The Common Council of the City of Michigan City, Indiana, met in Regular session on Tuesday evening, March 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, Bryant Dabney, Ron Hamilton, Chris Schwanke, Candice Silvas and Allan Whitlow (8).

ABSENT: Don Przybylinski (1)

President Schwanke advised that he had spoken with Councilman Przybylinski regarding his absence this evening; stating Councilman Przybylinski was excused.

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 March 7, 2017. Councilwoman Carnes made a motion to approve the Regular meeting minutes held on March 7, 2017; second by Councilman Dabney. The minutes were approved as printed.

REPORTS OF STANDING COMMITTEES

Councilman Dabney presented the following Finance Committee meeting minutes: Minutes of the Council Finance Committee Meeting for Claims, 6:00pm on March 21, 2017. The Finance Committee met this evening prior to the Council meeting to review claims filed since the March 7th meeting. Committee members Silvas and Dabney were all present; Councilman Przybylinski was absent. Claims reviewed totaled $24,101.12. $23,501.86 is against the Riverboat Fund #9000 and $599.26 against Boyd Development Fund #0417. The Finance Committee voted unanimously to recommend to the Council payment of the claims. The meeting was called to order by Committee member Dabney at 6:00 p.m. Claims reviewed as follows: $599.26 to Butler, Fairman & Seufert, Inc. for the Singing Sands Trail Project; $20,918.75 to Haas & Associates LLC for 2017 Paving & Sidewalks; $1,370.00 to Miner Electronics Corp for Technical Service Car 263; $1,213.11 to Enterprise Rent-a-car for 2017 Fleet Rotation. A motion was made by Councilwoman Silvas and seconded by Councilman Dabney to approve the claims of $24,101.12; all committee members voted in favor of it (2-0). A motion was made by Councilwoman Silvas to adjourn the meeting; second by Councilman Dabney; and approved by the committee, which adjourned at 6:06 p.m.

Councilwoman Carnes presented the following Planning and Zoning Committee meeting minutes from March 13, 2017; to discuss the proposed ordinance to amend Section 62-31 of the Michigan City Municipal Code regarding membership on the
Historic Review Board. 3/13/2017 Meeting of the Michigan City Common Council Planning and Zoning Committee

Chairperson Sharon Carnes called the meeting to order at 4:40 PM CDT in the West Conference room of City Hall 100 E. Michigan Blvd. Michigan City, IN.

<table>
<thead>
<tr>
<th>Members Present</th>
<th>Members Absent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sharon Carnes</td>
<td></td>
</tr>
<tr>
<td>Pat Boy</td>
<td></td>
</tr>
<tr>
<td>Chris Schwanke</td>
<td></td>
</tr>
</tbody>
</table>

Also in attendance were City Council members Tim Bietry, Allan Whitlow, and Don Przybylinski. Assistant City Planner Skyler York was also in attendance.

The purpose of the meeting was to discuss an ordinance amending section 62-31 of the Michigan City Municipal Code regarding membership on the Historic Review Board.

Chris Schwanke detailed the changes to the ordinance and reason for the changes:

- Change city registered contractor to city registered contractor who is not a city employee in order to eliminate possible bias of city employees
- Change one member of the Planning Department to one member of the City Planning Commission because members of the Plan Commission would be independent and unbiased
- Add “no member of the Commission shall be an employee or contractor or sub-contractor for the City or any other City board or commission, except as is, and only to the extent, otherwise specified above as a qualification for membership”.
- Eliminate the 2 non-voting advisory members because current members are not always available to attend meetings

A question was raised concerning which Historic Review Board members were representatives of the Planning Department, Redevelopment Commission, and a licensed contractor. Skyler York agreed to research this question and report to the City Council members.

Sharon Carnes and Pat Boy expressed concern about the changes because state statute recommends the participation of planning professionals to the extent that those professionals are available in the community. Members of the Plan Commission may not necessarily be planning professionals.

Chris Schwanke expressed concern that city employees influence votes and could be biased.

Tim Bietry stated that the input of the Planning Department is important for their expertise, knowledge, and data, who else would have that information?

Allan Whitlow stated his concerned that a Plan Commission member may not have the necessary background and a professional that has a role in the Planning Department should be a member of the board.

