



A G E N D A
COMMON COUNCIL - REGULAR MEETING

Tuesday, April 18, 2017

Meeting to be held at **6:30 p.m.**, local time,
in the Common Council Chambers, City Hall Building
100 East Michigan Boulevard, Michigan City, Indiana

FILED
APR 13 2017
GALE A. NEULIEB
CITY CLERK
CITY OF MICHIGAN CITY

CALL TO ORDER BY COUNCIL PRESIDENT

PLEDGE OF ALLEGIANCE TO THE FLAG and PRAYER

ROLL CALL

APPROVAL OF MINUTES

Regular Meeting April 4, 2017
Executive Session Minutes April 17, 2017

REPORTS of STANDING COMMITTEES

REPORTS of SPECIAL or SELECT COMMITTEES

REPORTS of OTHER CITY OFFICERS and DEPARTMENTS

CLAIMS DOCKET

**Fund #9000 – Riverboat – Claims - \$ 45,458.70
Fund #0417 – Boyd Development – \$ 12,869.68**

PETITIONS

A petition was received in the Clerk's Office on March 29, 2017 regarding the Rezoning by Ameriplex Marquette JV, LLC

COMMUNICATIONS

RESOLUTIONS

**SUPPORTING THE NOMINATION OF THE MICHIGAN CITY
BREAKWATER LIGHT OWNED BY THE U.S. COAST GUARD
TO THE NATIONAL REGISTER OF HISTORIC PLACES LISTING**

**Introduced by: Chris Schwanke
Don Przybylinski**

ORDINANCES

**ORDINANCE
1st Reading**

**AMENDING THE ZONING MAP OF THE CITY OF MICHIGAN
CITY, LAPORTE COUNTY, INDIANA TO REZONE PROPERTY
TO BE ACQUIRED BY AMERIPLEX MARQUETTE JV, LLC
FROM B2 TO M1**

**48 hr. Notice to
Media
April 13, 2017
IC 36-7-4-608 (f)(1)**

**Introduced by: Pat Boy
Tim Bietry**

***News-Dispatch
March 15 & 20, 2017***

**Formal Public
Hearing was held
March 28, 2017**

**Agenda April 18, 2017
Posted April 13, 2017**

ORDINANCE
1st Reading

**CREATING SUBSECTION (B) IN SECTION 62-31 OF THE
MICHIGAN CITY MUNICIPAL CODE REGARDING THE
HISTORIC PRESERVATION COMMISSION**

Introduced by: Sharon Carnes
Pat Boy
Tim Bietry

ORDINANCE
2nd Reading

**APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET
OF THE CUMULATIVE CAPITAL DEVELOPMENT FUND TO
PROVIDE FUNDING FOR SCUBA EQUIPMENT FOR THE
MICHIGAN CITY FIRE DEPARTMENT**

Introduced by: Chris Schwanke

(DECREASE Cumulative Capital Development Fund # 2391
Unappropriated balance \$ 45,000.00 INCREASE ACCOUNT
#2391 0000 04 444.010 Other Machinery & Equipment – Fire
\$ 45,000.00)

News-Dispatch
April 5, 2017

Formal Public
Hearing will be held
April 18, 2017

ORDINANCE
2nd Reading

**APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET
OF THE CUMULATIVE CAPITAL DEVELOPMENT FUND TO
PROVIDE FUNDING FOR THREE (3) NEW VEHICLES FOR THE
MICHIGAN CITY FIRE DEPARTMENT**

Introduced by: Chris Schwanke

(DECREASE Cumulative Capital Development Fund # 2391
Unappropriated balance \$ 100,000.00 INCREASE ACCOUNT
#2391 0000 04 444.010 Other Machinery & Equipment - Fire
\$ 100,000.00)

News-Dispatch
April 5, 2017

Formal Public
Hearing will be held
April 18, 2017

**UNFINISHED
BUSINESS**

NOMINATIONS: The Council has one (1) appointment to the
Urban Enterprise Association due to Ms. Tina Mahone resigning.
(term would start immediately and expire 12-31-2020)

(Note: this item has been carried over from the March 7, 2017
meeting)

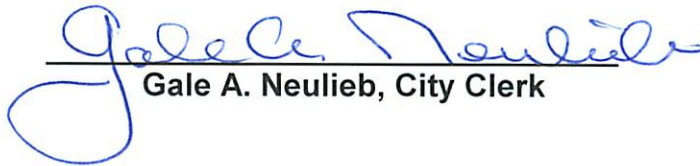
NEW BUSINESS

FYI - The Common Council has one (1) appointment to the
Michigan City Promise Scholarship Exceptions Committee

COMMENTS FROM THE PUBLIC

COMMENTS FROM THE COUNCIL

ADJOURNMENT


Gale A. Neulieb, City Clerk

Please contact the Clerk's Office at 219-873-1410 if you require information regarding building accessibility or reasonable accommodations. Office hours are Monday-Friday from 8:00 a.m. to 4:30 p.m.

