

REGULAR MEETING – July 15, 2008

The Common Council of the City of Michigan City, Indiana, met in regular session on Tuesday evening, July 15, 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, Willie Milsap and Angie Nelson (9).

ABSENT: None (0).

A QUORUM WAS NOTED PRESENT.

APPROVAL of MINUTES

President Meer inquired whether there were any corrections, deletions, or additions to the minutes of the Regular Meeting of July 1, 2008 and hearing none, the minutes were approved as printed.

REPORTS of STANDING COMMITTEES

Councilman Jankowski reported on the Humane Activities Committee held on July 14, 2008.

Councilwoman Nelson stated that the Joe Hawkins/Rebecca Williams Scholarship applications are due by August 1, 2008 to the Human Rights Department. Ms. Nelson stated that a \$1,000.00 scholarship will be awarded to a 2008 graduate.

Councilman Murphy as Liaison of the Redevelopment Commission reported on the meeting held on July 14, 2008 regarding the study being done by Tracy Cross and Associates.

REPORTS OF SPECIAL OR SELECT COMMITTEES

There were no reports of special or select committees.

REPORTS of OTHER CITY OFFICERS and DEPARTMENTS

Mayor Oberlie did a presentation for the City Council regarding the City's significant progress made in the first half of 2008 on priority redevelopment projects.

PETITIONS

The Clerk read the petition by title only, there being no objections, **A PETITION OF THE WALL GANG, INC., TO THE MICHIGAN CITY COMMON COUNCIL TO VACATE STATE COURT AND INTERSECTING ALLEY LOCATED WITHIN MICHIGAN CITY, INDIANA.**

Council President Meer advised the Council that a written recommendation is required from the Mayor, City Attorney, City Engineer, Planning Director, Police Department, Fire Department, Sanitation Department, Sanitary District, Water Department, Park Department, and Redevelopment Department which is stated in Ordinance No. 4009 to be able to vacate city property. President Meer stated that the Council received a written recommendation from each department and there were no objections to the petition received from The Wall Gang.

The formal public hearing was opened, with President Meer asking, "Is there anyone from the public that wishes to speak on this Petition?"

There was discussion by Attorney Winski representing the Wall Gang, President Meer, Ron Griffin (1108 Green Street) and Judy Coleman (1114 Green Street).

President Meer asked if there was anyone from the public that wished to speak on this Petition and there being none, the public hearing was closed.

Councilman Doyle moved to approve the Petition, seconded by Councilwomen Boy and Nelson.

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

COMMUNICATIONS

There were no communications.

RESOLUTIONS

The Clerk read by title only, there being no objections

RESOLUTION NO. 4398

**RESOLUTION APPROVING STATEMENT OF BENEFITS IN
SUPPORT OF APPLICATION FOR PROPERTY TAX ABATEMENT:
SHADY CREEK VINEYARD WHOLESAL, LLC**

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

WHEREAS, the most recent amendment to Ordinance No. 2648, was Ordinance No. 4016, approved on December 18, 2007, whereby the designation of the Economic Revitalization Area and the Tax Abatement Program were extended to and shall expire on December 31, 2009;

WHEREAS, Shady Creek Vineyard Wholesale, LLC, an Indiana Limited Liability Company, has filed with this Council its Statement of Benefits on the form provided by the Indiana Department of Local Government Finance and has provided this Council with a presentation in support thereof; and

WHEREAS, this Council is satisfied that the Petitioner's Statement of Benefits meets with the requirements of Ordinance Number 2648, as amended.

NOW, THEREFORE, BE IT RESOLVED:

SECTION 1. That the matters and things recited in the preamble hereof are hereby adopted and made a part of this Resolution by incorporation and reference as if repeated in full.

