

# REGULAR “HYBRID/ZOOM” MEETING

## March 21, 2023

The Common Council of the City of Michigan City, Indiana, met in Regular session on Tuesday evening, March 21, 2023, 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 President Fitzpatrick.

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

**PRESENT:** COUNCIL MEMBERS Sean Fitzpatrick, Angie Nelson Deutch, Don Przybylinski, Paul Przybylinski, and Gene Simmons (5).

**ABSENT:** COUNCIL MEMBERS Bryant Dabney, Michael Mack, Dalia Zygus, and Tracie Tillman (4).

### **A QUORUM WAS NOTED PRESENT**

**ALSO, PRESENT:** Council Attorney Jewel Harris and Gale Neulieb, City Clerk

### **APPROVAL OF MINUTES**

President Fitzpatrick asked if there were any corrections, deletions, or additions to the Regular “Hybrid/Zoom” Council meeting minutes that was held March 7, 2023 or the Executive Session minutes that were held on March 7, 2023

Councilwoman Deutch made a motion to approve the minutes of the Regular “Hybrid/Zoom” meeting minutes that was held on March 7, 2023 and the Executive Session minutes that was held on March 7, 2023 second by Councilman Simmons.

The motion carried and the minutes were approved from the March 7, 2023 Regular Council meeting and also the Executive Session minutes that were held on March 7, 2023 by the following vote: **AYES:** Council members Fitzpatrick, Deutch, D. Przybylinski, Simmons and P. Przybylinski (5) **NAYS:** Council member None (0)

### **REPORTS of STANDING COMMITTEES**

President Fitzpatrick asked if there were any standing committee reports.

Councilman P. Przybylinski reported from the Streets and Alleys Committee; that he attended the Board of Public Works and Safety meeting yesterday, March 20, 2023 advising the bid specs that were in front of the board for approval to move forward on the two way conversion project on Franklin Street in the art district and saw \$100,000 from the 2023 sidewalk improvement line items was budgeted in this proposed project to replace the ADA handicap strips that weren’t done correctly; that the Redevelopment should be paying for these or it should be coming out of North end TIF funds, that the council budgeted this \$100,000 for repairs of sidewalks in neighborhoods for 2023 not to use these funds to replace a mistake that was made during the last administration in the Art District.

Councilman P. Przybylinski also commented on the list of streets that were chosen for Community Crossing Grant projects were not correct either that was being voted on at this BOW meeting.

**FINANCE REPORT**

President Fitzpatrick advised that the Finance Committee was canceled this evening.

**CLAIMS DOCKET**

President Fitzpatrick read the following Riverboat/Boyd Development Purchase Orders docket for March 21, 2023 and the March 21, 2023 Riverboat Claims Fund

**March 21, 2023 Purchase Orders**

- **Riverboat Total - \$1,246,679.32**
- **Boyd Development - \$355,000.00**

**Total of Purchase Orders: \$1,601,679.32**

**Note: the Council did not vote on the March 21, 2023 proposed purchase orders in the amount of \$1,601,679.32.**

**March 21, 2023**

<b>Fund #2235 – Riverboat – Claims -</b>	<b>\$</b>	<b>5,707.50</b>
<b>EFT</b>	<b>\$</b>	<b>00.00</b>
<b>Fund #2504 – Boyd Development -</b>	<b>\$</b>	<b>00.00</b>
<b>EFT</b>	<b>\$</b>	<b>00.00</b>
<b>TOTAL CLAIMS</b>	<b>\$</b>	<b>5,707.50</b>

Councilman D. Przybylinski stated that since there wasn't a Finance Committee meeting this evening to discuss the Riverboat/Boyd Development Purchase Orders for the Park Department and that he didn't receive any paperwork regarding what was being proposed and is requesting to be approved this evening for \$1,601,679.32 that he couldn't support this until he received and reviewed all the facts being proposed.

MaryLynn Wall, Deputy Controller explained that these are purchase orders that will be riverboat expenditures that were approved last year for the 2023 budget; advising that she made a list of the 2023 purchase orders from the Park's budget to go over at the Finance Committee regarding what the procedures were and how these purchase orders were going to be processed for this year; advising that they wanted to approve all of these purchase orders now, so that the Park can move forward to order/purchase pay items that were approved in the 2023 budget; advising the paid purchases orders will come back to the council after they are paid on the claim docket.

Discussion ensued between Deputy Controller Wall and Council members Deutch, Fitzpatrick, and D. Przybylinski regarding the proposed purchase orders, the process and procedure that the Controller wants to follow; stating that this isn't the first time the Controller's Office has requested this to be done.

Mayor Parry advised that Controller Hoffmaster was under the weather and unable to attend but would have explained what this list was that was prepared for the Council in response to the comments and positions that were expressed at your last meeting by

Councilman P. Przybylinski asking that items for the police/fire department and budgeted in the 2023 budget should now be paid for out of the public safety LIT fund, rather than the 2023 budget in which they were approved (not having the LIT tax approved when doing the budget); advising this was done so the council can pick, choose and decide if you wanted to pay for these from; stating its plain and simple.

