

# REGULAR MEETING – February 18, 2020

The Common Council of the City of Michigan City, Indiana, met in Regular session on Tuesday evening, February 18, 2020 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 Fitzpatrick.

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

**PRESENT:** COUNCIL MEMBERS Bryant Dabney, Sean Fitzpatrick, Michael Mack, Don Przybylinski, Angie Nelson Deutch, Paul Przybylinski, Gene Simmons, Johnny Stimley and Tracie Tillman (9).

**ABSENT:** COUNCIL MEMBER None (0).

**ALSO PRESENT:** Jim Meyer – Council Attorney, Gale Neulieb City Clerk and Dawn Debald Deputy Clerk

**A QUORUM WAS NOTED PRESENT**

## **APPROVAL OF MINUTES**

President Fitzpatrick inquired whether there were any corrections, deletions, or additions to the minutes of the Regular Meeting of February 4, 2020.

President Fitzpatrick asked for a motion to approve the Regular Council meeting minutes from February 4, 2020; with a motion from Councilman D. Przybylinski and second by Councilman P. Przybylinski. The minutes were approved as printed 9 -0.

## **REPORTS of STANDING COMMITTEES**

Councilman Dabney presented the following Finance Committee meeting minutes:

The Finance Committee meeting was called to order at 6:04 p.m. by Chairman Dabney to review claims filed since the last meeting. Committee members Tillman and P. Przybylinski were present as well as Council members Simmons, Fitzpatrick, and D. Przybylinski. City Controller Yvonne Hoffmaster was in attendance as well. Claims reviewed totaled \$61,038.53 from the Riverboat Fund, \$0.00 from the Boyd Development Fund, and \$124,272.82 to the Engergy Savings Group for a total docket of \$185,311.35. There was discussion concerning the ESG payment, and all questions were answered to the committee's satisfaction. Councilman P. Przybylinski moved to recommend approval of the docket, and with a second by Councilwoman Tillman, the motion was approved unanimously. On a motion made by Councilman P. Przybylinski and a second by Councilwoman Tillman, the meeting was adjourned at 6:18 p.m.

### **From the Riverboat Fund #2042:**

ACME Communications Inc. - \$385.00  
Amateur Sports Promotion \$110.00

AT&T- \$3,644.54  
Crown Castle Towers - \$978.58  
DLZ - \$1,921.90  
Great America Financial Services - \$663.15  
Pitney Bowes - \$106.77  
Security Automation Systems - \$4,800.00  
SEH of Indiana LLC - \$3,614.81  
Verizon Wireless - \$270.08  
Comcast - \$43.70  
Local Grant Match, Lake Michigan Coastal Grant - \$44,500.00

**TOTAL from Riverboat Fund: \$61,038.53**

**From Boyd Development**

**Total from Boyd Development: \$0.00**

**Energy Systems Groups – Payment #14 - \$124,272.82**

**TOTAL CLAIMS DOCKET - \$185,311.35**

President Fitzpatrick asked Councilman Dabney, going forward if it would be possible to have a description of what each line item is and what city department the claim is coming from.

Discussion ensued between President Fitzpatrick and Councilman Dabney regarding what President Fitzpatrick is asking for in the Finance report.

**CLAIM DOCKETS**

President Fitzpatrick asked if there was a motion to approve the claims; Councilman P. Przybylinski made a motion to approve the claims, second by Councilman Dabney.

President Fitzpatrick asked; all in favor to pay the claims as amended signify by saying “AYE”, all responded “AYES”; those opposed; there was no response. Claims were approved (9-0)

Councilman Dabney questioned President Fitzpatrick; asking how he wants him to break down the Riverboat and Boyd Development funds; stating his concerns about what President Fitzpatrick is asking for.

President Fitzpatrick asked if there were any other reports of standing committees; there was no response.

**REPORTS OF SPECIAL or SELECT COMMITTEES**

President Fitzpatrick asked if there were any other reports of city officers and departments; there was no response.

**REPORTS OF OTHER OFFICERS AND DEPARTMENTS**

President Fitzpatrick asked if there were any reports of Special or Select Committees; there was no response.

**PETITION**

President Fitzpatrick asked if there were any petitions this evening.

City Clerk Neulieb advised there were no petitions.

## **COMMUNICATIONS**

President Fitzpatrick asked if there were any communications.

City Clerk Neulieb read the following communications received in the Clerk's Office:

Correspondence received in the Clerk's Office on February 10, 2020 from DLZ – Weekly Activities Report – ESG Energy Project

Correspondence was received in the Clerk's Office on February 6, 2020 from Pastor Edward D. Carnes – H.O.P. E. regarding the re-appointing Ms. Felice Kelly to the Commission of Social Status of African American Males.

Correspondence received in the Clerk's Office on February 10, 2020 from Beatrice S. Perry, Minority Health Partner of LaPorte County regarding the re-appointment of Ms. Albertine Allen to the Commission of Social Status of African American Males

Correspondence was received in the Clerk's office on February 10, 2020 from Rev. Ashley representing the Northwestern Indiana Ministers Conference regarding their appointment of Pastor J. Williams to the Commission of Social Status of African American Males.

Correspondence was received in the Clerk's Office on February 11, 2020 from Attorney Meyer regarding NICTD/South Shore Line Railroad Double Track Northwest Indiana Project

Councilman D. Przybylinski called a "point of order" advising on his agenda under REPORTS OF OTHER OFFICERS AND DEPARTMENTS for Jim Arnold - update of NICTD Double Track Project; with President Fitzpatrick stating the agenda was revised.

