

# REGULAR COUNCIL ZOOM WEBINAR MEETING – August 18, 2020

The Common Council of the City of Michigan City, Indiana, met in a Regular session on Tuesday evening, August 18, 2020 at the hour of 6:00 p.m., Hosted by “Zoom” Webinar and streamed live on “My Michigan City” Facebook Page.

The meeting was called to order at 6:00 p.m. by Council President Fitzpatrick.

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

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

**ABSENT:** Councilwoman Tracie Tillman, (1).

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

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

NOTE: Attorney Meyer was not able to connect to our meeting to participate

## **A QUORUM WAS NOTED PRESENT**

### **REPORTS of STANDING COMMITTEES**

Councilman presented the Finance Committee meeting minutes for August 18, 2020; they are as follows:

The Finance Committee meeting was called to order at 5:32 p.m. by Chairman Dabney to review claims filed since the last meeting. Committee member Paul Przybylinski was present as well as Council members Simmons, Don Przybylinski, Zygas, Nelson-Deutch, Mack, and Fitzpatrick. City Controller Yvonne Hoffmaster was also in attendance. Claims reviewed totaled \$1,779.52 from the Riverboat Fund and \$1,320.00 from the Boyd Development Fund for a total docket of \$3,099.52. There was no further discussion. Councilman Paul Przybylinski moved to recommend approval of the docket, and with a second by Councilman Dabney, the motion was approved unanimously. On a motion made by Councilman Paul Przybylinski and a second by Councilman Dabney, the meeting was adjourned at 5:34 p.m.

The summary of claims are as follows:

#### **From the Riverboat Fund:**

ACME Communications Inc. - \$385.00  
COMCAST - \$45.11  
Great America Financial Services - \$611.37  
Michigan City Animal Hospital - \$518.00

Music Standard Inc. Towing and Auto Center - \$85.00  
 Verizon Wireless - \$135.04  
**TOTAL from Riverboat Fund: \$1,779.52**

**From Boyd Development:**

Lori Osos - \$1,320.00  
**TOTAL from Boyd Development: \$1,320.00**

**TOTAL CLAIMS DOCKET - \$3,099.52**

**CLAIM DOCKET**

**President Fitzpatrick read the claims dockets as follows:**

<b><u>August 18, 2020</u></b>	<b>Fund #2042 – Riverboat Claims</b>	<b>\$1,779.52</b>
	<b>Fund #2031 – Boyd Development</b>	<b>- \$1,320.00</b>
	<b>TOTAL:</b>	<b>\$3,099.52</b>

President Fitzpatrick asked if there was a motion to approve the claims from August 18, 2020; Councilman Dabney made a motion to approve the claims; second by P. Przybylinski.

President Fitzpatrick asked all in favor to pay the claims signify by saying “AYE” all responded “AYES” those opposed; there was no response. Claims were approved (8-0).

**REPORTS of SPECIAL or SELECT COMMITTEES**

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

**REPORTS of OTHER CITY OFFICERS and DEPARTMENTS**

President Fitzpatrick asked if there were any Reports of Other City Officers and Departments; there was no response.

**RESOLUTION**

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

**MICHIGAN CITY COMMON COUNCIL  
 RESOLUTION NO. [4783](#)**

**APPROVING THE EXTENSION OF THE MAYOR’S EXECUTIVE ORDER 11-2020  
 EXTENDING THE DECLARATION OF A PUBLIC HEALTH EMERGENCY DUE TO  
 THE COVID-19 VIRUS AND ORDERING THE TEMPORARY CLOSURE OF  
 WASHINGTON PARK, ALL PUBLIC ENTRANCES TO THE BEACH FROM STOP 2  
 THROUGH STOP 13, AND THE ESPLANADE**

**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 August 13, 2020, Mayor Duane Parry issued his Executive Order 11-2020, Extending the Declaration of a Public Health Emergency Due to the Coronavirus

Pandemic & Ordering the Temporary Closure of Washington Park, All Public Entrances to the Beach From Stop 2 Through 13, and the Esplanade, a copy of which Executive Order 11-2020 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 11-2020, the precise length of which is not determinable at this time; and

**WHEREAS**, the Council supports the issuance of the Executive Order 11-2020 and finds that it is in the best interest of the citizens of Michigan City that the Executive Order 11-2020 be extended beyond seven (7) days until 11:59 p.m. on September 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 11-2020 Extending the Declaration of a Public Health Emergency Due To The Coronavirus Pandemic & Ordering the Temporary Closure of Washington Park, All Public Entrances to the Beach From Stop 2 Through Stop 13, and the Esplanade (Executive Order), and consents to the Executive Order being effective and in full force and effect until 11:59 p.m. on September 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 approval by the Mayor.

