

REGULAR MEETING – JUNE 19, 2007

The Common Council of the City of Michigan City, Indiana, met in regular session on Tuesday Evening, June 19, 2007, 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 Willie Milsap, 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; Angelo Corley, Joseph Doyle; Phillip Jankowski, Virginia Martin; Ronald Meer, Willie Milsap, and Paul Przybylinski (9).

ABSENT: None (0).

A QUORUM WAS NOTED PRESENT.

APPROVAL of MINUTES

President Milsap inquired whether there were any corrections, deletions, or additions to the minutes of the Regular Meeting of June 5, 2007, and, on a motion by Councilman Meer, seconded by Councilman Corley, declared the minutes approved as written.

REPORTS of STANDING COMMITTEES

Councilman Meer commented on the Standing Committee/Public Health and Safety in regards to removal of rank or obnoxious weeds. City Attorney Evans addressed the issue of enforcing removal of rank or obnoxious weeds. Central Services Superintendent James Elwell responded to questions by Council President Milsap and Councilman Przybylinski regarding having the adequate manpower to follow up on vacant lots. Councilman Meer made various comments in regards to adjacent property owners.

Councilman Przybylinski reported on the Solid Waste Board/increase of recycling fees.

Councilman Doyle spoke regarding the Summer Festival Activities and reported on upcoming events.

Councilwoman Boy announced that the Police Commission will be accepting applications for new recruits and they had a very successful program with the Reserve Officer Program.

REPORTS of SPECIAL or SELECT COMMITTEE

There were no Reports.

REPORTS of OTHER CITY OFFICERS and DEPARTMENTS

Dave Lamb introduced himself to the Council. It was noted, as of Friday, June 15, 2007, he was appointed by Mayor Charles E. Oberlie as new **Fire Chief** of the City of Michigan City. Fire Chief Lamb said he would like to extend their services and assistance to the Council, Department Heads, and the citizens of Michigan City.

Council President Milsap requested the Clerk to draft a letter to the Planning Department in reference to the two (2) vacant movie theaters in Michigan City, Dunes Plaza Cinema and the Marquette Theatre. President Milsap said the Council would like as much information as possible regarding the status of the two (2) buildings.

There was discussion between Council Members Martin, Milsap, and Meer regarding vacant buildings in Michigan City.

PETITIONS

There were no Petitions.

COMMUNICATIONS

Re: Canterbury House Apartments (INR 106167) - Notice of Sufficiency, 327 IAC 15-5.

RESOLUTIONS

There were no Resolutions.

ORDINANCES

The Clerk read by title only on first reading, there being no objections, **AN ORDINANCE PROVIDING FOR THE VACATION OF AN ALLEY RUNNING IN AN EASTERLY AND WESTERLY DIRECTION BETWEEN 8TH STREET ON THE WEST AND MICHIGAN BLVD. ON THE EAST IN MICHIGAN CITY, INDIANA**, as introduced by Patricia A. Boy. (Public Hearing to be held July 3rd - News Dispatch Ad June 20 & 27, 2007 .)

Councilwoman Boy made various comments on the Ordinance.

There was discussion between Council Members Martin and Boy on the Ordinance.

Council President Milsap asked if there were any questions or comments by the Council and/or public, hearing none, directed the Ordinance laid over for second reading.

There being no objections, the Clerk read by title only on first reading **ADDITIONAL APPROPRIATIONS ORDINANCE**, as introduced by Phil Jankowski. (**DECREASE** 9000 Riverboat, Unappro., **\$35,000.00** and **INCREASE** 9000 0000 06 460.100, Transfer of Funds, **\$35,000.00** ... **DECREASE** 0101 General Fund, Appro., **\$171,000.00** and **INCREASE** Salaries & Wages **\$97,000.00**, FICA **\$7,500.00**, PERF **\$1,400.00**, Health Insurance **\$5,600.00**, Clothing Allowance **\$1,500.00**, Office Supplies, **\$1,000.00**, Diesel Fuel **\$50,000.00**, and Workers Compensation Insurance **\$7,000.00**.) News Dispatch Ad June 20, 2007 - Formal Public Hearing to be held July 17, 2007

Councilman Jankowski made various comments pertaining to the Ordinance.

