REGULAR MEETING – April 4, 2017

The Common Council of the City of Michigan City, Indiana, met in Regular session on Tuesday evening, April 4, 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, Don Przybylinski, Chris Schwanke, Candice Silvas and Allan Whitlow (9).

ABSENT: None (0)

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 21, 2017.

Councilwoman Boy made a motion to approve the Regular meeting minutes held on March 21, 2017; second by Councilman Whitlow. 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 April 4, 2017. The Finance Committee met this evening prior to the Council meeting to review claims filed since the March 21st meeting. Committee members Silvas, Dabney and Przybylinski were all present. The meeting was called to order by Committee Chair Przybylinski at 6:03 p.m. A motion was made by Councilman Dabney and seconded by Councilwoman Silvas to approve the claims of $20,283.30; all committee members voted in favor of it (3-0). Claims reviewed totaled $20,283.30. $17,240.90 is against the Riverboat Fund #9000 and $3,042.40 against Boyd Development Fund #0417. The Finance Committee voted unanimously to recommend to the Council payment of the claims. Claims reviewed as follows: $500.00 to Economic Development for Training for the Indiana Plan; $1,592.40 to SEH of Indiana LLC for Annexation Fiscal Plan; $ 950.00 to SEH of Indiana LLC for Annexation Fiscal Plan; $2,100.00 to Meyer Glass & Mirror Co. for glass to cover conference table at the Michigan City Police Station; $14,342.50 to Haas & Associates, LLC for 2017 Paving & Sidewalks; and $798.40 to Enterprise Rent-a-car for 2017 Fleet Rotation. A motion was made by Councilman Dabney to adjourn the meeting; second by Councilwoman Silvas; and approved by the committee, which adjourned at 6:07 p.m.

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 Superintendent Paul Labovitz from the Indiana Dunes National Lakeshore will present an update on the parks.

Superintendent Paul Labovitz, Indiana Dunes National Lakeshore addressed the Council “thanking” Michigan City for being a good park neighbor and park partner; updating the Council on the proposed “Bill” to change the name of the Park from the Indiana Dunes National Lakeshore to the Indiana Dunes National Park by Congressman Visclosky, Senators Donnelly and Young; stating the Lakeshore turned 50 years old and the National Park Service turned 100 years old; commenting on economic growth for both the parks and the city; condition of roads to the parks; beaches/parks opened; more dog friendly; hours of operation; 3 million visitors to the parks; gearing the rules/regulations to the majority of visitors; continuing to comment on the great parks within Northwest Indiana.

Discussion ensued between Council President Schwanke, Councilwoman Carnes and Councilman Hamilton regarding future plans for expansion and growth as it relates to Michigan City and Mt. Baldy; the instability of Mt. Baldy; working to reopen Mt. Baldy for beach access; the dune itself continuing to be closed to visitors; being able to only access Mt. Baldy by boat; environmental compliance at Mt. Baldy; help from the City to recruit volunteers to staff the parking lot and guide visitors to what they can and can’t do when they are at Mt. Baldy; meeting with representatives of the City to address concerns; access to the Lakeshore from the Westside of NIPSCO (Crescent Beach/Dune); Army Corps did some beach restoration in that area; opening up discussion/working with the City on opening the park right into the City; developing the Trail Creek corridor/Washington Park; gateway to the parks/city; and boating at Mt. Baldy.

President Schwanke “thanked” Superintendent Labovitz for updating the Council on the National Parks.

Councilman Hamilton addressed Superintendent Labovitz explaining he was in possession of material that was distributed previously with regards to access to the westside of the park.

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 $17,240.90 and Fund #0417 – Boyd Development $3,042.40.

President Schwanke asked if there were any comments and hearing none, a motion was made by Councilman Przybylinski, second by Councilman Dabney, and was approved. Motion carried 9 – 0.

PETITIONS

There were no petitions.
COMMUNICATIONS

There were no communications.

RESOLUTIONS

There were no Resolutions.

