AGENDA
COMMON COUNCIL - REGULAR MEETING
Tuesday, May 2, 2017
Meeting to be held at 6:30 p.m., local time,
in the Common Council Chambers, City Hall Building
100 East Michigan Boulevard, Michigan City, Indiana

CALL TO ORDER BY COUNCIL PRESIDENT

PLEDGE OF ALLEGIANCE TO THE FLAG and PRAYER

ROLL CALL

APPROVAL OF MINUTES

Regular Meeting April 18, 2017

REPORTS of STANDING COMMITTEES

REPORTS of SPECIAL or SELECT COMMITTEES

Agenda May 2, 2017
Posted April 28, 2017
REPORTS of OTHER CITY OFFICERS and DEPARTMENTS

Ms. Rose Scovel of Prosperity Indiana to present the Midtown Quality of Life Plan

Ms. Kesha Pate, Special Events/Marketing Director

CLAIMS DOCKET

Fund #9000 – Riverboat – Claims - $ 66,302.10
Fund #0417 – Boyd Development – $ 21,951.75

PETITIONS

COMMUNICATIONS

RESOLUTIONS

A RESOLUTION INCREASING AND DECREASING CERTAIN APPROPRIATIONS WITHIN THE BUDGET OF THE RIVERBOAT FUND #9000 FOR THE YEAR 2017 IN MICHIGAN CITY, INDIANA FOR PURPOSES OF THE PARK DEPARTMENT

Introduced by: Bryant Dabney

APPROVING THE STATEMENT OF BENEFITS (SB-1/RP) FOR AN ASSESSED VALUATION DEDUCTION (TAX ABATEMENT) FOR CERTAIN REAL PROPERTY OWNED BY AMERIPLEX MARQUETTE JV, LLC WITHIN MICHIGAN CITY, INDIANA AND WAIVING CERTAIN REQUIREMENTS PURSUANT TO INDIANA LAW, INCLUDING, WITHOUT LIMITATION, I.C. 6-1.1-12.1-9.5

Introduced by: Pat Boy
Tim Bietry
Sharon Carnes

Agenda May 2, 2017
Posted April 28, 2017
ORDINANCES

ORDINANCE 1st Reading
AMENDING SECTION SEC. 2-344 (a) IN CHAPTER 2 OF THE MICHIGAN CITY MUNICIPAL CODE REGARDING THE PURCHASING AGENCIES FOR THE CITY

Introduced by: Pat Boy

ORDINANCE 1st Reading
AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY, INDIANA AMENDING SECTION 04.02 OF ARTICLE 04 OF APPENDIX B – SUBDIVISION ORDINANCE BY ADDING A PROVISION FOR PLAN COMMISSION REVIEW OF SUBDIVISION CONCEPT PLANS AND AMENDING SECTION 12.03 OF ARTICLE 12 OF APPENDIX C – JOINT ZONING ORDINANCE BY ADDING A PROVISION FOR ADDITIONAL DEVELOPMENT PLAN INFORMATION TO BE SUPPLIED FOR PROPERTY LOCATED IN THE WATERFRONT VIEW PROTECTION OVERLAY ZONING DISTRICT

Introduced by: Sharon Carnes

ORDINANCE 1st Reading
APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE RIVERBOAT FUND TO PROVIDE FUNDING FOR BODY CAMERAS FOR THE MICHIGAN CITY POLICE DEPARTMENT

Introduced by: Chris Schwanke Don Przybylinski

(DECREASE Riverboat Fund # 9000 Unappropriated balance $61,782.00 INCREASE ACCOUNT # 9000 0000 04 444.008 Police Equipment $20,874.00 INCREASE ACCOUNT # 9000 0000 03 439.011 Contractual Services $40,908.00)
ORDINANCE
2nd Reading

CREATING SUBSECTION (B) IN SECTION 62-31 OF THE
MICHIGAN CITY MUNICIPAL CODE REGARDING THE
HISTORIC PRESERVATION COMMISSION

Introduced by: Sharon Carnes
                Pat Boy
                Tim Bietry

ORDINANCE
3rd Reading

APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET
OF THE CUMULATIVE CAPITAL DEVELOPMENT FUND TO
PROVIDE FUNDING FOR THREE (3) NEW VEHICLES FOR THE
MICHIGAN CITY FIRE DEPARTMENT

