

REGULAR MEETING – July 20, 2021

The Common Council of the City of Michigan City, Indiana, met in Regular session on Tuesday evening, July 20, 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, Dalia Zygas and Tracie Tillman (9).

ABSENT: None (0).

A QUORUM WAS NOTED PRESENT

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

APPROVAL OF MINUTES

President Mack inquired whether there were any corrections, deletions, or additions to the minutes of the Regular Council “Zoom/ Hybrid” Meeting of, July 6, 2021; there was no response.

President Mack asked for a motion to approve the Regular Council “Zoom/Hybrid” meeting minutes of June 6, 2021 with a motion made by Councilwoman Deutch, second by Councilman Dabney and was approved by the following vote: **AYES:** Council members Fitzpatrick, Mack, Deutch, D. Przybylinski, Simmons, Zygas, P. Przybylinski, Tillman and Dabney (9). **NAYS:** None (0).

REPORTS of STANDING COMMITTEES

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

Councilman D. Przybylinski advised that there was a Labor Relations Executive Session held with the FOP and the Firefighters Union on July 12, 2021.

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 meeting held.

Councilman Fitzpatrick stated there was nothing to report at this time; advising that for over two and half years of being on this Council there have been claims for the Riverboat every single meeting and now there aren’t any claims; wondering what we were spending all of this money on before and how we are paying invoices now.

CLAIMS DOCKET

President Mack read the following claims for the record.

June 20, 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.

The Clerk advised that there are no petitions.

COMMUNICATIONS

President Mack asked if there were any Communications.

Clerk Neulieb read the following correspondence received.

Correspondence was received in the Clerk's Office on July 8, 2021 from Controller Hoffmaster regarding a statement that was made by Councilman Fitzpatrick regarding police vehicles.

A Freedom of Information Act request was received in the Clerk's Office on July 8, 2021 from Rodney McCormick requesting information from the MCPD; asking the Council to read his request under communications for the record at the July 20, 2021 Council meeting.

RESOLUTION

Clerk Neulieb read the following resolution by title only.

MICHIGAN CITY COMMON COUNCIL**RESOLUTION NO. 4810****REQUESTING THE MAYOR TO REQUEST AN APPROPRIATION OF THE AMERICAN RESCUE PROGRAM (ARP) FUNDS FOR RENTAL ASSISTANCE**

WHEREAS, the Common Council of the City of Michigan City, Indiana has determined that

there is a need in the Community for a rental assistance program due to the COVID 19 Pandemic; and

WHEREAS, the City of Michigan City, Indiana has received American Rescue Program (ARP) monies that can be used for such a program; and

WHEREAS, the Common Council of the City of Michigan City, Indiana is asking the Mayor to request an appropriation of ARP funds so that the City of Michigan City can assist qualified residents with rental assistance; and

WHEREAS, the funds appropriated for this purpose shall only be used to assist residents who have been adversely affected by the COVID 19 Pandemic and who meet any other requirements for use of the ARP funding.

NOW, THEREFORE, BE IT RESOLVED by the Michigan City Common Counsel that it requests that the Mayor request that the Council, as part of the budget for the ARP Fund, to appropriate ARTP funds for the purpose of providing rental assistance to Michigan City residents who demonstrate that they meet the requirements for receiving ARP funded rental assistance.

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/ Paul A. Przybylinski
Michigan City Common
Council

Co-Sponsored by: /s/ Don Przybylinski
Michigan City Common Council

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

Councilman D. Przybylinski stated this resolution is basically asking the Mayor to request an appropriation of the American Rescue Program Funds available; stating that we can put some of the \$16 million into Rental Assistance once the Federal Government stops people from receiving special funds on rental assistance.

Councilman P. Przybylinski stated that County Council President, Randy Novak and Commissioner Sheila Brillson Mathias started the initiative, and the Council is just asking that the funds be established, then we can go into the discussion of the funding so we can assist the Township Trustees as a group to manage the funds.

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 Zygus stated that she is all for helping out our renters, but curious on how the funding will be administered, who will track it and who will decide who gets the funding; advising it has to be administered properly and we have to keep track of it.

Councilwoman Deutch stated she recently attended a webinar for Prosperity Indiana and the Housing Needs Coalition where she participated with the Indiana United Way; stating that to afford a two bedroom rental you have to make a minimum of \$14.73 and work 81 hours to pay your rent; explaining the Eviction Crisis Act and the Family Stability Opportunity Voucher has a campaign; encouraging people to join; explaining the partnership that the County is looking at is with the Trustees Office because they have mechanisms in place to administer the money, but they also have the

confidentiality and means to take applications; commenting that she believes that it is imperative that we have some type of backstop in place to support the residents.

Councilwoman Tillman asked if there was a way to add what Councilwoman Deutch just stated into the Resolution along with the amount that we would appropriate.

Councilman D. Przybylinski stated that we are attempting to establish the fund and the Township Trustees are going to administer the funding with guidelines that they will follow; this ARP money should be used for helping make sure people don't get evicted; advising he will reach out to our Township Trustee regarding the money being distributed; then an ordinance will be done for an appropriation and the Council can have a Workshop with the Mayor.

Councilman Fitzpatrick asked Attorney Meyer if there was a fund created and would it be followed by an Ordinance in order to appropriate any funds?

