



REVISED - A G E N D A

COMMON COUNCIL - REGULAR MEETING

Tuesday, July 21, 2020

Meeting to be held at **6:30 p.m.**, local time,
Hosted by "Zoom" and Streaming Live on "My Michigan City"
Facebook Page

CALL TO ORDER BY COUNCIL PRESIDENT

PLEDGE OF ALLEGIANCE TO THE FLAG and PRAYER

ROLL CALL

RESOLUTION

**APPROVING THE EXTENSION OF THE MAYOR'S EXECUTIVE
ORDER 08-2020 EXTENDING THE DECLARATION OF A
PUBLIC HEALTH EMERGENCY DUE TO THE COVID-19 VIRUS
AND TEMPORARY CLOSING OF WASHINGTON PARK**

Introduced by: Sean Fitzpatrick

ORDINANCE
3rd Reading

**CREATING SECTION 94-79 IN DIVISION 3 OF CHAPTER 94 OF
THE MICHIGAN CITY MUNICIPAL CODE ADDING PROVISIONS
REGARDING TRAFFIC WARNING SIGNS FOR CHILDREN WITH
HEARING OR VISION IMPAIRMENT OR A DISABILITY**

Introduced by: Tracie Tillman
Gene Simmons
Paul A. Przybylinski
Bryant Dabney
Angie Deutch
Don Przybylinski

COMMENTS FROM THE MAYOR

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.

Agenda July 21, 2020
Posted July 20, 2020

MICHIGAN CITY COMMON COUNCIL

RESOLUTION NO. _____

**APPROVING THE EXTENSION OF THE MAYOR’S EXECUTIVE ORDER 08-2020
EXTENDING THE DECLARATION OF A PUBLIC HEALTH EMERGENCY DUE TO THE
COVID-19 VIRUS AND TEMPORARY CLOSING OF WASHINGTON PARK**

WHEREAS, both the President and the Governor have declared a public health emergency for the Novel Coronavirus Disease 2019 (COVID-19) pandemic outbreak; and

WHEREAS, on July 16, 2020, Mayor Duane Parry issued his Executive Order 08-2020, Extending The Declaration Of A Public Health Emergency Due To The Coronavirus Pandemic & Ordering the Temporary Closure of Washington Park, a copy of which Executive Order 08-2020 is attached hereto as Exhibit A; and

WHEREAS, IC 10-14-3-29 requires the Council’s consent for the Executive Order 08-2020 to remain in effect for more than seven (7) days; and

WHEREAS, the Council finds that the COVID-19 virus pandemic emergency will exist for an extended period of time beyond seven (7) days from the issuance of Executive Order 08-2020, the precise length of which is not determinable at this time; and

WHEREAS, the Council supports the issuance of the Executive Order 08-2020 and finds that it is in the best interest of the citizens of Michigan City that the Executive Order 08-2020 be extended beyond seven (7) days until 11:59 p.m. on July 30, 2020 or until such time as the Mayor determines that the spread of COVID-19 no longer poses a threat to the citizens of Michigan City, whichever period is shorter.

NOW, THEREFORE, BE IT RESOLVED, by the Michigan. City Common Council that it approves Mayor Duane Parry’s issuance of his Executive Order 05-2020 Declaring A Public Health Emergency Due To The Coronavirus Pandemic & Implementing Certain Public Health And Safety Measures (Executive Order) and consents to it being effective and in full force and effect until 11:59 p.m. on July 30, 2020 or until such time as the Mayor determines that the spread of COVID-19 no longer poses a threat to the citizens of Michigan City, whichever period is shorter.

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

Passed and Adopted by the Michigan City Common Council on July 21, 2020.

INTRODUCED BY: _____
Sean Fitzpatrick, President

Passed by the Common Council of the City of Michigan City, Indiana this _____ day of _____, 2020.

Sean Fitzpatrick, President
Michigan City Common Council

Approved by me, this _____ day of _____, 2020.

ATTEST:

Duane Parry, Mayor
Michigan City, Indiana

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

JUL 16 2020

EXECUTIVE ORDER: 08-2020**DECLARATION OF A PUBLIC HEALTH EMERGENCY DUE TO THE
CORONAVIRUS PANDEMIC & ORDERING THE TEMPORARY CLOSURE OF
WASHINGTON PARK**GALE A. NEULIEB
CITY CLERK
CITY OF MICHIGAN CITY

WHEREAS, on March 6, 2020, by virtue of Executive Order No. 20-02¹, Indiana Governor Eric Holcomb first declared the coronavirus (COVID-19) outbreak a statewide public health disaster emergency; and

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 to be a global pandemic, and on March 13, 2020 the President of the United States declared a national emergency with respect to COVID-19; and

