

**TOWN OF MUNSTER
MINUTES OF A SPECIAL MEETING OF THE TOWN COUNCIL
APRIL 25, 2016**

A regular meeting of the Munster Town Council convened at 7:00 p.m. on Monday, April 25, 2016, at the Munster Town Hall. Town Councilors Andy Koulourides (arrived at 7:06), Lee Ann Mellon, David B. Nellans, John P. Reed, and Joseph A. Simonetto were present. Also present were Clerk-Treasurer David F. Shafer, Accounting Supervisor Patricia L. Abbott, Town Manager Dustin Anderson, Town Attorney David W. Westland, Chief of Police Stephen F. Scheckel, Sergeant Daymon Johnston, Sergeant Thomas Kuhlenschmidt, Sergeant Marshall VanSchouwen, Director of Parks and Recreation Gregory S. Vitale, and Munster Representative to the Hammond Sanitary District Mike Hawkins. The news media were represented by Jim Masters of the *Post-Tribune*, and Mary Wilds of *The Times*.

President Reed began the meeting with a moment of silence followed by the Pledge of Allegiance. President Reed explained that the regular meeting of April 18 was postponed to April 25 in order to facilitate some out-of-town travel, making the April 25 meeting a special meeting.

FIRE DEPARTMENT BADGE PRESENTATION

Fire Chief Dave Pelc and various officers and members of the Munster Fire Department presented new firefighters David Bevil, Robert Rudy, Michael Drapak, and Mitchell Wojciechowski with their badges. Each firefighter has completed his first six months of training. The Council and Clerk-Treasurer congratulated the newest members of the Fire Department.

GRADE SEPARATION UPDATE

Robinson Engineering representative Joe Nordman reported that environmental comments received on April 7, 2016, have been addressed. He is seeking clarification from INDOT regarding wetlands in anticipation of a future public hearing. Copies of recorded deeds are needed for the property that was transferred. Meetings with various utility companies indicate that a row of cottonwood trees will have to be removed and alternatives planned, and NIPSCO and AT&T will relocate underground lines. He is working on a temporary agreement with BP for protection of an underground pipeline during construction of the extension of 45th Street into the project property. He still needs the updated developer's plan for the environmental document. Dewatering issues are being resolved. Efforts will continue to get the railroad to furnish construction documents.

OPEN TO THE PUBLIC

Ms. Ann Bochnowski, 10203 Cherrywood Lane, a spokesperson on behalf of We Are Munster, a community group advancing LGBT causes, spoke in favor of the Ordinance 1674, a human resources ordinance to be considered on second reading, *infra*.

Ms. Amy Sandler, of the West Lake Subdivision and spokesperson for We Are Munster, supported the human resources ordinance.

Ms. Sheryl Georgas, 9000 Chestnut Lane, spoke against the human resources ordinance as not necessary and detrimental to the business community.

Mr. Phil Vanderwall, 10021 Ashwood Lane, agreed with Ms. Georgas.

Rev. Rose Fien, a Hammond resident and owner of Reiki Energetix in Munster, spoke in favor of the human resources ordinance.

Mr. Eric DeVries, 234 Evergreen Lane, spoke against the human resources ordinance.

Mr. Matt Maloney, 1524 MacArthur Blvd., spoke in favor of the human resources ordinance.

Ms. Chris Vanderwall, 10021 Ashwood Lane, spoke against the human resources ordinance.

Mr. Leroy Frank, 242 Terrace Drive, encouraged the Town Council to study the quality of water in Munster.

Ms. Carrie Ness, address not given, spoke in favor of the human resources ordinance.

Mr. Hoss Fatemi, 1901 Fisher Street, spoke in favor of the human resources ordinance.

Ms. Karen Reinsma, 8533 Garfield Avenue, asked questions about the exclusion of restrooms.

President Reed determined that the time allowed for public comment had been exceeded, and the floor was closed.

