

**MINUTES OF A SPECIAL MEETING OF THE
MICHIGAN CITY PLAN COMMISSION
JUNE 3, 2008**

The Michigan City Plan Commission met in a special meeting in the Common Council Chambers, City Hall Building, 100 East Michigan Boulevard, Michigan City, Indiana, on Tuesday, June 3, 2008, at 5:00 p.m. local time; the date, hour and place duly established for the holding of said meeting.

CALL TO ORDER

Chairman Hook called the meeting to order at 5:20 p.m.

ROLL CALL

Plan Director John Pugh called the roll with the following noted present: Patricia Boy, John Carr, G. Wallace Hook, Tom Milcarek, Nolah Nasser, Bill Phelps, Tim Smith, and Al Whitlow. George Mock was absent. (8 present, 1 absent) Staff in attendance: Plan Director John Pugh, Attorney Jennifer Evans, and Secretary Debbie Wilson.

DISCUSSION OF PROPOSED ZONING ORDINANCE AMENDMENT REGARDING TOWERS (REQUESTED BY TOM MILCAREK AND NOLAH NASSER)

Mr. Pugh stated that this special meeting was called at the request of two Plan Commission members (Thomas Milcarek and Nolah Nasser) for discussion of a proposed Zoning Ordinance amendment regarding towers.

Mr. Pugh continued that at the last Plan Commission meeting, RESOLUTION 5-08 OF THE MICHIGAN CITY PLAN COMMISSION MAKING A RECOMMENDATION TO THE COMMON COUNCIL REGARDING TOWERS was tabled to this meeting. It was requested by Board member Tim Smith to bring this resolution back to the Plan Commission from last August.

Mrs. Nasser added that what is before the Commission tonight is an ordinance proposed by Mr. Milcarek of which she seconded. This particular ordinance as it reads redefines the resolution that was sent to the Council in August and filed on September 11, 2007. The basis of this particular ordinance being brought back readdresses the word "tower" and the opportunity to insert dates into which this ordinance would affect buildings that are currently constructed prior to this ordinance being approved. The Commission has had a chance to review this and Mrs. Nasser stated she would like to hear discussion with regard to the meeting the Commission just had.

Mrs. Nasser stated that she personally would like to withdraw this ordinance as it sits before them tonight, and based on conversations they just had and information presented by the Commission's attorney, the Council and their attorney, look at new language for a proposed ordinance.

Mr. Carr agreed and based on conversations that preceded this meeting, he said he would like to see both resolutions withdrawn. He stated that he has no intention or desire at this point in time to vote on either one. He feels that they can do a much better job with the tower ordinance; both of these as they stand now are not as adequate as they should be.

Mr. Smith commented that when this process was brought before the Commission, their intent on this ordinance was not directed at what was at hand in the court system at that time; it was more of giving the Planning Department direction to move forward. He stated that some of the issues that have come up with Sheridan Beach have entered into discussions. Based on discussions from the preceding meeting and the Commission's intent with the resolution, Mr. Smith stated that at this point neither one of these resolutions fit the bill. The Commission wants to get it right, not only for the residents of the Sheridan Beach area, but for the residents of Michigan City. He personally feels that the Commission's charge is to get it correct, and get it correct one time so the citizens of the community aren't upset and continually trying to understand what the code is. Mr. Smith also proposed that both resolutions be withdrawn.

For the public record, Attorney Evans noted that an Executive Session was held prior to this meeting at 3:30 p.m. by the Plan Commission with an invitation to City Council members as well. The information discussed was limited to the statute which allows an executive meeting in cases where litigation is currently existing, pending, or where it has been threatened in writing.

Mrs. Nasser made a motion whereby withdrawing both resolutions and recommending that a workshop be formed with the City Council, Plan Commission and their legal counsel to move forward with a document they can bring back as quickly and efficiently as possibly to the Commission for passage onto the City Council. The motion was seconded by Mr. Smith. Mr. Pugh called the roll with the vote as follows: (AYES): Patricia Boy, John Carr, G. Wallace Hook, Tom Milcarek, Nolah Nasser, Bill Phelps, Tim Smith, Al Whitlow (NAYS): None

Mr. Pugh advised that he has no petitions for the June 24th meeting and he therefore recommended using that date for the workshop.

There was a consensus with the Commission and the workshop (with an invitation to the City Council) will be scheduled for Tuesday, June 24th, at 6:30 p.m.

PUBLIC COMMENT

Howard Mason, 108 Carolina Avenue, Treasurer for the Sheridan Beach Homeowner's Association, concurred with what the Commission has done and said they are moving in the right direction. He questioned if the Commission received the packet of letters from the Sheridan Beach Homeowner's Association.

The Commission confirmed that they received the letters but asked Mr. Mason to leave copies in case someone doesn't have them.

Mr. Mason advised that there was information in those letters that was submitted to both the Plan Commission and City Council of which the Council liked the wording for what the Commission was talking about. He indicated the Association's willingness to work with the Commission on the proposed language.

Mr. Hook acknowledged that the Commission is attempting to get something that is clear and concise and something that can be followed to the letter without fear of contradiction.

Councilman Meer commented that he believes when the Council sent it back to the Commission in 2007, part of their motion was with the recommendation to look at the Sheridan Beach Homeowner's Association suggestions.

Chairman Hook advised Councilman Meer of the workshop date with an invitation to the Council and asked that he announce the meeting date to the other Council members.

ADJOURNMENT

With the purpose of the special meeting having been met, Chairman Hook declared the meeting adjourned at 5:30 p.m.

/s/ George Mock, Secretary