

**VILLAGE OF GRAND BEACH  
REGULAR COUNCIL MEETING  
NOVEMBER 20, 2019**

**CALL TO ORDER**

Council President Deborah Lindley called the regular council meeting to order at 7:43 p.m. EST. Present in addition to Lindley were James Bracewell, Paul Leonard Jr., Blake O'Halloran and Steve Slater.

**ADOPT AGENDA**

Lindley moved, seconded by O'Halloran to adopt the November 20, 2019 agenda as presented. Motion carried unanimously 5-0.

**ADOPT CONSENT AGENDA**

- a. Approve Village Council Minutes:
  - i. Regular Council Meeting, October 16, 2019
- b. Hall Rental Request
  - i. Steve & Amy Slater, October 25, 2019
  - ii. Colleen & Brendan Duffner, October 31, 2019
  - iii. Grand Beach Social Club, November 30, 2019
- c. Pay Bills with Written Additions

Slater moved, seconded by O'Halloran to remove the Council Minutes of October 16, 2019 from the consent agenda. Motion carried unanimously 5-0.

Slater moved, seconded by O'Halloran to amend the October 16, 2019 minutes in the second paragraph under Building and Zoning Commission report to read "Slater stated there is not a great sense of urgency". Motion carried unanimously 5-0.

Lindley moved, seconded by Slater to adopt the consent agenda. Motion carried unanimously 5-0.

**PRESENTATIONS/RECOGNITION**

None

**COMMISSION REPORTS**

**BUILDING & ZONING:** Bill Lambert said the jobs are going great. He said that he's been told that Service One is coming to remove Hunter's container soon and Hunter has been cleaning up the site. Stiteler on Oak has put the house that is under construction up for sale. Bracewell had nothing to add to the commission report.

**PARKS & BEACHES:** Slater reported that the Parks and Recreation 5-year Master Plan public hearing was held and the Council received a few comments.

**STREETS & WATER:** Leonard reported that the weather has been unusual the last several weeks and has made it very difficult to pick up leaves, but the Village will do the best they can. Bracewell commended Leonard and the Council for getting the drainage taken care of at the Dolly Trainor Park and said that we have to put in plans to run drainage along Grand Beach Road.

**POLICE:** Lindley had nothing to report.

**PRO SHOP & COURSE:** O'Halloran said the golf course had a record year and didn't have to borrow from the General Fund. He said the Village was able to make some improvements and took down trees on the golf course on #2 and #9

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which was disappointing, but necessary for safety reasons. He said Clay Putnam and ServiScape have done an excellent job on the golf course and the maintenance crew has helped take down any trees that didn't require a professional tree removal service.

### **SERVISCAPE REPORT**

Clay Putnam reported that leaf cleanup continues and all tee and green supplies have been taken off the course. The irrigation system was blown out this week and tree removal to holes #2 and #9 has been done. He said the maintenance department trimmed the lower hanging pine branches on the course.

### **PERSONNEL REPORTS**

**SUPERINTENDENT:** In addition to his written report, Superintendent Bob Dabbs reported that he got a bill for the final payment for the sidewalk along Royal and the contractor added a charge of \$400 because the cost of concrete goes up on November 1 each year. After discussion, the Council said that a contract is a contract, so they chose not to pay the additional fee. Dabbs said he is going to have an arborist look at a few trees in the Village that might need to come down. There was discussion about the need for posts in the area along Royal where the new sidewalk was installed. Slater asked that the subject be added to the December agenda.

**INTERIM POLICE CHIEF:** Interim Police Chief Jamie Flick reported there were 36 calls between Michiana and Grand Beach and they wrote four citations for the month.