ORDINANCE

The Clerk read the following proposed ordinance on first reading by title only, APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE CUMMULATIVE CAPITAL DEVELOPMENT FUND TO PROVIDE FUNDING FOR SCUBA EQUIPMENT FOR MICHIGAN CITY FIRE DEPARTMENT

Introduced by: Chris Schwanke

(DECREASE Cumulative Capital Development Fund # 2391 Unappropriated balance $ 45,000.00 INCREASE ACCOUNT #2391 0000 04 444.010 Other Machinery & Equipment – Fire $ 45,000.00)

President Schwanke explained funding for the project through the CCD Fund that was set up for equipment specifically for the Fire Department and also for Police radio equipment; commenting on the expenditure and the funding; further commenting on the firefighters in attendance this evening in support of the SCUBA program; thanking the firefighters for the work they have already invested in this program on their own.

Randy Novak, Fire Chief, Michigan City Fire Department, stated the four (4) firefighters in attendance this evening have already gone through the basic open water dives, as well as some other classes; advising these individuals started this last year, doing these classes on their own time, invested in their own equipment or paid for rental, to prove they were serious about this program; commenting on dive teams in the surrounding area (M.C.P.D.; County Sherriff’s Department) and past attempts by the Fire Department to have a scuba team of their own; advising the Police Department is merging with the County Sherriff’s Department dive team; commenting on occurrences at Washington Park and along the lakefront involving drownings; explaining when this is passed the Fire Department will be able to have the scuba equipment on the fire trucks and will be able to better respond to all drowning calls by being able to have a diver in the water first, which will drastically improve the chances of someone surviving; commenting on the funding and the equipment that will be purchased as well as additional classes that will be taken by the firefighters; further explaining at the end of the process there will be 6 firefighters certified for this program.

President Schwanke “thanked” Chief Novak for the explanation; commenting that one of the most powerful things he just said is by having that equipment on the truck and being able to respond first could save lives; and if it saves one (1) life, its money well spent.

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 Bietry asked to be listed as a Co-sponsor on the proposed ordinance; commenting on this being a good idea and something the City needs to do; advising he would probably abstain on the vote for the funding as his son is one of the firefighters/divers and he is very proud of him.

Councilwoman Boy asked to also be listed as a Co-sponsor; advising she would not have any conflicts.
President Schwanke asked if there were any other comments from the Council; there was no response; advising the proposed ordinance would be held over for second reading at the April 18, 2017 Council meeting; advising he would be sending this to the Finance Committee for review and recommendation.

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

*Introduced by:* Chris Schwanke

(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)

President Schwanke commented on working with the Fire Chief on various issues, and that the Fire Chief provided Council members with a packet of information on the vehicles; advising he has spoken with Councilman Przybylinski regarding sending the proposed ordinance to the Finance Committee for review and recommendation; further advising the vehicles that are being asked to replace will be at the Finance Committee meeting for inspection.

Randy Novak, Fire Chief, Michigan City Fire Department, addressed the Council explaining the condition of the three (3) vehicles/staff cars that need to be replaced; clarifying there are six (6) staff vehicles, but they are only asking for three (3) at this time.

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 addressed Chief Novak regarding why these vehicles were not in the Fire Department’s 2017 budget.

Fire Chief Novak replied they did submit them but was told at that time there was no money in the budget available for vehicles; advising the Council they were looking at the same vehicles the Police Department has been purchasing for two (2) of the replacements and staying with the Expedition for the Command Vehicle.

Councilwoman Boy asked to be added as a Co-sponsor to the proposed ordinance.

Councilman Hamilton asked that in the 2018 proposed budget he would like to see the Fire Department put the other three (3) vehicles in for purchase.

Fire Chief Novak advised he has spoken with the Mayor regarding replacing the 1993 Quint with a price tag of about $900,000.00; and the Mayor gave his approval.

Councilman Whitlow commented on where the vehicles will be purchased and the pricing.

