

**LOWELL TOWN COUNCIL
REGULAR MEETING
MARCH 13, 2023**

The regular meeting of the Lowell Town Council was called to order on Monday, March 13, 2023 at 7:04 P.M. by President Todd Angerman. The Pledge of Allegiance was recited followed by a moment of silence. Clerk-Treasurer Judith Walters called the roll. Members present were Todd Angerman, Michael Gruszka, John Alessia, Shane Tucker, and John Yelkich. Also present were Town Manager Craig Hendrix, Police Chief James Woestman, GIS Director Greg White, and Town Attorney David Westland. Also present was one member of the press, and twelve interested citizens present, and two via Zoom.

TREASURER'S REPORT - February 2023

Councilman Gruszka made a motion to approve the February 2023 Treasurer's Report, seconded by Councilman Yelkich and carried with five ayes.

APPROVAL OF MINUTES

Councilman Alessia made a motion to approve the regular meeting and work session minutes from February 27th, seconded by Councilman Gruszka and carried with five ayes.

APPROVAL OF VOUCHERS

President Angerman stated he had reviewed the following vouchers: White Vouchers #10223 - #10282, White- Police - #1035-#1040, Water #2004-#2004, Waste Water #4163- #4218, and Stormwater Utility #6026 - #6036. Councilman Gruszka made a motion to approve the vouchers as listed, seconded by Councilman Tucker and carried with five ayes on roll call vote.

ORDINANCES & RESOLUTIONS

1st reading - Ordinance #2023-02 - PUD - Mohawk Light Industrial - PC #23-002 - Councilman Gruszka moved to hold Ordinance #2023-02 for a second reading, seconded by Councilman Alessia and carried with five ayes on roll call vote.

UNFINISHED BUSINESS

Mohawk property - PUD fees - Mike Austgen - Councilman Yelkich moved to tabled, seconded by Councilman Tucker and carried with five ayes.

Appointment of Plan Commission/Stormwater Board Appointment -

Plan Commission member John Gruszka had resigned from the Plan Commission, and Town Manager Hendrix recommended moving Daniel Smith from Stormwater Board to Plan Commission. Councilman Gruszka moved to appoint Daniel Smith to the Plan Commission for a term to expire December 31, 2026, seconded by Councilman Tucker and carried with five ayes. Councilman Gruszka moved to appoint Courtney Anderson Gamblin, who is a civil engineer, to the Stormwater Board. The motion was seconded by Councilman Yelkich and carried with five ayes.

WWTP Project - Approve Pay Request #7 - Bowen Engineering - \$81,230.50 less retainage and approve Sewer Voucher #4216 - \$77,169.98 - Councilman Tucker moved to approve Pay Request #7 and Sewer Voucher #4216 to Bowen Engineering, seconded by Councilman Alessia and carried with five ayes on roll call vote.

NEW BUSINESS

Golf Cart Ordinance - Ryan Denton, 8208 171st Avenue, stated since the last meeting he had begun a petition on line and had 332 signatures. He stated from the facebook posts he can see that 75% are in favor of the ordinance and about 25% against. Mr. Denton said the Beecher ordinance is very extensive and has a list of items that had to be approved such as inspecting the golf cart, age of driver and the need for a drivers license, and asked if they could work together to change the current ordinance. He suggested a \$100 annual license. Mr. Denton asked if the Police Department had found out the number of complaints in Cedar Lake. President Angerman stated there were fifty-two complaints in Cedar Lake, and Lowell had thirty-six last year, with one being ticketed for an OWI. Discussion followed. Councilman Tucker asked if a golf cart could legally cross a state road. Attorney Westland stated state statute doesn't allow golf carts on state roads, but local ordinance can allow on local roads. He said there was a lot of discussion when the golf ordinance was enacted in 2017 and amended in 2020 about how to enforce the ordinance. The fine would be a \$100 violation of town ordinance and would be difficult to enforce because it is not a traffic violation. Councilman Alessia asked if a fine was given and the person violated again, could the golf cart be impounded. Attorney Westland stated no, it is their property. President Angerman used an example of a 12 year old driving the golf cart and how would they be fined. Councilman Alessia said if allowed in bigger subdivisions he thought it should be approved by their property owners associations. Discussion followed on safety and the current traffic situation in town. Councilman Tucker stated those were the concerns given by people he spoke too. Councilman Alessia stated he was concerned if we gave approval with guideline it would be abused, and said he understood in a subdivision like Heritage Falls, but said it would hurt his heart if a child got killed. He stated he was on the fence but worried about people zipping around town. Councilman Yelkich said he spoke to people in areas where golf cars are allowed and they felt it was a

mistake. He said he did not take much stock in an on-line petition and said that was under 5% of the citizens. Councilman Gruszka stated when the original golf cart ordinance was approved, he was the only council member in favor of, and has since changed his mind because he said there are too many variables. He referred to an incident in his subdivision where a 13-14 year old did not stop at a stop sign on a golf cart and he had to slam on his brakes. Council members agreed they could discuss the pros and cons at a future work session and explained to Mr. Denton that it was a public meeting held prior to regular meetings.

Angela Panozzo, 17235 Donald Court, asked how many signatures would it take on a petition for the Town to reconsider the ordinance. She said she would do what ever she had to do for them to take this seriously, that it was that important to her. She would go door to door and get 1,000 to 2,000 signatures. Councilman Yelkich stated there was not a certain number he would want to see, and said he is a no on changing the current ordinance. Councilman Tucker said he was willing to look into it and discuss further. Ms. Panozzo stated she had come before this Council before on this issue and said she didn't feel they have spent any time looking into it. President Angerman stated that is not fair, they have discussed and looked into it. Councilman Gruszka stated they spent a lot of time in 2017 and 2020 and now in 2023 discussing this issue, and said it is not allowed now and is becoming a problem already and said what is good for one community doesn't mean it is good for another community. He said he is not willing to put his name on an ordinance that could hurt a child.

LPA - Consulting Contract with SEH - Right of Way Services for Freedom Trail from Liberty Park to Freedom Park - Councilman Gruszka moved to enter into the agreement with SEH for \$80,720, seconded by Councilman Yelkich and carried with five ayes. It was noted 80% would be reimbursed by INDOT.

ANNOUNCEMENTS

President Angerman announced the next regular meeting will be held Monday, March 27, 2023 at 7:00 P.M.

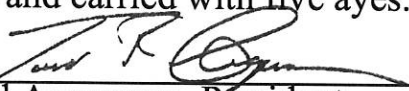
President Angerman announced that the Lake County Election Board will be holding early voting at the Town Hall from April 4th to May 1st.

MEDIA QUESTIONS/PUBLIC COMMENTS

Chuck Abraham, Lowell Tribune, asked for a copy of Ordinance #2023-02.

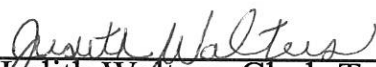
ADJOURNMENT

No further business, Councilman Alessia made a motion to adjourn at 7:40 P.M., seconded by Councilman Gruszka and carried with five ayes.



Todd Angerman, President

Attest:



Judith Walters, Clerk-Treasurer