

SPECIAL ZOOM MEETING – May 12, 2020

The Common Council of the City of Michigan City, Indiana, met in Special session on Monday evening, May 12, 2020 at the hour of 5:00 p.m., Hosted by “Zoom” and streamed live on “My Michigan City” Facebook Page.

The meeting was called to order at 5:09 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, Dalia Zygas 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

RESOLUTION

The Clerk read the following proposed resolution by title only;

MICHIGAN CITY COMMON COUNCIL

RESOLUTION NO. [4780](#)

APPROVING THE EXTENSION OF THE MAYOR’S EXECUTIVE ORDER 05-2020 EXTENDING THE DECLARATION OF A PUBLIC HEALTH EMERGENCY DUE TO THE COVID-19 VIRUS

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

WHEREAS, on May 7, 2020, Mayor Duane Parry issued his Executive Order 05-2020, Extending The Declaration Of A Public Health Emergency Due To The Coronavirus Pandemic & Implementing Certain Public Health And Safety Measures (COVID Order 2) specifying actions to be taken to contain and control the spread of COVID-19 in Michigan City, a copy of which COVID Order 2 is attached hereto as Exhibit A; and

WHEREAS, IC 10-14-3-29 requires the Council’s consent for the COVID Order 2 to remain in effect for more than seven (7) days; and

WHEREAS, the Council finds that the COVID-19 virus pandemic emergency will exist for an extended period of time beyond seven (7) days from the issuance of the COVID Order 2 the precise length of which is not determinable at this time; and

WHEREAS, the Council supports the issuance of the COVID Order 2 and finds that it is in the best interest of the citizens of Michigan City that the COVID Order 2 be extended beyond seven (7) days until 11:59 p.m. on May 23 or until such time as the Mayor determines that the spread of COVID-19 no longer poses a threat to the citizens of Michigan City, whichever period is shorter.

NOW, THEREFORE, BE IT RESOLVED, by the Michigan. City Common Council

that it approves Mayor Duane Parry's issuance of his Executive Order 05-2020 Declaring A Public Health Emergency Due To The Coronavirus Pandemic & Implementing Certain Public Health And Safety Measures (Executive Order) and consents to it being effective and in full force and effect until 11:59 p.m. on May 23, 2020 or until such time as the Mayor determines that the spread of COVID-19 no longer poses a threat to the citizens of Michigan City, whichever period is shorter.

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

Passed and Adopted by the Michigan City Common Council on May 12, 2020.

Introduced by: Sean Fitzpatrick
Co-Sponsor: Don Przybylinski
Angie Nelson Deutch
Dalia Zygus
Tracie Tillman
Paul A. Przybylinski
Gene Simmons

Council President Fitzpatrick advised the proposed resolution is an extension to the Mayor's Executive Order No. 05-2020; extending it to May 23, 2020; asking if any of the author's had anything to add.

Councilman Mack addressed the council advising that he would be voting against this resolution stating that at the present time the City is under the Governor's five (5) Step Plan; and that the proposed resolution is only changing the number of people that can attend church and the number of days when vacationing in Michigan City a visitor is asked to self-quarantine from fourteen (14) days to seven (7) ; stating that if the proposed resolution isn't adopted the City residents will be following the Governor's Five (5) Step Plan. Councilman Mack stated several concerns regarding the number of people that can attend church when we have city retail stores, restaurants, and beauty shops etc. opening under the Governor's plan.

Councilman D. Przybylinski commented that he wished he would have seen in the Mayor's Executive Order was to make it be required for anyone going into a store or public place to wear a face mask; that the social distancing is being followed; stating that for the safety of the employees as well as the public.

Councilman Dabney stated that he would also be voting against this proposed resolution; that Indiana is just opening up, commenting on the steps that are in plan; that he is been in contact with three (3) of the neighborhood associations in his ward and they have concerns about what is being proposed; that people need to wear their masks when being with the public and that he thought the last executive order was stronger and that we need more time before opening things up.

Councilwoman Zygus stated that she liked that we have a resolution but it is way too weak and has nothing in it; with lowering visitors to Michigan City self-quarantine to less days; advising that she feels the governor is moving too fast and is sad this proposed resolution isn't stronger.

Councilwoman Tillman advised that she would also be voting against this resolution; with the same reasoning as Councilmen Mack and Dabney stated; it is too soon to move forward, especially with getting conflicting reports regarding the statistics of deaths and how many people actually have the Covid-19 virus. Ms. Tillman commented on people coming from Illinois and neighboring states for the weekends not following the self-quarantine restrictions and jeopardizing our community by spreading this virus throughout our city.