Attorney Meyer stated that this Resolution does not request a creation of a fund, all of the APR funds have to be spent directly from the fund that was created, and in order for there to be an appropriation the Council would have the Mayor ask for the appropriation and this Council would have to pass an Ordinance approving a budget and asking the ARP fund to be used for financial assistance to renters who are losing their rental properties due to the effects of COVID.

Discussion ensued between Councilman Fitzpatrick and Attorney Meyer regarding if this Resolution is just a request for a fund to be created and the Mayor would ask that the Council create it. Attorney Meyer stated that this is a request that the Mayor would ask the Council to appropriate money from the ARP Fund that the Council created for entities receiving ARP money; there has to be a budget created for the ARP Fund to help with rental assistance.

President Mack stated that he loves the idea, and the ARP Funds should be at the will of the Council; advising that rental assistance is considered important along with housing upgrades and weatherization; explaining we should put the money in the pockets of the people that it is meant to be given to.

Councilman Don Przybylinski made a motion to approve the proposed resolution, second by Councilwoman Deutch.

President Mack asked City Clerk Neulieb to take the vote: AYES: Council members Mack, Deutch, D. Przybylinski, Simmons, Zygus, P. Przybylinski, Tillman, Dabney, and Fitzpatrick, (9). NAYS: None (0).

ORDINANCE

The Clerk read the following proposed ordinance on first reading by title only,
AMENDING SECTION 38-40 AND SECTION 38-41 OF THE MUNICIPAL CODE TO PROVIDE ELIGIBILITY FOR THE PROMISE SCHOLARSHIP TO ALL MICHIGAN CITY RESIDENTS.

Introduced by: /s/ Paul A. Przybylinski
Don Przybylinski
Gene Simmons

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

Councilman D. Przybylinski stated that there was a workshop held on July 19, 2021 discussing which schools the money is going to and opening up the Promise Scholarship to all schools in Michigan City, and also renters; advising that Janet Beutner, Promise Scholarship Director informed the Council of how many students qualify for the scholarship; explaining they also spoke about making the program better.

Councilwoman Deutch stated she would like to be added as a co-sponsor.

Councilman D. Przybylinski stated when this program was established the Council decided they would wait four years to see how the program was going; advising the funds are \$3.2 million which can help a lot of Michigan City residents achieve their dreams of a college education, a craft or a certification for welding; explaining he feels now is the time we move forward with the program and examine it because one of the biggest issues is that renters need to be a part of this program if their children go to Michigan City Schools; further stating this would include Michigan City High School, Marquette High School, and for the Parochial Schools; commenting that he did not see this in the Ordinance so we might want to make an amendment to include all of the schools mentioned.

President Mack asked if Councilman Simmons had anything to add at this time;

Councilman Simmons stated that the bottom line is that we are trying to make this ordinance more inclusive, as far as the renters go; advising it is unfair to not include them.

President Mack asked if there are any Public comments.

Rodney McCormick 617 Union Street thanked Councilman P. Przybylinski; stating he was at the Council meeting four years ago when this Ordinance passed and thought it was terrible that renters weren't included because a majority of residents in Michigan City are renters; advising any Ordinance that excludes certain people should never be passed.

Andrew White, 141 Shady Lane stated that he would like to thank the sponsors of this Ordinance; commenting that for the last four years he has been concerned about the residents of Michigan City that have been left out of this because they are renters; advising the renters have also contributed to this community; believing that this is the first step in something positive for the community being able to take advantage of the Promise Scholarship.

Michael Gresham, 2422 Ohio Street stated that the expansion of this program is potentially beneficial for the community; advising that anything that can be done to encourage the Promise Scholarship is a good thing.

President Mack asked if there are any Public comments there was no response.

President Mack asked if there were any further Council comments;

Councilwoman Tillman stated she would like to be added as a co-sponsor and change the language to read any single parent household.

Councilman Dabney commented on how the scholarship was originally passed and the goal was to provide the scholarship as a priority to homeowners to help bring students into the Michigan City Area Schools; explaining how the funding is generated from property taxes.

Councilwoman Deutch stated that LaPorte County is the lowest in the state for college degrees and we can look at the Promise Scholarship in a couple different ways; advising that she feels this should be open to all residents in Michigan City including home schooled students.

Councilwoman Zygus stated she is in favor of the renters applying but worries about the fact that the renters will no longer be required to attend Michigan City Area Schools; explaining we lost \$1.9 of funding from the state from all students that went to private schools.

Councilman Fitzpatrick stated he supports this Ordinance and that it should have been written this way from the beginning; advising we have Riverboat money that we can use to subsidize Michigan City Area Schools as well as providing college education for the residents.

Councilman D. Przybylinski commented on the ARP monies the schools received which was around \$25 million; stating that we have to provide a program for the citizens of Michigan City whether you are a renter or a homeowner.

Councilman P. Przybylinski stated he appreciates the public's input on this matter and that Council members Tillman and Deutch want to co-sponsor.

President Mack asked if there are any further Council comments.

President Mack stated he is in favor of this Ordinance and the Council incentivizing residency; advising the proposed ordinance will be read on 2nd reading at the next Council meeting on August 3, 2021.

