

**VILLAGE OF GRAND BEACH**  
**REGULAR COUNCIL MEETING (HELD ELECTRONICALLY)**  
**MAY 19, 2021**

**CALL TO ORDER**

Council President Deborah Lindley called the electronic (virtual) Zoom regular council meeting to order at 7:20 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 – Attending remotely from Grand Beach, Michigan

Ellen Frankle – Attending remotely from Grand Beach, Michigan

Paul Leonard – Attending remotely from Grand Beach, Michigan

Deborah Lindley – Attending remotely from Indianapolis, Indiana

Blake O'Halloran – Attending remotely from Grand Beach, Michigan

**ADOPT AGENDA**

Lindley moved, seconded by Leonard to adopt the May 19, 2021 agenda as presented.

Roll Call Vote

Ellen Frankle           Aye

Paul Leonard           Aye

Deborah Lindley       Aye

Blake O'Halloran       Aye

James Bracewell       Aye

Motion carried unanimously 5-0.

**ADOPT CONSENT AGENDA**

- a. Approve Village Council Minutes:
  - i. Regular Council Zoom Meeting, April 21, 2021
- b. Pay Bills with Written Additions

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

Roll Call Vote

Paul Leonard           Aye

Deborah Lindley       Aye

Blake O'Halloran       Aye

James Bracewell       Aye

Ellen Frankle           Aye

Motion carried unanimously 5-0.

**COMMENTS ON AGENDA ITEMS**

Sid Mathias, president of Grand Beach Land Development (GBLD) stated that he appreciates all of the work that has gone into the 42 Acres property.

**PRESENTATIONS/RECOGNITION**

None

**PUBLIC HEARINGS**

None

**COMMISSION REPORTS**

**BUILDING & ZONING:** Building Inspector Bill Lambert said the only outstanding issue is the Hunter home in the Fifteen Acres and he has pulled the permit and red tagged the project. He said he will need help from the Village Attorney on how to condemn the house. There are several new homes going up in the Village. He will work with the contractor who worked on the property next to the Pine beach access to see if we can get an observation deck from them.

Bracewell said they will need cooperation and support from the attorney to help the police in condemnation proceedings.

Police Chief Ryan Layman said that the Ruffner property on West McKean was cited for roof, soffit, fascia and paint. Lambert said the grass is 18" tall at the property.

**PARKS & BEACHES:** Frankle said that there are two areas with beaches in the Village at Whitewood and Walnut. She said Walnut looks really nice and should be open for the weekend. The Village will be able to get sand from building projects and hopes to put sand in at the Lake Avenue and Lee Point accesses to make them accessible. Work is being done to get the park ready for the summer.

**STREETS & WATER:** Leonard said the streets are in very bad shape and the Village doesn't have money for repairs. He said the Village is going to need to complete water improvements in the Village and we are going to need more money for these things.

**POLICE:** Lindley said that there have been emails sent out in her name asking people to purchase gift cards for her, but don't do it because it is a scam. She reminded people to be aware of the many scams that are out there.

**PRO SHOP & COURSE:** O'Halloran said that he thinks golf has resurged after Covid and hopefully the course will have another good year. There is a drainage project taking place on the golf course which should be completed by Memorial Day. He said the Village will no longer need to pump water across Royal Avenue after the project. He has put off the golf cart canopy project since the maintenance department is so busy and the price of materials has gone up so much.

**SERVISCAPE REPORT**

Clay Putnam said the aerification is complete and the greens and tees have been top dressed. ServiScape repaired irrigation leaks on holes three and six.

**PERSONNEL REPORTS**

**SUPERINTENDENT:** In addition to written report, Superintendent Bob Dabbs said he has hired a part-time employee who is picking up bagged leaves and getting acquainted with the Village.

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**POLICE CHIEF:** In addition to his written report, Police Chief Ryan Layman said there were 41 complaints in April. He reminded everyone not to park on the streets, and said that New Buffalo Township just got a new fire truck that is very huge and it will be difficult to get the truck down the narrow streets. He also reminded people to lock their car doors and remove all valuables from the cars.

O’Halloran said he recently heard that the Michigan Department of Transportation has pulled the funding for US 12 and will not pave the highway this year. He feels that letters should be written to US Representative Upton and other representatives because the roads are terrible.

**BUILDING INSPECTOR:** Building Inspector Bill Lambert gave his report earlier in the meeting.

**UNFINISHED BUSINESS**

**TRASH CAN REMOVAL**

Lindley said we’ve dealt with this issue for years and nothing has changed. Gina O’Halloran mentioned in her letter under correspondence that she counted 26 trash cans left out on Wednesday from Royal to Holiday Hills. When Lindley drove through Eiffel Towers, there were 10 cans left out and about six left out on Perkins on the way to her house, so the cans are a problem. She said as much as she hates making rules for residents; sometimes that is the only way to get things done. If residents don’t want the Village to charge them for taking trash cans off the street, they can contact Able Disposal and they will provide the service for a fee.

**NEW BUSINESS**

**42 ACRES GRANT**

Lindley said that the DNR has approved the grant for the 42 Acres at \$3,215,000 and the Village has the 25% match which is made up of generous donations and the generous 10% match from GBLD. She said that the Village also has to pay 10% of the grant upfront something similar to an escrow account with the unused funds returned after any additional costs are deducted. She said with the Village paying for the pumphouse revetment work and work at the Walnut beach access, money is going to be tight. She thanked GBLD for hanging on throughout the process. Sid Mathias, president of GBLD thanked everyone on the Council for their help and said the state requires 60 days to review documents.

