

REGULAR MEETING – December 4, 2007

The Common Council of the City of Michigan City, Indiana, met in regular session on Tuesday evening, December 4, 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, (8).

ABSENT: Councilman Przybylinski (1)

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 November 20, 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

There were no special or select committee reports

REPORTS of OTHER CITY OFFICERS and DEPARTMENTS

There were no reports of other city officers or departments

PETITIONS

There were no petitions.

COMMUNICATIONS

There were no communications

RESOLUTIONS

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

RESOLUTION NO. 4372

A RESOLUTION FOR INCREASING AND DECREASING CERTAIN APPROPRIATIONS WITHIN THE BUDGET OF POLICE COMMISSION OFFICE, FOR THE YEAR 2007, IN MICHIGAN CITY, INDIANA

WHEREAS, there exist certain circumstances within the budget of the City of Michigan City which require the increasing and decreasing of appropriations for the year 2007.

Section 1. It is deemed advisable and necessary, in order to meet the circumstances facing said Police Commission Office of the City, that the Common Council make the following transfer of appropriations, as listed, to wit:

POLICE COMMISSION OFFICE

DECREASE:	A/C # 0101 0071 03 431.005 Other Professional Services	\$1,000
INCREASE:	A/C # 0101 0071 02 421.005 Other Office Supplies	\$1,000

Section 2. This Resolution shall be in full force and effect after passage approval by the Mayor.

INTRODUCED BY: /s/ Phillip Jankowski

/s/ Patricia Boy

Councilman Jankowski stated that this is a transfer for the purchase of a computer/printer.

Councilman Meer moved to adopt the Resolution, seconded by Councilwoman Boy.

Council President Milsap asked if there were any comments by the Council, hearing none, he asked if there were any comments by the public, being none, the motion carried and the Resolution was adopted by the following vote:

AYES: COUNCIL MEMBERS Milsap, Baker, Boy, Corley, Doyle, Jankowski, Martin, and Meer (8). NAYS: None (0).

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

RESOLUTION NO. 4373

A RESOLUTION RECONFIRMING THE DESIGNATION OF AN ECONOMIC REVITALIZATION AREA AND EXTENDING THE LIFE OF SAID DESIGNATION (2008-2009)

WHEREAS, the Michigan City Common Council on December 1, 1987 adopted a final resolution (Resolution No. 3199) entitled RESOLUTION CONFIRMING THE ADOPTION OF A PRELIMINARY RESOLUTION DESIGNATING A CERTAIN AREA WITHIN THE CITY OF MICHIGAN CITY AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF REAL AND PERSONAL PROPERTY TAX; and

WHEREAS, pursuant to the preliminary Resolution thereby confirmed, a copy of said preliminary resolution and simplified legal description and a map were filed with the County Assessor and further, the City Clerk caused the publication of Notice of Public Hearing to be held December 21, 1987; and

WHEREAS, after said hearing was held, and after the Common Council received public comment from interested persons, the Common Council considered all evidence presented to it; and

WHEREAS, I.C.6-1.1-12. 1-1 et seq., provides that the Common Council is charged with the responsibility of finding whether a particular area of the City is an Economic Revitalization Area; and

WHEREAS, the Common Council in said Resolution found that the citizens of Michigan City will benefit from the creation of additional jobs, expansion of the property tax base, protection of private investment, and revitalization of those areas designated as an Economic Revitalization Area; and

WHEREAS, the Common Council, pursuant to said Resolution No. 3199, acted to stimulate private redevelopment and development consistent with the laws of the State of Indiana and the City of Michigan City in ways which will provide new job opportunities for the City's residents and will have a positive impact on the local construction industry; and

WHEREAS, the Michigan City Department of Redevelopment and the Michigan City Planning Department have reported that the reports, maps, charts and findings of the said Michigan City Department of Redevelopment underlying the adoption of Resolution No. 3199 have remained viable and accurate to this date.

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 Resolution by incorporation and reference as if repeated in full.

