

The Michigan City Park and Recreation Board met in regular session on Thursday, January 22, 2009 at the hour of 5:00 P.M. in the Michigan City Parks and Recreation Office, City of Michigan City, Indiana.

The Pledge of Allegiance was recited.

On the call of the roll, the following Board Members were found to be present or absent:

Present: Messrs. Latchford, Freese, and Mr. Milcarek (3)

Absent: Mr. Dabney (1)

Also present were: Patrick Donoghue, Park Department Attorney; Joe Doyle, City Council Liaison; Jan Orlich, Superintendent; Debbie Studtman, Budget Clerk; Jeremy Kienitz, Recreation Director; Jason Richardson, Director of Golf; Juanita Davis, Port Authority Board; William Greene, Michigan City School Board Liaison; Amy Penrod-Spicer and Rodney McCormick, Martin Luther King Center; Carolyn Saxton, Lubeznik Center for the Arts; Jerry Fedorchak, G.M. Fedorchak & Associates; Joe Malan, The News Dispatch; and Andre Steele, ALCO TV.

- **On a motion** made by Mr. Freese, seconded by Mr. Milcarek and voted unanimously by the Board, the Board approved the minutes of the January 8, 2009 Park Board meeting.

Park Superintendent Jan Orlich reported we met with Tim Haas of Haas & Associates to discuss the Adams Park project; we pulled in Maintenance Director Darren Westphal, Recreation Director Jeremy Kienitz and Administrative Director Shannon Eason as well as myself. Ms. Orlich reported we discussed some of the issues at hand, particularly the drainage issues along with amenities that would serve that area of the community. Ms. Orlich reported Mr. Haas is working on some things for us and will get back with us with his reports.

Ms. Orlich reported we were recently informed LaPorte County will no longer be testing the water of our beaches. We attended a meeting at the Sanitary District and met with two individuals from I.D.E.M., Michelle Caldwell and Danielle Barnett and there is a grant out there that would pay not only for the testing of the water, but would also provide us with signage for our beaches and we would of course duplicate their flag system and incorporate that in ours. Ms. Orlich reported Mr. Kienitz is working with Al Walus on the grant to get that started and I.D.E.M. is working forward to bringing us in on their grant program. Ms. Orlich reported at that same meeting we met with Joe Exl from the D.N.R.; he is applying for a grant and he is going to

include us in that grant; it is a pollution prevention grant and that would provide the beaches, Washington Park and possibly Winding Creek Cove with lids for the garbage cans. Ms. Orlich stated what we find is when you feed the birds the birds have a huge factor of e-coli which basically compromises the testing of the water out here. Ms. Orlich stated it was their opinion an ordinance should be passed not to feed the birds throughout Washington Park and the beach area. Ms. Orlich stated as more information becomes available we'll inform the Board.

Ms. Orlich stated she drafted a letter, which was provided to the Board, to SCO Electric. We provided a punch list to them. Ms. Orlich stated, as the Board knows, they were here on December 2, 2008 for a walk through and said they would address some of the electrical issues we currently have and we hadn't heard from them to date so a letter was formed with a punch list. One of the electricians did contact Maintenance Director Darren Westphal and they are currently going through the turtles and the boxes to try to rectify those problems. Ms. Orlich stated she will update the Board when more information becomes available.

Ms. Orlich reported she met with the Mayor, Mark Lyvers and Roger Potratz of Dh2w Engineering Firm and Darren Westphal regarding the improvements to the Amphitheater. Ms. Orlich reported she and Mr. Westphal did a walk through and are scheduling a walk through with Dh2w. Ms. Orlich reported she asked them to provide her with a detailed list and price break downs for the proposed improvements. Ms. Orlich stated we would like to go through that improvement by improvement. We feel not all of the improvements are necessary or the structure does not necessitate that at this time. Ms. Orlich stated she will update the Board once she completes the walk through and talks to Dh2w.

Ms. Orlich reported in the past we sub-contracted the turf maintenance program. Ms. Orlich met with Darren Westphal, Jeremy Kienitz, Randy Durham and Shannon Eason and then Ms. Orlich and Mr. Westphal met with Dave Wollenberg regarding bringing that maintenance in-house. Ms. Orlich feels this would save us money. Ms. Orlich stated we have a professional Greens Superintendent that is knowledgeable in that field and with the purchase of a spreader, in the first year we would be saving roughly \$5,000 to \$6,000 and then \$8,000 to \$10,000 every year thereafter by providing our own maintenance to that field.

Ms. Orlich stated Golf Director Jason Richardson will be working with Tara Miller. Ms. Orlich asked them to come up with some marketing ideas to bring new business into the golf courses. Ms. Orlich stated with the economy the way it is and the private country clubs losing a lot of their memberships Ms. Orlich feels we could probably take advantage of that so they are working on a marketing campaign that they will present to Ms. Orlich. At that time we will go over it and see what best fits our needs to start marketing the golf course.

Ms. Orlich reported from her past experience, she was involved in the past building a splash pad, and it is her recommendation we charge a small fee to utilize the splash pad which would be divided into two hour sessions and would, of course, give Michigan City residents the best rate of \$1.00 per two hour session. Ms. Orlich feels we should charge Indiana residents outside of Michigan City a \$3.00 fee per two hour session and out of state residents a \$5.00 fee for a two hour session. Ms. Orlich stated there is a lot of cost involved in maintaining the splash pad,

maintenance wise, chemical wise and staffing wise. Ms. Orlich stated when we get further down the line we will present that to the Board again; I just wanted to note that so you kind of have that in your heads and can think about that.

Ms. Orlich stated there was no vandalism.

Mr. Milcarek asked Ms. Orlich when she talked about testing the water and the possible ordinance for birds, would that include ducks or are we talking about seagulls. Mr. Milcarek stated he noticed a lot of people come here almost daily to feed the ducks.

Ms. Orlich stated we would have to consult Joe Exl to see if that includes all birds; she doesn't know that as of yet but she will find out.

Mr. Milcarek stated if it affects it we'll have to do something but he would like Ms. Orlich to look into that.

Ms. Orlich reported the garbage can lids alone will probably help us out greatly and if there is a grant to provide that for us we might as well piggy back on with the D.N.R. and go with the grant application.

Mr. Latchford asked if the testing that we will potentially do in house provide any greater liability or accuracy.

Ms. Orlich stated Mr. Walus is still working on that; it is pretty much scientific. Ms. Orlich stated she received an email that Mr. Kienitz received from Mr. Walus and hasn't had a chance to read it all; but it is scientific and she will have to break that down but she will and will report on that at the next meeting.