CONSENT AGENDA

APPROVAL OF MINUTES

Approval of the minutes of the regular meeting held on April 4, 2016

Approval of the minutes of the special joint meeting held on April 14, 2016

ACCOUNTS PAYABLE VOUCHER REGISTERS

Confirmation of Voucher Register #16-4B dated 04/04/16 totaling \$409,198.74

Confirmation of Voucher Register #16-4C dated 04/04/16 totaling \$336,583.18

Confirmation of Voucher Register #16-4D dated 04/07/16 totaling \$277,153.59

Confirmation of Voucher Register #16-4E dated 04/11/16 totaling \$89,070.20

Confirmation of Voucher Register #16-4F dated 04/11/16 totaling \$91,572.50

Confirmation of Voucher Register #16-4G dated 04/11/16 totaling \$512.53

Confirmation of Voucher Register #16-4H dated 04/12/16 totaling \$267.31

Approval of Voucher Register #16-4I dated 04/25/16 totaling \$124,287.66

Confirmation of Voucher Register #16-4J dated 04/13/16 totaling \$738.02

Confirmation of Voucher Register #16-4K dated 04/14/16 totaling \$165,897.67

Confirmation of Voucher Register #16-4L dated 04/15/16 totaling \$349,045.80

Confirmation of Voucher Register #16-4M dated 04/15/16 totaling \$286,744.17

Confirmation of Voucher Register #16-4N dated 04/15/16 totaling \$447.43

Confirmation of Voucher Register #16-4O dated 04/18/16 totaling \$26,722.06

Confirmation of Voucher Register #16-4P dated 04/15/16 totaling \$117,000.00

Confirmation of Voucher Register #16-4Q dated 04/19/16 totaling \$26,106.93

Confirmation of Voucher Register #16-4R dated 04/20/16 totaling \$2,974.75

Confirmation of Voucher Register #16-4S dated 04/20/16 totaling \$184.71

Confirmation of Voucher Register #16-4T dated 04/21/16 totaling \$91,856.08

TREASURER'S REPORT

The March 2016 Treasurer's Report was presented for acceptance.

Councilor Simonetto moved, with a second by Councilor Koultourides, to suspend the rules, waive the readings, and adopt the Consent Agenda as presented. Councilors Koultourides, Mellon, Nellans, Simonetto, and Reed voted in favor; none voted against. The motion carried and the Consent Agenda was adopted as presented.

GENERAL ORDERS

ORDINANCE 1674: HUMAN RIGHTS

Introduced ORDINANCE 1674 is AN ORDINANCE OF THE MUNSTER TOWN COUNCIL PROHIBITING CERTAIN DISCRIMINATORY CONDUCT WITHIN THE TOWN. This matter was presented informally on February 8, 2016, and heard on first reading on February 22, 2016. The Council set this evening to receive public input on the matter.

President Reed read the following statement:

"As President of the Town Council, I would like to make a few comments about the proposed Human Rights Ordinance. During the past several months, I have heard many comments on this topic, both positive and negative. Perhaps the most important idea being spoken about is the notion that this ordinance will create a class or classes of people that will receive 'special treatment'.

"This ordinance does not do that. In actual fact, it does exactly the opposite:

"This ordinance guarantees that no one will receive special treatment. The entire idea behind the ordinance is equal treatment. The concept of equal treatment isn't anything new. The very formation of the United States is based upon this concept. On July 4, 1776, the document breaking the bonds with an unequal and oppressive government stated: 'We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness.'

"On that historic day, we said goodbye to inequality and oppression. To uphold those principles, we must remain vigilant. I feel that this ordinance is a display of that vigilance.

"As a more practical matter, this ordinance has received tremendous support from many of the Town's employers, from very large to very small. Munster Community Hospital is the Town's largest employer and it is in support of this ordinance, as are so many others.

"I appreciate everyone's comments, and I want to thank all of you for engaging in an open and spirited debate."

Councilor Mellon read the following statement:

"Good evening. Before we move forward, I have a few thoughts I'd like to share. Thank you in advance for bearing with me.

"During the months leading up to tonight's vote, I have listened to everyone who has spoken. I've met with everyone who has requested a meeting. I have read every e-mail I've received from all sides of this issue.

