

REGULAR MEETING – September 15, 2020

The Common Council of the City of Michigan City, Indiana, met in a Regular session on Tuesday evening, September 15, 2020 at the hour of 5:00 p.m., local time, at Krueger Memorial Park, 801 Liberty Trail, Michigan City, IN.

The meeting was called to order at 5:00 p.m. by Council President Fitzpatrick.

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

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

ABSENT: Councilman Gene Simmons (1).

NOTE: President Fitzpatrick stated that Councilman Simmons called and is excused from tonight meeting.

ALSO, PRESENT: Attorney Jim Meyer, Gale Neulieb City Clerk and Dawn Debald Deputy Clerk

A QUORUM WAS NOTED PRESENT

APPROVAL OF MINUTES

President Fitzpatrick inquired whether there were any corrections, deletions, or additions to the minutes of the Regular meeting of July 7, 2020, the (Zoom) Regular meeting July 21, 2020, (Zoom) the Special meeting of July 28, 2020, the (Zoom) Special meeting July 30, 2020, the (Zoom) Regular meeting August 18, 2020, the (Zoom) Regular meeting September 1, 2020.

President Fitzpatrick asked for a motion to approve the minutes that were held during the covid-19 pandemic of the Regular meeting of July 7, 2020, the (Zoom) Regular meeting July 21, 2020, (Zoom) the Special meeting of July 28, 2020, the (Zoom) Special meeting July 30, 2020, the (Zoom) Regular meeting August 18, 2020, the (Zoom) Regular meeting September 1, 2020; with a motion from Councilman D. Przybylinski, second by Councilman P. Przybylinski. The minutes were approved as printed 8 – 0.

REPORTS of STANDING COMMITTEES

Councilman presented the Finance Committee meeting minutes for September 15, 2020; they are as follows:

The Finance Committee meeting was called to order at 4:37 p.m. by Chairman Dabney to review claims filed since the last meeting. Committee members Paul Przybylinski and Tracie Tillman were present as well as Council members Zygas and Fitzpatrick. City Controller Yvonne Hoffmaster and City Council Attorney Jim Meyer was in attendance as well. Claims reviewed totaled \$5,010.20 from the Riverboat Fund and \$75,000.00 from the Boyd Development Fund for a total docket of \$80,010.20. There was further discussion about timing of reports being sent and the payment of the \$75,000.00 to the Economic Development Corporation. Councilman Dabney made a motion to approve the docket minus the payment listed below to James F. Giannini and Associates, and with a second by Councilman Paul Przybylinski the motion was approved unanimously. On a motion made by Councilman Przybylinski and a second by Councilwoman Tillman, the meeting was adjourned at 4:50 p.m.

The summary of claims are as follows:

From the Riverboat Fund:

Ace Autobody Service, Inc. - \$175.00
 Acme Communications Inc. - \$285.00
 Blue Skye Planning - \$2,000.00
 Cloverleaf Garage Inc. - \$150.00
 COMCAST - \$45.04
 Enterprise Rent-a-Car - \$604.55
 Great American Financial Services - \$1,025.84
 Michigan City Animal Hospital - \$225.00
 Verizon Wireless - \$270.08
 COMCAST - \$129.69
TOTAL from Riverboat Fund: \$5,010.20

From Boyd Development:

James F Giannini & Associates - \$11,435.00 (structural Repairs to the MC Lighthouse Catwalk) payment was not approved at the meeting so the City Controller can investigate to see if this can be paid out of another fund.

MC Economic Development - \$75,000.00 (multiple fees paid)

TOTAL from Boyd Development: \$75,000.00

TOTAL CLAIMS DOCKET - \$80,010.20

President Fitzpatrick addressed the Council regarding the following claims that were approved either at a Council's "Zoom" meeting or by himself during the covid-19 pandemic; stating that they have to be approved at a public meeting before moving forward:

July 21, 2020 Riverboat/Boyd Claim Docket

Fund #2042 – Riverboat – Claims-	\$ 4,661.79
EFT	\$ 129.69
Fund #2031 – Boyd – Claims-	\$ 51,005.18
TOTAL CLAIMS	\$ 55,796.66

August 4, 2020 Riverboat/Boyd Claim Docket

Fund #2042 – Riverboat – Claims-	\$ 2,613.64
EFT	\$ 70,000.00
Fund #2031 – Boyd – Claims-	\$ 00.00
TOTAL CLAIMS	\$ 72,613.64

August 18, 2020 Riverboat/Boyd Claim Docket

Fund #2042 – Riverboat – Claims-	\$ 1,779.52
Fund #2031 – Boyd – Claims-	\$ 1,320.00
TOTAL CLAIMS	\$ 3,099.52

September 1, 2020 Riverboat/Boyd Claim Docket

Fund #2042 – Riverboat – Claims-	\$ 26,084.45
Fund #2031 – Boyd – Claims-	\$ 275.00
TOTAL CLAIMS	\$ 26,359.45

President Fitzpatrick asked if there was a motion to approve the claims; with Councilwoman Deutch making a motion to approve the claims during the virtual meetings; second by Councilman P. Przybylinski.

President Fitzpatrick asked, all in favor to approve the claims signify by saying “AYE”, all responded “AYE”; those opposed; there was no response. Claims were approved (8 – 0)

CLAIM DOCKET

President Fitzpatrick read the claims dockets as follows:

September 15, 2020 Riverboat/Boyd Claim Docket

Fund #2042 – Riverboat – Claims-	\$ 4,880.51
EFT	\$ 129.69
Fund #2031 – Boyd – Claims-	\$ 75,000.00
TOTAL CLAIMS	\$ 80,010.20

President Fitzpatrick asked if there was a motion to approve the claims from September 15, 2020; Councilman Dabney made a motion to approve the claims; second by Councilwoman Tillman.

President Fitzpatrick asked all in favor to pay the claims signify by saying “AYE” all responded “AYE” those opposed; there was no response. Claims were approved (8-0).

