

REGULAR “HYBRID/ZOOM” MEETING August 01, 2023

The Common Council of the City of Michigan City, Indiana, met in Regular session on Wednesday evening, August 01, 2023, 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 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, Paul Przybylinski, Gene Simmons, Dalia Zygas, and Tracie Tillman (8).

ABSENT: COUNCIL MEMBER Angie Nelson Deutch (1).

NOTE: President Fitzpatrick stated the Councilwoman Deutch will not be present this evening and is excused.

A QUORUM WAS NOTED PRESENT

ALSO, PRESENT: Council Attorney Jewel Harris, Gale Neulieb, City Clerk, and Stacy Dudley, Deputy Clerk

APPROVAL OF MINUTES

President Fitzpatrick asked if there were any corrections, deletions, or additions to the Regular “Hybrid/Zoom” Council meeting minutes that were held on July 18, 2023.

Councilman D. Przybylinski made a motion to approve the minutes of the Regular “Hybrid/Zoom” meeting that was held on July 18, 2023; second by Councilman P. Przybylinski.

The motion carried and the minutes were approved from the July 18, 2023 Regular Council meeting; by the following vote: **AYES:** Council members Dabney, Fitzpatrick, D. Przybylinski, Simmons, Zygas, P. Przybylinski, and Tillman (8) **NAYS:** Council member None (0)

COMMENTS FROM THE PUBLIC

Councilman P. Przybylinski made a motion to move “Public Comment” on the agenda to be heard at this time before “Reports of Standing Committees”; second by Councilman D. Przybylinski and was approved to have “Public Comment” at this time by the following vote of 8-0.

Wynton Jones, Director of Sustainability-Urban Efficiency Group, stated he is here on behalf of the Beverly Mack-Martin Construction Company to talk about the Double Track Project sharing his concerns and asking if any African American or Minority Contractors were contacted or given a chance to get involved in the construction of this project, federal funding opportunities, and how this property is not affordable living for this community.

Tommy Kulavik 1316 Ohio Street stated August 9, 2023 is the first day of school and to point out that there still has not been any reconstruction/repair on the road in front of the Michigan City High School on Pabs Road from Cleveland Avenue to Johnson Road.

Kathy Stransky, 223 E. Barker Road thanked the MCPD for responding to her 911 call on Sunday within a minute.

Ernie Hollihan, 302 Gladys Street made a comment about the bad weather we had last week, that he was without power for two (2) days and could not get ahold of anyone at NIPSCO and it has caused a health issue for him due to being on oxygen.

Discussion ensued regarding the benches being removed in the Art District and Farmer's Market, concerns regarding the homeless people in our community between the Council and the following Michigan City residence.....Jessie Kunda-731 Franklin Street, Amy Bowman-Uptown Arts District 600 Block of Franklin Street, Michael Kilbourne-907 Washington Street, Corey Newsome-homeless, Ernie Hollihan-302 Gladys Street, Christina Zackney-1502 Tennessee Street, Lynne Reed-607 Benton Street, Nora Rizka-120 Wolfe Street, Anastacia Gums-222 Springland Avenue, Angela Hensman-237 Leo Avenue, Christine Kisel-1607 N. 500 E., Matthew Kubik-6th & Franklin Street, Ashley Williams-401 Fir Street, Tommy Kulavik-1316 Ohio Street.

Edward French, 3834 Malaga Drive stated that he was recently an employee of Michigan City and after one (1) year was discharged of his duties as a Code Enforcement Officer, advising that he had given the council a letter regarding what happened and how he was unfairly treated as a city employee.

Barrette Taylor, MCFD advised that the MCFD Chief along with himself would like to have Ordinance No. 54-156 amended to increase the maximum age of applicants to the age of 40 years old to help get more applicants to file and want to serve on our MCFD department.

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

REPORTS of STANDING COMMITTEES

President Fitzpatrick asked if there were any standing committee reports, stating that the Tax Abatement Committee met yesterday with Mr. Clarence Hulse from EDCMC was present to report on the 2023 CF-1 reports received.

Clarence Hulse, EDCMC stated that they have received fourteen (14) CF-1 application that were submitted with a few that will be filing next year that didn't file this year; stating that they held a job fair in May with 80 companies offering 2,000 jobs with 200 people attending.

Councilwoman Zygus made a motion to approve the 2023 CF-1 tax abatement applicants, second by Councilman Simmons; motion carried and the 2023 CF-1 application were approved by the following vote: **AYES:** Council members Fitzpatrick, Mack, D. Przybylinski, Simmons, Zygus, P. Przybylinski, Tillman, and Dabney (8) **NAYS:** Council member None (0)

President Fitzpatrick asked if there were any other comments or reports from the standing committees, there was no response.

FINANCE REPORT

President Sean Fitzpatrick asked if there were any reports from the Finance Committee.

Councilwoman Tillman advised that there wasn't a Finance Committee meeting this evening and that the claims will be approved for the following; Riverboat No. 2235 in

the amount of \$0.00; Riverboat EFT No. 2235 was \$0.00; Boyd Development Fund No. 2504 was \$100,000.00; EFT was \$0.00 for a total amount of \$100,000.00 for MC Economic Development Corporation; stating the City of Michigan City's Riverboat statement of cash position for the fiscal year to date August 1, 2023 unexpended balance is \$6,265,928.14.

CLAIMS DOCKET

President Fitzpatrick read the following Riverboat/Boyd Development Claims Fund for August 1, 2023

August 1, 2023

Fund #2235 – Riverboat – Claims -	\$	00.00
EFT	\$	00.00
Fund #2504 – Boyd Development -	\$	100,000.00
EFT	\$	00.00
TOTAL CLAIMS	\$	100,000.00

President Fitzpatrick asked if there was a motion to approve the claims for August 1, 2023 in the total amount of \$100,000.00.

Councilman Dabney made a motion to approve the Riverboat/Boyd Claim Docket for August 1, 2023 in the total amount of \$100,000.00; second by Councilman Simmons; the motion carried and was approved by the following vote: **AYES:** Council members Mack, D. Przybylinski, Simmons, Zygas, P. Przybylinski, Tillman, Dabney, and Fitzpatrick (8) **NAYS:** Council member None (0)

REPORTS FROM BOARDS AND COMMISSION

President Fitzpatrick asked if there were any reports from any boards or commissions, there was no response.

REPORTS OF SPECIAL or SELECT COMMITTEES

President Fitzpatrick asked if there were any reports of special or select committees.

Councilman D. Przybylinski, LaPorte County Solid Waste Committee stated that in 2024 the County will have a new provider for the recycling; advising the new company will be Borden Recycling, Elkhart Indiana; stating that he is the chairman on the ESG Committee and reported on the workshop held last Thursday, July 27, 2023 regarding the eighteen year contract with ESG; advising Interim Engineer Minnick is looking into this contract and will report back to the council at the August 15, 2023 council meeting, stating that is ESG Contract was approved by the Common Council not the Mayor.

President Fitzpatrick asked if there were any other reports of special or select committees, there was no response.

REPORTS FROM THE MAYOR OR OTHER CITY OFFICERS AND DEPARTMENTS

President Fitzpatrick asked if there were any reports from the mayor or other city officers and departments.

Janet Beutner, Promise Scholarship Director gave her Michigan City Promise Scholarship Annual Report.

Councilman D. Przybylinski thanked Janet for doing a fantastic job with this program and happy to see these scholarships are being offered to not only homeowners but to renters as well.

Councilman Simmons stated that he is elated to see renters included and should have been included from the start.

Councilman Dabney stated that he was on the original scholarship committee when it was adopted in 2016; advising the thought process was that we didn't know how many people would be eligible, so the scholarship started only for people that owned homes in our city and then eventually added renters.

