

REGULAR MEETING – June 2, 2009

The Common Council of the City of Michigan City, Indiana, met in regular session on Tuesday evening, June 2, 2009, 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 Bob McKee.

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

PRESENT: COUNCIL MEMBERS Patricia Boy, Phillip Jankowski, Marc Espar, Robert McKee, Richard Murphy, Joe Doyle, and Angie Nelson, Willie Milsap (8).

ABSENT: Ron Meer (1).

A QUORUM WAS NOTED PRESENT.

ALSO PRESENT: Clerk – Thomas Fedder, Deputy Clerk – Gale Neulieb and Council Attorney – James Meyer.

APPROVAL OF MINUTES

President McKee inquired whether there were any corrections, deletions, or additions to the minutes of the regular Meeting of May 20, 2009.

Councilman Espar made a motion to approve the minutes as printed, second by Councilwoman Boy. The minutes were approved as printed.

REPORTS OF STANDING COMMITTEES

Councilman Jankowski reported on the Utilities Committee meeting held June 1, 2009. Mr. Jankowski advised that he will present the minutes for this meeting at the June 16, 2009 Council meeting.

Councilman Jankowski also reported on the Animal Control Advisory Committee meeting held on May 21, 2009.

Councilman Espar presented the following report regarding the Judiciary and Rules Committee meeting held on May 28, 2009;

The Judiciary and Rules Committee met on May 28, 2009 in the East Conference Room in City Hall. The meeting was called to order at approximately 4:50 p.m. Members of the committee in attendance were Robert McKee and Marc Espar; also in attendance was Council's attorney, Mr. Meyer. Mr. Meer was absent.

The meeting was called at the Council President's behest to review the Council's Rules and Procedures relative to Section 2-60 Types of Motions and Precedence, paragraph (f)

which reads, "If a motion contains two or more separate propositions, any member may move to have a question divided into its parts to be voted on separately, except a motion to strike out and insert, which shall not be divided. Pending a motion to strike out and insert, however, each part shall be regarded as a question and the part to be struck out shall be open to amendment first." A question arose during the May 5th, 2009 council meeting regarding the additional appropriation ordinance for the repair and renovation of two fire trucks, and the additional funds for the Washington Park Splash Pad. Mr. Meer had requested on third reading to have the ordinance split into two separate parts and vote yea or nay on the parts. After thoughtful deliberation, and opinions expressed by the Mayor and the Council attorney, the Chair accepted that the Council had on past occasions allowed members to vote on line-items within an ordinance, and ordered the ordinance separated, and a vote taken on its parts. The Judiciary and Rules Committee reviewed the Council's rules and consulted with our attorney relative to the pertinent section, and in retrospect, believe the Chair erred when it ordered the separate vote; however since each part of the ordinance passed, no harm was caused.

With respect to the Council's Rules and Procedure, Section 2-60, paragraph (f), the Committee does not believe any clarifying words need to be added. The paragraph clearly reads, "If a motion contains two or more separate propositions, any member may move to have a question divided..." The motion was made to adopt the ordinance, which is only one proposition (i.e. "motion to adopt"). This is in contrast to a scenario where a member may move to adjourn and to call for a special meeting in two days. In this instance we clearly have two separate propositions; a motion to adjourn, and a motion to hold a special meeting. Here a member may move to divide the motion into its separate parts (i.e. a motion to hold a special meeting in two days, and a motion to adjourn.) It needs to be pointed out that if a councilmember is not satisfied with an ordinance as it is written, he or she already has the ability to change the ordinance through the amendment process. By providing line-item votes on ordinances, the Council may open itself to legal challenges, such as in the case of an appropriation ordinance that needs to be advertised and a public hearing held. The ordinance is published as one ordinance, but adopted as two, three, or more. In this case, the other ordinances were not properly published.

It is the opinion of the Judiciary and Rules Committee that in the future, no ordinance may be split into separate votes; each member may simply vote yea or nay.

REPORTS OF SPECIAL OR SELECT COMMITTEES

There were no reports of special or select committees

REPORTS of OTHER CITY OFFICERS and DEPARTMENTS

Julie Manner, Secretary of the Michigan City Historic Review Board and member of the America In Bloom Committee, did a presentation for the Council addressing "Michigan City In Bloom."

John Schaefer presented to the Council the current financial situation and 2010 budget challenges.

