

**MINUTES OF A PUBLIC HEARING  
MICHIGAN CITY REDEVELOPMENT COMMISSION  
MARCH 10, 2008**

The Michigan City Redevelopment Commission met in a public hearing session in the Common Council Chambers, City Hall Building, 100 East Michigan Boulevard, Michigan City, Indiana, on Monday, March 10, 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 Behrendt called the meeting to order at 5:00 p.m. and stated that the purpose of the hearing was consideration of the creation of a municipal riverfront district.

**ROLL CALL**

It was noted that all Commission members were present: Ken Behrendt, Ed Bigda, Cranston Harris, Lynne Kaser, and Michael Kniola. Staff in attendance: Executive Director John Pugh, Attorney Michael Bergerson, and Zoning Administrator/Rehab Officer Joseph Siegel.

**PUBLIC HEARING**

Attorney Michael Bergerson presented Resolution 1-08 of the Michigan City Redevelopment Commission Recommending the Creation of a Municipal Riverfront District.

Attorney Bergerson explained that the purpose of today's meeting is to hold a public hearing related to the proposed resolution.

Attorney Bergerson read Resolution 1-08 into the record. He noted that attached to the resolution is the legal description, as well as a map showing the boundaries the district would include. The statute permits the district to encompass any area within 1500 feet of the creek's centerline. However, the proposed boundary would go from the centerline of Michigan Boulevard to take out the Elston Grove neighborhood (the thinking that they would not want restaurants/bars in their neighborhood).

Attorney Bergerson filed with the Commission, a draft of local rules which would govern the issuance of these permits if they were to be approved by the Alcohol and Tobacco Commission. The applicant would have to obtain approval from the Redevelopment Commission before applying to the Alcohol and Tobacco Commission. It is the intent of the rules and regulations to 1) provide a unique year-round family type business in the

riverfront district; 2) encourage the opening and location of upscale family restaurants in the riverfront district; and 3) encourage existing owners to do the same in the district. Key components proposed in the rules are that the permits would not be transferrable and any renewal is subject to compliance with the terms of these local rules and any agreement negotiated with the Redevelopment Commission. The permits shall not be pledged as collateral or subject to any lien, judgment, property settlement agreement or third party claim. Since it would be desirable to have year-round restaurants to encourage people into this area other than just during summer months, it is proposed that the restaurants be required to be open for at least 330 days of the calendar year. Also, a riverfront marketing fund would be established for each of the permit holders to pay into monthly so advertising could take place outside of Michigan City to attract tourists to the area.

Attorney Bergerson explained that the rules and regulations are somewhat modeled from a neighboring community and he tried to make them fit to our application. He pointed out that if anyone had any comments or considerations, those could be filed between now and the Commission's next meeting on March 13<sup>th</sup>. He advised that the rules and regulations can be amended as needed. He suggested the vote on the resolution take place at the Redevelopment Commission's next regular meeting on March 17, 2008.

Chairman Behrendt asked if there were any comments from the Commission.

Mr. Pugh read a letter into the record from the LaPorte County Convention and Tourism Bureau supporting the creation of a riverfront district along Trail Creek in Michigan City. They believe the creation of the district will attract visitors, as well as local citizens, to the riverfront district.

Mr. Bigda expressed his support of the riverfront district to promote the Commission's efforts in developing the North End.

Mr. Behrendt commented that in the rules it refers to restaurants, not taverns. He questioned if that will be specific to eating establishments.

Attorney Bergerson replied that the intent would be to serve a family-style menu. In his opinion, a restaurant and tavern are similar.

Mr. Behrendt noted a couple of churches located in the district. He asked if the liquor laws governing locations of taverns and restaurants that serve alcoholic beverages still apply.

Attorney Bergerson replied that it would. He explained that even if they are within the district, they would still have to comply with the alcoholic beverage law with respect to being so many feet away from a church or school.

Chairman Behrendt opened the hearing for public comment.

Yolanda Harris stated that the development sounds pretty good. With regard to the restaurant versus tavern, she asked if they would be able to serve alcohol 24 hours, or if they would have a certain time they would have to stop serving.

Attorney Bergerson advised that the Alcohol Beverage Rules that would apply have a time limit on the hours an establishment can be open. He believes it is 2:00 a.m. during the week and a little later on weekends. He stated that the creation of this district is not going to increase the ability to sell alcohol in excess of the times already established by state law nor would it increase or take away any restrictions on family-oriented dining versus alcohol in the presence of minors or having a bar where minors are able to walk in. Those rules would still apply.

Board member Harris asked Attorney Bergerson how many establishments would be allowed in the district.

Attorney Bergerson replied that it would be up to the state in terms of how many they authorize the district to have. He pointed out that the state authorized 10 licenses for downtown Valparaiso, but only 4 have been picked up at this point. He explained that to a certain degree it gives the City a little more flexibility and control over the remaining licenses. Under these rules, the Redevelopment Commission would have the ability to determine how many they want to issue of the ones authorized by the state. He would recommend that the Commission not issue all of them, and hold some in reserve.

There were no other comments from the public. Therefore, Chairman Behrendt closed the public portion of the hearing.

Chairman Behrendt suggested that the Commission review the rules in depth between now and the meeting on March 17<sup>th</sup>.

Mr. Bigda asked if the Alcoholic Beverage Commission can make changes to the local rules.

Attorney Bergerson stated that this is somewhat uncharted waters for the Commission in this regard and he is not sure if the state has changed anything submitted by other communities. He stated that if the local community wants more control, he thinks the state would say it is a good thing.

There were no other comments.

**REDEVELOPMENT COMMISSION**

**MARCH**

Chairman Behrendt reminded everyone of the regular meeting on Monday, March 17<sup>th</sup>, the Executive Session at 4:30 and the regular meeting at 5:00.

The meeting adjourned at 5:20 p.m.

/s/ Lynne Kaser, Secretary