

## REGULAR MEETING – JUNE 5, 2007

The Common Council of the City of Michigan City, Indiana, met in regular session on Tuesday Evening, June 5, 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; Angelo Corley, Joseph Doyle; Phillip Jankowski, Virginia Martin; Ronald Meer, Willie Milsap, and 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 Executive Session of April 17, 2007 and the Regular Meeting of May 15, 2007, and, on motion by Councilman Meer, seconded by Councilman Przybylinski, declared the minutes approved as written.

### REPORTS of STANDING COMMITTEES

Councilman Przybylinski gave information to the Council and general public regarding the Solid Waste Board meeting held on the 4<sup>th</sup> day of June, 2007.

### REPORTS of SPECIAL or SELECT COMMITTEE

There were no Reports.

### REPORTS of OTHER CITY OFFICERS and DEPARTMENTS

There were no Reports.

### PETITIONS

There were no Petitions.

### COMMUNICATIONS

There were no Communications.

At this time, **Vice President Meer requested to suspend the rules** to allow the Palatek Revenue Bond Ordinance, which is on third reading, brought forward to this portion of the agenda and there was no objection.

The Clerk read on third reading by title only, **AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED TEN MILLION DOLLARS (\$10, 000,000.00) OF THE CITY OF MICHIGAN CITY, INDIANA VARIABLE RATE DEMAND LIMITED OBLIGATION REVENUE BONDS, SERIES 2007 (PALATEK PROJECT); DESIGNATING THE BONDS AS LIMITED OBLIGATIONS OF THE CITY:**

**APPROVING THE FORM OF , AND AUTHORIZING THE EXECUTION AND DELIVERY OF, THE TRUST INDENTURE, LOAN AGREEMENT AND OTHER DOCUMENTS RELATED TO THE ISSUANCE AND SALE OF THE BONDS; AND AUTHORIZING PROPER OFFICERS TO DO ALL OTHER THINGS DEEMED NECESSARY OR ADVISABLE IN CONNECTION THEREWITH AND APPROVING AND AUTHORIZING OTHER ACTIONS IN RESPECT THERETO**, introduced by Patricia A. Boy.

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

By the request of Councilman Przybylinski, Attorney Alan B. Feldbaum, Barnes & Thornburg LLP, Bond Counsel for the proposed Bond Issue, gave a brief explanation of the proposed 10,000,000.00 Economic Development Revenue Bond Issue. Attorney Feldbaum said while the city is adopting an Ordinance approving the bonds, the bonds are not an obligation of the City of Michigan City. He said they are solely the obligation of Palatek and they are secured by a letter of credit that was discussed at the last meeting. Attorney Feldbaum said the Council is enabling them, showing your support which is required under the tax laws in order for them to issue these bonds on a tax exempt basis. Attorney Feldbaum gave a brief explanation of what has taken place since the last Council meeting.

There was discussion between Attorney Feldbaum and Council Attorney Meyer regarding the proposed Ordinance.

Council President Milsap asked if there were any comments or questions by the Council or public, and hearing none, directed the Clerk to call for the vote: **AYES: COUNCIL MEMBERS Jankowski, Martin, Meer, Milsap, Przybylinski, Baker, Boy, Corley, and Doyle (9). NAYS: None (0). ORDINANCE ADOPTED**

## **RESOLUTIONS**

Moving back to the agenda:

There being no objections, the Clerk read by title only, **A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY SUPPORTING THE USE OF CERTAIN RIVERBOAT FUNDS FOR TAX RELIEF TO ITS RESIDENTS**, as introduced by Phil Jankowski and Paul Przybylinski.

Councilman Jankowski moved to table the proposed Resolution. The motion, seconded by Councilwoman Martin, carried by the following vote: **AYES: COUNCIL MEMBERS Martin, Meer, Milsap, Przybylinski, Baker, Boy, Corley, Doyle, and Jankowski (9). NAYS: None (0).**

For clarification purposes, the proposed **Resolution** was **Tabled Indefinitely**. Councilman Jankowski briefly commented on the proposed Resolution regarding information he received from County Auditor Teresa Shuter and has not had an opportunity to digest all the information. He said he would like to research the information she provided.

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

### **RESOLUTION NO. 4361**

#### **RESOLUTION APPROVING STATEMENT OF BENEFITS IN SUPPORT OF APPLICATION FOR PROPERTY TAX ABATEMENT: JEANNE D. HOYLE**

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, Jeanne D. Hoyle has filed with this Council her 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 developed by Jeanne D. Hoyle is located at 701 Washington Street, which is within the boundaries of the Franklin street historic Preservation District, and which this Council has designated as 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 and utilize the proposed storage facility is Top Dog/Great Lakes Catering, Inc.
- B. Jeanne D. Hoyle is redeveloping and having constructed an approximate 750 square foot storage facility to be located behind the existing building at 701 Washington Street in the City of Michigan City, Indiana, for use by the commercial tenant Top Dog/Great Lakes Catering, Inc.
- C. The estimated cost of the redevelopment is reasonable for 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 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 May 14, 2007, and hereby authorizes the signature thereof by the President of this Council and the attestation 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: Patricia Boy, Member

Councilwoman Boy moved for the adoption of the Resolution, seconded by Councilman Doyle. Attorney John Lake, law firm Lake and Lake, explained the proposed tax abatement and answered questions by Council Members Martin and Przybylinski.

