

WHEREAS, in the opinion of the County Auditor, the public interests required that the Lake County Council, should be called to meet in regular session at this time, for the purpose of considering additional appropriations, a written notice was sent to each member of the Council, and proper advertisement made, and all other acts performed in accordance with the laws governing such matters.

And now in obedience to such call, come Ted Bilski, President, Jerome A. Prince, David Hamm, Elsie Franklin, Daniel Dernulc, Christine Cid, and Eldon Strong, County Councilpersons, together with Ray Szarmach, County Council Attorney.

There was a moment of silence in remembrance of former Commissioner, and former Mayor of the City of Gary, Mayor Rudy Clay.

There was also a moment of silence for Dennis Charles who has served over 20 years with the Lake County Planning Commission.

In the Matter of Minutes of the Lake County Council for:

- April 9, 2013
- April 18, 2013 – Special Meeting
- May 6, 2013 – Special Meeting
- May 14, 2013
- May 23, 2013 – Joint Special Meeting

Hamm made a motion, seconded by Prince to approve all of the minutes.

Dernulc mentioned a typo in the minutes of the Special Meeting of May 6, 2013, the name of the Firefighters Union President in Hammond is Ed Lomeli.

Hamm amended the motion with the correction, seconded by Prince to approve, as amended. All voted "Yes". Motion to approve carried 7-0.

**ORDINANCE NO. 1361**

Section 1. Be It Ordained by the County Council of Lake County, IN., that for the expenses of the County Government and its institutions, the following sums of money are hereby appropriated and ordered set apart out of the several funds herein named and for the purposes herein appropriated, and shall be held to include all expenditures authorized to be made during the year unless otherwise expressly stipulated and provided by law.

	Appropriation Requested	Appropriated
General Fund 001		
<u>Criminal Court</u> 4000		
41100 Overtime(CNL)	\$ 36,000.00	\$ 36,000.00
43920 Food & Lodging	\$ 80,000.00	\$ 80,000.00
Gambling Adm Tax Fund 196		
<u>Criminal Court</u> 4000		
41100 Overtime(CNL)	\$ 36,000.00	No Action Taken
41220 FICA(CNL)	\$ 2,754.00	No Action Taken
41230 PERF(CNL)	\$ 4,140.00	No Action Taken
43920 Food & Lodging	\$ 80,000.00	No Action Taken
Cum Cap Dev Fund 651		
<u>Criminal Court</u> 4000		
41100 Overtime(CNL)	\$ 36,000.00	No Action Taken
41220 FICA(CNL)	\$ 2,754.00	No Action Taken
41230 PERF(CNL)	\$ 4,140.00	No Action Taken
43920 Food & Lodging(CNL)	\$ 80,000.00	No Action Taken
<u>Jail</u> 3100		
44420 Office Machines(CNL)	\$ 60,000.0	No Action Taken
Non-Reverting L.C. Fairgrounds Fund 131		
<u>Fairgrounds</u> 2920		
44310 Improvements(CNL)	\$ 15,000.00	\$15,000.00
44505 Covered Bridge Maintenance	\$ 1,850.00	\$ 1,850.00
Justice Assistance Grant Fund 262		
<u>Sheriff</u> 0500		
41220 FICA	\$ 289.00	\$ 289.00
41230 PERF	\$ 203.00	\$ 203.00
41390 Supplemental Pay	\$ 4,503.00	\$ 4,503.00
L.C. Operating Fund 312		

<u>Jail 3100</u>		
43630 Maintenance & Ser Contr(CNL)	\$2,000,000.00	\$2,000,000.00
<u>Council 3700</u>		
41240 Group Insurance	\$2,600,000.00	\$ 629,481.00
Construction Fund 313		
<u>Drainage Board 2600</u>		
44520 Little Calumet Const(CNL)	\$ 683,464.00	\$ 683,464.00
44530 Kankakee River Const(CNL)	\$ 157,262.00	\$ 157,262.00
<u>Local Roads &amp; Streets 5060</u>		
43630 Maintenance & Service Contr	\$ 894,274.00	No Action
Reimbursement Fund 314		
<u>Jail 3100</u>		
44420 Office Machines(CNL)	\$ 60,000.00	No Action
<u>Coroner 0700</u>		
44440 Motor Vehicles(CNL)	\$ 80,000.00	\$ 80,000.00
<u>Data Processing 3600</u>		
44490 Other Equipment(CNL)	\$ 385,000.00	\$ 385,000.00
<u>Drainage Board 2600</u>		
43160 Little Calumet Engineering(CNL)	\$ 44,706.00	\$ 44,706.00
43165 Kankakee River Engineering(CNL)	\$ 34,823.00	\$ 34,823.00
44530 Kankakee River Construction(CNL)	\$ 379,745.00	\$ 379,745.00
<u>Council 3700</u>		
41240 Group Insurance	\$1,500,000.00	\$1,124,818.00
<u>Local Roads &amp; Streets 5060</u>		
42390 Other Repair & Maintenance(CNL)	\$ 300,000.00	\$ 1.00
43630 Maintenance & Service Contr(CNL)	\$3,376,892.00	\$1,907,106.00
43710 Equipment Rentals(CNL)	\$ 86,000.00	\$ 1.00
County Bond Redemption Fund 320		
<u>Highway 5011</u>		
43190 Other Professional Service	\$ 100.00	\$ 100.00

TRANSFER OF FUNDS CERTIFICATE

I, the proper legal officer of Lake County Council, Lake County, IN., hereby certify to the Auditor of Lake County, that the Lake County Council, approved the following transfers:

	Requested	Approved
<u>Coroner 0700</u>		
From: 001-42255 Pathology Supplies	\$ 425.00	
001-43130 Toxicology Lab	\$ 593.67	
To: 001-41190 Part-Time	\$ 593.67	\$ 593.67
001-43231 Travel-Registration	\$ 25.00	\$ 25.00
001-43232 Travel-Meals	\$ 400.00	\$ 400.00
<u>Sheriff 0500</u>		
Sheriff's Law Continuing Education Fund 148		
From: 148-44440 Motor Vehicle	\$ 3,205.08	
To: 148-43190 Other Professional Service	\$ 3,205.08	\$ 3,205.08
<u>St. John Township Assessor 1800</u>		
Reassessment 2015 Fund 337		
From: 337-41230 PERF	\$ 621.00	
337-41351 Assessor Per Diem	\$ 5,400.00	
To: 001-41190 Part-Time	\$ 6,021.00	\$ 6,021.00
<u>Prosecutor 0800</u>		
From: 001-41125 Discretionary Salaries	\$ 15,000.00	
To: 001-43630 Maintenance & Service Contr	\$ 15,000.00	\$15,000.00
<u>Prosecutor 0800</u>		
Elderly Abuse Fund 127		
From: 127-41240 Group Insurance	\$ 2,000.00	
To: 127-44420 Office Machines	\$ 2,000.00	\$ 2,000.00
<u>Election &amp; Registration 2100</u>		
From: 001-41380 Seasonal Employee	\$ 120.00	
To: 001-41333 Election Day Workers Per Diem	\$ 120.00	\$ 120.00
<u>Ross Township Assessor 1700</u>		
Reassessment 2015 Fund 337		
From: 337-41351 Assessor Per Diem	\$ 4,516.00	
To: 337-41100 Overtime	\$ 4,516.00	\$ 4,516.00
<u>Government Center 3030</u>		
From: 001-42390 Other Repair & Maint Suppl	\$ 3,330.00	
To: 001-42210 Petroleum Products	\$ 3,330.00	\$ 3,330.00
<u>Commissioners 2900</u>		
From: 001-41250 Unemployment Comp Ded	\$ 25,000.00	
To: 001-44500 Construction/Reconstruction	\$ 25,000.00	\$ 25,000.00



Cum Cap Dev Fund 651

Jail(\$60,000)

No Action Taken

Criminal Court(\$122,894)

No Action Taken

Non-Reverting L.C. Fairgrounds Fund 131

Fairgrounds(\$16,850)

Strong

Prince

All voted "Yes"  
to approve, and create new line item .  
Motion carried 7-0.Justice Assistance Grant Fund 262

Sheriff(\$4,995)

Cid

Prince

All voted "Yes" to  
to approve. Motion carried 7-0L.C. Operating Fund 312

Jail(\$2,000,000)

Dernulc

Prince

All voted "Yes" to  
approve, and create new line item.  
Motion carried 7-0.

Council(\$629,481)

Cid

Strong

All voted "Yes" to  
Create new line item, and approve.  
Motion carried 7-0Construction Fund 313

Drainage Board(\$840,726)

Prince

Strong

All voted "Yes" to  
approve, and create 2 new line items.  
Motion carried 7-0.Local Roads & Streets(\$894,274) No Action Taken  
(See Footnotes)Reimbursement Fund 314

Jail(\$60,000)

No Action Taken

Coroner(\$80,000)

Cid

Hamm

All voted "Yes" to  
approve, and create new line item.  
Motion carried 7-0.

Data Processing(\$385,000)

Franklin

Prince

All voted "Yes" to  
approve. Motion carried 7-0.

Drainage Board(\$459,274)

Prince

Franklin

All voted "Yes" to  
approve, and create 3 new line items.  
Motion carried 7-0.

Council(\$1,124,818)

Cid

Strong

All voted "Yes" to  
approve, and create new line item.  
Motion carried 7-0.

Local Roads &amp; Streets

(\$1,907,108)

Strong

Prince

(See Footnote)

All voted "Yes" to  
approve, and create new line items.  
Motion carried 7-0.County Bond Redemption Fund 320

Highway(\$100)

Franklin

Prince

All voted "Yes" to  
approve. Motion carried 7-0.Footnotes:

Re: Local Roads & Streets(\$894,274) – Dernulc wants to take No Action on this matter.

Dante said that he has reviewed this and hopes that there will be action.

Dante said the cap for bridges in fund 314 is \$1,855,786, so the \$2 million dollars is going to become \$1,855,786 in the Maintenance & Service line item. He said all you do is put the balance of the appropriation in "A", Fund 313, which would make that \$144,214, and a combination of both, will give you your \$2 million dollars.

