

**VILLAGE OF GRAND BEACH  
REGULAR COUNCIL MEETING (HELD ELECTRONICALLY)  
JANUARY 20, 2021**

**CALL TO ORDER**

Council President Deborah Lindley called the electronic (virtual) regular council meeting to order at 7:32 p.m. EST.

Lindley read the following information regarding the remote meeting:

This meeting is being held remotely due to the COVID-19 pandemic under Senate Bill 1246 which was recently passed. All Council members should identify themselves prior to speaking so that everyone is aware of who is speaking. The President of the Council will read all of the agenda items as we go along for those that can't see the agenda.

There will be two times when the public can speak.

- The first time will be during "comments on agenda items".
- The second time is "audience recognition" 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 Jupiter, Florida  
Deborah Lindley – Attending remotely from Grand Beach, Michigan  
Blake O'Halloran - Attending remotely from Grand Beach, Michigan  
Steve Slater - Attending remotely from Grand Beach, Michigan

**ADOPT AGENDA**

Lindley moved, seconded by Bracewell to adopt the January 20, 2021 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, December 16, 2020
- b. Pay Bills with Written Additions

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

Roll Call Vote

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

## Regular Council Meeting – January 20, 2021

Paul Leonard            Aye

Motion carried unanimously 5-0.

### **COMMENTS ON AGENDA ITEMS**

Ed Trainor spoke about a Special Assessment (SAD) that New Buffalo Township is planning. He said there was a police millage put into place in May 2017 by New Buffalo Township with 118 people voting in favor of the millage out of approximately 200 people that voted in that election, accounting for approximately only 6% of the electorate. He feels that Grand Beach and Michiana are being double taxed and this has little added value to Grand Beach and Michiana since they have their own police department. He said the Special Assessment (SAD) that the township proposes will be locked in for 20 years even though only 118 voters approved the millage in 2017.

Trainor asked the Council to take action to adopt a resolution to request a minimum of a 3 month pause on the SAD process by the township in order to allow time for proper notice and study due to its impact on Village of Grand Beach taxpayers.

### **PRESENTATIONS/RECOGNITION**

Lindley announced that one of our longtime former employee's, Marjorie Royce that worked for the Village for numerous years passed away recently. Leonard spoke about his work with Marjorie during his time as Council President. He said there was no question that she loved the Village, the residents and what she was doing and was dedicated to the well-being and best interests of the Village. He hopes that in the years to come that the Village is served by people like Marjorie with integrity, graciousness, firmness and commitment to the well-being of the Village, not only for employees, but people that serve on various committees.

### **NEW BUFFALO TOWNSHIP SUPERVISOR MICHELLE HEIT – SPECIAL ASSESSMENT**

New Buffalo Township Supervisor Michelle Heit spoke about the proposed Special Assessment (SAD) that the township is planning. The SAD will cover the cost of the bond payment for the new public safety building, the fire department budget, township police and Medic 1 ambulance.

She said the SAD will replace the two public safety millages that are currently in place. She said they are moving to a SAD because it is not subject to the Headlee rollback like a millage, and it will ensure that funds are available in years to come to pay for the public safety building, fire, ambulance and police.

Heit said she understands that the Village has their own police force, but all Villages in the State of Michigan are required to pay both Village and Township taxes. She said she understands how important it is to Grand Beach residents to have their own police force and how important quick response time is to the residents. She said that the township residents want the same thing, so she wants to be sure that they continue to have their own police department.

She said the school bond was paid off, so that millage will come off the tax bills and will help offset the SAD. She said there is a slight increase in the millage included in the SAD to help with the loss of the Casino payment in lieu of taxes (PILT) in the amount of \$149,000 that the township will no longer receive when they have a SAD rather than a millage.

Lindley suggested to Heit that at the next public hearing in February the township board make it clear about what the recourse is for taxpayers and that they have 30 days to get 51% of people to sign a petition against the SAD, although if all members of the board vote in favor of the SAD, it still passes.

The Council suggested the township put out more information in the future to the taxpayers in the media and in notices to let them know what they are proposing. They also suggested putting millage proposals on the ballot during a

## Regular Council Meeting – January 20, 2021

presidential election when more people vote. The Council questioned what considerations were given for budget cutbacks.

Lindley said the Village needs an operating millage, but it will be difficult to do with the Township's SAD.

Heit asked anyone with additional questions or concerns to call her or email her.

### **PUBLIC HEARINGS**

None

### **COMMISSION REPORTS**

**BUILDING & ZONING:** Bracewell said there are 30 building permits included on the building inspector's report. He said that after waiting for the Village Attorney to review a letter to be sent to a property owner who is building a home in the Fifteen Acres and has been a problem for three years, the letter has been sent out.

**PARKS & BEACHES, POLICE, PRO SHOP & COURSE:** Nothing to report.

**STREETS & WATER:** Leonard asked residents to let the maintenance department know if there are any potholes or plowing that needs attention or if there are any trees posing problems.

O'Halloran said he has had people ask about extending the sidewalk that was recently put in all the way to the beach. Leonard said the Village is required to spend a portion of the ACT 51 funds on things like this and the Council should consider these types of improvements.

### **SERVISCAPE REPORT**

Clay Putnam said winter equipment maintenance has been completed. They are compiling bid request to vendors for materials and equipment for the upcoming season.

