

**OGDEN DUNES TOWN COUNCIL
REGULAR MONTHLY MEETING
JULY 2, 2012 – 7:00 P.M.
OGDEN DUNES FIREHALL**

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

Charlie Costanza moved to approve the minutes of the June 4, 2012 and the June 10, 2012 meetings. Paul Panther seconded the motion. The motion was unanimously approved.

Correspondence

Allen Johnson stated that a letter was received from NICTD (Northern Indiana Commuter Transportation District) dated June 14, 2012 regarding the gates going down for no apparent reason. He indicated that Marshal Reeder will be addressing this later in the meeting.

Letter received from Jon Machuca regarding the deer management issue which was read later by him during resident remarks.

Allen Johnson stated that the National Park Service has received approval of their Deer Management Plan except for the final approval of a regional director.

Paul Panther read a letter from Mark Sterns regarding the Hillcrest retaining wall in which Sterns said the wall meets the requirements and plans prepared by his company. He verified that the wall has been constructed properly. He indicated that the wall should be inspected by the Town periodically to be sure the small stones which fill the voids between the larger stones have not been removed. Other than this, the wall should require little maintenance.

Committee Reports

Marshal Reeder spoke in detail concerning the letter received from NICTD and indicated that this letter was a result of his report to the NICTD. Marshal Reeder, Tom Clouser, Paul Panther and Fire Chief Eric Kurtz met with two representatives of the FRA (Federal Railroad Administration). We presented our complaints about South Shore and NICTD. At their suggestion, we are going to have a follow-up meeting hopefully in about three weeks with representatives from NICTD, South Shore and representatives from our Town.

Marshal Reeder reminded residents that on July 4th, parking rules will be in effect and Town Hall will be opened on July 4th from 8 a.m. to 12 noon.

Greg DePorter spoke for the Planning Commission. He indicated that they are in the process of restructuring the Building Codes which need organized and consolidating those that are repetitious. He also spoke about permeable pavers which are a substitute for the drain at the bottom of driveways. These pavers have spaces in between them which will allow the water to drain. He also asked for resident input regarding code enforcement of building decorative and retaining walls around homes. He encouraged residents to view Channel 26 and also to contact the Ed Hewitt, Building Commissioner (219-929-7746 – cell phone), to determine whether or not you need a building permit.

Duane Hibbs spoke for the Waterworks. He indicated that six procedures dealing with customers have been completed. Six or seven more are now being reviewed.

Susan Mihalo spoke for the Environmental Board and reminded residents to clean-up their area after July 4th. There will be extra trash containers put out this year. She received a notice of permit letter from Arcelor Mital that they will be cleaning out their clean water intake which involves adding sand to Ogden Dunes. She also asked that residents not plant Lyme grass in the Dunes. It is destructive to the beachfront and affects dune development. It is very invasive. Any resident may call Susan Mihalo for suggestions on decorative grass.

Claims

The Clerk presented the claims for approval (regular claims 44470 to 44505 and payroll claims 4053 to 4129). Paul Panther moved to approve the claims as stated by the Clerk. Tom Clouser seconded the motion. The motion was unanimously approved.

Old Business

Allen Johnson stated that the final reports from the Deer Management Task Force are now on the website. Each member chose the subject they wished to research and did their final reports. The Task Force did not vote on any solutions as this was not the intent of the Task Force but rather they were to seek out answers to questions. Allen Johnson also stated that the request for non-lethal permits has mailed and the requests are as follows:

- Means of dealing with deer reproduction
- Trap and release
- Treating deer with pesticide (4-poster method)

Allen received an email from Jim Slawinski stating that he has found a company that sells the 4-poster method and would cost our Town approximately \$5,280 for seven units which would kill the ticks on the deer.

Bill Gregory thanked the Deer Task Force for all their work. He stated that there is information on the Town website and at the front counter of Town Hall on tick management and encourages all residents to obtain this information and education themselves on tick prevention. Allen Johnson stated that the June Deer Task Force meeting was their final meeting and at the next Town Council meeting a decision regarding the deer management or a serious discussion will be held. Allen Johnson stated that should SODD decide to fund the \$5,280 for the four-poster method, the Council would be willing to consider using this method.

