

REGULAR MEETING – October 6, 2008

The Board of Public Works and Safety of the City of Michigan City, Indiana, met in REGULAR SESSION on Monday morning, October 6, 2008, at the hour of 9:00 a.m., in the Council Chambers, in the City Hall Building, located at 100 East Michigan Boulevard, Michigan City, Indiana - a regular meeting room of this Board.

The meeting was called to order by Anthony Metzcus, who presided.

Noted Present: Anthony Metzcus, President; Mayor Charles Oberlie, Member; and John Schaefer, Member (3).

Absent: None (0).

A QUORUM WAS NOTED PRESENT.

Also noted in attendance:

John Espar, Corporate Council
Sgt. Jeff Loniewski, Traffic Division, M.C.P.D.
Jim Elwell, Superintendent, Central Services
Jack Kahn, Street Director, Central Services
Dave Lamb, Fire Chief, M.C.F.D.
Al Walus, General Manager, Sanitary District
Joe Siegel, Zoning Administrator
Russ Hatfield, Code Enforcement Officer

Thomas Fedder, City Clerk
Kim Sliwa, Asst. Deputy City Clerk

APPROVAL OF MINUTES

Mr. Schaefer moved the minutes of the Regular Meeting of September 15, 2008; and the minutes of the Special Meeting of September 26, 2008 be approved as printed. The motion was seconded by Mr. Metzcus and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

ORDER TO DEMOLISH –

513 Pleasant Avenue–Eugene Hollins, owner

Russ Hatfield, Code Enforcement Officer, addressed the Board regarding the status of 513 Pleasant Avenue stating the existing condition of this vacant property is beyond rehabilitation. Mr. Hatfield stated that Mr. Hollins, owner of 513 Pleasant Avenue, has had private contractors evaluate this structures integrity; and it has been determined by all parties involved that this structure if beyond repair. Mr. Hollins has agreed to cooperate with any actions taken by the City in order to bring this property up to City standards. With the Boards approval an “Order to Demolish” will be put into place on this property and a “Notice to Bidders” will be issued. Mr. Hatfield answered questions from the Board concerning this property’s structural integrity.

Based on the status/building reports dated May 19, 2008 from each of the building inspectors, and the April 18, 2008 support materials, specifically the photograph file, the Mayor moved that the Board find the building to be unsafe and a nuisance pursuant to statutes and authorize the department to precede advertising for bids for demolition. The Motion was seconded by Mr. Schaefer and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

314 Willard Avenue & 217 Willard Avenue-Wayne Miller, owner

Russ Hatfield, Code Enforcement Officer, addressed the Board regarding the status of these two properties; stating Mr. Miller was unable to attend the meeting today and asked to be put on the Agenda for October 20, 2008 as he is working with a different realtor. Mr. Hatfield answered questions from the Board concerning these properties and the owner.

Mr. Schaefer moved to TABLE these two properties until the October 20, 2008 meeting. The Motion was seconded by Mr. Metzcus and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

1026 Green Street-Elida Dabbert, owner (deceased)

Russ Hatfield, Code Enforcement Officer, addressed the Board regarding the status of 1026 Green Street stating the existing condition of this vacant property is beyond rehabilitation. The property was put into “Guardianship” under Nancy Coleman, who was the care provider. Mr. Hatfield has spoken to Ms. Coleman and she persists to have no interest in this property, even though she is recorded on the deed. On October 1, 2007 and Order to Demolish was put into place on this structure, all notices have been sent to attend this meeting; upon the Board’s approval the Inspection Department will issue “Notice to Bidders” for the demolition of this structure immediately. Mr. Hatfield answered questions from the Board concerning this property’s structural integrity. The Board referenced photo’s taken on October 2, 2008 documenting major water damage to the roof/ceiling.

