

REGULAR MEETING – February 5, 2008

The Common Council of the City of Michigan City, Indiana, met in regular session on Tuesday evening, February 5, 2008, at the hour of 7:30 p.m., local time, in the Common Council Chambers, located in the lower level of the City Hall Building, 100 East Michigan Boulevard, Michigan City, Indiana.

The meeting was called to order at 7:30 p.m. by Council President Ron Meer.

President Meer welcomed Councilman Doyle back.

Councilman Doyle thanked the community for all the well wishes he had received.

Roll call was authorized and the following were noted present and/or absent:

PRESENT: COUNCIL MEMBERS Patricia Boy, Marc Espar, Phillip Jankowski, Robert McKee, Ron Meer, Willie Milsap, Richard Murphy, Joe Doyle, and Angie Starks. (9).

ABSENT: None (0).

A QUORUM WAS NOTED PRESENT.

APPROVAL of MINUTES

President Meer inquired whether there were any corrections, deletions, or additions to the minutes of the Regular Meeting of January 15, 2008 and hearing none, the minutes were approved as printed.

REPORTS of STANDING COMMITTEES

Council President Meer reported on the 2008 Standing Committee assignments and that Mayor Oberlie requested two Council members be appointed to the North End Development Special Committee. President Meer appointed Councilmen Milsap and Murphy to the task force.

REPORTS OF SPECIAL OR SELECT COMMITTEES

Councilman Espar reported on the Finance Committee meeting held January 22, 2008.

Councilman Doyle reported on the progress on the renovation being done at Memorial Park.

Councilman Jankowski advised the Council that he e-mailed Al Walus, Sanitary District Manger regarding Streibel Pond and ground water problems in the Forest Manner/Village Green areas.

Councilman Jankowski reported the Sanitation Department has created a Certification Program for certain Collection Maintenance staff.

REPORTS of OTHER CITY OFFICERS and DEPARTMENTS

Ta-Tanesha Clark, Executive Director/EEO Officer did a presentation for the City Council regarding the 2007 Equal Employment Opportunity and Affirmative Action Report.

Council President Meer requested a report from Ms. Clark regarding the statistics of full time employees, including benefits.

PETITIONS

There were no petitions.

COMMUNICATIONS

There were no communications

RESOLUTIONS

The Clerk read by title only, there being no objections,

RESOLUTION NO. [4385](#)

A RESOLUTION BY THE MICHIGAN CITY COMMON COUNCIL AUTHORIZING SUBMISSION OF AN APPLICATION TO ASSUME OWNERSHIP OF THE EAST PIERHEAD LIGHTHOUSE IN MICHIGAN CITY, INDIANA

WHEREAS, the Michigan City East Pierhead Lighthouse has been a landmark on the Lake Michigan Shores since its construction in 1904; and

WHEREAS, the United States General Services Administration has offered the Lighthouse to any government that can demonstrate the ability and commitment to maintain the structure; and

WHEREAS, the United States General Services Administration and Coast Guard could replace the Lighthouse in the future if no local government or not-for-profit assume ownership; and

WHEREAS, the United States Coast Guard will continue to maintain and operate the beacon within the lighthouse if a local government assumes ownership; and

WHEREAS, Abonmarche, under the direction of the city, conducted a condition assessment of the East Pierhead Lighthouse; and

WHEREAS, the Abonmarche report has found the structure to be basically in good condition but requiring repairs estimated at less than \$100,000.00; and

WHEREAS, the City acknowledges a financial commitment to maintain the lighthouse, should it be awarded possession.

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Michigan City, Indiana as follows:

Section 1. The above whereas clauses are incorporated herein by reference as though restated.

Section 2. The Michigan City Board of Public Works and Safety is hereby authorized to submit an application to assume ownership of the East Pierhead Lighthouse.

Section 3. The Michigan City Common Council acknowledges the City's commitment to develop and implement a plan for the maintenance and security of the East Pierhead Lighthouse.

Introduced by: Richard Murphy, Member

Co Sponsor Robert McKee, Member

Councilman Murphy made various comments pertaining to the proposed Resolution. Mr. Murphy thanked the Main Street Association and LaPorte County Convention and Visitors Bureau for their support regarding this matter.

Councilman McKee moved to adopt the Resolution, seconded by Councilman Doyle.

