

# REGULAR MEETING – September 9, 2021

The Common Council of the City of Michigan City, Indiana, met in Regular session on Thursday evening, September 9, 2021 at the hour of 6:30 p.m., Hosted by “Zoom” and streamed live on “My Michigan City” Facebook Page.

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

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

**PRESENT:** COUNCIL MEMBERS Bryant Dabney, Sean Fitzpatrick, Michael Mack, Angie Nelson Deutch, Paul Przybylinski, Gene Simmons, Dalia Zygas and Tracie Tillman (8).

**ABSENT:** Don Przybylinski (1).

## **A QUORUM WAS NOTED PRESENT**

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

## **APPROVAL OF MINUTES**

President Mack inquired whether there were any corrections, deletions, or additions to the minutes of the Regular Council “Zoom/ Hybrid” Meeting of, August 17, 2021; there was no response.

President Mack asked for a motion to approve the Regular Council “Zoom/Hybrid” meeting minutes of August 17, 2021 with a motion made by Councilman Fitzpatrick, second by Councilman Dabney and was approved by the following vote: **AYES:** Council members Simmons, Zygas, P. Przybylinski, Tillman, Dabney, Fitzpatrick, Mack and Deutch (8). **NAYS:** None (0).

## **REPORTS of STANDING COMMITTEES**

There were no standing committee reports this evening.

**NOTE: Councilman D. Przybylinski joined the “zoom meeting” at this time.**

## **FINANCE REPORT**

President Mack asked if there were there was a finance committee meeting held.

Councilman Fitzpatrick read the following Finance Committee meeting minutes held on September 2, 2021.

The meeting was called to order by Chairman Fitzpatrick at 5:00 p.m. via zoom with Committee members Tillman, Przybylinski were present; Controller Hoffmaster was also present.

The Claims were as follows:

From Boyd Development \$2,100.00 to Dee Haddad for the Farmer’s Market. There was discussion about the remaining for the season and it was determined that there would be one more payment. A motion was made by Committee Member P. Przybylinski to recommend that the council make the payment and supported by committee member Tillman the committee unanimously voted in favor of that motion.

From Riverboat, an EFT in the amount of \$3,945,612.00. Committee member P. Przybylinski raised concerns about the MVH funds that were included in the amount after, brief discussion Controller Hoffmaster clarified the reason for this. It was stated that the amount approved was prior to the limitations of Riverboat funds available for operations as well as the establishment of the rainy-day fund. Committee member P. Przybylinski inquired about the financial standing of the city if we had to operate without riverboat funds, Controller Hoffmaster responded that there would be major restrictions to operations and personnel. Committee member Tillman made a motion that was supported by committee member P. Przybylinski to recommend that the council approve the transfer and, in the future, seek alternative funding sources. That motion was unanimously voted on by the committee. That motion was unanimously voted by the committee.

The meeting was adjourned at 6:13 p.m.

### **CLAIMS DOCKET**

President Mack read the following claims for the record.

#### **August 17, 2021 Riverboat/Boyd Claim Docket**

<b>Fund #2042 – Riverboat – Claims</b>	<b>\$</b>	<b>0.00</b>
<b>EFT</b>	<b>\$</b>	<b>3,945,612.00</b>
<b>Fund #2031 – Boyd – Claims-</b>	<b>\$</b>	<b>2,100.00</b>
<b>TOTAL CLAIMS</b>	<b>\$</b>	<b>3,947,712.00</b>

President Mack asked for a motion to approve the Claims in the amount of \$ 3,947,712.00. With Councilman Fitzpatrick making a motion to approve, second by Councilwoman Tillman with the claims being approved by the following vote **AYES:** Council members P. Przybylinski, Tillman, Dabney, Fitzpatrick, Mack, Deutch, D. Przybylinski, Simmons and Zygas (9). **NAYS:** None (0).

### **REPORTS OF SPECIAL or SELECT COMMITTEES**

President Mack asked if there were any reports of Special or Select Committees.

Council Chair called the Tax abatement committee meeting to order on August 27, 2021 at 4:03 PM with committee members Deutch, Mack, and himself present "Zoom".

Also, in attendance was MCEDC Executive Director Clarence Hulse.

