

CITY OF WHITING – MAY 1, 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, May 1, 2007, at 6:30 p.m. with Mayor Stahura presiding. The Pledge of Allegiance was recited, followed by the invocation from Mayor Stahura.

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 April 17, 2007, regular Common Council meeting.

Councilman Sarvanidis 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

None.

IV. REPORT OF THE MAYOR

Mayor Stahura informed the Council that the State Legislative Session is over. He noted that it will take a few days to analyze the impact of legislation passed in the last few days of the Session. The Mayor stated that the General Assembly has definitely eliminated the clause that allowed municipalities to provide Local Homestead credits for taxpayers; this change will become effective December 31, 2008.

Mayor Stahura announced that demolition has begun on the building at 1601 Fischrupp Avenue, which is the building behind the Whiting Fire Station addition. The three homes at the intersection of Steiber Street and New York Avenue will be demolished next.

Mayor Stahura reported that the Whiting Community Center Parking Improvement Project is proceeding well. Today curbs were poured, and will be followed by modifications to the sidewalks and parking spaces on the east side of the Center. The Project should be completed by the third week in May. The Parking Improvement Project includes a new water line from Clark Street to Temple Court, which will solve a problem in that area, as well as modifications to the Whiting High School Football Field parking lot to improve traffic flow in the new subdivision.

Mayor Stahura announced that the new Walgreens store will be open in the next week or two. Today power was supplied to the new traffic lights at the intersection of Indianapolis Boulevard and 120th Street, which are operating as flashing lights. Next the striping of the streets and crosswalks around the new store will be completed. The final stage of this change will be the INDOT commissioning of the street lights on Indianapolis Boulevard, which should occur early next week. Mayor Stahura added that the Central Avenue stoplight and drive-through to the new Walgreens will be opened this week or next. One additional change is that 120th Street, from Indianapolis Boulevard to the first alley, will be changed back to a two-way street. This should improve traffic to businesses in that area, and will satisfy INDOT requirements for a stoplight at that intersection.

Mayor Stahura reported that the Standard Avenue/Front Street/121st Street Reconstruction Project is progressing well. There have been some last-minute water line modifications, which should be completed shortly. It is expected that the 121st Street section of this project should be finished sometime in late May, and work on the 121st Street extension will then progress east from Front Street. After some BP project work is completed at the refinery, one lane of Standard Avenue will be reopened eastbound only to ease some of traffic problems caused when the BP contractors drive westbound through the City. The BP project in question is several weeks behind schedule; it is hoped that it will be completed by June.

Mayor Stahura stated that the contractor for the 118th Street/Ohio Avenue Water Main Improvements Project plans to begin work on the Project next Monday. Notification will be sent to all affected residents; the contractor will notify residents of dates and times prior to any water shut-offs during the course of the Project, which will include installation of new water lines, some sewer modifications and drainage improvements on Ohio Avenue, street resurfacing, and curb repairs where needed.

Mayor Stahura informed the Council that the Illiana Hotel renovation and the new John's Pizzeria renovations are progressing quickly. Redevelopment dollars have funded part of both renovation projects to help foster new business growth in Whiting.

Mayor Stahura stated that action on the New York Avenue reconstruction has begun, and some preliminary NIPSCO work is underway. The Mayor stated that bid-opening on this project is scheduled to take place in June, with construction to begin in July.

Mayor Stahura reported that all new windows are being installed in the Whiting Community Center, using grants and Whiting Community Center fundraising money. The process will be lengthy, including caulking and inside trim work, but should result in sizable energy savings at that facility.

Mayor Stahura stated that the City engineering consultants are investigating the possibility of installing noise reduction barriers along the railroad tracks. This idea was developed during the planning phase of the Center Street Development, when creation of a natural berm topped with trees was considered as a possible noise barrier. However, analysis showed that any effective berm would have to be 60 feet wide at minimum, which would result in significant loss of property for development. Soundproof barriers could be installed in phases over several years; estimates will be obtained to find out whether this idea is feasible.

Mayor Stahura noted that the new homes being built on New York Avenue are progressing well, and much interest has been shown in purchasing those homes or building additional homes on that block. The Center Street development is also taking off, with three new homes under construction, and five more being planned. Eight to twelve new homes should be added to that development this year. The City is working with the contractor to ensure that lighting and landscaping on the island near the cul-de-sac are completed as soon as possible.

Mayor Stahura reported that the Cleveland Avenue Reconstruction Project, which would include installation of new water and sewer lines, new curbs and sidewalks/carriage walks, and replacing the brick paved street surface, would cost an estimated \$2.4 million. This estimate was higher than expected; ways are being sought to fund the project this year. It is likely that the design portion of the project will be done in 2007, with construction scheduled for 2008.

Mayor Stahura informed the Council that the problems with the sewers on White Oak Avenue between 125th Street and 129th Street are being addressed by doing emergency repairs for the few houses affected by sewer back-up during heavy rains. Permanently correcting the sewer problem will take place over several years, in phases, due to the high cost of the project. The Mayor noted that the sewer is very old and taking on groundwater; the entire sewer line must be replaced.

