

TOWN OF MICHIANA SHORES

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January 21, 2021

Minutes from the BZA Meeting (Virtual via Zoom)

The Meeting was called to order at 7:05 CST by President Matt Bowen.

Roll was called: Ralph Box, Member (present, virtual), Bob Hall, Member (present, virtual), Jeanne Paxton, Secretary (present, virtual), Matt Bowen, President (present, virtual), Mario Jobbe, Vice President (present, virtual), Daina Dumbrys, President, Michiana Shores Town Council (present, virtual), Deb Chubb, Code Enforcement Officer (present, virtual) and Joan Lewis, Clerk Treasurer (present, phone line).

The meeting was open to the public but there were no public attendees. Not present was Steve Thomas, Building Inspector.

President Matt Bowen announced a quorum.

President Matt Bowen announced the Election of Officers and opened up the floor to nominations. Secretary Jeanne Paxton nominated Matt Bowen for President. All were in favor: Matt Bowen was elected BZA President. President Matt Bowen then nominated Mario Jobbe for Vice President: all were in favor; Mario Jobbe was elected BZA Vice President. President Matt Bowen then appointed Jeanne Paxton as BZA Secretary. All were in favor.

President Matt Bowen then said that this was the first time the Michiana Shores BZA has met virtually. Then made the following statement in relation to Indiana Order 20-09: Indiana Governor Eric Holcomb issued a series of Executive Orders which, among other things, declared a public health emergency and suspended various state statutes. On March 18, 2020, Town Officials were notified that the Michiana Shores Fire Station and Public Meeting Room were closed to the Public by order of the Chief of the Michiana Shores Fire Department. On March 23, 2020, the Governor issued Executive Order 20-09 which specifically addressed public meetings and the Indiana Open Door Law. The Executive Order, along with the opinion and guidance issued by the Indiana Public Access Counselor allowed for meetings to be held by videoconference or teleconference. This allowance remains in effect for the duration of the public health emergency that was declared in Executive Order 20-02. Thus, this allowance was in effect on the night of January 21, 2021. The meeting herein was attended virtually and in accordance with these laws.

President Matt Bowen said that format of future meetings will be discussed in the future.

The minutes from October 23, 2020 were reviewed and unanimously approved with one minor correction that is noted.

Old Business: Review of Draft of Special Use Application

The draft of the document, written by Code Enforcement Officer Deb Chubb, was reviewed at length by all members. The following changes were suggested: Page 1, last paragraph: the Notice of Public Hearing will be reworked by Deb Chubb and Ralph Box to be a statement to petitioners, with the goal of letting petitioners know that there is a time lapse between when a petition is made and when it is heard; and this delay is due to the 10 day notification process and also time that the Clerk Treasurer's Office needs to process petitions along with their large amount of other work.

Suggestions on Page 2 include: eliminating Paragraph 1, Public Notice of Hearing in its entirety.

The Home Inspection Report needs to remain but eliminate all additional information including lead. It is desired and assumed that the Occupancy limits will be included in the Home Inspection and also reviewed during the Hearing.

The Detailed Drawing will include the number of parking spaces and the septic tank and field but not include open areas and traffic access.

The Commitment Sheet will not be included as part of the application process.

Clerk Treasurer Joan Lewis impressed on the BZA the need for her office to have an easy, one-stop document as a check list for completion of the file. Deb Chubb impressed on the BZA that many petitioners were confused about the STR process and the BZA agreed that the application was a good idea. It was suggested that the application form may be restructured to have a petitioner area with the main requirements: application questions, home inspection, merchant retail certificate, fee, detailed drawing and then a "For Office Use Only" Area with a checklist for the office, listing Interested Parties, Commitment Sheet, Public Notification.

New Code Enforcement Officer Deb Chubb's role was discussed as it interfaces with the BZA. Town Council President Daina Dumbrys commented that a new Long Beach/ Michiana Police Chief has been hired: Mark Swistek. Town Council President Daina Dumbrys also said that the new chief has the ability to provide us a list of calls from the Police Department, including noise complaints, if we need this information in the hearing process. President Matt Bowen then reiterated the requirement by the BZA not to enter a hearing with preconceived notions about a petitioner or property. It was also said that Code Enforcement Officer Deb Chubb can be sworn in at the BZA STR hearings for testimony. President Matt Bowen also emphasized the need for the Town Attorney to be present at the hearings.

The BZA STR application fee of \$150 was discussed. Code Enforcement Officer Deb Chubb mentioned that the Shanahan petition costs exceeded \$250, with the costs of Public notification and interested party notification factored in. President Matt Bowen asked for a motion to increase the BZA application fee to \$250 effective immediately. Ralph Box made a motion, Jeanne Paxton second: All were in favor.

The STR cases 002-2020 Shanahan, Jennifer TSE, Greg Huhn, Claudia Langman 0013-2020, 0014-2020 Lindstrom, 0015-2020 Cummins were all discussed. Because the files were at the office, details were not readily available but it was said that none of the files were complete and ready for hearing.

President Matt Bowen then asked for a suggestion of our next hearing date and it was agreed by the BZA that the first hearing date of 2021 would be February 25, 2021. President Matt Bowen stated that three files/petitions would need to be completed for this hearing.

The format of the hearings was then discussed: Virtual or in person. Clerk Treasurer Joan Lewis had expressed strongly that she preferred the most safe situation as it relates to Covid. President Matt Bowen suggested that in person meetings could be possible, with Clerk Treasurer Joan Lewis situated in her office with the plexiglass partition, and only interfacing with the hearings for the Oath and Commitment Sheet which requires notarization. Member Ralph Box mentioned that we could look into Indiana Law and see if the Clerk Treasurer's tasks could be done in a different way.

Town Council President Daina Dumbrys interjected that the Covid immunizations were starting more systematically in the upcoming months and that more safety would be coming. It was concluded that since so many variables still exist, that the format of the next meeting would be determined later.

President Matt Bowen then asked if there was any other business. Secretary Jeanne Paxton asked about the idea the BZA had of limiting the time between when a petition starts and when the petition is held(October 22, 2020.) (It was discussed that this time should be 90 days and then the petitioner would have to reapply.) It was decided that this idea would be dropped.

Code Enforcement officer Deb Chubb then briefly told of her on going work with Town Attorney Laura Nirenberg regarding the definition of "Full Time Resident".

Lastly, the process of determining when a file was completed and ready was finalized: this work would be done initially by Clerk Treasurer Joan Lewis with the help of Code Enforcement Officer Deb Chubb. A last review would be done by BZA Secretary Jeanne Paxton. All contact and questions from the petitioners would be through the office of the Clerk Treasurer, including Deb Chubb.

The final statement by President Matt Bowen was that the BZA did a large amount of detailed work with the guidance of then Attorney Jeffrey Gunning to setup this BZA STR process and that President Matt Bowen appreciated the work of the BZA and looks forward to the work of the New Code Enforcement Officer Deb Chubb.

Code Enforcement Officer Deb Chubb offered her email:deb@townofmichianashores.org and her phone number: 219-210-9956.

President Matt Bowen then adjourned the meeting at 9:35 pm,.