REGULAR MEETING - OCTOBER 16, 2001

The Common Council of the City of Michigan City, Indiana, met in regular session on Tuesday Evening, October 16, 2001, at the hour of 7:30 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 7:30 p.m. by Council President Virginia Martin, who presided.

The Pledge of Allegiance to the Flag and a short period of silent prayer were observed.

Roll call was authorized and the following were noted present and/or absent:

PRESENT:  COUNCIL MEMBERS Evelyn D. Baker; Carolyn Harmon; Joseph LaRocco; Charles Lungren; Virginia R. Martin; Willie Milsap; Denzil D. Wilson and JoEileen Winski (8)

ABSENT:  COUNCIL MEMBER Paul Przybylinski (excused) (1)

A QUORUM WAS NOTED PRESENT.

APPROVAL of MINUTES

President Martin inquired whether there were any corrections, deletions, or additions to the minutes of the Regular Meeting of October 2, 2001, and, there being no objections, declared the minutes approved as printed.

REPORTS of STANDING, SPECIAL, or SELECT COMMITTEES

Councilwoman Baker reported on activities of the Solid Waste District Board concerning pending litigation.

Councilman LaRocco reported on the Park Board and the Zoo.

REPORTS of OTHER CITY OFFICERS and DEPARTMENTS

Mayor Brillson spoke on Boo at the Zoo; Trick or Treat on October 31, from 5:30 to 7:30 p.m.; leaf pick-up beginning on October 22; and a county-wide community readiness meeting. She also read into the record the following executive orders.

September 21, 2001

Federal law regarding military duty and employee benefits leaves the issue of compensation by an employer to that employer's discretion.

The City of Michigan City will treat military service at this grave time in our country's history as leave with full pay and will maintain full benefits for the employee and his family.

* * * * *

To protect the future interests of the City of Michigan City at a time of national crisis and a slowing economy, at the end of the business day of October 12, 2001, I, as Mayor, will implement the following:

1. An immediate freeze on all non-emergency or non-grant funded overtime and compensatory time.

2. An immediate hiring freeze on all positions currently not posted through January 2002. Exceptions to this ruling may be made by the mayor if needed to protect the health and safety of the community. An extension of the freeze will be evaluated by the mayor once December revenues are known and analyzed.

3. A continuation of my program of personally approving each and every purchase of supplies to be certain they are necessary and are being purchased at the lowest cost. At this time, I will further restrict these expenditures by approving only quantities that are essential and immediately necessary to continue the respective department's function.

4. All large quantity purchases will be delayed until the city seeks formal bids and quotations no earlier than the first quarter of 2002.

5. ALL capital equipment and projects which are not currently under contract will be reviewed by the mayor. Those that can be delayed will be delayed. However, to protect local companies and our working families, and to protect the health and safety of our citizens, sewer and water projects will be allowed to proceed.

6. No further consulting projects will be approved for project design this year.

Mayor Brillson then responded to questions and comments from Council Members Baker, LaRocco, and Lungren.
PETITIONS
There were no petitions.

COMMUNICATIONS
There were no communications.

RESOLUTIONS
The Clerk read in its entirety, as requested by President Martin,

RESOLUTION NO. 4117
RESOLUTION OF THE COMMON COUNCIL OF
THE CITY OF MICHIGAN CITY, INDIANA
AUTHORIZING PAYMENT TO CITY EMPLOYEES
CALLED TO ACTIVE MILITARY DUTY

WHEREAS, on September 11, 2001, the City of Michigan City joined the Nation, watching in shock and horror as terrorists hijacked and destroyed four civilian aircraft, resulting in thousands of innocent people being killed; and

WHEREAS, the Nation and its citizens have united in providing assistance to the victims of this heinous attack by donating blood, much-needed clothing, supplies, equipment, manpower and financial assistance; and

WHEREAS, some employees of the City of Michigan City have been called to active military duty to provide assistance in aiding our Country in this time of need.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Michigan City, Indiana, that any employee of the City of Michigan City called to active military duty shall continue to receive pay as authorized by the Common Council and the Mayor of Michigan City.*

INTRODUCED BY: /s/ JoElleen Winski

* full salary for sixty (60) days
and then reevaluated

Councilwoman Winski moved to adopt the Resolution, seconded by Councilman Lungren.

Following discussion by Council Members Wilson and Winski and Mayor Brillson, Mr. Wilson moved to amend the Resolution to allow full salary for 60 days, at which time it would be reevaluated. The motion, seconded by Councilman Lungren, carried as follows:

NAYS: COUNCIL MEMBERS LaRocco and Winski (2).

