The Common Council of the City of Michigan City, Indiana, met in Regular session on Tuesday evening, February 21, 2017 at the hour of 6:30 p.m., local time in the Common Council Chambers, located in the lower level of the City Hall Building, 100 East Michigan Boulevard, Michigan City, Indiana.

The meeting was called to order at 6:30 p.m. by Council President Schwanke.

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

PRESENT: COUNCIL MEMBERS Tim Bietry, Pat Boy, Sharon Carnes, Ron Hamilton, Don Przybylinski, Chris Schwanke, Candice Silvas and Allan Whitlow (8).

ABSENT: Bryant Dabney (1)

A QUORUM WAS NOTED PRESENT

ALSO PRESENT: Jim Meyer – Council Attorney; Gale Neulieb – City Clerk and Kim Sliwa – Deputy Clerk

APPROVAL OF MINUTES

President Schwanke inquired whether there were any corrections, deletions, or additions to the minutes of the Regular Meeting of February 7, 2017.

Councilman Przybylinski made a motion to approve the Regular meeting minutes held on February 7, 2017; second by Councilman Hamilton. Councilman Whitlow abstained on the vote for approval of the minutes from the February 7, 2017 meeting as he was not in attendance for that meeting. The minutes were approved as printed.

REPORTS OF STANDING COMMITTEES

Councilman Przybylinski presented the following Finance Committee meeting minutes: Minutes of the Council Finance Committee Meeting for Claims, 6:00pm on February 21, 2017. The Finance Committee met this evening prior to the Council meeting to review claims filed since the February 7th meeting. Committee members Przybylinski and Silvas were present. Councilman Dabney was absent. Claims reviewed totaled $550,924.40. $88,717.00 was against Riverboat Fund and $462,208.40 was against the Boyd Development Fund. The Finance Committee voted unanimously to recommend to the Council payment of the claims. The meeting was called to order by Chairman Przybylinski at 6:08pm. The meeting was adjourned at 6:11pm with a motion by Councilwoman Silvas, seconded by Councilman Przybylinski, and unanimously approved.

The summary of claims is as follows: Haas & Associates, LLC for Floodplain Map Revisions in the amount of $2,154.25; Butler, Fairman & Seufert, Inc for Phase I W Singing Sands Trail in the amount of $23,054.15; Green Leaves Tree Service for removal of trees at the Golf Course in the amount of $12,000.00; Vermillion Michigan City Corp for Vermillion Development Improvements in the amount of $425,000.00; Taser International for Taser cartridges for recertification in the amount of $26,645.00; James Meyer & Associates PC for legal services in the amount of $1,650.00; Lake Shore Ford for PU Truck w/plow for Maintenance in the amount of $33,000.00; Lake Shore Ford for SUV for Zoo in the amount of $12,000.00; for a total of $550,924.40. Submitted by Finance Chairman Przybylinski
President Schwanke asked if there were any other Standing Committee Reports; there was no response.

REPORTS OF SPECIAL OR SELECT COMMITTEES

Councilman Bietry gave an update on the funding that was given to the Commission on the Social Status of African American Males that was requested by the Council.

Councilman Przybylinski stated as Council Liaison to the Human Rights Commission advised this Thursday, February 23, 2017 at 4:00 p.m. they will be presenting their awards ceremony for the Black History Month essay and poster contest; taking place here at City Hall; encouraging the Council and public to attend.

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

REPORTS of OTHER CITY OFFICERS and DEPARTMENTS

Deb Chubb, Commission for Women, gave the Council an update on their funding as requested by the Council.

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

CLAIM DOCKETS

President Schwanke stated the Claims for Fund #9000 – Riverboat was $88,716.00 and Fund #0417 – Boyd Development $462,208.40.

President Schwanke asked if there were any comments and hearing none, a motion was made by Councilman Przybylinski, second by Councilwoman Boy, and was approved. Motion carried 8 – 0.

PETITIONS

There were no petitions.

COMMUNICATIONS

There were no communications received.

