

**OGDEN DUNES TOWN COUNCIL MEETING
MONDAY, DECEMBER 2, 2013 – 7:00 P.M.
OGDEN DUNES FIREHALL**

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

MINUTES

Tom Clouser moved to approve the minutes of the November 4, 2013 regular monthly meeting. Paul Panther seconded the motion. All were in favor and the motion was unanimously approved.

ANNOUNCEMENTS

Positions are opened on various boards and committees. List is posted on website and in Town Hall Lobby. Please complete "Appointment for Interest" form for new appointees and current members who wish to be reappointed.

COMMITTEE REPORTS; DEPARTMENT REPORTS

Street Department

Jim Matthys announced that Friday, December 6, 2013 is the last day for leaf pick-up. You must have all leaves out by Thursday, December 5, 2013. Do not wait till December 6 to put out leaves – you will be too late. During snow season, do not push the snow from your property onto the roads.

Police Department

Marshal Reeder warned that it is now "burglary" season. If you plan to be gone, please advise your neighbors and you may also fill out a form at Town Hall which will inform the officers of your absence so they may patrol your residence more often.

Park Department

Charlie Costanza spoke as liaison for the Park Board. He discussed his position on gunfire within the park areas and feels that votes that were taken at the Park Board meeting to allow a cull in the Park was illegal.

Plan Commission

Greg DePorter stated that as of December 2, 2013, Ed Hewitt processed 100 building permits this year. He also stated that the Plan Commission has voted unanimously to back Roger Rhodes for the position of Assistant Building Commissioner. Roger Rhodes is not a contractor in our Town.

General Code Review

Bill Gregory stated that the committee did meet and discussed the ordinances that are before the Town Council this evening. He also stated that discussion is ongoing regarding staggered terms for Town Council members. Bill Gregory stated that if staggered terms will be put into effect, this must be finalized before the end of 2014.

ADA Committee

Sara Anderson stated that Paul Panther questioned whether or not grant money was available for ADA purposes. Sara stated that she contacted Allen Hammond regarding this and the answer is "no". She also stated that the ADA Committee would meet in January, 2014 and develop a timeline to present to the Town Council for approval and in turn pass it on Allen Hammond to show we have a plan in progress.

Environmental Advisory

Susan Mihalo requested approval of the beach grant for 2014. She also indicated that funding from IDEM should also be available for 2015. Paul Panther moved to approve the 2014 Beach Grant as presented by Susan Mihalo. Tom Clouser seconded the motion. All were in favor and the motion was unanimously approved.

Sanitation Department

A discussion was held on appointing a "Sanitation Contact" person for the Town. No final decision was made at this meeting. Bill Gregory stated that he was working with Mike Teeling regarding this matter.

CLAIMS

Paul Panther moved to accept regular claims 045359 through 045405 and payroll claims 4840 through 4904. Bill Gregory seconded the motion. All were in favor and the motion was unanimously approved.

OLD BUSINESS

Charlie Costanza questioned how much and how many people have donated to the deer management fund. The Clerk-Treasurer stated that \$2,820.00 from twelve (12) people. Allen Johnson stated that 11 deer have been culled in three days. Allen Johnson and Charlie Costanza discussed their views and disagreements regarding the two DNR permits submitted by Allen Johnson to the DNR for the deer cull. Allen stated that the revised second permit to the DNR resulted from a resident withdrawing their name from the initial permit. Charlie Costanza stated that the National Park Service has permission to begin a cull in January, 2014 on the west end of Town. Charlie also stated that he has an email from Garry Traynham, Deputy Superintendent, confirming this information which he will supply to the Council. Allen Johnson requested donations from residents for the deer management fund.

Paul Panther indicated that there are no new updates regarding the Fire Department plumbing problems. He stated that they are still working on trying to combine all the problems into one job.

Bill Gregory moved that the Town of Ogdun Dunes establish a General Code Review Committee to review and make recommendations for changes to or updates of Town codes other than Building codes. The General Code Review Committee shall consist of two Town Council members and seven residents. Resident members will be appointed to the Committee after completion of the "Application for Interest" form and majority vote of the Town Council. Terms of members shall be two (2) years with terms of current members to expire on January 1, 2015. Charlie Costanza seconded the motion. All were in favor and the motion was unanimously approved.

Allen Johnson made the motion to approve the second reading of Ordinance 787 (2014 Salary Rates) by title only. Paul Panther seconded the motion. All were in favor and the motion was unanimously approved.

NEW BUSINESS

Allen Johnson read Ordinance 788 (Seasonal Parking) for the first reading.

Bill Gregory read Ordinance 789 (Abandoned Vehicles) for the first reading.

Paul Panther read Ordinance 790 (Building Code) for the first reading.

Allen Johnson read Ordinance 791 (Dogs on Beach) for the first reading.

Allen Johnson read Resolution 2013-05, Transferring Funds from CEDIT to General. Bill Gregory moved to approve Resolution 2013-05 and Paul Panther seconded the motion. The vote of the Council was as follows: Charlie Costanza, no; Bill Gregory, yes; Allen Johnson, yes; Paul Panther, yes; Tom Clouser, yes. The motion was passed four to one.

