

# REGULAR MEETING - JUNE 6, 2005

The Board of Public Works and Safety of the City of Michigan City, Indiana, met in REGULAR SESSION on Monday morning, June 6, 2005, 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, Mayor Charles Oberlie, and Controller John Schaefer (3).

**Absent:** None (0).

## A QUORUM WAS NOTED PRESENT.

Also noted in attendance:

John Pugh, City Planner  
Jim Elwell, Superintendent, Central Services  
Capt. Mark Harris, Traffic Division  
Al Walus, General Manager, Sanitary District  
Mark Donaldson, Deputy Chief, Fire Department  
Tom Przybylinski, Building Inspector  
Bill Phelps, City Engineer  
Joseph Siegel, Zoning Administrator  
Daryl Westphal, Battalion Chief, Fire Department  
Mark Donaldson, Deputy Chief, Fire Department  
Mark Swistek, Asst. Chief, Police Department  
John Kintzele, Asst. Chief, Police Department  
Tom Fedder, City Clerk  
Carla Adams, Deputy City Clerk

Ron Miller, Radio Station WEFM  
Jason Miller, News-Dispatch  
Andre Steele, Access LaPorte County

## APPROVAL OF MINUTES

Mr. Metzcus moved the minutes of the Regular Meeting of May 16, 2005, be approved as printed. Mr. Schaefer stated there is a correction to be made. On page 2, under **Donation of Fire Poles**, last paragraph, it states Mr. Oberlie made a motion. Mr. Schaefer advised that Mr. Oberlie was absent at this meeting. Mr. Oberlie informed Mr. Schaefer this was a paraphrase from the minutes of the April 4, 2005 meeting. With that clarification, the motion was seconded by Mr. Schaefer and carried as follows: **AYES: MEMBERS Metzcus, Oberlie, and Schaefer (3). NAYS: None (0).**

## DEMOLITION HEARINGS

### **508 West 11<sup>th</sup> Street - Andre Leon, owner**

Mr. Siegel distributed documentation of the condition of this property. Mr. Siegel stated the existing condition of this vacant property is extremely hazardous and poses a danger within the community. The Inspection/Planning Department is submitting this property for demolition. He stated rehabilitation cost to bring this structure to habitable condition is estimated over \$65,000.00 dollars minimum. Mr. Siegel explained the problems within the building, stating that this building is in bad condition. Mr. Siegel informed the board that all certified notices have been provided to City Attorney Espar. He stated Attorney Espar is reviewing this property.

Mr. Metzcus asked if there was anyone present to speak on this property, hearing none, the hearing was closed. Mr. Tom Przybylinski, Building Inspector, spoke to the Board regarding the matter of the boilers and asbestos.

Mr. Oberlie moved the department be authorized to proceed with the advertising for demolition bids, with specific language to be included relating to the encapsulation of the asbestos. Mr. Schaefer seconded the motion, which carried as follows: **AYES: MEMBERS Oberlie, Schaefer, and Metzcus (3). NAYS: None (0).**

Bids will be received on July 5, 2005 (July 4<sup>th</sup> being a legal holiday).

### **532 Martin Luther King Drive - John D. Hairston, Jr., owner**

Mr. Siegel stated this structure has a collapsed roof and the building is in a dilapidated and decaying condition. He advised that the structure is hazardous and recommends this structure be demolished.

Mr. Metzcus asked if there was anyone present to speak on this property, hearing none, called for the motion. Mr. Schaefer moved to proceed with the demolition process, seconded by Mr. Oberlie. The motion carried as follows: **AYES: MEMBERS Schaefer, Metzcus, and Oberlie (3). NAYS: None (0).**

**528 Dahlia Street - DGM Properties, LLC, a Delaware Limited Liability Company, owner**

Mr. Siegel informed the Board this entire house has been gutted and rehabilitation is not an option. A joint inspection was conducted with the Zoning Administrator, Animal Control, and the Refuse Inspector. There has been signs of all kinds of activity going on in the house. He stated it is hard to secure a structure like this because the windows and doors have been taken out. Mr. Siegel asked that this structure be demolished.

