

**CITY OF WHITING – NOVEMBER 5, 2019**

**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 5, 2019 at 6:30 p.m. with Mayor Stahura presiding.

**I. ROLL CALL**

Mayor Stahura, Councilmembers Michko, Michniewicz, Sarvanidis, Turpin, and Zubeck were present, constituting a quorum. Also, present, were Attorney Sejna and Clerk-Treasurer Haynes.

**II. MINUTES**

Mayor Stahura asked for consideration of the minutes from the October 15, 2019 Regular Common Council Meeting. Councilmember Michniewicz made a motion to accept the minutes from the October 15, 2019 meeting as submitted. Councilmember Michko 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 the following:

- The Quiet Zone will take effect on November 26, 2019 at 12:01 a.m.
- The City has purchased Gametime II business and building.
- Harry Peterson and Tim Wajvoda will be switching positions. Harry will be coming back to City Hall as Code Enforcement and Tim will be going to the Street Department.
- This morning bids were opened at the Board of Public Works and Safety meeting for the IC Parcel project.

**V. STANDING COMMITTEES**

Councilmember Sarvanidis advised he will be presenting Ordinance No. CC-2019-2018, an ordinance that amends previous ordinances regarding the city of Whiting ordinance violations bureau and the Whiting municipal code specifically sections 2-352 through 2-355 for possible 1<sup>st</sup> and 2<sup>nd</sup> reading; Ordinance No. CC-2019-2019, an ordinance establishing an administrative proceeding for the enforcement of ordinances for possible 1<sup>st</sup> and 2<sup>nd</sup> reading.

**VI. REPORT OF THE CLERK-TREASURER**

Clerk-Treasurer Haynes presented Civil City Check #374E, 10890-10908, 10910-10965 & October Payroll total amount of \$771,932.55. Councilmember Michko moved to approve the Accounts Payable Voucher Checks as submitted. Councilmember Turpin seconded the motion. Roll Call: (Voice) All Councilmembers voted aye. Motion carried unanimously.

**VII. REPORT OF THE CITY ATTORNEY**

None.

### **VIII. SPECIAL COMMITTEES**

None.

### **IX. UNFINISHED BUSINESS**

None.

### **X. ORDINANCES AND RESOLUTIONS**

Councilmember Sarvanidis introduced Ordinance No. CC-2019-2018, an ordinance that amends previous ordinances regarding the city of Whiting ordinance violations bureau and the Whiting municipal code specifically sections 2-352 through 2-355.

Some key points of the ordinance are the inclusion of additional violations not currently listed for enforcement; The addition of certain job positions within the city giving authorization to enforce ordinance violations (keep in mind we are talking about non-BMV related ordinances); The authority to charge late fees and an option to send delinquent fees to a collections bureau at a certain point; an appeal process which would go before a newly created Ordinance Administrative Hearing Board which, by the way, will be established in the other ordinance we are introducing this evening (2019-2019). This board will serve as Administrator for addressing ordinance violations in Lieu of the whiting city court which, as you know, is being abolished as of December 31, 2019. We will, of course, always have the ability to file an ordinance violation directly in the Lake Superior court in Hammond should we feel the violation to be egregious in nature.

I'll close out by mentioning that this overall process is in conjunction with IC 33-36-1-1 which permits enforcement of ordinance violations through the ordinance violations bureau and IC 36-1-6-9 which authorizes enforcement of ordinances through an administrative proceeding. Again ordinance 2019-2019, which I will introduce shortly, establishes the administrative proceeding I just spoke of.

Councilmember Sarvanidis read Ordinance No. CC-2019-2018 in title only;

AN ORDINANCE TO AMEND ORDINANCE NOS. CC-2009-1816, CC-2014-1928, CC-2015-1934 AND CC-2015-1947 REGARDING THE CITY OF WHITING ORDINANCE VIOLATIONS BUREAU AND WHITING MUNICIPAL CODE SECS. 2-352 THROUGH 2-355

Councilmember Sarvanidis made a motion to take Ordinance No. CC-2019-2018 to a second reading. Councilmember Zubeck seconded the motion. Roll Call: (Voice) All Councilmembers voted aye. Motion carried unanimously.