REPORTS of SPECIAL or SELECT COMMITTEES

President Fitzpatrick asked if there were any Reports of Special or Select Committees;

Councilman Przybylinski advised the Executive Session that he scheduled on Thursday, September 10th at 5:00 p.m. with the Council, the City’s negotiating team and the Michigan City Fire Department didn’t happen due to the only attendees being: Attorney Lapaich-Stalbrink, Attorney James Meyer, and Councilman D. Przybylinski.

REPORTS of OTHER CITY OFFICERS and DEPARTMENTS

President Fitzpatrick asked if there were any Reports of Other City Officers and Departments;

Jessica Arnett, Michigan City Forester, presented the Council with the 2020 State of the Urban Forest (preliminary data from the 2020 asset inventory) report.

Discussion ensued between Dr. Arnett and Council members D. Przybylinski, and P. Przybylinski, regarding the old trees within our community that are dying and new trees that need to be planted to increase the tree inventory within our city.

COMMUNICATIONS

President Fitzpatrick stated the following correspondence was received during the time the Council had virtual meetings with some wanting them read for the record; advising that those will be put into the minutes for the record.

President Fitzpatrick asked if each Council member received each of the following correspondence and reviewed them; that for the sake of time we would not be reading them this evening.

Correspondence received in the Clerk's Office on July 7, 2020 from Ms. Christine Vanderborg, Code Enforcement Officer, regarding code violations within the Housing Authority properties

Correspondence received in the Clerk's Office on July 9, 2020 from Mr. Shong Smith, Director, Street Department, regarding being in compliance with CDC guidelines

Correspondence received in the Clerk's Office on July 14, 2020 from Mr. Rodney McCormick regarding the violation of Indiana Code 36-7-18-9.1 regarding residency **(Mr. McCormick asked this be read in its entirety into the minutes)**

Violation of Indiana Code 36-7-18-9.1 – regarding residency

Mayor Duane Parry and City Council members:

After attending several Michigan City Housing Authority meetings, I discovered that Board Commissioner, Yolanda Thomas-Davis uses the address of 515 Franklin Square, Michigan City which happens to be Horizon Bank (See Exhibit A-Board of Commissioner's Notifications Roster)

This is a blatant violation of Indiana Code 36-7-18-9.1. Ms. Thomas-Davis did knowingly and intentionally list this place of business as her residence. According to Ms. Thomas-Davis's Facebook page, she resides in LaPorte (Exhibit B- Facebook Profile)

I was able to confirm that her address is 5211 Laxita Drive in LaPorte which is clearly located outside of the boundary of the Michigan City Housing Authority. Pursuant to the above-mentioned code, the law requires that Ms. Thomas-Davis be immediately removed. It is my intention to help address and correct systematic failures in an attempt to improve processes and ensure more effective service to residents

Correspondence received in the Clerk's Office on July 29, 2020 from Mr. David Hack regarding concerns he has within the City

Correspondence received in the Clerk's Office on July 31, 2020 from Mr. Rodney McCormick regarding the death of Civil Rights Icon John Lewis **(Mr. McCormick asked this be read in its entirety into the minutes)**

Death of Civil Rights Icon John Lewis

To the Mayor and the City Council of Michigan City:

I would like to express to you my displeasure with our City's failure to order each one of the Municipal Buildings to lower their flag to half-staff. Our Civil Rights icon John Lewis deserves at least that much respect. He went from having his head bashed in, to making sure the right of all blacks to vote was protected. He fought for equality for blacks and he served in the U.S. House of Representatives for over 30 years. I am sick and tired of this City disrespecting the black citizens that live here!! At some point if you do not want to always respect us at least pretend that you care a little bit!! I realize that some Council Members have differing views of this American's accomplishments but for those who are black and who as a direct result of his work, now sit on this City Council, I am truly disheartened. As brother Lewis rests in heaven, I am so glad that he no longer has to deal with this same hatred and bigotry that he stood against in the 60's and witnessed until the day he died just last week! Sadly, this disrespect has continued to go on even as we still fight against the social ills that affects our black community today. I implore you to treat us as if we too re Michigan City citizens whether you like it or not. Race relations in this City are terrible. We have no social outlet. We have no affordable housing. We have to continue to build on the promise that we will no longer allow our kids to be sent from the schoolyard to the prison yard. I ask each and every one of you in closing, when is it going to be the right time to do the right thing?

Correspondence received in the Clerk's Office on August 4, 2020 from Mayor Duane Parry regarding Council appointments to the Social Status of African American Males

Correspondence received in the Clerk's Office on August 6, 2020 from Mr. Brett Kelly, Sr. regarding his personal safety issues **(Mr. Kelly asked this be read in its entirety into the minutes)**

Personal Safety issues - August 6, 2020

Mr. Steve Stanford,

I am writing this letter with the utmost concern for my personal safety. It has been brought to my attention that I have been accused of being the person who notified Mr. McCormick of Kevin Vansickle's liquor store visit. This is very frightening to me. The accuser's name is Pastor Lorne Holdum. He stated in the presence of multiple people that he saw me talking on the phone on Tuesday, 8/4 and he believed that I was talking to Mr. McCormick (WOW). I will reveal the people's names that he said this in front of at a later date. But, one of the people that was present, was Kevin Vansickle. I feel that my name has been scandalized, besmirched, and my character assassinated. It has also been brought to my attention that retaliation and retribution is being planned against me. I find it very strange that Mr. Sneed called me this morning to ask me where I was, when in fact I had called off the night prior. I am sure that it is well documented that I had called off and that Mr. Sneed was aware. As the law states, I have a right to be in a safe and non-hostile working environment. At this point I fear for my safety, knowing that Mr. Vansickle is in a supervisory position with the ability to covertly hurt or make my environment hostile. Although he's not my direct supervisor, he is a part of the Sanitary District Clique. I am asking for swift answers and for my environment to be safe and non-hostile. The petty gossip needs to cease and desist!