WHEREAS, to reduce and slow the spread of COVID-19, the Centers for Disease Control and Prevention (CDC) and Indiana State Department of Health (ISDH) recommended implementation of mitigation strategies to contain the virus including limitations on large gatherings and social distancing measures; and

WHEREAS, on April 7, 2020, by virtue of Executive Order No. 04-2020, I first declared a public health emergency because of COVID-19 and implemented public health and safety measures, which included the temporary closure of Washington Park; and

WHEREAS, as of July 14, 2020², the Indiana Health Department reported that there were 53,370 positive cases of COVID-19 and 2,592 deaths resulting from COVID-19 in the State of Indiana, and in particular, LaPorte County had a total of 648 positive cases of COVID-19 and 28 deaths resulting from COVID-19; and

WHEREAS, the statistical data on LaPorte County, as provided by the Indiana Health Department, is still showing an increase in the number of COVID-19 cases; and

WHEREAS, in addition to the growing COVID-19 cases in LaPorte County, and on a national level, numerous states across the U.S. are reporting record number of outbreaks of the virus; and

WHEREAS, despite the increase in COVID-19 cases in our county, state, and throughout the nation, Michigan City's Washington Park has experienced unusually large attendance levels, which include numerous out-of-county visitors and out-of-state visitors, over the recent weeks causing difficulty for patrons to comply with COVID-19 social distancing requirements and CDC guidelines; and

¹ Governor Holcomb has issued numerous executive orders since Executive Order No. 20-02 extending the statewide public health disaster emergency. Yesterday, during his press conference, Governor Holcomb advised that he was going to again extend his prior Executive Orders (see Governor Holcomb's Executive Order No. 20-35 and No. 20-34, which are the most recent orders as of the issuance of this Executive Order).

² When I issued Executive Order No. 04-2020, on April 7, 2020, the Indiana Health Department reported that there were 5,507 positive cases of COVID-19 and 173 deaths resulting from COVID-19 in the State of Indiana, and in particular, LaPorte County, Indiana had 25 positive cases of COVID-19 and 3 deaths resulting from COVID-19

WHEREAS, Chicago Mayor, Lori Lightfoot, ordered the closure of all Chicago beaches and to date has not reopened the beaches due to COVID-19; and

WHEREAS, in addition, the Mayor of Whiting, Indiana recently closed Whihala Beach due to public safety concerns because of the unusually large crowds also exceeding normal summer attendance; and

WHEREAS, in an effort to try to combat COVID-19, at last night LaPorte County Commissioner's meeting, the LaPorte County Health Department issued a Public Health Order mandating facial coverings in LaPorte County as follows:

"A. Face Covering Mandate

Every individual must properly wear a face covering over their nose and mouth when they are at:

1. An indoor area open to the public, including public transportation;
2. An outdoor public area where a distance of 6 feet from individuals outside of their household cannot be maintained; or
3. A private indoor or outdoor area where a distance of 6 feet from individuals outside of their household cannot be maintained...;" and

WHEREAS, it is anticipated that weather temperatures will again exceed 90 degrees this week and the heat index may exceed 100 degrees by this weekend; and

WHEREAS, given the extreme heat temperatures, compliance with the LaPorte County Health Department mask mandate orders would be difficult, if not impossible to achieve, while patrons are sunbathing, swimming on the lakefront, and engaging in outdoor activities; and

WHEREAS, because of the unprecedented large numbers of visitors to Washington Park, social distancing, compliance with CDC guidelines, and compliance with the mask mandate from the LaPorte County Health Department cannot be effectively maintained to prevent the spread of COVID-19; and

WHEREAS, pursuant to I.C. § 36-4-5-2, I, as the Mayor of Michigan City, Indiana, serve as the Executive of the City; and

WHEREAS, I.C. § 10-14-3-1 provides that an epidemic or other public-health emergency may constitute a disaster supporting the declaration of a disaster emergency; and

WHEREAS, pursuant to I.C. § 10-14-3-29, a local disaster emergency may be declared by the principal executive officer of a political subdivision and may not be continued or renewed for more than seven (7) days except by or with the consent of the governing board of the political subdivision; and

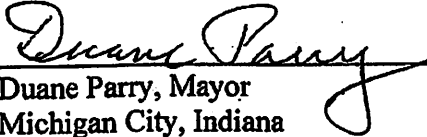
WHEREAS, in addition to I.C. § 10-14-3-29, Michigan City Municipal Code Sec. 34-1 provides the Mayor with the ability to declare an emergency; and

WHEREAS, in an effort to attempt to flatten the curve, slow the spread, and/or stop the spread of COVID-19 in our community, it is in the best interest of the public and our residents that I declare an emergency in our community caused by COVID-19 and order the temporary closure of Washington Park, the Senior Center, Fedder's Alley, the Zoo, and all parking areas within said vicinities, with the exception of weddings previously scheduled with the Michigan City Park Department.

