

The Michigan City Park and Recreation Board met in regular session on Thursday, June 5, 2008 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. Latchford, Freese, Milcarek and Mr. Dabney (4)

Absent: None (0)

Also present were: Darrell Garbacik, Park Superintendent; Patrick Donoghue, Park Department Attorney; Joe Doyle, City Council Liaison; Shannon Eason, Director of Administrative Services and Special Projects; Jim Jaksa, Port Authority Board President; Leonard Fedder; Rodney McCormick; Gerald Fedorchak, Jr., G.M. Fedorchak and Associates; Randy Russell, Department of Water Works; Ron Miller, W.E.F.M. Radio; Amanda Haverstick, The News Dispatch; and Andre Steele, ALCO TV.

- **On a motion** made by Mr. Freese, seconded by Mr. Milcarek and voted unanimously by the Board, the Board approved the minutes of the May 22, 2008 Park Board meeting.

Park Superintendent reported this morning at 9 a.m. the Zoo Maintenance Project was inspected and we passed all of the inspection. The project is ninety-eight percent complete. We will have a final walk-through with Tonn & Blank. Mr. Garbacik stated Mr. Martinez has begun making improvements and setting up so things are going well with that project. It has been a long time coming for the zoo as you all know. Mr. Garbacik reported for the first time in many years there are monkeys on Monkey Island; namely, two Spider Monkeys. Mr. Martinez is trying to get a couple more. They are very active and they like the monkey bars and they are fun to watch even though there are only two out there. This has been an attraction already. The Ring Tailed Lemurs that previously occupied Monkey Island are now in the outdoor portion of the new Primate Exhibit and they too have adjusted well and seem to like their new surroundings. Work does continue on the Primate House. Mr. Garbacik informed the Board one of our long time employees, both at the Park Office in our sticker distribution operation and also a Senior Center aide, Marcia Averitt recently found out she had a severe medical condition she is getting addressed so she we will be taking a leave of absence and we don't know how long. We certainly wish her the best and our thoughts and prayers are with her for a speedy recovery.

Mr. Garbacik reported the Washington Park Electric Project is also moving ahead one hundred miles per hour and is going very, very well. To that extent we will be having the Fireman's Ball this Saturday and although the project isn't complete the area of the JC Stage will be able to accommodate and host the event as we had hoped. Hopefully in the next few weeks the project will be completely finished. That has been an amazing project and Mr. Garbacik will continue to advise the Board on it. Mr. Garbacik invited the Board to participate in the first annual Ultimate Trivia Challenge that is a partnership between the Washington Park Zoological Society as well as the Senior Center and the Senior Center Advisory Board. This is a fundraiser for the Zoo and will take place on July 18, 2008. Mr. Garbacik thinks we should put a Park Department team together for this event. Mr. Garbacik reported he had signed off, or made a verbal commitment, to waive altogether the rental fee since it is for the zoo, and it is being supported by the Senior Center. Mr. Garbacik stated that is a bit contrary to the Board's policy in that you allow a 50% discount one time per year to a 501C3 group. Because of the direct benefit to the zoo Mr. Garbacik is recommending a completed waiver of fees.

- **On a motion** made by Mr. Dabney, seconded by Mr. Freese and voted unanimously by the Board, the Board agreed to waive the rental fee for the Senior Center for the first annual Ultimate Trivia Challenge on July 18, 2008.

Mr. Garbacik added he is not aware of any vandalism to report at this time. Mr. Garbacik told the Board if they would like to see some pretty good baseball and plenty of it they can join us at Patriot Park this weekend for our second big BPA Baseball event. This is a World Series Qualifier, War by the Shore National Invitational Tournament. We will be hosting 45 teams this weekend in divisions starting at 9U through 14U. Mr. Garbacik stated himself, Mr. Kienitz and other staff members will be living at Patriot Park this weekend and hopefully Mother Nature will cooperate and not hit us with the rain like we were the last time. Short of the World Series that is coming in July, this will be our last huge baseball event.

Mr. Milcarek stated last fall we moved the fence at Gardena and installed bollards. On the east end we started but the project was held up due to weather and cutting grass and everything. Mr. Milcarek asked if we will be getting back to that shortly because the finished part looks so neat.

Mr. Garbacik answered shortly, but he can't guarantee when, but eventually for sure we will get back to this project. Mr. Garbacik stated the Memorial Hall project also took us away from that. We would probably have finished that over the winter had we not focused on the Memorial Hall project. Mr. Garbacik stated it will be completed. Mr. Garbacik stated we are about to ask our Maintenance crew to perform some demolition for the Spray Park too. Mr. Garbacik stated he agrees with Mr. Milcarek's observations and he wished it was done; we will get to it I just can't guarantee it will be very soon. Mr. Garbacik stated at this point it is not our highest priority.