Correspondence received in the Clerk's Office on August 13, 2020 from Mr. Rodney McCormick regarding double standards within the workplace (Mr. McCormick asked this be read in its entirety into the minutes)

Double standards within the workplace

I am very disheartened with the ignorance that has come out of the mouth of two city workers, one being Tom Gonder and the other Tom Granacki. These two individuals have repeatedly used the word "Nigger". That alone should be grounds for termination, but these individuals have ramped it up to another level. Now they are talking about physical violence. There are other workers down at the Sanitation Department who have also used the N-word. When will someone do something about this behavior? I do not understand how Michael Kuss has turned this around and is literally trying to blame Mr. Adams for someone else's bad behavior!! (especially when Mr. Adams has on numerous occasions, reported these very issues to his direct supervisor). Because Mr. Gonder apologized to Mr. Adams, Michael Kuss believes that things are OK! Under the current leadership, racism is not discouraged but seems to be promoted. It is going unchecked. Black workers are in a position to fear for their safety and their way of life!! I speak for those who are afraid to speak. Everyone is tired of the double standards when it comes to the handing out of discipline. One of three examples: 1). Mr. Brian Thomas was recorded sleeping by his co-worker. It was reported that Mr. Thomas, an employee with no write-ups, awakened by the person recording him, he yelled and threatened the individual who did the recording. Mr. Thomas was immediately terminated. 2). Mr. Kelley "allegedly" called his supervisor out of his name and Mr. Kelley was suspended. Mr. Kelley denies these allegations, unlike those who openly admit to the accusations made against them. Last but not least, and probably the most disturbing, is Superintendent, Michael Kuss giving a black worker the name "Mr. 2/3". Yes, there is evidence. But why is this acceptable? (This may be acceptable in Starke County, but is unacceptable here in LaPorte County). What type of protection can workers possibly feel when the Department Head participates in the inappropriate/demeaning behavior? WE ARE 100% AMERICAN. I ask, why have none of the white workers who have admitted to their misconduct been suspended and/or terminate: Mr. Mayor, it is time for you to go down to the Sanitation Department and pull the personnel files. Do your own interviews. I promise that you will come to the same conclusions that I have. It is time for new leadership at the Sanitation Department ASAP. To the City Council President, because Refuse runs on City tax dollars, I ask that you also go down and do an investigation of the Refuse Employees. Pull their personnel file so that we can get to the bottom of this deep-rooted systemic racism also known as bigotry. We stand united. If one of us is called the N-word or mistreated, we have all been called by the same name or been mistreated.

Correspondence received in the Clerk's Office on August 13, 2020 from City Engineer, Jeff Wright, regarding Community Crossings Matching grant the City received

Correspondence received in the Clerk's Office on August 21, 2020 from Michael Kuss, General Manager, Sanitary District addressing issues regarding double standards within the workplace

Correspondence received in the Clerk's Office on August 27, 2020 from Ms. Caitlin Ferrell regarding water utilities being turned off

President Fitzpatrick asked if there were any communications.

City Clerk Neulieb read the following communications received in the Clerk's office:

Correspondence received in the Clerk's Office on September 3, 2020 from Attorney Jim Meyer in regard to the Police Commission members

Correspondence received in the Clerk's Office on September 3, 2020 from Clarence Hulse regarding Michigan City Tax Abatement Compliance Report

Correspondence received in the Clerk's Office on September 3, 2020 from Chris Mathe regarding the pier and lake hazards

RESOLUTION

President Fitzpatrick addressed the following proposed resolution advising the following:

NOTE: The proposed resolution was brought to the Council "Zoom" meeting on July 21, 2020 and failed with a vote of 3-6. RESOLUTION FAILED- APPROVING THE EXTENSION OF THE MAYOR'S EXECUTIVE ORDER 08-2020 EXTENDING THE DECLARATION OF A PUBLIC HEALTH EMERGENCY DUE TO THE COVID-19 VIRUS AND TEMPORARY CLOSING OF WASHINGTON PARK

Introduced by: Sean Fitzpatrick

Attorney Meyer advised President Fitzpatrick that if there are no objections, they can take the vote on all of the resolutions that were adopted during the Council's virtual meetings.

President Fitzpatrick asked if there were no objections that we would take a vote to adopt the following resolutions that were adopted during the Council's virtual meeting; there was no response.

President Fitzpatrick stated since there is no objection; is there a motion; with Councilman D. Przybylinski making a motion to adopt all the resolutions that were adopted during our virtual "Zoom" meetings, second by Councilman P. Przybylinski.

President Fitzpatrick asked all in favor to adopt Resolutions 4782, 4783, and 4784 signify by saying "AYE" all responded "AYES" those opposed; there was no response. The resolutions were approved by a vote of (8-0).

The following are titles of the Resolutions adopted and what the votes were at the virtual (Zoom) meetings and were adopted:

NOTE: The following proposed resolution was approved/adopted at the Special "Zoom" meeting on July 30, 2020 (VOTE: 8 – 0)

RESOLUTION NO. 4782
APPROVING THE EXTENSION OF THE MAYOR'S EXECUTIVE
ORDER 09-2020 EXTENDING THE DECLARATION OF A PUBLIC
HEALTH EMERGENCY DUE TO THE COVID-19 VIRUS AND
TEMPORARY CLOSING OF WASHINGTONPARK
Introduced by: Sean Fitzpatrick

NOTE: The following proposed resolution was approved/adopted at the Regular "Zoom" meeting on August 18, 2020 VOTE: 6 – 2)

RESOLUTION No. 4783
APPROVING THE EXTENSION OF THE MAYOR'S EXECUTIVE
ORDER 11-2020 EXTENDING THE DECLARATION OF A PUBLIC
HEALTH EMERGENCY DUE TO THE COVID-19 VIRUS AND
ORDERING THE TEMPORARY CLOSURE OF WASHINGTON PARK, ALL
PUBLIC ENTRANCES TO THE BEACH FROM STOP 2 THROUGH
STOP 13, AND THE ESPLANADE
Introduced by: Sean Fitzpatrick

NOTE: The following proposed resolution was approved/adopted at the regular "Zoom" meeting on September 1, 2020_VOTE: 9 – 0)

