

PENDING APPROVAL

Minutes of a
Special Meeting of the
Long Beach Town Council
Town Hall
Long Beach, Indiana
April 20, 2012

A Special Meeting of the Long Beach Town Council was held on April 20, 2012. The purpose of the meeting was to discuss the building permit process. The following were present at the meeting: Robert Schaefer, Jane Neulieb, Pat McDonald, Robert Angelo and Pete Byvoets. Also present: Bill deFuniak, Clerk Treasurer and Paul Fithian, Building Commissioner. There were approximately 14 residents in attendance. The meeting was called to order at 9:00 A.M. by President Robert Schaefer.

Mr. Schaefer opened the meeting and noted that this meeting is a follow-up of the Advisory Plan Commission meeting that was held last week that addressed building permits in Long Beach. Mr. Schaefer deferred to Mr. Pete Byvoets and it was noted that the following topics will be addressed: Septic Ordinance, Building Permits and Sand Removal.

Mr. Byvoets noted that the Advisory Plan Commission discussed the need for a review of building plans, which includes any proposed septic system. The advisory commission made two recommendations to the Council. The first recommendation is that a Land Use Attorney be hired to represent and counsel the Plan Commission. The second recommendation from the Advisory Plan Commission is that an Engineering firm be hired to assist in the review and processing of large scale building permits. These two entities would also review all of our ordinances to be incorporated into the proposed Comprehensive Plan.

Discussion followed with regard to the present status of Building Commissioner and the need to provide him with additional assistance such as the aide of an engineering firm and land use attorney.

Mr. Schaefer inquired if the engineering firm would be part of the permit process that the contractor will need to pay for – it was noted that yes, the expense would be passed on to the contractor.

Mr. McCormick inquired as to the reason for this process. Mr. Byvoets noted that the rules and Ordinance's need to be reviewed and constructed in a way that will support the comprehensive plan.

It was recommended that a licensed engineering firm in the State of Indiana be hired to review the permits of any large scale project which entails septic, topography, expanded footprint – major things. It was noted that the Town has building codes, a septic ordinance, topography ordinance; however, these Ordinances need to be reviewed and understood by one firm and applied to all building permits.

Mr. Schaefer noted that this is an exploratory process and when we update the comprehensive plan and change any ordinance at which time the public will have a chance to weigh in on everything.

Mr. Tom McCormick stated that this is a good thing and indicated that he supports the need for consistency in the ordinances. He noted that any change that changes the zoning code or an Ordinance change, may require Special Notice.

It was noted that interpretation of the codes has changed; however, Mr. Paul Fithian noted it's not interpretation, in his opinion, contractors should follow the ordinances and codes and these problems would not be happening.

Mr. Bob Schaefer stated that the purpose of this process is to bring consistency to the building process. He noted that there should be no need for interpretation. Codes should be very clear.

Mr. Paul Fithian noted there is a problem as to where a certain ordinance or code is located. The Land Use Attorney and engineering firm can review and codify ordinances and resolutions and put them in one location so that anyone can research them and find exactly what is required in Long Beach. In addition the engineering firm can assist the building commission and review the building plans of large scale projects.

It was noted that the building plans that are submitted to the Town will be forwarded to an engineering firm for review. The engineering firm will be knowledgeable of our Ordinances and Codes.

Mr. Pete Byvoets recommended that the Advisory Plan Commission's recommendation that Harris Welsh and Lukmann be retained to work with the Plan Commission and assist in the codifying of codes and ordinances, be approved by the Council.

MOTION by Mr. Pete Byvoets to accept the employment agreement of Harris Welsh and Lukmann as counsel for the Plan Commission. Mrs. Jane Neulieb seconded the motion. Discussion followed regarding who would pay the fee and it was noted that the Town would pay the fees as this is an agreement with the Town. Motion approved by a unanimous vote of all present.

Next, Mr. Paul Fithian was requested to prepare a proposal of the scope of work to be performed for the Building Commissioner to send out to various engineering firms to proceed with this matter. Several firms were noted and will be contacted. Mr. Schaefer inquired if we need more than one, it was recommended to have one entity to be responsible on a yearly basis

Mr. Mike Pavey inquired if there a timetable for the building permit review process and it was noted that the process should take ultimately 2 weeks.

Mrs. Jane Neulieb inquired if the engineering firm would be responsible for inspections and it was noted that they would be responsible for the management of all inspections as well as review the plans.

