

**Town of Beverly Shores**  
**TOWN COUNCIL MEETING MINUTES – May 19, 2020**  
Administration Building – 500 S. Broadway

The meeting was called to order at 7:25 p.m. (due to technical difficulties) 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 (participated via phone due to technical issues and at 8pm joined Teams Meeting) were present. Also, present: Clerk-Treasurer Ellen Hundt, Marshal Ed Clapp, and Town Attorney Connor Nolan (participated via phone due to technical issues).

**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 Presentation**

~~Bruce Reyes (105 E. Neptune) parking spots in right-of-way.~~ Council determined this was non-essential business and per Governor’s Executive Order only items deemed essential business need to be considered at this time.

**Approval of Minutes**

*April 21, 2020 meeting*

Councilor Malik motioned to approve the minutes as presented. Councilor Blackburn 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* – presented appeals:

*PV#11077/Cieply:* Council Malik motioned to deny appeal. Vice President Loeb seconded. There was a roll call vote. Benson = yea. Loeb = yea. Blackburn = yea. Malik = yea. Weber = yea. Unanimously approved.

*PV#10859/Mullen:* Council Malik motioned to deny appeal. Vice President Loeb seconded. There was a roll call vote. Benson = yea. Loeb = yea. Blackburn = yea. Malik = yea. Weber = yea. Unanimously approved.

*PV#11037/Dittman:* Councilor Malik motioned to deny appeal. Vice President Loeb seconded. There was discussion. Councilor Weber stated that the resident misinterpreted the sign and would not do it again after receiving a violation. Council Malik and Marshal Clapp both reported that the resident was disrespectful to the officer. There was a roll call vote. Benson = yea. Loeb = yea. Blackburn = yea. Malik = yea. Weber = yea. Unanimously approved.



*PV#10860:* Council Malik motioned to deny appeal. Vice President Loeb seconded. There was a roll call vote. Benson = yea. Loeb = yea. Blackburn = yea. Malik = yea. Weber = yea. Unanimously approved.

*Police Report* – Marshal Clapp gave report.

*Street Report* – Superintendent Clapp gave report.

*Proposed fence rental:* Marshal Clapp reported a clearer and more apparent barricade was needed at the Lakeview area as people are still attempting to go over and around the existing barricades. Councilor Malik motioned to approve up to \$2,000 for temporary fencing to be installed at the Lakeview area. President Benson seconded. There was discussion. Attorney Nolan stated that it was not necessary but would be prudent for Council to install at this reasonable rate. There was a roll call vote. Benson = yea. Loeb = yea. Blackburn = yea. Malik = yea. Weber = yea. Unanimously approved.

### **Ordinances & Resolutions**

*Ordinance 2020-08 Additional Appropriation for Gift Fund:* Councilor Malik motioned to approve on first reading. Councilor Blackburn 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. There was a roll call vote. Benson = yea. Loeb = yea. Blackburn = yea. Malik = yea. Weber = yea. Unanimously approved. Councilor Malik motioned to adopt ordinance. Councilor Weber seconded. There was a roll call vote. Benson = yea. Loeb = yea. Blackburn = yea. Malik = yea. Weber = yea. Unanimously approved.

*Ordinance 2020-09 Additional Appropriation for LIT:* 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. There was a roll call vote. Benson = yea. Loeb = yea. Blackburn = yea. Malik = yea. Weber = yea. Unanimously approved. Councilor Malik motioned to adopt ordinance. Vice President Loeb seconded. There was a roll call vote. Benson = yea. Loeb = yea. Blackburn = yea. Malik = yea. Weber = yea. Unanimously approved.

*Ordinance 2020-10 Additional Appropriation for Erosion Fund:* Councilor Malik motioned to approve on first reading. Councilor Blackburn 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. There was a roll call vote. Benson = yea. Loeb = yea. Blackburn = yea. Malik = yea. Weber = yea. Unanimously approved. Councilor Malik motioned to adopt ordinance. Councilor Blackburn seconded. There was a roll call vote. Benson = yea. Loeb = yea. Blackburn = yea. Malik = yea. Weber = yea. Unanimously approved.