Council President Milsap asked if there was any questions or comments by the Council and/or public, and hearing none, directed the Ordinance be laid over for second reading.

The Clerk read by title only on first reading, there being no objections, **AN ORDINANCE TO INCREASE FARES FOR THE MUNICIPAL COACH DEPARTMENT**, as introduced by Phil Jankowski.

Councilman Jankowski made various comments on the Ordinance.

Council President Milsap asked if there was any questions or comments by the Council .

There was discussion between Councilman Przybylinski and Municipal Coach Director Walter Gipson regarding the public hearing. City Controller Schaefer responded to questions from Council President Milsap regarding the status of drivers.

Council President Milsap asked if there was any questions or comments by the public and hearing none, directed the Ordinance be laid over for second reading.

Councilman Przybylinski requested the Clerk to read in its entirety the following Ordinance on third reading, **AN ORDINANCE TO AMEND ORDINANCE NO. 2306, ALSO KNOWN AS SEC. 86-4 OF THE MUNICIPAL CODE OF THE CITY OF MICHIGAN CITY, INDIANA**, as introduced by Paul A. Przybylinski. (Re: construction of side walks.)

ORDINANCE NO. 4003

AN ORDINANCE TO AMEND ORDINANCE NO. 2306, ALSO KNOWN AS SEC. 86-4 OF THE MUNICIPAL CODE OF THE CITY OF MICHIGAN CITY, INDIANA

WHEREAS, the City of Michigan City requires construction of the side walks; and

WHEREAS, THE City of Michigan City has a responsibility to maintain the pedestrian rights-of-way; and

WHEREAS, the City of Michigan City has the financial resources, through Riverboat funds, TIF monies, CDBG grants, and Major Moves funds to fund a sidewalk replacement program.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Michigan City that Section 86-4 of the Municipal Code of the City of Michigan City, Indiana, be amended to read:

No owner or occupant of abutting lands shall fail to keep the sidewalks free from any obstacles or hazards to pedestrians.

INTRODUCED BY: /s/ Paul A. Przybylinski

Councilman Przybylinski moved for the adoption of the Ordinance, seconded by Councilwoman Boy.

Councilman Przybylinski made various comments regarding the Ordinance.

Council Attorney Meyer responded to questions by Councilman Meer regarding the language of the Ordinance.

Council President Milsap asked if there was any questions or comments by the public and hearing none, the Ordinance was adopted by the following vote: **AYES: COUNCIL MEMBERS Baker, Boy, Corley, Jankowski, Martin, Meer, Milsap, and Przybylinski (8). NAYS: COUNCIL MEMBER Doyle (1).**

The Clerk read by title only on third reading, there being no objections, **AN ORDINANCE ESTABLISHING ARTICLE V OF CHAPTER 46 (ENVIRONMENTAL) OF THE MUNICIPAL CODE OF THE CITY OF MICHIGAN CITY, INDIANA AND REGULATING OUTDOOR HYDRONIC HEATERS (WOOD-FIRED BOILERS)**, as Introduced by Patricia A. Boy. (At the May 15th meeting motion was made to allow **amendments on third reading.**)

Councilwoman Boy moved for the adoption of the Ordinance, seconded by Councilman Przybylinski.

Councilwoman Boy submitted the following author's amendments: in the second "Whereas" - after short-term add and long-term.

Councilwoman Baker and Councilman Przybylinski made various comments pertaining to the Ordinance.

ORDINANCE NO. 4004

AN ORDINANCE ESTABLISHING ARTICLE V OF CHAPTER 46 (ENVIRONMENT) OF THE MUNICIPAL CODE OF THE CITY OF MICHIGAN CITY, INDIANA AND REGULATING OUTDOOR HYDRONIC HEATERS (WOOD-FIRED BOILERS)

WHEREAS the use of outdoor hydronic heaters (sometimes referred to as wood-fired boilers or OWB's) as permitted by the United States Environmental Protection Agency (EPA) and Indiana Department of Environmental Management (IDEM) on this date is declared to be a nuisance due to the large volumes of smoke, pollutants, and particulate matter that they produce and that they release low-to-ground; and

