

CITY OF WHITING – NOVEMBER 20, 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, November 20, 2007, with Mayor Stahura presiding. The Pledge of Allegiance was recited, followed by the invocation from Councilman Zubeck.

I. ROLL CALL

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

II. MINUTES

Mayor Stahura asked for consideration of the minutes of the November 6, 2007, regular Common Council meeting.

Councilman Spebar made the following corrections to said minutes:

- Page 3, Ordinance & Resolutions: third sentence should read ‘Councilman Spebar moved to amend Ordinance No. CC-2007-1780, Section 5, Item D; and Section 6, Items II, III, III A, III B, and IV B. Councilwoman Greer seconded the motion. Motion carried unanimously’.
- Page 4, *Ordinances and Resolutions*: first sentence should read ‘Councilman Spebar made a motion to authorize Clerk-Treasurer Drewniak to publish Notice of Intent with a Public Hearing on this matter scheduled for November 20th Common Council Meeting. Councilwoman Greer seconded the motion. Motion carried unanimously’.

Councilwoman Greer moved to approve said minutes, as amended. Councilman Spebar seconded the motion. Roll Call: Councilmembers Greer, Jennings, Sarvanidis, Spebar, Stolman, and Zubeck voted aye. Councilwoman Unate abstained from voting, due to her absence at said meeting. Vote: 6 ayes, no nays, 1 abstention. Motion carried.

III. COMMUNICATIONS, PETITIONS, MEMORIALS OR REMONSTRANCES

None.

IV. REPORT OF THE MAYOR

Mayor Stahura reported that last week, the Redevelopment Commission gave Notice to Proceed for the successful demolition contractor to begin demolition of the former Father & Son Auto Sales building.

Mayor Stahura reported that BP has changed their plans to close 129th Street. Instead of closing just two lanes, BP will close all four lanes for their project. BP provided an alternate traffic plan with their proposal; this new plan will reduce the time the road is closed by half and produce significant cost savings for BP. Since Indianapolis Boulevard and Standard Avenue will be open to traffic, only one major road will be closed during that time.

Mayor Stahura reported that the City has successfully cleared title and resolved all other complications for the property planned for the Senior Citizen condominiums. The Economic Development Department can now expedite that project.

Mayor Stahura announced that the new John's Pizzeria will open today. The food is excellent and very similar to the original John's Pizza in Calumet City.

Mayor Stahura informed the Council that Standard Avenue, Front Street and New York Avenue will all be open to traffic by next week. The minor details to be completed should be finished in the near future.

Mayor Stahura stated that Police Chief Miller will be on medical leave for a while; during his absence, Police Detective John Sotello will be serving as Acting Police Chief.

Mayor Stahura informed the Council that Special Projects Manager Biser and Engineering Administrator Toleikis will both be leaving their jobs with the City. He thanked both gentlemen for a job well done and for all their help in advancing City projects, and stated that they will be missed.

Mayor Stahura wished all present a Happy Thanksgiving with their families.

V. STANDING COMMITTEES

Councilman Spebar stated that the following items will be presented tonight:

- Possible third reading on Ordinance No. CC-2007-1781, which grants a special zoning exception for the property at 1327-121st Street.
- Resolution No. CC-2007-26, which transfers monies within the various accounts in the General Fund.

VI. REPORT OF THE CLERK-TREASURER

Clerk-Treasurer Drewniak presented Civil City Accounts Payable Vouchers #2445 - #2510 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 Spebar stated that Ordinance No. CC-2007-1781 grants a special exception for the property at 1327-121st Street to permit a two-family dwelling in a residential area zoned single family. The Council has placed the following conditions on the approval of this special exception:

- Only a two-family residence is permitted, not multi-family
- All building code issues must be resolved to the satisfaction of all City inspectors
- The North Township Assessor will be notified of the change in property homestead status
- The structure must be owner-occupied

Clerk-Treasurer Drewniak presented Proof of Publication of Intent to Consider, which was published in The Times as a news item on November 10, 2007. She informed the Council that the same information was sent to the Post Tribune, but they failed to publish the article.

Hearing no questions, Councilman Spebar moved to pass Ordinance No. CC-2007-1781 to third and final reading. Roll Call: Councilmembers Greer, Jennings, Sarvanidis, Spebar, Unate and Zubeck voted aye. Councilman Stolman abstained from voting on this Ordinance. Vote: 6 ayes, no nays, 1 abstention. Motion carried.

Councilman Spebar read Ordinance No. CC-2007-1781 by title only for third and final reading.

