

REGULAR MEETING – APRIL 3, 2007

The Common Council of the City of Michigan City, Indiana, met in regular session on Tuesday Evening, April 3, 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, Virginia Martin; Ronald Meer, Willie Milsap, and Paul Przybylinski (8).

ABSENT: None (0).

A QUORUM WAS NOTED PRESENT.

APPROVAL of MINUTES

Vice President Meer inquired whether there were any corrections, deletions, or additions to the minutes of the Regular Meeting of March 20, 2007, and, hearing none, the minutes were approved as printed.

REPORTS of STANDING COMMITTEES

Councilman Doyle reported on the Zoo Grand Opening.

Councilwoman Boy reported on the Plan Commission meeting that was held last week and mentioned a particular concern was the definition of towers in the zoning code. Mrs. Boy stated that the language of towers in the zoning code needed to be cleaned up and the Plan Commission has requested a workshop to be scheduled with the City Council to address this issue.

Councilman Przybylinski gave an update on the Solid Waste Board. He spoke on the matter regarding a plan to focus on all the problems within the zone and the issues that have been brought up.

REPORTS of SPECIAL or SELECT COMMITTEE

There were no reports.

REPORTS of OTHER CITY OFFICERS and DEPARTMENTS

City Planner John Pugh gave the following status report regarding the Old B & W Tavern, 223 Willard Avenue. This report was requested by Council President Milsap to be presented at this meeting.

City Planner John Pugh responded to questions by Councilman Meer regarding the term "blite" or unsafe building code.

Councilman Przybylinski commented on the properties in the community, requesting an active list for the Council of all properties that are targeted. City Planner Pugh informed Councilman Przybylinski that Tyler Tarpley, Code Enforcement Office, has a list of properties that were either taken to the Board of Public Works and Safety or are ready to be taken.

Council President Milsap spoke on the advisement letter to Mr. Willie Hammond in reference to the cleanup of his property (B&W Tavern). Mr. Pugh informed Council President Milsap that it was not a letter, but a verbal

conversation on March 29, 2007. City Planner informed Council President Milsap if Mr. Hammond's does not comply with the oral request, the Planning Department would proceed through the Board of Public Works and Safety.

There was conversation among City Planner Pugh and Councilman Meer regarding a letter addressed to Mr. Lee Terryberry, Herman & Kittle Properties, Inc., Indianapolis, IN, regarding a building permit issued to Mr. Terryberry on March 1, 2007 for the property located at the intersection of Pahs Road and Clover Lane.

Sharon Carnes, 414 E. Coolspring Avenue, quoted part of Appendix of the Michigan City Municipal Code (36-7-9-4) - Unsafe Building and Unsafe Premises.

There was discussion among Councilman Meer and John Pugh regarding demolition of old homes.

Councilwoman Martin commented on property taxes.

PETITIONS

There were no petitions.

COMMUNICATIONS

There were no communications.

RESOLUTIONS

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

RESOLUTION NO. 4357

RESOLUTION APPROVING STATEMENT OF BENEFITS IN SUPPORT OF APPLICATION FOR PROPERTY TAX ABATEMENT: STAIGER HARDWARE COMPANY, INC., AN INDIANA CORPORATION

WHEREAS, the Michigan City Common Council, by Ordinance 2648, as subsequently amended, established a Tax Abatement Area in the City of Michigan City, Indiana, and a Tax Abatement Program pursuant to the terms of I.C. 6-1.1-12.1-1, et seq; and

WHEREAS, the most recent amendment to ordinance no. 2648, was Ordinance No. 3967, approved on January 4, 2006, whereby the designation of the Economic Revitalization Area and the Tax Abatement Program were extended to and shall expire on December 31, 2007; and

WHEREAS, Staiger Hardware Company, inc., an Indiana Corporation, has filed with this Council its Statement of benefits on the form provided by the Indiana State Board of Tax Commissioners and has provided this Council with a presentation in support thereof; and

WHEREAS, the real property being redeveloped by Staiger Hardware Company, inc., is located at 617 Franklin Street, which is within the boundaries of the Franklin Street Historic preservation District, and which this Council has designated as an Economic Development Target Area; and

WHEREAS, this Council is satisfied that the Petitioner's Statement of Benefits meets with requirements of Ordinance Number 2648, as amended.

