

The Beverly Shores Plan Commission met in a regular meeting at the Beverly Shores Administration Building, 500 S. Broadway, Beverly Shores, Indiana on Monday, February 5, 2024 at 6:30 PM.

CALL TO ORDER

ROLL CALL

Present:

Donna Norkus

Sharon Carnes

John Jannsen

Joe Kapacinskaskas

Erik Olson

Larry Stanton

David Phelps (attending virtually)

COMMISSION MEMBER INTRODUCTIONS

ELECTION OF OFFICERS

The floor was opened to nominations for President. Commissioner Jannsen nominated Joe Kapacinskaskas, The nomination was seconded by Commissioner Carnes.

There were no other nominations; therefore, nominations were closed, and the roll called. (Yes)

Donna Norkus, Sharon Carnes, John Jannsen, Erik Olson, Larry Stanton, David Phelps

(No) None

(Abstain) Joe Kapacinskaskas

The floor was opened to nominations for Vice President.

Commissioner Kapacinskaskas nominated Larry Stanton. The nomination was seconded by Commissioner Jannsen

There were no other nominations; therefore, nominations were closed, and the roll called. (Yes)

Donna Norkus, Sharon Carnes, John Jannsen, Erik Olson, Larry Stanton, David Phelps, Joe Kapacinskaskas

(No) None

The floor was opened to nominations for Recording Secretary.

Commissioner Kapacinskaskas nominated Sharon Carnes. The nomination was seconded by Commissioner Norkus

There were no other nominations; therefore, nominations were closed, and the roll called. (Yes)

Donna Norkus, Sharon Carnes, John Jannsen, Erik Olson, Larry Stanton, David Phelps, Joe Kapacinskaskas

(No) None

ANNUAL MEMBER APPOINTMENT TO THE BOARD OF ZONING APPEALS

Commissioner Stanton nominated Erik Olson. The nomination was seconded by Commissioner Norkus

There were no other nominations; therefore, nominations were closed, and the roll called. (Yes) Donna Norkus, Sharon Carnes, John Jannsen, Erik Olson, Larry Stanton, David Phelps, Joe Kapacinskas
(No) None

ANNUAL MEMBER APPOINTMENT TO THE CAPITAL PLANNING COMMITTEE

Commissioner Kapacinskas nominated Larry Stanton, The nomination was seconded by Commissioner Carnes

There were no other nominations; therefore, nominations were closed, and the roll called. (Yes) Donna Norkus, Sharon Carnes, John Jannsen, Erik Olson, Larry Stanton, David Phelps, Joe Kapacinskas
(No) None

APPROVAL OF THE MINUTES

President Kapacinskas entertained a motion for approval of the December 4, 2023 minutes.

Motion by Commissioner Norkus and seconded by Commissioner Stanton

(Yes) Donna Norkus, John Jannsen, Larry Stanton, David Phelps, Joe Kapacinskas

(no) None

(Abstain) Erik Olson, Sharon Carnes

OLD BUSINESS

- Follow up on the Comprehensive Plan annual reporting recommendations.

The Plan Commission has a statutory requirement to provide the Town Council with an annual progress report on the Comprehensive Plan. Commissioner Stanton provided the report. as well as a template for tracking and prioritizing the 14 recommendations. Commissioner Phelps will add to the February 20, 2024 Town Council agenda. It is expected that both the Plan Commission and Town Council will keep the Comprehensive Plan on their respective agendas under Old Business for further discussion and updates.

- Compliance with the Town ordinance regarding the appointments to the current Commission was discussed. The Plan Commission of the Town of Beverly Shores consists of 7 members. The Town Council appoints 3 persons in the town government as members and the President of the Town Council appoints 4 citizen members, not more than 2 of whom shall be of the same political party.

Commissioner Norkus, Commissioner Phelps and Commissioner Carnes are the 3 appointees from town government. The President of the Town Council appointed Commissioner Stanton and Commissioner Jannsen (4-year terms) and Commissioner Olson and Commissioner Kapacinskas (3-year terms).

NEW BUSINESS

- Discussion of mandated duties and goals for 2024.

Four commissioners must be physically present for a quorum.

Commissioner Norkus gave an update on grants in progress earmarked for addressing the shoreline erosion issues. (Federal BRIC grant, Lake Michigan Coastal Program) Commissioner Norkus stated that Beverly Shores has joined the Great Lakes and St Lawrence Cities Initiative. The GLC priority this year is coastal protection. The Smith group continues to prepare grants for shoreline protection.

Discussion ensued about the sewer project. It was agreed that this would be a lengthy process and the Plan Commission will continue to collect facts.

The Regional Development Authority Meeting with the Town of Pines on the Transit Development District was canceled and will be rescheduled.

ADJOURNMENT

The chair entertained a motion to adjourn.

Motion by Commissioner Jannsen- seconded by several commissioners.

The roll was called. (Yes) Donna Norkus, Sharon Carnes, John Jannsen, Erik Olson, Larry Stanton, David Phelps, Joe Kapacinskas

(No) None

With no further business, President Kapacinskas declared the meeting adjourned at approximately 7:25 p.m.

The Beverly Shores Plan Commission met in a regular meeting at the Beverly Shores Administration Building, 500 South Broadway, Beverly Shores, Indiana on Monday, March 4, 2024 at 6:30 PM

CALL TO ORDER

ROLL CALL

Present:

Donna Norkus

John Janssen

Joe Kapacinskas

Erik Olson

Larry Stanton (attending virtually)

David Phelps (attending virtually)

TITLE VI SURVEY

The Title VI survey was made available in the meeting room.

APPROVAL OF FEBRUARY MINUTES

Upon motion the February 5 Plan Commission meeting minutes were approved unanimously.

