

**VILLAGE OF GRAND BEACH  
REGULAR COUNCIL MEETING  
JULY 21, 2021**

**CALL TO ORDER**

Council President Deborah Lindley called the regular council meeting to order at 7:03 p.m. EST. The meeting was held in person in the Village Hall. Present in addition to Lindley were James Bracewell and Blake O'Halloran. Paul Leonard arrived to the meeting at 7:06 p.m. EST.

**ADOPT AGENDA**

Lindley moved, seconded by Bracewell to adopt the July 21, 2021 agenda as presented. Motion carried unanimously 3-0 with Bracewell, Lindley and O'Halloran voting aye. Leonard was not in attendance for the vote.

**ADOPT CONSENT AGENDA**

- a. Approve Village Council Minutes:
  - i. Regular Council Meeting (Zoom), June 16, 2021
  - ii. Special Joint Council & Planning Commission Meeting (Zoom), June 29, 2021
- b. Hall Rental Request – August 7, 2021
- c. Pay Bills with Written Additions

Lindley moved, seconded by Bracewell to adopt the consent agenda as presented. Motion carried unanimously 3-0 with Bracewell, Lindley and O'Halloran voting aye. Leonard was not in attendance for the vote.

Leonard arrived to the meeting at 7:06 p.m. EST.

**PUBLIC COMMENTS ON AGENDA ITEMS**

None

**PRESENTATIONS/RECOGNITION**

None

**PUBLIC HEARING**

None

**COMMISSION REPORTS**

**BUILDING & ZONING:** Bracewell said there are many lots that have changed hands in the Village, and other than wear and tear on the streets, there are benefits to expansion.

Lindley said that Police Chief Ryan Layman and Assistant Chief Jamie Flick visited a property that the Village received a property maintenance complaint about on Greenwood Avenue. Bracewell said that the Village has an existing property maintenance ordinance, but it doesn't address the issues that the neighbors brought up.

Chief Ryan Layman said that the police department spoke to an attorney who represents a property owner on West McKean, and they issued citations to the owner for the roof and soffit. The grass has been cut, but they have not received a response from the property owner.

**PARKS & BEACHES:** Lindley said that the contractors working on the beach access on Lake Park installed a new viewing platform, but did not put in the handicap ramp that was there before they removed the original platform. Superintendent Bob Dabbs said that the ramp will be replaced next week.

**STREETS & WATER:** Leonard said that everyone is aware of the deteriorating streets in the Village due to heavy construction equipment. He said the Village doesn't want to spend money on the streets until the construction is finished. O'Halloran was concerned with when the construction would be completed. Leonard said that people have to do what they can to protect their properties.

**POLICE:** Lindley said that the Village has been as strict as it can be as related to fireworks in the Village. She said the state dictates what days the fireworks are allowed and the Council can't restrict those dates. She said there was a fire on a vacant lot on Main Drive on July 4, and if there would have been a house on the lot, it would have definitely been damaged. She stated that New Buffalo Township provides fire services to Grand Beach and it took 12 minutes from the time of the call until the fire department was putting water on the fire which is a good response time for a volunteer fire department. She said there were four fire trucks at the scene. Lindley said that the Village wants everyone to use common sense when it comes to fireworks.

The Council discussed the response time to the fire, and also questioned whether the Village could prohibit bottle rockets since the Eiffel Towers area is mostly dune grass and it burns very easily.

New Buffalo Township Fire Chief Jamie Flick stated that he is the person that issues burning bans for the township and his decision is based on recent rain and conditions. He didn't feel that conditions were that bad in Berrien County for the holiday weekend for a burn ban, and said there were only a couple of burn bans in the whole state of Michigan.

**PRO SHOP & COURSE:** O'Halloran said that rounds of golf are down, but with food sales, the golf course is tracking towards a good year. He said the course is a nice asset for everyone because it raises the home values and the Village doesn't use tax dollars to support it. He said there is an opportunity to lease new golf carts in the future and he will present the information to the Council at the August meeting as the decision needs to be made by Labor Day in order to have carts available for the next season.

Lindley said there is a bill to be paid for \$120 to clean the bathrooms and stated that cleaning the bathrooms is in the pro shop job description and they should be cleaning the bathrooms. O'Halloran said he will talk to Pro Shop Manager Don Butler about this again.

#### **SERVISCAPE REPORT**

Clay Putnam said routine maintenance has been ongoing. They had to replace several irrigation controller components including the controller for the clubhouse lawn. They replaced cups, pins, flags and blue tee markers and the pin on #9 was snapped in two, so they had to replace it again.