RESOLUTIONS

The Clerk read the following Resolution by title only,

MICHIGAN CITY COMMON COUNCIL

RESOLUTION NO. 4668

AUTHORIZING THE USE OF EXCESS APPROPRIATED FUNDS
FOR THE TRANSIT DEPARTMENT FOR ADDITIONAL EXPENSES OF THE BUS SHELTERS
WHEREAS, on December 2, 2008, the Common Council passed Ordinance No. 4042 entitled “An Ordinance of the Michigan City Common Council Establishing Procedures and Limitations of Capital Project Expenditures in the Boyd Development Fund and the Riverboat Gaming Fund,” which provided “that excess funds remaining at the end of a project will be returned to the unappropriated balance of the respective fund at the completion of the project unless, at the request of the Mayor, it has been transferred by the Common Council to another capital project;” and

WHEREAS, on February 3, 2016, the Common Council passed Ordinance No. 4356 entitled “Approving Additional Appropriation in the Budget of the Riverboat Fund to Provide Funding for Capital Improvements for the Transit Department for 2016,” wherein $80,000.00 was appropriated from the Riverboat Fund for the purchase of the following:

1. Bus Shelters $10,000.00;
2. Bus Stop Signage $70,000.00; and

WHEREAS, following the appropriation of funding, purchase orders were issued for said equipment as follows:

1. Bus Shelters $10,000.00;
2. Bus Stop Signage $49,538.00; and

WHEREAS, the Michigan City Transit Department requests a re-allocation of funding previously approved by the Common Council by virtue of Ordinance No. 4362 as follows: To use $876.41 of the remaining $20,462.00 from bus stop signage to cover an addition to the bus shelter allocation; and

WHEREAS, based on the foregoing, the Controller’s Office has determined that excess funds in the amount of $20,462.00 remain in Fund #9000 0000 04 444.014 (Transit equipment); and

WHEREAS, the Mayor and the Common Council now desire that $876.41 of the $20,462.00 remaining in Fund #9000 0000 04 444.014 (Transit equipment) be utilized to cover the additional expense of the bus shelter.

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

Section 1. That $876.41 of the funds remaining in Fund #9000 0000 04 444.014 (Transit equipment), originally appropriated by Ordinance No. 4356 for bus stop signage, now be transferred within the same Fund to pay for the additional expense of the bus shelters for the Transit Department.

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/ Pat Boy, Member
Michigan City Common Council

Adopted by the Common Council of the City of Michigan City, Indiana by a vote of 8 - 0 this 21st day of February, 2017.

/s/ Chris Schwanke, President
Michigan City Common Council

Councilwoman Boy explained the use of the funding; in that there was $20,462.00 left out of that budget for the bus stop signs; and they will be using $876.00 of that towards the bus shelter; further advising this is just an inter-fund transfer.

President Schwanke asked if there were any comments from the public on the proposed Resolution; there was no response; asking if there were any comments from the Council.

Councilwoman Carnes made a motion to approve the proposed Resolution; second by Councilwoman Boy.
President Schwanke asked if there were any other questions or comments from the general public or Council and hearing none the proposed Resolution passed by the following vote: **AYES:** Council Members Whitlow, Bietry, Boy, Carnes, Hamilton, Przybylinski, Schwanke and Silvas (8). **NAYS:** None (0).

President Schwanke stated the Resolution is approved, and will be forwarded to the Mayor.

**ORDINANCE**

The Clerk read the following proposed ordinance on first reading by title only, **APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE RIVERBOAT FUND TO PROVIDE FUNDING FOR A NEW SOFTWARE PROGRAM FOR THE CITY AND INFORMATION TECHNOLOGY-RELATED INFRASTRUCTURE TO SUPPORT SAID SOFTWARE**

**Introduced by:** Tim Bietry
Pat Boy

(DECREASE Riverboat Fund # 9000 Unappropriated balance $ 750,000.00 INCREASE ACCOUNT #9000 0000 04 443.006 Other Improvements $ 300,000.00 INCREASE ACCOUNT 9000 0000 03 439.011 Contractual Services $ 450,000.00)

Councilwoman Boy explained software costs a lot of money; advising $300,000.00 will provide the fiber link between the City, Sanitary District and the Police Department, which is not active right now, and they want to make sure that we have a fiber link rather than just an internet link; and the other $450,000.00 is for the software for the contractual services; further explaining the current software will no longer have technical support.

