

REGULAR MEETING – February 6, 2007

The Common Council of the City of Michigan City, Indiana, met in regular session on Tuesday Evening, February 6, 2007, 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 Willie Milsap, who presided.

The Pledge of Allegiance to the Flag and a short period of silent prayer were observed.

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

PRESENT: COUNCIL MEMBERS Evelyn D. Baker; Patricia Boy; Joseph Doyle; Phillip Jankowski; Charles Lungren; Virginia Martin; Ronald Meer, Willie Millsap, Paul Przybylinski; (9)

ABSENT: None (0).

A QUORUM WAS NOTED PRESENT.

APPROVAL of MINUTES

President Milsap inquired whether there were any corrections, deletions, or additions to the minutes of the Regular Meeting of January 16, 2007, and, hearing none, the minutes were approved as printed.

REPORTS of STANDING COMMITTEES

There were no Standing Committee reports

REPORTS OF SPECIAL OR SELECT COMMITTEES

Councilwoman Martin reported at the executive session regarding the hiring of Counsel for the Common Council, that the salary will not exceed \$10,000.00 in a calendar year. Mrs. Martin announced that the nomination was Attorney James B. Meyer.

Councilwoman Boy moved to accept the nomination that James B. Meyer represent the City Council as their Legal Counsel, the motion seconded by Councilman Lungren and carried by the following vote: AYES: Members Martin, Meer, Baker, Boy, Doyle, Jankowski, Lungren (7). NAYS: Members Milsap, Przybylinski (2).

President Milsap advised the Clerk's Office to draft a letter to Attorney Meyer regarding the Council's decision.

Councilman Przybylinski stated at the Solid Waste District Board meeting they tabled the rate increase, made a motion to freeze any grant programs at this time and their Attorney reported on protecting their investments.

Councilman Lungren agreed with Councilman Przybylinski that there should be representation of the Sanitary District on the IMM (Indiana Melting Mfg.) Board.

REPORTS of OTHER CITY OFFICERS and DEPARTMENTS

Status Report – Warren Building, Franklin Square

John Pugh, City Planner reported on the status of the Warren Building in Franklin Square, that the Warren Building is secure and that it isn't a public safety hazard at this time. Mr. Pugh stated that the building is privately owned and that the Planning Department will continue to monitor its condition.

There was a discussion among John Pugh, City Planner, Council Members Martin, Lungren, Przybylinski, and Milsap regarding the status, condition and possible future plans of the Warren Building.

David Landow, 627 Pine Street, commented on people loitering and littering along the alley way next to the Warren Building.

Sharon Carnes, 414 E. Coolspring Avenue, questioned why the Warren Building and South Shore Station are not considered a plight to the neighborhood. Ms. Carnes stated that the Warren Building is doing more harm to the City than the Blocksom property.

D.L. Foreman, 627 Pine Street, commented on fines that could be imposed to property owner's of empty buildings.

Todd Zeiger, Historic Land Mark Foundation of Indiana, South Bend, Indiana and Mr. Pugh discussed the Indiana Unsafe Building Law.

David Landow, 627 Pine Street, stated that the Warren Building may not be unsafe, but he is sure it is not up to City Codes and that the owner should be given fines until he was motivated to start redeveloping this property.

Council Members Przybylinski, Martin, Lungren and Mr. Pugh discussed the status of Indiana Unsafe Building Law regarding receivership of the Warren Building along with other buildings vacant at the north end of the city.

PETITIONS

There were no Petitions

COMMUNICATIONS

There were no Communications

RESOLUTIONS

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

RESOLUTION NO. [4353](#)

A RESOLUTION TO THE MICHIGAN CITY PLAN COMMISSION AND TO THE MICHIGAN CITY PLANNING AND INSPECTION DEPARTMENT INSTRUCTING THE WAIVER OF CERTAIN BUILDING PERMIT FEES AND INSPECTION FEES

WHEREAS, Michigan City Common Council has given support to the creation and the need of decent and adequate housing and supports the need to help make better housing available to those who would not qualify under normal means; and

WHEREAS, Michigan City Habitat for Humanity, Inc., works in partnership with people in need of decent and adequate housing who would not qualify for home ownership under normal means; and

WHEREAS, Michigan City Habitat for Humanity, Inc., acquires property and builds a house in partnership with a family that is selected by a committee; and

WHEREAS, Michigan City Habitat for Humanity, Inc., purchases building material through various fund-raising events, and uses volunteer labor in building houses; and

WHEREAS, upon completion, the home is sold to the family with a no-profit, no-interest mortgage, and

WHEREAS, Michigan City Habitat for Humanity, Inc., works with homeowners, helping them to become responsible homeowners; and

WHEREAS, the Common Council wishes to lessen the burden for Michigan City Habitat for Humanity, Inc., so they can proceed with construction without delay.