Executive Director Hulse explained that there is a total of eighteen tax abatements currently for thirteen companies, the compliance process revealed that six of the companies were complying, seven had not met their obligations, four of them are ninety plus percent to compliance and another one or so are eighty percent there. Market conditions due to the pandemic are contributing to the lack of candidates for employment, it was noted that the appropriate actions have been taken in their attempt to comply but have been met with little success and they should not be penalized as a result. There was further discussion about pandemic lay offs and pay rates being factors as well. Committee member Deutch motioned to recommend that the Council accept the compliance report as presented, that motion was supported by committee member Mack and the committee unanimously voted in favor of this recommendation.

The meeting was adjourned at 4:10 PM

### **REPORTS OF OTHER CITY OFFICERS and DEPARTMENTS**

President Mack asked if there were any reports of other City Officers or Departments.

Clarence Hulse, EDCMC Executive Director presented the following report on the Michigan Tax Abatement Compliance Report for 2021 from the Michigan City Economic Development Corporation.

On behalf of the EDCMC, Mr. Hulse presented the annual Tax Abatement Compliance for companies in the City that were granted abatements by the City for investments in personal property and/ or real property

In addition to the CF1 forms for each abatement, you have a cover sheet summarizing the overall statistics for 18 abatements for the 13 companies (Michigan City Paper Box and Sullair have multiple abatements). As the summary indicates, 6 companies have complied based on their projected job creation and investments and 4 very close to their hiring goal.

The EDCMC followed up with the companies that were below the job projections and received the following explanations. Market conditions and COVID19 have played a significant role in the 7 companies that were not able to meet their employee hiring goals.

I would recommend that the Common Council certify these Compliance Statements of Benefits. The companies not in compliance are due to lack of employee availability, market forces, and the COVID19 pandemic and therefore out of the company span of control. They are all actively recruiting, and we will keep monitoring their progress.

Once approved, the Council President will need to sign the second pages of the CF-1 forms and the City Clerk's Office will submit to the County Auditor for processing.

Mr. Hulse asked for a motion from the Council to approve the CF-1 form so the Council President can certify them with the Clerk Attesting his signature and forward them to the Auditors Office for them to process.

Councilwoman Deutch made a motion to approve the 2021 CF-1 documents that were received and reviewed, second by Councilman Simmons and was approved by the following vote: **AYES:** Council members P. Przybylinski, Tillman, Dabney, Fitzpatrick, Mack, Deutch, D. Przybylinski, Simmons and Zygus (9). **NAYS:** None (0).

Clarence Hulse, EDCMC addressed the Council updating the Economic Development Corporation Mid-Year Update – January 2021 through July 2021.

Councilwoman Deutch stated that she attended a webinar today on state and federal childcare funding opportunities advising that there will be funding that is being proposed called the "Child Care Development Grant" stating that Indiana has about \$500 million dollars that has been allocated and applications processed for daycare will open up next month and this money can be used for bonuses, sign on bonuses for different enhancement.

Councilman Simmons questions if the housing that was addressed in this presentation is moderately and high ending across the board; that we're trying to recruit homes on workforce housing,

Discussion ensued between Mr. Hulse, Council members Simmons, Dabney, Deutch and P. Przybylinski regarding the housing market and what is being proposed within the City and childcare care vouchers

**NOTE: Mr. Hulse's presentation is filed in the Clerk's Office "Council Matters" file 2021**

**PETITIONS**

President Mack asked if there were any petitions.

The Clerk advised the following petition was received in the Clerk's office on August 13, 2021.

PETITION OF VINCENT j. RENDINA, JR. AND RITA M. RENDINA TO VACATE PORTIONS OF A PUBLIC ALLEY IN THE CITY OF MICHIGAN CITY, INDIANA (BETWEEN 915 WOODLAWN AVENUE AND PREMISES KNOWN AS WINNIPEG STREET)

**COMMUNICATIONS**

President Mack asked if there were any Communications.

Clerk Neulieb read the following correspondence received.

Correspondence was received in the Clerk's Office on August 12, 2021 from Pfeifer Morgan & Stesiak regarding a Tort Claim Pursuant to I.C. 34-13-3-1 through 34-13-3-24

Correspondence was received in the Clerk's Office on August 17, 2021 from Rodney McCormick, 617 Union Street.

Correspondence was received in the Clerk's Office on August 17, 2021 from Controller Hoffmaster reporting the accident that took place with a MCPD vehicle on August 9, 2021.

