

**VILLAGE OF GRAND BEACH  
REGULAR COUNCIL MEETING (HELD ELECTRONICALLY)  
AUGUST 19, 2020**

**CALL TO ORDER**

Council President Deborah Lindley called the electronic (virtual) regular council meeting to order at 7:30 p.m. EST.

**ROLL CALL – IN ATTENDANCE**

James Bracewell  
Paul Leonard  
Deborah Lindley  
Blake O’Halloran  
Steve Slater

**ADOPT AGENDA**

Lindley moved, seconded by Bracewell to adopt the August 19, 2020 agenda as presented.

Roll Call Vote

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

Motion carried unanimously 5-0.

**ADOPT CONSENT AGENDA**

- a. Approve Village Council Minutes:
  - Regular Council Meeting, July 15, 2020
  - Zoning Board of Appeals Meeting, July 15, 2020
- b. Pay Bills with Written Additions

Lindley moved, seconded by Bracewell to adopt the consent agenda with the removal of *“Pay Bills with Written Additions”*.

Roll Call Vote

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

Motion carried unanimously 5-0.

**PAY BILLS WITH WRITTEN ADDITIONS**

Lindley explained that the bill from Michiana for water purchased was incorrect due to a software problem. They will submit a new bill once the problem is corrected. Lindley moved, seconded by Bracewell to pay the bills with written additions excluding the bill to Michiana Water Authority from the Water Fund in the amount of \$25,548.16.

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### Roll Call Vote

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

Motion carried unanimously 5-0.

### COMMENTS ON AGENDA ITEMS

None

### PRESENTATIONS/RECOGNITION

None

### COMMISSION REPORTS

**BUILDING & ZONING:** Bracewell said the Council received a letter from the Sayles family which is included under correspondence concerning the condition of their neighbor's property on West McKean. Zoning Administrator Bill Lambert said he went to look at the property and Chief Ryan Layman has sent a certified letter giving the property owner 10 days to cut the lawn and weeds. The Village contacted landscapers to get bids to cut the lawn and weeds should the owner not respond within 10 days. If the Village has to have the work done, the charges will be passed on to the property owner. Bracewell directed Chief Layman to issue a citation to the homeowner as has been done in the past. Bracewell said that the letter from Mr. Sayles said that nothing has been done by the Village, but he disagreed and said the Village has worked with the owner to get the garage removed and other things done in the past. The unfinished house on Oak is under contract and should be sold in early September.

O'Halloran encouraged property owners who are having issues with their neighbor's property to contact Chief Ryan Layman so that he can start the process to have them maintain their property.

**PARKS & BEACHES:** Slater said there is a lot of work being done on the beach at Walnut and the end of Lake Park with pending work to be done on Whitewood and at the Lake Park access. He said they built up a sandy beach area on top of the rocks on McKean, but Lindley said unfortunately that will not stay there. He is working on quotes and plans relative to the parks since there is funding available in next year's budget and will have everything ready by the time the fiscal year ends. He thinks what frustrates a homeowner is that it is incumbent on them to come to the Council, and he feels the Village should be more proactive.

Lindley said that everything has been done at the pump house except the clean-up. She said everyone along Ridge Road will be having work done and Mercy Memorial Hospital knows they need work done, but they have to meet with their hospital board before making decisions. She said with the projects going on throughout the fall, she doesn't think the Village should put stairs in at the Walnut access until spring.

**STREETS & WATER:** Leonard said that the work Oselka is doing continues and the weight of the trucks coming into the Village with rock are damaging the streets. He said that the intersection of Robin and Lake Park has quite a bit of damage with Robin and Main broken up, and the edges of Grand Beach Road also broken up. He said the streets will continue to deteriorate as this work continues.

**POLICE:** Lindley stated that the police department keeps very detailed reports and is able to go back and look at complaints for specific homes. She emphasized that parents should take responsibility for their children and make sure

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they know what the ordinances are. She said the same goes for people who are renting their homes out and said that they are responsible for informing the renters of the Grand Beach rules. She said golf carts can't be driven by anyone unless they have a valid driver's license, adding that you can't drive at 9 or 10 years old with a parent sitting next to you. She said the Village has given warnings through different mechanisms and since it has not gotten any better, officers will now be writing citations. She said walkers need to be aware of the traffic around them and move off of the road. There has been damage to the golf course over the last two months and she said that nobody should be on the course after dark. The police officers have been patrolling on the ATV.