Mr. Schaefer addressed Council President McKee's questions regarding property tax revenue received.

PETITIONS

There were no petitions.

COMMUNICATIONS

There were no communications

RESOLUTIONS

The Clerk read the Resolution by title only, **RESOLUTION OF THE MICHIGAN CITY COMMON COUNCIL OF THE CITY OF MICHIGAN CITY, INDIANA AUTHORIZING THE SUBMISSION OF AN ASSISTANCE TO FIREFIGHTERS GRANT**

INTRODUCED BY: Willie Milsap

Councilman Milsap made a motion to withdraw the resolution until the next Council meeting (June 16, 2009), there was no objection.

The Clerk read the Resolution by title only,

MICHIGAN CITY COMMON COUNCIL
RESOLUTION NO. 4422
RESOLUTION OF THE MICHIGAN CITY COMMON COUNCIL
OF THE CITY OF MICHIGAN CITY, INDIANA
AUTHORIZING THE SUBMITTAL OF AN AMENDMENT TO THE 2008 ANNUAL ACTION PLAN

WHEREAS, the Redevelopment Commission for the City of Michigan City desires to amend the 2008 Annual Action Plan of the United States Department of Housing and Urban Development Community Development Block Grant (CDBG) due to the additional funding made available through the American Recovery and Reinvestment Act passed in February 2009, which increases the 2008 Annual Action Plan (CDBG) by \$193,547.00; and

WHEREAS, with the aforementioned amendment to the 2008 Annual Action Plan (CDBG), the Redevelopment Commission will use the additional funding as follows: 1.) \$178,547.00 for renovation and rehabilitation of the Emmet D. Wise Community Center and Smrt Community Center; and 2.) \$15,000.00 for the Hoosier Management Information System (HMIS) software required by Housing and Urban Development (HUD) to assist case managers of non-profit organizations; and

WHEREAS, there is no match requirement for the City to receive the additional funding to the 2008 Annual Action Plan (CDBG), and upon approval of the amendment to 2008 Annual Action Plan (CDBG) by the Common Council, the Redevelopment Commission will receive and administer the funds of said grant.

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

- Section 1.** That the Common Council supports and authorizes the Redevelopment Commission to submit an amendment to the 2008 Annual Action Plan (CDBG) to acquire additional funding made available through the American Recovery and Reinvestment Act, which increases the 2008 Annual Action Plan (CDBG) by \$193,547.00.
- Section 2.** That the Common Council supports and authorizes the use of the additional funding as follows: 1.) \$178,547.00 for the renovation and rehabilitation of the Emmet D. Wise Community Center and Smrt Community Center; and 2.) \$15,000.00 for the Hoosier Management Information System (HMIS) software required by Housing and Urban Development (HUD) to assist case managers of non-profit organizations.
- Section 3.** That upon approval, the Mayor is authorized to execute any and all contracts and memoranda required for the award of the above-described grant from the United States Department of Housing and Urban Development.
- Section 4.** That the City Controller is authorized to open an account to receive the grant funds and make expenditures from said fund without further authorization from the Common Council.

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

Introduced By: /s/ Willie Milsap, Member
Michigan City Common Council

Councilman Milsap made a motion to adopt the resolution, second by Councilwoman Nelson.

Judy Pinkston, Community Development Director advised that this resolution was an amendment to the 2008 annual action plan. Ms. Pinkston addressed the Council regarding the economic stimulus funds provided by the new administration.

Ms. Pinkston advised Councilman Espar that the grant was not restricted to community centers, stating there is an active homeowner rehabilitation program. Mr. Espar asked the cost of the HMIS software and number of agencies receiving the software.

Dennis Metheny 6757 W. 450 N. commented on his concerns regarding the Unity Foundation and the proposed resolution.

Council President McKee 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 McKee, Milsap, Murphy, Nelson, Boy, Doyle, Espar, and Jankowski (8). NAYS: None (0).**

ORDINANCES

The Clerk read on second reading by title only, **APPROVING ADDITIONAL APPROPRIATIONS OF CASINO FUNDS TO THE PARK DEPARTMENT TO PROVIDE FUNDING FOR A SECOND CITY DAY CAMP**

INTRODUCED BY: Angie Nelson
Joe Doyle

Councilwoman Nelson advised this is a Day Camp the Parks and Recreation Department has been having every summer, and that the proposed ordinance would be a second site for an additional sixty-five (65) children in our community. Ms. Nelson stated that due to the time frame she would be requesting to have third reading this evening.

