

REGULAR “HYBRID/ZOOM” MEETING

July 19, 2022

The Common Council of the City of Michigan City, Indiana, met in Regular session on Tuesday evening, July 19, 2022, at the hour of 6:30 p.m., Hosted by “Hybrid/Zoom” and streamed live on “My Michigan City” Facebook Page.

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

President Deutch stated during this moment of silence recognize we’ve had people impacted by deaths due to homicides, and also that the covid numbers are rising, we’ve seen more structure fires and there is just a lot going on in America and in our community today; so just want to take an extra moment of silence to recognize that and keep everybody in our thoughts and for those that are religious in their prayers.

Councilman P. Przybylinski also asked for everyone to take a moment of silence for the passing of Mr. Tom Fedder who was our City Clerk for over thirty years.

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 (6).

ABSENT: COUNCIL MEMBERS None (0).

President Deutch stated that Councilman will be present in just a few minutes.

A QUORUM WAS NOTED PRESENT

ALSO, PRESENT: Council Attorney Harris, Gale Neulieb City Clerk and Stacy Dudley Asst. Deputy Clerk.

APPROVAL OF MINUTES

President Deutch inquired whether there were any deletions, additions, or corrections to the “Hybrid Zoom” Regular meeting held on July 5, 2022, there was no response.

Councilman D. Przybylinski made a motion to approve the minutes of the “Hybrid/Zoom”, Regular meeting held on July 5, 2022, a motion to second was made by Councilman Fitzpatrick.

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

The Regular Hybrid/Zoom Council meeting held on July 5, 2022 minutes were approved by the following vote: **AYES:** Council members Mack, Deutch, D. Przybylinski, Simmons, Zygas, P. Przybylinski, Tillman and Fitzpatrick (8) **NAYS:** Council member None (0).

REPORTS of STANDING COMMITTEES

President Deutch asked if there were any reports of standing committees, there was no response.

FINANCE REPORT

Councilwoman Tillman advised the Riverboat and Boyd Claims Docket for July 19, 2022 Riverboat \$11,530.00, no claims for Boyd Development with the total claims of \$11,530.00 which was paid to Horiba Scientific for HandScope LED Forensic Light Source Kit for the MCPD

CLAIMS DOCKET

President Deutch stated the July 19, 2022 claims for the Riverboat Claim Docket Fund #2042 was in the amount of \$11,530.00, no claims for Riverboat EFT and no claims from the Boyd fund #2031

Councilman D. Przybylinski made a motion to approve the July 19, 2022, Riverboat/Boyd Claim Docket in the total amount of \$11,530.00, second by Councilman Fitzpatrick

July 19, 2022		
Riverboat/Boyd Claim Docket		
Fund #2042 – Riverboat – Claims	\$	11,530.00
EFT	\$	00.00
Fund #2031 – Boyd – Claims-	\$	00.00
TOTAL CLAIMS	\$	11,530.00

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

The July 19, 2022, Riverboat/Boyd Claim docket in the amount of \$11,530.00 was approved by the following vote: **AYES:** Council members Michael Mack, Deutch, D. Przybylinski, Gene Simmons, Zygus, P. Przybylinski, Tillman, Dabney, and Fitzpatrick, (9) **NAYS:** Council member None (0)

REPORTS OF SPECIAL or SELECT COMMITTEES

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

REPORTS FROM THE MAYOR OR OTHER CITY OFFICERS AND DEPARTMENTS

President Deutch advised that Ms. Janet Beutner, Michigan City Promise Scholarship Director reported on the 2022 Annual Report addressing and updating some of the following that has happened this year; the big change to the program is offering scholarships to renters and also students from Marquette High School, numbers of students are still receiving scholarship from 2018 to date, the end balance in the scholarship fund for 2021, reasons why they don't continue filing for the scholarships each year, 2022 applications received, breakdown of scholarships that have been given out, tools she uses to reach out to students during the year and ideas she is going to bring forward, and is looking forward to next years.

Discussion ensued between Ms. Beutner and Council members Tillman, D. Przybylinski, P. Przybylinski, Zygus, Mack, Dabney, and President Deutch regarding her presentation; thanking Ms. Beutner for all the information she brought forward this evening.