Councilman Bietry commented that the key here is that it’s not something that the Controller just decided he wanted to upgrade; it’s something we have to do because the old software is not going to be supported beyond the end of the year; applauding the Controller’s Office for their due diligence that they went through with several city departments involved; further commenting on the proposed ordinance and sending this on to committee; advising there is a Workshop scheduled on this for Wednesday, March 1, 2017 in the E.O.C. room to demonstrate the software to the Council and public; and scheduling the Finance Committee meeting after the Workshop.

President Schwanke asked if there were any questions from the public; there was no response.

President Schwanke commented on holding a Finance Committee as the Workshop on the proposed ordinance has already been called; stating the Council could just yet this out at the Workshop on March 1, 2017; asking if there was any objection from anyone; there was no response; further advising he would not be sending the proposed ordinance to committee; asking if there were any further comments from the Council; there was no response.

The Clerk read the following proposed ordinance on first reading by title only, **APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE PARK AND RECREATION FUND TO PROVIDE FUNDING FOR THE OPERATION OF THE PARKING STICKER PROGRAM FOR THE PARK DEPARTMENT**

**Introduced by:** Bryant Dabney

(DECREASE Park and Recreation Fund # 1301 Unappropriated balance $ 10,651.00 INCREASE ACCOUNT #1301 0802 01 411.014 Seasonal Salaries & Wages $ 3,807.00 INCREASE ACCOUNT #1301 0802 01 413.001 FICA $ 292.00 INCREASE ACCOUNT #1301 0802 03 436.001 Building Repair & Maintenance $ 6,552.00)
President Schwanke asked if there were any questions from the public; there was no response.

President Schwanke asked if there were any Council comments.

Councilman Przybylinski commented on this being assigned to the Finance Committee; further commenting on the proposed ordinance and the expenditure of funding for the building repair and maintenance in the amount of $6,552.00, and his conversation with Jeremy Kienitz, Park Superintendent, regarding the North Pointe facility improvements to house the parking sticker operation/attendants, and the Redevelopment Commission funding that was used for the initial building/structure and having them fund the $6,552.00 for the improvements, as these improvements were initially in the plans for that building; continuing to comment on the matter.

Councilman Bietry commented on the meeting date for the Finance Committee meeting; having no issues with the parking sticker operation in conjunction with the use of the amenities at the Park to help cover the daily operations of the parking sticker operations, but feels there is a disservice in charging for just driving through the park to watch a sunset or to view the skyline of Chicago or Lighthouse; further commenting on his thoughts for charging a parking fee for just driving through the parking lot; stating he thinks this should continue to be looked at, so the rest of the state and people who are tourists here have the opportunity to drive down and watch a sunset without having to pay a parking fee.

Councilman Hamilton asked the Park Department to provide the Council with a report on what the parking sticker revenue was for the past three (3) years.

Discussion ensued between Councilwoman Boy, Jeremy Kienitz of the Park Department, and Council President Schwanke regarding why the parking sticker operation was not included in the pavilion building. Mr. Kienitz stated he was not a part of the final design of the building, and from his understanding it was taken out in a change order at the time; there was a service window in the initial plans but was taken out and it is unclear to him as to why this was done; thanking City Clerk Gale Neulieb for housing the parking sticker operation for the past four (4) years, and it was determined that it was no longer suitable for them to stay in that office; advising they did look into other areas of City Hall, but again did not find a suitable location, so it was back to the North Pointe; further explaining the improvements for the service window for the park sticker operation/attendant.

Councilman Whitlow commented as the Liaison to the Redevelopment Commission, there are permissible expenditures within the Redevelopment Commission funds; maintenance is not one of them; commenting on whether or not the improvements would be permissible.

Discussion ensued between Councilman Whitlow and Councilman Przybylinski regarding the Redevelopment Commission and the original plans for the North Pointe Pavilion building that included a parking sticker attendant window, and since it was in the original plans it would be a permissible use of Redevelopment Commission funding. Councilman Przybylinski invited the Redevelopment Commission Attorney to attend the upcoming Finance Committee meeting on the proposed additional appropriation ordinance so they can get a clear understanding of whether or not this would be a permissible use to get their funding.