The Clerk read the following proposed ordinance on first reading by title only,
AMENDING THE ZONING MAP OF THE CITY OF MICHIGAN CITY, LAPORTE COUNTY, INDIANA TO REZONE PROPERTY GENERALLY BOUNDED BY WILLIAMS STREET ON THE NORTH, ELSTON STREET ON THE WEST, BARKER AVENUE ON THE SOUTH AND WABASH STREET ON THE EAST FROM OS TO R1D OR B1

Introduced by: Paul A. Przybylinski
Don Przybylinski

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

Councilman P. Przybylinski asked to have a second and third reading this evening; stating this has been held up for nine years and it is was a huge oversight not notifying the public; thanking Mr. Coleman Moore for bringing this to his attention and Mr. Hill for answering questions on the process.

President Mack asked if there are any Public comments.

Michael Gresham, 2422 Ohio Street, stated that he wanted to speak as a member of the Plan Commission; advising the Plan Commission initiated this after finding out Mr. Moore's dilemma with the zoning; emphasizing the urgency of this matter because there are 100 residents who are zoned incorrectly and not able to sell, rebuild or refinance their homes; asking for second and third reading tonight so the Ordinance can be passed.

Ernie Callahan, 302 Gladys Street stated this was overlooked and should have been done years ago; the property owners have been punished long enough; commenting on his years of service with the Michigan City Area Schools.

President Mack asked if there was anyone else from the public who wished to speak; there was no response.

President Mack asked if there are any Council comments.

Councilman P. Przybylinski made a motion to move to 2nd reading; second by Councilwoman Deutch.

President Mack asked City Clerk Neulieb to take the vote: **AYES:** Council members Deutch, D. Przybylinski, Simmons, Zygas, P. Przybylinski, Tillman, Dabney, Fitzpatrick, and Mack (9). **NAYS:** None (0).

The Clerk read the following proposed ordinance on 2nd reading by title only,
AMENDING THE ZONING MAP OF THE CITY OF MICHIGAN CITY, LAPORTE COUNTY, INDIANA TO REZONE PROPERTY GENERALLY BOUNDED BY WILLIAMS STREET ON THE NORTH, ELSTON STREET ON THE WEST, BARKER AVENUE ON THE SOUTH AND WABASH STREET ON THE EAST FROM OS TO R1D OR B1

Introduced by: Paul A. Przybylinski
 Don Przybylinski

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

Councilman P. Przybylinski stated we just need to move forward and help these people get the correct zoning.

President Mack asked if there are any Public comments; there was no response.

President Mack asked if there are any Council comments; there was no response.

Councilwoman Deutch made a motion to move to third reading; second by Councilman P. Przybylinski.

President Mack asked City Clerk Neulieb to take the vote: **AYES:** Council members D. Przybylinski, Simmons, Zygas, P. Przybylinski, Tillman, Dabney, Fitzpatrick, Mack, and Deutch (9). **NAYS:** None (0).

The Clerk read the following proposed ordinance on 3rd reading by title only,

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. 4589

AMENDING THE ZONING MAP OF THE CITY OF MICHIGAN CITY, LAPORTE COUNTY, INDIANA TO REZONE PROPERTY GENERALLY BOUNDED BY WILLIAMS STREET ON THE NORTH, ELSTON STREET ON THE WEST, BARKER AVENUE ON THE SOUTH AND WABASH STREET ON THE EAST FROM OS TO R1D OR B1

WHEREAS, the Michigan City Common Council passed and forwarded to the Michigan City Plan Commission (the “Commission”) Resolution No. 4807 that requested the Commission to consider changing the zoning maps of a neighborhood in Michigan City generally bounded by William Street on the north, Elston Street on the west, Barker Avenue on the south and Wabash Street on the east; and,

WHEREAS, upon receipt of Resolution No. 4807, the Commission scheduled and held a workshop session to explain the proposed re-zoning and to listen to and answer questions from the affected property owners and others in the neighborhood, said session was held on May 24, 2021, with notices mailed to the affected property owners and with flyers distributed in the neighborhood, and with notice published in a local newspaper; and,

WHEREAS, following the workshop session, the Commission initiated a proposal, being Petition No. P-102-21, under Indiana Code 36-7-4-602(c), to change certain zone maps incorporated in the Michigan City Zoning Ordinance No. 4120; and the Petition requests that certain property within the boundaries of Michigan City, Indiana be re-zoned from OS to R1D generally with three parcels with existing businesses re-zoned to B1, said property being referred to herein as the “property” and having the common addresses and legal descriptions and proposed new zoning map designation as found on Exhibit “A” attached here to and made a part hereof; and,

WHEREAS, following the filing of said Petition to initiate this proposal, the Commission scheduled a public hearing on the Petition for June 22, 2021.

