

Long Beach Park Board  
Meeting Minutes from 8/27/19  
Long Beach Town Hall, 6:00pm

- Call to order
- Quorum: Kendra Bartlett, Kathryn De La Barre, Zach Neff, and Jerri Massey. Nineteen residents were present (including AV support).
- Approved July minutes
- Garden club update - provided by Bev and read by Joy - need landscaper / gardener help with memorial garden. Requested more mulch - Kendra will handle. Noted that garden benches needs to be restored.
- 2020 budget update - budget draft is in line with 2019 plan, approx. \$200k (rounded). Jerri to share details with board before submitting.
- A resident who lives near Melrose Park asked for a book box to be installed at the park. This is an honor system book swap / little library similar to that on LSD and Moore Rd. Requesting that she get input from nearby residents, and we'll discuss it at the September meeting.
- Stop updates:
  - Stop 22 - done (handrails and new landings).
  - Stop 23 - pursuing building permit for alternate stairs. Alternate stairs will likely involve removing stairs that are encroaching on Stop 23 property to the east.
  - Stop 28 - starting discussion with residents. Notice will be given on FB for meeting date where residents can offer input. Work on this stop is calendar and funding dependent. If it can't be completed this year, it'll be done next year. Great Lakes Alliance has adopted this stop (keep it clean, not do the improvements). Contact is Tom O'Keefe, stop captain.
  - Stop 19 - will clear invasive species, scrub trees, and vines. - started initial discussions on design.
  - Stop 20 - completed. Aerated lawn, weeded, added topsoil and grass.
  - Stop 21 - weeded of invasive species. Logs accumulated at beach will be removed. Plastic flower buckets, chairs, other paraphernalia were removed.
  - Stop 14 - Building commission has approved the plans. Public comment: did we consider the proposal to trade some of the public property for private property (showed poster drawing of the request)? Town Council reviewed the request and declined to exchange public / private property. Resident suggested the bike rack be moved toward the street instead of near the beach, which will be considered.
  - Stop 18 - Kendra read a prepared statement (included below) Plans were made available for public view. Public comment included rebuttal from resident who cited he didn't realize his plans weren't up to code, his contractor took action without his knowing, most of the work was done by the time the stop work order was issued, he's still seeking a BZA variance regarding setback allowance, and general dissatisfaction with the process, town, and park board. The Park Board responded the rebuttal stating that the prepared statement responds to all of the comments from the resident at 1802. Other comments related mostly to the deed itself and language within regarding the stop as a "street." The

town lawyers have reviewed the language in the deed and our plans have been approved as submitted.

- Adjourned

Next meeting: 9/24/19

A stenographer and videographer were present for the meeting. For more information on these recordings, please contact the town office.

Prepared statement regarding Stop 18:

The ParkBoard has been working on rehabbing and upgrading the public access Beach Stop 18 and 6 other stops in Long Beach. Input for stop upgrades has been coordinated with Stop Captains and local residents. This includes Stop 18.

A lot of different pieces of information have been brought by Mr. Perry to various meetings and to social media. Many of the statements are inaccurate so we want to take a moment to clear the air and inform the residents of the issue.

The home to the East of Stop 18 is 1802 LSD, owned by Mr. Perry. Over 9 mos ago, Mr Perry applied for building permits to rehab his house. The original plans were approved by the building commission.

At the time of approval Mr. Perry was informed that the Town would be reclaiming the Town property and that he was to remove a shed and other personal property by March 1, 2018. He was informed that the Town will remove the 'so-called' driveway. At the time of approval and every subsequent meeting of the Building Commission attended by a representative for the building permit. There was adequate time for Mr. Parry to modify his plans and to provide adequate side access. All of Mr. Parry's access issues could have been resolved on his own property with proper forethought and planning. Most can still be resolved within his own property boundary.

The original building approval permit did not include a side garage door, alteration of the topography, installation of a patio or the cement buttress in the front of the home. The contractor installed every one of the unapproved items and refused to honor the stop work order.. Mr Perry was informed of this on several occasions.

The contractor's registration has been revoked for failure to honor the stop work order.

Mr. Perry has been given ample opportunity to correct the permit situation since December of 2018. He has done nothing. Mr Perry could have solved access to his side entry within the bounds of his own property but he chose not to. Mr Perry has occupied the home even though he has not received a certificate of occupancy..

He has had site visits from members of the Building Commission, the Commissioner, Building Inspector and the Town Attorney.

He has been instructed on several occasions to either file for a variance with the BZA or to correct the three (3) violations. 1) insufficient parking space for vehicles. 2). Altered topography. 3) construction in the set back area. \$0 installation of a new patio without construction permit approval.

The crux of the issue here is that Mr Perry wants to continue to be able to use the driveway adjacent to his home, that lies completely on town property, for his use to access his garage door. A garage door that was never permitted, never approved

Mr. Perry has claimed that he is not granted access to his home like “every other homeowner” . In fact, it is not allowable (according to ordinance) to have a driveway access to the side of any home on Lake Shore Drive. The ordinance clearly states that Driveways on a 40 foot frontage zoning lot located on Lake Shore Drive shall be permitted only in the front yard. Every other homeowner on LSD is required to have adequate parking and access in the front yard of their residence.