OLD BUSINESS

Plan Commission Reporting Mechanism – the template proposed for tracking and prioritizing the recommendations of the commission was not considered by the Town Counsel at its February 20 meeting due to technical difficulties sharing the document. Commission members discussed the organization of the work of the commission, including:

- Recommendation that each issue have an assigned “champion”;
- Presentation to the Town Counsel annually to inform and collect comments;
- Review of tracking document every three to four months or twice a year to review progress;
- The need for direction from the Town Counsel to guide the Plan Commission work;
- The possibility to schedule advertised work group meetings; and
- The importance of prioritizing the 14 existing goals.

The Commission considered whether it would be appropriate to cancel meetings where there was limited attendance or no agenda items and weighed whether regular meetings should be held as an opportunity for community members to participate.

NEW BUSINESS

The Commission discussed the following new business:

- Reviewing the town’s wetland ordinance in light of recent changes to Indiana State wetlands laws to ensure protection of town wetlands;
- Whether the commission should take an interest in Indiana House Bill 1108 regarding prohibition of steep slope limits on development; and
- Consideration of a sidewalk ordinance in the business district to promote pedestrian and bicycle safety and the issues associated with such an ordinance.

The commission heard from Beverly Shores resident John Mackin regarding septic issues, the possibility of allowing mixed uses along Highway 12, and the existence of an estimate of costs for installation of sanitary sewer connection with Michigan City developed by former building commissioner Charlie Ray for the RDA.

Finally the members discussed the importance of maintaining the Town's drainage systems.

NEXT MEETING:

Will be April 1, 2024

Upon motion and unanimous roll call vote the meeting was adjourned.

The Beverly Shores Plan Commission met in a regular meeting at the Beverly Shores Administration Building, 500 S. Broadway, Beverly Shores, Indiana on Monday, April 1, 2024 at 6:30 PM.

CALL TO ORDER

ROLL CALL

Present:

Donna Norkus

Sharon Carnes

John Janssen

Joe Kapacinskas

Erik Olson

David Phelps (Virtual)

Larry Stanton (Virtual)

TITLE VI SURVEY

Title VI Survey is available on the town website.

APPROVAL OF THE MINUTES

President Kapacinskas entertained a motion for approval of the March 4, 2024 minutes.

Motion for approval by Commissioner Jansenn and seconded by Commissioner Norkus

(Yes) Donna Norkus, Erik Olson, John Janssen , David Phelps, Joe Kapacinskas

(No) None

(Abstain) Sharon Carnes

Note that Larry Stanton joined the meeting virtually at 6:35.

OLD BUSINESS

David Phelps reported that the annual update on the Comprehensive Plan required by state statute was accepted unanimously by the Town Council.

The Town Council requested that a working group be established to identify priorities, accountability, and responsibility on the 14 recommendations in the Comprehensive Plan. The Town Council proposed creating a joint sub-committee of the Town Council and Plan Commission with Geof Benson and Candice Peterson representing the Town Council.

- The Plan Commission concurred with the proposal of forming a joint sub-committee.

- Commissioner Jansenn, Commissioner Carnes, and Commissioner Stanton volunteered to join the sub-committee as Plan Commission members.
- Commissioner Kapacinskas moved to name Commissioner Jansenn, Commissioner Carnes, and Commissioner Stanton as the Plan Commission members on the Committee to Advance the Progress Report. Commission Olson seconded.
(Yes) Donna Norkus, Sharon Carnes, Erik Olson, John Jannsen , Larry Stanton, Joe Kapacinskas
(No) None
(Abstain) David Phelps (3rd consecutive remote meeting, not permitted to vote)
- The sub-committee to Advance the Progress Report tentatively scheduled a public meeting for April 23, 2024 at 6:30 PM in the Beverly Shores Administration Building contingent on the availability of the Town Council representatives.
- Members of the sub-committee to Advance the Progress Report and regular Plan Commission members were encouraged to attend the April 3, 2024 Pines Town Council Meeting to hear a presentation on Transit Development Districts (TDD) given by the Regional Development Authority (RDA). The EPA will also present information on soil testing at this meeting.
- Neither the Town of Pines nor Beverly Shores can establish a TDD on its own. A subsequent meeting will be held April 24 (time and location TBA) for a joint discussion with the Town of Pines and Beverly Shores on the TDD. Geof Benson is the Beverly Shores Town Council representative on the RDA and would facilitate any conversations surrounding the TDD.

Discussion ensued regarding the recent passage of HB 1108 establishing state requirements for steep slope development. Larry Stanton will reach out to Senator Rodney Pol to discuss any effects this new law may have for beachfront communities.

NEW BUSINESS

Commissioner Kapacinskas received email from the Building and Building Site Committee President Scott Vliek regarding alignment of Beverly Shores building code ordinances with Indiana State Building Code suggesting that Beverly Shores ordinances adopt State Code by reference, eliminating the date. That provision may already exist in town ordinances.

- Commissioner Kapacinskas will consult former Plan Commissioner Greg Lyman for clarification.

ADJOURNMENT

President Kapacinskas entertained a motion to adjourn.

Motion for approval by Commissioner Carnes and seconded by Commissioner Olson.

(Yes) Donna Norkus, Sharon Carnes, John Jannsen, Erik Olson, Larry Stanton, Joe Kapacinskas

(No) None

(Abstain) David Phelps (3rd consecutive remote meeting, not permitted to vote)

With no further business, President Kapacinskas declared the meeting adjourned at approximately 7:10 PM.

NEXT MEETING

Next Plan Commission meeting is Monday, May 6, 2024.

The Beverly Shores Plan Commission met in a regular meeting at the Beverly Shores Administration Building, 500 S. Broadway, Beverly Shores, Indiana on Monday, June 3, 2024 at 6:30 PM.

