

REGULAR “HYBRID/ZOOM” MEETING

April 19, 2022

The Common Council of the City of Michigan City, Indiana, met in Regular session on Tuesday evening, April 19, 2022, at the hour of 6:30 p.m., Hosted by “Hybrid/Zoom” and streamed live on “My Michigan City” Facebook Page.

The meeting was called to order at 6:30 p.m. by Council President Angie Nelson Deutch.

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

President Deutch stated that we will be having an amendment to the agenda to tonight’s meeting adding under unfinished business the vote on the Council appointment to the Sustainability Commission.

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

ABSENT: COUNCIL MEMBERS none (0).

A QUORUM WAS NOTED PRESENT

ALSO, PRESENT: Council Attorney Jewel Harris and Gale Neulieb City Clerk.

APPROVAL OF MINUTES

President Deutch advised that the April 5, 2022, Council meeting minutes will be approved at the next Council meeting on May 4, 2022; that this was a long meeting and Clerk Neulieb has them finished but would like to go over them one more time.

REPORTS of STANDING COMMITTEES

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

Councilman P. Przybylinski reported briefly on the Streets and Alleys workshop that was held on April 12, 2022 regarding the quiet zone being proposed in an ordinance this evening.

Councilwoman Tillman reported on the current status regarding the bylaws for the Commission on the Social Status of African-American Males; advising that she has provided all that information to the Council attorney for his review, so that we can move forward on implementing the new bylaws in compliance with municode; stating that there are three seats available that still need to be filled (two by the mayor and one by the council)

President Deutch asked if there were any other standing committees, there was no response.

FINANCE REPORT

Councilwoman Tillman advised that there was not a Finance Committee meeting scheduled this week due to not having any claims from the Riverboat/Boyd Development Funds; stating that there was an invoice received in the amount of \$3,095.00 due to Harris Lawfirm; asking Controller Hoffmaster if this has been paid or is waiting on approval.

Controller Hoffmaster advised that she would have to get back to her; due that she had not seen this invoice.

President Deutch thanked Councilman D. Przybylinski for presiding over the last meeting held on April 5, 2022.

CLAIMS DOCKET

April 19, 2022			
Riverboat/Boyd Claim Docket			
Fund #2042 – Riverboat – Claims	\$		00.00
EFT	\$		00.00
Fund #2031 – Boyd – Claims-	\$		00.00
TOTAL CLAIMS			\$ 00.00

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 Special or Select Committees there was no response.

PETITIONS

President Deutch asked Clerk Neulieb if there were any petitions this evening.

Clerk Neulieb stated that the Clerk's office didn't receive any petitions.

COMMUNICATIONS

President Deutch asked if there was any correspondence received in the Clerk's Office

The Clerk advised that there was no correspondence received.

RESOLUTIONS

The Clerk read the following resolution by title only. **SUPPORTING THE SUBMISSION OF A NOTICE OF INTENT TO ESTABLISH A RAILROAD QUIET ZONE ALONG THE SOUTH SHORE LINE OWNED AND OPERATED BY THE NORTHERN INDIANA COMMUTER TRANSPORTATION DISTRICT FOR ALL GRADE CROSSINGS FROM CARROL AVE TO SHERIDAN AVE & SUPPORTING NECESSARY FUNDING FOR GRADE CROSSING IMPROVEMENTS**

INTRODUCED BY: Angie Nelson Deutch,
Gene Simmons,
Bryant Dabney

Tracie Tillman

President Deutch asked if the sponsors had anything to add at this time, there was no response.

President Deutch asked if there were any comments from the public

Tommy Kulavik ("Zoom"), 1316 Ohio Street, stated that anywhere there is a railroad crossing the train must blow their horn and also commented on accidents he has seen and involved in when traveling on the South Shore train.

President P. Przybylinski presented an amendment to the resolution adding a WHEREAS clause at the very end of the ordinance to read as follows:

WHEREAS the Common Council supports the administration moving forward to appropriate money in 2022 to initiate a comprehensive study on "quiet zones" throughout Michigan City for all appropriate railroad crossings.

Councilman D. Przybylinski made a second motion the proposed amendment.