MICHIGAN CITY COMMON COUNCIL

RESOLUTION NO. _____

SUPPORTING THE NOMINATION OF THE MICHIGAN CITY BREAKWATER LIGHT OWNED BY THE U.S. COAST GUARD TO THE NATIONAL REGISTER OF HISTORIC PLACES LISTING

WHEREAS, Michigan City has recently received correspondence from the U.S. Coast Guard that they have determined that the Michigan City Breakwater Light is a historic property eligible for listing in the National Register of Historic Places (NRHP), and to that effect, the U.S Coast Guard would like to nominate this historic property for official inclusion on the NRHP (A copy of said correspondence and nomination is attached hereto and incorporated herein as "Exhibit A"); and

WHEREAS, said Breakwater Light, which was established in 1911, is owned by the U.S. Coast Guard and is located in Lake Michigan approximately one-half mile north of Michigan City, Indiana sitting atop the northeast end of an offshore breakwater and marks the western side of the shipping channel used by maritime traffic going to and from Michigan City's harbor; and

WHEREAS, the City has reviewed the nomination of the Breakwater Light to the NRHP, and supports the historical significance of said structure for inclusion in the NRHP.

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

1. The City of Michigan City, Indiana supports and approves the U.S. Coast Guard's submission to nominate the Breakwater Light to the National Register of Historic Places.
2. The City Clerk is directed to forward a fully executed copy of this Resolution to U.S. Coast Guard, 2703 Martin Luther King Jr. Ave SE, U.S. Coast Guard STOP 7714, Washington DC 20593-7714 to the attention of Brendan Deyo, Federal Preservation Officer, Office of Environmental Management.

This Resolution shall be in full force and effect after passage by the Michigan City Common Council and approval by the Mayor.

Introduced By: _____
Chris Schwanke, President
Michigan City Common Council

Don Przybylinski, Member
Michigan City Common Council

Adopted by the Common Council of the City of Michigan City, Indiana by a vote of _____ this _____ day of _____, 2017.

Chris Schwanke, President
Michigan City Common Council

Approved by me this _____ day of _____, 2017.

Ron Meer, Mayor
City of Michigan City, Indiana

ATTEST:

Gale Neulieb, City Clerk
City of Michigan City, Indiana

Prepared by Corporation Counsel Upon Request

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. _____

**AMENDING THE ZONING MAP OF THE CITY OF MICHIGAN CITY,
LAPORTE COUNTY, INDIANA TO REZONE PROPERTY
TO BE ACQUIRED BY AMERIPLEX MARQUETTE JV, LLC
FROM B2 TO M1**

WHEREAS, Holladay Properties ("Petitioner"), filed a Petition For Rezoning (the "Petition") with the Michigan City Plan Commission ("Commission") asking that certain property located within the boundaries of Michigan City, Indiana (the "Property") be rezoned from B2 to M1. The Property is generally located on Cleveland Avenue south of US Highway 20, and legally described as follows:

Lot 2 in AmeriPlex-Marquette Minor Subdivision, Michigan City, Indiana, as per plat thereof, recorded in the Office of the Recorder of LaPorte County, as Document No. 2016R-06445, in LaPorte County, Indiana.

WHEREAS, following the filing of the Petition, the Commission scheduled a public hearing on the Petition for March 28, 2017; and

WHEREAS, the Commission found that the Petitioner properly gave the appropriate notice of the filing of the Petition and of the date and time of the public hearing thereon by publication in the manner described by I.C. 5-3-1-1, et. seq.; and

WHEREAS, the Commission found that the Petitioner properly gave the appropriate necessary notice to the persons who own property that abuts the properties which the Petitioner have requested to be re-zoned and who needed to be given notice of the filing of the Petition and of the date and time of the hearing thereon; and

WHEREAS, the Commission conducted the public hearing on the Petition to re-zone as advertised and noticed on March 28, 2017 and following said hearing determined that the Property should be re-zoned from B2 to M1, all as permitted by the Joint Zoning Ordinance and Indiana law, and on March 28, 2017, certified the Commission's findings and determinations, including those required by I.C. 36-7-4-603, and has sent same along with this proposed Ordinance to the Common Council with a favorable recommendation for passage; and