Mayor Oberlie moved to find the building to be a nuisance and unsafe for occupancy pursuant to statute and proceed with demolition. The Motion was seconded by Mr. Metzcus and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

1410 West 8th Street-Russell Darling, owner

Russ Hatfield, Code Enforcement Officer, addressed the Board regarding the status of 1410 West 8th Street stating the existing condition of this vacant property is beyond rehabilitation. The owner agrees that the structure is unsafe and needs to be demolished. The Code Group has determined the rehabilitation of this structure to be nearly impossible as well as not economically feasible; with the Board’s approval, the Inspection Department will post a “Notice to Bidders” for demolition of this structure immediately. Mr. Hatfield answered questions from the Board concerning this property’s structural integrity; the Board referenced photo’s taken on October 3, 2008 by the Inspection Department.

Mayor Oberlie moved to find the building to be a nuisance and unsafe for occupancy pursuant to statute and proceed with demolition. The Motion was seconded by Mr. Schaefer and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

MUTUAL AID BOX ALARM SYSTEM AGREEMENT AND EXECUTIVE BOARD BY-LAWS

Mayor Oberlie stated that this item appears on the City Council agenda for tomorrow night for 1st reading; and that Council needs to authorize the Boards action on this item. The Mayor advised these items need to be TABLE until the City Council has acted, and then have the item automatically placed back on the Board of Public Works and Safety's Agenda.

The Mayor made the motion for the Clerk to put the item back on the agenda once the Council has acted on the ordinance; this includes the Mutual Aid Box Alarm System Executive Board By-Laws. The Motion was seconded by Mr. Metzcus and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

REQUEST TO HOLD ELECTION

Dave Lamb, Fire Chief, Michigan City Fire Department addressed the Board requesting to hold election for Fire Merit Commissioner, for Firefighters Local Union 475, in the Clerks Office on Thursday, October 23, 2008 from 8:30 a.m. to 4:00 p.m. The Ordinance requires a Notice of Election be posted at each of the stations; the Clerks Office was advised to prepare the notice; and the Fire Chief's Office will be responsible for posting the notice at each of the fire stations.

The Mayor made the motion to approve the request. The Motion was seconded by Mr. Metzcus and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

PHYSICAL FITNESS TESTING

Deputy Chief Randy Novak, Michigan City Fire Department, wrote the following on September 30, 2008:

This is to notify the Board of Public Works & Safety that the Michigan City Fire Department will be conducting Physical Fitness testing during the month of October. The testing will be between the hours of 8:00 a.m. until 12:00 noon, Monday thru Friday at all stations. Please feel free to call our Training Officer Larry Butcher at 873-1452 if you would like to attend the testing.

Mayor Oberlie asked for the Fire Chief to inform the Board specifically the dates, so the Board has the right to show pursuant to the agreement.

Fire Chief Lamb and Mayor Oberlie discussed the specifics with regards to the dates of the testing.

Note: This has been filed in the Clerks Office for informational purposes only.

REQUEST TO HAVE HOMECOMING PARADE

Lydia King, Michigan City High School, One Wolf Trail, submitted the following letter:

The Student Government of Michigan City High School will be sponsoring Homecoming activities the week of October 6th through October 10th. We are requesting permission to have a Homecoming Parade at 6:00 p.m. prior to the football game on Friday, October 10th. the parade traditionally runs from Elston Middle School parking lot down Ripley Street to Franklin Street to Ames Field.

Participants of the parade will include the MCHS Marching Band, the Homecoming candidates and their escorts, driven in convertibles, as well as members of the Steering Committees representing each of the four classes and their floats.

Any questions regarding this event may be addressed to Associate Principal, Lydia King at 873-2044, ext. 4310.

Sgt. Jeff Loniewski, M.C.P.D. Traffic Division, addressed the Board stating this is an annual event, and they've never experienced any problems with this event. The parade does call for the temporary street closures of Ripley and Franklin Streets; M.C.P.D. Traffic Division recommends approval for this request.