WHEREAS, the Commission gave the necessary notice of the filing of the Petition and of the date, time and place of the public hearing thereon by publication in the manner prescribed by I.C. 5-3-1-1 et seq; and,

WHEREAS, the Commission gave the necessary notice of the filing of the Petition and of the date, time and place of the public hearing thereon by mail, certified and return receipt requested, to all Property owners and to all persons who own real estate that abuts the Property which the Petitioner requested to be re-zoned and who needed to be given notice of the filing of the Petition; and,

WHEREAS, the Commission conducted the public hearing on the Petition to re-zone the Property as advertised and noticed, on June 22, 2021 and following said hearing determined that the Property should be re-zoned from OS to R1D or B1, as set out for each parcel in Exhibit "A", all as permitted by the Zoning Ordinance and Indiana Law, and on June 22, 2021, the Commission certified the Commission's finding and determinations, including those required by I.C. 36-7-4-603, and has sent the same with this proposed Ordinance to the Common Council with a favorable recommendation for passage; and,

WHEREAS, the City Clerk, on behalf of the Common Council, provided the necessary notice of the notice of the Council's intention to consider the proposed change in the zoning map as required by I.C. 5-14-1.5-5;

WHEREAS, the Council has paid reasonable regard, consideration, and attention to the recommendation of the Commission, to the documentation and other evidence presented to the Council regarding the proposed zoning change, and to the legal requirements applicable to the Council's decision, including, as required by I.C. 36-7-4-603: the City Comprehensive Plan; the current conditions and the character of current structures and uses in each district; the most desirable uses for which the land in each district is adapted; the conservation of property values throughout the City; and responsible development and growth.

NOW, THEREFOR, BE IT ORDAINED by the Michigan City Common Council, pursuant to the applicable laws, including I.C. 36-7-4-608, that:

1. The Council finds, based on all of the evidence before it, that:
 - A. The requested change in zoning for the Property described herein from OS to R1D and B1, as said change is identified for each parcel on Exhibit "A" attached hereto and made a part hereof, is compatible with: the City's comprehensive plan; the current conditions and the character of current structures and uses in each district; the most desirable uses for which the land in each district is adapted; the conservation of the property values throughout the City; and responsible development and growth; and,
 - B. The requested change in zoning will provide for the most reasonable use for which the Property is adapted, and the proposed land use will not have an adverse effect on surrounding land; and,
 - C. The requested change in zoning will not be injurious or detrimental to the surrounding property values and will further the conservation of property value throughout the City; and,
 - D. The requested change in zoning will promote orderly and responsible community growth and development and will not adversely affect the community; and,
 - E. The topography, soil condition, and other physical features of the land involved are suitable for the proposed use and zoning change; and,
 - F. The change in zoning is not "spot zoning" and
 - G. The change in zoning will not disrupt or destroy any neighborhood plan; and,
 - H. The findings set forth in the Certification of the Commission concerning the Property are accurate and applicable and are hereby adopted.
2. The Council further finds that it is in the best interest of the City of Michigan City and its citizens that the Council accept and approve the recommendation of the Commission that the requested change in the City's zoning map be approved by the Council.
3. The zoning for the Property located in the City of Michigan City, LaPorte County, Indiana, described herein on the attached Exhibit "A", is hereby changed from OS to R1D or B1; and it is further ordained that the zoning map of Michigan City, Indiana shall be amended to reflect this change and the amended zoning map shall hereafter be available in the office of the Plan Commission and City Clerk for review and copying by the public.
4. The Clerk of the Michigan City Common Council shall furnish a certified copy of the Ordinance to the LaPorte County Recorder in order that the same may be placed of record in the records of the Recorder's Office of LaPorte County, Indiana.

Introduced by: /s/ Paul A. Przybylinski, Member

Michigan City Common Council

/s/ Don Przybylinski, Member
Michigan City Common Council

President Mack asked if the Authors had anything to add;

Councilman D. Przybylinski stated that there are 90 some homes that are affected.

President Mack asked if there was anyone from the public who wished to speak;

Skyler York, Planning Director stated that there are no other areas in Michigan City that are affected with incorrect zoning.

President Mack asked if there were any Council comments;

Councilman P. Przybylinski thanked Mr. Coleman Moore for bringing this to his attention.

Councilman Dabney made the motion to adopt the proposed ordinance; second by Councilman D. Przybylinski.

President Mack asked City Clerk Neulieb to take the vote: **AYES:** Council members Simmons, Zygas, P. Przybylinski, Tillman, Dabney, Fitzpatrick, Mack, Deutch and D. Przybylinski (9). **NAYS:** None (0).

The Clerk read the following proposed ordinance on 2nd reading by title only,
APPROVING ADDITIONAL APPROPRIATION IN BUDGET OF THE PERSONNEL DEPARTMENT IN THE GENERAL FUND FOR JOB POSTINGS

Introduced by: Bryant Dabney
Dalia Zygas
Don Przybylinski

(DECREASE General Fund 1001Unappropriated balance \$3,000.00

INCREASE ACCOUNT#1001 107.433.020 \$3,000.00 Printing & Advertising –Publication of Legal Notices)

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

Councilman Dabney stated how much it cost for advertising in local newspapers and recruiting sites; advising the funding is needed so people can be aware that the City is hiring.

Councilman D. Przybylinski stated that Mrs. Smith, the Personal Director is here to answer any questions the Council may have at this time.

President Mack asked Ms. Smith if she had anything she wanted to say.

Personal Director Andrea Smith sated she had no comments.

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

President Mack asked if there were any Council comments; there was no response.

President Mack stated that there will be a formal public hearing this evening repeating three times; “Are there any comments or questions from the public”; there was no response and the public hearing was closed.

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

Councilman Fitzpatrick asked what the total amount of appropriated balances are in the general fund.

Councilwoman Tillman asked if the \$3,000 will be enough for the advertising for the next six months to a year.

