The Common Council of the City of Michigan City, Indiana, met in Regular session on Tuesday evening, April 18, 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, and Allan Whitlow (8).

ABSENT: Candice Silvas (1)

A QUORUM WAS NOTED PRESENT

ALSO PRESENT: Jim Meyer – Council Attorney; Gale Neulieb – City Clerk and Jennifer Clouse – Clerk’s Secretary

APPROVAL OF MINUTES

President Schwanke inquired whether there were any corrections, deletions, or additions to the minutes of the Regular Meeting of April 4, 2017 and Executive Session Minutes of April 17, 2017.

Councilman Przybylinski made a motion to approve the Regular meeting minutes held on April 4, 2017 and Executive Session minutes held on April 17, 2017; second by Councilman Hamilton. The minutes were approved as printed.

REPORTS OF STANDING COMMITTEES

Councilman Whitlow advised there was a Labor Relations Executive Session held prior to the scheduled Labor Relations Committee held Monday April 17, 2017.

Councilman Whitlow, Chair of the Labor Relations Committee Meeting presented the following minutes to the Council: The Labor Relations Committee met with the Fraternal Order of Police (FOP) for union negotiations on Monday, April 17, 2017 at 1:00 p.m. in the West Conference Room in City Hall. Present were committee members Al Whitlow, Ron Hamilton, and Don Przybylinski. Also noted in attendance were: Amber Lapaich-Stalbrink, Corporation Counsel, James Meyer, Common Council Counsel, Shelly Dunleavy, Personnel Director, Richard Murphy, City Controller, Leo Blackwell, Attorney for FOP, and Capt. John Kintzele, Negotiating Member of FOP. Meeting was called to order by Chairman Whitlow at approximately 1:10 p.m.

FOP presented two (2) proposal options for consideration. The first proposal was to increase the certified retirement salary by 2% for 1st Class Patrolman with 20 years of longevity. The second proposal was to increase the base wage for 1st Class Patrolman by 4%, re-establish incremental base wage differential of 7% between ranks, increase longevity at 20 years by 2%, as well as various changes to certain specialty pay, physical fitness bonus, education incentive, overtime compensation, master patrolman certification, and deferred compensation.
Committee explained to FOP that no financial decisions would be made by Committee until such time as the City receives its June tax draw and recommendation from the Mayor’s and Controller’s Office as to the financial position of the City. Committee also informed FOP that health insurance premiums recently increased by 14.5% per employee.

Meeting adjourned at approximately 2:00 p.m.

Councilman Przybylinski presented the following Finance Committee meeting minutes:

Minutes of the Council Finance Committee Meeting for Claims, 6:00pm on April 18, 2017. The Finance Committee met this evening prior to the Council meeting to review claims filed since the April 4th meeting. Committee members Dabney and Przybylinski were present with Committee member Silvas being absent. 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 Councilman Przybylinski to approve the claims of $58,328.38; all committee members voted in favor of it (2-0). Claims reviewed totaled $58,328.38. $45,458.70 is against the Riverboat Fund #9000 and $12,869.68 against Boyd Development Fund #0417. The Finance Committee voted unanimously to recommend to the Council payment of the claims. Claims reviewed as follows: $10,428.00 claim to National Railroad Passenger Corporation for the deposit for the Singing Sands project, $2,441.68 claim to Butler, Fairman & Seufert Inc for the Singing Sands Trail project, $18,560.24 claim to Haas & Associates LLC for the 2017 Paving and Sidewalks project, $5,404.49 claim to Larson-Danielson Construction Co. for MCPD pay App #18, $1,314.25 claim to James Meyer & Associates PC for legal services – South Shore Project, $556.30 claim to Enterprise Rent-a-car for the 2017 fleet rotation, and $19,623.42 claim to Access Rec. LLC for ADA decking system. A motion was made by Councilman Dabney to approve the docket with a vote of 2 -0; the committee meeting which adjourned at 6:08 p.m.

Council Przybylinski presented the following minutes from the Finance Committee meeting held on April 12, 2017:

The meeting was called to order at 4:45 p.m. Committee Chairperson Councilman Przybylinski, and Committee member Councilman Dabney were present. Councilwoman Silvas was absent. Others in attendance included; Councilman Schwanke, Councilman Bietry, Fire Chief Novak, and Asst. Chief Cox.