Fire Chief Novak replied that the pricing was provided from the vehicles the Police Department purchased, but the vehicles will go out for bids.

President Schwanke asked if there were any other comments from the Council; there was no reply; “thanking” Fire Chief Novak for providing all the information; advising the proposed ordinance will also be referred to the Finance Committee for review and recommendation.
The Clerk read the following proposed ordinance on third reading by title only,

MICHIGAN CITY COMMON COUNCIL
ORDINANCE NO. 4429

AMENDING SECTION 62-31 OF THE MICHIGAN CITY MUNICIPAL CODE REGARDING MEMBERSHIP ON THE HISTORIC PRESERVATION COMMISSION

WHEREAS, the Common Council desires to make amendments to that part of the Michigan City Municipal Code regarding eligibility for membership on the City’s Historic Preservation Commission to remove any appearance of undue influence or conflict of interest due a member’s official association with City government;

WHEREAS, the Common Council reasonable believes these amendments are 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(a) and (b) of the Michigan City Municipal Code is amended to read as follows:

Sec. 62-31. Established; membership; term of members; vacancies
(a) There is established the City Historic Preservation Commission. The Commission shall consist of nine (9) voting members. The voting members shall be appointed by the Mayor subject to the approval of the Common Council. Of the members appointed, at least one (1) shall be an architect with a state architectural certification, at least one (1) shall own or lease property in a designated historic district, at least one shall be a City registered contractor who is not an employee of the City, at least one (1) shall be a member of the City’s Redevelopment Commission, and one shall be a member of the City Plan Commission. All members shall have an interest in the preservation and development of historic buildings and areas. Voting members shall serve a term of three (3) years. A vacancy shall be filled for the remainder of the term of the member who is being replaced. Voting members shall be residents of the City who are interested in the research, restoration, rehabilitation, conservation, and development of historic areas. No member of the Commission shall be an employee or contractor or subcontractor for the City or other City board or commission except as, and only to the extent, otherwise specified above as a qualification for membership.

(b) DELETE THIS SUBSECTION.

INTRODUCED BY: /s/ Chris Schwanke, Member
Michigan City Common Council

/s/ Ron Hamilton, Member
Michigan City Common Council

Passed by the Common Council of the City of Michigan City, Indiana, this 4th day of April, 2017 by a vote of 5 to 4.

/s/ Chris Schwanke, President
Michigan City Common Council
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.

Joyce Dalton, member of the Michigan City Historic Review Board, addressed the Council expressing her concerns about not having members of the Planning Department/Redevelopment Commission on the Historic Review Board; she would like to see these representatives stay on the Board, but not as voting members for reference, so they can get their input and not have to wait.

President Schwanke asked if there was any other public comment; there was no response.

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

Councilman Bietry commented on where he stands on this; he is the liaison to the Historic Review Board and he has attended all three (3) of their meetings this year, and appreciates Mrs. Dalton speaking tonight; further expressing his concerns about not having the Planning Department involved in this board, because they have the expertise to answer the questions that come before this board; commenting on his attendance at these meetings and how the members of this board feel about this ordinance and that seven (7) members of the board were opposed to outlawing Plan Department members being on this board, and they were not in favor of this ordinance; further commenting on members of the Planning Department abstaining from certain votes regarding property owned by the Planning Department or Redevelopment Commission; further commenting on the proposed ordinance, property that goes before the board, and how he feels about it; imploring his colleagues to vote no on the proposed ordinance.

Councilwoman Carnes commented on when she was researching this ordinance, and looked at the establishment statute from the State of Indiana, which established this commission or allowed the City to establish this commission and a direct quote from the statute says “the members of the commission should include professionals in the disciplines of architectural history, planning and other disciplines related to historic preservation to the extent that those professionals are available in the community”; further stating the city does have these professionals employed by the city and the State law said we should include those people, and she agrees; commenting on members abstaining from votes; expressing her concerns on how this amendment came about and that the member of the Redevelopment Commission did abstain on the vote regarding the demolition of property in the Historic District; urging her colleagues to vote no to this amendment as well.