## **RESOLUTIONS**

City Clerk Neulieb read the following proposed resolution in its entirety,

**MICHIGAN CITY, INDIANA  
MICHIGAN CITY COMMON COUNCIL**

**RESOLUTION NO. 4772**

**WAIVER FROM THE STORMWATER STORAGE VOLUME REQUIREMENTS  
CONTAINED SECTION 20.07 (1) OF ARTICLE 20 - STORMWATER MANAGEMENT  
- OF THE JOINT ZONING ORDINANCE AND OF ANY WAIVER FEE**

**WHEREAS**, the Michigan City Fire Department has previously identified electrical safety hazards at the La Porte County Courthouse located at 300 Washington Street, Michigan City, Indiana; and

**WHEREAS**, the La Porte County Commissioners (County) are planning a Twenty-Four Million Five Hundred Thousand Dollar (\$24.5 million) repair and redevelopment project (Project) at the existing site of the La Porte County Courthouse located at 300 Washington Street, Michigan City, Indiana to increase its capacity and to improve its mechanical systems to Michigan City building standards; and

**WHEREAS**, Chapter 22, Article XII - MS4 Post-Construction Activity Stormwater Management Plan Program of the Michigan City Municipal Code contains requirements for stormwater management and stormwater management plans; and

**WHEREAS**, it has been demonstrated to the Council that the existing stormwater drainage at the courthouse currently drains into a large storm sewer system with adequate capacity to convey the stormwater from the newly developed site; and

**WHEREAS**, the County has committed in writing to installing an appropriately designed and sized stormwater treatment separator to treat stormwater runoff from the completed (Project); and

**WHEREAS**, Article 20 - Stormwater Management - of the Joint Zoning Ordinance contains requirements for post-construction stormwater management; and

**WHEREAS**, Section 20.07 (1) of Article 20 - Stormwater Management - of the Joint Zoning Ordinance requires that the required stormwater storage volume for the Project be determined using the inflow determined from the 100 year-24 hour post development storm event with an allowable release rate as determined from the 2 year-24 hour storm under existing conditions; and

**WHEREAS**, it has been demonstrated to the Council by appropriate documentation that the cost of implementing the controls necessary to meet the above specified storage volume requirement are estimated by the County representatives to be between \$300,000 and \$700,000; and

**WHEREAS**, the Project is a governmentally funded project and the Council finds that there is limited funding availability for the Project.

**NOW, THEREFORE BE IT RESOLVED BY THE MICHIGAN CITY COMMON COUNCIL**, that the County of LaPorte be granted a waiver for its courthouse expansion and rehabilitation project from the stormwater storage volume requirements contained Section 20.07 (1) of Article 20 - Stormwater Management - of the Joint Zoning Ordinance and any waiver fee provided that the Project complies with all other applicable provisions of Chapter 22, Article XII - MS4 Post-Construction Activity Stormwater Management Plan Program of the Michigan City Municipal Code and Article 20 - Stormwater Management - of the Joint Zoning Ordinance. Nothing in this Resolution should be construed to be an attempt to waive any State law stormwater management requirements applicable to the County's courthouse expansion and rehabilitation project.

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

**INTRODUCED BY:** /s/ Sean Fitzpatrick, Member  
**CO-SPONSOR:** /s/ Angie Nelson Deutch, Member  
/s/ Michael Mack, Member  
/s/ Paul Przybylinski, Member

President Fitzpatrick advised that he attended a meeting called by Mayor Parry in conjunction with several County Departments, along with Tonn and Blank and Structure Point who was in attendance to discuss the expansion of the LaPorte Court House in Michigan City; stating Mrs. Winski, and Attorney Beige are here to give details on what they are requesting.

Attorney Doug Beige, 820 Jefferson, LaPorte, representing LaPorte County, stated their first request is for storm water storage; advising under the code of LaPorte County if the expansion stays under an acre of land, they are exempt, and they are right at one acre;

explaining their concerns that if the contractor would go over one acre the county would be in violation; asking for this waiver. Attorney Beige stated their plan is to put in a water solid separator and scheduling it to be cleaned every six (6) months; advising there is no change to the permeable service of the court house; with this being a 24.5 million dollar project without this waiver the county is going to be forced to spend about \$450,000; the water separator they are suggesting will be \$65,000 and they are not foreseeing going over the one acre, but they would rather be safe than sorry.

Joe Winski, 318 Garrettson Avenue, Michigan City, LaPorte County Auditor and former member of this council presented a few documents for the Council to review.

President Fitzpatrick advised the Council is on the resolution for waiving building permits at this time not the stormwater management resolution.

President Fitzpatrick asked if there were any public comments regarding the waiver of the building permits for the county; there was no response.

President Fitzpatrick asked if there were anyone from the Council that wished to speak on the proposed resolution;

Councilman P. Przybylinski requested to be a Co-sponsor to this resolution.

Councilman Dabney asked what the total amount of the proposed waiver was for the building permits.

Attorney Beige advised there is no change in fees; and that they are only asking for the waiver for the requirements on the one (1) acre county code; with this saving the county about \$350,000 on the construction.

Discussion ensued between Councilman Dabney, Attorney Meyer, and LaPorte County Attorney Beige regarding the waiver fee.

