

**The Michigan City Park and Recreation Board** met in regular session on Thursday, April 5, 2007 at the hour of 5:00 P.M. in the Michigan City Parks and Recreation Office, City of Michigan City, Indiana.

The Pledge of Allegiance was recited.

On the call of the roll, the following Board Members were found to be present or absent:

**Present: Messrs. McKee, Latchford, Milcarek and Mr. Freese (4)**

**Absent: None (0)**

**Also present were:** Darrell Garbacik, Park Superintendent; Patrick Donoghue, Park Department Attorney; Joe Doyle, City Council Liaison; Shannon Eason, I.T. Manager; Cheryl Taylor, March of Dimes; Phil Jankowski, City Councilman; John Quinn, Port Authority Board; Dick and Ann Schaeffer; Hezzie Mitchell, 5<sup>th</sup> Ward Representative; Barb Malewicki; Juanita Kriedler; Amanda Haverstick, The News Dispatch; and Andre Steel, ALCO TV.

- **On a motion** made by Mr. Milcarek, seconded by Mr. Freese and voted unanimously by the Board, the Board approved the minutes of the March 15, 2007 Park Board meeting.

Mr. Garbacik reported that the Board received a request from the March of Dimes to host their annual WalkAmerica event in Washington Park on May 5, 2007. A route map was provided. They are not requesting any road closures. The route will be exclusively through Washington Park. They would like to have this on May 5<sup>th</sup> so Mr. Garbacik recommended it's approval.

Mrs. Eason added that they are requesting that parking fees be waived at Millennium Plaza which is the starting and ending point of the walk. In 1998, 1999 and 2000 the Park Board waived parking fees for their event. Mrs. Eason introduced Cheryl Taylor from the March of Dimes.

Mr. Latchford asked when we will start charging parking fees.

Mrs. Eason stated that we begin charging for parking on weekends only on April 14, 2007.

Mr. McKee stated that there will be a Cinco de Mayo event on that same day.

Mrs. Eason stated that the Cinco de Mayo event will be held at the JC Stage and the Dodgem building on that day. Both groups are aware of these events and the Cinco de Mayo group is hoping that the walkers will stick around after the walk and come to their event.

Ms. Taylor stated that they expect around 125 walkers, many of them children. Ms. Taylor stated that they think that this is a beautiful spot and it has been held here in the past. Ms. Taylor is new to the area and thinks Washington Park is a great location. She is hoping that the walkers will stay after the walk to attend the Cinco de Mayo festival or go to the zoo so this should be a win/win situation.

- **On a motion** made by Mr. Latchford, seconded by Mr. Freese and voted unanimously by the Board, the Board approved the attached request submitted by the March of Dimes to host their annual WalkAmerica in Washington Park on Saturday, May 5, 2007.

Mr. Garbacik reported that he received an additional request today. The Board may recall that late in 2006 the Pottawatomie District of the LaSalle Council of the Boy Scouts of America came before the Board with a request to host their Scout-a-Rama which they conducted here the previous year and the Board did approve that. They have an additional request that Mr. Garbacik would recommend approval of. They would like to have a couple of displays down here that involve dogs and wildlife in that the Humane Society would come down and have some of the dogs here as well as a wildlife orphanage of some sort and the animals would be controlled and in cages. This is in conjunction with their other events. Mr. Garbacik stated that we will make it clear to them that this would be for display and must be controlled. Their event will be held the weekend of May 19, 2007. They did a good job with this event last year.

Mr. Latchford asked if they are basically asking for permission to have a dog in the park.

Mr. Garbacik stated that there would be some dogs via the Human Society as well as a wildlife orphanage that might bring some other forms of wildlife in a cage. That is their request.

Mr. Freese stated that in the past he thinks that the Boy Scouts have done a great job and when they leave they always seem to leave the place in a little better shape than when they got here.

- **On a motion** made by Mr. Freese seconded by Mr. Latchford and voted unanimously by the Board, the Board approved the request of the Boy Scouts of American to have the Humane Society participate in their event by bringing dogs to the park and to have a wildlife orphanage in the park.

Mr. Garbacik stated that at a previous meeting the Board approved Gerald M. Fedorchak & Associates, Inc. for design work for the Primate House at the zoo and the Board instructed Mr. Donoghue and himself to work on the contract that Mr. Fedorchak provided. It has been reviewed and approved by Mr. Donoghue and Mr. Garbacik. Mr. Garbacik asked the Board to approve the contract and authorize signature by the Park Board President.

Mr. Donoghue commented that he has reviewed the contract and it is the standard for of AIA, American Institute of Architecture, contract that we have used many times for projects at the Park Department and it does contain the description of the project and it also contains the requirements of the Architect and his responsibilities and it indicates the payment amount which is not to exceed \$5,000. It is a personal services contract and in that regard of course it has personal services and it does not require you to send out requests for proposals. You could do it but it does not require that you do it.

Mr. Latchford asked if there is a timetable for this project.

Mr. Donoghue believes it is a sixty day period. The intention is for this project to be designed, bid out and completed in this calendar year.

- **On a motion** made by Mr. Latchford, seconded by Mr. Milcarek and voted unanimously by the Board, the Board approved the attached contract with Gerald M. Fedorchak and Associates, Inc. for design work on the Primate House.

Mr. Garbacik reported that he was able to speak with Mr. Harry Anderson from Rag Tops Museum in regard to the zoo wagon. The Park Department will be retrieving the wagon for the zoo. Mr. Garbacik stated that his understanding is, and he doesn't know if this has been formalized, that Zoo Director Johnny Martinez was confident that he had somebody willing to refurbish it and possibly for a discounted price or donation. Mr. Garbacik reported that we will make arrangements to pick that up. Mr. Dennis Moran, on behalf of Mr. Anderson, asked Mr. Garbacik to share with the Board a recommendation that we would consider, or the City would consider, listing the zoo on a billboard on I-94 inviting folks to Michigan City and letting them know that there is a zoo. Apparently they have a little marking there but they are one of the only entities trying to attract folks there. Mr. Garbacik stated that he would mention that at the next North End meeting. Mr. Garbacik stated that he believes that there was a study underway for a comprehensive revamping of all of the directional and attraction signage on the way into Michigan City and then on through.

