

**VILLAGE OF GRAND BEACH  
REGULAR COUNCIL MEETING  
JUNE 15, 2022**

**CALL TO ORDER**

Council President Deborah Lindley called the regular council meeting to order at 7:00 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 O'Halloran to add "*LIAA Coastal Community Resiliency Presentation*" to the agenda under item 6. and to add "*Council Presidency*" to agenda under new business as item 10(g) and to adopt the agenda. Motion carried unanimously

5-0.

**ADOPT CONSENT AGENDA**

- a. Approve Village Council Minutes:
  - i. Special Council Meeting Minutes, Budget & Millage - May 18, 2022
  - ii. Regular Council Meeting Minutes – May 18, 2022
- b. Hall Rental Requests
  - i. New Buffalo Lions Club
- c. Pay Bills with Written Additions

O'Halloran moved, seconded by Leonard to remove the Regular Council Meeting Minutes of May 18, 2022 from the consent agenda. Motion carried unanimously 5-0.

Lindley moved, seconded by Leonard to approve the consent agenda for June 15, 2022 after removal of the May 18, 2022 Regular Council Meeting Minutes. Motion carried unanimously 5-0.

O'Halloran asked for clarification of the Building Commissioner's report that was included in the May 18, 2022 Regular Council Meeting minutes. Leonard stated that you can ask for clarification of the minutes, but you cannot change what was said at the meeting.

After discussion, Lindley moved, seconded by Leonard to approve the Regular Council Meeting Minutes of May 18, 2022 as presented. Motion carried 4-1 with Bracewell, Doerr, Leonard and Lindley voting aye. O'Halloran voted nay.

**PUBLIC COMMENTS ON AGENDA ITEMS**

Michael Minton addressed the Council in regards to a 2-story garage being constructed at 46029 Lake View Avenue. He had many concerns regarding the project including safety, lot coverage, runoff and short-term rental of the property.

**PUBLIC HEARING**

None

**PRESENTATIONS/RECOGNITION**

**LIAA COASTAL COMMUNITY RESILIENCY**

Matt Cowall of Land Information Access Association (LIAA) spoke to the Council about a grant opportunity for waterfront communities for a coastal resiliency project. He talked about the challenges that coastal communities face with the fluctuating water levels in the lake. He said they have been doing master planning and zoning work for coastal communities since 2012. He explained the focus of the grant opportunity and what would be included if the Village chose

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to contract with them for the project. He said that when they were all finished, there would be a chapter of information that would go into the master plan.

Cowall said that the Council could visit [www.resilientmichigan.org](http://www.resilientmichigan.org) to view the tool that they use for master planning which includes a coastal section.

### COMMISSION REPORTS

**BUILDING & ZONING:** Bracewell suggested that after hearing from Michael Minton and others regarding the new garage at 46029 Lake View that he and Building Inspector Bill Lambert hold a meeting on Monday, June 20 to go over the zoning ordinance in regards to the permit.

He said that the Village needs to enforce the work days allowed in the Village, and added that there is no construction allowed on Saturdays and Sundays during the summer.

**PARKS & BEACHES:** Doerr said that the Village hired an employee for the summer, and the employee will be doing clean up on the two beaches that are open which are Whitewood and Walnut and that clean up will normally take place on Thursdays. Doerr said the survey of Jensen Court will take place next week. He said that no one has the right to encroach on the beach accesses.

Doerr said he spoke with Village Attorney Sara Senica and she is preparing a form to be signed by all owners adjacent to the beach accesses stating that the Village will allow landscaping on the access and that the Village must be indemnified. It will also state that the Village has the right to remove any encroachments after giving the owner a reasonable time to remove it, but if not removed by the property owner after the notice to remove, the Village can do so at the property owner's expense. He also spoke with Sara Senica about charging people to use beach access areas, and the possibility of including landscape work in Ordinance No. 72 which prohibits construction work on the weekends during the summer months.

**STREETS & WATER:** Leonard said that the Village has been filling potholes, with many of them along Grand Beach Road. He said that Clerk-Treasurer Mary Robertson brought to his attention that if the Village submits specific roads for paving in the grant proposal through the state, and is awarded a grant amount less than what was applied for, the Village will be responsible for the additional costs of the paving of those specific roads. He said the Village will proceed with applying for the grant, and if we don't get the full amount applied for, the Village does not have to accept the grant.

