

CITY OF WHITING – MAY 15, 2012

**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 15, 2012, at 6:30 p.m. with Mayor Stahura presiding. The Pledge of Allegiance was recited, followed by the invocation from Councilman Zubeck.

I. ROLL CALL

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

II. MINUTES

Mayor Stahura asked for consideration of the minutes of the May 1, 2012, regular Common Council meeting.

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

III. COMMUNICATIONS, PETITIONS, MEMORIALS OR REMONSTRANCES

None.

IV. REPORT OF THE MAYOR

Mayor Stahura reminded all present that the Mayor's Public Forum will be held tomorrow night at 6:00 p.m. at the Whiting Community Center. The Mayor noted that Cruise Night will be the same night, so he will try to keep the Forum moving along so that everyone will have time to enjoy Cruise Night afterwards.

Mayor Stahura informed the Council that there have been two bid openings in recent weeks. One was for a new parking lot on Atchison Avenue at the former Mercantile Bank location; those bids were \$40,000-\$50,000 higher than budgeted, so that project is temporarily postponed while funding sources are being investigated. The other project, the next phase of the Whiting Lakefront Park development, would include the revetment construction, harbor improvements and dredging, and a new fishing pier. The low bidder was about \$7.3 million, which was a little higher than engineering estimates. The project should be mobilized in the next few weeks and continue throughout the summer.

V. STANDING COMMITTEES

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

1. Resolution No. CC-2012-06, which authorizes the City to enter into an agreement with the County for various community development activities through the Community Development Block Grant (CDBG) program.
2. Ordinance No. CC-2012-1875, which authorizes the City to issue Environmental Facilities Revenue Bonds for pollution control.

Councilman Spebar stated that Ordinance No. CC-2012-1876, which amends Building Code enforcement procedures, will be introduced tonight.

VI. REPORT OF THE CLERK-TREASURER

Clerk-Treasurer Adam stated that the Council packets were sent out last Thursday; he sent an email to all Council members last Friday, adding four claims to the list of tonight's Accounts Payable Vouchers.

Clerk-Treasurer Adam presented Accounts Payable Voucher Checks #14700 - #14766 inclusive and Payroll #27 for approval.

Councilman Stolman moved to approve said Checks, as amended, and Payroll for payment. Councilman Jennings seconded the motion. Roll Call: (Voice) All Councilmembers voted aye. Motion carried unanimously.

VII. REPORT OF THE CITY ATTORNEY

City Attorney Sejna reported that, in 2010, the Council enacted Ordinance No. CC-2010-1833, which authorized \$260 million in industrial revenue bonds for BP. \$60 million of that amount was to refund outstanding bonds from 2005; \$200 million was a new allotment from the Indiana Finance Authority. Ms. Sejna noted that the BP Gulf spill incident occurred that year, so BP refunded the 2005 bonds but did not use the new allotment at all. BP has received authorization to extend the new allotment of \$200 million in industrial revenue bonds into this year, as was approved in 2010; so Ordinance No. CC-2012-1875 is not an additional \$200 million bond issue.

VIII. SPECIAL COMMITTEES

No report was given.

IX. UNFINISHED BUSINESS

None.

X. ORDINANCES AND RESOLUTIONS

Councilman Sarvanidis moved for suspension of rules for consideration of tonight's Resolution and Ordinances, due to the timing of receipt of these items by the Council members.

Councilman Spebar seconded the motion. Roll Call: (All) Councilmembers Greer, Jennings, Michko, Sarvanidis, Spebar, Stolman and Zubeck voted aye. Vote: 7 ayes, no nays, no abstentions. Motion carried unanimously.

Councilman Sarvanidis introduced Resolution No. CC-2012-06, which authorizes Whiting's participation in the CDBG program through the Lake County Community Economic Development Department.

There being no questions, Councilman Sarvanidis read Resolution No. CC-2012-06 by title only.

A RESOLUTION AUTHORIZING THE CITY OF WHITING, INDIANA TO ENTER INTO AN AGREEMENT WITH THE COUNTY OF LAKE, INDIANA IN UNDERTAKING COMMUNITY DEVELOPMENT ACTIVITIES

Councilman Sarvanidis moved to adopt Resolution No. CC-2012-06; seconded by Councilman Zubeck. Roll Call: (All) Councilmembers Greer, Jennings, Michko, Sarvanidis, Spebar, Stolman and Zubeck voted aye. Vote: 7 ayes, no nays, no abstentions. Motion carried unanimously.

Councilman Sarvanidis stated that City Attorney Sejna explained the purpose of Ordinance No. CC-2012-1875, which authorizes the issuance of certain environmental facilities revenue bonds for financing pollution control project. There is no obligation or liability to the City, which will receive a \$10,000 fee for this bond issue.

Hearing no questions or comments, Councilman Sarvanidis read Ordinance No. CC-2012-1875 by title only for first reading.

ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF ENVIRONMENTAL FACILITIES REVENUE BONDS (BP PRODUCTS NORTH AMERICA INC. PROJECT) SERIES 2012 OF THE CITY OF WHITING, INDIANA IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$200,000,000 FOR THE PURPOSE OF FINANCING THE COSTS OF ACQUIRING, CONSTRUCTING AND INSTALLING CERTAIN SEWAGE AND SOLID WASTE DISPOSAL FACILITIES OF THE CITY OF WHITING, INDIANA; AUTHORIZING THE EXECUTION AND DELIVERY OF AN INDENTURE OF TRUST TO SECURE SAID BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT BETWEEN BP PRODUCTS NORTH AMERICAN INC. AND SAID CITY PROVIDING FOR THE REPAYMENT OF THE LOAN OF THE PROCEEDS OF SAID BONDS; AUTHORIZING THE EXECUTION OF A TAX EXEMPTION CERTIFICATE AND AGREEMENT; AUTHORIZING THE EXECUTION AND DELIVERY OF A PRELIMINARY OFFICIAL STATEMENT, AN OFFICIAL STATEMENT AND A BOND PURCHASE AGREEMENT BETWEEN SAID CITY AND GOLDMAN, SACHS & CO. PROVIDING FOR THE SALE OF SAID BONDS; AUTHORIZING THE ACCEPTANCE OF A LETTER OF REPRESENTATION AND INDEMNIFICATION FROM BP PRODUCTS NORTH AMERICA INC. TO SAID CITY AND GOLDMAN, SACHS & CO.; AND RELATED MATTERS.

City Attorney Sejna stated that some Council members may have received a copy of this Ordinance with a blank space where the name of the trust company should be listed; BP has selected the Bank of New York Mellon Trust as trustee, as is listed in the document in the Clerk-Treasurer's office.

There being no questions, Councilman Sarvanidis moved to pass Ordinance No. CC-2012-1875 to second reading; seconded by Councilwoman Michko. Roll Call: (Voice) All Councilmembers voted aye. Motion carried unanimously.

Councilman Sarvanidis read Ordinance No. CC-2012-1875 by title only for second reading.

ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF ENVIRONMENTAL FACILITIES REVENUE BONDS (BP PRODUCTS NORTH AMERICA INC. PROJECT) SERIES 2012 OF THE CITY OF WHITING, INDIANA IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$200,000,000 FOR THE PURPOSE OF FINANCING THE COSTS OF ACQUIRING, CONSTRUCTING AND INSTALLING CERTAIN SEWAGE AND SOLID WASTE DISPOSAL FACILITIES OF THE CITY OF WHITING, INDIANA; AUTHORIZING THE EXECUTION AND DELIVERY OF AN INDENTURE OF TRUST TO SECURE SAID BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT BETWEEN BP PRODUCTS NORTH AMERICAN INC. AND SAID CITY PROVIDING FOR THE REPAYMENT OF THE LOAN OF THE PROCEEDS OF SAID BONDS; AUTHORIZING THE EXECUTION OF A TAX EXEMPTION CERTIFICATE AND AGREEMENT; AUTHORIZING THE EXECUTION AND DELIVERY OF A PRELIMINARY OFFICIAL STATEMENT, AN OFFICIAL STATEMENT AND A BOND PURCHASE AGREEMENT BETWEEN SAID CITY AND GOLDMAN, SACHS & CO. PROVIDING FOR THE SALE OF SAID BONDS; AUTHORIZING THE ACCEPTANCE OF A LETTER OF REPRESENTATION AND INDEMNIFICATION FROM BP PRODUCTS NORTH AMERICA INC. TO SAID CITY AND GOLDMAN, SACHS & CO.; AND RELATED MATTERS.

Councilman Spebar explained that Ordinance No. CC-2012-1876 streamlines certain Building Code enforcement procedures, and will be described in detail at the next Common Council meeting.

Hearing no questions or comments, Councilman Spebar read Ordinance No. CC-2012-1876 by title only for first reading.

AN ORDINANCE OF THE CITY OF WHITING, LAKE COUNTY, INDIANA TO AMEND *WHITING MUNICIPAL CODE SECTION 4-195 ADMINISTRATIVE PROVISIONS* AND ALL ORDINANCES APPLICABLE THERETO

XI. NEW BUSINESS

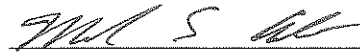
None.

XII. PUBLIC DISCUSSION

Bryan Ciers of 1831 LaPorte Avenue reported that there is a lot of standing water at 1811 Sheridan Avenue. The Mayor stated that plumbers have been sent to the house to make sure both water supplies to the building have been shut off. Mayor Stahura noted that, once the water issue is resolved, the property will probably be sold.

XIII. ADJOURNMENT

There being no further matters to come before the Common Council, Councilman Sarvanidis moved to adjourn the meeting at 6:45 p.m. Councilman Zubeck seconded the motion. Roll Call: (Voice) All Councilmembers voted aye. Motion carried unanimously.



MARK S. ADAM, Clerk-Treasurer