The motion to adopt carried and the Resolution, as amended, was adopted by the following vote: AYES: COUNCIL MEMBERS Harmon, LaRocco, Lungren, Martin, Milsap, Wilson,Winski, and Baker (8). NAYS: None (0).

(Clerk's Note: The Resolution was vetoed by Mayor Sheila Brillson on the 18th day of October 2001.)

The Clerk read by title only, there being no objections,

RESOLUTION NO. 4118
A RESOLUTION FOR INCREASING AND DECREASING CERTAIN APPROPRIATIONS
WITHIN THE BUDGET OF THE PARKS AND RECREATION DEPARTMENT,
IN PARK FUND #1301,
FOR THE YEAR 2001, IN MICHIGAN CITY, INDIANA

WHEREAS, there exist certain circumstances within the budget of the Parks and Recreation of Michigan City which require the increasing and decreasing of appropriations for the year 2001.

Section 1. It is deemed advisable and necessary, in order to meet the circumstances facing said Parks and Recreation Department of the City, that the Common Council make the following transfer of appropriations, as listed,
to-wit:

PARK FUND #1301
Administration Department

DECREASE: A/C #1301-802-10000.014
Part-time Wages $8,000.00

The motion to adopt carried and the Resolution, as amended, was adopted by the following vote: AYES: COUNCIL MEMBERS Harmon, LaRocco, Lungren, Martin, Milsap, Wilson, Winski, and Baker (8). NAYS: None (0).
INCREASE:  A/C #1301-802-30000.909  Education $8,000.00

Section 2  This Resolution shall be in full force and effect after passage and approval by the Mayor.

INTRODUCED BY:  /s/ Joseph LaRocco

Councilman LaRocco moved to adopt the Resolution, seconded by Councilman Wilson. The motion carried and the Resolution was adopted by the following vote: AYES: COUNCIL MEMBERS LaRocco, Lungren, Martin, Milsap, Wilson, Winski, Baker, and Harmon (8).  NAYS: None (0).

The Clerk read by title only, there being no objections,

RESOLUTION N0. 4119

A RESOLUTION FOR INCREASING AND DECREASING CERTAIN APPROPRIATIONS WITHIN THE BUDGET OF THE PARKS AND RECREATION DEPARTMENT, IN PARK FUND #1301, FOR THE YEAR 2001, IN MICHIGAN CITY, INDIANA

WHEREAS, there exist certain circumstances within the budget of the Recreation Department of Michigan City which require the increasing and decreasing of appropriations for the year 2001.

Section 1  It is deemed advisable and necessary, in order to meet the circumstances facing said Recreation Department of the City, that the Common Council make the following transfer of appropriations, as listed, to-wit:

PARK FUND #1301

Recreation Department

DECREASE:  A/C #1301-803-30000.501  Gas & Electric $6,000.00

INCREASE:  A/C #1301-803-20000.221  Gasoline $6,000.00

Section 2  This Resolution shall be in full force and effect after passage and approval by the Mayor.

INTRODUCED BY:  /s/ Joseph LaRocco

Councilman LaRocco moved to adopt the Resolution, seconded by Councilwoman Baker.

There was discussion by Fay Moore, 515 Grace Street, and Park Superintendent Terry Zeller.

The motion carried and the Resolution was adopted as follows: AYES: COUNCIL MEMBERS Lungren, Martin, Milsap, Wilson, Winski, Baker, Harmon, and LaRocco, (8).  NAYS: None (0).

ORDINANCES

The Clerk read on first reading by title only, AN ORDINANCE TO AMEND ORDINANCES 3690 AND 3728, introduced by Denzil Wilson.

Councilman Wilson requested suspension of the rules to allow all three readings at this meeting. There were no objections.

The Clerk read by title only on second reading, AN ORDINANCE TO AMEND ORDINANCES 3690 AND 3728, introduced by Denzil Wilson.

There was no discussion. The Clerk read on third reading by title only, there being no objections,

Ordinance No. 3853

AN ORDINANCE TO AMEND ORDINANCES 3690 AND 3728

 Whereas Ordinance 3690, section 10, calls for the Port Authority to employ an independent certified accountant to prepare a financial audit within ninety (90) days of the close of each year; and

 Whereas Ordinance 3728, section 14, calls for the Port Authority to employ an independent certified accountant to prepare a financial audit within ninety (90) days of the close of each year; and

 Whereas the Indiana State Board of Accounts conducts an audit of all other city funds and can perform the required audit of the Port Authority Bond Funds; and
Whereas the Centier Bank and Horizon Bank, the paying agents, have agreed to accept an Indiana State Board of Accountancy Audit.