Councilwoman Tillman commented on the recent Executive Order Mayor Parry did, where it states in it that the Mayor asked City Common Council to consent an extension of this renewal of a local disaster emergency in our City and the terms of the proposed

Executive Order No 05-2020; advising that she herself had no communications with anyone until this documents was released to the public; stating several concerns regarding the language in the executive order and would have been nice if each council member was asked for any suggestions that could have been added.

Councilman P. Przybylinski commented on several things that has been said this evening; asking if anyone has contacted the Mayor regarding any concerns they had; that his concern is the opening of Washing Park and the Skate Park; if we vote the proposed resolution down the city will not have anything to follow. Councilman P. Przybylinski advised that we need to let the Mayor know what our concerns are to be able to add to the existing executive order (05-2020).

Councilman Simmons stated that he agreed with Councilman D. Przybylinski that he also felt that it should have been in the executive order to wear a mask when in any public place as well as the curfew being discontinued; that he was not in favor of having a curfew; but wished we would of stayed at the fourteen (14) days self-quarantine when lodging within the city.

Councilwoman Deutch questioned if the Council could amend the proposed resolution; with Attorney Meyer advising she was correct, that you cannot amend the Mayor's executive order and that you don't have to adopt the proposed resolution.

President Fitzpatrick stated that was what he thought; the council can extend what the mayor is proposing or not.

Councilman Dabney commented that he went through Washington Park over the weekend advising what he observed; stating that as it gets warmer there will be more and more people gathering there and that he was confused that the park was already open before the Council approved this proposed resolution supporting the Mayor's executive order.

President Fitzpatrick stated the executive order to keep Washington Park closed expired letting the park be open to the public.

Councilman Mack commented on what the council voted on the last executive order (04-2020) was at that time of the start of this emergency and not really knowing what was being presented we have learned a lot about the COVID-19; wanting to follow what the President and our Indiana Governor's 5 step program has presented. Councilman Mack stated there are two (2) items relevant in the recent executive order; the change of how many people can attend church, as well as lowering the days for self-quarantine from anyone visiting our city from fourteen (14) to seven (7) days; that if this resolution doesn't pass; the city residents will follow the governor's order.

Attorney Meyer agreed with what Councilman Mack stated.

President Fitzpatrick stated he is conflicted; he agrees with everyone's comments this evening; stating that he feels the next step is to take a vote on the proposed resolution.

Councilman D. Przybylinski commented on what Councilman Mack stated; advising that he spoke to several of the Catholic churches and that they are already moving forward to follow the guidelines for social distancing (6ft) within their parishes during church services.

President Fitzpatrick asked if there were any other council comments.

Councilman Simmons questioned the vote on the proposed resolution; with President Fitzpatrick advising the last order (04-2020) expires May 14, 2020; and the present executive order (05-2020) will then go in effect until May 23, 2020 following the governor's executive orders as well.

Councilman Mack stated if you would vote "NAY" the proposed resolution would fail; the city residents would follow the governors executive order not the Mayor's executive order (05-2020)

Councilwoman Deutch asked Mayor Parry if he had any reason why he chose these two (2) changes as restrictions.

Mayor Parry addressed the council explaining his 05-2020 Executive Order and why he chose the number of people that could attend church along with the number of days visitors/tourist need to self-quarantine from fourteen (14) days to seven (7) days.

Councilman D. Przybylinski asked the Mayor what his comments were on people wearing masks going into a public establishment.

Mayor Parry advised Councilman D. Przybylinski that in the Governor's Executive Order states that only employees working have to wear masks; with liability issues to the city if he would put an order out making it mandatory to wear masks, that the city couldn't afford to give a mask to every citizen living within our city limits.

President Fitzpatrick asked if there were any other questions for the Mayor.

Councilman P. Przybylinski asked the Mayor how he felt about the proposed resolution and how it would affect the citizens of Michigan City; commenting on his concerns regarding the proposed number of people able to attend, church, funerals, weddings, etc. along with the number of days requested from out of town visitors to self-quarantine.

Mayor Parry advised that he takes this very seriously and with us being the Michigan City's government we need to reach out and convince the public to wear a mask and follow the social distancing of 6 feet to end this; taking a poll to see where it takes us in the next executive order, watching the statistics/numbers in our county to see if the numbers are declining or rising.

