

TOWN OF LONG BEACH
TOWN COUNCIL MEETING at TOWN HALL
April 9, 2018
7:00 p.m.

Present were Pete Byvoets, Joy Schmitt, Bob Lemay, Nick Meyer; Clerk-Treasurer Bill de Funiak, Police Lieutenant Todd Bullis, Street Superintendent Tom Dolph, Long Beach Volunteer Fire Chief Dave Albers and Attorney David Payne of Braje, Nelson & Janes. Councilwoman Jane Neulieb, Police Chief Bob Sulkowski and Town Attorney Chris Willoughby were not present. There were approximately 25 townspeople in attendance.

Pledge of Allegiance

Approval of Town Council Meeting Minutes – Joy Schmitt made a motion, seconded by Byvoets, to approve the minutes of the March 12, 2018 Council Meeting, approved 4 – 0. (Committee reports were, inadvertently, not approved; to be approved at May meeting)

Police Department – Lieutenant Todd Bullis presented the March, 2018 police report.

Police Commission – Pete Byvoets reported that 2 items were discussed, a police squad car and a procedure for collection of outstanding and unpaid citations.

Fire Department/Fire Commission – Dave Albers read the YTD report through March. Dave mentioned that an ISO audit is upcoming. LBVFD is currently rated as a 4, which is exceptional for a volunteer fire department. The Fire Commission will meet on April 16th to discuss the Duneland Beach Fire Protection Agreement with representatives of Duneland Beach. Joy Schmitt said that she, Doug Wickstrom and Bill Hazelgrove met to discuss the buildout of the Fire Station. She suggested that Attorney Willoughby be granted permission to develop a request for qualifications for a construction management firm to lead this project. Motion was made by Byvoets, seconded by Lemay, and was approved 4-0.

Street Department – Tom Dolph reported that street drains were being cleaned. The Leaf Pickup will begin on Monday, April 23, 2018 at Stop 13 and proceed through higher stops in a one pass, one-week project to be completed on Friday, April 27th. The Street Asset Management project being performed by Haas & Associates is nearly complete, with a meeting to be held on Friday, April 13, 2018.

Street Commission – C-T de Funiak asked that the council approve the \$4,000 contract with Healy Associates to perform the one-week leaf pickup. Motion made by Byvoets, seconded by Schmitt, was approved 4-0.

Park Board – Joy Schmitt reported that a job description and advertisement had been developed for the Activities Director. She stated that repairs and updates were planned for Stops 18, 22, 26 and 30. The Park & Rec Board voted to continue the ban of chairs, umbrellas and beach paraphernalia. C-T de Funiak asked about boats and was told that they were also included in the prohibition. Joy suggested that signage be changed at the

beach stops to reflect this ban. Motion was made by Byvoets, seconded by Schmitt for this signage; approved 4-0.

Long Beach Community Center Committee – Joy Schmitt indicated that the committee would meet with the C-T to develop a Request for Proposal for a new LBCC roof.

Water Board -Nick reported that the board recommended that the line from the water tower to the demolished water building be capped as a safety measure. Discussion followed about the need and, if approved, what fund would be utilized for payment. Attorney Payne suggested that the project could be approved with a deferral on the fund to be charged until the next meeting. Under that advice, President Lemay motioned for approval of the \$10,200 bid by Woodruff & Sons, seconded by Byvoets, and was approved 4-0.

Budget and Finance – Pete Byvoets reported that, at the last meeting, the committee discussed the upcoming CCD increase and the sewer system under consideration. He then mentioned the letter sent by Joy Schmitt and John Kocher to 300 Lake Shore Drive residents with plans and estimated schedules and costs for the possible sewer system. Joy mentioned positive feedback which she had received from some of the letter recipients. She then discussed the fact that the Michigan City Sanitary District (MCSD) had requested an increase in scope of the flow study being performed by Haas & Associates. This would increase the study costs from \$14,500 to \$24,300. Lengthy comments followed about the scope, benefits and costs of this project. Motion was made, seconded and approved 4-0 for the increased study costs.

Human Resources Advisory Committee – de Funiak discussed the upcoming conversion to the new version of the town's administrative software. The conversion will begin on Tuesday, May 1 and continue through Wednesday, May 9. Since the town participants in the training will be unable to handle calls during this period, the office will be effectively closed during these days.

Building Department – Bob Lemay reported that no Building Commission meetings were held since the last council meeting. C-T de Funiak commented on some building department procedures that could be improved.

BZA Report – Lemay reported that no meetings had been held in March.

Advisory Plan Commission – Nick Meyer reported the commission met on March 19th. Erinn Connelly tendered her resignation from the APC committee. The Toter Ordinance was discussed and Attorney Willoughby has made some suggestions to streamline this document. The problem of the two inaccessible lots in Hidden Shores, which were recently purchased, was discussed. It was agreed that the burden of installing street access rests with the developer, not the Town of Long Beach. The Beach Protection Overlay Ordinance continues to be reviewed for changes and clarifications. A Special Hearing will be held in the future. The Stop 24 Project was discussed. The fuel tank was removed on April 2, 2018 and soil samples were obtained. Visual and sensory tests were performed. The submission of the results should be accomplished within the 30-day requirements of IDEM. Special

equipment was brought in to handle some rebar removal. Nick states that the demolition should be finished within 2 weeks.

