

MINUTES OF SPECIAL MEETING
LONG BEACH TOWN COUNCIL
TOWN HALL, LONG BEACH, INDIANA
APRIL 24, 2017

Following the Pledge of Allegiance, the meeting was called to order at 7:00 p.m. The following Council members were present: President Pete Byvoets, Bob Lemay, Jane Neulieb, Joy Schmitt and Nick Meyer, Clerk-Treasurer, Bill de Funiak, and Attorney Julie Paulson; approximately 36 were in public attendance.

Roll Call was made by Byvoets prior to stating the purpose of the meeting. Because there were no minutes to approve at this meeting Byvoets continued:

Items that had been forwarded from the Advisory Plan Commission Meeting Public Hearing of April 17, 2017 were 1) the "favorable recommendation to Town Council of the "Non-conformance" ordinance; and 2) the "unfavorable recommendation to Town Council of the "View Protection" ordinance with council's suggested changes" will be discussed at the May 8th regular Town Council meeting.

Pete then called for open comment on the "Continuous Seawall" ordinance forwarded to the town council with an unfavorable recommendation which was the main topic for discussion at tonight's meeting.

Councilwoman Neulieb commented and read from State statutes and recommended the council delay making any decision on this ordinance until the council's regularly scheduled May 8th meeting. Attorney Paulson made a brief comment/correction to Neulieb's state statute statement.

Jim Neulieb, Florimond Ave., confronted Pete of the discrepancy in the votes taken at the APC meeting April 17, 2017 with regards to the continuous seawall ordinance. Lemay said he made the correction on the certified APC memo and reissued it to all councilpersons.

Bill Irvine, Idlewood, LBCA member, and representing the group tonight, read a letter (attached) opposing the seawall ordinance and read two (2) amendments the Alliance suggested be made to the ordinance.

Mary Lou McFadden, Duffy Lane, questioned the favorable/unfavorable votes taken on the ordinances at the APC meeting April 17th.

Annie Malone, LSD, spoke in opposition to the ordinance.

Sandra Beck, Juneway Dr, spoke, opposing the ordinance.

Doria Lemay, Oakenwald, spoke saying "both my husband and I are big supporters of the LBCA and their cause" and she supports the seawall ordinance.

Peggy King, Florimond Ave., spoke opposing the ordinance.

Councilman Lemay spoke saying he had written this ordinance, and was supporting the ordinance, stating that “it would be beneficial to save the Town”.

Councilwoman Neulieb spoke asking if this ordinance was up for discussion “to settle a lawsuit”? She “knew of no one who favors this ordinance”. She had questions regarding the “public trust” issue.

Councilman Meyer spoke in length stating he had contacted people with the DNR, Save the Dunes, NOA, the Army Corp of Engineers, among others. Nick does not support the proposed ordinance.

Joy Schmitt stated she “is not a member of the Alliance” and “supports the ordinance”.

Pete Byvoets stated that the seawall at 2216 LSD was already in place. He summarized issues about property owners’ rights and supports the ordinance

Joe Jogmen, Florimond Ave., questioned if an agreement was in place to keep Longwood Partners, LLC from requesting a payment from the Town even after the seawall ordinance is in place.

Jim Neulieb, Florimond Ave., thanked Nick for his research in the matter, and said “public trust trumps Long Beach decisions”.

Byvoets closed comment and Paulson read 1st reading of **Ordinance #2017-02: An Ordinance of the Long Beach Town Council Amending Portions of the Text of The Zoning Code of the Town of Long Beach, Indiana** with the new section 154.160 pertaining to continuous seawalls. Lemay made a motion to accept/Joy seconded motion; and a roll call vote was made after a 3 to 2 vote in favor of accepting 1st reading. Jane Neulieb – Nay; Nick Meyer – Nay; Pete Byvoets – Aye; Joy Schmitt – Aye; Bob Lemay – Aye.

A motion was made by Byvoets to suspend the rules and proceeding to second reading; there was no second. It did not pass.

Meeting adjourned at 8:15.

Respectfully submitted,

Bill de Funiak, Clerk-Treasurer