Mr. Milcarek responded he realizes that; this is just a reminder.

Mr. Freese asked Mr. Garbacik if we are still experiencing a vandalism problem at Joe Hawkins Memorial Park.

Mr. Garbacik stated it seems to have subsided somewhat and for whatever reason we suspect it is probably juveniles that like to dump the garbage cans over. The other unfortunate thing is they started to scratch and deface the memorial plaque with Mr. Hawkins' likeness. Mr. Garbacik stated we have asked police for extra patrols and also notified some of the City Council members and those in that neighborhood to help us keep an eye on it. Mr. Garbacik stated it seems, at this point anyway, to have subsided a bit and hopefully that will continue.

Mr. Garbacik reported Mr. Gerald Fedorchak, Jr. is here tonight to run the Board through the renderings for the new Splash Park. Mr. Garbacik stated the bid specifications are ready and at the conclusion of the presentation we would be glad to answer any questions the Board may have and we will be asking for your approval of these specifications so we may begin to advertise for bids for the project.

Mr. Gerald Fedorchak presented the plans and specifications for the new Splash Park. Mr. Fedorchak reported he has been working with several different vendors for water park equipment and have picked one because of the quality of their product. Mr. Fedorchak stated he is not supporting them or recommending them necessarily as a final vendor but with their assistance and their knowledge we have been able to put together a proposal working off of the budget they have been presented. Mr. Fedorchak stated he tried to get as much bang for the buck as he could. Mr. Fedorchak stated the package equates to a park that is bigger than Indiana Beach and they say it is one of the top ten if not the top two or three in the State of Indiana. This is really a high end, high quality park. Mr. Fedorchak asked the Board to spend some time looking at all of the different features; the drawing is tagged with an actual picture of the equipment. There are areas for the small kids all the way up to big buckets for the older kids. Based on a lot of experience from this vendor as well as ourselves this is a really nice solution to this design issue. Mr. Fedorchak walked the Board through the current site and future plans. Mr. Fedorchak explained the stages of building and bidding. We look at three separate pieces. Mr. Fedorchak stated in order to save as much money for the park as we possibly can the Park Maintenance Department will do the demolition work themselves as well as all the excavation of berms, black dirt, grass seeding and landscaping. The City is going to work with us to bring the sewer, water and electrical to the site. The first bid package would be for the construction of the building itself, bringing the plumbing in to building, and providing connections for the water park portion to tap on to. The reason we do this instead of a general contractor picking up the water park equipment and the installation, which we see primarily a specialty installation, we keep them from their 40% mark up and completely eliminate that. They will still have the right to bid it if they choose; if they think they are qualified and can prove their capabilities. The third portion of the bid package would be to furnish and install the equipment itself. Mr. Fedorchak explained the reason we don't want to buy the equipment separate and give it to a contractor is because if there is some sort of problem such as a leaking pipe under the ground we want a single source to go to for warranty issues to remedy that; we don't want a lot of finger pointing.

Mr. Milcarek asked what the timetable is for this project; when can we expect construction to start.

Mr. Fedorchak answered we would look for the July 7th meeting to have bids opened and ready for the Board's review.

Mr. Donoghue reported we are bound by the rules on the common construction wage determination for the reason that this project is expected to cost more than \$150,000 and in that case the law requires us to conduct a Common Construction Wage Hearing with the Office of the Governor and the Labor Department. They have changed their procedures. They will only come to LaPorte County one time each month. That one time a month is on the first Wednesday of the month so the next time they are going to be here is July 2, 2008. We have to do this before we open the bids on this project; we have to have that figure available to the bidders so they know what it is. Mr. Donoghue stated he thinks it is fair to say that historically these hearings result in a determination that the common construction wage in LaPorte County is the prevailing union wage scale for the crafts that are involved in the construction project. That has been the history and that is something that may happen at this hearing but we don't know that for sure so we have to wait until the hearing takes place. Our schedule, to move things along as fast as we can would be that the advertisement for bids could be in the news paper on June 12 and June 19, 2008. Of course, that ad would alert the bidders that the Common Construction Wage Hearing will take place and we will instruct the bidders that they are to contact the Architect for information after July 2, 2008. This poses a problem for us and there are two reasons why Mr. Donoghue is going to suggest that the July 3, 2008 meeting of this Board, which is the first Thursday of the month, be changed to July 10, 2008. The first reason is it is the eve of Independence Day so that makes it more of a holiday type date. The second reason is by having your first meeting in July on July 10, 2008 we will be able to take advantage of this calendar we are stuck with so that the bids could be advertised to be opened on July 8, 2008 at 4:00 p.m. That would give the Architect, Mr. Garbacik and Mr. Donoghue all day Wednesday and part of the day on Thursday to review those bids and to be ready to make a recommendation to the Board at your meeting on July 10, 2008. This is the very fastest we can move the project along and of course the contract can be prepared and ready and we are usually very quick on those. A Notice to Proceed could be issued during the following week or around July 15, 2008. That is what we are stuck with and this has been explained to Mr. Fedorchak and Mr. Garbacik previously. This will depend on the Board approving the specifications and authorizing the advertising for bids.

