

REGULAR MEETING – June 15, 2021

The Common Council of the City of Michigan City, Indiana, met in Regular session on Tuesday evening, June 21, 2021 at the hour of 6:30 p.m., Hosted by “Zoom” and streamed live on “My Michigan City” Facebook Page.

The meeting was called to order at 6:30 p.m. by Council President Michael Mack.

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

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

ABSENT: Council Member Tracie Tillman (1).

A QUORUM WAS NOTED PRESENT

ALSO, PRESENT: Attorney Meyer, Gale Neulieb City Clerk and Dawn Debald Deputy Clerk.

Councilman Fitzpatrick made a motion that if there was no objection to add a proposed ordinance on first reading to this evenings agenda which is “**AMENDING THE POLICY NUMBER 305 REGARDING THE CITY OF MICHIGAN CITY’S HOLIDAYS POLICY IN THE BENEFIT PROGRAMS SECTION OF THE CITY’S POLICY AND PROCEDURE MANUAL TO ADD JUNE 19 AS THE JUNETEENTH CITY HOLIDAY**”, second by Councilman P. Przybylinski.

The proposed ordinance was to add to this evenings agenda on first reading by the following vote: **AYES:** Council members D. Przybylinski, Simmons, Zygas, P. Przybylinski, Dabney, Fitzpatrick, Mack, and Deutch (8). **NAYS:** None (0).

President Mack made a motion to amend the agenda to have “Public Comments” at this time, that there are several people in attendance wanting to address the Michigan City Zoning Ordinance, the motion was second by Councilman Fitzpatrick. The motion was approved by the following vote **AYES:** Council members Simmons, Zygas, P. Przybylinski, Dabney, Fitzpatrick, Mack, Deutch and D. Przybylinski (8). **NAYS:** None (0).

APPROVAL OF MINUTES

President Mack inquired whether there were any corrections, deletions, or additions to the minutes of the Regular “Zoom/ Hybrid” Meeting of, June 1 2021; there was no response.

Clerk Neulieb asked that the Council wave approving the June 1, 2021 minutes due to not having time to finish them; President Mack made a motion to wait until the July 6, 2021 Council meeting to approve the June 1, 2021 Council minutes; second by Councilman Fitzpatrick.

A motion was made to bring back the June 1, 2021 Council minutes until the July 6, 2021 Council meeting and approved by the following vote: **AYES:** Council members Zygas, P. Przybylinski, Dabney, Fitzpatrick, Mack, Deutch, D. Przybylinski, and Simmons (8). **NAYS:** None (0).

PUBLIC COMMENT

Councilman D. Przybylinski called "Point of Order" asking if this time is just for the contractors that have attended and have comments regarding the zoning ordinance being enforced or everyone that attended our meeting can speak.

President Mack advised that anyone that wish to speak this evening under public comment can address the Council during this time.

Brian Gross 830 W. 6th Street and Jerry Mitchell, Michigan City addressed the Council regarding issues and concerns they have regarding the City Inspection Department implementing the joint zoning ordinance that was adopted over eight years ago causing it hard for landlords, home owners, and private owned properties want to do their own construction, getting their permit and be red flagged telling them they have to have licensed contractor.

Susan Thomas, Legislature for "Just Transition Northwest Indiana" addressed the Council regarding the coal ash and safety/health concerns when NIPSCO closes their generating station located on Lake Michigan; advising that she will be forwarding a petition and study that was commissioned by Earth Justice to this council asking them to address these issues.

Councilman D. Przybylinski questioned Ms. Thomas about what she stated about a wall that holds the coal ash back facing Lake Michigan and that the ash is leaking into our lake; with Ms. Thomas advising that there are weep holes in this wall and that if you request from NIPSCO a copy of the wall inspection report you will see it for yourself.

Rodney McCormick, 617 Union Street addressed the Council regarding demolitions being done by private owners apply for their own permit; stating that his neighbor was out at 3:00 am working on his garages tearing it down; with him having to call the police; asking that there should be a time frame of thirty (30) days to get a demolition completed.

Mr. McCormick also commented on the poor conditions of our beach, and how much one of the Park Employees make an hour is less than \$8.00 for cleaning up after people visiting, advising how many City employees have quit and gone somewhere else for more money due to the low pay scale the City has.

Brett Kelley Sr., 330 N. Calumet Avenue, addressed the COVID money the City is going to receive regarding essential workers are employed by the city and working every day the entire time during the COVID pandemic; asking the Council to allocate funds out of this COVID money to all city employees that worked during this time and also stating that our City needs to be cleaned up; stating that we want new businesses to locate and open in our city; that we need to do some clean up throughout our community.

