

TOWN OF LONG BEACH
TOWN COUNCIL MEETING at TOWN HALL
March 12, 2018
7:00 p.m.

Present were Pete Byvoets, Jane Neulieb, Bob Lemay, Nick Meyer; Clerk-Treasurer Bill de Funiak, Police Chief Bob Sulkowski, Street Superintendent Tom Dolph, Long Beach Volunteer Fire Chief Dave Albers and Town Attorney Christopher Willoughby of Braje, Nelson & Janes. Councilwoman Joy Schmitt was not present. There were approximately 20 townspeople in attendance.

Pledge of Allegiance

President Lemay repeated his request that comments from the audience be done during the public comments portion of the meeting and that, responses by the council (if they choose), be done during the council session at the end of the meeting.

Approval of Town Council Meeting Minutes – Jane Neulieb made a motion, seconded by Byvoets, to approve the minutes of the February 12, 2018 Council Meeting, approved 4 – 0. Nick Meyer made a motion to approve the minutes of the Executive Session held on March 9, 2018, seconded by Byvoets, approved 4 – 0.

Police Department – Chief Bob Sulkowski presented the February, 2018 police report.

Police Commission – No Police Commission meeting was held in February-no quorum.

Fire Department/Fire Commission – Dave Albers read the YTD report through February. The Fire Commission met February 19th and discussed the Duneland Beach Fire Protection Agreement and some planning for expansion of LBVFD fire equipment and facilities. They will meet again on April 16th and would like to invite members of the Duneland Beach Board to attend.

Street Department – Tom Dolph reported that plans were underway for street patching and making ready the street sweeper for the spring. The Council asked Tom if he would secure a bid for Spring Leaf Pick-up and he assented.

Street Commission – Jane Neulieb reported that the commission discussed the Street Asset Inventory. Pete Byvoets said that a recent discussion with Haas & Associates indicated that they were nearly complete with their study. If and when approved by INDOT, it could provide for significant state assistance for Long Beach street paving.

Park Board – Joy Schmitt was absent so no report was read. Bob Lemay spoke of the beach chair/equipment removal conducted at the beach stops. Councilwoman Neulieb urged residents to contact the council with comments and suggestions regarding beach equipment at the stops.

Long Beach Community Center Committee – Joy Schmitt was absent so no report was issued.

Water Board -Nick commented there was no report to read.

Budget and Finance – Pete Byvoets reported on the February 14th meeting. He said we would continue to pursue the AIM Medical Trust health insurance option. He indicated that the Long Beach 2017 Annual Report could be accessed on the Gateway System.

Human Resources Advisory Committee – de Funiak said that no meeting was held.

Building Department – Bob Lemay reported on the January and February Building Commission meetings. Pete Byvoets urged residents to attend building commission meetings in the future. He said the Commission is desirous of adding a fifth member to the commission.

BZA Report – Lemay reported that a preliminary hearing was held regarding 2302 Grassmere Ave. The formal hearing will be conducted April 10th. No meeting will be held in March.

Advisory Plan Commission – Nick Meyer reported the commission met on February 19th. A draft of the proposed Shoreline Protection Ordinance will be posted on the town website. A recent purchaser of two lots in the LB Cove area asked about the installation of a street, since his lots are not currently accessible. This subject has been turned over to Attorney Willoughby.

Nick Meyer stated the clay tiles had been removed from the water pump house roof and were being held at the Town's maintenance garage for safekeeping; the interior mechanicals have been removed; working with IDEM to remove the diesel tank. The goal is to have the building down before the beach season begins. Jeff Oltmanns of Global Engineering provided a progress report on the Stop 24 Project. Residents Ernie Summers and Bob Boyce asked questions about Stop 24 which were answered by engineer Oltmanns.

February permit revenue report:

Bob Lemay reported that 4 permits were issued with total project costs of \$705,609.22 with town revenue of \$5,850.

C-T de Funiak announced that two electrical permits were issued for \$288.00 with town revenue of \$28.80.

Legal Expenses – Legal expenses paid in January were \$9,720.00 to Braje, Nelson & Janes, LLC and \$422.50 to Knight, Hoppe, Kurnick & Knight.

Motion by Byvoets and second by Meyer to approve reports and claims. Motion to approve claims and reports was passed 4-0.

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.

Pete Byvoets discussed his recent visit to the State Building and Safety Commission and their subsequent approval of Section 150 (Building Code) of the Title XV: Land Usage Section of The Long Beach Code of Ordinances.