Leonard said that at the last Council meeting, the Council asked him to be the contact person for the New Buffalo Shoreline Alliance (NBSA). He received documents from the NBSA about becoming a plaintiff in the lawsuit filed by the NBSA and he sent them to Village Attorney Sara Senica for review. He had a long conversation with Sara Senica and she has no objection, and thinks it would be very good to become a co-plaintiff. He said there is no liability to the Village. He said the documents clearly state that money recovered will be used for design and construction of off shore revetments that will stretch from the south side of New Buffalo to the extreme western edge of Grand Beach. The only hiccup is whether or not they get enough money to complete all the work that needs to be done, and if there is not enough money recovered from the lawsuit, we will have to find ways to come up with additional funds to complete the project. He asked Mary Robertson to distribute copies of the documents to the Council.

**POLICE:** Lindley stated that drivers of golf carts on Village streets must be 16 years old with a driver's license or learner's permit and driving with a parent. She said she told the officers not to give any more warnings, and that they are now giving tickets to underaged drivers. She reminded everyone to pay for their annual golf cart sticker, adding that those that are parked on Village property without a sticker will be ticketed. She said building contractors are not allowed to work in the Village on Saturdays and Sundays during the summer months.

**PRO SHOP & COURSE:** O'Halloran said that interest in golf grew in 2020 due to Covid. He said that in 2022, a national report said that golf courses are down about 10%, but Grand Beach is not. He said rounds of golf are down, but revenue is about the same, with food and accessory sales up.

#### **SERVISCAPE REPORT**

Clay Putnam said seasonal maintenance is ongoing. He said they repaired an irrigation head near the practice tee. He said they experienced power issues near the pump house and the power company has fixed the problem.

#### **PERSONNEL REPORTS**

Lindley said that the Council respects and values its employees as do most residents. She said that the Council expects residents to be respectful in their correspondence and interactions with employees, adding that if you have a problem with an employee, you should contact the president of the Council and if you have a problem with a Council member, you should address the Council during the open forum of the Council meeting. She said the Council expects the employees to respect the residents.

**SUPERINTENDENT:** In addition to his written report, Superintendent Bob Dabbs thanked Assistant Police Chief Jamie Flick for towing them in off the lake when the pontoon boat broke down while trying to put in the buoys.

Lindley said that she has asked the maintenance department to get the donated benches out, water the new grass on Grand Beach Road and clean up the arch. She also asked them to clean up the Hunter property and get the information to Mary Robertson so she can send out a bill. She said Chief Ryan Layman is working on the condemnation of that property.

**POLICE CHIEF:** In addition to his written report, Chief Ryan Layman thanked everyone that came to "Coffee with a Cop". He said that over the July 4 holiday, fireworks are only allowed on private property June 29 through July 4 until 11:45 PM EST.

**BUILDING INSPECTOR:** Bill Lambert explained that most of the problems with building are in the old section of the Village, and not in the Eiffel Towers area. Lambert told the Council that he is resigning as the Zoning Administrator. He said he will help out through the summer until the Village is able to find someone to serve as the Zoning Administrator. Lambert will remain as the Building Inspector for the Village.

There was discussion about a home on Lake View where the homeowners are building a 2-story garage. Lindley said that the owners of the property will not be able to rent the upper floor of the garage because the new short-term rental ordinance requires the owner to rent the entire property. Lindley said that there are problems associated with the property and if people don't meet setbacks or lot coverage, they have to ask for a variance. She said that there was a meeting held with Nick Margaritis of the Berrien County Health Department and he okayed the septic system on this property, so as long as it is being put in where it's supposed to be, there's no problem with the septic.

#### **UNFINISHED BUSINESS**

##### **GRAND BEACH NATURE PRESERVE SIGN**

Lindley explained that the wording on the sign for the Grand Beach Nature Preserve would need to be included on the brick portion of the sign. She said there were two options to choose from.

Lindley moved, seconded by O'Halloran to choose the brass plaques for the wording which was option 1 of the proposal from Burkett Signs at an additional cost of \$2,300. Motion carried unanimously 5-0.

## **NEW BUSINESS**

### **RESIGNATION FROM PARKS & RECREATION COMMITTEE – ED TRAINOR**

Lindley thanked Trainer for his service to the Parks and Recreation committee and to the community.

Lindley moved, seconded by Doerr to accept Ed Trainor's resignation from the Parks and Recreation Committee. Motion carried unanimously 5-0.

### **ABLE DISPOSAL CONTRACT EXTENSION**

O'Halloran said that he noticed a lot of people put their recycling out after Memorial Day not realizing that it wasn't a scheduled recycle pickup day. He said that the Village already has recycle pickup for the Independence Day and Labor Day holidays and he would like to add pickup for Memorial Day.

