

REGULAR ZOOM MEETING – March 15, 2021

The Board of Public Works, and Safety of the City of Michigan City, Indiana met in regular session on Monday morning, March 15, 2021, at the hour of 8:30 a.m., local time, hosted by “ZOOM” and streamed live on “My Michigan City” Facebook page.

The meeting was called to order by President, Andrew White, who presided.

Noted present: Andrew White, Virginia Keating, Mayor Duane Parry (3) **Absent:** (0)

A QUORUM WAS NOTED PRESENT.

Also noted in attendance:

Amber Lapaich, Corporate Counsel
Jeff Wright, City Engineer
Skyler York, Planning Director
Lt. Kevin Urbanczyk, Division of Professional Services, M.C.P.D.
David Cooney, Chief of Operations, M.C.P.D.
Cranston Harris, Superintendent, Central Maintenance

Gale Neulieb, City Clerk
Dawn Debald, Deputy Clerk

APPROVAL OF MINUTES

Mayor Parry moved to approve the minutes of the Regular “Zoom” meeting of March 1, 2021 as presented; second by Vice-President Keating.

The motion carried as follows: **AYES: MEMBERS White, Keating and Parry (3). NAYS: (0). Motion Carries.**

OPENING OF BIDS – Miscellaneous Street Paving project for 2021

President White asked if there was anyone wishing to render a bid at this time; there was no response.

Vice-President Keating made the motion to close the acceptance of bids for the Miscellaneous Street Paving project for 2021. The motion was seconded by Mayor Parry.

The motion carried as follows: **AYES: MEMBERS White, Keating and Parry (3). NAYS: (0). Motion Carries.**

Corporate Counsel, Amber Lapaich-Stalbrink addressed the Board advising two (2) electronic bids were received as follows:

Reith-Riley Construction Company, Inc.	\$928,549.75
Milestone Contractors North, Inc.	\$1,019,908.60

Mayor Parry made the motion to refer the bids to Legal and the City Engineer for their review and recommendation at the next meeting. The motion was seconded by Vice-President Keating.

The motion carried as follows: **AYES: MEMBERS White, Keating and Parry (3). NAYS: (0). Motion Carries.**

SPECIAL PURCHASE/AGREEMENT – David Cooney, Chief of Operations, M.C.P.D., is requesting approval to update equipment for the virtual gun range; for Virtra, Inc. using the Special Purchase method (I.C. 5-22-10 et. seq) – Simulated Firearm Equipment and Training Services Agreement; one-time payment of \$6,270.00 – set up and training; one-time payment of \$2,200.00 – shipping & handling; annual contract in the amount of \$35,299.70

David Cooney, Chief of Operations, M.C.P.D., addressed the Board advising the approval to update equipment was requested thru the budgeting process; allowing the M.C.P.D. to upgrade the virtual system that was created when the Police Station was built in 2016.

President White stated he understands the importance of the request for not only the M.C.P.D., but surrounding law enforcement agencies that utilize the virtual range.

Corporate Counsel, Amber Lapaich-Stalbrink addressed the Board advising it is anticipated to be a five (5) year contract; stating the annual contract is in the sum of \$35,299.70 which is effective this year; explaining there is a one-time fee for set up and training and also a one-time fee for shipping & handling.

President White made the motion to approve the request to update equipment for the virtual gun range; for Virtra, Inc. using the Special Purchase method; and the Simulated Firearm Equipment and Training Services agreement; a one-time payment of \$6,270.00 for set up and training; and a one-time payment of \$2,200.00 for shipping & handling; the annual contract is in the sum of

\$35,299.70 for up to five (5) years; which is effective this year. The motion was seconded by Mayor Parry.