Mr. Latchford stated he understands there are a lot of different theories on why the Lake has e-coli and where it is and testing verses not testing. Mr. Latchford has had some conversations with Mr. Kienitz and it is good we are taking a comprehensive look at this and the avenues to see what the lake conditions are.

Ms. Orlich reported wages of two Directors in our department really need attention. The first is for Zoo Director Johnny Martinez. Ms. Orlich stated Mr. Martinez has really enhanced the zoo with the re-design of a lot of the exhibits. Ms. Orlich reported she was afforded the opportunity to do a walk through with Mr. Martinez this past Wednesday; he has made vast improvements to the zoo and another great thing about Mr. Martinez is that he does a lot of repairs and things like that in house; he saved a lot of operating dollars; he has brought in some species that he has acquired for the Michigan City Zoo, a lot of them free of charge. Ms. Orlich feels he really warrants an increase. Ms. Orlich stated the other reason is we definitely would not want to lose him to another facility. Ms. Orlich stated in viewing pay scales for other facilities he is extremely underpaid and Ms. Orlich recommended increasing his annual salary to \$43,707.00 which would be an increase of \$3,276.10. Ms. Orlich stated she has another employee that she would recommend an increase for and that is Recreation Director Jeremy Kienitz. Mr. Kienitz

has really expanded the Recreation Department by bringing in new programming; he does an excellent job of orientating and training the lifeguards which is a vital part of our safety program. After attending the workshop with Al Walus, Mr. Kienitz's job is going to be a little bit bigger this summer as far as not only training the lifeguards, but training the lifeguards to actually train the visitors of the beach. We are going to have to speak to them on a one-to-one basis, a personal basis, and discuss effects of e-coli and kids in the water during those yellow or red flag days. Ms. Orlich stated she thinks Mr. Kienitz has really come a long way, he has also gotten involved with a lot of the projects we have on the table; we have brought him into the Adams Park project. Ms. Orlich feels the Recreation Director should be involved with that; he provides the recreation for the City and he has a lot of great ideas. Ms. Orlich stated Mr. Kienitz's current annual salary is \$38,245.45 and she would like to increase that to an event \$40,000.00 reflecting a \$1,754.55 increase. Ms. Orlich stated both increases, of course, would be retroactive to payroll #1 of 2009.

Mr. Milcarek asked if both of these employees are at the very bottom of their range.

Ms. Orlich responded Mr. Kienitz is pretty much on the bottom of his scale; Mr. Martinez's will take him to the top as a Director.

Mr. Latchford asked Ms. Orlich if both her suggested increases are within the budgeted amount.

Ms. Orlich answered yes, they are.

Mr. Latchford stated he knows the City has been putting salaries on hold for most employees but he is confident in our assessment of these two individuals; that they currently bring a lot more to the table than what we are paying them and he would welcome the scrutiny when and if we approve these increases solely based upon their performance; not only recently, but long term performance. They both have a long history of bringing extreme value to the Park Department.

- **On a motion** made by Mr. Milcarek, seconded by Mr. Freese and voted unanimously by the Board, the Board approved an annual salary increase of \$1,754.55 for Recreation Director Jeremy Kienitz that is retroactive to payroll #1, 2009 bringing his annual salary to \$40,000.00
- **On a motion** made by Mr. Freese, seconded by Mr. Milcarek and voted unanimously by the Board, the Board approved an annual salary increase of \$3,276.10 for Zoo Director Johnny Martinez that is retroactive to payroll #1, 2009 bringing his annual salary to \$43,707.00.

Mr. Freese reported he attended the Zoo Society Board meeting last night and they got a lot accomplished but the only thing that would affect us is they are going to have their big fundraiser, Zoobilee on March 14, 2009. They have spent a lot of time organizing that last night and it is going to be really neat with wild animals; you can have your picture taken with a snake or a tiger or something.

Mr. Donoghue stated this month, January, is the month that the Board usually considers the yearly contract with him for legal services as the Park Board Attorney. Mr. Donoghue stated this year, after thirty-three years of serving as the Park Board Attorney; he will not be submitting a contract for the Board to consider. Mr. Donoghue stated he thinks this is a good time, with the new Superintendent, for the Board to retain the next Park Board Attorney; that way the Park Board Attorney and the new Superintendent can establish a good working relationship from the very start and the Board can get someone younger to look at some of the new legal issues that he thinks are bound to come up during the next few years. Mr. Donoghue stated he also has some other professional opportunities that he wants to pursue. Mr. Donoghue stated when he discussed this with Mr. Latchford, Mr. Latchford asked him to continue as a Senior Legal Consultant to the Department after the new Attorney is on board for awhile. Mr. Donoghue stated he would be happy to do that. Also, Mr. Latchford and Mr. Donoghue discussed that Mr. Donoghue would continue as your Board Attorney until the new Attorney is on board and then work with him or her on the transition. Mr. Donoghue stated he would also finish up the projects that are hanging fire, like the last few encroachment leases and the splash park contracts that are on the agenda tonight. Mr. Donoghue stated the Board will recall that he indicated as a contribution he would work on these contracts without the usual fees being assessed for that. Mr. Donoghue stated thirty-three years is probably a record for the length of service for any Municipal Board Attorney in Michigan City and it is a record that he is proud of. Mr. Donoghue stated he is also proud of the list of achievements that the Park Department has had during those thirty-three years to the extent that there were legal issues involved in these achievements; and there were many. Mr. Donoghue stated he is proud of his efforts in successfully resolving those issues where in a number of cases, that success allowed those achievements to actually occur. Mr. Donoghue stated he is not going anywhere, he will still be around.

Mr. Latchford stated when he and Mr. Donoghue spoke, Mr. Donoghue did not want a lot of reminiscing tonight so he will certainly respect that but in the same breath, his contributions to the Park Department over the past thirty-three years have been mind boggling and I want to thank you for that and thank you for your continued support while we search for an Attorney.

Mr. Freese thanked Mr. Donoghue for all of the time he has given; we are going to miss your expertise and history of Michigan City and the park and we'll miss seeing you around here. Mr. Freese told Mr. Donoghue he really appreciates all of the things he has done while he has been a part of this Board.

Mr. Latchford stated the City Council has started a new procedure in their meetings where they ask for public comment before the vote is actually taken and Mr. Latchford thinks that is a good practice and he would like to see it implemented at the Park Board meetings. Mr. Latchford had a brief conversation with Mr. Milcarek. Mr. Latchford stated what would happen is we would discuss the issue, have a motion on the floor, ask if there are any comments from the public, listen to that, and then cast our votes; rather than waiting for public comment at the end when it is too late.

