

TOWN OF MICHIANA SHORES
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February 11th Council Meeting Minutes

7:00pm Call to order/Pledge: Council Pres. Daina Dumbrys called the meeting to order and lead The Pledge of Allegiance.

Roll Call: Pres. Daina Dumbrys, V-P Michael Martinez, Councilmembers: Pam Dubie, Mike Lancioni, Rich Young; Clerk/Treasurer Joan M. Lewis, Atty. Jeffrey Gunning, Police Chief Bob Sulkowski, Park Board President Dolly Millick, Web Content Manger Daina Dumbrys were present.

Fire Chief Garry Bendix, BZA Pres. Matt Bowen/VP Ray Dumbrys & Steve Thomas were absent.

Al Walus, Engineer with Christopher Burke Engineering presented a report concerning our present DNR White Ditch Bank Restoration Phase II grant. He also reviewed the four previous grants to preserve the White Ditch Riparian corridor.

Adopt Meeting Agenda: No changes or additions.

Approval Council Meeting Minutes: Regular Council Meeting: January 14th 2020, A motion was made by Rich Young to accept the minutes as read; seconded by Mike Lancioni. Motion carried with 5 Ayes.

Council Executive Meeting: January 28th, A motion was made by Mike Lancioni to accept the minutes as read; seconded by Rich Young. Motion carried with 5 Ayes. Council President Daina asked the Council to certify that no subject matter was discussed at this meeting outside the subject matter as posted. Vote: 5 Ayes.

Council Meeting January 28th Following Executive Meeting. Councilmember Mike Lancioni made a motion to accept the minutes; seconded by Michael Martinez. Motion carried with 5 Ayes.

League of Women Voters: Daina Dumbrys read a Resolution/ Proclamation for the Council to sign declaring we are happy to celebrate their 100th Anniversary with them (The 19th Amendment was signed February 14th, 1920). Michael Martinez made a motion to accept the Resolution/Proclamation; seconded by Rich Young. Motion carried with 5 Ayes.

Clerk Treasurer's report. a. Add'l Claims January 2020: After Clerk Treasurer read the Add'l. Claims by Funds, Rich Young Made a motion to approve as read; seconded by Mike Lancioni. Motion carried with 5 Ayes.

Note: Rich Young made a suggestion to return to the previous appropriation report. Mike Lancioni suggested to have both forms.

Garage Inventory; Previously requested: SBOA requirement.

Annual Appointments:

a. Council Liaisons:

Town Attorney – Diana Dumbrys
Police Commissioner – Michael Martinez
Road Commissioner – Rich Young
Fire Commissioner – Pam Dubie
Flood Plain Administrator – Daina Dumbrys
Water Commissioner – No one

- b. **NIRPC Michiana Shores Representative:** Daina Dumbrys
- c. **LaPorte County Drainage Board Representative:** Daina Dumbrys

Reports:

Job Description Committee: Clerk Treasurer Joan M. Lewis stated we need to review job descriptions and tasks at our next meeting of the committee.

Police: Chief Bob Sulkowski – Chief R. Sulkowski read the report (includes Long Beach). A home was broken into, but nothing was taken. Report will be on file.

Fire: Chief Garry Bendix (absent): R. Sulkowski gave the report. He announced the addition to the Fire Station building is complete. Report will be on file.

Building Commissioner: Steve Thomas (absent): Daina Dumbrys gave the report – no new permits issued. She stated he has been following up on previous issues.

Park & Recreation: Dolly Millick stated no one has claimed the bicycle left in the park. Next meeting will be March 23rd. Dolly asked Daina to put the bicycle on our website.

Road Commissioner: Robert Sulkowski stated the road crew worked 17hrs in January. Not much snow.

- a. **Community Crossing Grant** – R. Sulkowski stated nothing to report. Next request deadline is April. Final report needed for town records to be used in SBOA & Federal Audits.

Mike Lancioni mentioned there are several street signs down. R. Sulkowski stated he has new street signs, just hasn't put them up.

Tree Removal Report – Rich Young stated one large tree still needs to be removed.

Plan Commission: Howard Jablon (absent) Mike Lancioni gave the report. Dan Coffey-Kay Hartman building permit was discussed. After a lengthy discussion of the SBOA Engagement Recommendation that the Building permit needs to list how the permit fees are computed; ie square footage, or other means. It was determined to add square footage and total property value to the present permit request form. Language for an amendment to the Comprehensive Plan to be in line with the Short-Term Rental Ordinance was decided and a legal ad will be in the News Dispatch & Web page. Several persons stated they didn't see it on the web page. The Short Term Rental ordinance 2020-01 read at last month's meeting was amended

BZA: Pres. Matt Bowen or Ray Dumbrys (both absent. Daina Dumbrys stated there is a meeting scheduled for this Thursday, but no hearing requests, so she's not sure if they will have a meeting. Also, they need to decide officers and member terms.