WHEREAS, the City Clerk, on behalf of the Common Council, provided the appropriate notice of the Council's intention to consider the proposed change in the zoning map as required by I.C. 5-14-1.5-5; and

WHEREAS, the Council has paid reasonable regard, consideration and attention to the recommendation of the Commission, to the documentation and other evidence presented

to the Council regarding the proposed zoning change, and to the legal requirements applicable to the Council's decision, including, as required by I.C. 36-7-4-603, the City's comprehensive plan; the current conditions and the character of current structures and uses in each district; the most desirable uses for which the land in each district is adapted; the conservation of property values throughout the City; and responsible development and growth.

NOW, THEREFORE, BE IT ORDAINED, by the Michigan City Common Council, pursuant to applicable laws, including I.C. 36-7-4-608, that:

1. The Council finds, based on all of the evidence before it, that:
 - A. The requested change in zoning for the Property described herein from B2 to M1 is compatible with the City's comprehensive plan, the current conditions and the character of current structures and uses in each district; the most desirable uses for which the land in each district is adapted; the conservation of property values throughout the City; and responsible development and growth; and
 - B. The requested change in zoning will provide the most reasonable use for which the Property is adapted and the proposed land use will not have an adverse effect on surrounding land; and
 - C. The requested change in zoning will not be injurious or detrimental to the surrounding property values and will further the conservation of property values throughout the City; and
 - D. The requested change in zoning will promote orderly and responsible community growth and development and will not adversely affect the community; and
 - E. The topography, soil conditions, and other physical features of the land involved is suitable for the proposed uses and zoning change; and
 - F. The change in zoning is not "spot zoning" which will confer a special benefit on a relatively small tract without commensurate benefit to the community; and
 - G. The change in zoning will not disrupt or destroy any neighborhood plan.
 - H. The findings set forth in the Resolution of the Commission concerning the Property are accurate and applicable and are hereby adopted.
2. The Council finds that it is in the best interests of the City of Michigan City and its citizens that the Council accept and approve the recommendation of the Plan Commission that the requested change in the City's zoning may be approved by the Council.

3. The zoning for the Property located in the City of Michigan City, LaPorte County, State of Indiana, described herein, be changed from B2 to M1; and the zoning map of Michigan City, Indiana shall be amended to reflect these changes, and the amended map be made available in the office of the Plan Commission and the City Clerk for review and copying by the public.
4. The Clerk of the Michigan City Common Council shall furnish a certified copy of this Ordinance to the LaPorte County Recorder in order that same may be placed or record in the records of the Recorder's Office.

Introduced by: _____
Pat Boy, Member

Tim Bietry, Member

ADOPTED by a majority vote of the members of the Common Council this 18th day of April, 2017.

Chris Schwanke, President
Michigan City Common Council

Approved by me, this _____ day of _____, 2017.

Ron Meer, Mayor
City of Michigan City, Indiana

ATTEST:

Gale A. Neulieb, City Clerk
City of Michigan City, Indiana

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. _____

CREATING SUBSECTION (B) IN SECTION 62-31 OF THE MICHIGAN CITY MUNICIPAL CODE REGARDING THE HISTORIC PRESERVATION COMMISSION

WHEREAS, on April 4, 2017, the Michigan City Common Council enacted Ordinance #4429 entitled "Amending Section 62-31 of the Michigan City Municipal Code Regarding Membership on the Historic Preservation Commission;" and

WHEREAS, said legislation, in part, removed the Planning Department as a member of the Historic Preservation Commission and added an individual from the Planning Commission as a member to the Historic Preservation Commission; and

WHEREAS, it is essential to the operation of the Historic Preservation Commission and their future decision-making that the Planning and Zoning Department, by and through the Director and/or his designee, serve in a nonvoting advisory capacity to said Commission; and

WHEREAS, it is necessary to create subsection (b) in Section 62-31 of the Michigan City Municipal Code to allow the Director of the Planning and Zoning Department and/or his designee, to serve in a nonvoting advisory capacity to the Historic Preservation Commission; and

WHEREAS, the Common Council reasonably believes the addition of subsection (b) to Section 62-31 is in the best interest of the City.

