

REGULAR COUNCIL ZOOM WEBINAR MEETING – September 1, 2020

The Common Council of the City of Michigan City, Indiana, met in a Regular session on Tuesday evening, September 1, 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, Tracie Tillman, Gene Simmons and Dalia Zygas (9).

ABSENT: None (0).

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

A QUORUM WAS NOTED PRESENT

REPORTS of STANDING COMMITTEES

Councilman presented the Finance Committee meeting minutes for September 1, 2020; they are as follows:

The Finance Committee meeting was called to order at 5:36 p.m. by Chairman Dabney to review claims filed since the last meeting. Committee members Paul Przybylinski and Councilwoman Tillman were present as well as Council members Deutch, Fitzpatrick, Simmons, Mack, Zygas, and Don Przybylinski. City Controller Yvonne Hoffmaster was in attendance as well. Claims reviewed totaled \$26,084.45 from the Riverboat Fund and \$275.00 from Boyd Development Fund for a total docket of \$26,359.45. There was further discussion concerning percentages of money transferred from Riverboat Funds to cover the 2019 revenue shortages in the budget. City Controller Hoffmaster stated she would get that answer for Councilman P. Przybylinski later. 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 Councilwoman Tillman the meeting was adjourned at 5:45 p.m.

From the Riverboat Fund:

Enterprise Rent-a-Car - \$1,209.10

Haas & Associates - \$24,875.35 (multiple invoices to for 2019 engineering services, and 2020 paving projects)

TOTAL from Riverboat Fund: \$26,359.45

From Boyd Development Fund:

Johnson & Johns Septic Service - \$275.00

Total from Boyd Development: \$275.00

TOTAL CLAIM DOCKET \$26,084.45

CLAIM DOCKET

President Fitzpatrick read the claims dockets as follows:

| | | |
|---------------------------------|--|---------------------|
| <u>September 1, 2020</u> | Fund #2042 – Riverboat Claims | \$ 26,084.45 |
| | Fund #2031 – Boyd Development - | \$ 275.00 |
| | TOTAL: | \$ 26,359.45 |

President Fitzpatrick asked if there was a motion to approve the claims from September 1, 2020; Councilman D. Przybylinski 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 (9-0).

REPORTS of SPECIAL or SELECT COMMITTEES

President Fitzpatrick asked if there were any Reports of Special or Select Committees;

Councilman D. Przybylinski read the following minutes from the September 1, 2020 Labor Relations Committee Meeting:

Present were committee members: Don Przybylinski, Paul Przybylinski, and Bryant Dabney. Also noted in attendance were: Duane Parry, Mayor, James Meyer, Common Council Counsel, Amber Lapaich-Stalbrink, Corp. Counsel, Andrea Smith, Personnel Director, Yvonne Hoffmaster, Controller, Judd Rose, negotiating Member of Local #475, Dwayne Brown, negotiating Member of Local #475, Daniel Nona, Negotiating Member of Local #45

Meeting was called to order by Chairman Don Przybylinski at approximately 5:04 p.m.

Labor Relations Committee advised that they had reviewed Union’s second written requests for contract changes. Namely, Union requested the following:

- 1 year contract with the following changes:
 - Article XII (section A. Wages)- Set the Firefighter (1st Class) 45 years of service to \$60,000
 - All other base rates would remain the same as 2020
 - Add language: for the purpose of 2021, if the City grants any Department of the City a wage increase, then all positions listed in Article XII, Section A (with the exception of Firefighter 1st Class) shall receive the same wage increase.
 - Union claims that the cost to increase the base for Firefighters (1st Class) 45 years would be approximately \$185.00 to the City, but the City is saving money due alleging a drop in the number of firefighters from 84 to 81.

Committee again advised Union that based on conversation with the City Controller, Committee is not in a position at this time due to the financial constraints caused by COVID-19 to recommend any contract changes that impose additional financial

constraints on the City at this time. Committee recommended that the parties simply allow the contract to roll over to next year and commencing negotiations next year.