Mr. Milcarek asked if we could expect to see the project completed in time for Labor Dayz.

Mr. Fedorchak stated we would be very hard pressed; it is not impossible but we would be very hard pressed to finish by then.

Mr. Garbacik stated potentially we will have to wait six to eight weeks for delivery of the equipment once the order is placed.

Mr. Fedorchak added the construction won't take that long.

Mr. Milcarek stated it would be great to have this available for the kids for Labor Dayz.

Mr. Garbacik stated that is what we are hoping for; that is the best case scenario and why we are willing to push it forward as long as the Board is as well.

Mr. Fedorchak stated again, this is one of the more substantial parks that any of these companies make so he would think we would be on their high priority list to secure these items.

Mr. Milcarek stated it sounds great, like our skate park, now a water park. If we don't watch out we are going to become a big city.

Mr. Latchford asked what the typical age group to enjoy the park would be.

Mr. Garbacik answered from toddlers enjoying getting splashed on to maybe 12 or so. Mr. Garbacik stated the beauty of this is we will have an alternate water feature on the days when the red flags are flying on the beach; that in itself is a great thing. This is going to be a standalone attraction but mostly for parents and grandparents Lake Michigan can be quite intimidating; a swimming pool can be quite intimidating. The beauty of this is it is a zero depth feature. It is like the sprinklers in your back yard but on steroids for kids and the water squirts out and there is no drowning potential so a grandparent can bring their grandchild down here and sit in the shade and the kids will never want to leave; it's great.

Mr. Fedorchak stated this is also a compliment to the zoo. A day's activities could include a trip to the zoo and the splash park.

Mr. Garbacik stated there are a couple of zoos that have put a singular water feature in the zoo for the kids to cool off.

Mr. Latchford asked if the park would occupy half of the current tennis court area.

Mr. Fedorchak answered yes.

Mr. Latchford asked if the other half would be grass.

Mr. Garbacik answered yes and stated during the bond issue days one of the things we were looking at if we were to keep the tennis courts was maybe eliminating three of them and adding greenspace there. Mr. Garbacik stated he really appreciates what Mr. Fedorchak has done in taking that into consideration in the design element; to add some more picnic area and greenspace to this project. Mr. Garbacik stated he particularly likes the way it will blend with what is there now by the tennis shelter; it's going to be great.

Mr. Fedorchak added he could see the art show moving down into this area; he can see a lot of things happening down in there. Mr. Fedorchak stated any design you ultimately do for any renovations on the amphitheater would go right into this area.

Mr. Garbacik stated something tells him that come winter time Darren Westphal will find a way to decorate those with lights too.

- ❑ **On a motion** made by Mr. Freese, seconded by Mr. Milcarek and voted unanimously by the Board, the Board approved the bid specifications for the Splash Park project and authorized Mr. Garbacik to advertise for bids.

Mr. Donoghue reported there are two encroachment leases before the Board for consideration and approval, Daw and Stop 9, LLC. Mr. Donoghue stated regarding the Daw lease it has come to his attention they have filed their lease and lease payment but have not filed the application fee which, as the Board will recall, is required for each one of these leases. Mr. Donoghue recommended the lease for Daw be approved subject to having them pay the application fee of \$500.00.

Mr. Milcarek stated he feels it is very important to collect the application payment.

- ❑ **On a motion** made by Mr. Milcarek, seconded by Mr. Freese and voted unanimously by the Board, the Board approved the attached encroachment lease with Mark Daw for the property at 1644 Lake Shore Drive contingent on Mr. Daw paying the \$500.00 application fee.

Mr. Donoghue reported the lease for Stop 9, LLC has been signed and submitted with all payments due. Mr. Donoghue reported they have also paid the \$500.00 application fee.

