

TOWN COUNCIL MEETING  
October 28, 2019  
7:00 p.m.

I. CALL TO ORDER & PLEDGE OF ALLEGIANCE

President N. Cobbs called the meeting to order at 7:00 p.m.

II. ROLL CALL

Roll was called by Clerk-Treasurer S. Kuziela; present were Council Member J. Ton, Council Member D. Lafata, Council Member N. Cobbs, and Council Member E. DeLaney. Council Member L. Kittredge was absent.

III. APPROVAL OF MINUTES

Council Member D. Lafata made the motion to approve the minutes of the October 14, 2019 Council Meeting, seconded by Council Member E. DeLaney, motion approved by unanimous voice vote.

IV. CONSIDERATION OF CLAIMS

Council Member D. Lafata made the motion to approve the claims as presented, motion seconded by Council Member J. Ton, motion approved by unanimous voice vote.

V. PETITIONS AND COMMENTS FROM THE FLOOR

Climate Emergency Resolution – Sid Augustyn 2610 Dogleg Dr. – Mr. Augustyn, a senior at Chesterton High School, petitioned the Council on behalf of the community's youth to adopt a resolution to address environmental issues on a local level and as a local responsibility. Mr. Augustyn commented about the work by Council Member J. Ton regarding recycling, MS4 Operator J. Gadzala's efforts concerning storm water education, and the Town's continuing designation as a Tree City. He commented that the climate crisis is a looming emergency that needs local attention. He requested that a Climate Emergency Resolution be adopted by the Council. Council Member J. Ton made the motion to forward the elements presented for this resolution to the Town Attorney for preparation for the next Council meeting, motion seconded by Council Member E. DeLaney, motion approved by unanimous voice vote.

Laurie Franke-Polz -51 Detroit Rd., Porter- representing Cole Murray regarding the development of a Dollar General on the west side of Town on Broadway. She read a prepared statement from Mr. Murray in which he stated that he didn't care about the re-zoning and that he didn't want a Dollar General. He stated that Dollar General targets low-income areas with low-quality goods. Mrs. Franke-Polz stated that Mr. Murray would like to see the community diversify. Also, Franke-Polz went on to say that the residents of the west end want a grocery store and resented having to go outside the community to maintain a basic lifestyle.

VI. REPORTS FROM OFFICIALS AND DEPARTMENT HEADS

- A. POLICE - 1977 Pension Fund - Chief Cincoski sent a letter to the Council regarding the position of 1<sup>st</sup> Class. Assistant Chief D. Lohse presented information regarding the creation and salary for the position of 1<sup>st</sup> Class which is the rate at which an officer retires after 20 years of service and reaches the appropriate age. They requested that the salary for this theoretical rank, which would not be attained, would be set at \$80,000. The increase in this salary according to Chief Cincoski would come from the existing surplus in the CPD Pension Fund. The Council was advised this information was reviewed by the Town's financial advisor London Witte Group which found it to be an appropriate use of the CPD Pension Fund surplus. Council Member E. DeLaney made the motion to begin the phase-in increase of the 1<sup>st</sup> Class position salary to \$80,000, motion seconded by Council Member J. Ton, motion approved by unanimous voice vote. Associate Town Attorney J Paulson advised this change would not take effect until the approval of the 2020 Salary Ordinance.
- B. FIRE - No Report. Council Member E. DeLaney advised that he and Chief Jarka were working on a Pension rate similar to the Police Pension position.
- C. CLERK-TREASURER – Clerk-Treasurer Kuziela reported the November 11, 2019 meeting is Veteran's Day and recommended that the Council change this to another date. Council Member J. Ton made the motion to move the November 11<sup>th</sup> Council meeting to November 12, 2019 at 7:00 p.m., motion seconded by Council Member E. DeLaney, motion approved by unanimous voice vote. She reported that fund numbering has been found to be incorrect since at least 1988, and they are working with the Town Attorney to prepare an Ordinance to fix this. She also reported they are working with the software vendor to ensure a smooth transition.
- D. STREETS, SANITATION & CENTRAL SERVICES – No Report
- E. ENGINEERING – No Report
- F. BUILDING - Waiver of Standards –Jeffrey and Wendy Knarian of 502 Union Ct. - Building Commissioner M. O'Dell advised about their waiver regarding the driveway which they would like to widen. The Town Standard requires at least 6' from the property line. They are requesting this be reduced to 1'8". The request for the widening is to allow additional off street parking. Council Member J. Ton made the motion to set this for Public Hearing at the next Town Council meeting, motion seconded by Council Member D. Lafata, motion approved by unanimous voice vote.
- G. PARK - No Report
- H. ATTORNEY - Town Attorney addressed the Valparaiso City Utilities move to acquire the infrastructure of Damon Run Conservancy District. It was stated that in 2014 the Town adopted an exclusive sewer territorial ordinance with a radius of 4 miles outside Town limits. This fall, Valparaiso adopted a territorial ordinance of 10 miles which overlaps Chesterton's territorial limits. It was recommended the Town retain the legal firm of Bingham Greenebaum Doll LLP to address this sewer territory dispute. Council Member E. DeLaney made the motion to retain the services of Bingham Greenebaum Doll LLP, motion seconded by Council Member J. Ton, motion approved by unanimous voice vote.
- I. UTILITIES - No Report
- J. TOWN MANAGER- Town Manager B. Doyle advised there was no update on the Pope farm. He did report there was a new CHAMP application by Christine Newton. Council Member J. Ton made the motion for Town Manager B. Doyle to serve on the RDA transit

