REGULAR MEETING - FEBRUARY 7, 2006

The Common Council of the City of Michigan City, Indiana, met in regular session on Tuesday Evening, February 7, 2006, 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 Ron Meer, 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; Patricia Boy; Joseph Doyle; Phillip Jankowski; Charles Lungren; Virginia Martin; Ronald Meer; Willie Milisap; and Paul Przybylinski (9)

ABSENT: None (0)

A QUORUM WAS NOTED PRESENT.

APPROVAL of MINUTES

President Meer inquired whether there were any corrections, deletions, or additions to the minutes of the Regular Meeting of January 17, 2006, and, hearing none, the minutes were approved as printed.

REPORTS of STANDING COMMITTEES

Councilman Przybylinski briefly reported on the meeting with the Council's Special Committee on the Fire Merit Ordinance.

REPORTS of SPECIAL or SELECT COMMITTEES

Councilman Lungren reported on the meeting of the Fire Merit Commission.

Councilwoman Boy reported on the meeting of the Police Civil Service Commission.

REPORTS of OTHER CITY OFFICERS and DEPARTMENTS

At the request of Councilwoman Boy, Frank Seilheimer, Urban Forrester, reported on ongoing projects throughout the community.

PETITIONS

There were no petitions.

COMMUNICATIONS

There were no communications.

RESOLUTIONS

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

RESOLUTION NO. 4321

A RESOLUTION FOR INCREASING AND DECREASING CERTAIN APPROPRIATIONS WITHIN THE BUDGET OF THE FIRE PENSION BOARD, IN FIRE PENSION FUND #0341, FOR THE YEAR 2006, IN MICHIGAN CITY, INDIANA

WHEREAS, there exist certain circumstances within the budget of the Fire Pension Board of Michigan City which require the increasing and decreasing of appropriations for the year 2006.

Section 1. It is deemed advisable and necessary, in order to meet the circumstances facing said Fire Pension Board of the City, that the Common Council make the following transfer of appropriations, as listed, to-wit:
FIRE PENSION FUND #0341

Fire Pension Board

DECREASE: A/C #0341 0000 03 432.003
Postage                                                $183.60

INCREASE: A/C #0341 0000 01 413.001
Employer Share FICA                                        $183.60

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

INTRODUCED BY: /s/ Phillip Jankowski

After a brief explanation of the proposed Resolution, Councilman Jankowski moved to adopt the Resolution. The motion, seconded by Councilman Przybylinski, carried by the following vote: AYES: COUNCIL MEMBERS Boy, Doyle, Jankowski, Lungren, Martin, Meer, Milsap, Przybylinski, and Baker (9). NAYS: None (0).

There being no objections, the Clerk read by title,

RESOLUTION NO. 4322

A RESOLUTION FOR INCREASING AND DECREASING CERTAIN APPROPRIATIONS WITHIN THE BUDGET OF THE TREE BOARD, IN GENERAL FUND #0101, FOR THE YEAR 2006, IN MICHIGAN CITY, INDIANA

WHEREAS, there exist certain circumstances within the budget of the Tree Board of Michigan City which require the increasing and decreasing of appropriations for the year 2006.

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

GENERAL FUND #0101

Tree Board

DECREASE: A/C #0101 0548 03 439.009
Education                                   $ 229.50

INCREASE: A/C #0101 0548 01 413.001
Employer Share FICA                                        $229.50

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

INTRODUCED BY: /s/ Patricia Boy

Councilwoman Boy moved to adopt the Resolution, seconded by Councilman Przybylinski. Councilwoman Boy explained the proposed Resolution, which carried as follows: AYES: COUNCIL MEMBERS Doyle, Jankowski, Lungren, Martin, Meer, Milsap, Przybylinski, Baker, and Boy (9). NAYS: None (0).