Section 2. That Michigan City Common Council finds that the City of Michigan City has benefited from, and will benefit from, the establishment of such an Economic Revitalization Area in that the citizens of Michigan City will realize additional permanent jobs, expansion of the property tax base, protection of private investment and revitalization of those areas which have been designated as undesirable for normal development and occupancy because of lack of development, cessation of growth, deterioration of improvements or character of occupancy age, obsolescence, substandard buildings or other factors which have impaired values or have prevented normal development or use of property.

Section 3. That the Common Council hereby determines and finds that the additional number of individuals that will be employed or whose employment will be retained and the annual salaries of those individuals, and the additional value of redevelopment or rehabilitation as well as reasonable cost of new manufacturing equipment, together with many other benefits about which the Common Council will receive information from property owners, are benefits that can be reasonably expected to result from rehabilitation, redevelopment, or purchases of new manufacturing equipment as reasonable costs, within the proposed Economic Revitalization Area.

Section 4. That the Common Council hereby accepts the report of the Michigan City Department of Redevelopment that the reports, maps, charts and findings of the Michigan City Department of Redevelopment underlying the adoption of Resolution No. 3199 have remained viable and accurate to this date and are accordingly hereby confirmed by the Common Council; the Common Council hereby accepts the report and recommendation of the Michigan City Redevelopment Commission and the Michigan City Plan Commission that tax abatement benefits be extended to the area described herein, and that the life of such designation be extended.

Section 5. That the Common Council of the City of Michigan City hereby determines and finds that the area hereby described, to-wit: the entire corporate limits of the City of Michigan City, Indiana, continues to be an Economic Revitalization Area for the purposes of real property and personal property tax abatement.

Section 6. That the deductions to be allowed for property tax abatement within the Economic Revitalization Area so designated shall be deductions allowed under Section 3 and 4, Chapter 12.1, Article 1.1, Title 6 (Real Estate) and deduction allowed under section 4.5 of said Chapter (Manufacturing Equipment).

Section 7. That any person who wishes to claim a deduction under this Resolution shall comply with the Statement of Benefits filing requirements of said Sections 3 and 4.5 which statements shall be reviewed and approved or rejected by this Council as provided in said Sections 3 and 4.5 of I.C. 6-1.1-12.1 and only those persons whose Statement of Benefits are approved shall be entitled to the deductions. The Statement of Benefits shall contain the information described in I.C. 6-1.1-12.1 and shall be submitted on forms prescribed by the State Board of Tax Commissioners.

Section 8. That the designation as an Economic Revitalization Area and the effectiveness of this Resolution shall expire December 31, 2009, and all persons whose Statement of Benefits have been approved prior to said date shall be entitled to the applicable property tax deduction hereunder.

Section 9. That owners of real property whose Statement of Benefit applications are approved by resolution of this Council shall be entitled to a property tax deduction for a maximum period of ten (10) years, and owners of personal property whose Statement of Benefits applications are so approved shall be entitled to a property tax deduction for a period of either five (5) or ten (10) years as this Council shall, on a case by case basis, determine.

Section 10. That the procedures described herein for application for tax abatement shall be effective January 1, 2008 through December 31, 2009.

Section 11. This resolution shall be in force and effect from and after its adoption by the Common Council and approved by the Mayor.

INTRODUCED BY: /s/ Evelyn Baker

Councilwoman Baker advised that Attorney Donoghue was present to answer questions regarding the Resolution.

Attorney Patrick Donoghue, representing the Michigan City Economic Development Corporation made various comments pertaining to the proposed Resolution. Attorney Donoghue explained the Ordinance being presented to the Council modifying Tax Abatement within the City of Michigan City on 1st reading. Mr. Donoghue asked the Council, due to the time frame to present both 2nd and 3rd reading at the next Council Meeting (December 18, 2007).

Councilwoman Baker moved to adopt the Resolution, seconded by Councilman Doyle.