Chief Legault reported the MCFD incidents for the month of July, 2023, were 425 incident calls, 21 fires, 5 structure fires, 2 vehicle fire, 5 nature vegetation fire, 8 outside rubbish fire, 1 special outside fire, 313 rescue & emergency medical service, 15 rescue EMS calls, 277 medical assist, 15 emergency medical service EMS, 1 search for lost person, 22 hazardous condition, 12 combustible/flammable spills & leaks, 8 electrical wiring/equipment problem, 2 chemical release, 7 Narcan, 6 service calls, 1 water problem, 1 public service, 4 unauthorized burning, 55 good intent, 18 canceled in route, 4 wrong location, 2 steam other gas mistaken for smoke, 6 false alarm, 1 severe weather, and 1 special incident.

Skylar York, Planning Director introduced David Flaherty, Brandon Bogan, and Adam Collins from Flaherty & Collins and Randolph Rompola and Tom Everett the Bond Counsel stating that they will be presenting a presentation regarding the NICTD Parking Garage Project and infill mixed building that will be attached.

Discussion ensued between Brandon Bogan, Skylar York, and Councilman P. Przybylinski, regarding parking passes for city residents to be able to park in the parking garage, commercial space, NICTD's schedule regarding restrictions in the parking garage.

President Fitzpatrick asked if there were any other questions or comments from the Council for Clerk Stevens, there was no response.

PETITIONS

President Fitzpatrick asked the Clerk if there were any petitions.

Clerk Neulieb stated there are no petitions this evening.

COMMUNICATIONS

President Fitzpatrick asked the Clerk if there were any communications.

Clerk Neulieb read the following correspondence received in the Clerk's Office.

In accordance with Ordinance No. 4538 the Clerk's Office received the accident report on July 19, 2023 that occurred on July 7, 2023 with a MCPD vehicle.

Correspondence was received in the Clerk's Office on July 19, 2023 from Mr. Edward French regarding the termination of employment.

Correspondence was received in the Clerk's Office on July 25, 2023 from Michigan City's Washington Park Zoo, inviting the Council to the celebration of their new Predator Ridge Exhibits.

NOTE: President Fitzpatrick stated we will all take a 5-minute recess.

RESOLUTIONS

The Clerk read the following proposed resolution by title only.

MICHIGAN CITY COMMON COUNCIL RESOLUTION NO. 4892

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY, INDIANA, APPROVING THE TRANSFER OF INTERESTS IN CERTAIN PROPERTY FROM THE CITY OF MICHIGAN CITY, INDIANA, TO THE CITY OF MICHIGAN CITY BUILDING CORPORATION, AND ALL MATTERS RELATED THERETO

WHEREAS, the Michigan City Redevelopment Commission (the “Redevelopment Commission”), the governing body of the Michigan City Department of Redevelopment and the Redevelopment District of the City, exists and operates under the provisions of Indiana Code 36-7-14, as amended from time to time; and

WHEREAS, the City of Michigan City Building Corporation (the “Building Corporation”) has heretofore been incorporated as a nonprofit corporation for the sole purpose of serving as an “on behalf of issuer” for federal income tax purposes to assist the City in financing public improvements; and

WHEREAS, F & C Development, Inc. (the “Developer”), has been negotiating with the City of Michigan City, Indiana (the “City”) and the Commission to provide for (1) the construction and equipping of a mixed-use, multifamily building of not less than twelve (12) stories including approximately (i) 200 residential apartment units; (ii) 5,900 square feet of retail and/or commercial space; (iii) tenant amenity spaces consistent with similar projects recently constructed by the Company (defined herein); and (iv) access points and passageways necessary to connect such building to the Parking Garage Component (defined herein) (collectively, the “Mixed Use Project”) and (2) the construction and equipping of a parking garage that is expected to have in excess of 500 available spaces, a transit station as required by the Northern Indiana Commuter Transportation District, a rooftop amenity that permits the further development of a public gathering space, and any other components required by the Mixed Use Project (the “Parking Garage Component” and collectively with the Mixed Use Project, the “Project”); and

WHEREAS, to induce the Developer to complete the Project, the City will consider issuing its taxable economic development lease rental revenue bonds in one or more series under Indiana Code 36-7-11.9 and 12, to be designated as the “City of Michigan City, Indiana, Taxable Economic Development Lease Rental Revenue Bonds, Series 2023 (Mixed Use Transit Project)” (with such further series or different series designation as determined to be necessary or appropriate) in an aggregate principal amount not to exceed Twenty-two Million Dollars (\$22,000,000) (the “Bonds”), the net proceeds of such Bonds to be used for the purpose of paying all or a portion of the costs of the Project and related expenses including, but not limited to, capitalized interest on the Bonds, a debt service reserve fund from proceeds of the Bonds or the cost of a reserve surety, if necessary, and costs of issuance of the Bonds; and

WHEREAS, the Bonds will be payable from payments made by the Building Corporation to the City under a Loan Agreement (the “Loan Agreement”) by and between the City and the Building Corporation as evidenced by a Note which payments will be made by the Building Corporation from lease payments made by the Redevelopment Commission to the Building Corporation under a Lease (the “Lease”) between the Building Corporation, as lessor, and the Redevelopment Commission, as

lessee, providing for lease of a portion of Michigan Boulevard from its intersection with East 4th Street to its intersection with Motts Parkway in the City (the "Real Property") pursuant to Section 25.2 of the Act; and

WHEREAS, the Building Corporation desires to acquire from the City the existing right-of-way interests of the City in the Real Property which will be more particularly described in the documents of transfer for the purpose of leasing the Real Property to the Redevelopment Commission pursuant to the terms of the Lease and has adopted a resolution substantially identical to this Resolution to accept the transfer of the Real Property; and

WHEREAS, the City, as the owner of the Real Property, seeks and concurs in the transfer of the interests in the Real Property to the Building Corporation pursuant to Indiana Code 36-1-11-8, and the Common Council of the City desires to authorize such transfer.

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

1. All of the above stated "WHEREAS" clauses are incorporated herein by reference.
2. The Common Council hereby finds and determines that the transfer of the Real Property from the City to the Building Corporation in accordance with Indiana Code 36-1-11-8 for no consideration for lease to the Redevelopment Commission pursuant to the Act, in the furtherance of the financing of the acquisition and construction of the Project, is in the best interests of the City and its citizens.
3. The Common Council hereby approves the transfer of all of the City's right, title and interest in the Real Property to the Building Corporation for no consideration.
4. The Board of Public Works of the City is authorized to take such action and the Mayor and the City Clerk are hereby authorized to execute and attest, respectively, one or more deeds or such other instruments or documents and to take such other actions that may be necessary to effectuate the transfer of the Real Property as authorized herein.
5. This Resolution shall be in full force and effect from and after its passage of the Common Council and upon compliance with the procedures required by law.

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

/s/ Bryant Dabney, Member
Michigan City Common Council

President Fitzpatrick asked if the authors had anything to add at this time.

Councilman Dabney advised that Mr. York is present to answer any question; that this is the transfer of the Michigan Boulevard property to the City Building Corporation to move forward to be able to receive the proposed bonds for this project.

President Fitzpatrick asked if there were any questions or comments from the public, there was no response.

President Fitzpatrick asked if the Council had any questions or comments at this time.

Councilman D. Przybylinski made a motion to approve the proposed resolution; second by Councilman Simmons; the motion carried, and the resolution was approved by the

following vote: **AYES:** Council members, D. Przybylinski Simmons, Zygas, P. Przybylinski, Tillman, Dabney, Fitzpatrick, and Mack (8) **NAYS:** Council member None (0)

The Clerk read the following proposed resolution by title only.