Ricky Jackson, Michigan City, addressed the Council advising them that he flips houses for a living; stating that with the City enforcing the Joint Rezoning Ordinance since the beginning of the year it is costing a lot more to be able to do this; advising that to a get a license to do a work of a Plummer, electrician, or AV/AC it would take years to get it; stating that he hasn't had any problem getting permits but this ordinance is over kill to be able to flip a home. Also advising that Michigan City has over five hundred vacant homes, asking the council to have a workshop and make amendments to the joint zoning ordinance.

Alan Harrel, 8525 Oak Avenue, Broker of McColly, addressed the Council introducing Mr. John Cook who has an executed an offer to purchase the Moose Lodge building; with Mr. Cook explaining his plan for this building; asking the Council to reach out to him regarding his view for this building and what the City might be able to do.

President Mack advised Mr. Harrel that he should contact Mr. Clarence Hulce at Michigan City Economic Development Corporation, that he would give him avenues Mr. Cook could take to reach his goals.

Mike Noland, 2711 Floral Trail addressed the Council regarding the agreement the City Council put in place November 1, 2016 which was the agreement to move forward adopting the trail road to do the NICTD Double Track project; thanking the Council.

President Mack asked if there was anyone else that would like to speak under Public Comments, there was no response.,

REPORTS of STANDING COMMITTEES

President Mack asked if there were any reports of Standing Committees.

Councilman D. Przybylinski reported on the Michigan City Firefighters Local 475 Labor Relations negotiating committee meeting that was held on June 9, 2021, to address the Fire Departments 2022 budget; In attendance was Chairman D. Przybylinski, Councilman Councilman P. Przybylinski, City Attorney Amber LaPaich, City Controller Hoffmaster, Personnel Director Andrea Smith, and Local 475 negotiating team Judd Rose, Andrew Knouse, Dwayne Brown and Daniel Nova.

President Mack asked if there were any other reports of standing committees; there was no response.

FINANCE REPORT

President Mack asked if there were there was a finance committee this evening.

Councilman Fitzpatrick advised that there were no Riverboat or Boyd Development Claims with the Finance Committee being cancelled.

CLAIMS DOCKET

President Mack read the following claims for the record.

June 15, 2021 Riverboat/Boyd Claim Docket

Fund #2042 – Riverboat – Claims	\$	0.00
EFT	\$	0.00
Fund #2031 – Boyd – Claims-	\$	0.00
TOTAL CLAIMS	\$	0.00

REPORTS OF SPECIAL or SELECT COMMITTEES

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

REPORTS OF OTHER CITY OFFICERS and DEPARTMENTS

President Mack asked if there were any reports of other City Officers or Departments; there was no response.

PETITIONS

President Mack asked if there were any petitions, with Clerk Neulieb advising there weren't any received.

COMMUNICATIONS

Clerk Neulieb read the following correspondence received.

A petition in the matter of Northern Indiana Commuter Transportation Division (NICTD) was received in the Clerk's Office on May 28, 2021 from the Indiana Department of Transportation Multimodal - Rail Programs Office

The State of Indiana Executive Order No. 21-14 was received in the Clerk's Office on June 1, 2021

Correspondence was received in the Clerk's Office from Mr. Chris Buckely, 1403 Lake Shore Drive regarding the recent ordinance adopted for short term rentals.

Correspondence was received in the Clerk's Office on June 8, 2021 from Michael Noland, President of South Shore Line/NICTD regarding resolution objecting to parts of INDOT's May 26, 2021 Order

Correspondence was received in the Clerk's Office on June 8, 2021 from Mayor Parry to Venetta Keefe at INDOT regarding the NICTD Double Track project

RESOLUTION

President Mack stated Resolution No. **4806 EXPANDING THE DESIGNATION OF ECONOMIC REVITALIZATION AREA WITHIN THE CITY OF MICHIGAN CITY AND EXTENDING AVAILABILITY OF TAX ABATEMENT BENEFITS AS PERMITTED THEREUNDER INTRODUCED BY** Councilwoman Angie Nelson Deutch and Councilman Dabney and was adopted on April 20, 2021, advising that according to I.C. 6-1.1-1-12.1-1 a formal public hearing has to take place, repeating three times "Is there anyone from the public that wish to speak at this time" there was no response with the public hearing being closed.