March permit revenue report:

Bob Lemay reported that 12 permits were issued with total project costs of \$1,736,253.00 with town revenue of \$11,510.00.

C-T de Funiak announced that 5 electrical permits were issued for \$741.00 with town revenue of \$74.10.

Legal Expenses – Legal expenses paid in January were \$10,181.25 to Braje, Nelson & Janes, LLC, \$422.50 to Knight, Hoppe, Kurnick & Knight and \$700.00 to Kopka, Pinkus and Dolin

Old Business –

C-T de Funiak reported that positive discussions were continuing with Duneland Beach regarding the police protection agreement. Duneland Beach continues to pay monthly at the 2017 fees.

The letter, with current information regarding sewers, that was sent to LSD residents was discussed. The enhanced Haas study was estimated to take approximately 1 month. After that is evaluated by Long Beach and the MC Sanitary District (MCSD), a public meeting will be scheduled.

New Business –

Police Car – Discussion of the merits of replacing Car #6 (part-time officers) or repairing the transmission of the current vehicle was conducted. Motion by Byvoets and second by Schmitt was made to repair the transmission at a cost not to exceed \$5,000.00; approved 4-0.

Resolution 2018-003 – Increase in Garbage/Leaf Maintenance Assessment – C-T de Funiak presented the resolution. Byvoets made a motion to approve the resolution, seconded by Schmitt; approved 4-0. Total monthly charge for those on town garbage service is \$24.99; components are \$16.06 for garbage and \$8.93 for leaf services.

Beach Clean-up – Resident Julie Sosa talked about organizing a beach clean-up day in Long Beach. She has discussed this with Michigan City and La Porte County officials and they confirmed that the amount of litter, both washed up and left on the beach, was greater than they had ever experienced. Resident Pat Sharkey suggested that the LB Community Alliance would like to cooperate in this effort.

APC Appointment – Bob Lemay presented Lisa Albers as an appointee to the APC to replace Connelly, seconded by Byvoets; approved 4-0.

Special BZA – Bob Lemay reported that a recent judge's ruling required the appointment of a special BZA to rule on legal matters involving 3 homeowners on LSD. He indicated that Doug Wickstrom had already been appointed, so it would require 4 additional appointees. He proposed the following:

Lisa Albers – APC status
Bill Hazelgrove
Gary Balling
James Salmon

Albers, Hazelgrove and Balling were seconded by Schmitt; Salmon's appointment was seconded by Byvoets. All were approved 4-0.

30 Day Rental Ordinance – Lemay discussed the recent state ruling on short term rentals. He indicated that since our ordinance had been passed before 1/1/18, the Long Beach ordinance still remained in full effect.

Land Conservation Sub-Committee – Lemay proposed Paul Fithian to fill a vacancy on Land Conservation, seconded by Schmitt; approved 4-0.

Public Comments –

Attorney John Wojcik spoke in reference to the recent appointments of the special BZA. He asked why there was not just one appointment to replace Erinn Connelly. President Lemay stated that the town attorney had recommended a whole new slate. Wojcik then challenged Lemay's authority to appoint special BZA representatives because of his association with the LB Community Alliance.

Lt. Bullis suggested that the council develop an ordinance for removal of property left at beach stops. He felt utilizing the littering ordinance was insufficient for removing personal property

Bob Mc Fadden, Duffy Lane, spoke about the Hidden Shores residents use of the MCSD that could be used as a model if LSD sewers are approved. Pete Byvoets assured him that it had been reviewed.

Doria Lemay, Oakenwald Dr., asked if the town owned a motorized beach rake, as does Michigan City, to do beach maintenance. Byvoets replied that LB does not have that equipment.

Mary Lou McFadden, Duffy Lane, stated that, as part of a Boy Scout Eagle project, an inventory of fire hydrants and respective pressure levels has been developed. Byvoets and Meyer replied that the Water Department had a complete inventory of the hydrants.

Anita Remijas, Florimond Ave., commented on her support of the council's removing personal items from the beach stops through-out the summer months.

Council Comments –

Nick Meyer, in response to Doria Lemay's earlier comment, that he had researched borrowing a beach rake, but had been turned down by other communities who owned same.

Claims Approval: Motion by Schmitt and second by Byvoets to approve check numbers #15319 through #15377, totaling \$128,252.21 and salaries for March of \$64,570.54; approved unanimously.

Lemay questioned Clerk-Treasurer de Funiak's payment to Attorneys Kopka, Pinkus & Dolin for services referring to a letter addressed to de Funiak from attorney Kurt Earnst of Braje, Nelson, and Janes, representing his client, Jeff Bartlett. De Funiak mentioned that he took Byvoets at his word when Byvoets spoke in March of 2016 that there would be professional funds available if needed for the clerk-treasurer while in office. Lemay stated that funds would be appropriated next year for that purpose and that the services of the town's current attorney firm will apply to the clerk-treasurer when needed.

Meeting adjourned at 8:50 PM. with motion and second from Byvoets and Meyer.

Respectfully submitted,

Bill de Funiak Clerk-Treasurer