

TOWN OF MICHIANA SHORES
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August 11th, 2020 7:00 PM Council Meeting Minutes
Remote Zoom Meeting

The Regular Meeting of the Town Council of the Town of Michiana Shores is being convened at 7:09 pm on Tuesday, August 11, 2020. At the time leading up to this meeting, the country is still facing a pandemic outbreak of the novel coronavirus COVID-19. In response, Indiana Governor Eric Holcomb has issued a series of Executive Orders which, among other things, declared a public health emergency and suspended various state statutes. 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 (“PAC”) allowed for meeting to be held by videoconference or by telephone conferencing. 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 the virtual meeting of the Plan Commission. The most recent Order issued by Gov. Holcomb are number 2020-38 extending the public health emergency order, ensuring the Town the ability to convene public meetings remotely.

In accordance with the PAC Guidelines, notice of the virtual meeting replacing the meeting at the Fire Station Public Meeting Room and access to the virtual meeting by videoconferencing was posted on the Town’s website in advance of the meeting.

President Daina Dumbrys called the meeting to order at 7:09pm

Roll Call: Pres. Daina Dumbrys, V-P Michael Martinez, Councilmembers: Mike Lancioni & Rich Young, Clerk/Treasurer Joan Lewis & Police Chief Bob Sulkowski were present.

Councilmember Pam Dubie, Atty. Jeffrey Gunning as (OV Counsel and BZA Counsel), Fire Chief Garry Bendix, Park Board President Dolly Millick, BZA President Matt Bowen, Bldg. Commissioner Steve Thomas & Flood Plain Administrator Ray Dumbrys were absent.

Adopting Meeting Agenda: Councilmember Mike Lancioni made a motion to approve agenda as presented; seconded by Councilmember Michael Martinez. Motion Carried with 4 ayes, 1 absent Pam Dubie.

Roll Call Vote: Michael Martinez Aye
Michael Lancioni Aye
Rich Young Aye
Daina Dumbrys Aye

Minutes:

Approving Zoom meeting minutes of July14th, 2020. Mike Lancioni made a motion to approve the minutes with the correction to page 3, Change she to he under Code Enforcement; seconded by Michael Martinez. Motion carried with 4 ayes; I absent (Pam Dubie).

Roll Call Vote: Michael Martinez Aye
Michael Lancioni Aye
Rich Young Aye
Daina Dumbrys Aye

Ordinances and Resolutions: A Resolution of the Town Council of the Town of Michiana Shores, Indiana commemorating the Centennial of the Ratification of the Nineteenth US Constitution Amendment and honoring women’s equality and right to vote. Mike Lancioni made a motion to approve the Resolution commemorating the 100th Anniversary of the 19th US Constitution Amendment honoring women’s equality and the right to vote; seconded by Michael Martinez Motion carried with 4 ayes; I absent (Pam Dubie).

Roll Call Vote: Michael Martinez Aye
Michael Lancioni Aye
Rich Young Aye
Daina Dumbrys Aye

Reports from Committees, Officers and Clerk/Treasurer:

Clerk/Treasurer – Job Descriptions - Nothing new to report.

August 2020 Claim Vouchers: After Clerk Treasurer Joan M. Lewis read the August 2020 Claims vouchers, Mike Lancioni made a motion to approve the vouchers for August 2020; seconded by Michael Martinez. Motion carried with 4 Ayes; 1 absent (Pam Dubie).

Roll Call Vote: Michael Martinez Aye
Michael Lancioni Aye
Rich Young Aye
Daina Dumbrys Aye

Rich young commented that he & his brother Fred did not charge any labor costs for installing the split rail fence for the new nature trail. Everyone agreed they did a very good job. Looks Great. Rich asked the council to send a note to Fred to acknowledge his help by volunteering to assist Rich. An Article on the New Trail and the White Ditch Bank Restoration Grant was in the Lakefront Living.

Attorney search – Pres. Dumbrys stated their search is getting near to making a decision. The council is reaching out to secure the retainer and fees for extra work. David Hollenbeck has declined, but Shaw Freidman & Associates and Greg Sobkoviak of Hodges & Davis from Chesterton is still interested. Pres Dumbrys stated she started with seven firms and narrowed it down to three. Mike Lancioni and Michael Martinez interviewed attorneys from these firms. Mike Lancioni made motion to enter into contact negotiations with Shaw Friedman & Associates to define exact costs and expectations for the representation of Michiana Shores. Assuming mutual agreement contract approval will be voted on at the September meeting with Shaw Friedman & Associates present for the meeting; Seconded by Rich Young. Motion carried with 4 Ayes; I Absent (Pam Dubie).