Strong made a motion, to approve the appropriation in the Construction Fund, Fund 313, create new line item, 43630 Maintenance & Service Contract in the amount of \$144,214. Prince seconded the motion.

Strong said, in conference with Attorney Dull, he has assured them that the money for the bridge fund can be used for highway, and that was his main concern.

Marcus Malczewski explained that when he made his application to the Borrowing Committee, they only made it for roads, they only, at that time, addressed the Borrowing Committee and said that for this year, 2013, we have enough finances to handle our bridge program, where they were concerned about is being funded in 2014.

Strong said, what we're doing today is just to help you to get going right now, and in 2014 it will be addressed again at budget time.

Blanchard said it was a \$10 million dollars total for capital, out of \$15,000,000. \$3.5 million was construction, \$6.5 million was reimbursement, and Dante said there was a cap, in order to keep it all straight, and everything on the up and up. They are all capped.

Cid said Mark is under the impression that the bigger money that you're giving him, the \$1,855,784 is for Bridges, and the smaller amount, the \$144,214 is for roads.

Dante said that the amount that you can use in Fund 314, from various sources \$1,907,106 under roads.

His recommendation is that you put the \$1,907,106 in the maintenance & service, and put a dollar in the other line items.

Dernulc said, so in Fund 313, there will be "No Action" - Item 10A on the agenda.

Dante also said, the Construction Fund is very limited to bridges.

Strong withdrew his motion to approve \$144,214 in the Construction Fund 313. Prince withdrew his second. Strong made a motion to approve an appropriation for the Reimbursement fund, 314 and create line items 43630-Maintenance & Service Contract, in the amount of \$1,907,106.00, for 42390 – Other Repair & Maintenance Supplies, the amount of \$1.00, 43710 – Equipment Rentals the amount of \$1.00. Prince seconded the motion.

All voted "Yes". Motion carried 7-0.

Transfer			
	Made motions	seconded	
Coroner(\$1,018.67)	Cid	Prince	All voted "Yes" to approve. Motion carried 7-0.
Sheriff(\$3,205.08)	Cid	Hamm	All voted "Yes" to approve. Motion carried 7-0.
St. John Twp Assr(\$6,021)	Prince	Franklin	All voted "Yes" to approve. Motion carried 7-0.
Prosecutor(\$15,000)	Franklin	Prince	All voted "Yes" to approve. Motion carried 7-0.
Prosecutor(\$2,000)	Franklin	Prince	All voted "Yes" to approve. Motion carried 7-0.
Elderly Abuse Fund 127 Election & Reg(\$120)	Franklin	Prince	All voted "Yes" to approve. Motion carried 7-0.
Ross Twp Assr(\$4,516) (See Footnotes)	Prince	Dernulc	All voted "Yes" to approve, except Strong, "No". Motion carried 6-yes, 1-no.
Govt Centr(\$3,330)	Dernulc	Prince	All voted "Yes" to approve. Motion carried 7-0.
Commissioners(\$25,000)	Hamm	Prince	All voted "Yes" to approve. Motion carried 7-0.
Comm – LC E-911 Fund 399(\$66,485) Circuit Court Clerk(\$35,418.11)	WITHDRAWN Franklin	Hamm	All voted "Yes" to approve. Motion carried 7-0.
Lados Div 1 Fund 217(\$4,000)	Franklin	Hamm	All voted "Yes" to approve. Motion carried 7-0.
Lados Div II Fund 218(\$2,000)	Franklin	Hamm	All voted "Yes" to approve. Motion carried 7-0.
Commissioners(\$88,835)	Franklin	Prince	All voted "Yes" to approve transfer and create all new line items. Motion carried 7-0.

Footnotes:

Re: Ross Township Assessor(\$4,516) – Prince made a motion, seconded by Dernulc to approve. Strong asked what are they doing because in order to get into this 2015 fund, they have to be doing something for the 2015 reassessment, as he understands it. Prince answered, that we approved the initial transfer, or initial appropriation at the beginning of the year, and it's all reassessment related, specifically, they are doing trending. Strong said they have discussed about how they are getting into this fund, when this reassessment hasn't been called for yet. Prince said he thought they were pretty clear that they had the authority to do it, and that the things that they are doing are related to that particular reassessment. He also said that he thought that the test was the DLGF accepting the initial appropriation from the Fund 337. Prince also pointed out that the County Assessor also pulled from that fund as well, and is using it. We've made an appropriation to him, and the other Township Assessors as well.

All voted "Yes", except Strong, "No". Motion carried 6-yes, 1-no.

In the Matter of Revised 144 for Commissioners, and Circuit Court Clerk

Hamm made a motion, seconded by Prince to approve in fund 399.

Cid said it's her understanding that this is going to be a contracted employee for 3 years, and she doesn't know how we can create a position, giving benefits, and then have a contract. Our Policy states contracted employees don't receive benefits, so I don't know how we can be creating a positions, and having a contract as well.

Bilski said it's my understanding this would be the same as written labor agreement between the Police, the Correctional Officers, the Highway Department, the Public Works Department, it would be very similar along in that lines, for Labor Agreement.

Bilski said it's a 40-hour a week job.

Dernulc asked, if for some reason, the Dispatch Center, PSAP'S does not go into effect, what happens with this contract?

It was answered that there won't be any money to pay, and the County Contract says, if the funding goes away, the Contract goes away.

Attorney Szarmach said there is a Statute, an Indiana Statute that, when there is no appropriation for a Contract, the Contract is void, it's like 10 words. He said right under that, there is a statute that says, "If the Contract is for engineering services, or architectural services, and you don't fund the Contract, if the services are provided, you still owe the money". It's one exception under Indiana Law.

Attorney Szarmach said if the gentleman is in a slot, and he works 40-hours a week, he can get the benefits. If he is not working 40-hours a week, he cannot get the benefits.

Attorney Szarmach said, if you don't appropriate money for this type of contract, it's void.

After further discussion, Hamm withdrew his motion.

Strong made the motion to approve in fund 399, Prince seconded the motion.

Strong said we have to move on this, we know we are under a time-frame, and they did the research and background investigation, and he has read the criteria that this man has, and he is very qualified. We are asking this guy to take the 911 for the entire Lake County, we have a lot of people here, and we have a big area. Does \$112,000 dollars seem like a lot of money? Strong said, well as a Councilman making \$30,000 dollars, yes that's a lot of money, but we need this guy, and we need to get this job done, Strong said, I think we need to get this going.

Franklin said her concern is, will he be responsible for picking up, and carrying the ball from what has been done, as it relates to E-911?

Blanchard said that he thinks there is consensus of the Commission, from all members on the Commission, that this individual will be able to carry this through, and get it consolidated in a timely manner, by January 1, 2015.

He left a job in which he was making \$107,200 a year, and that's why he was offered a little more.

Franklin asked, who is the overseer for the E-911?

Blanchard said there is an ordinance that you will be considering shortly, and in that ordinance, it's the President and Vice-President of the E-911 Commission, and a Commissioner that's a 911 Commission member as well. There is a 3-member Executive Board that would be over the Director, and over the 911 Department.

Hamm said that the reason he pulled his motion was because he felt that if Cid's questions aren't answered then we can defer this, but another motion was made. He said that Cid brought up a lot of points, there were insurance questions, and we haven't seen the Contract. He said he doesn't mind deferring it, or not acting on it.

Sheriff Buncich said if action isn't taken soon on this, we're going to have a problem. Sheriff also asked if the Council was aware that the current President of the 911 position has resigned? He turned in his resignation the other day, so we have no 911 Commission President right now, we don't have a Director, ready to go, we don't have any of this technology in place. We have a location over here, we still have to renovate. Sheriff Buncich said, if something isn't done soon, we've got a big problem.

All voted "Yes", except Cid, "No". Motion carried 6-yes, 1-no.

<u>Revised 144 Fund 399</u>	<u>Present</u>	<u>Proposed</u>	<u>Difference</u>
11xxx-001 911 Director	-0-	\$112,000	\$112,000

Franklin made a motion, seconded by Prince to approve. All voted "Yes". Motion carried 7-0.

<u>Revised 144 Fund 256</u>	<u>Present</u>	<u>Proposed</u>	<u>Difference</u>
16724-026 Deputy Clerk	\$23,551	-0-	-\$23,551

In the Matter of Citizen Nominations – Economic Development Commission (1) – Town of Cedar Lake

Strong made a motion, seconded by Hamm to defer to 7-9-13. All voted "Yes". Motion to defer to 7-9-13 carried 7-0.

In the Matter of Citizen Nominations – County Economic Development Commission (1)

Hamm nominated Syd Rothstein for re-appointment. Franklin seconded the nomination. All voted "Yes". Motion carried 7-0.

Dernulc made a motion, seconded by Prince to close the nominations. All voted "Yes". Motion to close the nominations carried 7-0.

Hamm made a motion, seconded by Prince to approve Syd Rothstein for re-appointment to the County Economic Development Commission. All voted "Yes". Motion carried 7-0.

In the Matter of Citizen Appointment – County Child Fatality Review Team(9).

No Action Taken.

In the Matter of Citizen Appointment – Lake Ridge Fire Protection District(2)

Franklin nominated Roger Jackson, and Sandy Heston. Prince seconded the nomination. All voted "Yes". Motion carried 7-0.

Dernulc made a motion, seconded by Hamm to close the nominations. All voted "Yes". Motion to close the nominations carried 7-0.

Prince made a motion, seconded by Dernulc to appoint Roger Jackson, and Sandy Heston to the Lake Ridge Fire Protection District. All voted "Yes". Motion carried 7-0.

In the Matter of Interlocal Agreement for Consolidation of Public Safety Answering Points in Lake County, IN.

No Action Taken

In the Matter of Ordinance Establishing the 911 Consolidation Commission and Departments.

Hamm made a motion, seconded by Prince to approve on First Reading. All voted "Yes", except Dernulc, "No". Motion to approve carried 6-yes, 1-no.