John Pugh responded to concerns Council Members Boy and Meer had regarding the purchase of the lighthouse structure.

Councilman McKee advised that he took a tour of the lighthouse and described the condition of the interior.

Council President Meer asked if there were any questions or comments by the general public, and John Pugh, Director, Planning and Inspection advised that the City is applying for ownership of only the structure of the lighthouse itself.

Council President Meer asked weather there were any other comments from the general public this evening on This Resolution and hearing none, directed the Clerk to call for the vote: **AYES: COUNCIL MEMBERS Meer, Milsap, Murphy, Starks, Boy, Doyle, Espar, Jankowski, and McKee (9). NAYS: None (0).** The Resolution was adopted.

ORDINANCES

The Clerk read on first reading by title only, **AN ORDINANCE PROHIBITING THE POSSESSION OF DEADLY WEAPONS BY INDIVIDUALS IN ANY BUILDING NOW OR HEREAFTER OWNED , LEASED, OPERATED, OCCUPIED, MANAGED, OR CONTROLLED BY THE CITY OF MICHIGAN CITY, INDIANA**, as Sponsored by Marc Espar and Co-Sponsored by Willie Milsap.

Councilman Espar made various comments in regards to safety/security on government properties and buildings.

Council President Meer referred this Ordinance to the Public/Safety Committee.

Council President Meer asked if there were any questions or comments regarding this Ordinance on first reading from the Council or general public, and Councilman McKee stated his concerns regarding the language.

Council President Meer agreed with Mr. McKee's comments.

Council President Meer asked if there were any other comments from the general public or Council and hearing none, the Ordinance was then laid over for second reading.

The Clerk read on first reading by title only, **AN ORDINANCE IMPROVING AND STANDARDIZING RULES AND TERMS APPLICABLE TO EMPLOYEES TRANSFERRING BETWEEN JOBS WITH DEPARTMENTS AND AGENCIES OF THE CITY OF MICHIGAN CITY, Introduced by:** Ron Meer and Willie Milsap.

Council President Meer gave an explanation on the proposed Ordinance regarding transfers between jobs within departments and agencies of the City.

Council President Meer referred this Ordinance to the Labor Relations Committee.

Council Attorney Meyer advised Councilwoman Boy that the implementation of the provisions as written in the Ordinance would be enforced by the Mayor.

Attorney Meyer stated any complaints would be directed to the Mayor then be investigated and addressed if there were any violations.

Council President Meer asked whether there were any questions or comments by the Council or general public and hearing none, the Ordinance was laid over for second reading.

The Clerk read on first reading by title only, **AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY, INDIANA REGULATING SMOKE DETECTORS FOR RENTAL PROPERTIES, introduced by:** Joseph Doyle, Patricia Boy and Robert McKee.

Councilman McKee stated this Ordinance was being brought back from the previous year with a few minor adjustments and agreed with the fire department that this Ordinance is necessary for public safety throughout our community.

There was a discussion among City Attorney Jennifer Evans, Deputy Chief Greis and Council Members, McKee, Espar, Starks, Murphy, Milsap, Meer, Doyle, and Boy.

Attorney Evans and Deputy Chief Greis addressed Nathaniel Williams of 1210 E. Michigan Boulevard questions and concerns regarding the language of this Ordinance and the inspections that would be required if adopted.

Attorney Evans explained procedures to Councilman Murphy of how a smoke detector inspection could occur regarding the request by a tenant or landlord.

Mr. Williams advised the Council of the process that was previously done by the Michigan City Fire Department regarding an inspection at Normandy Village.

Councilman Milsap and City Attorney Evans addressed Doug Newbanks of 515 Walker Street, concerns regarding who was responsible for smoke detector inspections at casinos, hotels, Section 8 properties, apartment complexes and other buildings and properties in our community.

Wesley Scully, 508 Pinetree Drive asked several questions regarding conflicts that could occur between a tenant and landlord if a smoke detector inspection was requested and fines that would be enforced.

Councilman McKee addressed Mr. Scully's questions and concerns.

City Attorney Evans and Councilwoman Starks discussed who would register to be in compliance with this Ordinance if adopted.

Debra Williams, 1210 E. Michigan Boulevard stated her concerns on action being taken and why the City has not taken responsibility in Michigan City regarding the State Statue that is already in effect regarding smoke detectors.

