

CITY OF WHITING – SEPTEMBER 4, 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, September 4, 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, and Zubeck were present. Also present were Clerk-Treasurer Drewniak, City Attorney Sejna and interested citizens.

Councilwoman Unate was unable to attend the meeting.

II. MINUTES

Mayor Stahura asked for consideration of the minutes of the August 7, 2007, regular Common Council meeting.

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

Mayor Stahura asked for consideration of the minutes of the August 21, 2007, special 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 reported that one of the new homes on New York Avenue was sold to an engineer who works at BP Whiting refinery; he moved in with his family last weekend. Work has begun on the third house in that development.

Regarding ongoing City projects, Mayor Stahura reported that all are moving ahead smoothly. 118th Street work is done, with Ohio Avenue curbing and paving to be done in the next few weeks. The new water main is being installed on the New York Avenue Reconstruction Project this week. The east end of Standard Avenue is beginning to look like a road again, and the Front Street/121st Street work is progressing well.

Mayor Stahura informed the Councilmembers that he was appointed to the Indiana Association of Cities and Towns (IACT) Municipal Finance Committee, and to the IACT

Executive Committee. He was also asked to be a guest panelist at the New Mayors Training School in December.

V. STANDING COMMITTEES

Councilman Spebar stated that the Finance Committee has numerous items to present tonight; each will be described before introducing them for Council consideration.

Councilman Sarvanidis stated that he will present one Ordinance which amends the Animal Control Ordinance, found in City Code Chapter 3.

VI. REPORT OF THE CLERK-TREASURER

Clerk-Treasurer Drewniak reported that, after polling the Council, she sent to the News Media notification of a Special Meeting of the Common Council on Thursday, September 13th, at 6:30 p.m. At the meeting there will be a Public Hearing on the 2008 Civil City Budget Ordinance, Ordinance No. CC-2007-1774 and any other matters to come before the Common Council with suspension of rules. Clerk-Treasurer Drewniak stated that the regular Common Council meeting scheduled for Tuesday, September 18th has been rescheduled for Tuesday, September 25th at 6:30 p.m.

Clerk-Treasurer Drewniak presented Civil City Accounts Payable Vouchers #1985 - #2062 inclusive for approval.

Councilman Sarvanidis 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

Councilman Stolman reported on the following items from the August 16th Shared Services Committee meeting:

- The parking lot near the football field has been completed; 19 new spaces have been added. Access to the lot is now located on 117th Street, which should relieve traffic jams on Center Street prior to and after football games.
- Allen Landscaping has been asked to provide sketches for possible landscaping for the Memorial Park project.
- The diseased trees along Oliver Street have been removed. The school is to investigate if and where they would like trees replanted in that parkway, and what type of tree would be preferable.
- The BP volunteer gym seat painting project has encountered a snag and will be revisited next year.
- The Center Street lighting agreement has been signed effective Aug. 1st. The City will power the lights originally installed by the School on the east side of the street; those streetlights will now provide nightly lighting for Center Street.

- Because the bus turnaround solution required changing the flow of traffic at the Administration building, the Whiting Police will be present for the first day of school at that location to help direct traffic.
- The School City stated that the City can remove the blinking traffic light at the intersection of New York Avenue and Ohio Street to help reduce operation and maintenance costs.
- The School announced that they will be purchasing biodiesel buses in 2008. They asked if the City would be interested in biodiesel purchase and use.
- The school will be distributing a brochure marketing the school system designed by Whiting resident Mark Halliar. The City has needs for graphics resources periodically and will consider hiring Mark for design services.
- Discussion on the Mayor's Youth Advisory Council led to sharing ideas on how the program will be modeled for the coming school year. Having the group meetings as part of a class or free period to give the Youth Council a structured meeting schedule was discussed. Brian Lowry will meet with the School to work out the details prior to the next meeting on September 20th.

Mayor Stahura clarified that trees will be replanted on Oliver Street, and the stumps will be removed.

IX. UNFINISHED BUSINESS

None.

X. ORDINANCES AND RESOLUTIONS

Councilman Sarvanidis stated that Ordinance No. CC-2007-1776 amends Chapter 3 of the City Code regulating animals in the community. Due to recent incidents and continuing concerns, changes were made to the Ordinance governing domestic animals in an attempt to anticipate and prevent personal injury from animal attacks. A process has been created which allows documentation to determine if an animal is potentially vicious, before human injury has occurred. The owner of such an animal will then have additional requirements and obligations. Councilman Sarvanidis explained briefly how this process would work.