Council President Milsap asked if there were any other comments or questions by the Council or public, hearing none, directed the Clerk to call for the vote: **AYES: COUNCIL MEMBERS Meer, Milsap, Pzybylinski, Baker, Boy, Corley, Doyle, Jankowski, and Martin (9). NAYS: None (0).**

## **ORDINANCES**

The Clerk read by title only on second reading, there being no objections, **AN ORDINANCE PROVIDING FOR THE VACATION OF AN ALLEY RUNNING IN AN EASTERLY AND WESTERLY DIRECTION BETWEEN 8<sup>TH</sup> STREET ON THE WEST AND MICHIGAN BLVD. ON THE EAST IN MICHIGAN CITY, INDIANA**, as introduced by Patricia A. Boy. (Public Hearing to be held June 5<sup>th</sup> - News Dispatch Ad May 16 & 23, 2007 .)

There was discussion between Councilwoman Boy and Council Attorney Meyer regarding the proposed Ordinance. Councilwoman Boy asked if the Council had a problem with it being on second reading it could go back to first reading. Councilwoman Martin stated she felt the Ordinance should go back to first reading.

Councilman Meer suggested withdrawing the original proposed Ordinance and re-introduce this new Ordinance on first reading, which Council Attorney Meyer agreed.

Councilwoman Boy moved to withdraw the first Ordinance on second reading and introduce the Ordinance on first reading, seconded by Councilman Doyle.

A point of Order was called by Councilman Przybylinski who stated the Council can only do one (1) thing at a time. He said the Ordinance needs to be removed and then introduced without objection on first reading.

Councilwoman Boy then removed the Ordinance on second reading, seconded by Councilman Doyle. She then moved to introduce the Ordinance on first reading, and there was objection by Councilwoman Martin.

There was discussion among Councilwoman Martin, Council Attorney Meyer, Councilwoman Boy, Councilman Meer regarding the proposed Ordinance. The Ordinance will be on **first reading** at the **June 19<sup>th</sup>** meeting.

There being no objections, the Clerk read by title only on second reading, **AN ORDINANCE TO AMEND ORDINANCE NO. 2306, ALSO KNOWN AS SEC. 86-4 OF THE MUNICIPAL CODE OF THE CITY OF MICHIGAN CITY, INDIANA**, as introduced by Paul A. Przybylinski. (Re: construction of side walks.)

Councilman Przybylinski explained the proposed Ordinance and made various comments pertaining to the proposed Ordinance. He stated he is trying to take some of the burden off of the taxpayer.

Council President Milsap asked if there were any comments or questions by the Council or 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 ESTABLISHING ARTICLE V OF CHAPTER 46 (ENVIRONMENTAL) OF THE MUNICIPAL CODE OF THE CITY OF MICHIGAN CITY, INDIANA AND REGULATING OUTDOOR HYDRONIC HEATERS (WOOD-FIRED BOILERS)**, as Introduced by Patricia A. Boy. (At the May 15<sup>th</sup> meeting motion was made to allow **amendments** on **third reading**.)

Councilwoman Boy presented the following author's amendment: In Section 1 B, line 3, after "certified" add "by the original manufacturer", seconded by Councilman Meer.

There was discussion among Councilwoman Boy and Councilman Przybylinski on the proposed Ordinance.

Council President Milsap asked if there were any questions or comments from the Council or public regarding the amendment, and the following individuals spoke on the proposed Ordinance: Ms. Conni Clay, Resource Specialist - Save the Dunes Council and Jim Donnelly, LaPorte, IN.

Councilwoman Boy requested that each member of the Council receive a copy of the information provided by Ms. Clay and Mr. Donnelly.

Council President Milsap asked if there were any other comments or questions by the Council or public **on the amendment**, hearing none, directed the Clerk to call for the vote: **AYES: COUNCIL MEMBERS Milsap, Pzybylinski, Baker, Boy, Corley, Doyle, Jankowski, Martin and Meer (9). NAYS: None (0).**

The Ordinance was then laid over for third reading.

There being no objections, the Clerk read by title only on second reading, AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY DECLARING AN EMERGENCY AND APPROPRIATING CERTAIN ADDITIONAL GAMING REVENUE, as Introduced by Phil Jankowski and Co-Sponsored by Paul Przybylinski. (Re: Tax Relief Program for the tax year 2007, payable 2008.)

Councilman Jankowski moved to **table the proposed Ordinance indefinitely**, seconded by Councilwoman Martin. The motion was carried by the following vote: **AYES: COUNCIL MEMBERS Pzybylinski, Baker, Boy, Corley, Doyle, Jankowski, Martin, Meer and Milsap (9). NAYS: None (0).**

#### **UNFINISHED BUSINESS**

There was no Unfinished Business.

#### **NEW BUSINESS**

There was no New Business.

**COMMENTS FROM THE COUNCIL**

Councilman Przybylinski commented on a letter that was in the Anvil Chorus regarding the attendance of Elected City Officials at the Service held at Greenwood Cemetery. Councilwoman Boy responded to Councilman Przybylinski's comments.

Councilwoman Boy wanted everyone to remember that tomorrow is the anniversary of "D" Day.

**COMMENTS FROM THE PUBLIC**

Mr. Hezzie Mitchell, Office Manager, Fifth Ward Neighborhood Office, presented plaques to the following individuals who have volunteered their services to seniors and the disabled in the 5<sup>th</sup> Ward Neighborhood: Sheriff Mike Mollenhauer and Deputy Bob Blair.

Mr. Greg Tuel, 1527 East 8<sup>th</sup> Street (President of the Krueger Neighborhood Association), spoke to the Council regarding animal violence in his neighborhood. Councilman Przybylinski responded to Mr. Tuel's concerns.

**ADJOURNMENT**

On motion by Councilman Meer, seconded by Councilman Corley, and there being no further business to transact, President Milsap declared the meeting ADJOURNED (approximately 8:35 p.m.)

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Thomas F. Fedder, City Clerk