Once again, the Union representatives did not accept the Committee's explanations and indicated that they would be reaching out to their legal counsel to discuss their next options. Paul Przybylinski suggested that Committee call an executive session to meet with the whole Council to discuss this matter. Again, the Committee expressed that it is uncertain of the City's financial position this year because of the COVID-19 and the loss of Riverboat funding. Thus, the City is not in a position to enter into a new contract with the Union at this time and suggested that negotiations resume next spring.

Meeting adjourned at approximately 5:25 p.m.

Councilman D. Przybylinski advised that he would be scheduling an "Executive Labor Relations Session" for next Thursday, September 10, 2020 at 5:00 p.m. to discuss and share what happened during the labor relations negotiations with the MCFD Local #475.

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. [4784](#)

A RESOLUTION OF THE COMMON COUNCIL OF MICHIGAN CITY, INDIANA, COMMENTORATING 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 Suffragist 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 18th, 1920 and was certified as part of the United States Constitution on August 26th, 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 real-life issues affected by government and are to be commended and supported in their organization 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

This Resolution to be effective upon passage by the Council, approval by the Mayor.

INTRODUCED BY /s/ Dalia Zygas, member
CO-SPONSOR: /s/ Angie Nelson Deutch, member

President Fitzpatrick asked if there were any comments from the Author's at this time;

Councilwoman Zygas stated she read this resolution in its entirety at the last Council meeting; making a motion to approve the proposed resolution, with a second by Councilwoman Deutch.

Councilwoman Deutch stated this resolution is important with voters registration starting up with the League of Woman Voters scheduling events regarding the election and getting people out to vote; advising there are several local women participating in this movement and that it is important that we all get people registered to vote regardless of what party you are supporting; this is an important exercise to be able to vote and is part of our history; asking for the Council's support.

President Fitzpatrick asked if there was anyone from the public that wished to comment on the proposed resolution:

Bonnie Schaaf, 319 Derby Street, President of the Commission for Women, thanked the Council on behalf of the Women's Commission for adopting this resolution and for recognizing Women's Equality Day for the reasons that Councilwomen Deutch and Zygas mentioned in their comments this evening.

President Fitzpatrick asked if the Council had any objections to the proposed resolution; hearing none, the resolution was adopted by a vote of 9 - 0.

ORDINANCE

The Clerk read the following proposed ordinance on 1st reading by title only,
ORDINANCE CREATING SECTION 82-68 IN ARTICLE III (PARK RULES) IN CHAPTER 82 (PARKS AND RECREATION) OF THE MICHIGAN CITY MUNICIPAL CODE TO PROVIDE A MECHANISM FOR ENFORCEMENT FOR ALL PARK RULES

Introduced by: Paul A. Przybylinski

President Fitzpatrick asked there were any comments by the author;

Councilman P. Przybylinski read Section 82-86 "Violation of Rules Adopted by the Michigan City Park Board."

Section 82-86. Violation of Rules Adopted by Michigan City Park Board.

- (a) Any and all rules formally adopted by the Michigan City Park Board, not otherwise specified in Sec. 82-62 through Sec. 82-66, shall be treated as if they are fully set forth in this Section and it shall be unlawful for a person to violate the same.
- (b) Any violation of a rule formally adopted by the Michigan City Park Board shall be considered a Code violation and may subject the violator to the issuance of a

citation and/or the removal of such person in violation from Michigan City Park Board property. Violations under this Section are subject to the general penalty provisions set forth in Sec. 1-7 of this Code.

- (c) The Michigan City Park Board shall post all park rules in a conspicuous manner on all park property and shall also post all park rules on their respective City website.

Councilman P. Przybylinski also read from Code Sec. 1-7:

Sec. 1 – 7. General penalty; continuing violations.

- a. In this section, “violation of this Code” means any of the following:
 - (1) Doing an act that is prohibited or made declared unlawful, an offense, or a violation of a rule or regulation authorized by ordinance.
 - (2) Failure to perform an act that is required to be performed by ordinance or by rule or regulation authorized by ordinance.
 - (3) Failure to perform an act if the failure is prohibited or is made or declared unlawful, an offense, a violation or a is demeanor by ordinance or by rule or regulation authorized by ordinance.
- b. In this section, “violation of this Code” does not include the failure of a city officer or city employee to perform an official duty unless it is specifically provided that the failure to perform the duty is to be punished as provided in this section.
- c. Except as otherwise provided by law or ordinance a person convicted of a violation of this Code shall be punished by a fine of not more than \$2,500.00. Except as otherwise provided by law or ordinance, with respect to violations of this Code that are continuous with respect to time, each day that the violation continues is a separate offense.