The proposed amendment 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)

The Clerk read the amended proposed resolution by title only

MICHIGAN CITY COMMON COUNCIL

RESOLUTION NO. 4841

SUPPORTING THE SUBMISSION OF A NOTICE OF INTENT TO ESTABLISH A RAILROAD QUIET ZONE ALONG THE SOUTH SHORE LINE OWNED AND OPERATED BY THE NORTHERN INDIANA COMMUTER TRANSPORTATION DISTRICT FOR ALL GRADE CROSSINGS FROM CARROL AVE TO SHERIDAN AVE & SUPPORTING NECESSARY FUNDING FOR GRADE CROSSING IMPROVEMENTS

WHEREAS, federal regulation 49 CFR Part 222 requires the use of locomotive horns at public highway-rail grade crossing, but provides opportunities for localities nationwide to mitigate the effects of train horn noise by establishing "quiet zones" within their jurisdictions in accordance with the rules and procedures administered by the Federal Railroad Administration ("FRA); and

WHEREAS, a quiet zone is a section of rail line at least one-half mile in length that contains one or more consecutive public highway-rail grade crossings at which locomotive horns are not routinely sounded when trains are approaching the crossings; and

WHEREAS, quiet zones reduce, but do not eliminate, the use of train horns, which for example may be sounded in emergency situations even within quiet zones; and

WHEREAS, the establishment of a quiet zone generally requires the installation of supplementary safety measures ("SSMs") or alternative safety measures ("ASMs") at highway-rail grade crossings, which may consist of full-width crossing gates, median dividers, or other devices or physical improvements designed to mitigate the additional risk of collision associated with eliminating routine horn sounding at rail crossings; and

WHEREAS, the Michigan City Common Council finds that is in the best interest of the City and the residents herein to reduce train horn noise through the establishment of railroad “quiet zones” as authorized by federal law along the South Shore Line owned and operated by the Northern Indiana Commuter Transportation District for all grade crossings from Carroll Ave to Sheridan Ave; and

WHEREAS, the Common Council supports the City’s submission of a Notice of Intent to Establish a Quiet Zone with the Federal Railroad Administration pursuant to 49 CFR 222.39(b)(1) and Appendix B to Part 222 along the South Shore Line owned and operated by the Northern Indiana Commuter Transportation District for all grade crossing from Carroll Ave to Sheridan Ave in Michigan City, Indiana; and

WHEREAS, the Common Council further supports the additional funding required by the City to make the necessary installation of supplementary safety measures (“SSMs”) or alternative safety measures (“ASMs”) to highway-rail grade crossings at School Street, Grace Street, Woodland Avenue, Pleasant Avenue, and Carroll Avenue to establish these high-way rail grade-crossing intersections as “quiet zones.”

WHEREAS, the Common Council supports the Administration moving forward to appropriate money in 2022 to initiate a comprehensive study on “quiet zones” throughout Michigan City for all appropriate railroad crossings.

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 Common Council supports the submission of the Notice of Intent to Establish a Railroad Quiet Zone along the South Shore Line owned and operated by the Northern Indiana Commuter Transportation District for all grade crossings from Carroll Ave to Sheridan Ave, in Michigan City, Indiana with the Federal Railroad Administration. The Common Council supports the submission by the Mayor of the Notice of Intent, in substantially the similar form, which is attached hereto and incorporated herein as **Exhibit A**.
3. The Common Council further supports the additional funding required by the City to make the necessary installation of supplementary safety measures (“SSMs”) or alternative safety measures (“ASMs”) to highway-rail grade crossings at School Street, Grace Street, Woodland Avenue, Pleasant Avenue, and Carroll Avenue to establish these highway-rail grade-crossing intersections as “quiet zones.”

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, President
Michigan City Common Council

INTRODUCED BY: /s/ Gene Simmons, Member
Michigan City Common Council

INTRODUCED BY: /s/ Bryant Dabney, Member
Michigan City Common Council

INTRODUCED BY: /s/ Tracie Tillman, Member
Michigan City Common Council

President Deutch asked if any of the sponsors had anything to add, there was no response.

President Deutch asked if the public had any comments or questions, there was no response.

President Deutch asked if the Council had any questions or comments.

Councilman Dabney commented on the amendment that was made this evening and moving forward to appropriate money with the administration asking for money to initiate the study on the quiet zones throughout Michigan City; questioning how much will this amount be for the proposed study.

Councilman P. Przybylinski stated that the amount will be up to the administration and we will know when he asks for the additional appropriation; because that they have to look at how many crossings there are and where we are going to start the quiet zone at.

Councilman D. Przybylinski thanked Councilman P. Przybylinski for having the Streets and Alleys Workshop that the Council learned alot; advising we learned where the monies were coming from (ARPA funds) and that we must be fair to all the neighborhoods in our City along the South Shore route.