Introduced by: Chris Schwanke
Co-Sponsored by: Pat Boy

(DECREASE Cumulative Capital Development Fund # 2391
Unappropriated balance $ 100,000.00 INCREASE ACCOUNT
#2391 0000 04 444.010 Other Machinery & Equipment - Fire
$ 100,000.00)

News-Dispatch
April 5, 2017

Formal Public
Hearing was held
April 18, 2017

UNFINISHED
BUSINESS

NOMINATIONS: The Council has one (1) appointment to the
Urban Enterprise Association due to Ms. Tina Mahone resigning.
(term would start immediately and expire 12-31-2020)

(Note: this item has been carried over from the March 7, 2017
meeting)

VOTE: The Common Council has one (1) appointment to the
Michigan City Promise Scholarship Exceptions Committee
Nominees: Kathy Angelo
          Shelly Barnes
NEW BUSINESS

COMMENTS FROM THE PUBLIC

COMMENTS FROM THE COUNCIL

ADJOURNMENT

Gale A. Neulieb, City Clerk

Please contact the Clerk’s Office at 219-873-1410 if you require information regarding building accessibility or reasonable accommodations. Office hours are Monday-Friday from 8:00 a.m. to 4:30 p.m.

Agenda May 2, 2017
Posted April 28, 2017
MICHIGAN CITY COMMON COUNCIL

RESOLUTION

A RESOLUTION INCREASING AND DECREASING CERTAIN APPROPRIATIONS WITHIN THE BUDGET OF THE RIVERBOAT FUND #9000 FOR THE YEAR 2017 IN MICHIGAN CITY, INDIANA FOR PURPOSES OF THE PARK DEPARTMENT

WHEREAS, there exists certain circumstances within the budget of the Riverboat Fund of Michigan City which require increasing and decreasing of appropriations for the line items in Fund #9000 for the year 2017; and

WHEREAS, more specifically, $91,200.00 was appropriated from the Riverboat Fund for park equipment, namely golf carts, radios, and bunker rake, and after competitively procuring said equipment, $13,101.00 remains in said line item in the Riverboat Fund; and

WHEREAS, the Park Department would like to utilize the $13,101.00 towards re-crowning the fields at Patriot Park.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Michigan City, LaPorte County, Indiana, that:

Section 1. It is deemed advisable and necessary, in order to meet the circumstances facing said Riverboat Fund, that the Common Council approve the following transfer of appropriations, as listed, to-wit:

RIVERBOAT FUND

DECREASE  A/C #9000 000 04 444.011
           Park Equipment                    $13,101.00

INCREASE  A/C #9000 000 04 443.006
           Other Improvements                $13,100.00

Section 2. This Resolution shall be in full force and effect after passage and approval by the Mayor.

INTRODUCED BY:
Bryant Dabney, Member
Michigan City Common Council

Passed by the Common Council of the City of Michigan City, Indiana, this _____ day of _____________________, 2017.

______________________________
Chris Schwanke, President
Michigan City Common Council

Approved by me, this _____ day of _____________________, 2017.

______________________________
Ron Meer, Mayor
Michigan City, Indiana

ATTEST:

______________________________
Gale A. Neulieb, Clerk
City of Michigan City, Indiana
MICHIGAN CITY COMMON COUNCIL

RESOLUTION NO. ______________

APPROVING THE STATEMENT OF BENEFITS (SB-1/RP) FOR AN ASSESSED VALUATION DEDUCTION (TAX ABATEMENT) FOR CERTAIN REAL PROPERTY OWNED BY AMERIPLEX MARQUETTE JV, LLC WITHIN MICHIGAN CITY, INDIANA AND WAIVING CERTAIN REQUIREMENTS PURSUANT TO INDIANA LAW, INCLUDING, WITHOUT LIMITATION, I.C. 6-1.1-12.1-9.5