Mr. Donoghue reported he has a couple of encroachment properties to report about tonight. The first one regards Mark Daw and Mr. Daw has requested some revisions in the language of our

lease; he has turned over his suggestions and Mr. Donoghue has reviewed them and he finds that basically Mr. Daw is asking for the same consideration in the terminology and in the language that Mr. Kirsch and Mr. & Mrs. Heim were given. Mr. Donoghue stated, in a nut shell, there are about three things that are very technical but he will give them to the Board tonight before he recommends on Mr. Daw's request. The first one is on restoration of the property after the lease would terminate. Mr. Daw has asked for the same consideration that some of the other property owners have asked for and it seems like common sense; we didn't have it in the lease to start with but they want to be able to use sand from the surrounding area to restore the condition of whatever their situation is if they terminate; if they move and decide they don't want to use this anymore, they want permission to use sand from around there if they need to fill in a patio or something like that. Mr. Donoghue stated that has been granted before and Mr. Daw is asking for that. Mr. Donoghue stated, secondly, today's insurance policies are written very strictly about coverage and the old fashioned indemnity in which the person who had the lease was promising to cover just any kind of loss that happened is no longer being used. It's now a risk factor and in this area the language on indemnity would be changed because the insurance companies that have the homeowners have objected to this indemnity. Mr. Donoghue stated the language that we changed it to does provide that the Lessee has to have insurance coverage from his homeowner's insurance and has to extend liability to the leased premises. Mr. Donoghue stated what that means is, that his policy will give us protection on a certain number of items. It is like your homeowner's insurance; if something isn't in that homeowner's policy then it wouldn't be covered. Mr. Donoghue stated some people don't have flood insurance for instance and this is one of the areas where you could have a flood, it hasn't happened in our memory or in the memory of our precedents here in Michigan City but it could happen, there could be a flood there, so the idea is that the language he wants, which we approved with Kirsch and Heim leases, is that they would have the liability insurance to cover and to name the Park Department but everything that is in that policy is what covers us and it's kind of a common sense thing; it's fairly technical. Mr. Donoghue stated he supposes there are things that would not be covered such as flood, but those kinds of things are not really expected to happen. Mr. Donoghue stated there is a statement that is kind of common sense that the general liability insurance would add the Park Department as an additional insured and that would satisfy his responsibility of what he owes us for protecting that property and the liability for us. Mr. Donoghue stated he thinks that Mr. Daw may have been consulting with some of these other owners and they said this is what our Attorney said he thinks should be in there and what our insurance people said should be in there so he is asking for the same thing and Mr. Donoghue sees no reason not to allow it. Mr. Donoghue stated then there is the section he thinks the Board remembers where we had language in there from the old recommendation, at the time we had recommendations from the banks. Mr. Donoghue asked the Board to remember when we did this lease we sent it around to the banks in Michigan City, actually the whole Northern Indiana area, including title companies. Mr. Donoghue stated the Attorneys from Baker & Daniels prepared this. Mr. Donoghue stated we had a section in there that said when you sell that property you are still responsible for the new guy to pay the lease payments; if he doesn't pay them then you have to pay them. Mr. Donoghue stated back the new Lessees have asked to be released; they don't want to be responsible and Mr. Donoghue thinks that is fairly clear and common sense; if they sell the property then the new people should be responsible. Mr. Donoghue stated those are the same revisions that we have already agreed to. Mr. Donoghue spoke with Mr. Daw and told him that he has to understand, if

the Board will recall, we were discussing with him the payment of his application fee which is \$500 and which he has not paid. Mr. Donoghue stated he told Mr. Daw he would recommend that the Board would approve these revisions but that he is going to hold the lease, not deliver it to him, until he pays the \$500. Mr. Donoghue stated in land records such as deeds or leases, the deal is not complete until you deliver the instrument; whether it is a deed or whether it is this lease, so as long as we are holding this lease, if you approve it tonight, then Mr. Donoghue can have Mr. Daw pay the money and then give him the lease, but we are not going to give it to him until he pays the money.

Mr. Milcarek commented he feels that the amount of time spent with Mr. Daw has far exceeded the application fee.

Mr. Donoghue answered yes, it has.

Mr. Milcarek stated he feels quite strongly that with all of the hours Mr. Donoghue has put in and the money that it has cost us, that that should definitely be. Mr. Milcarek asked Mr. Donoghue if we sign this tonight, if we pass this tonight, then where does that leave us.

Mr. Donoghue stated it leaves you at this; I have not billed anything additional for Mr. Daw. Mr. Donoghue told Mr. Milcarek he is correct; it has been hours of meeting with Mr. Daw and reporting back to the Board and so forth and Mr. Donoghue stated he doesn't intend to bill anything further. Mr. Donoghue stated he feels you have to have some flexibility here and even though you are correct that I have put in the time and I could render a bill, I'm not going to, on the basis of good will. Mr. Donoghue stated frankly it has been a headache but he is not going to make this any more expensive than it already is for the Park Department.

Mr. Milcarek asked if those are the terms; if they approve the lease tonight we still will not be under lease until we get the application fee.

Mr. Donoghue stated that is correct.

- **On a motion** made by Mr. Freese, seconded by Mr. Milcarek and voted unanimously by the Board, the Board approved the attached encroachment lease with Mr. Daw for his property located at 1644 Lake Shore Drive.

Mr. Donoghue stated the second report he has tonight involves 1214 Lake Shore Drive; the property owner is Mr. Bindas and he has Coldwell Banker as his realty company. Mr. Donoghue stated he has been in contact with them and he reported that to the Board at previous meetings. Mr. Donoghue stated he found out today the lease has been reviewed by the owner and it is okay with him and he is ready to sign it and send for, perhaps, the February 5, 2009 meeting. Mr. Donoghue stated that lease provides \$1,120.00 per year and of course, as the Board knows, we go back to the date where all the others stand. Mr. Donoghue expects to have a signature on his lease at the next meeting. Mr. Donoghue stated he thinks that just leaves three to continue to work on for you.

Mr. Latchford stated regarding the Michigan City Area Schools he would like to thank Mr. Greene for reigniting negotiations. Mr. Latchford stated the Mayor, Mr. Kintzele and he had an opportunity to meet and he thinks they found more common ground than we thought we had and as a result of that meeting we are going to try to prepare another document and present that document for Board approval.

Mr. Greene stated he heard this will probably be taken care of by the middle of February when Mr. Kintzele gets back.

Ms. Orlich stated we received a bid from A. Hattersley & Sons, Inc. for the splash park equipment installation. The amount of the equipment installation for the splash pad is \$129,640. Ms. Orlich stated it is her recommendation that we go with Hattersley on the equipment installation contract.

