

REGULAR ZOOM MEETING – July 21, 2020

The Common Council of the City of Michigan City, Indiana, met in Regular session on Tuesday evening, July 21, 2020 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 Fitzpatrick.

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, Don Przybylinski, Paul Przybylinski, Gene Simmons, Dalia Zygus and Tracie Tillman (9).

ABSENT: COUNCIL MEMBER None (0).

ALSO, PRESENT: Jim Meyer – Council Attorney, and Dawn Debald, Deputy Clerk

A QUORUM WAS NOTED PRESENT

RESOLUTION

The Deputy Clerk read the following proposed resolution by title only;

MICHIGAN CITY COMMON COUNCIL

RESOLUTION NO.

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

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, by the Michigan City Common Council that it approves Mayor Duane Parry’s issuance of his Executive Order 05-2020 Declaring A Public Health Emergency Due To The Coronavirus Pandemic & Implementing Certain Public Health And Safety Measures (Executive Order) and consents to it being effective and in full

force and effect until 11:59 p.m. on July 30, 2020 or until such time as the Mayor determines that the spread of COVID-19 no longer poses a threat to the citizens of Michigan City, whichever period is shorter.

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

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

INTRODUCED BY: _____
Sean Fitzpatrick, President

Council President Fitzpatrick advised the proposed resolution is an extension on the most recent Executive Order Mayor Parry issued; advising the Council could have extended it up to thirty (30) days, but because of input from the public and the lack of discussion as far as what should be happening and the extent of the restrictions, it is for seven (7) days instead of the allotted thirty (30) days; explaining the Council will then have a chance to speak to Mayor Parry and make better decisions in regard to the proposed resolution.

Councilman D. Przybylinski stated he is not in support of extending the Mayor's Executive Order; explaining there are other means the Mayor can take; advising there needs to be more discussion on the subject and the public deserves to be able to use the beach; further stating we should allow Michigan City residents with beach stickers to enter Washington Park and not allow people from other communities; this would reduce the number of people at the beach and help with social distancing.

Councilman Simmons advised he has received a lot of input on this matter; stating the Council should use the seven (7) days to decide what is the best way to move forward with re-opening Washington Park; explaining there is no social distancing being done down at the beach.

Councilwoman Deutch stated she agrees with Councilman D. Przybylinski; advising she has received numerous emails and phone calls regarding residents being able to utilize the beach; explaining if the Council doesn't pass the proposed resolution the Mayor has time to plan ahead and do something; further stating we need long term solutions to move forward; further advising the Council and public had no input in regard to the Executive Order,

Councilman P. Przybylinski advised that he is in agreement with the other Council members; stating the Mayor could have had a special meeting to discuss the Council's thoughts on this; explaining the Park Board could change rules right away and post them; further advising our local residents support the Park system and have a right to enjoy the beachfront; further stating there are many things that can be done instead of extending the order; further explaining he is not in favor of this.

Councilman Mack stated he also agrees with most of the previous sentiments from the other Council members; advising they need to let the Executive Order expire and then the Mayor can re-access the situation, maybe weekly; explaining he has been receiving many emails and calls in regard to Washington Park being closed; further stating he will be voting no on extending the order because of unilateralism; further explaining the Council was not included in the discussions; asking if we can just close City property?

Councilwoman Tillman stated she has also received numerous calls regarding our beautiful beaches; advising she will be voting no on the extension of the Executive Order; explaining it could have been executed in a different fashion had the Council been notified and they were able to have a form of communication as to how to move forward; also implementing something that would benefit the residents and tourists wanting to come to Michigan City; explaining if the beach is opened back up, the Park Department should not allow the usage of overflow parking in Fedder's Alley; further

stating this may be something that needs to be reviewed on a weekly basis depending on how the numbers look in regard to the Covid-19 pandemic.

Councilwoman Zygus stated it is interesting that there was no chance to discuss this; advising she has also received numerous emails from citizens with good ideas; explaining we need to sort the beach sticker issue out (resident/non-resident); further advising she was disappointed that the Council didn't receive a report from the Michigan City Police Department regarding the past weekend at the lakefront; further stating she feels the Council was not included in the discussion and decision making and perhaps the Council needs to have a workshop and get some input from the public.

Councilman Dabney advising he is voting to extend the Executive Order; giving reasons for why he is voting that way; stating that he is in agreement with the rest of the Council as far as they should have been included in conversations to come up with ideas.

President Fitzpatrick explaining he agrees with everyone; advising they need more broad discussion on what should happen and who should be involved.

Discussion ensued between President Fitzpatrick, Councilwoman Deutch and Attorney Meyer regarding if Councilwoman Deutch as the Chairperson for the Public Health and Safety Board can get a committee meeting scheduled before the Executive Order expires; inviting the Mayor to get any of his input, then at that time, he can issue another order. Councilwoman Deutch asked Attorney Meyer if the Mayor can issue another order on Friday. Attorney Meyer stated, yes he can. Councilwoman Deutch stated she would like the public's input as well; explaining she will talk to Kaleb Goodwin, I.T. Department to see if he can set something up. President Fitzpatrick asked Attorney Meyer how to go about having a special meeting prior to a new order coming out and not knowing what the full Resolution is if they go forward with a new order? Attorney Meyer stated they can have a special meeting giving forty-eight (48) hours advance notice, to discuss the closure of Washington Park or something generic; advising it doesn't have to be a specific resolution or ordinance.