SECTION 2. That the Common Council of the City of Michigan City hereby determines:

- A. That Petitioner will be taking title to the real estate as more particularly described in Petitioner=s SB-1/Real Property and consisting of approximately 19 acres on the Northwest corner of Tryon Road and State Highway 212, commonly known as 2030 Tryon Road, Michigan City, Indiana.
- B. That the real property improvements described in Petitioner=s SB-1/Real Property will be used as a wine micro-wholesale@ business in conjunction with an affiliated entity, Shady Creek Vineyard, Inc., which will ultimately operate a fully functional winery including a wine production, bottling and tasting facility within the proposed improvements.
- C. That the proposed approximate \$500,000.00 in real property improvements include the construction of a new 6,000 square foot building, renovation of a historic barn and silo structure; and construction of extra outdoor areas (drives, parking, porches, patios, walkways).
- D. That initially in 2009 the project will employ five (5) employees on a seasonal basis at approximately \$32,000.00 in total annual salaries, and, with the planned growth over the next five (5) years, it is anticipated that the operation will become year round, with projected employment being as high as twenty (20) part-time and full-time employees with annual salaries totaling \$275,000.00 by the year 2013.
- E. That the creation of new employment; the additional value of the development of the project and the improvements thereon as described in the Statement of Benefits; and the potential boost to the City=s tourism industry are benefits which can be reasonably expected to result from the proposed project.
- F. That the benefits described justify the deductions which will occur in tax abatement for this project.
- G. That as a result of the above-referenced Resolutions and Ordinances, the deduction to which the Petitioner is entitled to is ten (10) years with respect to the redevelopment of real property improvements.
- H. That the location of the Petitioner's proposed project described herein is within the Michigan City Economic Revitalization Area.
- I. That the Statement of Benefits filed by the Petitioner meets the requirements of this Council and should be approved as submitted.
- J. That the grant of approval and oversight provisions referred to herein are subject to the report and oversight provisions of applicable Ordinances of the City of Michigan City, Indiana.

SECTION 3. The Common Council hereby accepts and approves the Statement of Benefits of the Petitioner, dated July 8, 2008, and hereby authorizes the signature thereof by the President of this Council and the attestation thereof by the City Clerk.

SECTION 4. That said Statement of Benefits shall be treated as confidential in the manner provided by law.

SECTION 5. This Resolution shall be in full force and effect after its adoption by the Michigan City Common Council.

INTRODUCED BY: /s/ PHILLIPJANKOWSKI

/s/ MARC ESPAR

/s/ ANGELA NELSON

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

Attorney Barry McDonnell, representing Principal Owners Tim and Sue Anderson, Shady Creek Vineyard Wholesale LLC addressed the Council regarding the proposed Resolution.

Tim Anderson, 2961 Lake Shore Drive stated the future he sees in regards to bringing high quality opportunities of employment to Michigan City.

Councilwoman Boy and Mr. Anderson discussed his plans in regards to preserving the wetlands on that property.

Mr. Anderson addressed Councilman Milsap's questions regarding business hours, number of employees to be hired and truck traffic to the vineyard.

Kevin Kieft, Business Development Manager, Michigan City Economic Development Corporation, advised the Council that EDC does support this Resolution, that they feel the vineyard will be an asset to Michigan City.

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

ORDINANCES

The Clerk read on first reading by title only, **AN ORDINANCE VACATING STATE COURT AND INTERSECTING ALLEY LOCATED WITHIN MICHIGAN CITY, LAPORTE COUNTY, INDIANA**

Introduced by: Ron Meer

President Meer stated that he will be requesting to have second and third reading at the August 5, 2008 Council Meeting.

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

The Clerk read on first reading by title only, **APPROVING ADDITIONAL APPROPRIATION FOR AVIATION FUEL FOR THE AIRPORT (DECREASE: #2104 Aviation Fuel Fund unappropriated \$200,000, INCREASE: Aviation Fuel \$200,000).**

Introduced by: Marc Espar

Council President Meer stated that there would be a Public Hearing at the August 19, 2008 Council Meeting regarding the appropriation.