"And, I have repeatedly heard two phrases used to sum up the viewpoints on this issue: 1) 'It's the right thing to do,' and 2) 'Munster doesn't need this ordinance.' These phrases make members of both sides shake their heads emphatically in agreement and disagreement simultaneously, thus highlighting that these viewpoints are merely opinions.

"Though it is hard for members of either side to see how there can be any question about the validity of their viewpoint, the issue is not simply bland and white.

"At times, both sides intrigued me with logical and thoughtful discussions, discussions that were void of zealous words like 'absolutely' and 'never.' Those were the conversations that encouraged me to plod through the grey that often neither side can see.

"Above all, as a member of the Munster Town Council, I have a fiduciary duty to all of our residents. Therefore, I looked not only at the protection the ordinance provides to the LGBT community, but also analyzed its possible unintended negative consequences. I knew I could not vote 'yes' for an ordinance that protected one's rights while trampling another's.

"The vote I cast tonight is not on a whim. It is not simply to appease one side or the other. I have spent countless hours pondering the necessity of Ordinance 1674, discussing language with our attorney, and envisioning Munster's future.

"The spirit of Ordinance 1674 is simply to state that Munster does not accept discrimination.

"In my opinion, voting 'no' on this ordinance will unnecessarily divide our small community and damage our reputation among our neighboring communities.

"I hope that however the final vote tallies, the 'winning' side will not mock the other side because that type of behavior never brings society together; it only promotes ill will. My hope is that everyone will come together, and that we all take something more than a headline away from tonight's meeting."

Councilor Koultourides read the following statement:

"I lend my support to this legislation in response to the overwhelming support it has received from the business community – who favor it. The great Town of Munster has always been a place to welcome new businesses and we have always been a supporter of our business community. As a business owner, I am mindful that a 'no' vote sends the wrong message to prospective businesses considering relocating within our community. We must do everything we can to support the growth of our local economy. I acknowledge the supporters of this legislation and their tireless efforts to garner support for this law and I acknowledge the dissenters of this legislation who embrace the view that this law is not needed in our good town. However, in the end analysis, I am guided by my business instincts and therefore I support this law as it is more likely to encourage economic development and a 'no' vote is more likely to stifle economic growth within our community. As a legislative body, we should support legislation to encourage economic development and my vote represents my commitment to economic stability and growth for the Town of Munster."

Councilor Simonetto commented:

"I want to thank Amy and Ann for meeting with us, with Dr. Andy and myself, last year and the information you have provided, and I think at that time I said that in my opinion because of the enormity of this issue and I think we see it today with all the litigation that's going on and all the attempts to write ordinances and laws and that type of thing, it's a very, very complex issue. And we'd like to have it like we have with the ADA, civil rights, and because we had uniform laws that are equally applied across this nation. Whoever violates that law is held to the same standards, the same penalties, and the same due process that ensures a fair hearing. And when we have every community across the nation writing their own version of this, it gets even more complex. And I was just reading again today about another source of litigation on restaurants and that, and it's an ongoing issue. But here we are trying to deal with this at a local level. And, as I read through this ordinance, because I was out of the country when it was first passed on first reading, I was not part of drafting this, I didn't know what was in it, and I've had time to review it and contemplate it. And I've got several things that concern me about how this ordinance is written. My first responsibility as an elected official is to all the residents of the Town of Munster. And as I look through this, I'm very concerned about due process.

"When I look at Section 2(b), and it talks about what the Town will do in the event of an accusation of breaching this ordinance and discrimination. We have no human resources director in this town that's had the education, the training or experience in dealing with human rights ordinances and issues. And so I think that puts us at a disadvantage. And once this passes and becomes law, I don't want the determination to be subjective. I want someone that can deal with this and know what they're dealing with and know how to do it right, because I think that's not only good for the non-LGBT community but it's also good for those who are trying to seek protective status.

