

Town of Beverly Shores
TOWN COUNCIL MEETING MINUTES – March 16, 2021
Administration Building – 500 S. Broadway

The meeting was called to order at 7:00 p.m. and began with the Pledge of Allegiance.
(This meeting was broadcast live via Microsoft Teams and was recorded due to recommended coronavirus “social distancing” guidelines.)

Roll Call - Council Members: Councilors Geof Benson, John Blackburn, Susan Loeb, Matrona Malik, and Thomas Weber were present. Also, present: Clerk-Treasurer Ellen Hundt, Marshal Ed Clapp, and Town Attorney Connor Nolan.

Title VI Survey Availability

President Benson announced the availability of the Title VI public involvement survey. This survey is available online via the Town’s website.

Public Presentations

Margaret Williford & Terry Bonace Greenspace/ERG combined project

Williford, Chair of the Green Space Committee, spoke about a collaboration between the Green Space Committee and the Environmental Restoration Group (ERG). This collaboration would include seeking volunteers to participate in workdays removing invasive species from green spaces owned by the Town. The Green Space committee would look to the ERG to learn about what needs to be done, where it needs to be done, etc. It is not known at this time when it will start. Bonace stated this will help educate residents on invasive species and how to remove them.

Ruth Graff - Permission to use lawn north of Fire House for ABSR Easter Egg Hunt

Town Council found no issue with this, but Councilor Weber will contact the BS Volunteer Fire Department to make sure there is no conflict and let the ABSR know.

Public Hearing / Adoption on reestablishment of the CCD Fund

The Public Hearing was opened at 7:18 p.m. There was no public comment. The Public Hearing was closed at 7:19 p.m.

Resolution 2021-03 was presented. Councilor Malik motioned to adopt the Resolution as presented. Vice President Loeb seconded. There was a roll call vote. Benson = yea. Loeb = yea. Blackburn = yea. Malik – yea. Weber = yea. Unanimously approved.

Approval of Minutes

Approval of February 16, 2021 Council Meeting minutes

Councilor Malik motioned to approve the minutes as presented. Vice President Loeb seconded. There was a roll call vote. Benson = yea. Loeb = yea. Blackburn = yea. Malik – yea. Weber = yea. Unanimously approved.

Approval of March 9, 2021 Council Meeting minutes

Councilor Malik motioned to approve the minutes as presented. Vice President Loeb seconded. There was a roll call vote. Benson = yea. Loeb = yea. Blackburn = yea. Malik – yea. Weber = yea. Unanimously approved.

Report of Police & Street Departments

Violation Report – nothing to report.

Police Report – Marshal Clapp gave report.

Street Report – Superintendent Clapp gave report. Road work will start in the spring.

Request for travel expenses for Crandall – these will be presented for approval after submission of Expense Voucher.

Ordinances & Resolutions

2021-02 Additional Appropriations for Gift Fund - Non Reverting (445)

Councilor Malik motioned to approve on first reading. Vice President Loeb seconded. There was a roll call vote. Benson = yea. Loeb = yea. Blackburn = yea. Malik – yea. Weber = yea.

Unanimously approved. Councilor Malik motioned to consider on second reading during the same meeting as it was introduced. Vice President Loeb seconded. Unanimously approved.

Councilor Malik motioned to adopt ordinance. Vice President Loeb seconded. Unanimously approved.

2021-03 Additional Appropriations for 2017 GO Bonds Project Fund (307)

Councilor Malik motioned to approve on first reading. Vice President Loeb seconded. There was a roll call vote. Benson = yea. Loeb = yea. Blackburn = yea. Malik – yea. Weber = yea.

Unanimously approved. Councilor Malik motioned to consider on second reading during the same meeting as it was introduced. Vice President Loeb seconded. Unanimously approved.

Councilor Malik motioned to adopt ordinance. Vice President Loeb seconded. Unanimously approved.

2021-04 Additional Appropriations for Lease Rental Revenue Bonds, Series 2020 (418)

Councilor Malik motioned to approve on first reading. Vice President Loeb seconded. There was a roll call vote. Benson = yea. Loeb = yea. Blackburn = yea. Malik – yea. Weber = yea.

Unanimously approved. Councilor Malik motioned to consider on second reading during the same meeting as it was introduced. Vice President Loeb seconded. Unanimously approved.

Councilor Malik motioned to adopt ordinance. Vice President Loeb seconded. Unanimously approved.

2021-05 Codification of Municipal Code 2020 S-10 Supplement

Councilor Malik motioned to approve on first reading. Vice President Loeb seconded. There was a roll call vote. Benson = yea. Loeb = yea. Blackburn = yea. Malik – yea. Weber = yea.