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

RESOLUTION NO. 4323

A RESOLUTION FOR INCREASING AND DECREASING CERTAIN APPROPRIATIONS WITHIN THE BUDGET OF THE HUMAN RIGHTS DEPARTMENT, IN GENERAL FUND #0101, FOR THE YEAR 2006, IN MICHIGAN CITY, INDIANA

WHEREAS, there exist certain circumstances within the budget of the Human Rights Department of Michigan City which require the increasing and decreasing of appropriations for the year 2006.

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

GENERAL FUND #0101

Human Rights Department
February 7, 2006

DECREASE: A/C #0101 0309 02 421.005
Other Office Supplies $45.95

INCREASE: A/C #0101 0309 01 413.001
Employer Share FICA $45.95

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

INTRODUCED BY: /s/ Willie Milsap

Councilman Milsap moved to adopt the Resolution, seconded by Councilman Przybylinski. The motion carried by the following vote: AYES: COUNCIL MEMBERS Jankowski, Lungren, Martin, Meer, Milsap, Przybylinski, Baker, Boy, and Doyle (9). NAYS: None (0).

There being no objections, the Clerk read by title,

RESOLUTION NO. 4324
A RESOLUTION FOR INCREASING AND DECREASING CERTAIN APPROPRIATIONS WITHIN THE BUDGET OF THE HISTORIC REVIEW BOARD, IN GENERAL FUND #0101, FOR THE YEAR 2006, IN MICHIGAN CITY, INDIANA

WHEREAS, there exist certain circumstances within the budget of the Historic Review Board of Michigan City which require the increasing and decreasing of appropriations for the year 2006.

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

GENERAL FUND #0101
Historic Review Board
DECREASE: A/C #0101 0168 03 433.001 Advertising $137.70

INCREASE: A/C #0101 0168 01 413.001 Employer Share FICA $137.50

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

INTRODUCED BY: /s/ Paul Przybylinski

Councilman Przybylinski moved to adopt the Resolution, seconded by Council Members Boy and Milsap. Councilman Przybylinski gave a brief explanation of the proposed Ordinance.

There was discussion among Council Attorney Alevizos and City Controller Schaefer regarding the proposed Resolution. City Controller Schaefer apologized for not putting all the transfers on one (1) Ordinance.

The motion carried and the Resolution was adopted by the following vote: AYES: COUNCIL MEMBERS Lungren, Martin, Meer, Milsap, Przybylinski, Baker, Boy, Doyle, and Jankowski (9). NAYS: None (0).

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

RESOLUTION NO. 4325
A RESOLUTION FOR INCREASING AND DECREASING CERTAIN APPROPRIATIONS WITHIN THE BUDGET OF THE POLICE PENSION BOARD, IN POLICE PENSION FUND #0342, FOR THE YEAR 2006, IN MICHIGAN CITY, INDIANA

WHEREAS, there exist certain circumstances within the budget of the Police Pension Board of Michigan City which require the increasing and decreasing of appropriations for the year 2006.

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

POLICE PENSION FUND #0342
COUNCIL MEMBERS Martin, Meer, Milsap, Przybylinski, Baker, Boy, Doyle, Jankowski, and Lungren (9). NAYS: None (0).

There being no objections, the Clerk read by title,

RESOLUTION NO. 4326

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY, INDIANA APPROVING AN ORDER OF THE CITY OF MICHIGAN CITY PLAN COMMISSION APPROVING THE ACQUISITION OF CERTAIN REAL ESTATE WITHIN THE BOUNDARIES OF THE URBAN RENEWAL AREA ADOPTED BY THE CITY OF MICHIGAN CITY REDEVELOPMENT COMMISSION

WHEREAS, the Michigan City Redevelopment Commission (the "Commission") governing body of the City of Michigan City Department of Redevelopment (the "Department") and the Redevelopment District of the City of Michigan City, Indiana (the "Redevelopment District"), exists and operates under the provisions of the Redevelopment of Cities and Towns Act of 1953 which has been codified in I.C. 36-7-14, as amended from time to time (the "Act"); and

