

# REGULAR MEETING – January 4, 2022

The Common Council of the City of Michigan City, Indiana, met in Regular session on Tuesday evening, January 4, 2022 at the hour of 6:30 p.m., Hosted by “Zoom” and streamed live on “My Michigan City” Facebook Page.

The meeting was called to order at 6:30 p.m. by Council President Michael Mack.

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

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

**ABSENT:** none (0).

## A QUORUM WAS NOTED PRESENT

**ALSO, PRESENT:** Attorney Meyer, Gale Neulieb City Clerk.

President Mack stated the first order of business this evening is the election of officers; President Mack asked (repeating three (3) times) “are there any nominations for president; with Councilman D. Przybylinski nominating Angie Nelson Deutch, second by Councilwoman Tillman and Councilman Simmons.

President Mack asked if there were any other nominations; repeating three (3) times; there was no response and nominations were closed.

Councilwoman Deutch was elected as the 2022 Council President by the following vote: Council members Dabney, Fitzpatrick, Mack, Deutch, D. Przybylinski, P. Przybylinski Simmons, Zygas, and Tillman (9) **NAYS:** None (0).

President Mack congratulated Councilwoman Deutch; with President Deutch taking over the meeting.

President Deutch thanked everyone for their support.

President Deutch stated his first order of business is to open nominations for the 2022 Vice President; repeating three (3) times “are there any nominations for Vice President”; with Councilman P. Przybylinski nominating Councilman D. Przybylinski, second by Councilman Simmons.

President Deutch asked if there any other nomination for Vice President; repeating three (3) times; there was no response and nominations were closed.

Councilman D. Przybylinski was nominated as the 2022 Vice President by the following vote **AYES:** Council members Dabney, Fitzpatrick, Mack, Deutch, D. Przybylinski, Simmons, Zygas, P. Przybylinski and Tillman (9) **NAYS:** None (0).

President Deutch congratulated Councilman D. Przybylinski as the 2022 Council Vice President.

Councilman D. Przybylinski thanked his colleagues; stating he will uphold the position to the best of his abilities.

President Deutch stated her next order of business was appointing Councilman Fitzpatrick as the 2022 Parliamentarian.

**APPROVAL OF MINUTES**

President Deutch advised the minutes of the Council “Hybrid/Zoom” Meeting of December 21, 2021 will be approved at the next meeting on January 18, 2022.

**REPORTS of STANDING COMMITTEES**

President Deutch asked if there were any reports of standing committees.

Councilman Don Przybylinski stated the Labor Relations committee met with the MCPD FOP negotiating team on Wednesday, December 22, 2021 with a tentative agreement for the 2022-2024 contract; explaining on Monday, December 27, 2021 the Labor Relation Committee was advised the FOP rejected the offer.

**FINANCE REPORT**

President Deutch asked if there was a finance committee meeting held.

Councilman Fitzpatrick stated that the Finance Committee did not meet; advising there was only one (1) item on the agenda, and it was self-explanatory.

**CLAIMS DOCKET**

President Deutch read the following claims for the record.

**January 4, 2022 Riverboat/Boyd Claim Docket**

<b>Fund #2042 – Riverboat – Claims</b>	<b>\$</b>	<b>6,280.00</b>
<b>EFT</b>	<b>\$</b>	<b>0.00</b>
<b>Fund #2031 – Boyd – Claims-</b>	<b>\$</b>	<b>0.00</b>
<b>TOTAL CLAIMS</b>	<b>\$</b>	<b>6,280.00</b>

A motion was made to approve the Riverboat/Boyd claims from January 4, 2022 by Councilman Fitzpatrick, second by Councilwoman Tillman.

The motion was approved by the following vote: **AYES:** Council members Fitzpatrick, Mack, Deutch, D. Przybylinski, Simmons, Zygus, P. Przybylinski, Tillman and Dabney (9). **NAYS:** None (0).

**REPORTS OF SPECIAL or SELECT COMMITTEES**

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

**REPORTS of OTHER CITY OFFICERS AND DEPARTMENTS**

President Deutch asked if there were any reports of Other Officers and Departments.

Terry Greetham, Director of Special Events presented the special events that will be happening in Michigan City in 2022.

President Deutch stated there are a lot of good things to come and she appreciates everything that Mr. Greetham has done.

Councilman Dabney commented that he is happy Mr. Greetham joined the Michigan City team; stating he has some good events planned for 2022.

Discussion ensued between Councilman D. Przybylinski and Mr. Greetham regarding the Army Corp of Engineers and why the cost for their services is going up from \$400 to \$4,000? Mr. Greetham explained it is because of administrative fees and budget cuts; stating they asked for a list of improvements to the pier over the past couple years; explaining they are willing to negotiate the cost; advising he is working on an alternative launch site for the fireworks with the Fire and Park Department so they may not have to pay anything.

Councilman P. Przybylinski stated he is excited about the Venetian Festival and the other events that Mr. Greetham has planned for 2022; and he is glad to see he is bringing back the Oktoberfest; congratulating Mr. Greetham for what he is doing.