- **On a motion** made by Mr. Milcarek, seconded by Mr. Freese and voted unanimously by the Board, the Board accepted the attached proposal submitted by A. Hattersley & Sons, Inc. for installation of the splash pad equipment in Washington Park and authorized Mr. Donoghue to prepare the construction contract.

Ms. Orlich reported she is not ready to make recommendations for items D (i.) through D (x.) on the agenda. Ms. Orlich reported she reached out, just so the Board knows, to Bill Phelps; after meeting today with you she left him a phone message. Ms. Orlich wants to go over through some of the concerns that she presented to the Board at the last meeting. Ms. Orlich stated there are some revisions as far as the prints will go; we are going to move a few things around. Mr. Fedorchak is here tonight and he knows we have a couple of revisions as far as the prints go and Ms. Orlich would like Mr. Phelps' opinion before we move forward with those.

Mr. Fedorchak stated he would like to summarize where the bids are, what the status is and where we are at now. Mr. Fedorchak stated since Darrell has left, we kind of picked up the ball a little more than we originally intended to do just to try to keep this thing rolling along. Mr. Fedorchak presented the attached bid summary stating this is kind of a snapshot of where bids are today; we would have had it completed but we paused it because the scope of the drawings may change here assuming that is what you choose to do, but you see here are numbers that can actually build a building for today. The whole project basically amounts to a savings of around \$343,000 from where the initial bids came in at. Mr. Fedorchak stated this process we are going through here he thinks is a very worthwhile investment of time and money. Mr. Fedorchak stated obviously these fees are not going to be necessarily good; the scope is changing and he doesn't know if they will have to add more block or plumbing fixtures; he just doesn't know. Mr. Fedorchak stated what they do ask, since they have completed the drawings and completed the bid process and they have donated a lot of time trying to help with the construction management side, and since there are going to be some pretty substantial to the building, that they are afforded some sort of amount of money available to do that. Mr. Fedorchak stated he would say it wouldn't exceed \$5,000 and hopefully it would be significantly under that and they would just do it on an hourly basis.

Mr. Latchford stated he is glad Mr. Fedorchak brought that up, because when these changes started to come about he didn't not want to take advantage of Mr. Fedorchak's offer that your services would be donated; we came back and made significant changes.

Mr. Fedorchak stated unfortunately the donation is more on the construction management side and helping with that.

Mr. Latchford stated in no way did we intend to take advantage of that and we completely want to make sure you are compensated properly.

Mr. Fedorchak stated he and Jan talked briefly and he thinks they should recommend approval of the excavation work and water and sewer service to the site. There are sewer pumps for this station that have to be ordered in order to try to get to your Memorial Day opening time; they really need to be ordered immediately to meet your deadline. Mr. Fedorchak presented the attached bid from Woodruff & Sons, Inc.

Ms. Orlich stated we have also decided to possibly move the entire splash pad a little further east by approximately 40' due to the sand buildup which would require much more maintenance. Ms. Orlich asked if we move 40' and have lines and pipes would this bid adjust.

Mr. Fedorchak stated it would adjust and we know what unit prices are for that and would really be pretty minor; the substantial parts are the lift stations, ejector pumps and direct burial or burrowing underneath the roads. Mr. Fedorchak stated we can certainly get that from that and it is rather minor in Mr. Fedorchak's opinion and he would still recommend we get this all ordered and then address that in a small change order later once we finish the drawings and specifically know where the building is going to sit.

Ms. Orlich stated if we move it approximately 40' east would that have to include another survey of that land or was that whole area surveyed.

Mr. Fedorchak stated there was never a survey; they just measured what was there.

Ms. Orlich stated she would definitely make the recommendation to move forward with Woodruff & Sons, Inc.

Mr. Fedorchak noted we increased the pipe to a 4" pipe and that should really take care of everything you would ever want to do out there; this is what they had at the end of the day.

Ms. Orlich stated it was her recommendation to enlarge the pipe to 4" for a couple of reasons; to make sure that we have the water supply to the pad, the restrooms and the concession area and she feels sometimes when you get into contracts you never look toward the future. Ms. Orlich stated for any future endeavors we might do in that area, we have the supply that we would be able to take that and do what we need to with it. Ms. Orlich stated for example, just recently a 1 1/2" house hydrant to be located at the east and west end for morning maintenance to spray the pad off of any sand and debris would greatly help the maintenance of that instead of going out

there with a garden hose that couldn't accommodate that. Ms. Orlich stated with things like that that come up in any future construction that we might have in that site, the 4" would give us the availability and the capability to expand to whatever we need to.

- **On a motion** made by Mr. Freese, seconded by Mr. Milcarek and voted unanimously by the Board, the Board accepted the attached bid for water and sewer service to the Oasis Splash Park in Washington Park submitted by Woodruff & Sons, Inc. in the amount of \$51,450.
- **On a motion** made by Mr. Freese, seconded by Mr. Milcarek and voted unanimously by the Board, the Board approved drawing modifications by G. M. Fedorchak & Associates for the splash pad and building.

Mr. Latchford asked Mr. Fedorchak how we attained these savings.

Mr. Fedorchak stated they are due to the elimination of the general contractor and in-house construction management. You have an apples to apples comparison. You will notice the excavation, landscaping and irrigation and whatever part of the general contractor's bid was always intended for everybody to do that in-house. So in an apples to apples to comparison, you, with our assistance doing construction management in-house rather than their markup and their overhead they would have in their pockets is saving us thousands.

Mr. Latchford stated that speaks volumes for the work Mr. Fedorchak is providing for us and for Darren Westphal and his crew and everyone involved in saving \$320,000.

Mr. Fedorchak stated it makes you feel good; we knew where the budget was when we started this thing; the numbers didn't come in so we had to do something else.

- **On a motion** made by Mr. Freese, seconded by Mr. Milcarek and voted unanimously by the Board, the Board tabled items D (i.) through D (x.) on the agenda.

Mrs. Studtman reported Carolyn Saxton is here tonight to represent the Lakefront Art Festival.

