

**MINUTES OF THE REGULAR MEETING OF THE
MICHIGAN CITY PLAN COMMISSION
NOVEMBER 24, 2009**

The Michigan City Plan Commission met in a regular meeting in the Common Council Chambers, City Hall Building, 100 East Michigan Boulevard, Michigan City, Indiana, on Tuesday, November 24, 2009, at 7:00 p.m. local time; the date, hour, and place duly established for the holding of said meeting.

CALL TO ORDER

Chairman G. Wallace Hook called the meeting to order at 7:00 p.m.

ROLL CALL

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

Note: A workshop was held at 6:30 p.m. prior to this meeting.

APPROVAL OF MINUTES

The Chair entertained a motion to approve the minutes of the regular meeting of October 27, 2009.

A motion to approve the minutes as written was made by Mr. Gresham. The motion was seconded by Mr. Whitlow, with the vote as follows: (AYES): Patricia Boy, John Carr, Michael Gresham, Tom Milcarek, George Mock, Al Whitlow (NAYS): None (ABSTAIN): G. Wallace Hook, Bill Phelps

With a vote of 6 ayes, 0 nays, and 2 abstentions, the motion was APPROVED.

POLICY OF CONDUCT AND PROCEDURES

With no objections, Chairman Hook dispensed with the reading of the Policy of Conduct and Procedures but asked that it be included as part of the record.

The Policy of Conduct and Procedures for the Michigan City Plan Commission states that the Commission is composed of nine persons. By statute, five must vote

affirmatively to approve a petition. Thus, whenever less than a full board is present, the petitioner may wish to continue his/her hearing. Anyone wishing to speak on a petition or to the board in general at the end of the meeting may do so by approaching the speaker's roster and giving his/her name and address. Comments should be addressed to the Plan Commission, not to a petitioner or remonstrator or others in the audience. The Plan Commission vote is based on the evidence presented.

PETITION(S)

The Chair called for reading of the first petition.

Mr. Pugh read **Petition 907-09 to Replat Lot 5, Block 1, Coolspring Terrace, by Mary Frances Mitchell, at 3028 Cleveland Avenue – John Doyle, Surveyor.**

John Doyle, 2322 E. Michigan Boulevard, Michigan City, Indiana, came forward representing the petitioner. Mr. Doyle provided proof of publication and notice to adjoining property owners to the Planning Office on November 23, 2009 for Attorney Hale's review.

Mr. Doyle stated that this is a replat of a single lot on Cleveland Avenue just north of Coolspring Avenue. Ms. Mitchell owns lots 5, 6, and 7 and desires to divide them into two equal parts with the intent to convey the north half of this property to the adjoining owner of lot 4 on the north side of the property. This is a plat in an older subdivision in Michigan City that they desire to split.

Mr. Hook asked if there were any questions or comments from the Commission.

There being none, Chairman Hook opened the hearing for public comments.

There being none, Chairman Hook closed the public portion of the hearing and called for Department reports.

Mr. Pugh read:

**REPORT ON THE PETITION OF
MARY FRANCES MITCHELL 907-09**

WATER DEPARTMENT: R. E. Russell, Superintendent, had no objections.

SANITATION DEPARTMENT: Al Walus, General Manager, had no objections.

FIRE DEPARTMENT: No report

ATTORNEY: Attorney Steven Hale indicated that the proposed plat appears to conform in all substantial respects to the applicable ordinance and to the notice requirements (both to adjoining property owners by certified mail and to the public in general by newspaper publication).

PLANNING DEPARTMENT: The Planning Department recommends approval as the action is consistent with the requirements of the Michigan City Subdivision Ordinance and will result in two larger lots.

The Chair asked if the petitioner cared to summarize.

Mr. Doyle simply stated that he would respectfully request approval of the petition.

The Chair entertained a motion.

A motion to approve petition 907-09 for Replat was made by Mr. Gresham. The motion was seconded by Mr. Phelps, with the vote as follows: (AYES): Patricia Boy, John Carr, Michael Gresham, G. Wallace Hook, Tom Milcarek, George Mock, Bill Phelps, Al Whitlow (NAYS): None

With a vote of 8 ayes and 0 nays, the motion was APPROVED.

OLD BUSINESS/NEW BUSINESS

With regard to last months' petition 906-09 to vacate platted lots by Moss Family Limited Partnership and Beachwalk Limited Partnership, Mr. Pugh stated that Attorney Hale has prepared findings of fact for the Commission's action. Mr. Pugh read the findings of fact into the record (attached) and asked for the Commission's approval and signatures.

The Chair entertained a motion for approval of the findings of fact.

A motion to approve the findings of fact was made by Mrs. Boy. The motion was seconded by Mr. Carr, with the vote as follows: (AYES): Patricia Boy, John Carr, Michael Gresham, Tom Milcarek, George Mock (NAYS): None (ABSTAIN): G. Wallace Hook, Bill Phelps, Al Whitlow

With a vote of 5 ayes, 0 nays, and 3 abstentions, the findings of fact were APPROVED.

PUBLIC COMMENT

None

ADJOURNMENT

Chairman Hook wished everyone a Happy Thanksgiving and declared the meeting adjourned at 7:15 p.m.

/s/ George Mock, Secretary