

TOWN OF LONG BEACH
TOWN COUNCIL MEETING at LONG BEACH TOWN CENTER
September 10, 2018
7:00 p.m.

Present were Pete Byvoets, Joy Schmitt, Bob Lemay, Jane Neulieb; Clerk-Treasurer Bill de Funiak, Street Superintendent Tom Dolph, Long Beach Volunteer Fire Chief Dave Albers and Town Attorney Chris Willoughby of Braje, Nelson & Janes. There were approximately 20 townspeople in attendance, Marilyn Jones & Associates court reporter and Access LaPorte County (ALCO) were present. Council Vice-President Nick Meyer and Police Chief Bob Sulkowski were not in attendance.

Pledge of Allegiance

Approval of Council Meeting minutes of August 13, 2018; motion made by Neulieb, second by Schmitt for approval, were approved 4 – 0.

Police Department – C-T de Funiak presented the August, 2018 police report. Pete Byvoets recounted that several cars had items removed from them, and that, in almost all cases, the cars had not been locked. He urged residents to lock and secure their vehicles.

Police Commission – Pete Byvoets reported that the 30 day rental ordinance was discussed at the August 1st meeting. Nick Meyer will review the Golf Cart Ordinance.

Fire Department/Fire Commission – Dave Albers read the YTD report through August. The ISO audit has been conducted. The results of the audit will be available within the next 6 months. He cautioned residents to make sure that all carbon monoxide testers are in good working order. Joy Schmitt reported that the LBVFD wished to hold a 5K run on 10/20/2018 to support breast cancer research. Motion made by Neulieb and second by Byvoets to approve this activity was passed 4 – 0. Dave indicated that there was no Fire Commission meeting.

Street Department/Street Commission – Tom Dolph announced that street patching continues. He stated that the leaf vacuums were being maintained in preparation for fall pickup. Jane Neulieb reported that a street commission meeting was held on August 15th. 2 street cut permits were approved and she urged that residents to contact commission members with any suggestions on the fall leaf pick-up.

Park Board – Joy Schmitt reported that the Park Board met on August 22nd. The Activities Coordinator position has been put on hold. Plans are being developed for Stop 22 and 26 improvements. Resident encroachments at Stop 18 and Stop 23 were discussed. Additionally, a resident drainpipe at Stop 22 was degrading the town stairs at the stop. Council requested that Town Attorney Willoughby send a demand letter to the Stop 22 homeowner to remediate the drainpipe issue. The encroachments will continue to be researched.

Long Beach Community Center Committee – Joy Schmitt indicated that 130 members of the Landmark Preservation Board toured the Community Center and the Town Hall and deemed it a big success. Joy thanked Debbie Steele Semla, Brian Kanyer, the Long Beach Police Department and dispatchers and the Street Department for their assistance in this endeavor.

Schmitt stated that 5 requests for bid were sent out for replacement of the Community Center roof. J & B West was the lowest responsive and responsible bidder at \$67,320.00. Jane Neulieb thanked Glen McGeady and the LB Bridge Club for the purchase and installation of the tile floor in the 2 back bathrooms.

Water Board – No report.

Budget and Finance – The meeting will be held on September 12th. C-T de Funiak urged the council members to attend the September 17th Hearing for the 2019 budget.

Human Resources Advisory Committee – No meeting.

Building Department – No meeting.

BZA Report – No meeting.

Advisory Plan Commission – Bob Lemay reported on the recent APC meeting. Credit for the missing fluoride tank at Stop 24 is anticipated. The Topographic Ordinance is under review to determine how to provide safe access to the beach while maintaining (as much as possible) the natural dune formations. The 2 ordinances to be considered in the New Business section of the meeting have been submitted with favorable recommendations by the APC.

August permit revenue report:

Lemay reported that permits were issued with total
C-T de Funiak announced that 2 electrical permits were issued for \$286.00 with town revenue of \$28.60.

Legal Expenses – Legal expenses paid in August were \$9,055.28 to Braje, Nelson & Janes, LLC., and \$4,422.00 to Austgen, Kuiper, Jasaitis.

Motion was made by Byvoets and second by Schmitt to approve the reports. Motion carried by 4-0.

Old Business – Schmitt reported on the proposed sewer system. She stated that people had indicated that many preferred the gravity system. Information has been sent to Michigan City Sanitary District and Haas Associates. Byvoets provided the pros and cons of the 2 sewer options.

Stop 24 update was provided by Bob Lemay.

The Toter Ordinance was presented on first reading with a motion by Byvoets and second by Schmitt to vote on this ordinance. Jane Neulieb stated that the ordinance was unnecessary. The motion passed on first reading by a vote of 3 – 1.

New Business –

Bob Lemay discussed the need for a consultant to determine the high water mark at 3 locations on the beach side of Lake Shore Drive. He requested an amount of \$700.00 be approved for Dilleterra Associates to perform these studies. It was approved by a vote of 4 – 0.

Bill de Funiak complimented the Higdon family for their \$1,200 donation from the proceeds of the annual July 4th 5K run.

De Funiak presented Resolution 2018-006 to move CEDIT funds to cover anticipated legal expenses. Byvoets made a motion to approve the resolution, seconded by Schmitt; motion was approved 4 – 0.

Byvoets made a motion, seconded by Schmitt to approve the ordinance to modify Section 154.06 regarding permissible structures. Ordinance passed by a vote of 4 – 0.

Byvoets made a motion, seconded by Schmitt to modify Sections 154.020 and 154.106 to modify the zoning codes with regard to Waterfront Setback and View Protection Standards. Ordinance was approved by a vote of 4 – 0.

Public Comments:

Nancy McGeady asked questions about the enforcement of the Toter Ordinance.

Bob Boyce suggested that the town must be compliant with the Toter Ordinance before residents are required to conform. Pete Byvoets assured him that the town would correct deficiencies before any fines would be assessed. Lemay said that if the ordinance passed, there would be a 3 month delay before it took effect.

Ernie Summers spoke about the Toter Ordinance.

Keith Davis stated that he was not in favor of the proposed Toter Ordinance.

Mary Lou McFadden asked about enforcement of codes on building permits and lack thereof.

C-T de Funiak urged the council and their committee chairs to always have town vendors contact his office and not send invoices to their homes or home e-mails.

A Florimond resident asked if those off LSD would be required to connect to the proposed sewer system and was informed that they would not.

A Stop 20 resident asked how many homes were north of LSD that had been affected by the septic moratorium and was informed by Byvoets that it was 150.

Council Comments:

Jane Neulieb spoke about the proposed Toter Ordinance and asked for responses from residents if they wished to return to “door to door” service.

Claims Approval: Motion by Neulieb and second by Byvoets to approve check numbers #15688 through #15746, totaling \$112,200.16 and salaries for August of 69,525.20; approved by a vote of 4-0.

Meeting adjourned at 8:35 PM. with motion and second from Byvoets and Schmitt.

Respectfully submitted,

Bill de Funiak Clerk-Treasurer