

## **REGULAR MEETING – June 3, 2008**

The Common Council of the City of Michigan City, Indiana, met in regular session on Tuesday evening, June 3, 2008, at the hour of 6:30 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 6:30 p.m. by Council President Ron Meer.

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

**PRESENT:** COUNCIL MEMBERS Patricia Boy, Phillip Jankowski, Marc Espar Robert McKee, Ron Meer, Richard Murphy, Joe Doyle, Willie Milsap and Angie Nelson (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 May 20, 2008 and hearing none, the minutes were approved as printed.

### **REPORTS of STANDING COMMITTEES**

There were no reports of standing committees.

### **REPORTS OF SPECIAL OR SELECT COMMITTEES**

There were no reports of special or select committees.

### **REPORTS of OTHER CITY OFFICERS and DEPARTMENTS**

There were no reports from City Officers or Department Heads.

### **PETITIONS**

There were no petitions.

### **COMMUNICATIONS**

Council President Meer reported on the executive session called by the Plan Commission that was held June 3, 2008 regarding zoning issues. Mr. Meer advised that the Plan Commission called a Workshop to be held June 24, 2008, at 6:30 p.m. in the Common Council Chamber and invited the Council for their input.

**RESOLUTIONS**

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

**MICHIGAN CITY COMMON COUNCIL**

**RESOLUTION NO. 4395**

**APPROVING STATEMENT OF BENEFITS IN SUPPORT OF APPLICATION FOR PROPERTY TAX ABATEMENT:  
MICHAEL FALATOVICS, AN INDIVIDUAL PROPERTY OWNER**

**WHEREAS**, the Michigan City Common Council, by Ordinance No. 2648, as subsequently amend, established a Tax Abatement Area in the City of Michigan City, Indiana, and a Tax Abatement Program pursuant to terms of I.C. 6-1.1-12.1-1, et seq;

**WHEREAS**, the most recent amendment to Ordinance No. 2648, was Ordinance No. 3912, approved December 18, 2007, whereby the designation of the Economic Revitalization Area and the Tax Abatement Program were extended to and shall expire on December 31, 2009;

**WHEREAS**, Michael Falatovics, an individual property owner, has filed with this Council its Statement of Benefits on the form provided by the Indiana State Board of Tax Commissioners and has provided this Council with a presentation in support thereof; and

**WHEREAS**, this Council is satisfied that the Petitioner’s Statement of Benefits meets with the requirements of Ordinance Number 2648, as amended.

**NOW THEREFORE BE IT RESOLVED:**

SECTION 1. That the matters and things recited in the preamble hereof are hereby adopted and made a part of this Resolution by incorporation and reference as if repeated in full.

SECTION 2. That the Common Council of the City of Michigan City hereby determines:

- A. That a structure which is over 60 years old and a reminder of this City’s past will be 100% rehabilitated by Petitioner at a projected cost of \$50,000.
- B. Restoration of an architecturally significant structure, improving the environment and quality of life for the community, continuing the process of neighborhood renewal, and the improvements thereon as described in the Statement of Benefits are benefits which can be reasonably expected to result from the proposed project.
- C. That the benefits described justify the deductions which will occur in tax abatement for this project.
- D. That as a result of the above-referenced Ordinances, the deduction to which the Petitioner is entitled is Ten (10) years with respect to Real Property Improvements.
- E. That the location of the Petitioner’s structure is 313 E. 6<sup>th</sup> Street, Michigan City, Indiana, within the Michigan City Economic Revitalization Area.
- F. That the Statement of Benefits filed by the Petitioner meets the Requirements of City Ordinance and this Council and should be approved as submitted.
- G. That the grant of approval and deductions referred to herein are subject to the report and oversight provisions of applicable Ordinances of the City of Michigan City, Indiana.

SECTION 3. The Common Council hereby accepts and approves the Statement of Benefits of the Petitioner, dated May 21, 2008, and hereby authorizes the execution thereof by the President of this Council and the attestation thereof by the City Clerk.