Now therefore be it ordained by the Common Council of the City of Michigan City, Indiana as follows:

section 1. That section 10 of ordinance 3690 is amended by deleting the following sentence: "Such report shall be prepared and furnished within ninety (90) days after the close of each fiscal year, and shall be prepared by an independent certified public accountant employed by The Port Authority for that purpose." and adding in its place: "Such report shall be prepared by the Indiana State Board of Accounts and furnished within ten (10) days for receipt."

section 2. That section 14 of ordinance 3728 is amended by deleting the following sentence: "Such report shall be prepared and furnished within ninety (90) days after the close of each fiscal year, and shall be prepared by an independent certified public accountant employed by The Port Authority for that purpose." and adding in its place: "Such report shall be prepared by the Indiana State Board of Accounts and furnished within ten (10) days for receipt."

section 3. That all other provision of ordinances 3690 and 3728 shall remain in full force and effect.

section 4. That this ordinance shall be in full force and effect from and after passage signing by the Mayor.

Introduced by: /s/ Denzil Wilson

Councilman Wilson moved to adopt the Ordinance, seconded by Councilman LaRocco.

At the request of Councilwoman Baker, Controller Charles Oberlie explained the reason for the Ordinance.

The motion carried and the Ordinance was adopted by the following vote: AYES: COUNCIL MEMBERS Martin, Milsap, Wilson, Winski, Baker, Harmon, LaRocco, and Lungren (8). NAYS: None (0).

The Clerk read on first reading by title only, ADDITIONAL APPROPRIATION ORDINANCE, introduced by JoEileen Winski. (DECREASE Recreation Fund Unappropriated, INCREASE Other $27,000.00. Controller Charles Oberlie has requested second and third readings be held on November 6.)

There was discussion by Councilwoman Winski and Superintendent Zeller.

Controller Oberlie requested that second reading be held at this meeting and explained the reason. There were no objections.

The Clerk read by title only on second reading, ADDITIONAL APPROPRIATION ORDINANCE, introduced by JoEileen Winski. (DECREASE Recreation Fund Unappropriated, INCREASE Other $27,000.00.

The Ordinance was laid over for third reading and formal public hearing.

Councilwoman Baker moved to remove from the table, AN ORDINANCE OF THE MICHIGAN CITY COMMON COUNCIL TO AMEND TITLE XV: LAND USAGE CHAPTER 160, ZONING CODES, SECTIONS DEALING WITH SIGN PERMIT FEES OF THE CITY OF MICHIGAN CITY, CODE OF ORDINANCES. Councilman LaRocco seconded the motion, which carried as follows: AYES: COUNCIL MEMBERS Milsap, Wilson, Winski, Baker, Harmon, LaRocco, Lungren, and Martin (8). NAYS: None (0).

The Clerk read by title only on third reading, there being no objections, ORINANCE NO. 3854

AN ORDINANCE OF THE MICHIGAN CITY COMMON COUNCIL TO AMEND TITLE XV: LAND USAGE CHAPTER 160, ZONING CODES SECTIONS DEALING WITH SIGN PERMIT FEES OF THE CITY OF MICHIGAN CITY, CODE OF ORDINANCES

WHEREAS, the Michigan City Plan Commission is the body of jurisdiction with authority over the Zoning Ordinance, that includes the collection of sign permit fees; and

WHEREAS, sign permit fees have not been increased since 1981; and

WHEREAS, the Planning Department has recommended a fee increase to help offset the operating costs of the Department.

NOW, THEREFORE, BE IT ORDAINED, by the Common Council of the City of Michigan City, Indiana, as follows:

Section 1. That Chapter 160.104(D)(2) "Permit Fees" be amended to read as follows: Signs: $1.00 per square foot, regardless of size.

Section 2. BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon its adoption by the
Councilwoman Baker moved to adopt the Ordinance, seconded by Councilman LaRocco.

There was discussion among Council Members Baker, Lungren, and LaRocco and City Planner John Pugh.

The motion carried and the Ordinance was adopted as follows: **AYES:** COUNCIL MEMBERS Wilson, Winski, Baker, Harmon, LaRocco, Lungren, Martin, and Milsap (8). **NAYS:** None (0).

**UNFINISHED BUSINESS**

There was no unfinished business.

**NEW BUSINESS**

There was no new business.

**COMMENTS FROM THE COUNCIL**

Councilman Lungren spoke in support of 5 MPH speed limits in alleys and requested an Ordinance be introduced.

**COMMENTS FROM THE PUBLIC**

No one from the public requested to be heard.

**ADJOURNMENT**

On motion by Councilman LaRocco, supported by Councilman Wilson, and there being no further business to transact, President Martin declared the meeting ADJOURNED (approximately 8:20 p.m.).