

REGULAR MEETING – August 5, 2008

The Common Council of the City of Michigan City, Indiana, met in regular session on Tuesday evening, August 5, 2008, at the hour of 6:30 p.m., local time, in the Common Council Chambers, located in the lower level of the City Hall Building, 100 East Michigan Boulevard, Michigan City, Indiana.

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

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

PRESENT: COUNCIL MEMBERS Patricia Boy, Phillip Jankowski, Marc Espar Robert McKee, Ron Meer, Richard Murphy, Joe Doyle, Willie Milsap and Angie Nelson (9).

ABSENT: None (0).

A QUORUM WAS NOTED PRESENT.

APPROVAL of MINUTES

President Meer inquired whether there were any corrections, deletions, or additions to the minutes of the Regular Meeting of July 15, 2008 and hearing none, the minutes were approved as printed.

REPORTS of STANDING COMMITTEES

Councilman Espar reported on the Finance Committee held on Thursday, July 31, 2008.

Councilman Jankowski reported on the Sanitary District Board of Directors Meeting held July 23, 2008 stating they were not interested in supporting the employee transfer ordinance.

Councilman Jankowski advised the Water Department has not taken any action on this issue.

President Meer stated his concerns regarding the Sanitary District Board's decision.

Councilwoman Nelson reported on the Public Health and Safety Public Hearing held on July 17 & 29, 2008. Ms. Nelson advised the Council that she will have a written report before the August 19, 2008 Council Meeting.

REPORTS OF SPECIAL OR SELECT COMMITTEES

Councilman Doyle advised that the World Championship Drum and Bugle Corp. started at 2:30 p.m. and everyone is invited to attend this event.

Councilman McKee presented the Council with information regarding the “Kalamazoo Promise” a scholarship agreement to provide a student with the opportunity to attend post –secondary education with up to a 100% tuition scholarship. Mr. McKee requested that a Special Committee be formed to research, gather information and possibly institute a program for students in our community.

President Meer stated that a Special Committee will be formed by the August 19, 2008 Council Meeting.

Discussion ensued among Council Members, Boy, McKee, and Meer.

REPORTS of OTHER CITY OFFICERS and DEPARTMENTS

Judy Pinkston, Community Development Block Grant Director, did a presentation for the City Council advising what the HUD Grant funds the City receives each year does for low and moderate income families in our community neighborhoods.

Entering into discussion were Council Members Milsap, Espar, Nelson, and Meer.

PETITIONS

Tom Fedder, City Clerk, presented two petitions received regarding the proposed smoke free air ordinance.

COMMUNICATIONS

There were no communications.

RESOLUTIONS

The Clerk read by title only, there being no objections

MICHIGAN CITY COMMON COUNCIL

RESOLUTION NO. **4399**

AUTHORIZING THE SUBMISSION OF AN INDIANA DEPARTMENT OF HOMELAND SECURITY FIRE TRAINING INFRASTRUCTURE GRANT AND ESTABLISHING FISCAL ACCOUNTS.

WHEREAS, the Michigan City Fire Department applied for and was designated the Northwest Indiana District One Firefighter Training Center by the Northwest Indiana District Firefighter Training Committee; and

WHEREAS, the Indiana Firefighter Training System has dedicated \$100,000.00 of Indiana Fire Training Infrastructure Grant funding for Northwest Indiana District One’s Firefighter Training Center infrastructure; and

WHEREAS, the Michigan City Fire Department prepared an application for Indiana Fire Training Infrastructure Grant funding, said application was endorsed and approved by the Northwest Indiana District Firefighter Training Committee, and it was submitted to the Indiana Department of Homeland Security Training Division;

WHEREAS, the Michigan City Fire Department is eligible to receive grants and earmarked funds from the Indiana Department of Homeland Security, Indiana Fire Training Infrastructure Grant, and the Indiana Firefighter Training System funds; and

WHEREAS, the Michigan City Fire Department desires to seek an additional grant to purchase firefighter training infrastructure in order to train firefighters at the new Northwest Indiana District One Firefighter Training Center; and

WHEREAS, the City of Michigan City has provided the necessary matching funds through in-kind donations and will not have to provide a monetary match for this grant.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Michigan City, Indiana:

- Section 1. **The Michigan City Fire Department's application for Indiana Fire Training Infrastructure dated August 12th, 2008 as submitted and supplemented on August 16th, 2008 for funds to construct the District One Firefighter Training Center is approved;**
- Section 2. **The City, through the Fire Department, will use all reasonable efforts to properly operate and maintain the District One Firefighter Training Center and the Fire Training Tower once all construction is completed and any operational expenses will be paid through the Fire Department's budget.**
- Section 3. **The City Controller is authorized to open the "District One Firefighter Training Center Infrastructure" fund to receive and disburse the above described grant funds for construction of the District One Firefighter Training Center facilities.**

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

INTRODUCED BY: /s/ Willie Milsap

Councilman Milsap moved to adopt the Resolution, seconded by Councilwoman Nelson.

Councilman Milsap stated that the Fire Department Administration Team was present to answer any questions regarding the Resolution.

Dave Lamb, Fire Chief advised Councilwoman Nelson and Council Members that the Fire Department has received \$100,000 grant on the first phase and this Resolution is the second phase to extend the project. Chief Lamb thanked each department for their help and participation on the first phase of this project.