Mr. Doyle stated he believes there was a study. There was a Main Street map with points of interest on it.

Mr. Garbacik stated that he is very pleased and proud to announce to the Park Board that he received a call today from the State Board of Accounts and the auditor that conducted our annual audit this year. She informed Mr. Garbacik that there are no comments or recommendations and she offered her congratulations for a great job. If there is nothing to comment on and there are no recommendations we get no notice mailed. When you get a perfect review absent any comment or recommendation you just get a congratulations call, which we received today. Mr. Garbacik reported that we have a pretty good track record for three or four years now with them.

Mr. Garbacik reported that the D.N.R. has approved the Park Department's 5-year Master Plan and we received official notice of that. Mr. Garbacik thanked all of the staff, in particular Mrs. Eason, as well as the Board. Everybody worked very hard on that 5-year Master Plan and it is

gratifying to not only have it completed and somewhat behind us as far as the computation of it. Mr. Garbacik stated that it is certainly good news that we received approval and he had the occasion to meet Mr. Greg Beilfuss of the D.N.R. at one of our Indiana Park and Recreation Association meetings last month over in Lake County. It was nice to meet the person that I was talking to and emailing with. Mr. Garbacik stated that he was very complimentary toward our plan.

Mr. Donoghue suggested that copies of the Master Plan be submitted to the City Council for their information.

Mr. McKee congratulated Mr. Garbacik on the State Board of Accounts audit. Mr. McKee stated that he has never heard of an audit where the auditor didn't have any comment; that is pretty rare and usually they stay until they find something, no matter what it is and Mr. Latchford can vouch for that as well.

Mr. Donoghue reported that he, Mr. Garbacik, and Mr. Tim Haas had an excellent meeting this past Monday with the Water Department, Randy Russell, and with the Contractor for the Phase II Water Intake Project which is Woodruff and Sons and they were represented by Mr. Todd Bell. Mr. Bell has been the Superintendent on other projects that we are familiar with and he is a very cooperative supervisor and we had a good understanding of the requirements for this project that had been discussed before this Board and that you are familiar with and we were very pleased with the reception that we got and the cooperation that has been pledged on that project. Mr. Donoghue reported that he will be bringing back more formal documentation to you possibly at the next meeting.

Mr. Donoghue reported that the project that involves the extension of Town Center Road which runs in front of Menards, Lowes and Meijers and extends through wetlands to connect up to the new Super Walmart project and as you know involves an acquisition of other wetlands to replace the ones that will be taken for the road and those are by the agreement of the Park Board to be located at Patriot Park. Bob McKee's Brother, Mike, at our request has done an excellent job of providing his expertise; he is a recognized expert in natural areas and fishing and game. With Mr. Mike McKee's help we were able to provide the engineers in Indianapolis the report of what the Park Board believes that this area would look like. It will benefit the Park Department users. It will provide a natural area and there is potential there for a nice fishing area. We are going to be hearing back from the engineers in Indianapolis after they have had a chance to review what was sent to them. Mr. Donoghue updated the Board on the damage that occurred to the automobiles when they had tires slashed by our traffic control device at the exit of Washington Park. The insurance company required that we prepare assignments and releases and we have done that and sent them to the insurance company and the insurance company has approved the wording of those assignments so that the victims whose cars were damaged will receive payment and then assign the right to pursue a claim regarding the possible defects in that traffic control equipment, that that right to pursue that claim will be transferred to the Park Department and to the insurance company and Mr. Donoghue will keep the Board updated on that situation.

Mr. McKee stated that we have kind of gone down the trail here on Patriot Park as far as the wetland mitigation and before the Architect starts and gets too far down the road, is there any type of soil testing that needs to be done to make sure it is good.

Mr. Garbacik stated that soil testing and soil boring have previously conducted prior to this project; in the very early days of the bond issue. Fortunately, Haas & Associates had those records and were able to get that to the engineers in Indianapolis via electronic data so they have that, topography, boundary and utility information as well from Haas & Associates.

Mr. McKee asked if the water would be able to house fish.

Mr. Garbacik stated that he can't answer that. When they mitigate the wetland Mr. Garbacik assumes more water will accumulate and such and the whole idea here is to have a fishing pond and the engineers know that so Mr. Garbacik would speculate that they answer to that is yes.

Mr. Donoghue stated that the soils are okay in terms of the mitigation. The question about the fish and the natural conditions for them is being answered now; we will get an answer for that.

Mr. McKee stated he just wanted to make sure that we don't pour money into a fishing pond that can't hold fish.

Mr. Garbacik stated that as he reported at a previous meeting the staff and he have been working on updating all of the department's job descriptions and about 98% are completed and were given to you today. Mr. Garbacik read from the cover letter that was also submitted, "Please find the updated job descriptions that reflect the input and current needs of the various departments in regard to titles, positions and responsibilities." All Directors and the administrative staff have participated in this process. The purpose for the job description updates is twofold. Number one is to bring the job descriptions up to date in regard to sound hiring practices and in consideration of recruitment and screening the need for precise job descriptions has become most important from a legal sense over the years when you take things such as the ADA Act of 1990 into consideration. The job descriptions before you have taken such legal requirements into serious consideration and every job description from full time to seasonal has the recommended verbiage and approach with regard to recruitment and job application procedures and well as hiring policies boiler plated into the final products. Secondly, and as recommended by Mrs. Eason, the Department will be prepared for the "2008 Park Board Salary Resolution" which is right around the corner. Mr. Garbacik pointing out that the last time our job descriptions, in totality, department wide, have been updated was in 2002 so it is definitely due. Mr. Garbacik pointed out that no positions have been added or eliminated through this exercise. Rather, adjustments to titles and a more thorough division and focus on specific responsibilities to better reflect current conditions and the status of each department as compared to our operations back in 2002, have been incorporated along with the necessary consistent verbiage that he and Mr. Garbacik referred to earlier that is now in each and every job description. Incidentally, Mr. Garbacik asked the Board to pay particular attention to the Maintenance Director job description as well as the Office Manager/Budget Manager job description. What we have done with those two for the Board is that we included the 2002 job description, or the original, and the Director's and staff

