

**VILLAGE OF GRAND BEACH  
REGULAR COUNCIL MEETING  
DECEMBER 15, 2021**

**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 James Bracewell, Peter Doerr, Paul Leonard Jr. and Blake O'Halloran.

**ADOPT AGENDA**

Lindley moved, seconded by Leanonrd to adopt the December 15, 2021 agenda as presented. Motion carried unanimously 5-0.

**ADOPT CONSENT AGENDA**

- a. Approve Village Council Minutes:
  - i. Regular Council Meeting November 17, 2021
- b. Hall Rental Request – New Buffalo Lions Club
- c. Berrien County Tax Processing Contract - Tax Bills, January 1, 2022-December 31, 2023
- d. Pay Bills with Written Additions

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

**PUBLIC COMMENTS ON AGENDA ITEMS**

None

**PRESENTATIONS/RECOGNITION**

None

**PUBLIC HEARING**

None

**COMMISSION REPORTS**

**BUILDING & ZONING:** Bracewell said there have been a number of meetings with new property owners and those planning on installing swimming pools. He said there are very expensive homes being built in the Village which will generate additional tax revenue.

**PARKS & BEACHES:** Lindley announced that the Village received the \$58,000 grant from The Pokagon Fund to help with the purchase of the 42 Acres. She thanked The Pokagon Fund and Clerk Mary Robertson for her additional work on the grant.

Doerr said that the Parks and Recreation Committee meeting has been changed to January 13, 2022. He said he has been in contact with someone who is interested in donating trees or a bench in memory of her parents. He also spoke with her about the possibility of doing some type of memorial at one of the beach accesses and she seemed to be agreeable to that. He will follow up with her.

**STREETS & WATER:** Leonard said they are still waiting for engineering drawings from Rob Andrew of Merritt Midwest in regards to the Farwell water lines. He said the Village is waiting for Dan Versaw to complete the project along Grand Beach Road.

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**POLICE:** Lindley said the home check program is going well and if you have a home that you would like to have checked over the winter, contact Police Chief Ryan Layman.

**PRO SHOP & COURSE:** O'Halloran said that he would like to have bids for the pro shop flooring, countertops and electrical bids for charging golf carts on the January agenda. He said if the Council is going to ask for a millage increase, he wants to make sure that the golf course irrigation is included as one of the necessary projects.

### **SERVISCAPE REPORT**

Clay Putnam said that seasonal leaf pickup continues, stakes have been placed around greens, tees and sand traps and the winter equipment maintenance is taking place.

### **PERSONNEL REPORTS**

**SUPERINTENDENT:** In addition to his written report, Superintendent Bob Dabbs said that the leaf machine has been down for three days, and the truck should be here tomorrow to repair the equipment.

**POLICE CHIEF:** In addition to his written report, Police Chief Ryan Layman reported that there were 34 complaints in November. He said they are still doing house checks and have found a lot of unsecured doors. He said a gentleman recently lost \$20,000 because T-Mobile was hacked and his sim card information was hacked and reassigned, and the hackers were able to get into his accounts. Layman warned that if you lose cell phone service randomly, you should start checking into the problem to make sure it isn't something similar to this.

New Buffalo Township Fire Chief and Grand Beach Assistant Police Chief Jamie Flick told those in attendance that there have been a few chimney fires recently. He said if you have a wood burning stove or fireplace, make sure that you have the chimney cleaned by a professional once or twice a year as it doesn't take long for the creosote to build up.

**BUILDING INSPECTOR:** Building Inspector Bill Lambert said that there is a lot going on in the newer area of the Village. There has been progress on the Ruffner property with a new roof, and he expects them to come in for permits for other necessary repairs to the home.

There was discussion concerning removal of trees from vacant properties prior to a Village building permit being issued, and the possibility of property owners donating sand to the Village from their property when building a home. The Council discussed adding something to the building permit packet regarding tree removal and sand donations.

### **UNFINISHED BUSINESS**

#### **NEW BUSINESS**

##### **HSA CONTRIBUTION 2021 – JAYSON POWELL**

Lindley said that the Council has a policy of prorating contributions into health savings accounts for new employees. She said Jayson Powell became eligible for health insurance on December 1, 2021.

Lindley moved, seconded by Leonard to contribute \$541.67 plus \$5.00 into Jayson Powell's health savings account. Motion carried unanimously 5-0.

##### **ANNUAL SALARY ADJUSTMENTS**

Leonard moved, seconded by Bracewell to approve annual salary adjustments as presented and to include an additional \$25 for Ryan Layman, Jamie Flick, Bob Dabbs, Dale Powell and Mary Robertson. Motion carried unanimously 5-0.

**MERS CONTRIBUTION**

Lindley said the Council included a one-time payment of \$11,500 in this year's budget to help reduce the \$33,059 unfunded liability in the MERS pension plan. She said that Clerk Mary Robertson suggested making the payment prior to the end of the year so that it would be included in the December 31, 2021 actuary report.

Leonard moved, seconded by Lindley to make an \$11,500 payment to MERS prior to December 31, 2021 in order to get it into this year's actuary report. Motion carried 5-0.

**DRAINAGE PROJECT – VERSAW EXCAVATING**

The Council discussed an ongoing drainage project that has not been completed along Grand Beach Road by Versaw Excavating. Lindley said that Dan Versaw told her the job would be completed by December 15 and he told Superintendent Bob Dabbs that it would be done by the end of December. Bob Dabbs said that there is water flowing through the drainage pipes from the Fifteen Acres. The Council agreed to give Versaw Excavating until April 1, 2022 to complete the project, and if it is not complete, the Village will sever ties with him and pay him for the work he has done.

