

CITY OF WHITING – JUNE 5, 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, June 5, 2012, at 6:30 p.m. with Mayor Stahura presiding. The Pledge of Allegiance was recited, followed by the invocation from Councilman Sarvanidis.

I. ROLL CALL

Councilmembers Jennings, Michko, Sarvanidis, Spebar, and Zubeck were present. Also present were Clerk-Treasurer Adam, City Attorney Sejna, Ryan Bowman of BP Bond Counsel, Tom Keilman of BP Public Affairs, and interested citizens.

Councilwoman Greer and Councilman Stolman were unable to attend the meeting.

II. MINUTES

Mayor Stahura asked for consideration of the minutes of the May 15, 2012, 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

None.

IV. REPORT OF THE MAYOR

No report was given.

V. STANDING COMMITTEES

Councilman Sarvanidis stated that the following will be presented tonight:

1. Possible third reading on Ordinance No. CC-2012-1875, authorizing the issue of environmental facilities revenue bonds; and
2. Resolution No. CC-2012-07, regarding HEA 1005.

Councilman Spebar stated that he will present the following:

1. For possible second and third readings, Ordinance No. CC-2012-1876 amending certain Building Code enforcement procedures;

2. First and possible second readings on Ordinance No. CC-2012-1877, which amends the City Zoning Map; and
3. First and possible second readings on Ordinance No. CC-2012-1878, which approves the transfer of appropriations.

VI. REPORT OF THE CLERK-TREASURER

Clerk-Treasurer Adam submitted an amendment to the Accounts Payable Vouchers by adding an invoice from Arzumian Nursery for trees for the 119th Street Tree Replacement in the amount of \$600.00. As the project is being paid for by a reimbursable grant, the paperwork must be submitted by the end of the month.

Clerk-Treasurer Adam presented Civil City Accounts Payable Voucher Checks #14773 - #14850 inclusive and Payrolls #28 and #29 for approval.

Councilwoman Michko moved to approve said Checks, as amended, and Payrolls for payment; seconded by Councilman Sarvanidis. Roll Call: (Voice) All Councilmembers voted aye. Motion carried unanimously.

VII. REPORT OF THE CITY ATTORNEY

City Attorney Sejna advised the Council that she appeared before the Lake County local board for the Alcohol and Tobacco Commission today regarding the license for Oil City Stadium, which was approved. The Letter of Authority for the 3-way license should be received by Friday.

City Attorney Sejna stated that, prior to tonight's meeting, she provided all Councilmembers with substantially completed forms regarding all documents being approved as part of the BP bond issue under consideration tonight.

VIII. SPECIAL COMMITTEES

No report was given.

IX. UNFINISHED BUSINESS

None.

X. ORDINANCES AND RESOLUTIONS

Councilman Sarvanidis stated that Ordinance No. CC-2012-1875 approving the issuance of environmental facilities revenue bonds passed first and second readings at the last Council meeting. Public hearings were held, the Economic Development Commission has met and approved the bond issue, and all necessary documents have been received.

Hearing no questions or comments, Councilman Sarvanidis moved to pass Ordinance No. CC-2012-1875 to third and final reading. Councilwoman Michko seconded the motion. Roll Call:

Councilmembers Jennings, Michko, Sarvanidis, Spebar, and Zubeck voted aye. Vote: 5 ayes, no nays, no abstentions. Motion carried unanimously.

Councilman Sarvanidis read Ordinance No. CC-2012-1875 by title only for third and final 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 EXECUTION AND DELIVERY OF A LOAN AGREEMENT BETWEEN BP PRODUCTS NORTH AMERICA 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 Sarvanidis presented Resolution No. CC-2012-07, which stated that the Common Council will establish policies to deal with nepotism and contracting with relatives of elected officials in accordance with HEA 1005, which was passed by the State legislature and signed into law by the Governor. The nepotism portion of this law prohibits hiring of relatives of elected officials who would be under their direct line of supervision. Contracting relatives would also be prohibited unless certain disclosures are made. The City of Whiting basically does this already; if any additional requirements are needed, they will be added to existing policy.

Hearing no questions, Councilman Sarvanidis read Resolution No. CC-2012-07 by title only.