recommendations and updates and that one is marked corrected and then the final product. We did this so you can see the improvements and the approach and the length that we have taken to update our job descriptions. Mr. Garbacik asked the Board to review them prior to the April 19, 2007 meeting at which time he will ask for formal approval. At that time we will provide the updated organizational chart for approval as well. Obviously the job titles will match that chart. Mr. Garbacik concluded by thanking Mrs. Eason who was of great assistance is helping him assemble those. Mr. Garbacik noted that he read every one at least twice and we spent a lot of time on this and he looks forward to the Board's comments at the next meeting. Mr. Garbacik asked the Board to table these to the next meeting and noted that there are three or four job descriptions that need to be completed and he will mail those to the Board.

Mr. McKee stated that he is looking at a list of job descriptions that was provided and he asked if he is correct in thinking that Mr. Garbacik is trying to develop 55 job descriptions.

Mr. Garbacik stated that is correct; we didn't start from scratch but we updated 55 job descriptions.

- **On a motion** made by Mr. Latchford, seconded by Mr. Freese and voted unanimously by the Board, the Board agreed to table the job descriptions and organizational chart to the meeting of April 19, 2007.

Mr. Garbacik read the following minor transfer into the minutes:

GOLF DECREASE

1314/0000-03-432.003	Travel	\$700.00
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GOLF INCREASE

1314/0000-03-433.003	Advertising	\$700.00
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RE: Increased marketing and advertisement for the golf course.

Mr. Milcarek reported that the department received donations in the amount of \$491.72 from the Maintenance Department recycling deposit and a \$250.00 donation from Mr. Jim Kause.

- **On a motion** made by Mr. Milcarek, seconded by Latchford and voted unanimously by the Board, the Board accepted the above donations.

Mr. Garbacik reported, regarding the ADA Beach Access Policy, that the Board may recall that we have been researching and analyzing and drafting this particular policy for sometime now. It was based on getting requests from some Sheridan Beach residents for such a policy and Mr. Garbacik thanked Mr. Donoghue for putting together what he thinks is a perfect policy that will both meet the needs of the families and individuals that are in need of this policy as well as meeting the needs of the Park Department.

Mr. Donoghue stated that the policy has been presented to the Park Board in written form and if approved tonight it would be attached to the meeting minutes and would be available to the news media and the public in general. The use of off-road vehicle for transporting disabled persons to the beach area is not something that can just be unrestricted and unlimited. While it can be permitted as the Board sees fit, it needs to have requirements and the first requirement is to have a permit procedure for a person who has the need for transporting a disabled family member from their home down to the shoreline or the beach area to enjoy the beach and we have researched the Americans with Disabilities Act as well as some of the ordinances that have been adopted in other communities nearby. We are recommending this and we have had some input by discussing these matters with some of the people who are requesting that they be allowed to have this kind of a permit because they have disabled members of their family, so we have had communications with the people who would eventually use this.

Mr. Garbacik added that we also got input from the Department of Natural Resources and The Michigan City Police Department.

Mr. Donoghue reported that in this policy the permit process will actually provide a license and of course, as you know, a license is just the authority from the Park Department to be able to do something or use something that belongs to the Park Department. For instance, the membership at the golf course each year amounts to a license in legal terms. This permit would have the legal status of a license and it would be valid for not more than one year and it would be issued to residents of Michigan City real estate who own property or for persons that have a lease on Michigan City real estate for a term of one year or longer and the permit would be given on an application basis and the application would have to include the name, address and telephone number of the person making the application; the name, family relationship, age, and the nature of the disability of the disabled person; a complete description and two color photographs of the off road vehicle which they are requesting to be able to use and that would include the serial number of that vehicle; it would require a physician's letter which would be dated not more than sixty days before the application is presented and the letter will verify the disability that the disabled person has; there would be a \$25.00 license fee that will be payable annually; and it would require proof of liability insurance on the part of the person requesting the permit. The photographs are requested so that one photograph of the vehicle being used would be on permanent file here at the office and the other photograph would be attached to the permit that Mr. Garbacik issues and signs and which is required to be carried by the person and that way the police or any other law enforcement who asks to see the permit would have a photograph right there of what the vehicle actually is. The permits are available only for off-road vehicles and only those powered by an electric motor. There are a whole number of manufacturers that make these vehicles and they do have to be modified for use over sand. The concept there which is included in other municipalities is the combustion motors tend to have both a noise and an air pollution factor that can be eliminated by simply having the electric motor type of vehicle; they are a lot quieter and they don't have exhaust. The operator must carry the permit at all times while operating their vehicle and must show it if there is a demand to see it by a police officer or a park employee. The vehicle will be operated only during daylight hours and only in a safe and careful manner and always giving right of way to the pedestrians and always upon existing pathways that are clear of beach grass or other plant material. No joy riding will be tolerated.

