

**VILLAGE OF GRAND BEACH  
REGULAR COUNCIL MEETING (HELD ELECTRONICALLY)  
APRIL 21, 2021**

**CALL TO ORDER**

Council President Deborah Lindley called the electronic (virtual) regular council meeting to order at 7:02 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, (MCL 15.264), 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. The President will read the agenda items for those that can't follow online.

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.

**ROLL CALL – IN ATTENDANCE**

James Bracewell – Attending remotely from Grand Beach, Michigan

Paul Leonard – Attending remotely from Grand Beach, Michigan

Deborah Lindley – Attending remotely from Grand Beach, Michigan

Blake O'Halloran – Arrived to Zoom Meeting at 7:05 EST - Attending remotely from Grand Beach, Michigan

**ADOPT AGENDA**

Lindley moved, seconded by Leonard to adopt the April 21, 2021 agenda as presented.

Roll Call Vote

Paul Leonard           Aye

Deborah Lindley       Aye

James Bracewell       Aye

Motion carried unanimously 3-0.

**ADOPT CONSENT AGENDA**

- a. Approve Village Council Minutes:
  - i. Regular Council Zoom Meeting, March 17, 2021
  - ii. Budget Work Session Zoom Meeting, March 26, 2021
  - iii. Special Council Zoom Meeting – Storm Water, April 12, 2021
- b. Pay Bills with Written Additions

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

Roll Call Vote

Deborah Lindley       Aye

Blake O'Halloran       Aye

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James Bracewell        Aye  
Paul Leonard            Aye

Motion carried unanimously 4-0.

**COMMENTS ON AGENDA ITEMS**

None

**PRESENTATIONS/RECOGNITION**

None

**PUBLIC HEARINGS**

**BUDGET HEARING – PROPOSED 2021-2022 BUDGETS**

Lindley moved, seconded by Leonard to open the public hearing for comments regarding the proposed 2021-2022 budgets at 7:06 p.m. EST.

Roll Call Vote

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

Motion carried unanimously 4-0.

There were no comments from the public. Council Member Leonard complimented those that worked on the budget and said he appreciates the hard work by all involved. He added that it is nice to have a budget with more revenue than expenses and hopes nothing comes up to change it.

**COMMISSION REPORTS**

**BUILDING & ZONING:** Bracewell stated that they had suspended a building permit for the Hunter house in Fifteen Acres until Hunter complies and follows his schedule for completion. He said that Zoning Administrator Bill Lambert is in the process of composing a letter regarding the Ruffner home on W. McKean identifying everything that needs to be repaired on the house. The house on Oak Street is finally coming along well.

Bracewell stated that there are more and more people putting vehicles, trailers, septic rings and other things on the front of their properties that are not allowed. He asked Police Chief Ryan Layman to stop by these properties and speak with the owners to inform them that these things are not allowed.

**PARKS & BEACHES:** Lindley said that she has talked with Arie Donkersloot and he plans to complete his work at the Walnut access area by May 1, and then Superintendent Bob Dabbs will have a crew construct the beach stairs to be completed by Memorial Day.

She said that since Council member Steve Slater has resigned, there is now an opening for a Grand Beach representative on the New Buffalo Shoreline Alliance. The Council discussed the open seat and agreed that this representative should be a resident and not a Council member. If you are interested in this position, please contact Lindley or Clerk Mary Robertson.

**STREETS & WATER:** Leonard said that the heavy trucks continue to cause damage to Village streets. He asked if you see

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a large truck parked on the side of the street, or if you see an issue with trucks damaging the streets that you contact the Police Department immediately so they can go out and investigate while the truck is still there. Superintendent Dabbs will document damage to the streets with photos.

**POLICE:** Nothing to report.

**PRO SHOP & COURSE:** O'Halloran told the Council that all of the rental carts are out. He is planning to get a rendering and bid for a cart canopy to protect the carts from the weather. He said the drainage project across the course has not yet started although there is a trench across the course. Superintendent Bob Dabbs said that Versaw Earthworks is digging for a pool in the Village and will bring equipment to the golf course when they are finished. He said the project should be completed by mid-May.

O'Halloran apologized for the controlled burn that was done and said that if they have to do this again, they will give more advanced warning to the residents.

### **SERVISCAPE REPORT**

Clay Putnam said the irrigation system has been charged and two leaks have been repaired. The system is ready for use.

### **PERSONNEL REPORTS**

**SUPERINTENDENT:** In addition to written report, Superintendent Bob Dabbs said they will pick up loose leaves through the end of the month. They will be doing a pilot program to test new water meters with three different companies. Once new meters are purchased and installed, they will no longer require a physical reading. They will be radio read while driving in a truck and the information from the computer will be given to Clerk Mary Robertson for billing.

