

# REGULAR MEETING – June 21, 2010

The Board of Public Works and Safety of the City of Michigan City, Indiana, met in REGULAR SESSION on Monday morning, June 21, 2010, 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 President, Tony Metzcus, who presided.

**Noted Present:** Tony Metzcus, John Schaefer, and Mayor Charles Oberlie, (3).

**Absent:** none (0).

## A QUORUM WAS NOTED PRESENT.

Also noted in attendance:

John Espar, Corporate Counsel  
Sgt. Jeff Loniewski, M.C.P.D. Traffic Division  
John Pugh, Director Planning & Inspection Departments  
Bill Phelps, City Engineer  
Dave Lamb, Fire Chief, M.C. Fire Department  
Russ Hatfield, Code Enforcement Officer  
Joe Siegel, Zoning Administrator  
Abby Wiles, NSP Coordinators Office  
Alex Jones, NSP Coordinators Office  
Jack Kahn, Street Director, Central Services  
Charlie Cate, Superintendent, Central Maintenance  
Tara Miller, Director, Senior Center

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

## APPROVAL OF MINUTES

Mr. Schaefer moved the minutes of the Regular Meeting of June 7, 2010 be approved as printed. The motion was seconded by Mr. Metzcus.

## COMMENTS FROM THE PUBLIC

Mr. John Chalikian, 609 Franklin Street addressed the Board regarding the minutes from the June 7, 2010 meeting; stating that what he said to the Board was not in the minutes.

The motion carried as follows: **AYES: MEMBERS Metzcus, Schaefer and Oberlie (3).**  
**NAYS: None (0). Motion carries.**

## OPENING OF BIDS – Dickson & E. 8<sup>th</sup> Street

Mayor Oberlie informed the Board that three (3) bids were received as follows:

D & M Excavating	-	\$233,402.44
Reith & Riley	-	\$268,323.00
Woodruff & Sons	-	\$330,911.00

Also, received was an Engineer's Estimate for construction from John A. Doyle & Associates in the amount of \$364,225.00.

Mayor Oberlie made the motion to refer the items to the E.E.O. Office and the City Engineer for bid tabulation and to report back to the Board at the next meeting. The motion was seconded by Mr. Schaefer and carried as follows: **AYES: MEMBERS Metzcus, Schaefer and Oberlie (3). NAYS: None (0). Motion carries.**

**OPENING OF BIDS – Two (2) trucks: (1) Single Axle & (1) Tandem Axle**

Mayor Oberlie informed the Board that seven (7) bids were received as follows:

Truck City of Gary	-	\$114,727.00 Single Axle \$136,642.00 Tandem Axle
Selking International	-	\$112,230.21 Single Axle \$124,306.22 Tandem Axle
Chicago International	-	\$116,799.00 Single Axle \$130,999.00 Tandem Axle
Hill Truck Sales	-	\$113,406.00 Single Axle \$123,760.00 Tandem Axle

Mayor Oberlie made the motion to refer the items to Central Maintenance, Municipal Services and E.E.O. for tabulation and reporting at the next meeting. The motion was seconded by Mr. Schaefer and carried as follows: **AYES: MEMBERS Metzcus, Schaefer and Oberlie (3). NAYS: None (0). Motion carries.**

**REQUEST FOR APPROVAL**

Charlie Cate, Superintendent, Central Maintenance addressed the Board explaining the solicitation of bids to convert City owned Traffic Signals to LED lighting and to install Pedestrian Audio Signals per the Energy Efficient Community Block Grant that was received last from the Indiana Department of Energy for Area 1, which includes thirteen (13) intersections; the Grant is in the amount of \$114,059.50. Mr. Cate informed the Board that the 2010 Budget has a line item to coincide with this Grant to install the Audio signals that will be in compliance with ADA regulations by indicating with “chirps” and “tweets” when the green lights are on by direction for handicapped individuals; and asked that the Board approve the solicitation of the bids.

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

**N.S.P. GRANT – report on Asbestos Abatement bids received**

Russ Hatfield, Code Enforcement Officer addressed the Board regarding the bids received for the Asbestos Abatement; stating for that for Phase I, it was awarded to Associated Environmental for \$12,500.00. (Note: For Informational Purposes Only.)

### **STATUS REPORT – 220 N. Ashland Avenue**

Russ Hatfield, Code Enforcement Officer addressed the Board regarding 220 N. Ashland Avenue, stating that Ms. Sanders daughter, Dorothy Williams, has contacted the Inspection Department regarding this property.