President McKee asked if there were any questions or comments by the general public or Council and hearing none, President McKee opened the formal public hearing repeating three times "Any questions or comments by the general public at this time?" There was no response and the public hearing was closed."

Councilwoman Nelson made a motion to suspend Council Rules and hold third reading, supported by Councilman Milsap.

Hearing no objections Council President McKee asked the Clerk to read the proposed ordinance on third reading by title only,

MICHIGAN CITY COMMON COUNCIL

ORDINANCE [4061](#)

APPROVING ADDITIONAL APPROPRIATIONS OF CASINO FUNDS TO THE PARK DEPARTMENT TO PROVIDE FUNDING FOR A SECOND CITY DAY CAMP

WHEREAS, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget of the Michigan City Park Department for a second City Day Camp; and

WHEREAS, there are funds available for appropriation for this purpose in the Michigan City Riverboat Fund #9000.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Michigan City, LaPorte County, Indiana, that for the expenses of Michigan City Park Department for a second City Day Camp the following additional sums of money are hereby appropriated out of the funds named and for the purpose specified, subject to the laws governing the same:

	<u>AMOUNT REQUESTED</u>	<u>AMOUNT APPROPRIATED</u>
DECREASE Fund #9000, Riverboat Unappropriated	\$33,600.00	
INCREASE Account #9000 0000 06 460.100 Transfer of Funds (to Park Fund 1301)	\$33,600.00	
TOTAL FOR RIVERBOAT FUND	\$33,600.00	
DECREASE Fund #1301, Park and Recreation Unappropriated	\$33,600.00	
INCREASE Account #1301 0803 01 411.014 Seasonal Wages	\$25,000.00	
INCREASE Account #1301 0803 02 423.003 Small Tools & Minor Equip	\$6,950.00	
INCREASE Account 1301 0803 03 435.001 Gas & Electric	\$1,150.00	
INCREASE Account 1301 0803 03 439.011 Contractual Service	\$500.00	
TOTAL FOR PARK AND RECREATION FUND	\$33,600.00	

This ordinance is 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: /s/ Angela Nelson

/s/ Joseph Doyle

Councilwoman Nelson made a motion to adopt the ordinance, second by Councilmen Milsap and Doyle.

Council President McKee 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 Milsap, Murphy, Nelson, Boy, Doyle, Espar, Jankowski, and McKee (8). NAYS: None (0).**

The Clerk read on second reading by title only, **AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY, INDIANA AMENDING THE MICHIGAN CITY COMPREHENSIVE ZONING ORDINANCE NO. 2114 BY CHANGING THE PROVISIONS FOR THE MAXIMUM HEIGHT OF STRUCTURES IN RESIDENTIAL DISTRICTS**

INTRODUCED BY: Pat Boy

Councilwoman Boy stated that this Ordinance doesn't just deal with the height of a structure, but also deals with the measurement of the height of structures and the limitation on berming before you measure the height of the building.

Councilwoman Boy advised there was a public hearing on April 21, 2009.

Councilman Murphy presented the following;

I want tot hank the members of the Plan Commission and the special joint committee of the Plan Commission and the City council for their patience and their hard work in drafting an amendment to the height ordinance that I

believe is now reasonable and acceptable. I want to thank the many residents who have called and emailed with their concerns and feedback on the issue. I assure you that all your points of view were considered as the ordinance was drafted.

One thing that everyone has agreed upon regarding this issue, the Plan Commission, the city Council, the city, and the residents is that the current height ordinance offers a clear standard of measure and there are large loopholes in the exceptions part of the ordinance which have caused us all big headaches, a lengthy and costly lawsuit, and many hours of displaced time and energy.

The approval of this height amendment addresses these problems adequately and brings closure to this issue which has been before us for four years. For Michigan City to fully leverage its great assets and be the place we all know it can, we must move on and focus on the big picture. While this height amendment may not be perfect, I do believe it is a reasonable and acceptable action to take in the short term.

