

**VILLAGE OF GRAND BEACH  
REGULAR COUNCIL MEETING  
APRIL 20, 2022**

**CALL TO ORDER**

Council President Deborah Lindley called the regular council meeting to order at 7:02 p.m. EST in the upper level of the Village Hall. Present in addition to Lindley were Peter Doerr, Paul Leonard Jr. and Blake O'Halloran. James Bracewell was not in attendance.

**ADOPT AGENDA**

Lindley moved, seconded by Leonard to adopt the April 20, 2022 agenda as presented. Motion carried unanimously 4-0.

**ADOPT CONSENT AGENDA**

- a. Approve Village Council Minutes:
  - i. Regular Council Meeting Minutes – March 16, 2022
  - ii. Budget Meeting Minutes – April 9, 2022
- b. Resolution #2022-01 – MDOT Performance Resolution
- c. Pay Bills with Written Additions

Lindley moved, seconded by Leonard to remove *the Regular Council Meeting Minutes – March 16, 2022* from the consent agenda and adopt the consent agenda. Motion carried unanimously 4-0.

**APPROVE MINUTES – REGULAR COUNCIL MEETING MINUTES – MARCH 16, 2022**

O'Halloran had concerns with the minutes in regards to the millage request. After discussion, O'Halloran moved, seconded by Leonard to approve the Regular Council Meeting Minutes – March 16, 2022 as presented. Motion carried unanimously 4-0.

**PUBLIC COMMENTS ON AGENDA ITEMS**

Village resident John Rafkin addressed the Council concerning the proposed trash can ordinance.

**PUBLIC HEARING**

**PROPOSED BUDGET HEARING- BUDGETS FOR FISCAL YEAR 2022-2023**

Lindley opened the public hearing on the budgets for fiscal year 2022-2023 at 7:17 p.m. EST, and with no comments from the public, the hearing was closed at 7:17 p.m. EST.

**PRESENTATIONS/RECOGNITION**

**NEW BUFFALO SHORELINE ALLIANCE REPORT**

Ted Grzywacz and Ed Oldis of the New Buffalo Shoreline Alliance (NBSA) spoke about the takings claim that was filed during the second week of January, 2022 and the need to get additional lakefront owners in Grand Beach to become plaintiffs in order to claim damages. They said they have over 80% participation everywhere except Grand Beach where there is only 48% participation. They said they currently have 33 out of 68 of the lakefront owners, and would like to get to 70%. If they win the lawsuit, the funds will be used for sand nourishment and they plan to start 200' from the harbor and go to the western edge of Grand Beach.

There was discussion about the NBSA pulling out of the Section 111 with the Army Corps. Grzywacz said that they told the Army Corps that they were going to withdraw and that Grand Beach should not be responsible for any costs. They withdrew from the Section 111 on 10/29/2020.

## Regular Council Meeting – April 20, 2022

NBSA members asked the Village of Grand Beach if they would become a plaintiff of the lawsuit so that they can include the damages that the Village has had to the pumphouse and beach accesses. Leonard said that the Village needs to talk to Village Attorney Sara Senica, and until we have her advice, he doesn't think the Council should take a public position with what property owners should do.

Village residents Doug Blauw, Victoria McHugh and Rebecca Morrissey addressed the Council during the discussion.

### COMMISSION REPORTS

**BUILDING & ZONING:** Bracewell was not in attendance.

**PARKS & BEACHES:** Doerr had nothing to report.

**STREETS & WATER:** Leonard said that the permit application for the water lines for the Farwell property has been submitted, and Rob Andrew of Merritt Midwest will get bids for the project and forward them to the Council. He said the Grand Beach Road drainage project is finishing up and the Village will prepare it for seed. He said there are 11 new homes going up so there will be a lot of water taps to be done. With that, he said that the Village is going to have to look at infrastructure and the demand on our water system.