Unanimously approved. Councilor Malik motioned to consider on second reading during the same meeting as it was introduced. Vice President Loeb seconded. Unanimously approved.

Councilor Malik motioned to adopt ordinance. Vice President Loeb seconded. Unanimously approved.

2021-06 Green Space Ordinance- adjusting number of members

Councilor Malik motioned to approve on first reading. Vice President Loeb seconded. There was a roll call vote. Benson = yea. Loeb = yea. Blackburn = yea. Malik – yea. Weber = yea. Unanimously approved. Councilor Malik motioned to consider on second reading during the same meeting as it was introduced. Vice President Loeb seconded. Unanimously approved. Councilor Malik motioned to adopt ordinance. Vice President Loeb seconded. Unanimously approved.

Clerk-Treasurer's Report

Consideration of Claims –CT Hundt presented APV registers, noting items that were not in monthly expenses. Councilor Weber motioned to approve the February 2021 APVs. Councilor Blackburn seconded. There was a roll call vote. Benson = yea. Loeb = yea. Blackburn = yea. Malik = yea. Weber = yea. Unanimously approved. CT Hundt also presented the Fund, Revenue, Appropriation reports, Garbage reports, 4 bank reconciliations, and payroll reports. Council Blackburn will sign off on reports.

Consideration of Claims for Bonds, 2020 Series – Vice President Loeb motioned to approve. Councilor Weber seconded. There was a roll call vote. Benson = yea. Loeb = yea. Blackburn = yea. Malik = yea. Weber = yea. Unanimously approved. RDA to approve claims at next meeting.

Request for purchasing Keystone Asset Software: CT Hundt requested to purchase the Keystone Asset Software for \$3,470 out of the Garbage Fund. This will aid in State Board of Accounts capital asset reporting requirement. Annual maintenance is \$650. Councilor Malik motioned to approve request. Councilor Blackburn seconded. There was a roll call vote. Benson = yea. Loeb = yea. Blackburn = yea. Malik = yea. Weber = yea. Unanimously approved.

Public Comment

David Phelps (115 W. Stillwater): Spoke about the Porter County BZA hearing and the proposed RV park and asked if the Town Council planned on speaking against it.

Paula Tillman (713 E. Rogers): Asked why the \$200,000 for engineering contract was not on the agenda. Will the Town Council have a meeting to explain what it will accomplish? President Benson explained that it was not on the agenda because the Town Council already had a special meeting to approve moving forward with the Army Corp of Engineers permitting and that is the only thing they have given the Smith Group permission to act on. There will be more opportunity for public input as things progress.

Mark Alger (815 E. Lake Front): Asked about status of the landscaping proposal of the east end and instead of focusing on engineering study couldn't the Town Council focus on a more expeditious approach on a landscape proposal. President Benson discussed that there is a misconception and there is not landscaping being done but dune restoration and preservation with replanting the dune grass.

Ed Kleese (705 E. Rogers): Asked if the Town will know exactly what we'll get for the \$200,000. Vice President Loeb answered that the purpose of the study will not be evaluating what has been done. The purpose of the study is how do we move forward, what can the Town expect, what might we be faced with in the future.

Susan Thomas (215 S. Broadway): Asked if the Town Council was going to send a representative to object to the RV park proposal.

Reports from Committees/Liaisons:

ADA progress: Nothing to report.

Greenspace Committee: Vice President Loeb gave report.

Park Board: *Councilor Malik gave report.*

Building & Building Site Committee: There was no meeting.

Board of Zoning Appeals: *There was no meeting.*

Capital Planning Committee: *There was no meeting.*

Fire & Emergency Management: *Councilor Weber gave report.*

Indiana Dunes National Park: Councilor Blackburn gave report.

Plan Commission: Councilor Blackburn gave report.

NIRPC: Nothing to report.

Depot Museum and Gallery: Councilor Blackburn gave report.

Unfinished Business:

AV equipment purchase and installation: No update.

Additional Appropriation for Crawl Space Work in Community Building: was approved on APV register.

Report on re-vegetation project on shoreline; consider methods to deter trampling of new plantings: CARDNO to come to repair fencing. Councilor Weber requested that maintenance work on fencing required because of damage from work at Derby be paid out of the Infrastructure fund and not from the Bond fund.

New Business

Updating the tracking of Town Committee appointments:

Councilor Weber motioned to appoint Larry Stanton to the Green Space Committee with a term expiring 12/31/2022 and to appoint Terry Bonace to the Green Space Committee with a term expiring 12/31/2021. Councilor Blackburn seconded. There was a roll call vote. Benson = yea. Loeb = yea. Blackburn = yea. Malik = yea. Weber = yea. Unanimously approved.

