

PENDING APPROVAL

Minutes
Long Beach Town Council
Town Hall
Long Beach, Indiana
July 9, 2012

Following the Pledge of Allegiance, the meeting was called to order at 7:00 P.M. by Council President Robert Schaefer. The following Council members were present: Robert Schaefer, Robert Angelo, Peter Byvoets, Patrick McDonald and Jane Neulieb.

Also present were Attorney Jeff Thorne and Clerk Treasurer Bill deFuniak, Police Chief Sulkowski, Fire Chief Dave Albers, Street Superintendent Tom Dolph, and Building Commissioner Paul Fithian. There were approximately 90 residents in attendance.

Approval of Minutes – On motion made and seconded the minutes of the May 29, 2012 meeting were approved by a vote of all present.

The minutes of June 11, 2012 were presented for approval and Mrs. Neulieb indicated that she wanted to include the statement from Kathryn deLaBarre stating that she has been walking the lakeshore for decades and talking with people along the way and that is very important to her and all Long Beachers. With the inclusion of the statement the minutes were approved by a vote of all present.

Police Department Report – Chief Sulkowski delivered a report for the month of July, 2012. Chief Sulkowski reported that there were 420 calls. A breakdown of the specific hours and calls followed.

Police Commission Report – Mr. Schaefer noted that there was no Police Commission meeting this month. The next Police Commission meeting is scheduled for August 1, 2012 at 8:30 A.M.

Fire Department Report - Chief Albers delivered a report for the month of June, 2012. To date there have been 25 Fire Calls.

32 Medical calls to date this year, 27 of those were in Long Beach, 5 in Duneland Beach.

Average response time for Fire calls was 3.09 minutes; average response time for Medical calls was 4.3 minutes.

Fire Commission Report – Mr. Schaefer noted that the Fire Commission met and that Chief Albers presented a capital plan that extended through 2029. The Fire Commission will be reviewing that plan.

Street Department Report - Tom Dolph noted that he would like to thank the Water Dept. for the assistance he received in setting up for the 4th of July. The tennis courts were cleaned, and he noted that there may be engine work needed on the back hoe. Bids are in the process for street paving and the work should be scheduled for the Fall.

Mr. Schaefer noted that the Water Dept. is planning on installing new mains and will work with the Street dept. to coordinate this activity.

Mr. McDonald thanked the Street Dept. and the Water Department for their contributions to make the Town ready for the 4th of July celebration. Mr. McDonald also noted the 2nd garbage pickup that was held on the day after the 4th and recommended that the pickup be scheduled again for next year.

Park Board – Jane Neulieb reported that the Park & Recreation Board met on June 22, 2012 and gave a recap of the meeting. Mrs. Neulieb noted that she had a bid from a landscaper for maintaining the garden at Stop 24 and will clarify if the bid is for ongoing maintenance of the site. It was noted that additional bids will be requested for the work.

A full report of the Park & Recreation meeting was presented.

Community Center Report - Mr. McDonald noted that there was a problem with the AC system last week and that restarting the system takes additional time and steps to restart the system.

Mrs. Debbie Steele-Semla thanked Mr. Kanyer for mowing the grass in the courtyard area in the Community Center. Ms. Semla noted that Joe and Rise Wendt have donated a stove for the kitchen at the Community Center. Also she thanked Pat McDonald for his work at the Community Center.

A full report of the Community Center meeting was recapped. It was noted that Pat Eckenstahler, Jim Dehner and Mary Joy have been added to Community Center Committee.

Water Board Report

Mr. Schaefer reported that the Water Board met on June 25, 2012. The hydrants are being flushed and Mr. Eckley is updating the policy manual.

The next Water Board meeting is July 23, 2012 at 9:00 A.M.

Budget & Finance Committee Report - Mr. Pete Byvoets reported that the Committee met in June and will also be meeting next week. He reported that the cash position is good at this point and that \$1.41 million is due in back-taxes and if that comes through then the Town is in good shape.

Budgets are in the process of being prepared and will need to be prepared by all departments by the end of July. Capital requests need to be submitted at this time.

Insurance evaluation is underway. Mr. Byvoets noted the need for financial controls and indicated that Mr. deFuniak will address this issue. Mr. Byvoets also noted that Save the Dunes has contacted the Town regarding its pledge of \$10,000.00.