Mrs. Saxton stated Mrs. Eason had requested their 2008 audit and they just received it. Mrs. Saxton handed out copies to the Park Board. Mrs. Saxton stated, as you know, we have our Lakefront Art Festival the third weekend in August; we set up on Friday afternoon and continue until Sunday evening. Mrs. Saxton stated this year those dates are August 15th and 16th. Mrs. Saxton stated last year they had about 125 artists that were exhibiting and they also had about 7 food vendors that were in the area of the bumper car pavilion and they had close to 6,000 visitors who came through so it was very well attended. Mrs. Saxton stated they are requesting they be able to hold that event again in the same place this year in Washington Park. Mrs. Saxton stated the only issue they had last year was that the turtles and the boxes were new and it was a dust bowl there. That was the only negative feedback that Mrs. Saxton got from the people that came to the event and the artists that were there and we are sure that is going to be taken care of this year because the project has been completed and you will be re-seeding and we are hoping that

can be done before the event. Mrs. Saxton stated she would be glad to answer any questions the Board may have and she thanked the Board for the great weather they had last year.

Mr. Latchford stated he hopes we will improve this great partnership we have had for a long time; it brings great value to the citizens of Michigan City.

Mrs. Saxton stated they feel it is great for the City and it is certainly good for the Lubeznik Center for the Arts and some of the programs they are providing for the community. They are working in the Safe Harbor after school program, with Michiana Resources and other organizations and this allows us to continue those relationships and to provide services for the people in this community.

Mr. Latchford asked if the location is okay.

Ms. Orlich stated the location is fine and she just wants the Board to know we still have an issue with the turtles and we are trying to take care of that now so we can take care of that area as best as we can for the event in August.

Mrs. Saxton stated the staff they worked with was just wonderful last year and any problems we had were addressed right away by your staff and we appreciated that.

Ms. Orlich stated Mrs. Saxton will have the same staff this year.

Mrs. Saxton stated that is great.

- **On a motion** made by Mr. Milcarek, seconded by Mr. Freese and voted unanimously by the Board, the Board agreed to allow the Lubeznik Art Center to host their Lakefront Art Festival in Washington Park on August 15th and 16th and to allow them to set up on Friday, August 14th, 2009.

Ms. Orlich reported with House Bill 1001 it seems like budgets are being cut all over the place and especially park and recreation departments have to look for other sources of income. Ms. Orlich reported it has been proven with the contractors that we sub those concessions out to that there is a profit to be made there and Ms. Orlich would like to recommend tonight that the splash pad concession area and the Washington Park beach concession be handled in-house. Ms. Orlich stated in meeting with Mr. Martinez and the work that he and Mrs. Sheldon have done with the gift shop and the concessions and with her past experience at Wicker Park by bringing concessions in house they have been profitable. Ms. Orlich stated she knows it is a small step but we would like to not only take that step to provide concessions in-house but we also feel there is a need for souvenirs; a lot of tourists come here and we would like to take off with some souvenirs and concessions for both the splash pad and the Washington Park beach area.

Mr. Milcarek asked Mr. Donoghue if we are under contract with anyone else at this time.

Mr. Donoghue responded if he recalls you current contract would be renewed only by mutual agreement if it were renewed. Mr. Donoghue stated he thinks you are at the end of the two year contract, so he doesn't believe there is any problem with Ms. Orlich's suggestion. Mr. Donoghue stated if that is what the Board wants to do then there won't be any request for proposals, you'll do that in-house.

Ms. Orlich asked to further expound on that stating we are looking to utilize the appropriation of \$500,000 for the Amphitheater to make the necessary changes to the Amphitheater and then going back to the Council in hopes of having that appropriated to the Rock Garden and to possibly purchase a concession trailer for the Washington Park beach area. The Patriot Park concessionaire's contract is still in effect through this year and after that we would also like to take the Patriot Park concession in-house; it is a very profitable concession stand out there also.

Mr. Milcarek asked if we have an example of a successful operation at the zoo do you think we can duplicate that here.

Ms. Orlich stated she feels very confident and she thinks we probably can supersede that. Ms. Orlich stated Debbie Studtman and Jeremy Kienitz are spearheading that a little bit as far as funds and things like that go and soon as the report becomes available we would like to utilize the revenue from that to, of course, purchase other things for the concessions and the little souvenirs we would like to carry in there. Ms. Orlich stated there has been a call for actually post cards and tee-shirts and cups and things like that and no one provides them out here. Ms. Orlich stated on a small scale we would like to start that up with the concessions and expand on it as customer's needs warrant it.

Mr. Milcarek asked Ms. Orlich how she would start this year without a trailer; what are your plans.

Ms. Orlich stated she feels the appropriated amount for the Amphitheater far exceeds what we would need to upgrade that building.

Mr. Milcarek asked about the timing and if everything will fall in place so you would be able to open on time or Memorial Day.

Ms. Orlich stated she is pretty confident we can meet that date.

Mr. Milcarek stated we could possibly lease a trailer for a short time if you didn't get one, have you explored that.

Ms. Orlich stated yes we have; we have that as a back up just in case we couldn't purchase our own.

Mr. Donoghue stated he thinks it would be appropriate to have the Board authorize Ms. Orlich to proceed with the in-house concessions.

- **On a motion** made by Mr. Milcarek, seconded by Mr. Freese and voted unanimously by the Board, the Board authorized the Superintendent to initiate in-house concessions for Washington Park splash pad and beach concessions.

Mr. Latchford stated he is confident with the great team Ms. Orlich has.

Ms. Orlich stated we have a great staff and they have already been working on it so we are definitely moving forward in hopes that the Board would give us their approval this evening.

Mr. Latchford stated it would probably be wise to reach out to Joe Doyle to let him know that the plan would be to use the money saved in one project towards another project.

Ms. Orlich responded she did do that and he was all for it and Ms. Orlich informed Mr. Doyle that she would present the Board with the savings from the Amphitheater in hopes that they would work with us on that and actually he was very positive regarding that.

Mr. Donoghue stated some of you might recall about twenty to twenty-five years ago there was a successful concession program like the one Ms. Orlich is talking about in the zoo and then right out here was a concession stand next to the J.C. Stage and that was also successful. The reason it stopped was because the gentlemen who were in charge of it were no longer interested and the Board couldn't find someone who was ready to step in and it just kind of fell down and then they started doing the contract. Mr. Donoghue stated the operation was run by Del Lanzo and Mr. Lanzo was, of course, at Elston High School for so many years as a concession manager of all the basketball and football programs so when he came here during the summer he did a super job. The program dissipated, but it was successful while it was here so Mr. Donoghue is sure Ms. Orlich has ideas on how to do it and he is sure it can be very successful.

Mr. Kienitz reported recently he met with members of the Lakefront Little League Baseball Board and through discussion we have decided to continue our joint effort in keeping the leagues together for a second year. Overall we feel it went well last year and it is best for the community to keep it joined as one. Mr. Kienitz stated we are proposing the same fees as 2008 with \$50 per player, \$80 for two participants in the same household and \$100 for three or more in the same household. Umpires will be paid \$30 or \$35 per game; \$30 if you work with a partner with the older kids from 15U and if you work alone you get \$35 per game.

