

REGULAR MEETING – July 7, 2008

The Board of Public Works and Safety of the City of Michigan City, Indiana, met in REGULAR SESSION on Monday morning, July 7, 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.
John Pugh, Director, Planning & Inspection
Jim Elwell, Superintendent, Central Services
Bill Phelps, City Engineer
Dave Lamb, Fire Chief, M.C.F.D.
Russ Hatfield, Code Inspector
Al Walus, General Manager, Sanitary District
John Doyle, Doyle & Associates

Rick Richards, The News Dispatch

Gale Neulieb, Deputy City Clerk
Kim Sliwa, Assistant Deputy City Clerk

APPROVAL OF MINUTES

Mr. Schaefer moved the minutes of the Special Meetings of May 12, 2008, May 14, 2008, June 6, 2008, and the minutes of the Regular Meeting of June 16, 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.**

OPENING OF BIDS – 1212 West 9th Street, Michael Crane-owner

Mayor Oberlie informed the Board that there was one (1) bid from Piper Excavating; and that all documentation/criteria was in order. Mayor Oberlie moved to refer to the Inspection, E.E.O. and Engineers' Offices for tabulation at the next meeting. The motion was seconded by Mr. Schaefer and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

CORRESPONDENCE

WATER PROBLEM – 216 Belmont Court, Ruthe & Howard Tobias, owners

Al Walus, General Manager, Sanitary District, addressed the Board regarding the Sanitary Districts findings; Mr. Walus gave the Board members copies of his report. Discussion followed between Mr. Metzcus, Mr. Walus and Mayor Oberlie regarding the area.

Mayor Oberlie moved to continue the matter for thirty (30) days to allow the Sanitary District to proceed with the research, and report back to the Board what actions are going to be required. The motion was seconded by Mr. Metzcus and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

FREYER DITCH PROJECT

Al Walus, General Manager, Sanitary District, presented a Letter of Understanding to the Board; explaining the plans for the Freyer Ditch Project. The City has been working with John Doyle and Associates to design and install a 48' diameter storm sewer below the current Freyer Ditch as it runs north/south – west of White Oak Drive. Mr. Walus went on to explain that there is another ditch in the direct vicinity that can also be addressed, and has asked Mr. Doyle to design an alternate plan to include this. Mr. Walus explained how funding for this project can be made available through some contingency funding from other projects that have been completed along with the 2008 funding for the Freyer Ditch Project.

Mayor Oberlie asked Mr. Walus about the mitigation at the M.C. Municipal Golf Course and if this was included in the cost. Mr. Walus advised the Board that some of the cost is included, and that funds that were encumbered will be used.

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

2008 PAVING SCHEDULE

Bill Phelps, City Engineer, reported to the Board the next series of paving to be done in the City. Mr. Phelps reminded the Board about a shared paving project with Trail Creek for Roeske Avenue, and that the City of Michigan City will be the lead agency with Trail Creek contributing half (1/2) the cost. Mr. Phelps stated that the schedule will be dependant on the weather. **Note:** This is for informational purposes.

N.I.C.T.D.

Bill Phelps, City Engineer, addressed the Board regarding temporary closures for track repair on 11th Street between Ohio and Kentucky Streets; and 10th Street between Willard Avenue and Kentucky Street from July 9 through July 21, 2008.

Note: This is for informational purposes.

CORRESPONDENCES

REQUEST FOR HANDICAPPED PARKING SIGN

The following correspondence was received in the Clerks Office on June 24, 2008, from Jerry Meece, 1914 Elston Street, M.C.:

Dear Board of Public Works & Safety, I am 60 years old and have a handicap of 50% from the V.A. It's very hard for me to walk a distance, so I am asking if you could help me by putting a handicap sign in front of my house so I can park my car. It's very difficult to get there at times when neighbors have parties and company, and it would help me a lot. Thank you for your time, and hard work. If you need any information that I can help with, please let me know. My phone # is 861-3730, my address is 1914 Elston Street, again I thank you. Jerry Meece

Mayor Oberlie moved the matter be referred to the Traffic Division, Planning and Engineering Offices for review and recommendations to be presented at 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.**

STREET CLOSING

The following correspondence was received in the Clerks Office on June 24, 2008, from Johnny Stimley, 401 Franklin Street, M.C.:

We are asking if you can close the roads between 9:00 and 9:25 a.m. on July 12th, Saturday for the 7th Running of the Zoo Run. Thank you.