**NEW BUFFALO SHORELINE ALLIANCE**

Lindley said she spoke with Nick Zager from the Chief Planning Branch of the US Army Corp of Engineers (ACOE) about the next step in the NB Section 103 as a new start. She said the government will give them \$50,000 to start the process to initiate the Federal Interest Determination (FID). The first \$100,000 would be funded by the federal government and after that the money would be a 50/50 split with the ACOE. She said she talked to Ted Grzywacz of the New Buffalo Shoreline Alliance and they just filed their lawsuit against the ACOE on Friday and are not proceeding with the NB Section 103. She said she will call Nick Zager and let him know that the Village will no longer sponsor the study through the ACOE.

**HARBOR COUNTRY CHAMBER OF COMMERCE**

Lindley said she received an email from Kimberlee Wendt of the Harbor Country Chamber of Commerce inviting the Village to become a member. She said the Chamber holds many events throughout the year. She said one of the benefits of the \$100 annual fee is that they do all of the advertising and organizing if a member is having a ribbon cutting ceremony.

Lindley moved, seconded by O'Halloran to join the Harbor Country Chamber of Commerce at a cost of \$100 per year. Motion carried unanimously 5-0.

**MARQUETTE GREENWAY UPDATE**

Lindley said that she, O'Halloran and Assistant Police Chief Jamie Flick met on December 6, 2021 with Marcy Hamilton of the Southwest Michigan Planning Commission and Judy Zabicki of New Buffalo Township regarding the Marquette Greenway and bicycles entering and exiting the Village onto the highway. Lindley said she knows that this is a bone of contention, but the bicycles are going to travel down Grand Beach Road, and the Village has no say so in this. She said the only discussion is to review the railroad crossing and either approve or not approve the plan. She said she feels that if the Village chooses to do nothing, this could set the Village up for lawsuits in the future.

Flick explained that this is a matter of safety. He said they want to paint double yellow lines on both sides of the tracks to make it safer for cars and paint white lines for bikers for their safety. He said they want to put in a little area next to the road where bikers can get off the road if there is a train or a lot of traffic. He said there will be four of those areas.

O'Halloran said that the Village is in a situation that if we don't do this, the Village will be in trouble. He said that MDOT is stating that this is what we need to agree to at no cost to the Village. He said he thinks if the Council said no, the Village could be liable for any accidents.

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Leonard said this is mostly about signage, and it does involve the use of a very small part of Village property where bikes will stop. He said this is a good idea, it has good markings and will help make cyclists aware of traffic and will help traffic be aware of cyclists. He said once the Marquette Greenway is completed, there will be a lot of cyclists coming up Grand Beach Road and out our Grand Beach access at Highway 12. Leonard said the Village needs to have input on this because MDOT will be putting in curbs and gutters along Grand Beach Road, and someone has to pay for this and maintain it. He said since the township is saying they will maintain everything, put striping in and pay for it, he wants to see that in writing.

Lindley said the township has agreed to maintain the Marquette Greenway in the unincorporated area.

Bracewell said if this is a good idea, it's because they have already rejected the best idea which is a separate crossover for bicycles, and not mixing them all together with automobiles. He said that is not an impossible concept because in Michigan City near Nipsco they have set up separate crossovers for the bikes and that is safer than what we're looking at. Lindley said that the way Hamilton explained it to them is that that is Indiana and this is Michigan and MDOT and Amtrak will not agree to that. Flick said that these are two different railways with the one near Nipsco being CSX, and the one at Grand Beach being Amtrak which will go 100 mph. Bracewell said he doesn't feel this is in the best interest of the Village and he is concerned about an accident.

Flick said they are asking to make it as safe as possible by painting lines and deciding where bikes are going to go. Leonard said he rides his bike through that intersection often, and has been run off the road twice and having the signage and striping is going to help mitigate the risk. Leonard said this will make the intersection safer and he feels that doing nothing is the wrong decision for this Council.

O'Halloran said that anyone who complains about the bikes coming down Grand Beach Road, the decision was made not to have a bike path on Grand Beach Road so the bikes will be riding along Grand Beach Road. His understanding is that there will be a bike path that runs all the way from the Grand Beach entrance to New Buffalo between US 12 and the tracks. He said this is the best that the Village can do to get some kind of safety.

Leonard moved, seconded by Doerr that before the Village agrees to the plan from Marquette Greenway and MDOT, the Village wants a memorandum of understanding with the responsible agencies that will assume all financial responsibility for maintaining this. Motion carried 4-1 with Doerr, Leonard, Lindley and O'Halloran voting aye and Bracewell voting nay.

### **GRAND BEACH NATURE PRESERVE**

Lindley said that she would like to include a dog park next to the pond in the Grand Beach Nature Preserve. She said Chikaming Open Lands does not allow it in their preserve, and the Village doesn't allow dogs in the parks and only allows them on the beaches during limited times. She would like to consider putting money aside in the March budget for a dog park in the Grand Beach Nature Preserve.

### **PUBLIC COMMENTS - GENERAL**

Frank Giglio asked if the property across the street from his home had been addressed regarding the clean up after the lot was cleared.

### **CORRESPONDENCE**

#### **DIANE CODY – SHORT-TERM RENTAL ORDINANCE**

Lindley said that she has replied to Diane Cody regarding the short-term rental ordinance which has been tabled.

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**GARY KAGAN - DUMPSTER**

Lindley said she responded to Gary Kagan in regards to a community dumpster.

**ADJOURNMENT**

Leonard moved, seconded by Doerr to adjourn the meeting. Motion carried unanimously 5-0.

With no further business, the meeting was adjourned at 8:40 p.m. EST.

Respectfully submitted,

Mary J. Robertson  
Clerk-Treasurer