

Burns Harbor Town Council
Rescheduled Meeting
March 15, 2023

The Town Council of the Town of Burns Harbor, Porter County, Indiana met in its rescheduled session on Wednesday, March 15, 2023 in the Town Hall and streamed electronically with Zoom. The meeting was called to order by Council President Jennifer McHargue at 7:32 p.m.

The Pledge of Allegiance to the American Flag was recited.

Roll Call: Toni Biancardi ----- Present
Roseann Bozak ----- Present
Nicholas Loving ----- Absent
Jennifer McHargue --- Present
Angella Scott ----- Present

Clerk-Treasurer Jane Jordan was Present. A quorum was attained.

Additional Officials Present Attorney Tyler Doane, Town Marshal Jeremy McHargue, GM/Street Superintendent Robert Wesley, Fire Chief/Sanitary Superintendent William Arney, Building Commissioner Charles Hansen, Park Board Member Kylane Tumblin and Deputy Clerk Corinne Peffers.

Additional Officials attending via Zoom Town Engineer Martin Bobcek.

Approval of Minutes:

Councilwoman Scott made a motion to approve the meeting minutes of February 8, 2023. Councilwoman Bozak seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak – Aye, Councilman Loving – Absent, Councilwoman McHargue – Aye, Councilwoman Scott – Aye. **Motion passed.**

Reports:

Clerk-Treasurer Jordan informed the Council of State proposed bills HB 1430 would raise the business personal property tax exemption from \$80,000 to \$250,000 and HB 1085 requiring incremental revenue from TIF to be passed to school corporations were sent to Committee, HB 1499 would lower the 1% homestead property tax cap to 0.95% passed out of House and was sent to Senate, and HB 1430. SB219 requiring voluntary or super voluntary annexation passed out of Senate and was sent to the House.

Attorney Doane informed the Council that they regularly contact representatives with Cleveland-Cliffs pertaining to the road easement and possible land donation of Shadyside Park property. The firm will move forward on the Corlin's Landing park land donation quitclaim deed once they receive the documents.

Engineer Bobcek informed the Council they received bids on the Community Crossing Matching Grant 2022-2 paving project, which were opened publicly on March 6, 2023 at 4:00 p.m. in the Burns Harbor Town Hall. Three bids were submitted, Reith-Riley Construction Company for \$1,092,817.15, Milestone Contractor North for \$1,324,265.55, and F.H. Paschen, S.N. Nielsen & Associates LLC for \$1,238,836.02. Councilwoman Bozak made a motion that the Town award the project to Reith-Riley Construction Company and authorize Councilwoman McHargue sign the Notice of Award and the Reith-Riley contact documents. Councilwoman Biancardi seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak – Aye, Councilman Loving – Absent, Councilwoman McHargue – Aye, Councilwoman Scott – Aye. **Motion passed.**

Engineer Bobcek informed the Council they should have final plans for the salt dome structure at the next Council meeting and can discuss the bid schedule at that time.

Building Commissioner Hansen informed the Council he has nothing additional to report that was not already on the department's monthly report. Councilwoman Bozak informed Building Commissioner Hansen that his department truck should be parked inside the garage when not in use.

GM/Street Superintendent Wesley informed the Council that a resident on South Boo Road has taken down five problematic trees, the department is working on signage and planning ahead for spring cleanup. Councilwoman Bozak requested the camera login information be sent to the Council.

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Town Marshal McHargue informed the Council that a draft of suggested updates to Chapter 8 of the Town Code has been sent to them and if agreeable, he would like to have it put in ordinance form for adoption. He also submitted his department's job descriptions to the Council for review. Detective is a new job for the department. If this job is approved, he would like to promote Deputy Marshal Wayne James to Corporal effective April 26th and give him the secondary title of Detective. Councilwoman Biancardi informed the Council she reviewed Chapter 8 and would recommend that the Town sends that to the town attorney to prepare an ordinance. Once we have the ordinance, we can set a public hearing for adoption.

Councilwoman Biancardi informed the Council that the speed limit on Salt Creek Road is set at fifteen miles per hour, but posted as twenty. After discussion, Council directed GM/Street Superintendent Wesley to change the sign to fifteen miles per hour.

Councilwoman Biancardi informed the Council that the Police Department job descriptions are great and written in the town style, she made a couple of recommended changes and requested that the matter be placed on the April agenda for approval.

Councilwoman Biancardi made a motion that the Town promotes Deputy Marshal Wayne James to Corporal effective April 26th. Councilwoman Scott seconded the motion. Clerk-Treasurer Jordan asked did that include the pay increase? Councilwoman Biancardi stated I said Corporal, so I just assumed he would go to that rate, yes. Councilwoman Biancardi – Aye, Councilwoman Bozak – Aye, Councilman Loving – Absent, Councilwoman McHargue – Abstain, Councilwoman Scott – Aye. **Motion passed.**

Fire Chief Arney the informed the Council he would forward his monthly report after the meeting.

Sanitary Superintendent Arney informed the Council that the Department is waiting for weather to break to do maintenance and lift station cleaning.

Councilwoman Biancardi made a motion to appoint James Constantine (R) to the Storm Water Board (completing Wilbur Oudman's term which ends December 31, 2023). Councilwoman Scott seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak – Aye, Councilman Loving – Absent, Councilwoman McHargue – Aye, Councilwoman Scott – Aye. **Motion passed.**

Deputy Clerk Peffers informed the Council that a Storm Water Municipal Separate Storm Sewer System (MS4) compliance ordinance would need to have its first reading at the April Council meeting. The document was sent to the Council for review, but this is not in ordinance format. Council directed Deputy Clerk Peffers to forward the document to the town attorney and request that it be put in an ordinance.

