

**VILLAGE OF GRAND BEACH
REGULAR COUNCIL MEETING (HELD ELECTRONICALLY)
MARCH 17, 2021**

CALL TO ORDER

Council President Deborah Lindley called the electronic (virtual) regular council meeting to order at 7:01 p.m. EST.

Lindley read the following information regarding the remote meeting:

This meeting is being held remotely due to the COVID-19 pandemic enrolled under Senate Bill 1246, Public Act 254 of 2020 amending the Open Meetings Act. 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 during “public comments - general” 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 Defuniak Springs, Florida

ADOPT AGENDA

Lindley moved, seconded by Bracewell to adopt the March 17, 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:

 i. Special Council Zoom Meeting – New Buffalo Township Special Assessment – February 12, 2021

 ii. Regular Council Zoom Meeting, February 17, 2021

 iii. Special Council Zoom Meeting – Legal Representation, March 5, 2021

b. Pay Bills with Written Additions

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

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Roll Call Vote

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

Motion carried unanimously 5-0.

COMMENTS ON AGENDA ITEMS

None

PRESENTATIONS/RECOGNITION

LIFESAVING RECOGNITION - ASSISTANT POLICE CHIEF JAMES FLICK

Police Chief Ryan Layman recognized Assistant Police Chief James Flick for his quick action in administering Narcan to a victim of a prescription drug overdose. The victim was awake and talking on the way to the hospital thanks to Flick's quick action. Lindley thanked Flick and all of the officers who are well trained and ready to respond at a moment's notice.

PUBLIC HEARINGS

None

COMMISSION REPORTS

BUILDING & ZONING: Bracewell said there have been carpenters working at the house on Oak Avenue. He said there is sheeting on the roof and sides of a house in Fifteen Acres and he and Building Inspector Bill Lambert have been discussing the next round of action towards this property owner. He asked Chief Layman to find out if the courts have begun working on these types of citations as they are considering writing 2nd and 3rd citations to some of the property owners.

There was Council discussion regarding cement posts that were put in at Pine Street beach access years ago to designate the property lines. Street Commissioner Paul Leonard and Superintendent Bob Dabbs will look at the different beach accesses to decide which ones need to be surveyed to show where the property lines are to ensure that adjacent properties do not encroach on the Village's beach accesses.

PARKS & BEACHES AND POLICE: Nothing to report.

STREETS & WATER: Leonard said he will be sending out the Memorandum of Understanding (MOU) and draft of the easement to the Council members in regards to the Farwell property on Ely Avenue. He said Farwell has been communicating with Village Attorney Sara Senica regarding the MOU and easement. He said once the documents are signed, the Village should be able to get the abandoned water lines moved within the next three years.

Bob Dabbs stated that he spoke with Farwell about the easement, and Farwell wanted a 10' easement and the attorney had proposed a 20' easement, and Dabbs thought maybe they could meet in the middle at 15'. He said that Engineer Rob Andrew will need a copy of the documents before getting started.

PRO SHOP & COURSE: O'Halloran said there was a plan to replace the flooring in the pro shop this spring, but after looking at it, he now realizes that the counters also need to be replaced. He will obtain bids to replace the flooring and the countertops, and the work will be done after the pro shop closes for the season.

SERVISCAPE REPORT

Clay Putnam said the equipment maintenance has been completed for the winter and spring clean-up will begin this week.

PERSONNEL REPORTS

SUPERINTENDENT: In addition to written report, Superintendent Bob Dabbs said they are ready for Versaw to arrive before April 1 to begin the drainage project on the golf course. The Village will begin spring leaf pick-up on April 1.

POLICE CHIEF: In addition to his written report, Police Chief Ryan Layman said there were 35 complaints in February, including three accidents where drivers hit the cement posts due to the winter weather. He warned residents that there have been a few packages stolen off front porches in Long Beach recently, and suggested that if you are not going to be around that you have a neighbor move the packages off your porch.

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

UNFINISHED BUSINESS

None

NEW BUSINESS

RESOLUTION TO COLLECT DELINQUENT PROPERTY TAXES

Lindley moved, seconded by Leonard to adopt a Resolution to Collect Delinquent Property Taxes through the end of February.

Roll Call Vote

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

Motion carried unanimously 5-0.

GUARD RAIL REPLACEMENT – GRAND BEACH ROAD

Lindley said there was an accident on Grand Beach Road and a driver hit both guard rails where the road crosses over White Creek. The Village will try and collect the money from the driver of the car to replace the guard rails.

Lindley moved, seconded by O'Halloran to replace the guard rails on Grand Beach Road at a cost not to exceed \$2,500.

