

**MINUTES OF THE REGULAR MEETING  
COMMON COUNCIL OF THE CITY OF HOBART  
LAKE COUNTY, INDIANA  
November 3, 2021**

**Call to Order:** Mayor Snedecor called the meeting to order at 6:00 p.m. followed by the Pledge of Allegiance, and moment of silence. The meeting was held with the building open to the public and a call-in number for remote public participation.

**Roll Call:** The following members were present in person: Mr. Kopil, Mr. Huddlestun, Mr. Maggio, Mr. Vinzant, Mr. Wells, and Mr. Claussen. Present via zoom telephonically: Mr. Waldrop. Also present: City Attorney McCarthy and Clerk-Treasurer Longer.

**Reading of the Minutes:** Motion by Mr. Vinzant, seconded by Mr. Kopil, to approve the minutes of the Regular Meeting of October 20, 2021 and the Special Meeting of November 2, 2021 as presented. All aye, motion carried. (7-0)

**Presentation:** Kelly Smith, Public Works Supt., gave a brief presentation regarding recycling, explaining that contaminated recycling products cost the City an additional \$20,000 per month as it is rejected by the recycling facility and must then be transported to the trash landfill. She provided visual examples of recyclables and urged the public to re-educate themselves as to what is acceptable. Doug Rosenbaum, Republic Services, was present via "zoom" and stated they will work with the City for educational materials and noted that the recycling facility will continue to monitor the recycling. Kelly noted that the City will begin weekly recycling pick up and 2<sup>nd</sup> recycle toters will be picked up. She also provided an example of stickers that will be placed on recycling toters that have contaminated items, indicating the issues and informing the resident that the recycling needs to be corrected before it will be collected and a 2<sup>nd</sup> violation may result in loss of the recycling toter and possible fines in the future.

**Correspondence:** There was no correspondence.

**Committee Reports:** There were no Committee Reports.

**Department Reports:** City Engineer Phil Gralik reported the City was awarded \$990,000 in Community Crossings grant funds. These funds will be used to reconstruct a portion of Delaware St. and reconstruct 3<sup>rd</sup> St. from Wisconsin to Ash Street. These projects must be bid by the end of February, 2022 and will be done next year.

**Approval of Agenda:** Mrs. Longer noted that Ordinance 2021-24 was taken off the table at the Special Meeting of the Council on November 2<sup>nd</sup> and is scheduled for second reading at their November 9<sup>th</sup> Special Meeting. Motion by Mr. Huddlestun seconded by Mr. Vinzant, to remove Ordinance 2021-24 (Cressmoor PUD) and Ordinance 2021-41 (Sale of puppies and kittens) from tonight's agenda. Roll Call Vote taken. All aye, motion carried. (7-0) Mr. Huddlestun explained that Ordinance 2021-41 was removed to allow the Council to discuss further. Mr. Maggio noted that the public will be permitted to comment at the end of this meeting if they choose to do so.

**Unfinished Business:**

**Public Hearing / Resolution 2021-15: A Resolution Confirming Resolution 2021-14 Designating a Certain Area within the City as an Economic Revitalization Area for Purposes of Real Property Tax Abatement:** 2100 E. 69<sup>th</sup> Ave. Indiana LLC, re: 2400 E. 69<sup>th</sup> Ave. The Resolution was read. Paul Thurston was present and submitted affidavit. Mr. Thurston noted this is an expansion of Project X, now referred to as Project Solar. The public hearing was opened and closed without comment. Mr. Kopil questioned the anticipated start date. Mr. Thurston expects a 1-year construction period and will be

taxable in 2024. Motion by Mr. Claussen, seconded by Mr. Kopil, to adopt Resolution 2021-15 as presented. Roll Call Vote taken. All aye, motion carried. (7-0)

**Resolution 2021-16: A Resolution Approving the Executed Development Agreement between the City of Hobart and 2100 E. 69<sup>th</sup> Avenue Indiana LLC, re: Real Property Tax Abatement.** The Resolution was read. Mrs. Longer stated the Board of Public Works approved the Development Agreement earlier today. Motion by Mr. Claussen, seconded by Mr. Wells, to adopt Resolution 2021-16 as presented. Roll Call Vote taken. All aye, motion carried. (7-0)

**Public Hearing / Resolution 2021-18: A Resolution Confirming Resolution 2021-17 Designating a Certain Area within the City as an Economic Revitalization Area for Purposes of Personal Property Tax Abatement: 2100 E. 69<sup>th</sup> Ave. Indiana LLC, re: 2400 E. 69<sup>th</sup> Ave.** The Resolution was read. Matt Hoffman, company representative, was present telephonically. The public hearing was opened and closed without comment. Motion by Mr. Claussen, seconded by Mr. Maggio, to adopt Resolution 2021-18 as presented. Roll Call Vote taken. All aye, motion carried. (7-0)

