

**VILLAGE OF GRAND BEACH  
REGULAR COUNCIL MEETING  
AUGUST 21, 2019**

**CALL TO ORDER**

Council President Deborah Lindley called the regular council meeting to order at 7:30 p.m. EST. Present in addition to Lindley were James Bracewell, Paul Leonard Jr., Blake O'Halloran and Steve Slater.

Lindley said that we had a resident and a few in the past that have emailed and talked to employees in demeaning and vulgar ways. She said this is not acceptable and she knows it is only one or two people and these people don't attend the meetings. She said Council members and employees are glad to have constructive conversations, but when the conversation moves beyond civil, the conversation will be terminated. Lindley asked that this become a part of the record.

**ADOPT AGENDA**

Leonard moved, seconded by Bracewell to adopt the August 21, 2019 agenda as presented. Motion carried unanimously 5-0.

**ADOPT CONSENT AGENDA**

- a. Approve Village Council Minutes:
  - i. Regular Council Meeting, July 17, 2019
  - ii. Special Council Meeting, August 7, 2019
- b. Hall Rental Request – Victoria & Kieran McHugh, October 11, 2019
- c. Pay Bills with Written Additions

Lindley moved, seconded by O'Halloran to adopt the consent agenda as presented. Motion carried unanimously 5-0.

**PRESENTATIONS/RECOGNITION**

None

**COMMISSION REPORTS**

**BUILDING & ZONING:** Bracewell reported on several building and zoning issues within the Village.

1. Stiteler on Oak Avenue: There were tickets written to him. He has been building a house for several years.
2. Kerr on Ridge Road: Building Inspector Bill Lambert met with the job superintendent to explain the issues the neighbors are experiencing with the project. They have agreed to do whatever Lambert worked out with them, and if not, they will be in danger of not getting their certificate of occupancy.
3. Hunter on Rhode Court: Has committed to remove the storage trailer by the end of August.
4. Ruffner on West McKean: There have been tickets issued regarding the way the property is kept as there are ordinances related to property maintenance. The garage on the property has been removed.
5. Lake View Avenue: There was a phone call that someone on Lake View Avenue was building a deck on lakefront property. It turned out that they were doing the work without a building permit. Bill Lambert has stopped all work because there is a lot coverage question and an engineering question.

**PARKS & BEACHES:** Slater reported that the survey being conducted by the Parks & Recreation Committee is closed and results can be viewed at <https://tinyurl.com/y5ajclca>. The Parks & Recreation Committee will meet again on September 4 at 6:00 p.m. EST – 5:00 p.m. CST to prioritize projects based on the results of the survey. They will be putting together a capital budget. The committee will be busy in October and November working on the plan and there will be a 30 day comment period for the public. He believes the draft Parks & Recreation Master Plan will be ready by October 1. He

## Regular Council Meeting – August 21, 2019

had a conversation with the coastal management person at Abonmarche to see what the Village can do regarding the loss of beaches. From the representative's perspective, the construction of breakwaters is probably more than what the Village can handle. He said we could pursue hydraulic dredging.

O'Halloran said that the first Parks & Recreation plan was done for the purpose of applying for a grant to purchase the 42 Acres and with more experience with the surveys, this second plan will be used as a steering document for the Village going forward.

**STREETS & WATER:** Leonard reported he didn't hear about the chemical spill in Indiana until days after it happened. He is very upset that the Indiana Department of Environmental Management didn't notify the municipal utilities along the lake as this could affect their drinking water. Michigan City and New Buffalo have both been testing their water and have found no problems with it. He will prepare a letter and submit it to the state representatives of northwest Indiana to let them know how upset the Village is to not have been notified of the spill.

**POLICE:** Lindley said that Chief Schroeder is doing much better. She went for a ride with Jamie Flick and they think they have pinpointed the person in the Michigan Shores Country Club Estates who has been diverting the water from White Creek towards the pier. She sent an email to Ben Zimont at Environment, Great Lakes and Energy (EGLE), formerly DEQ and she is planning to send an email to the homeowner's association regarding the actions taken to divert White Creek.

**PRO SHOP & GOLF COURSE:** O'Halloran reported that the golf course looks like it's doing very well compared to the last two years. He said the two most important things with a golf course are golfers and irrigation. The Village applied for a DEQ permit a year ago in September to place armor stone in front of the pump house for protection and didn't get much of a response at all for the first four or five months and later found out there were extenuating circumstances regarding residents. The Village was required to get a survey which was done in June and the DEQ is still holding meetings about the permit. There isn't much protection there and we've been through one rough winter and will soon be going into another winter. He said the Village is desperate and it is ridiculous that we haven't received our permit yet. The Village has been put to the side and he is very concerned and doesn't know if we can make it through another winter. He said pressure needs to be put on the EGLE to issue our permit. We will do what we can as a Village to write letters. We need the permit issued so that we can get on the contractor's schedule. The work needs to be done before November.

