

**VILLAGE OF GRAND BEACH
REGULAR COUNCIL MEETING
OCTOBER 16, 2019**

CALL TO ORDER

Council President Deborah Lindley called the regular council meeting to order at 7:30 p.m. EST. Present in addition to Lindley were James Bracewell, Paul Leonard Jr., Blake O'Halloran and Steve Slater.

Lindley said that we will have copies of the agenda available at future Council meetings, but will no longer print the packets which will be available on the Village website.

ADOPT AGENDA

Lindley moved, seconded by O'Halloran to add "*Item G. Skid Loader*" to new business and adopt the October 16, 2019 agenda. Motion carried unanimously 5-0.

ADOPT CONSENT AGENDA

- a. Approve Village Council Minutes:
 - i. Regular Council Meeting, September 18, 2019
- b. Pay Bills with Written Additions

Clerk-Treasurer Mary Robertson told the Council that she is removing a bill for "domain listing" in the amount of \$228 from the General Fund bills to be paid. Lindley moved, seconded by O'Halloran to adopt the consent agenda as presented. Motion carried unanimously 5-0.

PRESENTATIONS/RECOGNITION

None

COMMISSION REPORTS

BUILDING & ZONING: Bracewell reported that there has been progress made on several of the problem building sites. The complaint about the Kerr construction on Ridge Road has been taken care of by the contractor. Building Inspector Bill Lambert said he had a long conversation with the owner of the home under construction on Oak Avenue and he has decided to put the house up for sale. The doors and window wells have been secured at the house. Bracewell said the owner of a house under construction in Fifteen Acres received a list of things to do and has taken care of two of the three items. Service 1 Marine will be moving the container from the property, but are not sure when as they are busy moving boats. The lot was cleaned up and there is a portable bathroom on the site.

11/20/19 Minutes amended to say: Slater stated ~~there seems to be~~ "*there is not*" a great sense of urgency in getting the container moved and asked about writing tickets. Lambert said that they told the owner he has one week to remove the container, and if not removed, he will send a letter to him and then write a ticket.

Bracewell said there will be a Planning Commission meeting and public hearing on November 7, 2019 in regards to amending the zoning ordinance.

PARKS & BEACHES: Slater reported that the Parks and Recreation 5-year master plan is out for public comment. The plan can be viewed in the Village Office or on the Village website. There will be a public hearing to take comments on the plan on November 20, 2019 and it will be sent to the state in December.

STREETS & WATER: Leonard said the Village will be picking up leaves soon and asked residents that are using landscapers to have them haul the leaves away or put them in paper bags. With the freeze and thaw cycle soon to come, he asked residents to notify the Village of any potholes that need to be filled.

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POLICE: Lindley reminded everyone to update their email addresses and phone numbers with the form that the police department and Clerk's office has available. She has been getting questions about golf carts without stickers and said that she found out with help from the Deputy Clerk that there are 465 carts. Of the 465 carts, 28 residents and 11 non-residents have not paid for their stickers this year. She said that if you don't pay for your sticker for two years, the number is given to someone else. Officers, pro shop employees and rangers will continue to check for stickers.

PRO SHOP & GOLF COURSE: O'Halloran reported that July was approximately \$3,000 off from 2018, and was very close to 2017. August came in \$4,500 ahead of 2017 and 2018. September was \$2,500 under. He said it looks like it has been another year that the golf course has paid for itself. He said there are long term needs that need to be addressed, including updating equipment for the golf course and irrigation needs.

SERVISCAPE REPORT

Clay Putnam reported that ongoing maintenance is occurring and aeration and top dressing has been completed. They repaired three irrigation leaks in September, and have pruned evergreens on two. He received one bid for tree work and expects another by the end of the week. The bid includes trees on two and nine. The maintenance department will remove some of the trees on the list, so they should be able to do the tree work with the \$15,000 budget that was approved by the Council.

PERSONNEL REPORTS

SUPERINTENDENT: In addition to his written report, Superintendent Bob Dabbs reported that the sidewalk is slow going and should be done by November 1, 2019. The creek drain is going slow because there are three old water mains buried under the road, but they should get to the creek by the end of the week. O'Halloran said that we should consider putting the cement posts all along the new sidewalk for safety reasons.

