

REGULAR MEETING – July 7, 2020

The Common Council of the City of Michigan City, Indiana, met in Regular session on Tuesday evening July 7, 2020 at the hour of 6:30 p.m., local time, at Kreuger Memorial Hall, 801 Liberty Trail, Michigan City, Indiana.

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

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, Dalia Zygas and Tracie Tillman (9).

ABSENT: COUNCIL MEMBER None (0).

ALSO, PRESENT: James Meyer – Council Attorney, Gale Neulieb City Clerk and Dawn Debald Deputy Clerk

A QUORUM WAS NOTED PRESENT

Discussion ensued between President Fitzpatrick and Attorney Meyer regarding the emergency order that was in place during Covid-19 and how “Zoom” meetings were conducted and items discussed and approved during that time. Attorney Meyer stated the law requires that anything you took a final vote on while holding virtual meeting has to go back on the agenda at the live public meeting so the constituents can see how the Council voted and hold the them accountable for their vote.

APPROVAL OF MINUTES

President Fitzpatrick advised the minutes that were approved during Covid-19 pandemic had to be re-read and approved in front of the public at the first regular Council meeting; the minutes to be approved are as follows:

Regular “Zoom” Meeting on April 7, 2020; Special “Zoom” Meeting on April 13, 2020; and the Special “Zoom” Meeting on May 12, 2020.

President Fitzpatrick asked for a motion to approve the Regular “Zoom” Meeting on April 7, 2020; the Special “Zoom” Meeting on April 13, 2020 and the Special “Zoom” Meeting on May 12, 2020; with a motion from Council D. Przybylinski and second by Councilwoman Deutch. The minutes were approved 9-0.

President Fitzpatrick inquired whether there were any corrections, deletions, or additions to the minutes of the Regular “Zoom” Meeting of June 3, 2020.

President Fitzpatrick asked for a motion to approve the Regular “Zoom” Meeting minutes from June 3, 2020; with a motion from Councilman D. Przybylinski and second by Councilwoman Deutch. The minutes were approved as printed 9-0.

REPORTS of STANDING COMMITTEES

The Finance Committee meeting was called to order at 6:05 p.m. by Chairman Dabney to review claims from July 7 docket. Committee members Tillman and Paul Przybylinski were present as well as Council members Zygas and Fitzpatrick. City Controller Yvonne Hoffmaster was in

attendance as well as City Attorney Jim Meyer. Claims reviewed totaled \$4,795.54 from the Riverboat Fund, \$129.69 of that being EFT payments, and \$4,254.30 from the Boyd Development Fund for a total docket of 9,049.84. There was further discussion regarding the singing sands invoices, and all questions were answered. Councilman Przybylinski moved to recommend approval of the docket, and with a second by Councilwoman Tillman, the motion was approved unanimously. On a motion made by Councilwoman Tillman and a second by Councilman Paul Przybylinski the meeting was adjourned at 6:17 p.m.

The summary of claims are as follows:

From the Riverboat Fund:

Verizon Wireless - \$3,316.01 - City's Monthly Charges
Brinkman's Towing and Auto - \$160.00
Enterprise Rent-a-Car - \$1,189.84

Riverboat EFT payments:

Comcast Business - \$129.69

TOTAL from Riverboat Fund: \$4,795.54

From Boyd Development:

Primera - \$4,254.30 – Singing Sands Trails Payments Three Purchase Order Payments where 20% of Total came from Boyd Development and the other 80% paid through board of works.
TOTAL from Boyd Development - \$4,254.30

TOTAL CLAIMS DOCKET - \$9,049.84

CLAIM DOCKETS

President Fitzpatrick read the previous claims dockets that were approved during the Covid-19 pandemic at the virtual "Zoom" meetings as follows:

March 17, 2020 Riverboat/Boyd Claim Docket

Fund #2042 – Riverboat – Claims-	\$ 2,266.05
EFT	\$ 507,842.70
Fund #2031 – Boyd – Claims-	\$ 4,634.68
TOTAL	\$514,743.43

April 7, 2020 Riverboat/Boyd Claim Docket

Fund #2042 – Riverboat – Claims-	\$ 31,053.68
EFT	\$186,379.69
Fund #2031 – Boyd – Claims-	\$ 00.00
ESG	\$ 210,678.60
TOTAL	\$ 428,111.97

April 21, 2020 Riverboat/Boyd Claim Docket

Fund #2042 – Riverboat – Claims-	\$ 28,511.36
EFT	\$ 168,459.47
Fund #2031 – Boyd – Claims-	\$ 20,000.00
TOTAL	\$ 216,970.83

May 6, 2020 Riverboat/Boyd Claim Docket

Fund #2042 – Riverboat – Claims-	\$ 4,107.79
EFT	\$ 129.69
Fund #2031 – Boyd – Claims-	\$.00
TOTAL	\$ 4,237.48

May 19, 2020 Riverboat/Boyd Claim Docket
Fund #2042 – Riverboat – Claims- \$ 7,942.77
EFT \$3,891,975.00
Fund #2031 – Boyd – Claims- \$ 382.50
TOTAL \$3,900,300.27

June 3, 2020 Riverboat/Boyd Claim Docket
Fund #2042 – Riverboat – Claims- \$ 1,312.34
EFT \$ 209.55
Fund #2031 – Boyd – Claims \$.00
TOTAL \$ 1,521.89

June 16, 2020 Riverboat/Boyd Claim Docket
Fund #2042 – Riverboat – Claims \$ 7,734.60
EFT \$ 5,091.92
Fund #2031 – Boyd – Claims \$ 273.98
TOTAL \$ 13,100.50

President Fitzpatrick asked if there was a motion to approve the claims; Councilman P. Przybylinski made a motion to approve the claims, second by Councilwoman Deutch and Councilman Simmons.