WHEREAS, Deduction for Rehabilitated or Redevelopment of Real Property in Economic Revitalization Areas is authorized under Indiana Code 6-1.1-12.1 et seq. (the "Act") in the form of deductions of assessed value for (i) qualified real property improvements under Section 3; (ii) the installation of qualified personal property under Section 4.5; and (iii) of the occupancy of an eligible vacant building primarily used for commercial or industrial purposes under Section 4.8 of the Act, each as a result of new development, redevelopment and/or rehabilitation; and

WHEREAS, the Michigan City Common Council, by Ordinance No. 2648, as subsequently amended, established a Tax Abatement Area in the City of Michigan City, Indiana, and a Tax Abatement Program (the “Program”) pursuant to the terms of I.C. 6-1.1-12.1-1, et seq; and

WHEREAS, the most recent amendment to ordinance No. 2648 was Ordinance No. 4586, approved November 5, 2014, whereby the designation of the Economic Revitalization Area and the Tax Abatement Program (the “Program”) was extended to and shall expire on December 31, 2018; and

WHEREAS, by separate resolution of the Common Council, the municipal boundaries of the City of Michigan City, Indiana were established as the Economic Revitalization Area pursuant to Resolution No. 4586 dated November 5, 2014; and

WHEREAS, Resolution No. 4586 remains in full force and effect as confirmed; and

WHEREAS, AMERIPLEX MARQUETTE JV, LLC (the "Company") pursuant to Section 3(a) of the Act has filed with the Common Council a Statements of Benefits Real Estate Improvements (FORM SB-1/Real Property) (the "Statement of Benefits") dated April 18, 2017 which proposes the redevelopment and construction of an approximate 64,000 square foot facility including the use of 4.10 acres of real property by AMERIPLEX MARQUETTE JV, LLC to provide opportunity to promote economic development within Michigan City (the "Project") located on Cleveland Ave, just south of US Highway 20 upon approval of economic development incentives by the City, but no later than December 31, 2017 for the January 1, 2018 assessment date (the "First Assessment Date"); and

WHEREAS, The Economic Development Corporation Michigan City (EDCMC) submitted to the City Council, as the designating body, before the public hearing held pursuant
to Section 2.5(c) of the Act the following documents related to the Company's request for an assessed valuation deduction of real property with the ERA: (i) an Application for assessed valuation deduction (tax abatement) (the "Application"); the Statements of Benefits as completed, and (iii) other supplemental information related to said request and the Application; and

WHEREAS, the City Council has confirmed that the Company's facility located on Cleveland Ave, just south of US Highway 20 (real property key number 45-05-09-127-031.000-009) is within the boundaries of the Michigan City ERA, and therefore the City Council may make a determination based upon the evidence as to whether Company shall be allowed an assessed valuation deduction of real property improvements made within the Michigan City ERA.

NOW, THEREFORE, BE IT RESOLVED that the actions of the of the City of Michigan City Common Council pursuant to Section 3(b) of the Act are based upon the evidence as presented by the Company after review of the Statement of Benefits as well as other pertinent information provided by the Economic Development Corporation Michigan City and upon the following findings in the affirmative also pursuant to Section 3(b) of the Act, such that:

1. The real property improvements included in the Project and the estimates and expectations contained in the Statement of Benefits are reasonable for improvements, redevelopment, rehabilitation and renovations of that type;

2. The estimated number of individuals who will be employed can reasonably be expected to result from the Project, its improvements and redevelopment;

3. The estimated annual salaries of those individuals who will be employed can reasonably be expected to result from the Project, its improvements and redevelopment;

4. Other estimated benefits about which information was requested, specifically related to employment of City of Michigan City residents can be reasonably expected to result from the Project, its improvements and redevelopment; and

5. The totality of the benefits is sufficient to justify an assessed valuation deduction on the Project.

BE IT FURTHER RESOLVED that pursuant to Section 2(k) of the Act, the City Council acknowledges that the Project is located within a designated allocation area of the City of Michigan City Redevelopment District under Indiana Code 36-7-14-39 or Indiana Code 35-7-15.1-26.

BE IT FURTHER RESOLVED that the final determination of the amount of assessed valuation deduction of the Project for the real property improvements shall be made by the appropriate LaPorte County agency, review board, or State of Indiana agency.

