

(Edited)
MINUTES of Meeting held on March 9, 2015

LONG BEACH TOWN COUNCIL
TOWN HALL, LONG BEACH, INDIANA

Following the Pledge of Allegiance, the meeting was called to order at 7:00 p.m. by Robert Schaefer; council members Robert Angelo, Patrick McDonald, Peter Byvoets, and Jane Neulieb were also present along with Fire Chief Dave Albers, Chief Robert Sulkowski, Clerk-Treasurer Bill de Funiak, and Attorney Julie Paulson; Street Supt. Tom Dolph was absent. Approximately 27 people attended the meeting.

Approval of Minutes - After small corrections to the February minutes by Neulieb, a motion was made and seconded and minutes were approved for February 9th meeting.

Police Department - Chief Sulkowski read the report.

Police Commission - Pres. Schaefer read the report.

Volunteer Fire Department - Chief Dave Albers read the report.

Fire Commission Report - Jane Neulieb reported that the Fire Safety committee is coordinating activities with the LBVFD.

Street Department - Pat McDonald reported that Tom Dolph is attending the state-sponsored Road School. Pat complimented the street and water employees who responded admirably to our snow emergencies.

Park Board - Jane Neulieb read the report.

Community Center - Pat McDonald reported that both boilers failed at the LBCC and were determined to be too outdated for repair. The boilers were kept running 24/7 by town staff until the new boilers were installed. President Schaefer reported that the last meeting of the LBCC committee was disrupted and no actions were taken.

Water Board - Schaefer read the report.

Budget & Finance - no report

Human Resource Advisory Committee - no report

Building Commission Report - de Funiak read permit report.

Advisory Plan Commission - Byvoets read report.

Building Permits - de Funiak reported the following for the month of February: Fees of \$16,728.23 were collected on projects totaling \$2,757,086.00; revenue of \$88.60 collected on 5 electric permits issued totaling \$886.00

Legal Expenses paid in February 2015 were \$5,325.00 to Harris, Welsh & Lukmann.

A motion made and seconded approved the above council reports as presented 5-0.

Unfinished Business:

Town attorney Julie Paulson presented to the council **Ordinance 2015-03**; regarding Golf Carts for first reading after Schaefer made a motion of such. Schaefer motioned to approve on 1st reading, it was seconded and approved 5-0. Byvoets mentioned that the Long Beach Country Club is in agreement with all regulations as to their role in this ordinance as far as residents registering golf carts with the country club. Motion and second to suspend rules for second reading; approved 5-0. Atty Paulson read by title only, **Ordinance 2015-03: AN ORDINANCE OF THE LONG BEACH TOWN COUNCIL AMENDING ITS TOWN CODE TO PERMIT THE OPERATION OF GOLF CARTS ON PUBLIC STREETS IN THE TOWN OF LONG BEACH**; motion to approve by Byvoets, seconded by McDonald; approve unanimously.

New Business:

Jane Neulieb referenced the ordinance for use and control of the town's north parking lot when talking about the park board's intentions to amend the ordinance for regulating parking in the lot and to mail parking stickers ("as successfully done in Beverly Shores") to all town residents "at the request of many townspeople". She mentioned the park board wanted to institute something before summer. There was council discussion regarding parking for the local businesses and their guests; Jane said the park board did a study about parking in front of local businesses for the businesses and their guests and mentioned how we don't do that for anyone else; parking in the lot would be just for residents and their guests for use to go to the beach. Schaefer didn't feel it necessary to mail 2 stickers to each of 1100 homes, that each resident wanting to park in the north lot should come in and physically show their home ownership and vehicle registration to acquire a sticker. After lengthy discussion on who could possibly distribute and record parking stickers by the park board and where and when this would happen Neulieb stated it would be done "by volunteers". After all council discussion and to conclude this subject Schaefer asked that all ideas be brought to the next park board meeting on March 25th so there could be finalization on this project by the April 13th council meeting. (See report read by Jane)

Schaefer mentioned he sent a "revised" copy of the Boards/Committees List to all council members: specifically calling attention to the fact that there are and always has been 7 names on the community center committee and the revised list shows those 3 names inadvertently left off the list and have been active members- James Dehner, James Price, and William de Funiak. The annual appointments were done in January 2015 by Schaefer. Byvoets made a motion to approve the names of the 3 members to the list who have been active on the committee since January, seconded by McDonald. There was discussion. Debbie Steele-Semla, 2504 Roslyn Trail, in the audience, and member of the CC committee wanted to nominate 3 additional people for the committee to bring the total to 10 -Amy (Pliske) Shinn, Erin Connelly, and Nick

or Colleen (Sammann) Meyer. Debbie didn't feel that the committee should be "one-sided" to consist only of business owners but residents that would represent the community.

Angelo stated he thinks the council should act on the motion at hand and let the Community Center committee discuss their change ideas at their regular meeting and if they want to present their recommendations at a future council meeting for expansion of the membership of this committee it can be done so at a later date. Jane gave her input stating that "currently everyone on that committee is over 65"; she doesn't feel that it serves us "to only hear that side of the community". "We need people with young children with their input". "If we can have seven on the committee why can't we have 10?"

Schaefer continued with the motion and second already presented, it was approved 4 - 1.

Schaefer spoke about speaking with attorney Paulson regarding who makes decisions when special circumstances arise that need prompt attention. One example was the two (2) boilers that went out at the community center in February that needed to be replaced; it had become an emergency purchase as there was ice in some toilets due to the frigid winter temperatures. Paulson says it depends on what the emergency is; but the council can delegate certain individuals to make decisions, financially and otherwise. De Funiak stated he called the State Board of Accounts and they directed him to IC 36-1-4-16, Sec. 16.: Ratification of action of officers or employees; procedure.