Park Board Member Kylane Tumblin informed the Council that the General and Spectacular Egg Hunts are scheduled to begin at 2:00p.m. on March 19th. The Park encourages families to arrive no later than 1:45p.m. People interested in volunteering to help during this event should contact Park Director Burton.

Councilwoman Bozak informed the Council that the Redevelopment Commission is moving forward with the Westport PUD, the Marquette Greenway Trail and are up against the tree clearing bat deadline.

In absence of the Shared Ethics Advisory Commission Representative, Clerk-Treasurer Jordan informed the Council Rob Horning asked that the Council replace him on the Commission.

Correspondence:

IDEM – Registration for Ports of Indiana Burns Harbor, Portage

IDEM – Approval FESOP Administrative Amendment for Worthington Steel, Porter

Burns Harbor Redevelopment Commission – 2022 Annual Treasurer Report in accordance with IC 36-7-14-8

Burns Harbor Clerk-Treasurer - 2022 Annual Financial Investment Report

Porter County Elections & Registration – Will not need to utilize Burns Harbor's voting location for the Primary Election

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Presentations, Resolutions, Ordinances and Remonstrance:

**Resolution 2023-02 Appropriation Transfer for Marshal Department:
Resolution 2023-02 Town of Burns Harbor Appropriations Transfer**

BE IT HEREBY RESOLVED BY THE TOWN COUNCIL of the TOWN OF BURNS HARBOR, PORTER COUNTY, INDIANA that the following transfer of funds be made within the Marshal Department’s 2023 budget:

5,250.00 from Uniform Allowance, 2-129,
into Uniforms, 2-244.

Councilwoman Biancardi made a motion that the Town adopts Resolution 2023-02.

Councilwoman Scott seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak – Aye, Councilman Loving – Absent, Councilwoman McHargue – Abstain, Councilwoman Scott – Aye. **Resolution 2023-02 passed and was adopted.**

**Resolution 2023-04 Amending Resolution 2022-24 2023 Salary and Wages:
Resolution 2023-04 Amending Resolution 2022-24 2023 Salary and Wages for the Town of Burns Harbor, Porter County, Indiana**

WHEREAS, pursuant to I.C. 36-5-3-2 the Burns Harbor Town Council must annually fix the compensation for all elected officials, and Town Marshal prior to January 1 of the ensuing year; and,

WHEREAS, the annual salary ordinance must define the compensation, including fringe benefits, of all employee of the Town of Burns Harbor; and,

WHEREAS, I.C. 36-5-7-6 requires the town legislative body to fix the number of deputy town marshals by ordinance;

NOW THEREFORE BE IT RESOLVED, by the Town Council, that the Salary and Wages for all employees, elected and appointed members of boards and commissions, and other compensations matters for the year of 2023 in the amount and manner hereinafter be set forth:

Officer/Employee	Frequency of Payment.	Amount of Compensation
Council Members (5)	Monthly	\$ 5,000.00 each per year.
Clerk-Treasurer	Bi-weekly	2,628.58 Exempt 75% from General Fund 25% from Sewage Utility Fund
Deputy Clerk 1 Full-time	Bi-weekly	26.37 hourly. 50% from General Fund 50% from Sewage Utility Fund
Deputy Clerk 2 Full-time	Bi-weekly	23.39 hourly. 50% from General Fund 50% from Sewage Utility Fund
Deputy Clerk 3 Full-time	Bi-weekly	16.56 – 22.50 hourly. 50% from General Fund 50% from Sewage Utility Fund
INDOT ERC (Employee in Responsible Charge certified)	Bi-weekly	1,000.00 Exempt 25% from General Fund 75% from RDC Operations Fund
Town Marshal	Bi-weekly	32.36 hourly.
Assistant Town Marshal	Bi-weekly	29.90 hourly
Sergeant	Bi-weekly	22.25 - 29.15 hourly
Corporal	Bi-weekly	21.73 - 26.91 hourly
Deputy Marshal	Bi-weekly	20.44 – 26.45 hourly.
Probationary Deputy Marshal	Bi-weekly	20.00 – 25.56 hourly.
Deputy Marshal Part-time	Bi-weekly	16.00 - 25.00 hourly.
Instructor Part-time	Bi-weekly	22.00 - 28.00 hourly.
Police Clerk Full-time	Bi-weekly	17.07 - 21.21 hourly.
Police Clerk Part-time	Bi-weekly	10.00 - 16.00 hourly.
GM/MVH Superintendent	Bi-weekly	32.36 hourly.
GM Unlimited Eqpt. Operator Full-time	Bi-weekly	24.42 hourly. 75% from GM General Fund and 25% from Sewage Utility Fund
GM Equipment Operator Full-time	Bi-weekly	23.55 hourly. 75% from GM General Fund and 25% from Sewage Utility Fund
GM Laborer 1 Full-time	Bi-weekly	19.00 - 22.25 hourly. 75% from GM General Fund and 25% from Sewage Utility Fund
GM Laborer Part-time	Bi-weekly	18.00
MVH Eqpt. Operator Part-time	Bi-weekly	20.00 hourly.
GM/BLDG Clerk 1 Full-time	Bi-weekly	27.18 hourly 80% from Blding General Fund and 20% GM General Fund
GM/BLDG Clerk 2 Full-time	Bi-weekly	24.20 hourly 80% from Blding General Fund and 20% GM General Fund
GM/BLDG Clerk 3 Full-time	Bi-weekly	16.56 – 22.64 hourly 80% from Blding General Fund and 20% GM General Fund

