

DRAFT

**OGDEN DUNES TOWN COUNCIL  
MARCH 4, 2013 MEETING  
OGDEN DUNES FIREHALL - 7:00 P.M.**

**PRESENT:** Charlie Costanza, Bill Gregory, Allen Johnson, Paul Panther, Tom Clouser

**MINUTES**

Charlie Costanza moved to approve the minutes of the February 4, 2013 Town Council meeting. Bill Gregory seconded the motion. All were in favor and the motion was passed.

**CORRESPONDENCE AND ANNOUNCEMENTS**

Allen Johnson thanked Judy Mollway for her article on the Town of Ogden Dunes which appeared in The Times newspaper on February 18, 2013 entitled "Volunteers make Ogden Dunes a great place to live".

Allen Johnson introduced Allen Hammond from NIRPC who was present at this meeting to discuss the ADA transition plan for the Town of Ogden Dunes. Allen Hammond stated that because we are a small Town of less than 50 employees, our ADA requirements are not as stringent as a larger Town. However, he did state that NIRPC is encouraging even small towns to assess the ADA requirements. He offered to work with the Town's ADA committee and help them comply with the laws. He stressed that this is a transition plan and not one that is expected to be in full force immediately. He stated that the plan would be ongoing and updated when funds are available.

**COMMITTEE/DEPARTMENT REPORTS**

STREET DEPARTMENT

Jim Matthys spoke for the Street Department and asked all residents to remove their trash cans from the curbs when a snow storm is expected so the plow trucks can have easy access to the streets. He also stated that snow from resident driveways should not be pushed to the street but rather shoveled onto their own property.

POLICE DEPARTMENT

Marshal Reeder requested the Town Council to approve a new police car. He has a quote from Lake Shore Ford to replace the current SUV with a Ford SUV Interceptor with an in-stock cost with trade-in of \$11,685.00 with an additional \$5,000.00 for accessories. This cost is under the allocated budget line item for a new police vehicle.

Bill Gregory questioned the outcome of the safety presentation which Marshal Reeder held on Saturday, March 2, 2013. Marshal Reeder stated that approximately 5 people attended; however, he did state that the date of this event was incorrectly posted on the cable TV channel and also, there was a mix-up as to the exact location of the meeting. He stated that he plans to repeat this presentation at a later date.

Paul Panther addressed some safety issues that the residents could follow to protect their homes.

The following suggestions were made: remove snow from your neighbor's house if they are gone; don't store ladders outside, draw shades when you are not home and keep a light on inside, use outside lights, use timers when you are gone, install deadbolts, use a broomstick to secure sliding doors, don't hide an extra key outside in obvious places (under the mat, in the flower pot, etc), keep the garage door down, put valuables in unsuspecting places, you may leave your house key securely locked up at Town Hall in case you are gone and the police need to enter your home.

**Paul Panther made a motion to approve the new police vehicle as presented by Marshal Reeder. Tom Clouser seconded the motion. All were in favor and the motion was passed.**

Tom Clouser stated that Eric Jensen called him to request funding; however, Tom informed him that the Town has not received the 2013 final budget yet so all funding is on hold.

#### FIRE DEPARTMENT

Paul Panther spoke as liaison for the Fire Department. He stated that an email from Susan Proffitt questioning if \$200,000 to \$300,000 in funds which was reported missing at the last Town Council meeting was found. Paul stated that this is an incorrect statement and there are no missing funds and this was not reported at the last Town Council meeting. He also stated that Susan Proffitt should contact him and he would be happy to meet with her and the Fire Department to resolve this statement. Paul Panther stated that these types of rumors are unacceptable.

Bill Gregory thanked the Fire Department for coming to his assistance at his home several weeks ago.

#### PLAN COMMISSION

Greg DePorter stated that the Plan Commission has asked Jenny Brown to put up various resident building forms on the website and they are now available. He also stated that the Plan Commission has finalized Section 152.062 for the Council's approval and adopted a retaining wall definition. He stated that all walls over four feet will have to be engineered. The following is the proposed wording of Section 152.012 (C) as submitted by the Plan Commission for Town Council approval:

Proposed 152.062 (152.012 New) (C)

(C) Except as detailed in Paragraph 1 below, site plans and specifications pursuant to this section shall be certified by an architect or professional engineer licensed in the State of Indiana. All building sites with proposed pre-development or post-development grade at or exceeding 20 degrees shall require a site plan design certified and stamped by a professional engineer licensed in the State of Indiana. Any site plan that includes a proposed retaining wall, regardless of its height must also be certified and stamped by a professional engineer licensed in the State of Indiana.

