

COMMON COUNCIL
REGULAR SESSION
FEBRUARY 17, 2009
7:00 P.M.

The Common Council of the City of Warsaw met in a Regular Session on Tuesday February 17, 2009 at 7:00 P.M. in the Council Chambers at City Hall. Mayor Ernest B. Wiggins presided and the following persons were noted as present or absent:

PRESENT: Councilmen Jerry Patterson, Joe Thallemer, Daniel Hampton, Kyle Babcock, Charles Smith and George Clemens. Mayor Ernest Wiggins, Clerk-Treasurer Elaine Call, City Attorney Michael Valentine, Fire Chief Mike Rice, Human Resource Director Jennifer Whitaker, President of the WCDC Mary Ellen Rudisel-Jordan, Police Chief Perry Hunter, Police Officer Kip Shuter, City Planner Jeremy Skinner, WCDC Director Cindy Dobbins, Attorney Steve Snyder, Lori and Chad Whitehead, representatives of Whimet, and Warsaw Times Union Reporter Jennifer Peryam.

ABSENT: Councilmen Jeff Grose.

The meeting was called to order by Mayor Wiggins followed by the Invocation and the Pledge of Allegiance.

MINUTES –

The minutes from the February 2, 2009 meeting were presented for approval. Motion made by Councilman Patterson to approve the minutes as presented, seconded by Councilman Babcock and carried by unanimous vote.

REPORTS/ORAL & WRITTEN COMMUNICATIONS –

1. 2009 CCAC Brochure.
2. Magazine Article on Anti-Icing Program.
3. NIPSCO letter to the community on Customer Bills/Customer Energy Assistance programs and more information.
4. Comcast Franchise Fee monies received in the amount of \$49,849.52.
5. Fire Department January Activity reports.
6. Clerk-Treasurer Call presented the 2009 January Financial Report.
7. IACT's publication Actionlines contained an article on Indiana Downtown- "Making Downtown Renaissance a Reality". Warsaw is shown as an example in this article.

NEW BUSINESS –

CONFIRMATORY RESOLUTION OF ERA /WHIMET AND 10 YEAR TAX

ABATEMENTS –

Attorney Steve Snyder was present on behalf of his client Whimet, Inc. for final approval of the establishment of an Economic Revitalization Area (ERA), and approval of the 10 year Tax Abatement requests for real and personal property as set forth in Resolution #2009-02-01, a resolution Confirming Designation of an Economic Revitalization Area and adoption of waiver, more specifically set forth within the resolution. Motion made by Councilman Smith to approve the ERA and the 10 year tax abatements on real and personal property, seconded by Councilman Thallemer, carried by unanimous vote.

TAX ABATEMENT COMPLIANCE FORMS – MAYKEN INDUSTRIES –

City Planner Jeremy Skinner presented the following CF-1 forms "compliance for continuation of tax abatement" for approval.

- (1) Mayken Industries – 4000 E. Corridor Drive submitted Personal Property and Real Property Forms.

Mr. Skinner reported that the President of Mayken, Mr. May's request for continuation of tax abatement are for 2008 and have been submitted late. He also reported that Mr. May stated that the County will still allow the tax abatements following the City Council's review. Discussion followed. City Attorney Valentine stated that due to the lateness this would require a waiver. Motion made by Councilman Babcock to table this request and have the City Planner discuss this

with the City Attorney and with Mr. May, seconded by Councilman Hampton, carried by unanimous vote.

TRAFFIC CONTROL ORDINANCE AMENDMENT/PARKING –

Police Officer Kip Shuter presented for approval Ordinance #2009-02-05, an amendment to the City Code amending Section 74, pertaining to changes in Parking Regulations, more specifically set forth within the ordinance. Mr. Shuter reported that the Traffic Commission gave this a unanimous recommendation. Discussion followed. Motion made by Councilman Patterson to approve this ordinance on first reading, seconded by Councilman Hampton, carried by unanimous vote. Motion was made by Councilman Babcock to suspend the rules and pass on second and final reading, seconded by Councilman Smith, carried by unanimous vote.

TRAFFIC CONTROL ORDINANCE AMENDMENT/TRUCK JAKE BRAKING –

Police Officer Kip Shuter presented for approval Ordinance #2009-02-06, an amendment to the City Code amending Section 74, pertaining to setting regulations for truck engine braking more commonly referred to as Jake Braking, more specifically set forth within the ordinance. Mr. Shuter reported that the Traffic Commission gave this a unanimous recommendation. Discussion followed. Motion made by Councilman Babcock to approve this ordinance on first reading, seconded by Councilman Hampton, carried by a vote of five (5) Ayes to one (1) Nay, with Councilman Smith voting Nay. This ordinance will be presented at the February 24, 2009 Council meeting for final consideration.

NEW POLICE FORFEITURE FUND ESTABLISHED –

Police Chief Perry Hunter submitted for approval Ordinance #2009-02-07, an ordinance setting up a Police Forfeiture Fund. This fund would be established to serve as a repository for funds received in the form of proceeds from the sale of, or money received from, the seizure of property under the provisions of IC 34-24-1-1 and IC 34-24-2-2. This amends Chapter two, Article V of the City Code. Discussion was held. Motion made by Councilman Smith to approve Ordinance #2009-02-07 on first reading, seconded by Councilman Clemens, carried by a vote of five (5) Ayes to one (1) abstention. Councilman Hampton abstained. This ordinance will be presented at the February 24, 2009 Council meeting for final consideration.

FAMILY & MEDICAL LEAVE PERSONNEL POLICY AMENDMENT/APENDIX 1 –

Ordinance #2009-02-08, an ordinance amending the City Personnel Policy Handbook with regards to Family and Medical Leave Policy changes in compliance with new federal regulations was presented by Human Resource Director Jennifer Whitaker for approval. Motion made by Councilman Babcock to approve the amendment as presented, seconded by Councilman Clemens, carried by unanimous vote.

SPECIAL SESSION OF CITY COUNCIL –

Mayor Wiggins reported that the City Council will hold a special meeting on February 24, 2009. The Establishment of the Fire Territory will be on the agenda along with other business.

ADJOURNED -

There being no further business to come before the Council by a motion duly made and seconded, the meeting was adjourned.

ATTEST:

Elaine Call, Clerk-Treasurer