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GM/BLDG Clerk Part-time	Bi-weekly	10.00 – 16.00 hourly 80% from Bldg General Fund and 20% GM General Fund
Part-time Building Commissioner/Inspector	Bi-weekly	20.00 - 25.00 hourly.
Building Inspector	Bi-weekly	35.00 per inspection not performed during office hours
Fire Department Secretary	Monthly	9,000.00 per year.
Paramedic Part-time	Bi-weekly	21.00 hrly from Emergency Medical Services Fund
EMT Part-time	Bi-weekly	19.00 hrly from Emergency Medical Services Fund
Plan Commission Board Members (7)	Yearly	750.00 each per year.
Plan Commission Secretary	Monthly	4,200.00 per year based upon 12 meetings per year and additional \$200.00 per special meeting.
BZA Board Members (5)	Yearly	750.00 each per year
BZA Secretary	Monthly	4,200.00 per year
Fire Chief/Sewage Utility/Stormwater Superintendent	Bi-weekly	32.36 hrly. 50% from Fire General Fund and 50% from Sewage Utility Fund
Sewage Utility/GM Laborer Part-time	Bi-weekly	13.00 – 20.00 hourly
Sanitary Board Members (4)	Yearly	750.00 each per year
Stormwater Board Members (3)	Yearly	750.00 each per year
Redevelopment Commission Secretary	Monthly	4,200.00 per year from Redevelopment Operations Fund
Redevelopment Commission Resident Board Members (2)	Yearly	750.00 each per year.

Certifications that a full-time Clerk processing a relevant professional certification from a generally accepted professional association including but not limited to Indiana League of Municipal Clerks and Treasurers, International Institute of Municipal Clerks, or Association of Public Treasures as may be authorized or approved by the proper officer, the base rate shall have an additional compensatory adjustment according to the following schedule:

Indiana Accredited Municipal Clerk (IAMC) bi-weekly salary \$40.00 or 50¢ per hour

In addition, employees that work on Town observed holidays will be paid double time.

The Town will pay all full-time employees longevity compensation in the amount of \$100.00 per year to be paid on the payroll following the employee's anniversary full-time hire date.

The Town will pay all full-time officers an allowance for uniforms in the amount of \$1,500.00 per year to be paid bi-annually in accordance with Ordinance 312-2022.

Employees, as approved by the Town Council, receive \$60.00 per month cell phone allowance.

Employees participating in the Civilian INPRS shall have an amount paid by the Town equal to the employer contribution rate (11.2% effective January 1, 2023) as established by INPRS.

Employees will contribute ten percent (10%) each month of the premium cost for medical insurance; the remainder paid by the Town. The Town will provide dental insurance, vision insurance, life insurance, short term disability and long-term disability insurance.

Employee use of a privately owned vehicle driven on official town business shall be reimbursed at the state mileage reimbursement rate established by the latest Indiana Department of Administration determination for business miles driven.

All newly hired employees of the Town of Burns Harbor will not be eligible for a pay increase prior to completing one-year of employment with the Town.

The Clerk-Treasurer shall participate in all aspects of the full-time employee benefits programs, less mandated deductions and withholdings.

For all other benefits and paid time off, refer to personnel handbook adopted on September 1, 2018 & its updates.

Salaries contained in this Ordinance are to be deemed the maximum allowable salary payable for each position. See attached salary listing. Salary ranges do not include overtime compensation, deferred compensation, longevity, insurance and retirement contributions paid by the Town, tax liability added for personal use of Town vehicles, compensation for accrued vacation liability, reimbursement for business related expenses, and imputed income derived from other employee benefits.

Additional Pay considerations, while working a secondary job for the Town, employees will be compensated the secondary job rate of pay for those hours worked.

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FURTHERMORE, the Town Marshal with, the approval of the Town Council, shall appoint such number of Deputy Town Marshals as the interests of the Town may require, not exceeding twenty (20), who shall, on taking the oath of office, have all powers, duties, responsibilities and limitations of the Town Marshal.

Full Time Employee 2023 Salary & Wage

Town Department:

Corinne Peffers	Deputy Clerk 1 w/IAMC ERC	26.87 hourly 1/2 Town General 1/2 Sewage Utility 38.46 salary Exempt 1/4 Town General 3/4 RDC Operation Fund
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Police Department:

Jeremy McHargue	Town Marshal	32.36 hourly
John Carnahan	Probationary Deputy Marshal	26.45 hourly
Jordan Jacquez	Probationary Deputy Marshal	23.00 hourly
Wayne James	Deputy Marshal	26.45 hourly
Timothy Lucas	Assistant Town Marshal	29.90 hourly
Kenin Zolper	Probationary Deputy Marshal	26.45 hourly

Street/Building Department:

Robert Wesley	Superintendent	32.36 hourly
Brandon Downey	Unlimited Eqpt. Operator	24.42 hourly 3/4 GM General 1/4 Sewage Utility
Michael Gucciardo	Laborer 1	19.00 hourly 3/4 GM General 1/4 Sewage Utility
Loretta McCormick	Clerk 1	27.18 hourly 80% Blding General 20% GM General

Sewage Utility Department:

William Arney	Superintendent	32.36 hourly 1/2 Fire General 1/2 Sewage Utility
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The following positions are approved to receive a monthly cell phone allowance:

- Town Marshal
- Assistant Town Marshal
- Sergeant
- Corporal
- Full-time Deputy Marshal
- Full-time Probationary Deputy Marshal
- GM/MVH Street Superintendent
- Full-time GM Unlimited Eqpt. Operator paid 3/4 from General GM/Street Fund & 1/4 Sewage Utility Sewer Fund
- Full-time GM Equipment Operator paid 3/4 from General GM/Street Fund & 1/4 Sewage Utility Sewer Fund
- Full-time GM/MVH Street Laborer paid 3/4 from General GM/Street Fund & 1/4 Sewage Utility Sewer Fund
- Building Commissioner
- Fire Chief/Sanitary Sewer/Stormwater Superintendent paid 1/2 from General Fire Fund & 1/2 Sewage Utility Sewer Fund
- Plan Commission/BZA/Redevelopment Commission Secretary paid 1/2 from General Plan Comm Fund & 1/2 Redevelopment Operations Fund

Councilwoman Scott made a motion that the Town adopts Resolution 2023-04.