Discussion further ensued between Councilwoman Zygus and Attorney Meyer regarding if the extension doesn't pass tonight, can they modify the Executive Order. Attorney Meyer stated no, they cannot do that.

Councilman P. Przybylinski further commenting that it has been ten (10) days since the Park closed; stating the Park Department is its own entity and can pass its own rules; advising the Council should have already had a joint meeting with the Park Department and ironed this all out before they voted on the proposed resolution.

Councilman Mack commented that he likes the idea of having a Public Health and Safety meeting and using that platform as a way for the Council to bring forth their ideas and incorporating the Mayor into that process; stating he has faith the Mayor will listen to this meeting and address the issues; explaining we need input from our Michigan City residents only, not non-residents.

Councilman Simmons further commenting that he is upset that the Council was not included in putting the Executive Order together; asking if the Park Department gave their input?

President Fitzpatrick stated it was invaluable to discuss this so the public and administration knows where the Council stands.

Councilwoman Tillman asked if she can make a motion to hold a committee meeting on Thursday to discuss the matters of extending the re-opening of Washington Park.

President Fitzpatrick stated there is a forty-eight (48) notice requirement.

Discussion ensued between Councilwoman Deutch and Attorney Meyer regarding if they can table a resolution. Attorney Meyer stated the Council probably wouldn't want to do that on this one, the time will expire; explaining the sponsor can drop their support and the resolution is done or the Council can move to adopt and they can vote on it.

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

The motion carried and the proposed resolution was not adopted by the following vote: Councilmembers **AYES:** Simmons, Zygas and Dabney (3) **NAYS:** P. Przybylinski, Tillman, Fitzpatrick, Mack, Deutch and D. Przybylinski (6).

ORDINANCE

The Deputy Clerk read the following proposed ordinance on 3rd Reading by title only,

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. [4543](#)

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

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

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

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

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

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

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

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

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

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

CO-SPONSOR /s/ Gene Simmons, Member
Michigan City Common Council

/s/ Paul A. Przybylinski, Member
Michigan City Common Council

/s/ Bryant Dabney, Member
Michigan City Common Council

/s/ Angie Nelson Deutch, Member
Michigan City Common Council

/s/ Don Przybylinski, Member
Michigan City Common Council

Passed by the Common Council of the City of Michigan City, Indiana, this 21st day of July, 2020 by vote of 9 to 0.

/s/ Sean Fitzpatrick, President
Michigan City Common Council

President Fitzpatrick asked if the author had any comments; there was no response.

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

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

COMMENTS FROM THE MAYOR

President Fitzpatrick stated the Mayor was not present.

COMMENTS FROM THE COUNCIL

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

Councilman Simmons stated the correct name of the new hotel located at 4411 U.S. Highway 12 in Michigan City is 411 Inn & Suites; advising the website is www.4411innandsuites.com; the phone number is 219-262-1441.

Councilman D. Przybylinski wanted to thank Northwest Indiana Cleanup Corps, a volunteer group that meets every Wednesday in Michigan City to clean up debris and garbage; stating they need more volunteers.

Councilman P. Przybylinski congratulated D. Przybylinski and his lovely wife on their 36 year wedding anniversary which is today; asking if there are signs at Sheridan Beach that read "do not proceed to the lakefront" and who owns the property at the Port Authority; also why are dogs allowed on Sheridan Beach; stating that people can get on

their boats in Trail Creek and go to Washington Park; advising there needs to be a lot more input on this situation.

Councilwoman Deutch stated the Council needs to have a joint workshop with the M.C.P.D., the Park Department and maybe M.C.F.D. on Tuesday at 6:00 p.m. if that works for everyone; advising they need input from their leadership team; stating they need to schedule a public health and safety meeting sometime in the near future; explaining we need to start making decisions now for the future on how we are going to run business and how we are going to deal with the budget; further stating the budget is definitely going to be impacted by Covid-19.

Councilwoman Tillman had a concern regarding the Board of Public Works and Safety payment register.

Councilman Simmons further commented on the permanent layoffs and people retiring from Blue Chip Casino.

Councilman D. Przybylinski further stated that next Thursday, July 30, 2020 at the Senior Center there is a workshop regarding the NICTD South Shore Double Track project; stating they need to find out what the cost is to operate the parking garage and who is paying for what.

Councilman Dabney responded to Councilman D. Przybylinski in regard to NICTD's Double Track Project; stating the City of Michigan City will be responsible for around \$124,000 per year.

Councilman P. Przybylinski stated the Council needs to have its own workshop to discuss the NICTD Double Track project.

President Fitzpatrick stated Covid-19 is not over and everyone needs to be mindful of that; continuing to maintain social distancing while out in public and wearing masks when appropriate; advising he is looking forward to the workshops and discussions and hopefully the Mayor will get a conversation started with everyone and make sure they do the right thing.

Councilman P. Przybylinski made a motion to adjourn, second by D. Przybylinski and there being no further business to transact, President Fitzpatrick declared the meeting **ADJOURNED** (approximately 7:37 p.m.)