The purpose of the meeting was to discuss the two (2) appropriation ordinances submitted to the Council at the April 4th meeting.

The first ordinance was approving additional appropriation in the budget of the Cumulative Capital Development Fund to provide funding for scuba equipment for the Michigan City Fire Department. (Decreasing the Cumulative Capital Development Fund #2391 unappropriated balance $45,000 increase account #2391 0000 04 444.010 other Machinery & Equipment – Fire for $45,000.

The overall opinion of the group was that this is a great investment in lake front safety for the public, and if one life is saved the appropriation is money well spent.

Fire Chief Novak stated that six fire fighters have enrolled in the diving program. And each of them have invested their own time in the training, and have spent their own monies purchasing masks, and fins.

The objective is that eventually the Fire team will work in conjunction with the Police Dept. and County Sheriffs dive teams.

A motion was made by Councilman Dabney and seconded by Councilman Przybylinski. 2 – 0 vote was made to approve the appropriation request.

The second ordinance was approving additional appropriation in the budget of the Cumulative Capital Development Fund to provide funding for three new vehicles for the Michigan City Fire Department. Decreasing Cumulative Capital Development Fund
#2391 unappropriated balance $100,000 and increase account # 2391 0000 04 010
other Machinery & Equipment Fire $100,000.

The vehicles to be replaced were all inspected by attendees and an explanation was
given by Chief Novak about the history of each vehicle, and where it will be assigned to
or traded in. 1.) The 2008 White Durango, presently assigned to the Chief, will be
reassigned to the PIO Officer. 2.) The 2008 Dodge Red Durango, assigned to the
Deputy Fire Chief, will be traded off. 3.) The second 2008 Red Dodge Durango,
assigned to the Deputy Fire Chief is going to be kept. 4.) The 2004 Ford Expedition has
a blown engine and will be traded off. 5.) A 2006 Chevy Uplander White Van used by
the PIO Officer will be traded off.

The three new vehicles to be purchased will be the Ford Expedition Interceptor Model.

Councilman Dabney asked if there was a rotation program for staff vehicles and Chief
Novak responded that there is not one presently. Councilman Dabney requested that a
replacement program be instituted.

Councilman Przybylinski asked why wasn’t this appropriation made during the 2017
budget hearings? Chief Novak responded that it was, but that the Mayor would not
honor the request.

Councilman Dabney made a motion to approve the appropriation. Councilman
Przybylinski second the motion. A 2 – 0 vote in favor of the appropriation was made.

A motion was made by Councilman Dabney to adjourn and seconded by Councilman
Przybylinski. The meeting was adjourned at 5:27p.m.

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

REPORTS OF SPECIAL OR SELECT COMMITTEES

There were no reports of Special or Select Committees.

REPORTS of OTHER CITY OFFICERS and DEPARTMENTS

President Schwanke advised under Reports of Other City Officers and Departments
tonight Tim Haas, Haas and Associates will present an update on the Cheney Run
Flood Plain.

Tim Haas, Haas and Associates addressed the Council regarding the submittal to
FEMA in 2016 in answer to questions regarding the floodplains in the Cheney Run;
advising the good news is FEMA came back on March 21, 2017 with an approval of the
letter and map revisions for the Cheney Run Flood insurance study explaining the
process that will take place regarding the amendments made with an 82% reduction in
the number of parcels that will not be considered a flood plain area.

Mr. Haas stated that Haas and Associates is working with the Michigan City GIS (IT)
Department to make a list of addresses and property owners that are affected by the
map revision that was received from FEMA; advising a letter from the City will be sent to
each parcel owner advising them how this will affect them.

Mr. Haas advised Councilwoman Carnes that this list should be completed within the
next two (2) weeks.

Councilman Whitlow thanked Mr. Haas for doing his presentation.

Mr. Haas stated there are approximately 28 parcels remaining in the Cheney Run
special flood hazard area once this is passed on August 4, 2017.
Discussion ensued among Mr. Haas and Council members Przybylinski and Boy regarding the process/appeals that will be taking place before this is approved on August 4th.