NOW, THEREFORE, BE IT ORDAINED, I, Duane Parry, Mayor of Michigan City, Indiana, do hereby issue the following Executive Order:

1. The local disaster emergency in the City of Michigan City, Indiana shall be effective at 12:01 a.m. CST on Friday, July 17, 2020. This emergency is attributable to the coronavirus (COVID-19) pandemic.
2. This declaration shall continue through 11:59 p.m. on July 23, 2020, unless the Common Council consents to an extension. Should the Common Council decline to extend, this declaration will expire at 11:59 p.m. on July 23, 2020, unless the Michigan City Park Department orders the closure of any facilities and property under its' jurisdiction.
3. With the exception of weddings previously scheduled with the Michigan City Park Department, I hereby order the temporary closure of Washington Park, which shall include but not be limited to the Senior Center, Fedder's Alley, the Zoo, and all parking areas within said vicinities. The closure of Washington Park shall include the closure of the beachfront from Washington Park through Stop 13. There shall be no traffic, (vehicular, pedestrian, motorcyclist, and bicyclist traffic, or otherwise) through Washington Park and the closed parking facilities.
4. Violations of this emergency order are punishable under I.C. § 10-14-3-24 and I.C. § 10-14-3-34.
5. I have considered the scope of my authority under Indiana state law and City of Michigan City Sec. 34-1, *et seq.*, social and economic impacts, anticipated effectiveness, and current epidemiology of this pandemic.
6. This Order will be filed with the City Clerk of the City of Michigan City in conformity with I.C. § 10-14-3-29(a).

Dated this 16th day of July, 2020.



Duane Parry, Mayor
Michigan City, Indiana

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. _____

CREATING SECTION 94-79 IN DIVISION 3 OF CHAPTER 94 OF THE MICHIGAN CITY MUNICIPAL CODE ADDING PROVISIONS REGARDING TRAFFIC WARNING SIGNS FOR CHILDREN WITH HEARING OR VISION IMPAIRMENT OR A DISABILITY

WHEREAS, the Common Council has determined that, in the interest in increasing the safety of the children of Michigan City with vision or hearing impairment or diagnosed with a disability, the need exists for traffic control signs to be installed warning of the presence of such children; and

WHEREAS, the Common Council finds that the Michigan City Board of Public Works and Safety should determine where such children safety signs should be installed in the City upon appropriate written requests of parents or caretakers of such children.

NOW, THEREFORE, BE IT ORDAINED, by the Michigan City Common Council that Section 94-79 be added to Division 3 of Chapter 94 of the Michigan City Municipal Code to read as follows:

Sec. 94-79. Warning Signs For Impaired Children.

The Board of Public Works and Safety is authorized to have traffic control signs warning of the presence of children with vision or hearing impairments or children diagnosed with a disability. Such signs may be installed where, in the Board's opinion, there is a particular danger to such children if a written application to the Board for such a sign at the location meets the following criteria:

- 1.) The sign and the usage of the sign complies with the Manual on Uniform Traffic Control Devices (MUCTD).
- 2.) A fully and properly completed application to the Board that includes a certification signed by a qualified licensed medical professional certifying the child is vision or hearing impaired or is physically disabled.
- 3.) The child is between the age of two (2) and fifteen (15) years of age at the time of the request.
- 4.) The child resides within the corporate limits of Michigan City and lives on a residential street with a post speed limit of at least 25 mph.
- 5.) Applicant provides proof of residency (copy of driver's license, property tax notice, utility billing or other documentation).
- 6.) Applicant agrees to provide proof of residency prior to January 1st of each subsequent year of the application, and if such proof is not provided, the sign will be removed.
- 7.) Applicant agrees that sign will be removed upon the child's fifteenth (15th) birthday or when the child no longer lives at the subject address, whichever is earlier.

The Board of Public Works and Safety may adopt any additional rules and regulations to effectuate this Section but cannot require more proof of impairment than that stated in subsection 2, above. The Application form attached hereto as Exhibit A shall be used by the applicant.

This Ordinance to be effective upon passage and approval by the Mayor.

INTRODUCED BY: _____

Tracie Tillman, Member
Michigan City Common Council

CO-SPONSOR

**Gene Simmons, Member
Michigan City Common Council**

**Paul A. Przybylinski, Member
Michigan City Common Council**

**Bryant Dabney, Member
Michigan City Common Council**

**Angie Nelson Deutch, Member
Michigan City Common Council**

**Don Przybylinski, Member
Michigan City Common Council**

Passed by the Common Council of the City of Michigan City, Indiana, this _____ day
of _____, 2020 by vote of _____ to _____.

**Sean Fitzpatrick, President
Michigan City Common Council**

Approved by me, this _____ day of _____, 2020.