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITING, INDIANA TO ESTABLISH POLICIES TO DEAL WITH NEPOTISM AND CONTRACTING WITH RELATIVES OF ELECTED OFFICIALS IN ACCORDANCE WITH THE PROVISIONS OF HEA 1005

Councilman Sarvanidis moved to adopted Resolution No. CC-2012-07; seconded by Councilwoman Michko. Roll Call: Councilmembers Jennings, Michko, Sarvanidis, Spebar, and Zubeck voted aye. Vote: 5 ayes, no nays, no abstentions. Motion carried unanimously.

Councilman Spebar stated that Ordinance No. CC-2012-1876 streamlines certain Building Code procedures; an individual who fails to meet with the Building Commissioner to discuss their Order have been modified. There is a more aggressive timeline to get a non-responsive person to Court to face potential fines and costs. The Common Council acknowledges the work done by Building Commissioner Hrinoy and Code Enforcement Officer Rancich, and believes these modifications will bring offending properties into compliance in a more timely manner.

There being no questions or comments, Councilman Spebar to pass Ordinance No. CC-2012-1876 to second reading. Councilman Jennings seconded the motion. Roll Call: (Voice) All Councilmembers voted aye. Motion carried unanimously.

Councilman Spebar read Ordinance No. CC-2012-1876 by title only for second 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

Hearing no questions, Councilman Spebar moved to pass Ordinance No. CC-2012-1876 to third and final reading. Councilman Zubeck seconded the motion. Roll Call: Councilmembers Jennings, Michko, Sarvanidis, Spebar, and Zubeck voted aye. Vote: 5 ayes, no nays, no abstentions. Motion carried unanimously.

Councilman Spebar read Ordinance No. CC-2012-1876 by title only for third and final 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

Councilman Spebar stated that, on May 29th, the Whiting Plan Commission held a Public Hearing to consider rezoning of parcels of property from 1637 to 1703 119th Street. The potential rezoning classification of these parcels would be Downtown Districts Special Zone. These parcels are currently vacant and owned by the City of Whiting. The potential rezoning of these parcels can lead to a commercial development. The Whiting Plan Commission favorably recommended this amendment of the Zoning Map to the Common Council. Ordinance No. CC-2012-1877 accepts the Plan Commission's recommendation of these changes to the Zoning Map at 1637-1703 119th Street to the new zoning classification of Downtown Districts Special Zone.

Hearing no questions, Councilman Spebar read Ordinance No. CC-2012-1877 by title only for first reading.

AN ORDINANCE TO AMEND ORDINANCE NO. CC-2011-1851, THE UNIFIED DEVELOPMENT ORDINANCE TO REFLECT CHANGES TO THE ZONING MAP AS FAVORABLE RECOMMENDED BY THE WHITING PLAN COMMISSION IN RESOLUTION NO. WPC-2012-01

There being no questions or comments, Councilman Spebar moved to pass Ordinance No. CC-2012-1877 to second reading. Councilman Sarvanidis seconded the motion. Roll Call: (Voice) All Councilmembers voted aye. Motion carried unanimously.

Councilman Spebar read Ordinance No. CC-2012-1877 by title only for second reading.

AN ORDINANCE TO AMEND ORDINANCE NO. CC-2011-1851, THE UNIFIED DEVELOPMENT ORDINANCE TO REFLECT CHANGES TO THE ZONING MAP AS FAVORABLE RECOMMENDED BY THE WHITING PLAN COMMISSION IN RESOLUTION NO. WPC-2012-01

Councilman Spebar asked Clerk-Treasurer Adam to publish Notice of Intent to Consider Ordinance No. CC-2012-1877 at the next Common Council meeting.

Councilman Spebar stated that Ordinance No. CC-2012-1878 transfers the following appropriated amounts from the same line items to the Park & Recreation Department from the Community Center Department:

	<u>Increase</u>	<u>Decrease</u>
<u>Park & Recreation Department</u>		
Department Head	\$53,748	
Regular	431,063	
Secretary	20,400	
Social Security	35,000	
Medicare	9,000	
PERF	30,000	
Insurance Personal	120,000	
 <u>Community Center Department</u>		
Department Head		\$53,748
Regular		431,063
Secretary		20,400
Social Security		35,000
Medicare		9,000

PERF		30,000
Insurance-Personal		120,000
TOTALS:	\$699,211	\$699,211

Hearing no questions, Councilman Spebar read Ordinance No. CC-2012-1878 by title only for first reading.