In the Matter of Ordinance – E911 Consolidation Interlocal Agreement

No Action Taken.

In the Matter of Lake County Police Retirement Plan – Third Amendment

Cid made a motion, seconded by Hamm to approve. All voted "Yes". Motion to approve carried 7-0.

THIRD AMENDMENT  
TO  
LAKE COUNTY POLICE RETIREMENT PLAN

WHEREAS, Lake County Police Retirement Plan (hereinafter referred to as "Plan") was established by Lake County Sheriff's Department, Crown Point, Indiana (hereinafter referred to as "Employer"), effective as of January 1, 1962; as amended by a complete restatement, effective as of January 1, 2008; and as last amended by a Second Amendment effective as of the dates indicated therein; and; and

WHEREAS, by Section 11.01 of the Plan, the Employer reserved the right to amend the Plan by appropriate action, which means with the approval of the Merit Board and the county fiscal body; and

WHEREAS, the Employer desires to amend the Plan in certain respects heretofore considered and discussed;

NOW, THEREFORE, BE IT RESOLVED, that Section 10.02 of the Plan is hereby amended by this Third Amendment, effective as of January 1, 2013, to read as follows:

**"Section 10.02. Participant Contributions.**

"(a) Each Participant shall be required to make Participant contributions in the amount and for the period specified below:

1. Prior to January 1, 2008, each Participant was required to contribute an amount equal to four percent (4%) of his monthly salary until the Participant attained his sixtieth (60th) birthday unless the Participant was permitted to continue his employment in accordance with Section 5.03, in which event the Participant ceased making contributions on the earlier of (i) the date he completed twenty (20) years of Credited Service or (ii) the date his Credited Service ended under the terms of the Plan. The final deduction shall occur in the pay check immediately following the later of the Participant's sixtieth (60th) birthday or the date he completed twenty (20) years of Credited Service.

2. Effective to January 1, 2008 and prior to the first payroll in 2011, each Participant was required to contribute an amount equal to four percent (4%) of his monthly salary until the Participant attained his sixtieth (60th) birthday unless the Participant was permitted to continue his employment in accordance with Section 5.03, in which event the Participant ceased making contributions on the earlier of (i) the date he completed thirty-two (32) years of Credited Service or (ii) the date his Credited Service ended under the terms of the Plan. The final deduction shall occur in the pay check immediately following the later of the Participant's sixtieth (60th) birthday or the date he completed thirty-two (32) years of Credited Service.

3. Effective with the first payroll in 2011, and prior to January 1, 2013, each Participant was required to contribute an amount equal to six percent (6%) of his monthly salary until the Participant attained his sixtieth (60th) birthday unless the Participant was permitted to continue his employment in accordance with Section 5.03, in which event the Participant ceased making contributions on the earlier of (i) the date he completed thirty-two (32) years of Credited Service or (ii) the date his Credited Service ended under the terms of the Plan. The final deduction shall occur in the pay check immediately following the later of the Participant's sixtieth (60th) birthday or the date he completed thirty-two (32) years of Credited Service.

4. Effective January 1, 2013, each Participant is required to contribute an amount equal to six percent (6%) of his monthly salary. Any Participant who ceased making contributions because of the attainment of age sixty (60) or completion of thirty-two (32) years of Credited Service prior to January 1, 2013, shall again be required to contribute an amount equal to six percent (6%) of his monthly salary, effective January 1, 2013.

5. Money so contributed shall be deducted from each pay check of the Participant and transferred by the Employer to the Trustee to become part of the Trust fund as described herein.

"(b) In the event of a Participant's retirement as of an Early Retirement Date, Normal Retirement Date, or Late Retirement Date, such Participant may elect to receive a lump sum equal to his Net Amount of Contributions at any time after his retirement and prior to the commencement of his monthly benefit. Such lump sum payment shall be made within ninety (90) days after the later of his severance from employment or the date his application is received by the Merit Board. In the event a Participant elects such lump sum payment, a Participant's Net Amount of Contributions shall be converted into a life annuity on an Actuarially Equivalent basis and his monthly retirement benefit payable under Article VI shall be reduced by the monthly amount of such life annuity. The conversion shall be based on the interest rate described in Section 2.01(a) used to determine Actuarially Equivalent lump sums. Specifically, this means that the Actuarially Equivalent life annuity shall be that annuity which has a lump sum value as of the determination date equal to the Participant's Net Amount of Contributions as of the determination date."

In witness of its adoption of the foregoing amendment to the Plan, the Employer has caused this amendment to be executed as of the 30<sup>th</sup> day of MAY, 2013.

LAKE COUNTY SHERIFF'S DEPARTMENT

By   
Sheriff of Lake County

Approved and ratified at a meeting of the Lake County Sheriff's Merit Board on the \_\_\_ day of \_\_\_\_\_, 2013.

LAKE COUNTY SHERIFF'S MERIT BOARD



Approved and ratified at a meeting of the County Council of Lake County on the 11<sup>th</sup> day of June, 2013.

COUNTY COUNCIL OF LAKE COUNTY



In the Matter of changing time of L.C. Council meeting.

Prince made a motion to move our Council meetings back to 10:00 A.M. Hamm seconded.

Bilski said that there needs to be a motion to add to the agenda.

Hamm made a motion, seconded by Prince to suspend the rules, to add an item to the agenda regarding the time change.

All voted "Yes", except Dernulc, Cid, and Strong, "No". Motion to approve adding the item to the agenda carried 4-yes, 3-no.

Prince made a motion, seconded by Hamm to move the regular monthly Council meetings back to 10:00 A.M.

Cid said we've only had a couple of evening meetings, and I don't understand why there are being changed, except for one reason that I can think of, which is probably retribution for probably actions that were taken that you were in favor of. She said when she had the time changed, she at least, put it on the agenda, instead of making it a surprise issue here, and I sent a memo to all of you of my intentions.

Cid said that this is business as usual here in Lake County, no communication on this Council, as long as you have your votes, you don't feel you need to communicate with anyone else.

Cid wanted to make letters from Department Heads, who were in favor of evening meetings, a part of the record. She said there may be more, and she also received verbal support of evening meetings from the

Recorder' Office, the Auditor's Office, the Treasurer's Office, and the Sheriff's Office. She said, there may be more, but she just wanted these on the record.

Cid said she also found a solution on how not to cause overtime.

The following are the letters and correspondence that Cid received:



**OFFICE OF THE LAKE COUNTY CORONER**

**Merrilee D. Frey, R.N., B.S.N., M.S., F.N.E.**  
**CORONER**

Phone 219.755.3265  
Fax 219.755.3276

Lake County Government Center  
2900 West 93rd Avenue  
Crown Point, Indiana 46307

April 1, 2013

Lake County Council  
Councilwoman Christine Cid  
2900 N. Main St.  
Crown Point, IN 46307

Re: Evening Meetings

Dear Councilwoman Cid,

As your elected official for the Lake County Coroner's office, I am in full support of your suggestion of having evening meetings. I feel the same as you in giving the public an opportunity to participate not only in their city council meetings but now their county council meetings in the evening hours.

I understand your concern with the overtime issue which is always a problem with offices like the Coroner's office and Sheriff's office. Please know that the couple of hours required to be present during the county council meeting should not be a problem. Either I and/or Chief Deputy Pastrick (appointed) will attend.

If you should need any further correspondence or assistance in this matter, please do not hesitate to contact me.

Thank you for your past support of me and the Lake County Coroner's office.

Respectfully,

A handwritten signature in cursive script that reads "Merrilee D. Frey".

Merrilee D. Frey, R.N., B.S.N., M.S., F.N.E.  
Lake County Coroner

MDF/kb

**WEIGHTS AND MEASURES  
DEPARTMENT**

LAKE COUNTY GOVERNMENT  
2900 W. 93<sup>rd</sup> AVENUE 2<sup>nd</sup> FLOOR  
CROWN POINT, INDIANA 46307  
PHONE: (219) 755-3680  
FAX: (219) 755-3739



CHRISTINE S. CLAY, DIRECTOR

Date: April 1, 2013

To: Councilwoman Christine Cid  
Lake County Council  
Fr: Christine Clay  
Re: Council Meetings

This memorandum comes to lend our support for your inquiry regarding a possible change in the Lake County Council Meeting time. We have no objection to attending a meeting at 6:00 pm or 6:30 pm.

We hope this information will be of value to you.



SUPERIOR COURT OF LAKE COUNTY

Civil Division, Room Seven

**Diane Kavadias Schneider**

Judge

2293 N. Main Street  
Crown Point, IN 46307  
Phone: (219) 648-6150  
Fax: (219) 648-6155



March 27, 2013

Christine Cid, Councilman  
Lake County Council  
2293 North Main Street  
Crown Point, IN 46307

Dear Mrs. Cid:

Thank you for your March 25, 2013 memo regarding the rescheduling of county council meetings to 6:00 p.m. I fully support your attempt to implement this change. I share your belief that the public would be better able to attend meetings if they were in the evening. It would also be more convenient for judges and other elected officials whose duties often conflict with meeting times during the work day.

I also suggest you explore the possibility of broadcasting meetings on local cable television which can reach an even larger segment of the population.

Very truly yours,

*Diane Kavadias Schneider*  
Diane Kavadias Schneider

**Christine Cid**

---

**From:** Judge Stefaniak  
**Sent:** Tuesday, February 26, 2013 2:52 PM  
**To:** Christine Cid  
**Subject:** RE: Council Regular Meetings

Councilperson Cid:

Sounds good to me.

Tom Stefaniak

---

**From:** Christine Cid  
**Sent:** Tuesday, February 26, 2013 11:56 AM  
**To:** Judge Bonaventura; Judge Davis; Judge Diane Boswell; Judge Diane Schneider; Judge Julie Cantrell; Judge Moss; Judge Murray; Judge Schiralli; Judge Stefaniak; Judge Svetanoff; Judge Tavitias; Judge Vasquez; John R. Pera; Calvin D. Hawkins  
**Subject:** Council Regular Meetings

Dear Judges,

For the past several years I have attempted to give the public an opportunity to attend council meetings at a more convenient time due to most working a day job.