He said he and Superintendent Bob Dabbs looked at roads in the Village and aside from an expansion for the golf carts, they have identified roads that need to be repaired and paved as Holiday Hills, a section of Grand Beach Road from the tracks to the arch, Royal and Anna Livia Way. He said according to Clerk Mary Robertson, the Village should be able to come up with approximately \$125,000 for the 50/50 match, and if full grant request is approved, the Village would have \$250,000 to spend on roads. He said the roads in the Eiffel Towers area are in bad shape, but because of the construction of five new homes, they'll have to wait. The Village is going to install a drain on Grand Beach Road where there is continual ponding.

**POLICE:** Lindley thanked the officers for their work and said that it was another light month, but it will get busier soon.

**PRO SHOP & COURSE:** O'Halloran said the golf course is open. He said that the Village has put in new flooring, painted cabinets and doors and will recover all chairs. They will be expanding the golf cart charging stations soon and will build a canopy next year to cover the 20 leased golf carts. He said the tree maintenance to make the golf course safe and a better experience for all golfers has been completed.

### SERVISCAPE REPORT

Clay Putnam said spring cleanup is ongoing and the irrigation system has been pressurized.

### PERSONNEL REPORTS

**SUPERINTENDENT:** In addition to his written report, Superintendent Bob Dabbs said that they need to remove a tree next to the sidewalk near the arch which is a hazard. Lindley asked Dabbs to take down the pine trees along Grand Beach Road that are dead.

**POLICE CHIEF:** In addition to his written report, Chief Ryan Layman reported that the officers had training at the range and all officers qualified with handguns.

**BUILDING INSPECTOR:** In addition to his written report, Bill Lambert said there are 12 new homes going up and four more in the pipeline for Eiffel Towers. He said there are four homes going up in Golfmore Estates and two more to come.

Lindley brought up the issue of a camper trailer parked at a home construction site being used as a construction trailer. She said that there is an ordinance against trailers being parked at homes for more than two weeks without a special permit. Lambert and Leonard said that they consider this a construction trailer.

## **UNFINISHED BUSINESS**

### **TRASH CANS**

Lindley included a list of requirements that will be put into an ordinance regarding trash can removal. She said the cans will need to be tagged and numbered to make sure they are taken back to the correct home.

O'Halloran said that there are only 10% of people who don't bring their cans back. He said those people can contract with Able Disposal or have their neighbor help out, and added that a lot of people have figured it out. He said there are some roads that will be exempt from the regulations.

Doerr said he was a part-time resident for 22 years and he was able to make sure his cans were pulled back. He said he noticed that it looks a lot different now with people pulling their cans back.

Leonard moved, seconded by O'Halloran to approve the proposed regulations as presented. Motion carried unanimously 4-0. Clerk Mary Robertson will send the information to Village Attorney Sara Senica so that she can create an ordinance.

## **NEW BUSINESS**

### **CYBER SECURITY ASSESSMENT UPDATE – BRENDAN DUFFNER & CLERK MARY ROBERTSON**

Lindley said that Village resident Brendan Duffner graciously offered to give the Village assistance with cyber security. Duffner said he has been in the cyber security business for 15 years. He said the reason this came up was that the Village was looking at purchasing cyber security insurance and he feels with the size of the Village and what we do, that the Village is fairly secure. He said that the cost of insurance was between \$1,800 and \$2,000 with a \$25,000 deductible, and after making the changes he is suggesting, that the Village should be able to get that cost down.

He said one of the biggest security breaches involves passwords, and he suggested that the Village office use a password manager. He said he worked with Peter Kramp who is the owner of The Tech of Southwest Michigan who provides the Village office with its firewall, and the firewall we currently have is larger than needed, so they decided it would be a good idea to replace it with a smaller firewall. He said the Apple devices in the pro shop used for the point of sales system are sand boxed and encrypted, and they aren't included in the new plan since they have different architect. Duffner said the number one concern for the Village and for the Council is email, adding that ransomware has exploded by 3000% and there is no 100% fool proof against ransomware. He likes web filtering and for the small cost, the investment is worth it.

### **CYBER SECURITY PROPOSAL**

Lindley moved, seconded by O'Halloran to accept the suggestions made by Brendan Duffner and Peter Kramp of the The Tech of Southwest Michigan at a cost of \$191.20 per month and a one-time charge of \$747.50 for labor to make the changes. Motion carried unanimously 4-0.

