

**Town of Beverly Shores**  
TOWN COUNCIL MEETING MINUTES – April 20, 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, Matriona 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**

*Councilor Blackburn* explained the Town of Beverly Shores has an opportunity to collaborate with Porter County and the National Park Service (NPS) to research options for the continuation of the Marquette Greenway Trail that includes West Beverly, East Beverly Dr., and the Town’s right-of-way, to Central Avenue. The Town would still own the road. This is the very early stages, and nothing will happen for years. In December 2019 a survey was sent out to Beverly Shores residents. Blackburn reported, that out of the 236 responses, the majority of submitted surveys showed residents were in favor of having a bike and pedestrian trail on West Beverly, as well as supporting the reconstruction of the Calumet Trail. In August 2020, Councilors Blackburn and Weber reported they met with representatives from Porter County, NPS, Michigan City Parks to discuss the bike and pedestrian trail. Blackburn reported in March 2020 that Porter County and NPS would be having a meeting on April 6<sup>th</sup>. Bob Thompson, Porter County Director of Development and Storm Water Management will be at the May’s Town Council Meeting.

*Rafi Wilkinson, Indiana Dunes Natl. Park, re: Area planning for Calumet/Marquette Trail alignment (for bicycle, pedestrian):* Wilkinson has been coordinating trail activities that involve NPS. The Marquette Greenway Trail, running from the Indiana/Illinois state line to New Buffalo, MI, has been a long project in the making. It is 58 miles long and designed to be paved and ADA compliant. And, where possible, has clear separation from cars. There are 3 states and 5 counties involved in the planning and funding process. The preliminary plan, in regard to the Town, starts at Kemil and 12, using the existing trail from Kemil to an old road bed (formerly Lake Shore Drive) to Beverly, Beverly Dr. to Central, south on Central to the existing trail, and finally connecting to Michigan City’s trail on Highway 12. No details have been worked out at this time.

*Councilor Weber:* Reported the Town Council has the right to approve this, and it is not a taking of land. The project proposed for a bikeway on Beverly Drive would require the Town Council to grant a use of the right-of-way for this purpose. He supports bicycle separation from the road, 2-way traffic (at least from Broadway to Montana), shifting the road and burying utilities. One-way traffic from Montana to Central would have a traffic calming effect and he believes this is an opportunity to provide non-motorized recreation to Beverly Shores in conjunction with the double tracking, a non-invasive way of supporting visitors.

*Rodney Brewer / Bridget & Mark Degnen 527 E. Lake Front – driveway:* Brewer presented revised drawing. Councilors Malik, Benson, and Blackburn voiced concerns about the Town giving up the right-of-way and issues with neighbor's land. Councilor Weber motioned to allow the resident to have 4 additional feet of the Town right-of-way for parking, subject to a building permit, and that the plantings in said right-of-way are native vegetation. There was no second.

*Nancy Schwab: Town sign:* Nancy stated she was seeking approval to proceed with building and installing a new Town sign in front of the Administration Building. The sign would be completely funded by outside sources and the Town would not have to contribute. Power point is attached. Vice President Loeb motioned to grant permission to move forward with the sign as presented and that the sign is turned off at dusk. Councilor Malik seconded. There was discussion about when to turn it off. Councilor Malik made a friendly amendment to have the sign dim at dusk and turn off at 9pm. 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.

*Susan Thomas:* Susan spoke on behalf of herself, Candice Peterson-Smith, Ed Kleese, Mary Marvel, Rita Dagys, Rosemary and Alan Bell, and Nancy Cassidy. She spoke about the trend in legislation that undercuts home rule. Specifically, she spoke of legislation that allows utilities eminent domain to do carbon capture on private property. Attorney Nolan reported AIM (Accelerate Indiana Municipalities) are very active in following and working on legislature.

### **Approval of Minutes**

*Approval of March 16, 2021 Council Meeting minutes*

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

*Approval of March 23 Executive Session 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. He reminded residents that Beverly Shores does have a leash law and it will be enforced.

*Street Report* – Superintendent Clapp gave report. Rieth/Riley has finished crack sealing project. The curbing and paving project has started but delayed due to weather. There was discussion about getting bids for the road edge work needing to be done on Kemil Rd. There was discussion about whether or not parking striping should be done at Lake View. Councilor Weber will reach out to NPS and get back to Marshal Clapp. Marshal Clapp requested Town Council approve a change work order for \$12,990 for work at Derby. Councilor Malik motioned to approve an additional \$12,990 for the overage to Reith-Riley to be taken out of the Bond, Series 2020 Fund

(418). Councilor Weber seconded. There was a roll call vote. Benson = yea. Loeb = yea. Blackburn = yea. Malik – yea. Weber = yea. Unanimously approved.