Thus, I, and some of my colleagues, are considering changing the regular council meeting to an evening hour, maybe 6:00 or 6:30 p.m. The council study session will remain at 10:00 a.m. This is a compromise that I feel is reasonable. I have the support of the majority of elected officials, department heads and council staff. And, Lake County is the **only** council that conducts their regular council meetings in the morning. All city and town councils hold meetings in the evening (see attached).

I have heard concerns about overtime costs due to staff having to return to attend evening meetings. I believe I have a solution to this concern in the attached document.

I have also attached a list of pros and cons for your review. In the list you will note that I mention the respected excuse given to judges from attending regular meetings due to their busy court case load, when an item on the agenda is not of controversy nature. Also, it is not often that you have an item on the agenda.

I would appreciate it if you would review the attached documents and reply with any concerns and/or your support. I am available to meet with you if you so desire. Thank you for your consideration.

Respectfully,

Christine Cid  
Councilman

**Christine Cid**

---

**From:** Calvin D. Hawkins  
**Sent:** Friday, March 08, 2013 6:08 PM  
**To:** Christine Cid  
**Subject:** RE: Council Regular Meetings

I am fine with your proposal.  
Calvin D. Hawkins

---

**From:** Christine Cid  
**Sent:** Tuesday, February 26, 2013 11:56 AM  
**To:** Judge Bonaventura; Judge Davis; Judge Diane Boswell; Judge Diane Schneider; Judge Julie Cantrell; Judge Moss; Judge Murray; Judge Schiralli; Judge Stefaniak; Judge Svetanoff; Judge Tavitas; Judge Vasquez; John R. Pera; Calvin D. Hawkins  
**Subject:** Council Regular Meetings

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Thus, I, and some of my colleagues, are considering changing the regular council meeting to an evening hour, maybe 6:00 or 6:30 p.m. The council study session will remain at 10:00 a.m. This is a compromise that I feel is reasonable. I have the support of the majority of elected officials, department heads and council staff. And, Lake County is the **only** council that conducts their regular council meetings in the morning. All city and town councils hold meetings in the evening (see attached).

I have heard concerns about overtime costs due to staff having to return to attend evening meetings. I believe I have a solution to this concern in the attached document.

I have also attached a list of pros and cons for your review. In the list you will note that I mention the respected excuse given to judges from attending regular meetings due to their busy court case load, when an item on the agenda is not of controversy nature. Also, it is not often that you have an item on the agenda.

I would appreciate it if you would review the attached documents and reply with any concerns and/or your support. I am available to meet with you if you so desire. Thank you for your consideration.

Respectfully,

Christine Cid  
Councilman

Franklin said her decision had nothing to do with Cid not supporting whatever she didn't support, her concern was what Cid always said that she was concerned about, which was the staff. Franklin said, I don't see one person in this audience, that is a citizen, "busting down the door".

Franklin said that some of those folks that you said told you this lied, because they are "walking around, jumping up and down, upset because of it". (the evening meetings). Franklin said she received a call at home on why they had to come here tonight, but Franklin said she told the people that she chairs, they didn't have to come.

Prince said, for the record, that his motion had nothing to do with retribution, or retaliatory from a very factual perspective, as some of the points were pointed out. Prince said he just thinks that it makes sense to do it during the day. He said that as part of the Democratic process, we are not going to always agree, and he thinks that it's just a little unprofessional to demean a particular councilpersons position, just because it doesn't fit ours. Prince said he certainly didn't do that when we voted to have evening meetings, and I won't begin to address it now, my only intention in responding was in case Bill wanted to write a couple of comments there, so that my position, (since I was the one who made the motion), is completely clear, and factual, it had nothing to do with the Income Tax, or any other source.

Dernulc said, the reason that he voted for this is because several of his constituents asked for this, they are not present tonight, but maybe in time, they might be. He said he wish they could have waited a few months, to see what happened.

Hamm said he hopes retribution wasn't thrown in his direction. He said, he looked last month, and he looked this month, and minus government people, and the press, each time, there were two individual. He said he was led to believe by several people that there would be probably a lot of citizens attending, and there were 2 last month, and 2 this month. He said, he was asked by several, if we could have them during the day, why did you change them? He said that he did pay attention to see how many people attended, and there's been 2.

Strong said he thought they needed to have the opportunity to give it a few months, and that would be only out of fairness.

Cid said we've only had 2 evening meetings, most of the citizens don't even know yet, that we are having evening meetings, we don't advertise enough to make them aware of it, so a lot of them don't know. She said having meetings in the evening would give the citizens a better opportunity to come.

Bilski said he will always continue to support Council lady Cid on your endeavors. I has never voted retaliatory against anyone ever, and never would, and that goes as well with Councilman Dernulc, if you needed my support on issues we've discussed and had great dialogue, and I will continue to operate in that manner. I've always taken a strong position that Lake County Government is not a Town Council, it is not a City Council. Our primary function is not whether or not your garbage has been picked up, where it takes that much public remonstrations, when we've had those instances that have come up, we've held those special meetings, we hold evening meetings when it comes time to decide the budget, we always have. What our primary function is internal finances that you've sat through here and looked at all of the department transfers, and you've looked at internal transfers on approved budget items, where I think is most important that the staff members, and those that are here, are made available during that time, that's my personal position on it.

All voted "Yes", except Dernulc, Cid, and Strong, "No". Motion to approve changing the regular Council meetings to 10:00 A.M. carried 4-yes, 3-no.

In the Matter of Notice to Taxpayers of Hearing on Proposed Cumulative Bridge Fund

Prince made a motion, seconded by Dernulc to approve the notice. All voted "Yes". Motion carried 7-0.

In the Matter of Ordinance Establishing the Cumulative Bridge Fund under Indiana Code 8-16-3-1, ET, SEQ.

Prince made a motion, seconded by Dernulc to set for public hearing on 6-27-13 at 4:30P.M. All voted "Yes". Motion carried 7-0.

Councilman Strong said that for next month's meeting, he would like to have it put on the agenda for the Council to begin working on some cost saving measures, in which we can help make our government better. Strong said, we all know that the Income Tax is going to pass, but Strong still thinks there are some things that we need to get done, on our side, to make things better, so he is going to ask to have that put on the agenda, and he is hoping that each councilmember will be able to come to the next council meeting with some thoughts and ideas, that we can start proceeding forward.

Bilski said we have started on some issues with the Finance Committee, and will continue down that path.

Dante wanted to put some clarity on the issue on the borrowing on the bridges and roads. He said the \$1.9 and some change, that you approved was for roads, we never did cut roads. He has \$1.9 million dollars extra. The \$2 million that we reduced from the Bridge fund was dismissed today, and was not even brought up. So Dante just wants to make sure that they are aware of what they did today. We did totally contrary to what we did on Thursday, which was to unfund the funded portion that we removed last year, but we gave \$1.9 million to Highway. Dante wanted to make sure that everyone understood what happened today.

Dante said they could also do Bridges, on top of what they did today, and that could be at a later date, but he wanted to make sure they didn't think that they shorted Marcus, we did not short him, he received \$1.9 million dollars more, than what he walked in here with.

Bilski said but we did not re-establish the total amount in the Bridge Fund, so we fell short of what our objective was from the Thursday workshop, and he said he didn't know what transpired between then, and today.

Dante said we made it up, it was \$2 million.

In the Matter of Notice to Taxpayers of Hearing on Proposed Cumulative Drainage Fund.

Prince made a motion, seconded by Franklin to approve the notice. All voted "Yes". Motions carried 7-0.

In the Matter of Ordinance Establishing the Cumulative Drainage Fund Under Indiana Code 36-9-37-2, ET.SEQ.

Prince made a motion, seconded by Hamm to set for public hearing for 6-27-13, at 4:30 P.M. All voted "Yes". Motion carried 7-0.

In the Matter of Resolution Honoring Nathan Kondamuri – Munster High School Senior – Indiana's Representative to the White House Science Fair.

Was deferred to July 9, 2013.

In the Matter of Resolution Honoring Sean Ives – Seventh Grader Trinity Lutheran School – District & Regional Champion Scripps National Spelling Bee.

Bilski made a motion, seconded by Strong to approve. All voted "Yes". Motion to approve carried 7-0. Bilski also present Sean Ives with a plaque.

**RESOLUTION NO. 13-56**

**RESOLUTION HONORING SEAN IVES,  
DISTRICT AND REGIONAL CHAMPION - SCRIPPS NATIONAL SPELLING BEE**

**WHEREAS,** students and scholars from Lake County, Indiana, have consistently excelled in all academic matters throughout the State and Nation; and

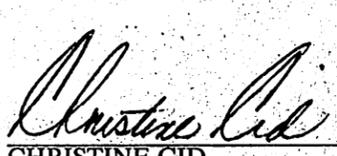
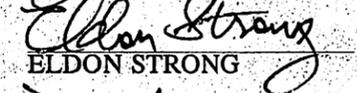
**WHEREAS,** Lake County has generously sent forth its spirited youth to compete in academic contests in this State, the Nation and the World; and

**WHEREAS,** Lake County is justly proud of its son and daughters who have so willingly taken upon themselves the hardships and disciplines, both physical and mental, which successful participation in academic contests demands; and

**WHEREAS,** Sean Ives, a seventh grader at Trinity Lutheran School won the District and Regional Champion - Scripps National Spelling Bee on March 9, 2013 and advanced to the third round of the Nationals on May 27-30, 2013 in Washington, D.C.

**NOW, THEREFORE, LET IT BE RESOLVED** that the Lake County Council, and all citizens of Lake County extend congratulations and praise to SEAN IVES for winning the District and Regional Champion - Scripps National Spelling Bee; that a copy of this Resolution be spread on the official records of the Lake County Council, and an official copy be delivered to SEAN IVES.

DULY ADOPTED by the Lake County Council, this 11th day of June, 2013.

