

REGULAR “HYBRID/ZOOM” MEETING

March 15, 2022

The Common Council of the City of Michigan City, Indiana, met in Regular session on Tuesday evening, March 15, 2022, at the hour of 6:30 p.m., Hosted by “Hybrid/Zoom” and streamed live on “My Michigan City” Facebook Page.

The meeting was called to order at 6:30 p.m. by Council President Angie Nelson Deutch.

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

PRESENT: COUNCIL MEMBERS Bryant Dabney, Fitzpatrick, Michael Mack, Angie Nelson Deutch, Gene Simmons, Dalia Zygas, Don Przybylinski, and Tracie Tillman (8).

ABSENT: COUNCIL MEMBER P. Przybylinski (1).

President Deutch advised that she spoke with Councilman P. Przybylinski and is unable to attend tonight’s meeting being excused.

A QUORUM WAS NOTED PRESENT

ALSO, PRESENT: Council Attorney Tramel Raggs and Gale Neulieb City Clerk

APPROVAL OF MINUTES

President Deutch inquired whether there were any deletions, additions, or corrections to the “Hybrid/Zoom” meeting held on March 1, 2022.

Councilman Fitzpatrick made a motion to approve the minutes of the Hybrid/Zoom meeting held on March 1, 2022, a second was made by Councilman D. Przybylinski.

Councilwoman Zygas stated she did not receive minutes so she would abstain from the vote.

With them being approved by the following vote: **AYES:** Council members Dabney, Fitzpatrick, Mack, Deutch, D. Przybylinski, Simmons, and Tillman (7) **NAYS:** None (0) **ABSTAIN:** Council Zygas (1)

REPORTS of STANDING COMMITTEES

President Deutch asked if there were any reports of standing committees.

Councilman D. Przybylinski, Labor Relations Chair reported that the Labor Relations Committee have tentatively entered a three (3) year contract with the F.O.P. Michigan City Police Department. The vote being seventy-one (71) in favor and four (4) against; with the proposed resolution and salary ordinances will be on the April 5, 2022 Council meeting agenda for approval of their contract; thanking Controller Yvonne Hoffmaster, City Attorney Amber Lapaich Stalbrink, and Personnel Director Andrea Smith for their hard work, and efforts.

FINANCE REPORT

Councilwoman Tillman presented the following Finance Meeting minutes held on March 15, 2022:

Call to order

Chair, Tracie Tillman called to order the regular meeting of the Michigan City Finance Committee at 5:30 p.m. on March 15th, 2022 held in the City Council Chambers, 100 E Michigan Blvd., Michigan City, Indiana and via: Zoom.

Roll call

Tracie Tillman, Chair conducted a roll call. The following persons were present:

Tracie Tillman, Council - present

Paul Przybylinski, Council - absent

Sean Fitzpatrick, Council – present

also in attendance Council Attorney Mr. Raggs

Approval of minutes from last meeting

Regular Meeting Held 02/25/2022

Motion to approve: All in favor 2 Yea's 0 Nays.

Open issues

Review claims in Fund No. 2031 Boyd Development \$0.00

Review claims in Fund No. 2042 – Riverboat \$75.00

Motion made by Sean Fitzpatrick to approve Fund No. 2042 – River boat \$75.00, Friedman and Associates, second by Tillman. Motion carries 2 Yea's 0 Nay's.

Minutes:

A discussion was held regarding a salary increase for the Fire Chief Deputy. Tillman, for clarity there has been communication between myself, Controller Hoffmaster and City Attorney amber Lapaich; and communication in an email from Mayor Parry in regards to this. As far as the city finance committee goes this is not a recommendation from the City Finance Committee. This recommendation should come from the City Administration. There should be a recommendation done to increase the Fire Chief Deputy pay. The fire negotiations surpassed the time of when the city finance passed the annual 2022 budget. Mr. Fitzpatrick stated the situation was someone in leadership was put in at a lower pay rate from their subordinate salaries and that this is something that needs to be corrected to make this right. Tillman, there are four Ordinances coming before the City Council this evening.

Approval For Additional Appropriation in The Budget Of The Common Council In The General Fund For Additional Funding For The Common Councils 2022 Legal Services Contract - \$25,000.00.

Approving For Additional Appropriation In The Budget of the Local Income tax (LIT) Fund For The 2022 Landscaping Contract - \$100,000.00.

Approving Additional Appropriation In The Budget Of The Local Income Tax (LIT) Fund To Provide Funding For Professional Services To Prepare A Fiscal Plan For A Voluntary Annexation Petition Filed by Pritz Family, LLC, ET AL. - \$16,7000.00.

Approving Additional Appropriation In the Budget Of The Local Road And Street Fund For the Balance Of the Miscellaneous Paving Project - \$347,909.00.

Comments by the public n/a

Comments by the Committee n/a

Meeting Adjourned at 5:36 p.m. Motion by Sean Fitzpatrick, second by Tillman.

CLAIMS DOCKET

President Deutch read the following claims for the record.

March 1, 2022, Riverboat/Boyd Claim Docket

Fund #2042 – Riverboat – Claims	\$	75.00
EFT	\$	00.00
Fund #2031 – Boyd – Claims-	\$	00.00
TOTAL CLAIMS	\$	75.00

Councilwoman Tillman brought up the request that Chief Legault made about the process and procedures for a salary increase for the Deputy Chief; explaining that she has been in contact with City Attorney Amber Lapaich Stalbrink, City Controller Yvonne Hoffmaster, and has received correspondence from Mayor Parry; that negotiations were made after the city salary budgets was approved and left this position's salary lower than other employees within that department; asking the administration to recommend increasing that salary.

President Deutch asked if the Council had any questions regarding the claim docket, there was no response.

A motion was made to approve the Riverboat/Boyd claims from March 1, 2022 by Councilman by Councilman S. Fitzpatrick and seconded by Councilwoman Tillman.

The motion was approved by the following vote: **AYES:** Council members Fitzpatrick, Mack, Deutch, D. Przybylinski, Simmons, Zygus, Tillman, Dabney (8) **NAYS:** None (0)

REPORTS OF SPECIAL or SELECT COMMITTEES

President Deutch asked if there were any reports of Special or Select Committees, there was no response.

