

MINUTES OF THE REGULAR MEETING OF THE  
LONG BEACH BUILDING COMMISSION  
FRIDAY, FEBRUARY 21, 2014

The Long Beach Building Commission met in a regular meeting in the Council Chambers of the Long Beach Town Hall, Long Beach, Indiana, on **Friday, February 21, 2014**, at the time of 9:00 a.m., the date and location for holding of said meeting.

Chairman Paul Fithian called the meeting to order, and present were: Paul Fithian, Pat McDonald, and Bob Angelo. Also present: Marilyn M. Jones, Court Reporter, who was duly engaged to prepare minutes of the meeting.

The first item of business on the agenda was the approval of the minutes from the **April 5, 2013**, regular meeting.

It was moved and seconded that the minutes be approved.

With a voice vote of all ayes, motion **carried**, and the minutes were **approved**.

The next item of business was review of the building permit process.

**Commissioner Paul Fithian gave a brief history and overview of the building permit process in Long Beach over the years, versus that today all building permits are reviewed by himself and approved or denied. A detailed explanation was given regarding Mr. Fithian's process, enlisting the help of the Building Inspector, Mr. Bill Owens, et cetera. Mr. Fithian also pointed out that the ultimate responsibility to adhere to rules and regulations is up to the homeowner and/or the contractor that's doing the work and pulling the permit.**

**It was noted that anyone witnessing any violations of a code or ordinance is free to report it to the Building Inspector and/or any Building Commission member; also noted that at the present time there are no known code violations that have been pointed out to the Building Commission or the Building Inspector.**

The next item of business on the agenda: Items from Pete Byvotes:

a) Status of the work with HWL regarding permit approval process, roles and responsibilities, control of contractor registration and enforcement, fines and penalties, removal of conflicting ordinances; basically re-write of Chapter 154, which has not been updated for many years. HWL has indicated that the document will be ready for approval and action by the APC in a week.

**Mr. Pete Byvotes made a presentation regarding the status of a draft of changes for Chapter 150, and stated that the town's law firm has been working on these changes, and that the draft should be ready by the end of the week, or close to the end of the week.**

b) Presentation of the job description for the role of the building commissioner and indicate that there is a qualified candidate for the position of Building Commissioner;

**Mr. Pete Byvotes noted that at the last council meeting he had passed out a job description for the position of "Building Commissioner", "Building Inspector", handed**

out a job description, and making note that there is a description also for a “Floodplain Administrator”.

Commissioner Fithian asked the other commissioners if they had any questions about what Mr. Byvotes just outlined. Commissioner McDonald advised that he has many questions regarding this matter, and that he has made an outline of some of the duties, suggesting that there needs to be a workshop-type meeting to put this all together.

Mr. Byvotes also noted that there is a flowchart of the permit workflow; mentioning that Haas & Associates could help with larger and more complex building permits, and help resolve potential conflict of interests.

Commissioner Angelo commented that this is a definite workshop-type-of-thing, but that Mr. Byvotes has put together a very good working model.

Commissioner Fithian questioned Mr. Byvotes whether he is envisioning a “paid” position for Building Commissioner, as this is a pretty big undertaking for a person working only on a volunteer basis.

Mr. Byvotes equivocated that at the beginning, while the process and the procedures are solidified, rules and responsibilities are clarified, possibly the first 100 hours could be paid, but after that a determination would need to be made as to exactly what that requirement would be. Mr. Byvotes stressed that the permitting process needs to have a timetable for approving and granting building permits.

A lengthy discussion ensued regarding what other towns and municipalities do or don't do dealing with zoning administrators, town planners, planning departments and building departments. Salaries and benefits for people working in other towns and cities was discussed as examples of how people are paid for being in the position of “Building Inspector” or “Building Commissioner”. Counsel Paulson interjected that any compensation for a paid position is within the purview of the Town Council, not this board.

Discussion continued as to building a paid position into the fee structure for the permitting process. Mr. Fithian again reminded Mr. Byvotes that the duties and responsibilities being discussed are much larger than anyone in a “volunteer” position could handle. Mr. Byvotes made note that he appreciates what Mr. Fithian has just said, and he also appreciates all that Mr. Fithian has done as the volunteer Building Commissioner. Commissioner Fithian noted his feelings that it is important to contribute to the community you live in.

c) Identification of an action plan and discussion;

Mr. Byvotes noted that this part of the plan deals with candidates and what the job would entail. Question was asked regarding the “Advisory Planning Commission”, when the new Chapter 150 comes out, Advisory Planning Commission will only be responsible for zoning issues, and no responsibility for building permits. Counsel Paulson clarified the procedure for the Advisory Planning Commission to have a public hearing on it and make a recommendation to the Town Council, and then final approval would be with the Town Council. Lengthy discussion ensued regarding responsibilities

of the Advisory Planning Commission, whether more members need to be appointed to the Building Commission, and Mr. Byvotes noted that the town fire marshal should be a member of the Building Commission. Steep slope development was discussed in part, having more “eyeballs” to look at these situations and other issues were also discussed. The idea of having more than three members on the Building Commission was discussed at length; Counsel Paulson added that the Town Council could certainly solicit applications or interest from community members who wish to be appointed to the Building Commission.