- ❑ **On a motion** made by Mr. Milcarek, seconded by Mr. Freese and voted unanimously by the Board, the Board approved the attached encroachment lease with Stop 9, LLC for the property at 1432 Lake Shore Drive.

Mr. Donoghue submitted the attached encroachment status report to the Board. Mr. Donoghue stated he expects to have two more leases ready for the Board at the next meeting and he may have four leases ready. Mr. Donoghue stated he believes, at this time, there are only six that need to be presented and signed and that is work he has to do.

Mr. Latchford stated it is nice to continually have a couple leases on the agenda every meeting.

Mr. Donoghue stated Mrs. Eason has helped organize this effort and is keeping things moving.

Mr. Milcarek commented when reading the report it looks like everyone has agreed to enter into a lease.

Mr. Donoghue stated on the second page there are two pending and other than those two all other property owners have agreed to enter into a lease.

Mr. Milcarek asked Mr. Donoghue if he has any comments on the pending cases; are you encouraged they are going to sign.

Mr. Donoghue stated he is encouraged they will sign and those two are in the hands of Baker & Daniels but it has been proven here as we have worked with these for the past couple of years

that Baker & Daniels is able to convince the owners to enter into leases. Mr. Donoghue is encouraged these also are going to enter into leases.

Mr. Latchford reported regarding the Michigan City Area Schools contract a meeting is scheduled for Monday, June 9, 2008. Mr. Latchford stated he is remaining optimistic that we will come to a conclusion.

Mr. Dabney asked Mr. Latchford when the school requested this meeting if they gave any indication of what they were looking to discuss this time.

Mr. Latchford responded at the end of the last meeting they requested one additional meeting so they could convene as a group to get some guidance and figure out what direction they want to go.

Mr. Garbacik introduced Mr. Russell of the Water Department. Mr. Garbacik stated the Board may recall this was on your agenda previously. We did have some drawings presented at that meeting and we have redistributed those to the Park Board. Mr. Russell is here to describe that project; the final phase.

Mr. Russell thanked the Board for allowing him to come and speak regarding their fourth and final phase of their intake project. Mr. Russell stated, as you know, our first phase consisted of extending a line out into the lake further, into deeper water, so we could get rid of the sand inside the pipe. The second phase was in conjunction with the Lake Shore Drive project, across the drive and through the parking lot. Last year we took two lines through the beach and replaced both lines and raised the two buildings that were down in the valley in the sand. Mr. Russell reported the last phase will consist of a building that will be constructed over both intake lines and valving on both lines where we can shift it from one to the other isolating the water into our treatment plant. Mr. Russell stated primarily it will be a concrete structure below ground and it will be a block structure above ground with a steel, seamed roof on top. Mr. Russell stated they wanted to get away from shingles due to the wind. Mr. Russell stated they are looking at colors similar to the lot #1 restroom building or somewhat closer to what the Senior Center is so everything kind of blends in down here. Mr. Russell stated the Water Board at one time wanted the same kind of brick work we have on our buildings but Mr. Russell thinks it looks better if we keep a uniform look with what you have down here. Mr. Russell reported the building will be about 16' wide and 32' long. There will be a double door facing the south with a 10' entrance off the drive up to the building and then we are going to have a gate going across that to isolate that drive so people don't go up there and park. Mr. Russell stated this probably shouldn't be as intrusive as it was last year where the whole beach was torn up. Mr. Russell stated they will have a pretty sizeable hole and there will be some pumping of ground like last year and they will probably dispose of that water in the same inlet across the south end. Mr. Russell stated the bids are going out now; the plans are out now and the bids are to be received June 24, 2008 and they hope to award the bid at the first Water Board meeting in July and they will start to get all of the formal paperwork completed at that point. Mr. Russell stated, hopefully, construction can start the latter part of August or the first part of September. Mr. Russell stated they are trying to keep away from all of the activities in the park and then the substantial completion date will be

sometime in September of 2009 with final completion in November of 2009. Mr. Russell stated they need to keep one of the intakes in service at all times; they have to cut the pipe and then put the valving in and deal around that so it will be a very delicate job for them; trying to keep the water flowing into the plant at all times.

Mr. Donoghue asked when the summer of 2009 rolls around, should we take it that you will be focusing the work on the building, and hooking things up and what takes place inside the building.

Mr. Russell stated by that time the ground work below the structure should be in place and the block work will be what we will be doing in the spring of 2009.

Mr. Donoghue asked Mr. Russell if he would say the activities in the Senior Center will not be affected at that point in time.

Mr. Russell stated they may need a little area of the parking lot, but nothing like they used last year. Mr. Russell stated he would like to wait until all of the bids are in and they have determined who the contractor is going to sit down with Mr. Garbacik and figure out what they will need again.