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

The Clerk read on second reading by title only, **AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY, INDIANA RESCINDING AND DELETING ORDINANCE NO. 3915 AND ALL SUBSEQUENTLY ENACTED AMENDING ORDINANCES THERETO, OF THE MUNICIPAL CODE OF THE CITY OF MICHIGAN CITY, AND ADDING PROVISIONS AUTHORIZING THE CITY**

CONTROLLER TO TRANSACT BUSINESS WITH FINANCIAL INSTITUTIONS ON BEHALF OF THE CITY OF MICHIGAN CITY

Introduced by: Marc Espar

Councilman Espar moved to **TABLE** the Ordinance until the August 5, 2008 Council Meeting, which at that time he would be offering amendments. Seconded by Councilman McKee.

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

The Clerk read on third reading by title only,

MICHIGAN CITY COMMON COUNCIL
ORDINANCE NO. 4027
AN ORDINANCE OF THE COMMON COUNCIL OF THE
CITY OF MICHIGAN CITY, INDIANA
AMENDING THE MICHIGAN CITY COMPREHENSIVE ZONING ORDINANCE
RELATING TO THE DEFINITION OF HOTEL AND HOTEL-MINIUM

WHEREAS, the Plan Commission of the City of Michigan City has the responsibility in accordance with Michigan City Code 160.125(E) and Indiana Code 36-7-4-605 to act as an advisory board to the Common Council of the City of Michigan City concerning the Comprehensive Zoning Ordinance of the City of Michigan City; and

WHEREAS, upon notice having been duly published and a hearing held, the Plan Commission of the City of Michigan City, Indiana certified a favorable recommendation for an amendment of the Michigan City Zoning Ordinance Sections 160.005 and 160.052(A)(64), as evidenced by the resolution of the Plan Commission filed with the Common Council of the City of Michigan City; and

WHEREAS, the City of Michigan City desires to promote the development in the downtown North End as a destination to Lake Michigan; and

WHEREAS, there exists a need to provide amenities for visitors as well as residents in the form of lodging; and

WHEREAS, there is a need to expand the definition of the traditional hotel use to include contemporary condominium features; and

WHEREAS, the Michigan City Common Council has determined that the Michigan City Zoning Ordinance Sections 160.005 and 160.052(A)(64) shall be amended accordingly.

NOW, THEREFORE BE IT ORDAINED, BY THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY, INDIANA that, consistent with the recommendation of the Michigan City Plan Commission, Michigan City Zoning Ordinance Sections 160.005 and 160.052(A)(64), part of the Comprehensive Zoning Ordinance of Michigan City and all amendments, supplements, charts, maps, and plats relating thereto be, and they hereby are amended and revised as follows:

Section 1. That Chapter 160.005 definitions of the Michigan City Zoning Ordinance be amended as follows:

Delete: "Hotel. An establishment containing lodging rooms, for occupancy by transient guests in contradistinction to a lodginghouse, boardinghouse, or a roominghouse, and which provides customary hotel services such as maid, telephone and secretarial, bellboy and desk services, the use and upkeep of furniture, and furnishings and laundry of linens."

Replace with: "Hotel (motel): A building or structure under a single management that provides no fewer than six (6) rental rooms or suites intended primarily as sleeping accommodations for public rental on a daily basis for registered guests. A hotel or motel shall maintain a central, internal lobby. A hotel or motel shall provide daily room cleaning and linen changes for its guests, and may include supportive areas such as meeting rooms, incidental retail sales and commercial services, central kitchen facilities, dining rooms, restaurants, lounges, office areas, swimming pools, recreational facilities, spas, and fitness/exercise areas and other similar services and amenities intended principally as services for registered guests."

Section 2. That Chapter 160.005 Definitions of the Michigan City Zoning Ordinance be amended as follows:

Delete: The Definition and Title of “Hotel, Apartment” in its entirety.

Replace with: “Hotel-minium: A structure meeting the definition of a hotel (motel), and which in addition allows for individually-owned units with full kitchen facilities.”

Section 3. That Chapter 160.052(A)(64) “Hotels” of the Michigan City Zoning Ordinance be amended as follows:

Add: 160.052(A)(64)(a) “Hotel- minium as a permitted use in the B-1, B-2 and B-5 district(s).

BE IT FURTHER ORDAINED that this Ordinance, after its passage and approval by the Mayor of the City of Michigan City, shall be in full force and effect.