Councilman P. Przybylinski asked if the stormwater was a permit and what the cost would be to the county to comply with the MS4 program for the storage of the stormwater.

Attorney Beige advised if they were over an acre the cost would be \$450,000; repeating again that they are right at an acre and are hoping not to go over.

President Fitzpatrick asked if there were any other council comments (repeating three times);

Councilwoman Deutch made a motion to adopt the proposed resolution, second by Councilman P. Przybylinski.

President Fitzpatrick asked if there any other comments from the Council; there being no response; asking all in favor to signify by saying "AYE" all responded "AYE" those opposed; there was no response; the resolution was adopted by the following vote 9 -0.

Councilman P. Przybylinski stated he was going to ask for a verbal vote by the clerk but since there was no objection he wouldn't.

City Clerk Neulieb read the following proposed resolution in its entirety,

**MICHIGAN CITY COMMON COUNCIL**

**RESOLUTION NO. 4773**

**REQUESTING THE MICHIGAN CITY PLAN COMMISSION AND THE  
MICHIGAN CITY PLANNING AND INSPECTION DEPARTMENT TO  
WAIVE BUILDING PERMIT AND INSPECTION FEES FOR LAPORTE COUNTY FOR  
ITS COURTHOUSE EXPANSION AND REHABILITATION PROJECT IN MICHIGAN  
CITY**

**WHEREAS**, the Michigan City Fire Department has previously identified electrical safety hazards at the La Porte County Courthouse located at 300 Washington Street, Michigan City, Indiana; and

**WHEREAS**, the La Porte County Commissioners (County) are planning a Twenty-Four Million Five Hundred Thousand Dollar (\$24.5 million) repair and redevelopment project (Project) at the existing site of the La Porte County Courthouse located at 300 Washington Street, Michigan City, Indiana to increase its capacity and to improve its mechanical systems to Michigan City building standards; and

**WHEREAS**, the County has requested that the City of Michigan City waive any and all building permit fees, estimated to be approximately \$200,000.00 that the County would otherwise have to pay the City for the Project.

**NOW, THEREFORE, BE IT RESOLVED**, by the Michigan City Common Council that, in order to assist LaPorte County in the construction of its expansion and rehabilitation project for the LaPorte County courthouse in Michigan City, it respectfully requests that the Michigan City Plan Commission and the Planning and Inspection Departments waive all fees for the construction of the LaPorte County courthouse expansion and rehabilitation project in Michigan City, Indiana.

Upon the passage of this Resolution, the City Clerk will send a copy to each member of the Plan Commission, the Board of Public Works and Safety, and the Planning and Inspection Departments for their consideration and compliance, and for future production to the State Board of Accounts.

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

**INTRODUCED BY:** /s/ Sean Fitzpatrick, Member

**CO-SPONSOR:** /s/ Angie Nelson Deutch, Member

**CO-SPONSOR:** /s/ Michael Mack, Member

**CO-SPONSOR:** /s/ Paul Przybylinski

**CO-SPONSOR:** /s/ Gene Simmons

President Fitzpatrick stated this proposed resolution is the second part of what was just discussed; with them breaking down what the county is requesting; asking if Attorney Beige or Mrs. Winski had anything they wanted to add.

Attorney Beige addressed the Council regarding the building permit fee and that the county is asking to waive the amount of \$150,000; with the project being approximately 24.5 million dollars; explaining when finished the court house will be about 87,900 square feet and will be a benefit/asset to the north end of the City of Michigan City.

Mrs. Winski stated that there may be a trade offer; advising they would give the City of Michigan City the 8<sup>th</sup> Street Complex if the City would waive the building permit fees for their project; drawing the Council's attention to the second page of the report she handed out; advising that these are all the properties that the county has given to the City of Michigan City from the 2015 tax sale and the 2019 tax sale which equals a million dollars in appraised or assessed value; advising the taxes we forgave on these properties was \$722,392.00, not to mention that in 2011 the county gave the city a little building on Franklin Street, forgiving the taxes called "Art Space" which was almost 19 million dollars that the county also gave the City; stating she feels the government should work together for the common good and for better of the city.

Mrs. Winski advised she would be glad to go back to the LaPorte County Commission to ask for the exchange of the complex on 8<sup>th</sup> Street for the waving of these permit fees; with the commissioner being the body that would have to grant the approval; advising the county will be using this building during construction with the plan of moving some of the offices from the basement of the courthouse over there.

Attorney Beige asked the council to think about if someone approached this body with a 24.5-million-dollar investment; he believes they would be asking for a tax abatement.

President Fitzpatrick asked if there were any comments or questions from the general public.

Mayor Parry advised that he looked at this project in depth; stating he feels this is good for the City of Michigan City and that it will be an anchor to the north end of town; that we need to work together and cooperate in good faith; asking for the Council's support.

President Fitzpatrick asked if there any other comments from the public (repeating three times) there was no response.

President Fitzpatrick asked if there were any Council comments.

Councilman P. Przybylinski asked to be a Co-Sponsor to this resolution.

Councilman P. Przybylinski also thanked Mrs. Winski for the updated list regarding taxes that were forgiven by the county; commenting on what the county has done in a cooperative spirit to help Michigan City.

Mrs. Winski stated the proposed landscaping for the courthouse will be echo friendly; and it will all be native species so that it will be easier to maintain.

Councilman Simmons asked to be a Co-Sponsor as well.

