

Beverly Shores Plan Commission Minutes

June 7, 2021

1. The meeting of the Beverly Shores Plan Commission was called to order at 6:32 p.m. at the Beverly Shores Administration Building and broadcast to the public by Microsoft Teams software:
 - a) The following members were present in person: John Blackburn, Greg Lyman, Tom Weber, Donna Norkus and Larry Stanton;
 - b) The following member participated by electronic means, Joe Kapacinskas, through Microsoft Teams software, which permits all Members to simultaneously communicate both by audio and visual transmission.
 - c) The following Member was absent: Greg Brown;
 - d) The public was able to attend and observe the meeting through the Teams software and had been invited to attend and participate by prior email notification of the agenda and virtual link.
2. Review of previous meeting minutes.

Minutes of the May 3, 2021, meeting were reviewed. Commissioner Weber moved to accept, seconded by Commissioner Blackburn. Roll Call vote taken, John Blackburn-yes, Greg Lyman-yes, Tom Weber-yes, Donna Norkus-yes, Larry Stanton-yes and Joe Kapacinskas- yes; the motion passed unanimously.

3. Discussion of and Adoption of the Beverly Shores Plan Commission Electronic Participation Policy for Public Meetings.

The Plan Commission discussed the new Indiana Law concerning Electronic Participation of Plan Commission Members and the Public. The requirements and parameters of the law were discussed. The proposed policy was discussed at length. Commissioner Blackburn moved to adopt the policy; Commissioner Norkus seconded the motion. A roll call vote was taken, John Blackburn- yes, Greg Lyman-yes, Tom Weber-yes, Donna Norkus-yes, Larry Stanton-yes and Joe Kapacinskas- yes; the motion passed unanimously. The Beverly Shores Plan Commission Electronic Participation Policy For Public Meetings was adopted and signed by the Plan Commission President and the Recording Secretary at the meeting. A copy is attached to the minutes, the original signed policy is in the official Plan Commission records.

4. Old Business

- A. A Recommendation by the Beverly Shores Advisory Plan Commission to amend portions of the Town Code found in Section 10.99 related to Building Permit fees.

There was continued discussion concerning changes to the building permit fee schedule. Commissioner Stanton moved to make a recommendation to the Town Council to amend

the relevant provisions of 10.99 related to building permit fees and contractor registration according to the attached schedule. Commissioner Blackburn seconded the motion. A roll call vote was taken: John Blackburn- yes, Greg Lyman-yes, Tom Weber-yes, Donna Norkus-yes, Larry Stanton-yes and Joe Kapacinskas- yes; the motion passed unanimously. The recommendation was signed at the meeting by the Plan Commission President and the Recording Secretary and forwarded to the Town Council.

B. Plan Commission Initiated Recommendation for an Amendment to the Zoning Ordinance related to:

- Revision to the definition of fence and bulk regulations for Fences § 155.003, § 155.086,
- Revisions of sections affecting Steep Slopes and consolidation into new sections §§ 155.140-155.145,
- Building Permit revisions § 155.058, § 155.059, § 155.065, § 155.198,
- Contractor registration revisions § 155.042, § 155.067,
- Maximum Building Height revision from 40 feet to 35 feet, § 155.082,
- Revision of the Lot Coverage provisions to a maximum of 30%, § 155.003,
- Revision of the driveways provision § 155.138,
- A violation of any these sections shall be subject to the penalty provisions of Sections 10.97, 10.98 of the Beverly Shores Town Code and 155.999 of the Zoning Ordinance.

The Petition had previously been set for public hearing on June 28 and had been designated as Plan Commission Docket 21-1. The Commissioners discussed proposed changes to the text recommended by the Town Attorney. The commissioners had no further changes to the text and the public and all commissioners were reminded that the public hearing would begin at 6:30 on Monday June 28 at the Town Hall Administration Building and would be broadcast to the public on the Teams Software. The Town Attorney was asked to publish the notice for the public hearing as required by law.

5. The next meeting date is the public hearing scheduled for June 28, 2021.
6. Commissioner Blackburn moved to adjourn the meeting; Commissioner Weber seconded. John Blackburn- yes, Greg Lyman-yes, Tom Weber-yes, Donna Norkus-yes, Larry Stanton-yes and Joe Kapacinskas- yes; the motion passed unanimously. Meeting adjourned at 7:32 pm.

BEVERLY SHORES PLAN COMMISSION

ELECTRONIC PARTICIPATION POLICY FOR PUBLIC MEETINGS

This Policy shall govern electronic participation in public meetings by the plan commission members, all in accordance with House Enrolled Act 1437 (2021) and Indiana Code chapter § 5-14-1.5.

