

PENDING APPROVAL

MINUTES
LONG BEACH TOWN COUNCIL
TOWN HALL, LONG BEACH, INDIANA
SEPTEMBER 10, 2012

Following the Pledge of Allegiance and moment of silence in memory of Barbara de Funiak, wife of Town Clerk Bill deFuniak, the meeting was called to order at 7:00 p.m. by Council President Robert Schaefer. The following Council members were present: Robert Schaefer, Jane Neulieb, Patrick McDonald, Robert Angelo and Peter Byvoets.

Also present were Fire Chief Dave Albers, Police Chief Robert Sulkowski, Street Superintendent Tom Dolph, Clerk Treasurer William de Funiak and Attorney Jeff Thorne. Approximately 55 residents were in attendance.

APPROVAL OF MINUTES – On motion made and seconded, the minutes of August 13, 2012, were approved.

POLICE DEPARTMENT – Chief Bob Sulkowski delivered a report for the month of August, 2012. There were 449 calls in the month and 186 citations. A detailed report of the activities is available as the monthly police report.

POLICE COMMISSION – Bob Schaefer reported the Police Commission met on September 5, 2012. He met with the Clerk Treasurer of the Town of Michiana Shores and the Duneland Beach Association and presented them with the Town's cost to serve those areas. Mr. Schaefer will be working with Attorney Jeff Thorne to develop the contracts with the approved costs so they may be presented for approval at the October 8, 2012 Council meeting.

Long Beach has two new police cars replacing the Ford Expedition and the Crown Victoria.

The Commission will have a plaque made honoring the police dog, Cody, who recently passed away.

Next meeting – October 3, 2012 at 8:30 a.m.

VOLUNTEER FIRE DEPARTMENT – Chief Dave Albers delivered a year-to-date report through August, 2012. Thirty-three fire calls have been made this year compared to 34 at this time last year, and 54 medical calls in comparison to 48 last year.

The Long Beach Volunteer Fire Department has donated year-to-date, a total of 1,255 hours to the Town at an estimated value of donated hours of \$52,000.00.

The next Fire Commission meeting will be held on September 17, 2012, at 5:00 p.m.

POLICE ADVISORY BOARD – Bob Schaefer reported the Advisory Board met on August 29, 2012. Their role is to develop procedures to receive complaints that would be directed towards the police department or the Marshall or to investigate grievances that a police officer may make against the Town. An updated formal complaint form is being developed, as well as procedures as to how to actually file that form with the police department.

Next meeting – October 3, 2012 at 5:00 p.m.

STREET DEPARTMENT – Tom Dolph reported on general town maintenance, which included trimming overgrowth and low-hanging branches, bringing two drain-tops up to street level, and traffic signs updated. Forty-three signs have been changed, and more have been ordered.

Mosquito spraying will continue through September and possibly into October. There are currently 12 diagnosed cases of West Nile disease in Indiana, with one death. Residents may look on the CDC website for more information.

Leaf pick-up starts on October 22 and runs through November 30, 2012.

Street paving will begin soon on Golden Gate, which includes a short section of Somerset, Floral Trail from Lake Shore Drive to Elbridge, a section of Elbridge from Floral Trail to Ardmore, Storey Avenue and the large intersection of Roslyn and Mt. Claire.

PARK BOARD – Jane Neulieb reported that due to two meetings in July, the Board did not meet in August. The budget was completed at the July meeting.

Mrs. Neulieb has spoken with Tom Dolph regarding vandalism to the Stop 23 sign.

Next meeting – September 26, 2012 at 7:00 p.m.

COMMUNITY CENTER – Pat McDonald reported that there is a water leak in the coil of the main chiller outside, but it is working at the moment. The plan is to repair the coil and this will be combined with the winterization of the system.

The slick tiles on the entry way of the Town Center will be replaced shortly.

BUDGET & FINANCE – Pete Byvoets reported that budgets have been submitted to the Department of Local Government Fund. The committee is going to have a budget workshop on September 12, 2012 at 7:00 p.m. for the explanation of the budget and the budgeting process. This is not a hearing. Each department has submitted their individual budgets, and the meeting will be for everyone to look at the combined budget. A budget hearing will be held on September 24, 2012, and will be advertised in the News Dispatch.