Discussion ensued between Councilman Simmons and Mr. Greetham regarding if Venetian night is a competition between boats. Mr. Greetham stated yes, it is; there will be multiple classifications of boats with cash prizes.

President Deutch advised that Clerk Neulieb gave everyone a list of Council Committee Assignments; asking the Council to identify the committees they would like to participate on; stating the elections for those boards will be done at the next meeting.

## **PETITIONS**

President Deutch asked if there were any petitions.

Clerk Neulieb advised that there were no petitions this evening.

## **COMMUNICATIONS**

President Deutch asked if there were any communications this evening;

Clerk Neulieb advised there were no communications or correspondence received.

## **RESOLUTIONS**

The Clerk read the following resolution by title only.

### **MICHIGAN CITY COMMON COUNCIL**

#### **RESOLUTION NO. 4823**

#### **APPROVING SUBMISSION OF A GRANT APPLICATION BY THE CITY OF MICHIGAN CITY, BY AND THROUGH THE MICHIGAN CITY POLICE DEPARTMENT, TO THE INDIANA CRIMINAL JUSTICE INSTITUTE & SUPPORTING PAYING THE LOCAL MATCH FOR SAID GRANT**

**WHEREAS**, pursuant to Sec. 2-236 of the Michigan City Municipal Code, the Michigan City Common Council must pre-approve all grant applications having a local match requirement; and

**WHEREAS**, the Michigan City Police Department (MCPD) intends to submit a grant application seeking funding through the Indiana Criminal Justice Institute for the 2022 Comprehensive Highway Injury Reduction Program (CHIRP); and

**WHEREAS**, this Grant will require a local match of \$3,900; and

**WHEREAS**, pursuant to Sec. 2-236, the City Controller and Michigan City Police Department, by and through Officer Wright, have provided the following information pertaining to the Grant:

1. **Name of grantor and grant title:** Indiana Criminal Justice Institute - Traffic Safety Grant.
2. **Why it is beneficial to the City to apply for this grant:**
  - a. CITLI - Indiana seat belt enforcement strategies seek to reduce fatalities, injuries, and economic cost incurred from vehicular crashes. Click It to Live is the primary seat belt enforcement program in Indiana. The program is intended to increase the seat belt usage and overall occupant safety for motorists and their passengers in Indiana. The goal of the MCPD continues to be aligned with the purpose of the CITLI Program "...traffic initiatives and enforcement to prevent and reduce traffic injury and /or fatal crashes...". MCPD will increase seat-belt usage rates through enforcement and education.
  - b. DUITF - The Driving Under the Influence (DUI) Task force program is the primary impaired driving countermeasure enforcement program in Indiana. This program is intended to decrease the amount of motorists killed and injured in Indiana because of impaired drivers. The goals of the MCPD continue to be aligned with the purpose of the DUI Task Force Program: "...decrease the number of motorists killed and injured on Indiana roadways by impaired drivers." The MCPD's goal will be to decrease alcohol related crashes and violations by 2% or greater in this fiscal year.
  - c. OBU - The goal for OBU will be to have more officers on the street working to achieve the goal of the MCPD of bringing awareness and enforcement of seat belt usage. Seat belt usage by the occupants of a vehicle is necessary to preserve life and is also Indiana state law.
  - d. PED-BIKE - The goal of the PED-BIKE program will be to bring awareness to pedestrians, bicyclists, and vehicle drivers of the laws of crosswalks and bike lanes. MCPD will have extra patrols in order to enforce laws surrounding these areas as the City has multiple crosswalks and bicycle lanes on many main roadways in the City.
  - e. MC-HVE - The program will allow us to achieve our goal and focus on the stated problem through increased saturation patrols and public awareness. The MCPD has increased their number of sworn law enforcement officers over the past year(s), MCPD will be able to dedicate more manpower to the MC-HVE program and assist in motorcycle escorts and functions throughout the City. Unfortunately, there has been a recent motorcycle fatality and MC-HVE is necessary to educate both motorcycle riders and vehicle operators.
3. **The purpose of the grant and the proposed use of grant funds:** See above.
4. **The person who will be responsible for managing the grant for the City:** Corporal Brian Wright – MCPD.
5. **All relevant time frames and schedule, including any deadlines for submitting the application and closing out the grant:** The term of the grant is October 1, 2021 through September 30, 2022. MCPD applies for this grant annually.
6. **The amount of any required or proposed City monetary match or voluntary contribution and the proposed source for the matching funds and contributions:** The City's match is \$3,900 for travel/training which is budgeted in the MCPD 2022 operating budget.
7. **The description of the types and sources of any in-kind match or contribution:** NA.
8. **Whether the Controller wishes to have a new, separate fund created for the grant:** No, the Controller does not wish to have a new, separate fund created for the Grant. This

grant will run through the General Funds as it is recorded as reimbursement for the overtime utilized for each of the programs listed in no. 2.