**BUDGET AMENDMENT – GENERAL FUND FY 2020-2021**

Lindley moved, seconded by O’Halloran to approve a budget amendment for the General Fund FY 2020-2021 in the amount of \$133,000 as presented for the Walnut project and pumphouse work.

Roll Call Vote

Blake O’Halloran	Aye
James Bracewell	Aye
Ellen Frankle	Aye
Paul Leonard	Aye
Deborah Lindley	Aye

Motion carried unanimously 5-0.

**WEED CONTROL AND GRASS CUTTING ORDINANCE**

Lindley said that this is another situation that the Village has had to make rules because some residents do not maintain their property and it becomes a nuisance to their neighbors. Village Attorney Sara Senica created an ordinance which

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allows the Village to mow and remove weeds on nuisance properties and charge the owner for the work plus a 10% administrative fee. If the bill is not paid, the charges can be added to the taxes and becomes a lien on the property.

After much discussion by the Council, there was concern about dune grass and certain plants that were considered noxious weeds in this ordinance that don't appear as noxious weeds in other ordinances or on the State of Michigan's weed list. Frankle will submit recommended changes to Clerk Mary Robertson for review with Attorney Sara Senica.

### **GRANICUS "HOST COMPLIANCE"**

Lindley said the Village has a policy for dealing with short term rentals, but has not used it. She said there was recently a complaint at a house which has had seven complaints filed already. She was considering having Granicus give a presentation to the Council about tracking and regulating short term rental properties, but instead would like to have Attorney Sara Senica attend the Council meeting to discuss the rental situation. She said the Planning Commission has done a very good job with a proposed ordinance. The attorney feels that the Special Land Use is the way to proceed, but it will be a lot of work at first. Lindley said HB 4722 was discussed on Tuesday and Clerk Mary Robertson listened in to the hearings. If the bill is approved, municipalities will not be allowed to regulate short term rentals.

Lindley said that Chief Layman could use guidance from the attorney on how to handle complaints regarding short term rental properties.

Council members spoke about their concerns. Clerk Mary Robertson will ask Attorney Sara Senica to attend the June Council meeting.

### **COVID VACCINE**

Lindley said there have been changes made by the CDC regarding the Covid vaccine and masks. She said we are not going to ask golfers if they have had their vaccine or not. She said her feeling is that if you work for Grand Beach, you should be vaccinated, but at this time, the Village won't require it. She would like to encourage employees to get vaccinated by offering an incentive of some type to those that are not full time employees.

O'Halloran said that last year there was plastic put up in the pro shop across the counters, and there is now Plexiglas in place. He said he has instructed Pro Shop Manager Don Butler that anyone not vaccinated must wear a mask. Pro shop employees will wear masks when preparing food. Lindley said everyone entering the Village Hall office will be required to wear a mask.

### **REQUEST TO CLOSE LEE POINT BEACH ACCESS**

Lindley said that she and Beach Commissioner Ellen Frankle went back and forth on a request from a property owner who is building a house next to the Lee Point beach access to close the access while they are digging and putting in the foundation. She spoke with Superintendent Bob Dabbs and he felt the access was very dangerous and should be closed. She said we don't want to be liable for any accidents, but we aren't closing other accesses for construction. Dabbs will close the access due to the dangerous conditions.

Frankle said that the property owner has offered to give the Village the sand that is excavated from the property when they build. She doesn't want to see the access closed indefinitely and hopes that with the sand, it can be opened again.

### **SPEEDBUMPS**

O'Halloran moved, seconded by Lindley to install removable speedbumps and signage in front of the park between Memorial Day and October 1 at a cost not to exceed \$1,000.

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### Roll Call Vote

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

Motion carried unanimously 5-0.

### **DONATION FOR FOX MEMORIAL GARDEN**

Lindley thanked the Fox family for their annual donation for the upkeep of the family memorial near the pro shop.

### **NEW BUFFALO SHORELINE ALLIANCE REPRESENTATIVE**

Lindley said there is still a need for a Grand Beach representative to the New Buffalo Shoreline Alliance. Anyone interested should contact Clerk Mary Robertson.

### **PUBLIC COMMENTS – GENERAL**

Village resident Maggie Testore thanked the Council for approving speedbumps in front of the park, stating that it has been stressful watching the kids riding bikes and playing with cars moving so fast.

Village resident Mike Elliott said there is a process in place for appointing Planning Commission members and he doesn't understand why the Council doesn't have a similar process. He wondered when the Village will develop a plan for the streets.

Lindley said there is a procedure in place that the Council President makes a recommendation to appoint a member to the Council.

### **CORRESPONDENCE**

#### **JOHN DEANER – RE: THANK YOU**

John Deaner thanked the Council for discussing and developing a plan to get trash cans off the streets.

#### **ROSS KERR – RE: TRASH CAN REMOVAL**

Lindley said this was a very gracious letter concerning trash can removal.

#### **GINA O'HALLORAN – RE: RECENT RENTAL COMPLAINT**

Lindley said this letter from Gina O'Halloran was in response to a recent rental complaint, and Gina made several good points.

Lindley said the Village wants to be fair to those who don't rent their home and to those who do rent, but when it becomes a problem, we have to do something.

### **ADJOURNMENT**

Bracewell moved, seconded by O'Halloran to adjourn the meeting.

### Roll Call Vote

Ellen Frankle	Aye
Paul Leonard	Aye
Deborah Lindley	Aye

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Blake O'Halloran      Aye  
James Bracewell      Aye

Motion carried unanimously 5-0.

With no further business, the meeting was adjourned at 9:49 p.m. EST.

Respectfully submitted,

Mary J. Robertson  
Clerk-Treasurer