### **PERSONNEL REPORTS**

**SUPERINTENDENT:** In addition to written report, Superintendent Bob Dabbs told the Council that Oselka Constructors has two excavators in the Village that they need to get out of the Village. One excavator is located on Sun Valley Falls and the other on Lake Park Drive. They are unable to bring a lowboy trailer in to the Village over the railroad tracks, so they need to track the excavators out of the Village, over the tracks and across the highway to a trailer. Dabbs said he could take pictures of all of the roads beforehand and then they would pay for any damages done by the equipment. Another option would be to wait for a blanket of snow to track them out of the Village. They would use plywood at the corners because that is where they can cause damage to the roads. Leonard suggested that Dabbs talk to Oselka and ask them to take a hard look at coming in at Duneland Beach Drive near Notre Dame and down Old Grand Beach Road. Dabbs said they would still need to bring the equipment down from Sun Valley Falls.

**POLICE CHIEF:** In addition to his written report, Police Chief Ryan Layman said that he included a written yearly report in the packet. Fire Chief Jamie Flick included a written Fire Department report in the packet. Lindley said that a written report from Flick as Fire Chief would be sufficient and the Council wouldn't require an oral report.

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

### **UNFINISHED BUSINESS**

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

Leonard said that the Memorandum of Understanding (MOU) regarding moving water lines on Ely Avenue has been reviewed by Village Attorney Sara Senica and she has made a few changes and drafted an easement. Both documents would need to be executed by Joe Farwell on behalf of the trust. The easement will need the legal description inserted into it. He said the MOU mentions development in a couple of places, but he heard from Joe Farwell that they have no plans for development and they just need to close out the trust. He will remove any reference to development in the MOU. The MOU states that the project will be completed within one to three years.

Leonard moved, seconded by Lindley to authorize the release of the Memorandum of Understanding and easement document to Joe Farwell for their review with a request that they get back to the Village with any objections, comments or proposed edits so the Village can continue moving forward.

Roll Call Vote

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

Motion carried unanimously 5-0.

**NEW BUSINESS**

**SERVISCAPE - GOLF COURSE MAINTENANCE CONTRACT RENEWAL**

O'Halloran moved, seconded by Bracewell to accept the 5-year contract (2021-2025) from ServiScape as stated in the letter of agreement dated December 9, 2020.

Roll Call Vote

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

Motion carried unanimously 5-0.

**RULES OF PROCEDURE**

Lindley moved, seconded by Bracewell to make changes to the Rules of Procedure as presented.

Roll Call Vote

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

Motion carried 3-2.

Regular Council Meeting – January 20, 2021  
**BERRIEN COUNTY EMERGENCY MANAGEMENT PROGRAM**

Lindley moved, seconded by Bracewell to name Police Chief Ryan Layman as the primary contact person, Assistant Police Chief Jamie Flick as backup contact person 1 and Clerk-Treasurer Mary Robertson as backup contact person 2 for the Berrien County Emergency Management Program.

Roll Call Vote

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

Motion carried unanimously 5-0.

**RESOLUTION #2021-01 – EMERGENCY MANAGEMENT PROGRAM**

Lindley moved, seconded by Bracewell to adopt resolution #2021-01 as presented to name Police Chief Ryan Layman as the person to work with Berrien County Emergency Management during an emergency.

Roll Call Vote

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

Motion carried unanimously 5-0.

**EXTENSION OF MPSCS/GRAND BEACH WATER TOWER CO-LOCATION AGREEMENT**

The Council discussed the request from Berrien County for a 10 year extension of the Water Tower Co-Location Agreement that allows for the County to keep the antenna on the water tower for use with the 800 MHz police and fire radios. There was concern from O'Halloran and Slater that by having the antenna on the water tower, the Village was losing the opportunity for income and cell service from cell phone carriers.

Former Police Chief Dan Schroeder addressed the Council and said that Grand Beach, Michiana and sometimes New Buffalo had trouble hitting the tower in Sawyer with their radios. The County was planning to put an antenna at the Casino, but Schroeder was concerned that the police would still not be able to hit that tower with their radios from Grand Beach and Michiana, so he suggested that the County put the antenna on the Grand Beach water tower because it is the highest point around.

Lindley moved, seconded by Leonard to renew the Water Tower Co-Location Agreement with the addendum for five years with Berrien County and to pursue any financial opportunity in regards to maintaining the water tower.

Roll Call Vote

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

Regular Council Meeting – January 20, 2021

Motion carried unanimously 5-0.

**BERRIEN COUNTY ROAD DEPARTMENT WINTER SNOW REMOVAL SUPPORT**

The road department sent a letter stating they are willing to help municipalities that run into problems during the pandemic and do not have personnel available to plow snow. The Council did not express an interest in contracting with the Road Department for snow removal.

**BUDGET AMENDMENT – FY 20/21 CAPITAL PROJECTS FUND**

Lindley moved, seconded by Leonard to approve a budget amendment for fiscal year 20/21 for the Capital Projects Fund as presented.

Roll Call Vote

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

Motion carried unanimously 5-0.

**AUDIENCE RECOGNITION**

None

**CORRESPONDENCE**

None

**ADJOURNMENT**

Lindley moved, seconded by Bracewell 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 9:32 p.m. EST.

Respectfully submitted,

Mary J. Robertson  
Clerk-Treasurer