Councilwoman Bozak seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak – Aye, Councilman Loving – Absent, Councilwoman McHargue – Abstain, Councilwoman Scott – Aye. **Resolution 2023-04 passed and was adopted.**

Ordinance 316-2023 Amending the Text of Chapter 15 Zoning Concerning Accessory Buildings and Accessory Uses:

Ordinance 316-2023 An Ordinance of the Burns Harbor Town Council Amending the Text of Chapter 15 Zoning Concerning Accessory Buildings and Accessory Uses Withing the Town of Burns Harbor, Indiana.

WHEREAS, the Burns Harbor Town Council has adopted a Zoning Ordinance codified as Chapter 15 of the Town Code of Burns Harbor, Indiana; and

WHEREAS, the Burns Harbor Advisory Plan Commission has initiated certain amendments to the text of the Zoning Ordinance in order to better regulate Accessory Buildings and Accessory Uses in the Town by adopting codes to adhere to requirements for Accessory Buildings and Accessory Uses, and adding restrictions to which all Accessory Buildings and Accessory Uses shall conform; and

WHEREAS, Section 15.13 of Chapter 15 of the Town Code of the Town of Burns

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Harbor Zoning Ordinance has two (2) sections identified as 15-13-6 and therefore should be amended for clarity and to avoid confusion; and

WHEREAS, notice has been given in accordance with Indiana Code of all proceedings concerning these text amendments; and

WHEREAS, a public hearing has been held before the Burns Harbor Advisory Plan Commission and said Commission has paid reasonable regard, in preparing and considering the proposal, to the factors set forth in Indiana Code § 36-7-4-603, including the Comprehensive Plan; and

WHEREAS, the Commission now certifies its proposal to amend the text portions of the Zoning Ordinance to the Burns Harbor Town Council; and

WHEREAS, the Burns Harbor Town Council concurs with its Advisory Plan Commission and accepts this proposal;

NOW THEREFORE, be it and it is hereby ordained by the Burns Harbor Town Council as follows:

Section 1. That section 15.13.6 of Chapter 15 of the Town Code of the Town of Burns Harbor Zoning Ordinance shall be amended to read as follows:

15-13-6 Storage and the Use of Shipping/Cargo Containers

1. A Shipping Container shall conform to the standards found within each corresponding zoning district. However, nothing in this Ordinance shall restrict the placement of a Shipping Container utilized as a temporary moving pod on any parcel when said shipping container is placed on a parcel for no more than ten (10) consecutive days when the occupant(s) of the residential or business parcel are moving in or out of the residence or building located on that parcel, provided that no Shipping Container shall be located in a circulation aisle/lane, fire access, public utility easement or public right-of-way, including streets, alleys, sidewalks, park strips and/or otherwise impede traffic or pedestrians.
2. No Shipping Container shall be located in a circulation aisle/lane, fire access, public utility easement or public right-of-way, including streets, alleys, sidewalks, park strips, and/or otherwise impede traffic or pedestrians.
3. Except for the use stated above, the use of any Shipping Container requires permit approval from the Burns Harbor Building Commissioner.
4. A Shipping Container may be used for shipping and receiving merchandise and goods in a commercial use, provided that the Shipping Container does not remain on a parcel for more than ten (10) days, and provided that the Shipping Container is not kept in the front setback area or landscaped area, designated parking area, fire access, public right-of-way, or in an area visible from the property's primary street.
5. A single Shipping Container may be used in all residential zoning districts when a building permit has been issued for construction of a residential unit on that parcel. The Shipping Container shall be allowed on the residential parcel during construction only. The Shipping Container shall be removed within ten (10) days after the final building inspection upon completion of the residential unit or ten (10) days after the end of construction period defined within the building permit issued for the parcel, whichever comes first.
6. Each Shipping Container used for construction purposes must be approved by the Burns Harbor Building Commissioner prior to placement when used during construction for less than twelve (12) months.
7. No Shipping Container shall be permitted on a vacant parcel unless the vacant parcel is adjacent to the parcel where a construction or a remodeling project has been approved by the Burns Harbor Building Commissioner.

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8. No Shipping Container shall otherwise be allowed when any portion of the property contains a residential dwelling unit.
9. A Shipping Container may not be used as a dwelling or living quarters, nor for camping, cooking or recreation purposes for any amount of time in any district.
10. The number of shipping containers allowed per business is limited to one (1).
11. In all districts, any Shipping Container must be kept in good repair, be secured against unauthorized entry, and comply with health regulations.
 - A. A Shipping Container is not in a state of good repair when it is incapable of being moved intact, holes in the container exist due to damage or rust, or it has been infested with vermin or other pests.
 - B. Any Shipping Container that has deteriorated and is not in a state of good repair must be removed immediately.
12. Vertical Stacking of Shipping Containers and stacking of any other materials on top of or around any Shipping Container shall be prohibited in all districts.
13. Any Shipping Container existing on any property in the Town of Burns Harbor on the date of final passage of this ordinance shall either be removed from such property or be brought into compliance with the provisions of this section within ninety (90) days of final passage of this ordinance.
14. Districts: **Except as noted above in 15-13-6**
 - A. Residential Open Space District: The use of a Shipping Container in a Residential Open Space (“ROS”) District is prohibited.
 - B. Residential District: The use of a Shipping Container in a Residential (“R”) District is prohibited.
 - C. Downtown District: The use of a Shipping Container in a Downtown (“DD”) District is prohibited.
 - D. Residential/Commercial District 1: The use of a Shipping Container in a Residential/Commercial 1 (“RC1”) District is prohibited.
 - E. Residential/Commercial 2: The use of a Shipping Container in a Residential/Commercial 2 (“RC2”) District is prohibited, except for the following uses:
 - i. Shipping Container may be used for shipping and receiving merchandise and goods in a commercial use, provided that the Shipping Container does not remain on a parcel for more than ten (10) days, provided that the Shipping Container is not kept in the front setback area or landscaped area, designated parking area, fire access, public right-of-way, alleys, or in an area visible from the property’s primary street.
 - ii. A Shipping Container may be used for storing merchandise or goods, including long-term storage, provided that the Shipping Container is not kept in the

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front setback area or landscaped area, designated parking area, fire access, public right-of-way, alleys, or in an area visible from the property's primary street.

