

**OGDEN DUNES TOWN COUNCIL MEETING  
REGULAR MONTHLY MEETING  
MONDAY, NOVEMBER 3, 2014 – 7:00 P.M.  
OGDEN DUNES COMMUNITY ROOM**

**PRESENT** Bill Gregory  
Allen Johnson  
Charlie Costanza  
Paul Panther  
Tom Clouser  
Julia Klingensmith, Deputy Clerk-Treasurer

**ABSENT:** Jean Manna, Clerk-Treasurer

**MINUTES**

Tom Clouser moved to approve the minutes of the October 6, 2014 special meeting. Paul Panther seconded the motion. All were in favor and the motion was unanimously approved. Allen Johnson moved to approve the October 6, 2014 regular monthly meeting minutes. Paul Panther seconded the motion. All were in favor and the motion was unanimously approved.

**CORRESPONDENCE, ANNOUNCEMENTS & CONGRATULATIONS**

Bill Gregory announced the current volunteer openings on the various Town committees and boards to be effective January 1, 2015. This list of openings and the application is on the Town website and the list is also posted in the lobby of Town Hall.

**COMMITTEE AND DEPARTMENT REPORTS**

Street Department – Jim Matthys stated that leaf pick-up will continue until the weather breaks. He stated that because of the recent storm, the Street Department will try to pick up branches after the leaves are done. He requested that residents only put out the branches from the storm and not cut down more branches to add to their pile. He also stated that 200 tons of salt has been delivered for winter use.

Park Department – Emilie Seerup stated that 40 yards of new sand has been added at Long Lake Park with the help of the Community Fund. PermaSeal will be coming this Friday to reseal the tennis court at Long Lake.

Plan Commission – Mike Falk stated that three nuisance properties were discussed at the Plan Commission meeting. He stated that one of the owners has not contacted anyone regarding their property. Property at 9 Aspen Road is making progress and 7 Beach Lane has a contractor and permit to demolish what has to be done and 25 Hillcrest Road has made no progress. Mike Falk stated that the Plan Commission's recommendation to the Town Council is to work with the owners of 9 Aspen Road and 7 Beach Lane and work with the Town attorney for 25 Hillcrest Road. Mike Falk also reported that the Plan Commission reviewed the misconduct allegations on the part of Allen Johnson and the Plan Commission found no misconducts.

Fire Department – Charlie Costanza stated that several prescribed burns are scheduled in our area. Marshal Reeder stated that the details of these burns are on the Town website and also the Police Department website. Paul Panther stated that the septic system at the Fire Department was completed in September.

Beautification Committee – Dorothy Kurtz listed and thanked all the volunteers who helped the Beautification Committee this year. She estimated that the Committee has worked 125-130 volunteer hours during 2014.

General Code Review – Lynn Toomey stated that the Committee is discussing an ordinance for resident parking near the streets in regards to snow removal. Another topic being discussed is unusable watercraft abandoned on the beach.

ADA Committee – Sara Anderson stated that the handicapped area of the restroom in the Community Room now has the toilet and lock installed. Two additional handicapped parking areas have been designated near Town Hall. The Town Hall main door steps now have luminous paint. The Home Association has made some changes to Beach Accessway 2 and has future plans for a ramp, railing and sitting areas. Paul Panther added that by the end of this month, the Fire Department will build a ramp to the Community Room door. Sara spoke regarding “Canine Companions for Independence” which are trained assistance dogs. If any resident is interested in this program, please contact Sara Anderson. She also stated that the ADA is still in need of volunteer language interpreters to be available for Town meetings if needed. Paul Panther added that he has knowledge of a caregiver from Michigan City if any resident is in need of one.

Environmental Advisory Board – Susan Mihalo stated that the Board is working on the 2015 beach grant and also discussing the environmental impact of the proposed high speed trains. Tom Clouser stated that two or three rails could be added north of the current tracks by 2025 for three high speed trains running from here to Detroit. By 2035, they plan to have six high speed trains in operation. A comment sheet is available for anyone to complete and can be found on the Town website or at [www.greatlakes.org](http://www.greatlakes.org).

Bridge and Railroad Committee – Bernadette Slawinski stated that the Committee is still working on an alternative Town exit. She questioned the ownership of Boat Club Road and Allen Johnson reported that he contacted the Town Attorney’s Office today but did not receive a call back.

Historical Society – Dorothy Kurtz stated that several events are scheduled: November 8 is the Historical Society Program at Lubeznik Center at 4:00 p.m. in Michigan City, November 16 at 2:00 p.m. will be the final open house of the year at the Hour Glass and December 7 is the fundraiser for the Historical Society from 12-2 p.m. and 3-5 p.m. Cost is \$15.00 per person.

Sanitation – Tom Clouser stated that the wiring to the outdoor Christmas tree has been checked so the lights will be working.

## **CLAIMS**

Paul Panther moved that the claims be approved as submitted by the Deputy Clerk-Treasurer. Allen Johnson seconded the motion. All were in favor and the motion was unanimously approved.