REPORTS of OTHER CITY OFFICERS AND DEPARTMENTS

President Deutch asked if there were any reports of Special or Select Committees.

Clarence Hulse, Executive Director of Michigan City Economic Development Corporation, addressed the council regarding the future of the EDCMC and reported on their 2022 annual report commenting on the following items.

- 1) Economic Inclusion
- 2) Workforce Development/Talent Attraction
- 3) Placemaking
- 4) Story Telling
- 5) Economic Modernization

President Deutch asked if there were any questions.

Discussion ensued between EDCMC Director Hulse, Attorney Randy Rampole with Barnes and Thornberg, President Deutch and Council members Dabney, and D. Przybylinski, regarding how these projects are being funded, TIF monies and how taxes that are generated from the assessment on a project, with the assessed value that will go to the City for these projects,

President Deutch asked if there were any further questions, there was no response.

PETITIONS

The Clerk read the following petition that was received in the Clerk's Office and will be addressed further in this our agenda.

PETITION FOR VOLUNTARY ANNEXATION INTO THE CITY OF MICHIGAN CITY BY PRITZ FAMILY, LLC, TRENNIS BRADFORD, INDIVIDUALLY, AND AS TRUSTEE OF THE TRENNIS BRADFORD REVOCABLE LIVING TRUST DATED APRIL 17, 2007, AND HYER, WISNIESKI, INDIANA FARM, LLC (collectively" Petitioners")

COMMUNICATIONS

Correspondence was received in the Clerk's Office on February 24, 2022, from the Controller's Office regarding City "Procedures to Submit Invoices, Payroll and Minutes by Boards and Commissions"

Correspondence/Tort Claim Notice was received in the Clerk's Office February 24, 2022 from Crossen Law Firm, 4661 Lisborn Drive, Carmel, Indiana

Correspondence sent to Mayor Parry from South Shore Line and forwarded to the Council was received in my office on February 24, 2022 regarding Double Track NWI – Clarification of Planned Work

Correspondence was received in the Clerk's Office from Controller Hoffmaster on February 25, 2022 clarifying was MCFD Chief Legault was requesting at the Finance Committee meeting held on February 25, 2022

Correspondence was received in the Clerk's Office that was sent to Mayor Parry and copied to the Council on March 1, 2022, regarding the resignation of City Engineer Jeff Wright

Correspondence was received in the Clerk's Office on March 2, 2022, from Council President Deutch regarding Aim Webinar - Governor's Virtual Meetings Post Emergency Order 010622 ending on March 4, 2022

Correspondence/Tort Claim Notice was received in the Clerk's Office on March 9, 2022, from Ken Nunn Law Office 104 South Franklin Road, Bloomington, Indiana

RESOLUTIONS

The clerk read the following resolution by title only.

MICHIGAN CITY COMMON COUNCIL

RESOLUTION NO: 4835

ADOPTING A WRITTEN FISCAL PLAN AND ESTABLISHING A POLICY FOR THE PROVISION OF SERVICES TO CERTAIN REAL ESTATE (approximately 147.2 acres) SITUATED BETWEEN PAHS ROAD, JOHNSON ROAD, AND US HIGHWAY 20, IN LAPORTE COUNTY, INDIANA, A PROPOSED ANNEXATION AREA.

WHEREAS, the City of Michigan City, Indiana, desires to annex certain real estate (approximately 147.2 acres) situated between PAHS ROAD, JOHNSON ROAD, and US HIGHWAY 20, in LaPorte County, Indiana, and more specifically described in a proposed Ordinance entitled “An Ordinance of the Common Council of the City of Michigan City, Indiana Annexing Real Estate between Pahs Road, Johnson Road, and US Highway 20, LaPorte County, Indiana and Declaring Same to be a Part of the City of Michigan City, Indiana”; and

WHEREAS, this annexation shall also include all contiguous areas of all highways and rights of ways as required by Indiana Code 36-4-3-2.5 and shall be included in the 4th Councilmanic ward and shall retain the current zoning classifications as found in the LaPorte County Zoning Ordinance.

WHEREAS, responsible planning and state law require adoption of a fiscal plan and definite policy for the provision of services to annexed area; and

WHEREAS, such a plan and policy has been developed and presented to the Common Council, entitled “Fiscal Plan” which is attached hereto as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY, INDIANA, as follows:

- 1) The Common Council of the City of Michigan City, County of LaPorte, Indiana, hereby approves and adopts the Fiscal Plan, attached hereto as Exhibit A, which plan is attached hereto and made a part thereof, and hereby approves and adopts the specific policies for the implementation of the Plan as set out therein.
- 2) Any monies necessary for the provision of services as described and itemized in the attached Plan shall be budgeted and appropriated from the applicable fund, pursuant to State Law and the City’s budget procedure.
- 3) The services of a non-capital nature described in the Fiscal Plan are equivalent in standard and scope to such non-capital services provided to areas within the corporate boundaries of the City of Michigan City that have similar topographies, patterns of land use, and population density. Services of a capital improvement nature that are described in the Fiscal Plan will be provided to the annexed territory within three (3) years after the effective date of this annexation in the same manner as those services are provided to areas within the corporate boundaries of the City of Michigan City that have similar topography, patterns of land use, and population density, and in a manner consistent with federal, state and local laws, procedures and planning criteria.
- 4) This Resolution shall become effective as of the date of passage of the proposed Ordinance entitled “**An Ordinance of the Common Council of the City of Michigan City, Indiana Annexing Real Estate between Pahs Road, Johnson Road, and US Highway 20, LaPorte County, Indiana and Declaring Same to be a Part of the City of Michigan City, Indiana**”. This annexation shall be included in the 4th councilmanic ward and shall retain the current zoning classification as found in the LaPorte County Zoning Ordinance as specifically described in the proposed Ordinance.

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

Introduced by: /s/ Angie Nelson Deutch, Member
Michigan City Common Council
/s/ Sean Fitzpatrick, Member
Michigan City Common Council

President Deutch asked if there were any comments from the sponsors, there was no response.

President Deutch asked if there were any comments from the public.

Attorney Brad Adamsky, 820 Jefferson Avenue, LaPorte, explained how they were still at the beginning of the annexation process, and explained that there are many steps before this annexation will be completed; with this proposed resolution being one of them bring this council the fiscal plan of this property to be approved and that there will be a formal public hearing at the next Council meeting on April 5, 2022.