Councilman Stimley advised he is not opposed to waving the fees; stating he brought up several months ago a proposal with the city and county in waving the fees and which the city would take over the ownership of the 8<sup>th</sup> Street complex when the Michigan City Court House expansion is completed; the city can then make it into a co-working space for the City's Economic Development which will be looking for a place in the near future; with the possibility of an **antimere** center to support small business opportunities as well as nonprofit organization.

Discussion ensued between Councilwoman Tillman and Mrs. Winski regarding the timeframe of the project starting; along with the timeframe the county employees will work in the basement that are being moved to the 8<sup>th</sup> Street complex; questioning because she is a county employee working in the basement of the courthouse.

Councilwoman Tillman stated that she is not opposed of the waiver; advising several of her concerns regarding the temporary relocation to the 8<sup>th</sup> Street complex.

Discussion ensued between Councilwoman Tillman and Mrs. Winski regarding the proposed relocation of Ms. Tillman's office; with Councilwoman Tillman asking for a copy of the plans to the expansion of the courthouse.

Councilman Dabney stated he is also in favor of the waiver; questioning if the county has considered annexing the property south of 400 by the hospital in which the city provides police, fire, street, etc. into the city.

Mrs. Winski addressed Councilman Dabney question advising this is a TIF area; advising the county still owes money in that TIF area right now; stating under Indiana

State Law they wouldn't be able to do anything there until the TIF monies owed is paid off and that would also be a board of commissioners question; advising there is at least ten (10) more years left on these monies owed (Economic Development Loan).

Councilman Dabney asked if it is possible to have a dual TIF Loan; with Mrs. Winski advising she doesn't believe that would be possible.

Councilman D. Przybylinski advising he will probably be the alone man out; stating he would be voting against waving these fees for the expansion of the court house; that he is not against the expansion but wants everyone to realize and remember the city has had financial issues from the last administration with the 3.4 million shortfall, having to take these monies out of the Riverboat Fund.

**Councilman P.** Przybylinski advised that he received an engineer's estimate from Haas & Associates (who also is does work for the city on many projects) explaining what the \$200,000 would be able to do within the city; presenting a sample list of the cost for streets/sidewalks that could possibly be done if we didn't approve this waiver; the city could give seasonal employees more money that work for the park , life guards, zoo staff, or vector so they will want to stay for the entire season; stating another project is to purchase trees; the list of things the city could possibly do with \$200,000 is endless.

Councilman D. Przybylinski stated if the waiver doesn't go through it would cost each property owner approximately a little less than \$2.00 annually.

Mrs. Winski advised the building permits for this project is about \$152,000; with Councilman D. Przybylinski stating the amount being proposed in the resolution is \$200,000.

Discussion ensued between Councilman D. Przybylinski, Mrs. Winski and Attorney Meyer regarding the cost of the permit fees being proposed.

Councilman Przybylinski stated he serves as liaison to the Human Rights Commission with every council member serving as a liaison to a board or commission that we have; stating he serves as the Council's liaison to the Art Commission; advising these commissions have to do fund raises if they want to give out scholarships each year.

Councilman D. Przybylinski stated he wasn't done with his comments; President Fitzpatrick stated, "Your time has expired"

Councilman D. Przybylinski called a "point of order" asking what is time limit to speak?

President Fitzpatrick advised Councilman D. Przybylinski that he is allowed three (3) minutes per the Council rules and has spoken far over that time limit.

Councilwoman Deutch stated she doesn't disagree with Council D. Przybylinski on a lot of his comments; but one thing that is important is that we **have that location there**; we are not taking this money from the Riverboat fund or the city's operating funds; it is a fee that we are waiving; making a motion to approve; a second was made by Councilman Mack.

The proposed resolution was adopted by the following vote: **AYES:** Council members Simmons, Stimley, P. Przybylinski, Tillman, Dabney, Fitzpatrick, Mack, and Deutch (8). **NAYS:** Council member D. Przybylinski (1).

The City Clerk read the following resolution by title only,

**MICHIGAN CITY COMMON COUNCIL**

**RESOLUTION NO. 4774**

**REQUESTING THE MICHIGAN CITY PLAN COMMISSION AND THE MICHIGAN CITY PLANNING AND INSPECTION DEPARTMENT TO WAIVE BUILDING PERMIT AND INSPECTION FEES FOR HABITAT FOR HUMANITY TO CONSTRUCT A HOUSE AT 204 HOBART STREET, MICHIGAN CITY, INDIANA**

**WHEREAS**, Michigan City Common Council has given support to the creation and the need of decent and adequate housing in Michigan City and supports the need to help make better housing available to those who would not qualify for home ownership under normal circumstances; and

**WHEREAS**, LaPorte County Habitat for Humanity, Inc., (Habitat for Humanity) is a non-profit corporation that works in partnership with people in need of decent and adequate housing who would not qualify for home ownership under normal circumstances; and

**WHEREAS**, Habitat for Humanity acquires property and builds a house in partnership with a qualified family that is selected by a committee as being in need of housing; and

**WHEREAS**, Habitat for Humanity purchases building material with funds raised through various fund-raising activities and uses volunteer labor in building houses; and

**WHEREAS**, upon completion, the home is sold to the family with a no-profit, no-interest mortgage; and

**WHEREAS**, Habitat for Humanity works with homeowners, helping them to become responsible homeowners before and after move-in; and

**WHEREAS**, the Common Council wishes to have the City lessen the financial burden for Habitat for Humanity for construction of a house on a site located at 204 Hobart Street, Michigan City, Indiana so that they can proceed with construction without delay and undue costs.