Clerk Neulieb read the following resolution by title only.

MICHIGAN CITY COMMON COUNCIL**RESOLUTION NO. 4809****SUPPORTING THE RETURN OF THE BARKER MANSION TO THE BARKER WELFARE FOUNDATION**

WHEREAS, in 1968, the Barker Welfare Foundation ("Foundation") gifted and transferred the Barker Mansion ("Mansion") to the City of Michigan City, Indiana under the terms and conditions of an Agreement dated June 28, 1968, a copy of which is attached hereto and incorporated herein as **Exhibit A**; and

WHEREAS, in 1975, the Mansion was formally placed on the National Registry of Historic Places, and a copy of the National Registry of Historic Places for the Mansion is attached hereto and incorporated herein as **Exhibit B**; and

WHEREAS, since 1968, the City has maintained the Mansion with the assistance and financial support of the Foundation and the Friends of Barker Civic Center, Inc; and

WHEREAS, the Foundation has recently approached the City requesting the return of the Mansion to the Foundation, while expressing the firm desire to maintain the Mansion on the National Registry of Historic Places and to keep the Mansion open to the public for tours and use as a community facility; and

WHEREAS, although Common Council approval is not required for the return of the Mansion to the Foundation by virtue of I.C. 36-1-11-1(b)(21)¹, the Common Council wishes to express its support and consent of the Mansion's return to the Foundation and the "Transfer Agreement" between the Foundation and the City of Michigan City, Indiana, which is attached hereto and incorporated herein as **Exhibit C**.

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

Section 1. The aforementioned "Whereas" sections are included herein as if fully set forth herein.

Section 2. The Michigan City Common Council supports the uncompensated return of the Barker Mansion to the Barker Welfare Foundation and the "Transfer Agreement" in substantially the same form as attached as "**Exhibit C**."

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, President
Michigan City Common Council
/s/ Dalia Zygas, Member
Michigan City Common Council
/s/ Gene Simmons, Member
Michigan City Common Council

President Mack asked if any of the Authors had anything to add.

Councilwoman Zygas advised that this has been being discussed for several months and that by the Barker Welfare "Foundation taking back ownership of the mansion it will save the City approximately \$150,000 annually; stating that the City didn't have the money to upgrade the mansion with the foundation already spent two (2) million dollars in upgrades in the past several months. That the Barker Foundation has advised that the citizens of Michigan City will still have the access they did in the past, asking for the Council's support.

President Mack advised he and Councilwoman Zygas were on the "Zoom" meeting with the Barker Welfare Foundation board advising how much more the Barker family does for our community other than just Barker Mansion; thanking them for all they do.

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

Alex Ross, Barker Welfare Foundation, thanked the Council for taking the time to look at the proposed transfer, introducing everyone attending this evenings meeting from their foundation; stating that their Commission as well as the Welfare Foundation supports this transfer and assured the Council that they plan on running the mansion as it always has been in the past along with making capital and operating improvements to preserve the Barker history in the City of Michigan City.

President Mack asked if there were any other public comments, there was no response.

President Mack asked if there were any comments from the Council.

Councilman Fitzpatrick questioned if the turnover of several Directors in the past few years was an impact on wanting to take control of the mansion also asking how long it has been since they made the final decision.

Mr. Ross explained several reasons why this decision was made; commenting on what the City has done to the mansion since 1978.

Councilman D. Przybylinski commented on what the Barker Mansion has meant to the citizens in Michigan City, thanking the Barker family for all they have done and going to do.

Councilman P. Przybylinski questioned if the foundation still planned on renting the mansion for weddings, teas, or different events; with Mr. Ross advising that they many events that will be scheduled; stating several of the improvements they plan on doing to the mansion and garden.

Councilwoman Deutch made a motion to adopt the proposed resolution, second by Councilman D. Przybylinski; with the Resolution being adopted by the following vote:

AYES: Council members P. Przybylinski, Dabney, Fitzpatrick, Mack, Deutch, D. Przybylinski, Simmons and Zygas (8). **NAYS:** None (0).