Councilman Dabney commented on his discussion with some home investors in the Elston Grove Neighborhood who expressed concerns with freedom of thought with Mr. Phillips being on this board and that it kind of choked the freedom of thought of the members; commenting on his concern regarding the City Planner who is the Executive Director of the Redevelopment Commission and most of the historical property being located in a TIF District; commenting on possible conflicts of interest, and his concerns with the process; further expressing his concerns.

President Schwanke commented that the proposed Ordinance does not exclude anyone from the city attending the Historic Review Board meetings; explaining the City Planner could attend the meetings and give advice/commentary on a particular subject in regards to anything that is on their agenda, and the same is true for the Building Commissioner/Building Inspector; further explaining the makeup of the Historic Review Board is not correct as per the Ordinance, which is one of the reasons for preparing the proposed amended ordinance to help clarify and correct the membership; explaining what the ordinance states with regards to a member of the city’s Redevelopment Commission, which has not been on that board for a long time; explaining the Director is not a member of the city’s Redevelopment Commission, and the ordinance specifically calls for a member of the city’s Redevelopment Commission and always has; further
explaining the Director of the city’s Redevelopment Commission has been serving, not a member of the city’s Redevelopment Commission; explaining they are not taking away anyone without having some planning experience in that one (1) member shall be a member of the city’s Plan Commission; continuing to explain if they are experienced enough to be on the Plan Commission they should be experienced enough to serve on the Historic Review Board; further stating in discussions with the Mayor in regards to this he was in support of it, and he has all nine (9) appointments to this board and that is not being changed, which ultimately makes it up to the Mayor to make the appointments to that board; continuing to comment on the proposed ordinance and that members of the Planning Department and Building Inspection Department are still encouraged and welcome to attend each and every Historic Review Board meeting just not in a voting capacity.

Councilwoman Boy commented on the make-up of the Historic Review Board and that the ordinance stated right now that it should be a member of the Planning Department.

President Schwanke stated that was one (1) of the proposed changes.

Councilwoman Carnes commented to the statement that members of the Plan Commission would be the Planning professionals or have the expertise, advising she is a member of the Plan Commission and she certainly does not think she has the expertise of the people that work in our Planning Department; also to the issue of conflict of interest, she is not sure that is correct either, because the Redevelopment Commission member would not personally benefit from any vote, not to mention that there are nine (9) members on that board and you’re talking about one (1) member from the Plan Commission or the Planning Department and one (1) member from the Redevelopment Commission, so they certainly are not like a majority of people on that board, so they couldn’t really over-rule the feelings of the rest of the board; stating she does not see this as a conflict at all; further commenting on state statute saying “members of the commission should include those professionals”, and when we have these professionals available she thinks it’s a good idea that we take advantage of those people.

Councilman Hamilton made a motion to approve the proposed ordinance; second by Councilman Przybylinski.

President Schwanke reiterated there was a motion by Councilman Hamilton; second by Councilman Przybylinski to approve the proposed ordinance.

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, Dabney, Hamilton, Przybylinski, and Schwanke (5). **NAYS**: Whitlow, Bietry, Boy and Carnes (4).

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

**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 this has been on the agenda for going on 2-3 months; the key to this appointment is that you have to live within the Urban Enterprise Zone to be considered; advising interested parties can check in the City Clerk’s Office for more information; to his knowledge the Council has not received a completed Boards & Commission form for this appointment; and the item would stay on the Agenda.
Discussion ensued between Councilwoman Boy, City Clerk Neulieb and President Schwanke regarding an interested party who stopped by, but did not know what happened. City Clerk Neulieb advised this is a Council appointment.

Further discussion ensued between Councilwoman Boy and President Schwanke about the interested party going to the Mayor’s Office; asking that the City Clerk follow up on this. President Schwanke advised the Council appointment forms are on the wall in the City Clerk’s Office.

