

**VILLAGE OF GRAND BEACH
SPECIAL COUNCIL MEETING
JUNE 7, 2021**

Council President Deborah Lindley called the electronic (virtual) Zoom Special Council Meeting to order at 2:00 p.m. EST.

Lindley read the following information regarding the remote meeting:

This meeting is being held remotely due to the COVID-19 pandemic in compliance with the Open Meetings Act, Public Act 267 of 1976, as amended, and pursuant to the provisions of enrolled Senate Bill 1246, Public Act 254 of 2020 amending the Open Meetings Act to allow meeting remotely under Berrien County's Declared State of Emergency. All Council members should identify themselves prior to speaking so that everyone is aware of who is speaking. The President of the Council will read all of the agenda items as we go along for those that cannot see the agenda.

There will be two times when the public can speak.

- The first time will be during "comments on agenda items".
- The second time is during "public comments-general" where you can speak about any concerns.
- All audience members will be muted until it is time for them to speak.
- Please identify yourself before speaking.

Lindley asked that residents spend time reading the agenda and minutes that are available on the website in order to be informed and updated on Village business. She said the Council strives to be transparent and has discussed the topic of trash can removal several times over the years and discussed the new program in April and May.

ROLL CALL – IN ATTENDANCE

James Bracewell – Attending remotely from Grand Beach, Michigan
Paul Leonard – Attending remotely from Hammond, Indiana
Deborah Lindley – Attending remotely from Indianapolis, Indiana
Blake O'Halloran – Attending remotely from Grand Beach, Michigan

ADOPT AGENDA

Lindley moved, seconded by Bracewell to adopt the agenda as presented.

Roll Call

Paul Leonard Jr.	Aye
Deborah Lindley	Aye
Blake O'Halloran	Aye
James Bracewell	Aye

Motion carried unanimously 4-0.

COMMENTS ON AGENDA ITEMS

The Village Council heard comments, complaints and concerns from the following Village homeowners both in favor and against the trash can removal program that was approved at the April 21, 2021 Council meeting. The program would require that trash cans be set out at the edge of the street no earlier than 12:00 p.m. EST the day before trash and/or recycle pick up and be removed no later than 9:00 a.m. EST the day after pick up. If cans are at the edge of the street outside of these times, the Village will move them back up to the house for a fee of \$20 each time the service is needed.

Comments and concerns included;
Discriminatory to part-time residents
Fee is too high

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Too difficult to move for elderly or handicapped
Some live on steep hills and can't move cans
One size does not fit all in the Village
Not worth the controversy or discourse in the Village
Doesn't like to have to count on the neighbors
Village should hire someone to remove cans for the whole Village and charge a fee to everyone
Price from Able Disposal to move cans 15' up the driveway is too high, should be negotiated
Doesn't solve problem, there will still be bags of leaves on the streets
Cans are not an eyesore
People might discontinue recycling because of cost to move the can
More important issues in the Village
Amazed at how quickly this issue is dealt with when other issues brought to Council were not dealt with
Should help one another as neighbors
Part-time homeowners pay for trash and recycle year around which subsidizes the expense for full-time residents
Many times cans are overflowing when left out for days
People leave cans out in old Village for entire winter
Certain that where homeowners live full-time, they are not allowed to leave cans out
Good program, but it's all about the execution
Roads are narrow, happy to see the program
Cans are an eyesore
Previous survey showed 325 Grand Beach resident's number one concern was beautification

John Rafkin
David Manecke
Linda Krier
John Walles
Vicky Hoover
Bill Oleferchik
Laura Durkin
Dan Neustadt
Terry Lyne
Mike O'Halloran
Peggy Bulger
Judith Blackburn
Ray McDonald
Mark Mann
Margaret Piper
Anne Phillips
John Asplin
Anthony Ulizio
Erin Kerr
Moiria Pollard
Valorie Werner
Robert Milano
Anne Durkin
Howard Bayer
Ray Kratzer
Karen Larkin-Johnson
Luke Holly

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Laura Desmond
Colleen Healy
Nancy Burke

UNFINISHED BUSINESS

TRASH CAN REMOVAL

Council President Lindley said that there used to be dumpsters behind the maintenance building where people could drop off their trash, but it became such an eyesore with people dropping off things other than trash that it was discontinued. She said over the years the Council has asked residents to find a way to get their trash cans in and out in a timely manner, but there are more and more people who leave them out all week. She said the Council heard comments that people wanted Grand Beach to sparkle and shine, but trash cans take away from the luster. The Council has heard that it can be a problem parking in the old section of the Village when the cans are out. The Council tries to be respectful of all needs. Many have mentioned the taxes they pay, but Lindley reminded them that only a small portion of those taxes go to the Village.

Lindley said she researched trash can rules in other places in our area and the Chicago area, and she did not find any that allow for trash cans to be left out all week, unless you are in the City of Chicago and put the cans in the alley. She mentioned the rules for Trail Creek, Long Beach and New Buffalo regarding trash cans.