Chris Schwanke stated that the Indiana Landmarks personnel that the Historic Review Board has hired could fill the role of expert.

Discussion ensued whether the changes were precipitated by the vote on the demolition of 701 and 705 Franklin.

Chris Schwanke stated that changing the makeup of the board would offload duties from Tom Przybylinski and Craig Phillips allowing them to focus on planning and redevelopment.

Sharon Carnes stated that it was not valid to legislate based on transient situations such as workload and health issues affecting certain members of the Historic Review Board. State statute says professionals should be members of the board if they are available.

Chris Schwanke stated that non-voting members have not brought substance to the commission in terms of experience or knowledge. Members of the board have asked to have them removed. The non-voting members were originally members of the Preservationists who are now non-existent.

Pat Boy stated removing the non-voting members leaves the Preservationists (if they are still active) no option to serve on the Historic Review Board.
Tim Bietry stated that removing the Planning Department is not the right thing to do.

Chris Schwanke stated that the purpose is to take the workload off of Craig Phillips.

Discussion ensued about replacement windows costs, vinyl vs. cedar siding, and changes that were made to the Historic Review Board policies.

Chris Schwanke moved to recommend approval of the ordinance to the Common Council. Sharon Carnes seconded the motion. The committee voted 2 – 1 against approval, Sharon Carnes and Pat Boy voting “nay”, Chris Schwanke voting “aye”.

There being no other questions or discussion the meeting was adjourned at 5:15PM

President Schwanke asked if there were any other Standing Committee Reports; there was no response.

REPORTS OF SPECIAL OR SELECT COMMITTEES

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

President Schwanke advised under Reports of Other City Officers and Departments tonight Mr. Clarence Hulse, Director, Economic Development Corporation Michigan City was here to present the Annual Economic Development update for 2016.

Mr. Hulse addressed the Council presenting the 2016 EDCMC update. Mr. Hulse commented on the upcoming Job Fair to be held on April 5, 2017 at the Blue Chip Casino from 1:00 – 4:00 p.m. (Note: a copy of the printed material presented is on file in the City Clerk’s Office)

Councilman Bietry commented on the great work being done through the EDCMC.

Council President Schwanke commented on working with Mr. Hulse and the great work being done through the EDCMC; “thanking” Mr. Hulse for the presentation.

Councilman Dabney commented on the new Super Market on Michigan Boulevard in the Eastport Neighborhood; and working with Councilwoman Carnes on that project, along with the re-opening of the Laundromat; advising the laundromat will be called “Details” and they are looking at opening up in early spring.

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 $23,501.86 and Fund #0417 – Boyd Development $599.26.

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

The City Clerk advised the Council a petition was received in the Clerk’s Office on March 2, 2017 regarding the Rezoning Owned by the Northern Indiana Commuter Transportation District and Moore Associates of Michigan City, LLC.

COMMUNICATIONS

The City Clerk advised a correspondence was received in the City Clerk’s Office on March 8, 2017 from the Indiana Fraternal Order of Police Michigan City Dunes Lodge #75.

The City Clerk advised a correspondence was received in the City Clerk’s Office on March 9, 2017 from the Northwestern Indiana Minister’s Conference.

RESOLUTIONS

The Clerk read the following Resolution by title only,

MICHIGAN CITY COMMON COUNCIL

RESOLUTION NO. __________

SUPPORTING THE CITY OF MICHIGAN CITY ENTERING INTO A CONTRACT WITH ZAGSTER, INC. FOR A BIKE-SHARE PROGRAM

WHEREAS, the Common Council finds that it is in the best interest of the City of Michigan City and its citizens to provide and promote bicycles as an alternative method of transportation and an additional option for recreation in and about the City; and

WHEREAS, a bike-share program would provide an affordable, effective, convenient, and efficient means for providing the opportunity to residents and visitors to use bicycles to move around the City to the various locations they may want to visit in the City; and

WHEREAS, Zagster, Inc. is in the business of providing the equipment and facilities necessary for a bike-share program and has offered to enter into an agreement with the City to provide up to 25 bicycles, including ADA accessible bicycles, with appropriate locking technology; appropriate docking facilities; complete maintenance, repairs, and replacement of the bicycles and docking facilities; program marketing; user-friendly Apps and software for program membership, reservations, and administrative reporting; marketing of the program; operation assistance; and appropriate indemnity terms and insurance; and