BE IT FURTHER RESOLVED that pursuant to Sections 3(c) and 17 of the Act, the City Council, based upon its affirmations above in accordance with Section 3(b)(l), (2), (3), (4)
and (5) hereby approves a deduction schedule for an abatement period applicable to the tangible real property improvements of AMERIPLEX MARQUETTE JV, LLC over a ten (10) year period as more specifically identified in EXHIBIT A attached hereto, as it relates to the Project and as identified on the Statement of Benefits.

**BE IT FURTHER RESOLVED** that the assessed valuation deduction percentages as set forth in EXHIBIT A during the 10-year abatement period is attached hereto in order to meet the requirements of Sections 3(c) and 17 of the Act.

**BE IT FURTHER RESOLVED** that the assessed valuation deduction percentages as set forth as identified in EXHIBIT A shall begin upon full assessment of the Project (anticipated to be January 1, 2018) by the appropriate assessing authority, regardless of the expiration date of the AMERIPLEX MARQUETTE JV, LLC ERA as established by the Resolution 3199.

**BE IT FURTHER RESOLVED** that the City Council may impose a fee on the tax savings realized by the Company pursuant to Section 14 of the Act as a result of the application of an ERA deduction as calculated and as applied by the Office of the LaPorte County Auditor.

**BE IT FURTHER RESOLVED** that having received the consent of the Company and in accordance with Indiana Code 6-1.1-12.1-14(b), a copy of which is attached hereto as EXHIBIT B and is made a part hereof as incorporated herein, and pursuant to Indiana Code 6-1.1-12.1-14 for each year the Company's real property tax liability is reduced by an assessed valuation deduction related specifically to the Project, the Company shall pay to the LaPorte County Treasurer a fee in the amount computed and determined by the LaPorte County Auditor pursuant to the provisions of subsection (c) of Indiana Code 6-1.1-12.1-14 (the "Imposed Fee") such that:

1. The City Council hereby determines that fifteen percent (15%) shall be the percentage to be applied by the LaPorte County Auditor for purposes of STEP TWO of subsection (c) of Indiana Code 6-1.1-12.1-14;

2. Accordingly, for each year the Imposed Fee is payable by the Company, the Imposed Fee shall be equal to the lesser of One Hundred Thousand Dollars ($100,000) or fifteen percent (15%) of the additional amount of real property taxes that would have been paid by the Company during that year if the deductions approved in this Resolution had not been in effect (i.e., 15% of the Company's real property tax savings attributable to a deduction from the assessed valuation from the Project; and

3. The Imposed Fee as collected shall be distributed to the Economic Development Corporation Michigan City, a nonprofit entity established to promote economic development within the corporate limits of the City as determined by the City Council as the designating body.

**BE IT FURTHER RESOLVED** that the City agrees not to exercise the discretion
granted to it by the Resolution to impose a claw back provision for tax savings for any tax years in which the Company complies with the Statement of Benefits, the annual filings required pursuant to the Act, the conditions of this Resolution and the reasonable and timely payment of an applicable Imposed Fee during the 10-year abatement period for which an ERA assessed valuation deduction is applied.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to cause the filing of all appropriate approval documents related to this Resolution and the designation of the AMERIPLEX MARQUETTE JV, LLC ERA with the Office of the LaPorte County Auditor as it applies to this Resolution and the approval of the Company's assessed valuation deduction, more specifically the following documents or information:

1. The Statement of Benefits, as approved, properly completed consistent with this Resolution and as signed and attested by the appropriate City officials;

2. A certified copy of this Resolution; and

3. An approved and signed copy of the meeting minutes which approved this Resolution and the Statement of Benefits.

BE IT FURTHER RESOLVED that if any part, clause, or portion of this Resolution shall be adjudged invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of this Resolution as a whole or any other part, clause, or portion of this Resolution.

BE IT FURTHER RESOLVED that this Resolution shall be in full force and effect from and after its passage and adoption by the Common Council and upon the signature of the Mayor of the City as the executive of the City.

BE IT FURTHER RESOLVED that this Resolution shall be in full force and effect from and after its passage and adoption by the Common Council and upon the signature of the Mayor of the City as the executive of the City.