Correspondence was received in the Clerk's Office on August 17, 2021 from Controller Hoffmaster reporting the accident that took place with a MCPD vehicle on August 7, 2021

Correspondence was received in the Clerk's Office on August 18, 2021 from Controller Hoffmaster reporting the anticipated unappropriated balances

Correspondence was received in the Clerk's Office on September 1, 2021 from MCPD Sergeant Steve Forker regarding the "Bolt for the Heart Family Run/Walk Event (**this was requested to read it in its entirety**)

**TO: City Council of Michigan City, Indiana**  
**RE: Bolt for the Heart Family Run/Walk Event**

This year's event is set for 9AM, Saturday, Oct. 30, at Washington Park in Michigan City. One hundred percent of the proceeds will go directly toward purchasing AEDs for law enforcement in LaPorte County. The goal of this event is to raise enough funds to provide Michigan City Police Department with 55 AEDs to place in their patrol vehicles.

While the race itself will raise a substantial amount, to reach its goals, Bolt for the Heart is seeking event sponsors with three sponsorship levels: \$1,000, \$1,595, and \$5,000. All sponsors will be highlighted at the event. Every donor who pledges an AED (#1,595) will have their company logo or name displayed on a window cling in the patrol vehicle that the AED was placed in. If interested in being a sponsor and making a difference in saving lives, please email [Jeffrey.lebioda@franciscanalliance.org](mailto:Jeffrey.lebioda@franciscanalliance.org).

To register for the race and to learn about sponsorship opportunities, go online at [www.boltfortheheart.com](http://www.boltfortheheart.com) and click on the "LaPorte & Michigan City" link at the top of the page. Over the past two years, Bolt for the Heart has raised funds to purchase a total of 62 AEDs for LaPorte County first responders.

Bolt for the Heart is a 501 (c)(3) not-for-profit organization that raises money through generous sponsors like Franciscan Health, donations and family 5Ks/half marathons to buy AEDs for first responders. Bolt has donated more than 2,000 AEDs, including 550 AEDs for the Indiana State Police, to date.

Respectfully,  
Sergeant Steve Forker

Correspondence was received on August 30, 2021 from the NAACP Laporte County Branch 3061 regarding their resolution titled "Supporting the Soul Power Project"

Correspondence was received in the Clerk's Office on September 1, 2021 to Duane Parry from Rodney McCormick regarding comments made at two City public meetings

## **RESOLUTION**

The Clerk read the following resolution by title only, **SUPPORTING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND NORTH CENTRAL COMMUNITY ACTION AGENCIES, INC. TO FUND THE "WEATHERIZATION PROGRAM" TO PROVIDE FINANCIAL ASSISTANCE TO LOW-INCOME HOMEOWNERS IN MICHIGAN CITY**

**Introduced by** Bryant Dabney  
Dalia Zygas  
Michael Mack

**NOTE: The proposed resolution was TABLED at the August 17, 2021 Council meeting until September 7, 2021 Council meeting**

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

Councilman Dabney made the following motion to amend the MOU to read as follows.

2. CITY FUNDING FOR WEATHERIZATION PROGRAM. The CITY will provide NCCAA with \$300,000.00 to be used for their Weatherization Program ("the Program") for Michigan City homeowners, who qualify under the terms and conditions of the Program. Under the Program, NCCAA payments for home weatherization repairs will be **on average a cost of \$7,500 per home**. Examples of home repairs allowed under the Program include the following: a.) Elimination of mold; b.) Roof repairs and/or replacement; c.) Drywall replacement; d.) Internal plumbing leaks; e.) Electrical code replacement.

Councilman D. Przybylinski called "Point of Order" stating that the public and council need to be able to make their comments before the vote takes place.

President Mack advised Councilman P. Przybylinski that he could speak at this time.

Councilman D. Przybylinski called "Point of Order" advising that what Councilwoman Deutch had stated previously the procedure is the Authors have first comments, then the public and then the Council.

Councilwoman Deutch stated Councilman Dabney stated we need a motion and then a Second.

Attorney Meyer advised that there needs a motion and a second; then you go to the author, the public and come back to the Council

Councilman P. Przybylinski made a motion to TABLE this resolution until the second meeting in October and the workshop is held regarding the spending of the ARP monies.

Discussion ensued between Council members Dabney, Deutch, and P. Przybylinski regarding the motion Councilman Dabney made to amend the MOU.

Councilman P. Przybylinski withdrew his motion at this time.

Councilman Dabney made a motion to approve the amendments to the MOU that was sent to the Clerk's office in writing and forwarded to each Council member; second by Councilwoman Zygus.