Councilman P. Przybylinski stated that he has a list that was talked about at a LIT tax meeting that there is a definition under IC 63 6.2-14 Public Safety Item 13 that needs to be researched reading the following; a member of a fire department or any other employee of the fire department, a member of the police department, or any other employee acquired by the police department and other personnel employed to provide a service described in this section; that there is a question about our lifeguards falling under the fire department and animal control falling under police; asking Attorney Harris to investigate and give this council guidance on this matter by our next meeting on April 4, 2023

Councilman D. Przybylinski asked Attorney Harris to look into the Animal Control Department and the LIT tax fund being used for building kennels, purchasing dryers, etc.

President Fitzpatrick asked if there was a motion for the proposed purchase order in the total amount of \$1,601,679.32, there was no response.

Councilwoman Deutch made a motion to approve the Riverboat/Boyd Claim Docket for March 21, 2023 in the total amount of \$5,707.50, second by Councilman P Przybylinski; the motion carried and was approved by the following vote: **AYES:** Council members Deutch, D. Przybylinski, Simmons, P. Przybylinski, and Fitzpatrick (5) **NAYS:** Council member None (0).

### **REPORTS FROM BOARDS AND COMMISSION**

President Fitzpatrick asked if there were any reports from any boards or commissions.

Linda Conley, Secretary of the Social Status of African American Males, presented the 2022 Annual Report with the following members addressing the council regarding this report, Faye Moore, Rodney McCormick, and Ken Fly

Kristina Isabelle, President of the Michigan City's Woman's Commission, presented the council with their 2022 Annual Report.

### **REPORTS OF SPECIAL or SELECT COMMITTEES**

President Fitzpatrick asked if there were any reports of special or select committees, there was no response.

### **REPORTS FROM THE MAYOR OR OTHER CITY OFFICERS AND DEPARTMENTS**

President Fitzpatrick asked if there were any reports from the mayor or other city officers and departments.

Chief Legault advised that there are three (3) probationary firefighters at the Mac Career Academy, and that we have four (4) applicants that have been approved for hire and will be starting Monday bringing the department to a total of eighty-one (81)

Chief Legault updated the council about their 2015 Roosevelt T-Rex firetruck that it will be back to us tomorrow afternoon and we'll be testing it extensively in the next couple weeks to see how reliable it going to be; advising that he scheduled a "truck" committee

meeting for this Friday and will be discussing which trucks or which apparatus the fire department and city will need in the near future.

MCPD Chief Steve Forker reported to the Council that from the testing that was done on January 21, 2023 they have four (4) of those applicants currently scheduled for perf which is their physical, psychological examination pending approval they are ready for hire; advising they held another applicant testing on the 18<sup>th</sup>. they had twenty (20) applications, with eleven (11) showing to take test, with six (6) passing and those six (6) moving on to their background investigations.

Chief Forker commented on several items that are happening within the department; dollar leadership program, executive leadership programs for lieutenants, captains, all administration chiefs to attend and the mid-level training the MCPD will be hosting to develop leadership across the departments board.

Chief Forker thanked President Fitzpatrick for scheduling the wage negotiation team on Thursday, March 24<sup>th</sup>.

President Fitzpatrick asked if there were any other reports, there was no response.

### **PETITIONS**

President Fitzpatrick asked the Clerk if there were any petitions.

Clerk Neulieb stated that there were no petitions this evening.

### **COMMUNICATIONS**

President Fitzpatrick asked if any correspondence received.

Clerk Neulieb advised that the Clerk's Office received the following correspondences.

Correspondence was received in the Clerk's Office on March 6, 2023, from Controller Yvonne Hoffmaster regarding the completion and submission of the Michigan City Redevelopment Authority 2022 Annual Financial Report

Correspondence was received in the Clerk's Office on March 6, 2023, from Controller Yvonne Hoffmaster regarding the completion and submission of the Michigan City Civil City 2022 Annual Financial Report

President Fitzpatrick stated that we will be enforcing our three (3) minute time limit to speak on the following proposed resolution.

### **RESOLUTIONS**

The Clerk read the following resolution by title only.

#### **MICHIGAN CITY COMMON COUNCIL**

#### **RESOLUTION NO: 4876**

**ADOPTION OF A WRITTEN FISCAL PLAN AND ESTABLISHMENT OF A  
DEFINATE POLICY FOR AN ANNEXATION ACTION PURSUANT TO INDIANA  
CODE 36-4-3-5.1(d) SPECIFIC TO A CERTAIN TERRITORY CONTIGUOUS TO**

**THE CITY OF MICHIGAN CITY, AN AREA OF REAL ESTATE CONSISTING OF APPROXIMATELY 32.866 ACRES LOCATED IN UNINCORPORATED LAPORTE COUNTY, COOLSPRING TOWNSHIP, INDIANA SOUTH OF COUNTY ROAD W. 400 N.; WEST OF COUNTY ROAD N. 950 W.; NORTH OF THE EAST/WEST SECTION OF THE NORTH FRONTAGE ROAD, AND EAST OF NORTH/SOUTH SECTION OF THE NORTH FRONTAGE ROAD**