Introduced by:

________________________________________
Pat Boy, Member
Michigan City Common Council

________________________________________
Tim Bietry, Member
Michigan City Common Council

________________________________________
Sharon Carnes, Member
Michigan City Common Council
Adopted by the Common Council of the City of Michigan City, Indiana by a vote of 
____________ this _____ day of ________________, 2017.

________________________________________________________________________
Chris Schwanke, President
Michigan City Common Council

Approved by me, this _____ day of ______________________, 2017.

________________________________________________________________________
Ron Meer, Mayor
City of Michigan City, Indiana

ATTEST:

________________________________________________________________________
Gale Neulieb, City Clerk
City of Michigan City, Indiana
MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. __________________

AMENDING SECTION SEC. 2-344(a) IN CHAPTER 2 OF THE MICHIGAN CITY MUNICIPAL CODE REGARDING THE PURCHASING AGENCIES FOR THE CITY

WHEREAS, on February 21, 2017, the Common Council enacted Ordinance #4423 entitled "Creating Sec. 2-344 in Chapter 2 of the Michigan City Municipal Code to Designate the Purchasing Agency for the City Pursuant to I.C. 5-22-4-5;" and

WHEREAS, said Ordinance formally declared that the Michigan City Board of Public Works & Safety is the purchasing agency for the City, with the exception of the Park Department, Redevelopment Commission, Water Department, Sanitary Department, and Airport; and

WHEREAS, in said Ordinance, the Board of Cemetery Trustees were inadvertently excluded as the purchasing agency for the Cemetery; and

WHEREAS, the need exists to amend Sec. 2-344(a) to add, pursuant to I.C. 5-22-4, et seq., the Board of Cemetery Trustees is the purchasing agency for the Cemetery.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Michigan City, Indiana, that Sec. 2-344(a) is hereby amended in Chapter 2 of the Michigan City Municipal Code and shall read as follows:

Sec. 2-344 (a) The Board of Works & Safety is the purchasing agency for the City, with the exception of the following:

- Park Department Board is the purchasing agency for the Park Department
- Redevelopment Commission is the purchasing agency for Redevelopment
- Water Board is purchasing agency for Water Department
- Sanitary Board is purchasing agency for Sanitary Department
- Board of Aviation Commission is the purchasing agency for the Airport
- Board of Cemetery Trustees is the purchasing agency for the Cemetery

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: ________________________
Pat Boy, Member
Michigan City Common Council

Passed by the Common Council of the City of Michigan City, Indiana, this _____ day of ______, 2017 by a vote of ______ to ______.

_______________________________
Chris Schwanke, President
Michigan City Common Council

Approved by me, this _____ day of __________________, 2017.

_______________________________
Ron Meer, Mayor
City of Michigan City, Indiana

ATTEST:

_______________________________
Gale A. Neulieb, Clerk
City of Michigan City, Indiana

Prepared by Corporation Counsel Upon Request
MICHIGAN CITY COMMON COUNCIL
ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY,
INDIANA AMENDING SECTION 04.02 OF ARTICLE 04 OF APPENDIX B -
SUBDIVISION ORDINANCE BY ADDING A PROVISION FOR PLAN COMMISSION
REVIEW OF SUBDIVISION CONCEPT PLANS AND AMENDING SECTION 12.03 OF
ARTICLE 12 OF APPENDIX C - JOINT ZONING ORDINANCE BY ADDING A
PROVISION FOR ADDITIONAL DEVELOPMENT PLAN INFORMATION TO BE
SUPPLIED FOR PROPERTY LOCATED IN THE WATERFRONT VIEW PROTECTION
OVERLAY ZONING DISTRICT

WHEREAS, the Plan Commission of the City of Michigan City, Indiana
has the responsibility in accordance with Appendix B - Subdivision
Ordinance of the City of Michigan City Municipal Code (also referred to
herein as "the Subdivision Ordinance") as set out in Section 10.02, and
in accordance with Indiana Code 36-7-4-701(b) and (c), to act as an
advisory board to the Common Council of the City of Michigan City
concerning the Subdivision Ordinance; and,

WHEREAS, the Plan Commission of the City of Michigan City may,
pursuant to Indiana Code 36-7-4-701(b) and (c) initiate a proposal to
amend or partially repeal the text of the Subdivision Ordinance; and,