ORDINANCE

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

AMENDING THE POLICY NUMBER 305 REGARDING THE CITY OF MICHIGAN CITY'S HOLIDAYS POLICY IN THE BENEFIT PROGRAMS SECTION OF THE CITY'S POLICY AND PROCEDURE MANUAL TO ADD JUNE 19 AS THE JUNETEENTH CITY HOLIDAY

Introduced by: Tracie Tillman
Co-Sponsor: Sean Fitzpatrick
 Gene Simmons
 Angie Nelson Deutch
 Bryant Dabney

Councilman Fitzpatrick advised that Councilwoman Tillman was unable to attend the meeting this evening stating that she initiated this ordinance; commenting on the history of "Juneteenth" and has been Independent Day for African Americans for many years and that last year on June 19th Governor Holcomb proclaimed this day as "Juneteenth" Day with Ms. Tillman taking it a further step to bring June 19th a National/Federal Holiday that will be observed each year.

Councilman Fitzpatrick asked if there was no objection, he would like to have all three readings this evening.

Attorney Meyer advised that according to the State Law there can only be two (2) readings unless the proposed ordinance is an emergency; there was no response.

Councilman Fitzpatrick called "Point of Order" stating we haven't finished the process of the last ordinance.

President Mack apologized asking if there were any public comments, there was no response.

President Mack asked if there was any comments from the Council.

Councilman Dabney requested to be a co-sponsor to the proposed ordinance.

Councilman Dabney questioned the legal holidays listed in the proposed ordinance does not have “Good Friday” or “New Year’s Eve”, with Councilman Fitzpatrick advising that there was an email sent out correcting that and putting them back into the ordinance.

Councilman D. Przybylinski questioned that this is a holiday for City Employees; asking what the cost to the City and how it will affect employees with Contracts and does this need to be added to the 2022 budget.

Councilman Fitzpatrick commented on the administration scheduling the City parade on June 19, 2021 and not even considering or recognizing that this was “Juneteenth”.

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

AMENDING SECTIONS 2-406 AND 50-33 OF THE MICHIGAN CITY MUNICIPAL CODE REGARDING PRODUCING LAW ENFORCEMENT RECORDINGS

Introduced by: Angie Nelson Deutch

President Mack asked if the author had anything to add.

Councilwoman Deutch advised that this was presented to her from the Social Status Commissioners; asking to schedule a Council Health and Safety Committee to hear from MCPD Chief Campbell and his staff, the police commissioners as well as any input from our community; advising by lowering these fees it would give this Council the opportunity to purchase the tapes to be able to see what has happened in City vehicles that were damaged; stating that she scheduled a meeting for June 22, 2021 as a zoom meeting requesting the Clerk’s Office to make it a hybrid/public meeting instead and this will be to review this proposed ordinance.

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

Doug Samuelson, President of the F.O.P, addressed the Council regarding the F.O.P.’s concerns regarding what is being proposed in this ordinance; thanking Councilwoman Deutch for scheduling a meeting to discuss everyone’s questions and concerns.

Rodney McCormick, 617 Union Street, thanked Mr. Samuelson for being at the meeting representing the F.O.P. commenting on an incident that he went through in 2018 with the previous Mayor and not being able to afford to get the recording from the MCPD; stating several reasons why he for this ordinance lowering the fees for recordings and police officers being held accountable for what they are doing when on duty.

Mr. Samuelson addressed the Council advising them that police officers are in favor of having body cameras which protect the police office as well as a citizen; stating that Michigan City has a top-notch police department with Chief Campbell governing the department well and that he feels by lowering the fee this will open up a can worms for people to put bits and pieces of a recording on Facebook.

Chief Campbell reiterated his commitment to the City, the community, and to this Council; stating there are several items that he would like to discuss regarding the proposed ordinance and will further communicate with the Council at their Health and Safety Committee meeting on June 22nd.

President Mack asked if there were any comments from the Council

Councilwoman Deutch thanked everyone for their comments and why she scheduled this meeting on the 22nd, to have transparency and communication.

President Mack added that he agreed with several comments that were made and is looking forward to the Health and Safety meeting that is scheduled.

President Mack asked if there were any other comments from the Council, there was no response; stating that the proposed ordinance will be held over on second reading at the July 6, 2021 Council meeting.

Clerk Neulieb read the following proposed ordinance on first reading by title only,
AMENDING SEC. 70-103(a) AND SEC. 54-160 OF THE MICHIGAN CITY MUNICIPAL CODE TO CHANGE MAXIMUM AGE FOR APPLICANTS TO POLICE DEPARTMENT PURSUANT TO SENATE ENROLLED ACT 396 AND ADOPT THE PROVISIONS OF HOUSE ENROLLED ACT 1033 REQUIRING THAT POLICE AND FIRE MEMBERS HAVE ADEQUATE TRANSPORTATION INTO MICHIGAN CITY AND MAINTAIN TELEPHONE COMMUNICATION SERVICE TO COMMUNICATE WITH THEIR RESPECTIVE DEPARTMENTS

Introduced by: Gene Simmons
Don Przybylinski
Angie Nelson Deutch

President Mack asked if the authors had anything to add.

