MINUTES
BOARD OF PUBLIC WORKS AND SAFETY
APRIL 18, 2013

The regularly scheduled meeting of the Board of Public Works & Safety convened at 9:00 a.m., in Council Chambers of Hammond City Hall. A roll call was taken: Mr. O'Connor –present; Mr. Dostatni – absent; Mr. Lendi – present.

Due to the absence of Mr. Dostatni, normal rules of procedure are suspended.

Recommendation by Mr. O'Connor to defer approval of the minutes of the meetings of April 4, 2013 and April 11, 2013; Mr. Lendi concurred.

Bid opening – River Drive – Bertram Avenue to Northcote Avenue. Bids received as follows:

Walsh & Kelly, Inc.	$748,410.78
Gariup Construction Co., Inc.	$979,900.00
Gough, Inc.	$828,844.04
Rieth Riley Construction Co., Inc.	$853,785.17
Rex Construction Co., Inc.	$789,431.00

Recommendation by Mr. Lendi to refer the bids to the consulting engineer for tabulation and recommendation; Mr. O'Connor concurred. (Res. No. 2845)

Request for advertising dates of April 25, 2013 and May 2, 2013 with a bid opening date of May 16, 2013 for the demolition of 3336 – 173rd, 5341 – 45 Calumet Avenue, 6036 Calumet Avenue and 638 Willow Court. Recommendation by Mr. Lendi; Mr. O'Connor concurred. (Res. No. 3089)

Change Order #1 for the Columbia Avenue – Michigan Street to Chicago Street – reconstruction project submitted by First Group Engineering, Inc. Mr. O'Connor advised that the cost to the City of Hammond is $1,462.28 with the remainder, $7,311.39, being paid with federal monies. Recommendation by Mr. Lendi; seconded by Mr. O'Connor. AYES ALL. Motion carried. (Ins. No. (13-348)

Correspondence received from Mr. Jonathan Parker, Engineering Department, requesting funding from the 2nd, 3rd, 4th, 5th and 6th District Councilmembers for sidewalk repair, alley drainage problems, street overlays and Professional Engineering Services. Mr. O'Connor advised the 2nd District Committee allocated $292,000, 3rd District Councilman allocated $55,000, 4th District Councilman allocated $67,000, 5th District Councilman allocated $14,000 and the 6th District Councilman allocated $64,000. Recommendation by Mr. Lendi; Mr. O'Connor concurred. (Ins. No. 13-349)

Correspondence received from Chief of Police Brian Miller presenting notification that Sergeant R. Hansen has been granted medical disability and submitting the resignation of Officer Ulises Avila-Venegas, effective April 14, 2013. Recommendation by Mr. Lendi; Mr. O'Connor concurred. (Ins. No. 13-350)

Hearing – Denial of Retail Sales License to Exit 1Tobacco, Inc. d/b/a Tobacco Superstore. Attorney John Terpstra appears with Mr. Muhammad Ahwad, business owner. City Attorney Kristina Kantar appears for the City of Hammond.

Mr. Terpstra stated his client is not affiliated with the Odtallah family that had a business at this property. Mr. Terpstra then said his client executed a lease for the property in June of 2012. Mr. Ahwad said the business will sell tobacco, rolling papers, cigars and candles. Mr. Ahwad stated the he owns the same type of business in Champaign, Tinley Park and Country Club Hills, all located in Illinois, and has never been cited at any of the location. Mr. Terpstra stated his client has made $300,000 of improvements to 7509 Calumet Avenue to comply with City ordinances as well as being properly licensed with the State of Indiana. Mr. Terpstra continued and said Mr. Ahwad is not involved in the lawsuit Mr. Odtallah has with the City of Hammond.

Ms. Kantar asked Mr. Ahwad if any of the businesses in Illinois sell fireworks as Mr. Ahwad will allow the sale of fireworks by Mr. Odtallah from May to July.

Mr. Terpstra stated Unit B will allow the sale of fireworks by Mr. Odtallah.

Ms. Kantar then said this property is taxed as one (1) unit and no Unit B, C or D units exist in Lake County records.

Ms. Kantar asked if Mr. Ahwad was aware Mr. Odtallah pled guilty to a misdemeanor in connection with this address and several citizens came the Board meeting on July 19, 2012 to air concerns about the loud music, girls dancing with signs on the street, loudspeakers being used and fireworks being lit through the night. Ms. Kantar then said that Mr. Odtallah had been cited several times at 7509 Calumet Avenue and pled guilty to a misdemeanor.

Mr. Ahwad said he would not let this occur at 7509 Calumet Avenue.

Mr. Lendi asked if Mr. Ahwad realized that he would be selling incendiary devices at the same location as fireworks are being sold.

Mr. Ahwad said he will not allow smoking at 7509 Calumet Avenue.

Ms. Kantar then asked who owns 7509 Calumet Avenue.

Mr. Terpstra said Leka Odtallah.

Ms. Kantar then asked if Leka Odtallah is the owner, how it is that Mr. Ghassan Odtallah

signed the lease.

Mr. Terpstra replied that Ghassan, also known as Jesse, is an agent for Leka Odtallah. Mr. Terpstra then said that his client would prefer getting out of the lease for 7509 Calumet Avenue.

Mr. Lendi said it seems as if a fiduciary agreement exists between Mr. Odtallah and Mr. Ahwad as a lease was executed stating Mr. Odtallah would be selling fireworks at this location for a period of time.

Mr. Terpstra stated that does not constitute a fiduciary agreement.