Sgt. Jeff Loniewski, M.C.P.D. Traffic Division, addressed the Board stating this is an annual request, and they've never experienced any problems with this request. The Traffic Division recommends the approval of this request.

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

CLAIMS AND PAYROLL

Mr. Schaefer, 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. Metzcus 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 9 | 06/20/2008 | \$435,747.66 |
| 1 of 3 | 07/01/2008 | \$238,439.45 |

| | | |
|---------|------------|--------------|
| 1 of 2 | 06/27/2008 | \$ 40,847.48 |
| 1 of 10 | 07/01/2008 | \$442,708.47 |

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

| Page | Date | Amount |
|--------|------------|----------------|
| 1 of 6 | 07/07/2008 | \$3,963,463.89 |

SALVATION ARMY ALLEY

Wallace Hook, President of the Advisory Board, representing the Salvation Army, addressed the Board in regards to the alley behind the Salvation Army building at 1201 Franklin Street. Mr. Hook asked the Board what is being done about the house on Washington Street as it pertains to the alley running east to west beside the Salvation Army, as this is the main delivery access for food stuff; and that the loading dock is in that alleyway. Mr. Hook requested that something be done immediately about this situation as it has been close to two (2) years since this alley has been closed to them.

Attorney Espar informed the Board of his correspondences in relation to this, and what needs to take place next in addressing this issue. Russ Hatfield, Code Enforcement Officer, advised the Board and Council he had not received any communication in regards to this from anyone. Discussion followed between Attorney Espar and Mr. Hatfield as to the issuance of an Order to Repair; and the non-compliance with the Board's previous request. Attorney Espar advised to solicit bids for the repairs to be received at the next meeting as compliance is past due; advising an Immediate Order to Repaired be issued.

Mayor Oberlie moved to proceed with an Order for Repair the structure, and that quotations be submitted to this Board on July 21, 2008. The motion was seconded by Mr. Schaefer and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

UPDATE ON DEMOLISH - 717 E. Michigan Blvd., Mark Pastoret – owner

Russ Hatfield, Code Enforcement Officer, reported to the Board that demolition on 717 E. Michigan Blvd. will begin on July 7, 2008; and 721 E. Michigan Blvd. will begin on July 21, 2008. IDEM gave approval for demolitions on those dates for those locations. **NOTE:** This was for informational purposes.

HANDICAPPED SIGN – 1616 Washington Street

John Pugh, Director, Planning & Inspection, informed the Board that the Planning Department has received a request for a Handicapped Parking Sign at 1616 Washington Street. Mr. Pugh reported that the Inspection Department has reviewed the request with the Police Traffic Division; and asked the Board for their approval.

Mayor Oberlie made the motion to approve the placement of a Handicapped Parking Sign at 1616 Washington Street. The Motion was seconded by Mr. Metzcus and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

BEACHWALK/TURNER COURT

Tom Wasak, representing Beachwalk, addressed the Board with an issue they have with Turner Court along one of the edges of Beachwalk. The adjacent property owner has done some excavating to enhance a building site; and this actually crosses the extension of Turner Court. Mr. Wasak has met with Mr. Pugh of the Planning & Inspection Department to address this matter. Discussion followed between Mayor Oberlie, Mr. Wasak, and Bill Phelps, City Engineer about the construction on public right of way. Mr. Phelps advised the Board his findings.

Mayor Oberlie made the motion, subject to approval of the Attorney, to have Mr. Phelps proceed to investigate, noting that he has the authority to stop order for any work that's not properly proceeding on the City's right-of-way. 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 of Doyle & Associates, Project Manager for the Fir Street Improvement Project, informed the Board that D & M Excavating is done; and that they are waiting on Reith & Riley for the paving. **Note:** This is for informational purposes.

REQUEST FOR OUTDOOR SEATING-Sahara Restaurant, 1701 Franklin Street

Mr. Moe Mroueh, owner, Sahara Restaurant, addressed the Board about his previous request for outdoor dining at his restaurant.

Attorney Espar, advised Mr. Mroueh and the Board of a proposal to define the parameters for outdoor seating for restaurant establishments. Attorney Espar informed the Board that he had gone over the proposal with John Pugh, Director, Planning and Inspection, and that Mr. Pugh had no further modifications other than some minor ones to the original draft. Attorney Espar expressed due credit to the City of Valparaiso, which had prepared and developed very thoughtful standards for outdoor seating in their community. The following are the proposed standards:

**THE CITY OF MICHIGAN CITY
BOARD OF PUBLIC WORKS AND SAFETY
OUTDOOR DINING STANDARDS**

PURPOSE AND BACKGROUND

Sidewalk cafés contribute to the vibrant street-level activity associated with a vital downtown district. Cafés and outdoor dining areas may be placed in the public right-of-way under the following conditions.