RESOLUTION No. 4784
A RESOLUTION OF THE COMMON COUNCIL OF MICHIGAN
CITY, INDIANA, COMMENTORATING THE CENTENNIAL OF THE
RATIFICATION OF THE NINETEENTH AMENDMENT AND
HONORING WOMEN'S EQUALITY DAY
Introduced by: Dalia Zygas
Co-Sponsored: Angie Nelson-Deutch

President Fitzpatrick asked the Clerk to read the first proposed resolution this evening,

NOTE: The following resolution was brought to the Council on February 4, 2020 and was TABLED at the March 17, 2020 meeting for review and recommendation; due to Covid-19 this was not essential and is being brought back this evening

The Clerk read the following proposed resolution by title only; **REQUESTING THE MICHIGAN CITY PLAN COMMISSION REVIEW AND CONSIDER REPEALING SECTION 17.02 IN THE MICHIGAN CITY ZONING CODE ENTITLED "LANDSCAPING REQUIREMENTS**

Introduced by: Paul A. Przybylinski

President Fitzpatrick asked if there was a motion to take the proposed resolution off being TABLED:

Councilman P. Przybylinski advised that being the author he is making a motion to leave it TABLED for four (4) meetings and bringing it back at the November 17, 2020 Council meeting so he can do some more research and schedule a workshop with the Council before the November 17th meeting to address what he proposing; second by Councilwoman Deutch.

President Fitzpatrick asked if there were any comments or questions from the public or if the Council had anything they would like to add; there was no response and the proposed resolution was TABLED until the November 17th regular Council meeting by the following vote: **AYES:** Council members Zygas, P. Przybylinski, Tillman, Dabney, Fitzpatrick, Mack, Deutch, and D. Przybylinski (8 – 0).

The Clerk read the following proposed resolution by title only,

MICHIGAN CITY COMMON COUNCIL

RESOLUTION NO. [4785](#)

DETERMINING THAT FUNDING FOR CERTAIN OUSTANDING PURCHASE ORDERS SHOULD BE ENCUMBERED AND AUTHORIZING THE CITY CONTROLLER TO ENCUMBER SUCH FUNDS

WHEREAS, the City of Michigan City, is an Indiana municipal corporation governed by its duly elected Mayor and City Council; and

WHEREAS, the Council has the authority and duty to maintain and oversee the fiscal operations of the City and to reconcile the City's financial and budgetary records; and

WHEREAS, the City of Michigan City has outstanding purchase orders in various funds that the services or products have not yet been paid as listed in Exhibit A; and

WHEREAS, in order to complete certain projects, programs, or purchases using funding set aside in previous fiscal years, and in order to be consistent with Indiana law and Indiana Department of Local Government Finance (DLGF) procedures, the encumbrances must be authorized by a resolution adopted by the Common Council and approved by the Mayor; and

WHEREAS, the City Controller of the City of Michigan City, Indiana recommends the approval of the various services or products that have not yet been paid for as listed in Exhibit A.

NOW, THEREFORE BE IT RESOLVED BY THE MICHIGAN CITY COMMON COUNCIL, INDIANA as follows:

Section 1. That those certain City purchase orders identified in Exhibit A, which is attached hereto and made a part hereof, are hereby approved.

Section 2. The City Controller of the City of Michigan City is hereby directed to encumber the funding for said purchase orders in the appropriate accounts.

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

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

NOTE: EXHIBIT "A" IS FILED IN THE CLERK'S OFFICE WITH RESOLUTION NO. 4785 FOR RECORD

President Fitzpatrick asked if the author had anything to add.

Councilman Dabney addressed the Council stating this would be giving the Controller the authority to encumber purchase orders that have been encumbered and aren't spent for some other projects.

Councilman P. Przybylinski questioned if these funds are being encumbered, if there was a limit on what the amount can be; stating that he doesn't want to see what happened last year to our budget to happen again this year; and that he wouldn't be supporting this.

Councilwoman Deutch stated we need to make a motion and a second along with receiving any public comments to be able to discuss this any further.

President Fitzpatrick asked if there was a motion; with Councilman Dabney making a motion to adopt.

Councilman P. Przybylinski called "Point of Order" advising the Author spoke on the proposed resolution, from there it goes to the general public for their comments and then back to the Council for their comments; then asking for a motion for adoption and then the vote is taken.

President Fitzpatrick asked if there were any public comments on the proposed resolution.

Yvonne Hoffmaster, City Controller addressed the Council stating this proposed resolution is basically a technicality that was over looked; advising when they had their budget meeting with the DLGF they advised them that all of these purchase orders that were encumbered from the 2019 budget had to be put in a resolution and approved by the Council; that these were purchases made but not completed by December 31, 2019 and this is fixing a technicality that wasn't done at the beginning of the year.

President Fitzpatrick questioned Controller Hoffmaster asking her if there was a projection or an estimation of how many purchase orders that are outstanding or need to be approved.

Controller Hoffmaster advised the purchase orders listed are the majority of what will be coming to the Council in a resolution from 2019 and have been completed; that these have been paid; stating that in January of 2021 she will be back with another resolution encumbering funds to pay for purchase orders from 2020 that haven't been completed.

President Fitzpatrick asked if there were any other questions from the council;

Councilwoman Deutch stated that she understands but questioned that this is just a technicality to cover purchase orders that were received in the Controller's office during 2019; these were paid and are monies being encumbered into the 2020 budget. and that she didn't know that this had to be done as a resolution.

Discussion ensued between Controller Hoffmaster, Attorney Meyer and Councilwoman Deutch regarding how the encumbering process works, with the DLGF having a rule that the Controller's office has to follow regarding these purchase orders from a prior year that is encumbered into the present year.

Controller Hoffmaster advised President Fitzpatrick that if it was a large project a purchase order could be rolled over for two or more consecutive years; but not having any large projects at this time with the total encumbrances for 2019 being \$1,354,438.43; with Controller Hoffmaster stating some of the 2019 encumbrances listed in the proposed resolution.

Councilwoman Zygas asked if this was basically cleaning up our bookkeeping and also following the rule the State Board of Accounts advised the Controller's office had to be done.