NOW, THEREFORE, BE IT RESOLVED:

SECTION 1. That the matters and things recited in the preamble hereof are hereby adopted and made a part of this Ordinance by incorporation and reference as if repeated in full herein.

SECTION 2. BE IT FURTHER RESOLVED that the Common Council of the City of Michigan City hereby determines:

- A. That the commercial tenant who shall occupy the proposed project is Duneland Lutheran High School.
- B. Staiger Hardware Company, Inc., is redeveloped approximately 6,500 square feet of the first floor of the real property located at 617 Franklin Street in the City of Michigan City, Indiana, by rehabilitating and constructing new tenant space to include offices, classrooms, common areas and restrooms for use as a high school
- C. The estimated cost of the redevelopment project of this nature.

- D. The projected number of employees to be retained and employed, the payment of their salaries, and the additional value of the development of the project and the improvements thereon as described in the Statement of Benefits are benefits which can be reasonably expected to result from the proposed redevelopment project.
- E. The totality of benefits described justify the deductions which will occur in tax abatement for this project.
- F. That as a result of the above-referenced Resolutions and Ordinances, the deduction to which the petitioner is entitled is a Ten (10) years with respect to the redevelopment of real property improvements.
- G. That the location of the Petitioner's redevelopment project is within the Michigan City Economic Revitalization Area as well as within the Franklin Street Historic Preservation District, which is an Economic Development Target Area.
- H. That the Statement of Benefits filed by the Petitioner meets the requirements of this Council and should be approved as submitted.
- I. That the grant of approval and oversight provisions referred to herein are subject to the report and oversight provisions of applicable Ordinances of the City of Michigan City, Indiana.

SECTION 3: The Common Council hereby accepts and approves the Statement of Benefits of the Petitioner, dated march 28, 2007, and hereby authorizes the signature thereof by the President of this Council and the attestation thereof by the City Clerk.

SECTION 4: That said Statement of Benefits shall be treated as confidential in the manner provided by law.

SECTION 5: This Resolution shall be in full force and effect after its adoption by the Michigan City Common Council and approval of the Mayor.

INTRODUCED BY: /s/ Patricia Boy

Councilwoman Boy moved to adopt the Resolution, which was seconded by Council Members Doyle and Baker.

There was discussion among Attorney John Lake (1700 Boyd Circle, Michigan City, IN), Robert W. Lake, Councilwoman Martin, Mayor Oberlie, Councilwoman Baker, Councilman Przybylinski, and Councilwoman Boy.

The motion carried and the Resolution was adopted by the following vote: **AYES: COUNCIL MEMBERS Martin, Meer, Milsap, Przybylinski, Baker, Boy, Doyle and Jankowski (8). NAYS: None (0).**

RESOLUTION NO. [4358](#)

RESOLUTION APPROVING STATEMENT OF BENEFITS IN SUPPORT OF APPLICATION FOR PROPERTY TAX ABATEMENT: STAIGER HARDWARE COMPANY, INC., AN INDIANA CORPORATION

WHEREAS, the Michigan City Common Council, by Ordinance 2648, as subsequently amended, established a Tax Abatement Area in the City of Michigan City, Indiana, and a Tax Abatement Program pursuant to the terms of I.C. 6-1,1-12.1, et seq; and

WHEREAS, the most recent amendment to Ordinance No. 2648, was Ordinance No. 3967, approved on January 4, 2006, whereby the designation of the Economic Revitalization Area and the Tax Abatement Program were extended to and shall expire on December 31, 2007; and

WHEREAS, Staiger Hardware Company, Inc., an Indiana Corporation, has filed with this Council its Statement of Benefits on the form provided by the Indiana State Board of Tax Commissioners and has provided this Council with a presentation in support thereof; and

WHEREAS, the real property being redeveloped by Staiger Hardware Company, Inc., is located at 621 Franklin Street, which is within the boundaries of the Franklin Street Historic Preservation District, and which this Council has designated as an Economic Development Target Area; and

WHEREAS, this Council is satisfied that the Petitioner's Statement of Benefits meets with requirements of Ordinance Number 2648, as amended.