 CHRISTINE CID	 TED F. BILSKI, President	 ELSIE FRANKLIN
 DANIEL E. DERNULC		 ELDON STRONG
 JEROME A. PRINCE		 DAVID HAMM

Members of the Lake County Council

In the Matter of Resolution Honoring Sean Ives, Indiana State Champion – Georgraphic Bee.

Strong made a motion, seconded by Bilski to approve. All voted "Yes". Motion carried 7-0.

**RESOLUTION NO. 13-57**

**RESOLUTION HONORING SEAN IVES,  
INDIANA STATE CHAMPION - GEOGRAPHIC BEE**

**WHEREAS,** students and scholars from Lake County, Indiana, have consistently excelled in all academic matters throughout the State and Nation; and

**WHEREAS,** Lake County has generously sent forth its spirited youth to compete in academic contests in this State, the Nation and the World; and

**WHEREAS,** Lake County is justly proud of its son and daughters who have so willingly taken upon themselves the hardships and disciplines, both physical and mental, which successful participation in academic contests demands; and

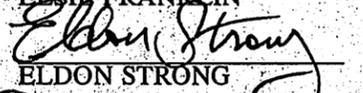
**WHEREAS,** Sean Ives, a seventh grader at Trinity Lutheran School won the Indiana State Championship Geographic Bee on April 5, 2013 in Indianapolis, Indiana and represented Indiana at the National Geographic Bee on May 20-22, 2013 in Washington, D.C. placing in the top 20 in the United States.

**NOW, THEREFORE, LET IT BE RESOLVED** that the Lake County Council, and all citizens of Lake County extend congratulations and praise to SEAN IVES for winning the Indiana State Championship Geographic Bee; that a copy of this Resolution be spread on the official records of the Lake County Council, and an official copy be delivered to SEAN IVES.

DULY ADOPTED by the Lake County Council, this 11th day of June, 2013.

  
CHRISTINE CID  
  
DANIEL E. DERNULC  
  
JEROME W. PRINCE

  
TED F. BILSKI, President

  
ELSIE FRANKLIN  
  
ELDON STRONG  
  
DAVID HAMM

Members of the Lake County Council

In the Matter of Resolution Honoring Rudolph Clay, Sr.

Prince made a motion, seconded by Franklin to approve. All voted "Yes". Motion carried 7-0.

**RESOLUTION NO. 13-58**

**RESOLUTION HONORING RUDOLPH CLAY, SR.**

**WHEREAS,** the late RUDOLPH CLAY, SR. has served the people of Gary, Lake County and Indiana with distinction as Indiana State Senator - 1973-1976; Lake County Councilman - 1979-1984; Lake County Recorder - 1985-1986; Lake County Commissioner - 1987-2006; Gary City Mayor - 2006-2011 and Lake County Democratic Chairman - 2005-2009; and

**WHEREAS,** RUDOLPH CLAY, SR. commanded the respect of all who knew him for his dedication, integrity, hard-work and extensive knowledge of Local and State Government; and

**WHEREAS,** RUDOLPH CLAY, SR. was an outstanding civic and community leader, a veteran of the Vietnam War, he was awarded the Outstanding Hoosier Award in 1987 and the Sagamore of the Wabash Award in 2005; and

**WHEREAS,** RUDOLPH CLAY, SR. demonstrated in his life and his relations with fellow human beings the highest of ideals and personal commitment to his God and to the betterment of all mankind; and

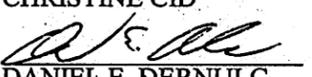
**WHEREAS,** the citizens of Lake County have been deeply saddened by the untimely death of RUDOLPH CLAY, SR., terminating a distinguished political and civic career.

**NOW, THEREFORE, LET IT BE RESOLVED THAT:**

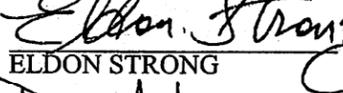
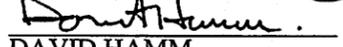
The Lake County Council hereby recognizes and memorializes the sudden passing of RUDOLPH CLAY, SR. He shall be dearly missed.

A copy of this Resolution be spread on the official records of the Lake County Council, and an official copy be delivered to the family of RUDOLPH CLAY, SR.

DULY ADOPTED by the Lake County Council, this 11th day of June, 2013.

  
CHRISTINE CID  
  
DANIEL E. DERNULC  
  
JEROME A. PRINCE

  
TED F. BILSKI, President

  
ELSIE FRANKLIN  
  
ELDON STRONG  
  
DAVID HAMM

Members of the Lake County Council

In the Matter of Resolution Honoring Marsalis Gibson IHSAA State Champion – 110 Meter Hurdles.

Prince made a motion, seconded by Franklin to approve. All voted "Yes". Motion carried 7-0.

**RESOLUTION NO. 13-59**

**RESOLUTION HONORING MARSALIS GIBSON  
IHSAA STATE CHAMION - 110 METER HURDLES**

**WHEREAS,** students and professional athletes nurtured and trained in Lake County, Indiana, have consistently shown excellence in all sporting endeavors; and

**WHEREAS,** Lake County has generously sent forth its spirited and athletic youth to compete with other youths of this state and of every country and nation of this world; and

**WHEREAS,** Lake County is justly proud of its son and daughters who have so willingly taken upon themselves the hardships and disciplines, both physical and mental, which successful participation in sporting events demands; and

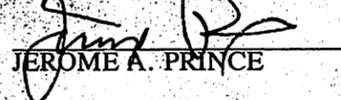
**WHEREAS,** MARSALIS GIBSON, a Junior at Theo Bowman Academy captured first place in the 110 Meter Hurdles at the IHSAA Track and Field Tournament in Bloomington, Indiana on May 31, 2013, with a time of 14.19 seconds; MARSALIS was the Region's lone State Champion and Thea Bowman's first State Champion in Track.

**NOW, THEREFORE, LET IT BE RESOLVED** that the Lake County Council, and all citizens of Lake County extend congratulations and praise to MARSALIS GIBSON the IHSAA Track and Field Champion - 110 Meter Hurdles; that a copy of this Resolution be spread on the official records of the Lake County Council, and an official copy be delivered to MARSALIS GIBSON.

DULY ADOPTED by the Lake County Council, this 11th day of June, 2013.

  
CHRISTINE CID

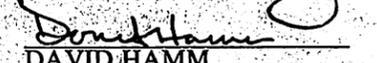
  
DANIEL E. DERNULC

  
JEROME A. PRINCE

  
TED F. BILSKI, President

  
ELSIE FRANKLIN

  
ELDON STRONG

  
DAVID HAMM

Members of the Lake County Council

In the Matter of Resolution Permitting the Board of Commissioners to pay a 2012 invoice with 2013 funds in the amount of \$85.00 – 001-2900-43231 Travel Registration.

Franklin made a motion, seconded by Prince to approve. All voted "Yes". Motion carried 7-0.

**RESOLUTION NO. 13-60**

**RESOLUTION PERMITTING THE LAKE COUNTY  
COMMISSIONERS TO PAY AN  
OUTSTANDING 2012 INVOICE/DEBT FROM THE 2013 BUDGET**

**WHEREAS,** the Lake County Commissioners are currently operating in the 2013 Budget; and

**WHEREAS,** the following invoice/debt incurred in the Budget year of 2012, has not been paid:

<u>001-2900-43231</u>	<u>Travel Registration</u>
Association of Indiana Counties, Inc.	\$ 85.00

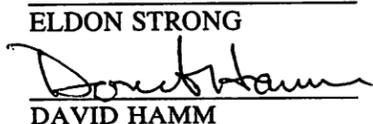
**WHEREAS,** the Lake County Council desires to pay the above invoice/debt due.

**NOW, THEREFORE, LET IT BE RESOLVED AS FOLLOWS:**

That the following 2012 expense shall be paid from the Lake County Commissioners' 2013 Budget:

<u>001-2900-43231</u>	<u>Travel Registration</u>
Association of Indiana Counties, Inc.	\$ 85.00

SO RESOLVED THIS 11<sup>TH</sup> day of June, 2013.

 CHRISTINE CID	 TED F. BILSKI, President	 ELSIE FRANKLIN
 DANIEL E. DERNULC		 ELDON STRONG
 JEROME A. PRINCE		 DAVID HAMM

Members of the Lake County Council

In the Matter of Resolution Permitting the Lake County Sheriff to pay 2010,2011, 2012 Jail invoices with 2013 funds – 001-3100-43120 Medical & Hospital Services in the amount of \$115,365.58.

Dernulc made a motion, seconded by Prince to approve. All voted "Yes". Motion carried 7-0.

**RESOLUTION NO. 13-61**

**RESOLUTION PERMITTING LAKE COUNTY SHERIFF TO PAY  
OUTSTANDING 2010, 2011 AND 2012 JAIL  
INVOICES/DEBTS FROM THE 2013 BUDGET**

**WHEREAS**, the Sheriff's Department of Lake County is currently operating in the 2013 Budget; and

**WHEREAS**, the following Jail invoices/debts which were incurred in the Budget years of 2010, 2011 and 2012 have not been paid:

<u>001-3100-43120</u>	<u>Medical &amp; Hospital Services</u>
David G. Gross	\$ 108.00
Daksha Vyas, M.D.	325.49
Rafaelito T. Legaspi	307.15
Lake County Hospitalist	965.12
Methodist Hospital	112,813.78
Northwest Emergency	369.90
Northwest Indiana Nephrology Associates	397.28
	78.86
	<u>\$ 115,365.58</u>

**WHEREAS**, the Sheriff's Department desires to pay the above invoices/debts due.

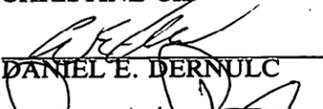
**NOW, THEREFORE, LET IT BE RESOLVED AS FOLLOWS:**

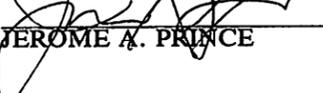
That the Lake County Sheriff's Department shall pay from its 2013 Budget the following Jail invoices/debts incurred in the calendar years 2010, 2011 and 2012 as follows:

<u>001-3100-43120</u>	<u>Medical &amp; Hospital Services</u>
David G. Gross	\$ 108.00
Daksha Vyas, M.D.	325.49
Rafaelito T. Legaspi	307.15
Lake County Hospitalist	965.12
Methodist Hospital	112,813.78
Northwest Emergency	369.90
Northwest Indiana Nephrology Associates	397.28
	78.86
	<u>\$ 115,365.58</u>

SO RESOLVED THIS 11TH DAY OF JUNE, 2013.