Mr. Donoghue asked if the time period we are discussing now would be in 2008.

Mr. Russell stated most of it will be in 2008 going into the very early parts of 2009 depending on the weather conditions and how the contractor sets up the work on the pipe.

Mr. Garbacik asked Mr. Russell how far off of the road the new building would be set back.

Mr. Russell answered the north east corner of the building will be just about at the corner of the senior center parking lot. We won't be on the beach area we will be off the road maybe 25 feet or so.

Mr. Latchford stated he appreciates Mr. Russell taking into consideration our needs and crowds we have down here while planning this project.

Mr. Russell stated it won't be like it was last year and he thanked the Board for putting up with our work over the past few years down here.

Mr. Milcarek stated it is a bit of an inconvenience but personally he looks forward to going into his kitchen and bathroom and having running water.

- **On a motion** made by Mr. Dabney, seconded by Mr. Milcarek and voted unanimously by the Board, the Board approved the attached Water Department Intake Project.

Mr. Latchford asked the Board to table Resolution No. 647 titled "Transferring Jurisdiction of Certain Property in Washington Park to the Michigan City Port Authority."

Mr. Donoghue asked that this item be removed from the agenda. Mr. Donoghue had a conversation with Port Authority Attorney Mr. Katz and he asked that we leave this off of our agenda until he and the Port Authority have made some other arrangements that are necessary and then we would be notified and then it could be brought back for your approval

- **On a motion** made by Mr. Freese, seconded by Mr. Dabney and voted unanimously by the Board, the Board agreed to table Resolution No. 647 until further notice.

Mr. Latchford stated the next item of business is a parking request from Mr. Ed Arnold for Harbor Grill Restaurant. Mr. Latchford stated he doesn't see Mr. Arnold in the audience and since the last meeting Mr. Arnold has not contacted Mr. Latchford.

Mr. Garbacik stated his understanding is that Mr. Arnold called when Mr. Garbacik was unavailable and Mr. Arnold did not leave a message and Mr. Garbacik has not spoken to Mr. Arnold since the last Park Board meeting. Mr. Garbacik stated his recollection is our suggestion was to offer a discounted for some passes similar and very consistent with how we treat everything down here and as far as Mr. Garbacik knows that has been our suggestion and proposal and we'll wait to hear back from Mr. Arnold.

Mr. Latchford commented just to set the record straight Mr. Arnold signed a lease with the Port Authority which gives him non-exclusive rights, basically no rights, to parking. When Mr. Arnold says he is paying \$15,000 for parking that is really an inaccurate statement.

Mr. Garbacik stated he would concur and he would also agree it is very clear it is non-exclusive and, in fact, says right in the lease he signed that the only ones that would not be charged would be patrons that have either a Washington Park or a marina sticker and that was very, very clear.

Mr. Milcarek stated earlier in the week he had the opportunity to speak with several City Council members and they are encouraging us to remain more or less firm on this parking issue. Mr. Milcarek stated it is up to us to make a decision but they stated they would like to see a fee being charged.

Mr. Milcarek reported we received a \$1,000 donation from the Michigan City Soccer Club with \$500 being dedicated to a flag at Patriot Park.

- **On a motion** made by Mr. Milcarek, seconded by Mr. Freese and voted unanimously by the Board, the Board gratefully accepted the \$1,000 donation from the Michigan City Soccer Club.

Recreation Director Jeremy Kienitz reported as in past years different churches from Michigan City and the surrounding area have requested to use the park facilities for a church softball league at Adams Park on Monday and Thursday nights. They provide church/team insurance and there are no umpire fees until the end of the season tournament and at that time Mr. Kienitz supplies umpires for them. Mr. Kienitz recommended a fee of \$100 per team for the church

softball league for use of the field and maintenance. Mr. Kienitz reported the league runs from mid June through the end of August.

Mr. Garbacik added Mr. Kienitz continues to produce the schedules for them.

Mr. Freese asked how many teams participate.

Mr. Kienitz reported this year there are nine teams.

- ❑ **On a motion** made by Mr. Freese, seconded by Dabney and voted unanimously by the Board, the Board approved the attached 2008 Church League softball fees.

Mr. Garbacik stated Greens Superintendent Randy Durham has submitted a travel request for a one day event at Purdue University. The cost for four staff members is \$100.00. This is a one day event with no lodging involved. It is no accident this is being hosted at Purdue because they are world renowned for their turf science and maintenance. Mr. Garbacik stated it would be very beneficial to have our staff attend and he is recommending approval.