President Mack asked if the public had any questions or comments; there was no Response.

President Mack asked if the Council had anything to add at this time; there was no response.

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

President Mack asked if the author had anything to add on the amended resolution.

Councilwoman Zygus commented that this program that is well vented, you can check their financials, its in place and it will help several of our lower income homeowners to be able to keep their homes.

President Mack stated he is also is an author and wants the public to know that this is something that is of the essence because it is difficult for homeowners to build and repair roofs, drywall, plumbing, electric, etc; stating several reasons of the urgency of getting this adopted to move on with this program in our community.

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

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

Councilwoman Deutch stated that everyone agrees that this is a good program, but just doesn't think the monies should be coming out of the Riverboat; stating that she doesn't think it is fair or prudent when we have other nonprofit organization that also have programs that need to be funded at this time; with us visiting other ways to fund this program instead of the Riverboat.

Councilman D. Przybylinski stated that he fully agrees with Councilwoman Deutch comments and that he supported this idea 100% but feels now that these monies should come out of a different with it possibly coming from ARP monies.

Councilwoman Tillman stated her concern regarding the \$300,000 and that she understands the need and urgency for the weatherization for homeowners, but is this agency has their formalities and protocol on how they are processing these funds; if this \$300,000 would be approved do they receive a one lump sum; asking several questions regarding how the procedure works when applying for the weatherization monies and who will be approving who gets what monies, advising that none of these things have been discussed yet.

President Mack stated that Councilman Dabney reached out to the North Central Community Action Agency with him offering the amount he would be proposing; that Councilman Dabney was impressed with the federal ran program, wanting to bring it to our community and assist our homeowners.

Councilman Dabney stated that North Central Community Action Agency did not come to Michigan City asking for these monies; but Council members Zygas, Mack and himself are asking for these funds out of the Riverboat Account to move forward. Explaining what this program will do for homeowners in our community

Councilman Fitzpatrick commented on the improvements that are needed and made through this program and the homeowner then turns around and sell their property for a profit; that he doesn't think we have enough information or enough control over these monies.

Councilwoman Deutch stated that roofing and construction companies are so backed up at this time, that she feels there must be a process in place that we can't just pick nonprofits: advising that there is workshop scheduled for next week where this can be addressed.

Councilman P. Przybylinski stated there are a lot of questions regarding the proposed resolutions advising that he feels there should be guidelines incorporated similar to what the CBG program has in their process; that he isn't against this program but believes there has been a lot of questions this evening that need to be answered and addressed before moving forward.

Councilman P. Przybylinski made a motion to TABLE the proposed Resolution until the second council meeting in October on the 19<sup>th</sup>, motion was second by Councilman Fitzpatrick.

The proposed resolution was TABLED until October 19, 2021 Council meeting by the following vote: **AYES:** Council members Fitzpatrick, Mack, Deutch, D. Przybylinski, Simmons, Zygas, P. Przybylinski and Tillman (6). **NAYS:** Council members Dabney, Mack and Zygas (3).

President Mack stated the Resolution will be TABLED until the October 19, 2021 Council meeting.

The Clerk read the following proposed resolution by title only, **STATING THE INITIAL USES OF A PORTION OF THE FIRST TRANCHE OF THE CITY OF MICHIGAN CITY'S ALLOTMENT OF LOCAL FISCAL RECOVERY FUNDS THROUGH THE AMERICAN RESCUE PLAN ACT**

**Introduced by:** Angie Nelson Deutch  
Bryant Dabney  
Gene Simmons  
Sean Fitzpatrick

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

Councilwoman Deutch advised that this proposed ordinance actually has the appropriations that were presented to the Council at our last council meeting; stating that they can be funded through the ARP funds and that there is also some information in this ordinance about money for employee's incentive bonus for working through Covid19; advising that she does plan on TABLING this until the September 21<sup>st</sup> meeting but wanted to let any other comments made before doing that.

Councilwoman Tillman asked to be added as a Co-Sponsor.

Councilman Dabney apologized to the departments that really need equipment that proposed at the August 21, 2021 Council meeting with the monies coming out of the Riverboat funds and was TABLED that as of tonight we could of adopted those appropriation and being able to order what is need; now we have to start over holding up these capital projects that are needed now.

President Mack asked if there were any comments from the public this evening; there was no response.