**Resolution 2021-19: A Resolution Approving the Executed Development Agreement between the City of Hobart and 2100 E. 69<sup>th</sup> Avenue, LLC, re: Personal Property Tax Abatement.** The Resolution was read. Motion by Mr. Claussen, seconded by Mr. Kopil and Mr. Maggio, to adopt Resolution 2021-19 as presented. Roll Call Vote taken. All aye, motion carried. (7-0)

**Ordinance 2021-36: (2<sup>nd</sup> Reading) An Ordinance Amending the Municipal Code of the City of Hobart Concerning Off-Street Parking and Loading: re: Section 154.358(A)(2) Additional Parking Regulations / Off-street Parking Regulations / Weight.** The second reading of the Ordinance was held. Motion by Mr. Huddleston, seconded by Mr. Maggio, to adopt Ordinance 2021-36 as presented. Roll Call Vote taken. All aye, motion carried. (7-0)

**Ordinance 2021-37: (2<sup>nd</sup> Reading) An Ordinance providing that the Zoning Ordinance of the City of Hobart be Amended by Changing an established B-3, R-2 and PBP Zone to a PUD Zone Classification: Approx. 1/3 mile west from the SW corner of US 30 & Grand Blvd., & 1/3 mile from the NW corner of 83rd Ave & Grand Blvd., zoned B-3, R-2 and PBP, 44.19 acres, James Dragon, SIR RLJ, LLC (Albanese Candy):** The second reading of the Ordinance was held. Motion by Mr. Vinzant, seconded by Mr. Huddleston, to adopt Ordinance 2021-37 as presented. Roll Call Vote taken. All aye, motion carried. (7-0)

**Ordinance 2021-39: (2<sup>nd</sup> Reading) An Ordinance providing that the Zoning Ordinance of the City of Hobart be Amended by Amending the Preliminary Plan for Certain Parcels of Real Estate in Established PUD (M-1) Zoning Classifications and Consolidating the Zoning for said Real Estate in a PUD (M-1) Zoning Classification: 800' east of the NE corner of 69<sup>th</sup> Ave & Mississippi St., zoned R-3 and PUD (M-1), 50 acres +/-, Indiana Becknell Investors 2011, LLC, Paul Thurston:** The second reading of the Ordinance was held. Motion by Mr. Claussen, seconded by Mr. Vinzant, to adopt Ordinance 2021-39 as presented. Roll Call Vote taken. All aye, motion carried. (7-0)

#### **New Business:**

**Ordinance 2021-40: An Ordinance authorizing the City of Hobart, Indiana to make temporary loans to meet current running expenses for the use of the General Fund of the Issuer, in anticipation of and not in excess of current taxes levied in the year 2021, and collectable in the year 2022; authorizing the issuance of temporary loan tax anticipation warrants to evidence such loans and the sale of such warrants to the**

Indiana "Bond Bank; and appropriating and pledging the taxes to be received in such funds to the punctual payment of such warrants including the interest thereon: (2022 Tax Anticipation Warrants): The Ordinance was read. Motion by Mr. Vinzant, seconded by Mr. Claussen, to pass Ordinance 2021-40 on first reading as presented. Roll Call Vote taken. All aye, motion carried. (7-0)

Motion by Mr. Vinzant, seconded by Mr. Claussen, to suspend the rules, declare an emergency and proceed with the second reading of Ordinance 2021-40 this evening. All aye, motion carried. (7-0)

**Ordinance 2021-40: (2<sup>nd</sup> Reading)** An Ordinance authorizing the City of Hobart, Indiana to make temporary loans to meet current running expenses for the use of the General Fund of the Issuer, in anticipation of and not in excess of current taxes levied in the year 2021, and collectable in the year 2022; authorizing the issuance of temporary loan tax anticipation warrants to evidence such loans and the sale of such warrants to the Indiana "Bond Bank; and appropriating and pledging the taxes to be received in such funds to the punctual payment of such warrants including the interest thereon: (2022 Tax Anticipation Warrants): The second reading of the Ordinance was held. Motion by Mr. Vinzant, seconded by Mr. Claussen, to adopt Ordinance 2021-40 as presented. Roll Call Vote taken. All aye, motion carried. (7-0)

**Adoption of Mayor's 2022-2023 Capital Improvement Plan for Economic Development Income Tax funds:** Mr. Snedecor noted that filing of a Capital Improvement Plan with the County is required every two years. Motion by Mr. Vinzant, seconded by Mr. Claussen, to adopt the 2022-2023 Capital Improvement Plan as presented. Roll Call Vote taken. All aye, motion carried. (7-0) Discussion followed regarding the contribution to the SouthShore expansion and whether the City would be able to renegotiate the amount contributed annually. Mr. Kopil stated that due to the 'big-box' reassessment we may be able to appeal for a reduction in this assessment. Mr. Snedecor noted that other communities have requested an adjustment and have been denied as there are some obligations with federal portion that rely on the contributions pledged. Mr. Waldrop noted that while a reduction in the contribution should be considered, this project is important for the future of the entire NW Indiana region and should continue to be supported. Mr. Claussen questioned whether the percentage pledged could be reduced as the amount of the contribution increases annually. The Council requested the City Attorney to conduct an initial inquiry as to adjusting the percentage contributed annually.

