

Town of Michiana Shores
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Advisory Plan Commission
Meeting Minutes of February 4, 2020 7:00 pm

Meeting called to order by Howard Jablon at 7:02 pm, Michiana Shores Fire Department Meeting Room.

Roll Call:	Howard Jablon – President	Present
	Matt Bowen, Vice-President – Citizen Member	Present
	Mike Lancioni – Council Appointment	Present
	Michael Martinez – Council Appointment	Present
	Pam Dubie – Council Appointment	Present
	Ray Dumbrys – Citizen Member	Present
	Ralph Box – Citizen Member	Present
	Steve Thomas - Building Commissioner	Present
	Jeffrey Gunning - Attorney	Present
	Daina Dumbrys – Acting Recording Secretary	Present

New Items: Communications

Materials and correspondence received. President Jablon requested that we have a section such as this. For example, materials such as those received from the clerk treasurer would be noted and filed for futures reference.

Agenda:

Howard Jablon requested approval of the agenda. Ralph Box moved to accept, Ray Dumbrys seconded, all present approved: 7/0.

Minutes of the January 21, 2020 meeting:

The Minutes are our guidance for activity.

The minutes were amended to include the words “All approved” where the past minutes were accepted.

A correction was made in the spelling of the name of Mr. Dan Coffey: it was written as “Coffee” and it must show “Coffey.”

On Page 2, “g” – a correction to the date was made, changing the 2010 to 2019.

The minutes of the January 21, 2020 meeting were approved with the corrections: Mike Lancioni moved to accept the minutes and Michael Martinez seconded. All present approved: 7/0.

Old Business:

1. Coffey/Hartmann (C/H) - proposed construction of home at the corner of Powhatan and Shadow.
 - a. Kaye Hartmann began by saying that they have complied with almost all of the requirements, but were left with no resolution, with the application process being dragged out. Matt Bowen responded, stating that according to the law, our Town Code and Ordinances, every new set of plans that is submitted is a beginning, not a dragging

out of the application. It is imperative that those applying submit complete, correct and true documents.

- b. Howard Jablon asked the Coffey/Hartmanns to make a presentation of all their documents. At this time Kaye Hartmann read out a statement that she and Dan Coffey had composed. (A copy of this statement is attached to this document.) She also said that they are ready to go forward with the application process.

Howard asked if all the paperwork was complete and ready, and he reminded everyone present that there had been five (5) issues raised at the previous meeting: were there answers and responses to all five issues? Howard stated that this issue had been dragging out too long, and he also reminded everyone that according to our Codes, if there is a determination made to deny the permit, then the applicants would have to wait for one calendar year before applying once again. He again asked the Coffey/Hartmanns if all the paperwork was complete.

(Steve Thomas responded that he hadn't yet seen all the latest submitted papers and plans.)

Mike Lancioni suggested that the Coffey/Hartmanns make sure that all of their paperwork is in order before a final determination is made at this review of the documents. Michael Martinez added that there had been exhaustive lists on the previous months' minutes. Others agreed this was true.

Howard asked the Plan Commission members if they were willing to allow the C/Hs time to make sure that all their paperwork was in order, complete and true, before they made the final request for approval of the application. The members agreed.

Matt Bowen moved to table the C/H application for a building permit until the time they, the Coffey/Hartmanns, have all their paperwork in order and complete, and that they be allowed to appear at a *regularly* scheduled meeting of the Advisory Plan Commission, with the completed application and correct plans and documents for a final determination. Ralph Box seconded the motion. All present approved: 7/0.

Howard restated that the C/H Building Permit Application will be reviewed for a final decision the next time the Coffey/Hartmanns appear at a *regularly* scheduled meeting.

The C/Hs will send a request to Daina Dumbrys, secretary of the Plan Commission, to let the Plan Commission know that they were ready to appear.