**NOW, THEREFORE, BE IT RESOLVED**, by the Michigan City Common Council that, in order to encourage and assist in the construction of decent and affordable housing in Michigan City for families who could not otherwise afford to be home owners, it respectfully requests that the Michigan City Plan Commission and the Planning and Inspection Departments waive all fees for the construction of a house to be constructed by LaPorte County Habitat for Humanity, Inc., on a site located at 204 Hobart Street, in Michigan City, Indiana.

Upon the passage of this Resolution, the City Clerk will send a copy to each member of the Plan Commission, the Board of Public Works and Safety, and the Planning and Inspection Departments for their consideration and compliance, and for future production to the State Board of Accounts.

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

**INTRODUCED BY:** /s/ Bryant Dabney, Member

**CO-SPONSOR:** /s/ Angie Nelson Deutch, Member

**CO-SPONSOR:** /s/ Paul Przybylinski, Member

President Fitzpatrick asked if the authors had anything to add; there was no response.

Sosha Coleman, President of LaPorte County Habitat for Humanity addressed the Council regarding the renovation of 208 Hobart Street currently and a new house they are starting in the spring at 204 Hobart Street; asking the council to waive the building permit fees for; advising the families they have selected are low income and are currently in the selection process.

Councilman Dabney added the amount of the proposed fees being waived are approximately \$900.00.

President Fitzpatrick asked if there was anyone from the public that wished to speak on the proposed resolution; there was no response.

President Fitzpatrick asked if there was anyone from the Council that wished to comment on the resolution; there was no response.

Councilman Dabney made a motion to adopt the proposed resolution, second by Councilman P. Przybylinski.

Councilman P. Przybylinski asked to be a co-sponsor to this resolution.

Councilman P. Przybylinski stated this is not unusual for the council to waive the fees for the Habitat for Humanity homes being built by this organization in Michigan City; advising the city council has waived fees several times in the past years.

Councilwoman Deutch asked to be a co-sponsor as well; stating she know that in several weeks we will be bringing something very similar to the council for the ramps at the North Central Community Action Agency.

President Fitzpatrick stated if there is no further response; asking all in favor to signify by saying "AYE" all responded "AYE; those opposed; there was no response; the resolution was adopted by the following vote 9 – 0.

President Fitzpatrick stated the resolution is approved.

## **ORDINANCE**

City Clerk Neulieb read the following proposed ordinance on 2<sup>nd</sup> reading by title only,  
**AMENDING THE MUNICIPAL CODE SECTION 2-57(b) TO SAID SECTION  
 REGARDING COUNCIL SPONSORSHIP OF AN ORDINANCE OR RESOLUTION**

**Introduced by:** Paul A. Przybylinski  
**Co-Sponsor:** Don Przybylinski

President Fitzpatrick asked if the Author had anything he would like to add.

Councilman P. Przybylinski stated the proposed ordinance is to amend the rules defining when an individual can introduce legislation.

President Fitzpatrick asked if there was anyone from the public that would like to speak on the proposed ordinance (repeating three times); there was no response.

President Fitzpatrick asked if there were any Council questions or comments regarding the proposed ordinance (repeating three times) there was no response; advising the proposed ordinance would be held over to the March 3, 2020 Council meeting on 3<sup>rd</sup> reading.

## **UNFINISHED BUSINESS**

President Fitzpatrick has four (4) appointments to the Social Status of African-American Males Commission reading the following incumbents: Ms. Albertine Allen – Minority Health Partners of LaPorte County, Pastor Edward Damon Carnes, Sr. - Ministerial Assoc., Ms. Felicia Kelly - H.O.P.E. Community Mr., Ms. Tracie Tillman - Council Appointment

\*note-all 4 terms expire 02/15/2020

City Clerk Neulieb advised that the Clerk's Office has received three (3) letters; one from the Minority Health Partners of Laporte re-appointing Ms. Albertine Allen; a letter was received from the Ministerial Association appointing Pastor J. Williams; and a letter was received from the H.O.P.E Community re-appointing Mrs. Felicia Kelly; advising the Council did not receive any completed applications for their appointment.

President Fitzpatrick asked if there were any objections to have the vote this evening; there was no response.

President Fitzpatrick stated we will take a vote on Ms. Albertine Allen representing the Minority Health Partners of LaPorte; Pastor Williams to represent the Ministerial Association and Mrs. Felicia Kelly representing the H.O.P.E.; asking all in favor to signify by saying "AYE", all responded "AYE" those opposed; there was no response; the vote to re-appoint these members to the Social Status of African-American Males Commission Vote: 9 – 0.

President Fitzpatrick stated the Common Council has one (1) appointment to the Michigan City Tree Board – term expires March 15, 2020 (Neighborhood Association Representative) Incumbent: Ms. Laura Henderson

President Fitzpatrick asked if the Clerk's Office received a letter from the Neighborhood Association re-appointing Ms. Henderson; Ms. Neulieb advised that the Clerk's Office hadn't received it as of to date.