**WHEREAS**, on February 1, 2023 **Great Lakes Capital LLC** (“Petitioner”) as the deeded owner and current property owner of a certain 32.866 acre ± of real estate (the “Annexation Territory”) filed a Voluntary Petition for Annexation, as attached hereto as EXHIBIT A, with the City of Michigan City, Indiana (“City”) for the consideration by the Common Council of the City (“Common Council”) as the legislative body of the City, pursuant to Indiana Code 36-4-3 titled Municipal Annexation and Disannexation (the “Act”), more specifically Section -5.1 title Petitions Signed by 100% of Landowners;

**WHEREAS**, the Common Council determined that it is in the best interests of the City to consider the annexation of the Annexation Territory into the corporate limits of the City;

**WHEREAS**, the Annexation Territory shall also include the contiguous right-of-way of the W. 400 N. as a public county road defined in Indiana Code 9-25-2-4 and its right-of-way as required by Section 2.5(b) of the Act, together to be known as the “Annexation Area Territory” as detailed in EXHIBIT B which includes a map as attached hereto;

**WHEREAS**, the Annexation Area Territory, as described above and as detailed in EXHIBIT B is contiguous to the corporate limits of the City as defined in Section 1.5, more specifically subsection (a) of the Act;

**WHEREAS**, pursuant to Section 5.1(d) of the Act, a written fiscal plan as a definite policy for the annexation of the Annexation Area Territory dated January 24, 2023 (the “Written Fiscal Plan”) has been prepared for the Common Council to provide the potential impacts of said annexation action on the City’s tax revenue and expenditures to serve the Annexation Area Territory, as attached hereto under EXHIBIT C;

**WHEREAS**, responsible City planning and pursuant to Section 5.1(d) of the Act required the adoption of the Written Fiscal Plan as a definite policy for the Annexation Area Territory that identifies the potential impacts of said annexation action on the City’s tax revenue and expenditures to serve the Annexation Area Territory;

**WHEREAS**, the Voluntary Petition for Annexation and the Written Fiscal Plan were introduced and presented during a regular meeting of the Common Council on **Tuesday, February 21, 2023** for which time was provided for members of the Common Council to enquire and comment on the proposed annexation action and the Written Fiscal Plan;

**WHEREAS**, the Petitioner through the City’s Office of the Clerk caused the appropriate Notice of a Public Hearing to be published one (1) time in accordance with Indiana Code 5-3-1 in the Herald-Dispatch on **Tuesday, February 8th, 2023**, being at least 20 days before the scheduled public hearing, for a the Common Council to introduce and hold a public hearing on the Annexation Area Territory action not later than 30 days after the Petitioner filed a Voluntary Petition for Annexation with the City;

**WHEREAS**, during a scheduled regular meeting on **Tuesday, March 7, 2023**, the Common Council held the duly scheduled public hearing as published for all interested parties to have an opportunity to testify at the hearing as to the proposed annexation action of the Annexation Area Territory.

**NOW THEREFORE BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY, INDIANA, THAT:**

**Section 1:** The foregoing recitals are to be incorporated herein by reference.

**Section 2:** The specific policies for the implementation of the Annexation Area Territory as identified in the Written Fiscal Plan are hereby approved.

**Section 3:** The Written Fiscal Plan for the Annexation Area Territory is hereby approved and adopted in its entirety as attached hereto and made a part of this Resolution under EXHIBIT C.

**Section 4:** Municipal funds identified by the Common Council necessary for the provision of municipal services to the Annexation Area Territory shall be budgeted and appropriated from specific funds, all pursuant to state of Indiana statutes (the Indiana Code, "IC"), administrative procedures (the Indiana Administrative Code, "IAC"), and the budgeting procedures of the Indiana Department of Local Government Finance (the "DLGF").

**Section 5:** The municipal services of a non-capital nature to be provided to the Annexation Area Territory as described in the Written Fiscal Plan are equivalent in standard and scope to such non-capital services to areas within the corporate boundaries of the City that have similar topographies, patterns of land use, and population density.

**Section 6:** Services or projects of a capital improvement nature that are described in the Written Fiscal Plan will be provided to the Annexation Area Territory within three (3) years after an effective date of annexation of the Annexation Area Territory in the same manner as those services or projects provided to areas within the corporate boundaries of the City that have similar topographies, patterns of land use, and population density, and in a manner consistent with federal, state and local laws, procedures and planning criteria.

**Section 7:** This Resolution shall become effective as of the date of passage and adoption of an ordinance annexing the Annexation Area Territory.

**Section 8:** This Resolution shall be in full force and effect after passage and approval by the mayor as the executive of the City.

**PASSED and ADOPTED by the Common Council of the City of Michigan City, Indiana this 21st day of March 2023 , by a vote of 3 Ayes, 2 Nays, and none Abstentions.**

INTRODUCED BY: /s/ **Dalia Zygas** , Member

/s/ **Angie Nelson-Deutch** ,  
Member

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

Councilwoman Deutch stated that she didn't have any comments at this time.

President Fitzpatrick asked if there were any questions or comments from the public.