White Ditch – Ray Dumbrys LaPorte Cty. Drainage Board Liaison (absent): Daina Dumbrys stated there was nothing new from the Drainage Board.

Website – Daina Dumbrys – Webmaster stated just the usual information was put on the website.

Ordinances & Resolutions:

a. Ordinance No: 2020-01 – Short Term Rental Regulations- Author: Mike Lancioni.

Atty. J. Gunning passed out an amendment list. He read: The Town Council of the Town of Michiana Shores passed a draft Ordinance Proposal No. 2020-01 to second reading by approving first reading of Ordinance No. 2020-01 on January 14th, 2020, intending to establish Short Term Rental Regulations in and for the Town of Michiana Shores consistent with the Indiana Code 36-1-14. Atty. J. Gunning asked that the references to Common Council be replaced with Town Council in the ordinance. Also, add at the bottom of the enactment: Legislative History: 1st reading approval on January 14th, 2020, Amendments containing standard provisions dated February 11th, 2020. Add or repeal supremacy clause provision, severability provision, Emergency Enactment provision, Occasion provision, Adoption language, and signature lines. Existing text re-formatted to add: Section I including purpose statements; Section 2: Text & content; Section 3: Repeal of existing provisions; Section 4: Severability provision. Section 5: Emergency enactment clause. A motion to amend Ordinance 2020-01 per suggestions by Atty. Gunning was made by Mike Lancioni; seconded by Michael Martinez. Motion carried with 5 Ayes.

- Grants:**
- a. DNR CZ729 White Ditch Bank Stabilization** – First Engineering task completed.
 - b. DNR CZ845 White Ditch Riparian Corridor Restoration:** Final Report in process.

Town Attorney Report: Annual Appointments: Annual Appointments:

- a.** Because of Atty. Gunning's late arrival to the meeting, he asked if the annual appointments listed on the agenda were announced or voted upon by the Council and suggested they should be approved by a vote of the Council if they had only been announced. Mike Lancioni made a motion to approve the new appointments; seconded by Michael Martinez. Motion carried with 5 Ayes.
- b. Uryga Ordinance Violation Case:** Atty. J. Gunning gave a lengthy status report on the costly Uryga litigation. He then asked for authorization to initiate settlement negotiations with the opposing attorney consistent with some of the ideas expressed in the Executive Session. Mike Lancioni made a motion to authorize Atty. Gunning to act on our behalf, with best legal opinion and other needed information and to proceed to negotiate a settlement of the case; second by Pam Dubie. Motion approved with 5 Ayes.
- c. Litigation Village of Michiana Michigan:** Before Atty. Gunning completed his report, Mike Lancioni stated he had done a lot research. His main issue concern is the section of the Village of Michiana Michigan contract that addresses the process for monies provided for water main repairs or replacement. Also, the issue of the Village of Michigan's responsibility for the monies owed to the Town of Michiana Shores to be set aside in a separate account for the Town upgrades. The account disappeared on the financial reports. Discussion to be continued.

- d. **Attorney Contract:** Atty Gunning noted that at the January meeting the Council offered to extend the atty. contract for six months, however he stated he would be willing to go three months under the expired contract terms and the SBOA requires a writing. He said he would prepare such a writing in the form of a letter extension for the three months of January, February and March but needed Council approval for the President to sign it. Mike Lancioni made a motion to approve a letter extension for three months with Atty. Gunning, seconded by Michael Martinez. Motion Carried with 5 Ayes.

Unfinished Business:

- a. **Refuse & Garbage Contract:** Invitation for Bids to be issued and published.
- b. **Short Term Rentals Ordinance:** Discussed above.
- c. **Removal of Debris – Public Property:** A large tree needs to be removed. Sandcastle has given a bid for several trees and debris not included in original contract. It was discussed to offset cost of new bid with credit for trees not removed on original contract. Mike Lancioni suggested a copy of Sandcastles present contract and Sandcastles new bid.

New Business:

- a. **Comprehensive Plan Amendment** - Councilmember Mike Lancioni stated he has completed the contents for the amendment.
- b. **Leaf pick up:** Councilman Lancioni suggested Leaf pickup be added to the Refuse Invitation for Bids.
- c. **Street Signs:** Needs more posts for signs.
- d. Rich Young mentioned the need for a code enforcement officer.

Other Business: None

Communications: None

Public Comments: None

Council Comments: None

Adjourn: A motion to adjourn at 9:05pm was made by Mike Lancioni; seconded by Rich Young. Motion carried with 5 Ayes

Approved by Town Council 3-10-2019