Councilman P. Przybylinski advised the Park rules that were in place and adopted by their board were never passed and adopted by a Council Ordinance; stating that this is what we are doing now so that the citations can be written to people that violate the Park rules.

Councilman P. Przybylinski asked if there was no objection to also have second reading this evening, with a second being made by Councilwoman Deutch.

President Fitzpatrick asked if there were any objections to suspend the rules and have second reading this evening, there was no response.

President Fitzpatrick asked Ms. Neulieb to read the proposed ordinance on second reading by title only at this time. **ORDINANCE CREATING SECTION 82-68 IN ARTICLE III (PARK RULES) IN CHAPTER 82 (PARKS AND RECREATION) OF THE MICHIGAN CITY MUNICIPAL CODE TO PROVIDE A MECHANISM FOR ENFORCEMENT FOR ALL PARK RULES**

Introduced by: Paul A. Przybylinski

President Fitzpatrick asked if the author had any comments on the proposed ordinance; with Councilman P. Przybylinski stating that he had no comments at this time.

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

Councilwoman Zygus questioned who would have the authority to issue these citations if the proposed ordinance is adopted.

Attorney Meyer advised there was no need to deputize anyone because these citations are not criminal violations, but civil violations; stating that anyone can sign the violation; advising the person writing the citations has to know what they are doing to be able to write what part of the ordinance that is being violated; assuming the Park Board will

designate certain people (being more than one person) who would be able to sign the citation.

Councilman Dabney stated a scenario regarding a citation that was being violated; asking how the procedure of a violation would be processed; questioning who contacts who to address the violation being addressed and who would write the citation.

Discussion ensued between Councilman Dabney and Attorney Meyer advising the Park Board would designate one or more persons that you would contact to report a violation being done; with that person reporting the violation may have to go to court to testify what they saw.

Councilman P. Przybylinski stated that there has never been a mechanism or citation in an ordinance that was adopted to give a monetary fine for not following the "Park Rules" until this proposed ordinance being brought to this Council this evening; advising that he had several conversations with Park Superintendent Ed Shinn stating he is in support about getting this ordinance adopted.

Councilman Dabney stated several concerns regarding the proposed language in this proposed ordinance that he feels we are opening a Pandora box; with someone possibly not telling the truth regarding a violation being done and what they saw.

Councilwoman Deutch stated the Park Board can set their rules; advising when visiting larger cities in surrounding areas there are police officers handing out citations; an employee from the city not a citizen wanting to process a violation being made; with the concept being the same as a code inspector giving a violation out to a resident that their grass is too tall (as an example).

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

President Fitzpatrick asked if there were any comments by the general public or any other comments from the Council; there was no response, stating the proposed ordinance will come back on third reading at the September 15, 2020 Council meeting.

The Clerk read the following proposed ordinance on 2nd reading by title only;
APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE BARKER CIVIC CENTER FUND FOR THE PURCHASE OF SUPPLIES TO RESTOCK THE GIFT SHOP FOR THE BARKER CIVIC CENTER

(DECREASE Barker Civic Center Fund # 2070 Unappropriated balance \$1,200.00. INCREASE ACCOUNT# 2070.000.429.001 \$1,200.00 Other Supplies)

Introduced by: Bryant Dabney, Member

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

Councilman Dabney advised this is a \$1,200.00 appropriation to replenish souvenirs in the Gift Shop at the Barker Civic Center.

President Fitzpatrick asked if there were any other Council comments, there was no response.

President Fitzpatrick stated there is a formal public hearing this evening; opening it and asking three times "is there anyone from the public that wishes to speak at this time" regarding the additional appropriation ordinance; there was no response and the public hearing was closed.

President Fitzpatrick stated this ordinance will be held over on third reading at our next regular Council meeting.

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

Introduced by: Gene Simmons, member

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

Councilman Simmons advised that Jessica Ward, Airport Director was in the process of creating a “Draw Camp” for young people and received over \$2,500.00 from donations with no account to put these monies; and is why he brought this to the Council to be approved.