Discussion ensued between Controller Hoffmaster and Councilman P. Przybylinski regarding the 3.6 million dollars that was appropriated to certain funds in January of this year and the money being encumbered from the 2019 budget being additional with the total of \$1,384,438.43 in exhibit "A"; with Controller Hoffmaster advising when they met with the State Board of Accounts they were told they had to follow this rule and bring the encumbrances from the previous year to the Council for their approval; with this rule being in effect for a few years and the city not doing this in the past.

President Fitzpatrick asked if there were any other questions for Controller Hoffmaster; there was no response.

President Fitzpatrick asked if there were any questions from the public at this time; there was no response.

Councilman D. Przybylinski made a motion to adopt the proposed resolution; second by Councilwoman Deutch.

President Fitzpatrick asked all in favor to adopt the proposed resolution by saying "AYE" all responded "AYE" those opposed; there was no response. The resolution was adopted (8-0).

ORDINANCE

President Fitzpatrick advised there are four (4) ordinances that were adopted during the Council's virtual meetings; stating if there is no objection, we will vote on all four of them at one time; asking for a motion.

Councilwoman Deutch made a motion to adopt the following Ordinances; reading the ordinance numbers and their votes; second by Councilman P. Przybylinski.

President Fitzpatrick asked all in favor to adopt the following ordinances by saying "AYE" all responded "AYE" those opposed; there was no response. The four (4) ordinances were adopted (8-0).

NOTE: the proposed ordinance was read on 1st reading on June 3, 2020 with amendments being made at the regular July 7, 2020 Council meeting and was approved at the July 21, 2020 Council meeting by a 9-0 vote.

**ORDINANCE No. 4543
CREATING SECTION 94-79 IN DIVISION 3 OF CHAPTER 94 OF
THE MICHIGAN CITY MUNICIPAL CODE ADDING PROVISIONS
REGARDING TRAFFIC WARNING SIGNS FOR CHILDREN WITH
HEARING OR VISION IMPAIRMENT OR A DISABILITY**

**Introduced by: Tracie Tillman
Co-Sponsored by: Gene Simmons
Paul A. Przybylinski
Bryant Dabney
Angie Deutch
Don Prbybylinski**

NOTE: This ordinance was brought to the Council on July 7 2020 on 1st reading; due to Covid-19 and not being essential, it was brought back at the September 1, 2020 "Zoom" on 2nd reading; having a formal public hearing with it being adopted by a vote 9-0.

**ORDINANCE No. 4544
APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET
OF THE BARKER CIVIC CENTER FUND FOR THE PURCHASE
OF SUPPLIES TO RESTOCK THE GIFT SHOP FOR THE
BARKER CIVIC CENTER**

(DECREASE Barker Civic Center Fund # 2070 Unappropriated balance
\$1,200.00. INCREASE ACCOUNT# 2070.000.429.001 \$1,200.00 Other Supplies)

Introduced by: Bryant Dabney, Member

NOTE: The proposed ordinance was read on 1st reading at the regular meeting on July 7, 2020; due to Covid-19 and it not being essential, it was brought back at the September 1, 2020 "Zoom" meeting with it being adopted by a vote of 9-0.

**ORDINANCE No. 4545
CREATING SECTION 2-410.2 IN CHAPTER 2 OF THE MICHIGAN CITY
MUNICIPAL CODE TO CREATE AN AIRPORT DONATION FUND**

Introduced by: Gene Simmons, Member

NOTE: The proposed ordinance was read on 1st reading at the Special “Zoom” meeting on July 28, 2020; and brought back on 2nd reading at the Special “Zoom” meeting on July 30, 2020; with it being tabled until the September 1, 2020 meeting where it was adopted by a 8-1 vote

**ORDINANCE No. 4546
ESTABLISHING RULES FOR ATTENDANCE AT AND THE USE
OF WASHINGTON PARK AND PENALTIES FOR VIOLATING
SAME AND FOR VIOLATING PARK DEPARTMENT RULES
CONCERNING THE USE OF WASHINGTON PARK AND THE ZOO**

Introduced by: Paul Przybylinski
Co-Sponsor: Sean Fitzpatrick
Co-Sponsor: Don Przybylinski
Co-Sponsor: Traci Tillman

The Clerk read the following proposed ordinance on first reading by title only,
**AMENDING SECTION 70-101 IN DIVISION 3 OF CHAPTER 70 OF THE MICHIGAN
CITY MUNICIPAL CODE REGARDING THE POLICE MERIT COMMISSION**

Introduced by: Paul A. Przybylinski

NOTE: The proposed ordinance was brought to the Council 1st reading at the July 21, 2020 “Zoom” meeting; due to Covid-19 and it not being essential, it will be read on 1st reading this evening.

Councilman P. Przybylinski advised that he brought this to the Council to expand the Police Commission to five (5) members bringing more transparency to this board as well as more opinions, ideas and decision making to better the department even more.

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

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

Councilwoman Deutch questioned who would the two (2) additional members be appointed by.

Councilman P. Przybylinski addressed Councilwoman Deutch’s question that there would be two (2) appointments by the Mayor, two (2) appointments by the Police, and one (1) appointment by the Council; stating he would be bringing an amendment to keep the Commissioners that are serving on this board at the present time.

Councilwoman Deutch stated that she did like that there would be a background check on everyone serving on the Police Commission; that these members are looking at individual’s personal information as well as hiring, disciplining, judging, promotions and addressing many issues for the entire police department; that maybe the Council wants to think about this for other boards and commissions that address these same issues.

President Fitzpatrick asked if there were any other comments or questions from the public or Council; there was no response. Stating this ordinance will be held over on second reading at the next Council meeting on October 6, 2020.

The Clerk read the following ordinance on first reading by title only, **APPROVING REDUCTION OF APPROPRIATIONS IN THE CITY'S 2020 ANNUAL BUDGET**

Introduced by: Bryant Dabney

Councilman Dabney explained the proposed ordinance is to reduce certain line items from the 2020 budget; transfer these monies into the 2021 proposed budget so there may not be a lack of revenue during next year.

President Fitzpatrick asked if there were any public comments regarding the proposed ordinance; there was no response.