Discussion continued between Councilman Whitlow and Councilman Przybylinski regarding the Redevelopment Commission and use of their funding, and the parking sticker season approaching making this matter time sensitive. Councilman Whitlow stated he agreed that if the Redevelopment Commission was initially funding this project, they should allow this as a permissible use of their funding; further stating in order to get this going he would not oppose the Council/City paying for it in order to have this ready for the season; continuing to comment on funding for the project.
Councilwoman Boy stated she was going to say the same thing, and if it was a change order before it was finished than it might not be eligible for the Redevelopment Commission; further stating they could ask, but in the meantime believes this needs to move forward.

Attorney James Meyer addressed the Council stating the improvements are not maintenance and therefore if they want to the Redevelopment Commission could pay for it; continuing to comment that the project/contract has been closed out and it’s just a question of amending to do an improvement to the building, which is not maintenance, it's an improvement; further commenting on the matter.

Councilman Przybylinski commented on the park sticker distribution starting the beginning of April; time sensitivity to get the improvements made; special meetings being called with a 48 hours’ notice; and his hopes that the Redevelopment Commission will get involved and provide the necessary funding for this improvement in a more timely manner than the Council going through second and third readings on the proposed ordinance.

President Schwanke asked if there were any other Council comments; there was no response; advising that public comment on the proposed ordinance was over and that he would be referring this to the Finance Committee for a meeting to review and discuss the funding with the hopes of the Redevelopment Commission attending.

Larry Silvestri addressed the Council to explain the use of Redevelopment Commission funding.

Councilman Przybylinski addressed President Schwanke and called for a “point of order” as public comment was over.

The Clerk read the following proposed ordinance on second reading by title only, AMENDING ORDINANCE NO 4343 COMMONLY KNOWN AS THE “2017 SALARY ORDINANCE” TO REMOVE THE POSITION OF GOLF PRO IN THE PARK DEPARTMENT; TO CREATE THE POSITION OF PRO SHOP MANAGER IN THE PARK DEPARTMENT; AND TO CORRECT CERTAIN TYPOGRAPHICAL ERRORS

Introduced by: Bryant Dabney

President Schwanke asked if there were any comments from the public; advising there would be a Formal Public Hearing on the proposed ordinance this evening; opening the Formal Public Hearing and repeating three (3) times, are there any comments from the public.

The Clerk read the following proposed ordinance on second reading by title only, APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE RIVERBOAT FUND TO PROVIDE FUNDING FOR THE PURCHASE OF A UTILITY TERRAIN VEHICLE AND ADA ACCESS DECKING SYSTEM FOR THE PARK DEPARTMENT

Introduced by: Bryant Dabney

(DECREASE Riverboat Fund # 9000 Unappropriated balance $ 50,000.00 INCREASE ACCOUNT # 9000 0000 04 443.007 Park Projects $ 20,000.00 INCREASE ACCOUNT # 9000 0000 04 444.011 Other Machinery & Equipment – Park $ 30,000.00)

President Schwanke asked if there were any comments from the public; advising there would be a Formal Public Hearing on the proposed ordinance this evening; opening the Formal Public Hearing and repeating three (3) times, are there any comments from the public.
Jeremy Kienitz, Park Superintendent, addressed the Council requesting second and third reading this evening on this ordinance due to the timing of the purchase of these items and the opening of the park season.

President Schwanke asked if there were any further comments from the public; there was no response; and the Formal Public Hearing was closed.

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

Councilwoman Carnes requested third reading on the proposed ordinance if there were no objections.

President Schwanke stated there was a request for third reading this evening; asking if there were any objections; there was no response; advising third reading would take place this evening after they finish second reading; asking if there were any other Council comments; there was no response.