President Fitzpatrick asked all in favor to approve the claims signify by saying “AYE”, all responded “AYES”; those opposed; there was no response. Claims were approved (9-0)

RIVERBOAT/BOYD DEVELOPMENT “PURCHASE ORDERS” PETITION

Approval of Purchase Order during Covid-19

June 2, 2020
Riverboat Total \$63,237.00
Michigan City Police Department
Boyd Development none

President Fitzpatrick asked if there was a motion to approve the purchase order; Councilman Dabney made a motion to approve the purchase order, second by Councilwoman Deutch.

President Fitzpatrick asked all in favor to approve the purchase order signify by saying “AYE”, all responded “AYES”; those opposed; there was no response. Claims were approved (9-0).

CLAIMS DOCKET

July 7, 2020 Riverboat/Boyd Claim Docket
Fund #2042 – Riverboat – Claims \$ 4,665.85
EFT \$ 129.69
Fund #2031 – Boyd – Claims \$ 4,254.30
TOTAL \$ 9,049.84

President Fitzpatrick asked if there was a motion to approve the claims from July 7, 2020; Councilman P. Przybylinski made a motion to approve the claims; second by D. Przybylinski.

President Fitzpatrick asked all in favor to pay the claims signify by saying “AYE” all responded “AYES” those opposed; there was no response. Claims were approved (9-0).

REPORTS OF SPECIAL or SELECT COMMITTEES

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

REPORTS OF OTHER OFFICERS AND DEPARTMENTS

President Fitzpatrick asked if there were any other reports of City Officers and Departments.

Chief Dion Campbell, Michigan City Police Department, first thanked the community in the aftermath of the very tumultuous protest that happened in Michigan City; stating the outpouring of appreciation, respect and admiration from the community has been shown to the department as he has never seen in 20 years of being a Police Officer; advising it has been overwhelming; explaining in these unrepresented time he has never been more proud to be a member of the Michigan City Police Department; further stating on the day of the protest the men and women of the Michigan City Police Department handled themselves with great integrity, professionalism and bravery and he couldn't be more proud; further advising that it was an entire team effort.

Chief Campbell, then addressed the Council and gave a presentation of the vision and core values of the Michigan City Police Department; explaining goals and the new direction the Police Department is moving towards; asking for the Council's support.

Councilman Simmons thanked Chief Campbell for his service and the men and women of the Michigan City Police Department; stating he supports the M.C.P.D.

Councilman P. Przybylinski thanked Chief Campbell for the presentation and also thanked the M.C.P.D.

Discussion ensued between Councilman P. Przybylinski and Chief Campbell regarding if a lot of the issues in Michigan City stem from people that are not from Michigan City.

Councilman Mack thanked Chief Campbell for the presentation and the way they are educating the police force; stating he is on board with what the Police Department is doing.

Councilman Dabney stated that he appreciated Chief Campbell coming in front of the Council and laying out the plans to better the Michigan City Police Department in terms of training, etc.; advising it was a good presentation.

Councilman D. Przybylinski thanked Chief Campbell for his presentation; stating we need stricter gun laws with tougher penalties; advising he supports the Michigan City Police Department.

Councilwoman Deutch thanked Chief Campbell for the presentation; stating she supports the Michigan City Police Department.

Discussion ensued between Councilwoman Deutch and Chief Campbell regarding people bringing up the term "A Community Review Board" asking what does that mean for the Michigan City Police Department; also asking what the Police Department is doing as far as mental health issues for their officers as we go through this process? Chief Campbell stated they have ample systems in place for mental health; advising the City does a good job in providing mental health providers, but it is a matter of getting officers to take advantage of the services; explaining he is very mixed about a Community Review Board; advising the Department is very much for transparency; making sure there are checks and balances in place; further stating the Police Commissioners have more authority than you realize to discipline officers, and to hire; challenging the Council to revisit the Commissioners Board for the Police Department; giving more oversight over the Police Department; further advising they put together the Internal Investigation team; stating he also plans on putting together an Advisory Board.

Discussion ensued between President Fitzpatrick and Chief Campbell regarding the gun confiscation numbers that have slightly increased this year and what is the cause of this; also discussing gun training courses and gun safety programs. Chief Campbell stated he believes the rise in gun confiscation numbers is because more and more people want to arm themselves; advising we are living in very tumultuous times.

Councilwoman Zygus stated the presentation was enlightening; commenting that one of the hats a Police Department wears is being Social Worker.

COMMUNICATIONS

President Fitzpatrick asked if there were any communications.