Sponsored by: /s/ **Patricia Boy, Councilwoman**

Councilwoman Boy moved to adopt the Ordinance, seconded by Councilman Doyle.

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

The Clerk read on third reading by title only,

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. 4028

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY, INDIANA RESCINDING AND DELETING ORDINANCE NO. 2009, AND ALL SUBSEQUENTLY ENACTED AMENDING ORDINANCES THERETO, OF THE MUNICIPAL CODE OF THE CITY OF MICHIGAN CITY AND ADDING PROVISIONS REGARDING THE RULES AND PROCEDURES OF THE MICHIGAN CITY COMMON COUNCIL

WHEREAS, MICHIGAN CITY CODE SECTIONS 2-51 through 2-80 are the current Code provisions which provides for the rules and procedures of the Michigan City Common Council; and

WHEREAS, the Michigan City Municipal Code, with the passage of time, needs clarification, modification and additions; and

WHEREAS, the Common Council finds that there is the need to review and amend the current Code Sections dealing with the rules and procedures of the Common Council in order to better effect the city’s business and Council meetings for the benefit of the citizens of Michigan City.

NOW, THEREFORE, BE IT ORDAINED, by the Common Council of the City of Michigan City, Indiana, that Sections 2-51 through 2-80 are hereby rescinded and deleted and replaced with the following provisions:

DIVISION 2. RULES OF ORDER AND PROCEDURE

Sec. 2-51. Suspension or amendment.

(a) Except to the extent that the provisions reflect mandatory state statutes and except as otherwise provided in this division:

(1) The provisions of this division may be repealed or amended by a majority vote of the members-elect of the council.

- (2) Except for section 2-57(a) regarding the number of readings of an ordinance, the provisions of this division may be suspended by unanimous consent of the council.
- (b) In addition to the requirements of IC 36-4-6-11, no ordinance shall be read on three readings on the same day it is introduced, unless the council unanimously directs otherwise.

Sec. 2-52. Applicability of Robert's Rules of Order

The rules contained in the edition of Robert's Rules of Order on file in the city clerk's office at the time that any questions shall arise or any challenge shall be made; shall govern the common council in all cases to which they are applicable and in which they are not inconsistent with this division.

Section 2-53. Regular and special meetings.

- (a) The common council shall meet at the council chambers of the city on the first and third Tuesday evenings of every month at 6:30 p.m. local time. When any day fixed by this section for the regular meeting of the common council is designated by law as a legal holiday or election day, the meeting shall be held on the following day, at the times specified.
- (b) Special meetings shall be held on the call of the mayor or any member of the common council, who shall when issuing the call designate the time and place of the special meeting and duly notify the city clerk with sufficient time for proper notice. It shall be the duty of the city clerk to notify each member, either in person or by notice left at his place of residence. At special meetings of the council, only such matters of business as are specifically stated in the call for the meeting may be conducted or acted upon.
State law references: Meetings of common council, IC 36-4-6-7.

Section 2-54. Presiding officer

- (a) The president and vice president of the council shall be elected by the members of the council at the first meeting of each calendar year.
- (b) The president or vice-president, referred to in this division as the presiding officer, shall take the chair at the hour designated in section 2-53 and at special meetings. If a quorum is present, he shall proceed with the business of the council.
- (c) At the commencement of the term of the council, pending the election of a president, the city clerk shall perform the duties of the chair.
- (d) The vice-president shall execute the duties of the chair during the absence of the president.
- (e) The vice-president shall have the right to name a councilman to perform the duties of the chair during his temporary absence, but the substitution shall not extend beyond an adjournment.
State law references: Selection of presiding officer, IC 36-4-6-8(a).

Sec. 2-55. Duties of president or presiding officer.