  
 CHRISTINE CID

  
 DANIEL E. DERNULC

  
 JEROME A. PRINCE

  
 TED F. BILSKI, President

  
 ELSIE FRANKLIN

  
 ELDON STRONG

  
 DAVID HAMM

Members of the Lake County Council

In the Matter of Ordinance Establishing a Cumulative Bridge Levy and Fund.

NO ACTION TAKEN.

In the Matter of Ordinance Establishing the Lake County Department of Homeland Security/Emergency Management Agency and Other Related Matters Concerning the Exercise Of Emergency Powers.

Strong made a motion, seconded by Prince to approve on First Reading. All voted "Yes". Motion to approve on First Reading carried 7-0.

Strong made a motion, seconded by Prince to Suspend Rules. All voted "Yes". Motion to Suspend Rules carried 7-0.

Strong made a motion, seconded by Prince to approve on Second Reading. All voted "Yes". Motion to approve on Second Reading carried 7-0.

ORDINANCE NO. 1361A

**ORDINANCE ESTABLISHING THE LAKE COUNTY DEPARTMENT OF HOMELAND SECURITY/EMERGENCY MANAGEMENT AGENCY AND OTHER RELATED MATTERS CONCERNING THE EXERCISE OF EMERGENCY POWERS**

**WHEREAS**, pursuant to I.C. 36-2-3.5-1, et. seq., the Lake County Council is the legislative and fiscal body of Lake County, Indiana, and has authority to adopt resolutions and ordinances for the government of the County; and

**WHEREAS**, that on August 12, 2008, the Lake County Council established the Lake County Department of Homeland Security/Emergency Management Agency and other related matters concerning the exercise of emergency powers, by adopting Ordinance No. 1302A; and

**WHEREAS**, the Lake County Council desires to repeal and rescind Ordinance No. 1302A, to be replaced by a new Ordinance Establishing the Lake County Department of Homeland Security/Emergency Management Agency.

**NOW, THEREFORE, LET IT BE ORDAINED THAT:**

1. That a new ordinance be added to the Lake County Code as follows:
  - A. The attached Exhibit "A", Sections 1 through 4, the Lake County Code Department of Emergency Management, Program, containing the substantive provisions of this Ordinance is incorporated into said Code as part of this Ordinance.
  - B. The attached Exhibit "B", the Lake County Disaster Emergency Declaration for Travel Restriction is incorporated into said Code as part of this Ordinance.
2. All Ordinances or parts of Ordinances in conflict with provisions of this Ordinance are hereby repealed.
3. Should any Section, Paragraph, clause or phrase of this Ordinance be declared unconstitutional or invalid the remainder of said Ordinance shall continue in full force and effect.
4. That this Ordinance establishing the Lake County Department of Homeland Security/Emergency Management Agency and Other Related Matters Concerning the Exercise of Emergency Powers repeals and replaces Ordinance No. 1302A.

SO ORDAINED THIS 11th DAY OF JUNE, 2013.

  
CHRISTINE CID

  
DANIEL E. BERNULC

  
JEROME A. PRINCE

  
TED F. BILSKI, President

  
ELSIE FRANKLIN

  
ELDON STRONG

  
DAVID HAMM

Members of the Lake County Council

**(Exhibit "A" and Exhibit "B" are on file in the Auditor's Office, attached to Ordinance # 1361A).**

In the Matter of Ordinance Amending the Ordinance Establishing a County Child Review Team, Ordinance No. 1235D.

Cid made a motion, seconded by Hamm to approve on First Reading. All voted "Yes". Motion to approve on First Reading carried 7-0.

Cid made a motion, seconded by Hamm to Suspend Rules. All voted "Yes". Motion to Suspend Rules carried 7-0.

Cid made a motion, seconded by Hamm to approve on Second Reading. All voted "Yes". Motion to approve on Second Reading carried 7-0.

**ORDINANCE NO. 1235D-2**

**ORDINANCE AMENDING THE ORDINANCE  
ESTABLISHING A COUNTY CHILD FATALITY  
REVIEW TEAM, ORDINANCE NO. 1235D**

**WHEREAS,** on January 14, 2003, pursuant to I.C. 12-13-15, the Lake County Council adopted Ordinance No. 1235D, the Ordinance Establishing a County Child Fatality Review Team; and

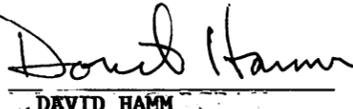
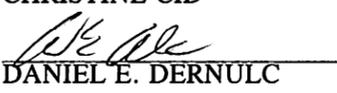
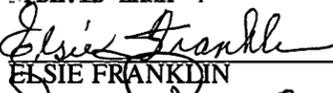
**WHEREAS,** the Indiana General Assembly has enacted I.C. 16-49, effective July 1, 2013, replacing I.C. 12-13-15; and

**WHEREAS,** Indiana Code 16-49 establishes Child Fatality Review Committees which does not require the County Council to establish a Child Fatality Review Team, nor appointment members to the Review Team.

**NOW, THEREFORE, LET IT BE ORDAINED AS FOLLOWS:**

1. That Ordinance No. 1235D, adopted on January 14, 2003, pursuant to I.C. 12-13-15 is hereby repealed.
2. That the Child Fatality Review Team created by Ordinance No. 1235D pursuant to I.C. 12-13-15 is now replaced by I.C. 16-49, Child Fatality Reviews, effective July 1, 2013.
3. That this Ordinance is effective on July 1, 2013.

SO ORDAINED THIS 11th DAY OF JUNE, 2013.

 <hr/> CHRISTINE CID	 <hr/> TED F. BILSKI, President	 <hr/> DAVID HAMM
 <hr/> DANIEL E. DERNULC		 <hr/> ELSIE FRANKLIN
		 <hr/> JEROME A. PRINCE

Members of Lake County Council

In the Matter of an Ordinance to Confirm and Ratify Establishment of the Drainage Fund, County of Lake, State of Indiana.

Prince made a motion, seconded by Franklin to approve on First Reading. All voted "Yes". Motion to approve on First Reading carried 7-0.

Prince made a motion, seconded by Hamm to Suspend Rules. All voted "Yes". Motion to Suspend Rules carried 7-0.

Prince made a motion, seconded by Hamm to approve on Second Reading. All voted "Yes". Motion to approve on Second Reading carried 7-0.

ORDINANCE NO. 1361B

AN ORDINANCE TO CONFIRM AND RATIFY  
ESTABLISHMENT OF THE DRAINAGE FUND,  
COUNTY OF LAKE, STATE OF INDIANA

WHEREAS, Indiana Code 36-9-27-73 required the establishment of a drainage fund for Lake County, Indiana; and

WHEREAS, the fund and line items were created to comply and conform with said statute; and

WHEREAS, an Ordinance to confirm and ratify the establishment of said fund must be passed by the Lake County Council.

NOW, THEREFORE, BE IT ORDAINED by the Lake County Council of Lake County, Indiana as follows:

1. The Lake County Drainage Fund is hereby established, confirmed and ratified in compliance with Indiana Code 36-9-27-73.

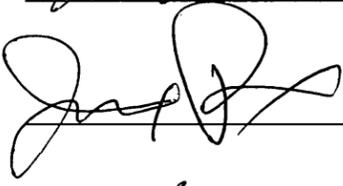
2. The terms and provisions of this Ordinance are hereby determined to be severable.

The invalidity or unenforceability of any sections, sentence, clause, term, or provision of this Ordinance shall not affect the validity of any other section, sentence, clause, term, or provision of this Ordinance which can be given meaning without such invalid part or parts. This Ordinance shall be in full force and effect from and after its passage and any approvals or publications as may be required by law.

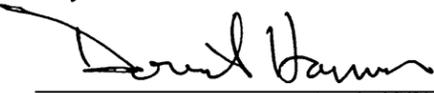
ALL OF WHICH IS ORDAINED AND APPROVED THIS 11th DAY OF  
JUNE, 2013.

LAKE COUNTY COUNCIL

  
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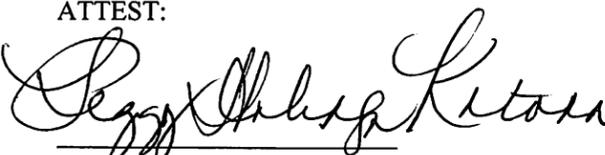
  
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ATTEST:  
  
\_\_\_\_\_

In the Matter of Ordinance to Confirm and Ratify Establishment of the Corner Perpetuation Fund, County of Lake, State of IN.

Prince made a motion, seconded by Hamm to approve on First Reading. All voted "Yes". Motion to approve on First Reading carried 7-0.

Prince made a motion, seconded by Hamm to Suspend Rules. All voted "Yes". Motion to Suspend Rules carried 7-0.

Prince made a motion, seconded by Hamm to approve on Second Reading. All voted "Yes". Motion to approve on Second Reading carried 7-0.

ORDINANCE NO. 1361C

AN ORDINANCE TO CONFIRM AND RATIFY  
ESTABLISHMENT OF THE CORNER PERPETUATION FUND,  
COUNTY OF LAKE, STATE OF INDIANA

**WHEREAS,** Indiana Code 36-2-12-11 and 15 required the establishment of a Corner Perpetuation Fund for all County Surveyors, including the Lake County Surveyor, Lake County, Indiana; and

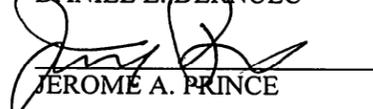
**WHEREAS,** the fund and line items were created to comply and conform with said statute; and

**WHEREAS,** an Ordinance to confirm and ratify the establishment of said fund must be passed by the Lake County Council.

