

**MINUTES OF THE MEETING OF THE BOARD OF PUBLIC WORKS &  
SAFETY  
VALPARAISO, INDIANA  
JULY 10, 2008**

The Board of Public Works & Safety of the City of Valparaiso met on June 10, 2008 at 10:00 a.m. in City Hall. Present were members Mayor Jon Costas, Chuck Williams and John Hardwick and Clerk-Treasurer Sharon Swihart. Mayor Costas called the meeting to order and led the Pledge of Allegiance.

John Hardwick moved that the minutes of the June 26, 2008 meeting be approved as presented, seconded by Mayor Costas and so approved. John Hardwick moved that claims be approved for payment subject to appropriation balances, seconded by Mayor Costas and so approved.

**ESSEX PARK SURETY**

Dave Pilz advised that Bob Coolman the developer of Essex Park has asked that we extend the surety for Phase 3 of the project. This is impacted by the proposed development of Fairfield Greens because some of the improvements will be made in conjunction with that project. Pilz recommended that the surety be extended for another year. John Hardwick moved to approve the extension of the surety, seconded by Chuck Williams and so approved. Mayor Costas recused himself from the vote due to his business relationship with Coolman.

**POLICE GENERAL ORDER CHANGE**

Asst. Chief Rich Spicer presented a change to the Valparaiso Police General Orders to improve the police standards. John Hardwick moved to approve the change, seconded by Chuck Williams and so approved.

**OUTDOOR ORCHESTRA**

There was a request for an Outdoor Orchestra Concert on Saturday July 19<sup>th</sup> and August 23<sup>rd</sup> for an outdoor orchestra concert from 1-3 p.m. outside World Market. Mayor Costas moved to approve the request, seconded by John Hardwick and so approved.

**KENDIG KEAST RATIFICATION**

Craig Phillips requested ratification of \$1,000 for additional meeting for Unified Development Ordinance with Kendig Keast Collaborative to cover the public meetings that are coming up in the near future. Mayor Costas moved to accept the contract ratification, seconded by Chuck Williams and so approved.

**SURBEN TRAIL VARIANCE**

Don Bengel presented a request for a variance of street width for Surben Trail. The access to the parcel is a problem and they are asking for a variance to lower the width to 24 feet to allow for a 5 foot sidewalk. There would be no street parking at all on the part of the street that is 24 feet. Dave Pilz advised that this is consistent with what we have

allowed in some other areas. Chuck Williams moved to approve the request, seconded by John Hardwick and so approved.

#### **HAWTHORNE SURETY DEFAULT**

Dave Pilz said they have been working with the developer of Hawthorn Phase 2 to get the improvements completed in that development. The surety guaranteeing the completion expires July 25<sup>th</sup> which is a day after the next meeting. This is another one that in order to protect the city's interest we are asking to claim default in case this is necessary before the next meeting. John Hardwick moved to approve the claim to default, seconded by Chuck Williams and so approved.

#### **CAMPBELL MEADOWS SURETY DEFAULT**

Dave Pilz advised that there is a same issue with Campbell Meadows Phase 1. This developer is really working to get the improvements done, however, but will probably fall a couple of weeks short. The surety here is on a Sunday so the notice will have to go in today in order to protect the City's interest in the case the improvements are not completed in time. John Hardwick moved to approve the claim to default, seconded by Chuck Williams and so approved.

#### **TRAFFIC & SAFETY RECOMMENDATIONS**

Dave Pilz presented recommendations from Traffic & Safety Committee:

1. Remove the no turn on red from the Roosevelt Road and Glendale Blvd intersection.
2. Remove the stop signs off of Old Oak Drive at the intersection of that street and Sherwood Drive
3. Erect a no u-turn sign on Sturdy Road just south of the round-about, at the south end of the median.

Mayor Costas moved to approve all three recommendations, seconded by Chuck Williams and so approved.

#### **EXECUTIVE PARK SURETY RELEASE**

Dave Pilz advised that the improvements in Executive Park are 99.9% complete and we would like to release the surety and accept the one year maintenance surety that has been presented. Mayor Costas moved to approve, seconded by John Hardwick and so improved.

#### **CHAMBER FIRE WORKS**

The Chamber submitted a request for approval of outdoor fireworks to be held August 1<sup>st</sup> at the Chamber LuWow from about 9:00-9:30 pm. Mayor Costas moved to approve, seconded by John Hardwick and so approved.

#### **ZOLLMAN REQUEST**

Kelly Zollman, 305 Union Street, was present and asked for permission to sell his paintings on the south side of Lincolnway by the Trustees office. Mayor Costas asked if there was any type of ordinance in regard to something like this. Atty. Hollenbeck stated that we do not have any ordinance at this time due to federal regulations of "first

amendment speech”. Hollenbeck stated that he feels we can impose restraints as far as times, length, etc. Chuck Williams said he feels that the City should make some regulations. What would happen if the hot dog person decides to sell in front of a restaurant? Hollenbeck said that he does agree with this. Sharon Swihart said that we have had a Vendor Ordinance for many years but when Hollenbeck advised that it was not federally allowed. She feels that we need to have the ordinance rewritten in a way to cover whatever and whoever we can. Hollenbeck advised that he will make sure this is looked at legally and will report back to the Board. Mayor Costas asked Kelly if he would be willing to put his paintings at the Farmer’s Market. Kelly will talk to Tina to see what they can work out and we will look into rewriting a new ordinance.

There was no more business and Mayor Costas adjourned the meeting.

The Board of Public Works and Safety met in Executive session pursuant to I.C. 5-15-1.5-6.1 (b) (6) immediately following the business meeting.