There being no questions, Councilman Sarvanidis read Ordinance No. CC-2007-1776 by title only for first reading.

AN ORDINANCE TO AMEND ORDINANCE NO. 1168 AND ALL
SUBSEQUENT AMENDING ORDINANCES THERETO AND WHITING
MUNICIPAL CODE CHAPTER 3 ANIMALS TO ADD NEW DEFINITIONS
AND REQUIREMENTS FOR VICIOUS AND POTENTIALLY VICIOUS
ANIMALS

Hearing no questions, Councilman Sarvanidis moved to pass Ordinance No. CC-2007-1776 to second reading; Councilwoman Greer seconded the motion. Roll Call: (Voice) All Councilmembers voted aye. Motion carried unanimously.

Councilman Sarvanidis read Ordinance No. CC-2007-1776 by title only for second reading.

AN ORDINANCE TO AMEND ORDINANCE NO. 1168 AND ALL
SUBSEQUENT AMENDING ORDINANCES THERETO AND WHITING
MUNICIPAL CODE CHAPTER 3 ANIMALS TO ADD NEW DEFINITIONS
AND REQUIREMENTS FOR VICIOUS AND POTENTIALLY VICIOUS
ANIMALS

Councilman Sarvanidis stated that this Ordinance will be presented for possible third and final reading at the rescheduled Common Council meeting on September 25th.

Councilman Spebar explained that Ordinance No. CC-2007-1775 is the 2008 Salary Ordinance for Civil City employees. Most employees are scheduled for a 3% raise; the Whiting Police Department employees will receive a 4% raise and the Whiting Fire Department employees will receive a 2.75% raise, as stipulated by contract.

There being no questions, Councilman Spebar read Ordinance No. CC-2007-1775 by title only for first reading.

AN ORDINANCE FIXING SALARIES AND COMPENSATION OF
OFFICERS AND EMPLOYEES OF THE POLICE AND FIRE
DEPARTMENTS, DEPARTMENT OF PARKS AND RECREATION AND
EMPLOYEES OF THE CITY OF WHITING, INDIANA, COMMENCING
JANUARY 1, 2008

Councilman Spebar moved to pass Ordinance No. CC-2007-1775 to second reading; seconded by Councilman Jennings. Roll Call: (Voice) All Councilmembers voted aye. Motion carried unanimously.

Councilman Spebar read Ordinance No. CC-2007-1775 by title only for second reading.

AN ORDINANCE FIXING SALARIES AND COMPENSATION OF
OFFICERS AND EMPLOYEES OF THE POLICE AND FIRE
DEPARTMENTS, DEPARTMENT OF PARKS AND RECREATION AND
EMPLOYEES OF THE CITY OF WHITING, INDIANA, COMMENCING
JANUARY 1, 2008

Councilman Spebar explained that Ordinance No. CC-2007-1777 fixes salaries of elected officials for the coming year. This is the first proposed raise for elected officials in 4 years; the raise is consistent with that given City employees.

There being no questions, Councilman Spebar read Ordinance No. CC-2007-1777 by title only for first reading.

AN ORDINANCE AMENDING ORDINANCE NO. CC-2005-1734 FIXING THE ANNUAL SALARY OF ALL ELECTED OFFICERS OF THE CITY OF WHITING, INDIANA, PAYABLE FROM THE GENERAL FUND, EFFECTIVE JANUARY 1, 2008 PURSUANT TO I.C. 36-4-7-2

Councilman Spebar moved to pass Ordinance No. CC-2007-1777 to second reading; seconded by Councilman Stolman. Roll Call: (Voice) All Councilmembers voted aye. Motion carried unanimously.

Councilman Spebar read Ordinance No. CC-2007-1777 by title only for second reading.

AN ORDINANCE AMENDING ORDINANCE NO. CC-2005-1734 FIXING THE ANNUAL SALARY OF ALL ELECTED OFFICERS OF THE CITY OF WHITING, INDIANA, PAYABLE FROM THE GENERAL FUND, EFFECTIVE JANUARY 1, 2008 PURSUANT TO I.C. 36-4-7-2

Clerk-Treasurer Drewniak confirmed that this Ordinance must be published 30 days prior to final reading.

Councilman Spebar stated that Ordinance No. CC-2007-1778 amends the existing Salary Ordinance to add the position of Full Time Computer Operator. To establish the position as soon as possible, the Emergency Clause was attached.

Hearing no question, Councilman Spebar read Ordinance No. CC-2007-1778 by title only for first reading.