Bill Gregory stated that Marquette Park has been renovated and he feels that an excellent job was done.

Emergency exits were discussed. Charlie Costanza is in favor of having a bike path through the Town in exchange for the Boat Club Road as an emergency exit in conjunction with the National Lakeshore. Paul Panther feels that we should not have to give up anything in order to get an additional emergency exit and furthermore, should there be an emergency we would use Boat Club Road regardless of any dealings with the National Park Service. Bill Gregory feels that an emergency evacuation plan should be in place.

Allen Johnson stated that an open meeting was held on June 10, 2012 for resident input regarding the redistricting issue. He stated that the majority of residents who attended this meeting were in a favor of keeping the existing five wards. Paul Panther made a motion to keep the current five wards. Tom Clouser seconded the motion. The votes were as follows: Bill Gregory – yes; Allen Johnson-yes; Tom Clouser-yes; Paul Panther-yes; Charlie Costanza-nay. The motion was approved.

Paul Panther indicated that the he and the Clerk Treasurer would be doing the redistricting and to make all wards even in population based on the 2010 census figures some ward lines may need to be redrawn.

Allen Johnson stated that the Town Council is seeking volunteers to form a committee to review the existing Town Codes with the exception of the Building Codes. Applications are available at Town Hall.

Allen Johnson stated that a meeting will be held with Walsh and Kelly in Attorney Lukmann's office on July 10, 2012 to discuss the outstanding excess paving costs which were completed in 2011.

New Business

A no smoking law has gone into effect July 1, 2012 throughout the State of Indiana. To be in compliance, Ordinance 766 was written. This ordinance states the Town rules regarding smoking in and around Town buildings and vehicles. Bill Gregory waived the rules for two readings and to approve this ordinance by title only. Paul Panther seconded the motion. The motion was unanimously approved. Bill Gregory moved to adopt Ordinance 766 Establishing Non-Smoking Areas. Paul Panther seconded the motion. The motion was unanimously approved. This law can be enforced by a police officer, the Building Commissioner, Town Attorney or the Fire Department per the ordinance.

A discussion was held on staggered terms for Town Council members. This would entail some members to have a two-year term and others to have a four-year term; however, according to the State law this cannot occur until the next Town Council election. No decision was made at this meeting.

Greg DePorter for the Planning Commission requested that the Council approve permeable pavers for 77 Shore Drive which would extend from their driveway north to the street and include the easement owned by the Town. The Planning Commission is asking for the Town Council approval for this easement portion as approved by the Planning Commission and the Building Commissioner. Paul Panther moved to approve this project and Tom Clouser seconded. Charlie Costanza excused himself from voting since he is involved in this project. The vote of the Council was as follows: Charlie Costanza-recuse; Bill Gregory-yes; Allen Johnson-yes; Paul Panther-yes; Tom Clouser-yes. The motion was passed.

A motion was made by Paul Panther to approve no more than \$600 for the Building Commissioner to attend a workshop in

Indianapolis regarding retaining walls. Tom Clouser seconded the motion. The motion was unanimously approved.

Resident Remarks

Connie Collins stated that easement number 4 to the beach has no stairs. The Council stated they would address this problem. Jon Machuca read his letter dated July 2, 2012 regarding deer management. Dorothy Kurtz stated that the Sand Castle building contest will be held at Tamarack on July 4th. All participants should be there at 9:00 a.m.

Town Council Remarks

Charlie Costanza stated that he was in favor of the 4-poster method for deer management and this information will be placed on the website. Allen Johnson stated that he would meet with Charlie Costanza to set up a meeting with A.J. Monroe, City of Portage, to discuss emergency exits. Tom Clouser stated that a letter was received from Beverly Shores commending Jim Matthys for the excellent job his crew did on the pothole paving in Beverly Shores. Allen Johnson stated that there is a possibility that Dunes Acres may approach the Town to repair their roads as we did in Beverly Shores.

No further business coming before the Council, Paul Panther made the motion to adjourn the meeting. Bill Gregory seconded the motion. The motion was unanimously passed.

Allen Johnson, President

ATTEST:

Jean Manna
Clerk Treasurer