- (a) The presiding officer shall preserve order and decorum at council meetings, and shall decide all questions of order without debate, subject to an appeal to the council, as provided for in subsection (e) of this section. The presiding officer may submit to the council any question of order for a decision.
- (b) The presiding officer may participate in debate, may be the first heard on matters of order, and shall have the right to vote on any question where the ayes and nays are taken, except as provided in subsection (e) of this section. If the presiding officer decides to participate in debate he may do so only after all other members have spoken but prior to a sponsor who has reserved the right to close debate. The presiding officer shall step down and designate another member to take the chair during the time the presiding officer is engaged in debate.
- (c) The president shall appoint the members of all standing committees and any special committees as may be ordered by the council. He shall determine the number of members to serve on a committee and may name the chairman of it. Standing committees shall be appointed at the commencement of the term of the council. Members of standing committees shall serve only during the term of the president appointing them. If any member of a committee refuses or is unable to perform the duties required of him, the president may replace that member.
- (d) The presiding officer shall sign all ordinances, orders and resolutions passed by the council before they are presented to the mayor. The presiding officer referred to in this

subsection includes the councilman designated by the vice-president to perform the duties of the chair during his absence.

- (e) Any member may appeal a decision or ruling of the presiding officer and, if the appeal is duly seconded, the presiding officer shall put the question of the appeal in the following form: "Shall the decision of the chair stand as the decision of the council?" The matter shall be decided by a majority of the members present and the chair shall not vote on the question. If the presiding officer fails or refuses to entertain and properly put the question of appeal, any member shall have the right to rise from his seat and put the question, and direct the city clerk to call the roll on the question put. The clerk shall then call the roll, except the name of the presiding officer, and record the result of the vote in the record of council proceedings. Any other question or motion that the presiding officer may fail or refuse to put to a vote, after it has been seconded, may be put in the same manner. When appeal is taken, any question of order or appeal that may afterwards arise shall be decided without debate, and if an appeal is laid on the table, it shall be held as affirming the decision of the chair.

Sec. 2-56. Quorum

A majority of all the councilmembers-elect shall constitute a quorum. If the presence of a quorum is questioned and it shall be ascertained that a quorum is not present, no debate or motion, but to adjourn, shall be in order until a quorum is present.

State law references: Quorum, IC 36-4-6-10.

Sec. 2-57. Procedure for ordinance enactment.

- (a) Every ordinance shall receive three readings in council previous to passage, one at each of three successive meetings. The first and second readings shall be by title, unless the council shall otherwise order in any case. No ordinance shall be amended until it has been read twice. It shall not be in order on the third reading of an ordinance to propose amendments, unless by unanimous consent, but it shall be in order before the passage of any ordinance to move its recommitment. A motion to recommit shall not be open to amendment except to add instructions. The third reading shall be verbatim, except as specified in section 2-51. No ordinance shall receive its third reading or be passed at the same meeting at which it was introduced, except by a suspension of the rules as provided for in section 2-51(b).
- (b) No ordinance or resolution shall be introduced unless a copy has been delivered in person or to the residence or business address of each councilmember at least 96 hours prior to the meeting.
- (c) When a blank is to be filled in, the question shall be taken on the highest number or sum proposed, or longest time stated.

State law references: Ordinance adoption procedure, IC 36-4-6-12 et seq.

Sec. 2-58. Voting

- (a) To pass an ordinance, resolution, or motion a majority vote of all the councilmembers-elect is required.
- (b) The clerk shall call for members' votes in alphabetical order, calling first for the vote of the member who voted second in the proceeding roll-call vote.
- (c) Council members who have disqualified themselves on a matter due to a substantial conflict of interest or have disclosed fully the nature of their conflict of interest, pursuant to the provisions of this division, are entitled to abstain. A member shall announce his belief that he has a conflict of interest and/or his intent to abstain from voting on the matter as soon as reasonably possible and, in either event, shall not participate in the debate on the matter thereafter. No councilman shall vote or take at his discretion, or agree to take, any action in violation of this subsection, nor shall he induce other members to violate it.
- (d) No councilmember shall be permitted to vote after the results have been announced, but a councilmember may for special reasons change or withdraw his vote by unanimous consent.
- (e) Rules relating to voting in this section shall never, under any circumstances, be suspended.

State law references: Passage of ordinances and resolutions requires majority vote, IC 36-4-6-10, et seq..