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

NEW BUSINESS

President Schwanke advised under New Business – FYI: Mayor Meer is requesting the advice and consent of the Common Council for the appointment of Billy Greene to the Historic Review Board. Mr. Greene will be taking the place of former member, Jaqueline Hendricks. Mr. Greene’s term would begin immediately and would expire on March 15, 2020.

President Schwanke asked what the pleasure of the Council was on this; advising Mr. Greene was present this evening if anyone had any questions or concerns.

Councilman Bietry made a motion to approve Mr. Greene; supported by Councilman Hamilton.

President Schwanke reiterated Councilman Bietry made a motion to approve Mr. Greene; supported 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.

President Schwanke “thanked” Mr. Billy Greene for joining and being a member of the Historic Review Board; “thanking” Ms. Jaqueline Hendricks for her service on that commission.

COMMENTS FROM THE PUBLIC

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

Mr. William Greene, 302 Boyd Circle, addressed the Council “thanking” them for their support of his appointment; expressing his interest in being involved with the City; also, “thanking” Mayor Meer for the appointment to the Historic Review Board; commenting on being a city resident his whole life; further commenting on the people who inspired him, and the projects that have happened in Michigan City.

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.

Councilman Dabney commented on being able to shop at the new Michigan City Super Market on Michigan Boulevard; further commenting on the laundromat that will soon be opening also on Michigan Boulevard; expressing his happiness with the improvements within the Eastport Neighborhood.

Councilman Bietry “congratulated” Mr. Greene on his appointment to the Historic Review Board; and “apologized” to Mrs. Dalton and Mr. Greene who voted that they
were not in favor of the ordinance that the majority of this Council voted for; further expressing his views on how the vote for the Historic Review Board ordinance went.

Councilwoman Carnes reminded the public that tomorrow, Wednesday, April 5, 2017 at the Blue Chip Casino there is going to be a job fair from 1:00 – 4:00 p.m.; further stating interested parties should come dressed for success with their resumes; advising there will be over 40 employers there ready to interview; urging anyone who is looking for a job or looking for a better job to stop by Blue Chip tomorrow.

Councilman Przybylinski “thanked” Mr. Greene and stated he is appreciative of his enthusiasm and getting involved in City government; commenting on Mr. Greene’s wonderful family; also advising there was a meeting for the “Keys to Hope” facility last week, and some of the merchants were complaining about the litter, dirt and trash along Franklin Street; commenting that he would contact the Mayor about the issue; stating he spoke with the Mayor and the Mayor spoke to the departments involved that they would be cleaning Franklin Street from Coolspring Avenue all the way to 4th Street/Library; there will be street sweeping going on and cleanup of the catch basins; stating they moved up the Spring Cleaning of Franklin Street to now; also commenting on the City wide Easter Egg Hunt that is put on by the Michigan City Police Department this Saturday, April 8, 2017 at Washington Park with activities starting at 9:00 a.m. to hide the eggs, 10:00 a.m. some children activities and the actual Easter Egg Hunt starts at 12:00 Noon (sharp); in addition to that tomorrow Wednesday, April 5, 2017 they will be stuffing the eggs at the Senior Center starting at 8:00 a.m. to fill the 60,000 eggs, with lunch provided by Galveston Steak House and Domino’s Pizza.

President Schanke commented on the Easter Egg Hunt organized/sponsored by Chief Mark Swistek and the Michigan City Police Department; stating Chief Swistek does a fantastic job putting together the Easter Egg Hunt every year, which will take place this Saturday, April 8, 2017 and will be an exciting event for all the children who come out; further commenting on volunteers to fill the eggs tomorrow morning at the Senior Center.

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

**ADJOURNMENT**

A motion by Councilman Przybylinski, supported by Councilwoman Boy and there being no further business to transact. President Schwanke declared the meeting **ADJOURNED** (approximately 7:29 p.m.)

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Gale A. Neulieb, City Clerk