

**VILLAGE OF GRAND BEACH**  
**REGULAR COUNCIL MEETING (HELD ELECTRONICALLY)**  
**JUNE 16, 2021**

**CALL TO ORDER**

Council President Deborah Lindley called the electronic (virtual) Zoom regular council meeting to order at 7:00 p.m. EST.

Lindley read the following information regarding the remote meeting:

This meeting is being held remotely due to the COVID-19 pandemic, in compliance with the Open Meetings Act, Public Act 267 of 1976, as amended, (MCL 15.264), and pursuant to the provisions of enrolled Senate Bill 1246, Public Act 254 of 2020 amending the Open Meetings Act to allow meeting remotely under Berrien County's Declared State of Emergency. All Council members should identify themselves prior to speaking. The President will read the agenda items for those who can't see the agenda online.

**ROLL CALL – IN ATTENDANCE**

James Bracewell  
Paul Leonard  
Deborah Lindley  
Blake O'Halloran

**ADOPT AGENDA**

Lindley moved, seconded by Leonard to adopt the June 16, 2021 agenda with the addition of "*New Business, item f. Walnut Beach Stairs*" and to reverse the order of comments on agenda items and presentations.

Roll Call Vote

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

Motion carried unanimously 4-0.

**ADOPT CONSENT AGENDA**

- a. Approve Village Council Minutes:
  - i. Special Council Zoom Meeting - Budget/Millage , May 19, 2021
  - ii. Regular Council Zoom Meeting, May 19, 2021
  - iii. Special Council Zoom Meeting – Trash Cans & Resolution to Oppose HB 4722 and SB 446, June 7, 2021
- b. Pay Bills with Written Additions

Lindley moved, seconded by O'Halloran to adopt the consent agenda as presented.

Roll Call Vote

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

Motion carried unanimously 4-0.

## **PRESENTATIONS/RECOGNITION**

### **VILLAGE ATTORNEY SARA SENICA – SHORT TERM RENTALS**

Village Attorney Sara Senica spoke about short term rentals (STR's) in the Village and statewide. She went over things that she felt were problems with some of the STR's, adding that there are some people that are doing it right. She talked about the house and senate bills that are out there that would take away all municipal authority when it comes to STR's saying that the state would allow all homes in the state to be used as a STR. Some of the concerns she mentioned with the house and senate bills included:

- The municipality is not allowed to regulate STR's, but can regulate occupancy, parking and other areas as long as all homes (STR's and full-time) are regulated the same way.
- The definition of a STR is any number of days less than 30, which could allow for daily rentals.
- The state does not know how to regulate STR's, and there are different needs in different areas of the state.
- Local government can't do anything about problem rentals and the only option is to call the police if there is a problem. This could require an increase in police budgets.

She said the Village has a requirement in its Zoning Ordinance that STR's must obtain a Special Land Use (SLU) permit, but we only require this when there are complaints. She believes that the SLU permit is the way to go, and will allow the Village to regulate STR's, adding that after three complaints, the permit could be revoked. She said the Village could choose to adopt an ordinance for STR's similar to what Michiana and the City of New Buffalo has done. She said if the bills get passed, all ordinances related to STR's and SLU requirements will no longer be valid.

Senica said that she thinks the Village should start working on this now. She said there are people doing this right and we shouldn't punish them, but people who are causing issues need to be dealt with.

The Council, Planning Commission members and Police Chief Ryan Layman discussed their thoughts and concerns regarding the bills and STR's in the Village.

## **PUBLIC COMMENTS ON AGENDA ITEMS**

Angela Trainor said that she is a good property manager and would not have a problem with paying fees for a STR permit. She would like Grand Beach to move forward with an ordinance, adding that Grand Beach is one of the last communities in the area to do this.

John Rafkin said that it looks like the Council wants to get data over the next few months regarding the trash can removal program. He believes that if there is a solution, costs should be shared among all property owners.

Lindley stated that the trash can removal program is not an ordinance or a resolution; it was a motion by the Council.

## **PUBLIC HEARING**

None

## **COMMISSION REPORTS**

**BUILDING & ZONING:** Bracewell said that the building activity is at a high peak and contractors are difficult to get. He said there are a number of pools being installed and new homes constructed and asked for everyone's patience in regards to the trucks in the Village delivering materials to these sites.