Council President Meer asked if there were any comments or questions by the general public or Council and hearing none, the Resolution was adopted by the following vote: **AYES: COUNCIL MEMBERS McKee, Meer, Milsap, Murphy, Nelson, Boy, Doyle, Espar, and Jankowski (9). NAYS: None (0).**

The Clerk read on second reading by title only, **AN ORDINANCE VACATING STATE COURT AND INTERSECTING ALLEY LOCATED WITHIN MICHIGAN CITY, LAPORTE COUNTY, INDIANA**

INTRODUCED BY: Ron Meer

Council President Meer asked if there were any comments or questions by the general public or Council and hearing none, advised the Clerk to read the Resolution on third reading by title only,

ORDINANCE NO. 4029

AN ORDINANCE VACATING STATE COURT AND INTERSECTING ALLEY LOCATED WITHIN MICHIGAN CITY, LAPORTE COUNTY, INDIANA

WHEREAS, a Petition for Vacation of State Court and intersecting alley in conformity with the requirements of applicable Indiana Statutes and Ordinance No. 4009, passed by the Common Council of Michigan City, Indiana, on September 18, 2007, and approved by the Mayor of the City of Michigan, Indiana, on September 19, 2007, has been filed with the Michigan City Common Council by THE WALL GANG, INC., Petitioner, pursuant to I.C. 36-7-3-12; and

WHEREAS, the legal description of the property sought to be vacated is:

See Exhibit A" attached hereto and by this reference incorporated herein.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY, INDIANA:

SECTION 1.

That the Petition of The Wall Gang, Inc., by and through its attorney, O. Jerrold Winski, be and the same is hereby granted.

SECTION 2.

That State Court and intersecting alley to be vacated are located within the City of Michigan City, Indiana, and are specifically described as follows:

See Exhibit A" attached hereto and by this reference incorporated herein.

That the above-described public street and intersecting alley are hereby vacated by the Common Council of the City of Michigan City, Indiana.

SECTION 3.

Notwithstanding the provisions of this Ordinance, the vacation of State Court and intersecting alley shall not deprive any public utility of the use of all or a portion of State Court and intersecting alley if, at the time the proceedings for the vacation of State Court and intersecting alley are instituted, any such utility is occupying and using all or a part of State Court and intersecting alley for the location and operation of its facilities, all pursuant to the provisions of I.C. 36-7-3-16(b).

SECTION 4.

BE IT FURTHER ORDAINED that the Clerk of the City of Michigan City be and is hereby directed to furnish a copy of this Ordinance to the LaPorte County Auditor and thereafter to cause this Ordinance to be placed of record in the Office of the LaPorte County Recorder and to assess the recording fees thereon to the Petitioners herein.

SECTION 5.

BE IT FURTHER ORDAINED that this Ordinance, after its passage and approval by the Mayor of the City of Michigan City, be published once each week for two (2) consecutive weeks in the Michigan City News-Dispatch as provided by law.

INTRODUCED BY: /s/ Ron Meer

Council President Meer asked if there were any comments or questions by the general public or Council and hearing none, the Ordinance was adopted by the following vote: **AYES: COUNCIL MEMBERS Meer, Milsap, Murphy, Nelson, Boy, Doyle, Espar, Jankowski, and McKee (9). NAYS: None (0).**

The Clerk read on second reading by title only, **AN ORDINANCE APPROVING ADDITIONAL APPROPRIATION FOR AVIATION FUEL FOR THE AIRPORT**

(DECREASE: #2104 Aviation Fuel Fund unappropriated \$200,000, INCREASE: Aviation Fuel \$200,000).

INTRODUCED BY: Marc Espar

Councilman Espar advised the Council this additional appropriation will increase the total budget, but revenues from the sale of the fuel will also increase, thus providing the funding for this appropriation.

Council President Meer asked if there were any comments or questions by the general public or Council and hearing none, the Ordinance was laid over for third reading.

The Clerk read on second reading by title only, **AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY, INDIANA RESCINDING AND DELETING ORDINANCE NO. 3915 AND ALL SUBSEQUENTLY ENACTED AMENDING ORDINANCES THERETO, OF THE MUNICIPAL CODE OF THE CITY OF MICHIGAN CITY, AND ADDING PROVISIONS AUTHORIZING THE CITY CONTROLLER TO TRANSACT BUSINESS WITH FINANCIAL INSTITUTIONS ON BEHALF OF THE CITY OF MICHIGAN CITY.**

INTRODUCED BY: Marc Espar

(NOTE: This Ordinance was TABLED at the July 15, 2008 Council Meeting).

Councilman Espar made a motion to amendment by substitution an Ordinance replacing the original proposed Ordinance. Mr. Espar presented a copy of the amended Ordinance to each Council Member.

Council President Meer stated there being no objection, the amended Ordinance was accepted.

Council President Meer asked if there were any comments or questions by the general public or Council and hearing none, the Ordinance was laid over for third reading.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

There was no new business

COMMENTS FROM THE PUBLIC

Dennis Boy, 218 Southwood Drive, thanked Councilman Doyle for being in attendance and showing his commitment to the Council and our community.

COMMENTS FROM THE COUNCIL

Councilwoman Nelson advised the Human Rights Commission will be accepting nominations for the Humanitarian of the Year until August 15, 2008. Ms. Nelson invited everyone to purchase tickets from her for the Annual Dinner being held on September 12, 2008.

Councilwoman Boy reported on an article in The News Dispatch in regards to the Senate supporting the Great Lakes Compact Agreement which our Council adopted last year.

Councilman Espar stated that National Health Care Week is scheduled for August 10-16, 2008, and free health screening will be offered on August 11th from 11:00 a.m. to 2:00 p.m. at the First United Methodist Church on 7th Street. Mr. Espar announced that Health Link (872-6200) will be giving away a free bicycle to a child under 14 years of age that submits a drawing along with an application.

Council President Meer advised that a Work Shop will be called to discuss public safety in the neighborhoods and crime concerns.

ADJOURNMENT

On motion by Councilman Espar, supported by Councilman Doyle, and there being no further business to transact, President Meer declared the meeting ADJOURNED (approximately 7:08 p.m.).

Thomas F. Fedder, City Clerk