Sec. 2-59. Order of business.

- (a) The order of business of the common council is as follows:
- (1) Commencement of meetings. Call to order by the presiding officer and Pledge of Allegiance. Each meeting of the council may open with a moment of silence or a silent prayer. Thereafter, the clerk shall call the roll and note members present and absent and the presiding officer shall make a determination and declaration of the presence of a quorum.
 - (2) Reading and correcting minutes of the preceding regular or special meeting. The reading of the minutes may be dispensed with by the chair, or on request of a member by unanimous consent, and stand approved subject to objection. When objected to, it shall be determined by a vote. Any motion to correct mistakes made in the entries shall be deemed a question of privilege and proceeded with until disposed of.
 - (3) Reports from standing committees as defined in Sec. 2-62.
 - (4) Reports from special or select committees.
 - (5) Reports from Mayor, other city officials, boards and departments.
 - (6) Presentation of written petitions, communications, or written remonstrance and resolutions, except as provided for in subsection (9) of this section.
 - (7) Ordinances on first reading. The presiding officer may entertain comments from people in attendance regarding any ordinance or resolution under consideration after each reading and prior to Council comments and debate. People in attendance must be allowed to comment on the topic of a legally required public hearing. The presiding officer may set reasonable limits on the length of time each person is allowed to speak on an item, but not less than three minutes. The presiding officer shall enforce order and rules of decorum during the period of public comment.
 - (8) Presentation of petitions, remonstrance, and communications only as they pertain to ordinances scheduled for consideration on second reading.
 - (9) Unfinished business.
 - (10) New business.
 - (11) Comments by the public.
 - (12) Comments and announcements by Council members.
 - (13) Adjournment.
- (b) All of the items listed in subsection (a) of this section shall be taken up in the order named in this section unless unanimous consent is given otherwise.

Sec. 2-60. Types of motions and precedence.

- (a) When a question is under debate before the council, no motion shall be received except to adjourn, to take a recess, to lay on the table, to postpone indefinitely, to postpone to a certain time or to amend. These motions shall have precedence according to the order in which they stand arranged.
- (b) A motion to adjourn is always in order, unless it be made immediately after a motion to adjourn has been defeated or when a member is addressing the body. A motion to adjourn or for a recess shall be decided without debate.
- (c) A motion to lay on the table is not debatable.
- (d) A motion to bring to a close debate upon a measure or a motion shall be decided, without debate, by two-thirds of the members present and voting. Except by unanimous consent, no amendment shall be in order after the vote to bring debate to a close, unless presented and read prior to that time.
- (e) When a question is postponed indefinitely, it cannot again be acted upon during the same meeting.
- (f) 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.
- (g) When a motion has been made and seconded, it shall be restated by the presiding officer or, being in writing, shall be handed to the clerk, who shall read it aloud before it is debated.
- (h) It is in order to move to amend a motion by adding, deleting or changing a specific word, phrase, sentence or section.
- (i) The presiding officer or any member may request that a motion, amendment or resolution be written down and then read by the clerk before voting.
- (j) A motion may be withdrawn by the sponsor at any time before the ordering of the yeas and nays for final approval. An ordinance or resolution may be withdrawn by a sponsor,

but only with the consent of all other sponsors, at any time before the ordering of the yeas or nays for final approval. A member may withdraw as a sponsor of an ordinance or resolution at any time before the ordering of the yeas and nays for final approval. Any ordinance or resolution for which there is no sponsor dies for lack of a sponsor but before declaring such condition to have occurred, the presiding officer shall ask whether any member wishes to become a sponsor of the ordinance or resolution.

Sec. 2-61. Rules of conduct; conflicts of interest.