- ❑ **On a motion** made by Mr. Freese, seconded by Mr. Milcarek and voted unanimously by the Board, the Board approved the attached travel request from Greens Superintendent Randy Durham in the amount of \$100.00 along with any minor related expenses.

Mr. Garbacik stated the Board may recall at one of its previous meetings it agreed to renew the program for the billboards out at Patriot Park with Mr. Zawada who is now with McKay Printing. This is the formal contract and agreement that we are asking the Board to approve and then Mr. Zawada will sign it as well. Mr. Garbacik added this agreement has been gone over with a fine tooth comb at this point by himself, Mr. Donoghue, Mr. Latchford and Mrs. Eason. Mr. Garbacik stated we have the contract right where we would like it and he would recommend approval of the contract.

Mr. Latchford stated this is one of the contracts where we have eliminated the auto renewal clause simply for the fact that someone should review all of our contracts annually. Mr. Latchford thanked Mrs. Eason for the effort of reviewing this and doing an historical financial analysis on the program. Mr. Latchford stated we were surprised with what we found but most surprised to find this can be and has been very profitable for us. Mr. Latchford recommended approval of the agreement.

- ❑ **On a motion** made by Mr. Freese, seconded by Mr. Dabney and voted unanimously by the Board, the Board approved the attached Advertising Sign Marketing Agreement for Patriot Park.
- ❑ **On a motion** made by Mr. Milcarek, seconded by Mr. Freese 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 \$59,618.62.

Mr. Milcarek reported charges totaling \$2,358.40 were charged to the department credit card.

- **On a motion** made by Mr. Milcarek, seconded by Mr. Freese and voted unanimously by the Board, the Board approved Payroll #11, 05/04/08 through 05/17/08, in the amount of \$65,116.23.

Mr. Milcarek commented he was making some mental examinations the other day of the Park Department and he sees tremendous improvement in every department whether it is the Maintenance Department, the Zoo, the Senior Center, the Park Office, or the Golf Course. Mr. Milcarek stated at this time this is the best run that the Park Department has been since he has been here.

Mr. Freese agreed with Mr. Milcarek's comments noting that is a great observation.

Mr. Latchford thanked the Michigan City Soccer Club for their donation for a flag at Patriot Park. Mr. Latchford stated he would like to put some thought into art in the park similar to what is out at Purdue North Central and similar to the stainless steel tree near the entrance to the park. Mr. Latchford stated he would like to think about potentially letting that sort of art migrate its way into Washington Park. Mr. Latchford would like the Board to think about if this is something we want down here and how we can accomplish that.

Mr. Milcarek commented several years back there was a representative from a group that maintains those sculptures and they asked permission to put some in the park and Mr. Milcarek thinks the Board granted them permission but never heard anything back from them.

Mr. Latchford would like to revisit this idea and as a Board reconvene to discuss the matter.

Mr. Doyle agreed with Mr. Milcarek's comments because it just seems like things continue to happen better and better and it takes a lot of combined effort to do it and that is what you call teamwork. Mr. Doyle stated the weather is beginning to feel like summer and there are a lot of Summer Festival events coming up. This weekend is the Fireman's Ball and next weekend will be the Wall Gang's Party on the Lake. Mr. Doyle stated there will also be a flag program on Flag Day so Mr. Doyle hopes everyone comes down to enjoy these events. The Mud Bog is also coming up as well as a twirling competition at Elston Middle School.

Mr. Freese congratulated Mr. Doyle on his recent Cliff Arnold Community Service award. Mr. Freese can't think of anyone more deserving and that award is not given out for just showing up. Mr. Freese doesn't know where Summer Festival would be without Joe Doyle.

Mr. Rodney McCormick stated a few weeks ago he received a phone call from the Mayor speaking about some emails that were generated by Darrell Garbacik. Mr. McCormick stated he felt that was only legitimate to talk about but he can see it is not. Mr. McCormick stated he has been trying to get copies of those emails.

Mr. Donoghue stated “Mr. McCormick let me respond, although it is not on the agenda, I would be happy to respond directly. Mr. Donoghue stated the Indiana Access to Public Records Act contains an exception to disclosure of public records for those documents that are advisory in nature or statements of opinion prepared and relating to an issue pending before the Park Board and which are necessary for consideration by the Park Board in order to make its decision regarding that particular issue. Mr. Donoghue stated “now, you received a notice last week.”

Mr. McCormick stated “No, I haven’t received notice.”

Mr. Donoghue stated “if we stick to the facts I believe you reported to our office that you received a notice that you are entitled to an appeal of the point that you have expressed directly to the Board.” Mr. Donoghue asked Mr. McCormick “Did you not report to this office that you had received that notice.”