### **Ordinances & Resolutions**

#### *2021-07 American Rescue Plan (ARP)*

Councilor Blackburn motioned to approve on first reading. Councilor Malik 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. Councilor Blackburn seconded. There was a roll call vote. Benson = yea. Loeb = yea. Blackburn = yea. Malik – yea. Weber = yea. Unanimously approved. Councilor Blackburn motioned to adopt ordinance. Councilor Malik seconded. There was a roll call vote. Benson = yea. Loeb = yea. Blackburn = yea. Malik – yea. Weber = yea. Unanimously approved. This ordinance is required by the SBOA to track the spending of the grant.

### **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 the March 2021 APVs. 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, 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 Blackburn 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.

*(re) Approval for Fire House bathroom: \$2,100 to be paid from the Roads & Capital Improvement Fund (448):* This motion was inadvertently omitted from the March minutes. Councilor Malik motioned to approve request. Councilor Weber seconded. There was a roll call vote. Benson = yea. Loeb = yea. Blackburn = yea. Malik = yea. Weber = yea. Unanimously approved.

*Mackin invoices:* CT Hundt presented invoices, dating back to 2018, submitted by John Mackin for building commissioner fees. Dave Wagner, Chair of the Building & Building Site Committee, declined to approve without Council input. CT Hundt reported the invoices submitted are greater than the appropriation balance. Vice President Loeb motioned to take the issue under advisement. Councilor Blackburn seconded. There was a roll call vote. Benson = yea. Loeb = yea. Blackburn = yea. Malik = yea. Weber = yea. Unanimously approved.

### **Public Comment**

None.

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

**ADA progress:** Nothing to report.

**Greenspace Committee:** Nothing to report.

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

**Building & Building Site Committee:** Vice President Loeb gave report.

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

**Capital Planning Committee:** *There was no meeting.*

**Fire & Emergency Management:** *Councilor Weber gave report.* The BSVFD is currently researching possible boat launch locations.

**Indiana Dunes National Park::** Nothing to report.

**Plan Commission:** Councilor Blackburn gave report.

**NIRPC:** President Benson gave report.

**Depot Museum and Gallery:** Nothing to report.

### **Unfinished Business:**

*AV equipment purchase and installation:* No update.

*Report on re-vegetation project on shoreline; consider methods to deter trampling of new plantings.* Councilor Weber reported marram grass installation started again on 04/20/2021 in the 300 block, heading west. There is new signage, and the fencing is up. The marram grass planted last year is coming out of dormancy, east of the 300 block. Marshal Clapp reported that a cigarette butt was probably thrown out and set the straw bedding on fire. A resident was able to put it out.

*Honoring Ed Bracken & citizen volunteers:* No update.

*Garbage can/recycling task force:* There are plenty of options, but nothing has been decided at this point.

*Smith Group progress and tasks:* President Benson gave update on progress of Army Corp of Engineers. A final report has been submitted. Lake Michigan Coastal Program Grant has been approved. Approximately \$59,000 has been awarded. A Town Council Meeting was scheduled for April 29, 2021 at 6:30pm for the public to ask questions about the Smith Groups tasks before an order to proceed is given.

### **New Business**

*IDEM/Benson: Contract and Conflict of Interest:* President Benson presented documents for the IDEM Beach Monitoring grant. Councilor Malik motioned to authorize Vice President Loeb's signature for the IDEM grant. Councilor Weber seconded. There was a roll call vote. Benson abstained. Loeb = yea. Blackburn = yea. Malik = yea. Weber = yea. Unanimously approved. Councilor Weber motioned to approve the contract with Geof Benson to act as the agent for beach monitoring. Councilor Blackburn seconded. There was a roll call vote. Benson abstained. Loeb = yea. Blackburn = yea. Malik = yea. Weber = yea. Unanimously approved. Benson presented his conflict of interest.

*IN Lake Michigan Coastal Program Grant Contract to help pay for Smith Group:* Vice President Loeb motioned to allow President Benson to execute the Coastal Grant contract for the Smith

Group tasks delineated in the contract. Councilor Weber seconded. There was a roll call vote. Benson = yea. Loeb = yea. Blackburn = yea. Malik = yea. Weber = yea. Unanimously approved.

*Proposed RV park letter:* Vice President Loeb motioned for Town Council to approve letter of opposition to the proposed RV park in Porter county. Councilor Blackburn seconded. There was a roll call vote. Benson = yea. Loeb = yea. Blackburn = yea. Malik = yea. Weber = yea. Unanimously approved.

**Written Communications**

Written correspondence was received regarding Women's Club re Recycling containers, Letters re: Bike trail, Library committee reopening plans,

**Town Council Comment**

Vice President Loeb congratulated Mary Marvel for obtaining a grant for the ERG.

**Adjourn:**

Motion to Adjourn by Vice President Loeb.

Seconded by Councilor Malik.

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

Time: 9:26 p.m.

  
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Town Council President:

Attest:   
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Clerk-Treasurer  
Ellen Hundt