WHEREAS, on July 1, 1970, the Commission adopted a resolution declaring an area within the City of Michigan City, Indiana (the "City") to be a redevelopment area (the "Community Center No. 1, Urban Renewal Area"); and

WHEREAS, on December 15, 1986, the Commission adopted and approved a resolution (the Declaratory Resolution of 1986) confirming that the Community Center No. 1, Urban Renewal Area continued to be blighted and declaring that an additional area of the City is blighted within the meaning of the Act and the Commission designated the Community Center No. 1 Urban Renewal Area and said additional area as the Community Center No. 1, Expanded Urban Renewal Area (referred to herein as the "Existing Area"); and determined that it would be of public utility and benefit to acquire the Existing Area and redevelop it pursuant to a redevelopment plan entitled Urban Renewal Plan, Community Center No. 1, Expanded Urban Renewal Area, Project No. Indiana R-46, Michigan City, Indiana (the "Uptown Improvement Project Plan"); and

WHEREAS, the Plan Commission of the City (the "Plan Commission"), which is the duly designated and acting planning body of the City, adopted and approved a resolution determining that said Declaratory Resolution of 1986 and Uptown Improvement Project Plan conformed to the plan of development for the City and the Common Council of the City (the "Common Council") approved said resolution of the Plan Commission; and

WHEREAS, on February 10, 1987, after notice and a public hearing thereon, the Commission modified and confirmed the Declaratory Resolution of 1986 by the adoption of a confirmatory resolution; and

WHEREAS, the Commission on January 6, 1997, approved and adopted a resolution entitled "Resolution of the Michigan City Redevelopment Commission Designating and Declaring an Additional Area to Be Blighted to Expand the Community Center No. 1, Expanded Urban Renewal Area and Amend the Existing Urban Renewal Plan for the Community Center No. 1, Expanded Urban Renewal Area" (the "Declaratory Resolution of 1997"); and

WHEREAS, the Common Council on April 15, 1997 approved the Plan Commission Order in order to permit the Commission to proceed with the redevelopment of the Expansion Area subject to the approval the Common Council of any and all redevelopment projects undertaken by the Commission subsequent to the date hereof in the Expansion Area.

WHEREAS, the City of Michigan City Redevelopment Commission (the "Commission"), the governing body of the Department of Redevelopment (the "Department") on January 9, 2006 and adopted its Resolution No. 1-06 entitled "RESOLUTION OF THE CITY OF MICHIGAN CITY REDEVELOPMENT COMMISSION AUTHORIZING THE ACQUISITION OF CERTAIN REAL ESTATE WITHIN THE BOUNDARIES OF THE CITY OF MICHIGAN CITY, INDIANA", (the "Resolution") and

WHEREAS the City of Michigan City Plan Commission (the "Commission"), on 01/24/06 , approved and adopted its Resolution No. 1-06 entitled "RESOLUTION OF THE CITY OF MICHIGAN CITY PLAN COMMISSION APPROVING A RESOLUTION OF THE CITY OF MICHIGAN CITY REDEVELOPMENT COMMISSION AUTHORIZING THE ACQUISITION OF CERTAIN REAL ESTATE WITHIN THE BOUNDARIES OF THE CITY OF MICHIGAN CITY, INDIANA" (the "Resolution") and

WHEREAS, the Resolution approves and authorizes an area to be acquired within the City Expanded Urban Renewal Area (the "Expansion Area") (See Exhibit "A") and

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY, INDIANA AS FOLLOWS:

1. That the acquisition of certain real estate within the boundaries of the Urban Renewal Area as expanded (See attached Exhibit "A") by the Redevelopment Commission of the City of Michigan City, Indiana is hereby authorized and approved.
2. That this Resolution shall be in full force and effect from and upon compliance within the procedures required by law.