Attorney Espar advised the Board that Mr. Siegel has publication of notice regarding these proceedings and has mailed out return receipt by certified mail to DGM Properties, LLC. Mr. Siegel explained his efforts to identify the owner and secure notice. Mr. Siegel stated he has made a conscious effort to contact this individual, to no avail.

There was no one present to speak on this property. The hearing was closed. Mr. Oberlie stated because of the questions relating to DGM Properties, I move that we proceed with advertising for bids and that the office continue to work with Corporate Counsel to provide additional notice to DGM Properties at any of the various statement locations there found in; Delaware not being one of them. Mr. Metzcus seconded the motion, which carried as follows: **AYES: MEMBERS Metzcus, Oberlie, and Schaefer (3). NAYS: None (0).**

Mr. Siegel informed the Board of self-initiated action on demolitions by property owners at 2120 Elston and 1310 Manhattan Street.

**STREET CLOSING**

At its meeting held on the 6<sup>th</sup> of June 2005, the Board approved the request of Sister Loyce Woodard and Rev. David Swarn, Bethel African Methodist Episcopal Church, regarding the closure of 7<sup>th</sup> Street, from Michigan Boulevard to Cedar Street, on July 16, 2005, from 7:00 a.m. to 7:00 p.m., for a Block Party to celebrate their 100<sup>th</sup> year anniversary. Sister Woodard has requested the approval from the Board regarding the change of date for this event from July 16<sup>th</sup> to July 23<sup>rd</sup>.

Captain Mark Harris, Traffic Division, informed the Board that actually the 23<sup>rd</sup> would be a better date, because there is a lot going on July 16<sup>th</sup>. He said there should be no problem with this request.

Mr. Metzcus asked if there were any comments by the Board or the public, hearing none, called for the motion. Mr. Schaefer moved to approval the request, seconded by Mr. Oberlie. The motion carried by the following vote: **AYES: MEMBERS Oberlie, Schaefer, and Metzcus (3). NAYS: None (0).**

**PRESENT PROPOSALS**

ASI Signs to present a presentation of the City Wide Signage Program.

Plan Director John Pugh introduced Mr. Greg Le Gars to the Board, stating sometime ago the Board of Works voted to update our system. We went to ASI which was the original provider and asked Mr. Le Gars to put together a presentation on a updated city sign system.

Mr. Greg Le Gars, Sales Consultant, ASI-Modulex, 2017 West 18<sup>th</sup> Street, Indianapolis, IN, distributed documentation to the Board and explained in detail ideas in regards to updating the current city wide sign system. He stated he would like to attempt to refurbish, replace and add to the many signs throughout the city which point people to many city landmarks. Mr. Le Gars stated the signs are still in good shape but have been affected by the elements. He also pointed out some of the signs were placed in areas that have grown economically are now obscured by larger, flashier, signs for business. Some of them are just over-powered by other signs. He said the new signs would have a much more graphic representation with the use of color, more contrast, highlighted designations and each sign would have a descriptive header. The proposed signs will be mounted with a single post. The signs will be much more contemporary rather than the standard two post empaneled signs. Mr. Le Gars displayed to the Board a sample of the construction of the signs and explained in detail the makeup of the signs. Mr. Le Gars stated one element we would like to add might be advertising the arts and culture, hospitality, shopping, and recreation. All the things Michigan City can offer. He stated the signs need to be made more visible. Some of the signs have been obscured by foliage and weeds. Mr. Le Gars said he would also like to add new signs closer to the city's center including near Coolspring Avenue and Franklin Street.

Mr. Metzcus asked if there were any comments by the Board and Mr. Oberlie stated the Board's objective would be to have the Planning/Redevelopment Office and the City Engineer review everything, and as we start the budgetary numbers to have John Pugh, Plan Director, put together a series of recommendations on prioritizing new locations first

and then start the conversion process. Mr. Oberlie informed John Pugh, Plan Director, regarding the budget this will be part of your submission for capital expenditures this year.

Mr. Oberlie thanked Mr. Le Gars his presentation and stated the signs are almost twenty (20) years old and have held up very well.

Mr. Metzcus questioned Mr. Le Gars about secondary signage, in which Mr. Le Gars explained this is part of adding some new signs. Mr. Le Gars advised the Board that he needs to get communication back to him informing him of what has changed and what is needed.