WHEREAS, the Plan Commission of the City of Michigan City, Indiana
has the responsibility in accordance with Appendix C - Joint Zoning
Ordinance of the City of Michigan City Municipal Code (also referred to
herein as "the Zoning Code") as set out in §27.03 and in accordance with
Indiana Code 36-7-4-605 to act as an advisory board to the Common Council
of the City of Michigan City concerning the Zoning Code of the City of
Michigan City, Indiana; and,

WHEREAS, the Plan Commission of the City of Michigan City, Indiana
may, pursuant to Indiana code 36-7-4-602(b), initiate a proposal to amend
or partially repeal the text of the Zoning Code; and,

WHEREAS, upon notice having been duly published and a public
hearing held, the Plan Commission of the City of Michigan City, Indiana
certified a favorable recommendation for an amendment of both the
Subdivision Ordinance and the Zoning Code, concerning providing for Plan
Commission review of subdivision concept plans and also providing for
additional development plan information to be supplied for property
located in the Waterfront View Protection Overlay District (together
collectively referred to as "the Amendments") as evidenced by Resolution
1-17 of the Plan Commission filed with the Common Council of the City
of Michigan City; and,
WHEREAS, upon notice having been duly published, a public hearing was held before the Common Council of the City of Michigan City, Indiana on __________, 2017; and,

WHEREAS, the Common Council has reviewed the Resolution of the Plan Commission of the City of Michigan City, Indiana, its Findings of Facts, and related information and has received and considered comments from the public regarding the proposed changes to the Subdivision Ordinance providing for Plan Commission review of subdivision concept plans and regarding the proposed changes to the Zoning Code providing for additional development plan information to be supplied for property located in the Waterfront View Protection Overlay District.

WHEREAS, the Michigan City Common Council has determined that amending the Subdivision Ordinance and the Zoning Code as set out in the Amendments shall promote the development of the City of Michigan City; and,

WHEREAS, the Michigan City Common Council now finds that the Subdivision Ordinance should be amended to add language to Section 04.02 of Article 4 and that the Zoning Code should be amended to add language to Section 12.03 of Article 12, in each case as described below.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY, INDIANA:

Section 1. That the foregoing recitals are incorporated herein by reference.

Section 2. That, after reviewing the Plan Commission Resolution No. 1-17 and the related Findings of Fact and other information provided to the Common Council during the public hearing, and the Common Council, as required by IC 36-7-4-603, having given due consideration to how the proposed changes will affect or conform to: 1) the City's Comprehensive Plan; 2) the current conditions and the character of current structures and uses in the entire City of Michigan City; 3) the most desirable uses for which residential property in the City of Michigan City is adapted; 4) the need to conserve property values throughout the City of Michigan City; and 5) whether the proposed change is consistent with responsible development and growth in the City of Michigan City; and having considered all of the evidence in the record before it and using the appropriate standards to guide its determination, the Common Council finds that it has been demonstrated to be in the best interest of the City of Michigan City that the change in the Subdivision Ordinance and in the Zoning Code, as recommended by the Plan Commission in its
Resolution No. 1-17, be approved by the Common Council.

Section 3. That the following underlined sentence shall be added to the end of Section 04.02 of Article 04 of the Subdivision Ordinance so that, following said addition Section 04.02(b) shall read as follows:

(b) **Administrative Review.** The enforcement official will review the concept plan. The enforcement official may request comments from other departments. The enforcement official will discuss the plan and provide guidance to the subdivider as to the suitability of the land for subdivision and the design and layout of proposed lots and improvements. The enforcement official may forward review of concept plans for land located within the Waterfront View Protection Overlay District to the Plan Commission for review at a regular Plan Commission meeting.

Section 4. That a new subsection (h) and a new subsection (i) shall be added to Section 12.03 of Article 12 of the Zoning Code, to follow Section 12.03(g), which shall read as follows:

(h) **Subdivision of Land.** Any subdivision or re-subdivision of land within this overlay district shall require the submission of a development plan for review and approval by the Plan Commission at a public hearing in compliance with the requirements of the 1400 Series of Indiana Code 36-7-4 prior to the submission of an application for a Primary Plat review. The development plan shall include the following:

1. All information required for a concept plan as per Subdivision Ordinance Article 05, Section 01.

2. A map detailing the proposed vehicle and pedestrian systems (including street layout and access points), common parking areas, location and number of lots, and proposed areas of open space and/or recreation within the proposed development.