President Fitzpatrick stated Mayor Parry is requesting the advice and consent of the member of the Michigan City Common Council regarding the appointment of Ms. Alena Ursida as a member of the Michigan City Tree Board

President Fitzpatrick stated Mayor Parry is requesting the advice and consent of the member of the Michigan City Common Council regarding the re-appointment of Ms. Robin Kohn as a member of the Michigan City Public Art Committee

President Fitzpatrick stated Mayor Parry is requesting the advice and consent of the member of the Michigan City Common Council regarding the re-appointment of Ms. Shannon Eason as a member of the Michigan City Public Art Committee

President Fitzpatrick stated Mayor Parry is requesting the advice and consent of the member of the Michigan City Common Council regarding the re-appointment of Ms. Jane Daley as a member of the Michigan City Public Art Committee

President Fitzpatrick stated Mayor Parry is requesting the advice and consent of the member of the Michigan City Common Council regarding the re-appointment of Ms. Judy Jacobi as a member of the Michigan City Public Art Committee

President Fitzpatrick stated Mayor Parry is requesting the advice and consent of the member of the Michigan City Common Council regarding the re-appointment of Ms. Carol Ann Brown as a member of the Michigan City Public Art Committee

President Fitzpatrick stated Mayor Parry is requesting the advice and consent of the member of the Michigan City Common Council regarding the re-appointment of Mr. Matt Kubik as a member of the Michigan City Public Art Committee

President Fitzpatrick stated Mayor Parry is requesting the advice and consent of the member of the Michigan City Common Council regarding the re-appointment of Ms. Kathy Dennis as a member of the Michigan City Public Art Committee

President Fitzpatrick asked if there were no objections, he would like to suspend the rules and take the vote requested by Mayor Parry for the advice and consent of each the appointments read by himself; with Councilman D. Przybylinski making a motion to vote all at the same time, second by Councilwoman Deutch; asking all in

favor to signify by saying "AYE" all responded "AYE", those opposed; there was no response; the requests from the Mayor were approved.

President Fitzpatrick congratulated everyone to their appointments.

President Fitzpatrick introduced Mr. Mike Noland and Mr. James Arnold from NICTD presenting the updates of the South Shore double track project.

Mr. Noland, President of the Southshore Railroad, introduced the newest appointment to the NICTD Board of Directors, Jim Arnold along with Nichole Barker who is the project manager of this project.

Mr. Noland commented on the brief history of the double track project; advising in 2016 they came before the Council entering into an agreement between the railroad and Michigan City to put the double tracking along 11<sup>th</sup> and 10<sup>th</sup> Street; in 2017 the general assembly received 6 million dollars from the state to match; 18.25 million from each of the four (4) surrounding counties to fund the local share of that project; with completing project development, which means they have done 30% of the engineering and completed all of the environmental work; and last summer (2019) submitted the plan to the Federal Government to request and enter the engineering and to also receive a rating; at the same time we received an additional 205 million dollars from the general assembly to be available to support both the double track and West Lake Project; the federal government decided that instead it would be a 50/50 share project; deciding they wanted to go into this project 38% with the state needing to come in at 62%. Mr. Noland advised the State did step up and give the additional project funds; stating on February 10<sup>th</sup> they received a positive word from the federal transit administration that the double track project was entered into the engineering phase of their grant process and also received a medium\high rating with the double track; now being one of six projects across the country that is in the engineering phase of the FTA program; advising this is the way the FTA is saying, they want your project; there are still things that need to be done before the grant is approved.

Mr. Noland advised that NICTD will immediately start with the critical aspect of the project which is property acquisition; needing to acquire the properties to perform utility relocation for when NICTD is ready to start the construction; which is projected for May, 2021.

Mr. Noland announced there will be an open house/meeting scheduled for Tuesday, March 3, 2020 from 1 p.m. to 6 p.m. here at City Hall in the EOC Room; having individuals that are handling property acquisition for NICTD to answer any questions the public may have and start the procedures.

Mr. Noland also said there will be another open house on June 3, 2020 where they will show the community the various plans for what the project is going to look like on 11<sup>th</sup> and 10<sup>th</sup> Street; asking for feedback and input from the public (they will be doing a press release regarding the schedule of this open house).

President Fitzpatrick stated that he and Councilwoman Deutch have scheduled a Council Workshop for Wednesday February 26, 2020 at 6:00 p.m. in the EOC Room with NICTD being present to answer any questions the public might have.

Mr. Noland stated in 2016 the first agreement was approved between the City and NICTD regarding the double track project so it is important to review what the agreement was about again and understand what is coming up; stating there are a lot of things that Michigan City needs to do, and NICTD needs to do as well; advising this would be a great opportunity to address and update the community with the project moving forward.

President Fitzpatrick thanked Mr. Noland for the update; asking if he could stay until after public comment due to someone having a few questions this evening.

President Fitzpatrick asked if there was any other unfinished business to address; there was no response.

**NEW BUSINESS**

President Fitzpatrick stated the Council has one (1) appointment to the Michigan City Enrichment Corporation expiring 03-31-2020. Incumbent: George Kazmierczak.

City Clerk Neulieb stated there were no applications received in the Clerk's office.

**COMMENTS FROM THE PUBLIC**

President Fitzpatrick asked if there were any comments from the public; asking those who wanted to comment/address the Council on any matter to state their name and address for the record;

Heather Enos, President and CEO of the Northwest Indiana Forum, 6100 South Port Road, Portage, Indiana invited everyone to an Economic Development Bootcamp here at City Hall in the EOC Room on Thursday, February 27<sup>th</sup> from 1 p.m. to 5 p.m.; stating this bootcamp is for elected and appointed officials as well as the general public; just to learn more about Economic Development and what the process is and learn more about TIF and some success stories that are happening in surrounding communities to bring more investment to this area.