The motion carried as follows: **AYES: MEMBERS White, Keating and Parry (3). NAYS: (0). Motion Carries.**

APPROVAL OF AGREEMENT – Agreement for Landscape Services between the City of Michigan City, Indiana and Serviscape, Inc. for Franklin Square, Wabash Street, Highway 12 to 11th Street and south Franklin Street to Coolspring Avenue; from April 2021 through November 2021 in the sum of \$122,851.00

Corporate Counsel, Amber Lapaich-Stalbrink addressed the Board explaining the City has used Serviscape for several years and is happy with the quality of work they have provided; advising Cranston Harris, Superintendent of Central Services and his department will be supervising Serviscape being we don't have a forester at this time; stating she has asked them to provide us with their Certificate of Insurance.

Discussion ensued between President White, Counsel Lapaich-Stalbrink and Mr. Harris regarding who's responsibility is it to maintain services along Michigan Boulevard. Mr. Harris stated it is normally the Sanitary District. Counsel Lapaich-Stalbrink advised that historically the Sanitary District entered into a contract to maintain Michigan Boulevard.

Mayor Parry made the motion to approve the agreement for Landscape Services between the City of Michigan City, Indiana and Serviscape, Inc. for Franklin Square, Wabash Street, Highway 12 to 11th Street and south Franklin Street to Coolspring Avenue; from April 2021 through November 2021 in the sum of \$122,851.00. The motion was seconded by President White.

The motion carried as follows: **AYES: MEMBERS White, Keating and Parry (3). NAYS: (0). Motion Carries.**

PHYSICAL FITNESS TESTING – The Michigan City Police Department will be conducting their semi-annual Spring physical fitness testing on Tuesdays and Wednesdays beginning on Tuesday, April 6, thru Wednesday, April 28th, 2021 at 10:00 a.m. and 2:30 p.m. (Note: for informational purposes only)

CORRESPONDENCE – Correspondence was received in the Clerk's Office on February 25, 2021 from Jeff Wright, City Engineer regarding the Sidewalk Program Meeting update

Jeff Wright, City Engineer addressed the Board stating this is a summary that he had provided to the Mayor; advising the City Council appropriated \$100,000.00 in funds this year for sidewalk maintenance; advising once they get all of the locations figured out, they will put a contract together.

Discussion ensued between Mayor Parry and Mr. Wright regarding the additional appropriation that was approved by the City Council for sidewalk repair; that is not to be spent in the TIF district; and the Redevelopment Commission approving an additional \$100,000.00 that the Mayor thought needed to be used in a TIF district. Mr. Wright stated TIF funds can only be used in a TIF district.

CORRESPONDENCE – Correspondence was received in the Clerk's Office on February 25, 2021 from Jeff Wright, City Engineer regarding project updates within the City

Jeff Wright, City Engineer addressed the Board stating they opened bids earlier for the Miscellaneous Street Paving projects (CCMG); advising they will start striping Michigan Boulevard from Highway 12 to the City limits; explaining the Council has a proposed resolution on their agenda to transfer funds from one account to another to make this happen; further stating this will come before the Board for approval once the weather breaks.

CORRESPONDENCE – Correspondence was received in the Clerk's Office on March 1, 2021 from T. Andrews Perkins, Peterson, Waggoner & Perkins, LLP. regarding Appeal Hearing – Order to Repair – Aarna, Inc. (DBA King's Inn)

Corporate Counsel, Amber Lapaich-Stalbrink addressed the Board advising that Aarna Inc. has formally appealed the administrative review and filed a complaint in Court; stating she has taken necessary actions in her office; explaining if the Board has any question, please contact her; further advising they can also have an Executive Session if need be being it is pending litigation.