The good news is that the big picture on zoning in Michigan City is currently being addressed. I'm very happy to report that a team of city officials are working on a project to completely overhaul the Michigan City zoning ordinance. The comprehensive zoning overhaul project includes new zoning ordinance for LaPorte County, LaPorte City, and Michigan City. I serve on the city team for this effort along with the Mayor, City Planner John Pugh and Plan commission member Tim Smith. The goal of this project is to completely overhaul the Michigan City zoning code. The project is significant and is being managed by professional land use consultant, LSL of Indianapolis. The project is estimated to take 12-16 months resulting in a proposed new zoning ordinance for Michigan City. During this process, there will be an opportunity to refine this ordinance as it applies specifically to the lakefront, as well as addressing other hot topic zoning issues that have given us problems over the years, due to the fact that many of our ordinances are not updated and can be subject to various interpretations.

In discussions this week with members of the Plan Commission, you have the same commitment from them. I, of course, invite residents input on this endeavor. I know there's been some frustration on the part of some council members and plan commission members about some ordinances not moving forward. Tonight, I'd like to tell the Plan Commission, on the part of the City Council, I am glad to bring closure to this issue, and I look forward to working with you as we move on to other important land use issues in Michigan City.

Therefore, I would urge members of the Council to support this ordinance as written. Over the next several months, I will keep Council members updated on the status of the zoning overhaul project which will produce a new, state of the art zoning code for Michigan City.

Councilman Espar presented the following to the Council;

"Mr. President,

I have mixed feelings regarding this ordinance. On the one hand, I appreciate the work the Plan Commission has done with respect to clearing up language dealing with height restrictions in residential areas. Unfortunately on the other hand, I believe it goes too far by including all of Michigan City its wrap, and not far enough when dealing with protecting the property rights of owners.

The proposed ordinance paints all of the Michigan City with the same brush when it calls for a single height limitation throughout, when it is only a small area of the City that seems to have a problem with heights. We're not proposing a height limitation to protect the health and safety of our residents, but rather we are limiting heights to protect the interest of other parties, while restricting property owners' rights to do with their interest as they see fit. I'm not saying we shouldn't have height limitations; maybe we should. But you'll be hard-pressed to convince me that "one size fits all". Michigan City already has a height limitation ordinance. The proposed ordinance does little to change the existing rules; but rather clarifies and simplifies the calculation of a home's height. In this sense, it is an improvement over what is currently on the books. I believe the Plan Commission needs to study the issue more, and if necessary propose to modify our current zoning ordinance to adopt a new zone that pertains to the beach area where height is truly an issue, while modifying the height limitation elsewhere and possibly preserving the heights of some of historical homes. I may be wrong, but if something were to happen to the Barker Mansion, it would not be allowed to be rebuilt without a variance from the BZA. A little too much power in the hands of a few who were not elected by the people.

Thank you."

Councilwoman Boy stated that currently the residential height limit in the entire City is 30 feet.

Councilman Murphy addressed Councilman Espar's comments.

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

The Clerk read on third reading by title only,

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. [4062](#)

AN ORDINANCE AMENDING THE LICENSE AND REGISTRATION REQUIREMENTS FOR ELECTRICAL AND/OR MECHANICAL CONTRACTORS AND AMENDING ORDINANCE NO. 2053 AND ALL SUBSEQUENT AMENDING ORDINANCES THERETO ALSO KNOWN AS SECTION 22-691, SECTION 22-692, SECTION 22-695, and SECTION 22-698 OF THE MUNICIPAL CODE OF THE CITY OF MICHIGAN CITY, INDIANA

WHEREAS, with the passage of time and for the purpose of public health and safety, the need exists to amend section 22-691, section 22-692, section 22-695, and section 22-698 of the Michigan City Municipal Code; and

WHEREAS, it is necessary that electrical and/or mechanical general contractors, electrical and/or mechanical contractors, and electrical and/or mechanical subcontractors performing work within the City obtain a license and register their license with the City; and

WHEREAS, it is necessary to clarify that to obtain a license, an individual desiring to engage in business as an electrical and/or mechanical general contractor, electrical and/or mechanical contractor, and electrical and/or mechanical subcontractor in the City must comply with the application requirements by the City Licensing Board and pass the examination requirement of the International Code Council Standard Master Electrician and/or the Standard Master Mechanical for their particular trade; and

WHEREAS, it is necessary to clarify that the City Licensing Board no longer administers the International Code Council Standard Master Electrician nor the Standard Master Mechanical examinations, rather said examinations are now administered by agencies outside of the City Licensing Board and only the results of said examinations are reported to the City Licensing Board.