Resolution 2020-07 *Resolution of the Beverly Shores Town Council Declaring a Local Disaster Emergency*: Councilor Malik motioned to approve. Councilor Weber seconded. There was a roll call vote. Benson = yea. Loeb = yea. Blackburn = yea. Malik = yea. Weber = yea. Unanimously approved.

~~Resolution of Appreciation for Vytas Kasniunas~~

~~Resolution of Appreciation for John Daraska~~

*Council determined this was non-essential business and per Governor's Executive Order only items deemed essential business need to be considered at this time.*

### **Clerk-Treasurer's Report**

*Consideration of Claims* –CT Hundt presented APV registers, noting items that were not in monthly expenses.. Vice President Loeb motioned to approve. Councilor Malik 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, and 3 bank reconciliations. Council Blackburn will sign off on reports.

Marshal Clapp reported that Derby Ditch Beach had been closed to erosion issue and he had requested Ed Bracken to take a look and repair if he could. Ed Bracken was able to move sand and Marshal Clapp will look at area on Thursday, May 21<sup>st</sup>, to determine safety as he would like the beach to be open for the weekend.

### **Public Comment**

None.

### **Reports from Committees/Liaisons:**

**ADA progress:** No meeting was held.

**Greenspace Committee:** No meeting was held.

**Park Board:** Councilor Malik gave report.

**Building & Building Site Committee:** No meeting was held.

**Board of Zoning Appeals:** No meeting was held.

**Capital Planning Committee:** No meeting was held.

**Fire & Emergency Management:** Councilor Weber said he had not attended meeting but instead spoke with a few of the members.

**Indiana Dunes National Park:** Councilor Blackburn stated NPS was pleased with the collaboration with the Town and that they could issue special work permit.

**Plan Commission:** No meeting was held.

**NIRPC:** Nothing to report.

**Depot Museum and Gallery:** No meeting was held.

### **Unfinished Business:**

~~Coastal (Historic Landmark) Grant~~

~~AV equipment purchase and installation~~



*Bond information and update:* President Benson reported the bond went to market on May 14<sup>th</sup> and did well with a 2.6% interest rate for 20 years. The Town's proceeds will be approximately \$4.8 million and will close on May 28, 2020.

*Update on Emergency Work on Lake Front Drive:* President Benson gave report regarding the Special Use Permit and the work being done at the 300 Block, 600 Block, LSC, East End, Broadway, Derby. He reported that Ed Bracken had volunteered to do all the triage work with approved funds; these are the temporary repairs while waiting for bond money and material. Benson reported that work was moved to the Lakeview area on Friday due to more of the road collapsing.

*NIPSCO utility resilience progress update:* President Benson reported installation of new shut off valves and loops are almost complete.

*Approve RFQ for Engineering firms for Road near Lakeview:* President Benson reports this is now a road project. NPS is going to request that the Army Corps of Engineers take this on but at this point, the Town does not know if that will happen. The Town needs to go out for qualifications from engineering firms. If the project is going to be using federal funding then it will have to be done under the federal Brooks Act which is a method that requires scoring based on qualifications and not pricing. There was discussion regarding publishing and time frame. June 16 at the regular meeting is a reasonable time frame. There was more discussion on what gets requested. Benson stated the engineering firms are basically giving Town their resume but not discussing scope of work at this time: A very generic scope of work would be: Road stabilization, road rebuild, shoreline protection, and potentially a parking lot and with cooperation with the NPS and Army Corp of Engineers. Council Blackburn motioned to move forward with a request for qualifications for engineering firms to help us stabilize and rebuild Lakeview and the tangent properties tied into the stabilization. Councilor Malik seconded. There was discussion. There was a roll call vote. Benson = yea. Loeb = yea. Blackburn = yea. Malik = yea. Weber = yea. Unanimously approved. Public question was about scope and why Town was paying for parking lot. Benson reported there is no scope yet so no decisions have been made yet.

