

MINUTES OF THE MEETING
OF THE COMMON COUNCIL
VALPARAISO, INDIANA

July 12, 2010

The Common Council of the City of Valparaiso, Indiana, met on Monday, July 12, 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 June 28, 2010 meeting. Councilmember Eisenmenger seconded the motion. Upon voice vote the motion to adopt the minutes passed with a 6-0 vote.

ORDINANCE NO. 21, 2010

AN ORDINANCE APPROPRIATING FUNDS IN RIVERBOAT FUND AND PROVIDING FOR PUBLICATION OF NOTICE

Councilmember Eisenmenger moved that Ordinance No. 21, 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 the Ordinance. Councilmember Dick moved that Ordinance No. 21, 2010 be adopted. Councilmember Bowker seconded the motion.

Mayor Costas announced this Ordinance requires a Public Hearing and presented Proof of Publication that at tonight's meeting the Council will consider the appropriation of \$20,000 in the Riverboat Fund for the preservation of old Clerk-Treasurer records. Rich Wheeler commended Sharon for taking on this task and preserving these books. Seeing no one else wishing to address the Council, Mayor Costas declared the Public Hearing closed.

Upon roll call vote the motion to adopt Ordinance No. 21, 2010 passed with a 6-0 vote.

ORDINANCE NO. 22, 2010

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF VALPARAISO PROHIBITING GRAFFITI WITHIN THE CITY OF VALPARAISO, INDIANA

Councilmember Eisenmenger moved that Ordinance No. 22, 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 to carry Ordinance No. 22, 2010 to the July 26, 2010 meeting. Councilmember Eisenmenger seconded the motion.

Bill Oeding addressed the Council. City Attorney Ethan Lowe was the author of this Ordinance. Bill discussed the Ordinance and the intention to remove graffiti quickly from both public and private property. The first step is to have a police report filed. After that the Public Works Department will take care of public property issues. If the homeowner signs a waiver, Public Works will also take care of graffiti on private property.

Councilmember Larr asked if the person was caught who did the graffiti, would the property owner still be responsible for removing it. Ethan Lowe explained charging the person who committed the crime is a matter that will be taken care of by the prosecutor's office. The property owner is responsible for eradicating the graffiti. Councilmember Larr voiced his concern that the victim of this crime is responsible for the damage. Ethan replied the expense could be passed on to the person who did it and Public Works will do the work. Councilmember Larr also asked about the definition of graffiti. Something can be offensive to the public and not to the homeowner. Bill Oeding explained if a property owner paints something on their garage and it is offensive, it would be a code enforcement issue. This ordinance covers unauthorized damage and vandalism to property.

Councilmember Dick asked what City in the area has an Ordinance similar to this one. Ethan replied it most closely resembles the Ordinance used by the City of Elkhart.

Upon voice vote the motion to carry Ordinance No. 22, 2010 to the July 26, 2010 meeting passed with a 6-0 vote.

ORDINANCE NO. 23, 2010

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF VALPARAISO AMENDING ORDINANCE NO. 16, 2009 ENTITLED "AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF VALPARAISO ESTABLISHING CERTAIN GUIDELINES OF THE EAST GATE PARKING AREA"

Councilmember Eisenmenger moved that Ordinance No. 23, 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 to carry Ordinance No. 23, 2010 to the July 26, 2010 meeting. Councilmember Bowker seconded the motion.

Stu Summers addressed the Council. Last year the annual parking fee was set at \$75.00. It has been suggested that the Council raise the fee to \$200.00. The objective is to have the on street fee somewhat higher than the campus rate. This would give the students an economic incentive to park on campus. The campus will be charging \$110. East Gate charges \$300 per year.

Councilmember Elwood asked about the reduction in parking. Larry Gough said the buildings are being phased in and the 50% is for the entire project.

Councilmember Larr asked if this was competing with private enterprise. Stu Summers said the parking used to be free. Councilmember Larr replied it should be free. Mayor Costas explained you cannot have a redevelopment of this nature without having special rules regarding parking. This is a way to direct the incentives in the right way.

Councilmember Larr asked if the VU parking facility is restricted to VU students and personnel. Councilmember Bowker replied access to the garage is gained by a swipe card. Bill Oeding added that the general public cannot purchase a swipe card.

Discussion followed regarding parking on LaPorte Avenue. Bill Oeding stated the City is in the process of having a study done on the parking issues in the whole East Gate area.

Councilmember Elwood discussed the fact that in the future this apartment complex might not be 100% students and the cheapest parking available is only offered to VU students and personnel. This will have to be looked at in the future. He also wonders if students are going to shop in Valparaiso and then have to walk a few blocks with their purchases.

Upon voice vote the motion to carry Ordinance No. 23, 2010 to the July 26, 2010 meeting passed with a 6-0 vote.

ORDINANCE NO. 24, 2010

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF VALPARAISO AMENDING CHAPTER 91 OF THE MUNICIPAL CODE ENTITLED "ANIMAL CONTROL REGULATIONS"

Councilmember Eisenmenger moved that Ordinance No. 24, 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 to carry Ordinance No. 24, 2010 to the July 26, 2010 meeting. Councilmember Eisenmenger seconded the motion.

Vicki Thrasher addressed the Council. This Ordinance changes the term "Service Dog" to "Service Animal" and includes a definition of those animals.

Upon voice vote the motion to carry Ordinance No. 24, 2010 to the July 26, 2010 meeting passed with a 6-0 vote.

Councilmember Ward stated the no smoking issue is important to the hospital. However, we have now had two no shows at Council meetings. This Ordinance should be removed from the table if they cannot show up for a meeting.

REPORTS

Councilmember Dick announced the Plan Commission will not meet tomorrow night.

Councilmember Bowker announced the Redevelopment Commission meets Wednesday at 5:30 in City Hall.

Councilmember Eisenmenger announced Traffic and Safety meets Tuesday at 1:00 p.m. in City Hall.

AUDIENCE

Rich Wheeler stated his concern over consulting fees. He would like to see more of these studies done in house.

Bob McCasland discussed his concern about signs in the right-of-ways. He also suggested making Washington Street one way all the way to Chicago Street then two way for Chicago and Jefferson.

The meeting adjourned at 7:35 p.m.

/s/ Sharon Swihart, Clerk-Treasurer