Council D. Przybylinski commented on why this proposed ordinance was being brought to the Council that the Senate adopted Act 396 and adopted the provisions of House Enrolled Act 1033.

Councilwoman Deutch stated that this does open up the residency and will give this Council to be able to give an incentive to want to join our MCPD team and stay working for our city; especially with the our city growing it would be nice to have more police and firemen live within our City limits.

Councilman Simmons stated that this is a national issue that is happening all over our country that this will help in recruiting better applicants; advising there is a lot of power struggles between police departments in surrounding communities out bidding what our City is offering; stating that it is nice to have applicants that live apply for these departments.

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

Councilman P. Przybylinski stated that he would not be elaborating on what was said by the authors at this time and will address the proposed ordinance at the Health and Safety Committee meeting on June 22nd.

Chief Campbell, Councilwoman Zygus, Councilmen Fitzpatrick and Dabney discussed the language regarding the means of transportation requirements in the proposed ordinance.

President Mack commented on the state of Indiana being landlocked regarding being able to hire from other surrounding counties and states, Illinois, Michigan; and are still unable to be hired and serve in the community they live by and is 100% behind being able to reach out to more people that live in nearby communities.

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

The Clerk read the following proposed ordinance on second reading by title only,
CREATING SEC. 2-325 IN CHAPTER 2 OF THE MICHIGAN CITY MUNICIPAL CODE TO ESTABLISH DEADLINES FOR THE PREPARATION AND SUBMISSION OF

DRAFTS OF THE PROPOSED ANNUAL CITY BUDGETS AND TAX LEVIES TO THE COMMON COUNCIL

Introduced by: Sean Fitzpatrick
Co-Sponsored: Paul Przybylinski
Angie Nelson Deutch
Tracie Tillman

(Note: This ordinance was TABLED at the June 15, 2021 Council meeting until the July 6, 2021 Council meeting)

President Mack asked if the authors had anything to add.

Councilman Fitzpatrick stated that everyone should have received the amendments he was proposing this evening with it making the changes so the Controller's Office can follow what is being proposed.

Councilman Fitzpatrick made a motion to adopt the amendments to the proposed ordinance, second by Councilwoman Deutch.

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

President Mack asked if there were any comments from the Council.

Councilwoman Deutch commented on the action that was taken at the last meeting on June 15th advising that these amendments fall into the rules that was received from Ms. Hoffmaster provided by the State Board of Accounts; asking if Ms. Hoffmaster had anything to add regarding the amendment.

Controller Hoffmaster stated that she was unable to review the amendments due to not receiving them as of yet and will review them tomorrow.

Councilman Dabney stating that he hadn't had a chance to look at these amendments with his vote to "NAY"

President Mack asked for the vote; **AYES:** Council members Fitzpatrick, Deutch, Simmons and P. Przybylinski (4). **NAYS:** Council members Dabney, Mack, D. Przybylinski and Zygas (4).

City Clerk stated there were four (4) in favor and (4) opposed.

Councilman Dabney stated that he would like to have a chance to look at what is being proposed that the Council received these amendments prior to tonight's meeting.

Councilman P. Przybylinski asked if it would be the appropriate time to ask for additional time to review the proposed amendments until the July 6th meeting.

Councilman P. Przybylinski made a motion to TABLE the proposed ordinance on second reading until the July 6, 2021 Council meeting, second by Councilman Fitzpatrick.

President Mack asked for the vote; **AYES:** Council members Fitzpatrick, Mack, Deutch, D. Przybylinski, Simmons, Zygas, P. Przybylinski and Dabney (8). **NAYS:** (0).

NOTE: THE COUNCIL TOOK A FIVE MINUTE BREAK

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

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. 4586

APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE MOTOR VEHICLE HIGHWAY RESTRICTED FUND TO PROVIDE FUNDING FOR THE CITY’S LOCAL MATCH FOR THE COMMUNITY CROSSING LOCAL ROADS AND BRIDGES MATCHING GRANT 2021-2 PROJECT AND FOR MISCELLANEOUS PAVING

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 2021 Annual Budget to provide funding for the City’s local match for the Community Crossing Local Roads and Bridges Matching Grant 2021-2 Project and miscellaneous paving; and

WHEREAS, the City Controller has determined that sufficient unappropriated funds are available in the Motor Vehicle Highway Restricted Fund #2003 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 Motor Vehicle Highway Restricted Fund #2003 Unappropriated balance	\$590,000.00	
INCREASE ACCOUNT#2003 000 443.030 Capital Outlay - Streets		\$590,000.00
TOTAL FOR FUND	\$590,000.00	

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/Angie Nelson-Deutch, Member
Michigan City Common Council

/s/ Dalia Zygas, Member
Michigan City Common Council

President Mack asked if the Authors had anything to add this evening.