- (a) While the presiding officer is putting a question or addressing the council, no member shall leave his chair or talk.
- (b) When any member is about to speak, he or she shall address the chair, wait to be recognized before speaking, and then confine him or herself to the question under debate. A member shall be allowed five minutes to speak. The member who has made the motion is entitled to the floor first and is also entitled to close the debate, but only after everyone who wants to speak has done so. No member shall interrupt another without his or her consent, to obtain which he or she shall first address the chair. No member shall speak more than twice, and shall be allowed three minutes the second time on any one question on the same day.
- (c) No member shall impeach the motive of any other member's vote or argument.
- (d) When two or more members signal or address the chair at the same time, the presiding officer shall name the one to speak first. In all other cases, the presiding officer shall recognize the member who first addresses him.
- (e) Any councilman failing to attend a regular or special meeting of the council of which he has had proper notice shall, if called upon by a member, explain his absence. If the explanation is not good and sufficient he may be censured by a vote of two-thirds of the members-elect.
- (f) It shall be the duty of the chief of police or his appointed officer to attend all meetings of the council and restore order upon request of the presiding officer.
- (g) No member of the council is to leave the council chambers after the meeting has been called to order unless he has first secured the permission of the presiding officer.
- (h) Whenever a councilman has or is likely to have a substantial conflict of interest in connection with a matter pending before the council in which his action may be influenced by possible economic benefits or material gain, he shall disclose fully the nature of his conflict of interest, in which event he shall disqualify himself from further participation in the deliberations and not vote on the matter, unless a majority of the council present determines that it is not a material conflict of interest.
- (i) No councilman may be either directly or indirectly interested in any manner in any contract or agreement with the city, as provided by IC 35-44-1-3.
- (j) Councilmen shall not derive or attempt to derive any unjustified enrichment from their office. This prohibition applies to:
 - (1) The solicitation or acceptance of any bribe, gift or other material, economic or personal benefit, or of any promise of similar benefit, which he believes, or reasonably should believe, was intended to influence his vote or other action to be taken in his official capacity;
 - (2) The solicitation or acceptance of any gift or other economic or personal benefit conferred because of any vote or other action already taken by him in his official capacity;
 - (3) The acquisition or use for personal purposes of any property, services or funds of the city, except as authorized by law; and
 - (4) The use for personal gain of information pertaining to the city, which is not a matter of public record, at a time when it is treated as confidential by officials of the city.

Sec. 2-62 Committees generally.

- (a) Standing committees. The standing committees of the common council are as follows:
 - (1) Committee on finance.
 - (2) Committee on streets and alleys.
 - (3) Committee on judiciary and rules.
 - (4) Committee on planning and zoning.
 - (5) Committee on utilities.
 - (6) Committee on waters and harbors.
 - (7) Committee on public health and safety.
 - (8) Committee on licenses and franchises.

- (9) Committee on humane activities.
- (10) Committee on parks and recreation.
- (b) Committee on labor relations.
 - (1) There is created a special committee of the common council to be known as the committee on labor relations, to consist of three councilmen to be appointed at the same time as the chairmen and members of the standing committees of the council.
 - (2) All proposed legislation relating to labor generally, wages and hours, standards, and mediation and arbitration of disputes shall be referred to this committee. This committee shall have leave to report by bill or otherwise.

Sec. 2-63. Committee reports.

- (a) Following the first reading, the presiding officer may refer each proposed ordinance to a standing committee of the council having jurisdiction over the subject matter predominating in the proposed legislation. However, if a member requests that an ordinance be referred to committee, the presiding officer shall refer the matter to an appropriate committee for further consideration. The decision of the presiding officer on committee jurisdiction shall be subject to appeal.
- (b) The committee to which the matter is referred shall make every effort to schedule a public meeting at a time and place conducive to public participation and at a mutually agreeable time and place for committee members.
- (c) The chairman shall make the report for his committee, recommending one of the following: passage, nonpassage, amendment or other action, or “No recommendation.” This report shall be made before the second reading of the ordinance. Committee reports shall state the opinion of the majority, but a minority opinion may be filed. All reports shall be made in writing and filed with the clerk prior to presentation and with sufficient time to be included with distribution of the agenda. The presiding officer shall determine if the report is properly on file before calling for it, unless, for the dispatch of business, these provisions are dispensed with by unanimous consent.

Sec. 2-64 Pre-adoption budget procedures.