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

Discussion ensued between Attorney Meyer and Councilwoman Deutch regarding the reduction of this year's budget is to balance and match the revenue we are receiving.

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

President Fitzpatrick stated this ordinance will be held over on second reading at the next Council meeting on October 6, 2020.

The Clerk read the following ordinance on first reading by title only, **ORDINANCE OR RESOLUTION FOR APPROPRIATIONS AND TAX RATES**

Introduced by: Bryant Dabney

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

President Fitzpatrick asked if there were any public comments; there was no response.

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

President Fitzpatrick stated the proposed ordinance will be held over on second reading at the October 6, 2020 Council meeting.

The Clerk read the following proposed ordinance on first reading by title only, **AN ORDINANCE SETTING SALARIES AND WAGES FOR APPOINTED OFFICIALS AND EMPLOYEES OF THE CITY OF MICHIGAN CITY, INDIANA, FOR THE CALENDAR YEAR 2021**

Introduced by: Bryant Dabney

President Fitzpatrick asked if the author had anything to add at this time; with Councilman Dabney advising this is just setting salaries for officials and employees for next year's budget.

President Fitzpatrick asked if there were any public comments; there was no response.

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

President Fitzpatrick stated the proposed ordinance will be held over on second reading at the October 6, 2020 Council meeting.

The Clerk read the following ordinance on first reading by title only, **AN ORDINANCE SETTING THE ANNUAL SALARY FOR THE MAYOR**

Introduced by: Bryant Dabney

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

President Fitzpatrick asked if there were any public comments; there was no response.

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

President Fitzpatrick stated the proposed ordinance will be held over on second reading at the October 6, 2020 Council meeting.

The Clerk read the following proposed ordinance on first reading by title only, **AN ORDINANCE SETTING THE ANNUAL SALARIES FOR THE COMMON COUNCIL MEMBERS**

Introduced by: Bryant Dabney

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

President Fitzpatrick asked if there were any public comments; there was no response.

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

President Fitzpatrick stated the proposed ordinance will be held over on second reading at the October 6, 2020 Council meeting.

The Clerk read the following proposed ordinance on first reading by title only, **AN ORDINANCE SETTING THE ANNUAL SALARY FOR THE CITY CLERK**

Introduced by: Bryant Dabney

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

Councilman Dabney advised the reason he is not making any comments was due to there being no raises in the 2021 budget.

President Fitzpatrick asked if there were any public comments; there was no response.

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

President Fitzpatrick stated the proposed ordinance will be held over on second reading at the October 6, 2020 Council meeting.

The Clerk read the following proposed ordinance on first reading by title only, **AN ORDINANCE ESTABLISHING SALARIES FOR THE FIRE DEPARTMENT OF THE CITY OF MICHIGAN CITY FOR THE CALENDAR YEAR 2021**

Introduced by: Bryant Dabney

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

President Fitzpatrick asked if there were any public comments; there was no response.

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

President Fitzpatrick stated the proposed ordinance will be held over on second reading at the October 6, 2020 Council meeting.

The Clerk read the following proposed ordinance on first reading by title only, **AN ORDINANCE ESTABLISHING SALARIES FOR THE POLICE DEPARTMENT OF THE CITY OF MICHIGAN CITY FOR THE CALENDAR YEAR 2021**

Introduced by: Bryant Dabney

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

President Fitzpatrick asked if there were any public comments; there was no response.

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

President Fitzpatrick stated the proposed ordinance will be held over on second reading at the October 6, 2020 Council meeting.

The Clerk read the following proposed ordinance on second reading by title, **ADOPTING POLICY TO ALLOW 5% OF RIVERBOAT FUNDS TO BE USED TO FUND THE CITY'S OPERATING EXPENDITURES FROM THE GENERAL FUND AND DEDICATING 50% OF RIVERBOAT REVENUES TO INCREASE THE RAINY DAY FUND BALANCE UP TO A MINIMUM OF \$6 MILLION DOLLARS**

Introduced by: Sean Fitzpatrick

NOTE: The proposed ordinance was read on 1st reading at the Regular Council meeting on July 7, 2020; due to Covid-19 and this not being essential, it will be read on 2nd reading this evening

President Fitzpatrick stated he still feels that this is necessary to move forward with the proposed ordinance especially knowing our financial situation and going into next year and Covid-19 being here; making a motion to TABLE at this time.

Councilwoman Deutch made a motion to TABLE the proposed budget until it goes to the Finance Committee for their review and recommendation; there was a second by Council members Tillman and P. Przybylinski.

President Fitzpatrick asked all in favor to TABLE the following ordinance to signify by saying "AYE" all responded "AYES" those opposed; there was no response.

President Fitzpatrick stated the ordinance will be TABLED until it goes to the Finance Committee for their review and recommendation.

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

MICHIGAN CITY COMMON COUNCIL
ORDINANCE NO. 4547

CREATING SECTION 82-68 IN ARTICLE III (PARK RULES) IN CHAPTER 82 (PARKS AND RECREATION) OF THE MICHIGAN CITY MUNICIPAL CODE TO PROVIDE A MECHANISM FOR ENFORCEMENT FOR ALL PARK RULES

WHEREAS, Sec. 82-62 through Sec. 82-66 of the Michigan City Municipal Code prescribe various rules pertaining to property under the control and jurisdiction of the Michigan City Park Board; and

WHEREAS, over the years, the Park Board has adopted additional rules pertaining to property under their jurisdiction, which include but are not limited to the following: no pets outside of vehicles because no dogs allowed in City parks, no littering, no ground fires, grills permitted in designated areas only, hunting prohibited on all park property, no motorized vehicles except in designated parking areas, no metal detectors on grass, no grilling on beach; and

WHEREAS, the Common Council desires to formally recognize any and all rules adopted by the Park Board, now or in the future, and declare that a violation of a Park Board Rule is an ordinance violation subjecting the violator to the general penalty provisions set forth in Sec. 1-7 of the Michigan City Municipal Code.

