PUD) for Lakefront Commons was originally set up, and covenants adopted, in 2002. Subsequent to that, the City was contacted regarding changing a portion of that PUD by eliminating the townhouses on the west side, which would reduce the density of buildings and require a replat of that section of the PUD to a single family housing. At the Whiting Plan Commission meeting on February 27th, the minor modification of the plat was approved and covenants adopted for that portion of Lakefront Commons. The covenants are substantially similar to those adopted for the east section of Lakefront Commons. The

Board of Public Works and Safety adopted both the minor replat and the covenants at their meeting yesterday. The Ordinance to be introduced tonight will require the Common Council to adopt the entire Lakefront Commons package, including the original plat, the replat, and both sets of covenants. Under Indiana Code, a Public Hearing is not required, since that was already done by the Whiting Plan Commission. However, under Public Meeting Law, Intent to Consider Ordinance No. CC-2007-1766 must be advertised.

VIII. SPECIAL COMMITTEES

No report was given.

IX. UNFINISHED BUSINESS

None.

X. ORDINANCES AND RESOLUTIONS

Councilman Spebar thanked City Attorney Sejna for her detailed description of Ordinance No. CC-2007-1766. He stated that the replat increased lot size from 26' to 39' in that area across from the football field, from the Center Street parking lot north to 117th Street, resulting in a decrease of building density. Councilman Spebar noted that the Whiting Plan Commission will be granted certain powers by this Ordinance and will be able to conduct primary review and make minor modifications, as needed, without a Public Hearing.

There being no questions, Councilman Spebar read Ordinance No. CC-2007-1766 by title only for first reading.

AN ORDINANCE CLASSIFYING CERTAIN LANDS IN THE CITY OF WHITING AS PLANNED UNIT DEVELOPMENT IN ACCORDANCE WITH ORDINANCE NO. CC-2001-1611 UNIFIED ZONING AND SUBDIVISION CONTROL ORDINANCE FOR PROPERTY COMMONLY KNOWN AS LAKEFRONT COMMONS UNIT 2 PLANNED UNIT DEVELOPMENT WHITING, INDIANA

Councilman Spebar moved to pass Ordinance No. CC-2007-1766 to second reading. Councilwoman Unate seconded the motion. Roll Call: (Voice) All Councilmembers voted aye. Motion carried unanimously.

Councilman Spebar read Ordinance No. CC-2007-1766 by title only for second reading.

AN ORDINANCE CLASSIFYING CERTAIN LANDS IN THE CITY OF WHITING AS PLANNED UNIT DEVELOPMENT IN ACCORDANCE WITH ORDINANCE NO. CC-2001-1611 UNIFIED ZONING AND SUBDIVISION CONTROL ORDINANCE FOR PROPERTY COMMONLY KNOWN AS LAKEFRONT COMMONS UNIT 2 PLANNED UNIT DEVELOPMENT WHITING, INDIANA

Councilman Spebar moved to authorize Clerk-Treasurer Drewniak to publish Legal Notice of Intent to Consider Ordinance No. CC-2007-1766 at the next regular Common Council meeting. Councilwoman Greer seconded the motion. Roll Call: (Voice) All Councilmembers voted aye. Motion carried unanimously.

XI. NEW BUSINESS

Councilman Sarvanidis presented a Form CF-1, Compliance with Statement of Benefits, for the property at 1350-119th Street. This form must be filed annually to prove continued eligibility for property tax abatement.

Councilman Sarvanidis moved to approve said Form CF-1, seconded by Councilman Jennings. Roll Call: (Voice) All Councilmembers voted aye. Motion carried unanimously.

XII. PUBLIC DISCUSSION

Councilman Stolman thanked the Whiting Police Department, Police Chief Miller and Mayor Stahura for their response to citizen complaints concerning out-of-state license plates, and commended them on a successful operation. Councilman Jennings agreed, and noted that the most common complaint he receives in his district concerns these out-of-state license plates.

Mayor Stahura explained that each Police Officer has been assigned a section of the City to track and control this problem.

XIII. ADJOURNMENT

Councilman Sarvanidis moved to adjourn the meeting at 6:47 p.m., seconded by Councilwoman Unate. Roll Call: (Voice) All Councilmembers voted aye. Motion carried unanimously.

MARGARET DREWNIAK, Clerk-Treasurer