Councilwoman Deutch stated that these monies are for the next round of Community Crossing Grant match with City Engineer sending each Council member the list of streets being paved and repaired; advising that Mr. Wright is present to answer any questions the Council may have.

President Mack asked if there were any comments from the Public.

Tom Kulavik commented on the streets that are being proposed and that the number one project should be Cleveland Avenue.

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

President Mack asked if there were any comments from the Council.

Councilman P. Przybylinski asked City Engineer Wright the timeframe on this second round will it be this fall to get these projects done or next spring 2022.

Mr. Wright stated the bids start on July 5th to be received on the list of streets for the second round for the Community Crossing II project and will close on July 30th; commenting about the finance on this matching grant.

Mr. Wright advised Councilman P. Przybylinski that the second project he would like to start right away but there is a cash flow issue with Ms. Hoffmaster and when the funds are available to move on with this project.

Discussion ensued between Councilwoman Deutch and Mr. Wright regarding what the Council requests before submitting the grant.

Councilwoman Zygus advised Mr. Wright that the Council just needs a list of streets he is proposing not a demonstration.

Councilman P. Przybylinski stated several reasons and concerns he has appropriating the monies prior to receiving the bids on the June 19th.

Councilwoman Deutch made a motion to adopt the proposed ordinance, second by Councilman Dabney.

President Mack asked for the vote; **AYES:** Council members Mack, Deutch, D. Przybylinski, Simmons, Zygus, Dabney and Fitzpatrick (7). **NAYS:** Councilman P. Przybylinski (1).

Clerk Neulieb read the following proposed ordinance on third reading by title only,

ORDINANCE NO. 4587

APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE RIVERBOAT FUND FOR LOCAL MATCH OF THE COMMUNITY CROSSINGS MATCHING GRANT FOR THE CLEVELAND AVENUE 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 2021 Annual Budget for matching grant funds, and

WHEREAS, the City Controller has determined that sufficient unappropriated funds are available in the Riverboat Fund #2042 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 Riverboat Fund 2042 Unappropriated balance	\$350,000.00	
INCREASE ACCOUNT#2042 114.443.030 Capital Outlay - Streets		\$350,000.00
TOTAL FOR FUND	\$350,000.00	

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/ Angie Nelson-Deutch, Member
Michigan City Common Council
/s/Dalia Zygus, Member
Michigan City Common Council

President Mack asked if either of the authors had anything to add at this time.

Councilwoman Deutch stated this is in reference to the Cleveland Avenue Project that initially wanted \$400,000 from the MVH Fund; advising the Redevelopment Commission appropriated \$350,000 additional monies toward the match for the Cleveland Avenue project, so this \$350,000 is an additional appropriation from the Riverboat Fund is to complete that Project.

President Mack asked if there were any comments from the author; there was no response.

President Mack asked if the public had any comments or questions; there was no response.

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

Councilman D. Przybylinski repeated his comments stating several reasons he doesn't approve using Riverboat funds to pave streets.

Councilman P. Przybylinski agreed with Councilman D. Przybylinski and not using the Riverboat funds for paving and not TIF monies.

Councilman Dabney commented that TIF does have monies but this Council hasn't been advised about what their obligation is not know what funds they actually have.

Councilwoman Deutch made a motion to adopt the proposed ordinance, second by Councilman Dabney.

President Mack asked for the vote; **AYES:** Council members Deutch, Simmons, Zygas, Dabney, Fitzpatrick and Mack (6). **NAYS:** Council members D. Przybylinski and P. Przybylinski (2).