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

### **UNFINISHED BUSINESS**

None

### **NEW BUSINESS**

#### **Agreement for Extraterritorial Police Shared Services**

Lindley explained to the Council that the Extraterritorial Police Shared Services Agreement was drawn up by Village Attorney Sara Senica who serves as the attorney for both Grand Beach and Michiana. Lindley said she received an email from a Council member and will address the email to the whole Council. She said the Council makes all final decisions. The Council tasked her and Bracewell in the spring with continuing discussions with Michiana to come to an agreement for police services. She said they are not making these decisions in a vacuum and the meetings and decisions have been made with the sole purpose of the welfare of the Village residents and budgetary concerns. She said Michiana already approved the agreement and understood that Grand Beach would address it at this meeting and if changes were made, they would be able to take it to their December meeting.

She said we are entering into this agreement so that the Village can have 24/7 coverage, a one call number coding/reporting system to cut costs and so Michiana can be reimbursed for their coverage. They have been covering us since February of 2019 without asking for any compensation.

There was discussion regarding the procedure of reviewing and signing the document when it is a mutual agreement between two entities. There were also questions asked by O'Halloran and addressed regarding Section 4 (Police Advisory Board), Section 5 (No Guarantee) and Section 13 (Term) of the agreement.

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Lindley moved, seconded by Bracewell to accept the Agreement for Extraterritorial Police Shared Services as presented. Motion carried unanimously 5-0. Leonard said this is a very good first step and nothing is carved in stone, but as both

Villages go forward; there might be need for an amendment.

#### **Zoning Ordinance Amendments Recommended by Planning Commission**

Lindley said that the Planning Commission and Council must make the required “Findings of Fact” regarding the Zoning Ordinance Amendments. The Planning Commission did so at their meeting and the Council needs to do the same. She commended the Planning Commission on their hard work on the amendments.

Bracewell said the Planning Commission tried to tighten loopholes because the Village has had situations and challenges to our processes and state ordinance. He said they tried to make our Zoning Ordinance as aggressive and strong as they can and still follow Michigan state law. He said the Village can’t adopt an ordinance that is stronger than what Michigan state law allows. In addition, they dealt with pods on building sites and requirements on containers, decks less than 12” high and pool equipment, generators and air conditioning units and where they are placed.

O’Halloran said that Bracewell has done a lot of work on this and the Village is fortunate to have Ray Kelly as the chair. He would like more people to become involved and come to the Council if they have issues.

There was concern from Slater and O’Halloran and discussion regarding the ability to have more stringent rules in regards to the length of building permits. Lindley said the Village hasn’t been tough enough after the 180 days on a building permit and we need to make it very difficult so that people complete the project within 180 days.

Leonard moved, seconded by Bracewell that the Village Council adopts the “Findings of Fact” of the Grand Beach Planning Commission from its meeting of November 7, 2019 as the sufficient justification for the adoption of all of the recommended amendments of the Planning Commission to the Zoning Ordinance. Motion carried unanimously 5-0.

#### **Ordinance #2019-98 Zoning Ordinance Amendments**

Lindley moved, seconded by O’Halloran to adopt ordinance #2019-98 amending the Zoning Ordinance as recommended by the Planning Commission. Motion carried unanimously 5-0.

#### **42 Acres (Grand Beach Nature Preserve) – 40 Year Title Search**

Lindley said that Mario Ortega of McKenna sent a memorandum with a proposal for a 40-year title search to be done by Meridian Title at a cost of \$1,000 and a list of several DNR approved appraisers to choose from for the two additional appraisals needed by the Village. She said the most expedient way to have incidental costs reimbursed by grant funds is by having the Village contract or incur costs for all professionals.

Lindley moved, seconded by Bracewell to select Meridian Title to conduct a 40-Year Title Search of the two parcels that comprise the 42-Acres Grand Beach Nature Preserve as required for Michigan Natural Resources Trust Fund grant fulfillment in the amount of \$1,000. Motion carried unanimously 5-0.