### **PRO SHOP & GOLF COURSE**

O'Halloran said that the golf course is having a very good year. He said that parents, grandparents, aunts and uncles should be more responsible and know who is taking the golf cart out and if they aren't old enough don't let them take it. People on carts and those walking should be giving the right-of-way to vehicles. In regards to the vandalism on the golf course, he said if they can find the people that are doing the damage, they will be prosecuted.

### **SERVISCAPE REPORT**

Clay Putnam said there has been more damage to the golf course since he filed his written report, including damage from golf carts and fireworks. He said there was a problem with the float for the water storage tank for the irrigation system which caused it to overflow, but it has now been repaired.

Lindley stated that fireworks should not be set off on any public property including the beach, golf course, streets and 42 Acres.

### **PERSONNEL REPORTS**

**SUPERINTENDENT:** In addition to his written report, Superintendent Bob Dabbs said that the new fence to be installed near the arch is on schedule to be put in by Labor Day.

**POLICE CHIEF:** In addition to his written report, Police Chief Ryan Layman reported that there were 62 complaints and 38 citations issued in July, which included citations issued to parents for underage drivers of golf carts. He reminded everyone of the danger of the rip currents and said that there were three drownings recently within a one hour time frame in southwest Michigan. He thanked all of the first responders for their help when one of the drowning victim's bodies was found in Michiana. He said he has heard reports that people have been jumping off of the pier which is very dangerous. He reminded people to lock their cars and remove valuables as there has been theft from cars. He will assign one of his police officers to do code enforcement to help alleviate some of the issues pertaining to the condition of property in the Village.

**BUILDING INSPECTOR:** Building Inspector Bill Lambert had nothing to add to his written report.

### **PUBLIC HEARINGS**

None

### **UNFINISHED BUSINESS**

None

### **NEW BUSINESS**

### **HUGH WADE - REQUEST USE OF ROYAL AVENUE BEACH ACCESS FOR REVETMENT WORK**

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Village homeowner Hugh Wade asked the Council for permission to use the Royal beach access after Labor Day to dump rock for revetment work on his property. He said that the contractor will come around the back of the pier to bring rock in to that side of his property during the project.

Lindley moved, seconded by Slater to allow Hugh Wade’s contractor to use the Royal beach access in the fall for revetment work on his property and for the contractors to work out usage of the Royal access.

Roll Call Vote

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

Motion carried unanimously 5-0.

**HIRE FULL-TIME POLICE OFFICER**

Lindley introduced part-time police officer Courtney Severn and said she has been working for the City of New Buffalo and with Grand Beach part-time. She graduated from Ferris and the Police Academy and is starting her career in a very difficult time. She was welcomed to the Village by the Council. Severn said that she has moved to the area from Flint and has been enjoying both jobs, and looking forward to a full-time position.

Lindley moved, seconded by Leonard to hire Courtney Severn as a full-time police officer at \$21.50 per hour with insurance benefits to begin on the first day of the month following 60 days of full-time employment. Police Chief Ryan Layman asked the Council if the 60 days could be start with her part-time start date. Clerk Mary Robertson said she will have to check with the insurance company to see if the requirements could be changed to allow that.

Roll Call Vote

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

Motion carried unanimously 5-0.

**LAPTOP COMPUTER PURCHASE**

Lindley moved, seconded by O’Halloran to approve the purchase of a laptop computer for banking for the Clerk at a cost not to exceed \$800.

Roll Call Vote

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

Motion carried unanimously 5-0.

**FIFTEEN ACRES DRAINAGE BIDS**

Lindley said that the Council received three bids for a drainage project for the Fifteen Acres and that they were all very different. She is concerned about where the funding will come from for the project. The Council discussed the need to do the drainage project for the Fifteen Acres which would also improve drainage on the golf course. Superintendent Bob Dabbs said the new drainage would eliminate the need to pump water under Royal Avenue into the Golfmore Estates. Dabbs said that the Village employees could do the project for approximately \$30,000, but suggested contracting with Versaw.

Leonard moved, seconded by O’Halloran to approve the project and accept the low bid from Versaw Earthworks at a cost of \$39,900 to install a new drainage system to benefit residents in Fifteen Acres and Fox Trail and to enter into the contract once the funding is decided.