WHEREAS, Zagster, Inc. will allow the City to determine the rates to be charged for use of the bicycles and the City will be allowed to at least retain ninety (90%) of the revenues from the bike-share program; and

WHEREAS, Zagster, Inc. has offered to enter into a three (3) year contract to provide twenty-five (25) bicycles and the related equipment, materials, and services listed above for $45,000 per year plus $1,650 per each ADA accessible bicycle the City wishes, at its sole discretion, to include in the program; and;

WHEREAS, due to its positive impact on businesses in the City’s North TIF District, the Common Council believes the City’s Redevelopment Commission should fund the cost of the first year of the program and one of the other City Funds to fund remaining two (2) years of the program.

NOW, THEREFORE, BE IT RESOLVED by the Michigan City Common Council that:
1. It supports the City of Michigan City entering into a three (3) year contract with Zagster, Inc. for the purpose of implementing a bike-share program as described above in the City of Michigan City on the condition that the condition that the Michigan City Redevelopment Commission (Commission) funds the first year of the program; and

2. If the Commission agrees to fund the first year of the program, the Common Council commits to approve funding for the second and third year of the program; and

3. All revenues of the program are to be used to off-set the cost of the program; and

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

Introduced by:

___________________________________
Tim Bietry, Member
Michigan City Common Council

Adopted by the Common Council of the City of Michigan City, Indiana this 7th day of March, 2017.

________________________
Chris Schwanke, President
Michigan City Common Council

Councilman Bietry commented that after continued discussion indirectly with the Mayor and directly with City Planner, asked that this proposed Resolution be Tabled indefinitely at this time; stating that was his motion; the motion was seconded by Councilman Hamilton.

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

The Clerk read the following Resolution by title only,

MICHIGAN CITY COMMON COUNCIL

RESOLUTION NO. 4672

ADOPTING THE LAPORTE COUNTY “MULTI-HAZARD MITIGATION PLAN UPDATE” FOR MICHIGAN CITY, INDIANA

WHEREAS, the Federal Disaster Mitigation Act of 2000, requires the City to adopt a Multi-Hazard Mitigation Plan (hereinafter referred to as “MHMP”), and the purpose of said Plan is to prevent or reduce the effects of disasters; and

WHEREAS, a FEMA-approved MHMP is required in order to apply for and/or receive project grants under the following programs: Hazard Mitigation Grant Program, Pre-Disaster Mitigation, Flood Mitigation Assistance, and Severe Repetitive Loss; and

WHEREAS, In addition, in order for National Flood Insurance Program communities to be eligible for future mitigation funds, they must adopt either their own MHMP or participate in the development of a multi-jurisdictional MHMP; and

WHEREAS, the City of Michigan City, along with LaPorte County, Michigan City, Kingsford Heights, LaPorte, Long Beach, and Michiana Shores with the assistance of Christopher B. Burke Engineering, LLC, participated in a multi-jurisdictional MHMP Committee for LaPorte County; and


WHEREAS, the MHMP Committee prepared the LaPorte County MHMP Update, a copy which is attached hereto and incorporated by reference herein; and

WHEREAS, the MHMP Update recommends many activities that will protect the people and property of LaPorte County, including Michigan City, which is a participant in the National Flood Insurance Program.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Michigan City, Indiana, that the Multi-Hazard Mitigation Plan Update, dated April 2016, prepared for LaPorte County, Michigan City, Kingsford Heights, LaPorte, Long Beach, and Michiana Shores is hereby adopted as an official plan of the City of Michigan City, Indiana.

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/ Chris Schwanke, President
Michigan City Common Council

/s/ Don Przybylinski, Member
Michigan City Common Council

/s/ Pat Boy, Member
Michigan City Common Council

/s/ Tim Bietry, 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 March, 2017.

/s/ Chris Schwanke, President
Michigan City Common Council

President Schwanke asked if any of the Author’s had anything to add; there was no response; advising Larry Butcher of the LaPorte County Emergency Management was here this evening.