**WHEREAS**, all relevant information required by Sec. 2-236 is attached hereto and incorporated herein as **Exhibit A**-Notice of Application for Grant and **Exhibit B**-Grant Set-Up Form.

**NOW, THEREFORE BE IT RESOLVED BY THE MICHIGAN CITY, INDIANA COMMON COUNCIL AS FOLLOWS:**

1. The aforementioned "Whereas" sections are incorporated herein as if fully set forth herein.
2. The Michigan City Common Council approves the submission of the 2022 Comprehensive Highway Injury Reduction Program (CHIRP) Grant application and supports and commits to funding the local match for said Grant up to \$3,900.

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

**INTRODUCED BY:** /s/ Angie Nelson Deutch, Member  
Michigan City Common Council

**Note: Exhibits A & B are attached to Ordinance No. 4823 in file CR-103 in the Clerk's Office**

President Deutch stated that last year an ordinance was adopted to put together a process for grants that require local matches; advising the grants are to go before the Council prior to them being submitted; explaining the proposed resolution is for a local match in the amount of \$3,900 through the Comprehensive Highway Injury Reduction Program (CHIRP).

President Deutch asked if there were any comments from the public;

Corporal Brian Wright, M.C.P.D, addressed the Council advising he is available to answer any questions the Council may have.

President Deutch asked if there were any further comments from the public; there was no response.

President Deutch asked if there were any comments from the Council;

Councilwoman Zygus commented that the form was not filled out in its entirety; there were missing check boxes.

President Deutch stated everything was explained and described in the body of the proposed resolution.

Councilman Dabney made a motion to approve the proposed resolution, second by Councilman D. Przybylinski.

The motion was approved by the following vote: **AYES:** Council members Mack, Deutch, D. Przybylinski, Simmons, Zygus, P. Przybylinski, Tillman, Dabney and Fitzpatrick (9). **NAYS:** None (0).

Councilman P. Przybylinski asked for a five (5) minute recess. President Deutch granted his request.

The Clerk read the following proposed resolution by title only, **APPROVING SUBMISSION OF APPLICATION FOR A GRANT FOR THE CITY OF MICHIGAN CITY FROM THE INDIANA DEPARTMENT OF TRANSPORTATION FOR THE 2022 COMMUNITY CROSSING MATCHING GRANT PROGRAM & SUPPORTING THE LOCAL MATCH FOR SAID GRANT**

**Introduced by:** Angie Nelson Deutch

President Deutch stated this is for the annual Community Crossings Matching Grant (CCMG) program; advising the application process begins on January 3, 2022 and the deadline to submit applications is January 28, 2022; explaining she has the list of streets; and the grant is not to exceed one (1) million dollars; further stating the matching funds were budgeted in the 2022 MVH restricted budget;

President Deutch asked if there was anyone from the public who wished to speak; there was no response.

President Deutch asked if there was anyone from the Council who wished to speak;

Councilman D. Przybylinski asked Controller Hoffmaster how much money is in the MVH fund at this time for 2022.

Controller Hoffmaster stated that as of December 31, 2021, there is a cash balance of \$217,150.27 in the MVH fund; stating there are two MVH funds; one is an operating fund that is used to operate the Street Department; and the other is the MVH restricted funds that was set up in 2018; this is used for the preservation of pavement; there is \$750,000 appropriated in the MVH restricted fund; advising they are anticipating they will receive \$2,482,947 throughout 2022,

Discussion ensued between Councilman D. Przybylinski and Controller Hoffmaster regarding how much money is going to be used for the Street Department. Controller Hoffmaster responded all of it. Councilman D. Przybylinski asked what monies are used for repairing streets and sidewalks. Ms. Hoffmaster stated she believes there were no funds appropriated for sidewalk repairs budgeted for 2022. Councilman D. Przybylinski asked about street repairs. Ms. Hoffmaster stated monies were budgeted for the Community Crossings which is the grant; \$750,000 in the MVH restricted funds and \$250,00 in the local roads and street fund for a total of one (1) million dollars.

Discussion ensued between Councilman P. Przybylinski and Controller Hoffmaster regarding the Council being told the MVH funds are going to be cut 20%. Councilman P. Przybylinski asked Controller Hoffmaster where the other money is going to come from to make up the difference? Controller Hoffmaster stated it will come from the Riverboat like it does every year. Councilman P. Przybylinski commented on the one (1) million dollars in CARES monies and one (1) million in federal monies (Transit) from the prior year that are floating out there unappropriated. Ms. Hoffmaster advised the extra monies helped fund the twenty (20) plus million dollars that is budgeted in the general fund.

Discussion further ensued between Councilman P. Przybylinski and Controller Hoffmaster regarding the \$750,000 transfer out of the Riverboat for the Park Department; asking where the \$800,000 from parking fees is and why wasn't this used rather than taking it out of the Riverboat fund. Ms. Hoffmaster explained the \$800,000 helps fund the Park's three (3) million dollar budget; advising there is no money just hanging out there.

Councilman P. Przybylinski advised that he has a problem not seeing the list of streets pertaining to this resolution.