NOW, THEREFORE, BE IT ORDAINED, by the Michigan City Common Council that Section 82-86 shall be created in Article III (Park Rules) in Chapter 82 (Parks and Recreation) of the Michigan City Municipal Code and shall read as follows:

Section 82-86. Violation of Rules Adopted by Michigan City Park Board.

- (a) Any and all rules formally adopted by the Michigan City Park Board, not otherwise specified in Sec. 82-62 through Sec. 82-66, shall be treated as if they are fully set forth in this Section and it shall be unlawful for a person to violate the same.
- (b) Any violation of a rule formally adopted by the Michigan City Park Board shall be considered a Code violation and may subject the violator to the issuance of a citation and/or the removal of such person in violation from Michigan City Park Board property. Violations under this Section are subject to the general penalty provisions set forth in Sec. 1-7 of this Code.
- (c) The Michigan City Park Board shall post all park rules in a conspicuous manner on all park property and shall also post all park rules on their respective City website.

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

NOTE: The proposed ordinance was read on 1st and 2nd reading at the August 20, 2020 Council “Zoom” and will be read on 3rd reading this evening

President Fitzpatrick asked if the author had anything to add.

Councilman P. Przybylinski stated that by passing this ordinance the Park Department will be able to give out citations to people that violate the Michigan City Park Board rules that have been adopted; with the park placing signage of these rules throughout the park area; addressing what civil penalties are and who can enforce and give out these citations.

President Fitzpatrick asked if there were any Council comments.

Councilman D. Przybylinski stated that he totally agrees with the author that this is going to be pretty simple to follow and enforce explaining how the process is going to work; advising if someone is not doing what is asked of them, they need to pay the penalty.

Councilwoman Zygus stated that this is essential to the Park Department to be able to write tickets/citations; advising she believes this makes Ordinance No. 4546 obsolete which it also had means of writing citations and would be micromanaging the Park department, with her believing that it should be up to the Park Board not the Council.

Councilwoman Zygus stated if this ordinance is passed this evening; there is no need for Ordinance No. 4546.

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

Ed Shinn, Park Superintendent addressed the Council stating Ordinance No. 4546 that was adopted would not be needed if this ordinance is passed this evening; that he appreciated the efforts from the Council to tighten up security in Washington Park; with the Park Board increasing the cost of an annual park sticker to \$15.00 for out of city residents; commenting on the lack of communication with the Council and not having a re-opening plan; reassuring the Council that before proposing the ordinance that was adopted the Park Board and staff were working on the right one that the city would be safe and be able to enjoy our lakefront; stating that Ordinance No. 4546 does put the Park Department in a bind and that he was hoping this would be amended.

Councilwoman Zygus addressed Councilwoman Deutch's question regarding what she proposed in amending Ordinance No. 4546; that she didn't get it into the Clerk's office in time for this meeting and was advised that she would have to bring to the Council an ordinance to repeal the one that was adopted.

Attorney Meyer advised that an ordinance that has been adopted and is part of the City's code can only be changed by proposing another ordinance making amendments to the ordinance that was adopted.

Councilman P. Przybylinski advised that he had a conversation with Councilwomen Zygus and Deutch; advising that he would be bringing amendments to Ordinance No. 4546 at our next Council meeting on October 6th; stating that he brought that ordinance up to bring direction to the park department giving some oversight to these issues.

Councilman D. Przybylinski stated several concerns he had about people still working the gate when the summer season is over; we are paying overtime and that he realizes Ordinance No. 4546 doesn't have a time or date but it isn't necessary to have someone manning the gate; stating the Mayor could of vetoed that ordinance and it would have been brought back to the Council and been amended and would have a good ordinance.

Councilman P. Przybylinski called a "Point of Order" asking Attorney Meyer to explain the process when the Mayor vetoes an ordinance.

Attorney Meyer stated the Mayor could have vetoed this ordinance (which he didn't and signed it) or if he would have signed it advising the Council that he vetoed it; or he could have waited the ten day period to sign the proposed ordinance, it would have automatically been vetoed; and would have been brought back to the Council for a vote to either override the veto or not; stating the vote of the Council would have to be 2/3 or more to override the Mayor's veto.

Councilman P. Przybylinski stated that he brought this up to let the public know that the Mayor signed Ordinance No. 4546 which means he agreed with what was adopted; advising he has had no communications with the Mayor wanting to amend this ordinance or if he had something he wanted to amend in Ordinance No. 4546; that we

are going to get these matters resolved under the process needed to be taken at our October 6th Council meeting and move forward.

Councilman Dabney addressed the Council advising Ordinance No. 4546 doesn't need to be amended but needs to be repealed; agreeing with Councilman D. Przybylinski comments that the Mayor was going to move forward and just open the gate to everyone after the Labor Day weekend with the season closing up.

Councilwoman Deutch stated she thought the gates at the park were seasonal; that money isn't collected after Labor Day; questioning why there is someone there to man the gates since it has always been in the past that fees were collected from Memorial Day through Labor Day; that she understands Ordinance No. 4546 is about following social distancing, wearing masks, during the Covid-19 pandemic.

Discussion ensued between President Fitzpatrick and Councilwoman Deutch regarding the Park Department having someone manning the gates at Washington Park after Labor Day and agreeing with Councilman Dabney's comments.

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

Councilman Mack stated he was sorry he missed the joint workshop that was called by the Mayor regarding Ordinance No. 4546; advising he would have totally agreed with Councilman D. Przybylinski's comments that a person at the entrance to the beach should have been done after the Labor Day weekend; that he doesn't believe in regulatory fines on citizens and residents in our community; advising this Council needs to work with the Park Department and their Board to create a process that has been followed for decades; and that he would not be supporting this proposed ordinance.

President Fitzpatrick asked if there were any other comments from the Council; there was no response.

The proposed ordinance was adopted by the following vote: **AYES:** Council members P. Przybylinski, Tillman, Dabney, Fitzpatrick, Deutch, D. Przybylinski and Zygas. (7) **NAYS:** Council member Mack (1)

President Fitzpatrick stated the ordinance was adopted by a vote 7 – 1.