Mr. McCormick replied “I don’t know what you are talking about, what notice, you should have a copy of it here. I am asking for information that was generated by Darrell Garbacik.”

Mr. Donoghue responded “I answered that.”

Mr. McCormick stated “The Mayor called me and told me he was very concerned about the comments that were made by Darrell Garbacik; they were inappropriate. There were things said that shouldn’t have been said.”

Mr. Donoghue stated “Mr. McCormick I have answered your question.”

Mr. McCormick said “This is for the public information I am not asking you any questions, I’m not asking you none, I’m asking the Board.”

Mr. Donoghue responded “I am speaking for the Board.”

Mr. Latchford stated that Mr. Donoghue has responded to the reason why we cannot give you what you are requesting.

Mr. McCormick stated “I didn’t even ask you all that. All I am asking is why has the Board allowed Darrell Garbacik, the Superintendent, to make these kind of inappropriate comments some could consider racist and downright personal and vindictive. You need to look into those emails and read them yourself. It’s a shame that this goes on, every time . . .”

Mr. Donoghue stated “Mr. McCormick . . .”

Mr. McCormick asked “Is this open to the public right now? Can I continue without being interrupted by you?”

Mr. Donoghue answered “You may, keep speaking.”

Mr. McCormick stated “Every time I request information, policies or any of this stuff, I’ve got to jump through hoops. I requested policies on your appeal procedure and still haven’t received it. I requested copies of what our due process rights are on suspensions, lifetime suspensions and I still haven’t received that. Do you have a policy manual, a procedural policy manual? Is that open to the public so the public can come in and review your policies and your procedures and if so how can I do that? I did request that information already, policies and procedures please.”

Mr. Donoghue asked Mr. McCormick “Did you get a letter from me that contained policies and procedures from this Board?”

Mr. McCormick responded “No.”

Mr. Donoghue asked “You didn’t?”

Mr. McCormick responded “No.”

Mr. Donoghue asked “Do we have to send things to you certified mail Sir so we are sure that you received them?”

Mrs. Eason responded “It was sent certified mail.”

Mr. Donoghue asked “Is there a receipt?”

Mrs. Eason stated “No receipt was returned to us. It was sent certified and it is post marked.”

Mr. Donoghue asked “You haven’t received it? Do you live at 617 Union Street?”

Mr. McCormick responded “I haven’t received it Sir.”

Mr. Donoghue asked “Do you have any explanation as to why you haven’t received it?”

Mr. McCormick answered “You probably didn’t send it.”

Mr. Garbacik stated “We have the documentation.”

Mr. Donoghue stated “You are suggesting that Mrs. Eason didn’t send it and we have a receipt.”

Mr. McCormick stated “I wasn’t upstairs, I don’t know what she did. I never received it. If you received it or if I received it I have to sign for it. I have signed some things in the past and I had no problem with it.”

Mr. Garbacik stated “We sent it certified and he has not signed for it.”

Mr. McCormick stated “If you go to the United States Post Office it will tell if a person refused or they don’t want to come and pick it up; they write that on there.”

Mr. Donoghue stated “Well thanks for telling me, but I have been doing this for thirty years.”

Mr. McCormick answered “It seems like you haven’t because that is what is going on.”

Mr. Garbacik stated “Mr. McCormick we can give you a copy tonight of that if you would stick around we’ll give you a copy of what you are talking about.”

Mr. McCormick responded “Ok. Are your policies and procedures open to the public?”

Mr. Garbacik responded “They are and we have given you that Rodney.”

Mr. McCormick asked “Can I expect those?”

Mr. Garbacik “We’ve given . . .”

Mr. McCormick interrupted “I don’t want you to give me copies. I don’t want to spend a dime for no copy, I want to be able to . . . “

Mr. Garbacik interrupted “Rodney, we have given you what you have asked for, that is what I am trying to explain to you. There is nothing more that we can give you that we have not at this point. We have given you the policies and procedures that pertain to the program you are interested in which are the program rules. We have given that to you multiple times. We have given you copies of your file. We have let you come up here and go through your file. For the emails you are talking about, I certainly don’t agree and I can guarantee this Board that there is nothing of a racial nature. The Mayor has not indicated to me that he feels that way contrary to Mr. McCormick’s report. I think this Board and many people know me well enough that that is neither my style nor approach.”

Mr. Donoghue stated “Mr. McCormick, I want to ask you a question, Sir.”