Adopted at meeting of the Common Council of the City of Michigan City, Indiana held on the 7th day of February, 2006.

INTRODUCED BY: /s/ Charles Lungren

Councilman Lungren moved for the adoption of the Resolution, seconded by Councilman Przybylinski.

Michael Bergerson, Attorney for the Redevelopment Commission, explained in detail the proposed Resolution. This Resolution approves and authorizes an area to be acquired within the City Expanded Urban Renewal Area. Real Estate and Improvements situated at: 517 Cedar Street, 521 Cedar Street, 515 Cedar Street, 324 East 6th Street, and 517 Michigan Boulevard. Attorney Bergerson said these properties are in various states of either repair, disrepair, or vacant; and, the overall plan is that the Redevelopment Commission would intent to acquire these properties and then redevelop them and bring that plan back to this body for final approval as well.

There were various comments made by Council Members Lungren concerning the proposed Resolution and Attorney Bergerson answered questions by Councilman Milsap.

The motion carried and the Resolution was adopted by the following vote:

AYES: COUNCIL MEMBERS Meer, Milsap, Przybylinski, Baker, Boy, Doyle, Jankowski, Lungren, and Martin (9). NAYS: None (0).

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

A RESOLUTION OF THE MICHIGAN CITY COMMON COUNCIL CONCERNING THE CITY’S MEMBERSHIP IN THE REGIONAL DEVELOPMENT AUTHORITY, as introduced by Paul Przybylinski.

Councilman Przybylinski moved to adopt the Resolution, seconded by Councilman Milsap.

Councilman Doyle informed the Council that he had just received a copy of the Resolution and has not had a chance to review it and did not receive a copy of the agenda for this meeting. He said in all fairness he could not vote one way or another on this Resolution.

There was discussion among Council Attorney Alevizos and Council President Meer regarding Council rules.

Councilman Lungren moved to table this Resolution until the next meeting, seconded by Councilwoman Martin. The motion carried by the following vote: AYES: COUNCIL MEMBERS Baker, Boy, Doyle, Lungren, Martin, and Meer (6). NAYS: COUNCIL MEMBERS Milsap, Przybylinski, and Jankowski (3).

Councilman Doyle requested to schedule a workshop before the next meeting to review the Resolution. Council President Meer stated that he would honor that request and would have it set up through the Clerk’s Office.

There was discussion among Council Members Boy, Meer and Council Attorney Alevizos concerning a representative from Chris Chocola’s Office being present at the workshop.

There was discussion among Council Attorney Alevizos and Councilman Milsap regarding Councilman Doyle abstaining from the vote.

Councilman Przybylinski called for a Special Meeting on this Resolution. Councilman Przybylinski said the legislature is only in for a short session this year and the Council needs to act on this to send to our legislature who has constantly said they need to know our position on the RDA. Council President Meer informed Councilman Przybylinski that he would take his request under consideration.

ORDINANCES

The Clerk read on first reading by title only, AN ORDINANCE TO AMEND THE ZONING ORDINANCE NO. 3919, as introduced by Patricia. (Re: Immanuel Church of Christ, 1301 Southwind Drive, Michigan City, Indian - Rezoning from R-3 to B-2.)

Councilwoman Boy said the owners of the property and interested parties were at the Plan Commission meeting. The Plan Commission voted unanimously and all the properties surrounding it are already being used for business. It was a remaining piece that zoned R-3.

The Ordinance was then laid over for second reading.