#### **PERSONNEL REPORTS**

**SUPERINTENDENT:** In addition to his written report, Superintendent Bob Dabbs said that they are reseeding areas of the golf course where grass has not grown after the drainage project. He reported that the following number of trash and recycle cans were pulled back on the following dates: 6/29 - 73 cans, 7/7 – 71 cans, 7/13 – 54 cans and 7/20 – 46 cans. He said it takes between two and three hours to move the cans. They are keeping track of addresses to see which addresses are repeats.

**POLICE CHIEF:** In addition to his written report, Police Chief Ryan Layman reported that there were 53 complaints in June. He said that they are trying out the new grass ordinance on the Hunter property. He said he sent a letter and packet of approximately 30 pages to Mr. Hunter. He thanked the Cherrett family for a substantial donation to purchase the speed trailer that will be shared by Grand Beach and Michiana. He said that Michiana received a donation from a Michiana family for the purchase.

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

#### **UNFINISHED BUSINESS**

##### **COUNCIL MEMBER ELLEN FRANKLE'S RESIGNATION**

Lindley moved, seconded by Leonard to accept Ellen Frankle's resignation with regret in order to move forward with appointing someone to the Council. Motion carried unanimously 4-0.

#### **NEW BUSINESS**

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

Lindley tabled this until the August Council meeting. She said there are four people interested in serving on the Council.

##### **HEALTH SAVINGS ACCOUNT CONTRIBUTION**

Lindley said this item no longer needs to be discussed.

##### **42 ACRES UPDATE**

Lindley said that Clerk-Treasurer Mary Robertson was able to submit a request for an extension of our agreement to the DNR since the deadline was May 31, 2021. There were some glitches that made it impossible for anyone to do the paperwork online, but Robertson was in continuous communication with the DNR and they've finally fixed the glitch, so the paperwork was submitted. Sid Mathias of Grand Beach Land Development and Robertson have both signed documents prepared by Mario Ortega to move forward with the closing on the 42 Acres purchase. The closing date is September 2, 2021 and Lindley said she will be signing documents on behalf of the Village. There will be an agenda item in August to authorize Lindley to complete the closing. Lindley thanked Robertson for her diligence in the process and for working with all parties involved.

##### **DRAINAGE PROJECT UPDATE**

Lindley said that the drainage project was supposed to be completed last fall, but the contractor had problems with Covid and his employees. He has now decided to finish the work after Labor Day because of the traffic along Grand Beach Road where he needs to work. Lindley said they will be removing trees and burning bushes along Grand Beach Road in order to complete the project.

Superintendent Bob Dabbs said that there are a couple of large trees that need to come down, although one tree is already dead. The project will go along Grand Beach Road to Anna Livia Way. He said they aren't able to work in a straight line because of the location of the different utilities. He said there will be a lot of vegetation removed and things will look different, but much of the area is overgrown and needed a change. He said he will probably come back and ask for funding for plantings once the work is complete.

Lindley said that when she mentioned to Marcy Hamilton of Southwest Michigan Planning Commission the possibility of putting in a walking path along Grand Beach Road, Hamilton said she might have some funding available to help. Leonard said he would like to see a sidewalk all the way down to Deer Park because there are so many walkers and runners.

##### **STORM WATER ORDINANCE**

Leonard said that Fred Cowles of Cowles Environmental submitted the draft storm water ordinance to the State of Michigan Environment, Great Lakes and Energy (EGLE), and they wanted to make sure that the Village doesn't allow anyone to dump into the drain. Leonard said the ordinance was reviewed by the Council at the last meeting.

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Leonard moved, seconded by O'Halloran to adopt the Storm Water Ordinance #2021-101 as presented. Motion carried unanimously 4-0.

### **ELECTRICAL INSPECTOR ORDINANCE**

Lindley said the Village's electrical inspector has been with the Village since 2003 and will be retiring on 8/31/21. Village attorney Sara Senica created an ordinance that would turn over authority for electrical permits and inspections to the State of Michigan.

Lindley moved, seconded by Leonard to adopt the Electrical Inspector Ordinance #2021-102 with the effective date of September 1, 2021. Motion carried unanimously 4-0.

### **COVID VACCINE**

Lindley said that she included this information regarding a COVID policy at a prior meeting, but there was no discussion. She said it basically says that if an employee has the COVID-19 vaccine and gets COVID, it is up to the Council President's discretion to pay the employee so that they don't have to use their sick or vacation time. The policy says that for employees who are not vaccinated and get COVID or need to quarantine, they will not be paid and will have to use sick or vacation time in order to be paid for the time off. Leonard suggested that Village Attorney Sara Senica review the policy before sending it to employees.

Lindley moved, seconded by Bracewell to send the letter to all employees after it is reviewed by Attorney Sara Senica. Motion carried unanimously 4-0.

### **CASINO REQUEST FOR ACTUAL SPECIFIC COSTS**

Lindley said there are no actual specific costs to submit to the Local Revenue Sharing Board.