**Announcements:** Teddian Jackson, owner of Montego Bay Grille, read an extensive description of his experience of opening a business in the City, outlining the support of various city organizations and detailed various issues encountered to enable him to obtain his occupancy permit in 2016. He noted that he purchased the building in 2021 and that his current expansion is being held up due to a sewer tap-on fee assessment from 2016 that is still unresolved. He noted throughout his presentation that he had supporting documentation available but did not present this to the Council at the meeting. City Attorney McCarthy advised the Council that this is currently in litigation and strongly advised that this should not be discussed by the Council at this time.

Motion by Mr. Vinzant, seconded by Mr. Maggio, to direct the City Departments to stop denying permits based on a tap-on fee not being paid or any other unrelated issues to the current permit requested. Mr. Snedecor noted there are other guidelines that the Council has in place that requires this policy including obligations to the City being current and in good standing. Mr. Snedecor stated he believed the Sanitary District Board did extend the opportunity to enter into a payment plan so as not to create a hardship on the business to open.

Mr. Claussen stated that based on the City Attorney's advice, this is not the time to discuss or make any motions on these issues and he would make a motion to adjourn if it continues. Mr. Jackson began to state he would like to clarify some of the issues. Motion by Mr. Claussen, seconded by Mr. Kopil to Adjourn the meeting. Roll Call Vote taken. Aye: Kopil, Wells, Claussen / Nay: Huddlestun, Maggio, Vinzant, Waldrop. Mr. Waldrop commented that the Council should not be reactive and be making motions on

items that were not on the agenda and discussion should be held in committee or at least as an agenda item, especially items that we have been advised not to discuss. Mr. Vinzant withdrew his motion and Mr. Maggio withdrew his second. Mr. Claussen and Mr. Kopil withdrew their motion to adjourn.

Mr. Snedecor asked if anyone additional who wished to address the Council.

Jennifer Weber, Executive Director of Hobart Humane Society, thanked the Council for their consideration to ban the pet-store sale of puppies and kittens and expressed support for the advocates in the community opposing the sale due to the high incidents of puppy-mill breeders being used to supply puppies and kittens to pet stores. She asked that the Council continue to consider the services and adoptions done by the local humane society and gave a brief overview of the services provided. She questioned who would provide oversight to assure the pet stores were complying with regulations if restrictions were imposed and stated the local Humane Society is stretched to the limit and to add more responsibilities and additional dogs and cats purchased from pet stores that are surrendered or abandoned would stretch it even further. She noted that as an advocate, the humane society would appreciate being part of the continuing discussions on this issue.

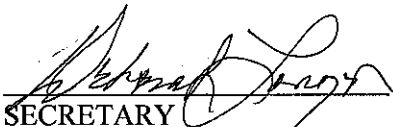
Jane Cornelius, Board President of Hobart Humane Society and a Hobart resident, stated that this is a pet-loving community and would not accept inhumane treatment of animals. She noted that a USDA License does not mean that a breeder is not operating a puppy mill. She welcomed the opportunity to work with the Council to provide factual information.

Samantha Morton, Indiana State Director of the Humane Society of the United States, provided an overview on the need for state and local regulations including consumer protections with regard to the sale of animals at pet stores and the sources of animals from breeders vs. brokers and medical issues of animals from puppy mills, stating the federal regulations are insufficient. Ms. Morton stated that Dyer and Highland have passed similar ordinances recently and welcomes the opportunity to continue to discuss the issue with the Council to address the need for regulations.

Bob Starkey, Dyer Town Councilman, stated he would appreciate any information available if the City is able to adjust the SouthShore contributions from the local economic development income taxes, especially with the additional American Rescue Plan funds that were recently added to the project.

Mr. Starkey also stated that Dyer was the 1<sup>st</sup> local Council to adopt an Ordinance to protect dogs and they had spent a great deal of time creating their own ordinance to address this issue which includes a violation and penalty clause. They also considered variances and how the ordinance would impact current and future businesses. He noted that Dyer does have a business license in place and recently reduced the annual cost of this license as it was put in place mainly to track businesses.

**Adjournment:** Motion by Mr. Vinzant to adjourn the meeting. All aye, motion carried. (7-0) The meeting adjourned at 7:55 p.m.

  
SECRETARY

  
PRESIDING OFFICER