- (a) The Mayor shall amend any department budget requests to conform to his wishes and shall then submit the amended requests to the finance committee of the common council no later than five weeks prior to the deadline for final budget passage. The finance committee shall report to the common council with recommendations.
- (b) The controller shall furnish a copy of the following to each councilmember no later than 30 days prior to the deadline for final budget passage:
 - (1) A report of the final status of each budget account for the previous calendar year.
 - (2) A report of the status of each current budget account as of June 30.
 - (3) Any other reasonable information that the finance chairman has requested in writing prior to August 1 of the current year.
- (c) If special circumstances arise, the deadlines mentioned in this section may be extended with the written consent of a majority of the council.

Sec. 2-65 Transfer of funds within department’s budget.

- (a) The common council by resolution may transfer funds from one major budget classification to another major budget classification at any regular or specially called public meeting without notice when the council determines that the transfer is necessary pursuant to IC 6-1.1-18-6(a)
- (b) The city controller is authorized to transfer funds from one minor account to another minor account at the request of the respective department head when he determines that the transfer is necessary. The controller shall report all such transfers to the council at least monthly.

Sec 2 -66—2-80. Reserved.

INTRODUCED BY: /s/ Marc Espar

/s/ Richard Murphy

/s/ Ron Meer

/s/ Patricia Boy _____

/s/ Phillip Jankowski _____

/s/ Joseph Doyle _____

/s/ Angela Nelson _____

/s/ Robert McKee _____

CO-SPONSOR: /s/ Willie Milsap _____

Councilman Espar moved to adopt the Ordinance, seconded by Councilwoman Boy.

Councilwoman Boy requested that a copy of the sign Ordinance be sent to each Council Member.

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

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

Council President Meer stated the H.O.P.E. Program has requested the Council to replace the appointment of Pat Jones to Social Status of African American Males with their new Program Director, Mike Lark Sr.

Councilman Milsap made a motion to have Mike Lark Sr. replace Ms. Jones to the Social Status of African American Males Commission, seconded by Council Members Murphy and Doyle.

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

Councilman Espar addressed the Council stating the cost of advertising in the Clerk's Office has almost doubled. Mr. Espar advised that by law the referred committee meetings do not have to be published in the local paper that posting them on our web page, at City Hall and informing the media is all that is necessary.

Councilman Espar moved to direct the Clerk's Office that they no longer have to publish the committee meetings in the classified section of The News Dispatch.

Attorney Meyer advised that it isn't necessary to publish the committee meetings in the local paper.

The motion was second by Councilwomen Boy and Nelson.

President Meer addressed Larry Silvestri's (414 E. Coolspring Avenue) and Glenn Wilson's (803 Spring Street) concerns regarding not advertising committee meetings.

Council President Meer asked if there were any other questions or comments from the Council or general public and hearing none, the motion carried by the following vote:

AYES: COUNCIL MEMBERS Jankowski, McKee, Meer, Milsap, Murphy, Nelson, Boy, Doyle, and Espar (9). NAYS: None (0).

Councilman Espar stated the Finance Committee will be meeting on a weekly bases to begin the process of gathering information and data regarding the 2009 budget.

COMMENTS FROM THE COUNCIL

Councilwoman Nelson announced that the Public Health and Safety Committee will be holding a Public Hearing, Thursday, July 17, 2008 at 4:00 p.m. in the Council Chamber to discuss the smoking ban and receive information and input from the public.

Councilman Milsap congratulated the Michigan City Summer Festival Committee on the 4th of July Parade and astonishing fireworks display.

Councilman Doyle stated the National Drum and Bugle Corp competition will be August 4 & 5, 2008. Mr. Doyle advised there will be 28 DCI groups from various countries and the top 16 will then move on to Bloomington, Indiana for the final World Championship.

COMMENTS FROM THE PUBLIC

There were no comments from the public

ADJOURNMENT

On motion by Councilman Espar, supported by Councilman Milsap, and there being no further business to transact, President Meer declared the meeting ADJOURNED (approximately 7:40 p.m.).

Thomas F. Fedder, City Clerk