Ms. Smith stated it depends on how many people we lose; advising she is trying to post on individual pages on Facebook, for instance, the Parks Department and also on www.michigancity.com; explaining they are mailing out the job openings to the minority organizations as well; commenting that we are close to being fully staffed for lifeguards.

Councilwoman Zygus made a motion to suspend the rules and read on 3rd reading tonight; second by Councilman P. Przybylinski.

President Mack asked City Clerk Neulieb to take the vote: **AYES:** Council members, Zygus, P. Przybylinski, Tillman, Dabney, Fitzpatrick, Mack, Deutch, D. Przybylinski, and Simmons (9). **NAYS:** None (0).

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

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. 4590

APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE PERSONNEL DEPARTMENT IN THE GENERAL FUND FOR JOB POSTINGS

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, more specifically, in the Personnel Department for expenses incurred for job postings; and

WHEREAS, the City Controller has determined that sufficient unappropriated funds are available in the General Fund #1001 to be appropriated for that purpose.

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

	<u>AMOUNT REQUESTED</u>	<u>AMOUNT APPROPRIATED</u>
DECREASE General Fund 1001 Unappropriated balance	\$3,000.00	
INCREASE ACCOUNT#1001 107.433.020 Printing & Advertising – Publication of Legal Notices		\$3,000.00
TOTAL FOR FUND	\$3,000.00	

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/ Bryant Dabney, Member
Michigan City Common Council

/s/ Dalia Zygas, Member
Michigan City Common Council

/s/ Don Przybylinski, Member
Member City Common Council

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

Councilman P. Przybylinski asked how many employees are left at the Street Department since the state raised their pay?

Andrea Smith, Personnel Director stated that the City has lost 20 Street Department drivers this year so far.

President Mack asked if there was anyone from the public who wished to speak; there was no response.

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

Councilman Dabney made a motion to adopt the proposed ordinance, second by Councilman P. Przybylinski.

President Mack asked City Clerk Neulieb to take the vote: **AYES:** Council members P. Przybylinski, Tillman, Dabney, Fitzpatrick, Mack, Deutch, D. Przybylinski, Simmons, and Zygas (9). **NAYS:** None (0).

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

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. 4591

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

WHEREAS, Juneteenth is the oldest recognized celebration observing the freedom of African Americans from slavery in the United States; and

WHEREAS, Juneteenth is an historic milestone reminding Americans of the triumph of the human spirit over the harness of slavery and the basic civil rights of freedom and equality for all; and

WHEREAS, the celebrating Juneteenth honors those 11 1/2 million African-Americans who survived, in chains, the voyage to the Americas as well as those millions that did not survive the journey. For more than 200 years, enslaved African-Americans were stripped of their humanity by forced family separation, rape, branding, whipping, mutilation and death; and

WHEREAS, the Emancipation Proclamation was issued by President Abraham Lincoln on September 22, 1862, with an effective date of January 1, 1863, but it had minimal immediate effect on the majority of enslaved people who remained in captivity and oppressed by slave owners despite the Proclamation; and

WHEREAS, on June 19th, 1865, Union General Gordon Granger and 2,000 Federal Troops arrived in Confederate -controlled Texas to take possession of the state and to enforce the emancipation of enslaved people throughout the state; and

WHEREAS, two years, five months and eighteen days after President Abraham Lincoln issued the Emancipation Proclamation, the last of those enslaved within the borders of the United States were freed by General Granger; and

WHEREAS, the word, “Juneteenth” became the name for the joyous celebration of freedom from slavery as a result of the words “June Nineteenth” combined together in speech; and

WHEREAS, Juneteenth is celebrated in more than 205 Americans cities and is officially recognized by 46 states. Governor Eric Holcomb issued an Executor Order making Indiana the 34th State to recognize Juneteenth for observance as a State Holiday; and

WHEREAS, the Council finds that it is not enough for the City of Michigan City to enjoy parades, marches, and other events celebrating Juneteenth and that the City must recognize Juneteenth as an official City Holiday which will help support the campaign to recognize Juneteenth as a national holiday; and

WHEREAS, the celebration of Juneteenth honors and reflects our value of inclusivity with regards to our City as a whole and our nation’s history; and

WHEREAS, the City of Michigan City is a place where thousands of African-Americans never succumb to a despair or cynicism and have always believed they would write their own destiny; and

WHEREAS, the City Michigan City can serve as a symbol and vessel that helps push the campaign to recognize Juneteenth as a national holiday forward.

NOW, THEREFORE, THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY, INDIANA HEREBY ORDAINS, as follow:

That June 19 is declared to be the Juneteenth holiday for the City of Michigan City and that Policy No. 305 (Holidays) in the Benefit Programs Section of the City of Michigan City’s Policy & Procedures Manual shall be amended to read as follows:

The City will grant paid time off to all eligible full and part time employees on the Holidays listed below. Any additional Holidays may be proposed at the discretion of the Mayor and are to be presented to the Common Council for approval.

Designation effect. The following days shall be a legal holiday for City employees.