Ms. Dorothy Williams addressed the Board for her mother asking them for more time to complete the repairs to the structure. Ms. Williams has agreed to let the Inspection Department inside the structure to inspect the mechanicals.

Mayor Oberlie made the motion to give the Inspection Department thirty (30) days to complete the inspections and get back to the Board with their detailed analysis, giving Ms. Williams the information and time to put together a schedule of when the work will be completed. The motion was seconded by Mr. Schaefer and carried as follows: **AYES: MEMBERS Metzcus, Schaefer and Oberlie (3). NAYS: None (0). Motion carries.**

### **NSP DEMOLITIONS**

#### **732 W. 4<sup>th</sup> Street, Owner – Des Capital, LLC**

Russ Hatfield, Code Enforcement Officer addressed the Board regarding this property, presenting documentation. Mr. Hatfield asked the Board to take into account H.U.D.'s definition of an abandon property, if the taxes have gone unpaid, which is the case since 2007. Mr. Hatfield recommended to the Board that he be allowed to proceed with the demolition of this property.

Mrs. Beverly Mosley, 728 W. 4<sup>th</sup> Street addressed the Board regarding this property, asking when the Board will be demolishing the structure.

Mayor Oberlie made the motion to proceed with the demolition based on the information received. The motion was seconded by Mr. Schaefer and carried as follows: **AYES: MEMBERS Metzcus, Schaefer and Oberlie (3). NAYS: None (0). Motion carries.**

#### **1014 Chicago Street, Owner – Robert & Mary Ann Pliskey**

Russ Hatfield, Code Enforcement Officer addressed the Board regarding this property, presenting documentation. Mr. Hatfield informed the Board that there was a permit issued to the property last year to have a new roof put on, which was completed; and that the Electrical Inspection uncovered concealed electrical issues behind the walls which caused the Electrical Inspector to have the NIPSCO meter pulled. Mr. Hatfield also noted the "calls for service" from the Police Department as they numbered 147 calls in the last five (5) years, which is considered a "public nuisance". Mr. Hatfield also noted that Vector Control has boarded the structure on numerous occasions.

Mr. Robert Pliskey, owner of 1014 Chicago Street addressed the Board stating that he is working to get this property back up to code, and asked for additional time to complete the repairs.

Mayor Oberlie asked Mr. Pliskey if he had an ideal on how much time he will need to put together a schedule for completion of the renovations.

Mr. Pliskey replied he hoped to it up to spec.'s in three (3) to ten (10) months. Mr. Pliskey also stated that he has contracted a landscaping company to maintain the yard.

There was discussion by Mr. Hatfield regarding the property as a rental and that there are issues with the upstairs apartment and the height of the bedroom doorway, and that the hot water is positioned directly outside this room; Mr. Hatfield stated all this would need to be reconfigured as there is a lot of structural repair to be done to bring this structure up to code as a two (2) family dwelling.

Mayor Oberlie made the motion to TABLE the matter for two (2) weeks to allow the owner and the Inspection Department to review the work items that are necessary to bring the structure up to code and to report back to the Board with a specific time schedule for the completion at which time the Board can take formal action. The motion was seconded by Mr. Metzcus and carried as follows: **AYES: MEMBERS Metzcus, Schaefer and Oberlie (3). NAYS: None (0). Motion carries.**

#### **1406 Kentucky Street, Owner – Estate of Orville & Loretta Celebuski & Dorothy M C**

Russ Hatfield, Code Enforcement Officer addressed the Board regarding this property, presenting documentation. Mr. Hatfield recommended that the Board allow him to proceed with the demolition due to all the issues surrounding this property.

Mrs. Trisha Taylor addressed the Board regarding the property stating she will be taking over the property from the owner, Dorothy Sobiecki and asked the Board for time to make the necessary repairs.

Mayor Oberlie made the motion to give Mrs. Taylor two (2) weeks to meet with the Inspection Department to develop an understanding of what the specific violations are and the priorities for corrections, and a schedule for completion. The motion was seconded by Mr. Schaefer and carried as follows: **AYES: MEMBERS Metzcus, Schaefer and Oberlie (3). NAYS: None (0). Motion carries.**

#### **DEMOLITION HEARING – 1203 E. 2<sup>nd</sup> Street, Owner-John Chalikian**

Russ Hatfield, Code Enforcement Officer addressed the Board regarding this property, stating that since the last time the Board met the structure has semi-collapsed. Mr. Hatfield asked the Board for approval to continue with the solicitation of bids for the demolition of the structure; also noting that as it sits the structure is an immediate danger and unsafe for the public.

