

REGULAR MEETING – December 2, 2008

The Common Council of the City of Michigan City, Indiana, met in regular session on Tuesday evening, December 2, 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, Asst. Deputy Clerk – Kim Sliwa and Council Attorney – James Meyer.

APPROVAL OF MINUTES

President Meer inquired whether there were any corrections, deletions, or additions to the minutes of the regular Meeting of November 18, 2008; Councilman Espar called a point of order advising the proposed Ordinance amending Ordinance No. 2053 on second reading did not have to be sent back to the Plan Commission for further action and should have been on the agenda for this meeting. Mr. Espar proposed that the Ordinance would be put on December 16, 2008 Council agenda on third reading.

Council President Meer advised that the Ordinance will be put on the December 16, 2008 Council agenda on third reading as amended.

President Meer inquired whether there were any corrections, deletions, or additions to the minutes of the regular Meeting of November 18, 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

Al Walus, General Manager, Michigan City Sanitary District, did a presentation for the City Council regarding the City's Storm Water Management Program and the Trail Creek Watershed Plan.

Rick Brown, LaPorte County MS4 Coordinator addressed the Council regarding this matter.

Discussion ensued among Al Walus, General Manager, Michigan City Sanitary District, Rick Brown, Laporte County MS4 Coordinator, Attorney Meyer, Council Members, Meer Espar, Boy, Jankowski, and Murphy.

John Schaefer, City Controller reported on monies received from the provisional tax bills that went out a few months ago. Mr. Schaefer advised the amount received was less than half the projected amount.

Mr. Schaefer advised the Council that he would have a Resolution to bring before them at the December 16, 2008 meeting to temporarily transfer money from one fund to another to eliminate deficit balances.

Mayor Oberlie requested to schedule an executive session with the Council to discuss land acquisition.

Mayor Oberlie advised the Council that the LaPorte County Council scheduled two meetings to discuss (LOIT) Local Option Income Tax; December 8, 2008 a Public Hearing will be held at 5:00 p.m., and December 29, 2008 at 5:00 p.m. a meeting will be held and that action could be taken regarding LOIT. Mayor Oberlie advised the Council of options faced under LOIT. Mayor Oberlie encouraged each Council Member to attend these meetings if possible.

Council President Meer stated that he would contact the Mayor's office to schedule the Executive Session.

PETITIONS

There were no petitions.

COMMUNICATIONS

Council President Meer directed the Clerk to read the first communication on the agenda:

November 20, 2008
Michigan City Common Council
100 East Michigan Boulevard
Michigan City, In 46360

Dear Council Members:

I appreciate all the effort that has been put forward to develop a meaningful ethics ordinance for our city. With great personal reluctance and after considerable deliberation with my administrative staff, I have however vetoed the ordinance. I believe that we can work together to develop a new ordinance that is easy to understand and less difficult to administer and that reflects the values that we expect our employees, boards and commission members to possess.

The issues which I see with the ordinance in its current form are as follows:

A. Definitions:

1. "*Relative*" by definition includes individuals related by "common-law" marriage and individuals related through a "guardianship." Indiana does not recognize common-law marriages and as such creates confusion. Furthermore, the Ordinance suggests that it applies to the relationship of a parent, sibling, child or spouse created by a "guardianship" when no such relationship is created or recognized by law. *See Section 3.y.*

2. The Ordinance references the position of “*deputy mayor.*” See Section 3.m.

B. Contradictory or Confusing Provisions.

1. Section 8. *Financial Disclosure Statement* requires a disclosure when the employee or official’s spouse or unemancipated child owns stock in a corporation having a fair market value in excess of \$10,000. However, the Ordinance establishes a threshold value at \$5,000 for any new applicant. The Ordinance suggests that the stocks, bonds or investments which exceed \$5,000 and which must be disclosed are only for companies in which the employee or official knows to be doing business with the City or contemplates will be doing business with the City. However the *Financial Disclosure Statement* places no such qualification upon which investments must be disclosed and requires the disclosure of all investments with a value greater than the threshold amount.

2. Section 10.f.1. simultaneously establishes contradictory time limitations on which allegations the Ethics Advisory Committee may act upon.