Commissioner Fithian asked the question of the general public: Anyone wishing to be appointed to the Building Commission, please raise your hand and identify yourselves. Several people raised their hands and identified themselves as being interested; someone else commented that they “know several interested parties who were unable to be at the meeting today”. Dave Albers noted that his feeling is the fire department should have a representative on the commission as well, whether it be him or some other fireman. Mr. Fithian gave out his e-mail address as [pfithian@gmail.com](mailto:pfithian@gmail.com), and Town Council President Schaefer weighed in on the topic as well. Commissioner Angelo made note of the fact that it has bothered him that there are three members on the Building Commission, a majority of which are also town council members, thus, giving unfair advantage. Plan Commission membership was also discussed. Town Council President Schaefer asked that whoever wants to submit their name for Building Commission appointment should also submit some qualifications. Discussion ensued on this topic as well.

Mr. Byvotes asked for clarification about a workshop; who will be responsible for setting the date and running the workshop. Town Council President Schaefer added that he thinks the recommendation to hold a workshop should come from the Building Commission to the Town Council.

Commissioner Angelo moved that the Building Commission recommend to the Town Council to hold a workshop on the topic of more commissioners, a paid position and position description for the Building Commissioner. Seconded by Commissioner McDonald.

Discussion ensued regarding the motion. Commissioner Fithian paraphrased the motion with clarifications: That the Building Commission present a suggestion to the Town Council that the workshop be established to process the items that Mr. Byvotes has presented and that it will be a Building Commission workshop that the Town Council is going to address. Dates for the meeting was briefly discussed.

James Neulieb clarified that he thought the attorney said “Town Council workshop”, not a building commission workshop. Counsel Paulson clarified it would be a Town Council workshop to discuss the items relating to the Building Commission. Commissioner Angelo clarified it is a “Town council workshop with the Building Commission involved.” Counsel Paulson responded, “And, certainly, if the Council wants the Building Commission’s input, they can do that, and I think from what at least what I understand it would be discuss the issues relating to the Building Commission.” Commissioner Angelo clarified it is actually a “Town Council workshop”.

Commissioner Angelo moved to incorporate everything just said as a motion and it was seconded by Mr. McDonald.

**Voice vote of all ayes and no nays, motion carried.**

**Commissioner Fithian called for the next item of business:**

**Commissioner Fithian asked Mr. McDonald and Mr. Angelo whether they were aware of any known violations at this time in the Town of Long Beach that relate to our building code and ordinances; both responded “no”. Commissioner Fithian asked Jane Neulieb to explain her comment at the last Town Council meeting regarding “glaring violations”. Jane Neulieb asked James Neulieb to make the presentation; folders of documents were handed out.**

**Review of Known building code violations in Long Beach - Jane Neulieb presentation**

**Mr. James Neulieb asked to be recognized by the Commission. A lengthy presentation was made by Mr. Neulieb who referenced documents in the folder and asked questions regarding the documents. E-mail messages were read into the record. Building Inspector Bill Owens commented and clarified some questions that were being asked by Mr. Neulieb regarding permits and footings for a home; “new home” being words on the permit, when clearly it was a home being built on an existing foundation; removal of an outbuilding for electrical equipment on the Wendt residence was discussed, several other documents were discussed.**

**The Ted Reese property issue was discussed, as well as the Tom King issue. Building Inspector Owens again answered questions and clarified issues.**

**Commissioner Fithian asked Mr. Neulieb to move on, and Mr. Neulieb produced a picture of a home with a boat next to it, and discussion ensued over the photograph. Commissioner Fithian explained to the audience that the picture is a picture of his home and the boat is his boat. Setbacks on another permit were discussed and issue taken with the way the permit was issued.**

**Commissioner Fithian asked Mrs. Neulieb when these alleged violations were known to her, and she said in the past week; not all of them, but some of them. Commissioner Fithian defended by explaining that as soon as the Ted Reese issue was known, it was dealt with. Again, responsibility with the homeowner and contractor were discussed.**

**Ms. Neulieb countered that every time they saw a violation a picture was sent; discussion ensued regarding emails and video.**

**Ms. Barbara Morgan questioned the punishment for getting a permit and not following the permit; the attitude of, well, it’s up, now what are you going to do to me? Building Inspector Bill Owens explained a situation with an electrical box, and that how once they were notified by the neighbor of the issue, it was dealt with. Ms. Morgan went on to pontificate about having her own issues and questions and being able to get a tape measure out to measure with. She also noted that this is good information to know, and she wanted to know about meetings and meeting times. Stop work orders and lawsuits were also discussed.**

**Mr. Pat Cannan thanked Mr. Fithian for his volunteer work and noted that there is a lot of pressure with the job Mr. Fithian is doing, but also noted that the town shouldn’t have to be their own personal watchdogs, and that maybe a paid position is a good way**

to go, but that he has also heard of violations. Lengthy discussion ensued on this topic and Commissioner Fithian states: “We are not going to deal with rumor, innuendo.” An out-of-town owner was discussed who has had work done without a permit. Having the police department police violations was also discussed; Tom Dolph of the Street Department carries a list of approved contractors.