Mayor Stahura stated that bids for the Whiting Community Center roof were opened and are being reviewed and tabulated. It is expected that the bid will be awarded at the Board of Public Works and Safety meeting next Monday, and installation of a new clay tile roof should begin soon thereafter. The Mayor noted that the roof integrity has been questionable for the last several years.

Mayor Stahura reminded all present that there will be a Public Forum at the Whiting Community Center next Tuesday, at which time he will go over City plans and projects and answer questions from the public.

V. STANDING COMMITTEES

Councilman Sarvanidis stated that the following will be presented tonight for Council consideration:

- Ordinance No. CC-2007-1770, which authorizes temporary loans in the form of Tax Anticipation Time Warrants, to meet current operating expenses; the emergency clause is attached.
- Ordinance No. CC-2007-1771, which establishes a fund for proceeds received from the BP property tax appeal settlement.

Councilman Spebar stated that Resolution No. CC-2007-08, which starts the tax abatement procedure for a new home on Center Street, will be presented to the Council tonight.

VI. REPORT OF THE CLERK-TREASURER

Clerk-Treasurer Drewniak informed the Council that City Auction scheduled for May 12, 2007, has been cancelled due to lack of items for auction. It will be rescheduled for later this year.

Clerk-Treasurer Drewniak presented Civil City Accounts Payable Vouchers #1200 - #1289 inclusive for approval.

Councilwoman Unate 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

No report was given.

VIII. SPECIAL COMMITTEES

No report was given.

IX. UNFINISHED BUSINESS

None.

X. ORDINANCES AND RESOLUTIONS

Councilman Sarvanidis explained that Ordinance No. CC-2007-1770 enables the City to seek Tax Anticipation Warrants (TAWs) due to delays in receiving tax revenues, causing a cash shortfall. These TAWs would be repaid by December 31, 2007, or as soon as sufficient tax revenues are received by the City.

There being no questions, Councilman Sarvanidis read Ordinance No. CC-2007-1770 by title only for first reading.

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITING, INDIANA, AUTHORIZING THE CITY OF WHITING, INDIANA TO MAKE TEMPORARY LOANS TO MEET CURRENT RUNNING EXPENSES FOR THE USE OF CERTAIN FUNDS OF THE CITY; AUTHORIZING THE ISSUANCE AND SALE OF TEMPORARY LOAN TAX ANTICIPATION TIME WARRANTS TO EVIDENCE SUCH LOANS; AND APPROPRIATING AND PLEDGING A SUFFICIENT AMOUNT OF THE REVENUES ANTICIPATED TO BE RECEIVED IN SUCH FUNDS TO THE PUNCTUAL PAYMENT OF SUCH WARRANTS INCLUDING THE INTEREST THEREON AND DECLARING AN EXTRAORDINARY EMERGENCY

Councilman Sarvanidis moved to pass Ordinance No. CC-2007-1770 to second reading; seconded by Councilman Spebar. Roll Call: (Voice) All Councilmembers voted aye. Motion carried unanimously.

Councilman Sarvanidis read Ordinance No. CC-2007-1770 by title only for second reading.

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITING, INDIANA, AUTHORIZING THE CITY OF WHITING, INDIANA TO MAKE TEMPORARY LOANS TO MEET CURRENT RUNNING EXPENSES FOR THE USE OF CERTAIN FUNDS OF THE CITY; AUTHORIZING THE ISSUANCE AND SALE OF TEMPORARY LOAN TAX ANTICIPATION TIME WARRANTS TO EVIDENCE SUCH LOANS; AND APPROPRIATING AND PLEDGING A SUFFICIENT AMOUNT OF THE REVENUES ANTICIPATED TO BE RECEIVED IN SUCH FUNDS TO THE PUNCTUAL PAYMENT OF SUCH WARRANTS INCLUDING THE INTEREST THEREON AND DECLARING AN EXTRAORDINARY EMERGENCY

Councilman Sarvanidis moved for suspension of rules to consider Ordinance No. CC-2007-1770 for third and final reading; seconded by Councilwoman Greer. Roll Call: Councilmembers Greer, Jennings, Sarvanidis, Spebar, Stolman, Unate and Zubeck voted aye. Vote: 7 ayes, no nays, no abstentions. Motion carried unanimously.

Councilman Sarvanidis moved to pass Ordinance No. CC-2007-1770 to third and final reading; seconded Councilman Jennings. Roll Call: Councilmembers Greer, Jennings, Sarvanidis, Spebar, Stolman, Unate and Zubeck voted aye. Vote: 7 ayes, no nays, no abstentions. Motion carried unanimously.

Councilman Sarvanidis read Ordinance No. CC-2007-1770 by title only for third and final reading.