- c. Dan Coffey asked if all the items that they provided in the past two meetings, noted in the minutes, didn't count? Was there a new process? Kaye Hartmann also asked what would happen if the Plan Commission added new items, what happens then? Are they assured that they just have to answer the issues that were addressed in previous meetings? Will anything else be added as had been done before? Matt Bowen answered her questions, stating that they have actually omitted details that are necessary to the submitted plans, and that the Plan Commissioners felt misled and lied to regarding

County Health Department Septic approval and other entities regarding documents that were submitted in the past.

- d. Howard Jablon closed the discussion at this point, reminding the Coffey/Hartmanns that their application would be reviewed at the next meeting where they appeared with complete plans and paperwork. No more discussion is to take place tonight.

New Business:

1. SBOA (State Board of Accounts) Compliance Report on Corrective Action needed regarding the Building Permits and Fees that are charged by the Town. Howard Jablon reported that the report was sent to the Town following an audit that was made by the SBOA. There were actually two incidents, two reports, one in 2015 and another in 2019. The SBOA found discrepancies in the way fees were reported and recorded.
 - a. Howard suggested that this was actually an issue for the Town Council, not the Plan Commission, as the Building Commissioner actually reports to the Council, that his agreement is with the Town, not the Plan Commission. Town Atty. Jeffrey Gunning pointed out that the Plan Commission took responsibility for the Building Commissioner, and that the Plan Commission had implemented changes to the forms. He noted that the Building Commissioner is actually staff to the Advisory Plan Commission and the BZA. Howard disagreed. Mr. Gunning also added that perhaps the new liaison for the Building Commissioner can help to determine where the responsibility lies.
 - b. Mike Lancioni suggested that after reviewing the documents sent by the SBOA all we need to do is add a few lines to the existing Building Permit Application form to make it clearer for anyone to see how the fees were determined regarding the Cost of the Project as well as the Square footage of the project. Matt Bowen agreed that making the corrections to the form would be easy and we had done this kind of thing in the past.
 - c. Mike Lancioni moved that we add two “fields” to the Building Permit Application:
 - Total Square Footage (if applicable)
 - Total Project Cost.

Michael Martinez seconded the motion. All present approved: 7/0.

- d. Steve Thomas asked who will report this to the SBOA? Joan Lewis responded that she will respond as the Clerk/Treasurer.

2. Comprehensive Plan Amendment – Resolution to add Amendment regarding property rentals

- a. Howard Jablon suggested that we take the first two paragraphs from the proposed Short Term Rentals ordinance, and use them for the Comprehensive Plan amendment. Atty. Gunning added that it would be beneficial to add more information, adding the last two

paragraphs as well, to provide more detail. Mike Lancioni will work on this and then share it with everyone on the Plan Commission.

3. A Public Hearing must be held before approval to add the Amendment to the Comprehensive Plan. It could be held at the next regularly scheduled Plan Commission meeting, March 3, 2020. Mike Lancioni so moved, Ralph Box seconded. All present approved; 7/0.

4. Short Term Rentals Ordinance

Howard Jablon asked if there was a need to discuss the new Short-Term Rentals ordinance at this time. Ralph Box asked for more information on how an ordinance is passed,

How do people get information about the Ordinance? Atty. Gunning explained that in the process of having the two needed readings of the ordinance before passage, an opportunity should be provided to allow the public to speak to this issue. It will be enough to allow time for public comment before the second reading takes place. The Town Council will be discussing the Ordinance and that will be the time to hear comments.

Public comments:

1. None

Commission Comments:

1. Ralph Box raised several questions: a. what do we as a Town do about abandoned houses, b. notice of things like paving, c. knowing about the new ordinances.
2. Ray Dumbrys noted that the Plan Commission should go over all the ordinances, as many of them are completely out of date. It was noted that if the ordinances have to do with zoning, the work starts at the Plan Commission, if not, then the issues are worked on at the Town Council.

Michael Martinez moved to end the meeting, Ralph Box seconded. All approved: 7/0.

President Howard Jablon adjourned the meeting at 8:53 pm.

Next meeting date: March 3, 2020

Minutes submitted by:

Daina Dumbrys, Acting Recording Secretary

Howard Jablon, President