Council Attorney Meyer and Attorney Donoghue discussed the wording on page two (2) of the Resolution;

WHEREAS, the Michigan City Department of Redevelopment and the Michigan City Planning Department have reported that the reports, maps, charts and findings of the said Michigan City Department of Redevelopment underlying the adoption of Resolution No. 3199 have remained viable and accurate to this date.

Attorney Meyer stated that in the letter from Mr. Pugh it only mentions reports and findings. Attorney Donoghue stated that Mr. Pugh, Director Planning/Inspection has made the same recommendation every two (2) years since 1987. Attorney Meyer advised that by state statute the Council can not certify in essence that they received this material. Attorney Donoghue stated, on behalf of the Planning Department the maps and charts regarding this Resolution are viable and accurate.

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

(Clerk's note: Councilman Przybylinski entered the chambers and was noted present.)

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

RESOLUTION NO. 4374

**A RESOLUTION RATIFYING A ONE YEAR LABOR AGREEMENT
BETWEEN THE CITY OF MICHIGAN CITY
AND THE FRATERNAL ORDER OF POLICE, DUNES LODGE #75
FOR THE CALENDAR YEAR 2008**

WHEREAS, there is a labor agreement currently in effect between the City of Michigan City and the Fraternal Order of Police, Dunes Lodge #75; and

WHEREAS, there have been successful negotiations between the labor negotiations committee of the Common Council, the Board of Public Works and Safety, and the Fraternal Order of Police, Dunes Lodge #75, to formulate certain changes and/or modifications in wages and language.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Michigan City, Indiana that said Common Council hereby ratifies the 2008 contract between the City of Michigan City, Indiana, and the Fraternal Order of Police, Dunes Lodge #75.

INTRODUCED BY: Pat Boy, Member

Councilwoman Boy moved to adopt the Resolution, seconded by Councilman Doyle.

Council President Milsap asked if there were any questions or comments by the Council or public and hearing none, The Resolution passed by the following vote: **AYES: COUNCIL MEMBERS Baker, Boy, Corley, Doyle, Jankowski, Martin, Meer, Milsap and Przybylinski (9). NAYS: None (0).**

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

RESOLUTION No. 4375

**A RESOLUTION RATIFYING A LABOR AGREEMENT
BETWEEN THE CITY OF MICHIGAN CITY
AND THE MICHIGAN CITY FIREFIGHTERS LOCAL #475,
FOR THE CALENDAR YEAR 2008**

WHEREAS, there is a labor agreement currently in effect between the City of Michigan City and the Michigan City Firefighters Local #475; and

WHEREAS, there have been successful negotiations between the labor negotiations committee of the Common Council, the Board of Public Works and Safety and the Michigan City Firefighters Local #475 to formulate certain changes and/or modifications in wages and language.

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Michigan City hereby ratifies the 2008 contract between the City of Michigan City, Indiana, and the Michigan City Firefighters Local #475.

SPONSORED BY: /s/ Patricia Boy

Councilwoman Boy moved to adopt the Resolution, seconded by Councilman Doyle and Milsap.

Council President Milsap asked if there were any comments or questions from the Council or public and hearing none, the Resolution was adopted by the following vote: **AYES: COUNCIL MEMBERS Boy, Corley, Doyle, Jankowski, Martin, Meer, Milsap, Przybylinski, and Baker (9). NAYS: None (0).**

ORDINANCES

The Clerk read on first reading by title only, **AN ORDINANCE EXTENDING AND MODIFYING TAX ABATEMENT WITHIN THE CITY OF MICHIGAN CITY, INDIANA (2008 – 2009)**

INTRODUCED BY: Evelyn Baker

Councilman Meer made a motion to have 2nd and 3rd reading on this Ordinance at the next Council Meeting (December 18, 2007), seconded by Councilman Doyle and Corley.

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 second reading.

Councilwoman Baker stated that Councilman Doyle agreed to Co-Sponsor this Ordinance. Council President Milsap asked the Clerk to add Councilman Doyle as Co-Sponsor to this Ordinance.