Mark Yagelski, LaPorte County Commissioner, District 3 which is Michigan City and Westville, addressed the council regarding the history of the land being proposed regarding how this property was purchased, the amount of money that has invested in this land to date (sewers/water etc.), how Mayor Oberlie, the Mayor of Laporte and himself, fifteen years ago were able to purchase it for \$75,000 from each group for three (3) years for economic development, with the three entities working together in good faith they got the road there as you see it today, naming all of the dividing lines throughout Michigan City, questioning the petition and the developers intentions to date, asking to respect what happened fifteen (15) years ago

Rodney McCormick, 617 Union Street, questioned why our Redevelopment/ Planning Director and Mr. Hulse representing the Economic Development stated at the last meeting that this property wasn't the US.421/I94 TIF District when they knew otherwise; asking to have more communication with elected officials and that we have to have partnership within the county; stating several concerns about being an entire team and working together with our city, LaPorte County and our state representatives.

Tommy Kulavik, 1316 Ohio Street stated that he feels we don't need to build something out of our own city limits, asking why we don't put an interchange at County Line Road and I94 that there is thousands of acres of land to develop, with the city having an easy access to the north end of city.

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

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

Councilwoman Deutch stated that this is a friendly annexation being proposed and this company came forward with a proposal they're working on for this land; advising that any person that wants to do a friendly annexation or an organization can, and to clarify with this being a TIFF district, it was an addendum that happened, the original one did not include this land; advising that happened within a couple years later; with their TIFF in place they will receive all their funds annexing the property due to having the bond of 4.5 million dollars, that nothing is going to change, we're not seeking the annexation, they asked to have this parcel annexed into our city; commenting on this land being unincorporated, expanding our city boundaries, and that county and cities have different laws they follow.

Councilwoman Deutch explained to Councilman D. Przybylinski that the petitioner nor the developer has pulled out of the deal.

Council members P. Przybylinski asked EDCMC Director Clarence Hulse what the estimated cost of the fiscal plan is going to cost the city of Michigan City and what the tax situation would be if annexed; Mr. Hulse advised that the location was the developers decision to be where they want it located at and that he didn't have the fiscal plan in front of him; stating that he thought the cost to connect utilities was approximately \$100,000.

Discussion ensued between Mr. Hulse, Councilman P. Przybylinski, D. Przybylinski and President Fitzpatrick regarding what the city would receive in revenue from what other taxes, which are listed in the fiscal plan, if it could be negotiated with the developer to pay the \$100,000 to hook up to city utilities to this parcel; advising that negotiations will be addressed after the annexation is approved, utility location is across from this property being proposed for annexation what \$100,000 could do for the taxpayers that live in the city limits that have collapsed sewers today, the benefit of annexing this parcel into the city or let the developer build on the County owned TIFF district land, the city's liability position if annexed and the developer pulls his deal

Councilwoman Deutch made a motion to approve the proposed resolution (with Exhibit A-D), second by Councilman Simmons; the motion carried, and the resolution was approved by the following vote: **AYES:** Council members Deutch, D. Przybylinski, Simmons, P. Przybylinski, and Fitzpatrick (5) **NAYS:** Council member None (0).

## **ORDINANCES**

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

### **APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE BOARD OF PUBLIC WORKS & SAFETY OF THE GENERAL FUND FOR ADDITIONAL FUNDING OF THE LIABILITY INSURANCE TRUST ACCOUNT**

**INTRODUCED BY: Dalia Zygas**

DECREASE General Fund 1101Unappropriated balance \$500,000.00 INCREASE  
ACCOUNT#1101 105.434.050 \$500,000.00 Other Services and Charges – Other Insurances)

President Fitzpatrick advised that Councilwoman Zygas was absent, and that Charlie Keene and Matt Webber representing General Insurance was present to explain the details of the liability insurance trust account.

Charlie Keene addressed the council regarding the change in the program structure the city's liability insurance presenting a brief slide show explaining what the changes were.

Discussion ensued between Mr. Keene, Attorney Harris, President Fitzpatrick, and Council members Deutch, D. Przybylinski, P. Przybylinski, and Simmons regarding the change of a partially self-funded program, number of claims, loss ratio, new program structure, advantages of self-funding, retention limit, establish safety committee(s) – increase communication, focus on employee safety training, the annual premium not including the liability is 922,055.00 with the renewal premium \$796,006.72, program structure is becoming more common, what a bad year of high claims can do to this account and can't predict the future, losses in certain departments, and risk management being placed in all departments.

Councilmen D. Przybylinski and Simmons requested to be added as sponsors to

President Fitzpatrick asked if there was any more questions or comments from the public or council, there was no response; stating that the proposed ordinance will be held over on second reading at our April 4, 2023 Council meeting.

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

**CREATING SECTION 2-410.5 IN CHAPTER 2 OF THE MICHIGAN CITY MUNICIPAL CODE TO CREATE A LIABILITY INSURANCE TRUST FUND**

**INTRODUCED BY: Dalia Zygas**

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

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

Councilmen P. Przybylinski and D. Przybylinski asked to be added as a co-sponsor.