BUILDING COMMISSION – Paul Fithian reported the commission needs a proposed resolution from the Council that when the Town has an entity that desires to cut into the street, that a fee be assessed for the work. Currently there is only a form and a bond required. The proposed fee of \$100.00 would cover any potential damage associated with the work.

HUMAN RESOURCES – Bill de Funiak reported the Town has received two bids for a Human Resources audit that would look at the Employee Manual and all of the Town policies. There is about a \$12,000.00 gap between those two bids, so discussion will be held with the individuals supplying the bids to determine the work content in their bids.

In October, a resolution will be forthcoming to formally approve the Human Resources Advisory Committee. Mike Horton has put together a comprehensive two paragraph description of the role of the Advisory Committee.

BUILDING PERMITS – Bill de Funiak reported for the month of August, 2012, there were 11 building permits totaling \$152,050.00, which amounts to \$950.00 in fees for the Town. There were three electrical permits totaling \$292.00 with a revenue to the Town of \$29.20.

Motion was made and seconded to approve the above Council reports as presented. Motion approved.

OLD BUSINESS

CODE ENFORCEMENT

1612 Indianapolis – Deck constructed without permit. Information being gathered to get the background in order to proceed will be presented at the October Council meeting.

1911 Lakeshore Drive – Information requested from resident regarding alleged permit issuance has not been provided to date. An update will be provided at the October meeting.

SALARY ORDINANCES

Ordinance #12-xx has been amended regarding salary changes with a police department officer and the Street Superintendent. This ordinance will be to award back pay to both employees. Motion was approved and the amended ordinance was signed at the end of the September Council meeting.

SIGN ORDINANCES

Mr. Thorne recommended changes to extant sign ordinances. Mr. Byvoets indicated that important wording relating to commercial signs needs to be retained from prior ordinance. Mr. Thorne will provide an updated draft ordinance. Mrs. Neileub suggested that the proposed ordinance be posted on the Town website so residents can read it before Council approval.

30-DAY RENTAL and PERMIT ENFORCEMENT

Jeff Thorne read the proposed ordinance that covers a fee structure for fines. This ordinance must now be sent to the Planning Commission for approval.

PARKING PLAN

Proposed Ordinance Change– The parking lot behind Town Center will be for Long Beach residents only and their guests. They must go to the Police Dispatcher and provide their address to receive the permit. All Town employees - police, fire, committees, commissions, and staff will not need a permit. The Chief will designate eight parking spaces for business-only parking. House of parking in the lot will be from 6:00 a.m. to 11:00 p.m. There will be no overnight parking unless approved by the Chief or his designee. There are two handicap spaces in the parking lot. A permit is not needed for town meetings and functions. A general discussion was held regarding parking in front of the Town Center building and street parking spots along with thoughts on how to identify Town employee cars parked in the lot. A proposal for Council to decide on this issue will be presented at the October 8, 2012 meeting. Mr. Byvoets suggested that street parking in front of commercial establishments be striped and designated for timed use by patrons. Mr. Thorne indicated that the town had the authority to designate such usage on the streets of Long Beach.

GARBAGE TOTER ORDINANCE

The Ordinance regarding garbage totes is on the Town website. Discussion was held regarding the Town's need to conform to the 'toter' ordinance as well as the homeowners by concealing receptacles from street view, and requiring homeowners to be responsible for taking in their totes from the street. Able Disposal will take out and put away homeowner totes for a fee—starting at \$25 per month. Many residents are unable to have their totes in by sundown, but was noted that the wording to remove the totes by sundown is already in the current ordinance.

It was suggested that possibly the Town look into solar-powered trash compactors. The city of Chicago has 400 of these compactors, which hold an equivalent of five garbage cans. They were paid for by a federal stimulus grant. An update will be provide at the October meeting.

Mrs. Neileub applauded the committee for their work on this ordinance.

FINES AND FEES

Mr. Byovets was asked to develop a fine/fee/enforcement structure for certain violations that seem to occur regularly. Five separate sections have been laid out. They include weeds, a 30-day ordinance, sign ordinance, nuisance ordinance, and toters. These will be broken down into a violation, a notification, grace period associated to grant, remedy and the penalties. Identification and conditions for when each violation occurs must be established. A decision must be made as to whether a letter will be give the homeowner granting a grace period, and the decision as to who will serve the citation. This should serve as a guide for the ordinance/enforcement and then give a guide as to who is responsible for enforcing once the violation is identified.