Mr. Schaefer moved to approve the Homecoming Parade on Friday, October 10, 2008. The Motion was seconded by Mr. Metzcus and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

CORRESPONDENCE

The following correspondence was filed in the Clerks Office on September 15, 2008 from Councilman Richard Murphy:

It has been brought to my attention by residents of the 200 block of Washington Park Blvd. that the current speed limit of 30 mph is too fast and out of character with the neighborhood. For orientation purposes, this is a two block stretch of Washington Park Blvd. that connects Lake Shore Drive at Krueger Hill to Lake Ave.

Residents believe the amount of pedestrian activity in and around this neighborhood just above Washington Park and Lake Shore Drive warrants a speed limit of 20 mph. Recent speeding incidents have impacted quality of life and brought up safety concerns.

I have discussed this issue with Sgt. Jeff Loniewski and he is open to discussion/and or study of the issue. We have discussed the possibility of a consistent pedestrian friendly speed limit (perhaps 20 mph) on all residential streets in proximity to Washington Park and lakefront access.

Currently, in this neighborhood, we have speed limits that range from 15-30 mph on streets with the same character within on square block.

We request that you refer this issue to the Planning Department and Traffic Division for further study. Thank you for your consideration.

Councilman Richard Murphy addressed the Board regarding his correspondence and the safety issues regarding speed limits in the Washington Park/Lake Shore Drive area. Councilman Murphy has discussed the issue with Sgt. Jeff Loniewski of the M.C.P.D. Traffic Division, and would like to set up some kind of committee with the Planning Department, M.C.P.D. Traffic Division and himself to work on a more pedestrian friendly/consistent speed limit for the streets surrounding Washington Park and the lakefront.

There was discussion between the Board and Councilman Murphy regarding the aesthetics of the neighborhood.

Mayor Oberlie moved for the Board to refer the issue to Corporate Council, Engineering, M.C.P.D. Traffic Division and Planning, and ask them to report back at the Board's next meeting to decide if a committee needs to be formed or authorizing studies by the particular departments. The Motion was seconded by Mr. Metzcus and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

CORRESPONDENCE

The following correspondence was filed in the Clerks Office on September 15, 2008 from a Michigan City Resident:

It has already been five months since Spring Street between 5th and 6th Streets have been blocked by basketball equipment surrounded by concrete blocks. Vehicles headed north-bound have come close to an accident many times. Police officers in this area already know about it, but neglect to do anything about the matter. It is interesting to see officers on the clock, doing everything else, but not considering what is dangerous to traffic safety. If this were to be a playground, let them place a "No Entrance" sign, so that the children and adults as well may play safely.

Sgt. Jeff Loniewski, M.C.P.D. Traffic Division reported to the Board that an officer was sent out on the day the letter was received, and he spoke to the homeowner who is responsible for the basketball equipment and advised him to move the equipment. The homeowner did as advised and removed the equipment from the street. Sgt. Loniewski recommendation is for patrols to be maintained in that area to be sure the street stays clear for vehicle traffic.

There was discussion between the Board and the Traffic Division regarding the amount of traffic on that particular part of the street.

Note: This has been filed in the Clerks Office for informational purposes only.

REQUEST FOR STREET CLOSURE – HALLOWEEN BED RACE

The following correspondence was filed in the Clerks Office on October 3, 2008 from Johnny Stimley, Town & Country Bar, 204 W. Barker Avenue:

I'm requesting for Barker Avenue between Wabash and Washington Streets to be closed from 5:30 to 7:00 p.m. on Saturday, October 25, 2008. I'm also requesting for "NO Parking" on the street of Barker Avenue during these hours. This closure of the street would be for the 8th Annual Halloween Bed Race.

Sgt. Jeff Loniewski, M.C.P.D. Traffic Division reported to the Board this is an annual event, stating the only concern was that Mr. Stimley understands that there is to be no alcohol served on the sidewalks or to leave his establishment during this event; other than that, M.C.P.D. Traffic Division recommends approval of this request.