3. An indication of all proposed phases within the development and land to remain undeveloped.

4. All proposed architecture and design standards and information regarding approval bodies and procedures.
(5) Proposed drainage plan, including location and capacity of proposed storm sewer and other stormwater management facilities and any proposed alternative methods for handling stormwater within the development, such as best management practices (BMPs).

(i) Access management. Any subdivision of 10 or more lots (including lots in all phases of larger subdivisions) shall require the provision of a traffic analysis conducted by a traffic engineer licensed by the State of Indiana. At a minimum, the analysis shall include the following:

(1) A statement of how the development plan is designed in a manner that provides for safe vehicular flow at points of access and within the development.

(2) Evidence that the design and location of proposed street and highway access points minimizes safety hazards and congestion.

(3) Proof that the capacity of adjacent streets and highways is sufficient to safely and efficiently accept traffic that will be generated by the new development.

   a. Trip generation data and model based on the characteristics and land usage of the parcel proposed to be developed.

   b. Capacity analysis for the adjacent roadways from which the land proposed to be developed takes access including existing and proposed Level of Service (LOS), traffic counts for existing peak hour and average daily traffic (ADT) methods taking seasonal impacts of the proposed development into consideration pre and post development.

   c. A statement of analysis regarding the need or lack of need for additional traffic control and warning devices and methods in the vicinity of the proposed development.

(4) Evidence that entrances, streets, and internal traffic circulation facilities in the development plan are compatible with existing and planned
Section 5. That from and after the passage and publication of this Ordinance, the amendments and additions described above shall be included in the Subdivision Ordinance and Zoning Code respectively which are hereby amended and revised accordingly.

Section 6. That this Ordinance, after its passage and approval by the Mayor of Michigan City, Indiana, shall be published once each week for two consecutive weeks in the Michigan City News-Dispatch, a daily newspaper of general circulation.

Introduced by:_________________________
Sharon Carnes, Member
Common Council
City of Michigan City, Indiana

Adopted this _____ day of ________________, 2017 by the Common Council of the City of Michigan City, Indiana.

_________________________
Chris Schwanke, President
Common Council of the City of Michigan City, Indiana

This Ordinance is approved by me this ___ day of ____________, 2017.

_________________________
Ron Meer, Mayor
City of Michigan City, Indiana

ATTEST:
Gale A. Neulieb, City Clerk
City of Michigan City, Indiana
MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. ____________

APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE RIVERBOAT FUND TO PROVIDE FUNDING FOR BODY CAMERAS FOR THE MICHIGAN CITY POLICE DEPARTMENT

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 2017 Annual Budget to provide for the funding of body cameras for the Michigan City Police Department; and

WHEREAS, the City Controller has determined that sufficient unappropriated funds are available in the Riverboat Fund #9000 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, subject to the laws governing the same:

<table>
<thead>
<tr>
<th>AMOUNT REQUESTED</th>
<th>AMOUNT APPROPRIATED</th>
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</thead>
<tbody>
<tr>
<td>DECREASE</td>
<td></td>
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<tr>
<td>Riverboat Fund # 9000 Unappropriated balance</td>
<td>$61,782.00</td>
</tr>
<tr>
<td>INCREASE ACCOUNT # 9000 0000 04 444.008 Police Equipment</td>
<td>$20,874.00</td>
</tr>
<tr>
<td>INCREASE ACCOUNT # 9000 0000 03 439.011 Contractual Services</td>
<td>$40,908.00</td>
</tr>
<tr>
<td><strong>TOTAL FOR FUND</strong></td>
<td><strong>$61,782.00</strong></td>
</tr>
</tbody>
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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:

______________________________
Chris Schwanke, President
Michigan City Common Council

______________________________
Don Przybylinski, Member
Michigan City Common Council

Passed by the Common Council of the City of Michigan City, Indiana, this _____ day of ________________, 2017 by a vote of ____________ to ____________.