Councilman Dabney commented that maybe this could be put in next year's budget instead of using the ARPA funds this year with the budget process going to start in the next few months.

Councilman D. Przybylinski made a motion to approve the proposed amended ordinance, second by Councilwoman Tillman.

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

The Clerk read the following proposed ordinance on second reading by title only.

AMENDING ORDINANCE, NO 4598 COMMONLY KNOWN AS THE "2022 SALARY ORDINANCE" TO INCREASE THE ANNUAL SALARIED POSITIONS WITHIN THE CITY OF MICHIGAN CITY & TO CREATE THE POSITION OF GRANT WRITER

Introduced by: Bryant Dabney
Dalia Zygas
Michael Mack

President Deutch asked if any of the authors had anything to add this evening, there was no response.

Councilman Fitzpatrick made a motion to remove line item for Deputy Chief bi-weekly \$2,824.09 annual salary \$73,426.36 from the proposed ordinance, Councilwoman Tillman second the motion.

Councilwoman Zygas questioned why just this one line item is being removed

President Deutch stated there will be public comments first; asking if there was anyone from the public that wish to speak at this time..

Mike Jasineski, Deputy Chief of Michigan City Department, questioned why the Deputy Chiefs line item is being amended from the ordinance.

President Deutch asked if any of the Council members had any questions or comments.

Councilman Dabney stated why he thought this line item for the MCFD Deputy Chief was being amended and that he is a little baffled as well.

Councilman Fitzpatrick stated the proposed ordinance in front of us this evening is based off what the current salaries are, and also being retroactive back to January of this year; which would be basically in a sense undermining of all the work the Finance Committee did last year in the budget process; stating that the reason this was the only line item removed was it is the only line item he agrees with in this ordinance.

Councilman Mack commented on what is being proposed right now is to retroactively correct all of the people who did not get salary increases that were outlined in the study and to put them in line with a few people who did get salary increases through the individuals studied from the Finance Committee and fix the one person on the fire department and not address the rest of the salaried employees; advising that his fear is that we are setting a scenario into which we can address one opposed issue and not address the rest of the salaried employees that weren't addressed in the first place.

Councilman Fitzpatrick commented on Councilman Mack's statement; advising that everybody received, for the most part an increase in pay; with the situation regarding the Deputy Chief's salary came of the MCFD negotiations, and this was decided ultimately upon by the contract that was adopted.

Councilman Fitzpatrick advised that we already went through the budget and the process; stating that budget process is starting within the next three or four months and to retroactive these increases to January just doesn't seem feasible at this time; and that this should be brought up during the budgeting process for 2023

Councilman Dabney stated for the people who are watching on Facebook and the people in the public; stated that he just shared the document that the Council is looking at this evening on his Facebook page explaining what he posted.

Councilman Dabney stated to our City workers that if we wait to talk about these increases at the budget for 2023 it wouldn't be fair; that this is only 75% of what the salaries study said our city workers should be paid; commenting on people receiving a 97% raise and another person only receiving 11%; when asking who sits in that position that they got more of raise which is not fair and equitable.

Councilman P. Przybylinski asked the audience to curtail their actions, we're not at a sporting event.

Councilman P. Przybylinski advised that the Finance Committee did do what we were asked and actually told to do, when we started the budget process, and we saw the size of the raises that were being proposed several people were bewildered; with Mayor Parry advising them to do what they think should be done; stating that individuals did get a pay raise when they got their an additional 27th pay period that the Finance/Council took out of the budget with the Mayor's Executive Order overriding the Council's discussion and will not be supporting this.

Councilwoman Tillman stated that she is also in agreement with Councilman Fitzpatrick and Councilman P. Przybylinski; advising that she is the current Finance Chair and was on the Finance Committee during the last budget and with making those

decisions when there was a workshop held in regards to having an open dialogue in regards to salary increases with this study comparing salaries to neighboring cities and what they're obtaining she took in consideration, looking at the job descriptions and considered the study was done in 2019 under the prior mayor; advising that the only thing she observed that was different was some of the language which was changed around, as far as duties or responsibilities they have not changed; commenting on reasons that an increase of pay is not warranted.

Councilwoman commented on the Executive Order Mayor Parry did in December, 2021 when she was absent; giving all salaried employees their 27th pay, posing a question; if you were able to do that executive order to pay the salaried employee their 27th pay, and if this is something you truly stand by and it's for your employees why are you putting this back on the Council and the Finance committee when we have made our decision during the 2022 budget.