Lindley said that Mike Morphey of Abonmarche emailed her yesterday and will be emailing Ben Zimont a supplement to the permit that addresses the stairway which was one of the DEQ's concerns.

### **SERVISCAPE REPORT**

Clay Putnam reported that routine maintenance is ongoing. The John Deere rough mower was out of service for about a week, but is now back in service.

### **PERSONNEL REPORTS**

**SUPERINTENDENT:** In addition to his written report, Superintendent Bob Dabbs added that there are several projects that they will be working on in the future that includes a sidewalk, park drainage and a new fence near the arch will be built with a generous donation of \$15,000 from a resident. They will also be installing new street signs in the Village. He said that he got a price on the chair lift for the inside stairs of \$15,000. The lift will need to be a commercial lift and requires a permit and an annual inspection. He said he can get bids from a couple of other companies for a chair lift.

**INTERIM POLICE CHIEF:** Interim Police Chief Jamie Flick reported that there were 75 calls between Michiana and Grand Beach in July. They issued 30 parking tickets between both Villages. The department took part in training for active

## Regular Council Meeting – August 21, 2019

shooters on August 1. Lindley stated that if you don't have a sticker on your golf cart, you cannot park the cart on Village property or you will be ticketed. Bracewell said there are a lot of carts without stickers. Clerk-Treasurer Mary Robertson said that many times people pay for the stickers, but then do not put them on their carts.

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

### UNFINISHED BUSINESS

#### **42 Acres Update**

Lindley said that as of August 21, 2019, the Village needs to raise an additional \$50,692 for the 25% match for the purchase of the 42 Acres. She said at July's meeting we still needed \$245,346 so we have made great strides, especially with the anonymous donor who offered to match \$61,500 of new donations. The grant project agreement was submitted to the state and is now under their review. The next step is for Mario Ortega of McKenna to get the 40-year title search done and then get another appraisal from the state's list of appraisers. The Village will notify Grand Beach Land Development of the appraisal date and invite them to be there for the appraisal. Leonard and Lindley will be there to represent Grand Beach.

#### **Chief Dan Schroeder – Continuation of Sick/Vacation/Insurance**

Lindley said Chief Dan Schroeder has approximately 25 hours of sick leave remaining. The Village has been paying sick time to him so that with workman's compensation he is paid 100% of his salary. Lindley moved, seconded by O'Halloran to continue to pay Chief Dan Schroeder's sick time through the end of August. Motion carried unanimously 5-0.

#### **Bids - Royal Avenue Non-Motorized Path**

Leonard moved, seconded by O'Halloran to approve a proposal from Dennis Deutscher Construction in the amount of \$29,544.98 to construct a non-motorized sidewalk from the arch to the stop sign at Station Road. Motion carried 4-1 with Lindley, Leonard, O'Halloran and Slater voting aye. Bracewell voted nay stating that he would like to see a drawing of the plan and he is concerned about homeowners' landscaping located along the path. \*\* Minutes corrected at the September 18, 2019 Council Meeting to add: *“The non-motorized path is for pedestrian use and bicycles will not be allowed on the sidewalk”* and *“In regards to the concern for the homeowner's landscaping located along the path, Superintendent Bob Dabbs said he talked to Mark Bailin, the property owner and he is fine with the proposed changes”*. Other bids were received from C and H Concrete, LLC \$38,865.71 and Workman Concrete Inc. \$29,897.00.

Bob Dabbs said they'll probably need to close Royal Avenue for at least a week while the work is done. The Council suggested adding information to the website and sending out notices when we are ready to shut down the road and notifying the garbage hauler and emergency services.

#### **Budget Amendment – Major Street Fund 2018-2019**

Lindley moved, seconded by Leonard to approve the budget amendment for the Major Street Fund 2018-2019 in the amount of \$29,544.98 for the sidewalk project. Motion carried 4-1 with Lindley, Leonard, O'Halloran and Slater voting aye. Bracewell voted nay.

#### **Test Well**

O'Halloran said that the Village is waiting on proposals from companies to drill a test well. This item was tabled until proposals are received.

#### **Budget Amendments 2018-2019 – Golf & Capital Projects Funds**

The budget amendments associated with the test well were tabled.

**NEW BUSINESS**

**2018 Annual MERS Actuarial Valuation**

Lindley said that as of December 31, 2018 our Actual Valuation for MERS was fully funded with many municipalities not fully funded. Lindley moved, seconded by Bracewell to contribute 6.41% to MERS effective on November 1, 2020. Motion carried unanimously 5-0.

**AT&T Annual Video Report**

Lindley stated that the Village received the annual report from AT&T that is required by Michigan's Uniform Video Services Local Franchise Act and it requires no action by the Council.