CALL TO ORDER

ROLL CALL

Present:

Donna Norkus

Sharon Carnes

John Jannsen (virtual)

Joe Kapacinskas

Erik Olson

David Phelps

Larry Stanton

TITLE VI SURVEY

Title VI Survey is available on the town website.

APPROVAL OF THE MINUTES

Motion for approval by Commissioner Stanton and seconded by Commissioner Olson.

(Yes) Donna Norkus, Erik Olson, John Jannsen, Joe Kapacinskas, Sharon Carnes, David Phelps, Larry Stanton

(No) None

OLD BUSINESS

- Commissioner Stanton reported on the April 23, 2024 meeting of the Sub-Committee on the Beverly Shores Comprehensive Plan, 2024 Priorities. The meeting's purpose was to identify 2024 priorities and determine initial steps, responsibility, and accountability for the 14 recommendations.

Commissioner Olson moved to adopt the 2024 Priorities for the Beverly Shores Comprehensive Plan, seconded by Commissioner Carnes.

Discussion ensued about the recommendations.

#10 The Town should enforce current ordinances to protect, conserve and sustain the natural environment in Beverly Shores and work with the National Park, ERG, and other partners to monitor and manage the deer population and remove and prevent the spread of invasive species. Commissioner Norkus suggested adding the Town Council as a Responsible Party and removing ERG as a Responsible Party and adding the ERG as a Consulting Party.

#6 The Town should continue to make 24-hour police and fire protection a high priority.

Commissioner Norkus suggested changing the language of Initial Steps from “Maintain funding and staff for Police and BSVFD” to “Maintain funding and staff for Police and Fire Department”

#8 The Town should develop a short-term and long-term plan to increase access to Town-owned beaches, including East Lake Shore Park, and continue to maintain Town parks, beaches, and trails. Commissioner Phelps asked if there was a discussion about the position of Lakeshore Monitor noted in the Responsibility box. Commissioner Stanton stated that there was no discussion.

Commissioner Kapacinskas called for the vote.

(Yes) Donna Norkus, Erik Olson, John Jannsen, Joe Kapacinskas, Sharon Carnes, David Phelps, Larry Stanton

(No) None

Commissioner Kapacinskas expressed concern about moving the 2024 recommendations forward. Discussion ensued regarding the frequency of the progress discussions.

Interim progress reports for the Plan Commission action items were proposed for July and January with the Town Council providing progress reports on their action items in June and December. Progress reports time frames are still open for discussion. Commissioner Olson proposed adding the Plan Commission action items #8, #12, #13, and #14 to the upcoming Plan Commission agendas and reviewing their priorities and progress. Commissioner Kapacinskas will add these items to subsequent Plan Commission agendas.

- Commissioner Kapacinskas followed up on an email from Building and Building Site Committee President Scott Vilek regarding language in the Beverly Shores Municipal Code.

Building and Building Site Committee President Vilek asked that obsolete portions of the Building Code be removed from the ordinance. President Vilek referenced 7 items listed under 152.02-B. It was agreed that these items are confusing but 152.02-B adopts the current state code as applied by the state. This item was tabled until the July meeting to allow time for Plan Commission members to familiarize themselves with the ordinance and to consult with the Plan Commission lawyer about the process for amending the ordinance.

- HB 1108 - Commissioner Stanton talked with Senator Pol's staff regarding this law. This will not affect the Beverly Shores Steep Slope Ordinance.

NEW BUSINESS

- Status of the TDD – Commissioner Phelps reported that the Town of Pines appointed Ms. Tammy Watkins as their delegate to Transit Development District (TDD) Steering Committee. Members of the Beverly Shores Town Council and Beverly Shores delegate to the TDD will meet with Ms. Watkins and Town of Pines President Bud Prast to formulate questions for the Regional Development Authority (RDA).
- Building Commissioner David Wagner informed the Plan Commission that the Building and Building Site Committee will be assessing fines to Jon's Tree Service for violations of the Tree Removal Ordinance at June 8, 2024 meeting of the Building and Building Site Committee. Building Commissioner Wagner will consult with the Town Lawyer concerning the revocation of the contractor registration by the Plan Commission.

PUBLIC COMMENT

- John Macklin 204 Quigley Ave. questioned whether Beverly Shores code is more restrictive than state code regarding tree removal. Mr. Macklin also informed the Commission that a sewer line study was performed 2-1/2 years ago and the Plan Commission should consider reviewing that study. Mr. Macklin asked if the tax increment of a property in a TDD accrues to the Town of Beverly Shores.

ADJOURNMENT

- Motion for adjournment by Commissioner Stanton and seconded by Commissioner Norkus.
(Yes) Donna Norkus, Sharon Carnes, John Janssen, Erik Olson, Larry Stanton, Joe Kapacinskis, David Phelps
(No) None

With no further business, President Kapacinskas declared the meeting adjourned at 7:40 PM.

NEXT MEETING

Next Plan Commission meeting is Monday, July 1, 2024.

The Beverly Shores Plan Commission met in a regular meeting at the Beverly Shores Administration Building, 500 S. Broadway, Beverly Shores, Indiana on Monday, July 1, 2024 at 6:30 PM.

CALL TO ORDER

ROLL CALL

Present:

Donna Norkus

Sharon Carnes

John Jannsen

Joe Kapacinskas

Erik Olson

David Phelps

Larry Stanton

TITLE VI SURVEY

Title VI Survey is available on the town website.

APPROVAL OF THE MINUTES

Motion for approval of the June 3, 2024 by Commissioner Stanton and seconded by Commissioner Norkus.

The minutes were amended as requested by Commissioner Kapacinskas and a vote for approval was taken on the amended minutes.