AN ORDINANCE PROVIDING FOR THE TRANSFER OF APPROPRIATIONS FROM THE COMMUNITY CENTER DEPARTMENT TO THE PARK & RECREATION DEPARTMENT FROM THE GENERAL FUND OF THE CITY OF WHITING, INDIANA, AS REQUESTED BY THE CLERK-TREASURER AND FORWARDED TO THE COMMON COUNCIL FOR THEIR ACTION AND PASSAGE

Councilman Spebar moved to pass Ordinance No. CC-2012-1878 to second reading; seconded by Councilman Zubeck. Roll Call: (Voice) All Councilmembers voted aye. Motion carried unanimously.

Councilman Spebar read Ordinance No. CC-2012-1878 by title only for second reading.

AN ORDINANCE PROVIDING FOR THE TRANSFER OF APPROPRIATIONS FROM THE COMMUNITY CENTER DEPARTMENT TO THE PARK & RECREATION DEPARTMENT FROM THE GENERAL FUND OF THE CITY OF WHITING, INDIANA, AS REQUESTED BY THE CLERK-TREASURER AND FORWARDED TO THE COMMON COUNCIL FOR THEIR ACTION AND PASSAGE

Councilman Spebar moved to ratify the action of Clerk-Treasurer Adam in publishing this Ordinance for possible passage at the potential Common Council meeting on June 19, 2012. Councilwoman Michko seconded the motion. Roll Call: (Voice) All Councilmembers voted aye. Motion carried unanimously.

XI. NEW BUSINESS

Councilman Sarvanidis moved to hold a special meeting of the Common Council on Tuesday, June 19, 2012, at 6:30 p.m. in the Conference Room of City Hall to approve claims and address any other matters to come before the Council. Councilman Spebar seconded the motion. Roll Call: (Voice) All Councilmembers voted aye. Motion carried unanimously.

City Attorney Sejna advised the Council that, under the Nepotism Resolution passed today, there are several forms that need to be created. She and Clerk-Treasurer Adam are working on drafting those forms for Council approval at the next meeting, before they go into effect on July 1, 2012. Since current employees are grandfathered in, a complete list will be prepared of any individuals in

a direct line of supervision by a relative. Ms. Sejna stated that she does not believe there are any such individuals currently employed by the City of Whiting, but they will be listed if they exist.

XII. PUBLIC DISCUSSION

Tom Keilman of BP Public Affairs thanked the Mayor, Attorney Sejna and City Hall staff as well as the Common Council for their cooperation on the bond issue, which gives the Whiting refinery some flexibility and helps move the BP projects along. He voiced appreciation for the assistance.

Referring to Ordinance No. CC-2012-1876, Councilman Jennings stated that, under the new restrictive timelines, an absentee landlord in Minnesota gave quick response to correspondence about maintenance of his property.

Bryan Ciers of 1831 LaPorte Avenue, referring to the new Ordinance regarding cash for gold, pawn shops and scrap dealers, stated that the Ordinance refers often to ‘persons’, making it seem like it might take away personal liberty from an individual making a single transaction rather than regulate businesses of this nature. He asked that the word ‘person’ be struck throughout the Ordinance.

City Attorney Sejna noted that this language is commonly used to include all employees of such a business. Councilman Sarvanidis stated that this also helps to prosecute those individuals who steal gold or other items for sale to such shops. Mayor Stahura thanked Mr. Ciers for his comments, and will review the Ordinance language and definitions to be certain that the intent of the Ordinance is supported by the language.

XIII. ADJOURNMENT

There being no further matters to come before the Common Council, Councilwoman Michko moved to adjourn the meeting at 6:53 p.m. Councilman Jennings seconded the motion. Roll Call: (Voice) All Councilmembers voted aye. Motion carried unanimously.

MARK S. ADAM, Clerk-Treasurer