NOW, THEREFORE, BE IT ORDAINED, that section 22-691, section 22-692, section 22-695, and section 22-698 of the Municipal Code of the City of Michigan City, Indiana, shall be and are hereby amended to read as follows:

Sec. 22-691. Required.

No person shall do any work as an electrical and/or mechanical general contractor, electrical and/or mechanical contractor, or electrical and/or mechanical subcontractor designated under this chapter without having first obtained a license from the City and registering their license with the City thereafter. The term "work," as used in the previous sentence, shall include the servicing of as well as the installation and rehabilitation of systems.

Sec. 22-692. Licensing of individuals and business associates.

When any person shall desire to engage in business as an electrical and/or mechanical general contractor, electrical and/or mechanical contractor, or electrical and/or mechanical subcontractor, they shall first procure a contractor's license in their specified field by submitting an application to the City Licensing Board and complying with the examination requirement of section 22-695. In the case of applications by corporations, partnerships, joint ventures or other forms of business associations, the application for a contractor's license shall be made by an officer or full-time employee, who shall be personally responsible and liable for the acts and conduct of the firm or corporation which they represent, insofar as the compliance with the terms and requirements of this chapter is concerned.

Sec. 22-695. Application; application fee; examination requirement.

(a) The City Licensing Board shall require all applicants under this subdivision to furnish the following information:

- (1) A statement of the applicant's proposed contracting business;
- (2) The type of contractor's license being applied for;
- (3) The name, residence and business address of the applicant;
- (4) If the applicant is a partnership, joint venture, corporation or other type of business association or firm, the name and business address of the organization, and the name and residence of all officers, directors or partners, as the case may be, and their interest in the organization;
- (5) A sworn list of all businesses owned, operated and managed by the applicant or in which the applicant has had an interest of any kind during the past five years, and the addresses of these businesses;
- (6) Three letters of recommendation from reputable businesses or professionals, not related by blood or marriage to the applicant, from the county of the applicant's home business address, vouching for the applicant's reputation as to honesty, integrity and good character; and
- (7) A statement, under oath, that the applicant has not been convicted of a felony during the past five years, and that he/she is not presently indicted for committing a felony.

(b) All applications shall be accompanied by a nonrefundable application fee in the amount established in section 50-141.

(c) In addition to the acceptance of the application by the City Licensing Board, no person shall be issued a license under this chapter unless that person passes the International Code Council Standard Master Electrician and/or the Standard Master Mechanical Examination or receives reciprocity by providing proof of having previously taken the International Code Council Standard Master Electrician and/or the Standard Master Mechanical Examination and having received a passing grade of at least Seventy-Five Percent (75%).

Sec. 22-698. Issuance; fee; renewal; transfer.

(a) The Planning Director or his designee, upon written authorization from the City Licensing Board, shall issue a contractor's license to a person, pursuant to this subdivision. The contractor shall pay a license registration fee in the amount established in section 50-142, payable to the Planning Department. The license shall be effective until December 31 of each year.

(b) Once a contractor's license is issued, the renewal of the license will be automatic from year to year with the payment of the renewal fee by February 1. Failure to pay the licensing fee before February 1 of each year will result in the license being automatically voided and require re-application for licensing to the City Licensing Board, however, the contractor shall not be subject to any re-examination requirement under section 22-695(c).

(c) The license issued by the Planning Department shall not be transferable to any other person other than the name to which it was issued.

This Ordinance shall take effect on January 1, 2010, after the same has been passed by the Council, approved by the Mayor, and after any necessary publication.

INTRODUCED BY: /s/ Patricia Boy, Member
Michigan City Common Council

Councilwoman Boy advised that the proposed ordinance would not apply to cable or telephone companies because they provide a utility service.

Councilwoman Boy made a motion to adopt the ordinance, second by Councilwoman Nelson.