MICHIGAN CITY COMMON COUNCIL

RESOLUTION NO. 4893

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY, INDIANA, APPROVING A LEASE BETWEEN THE CITY OF MICHIGAN CITY BUILDING CORPORATION AND THE MICHIGAN CITY REDEVELOPMENT COMMISSION RELATING TO THE MIXED USE TRANSIT CENTER PROJECT AND TAKING OTHER ACTIONS RELATED THERETO

WHEREAS, the Michigan City Redevelopment Commission (the “Redevelopment Commission”), the governing body of the Michigan City Department of Redevelopment and the Redevelopment District of the City of Michigan City, Indiana (the “District”), exists and operates under the provisions of Indiana Code 36-7-14, as amended from time to time (the “Act”); and

WHEREAS, the City of Michigan City Building Corporation (the “Building Corporation”) has been incorporated as an Indiana nonprofit corporation operating pursuant to Indiana Code 23-17 in order to finance buildings and other capital improvements in the City; and

WHEREAS, F & C Development, Inc. (the “Developer”), has been negotiating with the City of Michigan City, Indiana (the “City”) and the Commission to provide for (1) the construction and equipping of a mixed-use, multifamily building of not less than twelve (12) stories including approximately (i) 200 residential apartment units; (ii) 5,900 square feet of retail and/or commercial space; (iii) tenant amenity spaces consistent with similar projects recently constructed by the Company (defined herein); and (iv) access points and passageways necessary to connect such building to the Parking Garage Component (defined herein) (collectively, the “Mixed Use Project”) and (2) the construction and equipping of a parking garage that is expected to have in excess of 500 available spaces, a transit station as required by the Northern Indiana Commuter Transportation District, a rooftop amenity that permits the further development of a public gathering space, and any other components required by the Mixed Use Project (the “Parking Garage Component” and collectively with the Mixed Use Project, the “Project”); and

WHEREAS, to induce the Developer to complete the Project, the City will consider issuing its taxable economic development lease rental revenue bonds in one or more series under Indiana Code 36-7-11.9 and 12, to be designated as the “City of Michigan City, Indiana, Taxable Economic Development Lease Rental Revenue Bonds, Series 2023 (Mixed Use Transit Project)” (with such further series or different series designation as determined to be necessary or appropriate) in an aggregate principal amount not to exceed Twenty-two Million Dollars (22,000,000) (the “Bonds”), the net proceeds of such Bonds to be used for the purpose of paying all or a portion of the costs of the Project and related expenses including, but not limited to, capitalized interest on the Bonds, a debt service reserve fund from proceeds of the Bonds or the cost of a reserve surety, if necessary, and costs of issuance of the Bonds; and

WHEREAS, the Bonds will be payable from payments made by the Building Corporation to the City under a Loan Agreement (the “Loan Agreement”) by and between the City and the Building Corporation as evidenced by a Note which payments will be made by the Building Corporation from lease payments made by the Redevelopment Commission to the Building Corporation under a Lease (the “Lease”) between the Building Corporation, as lessor, and the Redevelopment Commission, as

lessee, providing for lease of certain roads in the City pursuant to Section 25.2 of the Act as more fully described in the Lease; and

WHEREAS, the Redevelopment Commission on July 17, 2023, adopted a resolution approving a proposed form of the Lease which provides for the lease by the Redevelopment Commission from the Building Corporation of a portion of Michigan Boulevard located in the City as more fully described in the Lease; and

WHEREAS, the Redevelopment Commission, pursuant to the Act and a declaratory resolution previously adopted and confirmed and amended from time to time, has previously declared certain areas within the City as redevelopment project areas known collectively as the "Community Center No. 1 Expanded Urban Renewal Area" (the "North Side Area") and designated such areas from time to time as allocation areas in accordance with Section 39 of the Act (collectively the "North Side Allocation Area") for the purposes of capturing incremental ad valorem property taxes levied and collected on all taxable real property in such North Side Allocation Area (the "North Side TIF Revenues"); and

WHEREAS, the Redevelopment Commission, pursuant to the Act and a declaratory resolution previously adopted and confirmed has declared a certain area of the City, known as the "South Side Economic Development Area" (the "South Side Area"), to be an economic development area pursuant to the Act, designated such area as an allocation area pursuant to Section 39 of the Act (the "South Side Allocation Area") for the purposes of capturing incremental ad valorem property taxes levied and collected on all taxable real property in such South Side Allocation Area (the "South Side TIF Revenues" and collectively with the North Side TIF Revenues, the "Existing TIF Revenues"),

WHEREAS, the Redevelopment Commission on July 17, 2023, approved and adopted a resolution for the purpose of (i) designating an area in the North Side Area where the Project will be located as a separate allocation area pursuant to Section 39 of the Act to be known as the "Mixed Use Transit Project Allocation Area" (the "Mixed Use Transit Project Allocation Area") for purposes of capturing incremental ad valorem property taxes levied and collected on all taxable real property that is part of the Project (the "Project TIF Revenues" and collectively with the Existing TIF Revenues, the "TIF Revenues") and (ii) making certain amendments to provide for the consolidation and expansion of the North Side Area and the South Side Area into an economic development area to be known as the Consolidated Economic Development Area; and

WHEREAS, the Commission reasonably expects to pay the lease rentals payable under the Lease from the TIF Revenues and the payment of the lease rentals payable under the Lease also will be secured by the levy of a special benefits tax by the Redevelopment Commission pursuant to Section 27 of the Act upon all of the taxable real property within the District (the "Special Benefits Tax") in the event the TIF Revenues are ever insufficient in order to provide the lowest interest rate on the Bonds; and

WHEREAS, the annual rentals payable by the Commission under the Lease will be pledged by the Building Corporation to make the payments due under the Loan Agreement which will be used to pay the principal of and interest on the Bonds; and

WHEREAS, the Common Council of the City (the "Common Council") desires to approve the Lease as required by Section 25.2 of the Act, which provides that any lease approved by a resolution of the Commission must be approved by the fiscal body of the City;

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

1. All of the above stated "WHEREAS" clauses are incorporated herein by reference.

2. The Common Council hereby approves of the execution and delivery of the Lease, as approved by the Commission, pursuant to Section 25.2 of the Act, including, if necessary, the levy by the Redevelopment Commission of the Special Benefits Tax; provided, however, it is expected that the Special Benefits Tax will not be necessary because the Commission reasonably expects to pay the Lease Rentals due during the term of the Lease from other revenues legally available to the Commission including, without limitation, the TIF Revenues. The foregoing approval is subject to the following: (a) the maximum annual lease rental payment during the term of the Lease shall not exceed \$2,750,000, (b) the maximum interest rate on the Bonds shall not exceed seven percent (7.00%) per annum, (c) the Bonds may be subject to optional redemption prior to maturity on any date not earlier than five (5) years following the date of issuance of the Bonds, with specific dates and redemption terms to be determined at the time of the sale of the Bonds and approved by the City, all upon the advice of Baker Tilly Municipal Advisors, LLC, the municipal advisor to the City (the "Municipal Advisor"), (d) the maximum term of the Lease shall not exceed twenty-five (25) years, and (e) interest on the Bonds may be capitalized or paid from the proceeds of the Bonds for a period up to three (3) years from the date of issuance of the Bonds based upon the recommendation of the Municipal Advisor, although it is currently anticipated that no interest will need to be capitalized or paid from the proceeds of the Bonds.
3. This Resolution shall be in full force and effect from and after its passage by the Common Council and upon compliance with the procedures required by law.

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

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

/s/ Bryant Dabney, Member
Michigan City Common Council

President Fitzpatrick asked if the authors had anything to add at this time.

Councilman Dabney stated that with the transfer of the Michigan Boulevard property this proposed resolution is where we're going to use the property to secure the bonds.

President Fitzpatrick asked if there were any questions or comments from the public, there was no response.

President Fitzpatrick asked if the Council had any questions or comments at this time.

Councilman D. Przybylinski made a motion to approve the proposed resolution; second by Councilman Mack; the motion carried and the resolution was approved by the following vote: **AYES:** Council members Simmons, Zygas, P. Przybylinski, Tillman, Dabney, Fitzpatrick, Mack, and D. Przybylinski (8) **NAYS:** Council member None (0)

The Clerk read the following proposed resolution by title only.