Craig Phillips, City Planner addressed the Council regarding the Plaza Project at 701 & 705 Franklin Street; advising they would like to start the public input process for this project. Mr. Phillips stated a survey will be available online immediately (bit.ly//MCplaza) encouraging everyone to give them their input on this project.

CLAIM DOCKETS

President Schwanke stated the Claims for Fund #9000 – Riverboat was $45,458.70 and Fund #0417 – Boyd Development $12,869.68.

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

PETITIONS

City Clerk Neulieb advised a petition was received in their office on March 29, 2017 regarding the rezoning by Ameriplex Marquette JV, LLC

COMMUNICATIONS

There were no communications.

RESOLUTIONS

The Clerk read the following proposed Resolution by title only,

**MICHIGAN CITY COMMON COUNCIL**

**RESOLUTION NO. 4674**

**SUPPORTING THE NOMINATION OF THE MICHIGAN CITY BREAKWATER LIGHT OWNED BY THE U.S. COAST GUARD TO THE NATIONAL REGISTER OF HISTORIC PLACES LISTING**

WHEREAS, Michigan City has recently received correspondence from the U.S. Coast Guard that they have determined that the Michigan City Breakwater Light is a historic property eligible for listing in the National Register of Historic Places (NRHP), and to that effect, the U.S Coast Guard would like to nominate this historic property for official inclusion on the NRHP (A copy of said correspondence and nomination is attached hereto and incorporated herein as “Exhibit A”); and

WHEREAS, said Breakwater Light, which was established in 1911, is owned by the U.S. Coast Guard and is located in Lake Michigan approximately one-half mile north of Michigan City, Indiana sitting atop the northeast end of an offshore breakwater and marks the western side of the shipping channel used by maritime traffic going to and from Michigan City’s harbor; and

WHEREAS, the City has reviewed the nomination of the Breakwater Light to the NRHP, and supports the historical significance of said structure for inclusion in the NRHP.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Michigan City, Indiana, as follows:
1. The City of Michigan City, Indiana supports and approves the U.S. Coast Guard’s submission to nominate the Breakwater Light to the National Register of Historic Places.

2. The City Clerk is directed to forward a fully executed copy of this Resolution to U.S. Coast Guard, 2703 Martin Luther King Jr. Ave SE, U.S. Coast Guard STOP 7714, Washington DC 20593-7714 to the attention of Brendan Deyo, Federal Preservation Officer, Office of Environmental Management.

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

( NOTE: Exhibit “A” is attached to the Resolution Number 4674 in file folder #CR 74 )

President Schwanke stated he reached out to the City Attorney asking for this resolution regarding the breakwater light to support the Coast Guard efforts to be able to be put on the Indiana State National Historic places list.

President Schwanke asked if there were any comments from the public regarding the proposed resolution and there was no response.

Councilman Przybylinski stated that this is an honor that they want to put this on the National Register of Historic Places list and will be fully supporting this resolution; which is another recognition of our great water front.

Councilman Hamilton 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 was approved by the following vote: AYES: Council Members Bietry, Boy, Dabney, Carnes, Hamilton, Przybylinski, Schwanke, and Whitlow (8) NAYS: None (0).

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

Councilman Bietry made a motion to take off the following resolution that was TABLED at the March 21, 2017 Council meeting (SUPPORTING THE CITY OF MICHIGAN CITY ENTERING INTO A CONTRACT WITH ZAGSTER, INC. FOR A BIKE SHARE PROGRAM; Introduced by Councilman Bietry), second by Councilman Hamilton.

The resolution was removed from being TABLED by the following vote: AYES: Council Members Boy, Dabney, Carnes, Hamilton, Przybylinski, Schwanke, Whitlow, and Bietry (8). NAYS: None (0)

President Schwanke asked the Clerk to read the resolution by title only.

The Clerk read the following proposed resolution (with the proposed Author’s Amendments) 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 48 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 forty-eight (48) bicycles and the related equipment, materials, and services listed above for $86,400 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

Councilman Bietry presented his Authors amendments (the above document) explaining the three amendments he was proposing.

Councilman Bietry made a motion to adopt the three author’s amendments he proposed, second by Councilwoman Boy.