**INTRODUCED BY:**

/s/ Sean Fitzpatrick, President

President Fitzpatrick advised there are only a few options regarding the proposed resolution which is either extend the present Executive Order to thirty (30) days or not extend it and it will expire at the end of its term; advising we are still be under the Governor's Executive Order and under a state of emergency due to Covid-19; stating until we put some legislation in place by way of an ordinance that directs the Park Department as well as the administration as to what the Council's desire is for what is going to happen at the beachfront and entrances to the park, the Council is in a perpetual state of having to extend the Mayor's Executive orders; explaining the Council has to decide what the long term course of action would be; advising at some point the Governor may lift his order and the Mayor may not have the ability to issue Executive orders; further advising if the Council sets something by an ordinance in place, they won't have to continue with this process.

President Fitzpatrick asked if there were any Council comments.

Councilman P. Przybylinski stated in reference to the legislation that is pending, he was looking for more communication from the Mayor and a meeting to come up with some type of directive or input on how they can accomplish re-opening the beaches; advising there is nothing in place to regulate anything at the beach nor is there an adjoining ordinance to enforce the Park Departments rules; explaining he is amending his ordinance and would appreciate feedback from the other Council members on their thoughts; stating people can still go to the beach because there is not an ordinance in place to give them a civil penalty and if you don't have legislation in place adopted by the Council this is going nowhere.

President Fitzpatrick stated he spoke to the Mayor and they will be arresting people for trespassing through the entranceways.

Councilman D. Przybylinski commented on closing off the entrance ways and esplanade at Sheridan Beach; stating he walked the beach from stops two (2) to thirteen (13) and counted close to 550-600 people; explaining that people are walking

around the signs the Park Department put up; asking the Mayor if this is going to last until after Labor Day due to there not being enough people/seasonal employees to run the park entrances? stating maybe the Council needs to have a workshop with the Mayor to discuss this again.

Discussion ended between President Fitzpatrick and Councilman D. Przybylinski regarding a scheduling another workshop. President Fitzpatrick stated they already had one and it didn't go anywhere; explaining until the Council puts an ordinance in place, nothing is going to change. Councilman D. Przybylinski stated why are we putting up signs to close Sheridan Beach if no one is going to enforce it?

Councilwoman Deutch commented on a meeting the Mayor had attended; stating he discussed several different options in regards to the beach; advising the Council he has not received any feedback from the Park Department or administration; asking if legislation is passed, how is it going to be implemented?

Councilwoman Zygus stated that we can't stop people from going to stops 2-13; explaining that if you open the beach there will be thousands of people down there not social distancing; we don't have people to man the gates and that she is afraid to put an ordinance in place that is not flexible due to not knowing what is going to happen with the pandemic.

Councilman Mack stated that we need to step back and slowly down, take week by week or two weeks at a time; stating we could limit cars in the parking lot, but could still have eight (8) hundred people on the beach at one time; Covid is causing and will continue to cause a lot of disparities based on means, wealth, where you live; advising the weather for September is supposed to be much warmer than normal Mr. Mack stated there will still be people wanting to enjoy our beach after the park season (Labor Day) is over and beach stickers are no longer needed and that they have opened the zoo in a matter that is safe; advising this Council, the Mayor, Park and Police Department all have to work together and be on the same page to reach the goal that is needed for long term.

Councilman Dabney commented that the Zoo is open with only one entrance and it is by appointment only; advising the beach was jammed packed this past weekend; explaining he is concerned about reopening lot one (Washington Park); asking if the Council votes in favor of the proposed ordinance what can the ordinance do? Explaining we need review and discuss the legal issues regarding the highwater marks.

Councilman D. Przybylinski responded to Councilman Dabney's comment regarding the highwater marks; advising that he is working with the LaPorte County Surveyor to get this information and will forward this information to our I.T. Department to put the stop marks (stops 2-13) on each one of the maps; advising the highwater mark is basically at the bottom of the dune where the dune grass starts; explaining in Sheridan Beach the City owns all of the walkways down to the beach and once you get past the dune grass, that is state property (the Federal Government owns).

Councilman P. Przybylinski commented on the proposed ordinance (that was introduced and was TABLED until the September 1, 2020 Council meeting); stating we should not open the main lot at Washington Park to everyone but to regulate the enjoyment and use for the residents of Michigan City; explaining with common sense, anything is achievable; stating the lakefront is a part of our heritage as a resident; advising if the Park Department and Administration were determined to enforce this resolution, they would have put fencing up in Sheridan Beach; further explaining if you can't go to Washington Park, you shouldn't be able to go to Sheridan Beach.

Councilman D. Przybylinski continued to explain if City residents aren't allowed to go to Washington Park, the non-residents should not be allowed to go to Sheridan Beach; stating the Park Department should put fencing up to each entryways; asking the Mayor if he is the planning to keep the park closed for the rest of the summer because it cannot be manned or are we going week to week?

Mayor Parry responded to Councilman P. Przybylinski remarks regarding the fencing; stating we cannot put up fencing if the City doesn't have the money; it is private property in Sheridan Beach; advising they have been unsuccessful in finding people to work the gate since the college students went back to school; explaining he will continue to monitor the situation; further stating this has to be controlled and we don't have the people to control it.

