

**MINUTES OF THE MEETING
OF THE COMMON COUNCIL
VALPARAISO, INDIANA
March 24, 2025**

The Common Council of the City of Valparaiso, Indiana, met on Monday, March 24, 2025 at 6:00 p.m. in City Hall. Mayor Costas called the meeting to order. The Pledge of Allegiance was said. Present were Councilmembers Reed, Cotton, Domer (Video), Anderson (Video), Hunt, and Kapitan. Councilmember Pupillo was absent.

MINUTES

February 24, 2025 and March 10, 2025 minutes will be presented at the April 14, 2025 meeting.

RESOLUTION NO. 3, 2025

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF VALPARAISO, INDIANA,
RECOMMENDING ISSUANCE OF A DOWNTOWN ALCOHOLIC BEVERAGE PERMIT PURSUANT TO
I.C. 7.1-3-20-16(G)
Café Farina - 55 Franklin**

Councilmember Kapitan moved that Resolution No. 3, 2025 be read and considered for adoption. Councilmember Reed seconded the motion. Clerk-Treasurer Taylor read Resolution No. 3, 2025.

Attorney Patrick Lyp addressed the Council. The City has 15 Downtown Alcoholic Beverage Permits. Currently there are 12 Downtown Alcoholic Beverage Permits issued. The City put out a call for applicants. They have received two. One is Café Farina. They will present tonight. The other has some aspects that need to be dealt with and they will present at a future meeting. The Councilmembers have received a copy of a letter from Clay Patton, owner of the property where Café Farina will be located, recommending approval of the liquor license. They also have a copy of the Written Commitments. This Resolution can be passed tonight subject to completion of the Written Commitments.

Joe and Yvonne Farina presented to the Council. They talked about why they came to Valpo and are looking forward to opening here. They also talked about their menu which is Italian -American. They anticipate 30 full-time employees and 5 part-time employees. The restaurant can hold 70-75 customers. In the Written Commitments Attorney Lyp will put an opening date of August 1, 2025. The owners hope to open by June 1, 2025.

Upon Roll Call Vote Resolution No. 3, 2025 was adopted with a 6-0 vote.

ORDINANCE NO. 6, 2025

**AN ORDINANCE ESTABLISHING RESPONSIBLE BUSINESS PRACTICES AND SUBMISSION
REQUIREMENTS FOR PROJECTS RECEIVING ECONOMIC INCENTIVES FROM THE CITY OF
VALPARAISO**

Councilmember Kapitan moved that Ordinance No. 6, 2025 be read a third time by title and be considered for adoption with the opportunity for the offering of amendments. She also requested a Public Hearing Councilmember Reed seconded the motion. Clerk-Treasurer Taylor read Ordinance No. 6, 2025.

Councilmember Hunt – She gave a history of how they got to today and presented amendments. Councilmember Anderson has pointed out to her that this was not published with the Agenda. Her response is that they had hoped to present an agreed to by all parties Ordinance tonight. As of tonight, she is not sure where the Administration stands with this Ordinance and amendments. Councilmember Hunt's red line copy of the proposed amendments are on the City's web page – Watch City Meetings- City Council 3-24-25 – Documents. She has not heard any objections to these changes. She thinks all of the requests have been met.

Mayor Costas – He thinks it needs to be kept in mind that they are extending the RBO into private sector projects that receive some degree of incentives. This is a fairly bold move. In his research the only communities that have done this

are Chesterton, Lowell, and Hobart has a Resolution it is not “shall” but “may”. The question is what will be the effect of this Ordinance. There have only been two projects in the last 20 years that have given rise to this. Does that warrant extending it to private projects? There is concern this could scare off potential investors. The Council has always had the ability to add these restrictions because they approve any type of incentive. He would prefer a Resolution with “may” and see how that works rather than codify it.

Councilmember Hunt – The Mayor doesn’t see the need to codify. Ultimately at the end of the day this Ordinance says that this City asks for skilled local labor when asking for taxpayer dollars to pay for projects. It does not apply to every private project. They do not have to ask for taxpayer help. They don’t have to ask for City assistance. But if you are going to ask and the City says yes, then they expect the developer to use skilled local labor. That is a priority. She leans towards preventive action rather than reactionary ordinances. It is better to implement strong policies that would prevent accidents from happening.

Mayor Costas – We all want local labor. The question is what will be the effect of this Ordinance. It may hurt investment in the City. It may end up with less jobs for everybody. That is the concern.

Councilmember Hunt – The draft that was circulated on March 10th; was he not comfortable with that draft?

Mayor Costas – We tried to get the parties together. We never felt we got much traction. They want to start with a Resolution. This is what was thought to be more palatable to investors in the City. They tried to have those conversations. This is being extended into the private sector. He feels what Hobart has makes better sense.