There are a variety of opportunities for private businesses and public institutions to make the environment around their buildings welcoming to passersby. These include sidewalk cafes, moveable planters, and planter boxes.

APPLICABILITY

This set of standards applies to all establishments where outdoor dining or outdoor cafes are present.

The outdoor dining area must be authorized by way of "a right-of-way encroachment agreement with the Michigan City Board of Works and Safety. The Board of Works and Safety hereby authorizes the Planning Department to administer the Downtown Outdoor Dining policy. Applications shall be approved by the Board of Works and Safety. In addition, the City of Michigan City retains the right to request the removal of or to remove the café for maintenance work. Businesses serving alcohol in sidewalk cater or outdoor dining areas must comply with any additional regulations of the State of Indiana Alcoholic Beverage Commission

Accessory Use. An outdoor restaurant use on the public sidewalk shall be conducted as an accessory component to a legally established restaurant or other food service establishment that is located on a contiguous parcel.

Revocation. The Board of Works and Safety may revoke at any time an outdoor restaurant permit if it is determined that continued operation of the sidewalk restaurant is detrimental to the public interest or the applicant is in violation of any conditions of the permit.

APPLICATION PROCEDURE

To apply, a restaurant owner needs to complete the following.

- **Application Letter:** A brief letter of request with basic information about the property and business ownership and contact info shall be provided to the Planning and Building Department for review and approval by the Board of Works and Safety.
- **Site Plan:** Applicants shall provide a site plan/drawing showing the proposed outdoor dining area with measurements (including a representation showing that at least 4 feet of unobstructed sidewalk space will remain for pedestrians and ADA accessibility compliance), in compliance with Chapter 2 Section 2.6 Circulation Room.
- **Photos or Drawing of Furniture:** Applicants shall provide photos or other graphic representation (including color and material) of barriers, planters, furniture and umbrellas, needed for the City to verify that the proposed furniture conforms to these Design Guidelines.
- **Liability Coverage:** Applicant shall provide proof of liability insurance of not less than One Million Dollars per occurrence, further naming the City of Michigan City as an additional insured party. Completion of a hold harmless agreement is also required prior to occupancy or use of City right-of-way.

Contact the Planning Department at 219-873-1419 or visit in person at City Hall, 100 E. Michigan Blvd., Michigan City, IN 46360 with questions or request for additional information.

ELEMENTS OF A QUALITY OUTDOOR SEATING AREA

- Umbrellas Within Seating Area
- Quality Furniture
- Detectable Barriers
- Barriers At least 36" Height

CHAPTER 1: BARRIERS

Dining Area barriers (fences, gates, ropes etc.) are visually appealing and help to separate the dining area from the sidewalk. All barrier material must be maintained in good visual appearance, without visible fading, dents, tears, rust, corrosion, or chipped or peeling paint.

Barriers are required in the following instances:

- a) Required for all Leading Edge of All Dining Areas:

A detectable barrier is required for the leading edge of all outdoor dining areas to ensure that visually impaired pedestrians using canes can detect the dining area safely. The leading edge is defined as the section of a dining area that is at or near a perpendicular angle to the building wall and/or curb line.

- b) Required for Full Perimeter of Some Dining Areas:

A detectable barrier is required for the full perimeter (with the exception of access openings) when the outdoor seating area extends more than 3 feet into the public right of way. The perimeter includes both the leading edge and parallel edge. Restaurants which do not serve alcohol and whose outdoor seating area extends less than 3 feet into the public right-of-way are not required to enclose the full perimeter of the seating area, but may do so on an optional basis.

- c) Required for Full Perimeter of All Outdoor Dining Areas Serving Alcohol:

Applicants shall comply with all applicable laws and regulations set forth by the State of Indiana and the Alcoholic Beverage Commission with regard to the sale of alcohol on public property.

1.1 Barrier Designs

A wide variety of styles and designs are permissible for outdoor dining area barriers:

Sectional Fencing: Sectional fencing (generally defined as rigid fence segments that can be placed together to create a unified fencing appearance) is a desirable solution for outdoor seating areas using barriers. Such fencing is portable, but cannot be easily shifted by patrons or pedestrians, as can less rigid forms of enclosures.