President Fitzpatrick 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 at our April 4, 2023 Council meeting.

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

**APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE DEA FORFEITURE FUND FOR FUNDING FOR THE EXPANSION OF THE MCPD K-9 DIVISION**

**INTRODUCED BY: Gene Simmons**

(DECREASE DEA Forfeiture Fund #2517 Unappropriated balance \$65,000.00 INCREASE ACCOUNT #2517 000.445.050 \$65,000.00 Capital Outlay – Other Machinery & Equipment – Other Equipment)

Councilman Simmons advised that he spoke with Councilwoman Hoffmaster and she assured him that the funds were there to move forward on this additional appropriation.

President Fitzpatrick asked if the public had any questions or comments.

Tommy Kulavik, 1316 Ohio Street, asked if we could move forward on this ordinance and have second and third reading this evening.



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

President Fitzpatrick asked if the Council had any questions or comments.

Councilman D. Przybylinski asked to be added as a co-sponsor.

President Fitzpatrick stated if there are no other comments this ordinance will be held over on second reading at our April 4, 2023 Council meeting.

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

**APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE PUBLIC SAFETY LOCAL INCOME TAX (LIT) FUND FOR THE LEASE OF TEN (10) PATROL VEHICLES, TEN (10) SERVICE VEHICLES, THE PURCHASE OF GLOCK AND GUNS AND OTHER SAFETY EQUIPMENT FOR MICHIGAN CITY POLICE DEPARTMENT**

**INTRODUCED BY: Angie Nelson Deutch  
Bryant Dabney**

(DECREASE Public Safety LIT Fund 2240 Unappropriated balance \$545,376.00 INCREASE ACCOUNT#2240.201.445.020 \$526,230.00 Capital Outlay – Motor Equipment INCREASE ACCOUNT#2240.201.445.050 \$19,146.00 Capital Outlay – Other Equipment)

Councilwoman Deutch advised this appropriation is from the LIT fund to lease ten (10) patrol vehicles, ten (10) patrol vehicles, guns and other safety equipment for the MCPD.

President Fitzpatrick asked if there were any questions or comments from the public.

MCFD Chief Legault stated on February 17, 2022 there was a public safety LIT workshop reading a few comments from council members that were made: 1) additional money will be used to keep employees. 2) when we get this money, they don't want to see subtraction of the police/fire budgets and then offsetting or enhancement of their services reduced and that if this tax is passed they want to make sure that the fire/police doesn't get cuts and use money to offset it.

Chief Legault advised that on March 15, 2022 this council passed Resolution No. 4837 supporting the public safety LIT tax; April 25, 2022 the Laporte County Council passed the public LIT tax going into effect October, 2022; in October 2022 the Michigan City Council approved the City's 2023 budget and at the March 7, 2023 council meeting Councilman P. Przybylinski made a motion to use the LIT money to pay for an item that was approved to be paid out of the 2023 budget, which was approved for this item to be paid out of the 2023 budget 5 to 4; asking the council to go back and read Council Resolution No. 4837, specifically No. 4 and would like to talk about this after the meeting.

MCPD Chief Steve Forker stated as MCFD Chief Legault indicated and referenced that the monitory amount here is to be used for ten (10) police patrol vehicles, ten (10) service vehicles, for Glock guns and other safety equipment for the MCPD as it was indicated and approved in the 2023 budget, which was prior to when he took his position; stating that he doesn't see why since these funds were appropriated in the 2023 and approved why we would amend this appropriation to come from the LIT fund instead; stating as he has said before the police department is short and he feels salaries is part of that; commenting on the applications they are receiving, test results, and officers that are leaving for better wages.

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

President Fitzpatrick asked if there were any questions from the Council.

Councilman P. Przybylinski commented on MCFD Chief Legault's statement this evening; that when we adopted the 2023 budget it was because it had to be passed due to our deadline; that there were discussions about using the LIT monies for items budgeted in the Police/Fire Department for 2023 and was appropriated from the Riverboat not knowing how much the LIT tax would be; asking if we keep taking funds to purchase items for the police/fire in our 2023 budget and not use the LIT monies there will be no money left in the riverboat account; that there are a few overdue infrastructure projects that need to be funded.

President Fitzpatrick stated that he understands that we are going back and forth about the workshops set the discussions, looking at what the county was doing and what other communities were doing, and that before we can make the decision to oppose a new tax on our residents the main thing that he remembers being sold on, that it was for recruitment and retention because we were losing officers and looking at increasing crime, one of the main things was that we wanted to hold onto the officers we had and bring more officers into the department; that the LIT monies are coming in and will continue we will continue receiving these funds; that we need to look at things on an individual basis and what their priority is.

**NOTE: Councilman Dabney connected onto zoom at this time**

Councilman Simmons agreed with President Fitzpatrick that his thought was that a large portion of this fund was going towards recruiting and retention of officers, that you see surrounding communities, our county departments that have already moved forward and we are still talking about it; questioning how much are we going to have left.