President Fitzpatrick stated the issue here this evening is are we as the council going to extend the deadline or not; asking Attorney Meyer that if the Mayor wanted to amend his executive order prior to the deadline he could do so and issue the same one again and then bring the amended version back to the Council for their consent; with Attorney Meyer stating that is correct.

President Fitzpatrick asked if we could move forward; that we have two more items to address.

Councilman P. Przybylinski addressed the Council regarding the statements he made earlier regarding the COVID-19 and making a point that this a serious issue that is happening, asking what kind of message we are going to send if we don't approve this resolution.

President Fitzpatrick asked if there were any other comments.

Councilwoman Zygus commented that she feels the executive order isn't the stringent enough and didn't know how she was going to vote throughout this entire discussion; but has decided to vote yes.

Councilwoman Tillman thanked President Fitzpatrick for clarifying what the Council is actually voting on (extending the deadline).

President Fitzpatrick asked if there are any final comments; with Councilman D. Przybylinski making a motion to adopt the proposed resolution, second by Councilman Paul Przybylinski.

The motion carried and the resolution was adopted by the following vote: **AYES:** Council Members Fitzpatrick, Deutch, D. Przybylinski, Simmons, Zygus, and P. Przybylinski (7) **NAYS:** Council Members Dabney and Mack (2).

ORDINANCE

The Clerk read the following proposed ordinance on 1st Reading by title only,
AMENDING SECTION 38-33 AND SECTION 38-34 OF THE MUNICIPAL CODE TO PROVIDE FOR EMERGENCY RELIEF FUNDS TO CITY BUSINESSES

Introduced by: Angie Nelson Deutch

Councilman D. Przybylinski stated with both these ordinance on first reading this evening and being submitted and put on tonight's agenda yesterday; questioned if this was done by our protocol of the council rules, Councilman D. Przybylinski made a motion to remove these two proposed ordinances off the agenda and put them on the June 3, 2020 council meeting agenda on first ready to let the council review what is being brought in front of them; there was no response.

President Fitzpatrick advised Councilman D. Przybylinski that he wasn't in order but appreciated his comments; asking Attorney Meyer to comment on this matter.

Attorney Meyer advised that due to the COVID-19 pandemic and Resolution No. 4778 that was adopted regarding procedures during this time; it is up to the Council if the two proposed ordinances are an emergency and essential; with certain rules that are regularly followed aren't; that the President has the authority to put a document on the agenda during this time.

Councilwoman Deutch stated she had the same pause when presenting these to the Clerk's office; thinking that these would be on the next scheduled council meeting; stating after meeting with people in our community realized the criticality of these two documents even with short the notice; it was important that they were brought to the council this evening; are community is in rue. Ms. Deutch advised even with the short notice the council could still have a workshop to discuss what is being proposed with two more readings coming forward; stating that she agrees there needs to be a few amendments.

President Fitzpatrick stated that we are out of order.

President Fitzpatrick and Councilman P. Przybylinski disagreed on being out of order; with Councilwoman Deutch (parliamentarian) stating that Councilman D. Przybylinski made a motion to TABLE the proposed ordinance that was just read by the Clerk which feels is the correct steps to take; asking if she is correct.

President Fitzpatrick advised that the Clerk read the proposed resolution by title only; with Councilman P. Przybylinski making a motion to TABLE, there was no response.

Councilwoman Deutch started over by saying the proposed ordinance was read by title only; which the next step should have been comments from the Author; Councilwoman Deutch (author) advised the reason she brought these proposed ordinance forth was specifically to utilize monies from the TIF to help local businesses in the TIF areas and then also planned to reach out to the Urban Enterprise Association who could support some funding; advising that she reached out to President of the Redevelopment Commission, Ken Behrndt regarding the TIF monies.

Councilwoman Deutch stated the two (2) proposed ordinances are self-explanatory, with the first proposed ordinance would be processed through the revolving loan program that would provide monies for emergency relief to small city businesses affected by the COVID virus and has an application that will need to be filled out and approved; with the second proposed ordinance to help emergency relief with the monies coming out of the Michigan City Scholarship Fund; that it isn't a lot of money but it is a start to help our residents in Michigan City.

Councilman D. Przybylinski commented on the opening statement where City Clerk Neulieb read the proposed ordinance by title only without objection; advising he didn't

have time to say he “objected”; with Ms. Neulieb reading it and is why he objected after she was finish reading it by title only.

Councilman D. Przybylinski stated he is objecting the proposed ordinance to be read at this time and that we are out of protocol; asking why we didn't follow what was put in the council rules where the deadline is eight (8) days prior the next council meeting.