**POLICE CHIEF:** In addition to his written report, Police Chief Ryan Layman warned residents that there is a scam going around where someone poses as a utility worker and enters your home. While that person keeps you occupied, a second person enters the home and goes through drawers and personal belongings. This recently happened on Wilson Road and in Long Beach. He said if you haven't made arrangements with someone to come to your home and someone shows up, call the Police Department immediately and don't let them enter your home.

**BUILDING INSPECTOR:** Building Inspector Bill Lambert was not in attendance.

### **UNFINISHED BUSINESS**

#### **MEMORANDUM OF UNDERSTANDING – ELY AVENUE WATER LINES**

Leonard said the draft Memorandum of Understanding (MOU) has been recommended by Village Attorney Sara Senica and calls for an easement that would be determined to be the smallest easement the Village would need to access the water lines. The engineer will determine the size necessary to allow the Village to work on the lines in case of a water leak, and the easement will not be agreed upon until the engineer makes the determination. Leonard said if the easement turns out to be 10', the Village might have to rent a bobcat or other equipment that is small enough to work within the easement, and added that it would take more time for the repair because of the need to find and rent the machinery.

Joe Farwell, one of the property owners, addressed the Council and said that he and his sister think there might be a more logical way to come to an easement size that might work, mentioning possibly moving the water lines to the other side of the property. Superintendent Bob Dabbs said it would be more expensive to move the lines to the other side of the property and he will have to talk with Rob Andrew of Merritt Engineering. Dabbs and Farwell will meet at the property to discuss the possible location of the water lines on the opposite side of the property.

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Leonard moved, seconded by O'Halloran to authorize Debbie Lindley as President of the Council to execute the Memorandum of Understanding and present it to Joe Farwell on behalf of 46117 Ely, LLC for consideration and approval.

Roll Call Vote

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

Motion carried unanimously 4-0.

**NEW BUSINESS**

**COUNCIL MEMBER STEVE SLATER'S RESIGNATION**

Lindley moved, seconded by O'Halloran to accept Steve Slater's resignation from the Council dated April 1, 2021. Council members thanked Slater for his service on the Council.

**APPOINT COUNCIL MEMBER TO TERM ENDING NOVEMBER 2022**

Lindley said that Ellen Frankle is a member of the Grand Beach community and has attended many Council meetings throughout the years and has been an integral part of the community.

Lindley moved, seconded by Bracewell to nominate Ellen Frankle to serve as a Council member to finish out Steve Slater's term ending in November 2022. O'Halloran moved to nominate Harry Walder to serve as a Council member, but did not get a second on the motion.

Roll Call Vote on Lindley's Motion

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

Motion carried 3-1.

**DISCONTINUATION OF EMPLOYMENT**

Lindley said that the Council was trying to do the right thing for Dan Schroeder in filing his worker's compensation and the Village still has him listed as an employee. He is still included in the MERS pension plan. She said that she wants to be very clear that the Village valued Chief Schroeder's years of service, but needs to terminate his employment at this time.

Lindley moved, seconded by Bracewell with deepest respect to terminate Chief Schroeder's employment effective immediately which will stop any liability to the MERS pension plan for Dan Schroeder and will also eliminate the need for Chief Ryan Layman to include him on his state reporting.

Roll Call Vote

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

Motion carried unanimously 4-0.

**HIRE FULL-TIME POLICE OFFICER**

Lindley stated that the newest Police Officer, Courtney Severn is leaving Grand Beach for a position in New Buffalo. She said Chief Layman was able to find a local candidate that graduated from New Buffalo High School and recently graduated from the police academy.

Lindley moved, seconded by Leonard to hire Creo Brewster as a full-time police officer to be paid at the same rate of pay as Officer Courtney Severn.

Roll Call Vote

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

Motion carried unanimously 4-0.

**TRASH CAN REMOVAL**

O’Halloran said that the Village has been dealing with complaints for years regarding trash cans being left out at the street. The Council has talked in the past about hiring someone to remove the cans. Some people put cans out on Monday and leave them out until Friday, and it is a horrible site to see all of the cans left at the street. He suggested hiring someone to move the cans that have been left out and charging the property owner \$20 each time they leave the cans at the street. There will be a sticker placed on the can to inform the property owner that the \$20 fee will be added to their next water bill. O’Halloran said that the revenue from the can removal will pay for the person removing the cans, but will also allow Superintendent Bob Dabbs to hire a part-time junior employee. He feels this will be a win-win and will take care of the cans. There will be an email alert sent out about the new program as well as a notice in the newsletter.

O’Halloran moved, seconded by Leonard to hire a junior employee to add to Bob Dabbs’ team to remove cans from the street each week and bring them back to the house, with the junior employee being used for other purposes that Dabbs sees fit at a rate of \$15.00 per hour not to exceed 28 hours per week.

Lindley said that if there is not enough revenue from cans, we might not be able to continue with the part-time position.

Roll Call Vote

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

Motion carried unanimously 4-0.