UNFINISHED BUSINESS

President Fitzpatrick advised the Council has one (1) appointment to the Revolving Loan Fund Committee. Term expires on 10/18/2020. Incumbent: Jay Niec.; advising that nominations will take place at the October 6th Regular Council meeting.

President Fitzpatrick stated the Council has one (1) appointment to the Youth Leadership Commission: term expired 06/01/2020; Incumbent: Nathan Patrick.

President Fitzpatrick asked the City Clerk if she received any applications to serve on this Board; Clerk Neulieb advised that her office hadn't received any applications.

President Fitzpatrick advised the Council has one (1) appointment to the Commission on Sustainability Board; term expired on 05/01/2020. Incumbent Nancy Moldenhauer.

Clerk Neulieb advised there were two (2) nominations made at the September 1, 2020 Council meeting, those being: Ms. Nancy Moldenhauer and Ms. Laura Izard.

President Fitzpatrick asked if either of the nominees were present and would like to say a few words.

Nancy Moldenhauer, 107 Kay Lane, addressed the Council regarding what the Sustainability has accomplished since she has been on the Board serving as Chair and what their plans are for the future.

Councilwoman Deutch questioned how many seats were available and needed to be filled on this commission; stating she noticed on the City's web page there were a few.

Discussion ensued between Ms. Moldenhauer and Councilwoman Deutch addressing the number of seats that have expired and need to be appointed.

Councilman P. Przybylinski questioned Ms. Moldenhauer about the grants she is working on; asking if she spoke with the administration regarding these grants and if they are going to need matching monies if approved; with Ms. Moldenhauer advising there wasn't any matching monies from the City, explaining what these grants would be doing for our community and they won't be happening until 2023.

President Fitzpatrick asked if there were any other questions for Ms. Moldenhauer; there was no response.

Ms. Moldenhauer was appointed to the Sustainability Commission by the following vote: Council members (Moldenhauer); Dabney, Mack, Deutch, D. Przybylinski, Zygas, P. Przybylinski (6). Council members (Izard) Tillman and Fitzpatrick (2).

President Fitzpatrick congratulated Ms. Moldenhauer on her appointment to the Sustainability Commission.

NEW BUSINESS

President Fitzpatrick advised the Common Council has one (1) appointment to the Police Civil Service Commission due to the resignation of Mr. Mike Buda; asking the Clerk if there were any application turned in to her office; Clerk Neulieb advised that we received one from Lyla Simmons and Dennis Babcock; stating that tonight is for information and that applications can be turned in until September 28th.

President Fitzpatrick asked if there were any other comments; there was no response with President Fitzpatrick advising that nominations will be open at the next Council meeting on October 6th.

COMMENTS FROM THE MAYOR

President Fitzpatrick asked if the Mayor had any comments this evening; with Mayor Parry stating not at this time.

COMMENTS FROM THE PUBLIC

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

COMMENTS FROM THE COUNCIL

Councilman P. Przybylinski requested to schedule a workshop with the Redevelopment Commission to find out where we are at with finances regarding the implementation of the lawsuit between the City and Blocksom.

Councilwoman Zygas reminded everyone to fill out their 2020 Census.

Councilwoman Tillman wanted to bring to everyone's attention that the Michigan City Court House is closed and is moving to the old Brown Mackie College on U.S. Highway 20 and Woodland; advising it will be closed for the next few years due to remodeling and the addition to the Courthouse; asking the community to be patient.

Councilman Mack congratulated Ms. Moldenhauer on her re-appointment to the Sustainability Commission; thanking her for a doing a great job and stating he enjoys being the Liaison to this commission.

Councilman Mack asked Dr. Arnett for a copy of her presentation to be sent to each Council member to review the information she presented this evening.

Councilman D. Przybylinski congratulated Nancy Moldenhauer to her re-appointment.

Councilman D. Przybylinski thanked Shong Smith, Street Superintendent and Captain Jeff Loniewski for addressing traffic issues that were happening near Gardena playground; stating they put up additional warning signs on Woodrow and Gardena Street.

Councilman D. Przybylinski commented on people speeding on our thorough fares in our City; stating that the Council purchased traffic (speed) boards for Chief Swistek; asking the Police Department to please place one on Franklin Street and the other on Michigan Boulevard to possibly slow people down.

Councilman D. Przybylinski asked Mayor Parry again to please schedule a workshop with NICTD, the Council, and Mr. York, regarding the finances and agreements needed to be addressed regarding the double track project; stating several concerns he has due to the cost of this project and not letting this Council or the citizens know what the status is or what the actual cost is to the City.

Councilwoman Deutch commented on a few employees from the Sanitation and Water Departments that had reached out to her with concerns regarding personnel issues and how they are being handled and not being addressed; wondering what steps need to be taken next to solve these issues; stating that maybe Ms. George could meet with the Superintendents and suggest a sensitivity training for each employee; that could be an idea; that there should be a "0" tolerance when it comes to discrimination in the work place.

Councilman P. Przybylinski agreed with Councilman D. Przybylinski comments about scheduling a workshop regarding the double tracking project and the City's financial obligations; that he has been asking to do this for almost a year; stating there a lot of things we don't know and that the Redevelopment should be involved in this workshop as well; advising that he spoke with City Planner, Skyler York asking him for the traffic study that was done regarding the streets they will be closing; stating several concerns regarding this many closing of streets and what it is going to do to our downtown area.

Councilman Dabney stated that the proposed garage is no cost to the city that it is part of the project; commenting on what is being proposed and how much the operations and maintenance would cost the City annually; that we need to keep in mind that they could pull eminent domain and not ask for any input.

President Fitzpatrick thanked everyone for coming out this evening; that this is the first meeting we have had in a while and we will be able to continue having public meetings; advising there are a lot of boards and commissions that are available to serve on asking the citizens to reach out to the Council or contact the Clerk's Office to fill out an application to apply; stating that it is important for our citizens to get involved in government.

ADJOURNMENT

Councilman Fitzpatrick made a motion to adjourn, second by Councilwoman Deutch and there being no further business to transact, President Fitzpatrick declared the meeting **ADJOURNED** (approximately 7:15 p.m.)

Gale A. Neulieb