Police and Building Committees will review the proposed ordinances/process.

NEW BUSINESS

1. On a Resolution to move funds within the Motor Vehicle Highway Fund. Mr. de Funiak presented Council with a resolution to move \$21,000 from a salary category (201.51.112) to a paving category (201.51.443)

Motion made and seconded and approved.

2. Mr. Paul Fithian added to his comments earlier recommending that the Town initiate a \$100 fee for cutting into the pavement of any town street. When a new water line and water service is put into a home, and the contractor needs to cuts a 3' square into the street to get to the main, the contractor is responsible for putting the street back together again; however, after a couple of years of underneath ground settling, a dip in the road occurs where that work was done and the Town has the responsibility to go in to repair the site. The fee proposed will cover the cost of those future repairs.

Motion to approve made and seconded to initiate \$100 fee passed.

PUBLIC COMMENTS FROM THE FLOOR

1. Mr. Lee Block, 325 Lady Lane, Michigan City. IN. requests a resolution from the Council regarding the placement of a traffic light at Moore Road and Highway 12. Mr. Block stated that the offices of State Senator Jim Arnold and Representative Scott Pelath have asked him to get petitions signed by property owners requesting such traffic light. There are Council members who use this intersection and who would be in favor of a signal, but the Council determined that it should not approve a resolution on behalf of all residents of the Town. It is recommended by Council that a petition be placed on the Town web site that residents may sign if they are interested.

2. Jim Olson, an Attorney from Traverse City, Michigan appeared on behalf of Long Beach Community Alliance and spoke to the Council in order to provide follow-up to a letter that his law firm sent to all members. Mr. Olson's comments indicated that the Town current beach resolution is on solid ground and that no changes are required. He traced the history/meaning of the Public Trust and Equal Footings doctrine and concluded that the State can not sell or grant land held in the public trust and that subsequent claimants can not convey rights that they do not own. Following his presentation to the Council, Mr. Olsen took questions from the Council and audience members. The Council took no action.

A question was presented to the Council as to what the next steps the town will be taking regarding the beach issue and taking care of beach nuisances.

Mrs. Neileub urged the community to come together and call the police when we see disorder on the beach.

The group that is being represented by Mr. Knight have not identified themselves. A thank-you was given to those who have identified themselves through the Long Beach Community Alliance and their efforts.

3. The property owner at 2305 Lake Shore Drive has requested that it be put on record that her house is shaking badly during building construction next to her home. Her concern is that as more homes are sold and building done, that there could possibly be damage to her home. Homeowner does not know at this time if she has damage.

Mr. Fithian stated that all contractors working in Long Beach must have insurance, and depending on location of the lot, there are requirements that engineering studies for soil must be done.

4. Mr. Schaefer - Process of developing a more refined ordinance that would require high-definition of video of any properties adjacent to structures with pilings being installed as well as continuous monitoring and appropriate engineering studies by the Town Engineer. Mr. Schafer would like to recommend to the council that before these resolutions are passed and that the Town direct the Building Commission to require these studies. The Town has already had one incident where it has been requested by the Town Engineer that such study be done, and Mr. Schaefer would like a consensus from the Council that before we make it an ordinance.

5. Property owner at Stop 26 inquired as to the amount of revenue the Town has received from renters. Nothing has been collected, as the Town is still determining the fine structure on a daily basis, and the ordinance will be enacted once the Planning Commission approves. This will probably not occur this season. Renters are identified by their advertisements on vacation rental websites, by ads in The Beacher, and by signs in their yards. Sixteen certified letters have been sent so far. Violaters will also be identified as a result of 'neighbor' complaints of noise, parking and other ordinance violations.

6. A Stop 23 resident inquired as to who can use the beaches. Mr. Schaefer noted that all stops are 40 feet wide and that they are public property.

Claims Approval - Mr. de Funiak reported the following: Claims – Check 10614 through 10677 = Total \$161,422.80. Salaries for August, 2012, were \$86,792.08

Adjournment: With no further business to come before the Council, the meeting was adjourned at 9:25 p.m.

Respectfully submitted,

By _____
William de Funiak, Clerk Treasurer