Mr. McCormick stated “Do you want to talk to me behind closed doors. I’m not going to answer none of your questions. I am just here to ask questions about how can the public come in and review the policy.”

Mr. Garbacik answered “You have done that Rodney.”

Mr. McCormick stated “Ok, where is your appeal procedure. You just told me you passed one last week for the first time ever.”

Mr. Garbacik stated “We will give you that information . . .”

Mr. Donoghue interrupted "It's in the Statutes; it's in the Laws of the State of Indiana Mr. McCormick."

Mr. McCormick stated "It is not in I.C. Code 36; there is nothing in there about appeals. There is nothing in there about suspensions; there is nothing in there about life time suspensions. In fact, there is nothing in there about due process rights. Can you just show me that? I'm here right now today, I took time out of my busy schedule to come down here, I'll be happy to wait around here for five hours. Just show me those."

Mr. Donoghue responded "I will be glad to give you an opinion that says that it is in the Statute and I have done it a whole number of times Mr. McCormick."

Mr. McCormick asked "What is that Statute?"

Mr. Donoghue responded "That is Indiana 36-10."

Mr. McCormick stated "That is the procedure on how the Park Department should operate and it is the duties . . ."

Mr. Donoghue interrupted "I don't think this is the place to argue over this gentlemen."

Mr. Latchford stated "If I may, I haven't said much. You have asked for the policy and procedure and we will be happy to give that to you right after this meeting."

Mr. McCormick stated "Ok. Thank you."

Mr. Latchford stated "You're welcome."

Mr. Donoghue stated "I would like to know, Mr. McCormick, whether or not you told our office that you received notice about your appeal."

Mr. McCormick responded "Yeah, I did received notice of that, yeah. I got that certified mail and I have it right here."

Mr. Donoghue stated "You did get it."

Mr. McCormick stated "No, not what you were talking about. She said she didn't have a copy of whatever the Board had signed. You said something about some policies you sent to me. You didn't send me any policies. I just received this like three weeks ago. Darrell sent me a letter in the mail telling me that the Board has just passed something about appeals and in order for me to do anything or go further, talking about due process rights it is, I skipped one stage of my due process and just jump right to my appeal to the Board. That is inappropriate. And in fact . . ."

Mr. Donoghue interrupted "You need to follow the policy and the law, Sir."

Mr. McCormick responded “That’s what you need to do. You don’t intimidate me. I’ll see you in court; I’ve done that before too.”

Mr. Leonard Fedder concurred with Mr. Milcarek’s statements about the fee for the restaurant. Mr. Fedder stated he doesn’t think there should be any waiver of the fee and he doesn’t think there should be a discount of the fee. Mr. Fedder stated they should pay the same fee that everybody pays. Mr. Fedder stated he is a slip owner and he pays thousands of dollars just to have a few parking spots and anybody that goes in there should pay. If they pay the fee, they can get compensated from the restaurant. Every restaurant that has a parking problem offers compensation when they buy food in there. Mr. Fedder stated there should be no reason even for a discount for the new restaurant.

Mr. Donoghue stated “I heard that gentleman addressing the Board as he stepped out refer to me as an idiot and I would just like that to be on the record.”

Mr. Jim Jaksa stated the Board was talking about art in the park and he thinks that is a fantastic idea and if you pursue that he would encourage you to work with the Lubeznik Center. Michigan City is very fortunate to have a wonderful, first class art center. There are a lot of professionals there and Mr. Jaksa can’t imagine anything would make them happier than bringing this into the park and for them to be a part of it to make sure that we do keep the same quality of art that is in the center as well as the sculpture that is right outside the center now. Mr. Jaksa encouraged the Board to move that program forward; it is a wonderful thing. Look what this has done for P.N.C. People drive by to see the art whether they like it or they don’t like it; some if it lights and moves and all sorts of things and it is a show place and I think we can do that here in Washington Park.

- **On a motion** made by Mr. Freese, supported by all members of the Board, there being no further business, the meeting was adjourned at 6:04 p.m.

Darrell L. Garbacik, Superintendent
Michigan City Park Board

Tom Milcarek, Secretary
Michigan City Park Board

Attachments to the June 5, 2008 Park Board meeting:

1. Washington Park Splash Park Bid Specifications and Renderings
2. Daw Encroachment Lease for Property at 1644 Lake Shore Drive
3. Encroachment Status Report
4. Water Department On-Shore Intake Access Structure Drawings
5. 2008 Church League Softball Fees
6. Claims Docket Allowance for Vouchers Dated 06/05/08

7. Advertising Billboard Sign Agreement with McKay Printing for Patriot Park

Minutes prepared by Shannon Eason