MICHIGAN CITY COMMON COUNCIL

RESOLUTION NO. 4894

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY, INDIANA, APPROVING AN ORDER OF THE CITY OF MICHIGAN CITY PLAN COMMISSION APPROVING A CERTAIN DECLARATORY RESOLUTION ADOPTED BY THE MICHIGAN CITY REDEVELOPMENT COMMISSION DESIGNATING AND DECLARING CERTAIN AREAS OF THE CITY OF MICHIGAN CITY, INDIANA, AS ECONOMIC DEVELOPMENT AREAS TO EXPAND THE SOUTHSIDE ECONOMIC DEVELOPMENT AREA, CONSOLIDATING THE COMMUNITY CENTER NO. 1 EXPANDED URBAN RENEWAL AREA AND SOUTHSIDE ECONOMIC DEVELOPMENT AREA AS AN ECONOMIC DEVELOPMENT AREA, AND EXPANDING THE CONSOLIDATED ECONOMIC DEVELOPMENT AREA

WHEREAS, the Michigan City Redevelopment Commission (the “Redevelopment Commission”), the governing body of the Department of Redevelopment of the City of Michigan City, Indiana (the “City”), pursuant to Indiana Code 36-7-14, as amended from time to time (the “Act”), on July 17, 2023, approved and adopted its Resolution No. 4-23 entitled “Resolution of the Michigan City Redevelopment Commission to Designate and Declare Certain Areas of the City of Michigan City, Indiana, as Economic Development Areas to Expand the Southside Economic Development Area, Consolidate the Community Center No. 1 Expanded Urban Renewal Area and Southside Economic Development Area as an Economic Development Area, Expand the Consolidated Economic Development Area, and to Consolidate the Development Plans for Said Areas, and Regarding Certain Related Matters” (the “Amending Declaratory Resolution”); and

WHEREAS, the Redevelopment Commission has previously adopted and confirmed resolutions which established and amended a redevelopment area known as the “Community Center No. 1 Expanded Urban Renewal Area” (the “North Side Area”), approved a development plan for the North Side Area (the “North Side Plan”), and designated an allocation area pursuant to Section 39 of the Act (the “North Side Allocation Area”); and

WHEREAS, the Redevelopment Commission also previously has adopted and confirmed resolutions which established and amended an economic development area known as the “South Side Economic Development Area” (the “South Side Area”), approved an economic development plan for the South Side Area (the “South Side Plan” and with the North Side Plan, the “Prior Plans”), and designated an allocation area pursuant to Section 39 of the Act (the “South Side Allocation Area”); and

WHEREAS, the Amending Declaratory Resolution approved amendments to (i) amend the boundaries of the South Side Area as described in the Amending Declaratory Resolution to add the 2023 South Expansion Area (as defined therein), (ii) designate an area in the North Side Area as a separate allocation area pursuant to Section 39 of the Act to be known as the “Mixed Use Transit Project Allocation Area” (the “Mixed Use Transit Project Allocation Area”), (iii) consolidate the expanded South Side Area and the North Side Area into one consolidated economic development area to be known as the Consolidated Economic Development Area (the “Consolidated Area”), (iv) amend the boundaries of the Consolidated Area as described in the Amending Declaratory Resolution to add the 2023 Consolidated Expansion Area (as defined therein), and (v) consolidate the Prior Plans as the economic development plan (the “Consolidated Plan”) for the Consolidated Area, as expanded (the “Area”) (clauses (i) through and including (v), collectively, the “2023 Amendments”); and

WHEREAS, on July 25, 2023, the City of Michigan City Plan Commission (the “Plan Commission”) met and adopted and approved its resolution, a copy of which is attached hereto as Exhibit A, determining that the Amending Declaratory Resolution and the 2023 Amendments conform to the plan of development for the City and designated such resolution as the written order of the Plan Commission approving the Amending Declaratory Resolution and the 2023 Amendments, as required by Section 16 of the Act (the “Plan Commission Order”); and

WHEREAS, Section 16 of the Act prohibits the Commission from proceeding until the Plan Commission Order is approved by the legislative body of the City; and

WHEREAS, the Common Council of the City (the "Common Council") is the legislative body of the City and now desires to approve the Plan Commission Order in order to permit the Commission to proceed with the further development of the Area as a result of the 2023 Amendments;

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

1. All of the stated "WHEREAS" clauses are incorporated herein by reference.
2. The Plan Commission Order attached hereto is hereby approved, ratified, and confirmed in all respects.
3. The determination that it will be a public utility and benefit to include the 2023 South Expansion Area in the South Side Area, designate the Mixed Use Transit Project Allocation Area as a separate allocation area, consolidate the South Side Area, as expanded, and the North Side Area, include the 2023 Consolidated Expansion Area in the Consolidated Area, and undertake the activities set forth in the Consolidated Plan in said 2023 South Expansion Area, said 2023 Consolidated Expansion Area, and the greater Area as set forth in the Amending Declaratory Resolution is hereby approved pursuant to Section 15 of the Act.
4. This Resolution shall be in full force and effect from and after its adoption by the Common Council and upon compliance with the procedures required by law.

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

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

/s/ Bryant Dabney, Member
Michigan City Common Council

NOTE: EXHIBIT "A" IS ATTACHED TO RESOLUTION NO.4894 IN FILE CR-

President Fitzpatrick asked if the authors had anything to add at this time.

Councilman Dabney asked Mr. York if he could help explain this proposed resolution.

Skylar York, Planning Director advised that Mr. Rompalo is present and Andy Moser is online to answer any questions the council may have regarding this proposed resolution; that this is the recommendation to combine the north and south TIFF moving forward with the bond; explaining the history that took place regarding the bonds issued when doing the double track project for Michigan City taking money from the North TIFF and South TIFF making funding that was beneficial to both areas; stating that it would make more sense to combine both areas into one TIFF area and would allow to still have our industrial TIFF to use, is cleaning up how the city can use TIFF money.

President Fitzpatrick asked if there were any questions or comments from the public, there was no response.

President Fitzpatrick asked if the Council had any questions or comments at this time.

Councilman Dabney commented on Michigan Boulevard being part of the TIFF area and will give us more tools to encourage developers to want to come to Michigan and will make sure that our other entry way (Michigan Blvd.) is just as economically visible as Franklin Street.

Mr. York advised that this isn't the final step that we need to schedule a formal public hearing and do a mailing advising the residents what is being proposed about combining of the two TIFF districts areas.

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

Councilman D. Przybylinski made a motion to approve the proposed resolution; second by Councilman Dabney; the motion carried and the resolution was approved by the following vote: **AYES:** Council members Zygus, P. Przybylinski, Tillman, Dabney, Fitzpatrick, Mack, D. Przybylinski, and Simmons (8) **NAYS:** Council member None (0)

ORDINANCES

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

AMENDING SEC. 54-156 IN THE MICHIGAN CITY MUNICIPAL CODE REGARDING THE DETERMINATION OF FINAL RATING FOR APPLICANTS TO THE MICHIGAN CITY FIRE DEPARTMENT

Introduced by: Angie Nelson Deutch
Paul Przybylinski
Don Przybylinski
Gene Simmons

President Fitzpatrick stated the author isn't present; asking if there were any comments from the public.

Tommy Kulavik, 1316 Ohio Street-Fire Merit Commission thanked Councilwoman Deutch for creating this ordinance commenting on the language that was amended and is supportive of these changes.

Councilman P. Przybylinski asked to be added as a co-sponsor to this ordinance.

Councilman D. Przybylinski asked to be added as a co-sponsor to this ordinance.

Councilman Simmons asked to be added as a co-sponsor to this ordinance.

Chief Legault, MCFD stated that himself, his Chief's office, Union President Barrett Taylor, and some of the Union Officers met several times to come up with this proposed ordinance and we all think that this will benefit for the Fire Department and the City financially; that the Michigan City Police Department has not agreed to be added to this ordinance and needs to be removed from the language.

