

# REGULAR MEETING – SEPTEMBER 21, 2009

The Board of Public Works and Safety of the City of Michigan City, Indiana, met in REGULAR SESSION on Monday morning, September 21, 2009, 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 Chuck Oberlie, Member;  
And John Schaefer, Member (3).

**Absent:** None (0).

## A QUORUM WAS NOTED PRESENT.

Also noted in attendance:

John Pugh, Director, Planning & Inspection Department  
Bill Phelps, City Engineer  
Joseph Siegel, Zoning Administrator  
Russell Hatfield, Code Enforcement Officer  
Sgt. Jeff Loniewski, M.C.P.D. Traffic Division  
Sgt. Chris Yagelski, M.C.P.D.  
Dave Lamb, Fire Chief  
Jim Elwell, Superintendent Central Services  
Charlie Cate, Superintendent, Central Maintenance

Gale Neulieb, Deputy City Clerk  
Kim Sliwa, Asst. Deputy City Clerk

Laurie Wink, The News Dispatch

## APPROVAL OF MINUTES

Mr. Schaefer moved the minutes of the Regular Meeting of September 8, 2009 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.**

## DEMOLITION STATUS –

### Order to Demolish – 907 Ohio Street, Ryan Fly-owner

(Note: this item was rescheduled from the September 8, 2009 meeting)

Russ Hatfield, Code Enforcement Officer addressed the Board regarding the property at 907 Ohio Street stating that on September 6, 2008 the vacant structure on this property was severely damaged by fire; at the time of the fire the structure was insured and claims were pending the fire investigation. Mr. Hatfield informed the Board that he has had several conversations with the insurance company as well as Mr. Fly since the time of the fire; to date no attempts have been made to bring this structure into code compliance. Mr. Hatfield further stated that on July 27, 2009 “an order to demolish” was put into place on this property; it is Mr. Hatfield’s request that the Board allow him to continue with this order. Mr. Hatfield informed the Board that this is the second property which meets the requirements to take action under the “Neighborhood Stabilization Program”.

Mayor Oberlie noted there is a “For Sale” sign in front of the building.

Mr. Hatfield explained to the Board how the “Neighborhood Stabilization Program” works.

Mr. John Chalikian, 609 Franklin Street addressed the Board about his concerns with the property at 907 Ohio Street, stating he owns the property next door. Mr. Chalikian also addressed issues regarding “George’s” restaurant on Friday and Saturday nights and how the patrons are loud, disorderly and dancing in the street; and they use 907 Ohio Street for unlawful means and that it’s a hazard to the neighborhood.

Mayor Oberlie made the motion based on the evidence provided in the file and the testimony, moved that the Board find the building to be unfit for human habitation pursuant to statute and public nuisance pursuant to statute, authorize the department to proceed with the demolition request for bids; and Mr. Fly receive notice that he can appear on the date of the bid opening to appeal. The motion was seconded by Mr. Schaefer and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

### **Demolition Hearing – 1203 East 2<sup>nd</sup> Street, John Chalikian-owner**

Russ Hatfield, Code Enforcement Officer addressed the Board regarding 1203 East 2<sup>nd</sup> Street informing the Board that this property has been vacant and left unmaintained for a number of years. Mr. Hatfield stated that Code Enforcement has been in direct contact with Mr. Chalikian on numerous occasions in an effort to bring the structure into compliance and keep the grounds on a routine maintenance schedule. Mr. Hatfield explained that a recent inspection of the exterior shows many areas where the integrity of the structure has been compromised due to the lack of maintenance; areas of the roof and entire sections of siding are loose. Mr. Hatfield requested that the Board authorize him to continue with the demolition of this structure and issue a notice to bidders.

Mayor Oberlie asked if there was a report of the mechanicals of the structure. Mr. Hatfield replied that he has not been able to get access to the interior of the structure.

Joseph Siegel, Zoning Administrator addressed the Board regarding this structure, stating the property continues to deteriorate; and asked the Board to set a hearing for demolition of this structure.

Mr. John Chalikian, 609 Franklin Street addressed the Board regarding his property and past prospective buyers not being able to get the proper permits to do remodeling. Mr. Chalikian informed the Board that in April the building was leased until the first of the year.

Mr. Siegel advised the Board that the property is not zoned business; the property is zoned residential (R2). Mr. Siegel also stated that Mr. Rodriguez was given an opportunity to petition the Zoning Board of Appeals to re-zone the property, but due to the deteriorated state of the building decided not to pursue the re-zoning.

Mayor Oberlie addressed Mr. Chalikian asking if he had any specific plans to make any repairs or renovations when the lease is up.