## **PROPOSED 2022-2023 BUDGETS**

Lindley said that Clerk Mary Robertson made changes to the budgets after the budget meeting. She said the Council will adopt the budgets and millage rate prior to the May Council meeting. Lindley thanked everyone for their work on the budget and said that we still have to pay another \$35,000 for a generator, pay for the Ely water loop and roads, so we do need to watch our budgets.

**SOCIAL CLUB CONTRACT**

Lindley moved, seconded by Leonard to approve the Social Club contract for the 2022 season. Motion carried unanimously 4-0.

**REQUEST FOR FAMILY FEST**

Lindley moved, seconded by Leonard to allow the use the clubhouse and the circle as requested for the Family Fest. Motion carried unanimously 4-0.

**NEW BUFFALO HIGH SCHOOL REQUEST TO USE GOLF COURSE**

Lindley moved, seconded by O'Halloran to approve the request from New Buffalo High School for boy's golf for meets and practice as stated in their letter of request. Motion carried unanimously 4-0.

**FINISH MOWER BIDS**

O'Halloran moved, seconded by Leonard to accept a bid from Frontier Lawn in the amount of \$14,200 for the purchase of a finish mower. Motion carried unanimously 4-0. There was an additional bid from Burke's Lawn and Garden Equipment in the amount of \$14,699.00.

**UTILITY VEHICLE BID**

O'Halloran moved, seconded by Leonard to purchase a utility vehicle from Kenny Outdoor Solutions in the amount of \$8,000. Motion carried unanimously 4-0.

**GLASS AND PLEXIGLASS FOR COUNTERTOPS IN PRO SHOP**

O'Halloran moved, seconded by Leonard to approve \$1,900 for glass and plexiglass to protect the counters in the pro shop. Motion carried unanimously 4-0.

**LANDSCAPE ARCHITECT PROPOSAL – GRAND BEACH ROAD**

O'Halloran obtained a quote for landscape design along Grand Beach Road where the burning bushes and trees were removed because of the drainage project. He suggested hydroseeding and getting additional proposals from landscape architects to do something in the future to make the area look beautiful. He said there are landscape architects in the Village who might be willing to help.

**HYDROSEEDING PROPOSAL – GRAND BEACH ROAD**

O'Halloran moved, seconded by Leonard to have ServiScape hydroseed along Grand Beach Road from Highway 12 to the arch at a cost of \$4,158. Motion carried unanimously 4-0.

**GRAND BEACH NATURE PRESERVE SIGN PROPOSALS**

Lindley said that we have received several proposals for the sign for the Grand Beach Nature Preserve. She said purchasing the property has been a lot of work and will be a legacy.

Lindley moved, seconded by O'Halloran to accept the bid for a large road sign from Burkett Signs with option 2 at a cost of \$12,500. Additional bids were received from ArtFX in the amount of \$13,400 and SignWriter in the amount of \$21,598.

**GRAND BEACH NATURE PRESERVE SIGN LOCATION**

Lindley suggested that the Village install the large sign on Golfview Road and the plaque at Rodhe Field.

**POLICE CAR BID**

Lindley moved, seconded by Leonard to accept a bid from Tim Lally Chevrolet for a 2023 Chevrolet Tahoe PPV 4WD with a cost not to exceed \$53,000. Motion carried unanimously 4-0.

**WAYNE HEATING PROPOSAL**

Lindley moved, seconded by Doerr to continue having Wayne Heating & Air Conditioning Co. service the furnaces and air condition units for the Village. Motion carried unanimously 4-0.

**SHEET METAL REMOVAL**

Lindley said Doerr has requested the removal of sheet metal from the beach. She said there is \$30,000 set aside in the Capital Projects fund and another \$20,000 to be moved to Capital Projects for this year.

Doerr moved, seconded by Lindley to get bids to remove the sheet metal from the beaches. Motion carried unanimously 4-0.

**LAKE AVENUE/JENSEN COURT SURVEY**

The Council discussed the need for a survey of Lake Avenue/Jensen Court so that the Village will know where the Village property begins since there is a private homeowner using the area for parking. Doerr said that the Parks and Rec Committee would like to highlight the beach because it services a lot of people. Bob Dabbs said that this is an area that is used for equipment to access the beach.