Building Inspector Bill Lambert said that he spoke to a contractor on Lake Park who is working on a new home and told him that the Village has an ordinance and work hours are limited to 8:00 a.m. - 5:00 p.m. EST, and we will not allow

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the contractor to work outside of those hours. The owner of the property asked for extended hours for concrete work, but Lambert said they will have to follow the hours in the ordinance.

**PARKS & BEACHES:** No report.

**STREETS & WATER:** Leonard said the Village is patching streets and testing the Village drinking water, adding that his home is one of several homes in the Village where water samples are taken for testing.

**POLICE:** Lindley said Grand Beach has an ordinance regarding the use of fireworks and fireworks are never allowed on public property including the streets, golf course and beaches. She has instructed the Police Chief to issue fireworks tickets and fines of up to \$1,000 and confiscate the fireworks from anyone not following the ordinance. She reminded residents again to be careful and not fall for scams as there are many scams going around.

**PRO SHOP & COURSE:** O'Halloran said that if the weather stays nice, we will be tracking okay compared to last year. He has noticed that there has not been a lot of play on the weekdays.

He said he had a golf committee meeting with seven members and they accomplished a lot. They would like Bob Dabbs to attend their meetings in the future. They identified the number one issue with the golf course as irrigation.

### **SERVISCAPE REPORT**

Clay Putnam said routine maintenance has been ongoing. They had to replace face plates in a couple of irrigation controllers, and he thanked Bob Dabbs, Dale Powell and Tim Pendergast for their help in the repairs.

### **PERSONNEL REPORTS**

**SUPERINTENDENT:** In addition to written report, Superintendent Bob Dabbs said he is getting a lot of complaints from the Eiffel Towers area about trucks tearing up the streets. He said there is not much that can be done until all of the construction is completed. They are seeding and putting straw down on the #4 fairway after the drainage project.

Dabbs said that on Tuesday, they hauled back 55 trash cans and 30 recycle cans which took approximately two and a half hours. They pulled back 52 cans the week before.

**POLICE CHIEF:** In addition to his written report, Police Chief Ryan Layman said that if anyone on the Zoom call was involved in the big fireworks production on Whitewood Avenue last year, they will meet the police this year. They have a new officer who is ready to enforce the fireworks law.

**BUILDING INSPECTOR:** Bracewell said that he had received emails from John Hunter in Fifteen Acres regarding the house under construction and he would like to give him another week to see if he fulfills his emails. Building Inspector Bill Lambert said that if he was in Hunter's position getting pressure from the Building Commissioner and Building Inspector, he would give the Council the names of contractors he has been speaking to. Lambert said Hunter no longer has a building permit, and if he is working on the house he will be issued a ticket.

### **UNFINISHED BUSINESS**

#### **TRASH CAN REMOVAL**

Lindley said that she wrote her thoughts about the trash can removal program down and they were included in the packet. She asked Bob Dabbs to keep track of how many trash cans they pulled back each week so that the Council knows how many people need the service. The Council asked that cans not be put out before 12:00 p.m. EST the day before pickup and be pulled back to the house by 8:00 p.m. EST the day of pickup so that the guys can get an early start

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pulling cans back on Tuesday morning. The Village will pull cans back if the property owner is not able to do so and will not charge any fees for June and July as they collect data in order to make a decision on how the program will be handled.

She said if Able Disposal were to do a pull-back service they would move the cans 15 feet off the edge of the street for the whole Village at a cost of \$16.50 per month added to everyone's bill. The total cost would be close to \$89,000 for the year.

She mentioned the "backdoor service" that is offered by Able Disposal. For \$25 a month for trash and \$25 a month for recycle, Able Disposal will pull your can down from the house to the truck, empty it and return it to the house. This service can be stopped when not needed.

### **WEED CONTROL AND GRASS CUTTING ORDINANCE**

Lindley said that the Village attorney made changes to the last version of the ordinance.

Lindley moved, seconded by O'Halloran to adopt the Weed Control and Grass Cutting Ordinance number 2021-100 with changes by Attorney Sara Senica.

#### Roll Call Vote

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

Motion carried unanimously 4-0.

### **NEW BUSINESS**

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

Lindley moved, seconded by Leonard to accept with deep regret the resignation of Council member Ellen Frankle.

#### Roll Call Vote

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

Motion failed 3-1.

Lindley stated that the Council will bring forward a new candidate to fill the open seat at the July meeting. She said that there will be two open seats in November 2022, and Leonard said that he will not be running for reelection so there will be three seats open. Lindley suggested that if anyone is interested in running that they get registered to vote in order to meet the requirement for a Council candidate.