Councilor Weber motioned to reappoint Sandy Komasiński to the Green Space Committee with a term expiring 12/31/2022 and to reappoint Barb Vanecko with a term expiring 12/21/2023. Councilor Blackburn seconded. There was a roll call vote. Benson = yea. Loeb = yea. Blackburn = yea. Malik = yea. Weber = yea. Unanimously approved.

Councilor Weber motioned to appoint Larry Stanton, as the third Town official appointment, to the Plan Commission with a term expiring 12/31/2022. Councilor Blackburn seconded. There was a roll call vote. Benson = yea. Loeb = yea. Blackburn = yea. Malik = yea. Weber = yea. Unanimously approved.

President Benson reappointed to the Plan Commission as citizen members, Greg Lyman and Donna Norkus retroactive to 01/01/2021.

Councilor Weber motioned to confirm the terms for two citizen member seats, Donna Norkus, being the Democratic appointment and Greg Brown, being the non-democratic appointment, to expire the first Monday of January 2023. And the terms for the other two citizen member seats, Greg Lyman, a Democrat, and Joe Kapacinskas, a non-democrat, to expire the first Monday of

January 2024. Councilor Blackburn seconded. There was a roll call vote. Benson = yea. Loeb = yea. Blackburn = yea. Malik = yea. Weber = yea. Unanimously approved.

Tracking grant opportunities: Vice President Loeb sent grant opportunity information to Smith Group for review. CT Hundt sent Councilor Blackburn information on grants. He shared with Mary Marvel.

Request from NICTD to use parcel # [64-04-09-476-003.000-011](#) : NICTD requested use of parcel as access to culvert. NICTD is also represented by Harris Welsh & Lukmann and Attorney Nolan requested the Town Council to sign a conflict-of-interest waiver. Councilor Blackburn motioned to allow NICTD to use the parcel and for Council to sign the conflict-of-interest waiver. Councilor Weber seconded. There was a roll call vote. Benson = yea. Loeb = yea. Blackburn = yea. Malik = yea. Weber = yea. Unanimously approved.

NIPSCO double track mitigation plans around Beglin Garden: NIPSCO has to disturb the garden due to moving gas valves. NIPSCO will work with Terry Bonace and/or others involved with garden to make sure it is put back as the Town requests.

LMCP Grant permission: The grant application has been sent to NOAA for approval and then it will be sent to LMCP. President Benson asked for approval to allow him to sign off on it between meetings. Vice President Loeb motioned to authorize Benson to take whatever action is appropriate between now and the next council meeting to move the coastal grant forward. Councilor Blackburn seconded. There was a roll call vote. Benson = yea. Loeb = yea. Blackburn = yea. Malik = yea. Weber = yea. Unanimously approved.

Honoring Ed Bracken & citizen volunteers: Nothing to report.

Schedule Executive Session: An Executive Session was scheduled for Tuesday, March 23, 2021 at 1pm.

Written Communications

Written correspondence was received from Donna Norkus, Mark Alger, and Kim Wellman regarding the contract with Smith Group, what is pending, what is the Council going to do about it, and will the public have input on it.

Town Council Comment

Councilor Blackburn encouraged residents to take a stand, whether pro or con, on the Porter County BZA meeting scheduled for March 17, 2021.

President Benson stated that he thought Council does not have standing because the property is not in the Town's jurisdiction.

Marshal Clapp: Stated the Beverly Shores Police Department would only be an assist and not a primary responder.

Councilor Weber: Stated he did not have enough information about the situation to render an opinion but encouraged people to make their own statements.

Vice President Loeb: Stated the traffic issue warrants a statement from the Town.

Attorney Nolan: If the Town sends the Marshal to speak about traffic safety issue, that he should be prepared for questions.

Councilor Malik: Stated it may not be enough time to make a statement by the meeting time. Council requested the Marshal to attend the meeting and speak on behalf of traffic safety.

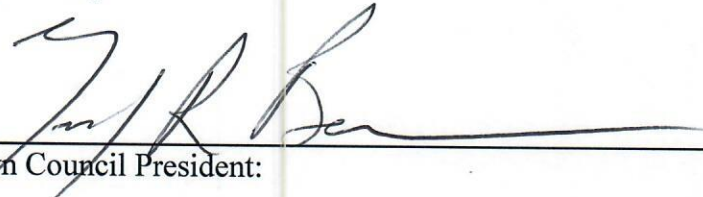
Adjourn:

Motion to Adjourn by Vice President Loeb.

Seconded by Councilor Weber.

There was a roll call vote. Benson = yea. Loeb = yea. Blackburn = yea. Malik = yea. Weber = yea. Unanimously approved.

Time: 9:44 p.m.



Town Council President:

Attest: 

Clerk-Treasurer
Ellen Hundt