Larry Butcher, Director, LaPorte County Emergency Management addressed the Council explaining that the proposed Resolution will ensure that in the event of a weather related catastrophic event that when FEMA comes the City is able to receive funds to mitigate and to recover any issues that may come because of the incident; further explaining the surrounding areas are also doing this as well; and that this will ensure that the City is covered through his office by FEMA in the event something catastrophic happens.

President Schwanke “thanked” Mr. Butcher for coming tonight and explaining what the proposed Resolution was about.

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

Councilman Hamilton made a motion to approve the proposed Resolution; supported by Councilman Bietry and 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 was approved by the following vote: AYES: Council Members Hamilton, Schwanke, Silvas, Whitlow, Bietry, Boy, Dabney and Carnes (8). NAYS: None (0).

President Schwanke stated the Resolution is approved and will be forwarded to the Mayor for his signature.
The Clerk read the following Resolution by title only,

MICHIGAN CITY COMMON COUNCIL

RESOLUTION NO. 4673

AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR A $1.5 MILLION GRANT FROM THE U.S. DEPARTMENT OF HOUSING & URBAN DEVELOPMENT TO USE FOR LEAD ABATEMENT IN MICHIGAN CITY

WHEREAS, the City is eligible to apply for a $1.5 Million Lead-Based Paint Hazard Control Grant (Grant) from the U.S. Department of Housing and Urban Development to be used for lead abatement in the City of Michigan City; and

WHEREAS, the Council and the Mayor believe that protecting the children of Michigan City from lead poisoning is of the highest priority for the City; and

WHEREAS, the grant requires a local cash match in the amount of 10% of the awarded grant and said match must be provided by the City spread over the three (3) year Grant cycle.

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

Section 1. The aforementioned “whereas clauses” are hereby incorporated in full as if set forth herein.

Section 2. That the Michigan City Common Council and the Mayor support and authorize the submission of an application for a U.S. Housing and Urban Development Lead-Based Paint Hazard Control Grant in the amount of $1.5 Million for lead abatement efforts in Michigan City.

Section 3. That the Common Council and the Mayor commit to providing the local cash match of 10% of the amount of the Grant that is awarded.

Section 4. That the Controller of the City of Michigan City, Indiana is authorized to create a fund to receive and distribute the Grant funds upon approval of the Grant.

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/ Don Przybylinski, Member
Michigan City Common Council
/s/ Chris Schwanke, Member
Michigan City Common Council
Co-Sponsored By: /s/ Sharon Carnes, Member
Michigan City Common Council

Adopted by the Common Council of the City of Michigan City, Indiana this 21st day of March, 2017.
/s/ Chris Schwanke, President
Michigan City Common Council

President Schwanke advised Mr. Michael Kuss, General Manager, Sanitary District, was present this evening to give an update.

Michael Kuss, General Manager, Sanitary District, addressed the Council regarding the proposed Resolution; explaining Mayor Meer has formed a committee on lead to look at the dangers of lead especially in young children as lead poisoning in young children can affect their growth and cause life time damages to them; further explaining the major cause is lead based paint; the committee came across a grant through H.U.D. (Housing and Urban Development) that is a $1.5 million dollar opportunity to start the abatement process here in Michigan City; it’s a three (3) year program and requires a 10% match, which is why he has asked the Council for the $150,000.00 cash match; continuing to explain this will be a big undertaking for the City as a whole new program will need to be
created to target homes with children under the age of six (6) who are low income families; further explaining what the program will entail and how the funding will be spent.

Discussion ensued between Councilmembers Boy, Bietry, Dabney, Schwanke and Mr. Kuss regarding how the testing will be administered; marketing about the program; targeting older homes; families with younger children; applying to the program; verification of the presence of lead in the home; verifying income; how the funding will be spent; the funding for the 10% cash match coming from an Additional Appropriation to the City Council. Council President Schwanke explained the wording for the Additional Appropriation for the 10% cash match was not in the proposed Resolution; further explaining the Council at this time is only supporting the application of the Grant, and once the Grant is approved, an Additional Appropriation Ordinance can come before the Council for approval of the funding for the 10% match; and “thanked” Mr. Kuss for his work on this worthy project.