Councilman Meer moved to take off the TABLE on the Fire Merit Ordinance that has been amended and was tabled at the last Council Meeting (November 20, 2007), second by Council Members Martin and Corley.

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

Councilman Jankowski moved to amend by substitution, second by Council Members Martin and Corley.

Councilman Jankowski stated that there were several amendments and it would be better to do a substitution.

Councilman Meer asked Council Attorney Meyer to address the recent changes to this Ordinance.

Council Attorney Meyer discussed in detail changes and amendments agreed upon at the Executive Session held November 27, 2007.

Councilman Przybylinski asked for a unanimous consent to be able to have amendments on third reading.

Council President Milsap asked if there were any objections and being none, amendments will be accepted on third reading.

Council President Milsap 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).**

Council President Milsap directed the Clerk to read the Fire Merit Ordinance by title only, there being no objections,

The Clerk read on second reading by title only, **AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY, INDIANA 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: Willie Milsap.

Council President Milsap asked if there were any comments by the Council or public regarding the amendments of the Fire Merit Ordinance;

Joan Chumley, 832 Pine Street stated her concerns on the one (1) verses two (2) year time period regarding accepting applications and testing of applicants on the fire department. Ms. Chumley also questioned concerns regarding the hiring practices in all City Departments.

Council Attorney Meyer responded to Ms. Chumley's concerns.

Mike Rivera, 209 Pearl Street, representing NAACP LaPorte County Branch, commented on the current (2007) hiring list of the hiring of the next firefighter and what effect this Ordinance will have on the 2007 list when it is adopted regarding compliance and minorities.

Council Attorney Meyer advised Mr. Rivera the present list is certified to expire December 31, 2007. Attorney Meyer advised that there are two (2) lists (minority/non minority).

Janet Smith, 402 E. 8th Street commented on the amended Ordinance regarding the time frame of the hiring list.

Council Attorney Meyer stated there are laws, rules and regulations that apply to time frames on applicants in the state of Indiana Fire Commission.

Bart Lombard, Fire Commission stated that there are three (3) aspects to the test; written, agility and personal interview. Mr. Lombard advised that you can pass one aspect and still not be certified or be hired if failing any of the other components.

Joan Chumley, 832 Pine Street asked about the 2008 list and the agility testing that was done.

Bart Lombard, Fire Commission advised that the 2008 hiring list has started but not yet certified.

Ms. Chumley stated her concerns regarding application/testing being done every two years rather than every year.

Councilman Meer stated even though there are two (2) lists everyone will be tested exactly the same.

Wesley Scully, 508 Pinetree Drive, Trail Creek, NAACP expressed his concerns regarding the hiring of a minority from the 2007 hiring list before the end of the year.

Councilman Meyer stated the hiring procedure was done in the order of how the applicant was listed on the certified 2007 hiring list.

Bart Lombard agreed with Attorney Meyer that hiring has always been in ranked order.

There was a discussion among Attorney Meyer, President Milsap and Wesley Scully regarding combining the 2007 and 2008 certified list for the hiring on the fire department. Attorney Meyer explained the hiring procedures regarding the two lists (minority/non minority) according to the new Ordinance if adopted.

Councilwoman Boy stated there would be different testing standards if they continue the new list and compared it to the 2007 list.

Greg Wilson, 803 Spring Street stated his concerns regarding the Consent Decree and the amendments to the Fire Merit Ordinance.

Council President Milsap and Janet Smith, 402 E. 8th Street discussed the reason for having two separate lists for hiring on the fire department.

Councilman Meer stated that the Council is adjusting the Ordinance so it will be in compliance with the court order.

Joan Chumley, 832 Pine Street, asked if this Ordinance is adopted at the next Council Meeting (December 18, 2007), can it go into effect immediately and the hiring of a minority from the 2007 certified list be done before December 31, 2007....

Councilwoman Martin and Lori Magii, 316 Dewey Street discussed the hiring of the last three (3) firefighters. Mrs. Martin stated that the recent list is still under the certified list until December 31, 2007 regarding hiring a minority. Mrs. Martin commented that there were forty-nine (49) applicants and that the minority applicants were not at the top of the list.