INTERIM POLICE CHIEF: Interim Police Chief Jamie Flick reported there were 52 complaints between Michiana and Grand Beach. He reminded residents that when raking leaves, they should put them on the edge of the road, but not on the road as our roads are already very narrow. He has reported a problem with the street lights to Indiana Michigan Power, but doesn't have a timeline of when the lights will be repaired.

BUILDING INSPECTOR: Building Inspector Bill Lambert said there is a new house going up on Robin Lane with another new house coming up on Main.

UNFINISHED BUSINESS

None

42 Acres Update

Lindley said that we are still waiting for Mario Ortega of McKenna to get everything done so that we can close on the property.

Addendum to the Handbook for Michigan Officials

Leonard said that Village Attorney Sara Senica gave the Council a proposed ethics ordinance and he and Slater edited it down and decided they could adopt it as an ordinance or add it as an addendum to the Handbook for Michigan Officials. He said that given the environment in which the Council operates, with the Open Meetings Act, conflict of interest and personnel issues and with people filing global prosecutions, one of the things Attorney Sara Senica recommended was that the Village adopt a code of ethics. This will be helpful in the event there are any questions asked, the Council could show that in their due diligence they were required to review a code of ethics and were aware of what the code required in terms of their conduct of Village business and it would show that the Village is doing its due diligence not just for present Council, but for future

Councils. It is a statement to the Village that the Council takes their responsibilities seriously and not just in the way we want to do business, but that we want to do it in a certain way that is transparent and it is a statement to the public that the Village will operate within the boundaries of a code of ethics. If there is ever a question raised from outside the Village, the Council can point to the Code of Ethics. He thinks this will be a benefit for future councils. The Council discussed the code of ethics and asked questions regarding the language.

Leonard moved, seconded by O'Halloran to approve the Addendum to the Handbook for Michigan Officials applicable to the Council members of the Village of Grand Beach. Motion carried unanimously 5-0.

10 Acre McKean Parcel

Lindley told the Council that the attorney representing the sellers of the 10 acre McKean parcel never called her back with any information regarding the details of the parcel. She said that if the Parks and Recreation Committee wants to look into it for pickleball courts or if the golf course would be interested in it for a retention pond, the Village can check into it further.

NEW BUSINESS

Employee Pay Increases

Lindley said when the Village hired Deputy Clerk Cheryl Cook there was discussion about increasing her pay since the position previously included full benefits, and no longer included all of the benefits. Lindley said she would also like to raise three long time pro shop employees from minimum wage of \$9.45 to \$10.00 an hour. O'Halloran said he would like to evaluate the proposed increase for the golf employees and put a number to it and talk about it next month.

Lindley moved, seconded by Bracewell to approve 3% pay increases as presented and to increase Cheryl Cook's pay to \$17.00 an hour. Motion carried unanimously 5-0.

Tree Removal Bids – Golf Course

Lindley said the council approved \$15,000 for tree removal on the golf course at the last meeting and Clay Putnam submitted a bid tonight. She said that between Putnam, O'Halloran and Dabbs they can decide who to use to stay within the \$15,000 budget. Blake explained that he went out with several others to look at the course and found that holes two and nine had seriously dead trees that need to be taken care of because they are endangering golfers.

Drainage Concern

Lindley said that we received a letter from Mr. Bailin last month concerning drainage coming from Fifteen Acres and draining onto his property and she feels that this should be added to the wants and needs list. She said we will have to do a big project to straighten this drainage out, and asked Dabbs to estimate the cost of the project and talk to Mr. Bailin to see what he would be willing to contribute to the project. Lindley said a resident contacted Mr. Farina of Golfmore Estates to see if he would allow the Village to clear the ditch across their property to allow the water to drain to the creek.

Oselka Constructors – Retention Work on Lake Avenue

David Wolf of Oselka Constructors told the Council that they have a proposal to put rock in front of and behind

the steel wall at a home on Calla Avenue and they would like to use Lake Avenue to dump the rock. He said they have been dumping rock close to the asphalt at Lake Avenue for over 20 years and the longest dump trailer they will use to dump rock is 34'. He added that on Monday he had a conversation with property owners on Ridge Road north of Walnut concerning maintenance work on their property. They hope to get in and out of Ridge Road by Christmas. O'Halloran asked if it would only be rip rap and armor stone placed and Wolf said that is all that is going down. Bracewell suggested Wolf contact Arie Donkersloot so that they can work together on the Walnut access since Donkersloot will be putting rock down at the pump house.