Building Commission – Mr. Paul Fithian noted that the Building Commission will meet in August. Mrs. Neulieb inquired about the status of the Stop 21 seawall and it was noted that that is in litigation at this time with the BZA. Also, Mrs. Neulieb inquired as to the status of the electrical box located at Stop 19 and it was noted that correspondence has been sent to the homeowner to either move the electrical box or request a zoning variation.

Building Permit Report - Mr. deFuniak reported the following Building Permits:

20 Building Permits, Cost of \$434,339.65; Fees of \$3,481.50
4 Sand Moving Permits Costs of \$2,000.00; Fees of \$200.00
Total Costs: \$434,339.65; Total Fees: \$3,681.50

2 Electrical Permits totaling \$171.00; Fees: \$17.10

A MOTION to approve the reports as submitted was made, seconded and approved by a unanimous vote.

Mr. Schaefer noted that the Council will discuss the Open Door violation at this time. A sum of the activities was discussed and it was noted that the Town hired Attorney Michael Bergerson to file an answer to the Complaint. The State issued an opinion stating that the town did violate the Open Door Policy. It was noted that Michael Bergerson was in attendance and requested an opportunity to address the Council regarding this matter.

Discussion followed wherein Mr. Bergerson stated that in his opinion the Council did not violate the Open Door Act and that the opinion from the State was just an opinion and that the term "competitive bargaining adversary" as it relates to this section of the statute is very questionable. He believed that the board was within its purview to hold the Executive Session as no votes were taken, no votes were planned on being taken and that everyone knew that Mr. Knight was going to be at the meeting.

Full discussion followed with regard to the events of the Executive Meeting, the complaint and the opinion from the State.

Mr. Byvoets noted that the town should move on and if any need for an Executive Session comes up the public access counselor should be called first.

OLD BUSINESS

Advisory Plan Commission – Mr. Byvoets noted that the next Advisory Plan Commission meeting will be held on July 12, 2012 at 7:00 P.M.

30-Day Rental Update Request for Monthly Report - Mr. Byvoets noted that the Police Department has sent out 16 letters regarding the 30-day rental violation, which were based on advertising. Mr. Byvoets asked the Council to recommend a monthly report which indicates how many calls the town receives regarding the rental violations, number of letters sent, number of police visits and number of citations issued.

Also, Mr. Byvoets would like an update on the Building permit violations. He noted several violations and inquired about the status of these complaints. Mr. Byvoets noted that we have ordinances and need to enforce them.

There was a motion to recommend the monthly reporting of these activities. Dr. Angelo noted that the Police Department would need to be involved in collecting this information. Discussion followed and it was noted with regard to garbage toters that the residents need to be informed of the ordinance regarding removing the toters from the street in a timely manner.

Motion approved by all present to accept the report by Pete Byvoets and Mr. Byvoets will identify what areas in the report can not be accomplished.

Budget - Mr. Byvoets noted that he has sent the budget for the Fire Department to Mr. Cender to review.

Resident Parking Ordinance Amendment - The parking lot behind the Town Hall was discussed and it was noted that the Ordinance needed to be consistent with the sign located at the parking lot. Mr. Thorne proceeded with the first reading of the ordinance amendment. The title of the new Ordinance is, “New ordinance”

Title of new ordinance

Full discussion followed with regard to the type of permits that will be required and how it will be enforced. It was noted that residents and their guests will need to obtain a permit from the police department to park in the lot. It was noted that a process of enforcement will need to be recommended.

A motion to approve the first reading of the new ordinance was approved by all present.

IT Support – No report at this time.

Septic Ordinance Update – Mr. Byvoets noted that a draft ordinance should be available within two weeks.

Nuisance/Abandoned Homes – Mr. Byvoets will have more at the next meeting with regard to this matter.

Garbage Toters – Mr. Byvoets noted that two chapters in the Ordinances related to toters. The toters are not to be brought to the street too soon and not left in the street after sunset. He noted that many toters are left out after pickup. Mr. Byvoets noted that our refuse company

has a provision to provide pickup at the home for an extra charge. Mr. Byvoets would like to form a group to work on a solution to the problem.