Councilman D. Przybylinski advised that the labor relations committee is meeting this Thursday March 23, 2023 with both the Police and Fire unions; stating that this LIT tax in his mind is for recruitment and retention and that we should be also using this money for purchasing items that deal with public safety and this will all be discussed at our Labor Relations meeting on Thursday.

President Fitzpatrick 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 at our April 4, 2023 Council meeting.

The Clerk read the following proposed ordinance by title only.

**APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE PARK AND RECREATION OPERATING FUND FOR ADDITIONAL FUNDING OF THE FENCING AT PATRIOT PARK AND REPAIRS TO THE GLASS PANELS AT SUNSET GRILLE**

**INTRODUCED BY: Bryant Dabney**

DECREASE General Fund #2204 Unappropriated balance \$102,600.00 INCREASE ACCOUNT #2204.505.444.050 \$37,600.00 Capital Outlays – Improvements Other than Buildings  
INCREASE ACCOUNT #2204.505.436.010 \$65,000.00 Other Services & Charges – Building Repairs

President Fitzpatrick asked if the sponsor had anything add at this time.

Councilman Dabney stated that the proposed appropriation is necessary improvement that need to be done as soon as possible.

President Fitzpatrick advised that Ed Shinn, Park Superintendent is present and will be addressing the council.

Mr. Shinn presented photo's regarding what needs to be repaired as soon as possible with that being the fence on the fifth field at Patriot Park and the damaged glass at North Point Pavilion upper deck glass railing that was broken at Sunset Grill due to the weather this winter, both of them a risk to public safety; advising that Controller Hoffmaster has approved the proposed appropriation out of the park departments line item in there unappropriated budget; asking the council to do second and third reading as well tonight due to the urgency of these repairs.

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

Rodney McCormick, 617 Union Street, stated that tomorrow March 22, 2023 he will have lived in the first ward for fifty-one years (51); questioned why when they asked for ARP monies to repair the other four fields, they didn't include the 5<sup>th</sup> one and doesn't understand why the Michigan City's Park Superintendent was a part of the ARP committee; commenting on ALL parks, baseball fields in neighborhoods, walking trails that need to be updated and repaired that there is nowhere for kids to go in their own neighborhood.

Tommy Kulavik, 1316 Ohio Street, stated that this is a good example that Michigan City or the Michigan City Park Department has absolutely no business owning or operating a thirty (3) million-dollar sports complex that Councilman Mack is proposing.

President Fitzpatrick asked if anyone from the council had any comments at this time.

Councilman P. Przybylinski made a motion to have second and third reading; being advised that there has to be a formal public hearing that being advertised and will be held at the next council meeting on April 4, 2023; that all three readings can be done if the council suspends the rules and considers the proposed additional appropriation an emergency.

Mr. Shinn stated that he feels that these repairs need to be considered an emergency for public safety.

Discussion ensued between Mr. Shinn, Park Maintenance Superintendent Voltz, President Fitzpatrick and Council members Deutch, D. Przybylinski, P. Przybylinski, and Dabney regarding if this appropriation should be considered an emergency, when baseball start at Patriot Park, rental of the fields the park leases to from out of town, comments regarding the shattered glass panel being replaced at the north pavilion, and ARP fund repairs completed or scheduled.

Councilman Dabney made a motion to consider the proposed additional appropriation for \$102,600.00 for repairs to fencing at Patriot Park and repairs to the glass panels at Sunset Grille an emergency and have all three readings this evening, second by Councilman D. Przybylinski; the motion carried and was approved that the proposed ordinance is an emergency and to move forward and have all three readings this evening by the following vote: **AYES:** Council members Deutch, D. Przybylinski, Simmons, P. Przybylinski, and Fitzpatrick (5) **NAYS:** Council member None (0).

**NOTE: THE COUNCIL TOOK A FIVE-MINUTE RECESS**

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

**APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE PARK AND RECREATION OPERATING FUND FOR ADDITIONAL FUNDING OF THE FENCING AT PATRIOT PARK AND REPAIRS TO THE GLASS PANELS AT SUNSET GRILLE**

**INTRODUCED BY: Bryant Dabney**

(DECREASE General Fund #2204 Unappropriated balance \$102,600.00 INCREASE ACCOUNT #2204.505.444.050 \$37,600.00 Capital Outlays – Improvements Other than Buildings INCREASE ACCOUNT #2204.505.436.010 \$65,000.00 Other Services & Charges – Building Repairs)

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

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

Mark Yagelski, 125 Boyd Circle, stated several concerns why this appropriation is being voted on as an emergency; that the glass, the fence, all could have been replaced in a few weeks; that the city should have never done a lease agreement until after these items were repaired.

Rodney McCormick 617 Union Street commented on Patriot Park again and we leased the park out; I would think the people leasing should have to have liability insurance as required for anyone using/renting city property; asking why they would put a city park out of our city limits.

President Fitzpatrick asked if there were any questions from the council, there was no response.