President Fitzpatrick asked if there were any other comments from the public.

Barrett Taylor, Union President stated the Council can see the break down of the numbers we have included regarding certain points for certain things that benefit the department when applying, such as being a Michigan City resident or continued education such as an EMT, or Military.

Further discussion ensued between Council members Zygus, P. Przybylinski, Simmons, and MCFD Union President Barrett Taylor regarding if these amendments will help to qualify a person to become a firefighter or their rank when starting their careers; questioning how does being an EMT an asset to the MCFD and the city, and being able to respond to most medical calls, and what medical calls the MCFD responds too.

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

President Fitzpatrick asked if there were any other comments from the council, there was no response; stating the proposed ordinance will be held over on second reading at the August 15, 2023 Council meeting.

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

AN ORDINANCE CREATING SEC. 2-411 IN CHAPTER 2 OF ARTICLE VI OF THE MICHIGAN CITY MUNICIPAL CODE TO ESTABLISH A FUND FOR AFFORDABLE HOUSING AND SENIOR HOUSING REPAIR WITHIN THE CITY OF MICHIGAN CITY, INDIANA

Introduced by: Tracie Tillman
Angie Nelson Deutch
Paul Przybylinski
Don Przybylinski
Gene Simmons
Bryant Dabney
Dalia Zygas

President Fitzpatrick asked if any of the authors had anything to add at this time.

Councilwoman Tillman advised the city entered into a PILOT Agreement in 2016 for the development of Silver Birch located on East Michigan Blvd. and when doing research it was conveyed that since they were not paying taxes that there would be services provided by the city for the police and fire; the agreement is called for a combined payment amount of \$20,000 for tax years that Silver Birch was partially assessed prior to the certificate of occupancy by the city; stating in their first tax year was \$70,000 which Silver Birch was completed and fully assessed when receiving their "Certificate of Occupancy" the amount increased by 1% per annual for each subsequent year under the PILOT agreement and that it is her understanding that they are wanting these funds to go back to assist and help the seniors and low income families, for repairs to their housing; advising that language was not incorporated into the agreement and according to the general ledger for the tax pilot for Silver Birch, the balance is \$288,167.54.

Councilwoman Tillman stated that she would like to see the council vote and approve to take these funds to be separated to be used for that specific purpose only; so at \$70,000.00 even though these funds already come in and go into the general fund, not so much to say for the specific use to help seniors and low income families but perhaps for housing repairs; stating that setting up a specific fund for these monies this will be an avenue to start assisting the seniors and low income families with housing repairs; advising that Clarence Hulse EDMC is present to answer any questions the public or council may have.

Clarence Hulse stated that Minnesota use PILOTS for affordable housing and the reason being, it's to benefit to the developer when they're building, it a benefit to the developer when they're building, local housing projects, senior housing, workers housing, so when they come before the council, we have to have some kind of public benefits and could be an agreement from five (5) to forty (40) years and that one (1) is put into a restricted fund for that use.

Councilwoman Tillman stated that Silver Birch is in their fifth year; they have ten (10) more years at \$70,000.00 giving a total of \$700,000.00 to the city that could do a lot of repairs for seniors and low- income people in our community.

Councilwoman Zygas stated that this is a great fund, questioning who will be processing the application and the distribution of funds; with Councilwoman Tillman

advising that she is looking into that, but as far as the funds being handled it would be the Controller's Office and that these funds will be non-reverting.

Councilman P. Przybylinski asked to be added a co-sponsor.

Councilman D. Przybylinski also asked to be added as a co-sponsor.

Skyler York, Planning/Redevelopment stated that he brought a PILOT to the council, advising that we didn't have the funds to establish a PILOT so it didn't move forward that we would have had to set up the same funding as we are on this proposed agreement and this Pilot agreement was for the Section 8 housing that was going to be remodeled and redeveloped with the project falling through at a state level.

Councilwoman Zygus asked to be added as a co-sponsor.

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

President Fitzpatrick asked if the Council had any questions or comments, there was no Response; stating the proposed ordinance will be held over on second reading at the August 15, 2023 Council meeting.

The Clerk read the following proposed ordinance on second reading by title only.
AMENDING SEC. 54-153(2) AND SEC. 70-103(A) OF THE MICHIGAN CITY MUNICIPAL CODE TO COMPLY WITH SENATE ENROLLED ACT 185 WHICH INCREASES THE MAXIMUM AGE OF APPLICANTS TO THE FIRE DEPARTMENTS TO UNDER THE AGE OF FORTY YEARS

Introduced by: Angie Nelson Deutch

President Fitzpatrick stated that the author isn't present this evening.

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

Tommy Kulavik, 1316 Ohio Street and member of the Fire Merit Commission, asked to have second and third reading this evening since the department has scheduled their testing for August 20, 2023.

President Fitzpatrick asked if the Council had any comments at this time.

Councilman P. Przybylinski asked to be added as a co-sponsor.

Councilman P. Przybylinski made a motion to have third reading this evening, second by Councilwoman Tillman, the motion carried and was approved to have third reading this evening by the following vote: **AYES:** Council members P. Przybylinski, Tillman, Dabney, Fitzpatrick, Mack, D. Przybylinski, Simmons, and Zygus (8) **NAYS:** Council member None (0)

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

**MICHIGAN CITY COMMON COUNCIL
ORDINANCE NO. 4695**

AMENDING SEC. 54-153(2) AND SEC. 70-103(A) OF THE MICHIGAN CITY MUNICIPAL CODE TO COMPLY WITH SENATE ENROLLED ACT 185 WHICH INCREASES THE MAXIMUM AGE OF APPLICANTS TO THE FIRE DEPARTMENTS TO UNDER THE AGE OF FORTY YEARS

WHEREAS, in 2021, in an effort to attract more candidates to careers in law enforcement, the Indiana General Assembly increased the maximum age of police applicants to under the age of 40 years, however, the Indiana General Assembly did not modify the maximum age of fire applicants and kept the maximum age for fire applicants to under the age of 36 years (*see* I.C. 36-8-3.5-12(a)(3) version prior to July 1, 2023); and

WHEREAS, recently, the Indiana General Assembly amended I.C. 36-8-3.5-12(a)(3), which said amendment is effective on July 1, 2023, to increase the maximum age of fire applicants to under the age of 40 years, and I.C. 36-8-3.5-12(a)(3) will now read as follows:

Sec. 12. (a) Subject to [IC 36-8-4.7](#), to be appointed to the department, an applicant must be:
(1) a citizen of the United States;
(2) a high school graduate or equivalent; and
(3) at least twenty-one (21) years of age, but under forty (40) years of age.
However, the age requirements do not apply to a person who has been previously employed as a member of the department. (See Senate Enrolled Act 185).

WHEREAS, because of the amendment to I.C. 36-8-3.5-12(a)(3), the need now exists to do the following:

- A. Amend Section 54-153(2) of the Michigan City Municipal Code to comply I.C. 36-8-3.5-12(a)(3) to increase the maximum age of fire applicants to under forty (40) years of age; and
- B. Amend Section 70-103(a) of the Michigan City Municipal Code so the language regarding maximum age of police applicants mirrors the language set forth in I.C. 36-8-3.5-12(a)(3).

NOW THEREFORE, BE IT ORDAINED, by the Michigan City Common Council as follows:

1. With respect to the Michigan City Fire Department, the first sentence of Sec. 54-153(2) of the Michigan City Municipal Code should be amended to now read as follows:
 An applicant must meet all of the following requirements. The applicant shall be:
 - (2) At least 21 years old at the time of making application and under the age of forty (40) years of age at the time of entrance into the fire department...
2. With respect to the Michigan City Police Department, the first sentence of Section 70-103(a) of the Michigan City Municipal Code should be amended to now read as follows:
 - (a) In order to be eligible for appointment to the police department an applicant must be at least 21 years of age and under the age of forty (40) years...