AN ORDINANCE TO AMEND ORDINANCE NO. CC-2006-1757 TO ADD A NEW POSITION TO THE CITY BUILDINGS DEPARTMENT OF THE GENERAL FUND AND ESTABLISHING THE COMPENSATION OF SAID POSITION IN THE SALARY ORDINANCE EFFECTIVE JANUARY 1, 2007 AND DECLARING AN EXTRAORDINARY EMERGENCY

Councilman Spebar moved to pass Ordinance No. CC-2007-1778 to second reading; seconded by Councilwoman Greer. Roll Call: (Voice) All Councilmembers voted aye. Motion carried unanimously.

Councilman Spebar read Ordinance No. CC-2007-1778 by title only for second reading.

AN ORDINANCE TO AMEND ORDINANCE NO. CC-2006-1757 TO ADD A NEW POSITION TO THE CITY BUILDINGS DEPARTMENT OF THE GENERAL FUND AND ESTABLISHING THE COMPENSATION OF SAID POSITION IN THE SALARY ORDINANCE EFFECTIVE JANUARY 1, 2007 AND DECLARING AN EXTRAORDINARY EMERGENCY

Councilman Spebar moved for suspension of rules to consider Ordinance No. CC-2007-1778 for possible third reading; seconded by Councilman Stolman. Roll Call:

Councilmembers Greer, Jennings, Sarvanidis, Spebar, Stolman, and Zubeck voted aye. Vote: 6 ayes, no nays, no abstentions. Motion carried unanimously.

Councilman Spebar moved to pass Ordinance No. CC-2007-1778 to third and final reading; seconded by Councilwoman Greer. Roll Call: Councilmembers Greer, Jennings, Sarvanidis, Spebar, Stolman, and Zubeck voted aye. Vote: 6 ayes, no nays, no abstentions. Motion carried unanimously.

Councilman Spebar read Ordinance No. CC-2007-1778 by title only for third and final reading.

AN ORDINANCE TO AMEND ORDINANCE NO. CC-2006-1757 TO ADD A NEW POSITION TO THE CITY BUILDINGS DEPARTMENT OF THE GENERAL FUND AND ESTABLISHING THE COMPENSATION OF SAID POSITION IN THE SALARY ORDINANCE EFFECTIVE JANUARY 1, 2007 AND DECLARING AN EXTRAORDINARY EMERGENCY

Councilman Spebar explained that Ordinance No. CC-2007-1769 appropriated monies to fund infrastructure projects. At the request of the Clerk-Treasurer, one appropriation from this Ordinance is to be repealed. Ordinance No. CC-2007-1779 repeals the appropriation for the Local Road and Street Fund in the amount of \$281,726.00.

There being no questions, Councilman Spebar read Ordinance No. CC-2007-1779 by title only for first reading.

AN ORDINANCE TO AMEND ORDINANCE NO. CC-2007-1769 TO REPEAL AN ADDITIONAL APPROPRIATION FOR THE LOCAL ROAD AND STREET FUND ONLY

Councilman Spebar moved to pass Ordinance No. CC-2007-1779 to second reading; seconded by Councilman Zubeck. Roll Call: (Voice) All Councilmembers voted aye. Motion carried unanimously.

Councilman Spebar read Ordinance No. CC-2007-1779 by title only for second reading.

AN ORDINANCE TO AMEND ORDINANCE NO. CC-2007-1769 TO REPEAL AN ADDITIONAL APPROPRIATION FOR THE LOCAL ROAD AND STREET FUND ONLY

Councilman Spebar explained that Resolution No. CC-2007-20 is an annual procedure authorizing the Mayor to file a petition with the Department of Local Government Finance. This petition requests relief from property tax levy limitations to properly fund the 2008 certified levy.

Hearing no questions or comments, Councilman Spebar read Resolution No. CC-2007-20 by title only.

A RESOLUTION AUTHORIZING THE MAYOR TO FILE A PETITION TO
APPEAL FOR RELIEF FROM PROPERTY TAX LEVY LIMITATIONS TO
THE DEPARTMENT OF LOCAL GOVERNMENT FINANCE

Councilman Spebar moved to adopt Resolution No. CC-2007-20; seconded by Councilman Stolman. Roll Call: Councilmembers Greer, Jennings, Sarvanidis, Spebar, Stolman, and Zubeck voted aye. Vote: 6 ayes, no nays, no abstentions. Motion carried unanimously.

Mayor Stahura noted that typically, this Resolution is not needed; however, due to unusual circumstances this year, this authorization might be needed and used for the first time in quite a while.