The proposed Author’s amendments to the proposed resolution was approved by the following vote: AYES: Council Members Dabney, Carnes, Hamilton, Przybylinski, Schwanke, Whitlow, Bietry and Boy (8). NAYS: None (0)
Councilwoman Boy advised there was a misspelled word in the first WHEREAS paragraph that should read “best” not “beast”; asking the Clerk’s office to correct.

Councilman Bietry stated he feels this resolution makes sense advising that it’s a program to involve the City into a partnership with a company that has been successful in other venues with other cities to provide bicycle rentals to the community along with an opportunity to have handicap bicycles and will be very beneficial for our City.

Councilwoman Carnes advised she did some research on this program on towns/cities that have this program and it has been successful; stating several of her concerns regarding this program being in our community with one main reason she is against it is that it has to be subsidized each year by the City. Councilwoman Carnes advised she might be in favor of the program if there were some support from the City’s Port Authority, St. Anthony’s Hospital, or Blue Chip Casino.

Discussion ensued between Craig Phillips, City Planner, President Schwanke, and Council members Carnes, Boy, Dabney, and Przybylinski regarding the agreement with Zagster; what they are offering in this agreement along with updating the added locations of each bike rake locations (four bikes at each location) throughout the City to better serve the entire community and tourist visiting our City and discussing the cost to have this program for the next three (3) years.

Mr. Phillips addressed some of the comments that were made; advising this agreement with Zagster can be amended if adopted; advising there are several of these programs across the United States that are very successful. Mr. Phillip stated that we don’t know how much this program is going to generate or how much revenue we will get back from this program and that we all know it is not going to pay for itself.

Councilman Przybylinski commented on how much this program is going to cost the City and the amount that would have to be generated ($7,200.00 monthly) in order to pay back the $86,000 the City is subsidizing each year.

Discussion ensued between Mr. Phillips and Councilman Przybylinski regarding his comments about the monies being spent to move forward on this program.

Councilman Przybylinski advised he would not be supporting this resolution.

Zachary Martin, 115 W. Coolspring Avenue, asked what the cost was going to be to rent a bicycle per hour/per day and when are the bikes to be returned.

President Schwanke advised Mr. Martin that this is Public Comments stating someone may choose to answer his question during Council comments.

Councilman Dabney stated that in the ordinance being proposed the Council supports a three (3) year contract if approved; advising this makes him uncomfortable locking the City into a contract not knowing if it is even going to work. Mr. Dabney stated there are amenities that are provided to the citizens of Michigan City that don’t always get payed back but are a benefit to our community. Mr. Dabney stated a few of his concerns regarding this program.

Councilwoman Boy asked if this contract with Zagster will be decided by the Michigan City Board of Public Works and Safety Board or is it the Redevelopment Commissions decision.

President Schwanke advised Councilwoman Boy that the BOW would sign the final agreement with Zagster.

Councilwoman Boy stated if the BOW has the opportunity to negotiate for a two (2) year contract rather than a three (3) year contract; that would be up to them; that the proposed resolution just states we are supporting three (3) years. Councilwoman Boy feels it is an interesting program and with it serving the entire city rather than just the down town is a good move; stating she would be supporting this resolution.
Councilman Whitlow stated he likes the concept but doesn’t like the cost; asking what the definition of “success” is; and is there any severability involved in the contract giving some unexpected conditions.

Discussion ensued between Mr. Phillips, President Schwanke, and Councilman Whitlow regarding Councilman Whitlow’s questions and concerns.

Councilman Dabney said the key word in what was said is “hopefully” we find sponsors; advising he feels if there was a list of sponsors that would have been brought to the Council this evening supporting this program our members would not be as concerned about the cost of it.

Councilwoman Carnes stated the price to rent the bicycles have not been determined according to Mr. Phillips; advising she is not opposed to subsidizing public transportation; but she just found out about five minutes ago the proposed amendments being proposed; stating that she is making a motion to TABLE this indefinitely, second by Councilman Hamilton.

Mr. Phillips stated that the cost of the rental is totally up to the City.

The motion to TABLE the proposed resolution was approved by the following vote:

**AYES:** Council Members Dabney, Carnes, Hamilton, Przybylinski, and Whitlow (5)

**NAYS:** Schwanke, Bietry, and Boy (3)

President Schwanke stated the proposed resolution was TABLED indefinitely.