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

Councilman D. Przybylinski asked if there was no objection from anyone to have third reading this evening.

President Fitzpatrick asked if there were any objections to suspending the rules and having third reading this evening; there was no response.

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

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. 4545

CREATING SECTION 2-410.2 IN CHAPTER 2 OF THE MICHIGAN CITY MUNICIPAL CODE TO CREATE AN AIRPORT DONATION FUND

WHEREAS, the need exists to create an Airport Donation Fund to receipt money contributed to the Michigan City Municipal Airport 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. 2-410.2 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 2-410.2 in Chapter 2 of the Michigan City Municipal Code shall be created to read as follows:

Section 2-410.2. Airport Donation Fund Established.

There is hereby established an Airport 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 and said monies shall be used by the Board of Aviation Commissioners.

Expenditures from this Fund shall be used for the following purposes:

- (1) Materials and supplies for use in the operation of the Commission;
- (2) Education of the public, including promotional, educational, and training supplies, and for community events;
- (3) Training and advocacy for Commission members, including transportation and lodging;
- (4) Educational scholarships; and
- (5) Grants to entities, organizations, or activities identified under Indiana Code as being able to receive aid from a unit, which include the following:
 - a. Parks, playgrounds and recreational facilities and programs (IC 36-10-2-2);
 - b. Museums, cultural, historical, and scientific facilities and programs, and community restitution or service facilities and programs (IC 36-10-2-4);

- c. Neighborhood centers, community centers, civic centers, convention centers as defined by IC 36-10-1-5, auditoriums, arenas, and stadiums (IC 36-10-2-5);
- d. Transportation systems (IC 36-9-2-2);
- e. Hospitals (IC 36-8-2-5); and
- f. Airports, bus terminals, rail terminals, and transportation facilities (IC 9-2-3).

The Commission shall not use the funds in its 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/Gene Simmons, Member
Michigan City Common Council

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

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

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

NOTE: Councilman Dabney advised that he was muted and was unable to ask to have third reading on the proposed additional appropriation for the Barker Civic Center for \$1,200.00; asking if there was no objection to go back and do third reading.

Attorney Meyer advised that if there is unanimous consent by the Council, we can return to have third reading.

President Fitzpatrick stated we would take the vote regarding the ordinance we are addressing first and then move back to Councilman Dabney's request to have third reading on the additional appropriation for the Barker Civic Center.

President Fitzpatrick asked if there were any other comments from the general public or Council; there was no response with the ordinance being adopted by the following vote: **AYES:** Council members Fitzpatrick, Mack, Deutch, D. Przybylinski, Simmons, Zygas, P. Przybylinski, Dabney and Tillman (9). **NAYS:** None (0).

President Fitzpatrick addressed the matter requested by Councilman Dabney to go back to the additional appropriation for the Barker Civic Center; asking if there was no objection in going back to third reading, there was no objection.

Councilman D. Przybylinski stated that he understands with being on Zoom meetings there are issues regarding communication and Councilman Dabney not being able to unmute his button in a timely manner; stating he has no objection in going back to third reading to get this adopted; advising that under a regular meeting he would be totally opposed to what is happening this evening.

President Fitzpatrick asked Clerk Neulieb to read the proposed ordinance on third reading.

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. 4544

APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE BARKER CIVIC CENTER FUND FOR THE PURCHASE OF SUPPLIES TO RESTOCK THE GIFT SHOP FOR THE BARKER CIVIC CENTER

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 2020 Annual Budget to provide funding for the purchase of supplies to restock the gift shop for the Barker Civic Center; and

WHEREAS, the City Controller has determined that sufficient unappropriated funds are available in the Barker Civic Center Fund #2070 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 Barker Civic Center Fund # 2070 Unappropriated balance | \$1,200.00 | |
| INCREASE ACCOUNT# 2070.000.429.001 Other Supplies | | \$1,200.00 |
| TOTAL FOR FUND | \$1,200.00 | |

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

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

President Fitzpatrick asked if there were any comments from the public regarding the proposed ordinance, there was no response.