Councilwoman Zygas stated that this study was done by a professional organization, they do salary studies and do these studies in many different municipalities, and they come up with what you should be paid for what you do; advising that it isn't costing anything to the 2022 budget, because all that money was already budgeted; commenting on her concerns how some people got one increase, and another got something else; it is 75% of the fair amount of the study that is being proposed.

Councilman Mack commented on the five "P"s he goes by process, people, performance, precedent in politics; commenting on the study that was done by the last administration, the precedent that was done with the double track and lot of other matters that previous councils done, every council lays the ground work for the next council that takes over; the study that was done is like SOB; something this council can look at and move forward on; commenting again how this study was done and how this matter should be addressed now.

Councilman Dabney stated the difference between the salaries that we're giving versus the salaries of bringing everybody up to 75% these are salaried employees and it will cost the city about \$180,000 to bring them to where they belong; like Councilwoman Zygas pointed out it is not a cost issue, because this was set in the original budget at 100% with the monies still there.

Councilman Fitzpatrick stated that this is for the public knowledge about how this works; the Mayor proposes the budget, it's a proposal and he has an idea of what he needs to do and what he wants to get accomplished in the following year, he gives it to the Council; advising there is a reason, it takes nine (9) of us to make this decision five (5) for a majority, so four (4) could say we believe this five (5) people say we don't, and that is how it goes. It's about votes. So the Council is the will of the Council is what's in place right now.

Councilman Fitzpatrick stated that he feels that people are overlooking right now, is who is out on Facebook and will be watching this meeting later is that we have the administration present, his Chief of Staff and a lot of Department heads present; asking if anyone can prove me wrong on this, please come to mic and I will be quiet and will accept that I was wrong; through this process we gave 100% of your operating budget, were looking out for what's in the best interest of the city, making sure they have everything they need to do their jobs effectively and serve the citizens and residents of Michigan City; addressing your personal salaries, the previous administration did a study advising he doesn't think this salary bear any fruit, the salaries were not approved by that Council at that time; this council was presented with it again, we went through it and we did some increases they were not just arbitrary numbers that we just came up with, they percentages based on the information that we were provided; and to sit here and act like we deprived somebody or something we weren't.

President Deutch asked Councilman D. Przybylinski to relinquish her chair, stating that she wasn't at the Council meeting that this was presented on April 5, 2022; advising that she was kind of shocked because I know that we have had multiple conversations about what happened with the fire negotiations and working through the deputy chief and that salary issue but never heard any conversation to bring everyone's salary's back and will wholeheartedly didn't trust the entirety of that study; commenting on her concerns regarding the study that was brought forward from the last administration; there are no annual reviews in our government we just keep giving raises even if you are the worse employee; advising that we don't do this at this time.

Councilman D. Przybylinski agreed with Councilwoman Deutch; that bringing this process back at this time, is not the thing to do it is causing decisiveness within the employees; stating that we went through the budget process we voted, and we need to move forward until we start the process of the budget for 2023.

Councilman Simmons advised his thoughts and feelings on this proposal, is for Councilman Dabney to come back with 75% and is wavering on that totally opposed going for a grant writer; stating that another factor is the study that was done is three (3) or four (4) years old, where it is almost obsolete; lets do an updated study and see where it goes; and that we aren't talking about dollars and cents we're back talking about the process, asking why can't we stick with the process Mayor. Mayor Parry, you knew the process and you had Councilman Tillman give you the breakdown when you should of took the Council out of it.

President Deutch advised there is a motion and second to the amendment to remove the line item for the Deputy Chief from the proposed ordinance.

The motion was adopted by the following vote: **AYES:** Council members Deutch, D. Przybylinski, Simmons, P. Przybylinski, Tillman, and Fitzpatrick (6) **NAYS:** Zygas, Dabney and Mack (3)

The Clerk read the following proposed amended ordinance on second reading by title only. **AMENDING ORDINANCE, NO 4598 COMMONLY KNOWN AS THE "2022 SALARY ORDINANCE" TO INCREASE THE ANNUAL SALARIED POSITIONS WITHIN THE CITY OF MICHIGAN CITY & TO CREATE THE POSITION OF GRANT WRITER**

Introduced by: Bryant Dabney
Dalia Zygas
Michael Mack

President Deutch asked if there were any additional comments from the sponsor.