Roll Call Vote: Michael Martinez Aye
Michael Lancioni Aye
Rich Young Aye
Daina Dumbrys Aye

Departmental Reports – Request for written reports

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

A lengthy discussion of the golf carts ensued. Golf carts need to be registered for use in Michiana Shores. A person needs to be 16 yrs old to drive a golf cart. Signs need to be ordered.

Fire Chief – Garry Bendix absent – Pres Dumbrys read the report. Report will be on file.

Building Commissioner – Steve Thomas absent. Pres. Dumbrys read the report that a roof & deck permit were issued. Rich Young mentioned a fence in the 200 block of Pokagon. A permit was issued and the Clerk-Treasurer sent the owner a copy of the fence code. Rich mentioned that Steve Thomas needs to check on the fence as solid fences are not permitted. A resident on Ponchartrain had a stop work order put on a carport and breezeway until he or his builder can present drawings to the Plan Commission.

Park Board – Dolly Millick – Rich Young mentioned that he has the ADA sand bucket toy for Kincaid park but he has to figure out how to install it. The Park board is in the process of researching benches, doggie bag station, signs, etc for the ne trail.

Roads Commissioner – Bob Sulkowski stated he had a couple trees to remove after they came down. Joan Lewis mentioned that she received a call from Joann Kennedy on Lupine that stated Bob is doing a good job of keeping most of the road sides mowed but not in her corner of Michiana Shores. Bob said he mowed there today. Patching & Paving roads: Bob Sulkowski said he'd have to check our paving budget for this year.

Advisory Plan Commission– Howard Jablon -Absent. Daina Dumbrys stated one of the concerns discussed were new homes looking the same. Discussion will continue at the next Plan Commission meeting. Michael Martinez stated the Plan Commission discussed the Rules & Procedures, unsafe buildings, Stop work order on the Breezeway and covered Parking pad on Ponchartrain; approved stairs for Matt Ruder,

BZA – Matt Bowen – Absent – Daina Dumbrys read the report. The BZA met August 6th. All members were present, along with Sgt. Tim Radke as Sargent of Arms, Atty. J. Gunning (by Phone) and Joan Lewis. Three Short Term Rental Special Use petitions were heard. Two were approved and one was continued. Next meeting is scheduled for September 3rd when they expect to hear two more petitions.

White Ditch/Drainage Board – Daina Dumbrys stated nothing to report.

Website – Daina Dumbrys reported there have been some issues with the website. Items seem to disappear. Daina is looking into using another website service, and she is taking a Google website course.

NIRPC – Daina Dumbrys – Nothing new to report.

LaPorte County Covid-19 meetings – Daina Dumbrys reported the COVID cases have been going up and they've asked that we use masks and maintain 6ft distancing.

Unfinished Business

Leaf pick up for Town –RFP will be prepared with Clerk, Michael Martinez and new attorney. Bob Sulkowski mentioned Duneland used Northwoods last year. It will be for the entire Town with each resident being charged a fee.

Short Term Rentals Ordinance – Mike Lancioni stated there are 38 listings VRBO &

Road sign replacement: We need another road sign for Arbutus the last one disappeared.

Road patching: Mrs. Kennedy reported that there is a big pothole on Arbutus.

New Business:

Short Term Rental Permits. - Ralph Box - Mike Lancioni stated he reviewed Ralph Box's application and he has everything that was requested including the occupancy of eight (8) individuals.

Rich Young made a motion to approve the Short-Term Rental Permit for Ralph Box; seconded by Michael Martinez. Motion approved with 4 ayes; 1 absent ((Pam Dubie).

Roll Call Vote: Michael Martinez Aye

Michael Lancioni Aye

Rich Young Aye

Daina Dumbrys Aye

Mike Lancioni stated he will get the Permit Card to Mr. Box.

John & Jennifer Willey: Mike Lancioni stated there is a discrepancy with the occupancy in their Short Term Rental data. The permit request shows 6 and the bedrooms listed on the LaPorte County Assessor's office's Beacon website would allow 4 persons.. .

Attorney report – Jeffrey Gunning – Not Present.

Town Ordinance Violation case against 402 El Portal.

Miscellaneous Business: None

Communications: None

Public Comment: Joan M. Lewis stated we need to clean up after our lovable pets. Peter Cummins stated he is a new resident of Michiana Shores. He was a City Manager for 15 years of Northshore in Chicago. Presently he is a Real Estate Agent. Mr Cummins offered his services and help to the Town if needed. Mike Lancioni state Mr. Cummins does not need a Short-Term Rental Permit since he rents his primary residence.

Council Comment: Michael Marteniz asked about the status of the Code Enforcer position. Rich Young state the person he asked is 80 yrs. old and he felt it was too much for him. Rich stated we need someone in Michiana Shores or close to us. Rich Stated he felt the wages were too low. Rich also mentioned we need to do something about the unsafe houses.

Adjournment: Pres. Dumbrys Adjourned the meeting at 8:50pm