Councilmember Cotton – He feels there is enough flexibility built in. This has a respect for the use of taxpayer dollars. When salaries are earned locally there is a more robust economic development exchange in exchange for the tax dollars being applied. The general economy benefits. As well as the jobs made available through that project. He is not afraid to lead. It does not scare him that other communities have not done this. Particularly with the enormous flexibility built into this. He explained the multiplier effect. He thinks “shall” is reasonable.

Mayor Costas – Would the Linc project have come about if this Ordinance were in effect. If the Linc had not happened there would be a lot of workers on the job that would not have that job. That is his concern. We all want the same thing. It is just a matter of what the real effect will be and is this really necessary in light of the amount of contracts that have had issues over the last 20 years.

Councilmember Hunt – Then what better reason to codify a practice that already exists. If this is truly what happens already, then why not codify? The same reasons the Mayor gives for not passing this are the reasons she would say it needs to be done.

Councilmember Cotton – It is a bigger thing than safety for him. It is about ethical contracting. One of the charges of the Council is to further the economic development of the City.

Councilmember Reed – Development can be complicated regarding all the moving parts that go into bringing about a concept for a realistic plan and then into the construction of the development. Her concerns still exist. They are the management oversight and the unintended consequences of the Ordinance. One of her biggest concerns is the co-mingling of the public and private tax dollars and stipulations being placed on someone who is providing the crux of the financing. Managing shall be established by the Council with the help of the Mayor and Building Commissioner. She does not feel they should be dictating to developers the management of their private dollars being invested. She feels the stipulations should only apply to the City incentive amount. She would be agreeable to a percentage over the incentive amount. She is not agreeable to the entirety of the project involving private money being dictated by this Ordinance. It makes sense to her to make stipulations during economic development incentive negotiations on a project-by-project basis. She would entertain the reintroduction of a resolution. Tax abatements are dollars that our community has not seen or recognized. They got tax incentives for the development of that project. The City is reaping the benefit of that development now.

Councilmember Anderson – The version of this Ordinance that was posted to the Agenda was not available for public consumption before the meeting. It may have been just before the meeting but not with enough time to look at it thoroughly. He does not understand how the Mayor not responding or giving his opinion has anything to do with publishing the correct item on the Agenda. This lacks transparency. This issue comes down to two key factors for him:

certainty and built-in guarantees that ensure a fair opportunity for all local workers not just a select few. He believes this would discourage investment in the community. If the Ordinance were to pass in its current form there would be no formal way to know if the City is losing out on projects. The Council does have a way to control this proactively by passing an Ordinance that provides developers the certainty they need while still addressing project safety, using local workers, preventing payroll fraud and worker misclassification and supporting women, minority and veteran owned businesses. It is his understanding that if no waivers were requested, the small local contractors would be excluded from participating. Those folks need guarantees just like those on the other side of the coin have their guarantees. There should be a built in guarantee within the Ordinance based on the specific scope of the project with a dollar amount rather than relying on waivers and exemptions that can lead to unnecessary bureaucracy and political maneuvering. One area where an automatic exemption is necessary is residential construction. It is imperative to keep housing costs down. Under the current terms of the Ordinance it could become prohibitively expensive for developers. This is something that needs to be addressed if we are going to move forward. He would support language that a union contractor would win a bid if his bid was within a certain percentage of a non-union bid. He comes from a union family. He understands the apprenticeship programs. He wants those that graduate from the programs to have guarantees for larger projects but not at the expense of the smaller local businesses. He appreciates Councilmember Hunt's efforts over the last few weeks.

Councilmember Cotton – He asked for clarification on introducing amendments to an Ordinance without breaching transparency.

Attorney Patrick Lyp – Right now they have the Ordinance that was introduced two meeting ago. As was part of the motion, they have the opportunity to introduce amendments.

Public Comment

TO HEAR CITIZENS' FULL COMMENTS, PLEASE REFER TO THE WATCH CITY MEETINGS SECTION OF THE CITY OF VALPARAISO'S WEBSITE (WWW.CI.VALPARAISO.IN.US)

Melissa Reed – 2008 Blackhawk Road. She doesn't understand how an exemption does not create another way to say "may". It grants the City the right to due process to vet the corporations. She sees the exemption as a benefit to the City. The St. Paul project was brought up. This is a local company so they would not have had the issues. She thinks the unions would want to bring in people if there was a labor shortage.

James Ferguson – 303 Indiana. He does not think more bureaucracy will make business perfect. This is reactive to the Linc project. The wording of the 2016 Ordinance was given to Robert Cotton by a non-government organization. The same thing is happening here.

Brian - 1506 Lafayette. He agrees with the Mayor. This is overreaching and should not be passed.

Dewey Peerman – Represents over 600 NWI Workers. He sees this Ordinance as providing clarity to developers and builders as to expectations of the City for contractors working in the area. He hopes they will pass the Ordinance as presented.

MOTION: Councilmember Cotton moved to adopt the amendments that have been recommended by Councilmember Hunt in their entirety as one document. Councilmember Kapitan seconded the motion.