President Mack commented on the proposed Grant Writer, advising he knows in other surrounding communities in our area have grant writers in house and depend on them for finding grant monies for all city departments instead of hiring/contracting someone when a department finds a grant to move forward on.

Councilwoman Zygas chimed in with Councilman Mack that she feels a grant writer is a great idea; that it isn't just writing grants for our city but making sure the city is complying with what needs to be followed in each grant.

President Deutch asked if anyone from the public wished to speak at this time, there was no response.

President Deutch asked if the Council had any other comments.

Councilman D. Przybylinski commented on the proposed grant writer's salary is at \$44,000; advising after he inquired with insurance and all their benefits the total salary would be approximately \$78,000 and when asking the administration to investigate what it would cost for hiring a contractor as our grant writer compared to what is being proposed; stating he asked over a month ago and haven't heard anything back from the administration or Controllers office.

Councilman Dabney advised that when all salaries are put out in the salary ordinance, none of them include the insurance and all the benefits in that total.

Councilwoman Tillman wanted to add on to Councilman D. Przybylinski' comments that at that workshop she concurred that we have received that information and that we even inquired about the administration reaching out to other departments that actually benefit by using grants, so that we can get an idea if it would be conducive for us to hire a full-time grant writer.

Councilman P. Przybylinski agrees with a lot that has been said this evening and that our Council President has experience in this profession, taking her advisement and opinion; stating that we do have someone in house that has experience with grants and that maybe we're not utilizing them to our fullest potential; and didn't like the way this proposed grant writer was thrown in this ordinance and should have been brought to the Council as a separate issue.

Councilman P. Przybylinski commented on the bid specs to lease MCPD vehicles that was approved by the Board of Public Works and Safety Board and was opposed to the specs; stating that the bids should have been open to all/any types of vehicles to be leased.

President Deutch asked if there were any other comments by the Council.

Councilwoman Tillman stated that during our budget hearings removing a grant writer was voted on to remove that line item from the mayor's budget.

President Deutch asked if there were any other comments from the Council, there was no response; stating that this proposed ordinance will be held over on third reading at the May 4, 2022 Council meeting.

The Clerk read the following ordinance on third reading by title only. **AMENDING ORDINANCE, NO 4614 TO ESTABLISHING SALARIES FOR THE MICHIGAN CITY POLICE DEPARTMENT FOR THE CALENDAR YEAR 2022**

Introduced by: Don Przybylinski
Paul Przybylinski
Bryant Dabney

President Deutch asked if there were any comments from the sponsors.

Councilman D. Przybylinski advised that he was the Council's chair of the Labor negotiating committee and that we received a notification from the FOP negotiating chairman today, with the City Attorney not being able to review the document; nor did Councilmen Dabney, P. Przybylinski or he didn't get a chance to review it either; and that Councilman Dabney did say the language that was changed had nothing to do with financial for the contract, but it is still some type of verbiage change; making a motion to TABLE the proposed ordinance on third reading until both Labor Relations Committees

can sit down with the City Attorney and review the language change, the motion was second by Councilman P. Przybylinski.

Councilman Fitzpatrick called a "Point of Order" stating that we are in the middle of a vote.

President Deutch advised that she'd allow Controller to speak that this may be pertinent to the vote.

Yvonne Hoffmaster, City Controller advised the change in the language has absolutely nothing to do with the salary ordinance.

The motion to TABLE the proposed ordinance on third reading was adopted by the following vote. **AYES:** Council members D. Przybylinski, Simmons, P. Przybylinski, Tillman, Fitzpatrick (5) **NAYS:** Zygus, Dabney, Mack and Deutch (3)

President Deutch stated that this ordinance is TABLED on 3rd reading and until there is Labor Relations Committee meeting scheduled; advising that she would like to bring this back at the May 4, 2022 Council meeting.

The Clerk read the "Final" reading on the following ordinance by title only; that was approved at the April 5, 2022 Council meeting on 3rd reading by vote 7 - 0.