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

**MICHIGAN CITY COMMON COUNCIL  
ORDINANCE NO. 4672**

**APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE PARK AND RECREATION OPERATING FUND FOR ADDITIONAL FUNDING OF THE FENCING AT PATRIOT PARK AND REPAIRS TO THE GLASS PANELS AT SUNSET GRILLE**

**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 2023 Annual Budget to fund fencing at Patriot Park and repairs to the glass panels at Sunset Grille, and

**WHEREAS**, the City Controller has determined that sufficient unappropriated funds are available in the Park and Recreation Operating Fund #2204 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 General Fund #2204 Unappropriated balance	\$102,600.00	
INCREASE ACCOUNT #2204.505.444.050 Capital Outlays – Improvements Other than Buildings		\$37,600.00
INCREASE ACCOUNT #2204.505.436.010 Other Services & Charges – Building Repairs		\$65,000.00
<b>TOTAL FOR FUND</b>	<b>\$102,600.00</b>	

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/Bryant Dabney, Member  
Michigan City Common Council

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

Ed Shinn, Park Superintendent stated that shutting down the field due to it being a liability for the players is an option until the fields are repaired reopening them as they are finished one at a time; stressing that the glass at the North Pavilion is very dangerous to the public and is urgent to get that repaired as soon as possible.

Discussion ensued between Mr. Shinn, Mayor Parry and Council members Deutch, Fitzpatrick, and Rodney McCormick, regarding the scheduling for repairs at both the fences at Patriot Park and glass repair at the North Pavilion, request for a status report after these repairs as they are getting completed at our next council meeting on April 4, 2023, long term leasing agreements at Patriot Park, questions about the person leasing the field being responsible for their COI Insurance per the contract/MOU.

Derald Borton Michigan City, commented on the history of Patriot Park advising how the property was given to the city when Mayor Brillison was in office and that this park should not be torn down.

Mr. Shinn addressed Mr. McCormick's comments advising him that the lease does have to have liability insurance which is risk management and being proactive.

President Fitzpatrick asked if the Council had any other comments or questions. Mr. Shinn advised Councilman P. Przybylinski that anyone that rents city property/fields signs an MOU that requires them to provide liability insurance; that we do want to eliminate any risks that might happen and have no problems shutting the fields down until they are repaired and rotate the teams.

President Fitzpatrick stated that there was a motion to approve the proposed ordinance, second by Councilman Dabney; the motion carried, and the ordinance was approved by the following vote: **AYES:** Council members Deutch, D. Przybylinski, Simmons, P. Przybylinski, and Fitzpatrick (5) **NAYS:** Council member None (0)

## **NEW BUSINESS**

President Fitzpatrick advised the Michigan City Common Council has one (1) appointment to the Michigan City Commission on Sustainability (term expires March 21, 2023) Incumbent: Andrea Jahnz-Davis

President Fitzpatrick advised the Michigan City Common Council has one (1) appointment to the Michigan City Promise Scholarship (term expires May 01, 2023) Incumbent: Ryan Labis

Councilwoman Deutch stated that she has one more to add that there was an appointment for the Michigan City Woman's Commission that was submitted and needs to be placed on the agenda for the next meeting.

## **UNFINISHED BUSINESS**

**NOMINATIONS:** President Fitzpatrick advised that the Council has the following appointments to the Michigan City Social Status of African American Male Board (term expires February 15, 2023 and are all 1yr terms)

**Incumbent:** Resigned- Ministerial Assoc.

Willie Milsap- Swanson Center  
Dwayne Hurt- MCAS

President Fitzpatrick asked if there were any applications/letters received to date, with Clerk Neulieb advising that the Clerk's Office received a letter from the Swanson Center re-appointing Mr. Willie Milsap as their representative and for Pastor Dwayne Hurt from MCAS.

President Fitzpatrick asked (repeating three times) "if there were any nominations at this time:

President Fitzpatrick asked if the Council wanted to vote on both nominations at once, the Council agreed.

Councilwoman Deutch made a motion to support the Swanson Center recommendation for Mr. Willie Milsap and Pastor Dwayne Hurt to represent the MCAS, second by Councilman D. Przybylinski; the motion carried and was approved by the following vote: **AYES:** Council members D. Przybylinski, Simmons, P. Przybylinski, Dabney, Fitzpatrick, and Deutch (6) **NAYS:** Council members None (0).

**NOMINATIONS:** President Fitzpatrick advised the Council has one (1) appointment to the Michigan City Enrichment Corporation (term expires March 31, 2023)

**Incumbent: George Kazmierczak**

President Fitzpatrick asked if there were any applications/letters received to date, with Clerk Neulieb advising that we received applications from Mr. Rodney McCormick and Mr. Jason Kirby.

Clerk Neulieb advised that Pastor Carrol application was expired, and Mr. Kirby emailed a new application to serve on the Enrichment Corporation.

President Fitzpatrick asked (repeating three times) "if there were any other nominations at this time:

Councilman Dabney stated that he nominates Jason Kirby.

Councilwoman Deutch stated that she nominates Rodney McCormick.

President Fitzpatrick asked if there were any other nominations (repeating three times), there was no response and nominations were closed; advising that the vote will take place at our April 4, 2023 Council meeting.

Rodney McCormick 617 Union Street stated that he asked to sign up to this board after being approached by Mr. Kenny Fly to help represent the African American Community; further stating that he will follow all the rules, bylaws, and do what is right for the people.