### **ORDINANCE REVIEW – STORM WATER**

Leonard said the proposed storm water ordinance written by Fred Cowles is very dense, well put together and clear. Leonard moved, seconded by Lindley to approve sending the draft ordinance to Michigan Environment, Great Lakes & Energy for their review, and if approved by them, the Council will adopt the ordinance at the July meeting.

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### Roll Call Vote

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

Motion carried unanimously 4-0.

### **PURCHASE GOLF CART**

O'Halloran explained that there was an electrical fire in the Village's 2002 EZ-Go golf cart and the cart was a total loss. Thankfully nobody was hurt. The cart is covered by the Village's insurance up to \$4,000 less the \$250 deductible. The Council received quotes for a 2013 Club Car Precedent in the amount of \$4,795 from Carts on 12, and a quote from LanCam for a 2017 Club Car Precedent in the amount of \$4,350 plus \$500 for new batteries, and a 2018 Cub Car Precedent in the amount of \$4,650 plus \$500 for new batteries.

O'Halloran moved, seconded by Leonard to purchase a 2017 480 Club Car Precedent golf cart from LanCam at a cost not to exceed \$5,000, and if the cart quoted does not have a windshield and cover, the Village will purchase the 2013 Club Car Precedent from Carts on 12 for \$4,795.

### Roll Call Vote

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

Motion carried unanimously 4-0.

### **RENTAL OF ADDITIONAL GOLF CARTS**

O'Halloran said that last year the Village rented three carts for \$1,200 in order to have more carts available for rental, but this year they can't find any available carts to rent. He would like to rent four carts at a cost of approximately \$600 each this year. If he is able to find carts to rent, he will bring the discussion back to the Council for approval.

### **HYBRID COUNCIL MEETINGS**

Lindley said that with the governor removing restrictions soon, the Council meeting in July will be held in person at the Village Hall, and could be held upstairs to allow for social distancing. She asked the Council if a hybrid meeting is something that they would like to do, adding that the Village would need to purchase a TV at approximately \$450. A hybrid meeting would require Council members to meet in person with others present, but also allow people to attend the meeting via Zoom. She said that she knows a couple of municipalities have tried it and have had problems with it. She thanked Chief Layman for his help with the technology. The Village will purchase a TV and try the hybrid meetings.

### **WALNUT BEACH STAIRS**

Lindley moved, seconded by Bracewell to spend up to \$9,000 from Capital Projects for the Walnut Street beach stairs.

### Roll Call Vote

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

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Motion carried unanimously 4-0.

**PUBLIC COMMENTS – GENERAL**

Resident John Deaner commented on the trash can removal program and thanked the Council for trying to find a solution. He suggested that those who can't move their cans back assemble a group of neighbors to take care of it, hire a landscaper or take the trash home with them.

Resident Ed Trainor thanked the Council for their thoughts on hybrid meetings and said it will be great for second home owners to attend meetings year-round.

Resident John Rafkin commented on the trash can removal program and said it is impossible for part timers to comply. He suggested that the entire Village pay for the service since everyone gets the benefit.

Resident Peter Doerr thanked the Council for what they do. He said fireworks have been an issue since he bought his home in Grand Beach and asked if the Village could send an email out to let people know that the Village is serious about fireworks. He asked if there could be fees charged for overweight trucks. Leonard responded that trucks might not be overweight, but since roads are built on sand, they get broken up. The Village can charge fees for repairs if they know who did the damage.

Resident Robert Kegan said everyone is working together and he is surprised at the backlash from the community in regards to the trash can issue. He understands the concern from those who have to look at the cans on the street. He thinks the Village is taking very small steps towards cooperation.

**CORRESPONDENCE**

**ED ARNOLD (CARTS ON 12) – RE: GOLF CARTS**

Highlights of Ed Arnold's email were read during the meeting.

**HEIDI BEEAKER – RE: RENTAL COMPLAINT**

The rental complaint was discussed during the meeting.

**HARRY WALDER – RE: COUNCIL POSITION**

The council member position was discussed earlier in the meeting.

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

**ADJOURNMENT**

Lindley moved, seconded by Bracewell to adjourn the meeting.

Roll Call Vote

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

Motion carried unanimously 4-0.

With no further business, the meeting was adjourned at 9:44 p.m. EST.

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Respectfully submitted,

Mary J. Robertson  
Clerk-Treasurer