Councilwoman Tillman stated she would also like to see a list of the actual streets.

President Deutch advised that she asked Jeff Wright, City Engineer to provide a list of streets and separate the top twelve (12) streets that he planned on submitting; advising there are streets from all wards; explaining he gave a comprehensive list for all streets for 2022 in hopes that if we get any additional monies they could get to other streets on the list repaired as well; stating she will send out the list as soon as she finds it.

Councilman Dabney commented on the transfer to the Park Department that Councilman P. Przybylinski had mentioned earlier; stating that we could fix all of this if the transfers were made at the beginning of the year; explaining if a department finished in the black at the end of the year the money could be transferred to the Riverboat and it wouldn't cause so much confusion; if they were in the red, and they didn't need all of the money, the rest would be transferred back to the Riverboat; the same with the rainy day fund.

Councilman Dabney shared the resurface program for the 2022 construction season.

President Deutch stated that Mr. Wright updated the list and she is looking for it and will pull it up and share on the screen.

Councilman D. Przybylinski asked that the paving list for 2022 is sent out to all Council members so they all have the same list?

Discussion ensued between President Deutch and Controller Hoffmaster regarding if they can pass the proposed resolution at the next Council meeting on January 18, 2021? Controller Hoffmaster stated that is fine.

Councilman D. Przybylinski made a motion to "TABLE" the proposed resolution until the next meeting on January 18, 2021, second by Councilman P. Przybylinski.

The motion to "TABLE" the proposed resolution was approved by the following vote: **AYES:** Council members Deutch, D. Przybylinski, Simmons, Zygus, P. Przybylinski, Tillman, Dabney, Fitzpatrick and Mack (9). **NAYS:** None (0).

The Clerk read the following proposed ordinance on first reading by title only,  
**AN ORDINANCE ESTABLISHING SALARIES FOR THE POLICE DEPARTMENT OF THE CITY OF MICHIGAN CITY FOR THE CALENDAR YEAR 2022**

**Introduced by:** Don Przybylinski  
 Paul Przybylinski  
 Bryant Dabney

President Deutch asked if the Authors had anything to add at this time;

Councilman D. Przybylinski read the proposed ordinance in its entirety as follows:

**AN ORDINANCE ESTABLISHING SALARIES FOR THE POLICE DEPARTMENT OF THE CITY OF MICHIGAN CITY FOR THE CALENDAR YEAR 2022**

**WHEREAS**, the salaries for the Police Department must be set by ordinance, pursuant to IC 36-8-3-3; and

**WHEREAS**, the City of Michigan City, by and through the Common Council's Labor Relations Committee ("LRC"), have attempted to negotiate a new contract with the Indiana F.O.P Labor Council, Inc. ("FOP") and have engaged in numerous communications and meetings with the FOP since April 2021; and

**WHEREAS**, on December 22, 2021, the LRC and negotiating team of the FOP met and tentatively agreed to the terms of a new contract for 2022-2024, however, on December 27,

2021, the LRC was advised by the negotiating team of the FOP that they did not take the offer to the full FOP membership, rather, the negotiating team decided to reject the offer and ask the LRC to come back to the negotiating table; and

**WHEREAS**, until a new contract is negotiated, all the terms and conditions of the current contract continue, thus, the need currently exists for the City to set wages for the Michigan City Police Department for 2022 in the same amounts as were previously set in 2021.

**NOW, THEREFORE BE IT ORDAINED** by the Common Council of the City of Michigan City, Indiana, that:

Section 1. The salaries for the Police officers for the year 2022 shall be set as follows, subject to the terms and conditions of a labor agreement between the City of Michigan City and the Indiana F.O.P. Labor Council, Inc.:

	<u>Bi-Weekly</u>
Probationary Patrolman	\$ 1,667.07
Patrolman	\$ 1,798.20
1 <sup>st</sup> Class Patrolman-(47 years service)	\$ 2,076.92
Corporal	\$ 1,906.08
Sergeant	\$ 2,020.47
Lieutenant	\$ 2,141.69
Captain	\$ 2,270.21

Section 2. Set salaries are in effect for all payrolls issued in the calendar year governed by this Ordinance.

This Ordinance to be effective retroactive to January 1, 2022 upon passage by the Council, approval by the Mayor, any necessary publication, and any necessary approval by the Indiana Department of Local Government Finance.

President Deutch asked if there were any other Author comments;

Councilman P. Przybylinski stated they are still in negotiations with the Police Department; and this is just a formality; advising they are still working under last years' contract.

President Deutch asked if there were any comments from the public; there was no response.

President Deutch asked if there were any Council comments; there was no response.

President Deutch advised the proposed ordinance will be held over on second reading at the next meeting on January 18, 2022.