**ORDINANCE**

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

**AMENDING THE ZONING MAP OF THE CITY OF MICHIGAN CITY, LAPORTE COUNTY, INDIANA TO REZONE PROPERTY TO BE ACQUIRED BY AMERIPLEX MARQUETTE JV, LLC FROM B2 TO M1**

Introduced by: Pat Boy
Don Przybylinski

Councilman Bietry commented on the proposed ordinance requesting to rezone this area from B2 to M1; advising that Michigan City needs “spec” buildings to attract manufactures to our community because we don’t have this type of buildings to offer; advising we now have a developer who is interested in the construction of a 64,000 square foot multi-tenant light industrial use flex building on Cleveland Avenue.

Councilwoman Boy stated Mike Mika, Ameriplex representative is present to answer any questions the Council members may have.

Mike Mika representing Holiday Properties, 6370 Ameriplex Drive, Portage, Indiana addressed the Council stating this is an 8.61 acre site located just off U.S. Highway 20 on Cleveland Avenue and advising they received recommendation from the Plan Commission to rezone this property from B2 to M1. Mr. Mika explained several reasons why they chose this property and one was to bring light manufacturing to this area. Mr. Mika also advised that Ameriplex will be building a 50,000 square foot building just west of the proposed building.

Sergio Kochergin, 1406 Buffalo Street as well as 1713 Franklin Street asked what kind of properties are they going to be building and what is purpose for them.

Councilwoman Carnes asked to be a Co-Sponsor to the proposed ordinance.

President Schwanke advised there was a formal public hearing on March 28, 2017 at
the Plan Commission meeting.

Mr. Mika advised President Schwanke that the interior height of the building will be 24 feet to the lowest clear height; and that the building is designed to hold eight (8) tenants; with each tenant having their own entrance in the front and a recessed dock in the back of the building. Mr. Mika stated this building is built for lite industrial or maybe a warehouse use.

Councilwoman Boy stated this building is something we do need since there isn’t a lot of useable building within our community to bring jobs to Michigan City.

Attorney Meyer advised Councilwoman Boy that the Council doesn’t have to do three (3) readings if you have unanimous consent.

Councilwoman Boy asked to wave the rules and just have one reading so they can have their ground breaking in May.

Mr. Phillips advised Councilman Hamilton that when they were proposing to build Cleveland Crossing they were zoned differently requiring that they would have a “setback”; advising that there is no problems and that Ameriplex does comply with all zoning standards as long as they get zoned to this district.

President Schwanke wished we had a bigger picture to show, that it is a very attractive building commending Ameriplex, and that it will be a nice addition in that area.

Councilman Biety made a motion to adopt the proposed ordinance, second by Councilwoman Boy.

President Schwanke asked if there were any other comments and hearing none, the ordinance was approved by the following vote: AYES: Council Members Carnes, Hamilton, Przybylinski, Schwanke, Whitlow, Biety, Boy, and Dabney (8) NAYS: None (0).

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. 4430

AMENDING THE ZONING MAP OF THE CITY OF MICHIGAN CITY,
LANPORTE COUNTY, INDIANA TO REZONE PROPERTY
TO BE ACQUIRED BY AMERIPLEX MARQUETTE JV, LLC
FROM B2 TO M1

WHEREAS, Holladay Properties ("Petitioner"), filed a Petition For Rezoning (the "Petition") with the Michigan City Plan Commission ("Commission") asking that certain property located within the boundaries of Michigan City, Indiana (the "Property") be re-zoned from B2 to M1. The Property is generally located on Cleveland Avenue south of US Highway 20, and legally described as follows:

Lot 2 in AmeriPlex-Marquette Minor Subdivision, Michigan City, Indiana, as per plat thereof, recorded in the Office of the Recorder of LaPorte County, as Document No. 2016R-06445, in LaPorte County, Indiana.