Other bids were received from Falatovics Construction \$62,850 and Oselka Constructors \$202,000.

**Roll Call Vote**

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

Motion carried unanimously 5-0.

**GOLF CART DISCUSSION**

The use of golf carts by underage drivers, and carts without stickers were discussed by the Council. Citations will be issued for these violations.

**GOLF CART STICKERS**

Lindley said that Clerk Mary Robertson drafted a letter that will be sent out to golf cart owners who have still not yet paid for their annual stickers. Some of these carts have been seen parked at the beach and notice was given that they will receive a citation if not stickered. She said letters will be sent out informing cart owners to pay the fee to the Village or to let the office know that they no longer own or use the cart. If a sticker is not purchased for two years, the number will be reassigned to someone else.

**42 ACRES UPDATE**

Lindley updated the Council on the 42 Acres saying that we are in the phase where Grand Beach Land Development and the Village have to come to an agreement on the purchase price of the property. She said the Village had two appraisals done recently which came back much lower than the \$3,200,000 asking price. They were turned into the state with one of them at \$1,200,000 and the other at \$1,965,000 and the state came back with the determination of \$1,200,000. She said that the Village can appeal to the state for a re-evaluation of the appraisals. She said she made it clear that public funds will not be used for the purchase. She will be speaking with our project manager from the MDNR regarding an appeal.

**TOP FIVE PRIORITY LIST FOR SPECIAL ASSESSMENT OR MILLAGE INCREASE**

Lindley said she asked Council members to submit a list of their top five priorities in the Village, and thanked Slater for his list. She said other Council members can email a list to her. She said that there has been a list of “wants” and “needs” in the Council meeting room and Bob Dabbs has already got pricing for some of the things on the list. She said Mary Robertson will schedule a meeting with Village Attorney Sara Senica so that she can talk about the procedure and differences between a special assessment and a millage increase.

**NEW BUFFALO HIGH SCHOOL - REQUEST TO USE VOLLEYBALL COURT FOR PRACTICE**

Lindley said that New Buffalo High School requested the use of the volleyball court for practice as they are not yet able to practice indoors due to Covid-19. Lindley moved, seconded by Slater to allow New Buffalo High School to use the volleyball courts for practice on Mondays through Thursdays.

Roll Call Vote

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

Motion carried unanimously 5-0.

**HALL RENTAL CONTRACT REVISION**

Lindley moved, seconded by Leonard to approve a revision to the hall rental contract as written by Village Attorney Sara Senica regarding unforeseen events. This revision has more language in it than the original revision that was included in the Council packet.

Roll Call Vote

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

Motion carried unanimously 5-0.

**AT&T ANNUAL VIDEO REPORT**

Lindley said that the Council received the annual AT&T video report.

**HORIZON BANK NOTICE REGARDING SWEEP ACCOUNTS (SWEPT FUNDS)**

Clerk Mary Robertson explained how funds held in the Village's tax account are swept out of the bank at the close of business in case of a bank failure. Those funds are used to purchase government securities and then cash is swept back in to the bank at the start of the business day. This is a way to keep funds safer since FDIC only covers \$250,000.

**RAY KELLY – RESIGNATION FROM PLANNING COMMISSION**

Lindley said that Ray Kelly was instrumental in setting up the planning commission and was a guiding force in planning for the future of Grand Beach. She said that Pat O'Leary, whose term on the Planning Commission is ending, was a great addition and his legal expertise was very helpful. She thanked both Ray Kelly and Patrick O'Leary for their service to the Village and sadly accepted Ray's resignation.

**CERTIFICATES OF APPRECIATION FOR RAY KELLY AND PAT O'LEARY**

Lindley read certificates of appreciation for Ray Kelly and Pat O'Leary for their service on the Planning Commission.

**REAPPOINT LAURIE ROCHE TO PLANNING COMMISSION, TERM ENDING AUGUST 31, 2023**

Lindley thanked Laurie Roche for continuing her service on the Planning Commission.

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Lindley moved, seconded by Bracewell to reappoint Laurie Roche to the Planning Commission with a term ending August 31, 2023.

Roll Call Vote

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

Motion carried unanimously 5-0.

**REAPPOINT JAMES BRACEWELL AS EX OFFICIO MEMBER TO PLANNING COMMISSION, TERM ENDING AUGUST 31, 2021**

Lindley moved, seconded by Leonard to reappoint James Bracewell as an ex officio member of the Planning Commission with a term ending August 31, 2021.