NOW, THEREFORE, BE IT RESOLVED, that the Michigan City Common Council respectfully requests the Plan Commission and the Planning and Inspection Departments to specifically waive and all fees on the home site being constructed by Michigan City Habitat for Humanity, Inc., more located at 228 Van Spanje Ave., Michigan City, Indiana 46360 and more particularly described as follows:

Parcel No. 42-01-34-131-018

Upon the passage of this Resolution, the City Clerk will send a copy to each member of the Board of Public Works and Safety and to John Pugh, in the Planning and Inspection Department for future demonstration with the State Board of Accounts

This Resolution shall be in full force and effect after passage and approval by the Mayor of Michigan City.

INTRODUCED BY: /s/ Phil Jankowski, Member

Councilman Jankowski moved to adopt the Resolution, seconded by Councilwoman Martin.

The motion carried and the Resolution was adopted by the following vote: **AYES: COUNCIL MEMBERS Meer, Milsap, Przybylinski, Baker, Boy, Doyle, Jankowski, Lungren, and Martin (9). NAYS: None (0).**

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

RESOLUTION NO. [4354](#)

A RESOLUTION OF THE MICHIGAN CITY COMMON COUNCIL SUPPORTING THE MICHIGAN CITY DEPARTMENT OF PARKS AND RECREATION IN ITS APPLICATION FOR AN INDIANA DEPARTMENT OF TRANSPORTATION GRANT TO DEVELOP A NON-MOTORIZED TRAIL SYSTEM IN THE CITY OF MICHIGAN CITY, INDIANA

WHEREAS, the Michigan City Department of Parks and Recreation has advised the Common Council that it will apply for a one-million dollar grant award from the State of Indiana Department of Transportation (INDOT) for the development of a non-motorized trail system within the city of Michigan City, and

WHEREAS, said Department is a strong advocate of such a trail system, which will appeal to widest possible range of participants, young and old, including bikers, joggers, walkers, runners, rollerbladers, baby strollers, and wheelchairs, and will provide many additional recreation opportunities for the citizens of Michigan City as well as tourists, thus enhancing the quality of life in Michigan City, and

WHEREAS, said Department has requested a letter of support from the Michigan City Common Council to enhance the possibility of receiving such a grant award from INDOT, and

WHEREAS, said Department has received support from the following City of Michigan City Offices and Departments: Mayor Oberlie, Planning Department, Police Department, City Engineer, Sanitary District; also from the following public agencies: Michigan City Chamber of Commerce; Michigan City Economic Development Corporation; Indiana Department of Natural Resources; the United States National Park Service, and the LaPorte County Park and Recreation Department, together with numerous bicycle clubs, citizens groups and private individuals in support of a trails system in Michigan City, and

WHEREAS, the Michigan City Common council recognizes the many benefits to its citizens, and to the economic health and welfare of the region that will result from the establishment of such a non-motorized trail system.

NOW THEREFORE, be it resolved by the Michigan City Common Council as follows:

- (1.) That the Michigan City Common Council hereby expresses its support for a non-motorized trail system for the City of Michigan City and
- (2.) Further supports the efforts of the Michigan City Department of Parks and Recreation in applying for and attempting to obtain a grant award from IDNR for the purpose of developing such a trail system.
- (3.) That the President of this Council is and he is hereby authorized to sign the form of letter of support on the letterhead of this Council and to provide said letter to the Michigan City of Parks and Recreation for use as part of its grant application package.
- (4.) The City Controller is hereby authorized to establish a fund to receive and expend the grant monies without further Council action.

INTRODUCED BY: /s/ Joseph Doyle, Councilmen

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

There was a discussion among Laura New, Park and Recreation Office Manager and Council Members, Meer, Przybylinski, Lungren.

Ms. New responded to questions from Tony Childers, 205 Douglas Avenue regarding the Singing Sand Project and the proposed resolution.