### **PURCHASE BOAT AND BUDGET AMENDMENT – GENERAL FUND FY 2020-2021**

Lindley said that Bob Dabbs was able to purchase a pontoon boat last month for putting in and removing the buoys.

Lindley moved, seconded by Leonard to approve the purchase of the boat and to approve a budget amendment for the General Fund FY 2020-2021 as presented for the purchase of the boat. Motion carried unanimously 4-0.

### **PURCHASE SMART SHEETS SOFTWARE**

Lindley thanked Ed Trainor for the presentation he gave to the Planning Commission recently of the Smart Sheets software. She said the software can be used to create short term rental documents and other documents. Chief Layman said that he has been trying it out in Michiana for fire permits and it works great. He said he already purchased the software and it costs under \$200 a year.

The Council suggested that the Village put a smart sheets form on the Village website in the future and ask people to voluntarily fill out the form pertaining to their short term rental property as a first step. After discussion from Robertson and Layman related to the use of the document, Layman said he would like to form a small committee to figure out what should be included in the form.

### **MERS 2020 ACTUARY REPORT**

Lindley moved, seconded by Leonard to continue to contribute 6.72% to the full-time employees' MERS pension plan beginning on November 1, 2022. Motion carried unanimously 4-0.

### **AMERICAN RECOVERY ACT FUNDING**

Leonard moved, seconded by O'Halloran that the Village of Grand Beach will apply for the American Rescue Plan Act

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(ARPA) funding that is available to Grand Beach. Motion carried unanimously 4-0.

### **GENERATOR FOR VILLAGE HALL**

Lindley said that with the recent power outage, the pro shop lost most of its ice cream. She said that she has been talking with Dabbs about a generator for the Village Hall, and it is included on the “wants” and “needs” list that the Council has been working on. She said there are not funds set aside for the purchase of a generator, but that Dabbs had a bid of approximately \$60,000 from a couple of years ago. She said that money is very tight because of the beachfront repairs and it will continue to be tight as the Village goes through with the purchase of the 42 Acres because there is a 10% contingency requirement which will be returned to the Village after everything is completed, but it could be a couple of months.

O’Halloran said that he knows there are “wants” and “needs”, but was concerned that someone’s wedding day could be ruined if the reception was held at the hall and the power went out. He thinks the money can be found for the purchase and would like to see the purchase take place next year.

Leonard said he thinks this is very important, and he sees it as a public safety issue if there is a prolonged period of time with no power. The building could be used as a heating or cooling facility and he thinks the Village needs to invest in the generator.

Lindley feels that the Village shouldn’t cut itself short until the tax dollars come in for the year. Clerk-Treasurer Mary Robertson agreed that money is going to be short until the tax dollars come in and the Village is refunded the contingency money that is required for the purchase of the 42 Acres.

Dabbs will get three bids for a generator for the hall for the August meeting.

### **PUBLIC COMMENTS – GENERAL**

Lindley reminded everyone that this is a meeting to do business of the Village without the public’s input during the meeting.

In regards to a letter submitted by Howard Bayer regarding the fire, Bracewell asked Chief Layman to take pictures of the lot.

Grand Beach resident Howard Bayer told the Council that he appreciates all of their hard work. He spoke about the fire, and the damage that was done and what could have happened and his displeasure with the fact that Chief Layman told him he could not stop the fireworks that were going off in other areas during the fire because it was not 11:45 p.m. O’Halloran said that this is Michigan state law and the Chief is doing his job and that the state allows fireworks on specific days until 11:45 p.m. He said nobody, including the Chief likes the law.

### **CORRESPONDENCE**

#### **HOWARD BAYER – RE: FIRE STARTED BY FIREWORKS**

This was addressed earlier in the meeting.

#### **MARQUETTE GREENWAY – RE: GRANT FUNDING**

Lindley said she received an email from Marcy Hamilton of SWMPC asking municipalities to request funding through a grant for the Marquette Greenway. Lindley told her that her feeling was that the residents were still against the bike path.

#### **ERMALYNN SCHERRER – CONDITION OF PROPERTY ON GREENWOOD**

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This was addressed earlier in the meeting.

**ANGELA TRAINOR – RE: LAKE PARK BEACH ACCESS**

This was addressed earlier in the meeting.

**ADDITIONAL EMAILS FROM VARIOUS PROPERTY OWNERS – RE: TRASH CAN REMOVAL**

Lindley said that next month, the Council can make a determination of where they go from here regarding the trash can removal.

**ADJOURNMENT**

Lindley moved, seconded by Leonard to adjourn the meeting. Motion carried unanimously 4-0.

With no further business, the meeting was adjourned at 8:49 p.m. EST.

Respectfully submitted,

Mary J. Robertson  
Clerk-Treasurer