1. **Minimum number physically present:** Except in cases of disaster or emergency, at least fifty percent (50%) of board members must be physically present at a meeting.
2. **Simultaneous communication required to participate:** Board members who participate in a meeting by electronic communication must use an electronic means of communication that allows all participating board members to simultaneously communicate with one another.
3. **Video and audio required to vote:** A board member participating by electronic communication shall not vote on any item during a meeting unless that member is using an electronic means of communication that is displaying video of the member in addition to transmitting audio.
4. **Public broadcast:** If any board member is participating by electronic communication during any meeting open to the public and not in executive session, the meeting shall be broadcast by electronic means to allow the public to attend and observe the meeting without being physically present.
5. **Roll call vote required:** If any board member is participating by electronic communication during any meeting open to the public and not in executive session, and eligible to vote under section 3 of this policy, all action shall be decided by roll call vote.
6. **Annual limit:** A board member may not attend more than half of the board's meetings in a calendar year by electronic means of communication, except for the circumstances set out in 9 below.
7. **Consecutive limit:** A board member may not attend more than two (2) consecutive meetings by electronic means of communication, except for the circumstances set out in Section 9 below.
8. **Physical attendance requirement:** If a board member attends two (2) consecutive meetings by electronic means of communication, that member must physically attend at least one (1) meeting before attending another meeting by electronic means, except for the circumstances set out in Section 9 below.
9. **Exceptions:** The limits of attendance by electronic means of communication set for in Sections 6, 7, and 8, shall not apply in the follow situations:
 - a. Military service of the board member;
 - b. Illness or other medical condition of the board member;
 - c. Death of a relative of the board member; or
 - d. Emergency involving actual or threatened injury to persons/property.
10. **Meeting minutes:** If any board member is member is participating by electronic communication during any meeting, the minutes shall include the following:
 - a. Statement of the names of each member who was physically present;

- b. Statement of the names of each member who participated by electronic means, and identify the electronic means used by the member;
- c. Statement of the names of any member who was absent; and
- d. Identify the electronic means of communication by which the public was able to attend and observe the meeting.

11. No electronic participation permitted: A board member may not participate by electronic means in any meeting involving final action on any of the following:

- a. Budget adoption;
- b. Reducing personnel;
- c. Initiating a referendum;
- d. Establishing or increasing a fee;
- e. Establishing or increasing a penalty;
- f. Using eminent domain authority; or
- g. Establishing, raising, or renewing a tax.

12. Emergency exceptions: In the event an emergency is declared by the Governor of Indiana under Ind. Code § 10-14-3-12, or a local disaster emergency is declared by the Town Council President under Ind. Code § 10-14-3-29, board members are permitted to participate in a meeting by electronic means of communication without restriction on the number of members participating, annual limit, or consecutive limit. Electronic participation during an emergency is subject to the following requirements:

- a. At least a quorum of board members participate in the meeting by electronic means of communication or in person;
- b. The public is able to simultaneously attend and observe the meeting, except for executive sessions;
- c. The minutes or memoranda of the meeting:
 - i. State the names of each member who participated by electronic
 - ii. means, and identify the electronic means used by the member; ii. State the names of any member who was absent; and
 - iii. Identify the electronic means of communication by which the public was able to attend and observe the meeting.
- d. All votes in a meeting where a member is participating by electronic means of communication must be done by roll call vote.

Adopted by the Beverly Shores Plan Commission on the 7th day of June, 2021, approved by the affirmative vote of 6 commissioners at the regularly scheduled meeting on the above date.

(s) Gregory Lyman

Gregory Lyman,
President of the Plan Commission

(s)Ellen Hundt

Ellen Hundt,
Recording Secretary

RECOMMENDED CHANGES TO BUILDING PERMIT FEES

Section	Subject Zoning & Subdivisions	Fee
155.040 & 155.055 &155.056 & 155.065	<p>1. Application for Site Plan approval applies to all new construction projects and all projects enlarging or modifying structures. Site Plan approval is not required for interior re-modeling projects.</p> <p>2. Application for Building permit, applies to all activities where a building permit is required pursuant to 155.055.</p> <p>First application (Site Plan or Building) requires deposit, which includes non-refundable administration fee and refundable credit toward permit. If the fee for the final permit issued is less than the amount of the deposit, the difference shall be refunded to the applicant within thirty (30) days of the Building Commissioner's approval of completed project.</p>	\$500 Deposit
	<p><u>Building permit fee calculation.</u></p> <p>The sum of:</p> <p>a. Building permit administration fee (non-refundable)</p>	\$200
	<p>b. Actual square footage* of structure (total new construction or incremental increase of actual square footage for existing structures) multiplied by the building permit fee rate. Fee includes six mandatory inspections. Applies to all activities, except c below.</p>	\$1.35/square foot
	<p>c. Building permit fee for all projects not increasing actual square footage* of structure. Fee includes two mandatory inspections.</p>	\$50
	<p>d. Additional mandatory inspections as determined by Building Committee</p>	\$75 each
	<p>* Actual square footage of a new or existing structure is calculated as the sum of square footage of above grade living space, garage, unfinished or finished basement below grade, and decks larger than 200 square feet.</p>	
	<p>3. Re-Inspection of rejected work (must be prepaid)</p>	\$75/hour, \$75 minimum

	4. Pre-application conference	n/c
	5. Certificate of occupancy (inhabited buildings only)	\$50
155.034	6. Application to BZA for variance Steep Slope Engineer's Fee	\$500 At cost
	7. Application to Plan Commission	\$100
155.065	8. Additional building permit(s) for an uncompleted project	Double Fee of the original permit
	Contractor Registration	
	Contractor registration	\$100
155.067	Contractor registration annual renewal	\$100