Mr. Metzcus asked if there were any comments by the public, hearing none, called for the motion. Mr. Oberlie moved to refer this matter to the Planning and the City Engineer for review and recommendation. The motion was seconded by Mr. Schaefer and carried by the following vote: **AYES: MEMBERS Schaefer, Metzcus, and Oberlie (3). NAYS: None (0).**

### **REQUEST FOR STOP SIGNS**

#### **Emily Clarke Mellen - Lawndale Place**

Councilwoman Patricia Boy wrote as follows May 18, 2005:

I received an e-mail from Emily Mellen (copy attached) concerning the intersection of Lawndale and Boy Circle her in the Fourth Ward. There is a two-way stop on Boyd where It crosses Lawndale and she is concerned about the traffic on Lawndale, and the speeds at which cars travel through there.

Because traffic patterns change over the course of time, we may need a traffic study at that Intersection to determine the need for another stop sign. Could you please check out this Situation and let me know your decision?

Following is the email from Emily Mellen:

Dear Pat-

I don't know if you are the right person to contact first, but as our council woman for our ward, I thought this was the best shot. I live on Lawndale Place in Edgewood between Barker School and Edgewood School. The intersection of Lawndale and Boyd Circle is so dangerous. I look out my window everyday and cars are going so fast down Lawndale it is really kinda scary. The kids are walking home from school and cars are probably going 45/55 mph down the street on a regular basis.

The other need for the stop sign not only to reduce the speed, but when at the stop sign On Boyd turning onto Lawndale you can not see real well because of the curve. When you think no one is coming, a car will come flying around the corner and I have seen several "almost" hit them accidents.

Several residents have said they tried to get a stop sign there before, but where told because of the traffic from Barker School they could not get one. I don't know what traffic they are talking about because a bus drops off, I assume high school kids, on the corner and they walk and most of the kids are walking.

It truly is a dangerous intersection and I was outside the other day when it I was nice and kids are riding their bikes all over and cars come flying around the corner on Lawndale and it isn't safe for people to be walking, riding or driving.

A stop sign is a small request to reduce the speed and to save a child's life. I hope it doesn't take a fatal accident to get a stop sign put into place.

I appreciate your time and hope this small request for a stop sign can be put into place not only to reduce the speed, but to save a life. I hope it doesn't take a fatal accident and an "I told you so" before something truly happens.

John Pugh, Plan Director, stated he has not looked into this matter in terms of any study. He said he has spoken to Capt. Harris, Traffic Division, and Chris Bohnert of the Planning Department who will be starting a traffic count at that location.

Mr. Oberlie moved to formally refer this matter to the Traffic Division and Planning Department, to be reported back at the July 5<sup>th</sup> meeting of the Board. The motion was seconded by Mr. Metzcus and carried by the following vote: **AYES: MEMBERS Metzcus, Oberlie, and Schaefer (3). NAYS: None (0).**

### **POLISH FESTIVAL**

Mr. Randy J. Dompke, Club Manager, St. Joseph Young Men's Society, wrote as follows May 23, 2005:

It is that time of year once again. In keeping with our St. Joseph Young Men's Society tradition, we are getting prepared for our annual Polish Festival.

We are cordially requesting that Tillotson Street be blocked off from Franklin Street west to the end of the St. Joe parking lot.

The dates scheduled for the Polish Festival are Friday June 24<sup>th</sup>, Saturday June 25<sup>th</sup>, and Sunday June 26<sup>th</sup>. This would be greatly appreciated by the membership.

With all my respect, I sincerely thank you for your time and consideration in this matter.

