

MINUTES OF THE MEETING  
OF THE COMMON COUNCIL  
VALPARAISO, INDIANA

January 25, 2010

The Common Council of the City of Valparaiso, Indiana, met on Monday, January 25, 2010 at 7:00 p.m. in City Hall. Mayor Costas called the meeting to order. The Pledge of Allegiance was said. Clerk-Treasurer Swihart called roll. Present were Councilmembers Larr, Bowker, Ward, Eisenmenger, Elwood and Dick. Councilmember Taylor was absent.

**MINUTES**

Councilmember Dick moved to approve minutes of the January 11, 2010 meeting. Councilmember Elwood seconded the motion. Upon voice vote the motion to adopt the minutes passed with a 6-0 vote.

**ORDINANCE NO. 1, 2010**

**AN ORDINANCE APPROPRIATING FUNDS IN THE FIREFIGHTING FUND AND PROVIDING FOR PUBLICATION OF NOTICE**

Councilmember Eisenmenger moved that Ordinance No. 1, 2010 be read a second time by title and a third time in full and be considered for adoption and the opportunity be given for offering amendments to said Ordinance. Councilmember Dick seconded the motion. Clerk-Treasurer Swihart read Ordinance No. 1, 2010. Councilmember Dick moved that Ordinance No. 1, 2010 be adopted. Councilmember Bowker seconded the motion.

Clerk-Treasurer Swihart explained this is a yearly appropriation. It is a self funded account.

Mayor Costas announced Ordinance No. 1, 2010 requires a Public Hearing and presented Proof of Publication that at tonight's meeting the Council will consider the appropriation of \$100,000 in the Firefighting Fund. A citizen asked how many inspectors the Fire Department has. Chief Nondorf replied there are 3 inspectors. Seeing no one further who wished to address the Council, Mayor Costas declared the Public Hearing closed.

Upon roll call vote the motion to adopt Ordinance No. 1, 2010 passed with a 6-0 vote.

**ORDINANCE NO. 2, 2010**

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF VALPARAISO, INDIANA, ESTABLISHING A REGISTRATION AND INSPECTION PROGRAM FOR RENTAL HOUSING UNITS LOCATED WITHIN THE CITY OF VALPARAISO, INDIANA, AND ESTABLISHING MINIMUM STANDARDS FOR RENTAL HOUSING WITHIN THE CITY OF VALPARAISO, INDIANA**

Councilmember Eisenmenger moved that Ordinance No. 2, 2010 be read a second time by title and a third time in full and be considered for adoption and the opportunity be given for offering amendments to said Ordinance. Councilmember Dick seconded the motion. Clerk-Treasurer Swihart read Ordinance No. 2, 2010. Councilmember Dick moved that Ordinance No. 2, 2010 be adopted. Councilmember Eisenmenger seconded the motion.

Mayor Costas addressed the Council. They will not be voting on this Ordinance tonight because they have had so much input since the first reading. A committee will be formed to review the Ordinance. This Ordinance is being created because there are a lot of rental units in Valparaiso. Most are taken care of. This Ordinance is to protect those tenants that live in rental units that are not taken care of.

Ethan Lowe addressed the Council. He gave a summary of the presentation he gave at the last meeting. He then went over changes that have been made since that presentation. Discussion followed regarding confusion over the property maintenance ordinance and this Ordinance.

Mayor Costas opened the meeting to public comment. Comments included issues as follow: tenants cannot afford the cost which landlords will pass on to them; tenants do not want their

privacy invaded and it violates constitutional rights; landlords will have increased paperwork; sometimes tenants do not inform landlords of problems; this is too much government; this sets different standards and segregates tenants from homeowners; the fee might be minimal but there are no guarantees that it won't be increased; the ordinance should not be tabled but rather it should be dropped; if passed HB1214 might supersede this ordinance; landlords and tenants have rules in their lease to cover safety issues; there was not enough notice that this was going to be passed.

