

# REGULAR MEETING – October 20, 2008

The Board of Public Works and Safety of the City of Michigan City, Indiana, met in REGULAR SESSION on Monday morning, October 20, 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 Counsel  
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  
Bill Phelps, City Engineer  
John Pugh, Director, Planning & Inspection  
Walter Gipson, Municipal Coach Director

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

## APPROVAL OF MINUTES

Mr. Schaefer moved the minutes of the Regular Meeting of October 6, 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.**

**FIR STREET IMPROVEMENT PROJECT** – John Doyle, Doyle & Associates, Project Engineer, addressed the Board stating the project is complete and recommends payment of the retainage and acceptance of the project.

Bill Phelps, City Engineer, concurs with the acceptance of the project and release of retainage.

Mayor Oberlie moved to accept the recommendation of the Engineers. The motion was seconded by Mr. Schaefer and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

**ORDER TO DEMOLISH & ORDER TO REPAIR - 314 Willard & 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 due to family issues. Mr. Hatfield spoke to Mr. Miller in detail regarding what it would take to get the two properties up to code. The Inspection Department will allow permits to be issued for repairs giving Mr. Miller thirty (30) days to replace/repair the roofs as needed as well as windows and structural foundation. If the repairs are not made within thirty (30) days, the Enforcement authority will issue a “Notice to Bidders” with no other modifications to be considered. Mr. Hatfield answered questions from the Board concerning the properties and the owner.

Mayor Oberlie moved that the Board provide written notice of a public hearing to Mr. Miller for both properties; and that the Board proceed also with the simultaneous advertising for demolition of 324 Willard Avenue, then if no progress is made at that property the Board can take action at one (1) meeting. The motion was seconded by Mr. Schaefer and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

**4-WAY STOP REQUEST FOR FLASHING LIGHT**

Carlson’s Rootbeer Stand is requesting a flashing light be installed at the 4-way stop sign at Wabash Street and Coolspring Avenue.

Mayor Oberlie addressed the Board stating that Mr. Herman contacted his office and the Mayor asked that this be put on the Agenda. Mayor Oberlie made the motion to refer to the Planning and Engineering Offices for coordination with the Engineer for the reconstruction of Coolspring Avenue. The motion was seconded by Mr. Metzcus and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

**REQUEST FOR SIGNAGE AND PARKING SPACES**

Duneland Lutheran High School, 617 Franklin Street is requesting to place a sign designating the school; and designated parking for the principal and secretary.

Sgt. Jeff Loniewski, M.C.P.D. Traffic Division, addressed the Board stating the City does not currently have an ordinance on reserved parking on public streets, and that enforcement would be difficult due to identification of vehicles.

There was discussion regarding if the Street Department had posted any signs? Jack Kahn, Street Director, informed the Board that they are currently working with Chris Bohnert in the Planning Department to determine where to place them per Indiana manual in terms of School Zone signage.

Mayor Oberlie concurred with the Traffic Division regarding the request for reserved parking on public streets and moved to accept the recommendation of the Traffic Division; and reject the reserved signage request. The Street Department will proceed with the School Zone markings. The motion was seconded by Mr. Schaefer and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

**OPENING OF BIDS**

**LEASING SIGN SPACE ON CITY BUSES**

Three (3) bids were received, as follows:

Community Financial Service Centers .....	\$1,800.00 for 90 days
Swanson Center .....	\$5,400.00 for 1 year
WEFM Radio .....	\$14,400.00 for 1 year-
in the form of Advertising Commercials on WEFM (NOT CASH)	

Mayor Oberlie moved to refer to the Municipal Coach Department, Attorney’s Office and Controller’s Office for tabulation; and for reporting back at the next meeting. The motion was seconded by Mr. Metzcus and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

**17<sup>TH</sup> ANNUAL FESTIVAL OF HOLIDAY LIGHTS**

Debi Studtman, Event Coordinator, Michigan City Park and Recreation Dept., wrote the following letter:

We are currently planning the 17<sup>th</sup> annual Festival of Holiday Lights and 5<sup>th</sup> annual Challenge for a Charity Chili Cook Off in Washington Park. This event will take place on Saturday, December 6, 2008 from 4:00 p.m. to 7:00 p.m.

We would like to include a bonfire in the festivities again this year.

We have requested a standby unit from the Michigan City Fire Department for safety and to assist in extinguishing the fire at the end of the event.

We have requested assistance for traffic and crowd control from the Michigan City Police Department Traffic Division.

We appreciate your assistance in presenting this free community event.

Dave Lamb, Fire Chief, Michigan City Fire Department, addressed the Board stating this is an annual event and there will be an Engine Company on scene to assist with the extinguishment of the bonfire at the end of the event.