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

The proposed ordinance was adopted by the following vote: **AYES:** Council members Mack, Deutch, D. Przybylinski, Simmons, Zygus, P. Przybylinski, Tillman, Dabney and Fitzpatrick (9). **NAYS:** None (0).

Councilman Dabney thanked the Council for allowing this to go back and moving it forward.

The Clerk read the following proposed ordinance on 2nd 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-Sponsor: Sean Fitzpatrick
Co-Sponsor: Don Przybylinski

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

Councilman P. Przybylinski presented the following amendments to the proposed ordinance to read as follows: (each council member and the Clerk's office received the following amendment by email)

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Michigan City that:

1. Washington Park, including its beach and parking lot, shall be closed to the public except that LaPorte County residents with a valid 2019 or 2020 beach sticker shall be allowed to enter Washington Park, including its parking lot and beach, **(seven days per week from 10:00 am to 8:00 pm . is not included in Councilman P. Przybylinski's amendment)**
2. With the exception of families residing in the same household, at no time shall groups of more than ten (10) people gather in the Park, including on its beach.
3. At all times, physical distancing of at least six (6) feet shall be maintained by everyone in the Park, including on its beach.
4. The Park Department shall limit parking in the Park to not more than fifty percent (50%) of the authorized parking spaces in the Park at any one time.
5. If their assistance is requested, the Michigan City Police Department shall assist the Park Department personnel in enforcing all applicable rules.
6. The Board of Directors of the Park Department may adopt additional rules and regulations concerning attendance in and use of Washington Park, including its beach, and any other facility over which it has jurisdiction, as long as those rules and regulations are consistent with the provisions of this Ordinance.
7. A violation of the rules for attendance in and use of Washington Park, including its beach, established by this Ordinance and of Rules of the Park Department set forth in Chapter 82, Article 3 of the Michigan City Municipal Code shall be subject to a financial penalty as a violation of the Code pursuant to Chapter 1, Section 1-7 of the Code.
8. The Park Department and Police Department, in consultation with the attorney for the Park Department, are authorized to enforce the rules established by the Ordinance and the Park Department, including the issuance of appropriate citations, and the attorney for the Park Department shall be responsible for prosecuting anyone to whom such a citation is issued.
9. Any civil penalties collected as a result of the issuance of a citation as provided for herein shall be credited to the Park Department's Operating Fund.

Councilman P. Przybylinski stated he feels that with this amendment we have a good ordinance coming to us and that we should move on; asking if there was no objection to have third reading this evening; asking to suspend the rules due to the Labor Day weekend being here and being able to adopt this ordinance.

Attorney Meyer advised that the amendment being proposed would have to be adopted prior to going to third reading this evening.

Councilman P. Przybylinski made a motion to adopt the proposed amendment; with a second to the motion by Councilwoman Tillman.

Councilman Dabney made an objection; advising the proposed amendment doesn't have a sunset date and without a date if the amendment is adopted it will go into effect for the rest of this season and into next year's season; stating several of his concerns regarding the language in Councilman P. Przybylinski's amendment.

Parliamentarian Deutch advised comments being made are only for the proposed amendment being made by Councilman P. Przybylinski.

President Fitzpatrick stated there was a motion and a second made; asking Clerk Neulieb to take the vote: with the amendment being approved by the following vote: **AYES:** Council members Deutch, D. Przybylinski, Simmons, P. Przybylinski, Tillman, Fitzpatrick and Mack (7). **NAYS:** Council member Dabney and Zygus (2).

President Fitzpatrick stated the amendment is approved.

President Fitzpatrick asked if there were any comments from the Council on the proposed amended ordinance;

Councilman D. Przybylinski made the following amendment to the proposed amended ordinance to read as follows (seven days per week from 10:00 a.m. to 8 p.m.):

1. Washington Park, including its beach and parking lot, shall be closed to the public except that LaPorte County residents with a valid 2019 or 2020 beach sticker shall be allowed to enter Washington Park, including its parking lot and beach, seven days per week from 10:00 am to 8:00 pm.

Councilman D. Przybylinski advised this amendment will let residents and visitors with stickers be able to enjoy the sunset in the evening.

Councilman D. Przybylinski advised President Fitzpatrick that his amendment was submitted in writing to the Clerk's Office when Councilman P. Przybylinski turned his in.