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

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

/s/ Paul Przybylinski, Member
 Michigan City Common Council

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

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

Councilwoman Zygus made a motion to approve the proposed ordinance, second by Council Simmons; the motion carried and the ordinance was approved by the following vote: **AYES:** Council members Tillman, Dabney, Fitzpatrick, Mack, D. Przybylinski, Simmons, Zygus and P. Przybylinski (8) **NAYS:** Council member None (0)

The Clerk read the following proposed ordinance on second reading by title only.
AN ORDINANCE CREATING SECTION 86-6.5 IN CHAPTER 86, ARTICLE I OF THE MICHIGAN CITY MUNICIPAL CODE, TO ESTABLISH A FUND FOR SPECIFIC MAINTENANCE AND REPAIR OF BRICK STREETS WITHIN THE CITY OF MICHIGAN CITY, INDIANA

Introduced by: Angie Nelson Deutch
 Paul Przybylinski
 Don Przybylinski
 Bryant Dabney

President Fitzpatrick asked if any of the authors had anything to add.

Councilman D. Przybylinski made a motion to have third reading this evening, second by Councilwoman Tillman; the motion carried and was approved to have third reading this evening by the following vote: **AYES:** Council members Dabney, Fitzpatrick, Mack, D. Przybylinski, Simmons, Zygas P. Przybylinski and Tillman (8) **NAYS:** Council member None (0)

President Fitzpatrick asked if any of the authors had anything to add at this time, there was no response.

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

President Fitzpatrick asked if the council had anything to add.

Councilman P. Przybylinski stated that with all the effort and support on this initial ordinance that he proposed he feels this a great thing for the neighborhoods in our community and that a lot of these streets are still in good condition.

Councilman D. Przybylinski stated that this ordinance is long overdue coming to the table and is happy to see it is being approved.

Councilman Dabney is glad to see that the TIFF areas were put back in the language of the ordinance.

President Fitzpatrick asked if there were any other comments from the council, there was no response.

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

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. 4696

AN ORDINANCE CREATING SECTION 86-6.5 IN CHAPTER 86, ARTICLE I OF THE MICHIGAN CITY MUNICIPAL CODE, TO ESTABLISH A FUND FOR SPECIFIC MAINTENANCE AND REPAIR OF BRICK STREETS WITHIN THE CITY OF MICHIGAN CITY, INDIANA

WHEREAS, in 1980, the City of Michigan City established Ordinance No. 2645 to preserve certain brick streets within the corporate boundaries of the City; and

WHEREAS, the Ordinance was passed by the Michigan City Common Council creating Michigan City Code of Ordinance Section 86-6 for the preservation of brick streets along Ann Street, Charles Street, Ripley Street, William Street and York Street; and

WHEREAS, in 2005, the City of Michigan City passed Ordinance No. 3966 which made

amendments to Michigan City Code Section 86-6 establishing a public hearing for any proposed construction along the designated preserved streets; and

WHEREAS, in 2023, the City of Michigan City passed Ordinance No. 4686 which established a Permanent Brick Street Repair Fund for specific maintenance and repair of those designated preserved streets which was codified into Section 86-6.5 of Chapter 86, Article I of the Michigan City Code of Ordinances; and

WHEREAS, upon creation by ordinance, all funds within the Permanent Brick Street Repair Fund were to be restricted to the maintenance and repair of brick streets not within a TIF district; and

WHEREAS, upon due consideration, the Michigan City Common Council has determined it is within the best interest of its residents that all brick streets should be eligible to be repaired from the fund regardless of whether the brick street falls within a TIF district or not; and

WHEREAS, in accordance with this determination, the Michigan City Common Council is seeking to remove the TIF district restriction from Article I, Chapter 86, Section 86.6.5 to make those funds available to brick streets that fall within a TIF district;

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

1. The restriction within 4686, codified within Article I, Chapter 86, Section 86-6.5 that limited the usage of funds from the Permanent Brick Street Repair Fund to historic brick streets not within a TIF district is hereby removed.
2. The funds within the Permanent Brick Street Repair Fund are available to all brick streets designated by Section 86-6 of the Michigan City Code of Ordinances.
3. All other restrictions of the Permanent Brick Street Repair Funds are maintained and intact unless otherwise specified by ordinance.

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

INTRODUCED BY: /s/ Angie Nelson-Deutch, Member

INTRODUCED BY: /s/ Paul Przybylinski, Member

INTRODUCED BY: /s/ Don Przybylinski, Member

INTRODUCED BY: /s/ Bryant Dabney, Member

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

President Fitzpatrick asked if anyone from the public had any questions or comments.

Ernie Hallahan, 302 Gladly Street, stated that at one time these bricks were manufactured here in Michigan City; and at one time they were storing the bricks they took up somewhere; questioning if we still have those bricks or is the city going to have to purchase bricks when needing them for repairs.

Councilman P. Przybylinski advised that eventually we might have to buy bricks and Mr. Hallahan is correct that there are bricks stored for future use; explaining what took place decades ago about the bricks removed from city streets.

President Fitzpatrick asked if the Council had any comments at this time.

Councilman Simmons made a motion to approve the proposed ordinance, second by Councilwoman Tillman, the motion carried and the ordinance was approved by the following vote: **AYES:** Council members Fitzpatrick, Mack, D. Przybylinski, Simmons, Zygas P. Przybylinski, Tillman, and Dabney (8) **NAYS:** Council member None (0)

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

AN ORDINANCE AMENDING SECTION 86-8 IN CHAPTER 86, ARTICLE I OF THE MICHIGAN CITY MUNICIPAL CODE, THE PERMANENT SIDEWALK FUND AND PROGRAM FOR SIDEWALK REPAIRS FOR THE CITY OF MICHIGAN CITY, INDIANA

Introduced by: Angie Nelson Deutch
Tracie Tillman
Paul Przybylinski
Bryant Dabney

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

President Fitzpatrick asked if there were any comments or questions from the public, there was no response.

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

Councilwoman Zygus mad a motion to have third reading this evening, Councilwoman Tillman second the motion; the motion carried and was approved to have third reading this evening by the following vote: **AYES:** Council members Mack, D. Przybylinski, Simmons, Zygus P. Przybylinski, Tillman, Dabney, and Fitzpatrick (8) **NAYS:** Council member None (0).

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

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. 4697

AN ORDINANCE AMENDING SECTION 86-8 IN CHAPTER 86, ARTICLE I OF THE MICHIGAN CITY MUNICIPAL CODE, THE PERMANENT SIDEWALK FUND AND PROGRAM FOR SIDEWALK REPAIRS FOR THE CITY OF MICHIGAN CITY, INDIANA

WHEREAS, after a study conducted by the United States Department of Transportation, sidewalks were found to be the best and preferred method for accommodating pedestrian traffic within cities; and

WHEREAS, upon due consideration, the Michigan City Common Council determined that sidewalks were vital infrastructure to the City and it was in the City's best interest to establish a permanent sidewalk fund for sidewalk repairs within the City; and

WHEREAS, on May 16, 2023, the Michigan City Common Council did pass on third reading Ordinance Number 4687 which established a permanent sidewalk fund for sidewalk repairs within the City of Michigan City, thereby creating Section 86-8 within Chapter 86, Article I of the Michigan City Code of Ordinances; and

WHEREAS, that ordinance did restrict usage of the fund to sidewalks not within a TIF district; and

WHEREAS, upon due consideration, the Michigan City Common Council has determined it is within the best interest of its residents that all sidewalks should be eligible to be repaired from the fund regardless of whether the sidewalk falls within a TIF district or not; and

WHEREAS, in accordance with this determination, the Michigan City Common Council

is seeking to remove the TIF district restriction from Article I, Chapter 86, Section 86-8, to make those funds available to sidewalks that fall within a TIF district;

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

4. The restriction within 4687, codified within Article I, Chapter 86, Section 86-8 that limited the usage of funds from the Permanent Sidewalk Repair Fund to sidewalks not within a TIF district is hereby removed.
5. The funds within the Permanent Sidewalk Repair Fund are available to all sidewalks within the corporate boundaries of the City of Michigan City.
6. All other restrictions of the Permanent Sidewalk Repair Funds are maintained and intact unless otherwise specified by ordinance.