The Clerk read the following proposed ordinance on second reading by title only.  
**PROHIBITING THE USE OF MVH FUNDS FOR CONSTRUCTING OR CAPITAL REPAIRS OF STREETS WITHIN THE BOUNDARIES OF CITY TIF DISTRICT**

**Introduced by:** Paul Przybylinski

President Deutch asked if the Author had anything to add at this time;

Councilman P. Przybylinski advised that he sent an amendment by substitution for the proposed ordinance into the Clerk's Office; asking Clerk Neulieb to read it in its entirety.

**REQUIRING THE USE OF TIF FUNDS FOR STREET IMPROVEMENTS WITHIN THE BOUNDARIES OF A CITY TIF DISTRICT ELIGIBLE FOR TIF FUNDING**



**WHEREAS**, in the past, funds in the City's Motor Vehicle Highway (MVH) Fund have been used to construct and repair streets within the boundaries of the City's various tax increment finance (TIF) districts; and

**WHEREAS**, based on PASER inspection and scoring results, it is evident that there are numerous streets in those parts of the City outside of the boundaries of the TIF districts that are in very poor and dilapidated condition; and

**WHEREAS**, the Common Council finds that there are insufficient MVH funds available to repair or reconstruct all of those streets, including those within the TIF districts, within a reasonable period of time; and

**WHEREAS**, under Indiana law, if the Redevelopment Commission determines that a street improvement project will promote economic development or redevelopment in the City, TIF funds can be used to fund pavement removal and replacement and street reconstruction projects for streets within the TIF districts' boundaries which the City Engineer recommends be implemented due to their low PASER ratings; and

**WHEREAS**, the Common Council finds that such repaving, reconstruction, and construction of streets in the TIF districts promotes the economic development and redevelopment in the TIF districts and of the City; and

**WHEREAS**, the Common Council finds that it is in the best interests of the City and its citizens that TIF funds, and not MVH funds, be used for all of those projects eligible for TIF funding so that the MVH funds can be used for needed street repairs in the areas of the City outside of the TIF districts and for those repairs in the TIF districts which are not legally fundable with TIF funds, eg., pothole patching, crack sealing, chip and seal, and paving not associated with pavement removal.

**NOW, THEREFORE, BE IT ORDAINED** by the Common Council of the City of Michigan City, Indiana, that:

1. Other than to pay for contracts that have already been awarded based on use of MVH funds, no MVH funds shall be expended to pay for any pavement removal and replacement or street reconstruction projects legally eligible for TIF funding for streets within the TIF districts' boundaries, which the City Engineer recommends be implemented due to the streets' low PASER ratings, without the prior express written approval of the Common Council for any such expenditure.
2. The Redevelopment Commission prepare and approve the necessary findings that TIF funding for pavement removal and replacement and street reconstruction projects for streets within the TIF districts' boundaries which the City Engineer recommends be implemented, due to the streets low PASER ratings, will promote economic development or redevelopment in the respective TIF district and the City.
3. The Redevelopment Commission include in its annual planning for use of TIF district funding the street improvement projects in the TIF districts which the City Engineer recommends be implemented, due to the street's low PASER ratings and appropriate available TIF district funds to pay for those projects.

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

**Introduced by:** Paul Przybylinski

President Deutch asked if the Author had anything further to add;

Councilman P. Przybylinski explained changes to the amended ordinance; advising it is increasing and guaranteeing our share of the million dollars from the Community Crossings grant; stating his thoughts are to use the TIF money in areas that qualify and also monies can be used out of the MVH funds if asked by the City Engineer; explaining

more will get done in the City in all different areas; TIF, south TIF or in the middle of town; commenting they need to sit down as a group and come up with a plan; further stating when the federal program came out back in the day, it was called urban renewal then in the 80's the name changed to "TIF zones".

President Deutch asked if there was anyone from the public who wished to speak;

Tommy Kulavik, 1316 Ohio Street commented on Pahs and Kieffer Roads; stating both roads take people to and from the Michigan City High School and the Marquette Athletic Complex; advising the roads are in such poor condition.

President Deutch asked if there was anyone from the Council who wished to speak;

Councilman Dabney stated there are neighborhoods in the TIF districts and the people in those neighborhoods pay gas taxes and registration fees that fund the MVH fund; explaining it is unfair they are paying taxes and being punished because the MVH funds can't be used in a TIF district; commenting on the fall paving schedule for 2021 and showing all of the areas in the TIF districts that are prohibited from using the MVH funds to pave the streets; further commenting on a case in Munster Indiana where TIF monies were used originally to construct the streets and the City thought they should be responsible for upkeep (paving);

President Deutch stated they do have correspondence between Attorney Meyer and Attorney Sirinek in reference to the case in Munster, Indiana.

Attorney Meyer explained to Councilman Dabney what happened in the Munster, Indiana case; stating it was park and not a street; advising there is a motion that is pending to be voted on to amend the ordinance by substitution which has different language that allows the use of MVH funds inside a TIF district for costs regarding the maintenance of streets that cannot be paid for with TIF funds'

Discussion ensued between Attorney Meyer, Councilman Dabney and President Deutch regarding the amended proposed ordinance.

President Deutch stated that Councilman P. Przybylinski advised he would like to have a workshop to discuss this prior to the proposed ordinance going to 3<sup>rd</sup> reading.