Roll Call Vote

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

Motion carried unanimously 5-0.

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BUDGET AMENDMENT – MAJOR STREETS FY 2020-2021

Lindley moved, seconded by Leonard to approve a budget amendment for the Major Street fund for fiscal year 2020-2021 as presented.

Roll Call Vote

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

Motion carried unanimously 5-0.

BUDGET AMENDMENT – CAPITAL PROJECTS FY 2020-2021

Lindley moved, seconded by Leonard to approve a budget amendment for the Capital Projects fund for fiscal year 2020-2021 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.

EGLE SPECIAL EXCEPTION – 48001 RIDGE ROAD

Lindley explained that the property at 48001 Ridge Road needs a special exception from EGLE for their revetment work because they are building a new structure lake ward of the bluff and the project will affect slopes steeper than 33%. She has talked with contractor Arie Donkersloot who will be doing the work, and he said he will be finished in May.

Lindley moved, seconded by Leonard not to object to the EGLE Special Exception request for 48001 Ridge Road.

Roll Call Vote

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

Motion carried unanimously 5-0.

EGLE SPECIAL EXCEPTION – 46105 WHITEWOOD AVENUE

Lindley explained that the property at 46105 Whitewood Avenue needs a special exception from EGLE for their revetment work along White Creek because it will affect a slope steeper than 33%. There was discussion about where the materials will be staged and if this will affect the limited beach at the pier. Superintendent Bob Dabbs said that it will not affect beach activity at the pier. There was concern about the large trucks blocking Whitewood which is very congested, the staging area for the rock and the timing of the project.

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Superintendent Bob Dabbs will contact the homeowners and get the particulars regarding these issues, and will let the owners know that the Village wants the work done before Memorial Day or after Labor Day.

Leonard moved, seconded by Lindley not to object to the EGLE Special Exception request for 46105 Whitewood Avenue.

Roll Call Vote

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

Motion carried unanimously 5-0.

EGLE SPECIAL EXCEPTION REVIEWS

Lindley said there were two of these EGLE Special Exception requests last month and they are going to be coming in often. She said that Mike Morphey of Abonmarche informed the Village that most of the revetment work will need a special exception from EGLE. She said that EGLE informed the Village that Grand Beach is one of the busiest areas in Berrien County for EGLE permitting, and we will continue to get these requests. The Village has 60 days to comment on these requests, but sometimes we might not be made aware of a request until the 40th day which could require a special meeting in order to review the request within the 60 days. She said there is a lot of information to go through and she would like to appoint two or three people to review these.

O'Halloran said that he agrees that the Village needs to have someone work on these because the Council doesn't know the urgency, whether it's a dire situation or who the contractor is that is bringing in the stone.

Slater said he would be happy to review the special exceptions, but he is not an engineer or a revetment expert and wanted to know what type of punch list to use. Lindley said she will talk to Mike Morphey about what would stop the Village from agreeing to the special exception.

Lindley moved, seconded by Leonard to have Superintendent Bob Dabbs, Beach Commissioner Steve Slater and Street Commissioner Paul Leonard Jr. develop a check list and review the EGLE Special Exception requests.

Roll Call Vote

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

Motion carried unanimously 5-0.

NEW BUFFALO HIGH SCHOOL REQUEST TO USE GOLF COURSE

O'Halloran moved, seconded by Leonard to allow New Buffalo High School Athletic Department to use the golf course on the dates specified in their letter of March 1, 2021.

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Roll Call Vote

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

Motion carried unanimously 5-0.

COMCAST – FOX TRAIL

Lindley said that Slater and O'Halloran did a nice job working with Comcast to bring the cost down to install Comcast in Fox Trail where four homeowners do not have Comcast. She said they got the cost down from approximately \$50,000 to a customer contribution of \$10,141.19 to be divided among the four property owners at a cost of approximately \$2,500 per residence.

O'Halloran said he and Steve had several conversations with Comcast since September. He said the residents on Fox Trail are Grand Beach residents and not having Comcast is a safety concern.

After Council discussion, it was determined that the customer share should be split between the four property owners. O'Halloran will contact the four property owners about the cost of getting Comcast into their homes.

GOLF CART RENTAL CANOPY

O'Halloran said that the rental golf carts are out in the elements for eight months of the year. He said they are a money maker for the golf course and generate \$23,000 to \$25,000 a year. They are trying to keep the fleet up as best they can and he thinks building a canopy to protect the carts is the best way to go. He said he and Bob Dabbs think that this can be done for approximately \$10,000, and since the golf course had a good year last year, we should be able to find \$10,000 for a canopy. Bracewell asked O'Halloran to present a drawing of what the canopy would look like.