President Deutch asked if there were any additional public comments, there was no response.

President Deutch asked if there were any comments from the Council, there was no response.

President Deutch asked Vice President D. Przybylinski to relinquish her chair, advising the location of this area being located between Pahs Road, Johnson Road, and U.S. Highway 20 is the area and the impact he spoke about in their fiscal plan is to allow us annex this property like we have done previously for economic development purposes.

President Deutch made a motion to adopt the resolution, second by Councilman Simmons.

The motion was approved by the following vote: **AYES: Council Members:** Mack, Deutch, D. Przybylinski, Simmons, Zygas, Tillman, Dabney and Fitzpatrick, (8) **NAYS:** None (0)

The Clerk read the following proposed resolution in its entirety.

MICHIGAN CITY COMMON COUNCIL

RESOLUTION NO. 4836

A RESOLUTION SUPPORTING AND SEEKING FUNDING VIA THE INFRASTRUCTURE INVESTMENT AND JOBS ACT

WHEREAS, the Michigan City Common Council seeks to promote widespread infrastructure improvements and job training for Michigan City; and

WHEREAS, with announcements pending concerning new major developments in Michigan City, there is an increasing need for infrastructure improvements, job training, social work and early childhood development to support the residents of Michigan City and the growth of the community; and

WHEREAS, the Michigan City Common Council has identified the Federal Infrastructure Investment and Jobs Act (hereinafter referred to as “the legislation”) as an appropriate source of funding which can be made available to Michigan City (*see attached Exhibit A* which is a White House Fact Sheet entitled *The Infrastructure Investment and Jobs Act will Deliver for Indiana*); and

WHEREAS, the legislation includes \$550 billion in new federal investment in America’s roads and bridges, water infrastructure, resilience, internet, and more; and

WHEREAS, this investment will repair and rebuild America’s roads and bridges with a focus on climate change mitigation, resilience, equity, and safety for all users, including cyclists and pedestrians; and

WHEREAS, the legislation includes a total of \$159,000.00 of direct funding for the Michigan City Municipal Airport in fiscal year 2022; and

WHEREAS, the legislation includes a total of \$40 billion of new funding for bridge repair, replacement and rehabilitation; and

WHEREAS, the Michigan City Common Council desires to work cooperatively with LaPorte County Government with respect to identifying and prioritizing bridges within Michigan City that are in need of repair and replacement; and

WHEREAS, in addition to the federal funds available through the legislation, the Michigan City Common Council is committed to working with the city administration to maximize the City's access to other available funding including, but not limited to, funding available through the Northwestern Indiana Regional Planning Commission.

NOW, THEREFORE BE IT RESOLVED BY THE MICHIGAN CITY, INDIANA COMMON COUNCIL AS FOLLOWS:

1. The aforementioned "Whereas" sections are incorporated herein as if fully set forth herein.
2. The Common Council strongly supports every effort to seek and obtain funding via the Infrastructure Investment and Jobs Act and hereby directs the City Clerk to forward a copy of this Resolution to Congressman Frank J. Mrvan, State Senator Mike Bohacek, State Senator Rodney Pol and State Representative Pat Boy for the purposes of enlisting their assistance in this endeavor.

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

INTRODUCED BY: /s/ Angie Nelson Deutch, President
Michigan City Common Council

Co-Sponsor: /s/Don Przybylinski, Member
Michigan City Common Council

President Deutch asked if there were any comments from the public, there was no response.

President Deutch asked if there were any comments from the council.

Vice President D. Przybylinski, asked to be added as a co-sponsor on the resolution.

Councilman Dabney advised that he had a chance to talk to Representative F. Mrvan, in regard to infrastructure investments and was informed on how the monies has to come from different municipalities stating that the Chief Executive Officer (Mayor) would be the person to ask for these funds to be able to secure \$45,000,000; asking for everyone to support this resolution and that he made it quite clear that our Mayor would have to move forward on this.

President Deutch added that she also has met with Mr. Mryan and this proposed resolution was an opportunity to get all signatures including the Mayor's to get the door open and the conversation started; that this is a great idea

President Deutch asked if there were any further comments from the council.

Vice President D. Przybylinski made a motion to adopt the proposed resolution; second by Councilwoman Tillman.

The motion was approved by the following vote: **AYES Council Members;** Deutch, D. Przybylinski, Simmons, Zygas, Tillman, Dabney, Fitzpatrick, and Mack. (8) **NAYS:** None (0)

Clerk Neulieb read the following resolution by title only. **A RESOLUTION SUPPORTING THE LAPORTE COUNTY COMMON COUNCIL ESTABLISHING A PUBLIC SAFETY LOCAL INCOME TAX**

Introduced by: Michael Mack

President Deutch asked if there were any comments from the sponsors.

Councilman Mack advised that there have been two LIT tax workshops held to inform the public regarding this proposed resolution; explaining that the proposed resolution is to support the LIT tax (local income tax) that is being proposed by LaPorte County; that this vote is extremely important and is a step lenifying our fire, police and EMS in the future of these departments and is an enormous positive move by this council.

President Deutch asked if there were any comments from the public.

Chief Legault MCFD commented that he appreciated the extra time taken by the council to look into the LIT tax so that the best decision can be made this evening; he also thanked Councilwoman Tillman, Mayor Parry, Controller Yvonne Hoffmaster, and City Attorney Amber Lapaich for looking into the pay scale issue getting it corrected so quickly.

President Deutch asked if there were any other comments from the public, there was no response.

President Deutch asked if there were any comments from the council.

Councilman Fitzpatrick offered the following amendment to the proposed resolution; advising that he sent a hard copy to the Clerk's Office

4. The Common Council will request an annual comprehensive Public Health and Safety fiscal plan from the Michigan City Administration on programs and initiatives that will utilize this funding prior to any allocations.

Councilman Fitzpatrick made motion to adopt this amendment, second by Councilwoman

Councilman Fitzpatrick advised that this amendment was brought forward by President Deutch.

President Deutch asked if there were any other comments from the Council, there was no response.