Jason Kirby 1600 Columbia Street stated that he has lived in Michigan City all of his life and feels he would be beneficial to this committee and wants to help the youth, asking the Council to take him into consideration.

### **COMMENTS FROM THE PUBLIC**

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

Councilwoman Deutch stated that the Council has a three (3) minute rule and to state your name, address, and then the three (3) minutes to talk with no personal attacks.

Kenneth Fly Enrichment Corporation, 211 Fulton Street and board member stated that he has been on this board wanting to address that a majority of people on the board have nonprofit and are privy to grant specifications; further stating that whoever comes on the board he hopes that they help to keep it functioning correctly.

Rodney McCormick 617 Union Street stated that election time is here so everyone should get out and vote it is very important not to vote straight party tickets.

Derald James Borton stated that people should not cut others down, but Mr. McCormick needs to stop what he is doing.

President Fitzpatrick addressed Mr. Borton stating that there will be no personal attacks allowed or directed at any individual.

Derald James Borton stated that that we all need to stand by our police department and get them all the equipment they need and if we build the annexation the people will come.

Tommy Kulavik 1316 Ohio Street stated we all need to congratulate Michigan City High School, and everyone involved in hosting the semi-state on Saturday, also the Boys and Girls Club acquired a property on Coolspring Avenue, further stating that the South County Coalition will be rebuilding the Westville Correctional Facility for \$1.2 billion.

Rodney McCormick Vice Chair Michigan City Social Status stated that they received the \$4,000.00 from LaPorte County and would like to thank Mark Yagelski, Connie Gammarosa, and Shelia Matias for working together for the first time Republicans and Democrats came together.

Kenneth Fly President of Social Status stated that on the criminal justice subcommittee noticed his name had not been spoken on about receiving funding because no one else on our committee was told about going to LaPorte.

Chief Steven Forker MCPD asked the Council to rethink some of the money involved in the previous ordinance so they can take care of their employees and then they can get the equipment afterwards, asking the council to just take it into consideration as you go into second and third reading of that ordinance.

Councilwoman Deutch asked Chief Forker if he was referring to the percentage's ordinance.

Chief Forker answered the ordinance with half a million dollars already in the 2023 budget.

Jason Kirby 1600 Columbia apologized if he ignored anyone earlier when he addressed the Council.

President Fitzpatrick addressed Mr. Kirby saying that he did a great job for his first time speaking publicly since high school.

President Fitzpatrick asked if there are any other public comments, there was no response.

#### **COMMENTS FROM THE COUNCIL**

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

Councilman D. Przybylinski congratulated the Marquette High School Basketball team for making it to the championship game in semi-state even though they did not win they were a great representation for Michigan City, also compliments to the Michigan City Street Department for cleaning up Cleveland Avenue; further stating that he called Councilman Randy Novak to get 900 North cleaned up and a crew went out there and cleaned up around the High School; the High School did a great job hosting semi-state; April 1<sup>st</sup> is the Michigan City Great Cleanup, just organize a group and cleanup your own neighborhood.

Councilman Dabney stated that when he joined the meeting the first statement he had heard was regarding if we follow what Bryant Dabney wanted to do with the annexation, we will have to pay \$4 million and then Skylar York comes into the conversation stating that was not true, so he wanted to clear the information up for the public to know that it is not true.

Councilman P. Przybylinski wanted to explain that there was an invoice received from the Controller's office regarding the \$100,000.00 out of fund 2235-114-443-031 Capital Outlays streets and sidewalks in the general fund under Board of Works, further explaining that the purchase order was produced for the Franklin Street Two-Way Conversion Project and that they were trying to rob that money from the sidewalks for our neighborhoods. Also, Councilman Don Przybylinski was at that meeting; further reading out loud a questionnaire that is regarding the ARP money to the Stormwater Department on their priority list and the complaints he is receiving because this work was never done with no money set aside to complete this project by the previous administration.

Councilwoman Deutch addressed the Green Cleanup, Earth Day is April 22, 2023 and post your cleanup pictures on Facebook; On April 8, 2023 the Walker Street Urban Gardens are having their Sea Swap annual event at the library from 10-12 p.m. with educational activities that is family friendly; this weekend is the beach cleanup at Washington Park at 1:00 p.m.

Councilman Dabney stated that he had a quick question for Councilman P. Przybylinski about the sewer, asking how long ago that started and why it never finished.

Councilman P. Przybylinski stated that they had gotten the funding, but the previous administration did not follow up with it, but he is working on getting all the information together and when he proposes this to legislation all the information will be there with a workshop because we are still paying on a \$7.4 million bond. Further discussion ensued between Councilman Dabney, Councilman D. Przybylinski, and Councilman P. Przybylinski.

President Fitzpatrick asked if there are any other Council comments, there was no response.

### **ADJOURNMENT**

A motion by Councilwoman Deutch second by Councilman P. Przybylinski and there being no further business to transact, President Fitzpatrick declared the meeting **ADJOURNED** (approximately 10:18 p.m.)

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Gale A. Neulieb, City Clerk