Councilwoman Martin stated there are several potential issues to be resolved in this Ordinance, it has been three (3) years working to reach an Ordinance that will be in compliance to everyone. Mrs. Martin stated issues regarding the agility testing for applicants.

Bart Lombard, Fire Commission stated there weren't five (5) minority members that weren't hired, their names remain on the 2007 list, that if there is any more hires to be done this year, the Commission would go to the next person on the certified 2007 list.

Council President Milsap and Mr. Lombard discussed the 2008 certified list. Mr. Lombard stated that if this Ordinance is adopted and there is no minorities on the list the Fire Commission is

instructed to recruit additional applicants and conduct additional testing to supplement the supply of eligible applicants on the depleted list.

Councilwoman Martin commented that she would agree with testing applicants every two years because there are very few openings.

Bart Lombard advised Councilman Przybylinski there will be one opening in 2008.

Mayor Oberlie commented that it isn't necessary to go through the drop program to retire. Mayor Oberlie stated under the pre 77 pension the Pension Board has to be notified, those under the 77 pension program who go directly to Indianapolis to state their retirement do not.

Council President Milsap asked if there were any comments or questions by the Council or public regarding the amended version of the Fire Merit Ordinance and being none the Ordinance was then laid over to the next Council Meeting (December 18, 2007).

The Clerk read on third reading by title only, there being no objections,

ORDINANCE 4013

ADDITIONAL APPROPRIATIONS ORDINANCE

WHEREAS, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Michigan City, LaPorte County, Indiana, that for the expenses of the taxing unit the following additional sums of money are hereby appropriated out of the funds named and for the purpose specified, subject to the laws governing the same:

		<u>AMOUNT REQUESTED</u>	<u>AMOUNT APPROPRIATED</u>
DECREASE	2104 Aviation Fuel Fund Unappropriated	\$45,000.00	
INCREASE	Account #2104 0000 02 422.020 Aviation Fuel	\$45,000.00	
TOTAL FOR	Aviation Fuel Fund	\$45,000.00	

INTRODUCED BY: Joseph Doyle

Councilman Doyle advised the Council that Brian Payne, Manger of the Municipal Airport was there to answer any questions regarding the Resolution.

Councilman Doyle moved for the adoption of the Resolution, seconded by Council Members Meer and Przybylinski.

Council President Milsap opened the Formal Public Hearing, repeating three times "Any questions or comments by the public at this time?"

Council President Milsap asked if there were any questions or comments from the public, and there being none, the Formal Public Hearing was closed.

Council President Milsap directed the Clerk to call for the vote: **AYES: COUNCIL MEMBER Jankowski, Martin, Meer, Milsap, Przybylinski, Baker, Boy, Corley, and Doyle (9). NAYS: None (0).**

The Clerk read on third reading by title only, there being no objections,

ORDINANCE NO. 4014

AN ORDINANCE ESTABLISHING SALARIES FOR THE FIRE DEPARTMENT OF THE CITY OF MICHIGAN CITY FOR THE CALENDAR YEAR 2008

WHEREAS, the salaries for the Fire Department must be set by ordinance, pursuant to IC 36-8-3-3; and

WHEREAS, the City of Michigan City, through the Common Council's Labor Committee and Firefighters Local #475, on behalf of the firefighters of the Fire Department, have negotiated fair and equitable salaries for the year 2008.

NOW, THEREFORE BE IT ORDAINED by the Common Council of the City of Michigan City, Indiana, that:

Section 1. The salaries for the firefighters for the year 2008 shall be set as follows, subject to the terms and conditions of a labor agreement between the City of Michigan City and Firefighters Local #475:

	ANNUAL
Probationary Firefighter	\$ 35,798.58
1 st Class Firefighter	\$ 39,821.72
Driver	\$ 42,210.40
Lieutenant	\$ 44,743.68
Captain	\$ 47,428.31
Assistant Chief	\$ 50,274.00

Section 2. When the annual salary is not evenly divisible by 26, the first payroll will be adjusted with the remaining payrolls made at the bi-weekly rate.