City Clerk Neulieb read the following communications received in the Clerk's Office:

Correspondence received in the Clerk's Office on June 15, 2020 from Mr. Rodney McCormick regarding the Michigan City Housing Authority (Mr. McCormick asked this be read for the record)

The following Correspondence was received in the Clerk's Office on June 15, 2020:

This report began after I received over 75 complaints in one day with the living conditions in Garden State, Lakeland Estates and Scatter HUD Housing, on June 8, 2020. I received a return call from mayor Dwayne Parry who asked me to meet him at the Housing Authority Building located on Michigan Boulevard. Those present were, Christine Vanderborg, me, Mayor Parry, and Stacy Benning and from the Housing Authority, Norman Thomas and maintenance Superintendent Clem. At this meeting the Mayor addressed concerns for the citizens who reside in the public housing units of the Housing Authority. The Executive Director was asked, "What is it that the city can do to help with these problems that are occurring?" One of the biggest issues is that there are only two maintenance people. Everyone else has decided to quit. We were also informed that one of the Section 8 Housing units on Carline Court would receive a new roof soon. The Mayor asked how many vacant units there in The Housing Authority were. We were told there were only two vacant units. Sadly, this was a blatant lie. In Lakeland Estates alone there are seven vacant units. Two of them were five bedroom/family units. The Executive Director Ms. Thomas agreed to allow the Michigan City Building Code Enforcement Officer to inspect numerous units, Mayor Parry also inspected a couple of units on his own. On June 9, 2020 at approximately 12 PM, myself and Building Inspector Christine Vanderborg arrive at Lakeland Estates. I must point out that numerous tenants informed us that they feel that they were going to be retaliated against if they said anything or even allowed us into their units. Despite the fear of several tenants, many tenants allowed us inside of their units and we discover the following hazards:

1. Broken windows
2. Windows that were unable to be locked
3. Windows that would not fully close
4. No screens
5. Buckling interior and exterior walls
6. Faulty plumbing
7. Severe water damage in ceilings
8. Decayed subfloors in bathrooms. In fact, there were two units where the toilets seem to be ready to fall through the floor along with the shower area
9. Very poor ventilation
10. Black mold
11. Cabinets that were falling off the walls
12. Cabinet doors that were missing
13. Serious roofing issues new downspouts with no gutters at the top
14. Units that should be handicap accessible but were not
15. Missing anti-skid panels on stairs
16. Front columns that were ready to fall apart
17. Doors that would not lock
18. Serious electrical issues on the backside of Lakeland Estates that cause severe power surges
19. Excessive puddles after it rains, outside dryer vents completely clogged
20. Missing door and window trim inside and out
21. Poor water drainage in sinks
22. Trash can overflowing
23. Vandalism by way of graffiti and eggs all over apartment windows
24. Lack of security (security cameras should be installed)
25. Excessive heat inside of apartments
26. Inoperable appliances walls and ceilings that need to be painted
27. Tenants were allowed to move into units were not ready to be moved into
28. No work permits for many of the repair jobs
29. Excessive trash across the majority of the complex
30. Unsafe playground equipment, animals living behind hanging overhead/holes in exterior walls
31. Spiders, wasps nests hanging between the peaks of several units
32. Ant hills
33. Very poor landscaping, such as grass cutting no weed trimming against units and shed areas. There are a lot more issues, but I think that I identified enough to show how severe the problem is. There is no way that maintenance team of two individuals could ever get caught up to repair every unit in the city. These problems did occur in several months' time or one year. It is obvious that there have been years of neglect throughout public housing, I now recommend the following as:

Short Term Solutions:

- A. The immediate removal of the executive director and staff members. B. A fresh perspective on the board, consider adding a resident or two to serve. C. The City Attorney send correspondence to the secretary of the Housing and Urban Development Ben Carson, asking that to declare a state of emergency at Michigan City Housing Authority. D. Make sure that the next executive director and staff are professional and have experience. E. Maintenance Department need to hire more help and significant pay raise. F. An investigation into Section 8 (as numerous reports of family and friends receiving benefits instead of the people who qualify for first time homebuyers' program with HUD G. Conduct a forensic investigation into money spent. H. Quarterly or monthly inspections (for more severe units) permed by HUD officials and City Code Enforcement.

Long Term Solutions:

1. Build new housing units
2. Demolish Gardner state and Lakeland Estates and rebuild

Rodney McCormick

Correspondence received in the Clerk's Office on June 17, 2020 from Mayor Parry regarding "Protocol for obtaining information from City Departments "by the City Council members"

Correspondence received in the Clerk's Office on June 11, 2020 from Braxton Hervey regarding the Michigan City Promise Scholarship.

RESOLUTION

President Fitzpatrick stated the following Resolutions were approved during the Covid-19 pandemic.

APPROVAL OF RESOLUTIONS DURING COVID-19

On April 7, 2020 Resolution #4777 was approved by a vote of 9-0.