Captain Harris reported this is an annual event and there have been no problems in the past. Mr. Oberlie moved to approve the request subject to receipt of the liability insurance. Mr. Metzcus advised Mr. Oberlie the proof of liability insurance has been filed. The motion was seconded by Mr. Schaefer and carried by the following vote: **AYES: MEMBERS Oberlie, Schaefer, and Metzcus (3). NAYS: None (0).**

### **DISPOSITION OF GRIEVANCE**

Mr. John Esper, City Attorney, presented a disposition of a grievance filed by Fraternal Order of Police Dunes Lodge No. 75, to be executed by the Board. Mayor Oberlie moved to approve the conclusion and decision as presented. Mr. Schaefer seconded the motion, which carried as follows: **AYES: MEMBERS Schaefer, Metzcus, and Oberlie (3). NAYS: None (0).**

### **PROPOSAL MEMORIAL**

Mr. Bill Phelps, City Engineer, addressed the Board and stated that he, Mayor Oberlie, Chris Bohnert of the Planning Department has been meeting with Daryl Westphal and Jeff Pickford of the Fire Department and Mark Swistek and John Kintzele of the Police Department, to discuss ways to permanently honor the Michigan City Firefighters and Police Officers who have lost their lives in the line of duty.

It is proposed to have a Memorial constructed that would consist of life size bronze statues of a kneeling Firefighter along with a standing Police Officer consoling a small child. The statues would be placed on the west end of the upper deck of Millennium Plaza. There would be two podiums with bronze plaques mounted on top. The plaques would have raised dimensional badges of the individual departments along with the respective department's prayer.

The front faces of the podiums would have bronze plaques inscribing the name of the deceased Firefighter or Police Officer and the date they lost their life in the line of duty. Along the outer edge of the deck, behind the statues, there would be five flag poles displaying the flags of our nation, state, city, fire and police departments.

The committee felt Millennium Plaza would be the best site for the Memorial since:

- Has been recently developed and is well accepted
- Capable of twenty-four (24) hour video surveillance
- Convenient parking
- Handicap accessible
- Landscaping, shade trees and seating are present

Of the various items, the bronze statues would have the longest lead time, which could be six to eight months.



Mr. Oberlie noted Chris Bohnert of the Planning Department has spent a lot of time working with the committee that is composed of representatives of both the Police and Fire Departments. They have spent a lot of time looking at sites and trying to develop a theme for the process. This past week the final location site was approved in the field and we need to acknowledge their participation in getting us this far. Our objective this morning is to ask the Board to authorize the Engineer to proceed with the placement of the quarters of the sculptor pieces, which would have approximate six (6) month delivery time. Our hope would be that we could conceivably get this completed by this year. The idea would be that we would serve the general contractor, buy the sculptor pieces, and find someone to have them installed. The same would apply to the masonry podiums and the plaques. We would authorize them to do the ordering and service the general contractor.

Mr. Oberlie moved to approved, seconded by Mr. Metzcus. The motion carried by the following vote: **AYES: Members Metzcus, Oberlie, and Schaefer (3). NAYS: None (0).**

## **STREET CLOSING**

William and Melissa Atwood wrote as follows June 2, 2005:

Our son is graduating from Michigan City High School on June 12, 2005. He is the first of our family to graduate high school. We are requesting to be approved to have a party in his honor on the south side of 1319 Buffalo Street (our mother's house) and it extended to the eastern half of the 400 block of Williams Street and have the use of that part of the street on Saturday, June 18<sup>th</sup> 2005. We plan to have some where around 50 to 60 people. We can not afford to rent a building, park use or other.

We got this idea from my grandmother who had requested our family to do this, but she passed away before we could. Our son doesn't think we are having a party for him because of our finances, but my family has agreed to bring food and cookout. The area will be cleaned up afterwards. If our request is granted, we would like to play music from 5:00p.m.-10:00p.m. The 400 block of Williams Street is and has been temporarily closed due to construction: however, the street department only lacks putting down the last top layer of asphalt for it to be completed but, it is in no way dangerous even at this time, it appears completed.

Thank you for reviewing our request and assisting our family with this long waited Celebration!

Mrs. Melissa Atwood approached the Board and explained in detail her request for the closing of the south side of 1319 Buffalo Street to the eastern half of the 400 block of Williams Street. The Board questioned her regarding the specific location and her request to play music.

Captain Harris stated the Traffic Division is a bit reluctant to endorse individual request because traffic would get overrun with individual road closing. He said he would leave the request up to the Board's pleasure.

Mr. Oberlie stated the major reservation relates to the music aspect, stating that 10:00 p.m. is not necessarily late. He stated if we make a motion to approve it would depend on the neighbors complaining about the music. If that should occur, we would have the police come out and ask that the music be turned down. Mrs. Atwood was in full agreement.