Mr. Lendi replied the lease calls for the utility bills to be split evenly between Mr. Ahwad and Mr. Odtallah during the months he would be operating a fireworks store.

Ms. Kantar then said if 7509 Calumet Avenue was a legal two (2) unit there would be separate utilities. Ms. Kantar noted the permit states it is a one (1) unit property.

Mr. Terpstra said Mr. Ahwad wishes to operate a tobacco store and that he believes no permit to operate exists for Mr. Odtallah.

Recommendation by Mr. Lendi to take this matter under advisement and issue a written response within thirty (30) days. (Ins. No. 13-351)

Hearing – Revocation of Business License to V & B Jewelers. Business owners fail to appear. Recommendation by Mr. Lendi to deny the revocation appeal; Mr. O'Connor concurred. (Ins. No. 13-352)

Hearing on property located at 1111 Merrill Street. Attorney Gary Matthews appears for the property owner. Mr. Matthews advised an agreement has been submitted to City Attorney Kristina Kantar which meet the City's approval. Recommendation by Mr. Lendi to approve the agreement; Mr. O'Connor concurred. (Ins. No. 13-353)

Hearing on property located at 4618 Pine Avenue. Ms. Kantar advised a request for this matter to be continued has been received. Recommendation by Mr. Lendi to continue this matter to May 9, 2013; Mr. O'Connor concurred. (Ins. No. 13-354)

Hearing on property located at 4618 Oak Avenue. Attorney Robert Sorge requested this matter be continued. Recommendation by Mr. Lendi to continue this matter to April 25, 2013; Mr. O'Connor concurred. (Ins. No. 13-355)

Hearing on property located at 4104 Wabash Avenue. Mr. Nick Farrell, Inspector, Inspections Department, stated that he has talked with Attorney Thom Kramer regarding the property and the attorney has indicated the property owner will remove seven (7) units from the building. Mr. Farrell asked for a six (6) month continuance in order to allow time for the repair work to be

completed. Recommendation by Mr. Lendi to continue this matter to October 16, 2013; Mr. O'Connor concurred. (Ins. No. 13-356)

Hearing on property located at 264 – 66 Florence Street. Ms. Juanita Woods, Inspector, Inspections Department, requested this matter be continued. Recommendation by Mr. Lendi to continue this matter to June 6, 2013; Mr. O'Connor concurred. (Ins. No. 13-357)

Specific Findings of Fact and Decision on property located at 29 Coolidge Street. Recommendation by Mr. Lendi; Mr. O'Connor concurred. (Ins. No. 13-358)

Correspondence received requesting rental registrations on property located at 7042 Van Buren Avenue, 1835 Calumet Avenue, 937 Drackert Street, 6941 Alexander Avenue, 7133 Schneider Avenue, 1254 – 150th Street, 4927 Linden Avenue, 4921 Linden Avenue, 6643 Arkansas Avenue, 6711 Arkansas Avenue, 1328 – 170th Street and 2728 – 161st Street. Recommendation by Mr. Lendi to set these matters for June 6, 2013; Mr. O'Connor concurred. (Ins. No. 13-359)

Correspondence received from Mr. Victor Franco requesting the hearing for the denial of a business license for Cristo Auto Sales set for May 16, 2013 be set at an earlier date. Recommendation by Mr. Lendi to reset this matter to May 9, 2013; Mr. O'Connor concurred. (Ins. No. 13-360)

Correspondence received from Councilwoman at Large Janet Venecz requesting "Right Turn Only" signs be placed at the exits of Dunkin Donuts and Walgreens on 173rd Street and Calumet Avenue. Recommendation by Mr. Lendi to refer this matter to the Street Department and Planning; Mr. O'Connor concurred. (Ins. No. 13-361)

Correspondence received from Common Council President Michael Opinker requesting a traffic study be done for placement of a stop sign at Mulberry Street and Harrison Avenue and lights being repaired on McCook Avenue, Alexander Avenue and 162nd Place. Recommendation by Mr. Lendi to refer the traffic study to the Street Department and the repair of street lighting to the Engineering Department; Mr. O'Connor concurred. (Ins. No. 13-362)

Garage Sale Permit for 4633 Sheffield Avenue submitted for approval. Recommendation by Mr. Lendi; Mr. O'Connor concurred. (Ins. No. 13-363)

Under Meeting Opened to the Public, Ms. Adriana Patino addressed the Board. Ms. Patino requested an appeal of the denial to maintain 213 – 142nd Street a two (2) unit structure. Ms. Patino said she made repairs as the Inspections Department required and then was told the building was not a two (2) unit any longer. Mr. O'Connor directed Ms. Patino to speak with the Building Commissioner after the meeting.

Mr. Michael Mortimer, property owner of 264 – 66 Florence Street, appeared and stated his property was listed as item "L" earlier in the meeting and was continued to June 6th. Mr. Mortimer said an inspection was done and an inspector told him that a department head would determine if the

property could remain a two (2) unit. Mr. Mortimer then said he has made several telephone calls to speak with a department head without receiving a return call. Mr. Kearney then advised the inspector requested this matter be continued to allow time for the Building Commissioner to review the review the inspection documents to determine if the property may remain a two (2) unit.

There being no further business to come before the Board, recommendation by Mr. Lendi to adjourn; Mr. O'Connor concurred. The regularly scheduled meeting adjourned at 9:48 a.m.

APPROVED: May 2, 2013

By:_____
Robert Lendi, President

ATTEST:

_____
Lynn Laviolette, Secretary