C. Funding.

1. Appropriate compensation will need to be established for the members of the Ethics Committee.

2. Additional staff or additional compensation will need to be considered for the Personnel Department to whom much of the responsibility under the Ethics Ordinance falls.

3. Additional appropriation will be required to meet the legal costs arising out of services rendered either through Corporation Counsel or another attorney retained by the Mayor. These responsibilities (costs) can be reduced by addressing the issues contained in this letter.

D. Unjustified Invasion of Personal Financial Privacy.

1. The *Financial Disclosure Statement* requires the disclosure of corporate stock or stock option investments owned by an employee, official or employee or official’s spouse or unemancipated child when the value of the stock or stock option is excess of a threshold value.

2. The *Financial Disclosure Statement* is not exempt from the Indiana Public Record’s Act. As such, the financial holdings and investments of a family become a matter of public knowledge when such information is among the most private of information which an individual possesses on behalf of his or her family.

3. Requiring the disclosure of any financial information should be limited to those investments that directly relate to city business matters.

E. Perception of Favored Treatment of Common Council.

1. The Common Council exempts itself from the authority of the Ethics Advisory Commission thus removing the independent, objective and neutral review of allegations or complaints of misconduct by members of the Common Council itself. The Common Council by its legislation has recognized the importance of an independent body’s ability to investigate and review allegations and complaints of official misconduct. Such is the purpose of the Ethics Advisory Commission. However, in what most likely will be perceived as a self-serving act of personal bias, the Common Council stripped the Commission of any authority to investigate or review allegations of misconduct of the individual members of the Council.

F. The Legislation Goes to Far for a Small Community.

1. This Ordinance would prevent John F. Kennedy from hiring Robert F. Kennedy as his Attorney General. Any piece of legislation that prevents an official from hiring the most-qualified individual for a particular position simply because that individual bears a relationship which may not even be a blood relationship, in a community of 30,000, is misplaced.

2. This provision alone would cause considerable disruption to the regular assignments and reassignments of the personnel of the police and fire departments where some families have served for generations and continue to serve.

3. For a community such as ours, a better mechanism to protect against nepotism, which can be loosely defined as a favoritism of a relative when one or more qualified individuals are available for a given position, can be better achieved by alternative means. For example, if a given official or supervisory employee determines that a relative as defined by statute is the most-qualified person for a given appointment or job, then the official or supervisor could be required to refer the ultimate hiring decision to the Ethics Commission for its final independent decision. Under such an arrangement, the alternative applicants could be reviewed for qualifications and the independent body could decide upon the competing applicants’ qualifications, irrespective of the familial relationship.

4. Similarly, a complaint involving favoritism of an existing employee who bears a defined familial relationship to an official or employer could be referred to the Ethics Commission for investigation, review and appropriate action. As such, a qualified individual

could be hired, but if a subsequent problem develops, the structure is in place to address the issue through an independent review process.

G. Forms.

1. I believe that Appendix A can serve as the only required filing allowing for the elimination of Appendix B and its references, except that part 1 "Gifts" should be added to Appendix A and filed annually.

I ask that you support the veto. I pledge that I and my Corporate Counsel will work with you and your Council Attorney to develop a meaningful, manageable and effective ethics ordinance. Sincerely,

Charles E. Oberlie, Mayor
City of Michigan City

CO/vgk

Councilman McKee stated reasons to override Ordinance No. 4034 that Mayor Oberlie vetoed.

Councilman McKee moved to override the Veto on Ordinance No. 4034, second by Councilwoman Nelson.

Mayor Oberlie stated issues he saw with the Ordinance in its current form.

Mayor Oberlie questioned the revised Agenda regarding the proposed ordinance amending Ordinance No. 4034 on first reading and the substantial changes to it.

Mayor Oberlie stated his concern regarding revised agendas, process/procedures, the 96 hour rule and keeping the public informed in a timely manner.

Al Austin, 116 E. Warren Road, stated his concerns regarding the Ethic Ordinance.

Councilwoman Boy addressed the need for this Ethic Ordinance because of the lack of a definition of ethical standards which current code requires we follow.