Tommy Kulavik, 1316 Ohio Street expressed his gratitude to the nine (9) council members for opening the promise scholarship for all students that have families that rent homes and students that go to Marquette High School.

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

Mike Jascicki, MCFD Deputy Chief stated he was sure everyone heard about the largest fire we've seen in our city in over twenty years and wanted to take moment to commend the efforts of our crews that were on the scene they did an outstanding job, containing the fire considering how large it was; that actually when they got the call, arrived on the scene there was smoking flames already coming through both sides of that building.

Deputy Chief Jascicki wanted to send a special thanks out the Coolspring Fire Department, Michiana Shores Fire Department and Pine Fire Department for coming out and lending a hand, offering additional resources; advising that the cause of this fire is still under investigation by the State Fire Marshall.

President Deutch thanked everyone and appreciated what everyone did to get this fire under control with no injuries.

PETITIONS

President Deutch asked Clerk Neulieb if there were any petitions this evening.

Clerk Neulieb stated that there is no petition this evening.

COMMUNICATIONS

President Deutch asked if there was any correspondence received in the Clerk's Office for the Council.

Clerk Neulieb stated that there was no correspondence received since the July 5, 2022 Council meeting.

RESOLUTIONS

The Clerk read the following resolution by title only.

MICHIGAN CITY COMMON COUNCIL
RESOLUTION 4850

APPROVING THE TRANSFER OF THE MICHIGAN CITY POLICE DEPARTMENT'S
RETIRED 1993 FORD E350 AMBULANCE TO THE MICHIGAN CITY AREA SCHOOLS

WHEREAS, the Michigan City Police Department (MCPD) has retired a 1993 Ford E350 Ambulance, more specifically identified with a VIN #: 1FDKE30M2PHC00562 with approximately 157,092 miles, (hereinafter referred to as "vehicle") due to the age of said vehicle and that said vehicle was no longer in an operable condition for the MCPD or any other City Department to utilize; and

WHEREAS, the Michigan City Area Schools (MCAS), by and through the AK Smith Center, has requested that the city donate said vehicle to the MCAS so it may be utilized as a training tool for students in the E.M.T program; and

WHEREAS, several years ago, the vehicle was donated by the Michigan City Fire Department to the City's Emergency Management Agency (EMA) volunteers, who are under the jurisdiction of the Michigan City Police Department; and

WHEREAS, for several years, the vehicle served as a mobile command center for the City's EMA volunteers, until the vehicle was retired due to age and said vehicle was no longer in an operable condition; and

WHEREAS, MCAS has had an opportunity to examine the vehicle, understands the well-used condition of the vehicle, and will accept the vehicle "as is;" and

WHEREAS, the Chief of the MCFPD supports the donation of said vehicle to MCAS as the MCPD no longer has any viable use for said vehicle; and

WHEREAS, pursuant to I.C. 5-22-22-10, "*(a) A purchasing agency may exchange property with another governmental body upon terms and conditions agreed upon by the governmental bodies as evidenced by adoption of a substantially identical resolution by each entity. (b) A transfer under this section may be made for any amount of property or cash as agreed upon by the governmental bodies;*" and

WHEREAS, the Common Council reasonably believes that the donation of said vehicle to the MCAS would be in the best interest of the City and residents therein to provide the students at the AK Smith Center the opportunity to utilize and train on a vehicle that they otherwise would not have access to or regular access to; and

WHEREAS, the MCAS recently enacted a similar resolution approving the transfer of said vehicle from the City to the MCAS, which is attached hereto and incorporated herein as "Exhibit A."

NOW THEREFORE, BE IT RESOLVED by the Common Council of Michigan City, Indiana:

1. The aforementioned "WHEREAS" sections are incorporated herein as if fully set forth herein.
2. The Common Council hereby approves the donation of the MCPD's vehicle to the MCAS.
3. The Michigan City Board of Public Works and Safety, as the purchasing agent for the City, is authorized to effectuate the transfer of said vehicle to the MCAS.

