

REGULAR MEETING – September 16, 2008

The Common Council of the City of Michigan City, Indiana, met in regular session on Tuesday evening, September 16, 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, and Angie Nelson, Willie Milsap (9).

ABSENT: None (0).

A QUORUM WAS NOTED PRESENT.

ALSO PRESENT: City Clerk - Tom Fedder, Deputy Clerk – Gale Neulieb, and Council Attorney – Jim Meyer.

APPROVAL OF MINUTES

Councilwoman Boy corrected the proposed amendment she made to Resolution No. 4403 that was adopted.

President Meer inquired whether there were any other corrections, deletions, or additions to the amended minutes of the Regular Meeting of September 2, 2008 and hearing none, the amended minutes were approved as printed.

REPORTS OF STANDING COMMITTEES

Councilman Espar reported on the Finance Committee Meeting held on September 11, 2008, and are continuing to review the 2009 budget. Mr. Espar advised that there were still documents requested by the Council that haven't been received from the Controller's Office.

Councilman Espar stated that a Finance Committee Meeting will be held on Thursday, September 18, 2008 with the Central Maintenance Department and on September 25, 2008 with the Central Service Department.

REPORTS OF SPECIAL OR SELECT COMMITTEES

Councilman McKee reported on the M.C. Scholarship Committee Meeting held on September 15, 2008.

Councilman McKee stated that he and Councilwoman Nelson have been working diligently on the Affirmative Action Human Rights/ EEO Ordinances, trying to combine them into one Ordinance. Mr. McKee advised that hopefully before the end of the year, the proposed Ordinance will be brought to the Council.

REPORTS of OTHER CITY OFFICERS and DEPARTMENTS

Police Chief Ben Neitzel presented and discussed the 2008 semi annual crime report compiled by the Michigan City Police Department.

Further discussion ensued among Police Chief Neitzel and Council Members Espar, Nelson, Milsap, and Meer.

PETITIONS

There were no petitions

COMMUNICATIONS

There were no communications.

RESOLUTIONS

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

MICHIGAN CITY COMMON COUNCIL

RESOLUTION NO. 4404

RESOLUTION APPROVING STATEMENT OF BENEFITS IN SUPPORT OF APPLICATION FOR PROPERTY TAX ABATEMENT: Green Tile Lofts LLC located at 622-624 Franklin Street, Michigan City, Indiana

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

WHEREAS, the most recent amendment to Ordinance No. 2648, was Ordinance No. 4016 approved December 19, 2007 whereby the designation of the Economic Revitalization Area and the Tax Abatement Program were extended to and shall expire on December 31, 2009; and

WHEREAS, Green Tile Lofts LLC, the Petitioner herein, of 622-624 Franklin Street, Michigan City, Indiana, has filed with this Council its Statement of Benefits dated June 30, 2008 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, The Council is satisfied that the Petitioner=s Statement of Benefits meets with the requirements of Resolution 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 the additional value of the redevelopment and improvements described in the Statement of Benefits are benefits which can be reasonably expected to result from the proposed project.

B. That the assessed value of the building known as 622-624 Franklin Street, Michigan City, Indiana, will, as a result of the redevelopment and improvements described in the Statement of Benefits, be increased by \$300,000.00, and this increase and the other benefits described in the Statement of Benefits are benefits to the City of Michigan City 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 Resolution and Ordinances, the deductions to which the Petitioner is entitled to is ten (10) years in the case of real property improvements.

E. That the location of the Petitioner=s property described is within the Michigan City Economic Revitalization Area.

F. That the Statement of Benefits filed by the Petitioner meets the requirements of this Council and should be approved as submitted.

G. That the grant of approval and the deductions referred to herein are subject to the reporting oversight, cancellation notification and publication provisions of Section 5, 7, and 8 of Ordinance No. 3912.

SECTION 3: The Common Council hereby accepts and approves the Statement of Benefits of the Petitioner dated August 20, 2008 and hereby authorizes the signature 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: /s/ Phil Jankowski

Councilman Jankowski moved to adopt the Resolution, seconded by Councilwoman Nelson.