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO: 4624

ANNEXING REAL ESTATE (approximately 147.2 acres) SITUATED BETWEEN PAHS ROAD, JOHNSON ROAD, AND US HIGHWAY 20, IN LAPORTE COUNTY, INDIANA, AND DECLARING SAME TO BE PART OF THE CITY OF MICHIGAN CITY, INDIANA

WHEREAS, on the 15th day of March, 2022, PRITZ FAMILY, LLC, TRENNIS BRADFORD, INDIVIDUALLY, AND AS TRUSTEE OF THE TRENNIS BRADFORD REVOCABLE LIVING TRUST DATED APRIL 17, 2007, AND HYER, WISNIESKI INDIANA FARM, LLC, filed their Voluntary Petition for Annexation with the COMMON COUNCIL OF THE CITY OF MICHIGAN CITY pursuant to Indiana Code 36-4-3-5.1; and

WHEREAS, the Common Council of the City of Michigan City, Indiana has determined it to be in the best interests of the City of Michigan City to annex the real property owned by PRITZ FAMILY, LLC, TRENNIS BRADFORD, INDIVIDUALLY, AND AS TRUSTEE OF THE TRENNIS BRADFORD REVOCABLE LIVING TRUST DATED APRIL 17, 2007, AND HYER, WISNIESKI INDIANA FARM, LLC (approximately 147.2 acres) situated between PAHS ROAD, JOHNSON ROAD, and US HIGHWAY 20, in LaPorte County, Indiana into the corporate limits of the City of Michigan City, Indiana (hereinafter referred to as "City"); and

WHEREAS, this annexation shall also include the contiguous areas of public highways and their rights of way as required by Indiana Code 36-4-3-2.5; shall be included in the 4th Councilmanic ward; and shall retain the current zoning classification as found in the Laporte County Zoning Ordinance; and

WHEREAS, said real estate, as described more fully herein, is contiguous (as defined in Indiana Code 36-4-3-1.5) to the boundary of the City; and

WHEREAS, upon notice having been duly published, a public hearing was held on the petition before the Common Council of the City of Michigan City, Indiana on the 5th day of April, 2022; and

WHEREAS, on the 15th day of March 2022, the Common Council of Michigan City passed Resolution No.4835, which was subsequently approved by the Mayor on the 16th, day of March, 2022,

adopting a written fiscal plan and establishing a policy for the provision of services to the area proposed to be annexed.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY, INDIANA, THAT:

Section 1: The foregoing recitals are incorporated herein by reference.

Section 2: The following described real estate contiguous to Michigan City, Indiana is hereby annexed into and declared to be a part of the City of Michigan City, Indiana; to-wit:

(See Legal Description Attached hereto as Exhibit "A")

Section 3: The annexed real estate shall include all contiguous areas of the public highways and their rights of way as required by Indiana Code 36-4-3-2.5; shall be included in the 4th councilmanic ward; and shall retain the current zoning classification as found in the LaPorte County Zoning Ordinance but shall henceforth be governed by the Comprehensive Zoning Ordinance of the City of Michigan City, known as Ordinance No. 2114, together with all amendments and supplements thereto.

Section 4: That this Ordinance, after its passage and approval by the Mayor of Michigan City, Indiana, shall be published once in the LaPorte County Herald-Dispatch, a daily newspaper of general circulation, and shall become effective after the final publication thereof, in the absence of an appeal, as provided at IC 36-4-3-5.1 and IC 36-4-3-15.5, and upon the filing and recording thereof as required by IC 36-4-3-22(a).

Passed by the Common Council of Michigan City, Indiana, the 5th day of April, 2022 by a vote of 7 Ayes and 0 Nays.

Introduced by: /s/ Angie Nelson Deutch, Member
Michigan City Common Council

/s/ Sean Fitzpatrick, Member
Michigan City Common Council

/s/ Bryant Dabney, Member
Michigan City Common Council

/s/ Dalia Zygus, Member
Michigan City Common Council

/s/ Gene Simmons, Member
Michigan City Common Council

/s/ Don Przybylinski, Member
Michigan City Common Council

NOTE: Exhibit "A" is filed with this ordinance in O-195

President Deutch asked if any of the sponsors had anything to add at this time.

Councilman Fitzpatrick stated at our last meeting on April 5th the Council voted to have second and third reading but were advised by Attorney Harris that since the formal public hearing was held on April 5th there was a waiting period of fourteen days before the final vote could be taken; advising therefore we have brought this back this evening.

President Deutch asked if there were any other comments from the sponsors, there was no response.

President Deutch asked if there were any comments or questions from the public at this time.

Sargent Anthony Edward Lewis, United States Army Infantry – retired; advising that he lives in the Weatherstone Subdivision on U.S. Hwy 20; advising that he is on the ballot May 3, 2022 for Precinct Chair and was wondering if the property that is being annexed will be a part of precinct 4.