The Superintendent may revoke the permit for any vehicle which is operated in violation of the requirements. The Park Department is assuming no liability whatsoever for any damage to the vehicle or property damage of any kind or personal injury that might result from the operation and that is true with a licensing situation generally but we put that in the policy just to emphasize it. The final prohibition is the operation of any motorized vehicle on the Sheridan Esplanade without the permit provided under this policy is prohibited and any person who violates the prohibition shall be subject to arrest and prosecution for trespass provided that this policy does not apply to any vehicle operated by law enforcement personnel, public safety agencies or park personnel. Mr. Donoghue reported that it is understood and stated in the policy that this permit does not authorize the operation of the vehicle anywhere other than in the Sheridan Beach Esplanade. Mr. Donoghue stated that those are the things that they found that we thought were particularly appropriate and we believe that will accommodate the need for the Park Department to have control over the safety and the aesthetics of its area and also at the same time allowing persons who have a disability to be able to enjoy the lake and the beach as the rest of us do.

Mr. Latchford asked Mr. Donoghue to define the Sheridan Beach Esplanade.

Mr. Donoghue stated that per survey and as per the City Ordinances, it begins at the east boundary of Dunescape Beach Club, which is the old Ramona property, that is a riparian realty interest and ownership, and it extends all the way to the east to the town limits of the Town of Long Beach and then the esplanade is the area that is between the lake and the private property lines of people who own houses in the Sheridan Beach area.

Mr. Freese asked if there is an age limit as to who can operate these vehicles.

Mr. Donoghue stated that we didn't put that in there. Mr. Donoghue stated he doesn't believe that you can own one unless you are 18 years old. We want the ownership to go to the person who owns it. You could have somebody else operating it.

Mr. Garbacik stated that they are going to have to provide insurance so it will take someone of adult age to go through this permit process and it will identify whom specifically the person with the disability is. Mr. Garbacik stated that it will be up to him for the initial screening and making a determination if the permit will be allowed in the first place. Thereafter, we will rely on the judgment and professionalism and decision making of both our own staff and the Michigan City Police Department to address any violations within the permit and to make those determinations on an individual basis.

Mr. Freese stated that perhaps a Grandmother would have a Grandson that was 14 years old and asked him to drive her to the beach; that needs to be covered. Mr. Freese stated that there will be a name on the permit but that might not necessarily be the person that will be driving it.

Mr. Garbacik stated that he would research that and get an answer and clarification to that.

Mr. McKee suggested that language be added regarding having a driver's license because if you leave a loop hole somebody will take it.

Mr. Garbacik agreed.

Mr. McKee stated that we are covering the Sheridan Beach Esplanade and asked why we wouldn't cover the Fedder's Alley area or the area by the Park Office, couldn't the same situation come up.

Mr. Donoghue stated that it could and his thought is that we are not allowed to operate golf carts on the streets so that would require a person to bring a golf cart here in a trailer and if Mr. Garbacik gets the request for that he should bring it back to the Board and then the Board would simply decide whether or not you feel like it is proper to have this kind of vehicle here in Fedder's Alley and the public beach, if you get a request for it.

Mr. Latchford asked if we currently have a beach accessible transportation device.

Mr. Garbacik answered that here in Washington Park we have two beach accessible wheel chairs which have balloon tires to make easier to traverse through the sandy conditions. There is no fee for use of the wheelchairs. The bigger difference in that scenario compared to the intent of this policy, and because it is new, some things may come up that we might have to address in the future, but the intent of this policy is to allow someone with a disability where it is a great, great distance from their private property to get to the water front, which isn't especially the condition here in Washington Park where you are pretty close and you have some real good accessibility, and it is a bit of a job from Fedder's, but he couldn't imagine approving a request where someone would want to trailer it in and then golf cart their way for convenience purposes but again, we are going to address these requests on an individual basis.

Mr. Donoghue stated that he has a disability so he has been watching that particular situation and we have not had a demand for wheelchairs that we have not been able to accommodate. Even though there are only two of them, there has not been a situation where we have a problem accommodating those requests.

Mr. Garbacik reminded the Board and the public that accessibility is covered explicitly, methodically and elaborately within the Washington Park Master Plan. So, hopefully if we are able to implement some of the ideas in that we will have probably one of the most accessible water fronts in the Northwest and Midwest, if not throughout the Country.

- **On a motion** made by Mr. Latchford, seconded by Mr. Freese and voted unanimously by the Board, the Board approved the attached policy titled "Regulating Use of Off-Road Vehicles Upon the Sheridan Beach Esplanade" with additional language added that the driver must follow State regulation in regard to operating a motor vehicle.

Mr. Donoghue reported that Laura New asked him to bring the conveyance of property regarding Winding Creek Cove to the attention of the Park Board tonight. Mr. Donoghue has spoken with John Espar who is handling the legal aspect of this for the City and the Sanitary District which is now the owner of that area known as Winding Creek Cove and he has asked to meet with Mr. Donoghue during the coming week in order to go over the surveys and the drawings of exactly

what parts of it are involved and Mr. Donoghue has offered to do that. Mr. Donoghue asked the Board to table this issue to the meeting of April 19, 2007.

- **On a motion** made by Mr. Latchford, seconded by Mr. Milcarek and voted unanimously by the Board, the Board agreed to table the conveyance of property to the meeting of April 19, 2007.

Mr. Garbacik read the following minor transfer into the minutes:

DECREASE MAINTENANCE		
1301/0805-03-439.011	Contractual Services	\$5,000
INCREASE MAINTENANCE		
1301/0805-02-423.002	Repair Parts	\$5,000

Re: transfer to repair maintenance equipment

Mr. Garbacik reported that the Board did receive the Major Event Lease for the 2007 Jazz Festival. This will be the second annual Smooth Jazz concert here in the park. Their first annual was very successful. Mr. Garbacik stated that he has not had the opportunity to sit down with Mr. Scott to go over the lease and he does know that Mr. Espar has a minimum of some questions if not some concerns so Mr. Garbacik asked the Board to table the lease until that has been resolved.