(Yes) Donna Norkus, Erik Olson, John Jannsen, Joe Kapacinskas, Sharon Carnes, David Phelps, Larry Stanton

(No) None

OLD BUSINESS

- Status of the Transit Development District (TDD)

Commissioner Phelps - Beverly Shores Town Council TDD Representative Geof Benson met with Town of Pines TDD Representative Tammy Watkins. The Town of Pines would like to explore the possibility of a TDD with Beverly Shores. The next step is development of proposed TDD boundaries by the RDA consultant. Both town councils will review the proposed boundaries and discuss next steps.

- National Fish and Wildlife Foundation Lakeshore Grants

Commissioner Norkus – Beverly Shores was invited to submit a full proposal due July 2, 2024. Letters of support were procured from the ABSR Community Foundation, Environmental Restoration Group (ERG), Save the Dunes, and the Northern Indiana Regional Planning Committee (NIRPC).

- Deletion of Obsolete Building Code 152.02(B)

Attorney Nolan emailed an opinion of the changes.

Motion by Commissioner Olson, requesting Attorney Nolan draft the recommended changes to the Beverly Shores Town ordinance 152.02 to reflect the respective state rules, deleting subsections 1-7 of 152.02 (B). Commissioner Carnes seconded the motion.

(Yes) Erik Olson, John Jannsen, Joe Kapacinskis, Sharon Carnes, David Phelps, Larry Stanton

(No) Donna Norkus

- Discussion of Comprehensive Plan Priorities 1,8,12,13,14

#1 The Beverly Shores community's most significant characteristic, its low population density, results from the Town's unique physical setting and physical site conditions and requires the maintenance of the 20,000 square foot minimum building parcel size with appropriate soil characteristics to permit adequate drainage and minimize damage to the fragile dunes' topography. The Town should commit the resources necessary to maintain the Town's capacity to enforce the Building and Zoning Codes.

Discussion ensued regarding the effect of sewers on the 20,000 sq. foot lot requirement. Minimum lot size requirements are in effect in many communities and should not be tied to the issue of septic systems. The 20,000 minimum lot size is the #1 goal in the Plan Commission Recommendations. The Comprehensive Plan provides a good structure on this issue and the Plan Commission will remain vigilant on this point.

#8 The Town should develop a short-term and long-term plan to increase access to Town-owned beaches, including East Lake Shore Park, and continue to maintain Town parks, beaches, and trails.

Commissioner Stanton stated that the Parks and Recreation Committee doesn't administer the East Lake Shore Park site. Discussion ensued about strategies to make this area more accessible to residents, specifically a permit only parking area. However, until existing beaches are made more resilient it is hard to justify investment in East Lake Shore Park.

Commissioner Kapacinskas will contact Marshal Clapp about the policing impacts of adding permit parking at East Lake Shore Park.

The Comprehensive Plan contains a recommendation to appoint a Lake Shore Monitor. Commissioner Stanton will create a draft position description for Lake Shore Monitor in an effort to move this recommendation forward.

#12 The Town should work with NIPSCO to identify and update weak links in the power grid and bury power lines where feasible to help alleviate the number of power outages.

Commissioner Phelps reported that NIPSCO contracted with Townsend Tree Service for tree removal and trimming in Beverly Shores. Work is scheduled to begin next week. Unless otherwise requested by a homeowner, Townsend Tree Service will remove logs and dispose of wood chips off-site.

#13 Although the Town cannot control the public school designated for Beverly Shores residents, the Town should work to increase K-12 public school options for Beverly Shores students and should encourage volunteer activities to continue to improve the Michigan City schools.

Friends of Beverly Shores (FOBS) and the Dunes Women's Club volunteer at Pines school. Public school options (Michigan City Area Schools and Duneland Schools) were discussed. Commissioner Stanton will contact Kids of Beverly Shores (KOBS) to get information on where Beverly Shores children attend school.

#14 The Town should consider changes in traffic patterns and parking during summer months to address increased National Park traffic. The Town should work with the National Park on support for road maintenance, parking and traffic management.

Commissioner Phelps reported that the National Park Service (NPS) and the Indiana State Park as well as Beverly Shores are involved in discussions to improve safety at Kemil Rd. and Lakefront Drive. Additionally, the NPS is in contact with the Federal Highway Administration.

The safety of bicyclists and pedestrians is a longstanding problem and was discussed with the previous NPS administration. While there is a new administration the same funding constraints remain. Discussion ensued about the feasibility of creating one-way traffic flows on either West Lake Front Drive or

East Lake Front Drive in the summer. Commissioner Kapacinskas will ask Marshall Clapp about short term recommendation on this subject.

NEW BUSINESS

- Contractor Issues

Building Commissioner Wagner reported that Attorney Nolan is reviewing the process for determining violations of the building code and subsequent fines. Discussion ensued about the Contractor Registration process and ways to inform residents about contractor registration status. Currently, the Town Clerk provides that information to residents when requested.

- Hearing Authority for Unsafe Buildings

Attorney Nolan started the notification process. The Plan Commission is the Hearing Authority for this process. Commissioner Kapacinskas asked Building Commissioner Wagner to keep the Plan Commission apprised of the progress.

PUBLIC COMMENT

None

COMMISSIONER COMMENTS

- Commissioner Kapacinskas noted that the September Plan Commission Meeting is scheduled for Labor Day. Plans to cancel or reschedule the meeting will be discussed in August.

ADJOURNMENT

- Motion for adjournment by Commissioner Norkus and seconded by Commissioner Olson
(Yes) Donna Norkus, Sharon Carnes, John Jannsen, Erik Olson, Larry Stanton, Joe Kapacinskas, David Phelps
(No) None

With no further business, President Kapacinskas declared the meeting adjourned at 8:15 PM.