President Deutch advised that she believes this annexation will be added to Precinct 4 and that there is an attachment to this ordinance highlighting his area.

Tommy Kulavik, 1316 Ohio Street agreed with Councilman P. Przybylinski's comment that the City should not give a tax abatement to this mystery company that is supposed to be on this annexed property.

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

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

Councilman D. Przybylinski made a motion to approve the final reading on this annexation ordinance, second by Councilman P. Przybylinski.

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

NEW BUSINESS

FYI: President Deutch advised that the mayor is requesting the advice and consent of the members of the Michigan City Common Council regarding his appointment of Mr. Jonas Zimmerman as a member of the Michigan City Historic Review Board (term will begin immediately and expire 03-15-2025)

Councilman D. Przybylinski made a motion to approve the Mayor's advise and consent request regarding his appointment of Mr. Jonas Zimmerman as a member of the Michigan City Historic Review Board, second by Councilman P. Przybylinski.

Jonas Zimmerman was appointed to the Michigan City Historic Review Board by the following vote: **AYES:** Council members D. Przybylinski, Simmons, Zygas, P. Przybylinski, Tillman, Dabney, Fitzpatrick, Mack and Deutch (9) **NAYS:** None (0).

UNFINISHED BUSINESS

VOTE: President Deutch advised that the mayor is requesting the advice and consent of the members of the Michigan City Common Council regarding his re-appointment of Mr. John Haynes as a member of the Michigan City Port Authority with his appointment continuing and will expire 04-12-2026.

The mayors request for the re-appointment of Mr. John Haynes was approved by the following vote: **AYES:** Council members Simmons, Zygas, P. Przybylinski, Tillman, Dabney, Fitzpatrick, Mack, Deutch and D. Przybylinski (9) **NAYS:** None (0).

VOTE: President Deutch advised that the mayor is requesting the advice and consent of the members of the Michigan City Common Council regarding the appointment of Ms. Belinda Lee as a member of the Michigan City Social Status of African American Males (will finish Lester Norvell's term which expires 03-01-2023)

The mayors request for the appointment of Ms. Brenda Lee to the Social Status of African American Males Commission was approved by the following vote: **AYES:** Council members Zygas, P. Przybylinski, Tillman, Dabney, Fitzpatrick, Mack, Deutch, D. Przybylinski, and Simmons (9) **NAYS:** None (0).

President Deutch advised that the Council has one (1) appointment to Sustainability Commission which will begin immediately and expire 05/24/2024; with nomination that were made at the last meeting being Ms. Nancy Moldenauer and Ms. Kimberly Williams.

Nancy Moldenauer addressed the Council stating several reason she would like to be re-appointed and advising some of the projects they will be working on this year.

Nancy Moldenauer was re-appointed to the Sustainability Commission by the following vote: **Nancy Moldenauer:** Council Members Tillman, Dabney, Fitzpatrick, Mack, Deutch, D. Przybylinski, Simmons, Zygas, and P. Przybylinski (9) **Kim Williams:** (0).

President Deutch advised that Councilwoman Tillman addressed the following appointments earlier in our meeting.

NOMINATIONS: Vice President D. Przybylinski advised the Council has the following appointments to the Commission of the Social Status of African American Males (term expired 2/15/22)

Incumbents:

Ms. Albertine Allen – Minority Health Partners of LaPorte County
(resigned)

Dr. Wendall McCollum- MCAS

President Deutch advised that she will be bring back the Youth Commission appointments since the ordinance was amended and adopted and we will move forward and get this commission up and running again.

COMMENTS FROM THE PUBLIC

President Deutch asked if there were any comments from the public at this time.

Nick Pollock, 211 Ann Street, and representative for construction workers in Indiana addressed the council regarding charges that were filed last week against a contractor in LaPorte; advising according to the affidavit they were misclassified fined for workers that they had thirteen (13) independent contractors but had seventy people on the safety sign-in sheet and the reason he is bringing this up to the council this evening is that this same contractor is going to be doing projects for the city in Michigan City; asking the Council to be pro-active on projects being done within the city.

Brett Antisdell, Michigan City commented on all the studies that have been done and continue to being with nothing being acted on, whether it be by the administration, redevelopment or the Council; that if we are going to do another study regarding the “quiet zone” and we’re not going to act on it, please don’t spend the tax payers money; stating that you want to move forward in our economic development let spend this money to bring businesses into our community or training people for up coming jobs.