NOW, THEREFORE, BE IT ORDAINED by the Lake County Council of Lake County, Indiana as follows:

1. The Lake County Corner Perpetuation Fund is hereby established, confirmed and ratified in compliance with Indiana Code 36-2-12-11 and 15.
2. The terms and provisions of this Ordinance are hereby determined to be severable. The invalidity or unenforceability of any sections, sentence, clause, term, or provision of this Ordinance shall not affect the validity of any other section, sentence, clause, term, or provision of this Ordinance which can be given meaning without such invalid part or parts. This Ordinance shall be in full force and effect from and after its passage and any approvals or publications as may be required by law.

SO ORDAINED THIS 11th DAY OF JUNE, 2013.

 CHRISTINE CID	 TED F. BILSKI, President	 ELSIE FRANKLIN
 DANIEL E. DERNULC		 ELDON STRONG
 JEROME A. PRINCE		 DAVID HAMM

Members of the Lake County Council

In the Matter of Ordinance Amending Ord# 1336A – Establishing the Lake County Health Department Fees.

Dernulc made a motion, seconded by Prince to approve on First Reading.

Dernulc explained that the fees are as follows, there is a portion of the Death Certificate fee, \$1.75 that's placed in the Coroner's Continuing Education Fund that was established under IC Code, I.C. 4-23-6.5-8, this amount is going to be \$2.00. It's going from \$1.75 to \$2.00. Also there is an increase fee of the Death Certificate, from \$10.00 to 11.00 dollars per copy.

All voted "Yes". Motion carried 7-0.

Dernulc made a motion, seconded by Prince to Suspend Rules. All voted "Yes". Motion to Suspend Rules carried 7-0.

Dernulc made a motion, seconded by Prince to approve on Second Reading. All voted "Yes". Motion to Suspend Rules carried 7-0.

**ORDINANCE NO. 1336A-2**

**ORDINANCE AMENDING THE ORDINANCE  
ESTABLISHING THE LAKE COUNTY  
HEALTH DEPARTMENT FEES, ORDINANCE NO. 1336A**

**WHEREAS,** the Lake County Council adopted the Ordinance Establishing the Lake County Health Department Fees, Ordinance No. 1336A on June 14, 2011; and

**WHEREAS,** the Lake County Council desires to amend the Ordinance Establishing the Lake County Health Department Fees.

**NOW, THEREFORE, LET IT BE RESOLVED AS FOLLOWS:**

That the Ordinance Establishing the Lake County Health Department Fees shall be amended as follows:

1. That the Lake County Council hereby establishes the Lake County Health Department Fee Schedule as follows:

**DELETE:**

<b>Food Safety</b>	<b>Fee</b>
Annual Food Service Permit, 1-4 employees	\$ 150.00
Annual Food Service Permit, 4-9 employees	210.00
Annual Food Service Permit, 10-14 employees	240.00
Annual Food Service Permit, 15-19 employees	270.00
Annual Food Service Permit, 20-24 employees	300.00
Annual Food Service Permit, 25-29 employees	320.00
Annual Food Service Permit, 30-34 employees	350.00
Annual Food Service Permit, 35-39 employees	380.00
Annual Food Service Permit, 40-44 employees	400.00
Annual Food Service Permit, 45-49 employees	430.00
Annual Food Service Permit, 50 + employees	460.00
Annual Food Market Permit	110.00
Temporary Permit	\$10.00/day (maximum \$30.00 per event)
Mobile Unit Permit	70.00

Assisted Living Facility Same as Annual Food Service rates

**Partial Year Operation Permits**-If such application for a new establishment is made between the first day of July and the thirty-first day of December of any year, the applicant shall pay to the Lake County Health Department, a fee equal to fifty (50%) percent of the respective fee on the foregoing scale. Such existing food service establishments which operate four or less consecutive months during any one calendar year shall pay a fee equal to one-third of the regular annual license fee. Such food service establishments which operate more than four but less than six consecutive months during any one calendar year shall pay a license fee equal to one-half of the regular annual license fee.

**Renewal Fees**-Every person operating an Annual Food Service or Annual Food Market with a permanent location shall pay annually to the Lake County Health Department a renewal fee in accordance with the foregoing scale between the first day of January and the first day of March of each year.

If said renewal fee is not paid on or before the first day of March of each year then the permit is void. Such establishment may resume operation only after securing a permit from the Lake County Health Department and paying a fee in the amount double that of the regular fee for the renewal of the license.

**Operation without a valid permit**-Any owner of a Food Service Establishment who begins operation of said Food Service Establishment before obtaining the necessary permit(s) shall be required to pay a double regular fee after the owner complies with all requirements specified within Food Service Establishment Ordinance No. 23 and 410 IAC 7-24.

Food Service Violation Re-Inspection 80.00

**Environmental**

Residential-new on-site wastewater disposal permit-trench type	\$ 125.00
Residential-repair on-site wastewater disposal permit-trench type	110.00
Residential-new on-site wastewater disposal permit-mound type	200.00
Residential-repair on-site wastewater disposal permit-mound type	185.00
Commercial-new on-site wastewater disposal permit-trench type	135.00
Commercial-repair on-site wastewater disposal permit-trench type	120.00
Commercial-new on-site wastewater disposal permit-mound type	250.00
Commercial-repair on-site wastewater disposal permit-mount type	235.00

Well water sample collection fee 20.00

**Public Swimming Pools**

Annual Non-Tax Supported Swimming Pool Permit	\$2180.00
Seasonal Non-Tax Supported Swimming Pool Permit	670.00

**Seasonal Public Swimming Pool**-A public swimming pool that is only operational between May 15<sup>th</sup> and September 15<sup>th</sup> of the year.

**Renewal Fees**-Every person operating an annual Non-Tax Supported Public Swimming Pool shall pay annually to the Lake County Health Department a renewal fee in accordance with the foregoing scale between the first day of January and the first day of March every year. If said renewal fee is not paid on or before the first day of march of each year then the permit is void. Such Public Swimming Pool may resume operation only after securing a permit from the Lake County Health Department and paying a penalty of up to One Thousand (\$1,000.00) Dollars for renewal of the license.

**Operation without a valid permit**-Any owner of an Annual Non-Tax Supported Public Swimming Pool who begins operation of said Public Swimming Pool before obtaining the necessary permit(s) shall be required to pay a double regular fee.

**Public Health Nursing**

Adult (travel) immunizations-administration fee	\$ 10.00
Copy of immunization record	2.00

**Vital Records**

Certified Birth Certificate	\$ 10.00
Certified Death Certificate	10.00
Paternity Affidavit	15.00
Birth Certificate Name Change	15.00

**INSERT:**

**Food Safety**

	<u>Fee</u>
Annual Food Service Permit, 1-4 employees	\$ 150.00
Annual Food Service Permit, 4-9 employees	210.00
Annual Food Service Permit, 10-14 employees	240.00
Annual Food Service Permit, 15-19 employees	270.00
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Annual Food Service Permit, 45-49 employees	430.00
Annual Food Service Permit, 50 + employees	460.00
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Temporary Permit	\$10.00/day (maximum \$30.00 per event)
Mobile Unit Permit	70.00
Assisted Living Facility	Same as Annual Food Service rates

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Food Service Violation Re-Inspection	80.00
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Commercial-new on-site wastewater disposal permit-mound type	250.00
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Well water sample collection fee 20.00

**Public Swimming Pools**

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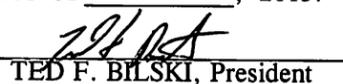
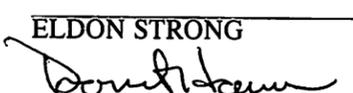
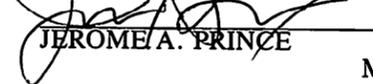
**Public Health Nursing**

Adult (travel) immunizations-administration fee	\$ 10.00
Copy of immunization record	2.00

**Vital Records**

Certified Birth Certificate	\$ 10.00
Certified Death Certificate	11.00
Paternity Affidavit	15.00
Birth Certificate Name Change	15.00

SO ORDAINED THIS 11TH DAY OF JUNE, 2013.

 CHRISTINE CID	 TED F. BILSKI, President	 ELSIE FRANKLIN
 DANIEL E. DERNULC		 ELDON STRONG
 JEROME A. PRINCE		 DAVID HAMM

Members of the Lake County Council

In the Matter of Plan Commission Ordinance # 2397 and 2398.

Strong made a motion, seconded by Hamm to approve Plan Commission Ordinance # 2397, with conditions.

Ned said this is a request to extend Mr. Kooken's time to build his residence. He is asking to extend that time for a period of 1 year.

This came to you as a recommendation for approval by a vote of 5-0 by the Lake County BZA.

Kimberly Kooken was present.

Councilman Strong said to Mrs. Kooken that this was originally approved for you back in 2010, with some conditions, and asked her if they followed through on those conditions at that time?

She said they were told to come back every year, but after the meeting they were also told to get a letter and once they get a letter to come in and re-file a variance. She said they got their letter this year and came in and re-filed for the variance, and they are just asking for one more year.

Strong asked is it their intention to build next year?

She said they are going to start building, and are asking for June 1, 2014.

Bilski explained that this is not a public hearing, the public hearing was held at the Planning Commission.

All voted "Yes". Motion to approve Plan Commission Ordinance # 2397 carried 7-0.

ORDINANCE #2397  
OF THE COUNTY OF LAKE

AN ORDINANCE TO AMEND the Certified Zoning Maps of the County of Lake, Indiana to make provisions for a VARIANCE OF USE (Board of Zoning Appeals recommended in favor 04/17/2013).