The Amendment to the proposed resolution was adopted by the following vote: **AYES:** Council members D. Przybylinski, Simmons, Zygas, Tillman, Dabney, Fitzpatrick, Mack and Deutch (8) **NAYS:** None (0)

. MICHIGAN CITY COMMON COUNCIL

RESOLUTION NO. 4837

**A RESOLUTION SUPPORTING THE LAPORTE COUNTY COMMON COUNCIL
ESTABLISHING A PUBLIC SAFETY LOCAL INCOME TAX**

WHEREAS, the local governmental units of LaPorte County are facing a public safety crisis; and

WHEREAS, the Michigan City Police Department and Michigan City Fire Department have lost experienced employees to departments in other counties due to the inability to pay competitive wages and benefits; and

WHEREAS, the City of Michigan City Common Council has recently identified gun violence as a health crisis within the City; and

WHEREAS, in 2021 the residents of LaPorte County received \$32.6 million in property tax relief from the State of Indiana, and the proposed public safety LIT will generate an estimated \$12.85 million in revenue for public safety in LaPorte County to offset the losses from the State of Indiana property tax cap; and

WHEREAS, the public safety LIT is the only sustainable source of revenue for a promising and secure future to fund public safety in LaPorte County; and

WHEREAS, all ninety-two (92) counties in the State of Indiana have a LIT, and seventy-one (71) of Indiana’s ninety-two (92) counties have a public safety LIT, and the State average LIT is 1.7816%; and

WHEREAS, LaPorte County currently has a LIT of 0.95% and with the passage of the public safety LIT at 0.5%, the LaPorte County total LIT would be 1.45%, which is below the State average LIT; and

WHEREAS, approved uses of the public safety LIT (I.C. § 6-3.6-2-14) include police/law enforcement systems to preserve public peace and order, firefighting and fire prevention systems, emergency ambulances and emergency medical services, emergency action (environmental clean-up), probation department of the courts, community correction programs, juvenile detention centers and facilities, county jail, communications systems or enhanced emergency telephone systems, medical and health care expenses for inmates, and pension payments for police officers and other department employees, firefighters and other department employees, sheriff and other members of department, other personnel providing public safety services; and

WHEREAS, the LaPorte County Common Council has recently requested that all local units of government located in LaPorte County pass a resolution stating whether they support the passage of a public safety LIT; and

WHEREAS, the Michigan City Common Council reasonably believes that the passage of a public safety LIT is in the best interest of the City and the residents herein.

NOW, THEREFORE BE IT RESOLVED BY THE MICHIGAN CITY, INDIANA COMMON COUNCIL AS FOLLOWS:

1. The aforementioned “Whereas” sections are incorporated herein as if fully set forth herein.
2. The Common Council supports the LaPorte County Common Council establishing a public safety local income tax (herein referred to as “LIT”) of 0.5% and supports modifying the existing local income tax rates imposed within the LaPorte County as follows:

<u>Local Income Tax Type</u>	<u>Existing Rate</u>	<u>Proposed Rate</u>
Certified Shares (I.C. § 6.3.6-6)	0.95%	0.95%
Public Safety (I.C. § 6-3.6-6)	0.0%	0.5%

3. The Common Council understands that the local income tax rates proposed above will become effective on October 1, 2022, based on the LaPorte County Common Council passing the public safety LIT by March 31, 2022, and the local income tax rates proposed above will remain in effect until modified or repealed by LaPorte County Common Council.
4. The Common Council will request an annual comprehensive Public Health and Safety fiscal plan from the Michigan City Administration on programs and initiatives that will utilize this funding prior to any allocations.

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

INTRODUCED BY: /s/ Michael Mack, Member
Michigan City Common Council

President Deutch asked if there were any comments from the public on the amended proposed resolution, there was no response.

President Deutch asked if there were any comments from the Council at this time.

Councilman Dabney wanted to remind everyone that there were public workshops called by President Deutch with the public to receive some input from the community; stating several reasons why he is in favor of this LIT tax and will be supporting this resolution.

Councilwoman Zygas added the money that we receive will give us an ability to train, attract and keep quality employees, that she would also be supporting this proposed resolution.

Councilman D. Przybylinski stated that he has given a lot of thought to this proposed resolution; what effect it will have on people, what effect it'll have on retired people, pensions, annuities, stocks, and even more; stating as Councilman Dabney alluded to that we had two workshops to reach out to the public advising this proposed LIT tax was not started in LaPorte County or Michigan City; it all started in Indianapolis with this property tax cap, when the Governor stated whatever the percentage was for the property tax for each city and he would keep anything over that percentage will go back to Indianapolis in the government funding there; stating how this tax was created and voted on in the 2010 election and how this vote effected the entire state of Indiana; letting each county in Indiana do the dirty work and ask for the LIT tax that is being proposed.

Councilman D. Przybylinski stated several reasons why he must support the proposed resolution.

Councilwoman Tillman stated that she concurred with Councilman D. Przybylinski advising it is a hard decision to make for her constituents in the Fifth Ward and for everyone else in our community and that safety is an issue throughout all of wards in Michigan City and that she feels there should be another way that this could be funded or implemented to them for well needed programs, to increase salaries and to hire additional firemen and police officers; stating that it is bothersome to know the entire United States is dealing with the same issues our community is; that there are so many questions that need to be answered.

Councilman Fitzpatrick stated that this matter will not be decided by this council whether we resolve to support it or not; that the County Council is going to make the final decision from LaPorte County; advising that this not being the final decision or knowing exactly what the intentions of the County Council is; stating he cannot be supporting this as it is at this time.

Councilwoman Zygas made a motion to adopt the proposed amended ordinance, second by Councilman Mack.