CLAIMS AND PAYROLL

Mayor Parry moved that the claims set forth in the Register of Claims (in possession of the City Controller) and appearing in the Register be severally allowed and ordered paid and proper warrants for payment thereof hereby ordered issued in the stated amounts to person(s) and/or firm(s) as set forth, and payrolls approved. The motion was seconded by Vice-President Keating and carried as follows: **AYES: MEMBERS White, Keating and Parry (3). NAYS: (0). Motion Carries.**

CLAIMS DOCKET

March 15, 2021

Municipal Claims	\$	678,151.66
CDBG	\$	14,456.42
Health Life	\$	288,843.90
Workers Comp.	\$	90,207.78
LAF/Barker Refund O/R	\$	1,250.00
Ohio St. Project Sink. Fund	\$	447,869.35
2011 DBL Track Sink. Fund	\$	358,501.51
2011 Refund Bonds Sink.	\$	128,500.00
Elston Grove Sink. Fund	\$	251,879.74
Elston Grove Reserve Fund	\$	135.11
LAF/Barker Refunding Sink.	\$	378,001.67
Total Claims -	\$	2,637,797.14

Allowance of claims as set forth in the Register of Claims as follows:

PAYROLL DOCKET	<u>March 12, 2021</u>	
	City Payroll Total:	\$600,392.73
	<u>March 1, 2021</u>	
	City Pension Total:	\$216,426.36

Vice-President Keating made the motion to approve the payroll dockets for March 12, 2021 and March 1, 2021; the motion was seconded by Mayor Parry and carried as follows: **AYES: MEMBERS White, Keating and Parry (3). NAYS: (0). Motion Carries.**

UNFINISHED BUSINESS

President White stated there are no items on the pending items/unfinished business list that need to be addressed at today’s meeting.

Skyler York, Planning Director addressed the Board stating that there is an item that will coming back in front of the Board; advising it is a request from Indiana Investco; the address of the property is 131 Edward Street; explaining they will be making a new formal request to purchase this piece of land and will be submitting an updated letter to Corporate Counsel, Amber Lapaich-Stalbrink; asking the Board to look favorably at the request.

John Chalikian, 609 Franklin Street – No Access to property – and drainage issues

President White noted the pending items/unfinished business list has been updated with Mr. Chalikian’s correct address regarding no access to property and drainage issues; the address is the southern terminus of Town Centre Drive and the Parcel is #46-05-09-300-023.000-009; advising this will clear up any confusion that anyone may have had.

Mr. York asked that the matter regarding John Chalikian be removed from the pending items/unfinished business list; stating that Mr. Chalikian sold the property in October 2020; advising the Planning Department will be working with the Company that now owns it; explaining they are moving forward with the acquisitions of property for the project.

Mayor Parry made a motion to remove the matter of John Chalikian, southern terminus of Town Centre Drive, parcel #46-05-09-300-023.000-009 – no access to property and drainage issues off of the pending items/unfinished business list. The motion was seconded by Vice-President Keating.

The motion carried as follows: **AYES: MEMBERS White, Keating and Parry (3). NAYS: (0). Motion Carries.**

PUBLIC COMMENTS

Councilwoman Dalia Zygas, 106 Elmwood Drive addressed the Board stating the Tree Board and merchants along Franklin street have concerns with the lights on the trees; explaining the lights are hurting the trees because they are not being attended to and they should be removed in a way that preserves the trees; asking who is responsible for this.

Mayor Parry addressed the Board advising this matter has been discussed with Ed Shinn, Park Superintendent; advising it looks like it will be the responsibility of the Park Department to remove them; and this will be done in the near future.

Tommy Kulavik, 1316 Ohio Street addressed the Board commending the Michigan City Police Department for the great job they did in providing security and directing traffic for the Boys basketball sectionals and regionals that were held the last two (2) weekends; recognizing officer Alexis Baker, M.C.P.D. who will be providing security for the NCAA men’s basketball tournament.

BOARD COMMENTS

President White prepared and read the following public statement in its entirety:

My heart hurts for our community. Too often, we think we have all of the answers. If there's one thing I've become even more convinced of over the past few weeks, it's that there is no clear cut answer to what ails Michigan City right now.