Slater moved, seconded by Lindley to allow Oselka Constructors to use the Walnut access for work to be done this fall and access to Lake Avenue with work to be completed before Memorial Day, 2020 with coordination with the other contractor (Donkersloot). Motion carried unanimously 5-0.

Proposed Zoning Ordinance Amendments

Lindley told those in attendance that the Planning Commission will hold a public hearing on November 7, 2019 to receive public input regarding possible zoning amendments. The amendments and notice of the meeting are on the Village website. An ordinance to adopt the amendments will be voted on at the November Council meeting.

New Website Accessibility Statement

Lindley said the Council has been concerned about accessibility on our website for the visually impaired and we want to make sure that the information on our website is accessible. Jim Muratzki of LIAA who is helping the Village with its new website sent a disclaimer that we can post on our website with a link on each page. She said Leonard told the Council last year about agencies being sued because their websites weren't accessible. She said that the biggest problem the Village has on the website is with scanned documents. She said that we can do the best we can do and if you have a problem viewing the content, you can contact the Village Clerk's office. Leonard said this issue is becoming more and more of a concern in the business community with Target being the most recent store that was sued. The trend in courts is that if you have a website, you can't discriminate against people who can read it and those who can't. He said our website has to be accessible to all residents, but there are times when we put content on the website that people won't have access to, but recognize that we do the best that we can. For the most part, our website is in compliance with the ADA.

Lindley moved, seconded by O'Halloran to add the accessibility language on the Village website with a link on each page. Motion carried unanimously 5-0.

Skid Loader

Superintendent Bob Dabbs said that Clay Howard told him he was selling a skid loader at a public auction and said it could go for \$35,000 at the auction although he wanted \$47,000 for it. Dabbs talked to him recently about the possibility of buying it after the purchase by someone at the auction fell through and Howard won't budge on the \$47,000 price, so Dabbs told him to sell it. Dabbs said a medium sized skid loader could be purchased for approximately \$35,000. The Council added it to the needs list. Bracewell said we have heard several times over the last few months that the Village doesn't do anything on the beach, but the maintenance department doesn't have a piece of equipment that they can get back up from the beach.

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Transfer Funds to Capital Projects for Fiscal Year 18/19

Lindley moved, seconded by Slater to transfer \$94,400 as budgeted in fiscal year 2018/2019 from the General Fund to the Capital Projects Fund. Motion carried unanimously 5-0.

Transfer Funds from Capital Projects to Local Street Funds for Paving Project

This was not necessary since there were no bids received for the paving project.

Budget Amendments Fiscal Year 2018/2019

General Fund, Water Fund, Golf Fund, Local Street Fund, Major Street Fund and Building Fund

Lindley moved, seconded by Bracewell to approve the budget amendments as presented for fiscal year 2018/2019. Motion carried unanimously 5-0.

AUDIENCE RECOGNITION

Village resident Frank Giglio said that there are 8-12 men that play golf in Grand Beach on Fridays from 9:30-12:00 and have been doing so for 10 years or more. The group would like the Council to allow them to use the course for 9 holes from 9:30-12:00 now that they have approved moving children's golf to Fridays. He asked if the Council considered the revenue loss if the course is not open to the public on Fridays.

Village resident Ken Terpin said he agreed with Giglio and asked if the kids could start playing golf at 9:30 or 10:00 and golf behind the group. Resident Barb Rooney said that the younger kids play four, five and six and couldn't start behind them. She said there are about 90 kids playing golf. She will work with the person that is going to run kids' golf this year to see if the men's group can play on Friday mornings.

Bracewell told the Council that last week the Local Revenue Sharing Board gave the Village a check for \$29,000 for our portion of the revenue sharing board funds, and he would like to send them a thank you letter.

CORRESPONDENCE

None

ADJOURNMENT

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

With no further business, the meeting was adjourned at 9:14 p.m. EST.

Respectfully submitted,

Mary J. Robertson
Clerk-Treasurer