City Clerk Neulieb read the following Resolution that was virtually approved by title only:

**MICHIGAN CITY COMMON COUNCIL
RESOLUTION NO. [4777](#)**

**REQUESTING THE GOVERNOR OF INDIANA TO PROVIDE IMMEDIATE
FINANCIAL RELIEF TO LOCAL GOVERNMENTS TO ENABLE THEM TO BEST
SERVE THEIR CONSTITUENTS DURING THE COVID-19 EMERGENCY**

Introduced by:	/s/ Donald Przybylinski, Member
Co-Sponsor:	/s/ Paul A. Przybylinski, Member
	/s/ Angie Nelson Deutch, Member
	/s/ Bryant Dabney, Member
	/s/ Eugene Simmons, Member
	/s/ Sean Fitzpatrick, Member
	/s/ Tracie Tillman, Member
	/s/ Michael Mack, Member
	/s/ Dalia Zygas, Member

Councilman P. Przybylinski made a motion to pass the Resolution; second by Councilwoman Deutch.

President Fitzpatrick asked if there were any objections to this Resolution; there was no response; asking all in favor to signify by saying "AYE" all respond "AYE" those opposed; there was no response; the Resolution passed by a vote of 9-0.

On April 7, 2020 Resolution #4778 was approved by a vote of 9-0.

City Clerk Neulieb read the following Resolution that was virtually approved by title only:

**MICHIGAN CITY COMMON COUNCIL
RESOLUTION NO. [4778](#)**

**WAIVING CERTAIN PROCEDURES AND FORMALITIES DURING DISASTER
EMERGENCY PURSUANT TO I.C. 10-14-3-17**

Introduced by: /s/ Sean Fitzpatrick, President
Michigan City Common Council

Councilwoman Deutch made a motion to pass the Resolution; second by D. Przybylinski.

President Fitzpatrick asked if there were any objections to this Resolution; there was no response; asking all in favor to signify by saying "AYE" all respond "AYE" those opposed; there was no response; the Resolution passed by a vote of 9-0.

On April 13, 2020, Resolution #4779 was approved by a vote of 9-0.

City Clerk Neulieb read the following Resolution that was virtually approved by title only:

**MICHIGAN CITY COMMON COUNCIL
RESOLUTION NO. [4779](#)**

**APPROVING THE EXTENSION OF THE MAYOR’S EXECUTIVE ORDER 04-2020
DECLARING A PUBLIC HEALTH EMERGENCY DUE TO THE COVID-19 VIRUS**

Introduced by: /s/ Sean Fitzpatrick, President
Co-Sponsor: /s/ Don Przybylinski, Member
/s/ Bryant Dabney, Member
/s/ Angie Nelson Deutch, Member
/s/ Dalia Zygas, Member
/s/ Tracie Tillman, Member
/s/ Michael Mack, Member
/s/ Gene Simmons, Member
/s/ Paul Przybylinski, Member

Councilwoman Deutch made a motion to pass the Resolution; second by P. Przybylinski and D. Przybylinski.

President Fitzpatrick asked if there were any objections to this Resolution; there was no response; asking all in favor to signify by saying "AYE" all respond "AYE" those opposed; there was no response; the Resolution passed by a vote of 9-0.

On May 12, 2020, Resolution #4780 was approved by a vote of 8-1.

City Clerk Neulieb read the following Resolution that was virtually approved by title only:

**MICHIGAN CITY COMMON COUNCIL
RESOLUTION NO. [4780](#)**

**APPROVING THE EXTENSION OF THE MAYOR’S EXECUTIVE ORDER 05-2020
EXTENDING THE DECLARATION OF A PUBLIC HEALTH EMERGENCY DUE TO
THE COVID-19 VIRUS**

Introduced by: /s/ Sean Fitzpatrick, President
Co-Sponsor: /s/ Don Przybylinski, Member
/s/ Angie Nelson Deutch, Member
/s/ Dalia Zygas, Member
/s/ Tracie Tillman, Member
/s/ Paul A. Przybylinski, Member
/s/ Gene Simmons, Member

Councilman D. Przybylinski made a motion to pass the Resolution; second by Councilwoman Deutch.

President Fitzpatrick asked if there were any objections to this Resolution; there was no response; asking all in favor to signify by saying "AYE" all respond "AYE" those opposed; there was one (1) response; the Resolution passed a vote of 8-1.

On June 3, 2020, Resolution #4781 was approved by a vote of: 8 – 1 (Abstain)

City Clerk Neulieb read the following Resolution that was virtually approved by title only:

MICHIGAN CITY COMMON COUNCIL

RESOLUTION NO. [4781](#)

MAKING RECOMMENDATIONS AND REQUESTS REGARDING NIPSCO'S REMOVAL OF COAL ASH FROM ITS MICHIGAN CITY FACILITY TO MAXIMIZE PUBLIC SAFETY AND THE ABILITY TO MONITOR THE IMPLEMENTATION OF THE PROJECT, EXPRESS CONCERNS, AND PROVIDE INPUT TO ADDRESS THEM

Introduced by: /s/ Dalia Zygas, Member
Co-Sponsor: /s/ Michael Mack, Member
/s/ Don Przybylinski, Member

Councilman D. Przybylinski made a motion to pass the Resolution; second by Councilman P. Przybylinski.