Mr. Kuss “thanked” the Council for the opportunity to come here and serve the community in doing this work to make Michigan City a better place.

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

Faye Moore, 515 Grace Street, addressed the Council stating the LaPorte County Health Coalition back in the early 1990’s did work on lead abatement and they might have records of some of the homes that they tested, as they did do some testing in Michigan City; further stating Mr. Mario Rosa is the Director; explaining the testing was done when Rhonda Lee was the Executive Director of the Minority Health Coalition in LaPorte County.

Debra Chubb, 3630 Birchwood Trail, addressed the Council “thanking” them for their support of this; presenting handouts that indicate where all of the Head Start children live; a map of where the highest lead test results in Michigan City are; continuing to express her views and concerns on the matter; presenting a map that was produced by the Indiana Department of Health that reflects the highest risk areas; commenting on testing that has taken place over the last ten (10) years; census tracks of the targeted areas; commenting on the maps she provided and what they mean; “thanking” Mr. Kuss for his work on the grant; that the grant is perpetual, every three (3) years; and they hope to be able to address up to 10,000 homes in Michigan City utilizing this type of grant.

Sergio Kojurgin, 1406 Buffalo Street, addressed the Council advising that he is also assisting Mr. Kuss and Ms. Chubb with the grant application; commenting on the testing that took place in 2016 in LaPorte County of approximately 1,100 children; expressing his views and concerns with the testing that was done; working with our community organizations to help educate and outreach communities and households; commenting on an organization in Illinois that they will be working with as consultants who will create the program for us; contractors from Valparaiso who are professionalized in abatement and renovation who have been working and operating with these programs with lead.

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

Councilwoman Carnes asked to be added as a Co-sponsor to the proposed Resolution; also commenting on high lead levels in children is a serious problem, and is very pleased by the Mayor’s reaction to this issue was to form this task force led by Mr. Kuss to address the issues; commenting on the grant application and community involvement that has been shown here tonight; “thanking” everyone on the committee for their hard work and dedication to this cause.

Councilwoman Boy “thanked” the committee working on this issue; commenting on lead poisoning in children and adults; expressing her concerns with the issue; advising that the LaPorte County Health Department is also working on this as well through testing children, and that most of the problems are caused by the lead based paint in older
homes; stating she is very much in favor of this Resolution; commenting that Councilman Przybylinski called her and asked her to state for the record that he would like to make sure the proposed Resolution is passed tonight as well.

President Schwanke asked if there were any further comments from the Council on the proposed Resolution.

Councilman Hamilton made a motion to approve the proposed Resolution; supported by Councilman Dabney and 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 was approved by the following vote: **AYES:** Council Members Schwanke, Silvas, Whitlow, Bietry, Boy, Dabney, Carnes and Hamilton (8). **NAYS:** None (0).

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

### ORDINANCE

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

**MICHIGAN CITY COMMON COUNCIL**

**ORDINANCE NO. 4428**

AMENDING THE ZONING MAP OF THE CITY OF MICHIGAN CITY, LAPORTE COUNTY, INDIANA TO REZONE PROPERTY OWNED BY THE NORTHERN INDIANA COMMUTER TRANSPORTATION DISTRICT AND MOORE ASSOCIATES OF MICHIGAN CITY, LLC FROM R1-C TO M1

WHEREAS, the Northern Indiana Commuter Transportation District (“NICTD”) and Moore Associates of Michigan City, LLC (“Moore”), collectively the Petitioners, filed a Petition with the Michigan City Plan Commission (“Commission”) asking that certain properties within the boundaries of Michigan City, Indiana be re-zoned from R-1C to M1. The commonly known address for these properties is 1811 Springland Avenue and 701 N. Roeske Avenue, Michigan City, Indiana. The legal description of both properties is contained in Exhibit “A”, which is attached hereto; and

WHEREAS, following the filing of the Petition, the Commission scheduled a public hearing on the Petition for February 28, 2017; and

WHEREAS, the Commission found that the Petitioners properly gave the necessary notice of the filing of the Petition and of the date and time of the public hearing thereon by publication in the manner described by I.C. 5-3-1-1, et. seq.; and

