

## **REGULAR MEETING – October 7, 2008**

The Common Council of the City of Michigan City, Indiana, met in regular session on Tuesday evening, October 7, 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 and Deputy Clerk – Gale Neulieb.

### **APPROVAL OF MINUTES**

Councilwoman Boy amended the sentence under “Approval of the Minutes” by adding the word “amended” to the second paragraph.

Councilwoman Boy, commented that on page four(4) regarding the Ordinance re-zoning the 66 acres on U.S. Hwy 212, that Council President Meer asked, “if anyone wished to sponsor this Ordinance and hearing none, the Ordinance was withdrawn.” Ms. Boy stated that she withdrew the Ordinance due to information needed before the Ordinance could be adopted and didn’t need another sponsor to continue it.

Council President Meer agreed with Councilman Espar that by Council rules, anytime an Ordinance is withdrawn that it has to be offered to the Council.

President Meer asked Ms. Neulieb to take note of the first correction.

President Meer inquired whether there were any other corrections, deletions, or additions to the amended minutes of the Regular Meeting of September 16, 2008 and hearing none, the amended minutes were approved.

### **REPORTS OF STANDING COMMITTEES**

Councilman Jankowski advised the Council he would be sending a letter to Al Walus, Michigan City Sanitary District, General Manager, requesting him to gather information regarding the City’s Storm Water Management Program and the Trail Creek Watershed

Plan Implementation and present that information to the Council at their regular meeting December 2, 2008.

President Meer requested a copy of the letter be sent to each Council Member and Counsel Attorney Meyer.

Councilman Jankowski reported on the September 24, 2008, Sanitary District Board meeting.

Councilman Doyle reported on the TRI-AMERICA 2008 National Triathlon Series Tour held September 6-7, 2008.

Councilman Doyle presented the 2008 Washington Park Lifeguard End of Season Summary to the Council.

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

There were no reports of special or select committees.

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

John Schaefer, City Controller, requested a workshop to be scheduled with the Council to present the 2009 City Budget.

Council President Meer stated that he would contact each Council member and get back with Mr. Schaefer and Mayor Oberlie with a date and time.

Mayor Oberlie advised the Council that due to being back to the original project, which was the restoration of a South Shore line car and the financial situation that is faced today, the Board of Public Works and Safety approved his request to cancel the contract with the consultant and to withdraw the South Shore Line Car Museum Project.

### **PETITIONS**

The Clerk read the petition, there being no objections;

We the South Gate Neighborhood Association, submit the attached petition to be included on the agenda for the City Council Meeting on Tuesday October 7, 2008.

Sincerely,  
Luther Monroe

Mr. Fedder stated there were 40 (forty) signatures.

Council President Meer advised that each Council Member received a copy of the petition.

Luther Monroe, 4332 Ohio Street, representing the South Gate Neighborhood Association, addressed the Council regarding the status and condition of the sewer/water damage to their homes from September 13-14, 2008 and the petition for immediate action that was submitted.

Council President Meer addressed several issues regarding the damages and advised Mr. Monroe to contact Councilman Jankowski, Chairman of the Council's Utilities Committee for further assistance.

Councilman McKee called a point-of-order and read the South Gate Neighborhood Association petition for the record:

**SOUTH GATE NEIGHBORHOOD ASSOCIATION – Petition for Immediate Action:**

We, the undersigned, represented by the South Gate Neighborhood Association, are residents of the South Gate area, which was so severely impacted by sewer backups during the hundred-year rain of September 13 and 14, 2008. We have also been severely impacted by the same type of sewer backups during NORMAL operations.

Due to the severity of the situation and the frequency of the occurrences, we request that the Mayor, the Common Council, and the Sanitary District do all in their power to complete the desperately needed and frequently promised studies, repairs, and replacement of equipment to the Ohio Street Lift Station and the entire area's sewer system.

Discussion ensued among Council Members Boy, Meer, and McKee, regarding this matter.

Mr. Monroe addressed several issues regarding the Emergency Management Department and their response after the rain storm on September 13-14, 2008.

Councilwoman Boy presented an Annual Rainfall Report: 1990 to 2008 YTD to the Council and reported on the meeting she had with the Southgate Neighborhood Association regarding the number of sewer back ups in their home each year.

**COMMUNICATIONS**

There were no communications.

**RESOLUTIONS**

There were no resolutions

**ORDINANCES**

The Clerk read on first reading by title only, **AN ORDINANCE AUTHORIZING A MUTAL AID BOX ALARM SYSTEM AGREEMENT**

**Introduced by:** Angela Nelson

**Co-Sponsored by:** Marc A. Espar  
Willie Milsap

Councilwoman Nelson stated that Dave Lamb, Michigan City Fire Chief was present to answer any questions the Council may have regarding the Ordinance.

Councilwoman Nelson advised President Meer that this Ordinance didn't need to go to Committee.

There was discussion and questions among Fire Chief Lamb and Council Members Boy, McKee, and Milsap.

Chief Lamb addressed questions Councilwoman Boy had regarding a MABAS (Mutal Aid Box Alarm System) report she presented to each Council Member.

Due to obligations/timeframes with several government entities, Mayor Oberlie asked the Council to have second and third reading at the next regular Council meeting (October 21, 2008).

Council President Meer asked if there were any objections and hearing none, second and third reading will be on the Council's agenda, October 21, 2008.

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

Councilman Willie Milsap **TABLED, AN ORDINANCE TO ADOPT A CODE OF ETHICS AND TO CREATE AN ETHICS ADVISORY BOARD FOR THE CITY OF MICHIGAN CITY, INDIANA**, which was on second reading and Introduced by: Patricia Boy, Joseph Doyle, and Bob McKee.

The motion was seconded by Councilman McKee.

Council President Meer directed the Clerk to take the vote: **AYES: COUNCIL MEMBERS Nelson, Boy, Doyle, Espar, Jankowski, McKee, Meer, Milsap, and Murphy (9). NAYS: None (0)**. The Ordinance was **TABLED** until the October 21, 2008 Council Meeting.

Council President Meer reminded the Council that this Ordinance will be brought back on second reading at the regular Council meeting on October 21, 2008, that any changes or amendments must be made at that time.

### **UNFINISHED BUSINESS**

There was no unfinished business.

### **NEW BUSINESS**

Councilwoman Boy stated that John Pugh, Director of Planning and Inspection gave her a copy of an updated Board assignment list for the Plan Commission if any of the Council members would like a copy.

### **COMMENTS FROM THE PUBLIC**

There were no comments from the public.

### **COMMENTS FROM THE COUNCIL**

Councilman Jankowski shared his concerns regarding the attempt to silence public Access Television (ALCo). Mr. Jankowski stated that he would bring more information to the Council at the October 21, 2008 Council meeting.

Councilman Doyle invited everyone to join in the Oktober Fest events this weekend (October 11 & 12, 2008) at the Senior Center.

Councilwoman Boy thanked everyone that attended the candlelight vigil for the Domestic Violence/Communities Against Rape Taskforce of LaPorte County last evening.

Councilman Milsap thanked the Michigan Boulevard businesses that attended the meeting on Sunday, October 5, 2008 at the 5<sup>th</sup> Ward Neighborhood office.

Councilman Milsap reminded everyone to watch the presidential debate this evening.

**ADJOURNMENT**

On motion by Councilman Doyle, supported by Councilman McKee, and there being no further business to transact, President Meer declared the meeting ADJOURNED (approximately 7:15 p.m.).

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Thomas F. Fedder, City Clerk