President Fitzpatrick asked if there were any objections to this Resolution; there was no response; asking all in favor to signify by saying "AYE" all respond "AYE" those opposed; there was no response; the Resolution passed by a vote of 8-1 (ABSTAIN).

NOTE: The proposed resolution was read by title only on February 4th with Councilman P. Przybylinski asking to TABLE it until the March 17th Council Meeting due to the Covid-19 pandemic

City Clerk Neulieb read the following proposed Resolution by title only, **REQUESTING THE MICHIGAN CITY PLAN COMMISSION REVIEW AND CONSIDER REPEALING SECTION 17.02 IN THE MICHIGAN CITY ZONING CODE ENTITLED "LANDSCAPING REQUIREMENTS"**

Introduced by: Paul Przybylinski

President Fitzpatrick asked if the author had anything to add to the proposed Resolution.

Councilman P. Przybylinski asked that the proposed Resolution be TABLED for three (3) meetings in hopes the Tree Board will resume their meetings and he will be able to speak to individuals in regard to the proposed Resolution; advising this will go to the Plan Commission to amend some restrictive language in the code on land development; this will be revisited at the Council meeting on August 18, 2020.

Councilman P. Przybylinski made the motion to TABLE the proposed Resolution for three (3) meetings (August 18, 2020); second by Councilwoman Deutch.

President Fitzpatrick asked if there were any other questions or comments from the Council and hearing none the proposed resolution was TABLED by the following vote: **AYES:** Councilmembers, Deutch, D. Przybylinski, Simmons, Zygus, P. Przybylinski, Tillman, Dabney, Fitzpatrick and Mack (9) **NAYS:** None (0).

ORDINANCE

President Fitzpatrick stated the following Ordinances were read during the Covid-19 pandemic.

NOTE: May 13, 2020 the proposed ordinance was read on 1st reading and was TABLED until a joint workshop was scheduled by the following vote 9-0.

City Clerk Neulieb read the following Ordinance on 1st reading by title only,
AMENDING SECTION 38-33 AND SECTION 38-34 OF THE MUNICIPAL CODE TO PROVIDE FOR EMERGENCY RELIEF FUNDS TO CITY BUSINESSES

Introduced by: Angie Nelson Deutch

NOTE: May 13, 2020 the proposed ordinance was read on 1st reading and was TABLED until a joint workshop was scheduled by the following Vote: AYES 9, NAYS: None

City Clerk Neulieb read the following Ordinance on first reading by title only,
AMENDING SECTION 38-40 OF THE MUNICIPAL CODE TO PROVIDE FOR EMERGENCY RELIEF FUNDS TO CITY RESIDENTS

Introduced by: Angie Nelson Deutch

Discussion ensued between President Fitzpatrick and Attorney Meyer regarding if since the proposed Ordinances were TABLED are they not an issue at this time? Attorney Meyer stated that is correct.

NOTE: May 12, 2020 the proposed ordinance was read on first reading by title only, discussion ensued Authors amendment by substitution was proposed and approved 9 – 0; with the proposed ordinance moving to second reading at the next Council meeting

City Clerk Neulieb read the following Ordinance on first reading by title only,
CREATING SECTION 94-79 IN DIVISION 3 OF CHAPTER 94 OF THE MICHIGAN CITY MUNICIPAL CODE ADDING PROVISIONS REGARDING TRAFFIC WARNING SIGNS FOR CHILDREN WITH HEARING OR VISION IMPAIRMENT OR A DISABILITY

Introduced by: Tracie Tillman
Co-Sponsor: Gene Simmons
Paul. A. Przybylinski

NOTE: This was TABLED at the Special Meeting held on April 12, 2020; on June 3, 2020 the proposed ordinance was discussed with it being TABLED indefinitely by the following vote: AYES: 9 NAYS: None

City Clerk Neulieb read the following Ordinance on 2nd reading by title only,

AMENDING SECTION 38-33 AND SECTION 38-34 OF THE MUNICIPAL CODE TO PROVIDE FOR EMERGENCY RELIEF FUNDS TO CITY BUSINESSES

Introduced by: Angie Nelson Deutch
Co-Sponsor: Sean Fitzpatrick

NOTE: April 7, 2020 Proposed Ordinance was read on second reading by title only and moved to 3rd Reading at the April 13th Council meeting

City Clerk Neulieb read the following Ordinance on 2nd reading by title only,
AN ORDINANCE TO AMEND SECTION 2-399 OF THE MICHIGAN CITY MUNICIPAL CODE DESIGNATING THE COMMON COUNCIL AS THE CITY AGENCY WITH THE SOLE AUTHORITY TO APPROVE PURCHASE ORDERS FROM THECITY'S RIVERBOAT FUND AND BOYD DEVELOPMENT FUND

Introduced by: Bryant Dabney
Co-Sponsor: Tracie Tillman
Paul A. Przybylinski
Don Przybylinski

NOTE: On April 13, 2020, Ordinance #4542 was approved by a vote of 9-0.