The proposed amended resolution was adopted by the following vote: **AYES:** Council Members Simmons, Zygas, Dabney, Mack, Deutch and D. Przybylinski (6) **NAYS:** Council member Fitzpatrick and Tillman (2)

The following resolution was read by Clerk Neulieb by title only:

MICHIGAN CITY COMMON COUNCIL

RESOLUTION NO. 4838**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY, INDIANA, APPROVING AN ORDER OF THE CITY OF MICHIGAN CITY PLAN COMMISSION APPROVING A CERTAIN DECLARATORY RESOLUTION ADOPTED BY THE MICHIGAN CITY REDEVELOPMENT COMMISSION AMENDING THE BOUNDARIES OF THE EASTSIDE ECONOMIC DEVELOPMENT AREA AND APPROVING AN AMENDMENT TO THE ECONOMIC DEVELOPMENT PLAN FOR THE EASTSIDE ECONOMIC DEVELOPMENT AREA**

WHEREAS, the Michigan City Redevelopment Commission (the "Commission"), the governing body of the City of Michigan City, Indiana, Department of Redevelopment exists and operates under the provisions of Indiana Code 36-7-14, as amended from time to time (the "Act"); and

WHEREAS, the Commission, on February 23, 2015, approved and adopted its Resolution No. 2-15 entitled "A Resolution of the Michigan City Redevelopment Commission Designating and Declaring the Eastside Economic Development Area to be an Economic Development Area, Approving an Economic Development Plan for said Area, Establishing an Allocation Area for Purposes of Tax Increment Financing" (the "Initial Resolution") creating the Eastside Economic Development Area; and

WHEREAS, the Redevelopment Commission, on January 24, 2022, approved and adopted its Resolution No. 1-22 entitled "Resolution of the Michigan City Redevelopment Commission Amending the Boundaries of the Eastside Economic Development Area, Approving an Amendment to the Economic Development Plan for the Eastside Economic Development Area and Regarding Other Related Matters" (the "Declaratory Resolution"); and

WHEREAS, the Declaratory Resolution approved an expansion to the Eastside Economic Development Area (the "Area") and approved an amendment to the Economic Development Plan (the "Plan") for the Eastside Economic Development Area to add certain parcels of property to the acquisition list and amend the proposed projects described in the Plan all as described in said resolution; and

WHEREAS, on February 22, 2022, the City of Michigan City Plan Commission (the "Plan Commission") met and adopted and approved its Resolution No. 1-2022, a copy of which is attached hereto as Exhibit A, determining that the Declaratory Resolution and the amendment to the Plan, as the same is amended by the Declaratory Resolution to include the Expansion Area, conform to the plan of development for the City and approved, ratified and confirmed the Declaratory Resolution, and designated such resolution as the written order of the Plan Commission approving the Declaratory Resolution and the Plan Amendment, as required by Section 16 of the Act (the "Plan Commission Order"); and

WHEREAS, Section 16 of the Act prohibits the Commission from proceeding until the Plan Commission Order is approved by the legislative body of the City; and

WHEREAS, the Common Council of the City (the "Common Council") is the legislative body of the City and now desires to approve the Plan Commission Order;

NOW, THEREFORE, BE IT RESOLVED, BY THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY, INDIANA, AS FOLLOWS:

All of the stated "WHEREAS" clauses are incorporated herein by reference.

The Plan Commission Order attached hereto is hereby approved, ratified and confirmed in all respects.

The determination that the Expansion Area constitutes a redevelopment area under the Act is hereby approved pursuant to Section 15 of the Act.

This Resolution shall be in full force and effect from and after its passage by the Common Council and upon compliance with the procedures required by law.

Adopted at a meeting of the Common Council of the City of Michigan City, Indiana, held on this 15th day of March, 2022.

Introduced by: /s/Angie Nelson Deutch, President
Michigan City Common Council

Co-Sponsored by: /s/ Dalia Zygus, Member
Michigan City Common Council

Co-Sponsored by: /s/ Gene Simmons, Member
Michigan City Common Council

(NOTE: Exhibit "A" is attached to Resolution No. 4838 in the Clerk's Office)

President Deutch asked if the sponsors had anything to add at this time, there was no response.

President Deutch asked if there were any comments from the public; stating that there are people present to answer any questions about this proposed resolution the Council may have, there was no response.

President Deutch asked if there were any comments from Council.

Councilman D. Przybylinski stated that the Council received a packet along with the proposed resolution as an Exhibit "A" and that it is unclear to read any of the streets or anything else that is being proposed; making a motion to TABLE this resolution until the next meeting to so that the Council can receive map showing us what we are approving/adopting.

President Deutch asked if there was a second motion to move forward (repeating three times), there was no response, and the motion doesn't move forward.

President Deutch asked if there was someone present representing this resolution that could come up and explain.

Skyler York, City Planner and Director of the Redevelopment Commission; advised that this was not provided to him in black and white and wasn't sure what happened; explaining that the area being proposed was annexed a few years ago and is located around our airport which is going to be expanding in the near future, stating that this area was recently rezoned for Industrial use which is why we want to expand this to a TIF area so that our economic development can offer incentives to developers to make Michigan City their home.

President Deutch asked if there were any questions for Mr. York.

Councilman D. Przybylinski questioned why we need to keep adding our TIF areas larger.

Discussion ensued between Randy Rompola and Council members D. Przybylinski about the rationale for expanding this recently annexed area, that it would allow development to want to locate here and is a tool to help them want to stay.

President Deutch asked if there were any other additional questions or comments from the Council.

Mr. York just wanted to remind the Council that we do have the airport expansion project moving forward and is in this proposed TIF area and is why the City rezoned this area to M.2 zoning due the airport expansion and is a tool to offer to a business's locating around this area or wanting to locate here.

Councilwoman Zygus stated that because we annexed this land you know we don't want to pay for the infrastructure to come out of city money; stating that this is a way to get the job done; bringing usable and taxable monies into our city.

President Deutch asked if there were any other comments from the Council, there was no response.

A motion was made by Councilman Simmons to adopt the proposed resolution, second by Councilwoman Tillman and Councilman Dabney.

The proposed resolution was adopted by the following vote: **AYES:** Council Members Zygus, Tillman, Dabney, Fitzpatrick, Mack, Deutch, D. Przybylinski and Simmons (8)
NAYS: (0).

ORDINANCES

An Ordinance on first reading by title only. **ANNEXING REAL ESTATE approximately 147.2 acres) SITUATED BETWEEN PAHS ROAD, JOHNSON ROAD, AND U.S. HIGHWAY 20, LAPORTE COUNTY, INDIANA AND DECLARING SAME TO BE PART OF THE CITY OF MICHIGAN CITY, INDIANA**

Introduced by: Angie Nelson Deutch
Sean Fitzpatrick

President Deutch asked if the sponsors had anything to add this evening, there was no response.