Councilman D. Przybylinski understands what Councilman Dabney is saying in the urgency of this equipment; advising that he talked to department heads and their front workers telling them that we a doing our due diligence and are doing it the right way and will be addressing this as quickly as possible with the Council doing an emergency ordinance doing all three readings at one meeting.

Councilman D. Przybylinski stated that he is disappointed in our administration; that Councilwoman Tillman and himself was pushing to purchase snowplows for sidewalks to be plowed this winter; advising that it has never been addressed due to the Mayor saying there are liability issues if the City plows the sidewalks on Franklin Street and Michigan Boulevard.

Councilwoman Zygas stated that by not moving forward with the additional appropriation for these departments is going to cause so much delay and what they requested and haven't had any capital projects for almost two years; if we would of used the riverboat funds for these projects and there was a problem we could of reimbursed the funds from the ARP account later.

President Mack is sincerely hoping the workshop that is scheduled have information that we don't have now to make better decisions; that if we're just going to come in with the same information that is being proposed at this moment after this meeting that we make better and stronger decisions; agreeing with Councilwoman Zygas comments.

Councilwoman Deutch stated Controller Hoffmaster will have an appropriation that goes along with this ARP resolution, based on what comes out of our workshop; advising that there will be additional appropriations to the resolution as well.

Councilwoman Deutch advised that she wants the public to understand some of the homework is being done and conversations are being had that this isn't something we take lightly; that as Councilman D. Przybylinski stated we've done appropriations as being deemed an emergency all in one; advising that we are doing our due diligence making sure that this ARP money is used appropriately to hit every part of our community; making a motion to TABLE this resolution until the September 21, 2021 Council meeting; and second by Councilman P. Przybylinski.

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

President Mack stated the proposed resolution is TABLED until the September 21, 2021 Council meeting.



**ORDINANCE**

The Clerk read the following proposed ordinance on first reading by title only, **AN ORDINANCE VACATING A PLATTED PUBLIC WAY WITHIN THE CITY OF MICHIGAN CITY**

**Introduced by:** Michael Mack

President Mack and author of the proposed ordinance stated that Attorney Vis and his client are present to answer any questions the council may have; thank attorney Meyer advising him that they should vacate the entire alley way.

President Mack asked if there were any comments from the public.

Attorney Vis representing Mr. and Mrs Rendina regarding vacating the public right of way addressed the Council advising that they own three lots Woodlawn Avenue where this parcel is located with his client wanting to improve this property and is why he would like the parcel vacated with the Council Attorney proposing to vacate the entire alleyway that runs through his property (presenting an overview to the Council) and asking if second and third reading could done at the next Council meeting on October 5, 2021.

President Mack asked if there were any questions from the Council.

Councilman D. Przybylinski advised that he met with Mr. Rendina last week visiting this property; stating that he didn't see any reason not to approve what he is asking to do.

President Mack asked if there were any other comments or questions from the council. there was no response, stating the proposed ordinance will be held over on second reading at the October 5, 2021 Council meeting.

The Clerk read the following proposed ordinance on first reading by title only, **APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE RIVERBOAT FUND TO ENHANCE THE WEATHERIZATION PROGRAM THROUGH THE NORTH CENTRAL COMMUNITY ACTION AGENCIES, INC. TO ASSIST LOW-INCOME HOMEOWNERS OF MICHIGAN CITY WITH REPAIRS**

**Introduced by:** Bryant Dabney  
Dalia Zygas  
Michael Mack  
Don Przybylinski

(DECREASE Riverboat Fund 2042 Unappropriated balance \$300,000.00 INCREASE ACCOUNT#2042 000.439.090 \$300,000.00 Other Services & Charges – Contractual Services)

**NOTED:** The proposed ordinance was TABLED on first reading at the August 17, 2021 Council meeting until the September 7, 2021 Council meeting.

President Mack asked if there were any comments from the authors this evening.

Councilman Dabney stated that this is well covered program that everyone knows what it does and that it is going to help the people in our community; they always say Riverboat money is for the people; stating here is the opportunity.

President Mack stated that he doesn't plan on changing anything on this that he feels the monies should be coming from the Riverboat; advising the process we are looking for, we have he money it is a great opportunity and would like to see this move forward.

President Mack asked if there were any comments from the public.

Rodney McCormick, 617 Union Street, questioned how this nonprofit organization was chosen when there are so many nonprofit organization within our community; advising there is a board in our community to ask for this amount of money through a grant process.

President Mack asked if there were any other comments from the public; there was no response and public comments were closed.