Those who spoke against the Ordinance were: Jake Pierson, Dave Hutchesen, Robert Martin, George Bollhorst, Linda Snyder, John Peyton, Joe Wozolik, Vern Nelson, James Canonie, Wayne Bull, Todd Martin, Karen Arndt, Dave Brewer, Megan Burke, Toni Wheeler, Larry Jarrett, Tim Daly, Gloria Nailieux, Dan Harjes, Dean Stolpe and Nicole Oswald and Mr. Traywick. . Charlotte Friedland spoke in favor of the ordinance.

Councilmember Larr moved that Ordinance No. 2, 2010 be tabled to a date indefinite and a committee be formed that will consist of Councilmembers, city administration, city attorney's office, landlords, tenants and any other interested organizations. Councilmember Ward seconded the motion.

Upon roll call vote the motion to table passed with a 6-0 vote.

### **ORDINANCE NO. 3, 2010**

#### **AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF VALPARAISO, INDIANA, REPEALING AND REPLACING CHAPTER 154 OF THE CODE OF ORDINANCES ENTITLED PROPERTY MAINTENANCE ORDINANCE**

Councilmember Eisenmenger moved that Ordinance No. 3, 2010 be read a second time by title and a third time in full and be considered for adoption and the opportunity be given for offering amendments to said Ordinance. Councilmember Bowker seconded the motion.

Councilmember Larr moved to table Ordinance No. 3, 2010. Councilmember Ward seconded the motion. Upon voice vote the motion to table passed with a 6-0 vote.

### **ORDINANCE NO. 4, 2010**

#### **AN ORDINANCE APPROPRIATING FUNDS IN THE LOCAL POLICE EDUCATION FUND AND PROVIDING FOR PUBLICATION OF NOTICE**

Councilmember Eisenmenger moved that Ordinance No. 4, 2010 be read a first time and considered on first reading. Councilmember Dick seconded the motion. Clerk-Treasurer Swihart read the Ordinance. Councilmember Dick moved that Ordinance No. 4, 2010 be carried to the February 8, 2010 meeting. Councilmember Bowker seconded the motion.

Chief Brickner addressed the Council. This is an annual appropriation from a self supporting fund. Money comes from accident reports, gun permit fees and the like. This appropriation will be used to offset the training budget.

Upon voice vote the motion to carry Ordinance No. 4, 2010 to the February 8, 2010 meeting passed with a 6-0 vote.

### **ORDINANCE NO. 5, 2010**

#### **AN ORDINANCE APPROPRIATING FUNDS IN THE PARK AND RECREATION IMPACT FEE FUND AND PROVIDING FOR PUBLICATION OF NOTICE**

Councilmember Eisenmenger moved that Ordinance No. 5, 2010 be read a first time and considered on first reading. Councilmember Dick seconded the motion. Clerk-Treasurer Swihart read the Ordinance. Councilmember Dick moved that Ordinance No. 5, 2010 be carried to the February 8, 2010 meeting. Councilmember Bowker seconded the motion.

John Seibert addressed the Council. This is a lease purchase payment which has been made since 2007. Two more payments remain.

Upon voice vote the motion to carry Ordinance No. 5, 2010 to the February 8, 2010 meeting passed with a 6-0 vote.

### **REPORTS**

Dave Hollenbeck reported on the recent incident with Oriental Massage Therapy which resulted in two arrests. He believes this should be handled on a civil basis for potential closure based on an indecent nuisance action.

Councilmember Dick moved to authorize the city attorney to proceed as indicated. Councilmember Bowker seconded the motion. Discussion followed regarding the property owner's right to open another business that is legitimate.

Upon voice vote the motion passed with a 6-0 vote.

Councilmember Bowker announced the Redevelopment Commission will meet Wednesday, January 10, 2010 at 5:30 p.m. in City Hall.

### **AUDIENCE**

Shirley Patrick addressed the Council. She asked about methods of preventing the massage parlor incident from happening.

Candice Shaw addressed the Council. She suggested the City look at licensing procedures. Dave Hollenbeck replied a lot of licensing is regulated by the State.

The meeting adjourned at 9:30 p.m.

/s/ Sharon Swihart, Clerk-Treasurer