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/ Bryant Dabney, Member
Michigan City Common Council
CO-SPONSOR: /s/ Don Przybylinski, Member
Michigan City Common Council
/s/ Angie Nelson Deutch, President
Michigan City Common Council
/s/ Gene Simmons, Member
Michigan City Common Council
/s/ Michael Mack, Member
Michigan City Common Council

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President Deutch asked if any of the sponsors had anything to add.

Councilman D. Przybylinski stated that he feels this is a great move by the Michigan City Police Department that this will give the students an opportunity to be able to have a hand on opportunity to work on the vehicle.

President Deutch asked if there were anyone from the public that had any questions or comment on this proposed resolution.

Marco Odo, 123 Hancock Street started to address an issue he is having; with President Deutch advising him that he would have to address this matter under public comment.

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

Councilman Dabney made a motion to adopt the proposed resolution, second by Councilman Fitzpatrick with the motion being approved by the following vote: **AYES:** Council members Deutch, D. Przybylinski, Gene Simmons, Zygas, P. Przybylinski, Tillman, Dabney, Fitzpatrick and Mack (9) **NAYS:** Council member None (0).

The Clerk read the following proposed resolution by title only. **APPROVING SUBMISSION OF APPLICATION FOR A GRANT FOR THE CITY OF MICHIGAN CITY FROM THE INDIANA DEPARTMENT OF TRANSPORTATION FOR THE 2022 COMMUNITY CROSSING MATCHING GRANT PROGRAM & SUPPORTING THE LOCAL MATCH FOR SAID GRANT**

Introduced by: Angie Nelson Deutch
Don Przybylinski

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

President Deutch asked if the Council had any questions or comments at this time.

Councilman P. Przybylinski advised that he reviewed the list that Controller Hoffmaster sent out; stating that he believes that this list has totally been changed from the original list that was worked/made off the paser list, questioning who did the new list, but it was simple enough to use the old list advising he has that original list and that he feels that we should have had meeting on this before adopting this resolution, to find out where we're at.

Council P. Przybylinski made a motion to TABLE the proposed resolution until the next Council meeting on August 1, 2022 and schedule a Street/Alley Committee meeting to receive more information before moving forward, a motion to second was made by Councilman D. Przybylinski with the motion being approved by the following vote: **AYES:** Council members D. Przybylinski, Gene Simmons, P. Przybylinski, Tillman, Fitzpatrick and Deutch (6) **NAYS:** Council member Zygas, Dabney, and Mack (3).

ORDINANCE

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

APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE LOCAL INCOME TAX-ECONOMIC DEVELOPMENT (FORMERLY KNOWN AS CREDIT) FUND FOR ON-CALL ENGINEERING SERVICES WITH JOHN A. DOYLE & ASSOCIATES AND PRIMERA ENGINEERING

Introduced by: Dalia Zygas

DECREASE Local Income Tax (LIT-ED) Fund 2224 Unappropriated balance \$150,000.00.
 INCREASE ACCOUNT#2224 114.431.020 - \$150,000.00 Other Services and Charges –
 Engineering Services

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

Councilwoman Zygas advised that this is for an on call engineer to do work that the city needs to be done.

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

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

Councilman D. Przybylinski commented on some of the work that has been going on already and questioned where the \$150,000 amount came from and also wanted to know how much of this \$150,000 is going to John Doyle and Associates for doing the Community Crossings work; advising he contact the Attorney's office and the Clerk's Office and there is no contract signed with this John Doyle to do this work and that the Mayor asked John Doyle to do this work which is not following procedures the city follows.

Councilman D. Przybylinski advised that since the process wasn't followed, and the council should have known upfront what was going on regarding how much it was going to cost process the Community Crossing Grant if bids went out to any other engineers in the city and asked how much of the \$150,000 is going to Brad Minnick, Primera Engineering to follow the Double Track project.

Councilman D. Przybylinski made a motion to TABLE the proposed Ordinance on first reading until we get some answer; a second was made by Councilman P. Przybylinski.

President Deutch advised that this ordinance will be referred to the Finance Committee for their review and recommendation at the next Council meeting on August 2, 2022.

The motion to TABLE the proposed ordinance was approved by the following vote:
AYES: Council members Gene Simmons, P. Przybylinski, Tillman, Fitzpatrick, Mack, Deutch and D. Przybylinski (7) **NAYS:** Council member Zygas and Dabney (2).