Mr. Metzcus asked if there were any comments by the public. Mr. Oberlie again questioned Mrs. Atwood about the requested location, which she explained the location in detail.

Mr. Oberlie moved to approve, seconded by Mr. Metzcus. The motion carried by the following vote: **AYES: MEMBERS Oberlie, Schaefer, and Metzcus (3). NAYS: None (0).**

## **STREET CLOSING**

Mr. Willie Milsap, 601 S. Dickson Street, wrote as follows June 2, 2005:

To: The Board of Public Works & Safety

Re: Request the closing of Grace Street, from Michigan Boulevard to Holiday Street  
For Juneteenth Anniversary on Saturday June 18<sup>th</sup> from 10a.m. until 6p.m.  
(Rain Date June 25<sup>th</sup>)

**Note:** Juneteenth commemorates African American Freedom & emphasizes education & Achievement.

Mr. Metzcus asked if there were any comments by the public, and Captain Harris stated he doesn't see any problems regarding this request as long as they are responsible for setting up their own barricades. Mr. Jim Elwell, Central Services Superintendent advised the Board he would handle the barricade request. Mr. Oberlie said he had no problem with the request, but questioned who is the sponsoring entity.

Mr. Oberlie moved to approve the request subject to the proof of liability insurance. The motion was seconded by Mr. Metzcus and carried by the following vote: **AYES: MEMBERS Oberlie, Schaefer, and Metzcus (3). NAYS: None (0).**

**(Clerk's Note: Proof of liability insurance received June 7, 2005.)**

## **AWARDING OF BID**

Michigan City Fire Administration and Training Center

Mr. Dan Graham, Design Organization, advised that bids were accepted June 1<sup>st</sup> for the remodeling of Eastside Fire Station No. 2 to become the Administration Center for the Fire Department and Training Facility for the Fire and Police Departments. We received bids from five (5) general contractors, with the lowest bid being Gariup Construction Co., Inc., 3965 Harrison Street, Gary, IN. We recommend awarding the bid to Gariup Construction, pending the approval of their EEO documents.

Mr. Metzcus informed Mr. Graham that the Board has in its possession the EEO report by Nancy Widelski, Human Rights Executive Director/EEO Officer, regarding the EEO compliance forms submitted by the five (5) contractors.

Mr. Metzcus asked if there were any comments by the Board or the public, hearing none, Mr. Schaefer moved to accept the recommendation of Design Organization awarding the bid to Gariup Construction Co., Inc. The motion was seconded by Mr. Oberlie and carried by the following vote: **AYES: MEMBERS Schaefer, Metzcus, and Oberlie (3). NAYS: None (0).**

## **BOONE DRIVE RECONSTRUCTION AND EXTENSION**

Mr. John Doyle, Doyle and Associates, addressed the Board and reported on the status of Boone Drive Reconstruction and Extension. Mr. Doyle stated that everything is complete. We have a little asphalt to put down on Ohio Street and a very short segment of Boone Drive. He said pavement was done Saturday, final asphalt surfacing. He said we have some restoration to do and also some seeding. Mr. Doyle stated by the end of the week, weather permitting, we should be out of there.

Mr. Oberlie said he notice that the far western end of the project, when you come off the decks, the water seem to spill on the southern edge of that pavement. Mr. Doyle informed Mr. Oberlie that is outside the scope of their project.

## **CLAIMS AND PAYROLL**

Mr. 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 Oberlie, Schaefer, and Metzcus (3). NAYS: None (0).**

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 3	05-27-05	\$222,369.90
1 of 12	05-27-05	\$425,549.58

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

Page	Date	Amount
1 of 4	06-06-05	\$1,566,068.38

#### **PUBLIC COMMENT**

Mr. William Baugher, 1116 W. 8<sup>th</sup> Street, asked the Board about the status of the Willard Avenue refurbishing. Mr. Bill Phelps, City Engineer, said it is still in the planning stages and explained the future plans of the project. Mr. Metzcus congratulated Mr Baugher on his 75<sup>th</sup> anniversary.

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 10:30 a.m.).

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Thomas F. Fedder, City Clerk