"The other item that I think is important is [Section 2(d)(6)]. And I understand the explanation that was given here tonight but the way I read that is that, and my conversations with Amy and Ann and the other individuals that came to discuss that, when someone has a gender identity, and there's a man who feels he's a woman and he has to use a man's bathroom, that really bothers him, and vice versa. And so consequently, I think that [Section 2(d)(6)] needs to be rewritten where we provide the necessary restroom facilities, not only for an LGBT community, but also for those that are non-LGBT. And I think the one young lady's point was well made. A restroom is a very private thing that people do. And I think both sides need to be protected. And I think that [Section 2(d)(6)] needs to be rewritten where we provide the necessary restroom facilities for each party that's concerned here.

"I also am concerned about all the litigation that I'm reading about all across the nation. So, this is not an isolated issue, it's not unimportant, and it costs dollars when you talk about litigation.

"So, those things bother me. But I can support this ordinance if this Town hires a human resources director that has the training, the education, and the experience in human rights ordinances, and if we rewrite that [Section 2(d)(6)] to reflect that individual restrooms will be supplied to all people. Thank you."

Councilor Nellans commented:

"From the beginning, I have probably been a little bit noncommittal to individuals I have talked to and a number of folks, folks that have asked to speak. I did. I read all the emails.

"I'm going to make a comment that I am disappointed that this human rights ordinance has not been taken up by the federal government or not taken up by the state. I do honestly believe that that's really where those need to reside, they need to deal with that, as Councilman Simonetto said, you need to have uniformity. It makes it difficult for individuals on a level such as the human rights ordinance to have different states, different communities, have different rules, different regulations. Traveling with your vehicle, it's pretty good that we have state laws that are somewhat uniform in terms of speeds and turning on right and red stop signs and things like that. It's nice to have consistency. But, I'm also seeing that that's not happening, and it's unfortunate. And again, I've listened to both sides, and I do appreciate the fact that we've had both sides presented here.

"We have had a work-study in which information was given to us, and it has come to a point that I have formulated decisions that I do believe that in the best interests for our community to be able to move forward that I can support this ordinance and I also recognize the fact that this is a living, breathing document. It's not something that you look at once, and there it is; it is something we do from time to time: review our ordinances and if necessary make changes. We've had some areas where we set fines at one level and because it made sense at the time but we've had to go back and maybe reduce that fine, or in cases we've gone through and increased the amount of a fine because it was originally read as an ordinance twenty-five or thirty years ago and it's time with today's inflation to set those at a different level. So, I do recognize that it is a living and breathing document.

"And again it is something we want to represent the community, and as was said earlier, Munster does not discriminate. I believe that, I believe what we say when we say the Pledge of Allegiance. And, you know, I both will say this, I was born here in Indiana, in the northwest section, East Chicago. I am part of the melting pot. I am a second-generation American. And, we all are looking for the same thing: to have the opportunity to live our lifestyle with our neighbors, and have reasonable consideration of the community and have that opportunity. So, with that, I'll finish my comments."

President Reed explained that following the first reading, the introduced ordinance had been modified to reflect certain comments from the community and to clarify certain other parts.

Councilor Mellon moved, with a second by Councilor Koultourides, to adopt Ordinance 1674 as presented. Councilors Koultourides, Mellon, Nellans, and Reed voted in favor; Councilor Simonetto voted against. The motion carried and Ordinance 1674 was adopted as presented.

President Reed declared a five-minute recess at 7:52 p.m.

NEW BUSINESS

DECLARATION OF SURPLUS INVENTORY

As a result of recent improvements, there are 54 chairs and 17 table tops which are worn, outdated, and no longer needed at The View Restaurant. At the time of the improvements, no vendor expressed interest. The highest estimate for the items was \$695.00 if sold at auction.

When Billy Casper Golf Management Company performed their inventory, they saw the old furniture. Billy Casper believes their in-house carpenters can make use of the furniture and offered to purchase it at \$20.00/each for a total of \$1,420.00.