Mr. Rodney McCormick, Sports Coordinator at the Martin Luther King Center, stated they have a lot of kids that like to participate in a lot of activities and your fees are kind of high for the inner city community. Mr. McCormick asked if the Park Department offers any free programming for those kids, or any help with paying the fees for those kids that can't afford it but do want to play; they are a part of the community and they do want to play bad. There are a lot of kids; Mr. McCormick has 250 right now that participate in what he does for free.

Mr. Latchford stated he is not aware of having any concessions for fees and asked Mr. Kienitz to address the question.

Mr. Kienitz stated in the past we have asked for sponsorships and sometimes businesses will donate \$50 or \$100 to pay for participants but we don't have anything set up at this point and time for that.

Mr. Latchford stated that is something we can investigate in conjunction with the Martin Luther King Center; getting some grants. Mr. Latchford stated we are getting feedback from the Council to make all of our programs self supportive and that is where our fees are derived from.

- **On a motion** made by Mr. Freese, seconded by Mr. Milcarek and voted unanimously by the Board, the Board approved the attached 2009 Youth Baseball League fees.

Mr. Richardson stated back in the fall we discussed revising our cart package and after considering making that unlimited Mr. Richardson discussed our cart package with Ms. Orlich. Mr. Richardson feels that if we increase it, it might have the effect of having people thinking it is overpriced and thinking they are not getting a value so Mr. Richardson stated he is recommending we keep it the same with the potential amount of players as we had last year. Mr. Richardson stated last year it brought in \$23,400 in revenue for us. Mr. Richardson stated in addition to that he would like to make a 10 ride punch card for \$150 which is a \$2 savings for each time you come out and a \$20 savings total. Mr. Richardson stated they can purchase as many as they like; they can use it for multiple rides but they would get two rides taken off each time they use the card. Mr. Richardson stated this is something the golfer would have in their possession; it is something we would not keep in our possession. They will be responsible for it if it is lost or stolen; we would not be responsible for it.

Mr. Latchford stated this is offering the golfer another price point.

Mr. Richardson stated it is offering the golfer another price point instead of someone having to come up with \$600 up front.

Mr. Freese commented he has been approached by numerous golfers here in Michigan City and one of their concerns was the fact that the economy is not really good right now and they were wondering how much the package would be and so he is glad to see that Mr. Richardson has not raised the fee. That was a big concern with almost everyone that spoke with Mr. Freese.

Ms. Orlich commented that with the economy, it offers the golfer a punch card at a discounted rate; something he might get as opposed to paying for the whole cart package. It is a little bit more affordable and if that golfer chooses to buy another punch card, it offers them that opportunity. Ms. Orlich stated she thinks that might help to, in today's economy, generate more interest with the cart pass.

- **On a motion** made by Mr. Milcarek, seconded by Mr. Freese and voted unanimously by the Board, the Board agreed to offer golf cart package for \$600 for 40 rides and 10 ride punch cards for \$150.00 for the 2009 season.

Mr. Kienitz reported he was contacted by Dave Shinn who is an advocate of youth sports and baseball in the community and he had a contact from the White Sox Baseball Training Academy and they are looking to branch out in Northwest Indiana. They were here years ago. Mr. Kienitz stated when he was a kid he used to see them out at Gardena Park; a bunch of guys dressed up in White Sox uniforms and it was cool. Mr. Kienitz stated they are interested in coming back to our area and Patriot Park. Mr. Kienitz has contacted the representative from the White Sox Training Academy and he is very eager to get back into this area. Mr. Kienitz stated we would sponsor the camp and they would use our facility. The camp is for ages 5 to 12 years old from June 8th through 12th, 2009 at Patriot Park. This would be during the day from 8:30 a.m. in the morning to about 4:00 p.m. and would be prior to any of our games or anything else we have going on. Mr. Kienitz stated the 5 and 6 years old would be from 8:30 a.m. to 11 a.m., the 7 & 8 year olds would be 8:30 a.m. to 11:30 a.m., the 9 to 12 year olds would be from 1:00 to 4:00 p.m. Mr. Kienitz stated the 5 and 6 years olds would pay \$159, the 7 & 8 year olds would pay \$199 and the 9 to 12 year olds would pay \$199. For each camper that signs up, the Park Department would receive \$15. Mr. Kienitz stated there is no cost to us; everyone will register through their website, we won't take registrations here and for each camper we will receive \$15 in return. The maximum ratio of participants to instructors is 10 to 1 and they will try to keep it less than that. Mr. Kienitz stated they run a pretty good program and they are eager to get back into the area.

Mr. Latchford asked if our responsibilities will be field preparation and advertising via our website.

Mr. Kienitz stated that is correct and the field preparation will be very minimal because we will already be set up for our games in the evening so there will really be no additional work for the staff at Patriot Park.

Mr. Latchford asked when the Michigan City Area Schools get out for the summer; when is their last day.

Mr. Kienitz that will depend on snow days but the camp can adjust.

- ❑ **On a motion** made by Mr. Freese, seconded by Mr. Milcarek and voted unanimously by the Board, the Board approved the attached fees and dates for the White Sox Baseball Training Academy camp at Patriot Park from June 8th through June 12th, 2009.
- ❑ **On a motion** made by Mr. Milcarek, seconded by Mr. Freese and voted unanimously by the Board, the Board approved city claims filed on account of appropriations for the Parks and Recreation Department in the amount of \$38,749.46.
- ❑ **On a motion** made by Mr. Milcarek, seconded by Mr. Freese and voted unanimously by the Board, the Board approved Payroll #1, 12/14/08 through 12/27/08, in the amount of \$42,051.80.

- **On a motion** made by Mr. Milcarek, seconded by Mr. Freese and voted unanimously by the Board, the Board approved Payroll #2, 12/28/08 through 01/10/09, in the amount of \$43,198.62.

Mr. Milcarek welcomed Mr. Greene as liaison from the School Board; it's nice to see someone sitting in that chair; it was empty for awhile. Mr. Milcarek thanked Mr. Donoghue for everything you have done.

Mr. Freese stated he is glad to see Bill Greene and thanked him for taking the time to attend. Mr. Freese thanked Mr. Donoghue for all that he has done; you have really done a lot for this Board for over thirty-three years and there are a lot of people who owe you a great deal of thanks.

Mr. Latchford welcomed Mr. Greene. Mr. Latchford thanked Mr. Donoghue for being such an advocate of the park. Mr. Latchford told Mr. Donoghue we will plan a little shin dig to reminisce.