**LONG TERM STRATEGIC FINANCIAL PLANNING**

Lindley explained that Clerk Mary Robertson had included a millage schedule showing the millage rates in Grand Beach from 1979 to present, stating that in 1979 the millage was 16.9 and is currently 6.0135 which raises \$814,424.07 in tax revenue. She said the Headlee rollback rolls back the millage rate to protect the property owners from rising taxes. Robertson told her that increasing the millage rate by 1 mil will raise an additional \$135,432.62 in taxes in the first year.

She said if the lawsuit regarding the special assessment district with New Buffalo Township goes in our favor, the taxes the Village property owners pay to the township will be reduced for police services, but the Village might have to

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contract for fire and ambulance services. The Village can contract for the services by adding a public safety millage.

Lindley would like to consider raising the operating millage in November to allow us to raise money needed for repairs and special projects and put the Village in a good position to contract for services if needed. She would like to take public input during the summer months and make a decision on what the Council would like to do. She said that 1 mil will increase taxes by \$1 per \$1,000 taxable value. She added that Grand Beach probably has the lowest millage rate for most municipalities in the county.

Bracewell said he feels that people should be able to vote on a millage and would prefer a millage over a special assessment to allow people to vote on a tax increase.

O'Halloran said the Village doesn't want to do what New Buffalo Township did, and needs to lay everything out and talk to the taxpayers about the plans. He said costs continue to go up and the Village won't be able to sustain expenses with the current 6.0135 mils.

### **42 ACRES UPDATE**

Lindley said the Village is waiting to hear back from the state after submitting a recent appraisal of the 42 Acres that Grand Beach Land Development paid for. Scott Carlson's appraisal came back at 3.2 million. She said he was able to get the state to agree on a little different method of appraisal along with the comparable method. There have been a couple of larger tracts of property west of Highway 12 that have sold since our last appraisal and this might help raise the state's grant amount.

### **CARTS ON 12 - RENTAL CARTS**

There was discussion regarding the golf cart sticker program with Carts on 12. O'Halloran said that Carts on 12 purchases 10 cart stickers at \$100 each for the season and can use them on any carts that they rent out. He said LanCam purchases temporary cart stickers at the pro shop when needed at a cost of \$30 per week. Ed Arnold of Carts on 12 felt it was too cumbersome to go through that process.

O'Halloran will create a letter for both Carts on 12 and LanCam to set out the terms for the rental cart stickers.

Lindley would like Carts on 12 to provide the name of renters and local addresses to the Police Department to make it easy to identify who is on what cart in case of problems.

### **BUDGET AMENDMENT – CAPITAL PROJECTS FY 2020-2021**

Lindley moved, seconded by Leonard to approve a budget amendment for Capital Projects for fiscal year 2020-2021 for legal fees regarding New Buffalo Shoreline Alliance.

#### Roll Call Vote

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

Motion carried unanimously 4-0.

### **CHILDREN'S TENNIS REQUEST**

Bracewell moved, seconded by Leonard to approve the children's tennis request from Anne McFadden as long as she follows all pandemic requirements in place in the state of Michigan and all CDC requirements that are in place throughout the tennis program.

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Roll Call Vote

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

Motion carried unanimously 4-0.

**PUBLIC COMMENTS – GENERAL**

Village Resident Frank Giglio expressed his concern regarding large trucks in the Village, and semi-truck traffic on Highway 12. He said the trucks on Highway 12 are avoiding the scales on I-94. He asked the Council to ban together with other communities to put pressure on the state to stop the heavy trucks that are damaging Highway 12.

Giglio said he is getting a price to have a barge come in and do repair work on his property and stated that the Cedar beach access next to him has an issue under the stairs, so he will get a price to repair the access and will present it to the Council to see if they will consider paying for the repair under the stairs.

**CORRESPONDENCE**

**JOHN DEANER – RE: TRASH CANS**

This was addressed earlier in the meeting.

**INDIANA MICHIGAN POWER – RE: TREE TRIMMING**

Lindley said Indiana Michigan Power will be trimming trees in the Village. Superintendent Bob Dabbs said they usually do a good job and don't leave a mess. He hasn't been contacted by them with a date that they will begin the work.

**CHUCK & LINDA MARONEY – RE: RENTAL COMPLAINT**

Lindley said the Council received a complaint from the Maroney's related to a rental property next to their home. Lindley said she feels the home is used more as a business than a home. Police Chief Ryan Layman said this is a perfect example of someone needing to apply for a special land use permit. Leonard said that those who live in the area refer to this home as the hotel because of the amount of people coming and going and other concerns. Layman will review the Village's short term rental resolution regarding complaints and the need for a special land use permit. Bracewell agreed that the policy needs to be followed.

**ADJOURNMENT**

Lindley moved, seconded by Bracewell to adjourn the meeting.

Roll Call Vote

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

Motion carried unanimously 4-0. With no further business, the meeting was adjourned at 9:48 p.m. EST.

Respectfully submitted,

Mary J. Robertson  
Clerk-Treasurer