The Clerk read the following proposed ordinance on second reading by title only.
CREATING SECTION 2-410.4 IN CHAPTER 2 OF THE MICHIGAN CITY MUNICIPAL CODE TO CREATE AN EMERGENCY MANAGEMENT AGENCY (EMA) DONATION FUND

Introduced by: Angie Nelson Deutch

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

Councilman D. Przybylinski stated that he would like to suspend the rules and have third reading this evening making the motion, second by Councilman Fitzpatrick with the motion to have third reading this evening was approved by the following vote: **AYES:** Council members Zygas, P. Przybylinski, Tillman, Dabney Fitzpatrick, Mack, Deutch, D. Przybylinski and Simmons, (9) **NAYS:** Council member None (0).

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

ORDINANCE NO. 4632

CREATING SECTION 2-410.4 IN CHAPTER 2 OF THE MICHIGAN CITY MUNICIPAL CODE TO CREATE AN EMERGENCY MANAGEMENT AGENCY (EMA) DONATION FUND

WHEREAS, the need exists to create an Emergency Management Agency (EMA) Donation Fund to receipt money contributed to the Michigan City EMA Volunteers from contributions and donations from persons, businesses, and organizations, fundraisers, and other possible sources and outline what expenditures may be made from said Fund; and

WHEREAS, in addition, the need exists to create Sec. 2-410.4 in Chapter 2 of the Michigan City Municipal Code for purposes of establishing said Fund.

NOW, THEREFORE, BE IT ORDAINED, by the Michigan City Common Council that Section 2-410.4 in Chapter 2 of the Michigan City Municipal Code shall be created to read as follows:

Section 2-410.4 EMA Donation Fund Established.

There is hereby established an Emergency Management Agency (EMA) Donation Fund. This Fund shall be a restricted, non-reverting fund. The purpose of this Fund shall be for the receipt of money from contributions from persons, businesses, and organizations, fundraisers, and other possible sources to the Michigan City EMA Volunteer Program, which is overseen by the Michigan City Police Department, and said monies shall be used by the Michigan City Police Department for the exclusive use and benefit of the Michigan City EMA Volunteer Program and shall be used for the following purposes:

- (1) Materials, clothing, and supplies for use in the operation of the EMA Volunteer Program;
- (2) Education of the public, including promotional, educational, and training supplies, and for community events; and
- (3) Training and advocacy for EMA volunteers, including transportation and lodging.

The Michigan City Police Department shall not use the funds in its EMA Donation Fund for any other purposes than those stated herein.

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, President
Michigan City Common Council

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

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

Councilman D. Przybylinski made a motion to approve the proposed ordinance, second by Councilman P. Przybylinski with the ordinance being approved by the following vote: **AYES:** Council members P. Przybylinski, Tillman, Dabney Fitzpatrick, Mack, Deutch, D. Przybylinski, Simmons and Zygas (9) **NAYS:** Council member None (0).

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

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. 4633

AMENDING ORDINANCE NO. 4598 COMMONLY KNOWN AS THE “2022 SALARY ORDINANCE” TO INCREASE THE ANNUAL SALARY FOR THE DEPUTY FIRE CHIEF POSITION

WHEREAS, on October 19, 2021, the Michigan City Common Council enacted and on October 27, 2021, the Mayor signed Ordinance No. 4598, which established the salaries and wages for appointed officials and employees for the year 2022; and

WHEREAS, the Common Council now finds that it is in the best interest of the City to increase the annual salaries for the position of Deputy Fire Chief; and

WHEREAS, the City Controller has advised that sufficient funds exist in the respective budget of the Fire Department to fund the increases in said salary.