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITING, INDIANA, AUTHORIZING THE CITY OF WHITING, INDIANA TO MAKE TEMPORARY LOANS TO MEET CURRENT RUNNING EXPENSES FOR THE USE OF CERTAIN FUNDS OF THE CITY; AUTHORIZING THE ISSUANCE AND SALE OF TEMPORARY LOAN TAX ANTICIPATION TIME WARRANTS TO EVIDENCE SUCH LOANS; AND APPROPRIATING AND PLEDGING A SUFFICIENT AMOUNT OF THE REVENUES ANTICIPATED TO BE RECEIVED IN SUCH FUNDS TO THE PUNCTUAL PAYMENT OF SUCH WARRANTS INCLUDING THE INTEREST THEREON AND DECLARING AN EXTRAORDINARY EMERGENCY

Mayor Stahura stated that, in the past, the Clerk-Treasurer was able to move money between funds to meet City needs. However, due to the volume of City projects this year, the Mayor asked the Clerk-Treasurer to seek TAWs to avoid the increased cost of delaying these projects, which would be greater than the cost of the TAW interest.

Mayor Stahura returned the meeting to the regular format of the Common Council.

Councilman Sarvanidis explained that some years ago, BP filed a property tax appeal, which was challenged by the Lake County Assessor and the City of Whiting. The appeal process was ended by a settlement agreement, through which the Civil City received more than \$1.6 million. Those proceeds were received by the County and distributed to the City of Whiting; now a new fund must be established to receive the settlement monies for appropriation to various City funds.

There being no questions, Councilman Sarvanidis read Ordinance No. CC-2007-1771 by title only for first reading.

AN ORDINANCE TO ESTABLISH A NEW FUND TO DEAL WITH PROCEEDS FROM THE BP PROPERTY TAX APPEAL SETTLEMENT AND TO APPROPRIATE MONIES THEREIN

Hearing no questions, Councilman Sarvanidis moved to pass Ordinance No. CC-2007-1771 to second reading; seconded by Councilman Stolman. Roll Call: (Voice) All Councilmembers voted aye. Motion carried unanimously.

Councilman Sarvanidis read Ordinance No. CC-2007-1771 by title only for second reading.

AN ORDINANCE TO ESTABLISH A NEW FUND TO DEAL WITH PROCEEDS FROM THE BP PROPERTY TAX APPEAL SETTLEMENT AND TO APPROPRIATE MONIES THEREIN

Councilman Sarvanidis moved to authorize Clerk-Treasurer Drewniak to advertise a Public Hearing on Ordinance No. CC-2007-1771 for the next meeting of the Common Council. Councilman Spebar seconded the motion. Roll Call: (Voice) All Councilmembers voted aye. Motion carried unanimously.

Councilman Spebar stated that Resolution No. CC-2007-08 will approve Form SB-1, which begins the process of applying for residential tax abatement, for the new home at 1560 Center Street.

There being no questions, Councilman Spebar read Resolution No. CC-2007-08 by title only.

A RESOLUTION APPROVING FORM SB-1, STATEMENT OF BENEFITS, FOR UNIT 2, BLOCK 2, LOT 13, COMMONLY KNOWN AS 1560 CENTER STREET AS DESCRIBED IN THE DRAWING OF LAKEFRONT COMMONS, UNIT 2, A PLANNED UNIT DEVELOPMENT TO THE CITY OF WHITING, LAKE COUNTY INDIANA BY TORRENGA ENGINEERING, DATED JUNE 17, 2003 AND RECORDED IN THE OFFICE OF THE LAKE COUNTY RECORDER

Councilman Spebar moved to adopt Resolution No. CC-2007-08; seconded by Councilman Jennings. Roll Call: Councilmembers Greer, Jennings, Sarvanidis, Spebar, Stolman, Unate and Zubeck voted aye. Vote: 7 ayes, no nays, no abstentions. Motion carried unanimously.

XI. NEW BUSINESS

Councilman Spebar stated that the Council received and must take action on three Form CF-1s, for residences that file this report annually to verify compliance with the terms of their residential tax abatement. The addresses in question are located at 1616 Center Street, 1548-119th Street, and 1534-38 119th Street.

Hearing no questions, Councilman Spebar moved to approve said CF-1 Forms, as presented. Councilwoman Unate seconded the motion. Roll Call: (Voice) All Councilmembers voted aye. Motion carried unanimously.

XII. PUBLIC DISCUSSION

Councilman Stolman reminded all present that there will be a Public Forum on Tuesday, May 8th, at 6:00 p.m. at the Whiting Community Center. Mayor Stahura added that all Councilmembers will be present at the Forum, at which a presentation on City projects and plans will be given, followed by public discussion.

Councilman Jennings stated that the amount received from the BP settlement was the result of the efforts led by County Assessor Pete Karras, and expressed his thanks. Mayor Stahura clarified that the City settlement was over \$2.4 million, of which the Civil City received about \$1.675 million. It was decided to negotiate a settlement, rather than incur additional legal fees and extend the process, which had already taken several years. Mayor Stahura stated that he, City Attorney Sejna and several East Chicago officials moved the process along by working with Mr. Karras and the BP attorneys towards a settlement.

XIII. ADJOURNMENT

Councilman Jennings moved to adjourn the meeting at 6:59 p.m.; seconded by Councilwoman Greer. Roll Call: (Voice) All Councilmembers voted aye. Motion carried unanimously.

MARGARET DREWNIAK, Clerk-Treasurer