President Deutch asked if there were any comments from the public., there was no response.

President Deutch asked if there were any comments or questions from the Council.

Councilwoman Zygus asked to be added ask a Co-sponsor to the proposed ordinance.

Councilman Simmons also asked to be added as a Co-sponsor.

Councilman Dabney asked to be added to the proposed ordinance also.

President Deutch asked if there were any other comments from the Council, there was no response; stating that this proposed ordinance will be held over on second reading until the April 5, 2022, Council meeting.

The Clerk read the following proposed ordinance on first reading by title only.
APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE COMMON COUNCIL IN THE GENERAL FUND FOR ADDITIONAL FUNDING FOR THE COMMON COUNCIL'S 2022 LEGAL SERVICE CONTRACT

Introduced by: Angie Nelson Deutch
Tracie Tillman

(DECREASE General Fund #1001 Unappropriated balance \$25,000.00 INCREASE ACCOUNT #1001 105 431.010 \$25,000.00 Professional Services – Legal)

President Deutch asked if the sponsors had any comments, there was no response.

President Deutch asked if there were any comments from the public, there was no response.

President Deutch asked if there were any comments or questions from the Council, there was no response; stating that the proposed ordinance will be held over on second reading at our April 5, 2022, Council meeting.

The Clerk read the following proposed ordinance on first reading by title only.
APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE LOCAL INCOME TAX (LIT) FUND FOR THE 2022 LANDSCAPING CONTRACT

Introduced by: Don Przybylinski

(DECREASE LIT Fund 2224 Unappropriated balance \$100,000.00 INCREASE ACCOUNT #2224 116 436.050 \$100,000.00 Repair & Maintenance –)

Councilman D. Przybylinski explained that the piece of property we're talking about and the amount of money being requested is for the greenway on Wabash Street from U.S. Highway 12 going south to 11th Street; advising this area was developed in 2015 by the Redevelopment Commission when they took out a bond for \$3,300,000 to redevelop this greenway to be a natural habitat/rain gardens with the bond refinanced in 2021 with the bond being \$2,500,000 with a maturity date 2041.

Councilman D. Przybylinski commented on the lawn area, the flowers, trees and greenway and that he spoke to Mayor Parry, Cranston Harris Central Service Director Shong Smith from the street department and they each advised him that the city doesn't have the professional capability to take care of this greenway area to be maintained the way it should be; stating that with the amount of money the city has put into this greenway it hasn't been kept up to the standards it should of been; requesting that the City signs a contract with Service Scape to get this area back to the way it was in 2015.

President Deutch asked if the public had anything to add this evening.

Mayor Parry asked for the Council to support this appropriation stating several reasons; the city has a difficult time the last few years keeping people, a lot of our underground piping for irrigation systems are in disrepair and not connected, giving some of the watering to our own sanitary department during the dry hot weather.

President Deutch asked if there were any additional comments from the public.

Bruce Medici, 619 Hobart offered his perspective that he is a fairly recent resident of Michigan City; advising that until today he frankly was confused about exactly what this was supposed be or what the nature of this part of the land was; stating that he is glad to see some effort being made to the beautify this greenway.

Councilman Simmons concurred with Mr. Medici's comments, that this greenway is an eyesore to our city and has been for several years and agrees that we need to hire a professional to get this area back to what is was meant to be – beautiful.

Councilwoman Tillman asked Councilman D. Przybylinski if he would be able to provide herself and the council the figures he just stated that this is something that needs to be addressed and thought that we have had a contract with Service Scape in the past and was wondering if this 2022 proposed contract has an increase.

Controller Hoffmaster was on Hybrid/Zoom advising the Council that the 2022 proposed contract has almost doubled because of additional services and that the contracts we had in 2020 and 2021 was roughly \$99,000 with the new proposed contract being a little over \$200,000 with the extent of their work being increased dramatically to help bring these areas back to looking the way they should be looking and the reason why we will let Service Scape take over all of the maintenance on Wabash, from Hwy. 12 to Eleventh Street and then Franklin Street from the library to Coolspring Avenue.

Councilwoman Tillman questioned that the areas Controller Hoffmaster just mentioned is the designated list that Servicescape will be covering for 2022 and that they will not be servicing Michigan Boulevard, that this is a separate contract.

Controller Hoffmaster advised that Michigan Boulevard is a separate contract with Serviscape through the Sanitation District.

Councilwoman Tillman questioned this because she has seen Serviscape doing work on Michigan Boulevard.

Councilwoman Zygus stated that she has concerns, that because originally when the rain gardens were put in they needed professional maintenance, because they had native plantings with their purpose to slow down the water control stormwater management; that when she sees the list of herbicide roundup and more herbicides on the proposed contract this is going against the entire idea of the installation of these kind of plants and what this project granted was all about; asking that we need to discuss this with the Sustainability Commission or contact a native plant person like Cardinal to see where we should be going by our next council meeting; advising that it does take a few years to get native plants growing and to look really good.

Councilman D. Przybylinski advised that he will talk to Serviscape and that the herbicides and pesticides on their list are not going to be used by any of native rain plants on Wabash Street; stating that when the Redevelopments Commission does a project and it is finished only have to maintain the project for one year and that he feels that Redevelopment should step up and help maintain when doing a project like Wabash Street so that it is maintained by professionals and doesn't end up looking like what we are facing today.

President Deutch stated there will be a formal public hearing at our next Council meeting on April 5, 2022, when maybe we can get some answers to questions that were brought up this evening; asking if there were any other comments from the Council, there was no response; stating that the proposed ordinance will be held over to second reading at our April 2022 Council meeting.

Councilman Fitzpatrick asked for a five-minute recess.

The Clerk read the following proposed ordinance on first reading by title only.
APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE LOCAL INCOME TAX (LIT) FUND TO PROVIDE FUNDING FOR PROFESSIONAL SERVICES TO PREPARE A FISCAL PLAN FOR A VOLUNTARY ANNEXATION PETITION FILED BY PRITZ FAMILY, LLC, ET AL.

Introduced by: Bryant Dabney

(DECREASE LIT Fund #2224 Unappropriated balance \$16,700.00 INCREASE ACCOUNT #2224 000 431.050 \$16,700.00 Professional Services – Other)

President Deutch asked if the sponsor had any comments at this time, there was no response.