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

1. The aforementioned “Whereas” sections are incorporated herein as if fully set forth herein.
2. In Section 1 of Ordinance No. 4598, the position of Deputy Fire Chief shall be amended to read as follows:

	Bi-Weekly Salary	Informational (2022 Annualized)
Deputy Fire Chief	\$2,634.62	\$68,500.00

3. All other provisions of Ordinance No. 4598 not in conflict with this Ordinance shall remain in full force and effect.

This Ordinance to be effective retroactive to January 1, 2022, 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

CO-SPONSOR: /s/ Tracie Tillman, Member
Michigan City Common Council

/s/ Gene Simmons, Member
Michigan City Common Council

/s/ Angie Nelson, Member
Michigan City Common Council

/s/ Sean Fitzpatrick, Member
Michigan City Common Council

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

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

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

Councilman Fitzpatrick made a motion to adopt the proposed ordinance second by Council members Tillman and D. Przybylinski with the motion being approved by the following vote: **AYES:** Council members Tillman, Dabney Fitzpatrick, Mack, Deutch, D. Przybylinski, Simmons, and Zygas (8) **NAYS:** Council member P. Przybylinski (1).

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

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. 4634

AMENDING SEC. 102-46 IN THE MICHIGAN CITY MUNICIPAL CODE KNOWN AS THE “ARBORIST LICENSE” TO AMEND THE LICENSE APPLICATION & RELATED PROCEDURES

WHEREAS, I.C. 36-8-2-10 provides that “*a unit may regulate the operation of businesses, crafts, professions, and occupations;*” and

WHEREAS, Sec. 102-46 of the Michigan City Municipal Code currently reads as follows:

“Sec. 102-46. - Arborist license.

It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing any City trees and/or private trees within the City without first applying for and procuring a license. The license fee shall be established as set forth in Section 50-521. The fee is to be paid in advance and deposited in the Board of Works General Fund. However, after proper training, no license shall be required of any public service company including electric utilities and their agents and contractors, or City employees doing such work in the pursuit of their public service endeavors.

Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance and a certificate of insurance naming the City of Michigan City as the certificate holder. Liability insurance shall be in the minimum amounts of a combined single limit of \$500,000.00 for bodily injury, death, and/or property damage indemnifying the City or any person injured or damaged resulting from the pursuit of such endeavors as herein described. Any person or firm with a valid city arborist’s license must show proof of state chemical application certification before chemically treating any City and/or private trees.

Any person who violates this article shall be subject to, but not limited to, section 1-7 of the Michigan City Municipal Code;” and

WHEREAS, the Common Council finds that it is in the best interest of the City and residents herein to establish more detailed regulation of an arborist license within the City to assure that the Michigan City Municipal Code, including zoning codes, are not violated when an application for an arborist license is sought; and

WHEREAS, the Common Council finds that the need exists to now amend Sec. 102-46 of the Michigan City Municipal Code.

NOW, THEREFORE, BE IT ORDAINED, by the Common Council of the City of Michigan City, Indiana that Sec. 102-46 is hereby amended in the Michigan City Municipal Code and shall read as follows:

Sec. 102-46. - Arborist application and license.

- (a) Unlawful to Operate Without License. It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing any City trees and/or private trees within the City without first applying for and procuring a license.

The license fee shall be established as set forth in Section 50-521. The fee is to be paid in advance and deposited in the General Fund. However, after proper training, no license shall be required of any public service company including electric utilities and their agents and contractors, or City employees doing such work in the pursuit of their public service endeavors.

- (b) Applications. All applications, **including renewals**, for arborist licenses shall be submitted to the City Controller's Office before commencing any activity covered by this Article and shall be verified under oath, notarized, and set forth the following information:
- (1) The legal name of business and/or doing-business-as name, permanent business address, business telephone number, fax number, email, and sales tax number.
 - (2) The legal structure of said business (ie: sole proprietorship, partnership, limited liability corporation (LLC), corporation).
 - (3) The name of the individual filing out the application for the business including their address, telephone number, fax number, email, and title within the business.
 - (4) Identify all vehicles and heavy equipment owned and or utilized by business.
 - (5) Address of where business stores all vehicles, equipment, heavy equipment, machinery, and supplies at the end of each business day.
 - (6) Detailed description of how said vehicles, machinery equipment, and supplies are stored at said address (ie: inside a garage, outside in open public view, etc...).
 - (7) Address of where business stores firewood, wood chips, and/or debris and a detailed description of how said firewood, wood chips, and/or debris are stored.
 - (8) Copy of Charter or Articles of Incorporation and current listing of all directors, partners, and principals.
 - (9) Names and phone number of the manager(s) or supervisor(s) of the applicant's business who will be available during hours business is being transacted.
 - (10) Whether business will be chemically treating any City and/or private trees, and if so, business must submit proof of state chemical application certification.
 - (11) Provisions that the applicant agrees to release, hold harmless, and indemnify the City for any claims that may arise out of applicant's conduct or be related to the issuance of a license by the City.