Mr. Perry states that he has offered to trade 9' of beach frontage for 9' of road frontage. All land up to the natural ordinary high water mark is held in the public trust of the State of Indiana. Clear and uninhibited access to the beach is the number one priority of the Long Beach Comprehensive land..

Mr. Perry believes there is some personal vendetta by Park Board members and/or council members against him in order to serve our own agendas. Our agenda from the first day we all volunteered for this job was and is to maintain, beautify, and manage Long Beach public spaces in accordance with the updated Comprehensive plan

Mr. Perry has claimed that we have simply ignored all of his ideas for conveniently leaving the driveway alone on Long Beach property. None of these ideas were ignored. They were considered and they were denied for good reason. One of the ideas included building storage areas for chairs, umbrella, and personal boating equipment. This is not allowed on any stop, so we are not going to add it to 18. - The Park Board has received overwhelming public approval of the policy to remove all personal property from the beach stops. Adjacent homeowners are even more enthusiastic in that they do not have all manner of inflatables, chairs, rafts, umbrellas, paddle boards, tables , coolers cluttering the stops.

Another idea was for an ADA access point at 18. With the help of the ADA administrator another stop has been identified that will be cost effective and provide better access. All of these ideas conveniently include leaving the driveway in place for personal use. Mr Perry has also proposed leaving the driveway in tact and allowing anyone to walk, park, drop off items and drive golf carts in this space. He also contends that he would not park there. Mr Perry was issued a letter this spring to clear all items by march 1, 2019 from this driveway and the public lot including trash cans,vehicles,and the unpermitted shed.He repeatedly ignored these rules after being warned and continued to park vehicles in public beach stop space.

Mr. Perry contends that there was a special meeting being held by the building commission at 9am on August 20th. The meeting originally scheduled for 8/9 was properly changed to 8/20 per state and town guidelines and with proper prior notice AND properly published in the news dispatch prior to the meetings. It was also updated on the towns website at the beginning of August. The town's website clearly stated that 8/9 was cancelled and 8/20 was the new date. Mr. Perry's house was not the only item on the agenda. The meeting was over 4 hours long and stop 18 was one of about 30 addresses on the agenda. These meetings are all videotaped and recorded by a stenographer and are available for review. -. There has been absolutely no attempt whatsoever to keep information from the public. If so, why would we have announced it on our public Facebook page? The motion to accept the permit was made only after the

building commission spent substantial time reviewing the permit and submission by the surveyor, town engineer, drainage considerations and attorney validation. Plans were shown to Mr Perry and his attorney and the commission spent substantial time reviewing them together and asking if there were any questions from Mr Perry or his lawyer.

Mr Perry has led others to believe that as soon as discussion was started on this plan it was put to a vote permitted in a matter of minutes with little to no discussion. This is not the case. Again, anyone who wishes to view the tapes may do so.

Mr. Perry has led people to believe that the rehab of this stop will be \$50,000 - \$75,000. This cost for this stop will be similar to other stops in the area. We have received quotes in the range of 22k. We expect there could be changes, either higher or lower once underway but in no way will this project approach the levels Mr Perry has stated.

Mr. Perry has asserted that no aspect of this stop would benefit the public. We believe this notion is absurd. Every stop up and down LSD that has space for it has a drop off area. I use them. Other residents use them. We see people unloading vehicles near stops regularly. Stop 18 will get a new, purpose built drop-off area. Yes, we have plans to plant beach grass where the driveway used to be. As with all new plantings, we will be keeping people off of that area to cultivate the dune. Growing beach grass in this area, and removing invasive species will help beautify the stop, and keep the sand from blowing. There will be no attempt to make this an area where the public couldn't walk or enjoy if they wanted to. Obviously, use of the new boardwalk will be encouraged, but total area of this property is public. We will be building a new, wider, wood walking path (boardwalk) near where the concrete path is today. There are NO stairs on this boardwalk and this does not require any more maintenance than the current boardwalk in place. We are installing a split rail fence along the property line on both sides to differentiate and delineate it from Mr. Perry's personal property and the 1710 Lake Shore Drive property to the west. Currently, Stop 18 appears to be 2 things.....1) approximately ½ of a normal stop, coupled with 2) a personal driveway for the property east of Stop 18. When we are finished, we will have a proper, beautiful, 40 ft wide stop that all residents will be happy to use. We believe the installation of a split rail fence will help both adjacent homeowners at 1710 lsd and 1802 lsd have a clear boundary line between private and public spaces, and actually help give them more privacy. Mr Perry has led people to believe this split rail fence will go right on the property line against his house. Ordinances state that a fence can go 6 inches off a property line. However, the plan shows that the fence on Mr Perrys side is actually 5 feet off the property line and 12 feet from his house. Mr Perry has also raised concerns that by rehabbing this stop we are encouraging more people to come to Stop 18 from over crowded beaches. The fact remains that all public beach stops are for the use of ALL residents. Anyone can use any beach stop in Long Beach, which is a benefit to all residents to be able to choose when and where they'd like to enjoy the beach and the beach stop access points that we all share and use the collective dollars to maintain, and beautify all the stops for the enjoyment of all residents. The goal should not be to resist rehabbing a stop for fear people would actually start using it.

Regarding the deed to the property. The Town's attorney has reviewed the deed and determined that the Town has the right to proceed with the upgrade.

**Facebook page: Long Beach (Indiana) Parks and Recreation Board**