

TOWN OF MICHIANA SHORES
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December 10, 2019 Council Meeting Minutes

7:05pm President Pam Dubie called to meeting to order. After the Pledge of Allegiance, Roll call was taken by Clerk Treasurer, Joan M. Lewis.

Roll Call: Pres. Pam Dubie, Vice Pres. Robert Uryga, Council Members: Alex Sprovtsoff, Jean Poulard and Rich Young. Fire Chief Garry Bendix, Police Chief Robert Sulkowski, Park Board President Dolly Millick, Webmaster Daina Dumbrys, Ray Dumbrys BZA & Liaison LaPorte Cty. Drainage Board, Atty. Jeffrey Gunning (5 Mins. late) and Clerk Treasurer Joan M. Lewis were present.

BZA President Matt Bowen, and Bldg. Commissioner Steve Thomas were absent.

Approval November 12, 2019 Council meeting minutes. Councilmember Rich Young made a motion to accept the November 12th meeting minutes a presented; seconded by Councilmember Alex Sprovtsoff. Motion passed with 5 Ayes.

Clerk Treasurer's report. November 2019 Add'l Claims – Councilmember Rich Young made a motion to approve the November 2019 Add'l vouchers; seconded by Councilmember Jean Poulard. Motion carried with 5 Ayes.

December 2019 Claims – Councilmember Rich Young made a motion to approve the December vouchers; seconded by Councilmember Jean Poulard. Motion carried with 4 Ayes, 1 Nay (Councilmember Alex Sprovtsoff).

Reports:

Police: Chief Bob Sulkowski – Chief Sulkowski gave the report. – report will be on file.

Fire: Chief Garry Bendix – Fire Chief Bendix gave the report. Report will be on file.

Building Commissioner: Steve Thomas (Absent) – Councilmember Alex Sprovtsoff gave the report. A Stop Work Order was placed 3731 Michiana Drive; Mr. Smith is the contractor. Building Commissioner Steve Thomas contacted Mr. Pacura on Groveland, who had started construction without paying for his permit. Mr. Lancioni applied for a fence permit.

Park & Recreation: Dolly Millick – Absent – No meeting until March 2020.

Road Commissioner: Robert Sulkowski

a. **Road Report** –

b. **Community Crossing Grant** – Work has been done on portions of Pinewood, Dogwood and Chippewa. Portions of Birchwood was cut from the grant. Grant Administrator Robert Sulkowski did not explain why Birchwood was cut. He did state that Birchwood would be the first street on the next grant.

Tree Removal Report – Rich Young stated he was appointed to oversee the tree removal contractor, Mick Wulff. There is one big oak tree in the area of Powhatan & Oakdale remaining to be cut down.

At the October meeting, the council asked the Clerk Treasurer to obtain quotes on other areas that trees need to be cut down or has past debris that needs to be removed. Also, at the October meeting, Councilmember Robert Uryga mentioned that maybe we could offset the cost with Mr. Wulff for the three (3) trees which were removed from his contract as they were on private property.

Plan Commission: Councilmember & Plan Commission President Rich Young stated they discussed the stop work order at 3831 Michiana Drive and the issued of starting construction on Oakdale east of El Portal without paying for his permit. The biggest part of the meeting was the Dan Coffey's request to build on the corner of Powhattan & Oakdale/Shadow. Atty. Steven Hale represented Mr. Coffey, who could not be at the meeting. There were some questions on the setbacks concerning the septic system and utility poles & guide wires on Coffey's property which were listed to be removed. At a prior Plan Commission meeting, The Coffeys were told they need to have 1200sq. ft. on the first floor. The plans were redone; extending the home with structural pillars. Per Ray Dumbrys, FEMA and DNR stated the pillars need to be approved by a Structural Engineer before the permit is issued and during after construction. No permit issued. They are planning to come back at the next meeting. The next meeting has been changed to January 21st. Dorothy Nolan who has been a Plan Commission member for thirteen (13) years declined re-appointment. A citizen member will need to be appointed. Atty. Gunning explained the State Statute with regards to the Plan Commission members specifies citizen members continue to stay in the position until their replacement is installed. For the governmental appointees. their term ends with their term of office, which would be December 31st. Councilmember Rich Young made a motion to change the January Plan Commission meeting to the third Tuesday, January 21 as the new appointments won't be made until the January 14th Council meeting, seconded by Councilmember Alex Sprovtsoff. Motion carried with five (5) ayes.