WHEREAS, the Commission found that the Petitioners properly gave the necessary notice to the persons who own property that abuts the properties which the Petitioners have requested to be re-zoned and who needed to be given notice of the filing of the Petition and of the date and time of the hearing thereon; and

WHEREAS, the Commission conducted the public hearing on the Petition to re-zone as advertised and noticed on February 28, 2017 and following said hearing determined that the properties described in Exhibit “A” should be re-zoned from R-1C to M1, all as permitted by the Joint Zoning Ordinance and Indiana law, and on February 28, 2017, certified the Commission’s findings and determinations, including those required by I.C. 36-7-4-603, and this proposed Ordinance to the Common Council with a favorable recommendation for passage; and

WHEREAS, the City Clerk, on behalf of the Common Council, provided the necessary notice of the Council’s intention to consider the proposed change in the zoning map as required by I.C. 5-14-1.5-5; and

WHEREAS, the Council has paid reasonable regard, consideration and attention to the recommendation of the Commission, to the documentation and other evidence presented to the
Council regarding the proposed zoning change, and to the legal requirements applicable to the Council’s decision, including, as required by I.C. 36-7-4-603, the City’s comprehensive plan; the current conditions and the character of current structures and uses in each district; the most desirable uses for which the land in each district is adapted; the conservation of property values throughout the City; and responsible development and growth.

NOW, THEREFORE, BE IT ORDAINED, by the Michigan City Common Council, pursuant to applicable laws, including I.C. 36-7-4-608, that:

The Council finds, based on all of the evidence before it, that:

The requested change in zoning for the properties described in Exhibit “A” from R1-C to M1 is compatible with the City’s comprehensive plan, the current conditions and the character of current structures and uses in each district; the most desirable uses for which the land in each district is adapted; the conservation of property values throughout the City; and responsible development and growth; and

The requested change in zoning will provide the most reasonable use for which the affected properties are adapted and the proposed land use will not have an adverse effect on surrounding land; and

The requested change in zoning will not be injurious or detrimental to the surrounding property values and will further the conservation of property values throughout the City; and

The requested change in zoning will promote orderly and responsible community growth and development and will not adversely affect the community; and

The topography, soil conditions, and other physical features of the land involved is suitable for the proposed uses and zoning change; and

The change in zoning is not “spot zoning” which will confer a special benefit on a relatively small tract without commensurate benefit to the community; and

The change in zoning will not disrupt or destroy any neighborhood plan.

The Council finds that it is in the best interests of the City of Michigan City and its citizens that the Council accept and approve the recommendation of the Plan Commission that the requested change in the City’s zoning may be approved by the Council.

The zoning for the properties located in the City of Michigan City, LaPorte County, State of Indiana, as described in Exhibit “A” and commonly known as 1811 Springland Avenue and 701 N. Roeske Avenue, Michigan City, be changed from R-1C to M1; and the zoning map of Michigan City, Indiana shall be amended to reflect these changes, and the amended map be made available in the office of the Plan Commission and the City Clerk for review and copying by the public.

The Clerk of the Michigan City Common Council shall furnish a certified copy of this Ordinance to the LaPorte County Recorder in order that same may be placed or record in the records of the Recorder’s Office.

Introduced by: /s/ Tim Bietry, Member
Michigan City Common Council

Co-sponsored by: /s/ Sharon Carnes
Michigan City Common Council

ADOPTED by a majority vote of the members of the Common Council this 21st day of March, 2017.

/s/ Chris Schwanke, President
Michigan City Common Council

(Note: all Exhibits pertaining to this Ordinance are on file in the City Clerk’s Office attached to Ordinance No. 4428)

President Schwanke asked if any of these author’s had anything they would like to add.
Councilman Bietry explained the reason for the proposed Ordinance in that the use has been manufacturing and for some odd reason part of that property was zoned R1-C; stating this is just an effort to bring the current use consistent with what is in the plat and that is should be M1 not R1-C; stating there is a gentlemen representing NICTD here tonight to talk about it and answer any questions; asking that the Council suspend their rules and vote on this tonight since it has already been through an Formal Public Hearing through the Planning Commission.

Attorney James Meyer stated the Council could suspended their rules to vote on this tonight as long as there is no objection.