*RFQ for Plan and safety evaluation of Rebora:* Councilor Benson says this is for making the beach safe not the stairs as the Park Board is responsible for the stairs. Councilor Weber motioned to have an engineer evaluate and to give us recommendations for safety of the public at Rebora beach. Councilor Blackburn seconded. There was discussion. Councilor Malik reminded Council that Rebora fell under the jurisdiction of the Park Board. It was determined that the Park Board is waiting to open the beach and stairs based on the Town Council's determination of the beach's safety. More discussion regarding finding and hiring engineering firms. Councilor Weber withdrew his motion. Councilor Blackburn withdrew his second. Attorney Nolan reminded Council the bond has not closed and there is no money to hire anyone at this time. There was further discussion. Councilor Weber motioned for Vice President Loeb & Councilor Blackburn to get quotes from engineering firms for the safety inspection of the Rebora Plaza and beach and to bring those quotes and recommendations to the special Town Council meeting on May 29, 2020 and for the Town Attorney to prepare a contract for those services. Vice President Loeb seconded. President Benson made a friendly amendment that the Council meeting will be



held on at 6pm. Councilor Weber and Vice President Loeb accepted the friendly amendment. There was a roll call vote. Benson = yea. Loeb = yea. Blackburn = yea. Malik = yea. Weber = yea. Unanimously approved.

*Award of contract to D&M for the 3 scours and give notice to proceed once money arrives:* Councilor Malik motioned to award the contract to D & M, pending arrival of money, for the work on the 3 scours. Attorney Nolan offered a friendly amendment to add that D & M was the lowest, most responsive, and most responsible bidder. Councilor Malik accepted the friendly amendment. Councilor Weber seconded. There was discussion. There was a roll call vote. Benson = yea. Loeb = yea. Blackburn = yea. Malik = yea. Weber = yea. Unanimously approved.

*Drexwood to Drake:* President Geof requested to go out for bid, as this area was not included in the original bid process, and to set a special meeting for June 9, 2020, at 6pm, to open bids, take them under advisement, and then awarding them at the June 16, 2020 meeting. Councilor Malik motioned to approve. Councilor Blackburn seconded. There was a roll call vote. Benson = yea. Loeb = yea. Blackburn = yea. Malik = yea. Weber = yea.

*Approve Contract for Erosion Project Supervisor Ed Bracken:* moved to May 29, 2020 meeting.

*Benson Beach Monitoring Grant Services Contract:* President Benson gave update that testing would not begin until Microbac is able to access Shore and Rebora beaches. Benson requested that Council approve the contract. Councilor Malik motioned to approve. Councilor Blackburn seconded. There was a roll call vote. Benson = abstained. Loeb = yea. Blackburn = yea. Malik = yea. Weber = yea. Unanimously approved. Benson will submit his Conflict of Interest Form.

*Census 2020:* President Benson gave update. Information can be found on Town's website.

#### **New Business:**

*Tom Weber request to submit letter to NIPSCO re: plant closings and truck routes of materials:* Vice President Loeb motioned to approve. Councilor Malik seconded. There was a roll call vote. Benson = yea. Loeb = yea. Blackburn = yea. Malik = yea. Weber = yea. Unanimously approved.

#### **Written Communications:**

President Benson stated Blaise Boscaccy (407 E. St. Clair) asked why we need to monitor closed beaches. Benson stated that we were not. Blaise also asked to define safety on the beach. Benson stated that it was not the water but the sand cliff the Town is concerned with. President Benson further stated they had received other letters/emails.

#### **Town Council Comment:**

Vice President Loeb stated she was happily informed by Toots Foy (424 E. Myrtle) that a resident, who was helped by the COVID19 volunteers, received and was thrilled with his Meals on Wheels that is being paid for by the Town's Gift Fund. Loeb thanked the volunteers for their work.

Councilor Blackburn asked whether the residents on west Lake Front Dr. will have gas if something goes wrong with the road. Benson answered that he believes so. Marshal Clapp reported that there may be a service interruption to individual houses, but valves have been put in place.

President Benson thanked volunteers who helped with traffic control.  
Council Malik wants to have letters/emails received by residents be part of the minutes so the public can view them.

**Adjourn:**

Motion to Adjourn by Councilor Malik

Seconded by Vice President Loeb

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

Time: 9:30 p.m.

Town Council President:

Attest:

Clerk-Treasurer  
Ellen Hundt