The Plan Commission addressed the Short-Term Rentals. At the advice of Atty Gunning, putting together controls concerning Short-Term rentals should begin with our Comprehensive Plan. Referring to the IN State Statute that was passed in 2018, we've collected information from surrounding Indiana communities to use as prototypes for plans to be put in place. This should be a priority for the Plan Commission for the next year.

BZA: Pres. Matt Bowen Absent - Ray Dumbrys no meetings held in November. The next meeting will be in February 2020.

White Ditch – Ray Dumbrys LaPorte Cty. Drainage Board Liaison stated he attended the Drainage meeting today, but nothing on agenda for Michiana Shores.

Website – Daina Dumbrys stated the dates are back on the website. She asked the council for approval to put the request for appointees for the Plan Commission, Park Board and BZA, and a secretary for the Plan Commission on the Website front page. Atty. Gunning stated from one of the committee rules pre-website was that the council consent agreement on the content. Atty. Gunning stated that in the 200 series of the Plan Commission Statute there is a statute that explains existent members should have experience or a keen interest in land usage, engineering or surveying or interest in those areas.

Councilmember Rich Young made a motion to approve Daina Dumbrys request to advertise for new members on the website; seconded by Councilmember Jean Poulard. Motion carried with five (5) Ayes..

Job Description/Tasks committee. Clerk Treasurer Joan M. Lewis explained the committee reviewed the job descriptions each member choose to develop. We still need to fine tune the job

descriptions, concerning tasks, education and skills, hours worked, Supervisor, reviews, etc. Next meeting in January.

Resolutions-Ordinances – Atty. J. Gunning-

- a. **Ordinance 2019-08 Continuing Ordinance to Authorize Compensation Rates and Salaries for the Town of Michiana Shores, Indiana for Calendar Year 2020, Second reading.** Council President Pam Dubie made a motion to approve second reading of Ordinance 2019-08 Continuing Ordinance to Authorize Compensation Rates and Salaries for the Town of Michiana Shores, Indiana for Calendar 2020; seconded and read by Councilmember Jean Poulard. Motion carried with five (5) Ayes.

- b. **Ordinance 2019-07 E-Verify and Anti-Iranian Dealings** - After Atty. Gunning read Ordinance 2019-07 As Ordinance Code Defines Contracting and Bidding Policies to Include State Mandated Policies and Requirements including E-Verify Procedures by Building and Insurance and Certifications for the Town of Michiana Shores, Indiana, Councilmember Jean Poulard made a motion to approve on first reading Ordinance 2019-07; seconded by Councilmember Jean Poulard; motion carried with five (5) Ayes. Councilmember Rich Young made a motion to suspend the rules and have second reading by title only; seconded by Councilmember Jean Poulard. Motion carried with five (5) Ayes. Councilmember Jean Poulard made a motion to have second reading of Ordinance 2019-07 by title only Ordinance 2019-07 As An Ordinance Defines Contracting and Bidding Policies to Include State Mandated Policies and Requirements including E-Verify Procedures by Building and Insurance and Certifications for the Town of Michiana Shores, Indiana; seconded by Councilmember Rich Young. Council President asked the public if they have any questions. Mr. Lancioni asked “How many other Town have such and ordinance”. Atty. Gunning answered most communities have some form of this, some have all of it. I don’t have all the enforcement sections in it. This is enough for the councilmembers and clerk treasurer to go to the statues if it ever comes up. Motion carried by five (5) Ayes.

- Grants:**
- a. **DNR CZ729 White Ditch Bank Stabilization Phase II– Still in Progress.**
 - b. **DNR CZ845 White Ditch Riparian Corridor Restoration** – Final report is due January 15th 2020.
 - c. **DNR White Ditch Riparian Corridor Restoration Implementation** –Full proposal due December 15th. Clerk Treasurer, Joan M. Lewis read a prepared letter for the council to address concerning their support for the Grant. Letter Attached. Councilmember Jean Poulard made a motion to approve the letter to support the application for the DNR White Ditch Riparian Corridor Restoration Implementation Grant; seconded by Councilmember Rich Young. Motion approved with five (5) Ayes.