- iii. A Shipping Container shall not impede traffic or pedestrians. No Shipping Container shall be located in a circulation aisle/lane, fire access, public utility easement or public right-of-way, including streets, alleys, sidewalks, and park strips.
- iv. Any Shipping Container intended for more than ten (10) days use and visible from any public right of way must be a solid neutral color or match the structure.

F. Business Park District: The use of a Shipping Container is permissible.

- i. A Shipping Container may be used for storing merchandise or goods, including long-term storage, provided that the Shipping Container is not kept in the front setback area or landscaped area, designated parking area, fire access, public right of way, alleys, or in an area visible from the property's primary street.
- ii. Any Shipping Container intended for more than ten (10) days use and visible from any public right of way must be a solid neutral color or match the structure.

G. Special Use District: The use of a Shipping Container is permissible in a Special Use District, except where the Special Use District's primary use is residential, and provided the Shipping Container is not stored on public right of way, in fire access, alleys, in landscaped or front setback areas or in an area visible from the property's primary street.

15. Permit Fees: No application for any permit shall be issued unless it is accompanied by payment for fees pursuant to the fee schedule.

16. Penalties for Violations:

- A. Any person found in violation of any provision of this chapter shall be punishable by a fine of: \$500.00 for a first offense; \$1,000.00 for a second offense, and an additional \$250.00 for each subsequent day the violation occurs after receiving notice of a second offense; and \$2,500.00 for a third offense and the Town will remove the storage container. The owner will be held responsible for all costs of removal and storage of the storage container, the Town will lien property for all costs and fines, and any further permits will be revoked.
- B. For the purpose of this section, a second and third offense occurs when: a violation of the provisions of this chapter is committed by the same person and the violation is of the same provision of this chapter as the previous violation; or the person found to be in violation of the provisions of this chapter fails to remove the storage container in violation of the provisions of this chapter within seven (7) days of receiving notice of the first or second offense.

Section 2. That section 15.13.30 of Chapter 15 of the Town Code of the Town of Burns Harbor Zoning Ordinance shall be amended to read as follows:

15-13-30 Accessory Buildings and Accessory Uses

- A. Accessory Buildings and Accessory Uses shall conform to the

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standards found within each corresponding zoning district.

- B. The development standards contained in this section shall not apply to detached accessory structures used for storage, so long as the structure is two hundred (200) square feet or less in total size, except as in regard to 15-13-30(D).
- C. Accessory Buildings or Accessory Uses, shall be subordinate Building(s) or Use(s) located on the same lot with an existing Primary or Main Building or Use, which are incidental to the Primary or Main Building or to the Principal Use of the land.
- D. All Accessory Buildings, and Accessory Uses shall be restricted by this ordinance, except as governed by specific ordinance, such as in 15-13-8 (pools) and 15-13-19 (fences).
- E. Accessory Buildings and Accessory Uses shall include attached garages, as per state ordinance.
- F. The design of the Accessory Building or Accessory Use shall be in character with the Principal Building and constructed of the same quality permanent materials as the Principal Building including structurally sufficient concrete slab and/or pad per Indiana Code.
- G. The total lot coverage of Primary Building or Use, and all Accessory Buildings and Accessory Uses shall be no more than the maximum lot coverage defined by ordinance for each zoning district.
- H. Any individual Accessory Buildings or Accessory Use shall have no greater lot coverage than up to 90% of the footprint at the ground level of the primary structure, unless specified by ordinance for that zoning district.
 - a. An attached garage shall not be included in the size of the primary residential building.
- I. If additional square footage is sought as part of an application, a Variance request may be issued provided the Standards of Section 15-4-6 have been met.
- J. Subordinate buildings, such as garden sheds, playhouses, or storage or maintenance sheds two hundred (200) square feet or less in total size shall not be considered as part of the overall accessory building calculation.
- K. No Accessory Buildings or Accessory Uses shall be allowed in any recorded easement.
- L. Unless specifically governed by ordinance, Accessory Buildings or Accessory Uses shall be allowed to encroach up to seven (7) feet from the side lot line and up to seven (7) feet from the rear lot line unless the recorded side and rear setbacks are less than seven (7) feet, in which case the encroachment shall be no more than the minimum setback for that lot type in that zoning district.
- M. Only the front porch steps of a residential use shall be allowed to encroach into the front setback in any residential use zone.
- N. Where such Buildings exceed two hundred (200) square feet in area, at least a third of the Building's exterior perimeter shall be landscaped in the same manner as the principal facility.

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- O. The height of the Accessory Building shall not exceed the height of the Principal Building.
- P. PROJECTING ARCHITECTURAL FEATURES: Such features as window sills, bay windows, belt courses, cornices, eaves and other architectural features, shall not project more than eighteen inches (18") into any required Front, Rear or Side Yard.
- Q. All detached Accessory Buildings shall be behind the Rear Principal Building Line.

Section 3. This Ordinance shall be effective upon its adoption and publication.

Plan Commission President McHargue explained these changes clean-up duplicate and conflicting language in Town Code.