Leonard moved, seconded by O'Halloran to accept the contract extension proposal from Able Disposal for five years as presented with the first year at a rate of \$20.45 per customer and to include a Memorial Day recycle pickup at an additional cost of \$2.00 per customer. Motion carried unanimously 5-0.

### **DONATION – FOX MEMORIAL GARDEN MAINTENANCE**

Lindley said a lot of families have been very generous over the years and have donated memorial gardens. The Village asks that the donor pay for maintenance of the gardens in those cases. She said the Fox family donates \$500 each year for the upkeep of the Fox Memorial Garden. Lindley thanked the Fox family for their donation for the upkeep of the garden.

### **LIAA PROPOSAL - COASTAL COMMUNITY RESILIENCY MATCHING GRANT PROJECT**

After discussion, the Council agreed not to contract with LIAA for the Coastal Community Resiliency Project.

### **PINE STREET BEACH ACCESS**

Lindley said she wanted to remind homeowners that the beach accesses are Village property and homeowners are not allowed to encroach on them with plantings. She said the property belongs to the Village and added that homeowners cannot have all of their play equipment on the access without permission from the Council. Doerr will have Village Attorney Sara Senica draw up an agreement for beach accesses for the July meeting.

Leonard said that years ago residents wondered how they would get down to the beach in the future because of revetment and rocks that were placed, and at that time, the Council said that they will build walkways. He said if the Village has to provide access to the beach, they might have to remove any encroachments.

### **REQUEST FROM NORTH GRAND BEACH HOMEOWNER'S ASSOCIATION FOR USE OF GRASS AREA**

Lindley moved, seconded by Bracewell to allow the North Grand Beach Homeowner's Association to use the grassy area in front of Village Hall on July 23, 2022 to award prizes and serve lunch after their private golf outing. Motion carried 4-0. Bracewell, Doerr, Lindley and O'Halloran voted aye and Leonard abstained.

### **COUNCIL PRESIDENCY**

Lindley stated that they plan to list their home for sale and move to Indianapolis. She announced that she is resigning as Council President at the end of this meeting since they will be listing their house soon. She will remain on the Council. She said the position takes a lot of time and that the Pro-Tem would normally take over as president, but Pro-Tem Blake O'Halloran doesn't have the time necessary for the position.

Lindley moved, seconded by Leonard to nominate James Bracewell as president to serve out the balance of Lindley's term as president. With no other nominations, the motion carried unanimously 5-0.

**PUBLIC COMMENTS - GENERAL**

Michael Minton thanked Lindley for all of the work she has done as the Council President.

Bracewell said that Lindley was instrumental in combining the Grand Beach and Michiana police departments which has saved the Village hundreds of thousands of dollars. He said that she is the mother of the 42 Acres (Grand Beach Nature Preserve) which was purchased without \$1.00 from Village funds.

Mr. Ulizio spoke about the height of a building, parking issues and alleged violations regarding rental of the property. He was also concerned with revetment near the pump house beach and a home that created their own beach.

Kaye Moriarty questioned the Council about zoning and lot coverage on a property located at 46039 Lake View Avenue.

**CORRESPONDENCE**

**BRIAN DODGE – SPEED BUMPS**

Lindley said that when the original speed bumps were put in at the park, that the Village would not put them anywhere else in the Village.

**KAYE MORIARTY – CONSTRUCTION AT 46029 LAKE VIEW AVENUE**

The concerns were discussed earlier in the meeting.

**JOHN RAFKIN – TRASH CANS**

This was discussed at the May meeting.

**MARY (MOLLY) TRAFAS – CONSTRUCTION AT 46029 LAKE VIEW AVENUE**

The concerns were discussed earlier in the meeting.

**ANGELA TRAINOR – BEACHES**

Lindley said that the aluminum stairs are great, but you have to have someone available to pull them out. She said the stairs at the Walnut access were put in on a Thursday and removed on Friday and caused friction. She said that if the stairs get washed away, they will be replaced after the revetment is completed. Leonard said that the aluminum stairs are not the best and get washed away. He said that wooden stairs cost less.

**MICHAEL MINTON – CONSTRUCTION AT 46029 LAKE VIEW AVENUE**

The concerns were discussed earlier in the meeting.

**ADJOURNMENT**

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

The Council applauded Debbie Lindley for a job well done as Council President.

With no further business, the meeting was adjourned at 9:58 p.m. EST.

Respectfully submitted,

Mary J. Robertson  
Clerk-Treasurer