NOW, THEREFORE, BE IT RESOLVED:

SECTION 1. That the matters and things recited in the preamble hereof are hereby adopted and made a part of this Ordinance by incorporation and reference as if repeated in full herein.

SECTION 2. BE IT FURTHER RESOLVED that the Common Council of the City of Michigan City hereby determines:

- A. That the commercial tenants who shall occupy portions of the proposed project are Duneland Lutheran High School and Jazzercise.
- B. Staiger Hardware Company, In., is redeveloping approximately 9,200 square feet of the real property located at 621 Franklin Street in the City of Michigan City, Indiana, by rehabilitating and constructing new tenant space on the first floor to include offices, classrooms, and common areas for use as a high school, and on the second floor to include a studio for use by Jazzercise and a private apartment.
- C. The estimated cost of the redevelopment is reasonable for a redevelopment project of this nature.

- D. The projected number of the employees to be retained and employed, the payment of their salaries, and the additional value of the development of the project and the improvements thereon as described in the Statement of Benefits are benefits which can be reasonably expected to result from the proposed redevelopment project.
- E. The totality of benefits described justify the deductions which will occur in tax abatement for this project.
- F. That as a result of the above-referenced Resolutions and Ordinances, the deduction to which the petitioner is entitled to is Ten (10) years with respect tot the redevelopment of real property improvements.
- G. That the location of the Petitioner's redevelopment project is within the Michigan City Economic Revitalization Area as well as within the Franklin Street Historic Preservation District, which is an Economic Development Target Area.
- H. That the Statement of Benefits filed by the Petitioner meets the requirements of this Council and should be approved as submitted.
- I. That the grant of approval and oversight provisions referred to herein are subject to the report and oversight provisions of applicable Ordinances of the City of Michigan City, Indiana.

SECTION 3: The Common Council hereby accepts and approves the Statement of Benefits of the Petitioner, dated March 28, 2007, and hereby authorizes the signature thereof by the President of this Council and the attestation thereof by the City Clerk.

SECTION 4: That said Statement of Benefits shall be treated as confidential in the manner provided by law.

SECTION 5: This Resolution shall be in full force and effect after its adoption by the Michigan City Common Council and approval of the Mayor.

INTRODUCED BY: /s/ Patricia Boy, Member

Councilwoman Boy moved for the adoption of the Resolution, seconded by Councilman Przybylinski.

There were comments made by Attorney John Lake and Robert W. Lake.

The motion carried and the Resolution was adopted by the following vote: COUNCIL MEMBERS Meer, Milsap, Przybylinski, Baker, Boy, Doyle, Jankowski and Martin (8). NAYS: None (0).

ORDINANCES

There were no Ordinances.

UNFINISHED BUSINESS

There was no Unfinished Business.

NEW BUSINESS

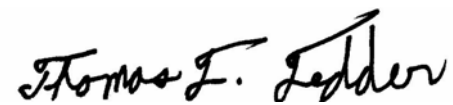
There was no New Business.

COMMENTS FROM THE COUNCIL

City Planner John Pugh responded to questions by Councilman Przybylinski regarding properties that have been presented to the Board of Public Works: 1203 Washington Street and the Building located at 100 block of Green and Washington Street.

Council President Milsap made an announcement regarding the 5th Ward Neighborhood Office Spring Fling will be held Saturday, April 14th at the vacant lot across from the office located at 1401 E. Michigan Boulevard, from 12 noon until 5:00 p.m.

Attorney Mr. John Lake responded to questions by Council President Milsap regarding the status of his office that was located on Michigan Boulevard.



COMMENTS FROM THE PUBLIC

Mr. Roger Potratz, 2801 Maple Street, commented on the building that Attorney John Lake previously owned on Michigan Boulevard and stated he believed the building now has been purchased by the Michigan Township and will be converted into their office (Michigan Township Trustee's Office).

ADJOURNMENT

On motion by Councilman Doyle, supported by the majority of the Council, and there being no further business to transact, Vice President Meer declared the meeting ADJOURNED (approximately 8:45 p.m.)

Thomas F. Fedder, City Clerk