Don Briggs, 300 Madison Street, Precinct Chair for MCO 5 agreed with Mr. Antisdell’s comments wasting taxpayers money, that it looks like this council is going to move forward to implement this quiet zone in our city; stating from MCO 5 “do it”.

Rodney McCormick, 617 Union Street, addressed the Council regarding the incident that happened at the playground behind the Michigan City Police Department; that Laura Lazinski son was attacked and shot by bb gun and is going to have to have surgery to remove the bb’s; asking how many incidents we are going to have to have before something is going to be done.

Ernie Hollahan, 302 Gladys Street commented on the conversation he had with Mr. D. Przybylinski after the School Board meeting about the school board voting a property

tax added to the public and that we need more people to attend these meetings to address what is being proposed and passed

Tommy Kulavik, 1316 Ohio Street congratulated Michigan City Police Office Jeff Piotrowski on his retirement of thirty one (31) years of service, thanking him for all he has done for our community and will be missed.

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

COMMENTS FROM THE COUNCIL

President Deutch asked if there were any comments from the council.

Councilwoman Zygas announced since it is "Earth month" she wanted to remind everyone that the Sustainability Commission, along with a lot of different partners are having a earth month extravagances 2022 Saturday April 30th at the Michigan City Library from noon to 3:00 p.m.

Councilwoman Zygas advised the Tree Board will be giving away trees on Saturday, April 30, 202 for Arbor Day and on May 7th at the Farmers Market which is there first day to be open.

Councilman Dabney commented this last Saturday at the library "Transition of Northwest Indiana" did a presentation about what WE are trying to do and what THEY are trying to do, and are trying to make the public aware at what is happening at NIPSCO when NIPSCO leaves our community and their building is gone and what they will be leaving behind is what is called "toxic coal ash" so what they are trying to do is make awareness to everybody that lives here that our community needs to get together go to the Indiana Departmental management and make them to step up and pay for cleaning this up 100% before they leave this coal ash on this property with the possibility of it going into our lake.

Councilman D. Przybylinski thanked Mr. Pollock for coming this evening making us aware what is happening with these issues that are going on in the construction trades; advising that he reached out to Mr. John Carr who is the Indiana, Kentucky, Carpenter Union President representative and asked him to be here this evening but he was unable to come; advising that this is happening not only in our community but all over our country.

Councilman P. Przybylinski also thanked Mr. Pollock for attending this meeting bringing this to the forefront with calling these people "scab labors", that he has been a union person for over fifty (50) years and this an economic concern that needs to be stopped because the people that pay their dues and follow the rules should be the ones working on these jobs.

Councilman P. Przybylinski commented on the "coal ash" that NIPSCO has on their property and is bad scenario; that as the council we should be addressing this matter sooner than later; advising people are saying this will be great the chimney will be gone and the city will be able to develop this property on the lake, but as long as there is "coal ash" on that property nothing can be developed on it.

Councilman P. Przybylinski disagreed with Controller Hoffmaster's comments that the contractual language the FOP negotiating team is proposing could change the salary ordinance for the MCPD.

Councilman P. Przybylinski addressed the comment made by the mayor at the quiet zoning workshop; that he and Councilman D. Przybylinski were grandstanding because it was an Election year during this meeting; addressing several reasons a study needs to be done through the entire city for this quiet zone.

Councilman P. Przybylinski thanked everyone for their thoughts and prayers when his grandson got ran over by a golf cart; reporting that he is doing so much better.

Councilman Mack thanked Chief Campbell for an outstanding job on the internet that he handled the incident in a professional manner and believed in his officers, that he feels for the young man that the internet is not cruel sometimes

Councilman P. Przybylinski advised that he attended the Board of Public Works and Safety meeting yesterday, commenting the police vehicles that were approved to solicit bids and that they were only for one type of vehicle (Dodge) and that he feels that the bids should of gone out to all car dealers to get what they are looking for and want; stating that he doesn't agree with this.

Councilman P. Przybylinski asked why there was never any information brought forth when we were 3.4 million dollars in the red and why there wasn't any backtracking done to see where this money was spent.

President Deutch thanked Councilman Mack for his remarks in general about the policing in our community.

President Deutch asked if there were any other Council comments, there was no response

ADJOURNMENT

A motion by Councilman D. Przybylinski second by Councilman Fitzpatrick and there being no further business to transact, President Deutch declared the meeting

ADJOURNED (approximately 8:20 p.m.)

Gale A. Neulieb