BE IT ORDAINED by the County Council of Lake County, Indiana as follows:

VARIANCE OF USE owned and petitioned by RANDY KOOKEN to continue the use of existing accessory building until primary residence is constructed. The request is an extension of Ordinance #2317 as approved on September 14, 2010 on the following described property:

General Location: Located at the northwest quadrant at the intersection of 125<sup>th</sup> Avenue and Burr Street, a/k/a 12444 Burr Street in Center Township.

Legal: The Southeast Quarter of the Southwest Quarter of Section 13, Township 34 North, Range 9 West of the Second Principal Meridian, in Lake County, Indiana.

*Condition:* A building permit for the construction of a new residence must be applied for on or before June 1, 2014.

HEREBY   X   BY THE COUNTY COUNCIL  
APPROVED DENIED REMANDED

OF LAKE COUNTY, INDIANA, THIS   11<sup>th</sup>   DAY OF   JUNE  , 2013.

MEMBERS OF THE LAKE COUNTY COUNCIL

  
TED BILSKI, PRESIDENT

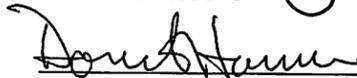
  
ELSIE FRANKLIN

  
CHRISTINE CID

  
JEROME A. PRINCE

  
DANIEL DERNULC

  
ELDON STRONG

  
DAVID HAMM

Dernulc made a motion to approve zone change Ordinance # 2398, seconded by Prince.

Strong said that he has some reports, and one is from the L.C. Soil & Water Conservation District, and there are some real concerns with that area, which according to the L.C. Comprehensive Plan, is to remain agricultural.

Strong said he thinks one of the reasons to remain agricultural is because the Soil & Water Conservation District has identified that there are some real concerns about conventional septic systems. Their concern is that maybe that ground will percolate that well.

Strong said he also has an additional report from Natural Resources Conservation Department, that also identified that same issue, and the same problem out there, that that particular piece of ground is poorly drained, and Strong said he doesn't think that this is a fitting area to put a residential project in, such as this one is being described as.

Bilski said to the Attorney, it is his understanding that this would have to come in front of the Health Department, being in unincorporated county, that in fact the Health Department would not grant the use of that, then it is his understanding that the decision would be made by the governing body, which would be the Health Department, at that time?

Attorney Szarmach answered, right, they are going to have to, even though you would change it to R-1, where they could build, and all the stuff that goes through the hoops, to get all of the permits, Health Department, whatever they might need, building codes.

Ned said the Plan Commission forwarded the recommendation, based upon the Comprehensive Plan. The area is slated to remain agricultural in nature, and Ned said that he thinks that the 6 that voted for it wanted to see it remain agricultural. He said that he thinks that was the finding of Mr. Martin Kroll when he made the motion that he made for an unfavorable recommendation.

Cid ask, so the 6 were unfavorable? Ned answered, correct.

Cid asked were there remonstrators? Ned answered there were. There were several 10 acre tracts in the area, and they wanted the property to develop, if it were to develop, to develop on large tracts, not smaller sub-divisions.

Bilski asked what is the lot size on an R-1?

Ned said the minimum lot size on R-1 on all of our residences are zoned at 1 acre.

He said they have a mix of lot sizes, and we are jumping ahead to the sub-division, and this is just a request for the zoning to allow them to go for the sub-division.

Bilski said, and it hasn't even gotten to that point, "pulling the cart before the horse", I understand. Ned said, in tentative drawings that they submitted, their lot sizes go from just over 1 to 5 acres, just 1 of them is 5, but the majority of them are smaller than 5 acres.

Ned said it's a 40-acre tract, so they have a majority of 27, it has to be smaller than 5.

Cid asked, were the neighbors' concerns about lots too close together?

Ned said they have a lot of concerns about drainage, which Councilman Strong mentioned, and also said, if this will pass by the Council, a lot of the engineering and technical standards won't be heard until they actually apply for the sub-division where they have to do engineering and receive Health Department approval for septic.

He said, a lot of the development that we've approved out there more recently, has gone on sewer and water, there is an Illinois company called Acqua Indiana, that has provided sewer and water to allow the more recent developments that we've done.

Strong asked are there any other issues with the current sub-divisions that are out there, the current homes, are there issues with septic out there?

Ned answered, he doesn't know.

Jim Wieser, an Attorney from Schererville, and he represents the Developer, and he understands this isn't a Public Hearing. He said they are only seeking zoning. He said that what Ned, and Attorney Szarmach said are completely accurate. Issues about septic, or Health approval issues about stormwater drainage, which, by the way is easily identifiable, and easily correctable, and will be, by our development, but all of that is going to come down the road, when, and if, we get approval for the re-zoning, then we will file for the sub-division, we will bring in all of the engineering, and if it meets the criteria of the Stormwater Control Ordinance, we will be approved, if it doesn't, we won't.

Attorney Wieser passed out to the Councilmen, photographs of the area, which is a large area, and they can see that surrounding are a number of single family, R-1 residential developments that have been approved over a number of years.

He said this is an area that is located in relative proximity to both the Towns of Cedar Lake, and St. John, in a highly residentially developed area, it's very consistent with those areas, it's attractive land, by the way, it's 47 acres, and it really fits in with the general land scheme, and development scheme around it. He said his clients have been builders for a long time in Northwest Indiana, highly respected, has built a number of sub-divisions, and intend to build homes that are going to be anywhere from \$350,000, upwards. It's certainly going to add to the tax base of this community, and not be detrimental whatsoever.

Attorney Wieser said it is certainly their position that they felt, given those issues. He said he understands, and respects Councilman Strong's position, representing his constituents from this district, but truly, if you heard the entire presentation at the Plan Commission, which is why he thinks Councilman Dornulc voted against the vote, and is now moving to have this passed because, I thought we did a pretty good job of showing that we complied with the reasonable regard with

requirements for the Ordinance, and the State Statute, and that it makes sense, in this particular area, for this particular purpose to at least re-zone the property.

If it gets developed, well, that will be up to the review by the Plan Commission of the sub-division plan, and of the engineering plans that will be submitted, and those engineering plans will be specifically designed to address the storm water concerns that several residents that appeared and expressed that concern.

Attorney Wieser was asked if the photos were part of the record, and answered, yes they were part of the record, he said he didn't want to introduce anything that wasn't part of the record.

Walt Riley owns the property kitty-corner, across the street from this sub-division, who has concerns about flooding. He also said, they are taking some of the best farmland, in the Midwest, and we're using it up for no reason. He said that now is not the time. They need sewer systems, you need curb and gutter, and you need other things out there before you can put this sub-division in, especially with septic fields. He said this property has come up before, and the issue has always been septic. "It just can't support it". Mr. Riley also said that he thinks that this is something that should be put on the back burner, and it's already zoned agricultural, he thinks it should remain agricultural for a little longer, until you get water and sewer out there. He said, now is not the time.

Cindy Eenigenburg said she is the property directly attached to the proposed sub-division, and not only is there a lot of fear, and she wanted to clarify that they are not "putting the cart before the horse", when they are talking about a sub-division that hasn't had a zoning approval yet. She said it is a perfect piece of property out there. She also said they have raised their family out there in the country. They have horses, snowmobiles, 4-wheelers, and they go out and shoot clay pigeons. She said tell her somebody that's going to come in on 27 houses and loves hearing guns being fired. That's country living. She also said, if they let 27 houses come in, to an area that's really country living, you are not getting country living with people complaining, just like the people in the sub-division down the street, those people in that sub-division also complained about the pig smell. Cindy said, that's country living and people think that because they are coming out of the city, or a sub-division in a incorporated area, and they can look at hills around them, that that's being out in the country. That's not country living. Country living is the farmers grain field, with a smell that will make you gag, but it's okay, we live in the country, we've grown up in the country, we know about country the living, and I think the people who are going to move into these \$500,000 dollar homes, living in the country, don't really know what living in the country means. She said she just wants to make sure that they understand our fear. She said she has a 91 year old neighbor, who is out of town right now, whose property is right next to Walt', and he would be very upset. He has horses, and cattle out there. He is one of the original houses.

She said talking about septic, two of the houses septic fields flooded, and they called the County about it, but nobody can do anything for them, it's mush. They don't know what to do, and there is a creek that runs right through. There are a lot of concerns here, and our fear is get that zoning clear to build, it's just a matter of "jumping through all of the hoops" to get it passed, and there are big fears. I don't want my property flooding, we farm hay, and that wouldn't be good.

Cindy also said, we are not trying to "pull the cart before the horse", when we are talking about jumping ahead with the sub-division part. There is a lot of fear there, not to mention the flooding.

Don Torrenza, of Torrenza Engineering who has been hired by the developers said, the Lake County Drainage Ordinance is very detailed, and the situation would be improved dramatically if the sub-division went in because of the detention basin, and the way they would be designed. He said the developers have already hired a soil scientist to determine if this ground is capable of handling septic fields. He said, of the 27 lots, 26 were found to be capable of handling septic fields, one wasn't, and that was combined with another lot. He said they have over 2 acres that was set aside for detention areas.

Cid said we've had concerns about flooding, and we've put conditions on, and asked is that something that we could do at this time?

Attorney Szarmach said, he doesn't think that conditions could be put on this, that are not covered in the Sub-Division Ordinance, and the Building Code. You are not going to be able to, with the Ordinance, create a strict liability situation, is what you're trying to do. He gave an example, of a strict liability, such as, you own a pit bull, and it bites somebody, you don't have to prove negligence, it's strict liability, you are going to be responsible for the damage done by the pit bull, and I don't think you can do that with this situation.

Strong said he thinks they need to support the Planning Commission on this. He thinks they have a real concern with the septic out there. The County Comprehensive Plan calls for that to remain agricultural. That's what the Plan says, and Strong said, I think that's what we need to leave it at. Strong said he thinks that area needs to remain agricultural.

Bilski asked Ned if they have been working on revising that Comprehensive Plan?



There being no further business to come before the Council, it was moved, and seconded that the Council does now adjourn to meet again, as required by law.

\_\_\_\_\_  
President, Lake County Council

ATTEST:

\_\_\_\_\_  
Peggy Holinga Katona,  
Lake County Auditor