Mr. Scott thanked the Park Board for sharing his enthusiasm for Smooth Jazz and he said when he hears negative comments about the park it just galls him. Three days before the show we had the major storm off of the lake. The amphitheater had just been painted. The workers had weeded the area and had new plantings in there and within ten minutes the amphitheater looked like it had been turned over to a garbage disposal with greenery thrown all over and all of the plantings were gone. We were there when all of this was happening; we were having our wrap up meeting and we didn't know how we were going to pull this together but Darrell and the maintenance crews were out there. The day that the show came about you would have never ever known that there was a storm; it was absolutely flawless and Mr. Scott thanked the park for that. Mr. Scott reported that they just sent out their press releases yesterday. The entertainment this year is Rick Braun. He is a trumpeter extraordinaire out of Los Angeles and he will be head lining. Johannes Linstead who is a world famous artist is from Ontario Canada and he is a Flamenco guitarist. Both artists are billboard top 10 artists and award winners. Johannes is nominated at this time for the Juno award and Caras award which are equivalent to the Grammy Award in the United States. We have extended Smooth Jazz to world entertainment and are expecting a sell out this year. Last year we couldn't get an accurate head count because of the fencing issues but we guessed that we had about 1,600 people. This year we expect a minimum of 2,500 people. Word of mouth has traveled and we are doing extensive advertising on WNUA radio this year; we have 52 spots that will reach about a half million people each time. We have two full page ads in Shore Magazine and they are a promoter and presenter this year again and they reach about a quarter of a million people. We have our advertising coming through KOZY

98.3 radio out of St. Joseph, Michigan and they are taking care of that side of the lake. The one thing Mr. Scott wants the Board to realize is that this is turning into an International event. We had a forum last year with Richard Elliot, Brian Lubeck and the kids from the Boys and Girls Club and this went national and this year it will be International because of Johannes coming in and it will be in their contracts to do the forum again at the Senior Center. The three agencies that are involved are the Michigan City Homeless Shelter, Stepping Stone Shelter and the LaPorte County Chapter of the American Red Cross. Mr. Scott stated that what is important is that every dime that comes in for this concert comes back into our community and we were able to raise \$46,000 last year and it was divided equally and those agencies reinvested \$5,000 each so we have \$15,000 to start out with this year. This is definitely a community event and a charity benefit and what it is doing as far as bringing people into Michigan City is phenomenal; people get to come in and see our lake. They sold tickets to folks as far south as Florida and they had people come in from Kentucky, Wisconsin, Oregon, people from the east coast, and dozens from Indianapolis. We have a lot a people coming in to see our show and see good talent. This is absolutely a first class event. All of our partners are back and our in kind services are back so we are very pleased. The website address is [www.smoothjazz.com](http://www.smoothjazz.com) and there is a link to the zoo as well as other things to do in Michigan City. Mr. Scott stated that something that is very new is that Ken Alvey who is taking over for Norm Shultz is very warm about co-marketing and we are going to be doing some extraordinary things down at the Boat Show. The wonderful thing about this co-marketing is that Smooth Jazz will be on everything that the Boat Show is doing. We are still going to have the billboards on I-94 which are gifted. We had seven billboards last year bringing people into our community so the economic development of this is awesome.

Mr. Garbacik asked Mr. Scott if he intends to limit ticket sales as far as a maximum number to be sold.

Mr. Scott responded that he would not like to go over 2,500 although our producer said if we want standing room only we could do 3,000 but Mr. Scott is not quite comfortable with that, he would like to see how the 2,500 works. Mr. Scott stated that if this show keeps growing and growing he is anticipating that we are going to have to think about putting a temporary platform down on the beach. That has always been his dream to have folks come in and see this wonderful beach and listen to the most wonderful music in the Country and see the sunset that we have. What is better than that?

Mr. McKee stated that it has been great working with Mr. Scott who has a lot of drive and a lot of vision. Mr. Scott stuck his neck out the first year and the event turned out great. Mr. McKee asked Mr. Scott to comment on the forum; there is the economics and the fundraising but the forum impressed Mr. McKee the most, when you bring the artist in and you have the little kids there you have a wonderful learning experience.

Mr. Scott stated that the forum was a last minute thing that he had thought of and to him it was more moving than the concert itself because Richard Elliot came in, and this is somebody that is known all over the world, and Brian Lubeck who is regional but who has sold CD's all over the world, and they were very humble and you see these performers just as human beings and they were talking to the children and telling them how they got started. Richard Elliot said he wasn't

really that interested in music but I looked at the saxophone and liked the shape. He was talking about how he got into music and it was such an inspiration for the children that maybe don't even know what a saxophone is and it was just great for these kids to see what can be in their lives. They were very candid about getting started and they had to start at ground zero and work their way up and it was just wonderful and Mr. Scott is looking forward to that again this year with Rich Braun and Johannes because they started pretty much the same way. Rich Braun is originally from Allentown, Pennsylvania.

Mr. McKee stated that Mr. Scott did try to work with the school system to get some tickets to the band or whoever was interested in music and he thinks it would be well worth our while to send a letter from the school system from the Superintendent and the Park Board. Because of the school's no tolerance policy, and Mr. McKee understands why it there, but there is alcohol served at the event so they don't allow them to market that part of it and Mr. Scott is really not marketing anything for himself, he is trying to provide an opportunity for kids to go there and have a great opportunity to meet world wide entertainers, yet the school system from what Mr. McKee understands, wouldn't allow them to get in there to do that.

Mr. Scott stated that it is his understanding, and it has been for quite some time, was that the zero tolerance doesn't allow the kids to be involved. Mr. Scott stated that if they were able to get tickets to the kids in the bands in the different schools it would have to be outside of the school that we approach them; it can't go through the school.

Mr. McKee stated he thinks this is an unfortunate situation because it is a great opportunity for kids and we are not able to move in and help them out.

Mr. Scott stated that it is a wonderful opportunity; the kids are able to ask questions and it is a great learning experience.