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

**MICHIGAN CITY COMMON COUNCIL**

**ORDINANCE NO. 4422**

**APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE RIVERBOAT FUND TO PROVIDE FUNDING FOR THE PURCHASE OF A UTILITY TERRAIN VEHICLE AND ADA ACCESS DECKING SYSTEM FOR THE PARK 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 the purchase of a utility terrain vehicle (UTV) and ADA access decking system for the Park 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, LaPorte 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:

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<thead>
<tr>
<th>AMOUNT REQUESTED</th>
<th>AMOUNT APPROPRIATED</th>
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<tbody>
<tr>
<td>DECREASE Riverboat Fund # 9000 Unappropriated balance</td>
<td>$ 50,000.00</td>
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<tr>
<td>INCREASE ACCOUNT # 9000 0000 04 443.007 Park Projects</td>
<td>$ 20,000.00</td>
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<tr>
<td>INCREASE ACCOUNT # 9000 0000 04 444.011 Other Machinery &amp; Equipment – Park</td>
<td>$ 30,000.00</td>
</tr>
<tr>
<td><strong>TOTAL FOR FUND</strong></td>
<td><strong>$ 50,000.00</strong></td>
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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:** /s/ Bryant Dabney, Member
Michigan City Common Council

Passed by the Common Council of the City of Michigan City, Indiana, this 21st day of February, 2017 by a vote of 8 to 0.

/s/ Chris Schwanke, President
Michigan City Common Council

President Schwanke asked if there were any comments from the public; there was no response; asking if there were any comments from the Council.

Councilman Przybylinski made a motion to approve the proposed ordinance; second by Councilwoman Boy and Councilman Bietry.

President Schwanke asked if there were any other questions or comments from the general public or Council and hearing none the proposed ordinance passed by the following vote: **AYES:** Council Members Bietry, Boy, Carnes, Hamilton, Przybylinski, Schwanke, Silvas and Whitlow (8). **NAYS:** None (0).

President Schwanke stated the Ordinance is approved, and will be forwarded to the Mayor for his signature.

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

**MICHIGAN CITY COMMON COUNCIL**

**ORDINANCE NO. 4423**

**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**

**WHEREAS,** I.C. 5-22-4-5 states that “(a) The purchasing agency for a political subdivision is the person designated by law or by rule of the governmental body” and “(b) The individuals designated by the purchasing agency are the purchasing agents for the governmental body;” and

**WHEREAS,** pursuant to I.C. 5-22-2-25, ““purchasing agency” means a governmental body that is authorized to enter into contracts by purchasing statutes, by rules adopted by the governmental body, or another law;” and

**WHEREAS,** the Michigan City Board of Public Works & Safety currently serves as the purchasing agency for the City, and the need exists to formally declare 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,** with respect to the Park Department, Redevelopment Commission, Water Department, Sanitary Department, and Airport the following currently exists and the Common Council reasonably believes should remain in effect:

- a.) Park Department Board is the purchasing agency for the Park Department;
- b.) Redevelopment Commission is the purchasing agency for Redevelopment;
- c.) Water Board is purchasing agency for Water Department;
- d.) Sanitary Board is purchasing agency for Sanitary Department, and
- e.) Board of Aviation Commission is the purchasing agency for the Airport.

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

**Sec. 2-344. Purchasing Agency for the City.**

(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

(b) The purchasing agency shall have all the powers and duties authorized under I.C. 5-22, et seq., as may be supplemented from time to time by ordinances adopted by the Common Council and policies adopted by the purchasing agency. Each purchasing agency shall designate its respective purchasing agent(s) and may establish policies pursuant to I.C. 5-22, et seq., to effectuate purchasing.

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/Chris Schwanke, President
Michigan City Common Council

/s/ Candice Silvas, Member
Michigan City Common Council

/s/Don Przybylinski, Member
Michigan City Common Council

/s/ Pat Boy, Member
Michigan City Common Council

Passed by the Common Council of the City of Michigan City, Indiana, this 21st day of February 2017 by a vote of 8 to 0.

/s/ Chris Schwanke, President
Michigan City Common Council

Councilwoman Boy explained this is required by State Statue and we needed to get this done.

President Schwanke asked if there were any other author’s comments; there was no reply; asking if there were any comments from the public; there was no reply; further asking if there were any further comments from the Council.

Councilwoman Boy made the motion to approve the proposed ordinance; second by Councilwoman Silvas.