Lindley moved, seconded by Doerr to spend up to \$6,000 for the survey of Lake Avenue/Jensen Court with funds that have been set aside in Capital Projects for the tennis courts. Motion carried unanimously 4-0.

**MDOT GRANT FOR STREET PAVING**

Leonard moved, seconded by O'Halloran to proceed with the completion of a grant application and submission to MDOT for a one-to-one grant in the amount of \$125,000. Motion carried unanimously 4-0.

**NON-HOMESTEAD TAXES**

Lindley explained how the property taxes work for non-homestead parcels since there has been some confusion among second homeowners who think that they are paying more in taxes to Grand Beach than full-time residents. She said that a mil is \$1.00 for every \$1,000 of taxable valuation. She said that 1 mil on a home worth \$1,000,000 (\$500,000 of taxable value) would be \$500 per year. She said that second homeowners pay the same millage rate of 6 mills plus additional mills to other entities as full-time residents, and second homeowners (non-homestead) pay an additional 18 mills to the local school corporation.

**MILLAGE INCREASE**

Lindley said that she included information in the Council packets regarding a millage increase and said if the Council waits until 2024 to ask for the increase, the Village will not receive tax dollars until 2025 and will then need to go out to bids for different projects.

There was discussion regarding the need for a master plan before asking for a millage increase. There was concern that if there isn't a plan for infrastructure and other needs, the people might not vote in favor of a millage increase.

**BUDGET AMENDMENTS**

**GOLF FUND FY 2021-2022**

Leonard moved, seconded by O'Halloran to approve the budget amendment for the Golf fund FY 2021-2022 to include \$20,000 for contractual services for the drainage, \$13,475 for building improvements and a reduction in equipment purchases of \$1,100. Motion carried unanimously 4-0.

**CAPITAL PROJECTS FUND FY 2021-2022**

Leonard moved, seconded by O'Halloran to approve a budget amendment for Capital Projects FY 2021-2022 to cover half the costs of the drainage project. Motion carried unanimously 4-0.

Regular Council Meeting – April 20, 2022

**RESOLUTION #2022-02 – GOLF CART LEASE**

O’Halloran said that the Village received additional paperwork from EZ-Go and the bank, and they tried to require that the Village pay the freight costs to send golf carts back to them at the end of the lease, but after speaking with them, that requirement was removed.

O’Halloran moved, seconded by Lindley to sign Resolution #2022-02, the Return Rider, and the Certificate of Acceptance regarding the leased golf carts. Motion carried unanimously 4-0.

**RETURN RIDER AND CERTIFICATE OF ACCEPTANCE – GOLF CARTS**

**PUBLIC COMMENTS – GENERAL**

Village resident Angela Trainor commented about the beach stairs at Whitewood and the need to replace them.

Village resident Ed Trainor commented about the millage rate, stating that the second homeowners only know Grand Beach and don’t know the other entities.

Village resident John Rafkin said that he was disappointed that the Council passed an ordinance regarding the trash can removal with one day’s notice.

Village resident Judith Blackburn said that she’s noticed that people don’t know how to place their trash cans and sometimes they are skipped over. She asked about a beach clean up to move the small rocks on the beach.

**CORRESPONDENCE**

**JUDITH BLACKBURN – TRASH CANS**

Lindley thanked Judith Blackburn for her letter in favor of the trash can regulations.

**BOIS BLANC TOWNSHIP – SUPPORT OF RESOLUTION**

Lindley said the Village received a letter from Bois Blanc Township asking to send letters of support to the legislators to allow Council members to attend meetings via Zoom. Leonard said that the Open Meetings Act needs to be updated to bring it into the 21<sup>st</sup> century. He said we have the capability now, but Council members aren’t allowed to attend virtually.

**ADJOURNMENT**

Lindley moved, seconded by O’Halloran to adjourn the meeting. Motion carried unanimously 4-0.

With no further business, the meeting was adjourned at 10:26 p.m. EST.

Respectfully submitted,

Mary J. Robertson  
Clerk-Treasurer