Mr. McKee stated that he thinks the Board is close to saying let's do this and the issue is some of the electrical work and so forth that might have to be done and we want to make sure we have that all clear before we give you the go ahead. Mr. McKee stated that Mr. Scott doesn't need to come back to another meeting.

Mr. Scott stated that the one thing that he wants the Board to consider is in kind donations. Last year the Board was not able to take advantage of the fencing and that was going to be included in the package last year. But he would like the Board to keep in mind, and he doesn't want to set a precedent here but we are three not for profit groups and he would like the Board to consider the advertising that they do for the parks at no expense to the parks and this is major advertising. Also, every dime is coming back into the community. There is not any Board member or anybody that is making anything off of this. This is something that we are doing pro bono.

Mr. McKee stated that the only thing in our policy allows us to veer off course is that we can give some discounts for building rentals to non-profit groups and we also have some economic flexibility that you talked about and I think when you finally sit down with Mr. Garbacik you will see that we worked it out the best we could.

- **On a motion** made by Mr. Freese, seconded by Mr. Milcarek and voted unanimously by the Board, the Board agreed to table the Smooth Jazz at South Shore major event lease to the next meeting.

Mr. Garbacik stated that the Board received a request from the UCE Car Club to host a reunion that involves some car enthusiasts and they are hoping to conduct this reunion in Fedder's Alley. What they are asking is if they can have some reserved parking in Fedder's Alley because this will involve some older and some classic cars. Mr. Garbacik doesn't believe that we have done such a thing or taken this sort of approach. Normally if someone rents one of our shelters or a pavilion they are entitled to discounted parking passes. They are renting the small shelter so they would be entitled to the discounted parking passes but Mr. Garbacik stated he wasn't sure about blocking off Fedder's Alley.

The representative from the UCE Car Club asked for half of the 98 spaces in Fedder's Alley noting that they have people coming from as far as California for this event. They have nice cars and they don't want people bumping into them so if they have a reserved area to park in people could view them.

Mr. Garbacik recommended that we give this a try and see how it goes. The nice thing is that you have alternate parking even if you were to picnic in the Fedder's Alley area with the Senior Center lot.

Mrs. Eason stated that there is a wedding at the Senior Center on August 4, 2007 and that lot will be blocked off for the rental.

Mr. Donoghue stated that the Senior Center lot will be smaller than usual this year.

Mr. Garbacik stated that we will have parking staff at the Amphitheater lot so there will be staff to help out.

Mr. Doyle stated that at one time they had a car show at the music festival and they used the grass off the edge of the road in Fedder's Alley. They had close to 30 cars in there. The only thing that makes this tough is that you have less parking in the Senior Center this year.

Mr. Garbacik stated that we could put the cars in the grass to avoid people crossing the road and to protect the cars.

Mr. McKee instructed Mr. Garbacik to arrange the details.

- **On a motion** made by Mr. Latchford, seconded by Mr. Freese and voted unanimously by the Board, the Board approved the attached request to host a reunion in Fedder's Alley on August 4<sup>th</sup> and 5<sup>th</sup>, 2007.

Mr. Garbacik reported that we have some records that we would like to destruct and there is a process to do that as per State Board of Accounts and that packet of information is before the Board tonight.

Mr. McKee asked Mr. Garbacik to explain why we are destroying records.

Mr. Garbacik stated that Statute and State Board of Accounts sets up the policy, the parameters and the process for which public records of various sorts are to be properly disposed of. These are old records.

Mr. Latchford asked how the records would be disposed of.

Mrs. Eason believes that the records will be shredded and recycled.

Mr. Garbacik reported that depending on the particular type of record there are different durations of time that apply to those records.

- **On a motion** made by Mr. Latchford, seconded by Mr. Freese and voted unanimously by the Board, the Board approved the attached request to destroy public records.

Mr. Kienitz reported that for the third year in a row we will be offering the Mr. Basketball Camp led by Mr. Dan Palombizio, 1981 Mr. Basketball here in Michigan City, for grades 3<sup>rd</sup> through 8<sup>th</sup> and we will run that for \$50.00 per participant with the instructor receiving 80% of the class fees. Mr. Palombizio also enlists sponsorships of \$50 per child. The last two years we have gotten at least 10 businesses that have sponsored multiple kids so they can participate in the camp for free. This is something that we have been trying to get the community involved in. We will offer a skate camp at the skate park for the second year in a row. Last year we only had three sign ups so we did not run it. The ages will be 8 through 13 on the week of June 18<sup>th</sup>. It will cost \$50 per participant. If a family has two participants it will cost \$80 and if they have three or more participants it will cost the family \$100. The instructor will receive 80% of the class fees. The participants will be required to wear at least a helmet and any other protection deemed necessary by the parent. Soccer camp will cost \$40 per participant, \$70 for two and \$90 for three or more in the same family. It will be offered for grades K through 8<sup>th</sup> and will be run out at Patriot Park by Bruce Stahl, the Michigan City Boys Varsity Soccer Coach. The instructor will receive 80% of the class fees. Our beach volleyball league will be open to adults 18 years and older. It begins on June 7<sup>th</sup> and runs through the beginning of August, or for at least eight weeks with a double elimination tournament after that. Men's and Women's 2's will cost \$130 per team. Coed 4's will cost \$220 per team and Coed 6's will cost \$300 per team and the League Director will receive 80% of the fees. This ties into the Volleyball Pro organization that runs all of our volleyball classes with Ross Balling and his employees.

Mr. Garbacik asked Mr. Kienitz who the instructor will be for the skate camp.

Mr. Kienitz answered that Caleb Fulton will be instructing the skate camp. He is a 22 year old frequent user of the skate park and he is very excited about this camp and he has been talking

with a lot of the parents. A lot of parents have contacted Mr. Kienitz about the camp so he hopes that will be a big success this year.