Discussion ensued between Councilman D. Przybylinski and Mayor Parry regarding if the Mayor's plan is to keep the park closed for the rest of the year or if he is he planning to open it up. Mayor Parry stated he is going to address this matter week to week because legally that is all he can do; explaining the Executive Orders are only good for seven (7) days; stating the Council can extend it for up to thirty (30) days; advising if he could find people to work the gates, he would open the beach.

Councilman Simmons added that he read that Saturday's Covid numbers in the news paper advising they were 1,096 new case in LaPorte County.

Councilman Fitzpatrick asked if there were any further comments from the Council.

Councilman P. Przybylinski commented on Mayor Parry's previous statements regarding the opening of our beach.

President Fitzpatrick advised that Covid is not going away and we are not in normal times; stating everyone needs to be sensible and kind to each other as we are working through these decisions and brainstorming ideas.

Councilwoman Deutch made the motion to adopt the proposed resolution; second by Councilman Mack.

President Fitzpatrick asked if there were any other questions or comments from the Council and hearing none the proposed resolution was approved by the following vote:  
**AYES:** Council members Dabney, Fitzpatrick, Mack, Deutch, Simmons and Zygas (6)  
**NAYS:** Council members D. Przybylinski and P. Przybylinski (2).

### **UNFINISHED BUSINESS**

President Fitzpatrick stated the Common Council has one appointment to the Michigan City Police Commission due to the resignation of Mr. Mike Buda expiring 09/07/20; asking if there were any nominations.

Councilman Simmons nominated Lester M. Norvell, second by Councilwoman Deutch.

President Fitzpatrick asked if there were any other nominations; there was no response.

Discussion ensued between City Clerk Gale Neulieb, Councilwoman Deutch, President Fitzpatrick and Councilman D. Przybylinski regarding how to proceed if there is only one (1) nomination.

President Fitzpatrick asked if there were any objections to suspend the rules to allow the vote for Lester M. Norvell to the Michigan City Police Commission; there was no response.

President Fitzpatrick stated there were no objections to suspend the rules; asking all in favor of Mr. Lester M. Norvell serving as a member of Michigan City Police Commission to signify by saying "AYE"; seven (7) responded "AYE" asking if there were any opposed; there was one (1) response; advising Mr. Norvell is the Council's appointment to the Michigan City Police Commission.

### **COMMENTS FROM THE MAYOR**

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

### **COMMENTS FROM THE PUBLIC**

President Fitzpatrick skipped public comment since he wasn't familiar with the capabilities for the public to connect.

### **COMMENTS FROM THE COUNCIL**

Councilwoman Zygus advised she put a resolution together for "Commemoration of the nineteenth (19) amendment" advising it is not officially a resolution because she didn't get it on the agenda; reading it in its entirety.

**A RESOLUTION OF THE COMMON COUNCIL OF MICHIGAN CITY,  
INDIANA, COMMEMORATING THE CENTENNIAL OF THE RATIFICATION  
OF THE NINETEENTH AMENDMENT AND HONORING WOMEN'S  
EQUALITY DAY**

- WHEREAS, the women of the United States have historically been treated as second-class citizens and have often been denied the full rights and privileges, public or private, legal or institutional, which are available to male citizens of the United States; and
- WHEREAS, for 72 years, hundreds of thousands of women in the United States supported, and many dedicated their very lives, to the crusade for the right to vote; and
- WHEREAS, in the State of Indiana, thousands of women fought for the franchise but their accomplishments and stories remain to be discovered and told; and
- WHEREAS, two LaPorte County Suffragists have recently been rediscovered, namely Naomi Bowman Talbert Anderson and Zeola Hershey Misener; and
- WHEREAS, the Nineteenth Amendment to the Constitution was ratified on August 18<sup>th</sup>, 1920 and was certified as part of the United States Constitution on August 26<sup>th</sup>, 1920, thereby giving women their political freedom; and
- WHEREAS, in the months following the Ratification of the Nineteenth Amendment, millions of women registered to vote, thereby assuming the responsibilities of citizenship, and exercised their right to vote by voting in the presidential election in November of 1920; and
- WHEREAS, for the past 100 years, women have made significant contributions to government and the real-life issues affected by government and are to be commended and supported in their organizations and activities, and
- WHEREAS, on August 26, 2020 the Women of the United States are celebrating Women's Equality Day and are commemorating the Centennial of the Ratification of the Nineteenth Amendment.

NOW, THEREFORE, BE IT RESOLVED that the Common Council of Michigan City, Indiana Commemorates the Centennial of the Ratification of the Nineteenth Amendment and Honors Women's Equality Day.

Councilwoman Zygus advised she would get the proposed resolution ready for the next Council meeting.

### **ADJOURNMENT**

Councilman D. Przybylinski made a motion to adjourn, second by Councilman Simmons and there being no further business to transact, President Fitzpatrick declared the meeting **ADJOURNED** (approximately 7:09 p.m.)

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Gale A. Neulieb