## **OLD BUSINESS**

Bill Gregory read Ordinance 804, Zoning Codes, by title only for the second reading. Charlie Costanza questioned the amount of attorney fees involved with the process of dividing the building and zoning codes and questioned why this process was being done. Allen Johnson stated that the building and zoning codes needed to be divided and updated to coincide with new State laws. Bill Gregory stated that Charlie could get the amount of attorney fees involved from the Clerk-Treasurer. **Allen Johnson moved to pass Ordinance 804, Zoning Codes, by title only. Tom Clouser seconded the motion. The vote of the Council 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.**

Bill Gregory read Ordinance 805, Building Codes, by title only for the second reading. **Paul Panther moved to pass Ordinance 805, Building Codes, by title only. Allen Johnson seconded the motion. The vote of the Council 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.**

Bill Gregory discussed the three nuisance properties on the agenda. He stated that Hugh and Ruth Moore of 25 Hillcrest Road have made no contact with the Town regarding this property. **Paul Panther moved to impose a fine of \$1,000.00 on Hugh and Ruth Moore, 25 Hillcrest Road, Ogden Dunes, Indiana for noncompliance with the "Order to Repair or Rehabilitate Unsafe Building Notice of Hearing Pursuant to Indiana Code 36-7-9-7" letter dated September 18, 2014. Tom Clouser seconded the motion. The vote of the Council was as follows: Bill Gregory, yes; Allen Johnson, yes; Paul Panther, yes; Tom Clouser, yes; Charlie Costanza, abstain. The motion was passed four to one.**

Bill Gregory stated that James Kirk, 9 Aspen Road, has responded to the order to repair or rehabilitate said property. Ed Hewitt, Building Commissioner, stated that the property owner has made significant progress in complying with the order. Allen Johnson stated that the homeowner should be allowed to continue work on the property with no further action from the Council at this time.

Ed Hewitt, Building Commissioner, stated that work is scheduled to begin this week at 7 Beach Lane, property owned by Kenneth and Edna Graske. He stated that the homeowner has complied with the Council's request and no further action will be taken at this time.

Bill Gregory stated that the deer cull permit has been approved by the DNR and all information is posted on the website. **Tom Clouser moved that the Town Marshall be authorized to implement a deer cull in the Town of Ogden Dunes according to the terms and conditions stated in the application for a Special Deer Control Permit submitted to the Indiana Department of Natural Resources on October 16, 2014 and issued to the Town by the DNR on October 27, 2014. Paul Panther seconded the motion. Charlie Costanza stated that he had requested several times information on the proposed deer cull but was informed by the Council that there was nothing to report. He stated that all the information he received was from outside sources rather than the Council. The vote of the Council 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.**

**Tom Clouser moved that a liability insurance binder for the deer cull be implemented through Anton Insurance for the term of the cull from November 14, 2014 to January 30, 2015. Paul Panther seconded the motion. The vote of the Council 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.**

**Bill Gregory read Ordinance 807 in its entirety, Standing Committees, for the first reading. Paul Panther made the motion to accept the first reading of Ordinance 807. Allen Johnson seconded the motion. The vote of the Council 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.**

**Bill Gregory read Ordinance 806, 2015 Employee Wages, by title only for the first reading. Tom Clouser moved to accept Ordinance 806 for the first reading by title only. Allen Johnson seconded the motion.** Charlie Costanza made a motion to increase the salary of Town Council members to \$2,150.00 annually. The motion failed for a lack of a second.

Ed Hewitt, Building Commissioner, discussed the property at 11 Shore Drive. Property owners are requesting a change to their front parkway (Town property) from grass and landscape to permeable pavers to help divert water from neighboring properties. This change requires Town Council approval. **Allen Johnson moved to accept the homeowner's request as stated by Ed Hewitt. Paul Panther seconded the motion. All were in favor and the motion was unanimously approved.**

**Tom Clouser made a motion to employ Roger Rhodes for six months beginning December 1, 2014 at which time Ed Hewitt, current Building Commissioner, will be resigning. Charlie Costanza seconded the motion. All were in favor and the motion was unanimously approved.** Charlie Costanza thanked Ed Hewitt for his excellent service to the Town.

Charlie Costanza made the motion that no litigation would be brought against the Town if the Council will agree to end the deer cull within the first six days of the permit. The motion failed for lack of a second.

#### **RESIDENT REMARKS**

Mark Coleman – Discussed the deer cull, building codes and Town budget.

Jon Machuca – Asked the Council to hold their deer cull out of view of resident homes.

#### **COUNCIL REMARKS**

Paul Panther read a portion of the deer cull permit regarding allowed locations for the cull. He stated that four locations were approved by the DNR.

No further business coming before the Council, the meeting was adjourned.

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Bill Gregory, President

ATTEST:

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Julia Klingensmith, Deputy Clerk-Treasurer