1. January 1, New Year’s Day.
2. Third Monday in January, Martin Luther King Jr.’s birthday.
3. Third Monday in February, President’s Day
4. Good Friday (Friday before Easter)
5. Primary Election
6. Last Monday in May, Memorial Day.
7. **June 19, Juneteenth.**
8. July 4, Independence Day.
9. First Monday in September, Labor Day.
10. Second Monday in October, Columbus Day (Indigenous Peoples’ Day)
11. First Tuesday in November, General Election Day.
12. November 11, Veteran’s Day.
13. Fourth Thursday in November, Thanksgiving.
14. Fourth Friday Day in November, after Thanksgiving.
15. December 24, Christmas Eve
16. December 25, Christmas Day.
17. December 31, New Year’s Eve Day

That this Ordinance shall become effective and Juneteenth holiday will be observed beginning June 19, 2022 and every year thereafter.

That any provision of any Ordinance or part of Ordinance that is in conflict with the provisions of this Ordinance are surpassed by the provisions of this Ordinance to the extent of the conflict.

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/ Tracie Tillman, Member
Michigan City Common Council

CO-SPONSORED BY: /s/ Sean Fitzpatrick, Member
Michigan City Common Council

CO-SPONSORED BY: /s/ Gene Simmons, Member
Michigan City Common Council

CO-SPONSORED BY: /s/ Angie Nelson Deutch, Member
Michigan City Common Council

CO-SPONSORED BY: /s/ Bryant Dabney, Member
Michigan City Common Council

CO-SPONSORED BY: /s/ Paul A. Przybylinski, Member
Michigan City Common Council

CO-SPONSORED BY: /s/ Don Przybylinski, Member
Michigan City Common Council

CO-SPONSORED BY: /s/ Dalia Zygas, Member
Michigan City Common Council

President Mack asked if any of the Authors had anything to add; there was no response.

President Mack asked if there are any Public comments; there was no response.

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

Councilman Fitzpatrick made a motion to adopt the proposed ordinance; second by Councilman P. Przybylinski

President Mack asked City Clerk Neulieb to take the vote: **AYES:** Council members: **AYES:** Council members Tillman, Dabney, Fitzpatrick, Mack, Deutch, D. Przybylinski, Simmons, Zygas, and P. Przybylinski (9). **NAYS:** None (0).

The Clerk read the following proposed ordinance on 3rd reading by title only,

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. 4592

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

WHEREAS, the Indiana General Assembly has enacted the following new state laws:

- 1.) Senate Enrolled Act 396 - changes the maximum age for police department applicants from 35 to 39 (SEA 396 effective upon passage on April 22, 2021; codified at I.C. 36-8-3.5-12(a)(3));
- 2.) House Enrolled Act 1033 – removes any reference to current residency requirements for city police officers and firefighters (that they must live within 50 miles of the city or in a contiguous county if more than 50 miles) and, instead, only requires that members of city police and fire departments to:

- a.) Have adequate means of transportation into the jurisdiction served by the member's department; and
- b.) Maintain telephone service to communicate with the Department.
(HEA 1033 effective on July 1, 2021; codified at I.C. 36-8-4-2(a)).

WHEREAS, because of the aforementioned new state laws, the need exists to amend the following subsections in Section 70-103 in the Michigan City Municipal Code that currently reads as follows:

Sec. 70-103. - Police—Appointments; eligibility; applications; examination; police school; eligible list; vacancies; probationary period.

- (a) In order to be eligible for appointment to the police department an applicant must be 21 years of age and not over the age of 35 years. The age requirement shall not apply to those persons who have been previously employed as a sworn officer in the department. When an applicant has been appointed to the police department, the officer shall become a bona fide resident of the County of LaPorte, or any contiguous county within the State of Indiana (Porter, Starke, or St. Joseph Counties); have adequate means of transportation into the city; and provide and maintain telephone service within 90 days after such appointment; and comply with existing laws, ordinances, and or regulations relating to citizenship requirements then in effect.

...

- (g) When any person for original appointment reaches his 36th birthday, his name shall be automatically removed from the eligibility list for the police department. All persons on the eligibility list shall continue on the eligibility list for one year, after which they may reapply as an applicant; provided that those not having served on the police department before must be within the eligible age limit.

WHEREAS, in addition to amending Section 70-103 with respect to police, a sentence needs to be added to the end of Section 54-160 with respect to fire requiring that fire department members have adequate means of transportation into Michigan City and maintain telephone service to communicate with the Fire Department pursuant to HEA 1033.

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

1. Section 70-103(a) and Section 70-103(g) should be amended to now read as follows:

Sec. 70-103. - Police—Appointments; eligibility; applications; examination; police school; eligible list; vacancies; probationary period.

- (a) In order to be eligible for appointment to the police department an applicant must be at least 21 years of age and not over the age of 39 years. The age requirement shall not apply to those persons who have been previously employed as a sworn officer in the department. In order to be appointed to the police department, an applicant must demonstrate that the applicant has adequate means of transportation into Michigan City and to provide and maintain telephone service after such appointment to communicate with the Department; and comply with existing laws, ordinances, and or regulations relating to citizenship requirements then in effect. Having an adequate means of transportation into Michigan City and maintaining telephone service to communicate with the Department is a requirement for continued employment with the Department.

...(g) When any person for original appointment reaches his 40th birthday, his name shall be automatically removed from the eligibility list for the police department. All persons on the eligibility list shall continue on the eligibility list for one year, after which they may reapply as an applicant; provided that those not having served on the police department before must be within the eligible age limit.