City Clerk Neulieb read the following Ordinance that was virtually read on 3rd reading by title only,

**MICHIGAN CITY COMMON COUNCIL
ORDINANCE NO. [4542](#)**

AN ORDINANCE TO AMEND SECTION 2-399 OF THE MICHIGAN CITY MUNICIPAL CODE DESIGNATING THE COMMON COUNCIL AS THE CITY AGENCY WITH THE SOLE AUTHORITY TO APPROVE PURCHASE ORDERS FROM THE CITY'S RIVERBOAT FUND AND BOYD DEVELOPMENT FUND

INTRODUCED BY: /s/ Bryant Dabney, Member
CO-SPONSOR /s/ Tracie Tillman, Member
/s/ Paul A. Przybylinski, Member
/s/ Don Przybylinski, member

Councilwoman Deutch made the motion to approve the proposed ordinance; second by Councilman D. Przybylinski.

President Fitzpatrick asked if there were any objections to approve the proposed ordinance; there was no response; asking all in favor to signify by saying "AYE" all respond "AYE" those opposed; the proposed ordinance was passed by the following vote was 9-0.

ORDINANCE

NOTE: This Ordinance was read on 1st Reading by title only at the March 3, 2020 Council meeting. The formal public hearing was advertised on February 25, 2020 in The News Dispatch and will be re-advertised in the News Dispatch on July 8th to reschedule the formal public hearing on second reading at the July 21st Council meeting due to the Covid-19 pandemic.

The Clerk read the following proposed ordinance on 1st Reading by title only,
APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE

**BARKER CIVIC CENTER FUND FOR THE PURCHASE OF SUPPLIES TO
RESTOCK THE GIFT SHOP FOR THE BARKER CIVIC CENTER**

DECREASE Barker Civic Center Fund # 2070 Unappropriated balance	\$1,200.00	
INCREASE ACCOUNT# 2070.000.429.001 Other Supplies		\$1,200.00
TOTAL FOR FUND	\$1,200.00	

Introduced by: Bryant Dabney

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

Councilman Dabney advised the \$1,200.00 appropriation will be used to replenish the gift shop.

President Fitzpatrick asked if there was anyone from the public who wished to speak on the proposed ordinance; there was no response.

President Fitzpatrick asked if there were any Council questions or comments regarding the proposed ordinance; there was no response; advising the proposed ordinance would be held over to the July 21, 2020 meeting on 2nd reading.

NOTE: The proposed ordinance was to be read on 1st reading at the March 17, 2020 Regular Council meeting. Due the Covid -19 pandemic, the meeting was canceled.

The Clerk read the following proposed ordinance on 1st Reading by title only,
**CREATING SECTION 2-410.2 IN CHAPTER 2 OF THE MICHIGAN CITY MUNICIPAL
CODE TO CREATE AN AIRPORT DONATION FUND**

Introduced by: Gene Simmons

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

Councilman Simmons stated this is in regard to Airport Manager, Jessica Ward and Johnny Stimley creating a summer drone camp for young people; stating they collected over \$2,500.00 and did not have an account to put the monies in.

Jessica Ward, Airport Manager addressed the Council advising the Airport has never had a donation fund; explaining the camp was canceled due to Covid-19 and they have donations that were given by the Community and need a place to put them.

President Fitzpatrick asked if there was anyone from the public who wished to speak on the proposed ordinance; there was no response.

President Fitzpatrick asked if there were any Council questions or comments regarding the proposed ordinance; there was no response; advising the proposed ordinance will be held over to the July 21, 2020 meeting on 2nd reading.

The Clerk read the following proposed ordinance on 1st Reading by title only,
**ADOPTING POLICY TO ALLOW 5% OF RIVERBOAT FUNDS TO BE USED TO
FUND THE CITY'S OPERATING EXPENDITURES FROM THE GENERAL FUND
AND
DEDICATING 50% OF RIVERBOAT REVENUES TO INCREASE THE RAINY DAY
FUND BALANCE UP TO A MINIMUM OF \$6 MILLION DOLLARS**

Introduced: Sean Fitzpatrick

President Fitzpatrick stated this came to him because of the direct result of the current financial situation that we found ourselves in at the beginning of this year and the lack of preparedness we have regarding the Covid-19 pandemic; explaining we need a cushion to fall back on in case we are in this situation again; advising it is imperative to build up a reserve cash fund and we shouldn't depend so heavily on the Riverboat for our operations; this should be in addition to our funding, not the main driver of what the City operates on.

President Fitzpatrick asked if there was anyone from the public who wished to speak on the proposed ordinance; there was no response.

President Fitzpatrick asked if there was anyone from the Council who wished to speak on the proposed ordinance.

Discussion ensued between Councilwoman Deutch and President Fitzpatrick regarding if there was a particular reason for the five (5)% of the Riverboat funds? stating previously it was down to twenty (20)%. President Fitzpatrick advised the reason for five (5)% is because there is an ordinance in place that allows for twenty (20)% but right now we are getting zero from the Riverboat; explaining five (5)% is generous; further stating the fifty (50)% of the Riverboat is where the County built up their reserves; further explaining whatever is left once the six million is built up can be used however they see fit.

Councilman Dabney stated we were sitting at 3.9 million dollars at the end of last year moving into 2020; advising some transfers were done that depleted the Riverboat fund; explaining he believes this is a bad financial move for the City; further stating that we have tax collection and Riverboat problems; further advising we need dollars on hand to get through this.