Council President Meer advised Ms. Williams that referred committee meetings are open to the public.

Joan Chumley, 832 Pine Street stated procedures that could be taken regarding the Ordinance.

Council President Meer asked if there were any comments by the Council or general public and hearing none, the Ordinance was laid over for second reading.

The Clerk read on second reading by title only, **AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY, INDIANA AMENDING ORDINANCE NO. 2009 CHANGING THE TIME OF THE REGULAR MEETINGS OF THE MICHIGAN CITY COMMON COUNCIL, Introduced by:** Joseph Doyle, Willie Milsap and Robert McKee.

Councilman Espar submitted the following amendment, which was seconded by Councilman Milsap.

WHEREAS, the Council finds that a change in the time of the regular City Council Meetings from 7:30 p.m. to **6:30 p.m.**, all local times, will provide the public a more convenient time to attend, listen, and participate in City Council Meetings.

There was discussion among Council Members, Starks, Boy, and McKee,

Comments were made by Sharon Carnes, 414 E. Coolspring Avenue, Beth Pishkur, 113 Rivera Drive, and Charles Sheerin, 402 Sheridan Avenue, regarding the amendment.

Council President Meer asked if there were any other comments by the general public or Council and hearing none, the motion carried and the amendment was adopted by the following vote: AYES: COUNCIL MEMBERS Milsap, Murphy, Doyle, Espar, and McKee, (5) NAYS: COUNCIL MEMBERS Starks, Boy, Jankowski, and Meer (4).

Council President Meer asked if there were any comments by the Council on the amended Ordinance on second reading.

Councilman Doyle objected to any amendments to the Ordinance on 3rd reading that Councilwoman Starks requested.

Council Members Doyle, Espar, Meer, Murphy, Boy and Starks stated their opinions regarding the time change.

Comments were made by Andy Steel, 353 Hawthorne Drive, Larry Silvestri 414 E. Coolspring Avenue, Wesley Scully, 508 Pinetree Drive, and Joan Chumley, 832 Pine Street.

Council President Meer asked if there were any questions or comments by the Council or general public and hearing none, the Ordinance was then laid over for third reading.

The Clerk read by title only on second reading, there being no objections, **AN ORDINANCE AMENDING ORDINANCE NO. 4010 BY ESTABLISHING THE POSITION AND SALARY OF THE EQUAL EMPLOYMENT OPPORTUNITY ENFORCEMENT OFFICER, Introduced by:** Pat Boy.

Councilman McKee moved to **TABLE** the Ordinance until the Common Council meeting, Tuesday, April 1, 2008 and stated reasons why, seconded by Councilman Milsap.

Council President Meer directed the Clerk to take the vote: **AYES: COUNCIL MEMBERS Murphy, Starks, Boy, Doyle, Espar, Jankowski, McKee, Meer, and Milsap (9). NAYS: None (0).** The Ordinance was **TABLED** until the Council Meeting April 1, 2008.

Council President Meer referred the Ordinance to the Code Review Committee.

The Clerk read by title only on second reading; **ADDITIONAL APPROPRIATION ORDINANCE, Introduced by: Pat Boy, (DECREASE: #9000 Riverboat Unappropriated \$51,451.78, #0101 General Fund \$51,451.78, INCREASE: Transfer of funds, Salaries & Wages, FICA, PERF, Health Insurance).**

Councilman McKee moved to **TABLE** the Ordinance until the Common Council meeting, Tuesday, April 1, 2008, seconded by Council Members Boy and Milsap.

Council President Meer directed the Clerk to take the vote: **AYES: COUNCIL MEMBERS Starks, Boy, Doyle, Espar, Jankowski, McKee, Meer, Milsap, and Murphy (9). NAYS: None (0).** The Ordinance was **TABLED** until the Council Meeting April 1, 2008.

Council President Meer referred the Ordinance to the Finance Committee.

The Clerk read by title only on second reading, **AN ORDINANCE OF THE MICHIGAN CITY COMMON COUNCIL AMENDING ORDINANCE NO. 4008 REGULATING THE USE OF FIREWORKS IN MICHIGAN CITY, INDIANA, Introduced by: Phil Jankowski.**

Councilman Jankowski advised that this amendment is to identify the fines in regards to fireworks violations.