President Deutch asked if there were any questions or comments from the public, there was no response.

President Deutch asked if there were any comments from the Council, there was no response; stating the proposed ordinance will be held over on second reading at our April 5, 2022 Council meeting.

The Clerk read the following proposed ordinance on third reading by title only.

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. 4619

**APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE
LOCAL ROAD AND STREET FUND FOR THE BALANCE OF THE 2021
MISCELLANEOUS PAVING PROJECT**

WHEREAS, it has been demonstrated to the Common Council of the City of Michigan City that it is necessary to appropriate more money than was appropriated in the 2022 Annual Budget to fund balance of 2021 miscellaneous paving project, and

WHEREAS, the City Controller has determined that sufficient unappropriated funds are available in the Local Road and Street Fund #2002 to be appropriated for that purpose.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Michigan City, La Porte County, Indiana, that for the expenses of the City the following additional sums of money are hereby appropriated out of the fund named and for the purpose specified above, subject to the laws governing the same:

	<u>AMOUNT REQUESTED</u>	<u>AMOUNT APPROPRIATED</u>
DECREASE Local Road and Street Fund 2002 Unappropriated balance	\$347,909.00	
INCREASE ACCOUNT#2002 000 443.030 Capital Outlay - Streets		\$347,909.00
TOTAL FOR FUND	\$347,909.00	

This Ordinance to be effective upon passage by the Council, approval by the Mayor, any necessary publication, and any necessary approval by the Indiana Department of Local Government Finance.

INTRODUCED BY: /s/ Paul Przybylinski, Member
Michigan City Common Council

President Deutch asked if there were any comments from the public at this time, there was no response.

President Deutch asked if the Council had any comments.

Councilman D. Przybylinski made a motion to adopt the proposed ordinance, second by Councilman Fitzpatrick.

The proposed ordinance was adopted by the following vote: **AYES:** Council Members Tillman, Dabney, Fitzpatrick, Mack, Deutch, D. Przybylinski, Simmons and Zygus (8)
NAYS: (0).

The Clerk read the following proposed ordinance on third reading by title only.

**MICHIGAN CITY COMMON COUNCIL
ORDINANCE NO. 4620**

**AMENDING SECTION 2-462 OF THE MICHIGAN CITY MUNICIPAL CODE
REGARDING MEMBERSHIP ON THE YOUTH LEADERSHIP COMMISSION**

WHEREAS, Sec. 2-462(b)(1) of the Michigan City Municipal Code currently reads as follows:

(b) Membership; governing regulations of the commission.

(1) Appointments. The commission shall be composed of nine members, all voting, ranging in age from 16 through 22, to be appointed as follows:

- a. Two whom shall be appointed by the mayor, one of these appointments shall initially be for only one year and one must be a current MCHS student nominated by the student government organization.
- b. Three whom shall be appointed by the common council, two of these appointments shall initially be for only one year and one must be a current Marquette High School student nominated by the student government organization and one must be a member of, and nominated by, a city community organization. A community organization wishing to nominate one of its members for appointment shall submit a letter to the common council stating why that organization should be selected by the common council as the community organization whose nominee should be considered plus why the organization's nominee should be appointed, including how the nominee has demonstrated community involvement and leadership qualities.
- c. One who shall be appointed by the human rights commission of the city.
- d. One who shall be appointed by the commission on the social status of African American males, one of these appointments shall initially be for only one year.
- e. One who shall be appointed by the commission for women.
- f. One who shall be appointed by the youth leadership commission.

To be eligible to serve as a member, the individual must live in the city area and, at the time of their appointment, have demonstrated community involvement and leadership qualities. The president of the common council shall appoint a council member as a non-voting liaison to the commission.

WHEREAS, the Common Council desires to make amendments to Sec. 2-462(b)(1) regarding membership on the City's Youth Leadership Commission to remove some of the restrictions on being a member; and

WHEREAS, the Common Council reasonably believes these amendments are in the best interest of the City.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Michigan City as follows:

SECTION 1. Sec. 2-462(b)(1) of the Michigan City Municipal Code is amended to read as follows:

(b) Membership; governing regulations of the Commission.

1. The Commission shall be composed of nine members, all voting, ranging in age from 13 through 19, five of whom must be in high school, to be appointed as follows:
 - a. Two appointed by the Mayor;
 - b. Three appointed by the Council;
 - c. One appointed by the Human Rights Commission;
 - d. One appointed by the Commission on Sustainability
 - e. One appointed by the Commission For Women; and
 - f. One appointed by the Commission On The Social Status of African American Males.

To be eligible to serve as a member, the individual must be a resident of Michigan City, attend a school in Michigan City, and have demonstrated community involvement and leadership qualities. Recommendations may be made to the Mayor and the Council by school officials and student government representatives. The President of the Common Council shall appoint a Council member as a non-voting liaison to the Commission.

The remainder of Section 2-462(b) shall remain in full force and effect.

This Ordinance to be effective upon adoption by the Council and approval by the Mayor.

INTRODUCED BY: /s/ Angie Nelson Deutch, President

Michigan City Common Council

/s/ Sean Fitzpatrick, Member

Michigan City Common Council

President Deutch asked if the sponsors had anything to add at this time, there was no response.

President Deutch asked if anyone from the public had any comments or questions at this time, there was no response.

President Deutch asked if the Council had any comments or questions

Councilman D. Simmons made a motion to adopt the proposed ordinance, second by Councilwoman Tillman.

The proposed ordinance was adopted by the following vote: **AYES:** Council Members Dabney, Fitzpatrick, Mack, Deutch, D. Przybylinski, Simmons, Zygas, and Tillman (8) **NAYS:** (0).

NEW BUSINESS

The Council has (1) appointment to the Michigan City Sustainability Commission expiring May 1, 2022. Incumbent Ms. Nancy Moldenhauer.

President Deutch stated that the Council has one appointment to the Michigan City Sustainability Commission and that the council will have nominations at the first council meeting in April.

UNFINISHED BUSINESS

President Deutch the Council will vote this evening on the One (1) appointment to the Michigan City Enrichment Corporation, the term expires March 31, 2022. The incumbent was Ms. Connie Anderson and there were five (5) people that were nominated; **Antwan Burks, Kimberly Williams, Rodney McCormick, Michael Vinson and Stasi Benning.** President Deutch explained the procedure for the voting process.