Kathy Stransky, 223 Barker Avenue, appreciated this evening having the screen with the documents the Council was addressing; allowing the audience to read along and understand what the conversation was about they were discussing.

Tommy Kulavik, 1316 Ohio Street, commented on the following issues; advising the Laporte County Commissioners were going to have a tax sale March 12, 2020; thanking Mr. Noland for the NICTD presentation; asking for vendor machines to be put back in all the South Shore Stations; stating several concerns about safety issues when arriving on the train in Chicago; congratulating the girls basketball team for winning regional's in Union Mills; also wanted to root on Jamie Hodges who is only 97 points away now from setting the all-time Michigan City High School for scoring record for single season for a freshman.

Tom Smith, 1710 West 10<sup>th</sup> Street, thanked Councilman D. Przybylinski for his comments and was sorry he was cut short by President Fitzpatrick before finishing his comments; explaining this is a time when we are supposed to hear from our Council people.

Tom Smith addressed the council regarding what the City could do with the 12 million dollars that we are spending on the double tracking project for NICTD; and what Councilman D. Przybylinski's comments regarding not waiving the \$200,000 for the courthouse expansion project.

Tom Smith stated the proposed double tracking project was brought to the Council/City in 2012; advising then it was going to be a \$290 million dollar project with this project going on for the past twelve (12) years; advising that NICTD has been telling the citizens of Michigan City all these years some properties will be purchased to do this project; explaining when you look at the houses along this route today, they haven't been maintained because why would you maintain something that is going to be condemned due to the "double tracking project"; stating for a fact, the timeframe being so long this has brought the property values down so NICTD is going to get these properties at a better deal; in fact if they would of came in and did the project in 2012 they would have had to pay more the properties; commenting on several concerns regarding safety in our community regarding the proposed passenger and freight trains traveling through the center of town due to the double tracking project that is to be started in 2021.

President Fitzpatrick advised Mr. Smith that his time had expired.

Mr. Smith stated my time has expired; it doesn't really matter that my house is being taken; my time has been cut off.

President Fitzpatrick advised there is workshop scheduled for next Wednesday, February 26, 2020 in the EOC room at 6:00 p.m.

Ernie Hullihan, 302 Gladys Street addressed the Council asking if the County was going to do something regarding the parking at the court house; advising there aren't enough spaces when being called for jury duty with most of them being reserved.

Mr. Hullihan, stated he is hoping that NICTD is not knocking down the 11<sup>th</sup> Street train station; advising he would like to see it renovated and reopen.

President Fitzpatrick asked if there were any other comments from the public repeating three times; there was no response.

### **COMMENTS FROM THE MAYOR**

Mayor Parry stated he had no comments this evening.

### **COMMENTS FROM THE COUNCIL**

President Fitzpatrick asked if there were any comments from the Council.

Councilman D. Przybylinski complimented Franciscan Health for their 20-million-dollar investment to the old St. Anthony's building that was in the News Dispatch today.

Councilman D. Przybylinski thanked the Main Street Association for their fantastic job on the Shelf Ice Brew Festival with Justin Post being the chair of this event from Main Street.

Councilman D. Przybylinski commented on the new rules being put into order here this evening; stating he wished President Fitzpatrick would of sent an email to each council member that they were going to have a time clock at our meetings; letting a council member have five minutes to speak on a subject; asking Mr. Fitzpatrick to remind the public when they address the council that they have three (3) minutes on their comments.

Councilman D. Przybylinski questioned Parliamentarian Deutch regarding the five minute ruling from a council member; stating he is reading in the council rules under 2.61 Sec. (d) a Council member shall be allowed five (5) minutes to speak and then they can have an addition three (3) if needed; wishing President Fitzpatrick would of advised him that his original five (5) minutes were up; he would of asked under unanimous consent to get an additional three (3) minutes.

Councilman Dabney announced next Thursday February 27, 2020 at 6:00 p.m. at the Fire Training Center, 2501 E. Michigan Blvd. he will be holding a "Financial Aid Information Presentation"; discussing the federal Pell Grant and how to complete the free application for federal students aid, how to apply for state grants, how to apply for federal 21<sup>st</sup> century scholars for 7<sup>th</sup> and 8<sup>th</sup> grade scholars, and also talk about the Michigan City Promise Scholarship.

Councilwoman Deutch advised the 2020 Neighborhood Leadership Academy has extended their deadline to apply and be a part of their academy until tomorrow February 19<sup>th</sup>; stating that you can drop your application of off at the City Clerk's office or the EDC office, 2 Cadence Park.

Councilwoman Deutch addressed Councilman D. Przybylinski comments; advising for the new council members they went over the rules before they had their first council meeting; but it is true that each council member gets five (5) minutes the first time, three (3) minutes the second time when speaking a matter; and if the member wants to extend comments on the time period you would need unanimous consent by the council to allow someone to extend their time at that time. Councilwoman Deutch commented on the clock that was placed in the Council Chamber; advising it will be a learning curve for all of us in looking at the clock when speaking.

Councilwoman Deutch stated there is workshop this Saturday, February 22, 2020 at High Praise Ministry from 12 p.m. to 2 p.m.

Councilman D. Przybylinski asked Councilwoman Deutch to show him where it is located that a council member by unanimous consent can speak for the third time.