SECTION 4. That said Statement of Benefits shall be treated as confidential in the manner provided by law.

SECTION 5. This Resolution shall be in full force and effect after its adoption by the Michigan City Common Council.

Introduced by: Marc Espar  
Co-Sponsored: Richard Murphy  
Phillip Jankowski

Councilman Espar moved to adopt the Resolution. The motion was seconded by Councilman Murphy.

Councilman Espar presented before/after pictures of the home renovated by Mr. Falatovics to the Council and stated reasons to support the Resolution.

Councilman Murphy commented on the impact to the neighborhood that takes place by renovating these homes in this area and asked the Council to support this Resolution.

John Regetz, Director, Economic Development Corporation, stated his support for Mr. Falatovics request.

Mr. Regetz advised Council President Meer that the Historic and Retail Districts are the only two areas eligible for Tax Abatements.

Council President Meer asked if there were any comments or questions by the Council or general public and there being none, the Resolution was adopted by the following vote: **AYES: COUNCIL MEMBERS, Murphy, Nelson, Boy, Doyle, Espar, Jankowski, McKee, Meer, and Milsap (9). NAYS: None (0).**

## **ORDINANCES**

The Clerk read on first reading by title only, **AN ORDINANCE DIRECTING THE MICHIGAN CITY PLAN COMMISSION AND THE MICHIGAN CITY PLANNING AND INSPECTION DEPARTMENT TO WAIVE CERTAIN BUILDING PERMIT AND INSPECTION FEES FOR LAPORTE COUNTY HABITAT FOR HUMANITY, Inc.**  
**Introduced by:** Willie Milsap.

Councilman Milsap advised the Council that the LaPorte County Habitat for Humanity, Inc. are planning to start construction at 121 Schofield Court the beginning of June. Mr. Milsap stated the organization does excellent work and stated reasons he supports this Ordinance.

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

The clerk read on second reading by title only, **AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY, INDIANA AMENDING ORDINANCE NO. 2124 AND ALL SUBSEQUENTLY ENACTED AMENDING ORDINANCES THERETO, OF THE MUNICIPAL CODE OF THE CITY OF MICHIGAN CITY,**  
**Introduced by:** Robert McKee, **Co-Sponsored by:** Patricia Boy and Joe Doyle.  
(Note: Ordinance was TABLED May 20, 2008).

Councilman Espar moved to amend by substitution the document that was submitted to the Clerk's Office and Council Members, which was seconded by Councilwoman Nelson.

Councilman Espar stated that the amendments made were from the Animal Control Board's recommendations and were adopted and supported by the Animal Humane Activities Committee.

Greg Tuel, 1527 E. 8<sup>th</sup> Street, President of the Krueger Neighborhood Association, stated reasons he supports the amendments made. Mr. Tuel thanked everyone for a job well done.

Council President Meer asked if there were any questions or comments by the Council or general public regarding the amendment of substitution to this Ordinance and hearing none, the amendments to the Ordinance were adopted by the following vote: **AYES: COUNCIL MEMBERS Nelson, Boy, Doyle, Espar, Jankowski, McKee, Meer, Milsap, and Murphy (9). NAYS: None (0).**

Discussion ensued among Councilwoman Boy and Councilman McKee regarding the language on page 36- Section F.1.

Council President Meer asked if there were any question or comments by the Council or general public on the amended Ordinance and hearing none, the amended Ordinance was laid over for third reading.