The Beverly Shores Plan Commission met in a regular meeting at the Beverly Shores Administration Building, 500 S. Broadway, Beverly Shores, Indiana on Monday, August 5, 2024 at 6:30 PM.

CALL TO ORDER

ROLL CALL

Present:

Donna Norkus

Sharon Carnes

Joe Kapacinskas

Erik Olson

David Phelps

Larry Stanton

Absent:

John Jannsen

TITLE VI SURVEY

Title VI Survey is available on the town website.

APPROVAL OF THE MINUTES

Motion for approval of the July 1, 2024 minutes by Commissioner Norkus and seconded by Commissioner Olson.

(Yes) Donna Norkus, Sharon Carnes, Joe Kapacinskas, Erik Olson, David Phelps, Larry Stanton

(No) - None

OLD BUSINESS

- Status of the Transit Development District (TDD)

Commissioner Phelps reported both Beverly Shores and Town of Pines Town Councils voted to send a letter to the RDA indicating their support. The RDA will create a map and submit it to the Town of Pines and Beverly Shores Town Councils for approval. This process may take several months.

- Lakeshore Grants

Commissioner Norkus reported that the a full proposal was submitted for the National Fish and Wildlife Coastal Resilience.

Commissioner Norkus reported that the Beverly Shores application for the FEMA BRIC grant was selected for further review.

- Deletion of Obsolete Building Code 152.02(B)

Attorney Nolan submitted the requested proposed draft ordinance to revise § 152.02(B) to remove the specific editions of the various building codes from the 1970s and early 1980s, and make the current version of the state code the applicable code for the Town.

Discussion ensued about the drawback to this approach. Two copies of the applicable codes must be kept on hand by the Clerk. So, depending on the cycle of revisions and updates maintaining a current version could be an issue. Another issue is possible costs to obtain the state codes. Commissioner Stanton stated that the Plan Commission is only making a recommendation based on information presented by the Building and Building Site Committee. The Town Council can decide if the costs and additional administrative work associated with the change are reasonable.

Commissioner Olson pointed out a scrivener's error in the document. Attorney Nolan will be asked to correct the ordinance title.

A motion for approval as amended was made by Commissioner Stanton, seconded by Commissioner Olson.

(Yes) Donna Norkus, Sharon Carnes, Joe Kapacinskis, Erik Olson, David Phelps, Larry Stanton

(No) None.

- Follow-up on Comprehensive Plan Priorities

#8 – Description of the Lake Monitor position; East Lake Park access

Commissioner Stanton provided a draft of the Lake Shore Monitor position description.

Specific duties:

- Identify measures of lakefront and beach stability, regularly collect data on the measures, and maintain a data base of lakefront and beach conditions
- Monitor the impact of social paths on dune stability
- Provide town government with information to inform decision making regarding the lakefront and beaches
- Support coastal resilience fundraising efforts

Discussion ensued about the need to define the town government entities that should be informed of the decision making. There was discussion about whether this will be a paid position or a volunteer and the specific skills required.

Commissioner Phelps pointed out that the Plan Commission makes a

recommendation but ultimately the Town Council will make a decision on the specific requirements.

Commissioner Olson made a motion to recommend the Lakeshore Monitor position description to the Town Council for approval. Commissioner Carnes seconded.

(Yes) Donna Norkus, Sharon Carnes, Joe Kapacinskaskas, Erik Olson, David Phelps, Larry Stanton

(No) None.

East Lake Park Rd. Access

Commissioner Kapacinskaskas distributed photos of the East Lake Park Rd. access site. He met with Marshall Clapp concerning the road and gate. A combination lock was installed and the National Park Service and the Beverly Shores Police Department have the combination.

Discussion ensued about providing parking to Beverly Shores residents at the site. Marshall Clapp is not opposed to providing more access to the area, but there are no immediate plans to provide parking.

#13 – Kids of Beverly Shores (KOBS) input

Commissioner Stanton reported that Janene Jonas is no longer the leader if KOBS. Annaliese McSweeney and Jen Marler are the new leaders. The update is pending information from the new leaders.

#14 – Marshall's input on traffic issues

Commissioner Kapacinskaskas met with Marshall Clapp concerning parking issues and holiday congestion. It was suggested that better, more visible signage is needed. Commissioner Norkus stated that the Town Council is awaiting a sign inventory.

Discussion ensued about the time frame for updating the Plan Priorities. The Plan Commission will review their responsibilities and action items in at the November meeting in anticipation of the January report to the Town Council.

- Unsafe Building Hearing

Discussion ensued regarding scheduling a public hearing concerning the unsafe building at 214 Siesta. The September Plan Commission meeting conflicts with Labor Day. The September meeting will be cancelled and the public hearing will be conducted

during the regular meeting of the Plan Commission on October 7, 2024. Commissioner Kapacinskas will inform Attorney Nolan of the date.

NEW BUSINESS

None.

PUBLIC COMMENT

John Macklin – 204 Quigley Ave. Mr. Macklin stated that the Plan Commission needs to stay apprised of the proposed Transit Oriented Development (TDD). He expressed his concern about the lack of ordinances for multi-family dwellings. Commissioner Kapacinskas replied that the TDD is on the agenda at every meeting and the Beverly Shores Comprehensive Plan is a guide for future development.

Mr. Macklin asked to present his plan for his property and Commissioner Kapacinskas stated that Mr. Macklin could be added to a future agenda.

ADJOURNMENT

- Motion for adjournment by Commissioner Norkus and seconded by Commissioner Stanton.

(Yes) Donna Norkus, Sharon Carnes, Erik Olson, Larry Stanton, Joe Kapacinskas, David Phelps

(No) None

With no further business, President Kapacinskas declared the meeting adjourned at 7:40 PM.

NEXT MEETING

Next Plan Commission meeting is Oct 7, 2024.