Councilwoman Scott made a motion that the Town adopts Ordinance 316-2023. Councilwoman Biancardi seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak – Aye, Councilman Loving – Absent, Councilwoman McHargue – Aye, Councilwoman Scott – Aye. **Ordinance 316-2023 passed on its first reading.**

Councilwoman Biancardi made a motion that the Town declares an emergency and suspends the rules of adopting an ordinance in two separate meetings. Councilwoman Bozak seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak – Aye, Councilman Loving – Absent, Councilwoman McHargue – Aye, Councilwoman Scott - Aye. **Motion passed.**

Councilwoman Biancardi made a motion that the Town adopts Ordinance 316-2023 on its second reading. Councilwoman Bozak seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak – Aye, Councilman Loving – Absent, Councilwoman McHargue – Aye, Councilwoman Scott – Aye. **Ordinance 316-2023 passed and was adopted.**

Ordinance 317-2023 Amending the Text of Chapter 4 Building Code Concerning Applications for Permits:

Ordinance 317-2023 An Ordinance of the Burns Harbor Town Council Amending the Text of Chapter 4 Building Code Concerning Applications for Permits Within the Town of Burns Harbor, Indiana.

WHEREAS, the Burns Harbor Town Council has adopted a Building Code codified as Chapter 4 of the Town Code of Burns Harbor, Indiana; and

WHEREAS, the Burns Harbor Advisory Plan Commission has initiated certain amendments to the text of the Building Code in order to better regulate Applications for Permits in the Town by adopting codes to adhere to requirements for Applications for Permits, and adding restrictions to which all Applications for Permits shall conform; and

WHEREAS, notice has been given in accordance with Indiana Code of all proceedings concerning these text amendments; and

WHEREAS, a public hearing has been held before the Burns Harbor Advisory Plan Commission and said Commission has paid reasonable regard, in preparing and considering the proposal, to the factors set forth in Indiana Code § 36-7-4-603, including the Comprehensive Plan; and

WHEREAS, the Commission now certifies its proposal to amend the text portions of the Building Code to the Burns Harbor Town Council; and

WHEREAS, the Burns Harbor Town Council concurs with its Advisory Plan Commission and accepts this proposal;

NOW THEREFORE, be it and it is hereby ordained by the Burns Harbor Town Council as follows:

Section 1. That section 4.1.6 of Chapter 4 of the Town Code of the Town of Burns Harbor Building Code shall be amended to read as follows:

Sec. 4-1-6. APPLICATION FOR PERMITS.

- A. Site Plan Required. No Building Permit/Improvement Location Permit shall be issued for the foregoing purposes unless the application for a permit is accompanied by a Site Plan, which shall include a plat or sketch of the proposed location showing lot boundaries, Building Lines, Setbacks, and Easements, in addition to plans and specifications showing the work to be done. In cases

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where formal Site Plan approval is required under section 15-3-4 et. seq. of the Town Code or another Ordinance, no Building Permit/Improvement Location Permit shall be issued for the foregoing purposes unless the application for a permit is accompanied by the approved Site Plan. Once the Site Plan has been approved, the Building Commissioner shall process the permit application according to the provisions of this Code.

- B. State Design Release Required. A copy of a Design Release, issued by the State Building Commissioner and the State Fire Marshal pursuant to I.C. 22-15-3-1, shall also be provided to the Building Commissioner before issuance of a permit for construction covered under such Design Release.

Section 2. This Ordinance shall be effective upon its adoption and publication.

Plan Commission President McHargue explained this was a request from the Building Department that would require easements be listed on building permit applications.

Councilwoman Biancardi made a motion that the Town adopts Ordinance 317-2023.
Councilwoman Scott seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak – Aye, Councilman Loving – Absent, Councilwoman McHargue – Aye, Councilwoman Scott – Aye. **Ordinance 317-2023 passed on its first reading.**

Councilwoman Biancardi made a motion that the Town declares an emergency and suspends the rules of adopting an ordinance in two separate meetings. Councilwoman Scott seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak – Aye, Councilman Loving – Absent, Councilwoman McHargue – Aye, Councilwoman Scott - Aye. **Motion passed.**

Councilwoman Biancardi made a motion that the Town adopts Ordinance 317-2023 on its second reading. Councilwoman Scott seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak – Aye, Councilman Loving – Absent, Councilwoman McHargue – Aye, Councilwoman Scott – Aye. **Ordinance 317-2023 passed and was adopted.**

New Business:

Staff anniversary recognition:

Council recognized and thanked Brandon Downey for his two years of service to the Town.

Community Crossing Matching Grant 2022-2 Project bid recommendation:

Matter discussed earlier in the meeting.

EMS Budget:

Councilwoman McHargue informed the Council that Councilwoman Bozak and she met with Clerk-Treasurer Jordan to discuss town finances to determine how the Town could continue to fund the ambulance service. Unless someone comes forward before the next meeting to help fund the ambulance service, it will be a tough meeting.

Building Department ice and water damage:

Clerk-Treasurer Jordan explained the insurance company has determined the damage is not covered under the Town's insurance policy and asked if the Council wants to perform repairs inhouse or contract out the work.

GM/Street Superintendent Wesley explained the section of the roof where the office meets the shop is improperly flashed between the two and that is causing the problem. The roof will need to come off and flashing replaced to make sure everything is sealed well. We do not have the ability to properly flash it.

Clerk-Treasurer Jordan informed the Council that the roof was just replaced. What is the Town's ability to go after the people who performed the work?

Councilwoman Biancardi asked if there was a warranty on the roof.

Councilwoman McHargue asked that someone research if the roof is under warranty.

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Clerk-Treasurer Jordan asked if the drywall from the ceiling and walls could be removed to eliminate any possible mold concerns.

Councilwoman Biancardi suggested that mold testing be performed. If they find minimal to no mold, the GM/Street Department can remove the damaged surfaces. If they find a significant amount of mold, then it should be remediated by a professional.

Councilwoman Biancardi directed GM/Street Superintendent Wesley to call the company tomorrow to have the building tested for mold as soon as possible.

Councilwoman Bozak directed that bids be obtained to do the repairs.