**Needs Analysis**

Lindley explained that there was a survey done for parks and beaches and the results of the survey will be taken into consideration when the Council works on the Village budget. She created a "needs" list that is posted on the bulletin board in the Council room for things the Council has wanted to do, but haven't had the funds available. She asked that Council members and head of departments review the list over the next month and add to it so that if the Council discusses an assessment or increased millage they will know what needs to be done and what the costs will be. She said if we go for an assessment or millage increase, we have to be very specific. She also created a list of "wants" with several things on that list. Bracewell commented that the park drainage is on the list and needs to be taken care of as well as water loops that have been committed to residents.

**Budget Amendment 2019-2020 – General Fund**

Lindley said that the Council set aside \$20,000 for the Park's budget and \$20,000 for the Beach budget to be used for future grant matches. That money cannot be carried over from year to year in these budgeted areas, but it can be earmarked in Capital Projects for future use. Slater moved, seconded by O'Halloran to approve the budget amendment for the General Fund 2019-2020 as presented. Motion carried unanimously 5-0.

**Unsalted No Sharks Merchandise Purchases**

O'Halloran said that Bob Weber's company that provides the pro shop with Unsalted No Sharks merchandise is growing and having growing pains as far as revenue goes. Weber asked if the Village could pay quicker for the purchases of the merchandise. O'Halloran looked at other vendor's terms and he doesn't think the Village should make exceptions in the way that we pay any vendor. He thinks that Weber is fine with that because the Village is not a big purchaser.

**Resignation from Parks & Recreation Committee – Amy Hanley**

Lindley said the Parks & Recreation Committee graciously thanked Amy Hanley for her service at their meeting and Lindley thanked her on behalf of the Council for her service on the Parks & Recreation Committee since 2014. She provided input on the original Parks and Recreation 5-year Master Plan as well as the Parks & Recreation 5-year Master Plan they are currently working on.

**Reappoint Frank Giglio to Planning Commission, Term Ending August 31, 2022**

Lindley moved, seconded by Leonard to reappoint Frank Giglio to the Planning Commission with a term ending August 31, 2022. Motion carried unanimously 5-0.

**Reappoint James Bracewell as Ex Officio Member to Planning Commission, Term Ending August 31, 2020**

Lindley moved, seconded by Slater to reappoint James Bracewell as Ex Officio member to the Planning Commission with a term ending August 31, 2020. Motion carried unanimously 5-0.

**AUDIENCE RECOGNITION**

Kaye Moriarty asked if residents should write letters to the EGLE to get them to move on the permit for the pump house revetment work. O’Halloran said that would be great. She asked what would happen if the house on Oak doesn’t get done in three months and Bracewell said there are several options, but so far those options are not appealing. The Village has issued another ticket and will be turning on the heat. There was a court date in late winter, and there was an arbitration session between the owner and the Village Attorney and he has not done what he said he would do. Bracewell said that we can’t make our ordinance any stricter than the laws of the State of Michigan regarding the length of building permits.

Pat Costello asked if there has been any discussion about the over population of the deer in the Village. She is very concerned about lime disease. She asked if there is a way to tranquilize them and relocate them. Leonard said that the State of Indiana had a deer cull a few years ago, and do it every so often. They only allow so many hunters to come in and they are limited to the age, sex and number of deer they can take. Of course PETA and other organizations are not happy about this.

Katherine Kelly said that Brian Mann of The Tree Mann told her that there is a deer cull in Duneland beach and they use bow and arrow. Leonard said the DNR in Indiana has jurisdiction and he doesn’t think we have authority from the DNR to do this. Flick said that we have an ordinance against this.

Jean Murray asked if any portion of Royal Avenue will be taken away to be used for part of the new sidewalk. Bob Dabbs said the sidewalk will be about a foot away from the posts on Royal.

**CORRESPONDENCE**

The following correspondence was received.

**Anne McFadden (Social Club) - Village Hall Safety Issues**

Anne McFadden sent in a letter regarding Village safety issues, and asked about a stair chair lift to get to the second floor. Lindley said the maintenance department already took care of the upstairs light that was mentioned and an electrician will be installing the photo cell for the light.

**Peggy McGrath – Pesticides, Fertilizers & Chemicals**

Peggy McGrath told the Council that she had received a response to her email from O’Halloran and she would like to know what chemicals the “mosquito squad” is using. She said in 43 states including Michigan, municipalities are preempted from regulating pesticides. She is trying to get municipalities to try to change this law and is concerned about the chemical fertilizers that are going into the ground water.

**ADJOURNMENT**

Lindley moved, seconded by O’Halloran to adjourn the meeting. Motion carried unanimously 5-0.

With no further business, the meeting was adjourned at 9:05 p.m. EST.

Respectfully submitted,

Mary J. Robertson  
Clerk-Treasurer