I cannot and will not attempt to sway the opinion of those who have spoken out regarding Mayor Parry's words. The sentiments voiced at the end of the voicemail to Pastor Lane should not be uttered by anyone, publicly or privately, let alone the mayor of our community. The criticism aimed at Mayor Parry is deserved and it is my sincere hope that he takes the time to consider the criticism he is receiving. He has no one to blame for this situation but himself and my utmost hope is that he is sincere in his promise to be better going forward than he has demonstrated.

In my heart of hearts, I believe the community's best interests are likely served by Mayor Parry's resignation. However, I must caution that Mayor Parry's resignation is not going to constitute an elimination of racism. Racism is a deep rooted problem that our community and our society has not done anywhere near an adequate job of addressing. We have made progress, but the progress we've made constitutes a few miles of a thousand mile journey. We have a long, long way to go.

Mayor Parry outlined his plans for addressing the issue of racism last week. In addition to diversity and sensitivity training for all City employees, elected officials, and appointed board members, Mayor Parry suggested that a new position be created to assist him and act as a representative to the community.

My initial reaction to this plan was that it gives off the impression that diversity training is a punishment. Many others I've spoken to have shared that belief.

While a student at Indiana University in Bloomington over 20 years ago, I served as a Resident Assistant in the University's Department of Residential Programs and Services. Each year, we would return to campus almost two weeks early to receive training, with a heavy emphasis on diversity. I argue that training, along with its practical use, was the most valuable thing I learned during my time in Bloomington, exceeding anything I learned in relation to the degree I earned.

I am blessed to have a wide variety of friends and acquaintances. Many are of different skin colors, different religions, different nationalities, and different sexual orientations. I cherish the opportunity to hear and learn from individuals that represent so many backgrounds.

When it comes to issues of race, I've found the most effective weapon against racism is education. This education can come in the form of classes and seminars, but often it can come from our everyday lives.

Mayor Parry indicated that his belief was that a group of individuals desired an "audience." The problem is that having an audience is not enough. An audience doesn't guarantee listening. An audience doesn't guarantee learning. Listening with a desire to learn would help make inroads on so many problems we face today — in race and beyond. Unfortunately, we collectively have not embraced this concept. Diversity training should not be seen as a punishment. It should be seen as an opportunity to bridge the gap that exists between us. Whether you work for the City of Michigan City or another entity, I implore you to see diversity training as your way of demonstrating your commitment to the battle against racism.

I am in the position I'm in because I have a passion for this community. I am thankful to Mayor Parry for not only considering me, but appointing me to replace the late Keith Harris late last year. I have no political aspirations whatsoever, but I have gone all in — and will continue to go all in — to this position for as long as I'm able to. I want what's best for our community and whatever transpires as the next weeks, months, and years go by, I pledge to hold Mayor Parry accountable for the promise he has made. I still don't know if he understands the temperature to which the oven is going to rise. It is not going to be pleasant for him.

Our community is hurt. I have spoken to individuals who shared with me the pain that Mayor Parry's words caused. I hear you and I will continue to listen, learn, and strive to see that pain was not endured in vain.

I want to wrap up my comments by addressing Police Chief Dion Campbell. Our current situation can be traced back to a correspondence made public from the Mayor's Office two weeks ago. While I accept there is an aspect of this year's fundraising letter that differed from previous letters sent from the Michigan City Police Department that may have warranted concern, I strongly disagree with Mayor Parry's decision to address Chief Campbell in the manner that he did. I believe former Police Chief and current City Councilman Gene Simmons said it best when he suggested a policy of, "praise in public, reprimand in private." I would like to publicly praise Chief Campbell for his efforts at the police department and more importantly praise him for the love of community he has demonstrated over the years I've known him. Your work and passion does not go unnoticed or unappreciated.

ADJOURNMENT

The presiding officer inquired whether there was anything else to be considered by the Board at this time and, there being none, asked for a motion to ADJOURN the meeting at approximately 9:06 a.m. Vice-President Keating made the motion to Adjourn. The motion was seconded by Mayor Parry.

Gale A. Neulieb, City Clerk