GM/Street Superintendent Wesley asked if he could get companies to bid replacing the gutters on the building.

Councilwoman Biancardi stated yes, just bid them as separate projects. In the meantime, if that comes back as work, we cannot do, not knowing how much it is going to be, I would be open if we had a special meeting. I would be available. If you see mold growing on the drywall, cut it out.

Street sweeping invoice:

Clerk-Treasurer Jordan informed the Council that the Town approved a purchase order to have street sweeping performed last fall. The Town paid the invoice and the check cleared the town's bank account. Since then, the Town received notice from the company that performed the services that they believe we still have an outstanding balance due. The remaining balance the company says we owe was not approved by the Council.

GM/Street Superintendent Wesley stated they billed us for two trucks to come out and sweep. I specifically asked him in an email when he said he was going. They kept pushing us off. They were supposed to be here in September. September came and went; they didn't show up. I contacted them in October. October came and went. Finally, in November, he says we will be there tomorrow. I'm even going to send two trucks and get it knocked out. So, in the email I asked him, is it for the same price and he said the price will not change and then they sent us a different invoice. I said I can't pay this invoice. This is not what was approved.

Councilwoman Bozak asked you have that email? Jane (Clerk-Treasurer Jordan) do you have that email? Can you send Jane that email?

Clerk-Treasurer Jordan stated the original purchase order approved by the Council was for two days in the amount of three thousand dollars. The invoice they sent us originally, was dated eleven eleven, invoice number 27758 was for three thousand dollars. That was paid. I confirmed that check cleared the bank. Then, I was forwarded some invoices from the Street Department. As part of that email, there was an invoice dated eleven eleven, same invoice number and it now said seventy-five hundred dollars. So, we paid an invoice and then I am assuming somebody from the Company altered that invoice that we were originally sent and paid.

Councilwoman Biancardi stated that sounds like an attorney issue here.

Clerk-Treasurer Jordan stated I believe Clay (Attorney Patton) was circled in on that, but the question is, where do we go from here? This vendor operates under five different company names.

Councilwoman Biancardi stated have we used them in the past?

GM/Street Superintendent Wesley stated no, this is a new company that was recommended to me by another vendor that we use to use.

Clerk-Treasurer Jordan stated we got another invoice or somehow another invoice was sent to my office. It might have been via email, again through correspondence, which was dated eleven fifteen. It now has a different invoice number and it's the forty-five hundred dollars, which is the difference between the first invoice and the second one and the amount I paid.

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Councilwoman Biancardi stated I feel like if they want the money they have to go through the attorneys. If they call for the money then we need to tell them to speak to Clay (Attorney Patton).

Camera system for Town Hall and Police Department building:

Town Marshal McHargue submitted four quotes for a camera system to be installed at the Town Hall/Police Station: Smart Home Solutions \$3,646.90, Line6 Security \$1,918.39, Per Mar Security Services \$4,612.48 plus monthly monitoring fee \$186.74, and Eagle Eye Solutions and Security \$4,868.91.

Councilwoman Biancardi informed that her preference is for no continued monitoring service fee after installation.

Town Marshal McHargue explained he dealt with every company that walked through the building and his preference would be the quote from Line6 for a seven camera system. There are no revolving costs. We would have remote access. The hallway cameras pointing to the clerks' windows and the meeting room would be audio and video.

Councilwoman Biancardi made a motion that the Town accepts Line6 Security quote in the amount of \$1,918.39 and be paid from Cumulative Capital Development Fund or CEDIT Fund whichever is more appropriate. Councilwoman Scott seconded the motion.

Councilwoman Bozak stated when you say the cameras will cover all the parking lot is that going to cover the same things that the Street Department cameras cover? Are we going to need to re-adjust things or are you not really sure where those cameras are going. Town Marshal McHargue stated this is specific to Town Hall. We have two entrances and exits, a drop box that has to be covered for the sanitation department as well as the bus stop. There is one that is going to cover the area of the police garage and there is going to be another one that shoots all the way down the exit out here. There will be four on the outside which is significantly more than what's in place now. Councilwoman Bozak stated we're just going to have to look at the angles. I know that Rob's (Street Department) are there to watch the recycling and garbage making sure that people aren't dumping. So, I guess we are going to have to pay attention and make sure you guys are looking at the views and we aren't pointing two cameras at the exact same thing. Town Marshal McHargue stated Rob's (Street Department) won't see anything from up here. Our cameras will be here specifically the bus stop, and the sanitation drop box, and you won't be able to come or leave without being captured at some point in time. Councilwoman Biancardi – Aye, Councilwoman Bozak – Aye, Councilman Loving – Absent, Councilwoman McHargue – Aye, Councilwoman Scott – Aye. **Motion passed.**

Tax abatement year 2022 pay 2023 for MasterLink:

Clerk-Treasurer Jordan informed the Council several years ago the Town Council approved tax abatement for a company on US20 called MasterLink. Since then, they have sold to a new owner and with tax abatement the Council has a right to deny that abatement each year. The abatement was granted to MasterLink, not the new owners, but because we pay taxes in arrears you have a line in that resolution that allows the Town to claw back any tax abatement granted in previous years based on certain circumstances. Attorney Patton requested time to review the documents.

Councilwoman Biancardi asked if we do nothing, that abatement just ends because he is not the property owner any more.

Clerk-Treasurer Jordan stated keep in mind he (owner of MasterLink) applied for tax abatement last year for credit for that abatement for this year. You are paying taxes in arrears. Depending on what the agreement was when the previous owner sold the property to this new owner, potentially this new owner could see that abatement.

After further discussion, Councilwoman Biancardi asked that the town attorneys review the abatement and the Town's options on this matter.

Attorney Doane informed the Council they would review the matter.