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

WHEREAS, the Commission found that the Petitioner properly gave the appropriate 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 Petitioner properly gave the appropriate necessary notice to the persons who own property that abuts the properties which the Petitioner 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 March 28, 2017 and following said hearing determined that the Property should be re-zoned from B2 to M1, all as permitted by the Joint Zoning Ordinance and Indiana law, and on March 28, 2017, certified the Commission’s findings and determinations, including those required by I.C. 36-7-4-603, and has sent same along with 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 appropriate 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:

1. The Council finds, based on all of the evidence before it, that:
   A. The requested change in zoning for the Property described herein from B2 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
   B. The requested change in zoning will provide the most reasonable use for which the Property is adapted and the proposed land use will not have an adverse effect on surrounding land; and
   C. 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
   D. The requested change in zoning will promote orderly and responsible community growth and development and will not adversely affect the community; and
   E. The topography, soil conditions, and other physical features of the land involved is suitable for the proposed uses and zoning change; and
   F. 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
   G. The change in zoning will not disrupt or destroy any neighborhood plan.
   H. The findings set forth in the Resolution of the Commission concerning the Property are accurate and applicable and are hereby adopted.

2. 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.

3. The zoning for the Property located in the City of Michigan City, LaPorte County, State of Indiana, described herein, be changed from B2 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.

4. 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.
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 first reading by title only, **CREATING SUBSECTION (B) IN SECTION 62-31 OF THE MICHIGAN CITY MUNICIPAL CODE REGARDING THE HISTORIC PRESERVATION COMMISSION**

*Introduced by:* Sharon Carnes  
Pat Boy  
Tim Bietry

Councilwoman Carnes stated the purpose of the proposed ordinance is to insure that the Historic Review Board has the opportunity to get professional expertise provided to them by our Planning and Zoning Department; stating the original ordinance was amended to replace the Planning and Zoning Department member of the board with a member of the Planning Commission; advising she would like to see the Director of Planning and Zoning Department or somebody from that department as a none voting adviser to the Historic Review Board.

Councilman Bietry echoed what Councilwoman Carnes stated; but more importantly this is an attempt to provide to the members of the Historic Review Board themselves and is what they were asking for in the first place was professional guidance from the Planning Department at their meetings.

President Schwanke asked if there were any comments from the public and there was no response.

Councilman Dabney stated this sounds like we’re making this person a liaison and a non-voting member.

Attorney Meyer stated the proposed ordinance does not make them a member of the Historic Review Board it just requires them to attend the meetings and give advice upon request to the board.

President Schwanke asked if there were any other comments from the Council and hearing none the ordinance will be held over on second reading at the May 2, 2017 Council meeting.

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 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 stated the proposed ordinance is an appropriation to start a scuba program for the Fire Department advising they have six (6) firefighters signed up for the
program and is a great opportunity for the department so when they complete the program the department will have a certified diver on each shift.

President Schwanke asked if there is no objection he would like to have second and third reading this evening, there was no response.

President Schwanke stated there will be a formal public hearing this evening.

President Schwanke opened the formal public hearing asking if there were any comments from the public (repeating three times) there was no response and the hearing was closed.

Councilman Przybylinski stated the proposed appropriation for $45,000 is well worth the monies spent if they save one life.

Councilman Bietry stated he is very much in favor of this ordinance; advising the first people that show up to an emergency is the fire department because they are more evenly distributed around the City; stating he would be abstaining from the vote due to his son being a firefighter and a part of the scuba team.

President Schwanke asked the Clerk to read the proposed ordinance by title only.

The Clerk read the following proposed ordinance on third reading,

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. 4431

APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE CUMULATIVE CAPITAL DEVELOPMENT FUND TO PROVIDE FUNDING FOR SCUBA EQUIPMENT FOR MICHIGAN CITY FIRE DEPARTMENT

WHEREAS, it has been demonstrated to the Common Council of the City of Michigan City that it is necessary to appropriate more money than was appropriated in the 2017 Annual Budget to provide funding for SCUBA equipment for the Michigan City Fire Department; and

WHEREAS, the City Controller has determined that sufficient unappropriated funds are available in the Cumulative Capital Development Fund #2391 to be appropriated for that purpose.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Michigan City, La Porte County, Indiana, that for the expenses of the City the following additional sums of money are hereby appropriated out of the fund named and for the purpose specified above, subject to the laws governing the same:

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<th>AMOUNT REQUESTED</th>
<th>AMOUNT APPROPRIATED</th>
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<td>$ 45,000.00</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.
Councilman Hamilton made a motion to adopt the proposed ordinance, second by Councilwoman Boy.