Mr. Garbacik asked Mr. Kienitz to research what safety equipment is typically required for an organized camp. Mr. Garbacik agrees that a helmet should be a minimum requirement but let's see what should be required to be worn and list that in the flyer.

- **On a motion** made by Mr. Milcarek, seconded by Mr. Freese and voted unanimously by the Board, the Board approved the attached fees for Mr. Basketball Camp, skate camp, soccer camp, and the beach volleyball league.

Mr. Garbacik reported that the Board received proposals that were advertised for Washington Park and Patriot Park concession operations. First we received one from Super C Concessions operated by Juan Valdez who is the vendor that provided concessions in Washington Park last year. He would like to take advantage of a two year contract and proposes that 11.5 % of the gross sales would be paid to the Park Department. His basic schedule would be Memorial Day through Labor Day weekend. Mr. Garbacik reported that we were quite pleased with Super C Concession last year. They were open and available to the patrons and the public. They seemed to enjoy it down here and they ran a pretty nice operation. Especially since it is our only proposal, Mr. Garbacik would certainly recommend approval of Super C Concession for Washington Park.

Mr. Latchford asked if we got a financial report on their sales.

Mr. Garbacik stated that we did but he doesn't have it with him tonight.

Mr. Latchford asked Mr. Garbacik to email that information to him.

Mr. McKee asked Mr. Garbacik if he has a recommendation as to a one-year or two-year approval.

Mr. Garbacik stated that he would recommend approval of a two-year contract because he believes that it was Mr. McKee's suggestion to offer that. Mr. Valdez was a successful concessionaire for us last year and Mr. Valdez would prefer the two-year contract.

- **On a motion** made by Mr. Latchford, seconded by Mr. Milcarek and voted unanimously by the Board, the Board accepted the proposal submitted by Super C Concession for a two-year concession contract in Washington Park.

Mr. Garbacik reported that we received two proposals to provide concession services at Patriot Park. One was from Michiana Resources who has been the concession provided for the past few years out at Patriot Park. A new proposer is Jo Jo's Southern Style Food which is a local restaurant here. In comparing the two proposals Mr. Garbacik can tell the Board that the Park Department would stand to gain, or have more a financial value coming it's way based on Jo Jo's proposal which is basically a \$650 monthly flat fee as well as a 5% portion of his net sales would

also be paid monthly to the Park Department. In comparing that to Michiana's situation from the previous year, the Park stands to gain a better financial value with Jo Jo's proposal. Secondly, Mr. Garbacik pointed out to the Board that if you compare the menus and what is going to be offered, Jo Jo's menu is not only more extensive and offers a bigger variety but the prices, almost categorically, are less than what they would be with Michiana's proposal. As the Board is well aware when you have 2, 3 or 4 kids in the family and everybody wants to go to the concession stand it can get quite expensive. Mr. Garbacik stated that another thing that he liked about the Jo Jo's proposal is that their operation intends to take product to the people or have a mini delivery service. He will start out with a cart where they can start out at the hub, or the concession building, and go mobile. You can put your order in and they will deliver it to you and Mr. Garbacik thinks that is a nice service as well. Based on those criteria Mr. Garbacik reported he would leave it to the Board's pleasure to make a decision or ask any questions that they might have. Mr. Garbacik reported that Joe Garner from Jo Jo's is here tonight if you have any questions.

Mr. Latchford commented that when reviewing these two proposals at face value one stands out as the obvious choice but what makes the decision so difficult is when you value what Michiana Resources does beyond providing concessions and the value that they provide to their clients it makes the decision difficult. If it is solely based on economics and the menu selections Jo Jo's stands out and even though Mr. Latchford feels that Michiana's proposal isn't as strong, on the compassionate side he looks at the value that they are providing, not necessarily just to the customers at Patriot Park, but to their clients.

Mr. Milcarek commented that he likes the menu from Jo Jo's; it's exciting and it offers a lot of stuff and he thinks that it is important to have an exciting menu and we owe it to the people out there to offer them a choice. Mr. Milcarek asked if the figure in Jo Jo's proposal of \$36,000 to \$40,000 is a realistic figure for projected sales.

Mr. McKee stated that he believes that last year the sales were \$35,000 so \$36,000 to \$40,000, if he is taking food to the people, is more than reasonable and Mr. McKee would expect a higher number.

Mr. Garbacik stated that during the World Series it will be very busy and suggested that Mr. Garner have both carts for that week.

Mr. McKee commented that he agrees with Mr. Latchford that it makes it a tougher decision than it should be but in the end we do have to look at the economics of it to see where we are going to be better off knowing that we did allow that group a couple of good years out there. The door is not closed to them. If we can work with them in other areas the door is always going to be open. We also have a young businessman here that is trying to make a mark for himself too and to deny based on that reason only, Mr. McKee doesn't think that he could go along with it, but he does understand Mr. Latchford's comment; it is a tough thing to do. Mr. McKee reported that he did do some recognizance since Mr. Garner is new to the scene. Mr. McKee went out to one of the stores and his hot wings were hot and he keeps a good clean store. He seems to be on the ball. Mr. Garner was hustling back there and he didn't know who Mr. McKee was when he

walked in so he wasn't treated any differently and he was impressed with the operation so he would strongly recommend that we accept Jo Jo's proposal.

Mr. Garbacik added that we will continue to partner in any way with Michiana Resources. Currently through our Recreation Department and some of the recreational programming both ways we have teamed up and partnered with them. For example we have provided the park office for cooking courses for their clients. We love Michiana Resources and we will continue to work with them and maintain a relationship with them; they are a fine organization.

- **On a motion** made by Mr. Milcarek, seconded by Mr. Freese and voted unanimously by the Board, the Board accepted the proposal submitted by Joe Garner to run a concession operation at Patriot Park for two years.

Mr. Garner thanked the Park Board for giving him the opportunity and he promised the Board would be very impressed with what he has to offer at Patriot Park. Mr. Garner stated the projected sales figure that he provided was based off of last year's sales at Patriot Park. Mr. Garner asked if the Park Department has carts available for his use or if he needs to get his own.