The Beverly Shores Plan Commission met in a regular meeting at the Beverly Shores Administration Building, 500 S. Broadway, Beverly Shores, Indiana on Monday, October 7, 2024 at 6:30 PM.

CALL TO ORDER

ROLL CALL

Present:

Donna Norkus

Sharon Carnes

Joe Kapacinskas

Erik Olson

David Phelps

Larry Stanton

John Jannsen

Absent:

None

TITLE VI SURVEY

Title VI Survey is available on the town website.

APPROVAL OF THE MINUTES

Motion for approval of the August 8, 2024 minutes by Commissioner Norkus with one change to the adjournment vote and seconded by Commissioner Jannsen.

(Yes) Donna Norkus, Sharon Carnes, Joe Kapacinskas, Erik Olson, David Phelps, Larry Stanton, John Jannsen

(No) – None

OLD BUSINESS

- Status of the Transit Development District (TDD)

Commissioner Phelps - No updates till January 2025.

- Lakeshore Grants

Commissioner Norkus reported that the Lake Michigan Coastal Program Grant for \$78,000 has been approved. There are no requirements for matching funds. The grant will be used for engineering work on the east end of the lakefront erosion project.

- Lakeshore Monitor

Commissioner Phelps - No update on Lakeshore Monitor position. President Kapacinskas stated that this will be discussed at next month's meeting.

NEW BUSINESS

Commissioner Phelps reported that the Town Council had a discussion regarding garbage pick-up and parking stickers for non-residents and would like the Plan Commission to review the request. The relevant ordinances are 51.01, 02, and 03 and they do not allow for services for non-residents. Commissioner Kapacinskas asked that the Commission review the ordinances for the November meeting in preparation for a discussion. Commissioners Norkus will work with Town Clerk Hundt to provide more information to Plan Commission members.

PUBLIC HEARING

- Unsafe building at 214 Siesta

Building Commissioner David Wagner stated that the owner was notified by certified letter that the building must be repaired or demolished by the hearing date. He stated that the building has fallen into disrepair, has no utility service, is unsafe and has trash throughout the yard. The home is vacant.

President Kapacinskas stated that following the discussion the Plan Commission could affirm the order, modify the order, rescind the order, or continue the hearing.

The homeowner, Gail Biskis, agreed that one part of the home is in rough shape. She has contacted a contractor and has estimates to replace the roof and restore or demolish an attached bedroom and will have an electrician address electrical issues. She stated that the back taxes were paid.

Discussion ensued between Ms. Biskis and Building Commissioner Wagner about the extent of the repairs.

Discussion ensued amongst the Plan Commission about the need to have any repairs completed by registered contractors, building permits issued, and trash removed. It was also suggested that the Building Commissioner Wagner meet with the owner and the contractor to determine the extent of the repairs.

Commissioner Olson made the motion to continue the hearing until November 4, 2024 Plan Commission meeting with the following conditions:

Clean up trash and debris,

Allow and schedule a building site visit with the owner, contractor, and building commissioner,

Complete the application for the building permit.

These conditions are to be met by November 4, 2024.

Commissioner Norkus seconded the motion.

(Yes) Donna Norkus, Sharon Carnes, Joe Kapacinskas, Erik Olson, David Phelps, Larry Stanton, John Jannsen

PUBLIC COMMENT

- John Macklin – 204 Quigley Ave. Discussion ensued about a presentation concerning his plans for his property and the proposed TDD and whether it should be an agenda item or part of public comment.

- Mary Szpur - 205 E Siesta. Commented about the safety issues at 214 Siesta.

- Jay Fahn - 425 E Roberts. Commented about possible fire regulation violations at 214 Siesta.

ADJOURNMENT

- Motion for adjournment by Commissioner Norkus and seconded by Commissioner Olson.

(Yes) Donna Norkus, Sharon Carnes, Joe Kapacinskas, Erik Olson, David Phelps, Larry Stanton, John Jannsen

(No) None

With no further business, President Kapacinskas declared the meeting adjourned at 7:36 PM.

NEXT MEETING

Next Plan Commission meeting is November 4, 2024 at the Community House 40 W. Service Ave. at 6:30.

The Beverly Shores Plan Commission met in a regular meeting at the Beverly Shores Administration Building, 500 S. Broadway, Beverly Shores, Indiana on Monday, November 4, 2024 at 6:30 PM.

CALL TO ORDER

ROLL CALL

Present:

Donna Norkus

Sharon Carnes

Joe Kapacinskas

Erik Olson

David Phelps

Larry Stanton

Absent:

John Jannsen

TITLE VI SURVEY

Title VI Survey is available on the town website.

APPROVAL OF THE MINUTES

Motion for approval of the October 7, 2024 minutes by Commissioner Carnes seconded by Commissioner Stanton.

(Yes) Donna Norkus, Joe Kapacinskas, Erik Olson, David Phelps, Larry Stanton

(No) – None

(Abstain) Sharon Carnes

OLD BUSINESS

- Lakeshore Grants

Commissioner Norkus reported that \$78,000 in funding for a study was received through the Lake Michigan Coastal Grant. The Smith Group is responding to a question from the BRIC Grant application.

- Status of the Transit Development District (TDD)

Commissioner Phelps stated that no updates are expected till January 2025. Public meetings will be held once the boundaries are identified.

- Continuation of Public Hearing – 214 Siesta

Commissioner Kapacinskas summarized correspondence from Building Commissioner David Wagner. A walk through revealed that the interior remains in extreme disarray; many room areas were obstructed by various items, further complicating efforts towards the evaluation of the property. The roof damage was estimated by the roofer to be a 6'X6' hole with a 3'X7' sag spot. No truss damage can be determined at this

time due to unsafe conditions. The water damage to the structure is estimated to be 30% to 40% of interior space. The rest of the structure consists of walking paths to each room. Rodent waste is visible throughout the structure, small water stains were noticed in a few different ceiling areas. There were no working utilities.