Council President Meer asked Vice-President Milsap to take the chair.

Councilman Meer stated his concerns regarding the motion to override Ethic Ordinance No. 4034.

Councilman Doyle commented on his concerns regarding the research, time and effort put in this Ordinance by the Ethic Committee, Council and the administration.

Councilman McKee commented that everyone puts forth a good legislation and the Mayor is a strong part of that. Mr. McKee stated that we need to move the process forward make the corrections/amendments and adopt the proposed amended Ordinance.

Councilwoman Boy addressed the Financial Disclosure Statement that was attached to the original proposed Ethic Ordinance.

Council President Meer stated that the Ethics Committee did not meet at any time regarding the proposed ordinance on first reading this evening and that the sponsors of this ordinance aren't on the Ethics Committee.

Council President Meer asked if there were any comments or questions by the Council and hearing none, President Meer directed the Clerk to take the vote to override the veto: **AYES: COUNCIL MEMBERS Jankowski, McKee, Meer, Milsap, Murphy, Nelson, Boy, Doyle, and Espar (9). NAYS: None (0).**

Council President Meer directed the Clerk to read the second communication on the agenda:

November 20, 2008
 Michigan City Common Council
 100 East Michigan Boulevard
 Michigan City, In 46360

Dear Council Members:

I have signed the Ordinance for Appropriations and Tax Rates for the year 2009. However I have exercised a line item veto (IC 36-4-6-16) of the amendment regulating payments to ALCO.

The City's contract with ALCO is for provision of government channel programming (Channel 97). The amendment imposes conditions on ALCO for public access programming that is not included in their contract, including specifications for hours of operation which necessarily imposes additional burdens which were not a part of their agreement with the City. This type of interference with pre-existing contracts has obvious legal implications and may have legal ramifications to the City.

Unless ALCO elects and agrees to provide public access services under the existing agreement with no additional costs to the City, the amendment will cause the Board of Works to cancel the contract with ALCO and thus cease to air all Michigan City government meetings as of January 1, 2009.

Should the Council desire that the Board of Works seek proposals for the operation of a public channel, a resolution would be the proper method. Such a resolution should also indicate the Council's willingness to pay for those services for they are not included in the 2009 budget.

Sincerely,

Charles E. Oberlie, Mayor
 City of Michigan City

CO/vgk

Councilman Jankowski moved to override the Mayor's veto regarding the line item of the Amendment regulating payments to ALCO, seconded by Councilwoman Nelson.

Councilman Jankowski asked Councilwoman Nelson to read his comments to the Council stating several reasons to support the override to the Mayor's veto.

Dennis Metheny (6757 W. 450 N.), David Werdine (321 Euclid Avenue), and Al Austin, 116 E. Warren Road addressed the Council regarding ALCO.

Discussion ensued among Mayor Oberlie, Attorney Meyer, Council Members Boy, Nelson, McKee, Espar, Murphy, Jankowski, Meer and Doyle.

President Meer asked if there were any comments or questions by the Council and hearing none, President Meer directed the Clerk to take the vote: **AYES: COUNCIL MEMBERS Meer, Nelson, Jankowski (3). NAYS: McKee, Milsap, Murphy, Boy, Doyle, and Espar (6).** President Meer stated the Veto stands.

RESOLUTIONS

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

MICHIGAN CITY COMMON COUNCIL

RESOLUTION NO. 4407

A RESOLUTION FOR INCREASING AND DECREASING CERTAIN APPROPRIATIONS WITHIN THE BUDGET OF THE HUMAN RIGHTS DEPARTMENT, FOR THE YEAR 2008, 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 2008.

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

DECREASE:	A/C #0101 0309 03 432.003		
	Travel Expense	\$	1,000.00
	A/C #0101 0309 03 439.008		
	Organization Membership & Due	\$	250.00
 INCREASE:	 A/C #0101 0309 01 412.021		
	Sell Back Sick		\$1,250.00

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

INTRODUCED BY: /s/ Marc Espar

John Schaefer, City Controller addressed Councilman Espar's questions regarding the Resolution.