Councilman D. Przybylinski asked without having the true numbers and facts what effect does this have on the City, City Employees and on City services, Police, Fire, etc; stating the President should assign Councilman Dabney (Chairman of the Finance Committee) to put a workshop together with the City Controller so she can explain running on the balance of five (5)% of the Riverboat rather than running on the balance of twenty (20)%; and also trying to put fifty (50)% of the Riverboat revenues into a Rainy Day fund so they could be used on special projects.

President Fitzpatrick asked what we do if we have \$0.00 in the Riverboat fund?

Councilman Mack stated he agrees with President Fitzpatrick; stating we need to put a constraint on the future budget to force conversation of needs and necessity.

Councilman Zygas advised we may need to cut services due to our income; asking President Fitzpatrick if he is willing to make a list of what we need to cut before we get into the budgetary process; stating a workshop is relevant.

Councilman Simmons stated he is in favor of a workshop; advising he is also in favor of a rainy day fund; however, we are now looking at a another possible Covid-19 shutdown; explaining the Council should take its time and get all the facts before we start throwing out numbers.

President Fitzpatrick stated he is in favor of a workshop and he will work to get it scheduled; explaining he will coordinate with Controller Hoffmaster; advising the proposed ordinance will be held over to the July 21, 2020 meeting on 2nd reading.

NOTE: This Ordinance was read on 1st Reading by title only at the June 3, 2020 Council meeting due to the Covid-19 pandemic; the proposed ordinance will be read this evening on 2nd reading

The Clerk read the following proposed ordinance on 2nd Reading by title only,

CREATING SECTION 94-79 IN DIVISION 3 OF CHAPTER 94 OF THE MICHIGAN CITY MUNICIPAL CODE ADDING PROVISIONS REGARDING TRAFFIC WARNING SIGNS FOR CHILDREN WITH HEARING OR VISION IMPAIRMENT OR A DISABILITY

Introduced by:	Tracie Tillman
Co-Sponsor	Gene Simmons Paul A. Przybylinski Bryant Dabney Angie Nelson Deutch Don Przybylinski

President Fitzpatrick asked if any of the authors had anything to add at this time.

Councilwoman Tillman explained why she came up with the proposed ordinance; advising there is a need for those who have hearing and vision impairments and disabilities; stating with COVID and the warmer temperatures, parents want to get their child or children out for fresh air and they should be able to cross the street in a safe manner; further explaining we have a problem in Michigan City with drivers not adhering to the speed limits; further stating the application is online and as long as the resident fills out the form properly and provides all supporting documentation (from the physician indicating the handicap/disability) this will justify them having this type of sign placed in front of their home.

President Fitzpatrick asked if there was anyone from the public who wished to speak on the proposed ordinance; there was no response.

President Fitzpatrick asked if there was anyone from the Council that wished to comment on the proposed ordinance; there was no response; advising this will be held over to the July 21, 2020 meeting on 3rd reading.

UNFINISHED BUSINESS

President Fitzpatrick read unfinished business that was approved during Covid-19.

APPROVAL OF FINAL ACCEPTANCE CERTIFICATES DURING COVID-19

On April 7, 2020 approved by a vote of 9–0.

Final Acceptance Certificate – DLZ (Guaranteed Energy Savings Performance Contract, dated as of November 20, 2018 (the “Agreement”) between Energy Systems Group LLC (the “contractor”) and the City of Michigan City (the “Owner”).

The Senior Center Solar work (as defined in the agreement) have been delivered, installed, and accepted as of the 28th of October 2019 (the “Final Acceptance Date”)

The Police Headquarters Solar work (as defined in the Agreement) have been delivered, installed, and accepted as of the 17th of January 2020 (the “Final Acceptance Date”)

Councilwoman Deutch made a motion to approve the final acceptance certificates for DLZ- Energy Savings Performance contract for the Senior Center Solar work and the Police Headquarters Solar work, second by Councilman P. Przybylinski.

President Fitzpatrick stated if there is no further response; asking all in favor to signify by saying “AYE” all responded “AYE”; those opposed; there was no response; the approval of the final acceptance certificates – DLZ – Energy Savings Performance contracts – Senior Center Solar work and Police Department Headquarters Solar work were approved by the following vote 9-0.

UNFINISHED BUSINESS

FYI: The Council has to vote one (1) member of the Common Council to serve on the Michigan City Tree Board for a one-year term

President Fitzpatrick asked if there were any nominations; Councilwoman Tillman nominated Councilman P. Przybylinski, second by Councilwoman Deutch.

Councilwoman Deutch nominated Councilwoman Zygas, second by Councilman Dabney.

President Fitzpatrick asked if there were any other nominations; hearing none Councilwoman Zygas was appointed to the Tree Board by the following vote: Councilman P. Przybylinski: Council members D. Przybylinski, P. Przybylinski, Tillman and Fitzpatrick; Councilwoman Zygas: Council members Simmons, Zygas, Dabney, Mack and Deutch; vote 4-5.

President Fitzpatrick congratulated Councilwoman Zygas.