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

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. 4588

AUTHORIZING ORDINANCE NO. 4398 TO BE CODIFIED AS SEC. 98-33 OF CHAPTER 98 OF THE MICHIGAN CITY MUNICIPAL CODE & APPROVING REVISED BOUNDARY MAP

WHEREAS, on September 21, 2016 the Michigan City Common Council enacted Ordinance No. 4398 entitled "*Establishing the Water Service Area for the Department of Water Works of Michigan City, Indiana, and Regulating the Furnishing of Water Therein*" (A copy of Ordinance No. 4398 is attached hereto as "**Exhibit A**"); and

WHEREAS, the Indiana Utility Regulatory Commission issued an order in its Cause Number 44865 approving Ordinance No. 4398 on February 22, 2017, "*...subject to Michigan City adopting the revised Boundary Map as an amended exhibit to Regulatory Ordinance No. 4398.*" (A copy of the IURC Order dated February 22, 2017 is attached hereto and incorporate herein as "**Exhibit B**," and a copy of the revised Boundary Map referenced by the IURC Order dated February 22, 2017 is attached hereto and incorporated herein as "**Exhibit C**"); and

WHEREAS, the Common Council finds that revised Boundary Map attached hereto as Exhibit C should be formally adopted by the City and that Ordinance No. 4398 should be codified into the Michigan City Municipal Code, specifically as Sec. 98-33 of Chapter 98 of said Code.

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

Sec. 1. The revised Boundary Map, which is attached hereto as Exhibit C, is hereby adopted.

Sec. 2. Ordinance No. 4398 should be codified as Sec. 98-33 of Chapter 98 of the Michigan City Municipal Code and shall be published in the Code to read as follows:

Sec. 98-33. Establishing Water Service Area; Regulating Furnishing of Water.

- (a) The “Department’s Water Service Area” is hereby defined and established as those areas within the corporate boundaries of the City, as well as certain areas within four (4) miles outside the City’s boundaries, excluding any area within the authorized service area of another water utility, including, but not limited to, a municipal water utility. A map and description detailing the Department’s Water Service Area is attached hereto as Exhibit C².
- (b) Based on the Commission’s approval³, the Department shall hold an executive license to furnish potable water service within the Department’s Water Service Area, and the Department shall be the exclusive provider of potable water to the public within the Department’s Water Service Area.
- (c) No other utilities are permitted to provide water service within the Department’s Water Service Area. This Section does not mandate the Department to extend service to areas where it is technically or financially not feasible. Rather, this Section expressly prohibits other utilities from furnishing water service to customers within the Department’s Water Service Area.
- (d) No end service user shall permit a connection to potable water service within the Department’s Water Service Area by any other water service provider.
- (e) Any person, firm, or corporation who violates this Section shall be subject to a civil penalty of Two Thousand Dollars (\$2,000.00) per violation, and each day of violation shall be deemed a separate offense.
- (f) The Department’s existing rules and regulations for water service, as amended from time to time, shall apply to and be implemented within the Department’s Water Service Area.
- (g) If any one or more of the terms, provisions, or sentences of this Section, or portions of the Department’s Water Service Area, shall be deemed by a court or a tribunal of competent jurisdiction to be contrary to law, then such term or provision shall be deemed severable from the remaining terms and shall in no way affect the validity of the other provisions of this Section.
- (h) The City hereby authorizes the Department and its Board of Directors to prepare, adopt, and promulgate any and all rules allowed by law for the implementation, effectiveness, and enforcement of this Section.

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

INTRODUCED BY: /s/ Sean Fitzpatrick
Michigan City Common Council

² A copy of Exhibit C is available at the Michigan City Clerk’s Office.

³ Ordinance No. 4398 was adopted by the Michigan City Common Council on September 21, 2016 and approved by the Indiana Utility Regulatory Commission on February 22, 2017.

/s/ Paul. A. Przybylinski
Michigan City Common Council

Passed by the Common Council of the City of Michigan City, Indiana this 15th day of June, 2021.

/s/ Michael Mack, President
Michigan City Common Council

NOTE: EXHIBIT "A" IS ATTACHED TO ORDINANCE 4588 IN O-192 FOLDER FOR REVIEW)

President Mack asked if the authors had anything to add this evening.

Councilman P. Przybylinski stated that this is an ordinance that was adopted and never amended to be sent to municode by the last administration and is being done now.

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

President Mack asked if there were any comments from the Council.

Councilman Fitzpatrick made a motion to adopt the proposed ordinance, second by Councilwoman Deutch.

President Mack asked for the vote; **AYES:** Council members D. Przybylinski, Simmons, Zygas, P. Przybylinski, Dabney, Fitzpatrick, Mack and Deutch(8). **NAYS:** None (0).

NEW BUSINESS

There was no new business.