Mr. Garbacik responded that we don't have carts available but he can give Mr. Garner some information on obtaining a cart. Mr. Garbacik stated that he would like to meet with Mr. Garner as early as Monday to finalize the contract because the first day of soccer is April 14<sup>th</sup>.

Mr. Garbacik reported that the Board received a letter from Councilman Willie Milsap, Daryl Crockett, Arthur Payne, Hezzie Mitchell, Virginia Mason, Pastor Eddie L. Jenkins, and Ta'Tanisha Clark who is the Director of the City's Human Right Department, and in conjunction with Councilman Ron Meer. Mr. Garbacik read the attached letter into the minutes. "We, the Michigan City Black Community Coalition, are requesting the 8<sup>th</sup> Street park located on the west side, 3<sup>rd</sup> Ward, be renamed the Joe Hawkins Memorial Park. This request is being made with the support of Council President Willie Milsap and Council Vice President Ron Meer.

Mr. Garbacik informed the Board that he spoke with Councilman Milsap about this request and Mr. Garbacik personally likes this idea and would recommend to the Board it's serious consideration and approval of this for a couple of reasons. The first is that the contributions of Joe Hawkins and what he has done, provided and influenced within our community are well known and he is very deserving of such an honor. Secondly, Mr. Garbacik feels that this would be good for the park in that it is currently called 8<sup>th</sup> Street Park. Mr. Garbacik thinks that the research would provide, and it has been his observation and experience that any time you can have a connective tissue associated with the property what you tend to find is more respect in general for the property. All of a sudden the neighbors view that as Joe Hawkins' Park and that means something to them more so than just 8<sup>th</sup> Street Park. We tend to see that there would be less litter and folks who knew Mr. Hawkins are going to be more inclined to pick up litter if they see it as opposed to walking by it. Mr. Garbacik thinks it is good for the neighborhood and good for us as well.

Mr. McKee commented that his Father and Mr. Hawkins spent many hours fighting and agreeing and in the end they were doing what they thought what was best for the community and those who knew Mr. McKee's Father and Mr. Hawkins would absolutely understand that. They would go at it but in the end what they were both trying to do was the right thing for Michigan City so Mr. McKee would certainly have no problem with endorsing this for a lot of reasons; Joe was a good man and was well respected in the community and well respected where he lived in the community so having that park right there certainly makes sense.

Mr. Milcarek commented that he had worked with Mr. Hawkins for over twenty years in industry and he was more than just a co-worker, he was a friend. Mr. Milcarek and Mr. Hawkins swapped stories and worked on projects together. Mr. Milcarek really like Joe and this park is almost in his backyard. Mr. Milcarek sat out there with Joe a few times and enjoyed his company.

- ❑ **On a motion** made by Mr. Milcarek, seconded by Mr. Latchford and voted unanimously by the Board, the Board agreed to change the name of 8<sup>th</sup> Street Park to Joe Hawkins Memorial Park and to provide the proper signage.
- ❑ **On a motion** made by Mr. Milcarek, seconded by Mr. Latchford and voted unanimously by the Board, the Board approved city claims filed on account of appropriations for the Parks and Recreation Department in the amount of \$68,663.72
- ❑ **On a motion** made by Mr. Milcarek, seconded by Mr. Latchford and voted unanimously by the Board, the Board approved payment out of the Zoo Endowment Fund in the amount of \$883.92.

Mr. Milcarek reported that invoices in the amount of \$450.36 were paid through the Board of Works meeting.

- ❑ **On a motion** made by Mr. Milcarek, seconded by Mr. Latchford and voted unanimously by the Board, the Board approved Payroll #6, 02/25/07 through 03/10/07, in the amount of \$44,238.44 and Payroll #7, 03/11/07 through 03/24/07, in the amount of \$44,016.00.

Mr. Freese wished good luck to our concessionaires stating that it sounds like an exciting year will be taking place. Mr. Kienitz has done a nice job of getting these camps organized. Smooth Jazz sounds awesome this year and Mr. Freese is looking forward to a great summer.

Mr. Milcarek congratulated Mr. Garbacik on the State Board of Accounts audit and also on getting the 5-year plan approved by the D.N.R.

Ms. Barb Malewicki asked if the Board could share information about their recent visit to the park.

Mr. McKee answered that what they saw the other night was simply a tour that we took one of the North End Planning Groups on so that they could fully see what the Washington Park Master Plan is about. It didn't amount to much more than just a tour of the park.

- **On a motion** made by Mr. Latchford, supported by all members of the Board, there being no further business, the meeting was adjourned at 6:44 p.m.

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Darrell L. Garbacik, Superintendent  
Michigan City Park Board

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Tom Milcarek, Secretary  
Michigan City Park Board

Attachments to the April 5, 2007 Park Board meeting:

1. March of Dimes request to host WalkAmerica in Washington Park on May 5, 2007
2. Boy Scouts of American Request to have the Humane Society participate in their Scout-a-Rama event by bringing dogs to the park and to have a wildlife orphanage in the park
3. Contract with Gerald M. Fedorchak and Associates, Inc. for design work on the Primate House
4. Golf Minor Transfer
5. Policy Regulating Use of Off-Road Vehicles Upon the Sheridan Beach Esplanade
6. UCE Car Club Request to Host Reunion & Car Show in Fedder's Alley on August 4<sup>th</sup> & 5<sup>th</sup>, 2007
7. Request for Permission to Destroy or Transfer Certain Public Records
8. 2007 Fees for Mr. Basketball Camp, Skate Camp, Soccer Camp, and Beach Volleyball League
9. Request Letter to Change the Name of 8<sup>th</sup> Street Park to Joe Hawkins Memorial Park

Minutes prepared by Shannon Eason