Simultaneous with the submission of the application, each applicant shall file evidence of possession of commercial liability insurance and a certificate of insurance naming the City of Michigan City as the certificate holder. Liability insurance shall be in the minimum amounts of a combined single limit of \$1,000,000.00 for bodily injury, death, and/or property damage indemnifying the City or any person injured or damaged resulting from the pursuit of such endeavors as herein described.

(c) Review and Recommendation; License Non-Transferrable.

- (1) Upon receipt of the application, the City Controller's Office will determine if the application is complete. An application is complete if all required information is provided, including a Certificate of Insurance that conforms with this Section, and the application is signed by the applicant. If the application is incomplete, the City Controller shall inform the applicant of the required, necessary information missing from the application.
- (2) The City Controller's Office shall forward a completed application to the Planning & Inspection Department for review and approval. The following may be grounds for denial of a license under this Article:
 - (a) Failure of an applicant to truthfully provide any information reasonably requested by the City as part of the application process.

- (b) Granting of said application would violate state, federal, or local law, including, but not limited to, the City's zoning code.
 - (c) The revocation within the last year of any license issued to an applicant for the purposes of conducting business pursuant to this Article.
 - (d) Evidence of a bad business reputation, which may be demonstrated by the existence of multiple complaints against an applicant with the Better Business Bureau, the Office of the Indiana Attorney General, or the Michigan City Police Department within the preceding 12 months.
 - (f) Issuance of a license would create a public health or safety hazard.
- (3) If an application is denied by the Planning & Inspection Department, the Planning & Inspection Department shall cite the reasons for said denial and the applicant may appeal to the Board of Public Works & Safety pursuant to Sec. 102-47.
- (d) Non-transferable and Display of Business Name on Vehicles.
- (1) A license is good for only one person, cooperation, or business. A license issued under this Article may not be assigned or transferred.
 - (2) All licensed arborists are required to be properly identified while performing work within the corporate boundaries of the City. Such identification shall be affixed to the driver's side of said vehicle as well as the rear of each vehicle not smaller than three inches high and one-half inch wide and must be legible at all times. Said lettering may be in the form of a magnetic sign, provided that the lettering on the sign meets the specifications listed herein.
- (e) Suspension and Revocation of License.
- (1) A license issued pursuant to this Article may be revoked by the Board of Public Works and Safety, after notice and hearing, for the following:
 - (a) Fraud, misrepresentation, or false statement made in connection with the selling of goods, wares, merchandise, or services, or information to be conveyed or the application thereof.
 - (b) Any violation of state, federal, or local law, including but not limited to the City's zoning code.
 - (c) Conducting the business licensed under this division in an unlawful manner or in such manner as to constitute a breach of the peace or a menace to the health, safety, or general welfare of the public.
 - (d) Failure of licensee to maintain commercial liability insurance.
 - (e) Failure to properly display name of business on vehicles used in operation of the business.
 - (2) Notice of a hearing for suspension and revocation of a license shall be given in writing setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be mailed with postage paid to the licensee at his address provided within his application at least five days prior to the date set for such hearing. If the Mayor determines that an imminent risk of harm to the health or safety of the public may occur because of the actions of an individual licensed under this Article, the Mayor may immediately suspend the person's license and provide notice of the right to a hearing as provided above.
 - (3) Any person who has had a license suspended or revoked according to this Section shall not be permitted to obtain another license in the City for a period of one year after the suspension or revocation, whether that license is requested to be issued to the person, a partnership in which the person is a partner, or a corporation in which the person owns more than one percent of the stock. The suspension or revocation of any license issued under this Article for purposes of authorizing multiple persons to conduct business on behalf of the licensee shall serve as a revocation of each authorized person's authority to conduct business on behalf of the licensee whose license is suspended or revoked.