Mr. Dave Albers pontificated that he would not want the job of Building Commissioner, and that he has thanked Mr. Fithian for doing the job, and he has also wondered why in the world Mr. Fithian would want to do the job, and that he feels sorry for him. Mr. Albers went on to discuss the building of homes, sprinkler systems and the fire department. Questions were asked about property on Lakeshore Drive, lots east of the steps going down Stop 31; has it been annexed into the Town of Long Beach. It was clarified that the property is in Long Beach.

Mr. Albers anecdotally explained a conversation he had with Mr. de Funiak and the insurance agent, basically that the sprinkler ordinance is unenforceable. Lengthy discussion ensued regarding the unenforceability of the sprinkler ordinance; Commissioner Angelo explained that, no, it is not enforceable. Counsel Paulson advised that she has been made aware of the issue. Mr. Albers went on to explain the impact of this fact to the ISO evaluation. Commissioner Angelo explained it is basically from “downstate”. Counsel Paulson said the issue has been looked into and an answer will be coming in short order. Mr. Albers gave a lengthy soliloquy on the history of the sprinkler system, the building of the large homes in the area, and the issues the fire department has when fighting a fire in large structures that do not have sprinklers.

Commissioner Fithian asked Ms. Neulieb if she had any further known violation topics to discuss today. Ms. Neulieb and Commissioner Fithian discussed a letter that he sent to Mr. Wendt regarding the structure that was in violation. Ms. Neulieb enumerated the deck at Stop 16, and complained that nothing was done regarding the deck until she and Mr. Byvotes wrote a letter. Mrs. Neulieb advised that she is not going to sit and listen to this anymore; she wants action and so do the people of Long Beach – making note that “people don’t go to “you” because they are afraid of you, and that they would be called into a meeting like, “Jane’s comments”; they are afraid to say anything to you because maybe the next time they need a garage put up, you won’t give them a permit, and that’s the facts.” Commissioner Fithian advised Ms. Neulieb that she is “out of line with that comment.” With that, Mr. Fithian closed the “known violations” topic, and moved on to the next item on the agenda.

The next item on the agenda was:

Floodplain Ordinance 13-002

Commissioner Fithian explained that this floodplain ordinance falls under the purview of the Building Commission, and that the resources to administer it have not been provided for.

a) Items from Pat McDonald

Commissioner McDonald explained this is the proverbial “ten pounds in a five-pound bag”, it is huge. Watch for the acronyms when dealing with this issue, he has been advised. Explanation was given regarding the history of the maps, that surveyors

need to be involved, and that the height of homes and the level need to be certified as far as flood elevations go.

b) Information from La Porte County Health Department

Commissioner McDonald advised that he has quizzed the LCHD regarding septic system and drain fields; that they do look at the level of the septic system with regard to the level of the flood mark. Discussion ensued regarding the septic systems and the flood mark. Commissioner Angelo stated that a motion should be made that “we start including the elevations certificate as part of our documentation, National Flood Insurance Program map.”

Mr. Byvotes discussed “land disturbing” activities as part of the ordinance. It was suggested that this topic and the floodplain topic be also be a topic for the workshop.

c) Future potential meeting with Laura Kannapel, CFM Water Planner, Floodplain Management Section of the Indiana Department of Natural Resources

Coverage for Errors & Omissions for the Long Beach Building Inspector, Bill Owens;

Discussion ensued regarding getting a policy of E&O for the Building Inspector.

Commissioner Fithian proposed a motion that E&O coverage be provided for the Building Inspector, whether through paid policy or ad hoc member under the existing window. Commissioner Angelo added, that for others it could be added as a package deal. Seconded by Mr. McDonald.

With a voice vote of all ayes, motion *carried*.

Comments from the Public:

Mr. de Funiak brought up the topic of fees for contractor registration; that it is the same fee for the guy with one paint brush and for the guy with 50 paint brushes, suggesting that there should be a close look at the fee structure and possibly some adjustment made there.

Mr. Albers again discussed “triggers” and lot “size” as far as issuing permits, and suggesting that the permit fees could be adjusted, also noting that the burden should be on the homeowner and the builder to make sure information is true and accurate. Mr. Byvotes said he’d put that on the action “plan”. Mr. Albers states that the Building Commissioner position should be a paid position, and that the permitting fees can be adjusted to help fund that position. Lengthy discussion ensued regarding home building and interpretation of codes. Mr. Albers also asked the commission to consider going back to regularly scheduled meetings even if there is nothing on the agenda. Ending his comments, Mr. Albers noted, “We’ve got to work together.”

Ms. Morgan states that this has been a very informative meeting for her. It was suggested that the Building Commission meet in the evenings so as to give people who work during the day the opportunity to attend the meetings.

**Commissioner McDonald thanked Commissioner Fithian for all the time he's put in as Building Commissioner, lots of time, no pay and a lot of grief. Commissioner Fithian thanked Commissioner McDonald.**

There being no further business to come before the board, the meeting was adjourned.

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**BOARD SECRETARY**