Councilor Mellon moved, with a second by Councilor Koultourides, to declare as surplus and dispose of 54 wooden chairs and 17 wooden table tops without the bases to Billy Casper Golf Management Company for a price of \$1,420.00. Motion carried *viva voce*.

PROCLAMATION: ARBOR DAY

The Town of Munster along with the Munster Public Library will recognize National Arbor Day by giving away 200 White Oak and Flowering Dogwood seedlings to Munster residents. Seedlings and planting instructions will be available at the library, Town Hall and Public Works Garage on April 29 and 30, 2016.

A proclamation was presented and it was announced that the Town of Munster was named a Tree City USA Growth Award winner.

Councilor Koultourides moved, with a second by Councilor Mellon, to adopt "A Proclamation Recognizing Arbor Day." Councilors Koultourides, Mellon, Nellans, Simonetto, and Reed voted in favor; none voted against. The motion carried and the Proclamation was adopted as presented.

CONTRACT AWARD: STREET RESURFACING

This matter was presented to the Council at their March 21, 2016 meeting. At that time, the Council directed the Town Manager to solicit other pricing. Bids were opened on April 21, 2016. Two bids were received as follows.

	<u>Walsh & Kelly</u>		<u>Rieth Riley</u>	
Asphalt Grinding	\$	1.90	\$	2.40 square yard
Hot Mix Asphalt Surface	\$	64.00	\$	57.00 ton
Hot Mix Asphalt Binder	\$	56.00	\$	49.00 ton
Tack Coat	\$	3.95	\$	1.70 gallon
Residential Curbs	\$	35.00	\$	38.00 linear foot
Concrete Sidewalk	\$	41.00	\$	74.00 square yard

Staff noted that while Rieth Riley was highly motivated to get the work, their bid still exceeded that of Walsh & Kelly.

Councilor Mellon moved, with a second by Councilor Simonetto, to authorize the Town Manager to enter into a contract with Walsh & Kelly, Inc. through December 31, 2016. Motion carried *viva voce*.

RESOLUTION 2008: COMMUTER RAIL SERVICE IMPROVEMENTS

Proposed RESOLUTION 2008 is A RESOLUTION ESTABLISHING THE TOWN OF MUNSTER'S REQUEST/DESIRE FOR THE LOCATION OF THE MUNSTER/DYER MAIN STREET STATION AND PARKING SPACES TO SUPPORT THE EXTENSION AND IMPROVEMENT OF COMMUTER RAIL SERVICES. The resolution states the Town's desire to have the proposed commuter rail station located west of the existing rail line and north of Main Street. This is south of the existing West Lakes subdivision. This is in keeping with the NICTD West Lake Corridor Project Draft Conceptual Design Plan.

Councilor Simonetto moved, with a second by Councilor Koultourides, to adopt Resolution 2008 as presented. Councilors Koultourides, Mellon, Nellans, Simonetto, and Reed voted in favor; none voted against. Motion carried and Resolution 2008 was adopted as presented.

REPORTS

PENDING PROPERTY TAX APPEALS

Clerk-Treasurer Shafer reported that relatively new state law became effective January 1, 2016, which requires a county assessor to "quarterly send a notice to the fiscal officer of each taxing unit affected by an appeal prosecuted under this chapter" (IC 6-1.1-15-19). A 9-page list of Munster properties with pending property tax appeals was furnished for the Council's review. The Clerk-Treasurer's Office will continue to monitor the appeals and advise the Council if the Town's financial situation could be significantly affected. No formal action was taken.

ANNOUNCEMENTS

(Unless stated otherwise, all meetings of the Town Council begin at 7:00 p.m. at the Munster Town Hall.)

The Town Council will hold regular meetings on Monday, May 2 and 16, and June 6, 2016. The Redevelopment Commission will hold regular meetings immediately following Town Council meetings.

ADJOURNMENT

There being no further business to come before the Council, and upon a motion by Councilor Simonetto, seconded by Councilor Koultourides, the meeting adjourned at 8:10 p.m.

John P. Reed, President

ATTEST:

David F. Shafer, IAMC, MMC, CMO, Clerk-Treasurer