NEW BUSINESS - COVID

President Fitzpatrick stated the following is new business that was approved during Covid-19.

NOTE: June 3, 2020 the Council made the motion to appoint Ms. Pia Parrott, Centier Bank to the Michigan City Revolving Loan Committee with a vote 9-0.

Councilwoman Deutch made the motion to approve the appointment of Ms. Pia Parrot, Centier Bank to the Michigan City Revolving Loan Committee, second by Councilman Dabney.

NEW BUSINESS

FYI: The Council has one (1) appointment to the Michigan City Police Commission due to the resignation of Mr. Mike Buda; expiring 09/07/2020

FYI: The Council has one (1) appointment to the Commission on Sustainability Board; term expired on 05/01/2020; Incumbent: Nancy Moldenauer

FYI: The Council has one (1) appointment to the Youth Leadership Commission; term expired on 06/01/2020; Incumbent: Nathan Patrick

FYI: The Council has one (1) appointment to the Michigan City Tree Board (representing a City Neighborhood Association) term beginning immediately and will serve for one (1) year

COMMENTS FROM THE MAYOR

President Fitzpatrick asked if there were any comments from the Mayor; there was no response.

COMMENTS FROM THE PUBLIC

President Fitzpatrick asked if there were any comments from the Public; there was no response.

COMMENTS FROM THE COUNCIL

Councilman Simmons stated a new hotel located on U.S. Highway 12 opened on July 2, 2020; advising they had a 90% occupancy rate and they did an outstanding job remodeling; commenting that Washington Park was at full capacity on July 4, 2020; explaining that causes you to worry about so many people in such a small space.

Councilman D. Przybylinski stated that tomorrow night at 4:00 p.m. at Kreuger Memorial Hall there is a pre-labor negotiations meeting for the M.C.F.D.; advising the Park Department is also meeting tomorrow at 5:30 p.m. and they will be voting on raising the entrance fee at Washington Park for out of towners; explaining it is currently \$3.00 per car; further stating on Monday mornings there is an organization that volunteer their time to clean up the beach at Washington Park; giving the volunteers a sense of accomplishment and Community service that they are taking care of the jewel of our Community, the Lakefront and the beach; further advising the school system has placed a new fountain near Ames Field and added LED lighting; stating it looks nice for the midtown area of Michigan City; also giving a shout out to the Michigan City Parks Department for the small crew that did a fantastic job keeping the Lakefront cleaned up.

Councilwoman Deutch congratulated all the graduates in 2020; moving forward she hopes they have big goals and big ideas; they are going to be our future leaders; advising she is okay with raising the entrance fee for out of state cars to \$20.00; stating the traffic on the 4th of July weekend was backed up and there were thousands of people coming here from Michigan and Chicago, visiting our town; commenting on the fireworks on the 4th of July that were done all over Michigan City; maybe there are restrictions on the hours people can let them off? advising they have been meeting bi-weekly in regard to the Covid-19 with local businesses, getting updated by the school system, United Way, Unity Foundation, the hospital; explaining there has been a spike/increase in cases; hoping that everyone is practicing safe habits such as hand sanitizer, masks, etc. and taking this seriously; stating there are two (2) job fairs planned on July 9th and July 16, 2020; located at Work One; further commenting we are here to support the Police Department but the City is represented by the demographics that we serve.

Councilman P. Przybylinski thanked Councilwoman Traci Tillman for nominating him to the Tree Board; commenting on what he thinks the Park Department should charge for entrance fees at Washington Park for out of state residents; advising there was once a sign in Fedder's Alley that read Michigan City residents only; explaining we need to revamp the requirements for the Michigan City Promise Scholarship program to include all the students in parochial schools or a private entity; further stating there will be an item on the next Council agenda revamping the Michigan City Police Commission; further advising his recommendation is to expend it to five (5) members and the Commissioners that are nominated must pass a background check; further explaining we are all citizens of Michigan City and we all want to enjoy our property, family and our neighborhoods; further commenting on Councilwoman Deutch's comment in regard to fireworks; stating we need to regulate who is selling the fireworks.

Councilman D. Przybylinski further commenting that we need to look at the fireworks ordinance.

Councilwoman Zygus reminded everyone they need to complete the census; stating you can go to my2020census.com; explaining she has a website, daliazygas.com; advising she attended a workshop and listened to the rental assistance program that the governor has in place; further explaining that on Monday at 9:00 a.m. central time they will start taking applications for rental assistance program; speaking about book discussions on racial relationships.

President Fitzpatrick commented on a fatal shooting over the weekend; asking the public to report anything they see or hear; advising we need to maybe speak to Chief Dion Campbell about an anonymous tip line; stating this has to stop; explaining Covid-19 has not ended so please stay safe.

P. Przybylinski further commenting on President Fitzpatrick's idea of an anonymous tip line; asking citizens to be actively conscious and report anything they see or hear.

ADJOURNMENT

A motion by Councilwoman Deutch, supported by Councilman P. Przybylinski and there being no further business to transact, President Fitzpatrick declared the meeting **ADJOURNED** (approximately 8:42 p.m.)

Gale A. Neulieb