It was noted that the timeframe for permit approval or rejection will be addressed also. In addition, all State Ordinances will be included in the review process, such as tree removal. The View Ordinance also needs to be clarified.

Mr. Pete Byvoets made a MOTION to begin the process of hiring an engineering support firm to advise the Plan Commission and assist the Building Commissioner. Mr. Pat McDonald seconded. Discussion followed, and it was noted that Mr. Paul Fithian will send out a proposal to 3 to 5 firms and will review the proposals and make a recommendation to the Council. Motion approved by all present.

Mr. Byvoets recommend issues to be referred to the Building Commission for further discussion. Those items include: bond requirements, tiered/approval, builder caveats, application forms update, publication, posting, duration. The next Building Commission meeting date has not been set yet. It was noted that an Energy Bill went into effect in Indiana that also needs to be enforced. Mr. Schaefer encouraged residents to attend the next building commission meeting. It will be posted in the website.

SAND MOVING. It was noted that the Town's policy needs to be addressed along with the Topography ordinance, Sand Mining Ordinance and the Beach Access Permit process.

Mr. Byvoets noted that in his opinion the Topography ordinance states that no one can touch the sand. The issue is sand that has blown onto patios and on septic fields that may need to be removed.

Access to Stop 24 is permitted, but does not include access to private property along the beach. Full discussion followed with regard to the moving of equipment along the beach front to an individual homeowners property. Access will either be over private property or state property.

Mrs. Jane Neulieb stated that other communities don't allow earthmovers along the beach and there are other ways to take sand off a patio. Dunes are forming that prevents sand blowing onto patios.

At present, a permit needs to be obtained from the building commissioner and a topographical survey needs to be provided in order to remove sand that has accumulated over the winter. If sand is blown onto a septic field it needs to be removed.

Mrs. Jane Neulieb noted that the Town permit allows access through Stop 24, but not a permit to trespass on other property.

Mr. Schaefer indicated that the goal is to resolve the issues with the Topography Ordinance and solve the administrative problems. Mr. Byvoets noted that the Ordinance is quite restrictive and needs to be addressed.

Attorney Thorne noted that a Beach Access Permit is required to move equipment at Stop 24 and a Building Permit is required to move sand. The building permit should also include a topographical survey of the property.

It was noted that more specific language is needed to delineate what is “changing” the topography and what is “restoring” the topography. It was noted that the topography may have changed over the winter and needs to be restored.

Mrs. Jane Neulieb noted that other communities don’t let bulldozers go to an individual home. Dr. Angelo noted that other communities are not like Long Beach as their beaches are owned by the town, city or private associations. He noted that the sand is temporary and changes day to day. Our topography ordinance is not necessarily referencing a temporary change to the topography.

It was noted that two permits are required and the building permit needs to delineate temporary topography changes and permanent changes.

Mr. Pat McDonald noted that certain areas along the beach accumulate blowing sand up to many feet and homeowners need to be able to move that sand back to the beach area.

Mr. Paul Fithian noted that when a building permit is issued, there is an “as built” topography of the building and access to beach or septic, the homeowner has the right to go back to the “as built” topography due to drifting sand.

It was noted that timing is of the essence as the Town needs to help the residents who are requesting work right now.

Council will recommend that they continue the process as it is now – up to Memorial Day due to people on the beach. Attorney Thorne noted that no motion is required at this time – as the Council supports the present ordinances and building requirements. In the future however, the permit ordinance needs to be addressed and the sand moving issue needs to be reworked.

It was noted to keep it in place the way it is now and someone will monitor the work. Mr. Paul Fithian noted that sand that has blown up on the property can be removed to the “as built” topography that was approved; but must be keep it on private property.

Mr. Bill deFuniak - noted that in the past, no building permit was required for this type of work and his office will now request a building permit in addition to the Access Permit.

OLD BUSINESS - Letter from Attorney Michael Knight

The Council acknowledged a letter from Attorney Michael Knight and recommended an executive session be scheduled to discuss same. Upon motion made by Dr. Bob Angelo and seconded by Mr. Pat McDonald, an Executive Session will be scheduled at a time mutually agreeable to the parties. The Executive Session will be scheduled and public notice published.

With no further business to come before the Council, the meeting adjourned at 11:00 A.M.

Respectfully submitted,

By: _____
William deFuniak, Clerk Treasurer