Mr. Chalikian stated that he would remodel the property for people to live in, according to the codes.

Mayor Oberlie made the motion to allow both parties to move forward on this property; the Code Enforcement Officer will move forward with the demolition solicitations, and the owner will have thirty (30) days to file specific plans and permits to show intent to renovate the facility. The motion was seconded by Mr. Metzcus and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

**AWARDING OF BIDS (Demolition)**

Russell Hatfield, Code Enforcement Officer, wrote the following on September 21, 2009:

RE: **Awarding of Bid**

Dear Board Members:

Please be advised that the department has reviewed demolition bids for 1309 West 10<sup>th</sup> Street and would recommend that the contract be awarded to Andy Salat for the sum of \$4,800.00.

Mayor Oberlie informed the Board that the EEO also agrees with the award; and made the motion to accept the recommendation. 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 requested that Mr. Hatfield give the Board an update of the demolition of the former grocery store on Willard Avenue.

Mr. Hatfield informed the Board that the Insurance Company is soliciting for bids to haul away the debris; stating a facility will need to be found that will accept asbestoses.

**ENGINEERING DEPARTMENT UPDATES**

Bill Phelps, City Engineer addressed the Board and reported the following:

Coolspring Avenue Reconstruction – Mr. Phelps reported to the Board that milling has begun on Coolspring Avenue between Roesek Avenue and Sal Court, construction of the new storm sewer will follow on that section, following that will start what is called “sub-grade” treatment (which the State now requires), and then the paving can begin. Mr. Phelps reported dependant on weather conditions that concrete curbs and gutters will begin by mid-October between Roeske Avenue and Mall Court, then 8” of asphalt base course and 2 ½” of intermediate course will be laid; that will be it for this year due to snow plowing.

Walker Street Improvements – Mr. Phelps reported to the Board the storm sewer system additions (water inlets and manholes) are complete, and the contractor is pouring concrete curbs and gutters on the north section now.

Village Green Subdivision Pavement Improvement Project – Mr. Phelps informed the Board that Phase I, existing concrete pavement and drive approaches have been removed and explained the process. Mr. Phelps stated that dependent on weather curb and gutter section, and drive aprons will be poured this week; hoping to start pouring pavement sections by the first of October.

(**Note:** this is for informational purposes only.)

**RESOLUTION**

RESOLUTION NO. 2798

**RESOLUTION OF THE MICHIGAN CITY  
BOARD OF PUBLIC WORKS AND SAFETY  
ESTABLISHING A POLICY AND PROCEDURE FOR THE  
PLACEMENT OF SIGNS AND BANNERS AT THE CORNER OF CITY HALL**

**WHEREAS**, the City of Michigan City, Indiana recognizes the value in providing for the announcement of various Community activities and events to the residents and visitors of the City of Michigan City, Indiana; and

**WHEREAS**, the City of Michigan City, Indiana encourages organizations to post, place or advertise public interest events which are scheduled to occur in the City of Michigan City through the placement of signage at the southeast corner of City Hall; and

**WHEREAS**, previous authorized and unauthorized signs or banners on the property of City Hall have, at times, created an unsightly display and presented a potential safety hazard to both pedestrians and vehicles; and

**WHEREAS**, a uniform policy governing the placement of signs, banners or advertisements at the southeast corner of City Hall is in the interest of the public health and safety.

**NOW, THEREFORE, BE IT RESOLVED** by Michigan City Board of Public Works and Safety that the following procedures shall be uniformly applied for the placement of signs at the southeast corner of City Hall:

1. Persons or organizations (“Applicant”) seeking to use the southeast corner of City Hall for the posting of signs, banners or other advertisements must first call the Mayor’s Office to schedule the time and length of posting.
2. The posting of signs, banners or advertisements may be displayed for a period not to exceed one (1) week prior to the scheduled event and no more than two (2) signs may be displayed.
3. Signs, banners or advertisements must be fastened to the City-supplied fencing by either bolting, plastic ties, string or wire and in such a manner that the sign and fastening device does not create or pose a safety hazard to the public.
4. The size of the sign, banner or advertisement will be no larger than the size of the panel currently installed.
5. Signs, banners or advertisements must be removed upon the earlier of the seventh calendar day following placement or the second day following the conclusion of the event unless the request has otherwise been extended by the Mayor or such designee. Signs not removed by the Applicant will be removed by the City and a removal fee of One Hundred and 00/100 Dollars (\$100.00) will be assessed.
6. Signs, banners or other advertisements removed by the staff and not claimed by the Applicant within three (3) days of removal may be discarded or otherwise disposed of by the City of Michigan City without recourse by the owner.
7. Signs, banners or other advisements posted without authorization will be removed and discarded as stated in Sections 5 and 6 above.