steering committee, motion seconded by Council Member D. Lafata, motion approved by unanimous voice vote.

VII. PUBLIC HEARINGS, BID OPENINGS AND REMONSTRANCES

NONE

VIII. ORDINANCES AND/OR RESOLUTIONS

ORDINANCE 2019-15 – An Ordinance of the Chesterton Town Council Adopting Its 2020 Budget. This Ordinance was approved on 1<sup>st</sup> Reading at the last meeting. Council Member D. Lafata made the motion to approve this Ordinance on 2<sup>nd</sup> Reading, motion seconded by Council Member J. Ton, motion approved by unanimous voice vote.

ORDINANCE 2019-16 – An Ordinance of the Chesterton Town Council Amending the Chesterton Zoning Map – Council Member J. Ton spoke in support of this zoning change adding that the Ordinance only addresses changing the zoning from I-1 to B-3, and does not include the approval of a specific business. He stated the B-3 zoning is an appropriate zone for this neighborhood. Council Member E. DeLaney advised that he had walked the neighborhood and did his due diligence speaking with residents in the area. He stated he found only 2 persons not wanting the Dollar General, a majority of residents wanting the Dollar General, and a minority who did not care. Council Member J. Ton made the motion to approve the Ordinance on 1<sup>st</sup> Reading, motion seconded by Council Member E. DeLaney, motion approved by unanimous voice vote. Council Member J. Ton made the motion to suspend the rules, motion seconded by Council Member E. DeLaney, motion approved by unanimous voice vote. Council Member J. Ton made the motion to approve the Ordinance on 2<sup>nd</sup> Reading, motion seconded by Council Member E. DeLaney, motion approved by unanimous voice vote.

ORDINANCE 2019-17 – An Ordinance of the Chesterton Town Council Amending The Villages of Sand Creek Planned Unit Development – The residents would like to use the funds held in escrow for the creation of walking paths to install playground equipment in the neighborhood. Council Member E. DeLaney made the motion to approve the Ordinance on 1<sup>st</sup> Reading, motion seconded by Council Member J. Ton, motion approved by unanimous voice vote. Council Member J. Ton made the motion to suspend the rules, motion seconded by Council Member D. Lafata, motion approved by unanimous voice vote. Council Member D. Lafata made the motion to approve the Ordinance on 2<sup>nd</sup> Reading, motion seconded by Council Member E. DeLaney, motion approved by unanimous voice vote.

IX. COMMUNICATIONS

NONE

X. OLD BUSINESS

Quiet Zone – 2 claims were submitted for preliminary engineering fees from the Norfolk Southern Railroad (\$5,400) and the CSX Railroad (\$6,000). Council Member J. Ton made the motion to approve these claims, motion seconded by Council Member E. DeLaney, motion

approved by unanimous voice vote. Town Manager B. Doyle reported the face-to-face meeting with CTC Inc of Fort Worth, Texas will take place on November 7<sup>th</sup> when they arrive in Town.

NEW BUSINESS

NONE

XII. COMMENTS FROM THE BOARD

Council Member J. Ton: Council Member J. Ton read a prepared statement regarding Valparaiso City Utilities proposed purchase of the Damon Run sanitary service. He stated that it is disingenuous for the deal supporters to state that Chesterton Utilities or the Town of Chesterton demonstrated no interest in the purchase of Damon Run. He stated that transparency has been absent in the rush to complete this deal.

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| Council Member E. DeLaney: | No Comment |
| Council Member D. Lafata:  | No Comment |
| Council Member N. Cobbs:   | No Comment |

XIII. ADJOURNMENT

Council Member J. Ton made the motion to adjourn, seconded by Council Member E. DeLaney, motion approved by unanimous voice vote. Meeting adjourned.

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COUNCIL PRESIDENT

ATTEST:

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Clerk-Treasurer S. Kuziela