De Funiak presented the boiler purchase of \$17,570 from Dye Plumbing and Heating already installed and running at the community center; motion made by Byvoets to approve the purchase; second by Schaefer, approved 5-0.

De Funiak wanted to state that in light of companies and their policies regarding Facebook he asked Pam Krueger, HR Solutions, to research for Long Beach town's future referencing, the policies of other companies and how they deal with social media and employees in the workplace.

De Funiak mentioned that Jane asked for financials like originally presented in some of the early meetings of 2012. He had, at one time, been distributing monthly reports of the town's finances to the council prior to monthly meetings, and will now continue to do such. The Budget and Finance Committee will be discussing future investment strategies.

DeFuniak read a received e-mail from Jim Clarke, representing the 2 BIG Hearts 5K; he would like and appreciate the use of the community center gym from 6:00 p.m. May 22nd until noon on May 23rd for the 2 Big Hearts race on May 23rd. A unanimous approval was given for use of the CC gym for the 5K; de Funiak to contact Jim Clarke.

Jane directed Debbie Steele-Semla from the floor to talk about the upcoming LB Historical Society organizational meeting on March 24th at 10:00 a.m. at Town Hall. Mike Riley has already volunteered to do all legal work for it; In May or June a representative from the Indiana Historical Society will come to share information about the society.

PUBLIC COMMENTS FROM THE FLOOR:

Rich Crain, 2200 Mary Ben Ave., read a personal letter regarding his thoughts about the town, the community, his personal involvement and all others and their involvements in regards to their public duties as representatives of the town. He addressed a survey being drafted to go out to all residents and stated the unconstitutionality of one of the survey's questions.

Joe Jogmen, 2215 Florimond Ave., mentioned that one particular question that Rich Crain refers to in his letter about a survey that was being prepared for distribution to all town residents has been changed, that the survey in question was only a preliminary draft, there are changes being made to it.

Jeb Smith, 1400 LSD, made a compliment in stating that in the last 50 years she has never seen a better snow removal system than in Long Beach!

Mary Kowalski, 2604 Oriole Trail, talked about her concerns with parking in the north lot.

Jim Dehner, 2300 Fairway, and tenant at the Community Center, felt that a Facebook policy for Long Beach would be a move in the right direction and would be a good decision; mentioned that a private citizen whom he'd never met attacked him on the citizen's personal facebook page. He also directed some of his concerns about a public official and their behavior in public and referenced the Town employee handbook codes of conduct and civility to better get along as a town and as a community.

He addressed the board and said how it is their responsibility to police themselves just as Congress does.

Mary Lou McFadden., 2714 Duffy Lane, directed her question - what is the estimated pre-bid cost of the plan to re-do Melrose Park? Jane said she would send it to Mary Lou. Does the cost cover the entire project or will there be other costs added? Was there a study of the demographics of that area to justify that expenditure? Angelo stated, "not that I'm aware of". Jane said "there have been many, many people asking over the years for this, just everybody surrounding us and the people we talk to was very embarrassed of how it looked ; The park board has talked about it for 3 years now so you had plenty of time to worry about the demographics. The money has been budgeted and approved."

De Funiak spoke of 2 subjects, 1- The Community Center Lease Committee and expressed his appreciation to Pat Eckenstahler and Mary Joy for their help to improve rent revenues at the Long Beach Community Center. Rent Revenues in 2012 were \$25,000 annually, rent revenues in 2014 were \$66,000, an increase of 120%.

2 -Insurance and risks to the town's finances and five (5) instances where there was no insurance remuneration; costs to repair a pillar at Stop 26 for approximately \$4,500, the Gunderson-West lawsuit against the town is still generating expense, Birnbaum vs. Town of Long Beach, no coverage, Waters Family Trust vs. Town of Long Beach, no coverage, Oakley Home Builders vs. Jane Neulieb and Peter Byvoets, also, no coverage. We must be mindful of the risk to the town's finances of all projects and proposed projects.

Councilman Byvoets questioned the insurance coverage and risks for all that goes on at the community center and terms of use; Schaefer addressed Pat Eckenstahler to put this as priority with regards to future planning of events at the center.

Jim Price, 2708 Duffy Lane, was a little surprised by the lack of responsibility of the town's insurance carriers. C-T De Funiak also mentioned the recent changes in insurance brokers.

Council Comments: Jane Neulieb wanted to address the Facebook page. She said she "takes very seriously the vow she took and that was to uphold the constitution of Indiana and the constitution of the United States". She mentions the 1st amendment and freedom of speech. She told Dehner "if you don't want to be talked about you shouldn't be in a public realm because in a public realm, anyone can talk and say how they feel. If you want to restrict that, that is against the law and that's called prior restraint. No one is going to be restricted from saying anything on Facebook because the constitution of the United States says that. If you don't want to be in public controversy which is open to freedom of expression, then you should take yourself out of that. I want you all to know that Facebook policies are for private companies, they are not reflected in government and even your insinuation that someone should do that is against the law."

CLAIMS APPROVAL: #12626 through #12680 = Total \$107,124.59
Salaries for February 2015 were \$63,378.85

Motion and second to approve claims by McDonald and Angelo, unanimous.

The next town council meeting will be held Monday, April 13, 2015 at 7:00 p.m.

Meeting adjourned at 8:25 p.m.

Respectfully submitted,
William S. de Funiak