Section 3. This ordinance shall be in force and effect after passage by the Common Council and Approval by the Mayor.

INTRODUCED BY: Phillip Jankowski

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

Councilman Jankowski moved to adopt the Ordinance, seconded by Council Members Przybylinski and Doyle.

Councilman Jankowski advised that the Ordinance calls for a 3% increase in the salaries for the Fire Department.

Council President Milsap asked if there were any comments by the Council or public and hearing none, the motion carried as follows: **AYES: COUNCIL MEMBERS Martin, Meer, Milsap, Przybylinski, Baker, Boy, Corley, Doyle, and Jankowski (9). NAYS: None (0).**

The Clerk read on third reading by title only, there being no objections,

ORDINANCE NO. 4015

AN ORDINANCE ESTABLISHING SALARIES FOR THE POLICE DEPARTMENT OF THE CITY OF MICHIGAN CITY FOR THE CALENDAR YEAR 2008

WHEREAS, the salaries for the Police Department must be set by ordinance, pursuant to IC 36-8-3-3; and

WHEREAS, the City of Michigan City, through the Common Council’s Labor Committee and the Fraternal Order of Police Dunes Lodge #75, on behalf of the officers of the Police Department, have negotiated fair and equitable salaries for the year 2008;

NOW, THEREFORE BE IT ORDAINED by the Common Council of the City of Michigan City, Indiana, that:

Section 1. The salaries for the Police officers for the year 2008 shall be set as follows, subject to the terms and conditions of a labor agreement between the City of Michigan City and the Fraternal Order of Police Dunes Lodge #75.

	<u>ANNUAL</u>
Probationary Patrolman	\$36,917.53
1 st Class Patrolman	\$39,821.72
Corporal	\$42,210.40
Sergeant	\$44,743.68
Lieutenant	\$47,428.31
Captain	\$50,274.00

Section 2. When the annual salary is not evenly divisible by 26, the first payroll will be adjusted with the remaining payrolls made at the bi-weekly rate.

Section 3. This ordinance shall be in force and effect after passage by the Common Council and approval by the mayor.

INTRODUCED BY: Phillip Jankowski

Councilman Jankowski moved to adopt the Ordinance, seconded by Council Members Corley and Boy.

Councilman Jankowski stated this Ordinance calls for a 3% increase for the Police Department with the exception of the Probationary Patrolman, which is a 6.22% increase and the elimination of the 2nd Class Patrolman.

Council President Milsap asked if there were any questions or comments by the Council or public and hearing none, the motion carried as follows: **AYES: COUNCIL MEMBERS Meer, Milsap, Przybylinski, Baker, Boy, Corley, Doyle, Jankowski, and Martin (9). NAYS: None (0).**

Council President Milsap announced the 1st Council Meeting for 2008 will be Wednesday, January 2, 2008; and that a vote will take place for the President and Vice President.

Council President Milsap announced the swearing in for Mayor, City Clerk and Council Members will be Friday, December 28, 2007, 12:00 p.m. in the Common Council Chambers.

UNFINISHED BUSINESS

There was no Unfinished Business

NEW BUSINESS

Councilman Meer made a motion to compensate Attorney Meyer for the work performed on the Consent Judgment which is outside the scope of his contract at the amount of \$150.00 per hour, seconded by Council Members Boy and Przybylinski.

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 as follows: **AYES: Milsap, Przybylinski, Baker, Boy, Corley, Doyle, Jankowski, Martin, and Meer (9). NAYS: None (0).**

Mayor Chuck Oberlie, City of Michigan City, wrote the following on November 28, 2007:

- a) Michigan City Common Council
Michigan City, IN. 46360

I am requesting the advice and consent of the members of the Michigan City Common Council regarding my appointment of Mr. James Guerruci as member of the Michigan City Human Rights Commission.