There was discussion between Corporate Counsel Espar and Mr. Hatfield regarding the security of the property, and the safety of the public.

Attorney Robert Szilagyi, 204 W. Legacy Plaza, LaPorte, representing Mr. John Chalikian addressed the Board regarding the status of 1203 E. 2<sup>nd</sup> Street advising the Board that Mr. Chalikian wants to build on this property and that he has a contract to have the building down in the next two (2) weeks.

Discussion ensued between the Board and Mr. Szilagyi regarding time frame for demolition and the safety/security of the building.

Mayor Oberlie made the motion to approve the two (2) week extension with the understanding that the structure will be removed as soon as possible. The motion was seconded by Mr. Metzcus.

John Chalikian, 609 Franklin Street addressed the Board regarding the status of the structure and other buildings in worse disrepair in Michigan City.

The motion carried as follows: **AYES: MEMBERS Metzcus, Schaefer and Oberlie (3).**  
**NAYS: None (0). Motion carries.**

### **AGREEMENT – BMI Music Licensing Agreement**

Corporate Counsel Espar addressed the Board regarding an Agreement with BMI (Broadcast Music Inc.), 10 Music Square E., Nashville TN, for the broadcasting of any and all copyrighted music that is played throughout City venues; i.e., music on hold, bands playing at festivals, etc... Counsel Espar informed the Board that the fee is \$305.00 annually and recommended that the Board sign the Agreement.

Ron Miller, WEFM addressed the Board advising them that BMI is just one (1) of three (3) music licensing agencies, and that the other two (2) also charge a licensing fee annually.

Mr. Schaefer made the motion to approve the agreement. 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 NO PARKING SIGN**

The following correspondence was received in the Clerk's office on June 9, 2010 from Terry McGinnis, 227 W. 7<sup>th</sup> Street:

Please be advised that we are requesting to be on the June 21, 2010 agenda for the Board of Public Works. We are located at 227 West 7<sup>th</sup> Street. We will be requesting that a sign be placed on the North side of 7<sup>th</sup> Street at the parking spot located at the entrance to our driveway and the spot directly adjacent to the West be designated as "No Parking" for a period of time during the week.

Those two parking spots are required to be vacant when our refuse agency comes to pick up the garbage or their truck cannot access the dumpster. We do not want any of the business to lose those two parking spots for any other time as parking is needed on 7<sup>th</sup> Street. However, we do need the access to our dumpster for sometime during 1:00 AM and 6:00 AM on Tuesday and Friday early mornings. We only need the access on those two days at those times.

Please advise us if we will be on the June 21<sup>st</sup> agenda. We look forward to hearing from you.

Terry McGinnis, 227 W. 7<sup>th</sup> Street addressed the Board regarding her request for a designated "No Parking" sign and the circumstances surrounding the issue she is having.

Sgt. Jeff Loniewski, M.C.P.D. Traffic Division addressed the Board regarding the request, asking the Board to TABLE the item for two (2) weeks as an alternative is being worked on that will reconfigure the current parking spaces so they meet City code.

Mayor Oberlie made the motion to TABLE the request for two (2) weeks as requested by the Traffic Division. 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 STREET CLOSINGS**

The following correspondence was received in the Clerk's Office on June 11, 2010 from Jacque Hopkins, Morning Star Baptist Church, 531 Washington Street:

Request for approval of 25<sup>th</sup> Year Anniversary Celebration Activities within the Community.

Who we are: Morning Star Baptist Church, 531 Washington Street, Michigan City

What we want: (1) A Historic Tour Parade and (2) Unity Festival

Where: (1) Parade Route – Beginning at 433 Dahlia, the parade route will include the following addresses: 418 Ridgeland Avenue, Blue Chip Casino Northwest Parking Lot (aka Union Street), 320 East 7<sup>th</sup> Street, 301 Center Street, 401 Willard Avenue and ending at 531 Washington Street (our new location)

(2) Unity Festival – close street between 8<sup>th</sup> & Willard Avenue and 8<sup>th</sup> and Grant Street

Date & Time: (1) July 1, 2010 at 6:00 p.m.