WHEREAS these pollutants will add to the existing pollutant levels in the air and can cause or contribute to short-term and long-term health problems such as eye, nose, throat and lung irritation, coughing, and shortness of breath, and may exacerbate asthma, emphysema, and other lung-related illnesses; and

WHEREAS the general population density within the city limits means that the negative aspects of low-to-ground wood smoke is more likely to affect a larger percentage of residents in areas of their use and is also more likely to cause the health problems listed above; and

WHEREAS such use will greatly diminish the use and enjoyment of neighboring properties;

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

SECTION 1. OUTDOOR HYDRONIC HEATERS**(A) Definition**

“Outdoor hydronic heater” means a fuel-burning device that is:

- (2) Designed to burn wood or other approved solid fuels;
- (3) Specified by the manufacturer for outdoor installation or for installation in structures not normally occupied by humans (e.g., garages); and
- (4) Designed to heat building space and/or water via the distribution, typically through pipes, of a fluid heated in the device, typically water or a water/antifreeze mixture.

5. Prohibition

No person shall have installed, install, use, or permit the use of an outdoor hydronic heater after the effective date of this ordinance unless it meets the 2010 requirements of the EPA and IDEM and has been certified by the original manufacturer to meet a particulate matter emission limit of 0.32 lb/MMBtu heat output. In addition, within each of the burn rate categories, no individual test run shall exceed 15 grams per hour.

(1) Outdoor Hydronic Heaters installed or operating prior to the effective date of this section shall be exempted from this prohibition so long as the following criteria are met:

1. Documentation is available to verify the date of installation;
2. Complies with all applicable laws;
3. Does not create a public nuisance as defined in the Municipal Code of Michigan City;
4. Is installed in compliance with municipal building codes pertaining to the installation of any primary heating source;
5. Is installed and operated in compliance with manufacturer’s specifications; and
6. Uses only dry seasoned wood. No other materials may be burned.

(2) Prior to the completion or consummation of a sale or transfer of any real property on or after January 1, 2010, all existing and/or installed outdoor hydronic heaters that do not meet the emission standard of this ordinance shall be replaced, removed, or rendered permanently inoperable.

© Penalty

There is hereby imposed a fine of One-Hundred Dollars (\$100.00) per violation of this ordinance. Each day of use of a wood-fired boiler operated in violation of this ordinance shall constitute a separate violation. In addition to the monetary fine, the city may enforce this section by obtaining an injunction or other court order directing the removal of the wood-fired boiler or ordering the owner or other person not to operate the device until it meets compliance with this Ordinance.

SECTION 2. EFFECTIVE DATE

This ordinance shall be in full force and effect after passage and approval by the Mayor.

Sponsored by: /s/ Patricia A. Boy

Council President Milsap asked if there were any questions or comments by the public and hearing none, the Ordinance was adopted by the following vote: **AYES: COUNCIL MEMBERS Boy, Corley, Doyle, Jankowski, Martin, Meer, Milsap, Przybylinski, and Baker (9). NAYS: None (0).**

UNFINISHED BUSINESS

There was no Unfinished Business.

NEW BUSINESS

There was no New Business.

COMMENTS FROM THE COUNCIL

Councilman Meer thanked department heads and their crews for their professionalism and hard working manner with many of the Council members echoing the same.

Councilwoman Martin spoke on helping senior citizens and the disabled regarding their outdoor work.

Councilman Przybylinski spoke on the vacant movie theaters.

Councilman Meer spoke on the ceremony held at the last meeting thanking Sheriff Mike Mollenhauer and Deputy Bob Blair volunteering their services to seniors and the disabled.

Councilwoman Martin reminded the Council about a scheduled workshop on dogs, Thursday, at the Michigan City Public Library.

Councilman Przybylinski thanked all the Council Members for backing the Sidewalk Ordinance.

COMMENTS FROM THE PUBLIC

Mr. John Chalikian, 609 Franklin Street, commented on rubbish and garbage within the city and the ticket he received regarding obnoxious weeds.

ADJOURNMENT

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

— Thomas F. Fedder, City Clerk