President Schwanke asked if there were any other questions or comments from the general public or Council and hearing none the proposed ordinance passed by the following vote: AYES: Council Members Boy, Carnes, Hamilton, Przybylinski, Schwanke, Silvas, Whittow and Bietry (8). NAYS: None (0).

President Schwanke stated the Ordinance is approved, and will be forwarded to the Mayor for his signature.

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

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. 4424

APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE RIVERBOAT FUND TO PROVIDE FUNDING FOR PHASE II OF VILLAGE GREEN STREETS, SIDEWALKS, AND STORM SEWER REPAIRS PROJECT & FUNDING FOR ENGINEERING FOR THE COMMUNITY CROSSINGS GRANT PROJECT
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 the following: 1.) Phase II of Village Green for streets, sidewalks and storm sewer repairs; and 2.) engineering for the Community Crossings Grant Project; 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, LaPorte 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:

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<tr>
<th>AMOUNT REQUESTED</th>
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<tr>
<td>Riverboat Fund # 9000</td>
<td>Streets &amp; Alleys</td>
</tr>
<tr>
<td>Unappropriated balance</td>
<td>$1,250,000.00</td>
</tr>
<tr>
<td>ACCOUNT # 9000 0000 04 443.001</td>
<td>Streets &amp; Alleys</td>
</tr>
<tr>
<td></td>
<td>$1,250,000.00</td>
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**TOTAL FOR FUND $1,250,000.00**

This Ordinance to be effective upon passage by the Council, approval by the Mayor, any necessary publication, and any necessary approval by the Indiana Department of Local Government Finance.

**INTRODUCED BY:** /s/ Pat Boy, Member
Michigan City Common Council

/s/ Don Przybylinski, Member
Michigan City Common Council

/s/ Tim Bietry, Member
Michigan City Common Council

Passed by the Common Council of the City of Michigan City, Indiana, this 21st day of February, 2017 by a vote of 8 to 0.

/s/ Chris Schwanke, President
Michigan City Common Council

President Schwanke asked if any of the author’s had anything to add tonight.

Councilwoman Boy explained this is the second half of the Village Green Phase II project, which was delayed by a whole year and it’s time to get it done.

President Schwanke asked if there were any comments from the public; there was no response; advising there was a Formal Public Hearing held on February 7, 2017.

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

Councilwoman Boy made the motion to approve the proposed ordinance; second by Councilman Bietry.

President Schwanke asked if there were any other questions or comments from the general public or Council and hearing none the proposed ordinance passed by the following vote: **AYES:** Council Members Carnes, Hamilton, Przybylinski, Schwanke, Silvas, Whitlow, Bietry and Boy (8). **NAYS:** None (0).

President Schwanke advised the Ordinance is approved and will be forwarded to the Mayor for his signature.
UNFINISHED BUSINESS


President Schwanke asked what the pleasure of the Council was.

Councilwoman Boy made a motion to approve both nominees; the motion was seconded by Councilman Bietry.

President Schwanke stated there was a motion by Councilwoman Boy; supported by Councilman Bietry; asking the Council to signify all those in favor by saying “AYE”; all responded “AYE”; asking if there were any opposed; there was no response; stating the appointments are approved; “thanking” Ms. Nila Williams for her support and for serving on this Commission, as well as Pastor Dennis Carroll.

Pastor Dennis Carroll, United Church of Christ, addressed the Council expressing his interests in serving the community through this appointment to the Commission on the Social Status of African American Males; briefly commenting on growing up in Michigan City, and the work he looks forward to doing in our community; asking the Council if there are any other Boards or Commissions he could serve on, he would be most appreciative; further commenting on all the great things happening in Michigan City.

President Schwanke stated also under Unfinished Business the Common Council has one (1) appointments to the Urban Enterprise Association due to Mr. Keith Harris resignation; term would start immediately and expire 12-31-2020); advising at the last meeting Mr. Robert Weber Jr. was nominated; asking what the pleasure of the Council was.

Councilman Hamilton made the motion to approve Mr. Robert Weber Jr.; the motion was seconded by Councilman Przybylinski and Councilwoman Boy.