1. All retaining walls shall be designed and constructed in accordance with manufacturer's recommendations and guidelines. When specific manufacturer's guidelines are not available, generally accepted design and construction standards shall be followed. All retaining wall designs shall include site plans and specifications. Retaining walls not exceeding four (4) feet in height, as measured from the bottom of the footing to the top of the wall, do not require certification by an architect or professional engineer licensed in the State of Indiana.

#### 152.002 Definitions

Retaining Wall – A wall not laterally supported at the top that resists soil load and other imposed loads.

Charlie Costanza questioned Greg DePorter as to the source of the definition of retaining walls and the source for engineering requirements for walls four (4) feet high and greater. Greg DePorter said it came from the IBC (International Building Code). Charlie questioned exactly where in the IBC codes does this information appear. Greg DePorter said he did not recall the exact place but that Charlie could look it up online. Charlie Costanza stated that no other surrounding municipalities have this restrictive requirement.

Charlie Costanza questioned the 20 degree slope portion of the code. Greg stated that if a resident is building something on a portion of their property that has a 20 degree slope it would have to be engineered. Charlie feels that this portion should be more specific and state that the 20 degree slope only applies to the area where the resident is building not his entire property. Greg disagreed stating the code refers to "site plan" indicating that the 20 degree slope only applies to the area where the resident is building. Allen Johnson stated that the new code would need to be approved by the Council and put into an ordinance for approval at the next Town Council meeting. Charlie Costanza disagreed with the definition of a retaining wall submitted by the Plan Commission. **Bill Gregory moved to accept the revision of Section 152.062 and adopt the definition of a retaining wall as presented by the Plan Commission. Paul Panther seconded the motion. The vote was as follows: Bill Gregory, yes; Allen Johnson, yes; Paul Panther, yes; Tom Clouser, yes; Charlie Costanza; no. The motion was passed four to one.**

Charlie Costanza questioned whether or not the Architectural Board was still in existence and Greg DePorter stated that it was not in existence and no one has been appointed to this Committee.

#### GENERAL CODE REVIEW COMMITTEE

Jim Slawinski spoke for this Committee. He stated that the Committee was reviewing ways to get Town Code amendments to the Town Council in an organized fashion. Bill Gregory stated that he has drafted a form that can be used by the Building Code Review and passed on to the Town Council. The form is now being reviewed by the Clerk-Treasurer and will be finalized and given to the Building Code Review.

#### ENVIRONMENTAL BOARD

Susan Mihalo stated that Ogden Dunes has an average recycling rate of 34.53 percent which is above the national average of 32 percent. She encouraged residents to recycle more. Susan stated that she will comply with State auditor requests for information pertaining to the beach grant and will have this available at the next Town Council meeting.

Charlie Costanza thanked Susan Mihalo and Judy Mollway for their articles which appeared in the local newspapers about the Town of Ogden Dunes.

#### GRANT COMMITTEE

Bill Gregory spoke for the Grant Committee and again requested all committees and departments to advise the Grant Committee if they wish to apply for a grant or have the Grant Committee help them find grant funding for a specific purpose.

Allen Johnson presented two awards at this meeting. One to Duane Hibbs and one to Frank Stimson for their years of service to the Town of Ogden Dunes.

## CLAIMS

Paul Panther moved to approve regular claims 044902 through 044960 and payroll claims 4444 through 4479 as presented by the Clerk-Treasurer. Tom Clouser seconded the motion. All were in favor and the motion was unanimously passed.

## OLD BUSINESS

Paul Panther discussed the ongoing emergency exit topic. He stated that a meeting is scheduled in the near future with the Police and Fire Departments to discuss emergency evacuation procedures. He stated that he has also talked to NIRPC and they stated that the bike trail decision has been made which will go on the south side of Rt 12. They stated that no other areas are even being considered. Charlie Costanza stated that this conflicts with the statement made by the National Park Service to have a bike trail through the Town of Ogden Dunes.

## NEW BUSINESS

Allen Johnson reappointed four people to the Beach Nourishment Committee (Jim Kopp, Jim Combs, Eric Jensen and Eric Kurtz). Ed Rooks, former appointee, has opted not to be reappointed to the Beach Nourishment Committee.

Allen Johnson appointed Joan Machuca and Sara Anderson to the ADA Committee.