#### **42 Acres (Grand Beach Nature Preserve) – Appraisals**

Lindley explained that the Village needs two new appraisals because we need to utilize up-to-date market information and because of the estimated value of the site. She said we must use the state DNR-authorized appraisers and those appraisers can use past documents to create a new document. She said that two Council members will be present for the appraisals and Grand Beach Land Development will be asked if they would like to be there.

Lindley moved, seconded by Slater to approve hiring Soper & Associates LLC at a cost of \$3,000 and Adams & Associates Appraisal Company LLC at a cost of \$8,500 to conduct an appraisal of the two parcels that comprise the 42-Acre Grand

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Beach Nature Preserve which meets the DNR appraisal requirements as required by the MNRTF grant fulfillment of the 42 Acres. Motion carried unanimously 5-0.

### **MDOT Road Diet Comment Sheets**

Lindley stated that she was invited to a municipal meeting for the “road diet” and that many in attendance made comments that they were not in favor of the “road diet”. The Michigan Department of Transportation (MDOT) held another meeting and had comment sheets available to be filled out, although they weren’t mentioned during the meeting. The Village has the comment sheet available on its website.

There was discussion from Council members about the meetings that they attended and their concerns about the danger and the ability to get in and out of Grand Beach if the “road diet” is implemented along US Highway 12. Lindley suggested that others fill out comment sheets and send them to MDOT with their concerns. The repaving and road project is slated to begin in 2021.

### **Pumphouse/Beach Access Protection Update**

Lindley explained that Arie Donkersloot is still planning on stockpiling rock in front of the pump house for protection and he stated that it would be a winter project. She said when they did the site visit with Ben Zimont from EGLE, Arie Donkersloot and Mike Morphey of Abonmarche discussed some of the changes.

Lindley said that she would like to make a clarification. Bob Dabbs is our Village Superintendent and has always taken care of interactions with contractors as part of his job. He does that as part of his daily work and at the direction of the Council. In the past, the Council president didn’t directly pursue interactions unless directed by the Council.

### **Abonmarche Proposal for Construction Scoping**

Lindley said that Arie Donkersloot said he would do our work for the pumphouse and beach access protection in the spring if he can and in the meantime, we need to decide if we want to sign the proposal for construction scoping with Abonmarche. Donkersloot is not comfortable in making changes and will talk with Mike Morphey of Abonmarche. The Council discussed the pumphouse and beach access protection and the fact that the Village is reducing the scope of the project and yet Abonmarche is charging an additional \$5,000 in fees. Slater said that our original contract with them excluded certain things and we need to look at that contract to see what was excluded. O’Halloran asked how Donkersloot will do a winter project and was told that he will build a ramp on the Walnut beach access to bring rock down.

Slater moved, seconded by Lindley to approve the contract from Abonmarche subject to reviewing the original \$18,000 contract to find out what that scope included and if it excluded negotiations or redesign or anything like that, then we are going to have to not proceed and otherwise let’s get going. Motion carried 4-1 with Bracewell, Leonard, Lindley and Slater voting aye and O’Halloran voting nay.

### **Village Parties**

Lindley said that Amy and Steve Slater have been trying to get winter parties going and she’d like to make it easier. Slater said they’ve done four of these ranging from 25-64 people. He said it’s in an effort to build community during the winter and not just the summer months, and it’s been a lot of fun. Lindley said whoever is hosting the party can determine if they want to clean the hall after use. She said the Village will collect the cleaning fee and if they leave it in immaculate condition with no damage, the fee will be returned. This will be added to the December agenda.

### **Children’s Tennis**

Lindley said the Council received a request from the Social Club to move children’s tennis from Friday mornings to Saturday mornings since the children will be playing golf on Friday mornings.

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Slater moved, seconded by Leonard to allow the change to children's tennis as requested on a trial balance for one year and to reevaluate. Motion carried unanimously 5-0.

### **2020 Meeting Schedule**

Lindley moved, seconded by Bracewell to approve the 2020 Council meeting schedule as presented. Motion carried unanimously 5-0.