- (4) Any action taken by the Board of Public Works and Safety denying an application for a license, suspending a license, or revoking a license shall be final administrative action for purposes of judicial review.
- (f) Violations. Any person who violates this Article shall be subject to, but not limited to, Section 1-7 of the Michigan City Municipal Code, including revocation or suspension of any license.

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/ Gene Simmons, Member
Michigan City Common Council

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

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

NOTE: Exhibit "A" is attached to Ordinance No.4634 in file O-105

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

Councilman D. Przybylinski stated that these amendments that are being proposed are going to bring regulations to the tree trimming businesses in Michigan City, codes/laws they will have to follow; helping issues that the city could do nothing about in the past are in this ordinance and tree trimming businesses are going to have to follow; stating several of the changes that have been added.

Councilman Simmons concurred with everything Councilman D. Przybylinski addressed regarding the amendments that have been made to this proposed ordinance; stating that he doesn't see enough movement on Odell Street issues being done.

Tommy Kulivak, 1316 Ohio Street, advised that he researched the property on Odell Street; stating they have a commercial operation going on this property and this property is zoned residential and this needs to be shut down.

Councilman P. Przybylinski stated that he attended the Board of Public Works and listened to the residents that brought the issues they were having at Odell Street and that he concurs with Mr. Kulavik; advising that there is one person that regulates the city department jobs and that we have to stay vocal and hope to get things done.

Councilman P. Przybylinski made a motion to approve the proposed ordinance, second by Councilwoman Tillman with the motion being approved by the following vote:
AYES: Council members Dabney, Fitzpatrick, Mack, Deutch, D. Przybylinski, Simmons, Zygas, P. Przybylinski and Tillman (9) **NAYS:** Council member None (0).

NEW BUSINESS

President Deutch advised that there was no new business this evening.

UNFINISHED BUSINESS

NOMINATIONS: President Deutch advised the Council has the following appointments to the Commission of the Social Status of African American Males (term expired 2/15/22)

Incumbents:

Ms. Albertine Allen – Minority Health Partners of LaPorte County
(resigned)
Dr. Wendall McCollum- MCAS

President Deutch advised that we are still working on the amendments to the Social Status of African American Males appointments that are vacant.

COMMENTS FROM THE PUBLIC

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

Mark Odo, 123 Hancock Street addressed the Council about having to hire a contractor to put in a new furnace and air conditioner in his house due to the ordinance that was adopted; that he went to get his permit to do it himself and was told he had to have someone that was licensed with the City of Michigan City which is costing him an additional \$2,500 that he can't afford; Mr Odo also advised that his home and garage was broken into when he was in Florida this winter and got no co-operation from the police department.

President Deutch advised Mr. Odo that she will get his complaints over to Planning/Inspection Department and also the Michigan City Police Department.

Ernie Hullahan, 302 Gladys Street, commented how much trash and litter that is tossed all over our city streets and empty lots; along with the tall grasses at vacant homes and lots; questioning if the city doesn't have Vector Control anymore, that it is sad for people visiting our town to see this.

Tommy Kulavik, 1316 Ohio Street commented on all the graffiti that you see painted everywhere in our city, advising that we do have an ordinance that isn't being followed to remove this graffiti according to our laws (commenting that the graffiti are gang signs) and that we need to remove all signs that are no longer in business in our community and last he would like an update on the paving of Pahs Road.

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

COMMENTS FROM THE COUNCIL

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

Councilman P. Przybylinski asked President Deutch to make an exception to the rules, that he would like to elaborate on the fire that took place at the Winski/Pullman Warehouse on Russell and Kentucky Street Saturday July 16, 2022; President Deutch stated alright.

Councilman P. Przybylinski advised preceding the fire, this warehouse was a major employer in Michigan City called, "Microport" a manufacture that makes high tech filters for the airline industry and surgical hospitals across our country with their pay scale for employees very good; this building was vandalized several times last year; advising the site manager contacted him to see what could be done, they set up meeting with Mayor Parry last year between Thanksgiving and Christmas, during that meeting the Mayor advised that he would set a meeting up with MCPD Chief Campbell after the first of the

year; that meeting never took place, advising approximately two (2) weeks ago the warehouse was broken into again with over \$350,000 worth of material was destroyed and now this weekend the warehouse was set on fire with what they are saying is over a million dollars' worth of inventory has been destroyed.