(2) July 31, 2010 from 10:00 a.m. to 4:00 p.m.

Contact: Jacque Hopkins, Chairperson, 25<sup>th</sup> Anniversary Celebration  
Morning Star Baptist Church, Rev. Danny T. Brown, Pastor

Mrs. Jacque Hopkins addressed the Board regarding her request and asked for the Board's approval.

Sgt. Jeff Loniewski, M.C.P.D. Traffic Division addressed the Board regarding this request stating there are two (2) portions to the request with the first being the closing of 8<sup>th</sup> Street between Willard Avenue and Grant Street for the Unity Festival, and that there are no objections to the street closing and would recommend approving that portion of the request. Sgt. Loniewski addressed the second portion of the request referring approval to the Board, stating that off-duty officers would need to be utilized and overtime would have to be paid for two (2) hours and for two (2) officers.

Mayor Oberlie asked if Morning Star Baptist Church would be willing to pay for the overtime/officers.

Mrs. Hopkins replied they would be willing to cover the costs of the overtime/officers for this event.

Mayor Oberlie made the motion to approve the street closing and the parade with the understanding that the Church will pay the cost of the overtime/officers. 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 Clerk's Office on June 16, 2010 from Ms. Jennifer Quinlan, Director of Advancement, Marquette High School, 306 W. 10<sup>th</sup> St:

Please accept this email as a formal request to temporarily close 10<sup>th</sup> Street in between Wabash and Ohio on Friday, August 27<sup>th</sup> from 4:00 p.m. until midnight for the purpose of the 1<sup>st</sup> Annual Blazer Block Party. This event will have a live band, a tent with a beer garden and BBQ.

This is a Marquette event; however it is open to the entire Michigan City community. We are requesting temporary closure of the street for the safety and security of our guests and their families from 10<sup>th</sup> Street traffic. Emergency vehicles will have complete access to the street as the majority of the event will be held in the parking lot of the Richard & Louise School Student Center.

Thank you very much for considering our request and we look forward to your response.

Sgt. Jeff Loniewski, M.C.P.D. Traffic Division addressed the Board regarding this request stating he has spoken with Ms. Quinlan and explained to her the only issue there is with the request is the actual points of the street closure. Sgt. Loniewski advised there is no problem with closing 10<sup>th</sup> Street from Wabash Street to Elston Street, and that Ms. Quinlan agreed; therefore he recommends approval for the event.

Mr. Schaefer 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.**

**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 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 1	06/11/2010	\$3,126.99
1 of 10	06/18/2010	\$456,667.20

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

Page	Date	Amount
1 of 2	06/07/2010	\$342,530.37
1 of 6	06/21/2010	\$852,006.37

**ADDITIONAL BUSINESS**

John Chalikian, 609 Franklin Street addressed the Board regarding the carpentry business located next door to his Jewelry Shop and the excessive noise, dust and chemical smells created which disrupts his business; and informed the Board about an incidence that occurred where a pole located within his store front being painted without his permission to a different color than he had painted it. Mr. Chalikian presented the circumstances surrounding the incidence and provided the Board with pictures of the pole, and also addressed broken sidewalks that have not been addressed in the alleyway. (Note: For Informational purposes only.)

**ADDITIONAL BUSINESS**

Mayor Oberlie addressed the Board regarding a letter he received from Cecilia Zubler, Executive Director, Barker Mansion advising that scaffolding and large equipment is to be placed on the Seventh Street side of Barker Mansion within the next two weeks as a large balcony is to be restored and this project will take several weeks; asking the Board to advise the proper agencies for Public Safety purposes. (Note: For Informational purposes only.)

### **ADDITIONAL BUSINESS**

Mr. Patrick Hayes, 1200 E. Michigan Blvd. addressed the Board regarding his Hot Dog vending cart on Michigan Blvd. asking if for the Boards permission to allow him to establish that location for his business.

There was discussion between Mr. Hayes, Mayor Oberlie and John Pugh City Planner about the business being on private property (which is zoned commercial), Health Department permits, and that he would only need the Boards approval if he moves the vending cart onto a City sidewalk.

Corporate Counsel Espar addressed Mr. Pugh advising he would like to review the Itinerate Vendor licensing statute to see if it applies to this situation. Counsel Espar will contact Mr. Hayes if he finds the statute is applicable to his situation.

### **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 10:30 a.m.).

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Thomas F. Fedder, City Clerk