Town Attorney Report: a. Uryga Ordinance Violation Case (at 402 El Portal)

All councilmembers received a copy of the Defendants answer to the Amended Complaint which was filed in this case. The courts will look to the substance at a meeting. Atty. Gunning explained the issues in the Amended Complaint. The Town’s insurance company needs to be notified. Atty. Gunning stated he is planning an Executive Session for the New council.

b.National Prescription Opiate Litigation – The Town Attorney informed the Council that a form of a Federal Class Action lawsuit was created by a Federal District Court in the Northern District of

Ohio In re: National Opiates Litigation to be the first of its kind to result in a class action “negotiations class” seeking to settle litigation of over 26 consolidated lawsuit against pharmaceutical manufacturers, distributors and retailers for cities, towns. Counties, township and other local units. Atty Gunning explained that the Town was given notice that it could opt out of the negotiations class if it wanted to litigate separately (to “go it alone”) to attempt to recover for itself, any proven damages suffered by the Town as a result of opioid addiction if an “Exclusion Request” was filed on or before Nov. 22, 2019. Full discussion is attached.

c. Short Term Rental Regulations – Atty. Gunning stated at the last Plan Commission meeting, a start is to have some type of dialogue or text put into the Comprehensive Plan. Atty. Gunning explained two procedures that can be taken to present an Ordinance to the Council. The present and new Plan Commission members will have to make the decision.

Communications: Shelia Carlson – Property owned by Fred Shapiro 3807 Manawa - people doing yard clean up said they were told to dump across Hiawatha by company doing clean up for Shapiro property. Parcel highlighted and lot to west owned by Park Place. Years ago town had to hire major clean up of this property as it had been used as dump site for company cleaning Shapiro property for many years. In past I asked company doing clean up to stop many times and Fred Shapiro to stop using as dump site. Guess they’re back at it. I've text Shapiro but will also be glad to file a complaint. Believe company doing clean up related to owner of lots. Please pass this on to board members. Those of us who pay for clean up and haul away are negatively impacted by owners of vacant land giving permission to dump on their vacant lots. Told person dumping to remove. Assume they will continue to dump - til town stops them and/or fines. **Note:** Mr. Shapiro has contacted Mick Wulff to take care of this matter.

Public Comments: Garry Bendix asked the council to send a letter to NIPSCO to find out when they plan to have the cutoff poles taken down and the wires transferred to the new poles. Diana Dumbrys state Jean Paxton contacted the Army Corp of Engineers for a meeting concerning the beach & lake. They can only meet during the week. She thought this is something the council should think about.

Council Comments: Councilmember Alex Sprovtsoff wanted to congratulate the newly elected officials. And wished everyone a happy holiday season. Councilmember Jean Poulard dittoed what Alex said. He stated he has been involved with the council since 1995 and he wished good luck to the new members replacing him and Alex. Councilmember Robert Uryga congratulated the new members and stated to them “Don’t trample on People’s rights”. This has been a beautiful community since I moved out here in 1967. He’s been on the Fire Dept. since 1967. Mr. Uryga stated “He never expected to serve on the Town Board, but the opportunity came up and I took it. And I really appreciate the four years that I had and I thank the Town to serve once more.”

Councilmember Rich Young congratulated the new members. He asked Atty. Gunning about sending a letter to Village of Michiana Michigan and Michigan DEQ. Atty. Gunning stated we have no deeded rights as a Town. Mick Wulff and Mr. Lancioni entered the discussion.

Councilmember Rich Young mentioned the Plan Commission will be looking for a new Secretary and if anyone is interested contact the Town office.

Swearing in - elected officials. Atty. Gunning swore in Joan M. Lewis, Clerk Treasurer. Councilmembers Pam Dubie and Rich Young, and the newly elected members Diana Dumbrys and Michael Lancioni were sworn in by Clerk Treasurer Joan M. Lewis. Congratulations to the 2020 councilmembers.

Adjourn: President Pam Dubie adjourned the meeting at 9pm.

Approved by Council Jan. 14, 2020