Mr. Donoghue welcomed Mr. Greene and thanked him for his effort and work and all of the time he spent in the election process, and probably he spent money too, and Mr. Donoghue thinks he is going to be an excellent member of the School Board and we will all be watching and hoping we can see the schools turned around and on their way to being the type of schools we should have; first class schools for Michigan City.

Mr. Greene stated he is going to try hard.

Amy Penrod-Spicer addressed the Board stating she currently serves as the Assistant Sports Coordinator to the Martin Luther King Center. Mrs. Penrod-Spicer stated she is here to request the Board's consideration on an issue that we are currently facing. Mrs. Penrod-Spicer provided the Board with a letter that was addressed to the Park Superintendent dated January 19, 2009. Mrs. Penrod-Spicer stated she is sure the Board is well aware that registrations are currently being taken for the 2009 Youth Basketball League and in hopes of increasing the numbers there has been correspondence between the Martin Luther King Center and the Park Department and currently the correspondence is being done between the Recreation Director Jeremy Kienitz and Mr. McCormick on behalf of the King Center. Mrs. Penrod-Spicer stated the issue that we have currently come upon is that Mr. McCormick is currently, as you are well aware, suspended from Park Department activities. This poses a problem for the King Center in that Mr. McCormick has, for the past two to three plus years, served as our Program Coordinator, our Main Coach and he transports kids to and from activities. Mrs. Penrod-Spicer stated we kind of have a problem because Mr. Kienitz has now informed Mr. McCormick that, because of the suspension, will not be allowed at any of the facilities or games or be able to participate in any way. Mrs. Penrod-Spicer asked the Board to consider providing a waiver or an exception to whatever you would like to call it so that Mr. McCormick can participate and in light of that Mrs. Penrod-Spicer would really like to bring to your attention that in reviewing Mr. McCormick's participation throughout Park and Recreation activities, he has participated in the program for approximately 23 years and during that time there has been three documented incidents of problems but they are spaced approximately 10 years apart. Mrs. Penrod-Spicer asked the Board to give consideration

to this issue on behalf of the kids. Mrs. Penrod-Spicer stated the children who he had mentored, taught and coached, the majority of these kids from single parent homes and in the majority it is the father who is absent. Mrs. Penrod-Spicer stated often times Mr. McCormick is serving as the one, or one of the few male role models to these children and they have looked at him and formed a relationship with him as more than a coach, as more than a mentor but someone they can come to and count on to get them to the games, to teach them the fundamentals of basketball and just to be a constant in their lives. Mrs. Penrod-Spicer asked the Board give consideration to this so that this is not taken away from these children. Without Mr. McCormick's participation in the program, Mrs. Penrod-Spicer questions whether they will even be able to bring the four teams that Mr. McCormick has put together to play on the league. Mrs. Penrod-Spicer stated, as she said, he is such an integral part in getting the kids to the games and forming relationships with the children, the parents and the community and so Mrs. Penrod-Spicer is asking the Board to give consideration to this. Mrs. Penrod-Spicer stated he has such a record with our kids in a coaching atmosphere that he has led kids to first and second place in basketball leagues in Chicago, Fort Wayne and throughout the area. Mrs. Penrod-Spicer stated she would like the Board to know that whatever suspension issues there are, there is an appeal, of course you know this, and those issues are separate from youth sports; there is no conjunction between his actions that led to a suspension which again, with the pending appeal, he was not suspended from any coaching capacity and it was in an adult player capacity. Mrs. Penrod-Spicer asked the Board to look at them and separate the issues on behalf of these children.

Mr. Latchford stated his initial comment would be to not separate the two issues but to try to work with the Martin Luther King Center to allow the children to play but to somehow come up with some way to have that happen without Mr. McCormick's participation; the reason being is that the terms of his last lifetime suspension was elimination from all programs. Mr. Latchford stated so until that is heard on appeal he would like to keep that. Mr. Latchford stated if somehow we can get the four teams into the league, whether it is a transportation issue, maybe you can work with the Park Department or some other volunteer group.

Mrs. Penrod-Spicer stated you have to understand the position that the Center is in; this is the way that we run our facility. It, unfortunately, is on the back of Mr. McCormick. He has been involved with the Center for so many years and recruited, to the best of his ability, others of us, but as you know volunteers are few and far between. Mrs. Penrod-Spicer stated of the coaches in the past, he has done 85% to 90% of it. Mrs. Penrod-Spicer would venture to say that if you and the other Board Members don't allow Mr. McCormick, she doesn't know that these kids will continue and that we will be able to bring them into the league; not only to physically transport them but he has such a relationship with their parents and he is at the Center daily; these parents look to Mr. McCormick as the face of the Center; his mother has served on the Board for years; he has grown up as part of the Center and you have to understand that primarily the African American community which utilizes the Center has him as that mouthpiece. Mrs. Penrod-Spicer stated it is a need, that despite whatever controversy the Board is experiencing with Mr. McCormick in adult basketball, he is a godsend to those kids and to that entire Center and Mrs. Penrod-Spicer extended to each Board member to come out and to see him in that capacity and to speak with any of the parents; to speak with the children to view the need that he fills and that is why Mrs. Penrod-Spicer is asking you to make a sincere effort in separating the two on behalf

of those kids. Mrs. Penrod-Spicer stated she understands the Board's concerns and she respects that, but as an emotional appeal on behalf of those kids she is asking the Board to reconsider.

Mr. Latchford stated it is a very emotional appeal, unquestionably; the last thing we want to do is to have willing participants and not allow them to participate; these are very emotional circumstances that we're in and you are asking us to push it aside. Mr. Latchford stated at the risk of maybe prohibiting participation I'm still unwilling to put that aside due to the current lifetime suspension. Mr. Latchford stated, upon appeal if that is turned over, obviously that would change; we want to welcome them in, but in this situation he is unwilling.

Mr. McCormick stated in twenty-three years of participating in Park and Recreation activities there have been three incidents; one was in 1987 and he has no idea what it was about, they didn't give him a lot of details. Mr. McCormick stated the other two involved Darrell Garbacik and there is a lot of bad blood between Mr. McCormick and Mr. Garbacik and there were comments that were made; not comments that I was going to physically do something to you or vice versa. Mr. McCormick stated he didn't agree with some of the things Mr. Garbacik said and he spoke out about it. Mr. McCormick stated he is suspended because of the words that came out of his mouth; he just made comments. Mr. McCormick stated the last suspension which was 2008 they reactivated the lifetime suspension and he asked someone to refrain from calling him out on that. Mr. McCormick stated there was no physical violence whatsoever and he thinks Mr. Kienitz will also agree that if Mr. McCormick was allowed to come out there that it wouldn't be a problem.