Sectional fencing must be of metal (aluminum, steel, iron, or similar) or of wood construction and must be of a dark color (either painted or stained).

Rope or Chain Rails: Rope or chain-type barriers (generally defined as enclosures composed of a rope or chain suspended by vertical elements such as stanchions) are permitted if they meet the following guidelines:

- **Rope/Chain Diameter** The rope or chain must have a minimum diameter of inch, in order to maintain detect ability by the visually impaired.
- **Posts:** Vertical support posts (stanchions, bollards, etc.) must be constructed of wood or metal (aluminum, steel, iron, or similar).
- **Stanchion Base Must Not Be A Tripping Hazard:** If a stanchion or other vertical supporting device is attached to a base, that base must be flat and must measure no more than one-half (1/2) of an inch above the sidewalk surface. Domed stanchion bases are permitted only in cases where the Board of Works and Safety determines that such bases will not pose a threat or hazard to patrons or pedestrians.

Freestanding: Any barrier (whether sectional fencing or rail-type) must be freestanding, without any permanent or temporary attachments to buildings, sidewalks or other infrastructure.

Prohibited Barrier Styles:

- **Fabric Inserts:** Fabric inserts (whether natural or synthetic fabric) of any size are not permitted to be used as part of a barrier. Heavy canvas inserts are permitted.
- **Chain-link and Other Fencing:** The use of chain-link, cyclone fencing, chicken wire or similar appurtenances is prohibited. Materials not specifically manufactured for fencing or pedestrian control (including but not limited to buckets, food containers, tires, tree stumps, vehicle parts, pallets, etc.) and not expressly permitted elsewhere in these Guidelines may not be used as components of a barrier.

1.2 Barrier Measurements

To ensure their effectiveness as pedestrian control devices and their detectability for persons with visual impairments; barriers must meet the following measurement guidelines:

Height: The highest point of a barrier (such as a stanchion) must measure at least 36 inches in height, with the exception of planters.

“Open” Appearance: Fence or other perimeter enclosures with a height of between 36” and 50” must be at least 50 percent open (see-through) in order to maintain visibility of street level activity. Any enclosure with a height over 50" must be at least 80 percent open (see-through).

Maximum Distance from Ground: All barriers must be detectable to visually impaired pedestrians who employ a cane for guidance. Therefore the bottom of barriers must be no greater than 27 inches above the sidewalk surface.

- **How to Measure Rope/Chain Distance from Ground:** In the case of a rope or chain enclosure, the rope/chain must not exceed 27 inches in height when measured 12 inches or more away from a vertical post (stanchion, bollard or other such support).

1.3 Access Openings

Minimum Access Width: Any access opening within the barrier must measure no less than 48 inches in width.

Location: Access openings should be placed in a location that will not create confusion for visually impaired pedestrians.

1.4 Planters

Planters may be used in addition to or in place of other barrier designs. In addition, planters may be used in situations where no barrier is required (for example, where the outdoor dining area does not extend more than three feet into the sidewalk) in order to provide added visual interest and create a more attractive and welcoming atmosphere.

Planters and the plants contained within them must meet the following requirements:

Maximum Height of Planters: Planters may not exceed a height of 36 inches above the level of the sidewalk. (This pertains only to planters, not the plants contained therein).

Maximum Height of Plants: Plants (whether live or artificial) may not exceed a height of 108 inches (8 feet) above the level of the sidewalk.

Planted Material: All planters must have plants contained within them. If the plants within a planter die, the Plants must be replaced or the planter removed from the public right-of-way. Artificial plants; empty planters; or planters with only bare dirt, mulch, straw, woodchips or similar material are not permitted.

Planter Material: All planters must be constructed of metal or wood. Wood planters must be sanded smooth and painted or treated so as to obscure the look of rough or unfinished wood surface.

Seasonal, thematic planter displays are encouraged.

CHAPTER 2: FURNITURE AND FIXTURES

Outdoor dining furniture becomes a prominent part of the streetscape when used in the front of buildings, and such furniture needs to uphold the high standards applied to buildings and other improvements in and around the CBD.

A wide range of furniture styles, colors and materials are permitted. All furniture and fixtures must be maintained in good visual appearance, without visible fading, dents, tears, rust, corrosion, or chipped or peeling paint. All furniture and fixtures must be maintained in a clean condition at all times. All furniture and fixtures must be durable and of sufficiently sturdy construction as not to blow over with normal winds.