Council President McKee 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, and Milsap (8). NAYS: None (0).**

The Clerk read on third reading by title only,

MICHIGAN CITY COMMON COUNCIL
ORDINANCE NO. [4063](#)

AN ORDINANCE AMENDING THE REGISTRATION REQUIREMENT FOR BUILDING CONTRACTORS AND/OR PLUMBING CONTRACTORS, AND AMENDING ORDINANCE NO. 2053 AND ALL SUBSEQUENT AMENDING ORDINANCES THERETO ALSO KNOWN AS SECTION 22-661 AND SECTION 22-663 OF THE MUNICIPAL CODE OF THE CITY OF MICHIGAN CITY, INDIANA AND AMENDING THE MASTER CONTRACTOR REGISTRATION FOR PERSONS MAINTAINING AN APARTMENT COMPLEX AND/OR RESIDENTIAL RENTAL PROPERTY AND AMENDING CODE 1980, § 150.035.1 AND ALL SUBSEQUENT AMENDING ORDINANCES THERETO ALSO KNOWN AS SECTION 22-662 OF THE MUNICIPAL CODE OF THE CITY OF MICHIGAN CITY, INDIANA

WHEREAS, with the passage of time and for the purpose of public health and safety, the need exists to amend section 22-661 of the Michigan City Municipal Code to require that all general building contractors, building contractors, and building subcontractors, who perform work within the City, register in the office of the Planning Department and provide proof of insurance to the Planning Department;

WHEREAS, with the passage of time and for the purpose of public health and safety, the need exists to amend section 22-662 of the Michigan City Municipal Code to require that any outside contractor, who is subsequently contracted by an apartment complex or residential rental property after said apartment complex or residential rental property has obtained a master contractor's license, comply with the registering, licensing, and insurance requirements of the City as outlined in the applicable code sections of this Chapter for their particular trade or field and pay any registration fee, examination fee, or license fee as outlined in the Michigan City Municipal Code;

WHEREAS, with the passage of time and for the purpose of public health and safety, the need exists to amend section 22-663 of the Michigan City Municipal Code to require that all general plumbing contractors, plumbing contractors, and plumbing subcontractors who perform work within the City register in the office of the Planning Department and provide proof of insurance to the Planning Department;

NOW, THEREFORE, BE IT ORDAINED, that section 22-661, section 22-662, and section 22-663 of the Municipal Code of the City of Michigan City, Indiana, shall be and are hereby amended to read as follows:

Sec. 22-661. Registration of general building contractor, building contractor and building subcontractor.

No general building contractor, building contractor, or building subcontractor shall engage in business within the city without registering in the office of the Planning Department, providing proof of insurance, and paying a registration fee in the amount established in section 50-138, payable to the City Controller. The registration shall be effective until December 31 of each year. Once a registration has issued, renewal of such registration will be automatic from year to year by submitting proof of insurance and paying the renewal fee established in section 50-138 by February 1.

The registration of a general building contractor, building contractor, or building subcontractor shall not be transferable to any other name, business, or firm other than the name to which it was issued. Nothing in this section relieves the general building contractor or building contractor from obtaining normal permits from the Planning Department. Once registered, a building subcontractor may work under the permit of the general building contractor or building contractor.

For purposes of this section, the term "general building contractor," "building contractor," and "building subcontractor" shall mean and include any person who, for a fixed sum price, fee percentage, or any compensation, shall build, construct, alter, repair, add to or erect any building or structure within the City, or who shall undertake to perform any of such acts. The term shall include all ancillary contractors, including, but not limited to: roofing, siding, masonry, plaster, drywall or cement finishing contractors, steel workers, glazers, sewage contractors, well installers, and elevator contractors, but shall not include:

- (1) Any private person doing such work upon his own private home or property.
- (2) Plumber, electrical and mechanical contractors, and other specialized trades for which other special licenses or registrations are required pursuant to this chapter.

Sec. 22-662. Master contractor registration for persons maintaining apartment complex and residential rental property.

An apartment complex containing 10 or more units and landlords owning more than 10 residential units throughout the City may apply for a master contractor registration by submitting proof of agency under the criteria specified in this section and obtain a master contractor registration by depositing an annual fee in the amount established in section 50-139 and submitting proof of insurance. This shall entitle the contractor to perform general contracting and minor maintenance repair of all mechanical areas not prohibited by state and city licensing legislation. The registration shall be effective until December 31 of each year.

Once a registration has issued, renewal of such registration will be automatic from year to year by submitting proof of agency, providing proof of insurance, and paying the renewal fee established in section 50-139 by February 1.

The registration of a master contractor shall not be transferable to any other name, business, or firm other than the name to which it was issued. Any outside contractor utilized by the master contractor described in this section must fully comply with the registering, licensing, and insurance requirements of the City as outlined in the applicable code sections of this Chapter for their particular trade or field, together with any applicable registration fee, examination fee, or license fee in the amount established in Section 50-138 through section 50-142 for their particular trade or field. Nothing in this section relieves the master contractor from obtaining normal permits from the Planning Department. Once registered, any outside contractor may work under the permit of the master contractor.