Sgt. Jeff Loniewski, M.C.P.D. Traffic Division, stated this is an annual event and recommends approval of this request.

John Schaefer moved to approve the 17<sup>th</sup> Annual Festival of Holiday Lights and the 5<sup>th</sup> Annual Challenge for a Charity Chili Cook Off on December 6, 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 received in the Clerk’s Office from John Wilson, Commander, Frank & Edward Skwiat American Legion Post 451:

On Saturday, November 1<sup>st</sup> at 1:00 PM, the Frank & Edward Skwiat American Legion Post 451 will be conducting a Flag Disposal Ceremony in the rear parking area of the Post Home at 121 Skwiat Legion Avenue.

It is the Post's understanding that a "burn permit" is required from the City for this type of activity. Also, notification of the event to the Michigan City Fire Department would be of great help.

Your granting this request would be greatly appreciated.

Dave Lamb, Fire Chief, Michigan City Fire Department, addressed the Board stating this is an annual event and an Engine Company will be on site for the ceremony and recommends approval.

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

#### **REQUEST FOR SIGN AND OUTDOOR DINING – Panini Panini, 1720 Franklin Street**

The owner requests the Board's permission to allow outdoor dining at his restaurant, and permission to hang a sign at the establishment. A drawing was provided by the owner.

Mr. Schnappinger, owner of Panini, Panini, 1720 Franklin Street, addressed the Board requesting permission to hang a vertical sign at his business for better advertising visibility.

The Mayor advised Mr. Schnappinger that the Board of Public Works and Safety is not the Board that governs signs, there is a separate Board that governs which is the Board of Zoning Appeals. The Mayor further explained that the Board of Public Works and Safety does have the authority to approve the outdoor dining request pursuant to the regulations the City has adopted.

There was discussion between the Board members, Mr. Schnappinger and Joe Siegel of the City's Planning and Inspection Department regarding the signage issue. Mr. Siegel informed Mr. Schnappinger that he is welcome to attend the Zoning Board of Appeals meeting; and that within the outdoor dining standards a "sandwich board" type of sign is allowed. Mr. Siegel informed the Board that he and Russ Hatfield, Code Enforcement Officer, have spoken to Mr. Schnappinger in regards to his proposed outdoor dining and find everything acceptable with the exception of the proposed sign projecting from the building.

Mayor Oberlie made the motion for the request for outdoor dining be approved subject to the Planning Office certifying the completion of the installations and compliance with the standards. The motion was seconded by Mr. Schaefer and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

Mayor Oberlie addressed the Board regarding the one outdoor facility on Franklin Street whose signage is in violation of the standards.

Joe Siegel, Zoning Administrator, informed the Board that he has spoken to the owner and the signs have been taken down.

**CORRESPONDENCE**

The following was received in the Clerk’s Office on October 16, 2008, from Tom Moss representing Beachwalk:

Please add the following item to the agenda of the Oct. 20, 2008 Board of Works mtg:  
 -setting of grades at east end of Turner Court...Tom Moss, representing Beachwalk LP,  
 Beneficiary of Horizon Trust 08-3923 and Moss Family LP

Tom Moss, 1949 Lakeshore Drive, representing Beachwalk, addressed the Board with his concerns in regards to the “grades” at the East end of Turner Court, stating he is representing Moss Family Limited Partnership, the owner of the adjacent property south of the east end of Turner Court; and Horizon Trust 08-3923 and it’s beneficiary Beachwalk LP, the owner’s of the property to the east adjacency to the end of Turner Court. Mr. Moss has been meeting with the Planning Department to clarify the process of how “grades” will be set at the east end of Turner Court; he has also spoken to the owner of the north adjacency. Mr. Moss requests that the Board help establish pre-existing conditions and notification if the “grades” are subsequently going to be changed.

Tim Haas, Hass & Associates LLC, 526 Franklin Street, addressed the Board stating he has been working with Mr. Moss regarding the Turner Court “grades”, and has had preliminary discussions with Steve Thate who represents the property owner who is building the house on the north side of Turner Court. Mr. Haas would like some time to try to work something out.

Mayor Oberlie made the motion to TABLE the matter until the Board’s next meeting. The motion was seconded by Mr. Metzcus and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

**CLAIMS AND PAYROLL**

Mr. Metzcus, 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 Mayor Oberlie 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	10/10/2008	\$405,139.86

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

Page	Date	Amount
1 of 4	10/17/2008	\$1,482,042.52

**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 10:35 a.m.).

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Thomas F. Fedder, City Clerk