President Fitzpatrick advised that nothing goes on any agenda after the deadline without his ok; that he and Ms. Neulieb go over the agenda before her office sends it out.

President Fitzpatrick stated that this was a Special Council meeting called and he felt these two ordinances were essential/important to provide relief to local small businesses and city residents; and was important to be read on first reading; stating he completely agrees that they should be on tonight's agenda.

President Fitzpatrick asked if there were any council comments

Councilman P. Przybylinski asked where the city stands financially to be able to do what is being proposed and that the main objective of the council is to make sure our city operates; stating several concerns regarding the Blue Chip revenue we are not receiving, along with questioning how much tax draw the city will receive; and that our first obligation is city services to our residents.

Councilman P. Przybylinski asked for these two proposed ordinances be referred to the Finance Committee or a joint workshop for review of these two proposed ordinances; asking Ms. Hoffmaster, City Controller for input regarding where the city stands financially.

Councilwoman Deutch stated she is alright with Controller Hoffmaster addressing the Council this evening as long as the Mayor provides the council a list of what jobs are essential that are being provided, who all is still working, who has been or is working from home, who if anyone was furloughed and what the administration's plans are moving forward as we open up the city; stating that she is all for a council joint workshop with the Mayor, City Controller, and CDBG Director to get more information; stating that then she thinks during the workshop to look at what we are facing with spending money somewhere that we may need to be more restrictive and stringent.

Councilman Dabney stated that he feels the controller needs to address the council this evening letting us know what is being proposed; questioning the motion to table.

Attorney Meyer advised that there wasn't a motion to TABLE, that if there was a motion to table there could be no discussion (there wasn't a second on the motion by Councilman D. Przybylinski with his motion dying).

Councilman Dabney requested that after the second proposed ordinance is read, Ms. Hoffmaster can address the council regarding the report she sent just prior to this meeting; explaining the finances and will have a comment in regard to this about the cash flow of the city; explaining that he has said for the past few months that the council/city needs to wait until the tax draws come in (stating that there is a delay on receiving those until July) to see what is going to happen.

President Fitzpatrick asked City Controller Hoffmaster if she has anything to shed light on that Councilman P. Przybylinski asked.

Controller Hoffmaster didn't remember what Councilman P. Przybylinski asked, but what she was going to address with the council this evening would answer both Councilman Dabney's comments as well as Councilman P. Przybylinski; advising she can speak now or after the next proposed ordinance is read.

President Fitzpatrick stated that she could speak after the next proposed ordinance was read.

Councilwoman Deutch advised the next proposed ordinance she will probably will TABLE, because there was a lot of back and forth with the attorneys and will probably be amended due to federal guidelines; stating they both need to have a joint workshop, she wanted to get them out so we can start having discussions and not wait; but it's not going to stop people from being laid off, people need utilities paid, food and life essentials to live; we need to address these issues now not later; asking the administration for information and is only asking for a small amount of money to help our community in this difficult time; asking to have the administration bring the council the information they are asking for; have a workshop and have an honest discussion.

President Fitzpatrick asked if there were any other council comments.

Councilman Mack stated he is in agreement with Councilwoman Deutch, that there are so many concerns he has that are obviously happening and is redundant talking about what needs to conclude; there are hard decisions that need to be made by the administration and this council; that his first priority is "education" and the welfare of the citizens and business owners in Michigan City; that we can talk about it now or talk about it later; but there is going to have to be some serious conversations to find solutions to the issue the city is facing.

Councilwoman Zygus requested that there is a joint workshop scheduled; advising that she has logistical questions regarding who is going to be making the decisions, where the money is coming from, the process that is being proposed, etc.

Councilman P. Przybylinski made a motion that the proposed ordinance gets TABLED until the Council has a joint workshop, the motion was second by Councilman D. Przybylinski.

The proposed ordinance was TABLED until there is a council workshop by the following vote: **AYES:** Council Members Mack, D. Przybylinski, Simmons, and P. Przybylinski and Dabney (5) **NAYS:** Council Members Fitzpatrick Deutch, Zygus, and Tillman (4).

President Fitzpatrick stated the proposed ordinance is TABLED until the Council has a joint workshop.

The Clerk read the following proposed ordinance on 1st Reading by title only,
**AMENDING SECTION 38-40 OF THE MUNICIPAL CODE TO PROVIDE FOR
EMERGENCY RELIEF FUNDS TO CITY RESIDENTS**

Introduced by: Angie Nelson Deutch

Councilwoman Deutch advised that this proposed ordinance was focused on matching funds with the CDBG Covid-19 Act that was passed by congress and through that with additional monies is being distributed to municipalities in the amount of roughly \$360,000; stating that currently there has been conversations between, Attorney Meyer, Attorney Lapaich, Controller Hoffmaster and herself discussing the grant process/procedure regarding the disbursement of these monies to our residents in Michigan City.