Byvoets made a motion to consider **Ordinance #2018-02: An Ordinance of the Long Beach Town Council Amending Chapter 151 of the Long Beach Town Code.** Jane seconded it. The ordinance was read by title only. Pete made a motion and second by Jane to approve by tile only. Approved 4 – 0. Pete motioned and Lemay seconded to suspend the rules; approved 4 – 0. Second reading was conducted; motion to approve by Byvoets and second by Lemay; approved 4 – 0. Unanimous approval of ordinance 4 – 0.

New Business –

Byvoets presented **Resolution #2018-002 to provide funding of \$14,500.00 to Haas & Associates to perform a capacity study to provide flow rates for a sanitary sewer system on Lake Shore Drive.** He then made a motion to accept the resolution, seconded by Nick Meyer. Jane Neulieb asked that "installation" be added to the resolution, seconded by Lemay and the amendment was approved unanimously. Nick Meyer asked if this study would include flow rates for the whole town but was told that the immediacy of the LSD issue necessitated it to be focused on LSD. After lengthy discussion, the resolution was approved 4 – 0.

President Lemay proposed John Kocher to continue on the BZA Commission, with a term expiring in 2021. Motion to approve by Meyer, seconded by Byvoets; Kocher was approved by a vote of 3-1.

An increase in the CCD funds from \$.03 to \$.05 per \$100 of assessed value was discussed. A formal public hearing was convened to discuss the CCD increase. The notice for this public hearing was posted in the News-Dispatch and the Herald-Argus each twice on March 1st and March 8th. A request for people opposed to the CCD increase was opened. Four people asked questions about the uses and purposes of the CCD Fund, but no objections to the increase were registered. That portion of the hearing was closed and the portion of the hearing for people to speak in favor of the CCD increase was opened. William de Funiak spoke in favor of the increase citing his status as a resident/taxpayer and the chief financial officer of Long Beach. No other attendees spoke in favor of the increase. Pete Byvoets motioned to close the hearing, seconded by Lemay and the hearing was closed by a 4-0 vote.

Ordinance #2018-01, An Ordinance of the Town of Long Beach, IN, Re-establishing the Cumulative Capital Development Fund, pursuant to IC 36-9-15.5 (CCD FUND) was motioned by Byvoets, seconded by Lemay and approved 4-0. Byvoets motion to accept on 1st reading; second by Lemay; approved 4 – 0. Byvoets made a motion to suspend the rules, seconded by Lemay and was approved 4-0. Byvoets made a second reading and motion to accept Ordinance 2018-01 (CCD FUND), seconded by Lemay and approved 4-0.

Nick spoke of the need for a contract with an attorney "for the Stop 29 lawsuit to avoid conflicts with Town Atty. Chris Willoughby". Nick motioned to accept David Austgen of Austgen Kuiper and Associates, Merrillville, IN to represent the alternates on the BZA for that lawsuit. Motion to hire Austgen was approved 4 – 0.

de Funiak read House Bill #1035 regarding short term rentals after several call-ins to the clerk-treasurer's office about it. Attorney Willoughby stated he would review it.

De Funiak mentioned the "Enabling Ordinance" as it would pertain to the new business Belly Flop, LLC offering beer and wine purchases through its new establishment in town. Willoughby to review and advise.

Public Comments –

Rich Wronski, Oakenwald resident, claims the Long Beach Country Club is usurping Town property; and stated he sent information to the council in December with no response. Mentioned that "the Town should explore selling or leasing property to the Country Club".

Mary Lou McFadden asked about the opening on the building commission and asked what the requirements were. Lemay said that the person be a resident of Long Beach and be able to read surveys and applications, plans, etc.

Donna Kavanagh, Oakenwald, spoke of the history of the Stop 24 pump house and that the town should try to preserve history. Also thanked the police department for the work they have been doing with recent break-ins in the neighboring communities.

Mrs. Keltz announced her opposition to sewers for the inland residents; also mentioned the unsightly beach chairs and other personal belongings people leave at the beach stops.

Ernie Summers questioned the Chapter 150 Town Code's state approval and the state's recommendation of corrections/errors being corrected with reference to chap. 153.22. Summers also questioned if, at the APC level, there was discussion of Chapter 151 and if any votes were needed, to which Byvoets said no votes were needed. Summers recommended that Council be careful with future appointments to all committees and commissioners with regard to conflicts of interest.

Keith Davis questioned alternate protection methods if the Stop 24 project caused wash-ins.

Council Comments –

Jane Neulieb stated and reassured the public that the stop 24 building had been deemed unsafe and it needed to come down; it would not be sold.

Claims Approval: Motion by Neulieb and second by Byvoets to approve check numbers #15270 through #15318, totaling \$138,507.03 and salaries for February of \$65,896.94; approved unanimously.

Meeting adjourned at 9:04 PM. with motion and second from Byvoets and Meyer.

Respectfully submitted,

Bill de Funiak Clerk-Treasurer