John Regetz, Executive Director, Michigan City Economic Development Corporation, advised the Council of reasons to support the application and asked the Council to adopt the Resolution.

Councilman Murphy stated reasons why he supports the Resolution.

There was a discussion among Council Attorney Meyer and Attorney Hale, representing Green Tile Lofts LLC, in regards to documents stating what improvements, redevelopment and rehabilitations that will be done to 622-624 Franklin Street.

Council President Meer asked if there were any comments or questions by the general public or Council and hearing 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

Councilwoman Nelson withdrew, **AN ORDINANCE TO AMEND ORDINANCE 2681 AND ALL SUBSEQUENTLY ENACTED AMENDING ORDINANCES THERETO, ALL COLLECTIVE KNOWN AS THE POLICE DEPARTMENT ORDINANCE OF THE MUNICIPAL CODE OF THE CITY OF MICHIGAN CITY MUNICIPAL CODE SECTION 70-121 et.seq.**, which she introduced.

Council President Meer asked if anyone wished to sponsor this Ordinance and hearing none, the Ordinance was withdrawn.

Councilman Espar called a point-of-order stating that he did not receive a copy of the following proposed Ordinance.

Councilwoman Boy withdrew, **AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY, INDIANA TO AMEND THE MICHIGAN CITY ZONING ORDINANCE NO. 2114 TO RE-ZONE A SIXTY-SIX (66) ACRE PARCEL OF PROPERTY FROM AGRICULTURAL TO MANUFACTURING – 1**, which she introduced.

Council President Meer asked if anyone wished to sponsor this Ordinance and hearing none, the Ordinance was withdrawn.

UNFINISHED BUSINESS

Councilman Milsap made a motion that Deloise Howse be re-appointed to the Police Civil Service Commission, her term beginning immediately and expires September 9, 2011. The motion was second by Councilwoman Nelson and Boy.

Council President Meer asked if there were any comments or questions from the general public or Council and hearing none, Deloise Howse was re-appointed to the Police Civil Service Commission by the following vote: **AYES: COUNCIL MEMBERS Nelson, Boy, Doyle, Espar, Jankowski, McKee, Meer, Milsap, and Murphy (9).**
NAYS: None (0).

Councilwoman Boy presented forms to the Council with information regarding the proposed Ethics Ordinance (Uniform Conflict of Interest Disclosure Statement).

NEW BUSINESS

There was no new business

COMMENTS FROM THE PUBLIC

Luther Monroe addressed the Council representing the residents and citizens living on South Ohio Street and nearby areas regarding sewer/water damage to their homes. Mr. Monroe presented pictures of the damage done in many of their basements.

Council President Meer commented that there were hundreds of basements in the City that were flooded and stated options they could take and emergency aids to contact for help. Mr. Meer advised that the next scheduled Sanitary District meeting will be held on Wednesday, September 24, 2008 at 1:00 p.m.

Reverend Alan Briggs Sr., 103 Southwind Drive, addressed the Council regarding the damage to his home.

John Jones, Emergency Management Director reported on the conference he had with the Indiana Department of Homeland Security regarding sewer/water damages within the City and advised that his department will be returning phone calls to take reports in detail and inform each person information needed regarding insurance coverage. Mr. Jones stated that as early as Thursday there would be a FEMA representative doing damage assessments.

There was further discussion with Mr. Jones and Council Members Milsap, Meer, and McKee.

Don Delaney, Candidate for the Michigan City School Board commented on the M.C. Scholarship Committee meeting held on September 15, 2008 and thanked the Council for pursuing this program.

COMMENTS FROM THE COUNCIL

Councilman McKee commented on issues and sewer/water damages in the Ohio Street area and that he talked to Al Walus, Sanitary District Superintendent in regards to short and long term assessments.

ADJOURNMENT

On motion by Councilman Espar, supported by Councilman McKee, and there being no further business to transact, President Meer declared the meeting ADJOURNED (approximately 7:29 p.m.).

Thomas F. Fedder, City Clerk