SHORT TERM RENTAL RESOLUTION AND PROPOSED ORDINANCE

Lindley said she would like the Council to give some direction regarding the short term rental resolution. She said Council members received the 2014 resolution that is complaint driven and wasn't really followed up on. There was a discussion by the Planning Commission to send out a survey, but the Council decided against it. She said the Village does not allow short term rentals, but there have been rentals going on in the Village, especially during this past year with Covid-19. She said that Village Attorney Sara Senica mentioned that the Council needs to think about what they want the Village to look like in 5-10 years. Do we want more and more rentals that will change the character of the Village? She said the costs go up to the Village for management, police patrolling and public facility usage which are paid for with Village tax dollars. She said there are a couple of issues before the House that haven't been passed. She said the Planning Commission has done a great job in listing and brainstorming things the Village needs to do if they decide to allow short term rentals. She said Harry Walder and Robert Kegan of the Planning Commission have done an excellent job in coming up with regulations. Lindley said she feels like there has to be a definitive "yes, we do allow short term rentals" or "no, we don't allow short term rentals".

Slater said that homeowners who rent their homes are paying their taxes just like anyone else, so he feels that the Village is gaining something from these homeowners. He said homeowners have rented homes for decades, and they should have the right to use their investment. He thinks the proposed ordinance is very redundant since we have ordinances that cover things like fireworks, noise and trash. He is opposed to a short term rental ordinance. He said he is in favor of fees for rentals if the state puts something into law to allow the Village to charge fees.

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O'Halloran said that seven years after adopting the short term resolution, we have not received a significant increase in rental complaints. He said homeowner rentals are held to the same standards as other homeowners. He thinks the resolution is working since we aren't getting complaints.

Leonard said that the fact is that the 2014 resolution deals with all of the problems that we've had and is complaint driven and if the residents are not going to stand up and make complaints to the police so the Village can take care of the problems, we are not going to solve the problems by passing new ordinances. The tools we have in our tool box are good enough.

Bracewell said that the Planning Commission has worked very hard on this. We have problems with management of rentals, and people who own and profit from rentals don't control their tenants. He said that Long Beach recently signed a \$25,000 contract with a company called Granicus to help with rentals and he is curious to see how it works. He said if you have a complaint, pick up the phone and call the police and leave a message with your name. He said there are five rentals on his street in the summer.

Laurie Roche, Planning Commission Chair said she hears the frustration and she has the same frustrations. She was on the Planning Commission in 2014 when the resolution was adopted. She said it is a new day and the question is "do we allow short term rentals in Grand Beach"? She said we either change the resolution or adopt a new ordinance. She said there are problem homes and it is up to the residents to make the complaints. She feels that Harry Walder and Robert Kegan put together an excellent ordinance, but it still depends on complaints from the neighbors.

Robert Kegan said this has been an evolution, and that when they started drafting the ordinance, one of the main pieces was generating revenue to help with the beaches, playground and tennis courts, but then they found out it is illegal under state laws. He said there are two issues on the state docket with the first to allow municipalities to charge up to 5% on revenue and the second which defines a single family residence as personal property and not a business. He hopes the state takes these issues up this year. He feels that many of the issues like parking and trash shouldn't only be addressed to the rental homes, but to all of the homes in the Village.

Chief Layman said as police, they don't like the word resolution because there is no enforcement with it because it is not an ordinance. He would like a little guidance from the Council.

Lindley said she is concerned with safety issues. She said with everyone's comments, we know where we are and a lot of it will depend on what the state says about the two bills.

Leonard suggested that if someone calls the police, but doesn't want to give their name, it will not trigger a report to the Council. But, if someone gives their name because it is serious enough to give their name, then Chief Layman could report back to the Council with the name, address and phone number of the owner. He said he would like all of the Council members to think about this.

PUBLIC COMMENTS – GENERAL

Laurie Roche asked if there is any news on the purchase of the 42 Acres. Lindley said that she received an email from the appraiser and the Village should be getting the latest appraisal soon.

CORRESPONDENCE

None

Lindley thanked the residents that filled out the tax tribunal form online or who joined the legal group in voicing their displeasure and illegal steps the Township took in developing a Special Assessment District that bypasses the concerns of the taxpayer and in the Village's case, infringes on our sovereign home rule status. She thanked Ed and Angie Trainor for

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keeping everyone informed of options and making the process of filling in the online paperwork much easier. She said Ed sent an email that said that 46 people had filed through a law firm and 55 people had self-filed with the Tax Tribunal.

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 9:18 p.m. EST.

Respectfully submitted,

Mary J. Robertson
Clerk-Treasurer