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

INTRODUCED BY: /s/ Angie Nelson-Deutch, Member

INTRODUCED BY: /s/ Tracie Tillman, Member

INTRODUCED BY: /s/ Paul Przybylinski, Member

INTRODUCED BY: /s/ Bryant Dabney, Member

President Fitzpatrick asked if any of the authors had anything to add at this time.

Councilman P. Przybylinski is excited about this ordinance that it is going to bring more money into our neighborhoods to repair and add more sidewalks where they are needed; advising that we need to come up with a plan on how we are going to address repairs and placement of sidewalks where there isn't any and are needed to be.

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

President Fitzpatrick asked if the Council had anything to add at this time.

Councilman P. Przybylinski made a motion to adopt the proposed ordinance, second by Councilman D. Przybylinski, the motion carried, and the ordinance was approved by the following vote: **AYES:** Council members Mack, D. Przybylinski, Simmons, Zygas P. Przybylinski, Tillman, Dabney, and Fitzpatrick (8) **NAYS:** Council member None (0).

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

APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE ENGINEER DEPARTMENT OF THE GENERAL FUND FOR ON- CALL ENGINEERING SERVICES WITH HAAS & ASSOCIATES FOR THE REMAINDER OF 2023

Introduced by: Angie Nelson Deutch
Dalia Zygas

(DECREASE General Fund 1101 Unappropriated balance \$129,300.00 INCREASE ACCOUNT#1101 114.431.020 \$129,300.00 Other Services and Charges – Engineering Services)

President Fitzpatrick asked if the authors had anything to add this evening.

Councilwoman Zygas advised that she would be making a motion to have third reading on this proposed ordinance after public comments are made.

President Fitzpatrick stated that there will be a formal public hearing this evening.

President Fitzpatrick opened the formal public hearing (repeating three times) asking “is there anyone from the public that would like to address the proposed ordinance at this time”, there was no response, and the public hearing was closed.

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

Councilwoman Zygas made a motion to have third reading this evening, second by Councilman P. Przybylinski; the motion carried and was approved to have third reading this evening by the following vote: **AYES:** Council members Simmons, Zygas P. Przybylinski, Tillman, Dabney, Fitzpatrick, Mack, and D. Przybylinski (8) **NAYS:** Council member None (0).

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

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. 4698

APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE ENGINEER DEPARTMENT OF THE GENERAL FUND FOR ON-CALL ENGINEERING SERVICES WITH HAAS & ASSOCIATES FOR THE REMAINDER OF 2023

WHEREAS, it has been demonstrated to the Common Council of the City of Michigan City that it is necessary to appropriate more money than was appropriated in the 2023 Annual Budget to retain Haas & Associates for on-call engineering services for the remainder of 2023; and

WHEREAS, the City Controller has determined that sufficient unappropriated funds are available in the Engineering Department of the General Fund #1101 to be appropriated for that purpose.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Michigan City, La Porte County, Indiana, that for the expenses of the City the following additional sums of money are hereby appropriated out of the fund named and for the purpose specified above, subject to the laws governing the same:

	<u>AMOUNT REQUESTED</u>	<u>AMOUNT APPROPRIATED</u>
DECREASE General Fund 1101 Unappropriated balance	\$129,300.00	
INCREASE ACCOUNT#1101 114.431.020 Other Services and Charges – Engineering Services		\$129,300.00
TOTAL FOR FUND	\$129,300.00	

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

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

INTRODUCED BY: /s/ Dalia Zygas, Member
Michigan City Common Council

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

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

President Fitzpatrick asked if Council had any questions or comments.

Councilman P. Przybylinski made a motion to approve the proposed ordinance, second by Councilman Simmons, the motion carried, and the ordinance was approved by the following vote: **AYES:** Council members Zygas P. Przybylinski, Tillman, Dabney, Fitzpatrick, Mack, D. Przybylinski, and Simmons (8) **NAYS:** Council member None (0).

The Clerk read the following proposed ordinance on second reading by title only.
AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY, INDIANA, AUTHORIZING THE CITY OF MICHIGAN CITY, INDIANA, TO ISSUE ONE OR MORE SERIES OF ITS TAXABLE ECONOMIC DEVELOPMENT LEASE RENTAL REVENUE BONDS AND APPROVING AND AUTHORIZING OTHER ACTIONS IN RESPECT THERETO

Introduced by: Angie Nelson Deutch
Tracie Tillman
Bryant Dabney
Dalia Zygas

President Fitzpatrick asked if any of the authors had any comments, there was no response.

President Fitzpatrick asked if there were any questions or comments from the public, there was no response.

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

Councilman D. Przybylinski made a motion to suspend the rules and have third reading this evening, the motion was second by Councilwoman Tillman and was approved to have third reading this evening by the following vote: **AYES:** Council members Tillman, Dabney, Fitzpatrick, Mack, D. Przybylinski, and Simmons (7) **NAYS:** Council member P. Przybylinski (1).

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

Councilman P. Przybylinski stated with all due respect our discussion at the joint workshop was that we weren't going to move forward to third reading and vote on it at tonight's meeting and that one of the partners had stated that at the meeting also.

Councilman P. Przybylinski advised that one of the partners asked to receive information from himself and Councilman D. Przybylinski regarding who they could contact about using US Steel on this project and also, we were going to receive the percentage of how many local/residents union workers are they using on this project; stating that we could vote against the motion and I can get some information to the partners.

Attorney Harris stated that the council's option is to withdraw the motion to have third reading, you can TABLE the ordinance on third reading.

Councilman D. Przybylinski stated that those were great points that Councilman P. Przybylinski brought up, that he agrees with them and that there were questions he asked that he would like answers to; making a motion to withdraw his motion to move forward to third reading this evening.

Councilwoman Tillman made a motion to TABLE the proposed resolution on third reading until the next meeting on August 15, 2023 to be able to make amendments based on information that was received.

Attorney Harris advised that it would be cleaner to remove the motion made by Councilman D. Przybylinski to have third reading this evening and there is a technicality and I believe we need to have Mr. Rempala explain that we want to make sure this is done correctly now so that there are no issues or problems later.

Randy Rempala stated that he understands that there was a motion and a vote to move forward this evening on third reading; advising that there was one (1) vote against moving forward; that under the rules under the Indiana code to consider a motion and ordinance tonight with that one (1) "no" vote, it can't be considered on third reading and would have to be held over.

Discussion ensued between Attorney Harris, Mr. Rempala, President Fitzpatrick, Councilman P. Przybylinski regarding the vote and moving forward on how to correct, someone that voted for having third reading must make the motion to remove the motion to even consider the motion to be removed.

Councilwoman Tillman made a made a motion to reconsider the vote to not have third reading this evening, Councilman D. Przybylinski second the motion, the motion carried and was approved to reconsider moving to third reading this evening to do the vote by the following vote: **AYES:** Council members Tillman, Dabney, Fitzpatrick, Mack, D. Przybylinski, Simmons, Zygus, and P. Przybylinski (8) **NAYS:** Council member None (0).

The Clerk read the following proposed ordinance on second reading by title only.
APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE LOCAL INCOME TAX (LIT) FUND FOR CONTRACTUAL SERVICES FOR NECESSARY TREE REMOVALS

Introduced by: Paul Przybylinski
 Don Przybylinski
 Tracie Tillman

(DECREASE LIT Fund #2209 Unappropriated balance \$100,000.00 INCREASE ACCOUNT#2224 116.439.090 \$100,000.00 Other Services & Charges – Contractual Services)

President Fitzpatrick stated that there will be a formal public hearing regarding this additional appropriation.