Building Commissioner David Wagner presented a diagram of the structural damage. He stated that roofing, any damaged trusses, rotted window frames, and outdated wiring would need to be addressed and that the septic system would have to be inspected. All work would have to comply with the Indiana 2020. Building Code. He believes the house would have to be gutted.

There was discussion between Building Commissioner Wagner and the homeowner, Ms. Gail Biskis on whether the conditions of the extension of the Order and Notice of Unsafe Building were met.

There was further discussion about the extent of the repairs that would be required to bring the building into compliance with the building codes.

Commissioner Phelps stated that the focus of the Plan Commission should be on whether the three conditions stipulated in the extension of the order were met and the Building and Site Committee and the homeowner should deal with the code issues.

Regarding the 3 stipulations in the order, Building Commissioner Wagner stated that the cleanup was incomplete, a General Contractor was not present at the site meeting and that the Building Permit application was not received. Ms. Biskis disputed this assessment and contended that progress was made toward all of the requirements.

Commissioner Olson stated that considering an order to demolish is a significant occurrence and asked for clarification on the steps needed to obtain a building permit.

Commissioner Kapacinskis stated that he was in favor of trying to find a path to resolution of the issues and bringing the house up to occupancy level without going through a court battle or demolition.

Building Commissioner Wagner stated Ms. Biskis has received one order and an amended order and that has not resulted in compliance.

Commissioner Norkus asked what is contained in a sufficient package to present to the Building and Site Committee.

Building Commissioner Wagner replied that a package should contain full details on the work being done.

Commissioner Norkus asked Ms. Biskis if she had prepared a complete package.

Ms. Biskis stated that she did not have a complete package although she had made some progress toward completion.

Commissioner Olson stated that some work has been done, but he was concerned that the project would be a lot more work and a lot more money than what Ms. Biskis appeared to be considering.

Ms. Biskis stated that she understands that it going to be expensive but some of the assessments of damage given by the Building Commissioner are "overboard".

Commissioner Olson stated he would be in favor of giving the property owner more time to comply with the order considering demolition is such a drastic remedy.

Commissioner Kapacinskaskas said he was in agreement with Commissioner Olson since Ms. Biskis has responded to the order and appeared at the public hearings.

Commissioner Carnes asks if they can extend the order or must the process to demolish start over.

Town Attorney Connor Nolon stated that the Plan Commission can modify the order as they see fit and still require compliance with the portion of the order they want to enforce with the timeline they want to enforce. The Plan Commission could include a new deadline and extensions on the deadline as long as progress is being made. The Plan Commission could impose a civil penalty for non-compliance and require a performance bond for additional extensions.

Commissioner Phelps moves to continue the hearing with the same stipulations as the last continuation. Commissioner Norkus seconds the motion.

Discussion ensued about whether a permit is needed to tarp the roof.

Mr. John Mackin, 204 Quigley, Beverly Shores (member of the public) stated that drawings are needed and an architect or structural engineer needs to be involved.

Commissioner Phelps called the question unless there were other comments from the Commissioners. Hearing none, Commissioner Kapacinskaskas called for a vote on the extension of the hearing.

(Yes) Donna Norkus, Joe Kapacinskaskas, Erik Olson, David Phelps, Larry Stanton, Sharon Carnes

(No) – None

NEW BUSINESS

- Availability of Town Services (garbage pickup) for non-resident properties

There are 7 homes on Rt.12 not in the town limits currently being billed by the Town of Beverly Shores for refuse service. There are 4 properties owned by the Indiana Dunes National Park but leased by private parties that are billed by Town of Beverly Shores for refuse service. The current ordinance 51.02 and 51.03 does not allow for extending refuse services to non-residents.

Commissioner Carnes stated opposition to extending services for fees to non-residents.

Clerk Treasurer Ellen Hundt stated that these residents have historically been billed for parking permits and refuse services through the Town, however there is no ordinance authorizing the Clerk Treasurer to collect refuse payments from non-residents.

Commissioner Olson proposed amending the ordinance to impose a fee for non-residents.

Discussion ensued regarding whether the ordinance should be amended to allow non-residents and proposed rates.

Discussion ensued about whether an amendment over complicates the issue or whether it's good policy since property owners on Rt. 12 actually own unimproved property in Beverly Shores.

Commissioner Olson moved to authorize the Town Attorney to draft an ordinance allowing limited outside users of the garbage service and levying an additional fee of \$100 over the applicable residential user fee. Commissioner Norkus seconded the motion offering a friendly amendment clarifying the fee structure.

(Yes) Donna Norkus, Erik Olson, David Phelps, Larry Stanton

(No) – Sharon Carnes, Joe Kapacinskaskas

Commissioner Norkus raised an issue concerning a residential property with a commercial business that is receiving refuse pick up through the Town. This is an anomaly that doesn't follow the rules addressed with the previous motion.

Discussion ensued regarding whether they should be removed from the refuse list.

Commissioner Kapacinskaskas stated that this issue was not officially before the Plan Commission and should be discussed at a later time.

- Annual Review of the Comprehensive Plan Recommendations

Commissioner Stanton will reach out to the stakeholders and provide a draft report at the next meeting using the format from the 2023 report. John Janssen will also provide input for the report.

Commissioner Stanton provided a report on the schools attended by the children in Beverly Shores. He stated that parents feel comfortable with school options and choices for high schools.

PUBLIC COMMENT

None

ADJOURNMENT

- Motion for adjournment by Commissioner Phelps and seconded by Commissioner Olson.