ADOPTED this 21<sup>st</sup> day of September, 2009.

**THE CITY OF MICHIGAN CITY  
BOARD OF PUBLIC WORKS AND SAFETY**

/s/ Anthony Metzcus, President  
/s/ John Schaefer, Member  
/s/ Charles Oberlie, Member

ATTEST:  
/s/ Thomas F. Fedder, City Clerk

Mayor Oberlie explained to the Board the objective of the Resolution is to have a uniform standard for the posting of signs and banners on the southeast corner of City Hall property. The Mayor made the motion to accept the Resolution. The motion was seconded by Mr. Schaefer and carried as follows: **AYES: MEMBERS Metzcus, Oberlie and Schaefer (3). NAYS: None (0). Motion carries.**

**REQUEST TO HAVE POKER WALK**

The following correspondence was received in the Clerk’s Office on September 4, 2009 from James W. Pizarek, Loyal Order of Moose:

The Michigan City Moose Family Center is planning a Poker Walk on Saturday, October 10, 2009. It will take place from 12 noon to 6 p.m. We are requesting the use of the city sidewalks for this event. The establishments involved with this walk will be as follows: Moose Family Center, Barker Inn, Charlie’s, Harmony Bar, Stimley’s Bar, 3 Sheets Bar, St. Joe Club, and Stadium Inn. We have notified the Michigan City Police Department of our Walk and have been given the authorization by Sgt. Loniewski to have this event.

Amy Baker representing the Moose Family Center # 980 & # 935 addressed the Board regarding the event and event rules.

Sgt. Jeff Loniewski, M.C.P.D. Traffic Division addressed the Board stating this request will not require any resources from the Police Department, and it will not require any street closures; therefore, Sgt. Loniewski recommended approving the request.

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.**

**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	09/11/2009	\$419,574.32
1 of 1	09/15/2009	\$383.60

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

Page	Date	Amount
1 of 6	09/21/2009	\$1,087,603.11

## **ADDITIONAL BUSINESS**

Mr. John Chalikian, 609 Franklin Street addressed the Board regarding his four (4) rental properties at 704 W. 9<sup>th</sup> Street, stating George's Restaurant is disrupting his tenants on Friday and Saturday nights until 4:00 a.m. Mr. Chalikian informed the Board of the deteriorating state of the neighborhood due to the excessive noise at George's place.

Mr. Chalikian also addressed the Board regarding the alleyways on both sides of Franklin Street being paved.

Mr. Bill Phelps, City Engineer responded to Mr. Chalikian informing him that the alley between 4<sup>th</sup> and 5<sup>th</sup> Streets on the south end, and the alley that Mr. Chalikian was referring to are both scheduled to be paved in the next few weeks.

Mayor Oberlie asked Sgt. Loniewski, M.C.P.D. Traffic Division, if the police department was aware of the issues relating to the late hours of George's Restaurant.

Sgt. Loniewski stated he did not have any knowledge regarding the issue and urged Mr. Chalikian to contact the police department when the disturbances happen so they can be documented, stating once the complaints have been documented they can forward them to the Alcohol Beverage Commission.

Mayor Oberlie informed Mr. Chalikian that it's the City's policy to keep track of the complaint nuisance calls that come out of all the liquor establishments through the Police Department, then when their licenses come up for renewal the Police Department has documentation to fight the renewal of the license.

## **REQUEST TO TRADE-IN SURPLUS EQUIPMENT**

Charlie Cate, Superintendent, Central Maintenance addressed the Board requesting approval to trade in three (3) surplus vehicles in poor condition with a combined Kelly Blue Book trade in value of \$2,400.00 for services and equipment to transfer an existing dump body to the Police Paddy Wagon Cab and Chassis. This reconfigured truck will replace a Vector dump truck and avoid the Capital request for replacement of \$40,000.00. Mr. Cate also requests that one (1) surplus refuse truck be traded in at a value of \$2,800.00 to provide for a new dump body on refuse truck #10, a 1999 International Dump Truck. In addition to these two (2) refurbished trucks, Mr. Cate informed the Board that the vendor proposal also includes the purchase and installation of an 8 ft dump body on a 1999 diesel crew cab truck; this will replace the Street Department's capital request to replace a 1990 F250 Crew Cab at a cost of \$35,000.00. Mr. Cate stated the total cost for these projects is \$18,664.00 to be provided from the Refuse Department.

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.**

## **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 9:40 a.m.).

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Thomas F. Fedder, City Clerk