Councilman Spebar stated that Resolution No. CC-2007-21 is an annual procedure concerning an additional tax levy in TIF Allocation Area #1. The additional levy has not been used in the past, and the Redevelopment Commission recommended that it not be approved for the coming year. With this Resolution, the Common Council concurs with that recommendation. This potential levy is reviewed on an annual basis by the Mayor, the Redevelopment Commission and the Common Council.

There being no questions or comments, Councilman Spebar read Resolution No. CC-2007-21 by title only.

A RESOLUTION RESCINDING THE TAX INCREMENT REPLACEMENT
AUTOMATIC TAX LEVY FOR TAXES PAYABLE IN 2008

Councilman Spebar moved to adopt Resolution No. CC-2007-21; seconded by Councilman Jennings. Roll Call: Councilmembers Greer, Jennings, Sarvanidis, Spebar, Stolman, and Zubeck voted aye. Vote: 6 ayes, no nays, no abstentions. Motion carried unanimously.

XI. NEW BUSINESS

Councilman Sarvanidis stated that Indiana Code permits the Common Council, by Resolution, to waive non-compliance with requirements of filing Statement of Benefits Form SB-1 for tax abatement. One such case has occurred for a new house on Fischrupp Avenue. Councilman Sarvanidis stated that Resolution No. CC-2007-18 authorizes a waiver per Indiana Code to the requirement of filing Statement of Benefits in the appropriate time frame. Resolution No. CC-2007-19 is the approval of Form SB-1, which is the first step in the tax abatement process. Councilman Sarvanidis explained that the Common Council cannot act on these Resolutions until after a Public Hearing is held. Clerk-Treasurer Drewniak will advertise a Public Hearing on both Resolutions, to be held at the next regular Common Council meeting on September 25th.

XII. PUBLIC DISCUSSION

Councilman Sarvanidis moved to hold a Special Meeting of the Common Council on Thursday, September 13th at 6:30 p.m.; and to reschedule the regular meeting from September 18th to Tuesday, September 25, 2007 at 6:30 p.m. Councilwoman Greer seconded the motion. Roll Call: (Voice) All Councilmembers voted aye. Motion carried unanimously.

Councilman Jennings congratulated Mayor Stahura on his recent IACT appointments. Mr. Jennings noted that even though Whiting is small, its voice is heard because of Mayor Stahura's efforts on behalf of the City.

Mayor Stahura stated that, sitting on the IACT Municipal Finance Committee, his first meeting will be next week in Indianapolis with the Blue Ribbon Panel that Governor Daniels has appointed to look at government reform. That Panel's recommendations might have a lot of impact on a small city like Whiting, so Mayor Stahura is glad to be a part of the discussions.

Liz Zurawski of 1922 New York Avenue asked if the City has, or plans to enact, regulations on the use of fireworks in Whiting.

Councilman Sarvanidis stated that the Council has been looking at enacting an Ordinance to mirror what is acceptable in surrounding communities, and what is found in State law. The plan is to limit the use of fireworks to certain holidays, including the Fourth of July, Memorial Day and Veterans Day.

Ms. Zurawski asked if Fischrupp Avenue is a two-way street now. It is not; evidently people have been traveling eastbound on the westbound only street. The signage will be checked to make sure it is visible.

Councilman Sarvanidis asked if Ms. Zurawski had any issues with fireworks lately. She informed him that after the final Symphony in the Park, people came home and were lighting fireworks in her neighborhood.

Mayor Stahura stated that he would like to have an Ordinance limiting the use of fireworks, but must first be sure that he has staff in place to enforce such a law.

Councilman Sarvanidis stated that the Fourth of July is the most difficult holiday to control, but there are instances when people are lighting fireworks in the middle of the night for a personal celebration. Those isolated instances are easier to control. Ms. Zurawski stated that this year, she heard fireworks every night from June 29th through July 9th, not just on the Fourth. Councilman Jennings noted that fireworks in Whiting on the Fourth were more under control this year than in the past, with most people stopping by midnight.

Councilman Spebar questioned Ms. Zurawski about the vehicles traveling the wrong way down Fischrupp Avenue; it could be that some people are trying to avoid the construction on New York Avenue. Additional signage and increased Police presence may help.

XIII. ADJOURNMENT

Councilman Sarvanidis moved to adjourn the meeting at 7:03 p.m.; seconded by Councilman Jennings. Roll Call: (Voice) All Councilmembers voted aye. Motion carried unanimously.

MARGARET DREWNIAK, Clerk-Treasurer