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

SECTION 1. Sec. 62-31 (b) of the Michigan City Municipal Code is created to read as follows:

- (b) The Director of the Planning and Zoning Department and/or his designee shall serve as a nonvoting advisor to the Historic Preservation Commission and shall attend meetings of the Commission and provide relevant information, documentation, and advice to the Commission regarding matters brought before the Commission.

INTRODUCED BY: _____

Sharon Carnes, Member
Michigan City Common Council

Pat Boy, Member
Michigan City Common Council

Tim Bietry, Member
Michigan City Common Council

Passed by the Common Council of the City of Michigan City, Indiana, this _____ day of _____, 2017 by a vote of _____ to _____.

Chris Schwanke, President
Michigan City Common Council

Approved by me, this _____ day of _____, 2017.

Ron Meer, Mayor
City of Michigan City

ATTEST:

Gale A. Neulieb, Clerk
City of Michigan City, Indiana

Prepared by Corporation Counsel Upon Request

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. _____

APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE CUMULATIVE CAPITAL DEVELOPMENT FUND TO PROVIDE FUNDING FOR SCUBA EQUIPMENT FOR MICHIGAN CITY FIRE DEPARTMENT

WHEREAS, it has been demonstrated to the Common Council of the City of Michigan City that it is necessary to appropriate more money than was appropriated in the 2017 Annual Budget to provide funding for SCUBA equipment for the Michigan City Fire Department; and

WHEREAS, the City Controller has determined that sufficient unappropriated funds are available in the Cumulative Capital Development Fund #2391 to be appropriated for that purpose.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Michigan City, La Porte County, Indiana, that for the expenses of the City the following additional sums of money are hereby appropriated out of the fund named and for the purpose specified above, subject to the laws governing the same:

	<u>AMOUNT REQUESTED</u>	<u>AMOUNT APPROPRIATED</u>
DECREASE Cumulative Capital Development Fund # 2391		
Unappropriated balance	\$ 45,000.00	
INCREASE ACCOUNT #2391 0000 04 444.010		
Other Machinery & Equipment – Fire		\$ 45,000.00
TOTAL FOR FUND	\$ 45,000.00	

This Ordinance to be effective upon passage by the Council, approval by the Mayor, any necessary publication, and any necessary approval by the Indiana Department of Local Government Finance.

INTRODUCED BY: _____
Chris Schwanke, President
Michigan City Common Council

Passed by the Common Council of the City of Michigan City, Indiana, this _____ day of _____, 2017 by a vote of _____ to _____.

Chris Schwanke, President
Michigan City Common Council

Approved by me, this _____ day of _____, 2017.

Ron Meer, Mayor
City of Michigan City, Indiana

ATTEST:

Gale A. Neulieb, Clerk
City of Michigan City, Indiana

Prepared by Corporation Counsel Upon Request

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. _____

APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE CUMULATIVE CAPITAL DEVELOPMENT FUND TO PROVIDE FUNDING FOR THREE (3) NEW VEHICLES FOR MICHIGAN CITY FIRE DEPARTMENT

WHEREAS, it has been demonstrated to the Common Council of the City of Michigan City that it is necessary to appropriate more money than was appropriated in the 2017 Annual Budget to provide funding for three (3) new vehicles for the Michigan City Fire Department; and

WHEREAS, the City Controller has determined that sufficient unappropriated funds are available in the Cumulative Capital Development Fund #2391 to be appropriated for that purpose.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Michigan City, La Porte County, Indiana, that for the expenses of the City the following additional sums of money are hereby appropriated out of the fund named and for the purpose specified above, subject to the laws governing the same:

	<u>AMOUNT REQUESTED</u>	<u>AMOUNT APPROPRIATED</u>
DECREASE Cumulative Capital Development Fund # 2391 Unappropriated balance	\$ 100,000.00	
INCREASE ACCOUNT #2391 0000 04 444.010 Other Machinery & Equipment - Fire		\$ 100,000.00
TOTAL FOR FUND	\$ 100,000.00	

This Ordinance to be effective upon passage by the Council, approval by the Mayor, any necessary publication, and any necessary approval by the Indiana Department of Local Government Finance.

INTRODUCED BY: _____
Chris Schwanke, President
Michigan City Common Council

Passed by the Common Council of the City of Michigan City, Indiana, this _____ day of _____, 2017 by a vote of _____ to _____.

Chris Schwanke, President
Michigan City Common Council

Approved by me, this _____ day of _____, 2017.

Ron Meer, Mayor
City of Michigan City, Indiana

ATTEST:

Gale A. Neulieb, Clerk
City of Michigan City, Indiana

Prepared by Corporation Counsel Upon Request