2. The following sentence shall be added to end of Section 54-160: As a condition of continued employment, members of the Fire Department must have adequate means of

transportation into Michigan City and maintain telephone service to communicate with the Fire Department.

This Ordinance shall be effective upon passage and approval by the Mayor.

INTRODUCED BY: /s/ Gene Simmons, Member
Michigan City Common Council

/s/ Don Przybylinski, Member
Michigan City Common Council

/s/ Angie Nelson Deutch, Member
Michigan City Common Council

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

Councilwoman Deutch stated this was a formality to make sure state guidelines are being followed; explaining she would like Chief Dion Campbell to give the Council more information on it; advising there was talk at the last Council meeting regarding police take home vehicles.

President Mack asked if there are any Public comments.

Rodney McCormick 617 Union Street stated that it is time for the City to start compensating City employees; advising that if the City increased the pay rates, we would not have a problem getting people to work; explaining the police should get gas stiffens so they can drive their own vehicles to work and leave the police vehicles in rotation which would save the City money.

President Mack asked if there were any other questions or comments from the Council;

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

President Mack asked City Clerk Neulieb to take the vote: **AYES:** Council members, Dabney, Fitzpatrick, Mack, Deutch, D. Przybylinski, Simmons, Zygas, P. Przybylinski, and Tillman (9). **NAYS:** None (0).

NEW BUSINESS

There was no new business.

UNFINISHED BUSINESS

President Mack stated that the Youth Leadership Commission for Marquette High School has one nomination, Mr. Trayvon Moore.

Councilwoman Deutch stated that an amendment needs to be added to the Youth Leadership Commission to create some "At Large" positions so that this position won't be held up and maybe other students will then get involved.

Councilman Fitzpatrick stated that during COVID the members of the Commission graduated or went away to college; commenting that time has expired and there is really not a Commission; advising we need to re-establish the Youth Commission as a whole.

COMMENTS FROM THE PUBLIC

Patrick Voltz 401 Dewey Street stated there was a discussion about COVID money and City workers potentially getting bonuses in certain departments; commenting the Parks Department was not one of the departments that were discussed and he wanted to make sure they would also be a part of any bonuses that are given.

Rodney McCormick 617 Union Street commented on Ordinance 4503 also known as the Whistleblower Protection Policy for City Employees; stating an officer was retaliated against after he filed a complaint with the State Police and an inhouse agency; asking why the Council passes these types of Ordinances if we are not going to enforce them; advising that it states in the Ordinance that transferring any employee because he/she filed a complaint, even if they do not lose pay, should end in termination.

Ernie Hollihan, 302 Gladys Street commented on his granddaughter that lives in assisted housing and needs financial assistance and is unable to get it.

Jeff Santana thanked the Board of Works for the positive results he got from going before them; stating if the public would follow the process the government does work; advising the pay increase for City Employees is great and needed but he would like to know where that money is coming from; asking if it will be from the taxpayers, and if so, please let them know how this works.

COMMENTS FROM THE COUNCIL

President Mack asked if there were any Council comments.

Councilwoman Tillman responded to Mr. Hollihan regarding his child support concerns; advising that she manages the Child Support Office; providing her phone number to Mr. Hollihan.

President Mack asked if there are any other Council comments.

Councilwoman Zygus stated that the Michigan City Parks and Recreation Department needs input for their five-year master plan; advising they are providing an online survey on their webpage or you can go to daliazygas.com.

Councilman Dabney stated that he agrees with Jeff Santana regarding the raises which the Council is trying budget; explaining if you raise the pay you have to find other places to cut in order to fund the raises; advising that we have claims but the items were moved into the general fund taking away Capital spending for some of the projects.

Councilman D. Przybylinski agreed with Mr. Voltz that the Park Department should be included in the essential worker's pay for Covid 19 which has been expressed to Park Superintendent Ed Shinn; thanking John Stimley for the Zoo 5K run where all proceeds went to the Zoo; explaining every Monday volunteers meet at Washington Park to clean up the beach which was acknowledged on Chanel 22 News; advising that Pytynia Park (Ames Field) does not belong to Michigan City it belongs to the school system; stating there is a problem with the homeless at Ames field.

Councilman Fitzpatrick stated that the Council received late correspondence that is to appear on the next Council agenda; advising it needs be addressed tonight; commenting that it is regarding the Sanitation Department and a Sanitation employee; reading the letters in their entirety as follows:

Esteemed City Representatives,

It's apparent that the "good old boy network" is alive and well at the Sanitation District. Today, I am in possession of a deeply troubling letter from a Sanitation Worker. His words are profoundly disturbing because they illustrate working conditions of our City Workers. Obviously, the Sensitivity Training that went on at the Sanitation Department

was nothing more than a smokescreen to continue to cover up the same misconduct as before. It is unacceptable to belittle or demean employees simply because managers feel that they "can". It is not a right to do so, nor is it tolerable to employ those who subscribe to these practices. They do not represent the integral views nor practices of our City. We are calling for the immediate termination of those in management who are unwilling to treat our City Employees with dignity and respect. Further, it is poor City representation to have those in management driving City vehicles while under the influence of alcohol or any other substance that may hinder one's abilities or rationale. We cannot stand by and allow these issues to exist and not address and correct them. Our City Workers represent our City. As a Commissioner for the Social Status, I am sick and tired of our people suffering adversity at the hands of authoritative figures just to gain the slightest bit of humanity or respect. Unfortunately, we in the black community understand this all too well. If we cannot do right by our workers, what are we saying to our citizens?