UNFINISHED BUSINESS

NOMINATIONS: The Council has one (1) appointment to the Youth Leadership Commission representing "Marquette High School" (term expires 06-01-21) Incumbent: Travon Moore

President Mack stated the Council received correspondence from the Minority Health Partner's of LaPorte County, Inc. reappointing Ms. Albertine Allen to the Michigan City Commission for Women (term expired on December 21, 2019)

COMMENTS FROM THE MAYOR

President Mack asked if Mayor Parry had any comments, there was no response.

COMMENTS FROM THE PUBLIC

President Mack asked if there were any Public comments:

Rodney McCormick, 617 Union Street addressed the Council regarding Community Policing and the recruiting and hiring of officers within our City; commenting on the Juneteenth and the Patriotic parade.

Tommy Kulavik, 1316 Ohio Street read the list of streets that are closing due to the NICTD Double Track project.; responding to Council P. Przybylinski's comment regarding local taxes being put in place to help fund the NICTD project.

President Mack asked if there were any other public comments, there was no response.

COMMENTS FROM THE COUNCIL

President Mack asked if there were any Council comments.

Councilwoman Deutch offered condolences and prayers to family of Malachi Young who graduated on Sunday and lost his life a few hours later in a car accident; commenting on the Regional Economic Acceleration and Development Initiative "READI" grant that is available in Northwest Indiana; stating a major impact for the City would be to move the prison.

Councilman P. Przybylinski asked Councilwoman Deutch if the Council will be voting on projects the "READI" grants can be used for; advising one project he knows the grant could be used for is to clean up the coal ash at NIPSCO; stating it would be awesome to move the prison out of Michigan City; explaining the Council needs to come up with a plan to keep some of the crossings open in Michigan City for the NICTD Double Track project; commenting on the joint zoning ordinance that was adopted over eight years ago causing it hard for landlords, home owners, and private owned properties that want to do their own construction; getting their permit and be red flagged telling them they have to have licensed contractor; further commenting on the essential workers that work for the City and several issues at the Street Department, failing equipment, and the low rate of pay for their drivers; explaining there is no paint for painting yellow lines on the street within the City; there is sign pollution all over Michigan City with all of the stop signs.

Councilman Fitzpatrick commented that he is encouraged by Mr. Cook who purchased the Moose Club and the plans he has for it; stating it is the Council's job to represent the citizens of Michigan City dealing with issues trying to do basic repairs to their homes; advising there are vacant dilapidated homes all over Michigan City that are not being demolished and there is no action being taken on them; explaining it is wrong to go after people that are trying to improve their property and make the neighborhoods nicer; further stating this may have to be done by ordinance; further advising as of today, June 15, 2021 he still has no confidence in Mayor Parry.

Councilman Dabney stated there was a meeting with the Eastport Neighborhood Improvement group last week; advising Chief Campbell and Mayor Parry attended the meeting to speak to the group; commenting that he had a conversation with Chief Campbell regarding possibly having officers walk the neighborhood like they did in the past.

Councilwoman Zygus commented on an article in the NWI times regarding the City of Gary, Indiana hiring an professional Arborist; stating the City of Michigan City needs a Forester; trees are very important; advising she is trying to get people on a committee that is temporarily being called building trades youth engagement task force; this is for those youth not wanting to pursue college; explaining building trades is an excellent career; further stating you can find the information on her website at daliazygas.com.

Councilman D. Przybylinski stated a City Forester was hired and after taking the position, he quit; stating he will be contacting Councilwoman Deutch for more information regarding the "READI" grant; advising he was asked by Shong Smith, Street

Department to let the public know that they are looking for drivers with a Class A CDL; thanking the Park Department and Ed Shinn, Park Superintendent for the outstanding work they do at Washington Park that goes unnoticed; explaining people need to take responsibility for their own neighborhoods and parks; further stating he is requesting a report and possibly going to put an ordinance together asking that the City Council receive a report from the City Controller on a monthly basis letting them know how much money is in the general fund.

Councilman P. Przybylinski made a formal request to Yvonne Hoffmaster, City Controller regarding a balance on all funds that the City has; advising Controller Hoffmaster stated she would get that to him.

President Mack asked if there were any other Council comments.

President Mack wished a happy 21st birthday to his son, William Mack.

ADJOURNMENT

A motion by P. Przybylinski, second by Councilman D. Przybylinski and there being no further business to transact, President Mack declared the meeting **ADJOURNED** (approximately 9:33 p.m.)

Gale A. Neulieb