Sec. 22-663. Registration of general plumbing contractor, plumbing contractor, and plumbing subcontractor.

No general plumbing contractor, plumbing contractor, or plumbing subcontractor licensed as such by the State of Indiana shall engage in the business of plumbing contracting in the City without registering in the office of the Planning Department, providing proof of insurance, providing proof of license issued by the State of Indiana or evidence of renewal thereof and paying a registration fee in the amount established in section 50-140 to the City Controller. The registration shall be effective until December 31 of each year.

Once a registration has issued, renewal of such registration will be automatic from year to year by submitting proof of insurance, by providing proof of license issued by State of Indiana or evidence of renewal thereof, and paying the renewal fee established in section 50-140 by February 1.

The registration of a general plumbing contractor, plumbing contractor, or plumbing subcontractor licensed as such by the State of Indiana shall not be transferable to any other name, business, or firm other than the name to which it was issued. Nothing in this section relieves the general plumbing contractor or plumbing contractor from obtaining normal permits from the Planning Department. Once registered, a plumbing subcontractor may work under the permit of the general plumbing contractor or plumbing contractor.

This Ordinance shall take effect on January 1, 2010 after the same has been passed by the Council, approved by the Mayor, and after any necessary publication.

INTRODUCED BY: /s/ Patricia Boy, Member
Michigan City Common Council

Councilwoman Boy made a motion to adopt the ordinance, second by Councilwoman Nelson.

Council President McKee asked if there any questions or comments 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, Milsap, and Murphy (8). NAYS: None (0).

The Clerk read on third reading by title only,

**MICHIGAN CITY COMMON COUNCIL
ORDINANCE NO. [4064](#)**

**AN ORDINANCE AMENDING THE REGISTRATION FEE AND RENEWAL FEE FOR BUILDING CONTRACTORS, PLUMBERS, ELECTRICAL CONTRACTORS AND MECHANICAL CONTRACTORS AND AMENDING ORDINANCE NO. 2053 AND ALL SUBSEQUENT AMENDING ORDINANCES THERETO ALSO KNOWN AS SECTION 50-138, SECTION 50-140, SECTION 50-141, and SECTION 50-142 OF THE MUNICIPAL CODE OF THE CITY OF MICHIGAN CITY, INDIANA
AND
AMENDING THE REGISTRATION FEE AND RENEWAL FEE FOR MASTER CONTRACTORS AND AMENDING CODE 1980, § 150.035.1 AND ALL SUBSEQUENT AMENDING ORDINANCES THERETO ALSO KNOWN AS SECTION 50-139 OF THE MUNICIPAL CODE OF THE CITY OF MICHIGAN CITY, INDIANA**

WHEREAS, with the passage of time and for the purpose of public health and safety, the need exists to amend section 50-138 of the Michigan City Municipal Code, to require all general contractors, contractors, and building subcontractors pay a registration fee and subsequent renewal fee as required by section 22-661;

WHEREAS, with the passage of time and for the purpose of public health and safety, the need exists to amend section 50-139 of the Michigan City Municipal Code to set forth the registration fee and renewal fee for a master contractor; and

WHEREAS, with the passage of time and for the purpose of public health and safety, the need exists to amend section 50-140 of the Michigan City Municipal Code to require plumbing general contractors, plumbing contractors, and plumbing subcontractors pay a registration fee and subsequent renewal fee as required by section 22-663; and

WHEREAS, with the passage of time, the need exists to amend section 50-141 of the Michigan City Municipal Code to require electrical and/or mechanical general contractors, electrical and/or mechanical contractors, and electrical and/or mechanical subcontractors pay a license application fee as required by section 22-695; and

WHEREAS, with the passage of time and for the purpose of public health and safety, the need exists to amend section 50-142 of the Michigan City Municipal Code to require electrical and/or mechanical general contractors, electrical and/or mechanical contractors, and electrical and/or mechanical subcontractors pay a license registration fee and subsequent renewal fee as required by section 22-698;

NOW, THEREFORE, BE IT ORDAINED, that section 50-138, section 50-139, section 50-140, section 50-141, and section 50-142 of the Municipal Code of the City of Michigan City, Indiana, shall be and are hereby amended to read as follows:

Sec. 50-138. Registration fee and renewal fee for general building contractors, building contractors and building subcontractors.