Councilman P. Przybylinski concurred with the Deputy Chief that the firefighters did a good job on containing that fire where it didn't spread into the other areas of the facility; advising that Mr. Bohle had a difficult time getting the police department to respond to his calls and to get a detective assigned to the vandalism and break ins; stating that there is a real issue in this community violent crime and with things that happened over this last weekend, with the shootings, this fire, and other things the community doesn't hear about; asking for this Council, the Mayor and the police department to get a plan that we can't tolerate what is happening in our city.

Councilman P. Przybylinski commented on the Board of Works denying his request to add streetlights along Wabash Street since Franciscan Hospital being demolished and it being dark along that corridor and was also denied pursuing abandon telephone poles on city streets.

Councilwoman Zygus announced that the LaPorte County Health Department is having a couple of vaccine health clinics for school vaccines for kids that will be from 10 – 6 on July 20 & 30, 2022 and then again on August 16 & 17, 2022. At the Laporte County Fair Grounds.

Councilman D. Przybylinski commented on the litter in Michigan City stating that it is all over and that he has participated in street clean ups, park clean ups and also take time when out walking to pick the trash up; people don't just throw gum wrappers out their car windows but throw a food bag full of left overs and that if we want a first class city we need to reach out to our population and ask them to not litter.

Councilman D. Przybylinski asked the public that after having a garage/yard sale to please go pack and pick up the signs you placed to get people to come to your home.

Councilman D. Przybylinski brought up at our Board of Works meeting yesterday and know we are all aware of the purple Nipsco lights on Franklin Street and Cleveland Avenue thinking it was a different type of technology but have learned that there is a supply issue with some part for these lights that Nipsco is trying to get; that what he said at the BOW meeting is that the city shouldn't be paying the full expense of what we're going to be charged since they are defective; advising the Mayor, the Board of Works and the City Attorney are going to investigate it and get back to the BOW at the next meeting on August 1, 2022.

Councilman D. Przybylinski commented on the violent crime situation in our city that he has heard that on July 28th at the New Hope Baptist Church MCPD Chief Campbell has called for a community meeting/workshop on how to address issues we are having.

Councilman D. Przybylinski announced that Nipsco is planning for a rate increase due to they now have to clean up the coal ash at the generating station with the plan to increase their rates to pay for the mess they made (coal ash); advising that there will be a meeting addressing the proposed NIPSCO rate increase on August 1, 2022 at 6:00 p.m. in the Council Chamber for anyone to discuss or express your displacement he encourage everyone to attend.

Councilwoman Tillman reminded everyone that on July 30th we have the Michigan City back to school rally that will be held at the old Elston football field 11 – 3.

President Deutch there will be a Rally prior to the NIPSCO hearing on August 1, 2022 next to City Hall at the "Your So Beautiful" lot; advising that you can send written comments to the UCC through August 10th and or speak at the public hearing at 6:00 p.m. and that there is a resolution that will be read that evening.

President Deutch stated as far as the crime we are facing in our community it is not just happening at this warehouse on the westside, there has been break ins and vandalizing at the YMCA, at Elston, and other businesses as well that she won't mention today; that we are seeing crime going up because she believe we as a council have to take a stronger stand, and that she knows the thing are going to be coming in front of the council on cameras and that it was presented at the last meeting a pilot for motion detection lights in the neighborhoods; we need to let people know it's unacceptable and don't want you here if you are going to commit crime. Businesses will leave if we don't step up and get these cameras, get these lights, do all the things that we have been talking about to make our neighborhoods safe.

Councilman P. Przybylinski concurs with you fully on everything that we all have discussed and that he thinks we should call a "Special Meeting" and pass a resolution to start the transition that if the administration's not going to do anything, then this council has to take the lead.

ADJOURNMENT

A motion by Councilman D. Przybylinski, second by Councilman Fitzpatrick and there being no further business to transact, President Deutch declared the meeting

ADJOURNED (approximately 8:01 p.m.)

Gale A. Neulieb