

SPECIAL ZOOM MEETING – July 30, 2020

The Common Council of the City of Michigan City, Indiana, met in Special session on Monday evening, July 30, 2020 at the hour of 5:00 p.m., Hosted by “Zoom” and streamed live on “My Michigan City” Facebook Page.

The meeting was called to order at 5:02 p.m. by Council President Fitzpatrick.

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

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

ABSENT: Councilwoman Angie Nelson Deutch (1).

Note: President Fitzpatrick advised that Councilwoman Deutch did notify him and was unable to attend this evenings meeting and is excused.

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

A QUORUM WAS NOTED PRESENT

City Clerk read the following Resolution by title only, there being no objections,

MICHIGAN CITY COMMON COUNCIL RESOLUTION NO. [4782](#)

APPROVING THE EXTENSION OF THE MAYOR’S EXECUTIVE ORDER 09-2020 EXTENDING THE DECLARATION OF A PUBLIC HEALTH EMERGENCY DUE TO THE COVID-19 VIRUS AND TEMPORARY CLOSING OF WASHINGTON PARK

WHEREAS, both the President and the Governor have declared a public health emergency for the Novel Coronavirus Disease 2019 (COVID-19) pandemic outbreak; and

WHEREAS, on July 23, 2020, Mayor Duane Parry issued his Executive Order 09-2020, Declaring A Public Health Emergency Due To The Coronavirus Pandemic & Ordering the Temporary Closure of Washington Park, a copy of which Executive Order 09-2020 is attached hereto as Exhibit A; and

WHEREAS, IC 10-14-3-29 requires the Council’s consent for the Executive Order 09-2020 to remain in effect for more than seven (7) days; and

WHEREAS, the Council finds that the COVID-19 virus pandemic emergency will exist for an extended period of time beyond seven (7) days from the issuance of Executive Order 09-2020, the precise length of which is not determinable at this time; and

WHEREAS, the Council supports the issuance of the Executive Order 09-2020 and finds that it is in the best interest of the citizens of Michigan City that the Executive Order 09-2020 be extended beyond seven (7) days until 11:59 p.m. on August 13, 2020 or until such time as the Mayor determines that the spread of COVID-19 no longer poses a threat to the citizens of Michigan City, whichever period is shorter.

NOW, THEREFORE, BE IT RESOLVED, by the Michigan City Common Council that it approves Mayor Duane Parry’s issuance of his Executive Order 09-2020 Declaring A

Public Health Emergency Due To The Coronavirus Pandemic & Ordering the Temporary Closure of Washington Park (Executive Order) and consents to it being effective and in full force and effect until 11:59 p.m. on August 13, 2020 or until such time as the Mayor determines that the spread of COVID-19 no longer poses a threat to the citizens of Michigan City, whichever period is shorter.

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

Passed and Adopted by the Michigan City Common Council on July 30, 2020.

Introduced by: /s/ Sean Fitzpatrick, President

President Fitzpatrick advised this resolution is to extend the existing Executive Order No. 09-2020 which expires tonight at midnight, with no other order from the Mayor: advising if the proposed resolution doesn't pass this evening there will not be anything in effect to keep any of the beaches closed at this time.

President Fitzpatrick stated that if the proposed resolution is adopted it will extend Washington Park Beach to be closed until August 13, 2020 at 11:59 p.m. at which time the Council will have something in place or Mayor Parry will be presenting an updated Executive Order at that time.

President Fitzpatrick asked if there were any Council comments.

Councilman P. Przybylinski stated he is half heartedly going to support this proposed resolution; stating after attending the "Special Meeting" the council had on July 28th, he was hoping there would have been something resolved after all the discussions that took place; advising that he doesn't feel it's right to leave Sheridan beaches open and Washington Park beach closed.

Councilman D. Przybylinski stated he would like to support the proposed resolution; asking if he could make an amendment this evening if it includes the Sheridan Beach area from stop 2 through stop 13 and put signage up.

Councilman D. Przybylinski advised that he took a ride through Sheridan Beach as well as through Beach Walk counting almost 190 cars parked in Beach Walk with an out of state license plate; stating if you take that amount of cars times 3.5 you would approximately have over 600 people visiting and going to our beaches and all the other rentals in this area, as well as all the people parking at Lake Hills School and walking to our beaches; the Council's concern at our July 28th special meeting was safety and the spreading of Covid-19 within our community are exposing other people in these neighborhoods to possibly getting this virus.

President Fitzpatrick advised Councilman D. Przybylinski that this resolution can only be adopted or it can fail; it cannot be amended in any way; that Mayor Parry would have had to propose another Executive Order to adding the Sheridan beaches to be closed if he wanted to do that before the deadline at midnight tonight.

Councilman D. Przybylinski stated several concerns regarding the beaches not being closed from Stop 2 through Stop 13 when Washington Park beach is closed; they all should be closed for the same amount of time advising the administration told him that there isn't enough resources to manage closing all of them.

Councilman Mack stated he agrees with both D. Przybylinski and P. Przybylinski being also halfhearted regarding supporting the proposed resolution; asking if there was anyway the Council could amend this to seven days instead of 14 days.

President Fitzpatrick advised an amendment would have had to been turned into the Clerk's Office in writing prior to this meeting.