The Clerk read on third reading by title only, there being no objections,
ORDINANCE NO. 3968

AN ORDINANCE OF THE COMMON COUNCIL
OF THE CITY OF MICHIGAN CITY, INDIANA
TO AMEND ORDINANCE NO. 2124
ESTABLISHING AN ANIMAL CONTROL ADVISORY COMMITTEE

WHEREAS, there currently exists Ordinance No. 2124, as amended, which provides for the regulation of domestic animals; and

WHEREAS, there is currently a need for input regarding the policies, principles, standards and regulations for the control and humane treatment of all domestic animals within the City; and

WHEREAS, the Common Council has determined that an Animal Control Advisory Committee is the best means of fulfilling this function;

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

ARTICLE I - ANIMAL CONTROL AUTHORITY ADVISORY COMMITTEE

Section 1. Establishment and Duties of the Animal Control Authority Advisory Committee. The Animal Control Authority Advisory Committee is hereby established and shall have the following duties:

(a) To report to or be responsible to the Mayor and Common Council of Michigan City;

(b) To recommend proposed policies, principles, standards and regulations for the control and humane treatment of domestic animals within the City;

   (i) To review and make recommendations on the improved enforcement of the terms of this chapter and to the Common Council as to ordinances necessary for the care, control and treatment of all domestic animals within the City; and

(d) To submit to the Mayor and Common Council a written report annually regarding its activities and recommendations.

Section 2. Membership of the Animal Control Authority Advisory Committee. The Animal Control Authority Advisory Committee shall be comprised of five (5) members who are residents of the City of Michigan City. The presence of three (3) members of the Committee shall be necessary to constitute a quorum. Membership on the Committee shall be established as follows:

(a) The Chief of Police or his/her designee, to be appointed by the Mayor;

(b) An Employee of the Animal Control Department, to be appointed by the Mayor;

   (i) A Member of the Board of Directors of the Humane Society of Michigan City, to be appointed by the Common Council;

(d) A Licensed Veterinarian to be appointed by the Mayor; and

(e) A Member of the Common Council.

Section 3. Terms of Committee Members. The Members of the Animal Control Authority Advisory Committee shall serve at the pleasure of the appointing authority and each member shall serve until a qualified successor is duly appointed. The initial term of appointment shall be as follows:

(a) Mayoral Appointments. One for one year. One for two years, and one for three years.

(b) Common Council Appointments. The Humane Society appointment shall be for three years, the Common Council Member shall be an annual appointment.

   (i) Each term expires on the 1st Monday in January of the appropriate year.

Following the initial appointments all terms shall be for a period of three years.

Section 4. Meetings, agendas and minutes of the Animal Control Authority Advisory Committee.

(a) The Committee shall meet not less than on a quarterly basis each calendar year. The Chief of Police or his/her designee shall be designated the chairperson of the Committee and at the first meeting of each year the Members of the Committee shall elect any other officers deemed necessary.

(b) Special Meetings may be called by the chairperson or upon the written request of at least two Committee Members.

   (i) An agenda shall be prepared ten (10) days prior to the meeting and forwarded to all Committee Members, the City Clerk’s Office, the City Attorney’s Office, the Mayor’s Office, the Common Council and the Michigan City Animal Control Department.

(d) Minutes of the Committee shall be maintained and copies of the minutes shall be forwarded to all Committee Members, the City Clerk’s Office, the City Attorney’s Office, the Mayor’s Office, the Common Council and the Michigan City Animal Control Department within ten (10) days following a meeting of the Committee.

This Ordinance shall be in full force and effect from and after passage by the Common Council and approval by the Mayor.

INTRODUCED BY: /s/ Paul Przybylnski
Councilman Przybylinski moved to adopt the Ordinance, seconded by Councilwoman Boy.

Councilman Przybylinski submitted the following author’s amendment:

Section 3. Regarding the first sentence, delete “and each member shall serve until a qualified successor is duly appointed.” (The sentence should now read “The Members of the Animal Control Authority Advisory Committee shall serve at the pleasure of the appointing authority.”)

Council Attorney Alevizos made various comments pertaining to the author’s amendment.

Councilman Przybylinski asked the Clerk if he had asked for amendments on third reading and was informed by Councilwoman Boy that on December 20th the Council had voted to allow amendments on third reading.