Attorney Meyer advised that he forwarded their amendments to Ms. Neulieb and Council members.

Councilman P. Przybylinski made a motion to adopt the proposed amendment, second by Councilwoman Tillman.

The second proposed amendment was approved by the following vote: **AYES:** Council members Deutch, D. Przybylinski, Simmons, Zygas, P. Przybylinski, Tillman, Dabney, Fitzpatrick and Mack (9). **NAYS:** None (0).

Councilwoman Tillman asked to be added a co-sponsor.

Councilwoman Deutch asked Attorney Meyer if the Council at this time will be able to put a date and time to the proposed ordinance verbally; that she agrees with Councilman Dabney's concerns.

Attorney Meyer advised that the Council rules state that any amendment has to be in writing; stating to overrule this the Council would have to have unanimous consent to move forward; with Councilman Dabney stating he objected.

Discussion ensued between Attorney Meyer, Council members Deutch, and P. Przybylinski regarding the language in the amended proposed ordinance commenting their concerns of not having a deadline date and sunset time.

Councilwoman Tillman called "Point of Order" that Attorney Meyer stated this is doable that this subject can be implemented and provided the language we need to make an amendment to the amended ordinance; and that we would have to suspend the rules to be able to do a verbal amendment.

Councilwoman Zygas stated that she has a problem with some of the language in the amended ordinance with one being the LaPorte County residents having a sticker are the only people that will be able to enter; when there are several of our residents that didn't have time to purchase a sticker with her feeling this is not fair to be able to enjoy our lake front; also stating several concerns about visitors that are coming to Michigan City, staying at local hotels in our community as well as Blue Chip Casino and aren't allowed to visit our lake either; asking where is the overtime monies coming from to man the gates; what rules are there for people walking or biking to the beach from the south side of the bridge; commenting that she feels we are making a law that is only a temporary situation.

Attorney Meyer stated that the mask requirement was deleted by the governor.

Councilman P. Przybylinski addressed several of the concerns Councilwoman Zygas had; making a motion for suspension of the rules to be able to re-amend again; with Attorney Meyer advising that all amendments have been approved and they can't amend this again do to the "drop dead clause".

Councilman P. Przybylinski stated his point is this ordinance was brought to the Council in July and was TABLED until this meeting to have the time to be able to make any amendments and approve this ordinance before the "Labor Day" weekend, wanting to make a decision tonight, to be able to have regulations in place this weekend.

Councilwoman Deutch asked if the Mayor had any comment on this:

Mayor Parry stated that he found a website listing the sunset times at our beach during September and October months, advising the sunset will be happening sooner as we enter the fall season; also stating that earlier in our season there was gun fire at our local beach and he is wanting to be able to close Washington Park before it gets dark.

Mayor Parry addressed Councilwoman Zygas question stating the overtime monies is coming out of the police budget with monies still in their line item account to move forward to man the park gates.

Councilman Mack questioned that a Michigan City resident that wasn't able to get their annual sticker is not able to enter; LaPorte County and other counties with stickers they have purchased are able to enter the beach; but Illinois people that didn't buy a sticker during 2019 or 2020 aren't able to enter; stating if this is the way we are setting it up it doesn't feel right to him.

Mayor Parry stated that this was the best way to control who was able to enter the beach during this pandemic; by having a 2019/2020 sticker on their vehicle.

Mayor Parry addressed Councilman's Mack question regarding how it was decided on about who would be allowed into the beach at Washington Park and it still be safe; that if you have a beach sticker you can enter.

Councilwomen Zygas and Deutch questioned if we were on second or third reading; with Attorney Meyer advising to have third reading we would have to have unanimous consent; with us still being on second reading.

President Fitzpatrick stated that the Council authority supersedes the Park Board; advising if the Council puts this in affect then they have to follow what we adopted; it is our job as a Council to make these decisions and guidelines for the rest of the City to operate under; advising once we adopt an ordinance it is up to the administration to implement and facilitate.

President Fitzpatrick asked if there were any other further comments regarding the proposed amended ordinance;

Councilman P. Przybylinski asked if there were no objections to have third reading this evening on this ordinance.