The motion carried and the Resolution was adopted by the following vote: AYES: COUNCIL MEMBERS Milsap, Przybylinski, Baker, Boy, Doyle, Jankowski, Lungren, Martin, and Meer.

ORDINANCES

The Clerk read on first reading by title only, **AN ORDINANCE OF THE MICHIGAN CITY COMMON COUNCIL TO EXPAND THE MAP SETTING FORTH THE HISTORIC DISTRICT OF THE CITY OF MICHIGAN CITY INCLUDE 'THE WORKS' BUILDING**

INTRODUCED BY: Paul Przybylinski, Member
Historic Review Board Liaison

Councilman Przybylinski requested the Clerk to read the Ordinance in its entirety.

There was a discussion by Council Members Przybylinski, Lungren, Martin, Boy, and Meer regarding their questions and concern to the Ordinance.

Attorney Todd Lee representing Light House Place/Chelsea Property Group advised the Council his concerns of the Proposed Ordinance regarding the future of The Works building.

Todd Zeiger, Historic Land Mark Foundation of Indiana, South Bend, Indiana commented on questions the Council had regarding this matter. Mr. Zeiger asked the Council to pass this Ordinance to second reading to continue the public dialog.

David Landow, 627 Pine Street stated his concerns regarding the possible demolition of The Works building.

Chris Juricic, General Manager of Light House Place Premium Outlet, stated the status and condition of the Pullman Building that was recently demolished. Ms. Juricic advised the Council the goals, accomplishments and events Light House Premium Outlet has accomplished to help bring tourist to the City. They want the southeast quadrant of Premium Outlet to be redeveloped.

Larry Silvestri, 414 E. Coolspring Avenue, advised the Council that Chelsea Group, Blue Chip Casino, Washington Park has done so much for the city, he stated concerns regarding The Works and other historical buildings within the community.

The Ordinance was then laid over for second reading.

The Clerk read on second reading by title only, **AN ORDINANCE TO AMEND ORDINANCE 2560 AND ALL SUBSEQUENTLY ENACTED AMENDING ORDINANCES THERETO, ALL COLLECTIVELY KNOWN AS THE FIRE MERIT ORDINANCE OF THE MUNICIPAL CODE OF THE CITY OF MICHIGAN CITY, INDIANA, ALSO KNOWN AS THE MICHIGAN CITY MUNICIPAL CODE SECTION 54-173 (1) et. seq.**

Introduced by Pat Boy.

Councilwoman Boy stated that at the Fire Commission Meeting they decided to withdraw this Ordinance. There will be a workshop Monday, March 5, 2007 at 6:00 p.m. in the Council Chamber.

UNFINISHED BUSINESS

There was no Unfinished Business.

NEW BUSINESS

There was no New Business

COMMENTS FROM THE COUNCIL

Mayor Oberlie and Councilman Meer discussed signage that are being put up throughout the city regarding Playground/Crossing signs. Mayor Oberlie advised Mr. Meer regarding zoning signs at the west entrance of the city they weren't obsolete, that the statute remains.

Mayor Oberlie and Councilman Meer discussed the status of Singing Sand Trails and an entry to the beaches on the Westside of the City.

There was a discussion between Mayor Oberlie and Councilman Przybylinski regarding the status/responsibility of Michigan Boulevard.

Councilman Przybylinski thanked Todd Zeiger, Historic Land Mark Foundation of Indiana, for coming to speak to the Council.

Councilman Przybylinski thanked Laura New, Office Manager, Park and Recreation Department for her hard work and efforts regarding non-motorized trail projects.

Councilman Doyle stated that Laura New received on behalf of the Park and Recreation Department from IPRA the Outstanding Park Development award for the Michigan City Greenway Master Plan, BPA for the North Central Zone director of the year award and a VPA North Central Umpire 110% award.

Mayor Oberlie advised Councilman Milsap that the Senior Center and City Hall are warming stations for the community during regular hours.

Councilman Lungren advised that First Presbyterian Church, 9th and Washington Street has a twenty-four hour warming station.

COMMENTS FROM THE PUBLIC

Councilwoman Boy advised Joan Chumley, 832 Pine Street, that the Fire Merit Commission Workshop on March 5, 2007 is open to the public.

ADJOURNMENT

On motion by Councilman Doyle, supported by the majority of the Council, and there being no further business to transact, President Milsap declared the meeting **ADJOURNED** (approximately 9:05 p.m.)

Thomas F. Fedder, City Clerk