**Duane Parry, Mayor
City of Michigan City, Indiana**

ATTEST:

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



APPLICATION FOR TRAFFIC WARNING SIGN INSTALLATION FOR CHILD WITH HEARING, VISION, OR PHYSICAL DISABILITY

City Clerk/Michigan City Board of Public Works & Safety
100 E. Michigan Blvd
Michigan City, Indiana 46360
(219) 873-1410

This Application requests information which will be used to determine your eligibility for installation of traffic warning sign on street. Failure to provide a completed application will result in City Clerk's inability to process request to Board of Public Works & Safety. If space is insufficient, please attach additional sheets.

INSTRUCTIONS TO APPLICANT: The applicant must deliver a completed application to the Department of Central Services at 100 E. Michigan Blvd, Michigan City, Indiana accompanied by all items required by this application. The application may be delivered in person, U.S. mail, or email (send email to all of the following: galen@emichigancity.com; ddebald@emichigancity.com; and kzawacki@emichigancity.com). Once the application is complete, the City Clerk will place this request on the next regular meeting of the Michigan City Board of Public Works & Safety. Applicant is encouraged to attend this meeting to answer any questions by the Board.

PARENT, GUARDIAN, OR LEGAL CUSTODIAN INFORMATION:

Name: [Click here to enter text.](#)
E-mail: [Click here to enter text.](#)
Address: [Click here to enter text.](#)
City: [Click here to enter text.](#) State: [Click here to enter text.](#) Zip Code: [Click here to enter text.](#)
Phone Number: [Click here to enter text.](#)

CHILD INFORMATION:

Name of Child: [Click here to enter text.](#)
Age of Child: [Click here to enter text.](#)
Address where child resides: [Click here to enter text.](#)
Date of Birth of Child: [Click here to enter text.](#)

Does the child reside within the corporate limits of Michigan City? Yes No

Does the child live on a residential street with a posted speed limit of at least 25 mph? Yes No

If this Application is granted, do you agree to provide proof of the child's residency to the City prior to January 1 of each subsequent year until the child's fifteenth birthday? Yes No

CERTIFICATION BY QUALIFIED LICENSED MEDICAL PROFESSIONAL:

I hereby certify that the aforementioned child is under the age of 15 years and has a: (check applicable box)

- Vision Impairment
- Hearing Impairment
- Physical Disability

Printed Name of Medical Professional: _____

Signature of Medical Professional: _____

Date: _____

ATTACHMENTS TO THIS APPLICATION (please check if information is attached)

Applicant must provide proof of residence, which can include the following to demonstrate proof of residency: copy of driver's license, property tax notice, utility bill, lease, etc.

AFFIRMATION AND WAIVER & RELEASE BY APPLICANT

By signing below, I hereby affirm that the aforementioned information is true to the best of my knowledge and belief. I understand that by January 1 of each year, I must provide the City (by and through the Michigan City Clerk's Office at the address listed at the top of this Application) proof of my child's residence, and if I fail to provide that proof, that the traffic sign, if approved by the Board of Works & Safety, may be removed. I understand that the sign will be removed if the child no longer resides at this residence or when the child is 15 years of age. If the child no longer resides at this residence, I will notify the City in writing.

The Undersigned hereby waives, releases and discharges, on behalf of child and on behalf of himself/herself, and for any other person or entity acting on his/her behalf or on their own behalf, including but not limited to assignors, heirs, executors, and administrators, the City of Michigan City, Indiana from any and all claims or demands therefore on account of injury, loss, or damage to person or property, wrongful death actions, future claims, demands, liens, rights, costs, expenses, and other related items of damage or actions of any kind on account of, growing out of, or which may result from this Application and request for traffic signage, which arise or in the future may arise. The Undersigned expressly agrees to indemnify and hold the City harmless from any and all claims or demands therefore on account of injury, loss, or damage to person or property, wrongful death actions, future claims, demands, liens, rights, costs, expenses, and other related items of damage or actions of any kind by the Undersigned and/or Undersigned child, or by any other person or entity acting on his behalf or on their own behalf, including but not limited to assignors, heirs, executors, and administrators, on account of, growing out of, or which may result as from this Application and request for traffic signage, which arise or in the future may arise. It is expressly intended that such indemnification and hold harmless obligation shall extend to and include attorney fees and costs incurred by the participation of City in defending any claim, causes of action, wrongful death causes of action, or demands. This indemnification and hold harmless obligation does not apply to claims, damages, and losses to the extent that they are the result of the negligence or otherwise wrongful conduct of an official, officer, or employee of the City.

Printed Name of Applicant: _____

Signature of Applicant: _____

Date: _____

<u>FOR OFFICE USE ONLY</u>	
Date Approved by BOW	_____
Date Denied by BOW	_____
Reason Denied	_____
Date of Sign Installation	_____