Council President Meer asked if there were any questions or comments from the Council or general public and hearing none, the Ordinance was then laid over for third reading.

UNFINISHED BUSINESS

There was no Unfinished Business.

NEW BUSINESS

Council President Meer stated the Community Enrichment Corporation Incumbent Jim Kintzele's term expires February 15, 2008.

Councilman Milsap moved to re-appoint Jim Kintzele to the Community Enrichment Corporation, seconded by Councilwoman Boy.

Councilman Espar moved to appoint Robert Lee, 1404 Washington Street, to the Community Enrichment Corporation, seconded by Councilman Murphy.

Robert Lee, 1404 Washington Street introduced himself and stated reasons why he wanted to serve on the Michigan City Enrichment Corporation Committee.

Councilman Espar stated reasons he supported Mr. Lee to represent the Council for this appointment.

Council President Meer advised that Mr. Kintzele was unable to attend this meeting and that he did express that he wanted to continue to serve on the Community Enrichment Committee. President Meer stated that Mr. Kintzele has been dedicated to this committee and is very involved within our community.

Council President Meer asked if there were any comments or questions by the Council or general public, there being none the Clerk was directed to take the vote: **COUNCIL MEMBERS Boy (Lee), Doyle (Lee), Espar (Lee), Jankowski (Lee), McKee (Lee), Meer (Kintzele), Milsap (Kintzele), Murphy (Lee) and Starks (Kintzele). Jim Kintzele (3) votes; Robert Lee (6) votes.**

Council President Meer congratulated Mr. Lee to his appointment on the Community Enrichment Corporation.

Council President Meer stated that the following terms on the Social Status of African American Males Commission expire February 1, 2008.

Incumbents are:

Albertine Allen – Minority Health Coalition
Willie Milsap – Swanson Center
Rev. Charles Dowdell – Ministerial Association
Rodney Washington – LP County Prosecutors Office
Pat Jones – H.O.P.E.
Arthur Payne – Human Rights Commission

Councilman Milsap moved to re-appoint the above Incumbents to the Social Status of African American Males Commission, seconded by the entire Council.

President Meer advised Councilwoman Starks that Councilman Murphy is the Council's Liaison and asked Mr. Murphy to inquire if the above incumbents did express interest in being re-appointed for another term.

Council President Meer directed the Clerk to take the vote: **AYES: COUNCIL MEMBERS Doyle, Espar, Jankowski, McKee, Meer, Milsap, Murphy, Starks, and Boy (9). NAYS: None (0).**

COMMENTS FROM THE COUNCIL

Councilman Espar stated Councilman Milsap and himself will hold an informational and enrollment session regarding a Community Program –HIP (Health Indiana Plan) and Hoosier Healthwise. A presentation by Cara Logan of Covering Kids and Families of LaPorte County will be held on Wednesday, February 20th at 6:00 p.m. at the 5th Ward Neighborhood Office, 1401 E. Michigan Blvd.

Councilman Milsap announced that anyone in the 5th Ward that needs transportation to this presentation can call the 5th Ward at (219)861-0331.

Councilman McKee requested from Mayor Oberlie a working time line for each proposed objective regarding the North End Projects. Mr. McKee stated he would like to project the start of implementing the various plans in order to make sure everyone is doing their part to move Michigan City forward.

Council President Meer encouraged the public to attend the Committee meetings that Ordinances are referred to. President Meer reminded the Council that these meetings are to receive input from the general public along with any comments.

COMMENTS FROM THE PUBLIC

Council President Meer addressed Joan Chumley, 832 Pine Street, regarding the difference between a referred committee and a work shop. Mr. Meer stated that the referred committee meetings will be advertised in the News Dispatch and also be posted in the Clerk's Office.

Ms. Chumley reminded everyone that it is Black History Month and to remember Rebecca Williams who started the H.O.P.E. Program. Ms. Chumley stated that H.O.P.E needs help financially and donations would be greatly appreciated.

Johnny Mohamed, 421 E. 6th Street, commented on February being Black History Month and invited the Council to visit the Annual Savings Day Celebration in Chicago that represents 78 years of Black History.

ADJOURNMENT

On motion by Councilman Milsap, supported by the majority of the Council, and there being no further business to transact, President Meer declared the meeting **ADJOURNED** (approximately 9:32 p.m.).

Thomas F. Fedder, City Clerk