- (a) The registration fee required by section 22-661 is \$150.00.
- (b) The renewal fee required by section 22-661 is \$100.00.

Sec. 50-139. Registration fee and renewal fee for master contractors of apartment complexes and residential rental property.

- (a) The registration fee required by section 22-662 is \$150.00.
- (b) The renewal fee required by section 22-662 is \$100.00.

Sec. 50-140. Registration fee for plumbing general contractors, plumbing contractors, and plumbing subcontractors.

- (a) The registration fee required by section 22-663 is \$150.00.
- (b) The renewal fee required by section 22-663 is \$100.00.

Sec. 50-141. Application fee for electrical and/or mechanical general contractors, electrical and/or mechanical contractors, and electrical and/or mechanical subcontractors.

The application fee required by section 22-695 is \$150.00.

Sec. 50-142. Registration of license fee and renewal fee for electrical and/or mechanical general contractors, electrical and/or mechanical contractors, and/or electrical and mechanical subcontractors.

- (a) The license registration fee required by section 22-698 is \$150.00.
- (b) The renewal fee required by section 22-668 is \$100.00.

This Ordinance shall take effect on January 1, 2010 after the same has been passed by the Council, approved by the Mayor, and after any necessary publication.

INTRODUCED BY: /s/Patricia Boy, Member
Michigan City Common Council

Councilwoman Boy made a motion to adopt the ordinance, second by Councilman Milsap.

Council President McKee asked if there were any comments or questions by the general public or Council and hearing none, the ordinance passed by the following vote: **AYES: COUNCIL MEMBERS Doyle, Espar, Jankowski, McKee, Milsap, Murphy, Nelson, and Boy (8). NAYS: None (0).**

UNFINISHED BUSINESS

Councilman Jankowski made a motion to TABLE the nominations for the Animal Control Advisory Committee Incumbent; Brian Godfrey indefinitely. There were no objections.

NEW BUSINESS

President McKee stated that he would be scheduling a Workshop to be held on June 10, 2009 at 6:30 p.m. in the East Conference Room to review City Council goals set forth earlier this year.

Council President McKee stated for information only, Mr. Michael Lark, representing H.O.P.E, term expires for the Commission on the Social Status of African American Males.

COMMENTS FROM THE PUBLIC

Dennis Metheny, 6757 W. 450 N. asked if the News Dispatch Building was going to be purchased for the Police Department.

Dennis Metheny stated his concerns regarding establishing an ordinance restraining animals while riding in vehicles.

Mr. Metheny addressed his concerns regarding the Warren Building and the train station on 11th Street.

COMMENTS FROM THE COUNCIL

Councilman Murphy presented the following report;

Economic Impacts of the South Shore Line Station on Downtown Michigan City

**Final Presentation
Michigan City
City Hall
5-14-09**

Consultant Team

Chuck D'Aprix, Economic Development Visions
Stu Sirota, TND Planning Group
Glenn Kellogg, Urban Advisors

Summary of Conclusions

North and 11th Street locations hold significant potential for positive economic impacts to downtown.

North location provides the most benefits, but severe constraints and challenges would be difficult to overcome.

11th Street location has potential but will take concerted efforts and intervention to jumpstart.

South location provides little benefits to downtown. TOD is not likely to occur there.

If 11th Street is selected, an immediate and proactive TOD strategy should be pursued, rather than merely a “parking as placeholder” approach.

Upgrade of SS Line through Michigan City will change the character of the corridor. Ensure NICTD develops a community-friendly station and alignment.

Regardless of the train station there is tremendous unleveraged potential in North End.

Next Steps

Submit final report

Once SS Line Station location is determined, work closely with NICTD to ensure the City’s interests are met. Form a task force and grassroots organization to act as partnership/advocate for TOD.

Regardless of the station location, a comprehensive strategy for downtown revitalization should be pursued.

Regardless of the station location, pursue relocation of the NIPSCO power plant away from the waterfront. Doing so would provide an enormous economic catalyst to Michigan City.

ADJOURNMENT

A motion by Councilman Milsap, supported by Councilman Espar, and there being no further business to transact, President McKee declared the meeting ADJOURNED (approximately 7:45 p.m.).

Thomas F. Fedder, City Clerk