President Deutch asked if there were any further comments from the Council;

Councilman Mack stated every year the Council and Redevelopment Commission has discussions and debates regarding which roads and streets get the monies for repairs.

Councilwoman Zygus stated the proposed ordinance overcomplicates the repaving of streets; advising the Paser study should be used to decide what streets get paved; commenting that she is against the proposed ordinance and the amendment.

Mayor Parry stated the selection of streets was made purely by using the Paser rating system; starting with the worst streets and moving on to the best streets; advising this was done by Jeff Wright, City Engineer.

Councilman P. Przybylinski stated that he would like to make a motion to amend the proposed ordinance by substitution, second by Councilman D. Przybylinski.

The motion to amend the proposed ordinance by substitution failed by the following vote: **AYES:** Council members D. Przybylinski, P. Przybylinski, Fitzpatrick and Deutch (4). **NAYS:** Council members, Simmons, Zygus, Tillman, Dabney and Mack (5).

President Deutch stated that the proposed ordinance is on second reading; asking if the Author has anything to add;

Councilman P. Przybylinski advised he would like to have a workshop with the Redevelopment Commission next week to clear up the legalities that keep coming up on the proposed ordinance.

Councilman P. Przybylinski made a motion to "TABLE" the proposed ordinance on second reading until the next meeting on January 18, 2022, second by Councilman D. Przybylinski.

The motion to "TABLE" the proposed resolution was approved by the following vote: **AYES:** Council members Simmons, Zygus, P. Przybylinski, Tillman, Dabney, Fitzpatrick, Mack, Deutch and D. Przybylinski (9). **NAYS:** None (0).

The Clerk read the following proposed ordinance on second reading by title only.  
**AMENDING MUNICIPAL CODE SECTION 2-457 COMMISSION ON THE SOCIAL STATUS OF AFRICAN AMERICAN MALES**

**Introduced by:** Tracie Tillman

**(NOTE: This ordinance was TABLED at the December 21, 2021 Council meeting until the January 4, 2021 Council meeting)**

President Deutch asked if the Author had anything to add at this time;

Councilwoman Tillman explained there was a recommendation to update the bylaws for the Commission on the Social Status of African American Males; advising one of the amendments in the proposed ordinance states who is allowed to be on the Commission; reading the proposed ordinance in its entirety:

**AMENDING MUNICIPAL CODE SECTION 2-457-COMMISSION ON THE SOCIAL STATUS OF AFRICAN AMERICAN MALES**

**WHEREAS**, Common Council has become aware that it is in the best interest of the City of Michigan City and the Commission On The Social Status of African-American Males (Commission) that certain provisions of the Commission's enabling Ordinance be amended to require all members to be residents of the City of Michigan City.

**NOW, THEREFORE, BE IT ORDAINED** by the Common Council of the City of Michigan City, Indiana, that the last 2 sentences of Section 2-457(b)(2)(b) of the Michigan City Municipal Code shall be amended to read as follows:

All appointments made must be bona fide residents within Michigan City and all members shall continue to serve until their successor is appointed.

This amendment shall only be effective for all appointments made after the date this Ordinance becomes effective.

All other provisions of Section 2-457 shall remain in full force and effect.

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

Councilwoman Tillman stated that many Boards and Commissions in existence have members that are residents of Michigan City;; explaining there are very few that their bylaws state a member can be a resident of LaPorte County; advising because of the strategic organization that deals with the Social Status of African American males within our Community, it is better to have representation of individuals that actually live within the City of Michigan City; further stating to her understanding there are three (3) commissioners that are not residents of LaPorte County nor are they residents of Michigan City; further advising these members do bring passion and other things to the table that can be utilized; and they could stay on the Board, but on a sub-committee;

this would allow for their participation, support, knowledge and resources to help those within the Michigan City Community.

President Deutch asked if there was anyone from the public who wished to speak;

Discussion ensued between Mayor Parry and Councilwoman Tillman regarding if when she looked through the ordinance that created the Commission of the Social Status of African American Males if it was defined legislatively that the Commission had the authority and right to create subcommittees, if not the ordinance needs to be amended to allow it. Councilwoman Tillman stated she will look into this; advising if it is not within the bylaws, she will make the necessary amendments to reflect it.

Tommy Kulavik, 1316 Ohio Street stated that he read the ordinance in its entirety and it is very confusing; in one part of the ordinance, it states members must be a Michigan City resident and in another it states all parties must be a bonafide resident of the County.

President Deutch asked if there were any further comments from the public; there was no response.

President Deutch asked if there were any comments from the Council;

Councilman D. Przybylinski stated that he agrees that if you are on a Board that you should live within the City limits; advising he supports Councilwoman Tillman's proposed ordinance.

Councilwoman Tillman stated the proposed amended ordinance states it requires all members residents of Michigan City; asking if subcommittees are allowed if there is anyone on the Board that does not live within the City limits to stay on and carry out their duties and responsibilities and bring what they have to the subcommittees.