The Clerk read on third reading by title only, there being no objections,

### **ORDINANCE NO. 4024**

#### **AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY, INDIANA AMENDING THE MICHIGAN CITY COMPREHENSIVE ZONING ORDINANCE ALLOWING RESIDENCES ABOVE THE FIRST FLOOR IN A B-1 DISTRICT**

**WHEREAS**, the Plan Commission of the City of Michigan City has the responsibility in accordance with Michigan City Code 160.125(E) and Indiana Code 36-7-4-605 to act as an advisory board to the Common Council of the City of Michigan City concerning the Comprehensive Zoning Ordinance of the City of Michigan City, Ind; and

**WHEREAS**, upon notice having been duly published and hearing held, the Plan Commission of the City of Michigan City, Indiana certified a favorable recommendation for an amendment of the Michigan City Zoning Ordinance section 160.051(A) and 160.052(A)(40), as evidenced by the resolution of the Plan Commission filed with the common Council of the City of Michigan City; and

**WHEREAS**, the Michigan City Common Council has determined that amending the Zoning Ordinance to allow residential dwellings above the first floor in a B-1 district shall promote the development of the city of Michigan City, the Michigan City Zoning Ordinance Sections 160.051(A) and 160.052 (A) (40) shall be amended as follows:

§ 160.051. Business district provisions.

- (A) Dwelling units. Dwelling units and lodging rooms are not permitted in a B2 or B3 zoning classification except in a permitted hotel/motel, convent, monastery, parsonage, or rectory, and are only a permitted use in the B1 district on any floor above the first floor irrespective of the number of floors in the building

§ 160.052(a)(40) Dwelling units above the first floor as permitted use in a B1 District.

#### **NOW THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY, INDIANA:**

Upon recommendation of the Michigan City Plan commission, Michigan City Zoning Ordinance Section 160.051(A) and 160.052(A)(40), part of the Comprehensive Zoning Ordinance of Michigan City and all amendments, supplements, charts, maps, and plats relating thereto be, and they hereby are amended and revised accordingly as indicated above.

**BE IT FURTHER ORDAINED** that this Ordinance, after its passage and approval by the Mayor of the City of Michigan City shall be in full force and effect.

Sponsored by: /s/ Patricia Boy, Member

Councilwoman Boy moved to adopt the Ordinance, which was seconded by Councilman Doyle.

Council President Meer asked if there were any questions or comments from the Council or general public and hearing none, the motion carried by the following vote: **AYES: COUNCIL MEMBERS Boy, Doyle, Espar, Jankowski, McKee, Meer, Milsap, Murphy, and Nelson (9). NAYS: None (0).**

**UNFINISHED BUSINESS**

Councilman McKee requested from the Mayor an update on the 2008 Major Projects Implementations schedule as well as the 2008 North End Action Item Implementation schedule by July, 2008.

Mayor Oberlie stated that he would have an update regarding Mr. McKee's request at the July 15, 2008 Council Meeting.

**NEW BUSINESS**

There was no new business.

**COMMENTS FROM THE COUNCIL**

Councilwoman Nelson announced the 2008 Human Rights Commission Scholarship application packets will be available within the next two weeks and she will have more information at the next Council Meeting.

Council President Meer addressed John Pugh, Planning Inspection Director regarding the status of the new State Law regarding maintenance to delinquent county properties.

Mr. Pugh addressed President Meer and Councilman Milsap's questions and concerns regarding the 104 delinquent properties that need to be maintained.

Assistant Chief Kintzele, MCPD, addressed Council President Meer's questions and concerns regarding the Annual Seat Belt Grant Program.

Joan Chumley, 832 Pine Street stated what a great job the MCPD is doing getting drug dealers off the street in the past two years.

Assistant Chief Kintzele answered questions from Councilman Milsap regarding the funds collected from the seat belt tickets and how the funds are disbursed.

Councilwoman Boy requested a report from Assistant Chief Kintzele showing what percentage of the 2007 seat belt tickets that were given out received additional violations.

**COMMENTS FROM THE PUBLIC**

There were no comments from the public.

**ADJOURNMENT**

On motion by Councilman McKee, supported by Councilwoman Boy, and there being no further business to transact, President Meer declared the meeting ADJOURNED (approximately 7:08 p.m.).

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Thomas F. Fedder, City Clerk