Financial Controls – Request from Clerk Treasurer – Pete Byvoets noted that the Town received a notice from the State which denied a request from 2007- 2008 for an access levy in the amount of \$416,000. It was denied due to lack of paperwork filed in previous years. It was noted that financial controls are needed in the town to insure that the proper paperwork is filed on time with the State to avoid any further errors.

Mrs. Neulieb inquired about the denial and why it was denied. Mr. Byvoets indicated that the paperwork was not submitted. Full discussion followed and it was noted that the paperwork was not filed with the State; therefore, the levy was not approved.

Mr. deFuniak also noted that there is no calendar of events for the Clerk's Office at this time and he would like to develop this list in order to be compliant with the State Board of Accounts. He requested an amount of \$5,000 which is available due to the computer training that was handled in-house. He noted that cash in needs to have a schedule of control and noted that some bills are being paid from 2009.

A motion was made to transfer the \$5,000 allocated in January, 2012 for computer training to be used to develop financial controls for the Town. Motion approved by a unanimous vote of all present.

Anthem Insurance Refund – will be prorated back to the employees who are enrolled in the plan. Motion to distribute the refund to the employees approved by all present.

Capital Asset Ledger – Mr. deFuniak requested that a Capital Asset Budget be prepared pursuant to the State Board of Account request of several years. Mr. deFuniak requested \$1,000.00 to fund the hiring of a professional to produce the Capital Asset Budget.

Motion to approve was seconded and approved by a unanimous vote of all present.

NEW BUSINESS

Long Beach Fitness Center – Mr. Byvoets stated that a Memorandum of Understanding has been signed with the YMCA of LaPorte to operate the Fitness Center at the Community Center. Mr. Byvoets noted that this is a 6-month trial basis and will be evaluated at the end of that term.

Full discussion followed with regard to the LaPorte YMCA running the fitness center. It was noted that rent will not be charged for the first 6 months; however, utilities will be paid.

A motion was made to approve the Memorandum of Understanding by Mr. Byvoets and seconded by Mr. Schaefer. Motion approved with a unanimous vote of all present.

Signs – Discussion followed with regard to the town sign ordinances. The business sign ordinance and the ordinance that restricts free standing advertising signs was discussed. It was noted that the Building Inspector may be asked to attend the next Town Council Meeting to discuss this matter.

COUNCIL MEMBER COMMENTS

Mrs. Neulieb brought up the nepotism ordinance that is now in effect as of July 1, 2012. It is noted that the Town Council needs to pass the ordinance as soon as possible.

PUBLIC COMMENTS

The homeowner at 2929 Oriole Trail noted that a stop sign should be located near the blind hill at Oriole Trail in the 2900 block as a means to slow the traffic down as they drive over the hill.

A resident inquired about a catch basin that backs up and it was noted that two sprinkler systems are flooding the area.

Mickey Gallas regarding rental violations. She inquired what the fines are and was informed that it is \$500.00 a day.

Also, Mrs. Gallas inquired about the need for a building permit for replacing a gutter and painting the front of the building. It was noted that a contractor's license is required but not a building permit.

Sean Kaczmarek noted that a vacant lot at Stop 16 had a path plowed and inquired if a permit was procured.

Carol McMahon thanked the Police Dept for their work on the 4th of July, she noted the presence of the police that day and it was appreciated and this needs to be maintained and will make a big difference. However, she noted a specific time when the police were called due to a wave runner endangering swimmers and they were told they would not come to the beach. The Chief asked the resident to meet with him to discuss the situation.

Mr. Greg Alberding thanked Mr. McDonald for his help with the repair of the pillars. He also thanked the town for their help with the Fourth of July celebration.

CLAIMS APPROVAL

Mr. deFuniak noted that the claims for the month of June are as follows:
Check Nos. 10483 through 10551 in the amount of \$102,635.28; Salaries for June, 2012 in the amount of \$53,174.52.

A MOTION was made and seconded to approve the claims as presented. Motion carried unanimous vote of all present.

With no further business to come before the Council, the meeting was adjourned at 9:25 P.M.

Respectfully submitted,

By: _____
William deFuniak, Clerk Treasurer