Mayor Costas – He clarified this is a motion to adopt the amendments only.

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

Upon roll call vote the motion to adopt Ordinance 6, 2025, as amended, passed with a 4-2 vote. Councilmembers Reed and Anderson voted No.

ADA Transition Plan Presentation

Councilmember Kapitan – March is Disability Awareness Month.

Bob Thompson – This Plan is required by the City under the ADA laws they have. INDOT requests regular updates on the City to be able to receive Federal funding. There are two documents. One goes to INDOT and it is the public right of way infrastructure. The other document is about the public facilities including the buildings and structures within the

City. He presented a list of requirements. One of them is public involvement. The website had contact information for anyone with questions, comments or concerns about ADA issues. Opportunity Enterprises provided feedback. They posted it on the V-Line buses. In November they had a public meeting requesting public input. In February they had a public hearing on the draft document. They have created a sidewalk and curb management plan.

Max Rehlander – Several Departments worked on going through the City and measuring sidewalks and rating them. Data gathered included the crosswalk locations, traffic signal pushbuttons and audio. A scale of 1-10 was developed. The most difficult to traverse is rated 1-3. Meets ADA standards is rated 8-10. 4-8 can be accessed just not compliant. He presented maps that show the sidewalks and curbs they have rated to date. They are roughly halfway through the City.

Bob Thompson – Everything south of Evans Avenue has been completed. The goal is to provide safe and accessible sidewalks and pathways. The City desires to improve infrastructure for biking and walking so they can have alternative forms of transportation and a healthy lifestyle.

They also did a facilities plan. This is a separate report on the website. All of the buildings owned by the City were reviewed for accessibility. The main thing checked was did the main parking lot have accessible parking and was the front entrance accessible.

Councilmember Cotton – Were sidewalks that are not there but need to be in order to complete a sidewalk part of this review. Has this been done before?

Bob Thompson – As far as looking at the curb ramps – yes. As far as the sidewalks – he doesn't know if it has been done before to this extent.

Councilmember Cotton – Is there a plan to put in the missing sidewalks?

Bob Thompson – The next plan he is working on is an Active Transportation Plan. This will look at the pathways and connecting destinations throughout the City. It will also look at the sidewalks and missing links.

Councilmember Kapitan – She is glad this report was put together so they can make informed decisions moving forward.

Councilmember Domer – The Replay Initiative is putting in ADA upgrades in 6 or 7 parks.

COUNCIL LIAISON REPORTS

Councilmember Kapitan – Traffic and Safety has recommended a pedestrian island at McCord and Calumet. VPD is doing a railroad safety campaign with CN. The Plan Commission meets April 1st. At that meeting they have a rezone from campus to residential, Brooks changes and an annexation will be presented. The Environmental Advisory Board met last week and did a goal setting workshop.

Clerk Treasurer Taylor – Last week the Environmental Advisory Board received a donation from Walt Breitingner. That is a restricted gift fund and donations are just for that use. This is posted on the website.

Councilmember Cotton – There has not been a Fire Territory meeting since the merit board appointments. He is working on setting up a meeting to meet the merit board and see how they are going to move forward. He has received a name from VU for the Reconciliation and Intervention committee.

Councilmember Reed – The RDC met and reviewed the 2025 Neighborhood Improvement Grants. They disbursed \$167,040.00. They have a request for \$200,000 as a local match for a replacement coach bus for DASH. NILEA is looking to build an academy in NWI. The RDC discussed an MOU with NILEA. The item was tabled while they obtain more information. School Challenge Grants were disbursed. VCS receives \$441,000. East Porter County Schools receive \$159,000. Porter County Career Tech and SELF each receive up to \$50,000 in reimbursement for approved expenses. The RDC 2024 Annual Report was presented. The next RDC meeting is April 10th. The Park Department had six bids for the Replay Initiative pickleball courts. She went through the list of upcoming events with the Parks.

Councilmember Hunt – The School Board approved \$23 Million Dollars in GO Bonds. They discussed the impact of SB1. The next meeting is April 17th at 6:00 pm. The City and Center Township Trustee are both still accepting applications for the School Board appointment.

Councilmember Domer – No Report

Councilmember Anderson – No Report

PUBLIC COMMENTS

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Kathy Watts – 2518 Eisenhower. She is disappointed to hear the AHRC disbanded the Disability Council. The Council should have been made up of disabled people.

Will Stanford – 3307 Kestrel Street. Thank you for looking at the sidewalks. He does not drive and uses the sidewalks to get around.

Duane Davison – 701 Elmhurst. He appreciates the Council Liaison reports. Agenda items need to be transparent. Commended the ADA report. He hopes they work to get complete streets.

The Next Council Meeting will be April 14, 2025

The meeting was adjourned at 7:55 p.m.

/s/ Holly Taylor, Clerk-Treasurer