(Yes) Donna Norkus, Sharon Carnes, Joe Kapacinskas, Erik Olson, David Phelps, Larry Stanton

(No) None

With no further business, President Kapacinskas declared the meeting adjourned at 8 PM.

NEXT MEETING

Next Plan Commission meeting is December 2, 2024 at 6:30PM.

The Beverly Shores Plan Commission met in a regular meeting at the Beverly Shores Administration Building, 500 S. Broadway, Beverly Shores, Indiana on Monday, December 2, 2024 at 6:30 PM.

CALL TO ORDER

ROLL CALL

Present:

Donna Norkus

Sharon Carnes

Joe Kapacinskaskas

Erik Olson

David Phelps

Larry Stanton

John Jannsen

TITLE VI SURVEY

Title VI Survey is available on the town website.

APPROVAL OF THE MINUTES

Motion for approval of the November 4, 2024 minutes by Commissioner Stanton seconded by Commissioner Olson.

(Yes) Donna Norkus, Joe Kapacinskaskas, Erik Olson, David Phelps, Larry Stanton, Sharon Carnes, John Jannsen

(No) – None

OLD BUSINESS

- Continuation of Public Hearing – 214 Siesta

-Public Comment

Diane Bartkus 211 East Siesta commented that she is an 18-year resident. The property is an eyesore, attracts nuisance wild animals and affects neighborhood property values.

Darius Bartkus 211 East Siesta commented that he would be happy to beautify the property.

Building Commissioner David Wagner stated that the building has not been not inhabited for 10 years. He stated that he spoke with the roofer on 11/22/24 and scope of the repair is such that the roofer is not be able to do much of the work.

Commissioner Wagner stated that there was some clean-up activity on the site, but other things were brought in and stored in the building. The owner did not appear at

the Building and Site committee meeting and no building permit was applied for or issued.

President of the Building and Site Committee Scott Vliek, stated that the owner was on the Building and Site Committee agenda but did not appear at the meeting, pay an application fee and did not provide the required documentation.

John Mackin 204 Quigley, stated that he agreed with everything that was said previously. He questioned her financial capability to restore the building.

Plan Commission President Joe Kapacinskas acknowledged receipt of Mr. Mackin's correspondence and stated that it was made available to the other commissioners.

Public comment was closed.

Commissioner Kapacinskas restated the conditions made at the October 7th meeting and stated that while progress was made, the conditions were not met. Discussion ensued regarding the levying of fines for an unsafe building and performance bonds.

There was further discussion about amending the existing order, extending the due date and removing the repair option.

Commissioner Olson moved to amend the existing order to require the house be demolished by January 15, 2025.

Commissioner Norkus seconded the motion.

Discussion ensued about the January 15th deadline and whether the opportunity to repair should be considered with additional stipulations to show progress. There was further discussion about the Plan Commission role in dictating specific repairs and the Commissions expertise in that area.

Commissioner Olson amended his motion changing the demolition deadline to March 15, 2025.

Discussion ensued about the extended time frame and whether compliance was likely considering the history of this order.

Commissioner Olson withdrew the motion and Commissioner Norkus withdrew her second.

Commissioner Norkus moved to affirm the original order and require repair or demolition of 214 Siesta by January 15, 2025.

Commissioner Olson seconded.

President Kapacinskas called for a vote.

Yes) Donna Norkus, Sharon Carnes, Joe Kapacinskas, Erik Olson, David Phelps, Larry Stanton

(No) John Jannsen

NEW BUSINESS

- Draft ordinance allowing for and setting rates for non-resident garbage pickup
Attorney Nolan prepared a draft and it was distributed to the Plan Commission for review.

Commissioner Phelps moved to accept the draft ordinance and forward it to the Town Council for consideration.

Commissioner Stanton seconded.

President Kapacinskas called for a vote.

Yes) Donna Norkus, Joe Kapacinskas, Erik Olson, David Phelps, Larry Stanton, John Jannsen

(No) Sharon Carnes

- Annual review of Comprehensive Plan Progress Report

Commissioner Stanton presented a draft report. Commissioners Norkus, Jannsen, and Stanton discussed additions and changes. Commissioner Stanton will edit the document and present the final draft for approval at the January meeting.

- Info from the November 21, 2024 Public Meeting regarding US12 rehabilitation
Commissioner Carnes reported that INDOT's engineering firm presented drawings of the proposed intersection of Beverly Dr and Rt. 12. Beverly Dr. will intersect Rt 12 at the curve on Rt. 12. From Mt Baldy to the Singing Sands trail, Rt. 12 will have only one travel lane in each direction. The lane widths are increased from 11' to 12'. At Mt Baldy to the Singing Sands Trail, a 10' bike lane will be added on the northern side of the highway, along with a 6' shoulder between the bike lane and the travel lane. A turning lane will be added between the Singing Sands trail and the Amtrak crossing. The project is currently expected to take place between April and November of 2026.

PUBLIC COMMENT

None

ADJOURNMENT

Motion for adjournment by Commissioner Olson and seconded by Commissioner Stanton.

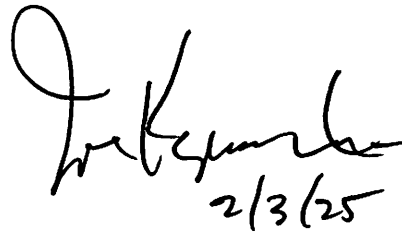
(Yes) Donna Norkus, Sharon Carnes, Joe Kapacinskas, Erik Olson, David Phelps, Larry Stanton, John Jannsen

(No) None

With no further business, President Kapacinskas declared the meeting adjourned at 7:57 PM.

NEXT MEETING

Next Plan Commission meeting is January 5, 2025 at 6:30PM.



Handwritten signature of Joe Kapacinskas, dated 2/3/25.