Chuck Lukmann, representing NICTD, advised the Council he did present this matter to the Planning Commission on February 28, 2017 and the Moore’s were in attendance at that meeting and they fully support this; further stating he would be happy to answer any questions the Council may have; advising the Planning Commission gave a unanimous recommendation for the approval of this rezoning; commenting on the reasons for the rezoning and explaining the use of the property; asking for the Council’s support of this.

President Schwanke advised there was a Formal Public Hearing held on February 28, 2017 at the Plan Commission in regards to this rezoning issue; asking if there were any comments from the public; there was no response; asking if there were any comments from the Council.

Councilman Bietry made the motion to approve this rezoning ordinance tonight if there are no objections.

President Schwanke stated to be clear Councilman Bietry has asked to suspend the rules and vote on 1st Reading.

Councilman Bietry stated that was correct.

President Schwanke asked if anyone from the Council objected to suspending the rules and approving this on 1st Reading; there was no response; confirming with Attorney Meyer that this was acceptable.

Attorney Meyer stated it was because this was a rezoning ordinance; so yes.

Discussion ensued between President Schwanke and Attorney Meyer regarding the suspension of the rules and voting on 1st Reading; and the waiving of the rules by unanimous consent/no objections. President Schwanke stated he wanted to make sure everyone’s aware and there is no one from the public who can say they did not take ample time on the proposed Ordinance; asking what the pleasure of the Council was.

Councilman Bietry reiterated his motion to approve the proposed ordinance on 1st Reading; the motion was supported by Councilwoman Boy.

President Schwanke stated there was a motion by Councilman Bietry to approve the proposed Ordinance on 1st Reading by Councilman Bietry; supported 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 Ordinance was approved by the following vote: **AYES:** Council Members Silvas, Whitlow, Bietry, Boy, Dabney, Carnes, Hamilton and Schwanke (8). **NAYS:** None (0).

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

Mr. Lukmann “thanked” the Council for approving the rezoning ordinance on 1st Reading; commenting on the commitment by NICTD to allow the City to connect to the railroads fiber optic network; further commenting on the agreement approved by the city.
The Clerk read the following proposed ordinance on second reading by title only,  
**AMENDING SECTION 62-31 OF THE MICHIGAN CITY MUNICIPAL CODE REGARDING MEMBERSHIP ON THE HISTORIC PRESERVATION COMMISSION**  

**Introduced by:** Chris Schwanke  
Ron Hamilton  

President Schwanke asked if the Author's had anything to add at this time; there was no response.  

President Schwanke asked if there were any comments from the public; there was no response; asking if there were any comments from the Council; there was no response; advising the proposed Ordinance would be held over for third reading at the Council's April 4, 2017 meeting.  

**UNFINISHED BUSINESS**  

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; and the item would stay on the Agenda; advising anyone interested in this appointment would need to stop by the City Clerk’s Office and complete the Council Board & Commission form so they can be considered.  

President Schwanke asked if there was any other Unfinished Business; there was no response.  

**NEW BUSINESS**  

President Schwanke advised under New Business – FYI: The Council has one (1) appointment to the Commission on the Social Status of African American Males due to the resignation of Ms. Albertine Allen (Minority Health Coalition). Mr. Mario Rosa has been selected by the Minority Health Coalition to replace former member Ms. Albertine Allen. (term will begin immediately and expire February 15, 2018)  

President Schwanke asked what the pleasure of the Council was on this.  

Councilman Bietry made a motion to approve Mr. Rosa; supported by Councilwoman Boy.  

President Schwanke reiterated Councilman Bietry made a motion to approve Mr. Rosa; supported by Councilwoman Boy; asking all in favor to signify by saying “AYE”; all responded “AYE”; asking if there were any opposed; there was no response.  

President Schwanke “thanked” Mr. Mario Rosa for joining and being a member of the Social Status of African American Males Commission; “thanking” Ms. Albertine Allen for her many years of service on that commission.  

**COMMENTS FROM THE PUBLIC**  

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; there was no response. President Schwanke closed Council comment.

ADJOURNMENT

A motion by Councilwoman Boy, supported by Councilman Hamilton and there being no further business to transact, President Schwanke declared the meeting ADJOURNED (approximately 7:20 p.m.)

______________________________
Gale A. Neulieb, City Clerk