To ensure a quality visual appearance in keeping with the historic context of downtown Michigan City's architecture, the conditions on the following pages apply to furniture (tables and chairs).

2.1 Types of Furniture

Prohibited Furniture: All furniture other than tables, chairs and umbrellas are prohibited. This

includes but is not limited to serving stations, bar counters, shelves, racks, sofas, televisions, trash receptacles, heaters (automatic turnoff are permitted with board approval) and torches. Resin furniture is subject to Board approval. White resin furniture is prohibited,

Freestanding: Furniture and fixtures must not be secured to trees, lampposts, street signs, hydrants, or any other street infrastructure by means of ropes, chains or any other such devices, whether during restaurant operating hours or at times when the restaurant is closed.

2.2 Tables

Tables need to be functional, not only for patrons, but also for pedestrians, given the limited space available for outdoor dining on many downtown sidewalks.

Outdoor dining furniture must also contribute to the overall atmosphere of the downtown commercial district and be complementary in both appearance and quality.

Color: Tables may be colored or of a natural unpainted material (i.e., wood, metal etc.) Tables are not permitted to be white plastic or of any fluorescent or other strikingly bright Or vivid color.

Size and Shape: The size and shape of tables strongly affects the functionality of an outdoor dining area. Due to downtown Michigan City's narrow sidewalks, restaurants should strive for space-efficient seating layouts and furniture configuration.

Square or Rectangular Tables Preferred:

Square or rectangular tables are strongly recommended for use in outdoor dining areas.

- Better Fit: Square or rectangular tables may fit flush against a building's wall and can permit more usable surface area for patrons while at the same time leaving more space available for pedestrians.
- More Flexibility: Square or rectangular tables are more flexible for use in outdoor dining areas. Such tables may be combined to seat larger parties much more effectively than can round tables.

Smaller Tables Preferred: Smaller tables work better than larger tables and are more efficient and flexible. Although optimal table size varies by each restaurant's specific outdoor dining layout, smaller tables are preferred.

2.3 Chairs

Chairs, like other outdoor dining elements, must contribute to the overall atmosphere of the downtown commercial district and must be complementary in both appearance and quality.

Color: Chairs may be colored or of a natural unpainted material (i.e. wood, metal etc.) Chairs are not permitted to be white plastic or of any fluorescent or other strikingly bright or vivid color.

Upholstery: Upholstered chairs are permitted. Upholstery is not permitted to be of any fluorescent or other strikingly bright or vivid color.

Matching or Harmonious: All chairs used within a particular establishment's outdoor seating area must match or be harmonious with each other by being of visually similar design, construction

and color.

2.4 Umbrellas

Umbrellas can add a welcoming feel to outdoor dining areas and provide shelter from the elements, making their use desirable for outdoor dining applications. Appropriately designed and sized umbrellas are permitted for use under this outdoor dining program. Umbrellas must be contained within the outdoor dining area, and the lowest dimension of an extended umbrella must be at least 7 feet above the sidewalk surface. All umbrellas must comply with the following conditions.

Contained Within the Outdoor Seating Area:

To ensure effective pedestrian flow, all parts of any umbrella (including the fabric and supporting ribs) must be contained entirely within the outdoor seating area.

Minimum Height for Sidewalk Clearance:

When extended, the umbrella must measure at least 7 feet above the surface of the outdoor dining area in order to provide adequate circulation space below. This measurement must include not only the umbrella frame and panels, but also any decorative borders such as fringes, tassels, or other such ornamentation.

Maximum Height:

Any part of an umbrella used in an outdoor seating area may not exceed a height of 120" (10 feet) above the level of the sidewalk, in order to avoid causing an undue visual obstruction of other businesses.

Colors:

Umbrellas must blend appropriately with the surrounding built environment. Therefore, umbrella fabric is not permitted to be of any fluorescent or other strikingly bright or vivid color.

Size and Shape:

The size and shape of an umbrella strongly affects its functionality within a constrained space such as an outdoor dining area. Due to the narrow measurements of most restaurants' outdoor dining areas, restaurants using umbrellas should strive for space-efficient umbrella designs.

Market-Style Umbrellas Preferred:

Market-style umbrellas — those designed specifically for patio or outdoor restaurant use — are preferred for outdoor dining purposes.