**Tom Clouser made the motion to accept the cleaning contract dated March 4, 2013 between the Town of Ogden Dunes and Anna Smith for cleaning services at Town Hall. Anna Smith will receive a rate of \$15.00 per hour which shall be noted on a 1099 at each year end. Paul Panther seconded the motion. All were in favor and the motion was passed.**

A contract was signed by all Town Council members for Web Administrator services between the Town of Ogden Dunes and Jenny Brown which confirms the motion made regarding this subject at the February 4, 2013 Town Council meeting.

Ordinance 775, An Ordinance of the Ogden Dunes Town Council Amending the Ogden Dunes Town Code Prohibiting the Feeding of Certain Wild Animals and Establishing a Fine for Violation, had the first reading by Allen Johnson. The second reading will be at the April 2013 Town Council meeting. Charlie Costanza questioned this ordinance as to whether or not residents would be fined for plants they have planted that deer eat. Bill Gregory stated that residents would not be fined for that.

Ordinance 778, An Ordinance of the Ogden Dunes Town Council Amending Ordinance 728 to Increase Fees and Permits, had the first reading by Paul Panther. The second reading will be at the April 2013 Town Council meeting.

**Tom Clouser moved to approve the written agreement between the Ogden Dunes Town Council, Jean Manna, Clerk-Treasurer and Julia Klingensmith, Deputy Clerk-Treasurer which allows the Clerk-Treasurer and the Deputy Clerk-Treasurer to approve claims for \$500.00 or less without Town Council approval. This agreement is in effect until January 1, 2016 and can be cancelled without notice at any time by the majority vote of the Town Council. Paul Panther seconded the motion. All were in favor and the motion was passed.**

Tom Clouser presented a breakdown of estimated remodeling expenses submitted by Jim Kopp for the remodeling of Town Hall at an approximate cost of \$10,000 .00. Charlie questioned who the contractor would be and Tom Clouser indicated that no contractor has been selected and quotes would have to be submitted to the Town Council. Tom stated that the Town has not received the final 2013 budget order

and these types of expenditures should be held until such time as the final budget figures are received. Bill Gregory and Charlie Costanza agreed with Tom Clouser that we should wait for the final budget before any decisions regarding the remodeling are made.

Paul Panther stated that the Park Board would like to receive fees from the watercraft decals to help with Park Board expenses. It has been suggested that the watercraft decal fee be increased to \$25.00 per year of which \$10.00 would still be retained by the Town in the General Fund and \$15.00 would go to the Park Department. Paul indicated that this would be discussed again to determine if there would be a fee increase.

**A motion was made by Paul Panther to approve \$400.00 in back service pay from 2012 owed to Jim Kopp due to changes made in his salary structure by the Water Board. Bill Gregory seconded the motion. All were in favor and the motion was unanimously passed.**

## **RESIDENT COMMENTS**

Mark Coleman asked if there was a new ward map available due to the mandatory 2012 redistricting law. The Clerk-Treasurer informed him that the map was available at Town Hall. He also discussed that he was against the fines set forth in the bird feeder ordinance.

Jim Slawinski stated that the bird feeder height was suggested by the Deer Management committee but it was intended as a management solution. It was not a suggestion to be used after the cull. He also suggested that the Town Council agenda be posted on the website prior to the meeting.

Bernadette Slawinski spoke regarding the bird feeder ordinance. She feels that not many residents of the Town attended the Deer Management meetings. She feels a fine should not have been put in place but rather it should have been suggested that the community work together on the bird feeder problem. She feels older people will have a hard time abiding by this new ordinance height.

Jon Machuca also spoke and was against the new bird feeder ordinance.

Le Hibbs spoke and emphasized that the deer eat everything.

## **COUNCIL REMARKS**

Paul Panther and Tom Clouser stated that a snow storm was coming with a possible 8 to 10 inches of snow and people should stay off the roads if possible. Charlie Costanza offered his condolences to the Keseley family with regards to the passing of Mehilo Keseley. Charlie stated that Mehilo was a great man from a great family. Bill Gregory requested that residents look out for their neighbors during the upcoming snow storm. Allen Johnson thanked the Council members for their assistance while he was on sabbatical.

No further business coming before the Council, Charlie Costanza moved to adjourn the meeting. Paul Panther seconded the motion. All were in favor and the motion was unanimously passed.

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Allen Johnson, President

ATTEST:

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Jean Manna, Clerk-Treasurer