President Deutch asked if there were any comments from the Council or public and would like to speak at this time

Rodney McCormick, 617 Union Street, stated that he would like to remove his name for this appointment due to his involvement with the Martin Luther King Center which is a non-for profit agency, and he expressed his support for Stasi Benning.

Stasi. Benning, 3805 Lexington Road, introduced herself and explained her education and employee background for those that did not know her; and that she feels she would be a great asset to the Enrichment Corporation board asking for the council's support.

Mike Vinson, 6 Devonshire Court, asked to also be removed the list of nominees, and expressed his support for Staci Benning.

President Deutch asked if there were any other comments, there was no response

Stasi Benning was appointed to the Michigan City Enrichment Corporation board by the following votes: Burks Votes None (0): Benning Votes Council members Fitzpatrick, Deutch, D. Przybylinski, Simmons, and Tillman **(5)** Williams Vote: Council members Mack, Williams, and Zygas **(3)**

President Deutch congratulated Ms. Benning to her appointment.

President Deutch stated that there are still three (3) appointments that need to be filled on to the Social Status of African American Males Commission and that she reached out to the NAACP and that the council did receive a letter from them appointing Ms. Linda Fay Conley to represent their organization.

Councilwoman Tillman made a motion to accept the recommendation of Linda Fay Conley to the Social Status of African American Males Commission and was seconded by Councilman Fitzpatrick. President Deutch explained this would be in replacement of Ms. Latonya Troutman.

Linda Fay Conley representing the NAACP to the Social Status of African American Males Commission was approved by the following vote: **AYES:** Council Members Mack, Deutch, D. Przybylinski, Simmons, Zygas, Tillman, Dabney, and Fitzpatrick (8) **NAYS:** (0).

President Deutch advised there was a change in this month's meeting date for the Social Status of African American Males and they were going to address the other two (2) positions that need to be filled according to their ordinance and address any amendments they feel might need to be done.

COMMENTS FROM THE PUBLIC

President Deutch asked if there were any comments from the public.

Rodney McCormick, 617 Union Street expressed his views on the LIT tax that if this is adopted it will show support to the Mayor of LaPorte and that the taxpayers in our Community pay enough already.

Rodney McCormick commented on the annual report that is supposed to be given to the Council; asking that all nominations be received by the first of December the prior year so the commission can start their fiscal year January 1st of each year; that there are some amendments that need to be done to our ordinance to move forward and be more organized.

Ernie Hollihan, 302 Gladys Street, expressed his support for Ms. Benning and that she will be an asset to the Enrichment Corporation board.

President Deutch stated for the record that this time is for "public comment"

Brett Antidel 301 Fryar Road, questioned that is the amount on the contract with Serviscape to get everything in order and then the amount goes down for maintenance? He stated that Controller Hoffmaster mentioned this was for perpetuity, because she stated the amount doubled because the amount of work went up.

Councilman D. Przybylinski advised that this cost is to get Wabash Street Greenway back to the way it was when designed in 2017; explaining that Serviscape is doing additional work on Eleventh Street to Coolspring Avenue which is an increase in cost. Further discussion ensued regarding the additional cost.

Mr. Antidel commented on the TIF districts along with south TIF district area where Meijer and Menards are located; asking why the City can't use some TIF monies to repave the poor condition of these roads.

President Deutch commented that Michigan City does not own some these roads but are in the process of acquiring the roads mentioned. She commented that Haas & Associates reported on these roads at our Redevelopment Commission meeting.

Further discussion ensued on road conditions and TIF funds.

President Deutch asked if there were any further comments from the public, there was no response.

President Deutch asked if there were any further comments from the council.

Councilwoman Zygus advised that she received an email from Park Superintendent Shannon Eason, that the Summer "Kids Day Camp" is back and are hiring instructors; that they can apply online or stop into the Personnel Department.

Councilwoman Tillman asked what the cost of the Day Camp was; with Councilwoman Zygus advising that she was unsure, but inquiries can contact the Park Department.

Councilman Fitzpatrick asked if the 2022 proposed landscaping contract was advertised and put out for bid or did, we just received Serviscapes contract.

Councilman D. Fitzpatrick advised that Serviscape has worked on many project in our community ; that no advertising for bids were put out; stating the City has not received bids from landscaping companies in the past.

Councilman Dabney stated several of his concerns regarding gun violence in our community; advising that he spoke with Prosecutor John Lake, about certain funds that should be looked at, and further safety measures for our city; cameras, license plate readers, and shot spotters; that public safety is one of the biggest issues we have in our community.

President Deutch asked if there were any further council comments.

Councilman D. Przybylinski stated that the Naomi Anderson Celebration will be held on Saturday at Wescott Park at 2:00 PM, that they have done an outstanding job. He stated that on March 31st the Human Rights Commission will be holding a giveback night from 4-8 at Galveston Steakhouse, and that a certain percentage of your bill will be going back to the Human Rights Commission.

Councilman D. Przybylinski thanked Mr. Hollihan for attending the Council's joint workshop and that he did not offend him at that meeting, and there was no need to apologize.

Councilman D. Przybylinski thanked the Main Street Association and Johnny Stimley for hosting the Saint Patrick's Day Parade. He thanked the Michigan City Street Department for picking up all the debris along Meijer, and 400 North in preparation for the regional basketball tournament. He thanked Tim and Cathy Glidden for picking up trash along Cleveland Avenue, and 400 North.

President Deutch commented on the Naomi Anderson Celebration, and that some of Naomi's descendants would be in attendance, and that there would be a program held at Lubeznik Center afterwards and asked everyone to come out and show support.

President Deutch explained that the next Council meeting would be held on April 5th, and she would be a part of the meeting on hybrid/zoom but not physically because of her involvement at a Smart Cities conference; explaining that Councilman D. Przybylinski would be handling the next council meeting. President Deutch asked for a motion to adjourn the meeting.

ADJOURNMENT

A motion by Councilman D. Przybylinski, second by Councilman P. Przybylinski and there being no further business to transact, President Deutch declared the meeting **ADJOURNED** (approximately 8:36 p.m.)

Gale A. Neulieb