Mr. Schaefer moved to approve the request, with the Clerks Office specifically mentioning those items in their approval letter to Mr. Stimley. The Motion was seconded by Mayor Oberlie and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

PHYSICAL FITNESS TESTING

Sgt. Chris Yagelski, Michigan City Police Department, wrote the following on October 3, 2008:

This is to inform you that the Michigan City Police Department Division of Professional Standards, will be administering the Fall Physical Fitness Test for our offices.

This testing will take place on Tuesdays and Wednesdays beginning on October 7th thru October 29th. The testing site will be the Striebel Pond Park.

Mayor Oberlie asked for the Clerks Office to obtain the specific times, so the Board has the right to show pursuant to the agreement.

Note: This has been filed in the Clerks Office for informational purposes only.

CLAIMS AND PAYROLL

Mayor Oberlie, moved that the claims set forth in the Register of Claims (in possession of the City Controller) and appearing in the Register be severally allowed and ordered paid and proper warrants for payment thereof hereby ordered issued in the stated amounts to person(s) and/or firm(s) as set forth, and payrolls approved. The Motion was seconded by Mr. Schaefer and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

The Board signed: Payroll Items in Register of Claims for informational purposes (which Register is in the possession of the City Controller) as follows:

Page	Date	Amount
1 of 8	09/26/2008	\$413,027.40
1 of 3	10/01/2008	\$238,601.15

Allowance of claims as set forth in the Register of Claims as follows:

Page	Date	Amount
1 of 6	10/06/2008	\$2,685,315.88

OTHER BUSINESS

Mr. Tom Moss with the Beachwalk Association, 202 Beachwalk Lane, addressed the Board regarding the current issue taking place at the east end of Turner Court, in the “right-of-way” section of the roadway. Mr. Moss asked the Board to “cause” the work that is being done that is changing the “grade” of the location mentioned stopped until Mr. Phelps returns and they can review it. Mr. Moss is working with the City Council to develop some type of legislation to be brought to bear on this matter about “Notice” and things. Mr. Moss asked the Board if they would be willing to ask that no changes be made to the “grades” affecting properties owned by Moss Families, and also affecting properties owned by Beachwalk Limited Partnership until the presentation can be made in two (2) weeks.

Joe Siegel, Zoning Administrator, for the Planning and Inspection Department addressed the Board referring the matter to Mr. Phelps, City Engineer.

Mayor Oberlie made the motion for the Board to have a “stop work order” letter prepared today by Corporate Council and delivered to the Contractor working on Turner Court informing them they need to stop construction/grade level changes on the public right-of-ways until the Board of Public Works and Safety has acted on the matter. The Motion was seconded by Mr. Schaefer and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

SOUTH SHORE LINE CAR MUSEUM

Mayor Oberlie addressed the Board regarding House Bill 1001. The Legislative Services Agency is projecting a loss of property tax revenue for the City of more than three (3) million dollars over the next two (2) years. With the opening of the Native American casino in New Buffalo, the Boyd Development Fund will not be receiving the amount of dollars it has due to that competition. About three (3) years ago, the City received a transportation enhancement grant application from I.N.D.O.T. to renovate a South Shore Line Car, and that Grant requires the City to build a museum venue to show that facility.

Based on the financial situation that is faced today, the Mayor moved that: a) the Board informs Mr. John P. Hankey, Historian and Cultural Resource Consultant, that his services as a consultant are no longer required on the project, and b) that the Board authorizes the Mayor to send Mr. Hankey such a letter, and I.N.D.O.T. advising that the City is no longer going to be pursuing the Grant application. The Motion was seconded by Mr. Schaefer and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

ADJOURNMENT

The presiding officer inquired whether there was anything else to be considered by the Board at this time and, there being none, declared the meeting ADJOURNED (approximately 10:43 a.m.).

Thomas F. Fedder, City Clerk