Councilwoman Deutch also commented on the spending of monies from the Michigan City Scholarship Fund advising there is 3.9 million dollars as the balance in that account to date; requesting that they could match what the city is receiving through the CDBG Covid-19 grant fund to help the citizens in our community; it would be a great service to help give relief funds for people in need; commenting on how many people have been laid off or losing their jobs do to this virus.

Councilwoman Deutch stated the reason why she wants to TABLE the proposed ordinance is to answer questions anyone might have, talk about logistics; advising this is a very restrictive program and that Ms. Wilson did find out that she could receive monies from the city, and that there is a grant process that would have to be followed; with nonprofit organization being able to apply for the relief money; but there is

language that needs to be amended within this proposed ordinance and will be addressed at the Council's workshop.

Councilwoman Deutch made a motion to TABLE the proposed ordinance until we have a Council workshop, second by Councilman D. Przybylinski.

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

President Fitzpatrick stated the proposed ordinance is TABLED until the Council has a workshop.

COMMENTS FROM THE COUNCIL

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

Councilwoman Deutch stated several reasons why she had both proposed ordinances put on the agenda this evening; wanting to get something out there to start the process to try and help our community financially through this difficult time as well as to find out financially where the city stands.

Councilman Dabney floated this idea out in March, 2020 wanting to go into the scholarship fund, presenting it to the Finance team with them asking him to hold off; so he backed off in proposing his idea; with the reason being the lack of cash flow as the main reason and should wait to see what the tax collection is going to be before moving forward; and understands the importance of this, stating several reasons why we should wait even now.

Councilman P. Przybylinski commented on the governor's executive order, Section 33 where it states this council is exempt to his order; asking why the county council and county commissioners are meeting in person and this council isn't; that he feels that we should have our meetings public and in the council chamber; following the guidelines that the governor has put out. Mr. P. Przybylinski asked President Fitzpatrick if we could start having a meeting in public.

President Fitzpatrick advised Councilman P. Przybylinski that he doesn't feel comfortable putting himself at risk or anyone from the public at risk either to have a public meeting, that it is too soon.

Councilman P. Przybylinski stated that if the guidelines are followed per the governor's executive order, there wouldn't be anyone at risk.

Councilman P. Przybylinski commented on the resolution adopted earlier this month; stating he wasn't under the impression that it states that the Council President has the right to approve claims along with other duties that need to be addressed during the COVID-19 pandemic advising that it doesn't mention anything about not following the council's rules; especially following how items are put on our agenda.

Councilman D. Przybylinski questioned Councilwoman Deutch about the proposed grant she was talking about; with Councilwoman Deutch advising that this is a grant that was passed through Congress and is called CDBG-COVID-19 with additional monies that was granted and addition to the normal CDBG fund, specifically for COVID.

Councilman D. Przybylinski asked if anyone had an idea when the workshop would be scheduled.

Councilman Dabney asked Attorney Meyer that usually the council refers a proposed ordinance to a committee first; then schedules a workshop; advising that these ordinances can go to committee after the workshop if need be.

Attorney Meyer advised there are two options: 1) the President could assign these proposed ordinances to a committee or 2) one of the council members can ask to have a workshop.

Councilwoman Deutch advised that the workshop will be on Tuesday, May 19, 2020 at 6:00 p.m.

President Fitzpatrick asked if there were any other council comments

President Fitzpatrick asked Clerk Neulieb if she would be able to get the memo out to schedule the workshop; with Ms. Neulieb advised there wouldn't be a problem.

President Fitzpatrick commended Councilwoman Deutch for putting these two ordinance in place; that it is important that this council looks out for the citizens of Michigan City; that he realizes the finances of the city is an issue, payroll is a concern; but taking this money to help with relief to so many and use the balance for city payroll.

President Fitzpatrick asked the administration to give the council so there can be discussion on who is essential, what people are not needed, what departments are overstaffed, who has been furloughed; with the council putting a workshop regarding these issues as well.

Councilman P. Przybylinski made a motion to adjourn, second by President Fitzpatrick and there being no further business to transact, President Fitzpatrick declared the meeting **ADJOURNED** (approximately 7:11p.m.)

Gale A. Neulieb