______________________________
Chris Schwanke, President
Michigan City Common Council

Approved by me, this _____ day of ________________, 2017.

______________________________
Ron Meer, Mayor
City of Michigan City, Indiana

ATTEST:

______________________________
Gale A. Neulieb, Clerk
City of Michigan City, Indiana

Prepared by Corporation Counsel’s Office Upon Request
MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. ____________

CREATING SUBSECTION (B) IN SECTION 62-31 OF THE MICHIGAN CITY MUNICIPAL CODE REGARDING THE HISTORIC PRESERVATION COMMISSION

WHEREAS, on April 4, 2017, the Michigan City Common Council enacted Ordinance #4429 entitled “Amending Section 62-31 of the Michigan City Municipal Code Regarding Membership on the Historic Preservation Commission;” and

WHEREAS, said legislation, in part, removed the Planning Department as a member of the Historic Preservation Commission and added an individual from the Planning Commission as a member to the Historic Preservation Commission; and

WHEREAS, it is essential to the operation of the Historic Preservation Commission and their future decision-making that the Planning and Zoning Department, by and through the Director and/or his designee, serve in a nonvoting advisory capacity to said Commission; and

WHEREAS, it is necessary to create subsection (b) in Section 62-31 of the Michigan City Municipal Code to allow the Director of the Planning and Zoning Department and/or his designee, to serve in a nonvoting advisory capacity to the Historic Preservation Commission; and

WHEREAS, the Common Council reasonably believes the addition of subsection (b) to Section 62-31 is in the best interest of the City.

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

SECTION 1. Sec. 62-31 (b) of the Michigan City Municipal Code is created to read as follows:

(b) The Director of the Planning and Zoning Department and/or his designee shall serve as a nonvoting advisor to the Historic Preservation Commission and shall attend meetings of the Commission and provide relevant information, documentation, and advice to the Commission regarding matters brought before the Commission.

INTRODUCED BY:

Sharon Carnes, Member
Michigan City Common Council

Pat Boy, Member
Michigan City Common Council

Tim Bietry, Member
Michigan City Common Council

Passed by the Common Council of the City of Michigan City, Indiana, this ___________ day of ____________________, 2017 by a vote of ___________ to ___________.

Chris Schwanke, President
Michigan City Common Council

Approved by me, this _____ day of ____________________, 2017.

Ron Meer, Mayor
City of Michigan City

ATTEST:

Gale A. Neulieb, Clerk
City of Michigan City, Indiana

Prepared by Corporation Counsel Upon Request
MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO.__________

APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE CUMULATIVE CAPITAL DEVELOPMENT FUND TO PROVIDE FUNDING FOR THREE (3) NEW VEHICLES FOR MICHIGAN CITY FIRE DEPARTMENT

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 2017 Annual Budget to provide funding for three (3) new vehicles for the Michigan City Fire Department; and

WHEREAS, the City Controller has determined that sufficient unappropriated funds are available in the Cumulative Capital Development Fund #2391 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:

<table>
<thead>
<tr>
<th>AMOUNT REQUESTED</th>
<th>AMOUNT APPROPRIATED</th>
</tr>
</thead>
<tbody>
<tr>
<td>DECREASE Cumulative Capital Development Fund # 2391 Unappropriated balance</td>
<td>$ 100,000.00</td>
</tr>
<tr>
<td>INCREASE ACCOUNT #2391 0000 04 444.010 Other Machinery &amp; Equipment - Fire</td>
<td>$ 100,000.00</td>
</tr>
</tbody>
</table>

TOTAL FOR FUND $ 100,000.00

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:

Chris Schwanke, President
Michigan City Common Council

Passed by the Common Council of the City of Michigan City, Indiana, this ______ day of _____________, 2017 by a vote of _____________ to _____________.

__________________________
Chris Schwanke, President
Michigan City Common Council

Approved by me, this _____ day of ____________________, 2017.

__________________________
Ron Meer, Mayor
City of Michigan City, Indiana

ATTEST:

__________________________
Gale A. Neulieb, Clerk
City of Michigan City, Indiana  

Prepared by Corporation Counsel Upon Request