Mr. Latchford stated he thinks hopefully upon an appeal, and if that is found to be the case then we'd be happy to revisit that.

Mrs. Penrod-Spicer asked if we can address with the starting of the program; is it to start on or about the 31st.

Mr. Kienitz stated it starts on January 31, 2009.

Mrs. Penrod-Spicer stated that is next Saturday and she doesn't know the Board's schedule or Mr. McCormick's schedule for appeal. Mrs. Penrod-Spicer asked if they could get some consideration that in the mean time that he be allowed to participate.

Mr. Latchford stated, again, he would be unwilling to make that concession unless there is a motion on the floor. Mr. Latchford stated what they can do is schedule an appeal and get the appeal going as soon as possible.

Mr. McCormick stated he came to the Park Department today and he is sure everybody got the copies of the appeal.

Mr. Latchford stated he received it just before the meeting.

Mr. McCormick stated this is way overdue; this needs to be resolved immediately. Mr. McCormick stated he is looking to get in here tomorrow if possible; we need to get this resolved. Mr. McCormick stated he thinks that his issues are clear cut; he knows you had a lot of issues, a lot of problems with the other appeal you did. Mr. McCormick stated he is not going to need nine hours, I'm not, and I'm not going to call seventy-five witnesses like at the other meeting. Mr. McCormick stated you can see he has his issues laid out and he is requesting minutes from several meetings that took place and asked for certain rules to be put into evidence. Mr. McCormick stated he thinks he can get this done, the 1999 issue, should only take 30 minutes at the most. Mr. McCormick stated the 2008 issue should only take an hour and again, we need to get this resolved. Mr. McCormick stated it is going down to the kids and he is hoping to get it done, why not get it down tomorrow.

Mr. Latchford stated he doesn't think tomorrow is going to work but we can definitely look and see how quickly we can get this done.

Mr. McCormick stated I'm here.

Mr. Latchford stated next week would be very difficult.

Mr. McCormick stated he would like to interject maybe a solution in this. Maybe we could just get the committee, the Michigan City Youth Basketball Committee, which the rules require that the committee makes the decision, prior to anybody else, you can't step above the committee, which in this case that would happen and now before the Board. Mr. McCormick stated he thinks the committee needs to meet and let the committee make their decision. Mr. McCormick stated he thinks that would save you time, us time, and the committee is the Park Department people that are here and that deal with this on a weekly basis and know all of the rules.

Mr. Latchford stated, unless he is mistaken, the process normally is that it goes to the committee and the committee makes the decision and once that is done it comes before the Park Board.

Mr. McCormick stated the committee meeting never took place. Mr. McCormick talked to Brian Studtman, Dan Messina and Chuck Hampton and they say they were not there; they say they were just told, and Mr. McCormick doesn't want to go into all of that, but they said they were just told that it was going to be taken care of by Mr. Garbacik and you guys.

Mr. Latchford stated they will look into that part of it and if we find that is the case, that it never went in front of the committee, we'll see if that can happen because it is more difficult to get the Board involved. Mr. Latchford stated if we find that that happened or the committee made the decision then we will have to come up with a date and that could be the next meeting on February 5, 2009.

Mr. McCormick asked if there is any way we can get Mr. Donoghue involved before he leaves, just to make one phone call to Dan Messina. Dan Messina will clarify that he requested that a meeting take place and that meeting never did take place.

Mr. Latchford stated we will check with Mr. Donoghue or the Superintendent or the Recreation Director. Mr. Latchford asked Mr. McCormick to give them the opportunity to make sure that that did or did not happen and then we will proceed just like we said earlier and if we have to schedule a time for a Board appeal we can do that February 5, 2009 after the Board meeting at 6:00 p.m. or 6:30 p.m.

Mr. McCormick stated he will be here. Mr. McCormick stated if it goes that far, he did request several issues, he requested some evidence and it is on the back of each one of his appeals and if it does go to that point where he has to come before the Board and not the committee, please just have the minutes before he comes here so he can review them and the evidence. Mr. McCormick stated all of the witnesses are part of the Park Department; Dan Messina, Chuck Hampton, Nate Greer, Brian Studtman, and Dave Greer so this shouldn't take long at all.

Mr. Latchford stated we will come up with some very simplified rules, very simplified, you will have forty-five minutes and we've got forty-five minutes and that's it. It is going to be cut and dry.

Mr. McCormick stated he won't need forty-five minutes; the issue is already laid out. Mr. McCormick stated, just for the record, please if somebody can provide him with your policy or minutes from when you passed and approved that individuals can suspended for life for comments because that is a very pressing issue that he needs to have addressed because he is very confused. Mr. McCormick stated he was confused last time at the November meeting with Mr. Kienitz; Mr. Kienitz told him that he can't participate in any events and Mr. McCormick understands that but he did tell him that he could go to the facilities but he can't participate. Mr. McCormick stated now, all of a sudden, he is being told that he can't. Mr. McCormick stated that came up and it was in the minutes that Scott Kaletha was suspended and he couldn't go, that was at the November meeting, and you guys already said that we can go to the facilities but we can't participate.

Mr. Latchford stated Mr. McCormick is drawing comparisons between yourself and another individual and the terms were different and the conditions were different.

Mr. McCormick stated he is just confused because a suspension is suspension; one year or life, but the facility use was the same; he couldn't go into the facilities where I shouldn't be been able to but then you turned around and told him he could.

- **On a motion** made by Mr. Freese, supported by all members of the Board, there being no further business, the meeting was adjourned at 6:30 p.m.

Jan Orlich, Superintendent
Michigan City Park Department

Tom Milcarek, Secretary
Michigan City Park Board

Attachments to the January 22, 2009 Park Board meeting:

1. Encroachment Lease with Mark Daw for 1644 Lake Shore Drive
2. Splash Pad Equipment Installation Bid Submitted by A. Hattersley & Sons, Inc.
3. Splash Park Bid Summary Dated January 22, 2009 Presented by Jerry Fedorchak
4. Water and Sewer Bid Submitted by Woodruff & Sons, Inc. for the Oasis Splash Park
5. Lubeznik Center for the Arts Request Letter to Host Lakefront Art Festival in Washington Park
6. 2009 Youth Baseball League Fees
7. 2009 Golf Cart Package Recommendation
8. 2009 White Sox Training Camp
9. Claims Docket Allowance for Vouchers Dated January 22, 2009
10. Letter From Mrs. Penrod-Spicer Regarding Rodney McCormick

Minutes prepared by Shannon Eason