Councilwoman Deutch advised this rule isn't in our council rules; advising when a council person has spoken for five (5) minutes and then they speak an additional three (3) minutes, the council member could ask "if there is no objection, can they finish their comments"; explaining with unanimous consent the council person then could continue speaking.

President Stimley reiterated Councilman D. Przybylinski about the Shelf Ice Brew Festival; thanking Justin Post for chairing and putting this event on, along with the Main Street Association and all the volunteers for their hard work.

Councilman Stimley stated it was his great pleasure to serve as liaison on the Redevelopment Commission last year; stating that he attended their last meeting and it was nice to see the new Council Liaison sitting up front with the Redevelopment members.

Councilman Stimley stated that it has been a great honor to serve the City as a Council up to a new level; explaining with the recent opening of the Event Coordinator position Mayor Parry welcomed him to accept the position; unfortunately I can't do both by being on the City Council and taking the position of the Event Coordinator for the City; advising that it has been a very difficult decision and he can't think of another job for his abilities and his twenty (20) years of organizing events and working with non-profits, they match so well; this position will play a major role in in approving the quality of life for the citizens and youth of Michigan City while attracting tourism and revenue; further stating that he wants to assure the public that he will continue to work on old and new projects and programs for the future and the vision of Michigan City.

Councilman Stimley announced that he will be accepting the position of the Michigan City's Event Coordinator; thanking his supporters as well as this Council.

President Fitzpatrick thanked Councilman Stimley for his service and dedication to our City and input to this Council; asking him to notify the County Clerk, as well as the Chair of the Democratic Party.

Councilman D. Przybylinski stated it's been a pleasure working with Councilman Stimley thanking him for what he has done; wishing him good luck on his new adventures.

Councilman P. Przybylinski commented after serving on this Council for many years; the Council has always had an "open mike" form; stating he believes it is the best way to conduct a public meeting; stating there are several ways to conduct debate and he doesn't believe that it is good for the general public to be putting time limits on them; advising the only time the Council enforced the time limits was when there was a

controversial issue and there was a big audience; explaining this was to control the meeting.

Councilman P. Przybylinski also stated for the Council rules to be implemented at this time "open debate" the Council and public should be able to speak freely and openly on a matter; stating if his recollection is correct President Fitzpatrick, it's not stated in the Council rules but the Robert's Rules of Order which supersedes having to follow Robert's Rules of Order; commenting when he yielded to Councilman Przybylinski it was covered under Robert's Rules of Order; saying that if we want to nitpick the Council rules, we will start writing them and nitpick them to death; advising he thinks this is an over reach to the Council members and the general public.

Councilman Mack thanked Councilman Stimley for his service; stating his childhood memories would be much different without Mr. Stimley's participation and leadership.

Councilman Mack stated he has been working with few people; one to organize youth baseball teams on the west side this summer and also he has been talking to someone about the recognition of a man that was born and raised in Michigan; especially since it is "Black History Month"; asking Mr. Brett Kelly to speak.

President Fitzpatrick called a "point of order" advising "public comment" would have been the appropriate time for Mr. Kelly.

Councilman Mack stated he would follow the rules; as long as everyone abides by the rules equally; stating that Mr. Kelly will be at the next council meeting on March 3, 2020 to address some form recognizing the previous Mayor Hatcher who was a Michigan City resident, Mr. Kelly had accumulated information about Mr. Hatcher; stating he was a Michigan City high school graduate as well a graduate of Ball State University and Valpo Law School, he was the first African American Mayor for Gary, Indiana and the first African American Male Mayor in a major city and is an important historical figure from Michigan City.

Councilman D. Przybylinski asked President Fitzpatrick for in the future if he, the Parliamentarian Deutch, and Vice President Mack decide to make changes to the protocol of the council, to please send out an email prior to the meeting; so everyone is aware of it; or possibly let all council members know when having a meeting with the new council members; but for whatever reason excluding other members of the council; we need to work as a team, communicating with each other; with our number one objective to make Michigan City move forward.

Councilwoman Deutch advised that before we were on the Council herself and the new council elect people would meet to go over the council rules; not specifically talking about time or to stop people speaking; advising at least that is not how she sees the rules; these rules have been there forever, as group we went over all the rules; with Council Elect Tillman, Mack, as well as Councilman Simmons who never had someone go over the rules with him he was caucused in.

Councilman P. Przybylinski called a "point of order" stating in the council rules the parliamentary procedure is when you want to enact the rules of the council, you have to make an announcement at the beginning of the meeting; advising that what happened this evening was a misnomer to the general public and Councilman D. Przybylinski; asking in the future if the President wants to do this; we are going to have to look at a different method; the rules do state, you have to make an announcement to the general public to enact the rules.

Councilman Simmons congratulated Councilman Stimley on his new position, wishing him; that he and Johnny came on the Council together and is going to miss him.

President Fitzpatrick stated for public knowledge; when we said we are all about radical transparency, we meant it, the rules are the rules; these are the rules that multiple council people have professed to live by and we are going to follow them; if it seems a little ridged and seems like we are doing something more than what has been done in the past; that he can't account for what previous Presidents have done/preceding officer of the Council but the rules should be followed; if there is a problem following the rules there is a process to change the rules, stating that is an amendment.

President Fitzpatrick asked if there were any further comments from the Council

### **ADJOURNMENT**

A motion by Councilman Dabney, supported by Councilman P Przybylinski and there being no further business to transact, President Fitzpatrick declared the meeting **ADJOURNED** (approximately 8:03 p.m.)

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Gale A. Neulieb