Lindley said Able Disposal has a “back door service” which some residents currently use. There is a charge of \$25 per month for trash and \$25 per month for recycle and they will pick up the can from your house, bring it to the truck to empty and return it to the house.

Clerk Mary Robertson said that she had been in contact with Able Disposal and they would move the cans 15’ up the driveways to get them off the streets for the entire Village at a cost of \$8.25 per month for trash and \$8.25 per month for recycle for every property. The annual cost would be \$89,100.

Lindley said the Village has hired someone to move the cans, and there were notes put on the cans and no charge last week. They will continue to move the cans at no charge until something is decided.

O’Halloran said the Council is striving to make the Village the best it can be. He said the cans are unsightly and he doesn’t think the execution was done well. He read all 23 pages of emails from concerned residents which show that there is a lot of interest in the topic. He said the issue is getting the cans off of the streetscape and moving the cans 4’ off the street’s edge is not getting them off the streetscape.

O’Halloran said that there are locations where there are difficulties in placement of the cans and that is something that the Council is going to have to work on. He suggested the possibility of enclosures for the cans. Lindley said that trash cans would need to come out of the enclosures and be put back in the enclosures.

He said the Village does not want animosity between the summer residents and full-time residents. The goal is to make Grand Beach as beautiful as we can. He said the Council will figure out the specifics.

Leonard said that the Council has been fielding complaints about trash cans for a long time. He said in the Eiffel Towers area there are many time cans fly around when it’s windy. He said the point is to get them off the street so they don’t pose a threat. He said he didn’t hear anyone say they can leave their cans out at their full time residence, and Grand Beach should not be any different. He said the Village does not have \$89,100 in the budget to pay Able Disposal to move the cans, and the Village can do it for a lot less money. He suggested that for the time being the

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Village suspends the enforcement until the Council comes up with a better way to allow residents to remove their cans.

Bracewell said he thinks \$89,000 is an absorbent amount. Some of the solutions could be to tax everyone and forget about it, but no one said forget about it and no one said they didn't want the Village to look nicer and those are significant points. He said the Village did not sit down to create something that is discriminatory or hurtful. He thinks the Village is willing to work out the details.

Lindley said that she would like to have ideas for the June meeting. The Village will suspend all charges until specifics are worked out. She said if you can't pull your cans back, the Village employees will move them, but if you can move them, please do so as we need to have an idea of how many need the service.

NEW BUSINESS

RESOLUTION OF OPPOSITION OF HB 4722 AND SB 446

O'Halloran read SB 446 which is the same as HB 4722 related to short-term rental (STR) property. Lindley read a proposed resolution to oppose the house and senate bills.

O'Halloran said that he didn't think the bills applied to Grand Beach, and he doesn't see how it takes away regulation by the Village.

Leonard said he sees it very differently, stating that the overall scope of the bill is to make it very difficult to regulate short-term rentals. He said that in regulating STR's, the bills would require that it be applicable to all residences, and not only STR's. He said it doesn't matter what the zoning says about STR's because if passed, it will be covered by the state regulations and not the local government. He said a resolution in opposition will not cost the Village anything but will add our voice to the Michigan Municipal League who is adamantly opposed.

Leonard moved, seconded by Bracewell to adopt resolution #2021-05 regarding short-term rentals and send a copy to our representative and senator.

Roll Call Vote

Deborah Lindley	Aye
Blake O'Halloran	Nay
James Bracewell	Aye
Paul Leonard	Aye

Motion carried 3-1.

PUBLIC COMMENTS – GENERAL

John Walles – Spoke about concerns with trash cans and hopes that the Council sees this as a 2022 issue. Suggested we need to negotiate with Able Disposal.

John Rafkin – Thanked the Council for reconsidering. He is concerned with the noise created by the use of power blowers and power washers all weekend throughout the whole summer.

Gina O'Halloran – She is trying to find out what the end game will be on rentals in Grand Beach. She represents several homeowners in the Village who use their homes several times a year and also rent them out and these homes are not being used as commercial property.

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Georjean Nickell – Thanked the Council and suggested that if the Village handles the removal of the cans itself that maybe they consider a permit with a sticker. She doesn't see why we should pay Able Disposal more money.

Karen Larkin-Johnson – Suggested a large container with a lid like she has seen in Florida that people can put their trash in if they won't be in the Village to move the cans.

Laurie Roche – She said one word that wasn't mentioned is respect and doesn't understand why people would leave their cans out day in and day out. She said most communities near Chicago have garbage ordinances that speak clearly to when you can put the cans out. She said zoning is the backbone of the community.

CORRESPONDENCE

EMAILS FROM VARIOUS PROPERTY OWNERS REGARDING TRASH CAN REMOVAL

ADJOURNMENT

Lindley moved, seconded by Leonard to adjourn the meeting.

Roll Call

Blake O'Halloran	Aye
James Bracewell	Aye
Paul Leonard	Aye
Deborah Lindley	Aye

Motion carried unanimously 4-0.

With no further business, the meeting was adjourned at 4:31 p.m. EST.

Respectfully Submitted,

Mary J. Robertson
Clerk-Treasurer