Rodney McCormick

To whom it should concern,

On the afternoon of Thursday June 24th Kevin VanSickle had instructed me to assist Darren Pflaumer and himself in mounting the actuators on the aeration tanks. While the install was being performed there was talk of running conduit for the power and signal wires. There was some concern that the location of the conduit could pose a tripping hazard and the close proximity to the HCL carrier tube. Ryan Byers was present for the entirety of this incident. I asked the question "had anyone thought of running it along the handrail?" Ryan was unsure of what I meant and so I showed him. (Side note: the method of running the conduit this way would save time, material, and labor thus reducing the cost of the project.) As we were returning to where Kevin and Darren were working, Kevin heard what I was saying to Ryan about the savings. It was at this time, Mr. VanSickle said, "f**k your labor, f**k your ideas when you're boss you can do whatever the f**k you want but it won't be any f**king time soon!" Ryan asked Kevin "why not?" Dan has a good idea." Kevin's reply was "Because I f**king said so!" I did not respond to Kevin's outburst. He later stated why the conduit could not run along the handrail was because it was unsafe. "There are too many that are loose and wobbling." As of 7/12/2021 there has been no direction to secure any of the handrails.

Later that afternoon I spoke with Ryan about the events of earlier in the day. Ryan appeared to be shocked at the way Kevin conducted himself. Ryan saw firsthand the lack of respect Kevin has for anyone including himself. Ryan said he didn't know where Kevin's outburst had come from and I told Ryan the Kevin was drunk. I believe that Kevin had too many beers at lunch time, this is when Kevin and Darren go on their "Booze Cruise". Every day at lunch Kevin and Darren get in Kevin's CRV and head to Trail Creek Liquors for their lunch. I have seen them there personally twice both times while I was going to the BMV. After their cruise is over, they return to work and climb into a City vehicle.

On the morning of Friday June 25th Kevin confronted me about the conversation I had with Ryan the day before. (It was later that day I learned Kevin had called Ryan after hours to explain and justify his action.) Kevin lied to me, he asked "So you told Ryan to be more assertive?" which never came up in our conversation. He then told me that I was a "mechanic 1" that I have "no ideas" and "no decision making authority!" Now I know at the end of the day that Kevin is the boss and has the final say. But his actions and demeanor are far less than that of a supervisor and a representative of Michigan City. There are others in my department that share similar feeling, however I cannot and do not speak for them. I am reluctant to come forward, because of the hostile work environment this will create and this is the fear of others in my department.

Here have been many instances of Kevin putting others down behind their backs to other members of my department. Kevin has created a very uncomfortable work environment in maintenance. Everything from off color joke related to Race, Color,

Sexual orientation, and body shaming. But it is not all Kevin, Darren is Kevin's wing man. Darren keeps Kevin going. Kevin has said "no one want to work in maintenance because we work" but the sad truth is no one want to be in maintenance because of Kevin and Darren.

I have brought some of these issues to the attention of Steve Stanford and Mike Malotvic, however, have not seen a change in Kevin's or Darren's behavior. Please do not misunderstand what I just said I am NOT speaking badly of Steve or Mike. I don't know what happens behind closed doors.

In closing I am calling for the immediate termination of Kevin VanSickle and Darren Pflaumer. The Michigan City Sanitary District can do better, can be better!! I feel as well that do to the relationship that Michael Kuss has with Kevin and Darren that he cannot in any fashion can handle this matter fairly, objectively or impartial.

Dannie L Peaslee Jr. 7/14/2021

Councilwoman Deutch stated that Jessica Arnett has been working at the beach this summer as a lifeguard and is going to be leaving us soon; advising she has been leading the young adults on the beach, saving people's lives, and we appreciate all her hard work and effort.

Councilman P. Przybylinski stated that the letter read by Councilman Fitzpatrick was disturbing and this lies with the Chief Executive to implement something on this matter; explaining the Street Department needs raises so that we have enough drivers to plow our streets this winter; continuing to give the definition of impeach; stating that the Council cannot question someone's motive or statement, it can be debated but you cannot tell someone to do something that they have no authority to do; thanking the Council members for last night's Promise Scholarship meeting and the positive discussions on implementation of these Ordinances to help the residents with the Scholarship Program and moving forward on the Rental Assistance.

Councilman D. Przybylinski commented on the Mayor's Executive Order that gave the Sanitation Department drivers an increase in pay.

Andrea Smith Personal Director stated the pay increase went from \$16.03 to \$19.00 for drivers and it went up to \$21.00 an hour for operators.

President Mack stated he agreed with a lot of the comments this evening regarding essential workers; advising we are a majority doing an exceptional job under adverse conditions; thanking Kaleb Goodwin and the Tech Staff for their hard work; commenting on Jeff Santana's statement regarding raises for City employees; explaining there is growth in Michigan City; further stating there is a meeting with the Mayor next week regarding the ARP Funding for rental assistance; congratulating Fly High Youth Program on getting a bus and a new location.

ADJOURNMENT

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

ADJOURNED (approximately 8:33 p.m.)

Gale A. Neulieb