Councilman Espar moved to adopt the resolution, seconded by Council Members McKee and Doyle.

John Schaefer advised Councilwoman Boy that \$1,250.00 was the correct amount.

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

ORDINANCES

The Clerk read on first reading by title only, **AN ORDINANCE AMENDING ORDINANCE NO. 4034 COMMONLY CALLED THE ETHICS ORDINANCE FOR THE CITY OF MICHIGAN CITY, INDIANA**

Introduced by: Patricia Boy
Joseph Doyle
Bob McKee

Mayor Oberlie stated several issues and concerns he had regarding language clarification in the Ordinance.

Council President Meer advised the Ordinance will be on second reading at the Council meeting December 16, 2008 for any changes or amendments.

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

The Clerk read on first reading by title only, **AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY, INDIANA AMENDING THE MICHIGAN CITY ZONING MAP AND ORDINANCE NO. 2114 BY REZONING A PARCEL OF PROPERTY KNOWN AS LOTS 3, 4, 5 AND 6 IN ORR AND COBB'S ADDITION TO MICHIGAN CITY FROM RESIDENTIAL R2 TO BUSINESS B2.**

Introduced by: Pat Boy

Councilwoman Boy reported on the Plan Commission meeting and reasons to support this ordinance.

Attorney Steven Hale, 101 W. 2nd Street, representing Gloria and John Newcomb, Newcomb Printing Solutions, addressed the Council with information regarding reasons for the rezoning of this parcel.

Council President Meer advised there will be a Formal Public Hearing held at the December 16, 2008 Council meeting.

Attorney Meyer addressed Councilman Murphy's questions regarding the findings from the Plan Commission, stating that the Council has to receive it before passing the rezoning ordinance.

Council President Meer asked Councilwoman Boy to obtain the information needed.

John Pugh reported on the Plan Commission meeting and the information that was forwarded to the Council regarding the rezoning. Mr. Pugh stated that the minutes should be approved by the final reading of this Ordinance.

Attorney Meyer advised Councilwoman Boy that there has to be a written report of findings and recommendation from the Plan Commission.

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

The Clerk read on first reading by title only, **APPROVING ADDITIONAL APPROPRIATION FOR TRANSFER INTO THE BUDGET OF THE BOYD DEVELOPMENT FUND** (DECREASE: Fund # 0417 Boyd Development Unappropriated \$1,050,000.00 INCREASE: Fund # 0417 0000 04 443.007 Park Projects \$850,000.00 . Fund # 0417 0000 04 449.00 Grant Match \$200,000.00)

Introduced by: Marc Espar

Councilman Espar asked for this Ordinance and the following Ordinance to be referred to the Finance Committee for further analysis.

Council President Meer referred these Ordinance to the Finance Committee for review.

Council President Meer advised that there will be a Formal Public Hearing at the December 16, 2008 Council meeting regarding this Ordinance.

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

The Clerk read on first reading by title only, **APPROVING ADDITIONAL APPROPRIATION FOR TRANSFER INTO THE BUDGET OF THE RIVERBOAT FUND** (DECREASE: Fund # 9000 Riverboat Unappropriated \$280,000.00 INCREASE: Fund # 9000 0000 04 444.013 Refuse Equipment \$150,000.00. Fund # 9000 0000 04 444.002 Street Equipment \$130,000.00)

Introduced by: Marc Espar

Council President Meer stated that this Ordinance would be referred to the Finance Committee also.

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

Councilman Espar moved to **TABLE** the following Ordinance until the next Council meeting December 16, 2008, seconded by Councilman McKee.

The Ordinance was **TABLED** by the following vote: **AYES: COUNCIL MEMBERS Milsap, Murphy, Nelson, Boy, Doyle, Espar, Jankowski, McKee, and Meer (9).**
NAYS: None (0).