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

Councilman Dabney stated that he feels there is some confusion about North Central Community Action Agencies, Inc. coming to the Council asking for the proposed \$300,000.00; advising that this money is going to the citizens that are applying to do projects in their home not to this organization to expand their operations and is a program he is choosing for our community.

Councilwoman Zygus stated that North Central Action Agency financials are available to review along with how many homes they've done in surrounding communities; that this program is ready to go; that this isn't about remodeling homes to make them look nice but to literally help citizens repair roofs, shingles, windows, furnaces, etc. to be able to stay in their homes.

President Mack addressed the Council regarding how the program works and what this can do for so many people in our City; that the application/monies received and then are approved through North Central Action Agency then goes to homeowner applying for the repairs or other problems a homeowner have and stops them from getting federal monies for repairs.

President Mack asked if there were any other comments; there was no response stating the proposed ordinance will be on second reading at the October 5, 2021 Council meeting.

Clerk Neulieb read the following ordinance on first reading by title only, **AMENDING SECTION 38-40 AND SECTION 38-41 OF THE MICHIGAN CITY MUNICIPAL CODE TO PROVIDE ELIGIBILITY FOR THE PROMISE SCHOLARSHIP TO ALL STUDENTS WHO ATTEND MICHIGAN CITY AREA SCHOOLS & CREATING SECTION 38-42 IN MICHIGAN CITY IN THE MICHIGAN CITY MUNICIPAL CODE TO CREATE TWO TIERS OF FINANCIAL SCHOLARSHIP AWARDS**

**Introduced by:** Sean Fitzpatrick

**NOTE:** The proposed ordinance was TABLED on first reading at the August 3, 2021 Council meeting until the September 7, 2021 Council meeting

President Mack asked if the author had anything to add at this time.

Councilman Fitzpatrick made a motion to TABLE the proposed ordinance until the November 2, 2021 Council meeting, second by Councilman P. Przybylinski.

The motion to **TABLE** the proposed ordinance on 1<sup>st</sup> reading until the November 2, 2021 Council meeting was approved by the following vote: **AYES:** Council members Mack, Deutch, D. Przybylinski, Simmons, Zygus, P. Przybylinski, Tillman, Dabney, and Fitzpatrick (9). **NAYS:** None (0)

The Clerk read the following proposed ordinance on second reading by title only, **CREATING SECTION 2-411 IN CHAPTER 2 OF THE MICHIGAN CITY MUNICIPAL CODE TO ESTABLISH A RESTRICTED, NON-REVERTING CITY-SPONSORED SPECIAL EVENT FUND**

**Introduced by:** Bryant Dabney

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

Tommy Kulavik, 1316 Ohio Street, commented on the Event Planner and in 2020 and 2021 there hasn't been a Mayor's Ball or golf outing, stating that they take in about \$20,000 from the golf outing and that could be split between two nonprofit organization; with him making a request to switch from the Mayor's ball and golf outing to Council President ball or golf outing in the future.

President Mack asked if there were any other comments from the public at this time, there was no response.

Terry Greetham, Event Planner addressed the council regarding the proposed ordinance advising them what different events being on a much larger scale than what the city has been doing; stating some of his is plans for 2022 were.

President Mack stated that he was surprised the city hasn't created a fund prior to him being the event planner; that the money is still being spent but coming from different line items.

President Mack asked if there were any comments from the Council

Councilman P. Przybylinski stated that the monies to date for all our events comes out of the Board of Works fund line item and is tracked by the Controllers; questioning Ms. Hoffmaster how this money is tracked.

Controller Hoffmaster advised that at this time it is budgeted in the local income tax fund for the summer festivities and the fireworks with the other expenses overtime for the police, fire, park and refuse, that all comes out of their operating budgets.

Councilman P. Przybylinski asked if Controller Hoffmaster could break the expenses and overtime that was used for these events and what line items they came from before the next Council meeting on October 5, 2021 and put it in his mailbox.

President Mack asked if there were any other comments from the Council, there was no response stating the ordinance will be held over on third reading at the October 5, 2021 council meeting.