President Fitzpatrick asked if there were any objections to move forward and have third reading this evening; there was no response, with President Fitzpatrick asking the Clerk to read the proposed ordinance on third reading by title only.

City Clerk Neulieb read the following proposed amended ordinance on third reading:

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. 4546

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

WHEREAS, the Council finds that the COVID-19 pandemic shows no signs of abating in the near future; and

WHEREAS, the U.S. Centers for Disease Control and Prevention (CDC) and the Indiana State Department of Health and infectious disease experts have recommended implementation of mitigation strategies to help contain the spread of the virus, including, but not limited to, wearing masks, physical distancing of at least six (6') feet, and avoiding gatherings of over 10 people; and

WHEREAS, Governor Holcomb has ordered that masks are to be worn outdoors when the recommended physical distancing cannot be or is not maintained; and

WHEREAS, despite the continuing increase in COVID-19 cases in our City, County, State, and throughout the country, Michigan City's Washington Park has experienced extremely high attendance levels which, among other problems, prevent the implementation of physical distancing and avoiding gatherings of more than 10 people; and

WHEREAS, Chicago's Mayor has closed all Chicago beaches and the Mayor of Whiting has closed Whiting's beach due to public safety concerns arising from the prevalence of the COVID-19 virus and inability to implement appropriate mitigation measures on crowded beaches, all of which has contributed to the extremely high attendance levels in Washington Park and its beach by non-residents; and

WHEREAS, it is anticipated that Michigan City will continue to experience average or above average summer temperatures throughout the summer season; and

WHEREAS, the Council finds that people are not likely to wear masks when swimming, engaging in physical activity, or sunbathing and will not maintain physical distancing and small groups when attending a very crowded park and beach; and

WHEREAS, in the interest of protecting the health and safety of residents of Michigan City and its visitors, the Council finds that it is necessary for it to adopt rules concerning limiting attendance at and use of Washington Park and its beach and to establish financial penalties for violation of those rules.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Michigan City that:

1. Washington Park, including its beach and parking lot, shall be closed to the public except that LaPorte County residents with a valid 2019 or 2020 beach sticker shall be allowed to enter Washington Park, including its parking lot and beach, seven days per week from 10:00 am to 8:00 pm.
2. With the exception of families residing in the same household, at no time shall groups of more than ten (10) people gather in the Park, including on its beach.
3. At all times, physical distancing of at least six (6) feet shall be maintained by everyone in the Park, including on its beach.
4. The Park Department shall limit parking in the Park to not more than fifty percent (50%) of the authorized parking spaces in the Park at any one time.
5. If their assistance is requested, the Michigan City Police Department shall assist the Park Department personnel in enforcing all applicable rules.
6. The Board of Directors of the Park Department may adopt additional rules and regulations concerning attendance in and use of Washington Park, including its beach, and any other facility over which it has jurisdiction, as long as those rules and regulations are consistent with the provisions of this Ordinance.
7. A violation of the rules for attendance in and use of Washington Park, including its beach, established by this Ordinance and of Rules of the Park Department set forth in Chapter 82, Article 3 of the Michigan City Municipal Code shall be subject to a financial penalty as a violation of the Code pursuant to Chapter 1, Section 1-7 of the Code.
8. The Park Department and Police Department, in consultation with the attorney for the Park Department, are authorized to enforce the rules established by the Ordinance and the Park Department, including the issuance of appropriate citations, and the attorney for the Park Department shall be responsible for prosecuting anyone to whom such a citation is issued.

9. Any civil penalties collected as a result of the issuance of a citation as provided for herein shall be credited to the Park Department's Operating Fund.

This Ordinance to be effective upon passage by the Common Council, approval of the Mayor, and any necessary publication.

INTRODUCED BY: /s/ Paul Przybylinski, Member
CO-SPONSOR: /s/ Sean Fitzpatrick, Member
CO-SPONSOR: /s/ Donald Przybylinski, Member
CO-SPONSOR: /s/ Traci Tillman, Member

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

President Fitzpatrick asked if there were any further comments from the general public or Council; there was no response with the ordinance being adopted by the following vote: **AYES:** Council members Deutch, D. Przybylinski, Simmons, Zygus, P. Przybylinski, Tillman, Fitzpatrick and Mack (8). **NAYS:** Councilman Dabney (1).