The Clerk read on second reading by title only, **REPEALING ORDINANCE NO. 320 AND REQUIRING SPENDING FROM THE RIVERBOAT FUND TO BE RESERVED FOR CAPITAL IMPROVMENTS AND DEVELOPMENT PROJECTS**

Introduced by: Marc Espar
Bob McKee
Phil Jankowski

The Clerk read on third reading by title only,

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. 4041

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY, INDIANA AMENDING THE MICHIGAN CITY ZONING MAP AND ORDINANCE NO. 2114 BY REZONING A SIXTY-SIX (66) ACRE PARCEL OF PROPERTY COMMONLY KNOWN AS THE FORMER BASEBALL STADIUM COMPLEX ON HIGHWAY 212 FROM AGRICULTURAL TO MANUFACTURING-1

WHEREAS, upon notice having been duly published and public hearing having been duly held, the Plan Commission of the City of Michigan City, Indiana, determined that an amendment to the Zoning Map incorporated into the Comprehensive Zoning Ordinance of Michigan City, known as Ordinance No. 2114, rezoning a certain parcel of real estate, commonly known as the former Baseball Stadium Complex located on Hwy. 212, from Agricultural to M-1 (Manufacturing) as evidenced by the Findings of Fact and report and recommendation of said Plan Commission contained in it's Resolution No. 6-08 previously filed with the Common Council of the City of Michigan City; and

WHEREAS, the Common Council has reviewed the Resolution of the Plan Commission, its Findings of Fact, and related information; has received the favorable recommendation of the Mayor for the change in zoning of this parcel; and has received and considered comments from the public regarding the proposed change in zoning for said parcel; and

WHEREAS, in arriving at a determination as to whether it should approve the proposed change in zoning, the Common Council, as required by IC 36-7-4-603, has given due consideration to how the proposed zoning change will affect or conform to: 1) the City's Comprehensive Plan, 2) the current conditions and the character of current structures and uses in the district in which the parcel is located, 3) the most desirable use for which this parcel and the

other land in the district is adapted, 4) the need to conserve property values throughout the City, and 5) whether the proposed zoning change is consistent with responsible development and growth in the City.

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

SECTION 1. That the foregoing recitals are incorporated herein by reference.

SECTION 2. That after reviewing the Plan Commission Resolution No. 6-08 and related Findings of Fact and the other information provided to the Common Council during the public hearing, and the Common Council, as required by IC 36-7-4-603, having given due consideration to how the proposed zoning change will affect or conform to: 1) the City's Comprehensive Plan, 2) the current conditions and the character of current structures and uses in the district in which the parcel is located, 3) the most desirable use for which this parcel and the other land in the district is adapted, 4) the need to conserve property values throughout the City, and 5) whether the proposed zoning change is consistent with responsible development and growth in the City, in view of all of the evidence in the record before it and using the appropriate standards to guide its determination, the Common Council finds that it has been demonstrated to be in the best interest of the City that the change in zoning as recommended by the Plan Commission in its Resolution No. 6-08 for the former Baseball Stadium Complex on Highway 212 be approved by the Common Council.

SECTION 3. That, pursuant to IC 36-7-4-608, that parcel of real estate in the City of Michigan City, Indiana, commonly known as the former Baseball Stadium Complex on Highway 212 which real estate is more particularly described as follows, to-wit:

SEE ATTACHED EXHIBIT A WHICH IS INCORPORATED HEREIN

which is subject to administration under Zoning Ordinance No. 2114 of Michigan City, Indiana, together with all amendments and supplements thereto, is hereby reclassified and re-zoned from Agricultural to M-1 (Manufacturing).

SECTION 4. BE IT FURTHER ORDAINED that from and after the passage and publication of this Ordinance, the real estate hereinabove described shall be considered and determined as re-zoned M-1 (Manufacturing) and that the Zoning Ordinance No. 2114 and all amendments, supplements, charts, maps, and plats relating thereto be, and they are hereby amended and revised accordingly.

SECTION 5. BE IT FURTHER ORDAINED that this Ordinance, after its passage and approval by the Mayor of the City of Michigan City, shall be published once each week for two (2) consecutive weeks in the daily newspaper of general circulation.

Sponsored by: /s/ Patricia Boy, Member

Attorney Steve Hale, 101 W. 2nd Street, representing Trainor Glass Inc., asked the Council for their support and to adopt the Ordinance.