AN ORDINANCE TO AMEND ORDINANCE NO. CC-2001-1611 TO GRANT A SPECIAL EXCEPTION FOR PROPERTY LOCATED AT 1327-121ST STREET TO PERMIT A TWO-FAMILY DWELLING IN AN AREA ZONED AS RESIDENTIAL - SINGLE FAMILY (R-SF) AS FAVORABLY RECOMMENDED BY THE WHITING BOARD OF ZONING APPEALS IN CASE NO. WBZA-2007-02

Councilman Spebar stated that Resolution No. CC-2007-26 transfers monies within the General Fund, as follows:

GENERAL FUND

	<u>Decreased</u>	<u>Increased</u>
<u>Court</u>		
Salary Bailiff 112	\$ 2,000.00	
Salary Temporary 113	2,000.00	
Office Supplies 236		\$ 1,250.00
Communication & Transportation 321		1,250.00
Equipment 472	_____	<u>1,500.00</u>
Total	\$ 4,000.00	\$ 4,000.00

	<u>Increased</u>	<u>Decreased</u>
<u>Street Commissioner</u>		
Salary 111	\$ 2,810.00	
Communication & Transportation 321		\$ 810.00
Equipment 472	_____	<u>2,000.00</u>
Total	\$ 2,810.00	\$ 2,810.00

There being no questions or comments, Councilman Spebar read Resolution No. CC-2007-26 by title only.

A RESOLUTION TRANSFERRING MONIES WITHIN THE VARIOUS DEPARTMENTS OF THE GENERAL FUND OF THE CITY OF WHITING, INDIANA

Councilman Spebar moved to adopt Resolution No. CC-2007-26; 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

None.

XII. PUBLIC DISCUSSION

Rich Sobilo of 1832 LaPorte Avenue voiced concern over the zoning variances and special exceptions granted in the City for multi-family and income properties in residential areas. He became aware of the issue when he received a petition for such a variance in his own neighborhood. In general, if such variances are not properly controlled, the situation gets out of hand very quickly, and it is next to impossible to revert to the way things were.

Mayor Stahura stated that, during his years on the Council, a bold step was taken to re-zone the entire residential area of the City as Residential-Single Family (R-SF). This gave the Council control over many issues, including landlords subdividing single family homes to multi-family dwellings. However, those properties that were legitimately built as two-flats had a problem when the property changed hands because of that zoning. Those properties can be granted a special exception by the Common Council to be maintained as two-flats, within certain guidelines. The Council has consistently tried to keep single family residences a priority, but moderates that with common sense in cases where the original design was for two or more residences in a building.

Councilman Sarvanidis added that the Council created a new Comprehensive Plan for the City, and part of that was the zoning option to make the majority of the residences R-SF. Existing multi-family dwellings were a legal non-conforming use of a building within that zoning. Those properties can be maintained and sold as multi-family with no problem. Mayor Stahura noted that the problem arises when a property sits vacant for some period of time, or the property is not used as intended for a period of one year. Then the zoning reverts to the majority zoning of the neighborhood. The Board of Zoning Appeals exists to recommend special exceptions or variances to prevent a hardship for the owner or potential buyer of such a property. It is more re-grandfathering the zoning rather than re-zoning the property.

Councilman Spebar noted that, in today's case, the owner intends to live in the building; but as the building was vacant for a time, he lost the original zoning and cannot rent the other apartment, even though that was the original design of the building.

Mr. Sobilo stated that he was less concerned with individual cases than in how such zoning exceptions will affect the City in 20 or 30 years. He voiced concern about people creating two-flats and selling them as income properties without obtaining a variance.

Mayor Stahura assured Mr. Sobilo that the Building Commissioner Hrinyo checks records to find out if a two-flat was created illegally, and takes necessary legal action against the owner to correct the problem if it was. The Mayor commended the Building Commissioner for doing a tough job well.

Councilman Jennings noted that, in some communities, when a house is sold its zoning use is verified. If there was an illegal conversion, the owner must restore the house to its legal zoning use before it can be sold. While there is no one solution, Councilman Jennings stated that the Council tries to do what is best for the integrity of this community and its neighborhoods.

Councilman Spebar stated that the Common Council is prepared to deal with this issue on a case by case basis, no matter how many such cases come before the Council. Mayor Stahura gave assurance that this Council is very aware of this topic and will continue to deal with this tough issue.

XIII. ADJOURNMENT

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

MARGARET DREWNIAK, Clerk-Treasurer