Discussion ensued between Councilman D. Przybylinski and Councilwoman Tillman regarding where the three (3) individuals that she spoke about earlier live? Councilwoman Tillman responded they live outside of the City limits.

Councilman Mack advised that he will be voting against the proposed ordinance; he is not sure if this is in the best interest of the City; commenting on the last two (2) SSAAM meetings that he watched.

Discussion ensued between Councilman Dabney, Councilwoman Tillman and President Deutch regarding if you are on a subcommittee are a non-voting member. Councilwoman Tillman stated that is correct. Councilman Dabney asked who the three (3) members are that are not City residents. President Deutch stated that is not relevant at this time; they may decide they do not want to be on a subcommittee; advising they can stay on the committee until a successor is appointed. Councilwoman Tillman advised that the amendment shall only be effective for all appointments made after the date this ordinance becomes effective.

Councilman Mack stated the three (3) appointments in question will be expiring soon.

President Deutch commented that the proposed ordinance has been "TABLED" several times and this could be part of the issue with their meeting.

Councilman Fitzpatrick asked if it was feasible for a non Michigan City resident to serve on the Council since a resident may not be the best choice because they live here?

President Deutch asked if there were any further comments from the Council;

Mayor Parry asked if he could make a comment. President Deutch advised that would be ok.

Mayor Parry suggested that the Council give the proposed ordinance a little more thought; stating one of the most qualified and well educated ladies that he knows is School Superintendent Dr. Barbara Eason Watkins who lives in Pottowatomie Park; advising you have people that could be an asset to the Commission because they are highly qualified but because they live outside of City limits they cant serve on the Commission.

President Deutch advised the proposed ordinance will be held over for a third reading at the next meeting on January 18, 2022.

### **NEW BUSINESS**

President Deutch stated the Council has seven (7) appointments to the Commission on the Social Status of African American Males reading the following incumbents:

Ms. Albertine Allen – Minority Health Partners of the County, Pastor Jacarra Williams. - Ministerial Assoc.; Dr. Wendall McCollum- MCAS; Mr. Willie Milsap - Swanson Center (letter was received on his behalf); Mr. Rodney McCormick- a Michigan City resident appointed by the Council; Ms. LaTonya Troutman – NAACP, Pastor Dennis Carroll - Human Rights Commission, Tracie Tillman: member of the Common Council appointed by the Common Council **note-all 7 terms expire 02/15/2022**

President Deutch asked if there were any additional letters received; Clerk Neulieb stated no we have not received any other letters.

President Deutch stated that she plans on reaching out to Attorney Meyer to discuss a month to month agreement until he is replaced with a new attorney.

### **UNFINISHED BUSINESS**

President Deutch stated that the Council has one appointment to the Youth Leadership Commission representing “Marquette High School” (term expired 06-01-2021)  
Incumbent: Mr. Trayvon Moore.

President Deutch advised we need to amend the ordinance to make more At -Large positions since we have not gotten a response from Marquette High School.

### **COMMENTS FROM THE PUBLIC**

President Deutch asked if there is anyone from the public who wished to speak.

Mayor Parry stated that last week he received correspondence from Chief Marty Corley, M.C.P.D. that he is stepping down from his position on the Commission of Social Status of African American Males; advising that is another position that will need to be filled immediately.

Tommy Kulavik, 1316 Ohio Street congratulated Councilwoman Deutch for being appointed as President of the Council; commenting on the Mayor’s Ball and Golf outing; stating it is important that we re-establish these two events we have not had either in the last couple years.

Mayor Parry responded to Mr. Kulavik comment; stating that he wants to continue with both events, but it has been an issue with the Covid-19 pandemic; advising it is his priority and responsibility to keep the citizens of Michigan City safe; assuring Mr. Kulavik that if the Covid numbers go down and we stay in the orange we will have these events.

President Deutch asked if there were any further comments from the public; there was no response.

## **COMMENTS FROM THE COUNCIL**

President Deutch asked if there were any Council comments.

Councilman D. Przybylinski welcomed back Councilwoman Tillman on her absence; commenting on the snow equipment for the plowing of the Franklin Street and Michigan Boulevard sidewalks that is in conjunction with the snow Ordinance No. 4604 that was passed by the Council on October 19, 2021; advising the equipment has not yet been ordered and he doesn't know why; reading a part of Ordinance No. 4604 as follows:

1. Owners or occupants will be notified by the City that they should clear the sidewalks adjacent to their property before the City clears the sidewalks. The City will provide one notice per winter storm season to each property owner or occupant. A notice may come in the form of a personal visit, door hanger, and/or media. Such a notice will be given to the property owner or occupant 24 to 48 hours before the City clears the sidewalks and shall state the day and date the City will be clearing the sidewalks.
3. Section 94-259 shall be added to the Municipal Code as follows:  
**Sec. 94-259. Sidewalk Snow Routes.**  
The following City sidewalks are designated for snow removal by the City:
  - a. Sidewalks along Franklin Street from 4<sup>th</sup> Street to U.S. Highway 20; and
  - b. Sidewalks along U.S. Highway 12 from Washington Street to Blue Chip Casino; and
  - c. Sidewalks along Michigan Boulevard from U.S. Highway 12 to Carroll Avenue