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Approval of February 2023 financial report:

Councilwoman Bozak made a motion to approve the February 2023 financial report.
Councilwoman Biancardi seconded the motion. Councilwoman Biancardi – Aye,
Councilwoman Bozak- Aye, Councilman Loving – Absent, Councilwoman McHargue –
Aye, Councilwoman Scott – Aye. **Motion passed.**

Approval to pay vouchers with 3 or more signatures:

Councilwoman Biancardi moved to approve vouchers with three or more signatures.
Councilwoman Bozak seconded the motion. Councilwoman Biancardi – Aye,
Councilwoman Bozak- Aye, Councilman Loving – Absent, Councilwoman McHargue –
Abstain, Councilwoman Scott – Aye. **Motion passed.**

Approval of purchase orders submitted with 3 or more signatures:

The following purchase orders were presented for discussion: 3030, 3068, 3073, 3074, &
3094.

Councilwoman Scott made a motion to approve all purchase orders submitted to the
Council with three or more signatures. Councilwoman Biancardi seconded the motion.
Councilwoman Biancardi – Aye, Councilwoman Bozak- Aye, Councilman Loving – Absent,
Councilwoman McHargue – Abstain, Councilwoman Scott – Aye. **Motion passed.**

Old Business:

ADA Transition Plan review and status update:

Councilwoman Biancardi recommended that the Town use this year's ADA funds to update
Lakeland Park's four handicap parking spots with van lanes and signage and install rumble
strips at the points where the walking path and sidewalks meets the park's drive. If there
is money remaining, we can ask if there are other projects.

GM/Street Superintendent Wesley informed the Council that he ordered signage last year,
but it has not been installed.

Sanitary Board membership:

Councilwoman McHargue reminded the Council the Town is still looking for a professional
engineer to serve on its Sanitary Board.

Clerk-Treasurer Jordan informed the Council that she has reached out to Charles
Anderson, Engineering Manager for DLZ four times. Since Mr. Anderson has been
transferred to DLZ's Merrillville office and is still performing a lot of the duties at both
offices, DLZ may not be an option for the Board. If she hears otherwise, she will inform the
Council.

Councilwoman Biancardi stated it would be nice if Cleveland-Cliffs would provide that
person.

Deputy Clerk Peffers stated they don't have anybody on staff. They contract out their
professional engineering services.

Body camera decommission matter:

Town Marshal McHargue informed the Council he is waiting to hear back from Beverly
Shores to see if they are still interested in the body cameras.

Pre-employee background check policy:

Town Marshal McHargue informed the Council that he cannot run a criminal history on
every employee that the Town hires, but can set up an Indiana.gov account, which has a
minimal cost when someone is run. The Police Department can also do a limited local
background check. The Town would want to discuss who would be responsible for
checking references. The Town should use conditional offer of employment letters.

Clerk-Treasurer Jordan informed the Council we were able to get sample forms from the
City of Valparaiso. The consensus from talking to many of the communities around us is
that they utilize their Police Department to perform the background checks. I would feel
comfortable having our Police Department do those checks, only passing on information
that is necessary to determine if we should proceed with the hire. What may need further
discussion is having written criteria for what is acceptable and what is not, so it is not

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subjective and can be defended in court. Also, the communities I spoke to, don't perform financial background checks. I would like to look into doing those for people who have access to larger sums of money. Although employees are bonded, I would like to pursue a process for financial background checks to protect the Town further.

Councilwoman Biancardi stated I defiantly feel that whoever is doing the hiring should be doing a reference check. I like the idea of a conditional offer, because you can say based on these things.

Town Marshal McHargue stated you are going to say on your application you were either convicted of felony or not and we are going to confirm that. The issue is how often can you be a suspect? That is a subjective thing. The point is, I don't know how you set that guideline.

After further discussion, it was decided it may just be a subjective decision based upon an individual's circumstances.

Councilwoman Bozak suggested that in situations when the background checks reveal possible concerns that a group discusses the matter and decides rather than one person.

Town Marshal McHargue explained some information may be subject to disclosure in certain cases, but that could be an option to have a two or three member board that looked at it. It will be a rare case. We will keep working on this.

Trash fee appeal process:

Councilwoman Biancardi explained if residents pay ahead and then move, they are entitled to a refund. There is a question about if gone or on vacation for several months, is a credit part of our contract with Republic Services now, because that is who we pay for trash service? If the Town grants an appeal, but Republic does not recognize it, it still has to be paid. An appeal process would be necessary for someone who pays ahead and then moves, but not paying when you are away would need to be part of the Republic Service contract.

Clerk-Treasurer Jordan informed the Council that is currently not in the Town's contract with Republic Services.

Councilwoman Biancardi stated if we were to grant that, we're paying it, just as a matter of fact.

Clerk-Treasurer Jordan stated maybe an appeal process is not the appropriate word to use here. At a minimum, we want some process in place for refunding money that was overpaid. I guess I am using the work appeal process because we have had several residents come before us and ask what their appeal rights are.

Councilwoman Biancardi suggested it's a conversation to have with our representative if it is a possibility and volunteered Councilman Loving to contact Republic Services on the matter.

Council consensus was to use the Sanitary Board's language to prepare a refund process for trash over-payment refunds.

Good of the Order of the Community:

None.

Councilwoman Scott made a motion that we adjourn. Councilwoman Biancardi seconded the motion. Councilwoman Biancardi – Aye, Councilwoman Bozak – Aye, Councilman Loving – Absent, Councilwoman McHargue – Aye, Councilwoman Scott – Aye. **Motion passed.**

There being no further business to discuss, the meeting concluded at 8:42 p.m.

Approved at April 12, 2023 meeting.

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Jennifer McHargue, President
Roseann Bozak, Vice-President
Toni Biancardi
Nicholas Loving
Angella Scott

ATTEST:
Jane M. Jordan, IAMC, MMC, ACPFA, CPFIM, CMO
Clerk-Treasurer