UNFINISHED BUSINESS

President Fitzpatrick advised the Council has one (1) appointment to the Sustainability Commission; term expired on 05/01/2020; incumbent Ms. Nancy Moldenauer; advising on July 21, 2020 there was a Regular "Zoom" Council meeting; not having a regular Council meeting on August 4th this is being brought back this evening for nominations.

President Fitzpatrick asked (three times) "is there any nominations this evening"; with Councilman D. Przybylinski nominating Nancy Moldenauer and second by Councilwoman Zygus.

Clerk Neulieb advised the following applications were received in the Clerk's Office; Nancy Moldenauer, Laurel Izard, Pastor Dennis Carroll, and Dennis D. Britton.

President Fitzpatrick nominated Laurel Izard, with a second by Councilman Dabney.

President Fitzpatrick asked (three times) "if there were any other nominations this evening; there was no response.; with nominations being closed.

President Fitzpatrick stated the "vote" will take place at our next regular council meeting on September 15, 2020.

COMMENTS FROM THE MAYOR

President Fitzpatrick asked if the Mayor had any comments this evening; with Mayor Parry stating not at this time.

COMMENTS FROM THE PUBLIC

President Fitzpatrick skipped public comments since he was unfamiliar with how the public is able to connect.

COMMENTS FROM THE COUNCIL

Councilman P. Przybylinski thanked everyone on their input this evening regarding the violations/fines in Washington Park; stating he was happy that the Council moved forward implementing this ordinance.

Council D. Przybylinski wanted to thank Tony Basil from the Sanitary District for making the map showing the esplanade along the city's beaches.

Councilman D. Przybylinski stated he will be scheduling a Labor Relations Executive Session with the MCFD, administration labor team, and the Council on Thursday, September 10, 2020 at 5:00 p.m. in a "Zoom" meeting to review what was discussed during their negotiations.

Councilwoman Zygas reminded everyone that whoever hasn't filled out their census to do so; it is very important for the true numbers be given to our government.

Councilwoman Deutch updated what was happening within our City's Redevelopment Commission and also the Economic Development Corporation.

Councilwoman Deutch commented on a grant that is being done to possibly bring the "Early Head Start" to Laporte County and that the filing will be in a few weeks; asking if anyone is interested to reach out to her to get letters of support for this program.

Councilman D. Przybylinski addressed Mayor Parry, asking him if he could reschedule the NICTD meeting that was canceled during COVID-19; especially with the City's budget coming up to see what financials the city is facing regarding the double track project.

Mayor Parry stated he would get with Skyler York, City Planner to schedule this meeting.

Councilman P. Przybylinski thanked both Attorney Meyer and Attorney Lapaich for getting this ordinance together along with the amendments that were brought to the Council this evening.

Councilman P. Przybylinski stated that he would like to schedule a meeting with the Redevelopment Commission to discuss the plans they have regarding the South Shore Double Track project; along with addressing the cross streets that have been proposed to close and what these closings could do to the businesses in our downtown art district.

Councilman Dabney stated that he received figures from NICTD during his "Historic Review Board" meeting; advising the projects annual operation/maintenance cost that will be the City's responsibility would be \$129,000 per year (437 parking spaces in the garage) with NICTD responsibility \$475,000 annually.

Councilman P. Przybylinski advised Councilman Dabney that he would like a report from our City Planner, Mr. York; that the parking garage operation/maintenance costs are important but is not the only concerns that need to be addressed regarding this project; stating that he also wants to know what the status is regarding the Blocksom property as well.

President Fitzpatrick asked if there was a plan or a schedule regarding opening City Hall to the public; with Mayor Parry advising that this discussion hasn't been addressed in a while; but when the closing of City Hall occurred due to the COVID-19, the plan was to look at statistics around Labor Day, and that he will be talking to the department heads and give him an answer tomorrow.

ADJOURNMENT

Councilman Fitzpatrick made a motion to adjourn, second by Councilman P. Przybylinski and there being no further business to transact, President Fitzpatrick declared the meeting **ADJOURNED** (approximately 7:52 p.m.)