With your advice and consent, Mr. Guerruci's term of office would begin immediately and would expire 11-03-2009.

Mr. Guerruci actively participated in the Taskforce on Disabilities and was past President of the Michigan City Public Library Board. He is currently Executive Director of the Social & Learning Institute.

Every consideration given to this appointment will be appreciated.

- b) I am requesting the advice and consent of the members of the Michigan City Common Council regarding my Re-appointment of Mr. Hezzie Mitchell as a member of the Michigan City Human Rights Commission.

With your advice and consent, Mr. Mitchell's term of office would begin immediately and would expire on 11-02-2011.

Every consideration given to this appointment will be appreciated.

Councilman Meer moved to accept the recommendation of Mayor Oberlie on Mr. Guerruci and Mr. Mitchell to their appointments on the Human Rights Commission, seconded by Councilwoman Martin.

Council President Milsap asked if there were any comments from the Council or public and hearing none, directed the Clerk to call the vote: **AYES: COUNCIL MEMBERS Baker, Boy, Corley, Doyle, Jankowski, Martin, Meer, and Milsap (8). NAYS: COUNCIL MEMBER Przybylinski (1).**

COMMENTS FROM THE COUNCIL

Councilman Jankowski stated his concerns regarding the hiring at the Sanitation District and will be asking for a vote of No-Confidence from the General Manager and the Board of Commissioners at the next meeting.

Councilman Meer commented his concerns and advised on December 11, 2007 at 7:00 p.m. the Michigan City Board of Zoning Appeals meeting will be held in the Council Chambers. Mr. Meer encouraged everyone to attend this meeting, it is regarding a proposed Special Use Variance to allow for storage and disassembly of inoperable motor vehicles, located on Winski Drive.

Councilman Przybylinski thanked Mrs. Winski and Mr. LaRocco for sending in their résumés' regarding the appointments of the Redevelopment Commission and attending the Council Meeting this evening. Mr. Przybylinski stated that this is an important position being filled, that every position on all City Boards and Commissions are important.

Councilman Przybylinski commented on the Human Rights Commission regarding the Consent Judgment.

Councilman Przybylinski stated his concern regarding The News Dispatch article and his fellow Councilman Jankowski and his misgivings regarding the recent hiring at the Sanitation Department. Mr. Przybylinski commented on nepotism in the City.

Councilman Przybylinski reminded everyone to remember December 7th (Pearl Harbor Day).

Councilwoman Boy and Council Attorney Meyer discussed Council appointment recommendations and their interests and why they would like to serve on a Board or Commission. Attorney Meyer recommended that there be a form, similar to what the Mayor has only for the Council to be available in the Clerk's Office for anyone to pick-up.

COMMENTS FROM THE PUBLIC

Council President Milsap advised Cranston Harris, 301 Gardena Street, to send his résumé' for the Redevelopment Commission to the City Clerks Office, 100 E. Michigan Blvd.

Councilwoman Martin advised Mr. Harris to state in the résumé that it is for a Council or Mayor's appointment.

Councilwoman Boy stated that it is not a résumé we are looking for, but the reason of your interests and what you can bring to the board or commission that you want to serve on.

Sherry Carnes, 414 E. Coolspring Ave. thanked Mr. Jankowski for the Resolution he is going to introduce at the next Council Meeting (December 18, 2007) in regards to the recent hiring at the Sanitation Department. Ms. Carnes commented on her concerns regarding the job created, advertising of this job and the hiring procedures.

Councilwoman Baker advised Joan Chumley, 832 Pine Street, that the Smoke Detector Ordinance will be brought back to the Council at the December 18, 2007 Council meeting. Ms. Chumley commented on her concerns regarding the language of this Ordinance.

ADJOURNMENT

On motion by Councilwoman Martin, supported by the majority of the Council, and there being no further business to transact, President Milsap declared the meeting **ADJOURNED** (approximately 9:35 p.m.).

Thomas F. Fedder, City Clerk