President Schwanke stated he has a motion by Councilman Hamilton; supported by Councilman Przybylinski and Councilwoman Boy; asking the Council to signify all those in favor by saying “AYE”; all responded “AYE”; asking if there were any opposed; there was no response; stating the appointment was approved; “thanking” Mr. Weber for serving on the Michigan City Urban Enterprise Association.

President Schwanke advised 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)

President Schwanke stated to his knowledge the Council has not received a completed Boards & Commission form for this appointment.

Councilman Bietry stated he went back and looked at Pastor Carroll’s Common Council Board & Commission form and it states in the original what he reiterated this evening, that he is interested in serving on any other Boards or Commissions that we would be interested in appointing him to; nominating Pastor Carroll to the Urban Enterprise Association; the nomination was seconded by Councilwoman Boy.

Discussion ensued between President Schwanke, Pastor Carroll, Councilman Bietry and Councilwoman Boy regarding whether or not Pastor Carroll lived in the Urban Enterprise Association. Pastor Carroll advised he lived in the 4th Ward; and it was determined that was not in the Urban Enterprise Zone, and therefore, Pastor Carroll was ineligible for that appointment.
President Schwanke advised the Council would hold nominations again at the next meeting on March 7, 2017; stating that hopefully they could get someone from the U.E.A. area to complete the candidates form and serve that area.

President Schwanke advised the Common Council has one (1) appointment to the Michigan City Tree Board expiring March 15, 2017 – Incumbent: Ms. Laura Henderson; further stating at the request of Councilwoman Boy nominations were held over to this evening in case anyone else wanted to submit a Candidate Form and there have been no other Candidate Forms received.

Councilwoman Boy made the motion to approve the nomination for the incumbent, Ms. Laura Henderson; the nomination was seconded by Councilman Hamilton.

President Schwanke reiterated that there was a nomination by Councilwoman Boy; supported by Councilman Hamilton; asking if there were any other nominations; there was no response; reiterating the nomination was Ms. Laura Henderson; asking again if there were any other nominations; there was no response. President Schwanke advised at this time the Council could move for approval.

Councilwoman Boy made the motion to appoint Ms. Laura Henderson to the Michigan City Tree Board; the motion was seconded by Councilman Hamilton.

President Schwanke asked all in favor to signify by saying “AYE”; all responded “AYE”; asking if there were any opposed; there was no response; advising Ms. Laura Henderson was approved for the Michigan City Tree Board with the term expiring March 15, 2018.

Discussion ensued between President Schwanke and Councilwoman Boy regarding the term of office for Ms. Henderson’s appointment. Councilwoman Boy explained the appointment was for one (1) year per the amended Ordinance.

President Schwanke advised the Common Council has one (1) appointment to the Michigan City Community Enrichment Corporation expiring March 31, 2017 – Incumbent: Mr. George Kazmierczak. President Schwanke advised the Council they did receive a completed Candidate Form from Mr. Kazmierczak; further advising there were no other Candidate Forms completed for this position.

Councilman Przybylinski made the motion to approve Mr. Kazmierczak nomination; seconded by Councilwoman Boy.

President Schwanke asked if the Council wanted to vote on this as well.

Councilwoman Boy made the motion to approve the appointment of Mr. George Kazmierczak to the Michigan City Community Enrichment Corporation; the motion was seconded by Councilman Hamilton.

President Schwanke stated there was a motion by Councilwoman Boy to appoint Mr. Kazmierczak; supported by Councilman Hamilton; asking all those in favor to signify by saying “AYE”; all responded “AYE” with the exception of Councilwoman Silvas who abstained; there were none opposed. President Schwanke stated the vote was 7-0-1 with Councilwoman Silvas abstaining; “thanking” Mr. Kazmierczak for his service on the Community Enrichment Corporation.

**NEW BUSINESS**

President Schwanke advised under New Business – FYI: Mayor Meer is requesting the advice and consent of the Michigan City Common Council regarding his appointment of Mr. Daniel Messina as a member of the Michigan City Port Authority. (term will begin immediately and expire on March 14, 2021)

President Schwanke asked if the Council’s pleasure was to approve this tonight.
Councilman Bietry made the motion to approve the appointment of Mr. Daniel Messina to the Michigan City Port Authority; commenting that he has known Mr. Messina for a long time and he’s a charter guy, and we need a charter guy on the Port Authority. Councilman Hamilton seconded the motion.