Roll Call Vote

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

Motion carried unanimously 5-0.

**AUDIENCE RECOGNITION**

Paul Leonard said that first responders don't get the recognition that they deserve. He said our community is served by a volunteer fire department, New Buffalo Township Fire Department, are they are trained; professional and they do an outstanding job. He knows that because he was involved in a very serious bicycle accident near the Michiana Stables and they were there to help him. He said, as a Village we are very lucky to have them provide coverage to us to deal with not only fires, but all manners of crisis that we might have anywhere in the township.

**CORRESPONDENCE**

**Nancy Hoffman – Walkers and Golf Carts on Roadways**

Lindley said that she has the same concerns regarding walkers and golf carts. She said we have to all be diligent.

**Robert & Ann MacPherson – Request for Comcast Service**

The Council received requests from four homeowners for help in getting Comcast service to the residences on Fox Trail. Clerk Mary Robertson told the Council that there is nothing in the public act or the Comcast agreement that requires Comcast to extend service to all homes. Lindley said Robertson contacted our representative and he is going to have his construction crew go out and look at the area, but he remembers looking at it quite some time ago and it was quite costly. After much discussion, O'Halloran and Slater said they will write a letter to Comcast regarding the need to service all of the residences in the Village including those on Fox Trail.

**Moira Pollard – Request for Comcast Service**

**Michael Sayles – Condition of 48113 West McKean Drive**

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Lindley said she reinforces what Bracewell said earlier and said that the Village does try and enforce our codes, but getting the courts to process our municipal civil infractions is very difficult. She said sometimes we will work for years to get a property into conformity.

### **Mark Scott – Chemicals Used and Proposed Millage Increase or Special Assessment**

Lindley said that she thinks the email Mr. Scott was referring to was sent out by a private resident and circulated and it contained some misinformation. The person who sent it out said that he would send out the proper information, but she's not sure if it was done or not. She said although the resident did this with good intent, it causes the Village problems. She said any money collected by the Village with a special millage or assessment remains in the Village and does not go to any other municipalities.

Lindley said she is not sure if there is anything in our ordinances about the use of chemicals. Bracewell said there were concerns in the past regarding the chemicals used for mosquito spraying which has since been stopped. Mr. Kostyo, previous owner of property behind Scott's home spoke and said that they didn't use any type of chemical on the property other than what can be purchased at Lowes or Menards.

### **Tricia Stewart - Request for Comcast Service**

### **Scott Szykowny - Request for Comcast Service**

### **The Following People Submitted Emails Regarding a Proposed Millage Increase or Special Assessment**

Lindley said she appreciates when people do research and include their own ideas and do not just cut and paste versions of someone else's email.

Nancy Acker  
Mark & Gayle Bailin  
Judith & Patrick Blackburn  
Lynn Bolanowski  
Bill Braasch  
Angela & Wes Breton  
Kevin & Paula Butler  
Katie & Jacob Byrnes  
Mary Beth & Kenny Carlin  
Pat Costello  
William Daley  
Brendan Duffner  
Anne Durkin  
Anthony Galbo  
Molly Galbo  
Paul Gassel  
Frank Gazzolo  
Jack Grace  
Ann Grissom  
Mike Hall  
Jonni Hegenderfer  
Edward Joyce  
Ray & Ronni Kelly  
Robert Kurinsky  
Karen Larkin-Johnson



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Robert Kegan  
Mary Lyne  
Carol Lyons  
Ray McDonald  
Marty McFadden  
Dan McGillicuddy  
Kieran McHugh  
John & Susie O'Brien  
Kathy Riddiford  
Gerald Scherrer  
Brian Schinderle  
Don & Elaine Smith  
Regina Steele  
Jeff & Denise Steinberg  
Connie & Jim Sullivan  
The Testores  
Connie Tomlinson  
Alex & April Tompsidis  
Katie & Jim Walsh

**ADJOURNMENT**

Lindley moved, seconded by O'Halloran to adjourn the meeting.

Roll Call Vote

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

Motion carried unanimously 5-0.

With no further business, the meeting was adjourned at 9:57 p.m. EST.

Respectfully submitted,

Mary J. Robertson  
Clerk-Treasurer