The Clerk read the following proposed ordinance on second reading by title only,  
**REPEALING SEC. 2-443 IN THE MICHIGAN CITY MUNICIPAL CODE COMMONLY KNOWN AS THE "BARKER CIVIC CENTER" DUE TO THE TRANSFER AND RETURN OF THE BARKER MANSION TO THE BARKER WELFARE FOUNDATION**

**Introduced by:** Michael Mack  
Dalia Zygas  
Gene Simmons

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

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

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

Councilman P. Przybylinski stated since we are relinquishing our responsibility of maintaining and taking care of Barker Civic Center; that this will free up money in our budget of over \$100,000 which should help with some of the wants that some our department heads are asking for.

Councilman D. Przybylinski made a motion to have third reading this evening, if there is no objection, second by Councilman P. Przybylinski; with the vote to approve to have third reading this evening by the following vote: **AYES:** Council members Deutch, D. Przybylinski, Simmons, Zygas, P. Przybylinski, Tillman, Dabney, Fitzpatrick, and Mack (9). **NAYS:** None (0)

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

**MICHIGAN CITY COMMON COUNCIL**

**ORDINANCE NO. 4594**

**REPEALING SEC. 2-443 IN THE MICHIGAN CITY MUNICIPAL CODE COMMONLY KNOWN AS THE “BARKER CIVIC CENTER” DUE TO THE TRANSFER AND RETURN OF THE BARKER MANSION TO THE BARKER WELFARE FOUNDATION**

**WHEREAS**, in 1968, the Barker Welfare Foundation (“Foundation”) gifted and transferred the Barker Mansion (“Mansion”) to the City of Michigan City, Indiana under the terms and conditions of an Agreement dated June 28, 1968, a copy of which is attached hereto and incorporated herein as **Exhibit A**; and

**WHEREAS**, pursuant to Section 7 of the 1968 Agreement, the City was required to create a committee to be responsible for the supervision, management, maintenance and care of the premises; and

**WHEREAS**, in compliance with Section 7 of the 1968 Agreement, the City created the Barker Civic Center Commission, which is codified in Sec. 2-443 of the Michigan City Municipal Code; and

**WHEREAS**, the City has recently transferred and returned the Barker Mansion to the Barker Welfare Foundation and, as a result thereof, no further need exists for the City to maintain the Barker Civic Center Commission.

**NOW, THEREFORE BE IT ORDAINED BY THE MICHIGAN CITY, INDIANA COMMON COUNCIL** that Sec. 2-443 of the Michigan City Municipal Code entitled “Barker Civic Center Commission” is hereby repealed and the Barker Civic Center Commission is hereby dissolved.

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

**INTRODUCED BY:** /s/ Michael Mack, President  
Michigan City Common Council  
/s/ Dalia Zygas, Member  
Michigan City Common Council  
/s/ Gene Simmons, Member  
Michigan City Common Council

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

President Mack asked if any one from the public had any comments, there was no response.

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

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

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

The Clerk read the following proposed ordinance on second reading by title only,  
**AMENDING SECTION 38-40 AND SECTION 38-41 OF THE MUNICIPAL CODE TO PROVIDE ELIGIBILITY FOR THE PROMISE SCHOLARSHIP TO ALL MICHIGAN CITY RESIDENTS**

**Introduced by:** Paul A. Przybylinski  
**Co-Sponsor:** Don Przybylinski  
Gene Simmons  
Tracie Tillman  
Angie Nelson Deutch

**NOTE:** The proposed ordinance was TABLED at the August 3, 2021 Council meeting until the September 7, 2021 Council meeting

President Mack asked if any of the authors had anything to add this evening.

Councilman D. Przybylinski made a motion to TABLE the proposed ordinance to be able to let the residents in Michigan City know how much this is going to cost until after the budget hearings, second by Councilwoman Deutch stating to bring this back on second reading at the November 2, 2021 Council meeting.

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

President Mack stated the ordinance will be TABLED on second reading until November 2, 2021.

## **NEW BUSINESS**

President Mack stated that there is no new business this evening.

## **UNFINISHED BUSINESS**

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

Ms. Neulieb stated that the Clerk's office didn't receive any correspondence from Marquette High School regarding their appointment to the Youth Leadership Commission.

President Mack stated that the Council has one (1) appointment to the Urban Enterprise Association due to the resignation of Mr. Keith Devereaux; expiring on December 31, 2024 asking if there were any applications received.

Clerk Neulieb advised the following applications were received in the Clerk's Office;  
David Agustas, Tommy Amico and Kimberly Williams

Councilwoman Deutch asked if the three applicants addresses were checked to make sure they live in the Urban Enter Zone and can serve as members.