Councilman D. Przybylinski thanked the Park Department for the wonderful job they did at Washington Park for the Festival of Lights; stating the residents of Michigan City and his colleagues need to take a better more positive approach in 2022 and make this the year that Michigan City takes a step forward and does some exciting great things; commenting that the public needs to ask themselves each day what can they do to make Michigan City a better place; asking them to just get involved whether it be making a call to report something to Code Enforcement or the Police Department or getting involved with a non for profit or neighborhood group; wishing everyone a great New Year.

Councilwoman Zygus commented on the Coronavirus; stating the health department stopped walk-in testing; advising you have to make an appointment; the best place to go is [www.coronavirus.in.gov](http://www.coronavirus.in.gov); also avoid crowded indoor situations; wishing everyone a Happy New Year.;

Councilwoman Tillman congratulated Councilwoman Deutch on her Presidency; also congratulating Vice-President D. Przybylinski and Parliamentarian Fitzpatrick; stating she is looking forward to a prosperous 2022; thanking Jeff Wright, City Engineer and giving him kudos; explaining they were asked to provide him with a list of street and sidewalks and he used the Paser rating to see if those streets and sidewalks actually needed be redone; asking her constituents in the 5<sup>th</sup> ward to reach out to her if they have any issues or concerns; it is the Council's duty to report this information to the City Engineer.

Councilman Fitzpatrick wished everyone a Happy New Year; congratulating Councilwoman Deutch and Councilman D. Przybylinski; advising he is looking forward to working with them this year and their leadership was needed; thanking Councilman Mack for the job that he did in 2021; stating it is not an easy job to do.

Councilman Simmons thanked Councilman Mack for filling the President seat in 2021; congratulating President Deutch, Vice-President D. Przybylinski and Parliamentarian Fitzpatrick; stating he is looking forward to a great year.

Councilman P. Przybylinski wished everyone a Happy New Year; congratulating the new officers; stating he is looking forward to working with everyone this year; advising he is ready to move forward with how TIF monies can be used; thanking Attorney Meyer

for his extraordinary work with clearing up how the TIF funds can be used; explaining this is about how Michigan City can get the most out of federal grant money; clarifying one section of the amended ordinance that was voted down as follows:

**NOW, THEREFORE, BE IT ORDAINED** by the Common Council of the City of Michigan City, Indiana, that:

1. Other than to pay for contracts that have already been awarded based on use of MVH funds, no MVH funds shall be expended to pay for any pavement removal and replacement or street reconstruction projects legally eligible for TIF funding for streets within the TIF districts' boundaries, which the City Engineer recommends be implemented due to the streets' low PASER ratings, without the prior express written approval of the Common Council for any such expenditure.

Councilman Dabney advised the Redevelopment Commission sees this another way; explaining this needs to get figured out in regard to streets and paving and monies in the TIF districts; he believes this is still an issue; further commenting on the Munster case; wishing everyone a Happy New Year and hoping to get some good things done in 2022.

President Deutch thanked everyone for their support; congratulating Vice-President D. Przybylinski and Parliamentarian Fitzpatrick; thanking Councilman Mack for everything he did in 2021.

President Deutch stated she doesn't agree with the conversation regarding the MVH funds, but it is an opportunity for a discussion with the Redevelopment Commission; they need to have a conversation so that everyone understands this and can make their own decision; advising she will get the list of streets out to all of the Council members; all wards are included except the 6<sup>th</sup> ward.

President Deutch commented on the Attorney situation; advising she received some feedback from two (2) Attorneys; asking if anyone knows of any Attorneys with Municipal experience please have them submit a letter to the Clerk's Office expressing their interest; Friday, January 21<sup>st</sup> will be the deadline to receive the Attorney's interest letters; once that is done the Council can have a workshop with the Attorneys and hear what they have to say and the Council can then make a decision.

Discussion ensued between Councilman D. Przybylinski and President Deutch regarding if there is a process to hire a new Council Attorney. President Deutch stated there hasn't been in the past; advising Municipal Attorneys are hard to come by; explaining she is going to get ahold of Attorney Meyer to see about a month to month retainer until we finalize a new Attorney.

President Deutch advised she did submit the framework to Attorney Meyer and Corporate Counsel, Amber Lapaich-Stalbrink to create a new committee to establish a Public Health and Gun Violence Commission; stating with the several tragedies that have occurred over the last several years and we need to figure out a solution; explaining they need the community's input and funding; further stating this will be on the next agenda; commenting that gun violence impacts all of us in many ways.

## **ADJOURNMENT**

A motion by Councilman D. Przybylinski, second by Councilwoman Tillman and there being no further business to transact, President Mack declared the meeting **ADJOURNED** (approximately 9:12 p.m.)

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Gale A. Neulieb