Councilmember Sarvanidis read Ordinance No. CC-2019-2018 in title only;

AN ORDINANCE TO AMEND ORDINANCE NOS. CC-2009-1816, CC-2014-1928, CC-2015-1934 AND CC-2015-1947 REGARDING THE CITY OF WHITING

ORDINANCE VIOLATIONS BUREAU AND WHITING MUNICIPAL CODE SECS.  
2-352 THROUGH 2-355

Councilmember Sarvanidis introduced Ordinance No. CC-2019-2019, an ordinance that establishes an administrative proceeding for the enforcement of ordinances pursuant to Indiana code.

As I mentioned in the previous ordinance, effective December 31, 2019 the Whiting city Court will be abolished and, as a result, the city will need to adopt new measures in order to enforce all non-BMV related ordinances. Indiana code authorizes the city to enforce our ordinances through an administrative proceeding, an ordinance violations bureau (which we have already established), direct court action which we have available to us through The Lake Superior Court in Hammond, or other actions to bring real property into compliance.

As a result, the council must enact an ordinance designating the specific ordinances we will enforce through an administrative proceeding, which is the reason for the ordinance I am introducing at this time 2019-2019.

This ordinance designates the city of Whiting board of public works and safety as the official ordinance administrative hearing board (OAHB) before which the administrative proceedings may be brought. The ordinance also lists the various municipal code sections that are designated for enforcement. If a proceeding to enforce an ordinance is brought before the OAHB, a fine up to \$2500 can be assessed for a first violation and a fine of up to \$7500 can be assessed for a second or subsequent violation. A person receiving a penalty under this process can appeal to the Lake Superior courts within a certain allotted time frame.

Councilmember Sarvanidis read Ordinance No. CC-2019-2019 in title only;

AN ORDINANCE ESTABLISHING AN ADMINISTRATIVE PROCEEDING FOR  
THE ENFORCEMENT OF ORDINANCES PURSUANT TO IC 36-1-6-1 *ET SEQ*

Councilmember Sarvanidis made a motion to take Ordinance No. CC-2019-2019 to a 2<sup>nd</sup> reading. Councilmember Turpin seconded the motion. Roll Call: (Voice) All Councilmembers voted aye. Motion carried unanimously.

Councilmember Sarvanidis read Ordinance No. CC-2019-2019 in title only;

AN ORDINANCE ESTABLISHING AN ADMINISTRATIVE PROCEEDING FOR  
THE ENFORCEMENT OF ORDINANCES PURSUANT TO IC 36-1-6-1 *ET SEQ*

**XI. NEW BUSINESS**

Councilmember Turpin indicated that the IC Committee was wondering if one of the benches could be salvaged from the 119<sup>th</sup> Street project and placed in the IC Grotto. Mayor Stahura advised that with the IC Parcel project they will be adding new benches to the area. Councilmember Turpin then asked for an update on the parking situation and Mayor Stahura advised that the parking striping is not complete yet and when it is, they will continue onto the

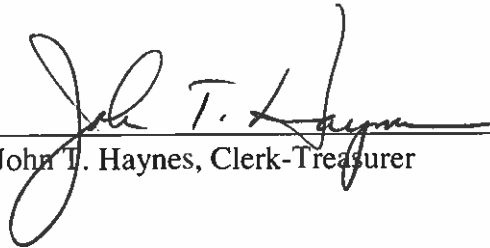
next phase. Councilmember Turpin asked about the ornamental street light outages that were discussed at a previous meeting. He was wondering if it was a Nipsco issue as to why they were still out. Mayor Stahura advised that Street Commissioner Peterson would investigate them to see if it was a transformer or something that was interfering with them being replaced and fixed.

**XII. PUBLIC DISCUSSION**

None.

**XIII. ADJOURNMENT**

There being no further matters to come before the Common Council, Councilmember Turpin moved to adjourn the meeting at 6:49 p.m. Councilmember Michniewicz seconded the motion. Roll Call: (Voice) All Councilmembers voted aye. Motion carried unanimously.

  
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John T. Haynes, Clerk-Treasurer