Clerk Neulieb advised that she thought the Council's chair would do that apologizing and offering to contact Mr. Skyler and Mr. Hulse to confirm about their address locations.

Councilwoman Deutch requested to move forward and do nomination.

President Mack stated there will be nominations this evening; asking three times "is there any nomination?"

Councilwoman Deutch nominated Kim Williams, second by Councilwoman Tillman. President Mack nominated Tommy Amico, second by Councilwoman Deutch.

President Mack asked three times "if there were any other nomination?"; there was no response and nominations were closed.

Clerk Neulieb stated that she would contact Mr. Skyler regarding the applicants that were nominated prior to the next meeting.

### **COMMENTS FROM THE PUBLIC**

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

Tommy Kulavik, 1316 Ohio Street congratulated Mr. Hulse he received from the International Economic Development Council.

President Mack asked if there were any other comments from the Council.

### **COMMENTS FROM THE COUNCIL**

President Mack asked if there were any Council comments.

Councilman D. Przybylinski stated that he spoke with MCPD Campbell and Councilman Fitzpatrick representing the fifth ward regarding issues going on regarding a couple individuals that are following walkers at Streibel Pond and that this past Tuesday there were six shots fired; advising that they do have pictures of these individuals and that they are on the MCPD hoping that someone will recognize them.

Councilman D. Przybylinski asked everyone in Michigan City to take time out for the 20<sup>th</sup> Anniversary of the 911 attack to the United States and to get those flags out there; stating that he doesn't believe the Covid19 virus is going away and that everyone needs to wear their masks and please get vaccinated.

Councilwoman Deutch advised that she does have the minutes from the Michigan City's Promise Scholarship workshop; that she has forwarded them to Ms. Beutner but needs to get the documents to the Clerk's office.

Councilwoman Deutch commented on the 20<sup>th</sup> year anniversary of the 911 attack that will be this Saturday and all that has happened in the last five years in our country hoping that we all pray for one another and see brighter skies in the future.

Councilman Simmons echoed Councilwoman Deutch and Councilman D. Przybylinski comments; stating that you can imagine knowing someone who served and went to war and that he served for a year in Viet Nam and could tell some stories of his experiences.

Councilman Simmons congratulated Mr. Hulse for his up and coming award.

Councilwoman Zygas commented on the coronavirus advising the statistics within Michigan City and that the vaccination rate is 55% and that some of the facilities doing the testing have ran out and are waiting for supplies.

Councilman Fitzpatrick commented on an accident he had to go today advising that it was an automobile/motorcycle crash and that it was lucky the young man on the motorcycle was wearing a helmet; that this a public announcement reminding everyone to look for the motorcycles out there.

Councilman Fitzpatrick gave a shout out to the City's rescue teams that assist at these accidents and emergency they assist at in our community; and that has been a rash of covid in our community and that is the reason we are back to "zoom" meetings and that it is amazing him that we've been dealing with for over and year and they're just starting to put a policy in place to deal with someone who is tested positive. Commenting on everything is back open and City Hall is closed only by appointment only; with the lack of leadership September 9, 2021 stating he still have no confidence in Duane Parry.

Councilman P. Przybylinski commented that at the last council meeting he was baffled that our Controller couldn't tell us what was in the general fund; advising that he spoke with the county auditor advising him that the city received on June 8, 2021 a distribution into the general fund of \$9,000,793.00 and that also the Michigan City Redevelopment received a tax settlement of \$4,525,000; requesting that the Clerk's Office sends this information out to each council member; commenting on what is left in the Riverboat Fund and what the administration is asking from this line item.

Councilman P. Przybylinski stated that people need to think about the people involved in 911, and their families still feeling the pain and should never take termism that it doesn't exists in our world.

President Mack commented about all his great memories of Uncle Benny Mack who never lived more that a few blocks away when he was growing up in Michigan City and was well known in the circle of our city, served in the military in Las Vegas came back worked in the steel mills where he retired and was known for walking around with his Bible at work and has been reading that Bible and just like a scholar for his entire life; that he was also well known for visiting people at all the nursing homes and bring them orange slices and that he always said to be careful when your younger because you'll never know who's hands you will be in when you get older; that he plans on doing a resolution in the memory of this amazing man.

## **ADJOURNMENT**

A motion by Councilwoman Deutch, second by Councilwoman Zygas and there being no further business to transact, President Mack declared the meeting

**ADJOURNED** (approximately 9:03 p.m.)

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Gale A. Neulieb