President Schwanke asked if there were any other comments and hearing none, the ordinance was approved by the following vote: AYES: Council Members Hamilton, Przybylinski, Schwanke, Whitlow, Boy, Dabney, and Carnes (7) ABSTAINED: Councilman Bietry (1) NAYS: None (0).

The Clerk read the following proposed ordinance on second 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 stated this was discussed at the Finance Committee meeting; explaining the need for the proposed vehicles advising which ones will be replaced.

President Schwanke stated there will be a formal public hearing this evening; advising the public hearing is open for comments repeating there times, is there any public comment on the proposed ordinance, there was no response and the public hearing was closed.

President Schwanke asked if there was any comments from the Council, there was no response; advising the ordinance will be held over on third reading at the May 2, 2017 Council 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)

(Note: This was carried over from the March 7, 2017 Council meeting)

President Schwanke asked if there was any nominations at this time and hearing none, nomination for this position will be held over until the May 2, 2017 Council meeting.

(Note: Councilwoman Boy nominated Kathleen Birkholtz but was advised she doesn’t live within the Urban Enterprise Zone)

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

President Schwanke stated the Common Council has one (1) appointment to the Michigan City Promise Scholarship Exceptions Committee; opening nominations.

Councilman Whitlow nominated Kathy Angelo, second by Councilwoman Boy.

Councilman Dabney nominated Shelly Barnes, second by President Schwanke.

President Schwanke asked if there were any other nomination and hearing none, nominations were closed; advising the vote will take place at the May 2, 2017 Council meeting.

COMMENTS FROM THE PUBLIC

Sergio Kochergin, 1406 Buffalo Street, addressed the Council regarding the bicycle program Mr. Phillip spoke about, stating he feels it’s a great idea; advising public service is not to be based on profit and that the City might want to look into doing their own program and hire students that could work during the summer. Mr. Kochergin feels that any money the City invests into this program should go outside of the City.

Mr. Kochergin commented on the Ameriplex project stating he hopes there will be stipulations regarding the employment having benefits, insurance, more than just minimum wage positions and possible training for people that live within our City if they’re not qualified to do the job.

President Schwanke asked if there was any other comments from the public, there was no response.

COMMENTS FROM THE COUNCIL

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

Councilman Przybylinski thanked Mr. Kochergin for his comments and attending this meeting; bringing ideas and being interested in what’s happening in our community.

Councilman Schwanke received the following information regarding the EMA Fundraiser:

Every year Rob and Angie Hughley of H & S services located on Highway 12 here in Michigan City pick a group to do a fundraiser for. This year our Michigan City EMA was chosen. The timing of this fundraiser couldn’t be better with the pobbibility of able to use the Red Cross building (buying supplies, equipment, uniforms, and misc. items for the building.) This fundraiser is a one-time opportunity because they choose someone different to sponsor each year. H & S services is now selling raffle tickets for the following prizes: a 55 inch smart tv, a skid of sod, 4 gift certificates, and a family trip to the Kalahari resorts indoor/outdoor Waterpark that comes with a $200 gas gift card. The drawing will May 27th at H & S Services from 11:00 a.m. to 2:00 p.m. serving refreshment for purchase (hamburgers, hotdogs, pop, etc.)

We were hoping that maybe you and all the other Council members can stop down and visit and talk on the local radio station that will be there. Again raffle tickets are available at H & S Services or you can purchase tickets from any EMA member. For Information you can call 219 229-1562.

Also attached is the information on the disaster drill taking place May 8th thru May 10th (United Front VI 217 – A Combined, Civilian and Military Joint, Interagency, Intergovernmental and Multinational Exercise – at Star Plaza Theatre, 8001 Delaware Place, Merrillville, IN 46410, I-65 at US 30 in Merrillville, IN) For information you can contact Rob Skomp at 317 247-3300 ex 73450
ADJOURNMENT

A motion by Councilman Bietry, supported by Councilman Hamilton, and there being no further business to transact, President Schwanke declared the meeting ADJOURNED (approximately 7:39 p.m.)

Gale A. Neulieb, City Clerk