### **Berrien County Data Processing Contract - Tax Bills, January 1, 2020-December 31, 2021**

Lindley moved, seconded by O'Halloran to approve the 2020-2021 Berrien County Data Processing Contract for tax bills from January 1, 2020 through December 31, 2021. Motion carried unanimously 5-0.

### **Health Insurance Renewal**

Lindley told the Council that the health insurance will renew on December 1, 2019 and the premium increase was amazingly only 2.88% this year. She said there were additional funds budgeted for the increase in the current budget.

Lindley moved, seconded by Slater to approve the health insurance renewal. Motion carried unanimously 5-0.

### **Resolution to Opt Out of PA 152 of 2011**

Lindley said that each year since 2011 the Council has opted out of the Publicly Funded Health Insurance Contribution Act No. 152 of the Public Acts of Michigan of 2011. She said the Council has historically chosen to opt out of the mandatory 20% employee contribution towards the health insurance premiums, allowing the Village Council to make decisions regarding Village employees.

Lindley moved, seconded by O'Halloran to adopt a resolution to Opt Out of PA 152 of 2011. Motion carried unanimously 5-0.

### **Annual Salary Adjustments**

Lindley moved, seconded by O'Halloran to approve the annual end of year salary adjustments as presented. Motion carried unanimously 5-0.

### **Police – Computer & Firewall**

Inter Police Chief Flick told the Council that the firewall in the police department has outlived its life and he has been working with someone to help him with their computer needs. He said it will cost approximately \$900 for the firewall for three years and approximately \$1,100 for a new computer with a 3-year warranty and solid state drive with 500 GB of memory. He said there will be a cost to have everything set up, and he has funds set aside in his budget to replace a taser that can be used to help with the expense of the computer and firewall.

Leonard moved, seconded by Lindley to approve an expenditure of up to \$2,500 to upgrade the software for the firewall and purchase a new computer. Motion carried unanimously 5-0.

### **Transfer Local Revenue Sharing Funds to Capital Projects \$29,067.35**

Lindley said the Village received \$29,067.35 from the Local Revenue Sharing Board this year.

Lindley moved, seconded by Slater to transfer the \$29,067.35 from the General Fund to Capital Projects with no encumbrances attached. Motion carried unanimously 5-0.

### **Budget Amendment – Major Streets 2019/2020**

Lindley explained that since the sidewalk was not completed before the end of October, it is necessary to do a budget amendment for the 2019/2020 fiscal year in order to make the final payment to the contractor.

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Leonard moved, seconded by Lindley to approve the Major Street fund budget amendment for 2019/2020 as presented. Motion carried unanimously 5-0.

#### **AUDIENCE RECOGNITION**

#### **CORRESPONDENCE**

##### **New Buffalo Shoreline Alliance Request**

Lindley said that the New Buffalo Shoreline Alliance (NBSA) requested that the Village send out a letter to Village residents. She said it costs \$400 to send out a letter and \$150 to send a letter out with the water bills. She approved sending the letter out from the NBSA with the water bills asking for donations.

Brian Byrnes said that they have made a lot of progress, and the State of Michigan is finally involved for the first time after they took a boat ride along the shoreline and saw the destruction. In early December, Ted Grzywacz and another member are going to Washington DC and have meetings scheduled with Michigan Senators Peters and Stabenow which is the first time they have agreed to see anybody with NBSA.

Byrnes said the rising water is definitely a problem, but it's the loss of the sand that is taking away the beach. He said Grand Beach's problem is that when they put the harbor in, it caught all of the sand. The Army Corps estimates there is 1.7M cubic yards of sand just north of the harbor that belongs along the shoreline. He said the government caused the problem and he wants them to solve the problem and pay.

#### **ADJOURNMENT**

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

With no further business, the meeting was adjourned at 9:55 p.m. EST.

Respectfully submitted,

Mary J. Robertson  
Clerk-Treasurer