Allen Johnson stated that an email was received from the DLGF attorney stating that the Excess Tax Levy Appeal for the Town of Ogden Dunes was denied.

Allen Johnson requested permission from the Council to consult the Town Attorney regarding new building code zoning code. Paul Panther seconded the motion. The vote of the Council was as follows: Charlie Costanza, no; Bill Gregory, yes; Allen Johnson, yes; Paul Panther, yes, Tom Clouser, yes. The motion was passed four to one.

Due to changes in the operation of the Sanitation and Water Departments, new agreements were written for each department stating the lump sum payments which will be made from each department yearly to the Town of Ogden Dunes. Modification agreements were made for the year 2013 for each department and new agreements for 2014 were made. **Bill Gregory moved that both agreements for the Sanitation Department be approved. Tom Clouser seconded the motion. All were in favor and the motion was unanimously approved. Bill Gregory moved that both agreements for the Water Department be approved. Paul Panther seconded the motion. All were in favor and the motion was unanimously approved.**

A discussion was held on the renewal of the terrorism policy received from Anton Insurance. Charlie Costanza requested more information before approval of the policy. This will be addressed again at the December wrap-up meeting. (Note from Clerk-Treasurer: It was later determined that this policy was intended for the deer cull only. Therefore, the policy was signed and declined by the Clerk-Treasurer and returned to Anton Insurance as no terrorism policy has ever been issued for the deer cull in the past).

Bill Gregory moved that Roger Rhodes be appointed to the position of Assistant Building Commissioner effective immediately. Charlie Costanza seconded the motion and stated that he felt Roger Rhodes would do a good job for the Town. All were in favor and the motion was unanimously approved.

RESIDENT REMARKS

Jon Machuca, 1 Skyline Drive, spoke regarding his opposition to the deer cull.

Mary Nemeth, 17 Beach Lane, discussed her opposition to residents feeding deer and indicated that it was a cause of the increase in the Town's deer population. She also stated that it is normal procedure to transfer money within the budget as the Council is proposing. School districts and all municipalities transfer money often during the year.

David Harbaugh, 26 Sunset, indicated he was not in favor of the cull; however, he felt the Town Council should consider what affect their actions are having on the residents of our Town.

Steve Wheeling, 21 Bittersweet Lane, said he appreciated all the members of the Town Council.

Alexis Trzya, 7 Chestnut Court, questioned the difference between “hunting” and a “cull”. She stated it was illegal to bait deer when hunting and did not understand how the Town was allowed to bait deer for the cull which to her was “hunting”. Charlie Costanza clarified to her that during a cull, the DNR allows the Town to bait the deer.

Maryann Schaefer, 43 Sunset Trail, commended the Ogden Dunes Church for its recent successful food drive. She also stated that residents should not contribute to the deer management fund but rather give their money to the Portage Food Pantry to help children.

Mark Coleman, 107 Diana Road, discussed the water manager position in terms of who is the current water manager. He also discussed his opposition to the deer cull.

Bernadette Slawinski, 33 Aspen, discussed her opposition to the deer cull and indicated that she has only seen one deer in the past year. She also discussed the ethics committee and feels that Ogden Dunes should get involved. She feels that the Town is being torn apart because of the deer cull and feels the Town Council in its leadership position should try to bring the Town back together.

Joan Michael, 87 Shore Drive, stated that shifting money in budgets causes problems for municipalities. She questioned how many people gave money to the deer fund last year and stated that the Council should not refer to the “Town” as giving money since there were only 12 people who gave per Charlie Costanza.

Jim Slakes, 11 Locust Road, stated that he is opposed to high power rifles being used within the Town borders.

COUNCIL REMARKS

Charlie Costanza announced that Lynn Hicks passed away and is survived by her husband, Bob Hicks. He indicated that Lynn was an active member in the Town. Charlie offered his condolences.

Charlie Costanza also stated that he does not believe there are 80 deer in Town. He feels that any legal fees incurred by the Town as a result of the deer cull reverts back to the members of the Town Council who voted in favor of the deer cull. He also stated that it is his opinion that the vote of the Park Board to allow a cull in the Park was against Ordinance 94.17 (no firearms in the park) since no written authority (as stated in the Ordinance) had been given to the Park Board at that time.

Charlie Costanza congratulated Andrean High School who won the 2013 Indiana State Championship Football Team.

Allen Johnson stated that the Portage Food Pantry received \$1745 in cash plus 2,500 pounds of food as a result of the Ogden Dunes Church Food Drive. He also stated that residents were upset because the food drive was held at the same time as scheduled burns within the Town. Allen stated that no one had control over this since the National Lakeshore scheduled the burns with their own people.

Paul Panther discussed the ethics committee and stated that it was designed for more employees than our Town has. It basically has to do with hiring relatives and is designed for supervisors. He does not feel it would be beneficial to us as it is not designed for a small town such as ours.

Tom Clouser stated that Jim Matthys and all his employees have done an excellent job cleaning up all the leaves in Town.

No further business coming before the Council, Tom Clouser moved to adjourn the meeting. Paul Panther seconded the motion. All were in favor and the meeting was adjourned.

Allen Johnson, President

ATTEST:

Jean Manna, Clerk-Treasurer