Material:

Umbrella fabric must be of a material suitable for outdoor use, and must be canvas-type. No plastic fabrics, plastic/vinyl-laminated fabrics, or any type of rigid materials are permitted for use as umbrellas within an outdoor seating area,

2.5 Sidewalk Coverings

Prohibited Sidewalk Coverings:

- Carpet: Prohibited sidewalk coverings include carpet or other flooring material constructed of fabric, canvas, wool, tile, linoleum, nylon, vinyl, or any covering that is intended to resemble turf.
- Platforms: Raised decks, platforms, or other such surfaces are not permitted within outdoor dining areas.

2.6 Circulation Room

All outdoor dining areas must leave at least 4 feet of unobstructed pedestrian space. The 4 feet of pedestrian space must be clear of obstructions caused by trees, posts, hydrants, or any other infrastructure or potential hazards. In addition, no part of an outdoor dining area (including plants) may extend into the 4-feet of unobstructed zone.

If a perimeter enclosure is used, adequate space must be provided within the enclosed outdoor dining area to permit movement of patrons and wait staff. Wait staff may not serve patrons from beyond the perimeter enclosure.

An applicant may be required to modify the layout and placement of items in the outdoor dining area at any time if it is determined by City staff that such placement or layout creates a potential hazard or an issue of ADA accessibility non-compliance. The City reserves the right to move any obstruction that creates a hazard or non-compliance situation.

2.7 Signage

Limited signage shall be permitted *within* outside dining areas only and is permitted solely as a result of an establishment's participation in this outdoor dining program. Signage shall be in the form of a moveable sandwich board. No more than one (1) sandwich board shall be permitted per establishment. The size of the sign may not exceed 30 inches in width by 36 inches in height.

2.8 Setback from other Businesses

Restaurants need to be mindful of adjoining businesses when using outdoor dining areas, making sure that neighboring businesses remain visible to pedestrians and motorists.

A restaurant may be required to adjust the outdoor seating area's layout, dimensions or distance from the property line (2 feet or more) to ensure that this visibility is maintained.

2.9 Removal after Season

All outdoor dining areas, furniture, and barriers shall be removed when not in use, and shall be removed from the right-of-way no later than October 31 of each calendar year, and shall not be installed earlier than April 1 of each calendar year.

2.10 Repair and Maintenance

Applicants are required to restore the right-of-way surface to the condition it was in prior to occupancy or use of the approved area. Any damage done to right-of-way surfaces, fixtures, or infrastructure shall be the responsibility of the applicant to repair at their cost. This includes any stains, physical damage, discoloration or other evidence of misuse. Any repairs should be made

as soon as possible, and immediately upon request by the City. The applicant may also be subject reimbursement to the City for repairs or restoration as a result of the use of right-of-way by an applicant.

Approved this 7th day of July, 2008.

THE CITY OF MICHIGAN CITY
BOARD OF PUBLIC WORKS AND SAFETY

By: /s/ Anthony Metzcus, President

By: /s/ Charles Oberlie, Member

By: /s/ John Schaefer, Member

ATTEST:

/s/ Thomas F. Fedder, City Clerk

Mayor Oberlie informed the Board that he has had the opportunity to review the drafts with the Attorney's Office, which provides for the use of the walkways while at the same time providing for adequate access for the public with design standards for barriers and fences, etc... Mayor Oberlie made the motion to adopt these standards. The Motion was seconded by Mr. Metzcus and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

GOVERNMENT CHANNEL MANAGEMENT AGREEMENT – ALCO

Mayor Oberlie addressed the Board regarding the contract for the Government Access Channel (Access LaPorte County-ALCO) and the administration of the P.E.G. (Public Education Government) Channels is due for reauthorization with the program term of three (3) years. Mayor Oberlie went on to explain the particulars of the contract to the Board. Mayor Oberlie made the motion to approve the contract with ALCO. The Motion was seconded by Mr. Metzcus and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

WALL GANG's PETITION FOR VACATING STREET/ALLEYWAY

Mayor Oberlie informed the Board about an e-mail he received from the Clerks Office in reference to the new Ordinance of the City Council that requires various Boards and Department Heads to make reports to the Council prior to Vacating Streets and Alleys. Mayor Oberlie made the motion that the reports the Clerks Office receives be sent to the Board, who will then take it under advisement for the next meeting for action. The Motion was seconded by Mr. Metzcus 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 9:55 a.m.).

Thomas F. Fedder, City Clerk