President Schwanke advised there was a motion by Councilman Bietry to approve the appointment of Mr. Daniel Messina to the Michigan City Port Authority; seconded by Councilman Hamilton. President Schwanke noted for the record that Mr. Messina did contact him regarding the vote taking place this evening; commenting that he did agree with Councilman Bietry, as he has known Dan for a long time and he has served on that board for a long time, and he has no objection moving forward with this tonight; again reiterating there was a motion by Councilman Bietry; seconded by Councilman Hamilton; asking all in favor to signify by saying “AYE”; all responded “AYE”; asking if there were any opposed; there was no response; “congratulating” Mr. Dan Messina and “thanking” him for his service on the Michigan City Port Authority.

President Schwanke advised the last item under New Business is – FYI: Mayor Meer is requesting the advice and consent of the members of the Michigan City Common Council regarding his appointments of: Ms. Robin Kohn (representing the Michigan City Public Library); Ms. CarolAnn Brown (representing the Art Community); Ms. Shannon Eason (representing the Michigan City Park Department); Mrs. Jane Daley (as a member At-Large); Ms. Judy Jacobi (representing Purdue University); Mr. Matt Kubik (as an Architect) replacing Mr. Tim Haas who resigned on January 31, 2017; and Mr. Kyron C. Williams who will be replacing Mr. Matt Kubik (as a member of the Art Community) to the Michigan City Public Arts Committee; asking what the pleasure of the Council was.

Councilwoman Boy made a motion to approve all as stated; the motion was seconded by Councilman Whitlow.

President Schwanke stated there was a motion by Councilwoman Boy; seconded by Councilman Whitlow to approve all as stated; asking all in favor to signify by saying “AYE”; all responded “AYE”; asking if there were any opposed; there was no response; stating those appointments were approved; “thanking” all of them for serving.

**COMMENTS FROM THE PUBLIC**

President Schwanke asked if there was any public comment.

Larry Silvestri, 314 Kenwood Place, President of the Redevelopment Commission addressed the Council commenting on the Redevelopment Commission funding the improvements to the North Pointe Pavilion for the Park Department’s Sticker operation; advising there would have to be a case made that this would improve property values in Michigan City or in the T.I.F. District, and he does not see how moving the park sticker operation would fit that definition, but he does not speak for the Redevelopment Commission Attorney; further commenting they have this conversation on every single item that goes before the Redevelopment Commission.

President Schwanke asked if there were any other comments from the public; there was no response. President Schwanke closed public comment.

**COMMENTS FROM THE COUNCIL**

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

President Schwanke stated it was brought to his attention at the last Council meeting the Council approved Resolution No. 4667, which is Recognizing and Celebrating the month of February 2017 as Black History Month in the City of Michigan City; explaining the Resolution went on and explained a bunch of great things that have been done and
highlighted a bunch of local Michigan City African American firsts – Fire Chiefs to Police Officers to Common Council members, that were a first for African Americans, and it came to his attention after it was done that there were a couple of mistakes made and he wanted for the record to correct those mistakes tonight; further explaining on that Resolution they listed Robert Bush and Emery Whitlow, who were the first African American members of the Michigan City Common Council in 1976; and it has now been determined that was inaccurate; the first African American was Mr. Russell Allen in 1967; and the second thing that was omitted from the list was the first African American woman to serve on the Council, and that was Virginia Martin who started serving in 1992; and Mrs. Virginia Martin was also the first African American Female President of the City Council; further stating he felt that was important and needed to be noted and wanted to make sure that it was in the record as something this Council recognizes and supports.

Councilwoman Boy “thanked” Council President Schwanke for making the corrections for the record.

**ADJOURNMENT**

A motion by Councilman Przybylinski, supported by Councilman Hamilton and there being no further business to transact, President Schwanke declared the meeting ADJOURNED (approximately 7:35 p.m.)

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Gale A. Neulieb, City Clerk