Kevin Kieft, Business Development Manager, Michigan City Economic Development, offered their support regarding the rezoning of this parcel and asked the Council to adopt the Ordinance.

Councilwoman Nelson stated her support of Trainor Glass, Inc.

Councilwoman Boy reported on her visit to Trainor Glass, Inc and stated she supports this Ordinance.

Council President Meer commented that Trainor Glass is a great opportunity for Michigan City.

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

The Clerk read on third reading by title only,

A MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. 4042

**AN ORDINANCE OF THE MICHIGAN CITY COMMON COUNCIL
ESTABLISHING PROCEDURES AND LIMITATIONS
ON CAPITAL PROJECT EXPENDITURES IN THE
BOYD DEVELOPMENT FUND AND THE RIVERBOAT GAMING FUND**

WHEREAS, the Common Council as the fiscal body of the City desires to establish and implement a more project specific method for fiscal oversight and financial controls for capital projects funded with casino boat revenues; and

WHEREAS, said oversight and control can be accomplished by establishing line item budgets for said capital projects that are project and dollar specific.

NOW, THEREFORE, be it ordained by the Common Council of the City of Michigan City, Indiana as follows:

Section 1: That beginning January 1, 2009, funding for all Capital Expenditures in the Boyd Development Fund and the Riverboat Gaming Fund shall be appropriated by the Common Council by means of a line item budget specific to each capital project in both name and dollar amounts.

Section 2: That excess funds remaining at the end of a project will be returned to the unappropriated balance of the respective fund at the completion of the project unless, at the request of the Mayor, it has been transferred by the Common Council to another capital project. Should it become apparent that the appropriated funds for a capital project will be insufficient to complete the project, the Mayor, as soon as practicable so as not to cause any avoidable delay in completion of the project, shall report the amount of the shortage and the reason for the shortage to the Common Council and request the Common Council to appropriate additional funds sufficient to complete the project.

Section 3: That this Ordinance shall govern those Riverboat Fund and Boyd Development fund capital expenses approved in Ordinance #4040 that established the City's budget for the year beginning 2009.

Introduced By: /s/Marc Espar, Member
Michigan City Common Council

Councilman Espar moved to adopt the Ordinance, seconded by Council Members McKee and Boy.

Councilman Espar stated that this was a recommendation by the Mayor to accomplish one of the objectives that the Finance Committee had designated, which was to provide the funds of a capital project be expended for that project, and any excess amount would revert to the original unappropriated fund.

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

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

Council President Meer advised that Councilman McKee suggested having a Work Shop with the Board of Works Members, City Council, and ALCO. President Meer stated that he would coordinate a time with the Mayor's Office for the Work Shop along with the Executive Session the Mayor requested.

Council President Meer advised the Council of the following information; which are appointments made by the Council:

Term will expire on December 31, 2008
for Redevelopment Commission Incumbents:
Cranston Harris and Lynn Kaser

Term will expire December 31, 2008 for
Urban Enterprise Association Incumbents:
Lestor Norvel and Marie Meriweather.

President Meer stated these appointments will be addressed at the December 16, 2008 Council Meeting.

COMMENTS FROM THE PUBLIC

Dennis Metheny, 6757 W. 450 N., thanked the Council for letting him speak and wished everyone a Merry Christmas and Happy New Year.

COMMENTS FROM THE COUNCIL

Councilman Murphy reminded everyone of the Public Forum regarding the location of the South Shore rails in Michigan City that will be held on Thursday, December 4, 2008 at 6:30 p.m. in the Council Chamber.

Councilwoman Nelson congratulated the Michigan City Area Schools regarding the Twenty-first Century grant they received to extend the after school program.

Mayor Oberlie addressed Councilman Milsap regarding the update on the surveying of the Michigan Boulevard project.

Councilman Doyle invited everyone to Christmas in Washington Park, Saturday, December 6, 2008 starting with the parade at 4:00 p.m.

ADJOURNMENT

On motion by Councilman McKee, supported by Councilman Milsap, and there being no further business to transact, President Meer declared the meeting ADJOURNED (approximately 9:00 p.m.).

Thomas F. Fedder, City Clerk