Councilman Mack stated his dislikes regarding the language in the proposed resolution was with not closing Stop 2 through Stop 13 beaches but when Washington Park

beaches is going to be closed already and not letting sticker holders and city residents with stickers enjoy their beach during this time; advising he doesn't believe that after Labor Day weekend the beaches are going to stop being busy; that he doesn't want to discourage visitors from coming to Michigan City but feels we as a team need to work together and get a long term plan together; that this pandemic is not going away.

Councilman Dabney commented he is half-heartedly going to support this resolution as well; advising the very first Executive Order Mayor Parry wrote actually had Washington Park beach and Stop 2 through Stop 13 beaches closed which was voted down and is why we have what is being proposed this evening. Councilman Dabney stated he wanted all beaches closed and voted in favor of Executive Order 09-2020 with it failing of a vote 6 - 3; and now he is going to vote halfheartedly for this proposed resolution due to this council not voting in favor of the first executive order that stated Washington Park and Stop 2 through Stop 13 would be closed for seven (7) days.

Councilwoman Zygus stated we are stuck with this resolution right now; asking if a separate resolution could be issued by Mayor Parry; closing Washington Park beaches and Stop 2 through Stop 13 beaches; requesting signage be placed with verbiage that it isn't safe to go to the beach with them going over our jurisdiction; stating several ideas.

Councilwoman Tillman agreed with Councilman Zygus that there should be signs posted at each entrance ways in Sheridan Beach.

Councilman Simmons stated for the record he is all in favor that Stop 2 through Stop 13 beaches should be closed along with the Washington Park beaches; that we are stuck with what we have and that he will be supporting the proposed resolution this evening.

Councilman P. Przybylinski thanked everyone for their comments; stating that this resolution could have been amended to read Washington Park beaches and Stop 2 through Stop 13 beaches be closed until Labor Day weekend ended; reading an email he received from a Michigan City resident: "Please come together as representatives of the City of Michigan City and work together to do the best for all the residents in our city; repeating that there should have been a document this evening in front of us to close all the beaches; stating several of his concerns regarding what was discussed at our Special Council meeting Tuesday, July 28th.

Councilman P. Przybylinski asked the council to research what we as a council can do to bring a proposed ordinance to the table that will allow fines to be issued in order to be able to manage what we are facing today and addressing issues with a long term solution and not just a week to week Executive Order.

Councilman D. Przybylinski commented on the closure of beaches in Washington Park stating that signs should have been posted prior to a council meeting having to be held to discuss what should be done or if the beaches should be open or closed; our administration should have stepped up and put signs at the entrances to the beaches between Stop 2 through Stop 13 stating they were closed; not wait for this body to make the decision for the safety of our community.

Councilman Fitzpatrick asked if there were any other comments from the Council, there was no response.

Councilman Fitzpatrick stated the proposed resolution this evening is only to extend Executive Order 09-2020 and cannot be amended; the Council cannot make any changes to the executive order; that we accept it or we don't with every council member having a chance to make this proposed resolution read different; there is an ordinance proposed on second reading this evening establishing rules for attendance at Washington Park, violating park department rules concerning the use of Washington park and the zoo looking at the particulars and how it is going to be executed not how it is going to be paid for or where the man power is coming; that is the administrations job to do that; the council sets the ordinances and policies.

Councilman Fitzpatrick asked if there was a motion; with Councilman Simmons making a motion to adopt the proposed resolution, second by Councilwoman Tillman and was approved by the following voted: **AYES:** Council members Zygas, P. Przybylinski, Tillman, Dabney, Fitzpatrick, Mack, D. Przybylinski, and Simmons (8). **NAYS:** None (0).

President Fitzpatrick stated the resolution was adopted.

City Clerk Neulieb read the following proposed ordinance on second reading by title only, **ESTABLISHING RULES FOR ATTENDANCE AT AND THE USE OF WASHINGTON PARK AND PENALTIES FOR VIOLATING SAME AND FOR VIOLATING PARK DEPARTMENT RULES CONCERNING THE USE OF WASHINGTON PARK AND THE ZOO**

Introduced by: Paul A. Przybylinski
Co-Sponsored: Sean Fitzpatrick
Don Przybylinski

Councilman P. Przybylinski stated several reasons why he wanted to table this ordinance this evening; advising he is wanting to work with the Park Department Board of Directors to move forward and adopt an ordinance following the Park Departments rules addressing a long term plan that can be enforced.

Councilman P. Przybylinski made a motion to TABLE the proposed ordinance until the first Council meeting in September, second by Councilman D. Przybylinski.

Attorney Meyer advised Councilman Dabney that if there was an objection; a vote would have to be taken.

President Fitzpatrick asked if there was any objections or comments from the Council, there was no response, the proposed ordinance was TABLED until the September 1, 2020 Council meeting by the follow vote: **AYES:** Council members P. Przybylinski, Tillman, Dabney, Fitzpatrick, Mack, D. Przybylinski, Simmons, and Zygas (8). **NAYS:** None (0).

ADJOURNMENT

Councilwoman Zygas made a motion to adjourn, second by Councilwoman Tillman and there being no further business to transact, President Fitzpatrick declared the meeting **ADJOURNED** (approximately 5:33p.m.)

Gale A. Neulieb