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

Councilman P. Przybylinski stated that these funds are needed that there are several trees that need to be trimmed or need to be taken down completely for safety in our community.

President Fitzpatrick opened the formal public hearing,,(repeating three times) asking "if there was anyone from the public that wished to speak on the proposed ordinance at this time", there was no response with the formal public hearing closed.

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

Councilman D. Przybylinski made a motion to have third reading this evening, second by Councilman P. Przybylinski, the motion carried and was approved to have third reading by the following vote: **AYES:** Council members Dabney, Fitzpatrick, Mack, D. Przybylinski, Simmons, Zygus, P. Przybylinski and Tillman (8) **NAYS:** Council member None (0).

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

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. 4699

APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE LOCAL INCOME TAX (LIT) FUND FOR CONTRACTUAL SERVICES FOR NECESSARY TREE REMOVALS

WHEREAS, it has been demonstrated to the Common Council of the City of Michigan City that it is necessary to appropriate more money than was appropriated in the 2023 Annual Budget, and

WHEREAS, the City Controller has determined that sufficient unappropriated funds are available in the Local Income Tax (LIT) Fund #2209 to be appropriated for that purpose.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Michigan City, La Porte County, Indiana, that for the expenses of the City the following additional sums of money are hereby appropriated out of the fund named and for the purpose specified above, subject to the laws governing the same:

	<u>AMOUNT REQUESTED</u>	<u>AMOUNT APPROPRIATED</u>
DECREASE LIT Fund #2209 Unappropriated balance	\$100,000.00	
INCREASE ACCOUNT#2224 116.439.090 Other Services & Charges – Contractual Services		\$100,000.00
TOTAL FOR FUND	\$100,000.00	

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

INTRODUCED BY: /s/ Paul Przybylinski, Member
Michigan City Common Council

INTRODUCED BY: /s/ Don Przybylinski, Member
Michigan City Common Council

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

President Fitzpatrick asked if any of the sponsors had anything to add.

Councilman D. Przybylinski advised that he went to a Park Board meeting and expressed his concern about all the parks that have large trees that need trimmed, dead, or fallen limbs that need to be addressed, Ed Shinn advised him that his department would be go toing all city parks and report what needs to be done regarding trees.

President Fitzpatrick asked if anyone from the public had anything to add at this time, there was no response.

President Fitzpatrick asked if the Council had any other comments.

Councilwoman Zygus stated that she understands that this probably more of procedural issue, but trees need to be evaluated and examined by an arborist; that it shouldn't be done people without training.

Councilman D. Przybylinski made a motion to approve the proposed ordinance, second by Councilman P. Przybylinski, the motion carried, and the ordinance was approved by the following vote: **AYES:** Council members Fitzpatrick, Mack, D. Przybylinski, Simmons, Zygas, P. Przybylinski, Tillman and Dabney (8) **NAYS:** Council member None (0).

NEW BUSINESS

FYI: President Fitzpatrick stated that the Council has one appointment to the Michigan City Police Commission, expiring September 7, 2023. the Incumbent: Lela Simmons (this a two year term)

Clerk Neulieb advised that we have one applicant; Ms. Casey McCormick that the Clerk's office received.

President Fitzpatrick advised that nomination would take place at the August 15, 2023 Council meeting.

UNFINISHED BUSINESS

NOMINATIONS: The Council has the following appointment to the Michigan City Social Status of African American Males (Term expired February 15, 2023 and are all one (1) year terms) **Incumbent:** vacant - Ministerial Assoc.

President Fitzpatrick read the following contract "Energy System Group (ESG) Year three (3) Performance Guarantee Savings Report for the City of Michigan City advising that there was a joint workshop held on July 27, 2023 regarding same.

Councilman D. Przybylinski advised that interim Engineer Brad Minnick will have a copy of the ESG report at our August 15, 2023 Council meeting.

Councilman P. Przybylinski asked if these contracts were going to come back to the council as a resolution or just a report that Council President will sign, with Councilman D. Przybylinski advising that it will just be a report, that a resolution isn't necessary.

Discussion ensued between Councilman D. Przybylinski, President Fitzpatrick, and Councilman P. Przybylinski regarding why it is just a report and not a resolution that needs before the council, information that was received at the workshop, reasons that the council should be voting on the report since the original contract was approved and adopted by the council, the amount of the interest payment, why the council used bonds and not used the Riverboat money instead, what the condition of the solar panels are in to date, and that we should have our attorney look into this.

COMMENTS FROM THE COUNCIL

Brad Minnick, Haas and Associates wanted to answer any questions the council may have at this time regarding the ESG contract, there was no response and Councilman D. Przybylinski commented on the ESG report Mr. Minnick will be addressing at our next council meeting.

John Brennen, 614 Lake Shore Drive addressed the Council on the fast traffic going up and down Lake Shore Drive going 40mpg and 50mph; and that someone is going to get hurt bad; asking what he could do or who should he address within the city to get people to slow down, there are so many people walking, running, driving golf carts, etc.

Councilman D. Przybylinski advised Mr. Brennen that he has a meeting with MCPD Chief Forker tomorrow morning and that he will address his concerns with him.

Tommy Kulavik, 1316 Ohio Street, commented on the good news that the Indiana State Prison in Michigan City is closing.

Walter John, 102 Garrettson Avenue, commented on several concerns he has with the Cemetery Department Head and the Cemetery Board regarding two of his family members that lay to rest at Swan Lake Cemetery.

Councilman D. Przybylinski addressed Brian Gross's comments at the last council meeting regarding the vacant substation on Willard Ave that is owned by the city of Michigan City and the condition it is in and the condition it has been in for years; advising that he spoke with Skyler York, City Planner and he advised that they are looking at selling this property; stating that he would like to see the windows boarded up and the glass/mess on the sidewalk would be cleaned up as soon as possible.

Councilwoman Tillman wanted to thank the Street Department for their quick response that she was driving to work and she saw an object up in a utility pole and thought the city was putting something up for the holiday, oh no it was a crow or some kind of bird that electrocuted; so she called the Assistant Director of the Street Department, since Shong was on vacation; and that when she went home they had already went out there and removed it...THANK YOU!!!

Councilwoman Zygus stated that she didn't want to talk much about the bench situation, that her thoughts were pretty unusual for me or take action on his own without letting anybody know, no communication that he was removing the benches; that she feels we should have a commission that would work on our homeless problems that we have in our community.

Councilman P. Przybylinski stated that he was speechless after hearing Mr. John's experience that he went through that this is a very emotional point life when going through a family death.

Councilman P. Przybylinski enjoyed Janet Beutner's promise scholarship annual report.

Councilman P. Przybylinski stated that he will be contact our Council Attorney Harris about the contract and findings that he received from the Controllers Office about the bond issuance for the ESG project and what it is costing the city along with questioning the rate degradation on the solar panels and that we need to look at all of this further.

Councilman P. Przyblinski questioned if the county was going receive a rate reduction for their customers since we hired a new provider to pick up recycling or is it going to be the same rate.

Councilman D. Przybylinski advised that the rates for the recycle pickup in our county are not going down but there will be an increase of \$1.25 and is due to the district being in financial trouble; that the county advertised for recycling in LaPorte County with the company that was chosen was Borden's located in Elkhart, Indiana and the company we are using presently came in second on the bid tally, with the contract with Borden's is for three (3) years.

Councilman D. Przybylinski commented on the new company that will be doing our recycle pickup can eliminate a lot of the carbon footprints and they will be using less trucks and they have a larger call center.

ADJOURNMENT

A motion was made by President Fitzpatrick second by Councilman P. Przybylinski and there being no further business to transact, President Fitzpatrick declared the meeting **ADJOURNED** (approximately 9:47 p.m.)

Gale A. Neulieb, City Clerk