Councilman Przybylinski moved to remove his request and resubmit it at the next meeting. Council Attorney Alevizos advised Councilman Przybylinski that he could move to strike that sentence and Councilman Przybylinski stated he would leave it as is.

Councilwoman Boy made the Council aware of typographical errors. On Page 2, sub-section (b), it reads “Human Society” and it should read “Humane Society.” Councilwoman Boy also said the dates at the bottom of the page read 2005 and it should read 2006.

The motion carried and the Ordinance was adopted by the following vote: AYES: COUNCIL MEMBERS Przybylinski, Baker, Boy, Doyle, Jankowski, Lungren, Martin, Meer, and Milsap (9). NAYS: None (0).

Councilman Przybylinski moved to remove from the table an Ordinance entitled “AN ORDINANCE TO AMEND ORDINANCE 2560 AND ALL SUBSEQUENTLY ENACTED AMENDING ORDINANCE THERETO, ALL COLLECTIVELY KNOWN AS THE FIRE MERIT ORDINANCE OF THE MUNICIPAL CODE OF THE CITY OF MICHIGAN CITY, INDIANA, ALSO KNOWN A THE MICHIGAN CITY MUNICIPAL CODE SECTION 54-173 (1) ET. SEQ.”, as introduced by Councilwoman Boy, for the purpose of recommitting it to committee with instructions to return it at our next meeting on second reading and to allow amendments on third reading.

The motion to remove the Ordinance from the table was seconded by Council Members Boy and Lungren and carried by the following vote: AYES: COUNCIL MEMBERS Baker, Boy, Doyle, Jankowski, Lungren, Martin, Meer, Milsap, and Przybylinski (9). NAYS: None (0).

Councilman Przybylinski moved to recommit the Ordinance to Committee with instructions to return it at our next meeting on second reading and to allow amendments on third reading. The motion was seconded by Councilwoman Martin.

Council Attorney Alevizos clarified why the Ordinance is being returned on second reading with committee reports.

The motion carried by the following vote: AYES: COUNCIL MEMBERS Boy, Doyle, Jankowski, Lungren, Martin, Meer, Milsap, Przybylinski, and Baker (9). NAYS: None (0).

UNFINISHED BUSINESS

There was no Unfinished Business.

NEW BUSINESS

Appointment to the Police Civil Service Commission (term expired 9-9-05)

Deloise Howse, Incumbent

Councilwoman Martin moved to reappoint Mrs. Deloise Howse, seconded by Councilman Lungren.

Mrs. Deloise Howse expressed her appreciation for the reappointment and looked forward to a rewarding next three (3) years. Councilman Przybylinski thanked Commissioner Howse for serving on the Civil Service Commission for the past six (6) years and her willingness to serve for another three (3) years.

Mrs. Howse was reappointed by the following vote: AYES: COUNCIL MEMBERS Doyle, Jankowski, Lungren, Martin, Meer, Milsap, Przybylinski, Baker, and Boy (9). NAYS: None (0).
Appointment to the Economic Development Commission (term expired 1-31-06)

Joseph Ramion, Incumbent

Council President Meer informed the Council that he has been told that Mr. Ramion is still interested in serving.

Councilman Przybylinski nominated Mr. Ramion, seconded by Councilwoman Boy. Councilman Przybylinski commented on Mr. Ramion’s willingness to serve on various committees and thanked him for his interest in the Economic area. There were no other nominations and Mr. Ramion was reappointed as follow: AYES: COUNCIL MEMBERS Jankowski, Lungren, Martin, Meer, Milsap, Przybylinski, Baker, Boy, and Doyle (9). NAYS: None (0).

COMMENTS FROM THE COUNCIL

Councilman Przybylinski reported on the Solid Waste Management District Board meeting that was held on February 6, 2006.

Council President Meer commented on Council Attorney Alevizos’ mishap.

COMMENTS FROM THE PUBLIC

There were no comments.

ADJOURNMENT

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

Thomas F. Fedder, City Clerk